

**VARIANCE FEES**

MGO \$50.00  
COMM \$490.00  
Priority – Double above

**PETITION FOR VARIANCE APPLICATION**

**City of Madison  
Building Inspection**  
215 Martin Luther King Jr Blvd  
Suite 017 Madison, WI 53703  
(608) 266-4551, ext. 2  
biplans@cityofmadison.com

Amount Paid

Name of Owner Bayview Housing Partners, LLC	Project Description Reconstruction of Section 8 housing and construction of a new community center (see attachment)	Agent, architect, or engineering firm SmithGroup
Company (if applies)		No. & Street SmithGroup 44 E. Mifflin St., Suite 500
No. & Street 103 La Mariposa Lane	Tenant name (if any) Bayview Townhomes	City, State, Zip Code Madison, WI 53703
City, State, Zip Code Madison, WI 53715	Building Address 103 La Mariposa Lane	Phone 608-327-4446
Phone 608-256-7808		Name of Contact Person David Wolmutt, P.E.
e-mail alexislondon@bayviewfoundation.org		e-mail dave.wolmutt@smithgroup.com

- The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)  
Section 1011.5.4.1, International Building Code - Variable Riser Heights.  
The nonconforming condition involves the bottom step a 3-step stairway transitioning to zero height to accommodate adjacent grades. Additional information provided in the attached narrative.
- The rule being petitioned cannot be entirely satisfied because:  
Site grading constraints driven by adjacent ROW grades to the east and west of the new Community Center. Additional information is provided in the attached narrative.
- The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety, and welfare as addressed by the rule:  
Site grading constraints driven by adjacent ROW grades to the east and west of the new Community Center. Additional information is provided in the attached narrative.

Note: Please attach any pictures, plans, or required position statements.

**VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.**

Note: Petitioner must be the owner of the building. Tenants, agents, contractors, attorneys, etc. may not sign the petition unless a Power of Attorney is submitted with the Petition for Variance Application.

Alexis London, being duly sworn, I state as petitioner that I have read the foregoing petition, that I believe it to be true, and I have significant ownership rights in the subject building or project.



Signature of owner 	Subscribed and sworn to before me this date: February 8th, 2024
Notary public 	My commission expires: 04/03/2027

**NOTE: ONLY VARIANCES FOR COMMERCIAL CODES ARE REQUIRED TO BE NOTARIZED.**



# Bayview

January 19, 2024

City of Madison Building Inspection  
215 Martin Luther King Jr Blvd, Suite 017  
Madison, WI 53703

RE: Bayview Townhomes – Variance Request

Bayview Townhomes is a bold model in Madison, offering quality housing, a new community center, and programming to a diverse, international low-income community in the downtown area. The \$58 million dollar redevelopment project replaces 102 obsolete townhomes with new accessible townhomes, and a new 11,500 square foot community center. As a non-profit project, the redevelopment has received funding from the City of Madison, Dane County, federal funds, and private fundraising efforts facilitated by the Bayview Foundation. Due to substantial inflation since the initiation of the project, the Bayview Foundation is still seeking funds to fill a \$1M+ funding gap and exploring program modifications to creatively preserve the project visions while addressing escalating costs.

The 11,500 square foot community center, located at the heart of the project, was completed in November 2023. During final inspection of the project, the City Building Inspector denied issuance of an occupancy permit based on the premise that the east stairway accessing the Center included diminishing stairs consisting of a portion of the stairway having riser heights less than 4 inches. Occupancy was ultimately granted with the condition that the stairway be barricaded until the issue was resolved.

The Bayview Foundation formally requests the granting of a variance to the minimum riser height requirement for this project. Bayview's opinion is that granting of the variance is consistent with practice on other projects in the City and would not create a significant adverse condition for Bayview residents or the public. The following narrative summarizes the basis of this request.

## **Constructed Condition:**

The recently constructed Community Center includes a stairway along the east side of the building having three X with the lower step diminishing north of the southeast corner of the building and the middle stair diminishing farther north.



# Bayview



A temporary wood railing has been installed to restrict access to the stairway portions having nonuniform riser heights as a condition of occupancy.



# Bayview

## Applicable Code:

Section 1011.5.4.1 of the International Building Code (IBC) addresses the issue of nonuniform riser heights:

### 1011.5.4.1 Nonuniform height risers.

Where the bottom or top riser adjoins a sloping *public way*, walkway or driveway having an established grade and serving as a landing, the bottom or top riser is permitted to be reduced along the slope to less than 4 inches (102 mm) in height, with the variation in height of the bottom or top riser not to exceed one unit vertical in 12 units horizontal (8-percent slope) of *stair* width. The *nosings* or leading edges of treads at such nonuniform height risers shall have a distinctive marking stripe, different from any other *nosing* marking provided on the *stair flight*. The distinctive marking stripe shall be visible in descent of the *stair* and shall have a slip-resistant surface. Marking stripes shall have a width of not less than 1 inch (25 mm) but not more than 2 inches (51 mm).

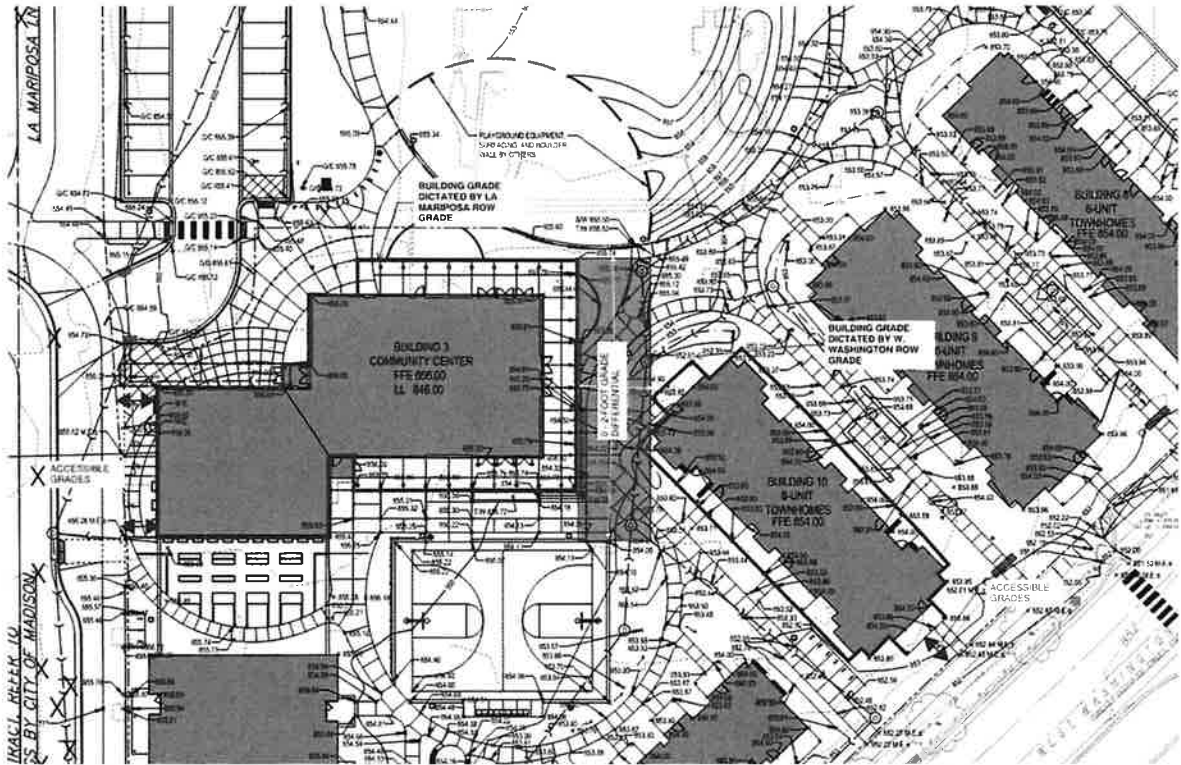
Bayview understands that the Building Inspection Department interprets the code as allowing this condition to exist only where the bottom or top riser adjoins an established public way and would not apply where the condition could otherwise be avoided by site layout, grading, or other considerations.

## Basis of Request:

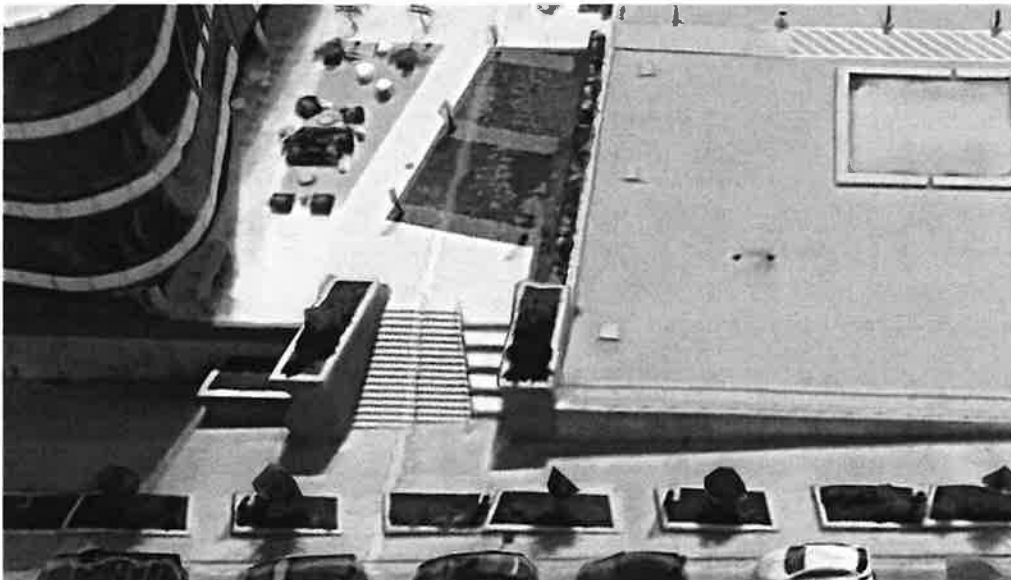
1. While Bayview recognizes the City typically only allows this condition to occur along public ways, the unique nature of the site and program requirements magnify the impacts of the constraints created by West Washington Avenue to the east and the La Mariposa Lane/Braxton Place intersection to the west. Please note the following:
  - a. The first-floor elevation of the Community Center is established by the need to provide ADA access from La Mariposa Lane while maintaining adequate grades for drainage.
  - b. The first-floor elevations of Buildings 9 and 10, east of the Community Center are established to provide accessible grades to egress points to the West Washington Avenue public way.
  - c. These constraints create a narrow corridor between the buildings that required variable riser heights to maintain the level grade of the Community Center while transitioning the grade of the adjacent walkway at ADA-compliant grades.



# Bayview



2. The stairway design conforms to common practice for stairways built adjacent to a sloped walkway, street, or driveway where it is not possible to maintain level stair treads while meeting the landing grade. This condition is present at many locations around the City (see photos below).





# Bayview



3. The proposed condition was shown in the drawing set submitted on March 19, 2021, that was the basis of the building permit issued by the City of Madison. Since the issue was not flagged during that review, Bayview ownership and the design team understood this condition was allowable and consistent with City precedent. Denial of occupancy based on this condition is not consistent with the basis of permit issuance.
4. Eliminating nonuniform riser heights at this point would require extensive reconstruction and likely result in non-compliant ADA grades at certain locations along the adjacent walkway. Bayview ownership does not view the benefit to resident and public safety resulting from modifying this condition to be greater than the benefit of less costly measures such as demarcation with a marking stripe as allowed by IBC, which could be achieved at a much lower cost or level of disturbance.
5. The condition, as designed and constructed, does not impact accessible egress routes from the building. In fact, the stairs augment the operations of the center, specifically promoting resident access over the entire length of the east façade where most foot traffic is expected. Measures to restrict access to the portion of the stairway having variable riser heights (such as railing or planter installation) would, in fact, reduce the potential egress area and are not desired. These would function as barriers within a community centered around connectivity and direct and free-flowing access from space to space. The stairs, as constructed, allow for optimal accessibility for families and staff that use the center each day, and maintain direct access to the playground, apartments and green spaces throughout the community.



Bayview

**Proposed Means of Code Equivalency:**

Bayview proposes meeting 1011.4.1 of the IBC as has been authorized for similar stairways along public ways, walkways, and driveways in the city. Per Code, Bayview will provide a distinctive marking tape visible in descent of the stairs and having a slip-resistant surface. The stripe shall have a width not less than one inch but not more than two inches.


## City of Madison Fire Department Position Statement

<b>Owner:</b> Bayview Housing Partners, LLC	<b>Project Name:</b> Bayview Townhomes Community Center	<b>Contact:</b> David Wolmutt SmithGroup
<b>Address:</b> 103 La Mariposa Lane Madison WI 53715	<b>Building Location:</b> 103 La Mariposa Lane	<b>Address:</b> 44 E. Mifflin Street – Suite 500 Madison WI 53703
<b>Owner Phone:</b> 608-256-7808 <b>Owner Email:</b> alexislondon@bayviewfoundation.org	<b>Building Occupancy or Use:</b> A	<b>Phone:</b> 608-327-4446 <b>Email:</b> dave.wolmutt@smithgroup.com

### Rule Being Petitioned:

**I have read the application for variance and recommend:** (check appropriate box)

Approval     
  Conditional Approval     
  Denial     
  No Comment

Name of Fire Chief or Designee (type or print) <b>Matt Hamilton – Fire Protection Engineer</b>	
City of Madison Fire Department <small>Signature of Fire Chief or Designee</small> 	Telephone Number <b>608-266-4457</b>
	Date Signed <b>1/23/24</b>