

VARIANCE FEES

MGO \$50.00

COMM \$490.00

Priority - Double above

**PETITION FOR VARIANCE
APPLICATION**

City of Madison
Building Inspection
Division
126 S. Hamilton St.
Madison, WI 53703
(608) 266-4568

Amount Paid

50.00

Name of Owner Erin + Graham Jonaitis	Project Description Basement Remodel	Agent, architect, or engineering firm
Company (if applies)	604 Rogers St	No. & Street 604 Rogers St
No. & Street 604 Rogers St.	Tenant name (if any)	City, State, Zip Code Madison, WI 53703
City, State, Zip Code Madison, WI 53703	Building Address 604 ROGER ST	Phone (608) 257-2188
Phone (608) 257-2188		Name of Contact Person
e-mail erjonaitis@gmail.com		e-mail

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)

SPS 321.04(2)(d) STAIR HEADROOM IS 6'4" EXISTING IS 7'3"
SPS 321.06 HEADROOM PER 7' EXISTING IS 8'1"

2. The rule being petitioned cannot be entirely satisfied because:

EXISTING HOUSE

3. 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:

INTERCONNECTED SMOKE DETECTORS

CONTRASTING COLOR FOR LOW CEILING IN STAIR

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.

Erin Jonaitis

Print name of owner

, 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 EMM Jonaitis	Subscribed and sworn to before me this date: 12/28/2017
Notary public	My commission expires:

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



Department of Planning & Community & Economic Development
Building Inspection Division

Madison Municipal Building, Suite LL-100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
Phone: (608) 266-4551
Fax (608) 266-6377
www.cityofmadison.com

January 9, 2018

ERIN & GRAHAM JONAITIS
604 ROGERS ST
MADISON WI 53703

RE: 604 Rogers St
Petition No. M-01-03-2018

Dear Mr & Mrs Jonaitis:

Your variance to Section 29.19 of the Madison General Ordinances has been reviewed.

SPS Section 321.04 (2)(d) – The headroom in the stairway must be a minimum of 76" measured vertically.

SPS Section 321.06 – All habitable rooms shall have a ceiling height of 7' 0". Habitable rooms that are less than 7' 0" must have 50% of the floor area at least 7' 0".

The variance requested is to allow the existing headroom of 6'1" to remain in the stairway and general headroom of 81" to remain in this existing structure.

Considered were your statements:

1. It is structurally infeasible to meet the current Code.
2. The low headroom area in the stairway will be a contrasting color.

The following comments were made in the petition analysis:

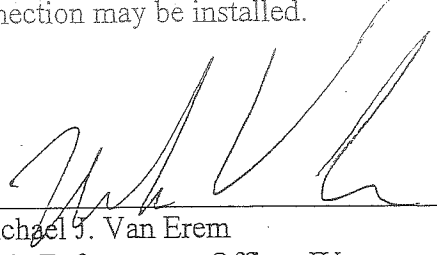
1. This is a non Fire Department issue.
2. The Building Inspection Division supports the variance.
3. In reviewing previous action of the Board of Building Code, Fire Code and Licensing Appeals, we find precedence has been set at least five times in the past: 1801 Rowley Avenue, 1802 Keyes Avenue, 535 Evergreen Avenue, 1901 Vilas Avenue, 2124 Chamberlain Avenue, and 1124 Spaight Street.

RECOMMENDATION: CONDITIONAL APPROVAL

The conditions of approval are:

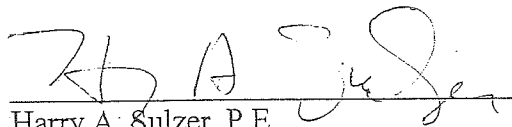
1. Provide hardwired interconnected smoke detectors between the basement and first floor.
Wireless interconnection may be installed.

Prepared by:



Michael J. Van Erem
Code Enforcement Officer IV

Reviewed by:



Harry A. Sulzer, P.E.
Plan Review & Construction Supervisor

Department Action: CONDITIONAL APPROVAL

This approval is granted with the understanding that all of the petitioner's statements and any conditions of approval cited above will be carried out.

Should the petitioner disagree with the department action or the Conditions of Approval, they must submit a request for a hearing within 30 days of the date of this letter. A request for hearing should be sent to the address shown on this letterhead, Attention: Harry A. Sulzer. The request for hearing should state the reasons for objecting to the department's decision, because a request for hearing may be denied if it does not present a significant question in fact, law or policy.



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1/29/18

Erin and Graham Jonaitis
604 Rogers St
Madison , WI 53703

Subject: Variance procedure

Dear Erin and Graham Jonaitis:

Thank you for your inquiry about your variance. The process can be confusing.

The City of Madison adopted the Uniform Dwelling Code in 1980 retroactively to apply to all additions or alterations. That means you can either fix your code issues or apply for a variance where you show that you are providing something in addition to the code to make up for the deficiency. You therefore could alter the stairway or raise the basement ceiling to meet the code or provide something in addition to the code. In lieu of fixing the stairway headroom and basement ceiling you could have for example fire sprinkled the basement.

The cheapest alternative that has always been accepted has been hardwired interconnected smoke detectors. Hard wired and interconnected are far superior to the common battery products. In recent years wireless technology has become available so you don't have to physically interconnect them. The interconnection is wireless.

Therefore you need a hardwired detector in the basement for your new space and a hardwired detector on the first floor that is interconnected wirelessly.

If you want to go before the Building and argue for something different the next meeting is Wednesday February 21st. The group meet at 12:15 pm. You need to let me know by February 7th so we can put it on the agenda if that is what you choose to do.

There has never been such an appeal granted before so I would not be overly optimistic that this will be viable alternative. You will have to offer some additional means of safety to make up for the headroom issues that do not meet the code.

I hope this clears up the issue.

Sincerely,


Harry A. Sulzer P.E.
Plan Review and Inspection Supervisor

James Sjolander
Building Inspector

City of Madison
Department of Planning & Community & Economic Development
Building Inspection Division
ATTN: Harry A. Sulzer

January 21, 2018

Déar Mr. Sulzer:

We are writing to request a reconsideration of our recent petition for a variance (Petition No. M-01-03-2018). In your reply dated January 9, 2018, you state that your approval is conditional on the installation of hardwired interconnected smoke detectors. We were very surprised by this, because we were told twice verbally – once by Michael Van Erem in your office, and once by building inspector Jim Sjolander during the rough inspection – that battery-operated wireless interconnected smoke detectors would meet City requirements. This is consistent with City ordinances regarding smoke detectors as I understand them. From MGO Sec. 34.907(1)(b)1.b, FIRE ALARM AND DETECTION SYSTEMS¹, as regards buildings built before 2009 (emphasis mine):

(b) Required Installation

1. On August 15, 2009 all residential buildings, except owner-occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
 - a. A smoke alarm with two (2) independent power sources consisting of a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.
 - b. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.**
4. Owner-Occupied Single Family Homes. It shall be the responsibility of the owner of an owner-occupied single family home to install smoke alarms as required, by sub. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.

Because we live in an historic home with plaster walls, installing a hardwired smoke detector would be difficult and expensive. We propose to use a wireless interconnected smoke alarm system that complies with the bolded portion above (1.b.).

We respectfully request a response from your office **at your earliest convenience**, as Mr. Sjolander has asked us to install an interconnected smoke alarm system as soon as we begin to use the space. As far as we can tell, compliant products are not stocked at local stores and must be special ordered, and we want to be sure we order a product that will pass final inspection. We await your reply.

Sincerely,

Erin & Graham Jonaitis
604 Rogers Street

RECEIVED

JAN 25 2018

CITY OF MADISON
BUILDING INSPECTION

¹ Retrieved from <https://www.cityofmadison.com/sites/default/files/city-of-madison/fire/documents/SmokeAlarmOrdFinal.pdf> on January 15, 2018.