

VARIANCE FEES

MGO \$50.00

COMM \$490.00

Priority – Double above

**PETITION FOR VARIANCE
APPLICATION****City of Madison Building
Inspection Division**215 Martin Luther King Jr Blvd
Suite 017 Madison, WI 53703
(608) 266-4568

Amount Paid

Name of Owner Joel Bahr	Project Description Alteration of existing vacant tenant office spaces (B use) to create a video arcade (A-3 use), with a portion of the arcade partitioned to potentially be an A-2 use.	Agent, architect, or engineering firm Strang, Inc.
Company (if applies) Executive Investors		No. & Street 811 E. Washington Ave.
No. & Street 6514 Odana Road	Tenant name (if any) NerdHaven Arcade	City, State, Zip Code Madison, WI 53703
City, State, Zip Code Madison, WI 53719	Building Address 1783 Thierer Road, Madison WI.	Phone 608-276-9201, Ext. 160
Phone 608-238-4253	(In The Avenue Shops)	Name of Contact Person Paul Wagner
e-mail henry1156@att.net		e-mail pwagner@strang-inc.com

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

IEBC 1012.1.1.1: Change of occupancy classification without separation.

IBC 903.2.1.2: An automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies where the fire area exceeds 5,000 square feet.

IBC 903.2.1.3: An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies where the fire area exceeds 12,000 square feet.

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

The existing building is non-sprinklered, non-separated mixed use, Type VB construction. The entire building interior area is approximately 13,400 sq. ft., thus exceeding the fire area limits for the proposed assembly uses.

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:

The A-2 use area would be limited to a maximum 99 occupants.

The A-3 use area would be limited to a maximum 299 occupants.

Portions of the existing building have gypsum board ceilings attached to the underside of the wood roof trusses.

An automatic sprinkler system would be installed in the proposed Arcade areas, totaling approximately 5,400 sq. ft., with a new water line extended to the building, likely from East Towne Blvd., sufficient to serve the entire building, and designed to allow extension to additional tenant spaces in the future.

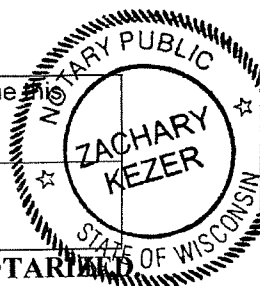
Note: Please attach any pictures, plans, or required position statements.

**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.

Joel Bahr, 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: 5/10/2019
Notary public	My commission expires: 8/23/2022



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

City of Madison Fire Department Position Statement

Owner: Joel Bahr Executive Investors	Project Name: The Avenue Shops: NerdHaven Arcade	Contact: Paul Wagner Strang, Inc.
Address: 6514 Odana Road Madison, WI 53719	Building Location: 1783 Thierer Road	Address: 811 E Washington Ave Madison, WI 53703
Owner Phone: 608-238-4253 Email: henry1156@att.net	Building Occupancy or Use: Assembly A-2, A-3; Business B;	Phone: 608-276-9201 x 160 Email: pwagner@strang-inc.com

Rule Being Petitioned: IEBC 1012.1.1.1 Change of Use & IBC 903.2.1.2.

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

☐ Approval ☒ **Conditional Approval** ☐ Denial ☐ No Comment

- The tenant spaces with the general addresses of 1779, 1781, 1783 Thierer shall be have a fire sprinkler system installed in accordance with NFPA 13.
- The fire sprinkler service and cross mains shall be sized to allow extension of the system throughout the entire building.
- Any future Level II alteration shall require extension of the fire sprinkler system to include those work areas.
- Any future tenant vacancies shall require extension of the fire sprinkler system prior to occupancy by a new tenant.
- The fire sprinkler system shall be monitored per NFPA 72.

Name of Fire Chief or Designee (type or print)

Bill Sullivan, Fire Protection Engineer

City of Madison Fire Department

Signature of Fire Chief or Designee

Telephone Number

608-261-9658

Date Signed

May 10, 2019

EAST WASHINGTON AVE./L.S.H. 151

RIGHT-OF-WAY VARIES

LEGAL DESCRIPTION: 9.00' X 195.00' PARKING LOT EASEMENT

A PARCEL OF LAND LOCATED WITHIN THE EAST WASHINGTON AVENUE RIGHT-OF-WAY, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST WESTERLY CORNER OF LOT 3, CERTIFIED SURVEY MAP NO. 2205, THENCE N 44°00'42"W, 9.00 FEET, THENCE N 45°59'18"E PARALLEL TO THE SOUTHEASTERN RIGHT-OF-WAY LINE OF EAST WASHINGTON AVENUE, 195.00 FEET, THENCE S 44°00'42"E, 9.00 FEET TO THE NORTHWESTERLY LINE OF LOT 4, CERTIFIED SURVEY MAP NO. 2205, THENCE S 45°59'18"W ALONG THE NORTHWESTERLY LINE OF SAID LOT 3 AND 4, 195.00 FEET TO THE POINT OF BEGINNING.

9.0' X 195.0' PARKING LOT EASEMENT

ACCESS

LEGEND

- = IRON COW POUND, SIZE NOTED
- ▲ = PY. NAIL FOUND
- = 1" X 24" IRON PIPE SET, 1.13 LB./FT.
- ⊗ = LIGHT POLE
- ⊙ = SANITARY SEWER MANHOLE
- ⊕ = UTILITY MANHOLE
- ⊖ = STORM INLET
- ⊗ = ELECTRIC PEDESTAL/BOX
- ⊙ = TELEPHONE PEDESTAL
- ⊕ = TELEVISION PEDESTAL (CABLE TV)
- ⊖ = HANDICAP PARKING STALL
- ⊗ = CHISELED "X" IN CURB SET
- ⊙ = STORM SEWER MANHOLE

LOT 1, CSM 2205

(TRACT II)

CROSS EASEMENT AGREEMENT
FOR THE USE AND EGRESS OF
VEHICULAR TRAFFIC AND VEHICULAR
PARKING. DEC. NO. 154203 AND
AS AMENDED BY DEC. NO. 152312.
NOTE: EASEMENT SERVES TRACTS I & II.

AGREEMENT OF EASEMENT
PARKING LOT DOG. NO. 328335
260.17

PARCEL "A"

AREA = 183,780 SQ. FT.

EXISTING 1 STORY METAL FRAME
& BRICK COMMERCIAL BUILDING

LOT 2

LOT 3

LOT 4

MADISON GAS & ELECTRIC RIGHT-OF-WAY
GRANT - DEC. NO. 1928007

MADISON GAS & ELECTRIC EASEMENT
DEC. NO. 1500267

EAST TOWNE BOULEVARD

NERDHAVEN
ARCADE
PROJECT
LOCATION

LOT 1, CSM 3382

NOTE:

THE PRIVATE SANITARY AND PRIVATE SEWER
SEWER EASEMENTS ACROSS LOT 2 ARE TO
SERVE LOT 1.

LOT 2, CSM 3382

PARCEL "B" (LEASED)

AREA = 39,830 SQ. FT.

DESCRIPTION: (AS FURNISHED)

PARCEL A:

All of Lots Two (2), Three (3), and Four (4) of Certified Survey Map No. 2205, recorded in the Dane County Register of Deeds office in Volume 8 of Certified Survey Maps, Page 462, as Document No. 1491234, in the City of Madison, Dane County, Wisconsin.

AND

Part of Lot Two (2), Certified Survey Map No. 3382 recorded in the Dane County Register of Deeds office in Volume 13 of Certified Survey Maps, Pages 181 and 182, as Document No. 1652076, in the City of Madison, Dane County, Wisconsin, described as follows:

A parcel of land located in the Southwest Quarter and the Northwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4 and NW 1/4 SE 1/4) of Section Twenty-eight (28), Township 8 North, Range 10 East, in the City of Madison, Dane County, Wisconsin, commencing at the Southeast corner of said Section 28; thence South 89° 0' 46" West, 949.20 feet; thence North 35° 31' 48" West, 1102.02 feet to the point of beginning; thence continuing North 35° 31' 48" West, 209.50 feet; thence South 44° 00' 42" East, 207.21 feet; thence South 45° 59' 18" West, 30.90 feet to the point of beginning.

Tax Parcel No.: 25H-0810-284-0802-0

(COMMONLY KNOWN AS 1753 Thiller Road)

PARCEL B:

REFER TO DOCUMENT NOS.: 2916471, 3929361 AND 3929362

Leasehold estate created by indenture of lease entered into by and between JACKSON CLINIC BUILDING PARTNERSHIP, as lessor(s), and DOUGLAS B. FRANKS, as lessee(s), dated February 18, 1996, in the City of Madison, Dane County, Wisconsin, recorded in the office of the Register of Deeds for Dane County, Wisconsin on February 24, 1996, as Document No. 1922542, demising premises situated in said County and State and described as follows:

All of Lot Two (2) of Certified Survey Map No. 3382 recorded in the Dane County Register of Deeds Office in Volume 13 of Certified Survey Maps, Pages 181 and 182, as Document No. 1652076, in the City of Madison, Dane County, Wisconsin, except that part of Lot 2 described as follows:

A parcel of land located in the Southwest Quarter and the Northwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4 and NW 1/4 SE 1/4) of Section Twenty-eight (28), Township 8 North, Range 10 East, in the City of Madison, Dane County, Wisconsin, commencing at the Southeast corner of said Section 28; thence South 89° 0' 46" West, 949.20 feet; thence North 35° 31' 48" West, 1102.02 feet to the point of beginning; thence continuing North 35° 31' 48" West, 209.50 feet; thence South 44° 00' 42" East, 207.21 feet; thence South 45° 59' 18" West, 30.90 feet to the point of beginning.

Tax Parcel No.: 60-0810-284-0805-4 (Commonly known as 4102 East Towne Boulevard)

SURVEYOR'S CERTIFICATE:

I, MARK STEVEN GERHARDT, WISCONSIN LAND SURVEYOR, S-1983, IN AND FOR THE STATE OF WISCONSIN AND LEGALLY DOING BUSINESS IN DANE COUNTY, DO HEREBY CERTIFY TO

AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "1999 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA / ACSM LAND TITLE SURVEYS" AS ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION, AMERICAN CONGRESS ON SURVEYING & MAPPING AND THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS AND SPECIFIC CLIENT REQUIREMENTS FROM TABLE "A" OF THE OPTIONAL SURVEY SURVEY RESPONSIBILITIES AND SPECIFICATIONS INCLUDING ITEMS 1, 3, 7(a), 8, 9, 10, AND 11(a) PURSUANT TO THE ACCURACY AND PRECISION REQUIREMENTS (AS ADOPTED BY ALTA, ACSM AND NSPS) EXCEPT THE ACCURACY AND PRECISION REQUIREMENTS HAVE BEEN MODIFIED TO MEET THE CURRENT ANGULAR AND LINEAR TOLERANCE OF THIS STATE AND IN EFFECT ON THE DATE OF THIS CERTIFICATION OF AN "URBAN SURVEY".

REGISTRATION NO. S-1983
WITHIN THE STATE OF WISCONSIN
DATE OF SURVEY: NOVEMBER 5, 2004

MARK STEVEN GERHARDT,
WISCONSIN LAND SURVEYOR, S-1983



FLOOD ZONE DESIGNATION FOR SUBJECT PROPERTY IS ZONE X

COMMUNITY	NUMBER	PANEL	SUFFIX
DANE COUNTY	590077	0431	F
CITY OF MADISON	590083	0431	F

REVISED: 10-11-15 PARKING LOT EASEMENT

BADGER SURVEYING AND MAPPING SERVICE
2121 NORTH SHERMAN AVENUE - MADISON, WISCONSIN 53704 - (608) 244-2010 - FAX: (608) 244-0272

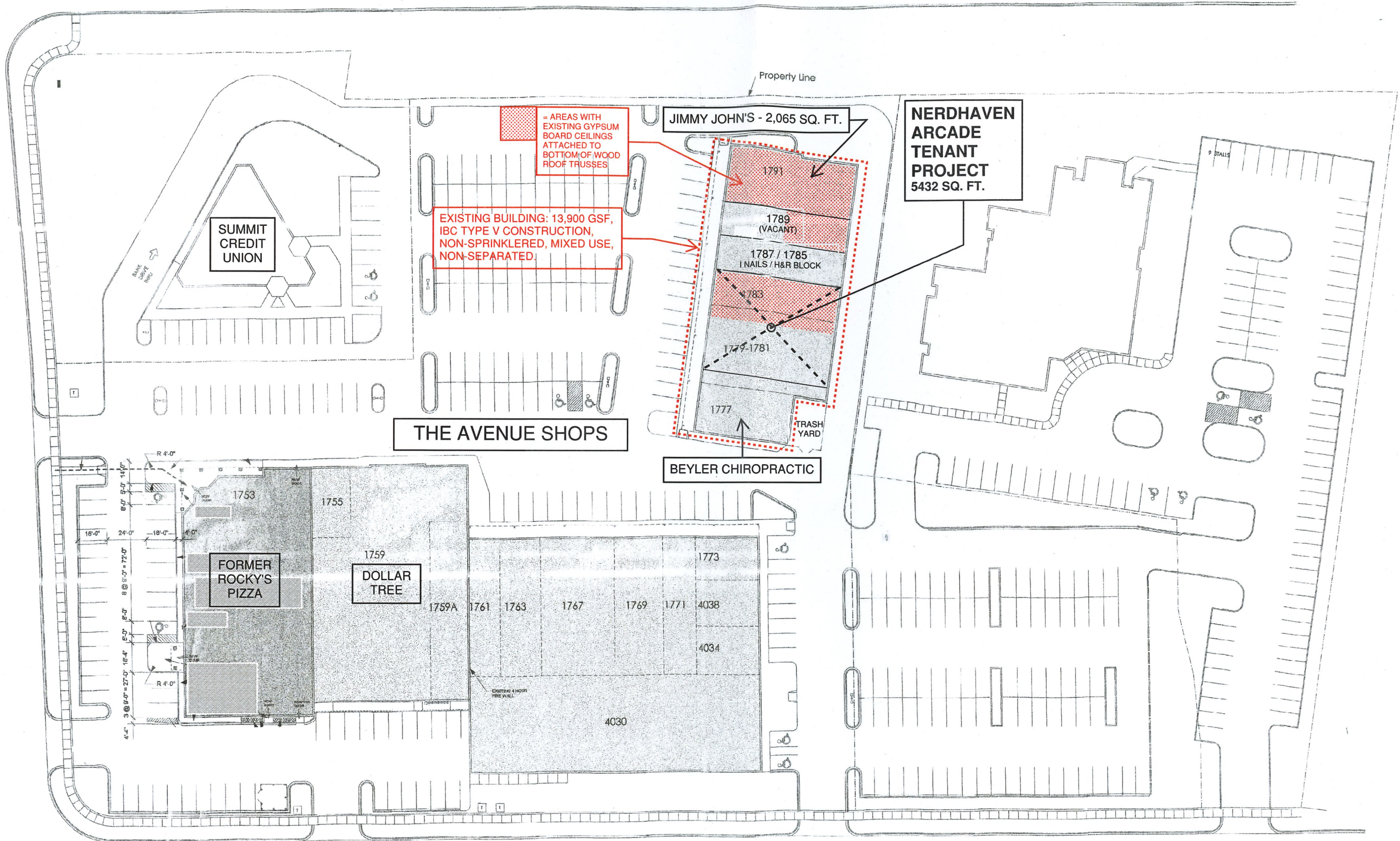
SCALE: 1" = 30'
DATE: 11-4-04
APPROVED BY: M.S. GERHARDT
DRAWN BY: SLO
REVISED: 11-4-04

ALTA-ACSM SURVEY

DRAWING NUMBER
976-204A

EAST WASHINGTON AVE

THIERER ROAD



SUMMIT
CREDIT
UNION

EXISTING BUILDING: 13,900 GSF,
IBC TYPE V CONSTRUCTION,
NON-SPRINKLERED, MIXED USE,
NON-SEPARATED.

= AREAS WITH
EXISTING GYPSUM
BOARD CEILINGS
ATTACHED TO
BOTTOM OF WOOD
ROOF TRUSSES

JIMMY JOHN'S - 2,065 SQ. FT.

NERDHAVEN
ARCADE
TENANT
PROJECT
5432 SQ. FT.

THE AVENUE SHOPS

BEYLER CHIROPRACTIC

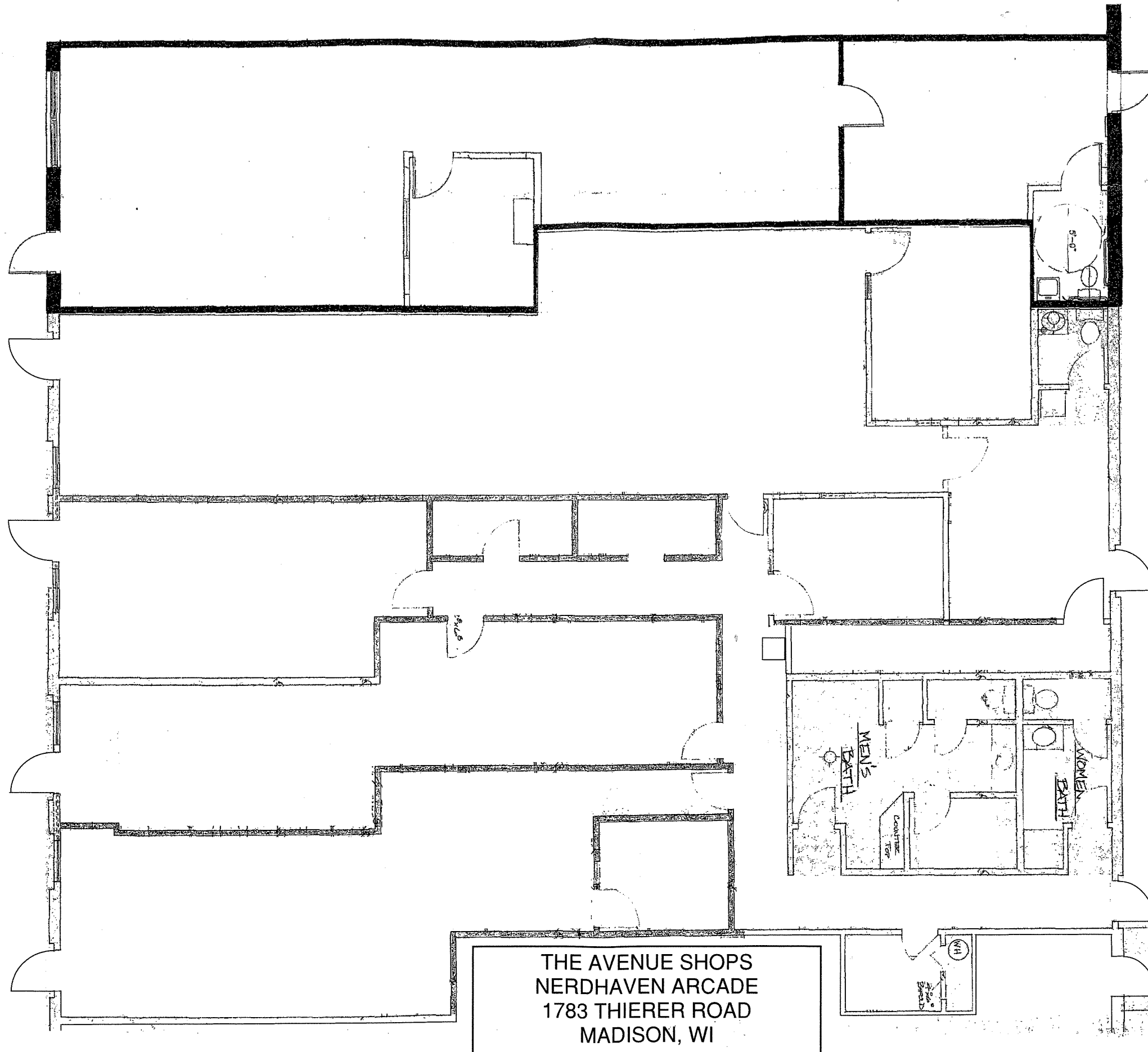
FORMER
ROCKY'S
PIZZA

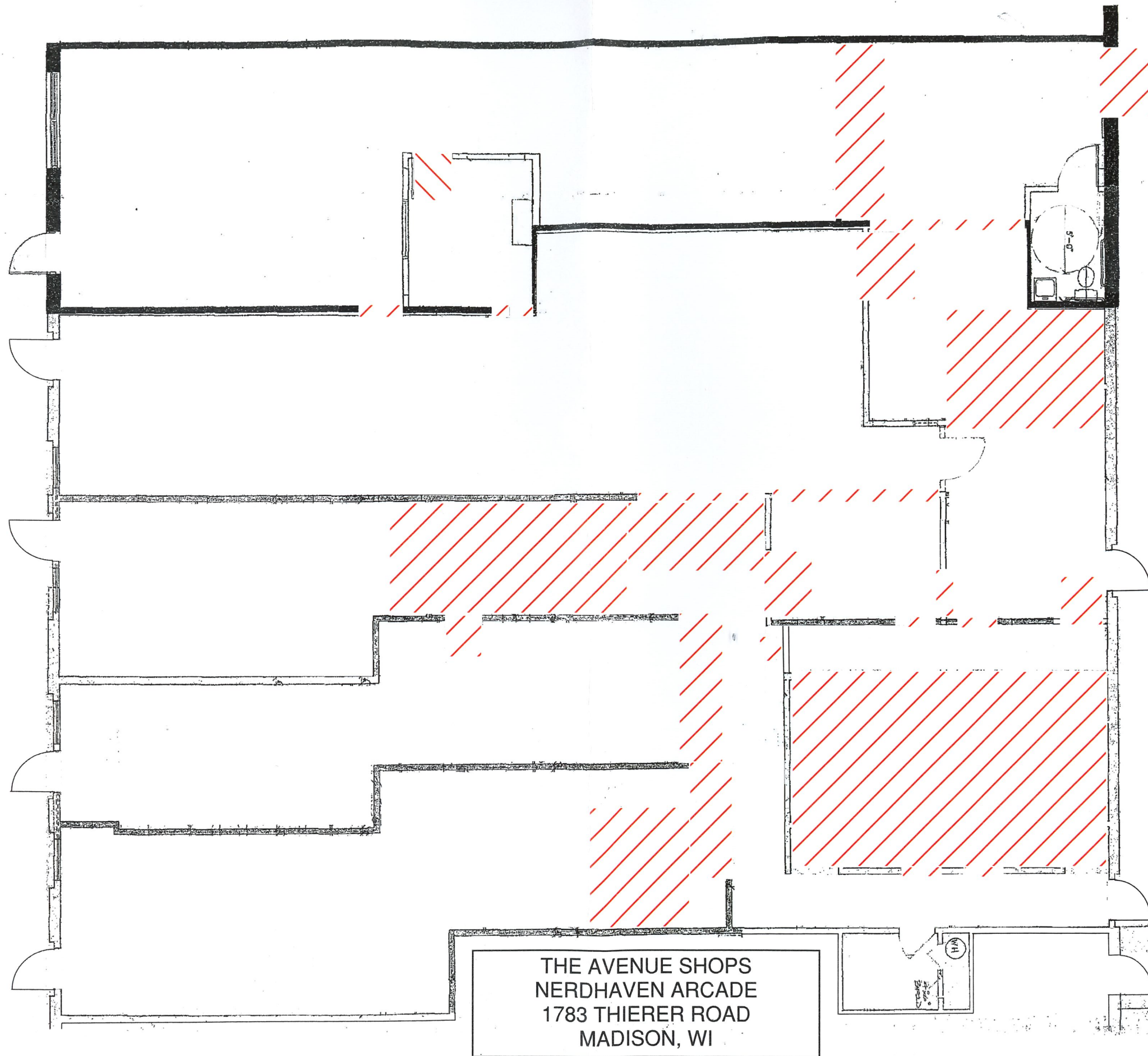
1759
DOLLAR
TREE



SITE PLAN
0 20' 40' 80'

EAST TOWNE BOULEVARD





THE AVENUE SHOPS
NERDHAVEN ARCADE
1783 THIERER ROAD
MADISON, WI

 = DEMOLITION
AREA


NORTH

PRELIMINARY
DEMOLITION PLAN
1/8" = 1'-0"
5/7/2019

IBC A-2
ASSEMBLY
USE AREA

ENTRANCE

IBC A-3
ASSEMBLY
USE AREA

ARCADE GAMES

TABLES & CHAIRS

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

SERVICE
COUNTER

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

ARCADE GAMES

THE AVENUE SHOPS
NERDHAVEN ARCADE
1783 THIERER ROAD
MADISON, WI

OFFICE /
SHOP /
STORAGE

ARCADE
GAMES

ARCADE GAMES

WOMEN

MEN

WOMEN

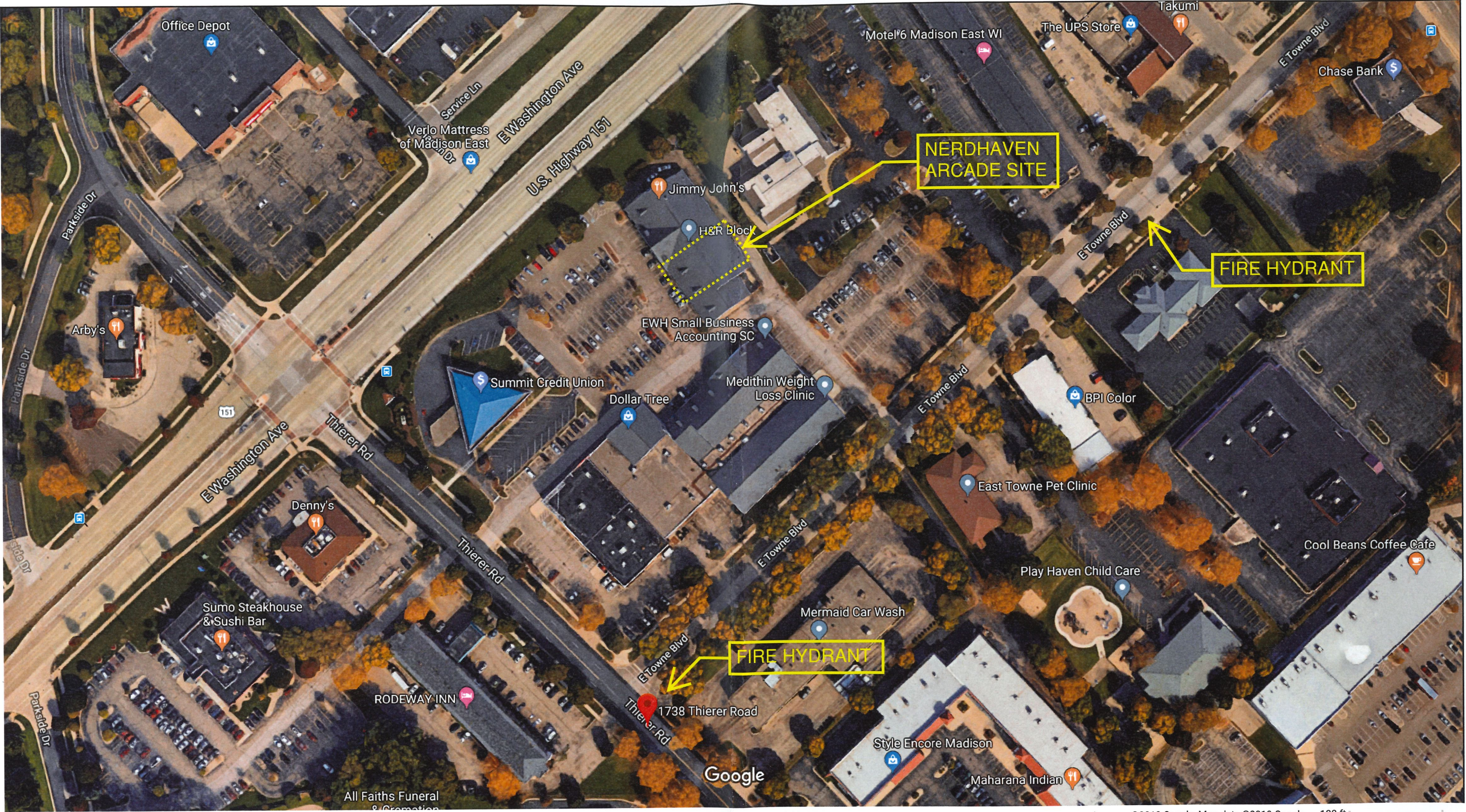
MEN

JANITOR /
UTILITY RM

SERVICE
ALLEY

NORTH

PRELIMINARY
FLOOR PLAN
1/8" = 1'-0"
5/7/2019





Google