

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

490.00

Name of Owner Marshal Gorwitz, President United Apartments, Inc., Manager for:	Project Description 45 Unit, 3 Story Apartment Building (R-2) with Underground Parking Paragon Place at Bear Claw Way Building 4 Project #: BLDNCC-2020-05090	Agent, architect, or engineering firm Schuler & Associates, Inc.
Company (if applies) Paragon Place at Bear Claw Way LLC	Tenant name (if any)	No. & Street 2711 N. Mason Street, Suite F
No. & Street 660 W. Ridgeview Drive	Building Address 9604 Wilrich Street	City, State, Zip Code Appleton, WI 54914
City, State, Zip Code Appleton, WI 54911	Phone 920-734-9107	Name of Contact Person Jeffrey Rustick
Phone 920-968-8107	e-mail jtr@schulerassociates.net	
e-mail mgorwitz@ufgroup.net		

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

See attached.

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

See attached.

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:

While the calculated occupant load is 5 over the table load, the maximum common path of egress travel distance from the units is 79', well below the 125' allowed. To provide better early warning of any fire events in the corridors, it is proposed to install smoke detection throughout all public corridors.

Also as noted in the Item 1 response, Section 1006.2.1 in the 2018 IBC has been reformatted and Table 1006.2.1 lists the Maximum Occupant Load of Space to be 20 for R-2 occupancies, which would cover this case.

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

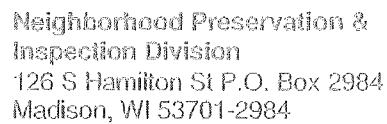
VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

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.

Marshal Gorwitz, 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 Marshal Gorwitz, President United Apartments, Inc.	Subscribed and sworn to before me this date: July 9, 2020
Notary public Judy Husar	My commission expires: 10-27-2021

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



NAME OF OWNER Marshal Gorwitz, President United Apartments, Inc., Manager for:	BUILDING OCCUPANCY OR USE Apartment Building w/ Underground Parking	AGENT, ARCHITECT OR ENGINEERING FIRM Schuler & Associates, Inc.
COMPANY Paragon Place at Bear Claw Way LLC	TENANT NAME, IF ANY	NO. & STREET 2711 N. Mason Street, Suite F
NO. & STREET 660 W. Ridgeview Drive	BUILDING LOCATION, NO. & STREET 9604 Wilrich Street	CITY, STATE, ZIP CODE Appleton, WI 54914
CITY, STATE, ZIP CODE Appleton, WI 54911	CITY, COUNTY Madison, Dane	PHONE 920-734-9107
1. I have read the petition for variance of rule: <i>IBC 4006.2.1 Group A-2</i>		
2. I RECOMMEND (check appropriate box): <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval <input type="checkbox"/> No Comment*		
3. Explanation for Recommendation:		
*If desired, Fire Departments may indicate "No Comment" on non-fire safety issues such as sanitary, energy conservation, structural, barrier free environments, etc.		
4. <input type="checkbox"/> I find no conflict with local rules and regulations. <input type="checkbox"/> I find that the petition is in conflict with local rules and regulations.		
Explanation		
Signature of Fire Chief		Date <i>7/13/2020</i>

Please complete and submit promptly to the Neighborhood Preservation & Inspection Division at the address shown above.

PETITION FOR VARIANCE APPLICATION ATTACHMENT

1. The rule being petitioned reads as follows:

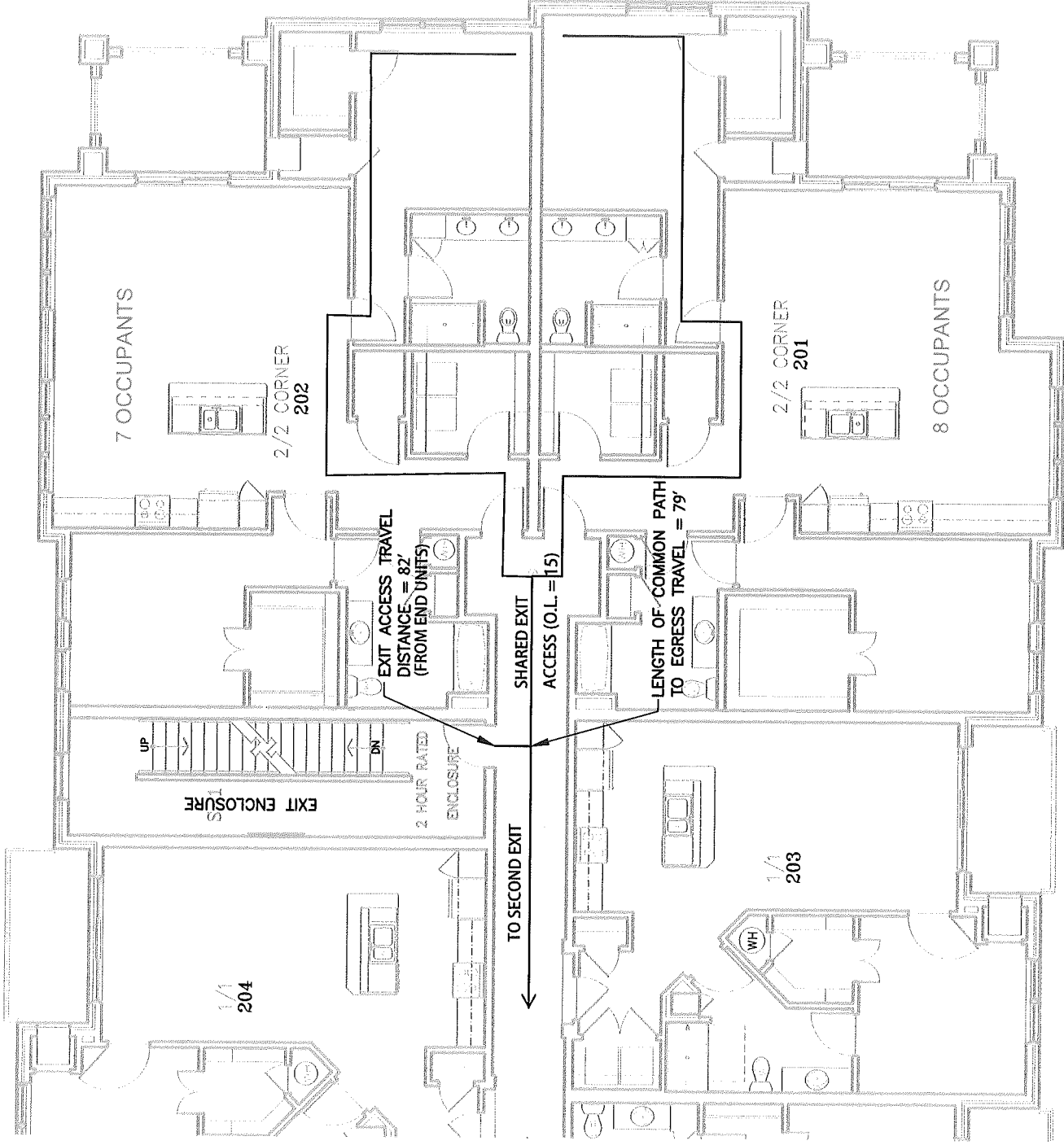
2015 IBC Section 1006.2.1: “Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1.” Table 1006.2.1 lists the Maximum Occupant Load of Space to be 10 for R-2. This project has a combined occupant load of 15 for the two units at each end of the building on each story (6 cases total) which utilizes one exit access to the point where occupants have a choice of two paths of travel to the required exits in the building. It has been ruled that 20015 IBC Section 1006.2.1, Exception 1, allowing a Maximum Load of Space to be 20 for an R-2 building with an automatic sprinkler does not apply in this case. It is proposed to follow the requirements of 2018 IBC Section 1006.2.1: “Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or spaces shall be determined in accordance with Section 1004.2.” Table 1006.2.1 lists the Maximum Occupant Load of Space to be 20 for R-2.

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

It would not be possible to redesign the building in a way that would not have a negative impact on the units involved without changing the building footprint. Redesigning the footprint would cause an extended delay to the construction schedule, impacting contractual obligations to contractors and leasing commitments to renters.

Also, there seem to be different code interpretations for this code section—see the attached International Code Council (ICC) Code Opinion Request response that the exiting as proposed “appears to comply with the intent of the code”.

VARIANCE REQUEST EXHIBIT



From: Chris Reeves <creeves@iccsafe.org>
Sent: Wednesday, July 8, 2020 12:46 PM
To: jtr@schulerassociates.net
Cc: Chris Reeves
Subject: RE: New submission for Request Code Opinions
Attachments: Code Change E17-15 Table 1006.2.1.pdf

Jeffrey Rustick,

This email is in response to your email correspondence regarding the single means of egress provisions with respect to a Group R-2 residential project. All comments are based on the 2015 International Building Code (IBC) unless noted otherwise.

Admittedly, the IBC does not contain a definition for the term "space". As indicated in Table 1006.2.1 of the 2015 IBC, typical Group R "spaces" are limited to a maximum of 10 occupants in order to be considered a space with one means of egress. While a single dwelling unit is considered a space, a configuration of multiple contiguous dwelling units as proposed, in my opinion, just constitute an even bigger "space". As such, the overall aggregate occupant load of a "space" comprised of multiple dwelling units would still be limited to 10 before requiring a second means of egress.

Exception #1 of Section 1006.2.1, however, allows for individual dwelling units to be considered a space with one means of egress provided the dwelling unit has a maximum occupant load of 20 and has a common path of travel which does not exceed 125 feet. This exception also assumes the building is fully sprinklered in accordance with NFPA 13 or NFPA 13R. As such, alternatively, in my opinion, multiple units could be treated as a single dwelling unit and only require one means of egress from that "space" provided the aggregate occupant load of the multiple units did not exceed 20 and the common path of travel did not exceed 125 feet.

It should be noted that just because the corridor in question is a code complying corridor and not otherwise considered a dead end corridor for occupants entering the corridor does not relieve the applicability of the single means of egress "space" provisions of Table 1006.2.1. The aggregate occupant load from adjoining rooms must be added to verify all converging occupants into a given space are provided the adequate number of means of egress. The attached diagram, in my opinion, appears to comply with the intent of the code.

With respect to the 2018 IBC, Exception #1 of Section 1006.2.1 was deleted and incorporated into revised Table 1006.2.1 for Group R-2 occupancies. Since all Group R-2 occupancies are required to be sprinklered, this exception for dwelling units with a maximum occupant load of 20 was always applicable. As such, the entry for Group R-2 in Table 1006.2.1 was revised to acknowledge the maximum occupant load of 20 when only one means of egress is provided. As such, the 2018 IBC provides clarification to consider multiple dwelling units as a single dwelling unit for requiring a single means of egress from a given Group R-2 "space".

A copy of Code Change E17-15 which resulted in the current text in the 2018 IBC is attached for your information.

Code opinions issued by ICC staff are based on ICC published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

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If you would like to discuss this further, I can be reached directly at (888) 422-7233, X4309.

Sincerely,

Chris Reeves

Christopher R. Reeves, P.E.
Director, Architectural & Engineering Services
International Code Council, Inc.
Central Regional Office
4051 W. Flossmoor Road
Country Club Hills, IL 60478
888-ICC-SAFE (422-7233), x4309
708-799-0310 facsimile
creeves@iccsafe.org
www.iccsafe.org

From: Chris Reeves <creeves@iccsafe.org>
Sent: Tuesday, July 7, 2020 8:52 AM
To: jtr@schulerassociates.net
Cc: Chris Reeves <creeves@iccsafe.org>
Subject: FW: New submission for Request Code Opinions

Jeffrey Rustick,

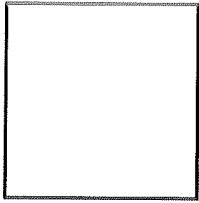
I have forwarded your code opinion request to Chris Reeves. Typical turn-around time for a written response is 5 working days.

Please let me know if you have any questions.

Christopher R. Reeves, P.E.
Director, Architectural & Engineering Services
International Code Council, Inc.
Central Regional Office
4051 W. Flossmoor Road
Country Club Hills, IL 60478
888-ICC-SAFE (422-7233), x4309
708-799-0310 facsimile
creeves@iccsafe.org
www.iccsafe.org

From: ICC <no-reply@iccsafe.org>
Sent: Monday, July 6, 2020 4:15 PM

To: Renee Testroet <rtestroet@iccsafe.org>
Subject: New submission for Request Code Opinions



New submission for Request Code Opinions

Hi Renee Testroet, new submission for Request Code Opinions has been received from **Jeffrey Rustick**.

**Details
submitted by
user:**

Record ID 8358656

**Requestor Full
Name** Jeffrey Rustick

Job Title Professional Engineer

**Requestor
email address** jtr@schulerassociates.net

Phone Number 9207349107

**Requestor
Address** 2711 N Mason ST Ste F, Appleton, WI, 54914-2100, UNITED STATES

Code Reference 2015 IBC Code and Commentary

Code Edition 2015

Code Section Section 1006.2.1, Exception 1, Page 10-22

Questions

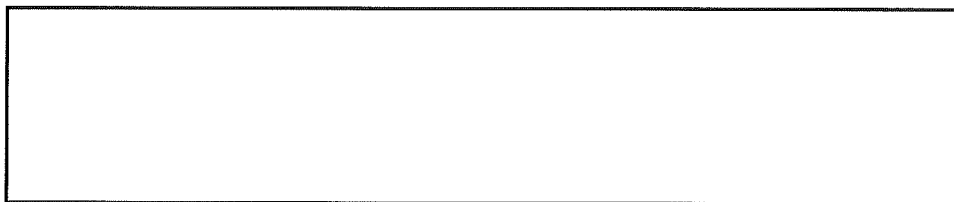
If you have two R-2 dwelling units with a combined occupant load of 20 or less, can the provisions of Section 1006.2.1, Exception 1 be applied or does the increased occupant load need to be in only one dwelling unit? The proposed R-2 building will have an automatic sprinkler per Section 903.3.1.1 and the lengths of the common paths of egress travel will be met. Reading “Significant Changes to the International Building Code, 2018 Edition” where an occupant load of 20 is allowed in this situation without an exception needed, I am led to believe that it was also allowed in 2015 IBC, while using the exception. The attached drawing shows the situation and the bottom line question is whether the exiting shown on attached drawing complies with 2015 IBC Section 1006.2.1 utilizing Exception 1? Thank you.

Attachments [Section-1006.2.1-Exhibit.pdf](#)

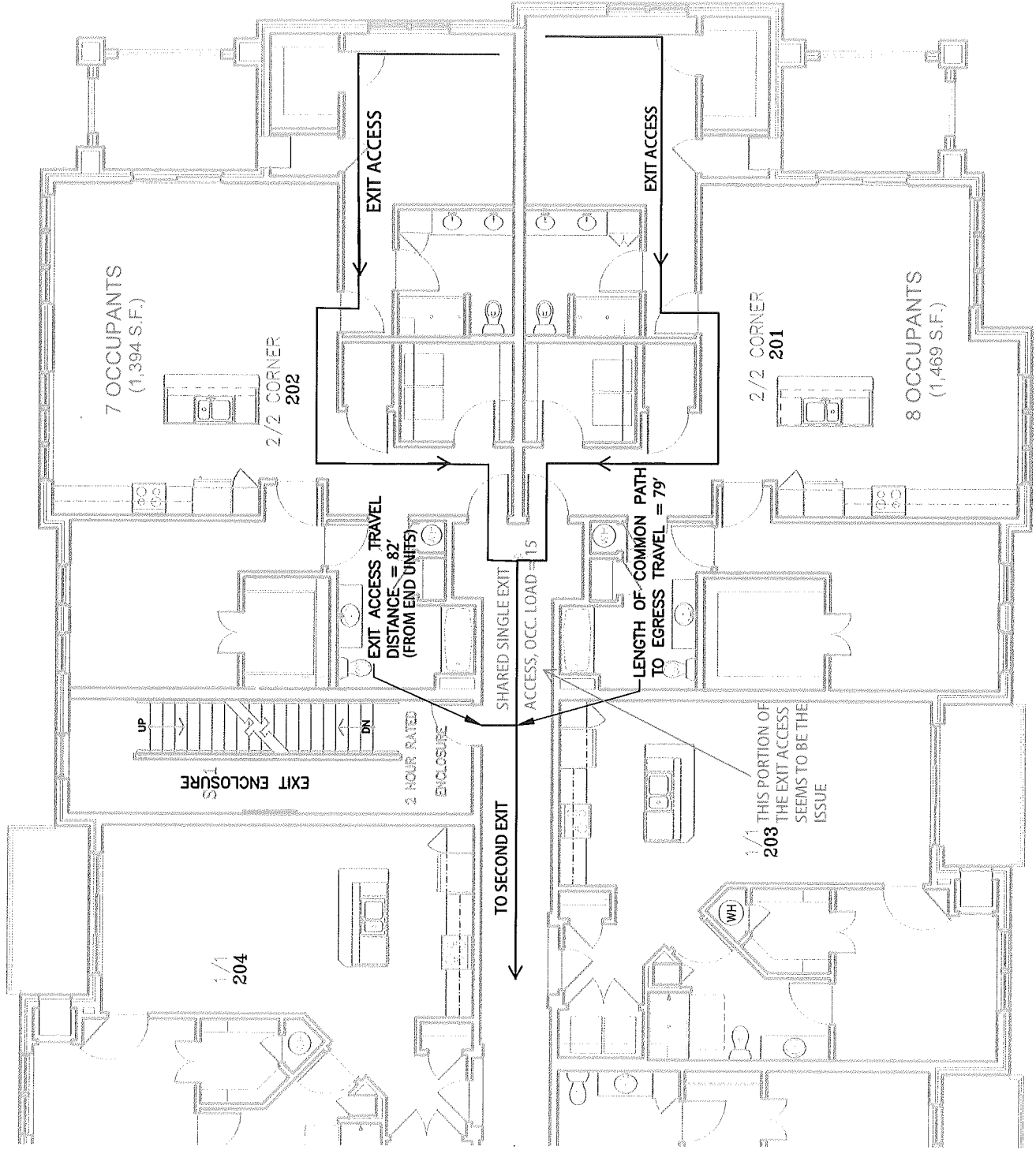
View more [Click here](#)

Thanks

Connect with Us



EXHIBIT



E 17-15

1006.2.1, TABLE 1006.2.1; (IFC[BE] 1006.2.1, TABLE 1006.2.1)

Proponent: Lee Kranz, City of Bellevue, Washington, representing Washington Association of Building Officials Technical Code Development Committee

2015 International Building Code

Revise as follows:

1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit access doorways from any space shall be provided where the design *occupant load* or the *common path of egress travel* distance exceeds the values listed in Table 1006.2.1.

Exceptions~~Exception:~~

1. ~~In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and the common path of egress travel does not exceed 125 feet (38 100 mm);~~
1. Care suites in Group I-2 occupancies complying with Section 407.4.

**TABLE 1006.2.1
SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY**

OCCUPANCY	MAXIMUM OCCUPANT LOAD OF SPACE	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)		
		Without Sprinkler System (feet)		With Sprinkler System (feet)
		Occupant Load		
		OL ≤ 30	OL 30	
A ^c , E, M	49	75	75	75 ^a
B	49	100	75	100 ^a
F	49	75	75	100 ^a
H-1, H-2, H-3	3	NP	NP	25 ^b
H-4, H-5	10	NP	NP	75 ^b
I-1, I-2 ^d , I-4	10	NP	NP	75 ^a
I-3	10	NP	NP	100 ^a
R-1	10	NP	NP	75 ^a
R-2	40-20	NP	NP	125 ^a
R-3 ^e	40-20	NP	NP	125 ^a
R-4 ^e	40-20	75	75	125 ^a
S ^f	29	100	75	100 ^a
U	49	100	75	75 ^a

For SI: 1 foot = 304.8 mm.

NP = Not Permitted

- a. Buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where *automatic sprinkler systems* are permitted in accordance with Section 903.3.1.2.
- b. Group H occupancies equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.5.
- c. For a room or space used for assembly purposes having *fixed seating*, see Section 1029.8.
- d. For the travel distance limitations in Group I-2, see Section 407.4.
- e. ~~The length of~~ *common path of egress travel* distance shall only apply in a Group R-3 occupancy located in a mixed occupancy building or within a Group R-3 or R-4 *congregate living facility*.
- f. The length of *common path of egress travel* distance in a Group S-2 *open parking garage* shall be not more than 100 feet.

Reason: Exception #1 of Section 1006.2.1 is essentially an exception to the maximum occupant load limits of 10 in Table 1006.2.1 for R-2 and R-3. Increasing the maximum occupant load from 10 to 20 in the table for R-2, R-3 and R-4 and deleting exception #1 is appropriate since all Group R occupancies require sprinkler protection per Section 903.2.8 (NFPA 13 and NFPA 13-R system) and the 125' common path limit in the exception is consistent with the table so the exception is no longer needed.

The occupant load limit for R-4 in the table is also proposed to be modified from 10 to 20. Section 310.6 limits R-4 occupancies to 16 residents but does not include "staff" so it is likely that the occupant load will be 17 or more.

The change in footnote e is intended to clarify the intent and make it easier to understand.

Cost Impact: Will not increase the cost of construction

This code change eliminates a redundant provision and will not affect the cost of construction.

E 17-15 : 1006.2.1-KRANZ3767