



Legislation Details (With Text)

File #: 07786 **Version:** 1 **Name:** Supporting the objection to the waiver of state building codes for balconies at 700 University Avenue.

Type: Resolution **Status:** Passed

File created: 11/1/2007 **In control:** HOUSING COMMITTEE (ended 6/2012)

On agenda: 11/6/2007 **Final action:** 11/6/2007

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Title: Supporting the objection to the waiver of state building codes for balconies at 700 University Avenue.

Sponsors: Brenda K. Konkel

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Attachments: 1. File No. 07786

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|---|--------|
| 11/6/2007 | 1 | COMMON COUNCIL | Adopt | Pass |
| 11/6/2007 | 1 | HOUSING COMMITTEE (ended 6/2012) | | |
| 11/5/2007 | 1 | PLAN COMMISSION | Return to Lead with the Recommendation for Approval | Pass |
| 10/16/2007 | 1 | Council Office | Referred for Introduction | |
| 10/16/2007 | 1 | COMMON COUNCIL | Refer | Pass |

Fiscal Note

No appropriation required.

Title

Supporting the objection to the waiver of state building codes for balconies at 700 University Avenue.

Body

Whereas, the Department of Commerce conditionally granted a waiver for the accessibility standards for the balconies at the new building at University Square, 700 University Ave; and

Whereas, the Department of Commerce found that allowing the applicant to use an interior ramp and platform that would be installed to make the balconies accessible was equivalent to the maximum 4 inch drop to the balcony and approved the variance; and,

Whereas, the Department of Commerce found that if a balcony can be built up on the outside of the unit to accommodate accessibility, a platform and ramp can be constructed for the inside of the unit to achieve total circulation inside and out; and

Whereas, the Plan Review and Inspection Supervisor for the Neighborhood Preservation and Inspection Division of the Department of Planning and Community & Economic Development objected to the variance in a timely manner; and

Whereas, the grounds for objection were stated as follows:

1. An equivalency has not been offered. Providing two sets of ramps for 400 units is not an equivalency.
2. Permanent ramps 1" x 12" x 32" can easily be provided at the interior of each of the 400 units.
3. Similarly, an exterior ramp can be provided outside that is close to code.
4. The reviewer of the variance did not include any due diligence in respect to people with disabilities. There is no mention of the City, State or Federal positions on the variance. Commerce accessibility experts apparently did not

review the variance.

5. The variance establishes precedent in the State of Wisconsin for any new building for accessible routes.
6. Patio doors may leak under certain conditions, however we have never had such a problem in the high-rise 12 story buildings in the City of Madison.
7. Providing ramps that people have to ask for is no different than not providing an accessible ramp to the building and making people with disabilities ask for help. It has never been acceptable.

Whereas, the reasons for filing this objection to the waiver include the fact that the project is receiving City funds, the requests to use ramps have not been approved in the past and that the proposed means/rationale for equivalency does not meet the federal fair housing standards.

Now, therefore be it resolved that the City of Madison Common Council, members of the Commission on People with Disabilities and the members of the Housing Committee for the City of Madison hereby commend Harry Sulzer for objecting to this waiver on behalf of the City of Madison; and

Be it further resolved that we request that City Staff work on an acceptable solution to this matter that respects the accessibility needs of the people who live there and comes as close as possible to complying with the building code.