

## VARIANCE POLICY FOR PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT

1. The City of Appleton is a city of the second class for purposes of §101.12 of the Wisconsin Statutes.

2. The City of Appleton is a certified city of the second class as referenced in §101.12(3m) of the Wisconsin Statutes.

3. As a city of the second class, the City of Appleton is certified to perform reviews and determinations of variances pursuant to §101.12(3)(bq). Reviews and determinations of variances shall be by the City's Board of Building Inspections as identified in Section 4-21 of the Appleton Municipal Code.

4. The City of Appleton performs variances under the following procedure:

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the division has a petition for variance process in which it reviews and considers acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must provide an equivalency which meets the intent of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is required. Failure to provide adequate information may delay a decision on the petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, etc., the variance request will be denied. **NOTE: A SEPARATE PETITION IS REQUIRED FOR EACH BUILDING AND EACH CODE ISSUE PETITIONED** (i.e., window issue cannot be processed on the same petition as stair issue). It should be noted that a petition for variance does not take the place of any required plan review submittal.

The City is unable to process petitions for variance that are not properly completed. Before submitting the application, the following items should be checked for completeness in order to avoid delays:

- Petitioner's name (typed or printed)
- Petitioner's signature
- The application must be signed by the owner of the building or system unless a Power of Attorney is submitted
- Notary Public signature with affixed seal
- Analysis to establish equivalency, including any pictures, illustrations or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer
- Proper fee
- Any required position statements by fire chief or municipal official

A position statement from the chief of the local fire department is required for fire or life-safety issues. Submit a municipal building inspection department position if SPS 361-366 commercial building plan review is by the municipality or orders are written on the building

under construction. (Submit a copy of the orders.) Position statements must be completed and signed by the appropriate fire chief or municipal enforcement official. Signatures or seals on all documents must be originals. Photocopies are not acceptable.

The Application for Review, Petition for Variance shall be submitted to the Inspections Supervisor. The fee for the City's review of the petition for variance shall be the same as established by the State of Wisconsin, Department of Safety and Professional Services. The Inspections Supervisor shall review the application for completeness and appropriate fee. Completed petitions shall be scheduled before the Board of Building Inspection. The Board shall meet within thirty (30) days of the submission of a completed application.

The Board may review petitions for variance to regulations in Chapter 4 of the Municipal Code of the City of Appleton as well as plans for public buildings, structures, and places of employment that the City of Appleton may review as a delegated municipality in accordance with SPS 101.12(3)(b) and (3)(bq) of the Wisconsin Administrative Code. Variances shall be granted with a unanimous vote from all Board of Building Inspection members. All decisions are final.

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