

Petition for Commercial Building Code Variance

Instructions

- Completion of this form is required by Wisconsin Administrative Code ch. SPS 303 to request a variance from a Wisconsin Commercial Building Code (SPS 361-366) or for approval of alternative design, which is not in strict conformance with the letter of the code but meets the intent of the code. (This form is the equivalent to Department of Safety and Professional Services form SBD-9890X, *Application for Review, Petition for Variance*.)
- **A variance is not a waiver from a code requirement.** The petitioner must provide an equivalency which meets the intent of the code. 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 will be denied. Failure to provide adequate information may delay the petition.
- A petition for variance does not take the place of a required plan review submittal.
- **Note:** A separate petition is required for each code issue petitioned.
- If you have questions about completion of this form, call **608-266-8016**.

Petition checklist

The petitioner is required to address all of the following items for completeness prior to submitting to the Division. The Division is unable to process variance petitions that are not properly completed.

- ☐ Petitioner's name (typed or printed)
- ☐ Petitioner's signature
- ☐ The *Petition for Commercial Building Code Variance* application (DQA form F-62537) must be signed by the owner of the building or system unless a Power of Attorney is submitted.
- ☐ 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

Position statement

Position statements must be completed and signed by the appropriate **fire chief or municipal enforcement official**. Signatures or seals on all documents must be **original**. Photocopies are not acceptable.

- **Fire safety issues:** A position statement from the local fire department is required.
- **Non-fire safety issues:** A position statement is **not required** for non-fire safety issues such as plumbing and energy conservation.
- **Barrier-free petitions:** Position statements from both the local fire department and municipality are required.
- **Rules related to one- and two-family dwellings:** Only a position statement from the municipality is required.

Standard and priority reviews

A standard review will be scheduled and processed in approximately 30 business days. A priority review is scheduled and processed in approximately 10 business days and costs twice as much as a standard review.

Payment of fees

Make check payable to the **Division of Quality Assurance**. Fees for review of the Petition for Commercial Building Code Variance are as follows:

Wis. Admin. Code chs. SPS 361-366, Commercial Building Code:

Standard review	30 business days	\$550
Priority review	10 business days	\$1,100
Revision*		\$100

* Revisions are only accepted for one (1) year after action on the original petition.

Submit the (1) *Petition for Commercial Building Code Variance application* (F-62537), (2) a **check**, and (3) **supporting documentation** to:

**DHS/Division of Quality Assurance
OPRI Plan Intake Coordinator
819 N. 6th St., Room 609B
Milwaukee, WI 53203-1606**

Send your email with the PDF files attached to dhsdqaplanreview@dhs.wisconsin.gov.

DQA use only

Review type: ☐ Standard (30 day) ☐ Priority (10 Day) Date submitted (mm/dd/yyyy): _____
Total amount submitted: _____ Check date (mm/dd/yyyy): _____
Check number: _____ Check author: _____

I. Facility information

Name – Facility or building: _____ Facility license/Provider number: _____
Address: _____
Name – City, village, or township: _____ ☐ C ☐ V ☐ T
County: _____ ZIP code: _____

II. Owner information

Name – Owner: _____ Name – Company: _____
Address: _____ City: _____ State: ____ ZIP code: _____
Name – Contact person: _____ Phone number: _____
Email address: _____ Fax number: _____

III. Designer information

Name – Designer: _____ Name – Design firm: _____
Address: _____ City: _____ State: ____ ZIP code: _____
Name – Contact person: _____ Phone number: _____
Email address: _____ Fax number: _____

IV. Plan review status

DQA plan project number.: _ _ _ _ _ - _ _ _ _ _
Plan previously reviewed by (enclose a copy of the review letter):
☐ State ☐ Municipality ☐ Approved ☐ Held ☐ Denied
Code petitioned:
☐ Building ☐ HVAC ☐ Plumbing ☐ Electrical
☐ Plan will be submitted after petition determination
☐ Requesting revision ☐ Other – Specify: _____

For the following items, attach additional sheet(s).

- ☐ Identify the code section and the specific condition or issue being petitioned for variance.
- ☐ Explain why compliance with the code cannot be attained without the variance.
- ☐ Explain the proposal to provide equivalent degree of health, safety, or welfare as addressed by the code section petitioned.
- ☐ List attachments to be considered (model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, etc.).

V. Verification by owner

Petitioner must be the owner of the building or system or credentialed applicant for a ch. SPS 305 petition. Tenants, agents, designers, contractors, attorneys, etc. shall not sign petition unless Power of Attorney is submitted with DQA form F-62537, Petition for Commercial Building Code Variance application.

Name – Owner: _____

Project location: _____ Project number: _____

Name – Owner or power of attorney (print or type):

I, _____, state as petitioner that I have read the foregoing petition, believe it to be true, and have significant ownership rights to the subject building or project.

Signature (Owner or POA): _____ Date signed: _____

VI. Fire department position statement

Complete the following for variances from **Wis. Admin. Code chs. SPS 361-366 (Commercial Building Code)** and other fire related requirements.

I have read the *Petition for Commercial Building Code Variance (F-62537)* and recommend the following.
(Check appropriate box.)

☐ Approval ☐ Conditional approval ☐ Denial ☐ No comment

Explanation for recommendation

Identify any conflicts with local rules and regulations and explain suggested conditions:

Name – Fire department: _____ Notify of petition outcome: ☐ Yes ☐ No

Address: _____ City: _____ State: ____ ZIP code: _____

Name – Fire chief or designee (print or type): _____ Phone number: _____

Signature (Fire chief or designee): _____ Date signed: _____

VII. Municipal building inspection recommendation

Complete the following for variances from **Wis. Admin. Code chs. SPS 361-366 (Commercial Building Code)**.
Submit a copy of municipal orders.

I have read the *Petition for Commercial Building Code Variance (F-62537)* and recommend the following.
(Check appropriate box.)

☐ Approval ☐ Conditional approval ☐ Denial ☐ No comment

Explanation for recommendation

Identify any conflicts with local rules and regulations and explain suggested conditions:

Name – Municipality exercising jurisdiction: _____

Name – Municipal official (print or type): _____ Phone number: _____

Address: _____ City: _____ State: ____ ZIP code: _____

Signature (municipal official): _____ Date signed: _____