



Application for Review – Petition for Variance – SBD-9890X

Personal information you provide may be used for secondary purposes [Privacy Law s. 15.04(1)(m), Stats.]

See the DSPS Petition for Variance webpage for submission instructions.

https://dsps.wi.gov/Pages/Programs/PetitionForVariance.aspx

Form with sections: 1. Facility Information, 2. Owner Information, 3. Designer Information, 4. Plan Review Status. Includes fields for names, addresses, contact info, and checkboxes for plan review status and code types.

- 5. State the code section being petitioned AND the specific condition or issue you are requesting be covered under this petition for variance.
6. Reason why compliance with the code cannot be attained without the variance (Attach additional sheets, if necessary)
7. State your proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.
8. List attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).

9. Verification by Owner

Note: Petitioner must be the owner of the building or system or credential applicant for a SPS 305 petition. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

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

Petitioner's Signature		
Variance from SPS 320-325, 327, or SPS 305 ONLY attach check payable to: State of WI – DSPS All other petition for variance applications to be paid via eSLA.		Total Amount Due \$ _____
Owner's Name	Project Location	Plan Number
Complete remainder of form for variance from SPS 320-325, SPS 327, SPS 361-366, SPS 382, SPS 384, and SPS 390.		

Fire Department Position Statement:

To be completed for fire or life-safety related variances requested from SPS 361-366, SPS 316, SPS 327, and other fire- related requirements.

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

Approval Conditional Approval Denial No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

Fire Department Name and Address	
Name of Fire Chief or Designee (type or print)	Telephone Number
Signature of Fire Chief or Designee	Date Signed

Local Government Inspection Recommendation

To be completed for variances requested from SPS 316, SPS 320-323, SPS 327 and SPS 383. For SPS 361-366, complete if plan review is by municipality or orders are written on the building under construction; optional in other cases. Please submit a copy of the orders.

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

Approval Conditional Approval Denial No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

Local Government Exercising Jurisdiction	
Name and Address of Jurisdiction Official (type or print)	Telephone Number of Enforcement Official
Signature of Local Government Enforcement Official	Date Signed

Public Health/Life Safety Position Statement

To be completed for public health and life-safety related variances requested from SPS 382, SPS 384 and SPS 390, and other public swimming pool related requirements.

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

Approval Conditional Approval Denial No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

<input type="checkbox"/> Department of Agriculture, Trade & Consumer Protection (DATCP) <input type="checkbox"/> Department of Health Services (DHS) <input type="checkbox"/> Department of Natural Resources (DNR) <input type="checkbox"/> Other:	
Name of Designee (type or print)	Telephone Number
Signature of Designee	Date Signed

Petition for Variance Information and Instructions SPS 303

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 division 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.
- 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. No fire department position statement is required for topics such as plumbing, private onsite sewage systems, or energy conservation. Submit a municipal building inspection department position for SPS 316 electrical petitions, or 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.) For rules relating to one- and two-family dwellings, a position statement is required only if the local municipality is the enforcing body. A position statement from the county sanitary permit issuing agent is required for petitions to SPS 383 and 385. A position statement from the Department of Agriculture, Trade and Consumer Protection (DATCP) is required for life-safety issues for public swimming pools requested from SPS 390. Position statements must be completed and signed by the appropriate fire chief, local government enforcement official or state agency designee. Signatures or seals on all documents must be originals. Photocopies are not acceptable.

Fees for the Division's Review of the Petition for Variance

Chapter (circle appropriate category)	Revenue Code	Fee	*Revision Fee
SPS 316, Electrical	4731000	\$300	\$100
SPS 318, Elevators	5250000	\$300	\$100
SPS 327 Camping Units	4733000	\$175	\$50
SPS 320-325 Uniform Dwelling Code	4731000	\$175	\$50
SPS 334, Amusement Rides	5250000	\$300	\$100
SPS 340, Gas Systems	5250000	\$300	\$100
SPS 341, Boilers and Pressure Vessels	5250000	\$300	\$100
SPS 343, Anhydrous Ammonia	5250000	\$300	\$100
SPS 345, Mechanical Refrigeration	5250000	\$300	\$100
SPS 360-366, Commercial Building Code For fire system Petitions for Variance – Contact 920-492-6505	4733000	\$550	\$100
SPS 381-387, General Plumbing	4733000	\$300	\$75
SPS 390, Swimming Pools	4733000	\$300	\$75
SPS 383 POWTS	4733000	\$300	\$75
All Other Chapters		\$300	\$100

*Revisions are accepted only for one year after action on original petition.

Except for special cases, Industry Services will review and make a determination on a petition for variance within 30 business days of the scheduled review date, provided all calculations, documents, and fees required for the review have been received.

Division of Industry Program Contacts: <https://dsps.wi.gov/Pages/Programs/Contacts.aspx>