

VARIANCE FEES

WGO \$50.00
 COM \$495.00
 Party - Court's choice

PETITION FOR VARIANCE APPLICATION

City of Madison
 Building Inspection
 Division
 126 S Harbor St.
 Madison WI 53713
 (608) 265-4555

Amount Paid: _____

Name of Owner Noah & Julie Przybylski	Type of Project Occupancy Approval for Restaurant in former retail space	Name of Building Inspector Jeffrey Spruill
Address of Building Nook Fine Dining	Address of Building Nook Fine Dining	No. & Street 6 Shea Court
No. & Street 4307 Maher Ave	Address of Building 2138 Atwood Ave.	City, State & Zip Code Madison, WI 53717
City, State & Zip Code Madison, WI 53704	Building Address Madison, WI 53716	Phone 608-445-1777
Phone 773-607-9799		Name of Contact Person Jeff Spruill
E-mail noahandjulieprz@gmail.com		E-mail jspruill2541@gmail.com

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)
IBC 2902.3 Toilet facilities for customers, patrons, and visitors shall not be accessed through kitchens or storage rooms

2. The rule being petitioned cannot be entirely satisfied because:
Full height partitions separating access route to toilet facilities from kitchens or storage rooms is infeasible due to small size of building plan and also adversely affects the owner's business model of specialty tasting restaurant.

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:
The owners are proposing to build partial height wall systems that provide clear fixed separation of toilet room access route, as well as providing curtains and wayfinding clues to reinforce separation. Further, the partial height partitions are provided in addition to other stated methods and conditions required by recommendation of Madison and Dane County Public Health director Janet Heinrich in letter to owner dated 4-16-18 attached, and subsequent Food & Drink Inspection Report dated 5/31/18 attached - stating conditions deemed adequate and meet requirements of Wisconsin Food Code (WFC 8-201.12).

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

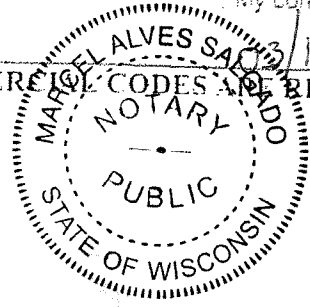
VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

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

Julie Przybylski
Noah Przybylski
 _____ 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 	Subscribed and sworn to before me this date: 7-30-18
Notary public 	My commission expires: 3/11/2022

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



VARIANCE FEES

YGO \$50.00
 COMM \$495.00
 Party - Court's choice

PETITION FOR VARIANCE APPLICATION

City of Madison
 Building Inspection
 Division
 126 S. Hamilton St.
 Madison WI 53703
 (608) 266-4300



Project File # _____

Project Owner Noah & Julie Przybylski	Project Description Occupancy Approval for Restaurant in former retail space	Name of Building Inspector Jeffrey Spruill
Occupancy Use Nook Fine Dining	Project Address 2138 Atwood Ave.	City, State, Zip Code Madison, WI 53717
Project Address 4307 Maher Ave	Project Name Nook Fine Dining	Phone 608-445-1777
City, State, Zip Code Madison, WI 53704	City, State, Zip Code Madison, WI 53716	Name of Contact Person Jeff Spruill
Phone 773-607-9799		E-mail inspruill2541@gmail.com
E-mail noahandjulieprz@gmail.com		

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

IBC 1208.2 Minimum Ceiling Height: Occupiable spaces, habitable spaces, and corridors shall have minimum ceiling ht of 7'-6"

2. The rule being petitioned cannot be entirely satisfied because:
It is financially infeasible to modify existing 7'-0" min clearance to provide 7'-6" min clearance

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:
Although minimum clearance is 7'-0" in basement from floor to bottom of joists, some areas are 7'-2", and clearance to bottom of deck is 7'-8".

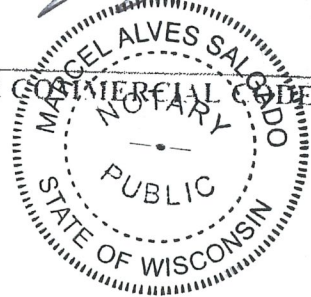
Note: Please attach any pictures, plans, or required position statements

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

Julie Przybylski
Noah Przybylski, 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: _____
 Notary public: _____
 Subscribed and sworn to before me this date: **7.30.18**
 My commission expires: **03/11/2020**



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

VARIANCE FEES

UGO \$50.00
 COMM \$495.00
 Project Start/End

PETITION FOR VARIANCE APPLICATION

City of Madison
 Building Inspection
 Division
 126 S. Hamilton St.
 Madison, WI 53703
 (608) 255-4559



Amount Paid

Project Owner Noah & Julie Przybylski	Project Description Occupancy Approval for Restaurant in former retail space	Applicant Jeffrey Spruill
Company of Applicant Nook Fine Dining	Address (Former) Nook Fine Dining 2138 Atwood Ave.	To & Street 6 Shea Court
City, State, Zip Code Madison, WI 53704	City, State, Zip Code Madison, WI 53717	Phone 608-445-1777
Phone 773-607-9799	City, State, Zip Code Madison, WI 53716	Name of Contact Person Jeff Spruill
Email noahandjulieprz@gmail.com		Email inspruill2541@gmail.com

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)
IEBC 906.1: Provide Accessible Route to areas with new occupancies: note that toilet room is not a new occupancy and is same as in previous occupancy except for finishes

2. The rule being petitioned cannot be entirely satisfied because:
It is financially infeasible, and functionally infeasible to provide accessible route to basement - building too small for elevator to fit + elevator too costly if it could. Toilet room too costly to be added on ground level, uses too much space.

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:
Project is building partial height walls upstairs and down, and no other construction is being done. That work is estimated to cost only \$3280, and cost to provide Accessible Entry, Accessible Toilet Room, Accessible Route to remodeled Areas is disproportionately expensive, as per Disproportionality form (attached)

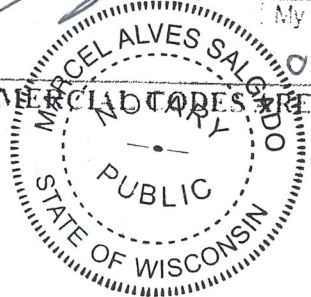
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Julie Przybylski
Noah Przybylski
 Petitioner of owner, being duly sworn, I state as petitioner that I have read the foregoing petition that I believe it to be true, and I have significant ownership rights in the subject building or project

Signature of owner: *[Handwritten Signature]*
 Notary Public: *[Handwritten Signature]*
 Subscribed and sworn to before me this date: **7.30.18**
 My commission expires: **03/11/2022**



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

4/16/18

Nook LLC
2138 Atwood Ave.
Madison, WI 53704

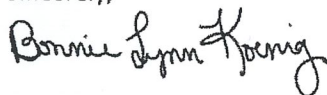
RE: Public Toilet Room Entrance

At your proposed restaurant, located at 2138 Atwood Avenue, the public toilet room is located in the basement, which is also the same space as your food prep kitchen. **The Wisconsin Food Code requires the public toilet room to be located such that is not necessary for patrons using the facility to pass through food processing, serving or storage areas or an area where utensils are washed (WFC 8-201.12 location).** Your basement prep kitchen and utensil wash area is to the back of the staircase and not within the walk pattern of a patron using your restroom, therefore, patrons are not walking *through* the food processing area. Nevertheless, to limit tampering and food safety concerns, barriers are being required to prevent entry into this space. The food, equipment and single-use storage against the wall, however, is in the walk pattern of a patron using your restroom and patrons will essentially be walking *through* this storage space. This space will have to be relocated and/or effective barriers provided. In order to be in compliance with the Wisconsin Food Code WFC 8-201.12, the following is being required:

1. Relocate food, equipment, utensil or single use storage, or provide some barrier (i.e. curtain or locks) to this storage area to prevent potential tampering.
2. Provide a barrier between the prep kitchen and the rest of the basement such as a half wall, expandable wall or posts with roping to prevent entry of this space.
3. Provide signage stating "do not enter, employees only" at the entrance to the prep kitchen and storage spaces.
4. Provide a clear walking path to the toilet room using paint on the floor, and posts/rope with signage.
5. Provide a self-closing toilet room door to prevent the spread of viruses.
6. Provide locking mechanisms for cooler and freezer food storage to prevent tampering.

Other ideas may be considered to accomplish the same goal of providing clear pathway directions to patrons and barriers to kitchen and storage spaces. Plans for meeting these requirements must be submitted to Public Health – Madison & Dane County for approval prior to opening to the general public.

Sincerely,



Bonnie Lynn Koenig, MPH, RS
PH Sanitarian
Public Health – Madison & Dane County
PH (608) 243-0335
bkoenig@publichealthmdc.com

Public Health - Madison and Dane County
2300 South Park Street, Room 2010
Madison, WI 53713

608-242-6515 - FAX 608-242-6435
www.publichealthmdc.com

Food and Drink Inspection Report

05/31/2018 at 11:27 am
NOOK

2138 Atwood AVE
Madison, WI 53704

PRIMARILY RESTAURANT

License Number: LICFDD-2018-00128
Inspection Type: On-Site Visit

SUMMARY

Repeat Violations: 0
Priority Violations: 0
Additional Violations: 0
Total Violations: 0
Reinspection Required: No

No Violations at the time of Inspection.

Notes

An onsite inspection was performed to view the separation between the customer toilet room and the basement kitchen. The operator has added a curtain barrier, signage, and clear pathway to the toilet room keeping patrons out of the basement kitchen as requested by the health department. The operator has also installed camera surveillance to this area as added protection.

The upstairs kitchen also has clear signage and floor barriers to keep patrons from entering the kitchen prep space. Patrons will be can walk past the kitchen, but not be allowed in the kitchen space at any time.

The health department approves this space to operate with these changes.

Print Name _____

Signature _____

BKoenig

Date _____

5-31-18

Sanitarian Signature _____

Date _____

Bonnie Koenig Phone: 608-243-0335
bkoenig@publichealthmdc.com

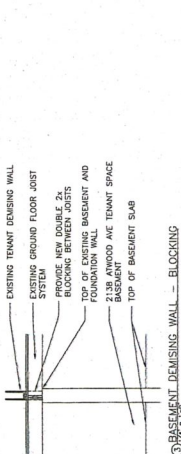
Questions concerning this Report should be directed to the Sanitarian listed above or between 8 A.M. and 9 A.M. weekdays at (608) 242-6515. Any operator aggrieved by the above order may request a hearing by contacting the Board of Health, Madison and Dane County, Room 507, City-County Building, no later than fifteen (15) days from the date of this report. According to 19.35, Wis. Statutes, this record may be made available for inspection or copying upon request.

PROJECT NARRATIVE: Condo Owner seeks Occupancy Permit for a limited-seating boutique restaurant in space previously occupied as Business / Retail. Since the space is currently occupied as Business / Retail, the proposed occupancy is B-Occupancy. Exception 1 applies, allowing the new occupancy to be classified as B-Occupancy, and therefore is not a change of occupancy.

The existing main building entrance is typical of retail buildings of its vintage and is not strictly compliant with accessibility codes. However, Atwood Avenue is scheduled for a renovation that includes sidewalk reconstruction to remedy this condition. The rear door exits to elevated grade, which required the existing stair. The existing toilet room is in the basement and is not a required space for B-Occupancy. The building makes compliance technically infeasible.

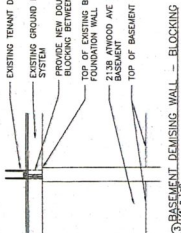
Owner improvements include proposed addition of exit lights in the basement and at the front door, as well as to Central Street. The existing stairs are to be removed and replaced with providing 2x blocking between existing opening to adjacent tenant space.

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 609.0 IRC 509.5 IBC
 B - BUSINESS
 VB - CONDUCTIBLE UNPROTECTED
 NONE
 LOWER LEVEL: 5494
 UPPER LEVEL: 5358
TOTAL OCCUPANCY AREA: 1,038



Ⓒ BASEMENT DEMISING WALL - BLOCKING

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DISPROPORTIONALITY

IEBC 605.2

A. TOTAL COST OF ALTERATION TO PRIMARY FUNCTION AREA. Does not include plumbing, heating, or electric work.

\$ 3,280⁻

Minimum Expenditures for a path of travel:
(20% of the total cost of alteration to a primary function)

\$ 656⁻

B. COSTS NEEDED TO PROVIDE A FULLY ACCESSIBLE PATH OF TRAVEL
(Listed in the order of priority in the event of disproportionality)

1. Costs associated with providing an accessible entrance \$ 20,000 1.
2. Costs associated with providing an accessible route to the remodeled area: \$ 22,000 (elevator) 2.
3. Costs associated with making the toilet rooms accessible: \$ 24,000 3.
4. Costs associated with providing accessible telephones: \$ 500 4.
5. Costs associated with relocating an inaccessible drinking fountain: \$ already available 5.
6. Costs associated with providing accessible elements such as; parking, alarms, etc \$ 5,000 6.

TOTAL COSTS TO PROVIDE FULL ACCESSIBILITY:

\$ 49,500 total

C.

List items to be completed with this project and associated cost

If the total cost of the expenditures in B. is greater than 20% of the total cost of the alteration in A. list the accessibility features that will equal or exceed 20% of the total cost of the alteration.

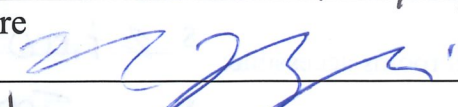
Provide ADA grabbars
in Toilet Rm

TOTAL ACTUAL EXPENDITURE FOR ACCESSIBILITY: \$ 750⁻

DISPROPORTIONALITY FORM

A disproportionality form shall be submitted with the plan application form and plans at the time of building plan review.

The plan review will determine compliance with the alteration requirements specified in IEBC 605.2

BUILDING LOCATION			
Street Address	2138 Atwood Ave		
City	Madison	State	Wisconsin
Zip			
Owner's Name (Please Print)	Noah & Julie Przybylski		
Owner's Signature			
Date	7/31/2018		