

**VARIANCE FEES**

MGO \$50.00  
 COMM \$490.00  
 Priority - Double above

**PETITION FOR VARIANCE APPLICATION**

City of Madison  
 Building Inspection  
 Division  
 126 S. Hamilton St.  
 Madison, WI 53703  
 (608) 266-4568

Amount Paid  
\$490 AA 6-12-18

Name of Owner <u>Noah &amp; Julie Przybylski</u>	Project Description <u>Occupancy Approval for Restaurant in former retail space</u>	Agent, architect or engineering firm <u>Jeffrey Spruill</u>
Company (if applies) <u>Nook Fine Dining</u>	Tenant name (if any) <u>Nook Fine Dining</u>	No. & Street <u>6 Shea Court</u>
No. & Street <u>4307 Maher Ave</u>	Building Address <u>2138 Atwood Ave.</u>	City, State, Zip Code <u>Madison, WI 53717</u>
City, State, Zip Code <u>Madison, WI 53704</u>	Phone <u>773-607-9799</u>	Name of Contact Person <u>Jeff Spruill</u>
Phone <u>773-607-9799</u>	e-mail <u>noahandjulieprz@gmail.com</u>	e-mail <u>jspruill2541@gmail.com</u>

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

IBC 2902.3.1 - Required Public Toilet Facilities - Access: the route to public toilet facilities shall not pass through kitchens, storage rooms or closets.

2. The rule being petitioned cannot be entirely satisfied because:

Owner believes conventional walled separation between the route to public toilet facilities (basement) and Kitchens, Storage Rooms or closets would prohibit shared circulation space and reduce effective use of Kitchen, Storage Room and closet.

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:

As per the required recommendations made by Madison and Dane County Public Health Director, Janel Heinrich, in letter to owner dated 4.16.18 (attached), and subsequent Food and Drink Inspection Report dated 5.31.18 (attached), measures taken by Owner to provide required separation between toilet facilities access route and Kitchens, Storage Rooms and Closets, have been determined to be sufficient to meet requirements of Wisconsin Food Code (WFC 8-201.12), and should be adequate to satisfy the Health and Safety intentions of IBC 2902.3.1.

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

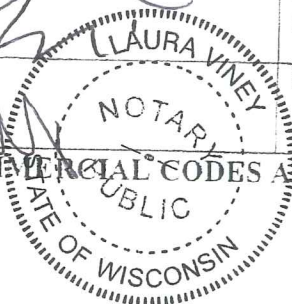
Print name of owner

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 	Subscribed and sworn to before me this date: <u>6.8.18</u>
Notary public 	My commission expires: <u>7/19</u>

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



4/16/18

Nook LLC  
2138 Atwood Ave.  
Madison, WI 53704

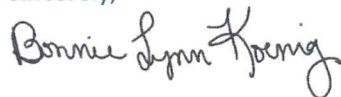
RE: Public Toilet Room Entrance

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](mailto: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

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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



\_\_\_\_\_  
Sanitarian Signature

\_\_\_\_\_  
Date

5-31-18

\_\_\_\_\_  
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.