

1. Twisted Fitness is seeking a variance to allow an exemption of 2015 IBC 1104.4 requiring that at least one accessible route shall connect each accessible story and mezzanine in multilevel building and facilities that have an aggregate area exceeding 3,000 square feet. There were several miscommunications between all parties involved during the construction of this facility. The construction has finished and we have taken occupancy, but we are now having to deal with the fallout of these miscommunications. My wife and I, as the owners of the business, were always under the impression that we would have full use of our mezzanine during the entire building process. Now that construction has finished and the building is completed, we have come to find out this may not be the case. Loss of this space would cause unnecessary hardship on our entire academy and would drastically affect all of our current students. We have explored many options but we are putting ourselves at your mercy in asking for this Variance. This process exists for a reason and while we greatly appreciate, and don't take lightly, the building codes. There were several mistakes made during the approval process, including mistakes by two different city inspectors. The fact that these were only realized by those inspectors after construction was finished and during the occupancy inspection, is a big reason that this variance is being requested. We ask that you help us find a solution that will work for everyone so that we can continue to offer our services to all our Jiu-jitsu and submission Wrestling Competition Team.
2. Handicapped Accessible Lift to the Madison Professional Jiu-jitsu Team Training Mezzanine. We explored putting in a chair (Vertical Platform) lift on the mezzanine stairs from a company called Savaria. The Delta Platform is a folding stair lift that would move up the stairs with a wheelchair and then fold again after use. This would still keep both Mezzanine stairs open for use and would provide an alternative. We were informed that it would not meet fire code because were somebody to be using the lift during a fire, one stairwell may be blocked. The lift options seems even more challenging. Aside from the obvious financial expense, which we understand is not in itself enough to grant a variance for, there are some severe limitations due to the way the building was designed, approved by the city, engineered, and ultimately constructed. Had this been more clearly discussed during the design phase, we may not be having this issue. The most likely places that could be used for Lifts are the stairwells, which we were already informed by Mr Bunnow, will not be usable, due to fire codes. That leaves the sides of the mezzanine, which have many doorways, including the fire exits, as well as HVAC systems. This will require quite a bit of re-engineering of the building, which we assume would result in us having to close down the Academy and fitness center for a length of time. This building was not engineered to have a lift while in the design and construction phase. The addition of such a device now, after Construction is complete and we have taken occupancy, closing our facility for any amount of time would mean loss of wages for employees, loss of recreational activities for our students and create hardship that would be detrimental to us and the surrounding community.

The lesser alternative, which we feel would put an even greater burden on the Academy, would be to permanently restrict access of 1000 sq ft of the current mezzanine space which would decrease our usable mat space by $\frac{1}{3}$. This would make the total usable mezzanine space 3,000 sq ft to satisfy code, but would take away the space our students now enjoy using as well as requiring us to most likely change what offerings are offered on the mezzanine. The entire reason that we built this facility and

moved our academy is because we have grown our Jiu Jitsu program to a size where our old facility was to accommodate the large amount amount of students we have. It seems that restricting the space, simply to meet a number, when the building is already in existence, does not make the most sense. We honestly don't feel that we would be able to operate our Academy with less mat space than we already have. The one alternative we would have would be to move the mat space down stairs, restrict space upstairs and move other programs (Which are all programs that people with even severe disabilities could use, such as gym equipment) upstairs. That seem Backwards as we would be moving things that should be accessible to a now inaccessible area. That seems more harmful than leaving things the way they are and the law/code would have the opposite effect that was intended as we would then have less things available to those with disabilities. The reason for building the accessible room was so that we could provide an equal accommodation, language often used in ADA code, to provide the same product if necessary. As you will see, it had even been identified as such on the city plan submittals (Please see included materials), showing that we had in fact taken all of this into consideration. That said, again in our 13 years or teaching at our last facility, we have not had an issue with this. As a matter of fact, our space on Winnebago had not only our BJJ program upstairs, but also our Muay Thai and our Massage Therapy. Our students are now using the space as is, so restricting space and basically taking away something that they are able to use, by limiting space on the mezzanine. We are definitely confused by that part of the code as it seems that 3000 sq ft is an arbitrary number and that restricting the usable space affects all of our other students in a negative manner, making their learning environment smaller and causing more chance of injury due to overcrowding. We do not see any way to make this work without severely damaging the program, something we have become well known for in our 15+ years of business in the city of Madison.

Finally, it was brought to our attention that code section IBC 1110.4.5 that allows for the following "Raised boxing or wrestling rings are not required to be accessible or to be on an accessible route". Currently are training mats on the mezzanine are already raised by 2 inches, how much does the height have to be to meet the code section IBC 1110.4.5. It is worth considering why this is part of the code. The fact that those spaces are not required to be accessible, may be due to the type of activity being performed in those types of areas and who may or may not actually be able to perform such activities.

3. Our new facility actually has a separate room we built on the first floor that is an **equal alternative** and **meets all ADA building codes to the non-conforming mezzanine space in question**. It is a 100% ADA accessible matted area where we could try to work 1 on 1 with someone that had more severe disabilities. People with those types of disabilities would not be able to participate in a normal class structure due to liability issues as well as the higher risk of accidents due to the classroom environment. BJJ is a contact sport where injury can and does happen and we take that very seriously. We feel that the alternative we have offered, with a first floor ADA accessible room, is a great alternative and solution to our current situation and code issue. As mentioned in the previous statement, it seems that most of the logical places in which an ADA lift might be placed would require some substantial engineering changes to the building in order to accommodate that solution. We have definitely explored the options and it seems a daunting task and again would probably cause massive hardship to the Academy and its students. Being that the building was not built with this in mind, it would definitely put a lot of added stress on the community we have built by not being able to service them during this time of modification. Again, the other option, of restricting the space, is not an option for us as we would basically be downsizing back to our space we just moved from. We built a brand new facility to

offer our students more space and better facilities. Again, we understand the code and are not at all trying to discriminate against anyone with disabilities. With granting of the variances, we happily commit to installing a LULA or restrict space should we change operations on the mezzanine to something other than grappling/wrestling/Jiu-jitsu. Furthermore, we could guarantee in writing that should the need ever arise to get somebody with disabilities up or down the mezzanine stairs for any reason, which we don't anticipate, we would even carry the person up and down as needed. We have a very helpful community of people here who always go above and beyond to make sure we help anyone who walks through our doors. In the case of the student who was legally blind, even though he could find his way up and down the stairs, we always had somebody walk with him for safety. We did not knowingly enter into this conundrum, but we would gladly do anything we can to make it work with this variance granted. Again, We are trying to offer some healthy offerings in this neighborhood and help change the environment currently plaguing this area. We offer massage therapy, physical therapy, a gym, CrossFit, Kickboxing, and Brazilian Jiu-jitsu/Submission Wrestling all available on the first floor with ADA accessibility. Our hope is to really benefit the community through health and wellness as well as employment.

We understand that the commission cannot grant variances for everyone application, however for the reasons presented before you, we believe this situation fits the spirit of the intent to allow variances for the city of Madison. We are not asking for anything different then the city has allowed for prior. Jaeckle Distributors of 4101 Owl Creek Drive, Madison, WI 53718, was allowed a variance under ADA code non-conforming issues. Even though the details are not exactly the same as ours, the company was willing to ensure any disabled citizens would gain access to their building from the walk way even if they had to bring them up themselves. We are willing to go above and beyond that, as stated above, we are willing to put into writing that if for any reason the mezzanine area changes from training professional fit Jiu-jitsu athletes and/or we sell the building, we will re-engineer our building to fit a proper lift system. Additionally, we installed a 12 foot wide pedestrian path, spending Tens of thousands of our own money, ensuring all persons with disabilities had access to our facility from the adjoining neighborhood. This was an agreement reached with the city which we were happy to oblige with. It connects Rethke Ave to the surrounding neighborhood with an ADA accessible route. Doing so meant severely grading our parking lot to meet the adjoining neighborhood, meaning removal of almost \$100,000 in contaminated soil that could have otherwise been capped and left alone. We have been plagued with problems since the start of the project, which for contractors and real estate developers might not be anything new, but for a married couple running Again, were we to have to move any of our other programs to the mezzanine level and restrict the space, it would actually limit even more things that would be accessible to people with disabilities. We want to try to accommodate as much as we can. We opened this business in a neighborhood that struggles with drugs, crime, and prostitution and are hoping to help be that beacon of change in this part of the town. We see only positives coming from the facility as it stands and operates in its current state and we hope to be a great benefit to the community for many years to come.