

VARIANCE FEES

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

PETITION FOR VARIANCE APPLICATION

City of Madison
 Building Inspection
 Division
 215 Martin Luther King Jr. Blvd.
 Madison, WI 53703
 (608) 266-4568

Amount Paid 7/1/13 FMR 490

Name of Owner <u>Hum West Wilson LP</u>	Project Description <u>Tenant Buildout</u>	Agent, architect, or engineering firm <u>Destree Design Architects</u>
Company (if applies)		No. & Street <u>222 W. Washington Ave</u>
No. & Street <u>401 N. Carroll Street</u>	Tenant name (if any) <u>Madison Barre, LLC</u>	City, State, Zip Code <u>Madison WI 53706</u>
City, State, Zip Code <u>Madison WI 53703</u>	Building Address <u>2560 University Avenue</u>	Phone <u>608-268-1499</u>
Phone <u>608-229-5901</u>	<u>Madison, Wisc</u>	Name of Contact Person <u>Tyler Smith</u>
e-mail <u>Sue.mullins@pau.com</u>		e-mail <u>tyler@destreearchitects.com</u>

- The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)
IBC-2009-2902.2: Where plumbing fixtures are required, separate facilities shall be provided for each sex. Exception #2 Separate facilities shall not be required in structures or tenant spaces with total occupant load of 15 or less.
- The rule being petitioned cannot be entirely satisfied because:
Premises too small to meet Franchise SF spec if 2nd bathroom required.
- 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:
98-100% of all customers are female. Maximum number of occupants would be 20. Most classes would not be at capacity. Customers come dressed for class and do not need showers or dressing rooms.

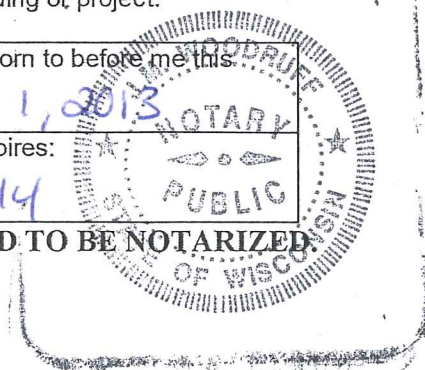
Note: Please attach any pictures, plans, or required position statements.

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.

Hum West Wilson LP, 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 <u>Bradley C. Mullins, Bradley C. Mullins</u>	Subscribed and sworn to before me this date: <u>July 1, 2013</u>
Notary public <u>J. M. Woodruff</u>	My commission expires: <u>12/14/14</u>



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

APPLICATION INSTRUCTIONS

1. Fill in the owner's information section. It is important to have a complete address and phone number for communication between the applicant and the department.
2. Fill in the project description box. Explain what the building project is. (Basement alteration, second floor alteration, two-story addition, etc.)
3. If there is an agent working for the owner and the agent is a better contact for information regarding the variance, fill in the agent information area.
4. Answer the three questions.
 1. State the code and section number with a summary of what the code says. Also, indicate what the nonconforming conditions for the project are. (example: COMM 21.04 minimum stair width is 36 inches. We will have 34 inches of stair width.)
 2. State why the rule cannot be satisfied. (example: not structurally feasible)
 3. State what will be done to provide an equivalency to the code. These items should be things that relate to the item the variance is being sought for and exceed code requirements.
5. Print the Owner's name on the line indicating to do so.
6. The owner of the property is required to sign where indicated. If the project is for a one or two family home the form is not required to be notarized. If the project is for a commercial building the form is required to be notarized.

Variance Procedure

1. Fill out the variance form.
2. If the variance is for a commercial building and is not for an accessibility code contact the fire department so they can fill out a fire department position statement.
3. Submit the application and fee to the building inspection department. Also, where applicable, submit the fire department position statement.
4. A field inspector may visit the site to verify existing conditions and the completeness of the application.
5. If there have previously been at least 5 variances for the same item approved, the variance may be approved on precedence. In this case the applicant will not have to attend a meeting of the building board and will be notified by letter that the variance is approved. The letter will be sent within 7 days after the scheduled meeting.
6. In all other cases the variance will be presented to the building board at a monthly meeting. 7 days before the meeting the supervisor will review the variance for approval to be put on the agenda. 5 days before the meeting the secretary will mail out the agenda to the Appeals Board members and to the applicants.
7. When a variance is heard by the board the applicant or agent must attend the meeting to answer questions.
8. The meeting minutes will be mailed within 7 days after the meeting.

To: Zoning Board of Appeals

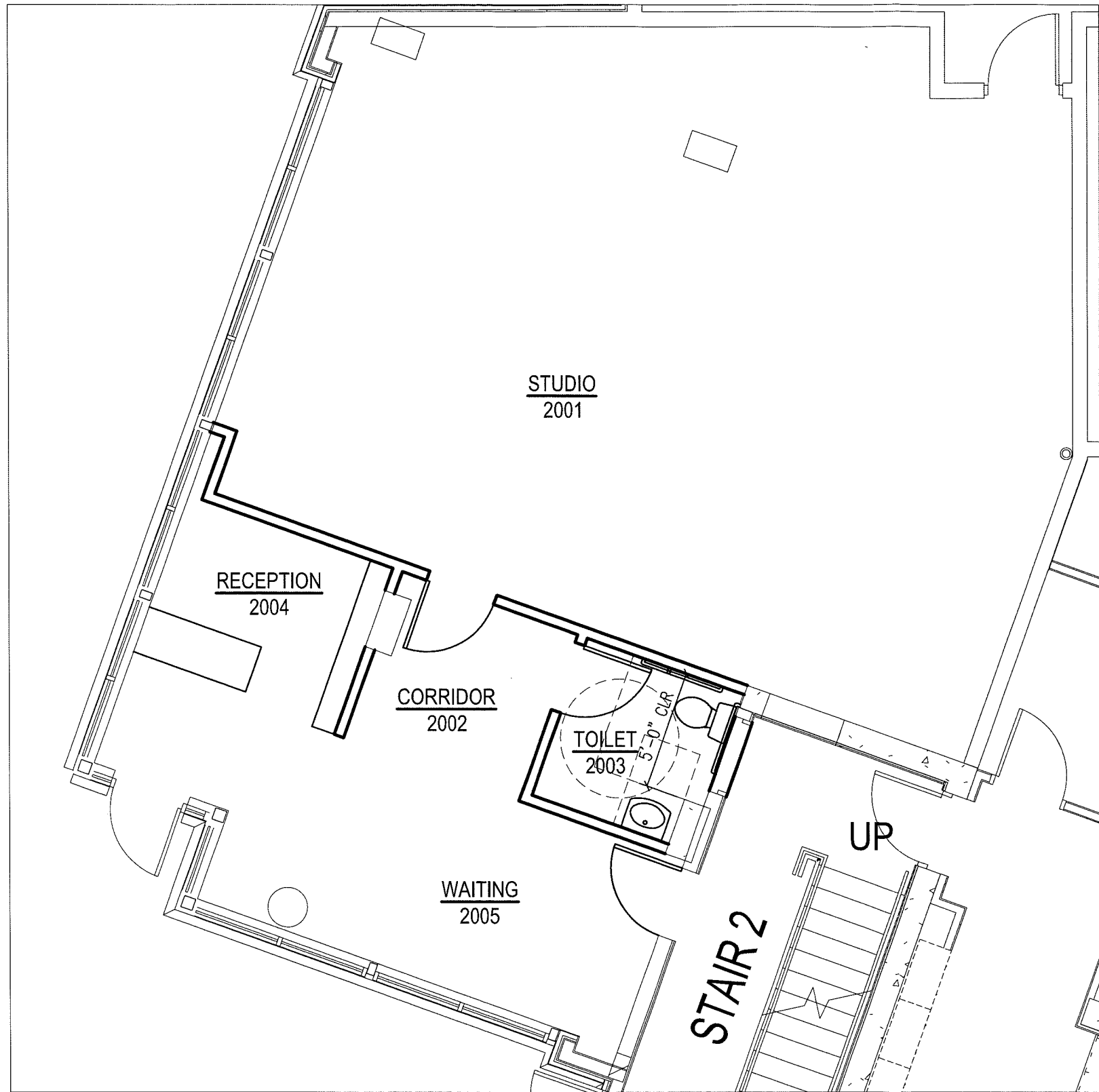
From: Hum West Wilson LP

RE: 2560 University Avenue

This letter is to petition for a variance to IBC 2009-2902.2: Where Plumbing fixtures are required, separate facilities shall be provided for each sex. Exception #2: Separate facilities shall not be required in structures or tenant spaces with total occupant load of 15 or less.

The premise is located at 2560 University Avenue. This development was completed in July of 2012. The owner has been working diligently to lease the commercial spaces since construction commenced in the fall of 2011.

The owner has secured a business, Barre 3, which would like to open by October 2013 if the restroom issue can be resolved to the satisfaction of the city and the franchisor. A local businesswoman has purchased the franchise rights to open Barre 3 studios in Madison and wants her first location to be at this address. Barre 3 utilizes a ballet barre in their class of yoga and Pilates movements designed to strengthen the entire body. There are no yoga, Pilates or fitness businesses along the entire Old University Avenue corridor and it is a use identified by residents as desired. The challenge of this location is that the size of space in which Barre 3 would be located is very tight relative to meeting franchisor specifications. The classroom must be no less than 800 SF. 2560 University Avenue provides just that size classroom space with the ability for one unisex restroom in the front area of the premise. The classroom could hold a maximum of 20 students. The average class size would range from 10 to 15 students. Unlike larger fitness centers, Barre 3 offers consecutive hour long classes throughout the day and users come dressed for their class and do not change clothes or use a shower at these locations. While a male might participate in these classes, Barre 3's experience has been that 98% of their users are female. Barre 3 feels comfortable with one unisex bathroom serving their customers.



PROPOSED PLAN
3/16" = 1'-0"

