

Owner / Applicant Information

Marilyn Rudd

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Submitter Information

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Project Information

Birds Nest Cafe

36 Franklin Street

Nashville IN

County BROWN

Project Type New ☐ Addition ☐ Alteration ☐ Existing ☒ Change of Occupancy ☐

Project Status ☒ U F=Filed U or Null=Unfiled

IDHS Issued Correction order? ☐ Has Violation been Issued? ☐

Violation Issued by: NA

Local Building Official

Phone: 8129885488

Email: farleel@browncounty- in.us

Local Fire Official

Phone: 8129885488

Email: dak109@juno.com

Variance Details

Code Name: Other Code (Not in the list provided)  
2014 IBC, 1109.2

Conditions: The seating capacity at the existing café is being expanded from 12 to approximately 28-30, which will require an additional accessible restroom to be provided. There is one accessible restroom provided at the café. An existing restroom in the existing adjacent retail building is being used to satisfy the additional plumbing fixture requirement for the additional seating, therefore the existing restroom must comply with the requirements for new construction.

Code permits fixtures located in adjacent buildings under the same ownership or control of the organization that are available during periods the facility is occupied to be used to comply with required fixture counts. The adjacent building is on the same property, under the same ownership, and leased by the same person as the café.

Code requires single user restrooms to be accessible. The existing restroom is not be accessible.

The project involves increasing the seating capacity of the existing café from 12 to 28-30 seats, no work is being performed.

DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE ARE PROTECTED:

1=Non-compliance with the rule will not be adverse to the public health, safety or w

☐ 1 2= Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).

Facts: 1. An accessible restroom was added to this building in 2016.

2. The restroom in the adjacent building is approximately 30 feet from the café and is visible from the entrance to the retail building.

3. The local building and health department are not opposed to the variance, see letters from each attached.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

- ☒ Y Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.
- ☒ Y Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.
- ☐ Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.
- ☐ Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure

Facts: A second accessible restroom cannot be added to the café based upon local zoning set back requirements. The adjacent retail building are on the same property under the same ownership.