



APPLICATION FOR VARIANCE

State Form 44400 (R6 / 6-12)

Approved by State Board of Accounts, 2012

INDIANA DEPARTMENT OF HOMELAND SECURITY
 CODE SERVICES SECTION
 302 West Washington Street, Room W246
 Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/lp_bs_comm_code/



INSTRUCTION: Please refer to the attached four (4) page instructions.
 Attach additional pages as needed to complete this application.

Variance number (Assigned by department)	15-07-02
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1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of the applicant John K. Dueser	Title Owner / Operator
Name of organization John K. Dueser / DBA Johnny's Market	Telephone number (317) 845-1941
Address (number and street, city, state, and ZIP code) 9607 Highgate Circle, Indianapolis, IN 46250	

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of person on behalf of the applicant Timothy P. Simpson	Title
Name of organization American Tent & Awning Co., Inc	Telephone number (317) 632-7226
Address (number and street, city, state, and ZIP code) 205 E. Palmer St., Indianapolis, IN 46225	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Name of organization	Telephone number ()
Address (number and street, city, state, and ZIP code)	

4. PROJECT IDENTIFICATION

Name of project Johnny's Market	State project number	County Marion
Site address (number and street, city, state, and ZIP code) 6379 N. College Ave., Indianapolis, IN 46220		
Type of project: <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input type="checkbox"/> Existing		

5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

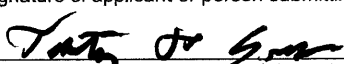

- A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)
- One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- Written documentation showing that the local fire official has received a copy of the variance application.
- Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order?
 Yes (if yes, attach a copy of the Correction Order) No

Has a violation been issued? Yes (if yes, attach a copy of the Violation and answer the following) No

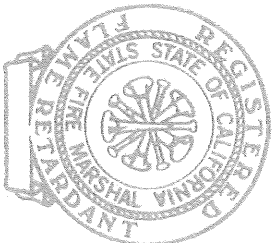
Violation issued by: Local Building Department State Fire and Building Code Enforcement Section
 Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE		
Name of code or standard and edition involved 2014 Indiana Fire Code	Specific code section Section 3103.5	
Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary) Having a tent up for more than 30 days in the same location. From May to the end of the year		
8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED		
Select one of the following statements:		
<input checked="" type="checkbox"/> Non-compliance with the rule will not be adverse to the public health, safety or welfare; or <input type="checkbox"/> 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 (<i>be specific</i>).		
Facts demonstrating that the above selected statement is true: We've had the very same setup for the last two years with no problems. Johnny's Market has been operating on the premises for over 20 years selling fresh produce which, if anything, is good for the public health and welfare. The tent will occupy the same footprint as the permanent structure he had there. The tent itself was manufactured by Anchor Industries, Evansville IN., a leading manufacturer for over 130 years. Originally supplied with 1" dia. 30" long stakes we will be using 42" long stakes. Additionally, the stakes are doubled up on the high stress corner areas. The tent has been certified that it is flame retardant (copy attached) by Anchor Industries. The tent will be maintained regularly by American Tent & Awning Co.		
9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE		
Select at least one of the following statements:		
<input type="checkbox"/> Imposition of the rule would result in an undue hardship (<i>unusual difficulty</i>) because of physical limitations of the construction site or its utility services. <input checked="" type="checkbox"/> Imposition of the rule would result in an undue hardship (<i>unusual difficulty</i>) because of major operational problems in the use of the building or structure. <input type="checkbox"/> Imposition of the rule would result in an undue hardship (<i>unusual difficulty</i>) because of excessive costs of additional or altered construction elements. <input type="checkbox"/> Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.		
Facts demonstrating that the above selected statement is true: Johnny had a permanent pole barn type structure on the site that was destroyed by a runaway IPL bucket truck and had to be torn down the rest of the way. He has plans to build a similar structure but must wait until after the season so there will be no danger to the public during that construction. In the meantime he needs shelter to conduct business through the fresh produce season.		
10. STATEMENT OF ACCURACY		
I hereby certify under penalty of perjury that the information contained in this application is accurate.		
Signature of applicant or person submitting application 	Please print name Timothy P. Simpson	Date of signature (month, day, year) 5/5/15
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)
11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement)		
I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.		
Signature of applicant 	Please print name John K. Deuser	Date of signature (month, day, year) MAY 5TH 2015

Certificate of Flame Resistance

REGISTERED
APPLICATION
NUMBER

F031.02



ISSUED BY
ANCHOR INDUSTRIES INC.
EVANSVILLE, INDIANA 47711
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

Date of Manufacture
929162 5/27/92
SERIAL# 8245000

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

NAME: AMERICAN TENT & AWNING
CITY: INDIANAPOLIS

STATE

IN

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshall Code, equal to or exceeds NFPA 701, CPA1 84 GOVERNMENT CERTIFIED LAB #6360
Method of application: LAMINATED

Type, color and weight of canvas/vinyl: 15 OZ.

VINYL LAMINATE

WHITE

Description of item certified: (1) 30 X 100 5-PC PARTY MATE

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

DURAGOTE

Name of Applicator of Flame Resistant Finish
RAVENNA, OH

Signed:

[Signature]
TENT DEPARTMENT—ANCHOR INDUSTRIES INC.
LOUIS R. BROWN

American Tent & Awning

From: Bovard, Margie F. [Margie.Bovard@indy.gov]
Sent: Tuesday, May 19, 2015 3:08 PM
To: American Tent & Awning
Subject: RE: Automatic reply: Variance Application

You file your variance request with DHS and they send the notice to me. I acknowledge the notice and send it back to DHS. A little different than last year.

Margie Bovard
Senior Fire Code Plans Examiner
Indianapolis Fire Department
Department of Public Safety
300 E. Fall Creek Pkwy N. Dr.
Indianapolis, IN 46205
Office: 317-327-5529
Fax: 317-761-6372
margie.bovard@indy.gov

From: American Tent & Awning [mailto:rentals@americantentandawning.com]
Sent: Tuesday, May 19, 2015 12:18 PM
To: Bovard, Margie F.
Subject: RE: Automatic reply: Variance Application

Hi, I'm trying to find out if you got my Variance Application for Johnny's Market. I'm not sure if you would be handling those anymore, If you aren't please let me know who I need to contact. I just need something in writing showing that the Indpls. Fire Dept. acknowledges it's being filed so I can file it with IDHS.

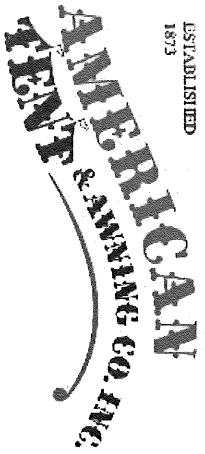
Thank you,
Tim Simpson
American Tent and Awning
317.632.7226

From: Bovard, Margie F. [mailto:Margie.Bovard@indy.gov]
Sent: Wednesday, May 06, 2015 2:47 PM
To: American Tent & Awning
Subject: Automatic reply: Variance Application

I will return to the office on May 6, 2015.
If you need immediate help, please call 327-6006



64th St.



Site Plan

Johnny's Market

6379 N. College Ave.

Date: 5/7/13
Project: Johnny's Market
Estimate #: 330116
Designer: TPS