



# APPLICATION FOR VARIANCE

State Form 44400 (R7 / 10-13)  
Approved by State Board of Accounts, 2013

## INDIANA DEPARTMENT OF HOMELAND SECURITY CODE SERVICES SECTION

302 West Washington Street, Room W246  
Indianapolis, IN 46204-2739

[http://www.in.gov/dhs/fire/fp\\_bs\\_comm\\_code/](http://www.in.gov/dhs/fire/fp_bs_comm_code/)



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

Variance number (Assigned by department)

15-07-08(a)

### 1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant	Title
Cynthia C. Hoye	Executive Director
Name of organization	Telephone number
Indiana State Fair Commission	(317) 927-7501
Address (number and street, city, state, and ZIP code)	
1202 E. 38 <sup>th</sup> Street, Indianapolis, IN 46205	

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

Name of applicant	Title
Jesus "Jessie" Olvera	Dir. of Safety & Security
Name of organization	Telephone number
Indiana State Fair Commission	(317) 927-1405
Address (number and street, city, state, and ZIP code)	
1202 E. 38 <sup>th</sup> Street, Indianapolis, IN 46205	

### 3. DESIGN PROFESSIONAL OF RECORD (If applicable)

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

### 4. PROJECT IDENTIFICATION

Name of project	State project number	County
Indiana State Fair Cooking Tents	N/A	Marion
Address of site (number and street, city, state, and ZIP code)		
1202 E. 38 <sup>th</sup> Street, Indianapolis, IN 46205		
Type of project		
<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" 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 and 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 <b>2014 Indiana Fire Code</b>	Specific code section <b>Section 3104.7</b>
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Nature of non-compliance *(Include a description of spaces, equipment, etc. involved as necessary.)*  
 During the timeframe of the State Fair open or exposed flames are found inside of tents. The Indiana State Fair Commission still holds a variance under 06-06-34 for this code section. The 2012 model code gives the fire code official the authority to approve an open-flame or exposed-flame appliance if it is determined that it poses minimal fire hazard when properly used. Indiana has ammended this code to prohibit open cooking devices. We are asking to continue our variance under the 2014 Indiana Fire Code

**8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED**

Select one of the following statements:

- Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
- 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 demonstrating that the above selected statement is true:

Specific examples of our commitment to public safety is including the Fire Marshal's office in our annual mandatory training for Concessionaires as well as their everyday presence during the Indiana State Fair. Requirements such as these are the result of planning meetings that take place in preparation for each State Fair. State and local fire officials are always included in these meetings. The State Fire Marshal's office conducts inspections of all tents before, and during the timeframe of the State Fair..

**9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE**

Select at least one of the following statements:

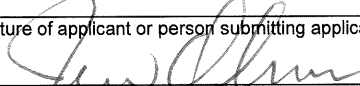
- Imposition of the rule would result in an undue hardship *(unusual difficulty)* because of physical limitations of the construction site or its utility services.
- Imposition of the rule would result in an undue hardship *(unusual difficulty)* because of major operational problems in the use of the 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 demonstrating that the above selected statement is true:

The open flame cooking device is allowed if approved by the local fire code official under the International Fire Code but was ammended under the 2014 Indiana Fire Code to not be allowed. Imposing the rule would result in unsafe handling of cooked foodstuf and present a health risk.

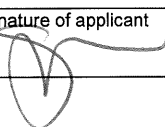
**10. STATEMENT OF ACCURACY**

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 <b>Jesus "Jessie" Olvera</b>	Date of signature <i>(month, day, year)</i> <b>6/5/2015</b>
Signature of design professional <i>(if applicable)</i>	Please print name	Date of signature <i>(month, day, year)</i>

**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 <b>Cynthia C. Hoye</b>	Date of signature <i>(month, day, year)</i> <b>6/5/2015</b>
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**INSTRUCTIONS:** Please refer to the attached four (4) page instructions.  
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Variance number (Assigned by department)

15-07-08 (b)

### 1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant <b>Cynthia C. Hoyer</b>	Title <b>Executive Director</b>
Name of organization <b>Indiana State Fair Commission</b>	Telephone number <b>(317) 927-7501</b>
Address (number and street, city, state, and ZIP code) <b>1202 E. 38<sup>th</sup> Street, Indianapolis, IN 46205</b>	

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

Name of applicant <b>Jesus "Jessie" Olvera</b>	Title <b>Dir. of Safety &amp; Security</b>
Name of organization <b>Indiana State Fair Commission</b>	Telephone number <b>(317) 927-1405</b>
Address (number and street, city, state, and ZIP code) <b>1202 E. 38<sup>th</sup> Street, Indianapolis, IN 46205</b>	

### 3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional <b>N/A</b>	License number
Name of organization	Telephone number <b>( )</b>
Address (number and street, city, state, and ZIP code)	

### 4. PROJECT IDENTIFICATION

Name of project <b>Indiana State Fair Cooking Tents</b>	State project number <b>N/A</b>	County <b>Marion</b>
Address of site (number and street, city, state, and ZIP code) <b>1202 E. 38<sup>th</sup> Street, Indianapolis, IN 46205</b>		
Type of project <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> Existing		

### 5. REQUIRED ADDITIONAL INFORMATION

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

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Has a violation been issued?

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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 <b>2014 Indiana Fire Code</b>	Specific code section <b>Section 3103.8.2 and Section 3104.15.5</b>
Nature of non-compliance <i>(Include a description of spaces, equipment, etc. involved as necessary.)</i> During the timeframe of the State Fair because of space restrictions cooking tents may have zero to ten feet separation from other cooking tents or buildings, or other structures. These tents may be less than or more than 400 square feet in size and may or may not have sidewalls. The Indiana State Fair Commission still holds a variance under 05-06-6 for this code section. We are asking to continue our variance under the 2014 Indiana Fire Code.	

**8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED**

Select one of the following statements:

Non-compliance with the rule will not be adverse to the public health, safety or welfare; or

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 demonstrating that the above selected statement is true:  
Specific examples of our commitment to public safety is including the Fire Marshal's office in our annual mandatory training for Concessionaires as well as their everyday presence during the Indiana State Fair. Requirements such as these are the result of planning meetings that take place in preparation for each State Fair. State and local fire officials are always included in these meetings. The State Fire Marshal's office conducts inspections of all tents before, and during the timeframe of the State Fair.

**9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE**

Select at least one of the following statements:

Imposition of the rule would result in an undue hardship *(unusual difficulty)* because of physical limitations of the construction site or its utility services.

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.

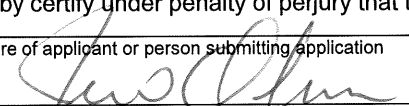
Imposition of the rule would result in an undue hardship *(unusual difficulty)* because of excessive costs of additional or altered construction elements.

Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:  
While we do not wish to minimize the importance of fire safety this section of the code would have a very negative impact on some of the food vendors as well as the Indiana State Fair. Concrete slabs were poured for certain concessionaires, it simply would be impossible to reconfigure these tents to have a twenty foot separation and accommodate the contract holders for the 2015 Indiana State Fair and those that follow. The separation section would severely limit the amount of vendors being made available to the patrons that attend the Indiana State Fair, not just food vendors but others as space is very limited and controlled.

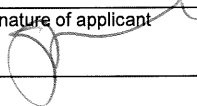
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Signature of design professional <i>(if applicable)</i>	Please print name	Date of signature <i>(month, day, year)</i>

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