



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/



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

Variance number (Assigned by department)

15-09-03

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

Name of applicant	Title
Steve Bodi	Member, of the LLC
Name of organization	Telephone number
Hays Building, LLC (Renaissance Rentals, LLC)	(812) 325-4765
Address (number and street, city, state, and ZIP code)	
3321 South Cheekwood Lane, Bloomington, IN 47401	

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

Name of applicant	Title
same	
Name of organization	Telephone number
	()
Address (number and street, city, state, and ZIP code)	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
none	
Name of organization	Telephone number
	()
Address (number and street, city, state, and ZIP code)	

4. PROJECT IDENTIFICATION

Name of project	State project number	County
Covenanter Place Apartments	ukn	Monroe
Address of site (number and street, city, state, and ZIP code)		
3341 apts 1-8, 3349 apts 1-8 & 3357 apts 1-8 East Covenanter Drive, Bloomington, IN 47401 (total of 24 separate addresses)		
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

Local rental property inspection - city Bloomington

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved	Specific code section
1993 IBC Commercial Bldg Code (for multi-unit structures)	bedroom window egress
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) Bedroom egress windows in these 24 one-bedroom apartments built in 1998 do not meet the egress window requirements in effect in the 1993 IBC when the new apartments were constructed (specifically do not meet the total openable area requirement). The windows do meet or exceed all other tests (height, width, sill height) but for the openable sq. footage.	
Violation has been issued by the Bloomington rental property inspection program (see attached).	

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:
This application is to request a variance from the egress code so we may obtain the required local Bloomington city rental property permit.

These windows meet the requirements of the 1993 IBC for openable area height and width and the sill height is less than the maximum allowed. Only issue is total openable area square footage is less than the code requires. This must have been an oversight during construction in 1998. These bedroom egress windows are new construction, double-hung style with both lower and upper sashes being removeable without use of any tools. If a person easily tilts-in and removes the sashes the total openable area would greatly exceed the required 5.0 ground floor and 5.70 second floor total openable area requirements. With sashes set aside the net openable area is 8.5 sq. feet. These 3 buildings have been inspected by the Bloomington city rental inspection program since 1998 and have now (June 2015) been cited for not meeting the code when first constructed in 1998.

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.

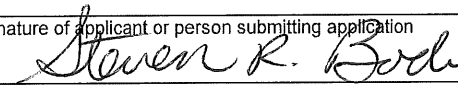
Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of excessive costs of additional or altered construction elements.

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:
Installing 1993 code compliant windows in these 24 apartment bedrooms would require a huge expense to purchase windows, remove exterior siding and trim, enlarge the wall openings, including the framing lumber headers, then go inside each occupied apartment and remove drywall, wood studs and insulation then put all new in place in larger openings and complete drywall installation, sanding and painting then clean up in the occupied bedrooms of 24 different people. Not only expensive for us as owners but more importantly, would be hugely inconvenient to all our customers. These are one-bedroom apartments so residents would have no sanctuary from the noise and mess caused by enlarging their bedroom windows.

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 Steve Bodi	Date of signature (month, day, year) 7/27/15
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	Date of signature (month, day, year)
------------------------	-------------------	--------------------------------------

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved	Specific code section
1993 IBC Commercial Bldg Code (for multi-unit structures)	SEC. 1204 - Access and Exit Facilities and Emergency Egress
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)	
Bedroom egress windows in these 24 one-bedroom apartments built in 1998 do not meet the egress window requirements in effect in the 1993 IBC when the new apartments were constructed (specifically do not meet the total openable area requirement). The windows do meet or exceed all other tests (height, width, sill height) but for the openable sq. footage.	
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9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

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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.

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<i>Steven R. Bodi</i>	Steve Bodi	7/27/15
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

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7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved

1993 IBC Commercial Bldg Code (for multi-unit structures)

Specific code section

SEC. 1204 - "Access and Exit Facilities and Emergency Egresses"

Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)

Bedroom egress windows in these 24 one-bedroom apartments built in 1998 do not meet the egress window requirements in effect in the 1993 IBC when the new apartments were constructed (specifically do not meet the total openable area requirement). The windows do meet or exceed all other tests (height, width, sill height) but for the openable sq. footage.

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Signature of applicant or person submitting application

Steven R. Bodi

Please print name

Steve Bodi

Date of signature (month, day, year)

7/27/15

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.)

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Signature of applicant

Please print name

Date of signature (month, day, year)



City of Bloomington Housing and Neighborhood Development

Cycle Report

8036

OWNERS

=====

Hays Building Llc
3321 S. Cheekwood Lane
Bloomington, IN 47401

AGENT

=====

Renaissance Rentals, Llc
3321 South Cheekwood Lane
Bloomington, IN 47401

*3341 Place
* egress windows*

Prop. Location: 3341 E Covenanter DR
Number of Units/Structures: 8/1
Units/Bedrooms/Max # of Occupants: 8/1/3

Date Inspected: 04/30/2015
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 2

Inspectors: Mike Arnold
Foundation Type: Slab
Attic Access: Yes
Accessory Structure: NONE

Monroe County records show this structure was built in 1998. The minimum emergency egress requirements at the time of construction were as follows (1993 IBC):

- Height: 24 inches
- Width: 20 inches
- Sill Height: 44 inches
- Openable Area: 5.70 sq. ft.

Typical Unit:

- Living Room (14-10 x 11-6)
- Kitchen
- Bathroom
- Bedroom (11-1 x 11-1)

Typical Egress Window

Height: 24.5 inches
Width: 22 inches
Sill Height: 24 inches
Openable Area: 3.73 sq. ft.

The emergency egress window does not meet the minimum requirements for a **multi-unit structure** built in 1998:

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance** with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Unit 1, 2, 3, 5, 6, 7, 8:

No violations noted

Unit 4:

Bedroom:

It is recommended that the egress window not be blocked by the placement of furniture.

Attic:

No violations noted

Exterior:

No violations noted

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.03.030(d): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.03.030(d)

This is the end of this report.



City of Bloomington Housing and Neighborhood Development

Cycle Report

8035

OWNERS

=====

Hays Building Llc
3321 S. Cheekwood Lane
Bloomington, IN 47401

AGENT

=====

Renaissance Rentals, Llc
3321 South Cheekwood Lane
Bloomington, IN 47401

*3349
Place
egress window*

Prop. Location: 3349 E Covenant DR
Number of Units/Structures: 8/1
Units/Bedrooms/Max # of Occupants: 8/1/3

Date Inspected: 04/30/2015
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 2

Inspectors: Mike Arnold
Foundation Type: Slab
Attic Access: Yes
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Typical Unit:

- Living Room (14-10 x 11-6)
- Kitchen
- Bathroom
- Bedroom (11-1 x 11-1)

Typical Egress Window

Height: 24.5 inches ✓

Width: 22 inches ?

Sill Height: 24 inches ✓

Openable Area: 3.73 sq. ft.

* The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1998:

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

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Interior:

Unit 1, 2, 3, 4, 5, 6, 7, 8:

No violations noted

Attic:

No violations noted

Exterior:

No violations noted

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.03.030(d): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.03.030(d)

This is the end of this report.



City of Bloomington Housing and Neighborhood Development

Cycle Report

8034

OWNERS

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3321 S. Cheekwood Lane
Bloomington, IN 47401

AGENT

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Renaissance Rentals, Llc
3321 South Cheekwood Lane
Bloomington, IN 47401

Prop. Location: 3357 E Covenanter DR
Number of Units/Structures: 8/1
Units/Bedrooms/Max # of Occupants: 8/1/3

Date Inspected: 04/30/2015
Primary Heat Source: Electric
Property Zoning: PUD
Number of Stories: 2

Inspectors: Mike Arnold
Foundation Type: Slab
Attic Access: Yes
Accessory Structure: none

Place 3357
(8/1) *Trash needs re-inspect*
ext. fix trim + paint
Egress Windows

Monroe County records show this structure was built in 1998. The minimum emergency egress requirements at the time of construction were as follows (1993 IBC):

- Height: 24 inches
- Width: 20 inches
- Sill Height: 44 inches
- Openable Area: 5.70 sq. ft.

Typical Unit:

- Living Room (14-10 x 11-6)
- Kitchen
- Bathroom
- Bedroom (11-1 x 11-1)

Typical Egress Window

Height: 24.5 inches

Width: 22 inches

Sill Height: 24 inches

Openable Area: 3.73 sq. ft.



The emergency egress window does not meet the minimum requirements for a **multi-unit structure** built in 1998:

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the **window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance** with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Unit 1:

General Condition:

This unit has received a tenant violation report.

Living Room, Bedroom, Bathroom:

No violations noted

Kitchen:

This room could not be inspected due to the amount of trash present. This room shall be inspected after compliance with the tenant violation.

Unit 2, 3, 4, 5, 6, 7, 8:

No violations noted

Attic:

No violations noted

Exterior:

Properly repair/replace and then surface coat the deteriorated trim boards around the windows on the west side of the structure. BMC 16.04.050(a)

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.03.030(d): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.03.030(d)

This is the end of this report.