



# 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)

15-10-03

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

Name of applicant Barry Kessler	BKCAMBAR@AOL.COM	Title owner
Name of organization n/a		Telephone number (812) 350-3015
Address (number and street, city, state, and ZIP code) 9642 South SR 58 Columbus Indiana 47201		

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

Name of applicant same as applicant		Title
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 n/a		License number
Name of organization		Telephone number ( )
Address (number and street, city, state, and ZIP code)		

### 4. PROJECT IDENTIFICATION

Name of project Condo windows 1732 N. Lincoln	State project number NA	County Monroe
Address of site (number and street, city, state, and ZIP code) 1732 N. Lincoln bloomington IN 47408		
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. *See Attached*
- 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	Specific code section
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) 2 Bedroom windows In Rental Condo. 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 is a ~~single~~ condo unit with the same size windows as every other unit. Installed when built. In good working order

**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:

**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 B. Kessler	Please print name Barry Kessler	Date of signature (month, day, year) 8-29-15
Signature of design professional (if applicable) NA	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 B. Kessler	Please print name Barry Kessler	Date of signature (month, day, year) 8-29-15
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## INTERIOR

### Main Level

#### Living Room (12-0 x 20-0)

Repair the entry door to be weather tight. No gaps shall be visible around the edges.  
BMC 16.04.060(a)



### Upper Level

#### Back Bedroom (10-7 x 13-0)

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot 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. PM-702.4

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](http://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.



#### Front Bedroom (13-0 x 11-0)

The egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City cannot 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. PM-702.4

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](http://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.

This is the end of this report.



City of Bloomington  
Housing and Neighborhood Development

AUG 18 2015

Remaining Violations Report

3483

OWNERS

Barry W. Kessler  
9642 S. Sr 58  
Columbus, IN 47201

Prop. Location: 1732 N Lincoln ST  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: 1/2/5

Date Inspected: 04/22/2015  
Primary Heat Source: Electric  
Property Zoning: RH  
Number of Stories: 2

Inspectors: Dee Wills  
Foundation Type: Crawl Space  
Attic Access: Yes  
Accessory Structure: None

**REINSPECTION REQUIRED**

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Residential Rental Unit and Lodging Establishment Inspection Program of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under BMC 16.10.040

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

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