



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 W248
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)

16-02-03

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

Name of applicant	Title
Gary Custer	VP of Construction
Name of organization	Telephone number
Golden Corral Corporation	(919) 302-1149
Address (number and street, city, state, and ZIP code)	
PO Box 29502, Raleigh, NC 27626	

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

Name of applicant	Title
Joseph Morgan	Mechanical Designer
Name of organization	Telephone number
National Restaurant Designers/LMHT	(919) 544-0087 ext 257
Address (number and street, city, state, and ZIP code)	
2805 Meridian Pkwy, Durham, NC 27713	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
N. Ray Thornton, PE	PE 19800443
Name of organization	Telephone number
National Restaurant Designers/LMHT	(919) 544-0087 ext 129
Address (number and street, city, state, and ZIP code)	
2805 Meridian Pkwy, Durham NC 27713	

4. PROJECT IDENTIFICATION

Name of project	State project number	County
Golden Corral	374815	Allen
Address of site (number and street, city, state, and ZIP code)		
5335 Distribution Dr., Ft. Wayne, IN 46825		
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	Specific code section
2012 IMC with Commentary and Indiana state amendments	Extra Heavy Duty Cooking Appliance Definition & 507.2.4
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) We are requesting that a gas fired smoker(see attached) be allowed under a type 1 hood with other cooking appliances. Non-compliance of 507.2.4 would include a gas fired smoker, considered by 2012 IMC as an extra heavy duty cooking appliance sharing a hood with a heavy duty cooking appliance. See attached cut sheet for cooking appliance.	

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:
The variance request is simply asking that the committee accept the 2015 IMC with commentary definition of an Extra Heavy Duty Cooking Appliance. This states that an extra heavy duty cooking appliance are those utilizing open flame combustion of solid fuel at any time. In the commentary section below the definition, there is a sentence that applies directly to our situation. "If the wood only smoulders and smokes without ever producing open flames, the appliance is not considered to be extra heavy duty." See attached 2015 excerpt. Our proposed smoker utilizes gas for the heat and flame source and a totally separate box for wood chips to "smoulder/smoke" for flavoring only. If the committee accepts the 2015 MC defintion the appliance would no longer be considered to be an extra heavy duty appliance and would therefore be allowed under a single hood with other appliances.

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.


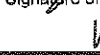
Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of excessive costs of additional or altered construction elements.

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:
Adding this appliance with an additional dedicated hood system would incur very high cost and may not be able to physically be constructed. This would also require operational downtime, demolishing a brand new hood, fire system and associated grease duct and replacing with two new, smaller hoods, adding a new exhaust fan, new fire system, and new grease duct. Since the later 2015 IMC allows the requested single hood with multiple appliances configuration, the public remains safe without hardship incurred by the owner.

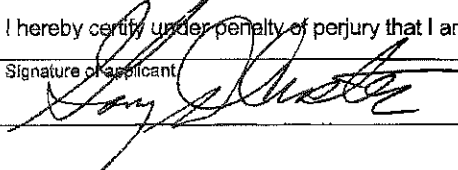
10. STATEMENT OF ACCURACY

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	Date of signature (month, day, year)
	M. Joseph Morgan	12/22/15
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)
	N. Ray Thornton, P.E.	12/22/15

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)
	Gary T Custer	12-22-2015

Joanne Williams

From: Joanne Williams
Sent: Tuesday, December 22, 2015 4:30 PM
To: David.Fuller@co.allen.in.us
Cc: 'Custer, Gary'; Ray Thornton; Joseph Morgan; 'Charland, Peter'
Subject: Golden Corral 5335 Distribution Dr., Ft. Wayne
Attachments: Application.pdf

Mr. Fuller,

We will be applying for a variance with the State of Indiana to allow for a proposed interior smoker to be accepted under the 2015 IMC definition, and not be categorized as "extra heavy duty", therefore not requiring a separate hood (there is an existing shared hood).

Please see the application attached that has been sent to the State to be included on their agenda for the February meeting. The State project number is 374815.

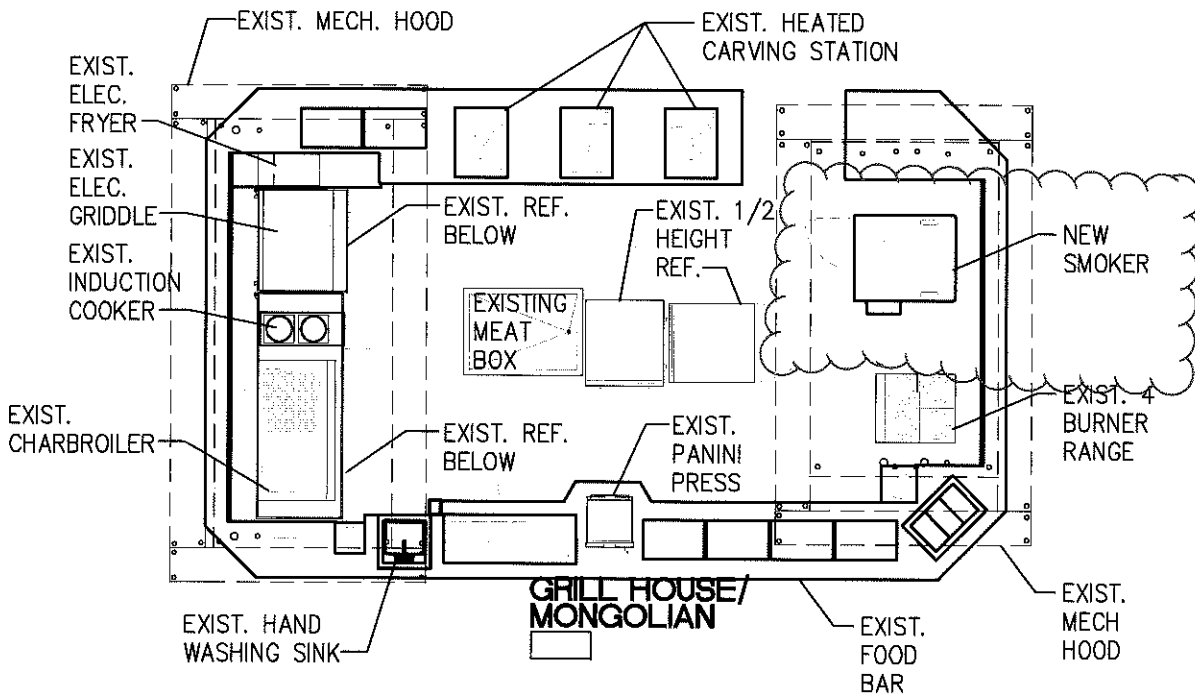
If there is a local fire official who needs to also receive this notification, I would be grateful if you would forward this email to that office.

Thank you, and let me know if you require more information at this time.

Joanne Williams
Project Manager
jwilliams@lmht.com

NATIONAL RESTAURANT DESIGNERS
A Division of LMHT Associates
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Durham, NC 27713
p:(919)544-7251, Ext. 132
f:(919)544-9399
www.restaurant-designer.com

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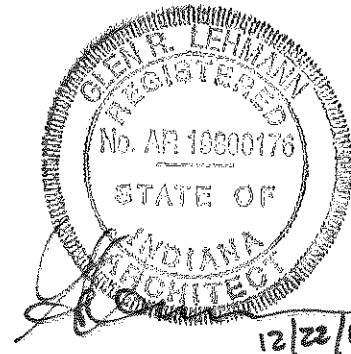
EQUIPMENT LAYOUT

SCALE: 3/16" = 1'-0"

NEW SMOKER SPECIFICATIONS:

MANUFACTURER: OLD HICKORY
 MODEL NUMBER: CONVECTURE TRI-OVEN
 FURNISHED BY: F.E.C.
 INSTALLED BY: F.E.C.
 CONNECTED BY: P.C./E.C.
 VOLTS: 120/1/60
 AMPS: 5.0
 GAS: 46,000 BUT/HR

AGA AND NSF CERTIFIED
 TIE DOWN CABLES CONNECTED BY P.C.



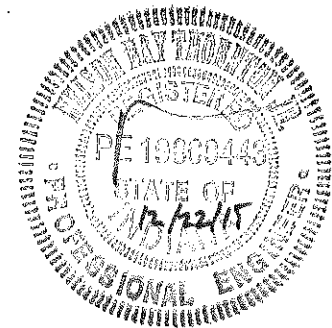
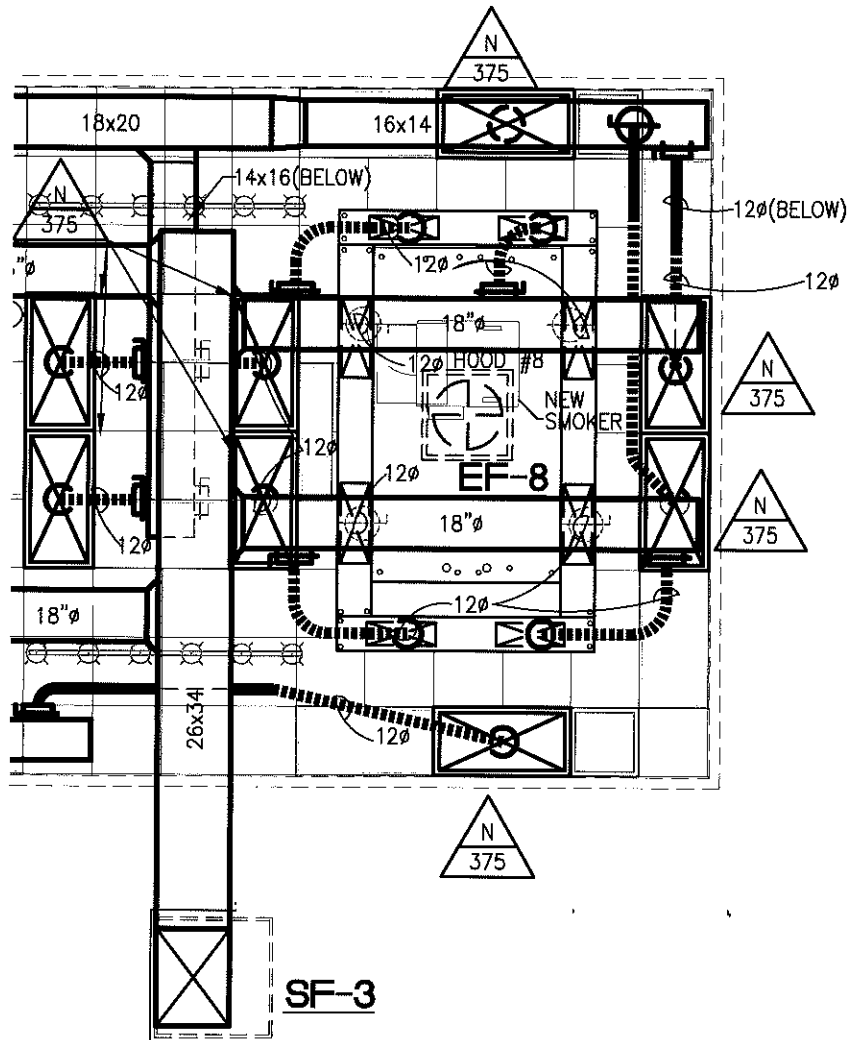
NRD national restaurant designers
 ARCHITECTS & ENGINEERS
 2805 Meridian Parkway Durham, NC 27713
 ph: 919 544 7251 fax: 919 544 9399
 A Division of LNH7 Associates

Location:
 5335 DISTRIBUTION DRIVE
 FORT WAYNE, INDIANA 46825

Drawing:
 EQUIPMENT LAYOUT

golden corral
 Buffet & Grill

Date:	12/22/15
Drawn By:	KEW
Checked By:	GFL
Sheet No.	FI



NRD national restaurant designers
ARCHITECTS & ENGINEERS

2805 Meridian Parkway Durham, NC 27713
ph: 919 544 7251 fax: 919 544 9388
A Division of LMNT Associates

Location:
5.335 DISTRIBUTION DRIVE
FORT WAYNE, INDIANA 46825

Drawing:
MONGOLIAN BAR MECHANICAL PLAN

golden corral
Buffet & Grill

Date:	12/22/15
Drawn By:	MJM
Checked By:	MJM
Sheet No.	M2