



# APPLICATION FOR VARIANCE

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

JAN 30 2017

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)

17-02-01

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

Name of applicant	Title
John K. Deuser	Owner/Operator
Name of organization	Telephone number
John K. Deuser / DBA Johnny's Market	(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 applicant	Title
W. Scott Montross	
Name of organization	Telephone number
W. Scott Montross P.C.	(317) 574-4500
Address (number and street, city, state, and ZIP code)	
8900 Keystone Crossing, Suite 1250, Indianapolis, IN 46240	

## 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	State project number	County
Johnny's Market		Marion
Address of site (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 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 2014 Indiana Fire Code	Specific code section Section 3103.5
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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.  
 The variance is needed so that Johnny's Market has shelter to conduct business.  
 His seasonal business runs from mid-April to just before Christmas every year.

**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:  
 Johnny's Market has been operating on the premises for over 40 years. He provides farm-fresh products which, if anything, is good for the public health and welfare.  
 We've had the very same setup for the last three years with no problems.  
 The tent occupies the same footprint as the permanent structure he used to have.  
 The tent itself was manufactured by Anchor Industries, Evansville, IN, a leading manufacturer for over 150 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 to be flame retardant (copy attached) by Anchor Industries. The tent will be maintained regularly by American Tent & Awning Co. Inc.

**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.

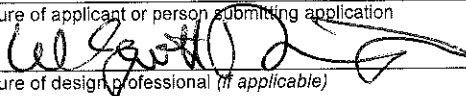
Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.

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:  
 Johnny's Market 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. No available pole barn plans would meet the code requirements for that situation, ultimately driving cost way up.  
 Johnny's Market would like to continue to offer the area's only truly farm fresh products for as long as possible. Therefore, we ask that this variance be for all future years.

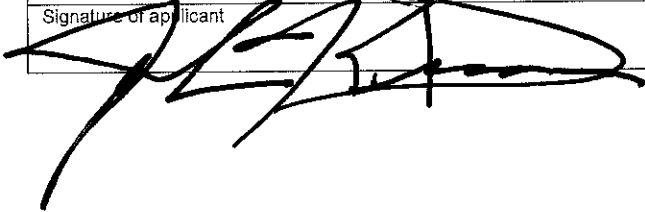
**10. STATEMENT OF ACCURACY**

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 W. Scott Montross	Date of signature (month, day, year) January 4, 2017
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) January 4, 2017
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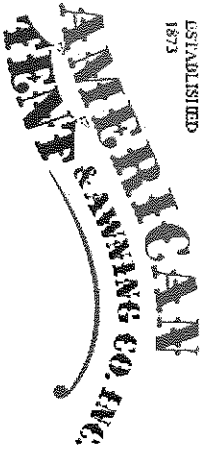


64th St.

## Site Plan

### Johnny's Market

6335 N. College Ave.



Date: 5/7/13

Project: Johnny's Market

Estimate #: 330116

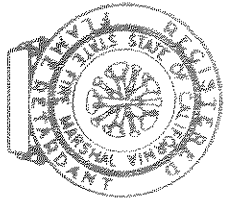
Designer: TPS

# IMPORTANT DOCUMENT

## Certificate of Flame Resistance

REGISTRATION  
APPLICATION  
NUMBER

F1214



ISSUED BY  
**ANCHOR**  
INDUSTRIES, INC.

EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

Date of Manufacture	05/15/03
Order Number	365920

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

131550  
AMERICAN TENT & AWNING  
205 E PALMER ST  
INDIANAPOLIS IN 462251639

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 Marshal Code, equal to exceeds NFPA 701, CPAI 84, UL C 109.  
The method of the FR chemical application is:

Serial #	8270900 (2)
Description of item certified:	PTEN END 30W X 15 VL W W

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

8251

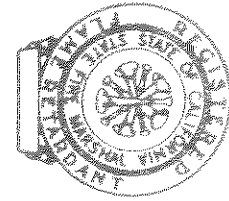
JOHN BOYLE STATESVILLE NC  
Name of Applicator of Flame Resistant Finish

Signed: *James D. Bruce*  
TENT DEPARTMENT - ANCHOR INDUSTRIES INC.

# Certificate of Flame Resistance

REGISTRATION  
APPLICATION  
NUMBER

F121.4



ISSUED BY  
**ANCHOR**  
INDUSTRIES INC.®

EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

Date of Manufacture  
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The method of the FR chemical application is:

Serial # 8270600 (2)

Description of item certified:  
PTEN MID 30W X 15 VL W W

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

W 252

JOHN BOYLE STATESVILLE NC  
Name of Applicator of Flame Resistant Finish

Signed: *John D. Graves*  
TENT DEPARTMENT - ANCHOR INDUSTRIES INC.