



# 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/directp\\_ls\\_connr\\_code/](http://www.in.gov/dhs/directp_ls_connr_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)

17-05-07

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

Name of applicant	Title
Sae J Park	Owner
Name of organization	Telephone number
	(812) 320-3545
Address (number and street, city, state, and ZIP code)	
2812 E Winston Street, Bloomington, IN 47401	

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

Name of applicant	Title
Mike Avila	Property Manager
Name of organization	Telephone number
Signature Realty Services	(812) 219-4829
Address (number and street, city, state, and ZIP code)	
1631 S Andrew Circle, Bloomington, IN 47401	

### 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
2812 E Winston St Bloomington IN 47401		Monroe
Address of site (number and street, city, state, and ZIP code)		
2812 E Winston St Bloomington IN 47401		
Type of project		
<input 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

Specific code section

1987 Indiana Residential Code

R-211.2

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

Prior owner got approval to add a screened-in porch. Though porch was approved, it was in violation of ordinances then in place. Now the current owner wants to lease the property, but it as been flagged for being in violation (even though the building permit was approved that allowed the violation in the first place).

**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 house has had the screened-in porch off the master bedroom for at least ten years, and nobody has been harmed by this. This is actually an attractive feature of the house that would make it more appealing to a buyer should the current owner ever put the property for sale. The master bedroom has a sliding door leading to a screened-in portion of a deck. Bloomington's HAND office told the owner he might consider replacing the sliding door with a fixed window panel, and that would put him in compliance with code. Aside from this problem having been caused in the first place by local government granting the permit in violation of code, it just seems that removing a sliding door egress would make the room, in case of fire, more dangerous, not more safe. Unfortunately, according to HAND, this is the rule so that's how it goes. And so the owner asked me to submit a request for variance instead of ruining his house by installing a fixed pane just to satisfy this violation. It has never been unsafe to the owner or his family to have the sliding door lead to a screened-in deck, and the owner would like a variance to reflect that. Thank you.

**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:

I do not have an estimate to replace the sliding door (double pane, one window slides and the other is fixed), but to do so in a house of this quality could cost thousands of dollars.

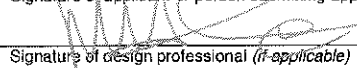
**10. STATEMENT OF ACCURACY**

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)



Michael Avila

3/6/2017

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

Date of signature (month, day, year)



**City Of Bloomington**  
**Housing and Neighborhood Development**

CYCLE INSPECTION REPORT

10776

Owner

Park, Sae J.  
2812 E. Winston Street  
Bloomington, IN 47401

Agent

Mike Avila  
P.O. Box 8024  
Bloomington, IN 47407

Prop. Location: 2812 E Winston ST  
Number of Units/Structures: 1/1  
Units/Bedrooms/Max # of Occupants: Bld I: 1/4/3

Date Inspected: 02/09/2017  
Primary Heat Source: Gas  
Property Zoning: PUD  
Number of Stories: 1

Inspector: Jo Stong  
Foundation Type: Basement  
Attic Access: No  
Accessory Structure: Attached Garage

Monroe County Assessor's records indicate this structure was built in 1989.

Minimum emergency egress requirements for the time of construction:

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum Allowable Sill Height: 48" above finished floor

INTERIOR:

Garage, Laundry Room:

No violations noted.

Kitchen (15-3 x 10-5):

No violations noted.

**It is strongly recommended that a minimum 1A 10BC classification fire extinguisher be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress.**

Dining Room (13-2 x 10-2), Deck, Half Bath:

No violations noted.



**City Of Bloomington**  
**Housing and Neighborhood Development**

RENTAL PERMIT INFORMATION

**FEB 16 2017**

Park, Sae J.  
2812 E. Winston Street  
Bloomington, IN 47401

Property Location: 2812 E Winston ST

Please find enclosed the Cycle Inspection Report which details recommendations and violations found during the recent inspection of your rental property. You have sixty (60) days from the date of this letter to correct the violations listed on the report.

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office by **APR 17 2017** to schedule a re-inspection. You have the right to appeal any violation to the Board of Housing Quality Appeals. An appeal form can be found at [www.bloomington.in.gov/hand](http://www.bloomington.in.gov/hand). If you do not have access to the internet, you may contact HAND at 812-349-3420 and a form will be provided.

This report is issued in accordance with BMC 16.10.020(a) and 16.10.040(a) of the Residential Rental Unit and Lodging Establishment Inspection Program. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Please be advised that non-compliance by the deadlines listed in this letter can limit the permit period to a maximum of three (3) years. A copy of the Notice of Fees can be found at [www.bloomington.in.gov/hand](http://www.bloomington.in.gov/hand). If you do not have access to the internet, you may contact HAND at 349-3420 and a form will be provided.

**If your address has changed since your last inspection, please submit a new registration form to the HAND Department. You can find the registration form online at the website listed above. If you do not have internet access, you may contact HAND at 812-349-3420 and a form will be mailed.**

If you have any questions regarding the permit process, please call weekdays between 8:00 a.m. and 5:00 p.m., at (812) 349-3420.

Sincerely,

Housing & Neighborhood Development  
Encl: Inspection Report,  
Xc: Mike Avila: P.O. Box 8024, Bloomington, IN 47407

Living Room (22-4 x 17-0):

See Other Requirements at the end of the report for required fireplace documentation.

Hallway:

Provide operating power to smoke detector. IC 22-11-18-3.5

The smoke detector in this room appears to be more than ten years old and the manufacturer will not guarantee it to provide adequate protection. **Install new a smoke detector in an approved location.** If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. IC 22-11-18-3.5

Southwest Bedroom (16-9 x 13-11):

The emergency escape and rescue opening does not meet the minimum requirements for a one and two family dwelling built in 1989. The relevant code is the 1987 Indiana Residential Code, Section: R-211.2. For that reason, the City will not issue a rental permit until either the emergency escape and rescue opening is altered or replaced to meet the code requirement at the time of construction, or an egress variance is received from the Indiana Fire Prevention and Building Safety Commission. BMC-16.04.020 (b).

You may apply for a variance online or by mail. The online form is 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). The Online Variance Application is on the front page under Meeting Information. For the State variance application forms, 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 317.232-1402.

Screen Porch, ¼ Bath:

No violations noted.

Northwest Bedroom (13-3 x 12-0), Northeast Bedroom (13-9 x 11-6), Hall Bath:

No violations noted.

Existing Egress Window Measurements for both sleeping rooms (casement):

Height: 67 ½ inches  
Width: 24 inches  
Sill Height: 13 ½ inches  
Openable Area: 11.25 sq. ft.

**Note: These measurements are for reference only. There is no violation of the emergency egress requirements.**

**BASEMENT**

Family Room (26-5 x 14-2):

See Other Requirements at the end of the report for required fireplace documentation.

Southeast Bedroom (11-2 x 11-1), Closet, Bath:

No violations noted.

Existing Egress Window Measurements (casement):

Height: 43 ½ inches  
Width: 24 ½ inches  
Sill Height: 36 inches  
Openable Area: 7.40 sq. ft.

**Note: These measurements are for reference only. There is no violation of the emergency egress requirements.**

Hall:

Provide operating power to smoke detector. IC 22-11-18-3.5

The smoke detector in this room appears to be more than ten years old and the manufacturer will not guarantee it to provide adequate protection. **Install new a smoke detector in an approved location.** If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. IC 22-11-18-3.5

Unfinished Basement:

See Other Requirements at the end of the report for required furnace documentation.

**EXTERIOR:**

No violations noted.

**OTHER REQUIREMENTS:**

**Fireplace Inspection Documentation**

Show documentation that the fireplaces have been inspected within the last twelve months, and that they are safe for use, or permanently and visibly seal the fireplaces to prevent their use. Service and inspection shall include the fireboxes, dampers, chimneys and/or flues. Cleaning by a professional service is highly recommended. BMC 16.01.060(f)

**Furnace Inspection Documentation**

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)	
Acceptable level in a living space:	9 ppm	
Maximum concentration for flue products:	50 ppm	BMC 16.01.060(f), BMC 16.04.060(b), (c)

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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 and the agent, the occupant load of the unit, the number of bedrooms, the expiration date of the permit, and any variances that have been granted for the property. BMC 16.03.030(c)

Thank you for your cooperation in the Residential Rental Occupancy Permit Program.

**This is the end of this report.**