



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)

17-06-01

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

Name of applicant	Title
Kelly McClure	President
Name of organization	Telephone number
McClure Oil Corporation	(765) 674-9771
Address (number and street, city, state, and ZIP code)	
PO Box 1750 Marion, Indiana 46952	

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

Name of applicant	Title
Tracy Wines	Director of Maintenance
Name of organization	Telephone number
McClure Oil Corporation	(765) 674-9771
Address (number and street, city, state, and ZIP code)	
PO Box 1750 Marion, Indiana 46952	

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
McClure Oil Corporation #43	NA	NA
Address of site (number and street, city, state, and ZIP code)		
4945 W 71 st Indianapolis, Indiana 46268		
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
2014/ Sec.2303.1-#2	2303.1-2 & 2303.1-5

Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)
 Dispenser within 10' of building having combustible exterior wall.
 Nozzel reaching within 5' of opening (window)

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:
 Add crash bar to building extension for faster, non obstructed exit
 Per Fire Inspector (Stephen Jones)

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

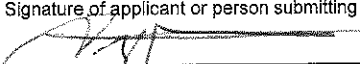
Select at least one of the following statements:

- 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:

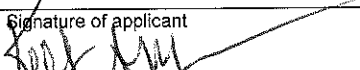
10. STATEMENT OF ACCURACY

I hereby certify under penalty of perjury that the information contained in this application is accurate.

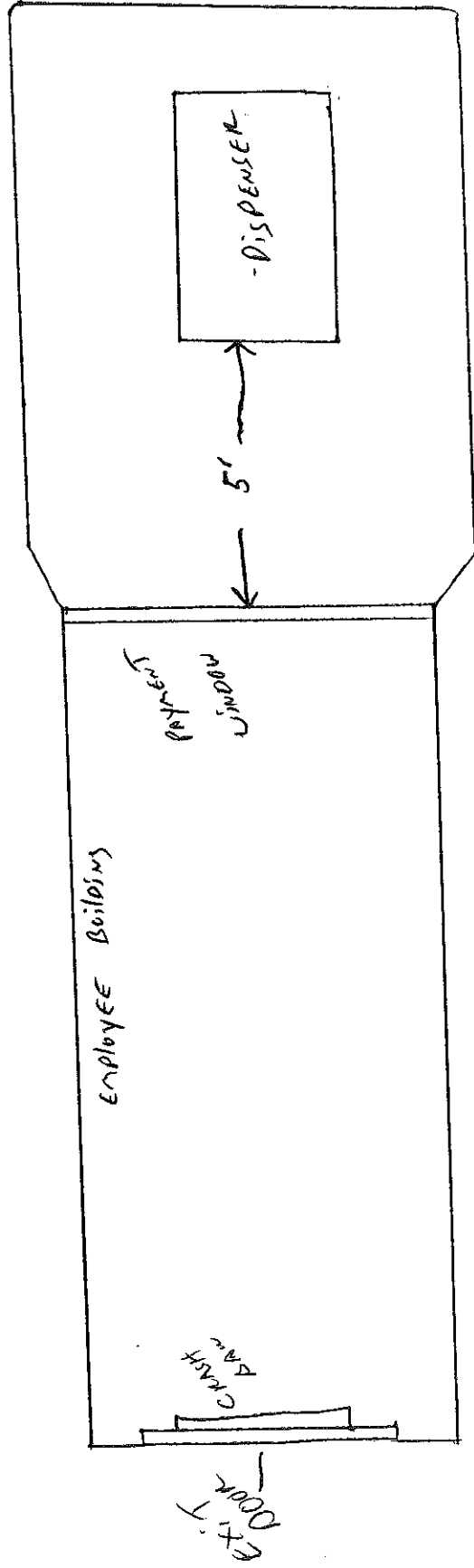
Signature of applicant or person submitting application	Please print name	Date of signature (month, day, year)
	Tracy Wines	4-25-2017
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

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)
	Kelly A. McClure	4-25-2017

McClure Oil Comp #413





PIKE TOWNSHIP FIRE DEPARTMENT

Prevention Services Division

4881 W. 71st Street

Indianapolis, Indiana 46268

317-347-5860

Fax: 317-347-5888

Inspection Report

Occupant Name:	McClure Oil Company	Inspection Date:	2/9/2017
Address:	4945 West 71st Street	Inspection Type:	Fuel Station
Suite:		Occupant Type:	Service station, gas station
City:	Indianapolis	Inspected By:	Stephen Jones <u>317-694-3552</u> sdjones@pikefire.com
State:	IN		
Zip Code:	46268		

Indiana Fire Code 2014

Floor 1

Section 2303 Location Of Dispensing Devices

2303.1 Location of dispensing devices. (see photo 1.1, 1.2, 1.3)

Dispensing devices shall be located as follows:

1. Ten feet (3048 mm) or more from lot lines.

2. ~~Ten feet~~ (3048 mm) or more from buildings having combustible exterior wall surfaces or buildings having noncombustible exterior wall surfaces that are not part of a 1-hour fire-resistance-rated assembly or buildings having combustible overhangs.

Exception: Canopies constructed in accordance with the International Building Code providing weather protection for the fuel islands.

3. Such that all portions of the vehicle being fueled will be on the premises of the motor fuel-dispensing facility.

4. Such that the nozzle, when the hose is fully extended, will not reach within 5 feet (1524 mm) of building openings.

5. Twenty feet (6096 mm) or more from fixed sources of ignition.

All dispensing pumps shall comply with the code.

Section 2306 Flammable And Combustible Liquid Motor Fuel-dispensing Facilities

2306.7.3 Mounting of dispensers. (see photo 2.1)

Dispensing devices, except those installed on top of a protected above-ground tank that qualifies as vehicle-impact resistant, shall be protected against physical damage by mounting on a concrete island 6 inches (152 mm) or more in height, or shall be protected in accordance with Section 312. Dispensing devices shall be installed and securely fastened to their mounting surface in accordance with the dispenser manufacturer's instructions. Dispensing devices installed indoors shall be located in an approved position where they cannot be struck by an out-of-control vehicle descending a ramp or other slope.

Inspector Comments: The gas station facility shall comply with all the requirements of chapter 23 of the 2014 Indiana Fire Code.

Inspector will return on or after 2/13/2017

An inspection has been conducted pursuant to the 2014 Indiana Fire Code 675 IAC 22-2.5 and/or the Marion County Fire Prevention Code Section 591. The above listed hazards and/or violations have been found to exist. Violations are subject to correction by the date listed above. You do have the right to appeal the violation notice. If you wish to appeal violations, first contact Pike Township Fire Department Fire Marshal for violation review at 317-347-5860 ext. 2105.

Appeals Process:

Please be advised that if you desire administrative review of this order, you must file a written petition for review at the address listed below with the State Fire Marshal identifying the reason for your request for such a review no later than 18 days from the date of this order, unless such date is a Saturday, Sunday, Legal Holiday under State Statute, or day that the Fire and Building Services Department's offices are closed during regular business hours, in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, Legal Holiday under State Statute, or the day that the Fire and Building Services Department's offices are closed during regular business hours. If you do so, your petition for review will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this order will be Final.

Please be further advised that you may request an opportunity to informally discuss this order with the Fire Marshal or Pike Township Fire Department, prior to filing a petition for review. Such informal discussion, or request thereof, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this order.

Failure To Comply with Order:

Failure to comply with this order, by the times set, may result in the following court action: (1) Institution of suit for mandatory and injunctive relief in the enforcement of the Indiana Code Chapter 22-14. (2) Revocation or denial of a permit to operate the above described facility.

To appeal this order, please write to:

Indiana Department of Fire and Building Services
Office of the State Fire Marshal
402 W. Washington Street, Room E241
Indianapolis, IN 46204-2739
(317) 232-2222