



# 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)

17-10-04

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

Name of applicant <b>Jason Gilliana</b>	Title <b>Member</b>
Name of organization <b>Gilliana Pools LLC</b>	Telephone number <b>( 219 ) 405-0217</b>
Address (number and street, city, state, and ZIP code) <b>1000 East 80th Place Suite 600 N Merrillville IN 46410</b>	

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

Name of applicant <b>Same as Applicant</b>	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 <b>Gary Frank</b>	License number <b>AR00870137</b>
Name of organization <b>Architectural Group III INC</b>	Telephone number <b>( 574 ) 293 -0008</b>
Address (number and street, city, state, and ZIP code) <b>210 S Nappanee St. Elkhart, IN 46514</b>	

### 4. PROJECT IDENTIFICATION

Name of project <b>North End Community Center</b>	State project number <b>394364</b>	County <b>Tippecanoe</b>
Address of site (number and street, city, state, and ZIP code) <b>2000 Elmwood Avenue Lafayette, IN. 47901</b>		
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 <b>Indiana Swimming Pool and Spa Water Attraction Code</b>	Specific code section <b>675 IAC 20-2-12 Wading Pool and Separation distance</b>
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Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)

**This is a request for code interpretation, I do not believe a variance is actually necessary, see supporting documentation.**

**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:

**See attached documentation.**

**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.

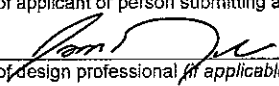
Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:

**See attached documentation.**

**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 <b>Jason Gilliana</b>	Date of signature (month, day, year) <b>9-01-2017</b>
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)
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September 1, 2017

Indiana Department of Homeland Security  
Code Services Section  
302 West Washington Street, Room W246  
Indianapolis, IN 46204

Re: REQUEST FOR VARIANCE FOR:  
**Project number: 394364**  
**North End Community Center**  
**2000 Elmwood Avenue**  
**Lafayette, IN 47901**

To Whom It May Concern:

As per Gerald Kelly with the Indiana Department of Homeland Security, we have been instructed to request a variance from the requirements stated in the **Indiana Swimming Pool Code, reviewed under the 2010 Indiana Swimming Pool, Spa and Water Attraction Code, third edition.**

**675 IAC 20-2-12 Wading pools and separation distance**

Authority: IC 22-13-2-2

Affected: IC 22-12; IC 22-13; IC 22-15; IC 36-7

Sec. 12. (a) Separate wading pools shall be physically set apart by at least twenty (20) feet from water basins deeper than twenty-four (24) inches or provide a barrier not less than four (4) feet high that creates a minimum travel distance of twenty (20) feet.

Gilliana Pools has permitted and installed approximately 15 pools of similar design in the State of Indiana over the past 10 years and never have they been interpreted as a "Separate Wading Pool" and require a barrier.

The aforementioned pool consists of multiple areas: one being an area that starts at a zero depth and slopes to 12 inches of water and at the 12 inch depth, we have steps leading down into a deeper portion of the swimming pool. This zero depth area and slope, prior to the steps, is an entry method and does not qualify as a wading pool and for the following items listed below:

#### **675 IAC 20-2-12 Wading pools and separation distance**

**Sec. 12. (a) Separate wading pools shall be physically set apart by at least twenty (20) feet from water basins deeper than twenty-four (24) inches or provide a barrier not less than four (4) feet high that creates a minimum travel distance of twenty (20) feet This area is a portion of a larger swimming pool and is not a "Separate" body of water.**

**(b) Wading pools and areas shall have a maximum water depth of twenty-four (24) inches. The water depth at the perimeter shall not exceed eighteen (18) inches. The minimum depth of wading pools or areas shall be zero (0). An exception is zero (0) depth pools. This area is a portion of a swimming pool, which has depths greater than the 24" and 18" maximum required in classifying a "wading pool". This sloped entry is a means of entrance and if it is going to be classified as a wading area, the same argument could be made for all steps leading into a pool and tanning shelves under 24" of water depths.**

#### **675 IAC 20-1.1-16 Definitions "P"**

**Section (16) "Zero-depth entry pool" means a water attraction having a sloped entrance to where the water depth is zero (0) inches at the shallowest point. This is exactly what we have, a Zero-depth entry into a swimming pool, not a Separate Wading Pool.**

#### **675 IAC 20-2-7 Depths**

**(c) The beginners' area of a Class B pool shall be visually set apart from, but may be adjoined to, the shallow area and shall not adjoin the deep area. The wading area of a Class B pool shall be visually set apart from, but may be adjoined to, the beginners' area and shall be physically separated from shallow and deep areas of the pool. The current stainless Steel rail separating the two areas complies with this barrier requirement.**



The following Indiana Swimming Pool locations have similar shallow areas and configurations of construction, which have been vetted through the variance process for Wading Pool flow rate requirements and were determined they did not fall under the classification of a Wading Pool:

**Indianapolis Collegiate - Project Number 382150**

**Historic Central Apartments - Project Number 364814 - Variance Number 15-10-02, where the Commission's action was such: "No Variance Required" dated 1/4/15.**

We feel a literal compliance of **675 IAC 20-2-12 Wading Pool Barrier** would cause undue hardship and could seriously affect the health and safety of the end user by adding obstructions in the pool water and viewing disruptions for other areas of the pool. Requiring a barrier/fence such as this inside of a swimming pool is unheard of, from the Model Aquatic Health Code to the National Swimming Pool Foundation

Respectfully,

Jason Gilliana, Member  
Gilliana Pools, LLC



## CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: August 24, 2017

Indiana Department of Homeland Security  
 DIVISION OF FIRE & BUILDING SAFETY  
 PLAN REVIEW DIVISION  
 402 W. Washington St., Room E245  
 Indianapolis, IN 46204



Available At Your Local Licence Branch  
**SUPPORT HOOSIER SAFETY**

To: Owner / Architect / Engineer  
 Architectural Group III, Inc  
 Gary Lee Frank AR00870137  
 201 S Nappanee St  
 Elkhart IN 46514

Fax & e-mail: 5742937712, [architecturalgroupIIIgf@comcast.net](mailto:architecturalgroupIIIgf@comcast.net)

Project number		Release date
394364		08/24/17
Construction type	Occupancy classification	
POOL	CLASS C	
Scope of release		
POOL		
Type of release		
Standard		
Project name		
North End Community Center		
Street address		
2000 Elmwood Ave		
City	County	
LAFAYETTE	TIPPECANOE	

The plans, specifications and application submitted for the above referenced project have been reviewed for compliance with the applicable rules of the Fire Prevention and Building Safety Commission. The project is released for construction subject to, but not necessarily limited to, the conditions listed below. THIS IS NOT A BUILDING PERMIT. All required local permits and licenses must be obtained prior to beginning construction work. All construction work must be in full compliance with all applicable State rules. Any changes in the released plans and/or specifications must be filed with and released by this Office before any work is altered. This release may be suspended or revoked if it is determined to be issued in error, in violation of any rules of the Commission or if it is based on incorrect or insufficient information. This release shall expire by limitation, and become null and void, if the work authorized is not commenced within one (1) year from the above date.

**CONDITIONS:**

Note (A1A & A1B): In accordance with the affidavit sworn under penalties of perjury in the application for construction design release the plans and specifications filed in conjunction with this project shall comply with all of the applicable rules and laws of Fire Prevention and Building Safety Commission. Providing false information constitutes an act of perjury, which is a Class D felony punishable by a prison term and a fine up to \$10,000.

In accordance with Section 19 of the General Administrative Rules (675 IAC 12-6-19) a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained on the construction jobsite as well as a copy of the design release.

- 10S01 This project was reviewed under the 2010 Indiana Swimming Pool, Spa and Water Attraction Code, third edition.
- 10S213B Decks, ramps, and similar surfaces including step treads and coping shall be slip-resistant in accordance with Rule 2, Section 13(b) ISPSWAC (675 IAC 20-2-13).
- 10S20291 Play features, water activity equipment, and interactive play attractions shall be in accordance with Rule 2, Section 9.1 ISPSWAC (675 IAC 20-2.9.1).
- 10S223 Pool waste water shall be discharged into an acceptable sewage system in accordance with Rule 2, Section 23, ISPSWAC (675 IAC 20-2-23).
- 10S212A Separate wading pools shall be physically set apart by at least twenty (20) feet from water basins deeper than twenty-four (24) inches or provide a barrier not less than four (4) high that creates a minimum travel distance of twenty (20) feet in accordance with Rule 2, Section 12(a), ISPSWAC (675 IAC 20-2-12).
- 4G05P Note: The Fire Prevention and Building Safety Commission has one or more variances pending which apply to this project in accordance with 675 IAC 12-5. (Required turn over time and required 4' barrier from wading area and deeper area). See attached email for turn over time approval and no variance required for this portion.
- 14M040321 Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less in accordance with Section 403.2.1, Subparagraph 2, IMC (675 IAC 18-1.6).
- 10S01A This pool release covers the construction of the pool and deck, and includes all scopes directly involved in the construction of those specific items, such as the architectural, foundation, structural, mechanical, electrical and plumbing work required for their installation. Unless specifically stated otherwise on this release, it does not include any additional structures such as equipment shelters or enclosures, changing rooms, toilet or shower facilities, exterior lighting or site improvements.

ELECTRONICALLY FILE YOUR PROJECT WITH STATE OF INDIANA at <http://www.in.gov/dhs/2650.htm>.

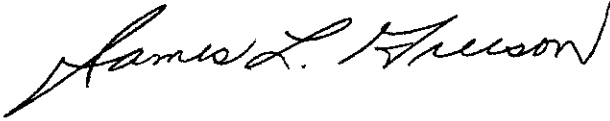
This on-line filing is through a secure site, you can use it to submit your project information, pay the fees and upload your project plans.

Use Internet Browser to View this report, other browsers are not compatible to view this report

14B10103 Ramps used as part of a means of egress shall have a running slope not steeper than one unit vertical in 12 units horizontal in accordance with Section 1010.3, IBC (675 IAC 13-2.6).

NOTE: Required guardrails shall have intermediate rails or ornamental closures that do not allow passage of a 4-inch diameter sphere and that do not result in a ladder effect in accordance with Section R316.2, IRC (675 IAC 14-4.2).

Please be advised that if an administrative review of this action is desired, a written petition for review must be filed at the above address with the Fire Prevention and Building Safety Commission identifying the matter for which a review is sought no later than eighteen (18) days from the above - stated date, unless the eighteenth day falls on a Saturday, a Sunday, a legal holiday under State statute, or a day in which the Department of Fire and Building Services is closed during normal business hours. In the latter case, the filing deadline will be the first working day thereafter. If you choose to petition, and the before-mentioned procedures are followed, your petition for review will be granted, and an administrative proceeding will be conducted by an administrative law judge of the Fire Prevention and Building Safety Commission. If a petition for review is not filed, this Order will be final, and you must comply with its requirements.

Code review official GERALD KELLEY gkelley@dhs.in.gov	Director, Division of Fire and Building Safety
Address (name, title of local official, street, city, state and ZIP code) BUILDING COMMISSIONER MARK GICK 20 N 6TH ST LAFAYETTE, IN 47901	
Fax & e-mail: , mgick@lafayette.in.gov	

INDIANA 02

From: "Kelley, Gerald" <gkelley@dhs.IN.gov>  
Subject: RE: Emailing: Swimming\_Pool\_Spa\_or\_Water\_Attraction\_Submittal  
Date: August 30, 2017 at 9:24:36 AM CDT  
To: Jason Gilliana <jason@gilliana.net>  
Cc: "Prost, Matthew" <MProst@dhs.IN.gov>, "Blunk, Alan"  
<ABlunk@dhs.IN.gov>

I just spoken with the Section Chief - Alan Blunk concerning the 4' barrier issue and it was decided to have this pool project 394364 to continue with the variance submittal as intended but not the turnover rate. Thank you

**From:** Jason Gilliana [mailto:jason@gilliana.net]  
**Sent:** Thursday, August 24, 2017 11:47 AM  
**To:** Kelley, Gerald <gkelley@dhs.IN.gov>  
**Subject:** Re: Emailing:  
Swimming\_Pool\_Spa\_or\_Water\_Attraction\_Submittal

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

Can you please call me regarding this request?

Thank you,

Jason Gilliana  
Gilliana Pools, LLC.  
Mobile# 219-405-0217



On Aug 24, 2017, at 9:31 AM, Bill Denton <[ag3bill@gmail.com](mailto:ag3bill@gmail.com)> wrote:



Thanks

Bill Denton  
Architectural Group III  
574-293-0008 ext 200

----- Forwarded message -----


**From:** Gary Frank <[architecturalgroupiiiigf@comcast.net](mailto:architecturalgroupiiiigf@comcast.net)>  
**Date:** Thu, Aug 24, 2017 at 7:11 AM  
**Subject:** FW: Emailing:  
Swimming\_Pool\_Spa\_or\_Water\_Attraction\_Submittal  
**To:** Bill Denton <[ag3bill@gmail.com](mailto:ag3bill@gmail.com)>

This for 17102-09 Gilliana - Northend Community Center. We received the incomplete notice today for this pool on the state submittal

Gary Frank, AIA  
President  
Architectural Group III, Inc.  
201 S Nappanee St.,  
Elkhart, IN 46514  
Office: 574-293-0008  
Cell: 574-596-8088

**From:** Kelley, Gerald [<mailto:gkelley@dhs.IN.gov>]  
**Sent:** Thursday, August 24, 2017 7:02 AM  
**To:** [architecturalgroupiiiigf@comcast.net](mailto:architecturalgroupiiiigf@comcast.net)  
**Subject:** Emailing:  
Swimming\_Pool\_Spa\_or\_Water\_Attraction\_Submittal

Please file for a variance on turn over rate and required 4' barrier between wading area and deeper depth lap pool. Thanks

 Virus-free. [www.avast.com](http://www.avast.com)

<Swimming\_Pool\_Spa\_or\_Water\_Attraction\_Submittal.pdf>