



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)

17-10-07

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

Name of applicant	Title
Keith McIntosh	Commander
Name of organization	Telephone number
American Legion, Post 133	(812) 267-9345 or 812-739-2365
Address (number and street, city, state, and ZIP code)	
407 Frog Street, Leavenworth, IN 47137	

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

Name of applicant	Title
Charles A. Totten	Financial Secretary
Name of organization	Telephone number
American Legion, Post 133	(812-267-4775)
Address (number and street, city, state, and ZIP code)	
14299 S. Alton Fredonia Rd; Leavenworth, IN 47147	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Name of organization	Telephone number
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Address (number and street, city, state, and ZIP code)	

4. PROJECT IDENTIFICATION

Name of project	State project number	County
Kitchen Addition	392718	Crawford
Address of site (number and street, city, state, and ZIP code)		
407 Frog Street, Leavenworth, IN 47137		
Type of project		
<input type="checkbox"/> New <input checked="" 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
Handrails on stairwell and guards heights	Sec 1009.15 2014 edition IBC 675 IAC 13-2.6

Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)
 No handrails on each side of stairwell and guards along the exterior balcony are less than the rule of 42 inches height. The horizontal guards are 37.25 inches in height and the stairs guards are 39.5 inches in height., There is 24 feet of horizontal walking surface from building and then stairs descends 12'-10" to ground level.

B. 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 stairwell was installed to be used only as an emergency exit to escape from the second floor of the American Legion building. The second floor is a storage area and seldom is anyone in this room. It is very unusual for anyone to go up the stairwell and this mostly was done as a quality inspection on construction when built in 2016 and then Fire Marshal Inspector tour in July 2017. The top of the guards on both sides have very convenient and strong hand graspability. See the provided sketch .

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:
 The stairwell was installed above the kitchen roof as justifiable need for a safe exit from the second floor in case of emergency. The guards height are below the rule of 42 inches but are close to the O.S.H.A. standard of 42 " + or - 3 inches and felt adequate for egress. O.S.H.A. standards are widely accepted as adequate safety standards. The additional expense of adding + 2 inches on top of existing guards and 1.5" diameter continuous metal handrails on both guards stairwells is hardship expense for the non-profit American Legion with very limited funds. We do like giving our funds, when available, to charitable organizations. Post 133 has 103 veterans and approximately 10% are active. We do not evaluate the 2" additional height to the guards nor installing the handrails as adding any safety value to the American Legion Building stairs for a rarely if every used stairwell. This building Addition was authorized by the Indiana Gaming Commission to be built not to exceed a financial limit. We do not want to spend the extra time and effort to have to go back to the IGC for approval to exceed the limit allowed.

10. STATEMENT OF ACCURACY

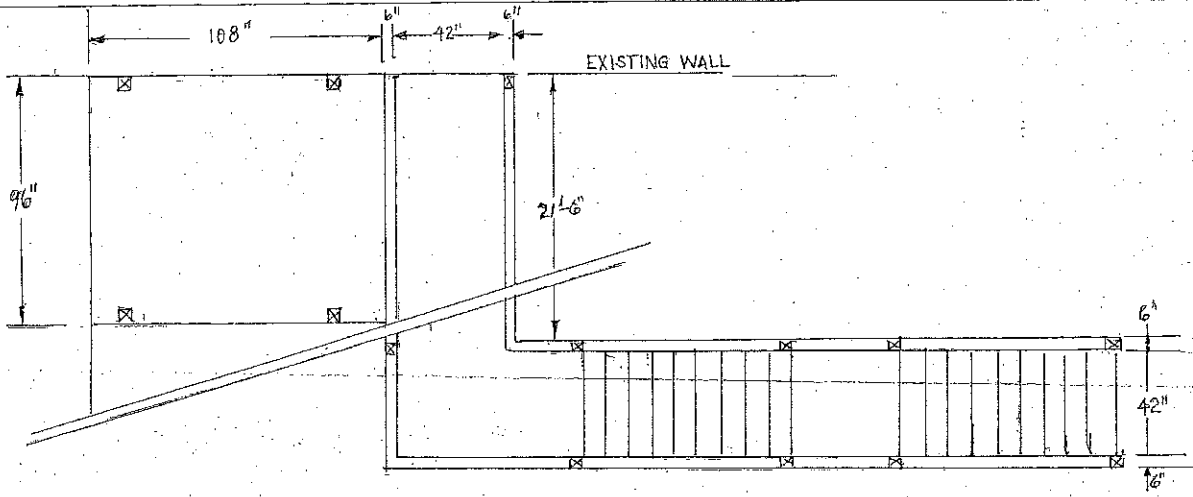
I hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application	Please print name Charles A. Totten	Date of signature (month, day, year) September 9, 2017
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

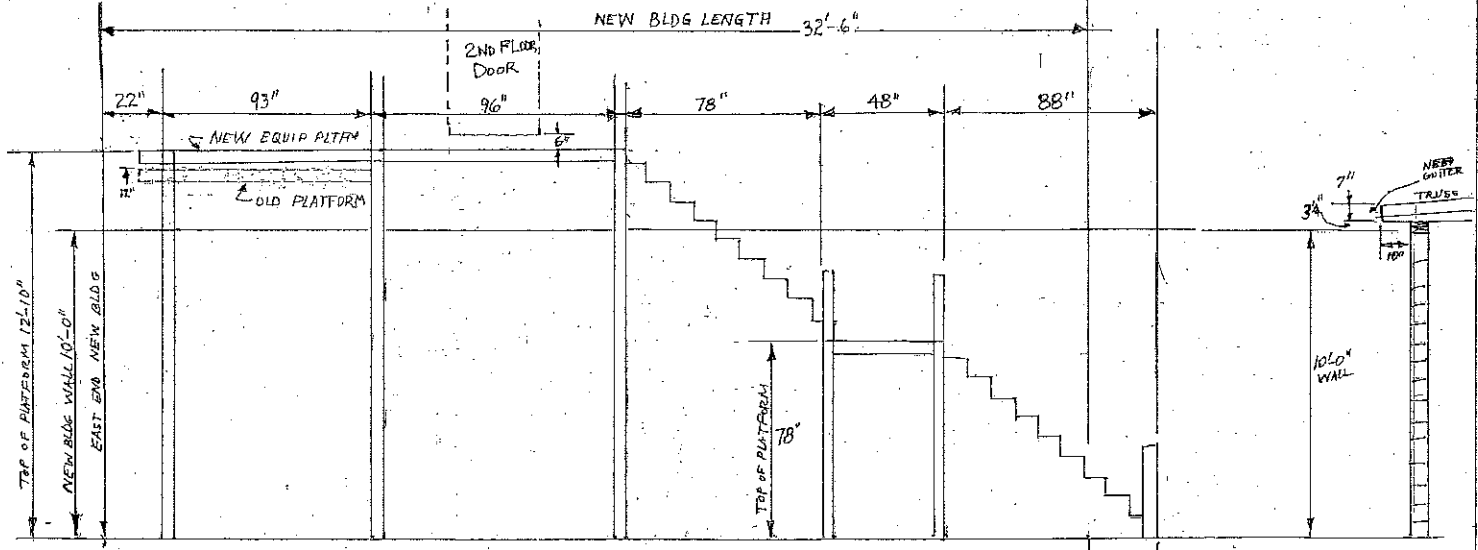
11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement.)

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 Keith Mcintosh	Date of signature (month, day, year) September 9, 2017
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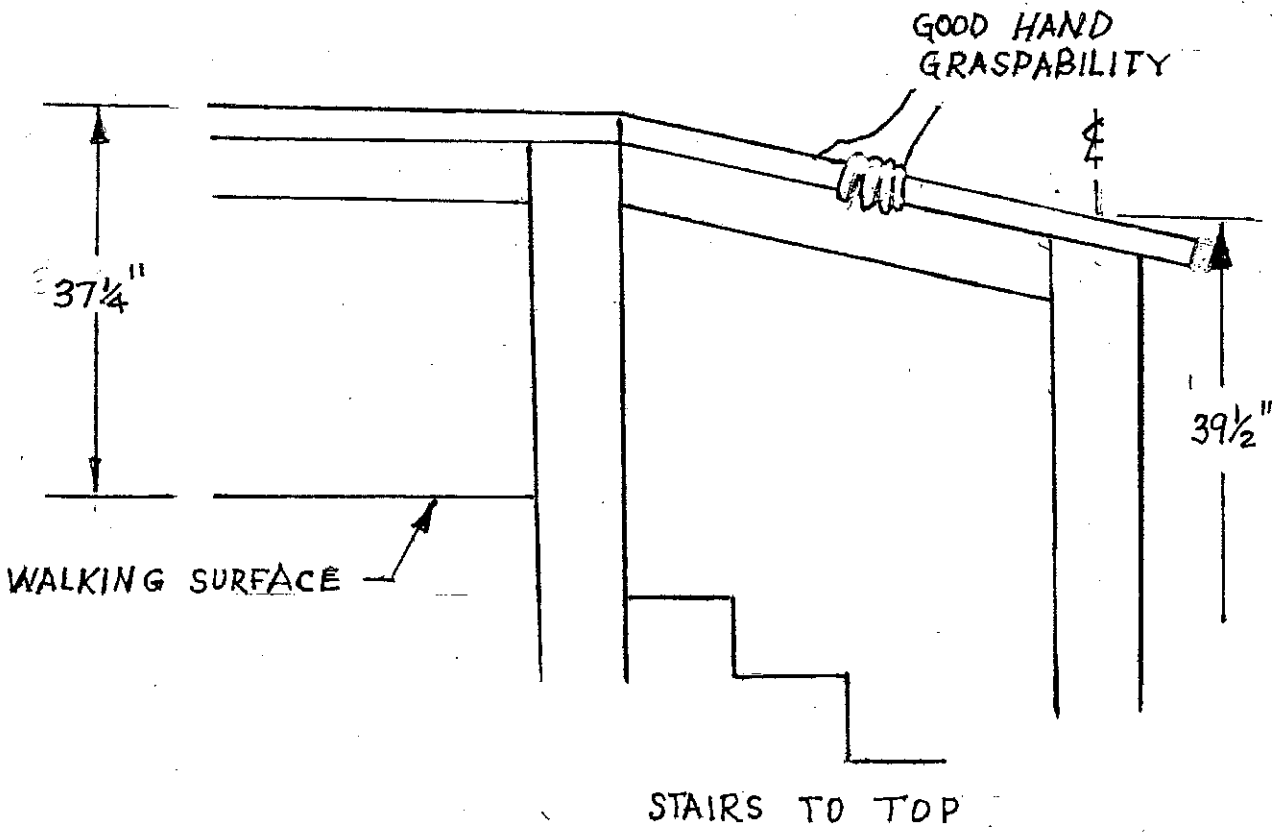
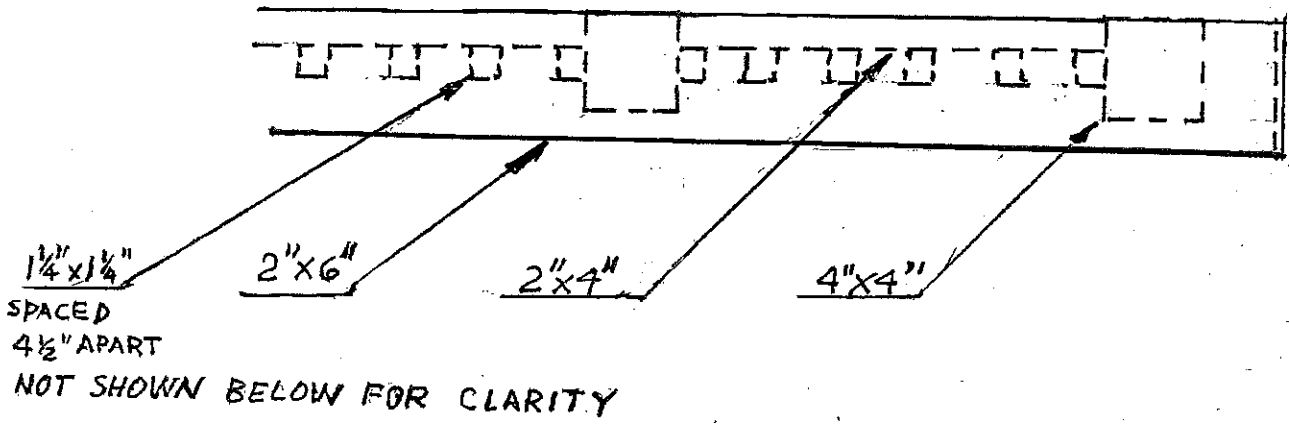
NEW PLATFORM



EXISTING PLATFORM
(LOOKING SOUTH)

DRAWN BY C.A.TOTTEN VERIFIED BY

AMERICAN LEGION POST 133
NEW MEETING ROOM
OUTSIDE PLATFORM
DWG NO. 6-28-2016 -B



NOT TO SCALE

DWG. BY C.A. TOTTEN

AMERICAN LEGION POST 133
 DETAILS OF EMERGENCY
 STAIRS FROM SECOND LEVEL
 DWG. NO. 9-8-2017-A