



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)

18-02-17

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

Name of applicant	Title
The Beach Tiki Bar & Grill, Inc	
Name of organization	Telephone number
	(812) 663-5554
Address (number and street, city, state, and ZIP code)	
107 North Broadway Street, Greensburg, Indiana 47240	

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

Name of applicant	Title
Louis Caperone	President
Name of organization	Telephone number
The Beach Tiki Bar & Grill, Inc	(812) 663-5554
Address (number and street, city, state, and ZIP code)	
109 North Broadway Street, Greensburg, Indiana 47240	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
James A. Fritsch, Professional Architect & also RLS Consulting LLC, Rick Spence	IN - AR00900082
Name of organization	Telephone number
	()
Address (number and street, city, state, and ZIP code)	
Batesville, Indiana	

4. PROJECT IDENTIFICATION

Name of project	State project number	County
Remodeling, Beach Bar Restaurant	365655	Decatur
Address of site (number and street, city, state, and ZIP code)		
Type of project		
<input type="checkbox"/> New <input type="checkbox"/> Addition <input checked="" 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

Sec 903.2.1.2 - 2008 Edition IBC

Specific code section

675 IAC 13-2.5

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

SUMMARY

In 2013, the State Commission approved the plans for construction of the sprinkler system for a remodeling project to convert an existing department store building at 107-109 North Broadway Street in Greensburg, Indiana into a tavern and restaurant. The building had been used as a department store for decades. The applicant had an existing restaurant and tavern about a block away. Depending upon the price of the department store building, the applicant sought to move his existing restaurant and tavern into the department store building. The purchase of the department store building was contingent upon obtaining all permits necessary to use the department store building for this converted purpose.

In May, 2013, the restaurant owner submitted plans and diagrams to the state Commission and the City of Greensburg that includes plans for the sprinkler system. Those plans should be on file with both this Commission and the City of Greensburg. The Commission issued State Form 41191 on June 10, 2013 allowing the remodeling and the installation of the sprinkler system to begin. The City of Greensburg also issued a building permit for the remodeling on June 10, 2013.

Thereafter, the Commission issued supplemental State Forms 41191 concerning the sprinkler system on July 10, 2013 and August 10, 2013. Copies of the Greensburg building permit and each of the Commission' Form 41191, are incorporated in the statements attached.

The construction of the sprinkler system was inspected by the Commission on a number of occasions, changes were made, according to Form 41191 as instructed by the Commission. After the remodeling was completed and inspected by both the Greensburg City Fire chief and an inspector from the Commission, the City of Greensburg issued an occupancy permit on October 22, 2013.

The owner has not changed or modified the original installation of the sprinkler system or any other fire safety requirement in any way since October 22, 2013. Since then, the building has been routinely inspected by the Greensburg City Fire Department.

A few months later in early, 2014, the owner applied for an "entertainment permit" from the Commission. Subsequent continuations of the "entertainment permit" were again again in 2015 and in 2016. Each application required an inspection by the Commission. Each time, a representative of the building Commission inspected the premises. Each time, the Commission issued an entertainment permit, State Form 42253 which declared "the premises do comply with the fire safety requirements as prescribed".

However, on July 25, 2017, four years later, during an inspection for a renewal of the entertainment permit, a Commission inspector issued a violation that demanded substantial and expensive changes to the sprinkler system from the originally approved and previously approved and installed according to Commission specifications.

If such inspection order is lawful, then this variance request asks for variance of all regulations and standards claimed in the July 25, 2017 necessary for the building and existing sprinkler system, as installed in 2013, so that the existing building and sprinkler system is lawful and without any violations, as alleged on July 25, 2017 inspection report.

* SEE ATTACHED STATEMENTS #1 AND #2 with Documents..

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:

The restaurant has been open and operating since October, 2013 relying upon a sprinkler system and design approved by the Commission and also the Fire Chief of the City of Greensburg. The existing system provides complete coverage of all building areas used by the public or for which the public has access.

As a result of the remodeling in 2013, the installed sprinkler system provides new fire safety in an existing building used by the public that never had a sprinkler system prior to the 2013 remodeling.

The fire suppression system in the kitchen and food preparation area has a fire sprinkler and a fire suppression system that is frequently inspected, tested and meets all current fire safety standards and regulations, without objection

The public access and use of the building is on a GROUND floor that has easy and quick public entrance and exit without any steps, hall, or diversions for the public to leave the building in an emergency. The public has multiple and obvious ground level exists immediately onto the public sidewalk without any steps or diversions that would slow an emergency exit, even if the sprinkler system should fail.

The restaurant and tavern has changed its policy and does not allow any tobacco smoking in any part of the restaurant. The public has no access to the 5,000 square feet, as complained in the inspection report. This area was used as storage when the building was a department store, and in 2013, inspectors said that since the use in that part of the building had not changed, installing a sprinkler system in that area was not required.

*SEE ATTACHED STATEMENTS #1 and #2 with DOCUMENTS..

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:

If the July 25, 2017 inspection report is lawful and requires the extension of the sprinkler system over another 5,000 square feet, the cost will be in the 10s of thousands of dollars. It may require changes in the water supply system to the building which would be another extraordinary expense.

Construction of any extension of the sprinkler system would require the restaurant to completely turn off the building water supply and completely close the restaurant during installation and inspections.


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 Louis Caperone, President	Date of signature (month, day, year)
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 Louis L. Caperone	Date of signature (month, day, year) 12-26-17
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State of Indiana
Indiana Department of Homeland Security
Code Services Section, Room W246
Fire Prevention and Building Safety Commission
302 West Washington Street
Indianapolis, Indiana 46204

In Re: The Beach Tiki Bar & Grill, Inc
Variance Application # _____
Statement #2 Attachment
Form 44400

Variance Attachment
Statement #2

The Beach Tiki Bar & Grill, Inc., Petitioner, by its president, Louis Caperone, files this attachment to its Variance Application, Form 44400, as Statement #2.

1. For a number of years prior to March, 2013, the Beach Tiki Bar & Grill, Inc (hereafter "Caperone") operated a restaurant and tavern on the southeast corner of the Courthouse Square in Greensburg.

2. For decades, "Minear's" operated a public retail department store on the west side of the Courthouse Square at 107-109 North Broadway Street, Greensburg, Indiana (hereafter, "building") but it closed in 2012. As a result, the owners wanted to sell the Minear's Department Store building.

3. The department store operated a retail sales business on the ground floor of the building. The building had a mezzanine that had once been used for sales but had been converted entirely to storage space. The mezzanine was not enclosed and was open from the ground floor to the ceiling at both its front and back. Access to the mezzanine was by stairways at the front and back of the mezzanine from the ground floor.

4. Caperone was only interested in buying the building if he could move his existing restaurant and tavern into the department store building. He consulted with Greensburg's city engineer and the Greensburg Fire Department chief for instructions on the requirements and remodeling changes necessary to comply with all remodeling requirements for the change in use of the building.

5. Caperone hired James A Fritsch, Indiana licensed Architect, AR00900082 as the architect and engineer from Batesville, Indiana to draw plans for remodeling changes that complied with all building code, regulations, ordinance and laws that applied to the project.

6. In April and May, 2013, architectural plans and diagrams for the building remodeling were submitted to the state Commission and the City of Greensburg who should have copies of those plans on file.

7. On June 11, 2013, the state Commission issued a "Construction Design Release" stating that the "project has been reviewed under the 2008 Indiana Building Code" and instructed that "detailed plans and specifications of the fire suppression system shall be filed with the required application and appropriate fees...." A copy of that state Form 41191 is attached herewith as Exhibit A, Statement #2

8. The city engineer of Greensburg had also review the remodeling plans, specifications and diagrams. On June 11, 2013, the City of Greensburg issued a Building Permit#1257 for the building remodeling to begin. A copy of that Permit is attached as as Exhibit B, to the variance attachment..

9. As instructed in Exhibit A, RLS Consulting, LLC was employed to prepare and detailed plans and specifications for a sprinkler system for the premises and submit them to the Division of Fire and Building Safety. Caperone complied with the Commission's instructions in the Construction Release issued, June 11, 2013, described previously, as shown in Exhibit A, attached.

10. In June and July, 2013 the sprinkler system was installed as approved. After inspection, the installation of the sprinkler system was approved with exceptions. See state Form 41191, dated July 10, 2013, Exhibit C attached. Under that release, the Commission instructed that the sprinkler system be tested and that the system must be enlarged and extended into the bathrooms, a hallway and an area that contained the mechanical system.

11. In July and August, 2013, the sprinkler system was tested and extended as instructed into a hallway, bathrooms and into the mechanical room. Those changes were inspected, and the project was partially released with an exception. Inspectors decided that the water supply from the city water utility line to the building was not large enough. So thereafter, plans for the enlarged water supply were submitted and approved and a new water supply for the building was installed.

12. The time line of factual events concerning the building sprinkler system are summarized as follows:

May, 2013

Remodeling plans for the building were and filed for review by the Commission;

June 11, 2013

See attached State Form 41191, Exhibit A, attached

- *"The project had been reviewed under 2008 Indiana Building Code."*
- *"Automatic sprinkler system shall be installed...."*
- *"Detailed plans and specification of the fire suppression system shall be filed, etc..."*

June 11 to July 10, 2013

Sprinkler system design and plans filed with the Commission.

Sprinkler system installed, according to plans.

July 10, 2013

See attached Form 41191, Exhibit C, attached.

"The plans, specifications ...reviewed for compliance... The project is released for construction subject to ...listed below."

- *"All sprinkler heads...tested;*
- *"Concealed spaces...bathrooms..protected by automatic fire-suppression system..."*
- *"Fire Department connections shall be in accordance with....."*

July 10 to August 21, 2013

Sprinkler system, per plans, was tested.

Sprinkler system was extended into the bathrooms, back hallway and into the back mechanical room, as directed,

August 21, 2013

See attached Form 41191, Exhibit D attached.

"The plans, specifications ...reviewed for compliance... The project is released for construction subject to ...listed below."

- *"This is a partially submitted and **released project**...."*
- *"Water supply piping shall be designed and sized in accordance with..."*

August to September, 2013

Plans were submitted for a new larger water supply system to the building

A new, larger water supply system was installed for the building.

October 22, 2013


A full certificate of occupancy permit was issued by the City of Greensburg, copy attached.

IN SUMMARY, the building's complete sprinkler system installed under the Commission's directions and was inspected numerous times in 2013 during remodeling construction by representatives of the Commission. After those inspections, the Commission instructed changes in 2013. Caperone complied with all of those change as instructed, as shown by State Forms 41191.

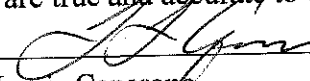
An inspector of the Commission in July, 2017, is not empowered to direct changes in the building sprinkler system, that complies with the Commission's approval 2013 and after the building sprinkler system has been approved by Commission inspectors on three previous inspections in 2014, 2015, and 2016.

The sprinkler system has not be changed or modified in any since its Commission approval and acceptance in 2013.

The Beach Tiki Bar and Grill, Inc., Petitioner
107 North Broadway Street, Greensburg, Indiana 47240

By 
Louis Caperone, President and Owner
Telephone: _____

On this 26th day of DECEMBER, 2017, the undersigned, as representatives of the Petitioner, hereby affirms and represents that the statements in this Petition are true and accurate to the best ability and information of the undersigned.


Louis Caperone

Attachments:

**Division of Fire and Building Safety
Indiana Department of Homeland Security
State of Indiana**

In Re: Variance Application # _____

Statement #2
EXHIBIT #A

*State Form, 41191,
dated June 10, 2013*

Would you like to reduce your turnaround time?

ELECTRONICALLY FILE YOUR PROJECT WITH STATE OF INDIANA at <http://www.in.gov/dhs/20000.htm>

This online filing is through a secure site. You can also file a hardcopy of your project information, pay the fees and upload your project plans.



CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: June 11, 2013

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



To: Owner / Architect / Engineer
 Fritsch Architect / Developer
 James A Fritsch AR00900082
 410 N Walnut St
 Batesville IN 47006

Project number 364946		Release date 06/11/13
Construction type V-B, SPK		Occupancy classification A-2, REM
Scope of release ARCH ELEC		
Type of release Standard		
Project name Beach Bar Restaurant Remodel		
Street address 107 N Broadway St		
City Greensburg	County DECATUR	

Fax & e-mail: 8129346560, jim@jamesfritscharchitect.com

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.

- 8B This project has been reviewed under the 2008 Indiana Building Code.
- 8B0903212 An automatic sprinkler system shall be installed in A-2 occupancies in accordance with Section 903.2.1.2, IBC (675 IAC 13-2.5).
- 4G0603AE Detailed plans and specifications of the fire suppression system shall be filed with the required application and appropriate fees in accordance with 675 IAC 12-6-3(a), 675 IAC 12-6-7(g)(17), and 675 IAC 13-1-8. (N.F.P.A. 13)

NOTE: This release is for enclosing the kitchen and cooler only.

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.

Filed By	Code review official ROBIN PHILLIPS	State Building Commission <i>Dean M. Kelly Jr</i>
Address (name, title of local official, street, city, state and ZIP code) PLAN DIRECTOR Gary Murray 304 W WASHINGTON STREET GREENSBURG, IN 47240		State Fire Marshal <i>James L. Peterson</i>
Fax & e-mail: 8126626925, gmurray@cityofgreensburg.com		

**Division of Fire and Building Safety
Indiana Department of Homeland Security
State of Indiana**

In Re: Variance # _____

**Statement #2
Variance Application
Exhibit B**

***City of Greensburg Remodeling Construction Permit
dated June 10, 2013***

BUILDING PERMIT IMPROVEMENT LOCATION

Application No. _____

Permit No. _____

1257

Issued to: Beach Bar & Rest

Date: June 11, 2013

Type of Construction: Remodel

Location: 107 N Broadway Subdivision _____

Lot Number _____

Address: _____

Permit Fee Paid \$ 250 600

Handwritten Signature
Building Commissioner
City of Greensburg, Indiana

**THIS CARD MUST
BE DISPLAYED
ON THE JOB SITE**

NOTICE

THE PERMIT SHALL BE POSTED ON THE LOT NEXT TO THE DRIVEWAY ON RESIDENTIAL SITES ONLY. ON ALL COMMERCIAL BUILDINGS, THE PERMIT SHALL BE LOCATED IN A CONSPICUOUS LOCATION. THE PERMIT MUST REMAIN ON THE JOB SITE DURING THE ENTIRE CONSTRUCTION PERIOD. ANY PERMIT NOT POSTED WILL RESULT IN A REINSPECTION FEE TO BE PAID FIRST BEFORE THE INSPECTION WILL BE DONE! FAILING TO CALL FOR AN INSPECTION WILL RESULT IN A \$1000.00 FINE. EACH DAY CONSTITUTES A SEPARATE OFFENSE.

**Division of Fire and Building Safety
Indiana Department of Homeland Security
State of Indiana**

In Re: Variance Application # _____

Statement TWO
Variance Application
Exhibit C

*State Form 41191
dated July 10, 2013*

Would you like to reduce your turnaround time?

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.



CONSTRUCTION DESIGN RELEASE

State Form 41191 (R/9-98)

Report Printed on: July 10, 2013



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

Owner / Architect / Engineer
LS Consulting LLC
Rick Spence
358 Chesapeake Dr E
Indianapolis IN 46236

Phone & e-mail: , rickspence@yahoo.com

Project number 365655		Release date 07/10/13
Construction type V-B, SPK	Occupancy classification A-2, REM	
Scope of release SPK		
Type of release Standard		
Project name Beach Bar Restaurant Sprinkler Submittal		
Street address 107 N Broadway St		
City Greensburg	County DECATUR	

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 set forth 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 the Fire Prevention and Building Safety Commission 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:

In accordance with Section 19 of the General Administrative Rules (875 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.

- 10F0323 All sprinkler heads shall be listed, approved, and tested for a given application in accordance with the provisions of Section 3.2.3, NFPA 13 (675 IAC 28-1-5).
- 10F0815 Concealed combustible spaces, electrical rooms, closets, bathrooms, wardrobe units, and canopies shall be protected by the automatic fire-suppression system in accordance with Section 8.15, NFPA 13 (675 IAC 28-1-5).
- 10F03814 Fire department connections shall be in accordance with Sections 8.17.5.2 and 12.8.5 NFPA 13 (675 IAC 28-1-5).

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.

Filed By	Code review official ROBIN PHILLIPS	State Building Commissioner <i>Dean M. Kelly Jr</i>
Address (name, title of local official, street, city, state and ZIP code) PLAN DIRECTOR Gary Murray 304 W WASHINGTON STREET GREENSBURG, IN 47240		State Fire Marshal <i>James L. Peterson</i>
Fax & e-mail: 8126628925, gmurray@cityofgreensburg.com		

**Division of Fire and Building Safety
Indiana Department of Homeland Security
State of Indiana**

In Re: Appeal of Fire and Building Enforcement Inspection Report Order
Cause DHS-1725 FPBSC 018

**Statement #2
Variance Application
EXHIBIT D**

***STATE FORM 41191
dated August 21, 2013***

Would you like to reduce your turnaround time?

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

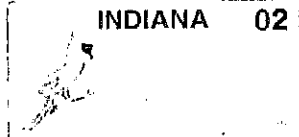
This on-line filing is through a secure site, you can use it to submit your project information, pay the fees and upload your project plans.



CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: August 21, 2013



Available At Your Local Licence Branch
SUPPORT HOOSIER SAFETY

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

To: Owner / Architect / Engineer

James A Fritsch AR00900082
410 N Walnut St
Batesville IN 47006

Fax & e-mail: 8129346560, jim@jamesfritscharchitect.com

Project number 364946		Release date 08/21/13
Construction type V-B, SPK		Occupancy classification A-2, REM
Scope of release PLUM		
Type of release Partial		
Project name Beach Bar Restaurant Remodel		
Street address 107 N Broadway St		
City Greensburg	County DECATUR	

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.

- 4G0615A This is a partially submitted and released project. Subsequent submittals shall be accompanied by a completed standard / partial form (ACDR) and proper fees in accordance with 675 IAC 12-6-15(c).
- 12P06045 Water supply piping shall be designed and sized in accordance with Section 604.5 and Table 604.5, IPC (675 IAC 16-1.4).

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.

Filed By	Code review official ROBIN PHILLIPS	State Building Commissioner
Address (name, title of local official, street, city, state and ZIP code) PLAN DIRECTOR Gary Murray 304 W WASHINGTON STREET GREENSBURG, IN 47240 Fax & e-mail: 8126626925, gmurray@cityofgreensburg.com		State Fire Marshal <i>James L. Peterson</i>



FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number AE1630146	Name of the facility THE BEACH TIKI BAR & GRILL	County DECATUR
Address of Property 107 N BROADWAY ST GREENSBURG 47240	Name of the Contact LOUIS CAPEIRON	Telephone Number (812) 863-6554
Email gitarzan1093@hotmail.com		Inspection Date 07/25/2017
Inspection Category ENTERTAINMENT PERMIT	Inspection Type REINSPECTION	Inspection Status: VIOLATION
Name of the Inspector WALTER KNAEPPLE		Phone: 3176963685
Email: wknaepple@dhs.in.gov		

Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 604.5.2 2014 Edition IFC 675 IAC 22-2.5	For battery-powered emergency lighting, a power test of the emergency lighting equipment shall be completed annually. The power test shall operate the emergency lighting for a minimum of 90 minutes and shall remain sufficiently illuminated for the duration of the test. <u>Provide documentation that all emergency and EXIT lights are operable and comply with the above 90 minute test requirement.</u>	08/28/2017
2	Sec. 605.3 2014 Edition IFC 675 IAC 22-2.5	A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1,981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall be not less than the width of the equipment. No storage of any materials shall be located within the designated working space. Exceptions: 1. Where other dimensions are required or allowed by NFPA 70. 2. Access openings into attic or underfloor areas, which provide a minimum clear opening of 20 inches (509 mm) by 40 inches (1,016 mm). <u>electrical panels in kitchen are blocked by a stainless steel table.</u>	08/28/2017
3	Sec. 903.2.1.2 2008 Edition IBC 675 IAC 13-2.5	An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists: 1. The fire area exceeds 5,000 square feet (465 m ²); 2. The fire area has an occupant load of 100 or more; or 3. The fire area is located on a floor other than the level of exit discharge. <u>The fire area in the building, in it's current configuration, is 19,200 sf (Decatur Co GIS)</u>	08/28/2017
4	Sec. 1004.6 2008 Edition IBC 675 IAC 13-2.5	The occupant load of a mezzanine level with egress onto a room or area below shall be added to that room or area's occupant load, and the capacity of the exits shall be designed for the total occupant load	08/28/2017

Code Services Section, Room W246
Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
302 West Washington Street
Indianapolis, Indiana 46204-2739

Variance Application # _____

Re: Application for Variance
by
The Beach Tiki Bar & Grill, Inc
Greensburg, Indiana 47240

Certificate of Service
of
this Variance Application


I hereby certify that I have served a complete copy of the attached Variance Application by personal hand-delivery on the following:

Office of City Engineer
City of Greensburg City Hall
Greensburg, Indiana 47240
and
Fire Chief
Greensburg City Fire Chief
Greensburg City Fire Department
Greensburg, Indiana

on this 27th day of December, 2017.

Signed, given and certified this 27th day of December, 2017.

The Beach Tiki Bar & Grill, Inc
Greensburg, Indiana 47240

By  _____
Louis Caperone, President