

Owner / Applicant Information

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Submitter Information

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Designer Information

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Project Information

The Yard at Fishers District  
SE Corner of 116th St & Ikea Way

Fishers IN 46038

County HAMILTON

Project Type New ☒ Y Addition ☐ Alteration ☐ Existing ☐ Change of Occupancy ☐

Project Status ☒ U F=Filed U or Null=Unfiled

IDHS Issued Correction order? ☒ No Has Violation been Issued? ☒ No

Violation Issued by: NA

Local Building Official

Phone:

Email:

Local Fire Official

Phone:

Email:

### Variance Details

Code Name: Other Code (Not in the list provided)

2014 InBC,1007.4

Conditions: New six (6) story apartment / parking garage building will have accessible elevators that will not be provided with standby power. The code requires at least one accessible elevator in buildings five (5) stories or more be provided with standby power.

#### DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE ARE PROTECTED:

1=Non-compliance with the rule will not be adverse to the public health, safety or w

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2= 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:

1. Building will be sprinkered.  
2. Fair Housing Act does not require other means of egress from multi-story apartment buildings.  
3. Provision will be made for portable generator.  
4. Variance approved at least 9 times: Midtown West[17-06-52(f)], River House[16-11-39(a)], Wabash Landings[16-08-59(e)], Block 20[16-07-52(g)], Annex on 10th[16-06-34(c)], Library Square {16-02-47(a)}, CityWay[11-01-43(e)], River North Office 914-10-55), River Road[07-11-12(c)].

#### DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

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Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.

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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.

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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:

Owner's hardship involves the cost (\$85,000) to install generator and maintaining the generator for the elevator(s) when other accessibility codes do not require such a system, nor means of egress for this building. The cost of equipment would only be for the elevator standby power.

### Variance Details

Code Name: Other Code (Not in the list provided)

2014 InBC, 1007.8

Conditions: New six (6) story apartment / parking garage building will not have a two-way communication system in the elevator lobbies. Code requires that multi-story buildings to have two-way communication in the elevator lobbies.

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Facts:

1. Most persons have cell phones.  
2. The building will be sprinklered. Code requirement is not based on a sprinklered building.  
3. Variance approved at least 12 times: Midtown West[17-06-52(e)], Stonewater[17-03-82(d)], Arbuckle[17-02-52(a)], Patterson Pointe[17-01-38(e)], Lacy School of Business[17-01-44], River House[16-11-39(g)], Wabash Landings[16-09-71(e)], 306 Riverfront[16-05-73(i)], Annex 41[16-06-73(f)], Annex on 10th[16-06-43(a)], Block 20[16-07-52(f)], Library Square[15-12-32(m)].

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Facts:

The Owner's hardship is the cost of providing the communication system and on-going monthly line fee. This is not a federal requirement.

### Variance Details

Code Name: Other Code (Not in the list provided)

2014 InBC, 510.2 item 2

Conditions: Current code only permits one (1) podium level. Building will have two (2) podium levels per Type IA construction. Total building will have six (6) levels.

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Facts:

1. 2015 and 2018 International Building Code, Sec. 510.2 eliminates the one (1) story limitation. The limitation continues to be overall height - 70 feet for the least type of construction - Type VA.  
2. Variance approved at least 7 times: Midtown West[17-06-52(c)], River House[16-11-39(c)], Wabash Landing[16-08-59(c)], Annex on 10th[16-06-34(e)], Coil Apartments[14-12-17(b)], The Lofts at Pulliam[13-09-47(e)], and Purdue Honors College.

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Facts:

More recent national model codes permit a multi-level podium structure. Overall height and number of floor levels of the structure remains the same. Upgraded construction for a portion of the second level to Type IA improves the fire safety of the building.

Variance Details

Code Name: 2004 NFPA 82 Incinerators, Waste and Linen Handling Systems and Equipment (675 IAC 28-1-30)

5.2.4.2, 5.2.5.3, and 5.2.7.1

Conditions:

New six (6) story apartment building will have trash chute access and termination rooms of one (1) hour fire-rated construction. NFPA 82 requires such rooms to be two (2) hour construction. NFPA 82 also requires the chute/shaft to be two (2) hours. Shaft will be supported by one (1) hour rated floor assemblies.

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Facts:

1. The 2014 Indiana Building Code, Section 713.13.1 permits the access rooms and termination room to be one (1) hour construction.  
2. NFPA 82-2009 and 2014 Editions permit the access rooms to be one (1) hour when the room is sprinklered.  
3. Variance approved at least 12 times: Stonewater[17-03-82(e)], Patterson Pointe[17-01-38(a)], River House[16-11-39(f)], Lacy School of Business[17-01-44(d)], Wabash Landing[16-09-71(b)], Annex 41[16-06-54(e)], Annex on 10th[16-06-34(j)], Block 20[16-07-71(b)], 306 Riverfront[16-05-73(c)], Library Square[15-2-32(j)], Artistry[13-11-79], The Axis[12-11-50(g)].

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Facts:

The Owner's hardship is the cost to provide the two (2) hour construction and supporting construction. More current standards, including the 2014 Indiana Building Code permit one (1) hour construction.

Variance Details

Code Name: Other Code (Not in the list provided)

2014 InMC, 918.6, Exc.5.1

Conditions:

Dwelling unit kitchen air will be returned to warm-air furnace. Return air intake will be approximately five (5) feet from the oven /range. Code requires ten (10) feet of separation and serve the kitchen only.

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Facts:

1. Dwelling unit kitchen air is not hazardous nor a noxious containment per previous code (InMC 918.6.1)

(IMMC 401.4.1).

2. Variances approved at least 10 times: Midtown West[17-06-52(i)], Stonewater[17-03-82(f)], Arbuckle[17-03-62(e)], Patterson Pointe[17-01-38(d)], River House[16-11-39(e)], Block 20[16-07-52(d)], Annex 41[16-06-54(a)], Annex on 10th[16-06-34(f)], 306 Riverfront[16-05-73(h)], and Library Square[15-12-32(h)].

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Facts: Cost of additional distance and possible duct material in a very efficient small apartment layout is the hardship.

Variance Details

Code Name: Other Code (Not in the list provided)

2014 InBC, 504.2, 510.2, 903.3

Conditions: New six (6) story building with podium of Type IA construction and apartments of Type VA for the upper stories will have an NFPA 13R sprinkler system for the apartments. The code does not allow the use of NFPA 13R sprinkler systems in buildings more than four (4) stories or over 60 feet in height. Building will have six (6) levels and is approximately 67 feet in height.

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Facts: 1. Per 2018 code, attic will be sprinklered, be FRTW construction, or filled with noncombustible insulation.  
2. Similar variances for five (5) story buildings have been approved at least 7 times: Midtown West[17-06-52(g)], Block 20[16-07-52(b)], Library Square[15-12-32(k)], The Mezz[14-04-64 and 14-04-62], 451 Market[12-06-8(b)], The Axis[12-06-16(j)], and CityWay[11-01-43(b)].

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Facts: The Owner's hardship is the cost of providing an NFPA 13 sprinkler system for the residential floor levels, including concealed spaces such as floor construction and attic.