

Owner / Applicant Information

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Designer Information

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Project Information

Main and Monon Fountain
Main St and Monon Trail

Carmel IN 46032

County HAMILTON

Project Type New 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: Swimming Pool Code
675 IAC 20-5-24 (f)

Conditions: A new decorative fountain will not have a fence/barrier. Code requires a fence/barrier for a splash pad.

The project involves the addition of a decorative fountain in front of a restaurant/mixed use building. The fountain array is approximately 110 square feet with 16 nozzles, on a brick paved plaza with LED accent lighting.

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: The water will be zero depth. The fountain is not intended to be a water play attraction. Variances have been granted in the past for splash pads (intended for play) without fences. Previous variances include 13-04-53, 13-12-43, 13-12-44, 13-12-45, 13-12-46, 13-12-47, 13-12-48, and 17-01-05.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

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

Y 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.

Y 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: The fountain is intended for decoration to draw attention to the restaurant plaza. A fence would negatively affect the visibility of the water feature, and would be an unnecessary maintenance cost.

Variance Details

Code Name: Swimming Pool Code

675 IAC 20-5-25 Table 25-1

Conditions: A new decorative fountain will not have a rinse off shower. Code requires a rinse off shower for independent splash pads.

The project involves the addition of a decorative fountain in front of a restaurant/mixed use building. The fountain array is approximately 110 square feet with 16 nozzles, on a brick paved plaza with LED accent lighting.

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. The fountain is zero depth with no standing water.
 2. The fountain is not intended to be a water play attraction. It is intended to draw attention to the restaurant plaza. A shower is not likely to be used.
 3. Restrooms and drinking water will be available inside the restaurant.
 4. The fountain will only be operating during restaurant business hours.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

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.

Y 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: The hardship is the cost to install and maintain a shower given the intended use of the fountain.

Variance Details

Code Name: Swimming Pool Code

675 IAC 20-5 Sec. 14 & 15

Conditions: A new decorative fountain will not have filtration and re-circulation systems. Code requires filtration and re-circulation.

The project involves the addition of a decorative fountain in front of a restaurant/mixed use building. The fountain array is approximately 110 square feet with 16 nozzles, on a brick paved plaza with LED accent lighting.

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).

The water will be filtered and recirculated to the owner. All water will be recirculated.

Facts: The water will discharge directly to the sewer. No water will be re-circulated. Variances have been granted in the past for splash pads that discharge directly to sewer. Previous variances include 13-04-53, 13-12-43, 13-12-44, 13-12-45, 13-12-46, 13-12-47, 13-12-48, and 17-01-05.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

- 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: The hardship is the cost to install and maintain a filtration and circulation system for a decorative fountain. Water is discharged directly to sewer with no re-circulation.

Variance Details

Code Name: Swimming Pool Code

675 IAC 20-5-24 (e)

Conditions: An emergency telephone with emergency numbers, and a first aid kit will not be provided for the new decorative fountain. Code requires an emergency telephone and first aid kit for a splash pad.

The project involves the addition of a decorative fountain in front of a restaurant/mixed use building. The fountain array is approximately 110 square feet with 16 nozzles, on a brick paved plaza with LED accent lighting.

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. The water will be zero depth. The fountain is not intended to be a water play attraction.
2. The fountain will only operate during restaurant business hours.
3. If an emergency occurs, staff in nearby building can assist in calling emergency personnel. Majority of public also carry cell phones.
4. Variances have been granted in the past for splash pads (intended for play) without emergency phones and first aid kits. Previous variances include 13-04-53, 13-12-43, 13-12-44, 13-12-45, 13-12-46, 13-12-47, 13-12-48, and 17-01-05.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

Y 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.

Y 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: The fountain is intended for decoration to draw attention to the restaurant plaza. It is a cost hardship to maintain a public phone and first aid kits for a decorative fountain feature that is not intended to be used for play.

