

Owner / Applicant Information

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Submitter Information

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Designer Information

Forrest Ritz II

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Project Information

Willow Leaves of Hope

326 Jackson Street

Hope IN 47202

County BARTHOLOMEW

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? ☒ yes

Violation Issued by: SBC

Local Building Official

Phone: 8123791535

Email: bthompson@bartholomew.in.gov

Local Fire Official

Phone: 8123791535

Email: gene.wever@bartholomew.in.gov



Variance Details

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

2014 IBC Sec 903.2.1.2

Conditions: Section 903, 903.2.1.2 requires a sprinkler system where the fire area exceeds 5,000 sf. Section 508.3 states that non-separated the areas of non-separated occupancies, the most restrictive provision of Chapter 9 shall apply to the total area of the non-separated occupancies. The fire area exceeds limits in Chapter 9, 903.2.1.2 by 1,722 sf. (34%) The request is to allow the fire area to be increased to 6,722 sf and limit the A-2 occupancy load to 99.

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 mixed use M (mercantile)/A-2 occupancies were established prior to the adoption of the 2004 Indiana State Building Code which allowed 300 occupants in the A-2 occupancy before a sprinkler would be required. The current use of the building establishes the square footage uses occupancy loads as Mercantile - 140, Restaurant 97, Kitchen and food storage 7, Platform 18 for a total mixed occupancy load of 262. Adequate means of egress are provided for the this occupancy load. Emergency and Exit lighting is provided complying the with chapter 10. The non-compliance will not adversely affect the public health, safety and welfare. All other items contained in the Violation order will be addressed if the variance applications are approved and include revisions to comply with disability requirements (access/egress and new restrooms), modifications to the hood system, emergency/exit lighting, material finishes, etc.

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 owners/tenant will address the life safety issues identified in the Violation Order - accessible restrooms, Type 1 exhaust hood, emergency/exit lighting, accessible access/egress entry, etc. The other items associated with the variance application if approved, will then comply with the code provisions for establishment of the mixed occupancy and fire area. All perimeter walls are masonry with a Class roofing. To require the building to comply with the current code, a sprinkler system would be required and utility service (water and pressure) is limited and adequate property is not available to locate a vault (the building is built property line to property line on the south, east and west with less than 10' on the north) resulting in excessive costs and construction limitation for this small site.

Variance Details

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

2014 IBC Sec 503.1

Conditions: Table 503 limits building with A-2 occupancies for Type V B construction to 6000 sf. The building constructed in the late 1800's is 6,722 sf., 12% larger than allowed by code for this type of Construction and containing an A-2 Use. Area increase is not allowed as Section 506 requires 25% of the building perimeter to front on a public way or open space and the

requires 20% of the building perimeter to front on a public way or open space and the perimeter frontage is 22%.

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

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1

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 building was originally constructed pre 1900's. Additions and modifications were made with the current building being a total of 6,722 sf. Occupancy has changed many times over the years with recent occupancies being a plumbing supply house and trade operation in the 70's, a Grocery store with food service in the rear of the building until the late 80's, a church youth center in the late 80's to the late 90's during which time a platform was constructed, a Restaurant and Mercantile operation in the late 90's until 2015 and from 2015 to date the current Restaurant and Merchantile antiques store utilizing the platform for meetings and live performances prompting the request for an Amusement and Entertainment Permit. . The 19 violation items outlined in the Fire and Building Code Enforcement Inspection Report BU28982 will be addressed in a CONAP pending approval of the two variance applications being requested by the Commission. The public health, safety and welfare will not be adversely affected with the approval of this variance application as improvements to the exiting requirements, hoods, accessible restrooms, emergency lighting and finishes will be made as identified in the supporting preliminary plans.

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.

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:

Imposition of the rule would result in undue hardship as the physical size of the existing building exceeds the square footage allowed for a Type VB with A2/M mixed occupancy exceeding the current code maximum of 6000 sf by 12% (6,722 sf) Imposition of the rule would result in undue hardship as the building has operated as an Merchantile/A2 (restaurant) since prior to 1998 when at such time the code allowed occupant loads of 300 for A2 before a sprinkler system would be required. The owners will address the life safety issues identified in the Violation Order - accessible restrooms, exhaust hood, emergency/exit lighting, accessible access/egress entry, etc. All perimeter walls are masonry with a Class A roof. To require the building to comply with the current code, a sprinkler system would be required and utility service (water and pressure) is limited as well as adequate property is not available to locate a vault (the building is built property line to property line on the south, east and west with less than 10' on the north) resulting in excessive costs and construction limitation for this small site.

Variance Details

Code Name: 2008 Indiana Building Code (675 IAC 13-2.5)  
503.1

Conditions: Table 503 limits building with A-2 occupancies for Type V B construction to 6000 sf. The building constructed in the late 1800's is 6,722 sf., 12% larger than allowed by code for this type of Construction and containing an A-2 Use..

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 building was originally constructed pre 1900's. Additions and modifications were made with the current building being a total of 6,722 sf. Occupancy has changed many times over the years with recent occupancies being a plumbing supply house and trade operation in the 70's, a Grocery store with food service in the rear of the building until the late 80's, a church youth center in the late 80's to the late 90's during which time a platform was constructed, a Restaurant and Mercantile operation in the late 90's until 2015 and from 2015 to date the current Restaurant and Mercantile antiques store utilizing the platform for meetings and live performances prompting the request for an Amusement and Entertainment Permit. . The 19 violation items outlined in the Fire and Building Code Enforcement Inspection Report BU28982 will be addressed in a CONAP pending approval of the two variance applications being requested by the Commission. The public health, safety and welfare will not be adversely affected with the approval of this variance application as improvements to the exiting requirements, hoods, accessible restrooms, emergency lighting and finishes will be made as identified in the supporting preliminary plans.

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.

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: Imposition of the rule would result in undue hardship as the physical size of the existing building exceeds the square footage allowed for a Type VB with A2/M mixed occupancy exceeding the current code maximum of 6000 sf by 12% (6,722 sf) Imposition of the rule would result in undue hardship as the building has operated as an Mechantile/A2 (restaurant) since prior to 1998 when at such time the code allowed occupant loads of 300 for A2 before a sprinkler system would be required. The owners will address the life safety issues identified in the Violation Order - accessible restrooms, exhaust hood, emergency/exit lighting, accessible access/egress entry, etc. All perimeter walls are masonry with a Class A roof. To require the building to comply with the current code, a sprinkler system would be required and utility service (water and pressure) is limited as well as adequate property is not available to locate a vault (the building is built property line to property line on the south, east and west with less than 10' on the north) resulting in excessive costs and construction limitation for this small site.

