

Owner / Applicant Information

Nathan Kuehnert
Kuehnert Dairy Farms
6532 W. COOK RD.

FORT WAYNE IN 46818

Phone 2604373776

Email NATHAN.KUEHNERT@HOTMAIL.COM

Submitter Information

Melissa Tupper
RTM Consultants, Inc.
6640 Parkdale Place

Indianapolis IN

Phone 3173297700

Email tupper@rtmconsultants.com

Designer Information

Ronald Dick
Design Collaborative, Inc.
200 East Main Street

Fort Wayne IN

Phone 2604224241

Email rdick@designcollaborative.com

Project Information

Kuehnert Dairy Farm
6532 W. Cook Rd.

Fort Wayne IN 46818

County ALLEN

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

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

IDHS Issued Correction order? ☐ Has Violation been Issued? ☒ yes

Violation Issued by: SFM

Local Building Official

Phone: 2604497137

Email: john.caywood@co.allen.in.us

Local Fire Official

Phone: 2604497137

Email: Washfd61@comcast.net

Variance Details

Code Name: 12-4-11 Change of Occupancy or Use of Existing Buildings
12-4-11(b)

Conditions: A Class 2 structure, steel pipe hoop building with a fabric cover, will be occupied by the public 7 weeks a year in September and October for the Fall Festival. The building is used as the primary entry and exit point for the festival. The festival attendees pass through the structure to enter and exit the festival. Structures occupied by the public are classified as Class 1 structures.

The structure is 1-story and approximately 2,940 square feet. The structure will be used for festival storage when not in use for the fall festival.

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

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: 1. The structure will be used as the primary entry and exit point for the festival, which lasts 7 weeks.

2. There is a 12' overhead door at each end of the building that will remain open during hours of operation. The 12' wide opening can accommodate 720 occupants.

3. The structure is 84' long, making the travel distance through the structure less than 200 feet permitted by code to reach an exit.

4. Exit signs and emergency lighting will be provided.

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 provide a building that complies as a Class 1 structure that will only be used 7 weeks out of the year. This is not a structure that will be occupied by large groups for long periods of time, it's a constant flow of people moving through. Festival attendees will enter one end of the building and walk through to other end to enter the festival and vice-versa for when the festival attendees leave.

Variance Details

Code Name: Other Code (Not in the list provided)
2014 IFC, 3103.5

Conditions: Five temporary tent structures will be erected annually for the fall festival that lasts 7 weeks. The tents will be in place from mid to late August until early to mid November. Per the Indiana amendment to the IFC, a temporary tent structure is permitted to be in place for a period not to exceed 30 days within any calendar year. Tents are used for festival activities. Tent sizes: 1 x 10'x10', 1 x 30'x40', 2 x 30'x60', 1 x 30'x90'. The variance request is to permit the tent structures to be in place annually from mid to late August until early to mid November.

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

☒ 1

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

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 tents will be erected for a period significantly less than 180 days - the limit for temporary tent structures in the un-amended IFC.
2. There will be no open flames in the tents.
3. All tents comply with the NFPA 701 flame propagation criteria.
4. All tents otherwise comply with all requirements of Sec. 3103 and all applicable requirements of Sec. 3104.

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.

☐

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 tents serve an annual need for the fall festival activities.

Variance Details

Code Name: 12-4-11 Change of Occupancy or Use of Existing Buildings
12-4-11(b)

Conditions:

The project involves the conversion of a portion of an existing dairy barn (no public qualifying as ¿agricultural¿ use) to a viewing room open to the public, classified as a Class 1 structure.

Per an email from the agency on a similar project, see attached email, the agricultural portion of the building would be exempt and only the portion of the building open the public would be classified as a Class 1 structure.

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

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:

1. The portion of the building occupied by the public is 390 square feet and is used for viewing of the dairy barn operations.

2. The maximum travel distance from the view room to the exterior of the building is 26 feet.

3. The viewing room will be posted for a maximum occupant load of 40.

4. Based upon the size of the viewing room neither a sprinkler system or a fire alarm system are required by code.

5. The viewing room is located at grade.

6. The building is not heated or cooled.

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:

Imposition of the rule would potentially eliminate the proposed use due to undetermined complications and/or requirements.

