

Owner / Applicant Information

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Submitter Information

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Project Information

Beville House

438 Beville Ave

Indianapolis IN 46201

County MARION

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: LBD

Local Building Official

Phone:

Email:

Local Fire Official

Phone:

Email:

Variance Details

Code Name:

R302.1(1)

Conditions:

No operable windows are allowed within three feet from a property line per R3021(1). Both sides of the residence are within three feet of the property line according to the mapping system.

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:

About half of the windows were already framed but you could see where the original windows were. With the understanding that this home is very old and the standards were different when the home was built; the upstairs windows were about 18 inches from the ground which was a safety hazard. So the windows that were installed were installed today's standards. The original size of the windows installed there would be an issue due to the windows being 18 inches from the floor. We were informed of new requirements which halted the progress of the job. Windows cannot be changed on a house that is within 3 feet of the property line, previous windows are a hazard for persons residing in the home. Currently, the windows have been changed and the variance is needed so windows can be replaced with the existing size windows so upstairs bedroom can be considered bedrooms.

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.

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 only other option is to tear down the home and rebuild it more than 3 feet from the property line which is an exceptionally difficult hardship. The owner doesn't possess the financial resources to rebuild an existing structure to meet the current window requirement. Additionally, the owner of the home is the owner of the vacant lot attached to the property so, he can assure any structure built will move further away from existing structure.

Variance Details

Code Name: 2020 IRC

Table R302.1(1)

Conditions: No operable windows are allowed within three feet from a property line per R302.1(1). Both sides of this residence are within three feet of the property line according to the mapping system.

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: The windows' placements are original to the home's build date; therefore, the windows were not moved or enclosed due to the rooms being bedrooms. The replacement windows are safer due to new window materials. Additionally creating a smaller window encasement created a safer placement of the window from the floor to window measurement.

The owner is remodeling an existing structure for home rental; therefore enclosing the windows would prohibit rental capacity. Additionally relocating the walls of the home to be in compliance with the code would require the structure to be rebuilt rather than remodeled or rehabilitated. The process of rebuilding to be in compliance would create a financial burden the owner could not incur.

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.

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 windows' placements are original to the home's build date. The windows were not moved or enclosed due to the rooms being bedrooms. The owner is remodeling an existing structure for home rental; therefore enclosing the windows would prohibit rental capacity. Additionally relocating the walls of the home to be in compliance with the code would require the structure to be rebuilt rather than remodeled or rehabilitated. The process of rebuilding to be in compliance would create a financial burden the owner could not incur. As checked above the imposition of the rule would result in undue hardship because of excessive costs.

