

Owner / Applicant Information

Dale Dillon
Dillon Construction Group
6828 HILLSDALE COURT

INDIANAPOLIS IN 46250

Phone 3175962767

Email DDILLON@DILLONCG.COM

Submitter Information

Edwin Rensink
RTM Consultants Inc
6640 Parkdale Place

Indianapolis IN

Phone 3173297700

Email rensink@rtmconsultants.com

Designer Information

Joshua Mazur
Studio M Architecture and Planning
2 West Main Street

Carmel IN

Phone 3178101502

Email jmazur@studiomarchitecture.net

Project Information

Riverfront Promenade
Northeast Corner of Harrison and Superior Streets

Fort Wayne IN 46802

County ALLEN

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: Other Code (Not in the list provided)

510.2, Condition 2, 2014 IBC

Conditions: The development will have two (2) to four (4) levels above grade plane in the Type IA podium. Current code permits a maximum of one (1) level above grade plane in a podium using the horizontal building separation option in Sec. 510.2.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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 welfare

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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 2015 International Building Code, Sec. 510.2 (as well as the 2018 and 2021 editions), eliminates the maximum 1-story limitation for a podium - with no limit on the number of podium levels.

2. The overall height of the building will not exceed the 85 feet permitted for the lesser of the construction types (Type IIA) involved, as required.

3. The entire Type I podium will be protected throughout with a sprinkler system per NFPA 13, as required. The adjoining Type IIA building will also be protected with a sprinkler system per NFPA 13.

4. Similar variances have been granted to permit multiple levels in a Type 1A podium for other projects, including 20-01-72d, 20-01-65a, 19-05-68c, 19-04-50e, 18-03-66c, 18-03-55c, 17-09-62a, 17-07-45a, 17-06-52c, 17-03-17, 16-11-39c, 16-08-59c, 16-06-34e, 15-02-05c, and others.

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: Multiple podium levels are necessitated by the interconnecting parking levels.

Variance Details

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

510.2, Condition 1, 2014 IBC

Conditions: A portion of the 3-hour separation between the Type IA podium structure and the adjoining Type IIA Construction will be vertical in addition to the horizontal separation described in Sec.

510.2. The project will employ the horizontal building separation „podium“ option per Sec. 510.2 to separate the Type IA portion from the Type IIA portion of the development.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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Facts:

1. Sec. 510.2, Condition 1, of the 2018 International Building Code, specifically recognizes the use of vertical 3-hour wall construction as part of the 3-hour podium separation.
2. The 3-hour horizontal assembly will be supported by 3-hour rated construction, as required.
3. The entire Type I podium will be protected throughout with a sprinkler system per NFPA 13, as required. The adjoining Type IIA building will also be protected with a sprinkler system per NFPA 13.
4. Similar variances have been granted to permit the podium separation to be vertical as well as horizontal, including 19-10-31k, 18-01-25c, 18-07-29b, and 18-03-66c, 17-09-62, and others.

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 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 vertical portion of the separation is necessitated by the varying heights of the parking garage structure within the building.

Variance Details

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

3004.1, 2014 IBC

Conditions: Hoistway venting will not be provided for the elevators serving the residential portions of the 6-story development. An elevator with four (4) or more stops requires hoistway venting where the building contains an R Occupancy.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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

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Facts: 1. The 2015 International Building Code has eliminated the requirement for venting of elevator hoistways.

2. Reference to hoistway venting has been eliminated from the 2010 Edition of the ASME A17.1, Safety Code for Elevators and Escalators.

3. Elevator hoistway vents, when opened, could potentially draw smoke and heat into the elevator hoistway.

4. The building will be protected with an automatic sprinkler system. Recent studies indicate that sprinklered buildings do not pose a threat for smoke and heat spread through elevator shafts.

5. Similar variances have been granted, including 20-02-54f, 20-01-57a, 19-12-63c, 19-10-48c, 19-09-69a, 19-09-68c, 19-08-96c, 19-07-17, 19-06-51b, 19-05-68, 19-04-53, 19-03-54c, 18-08-14c, 18-06-60f, 18-04-28, 18-04-25, 17-09-38b, 17-09-52, and 17-09-62d.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

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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: Venting of elevator hoistways appears to be a vestige of decades-ago theories about smoke spread in nonsprinklered buildings. The intent of hoistway venting in previous codes is not clear. In addition to potentially drawing smoke into the hoistway from the building, hoistway venting also has a detrimental effect on energy conservation. In addition to potential adverse affects noted, hardship is the cost to install and maintain elevator vents.

Variance Details

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

Rule 2, Sec. 26e, ISPC

Conditions: The resident swimming pool will not have a lifeguard chair, first aid kit, or phone on the pool deck.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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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: 1. A lifeguard is not required, nor provided. Residents swim at their own risk. Cell phones are widely in use if notice is necessary in the event of an emergency.
2. The pool is not open to the public, only to residents and guests who will shower and change within the individual dwelling units.
3. Numerous similar variances have been granted for other apartment developments, including 17-06-17c, 19-04-60L, 20-01-64j, and numerous others.

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- Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts: Hardship is the cost to provide the noted items for a pool used by only residents and guests.

Variance Details

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

1007.8, 2014 IBC

Conditions: The 2-way communication system will not be provided at the elevator landing on each upper floor of the 6-story development. The system is required on each accessible floor that is one story above or below the level of exit discharge.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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Facts: 1. Cell phones are widely used for communication, and will provide a more readily available means of communication for the purpose intended.

2. This variance has been approved numerous times previously; 20-04-40, 20-04-39, 20-04-38, 20-04-10, 20-04-09, 20-02-54e, 20-01-57b, 19-09-69c, 19-09-68a, 19-09-47a, 19-07-45d, 19-07-23, 19-06-54d, 19-06-51c, 19-05-68, 18-08-43a, 18-06-60a, 18-03-32a, 17-10-13, 17-03-82d, 17-06-38d, 16-09-71d, 15-09-73, 17-02-52a, 17-06-52e, 17-09-62f, and others.

3. The building will be protected throughout with an automatic sprinkler system per NFPA 13.

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Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts: Hardship is the cost for a 2-way communication system that would likely never be used.

Variance Details

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

913.2.1, 2014 IBC

Conditions: The domestic water service, meter, and backflow preventer valve will be co-located with the fire pump within a single room. Code is interpreted to require the fire pump to be located in a room separated from all other areas of the building. The room will be located on the first floor.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential,

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Facts:

- 1. Sec. 4.12.1.1.5, NFPA 20, permits equipment related to domestic water distribution to be located within the same room as the fire pump equipment. The domestic water service and appurtenances will not introduce a fire hazard into the fire pump room.
- 2. The building will be protected with a sprinkler system per NFPA 13.
- 3. The room will be separated from the rest of the building with minimum 1-hour construction, as required.
- 4. Similar variances have been approved previously, including 20-01-57, 19-07-48f, 18-12-08b, 18-06-54a, 16-07-10c, and others.

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Facts:

Hardship involves the logistics of separating domestic and fire protection system water supplies into separate rooms.

Variance Details

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

918.6, exc. 5.1, 2014 IMC

Conditions: Dwelling unit kitchen air within residential units 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 for it to serve the kitchen only.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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Facts: 1. Dwelling unit kitchen air is not hazardous - not a noxious contaminant per related previous provision in 2008 IMC, Sec. 404.4.1.

2. This variance has been approved previously, including 18-04-48c, 18-04-18a, 18-03-55e, 17-04-44b, 17-06-52i, 17-03-82f, 17-03-62e, 17-01-38d, 19-04-50d, 16-11-39e, 16-07-52d, 16-06-34f, 16-11-39(e), 15-04-46e, 15-12-32(h), and others.

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Facts: Redesign of the unit to achieve the 10 feet of separation results in a less efficient design, without adding any benefit to public welfare.

Variance Details

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

Rule 2, Section 26f, ISPC

Conditions: The resident swimming pool barrier will consist of a 4-ft high fence on all sides. The Indiana Swimming Pool Code requires a 6-ft high barrier around the pool.

The project will be a mixed use development <https://oas.dhs.in.gov/dfbs/variance/code.do?method=viewCodeDetail&varCodeId=26844&varId=20292t> with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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Facts:

1. The pool is not open to the public, only to residents and guests.
2. The 2012 International Swimming Pool and Spa Code, Sec. 305.2.1, permits a fence surrounding a pool to be 4 feet in height. The same provision is in the 2015 and 2018 editions. A 4-ft fence provides the necessary safety from entry by small children, which is code intent.
3. Similar variances have been granted to permit 4-ft high pool barriers for other apartment developments, including 20-01-64f, 17-12-52, 17-06-17b, 16-07-10a, 16-06-20a, 15-09-34(b), 15-07-69, and others.

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Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts:

A 6-ft high barrier obstructs views across the courtyard, whereas a 4-ft high barrier will at the same time provide adequate safety and maintain the desired view.

Variance Details

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

Rule 2,Section 27, ISPC

Conditions: A bathhouse providing showers, a dressing area, sanitary facilities and drinking fountain will not be provided for the common area outdoor pool provided for residents.

The project will be a mixed use development with approximately 627,000 sq ft of total floor area. The structure will be six (6) stories in height, and will consist of a combination of Type IA podium construction and Type IIA Construction. Uses will include parking garage, residential, retail/restaurant, and office.

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Facts:

1. Common area rest rooms are provided in the immediate vicinity for use by residents and guests.
2. The pool is not open to the public, only to residents and guests who will shower and change within the individual dwelling units.
3. Numerous similar variances have been granted for other apartment developments, including 17-06-17a, 20-02-54d, 20-01-64a, 19-04-60f, 17-07-49g, 17-04-15a, 16-06-20b, 16-04-34(d), 15-09-34(a), and 14-12-20(b).

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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:

Hardship is the cost to provide a separate bathhouse and all related features for a pool used only by residents and guests.

