Owner / Applicant Information

Eric Armstrong
21 Penn Place LLC
6151 Central Avenue

Indianapolis IN 46220

Phone 3175297858

Email eric@alive-ent.com

Submitter Information

Scott Perez
ARX 360, Inc.
6015 Orchard Hill Ln

Indianapolis IN

Phone 3175202558

Email scott@arx360.com

Project Information

Penn Street Suites
21 N. Pennsylvania St.

Indianapolis IN 46204

County MARION

Project Type New [ ] Addition [ ] Alteration [Y] Existing [Y] Change of Occupancy [ ]

Project Status [F] F=Filed U or Null=Unfiled

IDHS Issued Correction order? [No] Has Violation been Issued? [No]

Violation Issued by: NA

Local Building Official

Phone: 3173278700 Email: planreview.Class1@indy.gov

Local Fire Official

Phone: 3173278700 Email: david.carpenter@indy.gov

Variance Details

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

2014 IBC, 903.2.8, 903.3.1.2

Conditions:

WITHDRAWN ON October 21, 2026

2014 IBC, 903.2.8, 903.3.1.2 and 903.3.1.3

The project is the conversion of the upper floors of an existing 4-story-plus-basement building of Type III-B construction to five Group R-2 dwelling units: two units each on the second and third floors and one unit on the fourth floor. An existing Group M mercantile tenant occupies the first floor and basement and will remain in operation. The footprint of the building is approximately 2,655 sf. The building is not sprinklered. Section 903.2.8 requires an automatic sprinkler system throughout a building containing a Group R fire area, and Section 903.3.1.2 permits that system to be an NFPA 13R system for a Group R occupancy of four stories or less. The Owner proposes to protect the 3 stories of R-2 with an automatic sprinkler system designed and installed in accordance with NFPA 13D.

WITHDRAWN ON October 21, 2026 A FULL NFPA 13R SYSTEM SHALL BE INSTALLED ON FLOORS 2, 3 AND 4.

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

[2]

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. All five dwelling units (the entire Group R-2) shall be protected by an NFPA 13D sprinkler system, including bathrooms, closets and areas NFPA 13D permits to omit. Sidewall sprinklers shall also be provided in each residential lobby and at the top of the exit stair.
2. Sprinkler waterflow shall be electrically supervised and transmitted to an approved supervising station.
3. Dwelling units shall be separated from each other and from the exit access by 1-hour fire partitions per Sections 420.2 and 708. Residential lobbies, the exit stair and the elevator hoistway shall be enclosed in 2-hour construction.
4. Every sleeping room and every living area in each unit shall be provided with an emergency escape and rescue opening (EERO) exceeding the minimum net clear opening of Section 1029.2. Section 1029 does not require openings in living areas; the Owner provides them as an additional means of escape and rescue.
5. A monitored NFPA 72 fire alarm and smoke detection system shall be installed on every level, basement through fourth floor, including the Group M tenant space, with smoke alarms in each dwelling unit per Section 907.2.11.2 interconnected to the building system. All alarm and supervisory signals shall be transmitted to an approved supervising station.
6. The Group R-2 occupancy is small and covers only 3 stories. Every unit opens directly to the exit stair enclosure, and the fourth-floor unit also has direct access to the exterior fire escape.

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

☐ architecturally or a historically significant part of the building or structure

Facts:

WITHDRAWN ON October 21, 2026 A FULL NFPA 13R SYSTEM SHALL BE INSTALLED ON FLOORS 2, 3 AND 4.

An NFPA 13R system for this building requires a new dedicated fire service, backflow prevention, riser and alarm valve, and distribution through the existing lobbies, corridors and the occupied first-floor and basement Group M tenant space to reach the residential floors. The physical limitation is [the absence of a fire service to the building the inability to route a fire main through the occupied tenant and the existing masonry structure without disrupting the operating business.

Similar variances have been approved in the past including: 11-11-31, 12-05-50, 12-04-18, 13-09-28, 13-09-48, 13-10-13 , and 13-10-62(b)(c), 16-12-77, 17-07-60, 18-09-41, 18-10-47, 18-11-36, 19-10-16 and 23-02-32

WITHDRAWN ON October 21, 2026 A FULL NFPA 13R SYSTEM SHALL BE INSTALLED ON FLOORS 2, 3 AND 4.

Variance Details

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

'14IBC-1021.1, 1021.2

Conditions: The project is the renovation of the upper floors of an existing 4-story-plus-basement building of Type III-B construction and a footprint of 2,655 sf to five Group R-2 dwelling units: two units each on the second and third floors and one unit on the fourth floor. An existing Group M mercantile tenant occupies the first floor and basement and will remain in operation. The building is currently not sprinklered. Section 1021.1 requires two exits from each story. Table 1021.2(1) permits a single exit from a Group R-2 story only where the story is not more than the third story above grade plane with EEROs installed in sleeping rooms, has not more than four dwelling units, has an exit access travel distance of not more than 125 feet, and the building is equipped throughout with a Section 903.3.1.1 or 903.3.1.2 sprinkler system. Floors 2 and 3, with two dwelling units each, will be served only by the single central exit stair. Floor 4, with one dwelling unit, will be served by the central stair and by the existing exterior fire escape on the north face of the building; the code does not recognize a fire escape as a required exit for new construction or a change of occupancy. Code requires two complying exits from each residential story, which can include EEROs.

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Facts:

1. Each residential story has not more than two dwelling units (one on floor 4). Total Group R-2 occupant load is 12. Maximum exit access travel distance is 7 ft 7 in from the lobby entry door to the 2-hour enclosed stair shaft, from the 2nd, 3rd and 4th floor apartment entries.
2. The exit stair is enclosed in 2-hour construction with 90-minute self-closing opening protectives, shall discharge directly to the exterior at grade via a 2-hour rated horizontal exit passageway, and shall be provided with emergency lighting and exit signage.
3. Each R-2 level (2, 3 and 4) shall be protected by an NFPA 13R sprinkler system with monitored waterflow, a Class III standpipe, and an NFPA 72 fire alarm system with horns/strobes and emergency lighting with battery back up.
4. Each sleeping room and living area shall have an emergency escape and rescue opening exceeding Section 1029.2 minimums (5.7 sf, 24 in clear height, 20 in clear width, 44 in maximum sill), providing a second means of escape and fire department rescue from every habitable room. Per the Construction Documents, window types SF1, SF2, SF3, SF4 and SF6 comply. The smallest unit (SF6) provides 9 sf, 35 in clear height and 34 in clear width. The tallest sill is 34 in above finished floor.
5. The 4th floor unit has direct access by door to the existing exterior fire escape on the north face. It shall be examined by a registered design professional, load-tested per 2014 Indiana Fire Code Section 1104.16, repaired as required and maintained.
6. A monitored NFPA 72 fire alarm and smoke detection system shall be provided on every level, tied into alarms and devices in the basement and first floor Group M space, with smoke alarms in every unit, so residents receive early notification while the exit stair remains tenable behind 2-hour construction.

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.

[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 existing building occupies the site with a party wall on the south and lot-line walls on all three other sides. A second interior exit stair cannot be added without removing a significant amount of residential floor plate on each level, eliminating one of the two units per floor and rendering the project infeasible, or cutting through the occupied Group M tenant space to reach grade. The existing fire escape stair serving the 4th floor shall be renovated and tested to conform with requirements.

Similar variances approved: 25-01-99

Variance Details

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

2014 IBC 508.4, 508.4.4.1

Conditions: The project is the renovation of the upper floors of an existing 4-story-plus-basement building of Type III-B construction and a footprint of 2,655 sf to five Group R-2 dwelling units: two units each on the second and third floors and one unit on the fourth floor. An existing Group M mercantile tenant occupies the first floor and basement and will remain in operation. The building is currently not sprinklered. Table 508.4 (non-sprinklered) requires a 2-hour separation between the Group M and the Group R-2, provided here as a 2-hour horizontal assembly between the first and second floors. Section 711.2.3 requires the construction supporting a fire-resistance-rated horizontal assembly to be protected to the same rating. The existing columns, joists and beams of the Type III-B structure are unrated and cannot practically be upgraded to 2-hour construction while the first-floor tenant remains in operation. Code requires the structure supporting the 2-hour horizontal assembly to be 2-hour fire-resistance-rated.

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Facts: 1. The 2-hour horizontal assembly itself has been provided as a listed assembly applied to the underside of the second-floor structure, with all penetrations and joints protected per Sections 714 and 715, and shall be continuous to the exterior walls.
2. A monitored smoke detection and fire alarm system shall be installed throughout the Group M tenant space and on every level, providing early warning to the residential occupants above. The dwelling units are sprinklered with an NFPA 13R system, and vertical openings are enclosed in 2-hour shafts (stair, elevator and horizontal egress passageway on level 1).
3. The Group M below is 2,655 sf on the first and basement floors, single-tenant, with 2 exits directly to the exterior and monitored detection.

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Facts: Upgrading the existing structural frame to 2-hour fire-resistance-rated construction would require exposing and encasing every column, beam and bearing element on the first floor and in the basement within the operating Group M tenant space and could not be performed while the tenant remains in business. The existing structure is an original condition of the building not altered by this project.

When the existing tenant remodels or leaves the premises, the structure shall be brought into conformance with the 2-hour rating, as that work cannot be completed while the tenant is in operation.

Similar variances have been approved, including: 13-10-50

Variance Details

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

2014IBC, 903.2.8

Conditions: The project is the renovation of the upper floors of an existing 4-story-plus-basement building of Type III-B construction and a footprint of 2,655 sf to five Group R-2 dwelling units: two units each on the second and third floors and one unit on the fourth floor. An existing Group M mercantile tenant occupies the first floor and basement and will remain in operation. The building is currently not sprinklered. Section 903.2.8 requires an automatic sprinkler system throughout the building because it contains a Group R-2 fire area; the existing Group M tenant on the first floor and in the basement is therefore required to be sprinklered. The Owner shall install an NFPA 13R system covering the Group R-2 occupancy, separate the Group M from the Group R-2 by a 2-hour horizontal assembly complying with Table 508.4 (nonsprinklered) and Section 711, and install sprinkler protection in the Group M tenant space when that space is renovated or a new tenant is obtained. Code requires the Group M to be sprinklered at this time.

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Facts: 1. The Group M and Group R-2 shall be separated by a 2-hour horizontal assembly per Section 711 with penetrations protected per Section 714, and the stair and elevator enclosed in 2-hour shafts per Section 713 with 90-minute opening protectives (Table 716.5). The M and the R-2 are therefore separate fire areas (Table 707.3.10).
2. A monitored NFPA 72 fire alarm and smoke detection system shall be installed throughout the Group M tenant space (basement and first floor), giving early notification to the residential occupants above and to the fire department.
3. Sprinkler protection shall be extended into the Group M space, to the standard then required, when the space is renovated or re-tenanted and before it is re-occupied, under a separate Construction Design Release. The Owner accepts this as a written condition of the variance, will incorporate it in the tenant lease renewal and any new lease, and will report status to IDHS annually.
4. The existing Group M occupancy, its exits and its fire load are unchanged by this project. The added risk is to the residential occupants, who are protected by sprinklers within their units, separated from the M by 2-hour construction, and notified by monitored detection in the Group M tenant space and R-2 occupancy.

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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.

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Facts: The Group M tenant is an operating business under an existing lease that does not permit the Owner to close the premises for ceiling removal, pipe installation and refinishing. The future work will be completed and reworked when the space is reconfigured for a future tenant or the existing tenant shall remodel. The Applicant acknowledges that a sprinkler system is required throughout the building by current code and is requesting to defer the Group M portion until renovation or re-tenanting, at which time the system will be installed.

IDHS has approved deferral of sprinklers in existing occupied tenant spaces pending renovation or turnover in Variances 14-11-22, 21-05-18, 13-03-48, 13-08-33, 13-10-50 and 11-07-26.

Variance Details

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

2014 IBC, 905.3.1

Conditions: The project is the conversion of the upper floors of an existing 4-story-plus-basement building of Type III-B construction to five Group R-2 dwelling units: two units each on the second and third floors and one unit on the fourth floor. An existing Group M mercantile tenant occupies the first floor and basement and will remain in operation. The footprint of the building is approximately 2,655 sf. The building is not sprinklered. Section 905.3.1 requires a Class III standpipe system in a building where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access; the fourth floor is approximately 43-feet above grade. Exception 1 permits a Class I standpipe only where the building is equipped throughout with a Section 903.3.1.1 or 903.3.1.2 sprinkler system, which it is not (Variance 1). The Owner proposes not to install a standpipe system. Code requires a Class III standpipe with hose connections at each floor level in the exit stair (Section 905.4).

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Facts: WITHDRAWN ON October 21, 2026

1. Each of the five dwelling units ¿ the entire residential occupancy ¿ shall be protected by an NFPA 13D automatic sprinkler system with monitored waterflow (Variance 1).
2. Every sleeping room and living area shall be provided with an emergency escape and rescue opening exceeding the minimums of Section 1029.2, and the fourth floor is additionally served by an exterior fire escape.
3. The building is stories and approximately 43 feet to the top floor ¿ marginally above the 30-foot threshold ¿ and the 4-story exit stair is a short (approximately 50-feet) hose lay from the street; the Indianapolis Fire Department Station 13 is approximately 6 blocks from the site. Fire department access is available on the north, west and east faces
4. A monitored smoke detection and fire alarm] system shall be installed on every level.

WITHDRAWN ON October 21, 2026

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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.

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Facts: WITHDRAWN ON October 21, 2026

A Class III standpipe requires a new dedicated fire service, backflow prevention, and a riser routed from the water entry in the basement through the occupied Group M tenant space and the existing masonry and concrete walls to each level of the exit stair. The line would have to be routed through the existing and operational M-Occupancy, for a five-unit residential occupancy that will be protected by sprinklers and provided with oversized emergency escape openings at every habitable room. The routing cannot be accomplished without closing the operating first-floor and basement business.

WITHDRAWN ON October 21, 2026