



# APPLICATION FOR VARIANCE

State Form 44400 (R7 / 10-13)  
Approved by State Board of Accounts, 2013

## INDIANA DEPARTMENT OF HOMELAND SECURITY CODE SERVICES SECTION

302 West Washington Street, Room W246  
Indianapolis, IN 46204-2739

[http://www.in.gov/dhs/iire/bs\\_comm\\_code/](http://www.in.gov/dhs/iire/bs_comm_code/)



**INSTRUCTIONS:** Please refer to the attached four (4) page instructions.  
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

17-03-01

### 1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant	Title
Name of organization	Telephone number
Address (number and street, city, state, and ZIP code)	

PK PARTNERS LLC  
(317) 817-8882  
3925 RIVER CROSSING PARKWAY, SUITE 50, INDIANAPOLIS, IN. 46420

### 2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of applicant	Title
Name of organization	Telephone number
Address (number and street, city, state, and ZIP code)	

JASON GILLIANA  
OWNER  
GILLIANA POOLS LLC  
(219) 736-7770  
1000 E. BOTH PLACE, SUITE 600 N., MERRILLVILLE, IN. 46410

### 3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Name of organization	Telephone number
Address (number and street, city, state, and ZIP code)	

GARY L. FRANK  
AR 00 870137  
ARCHITECTURAL GROUP III  
(574) 293-0008  
201 S. NAPPANEE STREET, ELKHART, INDIANA 46514

### 4. PROJECT IDENTIFICATION

Name of project	State project number	County
Address of site (number and street, city, state, and ZIP code)		
Type of project		

RIVER CROSSING APARTMENTS POOL  
387863  
MARION  
8901 RIVER CROSSING BOULEVARD, INDIANAPOLIS, INDIANA  
 New  Addition  Alteration  Change of occupancy  Existing

### 5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)

One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.

Written documentation showing that the local fire official has received a copy of the variance application.

Written documentation showing that the local building official has received a copy of the variance application.

### 6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire and Building Safety issued a Correction Order?

Yes (If yes, attach a copy of the Correction Order.)  No

Has a violation been issued?

Yes (If yes, attach a copy of the Violation and answer the following.)  No

Violation issued by:

Local Building Department  State Fire and Building Code Enforcement Section  Local Fire Department

**7. DESCRIPTION OF REQUESTED VARIANCE**

Name of code or standard and edition involved	Indiana Swimming Pool Code- IAC - Article 20	Specific code section	675-IAC20-2-17 (b) (3)
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Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)

The circulation system shall be of adequate size to produce not less than the following turnover time:  
Class B and C pools with wading areas: two (2) hours.

**8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED**

Select one of the following statements:

Non-compliance with the rule will not be adverse to the public health, safety or welfare; or

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 demonstrating that the above selected statement is true:

SEE ATTACHED LETTER

**9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE**

Select at least one of the following statements:

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 demonstrating that the above selected statement is true:

SEE ATTACHED LETTER


**10. STATEMENT OF ACCURACY**

I hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application	Please print name	Date of signature (month, day, year)
	JASON GILLIANT	1-31-17
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

**11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement.)**

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.

Signature of applicant	Please print name	Date of signature (month, day, year)
	JASON GILLIANT	1-31-17

January 30, 2017

Indiana Department of Homeland Security  
Code Services Section  
302 West Washington Street, Room W246  
Indianapolis, Indiana 46204



Gilliana Pools, LLC  
1000 E. 80<sup>th</sup> Place Suite 600 N.  
Merrillville, IN 46410  
P 219-736-7770  
F 219-736-7774  
[gillianapools.net](http://gillianapools.net)

RE: REQUEST FOR VARIANCE for:

**River Crossing Apartments Pool  
8901 River Crossing Blvd.  
Indianapolis, Indiana 46240**

The following request is the same as was made for a previously submitted swimming pool located at:

**Historic Central Apartments - Project Number 364814 – Variance number 15-10-02, where the Commission’s action was such: “No Variance Required” dated 1/04/2015.**

To Whom It May Concern,

As per Jason Ravenscroft with the **Indiana Department of Health Environmental Public Health Division**, we are requesting a variance from the requirements stated in the **Indiana Department of Health Environmental Public Health Division- Public and Semi-Public Swimming Pools 410 IAC 6-2.1-32 Recirculation- Section 32 (b)** *In all other pools built on or after September 13, 1989, the turnover rate shall be as follows:*

<b>POOL TYPE</b>	<b>TURNOVER RATE</b>
Pools with wading areas	2 hours

The aforementioned pool consists of two areas: one being a wading area at 6 inches or less of water (calculated at 2035gallons) and the remainder of the pool having an average depth of 4’ – 0” equating to 20106 gallons. The total number of gallons is 22141 gallons. If the pool were to be designed with the 2 hour turnover rate as noted above, than the calculated gpm would be:

22141 gallons of water / 2 hour turnover rate / 60 minutes = 184 gallons per minute.

It is hard to believe that 2035 gallons of water dictates the flow rate for 22141 gallons. Even if the wading (tanning) area were to be taken from the equation, and we treated that portion as part of the pool, the required flow rate would be:

36823 gallons of water / 6 hour turnover rate / 60 minutes = 102 gallons per minute.  
This is over 1.5 times less the pumping capacity per the “Pool with Wading Area” requirement.

**1000 East 80<sup>th</sup> Place, Suite 600 North, Merrillville, Indiana 46410**  
**Tel: 219-736-7770 Fax: 219-736-7774**  
**[www.whitecopoolsolutions.com](http://www.whitecopoolsolutions.com)**

Calculated, the wading (tanning) area consists of 9% of the water circulated in the pool leaving 91% of the remaining water to be circulated in 2 hours. If the intention is to move water at a quicker rate away from the wading (tanning) area, why can't the proposed existing valves do the work? There are (4) floor returns in the wading area that are piped separate from the (7) returns to the rest of the pool. They can be adjusted (and checked with separate flow meters) based on the following:

20106 gallons (non-wading (tanning) volume) / 6 hour turnover rate / 60 minutes = 56 gallons per minute

2035 gallons (wading (tanning) volume) / 48 minutes turnover rate / 60 minutes = 42gallons per minute

Total gallons pumped per minute

98 gallons per minute

The currently designed circulation pump is a PENTAIR Whisperflo WFE -8, 2 hp High Performance Pump that will pump 98 gallons per minute at 65 TDH per performance curve. The pump that would be needed to move the volume of water (185 gpm) if the variance is not sought, would need to be a 5 hp unit, which for all practical purposes is way too big for this small pool.

Gilliana Pools has had variance requests granted for 2 other facilities with the same turnover rate issues located at:

**Historic Central Apartments Pool (mentioned above)  
3000 West Washington Street  
Indianapolis, Indiana 46222**

**and**

**Indianapolis Collegiate Swimming Pool  
501 N. Capitol Avenue  
Indianapolis, Indiana 46222**

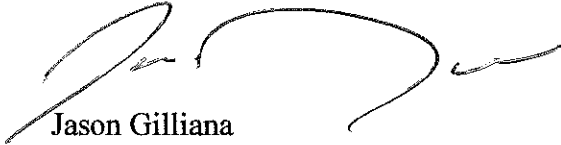
We would hope that the variance request is granted with the designed turnover rate as described above.

We feel a literal compliance of *410 IAC 6-2.1-32 Recirculation- Section 32 (b)* would cause undue hardship and the requested variance will not seriously affect the safe and healthful operation of the pool. Not only would the circulation pump need replacing, but the filtration system would also need to be larger and replaced.

We further feel the variance request can comply with the basic intent of the above requirements and that no safety and health hazard would be created if granted and, that the cited example be considered as a viable solution to the violation.

Please contact me if you have any questions as we look forward to your response.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jason Gilliana', with a large, sweeping flourish extending to the right.

Jason Gilliana  
Gilliana Pools LLC



February 3rd, 2017

Denise Fitzpatrick  
Indiana Department of Homeland Security, Code Services  
Room W-245  
402 W. Washington St.  
Indianapolis, IN. 46024

RE: Variance - 8901 River Crossing Blvd. - River Crossing Apt Pool

Dear Denise,

The City of Indianapolis has received the application for variance as follows:

- (1) Indiana Swimming Pool, Spa and Water Attraction Code, Third Edition, 675 IAC 20-2-17(b)(3) – Pool turnover time will not comply with the requirements of this section.

We will appreciate receiving the results of the Commission's deliberations.

Sincerely,

Stephen Bartrom  
Building Code Analyst

January 31, 2017

Indiana Department of Homeland Security  
Code Services Section  
302 West Washington Street, Room W 246  
Indianapolis, Indiana 46204



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1000 E. 80<sup>th</sup> Place Suite 600 N.  
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[gillianapools.net](http://gillianapools.net)

**RE: Project Number 387863 - Request for Variance**

Please find enclosed:

- A check (# 27777) in the amount of **\$276.00** (two hundred and seventy six dollars) for the application and processing fees for a variance request.
- The *Application For Variance*
- (1) Set of Plans

This is for the swimming pool located at:

**River Crossing Apartments Pool  
8901 River Crossing Blvd.  
Indianapolis, Indiana 46240**

The *City of Indianapolis* building official and the local fire official have been notified of this request. We are awaiting their response.

Please contact me if you are in need of anything further.

Respectfully,

Jason Gilliana  
Gilliana Pools LLC  
219-736-7770  
[jason@gilliana.net](mailto:jason@gilliana.net)

**1000 East 80<sup>th</sup> Place, Suite 600 North, Merrillville, Indiana 46410**  
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