



APPLICATION FOR VARIANCE

State Form 44400 (R7 / 10-13)
Approved by State Board of Accounts, 2D13

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICES SECTION
302 West Washington Street, Room W246
Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/fp_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)
17-03-09

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

Name of applicant Rob Staley	Title Executive Director
Name of organization The Crossing National, Inc.	Telephone number (574) 226-0671
Address (number and street, city, state, and ZIP code) 2930 S. Nappanee St., Elkhart, In. 46517	

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

Name of applicant Jennifer Hasbrook	Title Real Estate Manager
Name of organization The Crossing National, Inc.	Telephone number (574) 226-0671
Address (number and street, city, state, and ZIP code) 2930 S. Nappanee St., Elkhart, In. 46517	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

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

4. PROJECT IDENTIFICATION

Name of project Berne Crossing	State project number	County
Address of site (number and street, city, state, and ZIP code) 169 W. Main St., Berne, Indiana 46711		
Type of project <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> 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

Specific code section

2014 Edition IBC, ~~504.2.2014~~

675 IAC 22.2.5

Nature of non-compliance *(include a description of spaces, equipment, etc. involved as necessary.)*

[F] 907.2.3 Group E. A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.
2. Manual fire alarm boxes are not required in Group E occupancies where the following apply:
 - 2.1 Interior corridors are protected by smoke detectors with alarm verification.
 - 2.2 Auditoriums, cafeterias, gymnasiums and the like are protected by heat detectors or other approved detection devices.
 - 2.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other listed detection.
 - 2.4 Off premise monitoring is provided.
 - 2.5 The capability to activate the evacuation signal from a central point is provided.
 - 2.6 In buildings where normally occupied spaces are provided with a two-way communication system between such spaces and a constantly attended receiving station from where a general evacuation alarm can be sounded.
3. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow and manual activation provided from a normally occupied location.

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:

Variance to be classified to Group E. The Crossing is temporarily planning to stay in the building "169 W. Main St., Berne, IN. 46711" We are asking for an option to stay and have the variance granted for up to 2 years, or until June 30, 2019. The extra time will allow for The Crossing to locate another building.

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:

The Variance or changing the building to Code E would allow for The Crossing to operate and serve the students in the community. The additional time granted would allow for The Crossing to locate an additional building suitable to accommodate our students..

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)*

Jennifer Hasbrook

2/13/17

Signature of design professional *(if applicable)*

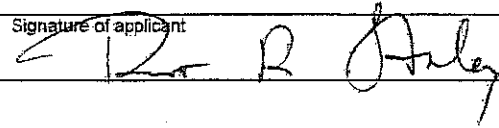
Please print name

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

Rob Staley

Date of signature (month, day, year)

2/14/2017

INSTRUCTIONS FOR APPLICATION FOR VARIANCE

Part of State Form 44400 (R7 / 10-13)

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICES SECTION
302 West Washington Street, Room W246
Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/fp_bs_comm_code/

INSTRUCTIONS:

A variance application, accompanied by the required fee and all other required documents, shall be submitted to request a variance from a particular section of a fire, building or other code or standard adopted by the Fire Prevention and Building Safety Commission. See Indiana Code 22-13-2-11 and 675 IAC 12-5.

A separate variance application is required for each unrelated code provision* for which a variance is being requested.

A. VARIANCE APPLICATION

The following information is required:

1. **Applicant Information:** The applicant is the person who would be in violation of a rule of the commission if he or she maintained the conditions sought to be legalized by a variance and did not obtain the variance. This person is usually the owner of the premises in question. If the applicant is a corporation, a governmental body, or any other type of legal organization, include the name of this legal organization, as well as the name and telephone number of the organization's contact person.
2. **Person Submitting Application on Behalf of the Applicant:** The name, address and telephone number of the person submitting the application, if the applicant is not the person who is submitting the application. If the person is a corporation, a governmental body, or any other type of legal organization, include the name of this legal organization, as well as the name and telephone number of the organization's contact person.
3. **Design Professional of Record:** The name, license number, address and telephone number of the design professional for the project (if there is one). A design professional is defined as registered architect or professional engineer registered under Indiana Code 25-4 or Indiana Code 25-31, respectively. If applicable, provide the name of the organization for which the design professional works.
4. **Project Identification:**
 - (a) Project Name: A name that will allow the Department to readily identify the project.
 - (b) The State project number, if the variance involves a project for which plans and design specifications have been filed for a construction design release under 675 IAC 12-6.
 - (c) The address of the premises for which the variance is being sought.
 - (d) The county of the premises for which the variance is being sought.
 - (e) The type of the project. Indicate whether the variance is being sought for new construction, an addition or alteration to an existing structure, a change of occupancy of an existing structure, or an existing structure that is none of the above.
5. **Required Additional Information:** To apply for a variance, the following shall be submitted with the application:
 - A. A \$276 check made payable to the Indiana Department of Homeland Security for the application filing fee (\$138) and the processing fee (\$138) for a single code provision, together with an additional fee of \$69 for each additional unrelated code provision*, where applicable.
 - B. One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
 - C. Written documentation showing that the local fire official has received a copy of the variance.
 - D. Written documentation showing that the local building official has received a copy of the variance.

* An "unrelated code provision" is a provision of an adopted code or standard that covers subject matter that is not contingent upon or directly affecting the requirements of a different code provision for which a variance is being sought by the same applicant at the same time.
6. **Violation Information:**
 - (a) Indicate if the request for a variance is a result of correction order issued by the Plan Review Section of the Division of Fire and Building Safety. If so, include a copy of this correction order.
 - (b) Indicate if the request for a variance is a result of a Notice of Violation/Order. If so, indicate the entity that issued the Notice of Violation/Order and include a copy of this Notice of Violation/Order.
7. **Description of Requested Variance:**
 - A. Include the name of the Code or Standard, as well as the edition. (For example, *Indiana Building Code, 2003 Edition*)
 - B. Include the specific code section for which the variance is being requested. (For example, *Section 1005.2.3*)
 - C. Describe why the variance is needed (*what conditions exist that constitute a violation*).

ADAMS Name of the facility | telephone number

FIRE AND BUILDING CODE ENFORCEMENT INSPECTION

*169 W. Main St.
Berne, IN 46711*

Identification Number	Name of the inspector	County
SCB009-14	KEVIN WHITESEL	CROSSINGS ADAMS(260) 589-5700
Address of Property		
<p style="text-align: center;">RULE OR INDIAN CODE SECTION VIOLATED No change in the character or use of any building or structure shall be permitted</p>		
<p style="text-align: center;">Name of the Contact 169 W MAIN ST BERNE 46711 Email</p>		
<p style="text-align: center;">AMANDA GOOTJES, CAMPUS ADMIN agootjes@crossingsadams.com Inspect</p>		
		Inspection Date
		01/24/2017 VIOLATION
SCHOOL	ANNUAL	Phone: 3174178710 Email: agootjes@dhs.in.gov

Violations

	675 IAC 12-4-11(b)	Sec 501.2 2014 Edition IFC 675 IAC 22-2.5	
		<p><u>an "E" occupancy. File plans and preform work to bring it into compliance with an "E" occupancy and all other requirements as needed.</u></p>	
		<p><u>Install address as described above or meeting local ordinance if one is effective.</u></p>	
	Received By Name	Signature and Date	

Facility Id	SCB009-14	<p><i>Amanda Gootjes</i></p> <p><i>1/24/17</i></p>
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APPEAL RIGHTS Please be advised that if you desire administrati

later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours.

Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours.

petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.

Fire Safety plan requirements "E" occupancy

401.7 Unplanned evacuation. Evacuations made necessary by the unplanned activation of a fire alarm system or by any other emergency shall not be substituted for a required evacuation drill.

404.2 Where required. An *approved* fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings.

1. Group A, other than Group A occupancies used exclusively for purposes of religious worship that have an *occupant load* less than 2,000.
2. Group B buildings having an *occupant load* of 500 or more persons or more than 100 persons above or below the lowest *level of exit discharge*.
3. Group E.
4. Group F buildings having an *occupant load* of 500 or more persons or more than 100 persons above or below the lowest *level of exit discharge*.
5. Group H.
6. Group L
7. Group R-1.
8. Group R-2 college and university buildings.
9. Group R-4.
10. High-rise buildings.
11. Group M buildings having an *occupant load* of 500 or more persons or more than 100 persons above or below the lowest *level of exit discharge*.
12. Covered malls exceeding 50,000 square feet (4645 m²) in aggregate floor area.
13. Open mall buildings exceeding 50,000 square feet (4645 m²) in aggregate area within perimeter line.
14. Underground buildings.
15. Buildings with an atrium and having an occupancy in Group A, E or M.

404.3.1 Fire evacuation plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where *approved*, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for persons unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

404.3.2 Fire safety plans. Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants, including occupants who need assistance.
3. Site plans indicating the following:
 - 3.1. The occupancy assembly point.
 - 3.2. The locations of fire hydrants.
 - 3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
 - 4.1. Exits.
 - 4.2. Primary evacuation routes.
 - 4.3. Secondary evacuation routes.
 - 4.4. Accessible egress routes.
 - 4.5. Areas of refuge.
 - 4.6. Exterior areas for assisted rescue.
 - 4.7. Manual fire alarm boxes.
 - 4.8. Portable fire extinguishers.
 - 4.9. Occupant-use hose stations.
 - 4.10. Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

404.4 Maintenance. Fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy or the physical arrangement of the building.

404.5 Availability. Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies shall be furnished to *the fire code official* for review upon request.

405.1 General. Emergency evacuation drills complying with the provisions of this section shall be conducted at least annually in the occupancies listed in Section 404.2. Drills shall be designed in cooperation with the local authorities.

405.2 Frequency. Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure.

Your facility is considered an "E" occupancy and drills shall be done monthly.

405.3 Leadership. Responsibility for the planning and conduct of drills shall be assigned to competent persons designated to exercise leadership.

405.4 Time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

405.5 Record keeping. Records shall be maintained of required emergency evacuation drills and include the following information:

1. Identity of the person conducting the drill.
2. Date and time of the drill.
3. Notification method used.
4. Staff members on duty and participating.
5. Number of occupants evacuated.
6. Special conditions simulated.
7. Problems encountered.
8. Weather conditions when occupants were evacuated.
9. Time required to accomplish complete evacuation.

405.6 Notification. Prior notification of emergency evacuation drills shall be given to the *fire code official*.

405.7 Initiation. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system.

405.8 Accountability. As building occupants arrive at the assembly point, efforts shall be made to determine if all occupants have been successfully evacuated or have been accounted for.

405.9 Recall and reentry. An electrically or mechanically operated signal used to recall occupants after an evacuation shall be separate and distinct from the signal used to initiate the evacuation. The recall signal initiation means shall be manually operated and under the control of the person in charge of the premises or the official in charge of the incident. No one shall reenter the premises until authorized to do so by the official in charge.

406.2 Frequency. Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the *fire code official* upon request.

406.3 Employee training program. Employees shall be trained in fire prevention, evacuation and fire safety in accordance with Sections 406.3.1 through 406.3.4.

406.3.1 Fire prevention training. Employees shall be apprised of the fire hazards of the materials and processes to which they are exposed. Each employee shall be instructed in the proper procedures for preventing fires in the conduct of their assigned duties.

406.3.2 Evacuation training. Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas and procedures for evacuation.

406.3.4 Fire safety training. Employees assigned firefighting duties shall be trained to know the locations and proper use of portable fire extinguishers or other manual fire-fighting equipment and the protective clothing or equipment required for its safe and proper use.

5003.9.1 Personnel training and written procedures. Persons responsible for the operation of areas in which hazardous materials are stored, dispensed, handled or used shall be familiar with the chemical nature of the materials and the appropriate mitigating actions necessary in the event of fire, leak or spill.

408.3 Group E occupancies and Group R-2 college and university buildings. Group E occupancies shall comply with the requirements of Sections 408.3.1 through 408.3.4 and Sections 401 through 406. Group R-2 college and university buildings shall comply with the requirements of Sections 408.3.1 and 408.3.3 and Sections 401 through 406.

408.3.1 First emergency evacuation drill. The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes.

408.3.2 Emergency evacuation drill deferral. In severe climates, the *fire code official* shall have the authority to modify the emergency evacuation drill frequency specified in Section 405.2.

408.3.3 Time of day. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. In Group R-2 college and university buildings, one required drill shall be held during hours after sunset or before sunrise.

408.3.4 Assembly points. Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.