



# 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/fire/fp\\_hs\\_comm\\_code/](http://www.in.gov/dhs/fire/fp_hs_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)

17-10-06

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

Name of applicant	Title
Paul Burkhart	President, CEO
Name of organization	Telephone number
Burkhart Marketing Associates, Inc	(317) 231-0095
Address (number and street, city, state, and ZIP code)	
1620 E Riverside Drive; Indianapolis, Indiana 46202	

### 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)	

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

Name of design professional	License number
J. Todd McLean	AR10600087
Name of organization	Telephone number
Architectural   Dimensions LLC	(317) 683-0313
Address (number and street, city, state, and ZIP code)	
835 Crossbridge Court; Avon, Indiana 46123	

### 4. PROJECT IDENTIFICATION

Name of project	State project number	County
1620 RIVERSIDE DR E.	393366	Marion
Address of site (number and street, city, state, and ZIP code)		
1620 E. Riverside Drive; Indianapolis, Indiana 46202		
Type of project		
<input type="checkbox"/> New <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input 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 ANSI A117.1 2009	Specific code section 606.3 Height; 403.5 Clear Width
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary) Sink in breakroom/kitchenette: Front of sink shall be 34 inches maximum above the floor measured to the higher of the rim or counter surface. Entering the breakroom/kitchenette: The clear width of an accessible route shall be 36 inches minimum	

**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:

**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.

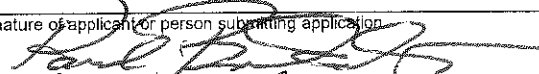
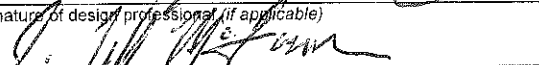
Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of excessive costs of additional or altered construction elements.

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:  
All areas of public access meet Chapter 11 of the IBC 2012 and ANSI A117.1 - 2009. Though the kitchenette/break room cabinetry does not meet ANSI A117.1 - 2009; 606.3 Height nor 403.5 Clear Width. [Currently: Sink 36 inch height; Clear width in 32 inches wide]. As this is a family business employing family members, at this time, Burkhart Marketing does not employ a person(s) in a wheelchair. As a result, the cost for corrective action would be in excess of \$10,000 beyond my bank approved construction budget for a design revision that is not necessary at this time. At such a time, when I employ a person(s) in a wheel chair, I will make the necessary accommodations to meet those deficient requirements for which I'm seeking a variance. Corrective action could be increasing wall opening into kitchenette/break room to allow a 36" accessible path. Kitchen sink height corrective action could be providing a 1:12 ramp/platform to lower sink height to 34" a.f.f.

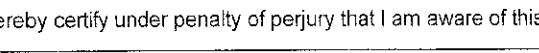
**10. STATEMENT OF ACCURACY**

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 Paul Burkhart	Date of signature (month, day, year) 09/08/17
Signature of design professional (if applicable) 	Please print name J. Todd McLean	Date of signature (month, day, year) 09/08/17

**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.

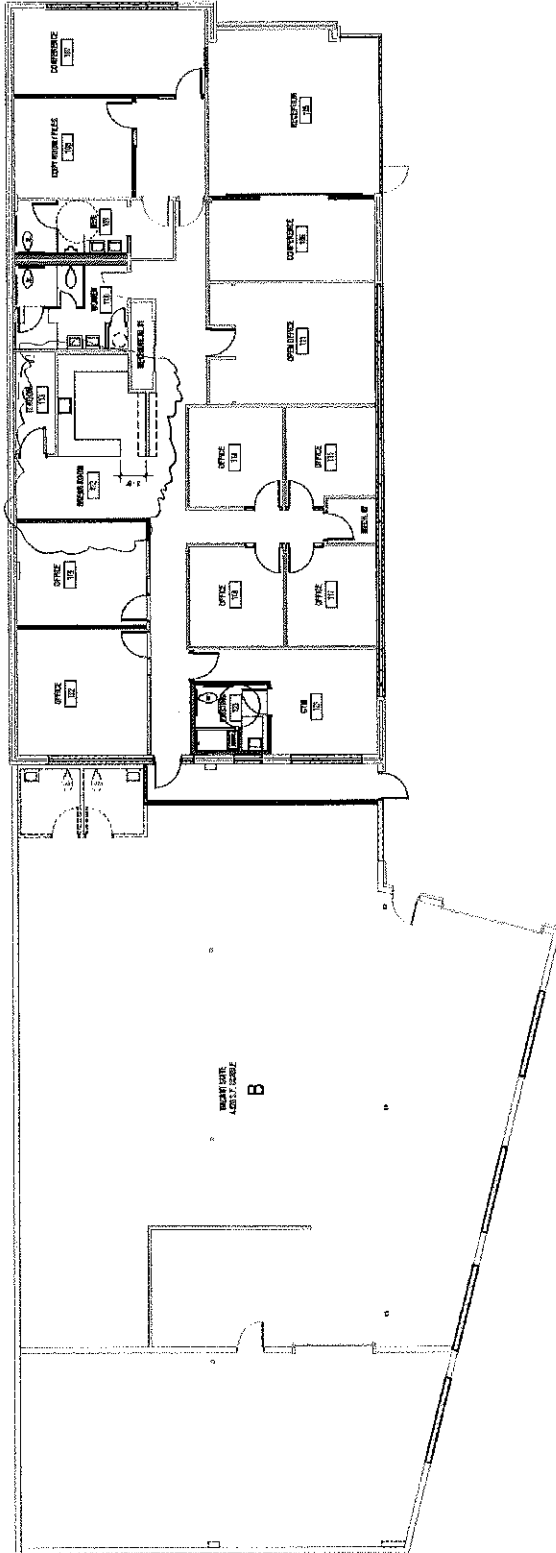
Signature of applicant 	Please print name Paul Burkhart	Date of signature (month, day, year) 09/08/17
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BMA Development LLC  
 1620 E. Riverside Drive  
 Burkhart Marketing  
 Indianapolis, Indiana

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

PROJECT NUMBER  
 17006  
 SHEET NO.  
 05/05/2017

MARK	DATE	DESCRIPTION



1 OVERALL FIRST FLOOR  
 10/2/17



CITY OF  
**INDIANAPOLIS**

EST. 1820

# NOTICE OF VIOLATION

**City of Indianapolis**

**Department of Business & Neighborhood Services**

**1200 Madison Avenue, Suite 100**

**Indianapolis, IN 46225**

Case Number: VIO17-006119

Date: 08/30/2017

Time: 12:22 pm

Inspector Signature:

Inspector Telephone Number: (317) 374-0702

Inspector Name:

Christopher Harris

Inspector Fax Number: (317) 327-2621

Inspector Email: Christopher.Harris@indy.gov

Address of Violation:

1620 RIVERSIDE DR E

Person Served:

CURRAN CONSTRUCTION CO INC

Mailed To:

3046 N SHADELAND AV

SUITE C

INDIANAPOLIS, IN 46226

An inspection of the above noted property revealed the following violations:

**ANSI A117.1 2009: 606.3 Height.**

**Room:**

**Floor:**

**Specific Location:** Sink in the break room/kitchenette

**Comments:** The front of lavatories and sinks shall be 34 inches (865 mm) maximum above the floor, measured to the higher of the rim or counter surface.

**ANSI A117.1 2009: 403.5 Clear Width.**

**Room:**

**Floor:**

**Specific Location:** Entering the kitchenette/break room

**Comments:** The clear width of an accessible route shall be 36 inches (915 mm) minimum.

The City of Indianapolis requests your cooperation in correcting the violation(s). Violation(s) that have not been corrected within 15 days of the date noted above, will result in further enforcement action, which may include but is not limited to:

- 1) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation(s) have not been corrected (Section 536-609) and/or
- 2) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 536-709)

To further research the City of Indianapolis-Marion County code section mentioned above, please visit [www.indy.gov](#).

**Do Not Remove This Notification**