



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/tp_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)

18-03-04

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)		
Name of applicant	Spencer Humiston	Title Director
Name of organization	The Lantern Fest	Telephone number (801.) 400-4842
Address (number and street, city, state, and ZIP code) 145 N 500 E American Fork, UT 84003		
2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)		
Name of applicant	Spencer Humiston	Title Director
Name of organization	The Lantern Fest	Telephone number (801.) 400-4842
Address (number and street, city, state, and ZIP code)		
3. DESIGN PROFESSIONAL OF RECORD (If applicable)		
Name of design professional	NA	License number NA
Name of organization	NA	Telephone number () NA
Address (number and street, city, state, and ZIP code) NA		
4. PROJECT IDENTIFICATION		
Name of project	The Lantern Fest	State project number NA
		County Henry
Address of site (number and street, city, state, and ZIP code) 5816 S County Rd 125 W, New Castle, IN 47362		
Type of project <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input 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):		
<input checked="" type="checkbox"/> A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)		
<input type="checkbox"/> One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.		
<input type="checkbox"/> Written documentation showing that the local fire official has received a copy of the variance application.		
<input type="checkbox"/> 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?		
<input type="checkbox"/> Yes (If yes, attach a copy of the Correction Order.) <input checked="" type="checkbox"/> No		
Has a violation been issued?		
<input type="checkbox"/> Yes (If yes, attach a copy of the Violation and answer the following.) <input type="checkbox"/> No		
Violation issued by:		
<input type="checkbox"/> Local Building Department <input type="checkbox"/> State Fire and Building Code Enforcement Section <input type="checkbox"/> Local Fire Department		

7. DESCRIPTION OF REQUESTED VARIANCE		
Name of code or standard and edition involved Indiana State Fire Code	Specific code section Section 308.1.6.3	
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) The Lantern Fest has used the above property to stage a floating lantern release in the spring of 2016 and 2017. In 2017 The Lantern Fest was informed a variance was necessary to hold the event, as it could possibly violate Section 308.1.6.3 of the IN Fire Code. The Lantern Fest requested, and received a variance for the event in 2017. The Lantern Fest is requesting the same variance for its 2018 event.		
8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED		
Select one of the following statements:		
<input checked="" type="checkbox"/> Non-compliance with the rule will not be adverse to the public health, safety or welfare; or <input type="checkbox"/> 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: The Lantern Fest has successfully held, with support from the community and local agencies, as well as first responders, for the last two years. The Lantern Fest has been invited back by the venue, the community, and the local fire authority for 2018. The Lantern Fest has worked closely with all involved parties to ensure the event is done safely and the environmental impact remains at a minimum. The Lantern Fest has attached information regarding the necessary steps it takes to ensure the event is not adverse to the public's health, safety, and/or welfare.		
9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE		
Select at least one of the following statements:		
<input type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services. <input type="checkbox"/> 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. <input checked="" type="checkbox"/> Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements. <input type="checkbox"/> 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: For the last two years (2016 and 2017) we have carefully planned and then executed an incredibly successful event at New Castle Speedway. We have become a very important part of the communities annual event calendar and have brought millions of dollars of economic impact to local hotels, restaurants, and businesses. We have been embraced by both the local government and first responder community and have worked closely with them. Requiring our event to tether the lanterns would be unnecessarily dangerous, and because of safety concerns we would need to cancel the event. New Castle Speedway, nearby businesses, and charities will lose out on at least \$100,000 in revenue.		
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 <i>Spencer Humiston</i>	Please print name Spencer Humiston	Date of signature (month, day, year) 1/22/2018
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)

Fire Official- Aaron Elsworth, 317-753-1841 aelsworth@dhs.in.gov

Building Official- Aaron Elsworth, 317-753-1841 aelsworth@dhs.in.gov

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

After extensive vetting by the local authorities, we received permission, marketed for four months, and held a very successful event in September 2016. Our event was not adverse to the public health, safety or welfare.

This year the following steps will be taken.

- The Lantern Fest will coordinate all of it's safety and fire procedures with jurisdictional authority and follow the guidance and expertise of city, county, and municipality officials in the weeks and days preceding the event.
- Coordinate with reaceway to ensure their standard fire/safety policies and procedures are in place and functioning.
- Coordinate with jurisdictional authority 3 days before the event, and then again on the day of the event, to ensure there are no burn bans, unforeseen fire hazards, or adverse weather conditions.
- Request final authorization from jurisdictional authority before the actual lantern launch.
- Ensure that all participants and spectators within the venue are accounted for and have signed waivers.
- Provide instruction to participants regarding the proper way to light and release lanterns. We send the participants an instructional video upon registration, and then provide several additional instructional opportunities during the event.
- Per the advice of fire authorities, no participants under the age of 16 are allowed to light or handle the lit lanterns. Participants under 16 years of age wear a separate wristband helping staff identify their age.
- Each event will be staffed with no less than the number of volunteers/personnel suggested by the local fire authority, but under no circumstances will The Lantern Fest have less than 40 volunteers and fulltime staff supervising the lantern launch.
- During the entirety of the event, each volunteer will be in the possession of an individual fire suppression device. A total of 100 fire suppression devices will be easily accessible to participants and volunteers.
- Use exclusively sourced, 100% biodegradable, flame retardant lanterns with a limited burn time of 4 to 5 minutes.
- Each volunteer will be responsible for a pre-assigned segment of the launch area and will have access to a dedicated walkie talkie in the event they need to call for assistance.
- Licensed paramedics will be on call at each event. They will have a privacy tent and ambulance on site.
- If required or suggested by jurisdictional authority, a licensed pyrotechnic expert will be at the event.

If requested by jurisdictional authority, a number of local fire professionals will be in attendance with either a brush or water truck. They will also be in possession of their own fire suppression units. (The Lantern Fest provides discounted/free

- attendance for local fire fighters).
- The Lantern Fest carries, at a minimum, a one million dollar per event insurance policy.

Imposition of the rule would result in undue hardship because of excess costs.

Because of the response to our 2016 event, we immediately began planning a 2017 event. After discussing dates with the fire department and venue, we settled on doing a June event. Shortly after Christmas we opened up ticket sales and began marketing. At this point we have sold over \$100,000 in tickets, spent close to \$20,000 on marketing, rentals, and nonrefundable entertainment, pledge roughly \$10,000 to a charity, and contracted with the venue to ensure they will receive a substantial amount of food and beverage sales.

We made these commitments and risks based on the good faith belief that we had received the proper permissions and permits to do the event. If we had known we needed a variance, we would have never opened the event for ticket sales before apply for, and receiving that variance. At this point, however, we have a contractual obligation to a number of companies as well as over 3,000 participants. If we are unable to hold our event in June, it is highly likely we will need to refund over \$100,00 in tickets, pay a substantial fee to the venue, and account for a number of other expenditures. This financial loss, and social media response, would seriously damage to our company and our ability to ever hold this type of event in Indiana or in the surrounding region. For these reasons we request a variance.



MICHAEL R. PENCE, Governor
STATE OF INDIANA
 DEPARTMENT OF HOMELAND SECURITY

DAVID W. KANE, EXECUTIVE DIRECTOR
 Indiana Department of Homeland Security
 Indiana Government Center South
 302 West Washington Street
 Indianapolis, IN 46204
 317-232-3980

Spencer Humiston

May 25, 2017

89 WEST 100 SOUTH

SALT LAKE CITY, UT 84101

Dear Spencer Humiston,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application with all alternatives offered, as a part of its published agenda, at its regular meeting on May 25, 2017.

Project Number	Project Name	Variance Number
0	The Lantern Fest	17-06-05

Commission Conditions

Must follow Incident Command Procedures. Command level Spiceland fire official must affirm all criteria for a safe release of the lanterns are met including but not limited to a maximum of 8 mph winds and prevailing winds directing the lanterns toward the west or north of the site. Limited to 5 minute fuel cell. Variance valid for June 3, 2017 or June 4, 2017.

Edition	Code	Code Section	Commission Action & Date
IFC		308.1.6.3	Approved with Commission condition(s) 05/25/2017

You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen(18) calendar days from the above stated date of this letter, 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; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety

Sutor, Beth

From: Spencer Humiston <spencer@thelanternfest.com>
Sent: Wednesday, January 24, 2018 3:33 PM
To: Scott Teague; ltoy@henryco.net
Cc: Sutor, Beth
Subject: Variance Application

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Scott and Larry,

We are planning on holding our Lantern Fest event at New Castle Speedway in June this year. In order for our variance application to be considered, the state needs to receive confirmation that you have received my variance application. I CCed both of you on my application email.

Could you contact Beth Sutor and inform her that you have received a copy of our variance application. She is CCed on this email.

Thank you,

Spencer

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Spencer Humiston
President of Lantern Floating
801-400-4842

The Lanternfest
59 W 100 S
Salt Lake City, UT 84101
www.thelanternfest.com

Sutor, Beth

From: Scott Teague <steague189@gmail.com>
Sent: Wednesday, January 24, 2018 4:00 PM
To: Spencer Humiston
Cc: ltoy@henryco.net; Sutor, Beth
Subject: Re: Variance Application

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Yes, we received it.

On Jan 24, 2018 3:33 PM, "Spencer Humiston" <spencer@thelanternfest.com> wrote:
Scott and Larry,

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Thank you,

Spencer

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Spencer Humiston
President of Lantern Floating
801-400-4842

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