



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/fo_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)

18-11-02

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

Name of applicant KATHY Smailis	Title owner
Name of organization	Telephone number (219) 588-7056
Address (number and street, city, state, and ZIP code) 8754 Parkway Dr. Highland, IN 46322	

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

4. PROJECT IDENTIFICATION

Name of project Variance for windows	State project number	County Monroe
Address of site (number and street, city, state, and ZIP code) 1730 N. Lincoln, Bloomington, IN 47408		
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 1990 one and two family dwelling	Specific code section 210.2	
Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary.) Egress window does not meet minimum requirements for a one and two family dwelling/multi unit structure built in 1994		
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: Building has been in place as a rental for more than 20 years. The window egress does not pose a hazard to the public as it is not in a public area.		
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: If window size is not granted a variance, replacing windows in the multi unit structure, at a cost of at least \$300 per window (up to 8 windows per unit) would be an undue hardship on the owner, especially given that these windows have passed multiple inspections in the buildings history as a rental.		
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 Kathy Smailis	Please print name KATHY SMAILIS	Date of signature (month, day, year) 9-21-18
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)

E Hall Bath:

No violations noted.

Attic:

Restore the integrity of the draft stop/fire separation wall in the attic. Repairs shall be made using like construction and materials. Replacement shall be done in accordance with current code requirements, north wall. BMC 16.04.020

W Bedroom 12-11 x 12-2:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1990. The relevant code is the 1986 Indiana Residential Code/ Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.	Existing area: 3.30 sq. ft.
Clear width required: 20 inches	Existing width: 23.75 inches
Clear height required: 24 inches	Existing height: 20 inches
Maximum sill height: 44 inches above finished floor	Existing sill: 36 inches

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or an egress variance is received from the Indiana Fire Prevention and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.232.1402.

W Hall Bath:

No violations noted.

E Hall Bath:

Secure the loose GFCI receptacle. BMC 16.04.060(b)

E Bedroom 12-3 x 11-11:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1990. The relevant code is the 1986 Indiana Residential Code/ Indiana Building Code, section: 1204.

Openable area required: 5.7 sq. ft.	Existing area: 3.30 sq. ft.
Clear width required: 20 inches	Existing width: 23.75 inches
Clear height required: 24 inches	Existing height: 20 inches
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City Of Bloomington
Housing and Neighborhood Development

SEP 12 2018

RENTAL INSPECTION INFORMATION

Kathy Smailis
8754 Parkway Dr.
Highland, In. 46322

RE: 1730 N Lincoln ST

Please find the enclosed Rental Inspection Report which contains pertinent information about the Cycle Inspection that was recently conducted at the above referenced property. The inspector has listed all noted violations and recommendations on the enclosed Rental Inspection Report. **You have sixty (60) days from the date of this letter to correct the violations listed on the report.**

Once violations have been corrected, it is your responsibility to call the Housing and Neighborhood Development office within this 60 day window but no later than **NOV 11 2018** to schedule a re-inspection. You have the right to appeal any violation of Bloomington Municipal Code Title 16 noted on the rental inspection report to the Board of Housing Quality Appeals.

This report is issued in accordance with BMC 16.10.020 and 16.10.040 of the Residential Rental Unit and Lodging Establishment Inspection Program. Residential Rental Occupancy Permits will not be issued until all interior and exterior violations have been corrected, and all fees have been paid. Bloomington Municipal Code requires that all violations of all Titles of the BMC must be in compliance before a permit will be issued. Please be advised that non-compliance by the deadlines listed in this letter may limit the permit period to a maximum of three (3) years.

If the owner's or agent's contact information has changed since your last inspection, please submit a new registration form to the HAND Department. The registration must be signed by the owner of the property, not the agent. All rental forms and documents can be found at www.bloomington.in.gov/hand. If you do not have access to the internet, you may contact **HAND at 812-349-3420 and forms will be provided.**

If you have any questions regarding the permit process, please call weekdays between 8:00 a.m. and 5:00 p.m., at (812) 349-3420.

Sincerely,

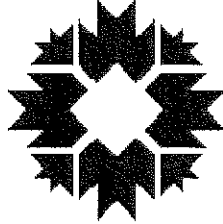
Housing & Neighborhood Development
Encl: Inspection Report,

401 N Morton St
Bloomington, IN 47404
Fax (812) 349-3582

City Hall
bloomington.in.gov

Rental Inspection (812) 349-3420
Neighborhood Division (812) 349-3421
Housing Division (812) 349-3401

City of Bloomington Fire Department



Mayor John Hamilton
Chief Jason Moore

Bloomington Fire Department
300 E. 4th Street
Bloomington, IN 47402

(812) 332-9763
(812) 332-9764 FAX

Indiana Department of Homeland Security
Fire Prevention & Building Safety Commission
402 West Washington St – Rm W246
Indianapolis IN 46204-2739

9/26/2018

RE: Variance Application Acknowledgement

Person requesting variance:
Kathy Smailis

Site:
1730 N Lincoln St.
Bloomington IN 47408

Project# N/A

This is acknowledgement of the request for variance for the above project

Sincerely,

A handwritten signature in black ink that reads "Timothy H. Clapp". The signature is written in a cursive, flowing style.

Timothy H. Clapp
Bloomington Fire Department
Fire Inspection Officer
(812) 349-3889 (O)
(812) 349-3885 (F)
E-mail: clappt@bloomington.in.gov

CASIMIR A SMAILIS
KATA SMAILIS
8754 PARKWAY DR 219-923-6101
HIGHLAND, IN 46322-1518

03-92

V 91

9-21-18

4617
56-91/422

Date

Pay to the
Order of

Indiana Department of Homeland Security \$ 276.⁰⁰

two hundred & seventy six dollars & ⁰⁰/₁₀₀ Dollars

Photo
Safe
Deposit™
Details on back

FIRST

first financial bank

RECEIVED

Cornerstone Preferred

For Application for Variance

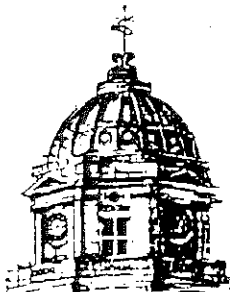
SEP 24 2018

Katelyn Smailis

⑆042200910⑆ 0000919632⑆ 04617

1730 N. Lincoln, Bloomington, IN 47408

Harized Clear



Monroe County Building Department

Monroe County Government Center
501 North Morton Street, Suite 220
(812) 349-2580 Fax (812) 349-2967

September 26, 2018

Indiana Department of Homeland Security
Fire Prevention & Building Safety Commission
402 West Washington Street – Room W246
Indianapolis, IN 46204-2739

RE: **Variance Application Acknowledgement**
MONROE COUNTY

Project Identification: **1732 North Lincoln Street**
Bloomington, IN 47408

Owner/Applicant: Kathy Smailis
8754 Parkway Drive
Highland, IN 46322

This is to acknowledge that I have been made aware of a variance application for the above-specified location requesting variance to the **Section R-210 of the 1990 Indiana One & Two Family Dwelling Code**.

This project addresses the egress window requirements of the Code.

The Monroe County Building Department acknowledges this request for variance and requests approval as submitted.

Respectfully,

Jim Gerstbauer, CBO
Monroe County / City of Bloomington
Building Commissioner

cc: State, file