

VARIANCE # <u>18-10-02</u>		18831
SBC PROJECT #		
PROJECT NAME <u>Tippy Creek Winery Cables</u>		
SIGNATURES <u>✓</u>	APPROPRIATE CODE/SECTION	
PLANS <u>✓</u>	LBO NOTIFICATION <u>✓</u>	
NOTIFICATION OF COMM MEETING	LFO NOTIFICATION <u>✓</u>	
CONTACT/DATE		
<u>9/11 - SC called Michael about LFO & LBO</u>		
<u>9/11 - SC emailed w/ code corrections</u>		
<u>9/19 - LBO/LFO notification received. Updated app</u>		
<u>w/ corrections received (sc)</u>		

STAFF COMMENTS



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/ip_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)

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

Name of applicant	Title
Daniel Richcreek	Owner
Name of organization	Telephone number
Tippy Creek Winery	(574) 453-9003
Address (number and street, city, state, and ZIP code)	
5920 N. 200 East, Leesburg, IN 46538	

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

Name of applicant	Title
Michael D. Wilson, CFEI	Owner
Name of organization	Telephone number
4Life Safety Solutions LLC, Risk Management Agency	(574) 527-2099
Address (number and street, city, state, and ZIP code)	
2019 E 700 North, Leesburg, IN 46580	

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	State project number	County
Tippy Creek Winery		Kosciusko
Address of site (number and street, city, state, and ZIP code)		
5920 N 200 East, Leesburg, IN 46538		
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

2009 IAC

Specific code section

225.18

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

Overhead spans of open conductors and open multiconductor cables not over 600 volts, normal, shall have a clearance of not less than the following:

(1) 10 feet above finished grade, sidewalks, or from any platform or projection from which they might be reached where the voltage does not exceed 150 volts to ground and accessible to pedestrians only

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:

This area as shown in attached photographs is open public area, gathering area for seating, exterior of the structure. Owner purchased approved exterior, wet area rated UL Listed for Canada and United States. These lights have been installed to provide lighting for safe passage of foot traffic of patrons during early evening hours as noted in the exterior of structure. For safety of patrons to eliminate the potential of slip and fall injuries. This also assist in lighting and protection for security to the exterior area of the structure during after hours times.

For protection of electrical hazards, the owner purchased a lighting system that are listed for Wet Locations UL Listed, Outdoor - Waterproof, able to be used in position of connecting up to seven (7) string lights together with out the potential of overloading. The listed appliance is manufactured with a supporting cable, of which is used to connect the conductor cables to a secure device.

The eves of the structure where the conductor is secured is built with a finished height of eight foot, 6 inches (8' 6"). The conductor is attached at the highest point on the eve and stung tight to a supporting post that is secured in ground for safety, at height of more than the eve. This allows the conductor to be at highest point possible above the walking surface.

The electrical conductor is supported by the attached cable to a branch circuit that is supported by a GFI Outlet as installed by a qualified electrician, per the electrical code for wet surface areas.

All provisions possible to eliminate a potential of electrical issues have been accomidated, the conductors are newly placed in use and will not be subject to cold weather to eliminate any potential of damage. All conductors will be examined on a regular schedule for damage issues. If damage is noted, they will be repaired or replaced by qualified electrician.

Normal hours of operation are posted as 12:00 noon to 7:00PM, with exception to 4:00PM on Sundays.

Structure is also protected by fire protection / smoke detection alarm system.

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:

In examination of the design of construction of this structure, the change to the eve area where the conductors are placed is not possible due to the approved design and pitch of the exterior and roof. If the conductors were moved to the area of elivation above the eve, it would cause for additional electrical branch circuits, then leading to the placement of a conduit and electrical outlet above the protection of the soffit and eve. This would expose the element to weather conditions, as now it is protected.


The change to the pitch of metal roof, the change to the structure as designed would not be cost effective, would cause undue hardship to owners of the structure.

The installation of additional larger based exterior lighting on fixed elevated post would also not be cost effective as the design of exterior would require removal of landscape to place conductor or conduit sub-surface to the exterior for placement of elevated fixed mast poles.

Request a variance to maintain the currently installed Wet Location UL Listed, Outdoor Weatherproof lighting as installed, per photographs that are attached. This agency is located in a rule setting, not subject to walk by pedestrain traffic, owner has attempted to install as to the intent of the code by GFI protection, providing lighting to surface area.

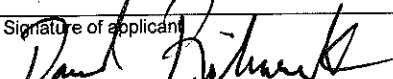
10. STATEMENT OF ACCURACY

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 Michael D. Wilson, CFEI	Date of signature (month, day, year) 08/29/2018
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 Daniel Richcreek	Date of signature (month, day, year) 08/29/2018
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Chaney, Sarah

From: Sorensen, Edward
Sent: Wednesday, September 19, 2018 1:28 PM
To: Michael & Tracy Wilson
Cc: Chaney, Sarah
Subject: RE: Variance

Mr. Wilson,

I received your variance requested but did not receive the attached photograph's referenced in your letter.

Cordially,

Ed Sorensen CBO CFI CBI | Code Official-Code Enforcement
Fire & Building Safety Division
Indiana Department of Homeland Security
302 W. Washington Street, Room E241
Indianapolis, IN 46204
Cell: 317-517-4524
Email: esorensen@dhs.in.gov
Web: www.in.gov/dhs

From: Michael & Tracy Wilson [mailto:4lifesafetysolutions@gmail.com]
Sent: Wednesday, September 19, 2018 1:22 PM
To: Sorensen, Edward <ESorensen@dhs.IN.gov>
Cc: Chaney, Sarah <SChaney@dhs.IN.gov>
Subject: Variance

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

Good afternoon Ed,

Attached is notification to variance request.

Please let Sarah Chaney know you have received it.

Thanks

*Michael D. Wilson, CFEI, MDI
Tracy L. Cutler-Wilson, NREMT-P, MDI*

Fire & Life Safety Consultant

Chaney, Sarah

From: Jared Haughee <jared@clunettelevator.com>
Sent: Wednesday, September 19, 2018 3:57 PM
To: Michael & Tracy Wilson; leesburg901@gmail.com
Cc: Chaney, Sarah
Subject: RE: Variance Request

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

Yes I have received the letter. Thank you

From: Michael & Tracy Wilson <4lifesafetysolutions@gmail.com>
Sent: Wednesday, September 19, 2018 1:24 PM
To: Jared Haughee <jared@clunettelevator.com>; leesburg901@gmail.com
Cc: schaney@dhs.in.gov
Subject: Variance Request

Chief,

Attached is the letter of variance request. Please let Sarah Chaney know you have received the letter.

Thanks

*Michael D. Wilson, CFEI, MDI
Tracy L. Cutler-Wilson, NREMT-P, MDI*

*Fire & Life Safety Consultant
Risk Management Consulting*

*4Life Safety Solutions
4Life Enterprises, LLC
2019 E. 700 North
Leesburg, IN 46580
(574) 527-2099
4lifesafety@gmail.com*



FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number AE4334719	Name of the facility TIPPY CREEK WINERY	County KOSCIUSKO
Address of Property 5920 N 200 E LEESBURG 46538	Name of the Contact LINDSEY RICHCREEK	Telephone Number (574) 453-9003
Email info@tippycreekwinery.com	Inspection Date 08/07/2018	
Inspection Category UNFILED AE PERMIT	Inspection Type INITIAL	Inspection Status: VIOLATION
Name of the inspector ED SORENSEN	Phone: 3175174524	
Email: esorensen@dhs.in.gov		

Violations

VIO-LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 1004.3 2014 Edition IFC 675 IAC 22-2.5	Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. <u>Post occupant load of building based on architectural drawings.</u>	09/07/2018
2	2009 Edition IEC 675 IAC 17-1.8	<u>225.18</u> Clearance for Overhead Conductors and Cables. Overhead spans of open conductors and open multiconductor cables of not over 600 volts, nominal, shall have a clearance of not less than the following: (1) 3.0 m (10 ft) Δ above finished grade, sidewalks, or from any platform or projection from which they might be reached where the voltage does not exceed 150 volts to ground and accessible to pedestrians only (2) 3.7 m (12 ft) Δ over residential property and driveways, and those commercial areas not subject to truck traffic where the voltage does not exceed 300 volts to ground (3) 4.5 m (15 ft) Δ for those areas listed in the 3.7-m (12-ft) classification where the voltage exceeds 300 volts to ground (4) 5.5 m (18 ft) Δ over public streets, alleys, roads, parking areas subject to truck traffic, driveways on other than residential property, and other land traversed by vehicles, such as cultivated, grazing, forest, and orchard <u>Festoon lighting is mounted as low as about 6-1/2 feet from grade. It needs to be at least 10 ft. from grade and installed per manufacturer's instructions and UL listing.</u>	09/07/2018
3	IC 22-14-3 Amusement and Entertainment Permits	Sec. 5. (a) This section applies to the following: (1) Each person who has control over the performance of an amusement or entertainment described in IC 22-12-1-23 .	09/07/2018

		<p>(2) Each person who has control over a regulated place of entertainment.</p> <p>(b) A person described in subsection (a) commits a Class C infraction if:</p> <p>(1) a regulated place of amusement or entertainment is used for an amusement or entertainment described in IC 22-12-1-23 ; and</p> <p>(2) no regulated place of amusement or entertainment permit or special event endorsement issued under this chapter covers the conditions at the regulated place of amusement or entertainment that affect fire and explosion safety.</p> <p><u>Amusement and entertainment events are being held at this facility that require an Indiana Amusement and Entertainment permit. Please apply using attached online method or paper application.</u></p>	
4	<p>Sec. 5303.5 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Compressed gas containers, cylinders, tanks and systems shall be secured against accidental dislodgement and against access by unauthorized personnel in accordance with Sections 5303.5.1 through 5303.5.3.</p> <p><u>Secure all CO2 tanks.</u></p>	09/07/2018
5	<p>Sec. 703.2.3 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.</p> <p><u>Fire rated door to store room needs a proper closer.</u></p>	09/07/2018
6	<p>Sec. 605.7 2014 Edition IFC 675 IAC 22-2.5</p>	<p>Electrical appliances and fixtures shall be tested and listed in published reports of inspected electrical equipment by an approved agency and installed and maintained in accordance with all instructions included as part of such listing.</p> <p><u>Provide manufacturer's instructions for the festoon lighting to verify compliance.</u></p>	09/07/2018
7	<p>2012 Edition IPC 675 IAC 16-1.4</p>	<p>504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:</p> <ol style="list-style-type: none"> 1. Not be directly connected to the drainage system. 2. Discharge through an air gap located in the same room as the water heater. 3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap. 4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment. 5. Discharge to the floor, to an indirect waste receptor or to the outdoors. Where discharging to the outdoors in areas subject to freezing, discharge piping shall be first piped to an indirect waste receptor through an air gap located in a conditioned area. 6. Discharge in a manner that does not cause personal injury or structural damage. 7. Discharge to a termination point that is readily observable by the building occupants. 8. Not be trapped. 9. Be installed so as to flow by gravity. 10. Not terminate more than 6 inches (152 mm) above the floor or waste receptor. 11. Not have a threaded connection at the end of such piping. 12. Not have valves or tee fittings. 13. Be constructed of those materials listed in Section 605.4 or 	09/07/2018

		<p>materials tested, rated and approved for such use in accordance with ASME A112.4.1.</p> <p><u>Relief valve on water heater needs discharge pipe terminating within 6 inches of floor to prevent scalding.</u></p>	
8	<p>Sec. 703.1 2014 Edition IFC 675 IAC 22-2.5</p>	<p>The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.</p> <p><u>Repair holes, seams and openings in fire rated wall with equivalent materials and/or approved fire stopping method in the utility room.</u></p>	09/07/2018

Facility Id	Received By Name	Signature and Date
AE4334719		

Tippy Creek Winery

1010
1949

09/04/2018

Indiana Dept. of Homeland Security

Date
09/04/2018

Type
Bill

Reference

Original Amount
276.00

Balance Due
276.00

Payment
276.00
276.00

Check Amount

Tippy Creek Winery M

276.00

Tippy Creek Winery

1949

09/04/2018

Indiana Dept. of Homeland Security

Date
09/04/2018

Type
Bill

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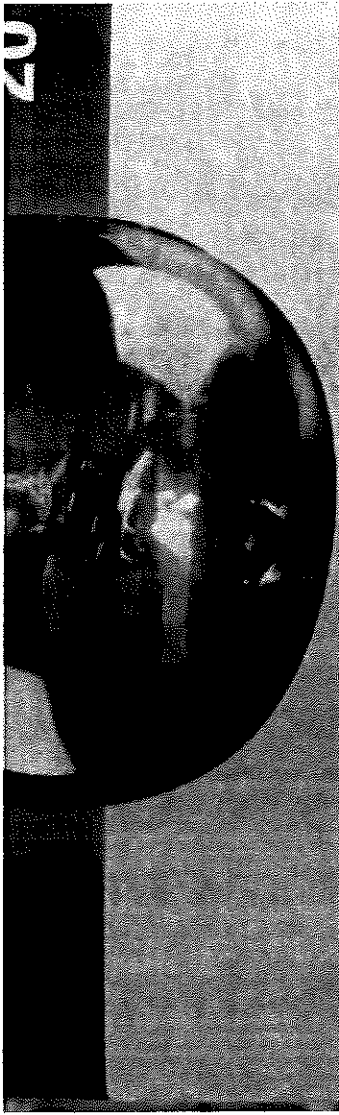
Check Amount

Tippy Creek Winery M

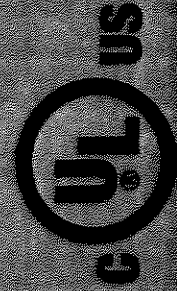
276.00







- Wet Location UL Listed
- Outdoor - Weatherproof
- Includes 20 bulbs (5 extra)
- Bulbs spaced 2ft/.6m apart
- Connect up to 7 String Lights
(with included 11 watt bulbs)
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- Possil
- 7 Guir
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30ft
9.1m

15 SOCKETS
20 BULBS
15 DOUILLES
20 AMPOULES

- Wet Location UL Listed
- Outdoor - Weatherproof
- Includes 20 bulbs (5 extra)
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- Connect up to 7 String Lights (with included 11 watt bulbs)
- Homologuée UL pour lieux humides
- De plein air - Imperméabiliser
- Comprend 20 ampoules (5 extra)
- Distance entre les ampoules 2ft/6m
- Possibilité d'assembler jusqu'à 7 Guirlandes (avec les ampoules de 11 watts comprises)





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(with included 11 watt bulbs)
- **Possible**
- **7 Guir**
(avec le



7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved	Specific code section
2009 IAC 17-1.8	17-1.8

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

Overhead spans of open conductors and open multiconductor cables not over 600 volts, normal, shall have a clearance of not less than the following:

(1) 10 feet above finished grade, sidewalks, or from any platform or projection from which they might be reached where the voltage does not exceed 150 volts to ground and accessible to pedestrians only

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- Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
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Facts demonstrating that the above selected statement is true:

This area as shown in attached photographs is open public area, gathering area for seating, exterior of the structure. Owner purchased approved exterior, wet area rated UL Listed for Canada and United States. These lights have been installed to provide lighting for safe passage of foot traffic of patrons during early evening hours as noted in the exterior of structure. For safety of patrons to eliminate the potential of slip and fall injuries. This also assist in lighting and protection for security to the exterior area of the structure during after hours times.

For protection of electrical hazards, the owner purchased a lighting system that are listed for Wet Locations UL Listed, Outdoor - Waterproof, able to be used in position of connecting up to seven (7) string lights together with out the potential of overloading. The listed appliance is manufactured with a supporting cable, of which is used to connect the conductor cables to a secure device.

The eves of the structure where the conductor is secured is built with a finished height of eight foot, 6 inches (8' 6"). The conductor is attached at the highest point on the eve and stung tight to a supporting post that is secured in ground for safety, at height of more than the eve. This allows the conductor to be at highest point possible above the walking surface.

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Structure is also protected by fire protection / smoke detection alarm system.

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Facts demonstrating that the above selected statement is true:

In examination of the design of construction of this structure, the change to the eve area where the conductors are placed is not possible due to the approved design and pitch of the exterior and roof. If the conductors were moved to the area of elivation above the eve, it would cause for additional electrical branch circuits, then leading to the placement of a conduit and electrical outlet above the protection of the soffit and eve. This would expose the element to weather conditions, as now it is protected.

The change to the pitch of metal roof, the change to the structure as designed would not be cost effective, would cause undue hardship to owners of the structure.

The installation of additional larger based exterior lighting on fixed elevated post would also not be cost effective as the design of exterior would require removal of landscape to place conductor or conduit sub-surface to the exterior for placement of elevated fixed mast poles.

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