



November 28, 2018  
By Electronic Mail and U.S. Postal Mail

Jack C. Birch, Esq.  
Birch Kaufman, LLC  
The Huntington Building  
703 North Huntington Street  
Syracuse, IN 46567  
[jcb@birchkaufman.com](mailto:jcb@birchkaufman.com)

**Re: Petition for Administrative Review – Variance No. 18-10-02 – Tippy Creek Winery Cables**

Dear Mr. Birch:

The Commission is in receipt of your electronically-filed petition for administrative review of Variance No. 18-10-02 – Tippy Creek Winery Cables, dated 11/27/2018. The petition for review is timely and has been granted by the Commission. The petition has been assigned to the Commission's administrative law judge.

The judge's office will contact you to make arrangements for further proceedings. Should you have any questions, you may contact our staff attorney assigned to the matter, Justin Guedel, at [JGuedel@dhs.in.gov](mailto:JGuedel@dhs.in.gov) or (317) 234-9515.

Sincerely,

Douglas J. Boyle, Director  
Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security  
302 W. Washington Street, Room E-208  
Indianapolis, IN 46204  
[dboyle@dhs.in.gov](mailto:dboyle@dhs.in.gov)  
(317) 650-7720

Enclosure

cc: Justin Guedel, IDHS Staff Attorney (via personal service)  
The Honorable Chelsea E. Smith, Administrative Law Judge (via personal service)  
File

**From:** [DHS Legal Mailbox](#)  
**To:** [Boyle, Douglas J \(DHS\)](#)  
**Subject:** FW: Petition for Review  
**Date:** Tuesday, November 27, 2018 2:44:53 PM  
**Attachments:** [68379161\\_variance\\_commission\\_report.pdf](#)  
[68380022\\_18.10.02\\_Tippy\\_Creek\\_Winery\\_Cables\\_Leesburg.pdf](#)

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**From:** noreply@formstack.com [mailto:noreply@formstack.com]  
**Sent:** Tuesday, November 27, 2018 1:47 PM  
**To:** DHS Legal Mailbox <Legal@dhs.IN.gov>  
**Subject:** Petition for Review

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## Formstack Submission For: [petition for review](#)

Submitted at 11/27/18 1:46 PM

**Individual Name:** Daniel Richcreek

**Business Name :** Tippy Creek Winery

**Phone Number:** (574) 453-9003

**Email Address:** [daniel@tippycreekwinery.com](mailto:daniel@tippycreekwinery.com)

**Mailing Address:** 5920 North 200 East  
Leesburg, IN 46580

**Are you represented by an attorney?:** Yes

<b>Attorney Name:</b>	Jack Birch
<b>Firm:</b>	Birch Kaufman, LLC
<b>Phone Number:</b>	5744575100
<b>Email Address:</b>	<a href="mailto:jcb@birchkaufman.com">jcb@birchkaufman.com</a>
<b>Mailing Address:</b>	703 North Huntington Street Syracuse, IN 46567
<b>Order Number:</b>	-2
<b>Facility   Device   Boiler ID:</b>	Tippy Creek Winery Cables
<b>Date Order Received:</b>	Nov 13, 2018
<b>How did you receive the Order? :</b>	Email
<b>Entity Issuing Order:</b>	Fire Prevention and Building Safety Commission
<b>Entity Name:</b>	
<b>Upload Order:</b>	<a href="#">View File</a>
<b>Was this order specifically directed to you?:</b>	Yes
<b>Explain:</b>	Daniel Richcreek / Tippy Creek Winery own and operate the facility upon which he cables are located.

**Have you been aggrieved or adversely affected by the order?:**

Yes

**Explain:**

Daniel Richcreek / Tippy Creek Winery own and operate the facility upon which he cables are located.

**If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the order, are you entitled to review under some other law? :**

**What law?:**

**I request review of the entire order described above:**

Yes

**If you are not requesting review of the entire order, what is the scope of your request?:**

**I request a stay of effectiveness:**

Yes

The lights and cables as installed do not adversely impact public

**What is the basis of your challenge? :**

health safety or welfare. The The lights and cables are attached at the highest point available under the building eve, finished height 8' 6" from ground level. The cables and lights extend higher as they move away from the building to a supporting post. The lights provide illumination for foot traffic of patrons and staff in an outdoor seating area. The lighting is secured by an separate cable designed to carry the weight of the lighting, avoiding strain on electrical wires and specifically designed for exterior use. Lights are installed on an appropriate outdoor GFI protected circuit. Raising the connection point above the eve would eliminate the protection of the electrical outlet provided by the eve. Beyond the electrical outlet connection, petitioner has attempted to raise the cable and lighting as rapidly as reasonable possible to achieve compliance with the rule while attempting to maintain a reasonable aesthetic quality for seating the area.

**What is your desired outcome? :**

Achieve a solution to allow petitioner's outdoor lighting to remain as installed or with modification which would not require relocating the electrical outlet above the current building eve, thus eliminating weather protection for the outlet. Petitioner is interested in participating in any available informal resolution procedures as appropriate.

**Additional information in support of my request:**

Petitioner has attached the variance application previously submitted and from which he appeals.

**Additional Attachments:**

[View File](#)

**Additional Attachments:**

**Additional Attachments:**



**ERIC J. HOLCOMB, Governor**  
**STATE OF INDIANA**

**DEPARTMENT OF HOMELAND SECURITY**

**BRYAN J. LANGLEY, EXECUTIVE DIRECTOR**

Indiana Department of Homeland Security  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204  
317-232-3980

Daniel Richcreek  
Tippy Creek Winery

November 13, 2018

Dear Daniel Richcreek,

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 November 7, 2018.

Project Number	Project Name	Variance Number
	Tippy Creek Winery Cables	18-10-02

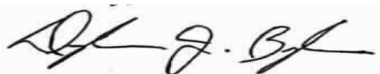
**Commission Conditions**

Edition	Code	Code Section	Commission Action & Date
2009	IEC	225.18	Not Approved 11/07/2018

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 Commission. If you do not file a petition for review, this action will be final.

Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. J. Boyle", is centered on the page. The signature is written in a cursive style with a horizontal line through the middle.

Douglas J. Boyle  
Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security

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 &amp; 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/](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.

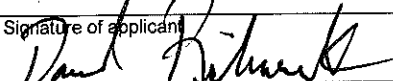
**10. STATEMENT OF ACCURACY**

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
--	---------------------------------------	--

**Chaney, Sarah**

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**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](mailto:esorensen@dhs.in.gov)  
Web: [www.in.gov/dhs](http://www.in.gov/dhs)

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**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

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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

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**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

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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](mailto: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) $\Delta$ 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) $\Delta$ 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) $\Delta$ 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) $\Delta$ 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"> <li>1. Not be directly connected to the drainage system.</li> <li>2. Discharge through an air gap located in the same room as the water heater.</li> <li>3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.</li> <li>4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.</li> <li>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.</li> <li>6. Discharge in a manner that does not cause personal injury or structural damage.</li> <li>7. Discharge to a termination point that is readily observable by the building occupants.</li> <li>8. Not be trapped.</li> <li>9. Be installed so as to flow by gravity.</li> <li>10. Not terminate more than 6 inches (152 mm) above the floor or waste receptor.</li> <li>11. Not have a threaded connection at the end of such piping.</li> <li>12. Not have valves or tee fittings.</li> <li>13. Be constructed of those materials listed in Section 605.4 or</li> </ol>	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

Reference

Original Amount  
276.00

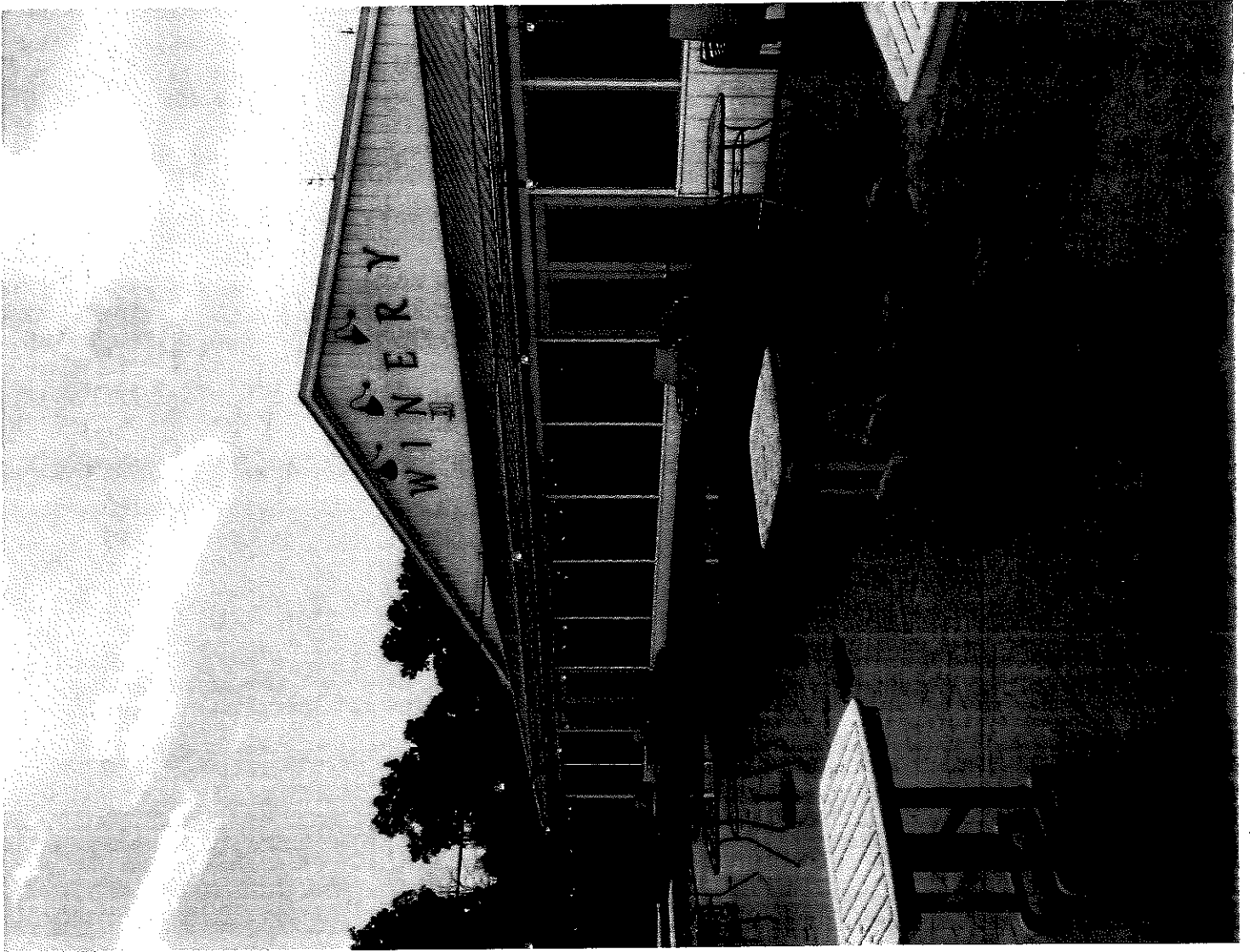
Balance Due  
276.00

Payment  
276.00  
276.00

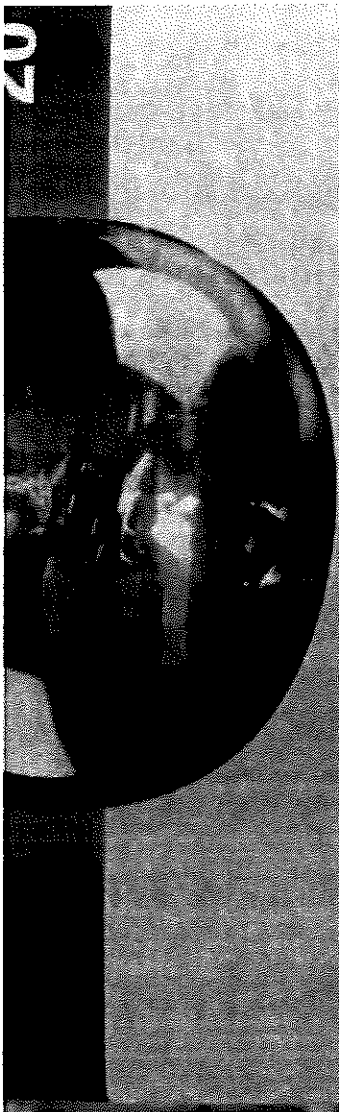
Check Amount

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)
- Possil  
7 Guir  
(avec le





**30ft**  
**9.1m**

**15 SOCKETS**  
**20 BULBS**  
**15 DOUILLES**  
**20 AMPOULES**

- 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)
- 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)







**30ft**  
**9.1m**

**15 SOCKETS  
20 BULBS**  
**15 DOUILLES  
20 AMPOULES**

- 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)
- 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)



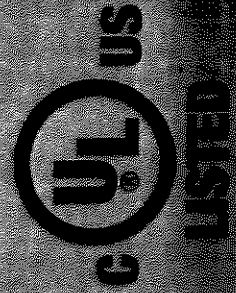








- **Wet Location UL Listed**
- **Outdoor - Weatherproof**
- **Includes 20 bulbs (5 extra)**
- **Bulbs spaced 2ft/.6m apart**
- **Connect up to 7 String Lights**  
(with included 11 watt bulbs)
- **Possible 7 Guir**  
(avec le



## 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

## 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.