INDIANA DEPARTMENT OF HOMELAND SECURITY 302 West Washington Street

Indianapolis, IN 46204



REQUEST FOR CONSIDERATION UNTIMELY FILED VARIANCE APPLICATION

1. Name of Applicant: Job Keller on behalf of KFC

2. Date of Filing: 42/17/18 12/19	1/18 - Variance ID# 19046
3. Prejudice Claimed (mark all that apply) a. Excessive loss of time: b. Unreasonable Cost: X	DEC 1 9 2018 COMMISSION STAFF
4. Evidence Supporting Claim of Prejudice (plea	se attach copies of all supporting documentation)
See attached.	
By submitting this form, I swear that the inform Signature	ation provide above is true and accurate. 1 pproved 12/27/18 for 13/19 FPBSC Meeting DJB, Director of the FPBSC

This late request for variance pertains to an existing closed KFC restaurant that has been remodeled and was to be re-opened on December 21st.

During the course of construction it was determined that one existing condition does not meet current code and has precluded KFC from obtaining final inspections thus delaying the opening causing added cost in procured product and employed labor. In addition loss of revenue from the missed opening date.

Expediting the variance procedure will aid in mitigating these losses that continue to accrue.

Boyle, Douglas J (DHS)

From: Boyle, Douglas J (DHS)

Sent: Thursday, December 27, 2018 4:18 PM

To: 'Job Keller'

Cc: Van Lenten III, John; Wilson, Christopher; Denise Fitzpatrick (dfitzpatrick@dhs.IN.gov);

nicosonr@fishers.in.us

Subject: RE: Late Filing Request for Variance Review - REF ID 19046, STR18-04827 and CDR #

402403 for 1/3/18 review

Good Afternoon Mr. Keller,

I apologize for the delay in responding back to you regarding your untimely filed variance application request. I have reviewed the information you sent me, and I believe your statements do provide enough evidence showing that you and Mr. Van Lenten will be prejudiced by unreasonable costs and excessive loss of time if this variance application is not considered at the Commission's next available meeting on Thursday, January 3, 2019. As such, I approve this request to allow variance application 19046 to be considered by the Fire Prevention and Building Safety Commission at its next meeting on Thursday, January 3, 2019. Denise, please go ahead and process variance application 19046 appropriately.

Mr. Keller, Denise will process and review your variance application to ensure that is complete pursuant to the Fire Prevention and Building Safety Commission's rules under 675 IAC 12-5. She will contact you if you she has any questions or if there are any outstanding issues with your variance application. It appears that your application is still missing an affirmation from the design professional of record provided on the variance application, Mark McCluggage. Our online variance application system should have issued an email to Mr. McCluggage (rgaddy@glmv.com) on 12/19/18, after the variance application was filed.

Please be advised that my approval of the late filing request is not an endorsement of the variance request itself, and the Fire Prevention and Building Safety Commission may have additional questions when it considers the variance application. You are **strongly encouraged** to attend the Fire Prevention and Building Safety Commission's meeting on Thursday, January 3, 2019. The meeting starts at 9:00 a.m. in Conference Room B of Indiana Government Center South, 302 W. Washington Street, Indianapolis, IN 46204. The public entrance to Indiana Government Center South is located at the east corner of the building off of Washington Street, across from the Statehouse.

Please also be advised that the Fire Prevention and Building Safety Commission, at its own discretion, may "table" the variance application until its next meeting if the members feels that they need additional information. Please feel free to contact me or Denise if you have any more questions.

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

Tel: (317) 650-7720

Email: <u>DoBoyle@dhs.in.gov</u>
Web: <u>www.in.gov/dhs</u>



From: Job Keller [mailto:jkeller@rjpcg.com]
Sent: Thursday, December 20, 2018 10:17 AM

To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; Chaney, Sarah <SChaney@dhs.IN.gov>

Cc: Van Lenten III, John < John. Van Lenten III @yum.com >; Wilson, Christopher < Christopher. Wilson @yum.com >

Subject: RE: Late Filing Request for Variance Review - REF ID 19046, STR18-04827 and CDR # 402403 for 1/3/18 review

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

Douglas / Sarah

It was brought to my attention that our code standard editions should be provided. When filling out the electronic version, I didn't see the current IMC / IBC listed. However, I've updated our pdf application for your reference.

Thank you,



JOB KELLER

Construction Manager

RJP Consulting Group, LLC | ripconsultinggroup.com 5345 E. 77th Street, Indianapolis, IN 46250 C: 317-619-1593 | O: 610-518-2930

jkeller@rjpcg.com

From: Job Keller

Sent: Wednesday, December 19, 2018 4:16 PM
To: 'doboyle@dhs.in.gov' <doboyle@dhs.in.gov>

Cc: 'Van Lenten III, John' < John. Van Lenten III@yum.com'>; Wilson, Christopher < Christopher. Wilson@yum.com'>
Subject: Late Filing Request for Variance Review - REF ID 19046, STR18-04827 and CDR # 402403 for 1/3/18 review

Douglas,

Please see attached application for late filing.

This late request for variance pertains to an existing closed KFC restaurant that has been remodeled and was to be reopened on December 21st.

During the course of construction it was determined that one existing condition does not meet current code and has precluded KFC from obtaining final inspections thus delaying the opening causing added cost in procured product and employed labor. In addition loss of revenue from the missed opening date.

Expediting the variance procedure will aid in mitigating these losses that continue to accrue.

We appreciate any consideration in getting us on the next agenda. We have been in contact with Randy Gulley of Wayne Twp FD, Heather Kulwin and Brian Baker with code and plan review to explore all available options for code compliance and life safety.

Thanks again for your consideration.

Variance REF ID 19046 STR18-04827 CDR # 402403

Sincerely,



Construction Manager

RJP Consulting Group, LLC | rjpconsultinggroup.com 5345 E. 77th Street, Indianapolis, IN 46250 C: 317-619-1593 | O: 610-518-2930

jkeller@rjpcg.com

Job Keller

From:

variance online@dhs.in.gov

Sent:

Wednesday, December 19, 2018 4:00 PM

To:

Job Keller

Subject:

Online Variance Application(19046) has been received

Online Variance Application has been received for project: KFC Reopen

Thank you for using the Commission's online variance application. You have successfully submitted your variance application. Commission staff will contact you by email once they take action on your application. If you have any questions or concerns about this process, contact DFITZPATRICK@DHS.IN.GOV. To view the variance information submitted in this application click the link provided below.(USE IE Browser)

Your online application reference ID is: 19046.

Your application password is: 855585

Your application payment confirmation ID is: 25691120

View application link in html

https://oas.dhs.in.gov/reports/rwservlet?dfbsepnhtml&report=variance_view_application.rdf&p_var_id=19046

If link above does not work, use the pdf version below.

https://oas.dhs.in.gov/reports/rwservlet?dfbsepnpdf&report=variance_view_application.rdf&p_var_id=19046

To Search, view or Print all variance information click the link provided below. (USE IE Browser) https://oas.dhs.in.gov/dfbs/variance/start.do?method=viewApplications



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_bs_comm_code/



INSTRUCTIONS: Please refer to the attached four (4) page instructions. Variance number (Assigned by department) Attach additional pages as needed to complete this application. 1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner) Name of applicant Director, Development Construction and Facilities John Van Lenten Telephone number Name of organization (502) 874-8375 Address (number and street, city, state, and ZIP code) 1900 Colonel Sanders Ln, Louisville, KY 2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant) Name of applicant Job Keller Construction Manager Name of organization Telephone number **RJP Consulting Group** (317) 6191593 Address (number and street, city, state, and ZIP code) 5345 E 77th St, Indianapolis, IN 46254 3. DESIGN PROFESSIONAL OF RECORD (If applicable) Name of design professional License number AR19500136 Mark McCluggage Telephone number Name of organization (316) 265-9367 **GLMV** Address (number and street, city, state, and ZIP code) 1525 E. Douglas, Wichita, KS 67211 4. PROJECT IDENTIFICATION Name of project State project number County 402403 CDR # KFC Reno (STR18-04827 city permit #) Marion Address of site (number and street, city, state, and ZIP code) 3704 W Washington St, Indianapolis, IN Type of project □ New ☐ Addition ☐ Alteration ☐ Change of occupancy 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.) Has a violation been issued? ☐ Yes (If yes, attach a copy of the Violation and answer the following.) ⊠ No Violation issued by: ☐ State Fire and Building Code Enforcement Section ☐ Local Fire Department Local Building Department

7. D	ESCRIPTION OF REQUESTED VARIANCE					
in this pla	e of code or standard and edition involved		Specific code section			
IMC 2014 ed (IMC, 2012 ed, 1st printing)			308 Clearance Reduction and 5 Hoods	07.9 Clearances for Type 1		
Exis 1 hc	Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) Existing structure doesn't allow for the standard 18" clearance from hood to combustibles, overhead. Floor to wood truss is 108". Type 1 hood height is 104". Leaving 4" clearance from top of hood to combustible material (wood truss). Clearance reduction methods prescribed in 308 do not allow for reduction less than 9".					
	DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WE	ELFARE	WILL BE PROTECTED			
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We 18"	Facts demonstrating that the above selected statement is true: We propose to install 2 layers of 5/8" type x gypsum board, applied directly under the wood truss. Installation of gyp board to extend to 18" past the hood on all sides. 2 layers of 5/8" type x to provide fire rating and protection similar to a 2 hr rating. This layer in between the hood and combustible material will add heat resistivity similar to acceptable clearance methods.					
	ddition, the hood top will be lined with a 1" high temp insulied directly to the hood.	ulation m	nineral wool board. This material add	s additional heat resistivity		
	two combined methods should reduce the risk of drying auction methods.	and com	nbustibility of the trusses in a manner	similar to acceptable		
Finally, the hood system should work as designed, keeping grease and heat contained under it. The adjacent ceiling system will act as an additional heat barrier as well as eliminating any airborne grease from reaching the combustible structure, further reducing the						
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100	sibility of ignition. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALL)	Y SIGNIF	FICANT STRUCTURE			
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	DESCRIPTION OF REQUESTED VARIANCE	Specific code section	以及2000年2月2日 2000年1月1日日	
	e of code or standard and edition involved	308 Clearance Reduction and 5	07 9 Clearances for Tune 1	
-		Hoods	07.9 Clearances for Type 1	
Exis	re of non-compliance (Include a description of spaces, equipment, etc. involved sting structure doesn't allow for the standard 18" clearance from too of hood to cook height is 104". Leaving 4" clearance from top of hood to cook scribed in 308 do not allow for reduction less than 9".	m hood to combustibles, overhead. Floor	r to wood truss is 108". Type ance reduction methods	
	DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFA	RE WILL BE PROTECTED	的自己的是自己的	
	Non-compliance with the rule will not be adverse to the public health	, safety or welfare; or		
\boxtimes	Applicant will undertake alternative actions in fleu 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).			
We 18"	s demonstrating that the above selected statement is true: propose to install 2 layers of 5/8" type x gypsum board, applie past the hood on all sides. 2 layers of 5/8" type x to provide fi hood and combustible material will add heat resistivity similar	re rating and protection similar to a 2 hr r		
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Ope kitch Fye Cos be I	s demonstrating that the above selected statement is true: erational hardship - Alternative hood systems would reduce ai hen. Reduced airflow and evacuation impacts the health and a r and other cooking equipment would likely need to be re-des st hardship - In order to achieve standard clearances for a type heavily modified. This would come with additional design, per string space has operated as KFC for many years prior to the re-	safety of employees, as well as risking prigned, putting the standard operating more I hood or typical clearance methods, the mitting and construction costs not anticipate.	otential property damage. Indel at a major disadvantage. The truss system would need to pated for the space. The	
10.	STATEMENT OF ACCURACY			
	reby certify under penalty of perjury that the information conta	ained in this application is accurate.		
Sign		se print name	Date of signature (month, day, year)	
Sinn		Keller se print name	12/19/19 Date of signature (month, day, year)	
2	, Francisco III (1)			
C 40173	STATEMENT OF AWARENESS (If the application is submitted o			
l he	reby certify under penalty of perjury that I am aware of this reque	est for variance and that this application is b	being submitted on my behalf.	
Sign	ature of applicant	TOLIN A. VAN LEW JEN	Date of signature (month, day, year) 12/1.9/1.9	

7. [DESCRIPTION OF REQUESTED VARIANCE	NAME OF THE PROPERTY OF THE PARTY OF THE PAR	Alexander and Alexander				
0.000	e of code or standard and edition involved	Specific code section	報告報 (1) (4) 在中国 (4) (4) (4) (4) (4) (4) (4) (4) (4) (4)				
IBC / IMC		308 Clearance Reduction and Hoods	507.9 Clearances for Type 1				
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) Existing structure doesn't allow for the standard 18" clearance from hood to combustibles, overhead. Floor to wood truss is 108". Type 1 hood height is 104". Leaving 4" clearance from top of hood to combustible material (wood truss). Clearance reduction methods prescribed in 308 do not allow for reduction less than 9".							
100000000000000000000000000000000000000	8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED Select one of the following statements:						
\boxtimes	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).						
We 18"	Facts demonstrating that the above selected statement is true: We propose to install 2 layers of 5/8" type x gypsum board, applied directly under the wood truss. Installation of gyp board to extend to 18" past the hood on all sides. 2 layers of 5/8" type x to provide fire rating and protection similar to a 2 hr rating. This layer in between the hood and combustible material will add heat resistivity similar to acceptable clearance methods.						
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9. D Sele	EMONSTRATION OF UNDUE HARDSHIP OR HISTORICALL of at least one of the following statements:	difficulty) because of physical limitations of the co					
9. D Selection	EMONSTRATION OF UNDUE HARDSHIP OR HISTORICALL of 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 co	n the use of the building or structure.				
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