



REQUEST FOR CONSIDERATION
OF
UNTIMELY FILED VARIANCE APPLICATION

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

2. Date of Filing: ~~12/17/18~~ 12/19/18 - Variance ID# 19046

3. Prejudice Claimed (mark all that apply)

a. Excessive loss of time: X

b. Unreasonable Cost: X



4. Evidence Supporting Claim of Prejudice (please attach copies of all supporting documentation)

See attached.

By submitting this form, I swear that the information provide above is true and accurate.

[Signature]
Signature

Approved 12/27/18 for
1/3/19 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: DoBoyle@dhs.in.gov
Web: www.in.gov/dhs



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.VanLentenIII@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 | rjpconsultinggroup.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.VanLentenIII@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 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.

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,



JOB KELLER

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>



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/fp_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
John Van Lenten	Director, Development Construction and Facilities
Name of organization	Telephone number
KFC	(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	Title
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 77 th St, Indianapolis, IN 46254	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Mark McCluggage	AR19500136
Name of organization	Telephone number
GLMV	(316) 265-9367
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
KFC Reno (STR18-04827 city permit #)	402403 CDR #	Marion
Address of site (number and street, city, state, and ZIP code)		
3704 W Washington St, Indianapolis, IN		
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 IMC 2014 ed (IMC, 2012 ed, 1st printing)	Specific code section 308 Clearance Reduction and 507.9 Clearances for Type 1 Hoods
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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".

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:

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.

In addition, the hood top will be lined with a 1" high temp insulation mineral wool board. This material adds additional heat resistivity applied directly to the hood.

The two combined methods should reduce the risk of drying and combustibility of the trusses in a manner similar to acceptable reduction methods.

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 possibility of ignition.

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.

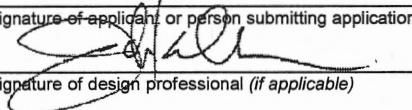
Facts demonstrating that the above selected statement is true:

Operational hardship - Alternative hood systems would reduce air flow and evacuation of grease, smoke and particulates from the kitchen. Reduced airflow and evacuation impacts the health and safety of employees, as well as risking potential property damage. Fryer and other cooking equipment would likely need to be re-designed, putting the standard operating model at a major disadvantage.

Cost hardship - In order to achieve standard clearances for a type I hood or typical clearance methods, the truss system would need to be heavily modified. This would come with additional design, permitting and construction costs not anticipated for the space. The existing space has operated as KFC for many years prior to the renovation without needing the anticipated structural modifications.

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 Job Keller	Date of signature (month, day, year) 12/19/19
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.)

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Signature of applicant	Please print name	Date of signature (month, day, year)
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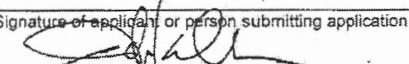
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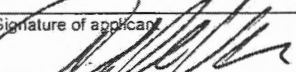
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Signature of applicant 	Please print name John A. Van Kenken	Date of signature (month, day, year) 12/19/19
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Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.

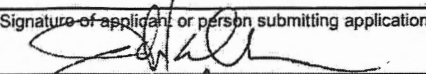

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Signature of design professional (if applicable) 	Please print name Mark McCluggage	Date of signature (month, day, year) 12/19/18

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