



**REQUEST FOR CONSIDERATION
OF
UNTIMELY FILED VARIANCE APPLICATION**

1. **Name of Applicant:** Faegre Baker Daniels LLP

2. **Date of Filing:** 11/13/2018

3. **Prejudice Claimed** (mark all that apply)

a. **Excessive loss of time:** X

b. **Unreasonable Cost:** X


c. **Social / Reputation Cost:** X

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

See attached memo.

Approved 11/27/18
for 12/3/18 FPBSC
Meeting - DJB

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


Signature

To:	Whom it May Concern
From:	Mace North America on Behalf of Faegre Baker Daniels
Date:	November 13, 2018
Subject:	Faegre Baker Daniels Indianapolis – Late Filing Hardship

Delays in the approval process will affect the client's reputation and position in the local and legal communities:

- **Incomplete "Town Hall" and Conference Center**
 - Faegre Baker Daniels (FBD) has – and is renovating – a large conference center in a desirable location with a terrific view of downtown Indianapolis, in which they host a number of events for the local community.
By delaying the approval process and completion of the project, FBD will be forced to decline the opportunity to host these events because the project will still be under construction. It will have a direct negative impact on their 2019 event calendar and a potential effect on future event scheduling – if FBD loses an event they may have difficulty reclaiming it in the future, losing their standing and presence in the community.
 - An example of the types of events they host include meet and greets for local political candidates, blood drives, training and development events, and various city meetings.

Delays in the approval process will affect the project cost in the following ways:

- **At least 2 months of General Conditions at \$40,000 / month = \$80,000**
 - The project cannot afford to delay construction and progress. If the variance is not reviewed in the upcoming review, the impact of the schedule delays will compound due to rework resulting in a minimum of 2 additional months of General Conditions.
- **At least 2 months of hold-over at \$85,000 / month = \$170,000**
 - The FBD project completion and lease expiration are currently in line. By delaying the review, and potentially requiring changes, this push them into holding over.
- **At least 2 months of swing-space rental at \$56,000 / month = \$112,000**
 - FBD is leasing additional space in order to facilitate the construction project. Delaying the approval of this variance will push them to require additional time in swing space.
- **Additional A/E consultant costs to redesign the space at \$17,000**
 - Additional architectural and engineering work to redesign.
- **Additional construction cost for rework at \$32,000**
 - The construction is underway, and the cost of any rework at a minimum will be \$32,000.

Delays in the approval process will affect the project schedule in the following ways:

- **Project completion extended due to constraints within the construction / relocation / staging / swing space relationship for the project**
 - By delaying the decision on this variance it will add at least two months to the project. The completion of the work that is taking place on the 25th floor is in direct relation to the sequence of relocation of staff, the use of swing space, staging areas, etc. The overall project will see 2 months at the least added to the project for the conditions that we can foresee at this time.
 - The project is compounded by the added time for design 4-6 weeks, remobilization of sub-contractors and the physical rework of the construction. The missed opportunities to relocate staff and take advantage of staging and swing space.
 - Note this does not take into account any of the unknown lead times for materials that may be specified during the redesign.

Owner / Applicant Information

Ryan Wells
REI Real Estate Services, LLC
11711 North Pennsylvania Stree
Suite 200
Carmel IN 46032
Phone 3175736043
Email rwells@REIRealEstate.com

Submitter Information

Melissa Tupper
RTM Consultants, Inc.
6640 Parkdale Place
Suite J
Indianapolis IN
Phone 3173297700
Email tupper@rtmconsultants.com

Designer Information

Warren J. Foster
Gary Lee Partners
833 N. Orleans Street
Suite 400
Chicago IL
Phone 3126408371
Email warrenfoster3301@comcast.net

Project Information

Faegre Baker Daniels Tenant Interior Reno
300 N. Meridian St
20-25 and Lower Level
INDIANAPOLIS IN 46204

County MARION

Project Type New Addition Alteration Existing Change of Occupancy

Project Status F F=Filed U or Null=Unfiled

IDHS Issued Correction order? **Has Violation been Issued?**

Violation Issued by: NA

Local Building Official

Phone: Email:

Local Fire Official

Phone: Email:

Variance Details

Code Name: Other Code (Not in the list provided)

2014 IBC, 1004.1

Conditions: The code requires the total occupant load of the floor be determined by dividing the floor area by the occupant load factor assigned to the use of that space. The code requires that the floor be calculated for simultaneous uses of the entire floor, not based upon actual or non-simultaneous uses. The variance request is to limit the occupant load of the 25th floor to 350 based upon maximum actual occupant load, not calculated.

The existing building is classified as a B Occupancy, with the 25th floor being classified as an A-3/B Occupancy. The building is 27-stories in height, and Type IA construction.

DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE ARE PROTECTED:

1

1=Non-compliance with the rule will not be adverse to the public health, safety or welfare.

2= 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:

1. The building is sprinklered throughout in accordance with NFPA 13.
2. The building has an existing fire alarm system throughout.
3. The tenant will limit the occupant load of the space to 350, this is based upon the number of maximum actual occupants that will occupy this floor.
4. The exit width provided will accommodate 440 occupants.
5. The existing floor assemblies are 2-hour rated construction, the structural frame and bearing walls are 3-hour rated construction.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

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.

Y 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: Compliance with the calculated occupant load of the floor for simultaneous uses would require the existing doors to the existing stairs to be enlarged as well as additional doors to be added, to accommodate the exit with capacity required based upon the calculated occupant load.

Boyle, Douglas J (DHS)

From: Boyle, Douglas J (DHS)
Sent: Tuesday, November 27, 2018 1:28 PM
To: 'Melissa Tupper'; Denise Fitzpatrick (dfitzpatrick@dhs.IN.gov)
Cc: nicosonr@fishers.in.us
Subject: RE: Late Variance Filing Request 18973

Melissa,

I'm sorry for the delay in getting back to you regarding this untimely filed variance application request. I have reviewed your client's prejudice/statement. First and foremost, "social/reputation cost" is not a hardship/prejudice that is afforded in the Fire Prevention and Building Safety Commission's non-rule policy and 675 IAC 12-5-6. As such, I did not take that particular claim of hardship/prejudice into account in making my determination.

With that being said, I did review your client's additional claims of prejudice/hardship in regards to unreasonable costs and excessive loss of time. I approve this request to allow variance application 18973 to be considered by the Fire Prevention and Building Safety Commission at its next meeting on Monday, December 3, 2018. Denise, please go ahead and process variance application 18973 appropriately.

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: Melissa Tupper [mailto:tupper@rtmconsultants.com]
Sent: Tuesday, November 27, 2018 12:14 PM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>
Cc: Fitzpatrick, Denise <dfitzpatrick@dhs.IN.gov>
Subject: RE: Late Variance Filing Request 18973

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

Doug,

I'm following up on my email below to permit the variance filed the day after cut off to be heard at December's hearing. I haven't heard if it will be allowed to be heard. Could you let me know, the owner is asking? Thank you.

If you have any questions, please contact us.

Sincerely,

Melissa M. Tupper, P.E.
Principal
Fire Protection Engineer

RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

(317) 329-7700 ext 104
(317) 329-8411 fax

From: Melissa Tupper
Sent: Wednesday, November 14, 2018 10:56 AM
To: 'Boyle, Douglas J (DHS)' <DoBoyle@dhs.IN.gov>
Cc: 'Fitzpatrick, Denise' <dfitzpatrick@dhs.IN.gov>
Subject: RE: Late Variance Filing Request 18973

Doug,

All affirmations have been completed. Thank you.

If you have any questions, please contact us.

Sincerely,

Melissa M. Tupper, P.E.
Principal
Fire Protection Engineer

RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254

(317) 329-7700 ext 104
(317) 329-8411 fax

From: Melissa Tupper
Sent: Tuesday, November 13, 2018 7:42 PM
To: Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>
Cc: Fitzpatrick, Denise <dfitzpatrick@dhs.IN.gov>
Subject: Late Variance Filing Request 18973

Doug,

I would like to request a late filing for a variance I filed today. Attached is the hardship statement from the client. I hope that since we are only one day past and that it will cause a delay and add cost to the project that the commission will permit it to be heard. Thank you for reviewing the late request.

If you have any questions, please contact us.

Sincerely,

Melissa M. Tupper, P.E.
Principal
Fire Protection Engineer

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Indianapolis, IN 46254

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