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**FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

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**Nonrule Policy****Purpose**

This policy of the Fire Prevention and Building Safety Commission is established to interpret, supplement, and implement the variance filing deadline rules found in [675 IAC 12-5-6](#).

**Background**

Pursuant to [675 IAC 12-5-6](#), no variance application shall be placed on the commission's agenda for any meeting of the commission scheduled for a date less than twenty-eight (28) calendar days subsequent to the receipt of the variance application, except where the applicant would be prejudiced by having to wait for a later meeting because of excessive loss of time or unreasonable cost. Due to the rollout of electronic filing for variance applications and the discontinuance of mailing variance applications to commission members, the implementation of this rule must be brought up with the times as well.

**Policy**

With the above background in mind, the Fire Prevention and Building Safety Commission has determined that all delays over twenty-one (21) days prejudice all applicants by either excessive loss of time or unreasonable cost. Therefore, all variance applications received at least twenty-one (21) days prior to the next commission meeting shall be placed on the commission's agenda for the next meeting, and those variance applications received within this twenty-one (21) day window shall be placed on the agenda for the first commission meeting scheduled at least twenty-one (21) days subsequent to receipt by commission staff. Variance applications received within the twenty-one (21) day window are considered "late filings".

Late filings may be placed on the commission's agenda for the next commission meeting without having to comply with the twenty-one (21) day time limit, mentioned above, if the applicant would be prejudiced by having to wait for a later meeting because of excessive loss of time or unreasonable cost. A request for a late filing to be placed on the next commission's agenda must put forth specific and reliable evidence showing that the loss of time would be **excessive** or the costs would be **unreasonable**.

In order to facilitate late filing requests, late filers shall submit the attached form to the Director of the Fire Prevention and Building Safety Commission, Douglas Boyle, at [doboyle@dhs.in.gov](mailto:doboyle@dhs.in.gov).

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

1. Name of Applicant: \_\_\_\_\_
2. Date of Filing: \_\_\_\_\_
3. Prejudice Claimed (mark all that apply)
  - a. Excessive loss of time: \_\_\_\_\_
  - b. Unreasonable Cost: \_\_\_\_\_
4. Evidence Supporting Claim of Prejudice (please attach copies of all supporting documentation)

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

\_\_\_\_\_  
Signature

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