



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/ftp_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)

15-04-1

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant	Title
John Burnham	Owner/Agent
Name of organization	Telephone number
Burnham Rentals	(812) 339-8300
Address (number and street, city, state, and ZIP code)	
444 E. Third St. , Suite 1 Bloomington, IN 47401	

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of applicant	Title
Name of organization	Telephone number
	()
Address (number and street, city, state, and ZIP code)	

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
Burnham Rentals		Monroe
Address of site (number and street, city, state, and ZIP code)		
330 S. Dunn St., Bloomington, IN 47401		
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 1998 Indiana Building Code	Specific code section 310.4
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Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)

The City of Bloomington Housing and Neighborhood Development has cited our rental house at 330 S. Dunn St. in Bloomington as not having windows that meet the code requirements of the house that was remodeled in 1999. This detail about the window size was missed in 2 previous inspections by HAND. I am attaching the report for reference with highlighted areas that pertain to the windows in question. The 1997 Uniform Building Code states that the windows are supposed to have an openable area of 24" They open to the height of 21 1/2". Code requires them to be at least 20" wide. The current windows are 37 1/2" wide. There are 6 windows that have been cited in the HAND report. I have also been advised by my employee that the actual window opening was not measured, but the area at the back of the frame where the screen is installed. These particular frames do reduce slightly on the exterior. The code specifically refers to the window itself. Each window is a double hung, tilt in sash window. Each sash can be raised or lowered and tilted in to be removed.

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:

The actual window openings are very close to the required size by code. The HAND report states that the windows openable area measures 21 1/2 x 37 1/2" which measure out to 5.59 sq. ft. The required area is 5.7 sq. ft. All of these windows are double hung, tilt sash windows. The upper and lower sashes can be raised or lowered. Each sash can be tilted in and removed if needed for exit in seconds. 4 of the window openings with sashes removed are 51" h x 39" w. Each sash is 27 1/2" h x 39" w. 2 of the window openings with sashes removed are 53" h x 38" w. Each sash is 27 1/2" h x 38" w. I do not believe that the slightly reduced height opening is going to prevent anyone from exiting in case of an emergency. The additional 17" width beyond the minimum 20" inches required gives adequate room to escape if needed. Photos are included for IDHS.

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

Select at least one of the following statements:

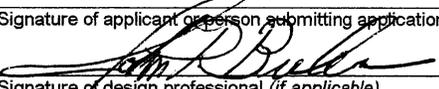
- Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of physical limitations of the construction site or its utility services.
- Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of major operational problems in the use of the 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:

The cost would be excessive to modify the window frame openings 2 1/2" and purchase 6 new windows to fit in the new openings. Two of these windows are bay windows and would have additional costs associated with replacement. These apartments are occupied and making the changes to the structure would cause undue hardship on the current residents. Photos are included for IDHS.

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 John Burnham	Date of signature (month, day, year) 02/10/2015
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	Date of signature (month, day, year)
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Burnham Rentals

444 E. Third St., Suite 1

Bloomington, IN 47401

Phone: 812.339.8300 Fax: 812.332.1905

www.burnhamrentals.com info@burnhamrentals.com

February 12, 2015

Indiana Department of Homeland Security

Code Services Section

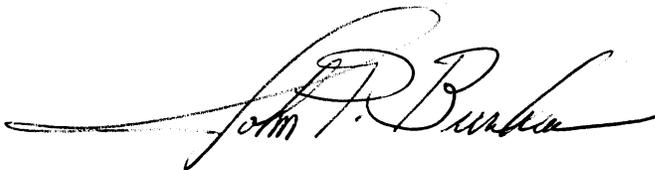
302 West Washington St., Rm. W246

Indianapolis, IN 46204-2739

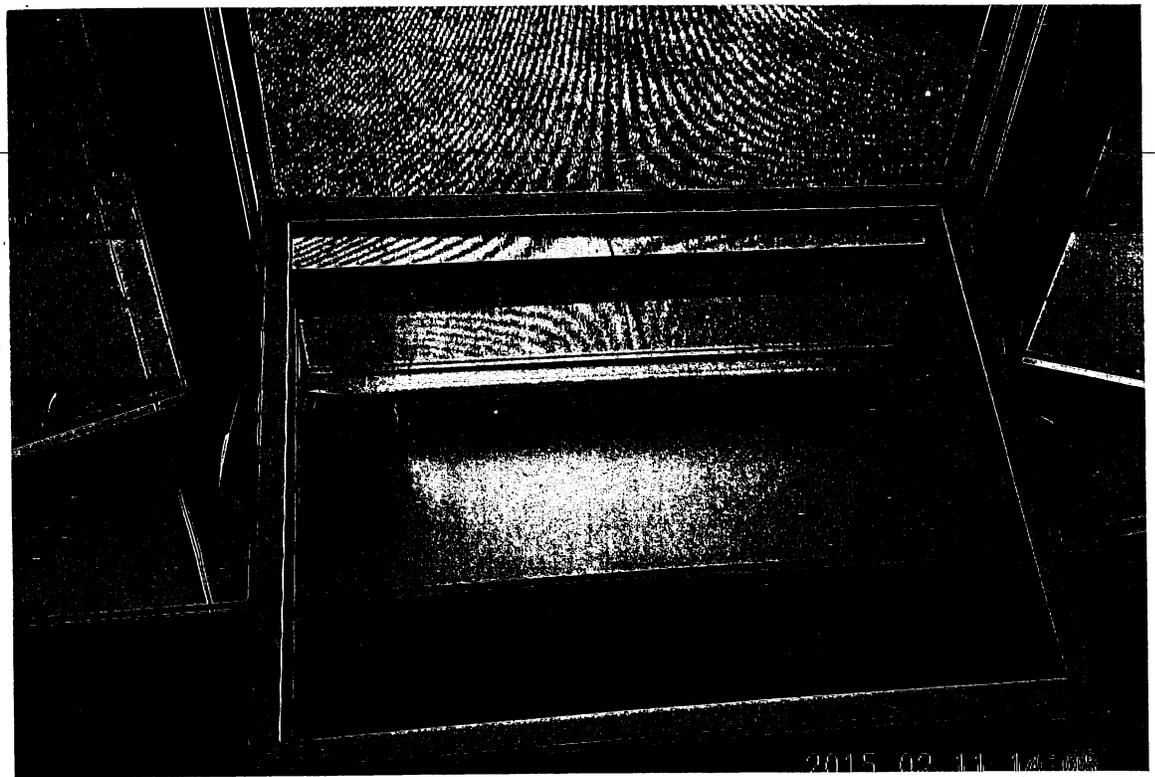
To whom it may concern,

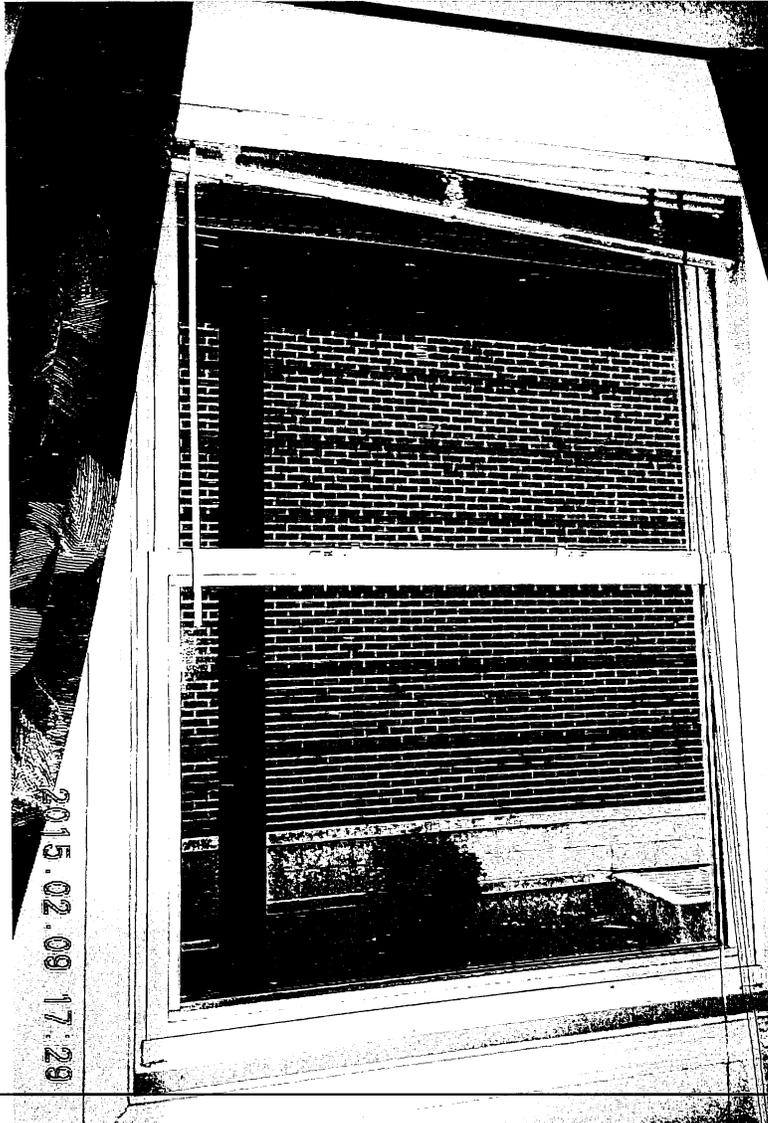
Please find enclosed our Application for Variance and related requested documentation for our property located at 330 S. Dunn St. in Bloomington. The City of Bloomington Housing and Neighborhood Development has issued a housing inspection report stating that we are in violation of the 1998 Indiana Building Code. The entire house was remodeled in 1999. This is when the windows were installed. These windows are double hung, tilt sash windows. Both sashes raise, lower and tilt in. I have enclosed photos and I have also enclosed a check for \$276.00. Please feel free to contact me with any questions or concerns. My direct email is johnjr@burnhamrentals.com. You can also call if that is easier. Thank you for your assistance during this process and attention to this matter.

Sincerely,

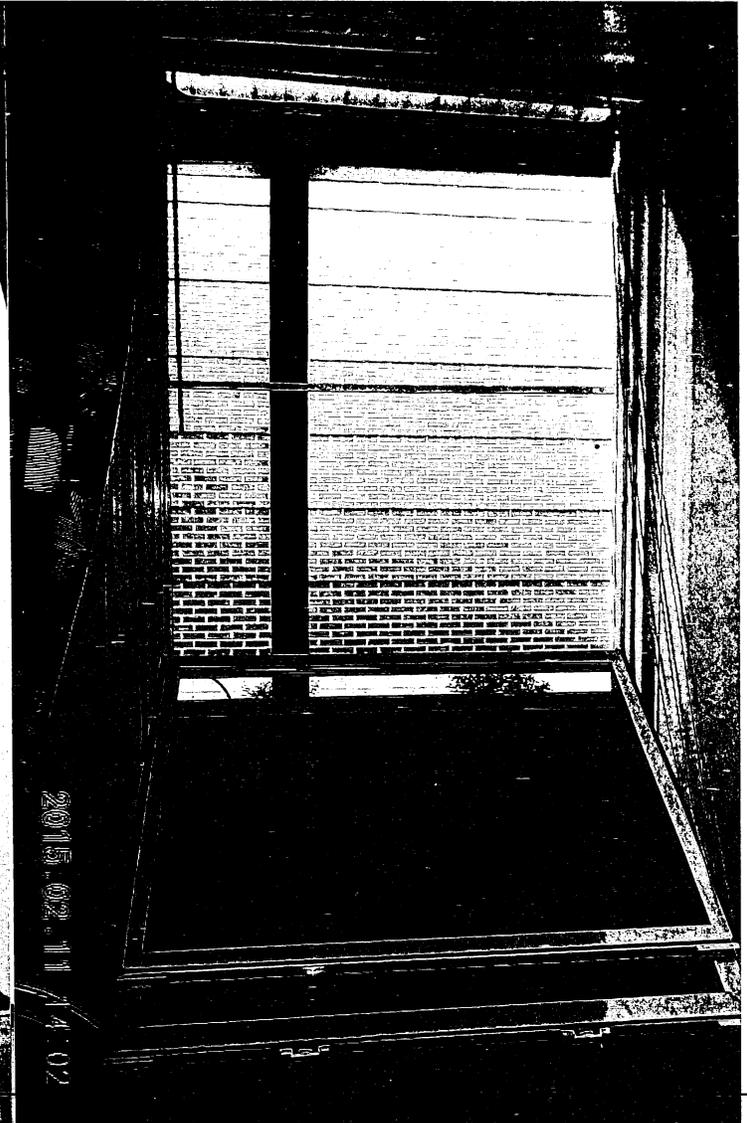


John P. Burnham

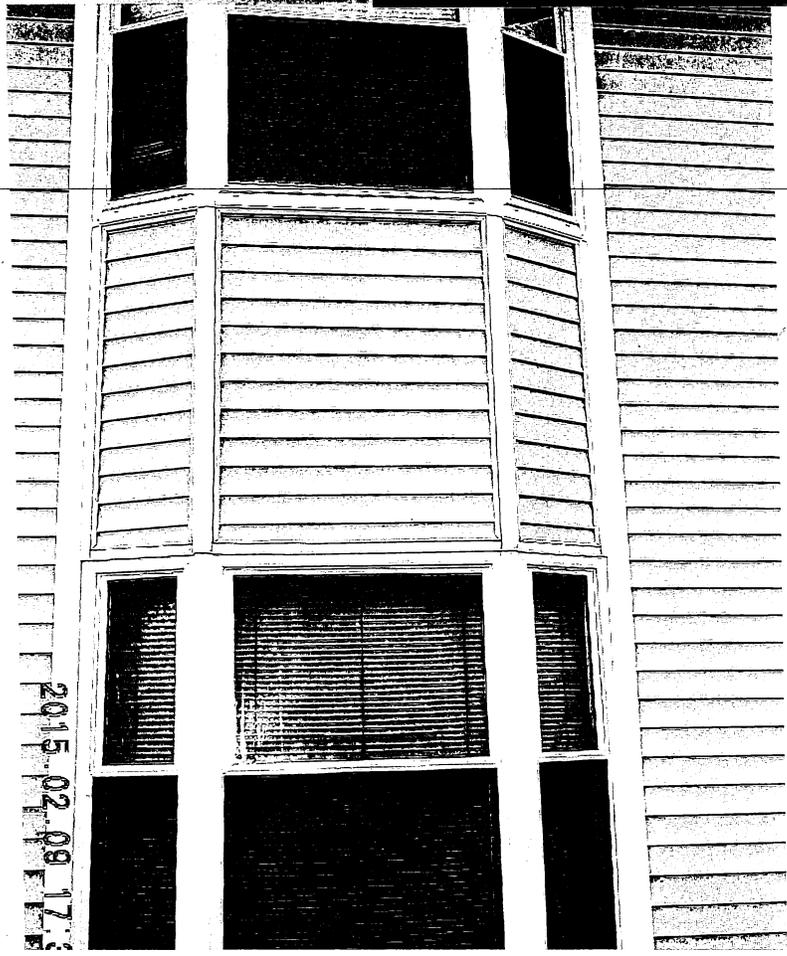




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City of Bloomington
Housing and Neighborhood Development

Cycle Report

335

OWNERS

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Burnham Rentals
Po Box 1248
Bloomington, IN 47402

Prop. Location: 330 S Dunn ST
Units/Bedrooms/Max # of Occupants: 1/1/5 5/2/5
Date Inspected: 12/30/2014
Primary Heat Source: Gas
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 6/1
Inspectors: Maria McCormick
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

→ Monroe County Assessor's records indicate that this structure was built in 1999 (the building was significantly remodeled at that time, The building was originally constructed about 1900; the windows in the front of the building are historic.) These are the minimum requirements for

emergency egress at this time:

Clear Height: 24"
Clear Width: 20"
Openable Area: 5.7 sq. ft.
Maximum Sill Height: 44" off the finished floor

Note: Floor plan and room dimensions are in the file. Only rooms with violations will be listed in this report.

INTERIOR:

**Apt. 1 –
Bedroom:**

No violations noted.

Existing Egress Window Measurements:

Height: 34 ½ inches
Width: 25 ¾ inches
Sill Height: 19 inches
Openable Area: 6.19 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress

401 N. Morton
PO Box 100
Bloomington, IN 47402

City Hall

www.bloomington.in.gov/hand

Rental Inspections: (812) 349-3420
Housing Division: (812) 349-3401
Fax: (812) 349-3582

Bathroom:

Properly re-caulk around the countertop to eliminate water infiltration. BMC 16.04.060(a)

Apt. 2 –

Bathroom:

Properly seal the entire perimeter of the tub/shower including the floor. BMC 16.04.060(a)

Properly re-caulk around the countertop to eliminate water infiltration. BMC 16.04.060(a)

NE Bedroom; NW Bedroom:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1999. The relevant code is the 1998 Indiana Building Code, section: 310.4.



Openable area required: 5.7 sq. ft.
Clear width required: 20”
Clear height required: 24”
Maximum sill height: 44” above finished floor

Existing area: 5.59 sq. ft.
Existing width: 37 ½ “
Existing height: 21 ½ “
Existing sill: 44”

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Apt. 3 –

Mechanical Closet:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

BMC 16.01.060(f) and 16.04.060 (c)

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Apt. 4 –

SW Bedroom/Bathroom:

Repair or replace existing smoke detector in a manner so that it functions as intended. IC 22-11-18-3.5

Properly seal the entire perimeter of the shower including the floor. BMC 16.04.060(a)

Existing Egress Window Measurements:

- Height: 28 inches
- Width: 29 ½ inches
- Sill Height: 28 inches
- Openable Area: 5.73 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Mechanical Closet:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. ~~Documentation from a professional HVAC contractor for this service is acceptable and encouraged.~~ Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

- | | |
|--|---------------------------|
| Desired level: | 0 parts per million (ppm) |
| Acceptable level in a living space: | 9 ppm |
| Maximum concentration for flue products: | 50 ppm |
- BMC 16.01.060(f) and 16.04.060 (c)

Bathroom:

Repair or replace the damaged towel rack. BMC 16.04.060(a)

SE Bedroom:

No violations noted.

Existing Egress Window Measurements:

- Height: 36 inches

North Bedroom; South Bedroom:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1999. The relevant code is the 1998 Indiana Building Code, section: 310.4.

Openable area required: 5.7 sq. ft.
Clear width required: 20"
Clear height required: 24"
Maximum sill height: 44" above finished floor

Existing area: 5.59 sq. ft.
Existing width: 37 1/2 "
Existing height: 21 1/2 "
Existing sill: 27 "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Apt. 6 –
Kitchen:

Properly re-caulk around the countertop to eliminate water infiltration. BMC 16.04.060(a)

Mechanical Closet:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

BMC 16.01.060(f) and 16.04.060 (c)

North Bedroom; South Bedroom:

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1999. The relevant code is the 1998 Indiana Building Code, section: 310.4.

Openable area required: 5.7 sq. ft.
Clear width required: 20"
Clear height required: 24"
Maximum sill height: 44" above finished floor

Existing area: 5.59 sq. ft.
Existing width: 37 1/2 "
Existing height: 21 1/2 "
Existing sill: 27 "

Width: 25 ½ inches
Sill Height: 16 inches
Openable Area: 6.37 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Apt. 6 –

Kitchen/Living Room:

Properly re-caulk around the countertop to eliminate water infiltration. BMC 16.04.060(a)

NW Bedroom:

No violations noted.

Existing Egress Window Measurements:

Height: 27 ¾ inches
Width: 25 ½ inches
Sill Height: 28 inches
Openable Area: 4.91 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements (window is in the historic portion of the building).

Mechanical Closet:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

BMC 16.01.060(f) and 16.04.060 (c)

East Bedroom/Bathroom:

No violations noted.

Existing Egress Window Measurements:

Height: 36 inches
Width: 25 ½ inches
Sill Height: 16 inches
Openable Area: 6.37 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Basement –

Thoroughly clean and service both furnaces, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

BMC 16.01.060(f) and 16.04.060 (c)

EXTERIOR:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. BMC 16.04.050(e) (This item only has a compliance deadline of December 30, 2015.)

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.03.030(d)

This is the end of this report.
