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Formstack Submission For: **4202**

Submitted at 08/31/20 2:49 PM

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Indiana Code You Are Commenting On:	675 IAC 12-5-3 Definitions. I discovered I attached the incorrect definitions document.
Comment or Proposal:	see attached
File:	View File

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

To Amend 675 IAC 12-5-3 Definitions by adding a new Definition and re-letter remainder of the Section

675 IAC 12-5-3 – Definitions

SECTION 3. (a) ~~(b)~~ The definitions in this SECTION apply throughout 675 IAC 12-5

~~(c)~~ **(b)** "Applicant" means the person who would be in violation of a rule of the commission if the person:

- (1) maintained the conditions sought to be legalized by a variance; and
- (2) did not obtain the variance.

This person is usually the owner of the premises in question.

~~(d)~~ **(c)** "Architecturally significant" means the same as historically significant.

~~(e)~~ **(d)** "ASME B & PVC" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code as set forth in 675 IAC 30-1-1(a)(1) and as may be updated by emergency rules under IC 22-13-2-8(c).

~~(f)~~ **(e)** "Completed application" means an application for variance that contains all of the information and documentation required under SECTION 5 of this document.

~~(g)~~ **(f)** "Department" means the Indiana department of homeland security.

~~(h)~~ **(g)** "Design professional" means a registered architect or professional engineer who is registered under IC 25-4 or IC 25-31.

~~(i)~~ **(h)** "Historically significant" means any structure that is important to the:

- (1) general;
- (2) archaeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial; or
- (9) cultural;

history of the United States or of Indiana.

(i) "Interested person" as it applies to Rule 5, Variance means a property owner, owners' representative, local building official, local fire official, industry expert, leasee, or tenant.

~~(j)~~ **(j)** "Local building official" means the chief official of the county, city, or town responsible for enforcing the building laws of the commission that serves the jurisdiction in which the property related to the variance application is located, or the chief official's designee.

~~(k)~~ **(k)** "Local fire official" means the chief of the fire department serving the jurisdiction in which the property related to the variance application is located, or the chief's designee.

(l) "More detailed", when applied to provisions in rules of state agencies or ordinances of political subdivisions, means explanatory material that is related to but does not change the text or intent of a rule of the commission.

(m) "More stringent", when applied to provisions in rules of state agencies or ordinances of political subdivisions, means requirements that demand a level of design criteria or performance as to construction methods or materials, or imposes restrictions on the use

of construction methods or materials not addressed in any provisions in a rule of the commission.

(n) "Owner" as the meaning set forth in 675 IAC 22 rules of the commission.

(o) "Person" has the meaning set forth in ~~675 IAC 22~~ the rules of the commission.

(p) "Staff or commission's staff" means personnel of the department who serve as staff for the commission.

(q) "Undue hardship" means unusual difficulty in meeting the requirements of the rules of the commission because of any of the following:

(1) Physical limitations of a construction site or its utility services.

(2) Major operational problems in the use of a building or structure.

(3) Excessive costs of additional or altered construction elements.

This definition does not apply to a request for a variance from the rules of the commission found in 675 IAC 30.