

**FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

**Nonrule Policy  
of the  
Fire Prevention and Building Safety Commission**

**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 [dboyle@dhs.in.gov](mailto:dboyle@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 provide above is true and accurate.**

\_\_\_\_\_  
Signature