



**MICHAEL R. PENCE, Governor**  
**STATE OF INDIANA**  
 DEPARTMENT OF HOMELAND SECURITY

**DAVID W. KANE, EXECUTIVE DIRECTOR**  
 Indiana Department of Homeland Security  
 Indiana Government Center South  
 302 West Washington Street  
 Indianapolis, IN 46204  
 317-232-3980

Ray D Whitehead  
 Elkhart County Blds& Grnds  
 117 N 2ND

March 4, 2016

GOSHEN , IN 46526

Dear Ray Whitehead,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application with all alternatives offered, as a part of its published agenda, at its regular meeting on March 1, 2016.

Project Number	Project Name	Variance Number
0	Elkhart County Juvenile Detention	16-03-30

**Commission Conditions**

Variance is valid until June 30, 2017.

Edition	Code	Code Section	Commission Action & Date
12-4-9	Maintenance of Existing Buildings and Structures	GAR 675 IAC 12-4-9(a)	Approved with Commission condition(s) 03/01/2016

You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen(18) calender days from the above stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.

Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean Illingsworth". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Dean Illingsworth  
State Building Law Compliance Officer,  
Department of Homeland Security

**Owner / Applicant Information**

Ray D Whitehead  
Elkhart County Blds & Grnds  
117 N 2ND

GOSHEN IN 46526

Phone 5745356742

Email RWHITEHEAD@ELKHARTCOUNTY.COM

**Submitter Information**

Melissa Tupper  
RTM Consultants, Inc.  
6640 Parkdale Place

Indianapolis IN

Phone 3173297700

Email tupper@rtmconsultants.com

**Project Information**

Elkhart County Juvenile Detention  
114 North 2nd Street

Goshen IN

County ELKHART

**Project Type** New  Addition  Alteration  Existing  Change of Occupancy

**Project Status**  F=Filed U or Null=Unfiled

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

**Violation Issued by:** SFM

**Local Building Official**

Phone: 5745341811

Email: buildingoffice@goshencity.com

**Local Fire Official**

Phone: 5745341811

Email: fireambulance@goshencity.com

**Variance Details**

**Code Name:** 12-4-9 Maintenance of Existing Buildings and Structures  
GAR 675 IAC 12-4-9(a)

**Conditions:** The variance request is to permit the existing smoke detection and fire alarm system to not be maintained in a portion of the existing building. This portion of the building was previously used as the Elkhart Co. Jail, which has been relocated to a new building. The other portion of the building is still being used as the Elkhart Co. Juvenile Facility. All life safety systems are being maintained in the Elkhart Co. Juvenile Facility. The existing building is non-combustible construction.

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

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

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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. There is a 3-hour separation between the juvenile portion of the building and the old jail portion of the building.
2. The existing sprinkler system in the old jail portion of the building will be maintained.
3. The existing fire alarm and smoke detection system in the juvenile portion of the building will be maintained.
4. There are no combustibles or vehicles stored in the old jail.
5. The chief fire inspector with the Goshen Fire Prevention Bureau is not opposed to the variance.

**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:** The existing smoke detection and fire alarm system are failing and the system is out of date. Finding compatible replacement parts is nearly impossible. It is a cost hardship to replace the failing systems in the old jail. The building will be tore down when a new juvenile addition is made to the new jail, but that date is unknown.