

State of Nevada
Department of Public Safety
State Fire Marshal Division

Guideline for
Variance Request
Per
Nevada Administrative Code
477.287



Guideline for Variance Request

Purpose

This guideline is intended to provide direction for submitting requests for a variance from regulations in accordance with the Nevada Administrative Code (NAC) 477.287 and International Fire Code (IFC) section 104.9.

Scope

Requests for a variance shall be evaluated by the State Fire Marshal (SFM) staff to ensure the proposed design, use, or operation satisfactorily complies with the intent of the NAC and the IFC, as adopted by the State of Nevada. Additionally, the alternative means and methods that are being proposed will be evaluated to determine they are at least equivalent to that prescribed in the NAC and the IFC in quality, strength, effectiveness, fire resistance, durability and safety.

Submittal Requirements

1. General Requirements

All requests for a variance from a requirement in the NAC or the IFC shall only be prepared and submitted by a Nevada licensed design professional. All submittals prepared by a professional engineer or licensed architect shall be wet stamped and signed. All submittals prepared by a licensed contractor performing a design for their own use or a NICET certified technician performing work within their allowed area shall be signed and shall include their appropriate license or certification number(s).

For state and commercial projects the applicant shall provide the following information, in writing, with the appropriate plans necessary to evaluate the project:

A. Identify relevant project information:

- 1) The project name, address, contact person and phone number
- 2) The owner's name, address, and phone number
- 3) Other specific information identifying the project may be required (e.g., , etc.)

B. Identify the code section or reference the specific requirement for which the modification is requested (e.g., NAC 477.###, International Fire Code (IFC) ###.### — Fire Flow, etc.).

C. Provide a background statement to identify, explain or otherwise detail the situation causing the request for a variance.

D. Detail the alternative fire protection measures as part of the variance proposal and how they establish equivalency to those prescribed in the code. The report shall address the SFM concerns and the issues as identified above.

2. Engineering Evaluation

If the State Fire Marshal staff, Fire Code Official, or established their designee determines that a peer review or other engineering evaluation by a licensed professional engineer is necessary, it shall be performed and reported by a firm or individual that has been approved by the State Fire Marshal staff. The applicant is responsible for all costs associated with the preparation and submittal of the variance and any requested peer review, evaluation, research or other outside consultation.

3. Submittal Process

A. At least two (2) copies of the variance proposal letter (or variance request form) and other supporting information will be required. Submit the locally required number of copies to the applicable local fire department and or city/county building department and one (1) copy directly to State Fire Marshal Division. Fees due to the State Fire Marshal Division in the amount indicated by the fee schedule below currently in effect must be paid upon submittal of the variance proposal.

1. Fee schedule

Base fee per request \$110.00 (pay to State Fire Marshal)

If additional time is spent beyond the standard time allotment an additional fee will be assessed at the following rate.

1 minute to 15 minute = \$13.75

16 minute to 30 minute = \$27.50

31 minute to 45 minute = \$41.24

46 minute to 60 minute = \$55.00

Per staff member on 15 minute increments rounding up

B. Variance requests will be evaluated by State Fire Marshal staff. All such requests are evaluated on a case by case basis. Approval of the request is based upon several factors, including, but not limited to, the level of equivalency achieved (as described under “Scope” in this guideline), the effect of the variance on fire and emergency response, and site conditions. All evaluations will be performed in the context of the specific project being reviewed.

C. If the variance proposal provides an equivalent level of protection considering all related conditions pertaining to the project, the State Fire Marshal will issue a response letter granting approval. Such approval may be conditional upon implementation of additional requirements listed in the variance response letter that were not part of the original variance proposal. Approval is granted only for the specific project under review and the conditions for approval shall not be construed as applicable to any other project nor should any approval be considered to establish any precedent for future variance approvals.

D. In the event that the variance proposal does not provide an equivalent level of protection, the request will be denied and a response letter (or variance request form with the "Not Approved" box marked) will be issued to this effect. Should the applicant submit a different variance request for this project or choose to revise and resubmit the previously denied request, additional variance review fees will apply. To facilitate the evaluation process, include any previously denied variance proposals when submitting a revised variance request.

E. Upon completion of the evaluation, the variance response letter and a copy of the applicant's variance proposal, or the completed and approved variance request form, will be available to be picked up at the location specified on the State Fire Marshal's web site or by calling the State Fire Marshal's main office and requesting the form. Should evaluation of the variance proposal require time and resources beyond the standard allotted for this activity, additional time and materials fees may be applied. These additional fees must be paid when the applicant picks up the variance response letter and/or form.

F. The approved variance proposal and response letters, or the variance request form, must be copied on the plans prior to plan approval. Retain a copy of the variance proposal and response at the project site at all times. This documentation may be required for review by the State Fire Marshal staff.