



STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL DIVISION
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INSTRUCTIONS

REQUEST FOR VARIANCE / TIME EXTENSION

REQUEST FOR FIRE CODE VARIANCE:

The procedures for fire code variance requests are established under Minn. Stat. § 299F.011, Subdivision 5. When considering a variance the following must be met. The requesting party should show that:

- A. There is substantial compliance with the provisions of the fire code.
- B. The safety of the public and building occupants will not be jeopardized.
- C. Undue hardship will result to the requesting party unless the variance is granted.

The following steps must be taken to apply for a variance:

1. Submit the following items as a package directly to the State Fire Marshal in St. Paul (address above):
 - A completed variance request form. All blanks must be complete. Please be thorough. The panel will be making decisions based on the information you provide.
Remember: you must supply all the information to be considered.
 - Supplemental information such as floor plans, diagrams, contractor bids or estimates, and photographs are encouraged as they assist in making a determination relating to your request.
2. If the variance request involves an order from a municipal or local fire official (such as a fire chief, fire marshal, or fire inspector), Minn. Stat. § 299F.011, subd. 5 requires local governing body action. The local governing body would be the city council, county board, board of supervisors, board of appeals, or town board in the area where the orders were issued.
 - The local governing body may move to endorse the variance, deny or modify the variance, or defer the matter to the State Fire Marshal.
 - **REMEMBER**, it is up to YOU to present your case to the local governing body.
 - If the variance involves an order from the State Fire Marshal, no local governing body action is required.
3. Once a complete variance package has been received, your request will be placed on the Fire Marshal's Code Advisory Panel agenda for their consideration. It is recommended, but not required, that you appear before the panel to present your information and answer any questions. The Panel may also solicit comments and information from the involved inspector, and/or the local Fire Chief. After a thorough evaluation of the issue, a recommendation will be made by the panel to the State Fire Marshal.
4. The State Fire Marshal will issue a decision approving, modifying, or rejecting the variance. You will be notified in writing after the Fire Marshal has made his/her decision (typically within ten (10) working days after the panel recommendation).
5. If the request is not granted, you may proceed before the Fire Marshal as with a contested case in accordance with the Administrative Procedure Act. This consists of a hearing that is similar to a court trial. This request must be made in writing to the State Fire Marshal at the address above. It is suggested that you consult legal counsel prior to commencing a contested case hearing.

REQUEST FOR TIME EXTENSION:

The State Fire Marshal is required to give a reasonable time for property owners to comply with fire code orders that are issued. Properties that need additional time must formally request a time extension from the State Fire Marshal.

In considering time extension requests, the State Fire Marshal Code Advisory Panel will make its recommendations based on an assessment of the following criteria:

- A. A good faith effort has been/is being made to correct all violations cited.
- B. The granting of a time extension is an acceptable risk for the building occupants and the State of Minnesota.
- C. Undue hardship will result to the requesting party unless the extension is granted.

The following steps must be taken to apply for a time extension:

1. Submit the following items as a package directly to the State Fire Marshal in St. Paul (address above):
 - A completed variance request form. All blanks must be complete. Please be thorough. The panel will be making decisions based on the information you provide.
Remember: you must supply all the information to be considered.
 - Supplemental information such as floor plans, diagrams, contractor bids or estimates, and photographs are encouraged as they assist in making a determination relating to your request.
2. Once a complete variance package has been received, your request will be placed on the Fire Marshal's Code Advisory Panel agenda for their consideration. It is recommended, but not required, that you appear before the panel to present your information and answer any questions. The Panel may also solicit comments and information from the involved inspector, and/or the local Fire Chief. After a thorough evaluation of the issue, a recommendation will be made by the panel to the State Fire Marshal.
3. The State Fire Marshal will issue a decision approving, modifying, or rejecting the time extension request. You will be notified in writing after the Fire Marshal has made his/her decision (typically within ten (10) working days after the panel recommendation).
4. If the time extension request is not granted, you may proceed before the Fire Marshal as with a contested case in accordance with the Administrative Procedure Act. This consists of a hearing that is similar to a court trial. This request must be made in writing to the State Fire Marshal at the address on page 1 of these instructions. It is suggested that you consult legal counsel prior to commencing a contested case hearing.