



# APPLICATION FOR VARIANCE

State Form 44400 (R7 / 10-13)  
Approved by State Board of Accounts, 2013

INDIANA DEPARTMENT OF HOMELAND SECURITY  
CODE SERVICES SECTION  
302 West Washington Street, Room W246  
Indianapolis, IN 46204-2739  
[http://www.in.gov/dhs/fire/fp\\_bs\\_comm\\_code/](http://www.in.gov/dhs/fire/fp_bs_comm_code/)



**INSTRUCTIONS:** Please refer to the attached four (4) page instructions.  
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

16-05-04

### 1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant	Title
Jay Ricker	Chairman
Name of organization	Telephone number
Ricker Oil Company, Inc.	(765) 643-3016
Address (number and street, city, state, and ZIP code)	
30 West 11 <sup>th</sup> Street, P.O. Box 150, Anderson, IN 46015	

### 2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of applicant	Title
Jeff Jacob	Director of Technical Services
Name of organization	Telephone number
Creek Run Environmental Engineering, L.L.C.	(765) 728-8051
Address (number and street, city, state, and ZIP code)	
1 Creek Run Drive, P.O. Box 114, Montpelier, IN 47359	

### 3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
NA	
Name of organization	Telephone number
	( )
Address (number and street, city, state, and ZIP code)	

### 4. PROJECT IDENTIFICATION

Name of project	State project number	County
Former Village Food Mart - FID #2505		Madison
Address of site (number and street, city, state, and ZIP code)		
3505 Nichol Avenue, Anderson, IN 46011		
Type of project		
<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> Existing		

### 5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

- A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)
- One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- Written documentation showing that the local fire official has received a copy of the variance application.
- Written documentation showing that the local building official has received a copy of the variance application.

### 6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire and Building Safety issued a Correction Order?

Yes (If yes, attach a copy of the Correction Order.)       No

Has a violation been issued?

Yes (If yes, attach a copy of the Violation and answer the following.)       No

Violation issued by:

Local Building Department     
 State Fire and Building Code Enforcement Section     
 Local Fire Department

**7. DESCRIPTION OF REQUESTED VARIANCE**

Name of code or standard and edition involved	Specific code section
2008 Indiana Fire Code	3404.2.13.1.3

Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.)  
 The approved six month variance (Variance #15-12-04) time limit for Temporary Closure of one 10,000 gallon gasoline UST and one 4,000-gallon gasoline UST will expire on June 1, 2016. However, an anticipated property transfer of ownership to a new owner, which will include the transfer of UST ownership, will occur after the Temporary Closure expiration date.

**8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED**

Select one of the following statements:

- Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
- 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 demonstrating that the above selected statement is true:

The USTs are empty  
 Vent lines are open  
 Fill ports are closed and locked  
 Dispensers have been removed and lines capped

**9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE**

Select at least one of the following statements:

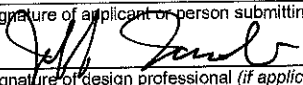
- Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.
- Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.
- 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 demonstrating that the above selected statement is true:

The USTs are currently in tempoary closure during property/tank ownership transfer activities at the site. Once property/tank ownership has been successfully transferred, the USTs will be closed by removal, as stated in the purchase agreement, by the new owner, therefore, removal of the tanks at this time is not necessary. Currently the tanks are empty during property/tank ownership transfer activities. Closing the tanks by removal at this time would result in unnecessary costs for Ricker Oil Company, Inc.

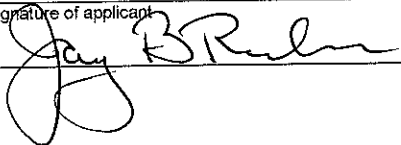
**10. STATEMENT OF ACCURACY**

I hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application	Please print name	Date of signature (month, day, year)
	Jeff Jacob	3/31/16
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

**11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement.)**

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.

Signature of applicant	Please print name	Date of signature (month, day, year)
	Jay B Ricker	3-29-16



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- PO Box 114, Montpelier, IN 47359
- 6801 Lake Plaza Dr, Ste C301, Indianapolis, IN 46220
- 2328 N. US Hwy 35, Unit A, Laporte, IN 46350

March 31, 2016

Indiana Department of Homeland Security  
Code Services Section  
302 West Washington Street, Room W246  
Indianapolis, Indiana 46204-2739

RE: Application for Variance  
Ricker Oil Company, Inc.  
3505 Nichol Avenue  
Anderson, Indiana  
Incident #199308557 & #201111505  
FID #2505

On behalf of Ricker Oil Company, Inc. (Ricker), Creek Run L.L.C. Environmental Engineering (Creek Run) is submitting an application for variance for the above referenced site. A check in the amount of \$276.00 for the application fee is also enclosed.

Please feel free to contact us with any questions.

Sincerely,

Jeremiah Catron  
Project Manager

Christopher Parks, LPG  
Senior Project Manager

Jeff Jacob, CHMM  
Director of Technical Services

## ATTACHMENT A

### Site Map

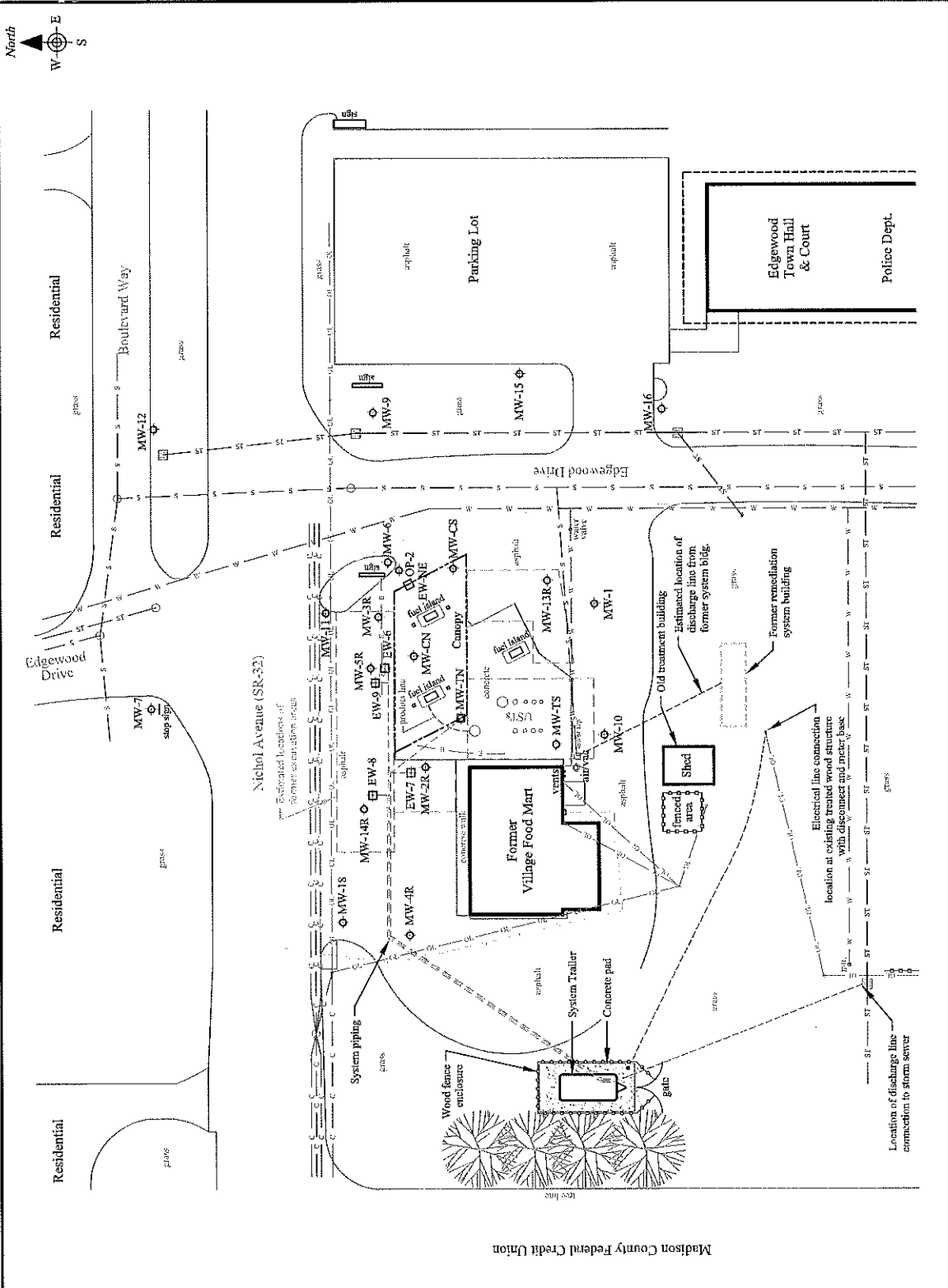


Standard Legend	
Water Line	Electric Line
Gas Line	Communication Line
Sewer Line	Storm Sewer Line
Fiber Optic Line	Overhead Line
Monitoring Well	Soil Boring

Legend	
EW-8	Extraction Well
---	System Piping

Drawn By: R.N.	Checked By: J.C.
Date: 11-4-15	Date: 11-5-15
File No.: R100-AND/4-102-6	Revision: 6

Title: <b>Site Map</b>	
Location: <b>Former Village Food Mart 3505 Nichol Ave. Edgewood, IN</b>	
Scale: 1" = 30'	Figure: 1



**ATTACHMENT B**

**Notification Letters  
and  
UPS Proof of Delivery**





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- PO Box 114, Montpelier, IN 47359
- 6801 Lake Plaza Dr, Ste C301, Indianapolis, IN 46220
- 2328 N. US Hwy 35, Unit A, Laporte, IN 46350

March 8, 2016

Ms. Julie Armington  
Building Commissioner  
Town of Edgewood  
3405 Nichol Avenue  
Anderson, Indiana 46011

RE: Notification of Variance  
Ricker Oil Company  
3505 Nichol Avenue  
Anderson, IN 46011  
Madison County  
Facility ID #2505

Dear Ms. Armington,

The underground storage tank (UST) system at the above referenced site is currently in temporary closure during property/tank ownership transfer activities. The Indiana Department of Homeland Security (IDHS) approved six month variance time limit for temporary closure will expire on June 1, 2016. This letter is notifying you that on behalf of Ricker Oil Company (Ricker Oil), Creek Run L.L.C. Environmental Engineering (Creek Run) is currently applying for variance (State Form 44400) for three underground storage tanks (USTs) and related system components. The USTs consist of one 10,000 gallon fiberglass gasoline UST and one 4,000 gallon fiberglass gasoline UST, which are currently empty.

If you need more information please feel free to contact me with any questions about the project.

Sincerely,

Jeremiah Catron  
Project Manager  
jcatron@creekrun.com  
Office: (765) 728-8051

## Label Details

**Label Number:**

9410803699300077486792

SCAN® Form: 9475703699300160543159

**Terms** [L](#)

Acceptance Cutoff: 03/09/2016 4:00 PM

Acceptance Time: 03/09/2016 8:55 AM

Scheduled Date: 03/09/2016 12:00 AM

Delivery Status: Delivered  
2016-03-10 15:13:00.0

**Label Actions** [L](#)

[USPS Tracking®](#)

[Ship Again](#)

[Request A Refund](#)

[Need help](#)

[File an insurance claim](#)

**Return Address:**

BROOKE N HESS  
CREEK RUN LLC  
PO BOX 114  
MONTPELIER, IN 47359-0114  
bhess@creekrun.com

**Delivery Address:**

MS. JULIE ARMINGTON  
BUILDING COMMISSIONER TOWN OF  
EDGEWOOD  
3405 NICHOL AVE  
ANDERSON, IN 46011-3060

**Package:**

Ship Date: 03/09/16  
From: 47359

**Service:**

Priority Mail® 1-Day  
Flat Rate Envelope  
Signature Confirmation

Transaction Number: 367741121

Transaction Type: Label

Payment Method: VISA-8239

Payment Status: Account Charged

Postage Cost \$6.45  
Signature Confirmation \$2.45

Label Total: \$8.90

Order Total: \$17.80



Tracking Number: 9410803699300077486792



Delivered

On Time  
Expected Delivery Day: Thursday, March 10, 2016  
Signed for By: C P // ANDERSON, IN 46011 // 3:13 pm

### Product & Tracking Information

Postal Product:  
Priority Mail 1-Day™

Features:  
Signature Confirmation™

Up to \$50 insurance included  
Restrictions Apply

### Available Actions

- Proof of Delivery
- Text Updates
- Email Updates

DATE & TIME	STATUS / ITEM	LOCATION
March 10, 2016, 3:13 pm	Delivered	ANDERSON, IN 46011

Your item was delivered at 3:13 pm on March 10, 2016 in ANDERSON, IN 46011. The item was signed for by C P.

March 10, 2016, 9:31 am	Out for Delivery	ANDERSON, IN 46011
March 10, 2016, 8:18 am	Sorting Complete	ANDERSON, IN 46011
March 10, 2016, 5:48 am	Arrived at Post Office	ANDERSON, IN 46011
March 9, 2016, 10:51 pm	Arrived at USPS Facility	INDIANAPOLIS, IN 46241
March 9, 2016, 3:47 pm	Departed Post Office	MONTPELIER, IN 47359
March 9, 2016, 8:55 am	Picked Up	MONTPELIER, IN 47359
March 8, 2016	Pre-Shipment Info Sent to USPS	



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- 6801 Lake Plaza Dr, Ste C301, Indianapolis, IN 46220
- 2328 N. US Hwy 35, Unit A, Laporte, IN 46350

March 8, 2016

Mr. Robert Griner  
Fire Chief  
Edgewood Fire Department  
3405 Nichol Avenue  
Anderson, Indiana 46011

RE: Notification of Variance  
Ricker Oil Company  
3505 Nichol Avenue  
Anderson, IN 46011  
Madison County  
Facility ID #2505

Dear Mr. Griner,

The underground storage tank (UST) system at the above referenced site is currently in temporary closure during property/tank ownership transfer activities. The Indiana Department of Homeland Security (IDHS) approved six month variance time limit for temporary closure will expire on June 1, 2016. This letter is notifying you that on behalf of Ricker Oil Company (Ricker Oil), Creek Run L.L.C. Environmental Engineering (Creek Run) is currently applying for variance (State Form 44400) for three underground storage tanks (USTs) and related system components. The USTs consist of one 10,000 gallon fiberglass gasoline UST and one 4,000 gallon fiberglass gasoline UST, which are currently empty.

If you need more information please feel free to contact me with any questions about the project.

Sincerely,

Jeremiah Catron  
Project Manager  
jcatron@creekrun.com  
Office: (765) 728-8051

## Label Details

**Label Number:**

9410803699300077486808

SCAN® Form: 9475703699300168543159

**Terms**

Acceptance Cutoff: 03/08/2016 4:00 PM

Acceptance Time: 03/09/2016 8:55 AM

Scheduled Date: 03/09/2016 12:00 AM

Delivery Status: Delivered  
2016-03-10 15:13:00.0

**Label Actions**

[USPS Tracking®](#)

[Ship Again](#)

[Request A Refund](#)

[Need help](#)

[File an insurance claim](#)

**Return Address:**

BROOKE N HESS  
CREEK RUN LLC  
PO BOX 114  
MONTPELIER, IN 47359-0114  
bhess@creekrun.com

**Delivery Address:**

MR. ROBERT GRINER  
FIRE CHIEF EDGEWOOD FIRE DEPARTMENT  
3405 NICHOL AVE  
ANDERSON, IN 46011-3060

**Package:**

Ship Date: 03/08/16  
From: 47359

**Service:**

Priority Mail® 1-Day  
Flat Rate Envelope  
Signature Confirmation

Transaction Number: 367741121

Transaction Type: Label

Payment Method: VISA-8239

Payment Status: Account Charged

Postage Cost \$6.45  
Signature Confirmation \$2.45

Label Total: \$8.90

Order Total: \$17.80

Tracking Number: 9410803699300077486808



Delivered

On Time  
Expected Delivery Day: **Thursday, March 10, 2016**  
Signed for By: C P // ANDERSON, IN 46011 // 3:13 pm

### Product & Tracking Information

Postal Product: **Priorly Mail 1-Day™**  
Features: **Signature Confirmation™** Up to \$50 Insurance included  
Restrictions Apply

### Available Actions

[Proof of Delivery](#)

[Text Updates](#)

[Email Updates](#)

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March 9, 2016, 3:47 pm	Departed Post Office	MONTPELIER, IN 47359
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March 8, 2016  
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9410803699300077486808