



Triangle Associates, Inc.

April 1, 2015

Beth Sutor  
Legal and Code Services  
IN Department of Homeland Security  
302 W. Washington Street  
Indianapolis, IN

RE:	Petition for Review VIO15-001476 Andrews Gardens Apartments 3333 Boulevard Place Indianapolis, IN 46208	Agency:	City of Indianapolis Department of Code Enforcement 1200 Madison Ave., Ste. 100 Indianapolis, IN 46225
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Dear Ms. Sutor,

Thank you for the opportunity to petition for review the notice of violation that was received by Andrews Gardens Apartments from the City of Indianapolis. Andrews Gardens is a non-profit low-income Senior Living Center here in Indianapolis. We currently have spent over \$140,000 in upgrades to this property.

The Community Room is small, approximately 360 square feet. The area in question is not a kitchen but rather, simply a convenience station for residents who may choose to leave their apartments for a while. The sink and appliances are simply there as a courtesy. The main areas that are used in the community room will be the television and fire place, which are easily wheelchair accessible. Since the property was built in 1969, we feel the property should be grandfathered into the handicapped codes that were enforced at that time. The corrections indicated will take up considerable space in a small area to begin with and add considerable expense to this non-profit community.

Below are the violations and our responses:

**ANSI A117.1 2003: 606.3 Height:** "The front Lavatories and sinks shall be 34 Inches maximum above the floor, measured to the higher of the rim or counter surface"

Response: In order to lower the sink we will have to take out the entire sink, cut down the cabinets, then reinstall everything, and then the wall would have to be refinished.

**ANSI A117.1 2003: 804.2.1 Pass-through Kitchens:** "in pass-through kitchens where counters, appliances, or cabinets are on two opposing sides, or where counters, appliances or cabinets are opposite a parallel wall, clearance between all opposing base cabinets, counter tops, appliances or walls within kitchen work areas shall be 40 inches minimum. Pass-through kitchens shall have two entries. "

Response: We do not understand how this code applies, since this is clearly not a pass thru kitchen, the door to get in the community room is for the community room, not the sink area. The doorway that was in the original blueprint was never used due to space limitations in the laundry room. Now that the doorway is eliminated all appliances will be on the same side of the sink area.

**ANSI A117.1 2003: 804.3 Work Surface:** "Work surfaces shall comply with Section 902"

Response: Per my conversation with Mr. Harris this pertains to there being a range in the sink area, however since there will not be a range in this convenience area this violation is a mute point. However, Mr. Harris sent me a copy of Section 902 with applicable areas highlighted. A copy is enclosed. In response to the codes on the printout, we would have to totally redesign the ledge and overhead lighting. Again this would add considerable expense to an area that is rarely used.

**Indiana Mechanical Code 2008: 507.2 Where Required** " A Type 1 or Type II hood shall be installed at or above all commercial Cooking Appliances in accordance with Sections 507.2.1 and 507.2.2 Where any cooking appliance under a single hood requires a Type 1 hood, a Type 1 hood shall be installed. Where a Type II hood is required, a Type 1 or Type II hood shall be installed.

Response: Since this is a convenience area, we will install a warming appliance or a microwave instead of a range.

In summary, we respectfully request that the above mentioned violations be abated because the project cannot afford any further construction expenses, especially for an area that is provided as a mere convenience and is not used often. I have attached photos of the sink area and copies of the unpaid invoices that we have received. Ms. Sutor, thank you for your time and attention to this matter. If you have any questions, please contact me at 317-921-1950 ext. 1043 or by email at [smalone@tri-assoc.com](mailto:smalone@tri-assoc.com). Thank you for your assistance with this matter.

Sincerely,



Shirley Malone  
Administrative Assistant

cc: Board of Directors  
Basim Abdalla  
Ebenezer Smith  
Andrews Gardens File



Indianapolis  
Gregory A. Ballard, Mayor

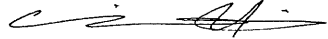
## NOTICE OF VIOLATION

City of Indianapolis  
Department of Code Enforcement  
1200 Madison Avenue, Suite 100  
Indianapolis, IN 46225

Case Number: VIO15-001476

Date: 03/16/2015

Time: 9:55 am

Inspector Signature: 

Inspector Telephone Number: (317) 374-0702

Inspector Name: Christopher Harris

Inspector Fax Number: (317) 327-2621

Inspector Email: Christopher.Harris@indy.gov

Address of Violation: 3333 BOULEVARD PL

Person Served: A KAT GENERAL CONTRACTORS LLC

Mailed To: P O BOX 40568

INDIANAPOLIS, IN 46240

An inspection of the above noted property revealed the following violations:

**ANSI A117.1 2003: 606.3 Height.**

Room:

Floor:

Specific Location:

Comments: The front of lavatories and sinks shall be 34 inches (865 mm) maximum above the floor, measured to the higher of the rim or counter surface

**ANSI A117.1 2003: 804.2.1 Pass-through Kitchens.**

Room:

Floor:

Specific Location:

The City of Indianapolis requests your cooperation in correcting the violation(s). Violation(s) that have not been corrected within 15 days of the date noted above, will result in further enforcement action, which may include but is not limited to:

- 1) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation(s) have not been corrected (Section 536-609) and/or
- 2) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 536-709)

To further research the City of Indianapolis-Marion County code section mentioned above, please visit [www.municode.com](http://www.municode.com).

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**Comments:** In pass-through kitchens where counters, appliances or cabinets are on two opposing sides, or where counters, appliances or cabinets are opposite a parallel wall, clearance between all opposing base cabinets, counter tops, appliances, or walls within kitchen work areas shall be 40 inches (1015 mm) minimum. Pass-through kitchens shall have two entries.

**ANSI A117.1 2003: 804.3 Work Surface**

**Room:**

**Floor:**

**Specific Location:**

**Comments:** Work surfaces shall comply with Section 902

**Indiana Mechanical Code 2008: 507.2 Where required.**

**Room:**

**Floor:**

**Specific Location:**

**Comments:** A Type I or Type II hood shall be installed at or above all commercial cooking appliances in accordance with Sections 507.2.1 and 507.2.2. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed.

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