

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Wednesday, October 21, 2020  
By Electronic Mail

Chris Kothe  
Petitioner  
Daniel's Vineyard, LLC  
9061 N 700 W  
McCordsville, IN 46055  
[ckothe@onlinetransport.com](mailto:ckothe@onlinetransport.com)

**Re: Petition for Administrative Review – IDHS Construction Design Release  
Project No. 416937 – Daniel's Vineyard**

Dear Mr. Kothe:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of IDHS Construction Design Release Project No. 416937 – Daniel's Vineyard, dated 10/15/2020. The petition for administrative review will be discussed at the next tentatively scheduled meeting of the Commission – currently scheduled to begin at 9:00 a.m. on Wednesday, November 4, 2020. Notice and details regarding this meeting will be posted to the Commission's web page (<http://www.in.gov/dhs/2375.htm>) in advance of the meeting. The Commission will determine if your petition was timely filed in accordance with the requirements of Indiana Code § 4-21.5-3-7.

Sincerely,



Douglas J. Boyle, Director  
Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security  
Indiana Government Center South, Room E-208  
302 W. Washington Street  
Indianapolis, IN 46204  
[dboyle@dhs.in.gov](mailto:dboyle@dhs.in.gov)

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent  
(by electronic mail)  
Bryston Sprecher, Administrative Assistant to the Indiana Fire Prevention and  
Building Safety Commission (by electronic mail)

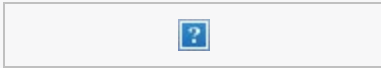
**From:** [DHS Legal Mailbox](#)  
**To:** [Guedel, Justin K](#); [Boyle, Douglas J \(DHS\)](#)  
**Subject:** FW: Petition for Review  
**Date:** Thursday, October 15, 2020 4:15:48 PM  
**Attachments:** [68379161\\_7396381-plan\\_design\\_release04292005\\_modified.pdf](#)

---

**From:** noreply@formstack.com  
**Sent:** Thursday, October 15, 2020 8:15:24 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** DHS Legal Mailbox  
**Subject:** Petition for Review

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

---



## Formstack Submission For: [petition for review](#)

Submitted at 10/15/20 4:15 PM

<b>Individual Name:</b>	Chris Kothe
<b>Business Name: :</b>	Daniel's Vineyard, LLC
<b>Phone Number:</b>	(317) 894-2159
<b>Email Address:</b>	ckothe@onlinetransport.com
<b>Mailing Address:</b>	9061 N. 700 W McCordsville, IN 46055
<b>Are you represented by an attorney?:</b>	No
<b>Attorney Name:</b>	
<b>Firm:</b>	

<b>Phone Number:</b>	
<b>Email Address:</b>	
<b>Mailing Address:</b>	
<b>Order Number:</b>	416937
<b>Facility   Device   Boiler ID:</b>	
<b>Date Order Received:</b>	
<b>How did you receive the Order? :</b>	Hand Delivery Email
<b>Entity Issuing Order:</b>	Local Building Department
<b>Entity Name:</b>	
<b>Upload Order:</b>	<a href="#">View File</a>
<b>Was this order specifically directed to you?:</b>	Yes
<b>Explain:</b>	Jack Spaulding sent the order to me, as I am the point of contact for the project.
<b>Have you been aggrieved or adversely affected by the order?:</b>	Yes
<b>Explain:</b>	We have taken, we have seemed to be excessive steps to get our farm storage building approved, and no one until the end of the inspection ever mentioned that a bathroom or the other items would be needed despite going through several departments to get the building permits.

**If the order was not specifically directed to you and you have not been aggrieved or adversely affected by the order, are you entitled to review under some other law? :**

No

**What law?:**

**I request review of the entire order described above:**

Yes

**If you are not requesting review of the entire order, what is the scope of your request?:**

**I request a stay of effectiveness:**

Yes

**What is the basis of your challenge? :**

We took all the necessary steps to get a site plan, have the buildings vetted by the state and the municipality for permitting. With inclement weather now approaching the damage being done by leaving our equipment out is going to cause unnecessary economic damage.

**What is your desired outcome? :**

I would like each of the requested findings waived as this was a basic farm implement storage building. We have continuously been misclassified as commercial because we happen to grow grapes that go into a wine making process. The reality is that the storage building is for farm equipment, no different than the thousands of other farm storage building that I highly doubt have all of the requested compliance orders.

**Additional**

**information in  
support of my  
request:**

**Additional  
Attachments:**

**Additional  
Attachments:**

**Additional  
Attachments:**

Copyright © 2020 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038



## CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: August 21, 2020

Indiana Department of Homeland Security  
**DIVISION OF FIRE & BUILDING SAFETY**  
**PLAN REVIEW DIVISION**  
 402 W. Washington St., Room E245  
 Indianapolis, IN 46204



Available At Your Local Licence Branch

**SUPPORT HOOSIER SAFETY**

**To: Owner / Architect / Engineer**  
 Allied Design Architectural & Engineering Gro  
 Michael McCormick PE19600100  
 P.O. Box 110  
 Morton IL 61550

**Fax & e-mail:** , mlmccormick@allieddesignaes.com

<b>Project number</b> 416937		<b>Release date</b> 08/21/20
<b>Construction type</b> V-B		<b>Occupancy classification</b> S-1
<b>Scope of release</b> ARCH FDN STR		
<b>Type of release</b> Standard		
<b>Project name</b> Daniel's Vineyard		
<b>Street address</b> 9061 N 700 W		
<b>City</b> MCCORDSVILLE	<b>County</b> HANCOCK	

The plans, specifications and application submitted for the above referenced project have been reviewed for compliance with the applicable rules of the Fire Prevention and Building Safety Commission. The project is released for construction subject to, but not necessarily limited to, the conditions listed below. THIS IS NOT A BUILDING PERMIT. All required local permits and licenses must be obtained prior to beginning construction work. All construction work must be in full compliance with all applicable State rules. Any changes in the released plans and/or specifications must be filed with and released by this Office before any work is altered. This release may be suspended or revoked if it is determined to be issued in error, in violation of any rules of the Commission or if it is based on incorrect or insufficient information. This release shall expire by limitation, and become null and void, if the work authorized is not commenced within one (1) year from the above date.

**CONDITIONS:**

Note :(A1A & A1B): In accordance with the affidavit sworn under penalties of perjury in the application for construction design release the plans and specifications filed in conjunction with this project shall comply with all of the applicable rules and laws of Fire Prevention and Building Safety Commission. Providing false information constitutes an act of perjury, which is a Class D felony punishable by a prison term and a fine up to \$10,000.

In accordance with Section 19 of the General Administrative Rules (675 IAC 12-6-19) a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained on the construction jobsite as well as a copy of the design release.

- 14B This project has been reviewed under the 2014 Indiana Building Code.  
 Note: This project consists of 2 buildings.
- 4G0603AG This release does not include electrical, mechanical, and plumbing work. Plans and specifications for adding or remodeling these systems shall be filed as a new project or as one or more partials before commencing work on those systems in accordance with 675 IAC 12-6-3.
- 14B03071 The aggregate quantity of hazardous materials shall not be greater than the amounts specified in Tables 307.1(1) and 307.1(2) in accordance with Section 307.1, IBC (675 IAC 13-2.6).
- 14B100815 There shall be a floor or landing on each side of a door in accordance with Section 1008.1.5, IBC (675 IAC 13-2.6).
- 14B100819 Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort in accordance with Section 1008.1.9, IBC (675 IAC 13-2.6).
- 14B10111 Exit signs shall be provided in accordance with Section 1011.1, IBC (675 IAC 13-2.6).
- 14B101163 Exit illumination and exit signs shall be connected to a separate emergency power source in accordance with Section 1011.6.3, IBC (675 IAC 13-2.6).
- 14B1600 Buildings, or portions thereof, shall be designed and constructed to sustain all dead, live, and environmental loads in accordance with Chapter 16, IBC (675 IAC 13-2.6).
- 14B18073133 Embedded posts and poles shall be designed to resist both axial and lateral loads in accordance with Sections 1807.3.1 through 1807.3.3, IBC (675 IAC 13-2.6).
- 14B29023 Employee and/or public toilet facilities shall be provided in accordance with Section 2902.3, IBC (675 IAC 13-2.6).
- 14W0503 Fire apparatus access roads shall be provided in accordance with Section 503, IFC (675 IAC 22-

**ELECTRONICALLY FILE YOUR PROJECT WITH STATE OF INDIANA at <http://www.in.gov/dhs/2650.htm>.**  
**This on-line filing is through a secure site, you can use it to submit your project information, pay the fees and upload your project plans.**  
**Use Internet Browser to View this report, other browsers are not compatible to view this report**

2.5).

14W32011 This project has not been designed to accommodate high-piled combustible storage as described in Chapter 32 and defined in Section 3201.1, IFC (675 IAC 22-2.5).

AREL Pursuant to 675 IAC 12-6-21, the issuance of a design release does not relieve the owner from required compliance with all applicable rules of the commission, even if noncompliant conditions appear in the plans and specifications that have been filed with the division. The owner is responsible for correcting any and all areas of noncompliance even if they are discovered subsequent to the issuing of this design release.


This order is effective upon service. If you would like to request informal review of this order, please complete the informal review form located at <https://www.in.gov/dhs/4149.htm>. Following receipt of this form, the Department may modify or reverse the order, however, a request for an informal review does not extend the deadline for filing a petition for review with the Fire Prevention and Building Safety Commission (Commission). Additionally, if you have any questions regarding this order, you may contact that Department at (317) 232-2222.

If you desire a formal administrative review of this order by the Commission, you must comply with the requirements of Indiana Code § 4-21.5-3-7 and file a written petition for review within 15 days of the date this order was served, however, this period is extended to 18 days if service is made by mail. Your petition for review must state facts demonstrating that you are: (1) a person to whom the order is specifically directed; (2) aggrieved or adversely affected by the order; or (3) entitled to review under any law. You may submit your petition by the following methods:

U.S. MAIL OR PERSONAL SERVICE  
 Fire Prevention and Building Safety Commission  
 c/o Legal Counsel  
 302 W. Washington Street, Rm. E208  
 Indianapolis, IN 46204

ONLINE  
 By completing the form at  
<https://www.in.gov/dhs/4148.htm>

For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.

Code review official ehenn@dhs.in.gov	EDWARD HENN	Indiana State Building Commissioner
Address (name,title of local official,street,city,state and ZIP code)		
Local Building Official Jack Spaulding 6280 W 800 N McCordsville, IN 46055		
Fax & e-mail: , jspaulding@mccordsville.org		

INDIANA 02  
 HOOSIER SAFETY