



August 30, 2019
By Electronic Mail and U.S. Postal Mail

David Vandermak
2848 N 800 E
Andrews, IN 46702
vandy@vandermarkinc.com

Re: Petition for Administrative Review – Variance No. 19-08-18 – 21 W. Canal Street Condo

Dear Mr. Vandermark:

The Commission is in receipt of your petition for administrative review of Variance No. 19-08-18 – 21 W. Canal Street Condo, dated 8/22/2019. The petition for review is timely and has been granted by the Commission. The petition has been assigned to the Commission's administrative law judge.

The judge's office will contact you to make arrangements for further proceedings. Should you have any questions, you may contact our deputy general counsel assigned to the matter, Justin Guedel at jguedel@dhs.in.gov or (317) 234-9515.

Sincerely,

Douglas J. Boyle, Director
Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security
302 W. Washington Street, Room E-208
Indianapolis, IN 46204
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Justin Guedel, IDHS Deputy General Counsel – representing the respondent (by personal service and electronic mail)
ALJ (by electronic mail)
File

From: [DHS Legal Mailbox](#)
To: [Boyle, Douglas J \(DHS\)](#)
Subject: FW: Petition for Review
Date: Tuesday, August 27, 2019 11:01:09 AM

From: noreply@formstack.com [mailto:noreply@formstack.com]
Sent: Thursday, August 22, 2019 2:59 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

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Formstack Submission For: [petition for review](#)
Submitted at 08/22/19 2:59 PM

Individual Name: DAVID VANDERMARK

Business Name :

Phone Number: (260) 563-4046

Email Address: vandy@vandermarkinc.com

Mailing Address: 2848 N 800 E
ANDREWS, IN 46702

Are you represented by an attorney?: No

Attorney Name:

Firm:	
Phone Number:	
Email Address:	
Mailing Address:	
Order Number:	
Facility Device Boiler ID:	21 West Canal Street - condo
Date Order Received:	Aug 08, 2019
How did you receive the Order? :	Email
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	
Was this order specifically directed to you?:	Yes
<p>When I was at the meeting I was aloud to table and return at the end of the meeting, so I could speak with Christina Collester with RTM Consultants and Mark Riffey of Ryan Fire Protection, Inc. who were in the audiance and they helped to guide me thru the process. Christina had an associate of hers present the info to the</p>	

Explain:

commission for me. Item #2 is the issue. Per my notes from Christina that day we agreed to the 13D sprinkler system in the condo space and (1) smoke detector in the lower level retail space that would be tied into the standard to code smoke detectors in the second floor condo space one goes off they all go off, instead of the fire alarm system we were proposing in lieu of a sprinkler system altogether in our application. I have been in contract with Christina and Mark and they both agree that that is all I need. Mark has also sent me some supporting code info that I have emailed to Denise Fitzpatrick as I do not know how to attach it here . They seem to think this is just a matter of clarification of that point.

Have you been aggrieved or adversely affected by the order?:

Yes

Explain:

It is not what I had agreed to, and causes us to install a system that according to Christina and Mark is not required and not part of what I agreed to.

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? :

What law?:

I request review of the entire order described above:

No

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

When I was at the meeting I was aloud to table and return at the end of the meeting, so I could speak with Christina Collester with RTM Consultants and Mark Riffey of Ryan Fire Protection, Inc. who were in the audiance and they helped to guide me thru the process. Christina had an associate of hers present the info to the commission for me. Item #2 is the issue. Per my notes from Christina that day we agreed to the 13D sprinkler system in the condo space and (1) smoke detector in the lower level retail space that would be tied into the standard to code smoke detectors in the second floor condo space one goes off they all go off, instead of the fire alarm system we were proposing in lieu of a sprinkler system altogether in our application. I have been in contract with Christina and Mark and they both agree that that is all I need. Mark has also sent me some supporting code info that I have emailed to Denise Fitzpatrick as I do not know how to attach it here . They seem to think this is just a matter of clarification of that point.

I request a stay of effectiveness:

What is the basis of your challenge? :

What is your desired outcome? :

what we agreed to at hte meeting to install a 13D sprinkler system in the condo space and (1) smoke detector in the lower level retail space that would be tied into the standard to code smoke detectors in the second floor condo space one goes off they all go off, instead of the fire alarm system we were proposing in lieu of a sprinkler system altogether in our application. I have been in contract with Christina Collester and Mark Riffey and they both agree that that is all I need. Mark has also sent me some supporting code info that I have emailed to Denise Fitzpatrick as I do not know how to attach it here . They seem to think this is just a matter of clarification of that point.

Additional information in support of my request:

Additional Attachments:

Additional Attachments:

**Additional
Attachments:**

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



ERIC J. HOLCOMB, Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

BRYAN J. LANGLEY, EXECUTIVE DIRECTOR

Indiana Department of Homeland Security
Indiana Government Center South
302 West Washington Street
Indianapolis, IN 46204
317-232-3980

David Vandermark
Kathleen Alspaugh & David Vandermark
2848 N 800 E

August 8, 2019

ANDREWS, IN 46702

Dear David Vandermark,

This letter provides notice of the action taken on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11.

Project Number	Project Name	Variance Number
407692	21 W Canal St Condo	19-08-18

Conditions

The Commission approves this variance with the following additional conditions:

1. The owner/applicant shall install an NFPA 13D sprinkler system in the upper level (apartment/condominium).
2. The owner/applicant shall install a fire (smoke and heat) detection system in the first floor/ground level that is tied to the fire alarm system in the apartment/condominium (fire alarm system provided per application).
3. The owner/applicant shall protect any penetrations in the assumed 90-minute-rated floor-ceiling assemblies of the existing construction.

Edition	Code	Code Section	Action & Date
	Other Code (Not in the list provided)	2012 IBC 903.2.8.1	Approved with Commission condition(s) 08/06/2019

If you have any questions regarding this order, you may contact that Department at (317) 232-2222.

ADMINISTRATIVE REVIEW

If you desire administrative review of this order, you must comply with the requirements of Indiana Code IC 4-21.5-3-7 and file a written petition for review within fifteen (15) days after receiving notice of this order. 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 one of the following methods:

U.S.MAIL OR PERSONAL SERVICE

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
302 W.Washington Street, Rm. E208
Indianapolis, IN 46204

ONLINE

By completing the form at
<https://www.in.gov/dhs/appeals.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>