

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Greg W. Main, Requestor and Local Fire Official
Stuart B. Milner, Owner/Applicant of Variance No. 16-03-61
Roger L. Lehman, Submitter of Variance No. 16-03-61

FROM: Indiana Fire Prevention and Building Safety Commission (Commission) Staff

DATE: Wednesday, March 24, 2021

RE: Notice of Receipt of Request for the Imposition of Sanctions on a Previously Issued Variance – Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710

To All Interested Parties:

The Indiana Fire Prevention and Building Safety Commission (Commission) is in receipt of a request, submitted on behalf of the Evansville Fire Department (Local Fire Official), to impose a sanction on Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710. This request will be placed on the Commission's agenda for consideration at its tentatively scheduled meeting on **Tuesday, May 4, 2021**.

If you wish to submit information for Commission consideration, you must do so prior to the meeting date listed above by emailing the Commission at buildingcommission@dhs.in.gov. You are also encouraged to attend the meeting to address any questions or concerns the Commission may have. During this meeting, the Commission may impose a sanction on the previously issued variance, however, please note, the extent to which this matter will be considered is left to the sole discretion of the Commission. Public notice and other details regarding the Commission's meeting will be posted to the Commission's main web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/>) in advance of the meeting date listed above. If you have any questions, please email the Commission's staff at buildingcommission@dhs.in.gov.

Enclosure
Service by Electronic Mail

From: noreply@formstack.com
To: [IDHS Variances](#)
Subject: Request for Sanction on Previously Issued Variance
Date: Tuesday, March 23, 2021 8:57:26 AM

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Formstack Submission For: 4205

Submitted at 03/23/21 8:57 AM

Name:	Greg Main
Email:	gmain@evansvillefiredepartment.com
Phone:	(812) 436-4464
Sanction being requested on behalf of::	Local Fire Department
State how you are affected by the variance:	
Reason for requesting sanction:	There has not been compliance with an alternative requirement (condition) contained in the variance
Sanction requested::	Revocation
Name:	Stuart Milner
Email:	sturat@assetrecoveryconsult.com
Phone:	(866) 842-5280

Name:	Roger Lehman
Email:	rlehmanconsulting@gmail.com
Phone:	(812) 589-0331
Any additional information to support your request:	Additional supporting documentation has been sent via email to Director Boyle.
Attachments:	View File

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



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

3/18/2021

Mr. Stuart Millner
384 West Manor Drive
Chesterfield, Missouri 63017

Dear Mr. Millner:

On February 1, 2021, members of the Evansville Fire Department's Fire Marshal Division conducted a fire inspection of the Garvin Business Center located at 1315 Read St in Evansville Indiana 47710. During this inspection the fire inspector observed the Automatic Sprinkler System had no current annual inspection and internal inspection since 2018. On February 23rd this facility was placed under mandatory fire watch due to an impairment on the automatic sprinkler system. These violate IDHS Commission Conditions of variance # 16-03-61 which required this facility to be in compliance with NFPA 13 Standard for the Installation of Sprinkler Systems. As a result of these violations and conditions observed during this inspection. The Garvin Business Center shall provide the following:

IFC 3204.2 Designation based on engineering analysis. The designation of a *high-piled combustible storage* area, or portion thereof, is allowed to be based on a lower hazard class than that of the highest class of commodity stored when a limited quantity of the higher hazard commodity has been demonstrated by engineering analysis to be adequately protected by the *automatic sprinkler system* provided. The engineering analysis shall consider the ability of the sprinkler system to deliver the higher density required by the higher hazard commodity. The higher density shall be based on the actual storage height of the pile or rack and the minimum allowable design area for sprinkler operation as set forth in the density/area figures provided in NFPA 13. The contiguous area occupied by the higher hazard commodity shall not exceed 120 square feet (11 m²) and additional areas of higher hazard commodity shall be separated from other such areas by 25 feet (7620 mm) or more. The sprinkler system shall be capable of delivering the higher density over a minimum area of 900 square feet (84 m²) for wet pipe systems and 1,200 square feet (111 m²) for dry pipe systems. The shape of the design area shall be in accordance with Section 903.

The following actions shall be required to be in compliance with IFC 3204.2 & NFPA 13.

Designation based on engineering analysis shall be provided on all units of this facility. This shall be conducted by a design professional that can provide approved documentation that the automatic sprinkler system is designed for the products & commodities stored in this facility, and is in compliance with IFC Section 903 & NFPA 13.





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You have ten (10) days from the date of this letter to comply with the City of Evansville's Fire Prevention Code, including its adoption of the International Fire Code (IFC) 2012 Edition, and the Indiana Fire Code Amendments, referenced in the above violations. **Failure to comply will result in further action by EFD, including, but not limited to, the pursuit of up to \$2,500 in fines and penalties per violation per each day that the above violation(s) continue, as permitted by Fire Prevention Code § 8.20.090 and Evansville Municipal Code § 1.05.180.**

Sincerely,



Greg W. Main, EFO, CFO, MIFireE, MS

Chief Fire Marshal

Evansville Fire Department

550 SE 8th Street

Evansville, IN 47713

812.436.4464

cc Fire Connelly via email

cc Neil M. Kruehl via email

cc David Ballew Building Commissioner via email



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Garvin Industrial
1315 Read st
Evansville, IN. 47710

3/2/2021

Staley Ventures Unit J & L

1. Riser Room obstructed unit J & L: IFC 509.2 Equipment access. Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash and other materials or objects shall not be placed or kept in such a manner that would prevent such equipment from being readily accessible.
2. Emergency Exit lights needs repairs unit J : IFC 604.5 Emergency lighting equipment. Emergency lighting shall be inspected and tested in accordance with Sections 604.5.1 through 604.5.2.1.
3. Fire extinguisher markings and no extinguisher unit L: IFC 906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10
4. Electrical breaker box missing door unit J : IFC 605.1 Abatement of electrical hazards. Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.
5. Ceiling tiles missing in sprinkler protected area unit J : IFC 703.1.1 Fireblocking and draftstopping. Required fireblocking and draftstopping in combustibile concealed spaces shall be maintained to provide continuity and integrity of the construction
6. Overhead doors unit J top panel missing or not functioning as designed, Unit L bottom panel not functioning as designed
7. Electrical outlet not secured unit J: IFC 605.1 Abatement of electrical hazards. Identified electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

During inspection high piled combustibile storage and the storage of class 1 plastics were noted. With these items being stored in these units an engineering analysis is needed in accordance with IFC 3204.2



Deputy Fire Marshal Larry Wildt
Cell Phone: 812-454-2378
Office: 813-436-4453



Larry Wildt Fire Marshal

Cell: 812-549-5528
Desk: 812-436-4453

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MAYOR



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Garvin Industrial
1315 Read st
Evansville, IN. 47710

2/1/2021

1. Sprinkler system past due inspection last inspection 2018 IFC 901.6.1 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1.
2. Fire extinguishers past inspection date IFC 906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10
3. Emergency exit signs/lights not in working order IFC 604.5 Emergency lighting equipment. Emergency lighting shall be inspected and tested in accordance with Sections 604.5.1 through 604.5.2.1.
4. No alarm paperwork on site IFC 901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises or made readily available for a minimum of two (2) years from the date of the last inspection, except that original acceptance test reports shall be maintained for the life of the system.

Deputy Fire Marshal Larry Wildt
Cell Phone: 812-454-2378
Office: 813-436-4453



Larry Wildt Fire Marshal

Cell: 812-549-5528
Desk: 812-436-4453



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1315 Read St
Unit K
Schnapf Vending

1. Exit Obstructed no clear path to exit IFC 1030.3 Obstructions. A means of egress shall be free from obstructions that would prevent its use
2. Fire extinguisher needed in unit L IFC 906.2 Fire extinguishers shall be installed, serviced, maintained, and tagged on an annual basis

Deputy Fire Marshal Larry Wildt
Cell Phone: 812-454-2378
Office: 812-436-4453





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October 17, 2018

Mr. Stuart B Milner
Garvin Industrial Associates, LP
102 East Springfield Ave
Union, Mo 63084

Dear Mr. Milner:

On October 17, 2018, members of the Evansville Fire Department's Fire Marshal Division conducted a follow up visit of the Garvin Business Center located at 1315 Read St in Evansville Indiana 47710. This visit was following up on a letter we received stating that the fire sprinkler system had been turned off (removed from service). This was verified during the site visit.

Also it was observed that this occupancy had a tenant that had manufacturing process set up which would be considered by code an F1 Occupancy. This was located in unit J, Staley Ventures.

Factory Industrial Group is defined as:

306.1 Factory Industrial Group F. Factory Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous or Group S storage occupancy.

During this site visit we observed machinery in place for grinding plastic materials (see photo).

These are in violation of Variance Number 16-03-61 issued by the Fire Prevention and Building Safety Commission on March 4, 2016.

The Following Fire Code Violations were also observed during this visit:

901.4.5 Appearance of equipment. Any device that has the physical appearance of life safety or fire protection equipment but that does not perform that life safety or fire protection function shall be prohibited.



901.6 Inspection, testing and maintenance. Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non required *fire protection systems* and equipment shall be inspected, tested and maintained or removed.

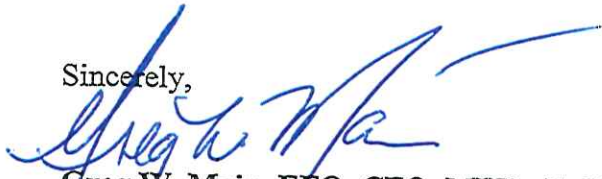
901.7 Systems out of service. Where a required *fire protection system* is out of service, the fire department and the *fire code official* shall be notified immediately and, the building shall either be evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shutdown until the *fire protection system* has been returned to service.

Where utilized, fire watches shall be provided with at least one *approved* means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

901.8.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by or at the request of the *fire code official* shall not be removed, unlocked, destroyed, tampered with or otherwise vandalized in any manner.

This letter is to inform you that you have thirty (30) days from October 17, 2018, to be in compliance with the Indiana/International Fire Codes noted above. Failure to comply will result in further action including, but not limited to, fines and penalties per the Evansville Municipal Code.

Sincerely,



Greg W. Main, EFO, CFO, MIFireE, MS
Chief Fire Marshal
Fire Prevention & Investigation
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4464

cc Casey Eaton IDHS via email
cc Asst. Section Chief Erica Cooley IDHS via email
cc Jarod Daniel Property Manager Garvin Business Center



ERIC J. HOLCOMB, Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

STEPHEN COX, EXECUTIVE DIRECTOR

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

Stuart B Milner
Garvin Industrial Associates, LP
102 EAST SPINGFIELD AVE

UNION, MO 63084

March 4, 2016

Dear Stuart Milner,

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
0	Garvin Industrial Park	16-03-61

Conditions

Disconnect and abandon in place upper level dry sprinkler system by 09/01/16. Re-establish and maintain monitoring of remaining systems. Maintain existing tenants and occupancies. Any new tenants will be limited to B, S2 or f2 occupancies, other occupancies will comply with all current codes including but not limited to required fire area separations and/or fire sprinkler protection. No increased occupancy on upper level without approval of EFD. Upper level will be protected by beam smoke detectors. Remove all heads on all lower level sprinkler systems by 03/01/18. Owner desires to have option of upgrading one or more of the main level 14 riser systems to wet system and will comply with NFPA 13 and 25 for those systems. Will be filed with Plan Review as they are upgraded. If lower level systems are determined to be non-salvageable, visible piping will be removed when space is vacated and prior to re-occupancy. Spaces with current occupancies and future occupancies other than B, S2 or F2, and with sprinkler systems that are found non-salvageable will be protected by smoke detection and alarm system that will notify central station and will activate horn strobe device in the tenant space and adjacent spaces.

Edition	Code	Code Section	Action & Date
12-4-9	Maintenance of Existing Buildings and Structures	IFC 2014 Sec 901.6.1	Approved with Commission condition(s) 03/01/2016

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>