

**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND
BUILDING SAFETY COMMISSION**

IN RE:

CLYDE CLUB ROOM

) **CAUSE NO.**
)
) **Construction Design**
) **Release Project No. 412616**

NON-FINAL ORDER OF DISMISSAL

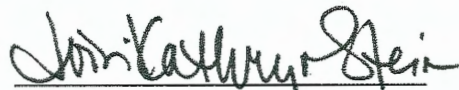
On February 13, 2020, Edwin Rensink, on behalf of the Petitioner, Clyde Club Room, filed a Petition for Review of the Construction Design Release dated February 4, 2020, issued by the Respondent, the Indiana Department of Homeland Security. The Fire Prevention and Building Safety Commission granted the Petition for Review as timely on February 20, 2020. On February 26, 2020, Respondent issued a revised construction design release, which rendered the appeal moot. The parties filed a joint motion to dismiss this appeal on February 28, 2020. See attached Exhibit 1.

Accordingly, the Administrative Law Judge now enters this Non-Final Order of Dismissal and vacates the prehearing conference set for April 8, 2020. The ultimate authority in this matter is the Fire Prevention and Building Safety Commission. Indiana Code § 4-21.5-3-29(d) requires any party seeking to preserve an objection to this order for judicial review to file a written objection that

1. identifies the basis of the objection with reasonable particularity; and
2. is filed with the Commission within fifteen days (or any longer period set by statute) after this order is served.

In the absence of an objection from a party or notice from the Commission of its intent to review any issue related to this order, the Commission shall affirm this order in accordance with Indiana Code § 4-21.5-3-29(c). **This order will be considered by the Commission on Tuesday, April 7, 2020, at 9:00 (EDT), in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.**

Date: February 28, 2020



HON. JODI KATHRYN STEIN

Administrative Law Judge

Office of the Attorney General

302 W. Washington Street

Indiana Government Center South, 5th Floor

Indianapolis, IN 46204

Telephone: (317) 232-6249

E-mail: Jodi.Stein@atg.in.gov



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Service by email

**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

IN THE MATTER OF:)	CAUSE NO.
)	
CLYDE CLUB ROOM)	Construction Design
)	Release Project No. 412616
)	

JOINT MOTION TO DISMISS

The parties respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

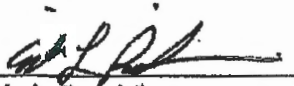
1. On or about February 04, 2020, Respondent issued a construction design release to Petitioner which contained, in relevant part, a condition stating, "Occupancy Groups shall be separated in accordance with Table 508.4 (675 IAC 13-2.6)."

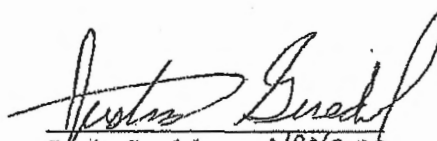
2. On or about February 13, 2020, Petitioner filed their petition for review of the above-mentioned condition.

3. After further review and consideration of Petitioner's argument, Respondent has issued a revised construction design release removing the condition stated above, rendering this review moot. A copy of the revised design release is attached as Exhibit A.

WHEREFORE, the parties respectfully request this matter be dismissed.

Respectfully submitted,


Edwin Rensink
Representative of Petitioner


Justin Guedel 2/28/2020
Attorney for Respondent

Date: 2/27/2020

Exhibit 1

EXHIBIT A

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



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

To: Owner / Architect / Engineer
Engineering Resources Inc
Daniel J Schenkel PE19700114
11020 Diebold Rd
Fort Wayne IN 46845

Fax & e-mail: 2604901026, dan@engineeringresourcesinc.com

CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: February 27, 2020



Available At Your Local Licence Branch
SUPPORT HOOSIER SAFETY

Project number 412616		Release date 02/26/20	
Construction type II-B, SPK		Occupancy classification A-2, S-1, ADD, REM	
Scope of release ARCH ELEC FA HOOD MECH PLUM STR			
Type of release Standard			
Project name Clyde Club Room			
Street address 1806 Bluffton Rd			
City FORT WAYNE		County ALLEN	

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.

- 14W09062 Fire Extinguisher travel distance shall be in accordance with Section 906.2 IFC (675 IAC 22-2.5) and NFPA 10.
- 14M050709 The complete installation of the kitchen exhaust hood and hood suppression system shall be in accordance with Sections 507 and 509, IMC (675 IAC 18-1.6).
- 14FG041114 Gas fired appliances on wheels in Commercial Kitchens shall be installed as set forth in section 411.1.4 IFGC (675 IAC 25-3) (Quick Disconnects and Tethered)
- 14M0507161 Type I kitchen hoods shall be tested prior to occupancy as set forth in Section 507.16, IMC (675 IAC 18-1.6).
- 14M030410 Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending not less than 3 inches above adjoining grade or shall be suspended not less than 6 inches above adjoining grade, and shall be supported in accordance with the manufacturer's installation instructions, in accordance with Section 304.10, IMC (675 IAC 18-1.6).
- 9E11026A Access and working space shall be provided and maintained about all electric equipment in accordance with Section 110.26, IEC (675 IAC 17-1.8).
- 9E21063 A GFCI protected receptacle shall be located within twenty-five (25) feet of Heating/Cooling Equipment in accordance with Section 210.63 and 210.8 (b) IEC (675 IAC 17-1.8)
- 14W05071 Fire Hydrants shall be provided in accordance with section 507.1 IFC (675 IAC 22-2.5)

Fire/Smoke dampers shall be installed at all duct penetrations of rated assemblies in accordance with Section 607.5 IMC (675 IAC 18-1.6)

All Commercial Kitchen receptacles shall be Ground-Fault Circuit Interrupter protected in accordance with Section 210.8 [B] IEC (675 IAC 17-1.8)

Electrical Bonding shall be in accordance with section 250.104 (A) (B) & (C) IEC (675 IAC 17-1.8)

Neon Lighting/Signs shall be installed as set forth in section 600.41 IEC (675 IAC 17-1.8)

- 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.
- 14B0714 Penetrations in Rated Assemblies shall be effectively protected as set forth in section 714 IBC (675 IAC 13-2.6)
- 14B0907 The fire alarm system shall be designed as specified in Section 907, IFC, and N.F.P.A. 72, in accordance with Section 907, IBC (675 IAC 13-2.6).
- 14W09077 Upon completion of the installation of the fire alarm system, a satisfactory test of the entire system shall be made. All functions of the system or alteration shall be tested in accordance with Section 907.7, IFC (675 IAC 22-2.5).
- 14B10043 Occupancy Load Signage shall be posted in accordance with Section 1004.3 IBC (675 IAC 13-2.6)
- 14B10101 Ramps shall be constructed as set forth in Sections 1010.1 through 1010.11, IBC (675 IAC 13-2.6).
- 14B10111 Exit signs shall be provided in accordance with Section 1011.1, IBC (675 IAC 13-2.6).
- 14B11802 Handicapped seating shall be provided in accordance with Section 802 ANSI A117.1 and Chapter 11 IBC (675 IAC 13-2.6)
- 14B11061 Where public or common use parking is provided, accessible parking spaces shall be provided in accordance with IC-5-16-9 and Section 1106.1 IBC (675 IAC 13-2.6)
- 14B1008110 Doors serving a Group H occupancy, or an occupant load of 50 or more in a Group A or E occupancy, shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware in accordance with Section 1008.1.10, IBC (675 IAC 13-2.6).
- 14B05012 Buildings shall be addressed in accordance with section 501.2 IBC (675 IAC 13-2.6)
- 14B1009934 Usable spaces under stairways shall be protected in accordance with Sections 1009.9.3 and 1009.9.4, IBC (675 IAC 13-2.6).
- 14B10061A Exterior egress lighting fixtures shall be part of the emergency lighting system in accordance with Section 1006.1 IBC (675 IAC 13-2.6)
- 14B29021SS One service sink is required in accordance with Section 2902 and Table 2902.1, IBC (675 IAC 13-2.6).
- 14B07032 Interior wall and ceiling decorative components shall be as in accordance with section 703.2 & section 806 IBC (675 IAC 13-2.6) and ASTM C 635 & C 636
- ACDS This project has been reviewed under the 2014 Indiana Building Code, 2014 Indiana Fire Code, 2009 Indiana Electrical Code, 2012 Indiana Plumbing Code, 2014 Indiana Mechanical Code, 2014 Indiana Fuel Gas Code, 2010 Indiana Accessibility Chapter 11 (ICC A117.1 2009), and the 2010 Indiana Energy Conservation Code (ASHRAE 90.1 2007)
- 4G0412AE The proposed building, addition, or remodel shall not put the existing building in noncompliance or into further noncompliance in accordance with 675 IAC 12-4-12.
- 4G0603AF Detailed plans and specifications for the revised fire suppression system shall be filed with the required application and appropriate fees in accordance with 675 IAC 12-6- 3(a), 675 IAC 12-6-7(g)(17), and 675 IAC 13-1-8. (N.F.P.A. 13)
- 14B07037 Fire walls and vertical fire barriers shall be effectively and permanently identified with signs or stenciling. Such identification shall: 1. Be located in accessible concealed floor, floor-ceiling or attic spaces; 2. Be located within 15 feet of the end of each wall and at intervals not exceeding 30 feet measured horizontally along the wall or partition; and 3. Include lettering not less than 3 inches in height with a minimum 3/8 inch stroke in a contrasting color incorporating the suggested wording,

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"FIRE WALL or FIRE BARRIER PROTECT ALL OPENINGS" or similar wording in accordance with
Section 703.7, IBC (675 IAC 13-2.6).

4G03 This construction design is a revised release to the release dated: 02/04/2020 Abate Separation
requirement

Please be advised that if an administrative review of this action is desired, a written petition for review must be filed at the above address with the
Fire Prevention and Building Safety Commission identifying the matter for which a review is sought no later than eighteen (18) days from the above -
stated date, unless the eighteenth day falls on a Saturday, a Sunday, a legal holiday under State statute, or a day in which the Department of Fire
and Building Services is closed during normal business hours. In the latter case, the filing deadline will be the first working day thereafter. If you
choose to petition, and the before-mentioned procedures are followed, your petition for review will be granted, and an administrative proceeding will
be conducted by an administrative law judge of the Fire Prevention and Building Safety Commission. If a petition for review is not filed, this Order will
be final, and you must comply with its requirements.

Code review official REX MAYS rmays@dhs.in.gov	Indiana State Building Commissioner
Address (name, title of local official, street, city, state and ZIP code) Building Commissioner John E. Caywood 200 E. Berry St Suite 170 Fort Wayne, IN 46802 Fax & e-mail: , john.caywood@co.allen.in.us	