

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
) DHS-1924-FPBSC-024
MARIAH CREEK)
CHRISTIAN CHURCH)
)

NON-FINAL ORDER OF DISMISSAL

On January 27, 2020, the parties filed an Agreed Order and Joint Motion to Dismiss, attached hereto as **Exhibit A**, thereby jointly requesting that the above-captioned administrative appeal be dismissed.

The Administrative Law Judge therefore enters this Non-Final Order of Dismissal. 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 non-final order will be considered by the Commission on March 4, 2020, at 9:00 a.m., in Conference Center Room B, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204.**

Date: February 6 2020


Travis Lovett
Administrative Law Judge



A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Service by email and interdepartmental mail:

A. Indiana Department of Homeland Security (DHS):

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B. Petitioner

Thomas Doane
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C. RTM Consultants, Inc. (representative for the Petitioner)

Edwin Rensink (representative for the Petitioner)
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Exhibit A

STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN THE MATTER OF:

MARIAH CREEK CHRISTIAN CHURCH

CAUSE NO: DHS-1924-FPBSC-024

AGREED ORDER AND 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 September 19, 2019, Respondent denied Petitioner's request for a variance to Sections 903.2.1.3 of the 2014 Indiana Building Code. See Variance # 19-10-62.

2. On or about November 04, 2019, Petitioner filed their petition for review of this order arguing that numerous similar variances had been approved in the past.

3. After further discussions, the parties were able to resolve this dispute and agreed to the following:

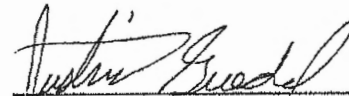
Respondent will approve variance # 19-10-62 with the following conditions:

1. this variance applies only to the alternative classroom design;
2. the fire alarm system must be upgraded to a central station monitoring service; and
3. a system of smoke detection shall be added to the mezzanine and connected to the fire alarm system.

WHEREFORE, the parties respectfully request this matter be dismissed with prejudice.

Respectfully submitted,


Edwin Rensink
Representative for Petitioner


Justin Guedel
Attorney for Respondent

Date: 1/27/2020