



Thursday, February 20, 2020
By Electronic Mail and U.S. Postal Mail

Edwin L. Rensink
Representative of the Petitioner
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254
rensink@rtmconsultants.com

Re: Petition for Administrative Review – Construction Design Release Project No. 412616 – Clyde Club Room

Dear Mr. Rensink:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of the Construction Design Release Project No. 412616 – Clyde Club Room, submitted on behalf of the petitioner on Thursday, February 13, 2020. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review is hereby granted by the Commission.

Your 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 this 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
dboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent (by personal service and electronic mail)

Office of Attorney General Curtis Hill – Administrative Law Judge (by electronic mail)

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Thursday, February 13, 2020 5:28:56 PM
Attachments: [68379161_plan_design_release0412616_The Clyde Expansion.pdf](#)

**** 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 02/13/20 5:27 PM

**Individual
Name:**

Edwin Rensink

**Business
Name: :**

RTM Consultants Inc

**Phone
Number:**

(317) 329-7700

**Email
Address:**

rensink@rtmconsultants.com

**Mailing
Address:**

6640 Parkdale Place
Suite J
Indianapolis, IN 46254

**Are you
represented
by an
attorney?:**

No

**Attorney
Name:**

Firm:

**Phone
Number:**

**Email
Address:**

**Mailing
Address:**

**Order
Number:** 1

**Facility |
Device |
Boiler ID:** Clyde Club Room, Fort Wayne

**Date Order
Received:** Feb 04, 2020

**How did you
receive the
Order? :** Email

**Entity
Issuing
Order:** Indiana Department of Homeland Security

Entity Name:

**Upload
Order:** [View File](#)

**Was this
order
specifically
directed to
you?:** No

Explain: The Order was issued via CDR dated 2-04-20 addressed to Daniel J Schenkel, PE and by extension the Owner. Answers below are on behalf of the owner.

**Have you
been
aggrieved or
adversely** Yes

**affected by
the order?:**

Explain:

T of the CDR stipulates that an occupancy separation is required between the A-2 and S-1 Occupancies per Table 508.4, IBC. The project was designed based upon compliance with nonseparated occupancies per Sec. 508.3, as indicated in the attached Life Safety Plans and code documentation. This fact is indicated in the code documentation in response to earlier citations for the occupancy separation, but was apparently ignored. The owner is adversely affected by an Order citing the rule in question in contradiction to the design and applicable code requirements.

**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:**

No

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

Administrative review is requested for the specific item noted.

I request a stay of effectiveness:	No
What is the basis of your challenge? :	Sec. 508.3, IBC, does not require the occupancy separation. The designer selected the use of nonseparated occupancies per Sec. 508.3.
What is your desired outcome? :	A revised CDR removing the noted conditoin.
Additional information in support of my request:	See attached Life Safety Plan with code information.
Additional Attachments:	
Additional Attachments:	
Additional Attachments:	

 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	 Available At Your Local Licence Branch SUPPORT HOOSIER SAFETY		Project number 412616	Release date 02/04/20
	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.

- | | |
|----------|--|
| 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, "FIRE WALL or FIRE BARRIER PROTECT ALL OPENINGS" or similar wording in accordance with Section 703.7, IBC (675 IAC 13-2.6). |
| 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).
- 14B05084T Occupancy Groups shall be separated in accordance with Table 508.4 (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
- 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.

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	



200 East Main Street
Suite 600
Fort Wayne, Indiana 46802
260.422.4241
260.422.4847
designcollaborative.com

CERTIFICATION



All concepts, ideas, designs, plans and details as shown on this document are the sole property of Design Collaborative, Inc., and shall not be used for any purpose without their expressed written consent. The owner shall be permitted to retain copies for information and reference.

CIVIL & STRUCTURAL ENGINEERS



MECHANICAL & ELECTRICAL ENGINEERS



R.E. Dimond
and Associates, Inc.
Consulting Engineers
732 North Capitol Avenue
Indianapolis, IN 46204

PHONE (317) 634-4672 FAX (317) 638-8725

Renovation and Building Expansion for
The Club Room at the Clyde
Fort Wayne, Indiana

REVISIONS

NO.	DESCRIPTION	DATE
2	State Clarification	01/27/2020
3	State Clarification	01/29/2020

DATE PROJECT
01/17/2020 2019.0118

TITLE

Code Study & Life
Safety Plans

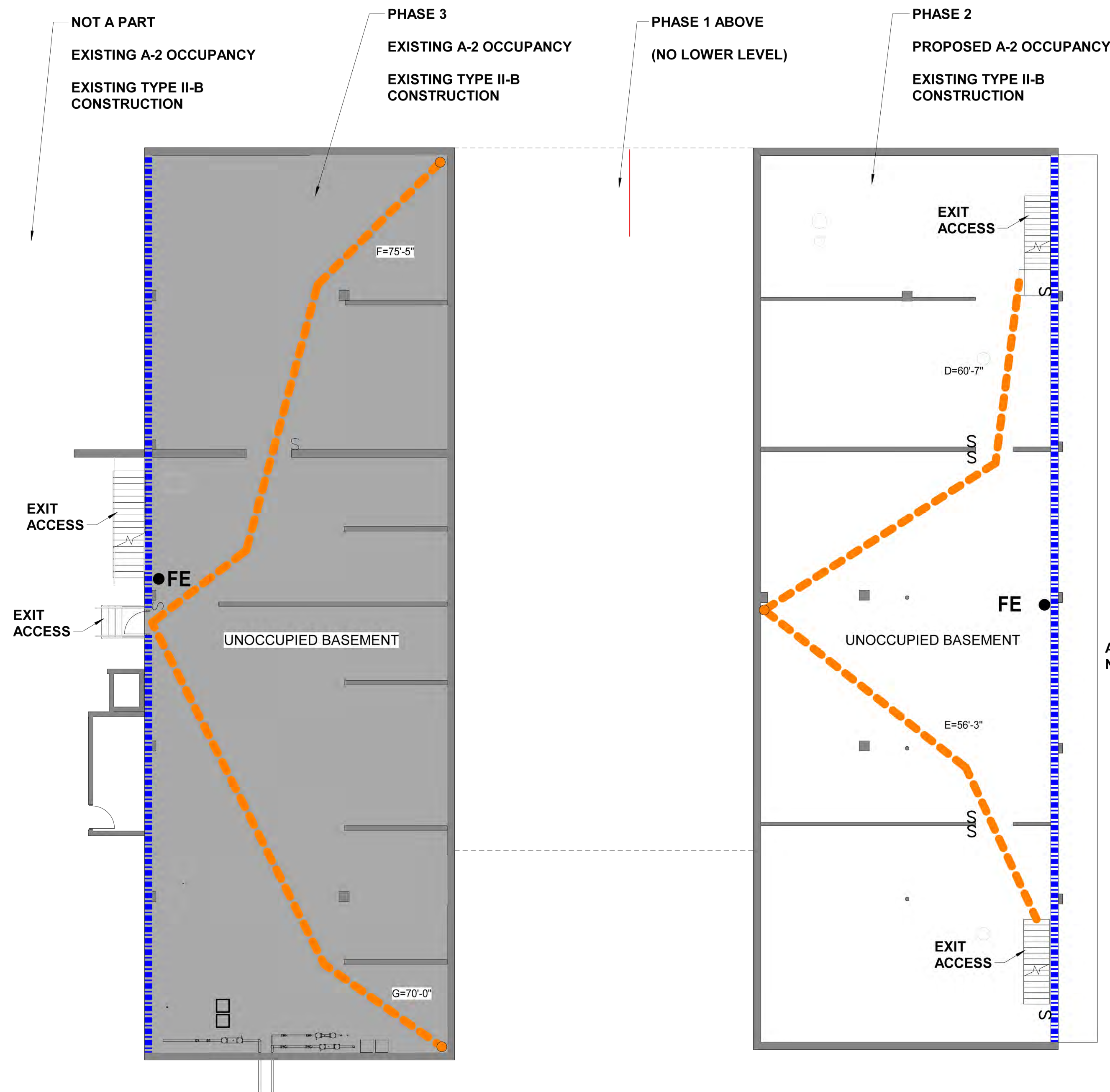
SHEET

G1.1

CODE ANALYSIS SUMMARY		
Item	Description	Code Reference
Project Information and Reference Codes	Reference Codes	GENERAL ADMINISTRATION RULES 675 IAC 12 BUILDING CODE: 2014 INDIANA BUILDING CODE (2012 INTERNATIONAL BUILDING CODE WITH STATE AMENDMENTS) 2000 NFPA 101 LIFE SAFETY CODE PLUMBING CODE: 2012 INDIANA PLUMBING CODE (IPC 2006) MECHANICAL CODE: 2014 INDIANA MECHANICAL CODE (2012 IMC WITH STATE AMENDMENTS) ELECTRICAL CODE: 2009 INDIANA ELECTRICAL CODE (2008 NEC WITH STATE AMENDMENTS) FIRE/LIFE SAFETY CODE: 2014 INDIANA FIRE CODE (2012 IFC WITH STATE AMENDMENTS) ACCESSIBILITY CODE: 2014 INDIANA BUILDING CODE [CHP 11] 675 IAC 13-2.6-12 CHAPTER 11 ENERGY CODE: 2010 INDIANA ENERGY CONSERVATION CODE (ASHRAE 90.1 - 2007 WITH INDIANA AMENDMENTS) FUEL GAS CODE: 2014 INDIANA FUEL GAS CODE (2012 IFG CODE WITH STATE AMENDMENTS)
	Scope of Project Description	Proposed expansion of restaurant to include new addition within alley between two existing buildings, and renovation of the two existing spaces. Phase 1: Alley between two existing buildings to be infilled with new addition. Phase 2: Existing space to be renovated. Phase 3: Not a part of this submittal. Existing space to be renovated.
	Use and Occupancy Classification(s)	Group A-2 (Concert Venue) - 1 st floor Group S-1 (Storage) - Basement Code Reference: Chapter 3, Section 303.3, Section 311.1
	Code Strategy:	The A-2 Occupancy 1st floor and S-1 Occupancy are designed as nonseparated occupancies, based upon compliance with allowable area and height for the most strict occupancy - A-2 Occupancy. Automatic sprinkler protection is provided throughout as required.
	Construction Type:	Type IIB Construction permitted based upon allowable area and height for nonseparated occupancies 508.3
	Occupancy Separations:	Occupancy separations are not required between A-2 and S-1 Occupancies based upon compliance with nonseparated occupancies 508.3
	Allowable Area	Basic Allowable: 9,500 sf Automatic Sprinkler Increase: 9,500 sf + 9,500(200%) = 38,000 sf Table 503, Section 506.3
	Actual Floor Area:	Total Actual 1st Floor: Phase 1 Area: Aa=13,490 sf Phase 2 Area: Aa=3,714 sf Phase 3 Area: Aa=4,824 sf Total Actual Lower Level: Phase 1 Area: Aa=9,833 Phase 2 Area: Aa=0 Phase 3 Area: Aa=4,847 Total Actual Entire Building: 23,313 sf
	Allowable Height:	Basic Allowable: 1 story above grade; 55 feet Automatic Sprinkler Increase: 1 story; 20 feet Total Allowable Height: 2 story; 75 feet Actual Height: 1 story; 21 feet Table 503, Section 504.2 (Except Group R & listed Exceptions)
	2. Allowable Area & Building Height	

LIFE SAFETY PLAN LEGEND

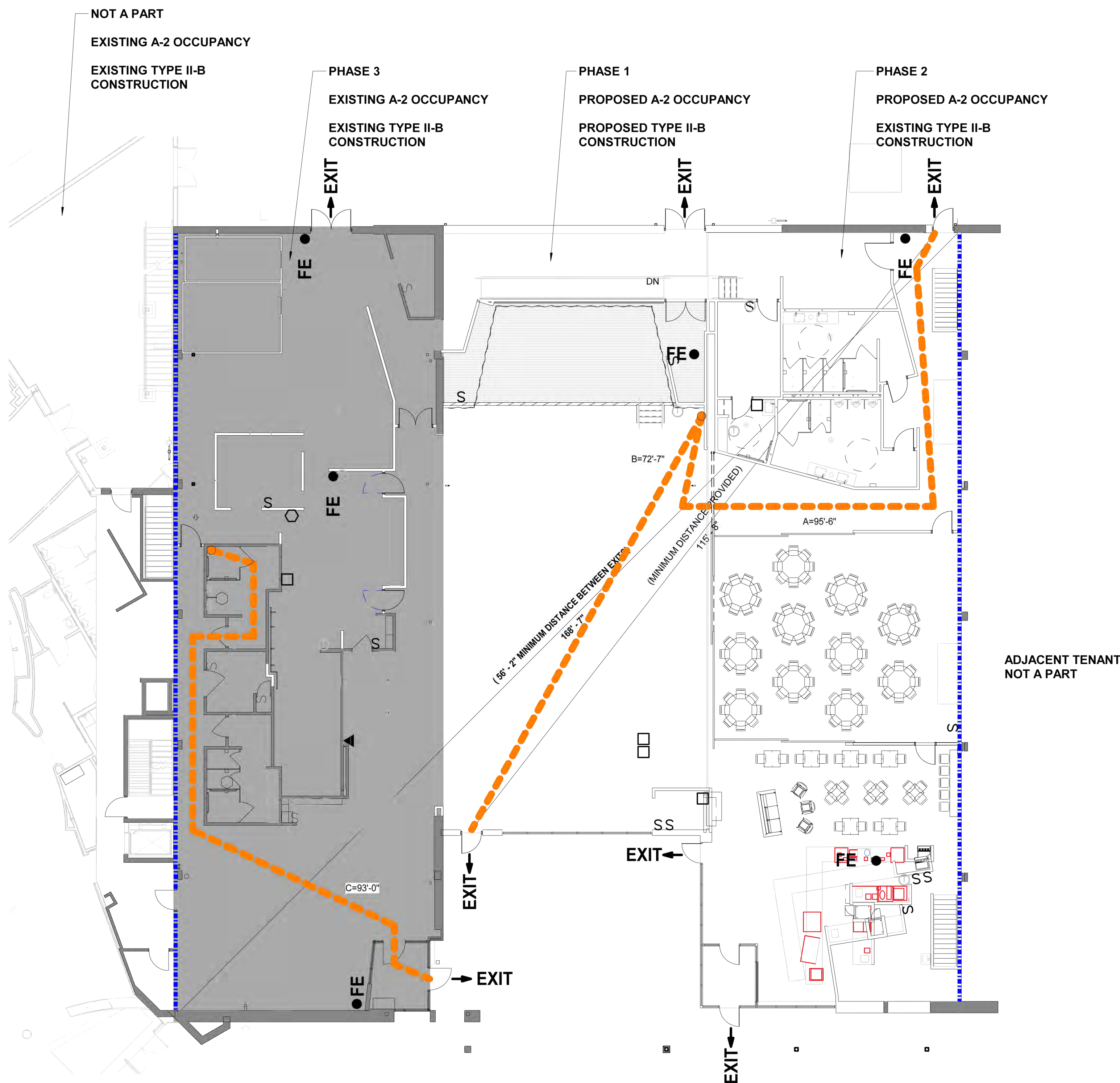
- 2 HOUR FIRE BARRIER
- FE WALL HUNG FIRE EXTINGUISHER LOCATIONS, SEE SPECS FOR TYPE
- EXIT EXIT LOCATION
- DOOR RATING (MIN.), SEE DOOR SCHEDULE



2

Life Safety - Lower Level

SCALE: 3/32" = 1'-0"



1

Life Safety - Main Level

SCALE: 3/32" = 1'-0"