



# MICHIGAN CITY INDIANA

Michigan City Fire Department - Randy Novak, Fire Chief ~ ph 219.873.1440 fax 219.873.1451 email ~ rnovak@emichigancity.com  
2510 E. Michigan Boulevard ~ Michigan City, IN 46360

August 9, 2016

Dean Illingsworth  
State Building Law Compliance Officer  
Indiana Department of Homeland Security

Re: Variance Number 16-07-68

Mr. Illingsworth,

In July the Michigan City Fire Department, along with the City of Michigan City Inspection department, requested that the board table a variance (#16898) proposed for 1100 W. Barker Ave., in Michigan City, Indiana 46360. On August 8<sup>th</sup> I was made aware that the board removed the variance from being tabled, and approved it. In our original letter we stated that we were not in support of the variance, as it was currently written. According to my records no changes have been made to the variance, thus prompting me to ask your permission to reconsider your decision on this manner.

After numerous discussions with the owner, he has yet to provide us with an updated plan as how he will provide fire wall separation for new tenant construction and plans to occupy more than the allotted amount of square footage NFPA 13 requires to have sprinklers. At this time the current owner, Matt Rogatz, has tenants that are using various areas of the building for storage of equipment on pallets that also requires the installation and use of sprinkler system, per NFPA 13. NFPA 13 provides an approach that categorizes materials into one of seven major categories' and bases their coverage on the fact that they are stored on wood pallets. It is my understanding that their request is based solely on a financial hardship, however in order for us to make a sound decision we need a written plan to be established showing their intentions on providing fire separation walls, extinguisher placement, heat and smoke detector plans, etc. The owners have not provided us any documentation in the above manner, therefore I have no other recourse than to continue to require the sprinkler system be active.

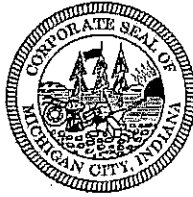
In summary based on the above mentioned items and because NFPA 13 focuses on both property protection and life safety, VERY FEW exceptions for omitting sprinkler coverage exist, we are requesting the board's recommendation to overturn and deny this variance.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kazmierczak", written over a circular stamp or watermark.

Kyle A. Kazmierczak  
Fire Marshal; Division of Inspections  
Michigan City Fire Department  
(219) 873-1453 - Office  
(219) 898 -1263 - Cell  
[www.kkaz@emichigancity.com](mailto:www.kkaz@emichigancity.com)

RON MEER - MAYOR



# MICHIGAN CITY INDIANA

Michigan City Fire Department - Randy Novak, Fire Chief - ph 219.873.1440 fax 219.873.1451 email - rnovak@emichigancity.com  
2510 E. Michigan Boulevard - Michigan City, IN 46360

July 7, 2016

Indiana Department of Homeland Security  
Code Services Section  
Indianapolis, IN 46204

RE: 1100 W. Barker Ave.; Michigan City, Indiana 46360

Dear Code Review Board,

The City of Michigan City and Michigan City Fire Department recently received an application for a variance (#16898) in reference to a proposed project located at 1100 W. Barker Ave.

At this time, we are requesting that the variance be "tabled" until August.

Building Inspector Przybylinski and I are not in support of this variance, as it is currently written. In their application they have stated that the building received a "no violation" status from the Michigan City Fire Department, however that statement is not completely accurate. At the time of the inspections the building was divided and the fire engine company was only assigned to the occupied area to inspect, not the complete structure. The variance also references a 1-5-year plan; however, no plans have been submitted to the local for approval. Lastly, we have had numerous discussions that outlined a more feasible solution that called for two (2) hours separation walls, however it never references that in their proposal.

In summary, based on the above mentioned items we are requesting the board's recommendation to "table" this variance to allow us the opportunity to clarify some issues

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kazmierczak".

Kyle A. Kazmierczak  
Fire Marshal, Division of Inspections  
Michigan City Fire Department  
(219) 873 - 1453 - Office  
(219) 898 - 1263 - Cell  
[www.kkaz@emichigancity.com](mailto:www.kkaz@emichigancity.com)

RON MEER - MAYOR

City of Michigan City - City Hall - 100 East Michigan Boulevard, Michigan City, IN 46360 - 219.873.1400 - fax 219.873.1515  
web - emichigancity.com e-mail - mayormeer@emichigancity.com



MICHAEL R. PENCE, Governor  
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

DAVID W. KANE, EXECUTIVE DIRECTOR

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

August 3, 2016

Matt Rogatz  
1100 Barker LLC  
4904 KNOLLWOOD COURT  
  
VALPARAISO, IN 46383

Dear Matt Rogatz,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application with all alternatives offered, as a part of its published agenda, at its regular meeting on August 2, 2016.

Project Number	Project Name	Variance Number
0	1100 Barker	16-07-68

Commission Conditions

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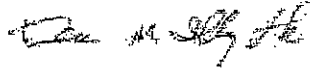
Sprinkler system to be removed.

Edition	Code	Code Section	Commission Action & Date
GAR		GAR 675 IAC 12-4-9(a)	Approved with Commission condition(s) 08/02/2016

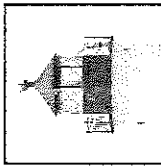
You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen(18) calendar days from the above stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.

Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean Illingsworth". The signature is cursive and somewhat stylized.

Dean Illingsworth  
State Building Law Compliance Officer,  
Department of Homeland Security



Michigan City  
 Fire Department  
 2510 E. Michigan Boulevard  
 Michigan City, Indiana 46360

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Dear Illingsworth  
 Indiana Department of Homeland Security  
 Indiana Government Center South  
 302 West Washington Street  
 Indianapolis, IN 46204