



November 26, 2019
By Electronic Mail and U.S. Postal Mail

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

Re: Petition for Administrative Review – Variance No. 19-10-62 – Mariah Creek Christian Church

Dear Mr. Rensink:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of Variance No. 19-10-62 – Mariah Creek Christian Church, dated 11/4/2019. Your petition for administrative review will be reviewed and discussed at the next regularly scheduled meeting of the Commission – currently scheduled to begin at 9:00 a.m. on Tuesday, December 3, 2019. Pursuant to Indiana Code § 4-21.5-3-7, the Commission will make a determination as to whether you, as the petitioner, have standing and qualify for review of this order.

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
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

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

From: [DHS Legal Mailbox](#)
To: [Boyle, Douglas J \(DHS\)](#)
Subject: FW: Petition for Review
Date: Tuesday, November 12, 2019 9:31:56 AM
Attachments: [68379161 variance commission report Mariah Creek Church.pdf](#)
[68380022 Variance 19-10-62 Application and 10-22-19 Letter.pdf](#)
[68380035 Mariah Creek Church Addition Letter - LFO.docx](#)
[68380034 variance commission report Mariah Creek Church.pdf](#)

Doug:

See the below petition for review.

IDHS ADMINISTRATIVE REVIEW
Indiana Department of Homeland Security
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204
legal@dhs.in.gov

From: noreply@formstack.com [mailto:noreply@formstack.com]
Sent: Monday, November 04, 2019 10:24 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

**** 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 11/04/19 10:24 PM

Individual Name: Edwin Rensink

Business Name : RTM Consultants

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:	Mariah Creek Christian Church
Date Order Received:	Nov 04, 2019
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:	RTM Consultants Inc is representing Thomas Doane, Mariah Creek Christian Church. Responses below are on behalf of the owner.
Have you been aggrieved or adversely affected by the order?:	Yes
	The owner is adversely affected by the order, which

<p>Explain:</p>	<p>effectively renders his project not economically viable due to doubling the cost of the project. Several dozen past variances have been granted for similar or larger church addition projects constructed in areas without a public water supply. The ruling in this case is arbitrary without any statement of fact supporting such a ruling.</p>
<p>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? :</p>	
<p>What law?:</p>	
<p>I request review of the entire order described above:</p>	<p>Yes</p>
<p>If you are not requesting review of the entire order, what is the scope of your request?:</p>	
<p>I request a stay of effectiveness:</p>	<p>No</p>
<p>What is the basis of your challenge? :</p>	<p>The owner is adversely affected by the order denying Variance 19-10-62, which effectively renders this project not economically viable due to doubling the cost of the project. Several dozen past variances have been granted for similar or larger church addition projects constructed in areas without a public water supply. The ruling in this case is arbitrary without any statement of fact from the agency supporting such a ruling.</p>
<p>What is your desired outcome? :</p>	<p>Reverse the order of the agency and approve the variance as amended, and as supported by the local fire department.</p>
<p>Additional information in support of my</p>	<p>See attached letter of support from local fire department, as well as letter dated October 22, 2019, referencing the fire department letter and statement of additional alarm and</p>

request: detection features as requested by the fire department.

Additional Attachments: [View File](#)

Additional Attachments: [View File](#)

Additional Attachments: [View File](#)

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



ERIC J. HOLCOMB, Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

BRYAN J. LANGLEY, EXECUTIVE DIRECTOR

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

Thomas Doane
Mariah Creek Christian Church
9366 EAST OAKTOWN ROAD

November 4, 2019

OAKTOWN, IN 47561

Dear Thomas Doane,

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	Mariah Creek Christian Church	19-10-62

Conditions

Edition	Code	Code Section	Action & Date
	Other Code (Not in the list provided)	903.2.1.3, 2014 IBC	Not Approved 10/29/2019

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>

Owner / Applicant Information

Thomas Doane
Mariah Creek Christian Church
9366 EAST OAKTOWN ROAD

OAKTOWN IN 47561

Phone 8123282254

Email THOMASDOANE1943@GMAIL.COM

Submitter Information

Edwin Rensink
RTM Consultants Inc
6640 Parkdale Place

Indianapolis IN

Phone 3173297700

Email rensink@rtmconsultants.com

Designer Information

Larry Donovan, AIA
Donovan and Donovan
427 Main Street

Vincennes IN

Phone 8128820415

Email donovananddonovan@sbcglobal.net

Project Information

Mariah Creek Christian Church
9366 East Oaktown Road

Oaktown IN 47561

County KNOX

Project Type New Addition Alteration Existing Change of Occupancy

Project Status U F=Filed U or Null=Unfiled

IDHS Issued Correction order? No Has Violation been Issued? No

Violation Issued by: NA

Local Building Official

Phone: Email:

Local Fire Official

Phone: Email:

Variance Details

Code Name: Other Code (Not in the list provided)

903.2.1.3, 2014 IBC

Conditions: The project scope includes the addition of a mezzanine balcony of approximately 1,068 sq ft within the existing sanctuary, which due to increasing existing fire area, requires an automatic sprinkler system throughout the fire area. The existing fire area exceeds current code limit of 7,000 sq ft for a nonsprinklered A-3 Occupancy used primarily for worship.

The mezzanine balcony will add seating for 100 occupants. The existing 1-story building is approximately 8,950 sq ft in area. The existing sanctuary is 3,018 sq ft in area, and is set up with non-fixed row seating.

DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE ARE PROTECTED:

- 1= Non-compliance with the rule will not be adverse to the public health, safety or welfare.
- 2= Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).

Facts:

1. Two (2) means of egress will be provided for the balcony, including an exterior stair discharging directly to the exterior.
2. Maximum travel distance to an exit will be 82 feet from the balcony - code limit is 200 feet.
3. Based upon limitation of the space for use as worship and the provision of adequate egress, the lack of a sprinkler system will not be adverse to safety.
4. Similar variances were granted for church balcony additions in the case of Variance 17-10-24 and 18-04-41a.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

- Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.
- Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.
- Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.
- Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts: A public water supply is not available to the site capable of supporting a sprinkler system. The cost to provide an on-site water supply and sprinkler protection for the building is well in excess of \$100,000, roughly doubling the cost of the project which would render the project not feasible.

October 22, 2019

Douglas J. Boyle
Director - Fire Prevention and Building Safety Commission
c/o Office of the General Counsel
Department of Homeland Security
Variance Review Section
302 W. Washington Street Room E-208
Indianapolis, Indiana 46204



BUILDING CODES
♦
FIRE PROTECTION
♦
JCAHO/CMS/HFAP

**Mariah Creek Church - Variance 19718
Additional Information**

Dear Doug:

On behalf of the owner, this letter is to provide additional information regarding the subject variance request. We are in receipt, as of Friday, October 18, 2019, of the Notice of Proposed Order of Denial from the agency. Per the agency's Notice, we are providing additional information addressing the Department's reasons for denial.

We request reconsideration of the proposed Order of Denial, and request in lieu thereof a conditional approval for the variance request based upon the following:

1. The building currently has a fire alarm system currently functioning as a local protective service (building alarm only), consistent with older codes which did not require a central station monitoring service. The owner is proposing to upgrade the existing system to provide a central station monitoring service, which would include notification of the local fire department in the event of fire alarm initiation.
2. A system of smoke detection will be added to the proposed mezzanine addition, connected to the fire alarm system.
3. The provision of alarm and enhanced detection will match this variance request more closely with the variances for church balcony additions referenced in the variance application, as well as previous variances for additions to churches, including 18-02-33b, 17-07-37b, 18-02-16, 17-07-27 (entirely new building), 15-09-32, 12-09-24, and 09-06-45a.
4. Attached is a letter from the Chief Josh Trotter of the Freelandville Volunteer Fire Department expressing that he is not objecting to the granting of the variance given the conditions stated in his letter, which are largely repeated in Item 1 above.

Thank you for your attention to this matter. If you have any questions, please let us know.

Very truly yours,
RTM Consultants, Inc.
Edwin L. Rensink
Edwin L. Rensink
Principal

cc: Thomas Doane
Larry Donovan

elr

Josh Trotter
Fire Chief
Freelandville Volunteer Fire Department
PO Box 277
Freelandville, IN 47535
October 21, 2019

To whom it may concern
Fire and Building Safety Division
Indiana Department of Homeland Security
302 West Washington Street
Indianapolis, IN 46204

To whom it may concern,

In regards to Variance Application ID # 19718:
Mariah Creek Christian Church
9366 East Oaktown Road
Oaktown, IN 47561

As stated in their application, the church would like to add a mezzanine balcony (approximately 1,068sq. ft.) to their sanctuary for additional seating or the proposed alternative of classrooms. Due to the rural location, they currently do not have adequate water supply to service an automatic sprinkler system. For them to establish an adequate water supply and install a sprinkler system throughout the entire building would roughly double the cost of the project and in turn deem it unfeasible. The church currently has a fire detection and alarm system but is a local alarm only.

I have reviewed the proposed plans and spoken with project designer Larry Donovan and Mariah Creek Church Board Member Tom Doane. They have included in the proposed plans a second means of egress from the upstairs which would exit directly to the outside of the structure. I have recommended to them that they upgrade their fire alarm system from a local alarm system to a supervising station alarm system in order for timely notification of emergency services. Both Mr. Donovan and Mr. Doane had no objections to this request upon speaking with them.

As long as the requested upgrade to alarm system is required and completed as a condition of granting the variance, I, as Fire Chief of the Freelandville Volunteer Fire Department, have no objections with the Mariah Creek Christian Church being granted the requested variance.

Please feel free to contact me with any questions, comments, or concerns that I can assist with.

Respectfully,

Josh Trotter
Fire Chief
Freelandville Volunteer Fire Department
PO Box 277

Freelandville, IN 47535

Cell: (812) 890-1218

Personal Email: trott49@yahoo.com

Department Email: freelandvillefire@yahoo.com