



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

Matt Rogatz
1100 Barker LLC
4904 KNOLLWOOD COURT

VALPARAISO, IN 46383

August 3, 2016

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

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.

Owner / Applicant Information

Matt Rogatz
1100 Barker LLC
4904 KNOLLWOOD COURT

VALPARAISO IN 46383
Phone 7737194441
Email MATTR@CHICAGOINDUSTRIALRE.COM

Submitter Information

Melissa Tupper
RTM Consultants, Inc.
6640 Parkdale Place

Indianapolis IN
Phone 3173297700
Email tupper@rtmconsultants.com

Project Information

1100 Barker
1100 West Barker Street

Michigan City IN 46360

County LAPORTE

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?** yes

Violation Issued by: SFM

Local Building Official

Phone: **Email:**

Local Fire Official

Phone: **Email:**

Variance Details

Code Name: GAR
GAR 675 IAC 12-4-9(a)

Conditions: The variance request is to permit the non-functional sprinkler system to be removed from the existing building. The building will be used for manufacturing and warehouse space. The building currently has two tenants. One is a metal shelving manufacturer storing their product and the other is storing machine equipment.

The building is zoned industrial. The intended use of the building is distribution, light manufacturing, and storage. The overall building is 135,350 square feet and 1-story, see attached survey.

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: The building has not had a functional sprinkler system in over 20 years.

The building has passed inspection by the local fire department, until the last inspection. An inspection in 2012 noted that the sprinkler system was not operational and cited no violations.

The owner will install heat detectors and a fire alarm system in the leased/occupied portions of the building and will expand them into other portions of the building as they are leased/occupied.

The owners will be working with Michigan City, IN on a 1-5 year plan on making sure the building is safe in all aspects of usage. To start, they have installed 25+ fire extinguishers in the building, and plan to work with Michigan City fire department and building department on solutions.

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.
- Y 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: When the current owners purchased this building in November 2015 they were told there were no violations on the building. The building had passed inspection, which we have records of, since 2012 with no violation cited for the nonfunctional sprinkler system.

It is a cost hardship for the new owners to replace the existing nonfunctional sprinkler system. The existing system has not be functional in over 20 years. The old sprinkler system was not tied into the city water supply so water must be brought to the building from Kentucky Street which is 400 - 660 feet from the building. The building will not be heated so the existing system, even if salvageable, could not be re-used.

Installing a new sprinkler system in a 100,000+ square foot building has significant costs that