

Walters, Pam (DHS)

From: Roger Lehman <roger.lehman@twc.com>
Sent: Wednesday, November 11, 2015 5:16 PM
To: 'John Hawkins'
Cc: Sutor, Beth
Subject: Brief concerning Goosetown Restaurant Variance 15-06-50; Cause #DHS-1518-FPBSC-013
Attachments: Response to Commission Review 11-11-15.docx; Lewis Quote on hood.pdf

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

John, Beth,
please find attached brief and cost estimate for Goosetown Restaurant.
Please provide copies to whomever needs one.
Thank you both for all you do for Safety in Indiana!
Roger

Roger L. Lehman
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Evansville, IN 47720



IN RE:) **CauseNo.**
Goosetown Restaurant) **DHS-1518-FPBSC-013**
)

Variance Application 15-06-50

November 11, 2015

Brief Submittal for Commission review of non-final order of ALJ.

The Commission's Oct 6 decision to review the Non-final Order centered around additional information provided that was not presented at original hearing, including 1) the installation manual, 2) the fact that there was a previous variance which was determined "No Variance Required" to the 2008 IMC and 3) the "method by which the hardship was presented."

- 1) The first document in the 15-06-50 Goosetown variance application downloads submitted on May 9, 2015 was the 46 page complete installation manual for the pizza oven, including installation with and without a hood. It was probably a mistake to include such a lengthy document but applicant wanted Commission to be aware of all aspects of installation using both methods.
- 2) The information concerning the Coal Pizza variance 12-05-26 was revealed to applicant after the hearing, but as it was relevant, we felt it was appropriate to be discussed in the appeal brief. Applicant, in appeal brief, recognized that the Coal variance was to the 2008 IMC and provided a comparison of Section 917 requirements from the 2008 and 2014 IMC.
- 3) Lastly, I did verbally state the financial hardship at the initial hearing, but evidently did not provide a copy of contractors estimate. I have attached a copy to this document.

It seems the State Bldg. Commission represented by their attorney has no issue with the safety of the installation without a hood with the added conditions:

The Respondent concedes that at this stage of the proceeding, the Petitioner has at least presented substantial and reliable evidence that installing the Napoli oven with the UL103HT-listed vent instead of a Type I hood, under the additional conditions and stipulations presented by the Petitioner, would not be adverse to the public health, safety, or welfare. (Resp. Br. at 5.) The ALJ agrees and therefore concludes that the Petitioner has met its burden with respect to Indiana Code § 22-13-2-11(b)(1).

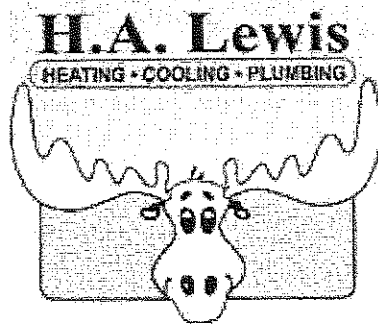
The ALJ also agrees and the Commission in their discussion Oct 6 discussion states "doesn't disagree with the results, just the reason."

For the above reasons, Petitioner humbly requests approval of Variance 15-06 60 with conditions proposed.

Respectfully Submitted;

Roger L Lehman

Roger L Lehman, Principal
RLehman Consulting



H.A. Lewis Heating, Cooling & Plumbing, Inc.

Goose Town Restaurant
956 Parrot St
Evansville, IN

9-11-15

Proposal

1-Captive Aire Class I, 6 foot kitchen grease hood for a pizza oven
1-35 feet of grease duct terminating through brick wall
1-Suppression system
1-Labor and material to install
Total = \$10,318.00

1-35 feet Direct vent Class A, UL103HT duct from the pizza oven location
terminating through the brick wall
1-Labor and material to install
Total = \$1,431.00