



January 2, 2020
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 – State of Indiana Construction Design Release Project
No. 405526, Item No. 14B090329 – American Tank Wash**

Dear Mr. Rensink:

The Fire Prevention and Building Safety Commission is in receipt of your electronically-filed petition for administrative review of State of Indiana Construction Design Release Project No. 405526, Item No. 14B090329 – American Tank Wash, dated 12/23/2019. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review, submitted on behalf of the owner of American Tank Wash, 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 the 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
doboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Justin 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: [DHS Legal Mailbox](#)
To: [Boyle, Douglas J \(DHS\)](#)
Cc: [Blunk, Alan](#); [Burgess, Craig](#)
Subject: FW: Petition for Review
Date: Tuesday, December 31, 2019 9:18:10 AM
Attachments: [68379161_plan_design_release04292005_modified.pdf](#)
[68380022_American Tank Wash Existing and Proposed Plans.pdf](#)

We received the below petition for review last week.

Justin K. Guedel | Deputy General Counsel
Indiana Department of Homeland Security
302 W. Washington Street, Rm. E208
Indianapolis, IN 46204
(317) 234-9515
JGuedel@dhs.IN.gov

From: noreply@formstack.com <noreply@formstack.com>
Sent: Monday, December 23, 2019 5:50 PM
To: DHS Legal Mailbox <Legal@dhs.IN.gov>
Subject: Petition for Review

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Formstack Submission For: [petition for review](#)

Submitted at 12/23/19 5:50 PM

Individual Name: Edwin Rensink

Business Name : RTM Consultants, Inc., representing American Tank Wash

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:	American Tank Wash
Date Order Received:	Dec 19, 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:

The Order was issued via CDR dated 12-19-19 addressed to Michell Allen Ritz and by extension the Owner. Answers below are on behalf of the owner.

**Have you
been
aggrieved or
adversely
affected by
the order?:**

Yes

Explain:

Item 14B090329 of the CDR stipulates that an automatic sprinkler system is required per Sec. 903.2.9, IBC. The project does not involve an addition, nor a change of occupancy. Since it is an alteration only, the rules for new construction do not apply. The owner is adversely affected by an Order citing rules for a new construction which are not applicable.

**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? :**

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?:**

The owner requests administrative review of Item 14B090329 of the CDR.

**I request a
stay of
effectiveness:**

No

**What is the
basis of your
challenge? :**

Item 14B090329 of the CDR stipulates that an automatic sprinkler system is required per Sec. 903.2.9, IBC. The project does not involve an addition, nor a change of occupancy. Since it is an alteration only, the rules for new construction do not apply. The owner is adversely affected by an Order citing rules for a new construction which are not applicable. Where there is no increase in fire area, nor a change of occupancy, Rule 4, Section 12, General Administrative Rules (675 IAC 12-4-12) permits alterations to an existing building without requiring compliance with rules of the Commission for new construction, except where the alteration creates a violation of the issue in question.

**What is your
desired
outcome? :**

A revised CDR with Condition 14B090329 removed.

Additional information in support of my request:

See attached original floor plan and proposed floor plan. The truck servicing area will have washing equipment added. The owner provides services including hand washing of trucks, trailers, tankers, and related vehicles and equipment. The storage and vehicle servicing areas will have uses consistent the original uses of the building and with S-1 Occupancy since the original construction of the building in 2001.

Additional Attachments:

[View File](#)

Additional Attachments:

Additional Attachments:

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



CONSTRUCTION DESIGN RELEASE

State Form 41191 (R9/5-98)

Report Printed on: December 20, 2019

**Indiana Department of Homeland Security
 DIVISION OF FIRE & BUILDING SAFETY
 PLAN REVIEW DIVISION
 402 W. Washington St., Room E245
 Indianapolis, IN 46204**



Available At Your Local Licence Branch

SUPPORT HOOSIER SAFETY

To: Owner / Architect / Engineer
 Michell Allen Ritz
 David M. Allen AR11800007
 319 Bank Street
 New Albany IN 47150

Fax & e-mail: 8129450207, dallen@michellallenritz.com

Project number 405526		Release date 12/19/19
Construction type V-B		Occupancy classification S-1, B, REM
Scope of release ARCH ELEC PLUM STR		
Type of release Standard		
Project name American Tank Wash		
Street address 4870 Keystone Blvd		
City JEFFERSONVILLE	County CLARK	

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.

- 14B This project has been reviewed under the 2014 Indiana Building Code.
- 4G0412AC No addition or alteration shall cause an existing building, structure, or any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems to become unsafe or overloaded under the provisions of the rules of the Commission for new construction in accordance with 675 IAC 12-4-12(c).
- 14W1104A Required means of egress shall be maintained during construction and demolition, remodeling or alterations and additions to any building, in accordance with Section 1104, IFC (675 IAC 22-2.5).
- 14W09061 Portable fire extinguishers shall be installed in accordance with Section 906.1, IFC (675 IAC 22-2.5).
- 4G0603AM This release does not include mechanical work. Plans and specifications for adding or remodeling this system shall be filed as a new project or as a partial before commencing work in accordance with 675 IAC 12-6-3.
- 14B090329 An automatic sprinkler system shall be provided for Group S-1 occupancies in accordance with Section 903.2.9, IBC (675 IAC 13-2.6).
- 4G0623A Storage of some commodities at a height of six feet or more may be high-piled storage as defined in 675 IAC 22-2.4, Section 202. Improper use of this structure for high-piled storage will subject the project design release to revocation in accordance with 675 IAC 12-6-23.
- 14W32011 This project has not been designed to accommodate high-piled combustible storage as described in Chapter 32 and defined in Section 3201.1, IFC (675 IAC 22-2.5).
- 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

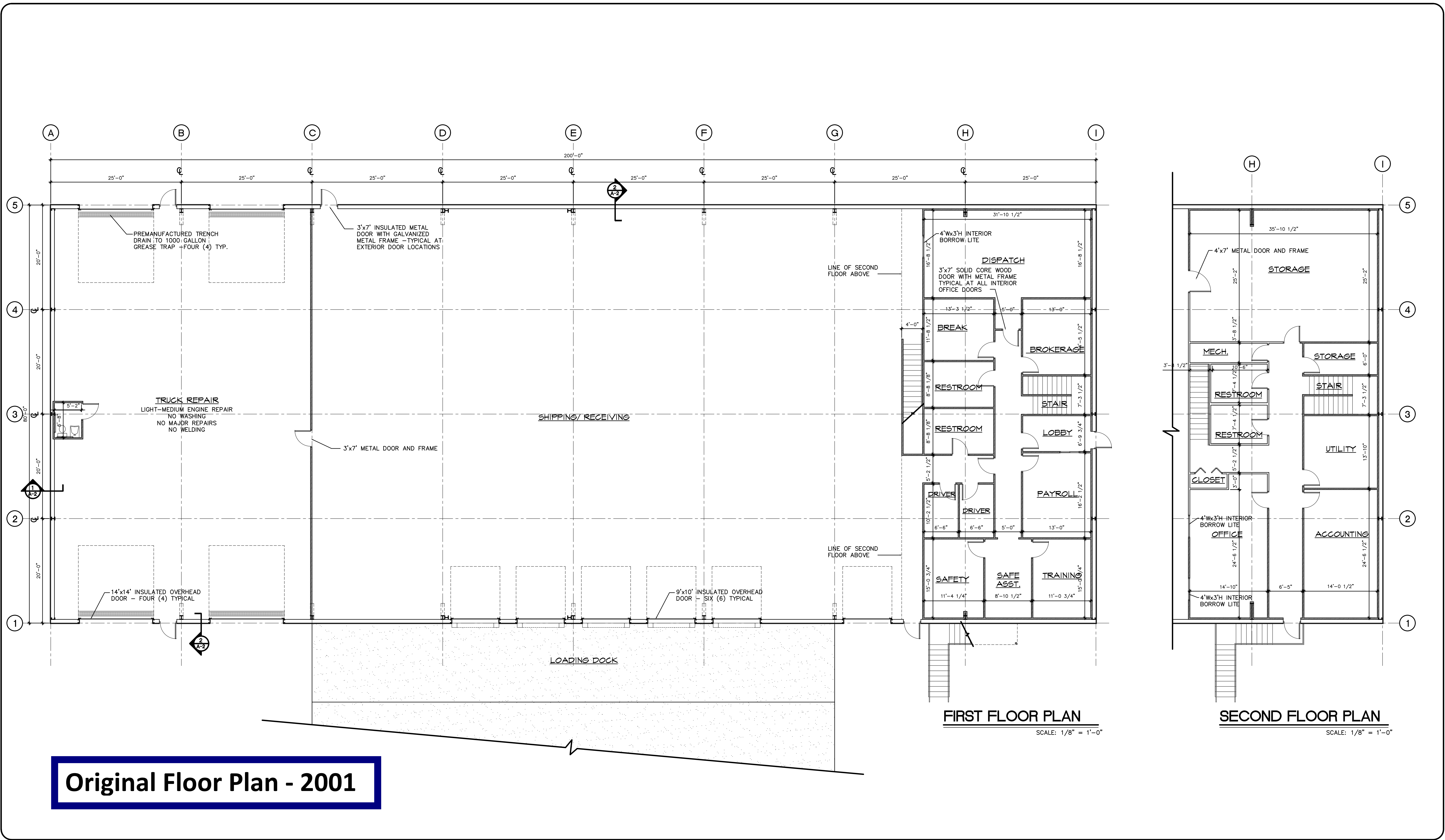
ELECTRONICALLY FILE YOUR PROJECT WITH STATE OF INDIANA at <http://www.in.gov/dhs/2650.htm>.
This on-line filing is through a secure site, you can use it to submit your project information, pay the fees and upload your project plans.
Use Internet Browser to View this report, other browsers are not compatible to view this report

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 DAUDA ISHOLA-GBENLA dishola-gbenla@dhs.in.gov	Indiana State Building Commissioner 
Address (name, title of local official, street, city, state and ZIP code) Building Commissioner Larry Wallace 500 Quartermaster Court SUITE 200 Jeffersonville, IN 47130 Fax & e-mail: 8122856403, lwallace@cityofjeff.net	





CERTIFIED	REVISIONS
DRAWN T. L. MICHELL	A
CHECKED C. L. MICHELL	B
DATE FEBRUARY 28, 2001	C
	D
	E
	F

NEW FACILITIES FOR
LANCER TRANSPORT SERVICES, INC.
 KEYSTONE INDUSTRIAL BLVD. JEFFERSONVILLE, INDIANA

MICHELL TIMPERMAN RITZ ARCHITECTS
 319 BANK STREET NEW ALBANY, INDIANA 47150 812-945-2324
 ARCHITECTURE ENGINEERING PLANNING

PROJECT NUMBER
1200-1926

A-1

OF SHEETS

DOOR SCHEDULE			
DOOR TYPE	DOOR SIZE	DOOR MATERIAL	REMARKS
A	3'-0" X 7'-0" X 1-3/4"	EXISTING INSUL. HOLLOW METAL	EXISTING HARDWARE
B	3'-0" X 7'-0" X 1-3/4"	INSUL. HOLLOW METAL	PANIC HARDWARE AND CLOSER
C	3'-0" X 7'-0" X 1-3/4"	INSUL. HOLLOW METAL	CLASSROOM LEVER SET
D	18'-0" X 14'-0"	INSUL. OVERHEAD	
E	3'-0" X 7'-0" X 1-3/4"	INSUL. HOLLOW METAL	PRIVACY LEVER SET AND CLOSER
F	3'-0" X 7'-0" X 1-3/4"	INSUL. HOLLOW METAL	OFFICE LEVER SET

FLOOR PLAN KEY NOTES

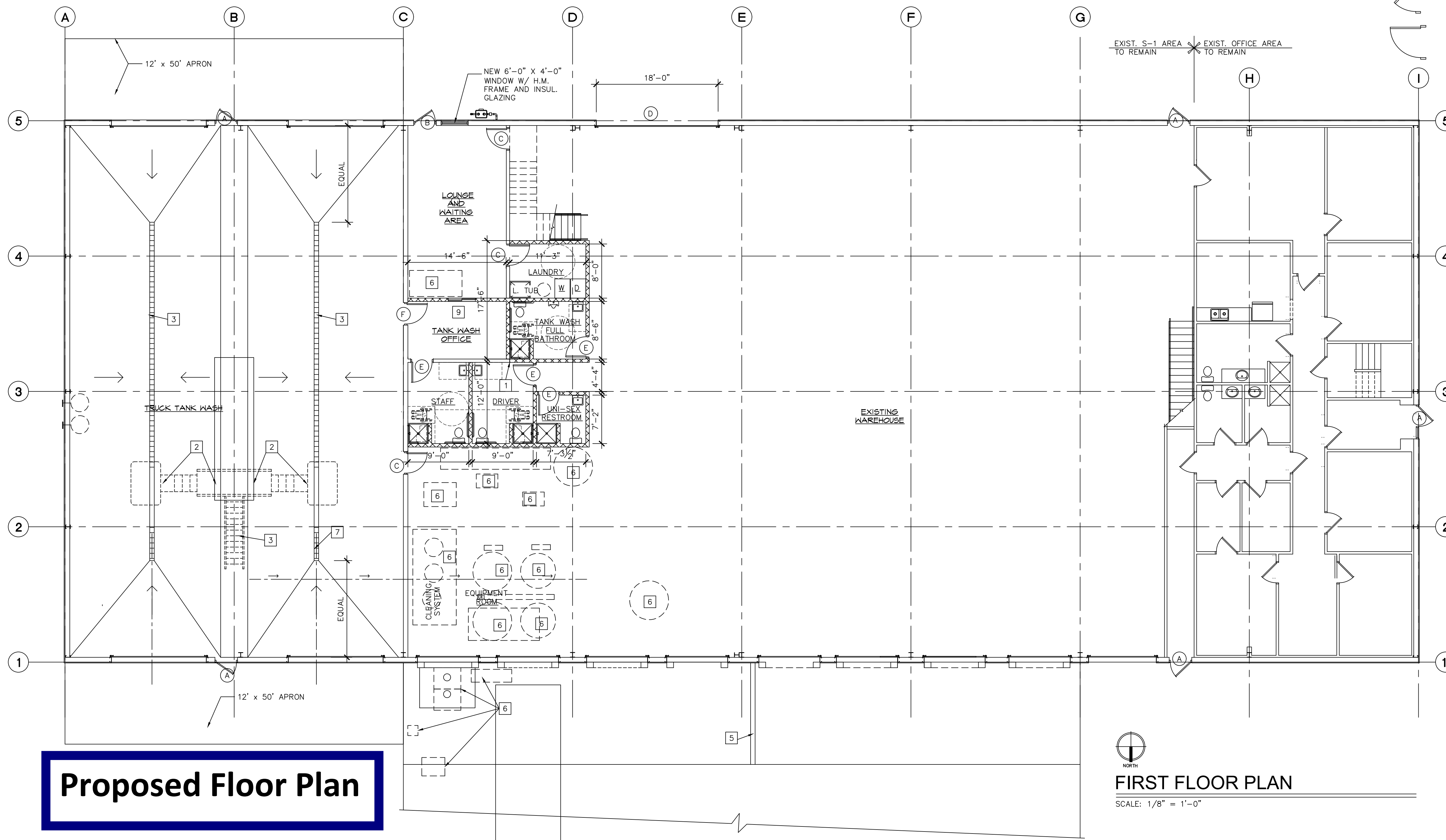
1. ALIGN NEW WALL LOCATION WITH EXISTING. MATCH WIDTH AND MATL. OF EXISTING WALL.
2. NEW PREMANUFACTURE WORK PLATFORM (BY OTHERS)
3. NEW TRENCH DRAIN SYSTEM CONNECTED TO EXISTING SEWER SYSTEM THROUGH NEW OIL SEPARATOR.
4. NEW OIL SEPARATOR
5. RETAINING WALL.
6. EQUIPMENT BY OWNER.
7. 6" DRAIN SLOPED TO DEWATERING BOX.
8. WATER SOFTENER
9. SLIDING WINDOW

GENERAL NOTES:

1. ALL WORK SHALL BE IN STRICT ACCORDANCE WITH THE LATEST EDITION OF THE INDIANA BUILDING CODE, INDIANA FIRE CODE AND GOVERNING AGENCIES HAVING JURISDICTION OVER THIS PROJECT.
2. CONTRACTOR SHALL REMOVE ALL CONSTRUCTION AS REQUIRED FOR NEW LAYOUT AND DISPOSE OF COMPLETE OFF SITE.
3. CONTRACTOR SHALL REPAIR AND REFINISH ALL SURFACES DAMAGED BY DEMOLITION WITH MATCHING CONSTRUCTION.
4. DIMENSIONS SHOWN ARE FINISHED DIMENSION (STUD AND G.W.B.).

FLOOR PLAN LEGEND

- = LOCATION OF EXISTING EXTERIOR OR INTERIOR PARTITION WALL SYSTEM TO REMAIN
- X—X—X— = LOCATION OF NEW METAL STUD PARTITION, UNLESS INDICATED OTHERWISE, PARTITION SHALL BE 3-5/8" METAL STUDS @16" O.C. MAX. USE WITH 5/8" G.W.B. FULL HEIGHT EACH SIDE.
- |—|—|—|— = ONE HOUR RATED WALL CONSTRUCTION
- = NEW METAL WALL PANEL AND FRAMING TO MATCH EXIST.
- STORAGE = ROOM IDENTIFICATION
- # = PLAN NOTE IDENTIFICATION
PLAN NOTE NUMBER
- = EXISTING DOOR OPENING TO REMAIN
- = NEW DOOR OPENING

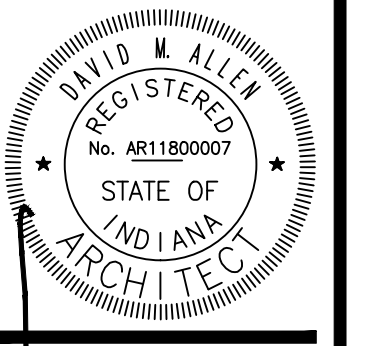


Proposed Floor Plan

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

MICHELL ALLEN RITZ ARCHITECTS
319 BANK STREET
NEW ALBANY, IN 47150
michellalenz@ritz.com

EXISTING FACILITIES
AMERICAN TANK WASH
4870 KEYSTONE BLVD.
JEFFERSONVILLE, INDIANA 47130



CERTIFIED: David W. Allen
DRAWN: JPW
CHECKED: AMK
DATE: DECEMBER 21, 2018

REVISIONS	
A	AUGUST20, 2019
B	
C	
D	
E	

JOB NUMBER
1118-2683
A1.0