



August 30, 2019
By Electronic Mail and U.S. Postal Mail

Christopher Harris
City of Indianapolis
Department of Business and Neighborhood Services
1200 Madison Avenue, Suite 100
Indianapolis, IN 46225

Re: Petition for Administrative Review – Variance No. 19-08-56 – Patel Brothers

Dear Mr. Harris:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your petition for administrative review of Variance No. 19-08-56 – Patel Brothers, dated 8/26/2019. 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 Wednesday, September 4, 2019. Pursuant to Indiana Code § 4-21.5-3-7, the Commission will make a determination as to whether you, as the petitioner, qualify for review of this order.

Sincerely,

A handwritten signature in black ink, appearing to read "D. J. Boyle", is positioned above the typed name of the Director.

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

Enclosure

cc: Justin Guedel, IDHS Deputy General Counsel – representing the respondent (by personal service and electronic mail)
James Elliott, submitter of application for Variance No. 19-08-56 (by electronic mail)
File

From: [DHS Legal Mailbox](#)
To: [Boyle, Douglas J \(DHS\)](#)
Subject: FW: Petition for Review
Date: Tuesday, August 27, 2019 11:04:06 AM

From: noreply@formstack.com [mailto:noreply@formstack.com]
Sent: Monday, August 26, 2019 3:31 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 08/26/19 3:31 PM

Individual Name:	Christopher Harris
Business Name :	City of Indianapolis - Dpeartment of Business & Neighborhood Services
Phone Number:	(317) 327-5548
Email Address:	christopher.harris@indy.gov
Mailing Address:	1200 Madison Ave Ste 100 Indianapolis, IN 46225
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	
Phone Number:	

Email Address:	
Mailing Address:	
Order Number:	190856
Facility Device Boiler ID:	4959 W 38th St
Date Order Received:	Aug 23, 2019
How did you receive the Order? :	Email
Entity Issuing Order:	Indiana Department of Homeland Security
Entity Name:	
Upload Order:	
Was this order specifically directed to you?:	No
Explain:	I am the supervisor of the inspector that issue the code violation.
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	Because of the action taken on this variance, I am conflicted on rather or not this code requirement should be enforced when it is clearly a violation in the Indiana Mechanical Code.
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:	Yes

If you are not requesting review of the entire order, what is the scope of your request?:

I request a stay of effectiveness:

No

What is the basis of your challenge? :

- This project is a remodel of an existing M occupancy into another M occupancy. Patel Brothers Grocery Store.
- A new Type II hood system is installed in this project. According to the plans, the only equipment that was supposed to be installed under this hood is: 2 double decker ovens, and a stainless steel table. (see attachment ending in 22 & 21). These appliances would not warrant a Type I Hood system.
- During the final inspection, we discovered a gas griddle underneath the hood on top of the steel table. See page 4-5 of the attached photographs of the gas griddle.
- According to the 2014 InMC definitions, griddles are considered a Medium Duty Cooking Appliance.
- 2014 InMC 507.2.1 requires Medium Duty Cooking Appliances to be installed under Type I hoods only.

What is your desired outcome? :

- I have two desired outcomes.
1. The project comply with the minimum 2014 Indiana Mechanical Code, and install a Type 1 over the griddle. If they choose not to install a Type I Hood system.
 2. You agree that this is a valid violation, and issue the project a variance instead of no variance required.

Additional information in support of my request:

Additional Attachments:

[View File](#)

Additional Attachments:

[Direct Link to Image](#)

Additional Attachments:



[Direct Link to Image](#)

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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

Rakesh Patel
Indianapolis Grocery, LLC
8110 N. SAINT LOUIS AVENUE

SKOKIE, IL 60076

August 23, 2019

Dear Rakesh Patel,

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
405564	Patel Brothers	19-08-56

Conditions

Edition	Code	Code Section	Action & Date
2014	IMC	IMC 2014 / 507.2	No Variance Required 08/23/2019

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>

VIO19-004765 4959 W 38th St 7/18/19 @ 1:16pm CSR



VIO19-004765 4959 W 38th St 7/18/19 @ 1:16pm CSR




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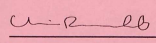





INDIANAPOLIS
OFFICE OF THE CITY CLERK

NOTICE OF VIOLATION

City of Indianapolis Case Number: VIO19-004765
Department of Business & Neighborhood Services
1200 Madison Avenue, Suite 100 Date: 07/18/2019
Indianapolis, IN 46225 Time: 1:16 pm

Inspector Signature:  Inspector Telephone Number: 317-452-6478
Inspector Name: Chris Rusomaroff Inspector Fax Number: (317) 327-2621
Inspector Email: Chris.Rusomaroff@Indy.Gov

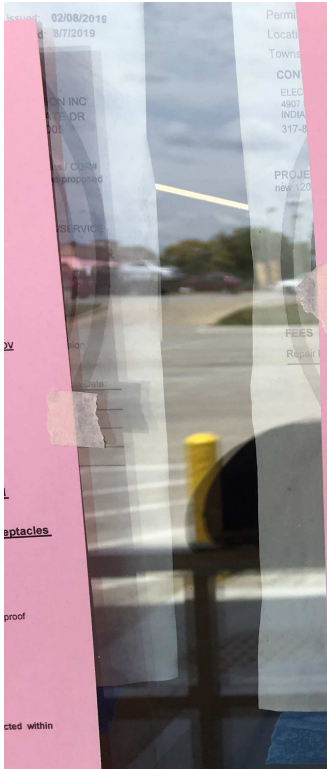
Address of Violation: 4959 W 38TH ST
Person Served: MATTHEW MABIE
Mailed To: 18333 WINGS CORPORATE DR
CHESTERFIELD, MO 63005

An inspection of the above noted property revealed the following violations:

Indianapolis Building Standards and Procedures 2016: 538-801 Minimum standards for structures and building equipment.

Indiana Mechanical Code 2014: 304.11. Guards.
Room:
Floor:
Specific Location: Rooftop unit within 10ft of roof edge
Comments: Guards shall be provided where appliances, equipment, fans or other components that require service and roof hatch openings are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The guard shall extend not less than 30 inches (762 mm) beyond each end of such appliances, equipment, fans, components and roof hatch openings and the top of the guard shall be located not less than 42 inches (1067 mm) above the elevated surface adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

Indiana Mechanical Code 2014: 506.5.3. Exhaust fan mounting.
Room:
Floor:
Specific Location: Exhaust terminal for hood
Comments: inMC 2014: 506.5.3 Exhaust fan mounting. An upblast fan shall be hinged and supplied with a flexible weatherproof electrical cable to permit inspection and cleaning. The ductwork shall extend a minimum of 18 inches (457 mm) above the roof surface.



Indiana Mechanical Code 2014: 507.2.1. Type I hoods.

Room:

Floor:

Specific Location: Hood System- MEDIUM-DUTY COOKING APPLIANCE. Medium-duty cooking appliances include electric discrete element ranges (with or without oven), electric and gas hot-top ranges, electric and gas griddles.

Comments:Type I hoods shall be installed where cooking appliances produce grease or smoke as a result of the cooking process. Type I hoods shall be installed over medium-duty, heavy-duty and extra-heavy duty cooking appliances. Type I hoods shall be installed over light-duty cooking appliances that produce grease or smoke.

Indiana Building Code 2014: 907.5.2.3.1. Public and common areas.

Room:

Floor:

Specific Location: Dishwashing room

Comments:Visible alarm notification appliances shall be provided in public areas and common areas.

Indiana Building Code 2014: 1006.3. Emergency power for illumination.

Room:

Floor:

Specific Location: Vestibule, storage exit, back aisle

Comments:The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas: 4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.

Indiana Building Code 2014: 1014.2. Egress through intervening spaces.

Room:

Floor:

Specific Location: Storage

Comments:Egress through intervening spaces shall comply with this section. 4. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes. Can meet exception if complying with 2.4. There is a demarcated, minimum 44-inch-wide (1118 mm) aisle defined by full- or partial-height fixed walls or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.

NFPA 72 2010: 10.15. Protection of Fire Alarm System.

Room:

Floor:

Specific Location: Elec Panel/ FACP Room, due to over 15ft ceiling height, smoke detector must be mounted 6ft above FACP

Comments:In areas that are not continuously occupied, automatic smoke detection shall be provided at the location of each fire alarm control unit(s), notification appliance circuit power extenders, and supervising station transmitting equipment to provide notification of fire at that location.

Permit No: HTG19-4

Location: 4959 W 38

Township: WAYNE

CONTRACTOR:

CENTRAL INDIANA

HEATING INC

5885 W/MEMORY L

ASUTEC/

GREENFIELD, IN 46

PROJECT DESCRIP

METES & BOUNDS /

/ C4 / WAYNE TWP

City Contact: Kay Rita

Type of Use: Non-Res

Type of Work: Install/E

g of Cooling Units: 2

g of Heating Units: 4

g of Refrigeration Unit

Ductwork: No

Electrical Work: No

If located in a flood zone,

operational? No

Design Release No.: 405

Square Footage: 19870

Fees

Combined Heating and C

Replacement, Addition, Di

To

BA

VIO19-004765
07/18/2019
1:16 pm



CITY OF INDIANAPOLIS
Department of Business & Neighborhoods
SIGN PERM
Building
1200 MADISON AVE ST
INDIANAPOLIS, IN 46204
PHONE: (317) 327-8700

00390
38TH ST

OWNER:
GEORGETOWN PLAZA / LP / S/D/T
REAL ESTATE SERVICES
425 N PENNSYLVANIA ST STE 200
INDIANAPOLIS IN 46204-1642

METES AND BOUNDS: 2' WALL SIGNS / SIGN 1- NORTH
EOD, CLUB CULTURE™ 2'15" OF WALL SIGN / SIGN 2: W
WOOD, CLUB CULTURE™ 128" OF WALL SIGN / SIGN 3

INDUSTRIAL Pardon
Committed? Yes

Sign #2
Sign #3
WALL
5.8
12.55
3.75
34.85
11
128

ILLUMINATED
(EXTERIOR)

REAL ESTATE

INDIANAPOLIS

The City of Indianapolis requests your cooperation in correcting the violation(s). Violation(s) that have not been corrected within 10 days of the date noted above, will result in further enforcement action, which may include but is not limited to:
1) Assessment of an administrative fee in the amount of two hundred fifteen dollars (\$215.00) for each scheduled visit to the property and the violation(s) have not been corrected (Section 536-609) and/or
2) Lawsuit with fines up to \$2,500 for each violation plus court costs (Section 536-709)

To further research the City of Indianapolis-Marion County code section mentioned above, please visit www.municode.com.

Do Not Remove This Notification

VIO19-004765 4959 W 38th St 7/18/19 @ 1:16pm CSR



Equipment Schedule

TAG	EQUIPMENT
A1	HAND SINK - REFER TO MECH.
A2	3 COMPARTMENT S.S. SINK - REFER TO MECH.
A4	FLOUR TORTILLA PRESS AND OVEN
A5	HOT COUNTEROP CASE
A6	3'-0" x 6'-0" S.S. TABLE
A7	SEMI-AUTOMATIC DOUGH DIVIDER / ROUNDER
A8	3'-0" x 3'-0" S.S. TABLE
A9	DOUGH MIXER
A10	DOUBLE DECKER OVEN
A11	MANUAL WEDGE PRESS
A12	HOT FLOOR CASE
A13	PROOFER CABINET
A14	2 COMPARTMENT S.S. SINK - REFER TO MECH.

TOILET ACCESSORIES - LEGEND

QUANTITY	ITEM
BREAK ROOM 106:	
1	SOAP DISPENSER
1	PAPER TOWEL DISPENSER
BAKERY 110:	
1	SOAP DISPENSER
1	PAPER TOWEL DISPENSER

TOILET ACCESSORIES - LEGEND

QUANTITY	ITEM
RESTROOMS 104 & 105:	
2	42" GRAB BAR - HORIZONTAL
2	36" GRAB BAR - HORIZONTAL
2	18" GRAB BAR - VERTICAL
4	SOAP DISPENSER
5	TOILET TISSUE DISPENSER
2	HAND DRYER - DYSON AIRBLADE dB - AB14 (GRAY)
4	4H x 2'W MIRROR
2	BABY CHANGING STATION

FLOOR PLAN GENERAL NOTES:

- A. ALL PLAN DIMENSIONS ARE NOMINAL TO FACE OF WALL. WALL THICKNESSES ARE SHOWN NOMINAL - SEE WALL TYPES FOR ACTUAL THICKNESS.
- B. COORDINATE SIZE AND LOCATION OF ALL DUCT, SHAFT AND LOUVER OPENINGS IN WALLS AND FLOORS WITH MECHANICAL AND ELECTRICAL. PROVIDE ALL REQUIRED LINTELS FOR OPENINGS.
- C. DO NOT SCALE DRAWINGS. USE DIMENSIONS PROVIDED. IF A CONFLICT IS ENCOUNTERED OR A REQUIRED DIMENSION IS NOT PROVIDED, REQUEST A CLARIFICATION FROM THE ARCHITECT.
- D. UNLESS OTHERWISE NOTED, ALL NEW WALLS TO EXTEND TO UNDERSIDE OF DECK - REFER TO WALL TYPES ON DRAWING A0-02 FOR CONSTRUCTION METHOD.
- E. FIRE RATED PARTITIONS ARE INDICATED ON CODE PLANS.
- F. REFER TO DRAWING A0-01 FOR ABBREVIATIONS AND OTHER SYMBOL DEFINITIONS.
- G. FIELD VERIFY ALL EXISTING OPENINGS TO RECEIVE NEW WORK PRIOR TO FABRICATION OF ANY FRAME TYPES - NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- H. ALL EXIST. EXPOSED GYP. BD. WALLS TO BE REPAIRED/PATCHED AND FINISHED TO A PAINTED SURFACE IF NO OTHER FINISH MATERIAL IS NOTED.

FLOOR PLAN KEY NOTES:

- 1 WALK-IN COOLER - BY OWNER'S REFRIGERATION VENDOR. COORDINATE MECH AND ELEC ROUGH-INS WITH OWNER'S VENDOR.
- 2 WALK-IN FREEZER - BY OWNER'S REFRIGERATION VENDOR. COORDINATE MECH AND ELEC ROUGH-INS WITH OWNER'S VENDOR.
- 3 BAKERY EQUIPMENT - BY OWNER'S VENDOR. COORDINATE MECH AND ELEC ROUGH-INS WITH OWNER'S VENDOR.
- 4 REFRIGERATOR / FREEZER - COORDINATE REQUIREMENTS WITH OWNER.

PARTNERS



PARTNERS in Architecture

65 MARKET STREET
MOUNT CLEMENS, MI 48043
P 586.469.9600
F 586.469.9607

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PROFESSIONAL SEAL

