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December 14, 2015

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LEGAL AND CODE  
SERVICES PAW

Pamela M. Walters  
Indiana Department of Homeland Security  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204

**RE: *In re Agudath Israel of Illinois***  
Before The Fire Prevention And Building Safety Commission  
Variance No. 15-09-61

Dear Ms. Walters:

Enclosed please find Agudath Israel of Illinois' Petition For Review Of Fire Prevention And Building Safety Commission's December 1, 2015 Denial Of Agudath Israel Of Illinois' Application For Variance in the above-referenced matter.

Very truly yours,

SCHUCKIT & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'Scott E. Brady', written over a horizontal line.

Scott E. Brady

SEB/tmh

cc: Yitzchok Ehrman (w/enc.)

STATE OF INDIANA )  
 )SS: BEFORE THE FIRE PREVENTION AND  
 ) BUILDING SAFETY COMMISSION  
 )  
IN RE AGUDATH ISRAEL OF ) CAUSE NO.  
ILLINOIS )

**AGUDATH ISRAEL OF ILLINOIS' PETITION FOR REVIEW OF FIRE  
PREVENTION AND BUILDING SAFETY COMMISSION'S DECEMBER 1, 2015  
DENIAL OF AGUDATH ISRAEL OF ILLINOIS' APPLICATION FOR VARIANCE**

Agudath Israel of Illinois ("Agudath Israel"), by counsel, hereby submits its Petition For Review Of Fire Prevention And Building Safety Commission's December 1, 2015 Denial Of Aguath Israel Of Illinois' Application For Variance and states as follows:

1. On or about March 7, 2015, Agudath Israel submitted its application for variance of with the Indiana Department Of Homeland Security. See Variance Application, attached hereto as **Exhibit A** (the "Application").

2. The Fire Prevention And Building Safety Commission (the "Commission") considered the Application, as part of its published agenda, at its regular meeting on December 1, 2015. See Commission Letter, attached hereto as **Exhibit B**.

3. By narrow decision (6 votes to 5), the Commission denied the Application. See id.

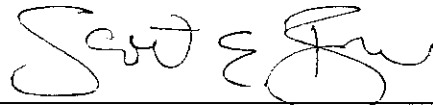
4. Denial of the Application has and will continue to result in undue hardship because of the physical limitations of the construction site, because of the risk of operational problems in the use of the structure and because of the excessive costs of additional or altered construction elements. See Application.

5. Equal alternatives have been offered to ensure that granting of the Application will not be adverse to public health, safety or welfare. See id.

6. Pursuant to Indiana Code 4-21.5-3-7 and the Commission's letter dated December 2, 2015, petition for administrative review of the Commission's action denying the Application must be submitted no later than December 21, 2015.<sup>1</sup>

WHEREFORE Agudath Israel of Illinois, by counsel, respectfully requests review of the Fire Prevention And Building Safety Commission's December 1, 2015 denial of Agudath Israel of Illinois' application for variance and that this matter be set for an initial prehearing conference.

Respectfully submitted,



Date: December 14, 2015

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Robert J. Schuckit, Esq. (IN #15342-49)  
Scott E. Brady, Esq. (IN #30534-49)  
SCHUCKIT & ASSOCIATES, P.C.  
4545 Northwestern Drive  
Zionsville, IN 46077  
Telephone: 317-363-2400  
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E-Mail: [rschuckit@schuckitlaw.com](mailto:rschuckit@schuckitlaw.com)  
[sbrady@schuckitlaw.com](mailto:sbrady@schuckitlaw.com)

*Counsel for Agudath Israel of Illinois*

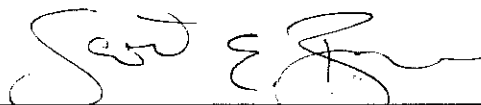
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<sup>1</sup> Pursuant to the Commission's December 2, 2015 letter, a petition for review "must fully identify the matter for which you seek review no later than eighteen (18) calendar days from [December 2, 2015], unless such date is a Saturday, Sunday, 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." See id.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been deposited into the United States mail, first class, properly addressed as follows, this 14th day of December, 2015:

Pamela M. Walters  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204



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Scott E. Brady, Esq. (IN #30534-49)  
SCHUCKIT & ASSOCIATES, P.C.  
4545 Northwestern Drive  
Zionsville, IN 46077  
Telephone: 317-363-2400  
Fax: 317-363-2257  
E-Mail: [sbrady@schuckitlaw.com](mailto:sbrady@schuckitlaw.com)

*Counsel for Rhonda L. Hanson*

# EXHIBIT A

## Variance Application

**Owner / Applicant Information**

Yitzchok Ehrman  
Agudath Israel of Illinois  
3542 W PETERSON AV  
  
CHICAGO IL 60659  
Phone 7732798400  
Email YEHRMAN@AGUDATHISRAEL-IL.ORG

**Designer Information**

Judith Kleine  
Judith Kleine, Architect  
4347 E US Highway 136  
  
Crawfordsville IN  
  
Phone 7653769832  
Email judi@kleinearchitect.com

**Project Information**

Al Campus Bunkhouse  
4215 E landry Ln  
  
Marshall 47859  
County PARKE  
**Project Type** New  Addition  Alteration  Existing  Change of Occupancy   
**Project Status**  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: 2014

2012 building code 420.4

**Conditions:** Automatic sprinkler system not installed in a structure that includes 2000sf of 2 sleeping/bunk rooms and toilet/shower room. Each sleeping room houses 16 kids aged 12-18 and 2 adults-total of 36 people in the building. the structure has 2 exits and one egress window per sleeping room-total of 4 exits and two egress windows, and a smoke and fire alarm system.

**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

1

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 structure has 2 exits and one egress window per sleeping room-total of 4 exits and two egress windows-with a 1 hour fire separation wall between the sleeping rooms, and a smoke and fire alarm system. The egress distance from any point in the buildings is 25' or less. The age of the users and adult supervision with fire alarm notification and lited distance to exits, limits public safety issues due to fire. Additionally, several staff members are part of the local volunteer Fire Department(Marshall VFD) and have received additional training. There are currently 9 camper bunkhouses in the camp that house 653 camper beds, along with additional staff housing and program/community buildings. None of the current facilities have sprinkler systems.

**DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:**

Y

Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.

Y

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:** The remote area of the camp limits the infrastructure available and the number of contractors willing to travel to the site for the small project. After contacting and providing plans to 7 sprinkler system contractors, one response was received in 8 weeks. The estimated coast of the installation of the 13D system fro the building would be over \$9000 per new building. Currently only one of the two buildings in our release is being constructed due to financial issues. The initial sprinkler cost is not currently in the camp budget. The financial concerns also include the perpetual cost of maintaining the system to prevent its failure due to the unconditioned status of the buildings when they are not in the use and the " ornery" kids who would tamper with it causing it to go off unnecessarily/vandalism.

EXHIBIT B  
Commission Letter





**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

Yitzchok Ehrman  
Agudath Israel of Illinois  
3542 W PETERSON AV

December 2, 2015

CHICAGO , IL 60659

Dear Yitzchok Ehrman,

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 December 1, 2015.

Project Number	Project Name	Variance Number
0	AI Campus Bunkhouse	15-09-61

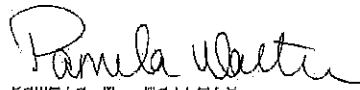
**Commission Conditions**

Edition	Code	Code Section	Commission Action & Date
2014		2012 building code 420.4	Not Approved 12/01/2015

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.

Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Walters". The signature is written in dark ink and is positioned above the printed name.

Pamela M. Walters

Legal & Code Services,  
Department of Homeland Security