



Thursday, May 28, 2020
By Electronic Mail and U.S. Postal Mail

Christina M. Collester
Representative of the Petitioner
RTM Consultants, Inc.
6640 Parkdale Place, Suite J
Indianapolis, IN 46254
collester@rtmconsultants.com

Re: Petition for Administrative Review – Variance No. 20-04-71 – Catholic Charities Terre Haute Food Bank

Dear Ms. Collester:

The Fire Prevention and Building Safety Commission (Commission) is in receipt of your electronically-filed petition for administrative review of Variance No. 20-04-71 – Catholic Charities Terre Haute Food Bank, submitted on behalf of the Petitioner on Tuesday, May 19, 2020. Pursuant to the requirements of Indiana Code § 4-21.5-3-7, your petition for administrative review 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 the Indiana Department of Homeland Security's deputy general counsel assigned to this 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
dboyle@dhs.in.gov
(317) 650-7720

Enclosure

cc: Justin K. Guedel, IDHS Deputy General Counsel – representing the Respondent (by personal service and electronic mail)

Chelsea E. Smith, Administrative Law Judge (by personal service and electronic mail)

From: noreply@formstack.com
To: [DHS Legal Mailbox](#)
Subject: Petition for Review
Date: Tuesday, May 19, 2020 2:32:52 PM
Attachments: [68379161_variance_commission_report_20_04_71.pdf](#)
[68380022_RE Update- Notice of Proposed Conditions for Variance No. # 20189.pdf](#)

**** 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 05/19/20 2:31 PM

Individual Name:	Christina Collester
Business Name: :	RTM Consultants, Inc.
Phone Number:	(317) 329-7700
Email Address:	collester@rtmconsultants.com
Mailing Address:	6640 Parkdale Place Suite J Indianapolis, IN 46122
Are you represented by an attorney?:	No
Attorney Name:	
Firm:	
Phone Number:	
Email Address:	
Mailing Address:	

Order Number:	1
Facility Device Boiler ID:	Catholic Charities Terre Haute Food Bank
Date Order Received:	May 12, 2020
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?:	Yes
Explain:	RTM Consultants Inc is representing Catholic Charities Terre Haute Food Bank. Responses below are on behalf of the owner
Have you been aggrieved or adversely affected by the order?:	Yes
Explain:	The variance was approved with a time limit and not agreed to by the owner. This will adversely affect the continued operation of the food bank.
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? :	<p>The variance was submitted with an alternative method of compliance should the economic conditions created by the Covid-19 Emergency Stay at Home Order and food insecurity still exist requiring the additional storage after the one year period stated in the variance application.</p> <p>Regardless of the emergency status at the time of application, the variance request would still stand on its own merits. The current issue at hand is the immediate need to expand the storage, the difficulty in doing modification to the existing building under these conditions and the allocation of funds better spent to address the immediate needs of the community.</p>
What is your desired outcome? :	Reverse the order of the agency and approve the variance without condition or at least be provided an opportunity to present our case as to the merits and hardships presented in the application.
Additional information in support of my request:	Please refer to the attached e-mail with the information as to why the owner did not want accept the condition to have the variance expire.
Additional Attachments:	View File
Additional Attachments:	

**Additional
Attachments:**

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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

Eric Atkins
Archdiocese of Indianapolis
1400 N. MERIDIAN STREET

May 12, 2020

INDIANAPOLIS, IN 46202

Dear Eric Atkins,

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
0	Catholic Charities Terre Haute Food Bank	20-04-71

Conditions

The Department of Homeland Security Approves this variance with the following condition(s): This variance shall be effective until May 1, 2021 (5/1/2021). Code Specific Section: 2014 IFC Table 3206.2

Edition	Code	Code Section	Action & Date
	Other Code (Not in the list provided)	2014 IFC Table 3206.2	Approved with Commission condition(s) 05/05/2020

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

ONLINE

By completing the form at
<https://www.in.gov/dhs/appeals.htm>

302 W.Washington Street, Rm. E208
Indianapolis, IN 46204

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>

From: Christina Collester
Sent: Thursday, May 07, 2020 9:17 AM
To: IDHS Variances
Cc: EATKINS@ARCHINDY.ORG;
paul.mason@vigocounty.in.gov;
Chief@terrehaute.in.gov; Fitzpatrick, Denise; Boyle,
Douglas J (DHS); Burgess, Craig; Hyten, Kim R; Ballenger,
Marcus; 'rensink@rtmconsultants.com'
Subject: RE: Update-: Notice of Proposed Conditions for Variance
No. # 20189

To whom it may concern at the Indiana Department of Homeland Security: With regards to the proposed conditions for approval of the variance 20189, we cannot accept the temporary nature of the variance and time limit as stated. We are asking to allow the emergency variance to be in place one year however if this condition last more than one year we will make building improvements to continue storing above 12 feet, but this requires the variance to be approved as written. In our conditions we stated the following:

"If the condition for high pile storage exists for more than one year from the date of approval of this variance interconnected hardwired smoke detectors with sounder bases will be provided in the high-piled storage area and outside the freezer/cooler unit."

We anticipate if the need continues to exist one year from now the improvements will be made to continue the storage levels indefinitely with the addition of the fire detection system. Given the small size of the building, existing conditions and detection system required for the 2,577 square feet when actual open area of 2,500 would be permitted (The freezer cooler storage area is an additional 1,800 square feet and although not separated by a one hour wall is isolated by the cooler freezer wall constructed UL tested Foam Core sandwiched between two steel sheets.) provides an equivalent level of safety.

Regardless of the current emergency status the variance request would still stand on its own merits. The current issue at hand is the immediate need to expand the storage, the difficulty in doing modification to the existing building under these conditions and the allocation of funds better spent to address the immediate needs of the community.

At the beginning of this year unemployment was at 3%. It is currently estimated that at the end of this public health crisis the unemployment rate will be between 15 and 20%. As the emergency unemployment benefits begin to expire there will be a lot of workers competing for limited jobs. The hardest hit sectors will be in the lower wage jobs; food and beverage services, clothing and retail and support and accommodation services. Travel, entertainment, sports and convention businesses may suffer a depression until confidence levels rise enough to restart those industries. Additionally, since the original writing of this variance there have been significant disruptions to the food chain increasing food insecurity and limiting available supplies. It is more important than ever that the facility be able to accept as many available supplies and not be limited on storage for future need. From an economic standpoint and food insecurity standpoint, we are looking at least a year if not years of additional need, one year is not an acceptable condition.

Please contact me with any questions.

Christina M. Collester, P.E., MSFPE

Principal



RTM Consultants, Inc.

6640 Parkdale Place, Ste J

Indianapolis, IN 46254

Office: (317) 329-7700 ext. 106

Mobile: (317) 727-8423

From: IDHS Variances <Variances@dhs.IN.gov>

Sent: Wednesday, April 29, 2020 3:02 PM

To: IDHS Variances <Variances@dhs.IN.gov>; Christina Collester <collester@rtmconsultants.com>

Cc: EATKINS@ARCHINDY.ORG; paul.mason@vigocounty.in.gov; Chief@terrehaute.in.gov; Fitzpatrick, Denise <dfitzpatrick@dhs.IN.gov>; Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; Burgess, Craig <CBurgess@dhs.IN.gov>; Hyten, Kim R <KHyten@dhs.IN.gov>; Ballenger, Marcus <MBallenger@dhs.IN.gov>

Subject: RE: Update-: Notice of Proposed Conditions for Variance No. # 20189

Ms. Collester,

The Department has reviewed your application for a variance and intends to approve Variance No.20189 – with additional condition(s). Please see the attached notice for additional information regarding this proposed action and options available to you if you disagree with the proposed condition(s). Please advise at your earliest convenience if you are amenable and consent to the proposed condition(s).

From: IDHS Variances

Sent: Thursday, April 23, 2020 11:13 AM

To: collester@rtmconsultants.com

Cc: EATKINS@ARCHINDY.ORG; paul.mason@vigocounty.in.gov; Chief@terrehaute.in.gov; Fitzpatrick, Denise <dfitzpatrick@dhs.IN.gov>; Boyle, Douglas J (DHS) <DoBoyle@dhs.IN.gov>; Burgess, Craig <CBurgess@dhs.IN.gov>; Hyten, Kim R <KHyten@dhs.IN.gov>; Ballenger, Marcus <MBallenger@dhs.IN.gov>

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IDHS Variances Section

Indiana Department of Homeland Security
Indiana Government Center South – Second Floor
302 W. Washington Street
Indianapolis, IN 46204
Tel: (317) 232-1402
Email: variances@dhs.in.gov
Web: <http://www.in.gov/dhs/4290.htm>

