

COMMISSION MEETING MINUTES

Indiana Fire Prevention and  
Building Safety Commission  
Government Center South  
302 W. Washington Street  
Indianapolis, Indiana 46204  
Conference Center Room B

September 4, 2014

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:03 a.m. on September 4, 2014.

(a) Commissioners present at the Commission meeting:

Ron Brown  
Gregory Furnish  
John Hawkins, Chairman  
Todd Hite, representing the Commissioner, Department of Health  
James Hoch  
James Jordan  
Matt Mitchell  
Patrick Richard  
Jessica Scheurich  
Craig Von Deylen

Commissioners not present at the Commission meeting:

Kevin Goeden, representing the Commissioner, Department of Labor

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services  
Mara Snyder, Director, Legal and Code Services  
Cécilia Ernstes-Boxell, Code Specialist  
Denise Fitzpatrick, Code Specialist  
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, was present.

Chairman Hawkins welcomed the three new commission members, Jessica Scheurich, Gregory Furnish, and James Jordan. He announced that the meeting would be the first time the electronic applications were presented, and introduced Raj Pulikal as the creator of the program. The new General Counsel for IDHS, Jonathan Whitham, was also introduced.

## 2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the August 5, 2014, meeting. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

## 3. Ordinances

Building Code Ordinance No. 19-C-14  
Huntington, Indiana

Ordinance No. 2014-14  
Rushville, Indiana

Mara Snyder, Director, Legal and Code Services, introduced the proposed ordinances and recommended approval. Commissioner Brown moved to approve both ordinances, with the second by Commissioner Hoch. It was voted upon and carried.

## 4. Authorization for new administrative law judge

Commissioner Mitchell moved to authorize Justin Forkner to serve as administrative law judge for the Fire Prevention and Building Safety Commission, including, without limitation, the authority to:

1. Assume all pending administrative cases before the Commission;
2. Act as administrative law judge for all new cases to come before the Commission;
3. Hear and rule upon petitions for stays of enforcement; and
4. Hear and decide appeals to emergency Orders issued with respect to one or more violations of Indiana fire safety laws and / or Indiana building laws.

Commissioner Von Deylen made the second. It was voted upon and carried. Mr. Forkner will be the October meeting.

## 5. Third Party Renewal

Hilborn, Werner, Carter and Associates, Inc.  
1627 S. Myrtle Avenue  
Clearwater, Florida 33756

Kevin Troy, Fire and Building Code Enforcement, presented the application for renewal, recommending approval. Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

#### 6. Discussion of variance filing fee submission deadline

Following a brief discussion, Commissioner Von Deylen moved that the payment for the fee for each variance application submitted in paper form shall be submitted simultaneously with the submission of the application, and that no application shall be further processed for staff review or inclusion on a Commission agenda until such payment is submitted. Commissioner Mitchell made the second. It was voted upon and carried, with an effective date of September 4, 2014.

#### 7. Variances

##### Tabled Variances

Variance 14-05-14, Fifth Third Bank Security Entrance Vestibule – US 31, Indianapolis, and variance 14-05-15 Fifth Third Bank Security Entrance Vestibule – Washington Street, Indianapolis, was represented by Matt Morgan, Barnes and Thornburg, Mark Haas, Fifth Third Bank Safety and Security, and Curt Galloway, Stegal Construction. The secured entry system has been installed in 88 “at risk” branches of Fifth Third Bank in 12 states, and there have been no armed robberies in these branches for the last eight years. The doors coming into the bank lobby are the doors which are controlled when the detector is activated. Exit doors from the lobby are not locked down, and are always available for use. The banks now have a fire alarm system which will cause the doors to fail open when activated, with a manual reset required. The accessible entrance has a compliant turning radius. Following discussion, Commissioner Hoch moved to approve both 14-05-14 and 14-05-15 with the conditions that magnetic locks release upon: (i) activation of a building-wide fire alarm system; or (ii) loss of electrical power to the building; or (iii) a one-touch command by the attendant at the console; or (iv) exterior key switch on the unit; or (v) doors C or D held open for 15 second or a person remaining in the exit chamber for 30 second. Doors mark C-3 and D-4 on the handout shall be unlocked at all times. Commissioner Richard made the second. It was voted upon and carried.

14-06-19 Midwest Torah Center, South Bend, had requested to be tabled again. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

14-07-40 Leffler's Tire Apartment, Peru

No proponent was present for questions, and the variance was still incomplete. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

14-08-2 Stair Supplies, Goshen

Len Morris, owner, spoke as proponent. The request was to omit the code-required sprinkler system in the spray booth. Commissioner Brown asked the proponent if he was aware that a fire in the spray booth would more than likely overwhelm his sprinkler system, and result in the loss of the building. Mr. Morris explained that the spray booth is a small part of the business, used for only a handful of hours per week, and that they have been working with the local fire marshal to improve their building's safety. Fire doors have been installed in the spray booth, and the lacquer-based paints are kept in small quantities, and stored in fireproof cabinets. Following discussion, Commissioner Brown moved to table so the proponent could determine whether heat detectors could be added to the existing security system, and to provide a copy of the proposed sprinkler costs. Commissioner Von Deylen made the second. It was voted upon and carried.

14-08-7 Muncie Central High School, Muncie

Robin Peckenpaugh and Larry Alexander, Muncie Community Schools, spoke as proponents. The request was to allow the use of a delayed egress system to help prevent students in the special needs classrooms from exiting while unaccompanied. The request was for a 15 second delay, with an over-ride button. The door would be operational from the hallway. Following discussion, it was determined the code cite needed was for a delayed egress in an E occupancy, 1080.1.8.6. Commissioner Mitchell moved to approve, with the second being made by Commissioner Hite. It was voted upon and carried.

14-08-21 Meadow View Health and Rehabilitation, Salem

Richard Postema, architect, spoke as proponent. The request was to be allowed to close one exit for two days while exit ramps were being repaired. All other repairs had been completed without the need to close the door. Following discussion, Commissioner Hite moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

14-08-24 Glenhaven Management Company Incorporated, Michigan City

Michael Berg, BCR Elevators, spoke as proponent. An effort was being made to repair an existing hydraulic lift, out of service for four years. The controller was missing parts, and none were available for purchase or duplication, as they were obsolete. This keyed, employee – use-only lift is the only accessible route for the building. Manual doors, compliant under the code of

record, were to be installed. The request was to allow the lift to exceed the allowed travel distance. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

14-08-27(b) (c) Bulldog Grill, Mentone

No proponent was available for questions. Commissioner Von Deylen moved to table, with the second by Commissioner Richard. It was voted upon and carried.

14-08-39(a)(b)(c)(d) Moonburn on Morton, Bloomington

The proponent had requested the applications be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

14-09-44 Still Waters Camp, Lexington

No proponent was present for questions. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

14-08-48 The Foundry at 304, Bloomington

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The request was to allow the clothes dryer ducts to exceed the 25 foot code limitation. Following discussion, Mr. Bradshaw requested the application be tabled to allow time to research possible corrections. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

14-08-55 519 Main Street Building Renovation, Lafayette

Greg Milakis, owner, spoke as proponent. The existing building consists of three floors and a basement, none of which is sprinklered. As part of the renovation, the second and third floors will have two apartments per floor. These floors, plus the basement, will be sprinklered. The first floor will not be sprinklered until the space has been leased and sprinklers can be placed appropriately, thereby avoiding having to install heads twice for proper coverage. The upper floors and basement sprinklers will be operational upon occupancy of the building, with smoke detectors installed on the first floor. All will be tied to a fire alarm panel. Ron Ritchey, Lafayette Fire Department, stated he was not opposed to the variance. Following discussion, Commissioner Brown moved to approve with the condition that the first floor be sprinklered within one year, and the originally signed application be submitted to staff within ten days, together with the Chapter 34 evaluation. Commissioner Von Deylen made the second. It was voted upon and carried.

## Temporary Variances

14-08-66(a)(b) 9 on Canal, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Also present were Jeff Dean and Derek Holman, City of Indianapolis. The proponent provided copies of the violation, photos, and code information. The transition ducts were already behind drywall, and the units occupied. Following discussion of the violation and pictures, the proponent requested a thirty day extension of the variance approval to research possible corrections or alternatives. Commissioner Von Deylen moved to extend variance (a) approval for thirty days, with the second by Commissioner Brown. It was voted upon and carried. Variance (b) was to allow pipes in conduit to be located in the same space as the electrical panel and less than the recommended space of 6 feet or above. The gyp board ceiling above the panel board is attached to the underside of the wood floor trusses and is therefore part of the floor structure. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 10:03 a.m. It was called back to order at 10:13 a.m.

## New Variances

Chairman Hawkins noted that variance 14-09-01, Country Meadow Amish School, South Whitley, was incomplete. Commissioner Von Deylen moved to table, with the second by Commissioner Richard. It was voted upon and carried.

Chairman Hawkins then asked for any requests to review variance with "A" or "B" recommendations from staff or abstentions. Variance 14-09-13 Two Concourse at Cross Point, Fishers, and variance 14-09-15(c) St. Joseph Brewery, Indianapolis, and were called out. Chairman Hawkins stated he would abstain from voting on 14-09-35(a)(b) Miller Asbury Apartments, Greencastle. Commissioner Mitchell stated that he would abstain from voting on 14-09-28(a)(b) Ivy Tech Noblesville Building, Noblesville. Commissioner Von Deylen then made a motion to approve the remaining "A" and "B" variances. The second was made by Commissioner Richard. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 14-09-03 DeKalb County Fair Association Free Fall Fair Merchant Tent, Auburn
- (2) 14-09-04 New Pierceton Elementary School, Pierceton
- (3) 14-09-05 Ricker's Westfield Bridgewater, Westfield
- (4) 14-09-8(a)(b) Aster Place Assisted Living, Lafayette

- (5) 14-09-09(a)(b) Indiana University Franklin Hall Renovation, Bloomington
- (6) 14-09-15(b) St. Joseph Brewery, Indianapolis
- (7) 14-09-16(a)(b) Bloomfield Schools Athletic Facilities, Bloomfield
- (8) 14-09-19 Nora Plaza Alterations Tenant Space, Indianapolis
- (9) 14-09-21 Community Hospital South Heart Cath Lab Addition, Indianapolis
- (10) 14-09-24(e)(f)(g)(h) Fishers Switch, Fishers
- (11) 14-09-26 Indy Drum Fire Rebuild, Indianapolis
- (12) 14-09-30(b) 2131 Sanitary Diner – Angie’s List, Indianapolis
- (13) 14-09-33 Save-a-Lot Food Stores, Indianapolis
- (14) 14-09-34(a)(b) Matlock Ford Addition to Main Building, Franklin
- (15) 14-09-35(a)(b) Miller Asbury Apartments, Greencastle
- (16) 14-09-43(b)(c) Patterson Pointe, Bloomington

The following variances were heard separately:

- (17) 14-09-44 Storage Depot, Indianapolis

The request was to omit the code-required fire apparatus access road within 150 feet of every facility, building, or portion of a building. The owner will provide striping on the drive lane designated as fire lane. The site will not allow an access road behind the building, which backs up to the property line. Following discussion, Commissioner Von Deylen moved to approve with the condition that the properly signed application be submitted to staff within five days. Commissioner Brown made the second. It was voted upon and carried.

- (18) 14-09-02 Sheraton Indianapolis Hotel & Suites, Indianapolis

Rick Wilhite, ThyssenKrupp Elevator Americas, spoke as proponent. Current code requires that escalators continuously run. The request was to allow the use of new technology which allows the escalators to go into energy-saving sleep mode, and start when someone is detected in the radar of the escalator’s entry area. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (19) 14-09-06 6000 Madison Avenue Apartments, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to be allowed to comply with the Fair Housing Act and the amendment to Section 1107.6.2 of the 2014 Indiana Building Code by providing all Type B units on the ground floor of the stand-alone building as an alternative to the current code. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(20) 14-09-07 Penn Street Tower First Floor Office Tenant, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing fifteen-story office building was to be converted to apartments. The first floor was to contain some retail space or a restaurant. The request was to allow the office unit on the first floor, following the installation of sprinklers, to be occupied before the upper floors are sprinklered. The office area will be separated with a 1-hour fire barrier and a 2-hour floor assembly from the remainder of the building. Following discussion, Commissioner Von Deylen moved to approve, with the condition that the variance be valid for a period of twelve months. Commissioner Hoch made the second. It was voted upon and carried.

(21) 14-09-08(c) Aster Place Assisted Living, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the health care facility to have locking devices on exterior doors from a memory care wing. The sprinklered facility will meet all life safety requirements, will be licensed by the Indiana State Department of Health for residential care, and will be designed as an I-2 occupancy with 20 minute, unlocked smoke barrier doors. Following discussion, Commissioner Hite moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(22) 14-09-10 Goshen Motors Inc., Goshen

No proponent was available. The variance application had been given a NVR rating during staff review. The spray booth had been installed prior to July 1, 1986 and was thereby governed by the "Sunset Rule". Commissioner Mitchell moved no variance was required, with the second by Commissioner Von Deylen. It was voted upon and carried.

(23) 14-09-11 French Bistro & Café Renovation, Indianapolis

Jason Burk, architect, spoke as proponent. The owner of the café is unable to comply with current code regarding the exhaust outlets for Type-1 hoods due to existing construction, existing exhausts from other nearby businesses, and ownership of only the first floor of the two-story building. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

(24) 14-09-12 Campus Edge II Apartments, New Albany

Aaron Norden, VFP Fire Systems, and Jason Yoder, project manager, spoke as proponents. The request was to omit the sprinkler systems under the balconies of the

three-story, tiered apartment building. There are 22 of the 4' by 9' wood plank balconies, which are open on three sides. Storage of combustible materials is not allowed on or under the balconies. Following discussion, Commissioner Von Deylen moved to approve with the condition that the apartment owner change the leases to include no use or storage of grills, and no storage of combustible materials on the balconies. Commissioner Mitchell made the second. It was voted upon and carried.

- (25) 14-09-13 Two Concourse at Crosspoint, Fishers

Ed Rensink, RTM Consultants, spoke. He asked that the application be heard later on the agenda so that Christina Collester could present it. Commissioner Von Deylen moved to table, with the second by Commissioner Brown. It was voted upon and carried.

- (26) 14-09-14 Premier Box and Pallet LLC, Kokomo

Clarence Bontrager, President, and Kevin Bontrager, owner, spoke as proponents. The request was to omit the fire barrier needed to separate the woodworking area from the remainder of the building. The fire barrier would make moving the lumber and finished pallets with a fork lift extremely difficult. They stated that the facility is furnished with fire extinguishers, and dust control hoods are provided for each machine. Following discussion, Commissioner Mitchell moved to approve with the condition that an NFPA 664 dust containment system be installed for each woodworking machine. Commissioner Von Deylen made the second. It was voted upon and carried, with one nay.

- (27) 14-09-15(a)(c) St. Joseph Brewery, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request in (a) was to allow the two new stairs from the basement to the first floor to remain unenclosed in the building which had been constructed in 1879. The enclosure would not be required in the proposed 2014 Indiana Building Code. Variance (c) was to allow the building to omit the sprinkler system and still pass the Chapter 34 scoring. The current GAR language concerning the requirement for sprinklers in spaces exceeding 5,000 square feet in which alcohol is served, which does not make allowances for buildings which pass Chapter 34 without sprinklers, will not be included in the 2014 Indiana Building Code, effective December 1, 2014. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with one nay.

- (28) 14-09-17 (a)(b)(c)(d)(e)(f)(g) The Embassy Theatre & Indiana Hotel Renovations, Ft. Wayne

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The theatre and hotel were built at the same time and had been considered one building. The hotel had been

designated an historic building in 1972, and now the occupancy on the third floor and roof was being changed. A small addition to the east side of the theater was also being constructed for an intermissions bar area. Variance (a) was to allow an existing elevator shaft to not comply with the current stretcher requirements in lieu of building a new elevator shaft in the existing building. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (b) was a request to not comply with Sections 1005 and 1019 of the 2008 Indiana Building Code to permit the use of Section 3410. The existing 1929 stair connects the third through the seventh floors, but does not continue to the first floor and discharge directly outside. It discharges at the second floor to an open stair, which then goes to the first floor lobby and outside. Historic restrictions prevent the construction of an enclosed stair. A 2009 stair is enclosed until it reaches the third floor. It then discharges into an exit passageway leading to a pedestrian walkway and stair, then discharging at street level. There are exit signs posted to direct occupants. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (c) was to allow a change of occupancy for only a portion of the building, Section 3410.2 having been deleted by the Indiana amendments. The hotel portion, protected by an NFPA 13 system, will be separated by a two-hour fire barrier with close space sprinklers protecting non-rated door and window assemblies. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (d) was to allow non-rated corridors in the buildings which are not fully sprinklered, not permitted by code. The hotel will be protected by an NFPA 13 system, with the theatre separated by a two-hour fire barrier and close space sprinklers protecting the non-rated doors. Existing double doors discharging into the exterior egress court of the theatre were required by the Ft. Wayne Fire Marshal to remain as exits. Exit signage and egress lighting have been provided. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (e) was withdrawn by the proponent. Variance (f) was to allow the existing 1928 staircase to not comply with code. The stairs will not meet width, treadrun and handrail requirements, but will still be used with the 2009 stair to serve the open-air rooftop assembly space. Modification of the stair would not be allowed by the National Register of Historic Places. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (g) was a request to allow an additional stair leading up to the rooftop area which does not comply with code to serve as an exit. The existing 1928 stair cannot be modified due to the historic designation. The 2009 stair is enclosed from floor three to floor seven, and discharges into an exit passageway from the third floor to a pedestrian walkway and stair. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(29) 14-09-29 Indiana Hotel Renovations, Ft. Wayne

Dennis Bradshaw, FP&C Consultants, spoke as proponent. Chapter 34 evaluations are to be done on non-separated mixed use occupancies per code. The request is to allow the

evaluation for this project to be done with separate scores for each occupancy. Each occupancy passes the evaluation when done separately, but the Indiana Hotel fails the evaluation when scores are combined per code. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(30) 14-09-18 Addison Landing Apartments, Indianapolis

Chris Kohlen, Ackerman Group, spoke as proponent. The request was to allow the use of an analog uncompressed phone line, which will pass modem dialers up to 9600 band rate, and a cellular backup system. The secondary system, Honeywell IPGSM-4G Fire Alarm communicator, is listed as a primary fire alarm communicator in UL864, 9<sup>th</sup> edition. The only POTS provider in the area is AT&T, and they have refused to install their infrastructure on the property. Also addressing the members of the Commission were Mark Fasel, Fishers Building Commissioner, and Don Gregory, Fishers Fire Department. They expressed concern about the use of non-compliant systems. Following discussion, Commissioner Von Deylen moved to approve, with the condition that the equipment and system shall pass the fire department testing following installation. Commissioner Hoch made the second. It was voted upon and carried.

(31) 14-09-20 Storage Express, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. Ed Murphy, Storage Express, also spoke. The request was to omit the fire hydrant, required to be within 400 feet of each portion of the facility. He had gotten bids for \$85,000 for running water lines under Washington Street to the facility. Randy Gulley, Wayne Township Fire Department, also advised the Commission that their department did not have tankers to carry water to the fire, and that a fire in a storage facility can be quick-spreading. The buildings are all steel with camera monitoring of the area. Following discussion of several alternatives, the proponent asked that the application be tabled to allow time to review possible alternatives. Commissioner Mitchell moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

(32) 14-09-22 Uptown Artist Lofts at the Warren Building, Michigan City

Ed Rensink, RTM Consultants, spoke as proponent. An existing 7-story commercial/industrial building was to be converted to residential, assembly, retail and business occupancies. The request was to allow the use of an existing 20" thick, multiwythe masonry wall in lieu of a fire wall. The adjacent property has a masonry exterior wall immediately adjoining the party wall. The building will be sprinklered throughout with an NFPA 13 system. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 11:52 a.m. for lunch. It was called back to order at 1:01 p.m.

(33) 14-09-23(a)(b) Southwestern Middle School, Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow the use of two-hour fire barriers in lieu of firewalls between the three small additions and the existing building. A new fire alarm system will be extended into the additions. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (b) was to allow an exit travel distance from two rooms to exceed the code-permitted 200 feet. Smoke detectors will be installed in the school corridors, in addition to the new fire alarm system. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(34) 14-09-24(a)(b)(c)(d) Fishers Switch, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. In variance (a), the request was to allow the use of an NFPA 13R system in this podium Type I-A building with Type V-A residential apartments in the podium structure and on the four floors above. Following discussion of sprinklers in the floor trusses, Commissioner Mitchell moved that a 13 system was to be used for all R occupancies except for the concealed spaces within the floor truss system, with the second by Commissioner Hoch. It was voted upon and carried. Variance (b) was to allow an "R" occupancy in the podium portion of an I-A building. There will be a 3-hour fire barrier separating the parking garage, and two-hour fire barriers to subdivide the Type V-A building into compliant areas. Sprinklers will be spaced 6 feet on center on each side of the proposed 2-hour fire barrier. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Variance (c) was withdrawn. Variance (d) was a request to omit the standby emergency power generator to the elevator, and provide areas of refuge by stairway landing areas. Mark Fasel, Building Commissioner, and Don Gregory, Fishers Fire Department, spoke against the variance. Following discussion, the proponent requested the application be tabled. Commissioner Mitchell moved to table, with the second by Commissioner Hite. It was voted upon and carried.

(35) 14-09-25 Valparaiso University Sorority Housing, Valparaiso

This application was incomplete and ineligible to be heard. Commissioner Mitchell moved to table, with the second by Commissioner Richard. It was voted upon and carried.

(36) 14-09-27(a)(b) Marilyn Soloman Loft, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. An existing antique store, with retail sales use on both the first and second floors, will be changing the second floor to an apartment for the owner. The first floor will not change occupancy, and the second floor was to be protected with a 13D sprinkler system. Smoke detection will be provided for both floors, and will be tied together. The request in (a) was for points needed to pass a Chapter 34 analysis. Variance (b) was a request to allow the use of the NFPA 13D sprinkler system in lieu of the 13R system, required by Chapter 34 for passage. Following discussion, Commissioner Hoch moved to approve, with the condition that the apartment be only owner-occupied, and only by the current owner. Commissioner Von Deylen made the second. It was voted upon and carried.

(37) 14-09-28 Ivy Tech Noblesville Building, Noblesville

Melissa Tupper, RTM Consultants, spoke as proponent. Ivy Tech was moving into the Noblesville Middle School building. For the Chapter 34 review, the architect did a survey to determine if these area separation walls. The request in variance (a) was to allow the existing two-hour area separation walls to serve as compliant fire walls in lieu of the code-compliant structurally independent fire walls. The facility will be changing from an E occupancy to an A-3 and B occupancy. It will be provided with corridor smoke detection. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Mitchell abstained. Variance (b) was a request for points to pass the Chapter 34 analysis of the fully sprinklered building with smoke detection in the hallways. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Mitchell abstained.

(38) 14-09-30(a) 2131 North 2127 N. Meridian, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The request was to allow the installation of blocking for future grab bar installation in the showers, and to omit the immediate installation of grab bars. The new Building Code would allow this. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(39) 14-09-31 Sanitary Diner – Angie’s List, Indianapolis

No proponent was present. Mara Snyder explained that the vestibule, a refurbished part of the 1937 unit which is being added to the diner, was required by the City of Indianapolis to meet accessibility and Com Check requirements. The diner had been granted a variance (10-12-36) from accessibility requirements, and staff concluded that

the vestibule should be exempt as well. The vestibule is neither heated nor cooled, and not required to be evaluated by Com Check under Section 2.3(b) of the 2010 Indiana Energy Conservation Code. Kari Ballenger and Jeff Dean, City of Indianapolis, explained their positions on the required compliance. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(40) 14-09-32 Soul's Harbor Assembly of God, Auburn

Tim Callas, J&T Consulting, spoke as proponent. The church will have a connector between the existing facility and an administration addition, designed in the manner of a pedestrian walkway. Each end will have a 1½ hour rated door, the width of the connector. The request was to allow the doors to exceed the allowable 25% of the length of the wall. The openings at each end of the connector are protected per Section 3104.5. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(41) 14-09-36 YMCA of DeKalb County Addition Renovation, Auburn

Ed Rensink, RTM Consultants, spoke as proponent. The facility will consist of three structures, one existing, one almost complete, and one proposed storage addition. The request was to allow reduced side yard clearances for an unlimited area building. The existing building is undergoing an addition/renovation, and will be sprinklered throughout. It will be of noncombustible construction, and will be 42 feet from the property line. Dave Putnam, local building official, spoke and had no objections to the variance. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(42) 14-09-37 Orion Safety Products 2014 Warehouse Facility, Peru

Tim Callas, J&T Consulting, spoke as proponent. The new S-1 and H-3 facility was to be protected by an ESFR sprinkler system with K25.2 heads and fire pump. A standpipe will be installed for the Mexico Fire Department and the New Waverly Fire Department. The request was to omit the 250 gallon outside hose stream allowance for the ESFR system. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(43) 14-09-38 Mac Corp Warehouse, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit the plumbing fixtures in the storage facility. This is a storage-only building, and not regularly occupied, though it is heated. Adjacent buildings have restroom facilities available.

Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(44) 14-09-39 Indiana University Wells Library, Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow a 300 square foot section of the first floor lobby to not be sprinklered due to ceiling configuration. The system will be an Ordinary Hazard 1 system, though only Light Hazard is required. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(45) 14-09-40 Roche Learning and Development Center, Indianapolis

Keric Fitzgerald, Roche Safety Officer, spoke as proponent. The request was to allow the use of non-rated, combustible material as substrate, in the form of gypsum board covered by sheet metal, in the exterior of skylight assemblies. Doug Bruce and Jeff Dean, City of Indianapolis, also addressed the Commission. They explained their interpretation of the code cited on the violation. Following discussion, Commissioner Von Deylen moved to approve the variance, with the second by Commissioner Hoch. It was voted upon and carried.

(46) 14-09-41(a)(b) 138 E. Spring Street, New Albany

Greg Edwards, TEG Architects, spoke as proponent. In variance (a), the two upstairs exits do not comply with diagonal distance separation requirements. The proponent described an agreement recently reached with the adjacent property owner for an easement to the public way through their property. The route to the public way will be clearly defined. Following discussion, Commissioner Von Deylen moved to approve, with the condition that the proponent was to provide a copy of the recorded easement agreement to staff within 60 days. Commissioner Brown made the second. It was voted upon and carried. Variance (b) was a request for 21 points needed to pass a Chapter 34 evaluation for a change of occupancy, due to the historic grand stairway. The proponent stated a fully automatic fire alarm system with smoke detectors would be installed. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 2:28 p.m. It was called back to order at 2:40 p.m.

- (47) 14-09-42 The Depot at Nickel Plate, Fishers

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Ten units in the apartment complex are two-level units, with winder treads on the interior stairway. The Building Code allows winder treads on stairs within a dwelling unit that are not egress stairs. The request was to allow the use of these stairs. Also addressing the Commission was Mark Fasel, Building Commissioner, and Don Gregory, Fishers Fire Department. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (48) 14-09-43(a) Patterson Pointe, Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The Building Code requires exterior egress balconies to be separated from the interior of the building by walls and protected openings as required for corridors. The request was to allow one exit from the balcony to serve two units. The building is protected by a 13R sprinkler system. The proponent noted that it should protect anyone walking past openings in the wall. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (49) 14-09-45 Alteration to the Historic Central State Dorm, Indianapolis

Jason Burk, Halstead Architects, spoke as proponent. The request was to allow the re-use of existing wrought iron fencing around the pool to keep the historic integrity of the grounds. The fencing is five feet tall, which is not compliant with the current Swimming Pool Spa and Water Attractions Code, which requires six feet high fencing. The pool is not for public use. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Seheunich. It was voted upon and carried, with one nay vote.

- (50) 14-09-13 Two Concourse at Cross Point, Fishers

Christina Collester, RTM Consultants, spoke as proponent. NFPA 72 requires a fire alarm system employing a DACT to have a back-up system monitoring. The request is to omit the back-up monitoring system. The proponent stated the IP monitoring system channel is required to check connections once an hour, while the current system checks connections every thirty seconds. They would comply with NFPA 72, 2013 edition. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(51) 14-10-11(a)(b) Nucor Truck Scale House, Crawfordsville

Tim Callas, J&T Consulting, spoke as proponent. The facility was building two small scale houses in an area of gravel roadways. The request in (a) was to not provide accessible routes for these units. The request in (b) was to not provide assessable restrooms. Following discussion, Commissioner Brown moved to approve both (a) and (b), with the second by Commissioner Hoch. It was voted upon and carried.

8. Reconsideration of variance 14-08-48(d) The Foundry at 304, Bloomington

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The request was for a modification of the original conditional approval of the variance, with a ladder and 4' x 4' hatch for each stair enclosure. The proponent requested that it be modified to require one 4' x 4' hatch with ladder at the north end stair enclosure, and a ladder on the roof for the south end of the roof. Jim Gerstbauer, Monroe County Building Commissioner, addressed the Commission. His concern was that the reconsideration was leaving the local building official out of the notification system, and their input was not included. Following discussion, Commissioner Hoch moved to amend the condition reading that a ladder and hatch would be required in the north stair, and an exterior ladder only on the south end of the roof. Commissioner Von Deylen made the second. It was voted upon and carried.

9. Reconsideration of variance 14-08-60(a)(b) Revery Restaurant, Greenwood

Melissa Tupper, RTM Consultants, spoke as proponent. During work on the restaurant, it was discovered that there was a cellar beneath the exit stair that was not disclosed on the variance application, and it was decided to return to the Commission to present it. The proponent had been working with Rodney Johnson, Greenwood Fire Department, and an agreement was reached. The stairway was to have a 1-hour enclosure, drywalling the ceiling and filling voids with fire-stopping material. A 1-hour wall on the north side of the cellar was to be extended to make a 1-hour area, with drywall on the ceiling and filling voids, and heat detection was to be provided. "No Storage" signage was to be posted in the cellar, and only plumbing equipment was to be allowed. Brick wall openings were to be sealed, and the fire alarm was to be monitored. Following discussion, Commissioner Von Deylen moved to affirm with the additional conditional features listed in the fire department letter. Commissioner Hoch made the second. It was voted upon and carried.

10. Interpretation of Section R311.4.3.2

Mara Snyder, Director, Legal and Code Services, asked the Commission members for their views on whether a landing or step was required for a distance of less than 8¼" from the threshold to grade and, if so, the ground could serve as the landing. Following a lengthy discussion of definitions of stairs, landings and surfaces, the consensus was that: (1) A landing is

not required less than 8¼" from the threshold, and (2) A landing can be ground if the surface is level.

11. Discussion and Commission action on Petitions for Review (timely filed unless otherwise noted)

8560 Broadway Merrillville Sprinklers  
Variance 14-06-18

Stewart Furniture Building, Dunkirk  
Order – Fire and Building Code Enforcement  
York Elementary School  
Order – Fire and Building Code Enforcement

Commissioner Mitchell moved to grant the timely-filed petitions for review, with the second by Commissioner Hite. It was voted upon and carried.

12. Discussion and Commission action on administrative law judge decisions

Bone & Joint Specialists PC  
Administrative Cause No. 14-04  
Order – Fire and Building Code Enforcement  
Non-Final Order of Dismissal

Commissioner Mitchell moved to affirm, with the second by Commissioner Hite. It was voted upon and carried.

13. Comments – Chairman Hawkins

Chairman Hawkins stated he had nothing further to add to his previous comments.

14. Comments – Mara Snyder

Mara Snyder, Director, Legal and Code Services, extended her welcome to the three new Commissioners, and said she would see them again on September 19<sup>th</sup> for their new commissioner training session.

Commissioner Brown extended his sincere thanks to Chairman Hawkins for heading up the electronic variance application project.

15. Chairman Hawkins then called for any further business. Hearing none, he then adjourned the meeting at 3:50 p.m.

APPROVED \_\_\_\_\_  
John Hawkins, Chairman

DRAFT