

**COMMISSION MEETING MINUTES**

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

May 2, 2012

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hannum at 9:02 a.m. on May 2, 2012.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner  
Ron Brown  
Michael Christoffersen  
Tom Cloud  
Michael Corey  
Kevin Goeden, representing the Commissioner, Department of Labor  
David Hannum, Chairman  
John Hawkins  
Todd Hite, representing the Commissioner, Department of Health  
Matt Mitchell  
Ted Ogle, Vice-Chairman

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

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services  
Shelly Wakefield, Manager, Code Technical Development  
Cecilia Ernstes-Boxell, Code Specialist  
Denise Fitzpatrick, Code Specialist  
John Haines, Code Specialist, present until 11:00 a.m.  
John Hibner, Code Specialist  
Beth Sutor, Secretary

- (c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

## 2. Discussion and possible adoption of outdoor stage equipment rules.

Chairman Hannum opened the floor for discussion or questions by the Commissioners. Commissioner Brenner asked if the flying PA towers, as mentioned in SECTION 1, were defined in the section or defined in code. Mara Snyder, Director, Legal and Code Services, explained that it could go in the permanent rule, but that the small number of people using them know what they are, so it can also go in the temporary rule. Commissioner Brown asked if a tower, having been erected according to the rules under SECTION 2, stood for forty days, could it be taken down and reassembled for another twenty days. Ms. Snyder said no, it would be considered a permanent structure and would require an application for a construction design release. He then asked if under SECTION 4 and its requirement that a setback equal to the height of the tower plus eight feet be provided if no plans are filed, are employees and performers denied access to the area. Ms. Snyder explained that they would not be denied access. The rules were concerned about public safety, response, and planning. The lack of decision procedures were called out in the study of the State Fair stage collapse, and this needed to be gone into much more deeply. She explained under SB273, an interim study committee was formed to decide the issue of permanent rules. Commissioner Hawkins noted that from a structural standpoint, it was not asking for anything special. SECTION 12 was thought of as a key component, and it needed to be looked at for the permanent rule to close a loophole. Commissioner Goeden noted that their concern was more for performers and employees on the ground, and his department wanted to work with the Commission and the committee. Commissioner Corey moved to approve the emergency rules for outdoor stage equipment as handed out by staff that morning, with the second by Commissioner Ogle. It was voted upon and carried. Chairman Hannum noted that the rule would become effective May 3, 2012, and would be posted on-line immediately.

**Breaking and reconvening.** Chairman Hannum recessed the Commission at 9:12 a.m. to allow the media an opportunity to remove their equipment. It was called back to order at 9:15 am.

## 3. Old Business.

A call for any corrections or a motion to approve the minutes of the April 3, 2012 meeting as distributed was made. Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

## 4. Third Party Inspections

Pyramid1, Inc.  
19260 Co. Rd. 46  
P.O. Box 463  
New Paris, IN 46553

Marc Reynolds, Fire and Building Code Enforcement, presented the application for Pyramid1, Inc., noting they were in good standing and recommending approval. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

## 5. Amendment to Ordinance No. 2012-011712

Building Ordinance No. 2012-011712  
Posey County, Indiana

Mara Snyder, Director, Legal and Code Services explained that there had been an incorrect fee amount discovered after the ordinance had been originally adopted. This amendment was to correct the amount of the fee. Commissioner Christoffersen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

## 6. Variances.

### Tabled Variances.

Variance 12-2-16(b)(c) ALH Building Systems, Markle, had been withdrawn by the proponent. The proponent for variance 12-2-35 Mucky Duck Pub, Indianapolis, was to be arriving late. It was requested that the application be moved down the agenda to be heard later. Variance 12-03-31(a)(b) Bourbon Street Pizza, North Webster, was represented by Tim Harmon, owner. He had provided the requested plans, showing how the second exit would be provided without going through the kitchen. Following discussion, Commissioner Hawkins moved that no variance was required for (b), with the second by Commissioner Corey. It was voted upon and carried. Variance (a) was to omit sprinklers. The building was a fabricated steel, masonry and concrete building constructed seven years ago. There is no public water currently, and the well is shared by all the tenants. There are no fryers, and the ovens are self-contained, steel ovens. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Cloud. It was voted upon and carried with one nay vote. Variance 12-03-46 The Awakening Community Church, Huntington, was represented by Joe Bishop, Bishop Engineering. An existing warehouse with two-story apartment had been purchased and was being converted for use as a church. The building stood a half mile from the nearest public water mains, and the proponent had requested to omit sprinklers. The proponent presented revised drawings which showed more square footage on the first floor and the conversion of the second floor into a locked storage area. A deck was removed, and two exits were added to the first floor. The mezzanine was to be used by AV staff and for some storage. Commissioner Christoffersen requested a second exit door from the storage area to the mezzanine, advising that unused space rarely remained unused. Following a discussion concerning the calculated occupant load of the sanctuary and gathering spaces, the un-separated kitchen, and a suggested alternative sprinkler system, Commissioner Ogle moved to table to allow the proponent to provide more detailed drawings of the fire areas. Commissioner Brenner made the second. It was voted upon and carried. Variance 12-04-16(b) Trader's Point Creamery Red Barn, Zionsville, was represented by Ralph Gerdes, Ralph Gerdes Consultants. The portable, electric griddles used on Saturdays had been discussed at the previous meeting. Mr. Gerdes felt the code was more for permanent, fixed equipment, not household griddles, and that he felt it did not need a hood. He had met with the local fire department to discuss the issue, and they had reached an agreement to put a piece of noncombustible material under the griddle. Sam Bruner, Pike Fire Department, was not in attendance to make any comments. Commissioner Brenner moved to approve with the condition that the griddles must be placed on hard, noncombustible surfaces. No more than three griddles were to be allowed, and wattage was to be no greater than 110. Commissioner Christoffersen made the second. It was voted upon and carried with one nay vote. Variance 12-04-21(a)(c) was represented by Mark Ford, Ford and Associate Architects. Commissioner Hawkins stated his concern was the impact of a smoke removal system on an ESFR system. The proponent described the computer models they had run to test different fire scenarios in the building, the timing of exiting from the fourth level, and their ability to maintain a tenable space. The building housed pick modules which are field-erected storage bins and sort racks for storage of merchandise. These will have two-hour rated stair enclosures for each module stairwell. They will have 120 employees in the pick module area over three shifts. The workers are assigned to specific areas and are familiar with their surroundings and exit locations. Each mezzanine will have a 400 foot travel distance to the enclosed stairwell. Les Ingles, the Harrington Group, described the smoke removal system which was to be mechanically operated and not controlled by fusible links which have been shown to be deterrent to ESFR systems. It will draw its air from louvered openings. Based on model studies, it will activate the first sprinkler head at 125 seconds after the fire starts, and activate water flow, triggering the smoke removal system, 90 seconds after the water flow begins. They believe they would have sufficient water on the fire to keep the fire at its "steady phase". Following a lengthy discussion, Commissioner Ogle moved that no variance was required for (c), but not because of the smoke removal system. Commissioner Hawkins made the second. It was voted upon and carried. Variance (a) was to allow the mezzanines to be over-area. The mezzanines are constructed of steel with MDF board to make it flush. They are protected with 160 gallons-per-minute sprinkler heads. Regular fire drills, with local fire departments in attendance, are held. There is security on site at all times, and little in the way of flammable/combustible liquids are housed in the building. The mezzanines are sprinklered to exceed the protection required by code, to meet the intent of limiting the area. They have extra heads with a looped and redundant water supply. Commissioner Brown moved to approve (a) with the condition that the mezzanines are protected at a higher level than required by code, and that a redundant water supply was provided. Commissioner Hawkins made the second. It was voted upon and carried with one nay vote.

**Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:32 a.m. It was called back to order at 10:53 am.

Chairman Hannum announced that the Emergency Rule had been posted on the website.

Todd Johnson, owner of the Mucky Duck Pub, Indianapolis, variance # 12-2-35, was now present. Also in attendance was Doug Klink, owner of the building. The request had been to omit sprinklers in the pub. He had complied with requests of the fire inspectors, installing a fire barrier to create fire areas. The plans provided did not give dimensions, and the Commission was not able to clearly define the occupant load. Commissioner Ogle moved to table to allow the proponent to provide a more detailed plan with dimensions for the existing and additional meeting room space. Commissioner Hawkins made the second. It was voted upon and carried.

#### Regular Variances.

Chairman Hannum asked for any abstentions or variances to be called out of the block vote. Commissioner Christoffersen noted he would abstain from voting on 12-05-37 Yellow Retirement of Dupont Road, Ft. Wayne, and 12-05-50, Warsaw Retirement, Warsaw. Commissioner Cloud noted he would abstain from voting on 12-05-32(a)(b) Hendricks Pointe Apartments, Shelbyville. Commissioner Mitchell noted he would abstain from voting on 12-05-18 Boys and Girls Clubs of Noblesville Kitchen Renovation, Noblesville. Commissioner Brown called out 12-05-29 (a)(b) YoMama's Frozen Yogurt, Columbus. Commissioner Corey moved to approve all other variances with an "A" or "B" recommendation by staff, with the second by Commissioner Mitchell. It was voted upon and carried. It was called to the Commission's attention that 12-05-20, May Residence Windows, Bloomington, was incomplete and not eligible for the block vote. Commissioner Corey moved to rescind the approval, with the second by Commissioner Cloud. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 12-05-2 2358 S. Henderson Street Windows, Bloomington
- (2) 12-05-3 586 E. Graham Place Windows, Bloomington
- (3) 12-05-5 1105 S. Fairview Windows, Bloomington
- (4) 12-05-6 2680 McCartney Lane Windows, Bloomington
- (5) 12-05-9 559 E. Graham Place Windows, Bloomington
- (6) 12-05-13(a)(b)(c) OOM Schoolhouse Construction, Argos
- (7) 12-05-16 Park One Water Company Maintenance Storage Shop and Office, Yorktown
- (8) 12-05-18 Boys and Girls Club of Noblesville Kitchen Renovation, Noblesville
- (9) 12-05-24 Taylor University Sports Complex, Upland
- (10) 12-05-25(b) Gaden Khachoe Shing Monastery, Bloomington
- (11) 12-05-28 325 E. St. Joseph Street, Indianapolis
- (12) 12-05-32(a)(b) Hendricks Pointe Apartments, Shelbyville
- (13) 12-05-35 Fishers Fire Station #96, Fishers
- (14) 12-05-36(c)(d) Indiana State University Erickson Hall Renovation, Terre Haute
- (15) 12-05-38 513 Graham Place Windows, Bloomington
- (16) 12-05-44 Ball State University AT Building-Construction Management Renovation, Muncie
- (17) 12-05-45 Wal-Mart Store #1639, Rochester

The following variances were heard separately:

- (18) 12-05-4(a)(b)(c)(d)(e) Romweber Flats LLC, Batesville

Ben Wehner, Otis Elevator, spoke as proponent. A Gen2 elevator was to be installed in the existing building. Variance (a) was to allow the use of noncompliant coated steel belts, and when asked if training was to be provided for state inspectors concerning the belts, he stated it was. Variance (b) was to allow the noncompliant size of the governor rope which the proponent stated complies with the 2010 ASME A17.1. Training was to be provided for state inspectors on this item as well. Commissioner Corey moved to approve (a) and (b) with the condition that training be provided. Commissioner Ogle made the second. It was voted upon and carried. Variance (c) was to allow alternative technology for the speed reducing switch. When asked if the speed reducing switch was on the governor and needed to be manually reset, David Lawrence, Otis Elevators, stated it did not. There was a switch on the test and inspection panel which needed to be manually reset, however the governor did not need to be visually inspected to reset. Variance (d) was to allow the use of a 36" reduced car

apron instead of the 48" toe guard required by code, stating they believed it met the intent of the code. Variance (e) was to allow the use of ACLA buffers instead of code-compliant springs. Commissioner Corey did not object to its use. Commissioner Ogle moved to approve (e), with the second by Commissioner Christoffersen. It was voted upon and carried. Commissioner Corey moved to deny (c) and (d), with the second by Commissioner Christoffersen. It was voted upon and carried.

(19) 12-05-1 Tunnel Hill Christian Church, Georgetown

Pete Carr, Accessible Living LLC, spoke as proponent. Also present was Ed Young, Tunnel Hill Christian Church member of the board. The request was to allow a vertical lift to not comply with the 18 inches clearance requirement. The lift is not on a required stairway, and was to provide accessibility for the elderly members of the existing facility. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(20) 12-05-7 Baxter Elementary School Renovation, Richmond

Dennis Bradshaw, F P&C Consultants, spoke as proponent. The school was being renovated for use as an alternative school for students from the Richmond Children's Home, to prepare them to mainstream into the Richmond school system. The students are considered a flight risk, thereby putting themselves in danger, and the request was to allow the use of 15 second delayed egress locks on the doors. The school will have smoke or heat detectors throughout the building, and the locks will fail open at alarm or loss of power. Following discussion, Commissioner Ogle moved to approve, with the second by Commissioner Brenner. It was voted upon and carried with one nay vote.

(21) 12-05-8 North Park Community Church Renovation, Ft. Wayne

Dennis Bradshaw, FP&C Consultants, spoke as proponent. An addition to the existing building caused a calculated occupant load of 700 persons, with an actual membership of 350. The request was to omit sprinklers. They have double the exit width required, and travel distances are less than 95 feet. The renovation did not include the existing building, and had been submitted to Plan Review with incorrect information. Following discussion, Commissioner Ogle moved to table to allow a written estimate on a sprinkler system and for the architect to attend. Commissioner Hawkins made the second. It was voted upon and carried.

(22) 12-05-10 Hanover College Student Activity Center, Hanover

Scott Klein, Hanover College, and Thomas Gates, architect, spoke as proponents. A mezzanine was to be installed in a non-sprinklered building. The request was to be allowed to sprinkle the project area only, installing piping sized to provide sprinklers for the entire building in the future. A 2-hour fire separation between the project and the rest of the building will be installed, and a new stairway will create a fourth exit. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hannum recessed the Commission for lunch at 12:02 p.m. It was called back to order at 1:06 pm.

(23) 12-05-11 Novae – Vacant Office Sprinklers, Columbia City

Steve Bermes, West Ellsworth Development, spoke as proponent, with Jay Wehrle, manager of the facility, assisting. The attic sprinkler system, in need of being fully replaced, had been disabled above vacant offices due to rust and leaks. The sprinklers in the office space itself were operational and complied with code. This portion of the building was being considered for demolition in the future, and the request was to allow the sprinklers to be removed without replacement. Following discussion, Commissioner Corey moved to approve with the condition that the variance was valid only so long as the offices remained vacant. Commissioner Christoffersen made the second. It was voted upon and carried.

(24) 12-05-12 The Well, United Brethren in Christ Church Renovation, Huntington

Joe Humbert, architect, spoke as proponent. A building with an M occupancy was to be purchased and converted to a church facility, changing it to an A-3 occupancy. At the suggestion of the local building officials with the condition that a monitored fire alarm system was to be installed, a variance was submitted to omit sprinklering the building. The building was on a well, with the nearest city water 800 feet away. The building was a pre-engineered steel building, currently serving as a lumber yard. A Chapter 34 review had been done, and their scores did not pass. Following discussion, Commissioner Christoffersen moved to table with the request to bring the Chapter 34 score sheet. Commissioner Cloud made the second. It was voted upon and carried.

(25) 12-05-14 Boone County 4-H, Lebanon

Doug Dickerson, 4-H Buildings and Grounds Committee, spoke as proponent. In order to raise funds for the organization, the 4-H would like to store motorized vehicles in the building from November 1 to April 15 of each year. The building would be used for its intended purpose the balance of the year. The local fire department did not object if they agreed to a list of conditions provided in the April 2<sup>nd</sup> letter. Commissioner Hawkins moved to approve with the conditions listed in the April 2, 2012 Lebanon Fire Department letter. Commissioner Christoffersen made the second. It was voted upon and carried, with two nay votes.

(26) 12-05-15 Modern Drop Forge Addition, Merrillville

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The request was to allow an accessory use of an administrative area, larger than the 10% area allowed by code by 0.5%, without the required separation. The original building had been a sprinklered F-1, and the unsprinklered addition was an F-2/S-2. The new office area was to be protected by sprinklers. To sprinkler the addition would require the heads to be located over 40' above the floor due to a crane used in the production of goods. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

(27) 12-05-17 The Cole – Commons South Parking Garage, Columbus

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. By error, non-compliant corrugated polyethylene pipe had been used under the building to drain downspouts from the roof drains outside the building, routing it to a water quality structure. The request was to allow these materials to remain. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (28) 12-05-19 Penn Circle Apartments, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A three-story walk-up apartment building had been cited by the local fire department for lack of enclosure for the exit stair. Bruce Knott, Carmel Fire Department, stated that he felt the stairways were not compliant. The apartments are sprinklered per NFPA 13R, and the doors are 60 minute rated doors, thereby, per the proponent, creating an exit enclosure. State Building Law Compliance Officer Dean Illingworth had found them to be compliant. Following discussion, Commissioner Christoffersen moved that no variance was required. Commissioner Brenner made the second. It was voted upon and carried with one nay vote.

- (29) 12-05-20 May Residence Windows, Bloomington  
12-05-21 DOT Foods, Cambridge City  
12-05-22 Hendricks County Sports Complex Softball Pavilion, Indianapolis

Proponents had each requested their application be tabled. Commissioner Ogle moved each be tabled, with the second by Commissioner Brenner. It was voted upon and carried.

- (30) 12-05-23 Indoor Tennis Facility, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The Evansville Community Tennis Association had been offered a donation of land within a city park for their building, but after objections, the offer had been withdrawn. The need to purchase land decreased the funds available for sprinklers. The area of viewing mezzanine and the enclosed offices and locker rooms below will be sprinklered, and sprinkler density will be ordinary hazard in these areas. Exit doors will be every 50 linear feet along the unprotected tennis court area, and exit stairs will be double the minimum width for occupant load. There will be no flea markets, dinners, etc. allowed in the unprotected areas. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (31) 12-05-25 Gaden Khachoe Shing Monastery, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The new facility will be divided into four different buildings with two-hour fire walls. The first and second floors exit directly to the exterior due to the grade of the site. The request was to not sprinkler the entire building. The building is Type V-A construction, and the R-1 occupancy areas will have a 13D sprinkler systems. There will be fire alarms in the three buildings with R occupancy, and travel distance from the guest suites will be 65 feet to exits discharging directly to the exterior. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (32) 12-05-26 COAL Pizza, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The request was to omit the Type-1 hood over the self-contained pizza oven as called for in an order written by Derrick Holman, City of Indianapolis. Following discussion, Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Ogle. It was voted upon and carried with one nay.

- (33) 12-05-27 Terre Haute Wastewater New Liquid Sludge Storage Tank Buildings 1 & 2, Terre Haute

Ed Rensink, RTM Consultants, spoke as proponent. Two chemical storage rooms in the upgraded buildings would house noncombustible chemicals used in water treatment, and stored within tanks. The request was to omit sprinklers. The rooms have the required two-hour separation from the rest of the building. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

- (34) 12-05-29(a)(b) YoMama's Frozen Yogurt, Columbus

Tim Callas, J&T Consulting, spoke as proponent. The business was to occupy a portion of an existing retail center which would require it to be sprinklered due to the change of occupancy. The request was to allow the use of a 2-hour fire barrier to separate the A-2 occupancy from the rest of the facility in lieu of sprinklers or fire walls. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried with one nay.

- (35) 12-05-30(a)(b)(c) Contract G-1 Water Treatment Plant Improvements, Brookville

Christina Collester, RTM Consultants, spoke as proponent. The water treatment plant wanted to increase production. This would mean an increase in the amount of chemicals required to be stored in the unsprinklered building. A new HVAC system was to be installed to evacuate any chlorine gases created. Variance (a) was to omit the sprinklers. Variance (b) was to allow a non-compliant path of travel. The current distance was 57'5", and the installation of a new exit door would make the path of travel 31'9". This would still exceed code. Variance (c) was to allow a non-compliant travel distance. Following discussion, Commissioner Cloud moved to approve all three variances, with the second by Commissioner Hawkins. It was voted upon and carried.

- (36) 12-05-31 Union Street Flats at Grand Junction, Westfield

Ed Rensink, RTM Consultants, spoke as proponent. The request was to be allowed to use Chapter 4 of the 2009 Edition of the International Energy Conservation Code to design the nineteen building apartment complex. The use of the International Code would result in costs savings to the developer without sacrificing energy efficiency. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (37) 12-05-33 Harrison Square Retail Residential Development, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. A variance for the same issues had been granted for the building previously, but construction had not started due to funding developments. A new Mechanical Code had been adopted in the meantime, and required a re-filing of the variance application. Following discussion, Commissioner Ogle moved to approve, with the second by Commissioner Cloud. It was voted upon and carried.

- (38) 12-05-34 Lawrenceburg Event Center and Hotel, Lawrenceburg

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the one-hour rating of the suspended structure supporting the second floor balcony in the event center. This area will have an ordinary hazard sprinkler design in lieu of the required minimum light hazard in the fully sprinklered facility. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Cloud. It was voted upon and carried with one nay.

- (39) 12-05-36(a)(b) Indiana State University Erickson Hall Renovation, Terre Haute

Ed Rensink, RTM Consultants, spoke as proponent. An existing building was being converted to residential use on floors two through six, with administrative offices on the first floor and in the basement. An entry way and canopy was being added. The request was to omit fireproofing the steel structure of the new canopy. The building was being sprinkled, and would include the entry vestibule space under the new canopy structure. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was to allow the use of 1-hour fire barriers at the basement and first floor levels in lieu of the required fire walls to separate the project area from the rest of the complex. Sprinklers would be added, and the adjacent building was already sprinklered. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried with one nay.

- (40) 12-05-37 Yellow Retirement of Dupont Road, Ft. Wayne  
12-05-50 Warsaw Retirement, Warsaw

Michael Christoffersen, Architectural Designs, spoke as proponent. The request was to allow the use of a 13D sprinkler system in the 33 unit, 2 building apartment complex. Each unit was to be separated with a 1-hour fire separation wall and have two exits directly to the exterior. Commissioner Brown moved to approve both variances, with the second by Commissioner Ogle. It was voted upon and carried.

- (41) 12-05-39 Half Price Books, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The retail center, when constructed under the 1993 Indiana Building Code, had separation walls which did not meet structural independency requirements for an M occupancy and made it over area for Type VB construction. The request was to omit the required 2-hour fire wall and install a 2-hour fire barrier. Following discussion, Commissioner Ogle moved that no variance was required, with the second by Commissioner Corey. It was voted upon and carried.

- (42) 12-05-40(a)(b)(c) Auction Gallery, Jacksonburg

Boyd Norfleet, owner, spoke as proponent. An existing facility was being converted to an auction house. The front half of the building would be for personal storage, and the "gym" area would be the auction gallery. Variance (a) was to allow the use of a single unisex restroom facility. An existing urinal was to be removed to allow room for the ADA compliant commode. Variance (b) was a request to omit the sprinkler system. The building was in an area with no public water, and the well would not support a sprinkler system. Following discussion, Commissioner Hawkins moved to approve both (a) and (b), with the second by Commissioner Corey. It was voted upon and carried. Variance (c) was withdrawn by the proponent.

- (43) 12-05-41 Clean Energy LNG Fueling Station, Lake Station  
12-05-42 Clean Energy LNG Fueling Station, Fremont  
12-05-43 Clean Energy LNG Fueling Station, Indianapolis

Patrick Fiedler, Fiedler Group, spoke as proponent. Above ground tanks for Liquid Natural Gas (LNG) was to be installed in truck stops to fuel vehicles. They would be placed in the same area as other fueling operations in the truck stops. The Fire Code doesn't regulate LNG dispensing as a gas. However, the proponent would separate the above ground tanks and fueling dispensers with a 4-hour rated masonry wall. Following discussion, Commissioner Christoffersen moved no variance was required, with the second by Commissioner Ogle. It was voted upon and carried.

- (45) 12-05-46 Jackson Estate Conference & Event Center, Rochester

Wesley Welsh, architect, spoke as proponent. Bonnie Robison, Plan Review, stated that they had been working with them and the sprinkler system was the only issue left. They were on a well which would not support a sprinkler system. They would put in an extra exit, and additional fire extinguishers would be provided. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (46) 12-05-47 Blueberry Hill Retreat Bed and Breakfast, Paoli

Tim Callas, J&T Consulting, spoke as proponent. The 3-story, single family home was being converted to a bed and breakfast, and a Chapter 34 evaluation had been done, finding three areas with negative scores. The building was to be provided with an NFPA 13D system, a fire alarm system including horns and strobes, and a smoke detection system. The sleeping rooms were to have operable windows. The owner would like to keep the grand stair, though they would do a laminated glass draft curtain for the stairway on all three floors. Following discussion, Commissioner Brenner moved to approve with the condition that a draft curtain be installed at the top of the stairs for the basement, first and second floors, and that at least one bedroom window in each bedroom on the third floor shall comply with emergency escape and rescue window requirements. Commissioner Hawkins made the second. It was voted upon and carried.

- (47) 12-05-48 Asylum Haunted House and Scream Park, Greenwood

Patrick Greathouse and Nathaniel Ridge, owners, spoke as proponents. The request was to be allowed to use the trailers from the previous location at the new location for the upcoming season. They have recently moved to a new location and have not yet been able to build permanent structures which would comply with the regulations for haunted houses. The trailers have been inspected and passed by the State Fire Marshal and local fire department each year of use. Commissioner Ogle moved to approve for one year with fire department access roads being provided, with the second by Commissioner Corey. It was voted upon and carried.

- (48) 12-05-49 Southwark Metal Addition, Lawrence

Tim Callas, J&T Consulting, spoke as proponent. An existing facility was to have an addition of 44,000 square feet, but will not have the required 60 feet of frontage required for unlimited area on the west side of the building. The addition will be sprinklered per NFPA 13, and the west wall will have close spaced sprinklers on the interior of the wall. The nearest building is 147 feet away from the property line and 180 feet from the addition. The addition was to be used to store metal ducts on pallets and steel racks, presenting a low fuel load. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

(49) 12-06-51 Bryan Park Preschool Hallway Size, Bloomington

Sierra and Daniel Roussos, proponents, were in the process of buying the existing building for a daycare. Approval of the variance was a condition of the purchase, and the owner's signature on the application would be provided if the variance was granted. The request was to allow corridor width which did not comply with code. Each classroom would have an exit directly to the exterior, and the hallway, on a concrete slab, was to be brought up to a 2-hour rating. They were to add a manual fire alarm system with pull stations, horns and strobes. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(50) 12-06-52(a)(b) Kunkle Square Apartments, Evansville

Melissa Tupper, RTM Consultants, spoke as proponent. The building, listed on the historic register, was being converted to an A2 occupancy on the first floor and basement and R2 occupancy on floors two through eleven. The request in (a) was to permit a Chapter 34 score of 1.5 for vertical openings in lieu of the -18 scored for the stairway. The back exterior stair from the 11<sup>th</sup> to the 3<sup>rd</sup> floor was to be enclosed with 1-hour construction. The internal stair from the 3<sup>rd</sup> floor was to be connected to the exterior stair with a 1-hour passageway. They were to create an exit passageway on the first floor and provide a sprinkler curtain for the freight elevator. The stairs from the basement to the 3<sup>rd</sup> floor were to be separated with 1-hour construction, and 1-hour fire barriers would be placed between units. An inspector discovered the building being occupied before the CDR had been issued or corrections made to the building. The landlord had stated he would put his tenants up in a hotel while the construction was being done. Following discussion, Commissioner Ogle moved to approve with the condition that the apartments not be occupied until the work was completed. Commissioner Hawkins made the second. It was voted upon and carried. Variance (b) was a request to allow a single stairway to the 12<sup>th</sup> floor. The floor was sprinkled, but they had no plans to use it for anything. Noting the temptation to use that space since it was there already, Commissioner Hawkins moved to deny, with the second by Commissioner Christoffersen. It was voted upon and carried.

(51) 12-06-53 Circle Centre Mall Robotics League Competition, Indianapolis

Jennifer Jones, Circle Centre Mall, spoke as proponent. The request was to allow the temporary change of occupancy for a portion of the Nordstrom building. They would like to hold a national Robotics Team competition on the first floor. It was to be a 2-day event under the direction of the National Tooling and Machine Association, who were sponsoring the event. Approximately 350 people were expected to attend. Circle Centre Mall would provide 24 hour security, and a fire watch had already been scheduled with the Indianapolis Fire Department. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

**7. New Business – General.**

Discussion and possible Commission action

L&M Visions  
Administrative Cause No. 11-46  
Order – Fire and Building Code Enforcement  
Nonfinal Order of Dismissal

South Emerson Medical Center  
Administrative Cause No. 09-21  
Order – Local Fire Department  
Nonfinal Order of Dismissal

Southeastern Church of Christ  
Administrative Cause No. 09-41  
Order – City of Indianapolis  
Nonfinal Order of Dismissal

Jefferson Elementary School  
Administrative Cause No. 10-18  
Appeal of IDHS Order  
Nonfinal Order of Dismissal

Gentry Park Senior Living  
Administrative Cause No. 09-49  
Condition of CDR  
Nonfinal Order of Dismissal

Valparaiso University  
Administrative Cause No. 12-06  
Order – Elevator Safety Division  
Nonfinal Order of Dismissal

Ridge View Elementary School  
Administrative Cause No. 12-06  
Order – Fire and Building Code Enforcement  
Nonfinal Order of Dismissal

Commissioner Christoffersen moved to affirm the Nonfinal Orders of Dismissal. Commissioner Cloud made the second. It was voted upon and carried, with Commissioner Hawkins abstaining.

Discussion and Possible Commission action on petitions for review (Timely filed unless otherwise noted.)

Penn Circle Apartments  
Order – Carmel Fire Department

The appeal was withdrawn by the proponent.

**8. Variance 11-10-30 Main Gate Restaurant and Sports Bar, Evansville – Discussion of non-compliance with Commission conditions**

The owners were to have sprinklers installed by May 1, 2012, as a condition of approval. They had not been installed, and the facility had been using the second floor against Commission direction. Mara Snyder, Director, Legal and Code Services, asked how the Commissioners wished to proceed. Commissioner Mitchell moved to revoke the variance, with the second by Commissioner Christoffersen. It was voted upon and carried.

**9. Discussion of applicability of Section 503.1 of the Fire Code to existing buildings undergoing a change of occupancy**

Mara Snyder, Director, Legal and Code Services asked the Commission their views on the question “If the building code doesn’t require a building to be sprinklered, does that affect, in any way, the fire code requirement for fire department access roads for whatever reason”? Discussion included the use of Chapter 34 and its predecessor, Rule 8. Also included was the discussion of inspectors applying the Fire Code during inspections of existing buildings instead of applying it as a maintenance code as intended. Jim Schmidt, Deputy Attorney General, also touched on the legal language used and its effect on interpretations . Ms. Snyder asked the Commission to discuss the issue and provide guidance.

**10. Code Review Committees**

Mara Snyder, Director, Legal and Code Services, announced that the Building Code Review Committee would be meeting May 22<sup>nd</sup> at the Sterrett Center in Lawrence, the Mechanical and Fuel Gas Code Committee would meet May 23<sup>rd</sup> at the Plainfield Public Library, and the Fire Code Committee would meet May 17<sup>th</sup> at Wayne Township Fire Department. The Plumbing Code Public Hearing will be held May 23<sup>rd</sup> in South Government Building Conference Room 22 at 10:00 am. The public hearing for 13 and 13R was scheduled for June 14, South Government Building Conference Room 1, beginning at 9:30 am.

**11. Comments**

Mara Snyder, Director, Legal and Code Services, thanked the Commissioners for attending.

**12. Adjournment.**

Chairman Hannum called for further business, and upon hearing none, adjourned the meeting at 3:30 p.m.

APPROVED \_\_\_\_\_  
David Hannum, Chairman