

## COMMISSION MEETING MINUTES

### Indiana Fire Prevention and Building Safety Commission

Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Conference Room B

March 3, 2009

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Vice-Chairman Cundiff at 9:06 a.m. on March 3, 2009.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner  
Michael Christoffersen  
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health  
Michael Corey  
Kevin Goeden, representing the Commissioner, Department of Labor  
John Hawkins  
M. Burke Jones

- (b) Commissioners not present at the Commission meeting:

David Hannum, Chairman  
Ted Ogle  
James Ridley

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

Support Services Division, Legal and Code Services  
Mara Snyder, Director, Legal and Code Services  
John Haines, Code Specialist  
John Hibner, Code Specialist  
Raleigh Kouns, Code Specialist  
Bob Robinson, Code Specialist  
Beth Sutor, Secretary

- (d) Deputy Attorney General James Schmidt was present.

2. **Old Business.**

Vice-Chairman Cundiff called for any corrections or a motion to approve the minutes of the February 3, 2009 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Christoffersen and seconded by Commissioner Jones. It was voted upon and carried.

3. **Variances.**

**Tabled Variances.**

Variance 09-01-26 White's Residential Student and Family Life Center, Wabash, was withdrawn by the proponent, Doug Trent, RTM Consultants. Variance 09-02-8 Harrison Square/Embassy Theater Pedestrian Bridge, Ft. Wayne, was represented by Dave Cook, Ralph Gerdes Consultants. The City of Ft. Wayne had decided to sprinkle the entire walkway and install fire rated doors on both ends. Commissioner Jones moved to approve based on the sprinklers and fire rated doors, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 09-02-23 Brother's Bar, Bloomington, was represented by Melissa Tupper, RTM Consultants. She provided additional floor plans of the bar and its neighbor which share the exit as noted in a letter from the City of Bloomington. She pointed out the number of exits on each floor, described each step of her calculations, and showed how she arrived at the occupant load the exits could safely handle, including taking into consideration the "standing area" occupants which the City had not done. After discussion, Commissioner Hawkins moved that no variance was required with the second by Commissioner Brenner. It was voted upon and carried.

**Regular Variances.**

Vice-Chairman Cundiff called for any variances to be pulled from the "A" and "B" recommendations block vote for individual consideration. No variances were called out. Commissioner Brenner noted that she would be abstaining from voting on variance 09-03-4, Mackey Complex Renovation and Addition, West Lafayette. Commissioner Christoffersen moved to approve all other "A" and "B" variances including 09-03-35 Varghese Egress Windows, Bloomington, a late filing that staff advised would have been put in an "A" category, with the second being made by Commissioner Corey. The motion was voted upon and carried.

The following variances were approved as submitted:

- (1) 09-03-2 Hogue Residential Windows, Bloomington
- (2) 09-03-4 Mackey Complex Renovation and Addition, West Lafayette
- (3) 09-03-9 Emcon Technologies, Columbus
- (4) 09-03-10 Purdue Student Services & Library Complex, Ft. Wayne
- (5) 09-03-12 Continental Fire Hose Removal, Elkhart
- (6) 09-03-16(a)(b) Roncalli High School Phase I Administration Addition, Indianapolis
- (7) 09-03-17 St. Michael the Archangel Parish, Schererville
- (8) 09-03-18 LA Fitness, Fishers
- (9) 09-03-19(a) Western Boone Jr/Sr High School, Thorntown
- (10) 09-03-20 Riley Hospital for Children Interventional Radiology Expansion, Indianapolis
- (11) 09-03-21 Clarian North Medical Center Cath Lab Expansion, Carmel
- (12) 09-03-23 Eastern Star Church Northwest Campus, Indianapolis
- (13) 09-03-25 Medco G3 Facility, Whitestown
- (14) 09-03-35 Varghese Egress Windows, Bloomington

A request by the proponent to table 09-03-24 Riley Hospital for Children Phase V Addition, Indianapolis, had been made. Commissioner Jones moved to table with the second by Commissioner Christoffersen. It was voted upon and carried.

The following variances were heard separately:

- (15) 09-03-1 Meridian Oaks Acapulco Joe's, Greenwood

Timothy Callas, J & T Consultants, Tom Vander Luitgaren, attorney, Mike Shotts, owner representative, and Lowell Weber, Greenwood Building Commissioner addressed the Commission. The building had always been a restaurant except for a 6 week period when it had served as a fireworks outlet. To be used as a restaurant again would require a change of occupancy and sprinklers. The request was to omit the sprinkler requirement. The restaurant, with an occupancy load of 150, is separated by an existing 2-hour wall from the remainder of the building. While it will serve some alcohol, it will be closed by 7pm during the week and 10 pm on the weekend, and there will be no live music or dancing. After discussion, Commissioner Hawkins moved to approve with the condition that the occupant load be posted at 150 and that no live music or dancing was to be permitted. Commissioner Brenner made the second. Lowell Weber asked the Commission to require that they maintain the 2-hour wall. Maker and second agreed to the addition. It was voted upon and carried.

- (16) 09-03-3 Kroger Store J-804, Indianapolis

No one appeared as proponent for the variance or to submit the missing information for the incomplete application. Commissioner Jones moved to table for one month with the second by Commissioner Corey. It was voted upon and carried.

- (17) 09-03-5 Plaza Park Middle School Additions and Renovations, Evansville

Damon Adams, D.O. Adams Consulting Services, spoke as proponent. The request was to allow temporary exiting during construction. The building has a full manual fire alarm system and has altered the evacuation plan to reflect the closed exit. A member of the staff will be posted as fire watch to direct students during fire drills and evacuations as well. Exiting for assembly areas are separate from the affected exiting. Commissioner Brenner noted that information on path of travel, the occupant load, and a diagram showing all exits in the building was not included in the application. Commissioner Jones moved to table to allow this information to be presented. The second was made by Commissioner Corey. It was voted upon and carried.

- (18) 09-03-6 Jennings County High School Additions and Renovations, North Vernon

Damon Adams, D.O. Adams Consulting Services, spoke as proponent. The request was to allow temporary exiting during construction. The second level has three existing means of egress with only one affected. The school has a manual fire alarm system and has practiced the altered evacuation plan. Requirements for exit width are met without the third exit, and travel distance on the second floor is exceeded by only thirty feet. The variance will be needed for the period from March 2009 to August 2009. After discussion, Commissioner Jones moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (19) 09-03-8 Michiana Airport Jet Tank Installation, South Bend

Tom Riss, Sparling Corporation, spoke as proponent. The request was to be allowed to install a fuel storage tank larger than allowed by code. The bottom 10% of the tank cannot be used due to particulate matter, and code doesn't allow the use of the top 10% of the tank, leaving only 8,000 gallons of available fuel. Orders for fuel are done in a minimum amount of 8,000 gallons, so the tank must be run out before refilling which is extremely difficult to time. The average tank used for aviation is 12,000 gallons which

will hold the entire delivery without overfilling and violating code. Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (20) 09-03-7(a)(b) Timber Ridge Camp Shelter, Spencer

Dean Whitlow, Camp Manager, spoke as proponent. The request in variance (a) was to omit sprinklers for the building which has two-thirds of the walls open. There will be no water available and the building will be used only in the summer. The camp is on a well system, and county water is over a half mile away. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was to omit toilet facilities in the building. A building 80 feet away has restroom and shower facilities available for the campers. These facilities are accessed over a flat run of ground with direction signs. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (21) 09-03-11 Harmony School, Bloomington

Mark Riffey, Ryan FireProtection, spoke as proponent. The request was to allow the use of chain and padlock on the control valves for a fire protection system being voluntarily retro-fitted in an existing building. The valves to be monitored are under asphalt in a parking lot and without electricity. NFPA 25 will be followed for the inspection and maintenance of the valves. After discussion, Commissioner Brenner, noting the installation was voluntary, moved that no variance was required. Commissioner Hawkins made the second. It was voted upon and carried with one nay vote.

4. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 10:02a.m. He then reconvened the meeting, calling it back to order at 10:18 a.m.

- (22) 09-03-14 120 N. Third Street, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The second and third floors of an existing building are being converted to residential use while the first floor is mercantile. The request was to allow a new fire rated stair enclosure serving the residential floors to be supported by existing non-rated floor structures. Mr. Rensink advised the Commission that the project would be filed under Chapter 34. The Lafayette Fire Department had given the proponent a list of conditions, to which the owner agreed. Commissioner Christoffersen moved to approve with the condition that the requirements spelled out in the letter from RTM to Ronald Ritchey of the Lafayette Fire Department dated March 2, 2009 be followed. Commissioner Hawkins made the second. It was voted upon and carried.

- (23) 09-03-15 Rehabilitation Hospital SJRMC, Mishawaka

Charles Keslin, Keslin Engineering, spoke as proponent. The engineer of record had incorrectly determined that the structure should be Design Category D, Occupancy Category IV, when the project was filed. The variance request is to re-classify the building to the correct Design Category of C, Occupancy Category III. The engineer of record agrees to the change. After discussion, Commissioner Hawkins moved no variance is required if the design professional of record files an addendum. Commissioner Brenner made the second. It was voted upon and carried.

- (24) 09-03-16(c)(d) Roncalli High School Phase I Administration Addition, Indianapolis

Timothy Callas, J & T Consulting, spoke as proponent. The request in variance (c) was to allow the use of additional sprinklers along the west wall of the reception area in lieu of a fire wall. The building will be protected by sprinklers per NFPA 13. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (d) was to allow the use of SDR 35 PVC piping sewer lines which do not have the 1/8" slope. The lines will not transfer load to the existing building and will be connected to the exterior sewer outside the footprint of the addition. Commissioner Jones moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (25) 09-03-19(b)(c) Western Boone Jr/Sr High School, Thorntown

Edwin Rensink, RTM Consultants, spoke as proponent. Variance (b) was a request to use a 2-hour structurally independent firewall instead of a 4-hour firewall. This will give them 14" more of useable space from the addition which is being constructed from a three-sided courtyard with limited area available at the outset. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was a request for temporary means of egress during construction for exit two which creates a travel distance issue for two rooms on the second floor. The condition is expected to exist from August 2009 until August 2010. He noted that exit 6 will have plywood temporary walls. After discussion, Commissioner Christoffersen moved to approve with the condition that Exit 1(a) be available for assemblies after school hours. Commissioner Brenner made the second. It was voted upon and carried.

- (26) 09-03-22(a)(b)(c)(d)(e)(f) Selah House, Anderson

Melissa Tupper, RTM Consultants, spoke as proponent. The existing building was a private residence purchased to be made into an eating disorder treatment facility. Their license limits them to 8 residents. Variance (a) was a request to omit sprinklers which are required by the Building Code but not the Life Safety Code. Shane Reese, Director of Labor and Compliance, explained that there will be two staff members on duty during sleeping hours when the residents are in the dorm room. Smoke detectors, both hardwired and battery-operated, are provided. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was a request to not enclose the three stairways in 1-hour construction. They wished to create a "homey" feel and to enclose the entry and stairs would defeat their purpose. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c), existing stairs which do not discharge directly to the exterior, was no longer needed after the passage of variance (b). Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried. Variance (d) was a request to omit the required 1-hour construction for the second floor landing in an effort to create a "homey" feel. Commissioner Christoffersen, stating he felt this seemed more like a group home, moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (e) was to allow corridors to be unrated since the occupant load is under 10 people. Commissioner Christoffersen moved to approve both (e) and (f) with the posting of exit signs per Mara Snyder's suggestion. Commissioner Brenner made the second. It was voted upon and carried.

- (27) 09-03-26 Leo Elementary HVAC Renovations, Leo

Christina Collester, RTM Consultants, spoke as proponent. While upgrading the HVAC, it was discovered that the corridor walls of the existing school are not built to code of record and to correct them at this date would be cost-prohibitive. The request was to allow unrated corridor walls. Smoke alarms

will be installed. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (28) 09-03-27 Miller's Merry Manor Heritage House, Nappanee

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to be permitted to use NFPA 101A to convert the I-1 Occupancy building to an I-2 Occupancy. This had been allowed under Rule 8 of the GAR until it was repealed on June 16, 2008. To comply with the rules of new construction would be cost-prohibitive. The building will be provided with sprinklers per NFPA 13, and will comply with NFPA101A requirements. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (29) 09-03-30(a)(b) J W Marriott Hotel Complex, Indianapolis

Dave Cook, Ralph Gerdes Consultants, spoke as proponent. The fourth floor has four mechanical, air-handling rooms overlooking the ballroom which encroach upon the required 20' clear space to the roof structure, causing the need for fireproofing to come into play. The request is to omit the fireproofing. After discussion, Commissioner Jones moved to approve both (a) and (b). Commissioner Hawkins made the second. It was voted upon and carried. Commissioner Brenner abstained.

- (30) 09-03-31 Triple Crown Baseball and Baseball Academy, Schererville

David Westland, attorney, and Rich Bafia, owner, spoke as proponents. The request was to be allowed to remain in the building which had been cited for insufficient fire exiting for 180 days while they looked for a new location or brought the building up to code. A fire watch would be provided during the three hours per night they are open for practice and weekend hours and occupancy will be limited to forty persons. It was also noted that Mr. Bafia, not the owner of the building, had signed the application. Commissioner Christoffersen moved to approve with the conditions that the variance be in effect for 180 days, there be a fire watch during hours of operation, occupancy be limited to forty (40) persons and the signature of the owner of the building be sent to Code and Legal Services by Friday, March 6, 2009. Commissioner Hawkins made the second. It was voted upon and carried.

- (31) 09-03-32 Flatrock Hawcreek School Renovation & Addition, Hope

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow temporary exiting during construction. Work on the corridors will be done after school hours and during breaks so that egress is available during school hours or a fire watch will be posted if exits need to be closed during the day. Fire alarms and sprinkler systems will remain fully functional, and exit signage and lighting will be adjusted as construction progresses. After discussion, Commissioner Hawkins moved to approve until December 31, 2010. Commissioner Brenner made the second. It was voted upon and carried.

- (32) 09-03-33(a)(b) Cosmopolitan on the Canal, Indianapolis

Timothy Callas, J & T Consultants, spoke as proponent. The request was to allow the occupancy of one half of the building before the building's entire sprinkler system and construction is completed. The two halves of the project are separated by a 2-hour fire wall. After discussion, Commissioner Brenner moved to approve both (a) and (b) with the condition that the sprinklers in the proposed occupied areas must pass an acceptance test before any occupancy is allowed. Commissioner Corey made the second. It was

voted upon and carried.

(33) 09-03-34(a)(b)(c) WorldWide Battery, Fishers

Dennis Bradshaw, Ralph Gerdes Consultants, appeared as proponent. The company is a tenant in an existing, unlimited area warehouse. Because of the corrosives in the batteries being over the amount allowed by code, they are an H4 occupancy. This is a health issue, not a fire issue. The request is to allow the H4 occupancy in an unlimited area building. Their tenant space will be separated by a 1-hour fire barrier and a 2-hour concrete block wall, and a rack storage system will be used to decrease the chance of corrosive spills. After discussion, Commissioner Christoffersen moved to approve (a) and (b) with the condition that they provide verification that the sprinkler system is adequate for this type of product. Commissioner Brenner made the second. It was voted upon and carried. The local fire official is to send a copy of the acceptance test to Legal/Code Services. Variance (c) is a request for a travel distance of 240 feet instead of the 175 allowed by code. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

(34) 09-03-36 Children's Museum of Indianapolis New Intermodal Facility, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The construction work being done by the exit required a slightly larger safety area than originally thought, impacting the exits. The request is to allow the temporary blocking of four pairs of the main exit doors for a period of 60 days until construction has progressed enough they can redesign exiting. The museum staff is well trained in their evacuation procedures, and each individual is assigned a specific duty for their shift. The building is partially sprinklered, and has a full smoke detection system. T J Burns, Indianapolis Fire Department, had no objections to the variance. Commissioner Christoffersen moved to approve with the second by Commissioner Corey. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

City of Indianapolis  
Administrative Cause No. 08-73  
No Variance Required  
Nonfinal Order of Dismissal

St. Mary of the Assumption Catholic Church  
Administrative Cause No. 08-65  
Condition of CDR  
Nonfinal Order of Dismissal

Teague Building  
Administrative Cause No. 07-23  
Fire Order  
Nonfinal Order of Dismissal

Fischer Homes

Administrative Cause No. 08-70  
Occupancy Classification  
Nonfinal Order of Dismissal

East High Street Row Houses  
Administrative Cause No. 08-30  
Fire and Building Code Enforcement Order  
Nonfinal Order of Dismissal

St. Charles Borromeo Church  
Administrative Cause No. 09-01  
Condition of CDR  
Nonfinal Order of Dismissal

Muncie Liquor Stores, Inc.  
Administrative Cause No. 08-41  
Order – Muncie Fire Department  
Nonfinal Order of Dismissal

Commissioner Jones moved to approve all Nonfinal Orders of Dismissal with the second by Commissioner Corey. It was voted upon and carried.

Immaculate Heart of Mary Chairlift  
Administrative Cause No. 08-63  
Denial of Variance  
Remand to Commission

After discussion, Commissioner Jones moved to approve the remand and to approve variance 08-08-9(b) with the conditions stated in the letter dated February 18, 2009 which had been included in the packet and to dismiss the administrative case. Commissioner Corey made the second. It was voted upon and carried.

Discussion and Commission Action on Petitions For Review (All are timely filed unless otherwise noted.)

YMCA of Southwestern Indiana  
Camp Carson Grandview Cabins  
Order – Fire and Building Code Enforcement

Indiana Wesleyan University South Residence Hall  
Denial of Variance 09-02-18

Matteos Restaurant  
Condition of CDR

Dollar General  
Condition of CDR

Commissioner Jones moved to grant all timely filed petitions for review. Commissioner Corey made the second. It was voted upon and carried.

7. **Comments**

Mara Snyder, Director of Legal and Code Services, advised the Commission that, after discussions with Commissioner Hawkins concerning the granting of variances to Accessibility Codes, variances under Chapter 11 or comparable issues will be marked with a disclaimer stating “Actions taken in reliance on this variance may violate Federal Law”. The chase amendments were to have notice of intent filed, but a provision in ICC 300 will be deleted concerning the inspection of bleachers, thereby affecting the filing of the notice.

8. **Adjournment.**

Vice-Chairman Cundiff called for any additional business. There being none, he then adjourned the meeting at 11:43 a.m.

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