

COMMISSION MEETING MINUTES

**Indiana Fire Prevention and
Building Safety Commission**

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

April 7, 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 April 7, 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
Hattie Sims, representing the Commissioner, Department of Labor
John Hawkins
M. Burke Jones
Ted Ogle
James Ridley

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

David Hannum, Chairman

- (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
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 March 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. **Ordinances.**

Mara Snyder, Director of Legal and Code Services, presented the Fire Prevention Code for the City of Noblesville to the Commission. Matt Mitchell, Noblesville Fire Department, explained to the Commission that their current code was written in the 1940's and needed to be updated. He was told that, in its current form, the Commission could not approve the proposed code. It was suggested that he work with Mara Snyder to revise the document and resubmit it when it has been reworked. Commissioner Christoffersen moved to deny with the second by Commissioner Brenner. It was voted upon and carried.

4. **Third Party Certification and Inspection.**

Shelly Wakefield, Director of Fire and Building Code Enforcement, presented the application of Pyramid 1, Inc, New Paris, IN, to the Commission, recommending approval for one year. Commissioner Jones moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

5. **Variances.**

Tabled Variances.

Variance 09-03-3 Kroger Store J-804, Indianapolis, was represented by Mike Barth of KLH Engineers. The variance had been incomplete when tabled and the missing information had been received. The variance would have been eligible for the block vote had it been complete. Commissioner Corey moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Damon Adams, D.O. Adams Consulting, was proponent for Variance 09-03-5 Plaza Park Middle School, Evansville. He displayed plans which showed the corridor and classrooms affected by the construction, and which showed their planned exit path of travel. The total number of occupants in the affected classrooms will not exceed 153, and fire separation doors will be installed at the construction area. A covered, temporary fire-rated tunnel through the corridor will be installed for use during the school year. Only administration staff will be without the tunnel and no summer school will be held when the tunnel is removed. Doors into the courtyard will be changed to swing into the building, and no locks will be installed. Rated construction will separate the construction area and smoke detectors will be installed in the north and west corridors. The construction is expected to run from May 2009 to August 2010. Commissioner Ridley moved to approve based on the conditions offered by the proponent. Commissioner Jones made the second. It was voted upon and carried. Variance 09-03-24 Riley Hospital for Children Phase V Addition, Indianapolis, had been withdrawn by the proponent.

Regular Variances.

Vice-Chairman Cundiff called for any variances to be pulled from the "A" and "B" recommendations block vote for individual consideration. Variance 09-04-48, Decatur Twp. Fire Station #772, Camby, and 09-04-49, Iasta Expansion, Carmel, were called out. Commissioner Brenner noted that she would be abstaining from voting on variance 09-04-45, J W Marriott Hotel Complex, Indianapolis. Commissioner Jones moved to approve all other "A" and "B" variances, with the second being made by Commissioner Corey. The motion was voted upon and carried. It was noted by Vice-Chairman Cundiff that staff had recommended that no variance was required for variance 09-04-28, Chuck E. Cheese, Indianapolis, and variance 09-04-58, Ambassador Apartment Renovation, Indianapolis. Commissioner Christoffersen moved that no variance was required for 09-04-28 and 09-04-58. Commissioner Jones made the second. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 09-04-3 533 Graham Place Windows, Bloomington
- (2) 09-04-6 Hilton Garden Inn, Indianapolis

- (3) 09-04-7(a)(b)(c) Hilton Garden Inn - Intech Blvd., Indianapolis
- (4) 09-04-11 W. M. Kelly Co. Addition, New Albany
- (5) 09-04-15(b) Notre Dame Women's Ryan Hall, Notre Dame
- (6) 09-04-17 North Pavilion Memorial Hospital Elevators, South Bend
- (7) 09-04-18 The Ambassador, Indianapolis
- (8) 09-04-19 Sanders Temple Church of God In Christ, Indianapolis
- (9) 09-04-25 Commons South Parking Garage and Housing, Columbus
- (10) 09-04-26(a)(c) 429 N. Pennsylvania, Indianapolis
- (11) 09-04-27(a)(b) Harrison High School Center for Advanced Studies Addition, West Lafayette
- (12) 09-04-30(a) Bowen Center Corporate Office Addition, Warsaw
- (13) 09-04-36(b)(c) IU Jacobs School of Music North Studio Building, Bloomington
- (14) 09-04-38 Clarian North Cath Lab Expansion, Carmel
- (15) 09-04-39 Methodist Hospital Adult Critical Care Renovation, Indianapolis
- (16) 09-04-41(b) Columbus Athletic and Event Center, Columbus
- (17) 09-04-43 Methodist Hospital Neuroscience Renovations, Indianapolis
- (18) 09-04-45 JW Marriott Hotel Complex, Indianapolis
- (19) 09-04-54(a)(b) Highland Elementary School Addition & Renovation, Evansville
- (20) 09-04-56 Children's Museum of Indianapolis, Indianapolis

A request by the proponent to table 09-04-20 Miller-Eads Company Interior Remodeling, Indianapolis, had been made. Commissioner Jones moved to table with the second by Commissioner Ogle. It was voted upon and carried. A request to table had also been made for 09-04-15(a) Notre Dame Women's Ryan Hall, Notre Dame. Commissioner Ogle moved to table with the second being made by Commissioner Christoffersen. It was voted upon and carried. Variance 09-04-8 National Bank of Indianapolis was withdrawn per proponent.

The following variances were heard separately:

- (21) 09-04-1 The Boulders at Deer Park, Bloomington

Michael Latham, Operations Manager, spoke as proponent. The request was to allow non-compliant rescue windows in two apartments where the overall net opening is more than two square feet smaller than allowed by code. During the discussion, confusion arose over the measurement of the windows involved, and it was decided to allow the proponent time to call his office to have exact measurements done, then continue the discussion later in the meeting.

- (22) 09-04-2 Harrison Square Baseball Stadium, Ft. Wayne

Aaron Norden, VFP Fire Systems, spoke as proponent. The request was to omit the sprinklers from the hoistway and machine room of the elevator, fearing damage caused by a release of water. The hoistway and machine room are in a one-hour enclosure, not the two-hour required by code to omit sprinklers. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with one nay vote being cast.

- (23) 09-04-4 1115 E. Lincolnway Remodel, LaPorte

Steve Daugherty, Industrial Development of LaPorte, spoke as proponent. The request was to delete the sprinkler system. The building had been a bank, and will now be a Wings 'n Things restaurant. The first floor has a poured concrete floor, four exits and will be provided with smoke and fire alarm connected to a 24-hour monitoring system. A question was raised as to what portion of the total budget sprinklers would involve, and alternatives to separate the kitchen and storage space were also requested.

Commissioner Ogle moved to table to allow this information to be presented. The second was made by Commissioner Brenner. It was voted upon and carried.

- (24) 09-04-5 Cambria Suites, Noblesville

Ken Crommer, Fire System Services, spoke as proponent. The request was to allow the use of vertical zoning of sprinklers due to steel I-beams in the floors of the building. The building would be broken into four zones for the NFPA 13 system, and each zone would have its own vertical feed, not stairwell standpipes. Each zone will also have its own alarm system. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (25) 09-04-9 Indiana Beach Taco Shoppe, Monticello

John Collins, Indiana Beach, spoke as proponent. The request was to be allowed to omit a hood over the taco shell fryer. The building had been constructed in 1960's and has remained unchanged since that time. Greg Johnson, owner of the stand, noted the fryer can hold only 6 shells at a time, and there is a fire extinguisher less than 4 feet away. Richard Pope, an inspector for Fire and Building Code Enforcement, also addressed the Commission, explaining why he had written the violation. After discussion, Commissioner Christoffersen moved to approve with the condition that the owner is to install a sheet of stainless steel on the ceiling over the fryer to protect the ceiling from possible flare-ups. The second was made by Commissioner Ogle. It was voted upon and carried with one nay vote.

- (26) 09-04-10 Indiana Beach Pronto Pup, Monticello

John Collins, Indiana Beach, spoke as proponent. The request was to be allowed to omit a hood over the corndog fryer which can hold twelve items at a time. The building has been unchanged since the 1970's, open on four sides with an 8' ceiling. The owner, Tim Eisley, noted that the ceiling tiles were rated. After discussion, Commissioner Hawkins moved to approve with the condition a sheet of stainless steel be installed on the ceiling over the fryer to protect the ceiling from possible flare-ups. The second was made by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

- (27) 09-04-12 Schneck Medical Center Fire Door Modification, Seymour

Andrew Hagedorn, Director of Plant Operations, spoke as proponent. The installation of windows in the fire doors was done to allow those persons using the doors to see oncoming foot traffic and avoid possible collisions with doors unexpectedly opened, other people, equipment, etc. The request was to allow the modifications made to the fire doors to remain in the fully sprinklered building with smoke and fire

barriers and compartments. The company which had manufactured the doors said the modifications had been done the way they would have done them, but they declined to provide a label for the doors since they had not done the work. After discussion, Commissioner Hawkins moved to approve the variance to cover the door modifications currently done and for those remaining doors. Commissioner Ridley made the second. It was voted upon and carried.

6. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 10:12a.m. He then reconvened the meeting, calling it back to order at 10:22 a.m.

(28) 09-04-1 The Boulders of Deer Park, Bloomington

Michael Latham, the proponent, returned to the Commission with the correct window measurements. The windows were 20 ½” wide and 33” tall which, when computed, were still a square foot under code requirements. A lengthy discussion centered around the difficulties a firefighter would have moving through the window and the difficulty a small adult or child would have operating the window. Commissioner Christoffersen moved to deny. Commissioner Ogle made the second. It was voted upon and carried with one nay vote.

(29) 09-04-13 St. Joseph Regional MOB Gen2, Mishawaka

(30) 09-04-14 St. Joseph Regional Medical Center Gen2, Mishawaka

No one appeared as proponent. Commissioner Corey noted that with this type of elevator variance, the proponent would have been asked to agree to training the State inspectors on the equipment. Since no one was available to make that commitment, Commissioner Brenner moved to table both 09-04-13 and 09-04-14. Commissioner Ogle made the second. It was voted upon and carried.

(31) 09-04-16 Ball Memorial Hospital New South Tower, Muncie

Richard Shelton, Director of Engineering, spoke as proponent. The glass elevator in a glass hoistway has 6” steel tube beams which project into the hoistway. Code allows 4”. The request is to allow the use of these steel beams. The public will have no access into the hoistway, and a railing will be provided to keep people and workers away from the top of the tubes and cab. After discussion, Commissioner Corey moved to approve with the second by Commissioner Ridley. It was voted upon and carried.

(32) 09-04-21 Loose Funeral Home, Anderson

Rod Barrett, American Elevator, spoke as proponent. He noted that the application had called the device an elevator, but it was actually a vertical platform lift. It will have switches on the bottom of the car as an additional safety feature to avoid touching something under the car, and has an accordion gate. The proponent will install automatic controls. After discussion of constant pressure controls over automatic controls for this lift, Commissioner Corey moved to approve with the condition that constant pressure controls be installed. Commissioner Ogle made the second. It was voted upon and carried.

(33) 09-04-22 Eddy Street Commons Building A, South Bend

The variance had been withdrawn by the proponent and was not heard.

(34) 09-04-23 West Vigo Middle School Renovation, Terre Haute

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A school built in 1974 is being remodeled with the administrative offices, instructional areas and lockers being brought forward into the addition. The non-sprinklered building has unrated corridors protected by a smoke detection system, and the addition will also have unrated corridors which have been tied into the smoke detection system. A discussion of the school's effort to improve student security by locating the main office by the entrance with an unobstructed view of the hallways vs. following code and creating the only one-hour corridor in the building was held. Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (35) 09-04-24 St. Philip Neri School, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The existing, non-sprinklered school is installing a sprinkler system during their renovation. The request is to be allowed to omit sprinklers in the attic area. The area is above existing, plastered ceilings which would have to be removed, asbestos dealt with, and ceiling replaced to allow the installation of the sprinkler system. The cost would be prohibitive for this project. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (36) 09-04-26(b) 429 N. Pennsylvania, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The existing building is being added onto vertically. To maintain consistency with the rest of the building and to coordinate with stairwells, door swing, etc, the standpipes will be placed on the main floor landings instead of code-compliant intermediate landings. The local fire officials have no objection. After discussion, Commissioner Ridley moved to approve and Commissioner Jones made the second. It was voted upon and carried.

- (37) 09-04-29 Valle Vista Conference Center, Greenwood

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to be allowed to use the 2008 IBC Table 1005.1 to determine egress width instead of the code of record. Calculations for the second floor occupant load with no partitions used would be a maximum of 740 persons, and 340 maximum for the first floor. The building has an automatic sprinkler system and fire alarm system. Two stairs at opposite ends of the floor and a center stair provide egress from the second floor. Discussions have been held with the local fire officials, and a letter dated April 1, 2009 outlines the agreement reached. Commissioner Ogle moved to approve with the agreements as condition for approval. Commissioner Brenner made the second. It was voted upon and carried.

- (38) 09-04-40 Smith's Recovery Service Center, Shelbyville

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit sprinklers in an existing building with a change of use on the first floor from a business to a residential occupancy. It is a two story building with a basement which will be used to help recent releasees to reintegrate into society. Smoke detection is provided for the sleeping rooms, as well as escape windows per code. The basement will house the mechanicals and the second floor will have offices, which are to be kept locked. Thomas DeBaun, Director of the Shelbyville Building and Plan Commissions, also addressed the

Commission. He was opposed to the variance, stating the buildings are unprotected and sit close together which creates additional difficulties for the responding firefighters. He was also concerned that, despite egress windows in the sleeping rooms, occupants may not be able to escape due to the closeness of the buildings. After discussion, Commissioner Ridley moved to table with directions to try to work out issues with the local officials. Commissioner Hawkins made the second. It was voted upon and carried.

- (39) 09-04-30(b) Bowen Center Corporate Office Addition, Warsaw

Edwin Rensink, RTM Consultants, spoke as proponent. An addition is being made to an outpatient mental health services building. The request is to allow the egress corridors of the addition to not be fire-rated. The main level addition is a waiting area with a direct exit to the exterior and a travel distance of 25 feet. The lower level is staff-only with 2 exits directly to the exterior and a stair which discharges onto the first floor. Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (40) 09-04-31 Crawford County 4-H Livestock Barn, Marengo

Edwin Rensink, RTM Consultants, appeared as proponent. The variance had appeared as incomplete because the local fire official had not responded to the proponent's notification attempts. Shelley Wakefield, Director of Fire and Building Code Enforcement, verified that this is a volunteer fire department with a history of being difficult to reach for administrative purposes. She stated her local inspector will help, and that she felt sure the local fire department would agree to the variance. The staff report had suggested the gates be locked open while the building is occupied by more than livestock, to which the proponent agreed. Commissioner Christoffersen moved to approve with the condition that the gates be locked open during occupancy by humans and that the proof of notification signatures be submitted to Code and Legal Services within ten working days. Commissioner Hawkins made the second. It was voted upon and carried.

- (41) 09-04-32(a)(b)(c)(d) St. Francis Hospital Tower Addition, Indianapolis

Edwin Rensink, RTM Consultants, spoke as proponent. He was assisted by Joseph Rebber, BSA LifeStructures. Variance (a) is a request to not comply with Chapter 11 in specific areas which are not occupied at any time by the public and to which staff with physical disabilities are not assigned. After a discussion of the interpretation of "all public and common use areas", Commissioner Ogle moved to approve. The motion died for the lack of second. Commissioner Ridley moved to deny with the second by Commissioner Jones. The proponent requested the application be tabled. The maker and second withdrew the motion. Commissioner Hawkins moved to table with the second by Commissioner Ridley. It was voted upon and carried. Variance (b) was to allow the use of a non-compliant toilet in the behavioral area restroom for special needs patients. The toilet is designed for institutional use. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was to allow the speaker's platform to not provide a means

of accessibility. After discussion, Commissioner Christoffersen moved to approve if a portable lift were provided for the platform. Commissioner Ogle made the second. It was voted upon and carried.

Variance (d) was to allow temporary egress during construction through a stair which discharges onto the first floor and into a corridor. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

7. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 11:34 a.m. for lunch. He then reconvened the

meeting, calling it back to order at 12:42 p.m.

- (42) 09-04-33 Jury Family Aquatic Center, New Haven

Edwin Rensink, RTM Consultants, spoke as proponent. The pool is being upgraded with the addition of a new leisure pool with slides and aquatic toys. The request is to be permitted to use the anticipated occupant load when figuring the bathhouse plumbing fixture count in lieu of the calculated occupant load from the Building Code. The owner does not feel that the occupant load will exceed the anticipated 850 persons, with the current actual count being 490 persons. To provide facilities for the calculated occupant load of 1,526 would be cost prohibitive to both build and maintain. After discussion, Commissioner Corey moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (43) 09-04-34 Greentree at Post Addition, Indianapolis

Edwin Rensink, RTM Consultants, spoke as proponent. A floor plan showing the stairway and first floor was provided to the Commission. The request is to allow an exit stair to discharge through the building instead of directly to the outside. The addition will cause the occupants of the stairway to go through an 8 foot length of corridor to the courtyard, where they will have a travel distance less than the maximum allowed by code. This stair is not a required exit. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ridley. It was voted upon and carried with one nay vote.

- (44) 09-04-35 Jefferson Plaza, Indianapolis

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of dryer exhaust ducts which exceeded the length allowed by code. The exhaust ducts have been designed to be used with a booster fan which is effective up to 108 feet in length per the manufacturer, and have an indicator panel for the blower. After discussion, Commissioner Ogle moved to table to allow the proponent time to determine what problems the indicator panel would alert for. Commissioner Ridley made the second. It was voted upon and carried with one nay.

- (45) 09-04-36(a) Indiana University Jacobs School of Music North Studio Building, Bloomington

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of a 2-Hour fire barrier instead of the 3-Hour fire wall to separate the new addition from the existing building. The building will be of Type IB construction, as is the existing building. A sprinkler system will be installed under the horizontal offsets, and the addition will be sprinklered. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (46) 09-04-37 Memorial Hospital Air Handler 13 Replacement, Jasper

Douglas Trent, RTM Consultants, spoke as proponent. The request was to allow the use of an HVAC unit with an energy recovery ventilation system in addition to the existing smoke control system. The Mechanical Code does not allow this to avoid cross-contamination of the air being moved. The proponent did not have the information at hand when asked about the length of time it would take for the air to become cross-contaminated. Commissioner Christoffersen moved to table to allow time for the proponent to get the calculations for presentation. Commissioner Hawkins made the second. It was voted

upon and carried.

- (47) 09-04-41(a) Columbus Athletic and Event Center, Columbus

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of a main exit which does not serve 50% of the occupants. The fully sprinklered building is one story with a mezzanine and contains seven large assembly areas used for recreation and other events. There are marked doors around the perimeter of the building exiting directly to the exterior, serving the seven assembly areas. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (48) 09-04-44 St. Vincent Carmel Short Stay Rooms, Carmel

Douglas Trent, RTM Consultants, spoke as proponent. The request was to allow the smoke dampers in duct penetrations of smoke barrier walls in these rooms to be omitted. The area, located near the Emergency Room, is being renovated for short stay/observation facilities and will be under constant supervision by medical staff. The building is sprinklered, but quick response sprinklers were not used. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (49) 09-04-46 Precision Propeller Addition, Indianapolis

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of an existing fire wall which does not terminate per code for a “stepped” building. The fifteen feet above the termination point of the fire wall is not 1-Hour rated. The existing building and addition are sprinklered, and the non- rated exterior wall will be protected with a sprinkler curtain. It is a low hazard occupancy building. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (50) 09-04-47(a)(b) Under the Sun Café, Whiteland

Timothy Callas, J & T Consulting, spoke as proponent. The request in Variance (a) was to omit sprinklers in their portion of a two-tenant building. The café will have three exits and seating for 85 occupants plus 8 staff. There will be no cooking, just warming of pastries, etc, and no alcohol will be served. A 1-Hour fire barrier separates the tenants. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Christoffersen. Variance (b) was to allow the existing 1-Hour fire barrier instead of the code-compliant 2-Hour fire barrier or sprinklers. The space has three exits, seating for 85 occupants, and no alcohol will be served. The other tenant is a hair salon which the proponent feels to be a low hazard occupancy. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Corey. It was voted upon and carried with three nay votes being cast.

- (51) 09-04-48(a)(b)(c) Decatur Twp Fire Station #772, Camby

Timothy Callas, J & T Consulting, spoke as proponent. The request in variance (a) is to allow non-compliant restroom facilities in the two-story building. The plumber had placed the pipes in the wrong position before the pouring of the slab which resulted in insufficient clearance room. After discussion, Commissioner Ridley moved to deny with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was a request to allow unenclosed stairways from the second floor. The firefighters feel this improves their ability to descend quicker in response to an alarm. Commissioner Hawkins

moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote being cast. Variance (c) was not required and withdrawn by the proponent.

- (52) 09-04-49(a)(b) Iasta Expansion, Carmel

Timothy Callas, J & T Consulting, spoke as proponent. In variance (a), an addition to an existing, sprinklered building with fire alarms puts the common path of travel over the allowable 100 feet by 8 feet. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (b) is to allow two exits to be less remote than required by code due to site restraints affecting the addition. The building is sprinklered and has a fire alarm system. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

- (53) 09-04-50(a)(b)(c)(d)(e)(f)(g)(h) 21st Street Seniors II, Indianapolis

Timothy Callas, J & T Consulting, spoke as proponent. The requests were to allow the multiple-unit, one-story apartment buildings to omit sprinklers. The buildings will have a 2-Hour fire wall separating every two units and a 1-Hour fire barrier between each unit. Two exits will be provided for each unit, and no grilling will be allowed on the patios. These had been designed and financed under the previous code, and no money was available for sprinklers. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried with one nay vote being cast.

- (54) 09-04-51(a)(b)(c)(d)(e)(f)(g)(h)(i)(j) Cheswick Village Apartments, West Lafayette

Timothy Callas, J & T Consulting, spoke as proponent. The proponent stated that the local fire department is volunteer and has been “unreachable”. The Lafayette Fire Department is helping the proponent in this matter, and the proponent requested five working days in which to submit the required signatures. He noted that, unlike the previous application, some buildings were having units added to them to make a series of six or eight units without sprinklers. Some were having units added and bedrooms added to existing units, without sprinklers. Two of the buildings which did not have applications in the packets were compliant. After discussion, Commissioner Hawkins moved to approve variances (c) and (d) with the second by Commissioner Christoffersen. The proponent asked that they all be heard together and the motion was withdrawn. Commissioner Ridley then moved to table with the second by Commissioner Ogle. It was voted upon and carried.

- (55) 09-04-52(a)(b)(c) ISU Satellite Chiller Water Plant, Terre Haute

Melissa Tupper, RTM Consultants, spoke as proponent. The request in Variance (a) was a request to omit sprinklers in the storage area. A large amount of sulfuric acid used in the treatment process, as well as other chemicals which should not be exposed to water, are stored in closed-system tanks within the storage rooms fitted with spill control and secondary containment measures. Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) was a request to allow the storage of chemicals 5% over the maximum amount allowed within the building instead of providing detached storage. Piping to deliver the chemicals to the treatment area would need to be run outside the building, exposing them to possible damage and freezing. Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (c) is a request to omit explosion controls in the storage room. The chemicals present an explosion hazard only when exposed to water, and without sprinklers, the possibility is low.

Commissioner Hawkins moved to approve with the second by Commissioner Jones. It was voted upon and carried.

(56) 09-04-53 Whispering Oaks Apartments, Ft. Wayne

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to omit sprinklers in the one-story buildings. Each building will comply with the proposed IBC chase amendments, using a 1-Hour fire barrier between units with a 2-Hour firewall between each two units, and a direct exit to the exterior for each unit. Jim Muara, Ft. Wayne Fire Department, opposed the variance. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried by a vote of five to three.

(57) 09-04-54(c) Highland Elementary School Addition and Renovation, Evansville

Edwin Rensink, RTM Consultants, spoke as proponent. The request in Variance (c) is for temporary exiting during construction. An exit which would discharge into the construction area will be closed from August 2009 to August 2010. An existing stairway will be used during construction and then removed. The use of the stair makes the path of travel 185 feet instead of code-compliant 150 feet. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

(58) 09-04-55(a)(b) Todd Academy, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. This private school for gifted students has moved into an unsprinklered, historic downtown building previously used as an office building. Variance (a) is a request to not enclose the stairs or provide 1-Hour rated door assemblies. Variance (b) is to omit sprinklers in the non-separated basement. The building will be provided with smoke detection, and the basement area will be used for mechanical purposes only. Occupants on the second floor will have a travel distance of 67 feet to exit the building. Commissioner Hawkins moved to approve both variances with the second by Commissioner Christoffersen. It was voted upon and carried.

(59) 09-04-57(a)(b)(c) Children's Museum of Indianapolis Intermodal Addition, Indianapolis

Edwin Rensink, RTM Consultants, spoke as proponent. Variance (a) is to allow a new exit stair to discharge through a vestibule not separated by rated construction. The vestibule, located within the sprinklered addition, is necessary for security for the exit. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) is to allow the second floor and pedestrian ramp of the addition to be open to the first floor without shaft enclosure. Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (c) was to permit a vertical security grill at the main lobby when the area is unoccupied. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Corey. It was voted upon and carried.

8. **Discussion and possible approval of Boiler and Pressure Vessel Emergency Rule**

Dan Willis, Director of the Boiler and Pressure Vessel Division, presented the Emergency Rule for the Commission's consideration. The request was to adopt the latest set of mandatory rules and standards. Commissioner Jones moved to approve with the second by Commissioner Corey. It was voted upon and carried.

9. **Discussion of letter from Bloomington Fire Department regarding Brother's Bar.**

Tim Clapp, Bloomington Fire Department, had requested clarification of the "No variance required" action of the Commission with respect to variance 09-02-23. He asked if the larger occupant load is allowed. An explanation of how the Commission members reached their decision was led by Commissioner Hawkins, outlining what they had looked for, how the numbers had been calculated, and why the larger number was appropriate.

10. **New Business – General.**

Discussion and Possible Commission Action

Homestead Apartments
Administrative Cause No. 07-32
Revocation of CDR
Nonfinal Order of Dismissal

Matteos Restaurant
Administrative Cause No. 09-11
Condition of CDR
Nonfinal Order of Dismissal

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

Indiana Wesleyan University
Administrative Cause No. 09-10
Denial of Variance
Remand to Commission

After discussion, Commissioner Christoffersen moved to approve the remand and to approve variance 09-02-18 with the conditions stated in the letter and to dismiss the administrative case. Commissioner Ogle made the second. It was voted upon and carried with one nay vote.

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

One West Condominiums
Order – Indianapolis Fire Department

Griot's Garage Remodel

Condition of CDR Project #338741

Coastal Commerce Ft. Wayne TI-SCP Distributors
Condition of CDR Project #339101

East Allen County Schools and Leo Elementary School
Order - Fire and Building Code Enforcement

Elkhart 112 Banquet Facility
Order – Elkhart Fire Department

Versatile Processing Group
Order – Fire and Building Code Enforcement

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

A petition for the Clarian Group People Mover order by the Elevator Safety Division had been withdrawn.

Lafayette Christian Reformed Church
Fee – Elevator Safety Division
(not timely filed)

Commissioner Christoffersen moved to deny all petitions for review not timely filed. Commissioner Jones made the second. It was voted upon and carried.

11. **Variiances (cont.)**

Douglas Trent, RTM Consultants, requested Variance 09-04-42 Indiana Wesleyan University South Residence Hall, Marion, be withdrawn.

12. **Proposed Elevator Code Changes.**

A proposal to amend the Elevator Code was distributed to the Commissioners. The proposal was a request to delete the alteration permit due to inspection request time frames and the resulting delay of construction schedules. At the direction of the Commission, the proposal will be sent to the Elevator Code Review Committee for consideration.

13. **Comments**

Mara Snyder, Director of Legal and Code Services, advised the Commission that the Electrical Code and Residential Code public hearings will be held May 7th. The chase amendments for Fire Code and Building Code will be sent to LSA as soon as the budget letter arrives for the Building Code. They need to be submitted together so they will become effective together. John Hibner gave an update of the Swimming Pool Committee's work,

noting they had worked on UV treatment, splash pad requirements, and definitions for residential above-ground pools and spas. Mara announced that Bob Robinson and Raleigh Kouns will both retire on May 29th, and that a party is being planned in their honor. She also announced that Judge Teegarden will retire in July. Christian Bartholomew, intern for the Department of Homeland Security, was introduced to the members of the Commission.

14. **Adjournment.**

Vice-Chairman Cundiff called for any additional business. There being none, he then adjourned the meeting at 3:02 p.m.

APPROVED _____
David Hannum, Chairman