

**COMMISSION MEETING MINUTES**  
**Indiana Fire Prevention and**  
**Building Safety Commission**  
Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Conference Room B

March 2, 2010

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 Howard Cundiff at 9:03 a.m. on March 2, 2010.

(a) Commissioners present at the Commission meeting:

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

(b) Commissioners not present at the Commission meeting:

David Hannum, Chairman

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

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services  
Gary Bippus, Administrative Law Judge  
John Hibner, Code Specialist  
John Haines, Code Specialist  
Denise Fitzpatrick, Code Specialist  
Cecilia Ernstes, 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 2, 2010 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Jones and seconded by Commissioner Christoffersen. It was voted upon and carried.

3. Ordinances.

Town of Elizabethtown Building Ordinance No. 26  
Elizabethtown, Indiana

Mara Snyder, Director, Legal and Code Services, introduced the Building Ordinance for Elizabethtown, Indiana. Commissioner Jones moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

4. Variances.

Tabled Variances.

John Haines advised the Commission that the proponent for variance 10-02-14, Garvin Industrial Associates, Evansville, had requested the variance be tabled for thirty days. Commissioner Christoffersen moved to table with the second by Commissioner Jones. It was voted upon and carried. Mr. Haines also advised the Commission that the proponent for variance 10-03-5 Man 4 Man Ministries, Anderson, had also requested to be tabled. Commissioner Christoffersen moved to table with the second by Commissioner Jones. It was voted upon and carried. No proponent was present for variance 10-02-19, Positron Sprinkler Deactivation, Elkhart. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Ogle. It was voted upon and carried.

Regular Variances.

Vice-Chairman Cundiff called for any variances to be pulled from the block vote for individual consideration. Variance 10-03-40, St. Francis Acute Care, Indianapolis, was called out. Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Corey. It was voted upon and carried. Commissioner Brenner abstained from voting on variance 10-03-8(a)(b), J W Marriott Hotel Complex, Indianapolis.

The following variances were approved as submitted:

- (1) 10-03-6 Washington Street Garage Pedestrian Connector, Indianapolis
- (2) 10-03-7 Fashion Mall at Keystone Addition, Indianapolis
- (3) 10-03-8(a) JW Marriott Hotel Complex, Indianapolis
- (4) 10-03-11 St. Joseph Regional Medical Center, Mishawaka
- (5) 10-03-14(a)(b) Southeastern Church of Christ Shelter, Indianapolis
- (6) 10-03-17 Radio Shack Interior Build-Out, West Lafayette
- (7) 10-03-22 Stark County Airport Jet A Fuel System, Knox
- (8) 10-03-25 IU Briscoe Residence Center, Bloomington
- (9) 10-03-27 Waverly Commons, Indianapolis
- (10) 10-03-37 Dow Agrosiences Tenant Build-Out, West Lafayette
- (11) 10-03-42 St. Peter and Paul Macedonia Church Addition, Crown Point

The following variances were heard separately:

- (12) 10-03-1 Columbus Community Church Addition and Renovation, Columbus

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow a 2-hour fire barrier in lieu of the firewall required by code. The slopes of the existing roof and the roof of the addition, at their juncture, did not allow compliance. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (13) 10-03-2 Carmel Arts District Lofts, Carmel

Dennis Bradshaw, Ralph Gerdes Consultants, spoke as proponent. The request was to allow only one elevator which traveled to all floors to be equipped with standby power. The remaining two elevators would not have power transferred to them from the standby power source. After discussion,

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

(14) 10-03-3 Charley Creek Inn, Wabash

Ed Rensink, RTM Consultants, spoke as proponent. The owner had installed a new elevator cab in the existing shaft, and, after inspection, had been cited for not having installed a ladder to the elevator pit. The shaft didn't have room for the ladder, and the request was to allow it to be omitted. After discussion, Commissioner Corey moved to approve with the condition that a collapsible ladder be installed for the pit. Commissioner Jones made the second. It was voted upon and carried.

(15) 10-03-4(a)(b)(c)(d) French Lick – West Baden Development Go-Karts, West Baden

No proponent had yet arrived. Commissioner Jones moved to table with the second by Commissioner Ogle. It was voted upon and carried.

(16) 10-03-8(b) JW Marriott Hotel Complex, Indianapolis

David Cook and Dennis Bradshaw, Ralph Gerdes Consultants, spoke as proponents. Copies of information on an energy-efficient dehumidification system with a heat-recovery coil which had been installed in the swimming pool and spa area were distributed to the Commission members. The request was to allow this equipment to be used instead of the code-required insulated covers. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Commissioner Brenner abstained.

(17) 10-03-15 Marriott Courtyard / Springhill Suites, Indianapolis

It was noted that the issues in this variance were the same as those discussed in variance 10-03-8(b). Commissioner Jones moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Commissioner Brenner abstained.

(18) 10-03-9(a)(b) Lerner Theater Renovations, Restoration & Expansion, Elkhart

Dennis Bradshaw, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow a ramp with a 1:10 slope instead of the 1:12 required by code. The existing footings and structures within the basement area did not allow a compliant slope. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) was a request to allow the basement ramp landing to meet the 60" diameter turning radius without having all four corners square. Existing structures and footings prohibited full compliance. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

(19) 10-03-10(a)(b) Commons South Parking Garage, Columbus

Dennis Bradshaw and David Cook, Ralph Gerdes Consultants, spoke as proponents. The request in variance (a) had been to omit stand-by power for the elevator. The issue was an accessibility issue, not an emergency rescue issue, and the federal government didn't require stand-by power. Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was a request to use a 13R sprinkler system in the residential portion of the building. The first floor was constructed of concrete with a three-hour separation from the second floor. The upper four floors were constructed of wood. The proponent felt this should be considered two separate buildings for determination of number of floors, and not a five story building as

it had been interpreted. After discussion, Commissioner Christoffersen moved to table with the second by Commissioner Hawkins. It was voted upon and carried.

- (20) 10-03-12 Indianapolis Airport Terminal & Concourse, Indianapolis

This variance had been determined to have a “B” rating. Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (21) 10-03-13 Terre Haute Housing Authority Multifamily Housing Project, Terre Haute

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit the sprinklers in a three-unit, single story apartment building. A two-hour fire wall separated the units. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with one nay vote being cast.

- (22) 10-03-16 Kingdom Halls of Jehovah’s Witnesses, Indianapolis

No proponent was available for questions. Commissioner Ogle moved to table with the second by Commissioner Corey. It was voted upon and carried.

- (23) 10-03- 4(a)(b)(c)(d) French Lick – West Baden Development Go-Karts, West Baden

Tom Schroeder, proponent for the variance, arrived. Commissioner Brenner moved to re-open the variance. Commissioner Ogle made the second. It was voted upon and carried. Mr. Schroeder, engineer and design professional, explained that the existing factory building was being divided by three owners. The go-kart track was lowered to 30” below the grade of the floor of the area and had barrier walls around it. A safety course had been required before participants may drive the cars, and safety gear was required for all drivers. Other areas were separated by walls with unrated openings, so they are not fire-rated walls. The track was not accessible, though other areas of the venue are. Following a lengthy discussion, Commissioner Hawkins moved to approve variance (a) with an occupant load of 360 persons. Commissioner Brenner made the second. It was voted upon and carried. Discussion began on variance b) which dealt with horizontal exits. Following a proposed motion by Commissioner Hawkins to deny which he then withdrew, Commissioner Hawkins moved to table the remaining variances with the second by Commissioner Brenner. It was voted upon and carried.

5. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 10:10 a.m. He then reconvened the meeting, calling it back to order at 10:27 a.m.

- (24) 10-03-18 St. John the Evangelist, Evansville

Timothy Henning, architect, spoke as proponent. The building had been built in 1987 of heavy timber construction. The addition of a multipurpose room and office modifications had resulted in a required 10 pound per square foot dead load for a sprinkler system. The request was to omit the sprinkler system. A new fire alarm in the narthex and an upgraded fire alarm system was to be installed. They had adequate exiting in place. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried with one nay vote.

- (25) 10-03-20 Kreig DeVault Office Renovation of Floors 26, 27, and 28, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request had been to omit rated corridors in the building with all but two floors fully sprinklered. The travel distance was 153 feet with code allowing 200 feet. When the floors are fully occupied, they were to be sprinklered. After discussion,

Commissioner Brenner moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (26) 10-03-21 Catalyst Refinement Service Tower #500, Whiting

Tom Brenner, ACM Elevator Company, spoke as proponent. They had done repair/replacement work on the existing elevator and had pulled the wrong permit for the type of work they were doing. When inspected, they were told they needed to install rope grippers. The existing structure was not built to accommodate a rope gripper without major architectural changes to the tower. And since the existing control system was not changed during the elevator repair work, there is no electronic interface for a rope gripper. The request was to omit the gripper. After discussion, Commissioner Corey moved to table to allow the proponent to provide additional information and drawings and meet with the Elevator Division. Commissioner Brenner made the second. It was voted upon and carried.

- (27) 10-03-23 Bethesda Free-Will Baptist Church New Building, Andrews

Carl Shakley, builder, spoke as proponent. The request was to omit sprinklers in the church due to the difficulty securing water lines for a sprinkler system. The closest public water system is a mile away across the Wabash River, and the cost for hook-up would be over \$400,000. A retention pond has been located at the rear of the church. Not more than 100 persons were expected at any given service, and the kitchen was designed as a warming kitchen only. 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.

- (28) 10-03-24(a)(b) St. Vincent's Haunted Castle, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. During an inspection, a verbal citation had been given concerning egress travel distance for the ramp to the mezzanine. The ramp had been voluntarily provided in the sprinklered building to allow those with disabilities to enjoy all areas of the haunted castle without restriction, not required by code. The mezzanine complied with exiting requirements. Jim Maura, Ft. Wayne Fire Department, spoke in support of the variances. He explained they have fire drills and the fire department tours the haunted house before opening. Commissioner Brenner moved to approve both (a) and (b) with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote being cast.

- (29) 10-03-26(a)(b) Homewood Suites, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. Construction on the building had been started, then stopped due to soil conditions, demolished, and begun again. The elevators purchased for the original building complied with the code of record, but they don't comply with current cab size requirements to accommodate a 24"x84" stretcher. After discussion, Commissioner Corey moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) was to omit an emergency generator as required by code. One elevator will be wired and fitted with a transfer switch to permit the use of a portable generator in the event of loss of power to the building. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (30) 10-03-28 Dave Nyhof, Shishewana

Paul Kimmerle, Kimmerle Engineering, spoke as proponent. A Wisconsin family business wanted to build a 5,400 square foot building to display their boilers, provide a break room, and to have a second-

floor residence above the break room for the owners. The request was to omit the sprinklers required by code due to a lack of city water. There are to be five exits around the perimeter of the building and public will be restricted to the display area. Smoke detectors were to be placed in each room of the building, and heat provided by an exterior wood-fired boiler. After discussion, Commissioner Christoffersen moved to approve with the conditions that the floor assembly be of dimensional lumber and that the variance was limited to the current owner. Commissioner Hawkins made the second. It was voted upon and carried with one nay vote.

- (31) 10-03-29 Thompson-Ray House, Gas City

Lisa Crandall, Crandall Engineering, spoke as proponent. The request was to allow a pedestrian ramp which had a slope of 1:8 instead of code-compliant 1:12 for the historic building. Compliance would have altered the historic nature of the building. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (32) 10-03-30 Martin County 4-H, Loogootee

Doug Trent, RTM Consultants, spoke as proponent. The request was to omit the sprinklers for the existing building which is occupied only when rented by the public for events such as wedding receptions. There were two permanent beer taps installed on the premises, but they do not hold a liquor license and any alcohol served was provided by those renting the building. The mezzanine was used for storage and a mechanical room, and had one exit. The main floor had three exits directly to the exterior. The kitchen was a warming kitchen. The city water line was a quarter mile away, and the city won't certify a water protection supply. After discussion, Commissioner Christoffersen moved to approve with the condition that the mezzanine be used for a mechanical room and storage only and that the door be locked. Commissioner Ogle made the second. It was voted upon and carried.

- (33) 10-03-31 Easy Street Condominiums Building No. 8, Greenwood

Mike Cope, architects, spoke as proponent. The 4-unit building had been designed under the old code, but filing and construction had been delayed due to financial difficulties. When released, the sprinklers were not listed as a condition and the error hadn't been noticed until inspection. A two-hour fire wall divided the building in half. The basements located under two of the units had ceilings finished with drywall. Rodney Johnson, Greenwood Fire Department, and Lowell Webber, Greenwood Building official, both addressed the Commission and did not object to the variance. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (34) 10-03-32 Harman Becker Building, Martinsville

Ed Rensink, RTM Consultants, spoke as proponent. The request was for a score of +12 for allowable area in the Sec. 3410 evaluation. There was a partial change of use to allow vehicle storage for service vehicles for SCI-REMC, who also had office space in the existing industrial building. The vehicle storage area was in an area of the sprinklered building which had increased sprinkler coverage from the original occupancy. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (35) 10-03-33 Adams County Jail, Decatur

Mark Burry, attorney, spoke as proponent. An old shooting range in the basement of the building had concrete walls and a steel door. It had been changed to securely store historic court documents when no

longer used as a shooting range. During an inspection, they were cited for not having a minimum of 18" clear space beneath the sprinkler heads. It was noted that the area is seldom occupied, and that the racks do not block the spray pattern of the sprinklers. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

(36) 10-03-34 J. Peterson Properties, Bloomington

Melissa Tupper, RTM Consultants, spoke as proponent. The townhouses had been built to comply with the International Residence Code, but not the Indiana amendment requiring property lines. The City of Bloomington had an ordinance restricting the use of the area in which the townhouses are located, and didn't want property lines. The request was to omit the property lines. After discussion, Commissioner Christoffersen moved to table to allow the proponent time to provide cross-section diagrams of floors and walls. The second was made by Commissioner Jones. It was voted upon and carried.

(37) 10-03-35(a)(b)(c)(d) Lanier Mansion Inclined Wheelchair Lift, Madison

The proponent had requested this application be tabled. Commissioner Christoffersen moved to table with the second by Commissioner Jones. It was voted upon and carried.

(38) 10-03-36 Recreation Unlimited, Noblesville

Dennis Bradshaw, Ralph Gerdes Consultants, spoke as proponent. A retail facility which sold large play equipment found parents brought their children to play on the displays without the intention of purchasing the merchandise. They began having parties for 15 children in the break room area, which was a change of occupancy. The request was to omit sprinklers in the building. An extra exit and a fire alarm system was to be installed, and travel distance was less than 100 feet. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

(39) 10-03-38 Peter's Group Ltd. Sprinkler System, Goshen

Tim Callas, J & T Consulting, spoke as proponent. The proponent had met with both the local fire and local building officials, and they have agreed that the dust collection system performed well and complied with applicable sections of NFPA 664. After discussion, Commissioner Hawkins moved that no variance was required. Commissioner Brenner made the second. It was voted upon and carried.

(40) 10-03-39(a)(b) Indiana Design Center, Carmel

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was a request to add a tenant space to variance 08-11-34. Variance (b) was for the existing building which served as a design center and housed several occupancies. The request was to allow the fire wall to be 2-hour with a fully sprinklered building instead of the code-required 3-hour fire wall. After discussion, Commissioner Hawkins moved to approve both (a) and (b) with the second by Commissioner Ogle. It was voted upon and carried.

(41) 10-03-40 St. Francis Acute Care, Indianapolis

Noting that the application didn't mention the specialized tool required to inspect the Gen II elevator,

Commissioner Corey had called it out for individual consideration. With the condition that the tool be provided, he moved to approve with the second by Commissioner Jones. It was voted upon and carried.

(42) 10-03-41 Crestview Golf Course Clubhouse, Muncie

Timothy Moehl, Moehl Engineering, spoke as proponent. The roof of the building had been damaged in a fire. Part of the repair required they bring the restroom up to ADA standards, which resulted in an addition and the requirement to sprinkle the building. The request was to omit the sprinklers. The original building wasn't sprinklered and was of V-B construction, and the addition listed as 1-hour construction. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote being cast.

6. **New Business – General.**

Discussion and Possible Commission Action

Angola Masonic Lodge  
Administrative Cause No. 10-01  
Elevator Permits  
Nonfinal Order of Dismissal

Ryan Fire Protection Inc.  
Administrative Cause No. 10-03  
Change of Occupancy  
Nonfinal Order of Dismissal

Decatur Central High Stadium Bleachers  
Administrative Cause No. 10-02  
Appeal of "No variance required"  
Nonfinal Order of Dismissal

Commissioner Christoffersen moved to approve the Nonfinal Orders of Dismissal. Commissioner Corey made the second. It was voted upon and carried.

River Ridge Apartments  
Administrative Cause No. 09-28  
Order – Local Building Official  
Notice of Filing Report, Findings of Fact, and  
Decision of Administrative Law Judge

Commissioner Hawkins moved to adopt the decision of the Administrative Law Judge. Commissioner Brenner made the second. It was voted upon and carried.

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

Fairbanks Hospital

Order – City of Indianapolis

Avon Creek Apartments  
Order – Washington Twp. / Avon Fire Department

Brothers Bar Fire Pit  
Order – Bloomington Fire Department

Club Utopia  
Order – Fire and Building Code Enforcement

505 Fulton Street, Berne  
Order – Fire and Building Code Enforcement

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

7. Re-adoption of LSA Document #09-388

Some of the text in the memo for the original adoption had been incorrect. Therefore, a second adoption had been needed. Commissioner Ogle moved to approve LSA Document #09-388, as published in the Indiana Register on December 23, 2009, as Document 20091223-IR-675090388PRA, as amended by the proposed changes contained in the rule text attached to staff's memo dated February 18, 2010, with one additional change to delete the quotation marks at the end of 675 IAC 19-4-3(1). Commissioner Hawkins made the second. It was voted upon and carried.

8. Clarification of Variance 09-12-4 Brickyard Condominiums Building #6, Evansville

Marvin Goebel, owner, had applied for and had been granted a variance for building #6. During the hearing, it had been requested that the application include buildings #7, #8 and #9. When the action letter was received, it only listed building #6. He questioned the letter, and staff listened to the recording of the hearing but was unable to determine if the variance had included the other buildings. The matter was taken to the Commission, and, following discussion, they determined it had been for Building #6 only.

9. Reconsideration of Variance 10-02-8(b) Harrison County Government Center, Corydon

Ed Rensink, RTM Consultants, had presented the variance believing the building was to have been sprinklered. When it was noticed that a clerical error had been made and the building was not to be sprinklered, a reconsideration of the variance was requested by the proponent. The facts surrounding the original ruling by the Commission were discussed and the clerical error was not felt to impact their decisions. The original approval remained in force.

10. Request for revocation of Variance 06-06-29(a)(b)(c)(d) Mill Building, Noblesville

The applications for this building stated there were three stories and did not mention residential use of the building. The local code enforcement officials and state officials have found the building to be five stories with residential occupancies on the fourth and fifth floors. Sprinkler coverage is not throughout the building, and an A-2 occupancy is being constructed on the second floor with an A-3 being constructed on the third. Staff, therefore, recommended that these four variance be revoked because they had been obtained by fraudulent or misleading statements and information. After

discussion, Commissioner Christoffersen moved to revoke variance 06-06-29(a)(b)(c)(d) Mill Building, Noblesville, with the second by Commissioner Ogle. It was voted upon and carried.

11. Proposed clean-up rule including Mechanical Code chase amendments, Building Code Chapter 34 proposals and repeal of outdated Regulated Amusement Device Rules

A rough draft of the proposed rule had been distributed to the members of the Commission. Code Specialists John Hibner, Denise Fitzpatrick and John Haines gave a short synopsis of the changes they had worked on in the clean-up rule. Mara Snyder, Director, Legal and Code Services, asked the members of the Commission to read the document and bring back their input at the April meeting.

12. **Adjournment.**

Vice-Chairman Cundiff called for further business, and upon hearing none, he adjourned the meeting at 12:14 p.m.

APPROVED \_\_\_\_\_

Howard Cundiff, Vice-Chairman