

**COMMISSION MEETING MINUTES**

**Indiana Fire Prevention and  
Building Safety Commission**

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

August 4, 2009

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:08 a.m. on August 4, 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  
David Hannum, Chairman  
John Hawkins  
M. Burke Jones  
Ted Ogle  
James Ridley

- (b) 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  
Beth Sutor, Secretary

2. **Old Business.**

Chairman Hannum called for any corrections or a motion to approve the minutes of the July 7, 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. **LSA Document #09-186, #09-187**

Commission discussion and possible action on LSA Document #09-186 had been tabled from the July 7, 2009 meeting for further study, and members were advised by Mara Snyder, Director of Legal and Code Services, that the option to table again was still available.

Commissioner Brenner noted they still hadn't gotten an answer as to the age of buildings involved in fires. She wanted to

know if they are older buildings without draft stops, etc, or are they newer buildings.

Commissioner Ridley stated that the information is hard to determine. Draft stops are put into buildings, but are compromised by contractors using them for conduits for plumbing and such and breaching them. Commissioner Ogle asked if the amendment affects private residences. Ms. Snyder answered, saying LSA Document #09-186 reflects changes in R-2 and R-3 occupancies, such as in condominiums, but not Class 2 structures. Commissioner Corey voiced concerns about compartmentalization, asking if there was a size that will be as big as the buildings get in the amendments. Ms. Snyder explained that construction type will limit the size somewhat.

Commissioner Hawkins said he had done some research and that the language comes from the southern part of the state with the poorer counties which are without good water supplies where sprinklering buildings is hard. He had assumed that a large percentage of the Indiana population lives in rural areas, and this is not correct; only 22% of the population lives in rural areas. The vast majority of projects will be in urban areas and they have gone way past the double-duplex idea and have outstripped the “hardship” plea. His research showed that Indiana is just slightly below the national average death rate for fire deaths and we have the 17<sup>th</sup> highest density of population for the nation. Commercial buildings are relatively safe, but residential buildings have changed construction, going to light-weight engineered wood as opposed to a fifty-year-old house with solid wood and hardwood floors. In a current house with a fire in the basement, you have 6 minutes to get out. The population has risen 10%, while apartment fire deaths have gone up over 30% in the last 10 years. Commissioner Hawkins felt this is due to the type of construction, and has come to the conclusion that this is best handled by the variance process. He stated he feels the number of variance applications will go down as people see that sprinklers are the way to go. Commissioner Ogle felt that the person who owns their residence should have the right to decide if they want sprinklers or not. But if they don’t own it, and the actions of others in the building impact their safety, then the building should be sprinklered. After being advised that they may remove the sprinkler amendment and adopt the rest of the proposed rule, Commissioner Hawkins moved to approve LSA Document #09-186 as published in the Indiana Register, as amended by deleting the proposed amendment to Section 903.2.7 with the second by Commissioner Ogle. Commissioner Brenner stated her biggest concern is affordable housing with the increasing cost of construction, and wondered if they should go down to four or six unit buildings to keep the costs affordable. Commissioner Christoffersen also expressed concern over the buildings submitted having ten and twelve units with exiting issues involved, saying the need is to find a point where safety and affordability meet to serve the public. Commissioner Ridley questioned if tenants are safer with 2-Hour walls or sprinklers. Noting thermal imaging cameras have problems picking up fires behind firewalls which encapsulate tenants to protect the neighbors, our best interest, he stated, is to look at the safety of the citizens of Indiana, declaring he would stand by that interest. Commissioner Ogle noted that affordability was critical and made the suggestion they wait and watch what comes before them to gather more information. Commissioner Hawkins felt that to change it today leaves out the opportunity for public input like the chase amendments have had. Commissioner Hannum asked if the amendment carried an annual maintenance requirement with it. Ms. Snyder explained that annual inspection requirements are contained in NFPA 25 already adopted by the Commission. Commissioner Ridley said that his inspectors inspect businesses annually and that anything manmade has the potential to fail. But having sprinklers is more beneficial than not having them. Commissioner Hannum called for a vote on the motion. It was voted upon and carried with one nay vote cast.

#### 4. **Variances.**

##### **Tabled Variances.**

Variance 09-06-16 Winchester Retirement Community, Ft. Wayne, was tabled at the request of the proponent. Commissioner Christoffersen moved to table with the second by Commissioner Corey. It was voted upon and carried.

Variance 09-06-42 National City Center Lobby Renovation, Indianapolis, had been withdrawn by the proponent. Variance 09-07-3 Cayuga Generating Station FGD Project, Cayuga, had no proponent available. Commissioner Cundiff moved to deny with the second by Commissioner Jones. It was voted upon and carried. Variance 09-07-11 Wigwam Building Second Floor Remodel, Franklin, was represented by Dennis Bradshaw. The second floor of this historic building in downtown Franklin is to become five apartments. It had been released with the condition for accessibility. The local official was unsure if an elevator would be required, so a request for an interpretation had been submitted but no response from the state had been received. Since the building is under Fair Housing and the age of the building would not require an elevator to be installed, the proponent is seeking a variance. The apartments are adaptable, and share no common areas on the second

floor. If space were to be found for an elevator, the cost would be over \$100,000. The owner, Mike Wadsworth, explained to the Commission that the floor had been previously used for a teen club which he felt had unsafe conditions. He felt this was an improvement in the use of the building. After discussion, Commissioner Christoffersen moved no variance was required with the second by Commissioner Hawkins. It was voted upon and carried with two nay votes.

### **Regular Variances.**

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. None were called out. Commissioner Hawkins will abstain from voting on 09-08-4. 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 Brenner. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 09-08-2(b) IPFW Student Housing Phase III, Ft. Wayne
- (2) 09-08-4(a) Lafayette Armed Forces Reserve Center, Lafayette
- (3) 09-08-7 598 E. Graham Place Window, Bloomington
- (4) 09-08-8 504 E. Graham Place Window, Bloomington
- (5) 09-08-9 592 E. Graham Place Window, Bloomington
- (6) 09-08-11(a) Indiana University Glick Eye Institute, Indianapolis
- (7) 09-08-14 St. Elizabeth Rehabilitation Nursing Unit Renovation, Lafayette
- (8) 09-08-15 Preston Property Holdings, LaGrange
- (9) 09-08-16 Eli Lilly Building K153, Indianapolis
- (10) 09-08-17 Franklin Central High School Re-roofing, Indianapolis
- (11) 09-08-18 Elrod Chemical Grain Storage, Dillsboro
- (12) 09-08-19(b) Community Hospital South Expansion, Indianapolis
- (13) 09-08-20 Parkview Ortho Hospital Bed Expansion,
- (14) 09-08-21 Medco G3 Facility,
- (15) 09-08-22 Washington Street Garage Pedestrian Connector, Indianapolis
- (16) 09-08-23 Tarkington Tower Condominium Association, Indianapolis
- (17) 09-08-27 Carmel Performing Arts Center, Carmel
- (18) 09-08-29(a)(b) Triton Central High School, Fairland
- (19) 09-08-34 Methodist Hospital Neuroscience Renovation / Sanctuary, Indianapolis
- (20) 09-08-35 Overseas Council Renovation, Indianapolis

The following variances were heard separately:

- (21) 09-08-1 Mid-town Lofts, Bloomington

Doug Bruce, Tabor/Bruce Architects, spoke as proponent. The building had originally designed as a five-story apartment building with parking on the first floor. It will now have a three-hour separation between first and second floors, retail space of noncombustible construction on the first floor with a V-A separation between fully-sprinklered first floor apartments and parking. Apartments from the second floor upwards will be two-bedroom units. After discussion, Commissioner Brenner moved to approve with the condition that a one-hour wall be installed between M occupancy and the first floor apartments. Commissioner Ridley made the second. It was voted upon and carried.

- (22) 09-08-2(a)(c) IPFW Student Housing Phase III, Ft. Wayne

David Kish, Purdue University, spoke as proponent. Variance (a) was to allow the use of an Eco-space elevator. Training would be provided for the inspectors. Commissioner Ogle moved to approve with the second by Commissioner Cundiff. It was voted upon and carried. Variance (c) was to allow the installation of a smoke detector in the elevator shaft. NFPA 72 directs the installation of smoke detectors in the machine room. This is a machine room-less elevator system in which the shaft serves as the machine room. Commissioner Cundiff moved to approve with the second by Commissioner Corey. It was voted upon and carried.

(23) 09-08-3 Back 40 Sporting Clays New Building, Bourbon

Carmen and Ryan Meister, owners, appeared as proponents. The request was to omit the sprinkler system in the 11,000 square foot banquet hall. There is also a mezzanine with seating for approximately 100 which currently has only one exit. The owners have plans to put in a second exit from the back of the mezzanine. A pond is available to the owners and has been deemed sufficient by the local fire department. There are smoke detectors installed and the remainder of the alarm system is in place but not active. After discussion, Commissioner Cundiff moved to approve with the condition that a second stairway for the mezzanine be installed. Commissioner Ridley made the second. It was voted upon and carried with one nay vote cast.

(24) 09-08-4(b)(c) Lafayette Armed Forces

Benjamin Elfrich, Kone Elevators, spoke as proponent. The variances were for an Eco-space elevator in which the steel ropes are not code-compliant and the size of the 4,000 pound platform is not compliant. The proponent agreed to provide the required tool and training for the inspectors. Commissioner Corey moved to approve both variances with the second by Commissioner Cundiff. It was voted upon and carried.

(25) 09-08-5 Ball State North Residence Hall, Muncie

Chris Jenkins, Shiel Sexton, spoke as proponent. The request was to allow the use of a machine room-less elevator. The unit complies with A17.1 2005 Supplement, but the proponent was unsure if it complied with the 2007 proposed code. Commissioner Corey moved to approve on the condition the unit comply with the 2007 proposed code. Commissioner Christoffersen made the second. It was voted upon and carried.

(26) 09-08-6 Eastern Star Church Pump, Fishers

Anthony Murdock, facility director, spoke as proponent. The request was to omit the sump pump in the sprinkler system water pit vault which leaks. After discussion, Commissioner Ridley moved to approve with the condition that the pit be inspected monthly and any water manually removed, and a record of the inspections are also to be made available for fire department inspections. Commissioner Jones made the second. It was voted upon and carried.

(27) 09-08-10(a)(b) Perry-Clear Creek Fire Station #21, Bloomington

Edwin Rensink, RTM Consultants, spoke as proponent. Variance (a) was a request to omit the accessibility requirements for the second floor living quarters. These areas are for on-duty firefighters and are not accessed by the public. Firefighters who are not able-bodied would be assigned to administrative-type duties on the first floor which is accessible. After discussion, Commissioner Christoffersen moved to approve with the condition that the first floor kitchen and laundry room be accessible. Commissioner Ridley made the second. It was voted upon and carried. Variance (b) was a request to use a residential hood over a residential cooktop in the kitchen instead of a Type-1 or Type 2 hood. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried with 2 nay votes being cast.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:31 a.m. He then reconvened the meeting, calling it back to order at 10:50 a.m.

- (28) 09-08-11(b) Indiana University Glick Eye Institute, Indianapolis

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to allow the locking of egress stairway doors in the back of the building to prevent re-entry upon exiting. All exit doors will function at all times in the direction of egress. The locks will fail open at the activation of fire alarms or sprinklers, and at the loss of power. The building is fully sprinklered. After discussion, Commissioner Christoffersen moved to approve with the condition a manual means of unlocking the doors be installed at the annunciator panel. Commissioner Ogle made the second. It was voted upon and carried.

- (29) 09-08-12 Evansville Museum of Arts History and Science, Evansville

Further information had been received on the variance which qualified it to have been declared an "A" during staff review. Commissioner Ogle moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (30) 09-08-13 Trine University T. Furth Performing Arts Center, Angola

Edwin Rensink, RTM Consultants, spoke as proponent. An existing church is being converted to a theater for performing arts with a third floor being added for offices and a stage addition. The request was to allow an opening connecting the first, second and third floors to not be enclosed in a fire-rated shaft. The opening will join the two-story main floor and balcony with the new third floor. Sprinklered bulkheads at the upper level will be installed, and exit stairs will be enclosed with 2-hour fire barriers. Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (31) 09-08-19(a) Community Hospital South Expansion, Indianapolis

Rodney McCulloh and Neal Locasto, RTM Consultants, spoke as proponents. A second floor mechanical room had been designated a "B" occupancy by the designer, and as such, had a 89 foot path of travel which complies with the 100 foot allowed in this occupancy. The City of Indianapolis, represented by Jeff Dean, had classified the area as an "I" occupancy which allows a 75 foot path of travel. A lengthy discussion of whether the design professional or the local official chooses the occupancy classification of

an area of a building which is incidental use, accessory use, or does not fall under a standard definition of a use. Commissioner Hawkins moved that no variance was required, and that he thought it actually a “U” and that he needed to comply with code requirements for that occupancy. The second was made by Commissioner Brenner. The proponents stated they did not wish to have their application declared no variance required, asking the members of the Commission instead to determine that the occupancy classification of the second-floor mechanical room was a “B”. The Commission declined, stating that was not within their scope. The motion was withdrawn. Following further discussion, Commissioner Hawkins moved to table to allow the proponent and the City of Indianapolis to further discuss the issue and reach an agreement. Commissioner Ridley made the second. It was voted upon and carried.

- (32) 09-08-24 Wendell Residence Pool House Stairs, Noblesville

Tyler Crews, Crews & Sturtz, Inc, appeared as proponent. The poured concrete stairs of this private residence pool are  $\frac{3}{4}$ " below the finished floor of the pool house with a landing approximately 3 inches deep in the direction of travel. Commissioner Cundiff moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (33) 09-08-25(a)(b) Red Gold Geneva Freezer–Refrigerator Warehouse Addition, Geneva

Doug Trent, RTM Consultants, and Mike Herrmann, Red Gold, spoke as proponents. The request in (a) was to omit the sprinkler and smoke detection system in the freezer and refrigeration sections of the area. The ambient temperature section will be fully sprinklered. A rate of rise heat detection system will be installed in the freezer and refrigeration sections, and the addition will be separated from the existing structure with a 4-hour fire wall. Commissioner Brenner moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) is a request to omit smoke and heat vents and curtain boards. The vents won't be insulated as required and will freeze over and not work properly. Draft curtains will impede the air flow over the stored goods. Additional sprinkler heads will be installed between the freezer/refrigeration sections and the ambient temperature storage area. Commissioner Cundiff moved to approve with the second by Commissioner Ridley. It was voted upon and carried.

- (34) 09-08-26 LaGrange County 4-H Cowboy Kitchen, LaGrange

No proponent was present. The request was to allow the use of a non-complying hood without an extinguishing system over an electric grill and LP deep fryer. After discussion of information provided in the application, Commissioner Ridley moved to approve with the condition that the use of the building be limited to twelve (12) days per year. Commissioner Jones made the second. It was voted upon and carried.

- (35) 09-08-28(a)(b) Lafayette Central Catholic Jr/Sr High School Phase I, Lafayette

Melissa Tupper, RTM Consultants, spoke as proponent. Variance (a) was a request to permit a two-hour fire barrier instead of a two-hour fire wall. The roof overhang of the existing building prevents the building of a structurally independent fire wall. Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was a request to allow the use of a temporary exit from August to November. The local fire department has seen and agreed to the

plan. Commissioner Ridley moved to approve with the condition the variance be in force from August to November 2009. The second was by Commissioner Christoffersen. It was voted upon and carried.

- (36) 09-08-30 University of Notre Dame Purcell Pavilion at the Joyce Center, Notre Dame

No proponent was available for questions. The request was to allow a dead bolt lock on the exit door from the roof top terrace, keyed on the inside and thumb-turn on the exterior side of the door. Commissioner Ridley moved to deny with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote being cast.

- (37) 09-08-31(a)(b)(c)(d) The Project School, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to allow windows in a masonry wall of two-hour construction two to three feet from the property line, allowing natural light into the affected classrooms. Each opening will be protected with a ¾-hour rated fire assembly. Commissioner Hawkins moved to approve with the second by Commissioner Ridley. It was voted upon and carried. Variance (b) and (d) were of similar nature and heard together. Variance (b) dealt with rooms which are not considered normally occupied spaces opening into the stair enclosures and related exit passageway discharging to the exterior. Variance (d) was to allow duct openings and other utility openings in the center stair enclosure and exit passageway. The building will be protected throughout with a smoke detection system connected to the fire alarm system. The stairs are of 1-hour construction. Each door opening into the stairways will be a 1-hour rated assembly. After discussion, Commissioner Christoffersen moved to approve both with the second by Commissioner Cundiff. It was voted upon and carried. Variance (c) is a request to allow the existing rise and run of the stairways to be maintained, though they do not comply with current code. Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (38) 09-08-32 Decatur Central High School Addition/Renovation, Indianapolis

J. Scott Peterson, Vice-President of SCS Construction Services, spoke as proponent. The request was to allow the steel ladder to the bottom of the pit to have a toe clearance of 5⅝" instead of code-compliant 7". All else complies with the code. After discussion, Commissioner Corey moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (39) 09-08- 33 The Nature Conservancy, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of a gray water recycling system for water closets and waterless urinal fixtures. The 2006 International Plumbing Code allows the use of gray water. After discussion, Commissioner Christoffersen moved to approve with the condition that the pipes be marked to identify potable water piping and gray water piping. Commissioner Cundiff made the second. It was voted upon and carried.

- (40) 09-08-36 DeMotte Medical Office Building, DeMotte

Christina Collester, RTM Consultants, spoke as proponent. The request was to omit 1-hour rated corridors in the single tenant building. There are three exits with a maximum travel distance of 125'. The building is an Outpatient facility and complies with the Life Safety Code which does not require rated corridors for a single tenant building. Smoke detection, not required by the Life Safety Code, will be

provided. After discussion, Commissioner Brenner moved to deny with the second by Commissioner Ridley. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

Autumn Builders  
Administrative Cause No. 09-24  
Order – Local Building Official  
Nonfinal Order of Dismissal

Dollar General  
Administrative Cause No. 09-12  
Condition of CDR  
Amended Nonfinal Order of Dismissal

Indiana Wesleyan University  
Administrative Cause No. 09-10  
Denial of Variance 09-02-18  
Nonfinal Order of Dismissal

URS Corporation  
Administrative Cause No. 09-22  
Order – Indianapolis Fire Department  
Nonfinal Order of Dismissal

Golden Corral Bedford  
Administrative Cause No. 08-56  
Order – Office of the State Fire Marshal  
Nonfinal Order of Dismissal

Alternative Plastics  
Administrative Cause No. 08-27  
Late Filing  
Nonfinal Order of Dismissal

East Allen County Schools  
Woodland Jr/Sr High School, Leo Elementary School  
Administrative Causes Nos. 08-68 and 08-69  
Nonfinal Order of Dismissal

East Allen County Schools  
Leo Elementary School  
Administrative Cause No. 09-17  
Nonfinal Order of Dismissal

Griot's Garage Remodel  
Administrative Cause No. 09-15  
Denial of Variance  
Nonfinal Order of Dismissal

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

Goldman Union Camp Institute  
Administrative Cause No. 08-71  
Notice of Filing Report, Findings of Fact and  
Nonfinal Order of Dismissal  
- Objection to Findings of Fact and Nonfinal Order of  
Administrative Law Judge

Goldman Union Camp Institute  
Administrative Cause No. 08-71  
Order Granting Motion for Withdrawal of Objections to Finding of Fact  
And Nonfinal Order of Administrative Law Judge

Commissioner Cundiff moved to affirm the Filing Report, Findings of Fact and Nonfinal Order of Dismissal of the Administrative Law Judge. Commissioner Ridley made the second. It was voted upon and carried.

Big Boom Fireworks  
Administrative Cause No. 08-37  
Consideration of Nonfinal Order of Administrative Law Judge, Objections by Petitioner, and  
Filing of Briefs  
- None filed

Commissioner Cundiff moved to affirm the Nonfinal Order of the Administrative Law Judge. Commissioner Christoffersen 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.)

Huntington County Building Commissioner  
Variance 09-07-37

Arem Corporation  
Elevator Inspection Fee

Vanderburgh County Jail  
Order – Fire and Building Code Enforcement

Pike High School Bleachers  
Order – City of Indianapolis

Decatur Central High School Bleachers  
Order – City of Indianapolis

West Lafayette Apostolic Christian Church  
Design Release – Project #341277

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

7. **Discussion and possible re-adoption of 675 IAC 21-1**

Mara Snyder, Director of Legal and Code Services, explained that this would simply put back into place without amendment the code which is there now but due to expire. Commissioner Christoffersen moved to adopt with the second by Commissioner Ridley. It was voted upon and carried.

8. **Discussion of staff memo and summary of comments of proposed rule for draft of the adoption of ASHRAE 90.1, 2007 edition**

Mara Snyder, Director of Legal and Code Services, presented the memo and summary of comments for the draft of the proposed rule and the adoption of the rule showing the language the public had wanted reinserted into ASHRAE 90.1. The Commission should have the document to review in November after the public hearing which is to be held in October. It should then go to the Governor by the end of the year. The members of the Commission agreed with the proposed adoption schedule as outlined by Ms. Snyder.

9. **Discussion of Variance 09-06-15 ARC Opportunities Respite Care, Howe**

Mara Snyder, Director of Legal and Code Services, asked that this be tabled until September. Commissioner Christoffersen moved to table with the second by Commissioner Corey. It was voted upon and carried.

10. **Comments.**

Mara Snyder, Director, Legal and Code Services, announced the Electrical Code had been sent from the Office of the State Attorney General to the Office of the Governor for review, and may be close to being finished. The agency corrections for NFPA typographical errors will be effective August 24, 2009. The Chapter 34 committee meeting has been moved to Conference Center Room 6.

11. **Adjournment.**

Chairman Hannum thanked Judge Teegarden for his years of service to the Commission. Calling for further business and hearing none, he adjourned the meeting at 12:23 p.m.

APPROVED \_\_\_\_\_

David Hannum, Chairman