

## **STAFF REPORT**

**Report Date: 07/31/2020**

"A" category = staff recommendation is for approval with no equal alternatives because of noncompliance is not adverse.

"B" category = staff recommendation is for approval with equal alternatives as stated by the proponent.

"C" category = reserved, meaning staff believes Commission needs to discuss entirety.

"D" category = recommendation is for denial.

"I" category = incomplete (with permission of the Chairman).

"NVR" category = no variance required.

"T" category = tabled.

NOTE: All staff recommendations presume code statements on the variances by the applicant are correct, unless otherwise noted. This means that all code statements become conditions of the variances and, if not true, the variances would be subject to Commission sanction. All LBO and LFO responses that they have received a copy of the application for variance are in order, unless otherwise noted.

**20-07-17      Project:0      Electric Works, Fort Wayne**

**ID #20295**

- C      a. The code requires the small three-story opening to be considered an atrium. The request is to allow a vertical three- story unseparated floor opening not designed as an atrium where provisions are made to protect the smaller atrium, with draft stops and closely spaced sprinklers. Similar variances have been granted in the past. \*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.
- C      b. The code requires an enclosed elevator lobby to be provided at each floor where an elevator shaft enclosure connects more than three stories. The building will has 6 stories above grade, plus a lower level. The request is to allow enclosed elevator lobbies to be omitted in the existing building. Building will be fully sprinklered as required. Similar variances have been granted in the past.
- C      c. The code states that the building area of any covered mall or open mall building, including anchor buildings, of Type I, II, III and IV construction shall not be limited provided the anchor buildings do not exceed three stories above grade plane. The request is to use buildings 19 and 26 as the anchor buildings. Both buildings are high rises. The buildings that are part of this project were originally constructed in the late 1800's and early 1900's with some later additions. The structures will be sprinklered.

- C d. The code requires new buildings to comply with the 2010 Indiana Energy Conservation Code. The request is to allow the 1,334 sq. ft. addition to not comply with the building envelope and not meet prescriptive requirements of the Energy Code, nor pass Comcheck. Proponent states existing buildings were originally constructed in the early 1900's. Similar variances have been approved for small additions for buildings constructed prior to energy codes.
- C e. The code limits the use of pedestrian walkways to pedestrian traffic. The proponent states the construction of these building pre-date the adoption of the codes and the buildings are classified as historic. The existing pedestrian walkway will be used as an occupied area. The use of this building feature will highlight the historic nature of the facility and a sprinkler system and new voice/alarm emergency communication system will be provided throughout the buildings. Similar variances have been approved.
- C f. The code requires hose connections to be located at an intermediate floor level landing between floors. The request is to allow the new standpipes in the existing buildings to have hose connections located at the main floor landings. Building is fully sprinklered. Proponent states all the standpipe hose connections in the building will be consistently located at the main floor landing, due to the intermediate stair landings being small. Installing a hose connection on the intermediate stair landings would impede upon the path of egress.
- C g. The Code would require addition be served by complying egress stairs. The existing buildings were constructed in the late 1800's/early 1900's and are historic structures. The existing stair will be used to serve the new roof top patios on buildings 19 and 26. The proponent states the existing building is a historically significant structure and as many features as possible, including the stairs and enclosure are being maintained to preserve the historic integrity of the building.

**20-07-18      Project:400415      Maple Leaf Performing Arts Center, NASHVILLE**  
**ID #20332**

- D a. The code limits service counters to a maximum of 36 inches in height. The request is to allow the concession and ticket counters to be 42 inches in height. The building has been open since August 2019.  
  
 \*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.
- D b. The code requires that stair treads be of uniform size and shape. The tolerance between the largest and smallest tread depth shall not exceed 3/8 inch in any flight of stairs. The request is to allow one stair in both stairs to have a tread depth of

the stair 25 inches at one end and 15 inches at the other. The proponent states yellow safety stripe has been painted at the stair tread and additional lighting.

**20-07-19      Project:0      Valley Grove Elementary, Anderson**

**ID #20335**

- C      The code requires automatic fire-extinguisher systems protecting commercial cooking systems to be maintained. The requested variance is to remove the system that is currently on site. The proponent states there are no longer fryers under the hood and the system is beyond repair.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-20      Project:0      Alpha Systems Beck Drive North Addition, Elkhart**

**ID #20347**

- C      The code permits 1-story Group S-1 occupancy to be unlimited in area when surrounded and adjoined by public ways or yards not less than 60 feet. The request is to allow the west wall of the new building to be 15 feet. The property to the west is on a contract to purchase which ends in 2023. Building is fully sprinklered. The building is 81,000 square feet.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-21      Project:0      Marian Inc Third Floor Addition, Indianapolis**

**ID #20351**

- C      a. The code prohibits addition to buildings or structures plus the existing building or structure from exceeding the height, number of stories, and allowable area based on the construction type. The request is to allow a 268 sq. ft. entry vestibule addition to be put to the existing 31,313 square feet putting structure in noncompliance for allowable building area and fire area, without separating the two with a fire wall. Sprinkler protection and fire alarm system will be provided in the addition

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- C b. The code requires shaft enclosures for floor openings connecting more than 2 stories. The request is to allow unprotected floor openings in the 6-stories bin building. The request is to allow a new floor opening (stacked ramp system), product ramp, in the existing building will be created between the existing 2nd floor and new 3rd floor addition. The proponent states the new and existing floor openings will be protected with a draft curtain and closely spaced sprinklers.
- C c. The code requires maximum riser height of 7 inches and a minimum tread depth of 11 inches and a minimum 44 inches wide. The request is keep existing stairs have a riser height of approximately 7 inches, a tread depth of approximately 10 inches, and is approximately 41 inches wide.

**20-07-22 Project:0 County Line Road Retail Building, Indianapolis**

**ID #20369**

- C The code requires fire hydrant to be within 400 feet of building. The request is to allow the nearest hydrant to be 2,600 feet away from the new building. The proponent is providing a monitored fire alarm system and smoke detection throughout structure. This is a M Occupancy and Type VB.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-23 Project:0 New Horizon Conversions, Nappanee**

**ID #20371**

- C a. The code prohibits building area of each occupancy divided by the allowable area of each separated occupancy from exceeding 1. The request is to allow an existing mixed use strip center to have a mixed use ratio of 1.23, the addition will be an occupancy of S1. The existing is F-1 Occupancy existing woodworking facility. The proponent states a 2 hour fire barrier will be provided between the S-1 Occupancy storage addition and existing F-1 Occupancy production facility.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

- B b. The code states that an automatic sprinkler system is required in buildings containing wood working operations that exceed 2,500 square feet and for F-1 or S-1 Occupancy fire areas over 12,000 square feet. The request is not to provide an

automatic sprinkler system. The proponent states a dust collection system in accordance with NFPA 664 is provided, which reduces the potential amount of combustible dust in the air.

**20-07-24      Project:0      Knapp Supply Company, Muncie**

**ID #20376**

- C      The code requires buildings and structures, and any part of the fire or explosion suppression systems, and all parts thereof, constructed, installed, or altered prior to the adoption of applicable rules by the commission or its predecessor agencies, to be maintained in a condition at least as safe and sanitary as they were when constructed, installed, or altered. The request is to allow the existing sprinkler system to not be maintained. Proponent states the existing sprinkler system was not maintained by the previous owner. Per the proponent, it would cost too much to maintain the sprinkler system. The building is used for storage under 12 feet in height, class I-V Commodity and some PVC pipes stored to no higher than 6 feet.

\*\*\*\*\*Fire official opposes the variance.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-25      Project:0      Indy Horror Story, LLC, Indianapolis**

**ID #20384**

- C      The code prohibits the change of use of any building or structure unless the building or structure complies with the requirements for new construction or Chapter 34 Evaluation. The request is to allow an existing 6,000 sq. ft. retail building recently used as a church and now being converted into a special amusement building (similar to a haunted house) to not have to comply with the rules for new construction or Chapter 34 Evaluation. Building will not be sprinklered. Proponent states the building will be used from September to February, 48 nights and will be comprised of only 10 rooms totaling approximately 2,000 sq. ft. and 2-stories. Per the proponent, there will be a maximum of 24 guests in the entire building at a time in addition to 12 actors and 3 staff members. Eight guests at a time are escorted by staff from room to room. Smoke/fire detectors will be in each room with an alarm panel in a monitored control room. Each room will have a CCTV video camera. All staff, control room monitor and on-site police officer will stay in contact via 2-way radios.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-26      Project:0      Velocity 70, Greenfield**

**ID #20390**

- C      The code states that customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces utilized as restaurants, night clubs, places of assembly, and retail sales occupancies. The request is to bring in four portable restrooms while they are onsite for 4 months. The proponent states due to time restrictions to properly build office and restrooms it will result in a loss of business.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-27      Project:414565      The Reserve at White River, INDIANAPOLIS**

**ID #20391**

- C      The code requires at least an NFPA 13R automatic sprinkler system to be installed in Group R occupancies. The request is to allow an NFPA 13D system to be installed in town house in lieu of the NFPA 13R system. The proponent states water lines are sized for one and two family dwelling units and town homes and are adequate to supply an NFPA 13D sprinkler system. Also, NFPA 13D sprinkler systems are actually the types of systems nationally recognized for this type of town home. Similar variances have been granted in the past.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-28      Project:416447      Scroggs Barn Event Center, WARSAW**

**ID #20392**

- C      The code states that section 3401.1. of the IBC does not allow Chapter 34 to be used to convert structures of other than Class 1 to Occupancy Groups A or E. The request is to allow a class 2 barn to be converted to a class 1 structure with an A occupancy. The proponent has provided plans to show compliance with 2014 IBC and a Chapter 34 summary.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.

**20-07-29      Project:0      Brown County Inn Tents, Nashville**

**ID #20393**

- C      The codes states temporary tents, air-supported, air inflated or tensioned membrane structures shall not be erected for a period of more than thirty (30) days within a 12-month period on a single premises. The request is to allow temporary tents to be erected from May through November every year. The proponent states that these tents are professional setup and have been used for many years as a major part of their business.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the August 4, 2020 meeting.