

## **STAFF REPORT**

**Report Date: 08/30/2019**

"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 entirely.  
"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.

### **Tabled Variances**

**19-05-03**

**Project:394122**

**Hubbard Gardens, INDIANAPOLIS**

C 18950

TABLED BY COMMISSION 07/02/19.  
TABLED BY PROPONENT 06/04/19.  
TABLED BY COMMISSION 05/09/19.

The code requires permanent roof access to be installed when equipment or appliances requiring access is located on the roof of a building, such that the servicing personnel will have to climb higher than 16 feet above grade to access the equipment or appliances. A/C and condensing units are being located on the roof of the building. The request is to allow a telescoping ladder to be used in lieu of a fixed ladder. Proponent states, there is a roof access hatch, but due to the size of the existing landing, there is not enough room to provide a fixed ladder.

<b>19-05-82</b>	<b>Project:0</b>	<b>Berry Event Barn, Greencastle</b>
C	19356	<p>TABLED BY PROPOSER 07/24/19.      TABLED BY PROPOSER 07/01/19.      TABLED BY COMMISSION 06/04/19.      TABLED BY COMMISSION 05/09/19.</p> <p>(a) The code requires sites, buildings, structures, facilities, elements, and spaces to be accessible to persons with physical disabilities. The request is to allow an accessible ramp to be omitted to access the lower area of the main room of a barn that was constructed in the 1850's. Proponent states the owner has family members that access the space with no problem via wheelchair. Temporary ramp will be provided for guests that need accessibility. Has structural analysis been done? Has this project been filed with Plan Review?</p>
C		<p>(c) The code requires a sprinkler system to be provided in Group A-2 occupancy where the fire area has an occupant load of 100 or more or the fire area exceeds 5,000 sq. ft. The request is to allow the sprinkler system to be omitted. Per the proponent, the calculated occupant load is over 415 persons. A self-imposed occupant load of a maximum of 250 will be posted. Property is on a well.</p>
C		<p>(b) The code requires the number of occupants to be computed based at the rate of one occupant per unit of area. Proponent states based on 7 sq. ft. per occupant, the calculated occupant load for the area will be over 415 persons requiring an automatic sprinkler system. Proponent is requesting to have a self-imposed occupant load of a maximum of 250 persons in the building. The occupant load in the upper level will be limited to a maximum of 49 persons. Three exits will be provided in order to reduce travel distance.</p>
<b>19-06-02</b>	<b>Project:</b>	<b>Lowe's Store 0215, Terre Haute</b>
A	19402	<p>TABLED BY COMMISSION 07/02/19.      TABLED BY COMMISSION 06/04/19.      INCOMPLETE - LFO,LBO,</p> <p>The code requires extinguishing systems to be maintained in operative condition at all times. The request is to allow fire hose system to be removed in the store due to the lack of trained fire suppression personnel in the store. Per the proponent, this was the request of the local fire chief. *****PAPER FILING*****</p>

<b>19-07-62</b>	<b>Project:0</b>	<b>HRH Pulmonary Clinic- MOB II,Danville</b>
C	19514	
TABLED BY COMMISSION 07/02/19.		
<p>The 1993 Indiana Building Code required enclosure walls to not be of less than 1-hour fire-resistant construction in buildings three or less stories. The request is to allow the two existing stair enclosures serving the basement through the 2nd floor to not be enclosed in 1-hour construction. Proponent states the construction of the stair enclosures meet the requirements for smoke resistant construction. Building is fully sprinklered. Per the proponent, the condition was recently discovered.</p>		
<p><b>Approved at 8/6/2019 FPBSC meeting. Staff waiting on electronic exhibit to be added to application for the record before processing action letter.</b></p>		
<b>19-08-06</b>	<b>Project:0</b>	<b>KOKOMO DOWNTOWN BUILDING,KOKOMO</b>
B	19580	
<p>Steel coated belts will be used as the suspension means.</p>		
<b>19-08-07</b>	<b>Project:0</b>	<b>Commerce Center,South Bend</b>
B	19531	
<p>Schindler Elevator will utilize 6mm steel wire governor rope instead of the required diameter of 9.5mm.</p>		
<b>19-08-08</b>	<b>Project:0</b>	<b>201 S Main St.,South Bend</b>
B	19532	
<p>Schindler Elevator will utilize 6mm steel wire governor rope instead of the required diameter of 9.5mm.</p>		

<b>19-08-09</b>	<b>Project:0</b>	<b>Sleep Inn Fort Wayne,Fort Wayne</b>
B	19533	Schindler Elevator will utilize 6mm steel wire governor rope instead of the required diameter of 9.5mm.
<b>19-08-11</b>	<b>Project:0</b>	<b>TARGET WEST LAFAYATTE,WEST LAFAYETTE</b>
B	19391	Schindler Elevator will utilize 6mm steel wire governor rope instead of the required minimum diameter of 9.5mm.
<b>19-08-16</b>	<b>Project:0</b>	<b>White Rock Barn,Ossian</b>
C	19528	A) Code requires change of occupancy to comply for the required number of plumbing fixtures. The request is to allow portable restrooms to comply with fixture count. Permanent compliant restrooms will be provided within 2 years. Drinking water will be available during events.
<b>19-08-52</b>	<b>Project:0</b>	<b>Village Center Shoppes - Lot 1,Carmel</b>
T	19554	The code requires live/work unit to be provided with a monitored fire alarm system and an automatic sprinkler system per NFPA 13R. The request is to not provide either, but provide a one hour fire-rated separation wall between the business area and the garage and a one hour fire-rated floor ceiling assembly between the business on the first floor and the residence units on the second floor. In addition, a 13-D fire sprinkler system will be installed in the R-Occupancy. Smoke/alarms will be wired between first and second floors.  This is not identical to Variance #17-02-20. Variance has only 1 residential-unit on 2nd floor.

**IDHS - variance action letter pending.**

**19-08-79**

**Project:0**

**Taff Building Renovation,Rushville**

- C 19559 B)Code permits a building to be evaluated using chapter 34 for change of occupancy. The request is to give an additional 1.3 points for fire safety score to achieve a passing score. The building will be protected throughout with an automatic sprinkler system per NFPA 13. The building will be provided with a fire alarm system.
- C 19559 A) Code requires party walls to be constructed with no openings. The request is to permit an egress to be installed in the party wall. The door will be 3-hour rated, as required for openings in a 3-hour rated wall. The building will be protected throughout with an automatic sprinkler system per NFPA 13.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.

**19-08-80**

**Project:399058**

**1234 PROSPECT ST MIXED USE PROJECT,INDIANAPOLIS**

- C 19567 The code requires the environmental air exhaust to be a minimum of 3 feet from operable openings in the exterior walls of building. The request is to omit this requirement.84% of exhaust openings are 2 feet from windows. Building is 4- story apartment sprinkled throughout with 13R system.

\*\*\*\*\*See Fire Official's letter.

\*\*\*\*\* Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.

<b>19-08-81</b>	<b>Project:0</b>	<b>Katz Sapper &amp; Miller Security Renovation,Indianapolis</b>
C	19572	
<p>C-(a) The code requires egress doors to be readily openable from the egress side without the use of a key or special knowledge or effort. The request is to allow card-reader devices to be used on two sets of doors leading from the elevator lobby and connected spaces on the 4th and 5th floors. The doors will only open by card-reader activation. The card-reader devices will unlock upon activation of the sprinkler system, fire alarm system, or upon the loss of power controlling the devices. The area is within the tenant space, and not open to the public. Per the proponent, the modification is required to prevent unauthorized access to the tenant space. Building is fully sprinklered as required.</p> <p>***** Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.</p>		
C	(b) The code requires any part of the electrical, emergency detection, or emergency communication to be maintained in effect when it was installed, or altered. The request is to allow the fire alarm pull station leading from the elevator lobby to the enclosed stair on the 5th floor to be removed. Per the proponent, the pull station was required, but it is not required under current code along as the building is fully sprinklered with NFPA 13 system and the occupant notification appliances activate throughout the notification zones upon sprinkler waterflow. Smoke detection will be provided in the affected lobby space, tied to the building fire alarm system. The fire alarm system is also actuated by sprinkler water flow. Building is fully sprinklered with NFPA 13 system.	
<b>19-08-82</b>	<b>Project:0</b>	<b>Barnes &amp; Thornburg Roof Terrace,Indianapolis</b>
C	19579 Code requires stairs to conform to requirement for new construction since they provide exit access to a newly created occupiable space. The request is to omit this requirement. The building is protected throughout with an automatic sprinkler system. A thorough analysis and repair of the existing fire escape system has just been concluded.	
<p>*****Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.</p>		

**19-08-83**

**Project:0**

**Waelz Kiln Facility Project,Muncie**

C

(b) The code limits the travel distance in H-4 occupancy to a maximum of 175 feet in fully sprinklered buildings. The request is to allow Buildings 210-EAF Dust Receiving to have a maximum travel distance of 525 feet, 220-Carbon and Limestone Receiving a maximum travel distance of 325 feet, and 340-Pellet Receiving Storage Building a maximum 180 feet. Proponent states the ceiling height exceeds 38 feet in all the buildings allowing smoke to rise and enough time to evacuate the building. Per the proponent, the actual occupant load in the buildings are between 2-4 occupants. Proponent states buildings are used mainly for equipment and storage protection from the weather.

C

19594

Two exits are required where the common path of travel exceeds 75 feet and/or the calculated occupant load exceeds 10. What is the travel distance?

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.

**19-08-84**

**Project:0**

**Riley Children's Health Sports Legends Experience-Event Tent,Indianapolis**

C

19595

(a) The code prohibits temporary tents from being located within 20 feet of lot lines buildings, or other tents. The request is to allow the tent to be located 5 feet of the existing building. Proponent states there is not enough space available to provide the 20 foot separation. Variance 18-06-80 was denied. Variance 16-06-35 was 10-12 feet from buildings.

\*\*\*\*\*Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.

C

(b) The code prohibits tents from being erected for more than 30 days within a 12-month period on a single premises. The request is to allow the event tent to be left up annually for approximately 9 months from March 1 to November 20. Per the proponent, the tent complies with the NFPA 701 flame spread propagation criterial.

<b>19-08-85</b>	<b>Project:0</b>	<b>IU Health West Vertical Expansion,Avon</b>
C	19605	
<p>The code prohibits above ground tanks located outside from exceeding 12,000 gallons in individual capacity or 48,000 gallons in aggregate capacity. The request is to allow a 25,000 gallon UL2085 diesel fuel tank to be installed in order to comply with the NFPA 110 96-hour rule for a level I emergency power supply system. The tank will be used to support the expansion to the IU Health West Hospital.</p>		
<p>*****Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.</p>		
<p> </p>		
<b>19-08-86</b>	<b>Project:0</b>	<b>Possibilities Northeast,Fort Wayne</b>
C	19621	
<p>The code prohibits the change in the character or use of any building or structure that will cause the building or structure to be classified within a different occupancy group or within a different division of the same occupancy group. The request is to allow a 3,385 sq. ft. tenant space to be converted from a B occupancy to an I-4 occupancy without complying with the requirements of the new occupancy, particularly the sprinkler system throughout the building. Proponent states facility is outpatient medical care, not custodial care.</p>		
<p>***** Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.</p>		

**19-08-87**

**Project:405971**

**The Emporium - King's Cafe,CAMBRIDGE CITY**

C

19625

The code requires a Type I Hood to be installed where cooking appliances produce grease or smoke as a result of the cooking process. The request is to allow a Type I Hood to be omitted over a 36-inch electric range used in the restaurant. Proponent states there will be an occasional browning of hamburger meat or broiling of bacon to use in sandwiches. This is a first floor tenant build-out café serving sandwiches, soups, and salads. Building is 3-stories. Stove top firestop fire suppression canister will be installed above the range. Per the proponent, fried foods are not served.

\*\*\*\*\* Dept. forwards the variance application to the Fire Prevention and Building Safety Commission (the Commission) for determination at the September 4, 2019 meeting.

**19-08-88**

**Project:0**

**Private Fire Hydrant Decommission,Fort Wayne**

C

19529

Code requires private fire service mains and water tanks to be periodically inspected, tested and maintained. The request is to place an out of service tag on the private hydrant and waive inspections, flow test and maintenance. Proponent states currently there is a city hydrant within 270 feet of OmniSource that would service facility extinguishing needs should they arise.

**19-08-94**

**Project:0**

**Hornets Nest Kitchen Addition,Evansville**

C

19622

The code requires a sprinkler system to be provided in Group A-2 occupancy where the fire area exceeds 5,000 sq. ft. or the fire area has an occupant load of 100 or more. The request is to allow the sprinkler system to be omitted. Building is 2-stories with basement. Per plan, the calculated occupant load of all 3 levels is 246 persons. Existing building is being renovated increasing the occupant load of the building.

**IDHS - variance action letter pending.**