

Cause Nos. 00-41, 00-42
Name: Bishop Roberts Hall Longden Hall
Administrative Law Judge: William K. Teeguarden
Date: September 5, 2000
Commission Action: Affirmed

FINDINGS OF FACT

1. The FPBSC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 22-13 and 675 IAC 12 apply to these proceedings.
3. The FPBSC is the state agency with the authority to grant variances from the Indiana State Building and Fire Codes.
4. The FPBSC is also the ultimate authority with respect to the grant or denial of variances to the State Building and Fire Codes.
5. At all times relevant to these proceedings, the University operated a higher education facility including dormitories and residence halls in Greencastle, Indiana.
6. As part of its physical facility, the University operates dormitories for students.
7. Longden Hall and Roberts Hall have both been used as student residential units. One entered service in the 1960's and the other dates back to the late 1920's. Both are four stories.
8. Neither dormitory is sprinklered and sprinklers were not required at the time of original construction.
9. Both buildings have wood framed sloped roofs.
10. As part of the renovation plans, elevators were added for accessibility.
11. Additionally, the Longden Hall renovation included a TV lounge, computer room, kitchen and dining room.
12. Prior variances for both projects were approved with the understanding that NFPA 13 sprinkler systems would be installed as part of the renovation.
13. Variance I and Variance II seek to replace the NFPA 13 requirements with NFPA 13 R requirements.

14. There are two main differences between the I3 and I3R systems.
15. NFPA I3 systems are required to have sprinklers in closets.
16. NFPA I3 systems are generally directed at the floor. NFPA I3 R systems are generally directed at walls and doors and must cover 90% of the wall surface.
17. NFPA I3 R systems do not require sprinklers in closets.
18. NFPA 101 Life Safety Code exempts closets in existing dormitories not exceeding 24 square feet from being sprinklered.
19. Closets in both dormitories never exceed 8 square feet.
20. Even in new apartment construction, the Life Safety Code exempts closets less than 12 square feet from sprinkler requirements.
21. The BOCA code also exempts closets not exceeding 24 square feet from sprinkler requirements.
22. The proposed 2000 International Code also would not require NFPA I3 systems to sprinkle small closets.
23. As pointed out at the hearing by the State Fire Marshal, there are two very important bits of information produced at the hearing which were not presented to the staff or the FPBSC.
24. The first and most important is the closet size.
25. The agency was unaware of the small size of the closets when they made the initial recommendation to the FPBSC and the knowledge that there are two small closets per room changed the Fire Marshal's view of grant or denial.
26. Also, the testimony of the University Representative established the fact that dorm rules prohibit smoking, candles, incense, and any other open flame in the dorm.
27. While no one can guaranty that no student will smoke or light a candle in the room, the fact that there are dorm rules prohibiting the activities and some monitoring by residence assistants is a plus.
28. The sprinkler systems in question do sprinkle the attic which, given the wood framing, is extremely valuable.

29. The Greencastle Fire Department provided detailed documents stating that since the renovation includes a hard wired smoke detector system connected to the security office and the closets are very small, the Fire Department is satisfied that the NFPA 13 R systems would be just as safe as the NFPA 13 systems.
30. After hearing the testimony and viewing the exhibits including photographs, the State Fire Marshal concurred with the local Fire Department.
31. 675 IAC 12-5-3 allows the grant of a variance in so far as noncompliance is not adverse to health, safety or welfare. The grant of these variances is not adverse.
32. Variance I and Variance II should be approved.

NONFINAL ORDER

Variations 00-4-19 AND 00-4-20 are hereby approved.