

Cause #: 00-64V
Name: Carlyle Court Apartments Phase II
Administrative Law Judge: William K. Teegarden
Date: March 1, 2001
Commission Action: Affirmed

FINDINGS OF FACT

1. The FPBSC is an agency within the meaning of IC 4-21.5.
2. The FPBSC is the state agency responsible for granting variances to the State Building Code (“SBC”).
3. IC 4-21.5, IC 22-13, 675 IAC 13, and the 1998 SBC apply to this proceeding.
4. At all times relevant to this proceeding, the Apartment Company operated a sizeable apartment complex on the north side of Indianapolis.
5. The Apartment decided to build several more small two story buildings with four 575 sq. ft. apartments per floor.
6. The building design includes a 13R sprinkling system but only one exit path from the two front upstairs apartments.
7. The sprinkling system design includes sprinklers in all common areas and bathrooms.
8. SBC 100.4.2.3.2 requires two exits from second story apartments unless the total occupant load does not exceed ten.
9. Because each apartment is 575 sq. ft., table 10A of the SBC places the occupancy classification at 3 per unit or 12 for the second floor.¹
10. Section 104.2.9 of the SBC does not require any sprinkling system in a two story apartment house which has less than 16 dwelling units.
11. The buildings in question are not required to be sprinklered.
12. A number of current codes (BOCA, NFPA 101 Life Safety, and the Standard Building Code) as well as the proposed 2000 International Building Code would

¹ Both the Builder and the Local Fire Department (“LFO”) agree that occupancy of more than 2 persons per unit is both prohibited and very rare.

allow this design without a variance.

13. The variance basically proposes to substitute a sprinklered building for one exit for two second story apartments.
14. Two LFOs were present during the hearing and testified in favor of the design.
15. In fact, the Chief of the Washington Township Fire Department testified that he would like to see all two story apartments with small occupancy loads in Washington Township designed like this.
16. The FPBSC approved an almost identical variance for a 3 story condo (97-4-4) on April 1, 1997. See Exhibit 6.
17. While this alone does not mandate the approval of future variances, when combined with the solid testimony of the LFO in favor of allowing sprinklers to replace one required exit and the allowance of the design by other recognized building codes, the Variance should be approved.

NONFINAL ORDER

Variance Request 00-8-6 is hereby approved.