

Cause No.: 04-34V

Name: Hawcreek Medical Office Building

Administrative Law Judge: William K. Teegarden

Date: May 11, 2005

Commission Action: Affirmed

FINDINGS OF FACT

1. The Commission is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, 675 IAC 12, and the Indiana Fire Code (“IFC”) apply to this proceeding.
3. The Commission is the State Agency responsible for granting variances to the IFC.
4. At all times relevant to this proceeding, the Building was used for medical offices in Columbus, Indiana.
5. The Building is basically a fully sprinklered building with a code compliant system in all interior rooms and hallways.
6. During construction, a covered entry area was created and attached to the main building.
7. The local building official, (“LBO”) during an inspection, noticed the covered vestibule was not sprinklered as required by NFPA 13, 4-1.1 Sec. A, which is part of the IFC.
8. Because of the fact that the front of the Building is steel and concrete (and load bearing), the LBO and LFO both suggested a variance.
9. Both suggested the use of a water curtain for protection and the Building submitted plans to add side wall heads to create the curtain. See the Variance Application and letters from the LBO and LFO attached.
10. The Building requested the Variance which was denied solely for the reason that no one appeared in support of the Variance to answer questions. See relevant Commission minutes which are attached.
11. None of the regulators are opposed to the Variance or think that it is not an appropriate alternative.
12. 675 IAC 12-5-3 allows the Commission to grant a variance to its rules if an applicant demonstrates both hardship and that noncompliance when considering the proposed alternatives is not adverse to the public health, safety, or welfare.
13. Given the information above, the applicant has met the requirements for a variance and it should be granted.

NONFINAL ORDER

Variance 04-04-6 is hereby granted.

