

Cause No. 04-36V

Name: Cowan Elementary School

Administrative Law Judge: William K. Teegarden

Date: May 11, 2005

Commission: 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 2003 Indiana Building Code (“IBC”) apply to this proceeding.
3. The Commission is the state agency responsible for granting variances to the IBC.
4. At all times relevant to this proceeding, the School provided public education in Delaware County, Indiana.
5. The School is building a sports training facility approximately 250 feet by 120 feet adjacent to the existing school.
6. The new building is connected to the existing one with a 2 hour separation wall and pedestrian walkway.
7. None of the school buildings are sprinklered as the nearest public water supply is 3 ½ miles away.
8. The addition is a large open facility constructed of concrete block walls and concrete floors.
9. The facility will house 3 practice volley ball courts and related training facilities such as storage of volleyball equipment, locker rooms, restrooms, etc.
10. The Building will have manual fire alarms and smoke detectors.
11. There are 4 code compliant exits directly to the outside and one large exit leading back into the other school building.
12. the Cowan Volunteer Fire Department is located on the school grounds and is less than 50 yards from the Building.
13. The Building is an A-4 occupancy classification and thus pursuant to Section 507.2 of the IBC, sprinklers are required.
14. The cost of complying with no public water supply could be over \$100,000.
15. Due to the separation, the limitation of use to sports participants and support personnel (coaches, trainers, adult supervisors, etc.), and the hardship, the SFM has no problem with the Variance.
16. 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.
17. There is a clear economic hardship in this case.
18. Given the low fire load, the exiting, the separation, the limitation to sports participants and support staff, and the close proximity to the local fire station, there is no adverse effect on the public.
19. The Variance should be granted as per the variance application plus an additional condition limiting the use of the Building to participants and support staff.

NONFINAL ORDER

Variance 05-05-4 is hereby granted subject to an additional requirement that the use of the Building be limited to sports participants and support staff.