

Cause #: 98-7V

Name: Richmond Municipal Airport

Administrative Law Judge: William K. Teeguarden

Date: April 18, 1998

Commission Action: Affirmed

FINDINGS OF FACT

1. The Fire Prevention and Building Safety Commission (“FPBS”) is an agency within the meaning of IC 4-21.5.
2. The FPBSC is both the initial granting authority and the ultimate authority over the granting of variances from building and fire codes.
3. IC 4.21.5, 675 IAC 13, IC 22-13, and the Indiana Building Code (“IBC”) apply to this proceeding.
4. During 1997, the City of Richmond (“City”) was engaged in a project to enlarge its municipal airport.
5. Part of the construction involved the erection of hangers for the storage of a small aircraft. The hanger in question is designed to house eight small airplanes.
6. Plans were submitted and approved for the hanger which did not provide for a floor drain.
7. During the final inspection in preparation for the approval of the certificate of occupancy, the local building inspector noted that the IBC probably required a floor drain and recommended that the City should seek a variance which resulted in a request for Variance C 98-1-1.
8. The original plans did not contain a drain because the City and the contractor both thought that since there was no water supply to the hanger, no drain would be needed.
9. The hanger is designed for storage only; no maintenance or de-icing will take place in the hanger.
10. The area surrounding the hanger is a hard surfaced area leading to the runway, administrative offices, and maintenance buildings.
11. The FPBSC has adopted the 1991 Uniform Building Code as the IBC. See

675 IAC 13-2.2-6.¹

12. 675 IAC 12-5-3 allows the FPBSC to grant variances upon a showing of undue hardship and no adverse effect on public health.
13. Under normal circumstances, a floor drain in a commercial building should be required.
14. In this case, however, there are several good reasons to grant the variance.
15. The airport is a rural airport and there is no sewer system nearby.
16. Both the Indiana State Department of Health and the Indiana Department of Environmental Management prohibit the discharge of waste containing petroleum products into dry wells or septic tanks.
17. The evidence presented by the city engineer places a figure of \$100,000 for a sewer hookup to the nearest sewer line. This includes the cost of a lift station which would be needed.
18. The City checked with other small, rural airports and none have drains in the floor of storage hangers.
19. The City maintains a stock of chemical dry absorbent cleaner for petroleum or antifreeze spills and this is the approved environmentally sound method for dealing with any spill in a hanger.
20. There is no supply of water to the hanger and no plumbing fixtures, so there is no chance of a large water spill, frozen pipes, etc.
21. No maintenance work is allowed on the aircraft in the hanger.
22. The operations manager of the airport testified that he has been employed in and around airports for 15 years and has never seen a drain in a cold storage building.
23. The city building inspector testified that normally, he is opposed to most variances but a drain here is not needed and deleting it causes no problems.
24. In light of the above facts, the conclusion is reached that there is no need

¹ The FPBSC has adopted a new IBC which goes into effect around May 1, 1998. See 675 IAC 13-2.3.

to require a floor drain in a cold storage airplane hanger designed to hold 8 small personal planes and is not used for maintenance, de-icing, or washing. Further, the cost of compliance would be enormous.

25. The variance should be granted.

NONFINAL ORDER

Variance C 98-1-1 is granted.

A copy of the foregoing has been sent to the following:

Greg Stiens
Assistant City Engineer
and Director of Transportation
City of Richmond
50 North 5th Street
Richmond, IN 47374

Stephen Rabe
Assistant City Attorney
City of Richmond
50 North 5th Street
Richmond, IN 47374

cc: Marlys Pedtke