

COMMISSION MEETING MINUTES

**Indiana Fire Prevention and
Building Safety Commission**

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

November 3, 2009

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:05 a.m. on November 3, 2009.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner, delayed arrival
Michael Christoffersen
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
David Hannum, Chairman
John Hawkins
M. Burke Jones
Ted Ogle

- (b) Commissioners not present at the Commission meeting:

Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor

- (c) The following departmental and support staff were present during the meeting:

Legal and Code Services
John Haines, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary

- (d) Deputy Attorney General James Schmidt was present.

State Fire Marshal Jim Greeson introduced Scott Perez, the new Building Law Compliance Officer, to the members of the Commission. The new Administrative Law Judge, Gary Bippus, also was introduced. The gentlemen gave a short synopsis of their respective backgrounds and were welcomed by all present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the October 6, 2009 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Jones and seconded by Commissioner Christoffersen. It was voted upon and carried.

3. Third Party Inspection Renewals.

RADCO
3220 E. 59th Street
Long Beach, CA 90805

PFS Corporation
1507 Matt Pass
Cottage Grove, WI 53527

Lonnie Lagle, Fire and Building Code Enforcement, introduced the third party inspection requests. He noted both were in good standing and recommended approval for one year. Commissioner Jones moved to approve both for a period of one year. Commissioner Christoffersen made the second. It was voted upon and carried.

4. Variances.

Tabled Variances.

Variance 09-10-6 Marquette Manor, Indianapolis, was represented by David Behrems, project superintendent for CS&M Mechanical Contractors. The request was to allow piping belonging to the bathroom in the apartment above an electrical room to run in a corner of the room. They would use a double-containment piping system in the electrical room only, switching back to single wall outside the room. A drip pan would be installed to protect equipment from the piping with a monitoring system to alert maintenance to problems. Domestic hot water piping has been diverted from the electrical room. On the condition that the drip pan not be constructed from sheet metal, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance 09-10-33 City Lofts Interior Build-Out and Addition, Lafayette, was represented by Ed Rensink, RTM Consultants. The variance had been in a "B" category last month, but had been incomplete and ineligible for action. The missing information had been submitted. Commissioner Ogle moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. There being none, Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Ogle. It was voted upon and carried. Commissioner Christoffersen abstained from variance 09-11-19.

The following variances were approved as submitted:

- (1) 09-11-1 EHA Buckner Towers Renovations, Evansville
- (2) 09-11-2(a)(b)(c)(d)(e)(f) Northlane Condominiums, Bloomington
- (3) 09-11-3 Palmer Leasing Group Fleet Fueling, Ft. Wayne
- (4) 09-11-4 Bargersville Fire Station No. 3, Bargersville
- (5) 09-11-7(a)(b)(c) Pfizer Buildings Sprinklers, Terre Haute
- (6) 09-11-12(a)(b)(c) JW Marriott Hotel Complex, Indianapolis
- (7) 09-11-16 Parkview LaGrange Hospital Buggy Barn, LaGrange
- (8) 09-11-17 EHA Kennedy Towers Renovation, Evansville
- (9) 09-11-18(a)(b) Delta Chi Fraternity New Facility, Angola
- (10) 09-11-21 NAMPAC Addition, Indianapolis
- (11) 09-11-22 Ball State University North Residence Hall, Muncie
- (12) 09-11-24 Carmel Regional Performing Arts Center, Carmel
- (13) 09-11-25 Avon Middle School South, Avon
- (14) 09-11-27 Penthouse Renovation, Indianapolis
- (15) 09-11-31(a) IU/Cinema Theatre and Drama, Bloomington

The following variances were heard separately:

- (16) 09-11-5 Dollar General, Evansville

The application was still incomplete and ineligible for action. Commissioner Christoffersen moved to table for thirty days. Commissioner Ogle made the second. It was voted upon and carried.

- (17) 09-11-6

This number appeared as "Void" on the agenda.

- (18) 09-11-8 Kosiara Garage Addition, Griffith

Bill White, contractor for the project, appeared as proponent. The request was to allow an addition to a garage using a matching slab-on-grade foundation and not the full foundation required by code. A local ordinance allows only one outbuilding, so a separate building would not be possible. The local building official had submitted a letter opposing the variance. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Cundiff. It was voted upon and carried.

- (19) 09-11-9 Ben and Ari's Tent, Fishers

John DeLuca, a partner in the operation, appeared as proponent. For the past six years, the family entertainment business had erected a tent in their parking lot during the summer months for events held mainly by not-for-profit groups and for family parties. The tent was regularly inspected by the Fishers Fire Department and complied with their safety regulations. The local fire department realized they had not been enforcing the thirty day limit for tents properly, and advised Ben and Ari's to apply for a variance. The request was to allow a tent in the parking lot for more than the thirty days allowed by code. The local fire department was in support of the variance. Commissioner Ogle moved to approve for 180 days with the second by Commissioner Jones. It was voted upon and carried with 2 nay votes.

- (20) 09-11-10 Recreation Unlimited, Noblesville

Lori Anderson, Peterson Architecture, spoke as proponent. The business sells play equipment to schools, etc., and has a large display area. They had noticed parent bringing their children in to play on the equipment while they talked to salespeople, not really intending to purchase any equipment. The owners decided to sell passes for supervised playtime and to provide party rooms for birthdays and such. Inspectors decided this was a change of use of the building. The request is to allow additional exit doors to decrease travel distance in lieu of installing a fire wall in the existing building. Lonnie Lagle, Fire and Building Code Enforcement, also requested that the staff is to be trained in emergency procedures and evacuations with bi-monthly trainings. Commissioner Hawkins made the motion to approve with the condition of panic hardware on the egress doors and the requested training for staff. Commissioner Cundiff made the second. It was voted upon and carried with one nay vote.

- (21) 09-11-11 Marina Ltd. Dock Construction Building, Fortville

Steve Roudebush, Supervisor, spoke as proponent. The request was to allow an additional mezzanine to be constructed above an existing mezzanine to which an addition had been constructed. During discussion, it was determined that the construction had been done by non-professionals. Bonnie Robison, Director, Plan Review, also advised the Commission that she could not find where the project had been filed with the State. The project had, however, been filed with, and permits obtained from, Fishers.

Commissioner Hawkins moved to table to allow the proponent time to work with Plan Review to determine what needed to be filed and to submit paperwork. Commissioner Ogle made the second. It was voted upon and carried.

- (22) 09-11-12(d) J W Marriott Hotel Complex, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to omit venting in two elevator hoistways. The building is sprinklered throughout, with the ballroom sprinkler system upgraded to Ordinary Hazard Group I and a mechanical smoke removal system provided. After discussion of the interpretation by the Elevator Division regarding venting hoistways provided by the proponent, Commissioner Cundiff moved no variance was required. The second was made by Commissioner Ogle. It was voted upon and carried.

- (23) 09-11-13(a)(b)(c) Community Hospital South Expansion, Indianapolis

Neal Locasto, RTM Consultants, spoke as the proponent. The boiler equipment is located on the roof of the building. The request in variance (a) was to omit the stairs and ramp at elevation changes from the building to the mechanical room. The walkway is a required second means of egress for the area which will have card-controlled access. Variance (b) was to omit the handrails required by code for this second means of egress. The walking surface is 14 feet from the edge of the building at its closest point and will be illuminated per code. Variance (c) was a request to remove the landing on the interior corridor side of the second means of egress doorway. After discussion, Commissioner Cundiff moved to approve all three variances with the second by Commissioner Christoffersen. It was voted upon and carried.

- (24) 09-11-14 Aberdeen at Heartland Crossing Phase III, Camby

Ed Rensink, RTM Consultants, and Dan Turcic, project general manager, spoke as proponents. The request was to omit sprinklers in the seven one-story buildings which will complete the project. In lieu of sprinklers, the buildings will have two-hour fire walls separating every two units with a one-hour fire barrier separating each unit not separated by a fire wall. Fire access roads are provided. Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

- (25) 09-11-15(a)(b) The Maples at Spring Mill Phase II, Building Type 33, Westfield

Ed Rensink, RTM Consultants, proponent, asked that the variances be tabled. Commissioner Christoffersen moved to table with the second by Commissioner Ogle. It was voted upon and carried.

- (26) 09-11-19(a)(b)(c)(d)(e)(f)(g) Warsaw Retirement Community, Warsaw

Timothy Callas, J & T Consulting, asked that the variances be tabled. Commissioner Ogle moved to table with the second by Commissioner Jones. It was voted upon and carried.

- (27) 09-11-20 Carmel Arts District Lofts, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the proponent to consider the four floors above the three-hour fire-rated separation between the mercantile first level as a separate building so that he may use a 13R sprinkler system. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (28) 09-11-23 Hamilton Heights Elementary School, Arcadia

This variance had been withdrawn by the proponent.

- (29) 09-11-26 Peabody Public Library Interior Renovation, Columbia City

Ed Rensink, RTM Consultants, spoke as proponent. The building had originally been built in 1997, and they now wish to add a meeting room in the basement level without installing the required sprinkler system. Three exits will be provided from the new space directly to the exterior and a 1-hour corridor will be created. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (30) 09-11-28 Arcelor Mittal Steel, Burns Harbor

Larry Spurr, Long Elevator, spoke as proponent. The request was to omit smoke detectors in existing elevators which were having upgraded controls and apparatus installed. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Commissioner Cundiff stated that to have smoke detectors in the middle of an operating steel mill was not practical and the code should be revised.

- (31) 09-11-29 1302 N. Meridian Street Renovation, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow openings in an office building wall which is less than three feet from a property line. The building will be sprinklered, and the windows will be further protected by close spaced sprinklers. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (32) 09-11-30 Wolf Creek Condominiums, Evansville

Roger Lehman, R. Lehman Consulting, spoke as proponent. Also attending was Tom Haas, owner. The request was to omit sprinklers in the last five one-story 4-plex condominium buildings which are to be built in this project. A two-hour fire wall will be erected between every two units and a one-hour fire barrier will be installed between each unit not separated by a fire wall. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with one nay. Mr. Lehman, the former LBO for Evansville, then introduced Ben Miller, the new LBO for Evansville, stating he had wanted to show him how things were done at the Commission meetings so he would be familiar with the process.

- (33) 09-11-31(b)(c) IU / Cinema Theatre and Drama, Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request for variance (b) was a request to omit the shunt trip on the platform lift. The lift will have a GFCI-protected electrical system. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (c) was to allow a machine-roomless elevator. Specialized tools to be used for inspections and the training for State inspectors in their use will be provided. Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (34) 09- 11-32 Rodgers Finishing Tools, Lebanon

Danny Mitchell, Executive Vice-President of North Salem State Bank, spoke as proponent. The request was to allow the discontinuation of the sprinkler system of a building which has gone into foreclosure, is unoccupied, had all equipment removed and the heat turned off. Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (35) 09-11-33 Washington Street Garage Pedestrian Connector, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow a pedestrian bridge from the Convention Center to the parking garage to have sprinkler protection only at the Convention Center end of the bridge. The doors into the fully sprinklered Convention Center will have a wall with sprinklers six feet on center. The open garage, which is not sprinklered, will have only glass doors. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

Commissioner Brenner joined the meeting.

- (36) 09-11-34 Marian Friary of Our Lady Coredeptrix, Bloomington

Robert Dorsey, architect, spoke as proponent. The request in variance (a) was to omit the fire alarm system. The request in variance (b) was to omit the sprinklers. The building has ICF concrete walls, concrete floors and a concrete separation between the first and second floors. There are two wooden decks to the rear of the building and wood framing. The lifestyle of the Franciscan order is one of a low fire risk, and most of the building will not be open to the public as they are cloistered. There are eight exits from the building with a fifty foot travel distance and ninety feet of travel from the four 7-person sleeping rooms to an exit. The building is served by a well. While the Van Buren Water District has a 6" main in their area, it would be unable to provide enough pressure to support sprinklers. Discussion centered on the fire area and need for a fire wall, and the need for type x gypsum on the interior of the ICF walls and I-beams.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:43 a.m. He then reconvened the meeting, calling it back to order at 10:55 a.m.

09-11-34 continued

Robert Dorsey explained to the Commission that they were prepared to install fire walls wherever Plan Review requested they be placed to reduce the fire area. Commissioner Hawkins then moved to approve (b) with the condition they work with Plan Review on items discussed on separations, and that 5/8" type x gypsum board be installed on the interior walls and used to encase the I-beams. Commissioner Christoffersen made the second. It was voted upon and carried with one nay. Commissioner Christoffersen then moved to deny (a) with the second by Commissioner Cundiff. It was voted upon and carried.

- (37) 09-11-35(a)(b)(c)(d)(e) The Residences at Merrillville Lakes, Merrillville
09-11-36(a)(b)(c)(d)(e) The Residences at Merrillville Lakes, Merrillville

Howard Wolnor, architect, spoke as proponent. The project had originally been zoned in 2004 with the first buildings filed in 2007. Delays involving federal agencies and IDEM re-approving the wetlands in their area caused the next buildings to be filed under the 2008 IBC and new accessibility requirements. All units in the complex are adaptable. Variance (a) was a request to provide a five-foot turning radius in

front of the fixtures which included the lavatory overhang. Variance (b) was a request to allow 30"x48" clear floor space perpendicular to the lavatory. Following a lengthy discussion of requirements and exemptions, Commissioner Hawkins moved no variance required for both (a) and (b) with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was a request to provide a 5'6" x 36" parallel space for washer and dryer access. Variance (e) was a request to omit standpipes in the stairwell. The local fire official has said he would not use them, preferring to use his aerial truck and equipment. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (d) was a request to omit Type A units. All units in the complex are adaptable and to design Type A units would require a complete redesign of the buildings. Commissioner Cundiff moved to approve with the second by commissioner Christoffersen. It was voted upon and carried. Commissioner Hawkins moved to deny variance (c) with the second by Commissioner Brenner. It was voted upon and carried.

(38) 09-11-37 Sweeties, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. The new bakery is in an existing tenant space of 2,500 square feet. The request was to omit the second exit which was required by the occupant load calculated at an Indianapolis Fire Department inspection. To comply would involve exiting through the kitchen and relocation of water heaters, coolers and plumbing. A revised seating plan was presented to the Commission allowing seating of 49 patrons. Commissioner Hawkins moved to approve with the condition that seating would not exceed 49 persons. Commissioner Cundiff made the second. It was voted upon and carried with one nay vote.

6. **Approval of variance granted by the City of Indianapolis per IC 22-13-2-7(b)**

The variance to the Marion County Fire Prevention Code granted by the Indianapolis Fire Department was presented for approval by the Commission pursuant to IC 22-13-2-7. This variance had been granted by the City of Indianapolis for the 1302 N. Meridian Street Renovation project. Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

7. **New Business – General.**

Discussion and Commission Action On Petitions For Review (All are timely filed unless otherwise noted.)

Evansville Scottish Rite Cathedral
Order – Elevator Safety and Amusement Device Section

Evansville Scottish Rite Cathedral – Zeller Elevator Company
Order – Elevator Safety and Amusement Device Section

New Hope Day Services
Order – Pike Township Fire Department

Gentry Park Senior Living
Condition – Project 341983 Design Release

Commissioner Jones moved to approve all timely filed petitions for review. Commissioner Cundiff made the second. It was voted upon and carried.

7. **Approval of LSA Document #09-147 as adopted by the Regulated Amusement Device Safety Board**

After a brief discussion, Commissioner Jones moved to approve the rule as adopted by the Regulated Amusement Device Safety Board. Commissioner Cundiff made the second. It was voted upon and carried unanimously.

8. **C.C.E, Inc. – Commission discussion and decision on Nonfinal Order and Objections.**

Chairman Hannum stated he felt they had not had sufficient time to study the information distributed that morning to make an informed decision, and suggested the item be tabled for thirty days. Commissioner Jones moved to table for thirty days with the second by Commissioner Ogle. It was voted upon and carried.

9. **Adjournment.**

Chairman Hannum called for further business, and upon hearing none, he adjourned the meeting at 11:35 a.m.

APPROVED _____
David Hannum, Chairman