

COMMISSION MEETING MINUTES

**Indiana Fire Prevention and
Building Safety Commission**

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

December 1, 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 December 1, 2009.

- (a) Commissioners present at the Commission meeting:

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

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

Diana M. H. Brenner
Michael Corey

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

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
John Haines, Code Specialist
John Hibner, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary
Gary Bippus, Administrative Law Judge

- (d) Deputy Attorney General James Schmidt, delayed arrival

2. **Old Business.**

Chairman Hannum called for any corrections or a motion to approve the minutes of the November 3, 2009 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Christoffersen and seconded by Commissioner Jones. It was voted upon and carried.

3. **Ordinances.**

Building Ordinance No. 1113
Bluffton, Indiana

Building Ordinance No. 1144
Bluffton, Indiana

Fire Ordinance No. 50-10-09
Noblesville, Indiana

Mara Snyder, Director of Legal and Code Services, introduced the building ordinances for Shelly Wakefield, Director, Fire and Building Code Enforcement, who was unable to attend the meeting. The ordinances were recommended for approval by Ms. Wakefield after review. Commissioner Jones moved for approval with the second by Commissioner Ogle. It was voted upon and carried. Mara Snyder then introduced the fire ordinance for the City of Noblesville, and began the discussion of fire access roads within subdivisions rather than hydrants called out in the memo accompanying it. Matt Mitchell, Noblesville Fire Marshal, appeared before the Commission to answer questions. After discussion, Commissioner Jones moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

4. **Third party inspections.**

PSI
1748 33rd Street
Orlando, Florida 32839

Mara Snyder introduced the application for third party inspections which had been recommended for approval for one year by Shelly Wakefield. Commissioner Christoffersen moved to approve for a period of one year with the second by Commissioner Ogle. It was voted upon and carried.

5. **Variiances.**

The proponents for variance 09-11-11 Marina Ltd. Dock Construction, 09-11-19(a)-(g) Warsaw Retirement Community, 09-12-4 Brickyard Condominiums Building #6, and 09-12-6 TMMI – East Plant each requested their applications to be tabled for thirty days. Commissioner Jones moved to table with the second by Commissioner Christoffersen. It was voted upon and carried.

Tabled Variiances.

Variance 09-11-5 Dollar General, Evansville, was represented by Scott Foster, Foster Builders. The proponent and the local fire official had worked together, and had reached an arrangement for the placement of the doorways, both required and additional, to provide adequate egress and fire access for the unsprinklered, single story building. Panic hardware and exit signage will be used. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance 09-11-15(a)(b) The Maples at Spring Mill Phase II, Building Type 33, Westfield was represented by Melissa Tupper, RTM Consultants. This was a request to omit sprinklers in the 4-unit, 1 story condominiums. They will build a 2-hour fire wall between every two units and a 1-hour fire barrier between each unit not separated by a fire wall. Commissioner Christoffersen moved to approve both (a) and (b) with the second by Commissioner Cundiff. It was voted upon and carried with two nays.

Upon the arrival of Deputy Attorney General James Schmidt, Mara Snyder announced to the Commission and those in the audience that this day marked the 25th anniversary of his service to the Fire Prevention and Building Safety Commission, noting that he had been present from the first meeting. A round of applause followed the announcement.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. Variance 09-12-18 Decatur High School Bleacher Replacement, Indianapolis was called out by Commissioner Hawkins and 09-12-20 Parkview Whitley Hospital Replacement Facility, Columbia City, was called out by Commissioner Christoffersen. Commissioner Ogle made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Jones. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 09-12-2(a)(b)(c) Concord Jr/Sr High School, Elkhart
- (2) 09-12-3(a)(b)(c) Carroll High School, Ft. Wayne
- (3) 09-12-9 Katelynn Place, Portland
- (4) 09-12-10(a) Village on the Green Parcel 7C Parking Garage West 7-C-3, Carmel
- (5) 09-12-11 Jefferson Apartments, Indianapolis
- (6) 09-12-21 St. Mary Medical Center Emergency Department Renovation/Expansion, Hobart
- (7) 09-12-28 Moss Creek Windows, Bloomington

The following variances were heard separately:

- (8) 09-12-1 Parkview Regional Hospital North Expansion, Ft. Wayne

Randy Gerber, Shambaugh & Son, spoke as proponent. The request was to be allowed to tie the secondary roof drain conductor to the horizontal primary roof storm drain piping due to the physical limitations of space. Discussion centered on roof scuppers required by the Building Code. Commissioner Ogle moved to table to allow proponent time to look at scuppers and the possibility of amending their variance for only the drains which cannot be tied in. Commissioner Christoffersen made the second. A request was also made for costs involved to be presented as well. It was voted upon and carried.

- (9) 09-12-5 God's House, Lafayette

Pastor Ed Underwood spoke as proponent. The request was to renew a variance previously granted for a period of one year which allowed the church to occupy a strip mall tenant space without sprinklers. The church had been unable to complete their purchase of a building and was unable relocate within the time allowed by the variance. Commissioner Christoffersen moved to approve for a period of one year with the second by Commissioner Cundiff. It was voted upon and carried.

- (10) 09-12-7 The Modern Post, Schererville

Cameron Krause, owner, and Chris Neumann, tenant, appeared as proponents. The request was to omit a code-required second restroom for the 1,250 square foot space to serve 49 occupants. The existing restroom is accessible, and the local officials support the variance. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote.

Commissioner Goeden joined the meeting.

- (11) 09-12-8(a)(b) Mavis Art and Event Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request for (a) was to allow one of the two open stairs connecting the basement and first floor to remain open with the second stair being considered

enclosed since it exits directly to the exterior. The building is fully sprinklered, and the existing freight elevator will be provided with a 1-hour fire barrier at the basement and 1st floor levels. The existing monumental stair will have a bulkhead with close spaced sprinklers. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) was a request to omit the voice alarm system as in previously granted variance 08-09-30(b). Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (12) 09-12-10(b) Village on the Green Parcel 7C Parking Garage West 7-C-3, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A building is to be built against the garage, closing one side of the building. The request was to allow areas of the garage which will not meet the openings requirement for an open parking garage to be provided with a mechanical exhaust ventilation system based on a maximum of .75cfm per square foot. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (13) 09-12-12 Cyberinfrastructure Building (CIB), Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the use of a draft curtain and close spaced sprinkler assemblies or laminated glass in metal frames with close spaced sprinklers for protection of the stair in a three-story lobby space. The building is protected by a sprinkler system compliant with NFPA 13-1999. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (14) 09-12-13 Lutheran Disability Ministries Camp, Anderson

Edwin Rensink, RTM Consultants, spoke as proponent. The request was to omit self-closers or automatic-closers on the sleeping room doors to the first floor corridor. The building is fully sprinklered, and the corridors will have a smoke detection system connected to the fire alarm which is not required by code. Maximum travel distance from sleeping rooms to an exit is 60 feet. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (15) 09-12-14(a)(b)(c)(d) Virginia B. Fairbanks Art & Nature Park Visitor's Pavilion, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow the fire access road to not reach within 150 feet of all portions of the building due to the heavy woods and sloping terrain. Variance (b) was to omit the fire protection water supply for the building due to terrain and cost. Variance (c) was to allow the building to omit the fire hydrant system within 400 feet of the building due to excessive cost and distance. Variance (d) was a request to omit illumination along the total path of egress to the public way. The building, to be used primarily during daylight hours, is 2,000 feet from the public way. The building has no fixed seating and will accommodate fifty to sixty people. After discussion of the planned use of the building and its location, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote being cast.

- (16) 09-12-15 Tree City Estates, Greensburg

Ed Rensink, RTM Consultants, spoke as proponent. The request was to reinstate the Design Release which had been granted in January of 2009. A delay in construction had been caused by the economic

downturn. The building is the same design with the same architect and owner as Katelynn Place, but it had been filed two weeks earlier. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (17) 09-12-16 Arlington Community High School Elevator Addition and Curtain Wall Replacement, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. As part of the replacement project, two sets out of the existing five sets of doors which swing into the courtyard will remain as they are, while the other three sets of doors will be made to comply with code. The desire is to allow the occupants to continue to pass through the courtyard to other parts of the building. To change the swing on all of the sets would create a hazardous situation due to the flow of student traffic in the area. The building is fully sprinklered. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (18) 09-12-17 Santa's Cottages, Santa Claus

Thomas Schroeder, Schroeder & Associates, spoke as proponent. The owner will be building twenty units on a twenty acre site, and the request was to be allowed to install a 13D sprinkler system into the cottages. Each cottage has egress windows in the bedroom and smoke detectors. The owner has installed a 4" line, while the water company has installed a 2" meter. A 12-foot wide, one-way road with one entrance and one exit will support a fire truck. The cottages will be winterized with heat and power turned off. After discussion, Commissioner Cundiff moved to approve with the condition that they install a 13D system and build only twenty units. Commissioner Christoffersen made the second. It was voted upon and carried.

- (19) 09-12-18 Decatur High School Bleachers Replacement, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit assisted listening devices for the outdoor grandstands. After discussion, Commissioner Christoffersen moved that no variance was required with the second by Commissioner Hawkins. It was voted upon and carried.

- (20) 09-12-19 Mishawaka Senior Housing, Mishawaka

Ed Rensink, RTM Consultants, spoke as proponent. An old high school is being converted into residences for senior citizens. The request was to allow the construction of two new enclosed stairs with 2-hour fire barriers, and to omit enclosing the existing stairs, not a required means of egress, to preserve their historic character serving as a monumental stair. The building will be fully sprinklered. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (21) 09-12-20 Parkview Whitley Hospital Replacement Facility, Columbia City

Doug Trent, RTM Consultants, spoke as proponent. The request was to omit the fire dampers in duct penetrations of 1-hour fire barrier walls. The dampers are not required by the code the hospital must meet for accreditation, and the fire code chase amendments no longer require them. Craig Wagner, Whitley County Building Official, addressed the Commission, stating he was opposed to the amendments no longer requiring dampers and making a rated barrier into a non-rated barrier. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted

upon and carried.

- (22) 09-12-22 Trinity United Methodist Church New Ministry Facility , Kentland

Tim Callas, J & T Consulting, spoke as proponent. The eighty member congregation will be constructing a new church and wish to omit sprinklers in the Type VA building. They will install an automatic fire alarm system with monitored smoke and heat detectors, horns and strobes. The local fire and building officials have approved the proposed separation of the kitchen and nursery with a 1-hour wall and corridor. After discussion, Commissioner Christoffersen moved to approve with the conditions that the kitchen and nursery be separated by a 1-hour fire-rated wall, that two exits directly to the exterior be installed on opposite walls in the sanctuary and that all portions of the building not be simultaneously occupied. Commissioner Cundiff made the second. It was voted upon and carried with one nay vote being cast.

- (23) 09-12-23 Herron High School, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The Herron Art Institute is being renovated and converted to Herron High School. Part of the existing building was constructed in 1929, therefore some of the doors are undersized, swing in the wrong direction or are unlabeled assemblies. The request was to remove doors from the four existing stair enclosures serving the basement, first and second floors. New electrical, HVAC, sprinklers and fire alarm systems are being installed. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:31 a.m. He then reconvened the meeting, calling it back to order at 10:46 a.m.

- (24) 09-12-24 Irwin Home and Gardens Bed and Breakfast, Columbus

Melissa Tupper, RTM Consultants, spoke as proponent. Owner Jessica Stevens also spoke. The single family residence had been built in 1864, and after its recent sale, is being converted to use as a bed and breakfast. Rule 13 Section 2 will be used to get the change of use, though not all areas comply. The plumbing and electrical systems were updated in the 1970's, but do not comply with current code, and the building is over area. There will be hardwired smoke detectors, emergency exits with signage, and two stairways from every floor though only the front stairway is compliant. There will be a total of seven sleeping rooms, one of which will be used by the innkeepers. There will be smoke detectors in the sleeping rooms, corridors, and storage room. There are three means of egress from the first floor, and one means of egress from the basement used for mechanicals. The exterior walls are full masonry construction. After discussion, Commissioner Ogle moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (25) 09-12-25 Swiss Labs Machine and Engineering, Franklin

David Julian, DesignHouse, Inc, spoke as proponent. The request was to omit a roof access ladder for the servicing of small condenser compressor units. The owner will use a lift owned by the company for personnel to access the roof. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (26) 09-12-26 Three Amigos Parcel 1, Bloomington
- (27) 09-12-29 Three Amigos Parcel 2, Bloomington

Steven Hoffman, owner, spoke as proponent. The buildings have been placed on Bloomington's Historic Register by the local society, and any exterior changes are subject to restrictions. The egress windows in the structures do not comply with current code, but the Historical Society will not allow the windows, original to the house, to be replaced. The variance request, therefore, is to allow the current windows to remain in place. The rooms have hard-wired smoke detectors and extra drywall has been installed to increase the rating between units and under the floors. After discussion of information provided by Mr. Hoffman that the buildings had been built as apartments, Commissioner Christoffersen moved that no variance was required. Commissioner Ogle made the second. It was voted upon and carried.

- (28) 09-12-27 Promenade Self Storage Phase I, Lafayette

Tim Callas, J & T Consulting, spoke as proponent. Ron Ritchey, Lafayette Fire Department, also addressed the Commission. The owner is putting up a building for an office and caretaker apartment, and wishes to omit the sprinklers. He will install 2-hour fire walls, and is working with the local fire department along with the proponent to reach an agreement on details. After discussion, Commissioner Christoffersen moved to approve with the condition that the plans are to meet with final fire department approval on or before December 15, 2009. Commissioner Jones made the second. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

Costal Commerce of Ft. Wayne
Administrative Cause No. 09-16
Condition of CDR
Nonfinal Order of Dismissal

Pike High School
Administrative Cause No. 09-37
Order – City of Indianapolis
Nonfinal Order of Dismissal

Bangs Laboratory
Administrative Cause No. 09-45
Condition of CDR
Nonfinal Order of Dismissal

Commissioner Jones moved to approve the Nonfinal Orders of Dismissal. Commissioner Christoffersen made the second. It was voted upon and carried.

Columbia City Retirement Community II
Administrative Cause No. 09-08
Condition of Variance
Notice of Remand to Fire Prevention and Building Safety Commission

A copy of the Petition for Review had not been included in the packet of information. The discussion was moved to a later position on the agenda to allow time for it to be reviewed by Commission members.

7. Discussion and Commission Action On Petitions For Review (Timely filed unless otherwise noted.)

Jay County Security Center Inspection
Order – Fire and Building Code Enforcement

Commissioner Christoffersen moved to approve the timely filed petition for review. Commissioner Ogle made the second. It was voted upon and carried.

8. **C.C.E. Inc. – Commission Discussion and Decision on Nonfinal Order and Objections**

Following discussion among the members of the Commission and input by Deputy Attorney General Schmidt as to their voting options, Commissioner Jones moved to affirm, without modification, the Report, Findings of Fact, and Nonfinal Order of the Administrative Law Judge. Commissioner Christoffersen made the second. It was voted upon and carried.

9. **Proposed code change for draft Indiana Energy Conservation Code, 2009**

Mara Snyder, Director, Legal and Code Services, recommended that the Commission not take action at this meeting, but include it in the comments submitted for the public hearing.

10. **Columbia City Retirement Community II Remand to the Commission, cont.**

Mara Snyder, Director of Legal and Code Services, provided the members of the Commission with a copy of the Petition for Review submitted by the proponent for the variance. Tim Callas, proponent for the variance, was in attendance and allowed to give background information to the Commission. He explained that the owner would comply with the language in the proposed code change and that the local fire and building officials would accept that. Commissioner Christoffersen moved to revise the variance condition to have two-hour fire walls between each two units and a 1-hour fire barrier between every other unit, and to dismiss the Administrative action. Commissioner Cundiff made the second. It was voted upon and carried.

11. **Comments.**

Mara Snyder, Director, Legal and Code Services, announced a new member of the Legal and Code Services staff. Cecelia Ernstes-Boxell would be taking over the Plumbing, Mechanical and Fuel Gas Codes beginning December 2, 2009. Building and Fire Code chase amendments are now final, and the Energy Code has now become a top priority. She had spoken with the Governor's office concerning the two vacancies on the Commission, and hopes to have them both filled by the January meeting.

12. **Adjournment.**

Chairman Hannum adjourned the meeting at 11:29 a.m.

APPROVED _____
David Hannum, Chairman