

**COMMISSION MEETING MINUTES**  
**Indiana Fire Prevention and**  
**Building Safety Commission**  
Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Conference Room B

April 6, 2010

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Vice-Chairman Howard Cundiff at 9:06 a.m. on April 6, 2010.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner  
Michael Christoffersen  
Michael Corey  
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health  
Hattie Sims, representing the Commissioner, Department of Labor  
John Hawkins  
M. Burke Jones  
Ted Ogle

(b) Commissioners not present at the Commission meeting:

David Hannum, Chairman

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

Legal and Code Services:

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

(d) Deputy Attorney General James Schmidt was present.

2. Old Business.

Vice-Chairman Cundiff called for any corrections or a motion to approve the minutes of the March 2, 2010 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Christoffersen and seconded by Commissioner Corey. It was voted upon and carried.

3. Ordinances.

Building Ordinance No. 02-2010  
Plainfield, Indiana

Shelly Wakefield, Director, Fire and Building Code Enforcement, introduced the building ordinance for Plainfield, Indiana, and recommended approval. Commissioner Jones moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

4. Third Party Certification and Inspection.

Pyramid1  
19260 County Road 46  
PO Box 463  
New Paris, IN 46553

Shelly Wakefield, Director, Fire and Building Code Enforcement, introduced the request for third party certification by Pyramid 1, noting they were in compliance and recommending approval. Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

5. Variances.

Tabled Variances.

John Haines advised the Commission that the proponent for variance 10-03-21 Catalyst Refinement Service Tower #500, Whiting, had requested the variance be tabled for thirty days. Commissioner Jones moved to table with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 10-02-14 Garvin Industrial Associates, Evansville, was represented by Roger Lehman, RLehman Consultants. An old industrial plant had been purchased in 1995 which had a wet sprinkler system, pump house and electric pump. It had been changed to a dry system which is no longer compliant with current NFPA 25, and would cost \$250,000 to upgrade for a building valued at \$275,000. The request was to create a maintenance program to be approved by the Commission as the standard for this building. They preferred to keep the system on, providing at least partial protection, with an annual dry test and fire pump test. It was to be monitored 24/7 with valve-off monitors, and leaks were to be repaired as they occurred. Occupancy on the second level wasn't to be increased and an NFPA 664 dust collection system was to be installed in the woodworking area. Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with one nay vote. Variance 10-03-4 French Lick – West Baden Development (b)(c)(d)(e) was represented by Tom Schroeder, Schroeder & Associates, and Brian Slinkard, owner. Variance (b) was a request to allow an extension to the travel distance. Staff members were all equipped with headsets to maintain contact with all areas of the track and their status. A central control worker was able to decrease speed or kill all engines from one point. Refueling was done from one point and handled similarly to the Indianapolis 500 method with a safety fire watch whenever cars are fueled or the main tank was filled. Commissioner Hawkins noted he had visited the site and found it spotless and well-maintained. He then moved to approve with the second by Commissioner Ogle. It was voted upon and carried with one nay vote. Variance (c) was to allow exits which were not accessible. The cars were not handicapped-accessible and the track, staffed by workers able to assist drivers and step over 10" barriers, has a ramp to be used by emergency personnel, which is not compliant. Exits on the main level of the area were accessible. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (d) was to allow the 30 gallon safety tank mounted on a golf cart to be considered permanent use, not temporary as interpreted by inspectors. After a lengthy discussion of fueling and safety procedures, Commissioner Hawkins moved to approve with the condition that a hatch be installed in the northwest corner of the track area wall to allow the introduction of a fueling hose to fill the mounted safety tank from that location within thirty days (30) of the date of the departmental action letter. Commissioner Ogle made the second. It was voted upon and carried with one nay vote. Variance (e) was to allow the 2.6 hour party wall between the track area and the undeveloped area adjoining it to have utilities and a 1½ hour rated opening connecting them. The two areas are currently owned by the same person, and the undeveloped area used for concession storage. When the unused area is leased, the opening will be closed or a fire-rated corridor installed. After discussion, Commissioner Hawkins moved to approve with the condition that

a sprinkler head was to be installed on both sides of the door. Commissioner Brenner made the second. It was voted upon and carried. Variance 10-03-5 Man 4 Man Ministries, Anderson, had been withdrawn by the proponent. Variance 10-03-10(b) Commons South Parking Garage and Housing, Columbus, was withdrawn by Ralph Gerdes, Ralph Gerdes Consultants. 10-03-16 Kingdom Halls of Jehovah's Witnesses, Indianapolis, was represented by Paul Carroll and Garth Hughes. The request was to allow the church to exceed the allowable distance to a fire hydrant. The building was used during daylight hours and has only a warming kitchen with a microwave oven and no stove. Cost to run the line was estimated at \$90,000 plus the additional cost to run it under Raymond Street. The occupant load was 300 in two buildings and 6 in the administrative building. After discussion, Commissioner Ogle moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with one nay vote. Variance 10-03-34 J. Peterson Properties, Bloomington, was represented by Melissa Tupper, RTM Consultants. She confirmed that the building had been built as a townhouse without property lines, and that the wall was constructed as indicated on the drawings. Jim Gerstbauer, Building Commissioner, appeared in support of the variance to avoid lot sizes smaller than those allowed by the City of Bloomington. Ryan Vaughn, Indiana Fire and Life Safety Coalition, appeared to oppose. Tony Bradshaw, Plan Review, raised concerns as to the type of building classification it should have. Commissioner Christoffersen felt it should be an apartment building, with an assurance from Ms. Tupper that, built as it was, the building required no sprinklers. After discussion further discussion, Commissioner Jones moved to table for re-submission as an R-2 occupancy with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 10-03-35(a)(b)(c)(d) Lanier Mansion Inclined Wheelchair Lift, Madison, was tabled for further research at the request of the proponent. Commissioner Corey moved to table with the second by Commissioner Christoffersen. It was voted upon and carried.

New Variances.

Variance 10-04-45 Model Mill Building, Noblesville, and 10-04-48 Christ's Community Church of the Nazarene had requested to be tabled. Commissioner Jones moved to table with the second by Commissioner Corey. It was voted upon and carried. Vice-Chairman Cundiff called for any variances to be pulled from the block vote for individual consideration. Variance 10-04-37, Partners in Women's Health / Maternal Fetal Medicine, Evansville, 10-04-29 River Pointe Apartments Swimming Pool Replacement, Mishawaka, and 10-04-35 Fairfield Center, Ft. Wayne, were called out. 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 Corey. It was voted upon and carried. Commissioner Brenner abstained from voting on variance 10-04-61 Arts Council of Indianapolis Tenant Build-Out, Indianapolis, and Commissioner Hawkins abstained from voting on 10-04-12(a)(b) St. Gabriel the Archangel Church Addition, Indianapolis.

The following variances were approved as submitted:

- (1) 10-04-3 Valparaiso University Heritage Hall, Valparaiso
- (2) 10-04-6 DQE, Fishers
- (3) 10-04-10(a) 707 E. North Street, Indianapolis
- (4) 10-04-12(a)(b) St. Gabriel the Archangel Church Addition, Indianapolis
- (5) 10-04-13(a)(c)(e) J & J Sales and Logistics Co., LLC, Mooresville
- (6) 10-04-14(c) In As Much Ministries – The Edge Renovation, Ft. Wayne
- (7) 10-04-15 Mt. Vernon Ethanol Facility, Above Ground Tanks, Mt. Vernon
- (8) 10-04-16 Mt. Vernon Ethanol Project Fermentation Building, Mt. Vernon
- (9) 10-04-17 Mt. Vernon Ethanol Facility Project Control Room & Process Building, Mt. Vernon
- (10) 10-04-18 Mt. Vernon Ethanol Facility Ethanol Project Boiler Building, Mt. Vernon
- (11) 10-04-19 Mt. Vernon Ethanol Facility Project Administration Building, Mt. Vernon
- (12) 10-04-20 Mt. Vernon Ethanol Facility Ethanol Project Maintenance Building, Mt. Vernon
- (13) 10-04-21 Mt. Vernon Ethanol Facility Project Grain Receiving Building, Mt. Vernon
- (14) 10-04-22 Mt. Vernon Ethanol Facility Project DDGS Truck Load-Out Building, Mt. Vernon
- (15) 10-04-23 Mt. Vernon Ethanol Facility Aventine Control Building, Mt. Vernon
- (16) 10-04-24 Mt. Vernon Ethanol Facility Rail Load-Out Building, Mt. Vernon
- (17) 10-04-25 Mt. Vernon Ethanol Facility Ethanol Project DDGS Building, Mt. Vernon
- (18) 10-04-26 Mt. Vernon Ethanol Facility Aventine Ethanol Tank Farm, Mt. Vernon
- (19) 10-04-27(a)(c) Rubicon Apartments, Bloomington
- (20) 10-04-38 Frazee Elementary School, Connersville
- (21) 10-04-46 Northview Christian Life Church New Worship Center, Carmel
- (22) 10-04-49 People's Health Center, Indianapolis
- (23) 10-04-52 Charles A. Beard Athletic Field, Knightstown
- (24) 10-04-54(b) Henderson Court Apartments, Bloomington

(25) 10-04-59 McDonalds Restaurant Greenwood, Greenwood

6. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 10:14 a.m. He then reconvened the meeting, calling it back to order at 10:29 a.m.

It had been noted that 10-04-5 Octave Grille, Chesterton, and 10-04-28(a) Sarah's Crib, Bloomington, had been overlooked in the block vote of "A" and "B" rated variances. Commissioner Christoffersen moved to approve both, with the second by Commissioner Brenner. It was voted upon and carried.

The following variances were heard separately:

(26) 10-04-2 1113 S. High Street Windows, Bloomington

George Rodgers spoke as proponent. The request was to permit an existing non-compliant window in a sleeping room and a permanently installed step to achieve the minimum 44" sill height for the window. Discussion was held concerning the availability of a compatibly-sized replacement window and its cost. Commissioner Christoffersen then moved to approve with the condition that a replacement casement window was installed and that a permanently attached window seat or step was placed beneath it. Commissioner Hawkins made the second. It was voted upon and carried.

Vice-Chairman Cundiff announced that 10-04-8 Winslow Townhouses, Bloomington, and 10-04-30 Woodlands #2387, Bloomington, were no longer in the "I" category. Commissioner Jones then moved to approve both with the second by Commissioner Corey. It was voted upon and carried.

(27) 10-04-7 Tiki Tan – Fishers, Fishers

Cory McConnell, manager, spoke as proponent. The request was to keep a timed magnetic lock on the front door of the shop. They have installed a motion detector within five feet of the entry to release the door and a touch pad with power failure interlock to fail open. Don Gregg, Fishers Fire Department, also spoke. He requested that they either remove the magnetic lock or that it be tested to make sure it functioned. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Ogle. It was voted upon and carried with a 5-to-3 vote.

(28) 10-04-10(b) 707 E. North Street, Indianapolis

Stephanie Alvert, Metro Elevator, spoke as proponent. The building, including the equipment on site had been bought out of receivership. The request was to install the machine room-less unit which complied with the previous code when purchased. After discussion, Commissioner Corey moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

(29) 10-04-11 The Hearth at Tudor Gardens, Zionsville

Lisa Holstein, Executive Director, spoke as proponent. The request was to allow a 15 second delayed egress for a thirty bed Alzheimer unit. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

(30) 10-04-13(b)(d)(f) J & J Sales and Logistics Company, Mooresville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponents. Variance (b) was a request to add 5,000

more square feet to the flammable liquid storage room which already exceeds the allowable amount. They wanted to take the aerosols out of the general storage area and put them into this more protected area. They had the sprinkler design per FM, and the walls are 2-hour concrete masonry construction. Commissioner Christoffersen moved to approve if the variance is valid only with the current tenant. Commissioner Ogle made the second. It was voted upon and carried. Commissioner Ogle moved to approve (f) with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (d) was to omit hose drops throughout the building. Current code doesn't require them any longer unless the fire department wants them. Standpipes were to be put in around the perimeter of the building with hose outlets at the outside doors. Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (31) 10-04-14(a)(b)(d) In As Much Ministries – The Edge Renovation, Ft. Wayne

Ralph Gerdes, Ralph Gerdes Consultants, and Rachel Handel, architect, spoke as proponents. A 1900's building, which had been a business property, had been purchased by the church. They had failed to change the occupancy. They now wanted to use the building to service the poor after government assistance had been exhausted, which would be a return to the original use of the building. Following discussion, Commissioner Hawkins moved to approve (a), (b), and (c) with the second by Commissioner Brenner. It was voted upon and carried with one nay vote being cast.

- (32) 10-04-27(b) Rubicon Apartments, Bloomington

Benjamin Elfreich, Kone Inc., spoke as proponent. The machine room-less elevator didn't comply with current code size requirements which used a different table to determine compliant dimensions. Following discussion, Commissioner Corey moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (33) 10-04-28(b) Sarah's Crib, Bloomington

Robert Overton asked the Commission for a short delay to allow his architect to arrive. The request was granted.

- (34) 10-04-29 River Pointe Apartments Swimming Pool Replacement, Mishawaka

Marv Trietsch, designer, spoke as proponent. This variance had been called out for discussion. The pool was being replaced due to the need to replace the drains. Skimmers for the pool were placed at 40 feet apart instead of a compliant 30 feet apart since the trees are fifty to one hundred feet away from the pool deck area. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (35) 10-04-32 Office Building, Seymour

Timothy Callas, J & T Consulting, spoke as proponent. The request was to be allowed to remove an existing elevator and replace it with a vertical platform lift in the three story building. Steve Perry, Amco Elevators, also addressed the Commission and explained the unit only stops in front, travels 18 feet and is over the ANSI Standard by 3'8". After discussion, Commissioner Corey moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (36) 10-04-33 Dow AgroSciences Addition, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow a new building to be

connected to an existing building on three levels without the required separation. Both buildings were fully sprinklered and the connectors were to be 1-hour construction. Steve Jones, Pike Twp. Fire Department, also addressed the Commission and supported the variance. After discussion, Commissioner Jones moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (37) 10-04-34 Columbus Signature Academy Fodrea Campus Renovation, Columbus

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The school, originally designed as an open concept school, was to have the classrooms enclosed. The request was to omit the 1-hour rated corridor system. They were to add a smoke detection system and a good exiting plan has been developed. Ryan Vaughn, Fire and Life Safety Coalition, also addressed the Commission in opposition to the variance. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (38) 10-04-35 Fairfield Center, Ft. Wayne

Melissa Tupper, RTM Consultants, spoke as proponent. The existing building, built in the 1940-1950 era, was a grocery store. The building was being divided into several tenant spaces and, if it's considered a change of occupancy from M to B, the building has to be brought up to current code requiring the basement to be sprinklered. The request is to omit the sprinklers in the basement. The basement had been divided into fire areas less than 1,300 square feet with 2-hour fire barriers. The first floor was an 8" concrete slab set on 12x16 concrete beams. First floor tenants are separated by 2-hour fire barriers and the exit stairs from the basement are enclosed in 2-hour construction. Smoke detectors were to be installed. Ryan Vaughn, Fire and Life Safety Coalition, addressed the Commission, and stated that the local fire official opposed the variance. Commissioner Hawkins moved to deny with the second by Commissioner Jones. Further discussion was held and the motion was withdrawn. Commissioner Hawkins then moved to table with the second by Commissioner Jones to allow the proponent to talk with the owner. It was voted upon and carried.

- (39) 10-04-28(b) Sarah's Crib, Bloomington

Robert Overton, Overton Architectural Services, and Terry Bradbury, architect, addressed the Commission. The request was to allow more unprotected openings in an exterior wall than allowed by code. The building was to have a 13R system and "water curtain" protection for the egress windows, with fiber-cement siding and standing seam metal roof. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (40) 10-04-36 North Quadrangle Renovation, Muncie

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The issue was the location of standpipe outlets. Due to exit width considerations, the standpipe outlets were to be located on the main floor landing and the building was to be sprinklered. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (41) 10-04-37 Partners In Women's Health / Maternal Fetal Medicine, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. Commissioner Brenner asked if grab bars could be installed in the toilet rooms and made a motion to approve with the condition of the installation of grab bars. Commissioner Christoffersen made the second. It was voted upon and carried.

7. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 11:37 a.m. He then reconvened the meeting, calling it back to order at 12:47 p.m.

- (42) 10-04-39 Quadrangle TI – Amcor PET , Greenwood

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow additional travel distance to the toilet rooms in the building. The part of the building affected was the warehouse area with few occupants. Commissioner Ogle moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (43) 10-04-40 River Mill Resort Phase 1, Madison

Ed Rensink, RTM Consultants, spoke as proponent. The vacant cotton mill building undergoing rehabilitation was to have a 3,000 square foot hotel-type restaurant build-out before the rehab was completed. The request was to allow the occupancy of a portion of the building before it was fully sprinklered. The first floor was expected to be completed within 2 years and occupied areas were to be sprinklered before use. Commissioner Christoffersen moved to approve with the condition that the variance was valid for two years. The second was made by Commissioner Brenner. It was voted upon and carried with Commissioner Hawkins abstaining.

- (44) 10-04-44 St. Barnabas Catholic Parish, Indianapolis

This variance had been overlooked in the block vote. Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (45) 10-04-42(a)(b)(c)(d)(e)(f) Tecton Apartments, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The third floor of the existing building was being converted to apartments, some with lofts, using Chapter 34. The lofts exceeded the 1/3 of the permitted area and were making the building a four-story building. They were to add standpipes, hose connections and smoke detectors. Ron Ritchey, Lafayette Fire Department, advised the Commission of his concerns. Commissioner Brenner moved to deny, but after further discussion, Commissioner Brenner withdrew her motion and Commissioner Christoffersen moved to table with the second by Commissioner Brenner. It was voted upon and carried.

- (46) 10-04-41 IND 2, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to omit sprinklers in a 300 foot walkway connecting two existing buildings. The point at which the walkway connected to the buildings was to be sprinklered, but the remainder of the walkway would not. It contained no flammables and was not heated, though the buildings were. Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (47) 10-04-43 Zurcher Tire, Monroe

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit the fire barrier walls in the unsprinklered tire warehouse used to store farm tractor tires to a maximum height of 6 feet. The warehouse was to be separated from the garage area by a 3-hour fire barrier, and travel distance was 130 feet. Hardships were that the division of the warehouse would significantly impact the storage capability, and the cost to sprinkle was over \$15 per square foot for the building. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Brenner. Further discussion was held and the maker and second withdrew their motion. Commissioner Hawkins moved

to table to allow the proponent time to provide copies of previous variances. It was seconded by Commissioner Corey. It was voted upon and carried.

- (48) 10-04-47(a)(b) Deaconess Hospital Elevator 2 & 3 Replacements, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. Variance (a) was to allow a non-compliant condition created when the 1950's era elevators were upgraded. A fire-rated bulkhead was installed to separate and protect 2 existing feeder conduits. An exhaust duct had also been installed to ventilate the shaft. The impeded clearance was on the back side of the equipment and didn't interfere with routine service. Warning striping and signs were to be installed to warn of lowered headroom. After discussion, Commissioner Corey moved to approve both with the second by Commissioner Ogle. It was voted upon and carried.

- (49) 10-04-50 Clear River Church/Two Ton Investments, Lafayette

Damon Adams, D.O. Adams Consulting Services, spoke as proponent. An opening had been made in an existing 4-hour party wall by the church when they joined the two spaces to allow access to either side without having to exit the building. Ron Ritchey, Lafayette Fire Department, noted that they had not properly changed the occupancy of the building and that the opening was made without permit. After discussion, Commissioner Hawkins moved to approve with the conditions that the variance was valid with the current owner only, the deed must state that the opening was to be closed at the sale of the building, that 3-hour self-closing doors were to be installed in the 3-hour wall, and that the building must remain a single tenant use. Commissioner Brenner made the second. It was voted upon and carried.

- (50) 10-04-51 Bethel United Methodist Church, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the sprinkler system in the multipurpose room addition of Type II-B construction, required by a calculated occupant load of 437. The addition had been filed and released by the State without sprinkler system requirements. The multipurpose room was separated from the kitchen by a 2-hour fire barrier, and a Type I hood with fire suppression was installed over the kitchen's commercial range. Travel distance from the multipurpose room to an exit was measured at 55 feet. Steve Jones, Pike Twp. Fire Department, addressed the Commission, to voice his concerns. Ryan Vaughn, Fire and Life Safety Coalition, also addressed the Commission. After discussion, Commissioner Brenner moved to approve with the condition that the occupant load be posted at 299 and that rate of rise heat detectors were to be installed in the kitchen and smoke detectors were to be installed in the multipurpose room. Commissioner Christoffersen made the second. It was voted upon and carried with one nay vote.

- (51) 10-04-53(a)(b) Riley Hospital for Children Phase V Addition, Indianapolis

Rodney McCulloh, RTM Consultants, spoke as proponent. The request was to allow a pharmacy on the 6<sup>th</sup> floor to remain in an area which doesn't discharge directly to the outside during construction of the addition. The variance had been granted previously, but construction had been delayed and it lapsed. Commissioner Brenner moved to approve both (a) and (b) with a condition that the variance be valid for 14 months. Commissioner Christoffersen made the second. It was voted upon and carried.

- (52) 10-04-54(a) Henderson Court Apartments, Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent The owner, Stuart Hunt, had applied to join the HUD program, and the required inspection found the firewall terminations at the base of the

trusses not compliant with today's code. The termination method used was treated as compliant in 1979 when the building was constructed, though the technology was later proven incorrect several years later. Doug Newport, Indiana Housing and Community Development Authority, had done the inspection and addressed the Commission. After discussion, Commissioner Christoffersen moved that no variance was required. The second was made by Commissioner Ogle, voted upon and carried.

- (53) 10-04-55(a)(b)(c)(d) Parish Life Center St. Matthews Catholic Church, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to omit a 4-hour fire wall. The existing, non-sprinklered church was to be separated from the addition by a 2-hour fire barrier, with the new construction and gymnasium being sprinklered. The educational wing was not to be separated due to a split level condition. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was to allow non-rated corridors in the sprinklered, separated addition. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (c) was to allow the new assembly room and gymnasium to not be separated by a 2-hour fire barrier as required by code. The areas will be of new construction and sprinklered. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (d) was to allow portions of the building to be more than the 400 feet from a fire hydrant allowed by code. The church was to provide a hydrant and signage stating it was to supplement the sprinkler system only. Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with two nay votes.

- (54) 10-04-56 Carmel Regional Performing Arts Center, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow shafts which were not symmetrically fire-rated. The steel stud construction had gypsum board on the outside, but not inside as required by code. The building was fully sprinklered, and the shafts were to contain only non-combustible ductwork and piping. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (55) 10-04-57 Indiana Design Center, Carmel

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was to allow the 2-hour fire wall to not be structurally independent. The floor was found to rest on the floor slabs of the east building's first and second floor. Both sides of the fire wall on each floor were to be sprinklered. After discussion, Commissioner Hawkins moved to approve with the condition there be no night club use. Commissioner Brenner made the second. It was voted upon and carried. Variance (b) was to allow total openings in the basement level 2-hour fire wall which exceed the amount allowed by code. Variance 06-10-43(a) had been granted to permit automobile travel through the firewall. After discussion, Commissioner Ogle moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (c) was to allow roofs of different heights to create a non-compliant step roof condition. A sprinkler curtain was to be installed along the east side of the building to protect windows at that height. Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (d) was to allow the existing 2-hour fire wall to lack horizontal extension through projections from the exterior walls. The entire building on each side of the fire wall has been sprinklered, and there were no exterior wall projections requiring extension filed with the tenant finish project for the Blue Moon Café which triggered the citation. After discussion, Commissioner Cundiff moved no variance was required with the second by Commissioner Christoffersen. It was voted upon and carried.

- (56) 10-04-58 Children's Museum of Indianapolis Egress Door, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The egress door installed at the back of the train exhibit was to be removed. This increased the travel distance to exceed the amount allowed by

code. Calculated occupant load of the area was 45. The area was to have sprinklers installed in the train exhibit and adjacent areas. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

(57) 10-04-60(a)(b)(c)(d)(e) Hilty Cabinets, Berne

Christina Collester, RTM Consultants, spoke as proponent for the family-owned, Amish woodworking shop. Variance (a) was to allow the Amish workshop to omit artificial lighting and use natural lighting instead. The 2 offices and storage/receiving area without natural light inside the building were to use Amish lanterns as a light source in keeping with their religious beliefs. Variance (b) was to allow the employee restroom to not comply with Chapter 29 and Chapter 11 in keeping with their religious beliefs. Variance (c) was to omit the 2-hour wall between the office and the customer display area. Variance (d) was to omit lighted exit signs. Unlit signs will be provided making use of the natural light that enters through glass in the nine exit doors. Variance (e) was a request to allow the woodworking area to exceed 2500 square feet. After discussion, Commissioner Christoffersen moved to approve all so long as the building remains within the current owner's family and the proposed use did not change. He also noted that the unlit exit signs must be installed. Commissioner Ogle made the second. It was voted upon and carried.

(58) 10-04-61 Arts Council of Indianapolis Tenant Build-Out, Indianapolis

Gordon Clark, architect, spoke as proponent. The request was to allow a 7 foot wide historic door to remain within the required 2-hour fire separation wall without a fire shutter, panic hardware or self-closers. T.J. Burns, Indianapolis Fire Department, did not oppose the variance. After discussion, Commissioner Ogle moved to approve the application with the code amended to the 2008 Indiana Building Code with the second by Commissioner Hawkins. It was voted upon and carried with Commissioner Brenner having abstained.

8. **New Business – General.**

Discussion and Possible Commission Action

Children's Museum  
Administrative Causes #09-07, #09-30  
Order – City of Indianapolis Office of Code Enforcement  
Notice of Findings of Fact, Conclusions of law and Nonfinal Order  
Reversing the Fire Department Decision

Children's Museum  
Administrative Cause No. 10-04  
Order – Indianapolis Fire Department  
Notice of Findings of Fact, Conclusions of Law and Nonfinal Order  
Reversing the Fire Department Decision

Commissioner Christoffersen moved to affirm both Nonfinal Orders. Commissioner Corey made the second. It was voted upon and carried.

Brothers Bar and Grill  
Administrative Cause No. 10-09  
Order – Bloomington Fire Department  
Nonfinal Order of Dismissal

Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried.

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

Lexington Park Apartments  
Order – Indianapolis Fire Department

United Methodist Church  
Order – Indianapolis Fire Department

Mount Pleasant Church  
Order – White River Twp. Fire Department

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

9. Discussion and selection of model Plumbing Code

Michael Christoffersen, Chairman of the Plumbing Code committee, talked about the information received from the public. And the Chairman had recommended, after consideration, that the Commission use the second printing of the 2006 International Plumbing code. Commissioner Christoffersen then moved to use the second printing of the 2006 International Plumbing Code. Commissioner Brenner made the second. It was voted upon and carried with one nay vote being cast. It was then announced by Mara Snyder, Director of Legal and Code Services, that work would begin on the new code by the Indiana 2011 Plumbing Code Review Committee. They would meet May 11, 2010 in the Conference Center Room A, beginning at 9:00 a.m. Those wishing further information were referred to the Commission web site.

10. Discussion of proposed clean-up rule

Mara Snyder, Director of Legal and Code Services, asked if the Commission would allow her to move forward in the rule process and publish the notice of intent. Commissioner Hawkins suggested that she move ahead with the rule as it is now, and to reconvene the ad hoc committee to discuss the proposed code change from Ed Rensink and some other items which had arisen. Ms. Snyder noted that none of the changes had a fiscal impact to the best of her knowledge, and if this were not the case, to please let her know as quickly as possible.

11. Comments

Mara Snyder, Director of Legal and Code Services, announced that the first committee meeting for NFPA 13 was to be held May 12, 2010, beginning at 9:00 am in Conference Center Room 14 under the direction of Denise Fitzpatrick, Code Specialist. She called the attention of the Commission and public to the change of dates for the May and June Fire Prevention and Building Safety Commission meetings (May 5 and June 7). She noted the Governor had signed the Energy Conservation Code and that it should go to LSA today (April 6, 2010) to become effective in thirty days.

12. Additional comments

Matthew Marciniak, a representative of IAPMO, asked for permission to address the Commission. He stated information from IAPMO had been submitted and he wanted to make sure it had been distributed. He was told by Mara Snyder that the

information had been given to the Commission members. State Representative David Niezgodski also asked to address the Commission. He stated that he was disheartened that he and the supporters of the Uniform Plumbing Code in attendance had to sit through the entire meeting without being given the courtesy of being moved forward, or given the opportunity to participate in the discussion of which plumbing code would be used as the model code. He stated he didn't understand why the Commission would be concerned about saving money on variances, and yet be ready to cost the public money with the International Plumbing Code.

13. **Adjournment.**

Vice-Chairman Cundiff called for further business, and upon hearing none, he adjourned the meeting at 3:03 p.m.

APPROVED \_\_\_\_\_  
Howard Cundiff, Vice-Chairman