

Cause #: 01-23V

Name: Clarion Choice Hotel

Administrative Law Judge: William K. Teeguarden

Date: July 10, 2001

Commission Action: Affirmed

## **FINDINGS OF FACT**

1. The FPBSC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 22-13, and 675 IAC 12 apply to this proceeding.
3. The FPBSC is both the initial authority and the ultimate authority within the meaning of IC 4-21.5 with respect to the grant or denial of variances.
4. At all times relevant to this proceeding, the Hotel was designed for use as a residential facility in Marion County, Indiana.
5. In March of 2001, the Hotel submitted an application for the Variance which would allow nonconformance with Section 1003.3.3.11 of the Indiana Building Code (“IBC”).
6. Specifically, the Variance would allow the use of a permanently mounted ladder and horizontal hatch door in place of a stairway extending to roof level.
7. The Hotel is a four story building classified as R-1 occupancy.
8. 1003.3.3.11 of the IBC reads as follows: “In buildings four or more stories in height, one stairway shall extend to the roof surface, unless the roof has a slope . . . .”
9. The Hotel is fully sprinklered and the ladder is within a 2 hour enclosure.
10. When submitted, the Hotel notified the Lawrence Township Fire Department (“LFO”) and was unable to secure support for the Variance primarily because the Variance proposed the use of hatch of minimum width of 36 inches.
11. At the April, 2001, meeting of the FPBSC, the FPBSC denied the Variance.
12. Subsequent to the denial, the Hotel discussed the Variance with the LFO and learned that the LFO was not conceptually opposed to the Variance but was nervous about the size of the hatch.

13. The Hotel proposed a larger opening to the LFO and obtained a letter attached to this decision as "attachment "A" agreeing that a 4' x 4' roof hatch would allow adequate egress to the roof.
14. With the condition that the minimum width of the hatch be four feet instead of three feet, the Variance should be granted.

**NONFINAL ORDER**

Variance 01-04-14 is granted with the condition that the minimum width of the roof hatch is four feet.