

Cause No. 04-15V

Name: Daviess County Metal Truss Manufacturing Building

Administrative Law Judge: William K. Teeguarden

Date: March 12, 2004

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 and the State Building Code ("SBC") apply to this proceeding.
3. The FPBSC is the agency empowered to grant variances to the SBC and is the ultimate authority within the meaning of IC 4-21.5 with respect to variance requests.
4. At all times relevant to this proceeding, the Business involved manufacturing trusses in Cannelburg, Indiana.
5. In 2003, the Business decided to expand and build a 20,000 square foot one story manufacturing building.
6. After developing plans for the building, the Business applied for the Variance because section 903 of the SBC requires sprinklers in Group F-1 buildings over 12,000 square feet.
7. The FPBSC denied the Variance and the Business filed a timely appeal.
8. Pursuant to a telephone conference between the Business, LFO, SFM, and the administrative law judge, the Business submitted much more information about the site and the fire protection service in the area then was submitted with the Variance.
9. The application for the Variance included the following statements about the project:
 - (a) There is no public water supply,
 - (b) To adequately supply a sprinkler system would require a tank in excess of 100,000 gallons,
 - (c) Five employees are Cannelburg Volunteer Firefighters,
 - (d) Extra code compliant access/egress doors would be designed into the structure, and
 - (e) There is a drainage pond from an old coal mine within 75 feet of the building. Because of silt, the pond would not be helpful in supplying water for a sprinkler.
10. Subsequently, the Business has provided more information.
11. All volunteer firefighters are accessible by radio dispatch manned by 911 operator in the Daviess County Sheriff's Department.
12. Mutual aid is available from Loogootee and Montgomery fire Departments which are both within 3 ½ miles. Both have tanker trucks.
13. The Cannelburg Volunteer Department is ½ mile or less from the Business.
14. The Martin County Civil Defense is 5 miles away and has a 2800-gallon tanker available pursuant to mutual aid.
15. Access and egress code complying exists will be located at 50' intervals on three

sides of the building.

- 16. There is plenty of space around the structure for fire department access.
- 17. The site is rural and lightly populated.
- 18. The LFO stated that he is very familiar with the site and the nature of the business and supports the variance.
- 19. After clarifying the description of the site and because of lack of population near it, the SFM has no objection to the Variance.
- 20. The County Commissioners are on record as favoring the Variance.
- 21. Since both the LFO and the SFM are satisfied that the deletion of sprinklers in this building does not pose an enhanced risk of serious problems as long as the access/egress doors are constructed and maintained as described above, the Variance should be granted.

NONFINAL ORDER

Variance 04-01-11 is hereby approved subject to an additional condition that access/egress code compliant doors be installed at least every 50' on three sides of the building.