

**COMMISSION MEETING MINUTES**

**Indiana Fire Prevention and  
Building Safety Commission**

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

October 6, 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 9:06 a.m. on October 6, 2009.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner  
Michael Christoffersen  
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health  
Michael Corey  
Kevin Goeden, representing the Commissioner, Department of Labor  
David Hannum, Chairman  
M. Burke Jones  
Ted Ogle  
James Ridley

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

John Hawkins  
James Ridley

- (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

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

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the September 1, 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.

Fire Ordinance No. 08-10  
Bloomington, Indiana

Mara Snyder, Director of Legal and Code Services, introduced the proposed City of Bloomington Fire Ordinance. She directed the attention of the members of the Commission to her memo dated September 4, 2009, in which she identified provisions of the proposed ordinance which she felt were different than the comparable provisions of the current Indiana Fire Code. Commissioner Ogle moved to deny the proposed Bloomington Fire Ordinance No. 08-10 due to the provisions identified by staff in the September 4<sup>th</sup> memo. Commissioner Christoffersen made the second. It was voted upon and carried.

Jennings County Building Ordinance  
Jennings County, Indiana

Lonnie Lagle, Fire and Building Code Enforcement Section, introduced the ordinance. He noted that they had reviewed the proposed ordinance and found it to be in order, recommending approval. Commissioner Jones moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

4. Variances.

Tabled Variances.

Variance 09-09-1 Oregon Territory Cabin – Camp Tecumseh, Brookston, was represented by Steven Gloyeske, Scholer Corporation. The proponent had been directed to research the costs involved in providing sprinkler protection using a 13R and a 13D system at the September meeting. He had found that to provide the 13R system would cost over \$150,000 plus a yearly maintenance cost of almost \$2,500. The 13D system, not recognized in the state of Indiana, would cost \$35,000 to \$40,000 to install with a yearly maintenance cost of \$1,000. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote. Variance 09-09-31 Noblesville Senior, Noblesville, had the proponent en route. It was agreed to hear it later. Variance 09-09-44(a)(b)(c)(d), Monrovia, had been heard previously and approved at that time. The site had been moved approximately one mile down the road, however, and it had been decided to have the variance re-heard since the address did not match the approved application. The location was the only change from the original application. Commissioner Jones moved to approve all four variances, with the second by Commissioner Ogle. It was voted upon and carried.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. Commissioner Brenner called out 09-10-13. 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.

The following variances were approved as submitted:

- (1) 09-10-1 GasAmerica #88, Warsaw
- (2) 09-10-3 Wayne T. and Mary T. Hockmeyer Hall of Structural Biology, West Lafayette
- (3) 09-10-4 516 Graham Place Escape and Rescue Windows, Bloomington
- (4) 09-10-9 Transhield Inc. Fire Hose Removal, Elkhart
- (5) 09-10-10 Wal-Mart Store #1275, Lebanon
- (6) 09-10-15 Methodist Hospital Neuroscience Renovations Core 1, Indianapolis
- (7) 09-10-16 Methodist Hospital Neuroscience Renovations IMRIS, Indianapolis
- (8) 09-10-17 Methodist Hospital Neuroscience Renovations Endoscopy, Indianapolis
- (9) 09-10-18 Methodist Hospital Neuroscience Renovations Phases, Indianapolis
- (10) 09-10-19 Pike High Stadium Complex, Indianapolis
- (11) 09-10-20(a)(b)(c) Decatur High School Bleachers Replacement, Indianapolis

- (12) 09-10-26 Chapelwood Elementary School Temporary Classrooms, Indianapolis
- (13) 09-10-29 Cook Pharmica Form / Fill / Finish Expansion, Bloomington
- (14) 09-10-34 Faith Lutheran Church Addition, Bloomington
- (15) 09-10-35 Hilltop Court Apartment Windows, Bloomington
- (16) 09-10-38 ISU Sandison Hall Elevator, Terre Haute
- (17) 09-10-39 Union Hospital Elevator, Terre Haute

The following variances were heard separately:

- (18) 09-10-2 Ashley Jordans Furniture Store, Princeton

Mara Snyder addressed the Commission, explaining that there had been no change of occupancy since the original occupant had been a K-Mart. Since the code of record did not require a fire alarm system, no alarms were required now since the occupancy had not changed. Commissioner Christoffersen moved that no variance was required with the second by Commissioner Brenner. It was voted upon and carried.

- (19) 09-10-5 Richard's Brick Oven Pizza, Franklin

Richard Goss, owner, spoke as proponent. The request is to allow the addition of outside restaurant seating to the existing, 60 year old building without adding additional restrooms. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (20) 09-10-6 Marquette Manor, Indianapolis

No proponent was available for questions. Commissioner Corey moved to table with the second by Commissioner Ogle. It was voted upon and carried.

- (21) 09-10-7 Juan Soloman Park, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow a lift station with an 840 square foot chemical room, rated H4 occupancy, to omit the sprinkler system. A small community room in the building will be separated by a two-hour fire barrier. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (22) 09-10-8 Barrett Restaurant, Bedford

Bryan Imhoff, Imhoff Engineering, spoke as proponent. An existing pole barn is being remodeled for use as a restaurant. The request is to omit the required sprinkler system for the attic area, the cost of which would be half the budget. The proponent offered to install smoke detectors in the attic, noting a fire hydrant on site with the fire station within a mile of the building. After discussion, Commissioner Cundiff moved to deny with the second by Commissioner Christoffersen. It was voted upon and carried.

- (23) 09-10-11 Fowler Pool Reconstruction, Fowler

The application was withdrawn by the proponent.

- (24) 09-10-12 Lawrence Early College High School, Indianapolis

Doug Trent, RTM Consultants, spoke as proponent. The charter school had moved into an existing

building, and, due to the change of use for the building, they now have a non-compliant handrail on a stairway used as an exit. The rise and run meet today's code, while the guardrail is 34" high and intermediate members are at 9" apart. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (25) 09-10-13 DeMotte Medical Office Building, DeMotte

Christina Collester, RTM Consultants, spoke as proponent. The corridors of the one-story building are not rated. The building does comply with the Life Safety Code, however, and a fire alarm and smoke / heat detection system will be installed in the corridors and exam rooms to cover the entire space. Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (26) 09-10-14 National City Center Lobby Renovation, Indianapolis

Doug Trent, RTM Consultants, spoke as proponent. The request is to allow architectural interest pieces constructed of non-combustible materials to remain on the ceiling even though they obstruct the sprinkler coverage. The area is a lobby on the second floor for the elevator and escalators with little or no fire load. T.J. Burns, Indianapolis Fire Department, stated they had no objections to the variance. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (27) 09-10-20(d) Decatur High School Bleachers Replacement, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the outdoor facility to not comply with the required number of plumbing fixtures. They fall short by one female fixture if measured by the 2006 International Building Code. The size of the facility cannot be increased due to lack of available space and the cost of construction. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

- (28) 09-10-21 White Rabbit Cabaret, Indianapolis

Timothy Callas, J & T Consulting, and Debra Silveus, owner, addressed the Commission. The request was to omit the sprinklers required by a change of occupancy in an existing building. The area will be separated from the neighbors in the strip mall by two-hour fire barriers. There are two exits with a rated exit corridor through the rear exit. Smoke and heat detectors and a fire alarm system will be provided. Seating will accommodate 78 to 100 persons in an area calculated for 148. The kitchen will be a warming kitchen only and there will be no curtain for the stage area. T.J. Burns, Indianapolis Fire Department, had no objections to the variance. Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

- (29) 09-10-22 Self-Storage – 96<sup>th</sup> and Olio, McCordsville

Mara Snyder advised the Commission that this was a private use with no employees, so the code cited did not apply. Commissioner Christoffersen moved no variance required with the second by Commissioner Brenner. It was voted upon and carried.

- (30) 09-10-23 John Knox Presbyterian Church, Indianapolis

Timothy Callas, J & T Consulting, spoke as proponent. He was assisted by David Post, URS Corporation. The sanctuary of the existing building was demolished and replaced with a new one 1,000 square feet larger than the original. The request was to be allowed to separate the new and existing construction with two 2-hour fire walls which share a common foundation but nothing else, and are not structurally independent. After discussion, Commissioner Brenner made the motion to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (31) 09-10-24 Avon Executive Office Suites, Avon

Timothy Callas, J & T Consulting, spoke as proponent. The original plans showed Type V-1-hour construction, but it had not been built that way and wasn't discovered until the current owner began remodeling. The request was to allow a mezzanine which is 35% instead of code-compliant 33 $\frac{1}{3}$ % of the second floor. It was noted that the mezzanine can be entirely enclosed with proper exiting, which would require them to put in a corrected stair. After discussion, Commissioner Cundiff moved to approve with the condition that the corrected stairway plans be filed with Plan Review immediately. Commissioner Brenner made the second. It was voted upon and carried with 2 nay votes.

- (32) 09-10-25 The Hearth at Tudor Gardens, Zionsville

Timothy Callas, J & T Consulting, spoke as proponent. The request was to allow attic access openings which are 24"x36" instead of code-compliant 20"x40" due to the difficulty in finding rated assemblies. The building is sprinklered, and the local fire department does not object to the variance. After discussion, Commissioner Ogle moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:20 a.m. He then reconvened the meeting, calling it back to order at 10:35 a.m.

- (33) 09-10-27 Praise Lutheran Church Building Addition, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit sprinklers. The new youth area addition will be separated by a 2-hour fire wall, while an existing 1-hour wall will be upgraded to a 2-hour fire barrier to separate the educational wing from the sanctuary. There will be three exits directly to the exterior in the chancel/ storage/ office area addition which will be of noncombustible construction. A source of public water does not exist on the site. Jim Maura, Ft. Wayne Fire Department, addressed the Commission and acknowledged their hardship and did not oppose the variance. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried with one nay vote.

- (34) 09-10-28 SMC Corporation, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow gates through product conveyors on the Level 2 and Level 3 mezzanines which are not compliant with Chapter 10. The 4 employees on Level 2 and the 2 employees on Level 3 will be familiar with the operations and placement of the gates. The areas are not used by the general public. Signs with operational instructions are being placed on the gates. There are also four areas in the Level 2 mezzanine means of egress with low (6'6") headroom. Commissioner Cundiff moved to approve the variance for both sections with the second by Commissioner Brenner. It was voted upon and carried.

- (35) 09-10-30 North Wayne Elementary School Temporary Classrooms, Indianapolis

This variance is identical to the Chapelwood Elementary School variance, and had been given a "B" rating by staff but had been missed when the block vote had been taken. Commissioner Cundiff moved to approve with the second by Commissioner Corey. It was voted upon and carried.

- (36) 09-10-31 Meridian Elementary School, Brazil

Ed Rensink, RTM Consultants, spoke as proponent. The existing building is undergoing renovation, and a 3-hour elevator door would be required to maintain the integrity of a 4-hour fire wall. Elevator doors do not come with this rating, thus requiring an offset to be designed to allow the installation of rated doors in front of the elevator doors. After discussion, Commissioner Christoffersen moved to approve with the condition that unkeyed latching devices are installed on the doors so that they are openable at all times. Commissioner Cundiff made the second. It was voted upon and carried.

- (37) 09-10-32 IU Multidisciplinary Science Building Phase II, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the audible fire alarms to be omitted from the animal testing and holding areas, and to allow the use of lenses to filter the visual alarms in the same areas to reduce the impact of sudden stimuli on the test results. Human occupation of these areas is minimal. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried with one nay vote.

- (38) 09-10-36 Center Lake Retirement Community Phase 1 Building 1, Angola

Tim Callas, J & T Consulting, spoke as proponent. The request was to allow the 6-unit, single story buildings to omit sprinklers. There will be a 2-Hour fire wall between every 2 units and a 1-Hour fire barrier between each unit. The development will be served by wells since public water is over 1,000 feet away. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote.

- (39) 09-10-37(a)(b) Center Lake Retirement Community Phase 1 Buildings 2 & 3, Angola

Tim Callas, J & T Consulting, spoke as proponent. The request was to allow these buildings to omit sprinklers as in variance 09-10-36 with the same issues and conditions present. Commissioner Ogle moved to approve with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote being cast.

- (40) 09-10-33 City Lofts Interior Build-Out and Addition, Lafayette

The incomplete variance had been included in the block voted in error. Commissioner Christoffersen moved to rescind the approval and table for thirty days. The second was made by Commissioner Ogle, voted upon and carried.

- (41) 09-10-40 Elkhart Fire Station 4 Basement Restroom Addition, Elkhart

- (42) 09-10-41 Elkhart Fire Station 6 Basement Restroom Addition, Elkhart

Mara Snyder noted that no variance was required for these applications because the buildings were built before ADA and weren't accessible. Commissioner Christoffersen made the motion that no variance was required. Commissioner Jones made the second. It was voted upon and carried.

- (43) 09-10-42 The Project School, Bloomington

Withdrawn by proponent.

- (44) 09-10-43 Ascension Lutheran Church Addition, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The request is to allow an opening in a fire wall which is larger than code allows so that the narthex addition is open to the existing narthex space. A sprinkler curtain on each side of the opening will be provided, while the fire load should not significantly increase since the area is used for a gathering space. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (45) 09-10-44 Sense Charter School / Fountain Square Academy, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Variance 05-03-26 had been granted to allow the third floor of the school to remain unsprinklered until 2007 when it was to have been completed. The school never moved into the third floor of the building and did not sprinkler the area as it was to have done due to lack of funding. The request of this variance was to allow occupancy by the school of the basement through second floor of the building without the third floor being sprinklered until funding can be secured to complete the third floor sprinkler system. The area will not be used for any purpose and the three stairways to the floor will be locked to prevent entry. After discussion, Commissioner Cundiff moved to approve with the condition that stairway doors are to have panic hardware on the egress side of the door and that all penetrations of the third floor are to be repaired with fire stopping. Commissioner Ogle made the second. It was voted upon and carried.

- (46) 09-10-45 Emerson House, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. Bonnie Robison, Fire and Code Enforcement, explained that plans for a single family dwelling unit were submitted to Plan Review and reviewed as a congregate living facility for elderly adults not requiring medical care. This allows for as many as 16 occupants. The City of Indianapolis, represented by Adam Holman, Division of Compliance, felt the building should be held to the Residential Code which allows 10 occupants. The building will have a central kitchen and dining area, and each bedroom will have egress windows. After discussion, Commissioner Cundiff moved to approve with the condition that the occupants are capable of self-preservation and that the occupancy of the house does not exceed 16 including the resident managers. Commissioner Ogle made the second. It was voted upon and carried.

- (47) 09-09-31 Noblesville Senior, Noblesville

Brian Drobnick, Development Project Manager, spoke as proponent. Assisting was Ron Williams, RDL Architects. The request was to omit sprinklers in the eleven buildings made up of six or eight units for low-income senior citizens. The units would have 2-Hour fire walls between every two units and a 1-hour fire barrier between each unit. The buildings are separated by 20 feet and have rated exterior walls. The cost to sprinkle the project is approximately \$150,000 for a \$12 million project. After discussion, Commissioner Cundiff moved to approve. The motion died for lack of second. Commissioner Corey moved to deny with the second by Commissioner Jones. It was voted upon and carried with two nay votes.

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

Mara Snyder, Director, Legal and Code Services, presented the variance to the Marion County Fire Prevention Code granted by the Indianapolis Fire Department for approval by the Commission pursuant to IC 22-13-2-7. This variance had been granted by the City of Indianapolis to JW Marriott Complex, Fairfield Inn and Courtyard-Springhill Suites for the deletion of portable fire extinguishers. Commissioner Christoffersen moved to approve with the second by Commissioner Corey. It was voted upon and carried with Commissioner Brenner abstaining from the vote.

7. **Recall and re-adoption of LSA Document #09-187 (Fire Code chase amendments) with deletion of amendment to Section 503.1.1**

Staff gave a brief explanation of the need for the recall of the rule and that there needed to be one change from the form of the rule that had been adopted by the Commission at the August 4, 2009 meeting. That change is the deletion of all of Section 2 of the proposed rule because the text of the amendment was not accurate. Commissioner Brenner moved to approve LSA Document #09-187 as published in the Indiana Register as DIN:20090520-IR-675090187PRA, as amended by the proposed change from the public hearing summary, to amend 675 IAC 22-2.4-4, Subdivision 22, Section 316.3.3 to delete “A 40 fire extinguisher” and insert “A K Class wet chemical fire extinguisher” and further amending by deleting Section 2 of the proposed rule in its entirety. The motion was seconded by Commissioner Corey and passed unanimously.

8. **Recall and re-adoption of LSA Document #09-186 (Building Code chase amendments) without change from form adopted at 08-04-09 meeting.**

After a brief explanation by staff of the need for the recall of the rule and that no changes from the form of the rule that had been adopted by the Commission at the August 4, 2009, meeting were being made, Commissioner Brenner made a motion to approve LSA Document #09-186 as published in the Indiana Register as DIN:20090520-IR-675090186PRA, as amended by deleting the proposed amendment to Section 903.2.7. The motion was seconded by Commissioner Cundiff and passed unanimously.

9. **New Business – General.**

Discussion and Possible Commission Action

- USA Fireworks
- Administrative Cause No. 08-29
- Denial of Permit
- Notice of Filing Report, Findings of Fact, and Nonfinal Order of Administrative Law Judge
  - Objection filed
  - Briefing schedule set
  - No briefs submitted

Commissioner Ogle moved to affirm the Filing Report, Findings of Fact and Nonfinal Order of Dismissal of the Administrative Law Judge. Commissioner Brenner made the second. It was voted upon and carried.

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

- Bangs Laboratories
- Condition of CDR
  
- Gibson County Jail
- Order – Fire and Building Code Enforcement
  
- Gibson County Community Corrections
- Order – Fire and Building Code Enforcement
  
- Greater New Hope Church
- Order – Pike Township Fire Department

Southeastern Church of Christ  
Order – City of Indianapolis

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

7. **Authorization for new administrative law judge.**

Mara Snyder, Director of Legal and Code Services, presented the request for authorization for the new administrative law judge to the members of the Commission. Commissioner Cundiff moved to authorize Mr. Gary Bippus to serve as administrative law judge for the Commission, including, without limitation, the authority to: 1. Assume all pending administrative cases before the Commission; 2. Act as administrative law judge for all new cases to come before the Commission; 3. Hear and rule upon petitions for stays of enforcement; and 4. Hear and decide appeals to Emergency Orders issued with respect to one or more violations of Indiana fire safety laws and/or Indiana building laws. Commissioner Ogle made the second. It was voted upon and carried.

8. **Comments.**

Mara Snyder, Director of Legal and Code Services, advised the Commission that the Elevator Code had been submitted to the Budget Agency. She also noted that she and John Hibner would be attending the ICC National Code Hearings in Baltimore, Maryland, in November and would be unable to attend the Commission meeting that month.

9. **Adjournment.**

Chairman Hannum for further business and hearing none, he adjourned the meeting at 11:39 a.m.

APPROVED \_\_\_\_\_  
David Hannum, Chairman