



MITCHELL E. DANIELS, Jr., Governor
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY JOSEPH E. WAINSCOTT JR., EXECUTIVE DIRECTOR

*Indiana Department of Homeland Security
Indiana Government Center South
302 West Washington Street
Indianapolis, IN 46204
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**AMENDED
COMMISSION MEETING MINUTES
Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 West Washington Street
Indianapolis, Indiana 46204
Conference Room B**

August 2, 2011

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 Ted Ogle at 9:07 a.m. on August 2, 2011.
 - (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Michael Christoffersen
Tom Cloud
Michael Corey
Hattie Sims, representing the Commissioner, Department of Labor
John Hawkins
Todd Hite, representing the Commissioner, Department of Health
Matt Mitchell
Ted Ogle, Vice-Chairman

Commissioners not present at the Commission meeting:

David Hannum, Chairman
 - (b) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services
Shelly Wakefield, Manager, Code Technical Development
Cecilia Ernstes-Boxell, Code Specialist
John Haines, Code Specialist
Beth Sutor, Secretary
 - (c) James Schmidt, Deputy Attorney General was present.

2. Old Business.

Vice-Chairman Ogle called for any corrections or a motion to approve the minutes of the July 6, 2011 meeting as distributed. Commissioner Brown advised the Commission that the minutes for Item 50 on page eleven, variance 11-07-49, Southern Hills Mennonite Church, Campbellsburg did not adequately reflect his concerns regarding this variance. He presented the following to be added to the minutes: "Commissioner Brown indicated the design intent of the NFPA 13D system if allowed as proposed in this variance application is dangerously exceeded in the structural and occupancy design defined in variance application 11-07-49. He further stated if approved, the fact that NFPA 13D was not designed or intended for this type of application, sets the stage for a false sense of security on the part of the owners and occupants of the structure and potentially installs a system that will fail to provide for either life or property protection in the event of a fire. Commissioner Brown expressed concerns for the liabilities of a contractor who may install such an inadequate system and for the fact that this petition if approved by the Commission may set a very dangerous precedent and expectation for future similar variance applicants leading to a significant number of inadequate and poorly designed fire safety systems across the state of Indiana. Commissioner Brown urged his fellow commissioners to not approve this variance." Commissioner Mitchell moved to amend the minutes to include the statement, with the second by Commissioner Brown. It was voted upon and carried. Commissioner Hawkins abstained.

Commissioner Hawkins, proponent for the variance, advised the Commission that, even though they had received the variance, the church was still looking for a 13 system with a different pump and bigger storage tank which they could use. He further advised that, should they be able to find one, they would return to revise the variance.

Commissioner Christoffersen noted that item 50, page 11, variance #11-07-49, Southern Hills Mennonite Church, Campbellsburg, should have read 400 gallons instead of 4,000 gallons. Commissioner Brenner moved to approve the minutes as amended, with the second by Commissioner Corey. It was voted upon and carried. Commissioner Hawkins abstained.

3. Variances.

Tabled Variances.

The proponent for variance 11-05-11 Senior Care Inc, Indianapolis, had withdrawn their variance application. Variance 11-06-7, Americold, Indianapolis, was represented by Bob Keithley. The existing facility had three tanks without the diffusion system. The request was to omit it from the new tank. There are already pressure let-down systems installed in the tanks, and an automatic reduction station was installed in place of the diffusion system which keeps ammonia inside the room. These are mechanically controlled, and there was to be no atmospheric discharge through two stages of the safety procedures. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried. For variance 11-07-5, Kelly Geiger, President of Accutech, spoke as proponent. To comply with code, a fire hydrant was to have been installed within 400 feet of the 2,300 square foot addition. The request was to omit the hydrant. They will provide, instead, six fire extinguishers. The hydrant was priced at \$6,000, plus the cost of running lines, etc. Jim Maura, Ft. Wayne Fire Department, did not object to the variance. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Ed Rensink, RTM Consultants, spoke as proponent for variance 11-07-8, The Pourhouse, Bloomington. He distributed a summary of the issues regarding existing conditions and alternatives offered. A second stairway from the basement discharging directly to the exterior was to be added, as well as smoke detectors and fire alarms throughout. Sixty minute rated doors and frames were to be installed on the enclosed east stair, as well as for the existing mechanical room. Egress lighting was to be installed. The occupant load of the basement was to be set at 49 persons. Travel distance was 45 feet from any of the meeting rooms. Following discussion, Commissioner Brenner moved to approve with the condition that the occupant load be set at 49. Commissioner Cloud made the second. It was voted upon and carried, with two nay votes. The proponent had requested the Lilly variances be tabled. Commissioner Corey moved to table variance 11-07-15 Lilly Materials Center, Indianapolis, 11-07-16 Lilly Technology Center North, Indianapolis, 11-07-17 Lilly Technology Center South, Indianapolis, and 11-07-18 Lilly Corporate Center, Indianapolis. Commissioner Christoffersen made the second. It was voted upon and carried. Ed Rensink, RTM Consultants, spoke as proponent for variance 11-07-28, Pocket Billiards, Griffith. The request was to omit sprinklers. He had done a Section 3410 review, but couldn't pass in all categories. A full fire detection and alarm system was to be installed, with heat detection for the automatic system. The occupant load of 150 persons required four male and two female fixtures, and these were existing. The facilities will be

made accessible, and an entrance in the rear of the building was being added. The second floor of the building was to be used for storage with no public access, with no storage of alcohol was permitted, and the stairway to the second floor was to be locked. The cellar, per the proponent, was not to be used by public or owner. To play pool, the participant must have a ticket in their possession to be on the floor, so the occupant load was controllable. Following the discussion, Commissioner Hawkins moved to approve with the conditions that no public was to use the second floor, and there was to be no live music. Commissioner Cloud made the second. It was voted upon and carried, with two nay votes. Variance 11-07-28(a)(b)(c)(d)(e)(f)(g)(h), PGI Convention 2012, LaPorte, was represented by John Brooke, attorney at law, Jim Beardmore, Safety Chair, and Karl Moerz of PGI. According to the applicant, the PGI is an organization of fireworks hobbyists and enthusiasts, and of those who commercially deal in fireworks and displays. Typically, 2,500 participants attend the convention. There are competitions on four nights, with the public allowed to attend only the display competition portion. Items are assembled on site, and stored per ATF regulations, in magazines with an exact tally sheet of the contents maintained. By the end of the competition, the magazine will be empty and nothing is to be taken home. The PGI safety staff, consisting of forty-plus members, specializes in safety, medical, and security issues. They hold training sessions for the local fire departments to make them familiar with issues they may face during the convention, and what the safety staff is to be responsible for initially handling. The variances are for this convention only, not a permanent condition. Variance (a) was a request to allow compliance with Section 8.2.12 of NFPA 1123 in lieu of Section 8.2.10.1 regarding the handling and disposal of duds. Duds are now considered to be hazardous to the environment if doused with water, and are now left to cool for a longer period of time, collected, and kept whole. Commissioner Mitchell stated he had talked with the Fire Chief in LaPorte, and that he had voiced no concerns. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried, with one nay. Variance (b) was to allow the use of the PGI safety guidelines instead of the code as written. The code was written for safety equipment used during hand-firing of 1.3G fireworks, and not display firing, which could involve many points of ignition. Mr. Moerz stated he wears a Nomex suit when working the safety area due to the amount of "trash" in the air from multiple firings. Everyone must, per their guidelines, wear eye protection, but hearing protection, a hard hat and foot protection are optional, though recommended. Safety crews move through the consumer area during firing, watching for safety issues. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey with the condition that safety protection must be available on site. It was voted upon and carried, with one nay. Variance (c) was a request to not use the reduced angle during vertical mortar firing. Following discussion, Commissioner Mitchell moved no variance was required, with the second by Commissioner Cloud. It was voted upon and carried. Variance (d) was a request to not comply with Section 4.6.2 because rack and box items are constructed differently. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (e) was a request to not comply with Section 4.5.1, 4.5.2, and 4.5.3. The code does not cover multiple-break shells with a smaller diameter, and they will be using these shells. Following discussion, Commissioner Mitchell moved to approve with the condition that nothing larger than a three inch shell be used. Commissioner Corey made the second. It was voted upon and carried. Variance (f) was a request to not comply with DOT regulations per NFPA 1123. The Department of Transportation does not regulate the transportation of fireworks for displays if they are not a commercial status. Once the PGI members arrive with their materials, they are properly stored per ATF regulations. Following discussion, Commissioner Mitchell moved no variance was required, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (g) was a request to allow larger salute shells than are permitted by NFPA 1123. Mostly hobbyists attend the convention, and the manufacturing of their shells is not ATF regulated. The PGI would have their regulations and safety guidelines in place to insure the safety of participants and observers alike. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (h) was a request to sell fireworks from within two fairground animal buildings which do not comply with H-3 occupancy rules. These buildings are a roof supported by open walls, and will have tables of merchandise set up for sale during specific times of day for use on site, with nothing to leave the area. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

4. **Breaking and reconvening.** Vice-Chairman Ogle recessed the Commission at 10:34 a.m. He then reconvened the meeting, calling it back to order at 10:49 a.m.

Regular Variances.

Vice-Chairman Ogle called for any variances to be pulled from the block vote for individual consideration. Commissioner Brenner called out variance 11-08-19 Memorial Hospital and Healthcare – Observation Unit and Geriatric Psychiatric Unit, Jasper, while Commissioner Hawkins called out 11-08-40(h) North of South, Indianapolis. Commissioner Christoffersen

moved to approve all variances with an "A" or "B" recommendation by staff, with the second by Commissioner Corey. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 11-08-1 Cox Hall Mansion, Carmel
- (2) 11-08-2 1736 N. Lincoln Street Windows, Bloomington
- (3) 11-08-3 500 E. Graham Place Windows, Bloomington
- (4) 11-08-4 507 E. Graham Place Windows, Bloomington
- (5) 11-08-5 Crescent Park Windows, Bloomington
- (6) 11-08-7 Wal-Mart Store #1729, Connersville
- (7) 11-08-8 1615 S. Buffstone Court Windows, Bloomington
- (8) 11-08-14 Casey's General Store – North Manchester, North Manchester
- (9) 11-08-21 US Gypsum Ultralight Building Addition, Shoals
- (10) 11-08-26 Speedway #5196, Terre Haute
- (11) 11-08-27 IU Arnett Hospital 6th Floor Build-Out, Lafayette
- (12) 11-08-32 Abundant Life Church Shelter, Indianapolis

The following variances were heard separately:

- (13) 11-08-6 Community Christian Reformed Church Addition, DeMotte

Mara Snyder, Director, Legal and Code Services, requested that the variance be heard later on the agenda. The proponent had not yet arrived. Vice-Chairman Ogle granted the request.

- (14) 11-08-9 Micronutrients Dock Addition, Indianapolis

Brian Wilson, Manager, spoke as proponent. Two existing buildings connected by a breezeway will have a dock addition. All structures involved are to be sprinklered, but will not be separated by a fire wall as required by code. The addition would require more openings in the fire wall for operations, exceeding the amount allowed. The dock addition itself will be structurally independent from the existing structures. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (15) 11-08-10 Angela Wulber Remodel, Zionsville

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

- (16) 11-08-11 Prime Tanker Wash & Shop Building, Decatur

This variance had been withdrawn.

- (17) 11-08-12(a)(b) Eastern Greene Schools Above-Ground Tank, Bloomfield

Thomas Mungle, Superintendent, spoke as proponent. The school system would like to join other local schools in a cooperative to buy diesel fuel in tanker bulk, and store the fuel in a central location for each school to draw upon. The request in (a) was to allow the installation of a 12,000 gallon above-ground,

double-walled UL142 diesel tank. The current code allows only 10,000 gallons, and would not hold a full tanker load of fuel. The request in (b) was to allow the tank to be installed in an area already used for tanks. This area is 15 feet from the property line dividing the school property from an 80 acre farm. The nearest building is 300 yards up an incline from the tank area. Following discussion, Commissioner Christoffersen moved to approve both (a) and (b), with the second by Commissioner Corey. It was voted upon and carried.

(18) 11-08-13 Quaker Haven Camp, Syracuse

Brandon Davis, Director, and Jeff Kumfer, Scarce Rudisel Architects, spoke as proponents. An existing building was being converted from a dormitory to an apartment configuration. The building is not currently sprinklered, and the request was to omit the sprinkler system. It would cost \$100,000 to get water lines to the building which is served by a well, and \$56,000 for the system itself. The budget for the entire project was \$70,000. Following a discussion of egress, alarms, and alternatives, the proponents had requested the application be tabled for further study of alternatives. Commissioner Christoffersen moved to table, with the second by Commissioner Corey. It was voted upon and carried.

(19) 11-08-6 Community Christian Reformed Church Addition, DeMotte

Bartek Szymanski, IN Cambridge Architects, spoke as proponent. The church has designed a classroom addition which, due to the site constraints, must be against the west side of the sanctuary, obstructing two existing exits from the area. The request was to allow the reconfiguration of the exiting while still complying with the 1998 building code of record. A new exit was to be installed, and the second exit was to go through a horizontal exit created by a 2-hour wall to a separate fire area. Following discussion, Commissioner Mitchell moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried.

(20) 11-08-15 Evansville Arena, Evansville

The proponent requested the variance application be tabled.

(21) 11-08-16(a)(b) Za Pizzeria, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The request in variance (a) was to allow the existing stairs to not comply with the separation by one half of the overall diagonal distance requirement. The stairs are separated by thick, masonry walls. An occupant load of 49 will be posted for the second floor which has a calculated occupancy of 100. Following discussion, Commissioner Christoffersen moved to approve with the condition that the occupancy be posted at 49 and the space configured to reflect that number. Commissioner Hawkins made the second. It was voted upon and carried with one nay vote. Variance (b) was a request to omit smoke detection in the HVAC units. They are all located in the same room, and the intent of the code was to keep smoke from migrating from one room to another. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(22) 11-08-17 Clary Crossing Senior Villas, Greenwood

Donna Smithers, Northpointe Surveying, spoke as proponent. Building 6 and Building 9 of the complex exceeded the 150 foot distance allowed from the fire truck to the back center of the building. Commissioner Hawkins noted that the buildings are both sprinklered, and the regulation would therefore not apply. Following further discussion, Commissioner Christoffersen moved that no variance was required, with the second by Commissioner Cloud. It was voted upon and carried.

(23) 11-08-18 Campus Apartments, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. Upgrades are being done to an existing building parking lot, creating a dead end exceeding 150 feet. The turn-around for fire apparatus will not comply with code, and the second entrance had been blocked off by the City of Indianapolis during their improvement project. The local fire department does not object to the variance. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(24) 11-08-19 Memorial Hospital and Healthcare – Observation Unit and Geriatric Psychiatric Unit, Jasper

Doug Trent, RTM Consultants, spoke as proponent. Commissioner Brenner had called out the variance with a question concerning the hallway width. Mr. Trent explained that it was due to structural columns in one area, and did not affect the entire hall. With that, Commissioner Brenner moved to approve. Commissioner Christoffersen made the second. It was voted upon and carried.

(25) 11-08-20 International Paper, Indianapolis

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

(26) 11-08-22 Red Gold Administrative Offices, Elwood

Ed Rensink, RTM Consultants, spoke as proponent. Dallas Conrad, Project Engineer, also addressed the Commission. The former Oakland Elementary School building was being converted to administrative offices, and was evaluated using Section 3410. The request is to permit a score of +5 points for “Building Area” in lieu of the -20.7 score derived by the formula in Section 3410. The building is sprinklered throughout and has a fire alarm system. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(27) 11-08-23 Orange Leaf Frozen Yogurt, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. The renovated tenant space should be separated by a 2-hour fire barrier from the rest of the building. Due to the occupancy of the adjacent tenant, modification of the wall to provide the rating is difficult. The request is to omit the 2-hour rating requirement, and allow the use of the existing 1-hour fire barrier. The calculated occupant load of the area is 55 for the seating area and 4 for the service area. There is no production of grease-laden vapors, and no open flame. Maximum travel distance to an exit is 45 feet. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried, with one nay.

(28) 11-08-24 Rensselaer Water Treatment Plant Upgrade, Rensselaer

Ed Rensink, RTM Consultants, spoke as proponent. A room to house chlorine is being constructed within an existing building of non-combustible construction. It will be separated by a three-hour fire barrier, with a fire detection system and a gas detection system. The request is to omit the sprinklers as required by code. Chlorine gas is not flammable nor combustible. Following discussion, Commissioner

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

- (29) 11-08-25 Dow Agrosiences Building 306 Loading Dock Addition, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. A 720 square foot addition to an existing loading dock will not be separated by fire walls as required by code. An area of the basement has a height of slightly over twelve feet, triggering the requirement by being considered an extra story. The building is fully sprinklered. The purpose of the addition is to increase the open receiving area for the loading dock. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Cloud. It was voted upon and carried.

- (30) 11-08-28 One One Six College Apartments, Carmel

- (31) 11-08-29 Lawrence Village Apartments, Lawrence

Robert Finger, Weaver Sherman Design, spoke as proponent. He was assisted by Ed Rensink, RTM Consultants. The request was to be allowed to comply with the residential provision of Chapter 4 of the 2009 Edition of the International Energy Conservation Code in lieu of the Indiana Energy Conservation Code. Following discussion, Commissioner Christoffersen moved to approve both 11-08-28 and 11-08-29, with the second by Commissioner Hawkins. It was voted upon and carried.

5. **Breaking and reconvening.** Vice-Chairman Ogle recessed the Commission for lunch at 12:04p.m. He then reconvened the meeting, calling it back to order at 1:00 p.m.

- (32) 11-08-30 Neighborhood Health Clinic Garage and Pedestrian Bridge, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. Since the clinic building was constructed in 1914 and listed as historic, permission to remove only the set of windows where the actual connection occurs was granted by the Ft. Wayne Historic Preservation Commission. The proposed pedestrian bridge, made of non-combustible construction, will have a glass wall protected by close space sprinklers and rated doors at the health clinic building connection, but will not be separated at the open parking garage connection. The proponent felt this met the intention of the code, while abiding by the requirements of the Ft. Wayne Historic Preservation Commission. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

- (33) 11-08-31 Indiana Court of Appeals Offices, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the tenth floor elevator lobby for the Indiana Court of Appeals offices to be secured with locks operated by card readers to provide security for the judges and staff. The public is not allowed into this area, and the staff will have card access into the space. The doors will open at activation of fire alarm or loss of power. The floor has two stair enclosures for egress. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (34) 11-08-33(a)(b)(c) Indiana Masonic Home Assisted Living Center, Franklin

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was a request to allow some sidewall sprinklers to fall outside the 4" – 6" measurement from the ceiling allowed by code. Major Jester, inspector for Fire and Building Code Enforcement, advised the Commission that this was a case of

contractor error. Commissioner Brown moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was a request to allow the seals on 20-minute rated smoke and draft control corridor doors to stop 6" above the floor. A letter from the Underwriters Laboratory was provided. Following discussion, Commissioner Mitchell moved no variance was required, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was a request to allow visual signaling devices to be located more than 15 feet from the end of the corridor in some areas. This complied with NFPA 72 (2010) Section 18.4.4.1, with the candela rating increased to 75 candela for the strobes. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(35) 11-08-34(a)(b)(c) The Alexander Hotel – North of South, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in (a) was to allow the three-hour separation to occur between the second and third floors instead of the first and second as required by code, thereby making the podium two stories tall. The first and second floors have floor openings which make the separation occur at the second and third floors. The building is protected by an NFPA 13 sprinkler system, and construction for the second floor was upgraded from Type IIA to Type IA. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was to allow an assembly use within the podium which could exceed the 300 occupant load allowed by code. The ballroom has a calculated occupancy load of 520 persons. The building is protected with an NFPA 13 system, upgraded construction for the second floor, and a 3-hour separation between the second and third floor. Following discussion, Commissioner Hawkins moved to approve with the condition that occupancy of the ballroom be limited to 350 persons. Commissioner Christoffersen made the second. It was voted upon and carried. Variance (c) was to allow a boardroom with a terrace to be constructed on the sixth floor. This type of assembly is allowed on the fifth floor under podium provisions. The boardroom has a direct exit to an exit stair enclosure. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

(36) 11-08-35(a)(b)(c) Nanshan America, Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. In variance (a), a new plant producing aluminum was to be of Type IIB construction, with the casting section separated from the main portion by a 2-hour fire barrier. The casting area was not to be sprinklered, while the remainder of the building was to be protected by an NFPA 13 system. Ron Ritchey, Lafayette Fire Department, also addressed the Commission. A list of conditions agreed upon had been provided by the proponent to the Commission, and the local fire officials were comfortable with the variances. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (b) was to allow non-compliant travel distances. The shape and size of the building was determined by the requirements of the production process, impacting the travel distances. The building was to have 50-60 foot ceiling heights, a ventilation system which exceeds code requirements, and NFPA 13 sprinklers in all but the casting building. The typical work shift of 60 persons would be familiar with the layout, and an emergency warning system will be installed in the areas where people work. Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was to allow a non-compliant distance to restroom facilities. As has been done in their other facilities, restrooms will be placed near the work areas of the typical shift of 60 employees, but, due to the size and shape of the building, will exceed the code in some areas. Commissioner Mitchell moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

(37) 11-08-36 Eddy Street Commons – Legends Row, South Bend

Jason Farkasand and Vince Rubiero, Schindler Elevator, spoke as proponents. The request was to allow the use of non-compliant cables. The suspension conforms with ASME A17.1-2010 and ASME A17.6. Training will be provided to inspectors on the inspection of cables and governor rope. Commissioner

Corey moved to approve with the condition that training be provided. Commissioner Mitchell made the second. It was voted upon and carried.

- (38) 11-08-37 Trailside Building, Indianapolis

The application was incomplete and ineligible to be heard. Commissioner Brenner moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (39) 11-08-38 RJE Façade, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. During the plan review by the City of Indianapolis, the aluminum façade was called out as combustible and non-compliant. The building is Type VB, which allows combustible construction. A review of two material safety data sheets on aluminum by staff did not find it listed as combustible. Following discussion, Commissioner Hawkins moved that no variance was required, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (56) 11-08-39 Wuertz Office & Residence, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing office building was to have a tenant space converted into a residence for the owner. A residential hood, in lieu of the code-required Type I hood, was to be installed over the cooktop. The building was sprinklered and protected by a fire alarm system. Following discussion, Commissioner Christoffersen moved that no variance was required. Commissioner Hawkins made the second. It was voted upon and carried.

- (57) 11-08-40(a)(b)(c)(d)(e)(f)(g)(h) North of South, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow the use of the podium type of construction without the first floor parking facilities required by code. The proponent had spoken to a representative of ICC, and their staff said parking was not required on the first floor. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (b) was to allow a restaurant within the first floor podium area with an occupancy over the allowed 300. The first floor will be sprinklered, and the number of exits will meet code. Following discussion, Commissioner Hawkins moved to approve with the condition that occupancy not exceed 350 persons. Commissioner Brenner made the second. It was voted upon and carried. Variance (c) was a request to allow all of the upper four floors to exit horizontally through a fire wall into a garage stair or across a pedestrian bridge into another building. Five exits are provided in the sprinklered building, while only two are required. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (d) was a request for close spaced sprinklers in lieu of doors at the pedestrian bridge connections between the sprinklered buildings. The bridges will be sprinklered with a 13R system. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (e) was a request to allow a fire department access road with a dead end over the 150 feet allowed by code. The access road is wider than the minimum 20 feet, but the site does not allow a looped road or turn-around. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (f) was a request to have fewer perimeter openings on the third floor of Building 4 than required by code to maintain the open classification. The pedestrian bridge to The Alexander is located on the third floor, and the mechanical platform is shielded by perforated panels. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (g) was a request to allow operable windows within the interior walls of the bedrooms to enhance natural ventilation and light. Code does not allow them to be operable. Following a discussion of the use of Section 1203.1 which included Adam Holman, City of Indianapolis, Commissioner Christoffersen moved no variance was required, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (h) was a request to allow cabinets installed at 36" in

Type B accessible units instead of 34" as per A117. This installation is compliant with the Fair Housing Act Design Manual, and considered compliant with the federal Fair Housing Act. Davis Zellner, Jacobi, Toombs and Lanz, also addressed the Commission, explaining his interpretations during the plan review done for the City of Indianapolis. Following the discussion, Commissioner Brenner moved that no variance was required. Commissioner Christoffersen made the second. It was voted upon and carried.

(58) 11-08-41(a)(b)(c) Harlan Bakery, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. Variance (a) was a request to omit fire barriers for the separate high piled storage areas in the new bakery addition. The code would require these areas to be applied to Table 2306.2, also requiring smoke and heat vents. The addition, as well as the existing building, are protected by an NFPA 13 system. Steve Jones, Pike Township Fire Department, addressed the Commission. He noted that the areas of high pile storage are far enough apart to not be the greatest concern. His main interest was to work with the owners to develop ways to evacuate smoke in the event of a fire. Following further discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance (b) was a request to omit fire barriers in the warehouse addition. The existing building is sprinklered, and the addition will be protected by an NFPA 13 system. The areas of high piled storage are separated by work areas. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried. Variance (c) was a request to omit fire barriers in the pie line addition. The existing building is sprinklered, and the addition will be protected with an NFPA 13 system. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(59) 11-08-42 38th and Post Road Building Expansion, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The request was to omit the vestibule for a tenant building addition as required by the City of Indianapolis plan review. Divided into two tenant units, the areas will be under 3,000 square feet in each unit, and a vestibule would not be required under the IECC. Commissioner Christoffersen moved that no variance was required. Commissioner Hawkins made the second. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action – Nonfinal Orders of Dismissal

Unitarian Universalist Fellowship of Elkhart
Administrative Cause No. 11-16
Denial of variance
Nonfinal Order of Dismissal

Watercourt Building
Administrative Cause No. 11-14
Order – Division of Elevator Safety
Nonfinal Order of Dismissal

Woodmont Condominiums
Administrative Cause No. 06-40
State Building Commissioner Interpretation
Nonfinal Order of Dismissal

Park Place Apartments

Administrative Cause No. 11-05
Order – Elevator and Amusement Safety
Nonfinal Order of Dismissal

Brumfield II Apartments
Administrative Cause No. 11-13
Revocation of CDR
Nonfinal Order of Dismissal

Commissioner Corey moved to affirm the Nonfinal Orders of Dismissal. Commissioner Mitchell made the second. It was voted upon and carried.

Discussion and Possible Commission Action – Appeals

Indiana Masonic Home Assisted Living Facility
Order – Fire and Building Code Enforcement

Aboite Elementary School
Order – Fire and Building Code Enforcement

Commissioner Corey moved to grant all of the appeals, with the second by Commissioner Hite. It was voted upon and carried.

7. Discussion and possible adoption of LSA Doc. #11-254 (re-adoption of rules)

A copy of the Notice of Intent to Readopt LSA Document #11-254 had been provided for the Commission, listing the rules to be readopted without change. Following a brief discussion, Commissioner Brenner moved to approve LSA Doc. #11-254, concerning the readoption of administrative rules that will expire on January 1 of the seventh year in which the rules take effect, as published in the Indiana Register on May 4, 2011, at DIN:20110504-IR-675110254RNA. Commissioner Corey made the second. It was voted upon and carried.

8. Discussion of staff memo concerning State of Illinois elevator mechanic test

Commissioner Corey discussed with the Commission requirements for an elevator mechanic license in Indiana as opposed to requirements in Illinois. He also advised that, during a conversation with a member of the group responsible for writing the exams for both states, he was told the exams were equivalent. Following further discussion, it was felt that reciprocity between Indiana and Illinois elevator mechanic licenses was not appropriate since the requirements are different. Commissioner Brenner moved to approve the Illinois elevator mechanic exam. Commissioner Christoffersen made the second. It was voted upon and carried.

9. Discussion of proposed non-rule policy document for 675 IAC 12-4-12(j)

Mara Snyder, Director, Legal and Code Services, had distributed a memo concerning a non-rule policy for an exemption from the requirements of the Indiana Energy Conservation Code. She asked that they confirm that they agree with the information as presented. Commissioner Hawkins moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Upon their confirmation, she advised that the non-rule policy would be published in the Register.

10. Discussion of interpretation of 675 IAC 12-4-11(b)(2)(B)

Mara Snyder, Director, Legal and Code Services, had provided a copy of a memo regarding Chairman Hannum's interpretation of 675 IAC 12-4-11(b)(2)(B). She asked that they look at the information that staff had provided concerning the possible issues involved. It was decided to discuss the information at the next meeting. Commissioner Christoffersen moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

11. Reconsideration of variance 11-07-42 Fertilizer Storage and Blending Building, Poseyville

Mara Snyder, Director, Legal and Code Services, had been advised by Plan Review that information provided on the Variance application and information provided on the Construction Design Release application were different. Tim Callas, J&T Consulting, had been proponent for the application, and answered questions by the Commission. He noted that some of the issues were a surprise to him as well. He had been told they were being corrected. It was decided by the Commission that the S1 occupancy issues did not need to be filed separately since there was very little difference in requirements, with the F1 being more restrictive. It was also decided that the amount of additional square footage found between the applications was not an issue which would have changed their decision. Following further discussion, Commissioner Christoffersen moved that no action was required, with the second by Commissioner Hawkins. It was voted upon and carried.

12. Reconsideration of variances 11-01-43(b)(h) & (i) North of South, Indianapolis

Mara Snyder, Director, Legal and Code Services, had returned the variances to the agenda for discussion when Plan Review had said the proposed restaurant was not allowed in the podium construction. The question was if the A2 needed to be filed as a separate variance or the original variance amended to include it. Following discussion, it was decided that the A2 would need to be a separate filing. Commissioner Mitchell moved that no action was required, with the second by Commissioner Hite. It was voted upon and carried.

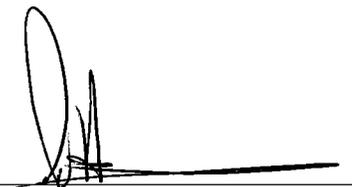
13. Comments

Mara Snyder, Director, Legal and Code Services, had distributed copies of the proposed Plumbing Code and the fiscal impact study for the proposed code. She noted that staff was now ready to start the adoption process by publishing the Notice of Intent. She also announced a public hearing for the Indiana Residential Code, Chapter 11, would be held on September 16, 2011 in Conference Center Room 14, beginning at 10 am. She invited those interested to attend.

14. Adjournment

Vice-Chairman called for any further business, and hearing none, closed the meeting at 3:55pm.

APPROVED



David Hannum, Chairman