

COMMISSION MEETING MINUTES

**Indiana Fire Prevention and
Building Safety Commission**

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

August 3, 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 9:03 a.m. on August 3, 2010.
 - (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner.
Ron Brown
Michael Christoffersen
Michael Corey
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
John Hawkins
M. Burke Jones
Matt Mitchell
Ted Ogle

Commissioners not present at the Commission meeting:

Kevin Goeden, representing the Commissioner, Department of Labor
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
Gary Bippus, Administrative Law Judge
John Haines, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary
 - (c) 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 July 7, 2010 meeting as distributed. A motion to approve the minutes was made by Commissioner Christoffersen, and seconded by Commissioner Mitchell. It was voted upon and carried.

3. Variances.

Tabled Variances.

Variance 10-03-35(a)(b)(c)(d) Lanier Mansion / Inclined Wheelchair Lift, Madison, had been withdrawn. The proponent for 10-04-45(a) through (q) Model Mill Building, Noblesville, had not yet arrived. It was decided to hear the application later in the meeting. Variance 10-06-24(a)(b)(c)(d) Independence Place Apartments, Linton, proponent had not yet arrived. It was decided to hear this application later in the meeting. Variance 10-07-4 College Park Condo Windows, Bloomington, was now a complete application. Commissioner Christoffersen moved to approve, with the second by Commissioner Jones. It was voted upon and carried. Variance 10-07-8 Morris Performing Arts Center, South Bend, had been withdrawn. Variance 10-07-24 Indianapolis Airport Parking Garage Car Rental Kiosks, Indianapolis and variance 10-07-36 161-167 Kennedy Court Windows, Bloomington, were now complete applications. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. Commissioner Brown asked if the garage was sprinklered. Dennis Bradshaw, Ralph Gerdes Consultants and proponent for the variance, told him it was not. It was an open garage, and code does not require them to be sprinklered. The previous variance had been for kiosks within the airport garage. A vote was then taken, and the motion carried. Variance 10-07-37 Crystal Clear Pools, Lafayette, was represented by Melissa Tupper, RTM Consultants. Following meetings with the owner, fire department, and the proponent, an agreement had been reached concerning the storage of the hazardous materials at the facility. Containment pallets will be used, according to Ron Ritchey, Lafayette Fire Department, and the facility will be limited to exempt amounts of hazardous materials. Commissioner Ogle moved to approve, with the second by Commissioner Brenner. It was voted upon and carried, with one nay vote being cast. Variance 10-07-46 Indiana University Tulip Tree Apartments, Bloomington, was withdrawn by the proponent. Variance 10-07-49 Dow AgroSciences Addition, Indianapolis, was represented by Ed Rensink. This was a request to allow the exhaust ducts to draw from the hoods on the first and second floor down to the basement mechanical room, into a common exhaust shaft, then to the roof. With exhaust fans in the basement, the system is more flexible, easier to service, and heat recovery is increased. Steve Jones, Pike Township Fire Department, had no objection to the variance. Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried. Daniel Turner, owner, spoke as proponent for 10-07-16 Ft. Wayne Liquid Coatings. His request was to no longer maintain the automatic sprinkler system. The building was 98,000 square feet, 5,000 square feet of which was used for a water-based paint line by 4 employees. The balance of the building was described as metal racks for storage of cast metal pieces, and a small office. The owner can no longer afford to maintain heat at a level which kept the system from freezing. Mr. Turner agreed to the request by Commissioner Brown to provide a letter to the fire department which stated the system had been drained and certified that it had been protected against freeze-up by a fire protection company. Jim Maura, Ft. Wayne Fire Department, asked for the cost to maintain the system. Commissioner Brown moved to table, with Commissioner Mitchell making the second. It was voted upon and carried. Tim Callas, J&T Consultants, spoke as proponent for variance 10-06-24 Independence Place Apartments, Linton, 10-06-31 Springtown Apartments, Marengo, and 10-06-34(a)(b)(c) Lost River Apartments, Orleans. He presented the cost analysis requested at the July meeting, reporting a figure of \$500 per unit or \$128,000 overall. He offered to apply a firestop caulk to seal the can lights which empty into the ceiling/floor assemblies, and to create a drywall "box" to enclose those light which do empty into the attic. Citing concern about heat build-up, Commissioner Christoffersen moved to deny, with the second by Commissioner Brown. Further discussion was held, and the motion was withdrawn by the maker and second. Commissioner Ogle moved to table, with the second by Commissioner Jones, to allow the proponent to modify the application. Commissioner Hawkins abstained from voting. Variance 10-04-45 Model Mill Building, Noblesville, was represented by Ed Rensink, RTM Consultants, and owner Hassan Shanchsaz. State Fire Marshal James Greeson, accompanied by Building Law Compliance Officer Scott Perez, addressed the Commission, stating that their office tries to support economic development around the state, but that they have a responsibility to make sure the projects follow and meet state fire and building codes. He stated that research by Shelly Wakefield on the project since 2002 showed no structural had been filed, had multiple construction types, and had multiple occupancy types. Daniel Shelosh, Noblesville Building Department, stated they had followed the city's certificate of occupancy procedures and were granted their certificate accordingly. Following discussion, it was agreed by members of the Commission that a full structural analysis in writing, performed by a structural engineer licensed by the State of Indiana, of all work performed in or on the building since the current owner took possession would be submitted to the

State Fire Marshal and Building Law Compliance Officer. It was further decided that the report should not be issued until representatives of the State Fire Marshal, Building Law Compliance Officer, Noblesville Fire Department and Noblesville Building Department had met on site with the structural engineer and identified their areas of concern with him, and that all deficiencies noted on the analysis were corrected and the corrections were confirmed in writing by the structural engineer who wrote the report. Commissioner Ogle moved to table, with the second by Commissioner Brenner. It was voted upon and carried.

4. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 10:07 a.m. He then reconvened the meeting, calling it back to order at 10:20 a.m.

New Variances.

Vice-Chairman Cundiff noted that both variance 10-08-17 Monticello Health Campus, Monticello and 10-08-19 Arbor Point Apartments II, Michigan City were incomplete, and that the proponent of variance 10-08-23 University of Notre Dame Ice Hockey Arena, South Bend, requested the application be tabled. Commissioner Jones moved to table variance 10-08-17, 10-08-19, and 10-08-23. Commissioner Corey made the second. It was voted upon and carried.

Vice-Chairman Cundiff asked for any variances which the Commissioners wished to have called out. Hearing none, 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) 10-08-1(a)(b)(c)(d) Indianapolis Power and Light Hose Removal, Indianapolis
- (2) 10-08-2 Indiana University Cinema Theatre, Bloomington
- (3) 10-08-3 2619 E. 5th Street, Bloomington, Windows, Bloomington
- (4) 10-08-9 College Park Condo Windows, Bloomington

The following variances were heard separately:

- (5) 10-08-5 Sanctuary at Holy Cross Door Egress Timing, South Bend

Margaret Clark, Administrator, spoke as proponent. The front door of the facility has been fitted with a Watchmate system which triggers a lock when a resident wearing the transmitter approaches the area. Residents have held the bar for the required 15 seconds, and have exited the building before staff could respond. The request was to allow the delay to be extended from 15 seconds to 30 seconds to increase resident safety. The system will fail open at the activation of the fire alarm system, and the locks engage only when a resident wearing the transmission device is near the door area. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (6) 10-08-6 Indiana Convention Center, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The request was to allow a secondary exit stairway exit to be secured with a keylock bolt when the plaza area is not being used. This exit discharged, by variance, into the loading dock area. This has allowed access into the building when travel is reversed, creating a security issue for the Convention Center. After discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried, with one nay vote being cast.

- (7) 10-08-7 Indiana Convention Center INDOT, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. A backlit art wall was constructed of several hundred individual safety glazed panels, not been individually labeled with their listing identification. The manufacturer will provide certification that the glazing material complied with code. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (8) 10-08-8 Kidz Korner Main Entrance Magnetic Locks, Muncie

The application was incomplete. Commissioner Christoffersen moved to table, with the second by Commissioner Ogle. It was voted upon and carried.

- (9) 10-08-10 Dan Martin DDS New Office, Franklin

Jerry Hoffman, architect, spoke as proponent. The request was to allow a stairway, designed 34" wide to serve a mechanical room, to be used as a private stair for the owner to access the room's additional floor space not used by the mechanical equipment for use as an office. The windows in the space are egress windows. Commissioner Hawkins, following discussion, moved to approve. Commissioner Ogle made the second. It was voted upon and carried.

- (10) 10-08-11 Hibachi Grill & Supreme Buffet, South Bend

William Dobslaw, owner, spoke as proponent. The request was to omit sprinklers. The building had been constructed in 1982 as a restaurant, was briefly a video store, and was now to be a restaurant again. The building was all ground level, with no platform seating and no alcohol to be served. The buffet area was separated from the door-less dining rooms by a half wall topped by glass panels, and the grills are protected by Ansul dry chemical systems. Bids to sprinkle the building totaled over \$90,000, and there was physical difficulty in accessing the lines. He proposed to install strobes, horns, heat and smoke sensors, and would tie the lines into a monitored panel. After discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried with one nay.

- (11) 10-08-12(a)(b) St. Mary Catholic Parish Marion Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to omit sprinklers required due to the addition for the elevator and its 218 square foot lobbies on each floor. The machine room and hoistway would have a 2-hour separation, but the elevator addition would not have the required fire wall separation from the existing building. The entrance vestibule was at grade. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Ogle. It was voted upon and carried. Commissioner Hawkins abstained. Variance (b) was a request to allow the use of non-rated corridor doors with transoms in an effort to match the existing doors in the historic 1912 building. The replacement doors would be installed in the existing frames. The corridors will have a new fire alarm system with smoke detection throughout the building. After discussion, Commissioner Brenner moved to approve, with the second by Commissioner Ogle. It was voted upon and carried. Commissioner Hawkins abstained.

- (12) 10-08-13 Kelly Miller Traveling Circus, Hugo, OK

James Isaacson, General Manager, spoke as proponent. It was noted that the Commission had the ability to waive the required letters of notification from the local fire departments if they chose. The Commission elected to do so and heard the application. The request was to be allowed to park the circus's semi trailers near the tents as anchor points to secure some of the tent lines in an effort to provide additional stability. The proponent outlined the safety record and multiple inspections they undergo. After discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (13) 10-08-14 Indianapolis Zoo Tiger Exhibit, Indianapolis

Dennis Bradshaw, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the new, covered viewing structure to have only one exit instead of the required two. The exit is thirteen feet wide, with a travel distance of less than 30 feet for the occupant load of 130. The proponent noted that the actual glass viewing area is limited, and he doubted that most people would remain in the structure if there was a long line waiting to view the animals. After discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Jones. It was voted upon and carried.

- (14) 10-08-15 Creekside Lodge Addition, Crawfordsville

James Petroski, General Manager, spoke as proponent. An addition to the existing building would put the occupant load over 100 and trigger the sprinkler requirement. The request was to omit sprinklers. An additional exit not required by code would be installed in the slab-on-grade building. The proponent noted the building has heat detectors, but did not know the cost of horns, strobes, or the cost of a monitored system. Commissioner Mitchell moved to table, with the second by Commissioner Brown to allow the proponent time to do research the cost of the fire alarm system.

- (15) 10-08-18 College Park Condo Existing Window Size, Bloomington

Dave Cook, Ralph Gerdes Consultants, spoke as proponent. The existing buildings, all owned by a single person, were built in 1988. Approximately two windows per unit do not meet the operable area and clear height requirements. After discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (16) 10-08-16 Ascension Lutheran Church Addition, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit a ramp or lift for the raised chancel area at the front of the worship space addition. This area is for the use of the pastor and his associate only, not members of the choir or public. The choir loft is accessible, and all other areas for common use are accessible as well. After discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried with one nay vote.

- (17) 10-08-20 Fifth Third Bank Delayed Egress, Indianapolis

Mike Caron, Post Browning, and Todd Lefevers, Hamilton Safe, spoke as proponents. Plans submitted

to the state did not show the Hamilton Safe system, and it wasn't called out during the review process. Scott Perez, Building Law Compliance Officer, stated he had concerns about the accessibility of these chambers. The proponents noted they are to address life safety issues for the tellers, and have metal detectors built into them to keep weapons out of the bank. The units have emergency releases controlled by bank employees, and an emergency pull station by the door. Steve Jones, Pike Township Fire Department, also expressed concerns. Following discussion, Commissioner Hawkins moved to deny, with the second by Commissioner Brenner. It was voted upon and carried.

- (18) 10-08-21 Arni's Restaurant at Market Square Exterior Renovation, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. A small portion of the existing exterior canopy was to be enclosed in an effort to relieve congestion in front of the restaurant, and to improve pedestrian flow. No changes were to be made to existing seating areas, or to increase the seating count. The enclosure was mostly of glass. With the condition that at least one of the exits be open during construction, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (19) 10-08-22(a)(b)(c)(d) The Avenue, Indianapolis

Dennis Bradshaw and Dave Cook, Ralph Gerdes Consultants, spoke as proponents. Variance (a) was a request to allow the first story of a five story building to be considered a separate and distinct building from stories two through five. The first floor will contain assembly, retail and business occupancies, and a 3-hour separation will be provided between the Type IA construction of the first floor and the Type VA construction of the remaining stories. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (b) was a request to allow the residential fire walls to terminate at the 3-hour separation, instead of the foundation. Following discussion, Commissioner Ogle moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (c) was a request to allow the residential floors of the building to be protected by a 13R sprinkler system, in lieu of the required NFPA 13 system. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (d) was a request to allow the use of the NFPA 13R sprinkler system in a building three feet over allowable height. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (20) 10-08-24 Alexandria Apartments, Carmel
10-08-27 Merrillville Brickshire Apartments, Merrillville

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the 1-hour fire barrier walls to terminate at the 1-hour floor/ceiling assembly, thereby encapsulating the garage. Following discussion, Commissioner Hawkins moved to approve both variance 10-08-24 and 10-08-27. Commissioner Ogle made the second. It was voted upon and carried.

- (21) 10-08-25 Jefferson Elementary School, Winona Lake

Ed Rensink, RTM Consultants, spoke as proponent. The request was to be allowed to use delayed egress devices on two Special Education exterior doors. These doors are not required exits, but are intended to be used by staff during assisted evacuations. The doors will fail open at the activation of the sprinkler system or power failure. Following discussion, Commissioner Christoffersen moved that no variance was required. Commissioner Jones made the second. It was voted upon and carried.

- (22) 10-08-26 Trailside on Massachusetts, Indianapolis
- Tim Callas, J & T Consulting, spoke as proponent. The request was to allow the building to be within ten feet of the centerline of the public way instead of thirty feet as required by code. The building was to be sprinklered, with close spaced sprinklers protecting the exterior walls. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.
- (23) 10-08-28 Sanders School, Indianapolis
- Ed Rensink, RTM Consultants, spoke as proponent. The request was to be allowed to use a 2-hour fire barrier in lieu of a 2-hour fire wall. The existing building would require demolition in some areas to put in a fire wall due to the rapidex concrete deck which is in place. Corridor smoke detection will be provided. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.
- (24) 10-08-29 Bethlehem United Church of Christ Gathering Area Addition, Evansville
- Doug Trent, RTM Consultants, spoke as proponent. The request was to allow the use of a fire barrier in the form of the existing, masonry exterior wall to separate the new addition in lieu of the required fire wall. A structurally independent wall cannot be provided. The basement of the building is sprinklered and has direct access to the exterior, as does the upper level due to the grade of the area. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.
- (25) 10-08-30 Castle High School Band Tower, Newburgh
- Ed Rensink, RTM Consultants, spoke as proponent. The request was to be allowed to use an exterior stair on the band tower which does not comply with code. The structure, pre-fabricated by Educational Steel Products, complies with OSHA guidelines, and was intended for the use of the band director and staff. No public or students will use the structure, and it will be secured by caging and locks when not in use. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.
- (26) 10-08-31 Sams Club #8123, Evansville
 10-08-32 Walmart Store #1329, Logansport
 10-08-33 Walmart Store #1709, Angola
- The applications were incomplete. Commissioner Jones moved to table all three. Commissioner Brenner made the second. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 11:53 a.m. He then reconvened the meeting, calling it back to order at 12:04 p.m.

- (27) 10-08-34 The McCurdy Rehabilitation, Evansville
- Ed Rensink, RTM Consultants, spoke as proponent. The request was to reinstate the Design Release which expired January, 2010. The project had been subject to extensive HUD and other federal agency reviews and delays which resulted in the lapse of the CDR. The request was supported by the local building official. Following discussion, Commissioner Ogle moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.
- (28) 10-08-35 Orchard View Condominiums, Newburgh
- Roger Lehman, R Lehman Consulting, was proponent. The request was to omit the sprinklers in this final building of the development. The owner will construct 2-hour fire walls every 2 units with a 1-hour fire barrier between every other unit. These slab-on-grade, 1 story units have a front and rear exit. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried, with one nay.
- (29) 10-08-36 The Project School Addition and Renovation, Bloomington
- Ed Rensink, RTM Consultants, spoke as proponent. Due to site restrictions, the request was to omit the intermediate landing. The 38 foot ramp served as an accessible route from the parking area to the front entrance of the school. It was to be provided with handrails on each side. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.
- (30) 10-08-37 Hunter's Chase Condominiums Bldg 1-5 and 10-15, Evansville
- Roger Lehman, R Lehman Consulting, spoke as proponent. The request was to allow eleven condominium buildings, phase one of two, to omit sprinklers. The slab on grade, single story buildings were to have a 2-hour fire wall between every 2 units and a 1-hour fire barrier between the others. The second phase of the project would comply with code. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Hawkins. The proponent then requested that only Building 10 be considered today. Following further discussion, Commissioner Christoffersen and second withdrew the motion. Commissioner Ogle moved to table for financial information, with the second by Commissioner Brenner. It was voted upon and carried.
- (31) 10-08-38 250 S. Meridian, Indianapolis
- Tim Callas, J & T Consulting, spoke as proponent. Variance (a) was a request to allow non-compliant handrails in the two existing stairs in a building listed on the Historic Register. The rest of the stairs complied with Chapter 34 scoring. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried with three nay votes. Variance (b) was a request to allow domestic clothes dryer vents to exceed the allowed 25 foot length. The proponent did not provide any documentation on the engineered system he proposed to use. Commissioner Ogle moved to table for the information, with the second by Commissioner Brenner. It was voted upon and carried.

- (32) 10-08-39 Columbus North High School Two Phase Addition and Renovation, Columbus
- Dave Cook, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the school to have non-compliant travel distances during construction of the addition and renovation of the partially sprinklered building. Construction was expected to be completed in 2012. Walter Knaepple, Fire and Building Code Enforcement, told the Commission that the school had been working with the local officials to provide a plan to protect the students during construction. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.
- (33) 10-08-40 Muncie Healthcare and Rehab, Muncie
- Tim Callas, J & T Consulting, spoke as proponent. A new emergency generator was to be installed which would power the entire facility, and not just critical and life safety branches of the facility. The request was to install a single transfer switch in lieu of the two required by code. The fear was that if the original switch was left in place, it could cause switching problems resulting in the malfunction of the system when it was needed most. After discussion, Commissioner Ogle moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.
- (34) 10-08-41 Michigan Road Restaurant and Bar, Indianapolis
- Mark Jacob, owner, spoke as proponent. The request was to omit sprinklers in the existing building which was to be a restaurant/bar/night club. The building has a two inch main, but sprinklers would require a six inch main. The \$30,000 estimated cost would be the entire construction budget and prevent the project from moving forward. He would install two more exits which would give him a total of nine, strobes, horns, smoke and heat detectors and monitor the system. The music would be cut automatically if the alarm goes off, and there would be no pyrotechnics allowed. Seating would be approximately 160. Following discussion, Commissioner Christoffersen moved to table for further information, with the second by Commissioner Brenner. It was voted upon and carried.
- (35) 10-08-42(a)(b)(c) Five River Crossing, Indianapolis
- Dave Cook, Ralph Gerdes Consultants, spoke as proponent. The first floor of the 4-story office building, built in 1985, was being changed to assembly and mercantile occupancy. The request was to allow a 1-hour rated electrical room door to open into a 1-hour rated exit corridor from a stair to the exterior. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Ogle. It was voted upon and carried. Commissioner Corey abstained. Variance (b) was a request to omit the fire barrier separation between the assembly and the mercantile/office occupancies. The sprinklers will be upgraded from Light Hazard to Ordinary Hazard Group 1 density and spacing. Following discussion, Commissioner Hawkins moved to approve if the Chapter 34 score sheet was provided to staff by August 15th, with the second by Commissioner Brenner. It was voted upon and carried. Variance (c) was a request to allow the use of the existing handrail. After discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(36) 10-08-43 Happy Healthy Chicken, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. The existing 1,300 square foot space was changing occupancy to a restaurant, and would now require two accessible restrooms. The space has one accessible restroom and would lose seating to the point of becoming non-profitable if made to comply. The request was to allow a single accessible restroom for the public, with a non-accessible restroom downstairs for the employees. Following discussion, Commissioner Christoffersen moved to approve, with a condition that the occupant load would not exceed 30. Commissioner Brenner made the second. It was voted upon and carried.

(37) 10-08-44 Apartment Building, Terre Haute

Thomas King, owner, spoke as proponent. The request was to omit the sprinkler system in the three unit apartment building. The building had been built without sprinklers with a permit from the city, and had passed their inspections. The owner had been unaware the project needed to be filed with Plan Review until a few days before the Commission meeting. The second floor is separated by two layers of 5/8" drywall on the first floor ceiling, and 2 layers on both sides of the walls between the units. There are hard-wired smoke detectors, and each unit has its own entrance. Following discussion, Commissioner Christoffersen moved to approve, with the condition that the smoke detectors be interconnected and an exterior stair be constructed to the second floor apartment deck. Commissioner Brenner made the second. It was voted upon and carried.

6. **Consideration of Variance 10-06-30 Industrial Pallet, Remington**

Mara Snyder, Director, Legal and Code Services, explained to the Commission that the proponent, Alan Schambach, FBI Buildings, had notified her that he wished to have a review of the approval. The customer now wished to install a mesh curtain around the building over what were open sides, and the proponent would like the approval to include the curtains. The customer would also like to install draper mesh to protect the structure from birds, etc. The building has one door, and the proponent will put in a second door at the other end if the Commission so chooses. Following discussion, the members of the Commission felt a new variance was in order.

7. **Approval of local variance**

Ivy Tech Fall Creek Portable Fire Extinguishers
Indianapolis, IN

Mara Snyder, Director, Legal and Code Services, explained to the Commission that they were being asked to approve a local variance granted by the City of Indianapolis to Ivy Tech. Commissioner Corey moved to grant, with the second by Commissioner Brenner. It was voted upon and carried.

8. **New Business – General.**

Discussion and Possible Commission Action

505 Fulton Street
Administrative Cause #10-11
DHS Order
Nonfinal Order of Dismissal

Commissioner Jones moved to affirm the Nonfinal Order. Commissioner Corey made the second. It was voted upon and carried.

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

1105 W. Pike Street, Goshen
Order – Goshen Building Department

Jockamo Upper Crust Pizza
Appeal of Design Release

Cross Law Firm
Order – Muncie Fire Department

Park Place Assisted Living Memory Care & Six-Plex Garden Homes
Condition – Design Release

Commissioner Corey moved to approve the petitions for review. Commissioner Brenner made the second. It was voted upon and carried.

9. **LSA Document #10-266, re-adoption of rules by the Regulated Amusement Device Safety Board**

After brief discussion, Commissioner Jones moved to approve LSA Document #10-266, concerning the readoption of administrative rules that will expire on January 1 of the seventh year in which the rule takes effect, concerning rules of the Regulated Amusement Device Safety Board. Commissioner Christoffersen made the second. It was voted upon and carried.

10. **Comments**

Mara Snyder, Director of Legal and Code Services, announced LSA Document #10-251, the clean up rule, would have a public hearing on September 9th in IGCS Conference Center Room 14. The Swimming Pool and Elevator Codes are still

in Budget. The Residential Code notice of intent has not yet been filed, but she is hoping to have a public hearing before the end of the year.

11. **Adjournment.**

Vice-Chairman Cundiff adjourned the meeting at 1:23 p.m.

APPROVED _____
Howard Cundiff, Vice-Chairman