
FIRE PREVENTION AND BUILDING SAFETY COMMISSION
Department of Homeland Security

Written Interpretation of the State Building Commissioner

Interpretation #: CEB-2022-14-2020 IRC-R302.1-Exc 6

Building or Fire Safety Law Interpreted

675 IAC 14-4.4 2020 Indiana Residential Code, Section R302.1 Exterior walls. Construction, projections, openings, and penetrations of *exterior walls of dwellings* and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions: [1-5 and 7 omitted for lack of relevance to the request.]

6. For building applications that have received local zoning approvals for plats or for preliminary concept or master plans prior to adoption of the *2020 Indiana Residential Code* in [675 IAC 14-4.4](#), dwellings with a fire separation distance of less than three (3) feet from the property line shall be required to have at least a one-hour fire resistance rating and exposure from both sides and openings shall not be permitted. Projections shall not extend to a point closer than two (2) feet to the property line. One hour fire resistive construction is required on the underside of projections when the projections are closer than three (3) feet to the property line. Penetrations shall comply with Section R302.4.

Issue

Whether Exception 6 to Section R302.1 of the *2020 Indiana Residential Code* (IRC) applies to all residential lots in Indiana that were platted prior to the adoption of the *2020 IRC*.

Interpretation of the State Building Commissioner

No, Exception 6 to Section R302.1 of the *2020 IRC* does not apply to all residential lots in Indiana that were platted prior to the adoption of the *2020 IRC*.

Rationale

The exception, which was added by amendment, provides limited reductions in fire separation distances for those platted lots on which the construction approval process was begun prior to the adoption of the *2020 IRC*, but on which the construction had not yet commenced by that adoption date. It does not create a general exception for all newly initiated construction that happens to occur on a lot that was in existence prior to that adoption.

The exception's use of the term "building applications" is key. In stating that "for building applications that have received local zoning approvals. . . prior to the adoption of the *2020 Indiana Residential Code*," the exception indicates that at the time of code adoption, the construction project, whether for entire planned communities or individual lots, must have been at the application stage when the 2020 code was adopted. The phrase "that have received local zoning approvals" states that the underway project must have already received local land use approvals at the time the 2020 code was adopted, leaving the building permit and construction processes yet to be completed.

The net effect of the exception was to provide limited relief for a short window of underway projects that, because of their timespan, were affected by the change to the requirements of the newly adopted code. Its intent was not to provide that same relief in perpetuity for all existing platted lots statewide. Research confirms this, as the code change proposal that put forward the amendment during the *2020 IRC* adoption process projected the fiscal impact of the regulation to be limited to only 14,000 properties, and not to the million-plus residential lots in Indiana.

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