



## COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission  
Indiana Government Center South  
Conference Center Room B  
302 W. Washington Street  
Indianapolis, Indiana 46204

Thursday, January 3, 2019

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Nicoson at 9:02 a.m. on January 3, 2019.

(a) Commissioners present at the Commission meeting:

Michael Corey  
Greg Furnish  
Kevin Goeden, representing the Commissioner, Department of Labor  
Joseph Heinsman  
David Henson  
Todd Hite, representing the Commissioner, Department of Health  
James Jordan  
Robin Nicoson, Chairman  
Scott Pannicke  
Michael Popich  
Jessica Scheurich, Vice-Chairman

(b) Commissioners not present at the Commission meeting:

(c) The following departmental staff were present during the meeting:

James Schmidt, Deputy Attorney General and Legal Counsel  
Douglas Boyle, Director of Fire Prevention and Building Safety Commission  
Craig Burgess, State Building Commissioner  
Denise Fitzpatrick, IDHS Code Specialist  
Alan Blunk, IDHS Plan Review Section Chief

Kevin Troy, State Fire Marshal's Office – Code Enforcement Assistant Section Chief  
Kathleen Ash, IDHS Legal Assistant (acting as the Fire Prevention and Building Safety Commission Secretary)

2. Director Boyle conducted roll call, and noted that quorum was present.

3. Minutes Approval

Director Boyle called for approval or corrections of the minutes for the December 3, 2018 meeting. It was noted that the motion to approve the A/B Category variances was made by Commissioner Popich and the second was made by Commissioner Pannicke. The conditions in variances 18-12-03 and 18-12-34 should read "5/8 inch Type X drywall." Commissioner Popich made the second in Variance 18-12-14. Commissioner Pannicke moved to **approve** the Minutes as amended, with a second by Commissioner Scheurich. It was voted upon and carried.

4. Rulemaking Updates

- a. 2018 Elevator Code Committee: The next meeting is Tuesday, January 22, 2019. The location has yet to be determined. The Committee will continue to review ASME A17.1 -2016.
- b. 2018 Indiana Residential Code Committee: The IRCC completed its review of the 2018 IRC on December 19, 2018. IDHS Commission staff is now in the process of compiling all of the Committee's approved amendments to the 2018 IRC into a draft rule, which will be presented to the FPBSC at the next meeting, on Tuesday, February 5, 2019. In accordance with Senate Bill 393, IDHS Commission staff has submitted a report to the Indiana General Assembly regarding the Commission's progress in updating and adopting a new statewide residential code. They are working on the fiscal impact statement. Commissioner Furnish noted that there was 100% attendance by every member of the IRCC at every meeting.

5. Petitions for Administrative Review – Director Boyle stated that the following petitions were timely filed:

- a. State Building Commissioner's Written Interpretation of Section 103.3.3 of the 2014 Indiana Building Code (675 IAC 13-2.6)
- b. IDHS Construction Design Release Project No. 404400, Stacy's Restaurant Fire Remediation Design
- c. IDHS Inspection Report Order State Number BU29678 et al., Beech Meadow Apartments, LLC

6. Commission Action on Non-Final Orders of Dismissal

- a. Bona Vista Programs, Inc., Cause No. DHS-1810-FPBSC-009

Director Boyle stated that this was a Joint Motion to Dismiss. Commissioner Scheurich moved to **affirm** the Non-Final Order of Dismissal, and Commissioner Corey made the second. It was voted on and carried.

b. Ryan Fire Protection, Inc., Cause No. DHS-1811-FPBSC-010

The Administrative Law Judge issued her Findings of Fact, Conclusions of Law and Non-Final Order in this matter. In summary, the ALJ determined that sprinkler protection would not be required over the third floor balconies because the balconies would not be used for combustible storage, and the eaves are less than four feet wide. Jim Schmidt explained that if there are no objections filed by the parties, then the Commission has the option to either affirm this Order or file a Notice of Intent to Review. Mark Riffey, on behalf of the proponent, stated that he did not file an objection. There was discussion regarding: the Commission's denial of the variance; at what point an eave becomes a roof; and the difference between an NFPA 13 system and an NFPA 13R system. Further discussion occurred regarding the purported use of the balconies, the size of the balconies, and whether combustibles would be stored there. The issue to consider here is whether there is a violation. Commissioner Jordan moved to **file a Notice of Intent to Review Issues Related to a Non-Final Order** to include: (1) a comparison of the specific requirements for the installation of automatic sprinkler systems in Group R occupancies in accordance with NFPA 13-2010 and NFPA 13R-2010 systems; (2) the meaning of "combustibles" and why it has been determined that combustibles will not be stored on the balconies of 32 Union; and (3) whether the Administrative Law Judge's determination regarding automatic sprinklers over the third floor balconies at 32 Union is correct. Commissioner Popich made the second. It was voted on and carried. The deadline for the parties to file briefs for the Commission's consideration is Wednesday, January 30, 2019.

c. Porter-Starke Services, Cause No. DHS-1817-FPBSC-016

Director Boyle stated that this was a Non-Final Order of Dismissal based on a Joint Motion to Dismiss. Commissioner Scheurich moved to **affirm** the Non-Final Order of Dismissal and Commissioner Corey made the second. It was voted on and carried.

7. Review of Local Ordinances

a. Ordinance No. 399, Town of Princes' Lakes, Indiana Building Code

History: this was submitted to IDHS Commission staff electronically on 10/11/2018; it was tabled by the Commission on 11/07/2018 and tabled again on 12/03/2018.

Upon review, several errors and conflicts were identified in Ordinance No. 399. First, this ordinance mirrors the Commission's building code ordinance template, but does not directly follow it. Second, Construction Design Releases are issued by the State Building Commissioner not the "Building Law Compliance Officer." Third, the ordinance needs to reflect the adoption of IC 22-11-21 and be

incorporated by reference. Additionally, this ordinance incorrectly states that it is effective upon final adoption and publication; local building codes are not effective until approval from the FPBSC, and must include a provision which provides an effective date not earlier than the date upon which the Commission grants approval. For these reasons, Commission staff recommended that the Commission deny approval of Ordinance No. 399. Commissioner Scheurich moved to **deny** approval and Commissioner Corey made the second. It was voted on and carried.

b. Ordinance No. 2018-OR-23, City of Charlestown, Indiana Property Maintenance Code (Revised)

History: this was submitted to IDHS Commission staff electronically on 12/05/2018.

Mark Cranley, City of Charlestown, spoke as the proponent. IDHS legal staff had not completed a review of this ordinance. It was noted that a template pertaining to property laws does not exist; however, a template is a suggestion, not a mandate. Proponent expressed apprehension concerning the lack of having an ordinance “on the books.” Commissioner Heinsman moved to **table** and Commissioner Scheurich made the second. It was voted on and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 10:22 a.m. It was called back to order at 10:32 a.m.

8. Petition for Sanction(s) on a Previously Issued Variance (675 IAC 12-5-9): Variance No. 18-10-27, Eric & Joyce Erwin Residence – LP Tank

Dr. Lisa Russell and Benjamin Russell, Petitioners, and neighbors of the owner of the property at issue in Variance No. 18-10-27, submitted a Petition for Sanctions pursuant to 675 IAC 12-5-9. They explained that they have lived in their home for eight (8) years and have never previously had any issues pertaining to their neighbors’ tank until a garage was constructed around it. Problems now exist because the tank has been dislodged. Petitioners stated that a cable company would not perform work on their property because the tank was unstable. Dr. Russell stated that in its current condition, it would “not be legal” to fill this tank. She is concerned that if this tank leaks, it would leak toward her home and electric box, which could potentially cause an explosion. She said that the cost to move or remove this tank would be approximately \$1,500. Mr. Russell explained that a contractor informed his neighbor that the tank must be removed because you cannot build within ten feet of a tank; in response, he provided his neighbor with nine feet of property in order to move the tank. However, his neighbor did not move the tank. Ed Rensink, RTM Consultants, spoke for the proponent of Variance 18-10-27. He explained that the issue in this variance was the proximity of the tank to the Irwin’s garage, not to the Russells’ property. Mr. Rensink stated that three fire departments service this particular area: inadvertently, the incorrect Local Fire Official was notified of this variance application, as Mr. Rensink thought that the appropriate LFO was from New Albany. Mr. Rensink has since refiled the variance and has notified the correct LFO, Paul Holcomb, of New Chapel Fire Company. This variance will be heard at the FPBSC meeting on February 5, 2019. Jim Schmidt explained that a sanction could be imposed because the required local fire official was not

notified of this variance application. Pursuant to 675 IAC 12-5-9(a) there are five sanctions available regarding a previously issued variance: (1) revocation (2) suspension (3) censure (4) reprimand (5) probation. After further discussion, it was determined that proper notification of Variance request No. 18-10-27 was not provided to the required local fire official, New Chapel Fire Company. Commissioner Pannicke moved to **revoke** Variance No. 18-10-27, pursuant to 675 IAC 12-5-9(c)(2). Commissioner Scheurich made the second. It was voted upon and carried.

## 9. Variances

### a. Tabled

#### 18-06-07 Calvary United Methodist Church Ansul System, Syracuse – *paper filing*

Gary Green, former Board member of the Calvary United Methodist Church, spoke for the proponent. Mr. Green explained that although he remains the point of contact, he is no longer on the Board, and apologized for the resulting communication issues regarding this variance. He stated that the kitchen is never used to provide meals to the public, and is rarely used by the congregation. The commercial oven and range have been removed. Mr. Green stated that removing or maintaining the ANSUL system and the associated duct work would be a financial hardship. They wish to leave the hood, ductwork and roof vent of the existing hood-extinguishing system in place even though the Code requires maintenance or removal of all alarm, detection or existing systems if they are not required. Commissioner Burgess purported that since this suppression system is not required per 901.4.1, he does not think the duct work needs to be removed. Denise Fitzpatrick, Code Specialist, noted that a variance like this was originally intended for record-keeping purposes: it would hold future owners to the same variance requirements. Commissioner Pannicke moved to **approve with the conditions** that: (1) The ANSUL fire protection system within the existing hood may be removed with the stipulation that NO commercial (restaurant) appliances can be used underneath that hood without restoration of the ANSUL fire protection system, AND (2) a sign must be posted on the hood indicating that no commercial appliances are permitted under the hood, unless the ANSUL fire protection system is restored. Commissioner Scheurich made the second. It was voted upon and carried.

#### 18-08-62 Homestead Apartments Fire and Building Code Violation, West Baden Springs

No proponent was available to speak on the variance. It was mentioned that the proponent hired someone to conduct a Chapter 34 evaluation. Commissioner Burgess noted that proponent stated via email that proponent does not believe a code violation exists. Commissioner Pannicke stated that he requested additional floorplans at the previous meeting; specifically, clear, legible floorplans of all occupied levels. These have not yet been received. Commissioner Scheurich moved to **table** and Commissioner Pannicke made the second. It was voted on and carried.

#### 18-11-54 Garfield Brewery, Indianapolis

Christina Colleston, RTM Consultants, spoke for the proponent. She explained that the proponent cannot file with the State until this becomes a building, with a roof over it. She was not sure whether this is a mobile structure and whether a variance is required; but, she must know because she needs to inform the Plan Review Division in the City of Indianapolis. Commissioner Burgess described an interpretation he authored last year regarding walk-in coolers and freezers: the location determines whether it is food-service equipment. He added that if a constructed roof is provided over this device, then he would consider it food-service equipment. Commissioner Pannicke moved that **no variance was required** and Commissioner Heinsman made the second. It was voted on and carried. Commissioner Popich abstained.

18-12-01 Menard's Fire Access Road, Valparaiso – *paper filing, incomplete*

This application remains incomplete. Commissioner Pannicke moved to **table** and Commissioner Heinsman made the second. It was voted on and carried.

18-12-02 Palermo Construction Fire Detection, Fort Wayne – *paper filing*

No proponent was present to speak on the variance. Commissioner Scheurich moved to **table** and Commissioner Furnish made the second. It was voted on and carried.

18-12-13 (a)(b) Daming Excavating, Indianapolis

Ryan Daming, owner, spoke as the proponent. His company is involved in new home construction. He would like to add office space to an existing 80' x 110' pole barn. The pole barn is not close to a fire hydrant. The closest intersection is Arlington Avenue and Troy Avenue. Margie Bovard, City of Indianapolis, stated that she could ignore the fire hydrant issue if an NFPA 72 fire alarm system is installed in the addition. Currently, there are heat detectors in the barn. Proponent agreed to discuss these issues further with Ms. Bovard, as well as commercial alarm companies, to determine affordable solutions. Commissioner Scheurich moved to **table** and Commissioner Goeden made the second. It was voted on and carried.

b. New

#### Category A/B

19-01-04 10<sup>th</sup> Street Commercial, Indianapolis

19-01-06 (a)(b) Hellenic Senior Living, Elkhart

19-01-07 (a)(b) Merchants Corporate Center Carmel, Carmel

19-01-08 Loogootee Community Schools Renovations – Elementary School, Loogootee

19-01-18 Orme WTF Chlorine Gas Conversion Project, Greenwood

19-01-21 Parkview Randallia Fire Hose, Fort Wayne

19-01-22 130 East Washington Street Renovation, Indianapolis  
19-01-24 McCutcheon High School, Lafayette  
19-01-30 Wellbrooke of Westfield, Westfield  
19-01-31 Greensburg Water Treatment Plant, Greensburg  
19-01-34 Marlin WTF Chlorine Gas Conversion Project, Greenwood

Commissioner Scheurich moved to **approve** the “A” and “B” variances, and Commissioner Corey made the second. It was voted upon and carried. Commissioner Pannicke abstained from 19-01-22. Commissioner Corey abstained from 19-01-06. Commissioner Heinsman abstained from 19-01-24.

19-01-10 Brownsburg WWTP Expansion, Brownsburg

This variance was pulled from the block vote to be considered separately at the request of Steve Jones, Fire Marshal, Brownsburg, who spoke on this variance. This is an H occupancy building, without a sprinkler system. He is requesting the posting of hazardous material signage to assist first responders. Commissioner Pannicke moved to **approve with the condition** that hazardous material signage must be posted on all four sides of the Phosphorous Removal Building. Commissioner Corey made the second. It was voted on and carried.

#### Category C/D/NVR

#### **Self-Representing Applicants/Architects/Designers/Non-Consultants outside of Indianapolis metropolitan area:**

19-01-01 Spring Mill Bible Camp New Cabins, Mitchell & 19-01-02 Country Lake Worship Center, Underwood

Proponent requested that these variances be tabled. Commissioner Furnish moved to **table**, and Commissioner Scheurich made the second. It was voted upon and carried.

19-01-09 Broadway Christian Church, Fort Wayne

No proponent was available to speak on the variance. There was discussion concerning what exactly the proponent is requesting. Commissioner Corey explained that this variance pertains to a tow guard, which is the chunk of metal underneath the elevator car that protects the opening. In this case, the tow guard is required by code to be 48 inches in length. Because this is a four-foot pit, this can pose an issue because the tow guard will hit the pit floor. He questioned why the pit is this shallow and wonders if it was constructed incorrectly. Collapsible tow-guards are available which will retract when they hit the floor; this could possibly alleviate this problem. In order to comply with the code, and have a pit that is the required depth, the proponent would have to dig underneath the building’s foundation, which could undermine the building’s integrity. Commissioner Scheurich moved to **table**, and Commissioner Furnish made the second. It was voted upon and carried.

#### 19-01-15 Bluffton Free Street Fair, Bluffton

The proponent requested that this be tabled. Commissioner Scheurich moved to **table** with the second by Commissioner Jordan. It was voted upon and carried.

#### 19-01-29(a)(b) STEM Teaching Lab, West Lafayette

Adam LaRocca, Purdue University, spoke as proponent. There are two elevators located in a hoist-way: smoke detection will be provided. This is not required, as the building is fully sprinklered and is not residential. This request is to use the 2016 edition. Commissioner Popich moved to **approve** Variance (b) and Commissioner Corey made the second. It was voted on and carried. Variance (a) was in the A/B category.

#### 19-01-47 La Porte Hospital, La Porte

Charles Keslin, Professional Engineer, spoke for the proponent. There was extensive discussion on seismic requirements and building construction. He explained that the problem with seismic requirements in Indiana is that the state is located on the Illinois Basin. This variance request is to allow the hospital to comply with Seismic Design Category A requirements, rather than those required by Seismic Design Category C. The original design of this structure is five stories, however it could support seven stories. Granting this variance would provide the hospital with significant savings. The biggest cost of this project would be the hanging of water pipes because of their substantial weight; the air handling units also have significant weight. Having available space in rooms to adequately fit everything inside is also a major issue. Mr. Keslin represented St. Francis Hospital, located on the south side of Indianapolis, in a similar variance request. He explained that any building located south of this location would not qualify, so-to-speak, for this type of variance request, citing the difference between the northern area of Indiana versus the southern area. Commissioner Heinsman moved to **approve** and Commissioner Jordan made the second. It was voted on and carried.

#### 19-01-51(a)(b) Miller's Merry Manor – Huntington, Huntington

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table**, and Commissioner Corey made the second. It was voted on and carried.

#### 19-01-52 Eagle Place Apartments, Loogootee

Ed Rensink, RTM Consultants, spoke for the proponent. An existing school building is being renovated and turned into apartments. This variance pertains to the safe dispersal area on the backside of the building. It is being evaluated under Chapter 34, which passes with no problem; but, the means of egress section requires that when there is no access to a public way from exits, a safe dispersal area must be provided 50 feet from the building. There is a bank behind the building that runs up 15 feet and ends next to a



highway. There are four exits; arguably, one of which is not required. Two exits in the front have direct access to a public way. The building will have a sprinkler system; however, in theory, a Chapter 34 evaluation could have achieved a passing score without a sprinkler system. Proponent noted that the LFO did not have an issue with this variance. Commissioner Pannicke moved to **approve**, with the second by Commissioner Henson. It was voted upon and carried.

19-01-20 Timber Creek Village Assisted Living, Shelbyville

Ralph Gerdes, Ralph Gerdes Consulting, and William Utz, Utz Architects, spoke for the proponent. This is a one-story assisted living facility. It is 5-A construction and is fully sprinklered per NFPA 13 requirements. They have one-hour corridors, but they were cited for lack of continuity: there is a club room with a fireplace and seating area with access to an exterior patio. The local fire officials voiced concern over the residents' ability to exit the facility in case of an emergency. Proponent explained that each resident's room has an exit: there are sidewalks leading away from each exit door. The rooms contain microwaves, but not cooking appliances. The doors in the facility will not be painted to resemble bookshelves. The proponent has constructed the same building dozens of times in other states. Commissioner Heinsman moved to **approve** and Commissioner Corey made the second. It was voted on and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 12:27 p.m. It was called back to order at 1:32 p.m.

**Self-Representing Applicants/Architects/Designers/Non-Consultants inside of Indianapolis metropolitan area:**

19-01-48(a)(b) Duke Realty Headquarters, Indianapolis

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table**, and Commissioner Furnish made the second. It was voted upon and carried. Commissioners Corey and Pannicke abstained.

19-01-50 KFC Reopen, Indianapolis – *late filing*

Job Keller, construction manager, spoke for the proponent. An existing hood has been relocated and does not allow for the 18 inch clearance required by 507.9. Proponent looked into clearance reduction methods. Randy Gulley, Wayne Township, explained that this is a situation where proponent is trying to install new technology in a 25-30 year-old restaurant. Essentially, the roof would have to be removed and raised 24 inches to meet the 18 inch clearance requirement. Mr. Keller, Mr. Gully and Shelly Wakefield collaborated and proposed a solution, which is detailed in the application. Part of this solution entails: installing two layers of 5/8 inch Type X gypsum board on the underside of the truss, which would give a one-hour rating; and utilizing the two-hour wrapped one inch foil, to provide the required 18 inch clearance. The zero clearance methods provided by the hood manufacturer, utilizes the same duct board

that will be used here. The hood has a compliant ANSUL system. Commissioner Popich moved to **approve** and Commissioner Henson made the second. It was voted upon and carried.

19-01-57 Lot 62 Bridgewater, Indianapolis

Scott Bowman, H&K Homebuilders, spoke for the proponent. This property has an Indianapolis address, but is located in Fishers. The proponent is requesting to: extend the length of the outlet from the door opening from six feet to seven feet six inches in three locations; and eliminate a floor plug in two other areas, one of which is an exercise room. Mr. Bowman has been working with Marleny Iraheta, City of Fishers, to ensure code compliance. Commissioner Furnish moved to **approve**, and Commissioner Corey made the second. It was voted on and carried.

**Consultants:**

19-01-37 Voss, Fort Wayne

Ed Rensink, RTM Consultants, spoke for the proponent. This request is to allow a fire access road to be within 200 feet, when the code requires 150 feet. Proponent wants it as close as possible, and is also extending a hammerhead turnaround space. Jim Murua, City of Fort Wayne, does not have any issue with this, as they have access on three sides. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted upon and carried.

19-01-54(a)(b) Civic Center

Christina Collester, RTM Consultants, spoke for the proponent. This project involves an expansion to a building that was originally constructed according to the 1978 Edition. This request is to use the 2018 IBC for purposes of seismic load requirements. Commissioner Popich moved to **approve** variance (a) and Commissioner Corey made the second. It was voted on and carried. Variance (b) concerns NFPA14. There are two standpipes, one in each stairway, but, existing code requires a third standpipe in the middle. Jim Murua, City of Fort Wayne, noted that proponent has met 1978 requirements. The citation in the application should be corrected to read 905.4. Commissioner Scheurich moved to **table** Variance (b) and Commissioner Corey made the second. It was voted on and carried.

19-01-03 Loogootee Community Schools Renovations – High school, Loogootee

Dennis Bradshaw, FP&C Consultants, spoke for the proponent. This project involves the renovation of an academic wing of an existing high school. This is a request to allow corridors to be non-rated: when the ceilings are removed, the walls will not extend to the roof deck. Part of this project is to extend the walls all the way up in order to correct the separation between the corridor and the rooms. Construction will occur in the evenings, on weekends and on holidays, as the school is year-round. As such, the ceilings will need to remain down while school is in session. All exit lighting and signs will be maintained during the

course of the project, which should last from March, 25, 2019 to May 24, 2019. Corridors will be clear of equipment. The school is not sprinklered. Commissioner Heinsman moved to **approve**, and Commissioner made the second. It was voted on and carried.

19-01-05 LaGrange Church of God, LaGrange

Proponent withdrew the variance.

19-01-11 Pictura Gallery Event Center, Bloomington

Tim Callas, J&T Consulting, spoke for the proponent. Proponent wants to erect a fence around an existing deck for security reasons. Two sets of double doors will be added, which will swing in the direction of travel, but are not separated by the required distance, due to the width of the area. The building is fully sprinklered. Proponent stated that the LFO is okay with this request. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted on and carried.

19-01-12 Willow Marketing, Indianapolis

Tim Callas, J&T Consulting, spoke for the proponent. This project involves renovating a first floor break room area in a two-story building, constructed in the 1950s. Currently there is only one staircase. Proponent wants to add a spiral staircase to make the breakroom more accessible. This does not meet exit access or exit discharge requirements. Half of the occupancy load is the total number of people who work there. Commissioner Scheurich moved to **approve**, and Commissioner Corey made the second. It was voted on and carried.

19-01-13 Circle Center Mall, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. This variance involves a piece of artwork that will be hung over the Circle Center Mall's food court. It is comprised of steel tubes, steel wires and small Plexiglas panels. The Code requires combustible decorations to pass the NFPA 701 test, which proponent did not think was appropriate for this type of material. It is a small-scale test, which measures how fast the flame spreads up the surface, vertically. The ASTM D 635 test is used specifically for plastics, and is also a small-scale test, however it measures how fast the flame burns horizontally. This passed the ASTM D 635 test, burning a little less than one inch per minute. It also passed the flame spread index test, with a flame spread of 140. Yet, the building code classifies this as a CC2 plastic, which is the same type of material used in wall panels, skylights, store front signage in the mall, etc. Commissioner Heinsman moved to **approve** and Commissioner Corey made the second. It was voted upon and carried.

19-01-14 Block 20, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. This is a parking garage, downtown, that is part of an apartment complex. The construction will be two-end, exposed, unprotected steel. The Code allows a maximum of five levels, but proponent wants six levels. Mr. Gerdes explained that parking garages are not a big fire hazard and are typically confined to only one or two cars; however, smoke is a concern. Proponent provided data on parking garage fires, including an abnormal example, which was a devastating parking garage fire in Liverpool. In this case, if the building had been sprinklered, this incident likely would not have happened. Although it was not listed in the application, proponent is going to offer an upgraded Ordinary Hazard Group II sprinkler system. The building code allows S-2 occupancies up to 75 feet. Proponent said that garage fires do not produce enough heat to affect structural steel. Commissioner Scheurich moved to **approve with the condition** that an upgraded, Ordinary Hazard Group II, sprinkler system must be installed. Commissioner Corey made the second. It was voted on and carried. Commissioner Heinsman abstained.

#### 19-01-16 Guidon Design Office, Indianapolis

Christina Collester, RTM Consultants, spoke for the proponent. The fire-retardant eyebrow over the doorway is weather-treated plywood that goes through the wall. It is not a structural component. Chris Harris, City of Indianapolis, is neither for nor against the variance. Ms. Collester explained that this 5/8 inch plywood is used to nail the window inside the wall, and “simply happens to fall inside the wall.” Commissioner Jordan moved to **approve**, and Commissioner Corey made the second. It was voted on and carried. Commissioner Popich abstained.

#### 19-01-17 Goshen Police Department Training Facility, Goshen

Ed Rensink, RTM Consultants, spoke for the proponent. This is a B occupancy, two-story building that is being converted to a tactical building, with offices on the first floor and a training room on the second floor. This will change to an A-3 occupancy. An exterior stairway will be added to the second floor; the separation will be 44% instead of the code minimum of 50%. A fire alarm system will be installed. The maximum travel distance will be 72 feet. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted on and carried.

#### 19-01-19 Hunny Creek Haven – Event Barn, Waldron

Crystal Kent, Kent Architecture & Consulting, spoke for the proponent. This is a Chapter 34 review. The barn is almost 4,000 square feet. Proper zoning requirements have been met. They are on septic. They built restrooms and were subsequently cited by the State Fire Marshal’s Office. Commissioner Jordan moved to **approve** and Commissioner Heinsman made the second. It was voted upon and carried.

#### 19-01-23 Convergence, West Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. This is a multi-tenant, Assembly use building. The lobby will be used once a month for meetings. Proponent wants it classified as Accessory use to allow the exposed structure in the lobby; however they are at 17%, and are supposed to be at 10%. Commissioner Pannicke moved to **approve** and Commissioner Heinsman made the second. It was voted on and carried.

19-01-25 WH Harrison HS Adds & Renovations, West Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. The proponent is remodeling the swimming pool in the high school, and does not want to sprinkle the area over the pool. This variance is meant to supersede Variance No. 18-09-24(a)(b) which pertained to this specific project. Commissioner Pannicke moved to **approve**, and Commissioner Jordan made the second. It was voted on and carried. Commissioner Heinsman abstained.

19-01-26 The Whit, Indianapolis

Ed Rensink, RTM Consultants, and Ryan Fitzpatrick, TWG, spoke for the proponent. This is a temporary egress variance for "Building C." The first floor is unfinished: it will be lobby space. There will be four units per floortwelve units total. Proponent wants an egress scheme that will not put them through the first floor. There will be access to the two finished stairs on the north side of the building. The request is to allow the common egress path to be 136 feet instead of 125 feet, the travel distance to be 270 feet instead of 250 feet, and a dead end corridor to be 102 feet instead of 50 feet. All life safety systems are fully operational in this area. The locals have purported that an egress map will be posted. Temporary occupancy was granted while construction continues through May of this year. Commissioner Pannicke moved to **approve with the condition** that this variance will expire on June 1, 2019. Commissioner Furnish made the second. It was voted on and carried.

19-01-27 (a)(b)(c) Plainfield Community Middle School, Plainfield

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. The school is adding 10,000 square feet and will need to provide fire walls. Variance (a) is a GAR variance. Proponent plans to eventually sprinkle the entire school; the new sprinklers will cover 50%. Commissioner Jordan moved to **approve** Variance (a) and Commissioner Corey made the second. It was voted on and carried. Corridors are being opened up during this remodel; they will sprinkle these open areas. Commissioner Scheurich moved to **approve** Variance (b) and Commissioner Corey made the second. It was voted on and carried. With the 10,000 square foot addition, proponent is creating a new fire area over 12,000 square feet, which requires a sprinkler system to be installed throughout the entire building. Commissioner Jordan moved to **approve** Variance (c) and Commissioner Corey made the second. It was voted on and carried. Commissioner Heinsman abstained.

19-01-28 Catholic Charities, Evansville

Ed Rensink, RTM Consultants, spoke for the proponent. This is new construction. It is just over 10,000 square feet. This facility will be used for family and life-skills education, mental health counseling, immigration assistance, etc. It is classified as B Occupancy and A-3 Occupancy. This request is for down-rated corridors. There will be smoke detection throughout. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted on and carried.

#### 19-01-32 Ancient Greece Exhibit, Indianapolis

Christina Collester, RTM Consultants, spoke for the proponent. This is an exhibit at the Children's Museum, which periodically changes. The current entry way is 700 square feet and only permits an occupant load of 50 people. This request is to allow sliding doors at the entrance and exit of the gallery. The only difference (aside from the exhibit's theme) between this exhibit and the last two exhibits is the addition of a two-inch strip which makes it easier for the staff to open the doors if necessary. The exhibit hall is fully sprinklered. Staff will be trained on exit procedures. Commissioner Corey moved to **approve**, and Commissioner Jordan made the second. It was voted on and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 3:00 p.m. It was called back to order at 3:12 p.m.

#### 19-01-56(a)(b)(c) Law Offices for Plews Shadley Racher Braun, Indianapolis – *late filing*

Tim Callas, J&T Consulting, spoke for the proponent. This is a law office renovation of a breakroom. The public will not access this area. Variance (c) pertains to Section 804.2. There are concrete floors with precast I-beam supports. Existing anchor points for the island must be utilized to prevent tipping. Customized cabinetry has already been installed. The clearance from the island to the wall cabinets is 36 inches, but the Code requires 40 inches. Variance (b) pertains to the u-shaped kitchen area and installation of customized cabinets. The width between the cabinets is 57 inches, but the Code requires 60 inches. Proponent said that this would be an improvement from the original width. The room's walls cannot be augmented due to an existing beam and structural columns. Originally the appliances and sink did not meet Code requirements, but the new ones will. Chris Harris, City of Indianapolis, stated that the issues with the sink height and range were discovered in October. This is all new construction; he does not consider this to be a repair or replacement because proponent is not putting the cabinetry and appliances back in the original locations. This could have been avoided if proponent used a different type of cabinet and countertop. Mr. Harris does not have a problem with Variance (b) because of the structural element tied to it; however, he believes that the issues addressed in Variances (a) and (c) could have been avoided. Variance (c) pertains to the cook top, which was not present in the original kitchen. This area does not comply with Code requirements, which states that the work space next to the stove must be 30 inches wide and 34 inches high. A portable cart will be supplied as a reasonable accommodation. Commissioner Pannicke moved to **deny** Variances (a)(b) and (c). Commissioner Popich made the second. It was voted on and **failed** 5-6. Commissioner Jordan moved to **approve** Variance (b) and Commissioner Scheurich made

the second. It was voted on and carried. Commissioner Popich moved to **deny** Variances (a) and (c) and Commissioner Furnish made the second. It was voted on and carried.

#### 19-01-33 Eastwood Middle School, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This request is to allow the travel distance to be 290 feet in areas occupied by students and 302 feet in areas occupied by staff. A sprinkler system will be provided throughout the building. There are three egress stairs. There is a lot more egress width in the second area than would be required. Commissioner Pannicke moved to **approve** and Commissioner Henson made the second. It was voted on and carried. Commissioners Heinsman and Popich abstained.

#### 19-01-35 Harvest Church Lafayette

Christina Collester, RTM Consultants, spoke for the proponent. This survived both freeze tests: in 1985 and 1994, when the temperature reached -35 degrees. There are approximately 200 heads in the system. The heads at issue are located throughout the building. This affects approximately 5% of the sprinklers. It would cost \$50,000-60,000 to re-pipe. Commissioner Jordan moved to **approve**, and Commissioner Pannicke made the second. It was voted on and carried.

#### 19-01-36 Indy PL Michigan Road, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This is a 20,000 square foot, one-story library. Construction is complete. There is a requirement in the mechanical code to provide access panels in the ceiling that allow maintenance or removal of mechanical units. This request is to not provide these panels. Accessibility is possible without removing fire-rated construction. There will be enough room to maintain or replace the units. This type of variance has been approved in the past on at least two occasions. The cost to correct this problem would be over six figures. Nothing load-bearing is involved. Commissioner Jordan moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried. Commissioner Popich abstained.

#### 19-01-38 IU 11<sup>th</sup> Street Garage and Office Building, Bloomington

Ed Rensink, RTM Consultants, spoke for the proponent. This request is to allow standpipe systems to not be protected with fire-resistive construction. The parking garage is connected to an office building. The stairs serving as egress for the garage are enclosed. The lower level does not qualify as an open garage. The open area is sprinklered. Commissioner Scheurich moved to **approve** and Commissioner Pannicke made the second. It was voted upon and carried.

#### 19-01-39(a)(b) TWG Ford Building Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This request is to allow the fire department connections to be located on the south side of the building. Commissioner Corey moved to **approve** Variance (a) and Commissioner Popich made the second. It was voted on and carried. Variance (b) is a request to route the service feeder for the fire pump through the building. Commissioner Popich moved to **approve** Variance (b) and Commissioner Corey made the second. It was voted on and carried. Commissioners Heinsman and Pannicke abstained.

#### 19-01-40 Clark County Schools New Elementary School, Jeffersonville

Ed Rensink, RTM Consultants, spoke for the proponent. This project involves constructing an addition to an elementary school across two adjoining parcels of land: one parcel is owned by Greater Clark County Schools and the other parcel is owned by the City of Jeffersonville, Indiana. This is a request to permit 705.5 construction across a property line. The fieldhouse is a separate building, owned by the City, and is not connected to the school. The City of Jeffersonville has approved the same variance. Proponent stated that a permanently deeded agreement was being drafted between the City and the School Corporation which specifically allows the School Corporation to build on City property. Exterior walls must be fire-rated when located on a property line. The new addition will have a wall located on the property line, which extends 30 feet onto the City's property. The addition will have a three-hour wall. This is a request to allow the addition to not have a fire-rated exterior wall. Commissioner Scheurich moved to **approve with the condition** that the permanently deeded agreement between the city of Jeffersonville, Indiana and Greater Clark County Schools, as referenced in the variance application, is finalized. Commissioner Corey made the second. It was voted on and carried.

#### 19-01-41(a)(b) Carrier Corporation, Indianapolis

Carrie Ballinger, RTM Consultants, spoke for the proponent. This request involves an enclosed escalator that is capped and does not move. There was discussion regarding how this escalator was decommissioned, and whether it is ever a good idea to use escalators as stairs. Commissioner Scheurich moved to **table** and Commissioner Corey made the second. It was voted on and carried. Commissioner Popich abstained.

#### 19-01-42 501 N. College, Indianapolis

Carrie Ballinger, RTM Consultants, spoke for the proponent. This project involves the renovation of a two-story, 2,100 square foot building, which was previously used as a bar/restaurant. It is A-2 Assembly. There will be two sets of stairs. The existing set of stairs will be widened and replaced. The landing will be three feet four inches, but the Code requires three feet eight inches. Commissioner Jordan moved to **approve** and Commissioner Scheurich made the second. It was voted upon and carried.

#### 19-01-43(a)(b)(c) Clarksville Lofts, Clarksville



Carrie Ballinger, RTM Consultants, spoke for the proponent. This project involves the renovation of a two-story, Type II-B building. This was a hotel built in the 1960s. There are five units on each side. The building will be fully sprinklered with an NFPA 13 system, including the balconies. Certain exterior stairways were falling off, and have been removed from the egress balconies and replaced with new stairs. Variance (a) is a request to allow a common path of travel to exceed 125 feet; it would be 137 feet. Variance (b) is to allow the stairways to be separated by less than a third of the diagonal. The straight line distance between exits is 51 feet, and the Code requires 76 feet. Variance (c) is a request to allow the egress balconies to not fully comply with 1019 because they have dead ends on each end that do not meet the requirements. Additionally, they are not separated from the interior of the building and there are non-rated doors and PTAC units in the windows. Shelly Wakefield explained that she represents the city of Clarksville on this matter. She stated that Clarksville takes no position on this variance; they simply want this project to be "done right." Ms. Wakefield expressed concern about the exits on the second floor. Proponent has already received construction design releases and permits and has completed approximately 40-50% of this project. After further discussion, Commissioner Heinsman moved to **approve** Variances (a)(b) and (c) and Commissioner Furnish made the second. It was voted on and carried (9-2.)

#### 19-01-44 DHL – Zoetis Tenant Buildout, Whitestown

Ed Rensink, RTM Consultants, spoke for the proponent. This is a request to permit the storage of more product than the maximum allowable quantity in an S-1 occupancy building. These are normal combustible commodities. Included with the proposal is an FM Global loss data sheet which describes the same type of protection. Commissioner Pannicke moved to **approve**, and Commissioner Heinsman made the second. It was voted on and carried.

#### 19-01-45(a)(b) IUPUI Ball Hall Renovations, Indianapolis

Carrie Ballinger, RTM Consultants, spoke for the proponent. This is the renovation of an existing residence hall. Variance (a) is a request to allow the use of electrical panel access doors in a new stair shaft wall. The existing panels are being repurposed for junction boxes. Commissioner Pannicke moved to **approve** Variance (a) and Commissioner Corey made the second. It was voted on and carried. Variance (b) is a request to not require sprinklers in the dorm room closets that are less than 12 square feet; this request is limited to the 12-square-foot closets only. Proponent is installing an NFPA 13 System throughout the building. Commissioner Scheurich moved to **approve** Variance (b) and Commissioner Corey made the second. It was voted on and carried.

#### 19-01-46 Site 31 Spec Building, Indianapolis

Proponent withdrew the variance.

#### 19-01-49(a)(b) Delaware County Justice Facility, Muncie

Carrie Ballinger, RTM Consultants, spoke for the proponent. This project involves converting an existing school into a justice facility and courtrooms. Variance (a) is a request to use NFPA 101A to evaluate the I-3 area of the building, which is separated from the rest of the building by a two-hour fire wall. The location of the fire wall will remain the same. It passes this evaluation. Commissioner Pannicke moved to **approve** Variance (a) and Commissioner Corey made the second. It was voted on and carried. Variance (b) is a request for a passing score under Chapter 34, as there is a significant negative score due to the building's large area. Commissioner Pannicke moved to **approve** Variance (b) and Commissioner Corey made the second. It was voted on and carried.

#### 19-01-53(a)(b)(c)(d) Clif Bar Temporary Facilities, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. Proponent withdrew Variances (a) and (c). CLIF BAR wanted to remodel its existing employee facility (dining area and locker rooms); in preparation, it rented industrialized buildings, which were placed on site. Prior to acquisition, the owner modified these units without proponent's knowledge or authorization. Proponent is approaching this project as on-site, newly built construction. Proponent was cited because the units were five feet six inches from the building that is going to be remodeled; the Code requires them to be 30 feet away. Variance (b) is a request to allow these mobile structures to remain in their current locations until January 3, 2020. Kevin Troy stated that the seals were removed from all five units and are no longer considered industrialized units or mobile structures. Sam Bruner, Pike Township, explained that he has been involved with this project since the very beginning; he had pre-construction meetings with the proponent, at which point he informed the proponent that they needed permits and possibly variances in order to proceed. Mr. Bruner said that he is not opposed to these variances, he simply wanted to provide a brief history of this situation. Mr. Gerdes stated that Variance (a) was withdrawn because they were less than 5,000 square feet; Variance (c) was withdrawn because proponent wanted to request variances on the industrialized building systems, but recalled that he cannot do so because of state law. Proponent is losing \$400,000 per month because of this situation. Table 602 should be included with Variance (b). Commissioner Pannicke moved to **approve** Variance (b) **with the conditions** that: a fully functional fire alarm system shall be installed in the trailers, as agreed to by the owner/applicant; the requirements of 2014 InBC, Table 602 will be followed; and this variance will expire on January 3, 2020 (01/03/2020). Commissioner Corey made the second. It was voted on and carried. Variance (d) pertains to the foundations of the mobile structures. A structural engineer made recommendations to the proponent that temporary foundations, namely concrete blocks and tie-downs, be utilized. The detailed letter is included with the application. Commissioner Pannicke moved to **approve** Variance (d) **with the conditions** that: the owner/applicant addresses and meets all of the items identified in the structural engineer's report (attached to the variance application); and this variance will expire on January 3, 2020 (01/03/2020.) Commissioner Corey made the second. It was voted on and carried.

Mr. Gerdes inquired if it would be possible for the Commission to consider additional variance requests concerning this project, even though the application was submitted late and the Commission's staff had not the opportunity to review and process the variance application. The variance application was

submitted on Monday, December 31, 2018 by Mr. Gerdes on behalf of the aforementioned proponent, which was one working day before the Commission's meeting. Director Boyle advised the Commission that he had not approved Mr. Gerdes' late filing request because it was submitted so late, and he did not have time to review it. Director Boyle also expressed serious apprehension in allowing the variance application to be considered, since the local officials would have prior notice and there are also many issues with the project that need to be more closely examined. Director Boyle cautioned that the Commission and its staff first and foremost have an obligation to thoroughly review every variance request, above expediting delayed construction projects, to safeguard the public's health, safety, and general welfare. Chairman Nicoson decided that the Commission will consider this late variance application at the next meeting on February 5, 2019.

19-01-55(a)(b)(c) Goshen Theater Renovation, Goshen

Ed Rensink, RTM Consultants, spoke for the proponent. Commissioner Furnish moved to **approve** Variance (c) and Commissioner Pannicke made the second. It was voted on and carried. This is the renovation of the Goshen Theater. They are installing a new elevator, as well as a sprinkler and fire alarm system in the renovated area. There is no change of occupancy. Variance (a) is to allow two doors to be placed in the wall between the theater and adjoining building. It is a three-hour wall and three-hour rated doors. Commissioner Pannicke moved to **approve** Variance (a) and Commissioner Corey made the second. It was voted on and carried. Variance (b) addressed the elevator lobby vestibules. Proponent is sprinklering this entire area. Commissioner Corey moved to **approve** Variance (b) and Commissioner Goeden made the second. It was voted on and carried.

#### 10. Comments and Closing Remarks

Chairman Nicoson thanked Commissioners Corey and Furnish for their leadership and time concerning the Commission's code subcommittees. He thanked everyone for coming, and said to have a safe drive home.

#### 11. Adjournment

Chairman Nicoson adjourned the meeting at 5:14 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read 'Robin Nicoson', written over a horizontal line. The signature is stylized and cursive.

Robin Nicoson, Chairman