

MEETING MINUTES

Meeting Details

Date: November 1, 2022
Time: 9:00 AM
Location: MADE @ Plainfield and Microsoft Teams

Member Attendance

Name	Present		Means of Participation
	Yes	No	
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
David Henson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

Notes

Meeting materials for this meeting can be accessed here: [Commission Meeting Materials](#).
 Variance applications, attachments, and action letters can be accessed here: [Variance Files](#).

1. Call to Order
2. Roll Call
3. Review and Action on October 2022 Meeting Minutes – Mr. Pannicke noted that Vice-Chair Popich called the meeting to order, not Mr. Greeson. Commission **approved** the minutes with the noted amendments.
4. IDHS Reports and Updates
 - i. IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f) –

Denise Fitzpatrick.

5. Rulemaking Update(s)

- i. Inclusion of the IECC into current code-making schedule. Commission voted to **amend** the existing schedule to include the IECC before the Existing Building Code.
- ii. Electrical Code Updates. The new Commissioners have not had time to review the proposed changes. No action was taken on the Draft Proposed Rule at this time.

6. Variances

a. Tabled

- i. **22-03-43 Indy Marriott Place 10, Indianapolis** – No proponent, no update from Margie Bovard. Commission **tabled** the variance until next month.
- ii. **22-09-40 Broad Ripple Mixed Use(a), Indianapolis** – Proponent requested that the variance be tabled. Commission **tabled** the variance with Commissioner Heinsman recusing himself.
- iii. **22-09-42 Barn at Black Rock Reservoir, Sullivan** – Roger _____ presented. Proponent indicates that this is the fifth barn house that was built, indicating intention to be used as a residence as the others were built for family. Proponent also indicated that the property only has a two-inch water line and submitted a report from a sprinkler engineer noting the difficulties in adding a sprinkler system, which would cost more than \$150,000. Commission noted that they understand the intention might not have initially been to use the building as a commercial facility for wedding barns but expressed concerns about setting the precedent of having a brand-new building constructed outside of code compliance using the reasoning that the building was intended to be a residence. Commissioner Murua wanted to see an estimate for a 13-D sprinkler system. Commissioner Pannicke wanted to see the Chapter 34 scoring. Commission **tabled** while information was gathered.
- iv. **22-09-47 Harmony Home 3, Huntington(a)(b)** – Proponent re-appeared, bringing letters the Commission requested at the last meeting from building official and LFO. Building Official's letter notes only that he does not write letters in support of a variance, and the fire official's letter only says that he will not oppose the variance, not that he supports it. Proponent re-affirmed the safety protocols in place without the sprinkler system and noted that he will budget for sprinkler systems in the future. Commissioner Murua expressed concern about precedent. Commissioner Pannicke asked about a timeframe for fundraising on the current building for a sprinkler system. Proponent indicated that setting a time frame for fundraising would be an acceptable compromise. Commissioner Pannicke offered 2 years (expiring Dec 31, 2024) to do the fundraising to get a

13-D system installed. Commission **approved** variance a with the mentioned conditions. Commission **approved** variance b as submitted.

b. New

- i. **22-10-20 Walmart 1476, Clarksville** – Architect and engineering firm presented. Presenter notes that Walmart’s proposal would adhere to NFPA 13 Section 1.5 equivalency, which Indiana removed through amendment and referred to the equivalency section of the GAR. Shelly Wakefield spoke, asking for plans to be submitted to the LFO and LBO, which Walmart has been reluctant to share due to proprietary nature of the system. Presenter believed that the information had been forwarded already and promised to send them as soon as possible. Commission **approved** the variance with the following conditions: AHJ receives all plans and documents related to alterations to the sprinkler system, new hydraulic signage, new general information signage per NPFA 13.
- ii. **22-10-21 Rotunda Glamping Structure(a)(b), West Baden Springs** – Scott Wheeler presented. Proponent indicated that he previously asked the city of Paoli whether permits or additional paperwork would be needed, unaware that the state would need additional requirements. Mr. Wheeler noted that the structures were built far outside the norms for comforts of standard living and was hoping that the Commission would see the uniqueness of the situation. Failing that, he is asking for a deadline extension for compliance, as he cannot afford code consultants and will be doing the work himself. Commissioner Pannicke notes that there is no way to know that any part of the construction is up to code, and none of it appears to be ABA compliant. Mr. Wheeler noted that he had professionals volunteer their time to check various parts, but that no one person spearheaded the project. Mr. Pannicke notes that, even decorated as primitively as the proponent has decorated the structure, it is essentially a hotel that would need to meet the requirements of the hotel. Mr. Popich indicates that a blanket variance is likely out of the question, but they could potentially approve specific variances. Mr. Pannicke suggests that the proper path forward is to hire a design professional to work through the process and suggests that denial of the variance is appropriate. Matt Cronley, Chief Inspector, notes that the proponent has already received a 90-day extension. Hand vote was taken, Commission **denied** the variance 7-3.
- iii. **22-10-22 The University, West Baden Springs** – Same as above. Commission **denied** the variance 7-3.

Commission took a break from 10:37 – 11:55am.

- iv. **22-10-23 Willow’s Edge, Winchester** – Charity and Stephen Cox, proponents, presented. Asking for a variance from sprinkler system due to no access to city water that would allow for cost-effective sprinkler systems. Has worked with an engineer to attempt to mitigate some fire hazards, presented

plans with legends showing the fire mitigation steps. No kitchen involved. Occupant load 496, but only planning on having 150-250 persons per event. Mr. Pannicke asked if they would be willing to add another set of double exit doors between the dressing rooms, proponent indicated that they would be willing. Proponent indicated that she has met with LFO and is working with him. Mr. Murua asked if he had submitted a written statement of support, proponent indicated that she would be willing to ask for one. Mr. Pannicke asked if they would be willing to take a time-limited variance to see if the city is willing to move water to them, or whether it needs to be an permanent variance. Proponent indicated they would be willing. Mr. Pannicke moved to approve with the following conditions: variance expires December 31, 2024, with the addition of a double-exit door on the wall between the two dressing rooms, as well as the 14 items from the proponent's submitted e-mail, visible sign indicating occupant load is 250 people, all decorations must be UL compliant, must have a 13 sprinkler system before expiration of variance or return to Commission.

- v. **22-10-24 Casey's General Store 2105, Greenwood** – Proponent did not indicate his name. Notes that they are using a standard plan for Casey's General Store, condensate drain receptors in cabinets not readily accessible. City of Greenwood presented, noting the nature of the violations. Mr. Pannicke asked what type of liquid is being captured by the drains in the cabinets, whether it's just condensate or wastewater from soda and coffee machines, etc. Proponent indicated that he does believe that it would capture wastewater from the various devices. Commission noted that the movement of a door means that it does not meet the definition of "readily accessible." Commission **approved** the variance with the following conditions: access panel door or cabinet door is installed that is not locked, a label applied to both the door and the cabinet door that notes the location and nature of the floor sink / floor drain at each location.

- vi. **22-10-25 TSC Mintonye Elementary School Renovation & Additions(a)(b), Lafayette** – Melissa Tupper presented. Asking for a variance from structurally independent firewalls between additions and sprinkler requirements based on square footage with standard allowances for fire alarm, fire barrier, and smoke detection. Ms. Tupper indicated that the addition is only 300 feet over the square footage requirements for sprinklers. Architect notes that the existing school is a block partition construction with masonry exterior with some wood framing on the roof mansard. Commission asked about potentially adding a more robust fire barrier or potentially modifying the design to come into compliance. Mr. Cook expressed concern about a variance simply for being over limit. Ms. Tupper noted that if she builds the mechanical room with two hour construction it would negate the need for the variance. Variance a is **approved** as submitted. Variance b is **approved** with the following conditions: not for the classroom area, just for the new security vestibule on the existing build.

Commission took a break from 12:00pm to 12:16pm.

- vii. **22-10-26 River Place Flats(a)(b)(c)(d)(e)(f), Fishers** – Commissioner Heinsman recused himself. Ralph Gerdes presented. Variances B through F **approved** as submitted. Variance a is approved with the following condition: all second-floor space east of door A-Ninety has a maximum occupant load of 49, to be posted.
- viii. **22-10-27 Circle City ABA(a)(b), Greenwood** – Derek Pullman presented. Existing building, approximately 15,000 square feet. Adding an addition of approximately 7,000 feet. Over allowable area for I-occupancy. Requesting two-hour fire barrier instead of a fire wall for allowed occupiable area. Also requesting smoke detection and fire alarm system with three means of egress instead of sprinklers. Jenny Dyer and Bill Corban also presented to give an overview of the type of business conducted at the clinic, servicing autism-spectrum individuals. Commissioner Popich inquired as to whether children are ever left alone in the building. Ms. Dyer confirmed that children are not left alone in the facility. Commissioner Murua notes that children are usually not capable of self-preservation, and many of these centers wish to lock the doors to prevent escapes, even with more than the number of required exits, and for this reason believes that the building should be fully sprinklered. Commissioners noted that the proponents have opened facilities before and added sprinkler systems and should have factored in the cost of adding a system or finding a building with an existing system, even in an existing business. Mr. Pullman noted that bringing the water line into the building is a significant cost. Variance b is **denied** 8-2. Variance a is **approved** as submitted.
- ix. **22-10-28 Ruby's Little Red Barn, Woodburn** – Melissa Tupper presented. Requesting conversion using Chapter 34 with standard wedding barn conditions. Mr. Heinsman notes that the structural analysis was limited to the second floor live load requirement, and that the Commission cannot make a determination until more information is acquired. Mr. Cook notes that a foundation assessment would also be needed. Mr. Heinsman indicates that the Commission has been fairly lenient about foundation assessments in the past, but other Commissioners agree with Mr. Cook that an assessment should be required. Mr. Pannicke asked how bathrooms are being handled. Engineer indicated that temporary facilities would be used, which would be an additional variance that is not currently requested. Commission **tabled** the variance until more information could be gathered.
- x. **22-10-29 Gathering Acres(a)(b), Lafayette** – Melissa Tupper presented. Existing event barn, looking for an addition to add extra restrooms, storage, bride and groom preparation area. Previous variance granted to limit occupant load to 297 will not change. Monitored fire alarms, additional exits above code minimum. LFO has requested one-hour fire barrier between storage. Mr. Popich notes that the revised drawing does not match the fire chief's request.

For variance b, Mr. Heinsman notes that the occupant load is not increasing even if the space is increasing, and that adding additional restrictions seems to be a policing operation that he feels is outside of the Commission's scope. Mr. Pannicke notes that there is nothing preventing them from expanding further, and that one only adds more space and restrooms to accommodate more people. Variance a is **approved** as submitted 7-3. Variance b is **approved** with the following condition: one-hour barrier is provided per the drawing of the fire chief, occupancy still limited to 297, no open flames in the building, website changed to reflect proper occupancy limit.

c. Local

- i. 1710 East Street, Indianapolis – Mike Beard recused himself. Commission **approved**.

7. Report on Administrative Review

OALP has issued no new Findings of Fact, Conclusions of Law, and Recommended Orders at this time.

8. Commission Review of Local Ordinances

Staff has reached out to local jurisdictions asking for more information on outstanding ordinances. At this time, staff awaits replies from local jurisdictions so that ordinance review can continue in a timely manner.

9. Final Comments/Closing Remarks

10. Next Meeting – December 6, 2022, at 9:00 a.m. Eastern Time at the MADE @ Plainfield facility, 1610 Reeves Road, Plainfield IN 46168. Virtual meeting details TBA.

A public notice with specific details regarding the format of the meeting will be provided on the [Commission main web page](#) in advance of the meeting date.

11. Adjournment