



## COMMISSION MEETING MINUTES

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

April 3, 2018

CORRECTED AND APPROVED

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Vice-Chairman Jessica Scheurich at 9:02 a.m. on April 3, 2018.

(a) Commissioners present at the Commission meeting:

Michael Corey  
Greg Furnish (Arrived at 9:38 a.m.)  
Joseph Heinsman  
David Henson  
Todd Hite, representing the Commissioner, Department of Health  
James Jordan  
Robin Nicoson, Chairman (Arrived at 9:15 a.m.)  
Scott Pannicke  
Michael Popich  
Jessica Scheurich, Vice-Chairman

(b) Commissioners not present at the Commission meeting:

Kevin Goeden, representing the Commissioner, Department of Labor

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

James Schmidt, Deputy Attorney General  
Douglas Boyle, Director of Fire Prevention and Building Safety Commission  
Alan Blunk, representing the State Building Commissioner  
Denise Fitzpatrick, Code Specialist  
Blake Haley, Code Specialist

2. Director Boyle noted that there were at least eight (8) Commissioners present, which is quorum. Director Boyle amended the Agenda to begin with tabled variances -- specifically those proponents who

were coming from outside of the Indianapolis Metropolitan area -- because people were late arriving to the meeting due to inclement weather.

### 3. Tabled Variances

17-12-37 (a)(b) Marian Hills Farm, Fort Wayne

No proponent was present. Commissioner Henson moved to table, with the second by Commissioner Corey. It was voted upon and carried.

17-12-56 Berne Crossing, Berne

No proponent was present. Commissioner Pannicke moved to table, with the second by Commissioner Popich. It was voted upon and carried.

18-01-09 4 Blast Furnace, Gary

The application was incomplete. Commissioner Corey explained that this variance had been tabled several times and that there had been no communication from the proponent that these issue would be resolved. The company has had inspection violations. Commissioner Scheurich noted that it has been tabled since January. Commissioner Pannicke moved to deny, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Corey abstained.

18-01-14 Moose Lake Craft Village, LaOtto

Proponent requested that this be tabled. Commissioner Pannicke moved to table, with the second by Commissioner Corey. It was voted upon and carried.

18-02-17 Beach Tiki Bar & Grill, Greensburg

Proponent requested that this be tabled. Commissioner Pannicke moved to table, with the second by Commissioner Corey. It was voted upon and carried.

18-02-61 Salomon Farm Learning Center Addition, Fort Wayne

No proponent was present. Commissioner Pannicke moved to table, with the second by Commissioner Popich. It was voted upon and carried.

18-03-05 Twin Lakes Camp Elm Cabin, Hillsboro

The proponents stated that they were here last month, and the variance was granted; but, then after they left, a concern was raised regarding the variance that was granted in 2013. The proponents stated that the cabin was the same size, in terms of square footage, as the cabin subject to the variance in 2013. They explained that it is the exact same lay out as the cabin at issue in the 2013 variance; the blueprints/plans are the exact same in this application as the 2013 application. Ms. Fitzpatrick remarked that the square footage was 600 square feet in the 2013 application, and 900 square feet in the current application. The number "600" was based off of the Meeting Minutes from April 2, 2013. However, Director Boyle stated that in the Meeting Minutes, the number was "900." The discrepancy may have to do with the square footage of the bunk room and other areas in the cabin, namely the bathroom and the basement. The occupancy of the cabin is twelve (12) people: ten (10) children and two (2) counselors. This variance approval was rescinded at the March meeting. There are two doors out of the upper level: there is a front door that opens out onto the ground level, and a back door that opens out onto the deck. The proponent stated that per the Health Department's rules, the maximum occupancy of the cabin can only be twelve (12) people. Commissioner Heinsman moved to approve the variance with the condition that the occupancy of the cabin will be twelve (12) people per floor. Commissioner Jordan made the second. It was voted upon and carried.

#### 18-03-36 Renovations and Additions to Face Clinic, Indianapolis

The proponent requested that this be tabled. Commissioner Pannicke moved to table, with the second by Commissioner Corey. It was voted upon and carried.

#### 18-03-46 Simplicity Funeral and Cremation Care, Zionsville

No proponent was present. Commissioner Jordan moved to table the variance, with the second by Commissioner Corey.

#### 18-03-58 (a)(b) Ivy Tech Community College – Craig Porter Energy Center, Lafayette

The code consultant requested that this be tabled until next month. Commissioner Jordan moved to table, with the second by Commissioner Popich. It was voted upon and carried.

#### 18-03-66 (a) Bottle Works Development Blocks 2 and 3, Indianapolis

No proponent was present, so the Commission would return to this application later in the meeting.

#### 17-12-37 (a)(b) Marian Hills Farm, Fort Wayne

Denise Fitzpatrick noted that the proponent for this variance, Dennis Bradshaw, FP&C Consultants, had arrived. Commissioner Henson moved to untable the variance, with the second by Commissioner Popich. It was voted upon and carried. The proponent stated that he had not spoken with his client and



he was not sure whether he would be in attendance. Mr. Bradshaw requested that this be tabled. Because it was already tabled the Commissioners left it tabled.

#### 18-03-68 A Mother's Hope, Fort Wayne

Matthew Gerber, Schambaugh and Son, spoke as proponent. Mr. Gerber explained that this variance was tabled last month so that he could gather more information to demonstrate a financial hardship regarding the installation of a sprinkler system. The home was built in 1954. Mr. Gerber stated it would cost roughly \$33,000 to install the sprinkler system. The well on the property does not have enough pressure to sustain a sprinkler system. The owner would have to purchase a 440 gallon tank and place it in the garage to provide accurate water flow; it is too large to fit in the basement. They would need to purchase a pump and water feed and provide electrical to the pump and heat the garage. The project will cost more than \$50,000 when other costs are included. None of the residents will be at the facility more than a year. The residents will not go in the basement. An employee will be at the facility 24 hours a day: there will be two staff members there during the day and one staff member there during the night, who will remain awake. Mr. Gerber stated that there is no water or sanitary on the property. Jim Murua, LFO, Fort Wayne Fire Department, explained that the nearest fire hydrant is across the street (Clinton Street), which is four lanes. The utility company informed him that it would have to run lines under Clinton Street in order to get water to the home in order to sprinkler. Chairman Nicoson inquired how long it takes for the first two fire companies to get to the location. Mr. Murua stated three minutes. There is one fireplace in the home. Proponent noted that they had added smoke detectors and alarms, fire extinguishers and exit signs to the building. He said he would add smoke alarms in the ducts if necessary. After discussion, Commissioner Scheurich moved to approve with the condition that the proponent has a nine (9) month extension – which would be 12/31/2018-- to gather the necessary funds to purchase a 13D system, provided that the fireplace will not be used during this time. Commissioner Henson made the second. It was voted and carried.

#### 18-03-79 Pro Shop Cold Storage, Paoli

No proponent was available for questions. The Commission decided to return to this variance later in the meeting.

#### 18-03-66 (a) Bottle Works Development Blocks 2 and 3, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. This variance request pertained to the rooftop deck terrace: specifically, to permit a fixed occupant load instead of a calculated load. This is a concrete roof structure over two levels of parking. It sits between an office building (phase 1) and an apartment building (phase 2). The total area is 18,000 square feet, with the paved area being around 6,000 square feet. The proponent is requesting a maximum occupancy load of 400 people; this would be approximately 15 square feet per person. Other areas around the terrace are sprinklered. The parking lot below will have a minimum of 1 ½ hour rating. The residents of the apartments will likely have access to this area using a card reader. There are two-hour rated stairs, which are enclosed and go all the way



down to the ground level. Plan Review Section Chief Alan Blunk inquired whether there was interior space connected with the rooftop deck and with the stairs. Mr. Rensink explained that the only interior building space connected to this area—including the stairs--- would be a portion of the office building space. There was discussion regarding how much of the space was landscape area and how much was a grassy area or paved area. Commissioner Heinsman moved to approve the variance with the condition that the limit of the occupiable area is 6,000 square feet, with consideration of the grassy space and the exits. Commissioner Corey made the second. It was voted upon and carried. Commissioner Pannicke abstained.

18-03-46 Simplicity Funeral & Cremation Care, Zionsville

Ed Rensink, RTM Consultants, withdrew the variance.

#### 4. Minutes Approval

Director Boyle called for approval or corrections of the minutes for the March 6, 2018 meeting. Commissioner Popich noted that it should read approval of the "February 8<sup>th</sup>" Minutes not "January 3<sup>rd</sup>" Minutes. Commissioner Pannicke abstained from Bottle Works, but it was not noted in the Minutes. Variances 18-3-48 and 18-3-49 should list Commissioner Heinsman as abstaining, not Commissioner Jordan. Commissioner Pannicke moved to approve the Minutes with the aforementioned corrections, with a second by Commissioner Corey. It was voted upon and carried.

#### 5. IDHS Announcements

Director Boyle stated that State Building Commissioner, Craig Burgess is on medical leave: During this time Alan Blunk, Plan Review Section Chief, will act on Craig's behalf. Beth Sutor, Commission Secretary, is retiring from IDHS on Friday, after working for the State, and the Commission, for more than 20 years.

#### 6. Rulemaking Updates

Jonathan Whitham, IDHS General Counsel, discussed the rules which are eligible for re-adoption; re-adoption ensures that the rules do not expire. Four rules qualify for the streamlined re-adoption process: the Indiana Plumbing Code (675 IAC 16-1.4); the General Administrative Rules of Commission (675 IAC 12); Safety Code for Elevators, Escalators, Manlifts, and Hoists Code (675 IAC 21); and the NFPA (675 IAC 28). These rules will expire January 1, 2019. Three rules are currently in the full rulemaking process: (1) 680 IAC 2 Boiler and Pressure Vessels- Once the draft rule and the Fiscal Impact Statement are completed, it will be presented to the Commission to decide whether to make any changes or move on with the rulemaking process. (2) 675 IAC 14 Residential Code - The second printing of the 2018 residential code should be out soon. If it has not been published by May, then we will move forward with the first printing. January 1, 2020 is the deadline to adopt a new residential code. (3) 675 IAC 21 Safety Code for Elevators, Escalators, Manlifts and Hoists- The Elevator Code Committee is up and running. Commissioner Corey stated that a member of the Elevator Code Committee had to resign.

Commissioner Corey nominated Steve Stewart as the replacement. Commissioner Corey explained that Mr. Stewart has been in the industry for 30-40 years; is a code consultant; and runs an inspection service in other states. Commissioner Corey moved to add Steve Stewart to the Elevator Code Committee, with a second by Commissioner Furnish. It was voted upon and carried.

7. Petitions for Administrative Review

Report of Inspection State Number 43456  
Community North Medical Office Building/Mid-America Elevator Co., Inc.

Director Boyle stated that this Petition was timely filed.

8. Commission Action on Non-Final Orders of Dismissal

Salomon Farm Learning Center  
Cause Number: DHS-1752-FPBSC-028

Tabernacle Presbyterian Church  
Cause Number: DHS-1802-FPBSC-002

Director Boyle presented the Non-Final Orders of Dismissal for the Commission's consideration. Commissioner Heinsman moved to affirm the Orders, with the second by Commissioner Scheurich. It was voted upon and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 10:26AM. It was called back to order at 10:41AM.

9. Review of Local Ordinances

Ordinance No. 3, 2018  
City of Columbus Fire Prevention Ordinance

Matt Noblitt, Inspector, from Columbus, spoke on the Ordinance. Mr. Noblitt was on the review committee for this ordinance. Staff Attorney Justin Guedel, conducted a review of the Ordinance. Mr. Guedel stated that "1"s were changed to "l"s when the document was converted from a PDF. As a result, certain statutory citations were incorrect. Mr. Guedel's main concern was exception 8.12.225, concerning fire department access roads: this language needs to mirror the 2014 Fire code, specifically subparagraph (a). Section 8.12.070 cites to IC 36-8-17-3, when it should actually cite to IC 36-8-17-8. Aside from the fire department access road language and statutory citations, he stated it looked okay. It mirrored the template. Mr. Guedel recommended that these changes be made and the ordinance not be approved. Commissioner Furnish raised concerns regarding 8.12.055. There was discussion on the issue of limiting civil liability. After further discussion, Commissioner Scheurich moved to deny the ordinance, with the second by Commissioner Furnish. It was voted on and carried.

10. Variances (New) A/B

The following variances were approved as submitted:

- 18-04-07 Casey's Bremen, IN, Bremen
- 18-04-08 Strada Education Network, Indianapolis
- 18-04-10 Hampton Inn & Suites Harrison Square, Jefferson Blvd. and Harrison St., Fort Wayne
- 18-04-11 Jasper Public Library Cultural Center, Jasper
- 18-04-12 Glasswater Creek of Plainfield, Plainfield
- 18-04-13 The Kent, Carmel
- 18-04-42 (a)(b)(c)(d) Morning Star School, LaGrange
- 18-04-43 (a)(b)(c)(d) Singing Hills School, Middlebury
- 18-04-44 (a)(b)(c)(d) Deaconess Gateway Hospital, Newburgh
- 18-04-45 (a)(b)(c)(d) Sunrise Ridge School, LaGrange

Commissioner Pannicke moved to approve the "A" and "B" variances with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Corey abstained from 18-04-44 Deaconess Gateway Hospital.

18-04-09 Wellbrooke of Avon, Avon

Melissa Tupper, RTM Consultants, spoke as proponent. The proponent explained that the location will remain an assisted living facility, with mixed-use rooms. These rooms will still need to comply with the I-2 requirements. Commissioner Hite moved to approve with the second by Commissioner Popich. It was voted upon and carried.

17-12-37(a)(b) Marian Hills Farm, Fort Wayne

The proponent, Dennis Bradshaw, requested the variance be tabled. Commissioner Scheurich moved to table, with the second by Commissioner Henson. It was voted upon and carried.

18-03-79 Pro Shop Cold Storage

No proponent was present. Commissioner Scheurich motioned to table with the second by Commissioner Corey. It was voted upon and carried.

11. Variances (New) C/D/NVR – Self-Representing Applicants/Architects/Designers/Non-Consultants outside of Indianapolis metropolitan area.

18-04-01 Pull Stations, Fort Wayne

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



18-04-02 4 Boiler, Gary

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

18-04-03 Coventry Court West Apartments

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

18-04-05 Blair Ridge Health Campus, Peru

Mike Wray, Director of Blair Ridge, spoke as proponent. The proponent explained that the facility wants the murals to remain on the doors in the memory care unit. There are exit signs above the doors: it has been this way since it opened in 2011. It is a comprehensive facility—a skilled unit-- which is staffed 24/7. Commissioner Scheurich noted that the panic hardware is visible. Commissioner Hite moved to approve the variance, with the second by Commissioner Pannicke. It was voted upon and carried.

18-04-06 Fairview Court Apartments, Fort Wayne

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

18-04-14 JJ Bulleit Building Renovation, Corydon

No proponent was present. Commissioner Pannicke moved to table, with the second by Commissioner Popich. It was voted upon and carried.

18-04-18 Home Guard Industries, Inc., Grabill

Matt Kelty, Kelty Tappy Design, spoke as proponent. The building was built in 1956 and is fully sprinklered. It is an F1 classification use type 2. There are twelve (12) stations, which used to have hose reel and water line drops so that employees could combat fires; however they have not been maintained. They are now a nuisance to the owner. The owner would like to remove them. They are giving the false appearance of fire protection. Proponent has been in touch with the Northeast Fire Department, which did not express any concerns. There are automatic smoke detectors, alarms, strobes, and plenty of marked exits. Commissioner Furnish moved to approve the variance, with the second by Commissioner Corey. It was voted upon and carried.

#### 18-04-20 Applied Behavior Health, Goshen

Holli Perrin, Director of Applied Behavior Health, spoke as proponent. This variance concerns a sprinkler system. Applied Behavior Health wants to utilize the church during the week to help children with Autism. The church has a split level entry: the levels of entry/exit do not have any occupancy area— it is 8 steps up or down to either floor. The fire department zoned the church as a day care. However, every child that comes to the facility will have a staff member with him: it will be a 1 to 1 ratio. There would be no more than 16 children and 16 staff members at this facility at a time. The children's age range could be from 3-18 years old, but in actuality it will likely be ages 3-8. Some children will come for 3 hours a day, while some will attend for longer – there will be no overnights. The kitchen will not be utilized: the kids will bring their own food. The church does not have a sprinkler system. The closest fire department is 2 blocks away. The local firefighter is in support of this - said it is an I-4 occupancy. Commissioner Furnish moved to approve the variance, with the second by Commissioner Jordan. It was voted upon and carried.

#### 18-04-22 Equipment Storage Building for Clunette Elevator, Leesburg

Jared Haughee, Clunette Elevator, spoke as proponent. The owner of a farm retail store, wants to use a pole barn to park machinery inside for extended periods of time. No members of the public or staff will be in the facility – it will be used for storage. There will be no electricity in the building. Proponent was told that if it was zoned AG then a variance would not be needed. Commissioner Pannicke moved to approve the variance with the condition that two more egress doors are added to the pole barn— one on the North side and one on the South side of the building. Commissioner Jordan made the second. It was voted upon and carried.

#### 18-04-23 Asylum Xtreme Xtremenasium, Clarksville

Nathan Grimes, Renaissance Design, and the owner spoke as proponents. This facility will be used as an indoor trampoline park. This building was formerly a PepBoys and was built in the 1980s. It is fully sprinklered. The interior rooms, which were offices and waiting rooms, will be used as party rooms. Denise Fitzpatrick explained staff concerns over the lack of two exits, as well as door swings. The occupant load is more than 50. Proponent stated that the door swings would be fixed, and suggested adding strobe alarms to the party rooms. Shelly Wakefield, explained that the owner began remodeling prior to getting any permits. She expressed concerns over exiting the building in case of an emergency. The owner explained that adding another exit would cause logistical problems – an extra staff member would be necessary to keep children from entering the trampoline area prior to viewing the safety video. Ms. Wakefield requested this be tabled so that there can be further discussion, including what other variances may need to be sought. After discussion, Commissioner Jordan moved to table, with the second by Commissioner Corey. It was voted upon and carried.

#### 18-04-27 Crawford County Family Health, Marengo

Adam Brown, Product Manager, Third Sun Solar, spoke as proponent. This building is a one story residential two-family home. Proponent is requesting a set-back of four feet. The state inspector

explained to him that the Code requires a minimum six foot wide clear perimeter around the edges of the roof. The building is fully accessible from the east side. Commissioner Jordan moved to approve the variance, with the second by Commissioner Heinsman. It was voted upon and carried.

18-04-29 Silver Birch of Fort Wayne, Fort Wayne

No proponent was available to answer questions. Commissioner Furnish moved to table, with the second by Commissioner Popich. It was voted upon and carried.

18-04-47 33 Brick Street, French Lick

Tom Shroeder, Shroeder and Associates, spoke as proponent. This is a restaurant which serves alcoholic beverages so the courtyard on the property is fenced in; the courtyard gate is an exit only. The gate has a panic bar to allow for exit. There is a ramp running from the exit gate to the sidewalk. The fence is the property line. The ramp's slope is steeper than that allowed by the code. Alan Blunk noted that the code requires there to be a landing. It was noted that it would need rails in order to be a "ramp." The owner cannot change the length of the ramp because it cannot modify the sidewalk, as it is city property. The logistics of constructing a U-ramp was discussed. After further discussion, Commissioner Pannicke made a motion to deny the variance, with the second by Commissioner Popich. It was voted upon and carried.

18-04-50 Hill Event Center LLC, French Lick

Jady Hill, owner, spoke as proponent. This facility is used for events such as wedding receptions; it is a change of use. The building was originally an antique store. It was built in 1904 and is sprinklered. There is no basement. The occupancy is 186. There are three exits: one is handicap accessible while two are not. It is a 4" step. Making the entrance ADA compliant would require major construction. Two out of three exits must be ADA compliant. Alan Blunk explained that there may be an exception to the ADA's two entrance requirement in an existing building. It is a threshold issue – it doesn't have to be accessible, but it must still meet the code in terms of threshold. The maximum slope is 8:3. After discussion, Commissioner Pannicke moved to approve with the condition of an ADA disclaimer. Commissioner Jordan made the second. It was voted upon and carried.

18-04-51 (a)(b) Mill Warehouse Addition, Valparaiso

Christina Collester, RTM Consultants, spoke for the proponent. The proponent owns adjoining properties and wants to connect two buildings located on either property. A connector, equipped with water curtains at both ends, will join the two buildings. The buildings are sprinklered. Commissioner Pannicke made a motion to approve (a) and (b), with the second by Commissioner Corey. It was voted upon and carried.

12. Variances (New) C/D/NVR – Self Representing Applicants/Architects/Designers/Non-Consultants Inside of Indianapolis Area



18-04-04 Dow AgroSciences Show Farm Tents, Kirklint

Pam Smith, representing AgroSciences, spoke as proponent. Tents need to be set-up for three (3) months during the summer. The code only allows for 30 days at a time. Tents will comply with Chapter 31 of the fire code and will be inspected weekly for safety and anchorage. This is an annual event, and this variance has been granted before. Commissioner Popich made a motion to approve the variance, with the second by Commissioner Henson. It was voted upon and carried.

18-04-21 Home Remodel Project, Indianapolis

Scott, the homeowner, spoke as proponent. The homeowners purchased and installed customized Andersen windows. At the framing inspection, they learned the windows would violate the height requirement of 22 inches. It would cost \$7,500 to replace the windows. The house was built in the 1950's. It is limestone around the windows. There is a basement. The closest neighbors are 60 feet away on one side and 150 feet away on the other side. The homes are single family homes. It is the height requirement, not the square footage requirement, that is the issue. Commissioner Furnish made a motion to approve, with the second by Commissioner Jordan. It was voted upon and carried. Commissioner Popich abstained.

18-04-24 Freedom Barn at the Hope Center, Indianapolis

Crystal Kent, Prince Alexander Architecture, spoke for the proponent. This is a barn that will be used for weddings. The barn is located on the campus of a former bible college, which is now the Hope Center; a facility for survivors of human trafficking. There are bathrooms in an adjacent building. Neither the basement, nor the hayloft, will not be accessible to the public. Regarding a structural analysis report, there is some duct work that needs to be done in one corner of the building. The issue here is granting a variance in order to pass Chapter 34 evaluation. After discussion, Commissioner Jordan made a motion to approve, with the second by Commissioner Heinsman. It was voted upon and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 12:05PM. It was called back to order at 1:09PM.

Director Boyle noted changes to the Agenda. 18-04-53 (a)(b)(c)(d)(e)(f) Agro Corp Bin Building and Warehouse Addition, Marion will be added to the Agenda, as well as 18-04-54 Hagen's Club house, French Lick. Additionally, there was a request from a code consultant to move forward on the agenda variance applications 18-04-39, 18-04-49, 18-04-53 and 18-04-54. The request was granted.

13. Variances (New) C/D/NVR – Consultants

18-04-39 St. Nicholas Catholic School, Sunman

Christina Collester, RTM Consultants, spoke for the proponent. The school has eight (8) classrooms and is a little over 40,000 square feet. The code requires sprinkling in fire areas over 12,000 square feet. The gymnasium side of the building is 21,000 square feet and the school side of the building is 8,000 square feet per floor. There is a water supply near the building, however Hoosier Hills Water Company, a private company, owns the water supply and will not provide water to the site. She stated that the locals are okay with this building being unsprinklered, as this building is better than the current school being used: the current school is unsprinklered and made out of wood. There will be a 2-hour firewall separating the two areas of the building. There is a warming kitchen in the gymnasium portion of the building. There are rated corridors and non-combustible construction in the building. After discussion, Commissioner Heinsman made a motion to approve, with the second by Commissioner Pannicke. It was voted upon: Commissioners Corey, Furnish, Goeden, Heinsman, Henson, Hite and Pannicke voted to approve the variance, while Commissioners Popich, Jordan, Scheurich and Chairman Nicoson voted to deny the variance. The motion to approve carried.

#### 18-04-49 Butler University College of Education, Indianapolis

Christina Collester, RTM Consultants, spoke for the proponent. Butler University is purchasing old buildings south of campus and wants to tie them into the campus-wide security and fire system. Butler needs a variance in order to employ a redundant fiber optic system. There will be a variance next month to tie-in additional buildings. Commissioner Heinsman made a motion to approve, with the second by Commissioner Scheurich. It was voted upon and carried.

#### 18-04-53 (a)(b)(c)(d)(e)(f) Agro Corp Bin Building and Warehouse Addition, Marion

Melissa Tupper, RTM Consultants spoke for the proponent. Also present were David Papineau, KJG Engineering and Architecture, Stan Lay, Steinberger Construction and Steve Wickes, Agricor. This involves additions to a grain processing facility, which is a six-story building. The equipment within this building is equipped with fire and explosion controls. Variance (a) is a request to not sprinkle the second and third floors. Because the building is multiple stories, and more than 12,000 square feet, it is required to be sprinklered. The upper levels are only accessed by one or two people, per day. Only the first floor has office space; this floor will be sprinklered. The warehouse is one story and is sprinklered. The 6 story building is pre-cast concrete. The warehouse is a pre-engineered building. After discussion, Commissioner Jordan made a motion to approve, with the second by Henson. It was voted upon and carried. Variance (b) concerns the required construction of a firewall between the existing buildings and new additions. Proponent is requesting to provide three-hour fire barriers in lieu of three-hour firewalls. Constructing firewalls would be difficult. The buildings will be structurally independent from one another. There is a 4-hour masonry fire wall in the pre-engineered metal building; the other buildings are one-story concrete structures. After discussion, Commissioner Jordan made a motion to approve, with the second by Commissioner Scheurich. Variance (c) involves allowing conveyor openings and forklift openings in the three-hour firewall between the warehouse and bin building, and the warehouse and the process building, instead of having three-hour rated doors. There will be sprinklers along the wall openings. Commissioner Scheurich made a motion to approve with the second by Commissioner Henson. It was voted upon and carried. Variance (d) was to not provide elevator lobbies in the bin building. Code requires elevator lobbies when a building has more than three stories. Commissioner Scheurich made a motion to approve, with the second by Commissioner Heinsman. It was voted upon and carried. Variance (e) was a request to not enclose the elevators in a shaft in the



bin building. Shaft enclosures are required for floor openings connecting more than two stories. Commissioner Scheurich made a motion to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (f) was a request to permit one exit. Because of the height, code requires two exits. Only one to two people will be on these upper stories sporadically throughout the day. Commissioner Scheurich made a motion to approve, with the second by Commissioner Popich. It was voted upon and carried.

#### 18-04-15 (a)(b) 727 Illinois Hybrid Building, Indianapolis

Time Callas, J & T Consulting, spoke for the proponent. Variance (b) was in the B category. Commissioner Corey made a motion to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Variance (a) concerned not designing R-2 occupancy units as Type B units. Each owner customizes his or her own unit. Similar variance requests have been approved by the Commission in the past two years. Denise Fitzpatrick noted that this was not placed in the block vote so that the Commissioners could see it and then decide how they wanted these variances to be treated in the future. The Commissioners decided that these variance requests should be placed in the block vote in the future. After discussion, Commissioner Scheurich made a motion to approve, with the second by Commissioner Corey.

#### 18-04-16 Children's Autism Center, Fort Wayne

Ed Rensink, RTM Consultants, spoke for the proponent. This facility was previously a B occupancy space. It is now classified as an I-4 occupancy. This facility offers 1 on 1 therapy for children with autism. There would be a maximum of 20 clients in the building at one time. Children do not stay overnight. It is 3,700 square feet. Mr. Rensink requested 18 months for the organization to find another facility. They will install fire alarms, exit signs and egress lighting. There are four exterior exits. Assistant Fire Chief, Jim Murua, stated that this facility needed fire alarms and sprinklers and needed to change the egress doors; specifically, door swings need to be added for adequate egress. There were no fire-safety evacuation plans at the initial inspection; however they have since created one. Mr. Murua stated he was okay with giving them one year to comply, but does not want to give them 18 months. After discussion, Commissioner Scheurich moved to approve with the condition that these changes—adding emergency lights, exit lights, egress lighting, fire alarms, and door swings—are completed by April 30, 2019. Commissioner Popich made the second. It was voted upon and carried.

#### 18-04-17 Children's Autism Center, Fort Wayne

Ed Rensink, RTM Consultants, spoke for the proponent. This variance is for the same exact facility as the variance previously heard. This facility has a different owner. Commissioner Scheurich moved to approve with the condition that the aforementioned changes (from Application 18-04-16) are completed by April 30, 2019. Commissioner Corey made the second. It was voted upon and carried.

#### 18-04-19 (a)(b)(c)(d) University of Indianapolis Student Housing, Indianapolis



Commissioner Furnish motioned to consider (a)(b) and (d) simultaneously. Commissioner Corey made the second. It was voted upon and carried. Ralph Gerdes, Gerdes Consultants, spoke for the proponent. This is a student housing facility, and is new construction. Proponent is requesting that environmental exhaust openings in the exterior wall be allowed within three feet of an operable window. The ducts are for dryer and bathroom exhaust. At least three similar variance requests for other projects, including Library Square, were approved last year. The building will be sprinklered for 13R. The exhaust openings are non-hazardous, only intermittent. The vents will be two feet away from the windows. The windows swing indoors. It will be a hard duct. Commissioner Scheurich moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Commissioner Scheurich amended the approval to include the condition that the ducts are at least two feet away from the windows. Commissioner Corey made the second. It was voted upon and carried. Commissioner Popich abstained.

#### 18-04-25 Urban Station Building A, Bloomington

Ed Rensink, RTM consultants spoke for the proponent. This is a four-story residential occupancy building. Mr. Rensink explained that one interpretation indicates that elevator/hoistway venting is required in 4 story buildings when it has R occupancies. This building is sprinklered throughout. Proponent requested that the venting not be required. Commissioner Corey made the motion to approve, with the second by Commissioner Henson. Commissioner Heinsman abstained.

#### 18-04-26 (a)(b) Riley Children's Health Sports Legends, Indianapolis

Ed Rensink, RTM consultants, spoke for the proponent. The cover to the control panel of the HVAC unit can be removed for access and maintenance even though equipment on the IT rack protrudes into the required 30 inches by 30 inches working space. The LBO was neither for nor against this variance. Commissioner Scheurich made a motion to approve (a), with the second by Commissioner Jordan. It was voted upon and carried. Variance (b) concerned the fact that the IT rack protrudes an inch in front of the rack, which decreases the required 36 inches of working space. The rack would have to be removed to obtain the required 36 inches. The LBO was not for or against this variance because 35 inches provides enough working space in front of the panels. Commissioner Scheurich made a motion to deny. Commissioner Jordan made a motion to approve, with the second by Commissioner Heinsman. It was voted upon and carried. Commissioner Scheurich voted against approving the variance. Commissioners Pannicke and Popich abstained.

#### 18-04-28 (a)(b) 1234 Prospect Street, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This is a four-story building. Variance (a) is identical to the 18-04-25, Urban Station variance that was previously heard and approved. Commissioner Jordan made a motion to approve (a), with the second by Commissioner Henson. It was voted upon and carried. Variance (b) concerned not enclosing the center staircase with a fire-rated shaft. There are two enclosed stairways at either end of the building. They have met the egress travel distance and width requirements. The center staircase is needed as a means of egress for certain floors. An 18 inch draft curtain and a sprinkler curtain will be provided. There will be a two-hour occupancy separation. The doors are not locked; there is a door swing only, which swings in the direction of egress. There are 50 people on each side of the building. The corridor is 5 feet. Commissioner Pannicke

made a motion to approve (b), with the second by Commissioner Jordan. It was voted upon and carried. Commissioner Heinsman abstained.

18-04-30 The Line Urban Flats, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This is for a variance to allow the stairs in the north and south building to be combustibile all the way down. The basement level and first level of the building are parking, while the top four floors are residential. The stairs will be enclosed with two hour shaft construction. The building is sprinklered 13R 5-A in the podium. This variance has been approved previously on other projects. Sprinklers will be in the stairways on every landing. Commissioner Scheurich made a motion to approve, with the second by Commissioner Corey. It was voted upon and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 2:26PM. It was called back to order at 2:37PM

18-04-31 (a)(b) Escape Indianapolis, Indianapolis

Carrie Ballinger, RTM Consultants, spoke for the proponent. Variance (a) concerns the door locks in. Doors can be unlocked using a push button. Also, there is a button in the control room that will unlock the doors. These variances were previously approved by the Commission in December of 2016. When Variance (a) was previously approved, there were two conditions: (1) an expiration date of June 1, 2018 and (2) all finishes shall comply with Type A-3 and B occupancies. After discussion, Commissioner Heinsman made a motion to approve Variance (a), with the second by Commissioner Corey. It was voted upon and carried. Variance (b) concerns compliance with Special Amusement Building requirements. Inspector Margie Bovard opined that this request is cost prohibitive not design prohibitive. Proponent explained that someone is in the control room at all times and that the facility is sprinklered. After discussion, Commissioner Heinsman made a motion to approve Variance (b), with the second by Commissioner Corey. It was voted upon and carried.

18-04-32 Library Square, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. This is a newly constructed apartment building. In each unit there is a mechanical closet with a furnace on the ground and above it, mounted to the ceiling is a water heater, which sticks out about 3-4 inches from the face of the furnace. The building inspector cited them for violating the required space for servicing. Note: The variance application should read 30 inches not 30 feet. Commissioner Jordan moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioners Heisman and Popich abstained.

18-04-33 1429-31 South Meridian Street Building Remodel, Indianapolis



Melissa Tupper, RTM Consultants, spoke for the proponent. This projects involves a change of use: a church has purchased the building and wants to use it as a community outreach center. The building is two stories, with a small second floor and a small basement. Previously it was used as an office and warehouse, with an apartment on the second floor. Because of the second floor and the basement the building is required to be sprinklered: if it was one story, it would not have to be sprinklered. The second floor would be used for storage only, if anything at all. The basement will house an HVAC unit and water heater. It was evaluated using Chapter 34. It is an A-3/S occupancy and type 5-D. There will be a fire alarm system and smoke detectors throughout the building, which is not required, but will be done in lieu of sprinkling. The variance is asking for points to pass Chapter 34 inspection. Inspector Margie Bovard inquired whether there was water available for a sprinkler system. Proponent explained that water was available, however it was an issue of cost, which is why they were applying for the variance. Proponent continued that the sprinkler system is required because of the second story and the basement, not because of the occupancy load. The only access to the basement is from an outside entrance. The floor between the basement and the first floor is unrated. The building was likely built in 1923. Commissioner Heinsman posited the idea of adding drywall to the ceiling of the basement to the extent possible. There are two access doors to the upstairs unit: one on the outside of the building and one inside on the first floor. Commissioner Pannicke moved to approve with the conditions that the basement will have a one-hour ceiling, the door leading to the upstairs from the interior of the first floor must be sealed shut, and the upstairs may not be used for anything. Commissioner Popich made the second. It was voted on and carried.

#### 18-04-34 DeKalb County Eastern Schools Transportation Facility, Butler

Ed Rensink, RTM Consultants, spoke for the proponent. This is a maintenance facility for a school corporation's buses and other vehicles. This variance is to allow a single stair from a storage room on the second level. This storage area is approximately 1,870 square feet. This second level includes a mechanical space, which has a second way out, using a ladder. The second story is not normally occupied and is not accessible to the public. The issue here is that if you have a second story with a single exit you are allowed 75 feet travel distance; but in this situation it is approximately 150 feet total travel distance. The common path of travel to the bottom of the stairway is about 111 feet and there are multiple exits on the first floor. There is a sprinkler system. Mechanical parts – not fuel – will be stored on the second level. Similar variances have been granted for second story storage spaces, including the Phoenix Theatre. Commissioner Jordan moved to approve, with the second by Commissioner Heinsman. It was voted upon and carried.

#### 18-04-35 Indy Hyatt Dual Brand, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This variance addresses a connector that is being constructed on the lower level of the hotel to allow the hotel access to the basement of the Harness Factory Lofts. There is a property line and a shared wall; thus openings are not permitted. The proponent wants a variance to maintain an entrance and exit to this area. Both buildings are protected with an NFPA 13 sprinkler system. There will be a 60 minute rated personnel door and garage door. Commissioner Scheurich moved to approve with the condition that an agreement remains in place between the two facilities' owners. Commissioner Corey made the second. It was voted on and carried. Commissioner Pannicke abstained.



18-04-36 Concord High School 2018 Addition, Elkhart

Ed Rensink, RTM consultants, spoke for the proponent. This is a one story addition to a high school. This addition will include classrooms, computer labs and restrooms, and will be just over 30,000 square feet, plus a mezzanine. There are a number of firewalls. The variance is requesting a 2-hour fire barrier in lieu of a fire wall. There will be an automatic sprinkler system in the new addition. This variance is identical to the one approved for Monrovia High School in February of 2017. Commissioner Pannicke moved to approve, with the second by Commissioner Heinsman. It was voted upon and carried.

18-04-37 Selah House, Anderson

Melissa Tupper, RTM Consultants, spoke for the proponent. This was a residence that was converted to a facility for girls with eating disorders. The building is being evaluated using Chapter 34: the building is going to be sprinklered. The facility has eight patient beds on the first floor and proponent wants to add seven patient beds to the second floor. Two new rooms, with bathrooms in the middle will be added to the second floor. Because it is a new bathroom configuration, it must comply with the accessibility code. However, the second floor is not accessible. A fully-accessible bathroom will be added to the first floor. This variance is to permit the second floor to not comply with the accessibility code. Commissioner Furnish moved to approve, with the second by Commissioner Popich. It was voted upon and carried.

18-04-38 (a)(b)(c) Delta High School Addition and Renovation, Muncie

Ed Rensink, RTM Consultants, spoke for the proponent. This building was constructed in 1970. There was a gym addition in 1995. In 2006, stairs were added. This project involves an addition of just over 12,000 square feet. The first floor is an administrative area. The second floor is science classrooms. The original science rooms are being renovated into different types of classrooms. The proponent is requesting variances because the entire existing building is not sprinklered. Variance (a) concerns egress travel distance, which would be 205 feet. There are two stairs that go directly outside. There are at least five stairs. The entire egress area is sprinklered. The entire addition is sprinklered. Commissioner Popich moved to approve (a), with the second by Commissioner Corey. It was voted upon and carried. Variance (b) concerns having a partially sprinklered building: they cannot take the trade-off of a non-rated corridor because the building is not sprinklered throughout. It is treated as a non-sprinklered building. The purpose of the sprinkler system is to provide time for egress. The rooms of origin and the corridor are sprinklered. There is not a meaningful difference between a building that is sprinklered and a building that is sprinklered in the way proposed here. Commissioner Popich moved to approve (b), with the second by Commissioner Corey. It was voted upon and carried. Variance (c) concerns the addition itself because the new building will not be separated from the existing building. The request is to allow the addition without a fire separation. It is not adverse because they are adding on a small area to an area which is already sprinklered. Commissioner Popich moved to approve (c), with the second by Commissioner Jordan. It was voted upon and carried.

18-04-40 Clyde Theatre Renovation, Fort Wayne

Melissa Tupper, RTM Consultants, spoke for the proponent. Proponent was previously seeking a variance a few months prior to allow the smoke detection system, including the HVAC heat and smoke detectors, to be placed in event mode during certain shows. After the variance was granted, she learned that they had designed smoke detection throughout the building which wasn't required by code since it is a fully sprinklered building. This variance request is to allow the facility to put the HVAC smoke and fire detectors into event mode during shows featuring pyrotechnics. The only the time the heat detectors over the stage area will not be operational will be when there is a show involving pyrotechnics. When this type of show occurs, there will be a fire watch. Proponent is working with the local fire building official to ensure an employee is sufficiently trained on the operation of the fire alarm panel and will be able to take the system out of event mode if necessary. Commissioner Popich moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

#### 18-04-41 (a)(b) Bethel Church Balcony Expansion, Crown Point

Ed Rensink, RTM Consultants, spoke for the proponent. This project is to expand an existing balcony on the second level of the church. This church was constructed in 1999. There is an existing two-hour firewall. The balcony will be expanded over areas of the first floor: they are adding 334 seats to the balcony. The new total will be 502 seats. The A-3 occupancy sprinkler requirement may be expressed either by occupant load or by fire area. Variance (a) addresses the sprinkler requirement. The hardship is the cost, which could potentially range anywhere between \$300,000 - \$870, 000. It is a difficult space to sprinkle because certain areas are fifty feet high, and the ceilings are complex. A third exit will be added which goes through the two-hour wall. The fire alarm system will be upgraded, and the egress will be improved. Commissioner Heinsman moved to approve (a), with the second by Commissioner Pannicke. It was voted upon and carried. There was one nay vote. Variance (b) concerns proposing a two-hour rated horizontal and vertical separation that will extend out and capture the balcony expansion. Commissioner Heinsman moved to approve (b), with the second by Commissioner Pannicke. It was voted upon and carried.

#### 18-04-46 Summit Middle School, Fort Wayne

Ed Rensink, RTM Consultants, spoke for the proponent. This project involves a mechanical system renovation in a school. There is virtually no architectural work involved. This school is sprinklered. This variance is to allow ceilings to be removed during the course of the renovation project. This is technically a violation of NFPA 13 because you're exceeding the clearance for sprinklers during that time. The project will be completed in 2018 and 2019, primarily in the summer. Certain areas will be worked on during the school year. Jim Murua stated that this has been allowed before in similar situations. Commissioner Pannicke moved to approve, with the second by Commissioner Heinsman. It was voted upon and carried.

#### 18-04-48 (a)(b)(c)(d)(e) Riverview Apartments, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke for the proponent. Proponent placed Variances (b)(c)(d) and (e) are up for approval. Commissioner Heinsman moved to approve (b)(c)(d) and (e), with the second by Commissioner Corey. It was voted upon and carried. Variance (a) is the same variance



discussed earlier on the environmental exhaust openings on the exterior wall near the operable windows. He stated he could live with the two foot minimum dimension.

Commissioner Scheurich moved to approve Variance (a) with the condition that the ducts be at least two feet away from the windows. Commissioner Pannicke made the second. It was voted upon and carried.

#### 18-04-52 Maintenance of Overhead Fire Doors Plant #6, Shelbyville

Tim Callas, J & T Consulting, spoke for the proponent. The building at issue is a plant, which is 397,000 square feet and used for dye-casting. It is two-story office space, with mezzanine sub-station levels. The building originally had high-hazard operations. The massive wall was not required for separation when originally constructed. Now, with a new owner, the building is a low-hazard operation, F-2 and S-2 building, used mainly for the storage of aluminum auto parts. Proponent stated that is a fully sprinklered building, even though this is not required. There is proper frontage around the building. He stated that the building can either be maintained by the code of record or by the current rules of the Commission. Proponent wants a variance to leave the walls in place. Two doors have been replaced. Three or four other fire doors are not in operation. The proponent does not want to maintain the other doors if it is not required. Ryan Akers, Shelbyville Fire Department, inspects this facility and met with maintenance personnel to work out a solution after a previous variance regarding this facility was tabled. Mr. Akers noted he doors were replaced and wants to keep the continuity of keeping separation of smoke and fire. He doesn't know why they are requesting a variance instead of keeping the low cost of drop testing – he doesn't see maintenance costs being that expensive. He would prefer the doors be maintained and tested. Because it is a two story building it needs to be sprinklered. Robbie Stromberger, Shelbyville Fire Department, stated that he inspected this facility sometime between last November and now. The storage of plastic pallets makes this more than a low-hazard storage, as stated by proponent. Mr. Stromberger has not been back to see if this has been corrected, as he requested. He was previously told by Tim Dravet, Ryobi Die Casting, that they would have difficulty complying with anything other than fire doors. Mr. Stromberger believes the doors need to be maintained, unless they apply for a CDR release. His suggested compromise was to maintain two specific doors, out of the five, and disable the others. Mr. Stromberger is strongly encouraging the Commission to support his request to maintain this fire separation. Mr. Callas explained that regarding the pallets, the code allows two layers of combustibles when non-combustible pallets are used. Mr. Callas requested to table this so that he could discuss this further with the facility's owner. Commissioner Scheurich moved to table with the second by Commissioner Jordan. It was voted upon and carried.

#### 18-04-54 Hagen's Clubhouse Expansion, French Lick

Mark Riffey, spoke for the proponent. This project involves a small addition to Hagen's Clubhouse. There was a 60 foot by 15 foot porch, which was extended and enclosed. There is a small addition to the kitchen to house a fire sprinkler riser. The local inspector asked proponent to file a variance. The entire building is sprinklered. The addition is approximately 1,500 square feet, and will be sprinklered. It has its own exit. Water curtains have been added to the separating walls of both the addition and the existing building. Commissioner Heinsman moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

#### 14. Comments and Closing Remarks

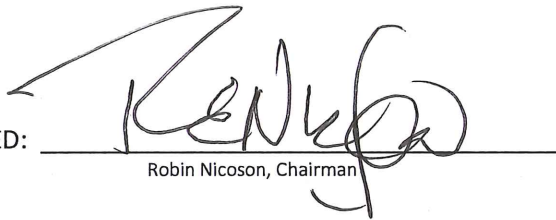


There was discussion regarding the deadline for submitting variance applications. It was posited that the cut-off date for submission of acknowledgements to variance applications should be earlier. This would ensure that the agenda would be finalized sooner, commissioners will have enough time to review the applications, become more informed, and make a more educated decision. The proposed solution will be for Director Boyle to provide the Agenda and all necessary documents to the Commissioners the Friday before the next Commission meeting. Applicants will need to submit variance requests and associated documents to IDHS, one week before the Commission meeting. Director Boyle advised the Commission that he would explore putting this solution into a non-rule policy, and provide the Commission an update at a later meeting.

15. Adjournment

Chairman Nicoson adjourned the meeting at 4:42PM.

APPROVED: \_\_\_\_\_



Robin Nicoson, Chairman