

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Conference Room 29
Indiana Government Center South Conference Center
302 W Washington Street
Indianapolis, IN 46204
In Person and Video/Teleconference Microsoft Teams Format

Tuesday, October 5, 2021

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman James Greeson at 9:02 a.m. EDT on Tuesday, October 5, 2021. The meeting was conducted both **in-person and electronically** by videoconference and teleconference call through Microsoft Teams.

a. Commissioners physically present at the meeting:

James Greeson, Chairman
Todd Hite, representing the Commissioner, Indiana State Department of Health
Michael Popich, Vice Chairman
John Watson

b. Commissioners attending the meeting electronically:

Gregory Furnish
Joseph Heinsman
David Henson
James (Wes) Jordan
James Murua
Scott Pannicke

c. Commissioners absent from the meeting:

Harold Davidson, representing the Commissioner, Indiana Department of Labor

d. The following staff were physically present during the meeting:

Doug Boyle, Director of the Fire Prevention and Building Safety Commission
Justin Guedel, IDHS Deputy General Counsel
Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission

e. The following staff were present during the meeting electronically:

Marcus Ballenger, IDHS Code and Variance Specialist
Alan Blunk, IDHS Plan Review Section Chief
Craig Burgess, Indiana State Building Commissioner
Denise Fitzpatrick, IDHS Code and Variance Specialist
Philip Gordon, Deputy Attorney General & Legal Counsel to Fire Prevention and Building Safety Commission
Kim Hyten, IDHS Code and Variance Specialist
Karla Vanblaricum, IDHS Variance Coordinator

2. Roll Call – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Prior to the roll call, Chairman Greeson thanked Vice Chairman Popich for serving as the Commission’s chair in his absence at the Commission’s Wednesday, September 8, 2021, meeting. Director Boyle conducted roll call, noting that ten (10) members were present at the beginning of the meeting – four (4) of whom attended the meeting in person and six (6) of whom attended the meeting electronically through Microsoft Teams. Commissioner Davidson was absent from the meeting.

3. Commission Review and Action on Meeting Minutes

a. Wednesday, September 8, 2021

Director Boyle called for corrections to the draft of the Commission’s Wednesday, September 8, 2021, meeting minutes. Commissioner noted that the date of the meeting provided at the top of the first page was incorrect and needed to be changed to Wednesday, September 8, 2021. Under the Exploratory Committee’s update, Vice Chairman Popich noted that the due date for the individual reports needed to be changed from September 15, 2021, to September 17, 2021. Vice Chairman also noted that status update regarding the Commission’s imposed sanction on Garvin Business center was unclear. Director Boyle advised that staff would go back and listen to the meeting’s recording to clarify the details of Roger Lehman’s update to the Commission. With that, Commissioner Pannicke motioned to approve the Wednesday, September 8, 2021, meeting minutes with the noted corrections. Commissioner Jordan seconded the motion. It was voted on and carried. Chairman Greeson abstained from the vote, as he was absent from the Wednesday, September 8, 2021, meeting. Commissioner Watson abstained from the vote, as today’s meeting was his first meeting as a member of the Commission.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Wednesday, September 8, 2021, meeting minutes were **approved as amended**, by a vote of 8-0.

4. IDHS/Commission Staff Reports and Updates

- a. Update regarding State of Indiana’s Declaration of a Public Health Disaster Emergency – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission – **see Governor Holcomb’s Executive Order 21-26**.

Director Boyle advised that Governor Holcomb extended the State of Indiana’s declaration of a public health disaster emergency through the month of October with the issuance of Executive Order 21-26 on September 30, 2021. Staff will continue to monitor any directives coming from the Governor’s Office in preparation for next month’s meeting.

- b. Governor Holcomb’s Reappointments to the Fire Prevention and Building Safety Commission – **terms effective until August 31, 2025**.

- i. Joseph Heinsman, Senior Structural Engineer at Lynch, Harrison & Brumleve, Inc.
- ii. David Henson, Owner of Architectural Design Concepts, LLC
- iii. James Murua, Assistant Chief and Fire Marshal of the Fort Wayne Fire Department
- iv. Scott Pannicke, Associate Principal, Architect at RATIO Architects, Inc.
- v. Michael Popich, Manager of the Bureau of Construction Services for the City of Indianapolis

Director Boyle advised the Commission that Governor Holcomb had reappointed the five members listed above to new four-year terms. He also expressed his gratitude for the commissioners’ time and effort over the last four years and thanked them for their commitment to continue serving on the Commission.

- c. Introduction of Governor Holcomb’s New Appointment to the Fire Prevention and Building Safety Commission – **term effective until August 31, 2025**.

- i. John Watson, Vice President of Operations with Mid-America Elevator Co., Inc.

Director Boyle informed the Commission that Governor Holcomb had appointed John Watson to serve as the Commission's newest member. Chairman Greeson asked Mr. Watson to briefly introduce himself. Mr. Watson thanked the Commission for the opportunity to serve as a member of the Commission. He informed the Commission that he has spent the last thirty-five (35) years at Mid-America Elevator Co. Inc., including: being a certified inspector for the past twenty (20) years, holding industry credentials since 2012, and serving in the military as a member of the Indiana National Guard since 2005. Mr. Watson also currently serves as a member of the Commission's Elevator Code Rewrite Committee.

- d. State Building Commissioner's Report – Justin Guedel, IDHS Deputy General Counsel, on behalf of Craig Burgess, Indiana State Building Commissioner

- i. Written Interpretation No. CEB-2021-29-2012 IPC-405.3.2
- ii. Written Interpretation No. CEB-2021-30-2014 IMC-603.18
- iii. Written Interpretation No. CEB-2021-32-2014 IBC-1007.1

In State Building Commissioner Craig Burgess's absence, Justin Guedel, IDHS Deputy General Counsel, briefly explained each written interpretation.

- e. IDHS Non-Rule Policy Document No. 2021-2-DHS – Classification of Structures Used Solely for Live Fire Training Purposes – Justin Guedel, IDHS Deputy General Counsel

Justin Guedel, IDHS Deputy General Counsel, explained that the question behind this policy was whether structures utilized solely for live fire training purposes should be considered Class 1 structures. Per the policy, the department's policy is that structures intended to be used solely for live fire training purposes by a fire department are not considered Class 1 structures, under Indiana Code § 22-12-1-4, as they are not intended to be used or occupied in accordance with the customary meaning of those terms. However, if the structure is used for any other purposes or contains training classrooms, offices, restrooms, or any other spaces intended to be used for anything other than live fire training, then this policy does not apply, and the structure may be regulated as a Class 1 structure. Vice Chairman Popich raised concerns regarding the structural integrity and safety of these structures and their building components, such as shipping containers, if they are stacked on top each other. Per State Fire Marshal Joel Thacker, NFPA 1403 outlines live fire training protocols and construction/regulation of stacking these structures.

- f. IDHS Variance Determinations Report

As required by 675 IAC 12-5-6.2 (f), the Indiana Department of Homeland Security's report of its variance determinations made between September 3, 2021, and September 30, 2021, was included in the Commission's meeting materials for reference.

5. Rulemaking Update(s)

a. Indiana Elevator Code Committee

- i. Next Meeting: Wednesday, October 20, 2021, beginning at 9:00 a.m. EDT; virtual/electronic Microsoft Teams meeting details TBA.

Public notice and virtual/electronic meeting access details will be provided on the [Committee's web page](#) in advance of the meeting.

The Committee will continue its review the department's (IDHS) proposals for code change to Rule 1 during its next scheduled meeting on Tuesday, October 20, 2021. Director Boyle also hopes to have a proposal drafted regarding ASCE 21-21 – Automated People Mover Standards, but has experienced several issues and delays in his attempts to procure copies of the standard.

b. Exploratory Committee for Code Updates

- i. Final Meeting: Tuesday, November 16, 2021, beginning at 9:00 a.m. EDT; virtual/electronic Microsoft Teams meeting and/or in-person meeting details TBA.

Public notice and virtual/electronic meeting access details will be provided on the [Committee's web page](#) in advance of the meeting.

Director Boyle informed the Commission that the Committee met on Tuesday, September 28, 2021. The Committee had good discussions on supplemental reports that were prepared by industry stakeholders and subject matter experts for the purposes of developing the Committee's report to the Commission. The Committee's plan is to conduct its final meeting on Tuesday, November 16, 2021, at which time it will finalize and vote on its report to the Commission. The Committee's report to the Commission will likely be presented to the Commission at the Commission's tentatively scheduled meeting on Tuesday, December 7, 2021. Commissioner Pannicke expressed his gratitude and thanks to the industry's professionals and subject matter experts who dedicated their time and effort to develop the supplemental reports that were provided to the Committee.

- c. Status Update on Regulatory Moratorium Exception Request for Administrative Rulemaking to Amend 675 IAC 12-3-2(e) – Schedule of Fees for Site Built

Construction – Category I (Expedited Plan Review) – Justin Guedel, IDHS
Deputy General Counsel

Justin Guedel, IDHS Deputy General Counsel, advised, the Commission that the Commission’s request for exception to the regulatory moratorium was submitted to the State Budget Agency recently, and staff intends to receive its approval. Once the request is approved, staff will move forward with having the Legislative Services Agency (LSA) publish the Commission’s Notice of Intent to Adopt the Rule and proceed with necessary filings to publish the Commission’s proposed rule.

6. Status Update on the Requirements of the Commission’s Imposed Sanction on Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710

Roger Lehman, representative for the owner, issued an update via email to Director Boyle prior to the meeting, advising that the existing dry sprinkler system and its alarm notifications will be maintained until the parts for the firm alarms system are received and the fire alarm system is installed in the required areas. Installation of the fire alarm system should begin by the beginning of November and be completed by the beginning of September. Per Commissioner Pannicke’s inquiry, Mr. Lehman advised the Commission that all high-pile storage issues have been resolved. Chief Fire Marshal Greg Main, Evansville Fire Department, was satisfied with this plan of action and had nothing else to add.

7. Variances

a. Tabled

21-03-35 Bodenbender Barn Rescue, Salem

Commissioner Furnish stated that Nathan Grimes intended to withdraw. Because the Commission and staff had not received any communications from the submitter in months and no proponent was present to speak, Commissioner Furnish motioned to deny the variance request. Commissioner Heinsman seconded the motion. It was voted on and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **denied**, with a vote of 10-0.

21-04-29 New Bridge Apartments, Indianapolis

Tim Callas spoke as the proponent, stating that a revised variance application with updated conditions had been submitted to staff. Mr. Callas advised the Commission that he and the owner met Fire Marshal Michael Beard and Margie Bovard, Indianapolis Fire Department (IFD) and agreed to the following conditions for the variance:

1. New manual pull stations will be installed with additional protection from vandalism by installing stop covers with alarms.
2. New alarm notification devices will be installed that will include combination horn and strobes (currently only horns, code of record did not require visual notification).
3. An interim agreement will be imposed with AES (IPL) that power will remain on, regardless of if the tenant is behind on power bills or there is vacancy.
4. The 2-story townhomes were not required to have a fire alarm system under code of record or under current code (Sec. 907.2.9.1) however the buildings have fire manual pull stations and horns and will be upgraded as stated in conditions 1, 2 & 3.
5. All units will have the required smoke detectors.

Chairman Greeson asked if IFD could confirm its acceptance of these conditions in writing. Justin Guedel recommended tabling the variance, to Mr. Callas time to obtain a written confirmation from Fire Marshal Beard. Even though the Commission expressed a desire to obtain this confirmation prior to the end of the meeting, Ms. Bovard said this would not be possible. As such, Chairman Greeson motioned to table the variance request. Vice Chairman Popich seconded the motion. It was voted on and carried. Commissioner Heinsman recused himself from the vote.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **tabled**, with a vote of 9-0.

21-08-31 BNutty Storage Container Addition, Portage

No proponent was present to speak on behalf of the variance request. Chairman Greeson motioned to table the variance request. Commissioner Hite seconded the motion. It was voted on and carried.

	Y	N
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **tabled**, with a vote of 9-0.

After lunch, Director Boyle advised the Commission that Carol Podolak, owner of BNutty, was present electronically through Microsoft Teams. The Commission had tabled the variance request at its Wednesday, September 8, 2021, meeting, per Commissioner’s Heinsman’s request that the proponents complete and provide a structural analysis of the foundational system under the storage containers, including the lateral load resistance of the containers. Ms. Podolak advised the Commission that she and her design professional believed that the were no longer required to complete that work and continue pursuing their variance request, as they had received an order stating that “no variance was required.”

Director Boyle stated that he had determined that staff had made an administrative error, proving the incorrect action of the Commission on the order. However, staff did catch the mistake and reissued the order, providing “tabled” as the Commission’s action. Due to the confusion, the requested structural analysis was not completed. Director Boyle advised Ms. Podolak that the Commission had tabled the variance request again, and that the variance request will be back on the Commission’s agenda for its next scheduled meeting on Tuesday, November 2, 2021. Director Boyle advised Ms. Podolak that she or her design professional may submit the structural analysis report directly to him once it is complete, so that he may ensure it is provided to the Commission.

21-08-33 Nightmare on Main Street, Kendallville

No proponent was present to speak. Director Boyle noted that an incorrect email was provided on the initial variance application, so that is why Jamie Collins was not in attendance last month. Vice Chairman Popich stated that the Facebook page was updated to show an opening date of October 8, 2021. Kevin Whitesel, of Code Enforcement, added that the business was notified of its inclusion on today’s agenda by a local inspector. With that, Commissioner Murua motioned to deny the variance request. Vice Chairman Popich made the seconded the motion. It was voted on and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **denied**, with a vote of 9-0.

***Note:** Towards the end of the meeting, Director Boyle was informed that Mr. Collins was present and requested to speak on behalf of his variance request. Chairman Greeson asked the other members of the Commission if they would like to entertain Mr. Collin’s request and re-open the variance request for discussion. The Commission decided that it did not wish to re-open Variance No. 21-08-33 for discussion, keeping their action to deny the variance request.*

Breaking & Reconvening: The Commission took a short break, beginning at 10:17 a.m. EDT. Director Boyle reconvened the meeting at 10:30 a.m. EDT.

b. New

21-09-31 The Elaan Phase 2, Indianapolis

Mark Demerly spoke as the proponent. The project involves a pool that has already been constructed and attempting to utilize an equalizer. The code states that no equalizer shall be used, nor shall the main outlet be connected to the circulation system through a skimmer. Commissioner Hite advised that utilization of the equalizer was not a violation of the Indiana State Health Department’s rules. After additional discussion, Commissioner Pannicke motioned to approve the variance request. Commissioner Hite seconded the motion. It was voted on and carried. Commissioner Watson abstained from the vote.

	Y	N

Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved as submitted**, with a vote of 8-0.

21-09-32 Michael Michael's Salon and Spa, Fort Wayne

Michael Schram spoke as the proponent. He is requesting that his salon be recalculated based on a fifteen (15) persons maximum occupancy, four chair layout. This will subsequently reduce the CFM from 1500 square feet to 480 square feet and allow for standing room only. Mr. Schram stated that no volatile chemicals will be used, as everything is herb-based. Making these adjustments would allow the business to avoid the \$29,000 expense to install the code-required exhaust unit. Furthermore, the proponent reiterated that maximum capacity will never actually be reached, as walk-ins are rarely permitted, and the business operates primarily by appointment with individuals coming and going simultaneously. Per Commissioner Watson's inquiry, Mr. Schram advised that customers will be advised to not bring their children to their appointments, to mitigate occupants within the building. There was some discussion regarding the implications and issues that future tenants may encounter if the salon vacates this space. Mr. Schram advised the Commission that he currently has a five (5) year lease agreement in place for space. Commissioner Pannicke motioned to approve the variance request. Commissioner Heinsman seconded the motion. It was voted on and carried. Commissioner Murua recused himself from the vote, although legal staff advised him that the establishment's location in Fort Wayne may not necessarily require him to recuse himself from the vote. Nevertheless, Commissioner Murua recused himself from the vote.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved as submitted**, with a vote of 7-1.

21-09-33 Una Esperanza Viva, Indianapolis

Carrie Ballinger spoke as the proponent. The project involves the conversion of the former hub for a retail strip center to a church. The request is to not add sprinklers to the canopy heading of the building, due to the \$26,000 cost of installing a dry system. The fire wall extends through the canopy and separates the church from existing buildings with a block fire wall. Per Commissioner Pannicke's inquiry, secondary exits are located at rear with no signage. Per Commissioner Murua's inquiry, Ms. Ballinger advised that the rest of the strip center's canopy is not sprinklered. The Commission was also concerned about the attic roof space, but Ms. Ballinger stated that the elevation of the roof space is different for the canopy versus the main building; thus, preventing a potential fire from spreading. The structure is also non-combustible except for the wood truss system above the canopy enclosure. A Fire hydrant was identified to be located 142 feet off the back corner of the building. Chairman Greeson motioned to deny the variance request. Commissioner Murua seconded the motion. It was voted on and **failed**, with a vote of 3-5. Vice Chairman Popich recused himself from the vote.

	Y	N
Greg Furnish	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
David Henson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Todd Hite	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Commission determined that it would like to see additional information regarding the undue hardship due to excessive costs. Ms. Ballinger advised the Commission that she will speak to a fire sprinkler contractor to determine the feasibility of installing dry horizontal sidewall sprinkler heads under the building's canopy. Commissioner Pannicke subsequently motioned to table the variance request. Commissioner Hite seconded the motion. It was voted on and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **tabled**, with a vote of 8-0.

21-09-34 Bankers Life Fieldhouse Expansion Project, Indianapolis

Tom Boyle spoke as the proponent. The arena is undergoing a three-tiered construction project, with the second phase extending through the end of this year and the third phase through 2022. The code states that, unless otherwise modified by sections 17.6.3.2.2, 17.6.3.3.2, or 17.6.3.7, spot-type heat-sensing fire detectors are required to be located on the ceiling not less than 4 inches from the sidewall or on the sidewalls between 4 inches and 12 inches from the ceiling. The variance request is to allow the required spot-type smoke detectors to not meet code. Mr. Boyle advised the Commission that the twelve (12) devices listed with the AHJ will be installed at the "Max Mounting Height" identified on the plans to allow the devices to remain serviceable. Per Chairman Greeson's inquiry, Mr. Boyle advised that the security guard should be able to meet the 180 second delay for investigation purposes. Cameras are also available for staff to monitor the area, and the cameras are active twenty-four hours a day. Commissioner Murua motioned to approve the variance request. Chairman Greeson seconded the motion. It was voted on and carried. Vice Chairman Popich recused himself from the vote.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved as submitted**, with a vote of 8-0.

21-09-35 Sri Ganesh Mandir, Columbus

Melissa Tupper and Ashish Paliwal spoke as the proponents. A new Hindu temple is being constructed, and the variance request is to not install the required sprinkler system, as no regularly scheduled services will be held in the building, and people come and go as they please. The building is an open floor plan with

prayer rugs laid out for patrons' use. The stated occupancy load is 477, with eighty-seven (87) feet of egress distance. Gene Weaver, of the Columbus Fire Department, requested that an additional fire hydrant be in the area, stating that department will have a response time of approximately seven (7) minutes, and they additional hydrant would serve as a water supply for the department's tankers. After discussion, Chairman Greeson withdrew his motion to table the variance request, while Ms. Tupper worked on receiving an estimate for the fire hydrant. Later in the meeting the fire hydrant would cost between \$8,000-\$10,000. Mr. Paliwal advised that he was amenable to installing the fire hydrant in lieu of the sprinkler system. As such, Chairman Greeson motioned to approve the variance request on the condition(s) that: a fire hydrant is required to be installed at a location deemed acceptable to the local fire department and the Southwestern Bartholomew Water Corporation, to serve as a water supply for the local fire department's tankers in the event of a fire. Vice Chairman Popich seconded the motion. It was voted on and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved with conditions**, by a vote of 10-0.

Breaking & Reconvening: The Commission took a lunch break, beginning at 12:07 p.m. EDT. The meeting was called back to order at 1:00 p.m. EDT.

21-09-36 Mackey Arena, West Lafayette

Michael Koop, Drew Furry, and Jeff Brissett spoke as the proponents. The project entails the addition of seating, including courtside, which may not mirror the standard bench seating. Mackey Arena was constructed prior to smoke protected assembly criteria requirements were introduced into the building code, which makes retrofitting the structure with all the necessary equipment unusually difficult. This request is to use a smoke control report for the seating bowl and traditional exit factors on the main concourse, per the adopted Indiana Building Code. This smoke modeling and timed egress performance study essentially evaluates the performance of the egress system in comparison to the time allowed by the passive filling of the smoke volume above the arena floor and

seating bowl. The report showing the results of that evaluation has been attached to the record of the variance application and is used as the basis for the request for the alternate means approach. In response to Vice Chairman Popich’s inquiry, Mr. Brissett stated that this style of report has been done on approximately twenty (20) other facilities nationwide, including: the University of Illinois, the University of Wyoming, and the Los Angeles Clippers arena. Vice Chairman Popich motioned to approve the variance request. Commissioner Heinsman seconded the motion. It was voted and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved as submitted**, with a vote of 10-0.

21-09-37 The Reserve at White River, Indianapolis

Melissa Tupper spoke as the proponent. The request is to permit the doors to the mechanical rooms for the dwelling units to reduce the width of corridor to 17 inches when door is open to 90 degrees. Ms. Tupper stated that the issue was found after completion of construction during the final inspection, so the building would have to be torn down to resolve the issues. The mechanical rooms will only be accessible to maintenance personnel for routine maintenance, and all of the doors have closers with 180 degree opening capability. Commissioner Pannicke motioned to approve the variance request on the condition(s) that: the doors to the mechanical rooms for the dwelling units must maintain a swing of one hundred and eighty (180) degrees. Commissioner Heinsman seconded the motion. It was voted on and carried. Vice Chairman Popich recused himself from the vote.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved with conditions**, by a vote of 9-0.

21-09-38 Noble Roman's Craft Pizza & Pub, Indianapolis

Terry Farabaugh spoke as the proponent. The variance request is to omit the sprinkler system in the pizzeria and pub, which just moved into the existing space. Mr. Farabaugh stated that their process to cook their pizzas does not produce any grease or grease-laden vapor. Mr. Farabaugh also stated that egress distance was far below code requirements and routing a utility line to power the sprinkler system would require interfering with the sidewalk and neighboring businesses. The commissioners were not convinced that the cooking will not produce any grease or grease-laden vapors, as residual grease from ingredients like cheese, pepperoni, and sausage can always be found on the surface of a pizza. They were also concerned that one of the neighboring businesses is a liquor store, which may pose a significant threat to public safety in the event of a fire. Additionally, Margie Bovard, Indianapolis Fire Department, stated that the fire department opposes approval of the variance request. Essentially, the design professional overlooked the sprinkler requirement for the occupancy classification during the design stage of the project. For these reasons, Commissioner Murua motioned to deny the variance request. Chairman Greeson seconded the motion. It was voted on and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **denied**, with a vote of 8-1.

21-09-39 Nightmare on Shafer Drive, Monticello

Gary Fawks spoke as the proponent. The project involves a haunted maze to be erected in a covered picnic pavilion, with all props being treated with fire-resistant

coating. The use would be for nine (9) days between the second weekend of October and Halloween (10/31/2021). The request is that the sprinkler requirement be omitted, as this would be a large expense for such a temporary operation. Additionally, Mr. Fawks ensured that all rooms would have fire extinguishers and trained employees. Per Mr. Geudel's inquiry, no quote for a temporary sprinkler system had been obtained. Brian Lancaster, IDHS Code Enforcement, stated that the proponent had never applied for a state A&E (Amusement and Entertainment) permit, which would need to be applied for before operations begun.

Commissioner Pannicke voiced concerns regarding this professional entertainment group operating without permits for years and felt as though it should be required to meet the requirements of the code as opposed to seeking a variance each year to avoid costs. Discussions ensued on the Commission's need for greater consistency with regards to grant variances to omit sprinkler systems for annual haunted houses. Moving forward, businesses that present similar requests to the Commission on an annual basis will be encouraged to explore more permanent options to comply with the code. Vice Chairman Popich motioned to approve the variance request on the condition(s) that: 1) the variance is effective for the nine (9) requested days, between October 1, 2021, and October 31, 2021; 2) the events are required to have a fire watch, approved by the local fire department; and 3) the Commission approves this variance with the expectation that the applicant will evaluate alternative solutions to comply with the code for future seasons. Commissioner Murua seconded the motion. It was voted on and carried.

	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved with conditions**, by a vote of 10-0.

21-09-40 (a)(b)(c) Gateway Park Senior Living, Greenfield

Melissa Tupper spoke as the proponent. The project involves a new three-story senior care and independent living facility. The building will contain I-1, R-2, A-2, A-3, and B Occupancies. The building is protected throughout with an automatic

sprinkler system in accordance with NFPA 13. Variance (a) is a request that to not provide closers on the resident room doors for the memory care portion of the assisted living facility on the first floor. Based upon the 20-minute rating, the corridor doors are required to be either self or automatic-closing. Interaction among the residents and staff is an important component in the care of the memory care residents; closers on the residents' doors will inhibit that. The lack of door closers also increases the ability for staff to be able to check on residents readily throughout the day. Commissioner Hite was concerned that the facility had never obtained a certification. Additionally, the Commission would like the owner to evaluate and provide an estimate of the cost of installing electromagnetic hold opens tied to the fire alarm system. With that, Commissioner Pannicke motioned to table variance (a). Commissioner Furnish seconded the motion. It was voted on and carried.

	(a)	
	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **tabled**, with a vote of 10-0.

Variance (b) is a request to allow the ceiling membrane of the 1-hour rated horizontal assemblies to be interrupted with the double wood top plate of a wall assembly that is sheathed with Type X gypsum wallboard in lieu of the wall being required to have a fire-resistance rating. Per the Significant Changes subsection of the 2015 Indiana Building Code, Ms. Tupper stated this proposal is an acceptable alternative and will not be adverse to public safety.

Variance (c) is a request to permit the dining rooms, lounges, and sitting areas to be open to the corridor serving the memory care and assisted living facility. The owner wishes to provide an open and inviting appearance to these areas for the residents of the assisted and independent living facility. Commissioner Pannicke motioned to approve both variances (b) and (c). Vice Chairman Popich seconded the motion. It was voted on and carried.

	(b) & (c)	
	Y	N

Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variations (b) and (c) **were approved as submitted**, with a vote of 10-0.

21-09-41 (a)(b)(c)(d)(e) The Madison, Greenwood

Ralph Gerdes spoke as the proponent. Concerning variance (a), Buildings B, E, F and G, all four (4) story apartment buildings, will have accessible elevators that will not be provided with standby power. The proponent states that ADA/ADAAG and Fair Housing Act do not require other means of egress from multi-story privately owned apartment buildings.

Variance (c) is a request to not provide the two-way communication system at the elevator landing of each floor, given that most people utilize cell phones for communication today. This is not an ADA/ADAAG, nor Fair Housing Act requirement for privately owned apartment buildings.

The code permits the ceiling membrane of 1- and 2-hour fire rated horizontal assemblies to be interrupted with the double wood top plate of a fire-resistance-rated wall assembly as long as all penetrating items through the double top plates are protected. The request of variance (e) is to allow the ceiling membrane of the 1-hour rated horizontal assemblies to be interrupted with the double wood top plate of a wall assembly that is sheathed with Type X gypsum wallboard in lieu of the wall being required to have a fire-resistance rating, as permitted in the 2015 and 2018 edition of the International Building Code. Vice Chairman Popich motioned to approve variations (a), (c), and (e). Commissioner Jordan seconded the motion. It was voted on and carried.

	(a)(c)(e)	
	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variances (a), (c), and (e) were **approved as submitted**, with a vote of 9-0.

Building E will have two (2) hour party wall between apartment building and parking garage (separate ownership). Variance (b) is a request to allow the wall to have openings, which permit access and exiting into the apartment building. The code does not permit openings in a party wall. Later versions of the code permit openings between apartment building and garage. Commissioner Jordan motioned to approve variance (b) on the condition(s) that: the fire alarm systems in the parking garage and the residential building (Building “E”) are required to be interconnected. Vice Chairman Popich seconded the motion. It was voted on and carried.

	(b)	
	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **approved with conditions**, by a vote of 9-0.

Building E will have an open parking garage attached that will have a two (2) hour party wall/fire barrier separating the buildings. As such, variance (d) is a request to allow Building E to be separated with a two (2) hour party wall in lieu of being separated with a structurally independent fire wall. The cost to construct a structurally independent fire wall is estimated to be \$150,000. Vice Chairman Popich motioned to approve variance (d). Chairman Greeson seconded the motion. It was voted on and carried.

	(d)	
	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (d) was **approved as submitted**, with a vote of 9-0.

21-09-42 (a)(b) The Madison, Greenwood

Ralph Gerdes spoke as the proponent. Variance (a) is a request that Building E, owned by private interests, have 50% of its exits through the attached parking garage, owned by City of Greenwood. Exiting will be improved with two (2) exits into the garage and one (1) in the apartment building. Code only requires two (2) exits. Vice Chairman Popich motioned to approve variance (a). Commissioner Jordan seconded the motion. It was voted on and carried. Commissioner Heinsman recused himself from the vote.

	(a)	
	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved as submitted**, with a vote of 9-0.

Buildings B, E, F and G will have dwelling unit kitchen air within some residential units returned to warm-air furnace. Variance (b) is a request to allow the return air intake to vary from five (5) feet to ten (10) feet from the oven/range. Code requires ten (10) feet of separation and for it to serve only the kitchen. Requiring this will only make for a less efficient design without providing any improvement to public welfare. Mr. Gerdes informed that variances similar to this have been approved at least thirty (30) times. Commissioner Pannicke motioned to approve

variance (b). Commissioner Jordan seconded the motion. It was voted on and carried. Commissioner Heinsman recused himself from the vote.

	(b)	
	Y	N
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **approved as submitted**, with a vote of 9-0.

8. Commission Review of Local Ordinances

a. Preliminary (Pre-Adoption) Review – ***see report provided in meeting materials***

Director Boyle advised that staff had not received any new petitions for administrative review, nor had they received any new ordinances (pre- or post-adoption) since the September meeting. However, he noted that staff recently finished its preliminary review of the City of Decatur’s fire prevention ordinance and issued a review memo to Fire Marshal Anthony Lothridge with the City of Decatur Fire Department.

9. Final Comments/Closing Remarks from Chairman Greeson

Chairman Greeson thanked the members for their decision-making and emphasis on public safety. Finally, he thanked Commissioner Watson for participating in his first meeting.

10. Next Meeting – Tuesday, November 2, 2021, beginning at 9:00 a.m. Eastern Time in History Reference Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202*

****In-person meeting location may be subject to change.***

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

11. Adjournment

The meeting was adjourned at 3:35 p.m. EDT.

APPROVED: _____
James L. Greeson, Chairman