



STATE OF INDIANA  
BEFORE THE DEPARTMENT OF HOMELAND SECURITY  
FIRE PREVENTION AND BUILDING SAFETY COMMISSION

IN RE THE VARIANCE FROM  
REQUIRED SEPARATION DISTANCE  
FOR UNDERGROUND LIQUID  
PROPANE TANK GRANTED BY  
VARIANCE NO. 18-10-27.

Docket No. \_\_\_\_\_

BENJAMIN F. RUSSELL and  
LISA RAMSEY-RUSSELL, Petitioners.

**VERIFIED PETITION FOR SANCTIONS TO BE  
IMPOSED ON A PREVIOUSLY ISSUED VARIANCE**

Come now petitioners, Benjamin F. Russell and Lisa Ramsey-Russell, respectfully petition the Commission as follows:

1. Petitioners, Benjamin F. Russell and Lisa Ramsey Russell (collectively referred to hereinafter as the "Russells"), are the record owners of real property in which they reside located at the commonly known address of 1001 Fox Hunters Point, New Albany, Floyd County, Indiana (the "Russell Property").

2. Eric R. Erwin and Joyce Lynn Erwin (the "Erwins"), are the record owners of real property in which they reside located at the commonly known address of 1005 Fox Hunters Point, New Albany, Floyd County, Indiana (the "Erwin Property").

3. In 2017, the Erwins constructed a new detached garage between their home and their side yard boundary line that is shared with the Russell Property.

4. On August 28, 2018, the Floyd County Department of Building and Development Services issued notice of a building code violation to the Erwins for having located the detached garage within the required ten (10) foot setback of a previously installed underground liquid propane tank with a 1,000-gallon volume (the "Underground Tank").

5. The building code violation notice gave the Erwins three (3) alternatives, including without limitation, "[s]eek a variance from the building codes referenced above through the Fire Prevention and Building Safety Commission."

6. On or about September 12, 2018, the Erwins filed an application for a variance from the required separation distance between their garage and their propane tank with the Department (the "Variance Application"). A true and correct copy of the application is attached hereto as Exhibit "1". The Variance Application includes a copy of the building code violation.

7. On October 2, 2018, the Department approved the Erwins application for a variance from the required ten (10) foot separation distance from the garage structure (the "Order"). A true and correct copy of the Order granting the variance is attached hereto as Exhibit "2". A true and correct copy of the minutes of the Department for this meeting is attached hereto as Exhibit "3".

8. The Russells received no notice that the variance application had been filed or that a hearing had been scheduled thereon.

9. The Russells did not learn of the granting of the variance until Floyd County produced public records in response to the Russells' written request, which records were received by the Russells by mail delivery on Saturday, November 3, 2018.

10. Pursuant to 675 IAC 12-5-5(7)(A), the Variance Application contains the required statement that “[n]oncompliance with the rule will not be adverse to the public health, safety, or welfare, and asserted the following “facts” in attempt to support such statement:

a. “1. The garage does not have any exterior equipment posing an ignition hazard, nor any air intakes or other hazards illustrated by NLP 58 Appendix – see attached.”

b. “3. Based upon proximity to a normally unoccupied structure and lack of specific hazard addressed by the code, the lack of 10 feet of separation will not be adverse to safety.”

11. The Russells are adversely aggrieved by the Order as their home is located within approximately thirty (30) feet of the Underground Tank on ground that is lower than the Erwin Property, thereby primarily exposing the Russell Property and home to risk of explosion given that the weight of propane causes it to sit and/or move along the ground. Additionally, the Russells’ 300 amp electric box is located within approximately thirty-nine (39) feet of the Underground Tank, thereby providing a potential ignition source.

12. 675 IAC 12-5-5(8) requires a variance application to contain “[o]ne (1) set of plans or drawings (eleven (11) inches x seventeen (17) inches or smaller) and supporting data that describe the area affected by the requested variance and any alternatives proposed by the applicant.”

13. The Variance Application contains no set of such plans or drawings, excepting a single hand drawing showing the separation of the Underground Tank to be six (6) feet from the detached garage.

14. Petitioner, Benjamin F. Russell (“Russell”), was present when persons unknown to him made this measurement. He personally witnessed a tape measurement being made of the closest distance between the garage and the cap of the Underground Tank that is visible above the ground. A local propane distributor has advised Russell that a 1,000-gallon tank is typically twelve (12) feet long by three (3) feet wide, and that the proper measurement is from the structure to the nearest point of the tank (i.e., the buried tank exterior, presumably the side wall). The reported measurement is therefore at least one (1) to one and a half (1.5) feet farther than the actual distance.

15. The Variance Application further contains the statement that “[i]mposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.” The same local propane distributor has advised Russell that it would cost a maximum of One Thousand Five Hundred Dollars (\$1,500.00) to have the tank moved. The distributor estimated costs of \$800.00 to \$1,000.00 to have an excavator dig it up and move it, and approximately \$500.00 to have the supplier reconnect the service line. The distributor further advised that the tank does not have to be reconditioned, but can simply be dug up, moved, and then reconnected. Such amount cannot possibly cause an economic hardship as the tax assessment report card demonstrates that the Erwins purchased the Erwin Property for \$412,500.00 on March 23, 2016, and it is presently assessed for tax purposes at \$321,300.00. A true and correct copy of this report obtained from the eGIS system maintained by Floyd County (*see*, <https://floydin.elevatemaps.io/prc.html?pin=22-05-03-200-090.000-007&appId=56a22d83bcb40c4671e53c4a>) is attached hereto as Exhibit “4”.

16. 675 IAC 12-5-5(10) requires written documentation that the local fire department is aware of the nature of the variance.

17. The Variance Application lists Matt Juliot as the local fire official. Matt Juliot is the appointed fire chief for the City of New Albany, Indiana. The Erwin Property and the Russell Property are located within the unincorporated territory of Floyd County within New Albany Township. New Albany Township provides fire protection to the Erwin Property and the Russell Property through contract with the New Chapel Fire Company (*see*, [www.indianafiretrucks.com/pages/floyd/new-chapel.html](http://www.indianafiretrucks.com/pages/floyd/new-chapel.html)).

18. Furthermore, 675 IAC 12-5-5(11) requires that a variance application contain “[w]ritten documentation that each of the local fire official ... is aware of the variance ...”. This can be demonstrated by a letter from the local fire official stating that the variance application has been received, or by one of the following: (i) a copy of a certified mail return receipt signed by the local fire official or their authorized representative, (ii) a facsimile communication on the local fire official’s letterhead from the local fire official, or (iii) a letter from the applicant to the local fire official showing receipt of a copy of the variance application. The Erwin’s Variance Application contains no evidence that New Chapel Chief Jamey Noel was ever contacted or informed of the Variance Application.

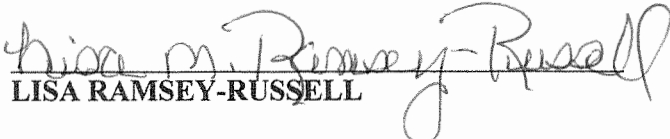
19. Finally, 675 IAC 12-5-5(14) requires that a variance application contain a signed statement under the penalty of perjury by the person submitting the application or the applicant that the information contained in the application is accurate. The Variance Application contains no such statement or signature.

20. The Russells are further adversely aggrieved by the variance as their interests are among those that the Department was required to consider before granting the variance, and the records provide to Russell to date contain no evidence of any such consideration.

WHEREFORE, petitioners, Benjamin F. Russell and Lisa Ramsey-Russell, pray for the revocation of the subject variance in accordance with 675 IAC 12-5-9(a)(1), together with the grant of all other just and proper relief to which they may be entitled.

**WE AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.**

  
BENJAMIN F. RUSSELL

  
LISA RAMSEY-RUSSELL

This Petition prepared by:

C. Gregory Fifer, Attorney No. 8121-98  
**APPLEGATE FIFER PULLIAM LLC**  
428 Meigs Avenue  
Jeffersonville, IN 47130  
T: (812) 284-9499  
F: (812) 282-7199  
E: [gfifer@afpfirm.com](mailto:gfifer@afpfirm.com)

**Owner / Applicant Information**

Eric Erwin

1005 FOX HUNTER'S POINT

NEW ALBANY IN 47150

Phone 5022169006

Email HDRIDER0749@YAHOO.COM

**Submitter Information**

Edwin Rensink  
RTM Consultants Inc  
6640 Parkdale Place

Indianapolis IN

Phone 3173297700

Email rensink@rtmconsultants.com

**Project Information**

Eric & Joyce Erwin Residence - LP Tank  
1005 Fox Hunter's Point

New Albany IN 47150

County FLOYD

**Project Type** New  Addition  Alteration  Existing  Change of Occupancy

**Project Status**  U F=Filed U or Null=Unfiled

**IDHS Issued Correction order?**  No **Has Violation been Issued?**  yes

**Violation Issued by:** CBD

**Local Building Official**

Phone: 8129817611

Email: klang@floydcounty.in.gov

**Local Fire Official**

Phone: 8129817611

Email: mjuliot@cityofnewalbany.com



**Variance Details**

**Code Name:** 2005 Indiana Residential Code (675 IAC 14-4.3)  
G2412.2

**Conditions:** The recently constructed detached accessory garage structure is located approximately 6 feet from the below-ground 1,000-gallon LP tank on the property. IRC Section G2412.2 references the IFC (Sec. 6104.3) and NFPA 58 (Sec. 6.3.1). Both IFC and NFPA 58 require 10 feet of separation to a building.

**DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE ARE PROTECTED:**

- 1=Non-compliance with the rule will not be adverse to the public health, safety or w
- 1 2= Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).

**Facts:** 1. The garage does not have any exterior equipment posing an ignition hazard, nor any air intakes or other hazards illustrated by the NFPA 58 Appendix - see attached.  
2. The LBO has indicated that they are not opposed to the variance - see attached.  
3. Based upon proximity to a normally unoccupied structure and lack of specific hazard addressed by the code, the lack of 10 feet of separation will not be adverse to safety.

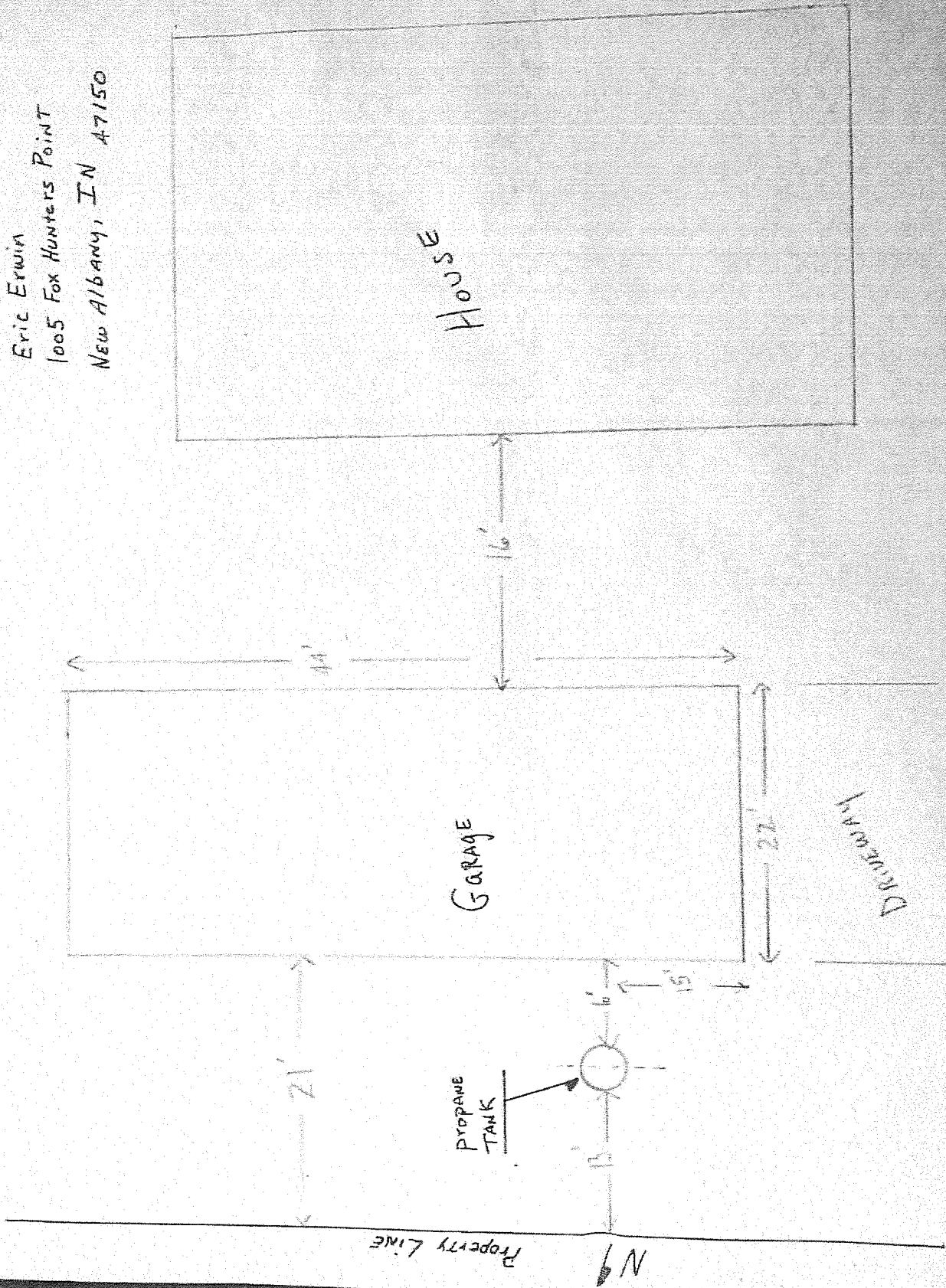
**DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:**

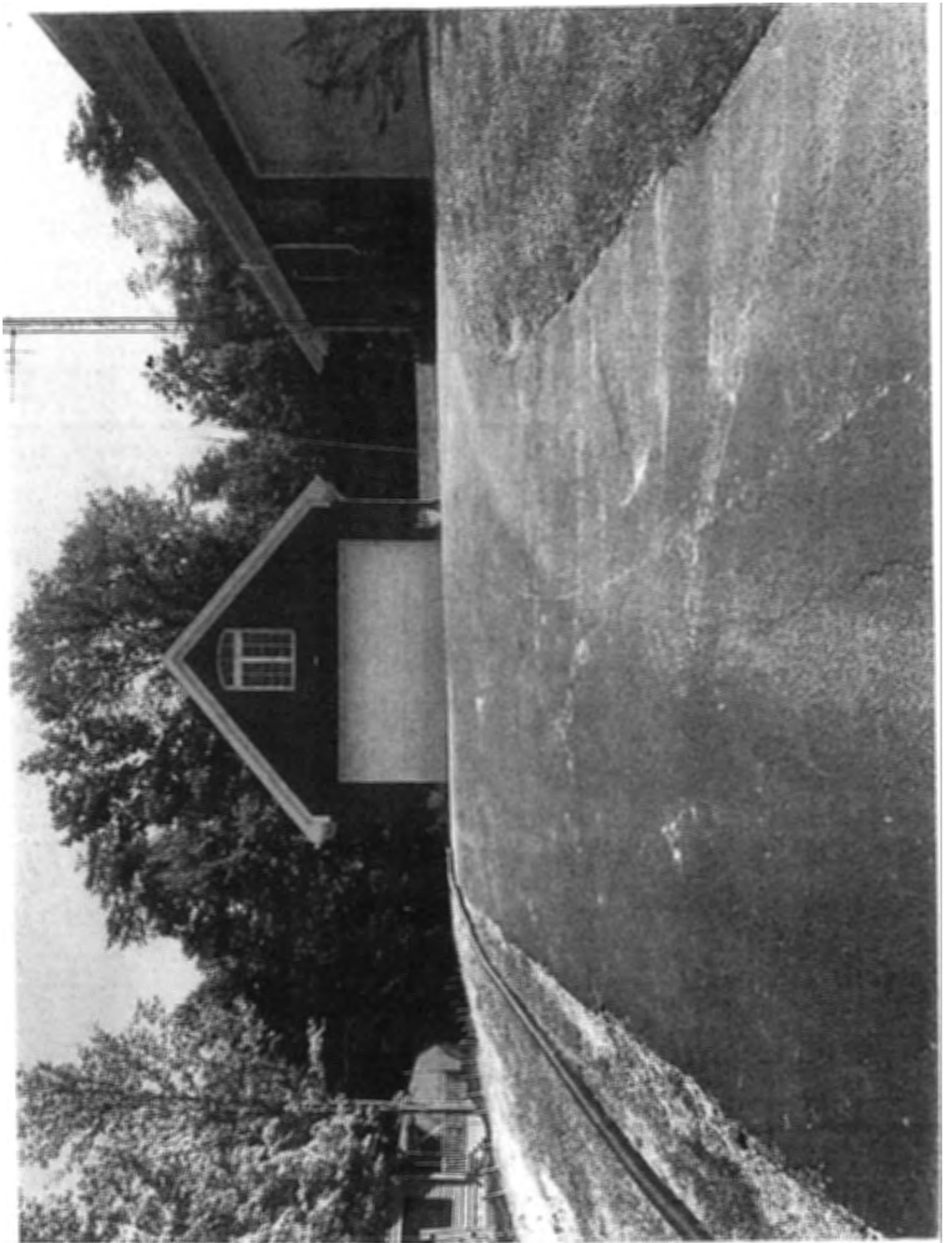
- Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.
- Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.
- Y Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.
- Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

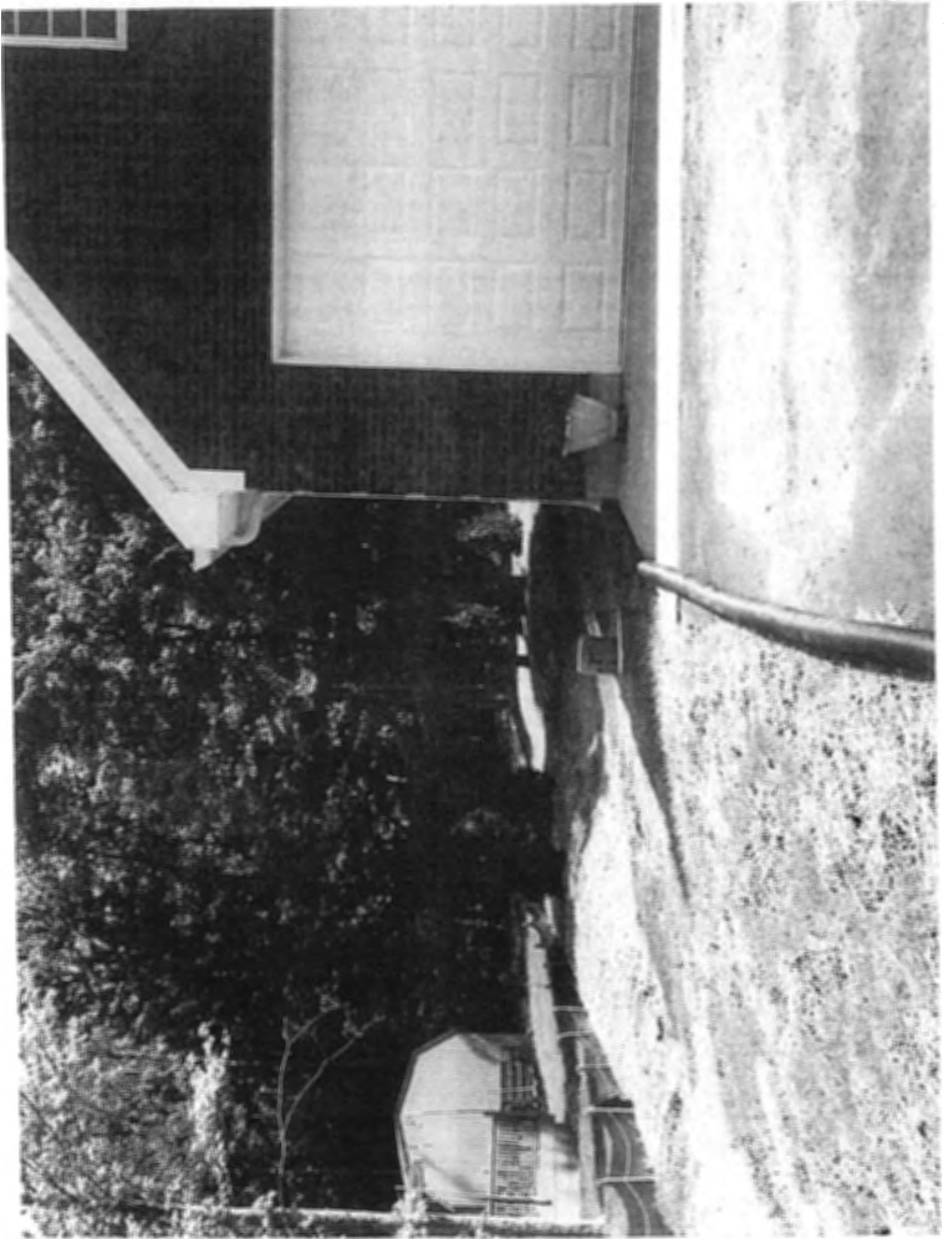
**Facts:** Relocating the tank or the garage would be an excessive cost relative to the lack of hazard posed by the installation.

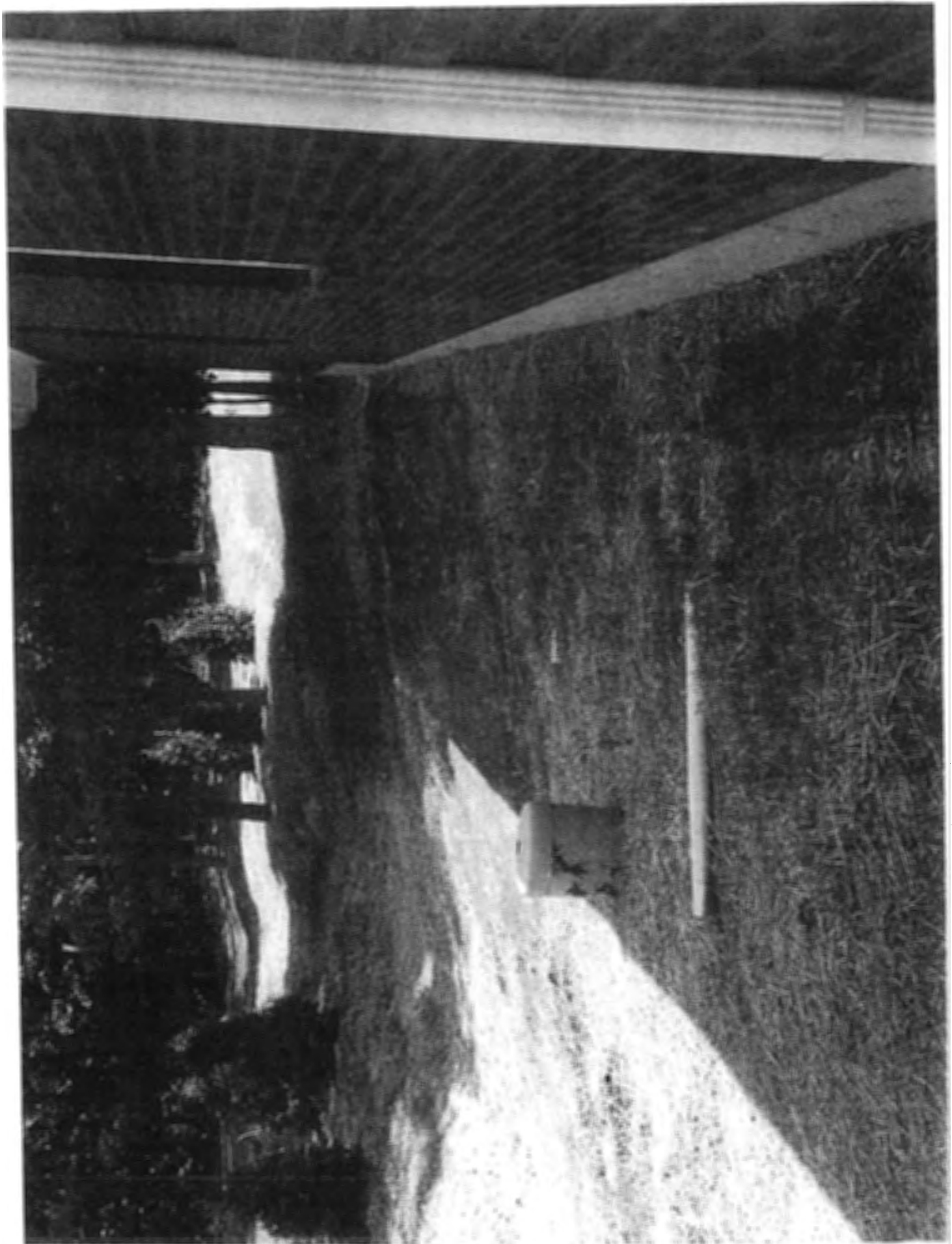


Eric Erwin  
1005 Fox Hunters Point  
New Albany, IN 47150











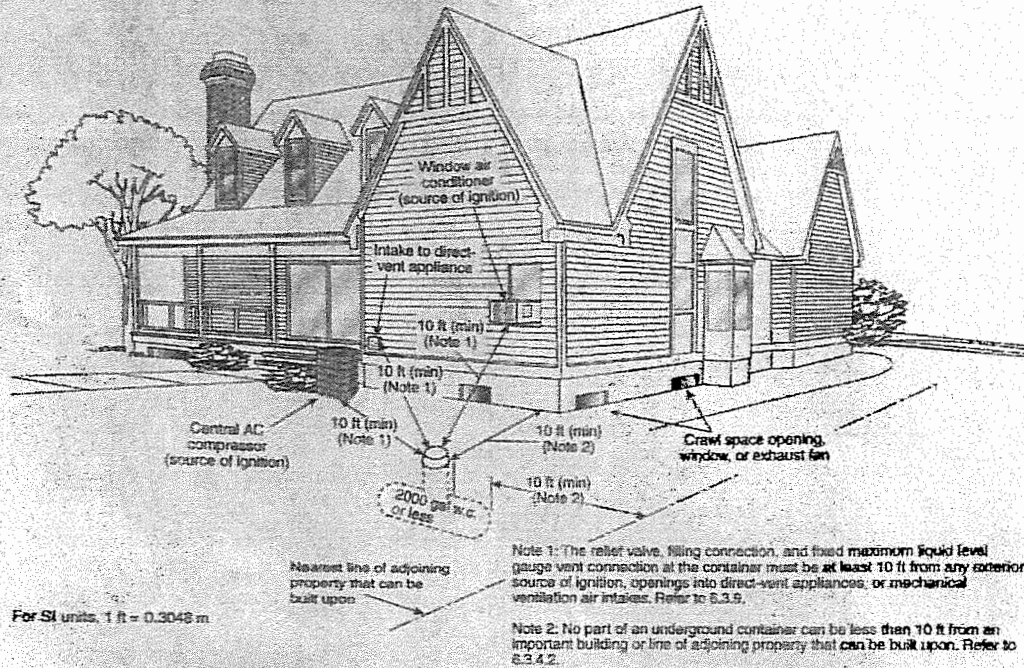


FIGURE L1(c) Underground ASME Containers. (Figure for illustrative purposes only; code shall govern.)

Annex J Sample Ordinance Adopting NFPA 58

This annex is not a part of the requirements of this NFPA document but is included for informational purposes only.

J.1 The following sample ordinance is provided to assist a jurisdiction in the adoption of this code and is not part of this code.

ORDINANCE NO. \_\_\_\_\_

An ordinance of the [jurisdiction] adopting the 2011 edition of NFPA 58, *Liquefied Petroleum Gas Code*, documents listed in Chapter 2 of that code; prescribing regulations governing conditions hazardous to life and property from fire or explosion; providing for the issuance of permits and collection of fees; repealing Ordinance No. \_\_\_\_\_ of the [jurisdiction] and all other ordinances and parts of ordinances in conflict therewith; providing a penalty; providing a severability clause; and providing for publication; and providing an effective date.

BE IT ORDAINED BY THE [governing body] OF THE [jurisdiction]:

SECTION 1 That the *Liquefied Petroleum Gas Code* and documents adopted by Chapter 2, three (3) copies of which are on file and are open to inspection by the public in the office of the [jurisdiction's keeper of records] of the [jurisdiction], are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the [jurisdiction]. The same are

hereby adopted as the code of the [jurisdiction] for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.

SECTION 2 Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ or by imprisonment for not less than \_\_\_\_\_ days nor more than \_\_\_\_\_ days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.



**FLOYD COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT SERVICES**

Pine View Government Center • 2524 Corydon Pike, Suite 202 • New Albany, IN 47150  
Phone: (812) 981-7611 • Fax: (812) 948-4744 • E-mail: [building@floydcountv.in.gov](mailto:building@floydcountv.in.gov)

Tuesday, August 28, 2018

Eric & Joyce Lynn Erwin  
1005 Fox Hunter's Point  
New Albany, IN 47150

**Re: Building Code Violation at 1005 Fox Hunter's Point in New Albany, IN**

Mr. and Mrs. Erwin,

An accessory structure has been erected at the subject property in violation of the following Indiana codes:

- 2005 Indiana Residential Code -- Section G2412.2
- 2014 Indiana Fire Code -- Section 6104.3
- NFPA 58-11 -- Section 6.3.1

Minimum required separation between an underground 1,000 gallon capacity LP-gas container and buildings, public ways, or lot lines of adjoining property that can be built upon is 10 feet. Upon investigation, it has been determined that the actual separation between the underground tank and the accessory structure is approximately 6 feet, which constitutes non-compliance with the building codes referenced above.

This letter shall serve as formal notice of violation and order to abate. You may choose to pursue any of the following options:

- A. Seek a variance from the building codes referenced above through the Fire Prevention & Building Safety Commission;
- B. Remove or relocate the underground LP-gas container to a location that is compliant with building code requirements;
- C. Remove or relocate the accessory structure to a location that is compliant with building code requirements

Through our discussions, it is my understanding that you would like to seek a variance through the Fire Prevention & Building Safety Commission. Please note that you are required to meet all submission deadlines to present your variance request at the next available meeting. This order to abate will be placed on hold, pending outcome of your variance request. The next available meeting appears to be October 2, 2018, with a variance submission deadline of September 11, 2018. Should the variance request be denied, abatement of the noted violations shall be achieved through another option within 30 days of the variance hearing.

Included below are links to the Fire Prevention & Building Safety Commission; a webpage which outlines the variance application process; and a webpage providing meeting and submission dates. Please inform our office once your variance request has been filed. Feel free to contact me in the office with any questions.

**Fire Prevention & Building Safety Commission Webpage**

<https://www.in.gov/dhs/2375.htm>

**Variance filing information**

<https://www.in.gov/dhs/3865.htm>

**Meeting Dates & Submission Deadlines**

<https://www.in.gov/dhs/2498.htm>

Respectfully,

Kelley Lang  
Building Commissioner  
Floyd County Building & Development Services



**FLOYD COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT SERVICES**

Pine View Government Center • 2524 Corydon Pike, Suite 202 • New Albany, IN 47150

Phone: (812) 981-7611 • Fax: (812) 948-4744 • E-mail: [building@floydcounty.in.gov](mailto:building@floydcounty.in.gov)

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Tuesday, September 4, 2018

Eric & Joyce Lynn Erwin  
1005 Fox Hunter's Point  
New Albany, IN 47150

**Re: Variance Request - Building Code Violation at 1005 Fox Hunter's Point in New Albany, IN**

Mr. and Mrs. Erwin,

Floyd County Department of Building & Development Services is aware of your intent to file a variance request with the Indiana Fire Prevention & Building Safety Commission for non-compliance with the following Building Codes:

- 2005 Indiana Residential Code – Section G2412.2
- 2014 Indiana Fire Code – Section 6104.3
- NFPA 58-11 – Section 6.3.1

Floyd County Department of Building & Development Services does not oppose your request for this variance. Please feel free to contact me with any questions.

Respectfully,

A handwritten signature in black ink that reads "Kelley Lang". The signature is written in a cursive, flowing style.

Kelley Lang  
Building Commissioner  
Floyd County Building & Development Services



ERIC J. HOLCOMB, Governor  
STATE OF INDIANA

DEPARTMENT OF HOMELAND SECURITY

BRYAN J. LANGLEY, EXECUTIVE DIRECTOR

Indiana Department of Homeland Security  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204  
317-232-3980

Eric Erwin

October 11, 2018

1005 FOX HUNTER'S POINT

NEW ALBANY, IN 47150

Dear Eric Erwin,

This letter provides notice below of the action taken by the Fire Prevention and Building Safety Commission on your application(s) for a variance(s) from the Commission's rules under IC 22-13-2-11 and 675 IAC 12-5. The Commission considered the application with all alternatives offered, as a part of its published agenda, at its regular meeting on October 2, 2018.

Project Number	Project Name	Variance Number
0	Eric & Joyce Erwin Residence - LP Tank	18-10-27

**Commission Conditions**

Edition	Code	Code Section	Commission Action & Date
2005 Indiana Residential Code (675 IAC 14-4.3)		G2412.2	Approved as submitted 10/02/2018


You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen(18) calendar days from the above stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.





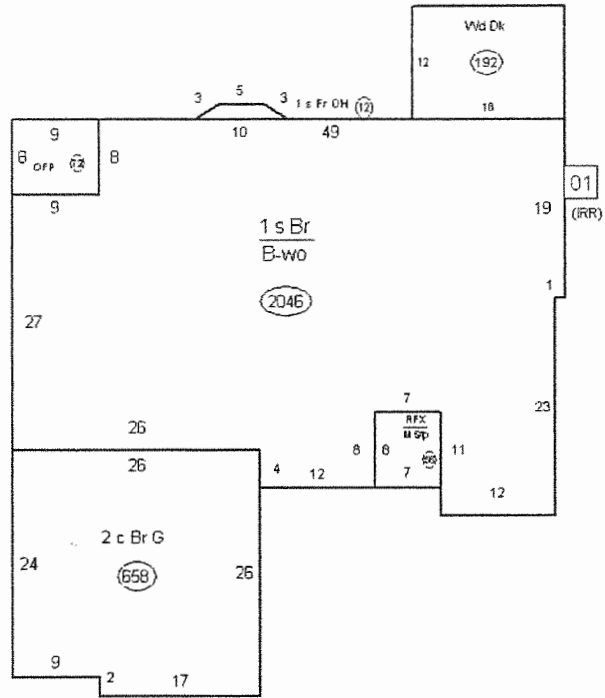
Please be further advised that you may request an opportunity to informally discuss this matter prior to filing a petition for review. Such informal discussion, or request therefore, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone or e-mail, upon receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. J. Boyle", written in a cursive style.

Douglas J. Boyle  
Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security

Elevate - PRC  
Floyd County, IN  
1005 FOX HUNTERS POINT CT  
39 DEGREES NORTH (855) GIS-3939



Parcel Information

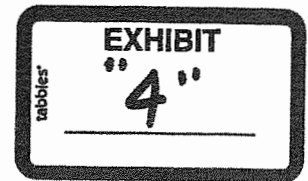
Owner Name           Erwin, Eric R. & Joyce Lynn  
 Owner Address       1005 Fox Hunters Point New Albany, In 47150  
 Parcel Number       22-05-03-200-090.000-007  
 Alt Parcel Number   005-27010-06  
 Property Address    1005 Fox Hunters Point Ct, New Albany, In 47150  
 Property Class Code   510  
 Property Class       1 Family Dwell - Platted Lot  
 Neighborhood       Fox Hunters Point S/d, 5032003-007  
 Legal Description    P 1062 L 6; .829Ac &; Prt; L 7 0.483 Ac; #2701-007

Taxing District

Township            New Albany Township  
 Corporation         New Albany-floyd County Consolidated

Land Description

Land Type	Acreage	Dimensions
(9) Homesite	1	
(91) Res Excess Acreage	0.329	



## Transfer of Ownership

Date	Name	Buyer	Document	Deed Type	Sale Price
1900-01-01	Bezy, Margaret			Wd	
1993-10-31	Hale, Joanne L. & David Ruckman		20 - 12940	Qc	
2003-04-10	Swaney, Leslie K		200307910	Wd	
2004-10-07	Swaney, Michael G & Leslie K		200415474	Qc	
2011-02-18	Ott, Bradley W & Mary		201103169	Wd	\$375,000.00
2016-03-23	Erwin, Eric R. & Joyce Lynn		201604212	Wd	\$412,500.00

## Valuation Record

Assessment Date	Reason for Change	Land	Improvements	Total Valuation
2018-06-22	Miscellaneous	\$64,000.00	\$257,300.00	\$321,300.00
2017-06-12	Annual Adjustment	\$64,000.00	\$233,700.00	\$297,700.00
2016-08-15	Annual Adjustment	\$64,000.00	\$233,700.00	\$297,700.00
2016-01-01	Annual Adjustment	\$64,000.00	\$233,700.00	\$297,700.00
2015-03-01	Annual Adjustment	\$64,000.00	\$243,200.00	\$307,200.00
2014-03-01	Annual Adjustment	\$64,000.00	\$243,600.00	\$307,600.00
2013-03-01	Miscellaneous	\$64,000.00	\$238,200.00	\$302,200.00
2012-03-01	General Revaluation	\$64,000.00	\$241,900.00	\$305,900.00
2011-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2010-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2010-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2009-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2009-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2009-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2008-03-01	Miscellaneous	\$55,300.00	\$203,900.00	\$259,200.00
2007-03-01	Annual Adjustment	\$55,300.00	\$203,900.00	\$259,200.00
2007-03-01	Annual Adjustment	\$55,300.00	\$203,900.00	\$259,200.00
2006-03-01	Combination	\$57,800.00	\$203,900.00	\$261,700.00
2006-03-01	Miscellaneous	\$28,700.00	\$185,400.00	\$214,100.00
2006-03-01	Annual Adjustment	\$55,300.00	\$203,900.00	\$259,200.00
2005-03-01	New Construction - Complete Structure	\$28,700.00	\$185,400.00	\$214,100.00
2004-03-01	Reclassification Of Use	\$28,700.00	\$0	\$28,700.00
2002-03-01	General Revaluation	\$1,600.00	\$0	\$1,600.00
2001-03-05	100% Av Initialized	\$1,600.00	\$0	\$1,600.00
1996-03-05	Miscellaneous	\$500.00	\$0	\$500.00

## Sales

Sale Date	Sale Price	Buyer Name	Seller Name
2011-02-15	\$375,000.00	Bradley W Ott	Michael G Swaney
2016-03-21	\$412,500.00	Eric R. Erwin	Bradley W. Ott

## Public Utilities

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Water	Y
Sewer	N
Gas	N
Electricity	Y
All	N

## Exterior Features

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Exterior Feature	Size/Area
Canopy, Roof Extension	56
Porch, Open Frame	72
Stoop, Masonry	56
Wood Deck	192

## Special Features

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Description	Size/Area
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## Summary of Improvements

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Buildings	Grade	Condition	Construction Year	Effective Year	Area
Detached Garage	C	A	2017		1,056
Single-family R 03	B	A	2004		3,562

## Single-Family R 03

## Accommodations

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Bed Rooms	3
Finished Rooms	6

## Plumbing

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Full Baths	3
Full Baths Fixtures	
Half Baths	
Half Baths Fixtures	
Kitchen Sinks	1

## Other Residential Dwelling

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Heat Type	Central Warm Air
Fireplaces	1
Attached Garages	658

Floors

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Floor	Construction	Base	Finished
1	Brick	2,062	2,062
B		2,046	1,500

ERIC J. HOLCOMB, Governor  
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 West Washington Street  
Indianapolis, IN 46204



**Commission Meeting Minutes**

Indiana Fire Prevention and Building Safety Commission  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, Indiana 46204

October 2, 2018

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Nicoson at 9:02 a.m. on October 2<sup>nd</sup>, 2018.

- a. Commissioners present at the Commission Meeting,

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

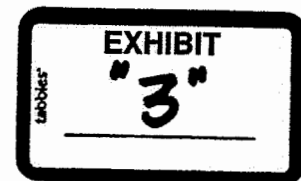
- b. Commissioners not present at the Commission meeting:

Jessica Scheurich, Vice-Chairman

- c. The following departmental staff were present during the meeting:

James Schmidt, Deputy Attorney General and Legal Counsel  
Douglas Boyle, Director of Fire Prevention and Building Safety Commission  
Craig Burgess, State Building Commissioner  
Denise Fitzpatrick, IDHS Code Specialist  
Justin Guedel, IDHS Staff Attorney  
Alank Blunk, IDHS Plan Review Section Chief  
Kevin Troy, State Fire Marshal's Office – Code Enforcement Assistant Section Chief  
Sarah Chaney, FPBSC's Secretary

An Equal Opportunity Employer



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

3. **Minutes Approval**

Director Boyle called for corrections and approval of the Commission's minutes for its September 4<sup>th</sup> 2018 meeting. It was noted that Commissioner Popich abstained from the Commission review of a city issued citation. It was mentioned that 18-09-30 Yorktown should have the condition listed with the date of 4/15/2019. 18-09-43(d) was deemed No Variance Required. 18-09-28 should have mentioned the action was No Variance Required because it was considered a piece of equipment. This was voted upon and carried.

4. **State Building Commissioner's Report**

Craig Burgess read an email received from Pastor Chris Williams of Cross Point Christian Academy about school safety issues. In this letter he mentioned two door barricading products, and believes the Fire Prevention and Building Safety Commission should relook at the codes due to the life safety of children. He understands that egress is important but Teacher and students' lives are more important than the code when facing a threat from within. Mr. Burgess stated this situation isn't going to go away. Whether the commission had a tool to reevaluate now or during the next code cycle. He is looking forward to the outcome of the Scottsburg Pinch Guard variances. He believes manufactures need to take more responsibly in developing products that meet code.

5. **Rulemaking Updates**

2018 Elevator Code Commission Update

Commissioner Corey stated they are continuing A17.1 Section 8. It was decided not to adopt A17.6 as the suspension standards they release in A17.1 are good enough. It's a tough part of the code to come to an agreement on

2018 Indiana Residential Code Committee Update

Commissioner Furnish stated the next meeting is October 17<sup>th</sup>. They will be going over chapters 30-38 in conference room 29. The committee is ahead of schedule and will have something to give to the commission to review shortly.



**6. Request for Clarification on the Application of the Commission's Rules – Deputy Chief Michael Arany and Fire Marshall Braden Prochnow, White River Township Fire Department**

White River Township Fire Department sought clarification on Rule 13 GAR 675 IAC. This is in regards to a single family dwelling to have a change of occupancy to accommodate a school. The Fire Department is worried that using a Rule 13 and then using a chapter 34 is circumventing the actual intent of the code, and setting a dangerous presence. They noted egress concerns and other safety hazards. Additionally they are concerned future inspectors won't be able to track which areas of the building can be inhabited and which can't. Commission Legal Counsel has concerns with the Commission giving advice on these issues. Suggests not responding or proceeding with caution. The State Building Commissioner stated that the Chapter 34 conversion process doesn't consider the past happenings with the structure. He doesn't believe the code offers a way to limit this, but would need legal to see they can clarify the rule. The FPBS Commission Chairman Nicoson urges the involved parties sit down to discuss this situation before proceeding.

**7. Commission Action on Third Party Inspection Agency Renewals**

Hillborn, Werner, Carter & Associates, Inc.

Kevin Troy, State Fire Marshal's Office, recommended approval. Commissioner Popich motioned to approve. This was voted upon and carried.

**8. Overview/Clarification on Petition for Administrative Review Process for the Fire Prevention and Building Safety Commission – Jonathan Whitham/Justin Guedel, IDHS Legal**

Jonathon Whitham, IDHS Legal Counsel, presented a new idea for submitting for administrative review using an online form. He stated the goal for this administrative review is to provide a quick, informal way to correct a wrong situation in which an order was issued due to being incorrectly handled. They will still have the old processing method available as this online form is tested, but they want to offer this for immediate preview for petitions or informal review. The goal is to have this resolved in days instead of months. This is simply a test to see if this works or not. Concerns about giving all parties involved enough notice if appeals appear on the agenda for a Commission meeting. Commissioner Popich stated he was concerned about individuals in rural communities that have travel far only to potentially have the appeal no heard.

**9. Petitions for Administrative Review**

a. Timely

Variance No. 18-05-04 Fazoli's

This was submitted through the portal. Calculated date of submission allowed this to be timely

b. Commission Determination of Standing

State Inspection Report State Number 395767 – McCutchanville Elementary

Upon review of submission it was noticed that the contracted electrical company submitting the order for review. It was questioned whether this was an allowable party to submit the review. Legal Counsel said petitioners effected by the order can request it, but not sure they are entitled to a hearing. This was voted upon and carried.

**10. Commission Action on Non-Final Orders of Dismissal**

a. Daniel's Vineyard

Cause Number: DHS-1809-FPBSC-008

This was voted upon and carried.

**11. Variances**

a. Tabled Variances

18-06-07 Calvary United Methodist Church Ansul System, Syracuse – *paper filing, table per proponent's request*

Tabled – Commissioner Furnish; Commissioner Corey

Original submitter no longer with the church so the new chair is now looking into removing the parts or selling the hoods.

18-06-70 Wedding Banquet Hall – Furry, Culver

Approved – Commissioner Heinsman; Commissioner Furnish

Tim Callas, consultant, stated the engineering review is done. The structure is passing chapter 34 eval. They are attaching anchors under the trusses full length of the building on both sides. Engineer believes there is rebar in the block parts due to finding steel sticking out. He assumes it's the full length. Improvements are approved by the designer. Complying bathrooms not on floor plan in a separate free standing building. Local officials have been working with them.

18-07-16 HealthSouth Deaconess Rehabilitation Hospital, Newburgh

Approved – Commissioner Hite; Commissioner Goeden

James Booker, Healthcare Professional, requested a variance for portable shower seats instead of wall mounted seats. This would allow for more moveably for the nurses as washing parts near the wall is hard. Wall mount seats also can't be used by larger patients. Each room would have its own seat. If the seat needed to be moved, then staff would assist. Will have something to keep the seats from slipping in the shower.

18-08-02 Lindberg Point, West Lafayette

Tabled – Commissioner Furnish; Commissioner Popich

18-08-16 The Landing Development – 116 Renovation, Fort Wayne

Tabled – Commissioner Pannicke; Commissioner Popich

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

Director Boyle stated they needed more time to follow up on this.

Tabled – Commissioner Furnish; Commissioner Corey

18-08-72 Black Walnut Grove Estate, West – *incomplete*

Waiting on Chapter 34. IT to put back in ID status.

18-09-25 Morgan Reception Hall 2, North Vernon

Approved with conditions – Commissioner Pannicke; Commissioner Corey  
Condition(s): Loft at the east end of the building is limited to 5 people.

Bernie Housberger requested a variance to not install a sprinkler system due to cost which was estimated to be \$260,000. Fire Chief Mike Coal looking for additional items like putting in a dry hydrant, smoke detection system, and shunt trips on all the outlets to activate the alarm. Proponent agreed to this.

18-09-40 Cornerstone, Marion

Approved with conditions – Commissioner Pannicke; Commissioner Popich  
Condition(s):

- The current standpipe system remains active for emergency personnel to use in an emergency situation.

- The current system shall be compatible with Marion Fire Hose threads as stated in I.F.C. 905.1
- The current system is inspected, tested, and maintained by a professional and trained fire protection technician as stated in I.F.C. 901.6

Robert Johnson, Cornerstone Representative, asked for a variance to remove fire hoses from cabinets. Plan to maintain pipe as is. Make sure connections work for fire hoses.

**Breaking and reconvening: Chairman Nicoson recessed the Commission at 10:35 a.m. It was called back to order at 10:47 a.m.**

18-10-42 (a) (b) (c) (d) IU North Walnut Grove Housing, Bloomington

Commissioner Popich motioned to remove from block vote. Commissioner Corey seconded that motion.

Approved – (a) Commissioner Popich; Commissioner Heinsman, (b) Commissioner Henson; Commissioner Goeden, (c) Commissioner Corey; Commissioner Jordan. (d) Commissioner Henson; Commissioner Corey  
 Abstained – Commissioner Pannicke

Ed Rensink, RTM Consultants, Variance (a) is to allow nonrated opening in corridors. Glass is used for separation, and is nonrated. Tim Clapp, LFO Bloomington, is concerned that they don't use fire rated glass, and stated sprinklers don't fix everything. He continued on to mention that sprinklers in a pathway makes it hard to get through the area. Ed argued that glazing the glass to make it fire rated is expensive, and sprinklers can cool the glass. Commissioner Hite asked if the building would meet the occupancy type in the Life Safety Code. Ed answered it allows for egress as defined without obstacles. Commissioner Corey mentioned the commission has put sprinkler heads in the opening of glass several times over. Commissioner Heinsman commented the problem is this would indicate a direction against the way this commission has ruled previously. This needs to be a larger discussion. Tim Clapp accused IDHS variance staff of rubber stamping cases like this. It was questioned whether this should remain an A/B category. Variance (b) is to allow egress path through a lounge space. This does comply with Life Safety Code for foyers, lobbies, and reception rooms. Variance (c) is to allow doors to not have closers. The area is protected by an NFPA sprinkler system. Local is worried about having to maintain and test all of the closers for every door in this area. Tim Clapp argued that students will hold these doors open in between rooms, and if the doors have closers it'll close behind them. This would protect the room in the case of a fire. State Building Commissioner asked what the alternatives were if it's not life safety because maintenance isn't enough to hang your hat on. Ed Rensink stated they were offering smoke detection and quick response sprinklers which would isolate the room of origin. Variance (d) was approved with little discussion.

b. New Variances - Category A/B.

Approved – Commissioner Pannicke; Commissioner Jordan

18-10-03 (a) (b) The Arbuckle Brownsburg, Brownsburg

Abstained – Commissioner Heinsman, Commissioner Corey

18-10-04 Edinburgh Hwy 31, Edinburgh

18-10-14 (a) (b) Oasis at 56th Street, Indianapolis

Abstained – Commissioner Corey

18-10-15 (a) (b) Minnie Hartmann Center, Indianapolis

Abstained – Commissioner Corey

18-10-16 (a) (b) Goodman Campbell, Carmel

Abstained – Commissioner Corey

18-10-17 (a) (b) Parker Place Indianapolis, Indianapolis

Abstained – Commissioner Heinsman, Commissioner Corey

18-10-19 Old National Bank, Vincennes

18-10-20 Prairie Creek Park, Frankfort

Abstained – Commissioner Heinsman

18-10-21 White River State Park Concert Venue Restrooms, Indianapolis

18-10-22 (a) (b) 16 New Jersey, Indianapolis

Abstained Commissioner Heinsman, Commissioner Popich

18-10-25 (a) (b) (c) University of Notre Dame – Men’s Residence Hall, Notre Dame

Abstained – Commissioner Goeden

18-10-26 (a) (b) (c) Eli Lilly K108 Central Inspection Expansion, Indianapolis

18-10-30 Grandview Tower Hose Removal, Evansville

18-10-46 Handcrafted Doors, Millersburg

18-10-53 Hose Cabinets, Fort Wayne

18-10-55 (a) (b) (c) Springhill Suites by Marriott, Fort Wayne

18-10-56 (a) (b) (c) (d) Grand Park SpringHill Suites, Westfield

18-10-62 (a) (b) Lafayette Staybridge Inn, Lafayette

Abstained – Commissioner Corey

c. New Variances - Category C/D/NVR

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

18-10-60 Brownsburg Animal Clinic Expansion, Brownsburg

Approved – Commissioner Corey; Commissioner Furnish

Samantha Brady, Owner, asking for a variance to install a fire hydrant 400 feet away from a portion of the building. Previous owners of neighboring property wouldn't let a water main go through their property. Putting in the piping was \$26,000. Steve Jones, Local Fire Official, is okay with this do to the early detection system in the building.

18-10-11 (a) (b) (c) Broadway UMC Reinvisioning, Elkhart

Approved – (a) (b) (c) Commissioner Corey; Commissioner Popich

Scott Perez, proponent, stated this was an existing church, and the chair lift was damaged in the fire. They are replacing it with a new chair, but it exceeds the lengths stated in the code. Commissioner Corey said this was going in new then no but this was existing, and they are trying to update this. It's only a foot off of travel distance with no change of condition. Variance (a) is for the platform lift exceeding travel by 168 inches. They want to allow it for 190 inches. This lift was recently replaced due to fire. Variance (b) is for the use of the exiting doors to be reused. They don't meet the opening requirements. Variance (c) is for the doors to not be power operated due to the nature of the original construction not allowing for room.

18-10-02 Tippy Creek Winery Cables, Leesburg – *Paper filing, Table per proponent's request*

Tabled – Commissioner Furnish; Commissioner Corey

18-10-07 & 18-10-57 School Safety – Pinch Guards, Lexington & Scottsburg

Approved with Condition(s) – Commissioner Pannicke; Commissioner Corey

Condition(s) – This is to be placed 18 inches from the floor on the floor with a sunset date of 7/1/2020

Applications weren't processed in time for the last meeting, but it was agreed these would be approved with the same condition as the others.

18-10-09 Crazy Caretakers Inc., Holland

Denied – Commission Popich; Commissioner Henson

Proponent was a no show. Doug Boyle, Commission Director, stated they attempted to submit a late filing request. This variance was for a haunted maze.

18-10-10 Ceres Partners Office, South Bend

Denied – Commissioner Corey; Commissioner Popich

Representative from Alliance Architect stated they needed a variance for exceeding the elevator travel distance. Each floor place is less than 3000 sq. ft., and the Owner is trying to increase accessibility. Part of the elevator wall is utilized by a stairwell. Wool frame wall. Building has a shaft that went down but no bottom structure. They want to make the existing shaft smaller. Commissioner Corey expressed concerns about not having fire service and a few other parts. Proponent's position is we don't have to have the elevator at all. Commissioner Corey was concerned that if the commission started letting them have

more stops and increasing the travel distance without other safety equipment is it really safe. After being told it would be a smaller elevator than the shaft opening, it was brought up that this elevator wouldn't be meeting ADA compliance or handicap code.

18-10-33 American Lift Building, Greensburg

Withdrawn

18-10-38 Mitchell's Red Cedar Farm the Old Gary Barn, Frankfort

Tabled – Commissioner Corey; Commissioner Popich

The Mitchell's stated they wanted to convert this existing bar into a Wedding venue using Rule 13. They uploaded the floor plans and items as far as fire exists for the barn. The Commission informed them that there is a process for these barns and instructed they bring in an engineer. Kevin Troy, State Fire Marshal's Office, stated this isn't automatically a class one structure and this is private property. State Building Commissioner mentioned Rule 13 isn't the right tool for this. This was tabled to allow them to time to learn or find someone to guide them through this process.

18-10-41 Beer Garden Canopy, Bedford

Approved with Condition(s) – Commissioner Pannicke; Commissioner Jordan  
Conditions(s) – Sunset date of 10/31/2020. If sides are put on, then there must be a dedicated exit door required for the occupancy. Must have true doors with signage and hardware, and no combustible appliances within the tent.

Brad Hawkins, Salt Creek, requested a variances for extend time for a canopy to be up in a beer garden structure. Commissioner overs a sunset date 2 years out so it could be revisited. Mr. Hawkins wasn't sure if there were going to be sides on it for winter, but it would be anchored not pull tied. They are working with local code enforcement on heater for the tent. Occupancy load is set to about 100.

18-10-61 Historic Wollenmann House, Ferdinand

Approved with Condition(s) – Commissioner Henson; Commissioner Goeden.  
Condition(s) – The whole building needs to be rent to the same entity or person.

Representative from the Historical Society is currently renting the bistro on the lower floor, but the renters want to live in the second floor. Sprinkler system was going to cost \$16k. They don't have the cost on the fire rating. The top floor isn't normally rented because it doesn't have a kitchen. Renters want to use the bistro kitchen. All new electrical and HVAC. Kevin Troy mentions they can call it a mixed use single family dwelling.

18-10-63 Victory Theater, Evansville

Approved with Condition(s) – Commissioner Furnish; Commissioner Popich

Conditions – Sunset date of 10/1/2021 if it's not fixed before barring that the broken number of sprinkler heads do not exceed 15% of total number.

Representative from Building Authority for Evansville is requesting a variance for the escutcheons for the sprinkler heads. It was found during an inspection report. They would have to build scaffolding to get to most of the heads to fix them. A lift won't fit through the doors. It's estimated there are 60 heads in the building. Commissioner Popich motioned to table till after lunch. Commissioner Jordan seconded this motion.

**Breaking and reconvening: Chairman Nicoson recessed the Commission at 12:35 p.m. It was called back to order at 1:42 p.m.**

Commissioner Furnish motioned to un-table. Commissioner Goeden seconded this motion

Evansville Fire Chief isn't opposed to variance. They will be painting the ceiling at a later date, and plan to correct this then.

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

18-10-12 (a) (b) Bethel Townhomes Renovations, Indianapolis

Approved (a) (b) – Commissioner Pannicke; Commissioner Corey  
Abstained – Commissioner Popich

David Young is requesting two variances, on his client's behalf, for 64 – 2 bedroom townhomes and 30 – 3 Bedroom Townhomes. Variance (a) is replace the furnace but they don't have the proper clearance according to code enforcement. They place to add a side door and hang the water heater to the ceiling. They want to maintain the current clearance instead of expanding for the extra 4 to 6 inches needed. Jeff Dean, City of Indianapolis, stated this would be an alternate furnace due to HVAC changes since the 60s'.

18-10-18 Church Arbor, Indianapolis

Approved – Commissioner Corey, Commissioner Pannicke

Ed Neil requested a variance to build a post building with metal roof. This is to store picnic tables and chairs. This structure is more than 400 ft. from the hydrant. Condos on the other side of main building.

18-10-28 House Relocation from 1218 Prospect to 1218 Evison Street, Indianapolis

Approved – Commissioner Heinsman; Commissioner Corey



Paul Robinson requested a variance is for the alternation to also not have to replace windows, siding, and such to be fire rated. Exterior is fire rated. Moving that building would make the windows not be a point of egress.

18-10-36 Attic Project – Stairway, Indianapolis

Approved – Commissioner Furnish; Commissioner Corey

Rick Rush, owner, is requesting a variance for the 6 ft. 8 in. requirement for the head clearance. They are building a room in the attic, and it will have a 4 by 4 egress window. Landing up is against code. It will be an open path.

Consultants:

18-10-05 The Barn at Timber Ridge Morgantown

Approved with Condition(s) – Commissioner Jordan; Commissioner Heinsman  
Condition(s) - Grading is to be installed to make 2 of the 3 exits accessible along with the interior platform.

Abstained – Commissioner Heinsman

Melissa Tupper, RTM, requested a variance to use chapter 34 for the conversion of this barn into an event center. It is in compliance with chapter 16, and has been reviewed by a structural engineer. They will have fire protection, shunt trips, and smoke detection. Occupancy load is set to 266. Commission had concerns about the building being handicap accessible in case of an emergency.

18-10-06 R& A Cassopolis Property LLC, Elkhart

Approved – Commissioner Popich; Commissioner Pannicke

Carrie Ballinger, RTM, request to allow them to use tie off anchor instead of tie equipment

18-10-08 (a) (b) (c) 215 S Walnut Street Apartments, Bloomington

Approved – (a) Commissioner Pannicke; Commissioner Henson, (b) Commissioner Pannicke; Commissioner Popich, (c) Commissioner Jordan; Commissioner Corey

Abstained – Commissioner Heinsman

Carrie Ballinger, RTM, variance (a) is for exterior openings. They do not meet the separation distance. There are sprinkler heads at the openings. This is a NFPA 13R system throughout. Variance (b) is for the stairways on the courtyard like area. Interior stairways have exits. They will not be fire rated exits. Sprinklers at openings as well. Variance (c) is for the stairway exits only being 8 ft. from the property line.

18-10-13 FSAH Michigan City Replacement Hospital, Michigan City

Approved – Commissioner Pannicke; Commissioner Popich

Variance is for the hose connections to be located on the existing standpipes at the main floor landings.

18-10-23 Central Christian Church Temporary Homeless Shelter, Indianapolis

Approved with Condition(s) – Commissioner Pannicke; Commissioner Corey  
Condition(s) – Approved until 4/1/2021

Ed Rensink, RTM, requested a variance for 70 occupants for 75 days. Plans show the gym has 2 exits. Manual fire alarm system with smoke detection is currently installed in the building. They have restrooms, and will be staffed 24 hours a day. Funding for this program has been approved for the next 3 years. This will be Open Dec 31<sup>st</sup> through March 15th.

18-10-24 Graduate Hotel Café, Bloomington 3

Approved – Commissioner Jordan; Commissioner Heinsman  
Abstained – Commissioner Pannicke

Ed Rensink, RTM, requested a variance for this is a café and tenant space. Attached to the back of the space is a set of steps which leads right to the sidewalk. Smaller steps in a vestibule at the other exit that has sprinklers.

18-10-27 Eric & Joyce Erwin Residence – LP Tank, New Albany

Approved – Commissioner Pannicke; Commissioner Henson

Ed Rensink, RTM, is requesting a variance for the garage being contrasted only 6 ft. from the underground LP tank

18-10-29 (a) (b) Metro Building – Roof Deck and Condo Penthouse, Fort Wayne

Approved with Condition(s) – (a) (b) Commissioner Pannicke; Commissioner Popich  
Condition(s) – (a) The occupancy load is to be 49, and the space is only for tenant use.  
(b) There must be a detection system, and the occupancy load will be based on the travel distance.

Ed Rensink, RTM, requested variance (a) for the single set of stairs leading from the roof deck down to the first floor corridor. This will not be a public area. Variance (b) is for lacking the pressurized stairs. They will have detection in the units.

**Breaking and reconvening: Chairman Nicoson recessed the Commission at 3:22 p.m. It was called back to order at 3:28 p.m.**

18-10-31 (a) (b) Eastwood Middle School Additions and Renovation, Indianapolis

Approved with Condition(s) – (a) (b) Commissioner Pannicke; Commissioner Corey  
Condition(s) – Approved until 11/30/2020  
Abstained – Commissioner Heinsman

Ed Rensink, RTM, requested a variance for a temporary means of egress and phasing in sprinklers system as they renovate. This is a 4 phase process with the egress changing a bit at each phase.

18-10-64 (a) (b) Universal Forestry Products, Granger

Denied (a) (b) – Commissioner Pannicke; Commissioner Popich

Carrie Ballinger, RTM, requested variances for not adding a sprinkler system, and to exceed the allowable travel distance in a wood processing and cutting facility. Local Fire Marshal is concerned about the lack of fire protection for the 41 acres that houses 19 buildings. They have had 2 fires that were reported at this facility which started with generators catching fire. There is one exit out besides the exit from the generator area. Public health and safety is effected because of toxic fumes from the wood if on fire. The nearest hydrant is 3.1 Miles away.

18-10-32 Hammond Middle School – High School, Hammond

Approved – Commissioner Pannicke; Commissioner Heinsman

Ed Rensink, RTM, requested a variance to allow for a 45 foot yard separation between the current building and new one. They don't have a fire exposure problem, and there is fire access all the way around the building. They are also adding a fire wall between the two.

18-10-34 UPS Remodel 2 Plainfield

Approved – Commissioner Furnish; Commissioner Popich

Christina Collester, RTM, is requesting the same variance for this property as they did 6 month ago because now they are adding offices for the employees now. Occupancy is changing based on the separate rooms.

18-10-35 Lilly M11- M12 Stairs Enclosure, Indianapolis

Approved – Commissioner Popich; Commissioner Jordan

Ed Rensink, RTM, requesting a variance to disconnect an electrical system but not remove it due to 6 figure cost to move. Taking out existing and putting new fire rated and noncombustible stairs with 2 hour fire walls. Block walls have a 2 hour rating

18-10-37 Plato's Court Renovations, Bloomington

Approved – Commissioner Furnish; Commissioner Popich

Melissa Tupper, RTM, requested a variance for falling short on different parts of the egress code for every window in these existing apartments. Tim Clapp doesn't oppose the variance.

18-10-39 Canal Road Building LLC Lafayette

Approved – Commissioner Jordan; Commissioner Popich

Melissa Tupper, RTM, requested a variance to allow 2 hour fire walls between the existing building and the metal and wood structure. The existing building is noncombustible construction.

18-10-40 SMC of America Distribution Center, Noblesville

Approved – Commissioner Popich; Commissioner Pannicke  
Abstained – Commissioner Heinsman

Tim Callas is requesting a variance for new addition connecting to sidewalks, and Noblesville asked them to move the stair exit back 38 feet. This is a FD access issue

18-10-43 & 18-10-44 Retail Center, Indianapolis

Approved with Condition(s) – Commissioner Pannicke; Commissioner Popich  
Condition(s) – Any cooking accessory is to be maintained.

Tim Callas stated there are only 2 photos due to a naked homeless man chasing them from the property. The new owner is going to put ceiling tiles in, and this is a Small M occupancy.

18-10-45 (a) (b) (c) (d) Grand View Phase 2, Mishawaka

Approved – (a) (d) (c) Commissioner Furnish; Commissioner Goeden, (b) Commissioner Pannicke; Commissioner Corey  
Abstained – Commissioner Heinsman

RTM Consultant requested variance (b) for individual garages to be attached to it. This is a U occupancy with a sprinkler system.

18-10-47 Kingsfield Apartments – BLDG 13 Rebuild, New Albany

Approved – Commissioner Pannicke; Commissioner Corey

Christina Colleston, RTM, stated this is 10 buildings with 16 – 2 bedroom units per building. To rebuild the building they have to put a NFPA 13D system. This building is the furthest from the main.

18-10-48 (a) (b) (c) (d) (e) (f) (g) City's Edge, Indianapolis

Tabled (a) – Commissioner Popich; Commissioner Corey  
Approved – (b) Commissioner Pannicke; Commissioner Henson, (c) (d) Commissioner Furnish; Commissioner Popich, (e) (f) (g) Commissioner Pannicke; Henson

Ed Rensink, RTM is requesting variance (a) to address the height of the building which is 4 ft. above limit per code. Issue is first floor is driving the height. Margie Bovard, IFD, asked for a 13 system. They can do control valves, but 13R uses a bird cage system. Variance (b) Address the stairs so they can bring them down to the first floor. Variance (g) addresses exterior wall to the west opening which is 23% on fire floor but Floors 2 -4 aren't the same Offering sprinkler at each opening.

18-10-49 (a) (b) Schroeder Barn, Rushville

Approved with Conditions listed on the application – Commissioner Heinsman;  
Commissioner Corey  
Condition(s) – (a) Approved till 1/1/2020

Carrie Ballinger, RTM, variance (b) is to use Chapter 34. Variance (a) is to allow portable restrooms to be used.

18-10-50 Spark, Fishers

Approved – Commissioner Corey; Commissioner Jordan  
Abstained – Commissioner Heinsman

Ed Rensink, RTM, requested a variance for live/ work units. Below will be a business, but the people running it will live above. There is a sprinkler system. Considered a B occupancy.

18-10-51 Northridge Middle School, Crawfordsville

Approved with Condition(s)  
Condition(s) – Smoke detection will be provided in the 4 rooms mentioned in the application.

Ed Rensink, RTM, requested a variance to have a glass front on the media center and on the project rooms. There will be smoke detection in there, and it will only be 4 rooms.

18-10-52 (a) (b) Sweet Wedding Barn, Waldron

Approved with Condition(s) – (a) Commissioner Furnish; Commissioner Corey  
Approved – (b) Commissioner Heinsman; Commissioner Furnish  
Condition(s) – Approved until 1/1/2020

Carrie Ballinger, RTM, requested variance (a) for temporary restrooms, and variance (b) to use chapter 34.

18-10-54 (a) (b) (c) (d) (e) (f) (g) Cummins Corporate Office Building Renovation

Approved – (a) (c) Commissioner Furnish; Commissioner Jordan, (b) Commissioner Heinsman; Commissioner Henson, (d) Commissioner Popich; Commissioner Heinsman, (g) Commissioner Henson; Commissioner Furnish, (e) Commissioner Henson; Commissioner Popich  
Approved with Condition(s) – (f) Commissioner Heinsman; Commissioner Henson  
Condition(s) - Those floors will only be used as a mechanical room  
Abstained – Commissioner Pannicke

Proponent requested variance (f) to have the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> floors converted into a mechanical room. There will be an exit to the stairs with discharge. Variance (g) is for the 2<sup>nd</sup> floor meeting room to exit into the stairs or into the other buildings. This will be a sprinklered space with set occupancy of 147 with tables and 113 for row seating. Variance (b) is to use fire partitions instead of walls.

18-10-58 Randolph County Highway Department Facility, Winchester

Approved – Commissioner Pannicke; Commissioner Henson

Christina Collester, RTM, requested a variance to allow a 2 hour fire wall instead of a 3 hour wall. They don't have the water supply for a sprinkler system.

18-10-59 (a) (b) Red Brick Bridal Barn, Mitchell

Approved with Condition(s) – (a) Commissioner Furnish; Commissioner Goeden, (b) Commissioner Heinsman; Commissioner Pannicke.  
Condition(s) – (a) Approved until 1/1/2020  
(b) Loft is to be used for storage only.

Carrie Ballinger, RTM, requested variance (a) for temporary restroom use. Variance (b) is for using chapter 34. There will be a detection system and occupancy load of 80.

**12. Comments and Closing Remarks –**

Chairman Nicoson said Thank you for the long day and be safe!

**13. Adjournment at 5:35p.m.**