

MEETING MINUTES

Meeting Details

Date: October 4, 2022
Time: 9:00 AM
Location: MADE @ Plainfield and Microsoft Teams

Member Attendance

Name	Present		Means of Participation
	Yes	No	
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic Means (MS Teams)
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

Notes

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

1. Call to Order – Chairman Greeson called the meeting to order at 9:00am.
2. Comments by Mr. Greeson.
3. Roll Call – Quorum was met.

Motion: Adopt the minutes as corrected.

Name	Present		Means of Participation
	Yes	No	
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA
Mike Beard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA

Logan Cook	<input type="checkbox"/>	<input type="checkbox"/>	Not present
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic Means (MS Teams)
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

1. Review and Action on September 2022 Meeting Minutes. Committee voted to accept the minutes as submitted.

2. IDHS Reports and Updates

- i. IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f) – Denise Fitzpatrick.

3. Rulemaking Update(s)

- i. Indiana Electrical Code Update Committee – Michael Popich, Chairman. Mr. Popich updated the Commission on the status of the Electrical Code Update Committee’s Proposed Draft Rule.
- ii. Mr. Pannicke asked about setting up a proposed schedule for rulemaking, as he did not want to wait longer due to a change in Commission membership. Mr. Pannicke suggested starting with plumbing and fuel gas code. Mr. Heinsman asked how much overlap there was between the mechanical and the fuel gas code. Mr. Rensink (RTM Consultants) indicated that there was some overlap. Mr. Popich indicated that the plumbing code would be a good place to start and gauge the volume of changes and determine the best way to proceed. Mr. Dyer noted that from an administrative standpoint, at least two weeks would be needed to review and compile proposed code changes. Mr. Rensink noted that using the Existing Building Code would require changes to the General Administrative Rules of the Commission to reconcile conflicts. Mr. Pannicke proposed: Plumbing (Feb), Fuel Gas (March), Mechanical (April), Building (May), Fire (June), Existing Building (July), GAR (August). 2021 International Codes, submission deadline the date of the Commission Meeting the month before the codes are heard. Plumbing Code 3rd printing, other codes in the printing as of Jan 1 2023.

4. Approval of Applications for Renewal as Authorized Inspection Agency for

Industrialized Building Systems.

- i. T.R. Arnold & Associates – Commission approved.
- ii. Hilborn, Werner, Carter & Associates, Inc. – Commission approved.

5. Variances

a. Tabled

- i. 22-03-43 Indy Marriott Place 10, Indianapolis – No presenter for proponent. Ms. Beauvard indicated that she is still opposed to this variance. Commission **tabled** the variance.

b. New

- i. **22-09-39 Brown Administration Building (South Bend)** – Ed Rensink.
Conversion of Brown Intermediate School South Bend. Some uses have already been migrated, such as existing gym for community use. Change of occupancy, will not pass Ch. 34 due to size of the building. Little to no actual conversion, simply utilizing spaces in a different way. Commission **approved** the variance.
- ii. **22-09-40(a)(b)(c)(d) Broad Ripple Mixed Use (Indianapolis)** – Commissioner Heinsman recused himself and left the room. Ralph Gerdes presented. Mr. Gerdes indicated that he wished to delete the property line between garage and other construction as both properties are owned by the same owner. Mr. Gerdes indicated that some negotiation had happened with the local neighborhood about traffic around the high school and had agreed to line up near the garage to pick up children, which is why the openings are needed. Garage stair is being used as second exit. Mr. Pannicke asked what would happen if the second parcel containing the garage were sold without the wall in place, cutting off access to the stair. Mr. Gerdes indicated that would create issues, and Mr. Pannicke agreed, but there is no agreement in place that memorialized a merger of the properties. Ms. Bovard asked a question about non-rated openings and entries on the property line. Mr. Gerdes indicated that it would be glass to make it visually noticeable. Ms. Bovard asked if there would be sprinklers one each side of the openings. Mr. Gerdes explained that is covered under Variance C. Mr. Popich asked what the hardship requiring the variance is. Mr. Gerdes indicated that they are necessary due to an agreement between two organizations outside the Commission. Mr. Popich indicated he did not see the Commission making a decision today, and asked what information would be needed for next month. Mr. Pannicke indicated he would like to see a permanent property agreement to prevent the sale of one parcel. Commission **approved** variances B and C. Mr. Gerdes went on to explain that Variance D is for travel distance, at 275 where only 250 is allowed. Proposing a two hour barrier. Ms. Bovard asked whether this was an existing building or new construction. Mr. Gerdes noted that it's new construction and has not been built yet. Mr. Popich inquired as to the cost. Mr. Gerdes noted he believed it would be about \$50K on a multimillion dollar

project. Commission **denied** Variance D. Commission **tabled** Variance A.

- iii. **22-09-41(a)(b) The Warehouse (Bloomington)** – Derek Holman, RTM Consultants. Youth Center in Bloomington, indoor volleyball and soccer field. Provided netting around the space, was cited by Bloomington for not having two means of egress from the spaces. Proposing a posted occupant load of 20 to reduce the number of required means of egress. Netting is in place for the safety of participants. Mr. Popich asked what was in the shipping container indicated on the floorplan. Staff indicated that it was checkout space for equipment. Bobby LaRue on behalf of Bloomington Fire Department asked Commission to deny the variance, expressing concern about the difficulty of leaving through netting, requesting exiting signage, etc. Mr. Murua indicated that he would not be opposed to a condition requiring exit signage. Mr. Popich asked what the purpose of the netting was, as spectators are normally not separated by netting. Mr. Pannicke asked about sprinkler and fire alarms, emergency lighting. Mr. Holman indicated the building has all of those. Several Commissioners asked why there aren't just additional holes in the net, appropriately sized with exit signs. Mr. Heinsman asked about an estimate of cost. Commission **approved** the variance **with the following conditions:** occupancy of 20 per court, provide one compliant way out of the netting which can be either a door or opening, must have proper designation as an exit with illuminated exit sign and contrasting color at perimeter of opening, occupant load clearly identified by sign at opening, any event that requires more than 20 persons the west net must be raised. Variance B was **withdrawn**.
- iv. **22-09-42 Barn at Black Rock Reservoir (Sullivan)** – Wedding barn. Mr. Pannicke expressed concern that this barn was finished in 2021, so is a new building that could have been built in compliance. He expressed concern that approving the variance would set a bad precedent. Proponent indicated that it was initially being used as a residential property that was later converted into event space, could not get a CDR from state until converted to Class I occupancy through variance, as A occupancies are disallowed under Rule 13. Mr. Heinsman echoed the concerns of Mr. Pannicke that this is structured in such a way that it seems it was always intended to be an assembly occupancy. Commission asked whether there was water off of State Road 54 that would allow it to be sprinkled. Commissioner Heinsman suggested that this variance be tabled until a cost estimate for sprinklers can be obtained. Commission **tabled** the variance.
- v. **22-09-43 William Rose Distillery Tasting Room (Zionsville)** – Ed Rensink. Conversion of an existing barn built in 1840. Fire alarm, egress doors and windows, restrooms in compliance with code. Zionsville Fire requested detection so that they are notified in case of fire, which owner has agreed to. Mr. Pannicke asked what the “Private Tasting Attic” on the drawing was. Mr. Rensink indicated that it was an attic above the private tasting room. Mr. Pannicke asked if DJ's or live music would be a concern. Mr. Rensink indicated that a separate event center was being constructed for those purposes. Commission approved the variance **with the following conditions:** provide smoke detection in two major

occupied spaces and heat detection in the attic.

- vi. **22-09-44 John Marshall Opportunity Hub (Indianapolis)** – Ralph Gerdes. Converted high school into education and community center. Mr. Gerdes indicated that the building would be in compliance with Existing Building Code. Commission asked if Ms. Bovard had comments. Ms. Bovard asked whether there would be high pile storage. Mr. Gerdes indicated there would not be due to less than twelve foot ceiling height. Mr. Popich asked Commission Staff whether there would be unexpected consequences of approving variance from GAR, Ms. Fitzpatrick indicated there should not be. Commission **approved** the variance.
- vii. **22-09-45(a)(b) MAACabre Haunted Attraction (Valparaiso)** – Selena, President of MAAC. Sprinklered, fire signage and exit signs, fire extinguishers, etc, provided. Fire watch provided, 5 days, 15 hours. Variance A was voided. Commission **approved** variance b.
- viii. **22-09-46(a)(b)(c)(d) McAtee Building (Loogootee)** – Van and Jolene McAtee. Decorating business, building is mostly used just as storage and warehouse. Building opened to the public four hours per week Mondays from 5 to 9 for fitting and sales of prom dresses. No employees. Variance (a): requesting to allow spray foam in ceiling without a fire barrier. Building equipped with interconnected smoke alarm with battery backup, is planning to install automatic notification system. Areas with spray foam not open to the public. Mr. Murua asked whether the panel would be UL listed commercial panel. Proponents indicated they would not be opposed to ensuring panel is UL rated. Mr. Popich noted that there were additional options for the spray foam, including an additional spray barrier, required because the spray foam itself is highly flammable and produces a highly toxic off-gas. There is another building next to theirs, partially on their property. Cinder block construction, no heat or running water. Commission suggested a permanent no build easement recorded to control the additional three feet on the side of the property. Additionally requesting no guard rail on one side of the stair. Asking to include a continuous hand rail. Upstairs is used for dresses on consignment. Stairway is fully illuminated in the event of power loss. Commission **approved** the variances **with the following conditions:** Before April 2, 2024 must (1) come into compliance with spray foam insulation using drywall or intumescent coating, (2) west wall property line negotiated in some manner to at least control 10 feet, (3) install a handrail at code compliant height at wall side of stair, (4) maintain guard rail, (5) install UL listed fire alarm.
- ix. **22-09-47(a)(b) Harmony Home 3 (Huntington)** – Staffed 24/7. Mr. Murua noted that Fort Wayne has received several of these and is requiring that they be sprinklered with R3 or R4 sprinkler systems for life safety purposes Mr. Murua indicated that the Commission had required pricing of a residential sprinkler system. Mr. Pannicke noted that there are two other locations open in this area with the support of the local fire official. Commission **tabled** the variance until a letter of support could be obtained from the local fire official.

- x. **22-09-48(a)(b)(c) and 22-09-49(a)(b)(c) Electric Works** – Building 19 Renovation (Fort Wayne) – Christina Collester. Building has historic freight elevators with historic doors, larger than the elevator cabs put in with the renovation. Ms. Collester indicated that the cages used in elevator hoistways create issues with beveling inside of the hoistways but outside of the cab area, which creates a technical conflict. Doors have some glazing in the viewing panel that will be replaced with wired glass or come up with some other transparent material that meets impact safety standards. Could potentially be some gaps where the doors were once welded closed. Doors are not rated, do not have labels, will be modified to make sure that they are smoke resistant. New sprinkler system. Smoke detectors outside of elevator doors. Passes Chapter 34. Commission **approved** the variance with the condition that the elevator doors be made smoke resistant.

- xi. **22-09-50 ARLO Apartments (Indianapolis)** – Melissa Tupper. Requesting variance from access road requirement. Access roads are required to ensure that trucks do not get stuck and have an means of egress, and that situations have arisen in the past that have prevented trucks from arriving or leaving the scene of a fire or other emergency. Mr. Pannicke asked what was in the grass or undeveloped land south of building 8. Brent White indicated that the undeveloped area is a wetland that cannot be touched without doing offsite remediation. Mr. Heinsman asked who made the decision that only one curb cut would be allowed. Mr. Murua indicated that it was likely due to city ordinance, which is a different entity with different requirements from the fire department. Mr. White did not believe that it would be possible to get a second. Mr. Pannicke suggested as a condition that they provide a turnaround (striped fire lane) south of building 8 that can handle IFD’s largest apparatus. Commission **approved** the variance with the proposed condition.

6. Report on Administrative Review

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

7. Commission Review of Local Ordinances

Staff has no recommendations to make on local ordinances at this time.

- 8. Final Comments/Closing Remarks – Next month is the Indiana Building Academy Conference at Purdue University. Thursday, November 3rd. Commissioner Burgess noted that registration information should be going out soon.

9. Next Meeting – November 1, 2022, at 9:00 a.m. Eastern Time at the MADE @ Plainfield facility, 1610 Reeves Road, Plainfield IN 46168. Virtual meeting details TBA.

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

10. Adjournment