

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission  
History Reference Room 211  
Indiana State Library  
315 W. Ohio Street  
Indianapolis, Indiana 46202  
In-Person and Video/Teleconference Microsoft Teams Format

Tuesday, August 3, 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 9:01 a.m. EDT on Tuesday, August 3, 2021. The meeting was conducted both **in-person and electronically** by videoconference and teleconference call through Teams.

a. Commissioners physically present at the meeting:

Harold Davidson, representing the Commissioner, Indiana Department of Labor  
James Greeson, Chairman  
James Murua  
Scott Pannicke  
Michael Popich, Vice Chairman

b. Commissioners attending the meeting electronically:

Michael Corey  
Gregory Furnish  
Joseph Heinsman  
Todd Hite, representing the Commissioner, Indiana State Department of Health  
James Jordan

c. Commissioners absent from the meeting:

David Henson

d. The following department (IDHS) staff were physically present during the meeting:

Douglas 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

Alan Blunk, IDHS Plan Review Section Chief

- e. The following department (IDHS) staff attended the meeting electronically:

Craig Burgess, Indiana State Building Commissioner  
Denise Fitzpatrick, IDHS Code and Variance Specialist  
Kim Hyten, IDHS Code and Variance Specialist  
Marcus Ballenger, IDHS Code and Variance Specialist  
Karla Vanblaricum, IDHS Variance Coordinator

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

Director Boyle conducted roll call noting that nine (9) members were present at the beginning of the meeting. Commissioner Hite was counted as present following the Commission’s first break, bringing the total number of members present to ten (10).

3. Commission Review and Action on Meeting Minutes

- a. Wednesday, July 7, 2021

Director Boyle called for any corrections and amendments to the meeting minutes. Commissioner Pannicke noted that he should be noted as having made the motion on Variance 21-06-17. Additionally, Vice Chairman Popich noted two spelling errors in summaries of Variances 21-06-12 and 21-06-34. Hear no other corrections or amendments, Commissioner Pannicke motioned to approve the Wednesday, July 7, 2021, meeting minutes with the noted corrections. Vice Chairman Popich made the second. It was voted on and carried. Commissioner Jordan abstained from the vote.

	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Wednesday, July 7, 2021, meeting minutes were **approved as amended**, with three (3) noted corrections 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

Director Boyle informed the Commission that Governor Holcomb extended the State of Indiana’s Declaration of a Public Health Disaster Emergency under Executive Order 21-18. Per Executive Order 21-18, the extension of the public health emergency will expire on August 30, 2021, unless it is renewed further. As such, the Commission’s active subcommittees will conduct their meetings via completely electronic means (Microsoft Teams) during the month of August. Commission staff will continue to monitor all directives issued by the Governor’s Office.

- b. State Building Commissioner’s Report – Craig Burgess, Indiana State Building Commissioner

- i. Written Interpretation No. CEB-2021-21-2014 IBC-705.6
- ii. Written Interpretation No. CEB-2021-22-2014 IBC-1013.2
- iii. Written Interpretation No. CEB-2021-23-2010 NFPA 13-8.6.5.3.1
- iv. Written Interpretation No. CEB-2021-25-2014 IBC-717.5.5

State Building Commissioner Craig Burgess explained the official written interpretations listed above in detail. Copies of the official written interpretations were provided in the Commission’s meeting materials and were also published to the Commission’s [Non-Rule Policy Documents/Interpretations of the Commission's Rules](#) web page. The members of the Commission did not have any questions or concerns for State Building Commissioner Burgess.

- c. IDHS Variance Determinations Report

Pursuant to 675 IAC 12-5-6.2(f), Director Boyle advised the Commission that a report of the department’s (IDHS) variance determinations and final action letters (orders) issued between July 2, 2021 and July 28, 2021 was included in the Commission’s meeting materials.

## 5. Rulemaking Update(s)

- a. Indiana Elevator Code Committee

- i. Next Meeting: Wednesday, August 18, 2021, beginning at 9:00 a.m. EDT; in-person meeting location and/or Microsoft Teams virtual/electronic meeting details TBA.

**Public notice and virtual/electronic meeting access details will be provided on the Committee's web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/indiana-elevator-code-committee/>) in advance of the meeting.**

Director Boyle informed the Commission that the Committee approved the repeal of 675 IAC 21-9, and replaced it with 675 IAC 21-9.1. At its next meeting, the Committee will continue – and hopefully complete – its rewrite of Rule 1 (675 IAC 21-1).

b. Exploratory Committee for Code Updates

- i. Next Meeting: Tuesday, September 28, 2021, beginning at 9:00 a.m. EDT; in-person meeting location and/or Microsoft Teams virtual/electronic meeting details TBA.

**Public notice and virtual/electronic meeting access details will be provided on the Committee's web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/indiana-exploratory-committee-for-code-updates/>) in advance of the meeting.**

Director Boyle informed the Commission that certain members of the Committee and industry volunteers have been tasked with overseeing gathering the information and facts regarding the each of the Committee's code update priorities, to be included in the Committee's report for the Commission (see Item 2(d) of the [Committee's Bylaws](#)). The Committee plans to have a brief, informal virtual meeting via Microsoft Teams on Friday, August 6, 2021, to make sure everyone is clear on who will be providing the information (responses). The information (responses) will be due to the Committee's staff on Friday, September 17, 2021, and the Committee' staff will then distribute all of the compiled information (responses) to the members of the Committee. The Committee is planning on hosting its next official meeting on Tuesday, September 28, 2021, at which time the Committee will review and discuss all of the information (responses) and work on drafting its report. The format of the Committee's meeting (in-person or virtual) will depend on the status of the declared public health emergency during the month of September.

6. Commission Action on Renewals for Authorized Industrialized Building System and Mobile Structure Third Party Inspection Agencies
- a. T.R. Arnold & Associates, Inc.

Kristin Settle, IDHS Code Enforcement Section, addressed the Commission and advised the Commission the department recommends the Commission's approval of T.R. Arnold & Associates, Inc.'s annual renewal to operate as a third

party inspection agency. Vice Chairman Popich made a motion to approve T.R. Arnold & Associates, Inc.’s annual renewal. Chairman Greeson made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
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"/>

T.R. Arnold & Associates, Inc.’s annual renewal to operate as a third party inspection agency was **approved**, with a vote of 9-0.

7. 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 – ***At its Wednesday, July 7, 2021, meeting, the Commission requested correspondence or verbal communication from the local fire official (Evansville Fire Department – Chief Charles Connelly) that the owner is in communication with the fire department and working toward conforming to the conditions of Variance No. 16-03-61.***

Evansville Fire Department Chief Fire Marshal Greg Main stated that the fire alarm and sprinkler plans were received, but they rejected due to the presence of high-pile storage. Mr. Lehman advised of Garvin’s intent to eliminate all high-pile storage areas in approximately thirty (30) days and ninety (90) days to remove the existing sprinkler system. Commissioner Pannicke recommended continued monitoring to determine if the owner complies with the proposed course of action. Mr. Lehman then requested that the Commission allow an increase in allowable storage height from twelve (12) to fifteen (15) feet, which concerned Mr. Boyle as to whether the business will actually be able to comply with the conditions set forth in the original variance. In short, the Commission advised that it expects to see high-pile storage removed by the September meeting, as well as an update regarding removal of the sprinkler system.

8. Commission Action on Locally Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b)
  - a. Rise on Meridian, 915 S. Meridian Street, Indianapolis, IN 46202

Director Boyle recommended the Commission's approval of the locally approved variance. Commissioner Pannicke motioned to approve. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The locally approved variance was **approved as submitted**, with a vote of 9-0.

9. Variances

a. Tabled

21-03-35 Bodenbender Barn Rescue, Salem

No proponent was present to speak. Commission staff will reach out to the applicant and submitter to advise them that the Commission may move forward with denying the variance request if they are not present to speak on behalf of it at next month's meeting. Vice Chairman Popich motioned to table. Chairman Greeson made the second. It was voted on and carried.

	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-04-29 New Bridge Apartments, Indianapolis

Tim Callas spoke as the proponent. He requested that the variance request be tabled again, as he is still attempting to arrange a meeting with the local fire department to discuss the variance request. Vice Chairman Popich motioned to table. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
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 was **tabled**, with a vote of 8-0.

21-05-20 Medical Memorial Plaza, South Bend – ***withdrawn by submitter on 7/13/2021. See correspondence attached to record of variance application.***

Director Boyle advised that the representative from Schindler Elevator had contacted him prior to the meeting to request that the variance be withdrawn, as there will be no modifications made to the hoistway in question. No further action was necessary.

21-06-14 D.A.R.T. Vehicle Storage Building, Auburn

Jeff Tappy and Duane Blankenship spoke as the proponents. Mr. Tappy clarified that all vehicles will be removed from the building when events are taking place. Chief Ryan Shambaugh, of the Auburn Fire Department, was in favor of the variance, so long as the occupancy load was posted at three hundred (300) persons. With that, Chairman Greeson motioned to approve on the following added condition(s): 1) full manual fire alarm system compliant with Section 907 of the Indiana Fire Code is required to be installed in the structure; 2) additional emergency egress lighting is required to be installed in the structure, per the local fire department’s recommendations; 3) a maximum occupancy limit of 300 occupants is required to be posted in the structure; 4) no vehicles are permitted to be stored in the structure while it is in use for any events; 5) the owner is permitted to host no more than twelve (12) events in the structure annually; and 6) no food preparation is permitted in the structure, and no alcohol is permitted to be consumed in the structure. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N

<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 8-0.

b. New

21-07-26 (a)(b) East 96<sup>th</sup> Street Development, Indianapolis

Dave Cook spoke as the proponent. The project involves a warehouse facility's east side, which has not been compliant with high-pile storage requirements since the late nineties. The first variance is to omit access roads, due to a creek adjacent the east side of the building with a very steep slope. The second variance requests to omit access doors on the east building only. Mr. Cook states there are already plenty of doors – including eighteen (18) existing overhead section doors and seven (7) man doors awaiting installation. Construction has greatly reduced size of the building and reduced it from an unlimited area storage facility. Per Margie Bovard's inquiry, plenty of fire hydrants are available, and one is being relocated to the center in between the two buildings. In the case that high-pile storage is added, the current sprinkler system will be modified to become code-compliant and potentially include an ESFR system. Commissioner Murua motioned to approve both variances on the condition(s) that: 1) The fire department connection (FDC) installed on the north elevation of the existing Building 2 is required to be moved to the frontage of the west elevation of existing Building 2, for access from the parking lot; 2) NFPA code-compliant sprinkler systems are required to be installed in the structures per the commodities and occupancy groups that move into the structures; 3) The existing fire hydrant is required to be moved onto one of the islands in the parking lot between the structures. Commissioner Pannicke made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 8-0.

21-07-27 Simplicity Furniture Temp Tent, Evansville

Roger Lehman spoke as the proponent. The Commission granted a variance for this project last year for one year. The owner recently purchased a building adjacent to the tent structure to serve as the business's permanent storefront. The request is to allow the temporary tent to be erected while the owner closes on the building and makes any necessary renovations. All safety protocols will continue to be followed while the temporary tent is erected, and jersey barriers have been installed, per the Commission's directives last year. Commissioner Pannicke motioned to approve on the condition that: use of the temporary tent shall expire on November 1, 2021 (11/1/21). Commissioner Jordan made the second. It was voted on and carried.

**Note:** *Mr. Lehman advised the Commission that this will be the last time this variance will be placed before the Commission, as the owner has secured a permanent structure to support his business and house his inventory.*

	<b>Y</b>	<b>N</b>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-07-28 Holiday Inn Express Remodel, Evansville

Roger Lehman spoke as the proponent. The project involves a hotel constructed in the 40s and 50s. Four of the rooms do not have required latch-side clearance, so the owner intends to install a card-operated door opener for use by disabled guests. A push button will be located within the interior of the room for use when exiting into the hallway. Commissioner Pannicke pointed out that the push buttons included in the design plans were on the wrong side of the wall and

would need to be moved to latched side. He also advised Mr. Lehman that a patron can still file a federal lawsuit against the owner for non-compliance with ADA requirements. Commissioner Pannicke motioned to approve on the condition(s) that: 1) the interior push buttons are required to be moved to the latched side of the doors; 2) the push buttons are required to be illuminated, either by being illuminated themselves, or illuminated by a night light; and 3) the owner is required to correct the side clearance of the corridor door serving Rooms 101 and 102 or seek approval of a variance. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-07-29 (a)(b) Ratts 1 Solar Project, Petersburg

Kevin Andersen spoke as the proponent. The request is to manufacture the solar power plant based on the 2020 National Electrical Code and the ASCE 7-16 requirements for wind load, as these codes utilize more advanced design standards than that which the State of Indiana has currently adopted. Vice Chairman Popich motioned to approve variance a) on the condition(s) that: 1) electrical design and installation shall comply with the requirements of the 2020 National Electrical Code. Vice Chairman Popich also motioned to approve variance b) on the condition(s) that: 1) the applicant shall comply with the requirements of ASCE 7-16, for wind load requirements, in lieu of the requirements of the 2014 Indiana Building Code (ASCE 7-10). Commissioner Davidson made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**Both variances were approved with conditions**, by a vote of 9-0.

21-07-30 Stacks Alley Awning, Valparaiso

Carrie Ballinger spoke as the proponent. The Commission previously approved a variance for temporary use of a similar roof top awning last year, which was to remain in its retracted position. The current proposed awning will not meet snow load requirements, will have zero setback from the neighboring building, and the outdoor seating area it shades will not have an occupancy classification. The Commission voiced its concern over the applicant's failure to properly cite each shortfall to its related code section, stating that its common practice to have multiple subsections within a variance when the proposal in question contains unrelated code violations. Mrs. Ballinger questioned why the Commission would deny this variance given that the stipulations were consistent with the previously approved variance. After some substantive discussion, Commissioner Heinsman motioned to approve on the condition(s) that: 1) the awning is required to be retracted in the event of forecasted weather conditions that will exceed the awning's rated structural capacity. Commissioner Jordan made the second. It was voted on and carried.

**Note:** For future variance submittals, all requests must be broken up into separate subsections if the scope of the request violates multiple state codes.

	<b>Y</b>	<b>N</b>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The variance was **approved with conditions**, by a vote of 8-0.

21-07-31 (a)(b) Point Biopharma, Indianapolis

Todd Hockemeyer and Greg Bellfield spoke as the proponents. The facility handles radioactive elements used in the compounding, manufacturing, and distribution of a new experimental cancer drug. Mandating the installation of sprinklers would pose a significant biohazard, as the water runoff could come into contact with the radioactive elements and seep into other rooms or the employee workstations. In lieu of sprinklers, the employees will be trained by the Pike Township Fire Department to mitigate potential fire hazards. Fire alarms and extinguishers will also be installed throughout the facility. Vice Chairman Popich motioned to approve a). Commissioner Murua made the second. It was voted on and carried

Mr. Hockemeyer noted that the business is working against a twenty-four hour time constraint to prepare, package and administer the shots before the vials must be discarded. Because of this, it would be unsafe for handicapped individuals to be charged with handling radioactive materials, as the process requires long hours of standing. As such, the business requests that the locker room adjacent to the production line be ADA non-compliant for use by able-bodied technicians preparing to enter the radioactive workspace. As a tradeoff, the business will make a number of positions available to wheelchair-bound employees, such as quality control. Special platforms and other accommodations will be installed to assist those individuals as they perform specific duties. Additionally, there are ADA compliant restrooms on both the first and second floor office spaces. Commissioner Murua motioned to approve b). Vice Chairman Popich made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-07-32 Building 87 – Operations and Maintenance Building, Mount Vernon

Robert Nelson spoke as the proponent. NFPA calls for no fire dampers to be used in laboratory exhaust systems, while Indiana Code requires them in H occupancies. Mr. Nelson requested that this requirement be omitted, as fire dampers would cause smoke and other combustible materials to buildup in the laboratory quicker. Vice Chairman Popich motioned to issue an NVR (no variance required), clarifying – under the directive of Director Boyle – that the laboratory’s ventilation duct was not tied to the building’s HVAC system; thus, the proposal did not violate any of the Commission’s current rules. The variance was approved with no further discussion. Commissioner Murua made the second. It was voted on and carried.

	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It was determined that **no variance was required**, with a vote of 10-0.

21-07-33 Hummer Pool, Zionsville

Amy Getchell spoke as the proponent. The project involves the installation of a recently completed fiberglass pool. During the final inspection, the inspector stated that the egress was not at the correct point, although Ms. Getchell received a permit when the pool schematic was first submitted. The inspector suggested drilling into the completed pool deck and adding a flip down ladder. If this is done, the automatic pool cover will not close properly. As such, the proposal is to accept a twenty (20) foot long egress, located at the halfway point of the pool, as being a sufficient means of egress. Vice Chairman Popich motioned to deny, as the Commission still saw this as a safety concern and an oversight in the design process. Chairman Greeson made the second. It was voted on and carried.

	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

21-07-34 Wheeler Mission Center for Women and Children, Indianapolis

Ed Rensink, Brad Smith, and Rick Alvis spoke as the proponents. The rooms in question are sleeping units only, not dwelling units. Because some guests stay for up to six months, Mr. Rensink stated that the original R-2 classification was correct. The design is modeled after Title III of the ADA, and two-thirds of the rooms were found to have been fully-accessible. Mr. Rensink also noted that a grab bar and necessary cabinetry could be installed, if needed, at a later date. A concern from the CEO, Rick Alvis, was the immediate decrease in bed space that would result from potential requested renovations. Mr. Rensink stated that a congregate kitchen is provided but not meant to be a space to routinely cook daily meals. With that, Commissioner Pannicke motioned to approve a). Chairman Greeson made the second. It was voted on and carried.

Regarding the staging area, which will be used to entertain kids throughout the day, there is no way to provide a pathway to depressed staging area. In lieu of this, a portable raised platform with a complying 1:12 ramp will be made available when the circumstance presents itself. Brad Smith, serving as the representative for Wheeler Mission, advised that the anticipated occupant load within the children's area would consist of approximately forty (40) persons. Commissioner Pannicke motioned to approve b) on the condition that: 1) the raised accessible area, per plans SK-1 and SK-2 attached to the record of the variance application, is not required with the approval of this variance. Commissioner Davidson made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Harold Davidson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Murua</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance **a) was approved as submitted**, with a vote of 7-0. Variance **b) was approved with conditions**, by a vote of 7-0.

10. Petitions for Administrative Review

a. Commission Determination

- i. IDHS Sanctions Order No. 1931-2159 – ITR Concession Company, LLC. – **received by Commission staff via electronic mail on Monday, July 19, 2021**

Director Boyle advised the Commission that the petitioner withdrew his petition for administrative review after the Indiana Department of Homeland Security closed its violation order and voided the subsequent sanction order. The lifting device in violation had been removed and the structure was demolished.

11. Non-Final Order/Non-Final Orders of Dismissal Issued by the ALJ – **action required by the Commission**

- a. Indiana Department of Homeland Security (IDHS) Sanctions Order No. 1851-2062 - FairBridge Inn Express (Cause No. DHS-0521-001045) – **tabled at the Commission’s Wednesday, July 7, 2021, meeting.**

The Non-Final Order of Dismissal was tabled at the Commission’s last meeting to afford additional time to exhaust the deadline by which any party could submit an objection to the Administrative Law Judge’s Non-Final Order of Dismissal. Director Boyle advised the Commission that staff had not received any objection since the Commission’s last meeting, and he recommended that the Commission affirm the Administrative Law Judge’s Non-Final Order of Dismissal. Commissioner Corey motioned to affirm. Commissioner Hite made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
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 Non-Final Order of Dismissal was **affirmed**, with a vote of 10-0. Director Boyle advised the Commission that he will issue the Commission's Final Order of Dismissal to the parties.

## 12. Commission Review of Local Ordinances

- a. Preliminary (Pre-Adoption) Review – ***see report provided in meeting materials***
  - i. Revisions and Additions to the Fire Prevention Code of the City of Columbus, Indiana (Chapter 8.12 of the City of Columbus, Indiana Municipal Code) – ***received by Commission staff via electronic mail on Tuesday, July 6, 2021.***

Director Boyle advised the Commission that staff will review the changes that the City of Columbus has proposed to its fire prevention code and try follow up with legal counsel for the City of Columbus before next month's meeting.

## 13. Final Comments/Closing Remarks from Chairman Greeson

Chairman Greeson thanked the members for their participation and advised that he will not be at next month's meeting, as he will be attending the annual State Fire Marshals Conference in Vermont. Vice Chairman Popich will serve as acting chairman in his absence, pursuant to Indiana Code § 22-12-2-5(c).

14. Next Meeting – Wednesday, September 8, 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

***A public notice with specific details regarding the format of the meeting will be provided on the Commission main web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/>) in advance of the meeting date.***

## 15. Adjournment

The meeting was adjourned at 3:26 p.m. EDT.