

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

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

Tuesday, December 7, 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. EST on Tuesday, December 7, 2021. The meeting was conducted both **in-person and electronically** by videoconference and teleconference call through Microsoft Teams.
 - a. Commissioners physically present at the meeting:

James Greeson, Chairman
Harold Davidson, representing the Commissioner, Indiana Department of Labor
Joseph Heinsman
 - b. Commissioners virtually/electronically present at the meeting:

Gregory Furnish
Todd Hite, representing the Commissioner, Indiana State Department of Health
James (Wes) Jordan
James Murua
Scott Pannicke
Michael Popich, Vice Chairman
John Watson
 - c. Commissioners absent from the meeting:

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

Doug Boyle, Director of the Fire Prevention and Building Safety Commission
Justin Guedel, IDHS Deputy General Counsel
 - e. The following staff were present during the meeting electronically:

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

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

Director Boyle conducted roll call, noting that nine (9) commissioners were present at the beginning of the meeting – three (3) of whom attended the meeting in person and six (6) of whom attended the meeting electronically through Microsoft Teams. Commissioner Hite joined the meeting electronically after the meeting started and was noted as present, bringing the total number of commissioners present to ten (10). Commissioner Henson was absent from the meeting.

3. Commission Review and Action on Meeting Minutes

a. Tuesday, November 2, 2021

Director Boyle called for corrections to the draft of the Commission’s Tuesday, November 2, 2021, meeting minutes. Hearing no corrections, Commissioner Heinsman motioned to approve the Tuesday, November 2, 2021, meeting minutes as submitted. Commissioner Jordan seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Pannicke abstained from the vote, as he was absent from the Tuesday, November 2, 2021, meeting.

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

The Tuesday, November 2, 2021, meeting minutes were **approved as submitted**, 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 advised that Governor Holcomb extended the State of Indiana's declaration of a public health disaster emergency through January 1, 2022, with the issuance of [Executive Order 21-31](#) on December 1, 2021. Staff will continue to monitor any directives coming from the Governor's Office in preparation for next month's meeting.

- b. Indiana Fire Prevention and Building Safety Commission's Scheduled 2022 Meeting Dates and Locations – ***see memo provided in meeting materials***

Director Boyle advised the Commission that he had prepared an updated memo of the Commission's scheduled meeting dates and locations for the 2022 calendar year, which was included in the Commission's meeting materials. As provided in the memo, Director Boyle advised the Commission that he had gone ahead and worked with the Indiana Department of Administration (IDOA) to reserve Conference Room F of the Indiana Government Center South Conference Center for all of the Commission's scheduled 2022 meeting dates. Director Boyle further advised that the Commission that it could change the meeting locations, if necessary, provided plenty of advance notice is given to IDOA to change a reservation. Director Boyle also stated that he believes that the Commission will continue to employ its practice of conducting hybrid-style, both in-person and virtual meetings through 2022, and the virtual meeting details will be added the Commission's designated meeting event pages and public notices in advance of each meeting.

Director Boyle asked the members if they had any questions or concerns. Commissioner Pannicke asked Director Boyle why the Commission's November 2022 meeting was scheduled for Tuesday, November 1, 2022, given that there will be a General Election Day in 2022. Director Boyle advised Commissioner Pannicke that he scheduled the November meeting for Tuesday, November 1, 2022, because the following Tuesday, Tuesday, November 8, 2022, is General Election Day. State Building Commissioner Burgess further clarified that the General Election Day is always held on the first Tuesday after the first Monday in November, which is why 2022's General Election Day will be on Tuesday, November 8, 2022. Hearing no other questions or concerns, Director Boyle advised the Commission that he will work with IDHS' web content manger to update the [Commission's "Meeting Schedule" web page](#) with the Commission's scheduled 2022 meeting, and also create meeting event pages for all of the meeting on [IDHS' online calendar](#).

- c. State Building Commissioner's Report – Craig Burgess, Indiana State Building Commissioner

i. [Written Interpretation No. CEB-2021-39-2012 IPC-305.6.1](#)

State Building Commissioner Craig Burgess explained the details of the above-listed official written interpretation that had been issued since the Commission's last meeting on Tuesday, November 2, 2021. After explaining each interpretation, State Building Commissioner Burgess asked the Commission if they had any questions. Hearing no other questions, Director Boyle reminded the Commission that these written interpretations are posted on the [Non-Rule Policy Documents and Interpretations of the Commission's Rules web page](#).

As part of his update, State Building Commissioner Burgess announced that IDHS has secured a date for next year's Indiana Building Academy, and it is scheduled for Thursday, May 5, 2022, at Purdue University. Commissioner Burgess stated that more information will be forthcoming about the event, and if anyone is interested in being a presenter at the event, they should contact him directly. Vice Chairman Popich stated that the scheduled date for the Indiana Building Academy conflicts with the Commission's scheduled meeting date on Thursday, May 5, 2022. Commissioner Burgess apologized for the lack of coordination with Director Boyle but stated that he would likely be unable to change the date of the Indiana Building Academy based on Purdue University's schedule. After some discussion, the Commission determined that it would be easiest to move its May meeting date from Thursday, May 5, 2022, to Wednesday, May 4, 2022. Director Boyle advised the Commission that he will work with the Indiana Department of Administration (IDOA) to change the May meeting date and room reservation. Commissioner Burgess thanked the Commission for its accommodation.

d. IDHS Variance Determinations Report

As required by 675 IAC 12-5-6.2 (f), the Indiana Department of Homeland Security's report of its variance determinations made between November 1, 2021, and December 2, 2021, was included in the Commission's meeting materials for reference.

Scott Daugherty, Division Chief of Training and Code Enforcement for the Indianapolis Airport Authority Fire Department, requested to speak and address the Commission about the report, and was acknowledged by Chairman Greeson and Director Boyle to speak. Chief Daugherty advised the Commission that he had submitted a written comment to IDHS on the proper web form, advising of his opposition, as the local fire official, to the request made in Variance No. 21-10-58. However, Chief Daugherty stated that he never received any response from department staff, yet the variance appeared on the report as "approved as submitted." Chief Daugherty further expressed his uncertainty about the department's process for considering written comments. On behalf of the department, Director Boyle stated that the department was aware of and accepted Chief Daugherty written form and delayed issuing an order on the

variance request to consider the written comment form. However, reviewing the written comment form, the department ultimately decided to move forward with its determination to approve the variance request. Further, Director Boyle stated that the department will work on providing better communication as to the acceptance and consideration of any written comments received but reiterated that the department considers all substantive information regarding a variance request (applications, written comments, etc.) in-house, and the department's consideration and actions on any variance requests are not required to be made in the setting of a public meeting.

5. Rulemaking Update(s)

a. Indiana Elevator Code Committee

- i. Next Meeting: Thursday, December 16, 2021, beginning at 9:00 a.m. EST; in-person meeting or virtual/electronic Microsoft Teams meeting details TBA.

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

Director Boyle advised the Commission that the Indiana Elevator Code Committee (the Committee) met on Wednesday, November 17, 2021. Director Boyle stated that the meeting was very brief, and the Committee considered and approved a proposal put together by department staff regarding ASCE 21-21 – Automated People Mover Standards, which, by statute, the Commission is required to adopt within its rules. The next step will be to have staff compile all the Committee's approved proposals and put together a comprehensive draft proposed rule for the Committee to consider and hopefully adopt after evaluating and preparing the anticipated fiscal impact statement of the draft proposed rule. As provided above, Director Boyle advised the Commission that the Committee plans to meet next on Thursday, December 16, 2021, and the meeting will be conducted as a completely virtual meeting via Microsoft Teams pursuant to the requirements [Indiana Code § 5-14-1.5-3.7](#), with the extension of the declaration of a public health disaster emergency under [Executive Order 21-31](#).

b. Exploratory Committee for Code Updates

- i. Commission Review of the Exploratory Committee for Code Updates' Administrative Rulemaking Priorities and Recommendations Report – ***see final report provided in meeting materials***

As expected, and as was advised at the Commission's Tuesday, November 2, 2021, meeting, Director Boyle advised the Commission that the Commission's Exploratory Committee for Code Updates (the Committee) conducted its final meeting on Tuesday, November 16, 2021. The

Committee made some final small changes to its [Administrative Rulemaking Priorities and Recommendations Report](#) (the report), before ultimately taking action to accept and adopt the report as its finalized report to the Commission. Director Boyle stated that the Committee's finalized report was included in Committee's meeting materials, for the members' review.

Director Boyle briefly summarized the report. The Committee conducted six meetings between February and November 2021. During its six meetings, the Committee evaluated the Commission's current rules, and the scope of the Committee's review was limited to only those roles referenced in the [Committee's bylaws](#). The Committee also accepted and considered public comments on the Commission current rules as it reviewed the rules, and, at its, Thursday, June 10, 2021, meeting, the Committee took official action to establish the following priority recommendations for updating the Commission's rules (as is provided in the report):

Top Priority:

- Update the Indiana Electrical Code to the most recent edition of the national model code (NFPA 70 – National Electrical Code).

Next Priorities:

- Update the family of core codes to the most recent editions of the national model codes in one comprehensive code update/rule promulgation:
 - International Building Code
 - Updating to the most recent edition of the International Building Code will also include review of the International Existing Building Code [in replacement of Chapter of 34 of the currently adopted building code (675 IAC 13-2.6 – 2014 Indiana Building Code)].
 - International Fire Code
 - International Fuel Gas Code
 - International Mechanical Code
 - International Plumbing Code
- Repeal the National Fire Protection (NFPA) Standards and amendments in 675 IAC 28 when the family of core codes are updated to the most recent editions of the national model codes.
- Update the Indiana Energy Conservation Code to the most recent edition of either ANSI/ASHRAE 90.1 or the International Energy Conservation Code.

Low Priorities:

- Updating the Swimming Pool Code under 675 IAC 20.
- Updating the Indiana Residential Code under 675 IAC 14.

As provided in the Committee's bylaws and the Committee's report, the Committee was also required to identify the reasons why the codes recommended to be updated must be updated, and the reasons shall address the following:

- (1) Significant differences between the Commission's existing rule and the most recent edition of the model code being recommended to be adopted.
- (2) Specific issues the update of the code is designed to address (why the update is needed).
- (3) Benefits of updating the rule (direct and indirect).
- (4) Whether the net effect of adopting the code will result in additional regulation or reduced regulation.
- (5) The expected fiscal impact of updating the code.
- (6) Any health or safety concerns being addressed by the rule.

To accomplish this task, the Committee worked in conjunction with volunteer industry stakeholders and subject matter experts to analyze and compare the Commission's currently adopted codes to the latest editions of the national model codes. These volunteers developed supplemental reports based on their analyses of each code within the scope of the Committee's review, and their supplemental reports were presented to the Committee at its meeting on Tuesday, September 28, 2021. These supplemental reports were accepted by the Committee and incorporated as exhibits in the Committee's finalized report. Director Boyle clarified that the exhibits included in the Committee's reports were intended to be high-level overviews of the comparisons and the need for the code updates. When the Commission moves forward with appointing any subcommittees to review the national model codes and develop draft proposed rules, more in-depth analyses will be required. Finally, Director Boyle asked if any of the members of the Commission who also served as members of the Committee had anything that they wished to add or clarify.

Commissioner Pannicke thanked all of the industry experts who contributed to the report and added that there is a lot information in the report and a lot thought and time was dedicated to developing the report. Commissioner Heinsman stated that the report was much more thorough than he was expecting and added that he also greatly appreciated everyone's very hard work. Chairman Greeson stated that he believed that this was the first time that an approach of forming a study/exploratory committee to assess the Commission's rules and establish a plan for rulemaking had been taken, and he thanked Vice Chairman Popich for serving as chairman of the Committee and for leading this effort. With that, Commissioner Pannicke asked Director Boyle if it was necessary for the Commission to make a procedural motion to accept the Committee's report. Director Boyle responded that he believed that it was not necessary for the Commission to procedurally accept the Committee's report as its own report, as such action

wouldn't change the substance or recommendations provided in the report. Director Boyle added that, at this point, the Commission should fully consider the information provided in the report, and then decide what its next steps and actions should be in moving forward with starting new rulemaking projects, based on the Commission's and its staff's operational capability to manage the new rulemaking projects.

Commissioner Pannicke stated that he believed it was now time for the Commission to form a subcommittee to update the Indiana Electrical Code to the most recent edition of the national model electrical code (NFPA 70-2020). After some discussion on the potential membership of the subcommittee, Commissioner Pannicke made the following motion: the Commission now forms and appoints a subcommittee of the Commission to review NFPA 70 – National Electrical Code, 2020 Edition, and update the Indiana Electrical Code under 675 IAC 17. The subcommittee will be a ten (10) member committee member committee, made of the follow subject matter experts: one (1) member of the Fire Prevention and Building Safety Commission, one (1) building code official (local building official), one (1) electrical contractor, one (1) electrical equipment manufacturer, one (1) fire department official (local fire official), one (1) homebuilder, one (1) member/representative of the Indiana Apartment Association, one (1) Indiana-licensed architect, one (1) Indiana-licensed electrical engineer, and one (1) code consultant. The Commission directs staff to solicit input and interest from the industry to establish the membership of this subcommittee, and draft bylaws for the subcommittee, to be approved at the Commission January 4, 2022, meeting. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried, by a vote of 8-1.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Based on this action, Director Boyle advised the Commission that he and department staff will begin working on drafting bylaws for the Indiana Electrical Code Update Committee, with the intent that staff will try to have the bylaws ready for the Commission's Tuesday, January 4, 2022, meeting, and he will work with the department's web content manager to have a

notice provided a top of the Commission's main web page, advising the public and industry stakeholders of the formation of the Indiana Electrical Code Update Committee. Also, Commissioner Pannicke advised the members of the Commission and IDHS staff present that the Federal Emergency Management Agency (FEMA) is again providing federal funding through its Building Resilient Infrastructure and Communities (BRIC) program, and strongly encouraged the department to pursue this funding by submitting a grant application, so that the department and the Commission may be able to hire additional staff to support the Commission's additional code update projects. Finally, Vice Chairman Popich advised those listening to the Commission's meeting as virtual participants that, if they have any thoughts or recommendations regarding subject matter experts who may be qualified to serve on the Indiana Electrical Code Update Committee, they should email those recommendations to buildingcommission@dhs.in.gov. Director Boyle affirmed Vice Chairman Popich's statement.

- c. Status Update on Administrative Rulemaking to Amend 675 IAC 12-3-2(c) – Schedule of Fees for Site Built Construction – Category I (Expedited Plan Review) – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission – ***see Commission's updated [Rulemaking Docket for LSA Document #21-461](#)***

Director Boyle advised the Commission that staff moved forward with taking the appropriate steps to have the Commission's proposed rule and the notice of public hearing published to the Indiana Register, pursuant to the requirements of [Indiana Code § 4-22-2 \(Administrative Rules and Procedures Act, Adoption of Administrative Rules\)](#), and staff had updated the Commission rulemaking docket for LSA Document #21-461. As was advised at the Commission's Tuesday, November 2, 2021, meeting, Director Boyle stated the Commission's public hearing on the proposed rule will be held on Wednesday, December 15, 2021, beginning at 9:00 a.m. EST. The hearing will be both in-person, in Conference Room 1 of the Indiana Government Center South Conference Center, and virtual via Microsoft Teams (link provided in the Commission's rulemaking docket in the Commission's notice of public hearing).

Director Boyle advised that staff has not received any public comments on the proposed rule to date, but the public will have until the close of business (4:30 p.m. EST) on Wednesday, December 15, 2021, to submit any public comments on the Commission's proposed rule. Director Boyle advised the Commission that staff will provide a summary of the public hearing, pursuant to the requirements of [Indiana Code § 4-22-2-27](#), as well as any submitted written public comments to the Commission at its next meeting on Tuesday, January 4, 2022. Upon considering the summary of the public hearing any written public comments, the Commission will be able to move forward with adopting the proposed rule as the Commission's final rule at the Tuesday, January 4, 2022, meeting. Finally, Director Boyle stated that the "Timetable for Action" provided in the Commission's rulemaking docket is still on schedule. The Commission did not have any questions or concerns for Director Boyle regarding this update.

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

Roger Lehman, representative for the owner, spoke and provided the Commission with an update regarding the actions that were being taken to abide by the Commission's variance sanction order that was issued in June 2021. As was provided in email to Director Boyle sent prior to the meeting, Mr. Lehman advised the Commission that he had hoped that we would be able to report that Garvin Business Center had successfully activated its new fire alarm system and started the process of removing the building's impaired sprinkler system, to come into compliance with the variance. However, Mr. Lehman reported that their fire alarm contractor had not submitted the proper paperwork with the State of Indiana (IDHS) to obtain a construction design release for the new fire alarm system. Mr. Lehman advised that everything would likely be delayed at least two weeks or more, until the fire alarm system can be properly approved and obtain the construction design release. The Evansville Fire Department (EFD) will not inspect and approve the fire alarm system until the proper paperwork is completed, and Garvin Business Center will postpone any demolition of the sprinkler system until they obtain EFD's approval. Mr. Lehman also stated that Garvin Business Center hopes to maintain its previous schedule of having all sprinkler heads and post indicator valves (PIVs) removed and all other necessary work completed by January 31, 2022, so that they may be able to make their final report to the Commission at the Commission's February meeting.

Chief Fire Marshal Greg Main, Evansville Fire Department (EFD), advised the Commission that EFD is aware of the situation and of everything that Mr. Lehman provided to the Commission his update, and EFD is willing to work with Garvin Business Center to resolve this situation. Once the construction design release is obtained, EFD will move forward with inspection, observation, testing of the new fire alarm system. Director Boyle reminded the Commission that its variance sanction order that was issued in June 2021 had set a deadline to complete all necessary work within six (6) months, essentially the end of the year. As such, Director Boyle stated that it was now up to the Commission to decide if any further action needs to be taken regarding the variance sanction, even though Garvin Business Center experienced some unexpected delays in completing the work. Commissioner Pannicke requested that Mr. Lehman simply come back to the Commission in January and February to provide the Commission with the final updates, to ultimately resolve this matter before the Commission. Director Boyle thanked Mr. Lehman and Chief Marshal Main for their presence and for their updates.

Breaking & Reconvening: The Commission took a short break, beginning at 10:20 a.m. EST. The meeting was called back to order at 10:36 a.m. EST.

7. Variances

a. Tabled

21-10-27 (c) IU Collins Center Renovation, Bloomington

Carrie Ballinger, submitter, spoke as the proponent. Variance (c) seeks relief from the requirements of Section 1018.5 of the 2014 Indiana Building Code, which prohibits corridors from serving as supply, return, exhaust, relief, or ventilation air ducts. The variance request is to allow corridors to be used to convey make-up air for common restrooms through the use of corridor door undercuts. The owner is claiming an undue hardship due to physical limitations of the buildings and their utility services, as it would be infeasible to provide a ducted system for make-up air for the restrooms due to the existing buildings' limited floor-to-floor heights. The Commission had tabled variance (c) at its Tuesday, November 2, 2021, meeting, at Ms. Ballinger's request, so that Ms. Ballinger could prepare some additional information which will provide more clarity on which restrooms will be affected by this request. Ms. Ballinger advised the Commission that this additional information was still not ready to be presented to the Commission, and again requested that variance (c) be tabled until the Commission's next meeting in January. As such, Commissioner Furnish motioned to table variance (c). Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	(c)	
	Y	N
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 type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (c) was **tabled**, by a vote of 9-0.

21-10-34 Bodner Residence, Indianapolis

Ed Rensink, and Kevin Douglas, contractor for the project, spoke as the proponent. The variance request seeks relief from the requirements of Section R302.1 of the 2020 Indiana Residential Code, which requires structure exterior walls with a fire separation distance less than three (3) feet to have not less than a one- (1) hour fire resistive rating with exposure from both sides and prohibits any openings. The request is to allow an exterior wall and roof overhang to not be fire-rated within five feet (5 ft.) from property line. The owner constructed a second-story addition above an existing garage. The existing garage's exterior wall is parallel to and within five feet (5 ft.) of the lot line to the south. Extending

the wall to the second floor resulted in the code violation. The owner is claiming an undue hardship because of physical limitations of the construction site as well as excessive costs of additional/altered construction. The Commission had tabled the variance request at its Tuesday, November 2, 2021, meeting, to afford Mr. Rensink time to evaluate alternative options to provide the one-hour fire rating on the exterior facing of the wall and provide an estimate of the cost to remove the siding and provide one-hour fire-rated gypsum wallboard on the exterior facing of the wall.

Mr. Rensink and Mr. Douglas clarified/corrected some of the information that was provided to the Commission at the last meeting regarding conditions around the roof eave of the structure. Mr. Douglas stated that spray-foam insulation was provided to the structure during construction, which required additional fireblocking at the rafters. Also, Mr. Douglas stated that there is no air flow through the structure, from the top of the foundation to the top of the roof system, to due to the insulation, fireblocking, and fire caulking that has been provided to the structure. Mr. Douglas stated that he inherited the project from a separate contractor, and the requirement to comply with Section R302.1 of the 2020 Indiana Residential Code was unfortunately missed during this transition and was also missed during plan review. Vice Chairman Popich stated that he had discussed this project with the City of Indianapolis' inspector, and the inspector only cited the new wall at the second story as the code violation, and the issue was brought up during the framing inspection prior to the installation of insulation and drywall. Vice Chairman Popich also stated that the cost to correct the issue appears to be less than ten percent (10%) of the total project cost. After additional discussion, Commissioner Pannicke motioned to deny the variance request. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion failed.

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

The motion to deny the variance request **failed**, by a vote of 5-5, failing to achieve a major of the votes in the affirmative.

After additional discussion, Commissioner Pannicke motioned to table the variance request until the Commission’s next meeting, with the expectation that all of the members of the Commission may be present to reconsider the variance request and vote on a motion. Vice Chairman Popich seconded the motion. A roll call was conducted, and the motion carried.

	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **tabled**, by a vote of 10-0.

b. New

21-12-21 (a)(b) Liberty Place at Lockerbie Square, Indianapolis

Carrie Ballinger, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of Section 503.1 of the 2014 Indiana Building Code, which prohibits structures from exceeding their allowed building height and area based on their construction type. The request is to allow three (3) new duplex structures with four-story dwelling units to exceed the allowable height (three-stories) by one story. Per Ms. Ballinger and as provided in the variance application, the buildings will be separated into two separate building areas with a two-hour (2 hr.) fire wall (one dwelling unit per building area). The buildings will be Type VB Construction and Group R-3 occupancy. The buildings will also be protected throughout with a sprinkler system per NFPA 13D. The individual dwelling units will be separated with two-hour (2 hr.) fire walls. Code permits one-hour (1 hr.) fire partitions between units. The exterior walls will be one-hour (1 hr.) rated, similar to Type VA Construction. Type VB construction does not require rating of the structure. The buildings will be protected throughout with a sprinkler system per NFPA 13D, as required. Interconnected smoke alarms will be provided on each level and in all sleeping rooms, as required. The travel distance from the fourth floor is approximately one hundred and fifty feet (150 ft.) Code permits up to two hundred feet (200 ft.)

Vice Chairman Popich asked Ms. Ballinger if she evaluated the cost of installing an NFPA 13R sprinkler system, compared to the cost of installing the NFPA 13D

sprinkler system. Ms. Ballinger stated that she estimated that a NFPA 13R sprinkler system would likely cost about twenty-five percent (25%) more than a NFPA 13D sprinkler system, which is detailed in a letter attached to the variance application. Commissioner Heinsman asked if any parts of the structure will be exposed, such as open roof trusses or joists. Jason Burke, design professional for the project, advised that there is no exposed structure. Mr. Burke also confirmed that construction of the three structures in question has not started yet, and they are still in the permitting process. After additional discussion, Vice Chairman Popich motioned to deny variance (a). Chairman Greeson seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **denied**, by a vote of 10-0.

Variance (b) seeks relief from the requirements of Section 706.5.1 of the 2014 Indiana Building Code, which requires openings in exterior wall perpendicular and within four feet (4 ft.) from a fire wall termination to be fire-rated. The request is to allow the openings to not be fire-rated (Park Ave Buildings). The openings will each be protected with sprinklers located within twelve inches (12 in.) horizontally of the openings at the ceiling level. Based on the Commission's action to deny variance (a), Ms. Ballinger advised that she wished to **withdraw** the request for variance (b). As such, Director Boyle stated that staff will issue the final action letter (order) with "Withdrawn" provided as the action for variance (b). No further action was required to be taken by the Commission.

21-12-22 (a)(b)(c)(d)(e)(f) Carmel High School Natatorium Additions and Renovations, Carmel

Dave Cook, submitter, spoke as the proponent. Per Director Boyle and the Commission's request, Mr. Cook took a few minutes to explain each variance request. Variance (a) seeks relief from the requirements of Section 507.4 of the 2014 Indiana Building Code, which requires the structure in question to be sprinklered throughout and meet the code's requirements for unlimited area. The

request is to allow for the addition a new natatorium, which will be ninety-two thousand square feet (92,000 sq. ft.) and will be sprinklered. Mr. Cook clarified that this request is essentially a variance to replace another variance [Variance No. 21-03-28 (a)]. Variance (b) seeks relief from the requirements of 675 IAC 12-4-12(f) (GAR – Existing Buildings; Additions or Alterations), which would require the building to have a structurally independent wall to comply with current code's requirements for an unlimited area, Group E occupancy, two-story building. The request is to utilize the three-story existing portion of the school that has a four (4) hour area separation wall, even though this separation wall is not structurally independent. Mr. Cook clarified that this request is also a variance to replace another variance [Variance No. 21-03-28 (b)].

Variance (c) seeks relief from the requirements of Section 907.2.1.1 of the 2014 Indiana Building Code, which requires a fire alarm system to activate an emergency voice and alarm communication system, when the occupant load is one thousand (1,000) or more. The request is to not be required to provide an emergency voice/alarm communications system in the new natatorium addition, which will have an occupant load of over one thousand (1000) people. Mr. Cook advised the Commission that the owner's undue hardship is due involves the difficulty and expense to install an Emergency Voice / Alarm Communication system in an open hard space when the intent for such a system is not clear in this application. Additionally, NFPA 72 - 2010, Section 24 has been deleted entirely without substitution, leaving no standards for design. All occupants have total visual awareness of their surroundings. Additionally, this environment, and its lack of fire load, does not produce an increased life safety threat warranting such a system. Variance (d) seeks relief from the requirements of 675 IAC 12-4-12(f) (GAR – Existing Buildings; Additions or Alterations), which requires an unlimited area, Group E occupancy structure to have sixty feet (60 ft.) of open yard space. The variance request is to permit forty feet (40 ft.) of space along the east side of the building for a total of four hundred (400) lineal feet, which remains the existing condition. Also, this distance is to the property line of residential homes which are also set back from the property line. The owner's undue hardship is this existing condition which has not changed for several years. Previous variances have been approved for this condition, and this new variance is required to maintain compliance conditions of the previous variances. Mr. Cook clarified that this variance will replace Variance No. 21-03-28 (c).

Variance (e) seeks relief from the requirements of Section 903.2.1.4 of the 2014 Indiana Building Code, which requires a sprinkler system to be provided in the unlimited area, new natatorium addition which will have an occupancy load of over one thousand (1000) occupants. The variance request is to omit the sprinkler system directly above the swimming pool water variance. Mr. Cook stated that the Commission and the department have approved several similar variances in the past, some of which have been explicitly referenced in the variance application. Variance (f) seeks relief from the requirements of Section 1018.1, Table 1018.1 of the 2014 Indiana Building Code, which would require the entire building to be sprinklered throughout in order to utilize the exception for rated corridors. The new corridors in the new natatorium addition will be non-

rated, although the new addition will have an automatic fire suppression system throughout, as is most of the existing school. The existing 1967 auditorium is not protected by a sprinkler system. Because the existing auditorium is separated from the existing school by a fire barrier, not a fire wall, the new building is not considered a "separate building" for this code requirement. Code requires the entire building to be sprinklered throughout in order to take the exception for rated corridors. Mr. Cook stated that the owner's undue hardship is the scope of work does not support installing the new sprinkler system in areas of the building not scheduled for remodeling, nor a new area separation wall that would meet today's fire wall requirements. Mr. Cook clarified that this request is also a variance to replace another variance [Variance No. 21-03-28 (d)]. After a short discussion, Commissioner Pannicke motioned to approve variances (a), (b), (c), (d), (e), and (f) as submitted. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)		(b)		(c)		(d)		(e)		(f)	
	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
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"/>										
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>										

Variances (a), (b), (c), (d), (e), and (f) were **approved as submitted**, by a vote of 10-0.

21-12-27 Evansville Christian School at First Southern Baptist, Evansville

Roger Lehman, submitter, and Mike Allen, applicant and representative for Evansville Christian School, spoke as the proponents. The variance request seeks relief from the requirements of Section 707.3.10 of the 2014 Indiana Building Code, which states that the fire barriers or horizontal assemblies, or both, separating a single occupancy into different fire areas shall have a fire-resistance rating of not less than that indicated in Table 707.3.10. The fire barriers or horizontal assemblies, or both, separating fire areas of mixed occupancies shall have a fire-resistance rating of not less than the highest value indicated in Table 707.3.10 for the occupancies under consideration. After discussion, Commissioner Heinsman motioned to approve to approve the variance request with the following additional condition: This variance shall expire

on August 31, 2025 (8/31/2025). Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

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

The variance request was **approved with one Commission condition**, by a vote of 8-2.

Breaking & Reconvening: The Commission took a lunch break, beginning at 12:00 p.m. EST. The meeting was called back to order at 12:49 p.m. EST.

21-12-23 (a)(b) HI-FI Annex Temporary Stage and Shipping Containers, Indianapolis

Carrie Ballinger, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of 675 IAC 12-6-2(f)(1) (General Administrative Rules – Design Releases), which defines a “temporary structure” as: (1) a Class 1 structure that is erected or installed for a period of not more than ninety (90) days after which it will be demolished or relocated, (2) Portable structures on construction job sites for use by persons involved in the construction process, or (3) Mobile structures as set forth at IC 22-12-1-17. The variance request is to allow a stage structure to be considered temporary, and erected and used from March 1, 2022, to November 30, 2022. After discussion, Commissioner Davidson motioned to approve variance (a) with the following additional conditions: 1. The rigging connections and ballast tanks tied to the stage structure are required to be inspected on a weekly basis, to ensure that they retain the required rated weight in protection of the stage structure. 2. The stage structure must be designed with a minimum factor of safety against overturning of 1.5. 3. This variance shall expire on November 30, 2022 (11/30/2022). Commissioner Pannicke seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved with three Commission conditions**, by a vote of 10-0.

Variance (b) also seeks relief from the requirements of 675 IAC 12-6-2(f)(1) (General Administrative Rules – Design Releases), which defines a “temporary structure” as: (1) a Class 1 structure that is erected or installed for a period of not more than ninety (90) days after which it will be demolished or relocated, (2) Portable structures on construction job sites for use by persons involved in the construction process, or (3) Mobile structures as set forth at IC 22-12-1-17. The variance request is to allow shipping containers that will be used at the site to be considered temporary, and erected and used from March 1, 2022, to November 30, 2022. Four of the shipping containers will be used and occupied for ticket sales, bar/beverage sales, snack sales, and merchandise sales. All of the other containers will either be empty or used for equipment storage only. The containers will only be occupied by event staff, and the public/customers will be restricted from accessing the containers. After discussion, Commissioner Pannicke motioned to approve variance (b) with the following additional condition: This variance shall expire on November 30, 2022 (11/30/2022). Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

	(b)	
	Y	N
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"/>

John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Variance (b) was **approved with one Commission conditions**, by a vote of 10-0.

21-12-24 (a)(b) Square Cat Vinyl, Indianapolis

No proponent was present to speak on behalf of the variance requests. Variance (a) seeks relief from the requirements of Section 903.2.1.2 of the 2014 Indiana Building Code, which requires an automatic sprinkler system to be provided for Group A-2 occupancies when the fire area has an occupant load of one hundred (100) or more. The request is to allow the occupant load of two-hundred and twenty-five (225) for the expanded tenant space without a sprinkler system. The expanded tenant space will be classified as Group M and Group A-2 occupancies. Prior to the Commission’s meeting, Ed Rensink, submitter, sent an email to Director Boyle on behalf of the owner/applicant, requesting that variance (a) be tabled by the Commission until the Commission’s next meeting in January. Based on this information, Commissioner Pannicke motioned to table variance (a). Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Variance (b) seeks relief from the requirements of Section 1103.1 of the 2014 Indiana Building Code, which requires an accessible route to directly connect the performance area to the assembly seating area where a circulation path directly connects a performance area to an assembly seating area. An accessible route shall be provided from performance areas to ancillary areas or facilities used by performers. The request is to allow a portable ramp to be used for access to and from a small performance platform in lieu of a permanently installed ramp. Prior to the Commission’s meeting, Mr. Rensink sent an email to Director Boyle on behalf of the owner/applicant, advising that they wished to **withdraw** variance

(b), based on the [State Building Commissioner's Written Interpretation No. CEB-2021-44-2014 IBC-1103.2.3](#). Based on this information, Director Boyle stated that staff will issue the final action letter (order) with "Withdrawn" provided as the action for variance (b). No further action was required to be taken by the Commission.

21-12-25 (a)(b) Gilchrist & Soames Warehouse Sanitizer Storage, Plainfield

Carrie Ballinger, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of Section 508.4 of the 2014 Indiana Building Code, which requires a Group H-3 occupancy to be separated from a sprinklered Group S-1 occupancy with a one-hour (1 hr.) fire barrier. The request to not provide the required separation between a Group H-3 occupancy warehouse tenant space and the adjacent Group S-1 warehouse tenant space. Department staff advised the Commission that a written comment form was received from the local fire official, and the local fire official expressed opposition to approval of the variance request. Ms. Ballinger requested that the Commission hold off on making any determinations on the variance until the end of the meeting, so that she could speak to the local fire official and clarify some of his misconceptions. At the end of the meeting, Director Boyle received an email from Ms. Ballinger and the local fire official, stating that the local fire official's concerns were resolved. After some additional discussion and per the local fire official's request, Chairman Greeson motioned to approve variance (a) with the following additional conditions: 1. Proper water supply and pressure is required to be provided per system specifications to the ESFR sprinkler heads provided to the additional in-rack sprinkler protection and the closely spaced sprinklers provided along the tenant separation wall. 2. Potential product reactivity is required to be handled on site. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved with two Commission conditions**, by a vote of 10-0.

Variance (b) seeks relief from the requirements of Section 503.1 of the 2014 Indiana Building Code, which requires prohibits buildings or structures from exceeding the height, number of stories, and allowable area based on the construction type. The request is to allow the building to exceed the allowable area with the addition of the H-3 occupancy. As stated above, department staff advised the Commission that a written comment form was received from the local fire official, and the local fire official expressed opposition to approval of the variance request. Ms. Ballinger requested that the Commission hold off on making any determinations on the variance until the end of the meeting, so that she could speak to the local fire official and clarify some of his misconceptions. At the end of the meeting, Director Boyle received an email from Ms. Ballinger and the local fire official, stating that the local fire official's concerns were resolved. Ms. Ballinger requested that the Commission also include its additional conditions to variance (a) with variance (b). As such, Chairman Greeson motioned to approve variance (a) with the following additional conditions: 1. Proper water supply and pressure is required to be provided per system specifications to the ESFR sprinkler heads provided to the additional in-rack sprinkler protection and the closely spaced sprinklers provided along the tenant separation wall. 2. Potential product reactivity is required to be handled on site. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

	(b)	
	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **approved with two Commission conditions**, by a vote of 10-0.

21-12-26 Clinton County Fairgrounds Grandstand Renovation, Frankfort

Derek Anger, submitter, spoke as the proponent. The variance request seeks relief from the requirements of Section/Table 2902.1 of the 2014 Indiana Building Code, which requires plumbing fixtures to be provided for the type of occupancy and in the minimum number shown in Table 2902.1 of the code. The variance request is to allow 15 water closets and 8 lavatories in lieu of the required 59

water closets and 16 lavatories. After discussion, Commissioner Hite motioned to approve the variance request as submitted. Commissioner Pannicke seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-12-28 Central Christian Church Temporary Homeless Shelter, Indianapolis

Melissa Tupper, submitter, spoke as the proponent. The variance request seeks relief from the requirements of 675 IAC 12-4-11(f) (General Administrative Rules – Occupancy of Existing Buildings), which prohibits a building from changing its character or use causing it to be classified within a different occupancy group, unless the building is made to comply with new construction. The request is to allow the 2,500 square feet gymnasium space to be used as a temporary homeless shelter for up to 70 individuals on an annual basis beginning with this year without being made to comply with the Commission's rules for a change of occupancy from A-3 to R-2. Per Ms. Tupper and as provided in the variance application, the gymnasium of the church has direct access to two (2) remotely located egress stairways to the outside. The building is also provided with smoke detectors and a fire alarm system that is monitored 24/7, and the system was upgraded last year. The shelter will also be fully staffed 24/7 during the time of use as a homeless shelter. Ms. Tupper also advised the Commission that the owner is essentially seeking reapproval of this variance that has been granted by the Commission in the past on a seasonal basis (see Variance No. 18-01-46 and Variance No. 18-10-23).

Members of the Commission asked Ms. Tupper if the church is essentially seeking a permanent variance to utilize the church as a temporary homeless shelter on a seasonal basis. Ms. Tupper affirmed that the church would ideally like to see the variance granted permanently, so that it will not be required to be continually reapply for the variance, but they will be amenable to and accept whatever determination the Commission deems is necessary. Vice Chairman Popich stated that he believes it is a better practice to place time limits on this

type of variance request, so that the department and the Commission may be regularly informed of the latest conditions of the facilities. After discussion, Vice Chairman Popich motioned to approve the variance request with the following additional condition: This variance shall expire on March 31, 2024 (3/31/2024). Commissioner Pannicke seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-12-31 (a)(b) RHI Nursing Unit Expansion, Indianapolis

Brent Chapman, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of Section 604.5 of the 2009 ICC A1117.1 (Accessibility Code), which requires grab bars to be wall mounted and stationary on the side wall. The request is to have fold-up grab bar in lieu of the required stationary grab bars. Per Mr. Chapman and as is provided in the application, stationary grab bars on the side wall would not be helpful due to the distance from the centerline of the toilet. fold-up grab bars were designed to establish support for the patient that is appropriately located in relationship to the toilet. This will also allow staff to fold the bars up and out of the way when they need to physically assist a patient to the toilet. This unit serves as a traumatic brain injury unit, so all patients are considered fall risks. As provided in the application, Mr. Chapman stated that imposition of the rule is an undue hardship because it would eliminate the flexibility gained by the design and force them to change how they treat patients in these rooms, which could possibly negatively impact patients. Staff would not have the room to safely assist patients on the side of the toilet closest to the wall, which would result in an increase in patient falls.

Variance (b) seeks relief from the requirements of Section 604.2 of the 2009 ICC A1117.1 (Accessibility Code), which states that the centerline of a water closet shall be sixteen inches (16 in.) minimum and eighteen inches (18 in.) maximum from the side wall or partition. The request is to permit the toilets in patient rooms

to be located twenty-eight inches (28 in.) from the sidewall. Per Mr. Chapman and as provided in the variance application, this design and the additional space is necessary to provide staff with enough space on both sides of the toilet to assist the patients in this unit to and from the toilet. After discussion, Commissioner Hite motioned to approve both variances (a) and (b) as submitted. Commissioner Pannicke seconded the motion. A roll call vote was conducted, and the motion carried.

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

Variances (a) and (b) were **approved as submitted**, by a vote of 10-0.

8. Petitions for Administrative Review

a. Granted and Forwarded to the Office of Administrative Law Proceedings (OALP)

- i. Indiana Department of Homeland Security (IDHS) Order of Denial of Variance No. 21-10-37 – Wisler Mennonite Church

Director Boyle advised the Commission that Commission staff had granted the above-referenced petition for administrative review as timely and with standing pursuant to the requirements of [Indiana Code § 4-21.5-3-7](#). Director Boyle also advised the Commission that the petition for administrative review was subsequently forwarded to the Office of Administrative Law Proceedings for assignment to the administrative law judge (ALJ) and to begin the administrative review proceedings.

9. Final Orders/Final Orders of Dismissal Issued by the ALJ – **for the Commission’s awareness only**

- a. Indiana Department of Homeland Security (IDHS) Notice of Violations Order No. 5A9E-DA20 – Life’s Little Treasures Daycare Ministry (Cause No. DHS-1021-002236)

Director Boyle advised the Commission that the administrative law judge (ALJ) had issued a Final Order of Dismissal for the above-referenced administrative review case. The Final Order of Dismissal and its supporting documentation was included in the Commission’s meeting materials for reference and the Commission’s awareness. The Commission did not ask for any further information regarding the Final Order of Dismissal, and no action was required to be taken by the Commission.

10. Commission Review of Local Ordinances

- a. Preliminary (Pre-Adoption) Review – ***see report provided in meeting materials***
 - i. Fire Prevention Ordinance of the Town of Edinburgh, Indiana – ***received by Commission staff via electronic mail on Thursday, November 18, 2021.***

Director Boyle advised the Commission that staff’s preliminary review report was slightly updated and included in the Commission’s meeting materials. Director Boyle also advised the Commission that staff had received one new draft ordinance – Fire Prevention Ordinance for the Town of Edinburgh, Indiana, which was submitted to staff via electronic mail on Thursday, November 18, 2021, for preliminary review. Director Boyle advised the Commission that the draft ordinance was included in the Commission’s meeting materials for the Commission’s awareness. Director Boyle stated that staff has already completed one review of the draft ordinance and has provided some recommended changes to the draft ordinance to the Town of Edinburgh’s attorney.

- b. Adopted Ordinances

- i. Ordinance No. 2020-11 – Solar Energy System (SES) Ordinance of Huntington County, Indiana – ***received by Commission staff via electronic mail on Tuesday, October 12, 2021.***

Director Boyle advised the Commission that staff received the adopted ordinance from Huntington County on Tuesday, October 12, 2021, and a copy of the adopted ordinance was provided in the Commission’s meeting materials for the Commission’s reference. Representatives for Huntington County were not sure if the ordinance required the Commission’s approval pursuant to the requirements of statute ([Indiana Code § 22-13-2-5](#) and [Indiana Code § 22-13-2-5.5](#)), and contacted department staff for assistance. Director Boyle informed the Commission that he advised Huntington County that he believed most of the provisions of the ordinance did not constitute “building laws,” as defined in [Indiana Code § 22-12-1-3](#), or “fire safety laws,” as defined in [Indiana Code § 22-12-1-13](#). Director Boyle also stated that it

seems clear that the intent of the ordinance is to address the planning, zoning, and siting of solar energy systems (SES) within the jurisdiction of Huntington County, and it is not intended to regulate the construction or installation of these systems within or on structures.

However, Director Boyle stated that he believes Section R (Electrical Wires) and Section S (Rapid Disconnect) of Ordinance No. 2020-11 may reference or touch on subject matter that may already be covered in the Commission’s rules. Director Boyle informed the Commission that he offered Huntington County two recommendations: (1) Huntington County could remove these sections from their code, which would resolve staff’s concerns that the ordinance requires the Commission’s approval, or (2) Huntington County could request that the ordinance be placed before the Commission for approval and verification that the provisions of the ordinance do not conflict with the Commission’s rules. Huntington County elected to have Ordinance No. 2020-11 placed before the Commission for approval.

Justin Guedel, IDHS Deputy General Counsel, stated the Commission may need to determine if these types of ordinances are necessary to be placed before the Commission for approval, and he agreed that the ordinance, general speaking, is a zoning law that applies to non-Class 1 structures and equipment. As such, Mr. Guedel stated that he believes the Commission could make a reasonable determination that the ordinance does not constitute either a building law or a fire safety law. After additional discussion, Director Boyle requested that the Commission table Ordinance No. 2020-11 until at least the Commission’s January meeting, to afford additional time to review and verify if Sections R and S of the ordinance conflict with the Commission’s rules. As such, Chairman Greeson motioned to table Ordinance No. 2020-11 – Solar Energy System (SES) Ordinance of Huntington County, Indiana, until the Commission’s next meeting on Tuesday, January 4, 2022. Commissioner Hite seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Hite abstained from the vote.

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

Ordinance No. 2020-11 – Solar Energy System (SES) Ordinance of Huntington County, Indiana, was **tabled** until the Commission’s next meeting on Tuesday, January 4, 2022, by a vote of 9-0.

- ii. Ordinance No. 2021-0024 – Fire Prevention Code of the City of Martinsville, Indiana – **received by Commission staff via electronic mail on Tuesday, November 16, 2021.**

Director Boyle advised the Commission that staff received the adopted ordinance from the City of Martinsville on Tuesday November 16, 2021, and a copy of the adopted ordinance was provided in the Commission’s meeting materials for the Commission’s reference. The City of Martinsville had requested multiple preliminary reviews of its draft ordinance, and after working with Commission staff to make several changes to the ordinance, the City of Martinsville moved forward with the adopting the ordinance. Director Boyle and Justin Guedel, IDHS Deputy General Counsel, confirmed that they had worked with the City of Martinsville and recommended several changes to the ordinance during preliminary review. However, Director Boyle and Mr. Guedel advised the Commission that they had not had an opportunity to review the adopted ordinance to confirm that the recommended changes were made and that there were no conflicts between the adopted ordinance and the Commission’s rules. Director Boyle and Mr. Guedel requested that the Commission table the ordinance until the Commission’s next meeting on Tuesday, January 4, 2022. Commissioner Furnish motioned to table Ordinance No. 2021-0024 – Fire Prevention Code of the City of Martinsville, Indiana, until the Commission’s next meeting on Tuesday, January 4, 2022. Commissioner Hite seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ordinance No. 2021-0024 – Fire Prevention Code of the City of Martinsville, Indiana, was **tabled** until the Commission’s next meeting on Tuesday, January 4, 2022, by a vote of 10-0.

- iii. Ordinance No. 2021-9C – Building Code of the Town of Fortville, Indiana – ***received by Commission staff via electronic mail on Tuesday, November 16, 2021.***

Director Boyle advised the Commission that staff received the adopted ordinance from a representative for the Town of Fortville on Tuesday November 16, 2021, and a copy of the adopted ordinance was provided in the Commission’s meeting materials for the Commission’s reference. The Town of Fortville had requested a preliminary review of its draft ordinance. Since the draft ordinance followed the Commission’s building code ordinance template, staff advised the Town of Fortville to move forward with adoption of the draft ordinance. The Town of Fortville adopted the ordinance as Ordinance No. 2021-9C on October 4, 2021 and submitted a copy of Ordinance No. 2021-9C to staff to be placed before the Commission for approval pursuant to the requirements of statute ([Indiana Code § 22-13-2-5](#) and [Indiana Code § 22-13-2-5.5](#)).

Director Boyle advised the Commission that staff reviewed Ordinance No. 2021-9C and had prepared a memo regarding its review of Ordinance No. 2021-9C that was provided in the Commission’s meeting materials. As provided in the memo, Director Boyle advised the Commission that staff did not identify any conflicts between Ordinance No. 2021-9C and the Commission’s rules. However, staff did identify two editorial errors that were unfortunately not caught by staff or the Town of Fortville during preliminary review. The two editorial errors are cited in the memo that was prepared by staff. Director Boyle stated that staff advised the Town of Fortville’s representative that the Town of Fortville should correct these editorial errors for clarity of these provisions in the Town of Fortville’s Code of Ordinances (Municipal Code). However, Director Boyle still recommended that the Commission should approve Ordinance No. 2021-9C, since staff did not identify any defects or conflicts with the Commission’s rules that would serve as a basis for denial of the ordinance. Based on staff’s recommendation, Commissioner Davidson motioned to approve Ordinance No. 2021-9C – Building Code of the Town of Fortville, Indiana. Commissioner Hite seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ordinance No. 2021-9C – Building Code of the Town of Fortville, Indiana, was **approved**, by a vote of 10-0. Director Boyle advised the Commission that he will issue the Commission’s Order of Approval of Ordinance No. 2021-9C to the Town of Fortville after the meeting.

11. Final Comments/Closing Remarks from Chairman Greeson

Before closing the meeting, Chairman Greeson thanked everyone their attendance and commitment to day’s business. Chairman Greeson advised the Commission than he intends to participate in the Commission’s meetings virtually over the next few months, as he will be in Florida during the winter months. Finally, Chairman Greeson and Director Boyle wished everyone a Merry Christmas and a Happy New Year.

12. Next Meeting – Tuesday, January 4, 2022, beginning at 9:00 a.m. Eastern Time in Conference Room F, Indiana Government Center South Conference Center, 302 W. Washington Street, Indianapolis, IN 46204

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.

Director Boyle advised the Commission that its next meeting is scheduled for Tuesday, January 4, 2022, and that Conference Room F of the Indiana Government Center South Conference Center has been reserved for the meeting. Director Boyle also advised the Commission that he will keep them informed of the status of the declaration of a public health disaster emergency come January 1, 2022.

13. Adjournment

Chairman Greeson adjourned the meeting at 3:23 p.m. EST.

APPROVED: _____
James L. Greeson, Chairman