

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

MEETING MINUTES

Meeting Details

Date: August 2, 2022

Time: 9:00 AM

Location: MADE @ Plainfield and Microsoft Teams

Member Attendance

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

Notes

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

1. Call to Order – Chairman Greeson called the meeting to order at 9am.
2. Roll Call – All members were present.
3. Review and Action on the July Meeting Minutes. 22-06-28 needs amended to note whether the vote was for approval or denial. 22-06-38 and 39 as well.
4. IDHS Reports and Updates
 - i. Variance Determination Report – Denise Fitzpatrick. as required by 675 IAC

5. Rulemaking Update(s)

- a. Indiana Elevator Code Committee –
- b. Indiana Electrical Code Update Committee – Chairman Popich (IECUC) provided the Commission an update on rulemaking process.

Next Meeting: August 31, 2022, 9:00am – 4:30pm, 302 W. Washington St. Indianapolis, IN 46204, Conference Room 29. Chapters 5, 6, 7, 8, 9. All proposals and agenda items are due by August 24.

6. Variances

a. Tabled

- i. **22-03-43 Indy Marriott Place 10, Indianapolis** – Commission **tabled** the variance 11-0.
- ii. **22-05-55 Regency Club Apartments, Evansville** – Darren Moorely, Architect, Presented. Seeking a variance for the construction of a pool house adjacent to the new pool. Existing apartments, existing clubhouse. Outdoor pool retired due to age, indoor pool closed. Adding restrooms, men and women’s, showers in each. Seeking to provide less than the code-required restrooms and showers due to proximity to tenants apartments. Commissioners Heinsman asked whether the pool was larger or smaller. Mr. Moorely indicated that the pool was larger. Commissioner Popich asked whether the restrooms were accessible, Mr. Moorely indicated that they were. Commission **approved** the variance 11-0.
- iii. **22-05-59 Body Shop Variance Request, South Bend** – No proponent. Commission **tabled** the variance 11-0. Kim Hyten contacted proponent, who indicated that they are not interested in pursuing this variance at this time and wishes to **withdraw** their variance.
- iv. **22-06-27 725 Parkway, Indianapolis** – Mike Lewis, Custom Container Builders, General Contractor. Asking for a variance for one hour fire rating due to using shipping containers with structural steel to comply with one hour fire rating. Commissioner Popich clarified – assembly is compliant but is not listed as a rated assembly. Proponent believes that it is compliant based on the thickness of the steel and fire rating. Thickness of steel in corners is ¼ to ½ inch in the corners. Other steel is 14 gauge, .08 inches. Front doors are steel, doors welded open, front porch covered, all structures steel. Commissioners discussed various methods of determining fire ratings and whether the structure presented would meet the requirements under various calculations. Studded with 2x4 with insulation between studs. Already drywalled, unit a few weeks out from being finished. Structure is 3ft from property line, 2020 code requires 5ft from property line or one hour fire rating. Commission **approved** the variance 10-1 with the following conditions: must have 5/8” type-x drywall or add a minimum of 2 layers of 1/2”, basement window must become a 45 minute rated opening, openings in the wall must be firestopped.

b. New

- i. **22-07-34 L2 Structures Temporary Structure, Lafayette** – Ben Anderson, Managing Partner. Requesting an extension to an existing variance with expires Dec 31, 2022. Currently using 4600 square foot engineered tent on the outside of the building. Tent is not rated for snow loads. Proponent indicated that depending on level of snow, electric heaters may be used. Currently used to store plastic tables and chairs, items that are not rented very often. No persons workin in the tent, solely used for storage. LFO opposed, but notes that if it is approved that it is only approved for 12 months and that proponent submit anchoring documentation every 90 days. Commission **approved** the variance 11-0 with the following conditions: anchorage is inspected every 60 days with a report on anchoring documentation sent to Lafayette Fire Department, expires 12-31-2023, must be re-inspected after a high wind or accumulating snow event, that the structure must be used for storage and not occupied. Todd Budd, Lafayette Fire Department, sough clarification on a high wind event. Commission clarified that a high wind event is anything exceeding the manufacturer’s specifications.
- ii. **22-07-30 Clarkville Public Works Facility, Clarksville** – Daniel Tor, Engineer of Record. Small building 20ft away from the closest building. Town would like to put 10 yard dumpsters for public to use for trash, only open during business hours, video surveillance in case of fire. Proximity of dumpsters to sidewalls require sprinklering. Site is completely gated. Newly constructed, originally just going to store clean dumpsters on the site. Commission asked whether the LFO had weighed in. Adding a hydrant just north of the building. Shelly Wakefield indicated that the LFO does not oppose the variance. Commission **approved** the variance 11-0.

Commission took a break from 10:25 to 10:40.

- iii. **22-07-31 White River Paintball, Anderson** – Future building codes cover cargo containers, but are not currently covered. Proponent indicates that they have attempted to comply with future code requirements by adding structural indication plates, proper roof drainage. Hired a structure engineer to verify existing conditions, otherwise meets structure conditions of IBC 2016. Held down with earth anchors that penetrate ground at 46”. Only used 60 days a year. Commission expressed concern that they were requesting a variance from the GAR rather than something more specific. GAR variances would allow them to disregard all rules of the Commission. Commissioner Heinsman suggested that they grant a variance to use the newer code, rather than granting a variance to the GAR. Containers sit on a compacted asphalt milling surface. 2021 IBC requires that containers used as a permanent structure be anchored to a foundation which meets specific requirements. Structures meet requirements in Florida, but proponent is still seeking approval from an Indiana-licensed structural engineer. Commissioner Popich expressed concern that the buildings are listed as temporary but are essentially permanent. Site is also used for Halloween Haunted Houses. Chairman Greeson expressed concern about how they were going to comply with requirements for other uses if the structure is not exclusively used for paintball. Commission **approved** the variance 11-0 with the following conditions: structural engineer must do lateral load analysis, expires July 31, 2023.

- iv. **22-07-32 Eicher & Sons Lumber, LLC, Harlan** – Existing sawmill, existing variance in place. Sawmill is milling green wood that produces large particulates, seeking a variance to avoid sprinklering requirements for sawmill addition. NFPA 664-compliant system in place for dust collection. Denise Fitzpatrick noted that the variance was referred to the Commission due to lack of knowledge on whether or not the dust collection system was in place. Staff typically would have approved this variance. Commission **approved** the variance 11=0 with the following conditions: facility is equipped with an NFPA 664-compliant dust collection system, 2010 edition. Mr. Popich amended his motion to comply with the 2012 edition rather than 2010. Motion approved 10-0.
- v. **22-07-33 Milestone Control Building, Plant 35, Richmond** – Counsel for milestone presented. In 2020 Milestone purchased a plant with a control tower to replace the current Richmond plant. In March they attempted to get all code permits and inspections, where a stop work order was put in place due to the control tower needing an IBS stamp. Milestone has researched the control tower, including contacting the original manufacturer, and cannot locate the stamp. Commission asked whether a structural engineer had reviewed the building. Engineering Consulting Services included a recommendation in the application. Commissioner Popich asked how the engineer determined structural integrity. Engineer indicated that the construction is tube steel with visibility based on panels that can be lifted to examine structure underneath. Anchored with welded structural steel to reinforced concrete foundation for wind loads. Used approximately 50 hours a week with a single employee inside. Commission **approved** the variance 10-0 with the following conditions: variance is solely for the structure on the current foundation and would be invalid if structure were moved. Commissioner Murua was not present.
- vi. **22-07-36 Greeks Pizzeria Sheridan, Sheridan** – Kurt Whitesail and Sheridan Fire Chief. Seeking a variance to not install a fire suppression system, renovating a 100-year-old building. Restaurant is installing a Type 1 hood over the oven, no other cooking equipment. 24/7 monitored fire system, directly across the street from fire department. Building has four exits and additional fire extinguishers. Fire suppression system would cost nearly 100k. Local Fire Chief is in favor of the variance. Fire hydrant approximately 40 feet away from the structure. Attached business on the north side separated by several layers of brick, firewall. Commission **approved** the variance 11-0.
- vii. **22-07-37 Barn 38 Wedding and Events Barn, New Castle** – Ed Rensink. Owner is requesting a two year extension to install permanent restroom facilities. Obtained an initial variance due to the fact that the city has been delayed in delivering water to the site. Mayor has supplied a letter expressing intention to do so within two years. Until such time, requesting temporary restroom facilities, drinking water available for guests. Commission **approved** the variance 11-0.
- viii. **22-07-38(a)(b) RHI Nursing Unit Expansion, Indianapolis** – Brent Chapman, Architect. Traumatic brain injury unit. Patients will all need help with mobility getting in and out of bathroom, has had other related variances in the past. Code requires permanent shower seats in bathrooms. Staff dislikes permanent shower seats due to not knowing the

needs of the patient, and permanent seats are hard to clean. Staff would prefer roll-in shower wheelchairs or shower benches. Patients do not have permanent seats at home, and the temporary seats are used as part of an occupational therapy program. Commissioner Popich noted that he had some concern based on the number of accessibility variances provided for this facility. Commissioner Pannicke noted that this is a specific-use facility that is fully staffed with healthcare professionals, and Ed Rensink noted that this would not impact ADA requirements based on the type of the facility. Commission **approved** variance (a) 11-0. Variance (b) has a paper towel dispenser that conflicts with emergency pull station in same location. Staff asked for a second emergency pull station which required the paper towel dispenser to be mounted 52 inches from floor, code requires no more than 48". Paper towel dispenser does not use sensor, instead uses "hang mode" which dispenses towels well under 48". When tested sensor did not function at 48". Removing / moving the pull stations or paper towel dispensers would require significant work and cost. Commission questioned whether a countertop dispenser had been considered. Commission **approved** variance (b) 11-0 with the following conditions: must include a countertop or other dispenser or supply of paper towels that complies with the requirements of the code.

- ix. **22-07-39 The Pearl on Main Street, Fort Wayne** – Ed Rensink. 7-story mixed used building, Type II-A with residential units with amenity spaces on the 7th floor. Requesting a variance for unprotected steel. Currently has a one-hour rating requirement, wanting to use non-rated steel. Mr. Rensink notes that the building is entirely non-combustible construction. Mr. Popich noted that the undue hardship is largely aesthetic, but Commissioner Heinsman noted that it was a tradeoff based on additional fire protection. Commission **approved** variance 11-0.
- x. **22-07-40 IU AHC Medical Education Facility, Indianapolis** – Ed Rensink. Seeking a variance to allow a downstream electrical feed from the main for fire pump. Redundant supply from utility allows for more consistent electrical supply. In the event of complete loss of utility service, generator will supply fire pump. Generator is tested monthly, utility team is available 24/7 to ensure that local firefighters are aware of the different setup. Commission **approved** the variance 11-0.

c. Local variances

- i. **Beech Grove Gun Range** – Commission approved the variance 11-0.

7. Report on Administrative Review

i. OALP has provided no new final orders at this time. The Depot (22-06-37) has filed an appeal with the Office of the Administrative Law Judge.

8. **Commission Review of Local Ordinances** – Staff has no recommendations on local ordinances at this time.

9. **Final Comments/Closing Remarks** – Commissioner Pannicke discussed epoxy paint and the interpretation of the State Building Commissioner regarding a paint coating in wet spaces. Mr.

Pannicke noted that design professionals have been using epoxy coatings on spaces for years. Mr. Pannicke asked his office's paint representative to help find language on a product data sheet about levels of waterproofing, and could not find it since that's not the standard use. Mr. Pannicke suggests that coating systems be determined based on thickness of coat, or vapor penetration, or ability to be scrubbed/cleaned. Should be floor to ceiling coverage and able to be top-coated. Commissioner Pannicke wanted to know what language could be used to tide over variances until a new code cycle can be completed and the matter can be addressed more permanently. Commissioner Burgess clarified that there are three issues: the framing materials of the wall, the substrate, and the paint itself. Mr. Burgess believes that the paint manufacturer should be willing to make a statement that the epoxy paint meets the code requirements for this purpose. Commissioner Popich indicated that he would like to see language in the next code cycle clarify what is meant by "hard, non-absorbent surface." Commissioner Pannicke notes that inspectors are not paint experts, and don't run comprehensive tests. Mr. Popich indicated that he would check with the Indianapolis inspectors at the monthly round tables to acquire additional information on what the current inspection standards are in terms of epoxy paint over greenboard.

10. Next Meeting – September 8, 2022, at 9:00 a.m. MADE @ Plainfield, 1610 Reeves Road, Plainfield IN 46168.

*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.*

11. Adjournment – Meeting adjourned at 12:40pm.

APPROVED: _____



Dustin L. Dyer, Director

DATE: September 8, 2022