



COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Indiana State Library
History Reference Room 211
315 W. Ohio Street
Indianapolis, IN 46202

Tuesday, February 4, 2020

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 Robin Nicoson at 9:02 a.m. on Tuesday, February 4, 2020.

(a) Commissioners present at the Commission's meeting:

Michael Corey
Kevin Goeden, representing the Commissioner, Indiana Department of Labor
Gregory Furnish
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James Jordan
Robin Nicoson, Chairman
Scott Pannicke
Michael Popich, Vice-Chairman

(b) Commissioners not present at the Commission's meeting:

James Greeson

- (c) The following staff from the Indiana Department of Homeland Security (IDHS) were present during this meeting:

Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner
Denise Fitzpatrick, IDHS Code Specialist
Philip Gordon, Deputy Attorney General & Legal Counsel to the Fire Prevention and Building Safety Commission
Justin Guedel, IDHS Deputy General Counsel
Kim Hyten, IDHS Code Specialist

Kevin Troy, IDHS Code Enforcement Assistant Section Chief
Karla Vanblaricum, IDHS Variance Coordinator

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

Director Boyle conducted roll call and noted that quorum was present with ten members of the Commission in attendance.

3. Commission Review and Action on Meeting Minutes from Thursday, November 7, 2019, Tuesday, December 3, 2019, and Tuesday, January 7, 2020.

Director Boyle advised the Commission that none of the meeting minutes from the Commission's previous three meetings were ready for the Commission's review and approval.

4. IDHS/Commission Staff Reports and Updates

a. State Building Commissioner's Report – Craig Burgess, State Building Commissioner

State Building Commissioner Craig Burgess advised the Commission that he had four official written interpretations to bring to the Commission's attention that are published in the Indiana Register: Interpretation No. No. CEB-2019-27-2009 IEC-517.13, Interpretation No. CEB-2019-28-2014 IBC-302.1, Interpretation No. CEB-2019-31-2014 IBC-1021.2-Exc1, Interpretation No. CEB-2019-32-2012 IPC-420.3. All of these written interpretations were posted to the Indiana Register on September 18, 2019, and were also provided to the Commission as part of the Commission's meeting materials (<https://www.in.gov/dhs/3878.htm>). Commission Burgess briefly explained the background and rationale behind each of the interpretations. Director Boyle asked the commissioners if they had any questions or concerns. The commissioners did not have any questions for Commissioner Burgess.

b. Updated on Creating a Fire Prevention and Building Safety Commission Logo and Letterhead

After the Commission's last meeting, Director Boyle shared the Commission's and stakeholders' thoughts on a logo with the IDHS Public Affairs Office. They will continue to work on designs. If anybody has concerns on using said letterhead on current official documents, Director Boyle will refrain from using it until new letterhead is approved. Director Boyle asked for questions or concerns and there were none.

Director Boyle stated that he did share ideas and opinions expressed over the current design of the logo with the Public Affairs office. It is not an urgent matter of business, but Director Boyle did assure the Commission that he would continue to work with Public Affairs to develop a new letterhead, incorporating all suggested tweaks from last meeting into the new logo. He reiterated his understanding that some members of the Committee did not agree with the proposed logo and said that he would refrain from

using the current design on any official documents until the new and improved one is officially adopted. Finally, Director Boyle asked if the Commission had any questions or concerns relating to the state of the logo and letterhead design process. There were no additional questions.

5. Rulemaking Updates

a. Indiana Elevator Code Committee

Per previous discussions at last month's meeting, Justin Guedel, IDHS Deputy General Counsel, compiled a draft application. This includes a section that requires applicants to list prior work experience, including: job duties performed, duration for which the work was done, and a signed letter from an employer or already-licensed individual who oversaw the work and can attest to the accuracy and truthfulness of the application, as presented. In the case that the applicant cannot provide a signed document, tests and/or reports of jobs completed can be used in lieu of the letter. Guedel expressed his belief that this version of the application met all Commission standards and asked that the Commission move to adopt the application for future use. Chairman Nicoson stated that he was not comfortable with that proposal and would rather wait until there has been adequate time to review the document, as well as provide any additional feedback. Guedel agreed saying that a more thorough review of the proposed application would not impede business in any way. Lastly, a question was raised regarding what would qualify as a related field. Director Boyle explained that the statute simply mentions work experience in a related field as being acceptable qualifications, but that it is at the Committee's discretion to determine if an applicant's proposed related field is sufficient.

Next, Cecilia Ernstes-Boxell spoke as a stakeholder in the elevator industry. She has over 29 years of experience – including seven years as an operator, 13 years as an inspector, and five years on the Elevator Committee. Ms. Ernstes-Boxell expressed her concern over the licensing process and stated that she often would receive inefficient documentation from potential applicants, as well as individuals who would apply without proper qualifications. She continued to say that many applicants would use their operator status of vertical lifts as sufficient grounds to operate elevator; however, these lifts are relatively simple to install and operate. Furthermore, some contractors were found to have conducted in-house training, which resulted in a long and costly legal process. Ms. Ernstes-Boxell voiced her desire for examinations to be done by a licensed proctor, despite admitting that this will result in an undue burden on the Committee. Three states – Washington, California, and Michigan – already require applicants to provide W2 forms from previous employers before they may sit for an examination. Ms. Ernstes-Boxell stated that failing to adopt a similar policy would put the people of Indiana and the state's visitors at risk. Chairman Nicoson shared this sentiment, saying that licenses need to have integrity and recommended that the Indiana Elevator Code Committee explore reciprocity of Michigan due to their robust training and verification process.

b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

Director Boyle stated that there are only two more rules to get through before a proposed rewrite can be delivered. A potential draft should be available by May or June.

c. 2020 Indiana Residential Code

Director Boyle stated that he is currently working with Indiana Code Committee to get the 2020 version printed. The book has already been vetted and approved. A timetable was requested but no further information has been received from the Committee. The International Code Council was also contacted, and they stated that the hard copy has an estimated availability around approximately the middle of March, but no timeline has been determined for the electronic version. Furthermore, a price has not yet been confirmed. Director Boyle pointed out an important error in the current version of the Indiana Residential Code – Monroe County was incorrectly placed in the “C” Seismic Design Category, while the correct category is “B.” This is an large error that needs to be resolved, as it could potentially cost stakeholders significant amounts of money. Director Boyle recommended that an addendum be proposed to fix the error. Rulemaking was also suggested to be delayed, so that the Committee could identify other possible errors. In the meantime, a non-rule policy could be approved by the Commission, allowing for the documentation to be presented at next month’s meeting. Commissioner Furnish made a motion to task staff to draft a non-rule policy for the Commission’s review and approval at the next meeting. Commissioner Popich seconded the motion. The motion was voted on and carried.

6. Petitions for Administrative Review

a. Timely

IDHS Report of Inspection Order Number 460079
St. Jude Catholic Church, 19704 Johnson Road, South Bend, IN 46614

Director Boyle stated that this petition for administrative review was timely and has been forwarded to the Attorney General’s Office for assignment to an administrative law judge (ALJ).

b. Commission Determination/Commission Staff Unable to Process

IDHS Order Identification Number 3965223029
Thomas A. Edison Junior-Senior High School, 3304 Parkside Ave, Lake Station, IN 46405

IDHS Order Identification Number 3973112019
Alexander Hamilton Elementary School, 2900 Lake Street, Lake Station, IN 46405

Since the Commission’s last meeting, both schools decided to pursue informal review of the inspection reports with IDHS. The CFO of Lake Station Community Schools submitted an email to Director Boyle advising that he is withdrawing the petitions for

administrative review. Thus, no further action is necessary on the part of the Committee with regards to the above two orders.

IDHS Order Identification Number AE8225244-11132019
Hornet's Nest, 11845 Petersburg Road, Evansville, IN 47725

After acquiring additional information from the petitioner and IDHS, Director Boyle requested that this petition for administrative review be granted and be forwarded to the Attorney General's Office for assignment to an administrative law judge (ALJ). Commissioner Pannicke made a motion to **grant** the petition for administrative review, which was seconded by Commissioner Popich. The motion was voted on and carried.

7. Commission Review and Action on Non-Final Orders/Non-Final Orders of Dismissals

a. Non-Final Orders of Dismissal

Variance No. 19-08-95 (b) – Malice Manor
Cause No. DHS-1916-FPBSC-016

On January 16, 2020, the parties in the above-captioned matter filed a Joint Motion to Dismiss. The ALJ having reviewed the Motion and being otherwise duly advised in the premises, now finds that this matter should be dismissed. Commissioner Heinsman made a motion to **affirm**, which was seconded by Commissioner Corey. It was voted on and carried.

Variance No. 19-09-36 – ER Vision New Office Building
Cause No. DHS-1918-FPBSC-018

Commissioner Pannicke made a motion to **affirm**, which was seconded by Commissioner Heinsman. It was voted on and carried.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 10:11 a.m. The meeting was called back to order at 10:21 a.m.

8. Commission Review of Local Ordinances

a. Pre-Adoption Review

- i. City of Greenfield, Indiana Fire Prevention Code Ordinance
- ii. Town of Ellettsville Building Code Ordinance

Director Boyle advised the Commission that these proposed ordinances were submitted to staff for pre-adoption/preliminary staff review, as afforded by statute. Director Boyle reminded the Commission that no direct action by the Commission is required at this

time. However, the members of the Commission may review them and submit question or concerns to staff as needed.

b. Adopted

Ordinance No. 855 – Building Code of the Town of Ogden Dunes, IN

Commission staff received Ordinance No. 855 via electronic mail on Friday, January 24, 2020. Director Boyle requested that this ordinance be tabled. Commissioner Hite moved to **table**, which was seconded by Commissioner Furnish. It was voted on and carried.

9. Variances

a. Tabled

19-12-45 Morgan Acres Barn, Indianapolis

Proponent, Tim Callas, requested that this be tabled until next month's meeting. Commissioner Furnish moved to **table** and Commissioner Popich seconded. It was voted on and carried.

20-01-02 8 Unit Senior Patio Villas, Warsaw

No proponent was present to speak, due to an IT error that caused the application to only be found on the back end of the system. Director Boyle stated that the IT team will investigate this issue, and he requested that the variance be tabled until next month's meeting. Commissioner Pannicke moved to **table** and Commissioner Heinsman seconded. It was voted on and carried.

20-01-15 SBCC Factory and Museum, South Bend

Tim Callas spoke on behalf of SBCC Factory and Museum. He reminded the Committee that this was tabled last month, so that additional information regarding mechanical equipment could be attained. Mr. Callas said that the mechanical engineers found two large ducts that pass through the 4-hour fire wall but that these can both be removed without causing any additional problems. The company providing the processing equipment is oversupplied, and a status on this equipment will not be known for another 6-8 months. Finally, Mr. Callas explained the reasoning for a delay in the receiving of a written comment on behalf of the South Bend Fire Department. Fire Chief Cox moved out of the state, so all information regarding the variance was sent to Fire Chief Chico, who recently retired. When the new fire chief, Mr. Todd Swarcen, received the information, he was unopposed and found the close spaced sprinkler water curtain a suitable performance-based alternative to the 4-hour firewall requirement. Commissioner

Heinsman moved to **approve** and Commissioner Corey seconded. It was voted on and carried.

b. New

Category A/B

20-01-85 Hampton Inn, Franklin

A motion to approve was made by Commissioner Furnish and seconded by Commissioner Hite. It was voted on and carried.

Category C/D/NVR

Self-Representing Applicants/Design Professionals/Non-Consultants outside of Indianapolis metropolitan area:

20-01-56 Marquette Health Center Renovation and Addition, Indianapolis

Matt Trtan and Jay Cox spoke as the proponents. Portable shower seats will be installed at the end of a fixed wall. This is necessary for two reasons – comfort and safety. First, it offers a non-slick surface and allows patients to easily rearrange items in shower that may cause a hindrance. Additionally, the portable seating would allow caregivers to properly position patients that are unable to move on their own, due to old age or limited strength. Commissioner Hite motioned to **approve** and Commissioner Furnish seconded. It was voted on and carried. Commissioner Popich recused himself from the vote.

20-01-61 Bluffton Street Fair, Bluffton

Trudy Martin spoke as the proponent. The request is to have some of the streets to be less than the required lane width of 20 feet and be all-inclusive for both the vendor space and parade. Proponent states that fire trucks have gone down the same route for years with no problems. Additionally, a special permit from the State of Indiana has been issued to allow for a closing of a section of State Road 1, for the fair to operate smoothly. A lease from the city of Bluffton also allows for the closing of some streets. Mrs. Martin inquired as to whether it would be possible for a three-year deal to be agreed upon, or if it would be necessary for her to return each year with a variance request. Director Boyle stated that each year the fair's scope of non-compliance becomes larger and larger; thus, a new request would need to be submitted each year.

Fire Chief Don Craig stated his opposition by explaining that, at certain points within the fair, the street width is much less than the required width of 20 feet – narrowing down to as little as 8-10 feet in some areas, once awnings are set up. He feared that, as the fair

continues to grow larger, this could cause problems if a fire does occur. Additionally, Mr. Craig stated that he was met with much resistance when asking vendors to please comply with space allotments. In some cases, many vendors have also stated that they were unaware of the requirement to be behind certain fire lines. The Commission suggested that the two parties return to next month's meeting with a compromise, which includes detailing a more comprehensive map that illustrates acceptable street widths. An agreement with vendors stating that they have been made aware of these guidelines must also be signed before the fair. Commissioner Goeden made a motion to **table** and Commissioner Corey seconded the motion. It was voted on and carried.

20-01-63 Rustic Barn at Hopewell, Urbana

Dann Keiser spoke as the proponent. The project involves conversion of an existing Agricultural Building to a Class 1 Structure classified as A-2 Occupancy. The barn will be used for event space for weddings, banquets, meeting, etc. Proponent stated that a lateral load analysis was done but no formal report was compiled to be sent before the Commission. Per the analysis, calculated occupant load is approximately 270 per floor, with anticipated maximum occupant load being 250. State Building Commissioner, Craig Burgess, reminded the Commission that this variance only covers what would be deemed acceptable under Chapter 34, and additional steps may need to be taken to gain clearance for a lack of safety features, such as sprinkler systems. The Commission reminded Mr. Keiser that a full sprinkler system is required for facilities with occupancy loads of 300 or more, so it was recommended that he further discuss the intended occupancy load with the owners before including it in the final report. Overall, the Commission felt that simply stating orally that a lateral load analysis had been performed would not suffice. As a result, they recommended that Mr. Keiser return with a full report outlining all calculations performed, as well as any conclusions that were drawn, so that the Committee may more accurately assess the state of the structure. Commissioner Corey moved to **table** and Commissioner Pannicke seconded. It was voted on and carried.

Consultants:

20-01-55 Howard County Government Center Coroner Addition, Prosecutor's Offices and Interiors, Kokomo

Melissa Tupper spoke as the proponent. The request is to allow an accessible route that coincides with the main circulation path between the coroner's addition and the existing building to be omitted. There is an accessible entrance to the coroner's addition from the parking lot adjacent to the accessible building entrance is located. The addition is not accessible to the public therefore not required to comply with Title III of the ADA. As required by Title I of the ADA, accommodations will be made for an employee who becomes disabled. The estimated cost to install a wheelchair lift was given at \$40,000-\$50,000 but the Commission believed that was too extreme. The Commission asked that a second estimate be done to figure out if a lift could be installed at a more reasonable price. Commissioner Pannicke moved to **table** and was seconded by Commissioner Corey. It was voted on and carried.

20-01-57 (a)(b)(c) Eagle Cotton Mill, Madison

The request is to allow an elevator installed in the 4-story building to not be provided with vents. The proponent states requirement has been eliminated in the 2015 International Building Code. Similar variances have been granted in the past. A motion to **affirm 20-01-57 (a)** was made by Commissioner Popich and seconded by Commissioner Corey. It was voted on and carried.

The request is to not provide the 2-way communication system. The proponent states that cell phones could be used in emergency situations. Similar variances have been approved in the past. A motion to **affirm 20-01-57 (b)** was made by Commissioner Popich and seconded by Commissioner Corey. It was voted on and carried.

The request is to allow domestic water service, meter, and backflow preventer valve to be co-located with the fire pump within a single room. A motion to **affirm 20-01-57 (c)** was made by Commissioner Heinsman and seconded by Commissioner Corey. It was voted on and carried.

20-01-58 Paul F. Boston Middle School Re-Purpose, LaPorte

Ed Rensink spoke as the proponent. Current code prohibits the change of use of any building or structure unless the building or structure complies with the requirements for the rules of the commission for new construction. The request is for changes in parts of the 1st and 2nd floor from previous E Occupancy to B Occupancy uses. The conversion will not comply with all rules of the Commission for the new use, nor comply with chapter 34 Section 3412, IBC. Mr. Rensink stated this lack of compliance will not be adverse to public safety. Commissioner Popich made a motion to **approve** with the following additional conditions: 1. The conversion from E Occupancy to B Occupancy is only permitted for the scope requested in the submitted application and plans; and 2. The converted B Occupancy spaces shall only be used by the LaPorte Community School Corporation. The LaPorte Community School Corporation is not permitted to rent these spaces out to the public. Commissioner Corey seconded the motion. It was voted on and carried.

20-01-59 (a)(b) King Cole Building Hotel, Indianapolis

The new fire pump supplying the new automatic sprinkler system and automatic standpipe system will be placed in an existing mechanical room in the sub-basement of the building. In addition to the new domestic water service and booster pump, the room contains existing cooler refrigeration condensing units, grease interceptor, and water heater for the existing Qdoba restaurant tenant on the 1st floor which will remain in the building upon completion of the conversion of the building to a hotel. The building is an existing 10-story + basement structure constructed in 1915. There is also a partial floor above the 10th floor, a penthouse structure on the roof level, and a small sub-basement level. Floors 2-10 have been historically used for office functions, with restaurant use on

the 1st floor and a portion of the basement over the past several decades. The proposed project will convert the building into hotel facility. The request is to allow new fire pump system to be placed in an existing mechanical room in the sub-basement of the building. The proponent states building will be protected throughout with a sprinkler system per NFPA 13 (building is currently not sprinklered), there will be separation from the rest of the building with minimum 2-hour construction, and there is immediate access to the fire pump upon entering the existing mechanical room. Due to the small size of the sub-basement mechanical area, having an entirely separate fire pump room would not be feasible. Commissioner Popich moved to **approve 20-01-59 (a)** and the motion was seconded by Commissioner Heinsman. It was voted on and carried. Commissioner Pannicke recused himself from the vote.

The existing unenclosed stair will combine with the new 2-hour rated enclosed stair on Floors 2 and 3, in lieu of extending to the 1st floor as a separate means of egress from the 2nd and 3rd floor. The proponent states smoke detection system will be provided throughout the building and new stair enclosure discharging directly to the exterior at grade will be provided connecting all floor levels. The conjoining of the last 2 flights of the existing stairs must maintain its original configuration for the building to maintain its approval for historic tax credits. Commissioner Popich made a motion to **approve 20-01-59 (b)** and the motion was seconded by Commissioner Henson. It was voted on and carried. Commissioner Pannicke recused himself from the vote.

20-01-60 Sweetwater Warehouse 1 Project, Fort Wayne

Ed Rensink and Daniel Schenkel spoke as the proponents. Earthquake loads for the infill 2nd story and mezzanine addition will be designed per the 2016 Edition of ASCE 7 as seismic design category A in lieu of the currently adopted by reference 2010 Edition of ASCE 7, which would classify the structure as Seismic Design Category B. Based upon existing structure, the classification as Seismic Design Category B would incur prohibitive costs to upgrade existing structure. The project involves construction of a 2nd story and mezzanine within the existing Warehouse 1 portion of the building. The warehouse area will be converted to office use for the Sweetwater sales force. Commissioner Jordan moved to **approve** and Commissioner Heinsman seconded the motion. It was voted on and carried.

20-01-62 Buckingham Office Renovation, Indianapolis

Ed Rensink spoke as the proponent. The code requires IB construction to have the structural frame and roof construction to be 1-hour rated. The request is to remove and not replace fireproofing as part of the 3rd floor renovation. The proponent states that based upon automatic sprinkler protection throughout the 3rd floor and compliance with current code for an unprotected building structure that the lack of fireproofing on the 3rd floor will not be an adverse to safety. Commissioner Pannicke made a motion to **approve** and Commissioner Henson seconded the motion. It was voted on and carried. Commissioner Heinsman recused himself from the vote.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 12:14 p.m. The meeting was called back to order at 12:24 p.m.

20-01-64 (a)(b)(c)(d)(e)(f)(g)(h)(i)(j) 421 N. Penn, Indianapolis

Before moving forward with the other variances, a brief discussion was had regarding the need for a two-way communication system. It was determined that this is typically ineffective. Commissioner Pannicke motioned to **approve 20-01-64 (a)(b)(d)** and was seconded by Commissioner Corey. It was voted on and carried.

Ralph Gerdes spoke as the proponent for the seven remaining variances. The podium will be protected with a sprinkler system per NFPA 13. The Type VA buildings will be protected with a sprinkler system per NFPA 13R. The project involves construction of two new mixed-use buildings. The West Building is a 5-story building consisting of a 2-story Type IA podium building with a parking garage, tenant amenity spaces, and retail on the 1st floor and parking garage and apartments on 2nd floor; and a 4-story Type VA apartment building above/beside the podium. The East building is a 4-story building consisting of a 1-story podium building with a parking garage; and a 4-story building above/beside the podium with retail spaces and potential live/work units on the 1st floor and apartments on all 4 floors. Commissioner Pannicke motioned to **approve 20-01-64 (c)** and Commissioner Corey seconded. It was voted on and carried.

The code permits a building to have one podium level. The request is to allow the building to have 4 stories of Type 1A podium construction. Fire Chief, Margie Bovard, raised questions regarding a reduced fire resistance rating in a high rise building of this sort and mentioned that similar variances were granted for two stories of podium construction, not four. Ultimately, the Committee decided that this was still a much safer alternative in comparison to designs of other high-rise buildings downtown. Commissioner Pannicke motioned to **approve 20-01-64 (e)** and Commissioner Henson seconded. It was voted on and carried.

The code requires a six-foot-high fence to be provided around the swimming pool. The request is to allow a four-foot-high fence to be provided at apartment balconies on 5th floor. 2012, 2015 and 2018 Editions of ICC International Swimming Pool and Spa Code permit a four (4) foot high fence per Section 305.2.1. Similar variances have been granted in the past. Commissioner Hite motioned to **approve 20-01-64 (f)** and Commissioner Corey seconded. It was voted on and carried.

The code requires the number of plumbing fixtures to be provided based on the type of occupancy and the number of occupants. The request is to allow 1 male and 1 female restroom with later closet. Proponent states there is not enough space in the existing building to provide additional showers. Commissioner Hite motioned to **approve 20-01-64 (g)** and Commissioner Heinsman seconded. It was voted on and carried.

Accessibility code requires a clear floor space, positioned for a parallel approach to the refrigerator/freezer. The clear floor space is to be offset 24 inches from the centerline of

the appliance. The request is to allow the kitchen to be designed for centerline approach, which will follow the Federal Fair Housing Act. The State Building Commissioner stated that he believed this would be safely constructed granted it meets the FFHA guidelines. Commissioner Heinsman motioned to **approve 20-01-64 (h)** and Commissioner Corey seconded. It was voted on and carried.

Return air intake will be approximately five (5) feet from the oven/range. Code requires ten (10) feet of separation and serve the kitchen only. A more detailed floor plan is necessary before the Commission can come to an accurate decision. Commissioner Heinsman motioned to **table 20-01-64 (i)** and Commissioner Popich seconded. It was voted on and carried.

The Swimming Pool Code requires pools to have lifeguard chairs where the pool depth is a minimum of (48) inches at a rate of one (1) chair per every (2,000) square feet of water surface, first-aid kit, and phone to call 911. The request is to allow all the items to be omitted. Proponent states residents at the apartment swimming pool will swim at their own risk. Commissioner Heinsman made a motion to **approve 20-01-64 (j)** with the condition that a first-aid kit is required to be provided within the amenities area next to the swimming pool. This was seconded by Commissioner Popich. It was voted on and carried.

20-01-65 (a)(b)(c)(d)(e)(f)(g)(h)(i)(j) Nickel Plate Station, Fishers

Before the remaining variances were discussed, it was quickly determined that **(c)**, **(d)**, and **(f)** were all A category variances. A motion to **approve** these was made by Commissioner Pannicke and seconded by Commissioner Corey. It was voted on and carried.

Brian Hutton, of the Fishers Fire Department, stated that his team looked over all proposed variances and found no objections to any of them. The code permits a building to have one podium level. The request is to allow one of the two buildings to have two podium levels. Commissioner Pannicke motioned to **approve 20-01-65 (a)** and Commissioner Henson seconded. It was voted on and carried.

The code requires 3-hour separation wall between the Type I-A podium structure and the adjoining Type V-A construction to be a horizontal assembly. The request is to allow a portion of the 3-hour wall to be vertical. The vertical portion of the separation wall will separate the 4-story Type VA buildings adjoining the podium structure on each side. Commissioner Pannicke motioned to **approve 20-01-65 (b)** and Commissioner Henson seconded. It was voted on and carried.

The code permits fire-retardant-treated wood in nonbearing exterior walls where fire-resistance rated construction is not required. The request is to permit a portion of the west Type I-A podium building to have fire-retardant-treated wood framing and sheathing in a non-bearing required 1-hour rated exterior wall. Per the proponent, the fire-retardant-

treated wood framing and sheathing will not be exposed. It will be enclosed by brick facade on the exterior and drywall interior. Commissioner Pannicke motioned to **approve 20-01-65 (e)** and Commissioner Henson seconded. It was voted on and carried.

The code prohibits the maximum building height in feet from exceeding the building having the smaller allowable height as measured from the grade plane. The request is to allow the overall building height in feet of the West building to be 65 feet. Code permits 60 feet based upon installation of an NFPA 13R sprinkler system. Commissioner Jordan motioned to **approve 20-01-65 (g)** and Commissioner Corey seconded. It was voted on and carried.

The code requires openings in exterior wall perpendicular and within 4 feet from a fire wall termination to be fire-rated. The request is to allow the openings to not be fire-rated. The openings will each be protected with sprinklers located within 12 inches horizontally of the openings at the ceiling level. Commissioner Pannicke motioned to **approve 20-01-65 (h)** and Commissioner Corey seconded. It was voted on and carried.

The code prohibits exterior wall openings of a building from exceeding its permitted percentage of openings based upon fire separation distance to the adjoining property lines. The request is to allow unprotected exterior openings to be provided on the buildings as shown on plans for the East Building South Elevation, West Building West Elevation, and the West Building South Elevation. Quick response sprinkler will be located at the ceiling level within 12 inches horizontally of each exterior opening in the south wall on floors 3-5 of the apartments. Commissioner Pannicke motioned to **approve 20-01-65 (i)** and Commissioner Corey seconded. It was voted on and carried.

The code permits buildings having no more than (4) dwelling units on a floor to have a single exit from that floor. The request is to allow the apartment building to have (5) units on the 2nd floor area and have a single exit. The maximum exit access travel distance will be 100 feet. Code permits a maximum travel distance of 125 feet for stories with a single exit. Commissioner Pannicke motioned to **approve 20-01-65 (j)** and Commissioner Popich seconded. It was voted on and carried.

20-01-66 Indy Jet West Expansion, Greenfield

Carrie Ballinger spoke as the proponent. The code requires S-1 Occupancy over 12,000 square feet to have a sprinkler/fire suppression system. Aircraft hangars must have a system designed in accordance with NFPA 409, requiring foam suppression system for Group II hangars. The request is not to provide such system for the 9,600 square feet. The existing size is 12,910 and adding the addition will be 22,510 square feet. The proponent states the lack of fire suppression system is not a life safety issue, but a property protection issue. The building is used only for storage of aircraft. All repairs are performed in a separate building. Previous codes distinguished between storage only aircraft hangars (S-2) and aircraft repair hangars (S-1) and would not have required fire suppression for this building and addition. Scott Dottery, of the Indianapolis Airport

Authority, explained that the original plan was to include a fire suppression system, but the party excluded it after construction. Because of this, both he and David Sutherlin, of Buck Creek Fire Department, were against the granting of this variance. In response, Proponent referenced a study that showed most sprinkler systems being set off by accident, instead of by an actual fire. The Commission is concerned that, in the future, a change in usage of the hanger could occur. Commissioner Pannicke motioned to **table** and Commissioner Henson seconded. It was voted on and carried.

20-01-71 West of Eden Event Center, Perrysville

Matt Lehman spoke as the proponent. A VB 6100 square foot agricultural barn will be converted to an A2 event center. A non-required NFPA 72 fire alarm system will be installed with smoke detection throughout building. The event area has 4 remote exits when only two would be required. This structure is in a remote area of Vermillion County and there is no water supply in the area. The owner is constructing a large capacity pond to provide a water source for the local fire department. Additional documentation is needed regarding lateral load analysis before the Commission can come to a decision. Commissioner Pannicke made a motion to **table** and it was seconded by Commissioner Corey.

20-01-72 (a)(b)(c)(d)(e) Wren Building, Carmel

Before discussing the remaining variances, it was determined that variances **(b)** and **(c)** were in the A category. A motion to **approve** these was made by Commissioner Pannicke and seconded by Commissioner Corey. It was voted on and carried.

Ed Rensink spoke as the proponent. The code prohibits openings in exterior walls where located less than 3 feet from the lot line. The request is to allow openings to be on floors 1 and 2 in the podium building where the exterior wall is located on the lot line. Per the proponent, the openings will provide access to the adjacent Carmichael Building that will be constructed on the adjacent lot. The opening will provide mutual access to parking and commercial tenant spaces on the site. Commissioner Heinsman motioned to **approve 20-01-72 (a)** with the condition that an operable sprinkler head is required to be added at the door entry level of the opening. This was seconded by Commissioner Corey. It was voted on and carried.

The code permits a building to have one podium level. The request is to allow the building to have two podium level. The 2015 International Building Code eliminates the 1-story limitation. Commissioner Pannicke motioned to **approve 20-01-72 (d)** and Commissioner Corey seconded. It was voted on and carried.

The code prohibits the maximum building height in feet from exceeding the building having the smaller allowable height as measured from the grade plane. The request is to allow the overall building height in feet of the building to be 60 feet, 10 inches. Commissioner Pannicke motioned to **affirm 20-01-72 (e)** and Commissioner Henson seconded. It was voted on and carried.

20-01-73 (a)(b)(c)(d)(e)(f) Illinois Building Hotel, Indianapolis

Ed Rensink spoke as the proponent. The request is to demolish the penthouse and place an addition (11th floor) consisting of a rooftop bar with indoor/outdoor area, as well as a premium presidential guest suite. Commissioner Henson moved to **approve 20-01-73 (a)** on the condition that, per the fire chief's request, a standpipe connection be added to the roof. This was seconded by Commissioner Corey. It was voted on and carried. Commissioner Pannicke recused himself from all votes.

The code requires smoke control system to be installed in accordance with Section 909. The request is to replace atrium smoke control system with a system designed per the 1980's code of record for the original atrium construction, providing six (6) air changes per hour. Commissioner Popich moved to **approve 20-01-73 (b)** on the condition that a code of record be provided to code officials. This was seconded by Commissioner Corey. It was voted on and carried.

The code requires stairs to be enclosed in 2-hour fire-rated construction where connecting four or more stories. The request is to have unprotected openings on the 1st and 2nd floor. The 1st floor will consist of two (2) existing historic arched doorway openings and 2nd floor will have 3 sides of the stairs open to the lobby to allow the existing north stair to transfer on the 2nd floor to a separate flight of stairs leading to the 1st floor lobby instead of being in a 2-hour stair enclosure that is continuous to the first floor. Proponent states the building is an existing 14-story + basement structure. The area of transfer on the 2nd floor will be separated from the remainder of the 2nd floor with a 1-hour fire partition. The length of travel for the transfer on the 2nd floor is less than 20 feet. The building is fully sprinklered as required. Commissioner Henson moved to **approve 20-01-73 (c)** and Commissioner Corey seconded. It was voted on and carried.

The code requires openings in exterior walls shall comply with Sections 705.8.1 through 705.8.6. The request is to allow the area of non-rated openings on the 11th floor to comply with separation distance. The proponent states a quick response sprinkler will be provided at each window, a NFPA 13R sprinkler system, and fire alarm throughout building. Commissioner Corey moved to **approve 20-01-73 (d)** and Commissioner Heinsman seconded. It was voted on and carried.

The code requires hoist ways of elevators and dumbwaiters penetrating more than three stories shall be provided with a means for venting smoke and hot gases to the outer air in case of fire. The request is not to provide such to an 11-story building. Commissioner Corey moved to **approve 20-01-73 (e)** and Commissioner Heinsman seconded. It was voted on and carried.

The code requires a two-way communication system to be provided at the elevator landing on each accessible floor that is one or more stories above or below the story of exit discharge. The request is to allow the system to be omitted in the 11-story building. Cell phones will be used. Similar variances have been granted in the past. Commissioner Corey moved to **approve 20-01-73 (f)** and Commissioner Heinsman seconded. It was voted on and carried.

10. Comments and Closing Remarks – Chairman Nicoson

Chairman Nicoson apologized for recessing the Commission for a lunch break and wished everyone a safe trip home.

11. Adjournment

Chairman Nicoson adjourned the meeting at 2:07 p.m.

APPROVED: _____
Robin Nicoson, Chairman