



**COMMISSION MEETING MINUTES**

Indiana Fire Prevention and Building Safety Commission  
Indiana Government Center South  
Conference Center Room B  
302 W. Washington Street  
Indianapolis, Indiana 46204

Thursday, November 7, 2019

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman, Robin Nicoson, at 9:00 a.m. on Thursday, November 7, 2019.

(a) Commissioners present at the Commission meeting:

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

(b) Commissioners not present at the Commission meeting:

Greg Furnish

(c) The following departmental staff were present during the meeting:

Alan Blunk, IDHS Plan Review Section Chief  
Douglas Boyle, Director of Fire Prevention and Building Safety Commission  
Craig Burgess, State Building Commissioner  
Denise Fitzpatrick, IDHS Code Specialist/Variance Analyst  
Philip Gordon, Deputy Attorney General & Legal Counsel to the Commission  
Justin Guedel, IDHS Deputy General Counsel  
Kim Hyten, IDHS Code Specialist/Variance Analyst

Walter Knaepple, State Fire Marshal's Office/IDHS Code Enforcement  
James Schmidt, Deputy Attorney General & Legal Counsel to the Commission  
Karla Vanblaricum, IDHS Variance Coordinator

2. Director Boyle conducted roll call and noted that quorum was present, with 9 commission members in attendance.
3. Commission Review and Action on Meeting Minutes from Tuesday, October 1, 2019

Director Boyle stated that there were no meeting minutes to present. Director Boyle stated that he hopes that he will have the Commission's Tuesday, October 1, 2019 meeting minutes ready for the Commission's action by the next meeting on Tuesday, December 3, 2019.

4. IDHS/Commission Staff Report and Updates
  - a. Tentative 2020 Fire Prevention and Building Safety Commission Meeting Dates

Director Boyle briefly advised the Commission that there were no official, published written interpretations issued by State Building Commissioner Craig Burgess since the Commission's previous meeting. Director Boyle provided the Commission a memo listing the tentative meeting dates for the Commission's 2020 meetings. Per Chairman Nicoson's request, Director Boyle advised the Commission that he is looking into finding a new meeting location for the Commission's 2020 meetings, and stated that most of the meetings will likely be held in the History Reference Room of the Indiana State Library. The History Reference Room is a quiet space which will be more conducive to the Commission's meetings and will keep the location of the Commission's meetings centrally located in downtown Indianapolis. Finally, Director Boyle advised that will he try to have the Commission's 2020 meeting schedule finalized by next month's meeting.

5. Rulemaking Updates

- a. 2018 Elevator Code Committee

Commissioner Corey provided an update on the committee's business from its previous meeting, stating that the committee's review of ASME A17.1-2016 was nearly completed. The goal for the committee's next meeting will be to finish the rest of ASME A17.1-2016 and begin the review of ASME 17.6-2017. Director Boyle informed the Commission that the committee's next meeting is scheduled for Monday, November 18, 2019, starting at 9:00 a.m., location still to be determined.

- b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

Director Boyle advised the Commission that the Indiana Boiler and Pressure Vessel Rules Rewrite Committee held its first meeting on Wednesday, October 16, 2019. The meeting was primarily an orientation meeting to familiarize the Committee with the administrative rulemaking process and the task to draft a proposed rule for the Commission. The committee also began discussions on some substantive issues. Director Boyle informed the Commission the committee will begin review of Rules 5 through 11 at its next meeting, which is scheduled for Wednesday, November 13, 2019, starting at 9:00 a.m. in Conference Room 3 of the Indiana Government Center South Conference Center.

- c. Commission Review of Public Comments Received on the Proposed Rule of the Indiana Residential Code (675 IAC 14-4.4) Pursuant to Indiana Code 4-22-2-27, and Action on Adopting the Proposed Rule Pursuant to Indiana Code 4-22-2-29

Director Boyle informed the Commission that the proposed rule of the Indiana Residential Code (675 IAC 14-4.4) is ready for the Commission's review and adoption as its final rule. Justin Guedel, IDHS Deputy General Counsel, added that the public hearing on the proposed rule was held on Friday, October 11, 2019, during which oral and written testimony on the proposed rule was heard and received by the Commission's staff. A summary of the oral comments from the public hearing was provided to the Commission in its meeting materials. All of the written comments received were also provided to the Commission in advance of the meeting. All comments needed to be considered by the Commission before adopting the proposed rule as the final rule of the Commission.

Mr. Guedel stated that IDHS staff identified five recommended changes to the proposed rule upon staff's review of all public comments, mostly consisting of small, editorial errors found in the proposed rule, and provided the Commission a memo detailing the five recommended changes. Mr. Guedel briefly explained each of the recommended changes, and stated the staff recommends that Commission adopt the proposed rule as its final rule with the five recommended changes incorporated into the final rule, in order to ensure the Commission will be able to meet the statutory requirement to adopt a new statewide residential code before January 1, 2020. Mr. Guedel also stated that staff did not recommend any substantive policy changes to the rule due to the tight deadline, and also recommended that any additional substantive policy changes should be handled through a separate rulemaking, if so desired by the Commission.

After some discussion, Commissioner Pannicke asked if there would be any penalty if the Commission did not adopt a final rule by January 1, 2020. Mr. Guedel and Deputy Attorney General Jim Schmidt advised that there is no penalty set in statute, but noncompliance with the law is not recommended, and any rule adopted after the deadline could potentially be legally challenged in court proceedings. After further discussion, Commissioner Popich recommended that the following three additional,

small and non-substantive changes be made to the proposed rules, in addition to staff's five recommended changes:

1. In the title of 675 IAC 14-4.4 and in 675 IAC 14-4.4-1 of the proposed rule, change the language of "Indiana Residential Code" whenever mentioned to say "2020 Indiana Residential Code".

Commissioner Popich recommended this change to continue the Commission's past practice of including the year in editions of its rules.

2. Add a new section 675 IAC 14-4.4-71 between 675 IAC 14-4.4-70 and 675 IAC 14-4.4-71 to say:

675 IAC 14-4.4-71 Table 602.3.2; Single Top-plate splice connection details

Authority: IC 22-13-2-2-; IC 22-13-2-2.5; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 71. In Table 602.3.2 change the 3' to 3" in the first and second row of the "Splice plate size" column of the "Corners and intersecting walls" column.

After adding this section, renumber all following sections of the proposed rule.

Commissioner Popich recommended this change per a written comment submitted by Indiana Residential Code Committee member Craig Wagner, to correct errors/errata in the model code.

3. Add a new section 675 IAC 14-4.4-218 between 675 IAC 14-4.4-216 and 675 IAC 14-4.4-217 of the proposed rule (or sections 217 and 218 of the proposed rule that incorporates recommendation 7) to say:

675 IAC 14-4.4-218 Table E3905.12.1 Maximum number of conductors in metal boxes

Authority: IC 22-13-2-2-; IC 22-13-2-2.5; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 218. Change Table E3905.12.1 as follows:

- (1) In the seventh row under the "BOX DIMENSIONS" column change "11/4" to "1¼".
- (2) in the eighth row under the "BOX DIMENSIONS" column change "11/2" to "1½".

After adding this section, renumber all following sections of the proposed rule.

Commissioner Popich recommended this change per a written comment submitted by Indiana Residential Code Committee member Craig Wagner, to correct errors/errata in the model code.

Mr. Guedel stated that he would revise his memo to include these three additional changes and will provide his revised memo to the Commission before the end of the meeting, so the Commission can vote on the proposed rule. Upon review of Mr. Guedel's revised memo at the end of the meeting, Commissioner Popich made a motion to adopt the proposed rule, published in the Indiana Register as LSA Document #19-330, with the incorporation of the five changes recommended by staff and the three additional changes recommended by the Commission, as the final rule of the Commission. Commissioner Heinsman seconded the motion. The motion was voted on and carried. For reference, the memo detailing all eight changes to the rule is attached to the end of this document. The Commission's final rule will be submitted to the Attorney General's Office and Governor Holcomb's Office for final approval.

6. Commission Action on Third Party Inspection Agency Renewals

a. Expert Modular Consultants, LLC

Expert Modular Consultants, LLC submitted its annual third-party inspection agency certification renewal to the Indiana Department of Homeland Security on October 18, 2019. Walter Knaepple, IDHS Code Enforcement/State Fire Marshal's Office, advised the Commission that the State Fire Marshal's Office/IDHS recommends approval of third-party inspection agency's renewal. Commissioner Corey made a motion to **approve** the renewal. Commissioner Popich seconded the motion. The motion was voted on and carried.

7. Commission Review and Action on Reciprocity with the State of Kentucky's Elevator Mechanic License Program Pursuant to Indiana Code 22-15-5-12(b)(1)

Justin Guedel, IDHS Deputy General Counsel, advised the Commission that the department (IDHS) had received a single elevator mechanic licensure application requesting approval as an Indiana elevator mechanic based on equivalency and reciprocity with the State of Kentucky's licensure program, in accordance with the requirements of IC 22-15-5-12(b)(1). Mr. Guedel advised that a change to the statutory requirement during last year's legislative session now requires the Commission to approve reciprocity with other states' programs. Mr. Guedel also advised the department had determined that Kentucky's licensure program was equivalent to Indiana's in the past and had accepted Kentucky licenses as basis for licensure in Indiana. Mr. Guedel stated that today's request is to have the Commission approve Kentucky's program as equivalent to Indiana's program, so the department can begin approving licensure applications based on an applicant being licensed in the state of Kentucky.

Mr. Guedel stated that he believes Indiana's and Kentucky's programs are equivalent, both requiring three years of experience in the industry in maintenance, and/or repair, and receiving a passing score on a competency examination. As such, Mr. Guedel stated that IDHS recommends approval of Kentucky's program. However, if the Commission has additional concerns and ultimately chooses to deny equivalency of Kentucky's program to Indiana's program, Mr. Guedel advised that the department will begin to deny licensure applications submitted solely on being licensed in the state of Kentucky.

Some members of the Commission did raise some concerns as far as the exact equivalency of Indiana's and Kentucky's programs. Some of the members of the Commission, including, Commissioner Corey, noted that they believe Indiana has stricter requirements. Director Boyle questioned if there will actually be reciprocity between Indiana's and Kentucky's programs, if there is no confirmation that the State of Kentucky will also accept the State of Indiana's program as equivalent. Questions were also raised regarding how exactly work experience will be documented. Bart Giesler, representing the Elevator Industry Work Preservation Fund, stated that Mr. Guedel is correct in that the Indiana's and Kentucky's licensing laws appear to be equivalent, but agreed with Commissioner Corey in that the actual substance of Indiana's and Kentucky's current licensing programs are not completely equivalent.

Mr. Giesler noted that this is not a new issue to the Commission, reminding the members that the Commission had initiated an attempt to approve a competency examination back in July 2016. Mr. Giesler noted that the Commission's proposed examination at that time would be a four-hour examination with 160 questions, while Kentucky's examination is only 80 questions and is an open-book examination. Mr. Giesler also noted that the largest issue still facing Indiana's licensing program is the requirement to provide documented work experience, and if that work experience shows that an applicant has been properly trained in the work needed to become an elevator mechanic. Mr. Giesler stressed the importance of documented work experience because the elevator industry is the most dangerous building profession, and further advised that accident and death rates in the elevator industry essentially doubled between 2003 and 2016.

Mr. Giesler also advised that he believes accepting Kentucky's program may actually lower Indiana's standards without a clear understanding of the specifics of Kentucky's program and how Kentucky applicants are documenting their work experience. Mr. Giesler noted that some applicants may likely have the "book-smarts" to pass an examination but may still lack the training and experience needed to apply their knowledge in the field. After further lengthy discussion, Commissioner Corey reiterated that he does not feel Kentucky's program is equivalent to Indiana's program. Commissioner Pannicke made a motion to **deny** approval of reciprocity with Kentucky's elevator mechanic licensure program. Commissioner Corey seconded the motion. The motion was voted on and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission for a short break at 10:27 a.m. The Commission reconvened at 10:40 a.m.

## 8. Petitions for Administrative Review

### a. Timely

- i. Variance No. 19-08-95(b) – Malice Manor
- ii. IDHS Civil Penalty Order Identification Number BU30415\_10022019  
Blue Olive Café, 113 W. Carr Street, Milan, IN 47031
- iii. Variance No. 19-09-36 – ER Vision New Office Building

Director Boyle advised the Commission that all three petitions for administrative review have been granted as timely and with standing, and have been forwarded to the Attorney General's Office for assignment to an administrative law judge.

### b. Untimely

- i. IDHS Inspection Report Order Identification Number BU30415  
Blue Olive Café, 113 W. Carr Street, Milan, IN 47031

Director Boyle advised the Commission that the original inspection report order was served on the owner/petitioner on August 28, 2019, but the petition for administrative review of this specific order was not submitted until October 2, 2019, which was well past the statutory deadline to file for administrative review. IDHS Code Enforcement also issued a civil penalty order to the owner/petitioner for failure to comply the violations in the original inspection report order. The civil penalty order (above) is also being appealed through administrative review. Commissioner Popich made a motion to **deny** the petition for administrative review of IDHS Inspection Report Order Identification Number BU30415. Commissioner Henson seconded the motion. The motion was voted on and carried.

### c. Determination of Standing

- i. IDHS Inspection Report Order Identification Number AE2235117  
Culbertson Mansion SHS, 914 E. Main Street, New Albany, IN 47150

Director Boyle advised the Commission that this is the second time the petitioner had submitted a petition for administrative review of the code violation listed on the inspection report order. The issue is that the petitioner, John Spicklemire, filed the petition on behalf of Chuck Lockman, the person to whom the original inspection report order was served. Both Mr. Spicklemire and Mr. Lockman work for the same agency – Indiana State Museum and Historic Sites. Since both Mr. Spicklemire and Mr. Lockman serve as representatives on the entity/agency

responsible for the code compliance of Culbertson Mansion, the Commission determined that Mr. Spicklemire has standing as the petitioner. Commissioner Pannicke made a motion to **grant** the petition for administrative review of IDHS Inspection Report Order Identification Number AE2235117. Commissioner Popich seconded the motion. The motion was voted on and carried.

There was an additional discussion regarding Mr. Lockman's desire to retain Carrie Ballinger, RTM Consultants, Inc., as his representative in the administrative review. Ms. Ballinger is not a licensed attorney. Legal counsel advised the commission that Ms. Ballinger could serve as a representative and offer guidance throughout the process, but she would not be able to make legal arguments in any legal proceedings.

9. Commission Review and Action on Non-Final Orders/Non-Final Orders of Dismissal

- a. Variance No. 19-08-56 – Patel Brothers  
Cause No. DHS-1914-FPBSC-014

Director Boyle advised the Commission that the Administrative Law Judge issued a Non-Final Order of Dismissal in the above-referenced matter after the parties entered an Agreed Order and Joint Motion to Dismiss. Both parties agreed that this variance will be approved, on the condition that no smoke or grease laden vapors are produced from the appliance as a result of any cooking process that occurs on the appliance. Commissioner Pannicke made a motion to **affirm** the Administrative Law Judge's Non-Final Order of Dismissal as the Final Order of the Commission. Commissioner Jordan seconded the motion. The motion was voted on and carried. Commissioner Popich recused himself from the vote.

- b. The Brown Bowl  
Cause No. DHS-1915-FPBSC-015

Director Boyle advised the Commission that the Administrative Law Judge issued a Non-Final Order of Dismissal in the above-referenced matter after the parties entered an Agreed Order and Joint Motion to Dismiss. The parties were able to informally resolve the dispute and came to the agreements and understandings provided in the Agreed Order and Joint Motion to Dismiss. Commissioner Pannicke made a motion to affirm the Administrative Law Judge's Non-Final Order of Dismissal as the Final Order of the Commission. Commissioner Popich seconded the motion. The motion was voted on and carried.

10. Commission Review of Local Ordinances Pursuant to Indiana Code 22-13-2-5 and Indiana Code 22-13-2-5.5

- a. Pre-Adoption Review



## Town of Brownsburg, Indiana Building Code Ordinance

Although state statute only requires Commission to take official action adopted ordinances, Director Boyle advised the Commission that he will now be including ordinances submitted to staff for pre-adoption review on the Commission's agenda, for the Commission's awareness. Director Boyle and IDHS Deputy General Counsel determined that this would be a good practice, in order to hold staff more accountable for ordinances submitted for pre-adoption review, as afforded by state statute. No action will need to be directly taken by the Commission, but the members of the Commission are welcome to review the unadopted ordinances as well, and provide any comments, questions, or concerns to staff. The staff will still attempt to provide their comments and recommendations to the local jurisdictions' submitters within a reasonable amount of time. would like to now include ordinances in the pre-adoption phase. As such, Director Boyle simply informed the Commission that staff had received a proposed building code ordinance for the Town of Brownsburg via electronic mail on Friday, October 18, 2019, for pre-adoption review.

### b. Adopted

#### Ordinance No. 022119A – Town of Knightstown, IN Building Code

Commission staff received the above-referenced adopted ordinance on Friday, October 18, 2019 via postal mail. The adopted ordinance was submitted for the Commission's approval by the legal counsel to the Town Council of Knightstown, Indiana. This is the ordinance's first setting/placement on the Commission's meeting agenda. Director Boyle stated that staff has not had the chance to fully review the ordinance, and he asked the Commission to table the ordinance. Commissioner Pannicke made a motion to **table** Ordinance No. 022119A. Commissioner Henson seconded the motion. The motion was voted on and carried.

### 11. Commission Clarification on Conditions of Variance No. 19-08-18-21 W. Canal Street Condo

Justin Guedel informed the Commission that a prehearing conference order from the Administrative Law Judge was provided to the Commission as part of the meeting materials. Both parties in the administrative review had requested that this matter be placed in front of the Commission, in order to provide clarification on the Commission's additional conditions imposed on the variance. Joseph W. Eddingfield, legal Counsel for the petitioner, David Vandermark, stated that his client originally sought relief from the sprinkler system requirement by installing a fire alarm system with heat and smoke detectors in the offices that occupy the floor below the living quarters of the residential unit. However, the conditions provided on the variance action letter appeared to require a more restrictive fire prevention system than what was understood by Mr. Vandermark. The variance action letter also conditions that an NFPA 13D sprinkler system is required to be installed in the

upper level apartment/condominium (R Occupancy). Mr. Vandermark does not object to that specific additional condition.

Mr. Vandermark also retained Mr. Ed Rensink, RTM Consultants, Inc. for his expertise. Mr. Rensink addressed the Commission and advised the Commission that it is his professional opinion that the structure meet the code if Mr. Vandermark installs an NFPA 13D sprinkler system in R Occupancy dwelling until, making the variance moot. There was additional discussion regarding the code requirements of an NFPA 13D sprinkler system in R Occupancies, and State Building Commissioner Craig Burgess advised that he believes Mr. Rensink's assessment is correct. Mr. Rensink also suggested that filing an addendum ACDR with the State to account for the NFPA 13D sprinkler system in the R Occupancy may resolve this dispute. Per Mr. Rensink's and Commissioner Burgess' input and advice, Commissioner Pannicke stated that he did not believe that the conditions in the variance action letter needed to be revised in any way, but further recommended submitting an addendum ACDR and revised plans to the State, to render the variance moot. Mr. Eddingfield and Mr. Vandermark advised that they will submit an addendum/revised ACDR to the State, which should informally resolve the dispute and render the administrative review no longer necessary.

#### 12. Commission Action on Locally-Approved Variance(s) Pursuant to Indiana Code 22-13-2-7(b)

A&A Legacy, LLC, 4545 W. 71<sup>st</sup> Street, Indianapolis, IN 46268

Sam Bruner, Pike Township Fire Department, spoke as the proponent. As the local fire official having jurisdiction, he advised the Commission that this variance request pertains to the location of the post indicator valve (PIV) at A&A Legacy, LLC. He also advised the Commission that he has no objection to the PIV location and recommends approval of the "locally-approved" variance. Commissioner Pannicke made a motion to **approve** the variance, and Commissioner Henson seconded the motion. The motion was voted on and carried.

#### 13. Variances

##### a. Tabled

19-05-82 (a)(b)(c) Berry Event Barn, Greencastle

Scott Perez spoke as the proponent. Based on a prior conversation with Director Boyle, he asked that this be tabled until he can apply for an additional variance needed under Chapter 34 of the 2014 Indiana Building Code. Mr. Perez stated that all the paperwork is ready, and the application will be filed by tomorrow at the latest. Commissioner Pannicke made a motion to **table**, and Commissioner Corey seconded the motion. The motion was voted on and carried.

19-08-06 Kokomo Downtown Building, Kokomo

No proponent was present to speak. Commissioner Pannicke made a motion to **table** and Commissioner Henson seconded the motion. The motion was voted on and carried.

19-08-08 201 S. Main Street, South Bend

No proponent was present to speak. Commissioner Pannicke made a motion to **table** and Commissioner Henson seconded the motion. The motion was voted on and carried.

19-08-09 Sleep Inn Fort Wayne, Fort Wayne

No proponent was present to speak. Commissioner Pannicke made a motion to **table** and Commissioner Henson seconded the motion. The motion was voted on and carried.

19-08-11 Target West Lafayette, West Lafayette

No proponent was present to speak. Commissioner Pannicke made a motion to **table** and Commissioner Henson seconded. It was voted on and carried.

19-08-16 (a) White Rock Barn, Ossian

Dennis Bradshaw spoke as the proponent. He reminded the Commission that it had asked the owner to test the soil for the installation of a septic system at the previous meeting. All relevant documentation has been submitted to the State Department of Health, and they are waiting on the results. Mr. Bradshaw requested that this variance be tabled again until they receive the results. Commissioner Henson made a motion to **table** and Commissioner Hite seconded the motion. The motion was voted on and carried.

19-09-42 The Wooded Knot, LLC, Tippecanoe

Dennis Bradshaw and Clint Davis spoke as the proponents. The project involves a former agricultural barn that is being converted into an event space for weddings. Because only one floor is being used, the proponent is asking that the requirement of a sprinkler system be omitted. Currently, the bottom floor is not in use. There are four (4) means of egress capable of serving 1,000 occupants, although the calculated occupancy load is only 298 persons. Mr. Bradshaw presented a chart showing revised seating, support from the fire department, and a letter from the owner stating that he would be willing to incorporate with a variety of conditions. Additionally, a quote for the installation of the suppression system was provided at \$262,900, which would be a significant financial burden. Commissioner Heinsman made motion to **approve** with the following additional conditions: (1) a dry fire hydrant, supplied by the retention pond, shall be installed on the property for use by the local fire department, (2) the maximum occupancy of the

structure shall be posted and enforced at 299 people, and (3) fire extinguishers are required to be provided throughout the structure. Commissioner Corey seconded the motion. The motion was voted on and carried.

b. New

**Self-Representing Applicants/Design Professionals/Non-Consultants Outside of the Indianapolis Metropolitan Area:**

19-10-24 Overmeyer Heritage Barn Event Center, Culver

Brent Martin, architect/design professional for the project, Chuck Dewitt, Marshall County Building Commissioner (LBO), and Suzanne Barth spoke as proponents. This BARN is located 4-5 miles north of Culver, and the event space was created to supplement income. The project was approved by the county, without realizing a change of use variance was needed from the State/the Commission. Proponents state that efforts have been made to come into compliance with circuiting and fire systems. The applicant is seeking relief from the requirement of installing a sprinkler system, due to cost. The building is seasonal, requires no heating and cooling, and only one floor is being used as an event space, with a calculated occupant load of 258 people. Additionally, a permit from the county, allowing the staff to pump the holding tank after each event, would ensure sanitation code requirements will be met. The next step will be to submit an application for construction design release. After discussion, the Commission requested additional plans identifying the means of egress, as well as interior pictures of the structure. Mr. Dewitt stated he had no objections, and personnel is always present overseeing the improvements. Since additional information was requested, Commissioner Henson made a motion to **table** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-10-33 Blue Olive Café, Milan

Bobby Hensley, Lisa Barker, and Walter Knaepple, State Fire Marshal's Office, spoke as the proponents. The building was constructed in 1900 and was not designed for automatic sprinkler systems. Thus, the variance request is to not install a sprinkler system per code. Ms. Barker stated that this was a very difficult process because local building officials originally informed them that no changes would be needed, since the building's use would not be changing. She continued by saying that it is a small facility only capable of housing 20-30 people at a time. Additionally, the entire front of the building is constructed of glass paneling and could be used as a means of egress by breaking the glass. Ms. Barker said that the top level of the building has been used as a residence since its purchase in December 2006. Despite the misinformation provided by Ms. Barker at the beginning of the process, the Commission was confused by the facts and drawings provided in the application. Director Boyle suggested that Ms. Barker and Mr. Hensley should consider hiring a code consultant or design professional to assist

them with the variance process. Commissioner Pannicke made a motion to **table** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

**Breaking and Reconvening:** Chairman Nicoson recessed the Commission for lunch at 12:25 p.m. The Commission reconvened at 1:29 p.m.

**Self-Representing Applicants/Design Professionals/Non-Consultants Inside of the Indiana Metropolitan Area:**

19-10-15 Retail Development, Indianapolis

Ron Adams spoke as the proponent. The code requires landings at doors to have a width not less than the width of the stairway or the door, whichever is greater. The request is to allow the required landing to be omitted. The building is more than 80 years old and there is only 1.7 feet between the building and the right-of-way which does not provide enough space to construct a 44 feet deep landing. When the building was originally constructed, the floor line was placed approximately 10-12 inches above the adjacent sidewalk and a small step was placed at each entry. The step has since deteriorated and is being replaced with a new step with a deeper tread and with handrails. Commissioner Pannicke made a motion to **approve** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-10-16 Centennial Highlands Phase 2, Fort Wayne

Mark Riffey, Ryan Fire Protection, spoke as the proponent. This is the second phase of a previously approved variance. The code requires at least an NFPA 13R system to be installed throughout all buildings with a Group R fire area. The request is to allow an NFPA 13D system to be provided in lieu of the NFPA 13R system. Mr. Riffey also stated that the structure will be separated by a one-hour fire barrier, which is acceptable in conjunction with the NFPA 13D system, according to the International Building Code for Townhouses. Commissioner Heinsman made a motion to **approve** and Commissioner Pannicke seconded the motion. The motion was voted on and carried.

19-10-19 Festool USA Expansion, Lebanon

Mark Riffey, Ryan Fire Protection, spoke as the proponent. This variance deals with fire protection and suppression systems. According to Mr. Riffey, methods of fire sprinkler protection for this type of rack storage arrangement in the 2010 Edition of NFPA 13 do not list the type of fire sprinkler protection proposed for this building. However, the type of fire sprinkler protection approved method is listed in the 2019 Edition of NFPA 13. Thus, the request is to simply use the latest edition (2019) of the NFPA 13 standard. The 2010 edition of NFPA 13 currently adopted in Indiana's code does not contain a proper method to protect this storage arrangement based on height of both the building and storage. This project will remain in full compliance with the 2019 standards.

Commissioner Popich made a motion to **approve** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

#### **Consultants:**

##### 19-10-17 (a)(b)(c) Allison PEMB Expansion, Speedway

David Cook, Ralph Gerdes Consultants, LLC, spoke as the proponent. An existing 1940's three (3) story industrial manufacturing plant, with numerous additions over the years, of approximately 2,000,000 square feet will be put into further non-compliance by a small warehouse/vestibule addition of approximately 20,000 square feet. The existing building is being treated as an unlimited area building; however, the Administration Offices are three stories and non-sprinklered. Additionally, although the building does have numerous existing area separation walls, none are structurally independent and provide 60 feet of separation at desired locations. Mr. Cook stated that the unlimited area provision only applies to two story buildings that are sprinklered throughout. The addition is only 1% of the existing building and would be fully sprinklered. The local inspector and fire chief are all in agreement with the variances. Commissioner Heinsman made a motion to **approve** variance **(a)** and Commissioner Corey seconded the motion. The motion was voted on and carried.

Regarding variance (b), the code requires four (4) access doors, but only three (3) are being provided into the warehouse area. The hardship involves the existing electrical substation that access must be maintained creating a "10' wide alley," which prevents a fourth door from being installed in the warehouse. The cost to move the substation or put in additional doors in the prime rack/storage area would be prohibitive to the viability of the project. Proponent asserts that an additional door is not warranted, given the additional hose that fire engines carry can be stretched to reach these portions of the building. Commissioner Pannicke made a motion to **approve** variance **(b)** and Commissioner Henson seconded the motion. The motion was voted on and carried.

Regarding variance (c), due to the location of the addition being built, an access road for the fire department is not possible to be provided per code. Proponent states that previous projects with ESFR fire suppression systems have been approved, and the local fire chief has not objected to this proposal. Commissioner Pannicke made a motion to **approve** variance **(c)** and Commissioner Henson seconded the motion. The motion was voted on and carried.

##### 19-10-18 Mercy Road Church, Indianapolis

Christina Colleston, RTM Consultants, Inc., spoke as the proponent, on behalf of the submitter, Ed Rensink. Commissioner Popich recused himself from the discussion and vote. The building is classified as Type IIB Construction. The current project is developing the 1st floor as a worship facility and associated functions for Mercy Road

Church, which is classified as A-3 Occupancy per the Indiana Building Code (IBC). The space is designed for a maximum of 600 occupants. The variance request is to permit additional points for each of the three (3) columns in the table; Fire Safety (7.1), Means of Egress (5.1), and General Safety (3.1, to achieve an overall passing score. The estimated cost to upgrade the fire alarm system to a voice-alarm system, along with a fire command center is \$195,800, which is what would be required to achieve a passing score. Proponent clarified that if this were built as a Type IIB building, it would meet current code. A basic analysis was initially done regarding allowable height and area, as well as sprinkler system. Following this analysis, the owners were under the impression that it met all requirements, and that a Chapter 34 submission would not be required. Commissioner Pannicke made a motion to **approve** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-10-20 (a)(b) Eaglepoint Six TI: Radial, Brownsburg

Christina Collester, RTM Consultants, Inc., and Tony Smith, Deputy Fire Marshal for the Brownsburg Fire Department (LFO), spoke as the proponents. A new large volume warehouse will have a travel distance up to 635 feet. A three (3) tiered pick module is extending the distance beyond the code allowed 400 ft. for storage occupancies provided with an ESFR sprinkler system. Mr. Smith stated the Brownsburg Fire Department is fine with approval of the variance, if they are allowed to walk through the facility and verify that the conditions have been met. Commissioner Pannicke moved to **approve** variance **(a)** with the following additional conditions: (1) a minimum of six and a maximum of twelve fire alarm pull stations and four standpipe connections shall be installed and located, per the local fire official's determinations, and (2) updated plans providing the locations of the pull stations and standpipe connections shall be provided to IDHS within sixty days (60) days of occupancy of the structure. Commissioner Corey seconded the motion. The motion was voted on and carried.

The second request is to allow a UL Listed FM 200 clean agent fire-extinguishing system to be installed in the MDF Room in place of the required automatic sprinkler system. No additional discussion was needed. Commissioner Pannicke made a motion to **approve** variance **(b)** and Commissioner Corey seconded the motion. The motion was voted on and carried.

19-10-21 (a)(b) Adult Detention Center and Sheriff's Office, Indianapolis

Christina Collester, RTM Consultants, Inc., spoke as the proponent. Both Commissioner Popich and Commissioner Heinsman recused themselves from the discussion and the vote. Regarding variance (a), the applicant is requesting Type IIB construction be utilized and remove the high-rise classification and allow the fire alarm system notification to be provided to each portion of the building separately. The design concept was a single building housing the detention center, sheriff's office, and courthouse. However, for operational purposes, and construction separating the building into three separate

buildings allows for better operation of life safety systems and allows for a significant cost savings for the two-story portion of the building. The code would permit four (4) stories for a sprinklered B occupancy of Type IIB construction. The buildings will be separated by two-hour fire barriers complying with Section 707 with the exception that "storefront" glazing in aluminum frames and glass doors protected with closely spaced sprinklers six (6) feet on center and within two (2) feet of the glass will be permitted to protect openings between the sheriff's office and courthouse. Commissioner Pannicke made a motion to **approve** variance **(a)** and Commissioner Corey seconded the motion. The motion was voted on and carried.

Regarding variance (b), the code requires high rise buildings to be provided with natural or mechanical ventilation per one of the above options. Because of the design of the detention center, some openings are not possible. Proponent states that each block already has great ventilation, and that the existing openings are larger than required. Commissioner Pannicke motion to approve variance **(b)** and Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-22 University of Notre Dame Vestibule Sprinklers, Notre Dame

Christina Collester, RTM Consultants, Inc., and Bruce Harrison, Notre Dame Fire Department (LFO) spoke as proponents. The variance request is to remove the sprinklers from first floor vestibules in all of the structures across the campus. Chief Harrison stated that the wind and weather conditions make it difficult for the upkeep of sprinklers in these vestibules. The cold winter months cause pipe breaks, which leads to water damage and other additional costs. Ms. Collester stated that the risk of a fire within the vestibule is very low. Additionally, Chief Harrison advised that the Notre Dame Fire Department has reviewed this variance and is in favor of its approval. Director Boyle raised a concern regarding the variance's intended scope, to be applicable to all structures across the entire campus, stating that typically a variance is filed for a single building based on its location and address. The proponents responded that structure on the University of Notre Dame's campus all share a single address. After further discussion, Commissioner Pannicke made a motion to **approve** with the following addition condition: The University of Notre Dame is only permitted to remove the sprinkler heads from all first-floor vestibules in existing buildings throughout the campus, as identified in the "vestibule data" sheet attached to the variance application. Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-23 BHJ Freezer Expansion, Logansport

Christina Collester, RTM Consultants, Inc., spoke as the proponent. Commissioner Heinsman recused himself from the discussion and the vote. The request is to permit the existing building and additions to be unlimited in area and have less than sixty (60) feet of open yards on the south side of the building. This variance replaces a previously approved variance filed for unlimited area, as the owner had an arrangement to



purchase a portion of the adjacent property to achieve the sixty-foot (60 ft.) open side yards required by this code section. The project was proceeding under this agreement, but the agreement came under dispute. Under the original filing of this project (Project No. 406650), a variance (18-07-52) was approved to permit the unlimited area building with a limited side yard south of the building. The adjacent property is open farmland and does not pose any exposure hazards. Commissioner Pannicke made a motion to **approve** and Commissioner Corey seconded the motion. It was voted on and carried.

19-10-25 (a)(b)(c) Hooverwood Assisted Living Addition, Indianapolis

Melissa Tupper, RTM Consultants, Inc., and Bill Cooler spoke as the proponent. Commissioner Popich recused himself from the discussion and the vote. Regarding variance (a), the code requires there to be 60 inches of clearance from the toilet to the side wall; currently, there is 58 inches. The restrooms are approximately 84 inches in length, code requires 56 inches. The extra length provided in the rest room will afford space for a front approach to the water closet, mitigating the narrower clear space alongside the water closet. The issue of clearance space was not cited until after construction was done, and in order to meet code, the lavatory would have to be demolished and rebuilt. A comment was made by Mike Corey stating that he believed this did not pose a hardship. This could be fixed simply by installing smaller sinks to allow for more clearance. Commissioner Goeden motioned to **approve** 19-10-25(a) and Commissioner Heinsman seconded. It was voted on and carried.

Variance (b) is a request for stackable washers and dryers to be provided on each floor. The stacking of the appliances exceeds the maximum 36-inch distance that the bottom of the opening to the laundry compartment is permitted to above the floor per code. The proponents stated that staff will assist residents who are unable to reach the top machine. Additionally, most residents already require assistance from family members and/or staff to do their laundry. Commissioner Pannicke made a motion to **approve** variance (b) with the following additional condition: accessible, code-compliant washers and dryers shall be provided in any fully accessible unit(s) upon request by any tenant living in the unit(s). Commissioner Corey seconded the motion. The motion was voted on and carried.

Variance (c) addresses the requirement for a permanent ladder to be installed that would be used to access mechanical equipment. For security reasons, the owner does not want to have a permanent ladder leading up to the roof. Instead, a mobile ladder will be used to access a lower-level roof twelve (12) feet off the ground. Once on the lower level roof, a permanent ladder can be used to access the equipment on second-story roof. Commissioner Heinsman made a motion to **approve** variance (c) and Commissioner Pannicke seconded the motion. The motion was voted on and carried. Commissioner Corey abstained from the vote on variance (c).

19-10-26 Cass County Sheriff's Office Addition and Renovation, Logansport

Christina Collester, RTM Consultants, Inc., spoke as the proponent. The existing two-story building is made up of detention and correctional mezzanines, which is Type I-3/B construction. The new addition will be constructed of Type IIB and will be considered unlimited in area. The request is to utilize life safety standards – travel distance, stairways, sprinklers, and non-combustible construction materials – as a tradeoff for using a different construction type. Ms. Collester stated that this is a widely recognized practice when constructing federal detention facilities, as it significantly lowers the cost. Commissioner Pannicke made a motion to **approve** and Commissioner Henson seconded the motion. The motion was voted on and carried.

#### 19-10-27 Johnson County Jail, Franklin

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The project involves construction of a new two-story cell pod addition to an existing jail facility. The project also involves new building area infill of an existing courtyard. Due to this addition, the facility will exceed allowable area. Proponent states that it would be extremely difficult and costly to add an additional fire wall to separate the courtyard infill from the addition. Instead, the courtyard will be contained within a sprinklered I-3 construction type, as well as include a two-hour fire barrier to separate it from the new addition. Commissioner Pannicke made a motion to **approve** and Commissioner Henson seconded the motion. The motion was voted on and carried.

#### 19-10-28 Chase Plastics – Building Expansion, South Bend

Christina Collester, RTM Consultants, Inc., spoke as the proponent. This project involves an addition of 78,880 square feet to the existing building. It will be located 20 feet from the south and east property lines. Based upon design of the building as unlimited area, a minimum of 60 feet of frontage is required around the building. The variance request is to allow the frontage of 20 feet to be allowed, because the property to the south is a recorded easement used as a retention pond for the three adjoining properties and cannot be built upon. The easement is 250+ feet in depth from the subject property. The existing business to the east is located approximately 160 feet from the property line and will provide ample space for fire rescue, which means the location of this building will not pose a risk to public safety. The addition will be noncombustible construction (Type IIB), and the existing building is Type IIB construction as well. After discussion, Commissioner Henson made a motion to **approve** and Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-29 (a)(b) Progressive Materials, New Albany

Christina Collester, RTM Consultants, Inc., spoke as the proponent. This project concerns a storage building of H3 occupancy, containing some flammable materials. The code requires that indoor storage areas and storage buildings shall be provided with

mechanical exhaust ventilation or natural ventilation where natural ventilation can be shown to be acceptable for the materials as stored. The code also requires these systems to operate continuously unless alternative designs are approved. Proponent stated that this is an undue burden, as it was quoted at \$1.6 million, which is approximately 25% of the project cost. Considering the materials are classified as 0, 1, and 2 toxicity – the lowest levels possible – and flammable liquids are housed in their own space with separate ventilation systems, there is no threat to employee safety. Regarding variance (a), the alarm system is an additional cost not needed for this type of facility. The emergency response plan addresses personnel and emergency response procedures address spill response and containment. An emergency alarm would impair these operations. Additionally, evacuation is not required for a spill, and air ventilation would not do much to improve this situation anyway. Instead, a manual fire alarm system will be provided to evacuate in case of other emergencies. Commissioner Henson made a motion to **approve** variances **(a)** and **(b)** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

#### 19-10-30 (a)(b) Baby's Restaurant, Indianapolis

Christina Colleston, RTM Consultants, Inc., spoke as the proponent. Commissioner Popich recused himself from the discussion and the vote. The code requires walls and partitions within two feet of service sinks, urinals, and water closets to have a smooth, hard, non-absorbent surface for at least four feet above the floor. The request is to allow a material called Photo-Tex, a polyester self-adhesive material that is designed for both indoor and outdoor use, to be used in the restrooms. Proponent stated the material was chosen due to its durability and moisture-resistance. The code also requires recreational fires to not be conducted within 25 feet of a structure or combustible material. The request is to allow an outdoor fire pit on the patio to be located 7 feet, 6 inches to the nearest portion of the pergola structure. Proponent stated the pergola structure and the patio surface are noncombustible. The fire pit is located more than 30 feet from the exterior wall of the building, which is also noncombustible. Commissioner Pannicke made a motion to **approve** variances **(a)** and **(b)**, and Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-31(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k) Continuum, West Lafayette

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. Without discussion, Commissioner Henson made a motion to approve variances **(a)** and **(b)** and Commissioner Corey seconded the motion. It was voted on and carried.

Regarding variance (c), the code requires there to be two structurally independent fire walls built to separate adjoining buildings. Proponent stated that the parking garage and adjoining building are already independently constructed, so she requests that a single 3-hour rated fire wall be put in place between these two structures. The fire department

does not object to approval of the variance, provided the following conditions are met: (1) firestopping shall be added between the garage wall and corridor walls at each floor level, OR the inside stud corridor wall is required to be a two-hour rated wall with either drywall or as a shaft wall, and (2) standpipe connections shall be provided at the first floor landing and at the uppermost landing for roof access at Stair 3 (east stair serving garage). Commissioner Heinsman moved to **approve** variance **(c)** with the addition of the fire department's two additional conditions. Commissioner Corey seconded the motion. The motion was voted on and carried.

Variances (d) through (k) were approved with little to no discussion, as the local fire official was primarily concerned with variance (c). Commissioner Corey made the motion to **approve** variance **(d)** and Commissioner Pannicke seconded the motion. The motion was voted on and carried. Commissioner Pannicke made the motion to **approve** variance **(e)** and Commissioner Corey seconded the motion. The motion was voted on and carried. Commissioner Pannicke made the motion to **approve** variance **(f)** and Commissioner Heinsman seconded the motion. The motion was voted on and carried. Commissioner Pannicke made the motion to **approve** variance **(g)** and Commissioner Heinsman seconded the motion. The motion was voted on and carried. Commissioner Heinsman made the motion to **approve** variance **(h)** and Commissioner Henson seconded the motion. The motion was voted on and carried. Commissioner Pannicke made the motion to **approve** variance **(i)** and Commissioner Corey seconded the motion. The motion was voted on and carried. Commissioner Henson made the motion to **approve** variance **(j)** and Commissioner Heinsman seconded the motion. The motion was voted on and carried. Commissioner Pannicke made the motion to **approve** variance **(k)** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

#### 19-10-32 Seasonal Barn Wedding Venue, Tipton

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The request is to temporarily use portable restrooms in lieu of noncompliance with the permanent fixture count requirements. Portable restrooms will be provided for events in compliance with Table 2902.1, including provisions for accessibility. There is one existing permanent restroom available on site under same ownership within 500 feet, and additional permanent compliant restroom facilities will be provided within two (2) years of opening. Commissioner Pannicke made a motion to **approve** with the following additional condition: this variance is effective until October 31, 2021 (10/31/2021). Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-34 (a)(b) Lilly Building K132B Purification, Indianapolis

Christina Collester, RTM Consultants, Inc., and Keith Lamson, Eli Lilly and Company, spoke as the proponents. The code prohibits exhaust air from being recirculated to occupied areas because the materials stored are capable of emitting hazardous vapors,

and contaminants have not been removed. The request is to allow the air to be recirculated in the KI32B Purification project. Mechanical will be lowered to maintain vapor accumulation to less than 25%. The ventilation system serving H-2 Occupancy areas will be provided with standby power through redundant electrical power sources, in lieu of a standby generator. Commissioner Pannicke made a motion to **approve** variances **(a)** and **(b)**, and Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-35 Butler University Hinkle Fieldhouse Concession Carts, Indianapolis

Joe Graves and Jason Rose spoke as the proponents. The variance request is to utilize a specific type of food/concession cart with a "Type 1" hood system at Hinkle Fieldhouse at Butler University. Mr. Graves stated that the carts are almost identical to the ones used at Banker's Life Fieldhouse. Mr. Rose stated that he believes Lucas Oil Stadium also requested variances for the same issue. The downdraft hood system is stated to be a Type 1 Hood system from the manufacturer but does not provide a certificate. The request is to use the carts with the Type 1 system without a certification. Mrs. Bovard stated that the proposed downdraft was not compatible, according to the specs and sought clarification. Mr. Graves objected stating that, on page two of the specs, it clearly states that a downdraft of this type could be used with a flattop electric grill. The proponents stated that K-Class fire extinguishers will be provided at every cart location, the carts will be staffed the entire time the carts are in use. Commissioner Popich moved to **approve** and Commissioner Henson seconded. It was voted on and carried.

#### 19-10-36(a)(b)(c) Cathedral High School Innovation Center, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, LLC, spoke as the proponent. This project involves a three-story addition to the existing school. Variance (a) is a request to allow new (3) story addition to have an open exit access stair, without having to sprinkler the entire building (existing building plus new addition). The existing Kelly Hall building is not sprinklered, but the addition and the remodeled ground level will be sprinklered. The set of stairs in question will have a draft curtain and close spaced sprinklers. Per the proponent, the stair is only a required exit from the second floor to the first floor. The new addition will also have smoke detection system in corridors. Commissioner Pannicke moved to **approve** variance **(a)** with the following additional condition: the draft curtain and close-spaced sprinklers shall be provided at every level. Commissioner Corey seconded the motion. The motion was voted on and carried.

Variance (b) involves the lack of a sprinkler system in the existing Kelly Hall. T code requires all spaces exceeding 12,000 square feet to be sprinklered. The proponent is asking that Kelly Hall not be sprinklered. However, the new addition and remodeled lower level will be sprinklered. Commissioner Pannicke made a motion to **approve** variance **(b)** and Commissioner Henson seconded the motion. The motion was voted on and carried.

Variance (c) pertains to a GAR requirement – 675 IAC 12-4-12(f). The new addition will put the existing building into further noncompliance regarding allowable floor area. Proponent stated that a two-hour fire barrier will be provided between Kelly Hall and the Student Life Center, and the new addition will have a smoke detection system in the corridors. Similar variances have been approved in the past. Margie Bovard, Indianapolis Fire Department, recommended that the new and existing buildings be completely separated by a two-hour fire wall, which Mr. Gerdes said would block some of the natural light entering the classrooms. After further discussion, Commissioner Pannicke made a motion to **approve** variance (c) and Commissioner Corey seconded the motion. The motion was voted on and carried.

#### 19-10-58 New Activity Center for Twin Lakes Camp and Conference Center, Hillsboro

Tim Callas, J & T Consulting, LLC, spoke as the proponent. The structure in question will be used for graduation ceremonies following a week-long church camp, in case of inclement weather during the summer months. The design occupant load of 350 occupants is only for the period of once a week June through August (12 times). This is for graduation ceremonies after the week-long church camp. The remainder of the season, September through May, has less than 100 occupants utilizing the multipurpose area, which will be for actual gymnasium use. The lounge area of the structure is for parents to relax in, while the children play in the gymnasium. The variance request is to not be required to install a fire suppression system in the structure, even though the calculated fire area exceeds the fire area permitted by the code by 1,000 square feet. Compliance with the code would create a significant financial hardship for the owner, due to the cost of adding a pump house associated underground (\$307,370.00) and building and installation costs to provide the fire suppression system in the existing building (\$750,000.00). The building will be provided with an interconnected smoke and fire detection system tied to the fire alarm system, and a dry fire hydrant is located 500 feet away from the building. Commissioner Heinsman made a motion to **approve** with the following additional conditions: (1) the two-hour fire barrier separating the multipurpose room from the mezzanine/storage spaces on the east side of the structure is required to extend all the way up to the roof deck, in order to provide protection to the second floor elevation, (2) an emergency voice/alarm communication system is not required to be provided with the fire alarm system (fire alarm system still required), as originally proposed in the variance application. Commissioner Pannicke seconded the motion. The motion was voted on and carried.

#### 14. Comments and Closing Remarks – Chairman Nicoson

Chairman Nicoson thanked everyone for coming and wished everyone a safe drive home.

#### 15. Adjournment

Chairman Nicoson adjourned the meeting at 5:06 p.m.

APPROVED: \_\_\_\_\_  
Robin Nicoson, Chairman



**RECOMMENDED CHANGES TO BE MADE TO PROPOSED RULE  
LSA DOCUMENT #19-330**

- 1. Recommendation:** In 675 IAC 14-4.4-3(8) and 675 IAC 14-4.4-38 (in R326.24.1 and R326.25.1) of the proposed rule, change the language “environmental standards board” to “environmental rules board.”  
**Reason:** This is to correct an inaccurate reference to IDEM’s rulemaking body.
- 2. Recommendation:** In 675 IAC 14-4.4-15 of the proposed rule, change all references to R311.3.1 to refer to R311.3.2.  
**Reason:** Scrivener error in transcribing the proposed rule.
- 3. Recommendation:** In 675 IAC 14-4.4-58 of the proposed rule, remove the word “the” that is before “nominal”.  
**Reason:** Scrivener error in transcribing the proposed rule.
- 4. Recommendation:** In 675 IAC 14-4.4-116, item number 4, change “one hundred fourteen (114) inches” to say “one quarter (1/4) inch” and change “one hundred twelve (112)” to “one half (1/2)”.  
**Reason:** Scrivener error in transcribing the proposed rule.
- 5. Recommendation:** In 675 IAC 14-4.4-144 of the proposed rule, change the title of this section to say “Definitions”.  
**Reason:** Scrivener error in transcribing the proposed rule. This is merely the change of the title of the section to match the model code.

**ADDITIONAL CHANGES RECOMMENDED BY COMMISSION**

- 6. Recommendation:** In the title of 675 IAC 14-4.4 and in 675 IAC 14-4.4-1 of the proposed rule, change the language of “Indiana Residential Code” whenever mentioned to say “2020 Indiana Residential Code”.  
**Reason:** To continue past practice.
- 7. Recommendation:** Add a new section 675 IAC 14-4.4-71 between 675 IAC 14-4.4-70 and 675 IAC 14-4.4-71 to say:

675 IAC 14-4.4-71 Table 602.3.2; Single Top-plate splice connection details  
Authority: IC 22-13-2-2-; IC 22-13-2-2.5; IC 22-13-2-13



Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 71. In Table 602.3.2 change the 3' to 3" in the first and second row of the "Splice plate size" column of the "Corners and intersecting walls" column.

After adding this section, renumber all following sections of the proposed rule.

**Reason:** To correct an error in the model code based off of a written comment received from Craig Wagner.

8. **Recommendation:** Add a new section 675 IAC 14-4.4-218 between 675 IAC 14-4.4-216 and 675 IAC 14-4.4-217 of the proposed rule (or sections 217 and 218 of the proposed rule that incorporates recommendation 7) to say:

675 IAC 14-4.4-218 Table E3905.12.1 Maximum number of conductors in metal boxes

Authority: IC 22-13-2-2-; IC 22-13-2-2.5; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 218. Change Table E3905.12.1 as follows:

- (1) In the seventh row under the "BOX DIMENSIONS" column change "1 1/4" to "1 1/4".
- (2) in the eighth row under the "BOX DIMENSIONS" column change "1 1/2" to "1 1/2".

After adding this section, renumber all following sections of the proposed rule.

**Reason:** To correct an error in the model code based off of a written comment received from Craig Wagner.

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**This document was incorporated into the Commission's motion to adopt the proposed rule as its final rule at its November 7, 2019 meeting. These were the only changes made to the proposed rule.**