



## 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

Tuesday, July 2, 2019

### CORRECTED & APPROVED

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 9:02 a.m. on Tuesday, July 2, 2019.

(a) Commissioners present at the Commission meeting:

Michael Corey  
Greg Furnish  
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  
Jessica Scheurich, Vice-Chairman

(b) Commissioners not present at the Commission meeting:

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

Mike Anderson, IDHS Code Specialist  
Douglas Boyle, Director of Fire Prevention and Building Safety Commission  
Craig Burgess, State Building Commissioner  
Denise Fitzpatrick, IDHS Code Specialist  
Phillip Gordon, Deputy Attorney General & Legal Counsel

Justin Guedel, IDHS Deputy General Counsel  
James Schmidt, Deputy Attorney General & Legal Counsel  
Kevin Troy, IDHS Code Enforcement Assistant Section Chief

2. Director Boyle conducted roll call, and noted that quorum was present, with all members of the Commission in attendance.
3. Commission Review and Action on Meeting Minutes from Thursday, May 9, 2019 & Tuesday, June 4, 2019

Director Boyle called for approval or corrections of the minutes for the May 9, 2019 meeting and the June 4, 2019 meeting. Regarding the May 9, 2019 & June 4, 2019 Meeting Minutes, it was noted that the Commissioners “recused themselves” rather than “abstained.” In the May Meeting Minutes, Commissioner Heinsman recused himself from Variance No. 19-05-74. Commissioner Pannicke moved to **approve the May 9, 2019 meeting minutes as amended**, and Commissioner Heinsman made the second. It was voted on and carried. Regarding the June Meeting Minutes, it was noted that James Jordan was in attendance, but was not listed. Additionally, the meeting was called to order by Chairman Nicoson. Commissioner Pannicke moved to **approve the June 4, 2019 meeting minutes as amended**, and Commissioner Popich made the second. It was voted on and carried.

4. State Building Commissioner’s Report

Craig Burgess, State Building Commissioner described Interpretation No. CEB-2019-09 – 2014 Indiana Building Code, Section 1104.4, Exception 1. He stated that this was a question as to whether this elevator exemption applies simply to elevators or to accessible routes in general. Commissioner Burgess thinks that the only logical way to apply it is to be consistent with the ADA, so that it applies to accessible routes in general and not just elevators.

5. Rulemaking Updates

- a. 2018 Elevator Code Committee Update: Mike Corey stated that the next scheduled meeting is Tuesday, June 16, 2019 at 9:00 a.m. in Conference Center Room D (IGCS.) The Committee will continue to review ASME A17.1 – 2016 (Appendix L.)
- b. 2018 Indiana Residential Code Committee Update: Justin Guedel, Staff Attorney, stated that he had heard back from OMB. They want them to file a Notice of Intent. The register should post it tomorrow. The rulemaking docket will be posted after notice is posted. This is the time for public comment to be received. There will then be a public hearing; and then it will go to the Attorney General for review.
- c. Commission Action on 2019 Rule Re-adoptions Final Rule:
  - i. 675 IAC 20 – Swimming Pool Code

- ii. 675 IAC 23-1-62 – Fee schedule, Part III; scope
- iii. 675 IAC 23-1-63 – Annual inspection fees
- iv. 675 IAC 24 – Supplementary Fire Safety Rules (Migrant Day Care Nursery Fire Safety Code)

As he had advised at the Commission's May 9, 2019 meeting, Justin Guedel, IDHS Deputy General Counsel, reminded the Commission that all of these rules will be expiring at the end of the year. The notice of intent to re-adopt the final rule was filed and posted to the Indiana Register on May 15, 2019. Mr. Guedel advised the Commission that no objections nor request for separation were received, and the Commission is now ready to move forward with final re-adoption. Commissioner Popich moved to approve the **readopted final rule for 675 IAC 20, 675 IAC 23-1-62, 675 IAC 23-1-63 and 675 IAC 24**. Commissioner Jordan made the second. It was voted on and carried.

- d. Commission Action on Notice of Intent to Re-adopt 675 IAC 30 – Indiana Boiler and Pressure Vessel Rules

Justin Guedel, IDHS Deputy General Counsel, advised the Commission that the Indiana Boiler and Pressure Vessel Rules, as a result of the dissolution of the Indiana Boiler and Pressure Vessel Rules Board, has now moved to 675 IAC 30 in the Commission's rules. This rule must now be readopted by the Commission, because it will expire at the end of the year. Commissioner Popich **moved to have commission staff publish a notice of intent to re-adopt 675 IAC 30**, and Commissioner Scheurich made the second. It was voted on and carried.

- e. Proposed Emergency Rules

- i. Emergency Rule 675 IAC 12-5 – Variances: Justin Guedel explained that last month, they put together a draft rule and received comments from a handful of groups. One substantive change is the definition of "LBO" and "LFO;" they brought back the definition of "undue hardship." There will be a 60 day grace period for LBOs and LFOs to provide notice to IDHS regarding contact information. They changed the requirement regarding when additional information may be sent to IDHS without filing a new application. Because the law went into effect yesterday, they wanted something on the books as soon as possible. There was discussion on the GAR. The new process was discussed, specifically whether an applicant may request that his or her variance be heard before the Commission; her or she may, but that does not guarantee it will be heard before the Commission. Appeals will remain available. There was discussion on the flow chart and the process that IDHS staff will go through in decision-making. People may submit public comments on the variances, and may participate in the meetings telephonically. These meetings do not need to comply with the Open Door Law. Various individuals provided comments and feedback on the proposed rule.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 10:38 a.m. It was called back to order at 10:48 a.m.

Mr. Guedel noted that this rule may be amended during the full rulemaking process if something is overlooked. Commissioner Popich moved to **adopt the proposed Emergency Rule to 675 IAC 12-5**. Commissioner Pannicke asked that the motion be amended to **request that a sub-committee be appointed to develop a final rule to 675 IAC 12-5 for adoption by the Commission**. Commissioner Scheurich made the second to the amended motion. It was voted on and carried.

- ii. Emergency Rule 675 IAC 30 – Indiana Boiler and Pressure Vessel Rules: Justin Guedel explained that the goal here is to implement the statutory changes that apply to boilers and pressure vessels, now that the Boiler Board is gone. This rule was presented to the Boiler and Pressure Vessel Rules Board; the Board recommended that the Commission adopt this emergency rule. Commissioner Corey **moved to adopt the proposed emergency rule to 675 IAC 30** and Commissioner Scheurich made the second. It was voted on and carried.

## 6. Petitions for Administrative Review

### a. Timely

- i. IDHS Inspection Report Order State Numbers FWT12293, FW19372 and FWT11320  
Party at Trav's, Inc.

Director Boyle explained that this petition for review was received 14 days after the owner received the violation, and as such was filed timely with Commission. Director Boyle forwarded the petition for review to the Attorney General's office to be assigned to an ALJ.

## 7. Commission Review and Action on Non-Final Orders of Dismissal

- a. Good Shepard Christian Academy, Cause No. DHS-1904-FPBSC-004
- b. Great Lakes Orthopedics & Sports Medicine, Cause No. DHS-1905-FPBSC-005

Director Boyle stated that both of these Orders are Non-Final Orders of Dismissal. No objections were received. Commissioner Popich moved to **affirm** the Non-Final Orders of Dismissal and Commissioner Scheurich made the second. It was voted on and carried.

## 8. Commission Review and Action on Proposed Unsafe Building Ordinance Template

Justin Guedel stated that the template was revised and reviewed. If local jurisdictions follow this ordinance template to a tee, then it would not have to come before the Commission. These ordinances pertain to fire safety laws, not building safety laws. The language basically says that we are adopting an unsafe building law and the term is defined. No action was taken.

9. Commission Action on Locally-Approved Variance(s) pursuant to IC 22-13-2-7(b)

a. Emrich Plaza Retail Shoppes, 324 West Morris Street, Indianapolis, IN 46225

No proponent was available to speak on the variance. Margie Bovard, City of Indianapolis, stated that she approved of the variance. Commissioner Pannicke moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

10. Variances

Director Boyle stated that any variances filed up to and including July 1, 2019 will remain with the Commission or will be placed on next month's agenda, as the new statutory changes under I.C. 22-13-2-11 took effect on July 1, 2019.

a. Tabled

19-05-03 Hubbard Gardens, Indianapolis

No proponent was available to speak on the variance. Commissioner Furnish moved to **table** and Commissioner Henson made the second. It was voted on and carried. Commissioner Popich recused himself.

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

The proponent requested that this be tabled. Commissioner Pannicke moved to **table** and Commissioner Corey made the second. It was voted on and carried.

19-05-83 (a)(b) Zink Properties, LLC CEW Expansion, Indianapolis

The proponent requested that this be tabled. Commissioner Furnish moved to **table** and Commissioner Pannicke made the second. It was voted on and carried.

19-06-02 Lowe's Store 0215, Terre Haute

This application remains incomplete. Commissioner Pannicke moved to **table** and Commissioner Henson made the second. It was voted on and carried.

19-06-35 Door Locking Device in the event of Active Shooter, Kokomo

Director Boyle advised the Commission that he had several correspondences with the proponents of this variance request since the Commission's last meeting. Based on the discussion from the previous meeting and further evaluation of I.C. 22-11-17-2, he informed the Commission that he had advised the proponent that a variance to utilize the proposed device may not necessarily be required in order to "block" or "barricade" a door in the event of an active shooter, so long as a device is expressly used for "barricading" or "blocking" a door, **and would only** be utilized within the scope and circumstances afforded under I.C. 22-11-17-2 (d). Any use of the device outside of the scope and circumstances provided under I.C. 22-11-17-2(d) would be a violation of the state statute, to which there is no variance or appeal process, and the device would also be subject to all applicable statewide building and fire safety codes (which there may be several). The proponents advised Director Boyle that they will **withdraw** the variance request. Director Boyle advised that he will issue an action letter indicating the withdrawal to the proponents.

#### 19-06-47 SPI Industries Building Expansion, South Bend

Carrie Ballinger, RTM Consultants, spoke as the proponent. This is a request to reduce hose demand from 500 gallons to 150 gallons. At the last meeting, she attempted to reach the local fire official: he has now provided a letter of support. Commissioner Jordan moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

#### b. New

##### Category A/B

- 19-07-02 (a)(b)(c)(d) STEM Teaching Lab, West Lafayette
- 19-07-03 (a)(b)(c)(d) Meadow Brook School, LaGrange
- 19-07-04 (a)(b)(c)(d) Peaceful Creek School, Bristol
- 19-07-08 (a)(b)(c) HUB PLUS at West Lafayette, West Lafayette
- 19-07-10 (a)(b)(c) West Wabash School, Geneva
- 19-07-13 (a)(b)(c) Fine Arts Building, Terre Haute
- 19-07-14 (a)(b) Horn of Plenty, Middlebury
- 19-07-17 The Kent, Carmel
- 19-07-20 (a)(b) Tom Wood Jaguar Land Rover Volvo, Carmel
- 19-07-23 Pike Township Headquarters Fire Station, Indianapolis
- 19-07-25 Hostetler Woodworking Shop, Millersburg
- 19-07-30 Hancock County Jail, Greenfield
- 19-07-34 Bath and Body Works, Schererville
- 19-07-41 Yellow Creek Woodworking, Goshen
- 19-07-42 (a)(b)(c)(d) Indiana Tech Residence Hall & Retail, Fort Wayne
- 19-07-43 Hochstetler Woodworking, Topeka
- 19-07-49 (a)(b) The Line Urban Flats, Indianapolis

19-07-53 Common Area Remodel, Indianapolis  
19-07-57 Cass County YMCA Renovation, Logansport

Commissioner Scheurich moved to **approve** the Category A/B variances and Commissioner Corey made the second. It was voted on and carried. Commissioner Heinsman recused himself from 19-07-13. Commissioner Popich recused himself from 19-06-23.

#### Category C/D/NVR

#### **Self-Representing Applicants/Architects/Designers/Non-Consultants outside of Indianapolis metropolitan area:**

19-07-01 Country Side Auto Sales, Sellersburg – *paper filing*

Nathan Grimes, Renaissance Design, spoke as the proponent. This is a new used car lot: it is an asphalt paved parking lot. Proponent received his release from the State to operate. There will not be a functioning bathroom: a portable restroom will be used for two years. There will be a bottle water station for drinking water. Proponent is open to using an ADA compliant portable restroom. Commissioner Popich moved to **approve with the condition** that the portable restroom be handicap accessible, and include hand sanitizer, and this variance will expire on July 1, 2021. Commissioner Furnish made the second. It was voted on and carried.

19-07-05 Women's Recovery Home, Huntington

Alan Updike, Indiana Dream Center, spoke as the proponent. This request is to reclassify the building as a group recovery home. Individuals are court-ordered to stay here. Very little funding is available. Proponent has complied with everything under Rule 13 in order to convert it. Kevin Troy, IDHS, explained that this is a non-permitted conversion: Rule 13 only allows R-1 or R-2 occupancies and this is an R-3 occupancy. Commissioner Popich moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

19-07-11 Woodmont Health Campus, Boonville

Jordan Shots, Woodmont Health Campus, spoke as the proponent. This request pertains to a memory care exit door. It is designed to provide a calming environment for residents. Doors automatically unlock when the alarm goes off. There is an exit sign above the door. Commissioner Pannicke moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

19-07-15 Rea Magnet Wire Fire Door Variance, Fort Wayne

No proponent was available to speak on the variance. Jim Murua, Fort Wayne Fire Department, stated that he had been in the building several times; he is okay with the proponent not maintaining the rated doors. Commissioner Furnish moved to **approve** and Commissioner Jordan made the second. It was voted on and carried.

#### 19-07-19 (a)(b) Iron Timbers, Osgood

Dustin Payne, Iron Timbers, and James Fritsch, Fritsch Architect, spoke as the proponent. Proponent builds custom furniture, including counter tops and table tops. The previous building was a fertilizer building. After the current building was already constructed, it was discovered, during an inspection by Walter Knaepple, IDHS, that a fire wall was required: Ripley County issued the violation. It would cost \$15,000-20,000 to construct the fire wall. The project cost is \$140,000-150,000. The property next door is vacant, but not for sale. Proponent averred that the Town Council supports their project. The fire station is three blocks away from the property. There is a fire hydrant on the property. There are smoke detectors in the building that will notify the fire department. Commissioner Popich moved to deny and Commissioner Henson made the second. It was voted on and failed. The Commission would like to see updated drawings. The sprinkler requirement for woodworking operations was noted. Commissioner Pannicke moved to **table** and Commissioner Furnish made the second. It was voted on and carried.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 12:10 p.m. It was called back to order at 1:10 p.m.

#### 19-07-26 Fishers Adult Day Care, Fishers

Gabe Vogel, Rosemann & Associates, P.C., spoke as the proponent. This is an adult day care facility. Every exterior door is locked, but releases upon power failure or a building fire alarm. The building is not sprinklered. Normal business hours are from 8:00am-5:00pm; no one stays overnight. Proponent has two other facilities which were approved for variances within the last year; one of which was 18-01-22. The facility is fully-staffed. This request is similar to those concerning memory doors. Commissioner Pannicke moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

#### 19-07-36 River City Community Center, Lafayette

Patrick Grimes, Cube & Company, spoke as the proponent. Proponent is converting an abandoned building into a community center. There is an indoor play structure in one of the rooms that will be used by children in daycare. There is a two foot set back, instead of a five foot set back, between the play structure and the walls. While the room is in use, two adults will always be present. Brian Alkire, Lafayette Fire Department, is okay with this variance as long as the play structure will be supervised at all times. Commissioner Scheurich moved to **approve with the condition** that the owner provide adult



supervision – a minimum of two adults - while the community center is occupied; signage must be posted which states that the play structure must be supervised at all time while it is in use. Commissioner Corey made the second. It was voted on and carried.

#### 19-07-37 (a)(b) The Stables Event Center, Lafayette

Patrick Grimes, Cube & Company, and Scott and Jackie Bond, owners, The Stables Event Center, spoke as the proponent. A contractor was hired to assist the owners with this project, but then realized in March that he was not capable of fulfilling their requests. At this point, they had spent \$200,000. The owners did not know about the sprinkler system requirement. This property is two miles away from a water main. A diesel pump would need to be installed, which could cost \$165,000. The second variance request is to cap the occupant load at 300. This facility is located in rural Tippecanoe County and would be assisted by a volunteer fire department. Because this department has a paid person on staff, the response time is better than that of most volunteer fire departments. There is a caterer's kitchen. The building is on septic. The layout is simple with a lot of exits. There was discussion on past variances pertaining to event barns. Commissioner Jordan moved to **approve variances (a) and (b) with the condition** that shunt trip protection shall be added to the fire alarm system and that additional exit doors are installed on the patio (right) side of the floor plan. Commissioner Heinsman made the second. It was voted on and carried.

#### 19-07-39 Industrial Finishes and Systems, Lafayette

Patrick Grimes, Cube & Company, spoke as the proponent. This facility is operating as an M occupancy and stores Class I-B items. The City of Lafayette would not allow the closest water main to be tapped due to its age. Forty to fifty years ago, the original developer installed a thin plastic pipe; the City is concerned that this could crack. A dry chemical suppression system could be installed in lieu of a sprinkler system. Brian Alkire, Lafayette Fire Department, stated that the alternative suppression system is adequate based on the status of the piping. Commissioner Corey moved to **approve** and Commissioner Scheurich made the second. It was voted on and carried.

#### **Self-Representing Applicants/Architects/Designers/Non-Consultants inside of Indianapolis metropolitan area:**

#### 19-07-06 Indianapolis, IN O'Reilly Auto Parts, Indianapolis

No proponent was available to speak on the variance. This facility has an Indianapolis mailing address, but is located in Hendricks County. Steve Jones, Brownsburg Fire Department, is not opposed to this variance. Commissioner Pannicke moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

#### 19-07-07 Oasis at 56<sup>th</sup> Street, Indianapolis

No proponent was available to speak on the variance. Chris Rusamaroff, City of Indianapolis, said that although this is a code violation, he does not feel that it is a life safety issue. He is neither for nor against the variance. There is a furnace in front of a condenser unit: the minimum clearance requirement is not being met. He said that this is only in one unit, and that the panel is still serviceable. Commissioner Pannicke moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

#### 19-07-22 Virginia Street Parking Garage, Indianapolis

Rod Barrett, American Elevator, Inc., spoke as the proponent. There are four existing, hydraulic elevators, which are being changed to traction elevators. The existing hoist-way is four feet deep. A toe guard would strike the pit floor. A 36 inch toe guard solves the problem; if it was longer than that, it would have to be collapsible. Commissioner Corey moved to **approve with the condition** that the owner shall install a forty (40) inch collapsible tow guard. Commissioner Pannicke made the second. It was voted on and carried.

#### 19-07-64 GRID, Indianapolis

No proponent was available to speak on the variance. Ed Rensink, RTM Consultants, does not represent the proponent, but he is familiar with this project. He explained that this request is to allow the fire department connection to be on East Street instead of Washington Street; this variance would allow it to be located on a side other than the street address side. Margie Bovard, City of Indianapolis, has no objection to this request. Commissioner Scheurich moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried.

#### **Consultants:**

#### 19-07-58 New Fair Stand for Immanuel Church, Brownstown

Melissa Tupper, RTM Consultants, spoke as the proponent. This is a fair stand for a church that is used once a year, for one week. Last year was their first year. Walter Knaepple, IDHS, said that this is a functional facility. The hood is supposed to extend six inches past the equipment, but the equipment extends six inches past the hood, on either side. The hood originated from the building that was razed. Gas lines have emergency shut-offs. Everything else about the hood and its installation is adequate. All of the interior finishing is metal; nothing is combustible. Commissioner Scheurich moved to **approve with the condition** that two additional Class K fire extinguishers shall be provided near the fryers and griddles located under the Type I hood. Commissioner Popich made the second. It was voted on and carried.

#### 19-07-35 Poynter Sheet Metal Addition, Greenwood

Christina Collester, RTM Consultants, spoke as the proponent. This is a fully-sprinklered, metal fabrication building. It is an A occupancy. A small breakroom in the north side of the building is A-3. There is only a 51 foot set back instead of the required 60 feet. Tracy Rumble, Greenwood Fire Department, is not concerned with the nine feet from the parking lot. Commissioner Pannicke moved to **approve** and Commissioner Henson made the second. It was voted on and carried.

#### 19-07-38 Life Change Church, Greenwood

Ed Rensink, RTM Consultants, and Pastor Jim Teller, owner, Life Change Church, spoke as the proponent. This building was formerly a bowling alley, which was an A-3 occupancy. It was renovated in 1988 to be used as a broadcast studio with a live audience. Proponent is converting it to a Sunday school and possible Montessori school. This variance is for a change of occupancy. Proponent is offering to install a fire alarm system. An exterior exit is being added in the sanctuary space. The construction cost is approximately \$80,000. A sprinkler system would cost \$150,000. Egress and travel distances are code compliant. This facility is located on the outskirts of Greenwood, and has a low water supply. Commissioner Furnish moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried.

#### 19-07-45 (a)(b)(c)(d)(e) Wabash Valley Power Association, Indianapolis

Ed Rensink, RTM Consultants, spoke as the proponent. Variance (a) pertains to the shower in the executive CEO's washroom. It is only accessible through a private office suite; it is not open to the public or general employees. It would cost \$25,000 to modify the shower. The CEO does not need the shower to be accessible. Chris Rusamaroff, City of Indianapolis, opposed this variance. He explained that the plans depicted the shower as being ADA compliant. Proponent explained that he would not be requesting this variance if it concerned a public shower. Commissioner Goeden moved to **approve Variance (a)** and Commissioner Corey made the second. It was voted on and carried. Variance (b) concerns the sink heights in various locations. The sinks are required to be a maximum of 34 inches above the floor; these are 34 and 3/16" above the floor. Mr. Rusamaroff opposes this variance, as the sinks are over the required height. Commissioner Goeden moved to **approve Variance (b)** and Commissioner Corey made the second. It was voted on and carried. Variance (c) concerns the dimensional clearance for a water closet in the fitness area; it is 3/16 of an inch too short. Mr. Rusamaroff is neither for nor against this variance. Commissioner Corey moved to **approve Variance (c)** and Commissioner Goeden made the second. It was voted on and carried. Variance (d) concerns two-way communication at elevator landings. Commissioner Jordan moved to **approve Variance (d)** and Commissioner Scheurich made the second. It was voted on and carried. Variance (e) addresses a multi-purpose room on the first floor. The request is to allow the room to only have one exit on either side of the room. Two exits must be provided when the occupant load exceeds 49. The room is compliant without the partition, as there are two exits; but, when the partition is up, it is non-compliant. The occupant load on each side is 70. A maximum occupant load of 49 could be posted on each side. The partition is a \$100,000 piece of equipment. Mr. Rusamaroff does not know where exits

could be placed at this point in the construction process. Commissioner Henson moved to **approve Variance (e) with the condition** that the owner shall post signage, on each side of the partition/folding wall of the multi-purpose room, stating that the occupant load on each side of the partition/folding wall shall not exceed 49 people. Commissioner Corey made the second. It was voted on and carried. Commissioners Heinsman, Pannicke and Popich recused themselves.

**Breaking and reconvening:** Chairman Nicoson recessed the Commission at 2:33 p.m. It was called back to order at 2:43 p.m.

19-07-46 (a)(b) Baumgartner Asphalt Tenant Improvement, Fishers

Carrie Ballinger, RTM Consultants, spoke as the proponent. Roof purlins extend below the minimum ceiling height in an open office area. Proponent is not going to add a ceiling. The area will be taken up by equipment. Signage can be provided. Commissioner Scheurich moved to **approve Variance (a) with the condition** that the owner shall clearly identify the true markings of the roof purlins, or provide signage clearly identifying the depth of the roof purlins. Commissioner Popich made the second. It was voted on and carried. Variance (b) pertains to the doorway between the two sides of the second floor. The doorway will be 74 inches high, but the code requires 80 inches. A sign will be on the door. Commissioner Furnish moved to **approve Variance (b) with the condition** that the owner shall post signage clearly identifying the opening height of the doorway to the storage/mechanical/IT room on the second floor.

19-07-24 Lilly K155 ASRS Warehouse, Indianapolis

Ed Rensink, RTM Consultants, spoke for the proponent. This is a request to not provide heat vents in a 20,000 square foot ASRS warehouse. Proponent meets the code for ESFR. The sprinkler system is designed to operate without venting. A VESDA system is located in the warehouse, which is not required. The ASRS area is unoccupied unless someone is there to fix or maintain equipment. Similar variances have been approved in the past, including a Nestle warehouse back in 2000 (11-01-41.) Commissioner Pannicke moved to **approve** and Commissioner Henson made the second. It was voted on and carried.

19-07-51 (a)(b)(c)(d)(e)(f) Waelz Kiln Facility Project, Muncie

Christina Collester, RTM Consultants, Nigel Morrison, Heritage Environmental Services, and Mark Fisk, TLF, Inc., spoke for the proponent. Variance (a) pertains to electric and furnace dust and the mechanical ventilation system. The facility collects zinc and iron from the dust. This is an H-4 occupancy due to the toxic materials. This will meet the OSHA standards for ventilation: it is a continuously operating ventilation system. This request is to eliminate the hazardous material ventilation system. Commissioner Henson moved to **approve Variance (a)** and Commissioner Corey made the second. It was voted on and carried. Variance (b) pertains to the sprinkler system. The facility

must be sprinklered because it is H-4. If the materials were non-toxic it would be S-2. Although the materials are combustible, they are extremely hard to ignite; it would have to reach 900 degrees. Commissioner Pannicke moved to **approve Variance (b)** and Commissioner Corey made the second. It was voted on and carried. Variance (c) concerns the allowable area for the buildings, which include process and treatment facilities. Proponent has been working closely with fire and building officials to ensure that they have adequate access around the buildings. This is a request to not pay attention to Table 503. Commissioner Pannicke moved to **approve Variance (c)** and Commissioner Henson made the second. It was voted on and carried. Variance (d) pertains to vehicle ramps being used as a means of egress. Commissioner Furnish moved to **approve Variance (d)** and Commissioner Henson made the second. It was voted on and carried. Variance (e) was **withdrawn** by the proponent. Variance (f) is a request to not provide emergency or standby power to the site. Battery back-up power will be provided. Commissioner Scheurich moved to **approve Variance (f)** and Commissioner Heinsman made the second. It was voted on and carried.

#### 19-07-29 Simplicity Furniture Tent, Evansville

Roger Lehman, RLehman & Son Consulting, spoke as the proponent. Proponent places clearance furniture in the tent for up to 120 days. Tents are only allowed for 30 days. He has met the six-foot aisle requirement. Fire extinguishers, battery-powered emergency lighting and exit signs will be added. There will be no cooking or smoking. Proponent asserted that the Chief Fire Marshal does not oppose the variance, but he did not want to write a letter. Commissioner Scheurich moved to **approve with the condition** that: the owner shall comply with all State and manufacturer's requirements for operation of the tent; the occupant load of the tent shall be posted at 50 people, as stipulated in the variance application; and the variance is effective until November 2, 2019. Commissioner Corey made the second. It was voted on and carried.

#### 19-07-09 FedEx Sort Building Equipment Bridge, Indianapolis

Christina Collester, RTM Consultants, spoke as the proponent. This building is fully sprinklered. It is an unlimited area. There are open doors throughout the facility. This request is only for the bridge. Commissioner Pannicke moved to **approve** and Commissioner Heinsman made the second. It was voted on and carried.

#### 19-07-12 Winfield Elementary School, Crown Point

Ed Rensink, RTM Consultants, spoke as the proponent. This variance was in the A Category. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted on and carried. Commissioner Heinsman recused himself.

#### 19-07-16 Evergreen Village at Fort Wayne, Fort Wayne

Melissa Tupper, RTM Consultants, spoke as the proponent. A kitchen hood will not be located at least ten feet above the adjoining grade as required. Proponent will add a fence around the mechanical units and kitchen hood exhaust. Commissioner Pannicke moved to **approve with the condition** that the owner shall provide a fence around the mechanical units and kitchen hood exhaust to prevent pedestrians from walking under the kitchen hood exhaust, as stipulated in the variance application. Commissioner Heinsman made the second. It was voted on and carried.

19-07-18 (a)(b) Banker's Life Field House Fire Dampers, Indianapolis

Christina Collester, RTM Consultants, spoke as the proponent. There are two areas where fire dampers are not needed. Variance (a) is for the exterior wall. There is a two-hour shaft separation. Proponent is asking that a damper not be required because it would be almost impossible to replace it. The property line and railroad were discussed. Commissioner Popich moved to **approve Variance (a)** and Commissioner Pannicke made the second. It was voted on and carried. Variance (b) pertains to the 1993 building code. This request is to allow the dampers to be fixed open instead of replacing them. A sticker will be placed on them saying that the damper is no longer required. Commissioner Pannicke moved to **approve Variance (b) with the condition** that the owner shall provide proper labeling (stickers), including referencing the approved variance number, on all decommissioned fire dampers. Commissioner Henson made the second. It was voted on and carried.

19-07-21 The Gilead House Inc., Kokomo

Melissa Tupper, RTM Consultants, spoke as the proponent. This is an extension to two previously approved variances. Proponent needed time to get funding and convert a YWCA into a drug rehabilitation facility. Plans have been submitted; but proponent needs another six months to get the plans approved by the State and install a sprinkler system. Currently, people are housed in the gymnasium. It is staffed 24 hours a day. There is a corridor detection system. Commissioner Furnish moved to **approve with the condition** that this variance is effective until February 1, 2020. Commissioner Heinsman made the second. It was voted on and carried.

19-07-27 Kimpton Hotel, Indianapolis

Ed Rensink, RTM Consultants, spoke as the proponent. Two months ago, a variance was approved for this project to allow floors 10-14 to get 92 feet of common path of egress travel. This request is for floors 4-9 and is for 79 feet: it is only four feet over. Commissioner Pannicke moved to **approve** and Commissioner Henson made the second. It was voted on and carried.

19-07-28 Wanamaker Early Learning Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as the proponent. This is a request to allow lavatories to be located outside of the restrooms. FSSA recommends that the sink be located outside of the bathroom.

This variance has been approved on four other occasions. Commissioner Pannicke moved to **approve** and Commissioner Henson made the second. It was voted on and carried. Commissioners Heinsman and Popich recused themselves.

19-07-31 Caesars Horseshoe Southern Indiana Addition, Elizabeth

Ed Rensink, RTM Consultants, spoke as the proponent. This is part of a two-story addition in the back-of-house area of a casino. It is an extra layer of security, which is typical in a casino. All doors will be locked. If you apply pressure to the door lever, the door will unlock in 15 seconds. Because the doors do not swing in the direction of egress, it is not an approved device. Commissioner Heinsman moved to **approve** and Commissioner Jordan made the second. It was voted on and carried.

19-07-32 Rising Sun High School Solar PV System, Rising Sun

Ed Rensink, RTM Consultants, spoke as the proponent. Proponent was cited during review of the project; it was asserted that Solar PV panels are a type of mechanical equipment that require guardrails. Proponent does not think that this requirement applies because these panels do not have any components that require routine maintenance. Craig Burgess, Indiana Building Commissioner, does not think that a variance is required. Commissioner Pannicke moved that **no variance is required**. Commissioner Heinsman made the second. It was voted on and carried.

19-07-33 GEICO Corporate First Floor Renovation Phase 3, Indianapolis

Melissa Tupper, RTM Consultants, spoke as the proponent. This project is located in Hamilton County, although it has an Indianapolis address. The same variance was approved a few months ago for a different office space. This request pertains to security turnstiles. The 2018 version of the IBC is only being used for this element. Commissioner Heinsman moved to **approve** and Commissioner Henson made the second. It was voted on and carried.

19-07-40 IU Ball Memorial 10 North, Muncie

Derek Holman, RTM Consultants, spoke as the proponent. This request pertains to the size of patient care sleeping suites. They will comply with Life Safety Code requirements. There is smoke detection throughout. Commissioner Heinsman moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried.

19-07-44 (a)(b)(c)(d) BHI USA Inc., Logansport

Christina Collester, RTM Consultants, spoke as the proponent. These variance requests replace two other variances that had previously been granted for this project. Proponent wanted to build a freezer in the building, but it was too expensive. Commissioner Pannicke moved to **approve Variance (a)** and

Commissioner Furnish made the second. It was voted on and carried. Variance (b) concerns unlimited area. Commissioner Pannicke moved to **approve Variance (b)** and Commissioner Henson made the second. It was voted on and carried. Commissioner Henson moved to **approve Variance (d)** and Commissioner Popich made the second. It was voted on and carried. Variance (c) is a request to omit smoke and heat vents in the freezer. Commissioner Popich moved to **approve Variance (c)** and Commissioner Henson made the second. It was voted on and carried.

19-07-47 St. Mary's Senior Housing, West Terre Haute

Melissa Tupper, RTM Consultants, spoke as the proponent. This is a request to allow existing historic doors and existing door frames throughout the corridors to remain. Proponent is installing twenty-minute doors. Commissioner Popich moved to **approve** and Commissioner Heinsman made the second. It was voted on and carried.

19-07-48 (a)(b)(c)(d)(e)(f)(g)(h)(i) Lawrenceburg Multi-Family Housing, Lawrenceburg

Melissa Tupper, RTM Consultants, spoke as the proponent. Commissioner Furnish moved to **approve Variances (a)(b)(g)(h) and (i)** and Commissioner Popich made the second. It was voted on and carried. Variance (c) is a request to allow a non-rated door. Commissioner Pannicke moved to **approve Variance (c)** and Commissioner Heinsman made the second. It was voted on and carried. Variance (d) addresses the total height of the building. There is parking. Proponent did not hear from the local fire officials. Commissioner Popich moved to **approve Variance (d)** and Commissioner Corey made the second. It was voted on and carried. Variance (e) concerns the amenity space on the third floor. Proponent would not exceed the allowable square footage if there were no firewalls. Commissioner Jordan moved to **approve Variance (e)** and Commissioner Popich made the second. It was voted on and carried. Variance (f) is a request to allow the domestic water service and associated equipment to be in the same room as the fire pump. Commissioner Scheurich moved to **approve Variance (f)** and Commissioner Heinsman made the second. It was voted on and carried.

19-07-50 IU Foster Quad, Bloomington

Carrie Ballinger, RTM Consultants, spoke as the proponent. A similar variance was approved for McNutt last month. Commissioner Jordan moved to **approve** and Commissioner Popich made the second. It was voted on and carried. Commissioner Heinsman recused himself.

19-07-52 (a)(b)(c) SPF15, Inc. Office and Parking Garage, Fishers

Ed Rensink, RTM Consultants, spoke as the proponent. Commissioner Furnish moved to **approve Variance (c)** and Commissioner Corey made the second. It was voted on and carried. Variance (a) addresses the rooftop area, which is an amenity space for tenants. The garage is type I-B construction. There is a two-hour structural frame and two-hour floors. It will be open-air. Commissioner Heinsman



moved to **approve Variance (a)** and Commissioner Jordan made the second. It was voted on and carried. Variance (b) addresses the separation between the garage and office building. Instead of a single fire wall, there will be a two-hour fire barrier between the two buildings, flanking the lobby. The garage lobby space will be sprinklered. Both buildings are Type I-B construction. Commissioner Popich moved to **approve Variance (b)** and Commissioner Heinsman made the second. It was voted on and carried.

19-07-54 (a)(b)(c) 220 North Meridian, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. This is a high-rise building downtown that is being converted into apartments and a parking garage. Variance (a) pertains to a passageway and exit. The building will be sprinklered throughout. The existing building has the same condition. Commissioner Pannicke moved to **approve Variance (a)** and Commissioner Corey made the second. It was voted on and carried. Variance (b) pertains to the exit passageway on the first floor. Both stairs discharge into the first floor. This new two-hour passageway will improve the situation. The building will be upgraded to current high-rise requirements. Commissioner Pannicke moved to **approve Variance (b)** and Commissioner Scheurich made the second. It was voted on and carried. Variance (c) deals with the dead end corridor in the basement. Smoke detection will be provided in the basement. Commissioner Pannicke moved to **approve Variance (c)** and Commissioner Heinsman made the second. It was voted on and carried.

19-07-55 Colfax Apartments, South Bend

Ed Rensink, RTM Consultants, spoke as the proponent. This building was originally a single-family residence. It has been used as multiple apartment units in the past. Recently, it was converted back into a single-family dwelling. It is being evaluated under Chapter 34. There are three units on the first floor and two units on the second floor. Proponent is requesting a 13D system in lieu of a 13R system. Proponent will comply with the dwelling unit separation requirement. There is fire detection throughout. The maximum travel distance is 45 feet. There will be egress windows in all rooms. There is nothing in the basement; it is not used for storage. Commissioner Scheurich moved to **approve with the condition** that the owner shall install an NFPA 13D sprinkler system in the partial basement. Commissioner Corey made the second. It was voted on and carried.

19-07-56 (a)(b)(c) Ingredion FBR #3 Addition, Indianapolis

Tim Callas, J & T Consulting, spoke as the proponent. The first request pertains to separation. Proponent will place close-spaced sprinklers along the wall in lieu of the four-hour fire wall. The second variance concerns equipment platform size: it exceeds the two-thirds allowed by code. It is an unoccupied building: once or twice a day, maintenance will conduct a check. It is type II-B construction. Similar variances have been granted previously. Commissioner Popich moved to **approve Variances (a)(b) and (c)** and Commissioner Henson made the second. It was voted on and carried.

19-07-59 523 Tap & Grill Expansion, Elkhart

Carrie Ballinger, RTM Consultants, spoke as the proponent. This is a request to limit the Chapter 34 evaluation to the first floor. Currently, a restaurant occupies the first floor of a two-story building. The second floor is unoccupied. Proponent wants to expand the restaurant into the first floor of the neighboring building. The proponent owns the neighboring building, and does not intend to use floors two, three and four. The upper floors of both buildings are vacant and are not used for storage. Proponent is offering to install a fire alarm system with detection on the upper floors. Commissioner Pannicke moved to **approve with the condition** that the upper floors of the structure(s) – second floor(s) and above – shall not be occupied without the installation of a sprinkler system, as required by code. Commissioner Henson made the second. It was voted on and carried.

19-07-60 Walnut St. Parking Garage SE Stairwell Repair, Bloomington – *late filing*

Carrie Ballinger, RTM Consultants, spoke for the proponent. This project involves closing down a stairway for 8 to 12 weeks for repairs. Only one stairway will remain accessible during this time; along with the ramp system. Commissioner Scheurich moved to **approve with the condition** that this variance is effective until October 31, 2019. Commissioner Corey made the second. It was voted on and carried. Commissioner Pannicke recused himself.

19-07-61 (a)(b) Goshen Hospital – Tower Addition & Renovation, Goshen

Robert Overton, RTM Consultants, spoke for the proponent. The first variance concerns the elevator lobby. The building is fully sprinklered. Similar requests have been previously granted. Commissioner Scheurich moved to **approve Variance (a)** and Commissioner Corey made the second. It was voted on and carried. Variance (b) is a request to install a two-hour fire barrier, in lieu of a three-hour fire wall, between the existing building and the new addition. This is commonplace for hospitals, as they comply with life safety requirements. Commissioner Pannicke moved to **approve Variance (b)** and Commissioner Corey made the second. It was voted on and carried.

19-07-62 HRH Pulmonary Clinic – MOB II, Danville

Christina Collester, RTM Consultants, spoke as the proponent. Proponent requested that this variance be tabled. Commissioner Furnish moved to **table** and Commissioner Corey made the second. It was voted on and carried.

19-07-63 Yamaha Marine Precision Propellers, Greenfield

Christina Collester, RTM Consultants, spoke as the proponent. This is a fire department foundry building. Foundries do not react well to sprinklers. This is type II-B construction. The Fire department

does not have the right amount of Purple K on their trucks to fight this type of fire. Commissioner Pannicke moved to **approve with the condition** that the owner shall provide and store a 250-pound wheeled Purple K - or equivalent - dry chemical fire extinguisher, on-site, for the fire department to utilize in the event of an emergency. Commissioner Furnish made the second. It was voted on and carried.

#### 11. Comments and Closing Remarks

Chairman Nicoson thanked everyone for coming and said to have a safe drive home, and a happy Fourth of July.

#### 12. Adjournment

Chairman Nicoson adjourned the meeting at 4:30 p.m.

APPROVED: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Robin Nicoson', written over a horizontal line. The signature is stylized and cursive.

Robin Nicoson, Chairman