



## COMMISSION MEETING MINUTES

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

Tuesday, April 2, 2019

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was called to order by Vice-Chairman Jessica Scheurich (acting as the chairman) at 9:00 a.m. on Tuesday April 2, 2019.

(a) Commissioners present at the meeting:

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

(b) Commissioners not present at the meeting:

Robin Nicoson, Chairman

(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  
Justin Guedel, IDHS Staff Attorney

James Schmidt, Deputy Attorney General & Legal Counsel  
Shannon Scott, Fire Prevention and Building Safety Commission Secretary  
Kevin Troy, IDHS Code Enforcement Assistant Section Chief

2. Director Boyle conducted roll call and noted that quorum was present, with ten commissioners in attendance.
3. IDHS/Commission Staff Announcements – Douglas Boyle, Director of the FPBSC

Director Boyle advised the Commission that Vice-Chairman Jessica Scheurich will act as chairman of today's meeting in Chairman Robin Nicoson's absence. Director Boyle advised that he is starting to receive questions regarding some of the bills before the Indiana General Assembly that may affect the Commission. He advised that he will hold off on providing any comments on those bills at this time, and that IDHS commission staff will provide appropriate updates and guidance to the Commission at the next meeting on Thursday, May 9, 2019, once the 2019 legislative session is over and the bills are signed by Governor Holcomb.

4. Commission Review and Action on Meeting Minutes from Tuesday, March 5, 2019

Director Boyle presented the minutes from the Commission's March 5, 2019 meeting, and asked the members if they had any corrections or additions to the minutes as provided. Director Boyle noted that Commissioner Heinsman **abstained** from Variance No. 19-03-38, even though the minutes note that he **abstained** from Variance No. 19-03-48. Commissioner Popich moved to **approve** the March 5, 2019 meeting minutes as corrected. Commissioner Henson made the second. It was voted on and carried.

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

State Building Commissioner Craig Burgess advised the Commission that he has not received confirmation of publication of his written interpretations by LSA since the last meeting.

6. Rulemaking Updates

- a. 2018 Elevator Code Committee Update

Commissioner Corey, Chairman of the 2018 Indiana Elevator Code Committee, provided the Commission with a brief update. Director Boyle advised that the Committee's next meeting will be on Tuesday, April 23, 2019, in Conference Center Room 1 of Indiana Government Center South, and this meeting information will be updated on the Indiana Elevator Code Committee's web page. The Committee will continue to review ASME A17.1 -2016, specifically Appendix L, which pertains to alteration permit requirements.

- a. 2018 Indiana Residential Code Committee Update

Director Boyle advised the Commission that staff has finished drafting the proposed draft rule of the 2020 Indiana Residential Code (675 IAC 14-4.4) in its current form. A link to the proposed draft rule and a document of all of staff's noted changes and comments has been posted to the Indiana Residential Code Committee's web page. He encouraged the Commission, stakeholders, and members of the public present to carefully review these documents, and submit any comments or questions about the proposed draft rule directly to him. Director Boyle will also provide these documents to the members of the Indiana Residential Code Committee, so that they may review the information as well. He also advised the Commission that the Commission's request for exception to the rulemaking moratorium has been submitted to the Office of Management and Budget (OMB), and that staff has reached out to the International Code Council (ICC) in hopes of working with the ICC to develop an incorporated Indiana Residential Code (the 2018 IRC model code combined with Indiana's amendments under the new administrative rule – 675 IAC 14-4.4). Commissioner Popich advised that the link to staff's noted changes and comments provided on the Commission's meeting materials web page was not working. Director Boyle advised that he will follow up with IDHS' Public Information Office to fix the link.

## 7. Petitions for Administrative Review

### a. Timely

- i. IDHS Inspection Report Order State Number SCA724  
Good Shepherd Christian Academy

Director Boyle advised the Commission that the petition for administrative review listed above was submitted timely, and was forwarded to the administrative law judge to begin administrative review.

### b. Untimely

- ii. IDHS Inspection Report Order State Number AE2235117  
Culbertson Mansion SHS

Director Boyle informed the Commission that he had advised the petitioner that his petition for review would be placed on the Commission's agenda for the April 2, 2019 meeting, and that the Commission would decide if petition was timely filed. The petition was submitted for review on March 7, 2019, at 11:11 a.m. using IDHS' online web form. The inspection order was hand-served on the date of the inspection, February 18, 2019. Based on the date of the inspection and the date that the petition was submitted, Director Boyle advised that the timeliness of the petition is seventeen (17) days, and was therefore not received within the required fifteen (15) days based on the hand delivery of the order. Legal Counsel James Schmidt agreed with this conclusion. Commissioner Heinsman made the motion to

**deny** the petition for untimeliness. Commissioner Corey seconded the motion. It was voted on and carried.

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

- a. Hampton Inn and Suites  
Cause No. DHS-1523-FPBSC-017
- b. Alva Electric  
Cause No. DHS-1814-FPBSC-013

Per Legal Counsel James Schmidt's counsel, the Commission tabled the two non-final orders of dismissal at the Commission's March 5, 2019 meeting to ensure that a timely submitted objection to either non-final final order would not be received by the Commission's staff. Director Boyle advised that he did not receive any objections to the two listed non-final orders of dismissal. Commissioner Popich moved to **affirm** the administrative law judge's orders for both cases without modification. Commissioner Jordan made the second. It was voted on and carried.

9. Update regarding the Commission's Building Code Ordinance Template – Justin Guedel, IDHS Staff Attorney

Justin Guedel, IDHS Staff Attorney, advised the Commission that he had made a couple of small changes to the Commission's building code ordinance template after receiving comment from Richelle (Shelly) Wakefield. The template was once two documents, merged one document, as opposed to two separate documents (one for counties and one for cities and towns). I.C. 36-7-8-3 as referenced in Article 6, Section 2 of template has been deleted, as this statute only applies to county building departments. Also, there was some generalized language in the local appeals process that only strictly applied to local county build departments. As such, some more generalized language was added that applies to both counties and cities/towns. These noted changes in the updated template were provided to the Commission as part of the April 2, 2019 meeting materials. Commissioner Heinsman moved to **accept** the changes as noted. Commissioner Corey made the second. It was voted on and carried.

10. Review of Local Ordinances

- a. Ordinance No. 2019-2  
  
Town of Kouts, Indiana Fire Prevention, Private Fire Hydrant, and Smoke and Carbon Monoxide Detectors Code

Ordinance No. 2019-2 was submitted electronically to Director Boyle on 2/21/19 by Robert Schwerd, who is legal counsel for the Town of Kouts. Today's meeting is Ordinance No. 2019-2's second setting on the Commission's agenda. Again, Director Boyle advised the Commission that the Town of Kouts' attorney had submitted the smoke and carbon monoxide detectors provisions of Ordinance No. 2019-2 to him for pre-adoption review. However, IDHS did not receive the fire prevention and private fire hydrant provisions of the ordinance before its adoption by the town council. Director Boyle and Justin Guedel, IDHS Staff Attorney, advised that they have reviewed the ordinance. Director Boyle advised that there are multiple defects in the ordinance, but the defects may not rise to the level of conflict with the Commission's rules in which the Commission may issue an order of denial pursuant to I.C. 22-13-2-5.5(6). Legal Counsel James Schmidt said that it may be advisable to contact Mr. Schwerd to see if he may be willing to withdraw Ordinance No. 2019-2 from the Commission's consideration to address staff's noted defects. After some additional discussion, Commissioner Furnish made a motion to **table** Ordinance No. 2019-2. Commissioner Corey seconded the motion. It was voted on and carried.

a. Ordinance No. 2019-OR-04

City of Charlestown, Indiana Property Maintenance Code (Revised)

Ordinance No. 2019-OR-04 was submitted to IDHS commission staff electronically on 3/7/2019. Today's meeting is Ordinance No. 2019-04's first setting on the Commission's agenda. Mark Crandley, associate of City Attorney Michael Gillenwater, spoke on behalf of the City of Charlestown. He stated that, to the best of his knowledge, he corrected all of the Commission's concerns, as noted from the Commission's denial order of Ordinance No. 2018-23. While he understands that there is still a lot of consternation about the ordinance, Mr. Crandley advised that, from the City's viewpoint, the only issue in front of them if ordinance complies with state law (the Commission's rules). Mr. Crandley said he is happy to respond to any concerns the Commission has regarding Ordinance No. 2019-OR-04.

Anthony Sanders, attorney for the Institute for Justice, advised that he represents the landowners of the Pleasant Ridge neighborhood currently pursuing litigation against the City in order to have the ordinance declared unconstitutional. Mr. Sanders said new litigation to pursue an additional injunction against the ordinance begins on June 4, 2019. Mr. Sanders stated that he believes the ordinance may be denied because it permits immediate fines used to coerce homeowners to sell their homes, and the Commission may reject an ordinance that violates state guarantees of equal protection and state guarantees against excessive fines under Indiana's constitution. Mr. Sanders asked the Commission to at least table the ordinance for a month or two to consider the full ramifications of the ordinance.

Ellen and David Keith, homeowners in Charlestown, spoke before the Commission. Mr. Keith doesn't believe the ordinance is for the health and safety of the residents. He said the ordinance would be used to take their homes to sell them to certain developers who will build more expensive homes.

Treva Hodges, a resident in Charlestown (not affiliated with the Pleasant Ridge neighborhood), is concerned that the City is using this ordinance and fire and building safety laws to circumvent due process and as an alternative to eminent domain. Ms. Hodges home was built in 1937, wouldn't meet today's code, but said her home is safe. Ms. Hodges cited I.C. 22-12-7-5 as a basis for denial of the ordinance which provides that this body (FPBSC) must grant a reasonable time to cease and correct the violation(s) of law any order. The imposition of daily, immediate fines is not expressly permitted anywhere in state law. She also noted that Ordinance No. 2019-OR-04, Section 101.2 states that the ordinance applies to all existing residential and non-residential structures, and Section 101.3 of the ordinance requires all existing structures and premises that don't comply with the ordinance to be altered or repaired. Ms. Hodges argued that these two sections may also serve as a basis for denial of the ordinance, because they do not conform to the existing buildings clause under 675 IAC 12-4-12. Ms. Hodges concluded that the ordinance is unlike any other property maintenance code in Indiana, and asked the Commission to deny the ordinance for these reasons.

Mark Crandley stated that the previous speakers' claims are allegations that have been debated and litigated for years. He stated that the intent of this ordinance to address the City's issues with homes that are falling apart and are clear hazards. He also stated that he doesn't believe the Commission needs to be the arbiter of ordinance's constitutionality, as this issue will soon be addressed in court. Finally, he stated that he is not asking the Commission to approve the ordinance in its entirety, but simply to take the appropriate action regarding the ordinance's applicability to the State of Indiana's building and fire safety laws. Commission Pannicke asked Mr. Crandley why the City feels it is necessary to impose immediate fines, to which Mr. Crandley responded that the City believes that the punitive nature of the law will create better accountability from the landlords who would otherwise try to get away with not maintaining their properties for years at a time, which could jeopardize the health and safety of residents.

Justin Guedel, IDHS Staff Attorney, advised the Commission that there are still numerous sections within the ordinance that require all existing residential and non-residential construction to come up to a different code standard other than the code of record at the time of construction. He stated that generally the Commission's rules only require you to comply with the code of record at the time of construction. Director Boyle stated that staff submitted a letter to the City when Ordinance No. 2018-OR-6 was denied by the Commission in September 2018 in which staff advised the City that they were concerned with several sections of the Charlestown's Property Maintenance Code and their enforcement of different standards other than what is provided in 675 IAC 12-4-9, and staff provided the City a list of the potentially problematic sections. Even

though these concerns do not appear to have been addressed in Ordinance No. 2019-OR-04, Director Boyle stated that he wasn't certain that staff could recommend denial of Ordinance No. 2019-OR-04 for additional explicit conflicts with the Commission's rules at this time, and as such asked the Commission to table Ordinance No 2019-OR-04. Commissioner Heinsman made the motion to **table** Ordinance No. 2019-OR-04. Commissioner Corey made the second. It was voted on and carried. Mr. Crandley requested that the City be provided a list of the additional concerns and potential conflicts with the Commission's rules in advance of the next meeting, as it was their belief that they had corrected all of this issues in which the Commission denied Ordinance No. 2018-OR-6 and Ordinance No. 2018-OR-23 (the previous versions of Charlestown's Property Maintenance Code).

11. Commission Action on Locally-Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b) – The Ardmore, 231 N. Pennsylvania Street, Indianapolis, IN 46204

Scott Shafer, Blackline Architects, spoke as a proponent of the variance. The Indianapolis Fire Department approved a variance request to the Indianapolis-Marion County Fire Prevention Code for the post indicator valve (PIV) location at the above listed address. Commissioner Pannicke moved to **approve**. Commissioner Corey seconded the motion. It was voted on and carried.

12. Variances

Tabled

18-12-01 Menard's Fire Access Road, Valparaiso – *paper filing, incomplete*

No proponent was present to speak on the variance. The application was incomplete. Director Boyle indicated that Shannon Scott, Fire Prevention and Building Safety Commission Secretary, received a voice mail from proponent indicating that the variance was no longer needed. Ms. Scott advised that she attempted to contact proponent to ask that he submit his withdrawal in writing, but did not receive a response. Director Boyle advised that it would probably be best to deny the variance, since no written documentation was received from the proponent. Commissioner Corey moved to **deny**. Commissioner Popich seconded the motion. It was voted on and carried.

18-12-13 (a)(b) Daming Excavating, Indianapolis

No proponent was present to speak on the variance. Margie Bovard, Indianapolis Fire Department, was present and said that she has been speaking to Ryan Daming, owner of Daming Excavating. Ms. Bovard said she is still working with the proponent for a solution and has asked the owner to seek another contractor who give them a more reasonable price, but she has not heard from the owner since. Commissioner Pannicke moved to **table**. Commissioner Corey seconded the motion. It was voted on and carried.

19-01-09 Broadway Christian Church, Fort Wayne

No proponent was available to speak on the variance. Commissioner Corey moved to **table**. Commissioner Heinsman seconded the motion. It was voted on and carried. It was noted that this was tabled with the understanding that this variance would not be tabled in the future: the Proponent has failed to show up to answer questions before the Commission. A final notice will be sent to the proponent.

19-01-41 (a)(b) Carrier Corporation, Indianapolis

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. She advised the Commission that the applicant is **withdrawing** these variances. Commission Popich **abstained** from variance.

19-03-10 Joseph Decuis, Columbia City

Joseph Bishop, Bishop Engineering & Development, spoke as the proponent. Mr. Bishop provided the Commission with the lateral load calculation for the structure that was requested at the last meeting. State Building Commissioner Burgess stated that the only concern he had was with the structural liability, besides the proponent needing to complete the Chapter 34 evaluation and work with Plan Review. Commissioner Heinsman made the motion to **approve** with the **condition(s)** that there are no combustible interior decorations, all light fixtures are UL-rated, the addition of a shunt trip, and all outlets must be identified on the shunt trip. Commissioner Popich seconded the motion. It was voted on and carried.

19-03-28 Brownsburg Cardinal and Delaware Trail Elementary School,

David Cook, Ralph Gerdes Consultants, spoke as the proponent. The variance request is to remove pull-stations and smoke detections from one of their school buildings that are not required by today's code. The Commission requested that he update the code section listed on variance application during the April 2, 2019 meeting. It was also suggested during the meeting that Mr. Cook and the school district submit variance requests for all the schools they will be doing similar alterations. Steve Johns, the local fire official, still has no objections to the variance request. Commissioner Pannicke moved to **approve**. Commissioner Furnish seconded the motion. It was voted on and carried.

19-03-42 Tenant Retrofit Project at Keystone, Indianapolis

Christina Trappe-Samec, representing MBH Architects, spoke as the proponent. The request was for approval to a non-collapsible revolving door at the second main entrance to the Keystone Fashion Mall. The project space is approximately 10,000 square feet, for the exterior exist. Ms. Trappe-Samec indicated that they are not altering the current egress clearways and paths. They will provide exit signs above each of the swing doors, but not the



revolving doors. The code requires one adjustment door to the revolving door; they will have two. The building is equipped with an automatic sprinkler system. Commissioner Pannicke moved to **approve**. Commissioner Corey seconded the motion. It was voted on and carried.

#### 19-03-44 Base Group Mini-Storage, Muncie

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The facility in question has been as mini-storage for the past 12 years. The variance request was not to provide a sprinkler system to the building. They were asked at the previous commission meeting estimates for the three-hour fire barrier and separation; they received an estimate of \$42,000 to provide the barrier. The total cost of the sprinkler system is \$95,000. They do have a monitoring fire system in place, smoke detectors, and smoke beams detectors, not required by code. The commissioners' concerns that with self-storage you don't know what people are storing in their lockers and also a vehicle is being stored right next to it. Commissioner Jordan made a motion to **approve** the variance with the **condition(s)** that fifteen (15) feet of access around the south and west sides of the structure is kept clear and maintained, and a fire alarm system shall be installed in the structure. Commissioner Corey seconded the motion. It was voted on and carried.

**Breaking and reconvening: Vice-Chairman Scheurich recessed the Commission at 10:46 a.m. It was called back to order at 10:56 a.m.**

#### 19-03-53 3rd Dimension Printing, Westfield

Melissa Tupper, RTM Consultants, Inc., and Bob Markley, representing 3rd Dimension Printing, spoke as proponents. The variance was for a 3D manufacturing facility, their request was to allow the amounts of aluminum to exceed the allowable quantities required by code. The code allows up to two hundred pounds (200lbs.) of Class 2 reactive materials per Table 5003.1.1(1), with a sprinkler system. The variance was table to allow proponent and fire department to speak amongst themselves. Ms. Tupper indicated after speaking to the fire department; they are willing to lower the amount of material to four hundred pounds (400lbs), three hundred pounds (300lbs.) in the machine and one hundred pounds (100lbs) in the hopper. Garry Harling, City of Westfield Fire Department, still does not feel comfortable with this amount and said if something goes wrong, there is nothing the fire department can do.

Mr. Harling mentioned during the commission meeting that he would be willing to work with the proponent when he had a big project as long as the fire department is contacted to let them know they needed to use more material and the project ends. So the fire department could be aware of what they are doing. Commissioner Pannicke made a motion to **approve** the variance with the following **condition(s)**: the facility is only permitted to store a maximum of four hundred pounds (400 lbs.) of aluminum powder on the site at any given time. Three hundred pounds (300 lbs.) of the material will be stored in the machine. A

single hopper will store the remaining one hundred pounds (100 lbs.) of aluminum powder. Only one (1) hopper is permitted to be stored on site, whether it is attached to the machine or stored separately from the machine in the storage room. Two (2) Class D wheeled large capacity fire extinguishers shall be stored on site. One extinguisher shall be stored in the machine room, and one extinguisher shall be stored in the storage room, with the hopper. Commissioner Popich seconded the motion. It was voted on and carried.

19-03-61 (a)(b) Everett Realty B-Occupancy Change from HUD Residential,

No proponent was present to speak on the variance. Commissioner Pannicke moved to **table**. Commissioner Popich made the second. It was voted on and carried.

19-03-64 IPL Petersburg Unit 3 Stack Reline, Petersburg

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. She advised the Commission that the applicant is **withdrawing** this variance.

19-03-65 Vectren Corporation, Newburgh

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. She advised the Commission that the applicant is **withdrawing** this variance.

19-03-70 (a)(b)(c)(d) Kinser Flats, Bloomington

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. The project involves a new three-story apartment building with a walkout basement. They submitted a revised floor plan. Variance (a) request is to permit a non-rated door and window openings for the flex room. The building is protected by a 13R sprinklers system and a fire alarm system. Variance (b) was not to provide hoistway venting since it is not required in the 2015 International Building Code. Variance (c) was **withdrawn** by the proponent. Variance (d) is the request to permit the stair on the first floor to be open and to be protected by draft curtains and close space sprinklers. After speaking to Bloomington's fire officials, they agreed to separate it with a glass wall and to protect the glass with sprinklers. Space is now physically separated. Tim Clapp, Bloomington Fire Department, requested that the sprinklers for the flex room and the class enclosure should be window sprinklers, specialized sprinklers heads for the protection of windows. Commissioner Henson made a motion to **approve** (a) and (d) with the **condition(s)** that addition of window sprinkler heads to protect the glass. Commissioner Heinsman made the second. It was voted on and carried. Commissioner Henson made a motion to **approve** (b). Commissioner Heinsman made the second. It was voted on and carried.

New

Category A/B

19-04-02 (a)(b)(c) YMCA Downtown Development, Evansville  
19-04-04 (a)(b)(c)(d) Talley Eye Institute, Evansville  
19-04-05 (a)(b)(c)(d) Garvin Lofts, Evansville  
19-04-06 IUH Bloomington Academic Health Center, Bloomington  
19-04-14 Wabash Valley Power, Indianapolis  
19-04-16 University Park Student Housing, Kokomo  
19-04-17 (a)(b)(c) Loretto Convent Renovation, Notre Dame  
19-04-20 Fishers Fire Station #93, Fishers  
19-04-25 Brownsburg Cardinal Elementary School, Brownsburg  
19-04-26 Eagle Elementary School, Brownsburg  
19-04-27 Reagan Elementary School, Brownsburg  
19-04-30 Lincoln Elementary School, Brownsburg  
19-04-31 White Lick Elementary School, Brownsburg  
19-04-32 Brownsburg West Middle School, Brownsburg  
19-04-33 Brownsburg East Middle School, Brownsburg  
19-04-34 Brownsburg High School, Brownsburg  
19-04-35 Harris Elementary School, Brownsburg  
19-04-36 Brown Elementary School, Brownsburg  
19-04-37 310 Stadium Drive, Brownsburg  
19-04-40 130 East Washington Street Renovation, Indianapolis  
19-04-51 (a)(b) Franciscan Beacon Hospital, La Porte  
19-04-54 Amy Beverland Elementary School, Indianapolis  
19-04-62 Trinity Episcopal Church, Fort Wayne  
19-04-66 310 on Main, Auburn  
19-04-68 Whitestown Fire Station, Whitestown  
19-04-69 Fishers Fire Station #91, Fishers  
19-04-72 Bonteville Wood Products, Shipshewana  
19-04-73 Hoosier Pedestals, Topeka

Commissioner Popich moved to **approve** the "A" and "B" variances, and Commissioner Henson made the second. It was voted on and carried. Commissioner Corey **abstained** from 19-04-02, 19-04-04, and 19-04-05. Commissioner Heinsman **abstained** from 19-04-14. Commissioner Pannicke **abstained** from 19-04-14, 19-04-51, and 19-04-54.

#### Category C/D/NVR

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

19-04-01 Corteva Agriscience Show Farm Tents, Kirklin – paper filing

Dennis Fausset, owner of Corteva Agriscience, and Pamela Smith, Event Staff for Corteva Agriscience, spoke as the proponents. Tents need to be set-up for three (3) months during

the summer for the next three (3) years. The code only allows 30 days at a time. Tents will comply with Chapter 31 of the fire code and will be inspected weekly for safety and anchorage. This is an annual event, and this variance has been granted before. Commissioner Pannicke made a motion to **approve**. Commissioner Popich seconded the motion. It was voted on and carried.

19-04-07 Dollar Tree – Goshen, IN, Goshen

Scott Bowman, Clark Geer Latham and Associates, INC, spoke as the proponent. The structure is recently built; it is not open but is ready to be. Currently, there is not a fire access panel within the store. The variance request was to not put in fire access panel in the recently built store. Mr. Bowman indicated that the plans were approved as submitted by Plan Review and estimated that it would be \$3,500 to add an access panel. State Building Commissioner Burgess indicated that obtaining a design release from the state, does not mean the project is fully code compliant and the responsibility lies with the owner. Commissioner Corey moved to **deny**. Commissioner Popich seconded the motion. It was voted on and carried.

19-04-11 Temeray Store/Classroom, Wabash (Review)

Tony C. Brown, Vice-President of Whites Residential & Family Services, spoke as the proponent. The variance request was to allow a 16 feet x 40 feet shed to be used as a classroom and teacher's space to train students how to grow plants in the greenhouses without having to file the project with Plan Review. The structure was cited for being a non-class one structure. The hardship is they would it would take years to raise money to build a classroom somewhere else on the property. The structure is open year round and is temperature controlled. Kenny Harding, Whites Residential & Family Services, indicated that up to two teachers and twelve students could be in the structure at a time, right now there would only be one teach and six students. State Building Commissioner Burgess indicated that even if the variance is granted, they would still be cited for not being code compliant. Commission Pannicke asked if Mr. Brown had photos of the actual structure, he did not bring any. It was recommended to table this variance to give him time to get the additional information and to consider other uses for the structure. Commissioner Pannicke made a motion to **table**. Commissioner Popich seconded the motion. It was voted on and carried.

19-04-18 Buskirk Chumley Theater, Bloomington

Tim Clapp, Bloomington Fire Department, spoke as the proponent. The structure is an old theater owned by the city. It was discovered that covers were missing from nine concealed sprinkler heads. The sprinkler system is functioning. The variance request was to allow the city three (3) years to get the decorative sprinkler head covers replaced. Since filing the variance, four of the sprinkler head covers have been replaced leaving five more to be replaced. They cannot afford to replace all of the remaining decorative covers, and they are

requesting three years to replace all the sprinkler heads. Commissioner Popich made a motion to **approve** with the **condition** that the variance is only valid until May 1, 2022 (05/01/2022). Commissioner Heinsman seconded the motion. It was voted on and carried.

#### 19-04-24 (a)(b) Campaign Quarters Apartments, Rushville

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The building was a historic three-story hotel that is being converted into senior living housing apartments. The building never had a sprinkler system. The new additions on the second and third floor are scheduled to be completed before the sprinkler system will be installed. The sprinkler system will be up within three to four months after the completion of the first floors. The request is for the variance to be granted until October 1, 2019.

Shelly Wakefield, Senior Plan Reviewer at Jacobi, Toombs, and Lanz, was familiar with the project and said Mr. Rensink is correct a sprinkler system is not required. Mr. Rensink said only the first floor would be occupied, while the rest of the building is under construction. The sprinkler system will be active before the rest of the building is occupied. Commissioner Popich made a motion to **approve** the variance with the **condition** that the variance is only valid until October 1, 2019 (10/01/2019). Commissioner Corey seconded the motion. It was voted on and carried.

Variance (b) is for a lower head-rim basement only used as mechanical and unities. The code requires it to be separated from the first floor with a one-hour rated ceiling, because of the type of 5A type construction of the building. They are offering enhanced sprinkler protection system for the basement (1.5 GPM so that it is an ordinary hazard design, with a design area of 900 square feet.) A similar variance was granted in 2016 for an adjust building. Commissioner Pannicke made a motion to **approve**. Commissioner Henson seconded the motion. It was voted on and carried.

#### 19-04-28 Triple LLL Truck Repair, Inc., Andrews

Joe Humbert, Project Design & Management Inc., spoke as the proponent. They are seeking relief from code 903.2.9.1, the requirement for an automatic sprinkler system for building over 12,000 square feet. The existing building is 8677 square feet, and the addition will add 4600 square foot addition. They are willing to add a fire alarm system to the building. Commissioner Pannicke made a motion to **approve** with the **condition** that a fire alarm system is added to the building. Commissioner Jordan seconded the motion. It was voted on and carried.

#### 19-04-39 (a)(b) Agricultural Exhibit Hall, Lafayette

Patrick Grimes, Cube & Company, and Verlyn Fast, owner of Gathering Acres, spoke as the proponents. This project was submitted as an A3 occupancy agricultural exhibit hall, the local fire department was involved in the plan review process and discovered that it is not an A3, but better fits an A2 occupancy. The project is currently in the framing stage, and the designer is working with the state to get everything refiled. Variance (a) is for a self-imposed occupant load of a maximum of 297 persons and variance (b) is to request not to comply sprinkler system requirement for A-2 occupancy building where the fire area has an occupant load of 100 or more. The local fire department is okay with the course of action the owner is taking. Commissioner Pannicke made a motion to **approve** (a) and (b) with the **condition** that the maximum occupancy of 297 is posted at all exits, and the correct occupancy load is filed with Plan Review. Also, the proponent/owner shall add a shunt trip and UL-rated light fixtures, and no combustible decorations shall be permitted inside the structure. Commissioner Corey seconded the motion. It was voted on and carried.

**Breaking and reconvening: Vice-Chairman Scheurich recessed the Commission for lunch at 12:30 a.m. It was called back to order at 1:33 p.m.**

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

19-04-12 Install 17 New HVLS Fans, Indianapolis

Sam Bruner, Pike Township Fire Department, spoke as the proponent. He went out to inspect the site and does not oppose the variance. Commissioner Pannicke made a motion to **approve**. Commissioner Furnish seconded the motion. It was voted on and carried.

19-04-15 St. Luke's UMC Tent Extension, Indianapolis

Jay Rigby, Director of Facilities at St. Lukes UMC, spoke as the proponent. The variance request was to allow a summer tent, where they will be holding community activities and social events, to stay up longer than 30 days. Tents need to be set-up for four (4) months for the event. The code only allows 30 days at a time. Tents will comply with Chapter 31 of the fire code and will be inspected regular basis for safety and anchorage. Commissioner Pannicke made a motion to approve the variance. Commissioner Pannicke moved to **approve** with the **condition** that this variance is only valid from May 1, 2019 (05/01/2019) through September 1, 2019 (09/01/2019). This variance will expire on September 1, 2019. Commissioner Furnish seconded the motion. It was voted on and carried.

19-04-29 (a)(b)(c)(d) Frank & Judy O'Bannon Soccer Park, Indianapolis

Daniel Liggett, Rundell Ernstberger Associates, spoke as the proponent. Commissioner Furnish moved to **approve** (a), (b), and (c). Commissioner Corey made the second. It was voted on and carried. Variance (d) was to not comply with the code requirements of having

a telephone located within three hundred (300) feet of the pool with posted names and emergency numbers for the nearest police, fire, and emergency responders or 9-1-1, or both and one twenty four unit first aid kit, within 300 feet of each water attraction. Because the majority of the public have cell phones, they believe they shouldn't need to install a telephone, and there will be no supervisors for the splash pad to issue first aid. Commissioner Hite moved to **approve** (d). Commissioner Corey seconded the motion. It was voted on and carried.

19-04-47 2019 Cardinal ES Seclusion Room, Brownsburg

John P. Voigt, Chief Operation Officer of Brownsburg Community School Corporation, spoke as the proponent. The request was to allow a lockset bolt to be used on the door of an elementary special education seclusion room. They have two more variances being heard today with the same request, but at different locations. Mr. Voigt said that they applied for six similar variances back in 2016. Steve Jones, the Local Fire Official, does not have any problems with the variance request. Commissioner Furnish moved to **approve** 19-04-47, 19-04-48 2019, and 19-04-49. Commissioner Corey seconded the motion. It was voted on and carried.

19-04-52 AVC, Indianapolis

Geoff Meyer, Meyer Enterprises, spoke as the proponent. The request was to allow the working clearance to be 34 inches from the existing wall to the panel board location. The code requires an electric panel board to have minimum working clearances of 36 inches. Mr. Meyer said this is an existing condition and never was a problem during prior inspections. Randy Gulley, the local fire official, doesn't have any problem with the variance. Commissioner Pannicke moved to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried. Commission Popich **abstained**.

Consultants:

19-04-03 Kulich Inn – New Building, Seymour

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The project involves the replacement of a six-unit building apartment with a new 12-unit apartment building. The variance request was to provide an NFPA 13D sprinkler system to the building, instead of an NFPA 13R sprinkler system required by code. Proponent indicated that the original existing building doesn't require a sprinkler system. The NFPA 13D sprinkler system will be provided with annual testing and maintenance. Commissioner Popich moved to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried.

19-04-08 (a)(b)(c) Clif Bar Temporary Facilities, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. Variance (a) was the request is to allow a new temporary structure to be approximately 1-inch away from the existing building, the code requires public ways or yards not less than 60 feet. Proponent states the condition will last until January 3, 2020. Variance (b) pertained to the location of the trailer and the existing building. The existing building is fully sprinkled and does not pose a hazard. They are requesting not to sprinkle the temporary structure. Variance (c) was to allow the temporary mobile structure to receive its power from the adjacent building. The mobile structure will have a disconnect switch accessible to personnel and local fire department. The condition will last until January 3, 2020. Sam Bruner, Pike Township Fire Department, stated that he has no issue with the variance request. This would be the third time the proponent has been before the commission for this project. Commissioner Popich moved to **approve** (a), (b), and (c). Commissioner Furnish seconded the motion. It was voted on and carried.

19-04-09 310 on Main Jeremiah Buildout, Auburn

Timothy Callas, J & T Consulting, LLC, spoke as the proponent. The variance request was to allow restrooms to be located outside of the restaurant space, about eight (8) feet. The code requires public restroom facilities to be provided at any tenant space being utilized as a restaurant. The owner does not have the room or budget to comply with this code. Commissioner Pannicke moved to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried.

19-04-10 Tippecanoe County Fairground Improvements Project Phases 2, 3, Lafayette

Dennis Bradshaw, Fire Protection & Code Consultants, LLC, spoke as the proponent. The project involves a new Coliseum for the Tippecanoe County Fairground. It will be classified as 1B construction and will be fully sprinkled. The variance request was to not comply with the fire-ratings required by code. There is an exception in the code that allows the roof construction to be a non-rated construction if it falls 20 feet above the floor below. A few sections in the ceiling, they fall under the 20 feet. Mr. Bradshaw proposes that they upgrade the sprinkler system in those areas. They were requesting to allow the steel columns to be non-rated, they will be providing additional sprinkler heads to the columns. Lafayette fire department has no objections to variance. Commissioner Furnish made a motion to **approve**. Commissioner Popich seconded the motion. It was voted on and carried.

19-04-13 Outbuilding Storage, Noblesville

Dennis Bradshaw, Fire Protection & Code Consultants, LLC, spoke as the proponent. The variance request is for an outbuilding for IDI Fabrication Inc. to store 20 fifty-five gallon drums that contain class 1-C flammable liquids outside in Quonset hut-like structures. Mr. Bradshaw stated the structure would be 410 square feet, approximately 100 feet from any other building on the same site. The code requires the building to be sprinklered. The



variance request is to not comply with that requirement. Proponent indicated that the fire department is not opposed to the variance request, but they could not come out in support. Commissioner Jordan made a motion to **approve**. Commissioner Popich seconded the motion. It was voted on and carried.

#### 19-04-19 Janet Byers Wedding Barn, Topeka

Timothy Callas, J & T Consulting, LLC, and Paul Kimmerle, Kimmerle Engineering, spoke as the proponent. The structure is an existing 5,686 square feet agricultural barn that is two (2) stories, that has been converted into an A-1 occupancy wedding event facility Type V-B construction. Proponent indicated they would be using a Chapter 34 evaluation to complete the change of occupancy and not comply with the sprinkler system requirement for the building. The structure would have a fire alarm system, a shunt trip to the building, two additional exits, and permanent restroom facilities will be provided in the adjacent building.

The Commission still has some structural concerns, specifically regarding the grade of wood being used for the structure. Additionally, the occupancy load duration. They've asked the proponent to consider and look into the cost of using lesser grade lumber. Commissioner Heinsman made a motion to **table**. Commissioner Jordan seconded the motion. It was voted on and carried.

#### 19-04-21 CityWay Phase II Building A, Indianapolis

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The proponent has two more variances being heard today with the same request, but at different locations. The building(s) are new apartment(s) apart of CityWay Phase II in Indianapolis. The variance request was to allow an additional 1.5 inches of height to the top floor landing, leading out to the rooftop terrace. During the initial phase of construction, there was an issue identified with the roof waterproofing. As a result, they had to add a few inches of hight to the stairs. The code prohibits flight of stairs from having a vertical rise of more than 12 feet between floor levels or landings. Commissioner Pannicke made a motion to **approve** variances 19-04-21, 19-04-22, and 19-04-23. Commissioner Henson seconded the motion. It was voted on and carried. Commission Heinsman **abstained**.

#### 19-04-38 Deaconess Gateway Complex WAP for Elevators, Newburgh

Roger Lehman, RLehman & Son Consulting, spoke as the proponent. The hospital would like to put in a wireless access point within their elevator shaft. They want to place the device at the very top of the shaft, above the car ceiling in the roof. The code permits only machinery and equipment used directly in connection with the elevator to be in the elevator hoistway. They don't want anything in the shaft that would interfere with the elevator. Mr. Lehman said the small deceive would only be used in emergencies, to contact personnel while in the elevator shaft.

The Commission is worried that granting the variance would set a precedent. They strongly urge the proponent to contact the owner to see if they would be willing to put the device within the cab of the elevator. If it is put on the cab, it is apart of the cab, and a variance would not be required. Commissioner Pannicke made a motion to **table**. Commissioner Corey seconded the motion. It was voted on and carried.

#### 19-04-41 Grace Church Care Center, Noblesville

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. The project involves the addition of exterior canopies. Approximately 7,520 square feet will be added to the existing two-story church. The variance request was to permit the canopy additions and existing building to be classified as unlimited in area. They requested a similar variance in 2004; they just wanted to ensure the additions were covered as well. The building is fully sprinkled, and the canopies will be non-combustible construction. Commissioner Furnish made a motion to **approve** the variance. Commissioner Henson seconded the motion. It was voted on and carried.

#### 19-04-42 (a)(b) Civic Center Parking Garage Expansion, Fort Wayne

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. Commissioner Furnish made a motion to **approve** variance (b). Commissioner Corey seconded the motion. It was voted on and carried.

Variance (a) is a request to allow the existing and new doors in the stairs not to have the required clearance. Existing width at stair landing is 6-8 inches. Proponent states that the required clearances at doors to enter stairs and at ground level discharge from stair meet the requirements. Commissioner Popich made a motion to **approve** variance (a). Commissioner Jordan seconded the motion. It was voted on and carried.

#### 19-04-43 Allure Dental Addition, Lafayette

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. This facility is an existing dentist office; they are adding an addition of 4,020 square feet to the building. The variance request was not to add fire-rated corridors to the new construction. They are separating the addition from the existing building by a fire resistant wall and doors on automatic closures will be provided. The building will function separately; each space has two exits to the exterior with a maximum travel distance is under eleven-feet. A similar variance was granted in 2018, variance number 18-09-37. Commissioner Pannicke made a motion to **approve**. Commissioner Corey seconded the motion. It was voted on and carried.

#### 19-04-44 Central Indiana Community Foundation, Indianapolis

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The variance request was to use a card-reader device on a pair of doors leading from the elevator lobby into the tenant space on the 3rd floor. The device will unlock upon activation of the fire alarm system, sprinkler system, or power loss to the device. The building is protected by an NFPA 13 sprinkler system; the floor has two exits and four stair enclosures. Similar variances have been granted for other buildings over the last several years. Commissioner Pannicke made a motion to **approve**. Commissioner Henson seconded the motion. It was voted on and carried.

#### 19-04-45 Restoracy of Whitestown, Whitestown

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. The request was to permit the living, dining room and kitchen to be open to the corridor in the nursing home. Corridors aren't required to be rated. The building code limits nursing stations, waiting areas, and similar spaces to be open to the corridor. The code does not go on to define what "similar spaces" are, so they are here to request to allow their new concept design. The design is permitted by the life safety code. Commissioner Hite made a motion to **approve**. With the second by Commissioner Popich. It was voted on and carried.

#### 19-04-46 Plainfield Community Middle School, Plainfield

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. Proponent said Plainfield Community Middle School is starting a new special education program, within the area they want delay egress lock with a 15-second delay. The code does not allow delay egress locks in a school occupancy. The area is sprinkled, except the boiler room but it does have a fire rated separation. Proponent indicated that he has applied for this variance before. Commissioner Pannicke made a motion to **approve**. Commissioner Henson seconded the motion. It was voted on and carried. Commissioner Heinsman **abstained**.

**Breaking and reconvening: Vice-Chairman Scheurich recessed the Commission at 2:50 p.m. It was called back to order at 2:58 p.m.**

#### 19-04-50 (a)(b)(c)(d)(e)(f)(g)(h) Annex on 10th – Phase II, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. Commissioner Furnish made a motion to **approve** variance (b). Commissioner Popich seconded the motion. The original building was built in either 2016 or 2017, and this is a new addition to the structure. All the variance request submitted were approved previously for the original construction. Variance (a) has to do with air-conditioning units and the secondary drain pan. They are going to title the floor of the closet and add a floor drain to space. This variance was previously placed in A/B block vote in 2016 and 2017. Denise put this in the "C" category because this was the first time the current Commission would hear this type of variance. Following discussion, Commissioner Pannicke made a motion to **deny**. Commissioner Henson seconded the motion. It was voted on and carried. Variance (c) is a request is to

allow a six-story apartment building addition to having exhaust openings approximately two (2) feet from openings, code bathroom exhaust and dryer vents 3 feet from operable openings into building. Commissioner Pannicke made a motion to **approve**. Commissioner Henson seconded the motion. It was voted on and carried. Variance (d) is to allow the recirculation of dwelling unit kitchen air instead of exhausting to the outdoors. Commissioner Corey made a motion to **approve**. Commissioner Jordan seconded the motion. It was voted on and carried. Variance (e) is to allow a two-story podium with four floors of wood construction. The code limits podium construction to one story, but the 2015 code has taken this restriction out. The total height of the building remains the same. An NFPA 13 system will protect this whole building. Commissioner Pannicke made a motion to **approve**. Commissioner Corey seconded the motion. It was voted on and carried. Variance (f) is to permit the apartment units primary entrance doors to not have maneuvering clearance on the inside of the entry(s). Fair housing does not require this; they were going to recommend the commission to adopt this requirement. Proponent indicates only half of the units will not comply. Commissioner Pannicke made a motion to **deny**. Commissioner Jordan seconded the motion. It was voted on and carried. Variance (g) is a request to allow the six story building to have accessible elevators that will not be provided with standby power. The code requires an accessible elevator to be provided with standby power. Commissioner Corey made a motion to **approve**. Commissioner Goeden seconded the motion. It was voted on and carried. Variance (h) is a request to omit the required opening in the attic area, due to the fact that the roof truss diagonal bracing and planned insulation will make it very difficult to access the attic space. Commissioner Goeden made a motion to **approve**. Commissioner Corey seconded the motion. Commissioner Heinsman **abstained** variance request 19-04-50 (a)(b)(c)(d)(e)(f)(g)(h).

19-04-53 (a)(b)(c)(d) Dillon Hall Renovation, Notre Dame

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. Commissioner Jordan made a motion to **approve** variance (a) and (b). Commissioner Furnish seconded the motion. It was voted on and carried. Variance (c) is request to allow 26 shower/plumbing fixtures to be provided in lieu of the 32 shower/plumbing fixtures required by code (1 to 8 ratio) based on the occupant load of 253. The last time the restrooms were renovated in 2005, 27 showers were provided to 346 residents (1 to 12.8 ratio). The current renovation to the building will reduce the occupant load to 253. The proponent stated that the renovation will actually increase the number of showers per resident (1 to 9.7 ratio), even though it will not meet the code requirement. Commissioner Heinsman made a motion to **approve**. Commissioner Pannicke seconded the motion. It was voted on and carried. Variance (d) is a request to permit lounges and reading areas to be open to the corridor of the dorm. Commissioner Pannicke made a motion to **approve**. Commissioner Corey seconded the motion. It was voted on and carried.

19-04-55 Bottleworks West Elm Hotel, Indianapolis

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The structure was previously as Coca-Cola bottling plant, being converted into a boutique hotel using a Chapter 34 Evaluation. The maximum travel distance was initially calculated as 130 feet. The actual footage is 243 feet, which is under the 250 feet allowed for new construction for fully sprinkled building. The variance request was to grant 5.1 additional points to put to the means of egress and general safety columns to pass the evaluation. Commissioner Henson made a motion to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried. Commissioner Pannicke **abstained**.

19-04-56 Saturday Evening Post Storage Building, Indianapolis

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The structure is an existing building previously used to power the adjacent hospital. The hospital is being demolished, and the boilers and other equipment in the building are being removed as part of the demolition project. Once demolished, the water service will no longer be available to the sprinkler system. The variance request is to not be required to maintain the sprinkler system. The building will be converted to a storage facility, and used to store random items, such as flooring and furniture. It will not be regularly occupied. The proponent estimates that it will cost \$150,000 to provide a water connection to the sprinkler system in order to maintain it. Margie Bovard, Indianapolis Fire Department, has no problem with the variance, and understands that there will be no high piled storage or hazardous materials stored in the space. Commissioner Corey made a motion to **approve** with the **condition** that the owner complies with code requirements for exterior openings for the structure. Commissioner Popich seconded the motion. It was voted on and carried.

19-04-57 (a)(b) White River State Park Concert Venue Phase Two, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, LLC, spoke as the proponent. Commissioner Popich made a motion to **approve** (b). Commissioner Furnish seconded the motion. Variance (a) is a request to not provide new drinking fountains. The code requires drinking fountains to be based on one (1) fountain per 1,000 occupants. Proponent indicated the economic success of the venue is in part based on concession sales and they got the idea from a similar variance granted to Lucas Oil Stadium. Commissioner Popich made a motion to **deny**. Commissioner Furnish, seconded the motion. It was voted on and carried.

19-04-58 (a)(b)(c)(d)(e) Vectren Corporation, Newburgh

Don Allen and Greg Peters, Brand Safway Services, LLC, spoke as the proponents. The variance request is to permit for two (2) transport platform lifts that do not comply with ANSI A10.4-2004 (adopted in the Commission's rules) to be used on the construction site. They found out in December 2018 that they were not permitted to use the transport platform lifts because the State of Indiana has not adopted the national standard to which the lifts comply, ANSI A92.10. Matt Cronley, IDHS Elevators Section Chief, stated that, with this particular unit, the controls are in the car, and currently there is no way for them to

operate the lifts remotely. There has to be a rider on this device to manage the lift. Proponent states that it would be costly to tear down the lifts and replace them. Commissioner Corey advised the proponents that they are still not even close to complying with the requirements of ANSI A10.4-2004, even if the Commission approved the variances. Commissioner Corey made a motion to **deny** variances (a), (b), (c), (d), and (e). Commissioner Pannicke seconded the motion. It was voted on and carried.

#### 19-04-59 The Line Urban Flats - South Building, Indianapolis

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The variance request is to allow a gas grill to be installed next to a building in an open courtyard area, above a non-combustible parking garage. Commissioner Pannicke made a motion to **approve** with the **condition** that a fire extinguisher and gas shut off valve are readily accessible to the users. Commissioner Corey seconded the motion. It was voted on and carried.

#### 19-04-60 (a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n) 220 North Meridian, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, LLC, spoke as the proponent. Commissioner Jordan made a motion to **approve** variances (a) and (g). Commissioner Popich seconded the motion. It was voted on and carried. Proponent explained that the existing building is a twenty-two-story office building, being converted into apartment/parking garage. They have been trying to comply with the standards of building a new building instead of a change of use. It was voted on and carried. Variance (b) is a request is to only provide one male and female restroom in the amenities and pool areas. The code requires them to provide plumbing fixtures based on the population served. Proponent stated that residents will have access to restrooms in their own apartments. Commissioner Hite made a motion to **approve**. Commissioner Jordan seconded the motion. It was voted on and carried.

Variance (c) is for enclosed elevator lobbies. They are proposing to remove the lobby enclosure. The code requires an enclosed elevator lobby to be provided at each floor where an elevator shaft enclosure connects more than three stories. Proponent stated that the building is fully sprinkled with an NFPA 13 sprinkler system. Commissioner Pannicke made a motion to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried. Variance (d) related to the unit entry for the primary door, the 18-inch clearance on the inside. Proponent indicated that the Fair Housing Act does not require this, and it was the intent of Advisory Committee to recommend this act be adopted. Variance has been approved multiple times in the past. Shelly Wakefield, Senior Plan Reviewer at Jacobi, Toombs, and Lanz, stated that what Mr. Gerdes said was true. The Fair Housing Act was being considered at the last Advisory Committee meeting. Commissioner Jordan made a motion to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried. Variance (e) is for the swimming pool located at the facility. The code requires all slopes to be uniform. The request is to allow a non-uniform slope, vertical drop, of approximately from approximately six (6) inches to four (4) feet between the sun shelf and the swimming area. Proponent stated that there would be visible markers to mark the drop.

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

Variance (f) is a request to only provide sanitary facilities within 300 feet of the swimming pool area, in lieu of the code's requirement to provide dressing rooms, sanitary facilities, baby changing stations, and drinking fountains. Proponent stated that the other code-required amenities are readily available to the residents and their guests in the residents' apartment units. Commissioner Hite made a motion to **approve** with the **condition** diaper changing table/stations are provided in the restroom facility. Commissioner Corey seconded the motion. It was voted on and carried. Commissioner Pannicke made a motion to **approve** variance (h). Commissioner Heinsman seconded the motion. It was voted on and carried. Variance (i) is a request is to allow the kitchen to be designed for a centerline approach. The code requires refrigerator clear floor space to be offset 24 inches from the centerline of the appliance. Proponent stated that the Fair Housing Act allows a centerline approach for the refrigerator. Commissioner Pannicke made a motion to **approve** variance (i). Commissioner Heinsman seconded the motion. It was voted on, and carried.

Variance (j) is another variance request to Indiana Swimming Pool Code. Fifteen percent (15%) of the pool will have an infinity/vanishing edge. The code requires pools to have a continuous deck around the entire perimeter of the pool. Proponent stated that the 2012 International Swimming Pool and Spa Code, under Section 406.2, recognizes that it might not be feasible to provide 100 percent perimeter access, and does allow 10% to not be directly accessed by a deck. Proponent stated that the maximum depth of the pool is 4 feet. Proponent also stated that spas up to four (4) feet in depth are permitted to have a deck only 50% of the perimeter per 675 IAC 20-3-4, Section 4(a). Commissioner Hite made a motion to **approve** variance (j). Commissioner Heinsman seconded the motion. It was voted on and carried. Variance (k) is a request to permit a dead end corridor in the existing basement to be 110 feet, and the dead end corridor in the existing sub-basement to be 153 feet. Proponent stated that the space is not occupied – only storage and mechanical. The code permits dead-end corridors in Group R-2 occupancy to be a maximum of 50 feet in a fully sprinklered building. Variance (n) is a similar variance request. Proponent did not have a floor plan to provide the Commission. Commissioner Pannicke made a motion to **table** variances (k) and (n). Commissioner Corey seconded the motion. It was voted on and carried.

Variance (l) is a request to not to provide a lifeguard chair, first aid kit, or phone to call 9-1-1. Proponent stated that only residents of the building should be utilizing the pool, swimming at their own risk in a small pool, and most people have cell phones if there is an emergency. Similar variances have been granted in the past. Commissioner Pannicke made a motion to **approve**. Commissioner Heinsman seconded the motion. It was voted on carried. Variance (m) is the request to have a self-imposed occupant load of a maximum of 370 persons. The 11th floor has existing capacity for 370 individuals (only apartment occupants and guests). Commissioner Heinsman made a motion to **approve** with the

**condition** of posting the occupant load of 370 persons in all of the amenity areas. Commissioner Corey seconded the motion. It was voted on and carried.

#### 19-04-61 Summit Middle School Locker Installation, Fort Wayne

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. Allen County is redistricting the schools. This specific school is getting an influx of new students, and they are planning to add lockers that are twelve (12) inches along the corridors provided in the floor plan with variance application, reducing corridors to 9 feet in width. The current corridor width is 10 feet, and the addition is reducing the corridor by a foot. The code prohibits addition or alteration from reducing exit capacities to a level less than that required of the rules of the Commission for new construction. Proponent believed the variance was not needed because it does not decrease the width required by code. Kevin Troy, State Fire Marshal's Office, stated that lockers will be on both sides of the hallway. Proponent acknowledges that only one area (highlighted in gold on the floor plan) has lockers on both sides, but it would only be reducing the width to 8 feet. State Building Commission Burgess agreed that no variance is required. Commissioner Pannicke made a motion that **no variance is required**. Commissioner Henson seconded the motion. It was voted on and carried.

#### 19-04-63 Hurco Small Hose Valves, Indianapolis

Ed Rensink, RTM Consultants, Inc., spoke for the proponent. He advised the Commission that the applicant is **withdrawing** this variance.

#### 19-04-64 Children's Autism Center, Fort Wayne

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The request is to extend a previously granted variance, Variance 18-04-16, for an additional 9 to 12 months as an "I-4" occupancy. The hardship is that they do not have a space to move into at this time. The applicant was planning on moving into a new facility, but the building owner sold the facility before the lease was signed. Now the applicant must start over in finding a new facility. Commissioner Popich made a motion to **approve** with the **condition** that the variance expires January 1, 2020. Commissioner Heinsman seconded the motion. It was voted on and carried.

#### 19-04-65 (a)(b)(c) Barr-Reeve Community Schools Gymnasium Addition, Montgomery

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The project involves a gymnasium addition to the existing school building. Variance (a) is a request to allow temporary egress during construction that will not comply with the egress requirements for new construction. The proposed addition to the existing school will impact current means of egress, and as such, require the use of temporary exits. Exits will be closed at the new addition. Exit lighting and signs will be modified to the new egress system. Fire drills will be conducted to familiarize students and faculty of the revised egress routes. Proponent states



that construction will be from June 2019 to April 2020. Commissioner Pannicke made a motion to **approve** with the **condition** exit signage is provided at the active doors, and the variance expires April 30, 2020. Commissioner Corey seconded the motion. It was voted on and carried.

Variance (b) is a request to allow a portion of the sprinklered addition, corridor, restrooms, and concessions to not be separated from the existing non-sprinklered building area, putting the existing building over allowable area for Type II-B construction and over allowable fire area of 12,000 square feet without sprinklers. The new addition will be fully sprinklered, and a fire alarm system will be provided throughout the addition (existing in existing building). Proponent also states that openings in the fire barrier will have 90-minute rating, and any penetrations will be sealed. The gymnasium portion of the addition will be separated from the rest of the addition and existing building with a 2-hour fire barrier, as required. Commissioner Pannicke made a motion to **approve** the variance (b).

Commissioner Corey seconded the motion. It was voted on and carried. Variance (c) is a request to use a 2-hour fire barrier in lieu of a 2-hour structurally stable firewall to separate the gymnasium inside the addition from the existing building, plus sprinklered corridor, restrooms, and concessions inside the addition. Vice-Chairman Scheurich asked proponent what is the actual square footage of the addition versus the square footage of the existing building. Ms. Ballinger stated that the existing building is 88,425 square feet, the corridor area they are asking to combine with the existing building is 5,655 square feet, and the separated gymnasium is 29,435 square feet. Both sides of the firewall will be sprinklered, just not throughout the entire existing building. Commissioner Jordan made a motion to **approve** variance (c). Commissioner Corey seconded the motion. It was voted on and carried. Commissioner Heinsman **abstained**.

19-04-67 (a)(b) Cargo Streetwear Boutique, Indianapolis

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. Variance (a) is a request to use a temporary restroom facility. Variance (b) is a request to allow a metal shipping container to be placed at the location and used as a Class 1 structure for retail occupancy, without having to comply with the rules for all new construction. They cannot comply with all of current rules for new construction because it is a shipping container. The container will not be a permanent building on site, but will be there more than 90 days. Emergency lighting will be provided and the structure will be tied down with wedge anchors. Proponent states that a structural analysis has been completed to verify the shipping container will withstand the loads required per current code.

Shelly Wakefield, Senior Plan Reviewer at Jacobi, Toombs, and Lanz, indicated that it would be best if this variance is tabled so more research and discussion may be performed. Commissioner Popich made a motion to **table**. Commissioner Heinsman seconded the motion. It was voted on and carried.

19-04-70 Hanover College Alumni Award Ceremony After Party, Madison

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. The request is to allow a 2,500 square space in the brewery to be used for an after party on late afternoon and evening of May 4, 2019. The space has not been approved by State Plan Review to be used as an assembly space. There will be a fire watch provided at the event, and the local fire official is aware of the variance. There will be no inside cooking for the event. Food will be provided by a food truck. Commissioner Heinsman made a motion to **approve** the variance. Commissioner Jordan seconded the motion. It was voted on and carried. Commissioner Pannicke **abstained**.

19-04-71 Lake Central High School Band Tower, St. John

Ed Rensink, RTM Consultants, Inc., spoke as the proponent. This variance request was approved once back in 2010. The request is to allow the 23 feet high band observation tower to have stairs that will have a maximum riser height of 9 ¼-inches and 8-inches minimum, and handrails that are not configured as required for conventional stairs. The code requires stairs to have a maximum riser height of 7 inches and 4 inches minimum, and handrails are to be continuous, without interruption by newel post or other obstructions and extend between flights. The proponent states that the tower is a pre-fabricated by Educational Steel Products LLC, and is designed per OSHA 1910.23 and 1910.24. In addition, it is stamped by a structural engineer in the State of Indiana. The tower will not be open to the public or students for occupancy. It will only be used by the band director to observe and direct the band. Also, the proponent stated that compliant guardrails at 42 inches in height will be provided alongside stairs and at landings. Commissioner Furnish made a motion to **approve** the variance. Commissioner Pannicke seconded the motion. It was voted on and carried. Commissioner Heinsman **abstained**.

19-04-74 FedEx Flights Ops & Crew Rest Quarters, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, LLC, spoke as the proponent. The facility is a new FedEx operation and crew rest quarters. The request is to not provide individual restrooms to each sleeping room. Instead, common restroom and bathing facilities will be provided for the crews based on the anticipated need. Commissioner Pannicke made a motion to **approve**. Commissioner Heinsman seconded the motion. It was voted on and carried. It was stated that proponent needed to update the street address on the application, it was entered incorrectly. In addition, he will also need to update listed local building official provided on the application. Director Boyle advised that this crucial information be provided, and that the application is correct, as variance applications are legally binding documents. Commissioner Popich made a motion to **re-open**. Commissioner Furnish seconded the motion. It was voted on and carried. Commissioner Popich made a motion to **approve** the variance, with the understanding that Mr. Gerdes must update the application with the correct information, before staff issues the approval letter. Commissioner Furnish seconded the motion. It was voted on and carried.

13. Comments and Closing Remarks – Vice-Chairman Scheurich (acting as the Chairman) –

Vice-Chairman Scheurich advised the Commission that its next meeting will be on Thursday, May 9, 2019, due to the State holiday on Tuesday, May 7, 2019 (Primary Election Day).

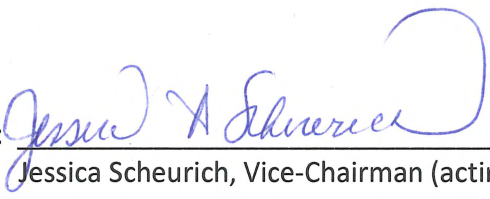
Carrie Ballinger, RTM Consultants, Inc., and Melissa Tupper, RTM Consultants, Inc., requested that the Commission considering hearing additional variances that obtained their final acknowledgments on Monday, April 1, 2019. While he understood their frustration, Director Boyle advised that he will no longer permit variances to be added to the agenda during the meeting, because the commissioners, the local officials, and the public will have had no prior notice of the Commission's potential action on such variances. He also stated that a hard cut off for the agenda is necessary, if he is to ensure that the commissioners will be prepared for each meeting. Commissioner Pannicke recalled that, several months back, the commissioners requested that the agenda be ready and posted by the end of business on the Friday of the week before the Commission's meeting, so the Commission will have time to review the materials before the meeting.

Ms. Ballinger explained that most of these application have already been reviewed by staff, but the submission of acknowledgments prevented them from being ready for the Commission's consideration. Vice-Chairman Scheurich sympathized with Ms. Ballinger, but she agreed that a cut off must be established. She reiterated that the submitters have access to the State's variance application system to see if the acknowledgements have been submitted, and it is their responsibility to follow up with the local officials in a timely manner before each meeting.

Ms. Ballinger asked for a specific date and time by which acknowledgments to variance applications must be received, and the Commission's agenda will be cut off. After some discussion, the Commission agreed that the cut off should be by the close of business (4:30 p.m.) on the Thursday of the week before the Commission's meeting, and that the Commission's staff shall post the Commission's agenda and meeting materials the following day (Friday). Director Boyle advised the Commission that he will discuss it with legal counsel, and he will try to provide the Commission a policy in writing to consider by the next meeting.

14. Adjournment

Vice-Chairman Scheurich thanked everyone for coming, and adjourned the meeting at 5:35 p.m.

APPROVED:   
Jessica Scheurich, Vice-Chairman (acting as the Chairman)