

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission  
Video/Teleconference Cisco Webex Format

Tuesday, January 5, 2021

### APPROVED AS AMENDED AT 2/2/2021 MEETING

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Vice Chairman Michael Popich at 9:01 a.m. EST on Tuesday, January 5, 2021. The meeting was conducted electronically by videoconference and teleconference call through Webex.

(a) Commissioners present at the meeting:

Jameson Berry, representing the Commissioner, Indiana Department of Labor  
Michael Corey  
Gregory Furnish  
James Greeson  
Joseph Heinsman  
David Henson  
Todd Hite, representing the Commissioner, Indiana State Department of Health  
James (Wes) Jordan  
Scott Pannicke  
Michael Popich, Vice Chairman

(b) The following department (IDHS) staff were present during the meeting:

Douglas Boyle, Director of the Fire Prevention and Building Safety Commission  
Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission  
Craig Burgess, Indiana State Building Commissioner  
Alan Blunk, IDHS Plan Review Section Chief  
Denise Fitzpatrick, IDHS Code and Variance Specialist  
Kim Hyten, IDHS Code and Variance Specialist  
Marcus Ballenger, IDHS Code and Variance Specialist  
Philip Gordon, Deputy Attorney General & Legal Counsel to Fire Prevention and Building Safety Commission  
Kevin Troy, IDHS Code Enforcement Assistant Section Chief (State Fire Marshal's Office)  
Karla Vanblaricum, IDHS Variance Coordinator

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

Director Boyle conducted roll call and noted that quorum was achieved, with eight (8) commissioners present at the beginning of the meeting. Commissioner Heinsman and Commissioner Hite joined shortly after the meeting started, bringing the total number of commissioners present to ten (10).

3. Commission Review and Action on Meeting Minutes

a. Tuesday, December 1, 2020

Director Boyle called for any amendments/corrections or additions to the Commission’s Tuesday, December 1, 2020 meeting minutes. Commissioner Pannicke noted that he was omitted from the list of commissioners in attendance at the meeting. Commissioner Pannicke also advised that Commissioner Furnish was listed as both “Yes” and “No” for the Commission’s roll call vote on the formation of the Exploratory Committee for Code Updates. It was clarified that Commissioner Furnish voted “No” in that roll call vote. Regarding the Commission’s consideration of Variance No. 20-12-40 (a)(b), Liberty Place at Lockerbie Square, Vice Chairman Popich noted that “2018 Indiana Residential Code” needed to be changed to “2020 Indiana Residential Code” in the second sentences of the notes, and “Class 1 structures” needed to be changed to “Class 2 structures” in the third sentence of the notes. Regarding the Commission’s consideration of Variance No. 20-12-43, COVID-19 Hand Sanitizer Flammable Storage, Vice Chairman Popich noted that “Commissioner Jameson” needed to be changed to “Commissioner Berry” in the second-to-last sentence of the first paragraph of the notes. Finally, regarding the Commission’s consideration and action on delegating ultimate authority powers to the ALJ of the Office of Administrative Law Proceedings (OALP), Vice Chairman Popich noted that the word “from” needed to be changed to “front” in the fourth sentence of the notes. Hearing no other amendments/corrections, Commissioner Pannicke motioned to approve the Tuesday, December 1, 2020 meeting minutes as amended. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Tuesday, December 1, 2020 meeting minutes were **approved as amended**, with a vote of 8-0.

#### 4. IDHS/Commission Staff Reports and Updates

- a. Status Update on Indiana Open Door Law and Public Meeting Requirements during the State of Indiana's COVID-19 Public Health Emergency – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Director Boyle informed the Commission that Governor Holcomb had again renewed and extended the State of Indiana's public health emergency disaster declaration through January 30, 2021 by executive order (Executive Order 20-52). Director Boyle advised that the Commission will likely be able to continue operating under the relaxed requirements of the Open Door Law and conduct all business electronically at least until the General Assembly's 2021 legislative session comes to an end.

- b. Chairman Robin Nicoson's Resignation

Director Boyle informed the Commission that Robin Nicoson had resigned from his position as the chair of the Commission following the Commission's Tuesday, December 1, 2020 meeting, due to an increase in duties at the Fishers Fire Department. Pursuant to IC 22-12-2-5(c), Vice Chairman Michael Popich will serve as the interim chairman of the Commission and perform the duties of the chair until Governor Holcomb appoints a new chair, pursuant to IC 22-12-2-5(a). Director Boyle stated that the Governor's Office was already made aware of Chairman Nicoson's resignation, and a new chair should be appointed soon.

- c. State Building Commissioner's Report – Craig Burgess, State Building Commissioner

- i. Written Interpretation No. CEB-2020-39-2014 IMC-507.9

State Building Commissioner Craig Burgess briefly explained the written interpretation. The commissioners did not have any questions for Commissioner Burgess regarding the written interpretation.

#### 5. Rulemaking Update(s)

- a. Indiana Elevator Code Committee Meeting

- i. Next Meeting: Tuesday, January 19, 2021 beginning at 9:00 a.m. EST, Webex Electronic Meeting

***Public notice and meeting access details will be provided on the***

**Committee’s web page (<https://www.in.gov/dhs/4200.htm>) in advance of the meeting.**

Director Boyle briefly advised that the Indiana Elevator Code Committee is still working through its review of ASME A17.3-2017.

- b. Status Update on the Indiana Boiler and Pressure Vessel Rules Proposed Rule – **see latest rulemaking documents provided with meeting materials.**

In early December, the Office of Management and Budget (OMB) contacted Justin Guedel, IDHS Deputy General Counsel, to advise him that it approved the Commission’s requests for exception to the regulatory moratorium for the Commission’s Variances Proposed Rule (LSA Document #20-626) and the Commission’s Indiana Boiler and Pressure Vessel Rules Proposed Rule (LSA Document #20-627), with several requested amendments to both rules made by OMB, the Office of the Attorney General (OAG), and the Legislative Services Agency (LSA). The amended proposed rules were provided to the Commission as part of their meeting materials, and Director Boyle briefly explained all the amendments that were made to each proposed rule. After some discussion, Commissioner Jordan made a motion to adopt the proposed rules as amended by OMB and directed staff to move the proposed rules to the next steps in the formal rulemaking process, pursuant to IC 4-22-2, by posting the proposed rules to the Indiana Register upon OMB’s approval, schedule the public hearings, and post the notices of public hearing to the Indiana Register. Commissioner Pannicke seconded the motion. It was voted on and carried, with a vote of 8-0.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed rule of the Indiana Boiler and Pressure Vessels Rules Rewrite Committee was **approved as amended**, with a vote of 8-0.

- c. Status Update on the Variances Proposed Rule – **see latest rulemaking documents provided with meetings materials.**

See the notes and roll call vote provided above, which includes the Commission’s discussion and latest action on this proposed rule.

d. Status Update on Formation of the Code Update Exploratory Committee – **see proposed voting membership and bylaws.**

The Commission, at its Tuesday, December 1, 2020 meeting, moved to form an exploratory committee that will be tasked with reviewing the current building and fire safety codes adopted by the Commission, and recommending a plan forward for updating the codes. Since then, Commission staff drafted a document of the proposed bylaws for this committee, which was briefly explained by Director Boyle. Commission staff had also accepted requests from suitable individuals within the industry to be appointed to the membership of this committee. Commission staff’s recommended membership was also provided in the proposed bylaws. Seeing no issues with the structure of the bylaws and the recommended membership of the committee, Commissioner Pannicke motioned to approve the bylaws and membership of the committee as submitted. Vice Chairman Popich made the second. It was voted on and carried. Director Boyle advised that staff will reach out the members of the committee to schedule a date for the committee to conduct its first meeting.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The bylaws and membership of the Commission’s Exploratory Committee for Code Updates was **approved as submitted**, with a vote of 8-0.

6. Commission Action on Third Party Agency Annual Renewals

a. PFS Corporation, 1507 Matt Pass, Cottage Grove, Wisconsin 53527

Per Director Boyle, this request was received November 10, 2020. Upon State Fire Marshal Kevin Troy’s recommendation of approval, Vice Chairman Popich motioned to approve. Commissioner Pannicke made the second. It was voted on and carried.

	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PFS Corporation's third-party agency renewal was **approved as submitted**, with a vote of 8-0.

7. Variances

d. Tabled

20-09-38 185 Madison Ave, Peru

No proponent was present to speak. As such, Commissioner Pannicke made the motion to table the variance application for one more meeting with the condition that the Commission may move forward with denying the variance request if the applicant is not present to speak on behalf his/her variance request at the next meeting. Commissioner Henson made the second. It was voted on and carried.

	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **tabled**, with a vote of 7-0.

20-12-40 (a)(b) Liberty Place at Lockerbie Square, Indianapolis

Mark Riffey, Ryan Fire Protection (submitter), and Shelly Wakefield, on behalf of the City of Indianapolis, spoke as the proponents. Commissioner Pannicke motioned to deny variance (a) and (b) although the proponent stated that both variances are unrelated to one another. Vice Chairman Popich made the second. The motion failed, with a vote of 3-4. Commissioner Corey abstained from the vote. Margie Bovard stated that the fire department does not review variances unless these class I structures are designed as one- and two-family dwellings.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Michael Corey</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Jim Greeson</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Joe Heinsman</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mr. Riffey agreed to **withdraw** variance (b) upon the approval of variance (a); thus, Commissioner Pannicke subsequently revised his motion to approve variance (a), to Section 905.3 of the 2014 IBC, with the following additional conditions: 1) an NFPA 13R sprinkler system is required to be provided throughout the structure in accordance with the code; and 2) each unit is required to be separated with two-hour fire separations from the foundation of the structure to the roof deck of the structure. Commissioner Greeson made the second. It was voted on and carried.

	(a)	
	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Variance (a) was **approved with conditions**, by a vote of 8-0.

**Breaking & Reconvening:** The Commission recessed for five minutes at 11:20 a.m. EST. The meeting was called back to order at 11:25 a.m. EST.

e. New

20-12-77 New Beginnings Child Care, Crawfordsville

Steve Wilke spoke as the proponent. The business was cited for non-compliance of section 903.2.6 of the 2014 IBC for failure to include a sprinkler system. The hardship includes cost of \$20,000 to install a new system, which does not include the cost of demolition. In lieu of compliance, proponent will install two (2) smoke alarms in every classroom, conduct monthly fire drills, and consult with the Crawfordsville Fire Department by way of annual visits to the facility. Additionally, the fire station is approximately one (1) mile from the childcare center, and all teachers wear a headset that allows for rapid communication with staff throughout the building. Commissioner Greeson motioned to table. Commissioner Berry made the second. It was voted on and carried. Rex Ryker, of Crawfordsville Schools, joined the call to state the school corporation is in support of this variance.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **tabled**, with a vote of 10-0.

20-12-96 Project Hercules, Whiteland

Mark Riffey spoke as the proponent. The project involves a storage facility equipped with a quick response fire suppression system. Code requires that hose stations be placed no further than one hundred (100) feet apart, but this would require the connection points to be placed inside the building, which would constrict the layout of the building and diminish ease of access. In lieu of



providing hose stations for mop-up operations in the interior of the building, the applicant proposes to install hose connections at exterior exit doors for use by the responding fire departments. Mr. Riffey confirmed that the local fire department agreed to the proposal. Commissioner Greeson motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved as submitted**, with a vote of 10-0.

20-12-97 The Bean Plant, Indianapolis

Melissa Tupper spoke as the proponent. Conversion of first floor to an event venue. The second floor is vacant, and basement has miscellaneous storage space. The variance request is to permit a score of +15 in lieu of -4.5 for the building score in the *fire safety* column, a score of +25 in lieu of 4.7 for the building score in the *means of egress* column, and score of +25 in lieu of 5.7 for the building score in the *general safety* column. The negative points are due to the existing freight elevator that connects three levels. Commissioner Pannicke motioned to approve on the condition(s) that: 1) the second floor and the basement shall not be occupied by the public, and the basement shall be used for storage and mechanical purposes only; 2) the elevator must be locked to prevent use by the public; and 3) the fire alarm system, smoke detection system, and sprinkler system must be maintained per the applicable code of record. Commissioner Greeson made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 9-0.

**Breaking & Reconvening:** The Commission recessed for lunch at 12:02 p.m. EST. The meeting was called back to order at 12:35 p.m. EST.

20-12-98 Alpha Systems Beck Drive East Phase II Addition, Elkhart

Dennis Bradshaw and Nancy Smith spoke as the proponents. The south wall of a new addition will be less than sixty (60) feet from the existing building on the same lot; this addition is expanding an already unlimited area building, and therefore, requires a four-hour fire wall. The existing building is to be removed in the near future when a phase III addition replaces it, thereby causing the removal of that same fire wall. The owner seeks to forego the construction and demolition of this south fire wall. It should be noted that this variance was previously granted with the condition that it would expire on December 31, 2020, but, due to unforeseen construction delays, the owner is requesting to extend the expiration date to December 31, 2022. Commissioner Pannicke motioned to approve on the condition that: the variance shall expire January 1, 2022 (1/1/2022). Commissioner Berry made the second. It was voted on and carried.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 10-0.

20-12-99 (a)(b)(c)(d) Muesing Management Greenfield Apartments, Greenfield

Melissa Tupper and Nicholas Zimmerman spoke as the proponents. The project involves an apartment building, clubhouse, and maintenance building currently

under construction. The second and third floors will not have open side corridors, as required by code, due to weather purposes. To remedy this, management will provide exhaust fans on the third-floor ceiling, which will be activated by sprinkler water flow. The travel distance is one hundred and forty-four (144) feet – much less than the maximum permitted by code. Commissioner Heinsman motioned to approve variance (a). Commissioner Furnish made the second. It was voted on and carried.

Commissioner Pannicke motioned to approve variance (c) without any further discussion. Commissioner Jordan made the second. It was voted on and carried.

Variance (b) involves the lack of a bathhouse to provide a changing room and showers for residents adjacent to the pool. Accessible restrooms will be located in the clubhouse, and the owner agreed to install an exterior shower head to allow residents to rinse off as needed. Commissioner Hite motioned to approve on the condition(s) that: 1) clubhouse restroom(s) must be open and accessible when the pool is open; and 2) an exterior shower head with a drain must be provided. Commissioner Heinsman made the second. It was voted on and carried.

Regarding variance (d), the exterior exit stairs, connected to the open-ended corridors, will have unprotected exterior openings within ten (10) feet horizontally of the exterior exit stair. In lieu of providing the three-fourths (3/4) hour rating, proponent will provide quick response sprinklers and add egress-compliant windows. Brian Lott, of the Greenfield Fire Department, stated this was acceptable. Commissioner Pannicke motioned to approve. Commissioner Jordan made the second. It was voted on and carried.

	(a)		(b)		(c)		(d)	
	Y	N	Y	N	Y	N	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Variances (a), (c), and (d) were approved as submitted**, with a vote of 10-0. **Variance (b) was approved with conditions**, by a vote of 10-0.

21-01-01 (a)(b) Pinecone Building 1 Addition, Elkhart

Carrie Ballinger spoke as the proponent. The project involves construction of a new 9,900 square addition to existing 53,000 square feet processing and storage facility for wood recycling used as animal bedding. Concerning variance (a), the code requires a sprinkler system to be provided in Group F-1/S-1 occupancies where the fire area exceeds 12,000 square feet. The request is to not sprinkle the existing building or its addition – totaling approximately 63,000 square feet. The proponent states that the storage space is not regularly occupied with the processing area will typically have two (2) employees. It is estimated to cost over \$400,000 to provide sprinklers in the non-heated building (see previous quote for existing building, which does not consider costs that would be added for additional area). Additionally, the hoop building structure is not engineered to withstand the weight of a fire suppression system and it is impractical due to the nature of the canvas design. In the event of a fire, the canvas will burn off before the fusible link would melt rendering the fire suppression system and the capital investment useless.

Concerning variance (b), the code prohibits buildings or structures from exceeding the height, number of stories, and allowable area based on the construction type. The request is to allow the addition plus existing building to exceed the allowable area for Type VB construction. The building will be approximately 63,000 square feet with the addition. A NFPA 664 compliant dust collection system is provided in the processing area. A fire alarm system with smoke detection in the processing area is existing. Additional devices will be added in the addition. Commissioner Heinsman motioned to approve variance (a) and (b). Commissioner Corey made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variances (a) and (b) were **approved as submitted**, with a vote of 10-0.

**Breaking & Reconvening:** The Commission recessed for a short break beginning at 2:17 p.m. EST. The meeting was called back to order at 2:25 p.m. EST.

21-01-02 (a)(b) 526 Main Street Apartments Remodel, Lafayette

Melissa Tupper spoke as the proponent. The project involves a renovation of the second through third floor, and a fourth-floor roof addition. The first floor is an existing restaurant while the upper floors are apartments. Concerning variance (a), the request is to allow the exterior exit stair to have unprotected exterior openings within ten (10) feet horizontally of the exterior exit stair. The proponent states that quick response sprinkler will be located at the ceiling level within twelve (12) inches horizontally of each exterior opening within ten (10) feet of the exterior exit stair. The local fire official is not opposed to the variance. Commissioner Pannicke motioned to approve variance (a). Commissioner Henson made the second. It was voted on and carried.

Concerning variance (b), the code requires two (2) exits to be provided at every story above the second story. The request is for a single exit to be provided from the occupied roof, approximately seven hundred and nine (709) square feet. The proponent states that the roof area is accessible from and serves only the third-floor apartment. Additionally, the calculated occupant load of the roof is less than twenty (20) occupants, which would only require one (1) staircase if it were a single room. A NFPA 13 sprinkler system will be provided in lieu of this second staircase. Commissioner Pannicke motioned to deny variance (b). Commissioner Greeson made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Greg Furnish</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved as submitted**, with a vote of 9-0. Variance (b) was **denied**, with a vote of 5-4.

21-01-03 (a)(b)(c)(d)(e)(f)(g)(h)(i)(j) Luna Apartments & Retail, Lafayette

Melissa Tupper and Barry Knechtel spoke as the proponents. The project is a new six story mixed use podium building. The first floor will be a parking garage with future tenant spaces, the second through fifth floors will be apartments, and the sixth floor will be an elevator and lobby enclosure.

Variance (a) requests that a quick response sprinkler be installed on the ceiling within twelve (12) inches horizontally of each window. Commissioner Pannicke motioned to approve on the condition that: the quick response sprinkler heads shall not exceed six (6) feet of coverage per sprinkler head, otherwise additional sprinkler heads must be provided. Vice Chairman Popich made the second. It was voted on and carried.

To allow nonrated exterior opening within four (4) feet of where the fire terminates at the exterior wall. One fire wall location on second floor. Mrs. Tupper stated quick response sprinklers will again be installed nearby each window. Commissioner Pannicke motioned to approve variance (d) on the condition that: the quick response sprinkler heads shall not exceed six (6) feet of coverage per sprinkler head, otherwise additional sprinkler heads must be provided. Commissioner Jordan made the second. It was voted on and carried.

Variance (e) is to permit a three-hour fire barrier separating the adjacent building instead of constructing a structurally independent firewall. The adjacent building is also made of non-combustible material and original brick, currently functioning as AT&T's automated switchboard center. Commissioner Heinsman motioned to approve. Commissioner Jordan made the second. It was voted on and carried.

Variance (f) The code prohibits addition to buildings or structures plus the existing building or structure from exceeding the height, number of stories, and allowable area based on the construction type. The request is to permit a fifth story to make room for an enclosed elevator lobby on the room, which would exceed the allowable height over the podium of four (4) stories. Commissioner Jordan motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

Variance (g) requests to provide one-hour rated construction with one-hour horizontal assemblies to trash chute access and termination rooms. Although NFPA 82 requires chute access and termination rooms to be of two-hour rated construction and horizontal assemblies supporting the shaft to be two-hour rated, newer versions of the code permit this modification and would allow for a cost savings. Commissioner Pannicke motioned to approve. Commissioner Corey made the second. It was voted on and carried.

The request of variance (h) is to permit the ceiling membrane of the one-hour rated horizontal assemblies to be interrupted with the double wood top plate of a wall assembly that is sheathed with Type X gypsum wallboard as permitted in the 2015 edition of the International Building Code. The current edition permits the ceiling membrane of a one-hour rated horizontal assembly with the double wood top plate design, but the wall is required to be rated. Commissioner Pannicke motioned to approve. Commissioner Corey made the second. It was voted on and carried.

The request of variance (i) is to permit the building to exceed sixty (60) feet in height, as permitted in Table 503 of Chapter 5. The total height of the building will be approximately 74'9" feet measured to the roof surface of the elevator lobby. Commissioner Heinsman motioned to approve. Commissioner Greeson made the second. It was voted on and carried.

The request of variance (j) is to not provide a standby generator for the elevator. The elevators will have battery back-up provided to permit lowering of the elevators in the event of a power outage. A transfer switch will also be provided to permit hookup of a portable generator. Commissioner Pannicke motioned to approve. Commissioner Corey made the second. It was voted on and carried.

	(a)		(b)		(c)		(d)		(e)		(f)		(g)		(h)		(i)		(j)	
	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Variations (a) and (d) were approved with conditions**, by a vote of 9-0 and 10-0, respectively.

**Variations (b), (c), (g), (h) (g) were approved as submitted**, with a vote of 9-0.

**Variations (e), (f), and (j) were approved as submitted**, with a vote of 10-0.

21-01-04 (a)(b) Shoot Point Blank, Indianapolis

John Wallis spoke as the proponent. The facility is a retail establishment and shooting range for firearms. The issue lies in the presence of a coiling door, which functions as a solid, padlocked door during closing to provide for added security. Additionally, the bottom ten (10) inches of a second door is to be without obstruction, but a three-point locking system is used to provide extra security. Per the proponent, every retail location has these same security features. The City of Indianapolis is stating the code section 1008.1.4.4 grilles refers to a perforated/open security gate and not a solid panel, as is currently installed. Randy Gulley, of the Wayne Township Fire Department, is in support of the variance. Commissioner Pannicke motioned to approve variance (a) and (b).



Commissioner Heinsman made the second. It was voted on and carried, with Vice Chairman Popich recusing himself from the votes.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Variances (a) and (b) were **approved as submitted**, with a vote of 9-0.

21-01-05 Maple Manor Christian Home – Room Addition, Sellersburg

Steve Cunningham, serving as the building administrator; Nathan Grimes, serving as the design professional; Mike Beard, the local building official; and Shelly Wakefield spoke as the proponents. The project involves a nursing home facility built in 1972. Interior renovations are being done to existing office spaces to convert them into private residence living spaces. The restroom interior renovation area between existing concrete block interior walls are 17'-0"x5'-2" for the two restrooms. This allows for the five (5) feet diameter accessibility in each restroom but not the accessibility clearance of sixty (60) inches between the edge of lavatory and interior wall adjacent to the water closet. Eight other restrooms have been renovated in this facility using the limitations and configuration. Creating enough clearance required by code would impact windows and require adjustment of doors totaling \$24,000. It is important to note that all residents require assistance from skilled nursing aids when being transferred to and from restrooms.

Mr. Beard voiced his concerns on the lack of ADA compliance in what would be ten (10) bathrooms with the approval of this proposal and implored the Commission to consider the hardship this lack of space would create for elderly patients. Ms. Wakefield seconded these sentiments. Commissioner Pannicke was concerned about a smaller door within the proposed plans not meeting the required entrance width. The proponent stated that this door was not part of the variance request and would be modified to be compliant. Per the advice of the Commissioners, it was suggested that the variance be tabled to allow the proponent time to reconfigure the layout of the room in a way that did not require a variance. Commissioner Hite motioned to table. Commissioner Hite motioned



to table to allow the design professional the opportunity to evaluate if it will be possible to redesign the locations of the restrooms that are not compliant (restrooms 11 & 13 on site plans) to make them compliant. Commissioner Furnish made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **tabled**, with a vote of 10-0.

**Breaking & Reconvening:** The Commission recessed for a short break at 4:07 p.m. EST. The meeting was called back to order at 4:15 p.m. EST.

21-01-06 Harmony Home 2, Huntington

Robert Knorr spoke as the proponent. A second facility in the area housing recovering males with past substance abuse issues is being established. Mr. Knorr stated that a series of interconnected smoke detectors will be installed in each bedroom along with fire extinguishers and a security system, which will notify the fire department in case of an emergency. The new building is approximately three hundred (300) square feet smaller than the building that was approved in 2017 but possesses a more open floorplan. Per Building Commissioner Burgess and Kevin Troy, State Fire Marshal’s Office, this structure will need to be filed as a conversion of an existing structure under Rule 13 of the Commission’s General Administrative Rules. Commissioner Jordan motioned to approve on the condition that: a qualifying, code-compliant egress window shall be provided in every sleeping room. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 10-0.

21-01-07 Shepherd Temporary Tent, Indianapolis

Ryan Garner spoke as the proponent. The project involves a tent meant to be permanently erected for distribution of food on a weekly basis up until December 31, 2021. Mr. Garner stated that the only source of electricity is a heater to keep staff working inside the tent warm. No cooking, sleeping, or other activities will be permitted inside the tent, and security will patrol the area during non-staffed hours to ensure that the space does not become occupied by any homeless individuals. Mr. Garner was also glad to complete training, as recommended by Vice Chairman Popich. With that, Commissioner Berry motioned to approve with the following additional condition(s): 1) the tent shall comply with all State and manufacturer's requirements for operation of tent; 2) the tent shall be inspected weekly for purposes of ensuring its structural stability and identifying any apparent safety hazards. If during an inspection it is found that the tent's structural stability has been compromised or another safety hazard exists, the tent shall not be occupied until the issue has been remedied; 3) the tent shall not be occupied in the event of any actual or forecasted accumulating snow or high wind event, which exceeds any manufacturer or installer recommendations or, if neither exist, any limit acceptable by the authority having jurisdiction. The tent must be reinspected in the event of any high wind or accumulating snow; 4) the church's security shall be maintained and present at all times to ensure that the tent is not occupied during off hours; 5) heat and cooking sources are not permitted within the tent; and 6) this variance shall expire October 1, 2021 (10/1/2021). Vice Chairman Popich made the second. It was voted on and carried. Commissioner Pannicke abstained from the vote.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The variance was **approved with conditions**, by a vote of 9-0.

21-01-08 Hidden Acres Shelter, Milan

Ed Rensink spoke as the proponent. An outdoor shelter facility will be used by a golf course for seasonal dining. Garage doors are used to enclose the bar area for security reason when the shelter is not in use. There are no side-hinged swinging doors, as required by code. Commissioner Pannicke motioned to approve on the condition that: the structure shall not be occupied when the doors identified with lit exit signs are not open. Commissioner Greeson made the second. It was voted on and carried.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 10-0.

8. Petitions for Administrative Review

a. Granted and Forwarded to the Office of Administrative Law Proceedings (OALP)

- i. IDHS Notice of Violations Inspection No.4EE3-F8C8 – Goshen Brewing Company
- ii. IDHS Order of Denial of Variance No. 20-12-33 – 900 Jackson

Director Boyle informed the Commission that the above petitions for administrative review were received in a timely manner, granted, and forwarded to OALP for assignment to an ALJ. The administrative review of the first order was already resolved – with both parties agreeing to a Stipulated Motion to Dismiss, and the ALJ issuing a Final Order of Dismissal.

b. Commission Determination

- i. City of Bloomington Fire Prevention Bureau's November 20, 2020 Violations Order – Quaff on Bloomington (Big Woods Bloomington) – **received via electronic mail December 4, 2020.**

On December 8, 2020, Director Boyle informed that he contacted the petitioner asking that the petition be updated to resolve a discrepancy involving a separate order from the Bloomington Fire Prevention Bureau that was attached at the end of the document. The petitioner followed up the next day stating the party had intended to dispute Bloomington’s order rather than the order from DHS. Per Philip Gordon’s direction, Commissioner Heinsman motioned to grant the petition for administrative review. Commissioner Corey made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The petition for administrative review was **granted**, with a vote of 10-0.

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

- i. IDHS Sanctions Order No. 205-286 – AMC Elkhart 14 (Cause No. DHS-1020-001000)

Commissioner Pannicke motioned to affirm the ALJ’s Non-Final Order of Dismissal. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Non-Final Order of Dismissal was **affirmed**, with a vote of 10-0.

- ii. IDHS Sanctions Order No. 355035 – Winona Building Products, LLC (Cause No. DHS-0920-000839)

Commissioner Pannicke motioned to affirm the ALJ's Non-Final Order of Dismissal. Commissioner Heinsman made the second. It was voted on and carried.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Non-Final Order of Dismissal was **affirmed**, with a vote of 10-0.

- 10. Commission Review of Memorandum of Understanding (MOU) between the Office of Administrative Law Proceedings (OALP) and the Fire Prevention and Building Safety Commission for Fiscal Year 2021

After a brief discussion and looking over the proposed Memorandum of Understanding (MOU), Commissioner Corey motioned to table to afford the Commission additional time to review the MOU and obtain legal counsel's direct input at the next meeting on Tuesday, February 2, 2021. Commissioner Heinsman made the second. It was voted on and carried.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The MOU was **tabled**, with a vote of 9-0.

## 11. Commission Review of Local Ordinances

### a. Adopted

- i. Ordinance No. 20-40 – Fire Prevention Ordinance of the City of Westfield, Indiana – ***received by Commission staff via electronic mail on Thursday, October 15, 2020, and tabled at the Wednesday, November 4, 2020 and Tuesday, December 1, 2020 meetings.***

Per the conflicts and defects cited in its ordinance review memo, Commission staff recommended denial of the ordinance. Commissioner Heinsman motioned to deny. Commissioner Jordan made the second. It was voted on and carried.

	<b>Y</b>	<b>N</b>
<b>Jameson Berry</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Michael Corey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Greg Furnish</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Jim Greeson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Joe Heinsman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>David Henson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Todd Hite</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Wes Jordan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Scott Pannicke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Michael Popich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ordinance No. 20-40 was **denied**, with a vote of 9-0.

## 12. Final Comments/Closing Remarks from Vice Chairman Popich

Vice Chairman Popich thanked staff for preparing him to fill in and perform the duties of the chair. If needed, he looks forward to filling in as chair at the Commission's next meeting.

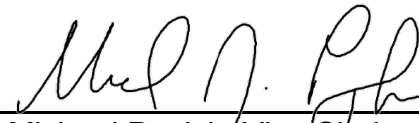
13. Next Meeting – Tentatively scheduled for Tuesday, February 2, 2021, beginning at 9:00 a.m. EST in History Reference Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202

***If the Commission's meeting must be conducted electronically/remotely due to the ongoing COVID-19 public health emergency, details will be provided on the Commission main web page (<https://www.in.gov/dhs/2375.htm>) in advance of the meeting date.***

14. Adjournment

The meeting was adjourned at 5:45 p.m. EST.

APPROVED:



Michael Popich, Vice Chairman