

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Conference Room F
Indiana Government Center South Conference Center
302 W Washington Street
Indianapolis, IN 46204
In Person and Video/Teleconference Microsoft Teams Format

Tuesday, November 2, 2021

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman James Greeson at 9:01 a.m. EDT on Tuesday, November 2, 2021. The meeting was conducted both **in-person and electronically** by videoconference and teleconference call through Microsoft Teams.
 - a. Commissioners physically present at the meeting:

James Greeson, Chairman
Harold Davidson, representing the Commissioner, Indiana Department of Labor
Joseph Heinsman
James Murua
Michael Popich, Vice Chairman
 - b. Commissioners virtually/electronically present at the meeting:

Gregory Furnish
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James (Wes) Jordan
John Watson
 - c. Commissioners absent from the meeting:

Scott Pannicke
 - d. The following staff were physically present during the meeting:

Doug Boyle, Director of the Fire Prevention and Building Safety Commission
 - e. The following staff were present during the meeting electronically:

Marcus Ballenger, IDHS Code and Variance Specialist

Alan Blunk, IDHS Plan Review Section Chief
 Craig Burgess, Indiana State Building Commissioner
 Denise Fitzpatrick, IDHS Code and Variance Specialist
 Philip Gordon, Deputy Attorney General & Legal Counsel to Fire Prevention and Building Safety Commission
 Kim Hyten, IDHS Code and Variance Specialist
 Karla Vanblaricum, IDHS Variance Coordinator

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

Director Boyle conducted roll call, noting that nine (9) commissioners were present at the beginning of the meeting – five (5) of whom attended the meeting in person and three (3) of whom attended the meeting electronically through Microsoft Teams. Commissioner Henson experienced some technical difficulties at the beginning of the meeting, but later joined the meeting electronically via teleconference call and was noted as present, bringing the total number of commissioners present to ten (10). Commissioner Pannicke was absent from the meeting.

3. Commission Review and Action on Meeting Minutes

a. Tuesday, October 5, 2021

Director Boyle called for corrections to the draft of the Commission’s Tuesday, October 5, 2021, meeting minutes. Vice Chairman Popich advised that the minutes indicated that he was excluded from the vote on Variance No. 21-09-38, but the minutes needed to be revised to note that he recused himself from the vote on Variance No. 21-09-38. Similarly, Commissioner Heinsman advised that the minutes indicated that he was excluded from the votes on Variance No. 21-09-41, but the minutes needed to be revised to note that he recused himself from the votes on Variance No. 21-09-41. Hearing no other corrections, Vice Chairman Popich motioned to approve the Tuesday, October 5, 2021, meeting minutes with the noted corrections. Commissioner Heinsman seconded the motion. It was voted on and carried. Chairman Greeson abstained from the vote, as he was absent from the Wednesday, September 8, 2021, meeting. Commissioner Watson abstained from the vote, as today’s meeting was his first meeting as a member of the Commission.

	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Tuesday, October 5, 2021, meeting minutes were **approved as amended**, by a vote of 9-0.

4. IDHS/Commission Staff Reports and Updates

- a. Update regarding State of Indiana’s Declaration of a Public Health Disaster Emergency – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Director Boyle advised that Governor Holcomb extended the State of Indiana’s declaration of a public health disaster emergency through December 1, 2021, with the issuance of [Executive Order 21-28](#) on October 29, 2021. Staff will continue to monitor any directives coming from the Governor’s Office in preparation for next month’s meeting.

- b. Indiana Fire Prevention and Building Safety Commission’s Tentative 2022 Meeting Dates

Director Boyle advised the Commission that he had prepared a short memo of the Commission’s tentative meeting dates for the 2022 calendar year, which was included in the Commission’s meeting materials. The tentative dates provided were based on the Commission’s established practice of meeting on the first Tuesday of every month, unless postponed by one or two days due to a preceding State holiday. Director Boyle asked the Commission if they had any questions or concerns regarding the tentative meeting dates for the 2022 calendar year. Hearing no questions or concerns, Director Boyle advised the Commission that he will work on reserving meeting spaces for the tentative dates and try to have the details confirmed by the Commission’s next meeting on Tuesday, December 7, 2021.

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

- i. Written Interpretation No. CEB-2021-35-2014 IBC-907.5.2.3.1
- ii. Written Interpretation No. CEB-2021-36-2009 IEC-300.15
- iii. Written Interpretation No. CEB-2021-38-2020 IRC-R502.8.2

State Building Commissioner Craig Burgess explained the details of the three above-listed official written interpretations that had been issued since the Commission’s last meeting on Tuesday, October 5, 2021. After explaining each interpretation, State Building Commissioner Burgess asked

the Commission if they had any questions. Regarding the second written interpretation request (Written Interpretation No. CEB-2021-36-2009 IEC-300.15), Vice Chairman Popich asked what precipitated the need for the written interpretation. State Building Commissioner Burgess advised that, in this particular case, it was a kitchen installation in which they had a bulkhead where they were installing a light fixture at either end of the bulkhead, and either the homeowner or the electrician thought that they, at some point in the future, may want to put intermediate light fixtures along that run. So, in each case, the electrician provided a loop in the cabling, and the local official said that those required boxes and covers. Vice Chairman Popich thanked State Building Commissioner Burgess for the explanation. Hearing no other questions, Director Boyle reminded the Commission that these written interpretations are posted on the [Non-Rule Policy Documents and Interpretations of the Commission's Rules web page](#).

d. IDHS Variance Determinations Report

As required by 675 IAC 12-5-6.2 (f), the Indiana Department of Homeland Security's report of its variance determinations made between October 1, 2021, and October 29, 2021, was included in the Commission's meeting materials for reference.

5. Rulemaking Update(s)

a. Indiana Elevator Code Committee

- i. Next Meeting: Wednesday, November 17, 2021, beginning at 9:00 a.m. EDT; virtual/electronic Microsoft Teams meeting details TBA.

Public notice and virtual/electronic meeting access details will be provided on the [Committee's web page](#) in advance of the meeting.

Director Boyle advised the Commission that the Indiana Elevator Code Committee (the Committee) met on Wednesday, October 20, 2021, at which time the Committee made some progress in review some proposed changes to 675 IAC 21-1 (Rule 1) – Administration. Director Boyle stated that he anticipates the Committee will be able to complete its review of Rule 1 at its next meeting and then move on to reviewing ASCE 21-21 – Automated People Mover Standards, which, by statute, the Commission is required to adopt within its rules. Director Boyle also stated the Committee will likely only need to address some administrative items in the ASCE 21-21 standard, and hopefully, within the next four to six weeks, the Committee will be able to put together its comprehensive proposed rule for the Commission. As provided above, Director Boyle advised the Commission that the Committee plans to meet next on Wednesday, November 17, 2021, and the meeting will be conducted as a completely virtual meeting via Microsoft Teams pursuant to the requirements [Indiana Code § 5-14-1.5-3.7](#),

with the extension of the declaration of a public health disaster emergency under [Executive Order 21-28](#).

b. Exploratory Committee for Code Updates

- i. Final Meeting: Tuesday, November 16, 2021, beginning at 9:00 a.m. EDT; virtual/electronic Microsoft Teams meeting and/or in-person meeting details TBA.

Public notice and virtual/electronic meeting access details will be provided on the [Committee's web page](#) in advance of the meeting.

Director Boyle advised the Commission that the Exploratory Committee for Code Updates (the Committee) plans to conduct its final meeting on Tuesday, November 16, 2021, at which time it will finalize and vote on its report to the Commission. The Committee's report to the Commission will likely be presented to the Commission at the Commission's next scheduled meeting on Tuesday, December 7, 2021. Director Boyle also advised that he had also reserved Conference Room F of the Indiana Government Center South Conference Center for this meeting. However, with the extension of the declaration of a public health disaster emergency under [Executive Order 21-28](#), Director Boyle stated that he will cancel the room reservation and schedule a virtual meeting via Microsoft Teams instead, which will be conducted pursuant to the requirements [Indiana Code § 5-14-1.5-3.7](#), to make things easier for virtual participation. Vice Chairman Popich, who serves as the Committee's chairman, affirmed that it would be easier to conduct the Committee's final meeting on Tuesday, November 16, 2021, as a completely virtual meeting.

- c. Status Update on Regulatory Moratorium Exception Request for Administrative Rulemaking to Amend 675 IAC 12-3-2(e) – Schedule of Fees for Site Built Construction – Category I (Expedited Plan Review) – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission.

Director Boyle advised the Commission that staff is making progress in moving the rulemaking forward. Staff has taken the needed steps to have the proposed rule approved by the State Budget Agency (SBA) and will then work with the Legislative Services Agency (LSA) to have the proposed rule and the Notice of Public Hearing published to Indiana Register. Staff will also ensure that the Notice of Public Hearing is published in the IndyStar, in accordance with the requirements of [Indiana Code § 4-22-2-24](#). Director Boyle stated that the Commission's rulemaking docket will be updated accordingly once all these actions are taken, and, provided everything remains on schedule, staff still expects to host the public hearing on the proposed rule on Wednesday, December 15, 2021. The Commission did not have any questions or concerns for Director Boyle regarding this update.

6. Authorization of Industrialized Building System and Mobile Structure Third Party Inspection Agencies

- a. Expert Modular Consultants, LLC – **annual renewal**
- b. Hilborn, Werner, Carter, and Associates, Inc. – **annual renewal**

Director Boyle advised the Commission that Expert Modular Consultants, LLC and Hilborn, Werner, Carter and Associates, Inc. had submitted paperwork to renew their annual authorizations to operate as third-party inspection agencies of industrialized building systems and mobile structures in the state of Indiana, pursuant to the requirements of 675 IAC 15-1.5. Director Boyle informed the Commission that Indiana Department of Homeland Security staff had reviewed the paperwork for both companies and recommended the Commission’s approval of both companies’ requests for renewal. As such, Commissioner Davidson motioned to approve Expert Modular Consultants, LLC’s and Hilborn, Werner, Carter and Associates, Inc.’s annual renewals to operate as third-party inspection agencies of industrialized building systems and mobile structures in the state of Indiana. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Expert Modular Consultants, LLC’s and Hilborn, Werner, Carter and Associates, Inc.’s annual renewals to operate as third-party inspection agencies of industrialized building systems and mobile structures in the state of Indiana were **approved**, by a vote of 10-0.

7. Status Update on the Requirements of the Commission’s Imposed Sanction on Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710

Roger Lehman, representative for the owner, spoke and provided the Commission with an update regarding the actions that were being taken to abide by the Commission’s variance sanction order that was issued in June 2021. As was

provided in email to Director Boyle sent prior to the meeting, Mr. Lehman advised that they were on schedule and on track to have the fire alarm system installed in the required areas during the month of November. Installation of the system is beginning today (Tuesday, November 2, 2021), and it is expected that it will take fifteen (15) to twenty (20) days to complete the installation. They also have a contract with a contractor to remove the heads from the sprinkler system, beginning December 1, 2021. They will maintain sprinkler system with the accompanied monitored alarm system until the fire alarm system is fully operational.

Chief Fire Marshal Greg Main, Evansville Fire Department, was present virtually and asked if the owner would also be removing all of the post indicator valves (PIVs) and either removing or placing/marking all of the fire department connections (FDCs) out of service. Mr. Lehman advised that they will remove everything visible, which includes the PIVs and FDCs. They will also remove any smaller piping with sprinkler heads. Any larger piping and heads will be repainted in black or white, so that they will appear as nothing more than piping. They also plan to leave the riser valves in place in the rooms in which they are located, but “out of service/not operational” signage will be provided at each room, and these spaces are not visible to the public (only business personnel). Marshal Main thanked Mr. Lehman for his response. The members of the Commission did not have any additional questions for Mr. Lehman. Director Boyle advised Mr. Lehman that the Commission will expect another update at its next scheduled meeting on Tuesday, December 7, 2021.

8. Variances

a. Tabled

21-04-29 New Bridge Apartments, Indianapolis

Tim Callas, submitter, spoke as the proponent. The variance request seeks relief from the requirements of Section 907.8.1 of the 2014 Indiana Fire Code, which requires fire alarm and fire detection systems to be continuously maintained in conformance with the rules of the Commission. The request is to not be required to maintain the apartment complex’s existing fire alarm system. Per Mr. Callas, the owner is claiming an undue hardship due to the excessive costs of maintaining and repairing the existing fire alarm system as result of the residents’ vandalism of the system’s pull stations and horns and the difficulty to find the needed parts for the old analog system. The variance request had been tabled by the Commission for several meetings, as the Commission had requested that Mr. Callas work with the Indianapolis Fire Department to develop a viable solution.

At the Commission’s Tuesday, October 5, 2021, meeting, Mr. Callas had advised the Commission that he had met with Michael Beard and Margie Bovard, Indianapolis Fire Department, and they had come to an agreement on alternatively proposed conditions for the variance request. Mr. Callas had submitted the proposed conditions to staff, in revising the application, and they were included as an attachment in the record of the application. However, the

Commission decided to table the variance request again, until it received a written confirmation from the Indianapolis Fire Department (Michael Beard), confirming its acceptance of the proposed conditions. Director Boyle advised the Commission that staff had received written confirmation from Michael Beard and Margie Board, confirming the Indianapolis Fire Department’s acceptance of the proposed conditions, and that written confirmation was included as an attachment in the record of the variance application.

As such, and per the agreed upon proposed conditions, Vice Chairman Popich motioned to approve the variance request with the following conditions: 1. New manual pull stations with alarmed stop covers are required to be installed. 2. New alarm notification devices are required to be installed that will include combination horn and strobes. 3. An interim agreement will be imposed with AES (IPL) that the power operating the system will remain activated for all units, regardless of if the tenant is behind on power bills (delinquent on payment for invoices) or if any units are vacant (unoccupied). 4. The manual pull stations and horns in the two-story townhomes are required to be upgraded as stated in conditions 1, 2, and 3. 5. All units are required to have the required smoke detectors. 6. Plans for this project are required to be submitted to the State and Local Plan Review for approval. Commissioner Murua seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-08-31 BNutty Storage Container Addition, Portage

Carol Podolak, applicant and owner of BNutty, and Laura Small, submitter and design professional for the project, spoke as the proponents. The variance request seeks relief from the requirements of Section 101.8 of the 2014 Indiana Building Code and 675 IAC 12-6-11 of the Commission’s General Administrative

Rules (Alternative materials, methods, and design), which states that alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11) and the Rules for Industrialized Building Systems (675 IAC 15). The request is to allow metal storage containers to be utilized as permanent structures, which is not an approved/adopted alternate design concept and construction material under the Commission’s current rules. The storage containers will be used to house equipment needed in the business’ production of peanut butter. The owner’s undue hardship is due to operational problems and excessive costs, due to the fact that the owner’s tenant space is landlocked within the building and the only way to expand for the needed equipment is to house the new equipment in two stacked, transformed metal storage containers, as shown and detailed in the submitted drawings. If the variance is not approved, the cost to relocate the existing office and equipment would require a shutdown of business operations and an extreme loss of income, product, staff, etc. Per the owner and submitter, they estimate that the excessive cost hardship would be between \$750,000 and \$1 million if they were required to relocate.

The variance request was tabled at the Commission’s Wednesday, September 8, 2021, and Tuesday, October 5, 2021, meetings, as the Commission had requested that the owner and submitter provide more detailed plans and analysis of the foundational system under the storage containers, including the lateral load resistance of the containers. There was a delay in performing the requested analysis and developing the requested plans, due to administrative error in processing one of the Commission’s “tabled” action letters and breakdown in communication. However, Ms. Small did submit revised plans to staff prior to the meeting, and the revised plans were included as an attachment in the record of the application. Upon review of the revised plans, Commissioner Heinsman stated that he is amenable to the concept of the request to utilize the storage containers, but it will be up to the design professional and/or the licensed engineer on the project to determine if the proposed anchorage and protection of the foundational system around the containers is adequate. Commissioner Jordan reiterated this sentiment, stating that it appeared that the applicant and submitter had met the intent of attempting to provide some proposed protection of the foundational system around the containers in lieu of not having a permanent foundation going below frost level, yet he is also not the designer/engineer of this project. Based on the revised plans and information and the concept that there should be a limited risk to life safety given that the containers will only be used for storage of the equipment, Vice Chairman Popich motioned to approve the variance request as submitted. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved as submitted, based on the revised plans**, by vote of 10-0.

21-09-33 Una Esperanza Viva, Indianapolis

Carrie Ballinger, submitter, spoke as the proponent. The variance request seeks relief from the requirements of Section 8.15.7.1 of NFPA 13-2010 (675 IAC 28-1-5), which requires sprinkler protection for the underside of exterior roof overhangs and canopies where of combustible construction and exceeding four feet (4 ft.) in width. The request is for an existing exterior canopy to not be provided with automatic sprinkler protection. The owner is claiming an undue hardship due to excessive costs to install sprinkler protection in the canopy, and the issue was not cited until final building inspection. Per Ms. Ballinger, the interior of the building has sprinkler protection throughout in accordance with NFPA 13. The building is all non-combustible construction with the exception of the canopy roof/ceiling framing. The canopy structure is separated from the interior of the building by CMU block wall, and the canopy is separated from the adjacent building canopy with CMU construction extending from the existing fire wall. There will be no combustible storage below the canopy.

The Commission had tabled the variance request at its Tuesday, October 5, 2021, meeting, and had requested that Ms. Ballinger speak to a fire sprinkler contractor to determine the feasibility of installing dry horizontal sidewall sprinkler heads under the building's canopy. Ms. Ballinger had obtained a revised estimate from Lyons Fire and Safety for a limited system of dry sidewall sprinklers under the canopy, which was included as an attachment in the record of the variance application. Per Ms. Ballinger, this estimate would increase the total sprinkler system costs by almost fifty percent (50%), compared to the total cost that they spent to install sprinkler sprinklers inside of the building (\$30,000). The total cost of the overall project for the church was approximately \$120,000.

The Commission still expressed concerns regarding the protection of the canopy, and asked Ms. Ballinger to further evaluate potential solutions. Later in the meeting, Ms. Ballinger submitted alternative proposed conditions to Director Boyle as well as a revised plan showing the proposed conditions. Ms. Ballinger proposed that the existing fireblocking partitions inside of the canopy will be repaired and upgraded with a layer of drywall on both sides of the existing two (2) by six (6) studs, and the drywall will extend to the roof deck above on both sides.

Two (2) heat detectors will also be added to each of the three (3) compartments created by the partitions, and the heat detectors will be tied to the building's fire alarm system. Director Boyle advised that Ms. Ballinger's correspondence advising of these proposed conditions and the revised plan would be added as attachments to the record of the variance application. After some discussion, Commissioner Heinsman motioned to approve the variance request with the following conditions: 1. The existing fireblocking partitions inside of the canopy are required to be repaired and upgraded with a layer of drywall on both sides of the existing 2 x 6 studs. A minimum of half-inch (0.5 in.) Type X drywall is required to extend to the roof deck above on both sides of each part partition. 2. Heat detectors are required to be added to the three (3) compartments created by the partitions - two (2) detectors in each compartment. The heat detectors are required to be tied to the building's fire alarm system. Commissioner Jordan seconded the motion. A roll call voted was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved with additional Commission conditions**, by a vote of 7-2.

21-09-40 (a) Gateway Park Senior Living, Greenfield

No proponent was present to speak on behalf of the variance request. The variance request was tabled at the Commission's Tuesday, October 5, 2021, meeting, as the Commission had asked the submitter, Melissa Tupper, to evaluate and provide an estimate of the cost of installing electromagnetic hold opens tied to the building's fire alarm system. Director Boyle advised the Commission that Ms. Tupper had emailed him prior to the meeting and advised him that she and her client had decided to **withdraw** this variance request [variance (a) – seeking relief from the requirements of Section 716.5.9 of the 2014 Indiana Building Code]. Director Boyle also advised the Commission that Ms. Tupper's email advising of the withdrawal was added to the record of the variance application, and staff will issue the final action with "Withdrawn" provided as the action for variance (a). No further action was required to be taken by the Commission.

Breaking & Reconvening: The Commission took a short break, beginning at 10:25 a.m. EDT. The meeting was called back to order at 10:43 a.m. EDT.

b. New

21-10-26 (a)(b) The Levinson, Noblesville

Ed Rensink, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of Section 705.8 of the 2014 Indiana Building Code, which prohibits exterior walling openings of a building from exceeding its permitted percentage of openings based upon fire separation distance to the adjoining property lines. The request is to allow unprotected exterior openings on the north exterior wall of the structure (30.8% of the wall area) to exceed that permitted for the north exterior wall as a whole (15%) based upon the fire separation distance of just over thirteen feet (13 ft.). The north exterior wall is five feet (5 ft.) from the property line, which adjoins an alley sixteen and a half feet (16.5 ft.) in width. This variance request is intended to supersede Variance No. 19-05-68 (f). Variance No. 19-05-68 (f) was approved by the Commission in May 2019, per the proponent's provided condition that automatic sprinklers would be provided at the openings in the north exterior wall on floors three (3) through (5), located twelve (12) inches horizontally of the openings at the ceiling level, in lieu of noncompliance with the code.

Mr. Rensink informed the Commission that this required condition of Variance No. 19-05-68 (f) was not executed during construction of the building, and the omission of the condition was discovered at the final inspection. Per Mr. Rensink, this oversight was due to turnover of among the project managers overseeing the project. As is provided in the variance application, Mr. Rensink also provided some additional information about NFPA 80A, and stated that, based on NFPA 80A, no exposure hazard is considered to exist when the exposing building is protected with an automatic sprinkler system. When considered an exposed building, the presence of automatic sprinkler system is considered to substantially reduce the exposure, with any ignition assumed to be controlled by sprinklers in the exposed structure.

The Commission had a lengthy discussion on the implications of approving this variance request, given that the applicant and parties involved failed to comply with the condition of the previously approved variance request, regardless of if it was an unintentional oversight. Generally speaking, the Commission had established a precedent of granting similar variance requests with the condition that sprinklers were provided at openings. Some members of the Commission feared that approving this variance request would establish a new precedent in which future variance requests could be approved without this condition. The Commission requested that the local fire official having jurisdiction, provide some input. Fire Marshal Darrel Cross, Noblesville Fire Department, was present virtually, and advised the Commission that he was not opposed to the original variance but is now obviously concerned that the sprinklers were omitted. However, Marshal Cross also stated that he did not feel the need to submit a

written comment in opposition of this new variance request. After additional discussion, Commissioner Murua motioned to approve variance (a) as submitted. Chairman Greeson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(a)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved as submitted**, by a vote of 8-1.

Variance (b) seeks relief from the requirements of Section 1009.16 of the 2014 Indiana Building Code, which requires that, in buildings four or more stories above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope), or an alternating tread device may be provided for access to the roof from the top story in buildings without an occupied roof. The request is to allow access to the unoccupied roof of the structure using a fixed vertical later. As provided in the variance application Mr. Rensink stated that the use of a vertical fixed ladder is permitted by the 2015, 2018, and 2021 editions of the International Building Code, under the exception to Section 1011.12.

Fire Marshal Darrel Cross added that, during plan review, the designer intended to provide a ship ladder at this location but was ultimately unable to figure out a way to practically fit an alternating tread device in the provided space. Marshal Cross reiterated that vertical fixed ladders are permitted in newer editions of the code and added that he personally thinks that alternating tread devices are difficult to use. After some further discussion, Vice Chairman Popich motioned to approve variance (b) as submitted. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(b)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **approved as submitted**, by a vote of 9-0.

21-10-27 (a)(b)(c)(d) IU Collins Center Renovation, Bloomington

Carrie Ballinger, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of Section 905.4 of the 2014 Indiana Building Code, which requires standpipe hose connections to be provided at an intermediate floor level landing between floors. The variance request is to allow hose connections to be provided on main floor level landings in lieu of intermediate level landings. As provided in the variance application and per Ms. Ballinger, the project involves renovations of three existing dormitory buildings. The Edmondson Building has six (6) stories plus a basement, with a kitchen, dining hall and café on the first floor, offices and dorm rooms in the basement, classrooms and large lounge on the second floor, dorm rooms on floors three through five, and an existing library/multipurpose room on the sixth floor. The Cravens Building has four stories plus a basement, with dorm rooms on floors one through four and small lounges on first floor and lower level and offices on lower level. The Smith Building has three stories plus a basement with dorm rooms and small lounges on each floor. The proposed project will include interior remodel of the kitchen/dining hall, interior remodel and upgrades of dorm rooms, complete remodel of common restroom facilities as well as new individual restrooms, with new plumbing, mechanical systems, and electrical upgrades, as well as installation of an automatic sprinkler system throughout the buildings.

The owner is claiming an undue hardship due to major operational problems in the use of the buildings as well as excessive costs of altered construction elements, as there is not sufficient space to provide standpipes at the intermediate landings due to the age of the buildings and configuration of the existing stairways. As provided in the variance application, Ms. Ballinger stated that the 2018 and 2021 Editions of the International Building Code have been revised from earlier editions to require standpipes at the main level landings of stairs. After discussion, Vice Chairman Popich motioned to approve variance (a) as submitted. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved as submitted**, by a vote of 10-0.

Variance (d) seeks relief from the requirements of Section 3004.1 of the 2014 Indiana Building Code, which requires hoistways of elevators and dumbwaiters in Group R-2 occupancy buildings that penetrate more than three (3) stories to be provided with vents so that smoke and hot gases can be released to the outer air. The variance request is to allow the new elevator in the existing building to not have hoistway venting. As provided in the variance application, the owner is claiming an undue hardship due to major operational problems in the using of the building, as hoistway vents could potentially draw smoke into the hoistway from the building and hoistway venting also has a detrimental effect on energy conservation. Also, newer editions of the national model codes, starting with the 2015 International Building Code and the 2010 edition of ASME A17.1, have eliminated the requirement for hoistway venting. Based on past practice of approving similar variance requests and based on staff's recommendation for approval, Vice Chairman Popich motion to approve variance (d) as submitted. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

	(d)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (d) was **approved as submitted**, by a vote of 10-0.

Variance (b) seeks relief from the requirements of Section 716.5.9 of the 2014 Indiana Building Code, which requires fire doors to be either self- or automatic closing. The variance request is for new doors in the existing residential halls' corridors to not be provided with closers (hold-open devices). The owner is claiming an undue hardship due to operational problems and excessive costs, because of the ongoing cost of maintain door closers or door hold-open devices that are rendered essentially inoperative in a short period of time due to vandalism in the student environment. The buildings will be protected, in accordance with code, with automatic sprinkler systems, per NFPA 13, as well as fire alarm systems. The corridors will also be provided with smoke detection systems connected to the buildings' fire alarm systems (corridor smoke detectors are not required by code), and each sleeping room will be provided with single-station smoke alarms as required.

It was noted that the Commission had approved similar variance requests in the past for college residential halls, but it was also noted that the Commission had recently denied approval of a handful of variance requests seeking relief from the requirements of Section 716.5.9 of the 2014 Indiana Building Code, due to the door closers importance to life safety in the event of a fire. Fire Inspection Officer Tim Clapp, Bloomington Fire Department, was present virtually and advised the Commission that he was opposed to the variance request. He also reminded the Commission that he has always opposed these variance requests when they have been filed in his jurisdiction. After a long discussion, Commissioner Murua motioned to deny variance (b). Vice Chairman Popich seconded the motion. A roll call voted was conducted, and the motion carried.

	(b)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **denied**, by a vote of 10-0.

Variance (c) seeks relief from the requirements of Section 1018.5 of the 2014 Indiana Building Code, which prohibits corridors from serving as supply, return, exhaust, relief, or ventilation air ducts. The variance request is to allow corridors to be used to convey make-up air for common restrooms through the use of corridor door undercuts. The owner is claiming an undue hardship due to physical limitations of the buildings and their utility services, as it would be infeasible to provide a ducted system for make-up air for the restrooms due to the existing buildings' limited floor-to-floor heights. As provided in the variance application and per Ms. Ballinger, outside air will be introduced mechanically into student rooms, a portion of which will be used as the make-up air for restrooms. After a lengthy discussion, Ms. Ballinger requested that the Commission table variance (c), so that she may prepare some additional information which will provide more clarity on which restrooms will be affected by this request. As such, Vice Chairman Popich motioned to table variance (c). Commissioner Hite second the motion. A roll call vote was conducted, and the motion carried.

	(c)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (c) was **tabled**, by a vote of 10-0.

21-10-28 (a)(b) 220 North Meridian Residential Package, Indianapolis – **variance (b) withdrawn**

Ralph Gerdes, submitter, spoke as the proponent. Variance (b) seeks relief from the requirements of ANSI A117.1-2009, 1004.9, which requires controls, operating mechanisms and hardware intended for operation by occupants in accessible spaces, along accessible routes or as part of accessible elements to be accessible. The variance request is to have the electrical panelboard provided in forty-one (41) apartment units, out of two-hundred and sixteen (216) apartment units, mounted at a height of approximately five feet (5 ft.) above the floor, as opposed to mounted at a height of four feet (4 ft.) above the floor, as required by code. Mr. Gerdes had emailed Director Boyle and staff prior to the Commission's

meeting and advised them that his client had decided to **withdraw** this variance request. As such, Director Boyle advised the Commission that staff will issue the final action with “Withdrawn” provided as the action for variance (b). No further action was required to be taken by the Commission.

Variance (a) seeks relief from the requirements of Section 2406.4.3 of the 2014 Indiana Building Code, which states that glazing in an individual fixed or operable panel that meets all of the following conditions shall be considered a hazardous location: 1. The exposed area of an individual pane is greater than nine square-feet (9 ft.²); 2. The bottom edge of the glazing is less than eighteen inches (8 in.) above the floor; 3. The top edge of the glazing is greater than thirty-six inches (36 in.) above the floor; and 4. One or more walking surface(s) are within thirty-six inches (36 in.), measured horizontally and in a straight line, of the plane of the glazing. The variance request to not require the existing exterior glazing to comply with current code where the existing high-rise office building is being converted into apartments on floors 6 through 17 of the building. The owner is claiming an undue hardship due to major operational problems in the use of the building and excessive costs of altered construction elements, as the cost of replacing the remaining 85% of glazing for twelve (12) floors of apartments is estimated to be \$4 million, and the current glass has existed for about fifty (50) years without incident. After discussion, Chairman Greeson motioned to approve variance (a) as submitted. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved as submitted**, by a vote of 10-0.

Breaking & Reconvening: The Commission took a lunch break, beginning at 12:02 p.m. EDT. The meeting was called back to order at 1:03 p.m. EDT.

21-10-29 BSU North Residential Neighborhood, Muncie

Ralph Gerdes, submitter, spoke as the proponent. The variance request seeks relief from the requirements of Section/Table 1015.1 of the 2014 Indiana Building Code, which requires two exits from a space in Group B occupancies where the occupant load exceeds forty-nine (49) occupants, or the common path of egress travel exceeds one hundred feet (100 ft.) in a fully sprinklered building. The variance request is to allow the second floor of the building to only have one exist, due to card readers that are provided at the residential wings of the building. The calculated occupant load of the second floor is one hundred and nineteen (119) occupants, and the common path of travel to the exterior exit is one hundred and sixty-two feet (162 ft.). The owner is claiming an undue hardship due to major operational problems in the use of the building, as Ball State University has grave concerns about student safety from unauthorized persons. The University argues that shootings are more common than fires on campuses. As provided in the application and per Mr. Gerdes, the building is completely sprinklered in accordance with NFPA 13, as required by code. The open exit access stair has a capacity for three hundred and ten (310) persons. The second-floor spaces have a structural deck at sixteen feet (16 ft.) above floor, allowing more time to evacuate. One (1) pair of double doors leading to the residential wings on the second floor will have fail-safe hardware and be tied to the fire alarm system, and the space is used for students of the dorm who have cards for the security system. Mr. Gerdes added that the primary occupants, the student residents, can use their cards to have access to a second exit in the residential wings, and stated that dozens of variances have been approved in the past for number of exits.

Members of the Commission expressed concerns regarding the validity of the claim that shootings are more common than fire on college campuses. Vice Chairman Popich stated that while he had no objections to security cards being required to enter/access the building, he still had deep concerns regarding security cards being required to leave the building (no immediate access to other exits in the residential wings). Commissioner Heinsman stated that this issue is occurring more and more on many student housing projects that he has seen. After a long discussion, Commissioner Murua motioned to deny the variance request. Vice Chairman Popich seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **denied/not approved**, by a vote of 9-1.

21-10-30 (a)(b)(c) Lilly Building K138A ACN Recovery Project, Indianapolis

Ed Rensink, submitter, spoke as the proponent. Variance (a) seeks relief from the requirements of Section 5004.3.1 of the 2014 Indiana Fire Code, which prohibits exhaust air from being recirculated to occupied areas if the materials stored are capable of emitting hazardous vapors and contaminants have not been removed. The request is for the ventilation system for Building K138A to recirculate the air in a building that processes the use of flammable liquids in excess of exempt amounts. The owner is claiming an undue hardship because of excessive costs of additional or altered construction elements, due to the operational and maintenance costs to temper 100% outside makeup air for the ventilation system, and the need to maintain critical operational conditions in the process area. Per Mr. Rensink and as is provided in the variance application, the processing areas involving flammable liquids will be provided with mechanical ventilation to maintain vapor accumulation to less than 25% of the “lower explosive limit” (LEL). LEL detectors will be provided to automatically stop recirculation of air and activate once through 100% outside air mode of ventilation to continue to maintain vapor accumulation to less than 25% of LEL.

The design of the ventilation system with respect to LEL detection activation of the system will comply with the provisions of Section 18.6.3.1 of NFPA 30, Flammable and Combustible Liquids Code, for process areas using Class I flammable liquids. NFPA 30 recognizes a performance-based design where LEL detectors are utilized to initiate 100% exhaust for a hazardous exhaust system, and the exhaust system will provide an exhaust rate equal to, or in excess of the code minimum of one (1) cfm per square feet, per the Fire Code. Mr. Rensink also noted that four other similar variances have been granted for other Lilly facilities. Keith Lamson, Eli Lilly (applicant), was present virtually, and added that there is local annunciation of an alarm in the processing areas if the LEL detectors are activated, even though this was not noted in the variance application. After discussion, Commissioner Murua motioned to approve variance (a) with the following condition: Local annunciation is required to be provided to inform personnel if the LEL (lower explosive limit) detection system is activated. Vice Chairman Popich seconded the motion. A roll call vote was conducted, and the motion carried.

	(a)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved with one Commission condition**, by a vote of 10-0.

Variance (b) seeks relief from the requirements of Section 5004.7 of the 2014 Indiana Fire Code, which requires an emergency or standby power system (generator) where mechanical ventilation is required. The variance request is to allow the ventilation systems that will serve the H-2 Occupancy K138A building to be provided with standby power through redundant electrical power sources, in lieu of a standby generator. The owner is claiming an undue hardship because of excessive costs of additional or altered construction elements, due to the cost to install and maintain a generator set within or adjacent to the building. The owner has also invested in electrical infrastructure that will meet the intent of code.

Per Mr. Rensink and as provided in the variance application, the ventilation system will be connected to a redundant electrical supply consisting of dual feeds to a double-ended substation. This method is recognized with the approval of the authority having jurisdiction in Section 701.11 of the Indiana Electrical Code, as a legally required standby source. Similar variances have been granted for other Lilly buildings, to permit a ventilation system serving H Occupancy areas to be connected to the campus electrical system with dual feeds in lieu of a standby generator. Similar variances have also been granted for other Lilly buildings, to permit the proposed design as a standby power source for atrium smoke control systems. The building will also be protected throughout with an automatic sprinkler system per NFPA 13 and FM Global standards. After discussion, Commissioner Davidson motioned to approve variance (b) as submitted. Commissioner Jordan seconded the motion. A roll call vote was conducted, and the motion carried.

	(b)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **approved as submitted**, by a vote of 10-0.

Variance (c) seeks relief from the requirements of Section 5704.2.9.6.2 of the 2014 Indiana Fire Code, which states that the separation between tanks containing stable liquids shall be in accordance with Table 22.4.2.1 of NFPA 30. Where tanks are in a diked area containing Class I or II liquids, or in the drainage path of Class I or II liquids and are compacted in three or more rows or in an irregular pattern, the fire code official is authorized to require greater separation than specified in Table 22.4.2.1 of NFPA 30 or other means to make tanks in the interior of the pattern accessible for fire-fighting purposes. The variance request is to allow spacing between Tank 5301 and existing-to-remain Tank 5311 to be approximately forty-seven inches (47 in.) in lieu of the required spacing to be fifty-two inches (52 in.) – equal to 1/6 of the sum of the diameters of the tanks under consideration. The owner is claiming an undue hardship because of major operational problems in the use of the site, as imposition of the rule would require rebuilding of the existing concrete foundation pad in a new location offset by a few inches, which would also impact other existing structural and process elements. Additionally, the effect on existing production process due to significantly increased project scope would be nontrivial.

Per Mr. Rensink and as provided in the variance application, the variance request will not be adverse to public health, safety, or welfare, as the building is protected throughout with an automatic sprinkler system per NFPA 13 and FM Global requirements, including room and tank protection with an AFFF foam system. The facility includes safeguards such as level interlocks and administrative controls to prevent loss of tank contents. In event of a spill, room is designed to contain a spill from the largest tank. LEL gas sensor alarms and room cameras are present, providing notification to a manned control room in the adjacent production building. The room where tanks are located containing flammable liquids is provided with appropriate electrical classification. The vertical tanks are constructed of 316 stainless steel, with no history of corrosion. Based on these protections, the five inches (5 in.) of reduced separation will not be adverse to safety. After discussion, Vice Chairman Popich motioned to approve variance (c) as submitted. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

	(c)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (c) was **approved as submitted**, by a vote of 10-0.

21-10-31 Co-Alliance Liquid Chemical Storage Building, Marion

Carrie Ballinger, submitter, and Matt Van Osdell spoke as the proponents. The variance request seeks relief from the requirements of Section 903.2.5.1 of the 2014 Indiana Building Code, which requires automatic sprinkler systems to be installed in Group H occupancies. The variance request is to not provide a sprinkler system in a chemical storage warehouse used to store pesticide chemicals for agricultural crops. The chemicals are classified as toxic liquids and are therefore classified as a health hazard. The quantity of chemicals in the warehouse exceeds that permitted for a control area, and therefore the building will be classified as an H-4 Occupancy. The building will be Type II-B, noncombustible construction (pole barn) and approximately eight thousand, three hundred and twenty square feet (8,320 sq. ft.) in size. The owner is claiming an undue hardship because of major operational problems in the use of the building as well as excessive costs of additional construction, due to the added cost to sprinkler the building, which is located in a rural area, that is classified as an H-4 Occupancy due to the chemicals stored being classified as toxic and not used only on the same premises. Providing sprinklers in the building would also potentially cause environmental hazards due to toxic runoff.

Per Ms. Ballinger and as provided in the variance application, most of the chemicals stored in the building are not flammable or combustible. The only combustible chemical (Class IIIA) is stored in listed containers and within the maximum quantity allowed without sprinklers (less than 660 gallons). The code has an exception from H classification for buildings storing materials for agricultural purposes on the same premises (Section 307.1, Exception 8). The owners use the chemicals to treat other agricultural properties of their customers not on their own premises. If it were used on the same premises, it would be classified S-1 and would not require sprinklers, based on the size of the structure being less than twelve thousand square feet (12,000 sq. ft.). Ms. Ballinger also stated that similar variances have also been approved in the past to not provide sprinkler systems in buildings classified as H-4 occupancies. After discussion, Chairman Greeson motioned to approve the variance request with the following condition: The responding local fire department is required to be notified that they are not to apply water to the structure in the event of a fire. A roll call vote was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved with one Commission condition**, by a vote of 10-0.

21-10-32 (a)(b)(c) The Madison – Parking Garage, Greenwood

Ralph Gerdes, submitter, spoke as the proponent. An open parking garage will be attached to “Building E” of the adjacent apartment building. Variance (a) seeks relief from the requirements of Sections 706.2 and 706.6 of the 2014 Indiana Building Code, which requires these buildings to be separated with a structurally independent fire wall. The variance request is to separate the buildings with a two (2) hour party wall/fire barrier in lieu of the required structurally independent firewall, given the bearing for the open garage. The owner is claiming an undue hardship because of major operational problems in the use of the buildings as well as excessive costs of the additional construction, as it is an increased cost to upgrade and accommodate a structurally independent wall for a structure that does not pose an exposure hazard to the apartment building. Mr. Gerdes noted that the cost of a structurally independent fire wall is estimated to be \$150,000.

Variance (b) seeks relief from the requirements of Section 706.1.1 of the 2014 Indiana Building Code, which prohibits party walls from having openings in them. The variance request is to allow an opening in the party wall/fire barrier, to allow access to the parking garage from the attached apartment building. The owner is claiming an undue hardship because of major operational problems in the use of the building(s) as well as excessive costs of additional/altered construction, given that later model code editions permit openings under these conditions, and the openings are required to permit easy access from the garage to the apartment building and vice versa. Mr. Gerdes noted that NFPA 88A-2019, Standard for Parking Structures, permits protected openings, and the doors (openings) to the garage will be ninety (90) minute fire-rated assemblies. Mr. Gerdes also noted that Section 705.3, Exception 2 of the 2015 International Building Code through the 2021 International Building Code recognizes openings in such walls when such openings are protected with sixty (60) minute assemblies. Mr. Gerdes also

advised that there will be a written legal agreement between the City of Greenwood (the owner of the parking garage) and the owner of the apartment building to permit such access between the garage and the apartment building.

Variance (c) seeks relief from the requirements of Sections 1001.1 and 10121.2 of the 2014 Indiana Building Code, which states that two exits, or exit access stairways or ramps providing access to exits, from any story or occupied roof shall be provided. The variance request is to allow the apartment building to have one exit from the apartment building on each floor with the other exit leading directly into the open parking garage. Per Mr. Gerdes, and as provided in the variance application, overall exiting will be improved with two (2) exits into the parking garage and with one (1) exit in the apartment building. The code only requires two exists. Finally, Mr. Gerdes noted and reminded the Commission that the Commission had essentially approved these identical variance requests for this project at its Tuesday, October 5, 2021, meeting, for Variance No. 21-09-41 (b) & (d) and Variance No. 21-09-42 (a). Those variances were applied for one behalf of the owner of the apartment building, CRG Residential, LLC, while these variances were applied for on behalf of the owner of the open parking garage, the City of Greenwood. After discussion Chairman Greeson motioned to approve variances (a) & (c) as submitted and approve variance (b) with the following condition: The fire alarm systems in the parking garage and the residential building (Building E) are required to be interconnected. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(a)		(b)		(c)	
	Y	N	Y	N	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Todd Hite	<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"/>
Jim Murua	<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"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variances (a) & (c) were **approved as submitted**, and variance (b) was **approved with one Commission condition**, by a vote of 9-0.

21-10-33 (a)(b) Greenview at Anson, Whitestown

Ralph Gerdes, submitter, spoke as the proponent. Variance (b) seeks relief from the requirements of Section 705.8.1 of the 2014 Indiana Building Code, which

states that the maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8. The variance request is to allow “Building 2” to have 25% openings with a thirteen-feet (13 ft.), nine-inch (9 in.) distance from property line, and “Building 3” to have 24% openings with a twelve-feet (12 ft.), two-inch (2 in.) distance from property line, in lieu of 15% openings required by code. The owner is claiming an undue hardship because of major operational problems in the use of the buildings as well as excessive costs of additional/alterred construction, due to the size of the site accommodating the apartment buildings and required parking. Per Mr. Gerdes and as is provided in the variance application, the three-story buildings will be sprinklered per NFPA 13R, as required by code, but Table 705.8 does not give credit for NFPA 13R. The adjacent property to the south will be right of way leading to a retention pond, and open land will provide at least 40 feet of separation. Also, Mr. Gerdes noted that per Sections 5.6.3 and 5.6.4 of NFPA 80A-2017, fire hazard is substantially reduced or nonexistent where exposing and exposed buildings are sprinklered. After a long discussion, Commissioner Murua motioned to deny variance (b). Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(b)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **denied**, by a vote of 9-0.

Variance (a) seeks relief from the requirements of Section 714.4.1.2, Exception 7 of the 2014 Indiana Building Code, which permits the ceiling membrane of one- (1) and two- (2) hour rated horizontal assemblies to be interrupted with the double wood top plate of a fire-resistance-rated wall assembly as long as all penetrating items through the double top plates are protected. The variance request is to allow the ceiling membrane of the 1-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, in lieu of the wall being required to have a fire-resistance. Per Mr. Gerdes and as is provided in the variance application, Section 714.4.2 of the 2015 International Building Code through the

2021 International Building Code allows non-rated walls to penetrate ceiling membranes with double wood top plates and Type X gypsum board. Based on past practice of approving similar variance requests and based on staff's recommendation for approval, Vice Chairman Popich motioned to approve variance (a) as submitted. Commissioner Jordan seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(a)	
	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved as submitted**, by a vote of 9-0.

21-10-34 Bodner Residence, Indianapolis

Ed Rensink, submitter, spoke as the proponent. The variance request seeks relief from the requirements of Section R302.1 of the 2020 Indiana Residential Code, which requires structure exterior walls with a fire separation distance less than three (3) feet to have not less than a one- (1) hour fire resistive rating with exposure from both sides and prohibits any openings. The request is to allow an exterior wall and roof overhang to not be fire-rated within five feet (5 ft.) from property line. The owner constructed a second-story addition above an existing garage. The existing garage's exterior wall is parallel to and within five feet (5 ft.) of the lot line to the south. Extending the wall to the second floor resulted in the code violation. The owner is claiming an undue hardship because of physical limitations of the construction site as well as excessive costs of additional/alterd construction. This neighborhood includes large homes in proportion to their lot line, resulting in many existing homes sited within five feet (5 ft.) of their property lines. Mr. Rensink advised that this code requirement was not noted during the City of Indianapolis' plan review and permitting, when plans for a one- (1) hour rated wall and overhang could be achieved, and construction commenced and was completed before the violation was identified. The owner is unable to incur the financial costs of either moving or rating the wall from both sides.

Per Mr. Rensink and as provided in the variance application, they do not believe noncompliance with code require will be adverse to public health, safety, and welfare. The exterior wall in violation starts and ends within the area between the house and detached garage to the south, meaning that the wall currently in violation will not affect or be affected by the adjacent property. The exterior wall will also include 5/8 in. Type X gypsum wallboard on the interior face of the wall parallel to the property line, creating a one- (1) hour rating from the interior face. Some members of the Commission still expressed concerns regarding the potential risks and exposure that the exterior wall may pose to the detached garage on the adjacent property. After a long discussion, Vice Chairman Popich motioned to the table the variance request until the Commission’s next meeting, to afford Mr. Rensink time to evaluate alternative options to provide the one-hour fire rating on the exterior facing of the wall and provide an estimate of the cost to remove the siding and provide one-hour fire-rated gypsum wallboard on the exterior facing of the wall. Commissioner Hite seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Breaking & Reconvening: The Commission took a short break, beginning at 3:20 p.m. EDT. The meeting was called back to order at 3:32 p.m. EDT. Commissioner Henson advised Director Boyle that he’d be leaving the meeting during this break, as he was not feeling well.

21-10-35 (a)(b)(c)(d)(e)(f)(g)(h) Market + Dickson, Indianapolis

Ed Rensink, submitter, spoke as the proponent. Based on staff’s recommendations for approval, Vice Chairman Popich motioned to approve variances (a), (e), (f), (g) and (h) as submitted. Commissioner Jordan seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(a)		(e)		(f)		(g)		(h)	
	Y	N	Y	N	Y	N	Y	N	Y	N
Harold Davidson	<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 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"/>
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"/>
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
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"/>
Jim Murua	<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"/>
John Watson	<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), (e), (f), (g), and (h) were **approved as submitted**, by a vote of 8-0.

Variance (c) seeks relief from the requirements of Section 504.2 of the 2014 Indiana Building Code, which limits building height to a maximum of sixty feet (60 ft.) or no more than four (4) stories for buildings that are classified as an R-2 Occupancy, constructed of Type VA construction, and are equipped with an approved automatic fire sprinkler system. The variance request is to allow the north building to be five (5) stories in height, based on the classification of the covered open-air rooftop deck, constructed of Type VA construction. After discussion, Commissioner Jordan motioned to approve variance (c) with following additional conditions: 1. Signage is required to be posted stating that no grilling or other open flame devices (fire pits or similar) are permitted on the rooftop terrace. 2. Signage is required to be posted stating that no smoking is permitted on the rooftop terrace. 3. The maximum occupant load of the rooftop terrace is required to be posted at forty-nine (49) occupants. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(c)	
	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (c) was **approved with three Commission conditions**, by a vote of 8-0.

Variance (b) seeks relief from the requirements of Section 510.2, Condition 7 of the 2014 Indiana Building Code. The variance request is to allow the building height of the north building to exceed sixty feet (60 ft.), as required by code, based on the installation of an NFPA 13R sprinkler system in the R-2 Occupancy, Type VA construction building. Based on its measurement from grade plane to the average roof height, the building's height is measured to be sixty-two feet (62 ft.), eight inches (8 in.). Per Mr. Rensink, the excess height due to the classification of the covered open-air rooftop deck on the northing building. After discussion, Commissioner Jordan motioned to approve variance (b) as submitted. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(b)	
	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (b) was **approved as submitted**, by a vote of 8-0.

Variance (d) seeks relief from the requirements of Table 601 of the 2014 Indiana Building Code, which requires building elements to have a one-hour (1 hr.) fire-resistance rating for Type VA construction. The variance request is to not fire-rate the structure for the covered open-air rooftop deck on the north building. After discussion, Commissioner Murua motioned to approve variance (d) with the following additional condition: the structure for the covered open-air rooftop deck on the north building is required to be constructed of fire-retardant-treated wood. Vice Chairman Popich seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

	(d)	
	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (d) was **approved with one Commission condition**, by a vote of 8-0.

21-10-36 Current 812, Clarksville

Mark Mariano, design professional for the project, spoke as the proponent. The variance request seeks relief from the requirements of 675 IAC 20-2-21(c) – Swimming Pool Code, Rule 2 – Public Swimming Pools, Section 21 – Surface Skimmer Systems, which states that skimmers shall not be installed in pools over thirty (30) feet in width, and, when installed in pools under thirty (30) feet wide, must meet certain conditions provided in the code. The variance request is to allow skimmers to be installed in an L-shaped pool over thirty feet (30 ft.) in width. The owner is claiming an undue hardship because of excessive costs of additional/altered construction elements, as the pool’s shape and size was limited due to the structural nature of the adjacent building. Adding a gutter-style filtration system to the pool would become a financial hardship to the owner, and Mr. Mariano estimated that it would likely cost \$115,000. While the codes set thirty feet (30 ft.) as the requirement for width, it does not denote what should be taken as the width of the pool. In this particular case, the design of the pool’s width was considered to be at the entry stairs of the pool [twenty feet (20 ft.)] and/or at the sun shelf [sixteen feet (16 ft.)], and additional skimmers were added to meet a high flow rate and high turnover rate.

Due to the sun shelf within the pool, the filtration system has been sized to turn over the entire pool in under two (2) hours. The pool will have a flow rate of 320gpm, a volume of 38,155 gallons, and a turnover of 1.98 hours. The 1,467 sq. ft. pool will have six (6) skimmers to allow for proper skimming throughout. The pool main "well" area has a width of twenty feet (20 ft.) and the sun shelf area has a width of sixteen feet (16 ft.). After some discussion, Commissioner Hite advised that this is not a requirement in the Indiana Department of Health’s rules and did not have any issues with the variance request based on the high turnover rate. As such, Commissioner Hite motioned to approve the variance request as

submitted. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance request was **approved as submitted**, by a vote of 9-0.

9. Petitions for Administrative Review

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

- i. Indiana Department of Homeland Security (IDHS) Order of Denial of Variance No. 21-09-46 – W.R. Beach, Inc.
- ii. Indiana Department of Homeland Security (IDHS) Notice of Violations Order No. 760576 – Wonderland, Inc.
- iii. Indiana Department of Homeland Security (IDHS) Notice of Violations Order No. 5A9E-DA20 – Life’s Little Treasures Daycare Ministry

Director Boyle advised the Commission that Commission staff had granted the three above-referenced petitions for administrative review as timely and with standing pursuant to the requirements of [Indiana Code § 4-21.5-3-7](#). Director Boyle also advised the Commission that the petitions for administrative review were subsequently forwarded to the Office of Administrative Law Proceedings for assignment to the administrative law judge (ALJ) and to begin the administrative review proceedings.

b. Commission Determination

- i. Indiana Department of Homeland Security (IDHS) Sanctions Order No. 2100-2342 – Parkview Huntington Family YMCA – **received by Commission staff via electronic mail on Wednesday, October 13, 2021**

Director Boyle advised the Commission that the above-referenced sanctions order was issued by the Indiana Department of Homeland Security (IDHS) to owner/petitioner via electronic mail (email) on September 17, 2021 (9/17/2021). The petitioner’s petition for administrative review of the sanctions order was received by Commission staff via electronic mail (email) on October 13, 2021 (10/13/2021), which was calculated to be twenty-six (26) days after the sanctions order was issued to the owner/petitioner. As such, Director Boyle recommended that the Commission deny the petition for administrative review for untimeliness, pursuant to the requirements of [Indiana Code § 4-21.5-3-7](#). Vice Chairman Popich motioned to deny to the petition for administrative review for untimeliness. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Hite recused himself from the vote.

	Y	N
Harold Davidson	<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 type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The petition for administrative review was **denied**, by a vote of 8-0.

10. Final Orders/Final Orders of Dismissal Issued by the ALJ – ***for the Commission’s awareness only***

- a. IDHS Sanctions Order No. 1997-2237 – First United Methodist Church of LaPorte (Case No. DHS-0821-001772)
- b. Indiana Department of Homeland Security (IDHS) Notice of Violations Order No. 760576 – Wonderland, Inc. (Case No. DHS-1021-002225)

Director Boyle advised the Commission that the administrative law judges (ALJs) had issued Final Orders of Dismissal for the two above-referenced administrative review cases. The Final Orders of Dismissal and their supporting documentation were included in the Commission’s meeting materials for reference and the Commission’s awareness. The Commission did not ask for any further information regarding the Final Orders of Dismissal, and no actions were required to be taken by the Commission.

11. Commission Review of Local Ordinances

a. Preliminary (Pre-Adoption) Review – ***see report provided in meeting materials***

Director Boyle advised the Commission that, since the Commission's last meeting on Tuesday, October 5, 2021, staff did not receive any new draft ordinances, submitted for preliminary review, nor did they receive any new adopted ordinances submitted for the Commission's approval. Director Boyle also advised the Commission that staff's preliminary review report was slightly updated and included in the Commission's meeting materials. Vice Chairman Popich asked if there were any outstanding ordinances submitted for preliminary review that the Commission is still waiting to receive upon their adoption by the local jurisdictions. Director Boyle responded that once staff completes its preliminary reviews of draft ordinances and provides its comments to the local jurisdictions, staff generally doesn't receive any status updates from the local jurisdictions until the adopted ordinances are submitted to staff for the Commission's approval, and staff has no way of knowing if the local jurisdictions will ultimately move forward with adopting their draft ordinances.

12. Final Comments/Closing Remarks from Chairman Greeson

Before closing the meeting, Chairman Greeson thanked everyone their patience and commitment to the long day. Though some of the day's discussions and deliberations were long, Chairman Greeson stated that he thought the discussions were healthy and the Commission made good decisions. Finally, Chairman Greeson wished everyone a safe and happy Thanksgiving.

13. Next Meeting – Tuesday, December 7, 2021, beginning at 9:00 a.m. Eastern Time in Conference Room F, Indiana Government Center South Conference Center, 302 W. Washington Street, Indianapolis, IN 46204

A public notice with specific details regarding the format of the meeting will be provided on the [Commission main web page](#) in advance of the meeting date.

Director Boyle advised the Commission that its next meeting is scheduled for Tuesday, December 7, 2021, and that Conference Room F of the Indiana Government Center South Conference Center has been reserved for the meeting. Director Boyle also advised the Commission that he will keep them informed of the status of the declaration of a public health disaster emergency come December 1, 2021.

14. Adjournment

Chairman Greeson adjourned the meeting at 4:49 p.m. EDT.

APPROVED: _____
James L. Greeson, Chairman