

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## MEETING MINUTES

### Meeting Details

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**Date:** December 6, 2022

**Time:** 9:00 AM

**Location:** MADE @ Plainfield and Microsoft Teams

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### Member Attendance

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Name	Present		Means of Participation
	Yes	No	
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic Means (MS Teams)
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

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### Notes

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Meeting materials for this meeting can be accessed here: [Commission Meeting Materials](#).  
Variance applications, attachments, and action letters can be accessed here: [Variance Files](#).

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1. **Call to Order** – Meeting called to order at 9:05am.
2. **Roll Call** – As taken above. Mr. Heinsman participated electronically. Quorum was met.
3. **Review and Action on November 2022 Meeting Minutes** – Mr. Pannicke noted a minor correction to an acronym.

Motion: Accept minutes with correction.

Name	Vote	
	Yes	No

Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**4. Proposed Meeting Schedule** – September meeting changed to Sep 6.

Motion: Accept meeting schedule with correction.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5. Administrative Updates**

- i. **Chair Appointment** – Michael Popich was appointed Chairman by the Governor’s Office.
- ii. **Vice-Chair Election** – Mr. Murua and Mr. Pannicke nominated for Vice-Chair. Mr. Pannicke accepted. Mr. Murua declined the nomination.

Motion: Approve Mr. Pannicke as Vice-Chair.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- iii. **Recusal Questions** – Kristi Shute asked to remind the Commission that disclosure forms need to be filed for recusals. Mr. Gordon answered additional questions that the Commission had on recusals and conflicts. New Commissioners indicated that they had not received communications about ethics training. Mr. Dyer offered to find the training and forward it to them.

## 6. IDHS Reports and Updates

- i. **IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f)** – Denise Fitzpatrick. Available on the website. The Commission had no further questions

## 7. State Building Commissioner Interpretations – Mr. Burgess read the following interpretations during the meeting:

- i. CEB-2022-18-2014 IMC-507.9
- ii. CEB 2022-19-675 IAC 12-4-9(a)
- iii. CEB 2022-20-2014 ICB-508.3
- iv. CEB 2022-21-2014 IBC-713.8.1

## 8. Rulemaking Update(s)

- i. **Electrical Code** – Mr. Cook asked whether the comments from the IAA were being incorporated or were just public comment. Mr. Popich indicated that they were submitted as public comment. Mr. Pannicke asked Mr. Popich to give a bit more background on the decisions made on the votes the IAA were concerned about. Mr. Popich provided background on the various votes.

Motion: Adopt the draft proposed rule without amendment.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- ii. Other code updates. Mr. Pannicke asked if submission deadlines would remain even if additional meetings would need to be scheduled. Mr. Dyer and Mr. Popich indicated.

**Commission went on break from 10:25 – 10:40.**

9. Variances

a. Tabled

- i. **22-03-43 Indy Marriott Place 10, Indianapolis** – No proponent. Margie Bovard indicated that she has not heard any update on the radio test that was supposed to be scheduled. Commission noted that the item has been on the schedule for the better part of a year, local authorities are opposed to the variance.

**Motion:** Deny.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ii. **22-09-40 Broad Ripple Mixed Use(a), Indianapolis** – Mr. Gerdes indicated that pursuing consolidated of the land parcel would take six to eight months for state approval. Commissioners Heinsman and Cook recused.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook (R)	<input type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman (R)	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iii. **22-09-42 Barn at Black Rock Reservoir, Sullivan** – Proponent indicated that several fire protection agencies declined to quote/install a 13D system in a commercial structure. Local fire official has no objections on the condition that a Knox box is installed. Mr. Cook asked whether the local building official had provided a Certificate of Occupancy as a residence. Proponent responded that there is no local official for Sullivan County for residences. Mr. Cook also expressed concern about Rule 13 conversion, as it seems a workaround to allow less restrictive building.

Motion: Deny.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook (A)	<input type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Zehner	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mr. Cook abstained. Motion failed to gain a majority.

Mr. Heinsman indicated that such variances have been granted in the past and believes that the building more than meets the prior requirements. Mr. Popich asked why a variance was needed if it passes Chapter 34. Proponent indicated that it was due to change of occupancy. Mr. Cook reiterated that the intent appears to be the issue, and that the facts of the variance indicate that the building was started as a residence and was changed to a commercial building before construction was complete, which sets a poor precedent. Mr. Pannicke notes that the rules were created to allow for the conversion of an agricultural building into an assembly occupancy, not to allow for new construction to be used in this fashion.

**Motion:** Approve

Name	Vote	
	Yes	No
Mike Beard	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Logan Cook	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Scott Pannicke	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iv. **22-10-28 Ruby’s Little Red Barn, Woodburn** – Melissa Tupper requested that we table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. New

i. **22-12-33 Red Bicycle Hall, Madison** – No Proponent.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ii. **22-12-34(a)(b)(c) Citizens Energy Group Ferrous Building, Indianapolis** – Ed Rensink. H4 occupancy due to highly corrosive material used to treat water supplies. Issue concerns location of valving that would control the flow of materials. Requesting to allow the valve on the exterior in conjunction with a

containment system to prevent flow from work area to another or escape from the building. Building is largely unmanned save for periodic checks and maintenance.

Motion: Approve variances a, b, and c.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- iii. **22-12-35 Comet Kart Sales, Greenfield** – No proponent present. Local fire marshal presented. Indicated that there are numerous fire code violations throughout the building, no fire protection under the mezzanine. Sprinklers within the building. Marshal indicates that some of the fire code violations have been addressed, but is unsure what the extent of compliance is. Mr. Popich expressed concern about the flippant nature of the application, especially concerning life safety. Mr. Cook indicated that he believes maintenance is not required under the current rules. Mr. Popich and Mr. Murua note that a sprinkler system in existence cannot be removed without permission of the Commission, so it would still need to be maintained. Mr. Murua also notes that sprinklers are required under the mezzanine and should have been added during construction. Mr. Cook notes that the variance solely concerns a different fire protection system and that sprinklers are an entirely different issue that this variance would not address.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- iv. **22-12-36 Madison Community Development, Greenwood** – Ralph Gerdes presents. Project as submitted had structural defects and is short two firewalls to meet the allowable height and areas. North side cannot add an independent firewall. Asking for a variance to allow for a two-hour wall. Building is sprinklered for 13R.

Motion: Approve with the condition that additional sprinkler heads are provided to protect the wall on both sides. Cook and Heinsman recused.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook (R)	<input type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman (R)	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- v. **22-12-37 XPO Logistics, Fort Wayne** – No proponent. Mr. Murua indicated that the building had not been inspected in several years and that the building's fire protection systems (sprinklers, alarms, etc.) were not maintained.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Commission broke for lunch from 11:56am to 1:00pm.

- vi. **22-12-38(a)(b) Eight to the Bar, Richmond** – Proponent presented. Building used for multiple tenant spaces, wanting to use first floor for wedding venue with Airbnb for upper floors. Historic staircase with no fire enclosure. Requesting that the stair be left open, providing a sprinkler system with a draft curtain around the open staircase. Adding an enclosed staircase to the second floor that leads directly to sidewalk in the front of the building. Requesting to use the open staircase as the second means of exit from second floor. Mr. Pannicke asked if the existing stair met code requirements for rise/run. Proponent indicated that stairs are compliant with rise/run code save for potentially the first stair.

Motion: Approve a and b.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- vii. **22-12-39(a)(b)(c)(d)(e)(f)(g) Evonik Corporation Project, Lafayette** – Christina Collester presented. Pharmaceutical production and research building. Requesting variances for specialized industrialized uses which work better in stacked layout than a vertical layout, power supply, ventilation, travel distance, accessible restrooms, floor openings. No visitors, no public. Building has its own fire department.

Motion: Approve a through g.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- viii. **22-12-40 New Millennium Building Systems, Fort Wayne** – Christina Collester presented. Asking to combine elevator shafts which code does not allow without a variance. Matt Cronley, Chief Inspector, had no concerns.

Motion: Approve.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- ix. **22-12-41 The Trojan Horse, Bloomington** – Restaurant in Bloomington. Has a stove in the basement (disagreement between proponent and LFO on whether gas or electric) mainly used for soups, pastas, baking. Cited for not having a Type I hood system. Proponent notes that no grease-laden vapor is present, so a Type I hood is not required, but proponent was cited anyway despite having no violations for 40 years. Commissioner Cook notes that the can of olive oil next to the stove undercuts the argument that no oil is used in the cooking downstairs. Commissioner Pannicke notes that there is a vat of grease present as well. Proponent believes that the item in the picture is not grease. Mr. Cook asked about granting the variance for a limited time to allow proponent to explore adding a hood or alternative options and that he does not believe proponent has demonstrated that the stove has been in place for the time suggested, or that the stove is used only for the purposes stated in the application, as proponent’s submissions indicate otherwise.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Commission went on break from 12:12pm to 12:25.

- x. **22-12-42 Renaissance District Building 84, South Bend** – Ed Rensink presented. Building has a polycarbonate sheet installed on south side of building in 2017 to keep façade from deteriorating while building was developed. Prior variance. Product exceeds area of coverage, meets building code as interior finish material. Building is fully sprinklered.

**Motion:** Approve with expiration date of Dec 32 2025.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xi. **22-12-43 Waste Away Transfer Station, Elkhart** – RTM Presented. Requesting to not provide a sprinkler system in a building greater than 12k square foot. Using a fire rover suppression system. Fire alarm and Knox box provided. Mr. Pannicke asked if local fire marshal had objections, proponent indicated that he had no communications with LFO. Commissioners asked a series of questions regarding the functioning and operations of the rover system.

Motion: Approve.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xii. **22-12-44 Transformer 1, Scottsburg** – No proponent.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xiii. 22-12-45(a)(b)(c)(d)(e)(f)(g)(h) Riverview Apartments, Jeffersonville -- Ed Rensink. Mixed use development with apartments on floors 3-6, podium with primarily parking on 1-2. Rooftop terrace on top of sixth floor. Asking to provide an area of refuge rather than accessible exits. Providing two-way communication system, protected throughout by NFPA 13 Sprinkler System.

Approve a through h.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xiv. **22-12-46, 49, 50, 51, 52 The District at Latimer Square, Bloomington** – Ralph Gerdes. Mr. Larue indicated that he believed per the original variance that there would be a smoke damper that shut off all air from being supplied to the corridor, or that the corridor would be completely detected for smoke that would then turn

off the fan to the corridors. Mr. Gerdes agreed to install a smoke damper at the fan to shut off the entire system.

Motion: Approve with the condition that combination fire / smoke dampers is installed in the main trunk, both supply and return with metal ductwork to unit and damper. Mr. Cook and Mr. Heinsman recused.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook (R)	<input type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman (R)	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xv. **22-12-47 Pass Fire Inspection with Variance, Fort Wayne** – No proponent.

Motion: Table.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xvi. **22-12-48 Riley Children’s Health Sports Legends Experience, Indianapolis** – In and Out Unlimited presented along with the VP of Operations for the Children’s Museum. Previously issued variance in 2019 for annual tent.

Revenues impacted by revenue stream decrease due to Covid, so permanent structure is behind schedule. Mr. Pannicke suggested a two-year extension, after which time proponent could return if a further extension was needed. Mr. Popich asked how often the structure was re-inspected. Proponent indicated that installers and fire marshal inspect yearly and that pre-event inspections happen to ensure compliance with code. Mr. Pannicke asked if there was an inclement weather / high wind plan in place. Proponent indicated that there is a detailed plan in place. Mr. Cook asked if re-inspection happens after an inclement weather event. Proponent noted that re-inspection happens any time winds exceed 55mph. Mr. Beard suggested that the typical layouts be submitted to the local fire marshal for approval. Commissioners asked about snow load ratings for the November season. VP noted that the November timeline was simply for teardown operations and that she absolutely disallows functions in weather cold enough to permit a snow load.

Motion: Approve for a two year period ending December 31, 2024. Layouts for tables must be submitted to IFD for approval.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- xvii. **22-12-53(a)(b) Hi-Fi Annex Temporary Stage and Shipping Containers, Indianapolis** – Seeking to extend use of stage and shipping containers one more year. Still need outdoor space March to November of 2023. Mr. Pannicke asked if IFD had had any issues. Neither Mr. Beard nor Ms. Bovard expressed concern.

Motion: Extend variance until November 30, 2023.

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. Local

- i. No local variances.

10. Industrialized Building Systems Renewals

- i. Intertek
- ii. Expert Modular Consultants

Name	Vote	
	Yes	No
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<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"/>
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Report on Administrative Review

OALP has issued no new Findings of Fact, Conclusions of Law, and Recommended Orders at this time.

#### 12. Commission Review of Local Ordinances

Staff has reached out to local jurisdictions asking for more information on outstanding ordinances. At this time, staff awaits replies from local jurisdictions so that ordinance review can continue in a timely manner. If no replies are received by the due date, staff will be recommending **denial** of the variances in question.

#### 13. Final Comments/Closing Remarks

14. Next Meeting – January 4, 2023, at 9:00 a.m. Eastern Time at the MADE @ Plainfield facility, 1610 Reeves Road, Plainfield IN 46168. Virtual meeting details TBA.

*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.*

15. Adjournment – Meeting adjourned at 3:12pm.