

# FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## MEETING MINUTES

### Meeting Details

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**Date:** May 5, 2023

**Time:** 9:00 AM

**Location:** MADE @ Plainfield – 1610 Reeves Road, Plainfield, IN 46168

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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"/>	In Person
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 type="checkbox"/>	<input type="checkbox"/>	NA

Commission has one vacancy as of May 1, 2023.

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### Notes

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Additional information may be available at the [Commission's Web Page](#).

Also in attendance:

Dustin Dyer, Director of Boards and Commissions, IDHS

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1. Call to Order – Chairman Popich called the meeting to order at 9:00am.
2. Roll Call – All appointed members but one present in person. Quorum met.
3. Review and Action on April 2023 Meeting Minutes – Commission **approved** the minutes as submitted.
4. IDHS Reports and Updates
  - i. IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f) – Isaac Delgadillo.

- ii. Change of meeting location – Meetings will once again occur in the Conference Center of the Indiana Government Building South. Meetings will no longer be occurring in Plainfield until further notice.
- iii. HEA 1575 – Justin Guedel – Justin presented the Commission with an update on HEA 1575, the changes to the Commission upcoming makeup and number, quorum, the changes to rulemaking substance and timing, and the abrogation of local ordinances.

5. State Building Commissioner Interpretations

- i. [CEB-2023-05 \[675 IAC 12-4-12\(b\)\]](#) – Regarding the exemption of certain existing, unenclosed, and decommissioned elevator hoistways from the requirement to be fully enclosed in fire-rated shaft construction when the hoistway is repurposed as a space for installation of mechanical ductwork or plumbing lines between stories.
- ii. [CEB-2023-06 \[2020 IRC-R302.6\]](#) – 2020 Indiana Residential Code – Dwelling-garage fire separation.

6. Rulemaking Update(s)

- i. Rule Readoptions – Tyler Burgauer presented readoptions to the Commission.

The Commission **approved** the readoption of the following rules without changes:

675 IAC 15-1.1	Title; Purpose; Applicability; Definitions
675 IAC 15-1.2	Administrative Rules for Industrialized Building Systems and Mobile Structures
675 IAC 15-1.3	In-Plant Inspection Enforcement and Indiana Seal of Acceptance Affixed for Industrialized Building Systems and Mobile Structures
675 IAC 15-1.4	Certification of Industrialized Building Systems and Mobile Structures without Indiana Certification
675 IAC 15-1.5	Third Party Inspection Agency Authorization
675 IAC 15-1.6	Schedule of Fees for Industrialized Building Systems and Mobile Structures
675 IAC 15-1.7	Sanctions Regarding Design Release, Seals of Acceptance and Third Party Inspection Agencies
675 IAC 15-2	Indiana Mobile Structures Code
675 IAC 19-4	2010 Indiana Energy Conservation Code
675 IAC 22-2.2-26	NFPA 1126; use of pyrotechnics before a proximate audience
675 IAC 26	REGULATED EXPLOSIVES; USE AND LICENSURE
675 IAC 27	INDIANA VISITABILITY RULE FOR ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES

## 7. Variances

## a. Tabled

- i. **23-02-38 Costco Wholesale (Noblesville)** – Proponent indicated that variance was intended to apply the 2021 IBC calculation formula for heat and smoke vent area for project. Changes the required number from 53 to 15 vents under new formula calculation. Randall Cross, Noblesville Fire Marshal, supports variance. Commissioner Hite notes that application says it's for Washington and submitter is in Seattle, IN. Commission **approved** variance 10-0 with a note to update the system.
- ii. **23-03-42 New Fire Alarm Panel for Bally's Evansville (Evansville)** – No proponent. Commission **tabled** variance 10-0.
- iii. **23-03-46(a)(b) Memphis Christian Building Expansion (Memphis)** – Christina Collester presented. Non-combustible building added to a combustible church. One and two-hour fire barriers and alternate methods and materials used in lieu of sprinklers. Commission **approved** the variance with the following **conditions**: occupant load not to exceed 500 in the new addition.

## b. New

- i. **23-04-27(a)(b) Ale Yard Indy (Indianapolis)** – Samuel Piker presented. Single-story beer garden, shipping containers as primary permanent building structure. Not covered by current code. City of Indianapolis requests that proper code be cited, as proposed developments are not Class I structures. Shelly Wakefield notes that there are unadopted standards governing shipping containers, so they would need to request to be Class I. Commission notes that this variance does not address all issues with the structure and is a starting point rather than a finish line. Commissioner Cook questioned why it would not just count as steel building material. Chairman noted that the alteration of a shipping container into a Class I structure was covered by ICC materials. Commission **approved** the variance with the following **conditions**: Utilize 2021 IBC and shipping container as a Class I structure.
- ii. **23-04-28(a)(b)(c) Superior Hardwoods (Montezuma)** – Christina Collester presented. Cited for high pile storage in drying shed, fire department access drive lanes, sprinkler. Drying shed has openings on all four sides, gravel underneath. Structures in question are not close to other combustible structures. Commission **approved** the variance 10-0.
- iii. **23-04-29(a)(b)(c) The Hangar (Valparaiso)** – Tony and Nick Shields. 18,000 sq ft prefabricated metal building that will be used as an indoor training facility for baseball. Considered a Type B occupancy when submitted. State is classifying building as an A-3 occupancy. Commissioner Heinsman notes that proponent is

classifying the building as non-combustible construction, but that mezzanine storage space flooring is combustible. Proponent agrees that materials could be changed to non-combustible materials. Commission notes that they do not believe that the building as presented would classify as anything but an A occupancy. Proponent notes that if the building is classified as an A occupancy the other two variances would come into play. Proponent notes that building is on septic and well and does not have adequate water supply for a sprinkler system. Proponent is willing to do include an alarm system. Fire pump priced at \$250k, CNU wall at \$80k, total project cost \$1.1M. Commission **denied** variance a 10-0. Proponent asked whether the installation of a monitored fire alarm system would offset the need. Vice-Chairman Pannicke believes that the height of the ceiling could present a problem for a monitored alarm system. Commission questioned whether a firewall was needed or whether a fire barrier was allowed. Building Commissioner notes that only a barrier is required, and with a CMU fire barrier a sprinkler no longer is necessary and would not need a fire alarm system. Commission **denied** variances b and c 10-0.

- iv. **23-04-30 Olin Road (Indianapolis)** – No proponent. Commission **tabled** 10-0.
- v. **23-04-31 Butler University Sciences Addition & Renov (Indianapolis)** – Three-story lower-level addition connecting two existing c. 1970 buildings. Construction completed. Accessibility issue found during final inspection. Research and instructional labs. Requesting not to provide fixed accessible workstations in the research labs. Research labs generally accessible otherwise. Faculty would know ahead of time that a student with accessibility needs would need an accommodation and be able to adjust the facilities accordingly. Chairman Popich notes that some students may be hesitant to ask for accommodations if they know that it will create disruption to an environment without a fixed station. Butler has a disability services manager that proactively reaches out to students and attempts to work with their needs. Commission **approved** variance 10-0.
- vi. **23-04-32 Elevator Cylinder Replacement (Evansville)** – No proponent. Commission **tabled** 10-0.
- vii. **23-04-33 Project Skyhawk (Plainfield)** – NAPA Auto Parts building an expansion, storing motor oil in new expansion. Seeking to use NFPA 30. NFPA 30 requires 12 foot separation, pallet width for storage would require 14 feet. Commissioner Hite notes that variance is listed for Georgia. Commission **approved** variance 10-0.
- viii. **23-04-34 Overlook on 3<sup>rd</sup> (Bloomington)** – Logan Cook recused. Joist penetrates fire barrier. Surrounding joist with fire retardant insulation and intumescent paint. Chairman reminded everyone that Bloomington is a community of other people's children, as Mr. Larue could not be present. Extended technical discussion ensued regarding interior vs. exterior membrane penetrations. Commission **approved** variance 8-1.
- ix. **23-04-35 Camelot Inn (Jasper)** – No proponent. Commission **tabled** 10-0.
- x. **23-04-36 Beech Grove Sprinkler Variance (Beech Grove)** – No proponent.

Commission **tabled** 10-0.

- xi. **23-04-37(a)(b)(c)(d)(f) Center Grove Academic Pavilion (Greenwood)** – Commissioner Cook recused. Unlimited area high school, three stories in certain part, existing structures within 60 feet of the building. Commission **approved** variance d 9-0. Entire school sprinkled. Many of the variances granted in the past for other projects. Commission **approved** a, b, c, e, f 9-0.
- xii. **23-04-38(a)(b) White River Paintball Shipping Containers (Anderson)** – 17 containers. 13 occupied. Structural engineer calls for arrowhead anchors. Layout has not changed from the last time the variance was approved. Commission expressed concern about granting a permanent variance based on the type of structure in question. Another variance approved on the property requires the fire marshal to do a yearly inspection, which could potentially offset some concern. Commissioner Cook expressed concerns about impermanent foundation on a permanent structure even with the anchors used based on potential differential settlement, which a permanent foundation would negate. Commission **approved** (b) with the following conditions: Expires December 1, 2026. Commission approved (a) with the following conditions: expires December 1, 2026.
- xiii. **23-04-39 Walmart 6390 (Indianapolis)** – Walmart neighborhood market incorporating a grocery pickup area in front of store. Fire tested per NFPA 13, but Indiana deletes that section of NFPA 13. Commission **approved** variance 10-0.
- xiv. **23-04-40 Dining Porch Addition (Terre Haute)** – Country Club seeking a porch addition, open air. Seeking not to sprinkler. Just the cost of the addition is slated at \$198k, total project cost approximately \$1M. Upgrading fire alarm system to fire department standards (main fire alarm panel, entryway fire panel, smoke/heat detectors, pull stations), though given the age of the existing system may not fully comply with NFPA 72. Two exits, not increasing hazard to existing building. Commission requested a clear indication of what changes are being made and what the fire department is willing to agree to. Commission **tabled** variance until such time as written concurrence can be obtained.
- xv. **23-04-41 Sandstone Apartments (Greenwood)** – Mark Meadows presented. H&W Plumbing, their subcontractor, filed a variance under hardship due to burying p-traps under concrete. Greenwood did not approve. Commissioner Popich notes that project was filed for Greenwood, Illinois. Building owner opposes variance, applicant does not have legal authority to file a variance. Commission **denied** variance 10-0.
- xvi. **23-04-42 Bohnstedt Home Pool (Zionsville)** – Cited by Zionsville for having a step in the pool that does not comply with code. Owner does not want to change the current layout of the pool. Multiple accessible exit points from pool. Commission moved to **deny** variance. Motion failed 6-6. Commission again moved to deny the variance after further discussion. Commission **denied** variance 7-3.

- xvii. **23-04-43 Baxter Building G Warehouse Upgrade (Bloomington)** – Seeking to upgrade fire protection system, asking to allow NFPA 13 2022 edition. Commission **approved** variance 10-0.
- xviii. **23-04-44 Cork Liquor Storage/Office Addition (Columbus)** – Seeking a variance to not sprinkle based on the lack of water availability. Building a storage building that must be attached. Presents numerous regulatory challenges due to conflicting regulations from multiple agencies controlling building safety, flood plains, and licensing for alcohol and tobacco. Commission **tabled** the variance while Ms. Wakefield seeks written confirmation of support.
- xix. **23-04-45(a)(b) CCIC Southern Tip (Indianapolis)** – Variance requesting change of occupancy to introduce assembly occupancies in the building. Chapter 34 appended to filing. Sprinkler system, fire alarm, full detection without. Travel distances within permitted limits. Over allowable area. Commission **approved** variance 9-0, Chairman Popich abstained.
- xx. **23-04-46(a)(b)(c)(d)(e) The Elsby (New Albany)** – Existing six story + basement. Constructed as a bank building. Current project would convert the building to a hotel, basement converted to speakeasy lounge. Type IB, evaluated under Chapter 34 without issues. Adding a seventh floor to the roof of the building for a rooftop bar space without bringing the entire building into compliance with high rise requirements, as building is 3 feet over allowable height. Adding two new enclosed stairs. New fire alarm system, new elevator, new manual wet standpipe system. Commission **approved** a, d, and e 10-0. Commission **approved** b 10-0. Commission **approved** variance c 10-0.
- xxi. **23-04-47(a)(b) Grandview Solar (Grandview)** – Seeking to use newer edition of NEC 2021 as pertains to solar projects. Not Class I structures. Department sent an NVR letter. Debate ensued as to whether the Commission would have the authority to issue a variance on something other than a Class I structure. Mr. Burgauer suggested that it can be tabled, proponent and other Commissioners indicate that others have been granted in the past. Commission **approved** 10-0.
- xxii. **23-04-48 Secret Meadow Event Barn (Celestine)** – New event barn, occupant load over 500, asking to not provide sprinklers. Fire alarms, smoke and heat detection throughout. Approximately 50-foot travel distance. No open flames. Previously approved variances. Commission **approved** the variance 6-4 with the following **conditions**: Dry hydrant installed, tested yearly, no public access to the loft, no combustible storage in the loft.

c. Local

- i. None

8. Industrialized Building Systems Renewals

No new third-party inspection renewals at this time.

9. Report on Administrative Review

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

10. Commission Review of Local Ordinances

- i. With the passage of HB 1575, the Commission no longer reviews local ordinances. Any ordinances previously under consideration are considered void.

11. Rulemaking Amendments

- i. With the passage of HB 1575, all current rulemaking is voided and will re-convene after August 1 with the establishment of the new Commission.

12. Final Comments/Closing Remarks – Chairman Popich

13. Next Meeting – Tuesday, June 6, 2023, at 9:00 a.m. Eastern Time in **CONFERENCE ROOM A of the Indiana Government Center, 302 W. Washington Street, Indianapolis, IN 46204**. 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.*

14. Adjournment – Commission adjourned at 5:23pm.