

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Conference Rooms 1 & 2
Indiana Government Center South
302 W Washington St
Indianapolis, IN 46204
In Person and Video/Teleconference Microsoft Teams Format

Wednesday, September 8, 2021

APPROVED AS AMENDED AT 10/5/2021 MEETING

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Vice Chairman Michael Popich at 9:03 a.m. EDT on Wednesday, September 8, 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:

Michael Popich, Vice Chairman
Harold Davidson, representing the Commissioner, Indiana Department of Labor
James Murua

- b. Commissioners attending the meeting electronically:

Gregory Furnish
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James Jordan
Scott Pannicke

- c. Commissioners absent from the meeting:

James Greeson, Chairman

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

Doug Boyle, Director of the Fire Prevention and Building Safety Commission
Justin Guedel, IDHS Deputy General Counsel
Bryston Sprecher, Assistant to 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

Director Boyle conducted roll call noting that nine (9) members were present at the beginning of the meeting. Director Boyle noted that Chairman Greeson was absent, and that there is currently one vacant position on the Commission.

3. Commission Review and Action on Meeting Minutes

- a. Tuesday, August 3, 2021

Director Boyle called for any corrections and amendments to the meeting minutes. Commissioner Heinsman noted that he was not mentioned as being recused from the vote on Variance 21-07-34. As there were no additional concerns, Commissioner Pannicke motioned to approve. Commissioner Jordan made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Tuesday, August 3, 2021, meeting minutes were **approved with one (1) noted correction**, 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 – **see Governor Holcomb's Executive Order 21-22**.

Director Boyle advised that Governor Holcomb recently issued Executive Order 21-22, which extended the State's Disaster Declaration through September 30, 2021. No additional changes to the current meeting requirements were made; staff will continue to monitor any declarations put out by the Governor's office.

- b. State Building Commissioner's Report – Craig Burgess, Indiana State Building Commissioner
 - i. Written Interpretation No. CEB-2021-27-2010 IECC-9.4.1.1 Exc. C

State Building Commissioner Craig Burgess advised the Commission that the State's Indiana Building Academy will be postponed until Spring 2022, due to the health concerns surrounding the COVID-19 pandemic. Commissioner Burgess also summarized his written interpretation listed above.

- c. IDHS Non-Rule Policy Document No. 2021-1-DHS – Pool and Spa Heaters Exempt from Regulation as Boiler or Pressure Vessel – Justin Guedel, IDHS Deputy General Counsel

Mr. Guedel stated that this policy was interpreted with the help of Boiler and Pressure Vessel Chief Inspector, Roger Boillard. He further stated that the section in question was exempted from the updated Boiler and Pressure Vessels Code, which was promulgated earlier in 2021. Ultimately, the conclusion was that, if not a closed vessel, pool and spa heaters are not considered boiler or pressure vessels. With that being said, pool and spa heaters are still required to comply with the Indiana Mechanical Code, which includes being inspected on a regular basis.

- d. IDHS Variance Determinations Report

Director Boyle advised that the most recent version of this report was provided to the commissioners in their meeting materials.

5. Rulemaking Update(s)

- a. Indiana Elevator Code Committee

- i. Next Meeting: Wednesday, September 22, 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 that last month’s meeting was not productive, as no proposals for code change were submitted. Additionally, although Michael Corey is no longer serving on the Commission, he agreed to continue as chairman of the committee for the short-term future, in hope that the committee will be able to complete its work and finish its proposed rule soon.

b. Exploratory Committee for Code Updates

- i. Next Meeting: Tuesday, September 28, 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 that the individual draft reports were due on September 17, 2021. The Committee will then review this information and compile it into one comprehensive report at the September 28, 2021, meeting.

c. Proposed Administrative Rulemaking to Amend 675 IAC 12-3-2(c) – Schedule of Fees for Site Built Construction – Category I (Expedited Plan Review) – Justin Guedel, IDHS Deputy General Counsel

Justin Guedel explained that the fee would go towards covering overtime costs needed for IDHS staff to stay after hours and complete expedited reviews. Per Commissioner Furnish’s inquiry, this will not affect reviews of individuals currently in the regularly scheduled queue. Furthermore, it’s being proposed as a stand-alone amendment because it could result in a \$480,000 loss and construction delays. Even with expedited scheduling, Mr. Guedel noted that this process could still take four to six months to complete. After discussion, Commissioner Murua made a motion to direct staff to begin the administrative rulemaking process and file a request for exception to the regulatory moratorium with the Office of Management and Budget (OMB). Vice Chairman Popich seconded the motion. It was voted on and carried, with a vote of 9-0.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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6. Authorization of Industrialized Building System and Mobile Structure Third Party Inspection Agencies

- a. RADCO – **annual renewal**
- b. Intertek/Intertek-ATI – **new application**

Director Boyle briefly explained each application’s request – one being an annual renewal the other being a new applicant. Commissioner Davidson motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The renewal and new application were **approved as submitted**, by a vote of 9-0.

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, Stuart Milner (Garvin Business Center), informed the Commission and that their contractor had advised him that they expect to receive the new parts for the required fire alarm system by the middle of October. Mr. Lehman also advised the Commission that they have complied with the directive to remove all high-pile storage. Per the local fire department’s request, the sprinkler system will be maintained in its current state until the fire alarm and smoke detection systems are in place.

Chief Fire Marshal Greg Main, Evansville Fire Department, was present virtually. Marshal Main concurred with the information that Mr. Lehman provided in this update. The fire department had performed an inspection at Garvin Business Center the day before and would be going back for another inspection this morning. Marshal Main advised the Commission that they did find some high-pile storage in one area

of the center (Unit F) that they expected to be corrected and will be verified during this morning's inspection. Marshal Main added that the Evansville Fire Department is listen to what the Commission has to say closely and appreciates that the sprinkler system will be maintained in its current state until the work on the fire alarm and detection systems are completed, and the systems are in place.

8. Variances

a. Tabled

21-03-35 Bodenbender Barn Rescue, Salem

No proponent was present to speak. Commissioner Furnish stated that he was under the assumption that the proponent plans to withdraw this variance but would motion to table for an additional month until staff can confirm this in writing. Commissioner Davidson made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-04-29 New Bridge Apartments, Indianapolis

Tim Callas and Ted Hudnut spoke as the proponents. Because the pull stations are being vandalized by unknown intruders, the business is requesting to forgo costly repairs. Commissioner Murua objected, stating that maintenance costs would need to be put forward to protect the life safety of the apartment's residents. The Commission afforded the proponent the ability to do incremental maintenance repairs, as a way of mitigating the cost. With this in mind, Commissioner Murua stated that battery-operated detectors would have to be inspected monthly, and a period of less than four (4) years would need to be developed. Mr. Guedel added that tabling does not afford more time to stay in a state of non-compliance. Commissioner Murua, with the understanding that the applicant and submitter will develop a detailed plan forward regarding the maintenance of the fire alarm and detection system, made a motion to table the variance application until the Commission's next meeting in October.

Commissioner Jordan made the second. It was voted on and 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"/>
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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **tabled**, with a vote of 8-0.

Breaking & Reconvening: The Commission took a short break from 10:33 a.m. EDT – 10:45 a.m. EDT.

b. New

21-08-24 The Goddard School, Greenwood

Christina Collester spoke as the proponent. The project involves a fence around the perimeter of a daycare that utilizes a simplistic latch lock design, which can easily be opened by staff but cannot be opened by the children. Ms. Collester stated that other Goddard schools throughout the area use this same design and sought an NVR. After some discussion, it was determined that the latches provided on the gates only require one motion to open the gate, and therefore do not require any special knowledge. Thus, Commissioner Pannicke amended his motion to allow for an NVR. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Commission granted the applicant's request for **no variance required**, with a vote of 7-2.

21-08-25 Eastwood Middle School Concession-Restroom Building, Indianapolis

Ed Rensink spoke as the proponent. The code requires fire hydrant to be within four hundred (400) feet of building. The request is to allow the nearest hydrant to be nine hundred (900) feet away from the new building. The proponent states the building will be located approximately three hundred (300) feet from the middle school building, to not pose a significant threat in the case of a fire. With no further discussion, Commissioner Pannicke motioned to approve. Commissioner Jordan made the second. It was voted on and 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"/>
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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved as submitted**, with a vote of 8-0.

21-08-26 Everdry, Indianapolis

Melissa Tupper spoke as the proponent. The owner would prefer to install a wheelchair lift, which is estimated to cost \$10,000. A ramp would take up at least half of one of the loading dock bays rendering it un-usable, which is a major operational hardship for the owner of approximately \$54,000. Given that this seemed to be a reasonable tradeoff, Commissioner Pannicke motioned to approve. Commissioner Jordan made the second. It was voted on and carried. Vice Chairman Popich 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"/>
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"/>

The variance was **approved as submitted**, with a vote of 8-0.

21-08-27 (a)(b)(c) Marian Un Caito-Wagner Hall & St. Joseph Chapel,
Indianapolis

Ed Rensink spoke as the proponent. The project involves construction of a four-story residence hall and attached chapel. The facility is seeking variances related to the installation of ADA compliant showers. Variance (a) requests that seven (7) showers have controls and hand shower spray unit located on an end wall of the compartment in lieu of on the back wall. Variance (b) requests that the showers also be constructed without a shower seat, as ADA guidelines require this feature only in transient lodging guest rooms, and this will be more along the lines of a permanent residential facility for most of its occupants. The commissioners had no additional questions, so Commissioner Pannicke motioned to approved on the condition(s) that: one unit must provide a roll-in shower with controls provided on the back wall, installed per code. Commissioner Davidson made the second. It was voted on and carried. Vice Chairman Popich recused himself from the votes.

	(a)		(b)	
	Y	N	Y	N
Harold Davidson	<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"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<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"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variances (a) and (b) **were approved with conditions**, by a vote of 8-0.

Pertaining to variance (c), the code requires clearance around a water closet to be sixty (60) inches minimum in width, measured perpendicular from the sidewall. Thus, the request is that clearance around the water closet be less than sixty (60) inches in minimum width, as the lavatory encroaches into this space at ten (10) inches. The proponent states that sufficient space is provided to allow either side or front approach to the water closet. The commissioners were not opposed but agreed that some signage was necessary. With that, Commissioner Pannicke motioned to approve on the condition(s) that: the toilet room signage shall designate that it is not an accessible toilet room and shall provide direction to closest accessible toilet room. Commissioner Heinsman made the second. It was voted on and carried. Vice Chairman Popich 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"/>
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 type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Breaking & Reconvening: The Commission broke for lunch, beginning at 12:11 p.m. EDT. Director Boyle called the meeting back to order at 1:16 p.m. EDT.

21-08-28 (a)(b) Ball State University Cooper – STEM III, Muncie

Ed Rensink spoke as the proponent. The project involves the renovation of an existing four-story building. Variance (a) is requesting that two (2) mechanical shafts that extend from the basement level up to the penthouse level will include both the HVAC and plumbing ductwork. Mr. Rensink explained that the code does not prohibit sanitary pipeline distribution from utilizing the same shaft as the HVAC system and is no more hazardous than the inclusion of a mechanical room within a shaft enclosure when utilizing the exception for the bottom termination of a shaft. State Building Commissioner Craig Burgess added that, due to the nature of the shaft to house plumbing fixtures, the design would not be in violation of the code. With that, Commissioner Pannicke motioned to approve an NVR. Commissioner Henson made the second. It was voted on and carried.

	(a)	
	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Per staff's recommendation and per the submitter's explanation, the Commission determined that **no variance was required**, by a vote of 9-0.

The fifth floor consists of a rotating dome and telescope for use as an observatory. Variance (b) requests that a sprinkler system not be installed in the space., due to the rotating dome serving as the roof, which makes it impossible to comply with the NFPA 13 sprinkler requirement. Mr. Rensink noted that all other areas of the building will be fully sprinklered. Additionally, the observatory space will only house a small number of students at any given time, be constructed of non-combustible materials, and have shutters in the "open" position when occupied. Vice Chairman Popich motioned to approve. Commissioner Murua made the second. It was voted on and carried.

	(b)	
	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-08-29 T.C. Harris Egress Doors, Lafayette

Kristy Fletcher spoke as the proponent. This facility is a residential school for intellectually and developmentally disabled children, licensed through the Department of Family & Children. The current building structure has utilized maglocks on all egress exits since 2000, due to the potential for students to exit the building and injure themselves or encounter ongoing traffic on the neighboring roadways. After a walkthrough by the local inspector, the business was instructed to seek a formal variance through the Commission. Brian Alkire, of the Lafayette Fire Department, clarified that these locks are permitted by code, except for use in I-3 occupancies. Thus, the request is to allow the continued use of these electronic locks throughout the entirety of the building. Commissioner Murua motioned to approve. Commissioner Pannicke made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-08-30 (a)(b) Gibson Co. Detention Center Change of Use, Princeton

Roger Lehman spoke as the proponent. The project involves a change of use from an I-1 to an I-3 occupancy. Variance (b) requests that the facility not comply with the requirement that smoke barriers be used to separate multiple stories. The wall and ceiling finishes in the incarceration area are constructed of heavy, twenty-two-gauge corrugated steel. Smoke barrier listed caulk and/or foam will be installed as needed to provide an airtight seal on all intersections of the smoke barrier walls. Mr. Lehman noted that there is a fire alarm system. Additionally, the cell doors are monitored at all hours of the day, with the doors being locked/unlocked remotely during non-business hours.

Variance (a) deals with a fenced in courtyard. The request is to allow exit discharge into the fenced recreational space to be less than fifty (50) feet, as required by code. Staff will be trained to unlock the gate in the event of a fire-related emergency. Commissioner Murua motioned to approve both variances. Commissioner Davidson made the second. It was voted on and carried.

	Y	N
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"/>
Wes Jordan	<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"/>

Variances (a) and (b) **were approved as submitted**, with a vote of 8-0.

21-08-31 BNutty Storage Container Addition, Portage

Carol Podolak and Laura Small spoke as the proponents. The project involves a series of metal storage containers, which the facility is asking to convert into permanent structures. The transformed storage containers will house new equipment and only be accessed for maintenance on the equipment. Ms. Podolak stated that no employees will be working inside the containers, nor will the public be able to access the metal storage containers. After expressing some concern over the height of the storage containers and the anchoring of the concrete slab, Commissioner Heinsman motioned to table, awaiting a structural analysis of the foundational system under the storage containers – including lateral load resistance. Commissioner Jordan made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-08-32 Westlane Middle School, Indianapolis

Ed Rensink spoke as the proponent. This variance is intended to supersede Variance 19-06-40, due to completion of the project in December 2022 in lieu of October 2020. These project delays involved COVID-19 labor shortages and material supply issues over the past year. Furthermore, an expansion of the project scope was approved by the school corporation to provide additional needed renovations to the existing building, which were not covered in the original variance. The new classroom wings and cafeteria will remain occupied prior to the installation of the sprinkler system until the completion of the project. Due to a variety of project delays statewide because of the pandemic, Commissioner Jordan motioned to approve on the condition(s) that: the variance shall expire on December 31, 2022 (12/31/2022). Commissioner Henson made the second. It was voted on and 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"/>

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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved with conditions**, by a vote of 8-0.

21-08-33 Nightmare on Main Street, Kendallville

No proponent was available to speak. Due to staff's recommendation for denial during the pre-meeting variance hearing, Vice Chairman Popich motioned to deny. Commissioner Murua made the second. It was voted on and **failed**, with a vote of 4-5.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
David Henson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Todd Hite	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Commissioner Heinsman subsequently motioned to table. Commissioner Hite made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Furnish	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The variance was **tabled**, with a vote of 6-3.

Note: Upon further investigation on the business's Facebook page, Vice Chairman Popich discovered that the party operated without a variance last year and plans to operate this year, beginning the last week of September. Justin Guedel noted that the business must receive an amusement and entertainment permit from the State before they are permitted to operate, so Commissioner Murua advised that he may contact the local fire officials in Kendallville and instruct them to visit the site in-person to further investigate the situation.

21-08-47 Shelby Materials Office, Franklin

Christina Collester spoke as the proponent. The project in question involves a 6,600 square foot commercial garage used for repairing concrete mixing trucks. The code requires an automatic sprinkler system to be provided throughout all Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet. The request is to allow the sprinkler system to be omitted and to not provide a fire barrier to divide the building into code-compliant fire areas. This proposed facility meets the additional requirements for a repair garage (special purpose industrial occupancy), per NFPA 101 and NFPA 30A. Ms. Collester advised that the NFPA codes do not separate the repair garages into separate categories, as they have not been shown to present a greater fire hazard based upon vehicle gross weight or number of passengers transported. Commissioner Murua and Vice Chairman Popich both raised concerns over the lack of a sprinkler system and the large amounts of fuel that would be present within the vehicles, in the case that there was a fire. Ultimately, Commissioner Pannicke motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Murua	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The variance was **approved as submitted**, with a vote of 6-3.

Breaking & Reconvening: The Commission took a short break, beginning at 3:00 p.m. EDT. Director Boyle called the meeting back to order at 3:10 p.m. EDT.

9. Petitions for Administrative Review

- a. Granted and Forwarded to the Office of Administrative Law Proceedings (OALP)
 - i. Written Interpretation of the State Building Commissioner - Interpretation CEB-2021-28-2020 IRC TR404.1.1(1)a
 - ii. IDHS Sanctions Order No. 1997-2237 – First United Methodist Church of LaPorte

Director Boyle advised that the ALJ assigned to preside in the administrative review of the Written Interpretation of the State Building Commissioner, referenced, had already issued a Final Order of Dismissal regarding the matter (see below). The petition for administrative review of IDHS Sanctions Order 1997-2237 – First United Methodist Church of LaPorte, was granted by the Commission's staff has been forwarded to the Office of Administrative Law Proceedings (OALP) for assignment to an ALJ.

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

- a. Written Interpretation of the State Building Commissioner – Interpretation CEB-2021-28-2020 IRC TR404.1.1(1)a

Director Boyle advised that, per the ALJ's Final Order of Dismissal, the parties filed a Joint Motion to Dismiss based on the parties' information resolution of the issues on appeal and the Petitioner's request that this matter be dismissed. No further action was required to be taken by the Commission.

11. Commission Review of Local Ordinances

- a. Preliminary (Pre-Adoption) Review – **see report provided in meeting materials**
 - i. Building Code Ordinance of the Town of Fortville, Indiana – **received by Commission staff via electronic mail on Thursday August 26, 2021.**

Director Boyle stated that this was on the agenda for the Commission's awareness only, and that staff had completed the preliminary review of the draft of the ordinance, as noted in the Preliminary (Pre-Adoption) Review report provided in the Commission's meeting materials.

b. Adopted Ordinances

- i. Ordinance No. 081921A – Building Code of the Town of Knightstown, Indiana – **received by Commission staff via electronic mail on Thursday, August 26, 2021.**

Director Boyle advised that staff found no issues with the town’s adopted ordinance and recommended approval. Vice Chairman Popich motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<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"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ordinance No. 081921A – Building Code of the Town of Knightstown, Indiana, was **approved**, with a vote of 9-0.

12. Final Comments/Closing Remarks from Vice Chairman Popich

Vice Chairman Popich thanked everyone for their participation and wished them a pleasant evening.

13. Next Meeting – Tuesday, October 5, 2021, beginning at 9:00 a.m. Eastern Time in History Reference Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202

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

The meeting was adjourned at 3:28 p.m. EDT.

APPROVED: 
James L. Greeson, Chairman