



COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Indiana Government Center South
Conference Center Room B
302 W. Washington Street
Indianapolis, Indiana 46204

Tuesday, March 5, 2019

CORRECTED AND APPROVED

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Nicoson at 9:00 a.m. on March 5, 2019.

(a) Commissioners present at the meeting:

Michael Corey
Greg Furnish
David Henson
Joseph Heinsman
Todd Hite, representing the Commissioner, Department of Health
Robin Nicoson, Chairman
Scott Pannicke
Michael Popich
Jessica Scheurich, Vice-Chairman

(b) Commissioners not present at the meeting:

Kevin Goeden, representing the Commissioner, Department of Labor
James Jordan

(c) The following departmental staff were present during the meeting:

Alan Blunk, IDHS Plan Review Section Chief
Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner

Denise Fitzpatrick, IDHS Code Specialist
Justin Guedel, IDHS Staff Attorney
James Schmidt, Deputy Attorney General & Legal Counsel
Shannon Scott, Fire Prevention and Building Safety Commission Secretary
Kevin Troy, IDHS Code Enforcement Assistant Section Chief

2. Director Boyle conducted roll call and noted that quorum was present, with nine commissioners in attendance.

3. IDHS/Commission Staff Announcements

Director Boyle introduced and welcomed Shannon Scott, the new Secretary of the Fire Prevention and Building Safety Commission.

4. Commission Review of Meeting Minutes from Tuesday, February 5, 2019

Director Boyle presented the minutes from the Commission's February 5, 2019 meeting, and asked the members if they had any corrections or additions to the minutes as provided. Director Boyle noted that there was an editorial error at the top of page 2, which would be corrected. Commissioner Scheurich moved to **approve** the February 5, 2019 meeting minutes as corrected. Commissioner Corey made the second. It was voted upon and carried.

5. State Building Commissioner's Report

State Building Commissioner Craig Burgess advised the Commission that has been working with the IDHS General Counsel's Office to organize how he responds to requests for written interpretations. He is statutorily required to respond to these requests. The goal is to eventually have a formal notification procedure. He will update the Commission each time he issues a written interpretation and provides them to LSA to be published.

6. Rulemaking Updates

a. 2018 Elevator Code Committee

Commissioner Corey, Chairman of the 2018 Indiana Code Committee, provided the Commission with a brief update. The Committee's next meeting will be Tuesday, March 19, 2019 in Conference Center Room D of Indiana Government Center South. The Committee will continue to review ASME A17.1 -2016, specifically Appendix L, which pertains to alteration permit requirements.

b. 2018 Indiana Residential Code Committee

Director Boyle advised the Commission that he is still working on drafting the proposed draft rule into an LSA-formatted document. He has updated the Committee's web page and hopes to have the proposed draft rule finished by the Commission's next meeting on Tuesday, April 2, 2019. He and Justin Guedel have also contacted the International Code Council (ICC) in hopes of working with the ICC to develop an incorporated Indiana Residential Code (the 2018 IRC model code combined with Indiana's amendments under the new administrative rule – 675 IAC 14-4.4).

7. Commission Consideration of Proposed Procedure for Review of Orders Pursuant to Ind. Code § 22-13-2-7(a)

Director Boyle and Justin Guedel, Staff Attorney, have been working with Jim Schmidt, Deputy Attorney General, to develop a proposed procedure for review of orders; specifically, orders that do not go to the ALJ right away, but instead come to the Commission first. This will provide filing procedures to the public. Mr. Guedel recommended that the second sentence in the "Who Can Request Review" section should be changed as follows: "issued by the Indiana Department of Homeland Security" should be stricken and replaced with "that may be appealed through the Administrative Orders and Procedures Act." This is supposed to address the orders that cannot be sent to the ALJ. Mr. Guedel will edit this, and the Commission will return to it later in the meeting.

Justin Guedel changed the language in the proposed procedure for review of orders and presented it to the Commission. Commissioner Scheurich moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried.

8. Commission Action on Third Party Inspection Agency Renewals

a. NTA, Inc.

Kevin Troy, Code Enforcement Assistant Section Chief, recommended approval. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted on and carried.

9. Petitions for Administrative Review

a. Variance No. 19-02-16

Eric & Joyce Erwin Residence – LP Tank

b. IDHS Inspection Report Order State Number BU29828

Harrison House Apartments

Director Boyle advised the Commission that both of the petitions for administrative review listed above were submitted timely, and were forwarded to the administrative law judge to begin administrative review.

10. Commission Review and Action on Non-Final Orders of Dismissal

- a. Hampton Inn and Suites
Cause No. DHS-1523-FPBSC-017

This review was an old file, from 2015, that was recently found by the administrative law judge. No final order or final order of dismissal had been issued to dispose of this review. However, neither the petitioner nor the respondent have pursued any further action in the review over the last few years. As such, the administrative law judge has now entered a non-final order of dismissal before the Commission in order to close the file. Deputy Attorney General and Legal Counsel Jim Schmidt advised the Commission to refrain from affirming the administrative law judge's non-final order of dismissal until its next meeting on Tuesday, April 2, 2019, as there is potentially still time to receive a timely-submitted objection to the non-final order of dismissal pursuant to Indiana Code § 4-21.5-3-29(d), based on the fact that the non-final order of dismissal was served on 2/18/2019. Commissioner Scheurich moved to **table** and Commissioner Furnish made the second. It was voted on and carried.

- b. Alva Electric
Cause No. DHS-1814-FPBSC-013

This review was an appeal of an inspection report order issued by IDHS. The Commission approved the petitioner's variance request at the February 5, 2019 meeting, rendering the review moot. As such, both the petitioner and the respondent entered a joint motion to dismiss the review before the administrative law judge, and the administrative law judge subsequently entered the non-final order of dismissal before the Commission. Deputy Attorney General and Legal Counsel James Schmidt advised the Commission to refrain from affirming the administrative law judge's non-final order of dismissal until its next meeting on Tuesday, April 2, 2019, as there is potentially still time to receive a timely-submitted objection to the non-final order of dismissal pursuant to Indiana Code § 4-21.5-3-29(d), based on the fact the non-final order of dismissal was served on 2/18/2019. Commissioner Scheurich moved to **table** and Commissioner Furnish made the second. It was voted on and carried.

11. Commission Consideration of Changes/Updates to the Commission's Building Code Ordinance Template

Justin Guedel, IDHS Staff Attorney, made two changes to reflect statutory changes from the last couple of years. The first change pertains to the Building Permit Section: Article II, Sections 2 and 4. Provisions from Ind. Code § 22-11-21 were included for firefighter safety notification. The second change was to Article IV, Section 3. There was an update to Indiana Code § 36-7-2-9.5 that requires an order to identify the specific law, order or interpretation upon which the finding of non-compliance was based upon: that entire language

was pulled out and added. Commissioner Pannicke moved to **approve** and Commissioner Corey made the second. It was voted on and carried.

12. Review of Local Ordinances

- a. Ordinance No. 2, 2019
City of Columbus, Indiana Fire Prevention Code (Revised from Ordinance No. 3, 2018 – denied by the Commission 4/3/2018)

This ordinance was submitted to IDHS Commission staff electronically on 1/31/2019. Inspector Matt Noblitt, City of Columbus Fire Department, and Alex Whitted, Whitted Law, spoke for the proponent. When the Commission denied Ordinance No. 3, 2018 in April 2018, Section 8.12.065 incorrectly cited to Indiana Code § 36-8-17-3 as the authority to conduct inspections in Class 1 structures. The correct citation is Ind. Code § 36-8-17-8. Section 8.12.225 conflicted with Section 503.2 of the 2014 Indiana Fire Code, which establishes the requirements for specifications of fire apparatus access roads. Director Boyle advised the Commission that these two conflicts that served as the basis for denial of Ordinance No. 3, 2018 are now corrected in Ordinance No. 2, 2019, and staff did not identify any other issues. Commissioner Scheurich moved to **approve** Ordinance No. 2, 2019, and Commissioner Popich made the second. It was voted on and carried.

- b. Ordinance No. 2019-2
Town of Kouts, Indiana Fire Prevention, Private Fire Hydrant, and Smoke and Carbon Monoxide Detectors Code

Ordinance No. 2019-2 was submitted electronically to Director Boyle on 2/21/19. Director Boyle advised the Commission that the Town of Kouts' attorney had submitted the smoke and carbon monoxide detectors provisions of Ordinance No. 2019-2 to him for pre-adoption review. However, IDHS did not receive the fire prevention and private fire hydrant provisions of the ordinance prior its adoption by the town council. Director Boyle asked the Commission to table Ordinance No. 2019-2 until the Commission's next meeting on Tuesday, April 2, 2019, in order to allow staff more time to review the ordinance in its entirety. Commissioner Scheurich moved to table and Commissioner Henson made the second. It was voted on and carried.

13. Commission Action on Locally-Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b)

- a. City's End Mixed-Use Development, 1441 Prospect Street, Indianapolis, IN 46203

Erin Maher, Blackline Studio, spoke as the proponent. Her firm had requested a variance to Section 591-406, Chapter 591 of the Indianapolis-Marion County Fire Prevention Code, regarding the location of a post indicator valve (P.I.V.) at the project listed above. Margie Bovard, Indianapolis Fire Department Inspector, had approved the variance request, and advised the firm that the variance request also

needed to be approved by the Commission pursuant to Indiana Code § 22-13-2-7(b). Ms. Bovard reiterated to the Commission that the Indianapolis Fire Department did not object to the variance request. Commissioner Pannicke moved to approve and Commissioner Furnish made the second. It was voted on and carried. Commissioner Heinsman **abstained**.

14. Variances

a. Tabled

18-12-01 Menard's Fire Access Road, Valparaiso – *paper filing, incomplete*

No proponent was available to speak on the variance. The application was incomplete. Commissioner Scheurich moved to table. Commissioner Corey made the second. It was voted on and carried. It was noted that this was tabled with the understanding that this variance would not be tabled in the future: the Proponent has failed to show up to answer questions before the Commission and has not completed remaining requirements. Those requirements include: notifying the Local Fire and Local Building Official; completing a new page two (2) of the application for the second variance request; and providing the \$69 fee for the second variance. A final notice will be sent to the proponent.

18-12-02 Palermo Construction Fire Detection, Fort Wayne – *paper filing*

Jeff Palermo, owner of Palermo Construction, spoke as the proponent. He explained that the building was previously used for chemical paint storage in the 1980s. Mr. Palermo acquired the building around 2000. The fire detection system hasn't been working since 1980, most of the system had already been removed, and he is requesting to remove what is left of the previous fire system. Jim Murua, Fire Department, stated that building was written up because the existing fire alarm system is not connected to anything. The building does not have any fire alarm panels, just a few smoke detectors and pull stations. Jim doesn't think a variance is required because proponent has changed occupancy from what it originally was; it is now a warehouse/storage under 12,000 square feet.

The Commission asked Building Commission Craig Burgess for his opinion as it relates to the code. He said that he could not speak from memory regarding the code and that he trusts the local fire official's determination. Mr. Murua indicated he doesn't know if the building requires a variance or not, because what is currently in the building wouldn't meet the code. Denise Fitzpatrick indicated a variance was needed to remove the alarms and pull station from the building. Commissioner Scheurich moved to **approve**. Commissioner Corey made the second. It was voted on and carried.

18-12-13 (a)(b) Daming Excavating, Indianapolis

No proponent was available to speak on the variance. Margie Bovard, Indianapolis Fire Department, was present and said that she has been speaking to Ryan Daming, owner of Daming Excavating, who appeared as the proponent at the February 5, 2019 meeting. Ms. Bovard has seen this proposal: it will

not guarantee the installation of an NFPA 72 protection system and stipulates that the plan may not meet building codes. Commissioner Scheurich inquired if there was a reason that the contractor's proposal would not meet codes. Ms. Bovard said that the proponent told her that the contractor includes this language in all of his proposals and she does not feel comfortable accepting something with that type of wording. She said in cases when water is not available or could not be brought to the site, her standard is to ask for an NFPA 72 system to be installed in the building. Proponent insists both options are too expensive. Ms. Bovard said she is still working with the proponent for a solution. Commissioner Scheurich moved to **table**. Commissioner Corey made the second. It was voted on and carried.

19-01-09 Broadway Christian Church, Fort Wayne

No proponent was available to speak on the variance. The application was incomplete. Commissioner Furnish moved to **table**. Commissioner Scheurich made the second. It was voted on and carried.

19-01-41 (a)(b) Carrier Corporation, Indianapolis

Carrie Ballinger, RTM, spoke as the proponent. Ms. Ballinger requested the variance be tabled. The variance was **tabled** per proponent's request.

19-01-51 (a)(b) Miller's Merry Manor – Huntington, Huntington

Jordan Shots, Administrator of Miller's Merry Manor, spoke as the proponent. The variance requests are for their two memory care doors. The doors are utilizing camouflage décor on the exit doors: one is a clock, and the other is a bookshelf. Mr. Shots indicated that this décor is a common practice with dementia care – the camouflage is part of the overall operational programming, assisting in reducing anxiety, stress, and agitation of exit-seeking residents. Commissioner Scheurich moved to **approve** both (a) and (b). Commissioner Heinsman made the second. It was voted on and carried. Commissioner Popich abstained.

19-02-12 Child Development Services W 38th Head Start, Indianapolis & 19-02-25 Child Development Services W 34th Head Start, Indianapolis

Corey Frye and Teresa Rice spoke as proponents. Their request was to not install doors for water closet partitions in the classrooms as required by code. The variance request is so that the caregivers can ensure the safety of the children under the age of 5. Commissioner Pannicke moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried. Commissioner Popich **abstained**.

19-02-25 Child Development Services W 34th Head Start, Indianapolis

This variance is the same as 19-02-12, only at a different location. Commissioner Pannicke moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried. Commissioner Popich **abstained**.

b. New

Category A/B

- 19-03-03 1203 N Lincoln Windows, Bloomington
- 19-03-04 HIE – Remington, Remington
- 19-03-05 Comfort Inn – Kokomo, Kokomo
- 19-03-06 201 S College, Bloomington
- 19-03-07 Discovery Park, West Lafayette
- 19-03-12 (a)(b) Fairfield Inn and Suites, Goshen
- 19-03-14 (a)(b) Lessonly Whitebox, Indianapolis
- 19-03-15 Storage Express Frankfort FF, Frankfort
- 19-03-17 (a)(b) Hampton Inn, Fort Wayne
- 19-03-18 (a)(b) CityWay II Building D, Indianapolis
- 19-03-19 Barr Code Studio at Milano Inn, Indianapolis
- 19-03-20 arcDESIGN/GLAP – First Floor Tenant Improvement, Indianapolis
- 19-03-21 Harrison High School Security Vestibule, Evansville
- 19-03-22 University of Notre Dame Siegfried Hall, Notre Dame
- 19-03-24 Douglass Park Pool, Indianapolis
- 19-03-30 Legacy Living of Jasper, Jasper
- 19-03-31 Bloomington Hall Residence Hall, Greencastle
- 19-03-37 Invent Learning Hub/Paramount School of Excellence, Indianapolis
- 19-03-38 BCSC East Campus Concession/RR Building Expansion, Brownsburg
- 19-03-48 Cummins Corporate Office Building Renovation, Columbus
- 19-03-50 South Decatur Elementary School Renovation, Greensburg
- 19-03-51 Lincoln Hills Rehab and Memory Care Renovation, New Albany
- 19-03-52 Lutheran Life Villages Lounge Renovation, Fort Wayne
- 19-03-62 Sidney and Lois Eskenazi Museum of Art Vault, Bloomington – **late filing**
- 19-03-63 Jackson County REMC, Brownstown
- 19-03-69 Casey’s General Stores Evansville, Evansville

Commissioner Popich moved to approve the “A” and “B” variances, and Commissioner Henson made the second. It was voted upon and carried. Commissioner Corey **abstained** from 19-03-12 and 19-03-14. Commissioner Heinsman **abstained** from 19-03-06 and 19-03-38. Commissioner Pannicke **abstained** from 19-03-48.

Category C/D/NVR

Self-Representing Applicants/Design Professionals/Non-Consultants outside of Indianapolis metropolitan area:

19-03-02 New Life Baptist Church Sprinklers, Wabash – *paper filing*

Scott Johnston, Pastor of New Life Baptist Church, and Donald Revis, spoke as the proponents. They are adding a new addition to their church; currently, the building does not have a fire system in place. They were told by James Straws that they would need a sprinkler system once the new addition is built because it is over 7,000 square feet. They are requesting not to put a fire system in because the church cannot afford it. Denise Fitzpatrick asked for the square footage of the entire building. Proponent indicated that currently, the entire building is 6,768 square feet; with the addition it would be 8,385 square feet. Denise followed up with a question regarding the occupant load, and proponent indicated proposed 202, as far as seating in the sanctuary. Proponent indicated they don't intend to increase occupancy load. They are trying to create a hallway, for better flow throughout the building. Denise Fitzpatrick indicated that the building wouldn't need the variance based on the information being provided. Commissioner Burgess agreed. Commissioner Scheurich made a motion that no variance is required (NVR). Commissioner Popich stated that the calculated occupancy load is 320 chairs. It was determined that the variance is required due to the occupancy load. Commission Scheurich removed the NVR motion. Commissioner Scheurich made a motion to **approve** the variance. Commissioner Furnish made the second. It was voted upon and carried.

19-03-08 Memory Care Door Mural at Asbury Towers, Greencastle

Julie Dozier and Jake Dogess, with Asbury Towers, spoke as proponents. The variance request is similar to variance request 19-01-51. This request is to utilize camouflage décor on the exit doors. It was noted that this type of variance should be placed in the block vote in the future, as long as there is an exit sign above the door and magnetic lock/releases on the doors. Commissioner Scheurich moved to **approve**. Commissioner Pannicke made the second. It was voted on and carried.

19-03-10 Joseph Decuis, Columbia City

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table**. Commissioner Pannicke made the second. It was voted on and carried.

Commissioner Scheurich made a motion to **un-table** the variance. Commissioner Popich made the second. It was voted on and carried. Joe Bishop, J. D. Bishop Engineering & Development, spoke as the proponent. The variance request is to change the occupancy classification of a barn built in the 1970s, to a reception hall (A2 structure). The area where the barn is located has become an Agro-tourism area. As the contractors went through the conversion of the building, they noted there are no structural problems. They want to use chapter 34 to change the doors, so that they swing out instead

of in, and add additional emergency lighting and exits. They do not want to add a sprinkler system to the building. They state that with the improvements they are making, the building would nearly meet code today if built new; save for no sprinkler system and being slightly over the square footage. Proponent was asked to submit a lateral load calculation. It was suggested that this be tabled in order to give proponent additional time to gather this information. Commissioner Pannicke moved to **table**. Commissioner Scheurich made the second. It was voted on and carried.

19-03-55 US Steel - #4 Blast Furnace Elevator, Gary

Tom Sulhoff, ThyssenKrupp Elevator Corp, spoke as the proponent. Proponent's request is to not use any smoke or heat detectors on their 4 Blast Furnace elevator. Due to adverse conditions on site, if smoke or heat detectors were installed, repeated false alarms would be triggered because of the environment: the detection devices would sound all day due to site conditions. Commissioner Pannicke moved to **approve**. Commissioner Henson made the second. It was voted on and carried. Commissioner Corey **abstained**. It was noted that this type of variance could be placed in the block vote in the future, though it was noted situations may vary and it could still be placed in the C category.

19-03-66 US Steel – 4 Boiler Elevator, Gary

This variance is the same as 19-03-55, only at a different location. Commissioner Pannicke moved to **approve**. Commissioner Henson made the second. It was voted on and carried. Commissioner Corey **abstained**.

19-03-61 (a)(b) Everett Realty B-Occupancy Change from HUD Residential, Elkhart (59.55)

Todd Miller, Progressive Engineering Inc., and Sandra Rutchick, Everett Realty, spoke as proponents. The variance request is for a change of use for a double wide HUD unit. For over 17 years the HUD unit has been used as office space; first, for as a module mobile home, selling property and now, as a used car lot. Recently, the business had a small fire. During a structural and building inspection, the building inspector realized the HUD unit was being used as a B occupancy commercial building, and asked the owner to get a variance for a change of occupancy. It was found that the state never approved the HUD -- not even as a residential unit when it was being installed-- because it was considered temporary. Now, they seek to turn the HUD into a B occupancy. They want a variance for both the structural requirements (since it was built as a HUD) and the Indiana energy code, which it cannot meet. Kevin Troy, State Fire Marshal's office, asked if the HUDs had red tags on them; proponent indicated that they do have them. Mr. Troy informed the Commission that this situation is not something the Commission could grant a variance for, as federal regulations control HUD housing. It is not a class I or class II structure; it is a HUD federally-regulated home. It was suggested that what the owner can do is take off the labels and start over with the HUD, but they would need to do this outside

of the current jurisdiction, back to where the HUDs were assembled. Proponent asked if they could use the documentation they do have on the HUD, stating it was built to a certain wind standard and snow standard. They wanted to use rule 13, but because the structure meets the standards of a HUD, they couldn't consider it as an IRC dwelling unit, and couldn't use the exception. The HUD is not anything covered under the Indiana Code. It is suggested that they work with their local inspector and file for a design release as a B occupancy structure. The proponent is still worried that the structure won't meet today's living standards; his structural engineer told him this. At this point, it was determined that the variance request couldn't be granted at this time because of other issues with the unit. Commission Burgess suggested that the proponent remove the seals, submit the HUDs to plan review, and apply for variances for the areas that don't meet the code. Commissioner Pannicke moved to **table**. Commissioner Scheurich made the second. It was voted on and carried.

Self-Representing Applicants/Architects/Designers/Non-Consultants inside of Indianapolis metropolitan area:

19-03-01 (a)(b) Uptown Café, Noblesville – *paper filing*

Darren Peterson, Peterson Architecture, spoke as the proponent. The owner of the business purchased the space next door and planned to knock down the wall to make room for more seating. There is a building above the space that used to be an office, but it is being turned into residential space. Proponent is requesting variances (a) for a sprinkler system. Proponent indicates the system is unnecessary and would cause financial hardship. For safety, they have added fire curtains between the restaurant and the new seating. The building has two stairs that lead directly out of the apartment, and both have rated corridors and two egress windows. Darrell Cross, Noblesville Fire Department, states there are two exits out, but one leads to a back alley that is four feet wide and would be difficult to maintain as an egress. The second exit is into another building, and this caused concern for exiting. Darrell Cross asked if they had considered an NFPA 13D system for the building. They indicated that this would be cost prohibitive to add a sprinkler system to the whole building, but could commit to sprinkling parts of the building. Commissioner Pannicke moved to **approve** variance (a) **with the condition of** installation of NFPA 13D sprinkler system in residential units, enclosed residential egress, and corridors on the second floor. Also, no tableside cooking, and no open flames in the restaurant. Commissioner Scheurich made the second. It was voted on and carried.

Variance (b) is a request to not meet the two-hour rating assembly between B and R occupancy buildings; compliance would be cost prohibitive and would destroy historical aspects of the building. Because they have committed to an NFPA 13D system for variance (a) they hope the commission will take that into consideration for this variance. Commissioner Pannicke moved to **approve** variance (b) **with conditions** that a monitored automatic fire alarm system (for early detection) shall be installed in the basement and first floor, egress corridors, and local smoke detectors shall be installed in the residential units (second floor). Commissioner Scheurich made the second. It was voted on and carried.

19-03-71 St. Peter's Alarm, Columbus

Shelly Wakefield, Senior Plan Reviewer, spoke as the proponent. For security purposes, an access control locking device was added to the school's lobby exit. The contractors they hired to install the system, put in a non-code compliant system. The system takes two actions to exit the building. This system is active during lockdowns only. Matt Noblitt, the Local Fire Inspector, approves of the system; he witnessed the church test the system multiple times. Commissioner Pannicke moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried.

19-03-16 Variance for Fire Doors, Shelbyville

No proponent was available to speak on the variance. Commissioner Pannicke moved to table. Commissioner Scheurich made the second. It was voted on and carried. Director Boyle noted an individual who stood to speak for the variance and asked for a motion to un-table the variance. Commissioner Pannicke moved to un-table. Commissioner Corey made the second. It was voted on and carried. Ryan Angrick, Shelbyville Fire Department, said that the proponent couldn't make it to the meeting but let the Commission know that the local fire department doesn't have a problem with the variance. The building is fully sprinklered. Mr. Angrick said it would be cost prohibitive for the owner to come up to code. Commissioner Furnish moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried.

19-03-33 United Parcel Services Fuel System, Plainfield

Jon Powers, Midwest Maintenance & Construction, spoke as the proponent. The variance request is to allow above ground storage of two (2) 15,000 unleaded gallon gasoline tanks and one (1) 20,000-gallon diesel tank. The proponent said the tanks would be constructed to meet the most rigorous UL listing (2085). He stated they undergo two-hour fire protection, ballistic protection, impact protection, as well as an interstitial communication test. All tanks will be equipped with an automatic tank gauge that will provide leak detection in the primary tank, secondary tank, and piping. An audible alarm will sound at the location of the monitor if a leak or failure occurs. The monitor will also send a notification to a remote monitoring party (the same party responsible for monitoring and orchestrating fuel deliveries). Proponent spoke with the local fire official, who was okay with it. The area in which the tanks will be located is out of the way; not much traffic comes in and out. Commissioner Pannicke moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 10:31 a.m. It was called back to order at 10:44 a.m.

19-03-42 Tenant Retrofit Project at Keystone, Indianapolis

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table**. Commissioner Pannicke made the second. It was voted on and carried.

Consultants:

19-03-09 (a)(b)(c) Staff Housing Development, Brookston

Ralph D Gerdes, Ralph Gerdes Consultants, LLC, spoke as the proponent. The variance is being requested for two seasonal cabins for adults; no children will be in the cabins. Some adults may stay all year around, but it is only intended for May through August. Variance (a) involves the corridor: proponent seeks relief for the one-hour fire-rated wall, but proposed that they will put in an NFPA 13D sprinkler system. The cabins will be low population; only 8 people will be on a side. Each sleeping room will have an escape window leading directly outside. The Commission questioned if they would need to approve variance (b) first. Commissioner Pannicke moved to **approve** (a)(b) and (c) and Commissioner Scheurich made the second. It was voted on and carried.

19-03-11 (a)(b) A1 Camps, Marshall

Christina Collester, RTM Consultants, spoke as the proponent. Proponent is requesting a variance to use a 13D sprinkler system instead of a 13R system, as the code requires, because the bunkhouse is located in the wood, and the wells on the campgrounds would not support the stress of 13R systems. Variance (b) is for the Module units on themselves. The units were not adequately labeled and appropriately inspected before being delivered to Indiana. The units were delivered to the campgrounds without labels and final inspection, assuming the final inspection would be completed on site. The proponent has been working with State Fire Marshall to reach an agreement to get the units inspected on site at the campgrounds. Kevin Troy, State Fire Marshall's Office, mentioned that the possibility of the units being inspected on site has been discussed, but there is no agreement yet. He stated that the statute says that any unit that comes without a label has to be sent back to the factory, partially-dismantled, and inspected by the staff of the State Building Commissioner. Ms. Collester indicated that the company has provided the same units all over the county and shipped it with the assumption they would be inspected on site. Radco, 3rd Party inspection service, did most of the inspection and had that information, but had not completed the final inspection before modules were shipped. Kevin Troy trusts their inspection services and is willing to allow them to come out and complete the inspection. Commissioner Scheurich moved to **approve** (a) and (b) and Commissioner Heinsman made the second. It was voted on and carried.

19-03-13 Butler University – Lacy School of Business, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, LLC, spoke as the proponent. The variance is for a new four-story, classroom/office building at Butler University. During the construction they used return air plenum and exposed spray foam plastic on the exterior, instead of what the code required. The code

requires them to be protected by a thermal barrier or have a smoke developed rating of 50 or less (metal, wood board, or some product that take the exposure hazard way). Mr. Gerdes doesn't believe they should have to change what is already there because it meets the 2018 International Building Code. Millard Johnson, City of Indianapolis, brought the code issue to the contractor's attention in December 2018 and believed that they had plenty of time to correct it. Mr. Gerdes said that the project is almost complete if not already completed and they would need to tear down the ceiling to install Thermal Barrier Intumescent Coating. He states they cannot afford to do this. Mr. Johnson reiterates that he already told the contractor what he was doing would not meet code. Commissioner Burgess asked proponent if the smoke development rating meets the requirements of the 2018 model code. Proponent indicated that it does and also the flame spread. Commission Burgess said he is not inclined to think that variance should be used as a solution to designer error, but if this is acceptable under 2018 model code, could be viewed as mitigating; if it wasn't for that, he would suggest the variance be denied. Commissioner Scheurich made to **approve** the variance **with the condition** that documentation shall be provided to the Authority Having Jurisdiction (AJH) upon inspection, showing that the spray foam plastic, with a smoke developed rating of 400, is permissible under current model code (2018 IBC). Commissioner Heinsman made the second. It was voted on and carried.

19-03-23 (a)(b) Harwood School Security Corridor, Evansville

Roger Lehman, RLehman and Son Consulting, spoke as the proponent. They are providing secure entrances into the school. This system is designed to protect students and staff; this addition is to allow the students to pass to and from classrooms to the cafeteria and art room without passing through the secured entry lobby. Also, they will be providing smoke detection, NFPA 72 Fire alarm systems, and will add windows for light in the corridor and front office. They are requesting a variance to not add a sprinkler system to the building due to it being cost prohibitive. Commissioner Pannicke moved to **approve** (a) and Commissioner Henson made the second. It was voted on and carried. Commissioner Pannicke moved to **approve** (b) and Commissioner Heinsman made the second. It was voted on and carried.

19-03-25 Charles Schwab First Floor Café, Indianapolis

Edwin Rensink, RTM Consultants, spoke as the proponent. The project involves the expansion of the existing café area and additional assembly space for the building. The issue is that the building currently has some assembly occupancy, but they qualify as accessory use that does exceed the 10 percent of the floor area. This addition will exceed the floor area. Chapter 5 has two options: to make non-separated occupancy or separated. They cannot do non-separated, because it is a four story building. They will have to do separation occupancy; they will meet the one-hour fire rating for columns, and the concrete on metal deck will also meet code. They are requesting the variance for the unprotected steel bar joints that support the building. They are offering to enhance the sprinkler system to 0.2GPM instead of the minimum code requirement of a 0.1GPM system. They indicated that it would be challenging to become compliant; they would need to remove existing bar joists and apply

firing proofing. The commission asked Building Commissioner Burgess his opinion, and he said he doesn't seem to think the substitution is unreasonable. Commissioner Scheurich moved to **approve**. Commissioner Heinsman made the second. It was voted on and carried.

19-03-26 (a)(b) Amy Beverland Elementary School, Indianapolis

Edwin Rensink, RTM Consultants, spoke as the proponent. The school is adding new construction that will increase the area. Variance (a) is to be allowed to exceed allowable area without adding a separation of a two-hour fire wall. They are adding 10.8 percent of the area to the building as a whole. They are going to be adding smoke detection to the new addition. Variance (b) is to not add a sprinkler system to the building. They were quoted a price of \$590,000 to add a sprinkler system to the affected areas. The construction cost associated with the additional square footage would be \$2.7 million. They would need to bring a new waterline. The significant cost would be adding the system to the area of the building where they are not doing work. Proponent indicated that when the building was built, it did meet the code standards of 1988. Margie Bovard, Indianapolis Fire Department, would like to see sprinklers in the building when there is a water source and believes proponent wouldn't need to tear apart too much of the ceiling. She believes proponent is asking for too much for both variances. Mr. Rensink said that they could add sprinkler systems to the new additions and the remodeled areas; which he estimates would be under \$100,000, but states they would still need the variances. Commissioner Scheurich moved to **approve** (a) and (b) **with the condition** that an NFPA 13 sprinkler system shall be installed in all new additions and remodeled areas. Commissioner Henson made the second. It was voted on and carried. Commissioner Pannicke **abstained**.

19-03-27 Faegre Baker Daniels Tenant Interior Renovation, Indianapolis

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. The variance request is to permit card reader devices on the two sides of the lobby doors to restrict access, by allowing only building personnel to enter the intended space. The device would unlock upon the activation of a fire alarm, loss of power, or activation of the sprinkler system. The card reader devices would only be on the 19 – 25th floors, but the 25th-floor system would only be operated only during working hours. Commissioner Pannicke moved to **approve**. Commissioner Henson made the second. It was voted on and carried.

19-03-29 Corby Hall University of Notre Dame, Notre Dame

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. The variance request is to permit wainscoting on the walls in the corridors on the ground and first floors classified as A-3 Occupancies. The lower levels are required to be a B flame spreading. The whole building will have an ordinary hazard sprinkler design. The Local Building official couldn't be present but provided a letter. Commissioner Pannicke moved to **approve** and Commissioner Heinsman made the second. It was voted on and carried.

19-03-32 The Whit, Indianapolis

Melissa Tupper, RTM Consultants, Inc., and Ryan Fitzpatrick, TWG Construction, spoke as the proponent. They were before the commission to request a variance five noncombustible mechanical shafts in the building that connect from the second through ninth floors. At the inspection of the final shaft by the local fire official, it was discovered that the shafts were not constructed properly. Ms. Tupper said this was because of discrepancies between architectural drawings and reference material. They aren't able to get into the shafts and provide the two layer of drywall required within shaft assembly. They do have the two-hour layering on the out-siding of the shafts. Nothing in the shafts other than mechanical shafts. They have already install NFPA 13 sprinkler systems at the top and bottom of the shafts, to offset any hazard from of fire from inside the shaft from spreading out. The shafts do have fire dampers. Currently, there is no fire detection within the shafts, but the building does have fire alarms. Ms. Tupper told commission each shaft contains mechanical ductwork and a few pipelines.

Margie Bovard, Indianapolis Fire Department, indicated that the errors within the shafts should have been caught much earlier and asked if this was a new concept. Mr. Fitzpatrick stated his construction team followed the approved plans, but at this point, since everything has already been installed, it would be too dangerous for anyone to go in to try to add the two-hour dry walling inside each shaft. He said it was a new concept and not a common type of instruction.

Ms. Tupper indicated that this was not the intention and it was not caught in the early construction of the shafts and all the other shafts were signed off by the inspectors. Commissioner Popich stated the inspector didn't sign off on them and that there is no written violation for the shafts. Building Commissioner Burgess said there isn't any shared responsibility for the construction of these shafts, because the error should have been caught in the beginning by the designer. Commissioner Pannicke moved to approve with the condition that sprinklers shall be provided at each floor level and smoke detectors shall be provided at the top of every mechanical shaft. Commissioner Corey made the second. It was voted on and carried. Mike Popich **abstained**.

19-03-28 Brownsburg Cardinal and Delaware Trail Elementary School, Brownsburg.

David Cook, Ralph Gerdes Consultants, LLC, John Voigt, Chief Operations Officer for Brownsburg Community Schools, and Steve Johns, local fire official, spoke as proponents. They are before the commission requesting permission to remove pull-stations and smoke detections from one of their school buildings that are not required by today's code. The building currently has a sprinkler and full alarm system and is fully non-combustible. The variance request is to better prepare for active-shooter situations, for better safety and security of the staff and students. As of the Commission meeting the devices have not been removed. Mr. Cook indicated based on today's code if the school was built today, they would only need one pull-station and theoretically no smoke detection in the corridors (save for mechanical ones.) Mr. Cook said they wanted to remove the fire detection and pull-stations,

because of a study where gun powder and debris caused the smoke alarms to go off. Also, there are situations where active-shooters cause the alarms to go off by starting small fires and pulling alarms. They intend to ensure when the fires alarms are going off for a legit fire situation. Mr. Johns said that his fire department responded to multiple false alarms at the Brownsburg schools. He believes doing this would reduce false alarms and also would help ensure the right people are responding to the alert received from the school. The building safety is not being reduced; the building has a sprinkler system. Building Commissioner Burgess said that this first came to his attention for a written interpretation of the General Assembly Registry 12-4-9 dealing with subsection D about removal. If they wished to use this code, they would need to comply with the code of record. He indicated that if they used 12-4-12 of the General Assembly Registry dealing with alteration and renovations of existing buildings, they would need to comply with the current code. Commissioner Pannicke indicated that documentation is essential for removal of lifesaving equipment in order to ensure that it has been reviewed and to ensure that they are meeting current code and not taking away from the lifesaving equipment. He believes that a variance is required, but said that they should come up with a way to make the variance process easier for schools. To give the school time to amend the code section, Director Boyle, suggested this variance be tabled. Also, to make it efficient, they should bring filings for all of the Brownsburg Schools. Commissioner Scheurich moved to **table** and Commissioner Popich made the second. It was voted on and carried.

19-03-34 Ole Red Barn, Hanover

Carrie Ballinger, RTM Consultants, Inc., and Kevin Brierly, owner of Ole Red Barn LLC, spoke as proponents. The project is the conversion of an existing Agricultural Building for event use (Class 1 Structure classified as A-2 occupancy). The variance request is to use Chapter 34 evaluation; it passes under this rule with installation of a fire detection system. Two structural reports were provided to the Commission. Ms. Ballinger indicated the owner is following the second report for design purposes. They would need to add beams and columns to support loft space. Also, a tie rod would need to be added to join the two sides. The loft will have its own independent exit. A new exterior stairway is to be built. Owner will be adding a separate restroom facility as well, prior to opening. A shunt trip for any sound system will be added so if any detectors are activated the sound system will turn off. Any decorative light will be commercial grade UL listed and will comply with the electrical code. Any decorative combustible hanging material will be fire retardant treated. Mr. Brierly indicated that the DJs or bands will be able to play in multiple areas of the barn. Commissioner Pannicke moved to **approve** with **the condition** that all outlets must be identified on the on shunt trip. Also, bands or DJs are required to use those specific outlets. Commissioner Popich made the second. It was voted on and carried.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 12:12 p.m. It was called back to order at 1:15 p.m.

19-03-35 Hagerstown High School, Hagerstown

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The proponent is requesting a classroom security upgrade by adding doors to the existing school's second-floor classrooms. Currently, those classrooms don't have doors. They also want to add new corridors. This variance is a request to not comply with the one-hour rating as required by code. The building doesn't have a sprinkler system but does have a fire alarm system. Commissioner Scheurich moved to **approve**. Commissioner Heinsman made the second. It was voted on and carried.

19-03-36 (a)(b)(c) Alexandria-Monroe Junior/Senior High School Additions and Renovations, Alexandria

Dave Cook, Ralph Gerdes Consultants, LLC, spoke as the proponent. The first variance request is regarding an existing school; they are adding new construction. They do not want to add a two-hour fire rated wall to the construction. Commissioner Popich moved to **approve** variance (a) and Commissioner Scheurich made the second. It was voted on and carried. The second variance is to not sprinkle the entire building, but only the new construction and parts of the building that are being remodeled. The final variance is for exceeding allowable area without sprinkling the entire building and adding independent separation of walls. Commissioner Pannicke moved to **approve (b) and (c)** and Commissioner Heinsman made the second. It was voted on and carried.

19-03-40 (a)(b)(c) Alexandria-Monroe Intermediate School Additions and Renovations, Alexandria

This variance is the same as 19-03-36, only at a different location. Commissioner Pannicke moved to **approve**. Commissioner Scheurich moved to **approve (a), (b), and (c)**. Commissioner Furnish made the second. It was voted on and carried.

19-03-39 XPO Logistics, Plainfield

Christina Collester, RTM Consultants, Inc., spoke as the proponent. Part of this facility is a flammable storage warehouse that stores 55-gallon drums of class 1-B flammable liquids, printer ink — protected by an A-triple-F using 3% foam-water solution at the ceiling. They want to change the protection system to change the storage system to non-metallic containers less than one gallon, which would be placed into individual compartments on a double rolled storage rack. They would be putting In-Rack Sprinkler System inside the compartments, to provide an A-triple-F foam protectors. This system is a combination of the NFPA 30 and factory mutual standards, engineered into a new system which is ahead of the current code. The smaller compartment racks will be placed into the 55-gallon drums. The smaller containers are not metallic and can melt, but they are fire retardant plastic. Proponent indicated that when building this protection system, they take the tables for what is commonly accepted and established as protection and use those accepted levels on each compartment individually. She said they have the overhead ceiling system as a backup and indicated this type of protection system is not common, but has been tested. Proponent indicated that the local fire official is taking his time reviewing the plan, but is okay with it. Flammability protection has not changed.

Proponent explained the use of A-triple-F foam in her project, a fire damper that is used to smother flames until the fire department can reach the location and contain or halt the fire. If a spill happens, the A triple F foam will drown out the fire. She indicates that this product is the current gold standard. Proponent was asked if the local fire office was okay with the variance request. Proponent indicated that he still needed time to decide. Commission request that she call fire office for determination. Commissioner Popich asked Proponent to provide the A triple F rating, to confirm protection rating for the 1-B flammable liquids. Commissioner Popich moved to **table** and Commissioner Scheurich made the second. It was voted on and carried.

Commissioner Heinsman moved to **un-table** and Commissioner Scheurich made the second. It was voted on and carried. Christina Collester, RTM Consultants, Inc., spoke for the proponent. There was discussion regarding 8 MSDs; some are just different colors of the ink. There was discussion regarding the difference between code language and fire department language. She explain why the A-triple-F foam being used is the correct form of protection for the storage for the 1-B flammable liquid. Ms. Collester was asked if the local fire official had a problem with the variance, she indicated that he knew of the variance but didn't know if he had any objections to the request. The variance was not tabled, it was left open to be address again before the end of the commission meeting to give Ms. Collester time to contact local fire official. Christina spoke with the local fire official and had Denise Fitzpatrick witness the call. The local fire official acknowledged that he was not opposed to the variance. Commissioner Pannicke moved to **approve with the condition** that the local fire official's understanding/agreement of the variance request. Commissioner Popich made the second. It was voted on and carried.

19-03-41 Goshen High School Addition and Renovations, Goshen

Dave Cook, Ralph Gerdes Consultants, LLC, spoke as proponent. This project involves an existing three-story school built in the 1920s. The building has had many other variance requests in the past. They are adding a new three-story addition to the school adding 31,140 square feet. Mr. Cook indicated that the existing building has a full sprinkler system. They are requesting a variance to exceed allowable area and to not provide four-hour structural fire protection between the new addition walls. Mr. Cook stated that if the school didn't add the enclosure, they wouldn't need the variance since construction would not be on the third floor of the school. Mr. Cook said they know anytime the building goes under construction, it is likely they will always be seeking a variance for the structure because it is not compliant in the first place. Commissioner Popich moved to **approve** and Commissioner **Corey** made the second. It was voted on and carried.

19-03-43 West Lafayette Junior/Senior High School BP3, West Lafayette

Edwin Rensink, RTM Consultants, Inc., spoke as the proponent. This project is in the third phase and includes some additions and renovations to the junior/senior high school. The additions are on each of the three floors, in the original 1940s part of the building. They are adding 5,398 square feet to each

floor. The building exceeds the allowable area by today's code. Proponent indicates the building currently has a full sprinkler system. They will be adding fire protection to each new addition. They also want to allow the building to be considered Type 2B construction. Commissioner Pannicke moved to **approve**. Commissioner Henson made the second. It was voted on and carried.

19-03-44 Base Group Mini-Storage, Muncie

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The facility in question has been a storage unit for the past 12 years. It was recently cited for a sprinkler system requirement when an adjacent building was undergoing remodeling, and the inspector noticed that the owner was operating as a storage facility. Ms. Ballinger indicated that twelve years prior there was a permit obtained locally to allow the building to be used for storage, but the permit was not submitted to the state for review. When the current owner bought the building, everything was already installed, and to the best of their knowledge, everything was up to code. They are requesting not to provide a sprinkler system. They do have a monitoring fire system in place, not required by code. The proponent said they are willing to add a two-hour fire barrier with 90-minute doors at the connection between the adjacent vehicle storage space. The proponent indicates these additions would be over \$9,000 in improvements to the space. The proponent would not be able to bring water to the space because of cost; it is estimated at \$80,000. The Building Commissioner indicated that the correct firewall should be a three-hour fire barrier. Proponent indicated that they would not be able to find and afford the correct door to fit that firewall rating. Commissioner Scheurich asked for plan costs for the project. The Proponent does not have planned construction for this building, as they have been operating out of this building as storage for over seven years. Commissioner Pannicke suggested that this variance request be tabled to give the proponent time to get estimates for the three-hour fire barrier and separation. Commissioner Pannicke moved to **table**. Commissioner Scheurich made the second. It was voted on and carried.

19-03-45 Shelbyville Airport Hangar, Shelbyville

Carrie Ballinger, RTM Consultants, Inc., spoke as proponents. Proponent indicated that she does not believe the building will require a sprinkler system since the designer created the plans so they would be under the 12,000 square feet so it would not need a sprinkler system. The plans are currently in plan review and will not be approved because they indicate the building would exceed the allowable area and would need a sprinkler system. They updated the plans to add inside paneling, which should change the area. Denise Fitzpatrick indicated that the measurements are slightly over 12,000 square feet and is over the 11,998 square feet listed on the plans. It is likely that the planner is subtracting out the columns. Because of the square footage the facility would need a variance. Commissioner Pannicke moved to **approve**. Commissioner Henson made the second. It was voted on and carried.

19-03-46 (a)(b)(c)(d)(e)(f) DePauw University Residence Hall – Phase I, Greencastle

Commissioner Furnish moved to **approve** (a), (b), and (f) Commissioner Popich made the second. It was voted on and carried. Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. They are requesting with variance (c) to allow the kitchenette to be open to the corridor; there is no stove and will be no cooking in the kitchenette. The area does have a sprinkler system and smoke detection. Commissioner Pannicke moved to **approve** (c) and Commissioner Corey made the second. It was voted on and carried. The variance (d) request is to permit draft curtain and close cased sprinkler system to provide separation between first and second floor instead of using one-hour fire barrier and 45-minute rated opening around the staircase connecting those floors. Commissioner Pannicke moved to **approve** (d) and Commissioner Heinsman made the second. It was voted on and carried. The final variance (e) request is to provide standpipe outlets on main floor landings instead of the intermediate level landing. The way the stairs are designed, the floor landing extends out more on the upper floors than the first floor. So they could not get a continuous straight run at the intermediate. Ms. Tupper said the fire marshal has not heard of this and she has not spoken with him. Commissioner Scheurich moved to **approve** (e) and Commissioner Popich made the second. It was voted on and carried.

19-03-47 (a)(b)(c) IU Foster Quad, Bloomington

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. Commissioner Furnish moved to **approve** (a). Commissioner Corey made the second. It was voted on and carried. Tim Clapp, local fire official wanted to have his objection to variance (a) on record. Variance (a) is for door closures; they do not want to leave the doors closed anymore. He believes that it is not much of a cost to close the doors. Variance (b) is to allow the restroom renovations to not add additional shower fixtures to what was already existing. They will not remove any of the existing fixtures, but they do not have space to add additional fixtures to apply with code. Commissioner Pannicke to **approve** (b). Commissioner Henson made the second. It was voted on and carried. The final variance (c) is for the 10th floor existing lounge area. Right now there is only one stairway leading to this space. Now they want a second stairway, so they can have two ways out of the area. There is no exit stairway from the lounge. They are filing for a variance not to make the new stairway an exit stairway. Ms. Ballinger indicated that they are not required to add the second stairway; they could do nothing with the space. She also indicates there is no way to put an enclosed exit stairway. Mr. Clapp said if they want to add a second stairway, they would need to make the new exit compliant; at least 50% of the stairway would need to be enclosed. Ms. Ballinger indicated that the stairway should have to be enclosed because they have an existing stairway, which was pointed out that it is an existing non-compliant stairway. Commissioner Scheurich doesn't think the commission should have to keep bending when variance requests come in asking to not comply with code for new constructions. Ms. Ballinger stated it is not possible to build a code compliant exit stairway from the 10th floor down. They are adding a sprinkler system to the addition. Commissioner Scheurich moved to **deny** (c). Commissioner Popich made the second. It was voted on and carried (7-1) Commissioner Joe Heinsman **abstained**.

19-03-49 West Lafayette Cumberland Park Recreation Center, West Lafayette

Edwin Rensink, RTM Consultants, Inc., spoke as the proponent. The variance request is to use a single/multiple user restroom instead of separate male and female restrooms for a community center over 70,000 square feet, located in West Lafayette, IN. The community center is used for multi-purpose activities and has significant traffic. The proponent said a similar request was granted to West Lafayette City Hall last month, the difference being that this is a locker room. He ensured only the lockers, and the lavatories, are in the common spaces. The restrooms, changing rooms, and showers are all private with full height walls and doors for privacy. The proponent said benefits of the multiple user restroom would include: a more family-friendly environment, and it would accommodate gender distribution for events held at the recreation center, and also cleaning would be more efficient for the workers. Commissioner Pannicke moved to **approve**. Commissioner Heinsman made the second. It was voted on and carried.

19-03-53 3rd Dimension Printing, Westfield

Melissa Tupper, RTM Consultants, Inc., and Bob Markley, representing 3RD Dimension Printing, spoke as proponents. The variance is for a 3D manufacturing facility using metal additives. Their request is to allow the amounts of aluminum to exceed the allowable quantities required by code. The code allows up to 200 pounds of Class 2 reactive materials per Table 5003.1.1(1), with a sprinkler system. The request is to allow up to 600 pounds. Their company will be storing the aluminum in non-combustible containers and will be handled in inert atmospheres, eliminating any dust explosion hazard. The material can be highly explosive if a dust cloud is formed. Mr. Markley indicated that if they are being handled properly in the inert conditions, under argon gas shield gas, it removes the hazards. Once in the container, they are then transported and stored in DOT approved metal fire and explosion proof containers. The Westfield local fire official opposes the variance. The quantities they are allowed to store is for an H3 occupancy. Their CDR says it is a B and F-2 occupancy; under F2, this product is not allowed. Upon investigation of the products being stored at the facility, the Local Official found that the material is highly flammable and explosive. The building is fully sprinkled which could cause a volatile situation. With the facility being so close, less than one mile away from a school, the fire department can't agree with the product being stored there. Mr. Markley said that they are using this storage system in Arizona as a solution. He does not know the codes they follow there, but he is requesting to use it here. The proponent will be moving into the facility soon, and if restrained to 200 pounds of material, could not afford to do business with major companies. The proponent is now getting ready to move into the new Westfield facility. He signed a lease good for five years in November of 2018. He could not find a location better suited for the product. This process is more in use in Europe using titanium; the closest facility using this process is a business located in Arizona. The company based in Arizona would be offering training concerning storing the material. Commissioner Corey asked if the local fire official would feel more comfortable with having more time to do more research on the product. Commissioner Scheurich moved to **table**. Commissioner Henson made the second. It was voted on and carried.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 2:42 p.m. It was called back to order at 2:52 p.m.

19-03-54 (a)(b)(c)(d)(e) IU McNutt Quad, Bloomington

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. This is similar to a similar variance request submitted earlier in the commission meeting. Tim Clapp, the local fire official, wanted to have his objection to the variance request on record. Corridors will serve as exhaust plenums with corridor door undercuts. Commissioner Pannicke moved to **approve** (a)(c) and (d). Commissioner Heinsman made the second. It was voted on and carried. Commissioner Pannicke to **approve** (b). Commissioner Heinsman made the second. It was voted on and carried. Commissioner Heinsman moved to **approve** (e). Commissioner Furnish made the second. It was voted on and carried.

19-03-56 (a)(b) IU Memorial Union Food and Dining Services, Bloomington

Edwin Rensink, RTM Consultants Inc, spoke as the proponent. Commissioner Furnish moved to **approve** (a). Commissioner Scheurich made the second. It was voted on and carried. The second variance request is for temporary egress conditions for a building undergoing construction. The current means of exit will be affected by the renovations. The local fire official is okay with a temporary egress. The proponent said the temporary passage and the time frame needed is listed on the plans. Commissioner Popich moved to **approve with the condition** that this variance is only valid from May 18, 2019 (05/18/2019) through August 31, 2019 (08/31/2019). This variance is to expire on August 31, 2019. Commissioner Scheurich made the second. It was voted on and carried.

19-03-57 (a)(b) Botanical Conservatory Connector – Embassy Theater, Fort Wayne & 19-03-59 Botanical Conservatory Connector, Fort Wayne

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. This project involves connectors being constructed between the Botanical Conservatory and Embassy Theater. The connector will lead from the Conservatory and connect to a stairway in the Theatre. The first variance request is to permit construction across the property line. Proponent indicated that they are applying for variances for both buildings. They need the variance for 19-03-59 for the exterior doors. The Fire Department is okay with the construction and the variance requests since the connector will be structurally independent from both buildings; a two-hour fire barrier is to be provided at the Embassy Theater, the connector is non-combustible construction, and the Botanical Conservatory will provide a fire alarm system. Importantly, the connector is not to be used as a required means of egress. Commissioner Pannicke moved to **approve** both (a) and (b) of 19-03-57 and 19-03-59. Commissioner Henson made the second. It was voted on and carried.

19-03-58 Third Street North Residence Hall, West Lafayette

Dennis Bradshaw, Fire Protection & Code Consultants, LLC, spoke as the proponent. The school is adding a new 6-story dormitory building. The construction of this building will be podium style construction: type 1A on the first floor, the floors above; three-hour horizon will be Type 3A style. The dorm will be fully sprinklered with an NFPA 13A system, which should allow them to reduce the residency occupancy rating down to a half-hour rating. The variance request is to allow the study and lounge areas to be non-separated from the corridor space; to allow the students to socialize outside of their rooms. They will provide automatic smoke detections in those lounge spaces. Proponent indicated that they have seen this variance approved for universities before. Denise Fitzpatrick indicated that this variance request is different because it has an open seating area; others are in pocket areas. Proponent agreed that the corridor space widens out and open lounge areas are on each side. It is not fixed seating but does contain lounge furniture. Commissioner Pannicke moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried.

19-03-60 Meredith Residence Hall South Housing, West Lafayette

Dennis Bradshaw, Fire Protection & Code Consultants, LLC, spoke as the proponent. The school is adding a new 8-story dormitory building, type 1B construction building. It is fully sprinklered. Denise Fitzpatrick indicated that this variance request is different because it has an open seating area; others are in pocket areas. Proponent agreed that the corridor space widens out and open lounge areas are on each side, it does open in the middle of the floor plate C. It is not fixed seating but does contain lounge furniture. Commissioner Popich moved to **approve**. Commissioner Scheurich made the second. It was voted on and carried.

19-03-64 IPL Petersburg Unit 3 Stack Reline, Petersburg – ***tabled per commission staff's request***

Melissa Tupper, RTM Consultants, spoke as the proponent. She advised that she was only hired to file the variance for the applicant, but she had no part in writing the variance. Director Boyle and Matt Cronley, IDHS Code Enforcement – Elevators, Amusement Rides, and BPV Section Chief, advised the Commission that Ms. Tupper's clients are pursuing the variance as a result of an inspection report order issued by IDHS because the transport platforms lifts being used at the project are not compliant with ANSI A10.4-2004. Ms. Tupper advised that her client's lifts are compliant to ANSI A92.10, a model code standard not adopted by the State of Indiana. Director Boyle requested that the variance be tabled until the following meeting, because the application as written requests a variance to the entire ANSI A10.4-2004 standard. Director Boyle advised that variances cannot be approved to an entire code standard, and that Mr. Cronley will work with Ms. Tupper to provide her the inspection report order, so the application may be revised. Commissioner Scheurich moved to **table**, and Commissioner Pannicke made the second. It was voted on and carried.

19-03-65 Vectren Corporation, Newburgh – ***tabled per commission staff's request***

Melissa Tupper, RTM Consultants, spoke as the proponent. This variance is similar to Variance No. 19-03-64, and was submitted as a result of an inspection report order issued by IDHS because the transport platforms lifts being used at the project are not complaint with ANSI A10.4-2004. Again, Ms. Tupper advised that her client's lifts are compliant to ANSI A92.10, a model code standard not adopted by the State of Indiana. Director Boyle requested that the variance be tabled until the following meeting, because the application as written requests a variance to the entire ANSI A10.4-2004 standard. Director Boyle advised that variances cannot be approved to an entire code standard, and that Mr. Cronley will work with Ms. Tupper to provide her the inspection report order, so the application may be revised. Commissioner Scheurich moved to **table**, and Commissioner Pannicke made the second. It was voted on and carried.

19-03-67 Lilly M74 Façade Replacement, Indianapolis – *late filing*

Edwin Rensink, RTM Consultants Inc., spoke as the proponent. This a replacement project for an existing 12-story building; the first three stories were constructed in 1957, and floors 4 through 12 were added in 1965. The building has properly fire-rated floors and is fully sprinkled. The variance request is for an alternative method to protect floor to floor. When a building has fire-rated floors, there is a requirement that where the fire-rated floor fall short of an exterior curtain wall an ASME 2307 fire containment system is used. That was what they planned on putting in the building; a few modifications are needed to use the system. They are asking for a variance because to use this system, based on what they know at this time the ASME 2307 system is not easy to achieve for this project. The building is already under construction. The cladding is on the exterior. For compliance, they would need to connect back into the exterior walls for the windows. For access they would need to demo out some of a masonry wall within the building; this would complicate continued use of the building while construction is going on. As an equivalent, they are offering a combination of shaft wall construction (UL rated assembly) and the block together with the two-hour rated floor; this would provide separation floor to floor. Commissioner Henson moved to **approve**. Commissioner Corey made the second. It was voted on and carried.

19-03-68 (a)(b)(c) For-Lou Farms Barn, Greenfield

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent. The proponent withdrew variance (c), as it is no longer needed. Variance (a) involves the conversion of a two-story building assembly occupancy using Chapter 34. Each story has independent exits, a fire alarm detection system through the building, and a typical shunt trip in the building. The building has an extensive structural evaluation; the repair almost stopped the project. Commissioner Pannicke moved to **approve (a) with the condition** that the repairs listed in the structural analysis report, included with the variance application, are made. Commissioner Scheurich made the second. It was voted on and carried. Variance (b) is a request to allow the use of temporary restroom facilities for two years until they can plan for the permanent facilities. It was voted on and carried. Commissioner Scheurich moved **to**

approve (b) with the condition that the variance is only approved through March 1, 2021 (03/01/2021). Commissioner Furnish made the second. It was voted on and carried.

19-03-70 (a)(b)(c)(d) Kinser Flats, Bloomington

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent. The project involves a new three-story apartment building with a walkout basement. Variance (a) is to permit a non-rated door and window openings for the flex room. Owner of the building will provide a sprinkler for the openings on the room side. An NFPA 13R sprinkler system protects the building and draft curtains. Tim Clapp, Bloomington Fire Department, is opposed to the variance request because one of the resident areas comes past the required exits coming out of the upper floors. They would be passing through an unprotected area. Fire Department has an issue knowing that this stairway is unenclosed. Bobby LaRue, Monroe County Building Department, disagrees with the notion that active fire protection is as good as a system that includes both active and passive fire protection, such as rated construction. Mr. LaRue agrees that the requirements for the open stair is an NFPA 13 system. A wood frame building should have an NFPA 13R; this makes a huge difference. Proper protection would be the stronger sprinkler system. Mr. Clapp said that this construction hasn't been made yet; it is still in the planning phase. So they can fix the issue in the plans instead of seeking a variance. Commissioner Scheurich believes since it is still in the design phase, the owner and the Local Officials should be able to come to a compromise. Commissioner Scheurich moved to **table** (a), (b), (c), and (d), and Commissioner Popich made the second. It was voted on and carried.

15. Comments and Closing Remarks – Chairman Nicoson

Chairman Nicoson thanked everyone for coming. On behalf of the Commission, Chairman Nicoson offered his condolences to Denise and her family for the loss of her son. Chairman Nicoson wished everyone a good night and a safe drive home.

16. Adjournment

Chairman Nicoson adjourned the meeting at 3:43 p.m.

APPROVED: *Robin Nicoson* acting as chairman
Robin Nicoson, Chairman