



MICHAEL R. PENCE, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204

November 17, 2015

Fire Prevention and Building Safety Commission
Attn: Beth Sutor, Secretary

RE: In re Goosetown Restaurant (DHS-1518-FPBSC-013)

Dear Commission Members,

Pursuant to your October 14, 2015 letter addressed to Roger Lehman indicating that the Commission voted in favor of reviewing the Notice of Non-Final Order for In re Goosetown Restaurant, Cause No. DHS-1518-FPBSC-013, I am providing you with a copy of the brief submitted on behalf of the Indiana Department of Homeland Security (Respondent) for this case. Respondent's Brief is, therefore, attached for your review.

As no specific issues were raised for further discussion in your letter, I have not included any additional information aside from Respondent's Brief. However, if you determine that further information is required or would be helpful in making your final decision, please do not hesitate to contact me directly.

Thank you for your time and consideration in this matter.

Best regards,

A handwritten signature in cursive script that reads "Chelsea E. Smith".

Chelsea E. Smith
Staff Attorney
Indiana Department of Homeland Security

Cc: Justin Forkner, Administrative Law Judge
Roger Lehman, on behalf Petitioner

**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

RECEIVED
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BY: *JPA*

IN RE:)	CAUSE NO.
)	
GOOSETOWN)	DHS-1518-FPBSC-013
RESTAURANT)	
)	
)	

**RESPONDENT'S BRIEF IN SUPPORT OF THE
INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION'S
DENIAL OF VARIANCE NUMBER 15-06-50**

Respondent, the Indiana Department of Homeland Security, submits this brief in lieu of a formal evidentiary hearing in support of upholding the Indiana Fire Prevention and Building Safety Commission's decision to deny variance number 15-06-50.

STATEMENT OF FACTS

On May 4, 2015, Roger Lehman submitted an application for a variance from the rules of the Fire Prevention and Building Safety Commission (the "Commission") under the Indiana Administrative Code (675 IAC 12-4-12(c)(9)) on behalf of Petitioner, Goosetown Restaurant. (Application at 1) Petitioner sought a variance from this rule for the purpose of installing a ceramic pizza oven in an existing structure without a type I hood system. (Application at 2)

In the variance application, Petitioner indicated that that non-compliance with the rule would not be adverse to public health, safety, or welfare. (Application at 2) In the "facts" section, Petitioner stated that the pizza oven is a ceramic oven and will have an integral vent outlet (chimney) for steam and heat and that there will be no open flames outside of the domed ceramic oven. (Application at 2) Petitioner additionally stated that, when used, wood fires will be built on the same insulated ceramic floor that the pizzas are cooked on, but gas heat will be used, rather than wood, 90 percent of the time. (Application at 2)

Petitioner also indicated that compliance with the rule would result in an undue hardship because of major operational problems in the use of the building and excessive costs of additional or altered construction elements. (Application at 2) With regard to the

demonstration of undue hardship, Petitioner stated in the application that the ceramic pizza oven will be the focal point of a partially open kitchen and a grease hood would block the view of the oven to the public. (Application at 2) Petitioner further stated that “a conventional grease hood is not needed in this type of installation and hood would be very costly.” (Application at 2)

The Indiana Fire Prevention and Building Safety Commission considered Petitioner’s variance application at the June 2, 2015 meeting. (Minutes at 12) After Roger Lehman presented the variance on behalf of Petitioner, a motion to deny the variance was made, voted upon, and carried. (Minutes at 12) Petitioner subsequently submitted a request for administrative review of the Commission’s decision to deny the variance and the Commission granted the request as timely filed at the July 7, 2015 Commission Meeting, which resulted in the current administrative appeal.

ARGUMENT

Petitioner’s request to reverse the denial of Petitioner’s variance should be denied and the decision of the Fire Prevention and Building Safety Commission (the “Commission”) should be upheld because the Commission properly exercised its authority in denying Petitioner’s variance and Petitioner has failed to demonstrate in this matter that it is entitled to a variance.

The Indiana Fire Prevention and Building Safety Commission is established by Indiana Code § 22-12-2-1. The Commission has the authority to adopt building and fire safety rules for the State of Indiana, as well as grant variances to such rules. Ind. Code §§ 22-13-2-2, 22-13-2-11. Petitioner applied for a variance from 675 IAC 12-4-12(c)(9), which states that:

(c) No addition or alteration shall cause an existing building, structure, or any part of the permanent: (9) fire or explosion suppression; systems to become noncompliant under the provisions of the current rules of the commission for new construction or with the applicable rules of the commission or its predecessor agencies in effect at the time the original construction or installation was made.

The Commission has adopted this rule pursuant to Ind. Code §§ 22-13-2-2, 22-13-2-13 and, therefore, the Commission had the authority to consider the application for a variance from the above mentioned code section.

Pursuant to Ind. Code § 22-13-2-11, the Commission may grant a variance to a rule it has adopted if the following conditions have been met:

An applicant must pay the fee set under Ind. Code § 22-12-6-6 and submit facts demonstrating that:

(1) compliance with the rule will impose an undue hardship upon the applicant or prevent the preservation of an architecturally significant or historically significant part of a building or other structure; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the body adopting the rule will not be adverse to the public health, safety, or welfare.

In Petitioner's application, in the section titled "Demonstration of Undue Hardship or Historically Significant Structure," Petitioner explained that a type I hood would impair the aesthetics of the restaurant and that the installation of the hood would be "costly." Further, in the section titled "Demonstration that Public Health, Safety, and Welfare are Protected," Petitioner described the functionality of the chimney that would be utilized instead of the required hood and explained that gas heat would be used 90 percent of the time and there would be no open flames outside of the oven. Finally, at the Commission Meeting on June 2, 2015, Roger Lehman spoke on behalf of Petitioner and stated that the Petitioner would like to install the pizza oven without a type I hood system, in accordance with the manufacturer's specifications. He also stated that wood would be used for fuel on special occasions but gas would be the primary source of fuel and the flames would be contained inside the oven.

The information and testimony provided by Petitioner did not contain sufficient evidence to demonstrate that compliance with the rule would result in an undue hardship. Petitioner did state in its application that the oven is intended to be the focal point of the restaurant's kitchen and the presence of the hood would block the public's view of the oven. However, no information was provided to demonstrate that the installation of the required hood system would hinder Petitioner's ability to employ the oven for its intended use. Petitioner also stated that installation of the hood system would be costly but did not elaborate on the cost difference between the installation of the desired chimney and the installation of a type I hood system.

In addition, Petitioner did not present sufficient evidence to support its contention that noncompliance with the rule would not be adverse to the public health, safety, or welfare. Section 507.2.1 of the 2008 Indiana Mechanical Code, which was adopted by the Commission pursuant to 675 IAC 18-1.5-2 and Ind. Code § 22-13-2-2, requires that a type I hood system be installed for all commercial cooking appliances that produce grease or smoke. Although Petitioner made an effort to explain that no danger would exist from open flames and that the use of solid fuel would be minimal, Petitioner did not discuss whether grease-laden vapors or smoke would be produced while cooking with this oven and how the use of the chimney will serve as a safe alternative to the hood even if grease-laden vapors and smoke are produced. Based on Petitioner's application and testimony presented at the June 2, 2015 Commission meeting, there was not sufficient evidence to support Petitioner's request for a variance in accordance with Ind. Code § 22-13-2-11 and the Commission properly exercised its authority in denying variance number 15-06-50.

With respect to Petitioner's request for administrative review, which resulted in this appeal, Petitioner has failed to meet its burden in presenting evidence that it is entitled to a variance from 675 IAC 12-4-12(c)(9). Pursuant to Ind. Code § 4-21.5-3-14(c), the person or agency making the request for agency action has the burden of persuasion and burden of going forward with the proof of the request. Therefore, as Petitioner requested administrative review of the Commission's decision to deny variance number 15-06-50, Petitioner has the burden of presenting sufficient evidence demonstrating that Petitioner is entitled to a variance and that the Commission's decision should be reversed.

On August 28, 2015, Petitioner submitted its brief, which was prepared on behalf of Petitioner by Roger Lehman. Petitioner's brief provides a discussion of the history of ceramic pizza ovens, noting that incidences of fire damage caused by these ovens are extremely rare when the ovens are properly maintained and installed in accordance with manufacturer's specifications. Petitioner went on to make the argument that, pursuant to the 2008 Indiana Mechanical Code, Section 917.1, the pizza oven in question should be installed in accordance with the manufacturer's installation instructions. Petitioner has included the manufacturer's specifications for the pizza oven in question, and the

specifications do allow for ventilation by a UL103 chimney or a type I hood with a grease duct vent. However, Section 304.2 of the 2008 Indiana Mechanical Code states that where a conflict exists between the code and the manufacturer's specifications, the provisions of the code shall apply. Therefore, although installation in accordance with the manufacturer's specifications is required under IMC Section 917.1, the specifications conflict with IMC 507.2.1, requiring the use of a type I hood, and the code controls where there is conflict between the two.

Petitioner's brief also provides some information regarding the safety of using a UL103 chimney instead of the type I hood system, presumably to demonstrate that noncompliance with the code will not be adverse to public health, safety, or welfare. The explanation provided by Petitioner regarding this point is helpful and, based on this information, it does appear that the chimney would serve as a safe alternative, as long as Petitioner used the oven in the proposed manner (i.e. only baked products, no raw meats, no bricks or charcoal, and monthly inspections of the chimney). However, Petitioner has not addressed the issue of undue hardship anywhere in its brief. Therefore, although Petitioner mentioned in its application that it would be "costly" and that the presence of the hood might not be aesthetically pleasing, no evidence has been presented to prove either point in the application, testimony presented at the June 2, 2015 Commission Meeting, or in Petitioner's brief.

The variance process affords individuals and business entities the opportunity to request that an exception from the code be made due to specific circumstances and the process for getting that request heard and approved requires, at the very least, that the conditions set out in Ind. Code § 22-13-2-11 are met. If the conditions are met, the Commission *may* grant the variance, but it is not required to do so. In this case, Petitioner failed to meet the baseline requirements set out in Ind. Code § 22-13-2-11. The next step in the process, administrative review of the Commission's decision to deny the variance, affords a second opportunity to present evidence that the individual or business is entitled to a variance. Here, Petitioner presented evidence that use of the UL103 chimney, rather than the type I hood required by IMC 507.2.1, is *permitted* under the manufacturer's specifications, but failed to take account for the operation of the Indiana Mechanical Code where a conflict exists between the code and the specifications.

Further, Petitioner presented evidence that the use of the UL103 chimney would not be adverse to the public health, safety, and welfare, but failed to address the issue of undue hardship. In conclusion, Petitioner has failed to meet its burden of persuasion by presenting sufficient evidence that it is entitled to a variance from 675 IAC 12-4-12(c)(9) and Petitioner's request to reverse the Indiana Fire Prevention and Building Safety Commission's decision to deny variance number 15-06-50 should be denied.

REQUEST FOR RELIEF

For the foregoing reasons, Respondent respectfully requests that Petitioner's request to reverse the denial of variance number 15-06-50 be denied.

Date: September 4, 2015



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on **September 4, 2015**, a copy of the foregoing Joint Motion to Dismiss was sent via e-mail to the below e-mail address and was also deposited in the United States Mail, postage paid, addressed to:

Mr. Roger Lehman
RLehman Consulting
1220 N. Red Bank Road
Evansville, IN 47720
Roger.lehman@twc.com



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Application for Variance Number 15-06-50

Owner / Applicant Information

Tim Mills
Goosetown Restaurant
956 PARRET ST

EVANSVILLE IN 47713

Phone 8124591761

Email MADELEINESFUSION@SBCGLOBAL.NET

Submitter Information

Roger Lehman
RLehman Consulting
1220 N Red Bank Rd

Evansville IN

Phone 8125890331

Email roger.lehman@twc.com

Project Information

Goosetown Restaurant
956 Parret St

Evansville IN 47713

County VANDERBURGH

Project Type New Addition Alteration Existing Change of Occupancy

Project Status U F=Filed U or Null=Unfiled

IDHS Issued Correction order? No Has Violation been Issued? No

Violation Issued by: NA

Local Building Official

Phone:

Email:

Local Fire Official

Phone:

Email:

Variance Details

Code Name: 12-4-12 Existing Buildings: Additions or Alterations

Sec. 12 (c) 9

Conditions: Pizza oven will not have Class I Grease Hood for intermittent solid fuel (wood) fire in oven.

DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE ARE PROTECTED:

1=Non-compliance with the rule will not be adverse to the public health, safety or welfare.

1

2= Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).

Facts: Stone/ceramic pizza oven has integral vent outlet for steam and heat. Manufacturer specifies and oven will have UL103HT listed gravity vent.
There is no open flames outside of the domed ceramic oven. The wood fire is built on the same insulated ceramic floor that the pizzas are cooked on.
Gas heat will be used 90% of the time, wood only for special promotions.

DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE:

Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services.

Y Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure.

Y Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements.

Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure

Facts: Domed ceramic pizza oven will be focal point of partially open kitchen, hood would block view to public.
Conventional Grease hood is not needed in this type of installation and hood would be very costly.

Indiana Fire Prevention and Building Safety Commission Meeting Minutes

June 2, 2015



MICHAEL R. PENCE, Governor
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY
302 West Washington Street
Indianapolis, IN 46204

COMMISSION MEETING MINUTES

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

June 2, 2015

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:01 a.m. on June 2, 2015.

(a) Commissioners present at the Commission meeting:

Ron Brown
Gregory Furnish
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
James Hoch
James Jordan
Patrick Richard
Craig Von Deylen

Commissioners who were not present at the Commission meeting:

Matt Mitchell
Jessica Scheurich

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services

Pamela Walters, Staff Attorney
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General was present



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2. Old Business

An issue concerning the pre-event checklist for the Ford Center, Evansville, variance 15-05-38, had been brought forward. The Ford Center, the Evansville Fire Department, and the local Fire and Building Code Enforcement inspector requested guidance concerning who was responsible for the development of the checklist. Following discussion, it was the consensus of the Commission that the Ford Center was responsible for the development of the checklist.

3. Ordinances

Building Ordinance No. 2015-05
Walton, Indiana

Building Ordinance No. 805
Ogden Dunes, Indiana

Building Ordinance No. 2008-5
Clayton, Indiana

Following a brief discussion, Commissioner Richard moved to approve Ordinance No. 2015-05, Walton, Indiana, with the second by Commissioner Hoch. It was voted upon and carried.

Chairman Hawkins led a discussion of Ordinance No. 805, Ogden Dunes, listing a number of issues such as wrong code references, not following the template, and so forth. Commissioner Brown moved to deny, with the second by Commissioner Hoch. It was voted upon and carried.

Eric Oliver, attorney, presented the ordinance for Clayton. Chairman Hawkins listed the issues in the ordinance which needed to be corrected, and Mr. Oliver noted their city council would be meeting the following week and could adopt the corrections, allowing them to return for the July meeting for approval. Commissioner Von Deylen moved to table, with the second by Commissioner Hite. It was voted upon and carried.

4. Reconsideration of variance 14-12-46 Manley Finish Grading Inc., Indianapolis

Attorney Brian Tuohy spoke as proponent for John Manley, owner of Manley Finish Grading, Inc. In lieu of Chief Courtney Gordon, the person who filed the request for reconsideration, the Indianapolis Fire Department was represented by Margie Bovard. Melissa Tupper, RTM Consultants, also addressed the Commission. Following a lengthy discussion, it was determined that no new information had been presented by the Indianapolis Fire Department to support their request for reconsideration. Commissioner Richard made a motion to not take any action under 675 IAC 12-5-9 concerning variance 14-12-46, Manley Finish Grading, Inc., Indianapolis. Commissioner Von Deylen made the second. It was voted upon and carried.

5. Request under 675 IAC 12-5-9 – Variance 15-05-69, Good Samaritan Hospital, Vincennes

Tom Hendricks, Elevator Safety Division, had requested this item be put on the agenda. He had received some photographs of the roof of the hospital which did not support the information presented in the variance. Christina Colleston, RTM Consultants, had spoken as proponent at the May meeting, and agreed the information was incorrect. A change in equipment had been made which changed the configuration on the roof, and she agreed that a stair was required. She then asked for a temporary variance to allow the use of the ladder for six months. This would coincide with the elevator coming due for inspection, and would allow them to build the compliant stair before that inspection. Tom Hendricks agreed to issue a temporary permit, providing the variance application was filed. The proponent stated they would file immediately. The Commission accepted the agreement.

6. Variances

Tabled Variances

15-04-49 Green Sense Farms, Portage

No proponent had been available for questions since filing. Commissioner Brown moved to deny, with the second by Commissioner Hoch. It was voted upon and carried.

15-05-01 Chapel at Winery, Seymour

Thomas Pottschmidt, project engineer, spoke as proponent. The request was to omit a sprinkler system in the facility which is not on a public water system. He noted the building is of heavy timber construction, would have compliant egress, and would not allow open flames or smoking. The chapel, located on the second floor, would have an occupant load of 100. Following discussion, Commissioner Hoch moved to table to allow the proponent time to investigate the possible use of a 13D sprinkler system. Commissioner Richard made the second. It was voted upon and carried.

15-05-32 The Emma House, Gary

Bergis Peoples spoke as proponent. The facility was to serve as transitional housing for homeless women. They had been advised to file a variance to allow the use of Rule 13 to change the two-story home to R-3 occupancy, an action not allowed by code. Kevin Troy, Fire and Building Code Enforcement, explained his involvement in the variance. Following discussion, Commissioner Brown moved to approve the use of Rule 13 with the condition that a 13D sprinkler system be installed. Commissioner Richard made the second. It was voted upon and carried.

15-05-52 Wilson Real Estate II, LLC, Leased as Goodwill, Greencastle

No proponent was available for questions. Commissioner Hoch moved to table with the second by Commissioner Von Deylen. It was voted upon and carried.

15-05-54 Tom Wood Audi, Carmel

Brian Galli, Architectural Alliance, spoke as proponent. The request was to omit a sprinkler head in one vestibule. The glass vestibule was inside the showroom with 10 feet between its ceiling and the showroom ceiling, making it impossible to hide piping. The building, of non-combustible construction, is fully sprinklered otherwise. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Jordan. It was voted upon and carried.

15-05-61 Sprinkler System, Westfield

No proponent was available for questions. Commissioner Richard moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

15-05-67 Christian Heritage Church, Wabash

Hans Harms spoke as proponent. The request was to omit sprinklers, cost estimates coming in at \$189,000, from the rural church building. The church, with a membership of 225, was asking for an occupant load of 350, and had provided six exits to comply with that count. Following discussion, Commissioner Hoch moved to approve with the condition that doors nine and twelve be relocated to the sanctuary, or two additional exits be added to the sanctuary. Commissioner Von Deylen made the second. It was voted upon and carried, with one nay vote.

15-05-70 Store N Lock, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The request was to allow 18.9 feet between the steel frame construction storage buildings, instead of the 20 feet required by code. The buildings are pre-fab, of non-combustible steel, with no overhangs. Following discussion, Commissioner Von Deylen moved to table to allow the submission of a notarized statement of fact by the owner, with the second by Commissioner Hoch. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 10:36 a.m. It was called back to order at 10:47 a.m.

Regular Variances

Chairman Hawkins called for any variances in the block vote to be called out. Commissioner Brown called out 15-06-33(b), Indiana University Informatics Building, Bloomington, and 15-06-42(c), Vue Apartments, Indianapolis. He also requested a separate vote on 15-06-13, Artisan Chairs, Shipshewana, 15-06-19(e), Golden Acres School, LaGrange, and 15-06-20(c)(d) Birdsong Echoes School, Middlebury. Commissioner Hoch noted he would abstain from voting on 15-06-53, Elmhurst High School Vacant Building, Ft. Wayne. Commissioner Hoch then moved to approve the remaining "A" and "B" variances, with the second by Commissioner Von Deylen. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 15-06-02(a)(b) Butler Parking Garage Elevators 1, 2, & 3, Indianapolis
- (2) 15-06-03 AI Camp Bunkhouses, Marshall
- (3) 15-06-04(a)(b) Peru Public Library Children's Area Renovation, Peru
- (4) 15-06-05(a)(b)(c)(d) Parking Structure at Switch, Fishers
- (5) 15-06-06(a)(b)(c) Fishers Urban Development, Fishers
- (6) 15-06-07(a)(b)(c)(d) The Arc Training Institute and Teaching Hotel, Muncie
- (7) 15-06-08(a)(b)(c) University of Notre Dame Men's Residence Hall, Notre Dame
- (8) 15-06-09(a)(b)(c) University of Notre Dame Women's Residence Hall, Notre Dame
- (9) 15-06-10 University of Notre Dame Men's Residence Hall, Notre Dame
- (10) 15-06-11 University of Notre Dame Women's Residence Hall, Notre Dame
- (11) 15-06-12 Westminster Village Hybrid Homes Bldgs. 2 & 3, West Lafayette
- (12) 15-06-14 Park 10 Flats Buildings, Indianapolis
- (13) 15-06-15(a)(b)(c)(d) Roche Diagnostics Operations Office Building, Indianapolis
- (14) 15-06-16 CWA Renovation, Jasper
- (15) 15-06-17(a)(b)(c) Michigan City Park Projects, Michigan City
- (16) 15-06-18 Laguna Commons, Kokomo
- (17) 15-06-19(b)(c)(d) Golden Acres School, LaGrange
- (18) 15-06-20(a)(b) Birdsong Echoes School, Middlebury
- (19) 15-06-22 Honda Manufacturing of Indiana Revolving Doors, Greensburg
- (20) 15-06-23 Covered Bridge III, Washington
- (21) 15-06-24(a)(b) St. Catherine Hospital G BHS Remodeling, East Chicago
- (22) 15-06-25 CGHS Baseball Concessions and Restroom Building, Greenwood
- (23) 15-06-26(a)(b)(c)(d) Pulliam Square Phase 1, Indianapolis
- (24) 15-06-27(a)(b)(c) Offices at the Switch, Fishers
- (25) 15-06-46(a) Ivy Tech North Meridian Center Renovation, Indianapolis
- (26) 15-06-47(b) Delta Faucet Headquarters Expansion, Carmel
- (27) 15-06-56 Louie's Wine Dive, Indianapolis
- (28) 15-06-57 MACL Blood Lab, Speedway
- (29) 15-06-60 Brownsburg Community School Early Childhood Center, Brownsburg

Commissioner Von Deylen moved to approve 15-06-13 Artisan Chairs, Shipshewana, 15-06-19(e), Golden Acres School, LaGrange, and 15-06-20(c)(d) Birdsong Echoes School,

Middlebury, with the second by Commissioner Jordan. It was voted upon and carried with one nay.

The following variances were heard separately:

(30) 15-06-62 99 North First Street Façade, Zionsville

Matt Price, representative of the owner, had requested his variance be heard out of order due to scheduling conflicts. An existing building is undergoing renovation, and a 6'8" x 5'8" wood frame, aluminum-clad, store front style vestibule with dual pane glazing as walls was being installed. The building is the last commercial building on Main Street, with a residential property to the north on First Street. A setback required by city code would prevent construction of a new structure next to the area of the vestibule wall. The request was to allow the building to have a fire separation distance of less than three feet from the north property line. The local fire and building officials do not object to the variance. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(31) 15-06-01 FGE LLC Sprinkler System, Ft. Wayne

The proponent requested the variance be tabled until July. Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

(32) 15-06-28 McDonalds, New Palestine

Christina Collester, RTM Consultants, spoke as proponent. As part of a renovation, the existing, unsprinklered facility added 335 square feet to the building with a new façade to improve accessibility, and a kitchen upgrade. The request was to omit sprinklers from the restaurant, with an occupant load exceeding 100. A fire wall to separate the kitchen from the dining/cueing area is not practical. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with one nay.

(33) 15-06-29 Owen Block Apartments, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. An historic building was due to be demolished when Indiana Historic Structures and the City of Evansville provided funds to begin renovation. The building had been an apartment building, and was to be renovated as a three-story, fifteen unit apartment building. The units are divided by 8" thick brick walls from the basement to the third floor. A 13D sprinkler system will be provided in the stairways to protect the exits. Fire alarms and smoke detection in the

common areas would be provided to notify all units, while smoke alarms per unit would be provided. Following a discussion of extending the 13D system, Commissioner Hoch moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(34) 15-06-30 University of Indianapolis Krannert Library, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. As part of a renovation, an existing stair wall will be removed and replaced with a new stairway and facade. It will connect four levels, with fixed glazing on floors one through three, protected by a Tyco window sprinkler system which is approved by ICC as a 2-hour barrier in a fully sprinklered building. The basement of the building is sprinklered, and the areas around the stairway will be sprinklered. The request was to allow the use of this system in a manner not totally compliant with ICC stipulations. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(35) 15-06-31 Canterbury School North Campus, Ft. Wayne

Melissa Tupper, RTM Consultants, spoke as proponent. A 5,500 square foot gymnasium was being added to an existing school. The request was to permit a 2-hour fire barrier to be used in lieu of a code-compliant, 2-hour structurally independent fire wall to separate the addition. Jim Murua, Ft. Wayne Fire Department, did not object to the variance, but asked that it not be used for anything other than a gymnasium or sprinkler it as an A occupancy. He also asked that an occupant load of 112 be posted. Following discussion, Commissioner Hoch moved to approve with the conditions that it be used for a gymnasium only, that it be connected to the fire alarm system, and an occupant load of 112 be posted. Commissioner Von Deylen made the second. It was voted upon and carried.

(36) 15-06-32 Lake Village Cabin, Brookston

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A slab-on-grade bunkhouse for 30 persons is being constructed. Divided into two bunkrooms with bathrooms located in the center of the building, two exits directly to the exterior and one escape window will be provided for each side. Interconnected smoke alarms will be provided. The request was to omit 13R sprinklers due to a lack of public water availability. Following discussion, Commissioner Von Deylen moved to approve with the condition that the walls between the bathroom and sleeping areas be a 1-hour fire barrier. Commissioner Hoch made the second. It was voted upon and carried with 2 nay votes.

(37) 15-06-33(a)(b) Indiana University Informatics Building, Bloomington

Christina Collester, RTM Consultants, spoke as proponent. Variance (b) was a request to provide a sprinkler at the top of columns to spray the web of the steel for cooling to help prevent structural failure. Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (a) was to omit the smoke control system for five floors which have been classified as an atrium. To control smoke, 18" draft curtains will be provided along the openings to the atrium. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(38) 15-06-34(a)(b) Illinois Street Senior Apartments, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. Variance (a) was to allow the percentage of exterior openings to exceed that permitted by code. Variance (b) was to allow the use of the 8" thick, double-wythe exterior wall to serve as a separation wall from the addition. A 13R sprinkler system would be provided on both sides of the wall. Both buildings will be protected with an NFPA 13R system, with a quick response sprinkler located within 12 inches of each exterior opening in the north wall of the addition, and the south wall of the existing building on the first and second floors. A fire alarm system will also be provided in both buildings. Following discussion, Commissioner Hoch moved to approve both (a) and (b), with the second by Commissioner Von Deylen. It was voted upon and carried.

(39) 15-06-35 Studio 321 Performance Seating, Evansville

Roger Lehman, RLehman Consulting, requested this be tabled. Commissioner Van Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

(40) 15-06-36 Ash Brokerage Headquarters, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the north stair to discharge through a corridor in lieu of an exit passageway to the exterior, with access provided in two separate directions. The corridor will be a 1-hour fire barrier with protected openings. Close-spaced sprinklers will protect storefront glazing, and doors will be a 45-minute rated door or protected by close-spaced sprinklers. Jim Murua, Ft. Wayne Fire Department, addressed the Commission, and did not oppose the variance. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 12:04 p.m. It was called back to order at 1:01 p.m.

- (41) 15-06-37 Kuri-Tec Manufacturing Inc. Facility Addition, Williamsport

Melissa Tupper, RTM Consultants, spoke as proponent. An addition, protected by an NFPA 13 system, to the facility is not as tall as the original building, and the 4-hour fire wall separating the two will terminate at the roof deck of the addition instead of extending thirty inches above the addition roof. The new fire wall will be structurally independent, and close spaced sprinklers will be installed in the existing building along the fire wall. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

- (42) 15-06-38 AccessAbilities, Merrillville

The proponent requested the variance be tabled until July. Commissioner Hoch moved to table, with the second by Commissioner Hite. It was voted upon and carried.

- (43) 15-06-39 Butler University Service Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing building will face a new, pre-engineered metal storage building. Its 8" exterior concrete wall terminates 10' short of the metal roof deck. The request is to allow the wall, entirely encapsulated within existing interior and exterior construction, facing the assumed property line, to remain as it exists. The existing building is sprinklered throughout. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

- (44) 15-06-40 Hoehn Plastics Loading Platforms, Poseyville

Roger Lehman, RLehman Consulting, spoke as proponent. A recent inspection found two issues, one having been already corrected. The remaining issue deals with a 7' square landing, used to allow access to a pellet container for an extruder, blocking the sprinkler coverage. The area beneath the landing is taken up by the extruder feeder chute, leaving no room for a head. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (45) 15-06-41 Golf Club of Indiana, Whitestown

Ed Rensink, RTM Consultants, spoke as proponent. An unsprinklered building is to have two additions of 100 square feet to the pavilion for chair storage only. The additions will be of Type VA construction, with fire detectors connected to the existing alarm and

detection system. The facility allows catered events only, with no cooking in the building. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Jordan. It was voted upon and carried, with one nay.

(46) 15-05-42(a)(b)(c)(d) Vue Apartments, Indianapolis

Melissa Tupper, RTM Consulting, spoke as proponent. The request in (a) was to omit the standby power generator for the elevator serving the 6-story building. The building is sprinklered with an NFPA 13 system, and the elevators will be provided with battery back-up to lower the unit in the event of loss of power. Following discussion, Commissioner Von Deylen moved to approve with the condition that an electrical connection and transfer switch must be provided for a generator. Commissioner Hoch made the second. It was voted upon and carried. Variance (b) was a request to allow a clubroom, lounge, and common/sitting areas to be open to the corridors, a condition not allowed by code. The building is Type VA construction, protected by an NFPA 13 system, and has smoke detectors tied to the fire alarm system in the open areas. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (c) was a request to omit sprinklers from concealed combustible spaces. However, some issues discovered since filing mandated that they would need to use the 3,000 square foot design area, and the use of plastic pipe was not allowed. Following discussion, Commissioner Brown moved to table so the proponent may do further research, with the second by Commissioner Hoch. It was voted upon and carried. Variance (d) was a request to be allowed to exceed the allowable height of the building, and use the roof deck, providing an enclosed elevator lobby and stair, two restrooms and a small kitchenette with dining area, for use by the building's residents. Following a lengthy discussion, Commissioner Von Deylen moved to table to allow further research by the proponent. Commissioner Furnish made the second. It was voted upon and carried.

(47) 15-06-43 PacMoore Extrusion Processing Line, Mooresville

Ed Rensink, RTM Consultants, spoke as proponent. Also speaking was Chris Hulman, project engineer, and Adam Rawlins, plant manager. A new H-2 process area is to be constructed on a mezzanine with only 15% of the perimeter of the room on an exterior wall. The room will have direct exiting to the exterior, with the second exit to the interior. Explosion venting through the roof will be provided, and floors and walls will be designed for 100 psf blast resistance. The NFPA 13 system in the existing building will be extended to the addition, separated by a 2-hour occupancy separation. The local fire official had no objections to the variance. Following discussion, Commissioner Hoch moved to approve, with the second by Von Deylen. It was voted upon and carried.

(48) 15-06-44 Applebee's, Greenfield

Tracy Bush, manager, spoke as proponent. An addition of 474 square feet was to be made to an existing restaurant, providing an increase of 28 occupants. The request was to omit sprinklers. The windows in the existing wall are to be removed and left open into the addition. An estimate for sprinklers was obtained, and totaled \$132,000. The cost of the project is \$133,000. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hite. It was voted upon and carried, with two nays.

(49) 15-06-45(a)(b)(c) The Tap, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to allow a mezzanine, built over a brewery for use as a stage for a band, with an 18" knee wall in lieu of the code-compliant 42" guardrail or wall. Shelly Wakefield, who did the review for the City of Indianapolis, explained that the front of the structure is the stage, while the rear of the structure was to be used for storage. She posed the question if it was a mezzanine or a platform since there were two distinct uses intended. Following discussion, Commissioner Hoch moved to approve with the condition that a keypad lock was to be installed at the stairway, and sleeves for a compliant 42" guardrail were to be used when the band was not performing. Commissioner Richard made the second. It was voted upon and carried. Variance (b) was a request to allow the mezzanine stair to be constructed of 1-hour rated, fire-retardant treated wood. A sprinkler head would be located under the stair. The floor and supporting structure for the mezzanine would be Type IIIA construction, with a 1-hour floor/ceiling assembly. The request in variance (d) was to allow this non-compliant construction type. Following discussion Commissioner Hoch moved to approve with the second by Commissioner Richard. It was voted upon and carried.

(50) 15-06-46(b) Ivy Tech North Meridian Center Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The third floor houses the Administration offices, a boardroom, mechanical and storage rooms. The request is to allow a single exit from the third floor to secure the area, not available to the public, after business hours. The building is fully sprinklered. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(51) 15-06-47(a) Delta Faucet Headquarters Expansion, Carmel

Christina Collester, RTM Consultants, spoke as proponent. The attachment for the application had become separated, and was not available for viewing. The proponent had offered to send it via email so that the variance could be heard later in the meeting.

(52) 15-06-48 Remodel and Addition for Amber Downtown, Indianapolis

Daniel Hayes, owner representative, spoke as proponent. An existing laundromat had been remodeled into a restaurant, with an addition of 900 square feet to house the kitchen. During the final inspection, they were informed they needed a sprinkler system because their calculations showed an occupancy which would exceed 100 persons. The request was to omit the sprinkler system. The proponent stated their design engineer had calculated an occupant load of far fewer than the 122 calculated by the city, and seating had been provided for 84 customers. Derek Holman, City of Indianapolis, explained they had reached their number by including booth seating and the waiting area in their calculations. Margie Bovard, Indianapolis Fire Department, also requested a fire alarm system to be installed. Following a lengthy discussion, Commissioner Von Deylen moved to approve with the condition that an NFPA 72 fire alarm system be installed, the sign stating occupancy of 85 be posted in the public/seating area, and a fire watch be maintained until the alarm is installed and tested. Commissioner Hoch made the second. It was voted upon and carried, with two nays.

(53) 15-06-49 The Barn of Coatesville, Coatesville

Ed Rensink, RTM Consultants, spoke as proponent. An existing Class 2 outbuilding is to be converted to a Class 1 building for use as an event space. The building will be provided with all compliant toilet rooms, egress doors with panic hardware, fire detection and alarm system to pass a Chapter 34 evaluation. The request is to allow a Class 2 building to be converted to a Class 1 building. Section 3412 could then be used for an A-2 occupancy. A structural evaluation was being done to confirm the live load support capabilities per IBC requirements. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

(54) 15-06-50 Goosetown Restaurant, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The owner would like to install, per manufacturer's instructions, a stone/ceramic pizza oven, gas-fired, and omit the Class 1 grease hood. He will be using wood as fuel for special occasions, with the fire laid in the oven, with flames contained inside the domed oven. Following discussion, Commissioner Von Deylen moved to deny, with the second by Commissioner Furnish. It was voted upon and carried.

(55) 15-06-51(a)(b) Mount Pleasant United Methodist Church, Terre Haute

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The original church building was constructed in 1906. Two additions, the first in 1996 and the second 2000, had been made to the structure. A structural failure of the 2000 addition roof occurred. They would like to be allowed to be a non-rated structure. The request in (a) was to allow one of the

exits from the first addition's basement to discharge into a court less than the 10 wide required by code. It would have a 2-hour fire barrier on one side and a concrete wall, 9'8" tall, with 3 non-rated window openings. The cost to replace the existing windows with rated assemblies would be a financial hardship. They will rate the door. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) was to allow the 2000 addition, non-compliant when constructed, to remain out of total compliance following the reconstruction of a failed roof structure and reconfiguration of the first floor and portion of the basement. A 2-hour fire barrier will be provided along the south wall of the 1996 addition and 2000 addition, and a new 2-hour fire wall will be provided between the original building and the 2000 addition to reduce fire area. The work will comply with Type V-A construction requirements where possible, with egress and accessibility noncompliance issues in the 2000 addition being corrected. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(56) 15-06-52(a)(b) Grand Park Fieldhouse, Westfield

Scott Perez, Arxtheon Consulting, spoke as proponent. Variance (b) was to allow the fully sprinklered facility to self-limit occupancy at 1,280 persons. The calculated occupant load is 2,954 per Table 1004.1.2. Following discussion, Commissioner Von Deylen moved no variance required, with the second by Commissioner Hoch. It was voted upon and carried. Variance (a) was to allow a small A-2 area at the front of the facility to be used as a restaurant. The A-4 building will be fully sprinklered, and the fire egress from the restaurant will be directly to the exterior. Following discussion, Commissioner Von Deylen moved no variance required, with the second by Commissioner Hoch. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 3:00 p.m. It was called back to order at 3:08 p.m.

(57) 15-06-53 Elmhurst High School Vacant Building, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The facility had been cited by the State for having storage in a vacated building. Jim Murua, Ft. Wayne Fire Department, and Kevin Troy, Fire and Building Code Enforcement, both addressed the Commission. The State, when notified that the storage had been removed from the building, the citation was to be rescinded. The request was to allow the sprinkler system in the stage and stagecraft rooms to no longer be maintained. The sprinkler system will be tagged to notify responders that the system is not in service, with tags placed as specified by the Ft. Wayne Fire Department. Following discussion, Commissioner Brown moved no variance required, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (58) 15-06-54 Oak Street Health East, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. One of three tenant spaces in a strip mall was being converted to a health clinic and community room. The space changing use will be separated from neighboring spaces with a 2-hour occupancy separation wall. A sprinkler system will be installed in the converted space, as well as a fire alarm system. The request was to be allowed to have non-rated corridors in the space. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (59) 15-06-55 the Hot Room at Lockerbie Firehouse, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. A tenant remodel of a Yoga studio, locker rooms, circulation space, laundry and lobby has a calculated occupant load of less than 49 due to rooms which are not simultaneously occupied, since classes are scheduled. The request was to omit a 2-hour separation or sprinklers as required for occupancies over 49, as interpreted by the City of Indianapolis. Also addressing the Commission were Shelley Wakefield and Jeff Dean. Following discussion, Commissioner Von Deylen moved no variance required, with the second by Commissioner Hoch. It was voted upon and carried.

- (60) 15-06-58 Quail Run Phase Two, Zionsville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Some of the accessible units in Building 4 and Building 5 were cited by the inspector as not having accessible parking spaces in the garage, with direct access to their unit. Parking spaces are not covered under the code cited by the inspector, having been deleted in favor of State law IC 5-16-9. following discussion, Commissioner Hoch moved no variance required, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (61) 15-06-59(a)(b) NHK Seating Building Expansion, Frankfort

Ed Rensink, RTM Consultants, spoke as proponent. In variance (a), a shipping area and break room additions of concrete block construction, used to match the existing construction, will not comply with prescriptive requirements or pass ComCheck. The request was to allow non-compliance due to the negligible gain in energy savings for the relatively small addition. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (b) was to allow the project to exceed allowable area for Type IIB construction. The existing building and the addition are sprinklered, and fire apparatus access will not be affected by the addition. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(62) 15-06-61 Penn Place Apartments, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing, three-level building has the former first floor parking level being converted to apartments, a fourth floor being added, and the second and third floors being renovated. Travel in the new west stair enclosure is interrupted at the second and third floors with the egress path entering the 1-hour corridors before reaching the next flight of steps. The new east exit stair is enclosed from the fourth floor to grade, with direct exterior discharge. The building is sprinklered throughout with an NFPA 13R system. Following discussion, Commissioner Brown moved to approve with the condition that lighted, two-sided exit signs be installed where you come out of and then re-enter the stairwell. Commissioner Richard made the second. It was voted upon and carried.

(63) 15-06-64 Penn Street Tower Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The existing, fifteen-story office building was being converted to apartments. During inspection, the city noted that the new stair connecting the eighth through the fifteenth floors had no standby power system for pressurization of the stairway. A letter from Vectrin, documenting the redundancy of the electrical supply for the building, had been provided. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(64) 15-06-47(a) Delta Faucet Headquarters Expansion, Carmel

Christina Collester, RTM Consultants, spoke as proponent. A connecting walkway between the new and existing buildings will not be separated as required by code. The connection to the new building will be open with close spaced sprinklers, six feet on center, providing protection. The connection to the existing building will be separated by a glass wall with an automatic sprinkler system designed to wash the surface of the interior sides of the wall when activated. Following discussion, Commissioner Hoch moved to approve with the second by Commissioner Furnish. It was voted upon and carried.

(65) 15-06-65(a)(b)(c)(d) Subaru Paint Shop, Lafayette

Christina Collester, RTM Consultants, spoke as proponent. Variances (a), (b), and (c) had been approved in the block vote. The proponent explained that the local fire official had noted some issues, and she had intended to request that the variances be tabled. They were included in the block vote before this could be done. Commissioner Von Deylen then moved to rescind the approval of variances (a), (b), and (c), with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Von Deylen then

moved to table all, with the second by Commissioner Hoch. It was voted upon and carried.

(66) 15-06-66 Banker's Life Field House, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. The request was to be allowed to use a three minute delay, a positive alarm sequence, wherein the initial signal from a detection device is acknowledged by a push of a button, allowing three minutes in which to verify a fire exists or to reset the alarm. If not reset, a second alarm will trip the notification system to begin evacuation. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(67) 15-06-67 Milikan on Mass Phase II, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. There had been a mistake made in the design of the building, and OSB had been used on non-bearing walls of the podium. They had removed what hadn't been bricked over before the error was noticed. The request is to allow the OSB to remain in place where brick had been laid. The OSB is separated from the interior of the sprinklered building by metal stud and gypsum board. Following discussion, Commissioner Brown moved to approve, with the condition the OSB be removed from all areas not bricked by June 7, 2015. Commissioner Furnish made the second. It was voted upon and carried.

(68) 15-06-68 Holy Family Episcopal Church Expansion, Fishers

Carrie Ballinger, RTM Consultants, spoke as proponent. The project was a church with a classroom addition of approximately 3,000 square feet. The classroom will have operable walls which will retract for an open area. The calculated occupant load with the walls retracted is over 300. The request was to omit sprinklers, though no hardship had been shown. Following discussion, and at the request of the proponent, Commissioner Von Deylen moved to table, with the second by Commissioner Hoch. It was voted upon and carried.

(69) 15-06-69 Horner Industrial Group, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing facility will be making an addition to their S-2 building. A new water line had been installed by Citizen's Energy, but did not produce the pressure needed for the sprinkler system. The request is to provide a fire watch for the first shift for sixty days while the issue is resolved and the sprinkler system can be completed. The proponent felt that the second and third shift, a total of eight employees, would not be adversely affected, and the building is closed to

the public at this time. Also addressing the Commission was Ed Turner, Indianapolis Fire Department, Dean Illingworth, Fire and Building Code Enforcement, and Tom Burkhoff, CFO for Warner. Mr. Turner noted his department opposed the variance. Following a lengthy discussion which included references to Sec. 901.5.1, Commissioner Hoch moved to approve a single shift firewatch, based on 901.5.1, for F-2 and S-2 occupancies until August 4, 2015. Commissioner Hite made the second. It was voted upon and carried.

5. Discussion and possible Commission action

CityWay YMCA
Administrative Cause No. 14-30
Non-final Order of Dismissal

Commissioner Von Deylen moved to affirm the Non-final Order of Dismissal, with the second by Commissioner Hoch. It was voted upon and carried.

6. Discussion and Commission actions on Petition for Review (Timely filed unless otherwise noted)

Ebenezer United Methodist Church
Order – Div. of Elevator Safety

ETA4U at Washington Square Mall
Order – Indianapolis Fire Department

Commissioner Von Deylen moved to approve the requests for appeal, with the second by Commissioner Richard. It was voted upon and carried.

7. Discussion and Commission Action

8560 Broadway
Administrative Cause No. 14-15
Non-Final Order of Dismissal

Following discussion, it was determined that the local fire department doesn't have standing to file and appeal in this case. Commissioner Hoch moved to affirm the Non-final Order of Dismissal, with the second by Commissioner Von Deylen. It was voted upon and carried.

8 Comments – Chairman Hawkins

The Chairman noted he had no further comments.

9. Comments – Pamela Walters

Pamela Walters, staff attorney, announced that the Boiler Board Emergency Rules would be on the July agenda.

10. Chairman Hawkins then adjourned the meeting at 4:34 p.m.

APPROVED _____
John Hawkins, Chairman