

**CITY OF KERRVILLE, TEXAS
BUILDING BOARD OF ADJUSTMENT & APPEALS**

August 24, 2023

MEMBERS PRESENT:

Bruce Motheral, Chair
Mack Edmiston, Board Member
Daniel Lowery, Board Member
Wayne Uecker, Alternate

MEMBERS ABSENT:

Jennifer Hyde, Board Member
Bob Rue, Board Member

STAFF PRESENT:

Guillermo Garcia, Executive Director for Innovation
Aaron Barnes, Interim Chief Building Official
Trina Sanchez, Assistant Director of Building Services
Kim Meismer, Interim City Manager
Jason L. Lackey, Fire Marshal
Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On August 24, 2023, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at 3:00 p.m. in the City Hall council chambers, 701 Main Street.

2. APPROVAL OF MINUTES

2A. Approval of the minutes from the June 29, 2023 meeting.

Daniel Lowery moved to approve the minutes as presented; motion was seconded by Mack Edmiston and passed 4-0.

3. CONSIDERATION AND ACTION

3A. Recommend adoption of the 2021 International Building Code

Guillermo Garcia stated the Board will be reviewing the IBC and IFC changes and amendments.

Aaron Barnes presented a power point regarding the 2021 International Building Code major changes and amendments and discussed the following:

Major Change:

- Puzzle rooms (escape rooms) are now defined and regulated as special amusement areas, requiring compliance with Section 411 and special means of egress requirements.
- For the purposes of determining the allowable number of control areas in a building, each portion separated by one or more firewalls is now considered as a separate building.
- The requirements for metal composite materials and systems (MCM) installed on the exterior walls of Types I, II, III and IV construction were simplified and sprinkler allowances were deleted.
- The use of intermodal shipping containers as buildings is now specifically addressed through provisions intended to supplement existing applicable IBC requirements.

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- Automatic sprinkler protection is now required in Group S-2 open parking garages where any fire area exceeds 48,000 square feet.
- Parapets of a minimum height are now required for aggregate-surfaced roofs to prevent blow-off.
- Mixed occupancy buildings with assembly spaces are placed in Risk Category III when the total public assembly occupant load is greater than 2500 people.
- Special inspection requirements were added to address the anchorage and connection of mass timber structural elements.
- Installation of firestop, fire-resistant joint systems and perimeter fire barrier systems in residential-use buildings now requires special inspection in Group R fire areas having an occupant load exceeding 250 people.
- Three new types of construction (Types IV-A, IV-B, and IV-C) allow mass timber buildings of taller heights, more stories above grade, and greater allowable areas compared to existing provisions for heavy timber buildings.

Amendments:

(1) 101.4.1 is amended in its entirety to read as follows:

101.4.81 Electrical. The Electrical Code currently in effect for the City applies to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

(2) ~~101.4.4 is deleted.~~

(3) ~~102.6 is amended by deleting the reference to the *International Property Maintenance Code*.~~

(7) Section 113 is deleted in its entirety

(8) Section 116 is deleted in its entirety

(97) Section 202 is amended by adding the following definitions:

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(108) 1101.1 is amended in its entirety to read as follows:

1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility for disabled persons. In addition, the City shall apply and enforce applicable federal and state laws, including those administered by the Texas Department of Licensing and Regulation.

(119) 1507.8 is amended in its entirety to read as follows:

1507.8 Wood shingles and shakes. The installation of wood shingle and wood shake roof covering must comply with the following:

1507.8.1 New wood roofs prohibited. Wood shingles and shakes are prohibited, are not allowed as an alternative material, and shall not be installed or used on any new construction or the re-roofing of any structure.

1507.8.2 Repair of existing roofs. Any existing structure which has wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the existing roof. Any percentage greater than twenty-five percent (25%) will be considered "re-roofing" in which event the use of wood shingles or shakes is prohibited as provided herein. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken in an attempt to meet the definition of "repair".

(1012) 1507.9, including the subsections, is deleted.

(1113) 1907.1 is amended by revising its first sentence as follows with the remainder of the section to remain the same:

1907.1 General. The thickness of concrete floor slabs supported directly on the ground shall not be less than 4 inches.

Appendices. The following appendices of the IBC are adopted: C, E, F, G, I, J, L, and N.

Daniel Lowery moved to recommend adoption of the 2021 International Building Code as presented; motion was seconded by Wayne Uecker and passed 4-0.

3B. Recommend adoption of the 2021 International Fire Code, 2021 NFPA 101 Life Safety Code, and Section 50-4 Conflict with Federal and State Law

Jason Lackey presented a power point regarding the 2021 International Fire Code, 2021 NFPA 101 Life Safety Code, and Section 50-4 Conflict with Federal and State Law s and discussed the following:

Major Changes:

- Requirements for Additive Manufacturing (3-D Printing) equipment and operations for both non-industrial and industrial applications are now provided.
- Flame propagation performance of permanently installed artificial combustible vegetation is required to be verified when exceeding certain heights located on roofs or in close proximity to buildings.
- Provisions for emergency responder communication were revised to reflect the expansion of such systems beyond radios and the need for increased performance of such systems.
- Sprinkler requirements for the storage, manufacture and sale of upholstered furniture and mattresses were updated and clarified. Part of this update is a new exception for single-story self-storage facilities accessed directly from the exterior.

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- An automatic sprinkler system is now required for open parking garages exceeding a certain fire area threshold.
- The requirements for energy storage system (ESS) were further refined to reflect the variety of new technologies and applications (in building and standalone) and the need for proper commissioning and decommissioning of such systems.
- A new chapter was added that provides clarification and specific requirements for the storage of distilled spirits and wines in barrels and casks.
- The provisions for construction fire safety were reorganized and expanded with an emphasis on the owner's responsibilities. The new language requires a site safety plan and designation of a site safety director.

Amendments:

(4) → Section 105.4.1 is deleted and replaced with a new section to read as follows: ¶

105.4.1 Submittals. Construction documents and supporting data shall be submitted in two or more sets, and at least once by portable document format (PDF) accepted on electronic/digital copy, with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by law. ¶

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code. ¶

(19) → A new Section 319.4.1.1 is added to read as follows: ¶

319.4.1.1 Fire protection for cooking equipment. Mobile food units not equipped with a fire protection system as required under this code must meet a distance of not less than 50 feet from any structure. ¶

(2019) Section 503.2.1 is amended by repeal and replaced with the following language: ¶

Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7,924.8 mm), except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm) ¶

(2021) SECTION 503.2.3 Surface is amended as follows: ¶

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support a 75,000-pound imposed load of fire apparatus and the surface shall be made all-weather utilizing concrete or asphalt materials. A signed and sealed letter from a Geotechnical Engineer shall be provided to verify the design meets the standard. ¶

(330) is deleted and replaced with a new section to read as follows: ¶

507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 75 feet (22,860 mm) of the fire department connections. ¶

Exception: The distance shall be permitted to exceed 75 feet (22,860 mm) where approved by the fire code official. ¶

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(5251) → SECTION D102 REQUIRED ACCESS is amended to read as follows: ¶

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt or concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34,050 kg). ¶

(5352) → Figure D103.1 is amended to add the following: ¶

Dead-End Fire Apparatus Access Road Turnaround. Any street 150 feet long or longer must have a hammerhead or cul-de-sac at its end, which dimensions must be no smaller than the dimensions set out in Figure D103.1. Dead-end turnarounds are only permitted as one of the following: an Acceptable Alternative 120-foot Hammerhead, a round cul-de-sac with a 100-foot diameter, or a 150-foot hammerhead. ¶

NOTE: See IFC Appendix D, Figure D103.1, diagram No. 4 amended from 60-foot distance from edge of hammerhead to middle of intersection, to 75-foot distance from edge of hammerhead to middle of intersection. ¶

(5453) → Section D104.1 is deleted and replaced with a new section to read as follows: ¶

D104.1 Buildings that are three stories or more in height, exceeding 30 feet or more in height to any portion of the building. Buildings or facilities that are three stories or more in height, exceeding 30 feet or more in height to any portion of the building, shall have not fewer than two means of fire apparatus access for each structure. ¶

(50) → Figure D103.1 is amended to add the following: ¶

Dead-End Fire Apparatus Access Road Turnaround. Any street 150 feet long or longer must have a hammerhead or cul-de-sac at its end, which dimensions must be no smaller than the dimensions set out in Figure D103.1. Dead-end turnarounds are only permitted as one of the following: an Acceptable Alternative 120-foot Hammerhead, a round cul-de-sac with a 100-foot diameter, or a 150-foot hammerhead. ¶

NOTE: See IFC Appendix D, Figure D103.1, diagram No. 4 amended from 60-foot distance from edge of hammerhead to middle of intersection, to 75-foot distance from edge of hammerhead to middle of intersection. ¶

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(5554) → Section D105.1 is deleted and replaced with a new section to read as follows: ¶

D105.1 Where required. Where buildings or facilities that are three stories or more in height, exceeding 30 feet or more in height to any portion of the building, an approved aerial fire apparatus road or roads shall be provided. ¶

(5655) → Section D105.1 is amended by deleting the exception ¶

(5756) → Section D106.1 is deleted and replaced with a new section to read as follows: ¶

D106.1 Projects having more than 100 dwelling units. ¶

Multiple-family residential projects having more than 100 dwelling units, three stories or more, shall be equipped throughout with two separate and approved fire apparatus access roads. ¶

Exception: Projects having up to 200 dwelling units, or less than three stories shall have not fewer than one approved fire apparatus access road where all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2. ¶

(5857) → Section D106.2 is deleted and replaced with a new section to read as follows: ¶

D106.2 Projects having more than 200 dwelling units. ¶

Multiple-family residential projects having more than 200 dwelling units, three stories or more, shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system. ¶

Sec. 50-2. National Fire Prevention Association 101, Life Safety Code, 20182021 edition.

- (a) *Adoption.* The 20182021 edition of the *NFPA Life Safety Code 101* ("NFPA 101"), as published by the National Fire Protection Association, is adopted and designated as the Life Safety Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article. Copies of the NFPA 101 shall remain on file in the office of the city secretary, within the department of development services, and in the office of the Fire Marshal.
- (b) *References to Officials.* Where the NFPA 101 references duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official is deemed the responsible official.
- (c) *Annexes.* The following annexes of the NFPA 101 are adopted: A, C, and D.
- (d) *Amendment.* The NFPA 101 is amended by deleting section 24.3.5.1.

(Ord. No. 2021-06, § 2, 1-26-2021)

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Sec. 50-4. Conflict with Federal and State law; and/or between NFPA 101 and IFC.

- (a) This article shall be construed and applied under and in accordance with the Constitution and laws of the United States and the State of Texas ("Federal and State law"). For the purpose of this section, Federal and State law include administrative agency interpretative rules required or allowed to be adopted pursuant to law. In the event of a conflict between the NFPA Life Safety 101, ~~2018~~²⁰²¹ Edition, and the International Fire Code, ~~2018~~²⁰²¹ Edition and applicable Federal or State law, Federal or State law shall control and the City Code shall be interpreted and applied accordingly.
- (b) In the event a conflict occurs between the NFPA Life Safety 101, ~~2018~~²⁰²¹ Edition, and the International Fire Code, ~~2018~~²⁰²¹ Edition, the IFC shall control.

(Ord. No. 2021-06, § 4, 1-26-21)

Wayne Uecker moved to recommend adoption of the 2021 International Fire Code, 2021 NFPA 101 Life Safety Code, and Section 50-4 Conflict with Federal and State Law with the reinstatement of paragraph D103.1 as presented; motion was seconded by Daniel Lowery and passed 4-0.

4. PUBLIC HEARING

4A. Unsafe Structure located at 516 W. Water Street

Guillermo Garcia distributed copies of the order that had been approved at the last BBAA meeting. He explained that at the previous meeting, the board approved the identification and demolition of the unsafe structure located at 516 W. Water Street. Staff had gone through the entire process as indicated by city ordinance; however, the all the current code states is that staff has to provide a copy of the notice that the city has declared a structure unsafe to the county court house; however, once staff was finalizing the last documents in order to proceed with the demolition of the property, staff discovered they did not complete a proper form, which is called the *Lis Pendens*, which is a technical form that has to be completed and then instructs the county to put it in the record of the property that there was a demolition. Because of that, the board and staff have to go through the process again. The board needs to vote on the fact that this property has to be demolished as previously voted and the order itself reflects that the heirs of the property owner are the ones that potentially have the risk of demolishing and the responsibility to respond if they do not.

Bruce Motheral opened the public hearing at 4:03 p.m. Hearing no one speak, Bruce Motheral closed the public hearing at 4:04 p.m.

Daniel Lowery moved to order to demolish the structure located at 516 W. Water Street and remove it from the premises within 30 days; motion was seconded by Mack Edmiston and passed 4-0.

5. STAFF REPORT

Guillermo Garcia discussed the following:

- Copies of the major changes made in the codes from the previous BBAA meetings were distributed.
- Council recently changed BBAA appointment terms. Council established when the terms of the board members would expire. Three of the current member terms, Daniel Lowery,

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Bruce Motheral, and Bob Rue, will expire August 31 and the other member terms, Mack Edmiston, Jennifer Hyde, and Wayne Uecker, will expire in August 2024. Member terms expiring August 31 have the choice to reapply to remain on the board or step down. Staff is currently working to fill one alternate member vacancy.

- Officer elections will be conducted at the September meeting and the board will re-elect a chair and a vice-chair as per the ordinance.
- Also in September, the board will review administrative amendments, property maintenance code, and possibly another unsafe structure.

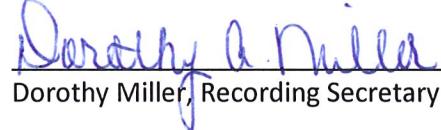
6. ADJOURNMENT

The meeting adjourned at 4:11 p.m.

ATTEST:



Jennifer Hyde, Chair



Dorothy Miller, Recording Secretary