



CITY OF KERRVILLE
BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA
REGULAR MEETING, MARCH 4, 2025 03:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

- 1. CALL TO ORDER**
- 2. ELECTION OF OFFICERS**

2A. Election of Chair and Vice Chair by BBAA Members

- 3. MINUTES**

3A. Approval of Meeting Minutes from the April 25, 2024 meeting

- 4. CONSIDERATION AND ACTION**

4A. Appeal to BBAA from Owner of 613 Rock Creek Loop

- 5. STAFF REPORT**
- 6. ADJOURNMENT**



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 3A. Approval of Meeting Minutes from the April 25, 2024
AGENDA DATE OF: March 4, 2025 **DATE SUBMITTED:** February 25, 2025
SUBMITTED BY: Aaron Barnes, Interim Chief Building Official
EXHIBITS: April 25, 2024 Minutes

MEMBERS PRESENT:

Jennifer Hyde, Board Chair
Mack Edmiston, Board Member
Daniel Lowery, Board Member

MEMBERS ABSENT:

Bob Rue, Board Vice-Chair
Caleb Mizell, Board Member

STAFF PRESENT:

Guillermo Garcia, Executive Director for Innovation
Aaron Barnes, Interim Chief Building Official
Jason L. Lackey, Fire Marshal
Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On April 25, 2024, the Kerrville Building Board of Adjustment and Appeals regular meeting was called to order at 3:14 p.m. in the City Hall council chambers, 701 Main Street.

2. APPROVAL OF MINUTES

2A. Approval of the minutes from the December 14, 2023 meeting.

Daniel Lowery moved to approve the minutes as presented; motion was seconded by Mack Edmiston and passed 3-0.

3. CONSIDERATION AND ACTION

3A. Recommend the adoption of the proposed amendments for the 2018 International Building Code.

Guillermo Garcia introduced the cases and discussed the following:

- City of Kerrville's Code Adoption history
- Building Board of Adjustment and Appeal's Review and Recommendation for Approval
- The City Council did not recommend approval of 2021 Codes
- Presentation of the amendments to Code to address Kerrville's specific issues

Aaron Barnes presented the proposed amendments to the 2018 International Building Code.

Mack Edmiston moved to recommend adoption of the proposed amendments for the 2018 International Building Code; motion was seconded by Daniel Lowery and passed 3-0

3B. Recommend the adoption of the proposed amendments for the 2018 International Residential Code.

Aaron Barnes presented the proposed amendments to the 2018 International Residential Code.

Daniel Lowery moved to recommend adoption of the proposed amendments for the 2018 International Residential Code; motion was seconded by Mack Edmiston and passed 3-0.

3C. Recommend the adoption of the proposed amendments for the 2018 International Existing Building Code.

Aaron Barnes presented the proposed amendments to the 2018 International Existing Building Code.

Me / DL moved to recommend adoption of the proposed amendments for the 2018 International Existing Building Code; motion was seconded by _____ and passed 3-0

3D. Recommend the adoption of the proposed amendments for the 2017 National Electric Code.

Aaron Barnes presented the proposed amendments to the 2018 International Electric Code.

Daniel Lowery moved to recommend adoption of the proposed amendments for the 2017 National Electric Code; motion was seconded by Mack Edmiston and passed 3-0

3E. Recommend the adoption of the proposed amendments for the 2018 International Plumbing and Fuel Gas Code.

Aaron Barnes presented the proposed amendments to the 2018 International Plumbing Code and International Fuel Gas Code.

Daniel Lowery moved to recommend adoption of the proposed amendments for the 2018 International Plumbing and Fuel Gas Code; motion was seconded by Mack Edmiston and passed 3-0

3F. Recommend the adoption of the proposed amendments for the 2018 International Mechanical Code.

Aaron Barnes presented the proposed amendments to the 2018 International Mechanical Code.

Mack Edmiston moved to recommend adoption of the proposed amendments for the 2018 International Mechanical Code; motion was seconded by Daniel Lowery and passed 3-0

3G. Recommend the adoption of the proposed amendments for the 2018 International Energy Conservation Code.

Aaron Barnes presented the proposed amendments to the 2018 International Energy Conservation Code.

Daniel Lowery moved to recommend adoption of the proposed amendments for the 2018 International Energy Conservation Code; motion was seconded by Mack Edmiston and passed 3-0

3H. Recommend the adoption of the proposed amendments for the 2018 International Swimming Pool and Spa Code.

Aaron Barnes presented the proposed amendments to the 2018 International Swimming Pool and Spa Code.

Mack Edmiston moved to recommend adoption of the proposed amendments for the 2018 International Swimming Pool and Spa Code; motion was seconded by Daniel Lowery and passed 3-0

3I. Recommend the adoption of the proposed amendments for the 2018 International Fire Code, NFPA 101, and NFPA 1194.

Jason Lackey presented the proposed amendments to the 2018 International Fire Code, National Fire Protection Association 101, and National Fire Protection Association 1194.

Daniel Lowery moved to recommend adoption of the proposed amendments for the 2018 International Fire Code, NFPA 101, and NFPA 1194; motion was seconded by Mack Edmiston and passed 3-0.

4. STAFF REPORT

Guillermo Garcia staid the next meeting will be in August 2024.

5. ADJOURNMENT

The meeting adjourned at 3:50 p.m.

ATTEST:3:50

Jennifer Hyde, Chair

Dorothy Miller, Recording Secretary



**TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND
APPEAL
CITY OF KERRVILLE, TEXAS**

SUBJECT: 4A. Appeal to BBAA from Owner of 613 Rock Creek Loop

AGENDA DATE OF: March 4, 2025 **DATE SUBMITTED:** February 25, 2025

SUBMITTED BY: Aaron Barnes, Interim Chief Building Official

EXHIBITS: Communications and Code References

SUMMARY STATEMENT:

On January 28, 2025, the Fire Marshal, Myself, and Mr. Perry (Property Owner) met at the Fire Marshal's office to discuss the requirement of fire sprinklers at 613 Rock Creek Loop as required by our adopted code(s) due to the change in occupancy at 613 Rock Creek Loop from a One and Two Family Dwelling to an Institutional Group I-1 (Care Facility) or possibly a Residential R-3 depending on occupant load. At that time Mr. Perry agreed to start the quoting process of hiring a contractor. On February 12, 2025, Mr. Perry emailed me requesting the possibility of the property being "grandfathered", not requiring a sprinkler system, due to his adjoining property at 617 Rock Creek Loop already being in operation as a care facility. I then explained I do not have the power to grant a variance to the code, and informed him of his right to appeal to the BBAA.

RECOMMENDED ACTIONS:

Order the structure at 613 Rock Creek Loop to be fire-sprinkled as required by the City of Kerrville's Adopted code.



**BUILDING BOARD OF ADJUSTMENT & APPEALS
REQUEST FOR APPEAL HARING**

RECEIVED
FEB 18 2025
BY: Aaron Barnes
CIR 12

General Instructions: In accordance with Chapter 26, Article VIII, Sec. 26-251 of the City of Kerrville Code of Ordinances, you have 10 business days from the date of the failure inspection or review to submit an application for appeal or adjustment variance. Complete the form below with all information required. Check the method of payment for the \$150.00 processing fee. If paying by check make payable to the "City of Kerrville" and mail to the address listed below. If paying by credit card provide an email address below. You may also submit your application and payment in person.

APPLICANT					
Applicant Name	RICHARD PERRY				
Address	2916 Memorial Blvd				
City	Kerrville	State	TX	Zip Code	78028
Telephone	(830) 739-7993				
Email Address	rperry@heartandstonecare.com				
OWNER					
Applicant Name	RICHARD PERRY				
Address	2916 Memorial Blvd.				
City	Kerrville	State	TX	Zip Code	78028
Telephone	(830) 739-7993				
Email Address					
Mail Address	2916 Memorial Blvd.				
Email Address	rperry@heartandstonecare.com				
ITEM(S) BEING APPEALED					
<i>APPEAL REGARDING automatic sprinkler system at 613 Rock Creek Loop.</i>					
<i>Requesting appeal of the request by City of Kerrville to sprinkle automatically the Elder care home at 613 Rock Creek Loop.</i>					
<i>613 Rock Creek Loop meets the requirements per Sec 30-29(5) of smoke alarms installed at the residence and other operational standards.</i>					

RELIEF SOUGHT

Requesting relief from installing an automatic sprinkler system as the residence meets the city code per 30-28.

Estimated cost of the automatic sprinkler system could be upwards of \$10,000 due to the fact that the plumbing would have to be retrofitted due to the age of the residence and the house meets operational standards.

ADDITIONAL INFORMATION

	2/17/25
Signature of Owner or Agent	Date

Development Services
Attn: Building Board of Adjustment & Appeals
200 Sidney Baker Street
Kerrville TX 78028

Ofc: 830-258-1170
Fax: 830-896-0517
Email: buildings@kerrvilletx.gov

Saturday, February 15, 2025 at 11:14:27 Central Standard Time

Subject: RE: 613 Rock Creek Loop
Date: Thursday, February 13, 2025 at 10:03:43 AM Central Standard Time
From: Aaron Barnes
To: Rick Perry
Attachments: DVS-FRM-032.BDS_BBAA Request for Appeal Hearing.pdf

Good afternoon.

Thank you for letting me know that you have been working to the solution. It is not within my power to grant a variance to the code (particularly in life safety components. The process for this would be to submit a request for an appeal hearing to the Building Board of Adjustments and Appeals.

Attached is the form required. Here is a link to our ordinances. You will want to review Sec. 26-257 as this explains the process and conditions for appeal. I recommend review of the ordinance prior to submission. This email will start the 10 business day "clock" for the required time limit on appeals.

(Feb. 23, 2025)

[https://library.municode.com/tx/kerrville/codes/code_of_ordinances?
nodeid=PTII:COOR_CH26BUBURE_ARTIXBUBOADAP_S26-257APVA](https://library.municode.com/tx/kerrville/codes/code_of_ordinances?nodeid=PTII:COOR_CH26BUBURE_ARTIXBUBOADAP_S26-257APVA)

If I can be of further assistance, please let me know.

Thank you,

Aaron Barnes
City of Kerrville, Development Services
Interim Chief Building Official, I-3985
Office: (830) 258-1177
aaron.barnes@kerrvilletx.gov

www.heartandstonecare.com



TO BE CONSIDERED BY THE BUILDING BOARD OF ADJUSTMENT AND APPEAL CITY OF KERRVILLE, TEXAS

SUBJECT: 4A. Appeal to BBAA from Owner of 613 Rock Creek Loop

AGENDA DATE OF: March 4, 2025 **DATE SUBMITTED:** February 25, 2025

SUBMITTED BY: Aaron Barnes, Interim Chief Building Official

EXHIBITS: Application, Communications and Code References

CODE REFERENCES

2018 International Existing Building Code

1004.1 General.

Fire protection requirements of [Section 1011](#) shall apply where a building or portions thereof undergo a *change of occupancy* classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in [Chapter 9](#) of the *International Building Code*.

1011.2.1 Fire sprinkler system.

Where a change in occupancy classification occurs or where there is a *change of occupancy* within a space where there is a different fire protection system threshold requirement in [Chapter 9](#) of the *International Building Code* that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with [Chapter 9](#) of the *International Building Code*, such system shall be provided throughout the area where the *change of occupancy* occurs.

2018 International Building Code

308.3 Institutional Group I-2.

Institutional Group I-2 occupancy shall include buildings and structures used for *medical care* on a 24-hour basis for more than five persons who are *incapable of self-preservation*. This group shall include, but not be limited to, the following:

- *Foster care facilities*
- *Detoxification facilities*
- *Hospitals*
- *Nursing homes*
- *Psychiatric hospitals*

308.3.1 Occupancy conditions.

Buildings of Group I-2 shall be classified as one of the occupancy conditions specified in [Section 308.3.1.1](#) or [308.3.1.2](#).

308.3.1.1 Condition 1.

This occupancy condition shall include facilities that provide nursing and medical care but do not provide emergency care, surgery, obstetrics or in-patient stabilization units for psychiatric or detoxification, including but not limited to nursing homes and foster care facilities.

308.3.1.2 Condition 2.

This occupancy condition shall include facilities that provide nursing and medical care and could provide emergency care, surgery, obstetrics or in-patient stabilization units for psychiatric or detoxification, including but not limited to hospitals.

308.3.2 Five or fewer persons receiving medical care.

A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with [Section 903.3.1.3](#) or [Section P2904](#) of the *International Residential Code*.

903.2.6 Group I.

An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with [Section 903.3.1.2](#) shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior exit door.
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with [Section 903.3.1.1](#) shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge*, and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

903.2.8.1 Group R-3.

An *automatic sprinkler system* installed in accordance with [Section 903.3.1.3](#) shall be permitted in Group R-3 occupancies.

903.3.1.3 NFPA 13D sprinkler systems.

Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D.

From: [Aaron Barnes](#)
To: [Rick Perry](#)
Subject: RE: 613 Rock Creek Loop
Date: Thursday, February 13, 2025 10:03:00 AM
Attachments: [DVS-FRM-032.BDS BBAA Request for Appeal Hearing.pdf](#)

Good afternoon.

Thank you for letting me know that you have been working to the solution. It is not within my power to grant a variance to the code (particularly in life safety components. The process for this would be to submit a request for an appeal hearing to the Building Board of Adjustments and Appeals.

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If I can be of further assistance, please let me know.

Thank you,

Aaron Barnes
City of Kerrville, Development Services
Interim Chief Building Official, I-3985
Office: (830) 258-1177
aaron.barnes@kerrilletx.gov

From: Rick Perry <rpatrick.perry@heartandstonecare.com>
Sent: Wednesday, February 12, 2025 2:12 PM
To: Aaron Barnes <Aaron.Barnes@kerrilletx.gov>
Subject: [EXTERNAL] 613 Rock Creek Loop
Importance: High

Aaron,

I appreciate you and Jason meeting with me the other week. I have contacted a local plumber and he is reaching out to companies in SA regarding sprinkler systems, but I have not heard back yet. I do not have an estimate yet, but it is possible the system could be close to \$10,000 since the house will have to be retrofitted. Aaron, this will put a tremendous financial burden on me as the sole owner of the house. I would like to ask if the house, since it was purchased in June 2024, could be grandfathered in as my property at 617 Rock Creek Loop does not require a sprinkler system. I'm having a hard time understanding why this property is going to require a sprinkler system. Obviously, I want people to be safe, but I have staff there 24/7 and many exits near all residents in the case of an emergency evacuation. Thanks for your consideration and how I might proceed to accomplish this agreement. I look forward to

hearing from you.

Kind regards,
Rick Perry

Rick Perry
Owner/Heart and Stone Community Dwellings, LLC
830.739.7993