



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
[Signature]

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				
<p>APPEAL REGARDING automatic sprinkler system at 613 Rock Creek Loop.</p> <p>Requesting appeal of the request by City of Kerrville to sprinkler automatically the Elder care home at 613 Rock Creek Loop.</p> <p>613 Rock Creek Loop meets the requirements per Sec 30-29(5) of smoke alarms installed at the residence and other operational standards.</p>				

RELIEF SOUGHT

Requesting relief from installing an automatic sprinkler system as the residence meets the city code per 30-29.

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

LEGEND:

R = - curve radius
L.A. = - length arc
[] - deed or plat information
plat - reference recorded plat - reference man or plat

Elec. - electric
 Tel. - telephone
 Tran. - transformer
 Ped. - pedestal
 M. - meter
 W. - water
 F.H. - fire hydrant
 MH - manhole
 U.E. - utility easement

/ - Volume & page
 C.F.N. - Clerk's File No.
 O.P.R. - Official Public
 R.P.R. - Real Property
 D.R. - Deed Records
 P.R. - Plat Records
 E.R. - Easement Records
 B.S.B. - building setback
 U.E. - utility easement

According to Title Commitment No. 2024248, this tract is subject to:

[plat- N18°39'W 90.00']

building total 38.4'
 upper wood deck ±19.2'
 covered concrete porch 15.9'
 13.0' 7.0' 2.3' 5.0'

Basis of bearings was derived from astronomic north observations using G.P.S. (Trimble) R.T.K. system
 All distances are in feet and decimals thereof.

lot corner is located 44.28" N.39°15'W. from a found 1/2" iron stake marking southeast corner of Lot 24

concrete
 ent 4/261

Restrictions recorded in Volume 179, page 806; Volume 179, page 822; Volume 180, page 584; Volume 252, page 408; Volume 252, page 411; Volume 252, page 414, in the Deed Records of Kerr County, Texas; in Volume 391, page 612; Volume 478, page 281; Volume 391, page 341; Volume 1161, page 304; Volume 1294, page 341; Volume 1161, page 304; Volume 1294, page 454, in the Real Property Records of Kerr County, Texas; in Volume 4, Page 261, in the Plat Records of Kerr County, Texas; under Clerk's File Nos. 11-06277; 21-08388; 21-08389; 22-00177 and 22-08952, in the Official Public Records of Kerr County, Texas.

Easements and all matters as per Plat of Riverhill Townhouse Tracts No. Seven, recorded in Volume 4, page 261, in the Plat Records of Kerr County, Texas.

Easement from Riverhill Club and Estates, Ltd. to Riverhill Municipal Utility District, dated September 1, 1974, recorded in Volume 8, page 261, in the

In The
State of Texas
County of Kerr
City of Kerrville
613 Rock Creek Loop
GF No. 2024248
Reduction
Scale: 1 inch = 20 feet

measured
[P]

edge of
fence
conc. walk
7.4'
25.0'
22.1'
20.6'
25 B.S.B. 4/261
building
total 7.8' ±3.9'
25'

Residents' easement to enjoy common area as provided
in Declaration of Covenants, Conditions and Restrictions,
dated May 27, 1975, recorded in Volume 179, page
822, in the Deed Records of Kerr County, Texas.
Covenants, conditions, restrictions, easements,

26, 1974, recorded in Volume 67, page 234,
Easement Records of Kerr County, Texas.
Easement from Riverhill Club and Estates, Ltd. to
Kerrville Telephone Company, recorded in Volume 8,
page 333, in the Easement Records of Kerr County,
Texas.

charges and liens set forth in that certain Declaration made on May 27, 1975, by Dedicator, recorded in Volume 179, page 822, in the Deed Records of Kerr County, Texas.

Easements as set forth in Restrictions recorded in Volume 252, page 408, in the Deed Records of Kerr County, Texas.

Lot 26 Block 1
Vol. 4, Pg. 261 P.R.
(this side)

concrete driveway
gas pipes
gas meter
Tol. Ped.
Bec. meters
W.M.
R= 68.73' L.A.= 41' 38"

April 4, 2024

County, Texas.

All rights and privileges of other owners in the Townhouse project in and to all general and common elements, as that term is defined by Texas Law, which pass as an appurtenance to said property.

Pipeline Easement to Lone Star Gas Company, recorded in Volume 5, page 301, in the Easement Records of Kerr County, Texas.

lot corner at south edge of concrete rock column & mail boxes

lot corner at found 1/2" iron stake

Rock Creek Loop

GF No. 20242-48
D&A Job No.

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.

https://library.municode.com/tx/kerrville/codes/code_of_ordinances?nodeId=PTIICOOR_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

aaron.barnes@kerrvilletx.gov



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APPEAL
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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](#)

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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@kerrvilletx.gov

From: Rick Perry <rperry@heartandstonecare.com>
Sent: Wednesday, February 12, 2025 2:12 PM
To: Aaron Barnes <Aaron.Barnes@kerrvilletx.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