



CITY OF KERRVILLE
BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA
REGULAR MEETING, SEPTEMBER 28, 2023 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 August 24, 2023 meeting

4. CONSIDERATION AND ACTION

4A. Recommend adoption of the 2021 International Property Maintenance Code

4B. Recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, ISPSC, IPMC

5. STAFF REPORT

6. ADJOURNMENT

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 9/22/2023 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

Kesha Franchina, Deputy City Secretary, City of Kerrville, Texas



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

SUBJECT: 2A. Election of Chair and Vice Chair by BBAA members

AGENDA DATE OF: September 28, 2023 **DATE SUBMITTED:** September 21, 2023

SUBMITTED BY: Aaron Barnes, Interim Chief Building Official

EXHIBITS:

Officers. The board shall elect a chair and vice-chair who shall be appointed from among its voting members. The board shall appoint such officers at the first meeting of the board held after September 1 of each year. Officers shall serve a term of one year and all such terms shall end on August 31 after the date of election or until a successor is elected, but in every case each subsequent term shall end on August 31. An officer of the board may not serve in the office elected for more than two consecutive terms.

RECOMMENDED ACTION:

Elect a Chair and a Vice-Chair



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

SUBJECT: 3A. Approval of Meeting Minutes from the August 24, 2023 meeting
AGENDA DATE OF: September 28, 2023 **DATE SUBMITTED:** September 15, 2023
SUBMITTED BY: Aaron Barnes, Interim Chief Building Official
EXHIBITS:

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.
- 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:

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 Laws 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.
- 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:

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 BBA 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, 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:

Chair

Dorothy Miller, Recording Secretary



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

SUBJECT: 4A. Recommend adoption of the 2021 International Property Maintenance Code

AGENDA DATE OF: September 28, 2023 **DATE SUBMITTED:** September 15, 2023

SUBMITTED BY: Aaron Barnes, Interim Chief Building Official

EXHIBITS: International Property Maintenance Code 2021 Edition

SUMMARY STATEMENT:

The 2021 IPMC provides requirements for continued use and maintenance of building elements, site conditions, swimming pools, plumbing, mechanical, electrical, and fire protection systems in existing residential and nonresidential structures. For the most current adoptions details go to International Code Adoptions.

RECOMMENDED ACTION:

Recommend adoption of the 2021 International Property Maintenance Code

Property Maintenance Code amendments

- (a) Adoption. The *International Property Maintenance Code*, 2018 Edition ("IPMC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Property Maintenance Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this section, subject to the amendments prescribed herein. A copy of the IPMC shall remain on file in the department of development services.
- (b) Amendments. The International Property Maintenance Code is amended as follows:
 - (1) Section 103 Code Compliance Agency is deleted in its entirety.
 - (2) Section 107 is amended in its entirety to read as follows:
 - (a) Section 107. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPMC.
 - (3) Section 109 Violation is deleted in its entirety to read as follows:
 - (a) Misdemeanor. Any violation of this article is a misdemeanor as provided in section 1-8 of this Code
 - (b) Fines. The penalty for a violation of this article shall be a fine of not less than \$100.00 but not exceeding \$2,000.00 for each violation.
 - (c) Cost of abatement. Upon conviction of a violation of this article, the court shall in addition to any fine levied assess against the defendant the costs incurred by city in abating the nuisance.
 - (d) Entity officer liability. The partners, officers, commissioners, managers, agents, trustees, and employees of any private partnership, trust, corporation, company, business, or other entity which owns or occupies property that violates this article shall be jointly and severally liable with the owner or occupier for the penalties provided in this section.
 - (4) Section 110 Stop Work Order is deleted in its entirety to read as follows:
 - (a) Section 110 Notice of Violation
 - (1) Notice to owner required. After the city health official has determined that a property violates any of the provisions of this article, the city health official or his designee shall promptly notify the owner of the property of the violation.
 - (2) Methods of notice. Written notice of a violation of this article must be given in person, or by letter, return receipt requested. If personal service cannot be obtained, or the owner's post office address is unknown, notice may be given by:
 - (a) Publication in the city's official newspaper at least once;
 - (b) Posting notice on or near the front door of each building on the property to which the violation relates; or
 - (c) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
 - (3) A statement that if the owner of the property does not comply with this article on or before the seventh day after the date of the notice, the city may:
 - (a) Do the work or make the improvements required to comply with this article;
 - (b) Pay for the work or improvements; and
 - (c) Charge the expenses to the owner; and

- (4) A statement that the owner may appear at the office of the city health official on or before the seventh day after the date of the notice to show cause why the violations should not or cannot be remedied within the time required.
 - (b) Notice to owner of additional violations. Notice of a subsequent violation of this article is not required if:
 - (1) The original notice was:
 - (a) Mailed or emailed to the owner or posted on the property; and
 - (b) Contained a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may correct the violation and assess the expense against the property without further notice; and
 - (2) On or before the first anniversary of the date of the original notice, the owner commits another violation of this article of the same kind or nature as the original violation which poses a danger to the public health and safety.
 - (c) Notice of violations after change in ownership. Even if ownership of property previously found in violation of this article is transferred to another owner, notice of a subsequent violation of this article is not required if:
 - (1) The original notice was:
 - (a) Mailed to the owner or posted on the property; and
 - (b) Contained a statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may correct the violation and assess the expense against the property without further notice;
 - (2) On or before the first anniversary of the date of the original notice, another violation covered by the notice occurs;
 - (3) The property owner to whom the original notice was issued has transferred or conveyed his ownership interest to another person; and
 - (4) The city has not been informed in writing of the change in the property ownership by the owner.
 - (d) Validity of refused or unclaimed notice. If notice is mailed to the property owner but returned to the city by the U.S. Postal Service as "refused" or "unclaimed," the notice shall be considered valid and delivered.
 - (e) Determination of owner and owner's address. For purposes of this article, the owner of property in violation of this article and the owner's address shall be determined by the records of Kerr Central Appraisal District.
- (5) Section 111 Unsafe Structures and Equipment is deleted in its entirety.
 - (6) Section 113 Demolition is deleted in its entirety
 - (7) Section 202 General Definitions
 - (a) Cost of such demolition or emergency repairs definition is deleted.
 - (b) ~~ROOMING HOUSE~~Boarding Home. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
 - (8) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of ~~[JURISDICTION TO INSERT HEIGHT IN INCHES]~~12-inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than

trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 114.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (9) 302.4.1 Defense of violation is added
 - (a) Regularly cultivated ornamental, fruit-bearing, vegetable-bearing, or flowering plants, bushes, or trees;
 - (b) Regularly cultivated crops grown on property that is classified as agriculture exempt according to the tax rolls of the county;
 - (c) Pasture lands on property that is classified as agriculture exempt according to the tax rolls of the county;
 - (d) Heavily wooded property or property with steep slopes, on which mowing equipment cannot reasonably be used; or
 - (e) Property which the city health official determines should be exempted because of the lack of harm to the public health, safety, and welfare.
- (10) 302.8 Motor vehicles is deleted in its entirety.
- (11) 304.1.1(8) is deleted in its entirety and items are renumbered
- (12) 304.7 Roofs and drainage is deleted in its entirety
- (13) 304.14 Insect screens is deleted in its entirety
- (14) 308.3.1 Garbage facilities is deleted in entirety
- (15) 308.3.2 Containers renumbered as 308.3.1
- (16) 309.6 Dead Animals is added:
 - (a) To allow filth, carrion, putrescible waste, or any impure or unwholesome matter to accumulate and remain on the property
- (17) 402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times ~~with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm) to all coverage of the areas served.~~ In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied ~~with not less than 1 footcandle (11 lux)~~ at floors, landings and treads.
- (18) 602.3 Heat Supply. Delete and replace with: An occupied commercial structure that includes dwelling units or sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas, bathrooms, and toilet rooms.
- (19) 602.4 Occupiable workspace. Deleted and replaced with: Except as otherwise provided, an occupied commercial structure with indoor occupiable work spaces must maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

- (a) Add section 602.4.1 Processing, storage, and operation. A commercial structure with areas that require cooling or special temperature conditions is not required to maintain the temperature in Section 602.4.
 - (b) Add section 602.4.2 Physical activities. Areas within a commercial structure where persons are primarily engaged in vigorous physical activities are not required to maintain the temperature in Section 602.4.
- (20) 604.2 Service is deleted and replaced with: In accordance with NFPA 70, the size and usage of appliances and equipment determines the need for additional electrical facilities. A dwelling unit must be served by an electrical service with a rating of at least 60 amperes.
- (21) 604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the ~~International Building~~Electrical Code.
- (22) 604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the ~~International Building~~Electrical Code.



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

SUBJECT: 4B. Recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, .ISPSC, IPMC

AGENDA DATE OF: September 28, 2023 **DATE SUBMITTED:** September 15, 2023

SUBMITTED BY: Aaron Barnes, Interim Chief Building Official

EXHIBITS: Code amendments

SUMMARY STATEMENT:

The following amendments are to add or delete additional sections with the administrative chapters of the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, .ISPSC, IPMC.

RECOMMENDED ACTION:

Recommend adoption of the amendments to the IBC, IRC, IECC, IPC, IMC, IFGC, IEBC, .ISPSC, IPMC

Additional Code Amendments:

(a) International Building Code, 2021 Edition

- (1) Section 103 is amended in its entirety to read as follows:
 - (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
- (2) Section 113 is amended in its entirety to read as follows:
 - (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IBC.

(b) International Residential Code, 2021 Edition

- (1) Section 103 is amended in its entirety to read as follows:
 - (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
- (2) R105.2 is amended by deleting exemptions 2 and 5. under "Building".
- (3) Section 113 is amended in its entirety to read as follows:
 - (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IRC.

(c) International Energy Conservation Code, 2021 Edition

- (1) Section C110 is amended in its entirety to read as follows:
 - (a) Section C110. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IECC.

(d) International Existing Building Code, 2021 Edition

- (1) Section 115 Unsafe Structures and Equipment is deleted in its entirety

(e) International Mechanical Code, 2021 Edition

- (1) Section 103 is amended in its entirety to read as follows:
 - (a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
- (2) Section 113 is amended in its entirety to read as follows:
 - (a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA")

shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IMC.

(3) Section 114 Board of Appeals is deleted in its entirety

(f) International Swimming Pool and Spa, 2021 Edition

(1) Section 103 is amended in its entirety to read as follows:

(a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 111 is amended in its entirety to read as follows:

(a) Section 111. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the ISPSC.

(3) Section 112 Board of Appeals is deleted in its entirety

(g) International Plumbing Code, 2021 Edition

(1) Section 103 is amended in its entirety to read as follows:

(a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 113 is amended in its entirety to read as follows:

(a) Section 113. Building Board of Adjustment and Appeals. Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBAA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IPC.

(3) Section 114 Board of Appeals is deleted in its entirety

(h) International Fuel Gas Code, 2021 Edition

(1) Section 103 is amended in its entirety to read as follows:

(a) Section 103 Building Inspection Division. The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(2) Section 114 Board of Appeals is deleted in its entirety