

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

February 23, 2023

MEMBERS PRESENT:

Bruce Motheral, Chair
Mack Edmiston, Board Member
Daniel Lowery, Board Member
Bob Rue, Board Member
Steve Van Patton, Alternate, arrived at 3:05 p.m.

MEMBERS ABSENT:

Jennifer Hyde, Board Member
Mike Asmus, Alternate

STAFF PRESENT:

Guillermo Garcia, Executive Director for Innovation
Stephen Riggs, Interim Chief Building Official
Jason Lackey, Fire Marshal
Dorothy Miller, Recording Secretary

1. CALL TO ORDER:

On February 23, 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 February 10, 2022 meeting.

Mr. Rue moved to approve the minutes as presented; motion was seconded by Mr. Edmiston and passed 4-0.

3. PRESENTATION

3A. Orientation for Business Meetings

Mr. Garcia presented the orientation for business meetings. The following were covered:

- Procedural Rules for Kerrville City Boards
- Rules of order, not rules of law
- Open Meetings Act
- Best Communication Practices
- Conflict of Interest
- Ex Parte Communications
- Quasi-Judicial Board

3B. Presentation on the Adoption of 2021 ICC and relevant codes

Mr. Riggs presented the adoption of 2021 ICC and relevant codes. The goal is to update from the 2018 to 2021 codes. City staff wants to prevent getting too far behind in code updates (no more than 2 years). The City's ISO rating went up from 9 to 5 (1 being the best) after updating to the 2018 codes. The following were discussed/reviewed:

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- Building Code History
- Building Code Adoption Cycle
- 2021 Adoption Cycle

Mr. Guillermo stated the City want to stay current, no more than one cycle behind, to help our ISO rating and to stay up to date with FEMA codes. FEMA will reduce funding in a disaster if codes are not kept current. City staff and this Board will be working together to adopt the 2021 codes. In 2029, the 2027 codes will be reviewed.

Mr. Riggs discussed the schedule for upcoming meetings to review the 2021 codes and to discuss any changes, amendments, and adoption of codes. The goal is to adopt the 2021 codes by October 1, 2023. '

Mr. Guillermo stated currently the ordinance states the BBAA board is to meet quarterly; however, he wants to change it to read, "Meets as needed".

4. CONSIDERATION AND ACTION

4A. Adoption of proposed amendments in its entirety article VIII "Unsafe Building Abatement" of Chapter 26 "Building and Building Regulations"

Mr. Garcia presented the adoption of proposed amendments for building abatement. There are three major paths to abatement: work with the owner to rehabilitate the structure; work with the owner to stabilize the structure; decide that the structure requires demolition.

Mr. Riggs went over the ordinance and proposed amendments. Mr. Riggs and Mr. Garcia answered questions from Board members. The following were discussed/reviewed:

Mr. Van Patton questioned Sec. 26-243. Board Orders, (2) and (3) in regards to the language regarding "50 percent of the structure" in item 2, and "where more than 50 percent or more of its value or structure". Mr. Edmiston suggested using the term "living area" to specify the structure. Mr. Guillermo asked what would be the recommendation to use the term "living area".

Mr. Edmiston recommended using the term "occupiable space".

Mr. Van Patton recommended using the term "dwelling or structure" to encompass both livable and non-livable space as wells as residential or commercial structures.

The word "dwelling" will be added to the definition section of the ordinance.

In Sec. 26-239 – Time of notices, item (d), the Board expressed concerns regarding this item and the potential to take property without proper notice to the homeowner.

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In Sec. 26/243 – Board orders, item (a) (2), the Board expressed concerns about the size (“*Repairs may only be deemed feasible if less than 50 percent of the structure or the building must be repaired or replaced.*”). Mr. Garcia will need to research other cities as to what their ordinance states.

Mr. Motheral asked for clarification of Sec. 26-252 - Civil penalties in regards to the \$10.00 per day fine, as to whether or not that is a state law and if not, where the fine was derived.

Mr. Van Patton moved to approve the adoption of the proposed amendments as amended, including adding the definition of “dwelling” and clarification to Sec. 26-252. Civil penalties; motion was seconded by Mr. Rue and passed 5-0.

5. STAFF REPORT

Mr. Garcia updated the Board on Development Services. The department continues to work on its processes and make every effort to make the City of Kerrville development friendly. Many changes have been made working with Planning Department, City Manager’s office, and with the CRC, which we continue to work with presently.

Building Services hired a new inspector about a year ago, Aaron Barnes.

Mr. Riggs is working on getting his certifications for Chief Building Official, and the two inspectors, Mr. Barnes and Jason McMurray are working on getting their certifications as certified inspectors for commercial and residential properties. They have training as inspectors, but the certifications give them extra credentials.

6. ADJOURNMENT

The meeting was adjourned at 4:35 p.m.

ATTEST:


Bruce Motheral, Chair
Dorothy Miller, Recording Secretary