



**CITY OF KERRVILLE**  
**BUILDING BOARD OF ADJUSTMENT & APPEALS AGENDA**  
**REGULAR MEETING, MARCH 22, 2023 03:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

1. **CALL TO ORDER**

2. **MINUTES**

2A. Approval of Meeting Minutes from February 23, 2023 meeting

3. **CONSIDERATION AND ACTION**

3A. Recommend adoption of the 2021 International Existing Building Code

3B. Recommend adoption of the 2021 International Swimming Pool and Spa Code

4. **STAFF REPORT**

5. **ADJOURNMENT**

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: March 22, 2023 At 03:00 PM and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Deputy City Secretary, City of Kerrville, Texas



**TO BE CONSIDERD BY THE BUILDING BOARD OF ADJUSTMENT AND  
APPEAL  
CITY OF KERRVILLET, TEXAS**

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**SUBJECT:** 2A. Approval of Meeting Minutes from February 23, 2023 meeting  
**AGENDA DATE OF:** March 22, 2023      **DATE SUBMITTED:** March 17, 2023  
**SUBMITTED BY:** Guillermo Garcia, Executive Director of Innovation  
**EXHIBITS:**

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**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:

- 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.

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:

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Bruce Motheral, Chair

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Dorothy Miller, Recording Secretary



**TO BE CONSIDERD BY THE BUILDING BOARD OF ADJUSTMENT AND  
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**SUBJECT:** 3A. Recommend adoption of the 2021 International Existing Building Code  
**AGENDA DATE OF:** March 22, 2023      **DATE SUBMITTED:** March 17, 2023  
**SUBMITTED BY:** Guillermo Garcia, Executive Director of Innovation  
**EXHIBITS:** Sec. 26-41. - International Existing Building Code, 2018 Edition.

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**SUMMARY STATEMENT:**

The 2021 International Existing Building Codes (IEBC) encourages the use and reuse of existing buildings. This code covers repair, alteration, addition and change of occupancy for existing buildings and historic buildings, while achieving appropriate levels of safety without requiring full compliance with the new construction requirements contained in the other I-Codes.

**RECOMMENDED ACTION:**

Recommend adoption of the 2021 International Existing Building Codes and amendments.

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## Sec. 26-41. International Existing Building Code, 2018 Edition.

- (a) *Adoption.* The *International Existing Building Code*, 2018 Edition ("IEBC"), a publication of the International Code Council (I.C.C.), is adopted to the same extent as if such were copied verbatim in this article, subject to deletions, additions, and amendments prescribed in this article. A copy of the IEBC is on file in the office of the city secretary and within the city's department of development services.
- (b) *Amendments.* The IEBC is amended as follows:
- (1) All references to the ICC Electrical Code within the IEBC shall instead refer to the city's electrical code.
  - (2) 101.4.2 and 1301.3.2 are amended by deleting the references to the *International Property Maintenance Code* ("IPMC"). Any other reference within the IEBC to the IPMC may be ignored as the City has neither adopted nor enforces the IPMC.
  - (3) Section 103 is amended in its entirety to read as follows:

**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 IEBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."
  - (4) 105.2 is amended by deleting exemption 1. under "Building".
  - (5) 105.5 is amended by adding the following sentence at the end of the subsection:

The Code Official may grant a reasonable period of time to complete large projects that require an extended construction period.
  - (6) Section 112 is amended in its entirety to read as follows:

**Section 112. 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 IEBC.
  - (7) Section 305 is amended by adding 305.1.1 to read follows:

**305.1.1 Standards.** All structures shall conform to the State of Texas Accessibility Standards.
  - (8) Section 401 is amended by adding 401.2.1 to read as follows:

**401.2.1 Extent of repair for noncompliance buildings.** If the evaluation does not establish compliance of a pre-damaged building in accordance with 401.2, then the building shall be rehabilitated to comply with applicable provisions of the *International Building Code* "(IBC)" for load combinations, including wind. The wind design level for the repair shall be as required by the building code in effect at the time of original construction, unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the IBC, whichever is greater.
  - (9) 504.2 is amended by replacing the reference to twelve feet (12.0') in the last sentence with thirteen and one-half feet (13.5').
  - (10) 504.3, 504.4, and 504.5 are deleted.
  - (11) 802.5.1 is amended by deleting "a loading dock" and replacing this phrase with "other elevated floor surface."
  - (12) 803.1 is amended in its entirety to read as follows:

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**803.1 Scope.** The requirements of this subsection are limited to work areas in which Level 2 alterations are being performed and only apply beyond the work area where specified on the approved drawings and specifications.

(13) 906.3 is amended in its entirety to read as follows:

**906.3 Substantial structural alteration.** Where more than 30 percent of the total floor area and roof areas of the building or structure have been or are proposed to be involved in structural alteration within a 12-month period, the evaluation and analysis must demonstrate that the altered building or structure complies with the IBC for wind loading.

(14) 1006.3 is deleted.

(15) 1402.4 is deleted.

(Ord. No. 2010-12, § 1, 7-13-2010; Ord. No. 2021-05, § 1, 1-26-2021)



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**SUBJECT:** 3B. Recommend adoption of the 2021 International Swimming Pool and Spa Code

**AGENDA DATE OF:** March 22, 2023      **DATE SUBMITTED:** March 17, 2023

**SUBMITTED BY:** Guillermo Garcia, Executive Director of Innovation

**EXHIBITS:** Sec. 26-210. - International Swimming Pool and Spa Code, 2018 Edition.

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**SUMMARY STATEMENT:**

The 2021 International Swimming Pool and Spa Code (ISPSC) is the only comprehensive swimming pool code coordinated with the current requirements in the I-Codes and the Association of Pool & Spa Professionals (APSP) standards. Developed with the APSP, to establish minimum regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions. The ISPSC integrates seamlessly with the family of I-Codes and contains requirements that meet or exceed the Virginia Graeme Baker Act. The ISPSC also contains APSP-7 standard for Suction Entrapment Avoidance.

**RECOMMENDED ACTION:**

Recommend adoption of the 2021 International Swimming Pool and Spa Code and amendments.



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## Sec. 26-210. International Swimming Pool and Spa Code, 2018 Edition.

- (a) *Adoption.* The *International Swimming Pool and Spa Code*, 2018 Edition ("ISPSC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Pool and Spa 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. A copy of the ISPSC is on file in the office of the city secretary and within the department of development services.
- (b) *Amendments.* The ISPSC is amended as follows:
- (1) Section 105 is amended by adding 105.1.1 to read as follows:

**105.1.1 Contractor's license required.** Contractor's license required. Any person who is required by the ISPSC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

**Exceptions:** i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to obtain a single-permit license from the City prior to being issued a permit for the project.
  - (2) 105.6.1 is amended in its entirety to read as follows:

**105.6.1 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the ISPSC or other applicable laws.
  - (3) 105.6.3 is amended in its entirety to read as follows:

**105.6.3 Fee Refunds.** The building official is authorized to establish a refund policy.
  - (4) Section 108 is deleted.
- (Ord. No. 2021-05, § 7, 1-26-2021)