

“SUBJECT TO APPROVAL”

MINUTES

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

8 March 2004

6:00 P.M.

City Hall Council Chambers

MEMBERS PRESENT: Chairman Dan Sears, Vice Chairman George McLean, Commission Members Frank Cox, Mike Lane, Shawn Slocum

MEMBERS ABSENT: None

STAFF PRESENT: Building Official Lance Simms, Assistant City Attorney Angela Deluca, Development Manager Natalie Ruiz, Fire Marshal Eric Hurt, Fire Prevention Officer Steve Smith, First Assistant City Attorney Roxanne Nemcik and Staff Assistant Stacey Ann Smith

AGENDA ITEM NO. 1: Call meeting to order.

Chairman, Dan Sears, called the meeting to order.

AGENDA ITEM NO. 2: Consideration, discussion and possible action of absence request from meeting

There were none.

AGENDA ITEM NO. 3: Hear visitors for items not on agenda.

No one choose to speak.

AGENDA ITEM NO. 4: Consideration, discussion, and possible action to approve minutes from Construction Board of Adjustments and Appeals meeting from Monday, February 2, 2004.

Dan Sears asked the Board if anyone was ready to make a motion.

George McLean motioned to approve the minutes.

Frank Cox seconded the motion.

The motion passed unanimously, (5-0).

AGENDA ITEM NO. 5: Public hearing, presentation, discussion and possible action concerning a variance request to Section 508, 2000 International Fire Code, at 11990 Old Wellborn Road, College Station, Texas. The applicant is Hartzell Elkins, owner.

Steve Smith, Fire Prevention Officer, took the floor. Steve stated that this item was for consideration of variance case #03-812, a request to modify Section 508.5 (Fire Hydrant Systems), 2000 International Fire Code (IFC). Steve said that the applicant is requesting a variance to the fire hydrant location requirement as outlined in the IFC. He said that Section 508.5 of the IFC requires a hydrant within 300 feet of a building constructed within the City. Steve continued by saying that this variance case involves a proposed commercial building to be located at 11990 Old Wellborn Road. He said the address is part of an area that was recently annexed by the City of College Station and does not have the fire hydrant coverage required by the IFC.

Steve said that the area in question is currently served by Wellborn Special Utility District via a 4" water main that is not capable of providing the volume of water to meet the City's fire flow requirements. He said the hardship, in this case, cited by the applicant is that the current water main would not support the fire flows required by the city. Steve said that the applicant was informed of a possible short term alternative by then Fire Marshall Jon Mies. He continued by saying that a fire sprinkler system installed to the requirements of NFPA 13 would give a reasonable expectation to suppress a small fire and hold it in check until the arrival of fire apparatus. Steve stated that the installation of a fire sprinkler system would not negate proper spacing of fire hydrants at this location when adequate water supply is provided. He said that it was his understanding that the applicant is not willing to install a fire sprinkler system at this time.

Steve concluded by stating that staff's recommendation is denial of the variance request.

Dan Sears opened the public hearing.

Dan Sears asked if anybody would like to speak in favor of the request.

Hartzell Elkins, property owner, took the floor. He stated that he is the owner of A-1 Storage on Wellborn Road. He showed the Board where the proposed buildings were to be built on his property. He said that he would like to finish his

project as planned prior to annexation. He said that it was his understanding that he could continue construction on anything started prior to annexation as long as he had permits. He stated that he was willing to install a fire hydrant when sufficient water flow is made available.

The Board directed several questions to Mr. Elkins concerning the project and the permits that he possessed.

Dan Sears asked if anyone would like to speak in opposition to the request. No one came forward.

Dan Sears closed the public hearing.

Dan Sears asked if the Board was ready to make a motion.

Shawn Slocum asked about the option of installing a fire sprinkler system. Eric Hurt, Fire Marshall took the floor. Eric addressed Shawn's question and explained that most fires are contained by a few sprinkler heads. He reminded the Board that this variance request was similar in many ways to the recent request submitted by the new carpet store on Old Wellborn Road. Eric said that the carpet store received a variance on the fire hydrant requirement, but did agree to install a fire sprinkler system.

Mike Lane made a motion to deny the variance. Frank Cox seconded the motion. The motion was denied unanimously (5-0).

AGENDA ITEM NO. 6: Public hearing, presentation, discussion and possible action on a proposed ordinance amending Chapter 3 "Building Regulations" of the Code of Ordinances by amending Section R302 of the 2000 International Residential Code.

Lance Simms, Building Official, took the floor. Lance began stating that on 2 February 2004 the Construction Board heard a presentation from staff concerning projections over common property lines in association with zero lot line construction. Lance said that as a result of that presentation, the Board directed staff to prepare ordinances that would allow projections over common property lines and make changes to the, Unified Development Ordinance (UDO), to provide consistent language between the codes. He said that, subsequent to the last Board meeting, staff met and drafted the ordinances.

Lance directed the Board's attention to the first ordinance (exhibit A) which amends Section R302.1, 2000 IRC, to allow projections over the property line in association with zero lot line construction. He said the ordinance limits projections to 18 inches, excluding non-combustible gutters, and requires non-combustible material on the underside of projections over the lot line. Lance continued by

saying that the ordinance also prohibits combustible construction, except for a wood fence, or the storage of combustible material in the "maintenance easement" as defined in article 11 of the UDO.

Lance then referred to the second ordinance (exhibit B) which amends Article 8 of the UDO to establish zero lot line construction and modifies the language under "eves" to make the UDO consistent with the IRC amendment. He said the ordinance also requires a maintenance easement of 7.5 feet in conjunction with zero lot line development and requires zero lot line construction to be on the lot line.

Lance reminded the Board that, at the 2 February meeting, they also discussed the possibility of amending the UDO to limit the ZBA's authority to issue side setback variances on lots associated with zero lot line construction (proposal B as presented). He said that this approach was viewed as a possible remedy for the remaining undeveloped zero lot line lots. Lance continued by saying that after further consideration, staff feels like the fire risk associated with the few undeveloped lots is negligible. He stated that this approach did not address the issue of combustible storage or combustible construction between structures. Lance continued by saying that staff did not prepare an ordinance pursuing proposal "B." He did point out that it was important to note that the proposed IRC ordinance, as presented, would allow projections over a common property line for all zero lot line developments, existing and future.

Lance said that staff feels like the proposed ordinances would provide for an effective way of allowing projections beyond common property lines without compromising fire protection concerns. He reminded the Board that the ordinance amending the IRC will have to be approved by the Construction Board before being presented to City Council for adoption. He said that the ordinance amending the UDO was approved by the Planning & Zoning Commission at their regular meeting on 4 March 2004. Lance said that should the Construction Board decide to approve the ordinance amending the IRC, staff will forward it, along with the UDO amendments, to City Council for adoption.

Lance referenced a color handout that visually displayed a typical zero lot line development with a 7.5 feet maintenance easement. Lance then reviewed both ordinances (the IRC amendment and the UDO amendment) with the Board.

Lance concluded by stating that staff recommends that the Board vote to formally approve the ordinance amending the IRC, allowing projections over a common lot line in association with zero lot line construction.

Dan Sears opened the public hearing at this time.

Dan Sears asked if anybody would like to speak in favor of the request. No one spoke.

Dan Sears asked if anyone would like to speak in opposition to the request. No one came forward.

Dan Sears closed the public hearing.

Dan Sears asked if anyone was ready to make a motion concerning this agenda item.

Frank Cox made a motion to accept staff's recommendation as stated. George McLean seconded the motion.

The motion was approved unanimously (5-0).

AGENDA ITEM NO. 7: Consideration, discussion and possible action on future agenda items

No items were presented.

AGENDA ITEM NO. 9: Adjourn

George McLean motioned to adjourn.

Frank Cox seconded the motion.

The motion passed unanimously, (5-0).

The meeting was adjourned.

APPROVED:

Chairman: Dan Sears

ATTEST:

Staff Assistant: Stacey Ann Smith