

**AGENDA
CONSTRUCTION BOARD OF ADJUSTMENT &
APPEALS**

**LARGE CONFERENCE ROOM
TYLER DEVELOPMENT CENTER**

**Tyler, Texas
April 11, 2018
4:00 p.m.**

Please call (903) 531-1171 if you need assistance with interpretation or translation for this City meeting.

Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1171.

*******AMERICANS WITH DISABILITIES ACT NOTICE**

The City of Tyler wants to ensure that all Board meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a Construction Board of Adjustment & Appeals meeting, please contact the Development Services Department for the City of Tyler, at (903) 531-1171 in advance so accommodations can be made.

I. Call meeting to order

II. Presentation and Discussion of ordinance authority:

- 1.State law, at Texas Local Gov't Code Sec. 214.216(a), adopts the International Building Code as it existed on May 1, 2003, as the municipal commercial building code in the State.
- 2.Under Texas Local Gov't Code Sec. 214.216(c), municipalities may establish procedures to adopt local amendments to the International Building Code, as well as for the administration and enforcement thereof.
- 3.The City of Tyler has adopted the 2015 version of the International Building Code (IBC) in City Code Sec. 6-1, with amendments in Sec. 6-2.
4. Per City Code Sec. 6-2.a., Section 101.2 of the IBC was amended to state specifically that the provisions of the IBC shall apply to Tyler Pounds Regional Airport.
5. IBC Sec. 412.1 provides that Aircraft-related occupancies shall comply with Sections 412.1 through 412.8 of the IBC and the International Fire Code.
6. IBC Sec. 412.4 provides that Aircraft hangars shall be in accordance with Sections 412.4.1 through 412.4.6 of the IBC.

- 7. IBC Sec. 412.4.1. Exterior Walls. Exterior walls located less than 30 feet (9144 mm) from lot lines or a public way shall have a fire-resistance rating not less than 2 hours.
- 8. Per City Code Sec. 6-2.h., Section 113 of the International Building Code sets forth the procedures for the Construction Board of Adjustment and Appeals to consider appeals of interpretations and to consider requests for variances to the International Building Code.

III. Variance Requests

Request that the Construction Board of Adjustment and Appeals consider the request of Tyler Executive Hangers to grant a variance(s) to the following provisions of the 2015 Edition of the International Building Code (IBC) as amended, as adopted by the City of Tyler, as related to an Airport Hangar(s) and lease area located at Tyler Pounds Regional Airport:

- 1. IBC Sec. 412.1 through 412.8, related to Aircraft-related Occupancies
- 2. IBC Sec. 412.4.1 through 412.4.6, related to Aircraft Hangars
- 3. IBC Sec 412.4.1, related to Exterior Walls

IV. Adjourn.

 *** **BOARD PROCEDURES** *****

Like other City Boards the Construction Board of Adjustment and Appeals is subject to the Texas Open Meetings law, all meetings must be posted, and all meetings are public. A quorum (simple majority) is necessary for the Board to meet. The technical codes provide that the Board shall consist of 7 regular members. Due to the fact there are 7 **regular** members, it is necessary for **at least 4** members to be present. Due to the specific wording of the Code, it is also necessary that **at least 4 members** of the Board vote to approve any interpretation or variance before it may become effective.

General rules of parliamentary procedure are followed. Before the Board votes, the chair asks for a motion, which is seconded, and all the members vote. If the Board is considering an item that has been **tabled** from a previous meeting, there should be a motion, second, **and vote to remove from the table** before the Board discusses the item.

INTERNATIONAL CODES

The City Council has adopted various international codes (the ‘‘Technical Codes’’), with local amendments. These include the 2015 International Building Code, 2015 International Fire Code, 2015 International Fuel Gas Code, 2015 International Plumbing Code, 2015 International Mechanical Code, 2015 International Residential Code, 2015 International Energy Conservation Code, and 2017 National Electrical Code. From time to time, these Codes are updated.

THREE PRINCIPAL DUTIES OF CONSTRUCTION BOARD

The three main duties of the Construction Board of Adjustment and Appeals are:

- 1. **Review appeals from the decision of a City official interpreting a provision of one of the technical codes.** The Board can uphold, reverse, or modify the City officials’

interpretation. The person challenging a City official's interpretation of one of the technical codes must file the appeal within (30) thirty days of the City official's decisions. The Board must meet within 30 days after the notice of appeal is filed.

2. **Review and consider requests for variances to provisions to one or more of the technical codes.** The Board must meet within 30 days after the request for variance is filed.
3. **Review proposed ordinance amendments to the technical codes and make recommendations to the City Council.** Generally, staff will prepare a proposed Ordinance change and Communication explaining the reason for the change. These materials are then placed on a Construction Board agenda for review. The Board is reviewing the actual documents that will be presented to Council, although the Board can always recommend changes to the drafts before they are submitted to City Council.

BOARD MUST MAKE SPECIFIC FINDINGS WHEN GRANTING A VARIANCE

The various technical codes provide that the Construction Board of Adjustments and Appeals, when considering a request for a variance, must make **all** of the following findings before a variance can be granted:

1. That special conditions/circumstances exist which are peculiar to the building/structure/service system involved and which are not applicable to others; and
2. That the special conditions/circumstances do not result from the action/inaction of the applicant; and
3. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings/structures/service systems; and
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building/structure/service system; and
5. That the grant of the variance will be in harmony with the general intent and purpose of the code and will not be detrimental to the public health, safety and general welfare.

NOTE: In granting a variance, the Board may prescribe any reasonable time limit, or other appropriate conditions and safeguards.

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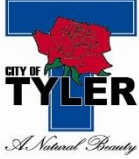
CERTIFICATE OF POSTING

This is to certify that on the _____ day of _____, 2018, at _____ M., the above notice was posted on the bulletin boards of City Hall.

City Clerk or Staff Designee

This is to certify that on the _____ day of _____, 2018, at _____ M., the above notice was posted at Tyler Development Center, 423 West Ferguson Street, Tyler, Texas.

Staff Designee



**DECISION OF THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
REGARDING APPEAL OF DECISION OF THE BUILDING OFFICIAL**

The City of Tyler’s Construction Board of Adjustment and Appeals met this _____ day of _____, _____. A quorum was present consisting of the following members:

Application No. _____ for appeal was presented on behalf of _____ (name of applicant) requesting the Board’s review of the following decision by the Building Official.

After hearing the evidence presented, the Board is of the opinion that the decision of the Building Official should be upheld/reversed/modified/tabled for _____ days) for the following reason:

THEREFORE, the City of Tyler Construction Board of Adjustment and Appeals hereby (upolds/reversed/modified/tables for _____ days) the decision of the Building Official by the following vote:

AYES

NAYS

Chairperson,
Construction Board of Adjustment and Appeals

ATTEST:

Building Official



DECISION OF THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS REGARDING VARIANCE

The City of Tyler's Construction Board of Adjustment and Appeals met this _____ day of _____, _____, _____ . A quorum was present consisting of the following members:

Application No. _____ was presented on behalf of _____ (name of applicant) seeking a Variance as follows:

After hearing the evidence presented, the Board is of the opinion:

- 1. Special conditions and circumstances (do/do not) exist which are peculiar to the building, structure or service system involved and which (are/are not) applicable to others.
- 2. The special conditions and circumstances (do/do not) result from the action or inaction of the Applicant.
- 3. Granting of the variance (will/will not) confer on the Applicant any special privilege that is denied by the _____ Code to other buildings, structures or service systems.
- 4. The variance (is/is not) the minimum variance that will make possible the reasonable use of the building, structure or service system.
- 5. The variance (will/will not) be in harmony with the general intent and purpose of the Code and (will/will not) be detrimental to the public health, safety and general welfare.
- 6. In granting this Variance, the Board prescribes the following time limits, conditions, and/or safeguards:

THEREFORE, the City of Tyler Construction Board of Adjustment and Appeals hereby (grants/denies/tables for _____ days) Application No. _____ for variance by the following vote:

AYES

NAYS

Chairperson,
Construction Board of Adjustment and Appeals

ATTEST:

Building Official