

# CITY OF BELLAIRE TEXAS

## BUILDING AND STANDARDS COMMISSION

JULY 22, 2015

|                 |                 |         |
|-----------------|-----------------|---------|
| Council Chamber | Regular Session | 7:00 PM |
|-----------------|-----------------|---------|

7008 S. RICE AVENUE  
BELLAIRE, TX 77401



### Chairman

Laura Thurmond

### Commissioner

Mike Baker

### Commissioner

Paul Katz

### Vice Chairman

Danny Spencer

### Commissioner

Charles Formica

### Commissioner

Burt Martin

### Commissioner

Lee Hampton

### Mission Statement:

*The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.*

**I. REGULAR SESSION****A. Call to Order****B. Announcement of Quorum****C. Rules for Public Comment**

- 1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.**
- 2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.**
- 3. Public Comments of a general nature shall be made at the time designated by the Order of Business.**
- 4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.**
- 5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.**

**D. Approval or Correction of the Minutes**

1. Building and Standards Commission - Regular Session - Jun 24, 2015 7:00 PM

**E. Public Comment****F. Unfinished Business, Communications, and Reports****G. Swearing in of new Commissioners****H. Incoming Commission**

- 1. Introduction of Incoming Commissioners**
- 2. Election of Chair and Vice Chair**
3. Adoption of the Rules of Procedure

**I. Report from the Building Official****J. Reports of Committees and Communications**

- 1. Communications to Commission members outside of posted meetings**

**K. Old Business****L. New Business**

1. Consideration of and possible action on an appeal of a decision made by the Fire Marshal by Roger Farrow, City Homes of Houston, on behalf of Tim Mann, owner of 4901 Tamarisk, on the requirement for the installation of a sprinkler system as required by the Code of Ordinances, Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Sec. 9-23 Residential fire sprinkler systems.
2. **The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future Agenda of the Commission or referral to Staff for investigation.**

**M. Announcements and Comments by Commissioners****N. Adjournment**



**CITY OF BELLAIRE TEXAS**  
**BUILDING AND STANDARDS COMMISSION**  
**JUNE 24, 2015**

**Council Chamber**

**Regular Session**

**7:00 PM**

**7008 S. RICE AVENUE**  
**BELLAIRE, TX 77401**

**I. REGULAR SESSION**

**A. Call to Order**

Chairman Thurmond called the meeting to order at 7:05 PM.

**B. Announcement of Quorum**

Chairman Thurmond announced that a quorum was present, consisting of the following members:

| <b>Attendee Name</b> | <b>Title</b>  | <b>Status</b> | <b>Arrived</b> |
|----------------------|---------------|---------------|----------------|
| Laura Thurmond       | Chairman      | Present       |                |
| Paul Katz            | Commissioner  | Present       |                |
| Burt Martin          | Commissioner  | Present       |                |
| Mike Baker           | Commissioner  | Present       |                |
| Danny Spencer        | Vice Chairman | Absent        |                |
| Lee Hampton          | Commissioner  | Present       |                |
| Charles Formica      | Commissioner  | Present       |                |

**C. Rules for Public Comment**

Chairman Thurmond mentioned that the Rules for Public Comment are listed on the agenda.

- 1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.**
- 2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.**
- 3. Public Comments of a general nature shall be made at the time designated by the Order of Business.**
- 4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.**

Minutes Acceptance: Minutes of Jun 24, 2015 7:00 PM (Approval or Correction of the Minutes)

**5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.**

**D. Approval or Correction of the Minutes**

1. Building and Standards Commission - Regular Session - May 27, 2015 7:00 PM

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [5 TO 0]</b>              |
| <b>MOVER:</b>    | Mike Baker, Commissioner              |
| <b>SECONDER:</b> | Charles Formica, Commissioner         |
| <b>AYES:</b>     | Katz, Martin, Baker, Hampton, Formica |
| <b>ABSTAIN:</b>  | Thurmond                              |
| <b>ABSENT:</b>   | Spencer                               |

**E. Public Comment**

**Motion:** a motion was made by Commissioner Katz and seconded by Commissioner Formica to allow for public comment/questions after the speaker's presentation.

**Vote:** the motion passed on a unanimous vote of 6-0.

Chairman Thurmond explained that there will now be two opportunities to speak, once during the general public comment section of the agenda, and another after Ms. Snyder's presentation.

**Gerard Robins**-Mr. Robins informed the Commission that he does not live in Bellaire, and is a commercial real estate broker. He mentioned that he was aware that there has been a major flood control project for 10+ years designed to lower the Brays Bayou watershed by five feet, and he gathered that the project is substantially behind its original completion time. Mr. Robins questioned why some of the water is not being diverted into the completed and massive detention ponds upstream, and added that doing so may have saved Meyerland and surrounding neighborhoods from the Memorial Day flooding.

**Lynn McBee**-Ms. McBee stated that there is heightened interest in the topic on the Commission's agenda and urged them to pursue the topic of flooding further. She added that in the past the City held public hearings and community meetings concerning drainage and the review of both local and FEMA regulations. Ms. McBee stated that these have not been held in a long time and she felt that this is the appropriate time and body to sponsor that. She suggested that the Commission also bring in someone to speak on the local ordinances that control construction and the impact of those regulations on older homes within the City. She thanked the Commission for initiating this topic and for their ongoing interest.

**F. Report from Building Official**

Mr. Cabello informed the Commission that there have been 16 flood repair permit applications submitted to the City, and of those only 3 have been issued thus far. He added that staff hopes to get the others issued by the end of the week. Mr. Cabello also mentioned that one of the homes was damaged beyond the 50% allowed by FEMA and will be demolished by the homeowner. He stated that in all there were over 100 houses impacted and that staff is doing their best to ensure that all affected properties are

obtaining the appropriate permits in order to make repairs. Mr. Cabello thanked Ms. Snyder for being in attendance.

Commissioner Baker asked if the other 85 properties that were affected have not applied for any permits.

Mr. Cabello confirmed this, and added that the City is not charging for those permits. He then informed the Commission that staff will most likely have to obtain the addresses from the Fire Department and leave a tag on the properties asking them to come in and obtain the necessary permits. Mr. Cabello also mentioned that many of the homes only had minor damage and the repairs were most likely already completed by the homeowner.

Commissioner Baker wanted to make sure that the City has a process in place to ensure that there are no substandard homes.

Mr. Cabello confirmed that there is a process.

Commissioner Formica mentioned that a bunch of dirt was brought to Mulberry Park just prior to the Memorial Day flooding, for what he assumed was going to be used to make a new infield and possibly outfield as well. He pointed out that the homes surrounding the park had water damage, and asked if it made sense to build up the park in an area where homes are already susceptible to flooding.

Mr. Cabello stated that the dirt has been there for a longer amount of time than what Commissioner Formica mentioned, and that the City ordered them to have it removed. He added that staff would ensure that it is taken care of.

Commissioner Formica asked if it would be possible to make the park shallower so that it becomes somewhat of a retention pond.

Mr. Cabello stated that it is a good possibility, the only problem is that it costs money to have that done.

Commissioner Baker asked Commissioner Formica if he was implying that the dirt caused additional flooding.

Commissioner Formica stated that there was no question that it did, however, it had to be very a small amount.

Mr. Cabello stated that the area exceeds 1500 square feet, which requires a civil engineer drainage plan. He added that they do not have the money to do that.

Commissioner Baker asked if the Parks and Recreation Department has hired an engineer to do a drainage plan.

Mr. Cabello stated that to his knowledge they have not.

## **G. Reports of Committees and Communications**

### **1. Communications to Commission members outside of posted meetings**

There were no communications to report.

### **2. Committee Reports**

There were no committee reports.

### 3. Reports from Staff other than the Building Official

There were no reports from Staff other than the Building Official.

### H. Old Business

There was no old business.

### I. New Business

1. Presentation by Shawn Snyder, National Flood Insurance Program Field Coordinator with the Texas Water Development Board, regarding the 2012 Biggert-Waters Flood Insurance Reform Act, the City of Bellaire's CRS rating, and other floodplain information, as requested.

#### Presentation:

**Ms. Shawn Snyder, National Flood Insurance Program Field Coordinator for the Texas Water Development Board (TWDB)**-Ms. Snyder gave a presentation specifically discussing the most recent impacts to policyholders from the changes that happened in 2012 and 2013 as part of the Biggert Waters Act and the Homeowner's Flood Insurance Affordability Act (HFIAA). To view the entire presentation, please follow the link below:

[<http://www.ci.bellaire.tx.us/DocumentCenter/View/16941>](http://www.ci.bellaire.tx.us/DocumentCenter/View/16941)

a video of the presentation is also available by clicking the link below:

[<http://bellairecitytx.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1373&Format=Minutes>](http://bellairecitytx.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1373&Format=Minutes)

#### Questions from Commissioners:

Commissioner Hampton asked if the grand-fathering is tied to the home or the homeowner.

Ms. Snyder stated that it is tied to the home.

Commissioner Formica asked how to ensure that one is grand-fathered and how to get a refund.

Ms. Snyder explained that there are about 5 different pieces of information that an insurance underwriter can use to get someone the grand-fathering rate. She added that most of them tie with documentation proving that they built in compliance at the time the house was built. Ms. Snyder urged policyholders to be proactive if they feel as though they qualify for grand-fathering but their statement is not showing the correct rates. Once the information has been provided to the insurance agent and the homeowner does in fact qualify, then the policy will be re-endorsed at the grand-fathering rate and a refund will be issued.

#### Public Comments/Questions:

What is the Community Rating System (CRS), and what does the City of Bellaire's Class 7 rating mean?

Ms. Snyder explained that the CRS is a voluntary program that communities can participate in, and by doing more than just the minimum standard they earn discounts for their citizen's flood insurance policies. She added that by being a Class 7, the City of Bellaire gets their residents a 15% discount.

**Lynn McBee, 5314 Evergreen**-Ms. McBee thanked Ms. Snyder for the great presentation. She had the following questions for her:

- She asked for more clarification on the reference to insurance company partners and the term "WYO"  
-A write your own (WYO) company is contracted with America to assist in getting flood insurance policies to citizens who need them. She added that the insurance company is the one who works the policy on behalf of the NFIP, and that FEMA controls the pricing regardless of what company is being used.
- She mentioned the annual increase **up to** 18%, and asked who decides the percentage?  
-FEMA determines the percentage of the increase.
- She mentioned that the Mostyn Law Firm has exposed the fraudulent acts by insurance companies or FEMA regarding the reports that were submitted by the engineers on the extent of flood damage, and asked what the update is on FEMA's supervision of itself.  
-Ms. Snyder stated that she is not involved in the law firm action, therefore, she cannot speak to this item.
- Will there be changes to the floodplain, new mapping and the like, when the Brays Bayou project is completed, and does the addition of lanes to highways impact the mapping of a flood area?  
-Ms. Snyder could not give a definite answer to this question; she stated that if the project does impact the floodplain then she would imagine that Bellaire would see a new map. She suggested addressing the questions to the Harris County Flood Control District.
- What is the timetable for HFIAA, is there a deadline written into the legislation?  
-HFIAA is already being implemented, although some aspects of it are taking a little longer than other.

**Dan Bawden, 5008 Locust**-Mr. Bawden had the following questions:

Is the NFIP going to help pay for the elevation of foundations?

-There are a couple of grant programs that provide money for the elevation of homes within communities who participate and meet FEMA's requirements. The two grants are Flood Mitigation Assistance Grant Program and the Hazard Mitigation Grant Program. She added that the list of criteria is very extensive.

Why are the repair estimate rates that the NFIP uses so much lower than contractor estimates? And how would a homeowner fight that?

-Insurance adjusters are the first feet on the ground and want people to be back in their homes as soon as possible. If a policyholder is having this problem, they need to get in contact with their insurance company and adjuster to submit that information. She added that you can also call 1-800-621-FEMA for help with this, and to get information on anything else that you have questions about.

What is the full risk rate? At 18% per year how do we know when its reached? Is



it 18% per year forever?

-Ms. Snyder could not answer this question, she suggested contacting your insurance agent.

Is FEMA going to draw an even more punitive map?

-Ms. Snyder could not comment on how a map is going to turn out when she hasn't even seen plans. She added that people need to think about what the real risk is when dealing with storms that are bigger and worse than they used to be.

Where is FEMA getting their flood elevation certificates to determine policyholders' rates? Can one get a lower premium if they can provide FEMA with an elevation certificate that is more favorable?

-Ms. Snyder suggested talking to the surveyors to ensure that the flood insurance study (FIS) is being used to calculate the BFE to the .10. She added that she would be more than happy to give the surveyors a class on how to fill out the elevation certificate.

**John James, 5212 Pine**-Mr. James explained that his home has never flooded, however, two years ago his rates went from \$350-\$3600. He added that he had a survey done three weeks ago to prove that his home is above the base flood elevation. Mr. James wanted to know if he could get compensated for the cost of the survey due to the fact that it was a mistake by FEMA that caused him to need it. He also asked how an 18% rate increase is decided, what the surcharge is being used for, and why the citizens of Bellaire should continue paying an excessive amount for flood insurance.

-Ms. Snyder knew of no avenue for being compensated for the survey, and added that the elevation certificate is part of the homeowner's responsibility. She mentioned that she would be more than willing to take a look at it and review the policy to see if she could spot something in it that is causing an issue. She stated that if there is something that is awry she would be happy to work with the NFIP, on his behalf, and with the underwriters to get it straightened out. Ms. Snyder explained that FEMA determines the percentage of increase, and that the increase can be no more than 18%, but no less than 5%. She added that the surcharge on the policies are going to help protect the fund and make it solvent, and that policyholders should continue paying for flood insurance because almost all of Bellaire is located within the floodplain, and homeowners insurance will not pay for flood damage. Ms. Snyder stated that in the average life of a loan, which is typically 30 years, homes located within the floodplain have a 26% chance of flooding and only a 6% chance of burning down.

**Catherine Dunn, District Director for State Representative Sarah Davis-**

Ms. Dunn mentioned that her office has fielded a lot of phone calls about flooding, and specifically grant money that is available. She asked what the grants mentioned by Ms. Snyder are funded through.

-Ms. Snyder explained that the Flood Mitigation Assistance Program has a very short opening and is administered through the TWDB. She added that depending on the circumstance, it can be up to 100% federal funding. She stated that the Hazard Mitigation Grant Program is a 75%-25% cost share between federal money and the community, and is administered by the Texas Department of Emergency Management. Ms. Snyder mentioned that more information can be obtained from Greg Pekar at the Texas Department of Emergency Management.

The Commission thanked Ms. Snyder for her presentation.

- 2. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

No new business was brought forward.

**J. Public Hearings**

There were no public hearings.

**K. Announcements & Comments by Commissioners**

There were no announcements or comments by Commissioners.

**L. Adjournment**

**Motion:** a motion was made by Commissioner Formica and seconded by Commissioner Katz to adjourn the Regular Meeting.

**Vote:** the motion passed on a unanimous vote of 6-0.

**The meeting adjourned at 8:37 PM.**

Minutes Acceptance: Minutes of Jun 24, 2015 7:00 PM (Approval or Correction of the Minutes)

**Building and Standards  
Commission**

Council Chamber, First Floor of City  
Hall  
Bellaire, TX 77401



Meeting: 07/22/15 07:00 PM  
Department: Development Services  
Category: Policy  
Department Head: John McDonald  
DOC ID: 1640

**SCHEDULED  
ACTION ITEM (ID # 1640)**

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**Item Title:**

Adoption of the Rules of Procedure

**Background/Summary:**

The Commission is required to adopt the Rules of Procedure at the beginning of each new term.

A copy of the rules are attached.

**ATTACHMENTS:**

- Rules of Procedure 2014 (PDF)

# Building and Standards Commission

Bellaire, Texas

## Rules of Procedure

Last Revised September 2012

Adopted July 2014

Attachment: Rules of Procedure 2014 (1640 : Rules of Procedure)

**Building and Standards Commission Rules of Procedure**  
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# RULES OF PROCEDURE OF THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF BELLAIRE. TEXAS

These Rules of Procedure for the Building and Standards Commission are adopted in accordance with the requirements of Chapters 54 and 214 of the Local Government Code of the State of Texas and Sections 9-78 to 9-90 of the Code of Ordinances of the City of Bellaire, Texas. In the event that any of these rules conflict with provisions of the local and state codes, the local and state codes shall prevail.

## **Article I. Duties and Responsibilities**

The Building and Standards Commission is a quasi-judicial body and as such hears testimony and makes decisions regarding the removal or rehabilitation of substandard buildings, structures, materials variances from minimum floodplain management standards; and other real property improvements in the community. In addition, the Commission is responsible for reviewing and making recommendations to City Council on revisions to the City's Building Code and providing an Annual Report to the City Council each February.

## **Article II. Board Membership**

- Sec. 1. Number of Commissioners and Term. The Commission consists of seven (7) members who are appointed by the City Council for two-year terms, beginning on July 1 of each year, on a staggered basis. This is intended to ensure that at least two of the members have previously served. No member shall serve more than three (3) consecutive terms.
- Sec. 2. Definition of a Quorum. A quorum of the Commission shall be a majority of the Commission (or four (4) members of a seven (7) member Commission).
- Sec. 3. Attendance Requirement. Notwithstanding any other provision of the Code, any Commission member shall be automatically removed if, in a given calendar year, he or she is absent from three consecutive regular meetings; a member of the Commission shall be deemed absent from a meeting when he or she is not present at the meeting at least 75 percent of its duration. If any Commission member is absent from three (3) consecutive Regular meetings, the Chair shall promptly notify City Council of these absences. Upon finding of good cause, the provisions of this Section may be waived by a majority vote of the members of the Commission.
- Sec. 4. Inability to attend meeting It is the responsibility of Commission members to notify the Chair at least 24 hours before a Regular meeting by telephone or email, if the member will not be able to attend the posted Regular meeting.

## **Article III. Chair and Vice-Chair**

- Sec. 1. Election. At the first meeting of the Commission after July 1 at which a quorum is present following the swearing in of new members, the Board shall elect a Chair and Vice-Chair for a term of one (1) year by a majority vote of the Commission (four (4) votes).
- Sec. 2. Chair Duties. The Chair shall, subject to these rules, and further instructions of the Commission:
- a. preside over all meetings of the Commission;
  - b. transact the official business of the Commission;

- c. request assistance of City Staff, as required;
- d. direct the work of all consultants; and
- e. be the sole Spokesperson for the Commission.

Sec. 3. Vice-Chair Duties. In the absence of the Chair the Vice-Chair will serve as Chair. If both the Chair and Vice-Chair are absent from a meeting at which a quorum is present, the quorum shall elect an acting Chair for that meeting.

#### **Article IV. Meetings**

Sec. 1. Date and Time. Regular meetings of the Commission shall be held monthly at 7:00 PM or the fourth (4<sup>th</sup>) Wednesday unless modified by the City of Bellaire. Regular meetings will take place at the City Hall, 7008 South Rice Avenue, Bellaire, Texas, in the Council Chambers.

Sec. 2. Change of Date. Dates for Regular meetings may be changed for a given month, if necessary, in order to conduct Commission business, by a majority vote of the members at a prior meeting.

Sec. 3. Special Meetings. Special meetings in addition to the Regular monthly meetings may be called by the Chair, or upon request to the Chair by two Commission members or the Building Official.

Sec. 4. Meeting Procedure. Regular and Special meetings of the Commission shall be conducted according to these Rules of Procedure as well as *Robert's Rules of Order Newly Revised* when not inconsistent with these Rules of Procedure.

Sec. 5. First Meeting of a New Commission. The first meeting of a new Commission shall be a joint meeting of the outgoing Commission and the incoming Commission. The Chair of the outgoing Commission shall call the meeting to order and shall preside until the Chair of the incoming Commission is elected. The meeting will be conducted in two parts according to the Agendas and conduct established by the Chair and Staff Liaison and shall include but not be limited to the following:

- (1) Meeting of the Outgoing Commission
  - I. Unfinished Business, Minutes, Communications and Reports
  - II. Swearing In of New Commissioners (incoming Commission assumes duties and outgoing Commission retires)

- (2) Meeting of the Incoming Commission
 

The meeting of the incoming Commission shall proceed as a Regular Meeting, with Current Business to include (1) Introduction of Incoming Commissioners, (2) Election of Chair and Vice Chair, and (3) Adoption of Rules of Procedure.

Sec. 6. Workshops. Commission Workshops may be held for the purpose of discussing issues relating to the City of Bellaire Building Codes or other matters pertinent to carrying out the responsibilities of the Commission. Experts may be invited to these Workshops to provide input to the Commission. Action shall not be taken at Workshops on Commission



business normally transacted at Regular or Special meetings. These matters shall be referred to a Regular or Special meeting for action.

One of the Commission Members shall prepare a summary of the Workshop proceedings for the purpose of keeping a record. The summary shall be reviewed at the subsequent regular meeting and entered into the meeting minutes as an attachment.

- Sec. 7. Meeting Agenda. The Chair shall set the agenda for all meetings. Agenda items submitted by members to the Chair or Building Official at least seven (7) days prior to the meeting date shall appear on the agenda. Documentation that supports/is related to the various agenda items is to be sent to Commission members preferably seventy-two (72) hours before the posted meeting.
- Sec. 8. Meeting Notice. Notice of the time, location and agenda for all Regular, Special, and Workshop meetings shall be given in conformance with the Texas Open Meetings Act and City Policy.
- Sec. 9. Public Comment
- a. Sign-up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
  - b. Public comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
  - c. Public comments of a general nature shall be made at the time designated by the Order of Business.
  - d. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.
  - e. Public comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec. 8.
- Sec. 10. Quorum. A quorum of the Commission members must be present at all Regular, Special and Workshop meetings. In the absence of a quorum the meeting is cancelled.
- Sec. 11. Vote. Unless otherwise specified in these Rules, issues requiring a vote at Commission meetings will be decided by a majority vote of the members at the meeting.
- Sec. 12. Minutes The appointed Secretary shall keep minutes of each Regular and Special meeting. Such minutes are to be reviewed and approved at each subsequent Regular or Special meetings as a record of the proceedings of the previous meeting.

## ARTICLE V. Committees

- Sec. 1. Appointment of Committees. The Chair shall appoint committees as needed to carry out the responsibilities of the Commission. Committees other than Committees of the Whole shall consist of no more than three (3) Commission members. The Chair may also appoint additional committee members willing to serve, from within Bellaire or outside Bellaire. At the time a committee is appointed, the Chair shall state for the record a charge for the committee to consider or achieve, along with a target completion date.
- Sec. 2. Meeting Notice. Committee meetings shall be open to the public and meeting agenda notice posted at least 72 hours before the meeting.

## ARTICLE VI. Order of Business at Meetings

- Sec.1. Order of Business, Regular and Special Meetings. The Order of Business at all Regular and Special meetings of the Commission shall be as follows:
- A. Call to order
  - B. Announcement of a quorum  
The Chair shall announce that a quorum of the Commission is present and shall state, for the record, the names of all members present and absent.
  - C. Rules for Public Comment  
The Chair shall inform the public of the rules for public comments in Art. IV, Sec. 8.
  - D. Approval or correction of minutes  
The minutes of the previous meeting of the Commission shall be submitted to the Commission and shall either stand as submitted or be corrected and stand as corrected.
  - E. Public Comment  
The Chair shall recognize any person from the audience who has requested an opportunity to speak per Article IV, Sec. 8.
  - F. Report from Building Official
  - G. Reports of Committees and Communications
    1. Communications to Commission members outside of posted meetings
    2. Committee reports
    3. Reports from Staff other than the Building Official.
  - H. Old business  
Items of uncompleted business from previous meetings shall be addressed.
  - I. New business  
The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future Agenda of the Commission or referral to Staff for investigation.
  - J. Public Hearings  
Hearings before the Commission shall be conducted according to the rules in Article VIII.
  - K. Announcements and Comments by Commissioners
  - L. Adjournment  
Upon a motion duly made and seconded, the Commission meeting will be adjourned by a majority vote of those members present.

- Sec. 2. Amending the Order of Business. The Chair, with the consent of a majority of the Commission members present at a meeting, may amend the order of business if it is in the best interest of carrying out the meeting agenda.
- Sec. 3. Order of Business at Workshops. The order of business at Workshops shall be determined by the Chair prior to each Workshop.

## **Article VII. Public Hearings**

- Sec. 1. Initiation of Hearings by Members of the Public
- A. Any person desiring to have a case heard by the Building and Standards Commission must first file the case with the Building Official on such forms or in such format as prescribed by the Building Official.
  - B. The Building Official shall determine if probable cause exists to initiate a case before the Building and Standards Commission. The term "Probable Cause" as used herein shall be defined to mean the existence of sufficient facts and evidence to constitute a reasonable inference that a violation or potential violation of Bellaire City ordinance or building code exists of sufficient magnitude to warrant a hearing before the Commission. If the Building Official determines that no probable cause exists, no further action shall be taken on the complaint; except that the initiator of the complaint may take an appeal of such a determination to the City Manager, who shall proceed as in all other appeals to the City of Bellaire.

Sec. 2. Initiation of Hearings by the City of Bellaire

Hearings may be initiated by the Commission or upon recommendation of the Building Official. For example, if a structure is identified as being a substandard structure and the owner does not correct the violation(s) at the Building Official's request, the Building Official will generally refer the case to the Building and Standards Commission for further action.

## **Article VIII. Procedure for Public Hearings**

- Sec. 1. Presentation by the City. The Building Official shall present all cases initiated by the City of Bellaire.
- Sec. 2. Notices. Notices shall be given to the owners of property that is the subject of a case before the Building and Standards Commission and to any other necessary parties by the Secretary of the Building and Standards Commission or by the Building Official or Assistant Building Official as required by Chapters 54 and 214 of the Local Government Code of the State of Texas.
- Sec. 3. Swearing of Witnesses; Parties in Interest. Prior to the commencement of any case witnesses may be sworn if deemed necessary and desirable by a majority of Building and Standards Commission members present at the hearing. If the Commission requires oath all parties in interest and any citizen appearing and offering comments on the case, shall be required to be sworn prior to offering any testimony.

A party in interest shall be defined as the Building Official or any other representative or employee of the City of Bellaire, and the owner, mortgagee, mortgagor, or their representatives, of any properties or improvements which are subject of a case before the Commission.

- Sec. 4. Inspection of Properties. Commission members hearing a case before the Commission should inspect the property or properties that are the subject of a proceeding prior to deciding an issue. Additional inspections may also take place at the request of a majority of members. At the request of the Chair, or by request of a majority of members, one or more members may conduct investigations outside of a formal meeting for the purpose of aiding Commission deliberations pertaining to a case before it.
- Sec. 5. Need for a Quorum. A majority of the Commission must be present to hear a case.
- Sec. 6. Order of Proceedings. The following order of proceedings shall be observed in hearing all cases before the Building and Standards Commission:
- A. The Secretary of the Commission or the Chair shall read the petition previously filed with the Building and Standards Commission concerning the case.
  - B. The record shall identify all parties having an interest or claiming an interest in the property and reflect the manner and method in which the required statutory notice was given to all parties in interest.
  - C. The applicant (or their designated representative) shall present all evidence documents, testimony and professional opinions necessary to support and prove the case before the Commission. A time limit of fifteen (15) minutes shall be imposed on the testimony with five (5) minute extensions as granted by a majority vote of the Commission members hearing the case.
  - D. The Building Official or other designated representative of the City of Bellaire shall present evidence; documents, testimony and professional opinions necessary to either support and prove, or discredit and dispute the case before the Commission. A time limit of fifteen (15) minutes shall be imposed on the testimony with five (5) minute extensions as granted by a majority vote of the Commission members hearing the case.
  - E. Public comments on the case before the Commission shall be allowed in accordance with Article IV Section 8.
  - F. Rebuttal by applicant (or their designated representative) shall be allowed with a time limit of six (6) minutes with extensions of two (2) minutes as approved by a majority vote of the Commission members present.
  - G. The Building Official or representative of the City of Bellaire may ask questions of the applicant (or their designated representatives). The Commission members may ask questions of the applicant (or their designated representative) and the Building Official or other designated representative of the City of Bellaire.
  - G. Variance requests to CFR 44 Part 59-60, Section 60.6 related to flood hazard management shall be judged in accordance with criteria set out in attached Exhibit A.
  - H. The Chair shall then close the hearing and the Commission shall deliberate its decision. The Commission may carry out its deliberations and reach a decision either at the meeting at which the hearing was held or any subsequent Regular or Special meeting. Pursuant to Chapter 54 Texas Local Government Code, a majority vote of the members voting on a matter is necessary to take any action.

Sec. 7. Commission Decisions. The decision of the Commission shall be in the form of an order, which shall clearly express the decision. Certified copies shall be delivered and noticed in accordance with the requirements of the Local Government Code of the State of Texas. The Commission may impose conditions or time limitations on any decision reached, as well as directing any peace officer of the State to carry out its orders. The applicant has the right of appeal as based on the Local Government Code of the State of Texas.

## **Article IX. Precedents**

No decision of the Commission shall be deemed to set a precedent. Each case shall be decided on its merits and upon the consideration of the facts and circumstances and all other matters properly before the Commission.

## **Article X. Rehearings/Reconsiderations**

The Commission shall have the jurisdiction to rehear and/or reconsider cases previously decided. Any person seeking rehearing and/or reconsideration of a case shall file a written motion addressed to the Commission, specifying the grounds for rehearing and/or reconsideration. Motions must be filed within ninety (90) calendar days after the date a copy of the final decision of the Commission is delivered personally or by first class mail, return receipt requested to all persons requiring notice.

The Commission shall review all motions properly filed, and if deemed to be meritorious, may schedule a formal hearing.

## **Article XI. Commission Staff**

Sec. 1. Building Official Duties. The Building Official or his designee shall coordinate agendas, communications, meeting schedules, requisite public notices, and the maintenance of minutes and records of the Commission.

Sec. 2. Appointment of Secretary. The City Manager shall appoint the Secretary of the Building and Standards Commission who shall attend all Regular and Special meetings.

Sec. 3. Secretary Duties. The Secretary shall be responsible for:

- a. keeping meeting minutes;
- b. providing certified copies of the proceedings of the Building and Standards Commission upon payment of such cost as from time to time established by the City Manager of the City of Bellaire;
- c. conducting all correspondence of the Commission;
- d. publishing and sending out all notices and orders of the Commission; and
- e. maintaining the necessary files and indexes as public records.

## **Article XII. Amendments**

These Rules may be amended at any time by a majority vote of Commission members per Section 54.034(b) of the *Texas Local Government Code*. Amendments must be presented in writing at a regular meeting and voted on at a subsequent meeting. Amendments, unless otherwise stated in the amending motion, shall take effect immediately following the vote enacting them.

## EXHIBIT A

**VARIANCE CRITERIA**

The National Flood Insurance Program (NFIP) Regulations provide variance criteria to guide the community in providing administrative relief from the minimum floodplain management standards in case where they impose exceptional unnecessary hardship for a particular applicant. The hardship that would result from failure to grant a requested variance must be exceptional, unusual, and peculiar to the property involved.

Mere economic or financial hardship alone is not considered exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or disapproval of one's neighbors likewise do not qualify as exceptional hardships. All of these problems can be resolved through proper design and construction techniques without granting a variance.

Variances must not result in additional threats to public safety or create nuisances. Local floodplain management ordinances (including elevation requirements) are intended to help protect the health, safety, and well-being, and property of the local citizens. Granting variances allows buildings to be rebuilt that would then be subject to future flood damages. Future property owners, of the property and the community as a whole, are subject to all those costs, inconvenience, danger, and suffering that future floods bring.

Any variance granted must be minimum necessary, considering the flood hazard to alleviate the hardship. This means that, if a variance is granted, other measures must be taken to minimize potential flood damages to the building. The community can specify these measures as a condition for granting the variance. Granting a variance to all the requirements is contrary to the purpose of the NFIP where there are feasible alternatives to reducing the potential for future flood damages.

Because the duty and need of local governments to help protect their citizens from flooding is so compelling, and the implications of the cost of insuring building construction below the Base Flood Elevation (BFE or 100-year flood) are serious, variances from the BFE or from other requirements from the local floodplain management ordinance should be quite rare. In particular, with the potential for local businesses and homes being damaged by future floods, the implications go beyond the possible damage to the building. If the business is not immediately operational due to flood damage or abandoned homes, the implications will likely include loss of jobs and an eroding tax base. This impact not only results in extending the recovery process for property owners, but could also potentially jeopardize the long term economic viability of the community.

We must reiterate that consideration in granting a variance must be consistent with the guidelines provided in Section 60.6 of the National Flood Insurance Program Regulations and the objectives of assuring that sound floodplain management is carried out by a community. If a review of a community's enforcement procedures indicates a (variance) pattern inconsistent with the objectives of sound floodplain management, the community would be subject to probation and then suspension from the NFIP if the practice continued (reference Section 60.6(a) of the NFIP regulations).



## PART 60: CRITERIA FOR LAND MANAGEMENT AND USE

### Subpart A: Requirements for Flood Plain Management Regulations

#### 60.6 - Variances and exceptions.

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§ 60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under ? 59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

- (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
- (2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;
- (3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and
- (6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in ?? 60.3, 60.4 or ? 60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in ?? 60.3, 60.4, or ? 60.5, shall explain in writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment.

(2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS.

(c) A community may propose flood plain management measures which adopt standards for floodproofed residential basements below the base flood level in zones A1-30, AH, AO, and AE which are not subject to tidal flooding. Notwithstanding the requirements of paragraph (b) of this section the Federal Insurance Administrator may approve the proposal provided that:

(1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include:

(i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots;

(ii) Flood velocities that are five feet per second or less; and

(iii) Flood warning times that are 12 hours or greater. Flood warning times of two hours or greater may be approved if the community demonstrates that it has a flood warning system and emergency plan in operation that is adequate to ensure safe evacuation of flood plain residents.

(2) The community has adopted flood plain management measures that require that new construction and substantial improvements of residential structures with basements in zones A1-30, AH, AO, and AE shall:

(i) Be designed and built so that any basement area, together with attendant utilities and sanitary



facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet.

(ii) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood;

(iii) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover;

(iv) Have a registered professional engineer or architect develop or review the building's structural design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph;

(v) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable.

## Building and Standards Commission

Council Chamber, First Floor of City  
Hall  
Bellaire, TX 77401



Meeting: 07/22/15 07:00 PM  
Department: Development Services  
Category: Appeal  
Department Head: John McDonald  
DOC ID: 1641

### SCHEDULED ACTION ITEM (ID # 1641)

#### Item Title:

Consideration of and possible action on an appeal of a decision made by the Fire Marshal by Roger Farrow, City Homes of Houston, on behalf of Tim Mann, owner of 4901 Tamarisk, on the requirement for the installation of a sprinkler system as required by the Code of Ordinances, Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Sec. 9-23 Residential fire sprinkler systems.

#### Background/Summary:

Section 108, Board of Appeals, of the 2012 IFC Fire Code permits a "Board of Appeals" to "decide appeals of orders, decisions or determination by the *fire code official* relative to the application and interpretation of this code." The Building and Standards Commission serves the role of the Board of Appeals.

Under 108.2. Limitations on Authority, the Board may decide that the rules have been incorrectly interpreted, the provisions of the code do not fully apply, or an equivalent method of protection or safety is proposed. There is no authority to waive the requirement.

Sec.9-23, Residential fire sprinkler systems, requires:

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction except single-story detached non-air-conditioned space used for storage. The fire apparatus access road shall comply with the requirements of this section of the *International Fire Code* and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

The existing residence at 4901 Tamarisk is in the process of adding a two-story addition to the rear of the house. The Fire Marshal reviewed the submitted plans and determined that the portions of the addition were outside the 150 foot maximum and therefore the addition and the existing house would have to be sprinkled. The Fire Marshal measures from a point eight feet out from in front of the main driveway. This is a consistent method that is used for all residential structures.

4901 Tamarisk is a corner lot. The applicant believes that by measuring from a different point that no point of the house/addition would be outside the 150 foot measurement.

The Fire Marshall is reviewing the application and additional information will be sent out to the Commission on Monday. A copy of a memo that the Fire Marshal prepared for builders in 2006 addressing this regulation is attached.

#### **ATTACHMENTS:**

- Letter of Appeal (PDF)
- Mann\_CD\_REVISED\_2014 Fire Plan (1) (PDF)

Action Item (ID # 1641)

Meeting of July 22, 2015

- builders Letterhead1 (PDF)

**CITY HOMES OF HOUSTON**  
ROGER A FARROW, JR. - BUILDER

July 17, 2015

Mr. Lee Cabello  
Building Official  
City of Bellaire  
Bellaire, TX

Dear Mr. Cabello;

On behalf of Tim Mann, owner of 4901 Tamarisk, I am appealing the Fire Marshalls decision that this remodel requires retrofitting the residence with a fire sprinkler system.

The property is located at the corner of Tamarisk and Anderson St. A currently installed gate on Anderson provides an alternative access to the property. If the 300 foot hose lay rule is applied from this access point, then a fire sprinkler system would not be required. The attached plan details the hose lay calculation from this access point.

The installation of a sprinkler system during new construction is not disruptive to the house. However, requiring a sprinkler system be installed into an older home causes significant damage and repairs to the structure. There are also structural members and beams that may block access to some areas.

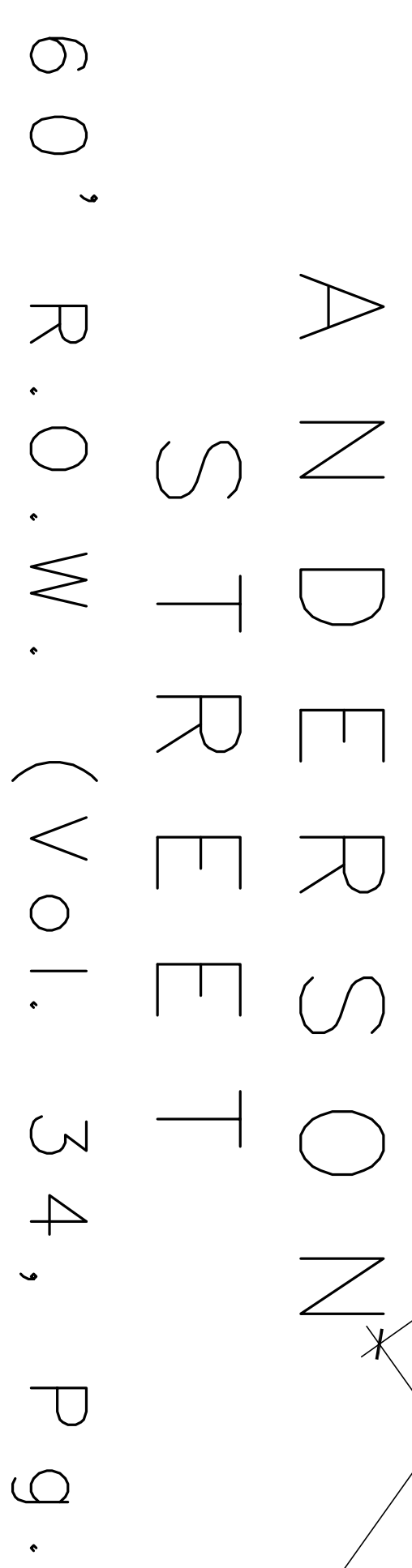
We content that the Fire Marshall has the authority under Section 503.1 of the ICC fire code to approve the Anderson Street as the fire apparatus access point which will negate the need for a sprinkler system.

Therefore, we respectfully request that the original decision be reversed.

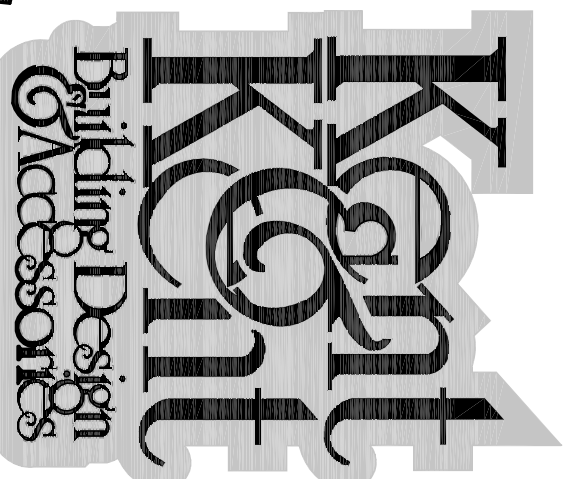
Thank you.

  
Roger A. Farrow, Jr.  
City Homes of Houston.




$$3/16" = 1/8"$$

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alan@kentandkent.com

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OF

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**A**  
**B**  
**D**



## CITY OF BELLAIRE

Fire Department

(713) 662-8202 5101 Jessamine Bellaire, Texas 77401-4495 Fax (713) 662-8199

**Darryl Anderson**

Fire Chief

**Alton Moses**

Asst. Chief Alton Moses

**Commander Deacon Tittel**

Training Coordinator

**Commander Robert Kowis**

Operations

**Commander Eisemann**

Communication

To Whom It May Concern:

In October of 2006 a Bellaire resident challenge the city's interpretation of chapter 5 section 503 of the 2000 International Fire Code. The wording or any in section 503.1.1 of chapter 5 was the specific reason for this challenge. In order to obtain an accurate interpretation it was necessary to contact the International Code Council. After communicating with a Senior Technical Staff member of the International Code Council it was clear that there could be a difference in interpretation of the words or any in section 503.1.1. To alleviate future issue with this wording it was presented to the Bellaire City Council to pass an ordinance to amend section 503.1.1, change the wording from or any to and all. This ordinance # 07-001 was review and passed by City Council on January 8, 2007. Included is a copy of this ordinance on pages two and three of this letter. Also included is the City Of Bellaire's Residential Fire Sprinkler ordinance # 99-043 and ordinance # 05-039 that disallow use of a driveway as a fire apparatus access road for your reference material. Ordinance #99-043 is on pages four and five, ordinance # 05-039 is on pages six

Through contact with the International Code Council regarding the issue in the above paragraph, the City was informed that the existing interpretation of the rule (150') was incorrect. This has prompted a change in how the housing plats are measured for compliance. Included are drawings on pages seven and eight to illustrate these calculations. Page seven shows a building not requiring Fire Sprinklers and page eight shows a building that is required to have Fire Sprinklers.

If you have any question about the information contained in this letter, please contact Alton Moses, Fire Marshal, City of Bellaire Fire Department.

Thank you,

Alton Moses

Asst. Fire Chief / Fire Marshal

City Of Bellaire, Texas

Phone: 713-662-8203

Attachment: builders Letterhead<sup>1</sup> (1641 : Appeal-Sprinkler Requirements)

# ORDINANCE NO. 07-001

AN ORDINANCE AMENDING CHAPTER 9, BUILDINGS, ARTICLE II, BUILDING CODES, SECTION 9-23, RESIDENTIAL FIRE SPRINKLER SYSTEMS, BY ADDING A NEW SECTION D. THEREOF, ENTITLED "COMPLIANCE WITH INTERNATIONAL FIRE CODE," FOR THE PURPOSE OF INDICATING THE CITY'S ADOPTION OF SAID CODE AS SUCH RELATES TO RESIDENTIAL FIRE SPRINKLER SYSTEMS AND SETTING FORTH AN AMENDMENT TO SECTION 503.1.1., BUILDINGS AND FACILITIES, OF THE INTERNATIONAL FIRE CODE, 2000 EDITION, AS SUCH RELATES TO A FIRE APPARATUS ACCESS ROAD.

WHEREAS, the City Council of the City of Bellaire, Texas, has heretofore previously adopted Chapter 9, Buildings, of the Code of Ordinances of the City of Bellaire, Texas, said adoption of which included the adoption of the International Building Code and the International Fire Code; and

WHEREAS, Section 503.1.1, Buildings and facilities, of the 2000 edition of the International Fire Code contains verbiage related to a fire apparatus access road that was later found by the International Code Council's Architectural and Engineering Services to be incorrect; and

WHEREAS, Section 503.1.1, Buildings and facilities, of the 2003 and 2006 editions of the International Fire Code have been corrected; and

WHEREAS, the Bellaire Fire Department desires that an amendment be made to Section 503.1.1 of the International Fire Code, 2000 Edition, as such relates to the requirements for a fire apparatus access road in order to reflect the corrected language that now appears in the 2003 and 2006 editions of the International Fire Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the recitals set forth above are found to be true and correct.
2. THAT Chapter 9, Buildings, Article II, Building Codes, Section 9-23, Residential Fire Sprinkler Systems, be amended by adding a new Section d., thereof, entitled "Compliance with International Fire Code," to read as follows:

"Sec. 9-23. Residential fire sprinkler systems.  
d. Compliance with International Fire Code.

All residential fire sprinkler systems required by this section shall comply with rules, regulations, and requirements set forth in the International Fire Code, except as modified herein

Section 503.1.1, Buildings and facilities, of the International Fire Code, 2000 edition, shall be amended to read as follows:

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building



hereafter constructed or moved into or within the jurisdiction except single-story detached non-air-conditioned space used for storage. The fire apparatus access road shall comply with the requirements of this section of the International Fire Code and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code;
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided;
3. There are not more than two Group R-3 or Group U occupancies; and
4. The facility or building is a detached accessory structure.

THAT this ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED, and ADOPTED this 8th day of January, 2007.



## Fire Sprinkler Ordinance

ORDINANCE NO. 99-043

AN ORDINANCE AMENDING CHAPTER 9, BUILDINGS, OF THE BELLAIRE CITY CODE OF ORDINANCES, BY ADDING A NEW SECTION 9- 23, ENTITLED RESIDENTIAL FIRE SPRINKLER SYSTEMS, TO SUCH CHAPTER; ESTABLISHING REQUIREMENTS FOR RESIDENTIAL FIRE SPRINKLER SYSTEMS; AND SETTING STANDARDS FOR SAME.

WHEREAS, the City of Bellaire, Texas, is a home rule municipality, empowered under the laws of the State of Texas, to adopt ordinances and regulations in order to protect the health, safety, and welfare of its citizens; and WHEREAS, the Building and Standards Commission of the City of Bellaire, Texas, has recommended to the City Council of the City of Bellaire, Texas, that the City Council adopt certain requirements for residential fire sprinkler systems in order to protect the health, safety, and welfare of the residents of Bellaire, Texas; and WHEREAS, the City Council of the City of Bellaire, Texas, has carefully reviewed certain matters pertaining to residential fire sprinkler systems and finds that the adoption of certain requirements for same will further protect the health, safety, and welfare of the City's residents; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the recitals set forth above are found to be true and correct.

2. THAT Chapter 9, Buildings, of the Bellaire City Code of

Ordinances, is hereby amended by adding a new Section 9-23, Residential Fire

Sprinkler Systems, to read as follows:

"Section 9-23. Residential Fire Sprinkler Systems.

a. New Construction. All new single-family homes with occupy able space (space capable of being made into a room) above the second floor; and remodeling above the second floor for which a building permit is issued after December 31, 1999, shall be required to have a residential fire sprinkler system designed and installed in accordance with the standards for such sprinkler systems set forth in Subsection b. of this Section.

b. Design and Installation. All residential fire sprinkler systems required by this Section shall be designed and installed in accordance with the most recent version of the National Fire Protection Agency ("NFPA") Code, Section 130, except as modified herein.

1. NFPA 130 is hereby amended by deleting all references to polybutylene pipe in Section 3- 3.2 and Table 3-3.2.

2. NFPA 130 is hereby amended by including the requirement that an approved backflow prevention

device be installed at the point of connection between the residential fire sprinkler system and the household plumbing system.

c. Certification and Testing. Prior to issuing an occupancy certificate for any new residential construction or any addition or remodeling for which a residential fire sprinkler system is required by this Section, the Building Official shall be provided with a certificate that the residential fire sprinkler system has been designed and installed in accordance with the standards set forth in Section b. and that the backflow prevention device has been properly tested. In addition, upon issuance of a new occupancy certificate for any home in which a residential fire sprinkler system has been installed, the system shall be verified as working properly."

PASSED, APPROVED, and ADOPTED this, the 2nd day of August, 1999.

## ORDINANCE NO. 05-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 13, FIRE PROTECTION AND PREVENTION, ARTICLE II, FIRE PREVENTION, DIVISION I, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, BY ADDING A NEW SECTION 13-26, ENTITLED AMENDMENTS, FOR THE PURPOSE OF AMENDING, ALTERING AND CHANGING SECTION 503.1.1, FIRE APPARATUS ACCESS ROADS, OF THE INTERNATIONAL FIRE CODE, 2000 EDITION, TO DISALLOW USE OF A DRIVEWAY AS A FIRE APPARATUS ACCESS ROAD FOR SINGLE- FAMILY RESIDENCES, INCLUDING DUPLEXES AND TOWNHOUSES.

WHEREAS, the City of Bellaire, Texas, currently applies and enforces the International Fire Code, 2000 Edition, for construction within the City of Bellaire, Texas; and

WHEREAS, current language within the International Fire Code, 2000 Edition, has allowed residential builders to construct driveways as fire apparatus access roads thereby avoiding the City of Bellaire, Texas,' requirement for the installation of fire sprinkler systems in certain new residential construction; and

WHEREAS, the City Council of the City of Bellaire, Texas, has found that the International Fire Code, 2000 Edition, should be amended so as not to circumvent the City of Bellaire, Texas, fire sprinkler system requirements for residential construction; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT the recitals set forth above are found to be true and correct.

2. THAT Chapter 13, Fire Protection and Prevention, Article II, Fire

Prevention, Division I, Generally, of the Code of Ordinances of the City of Bellaire, Texas, is hereby amended by adding a new Section 13-26, entitled Amendments, to read as follows:

Section 13-26. Amendments.

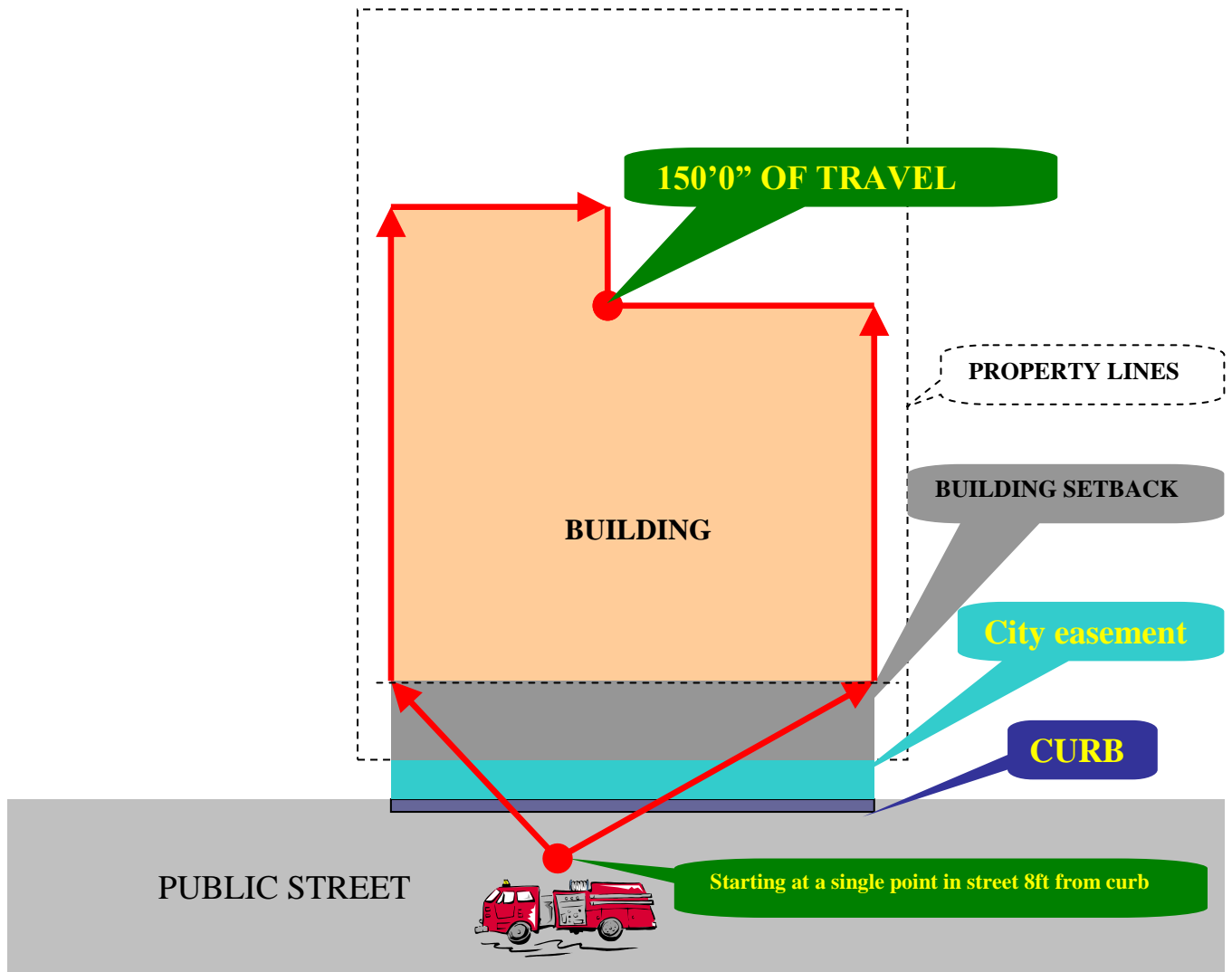
The International Fire Code adopted and enforced by the City is hereby amended, altered and changed in the following respect with such amendment(s) to be applicable to the current edition of the International Fire Code and any subsequent editions thereto:

503.1.1

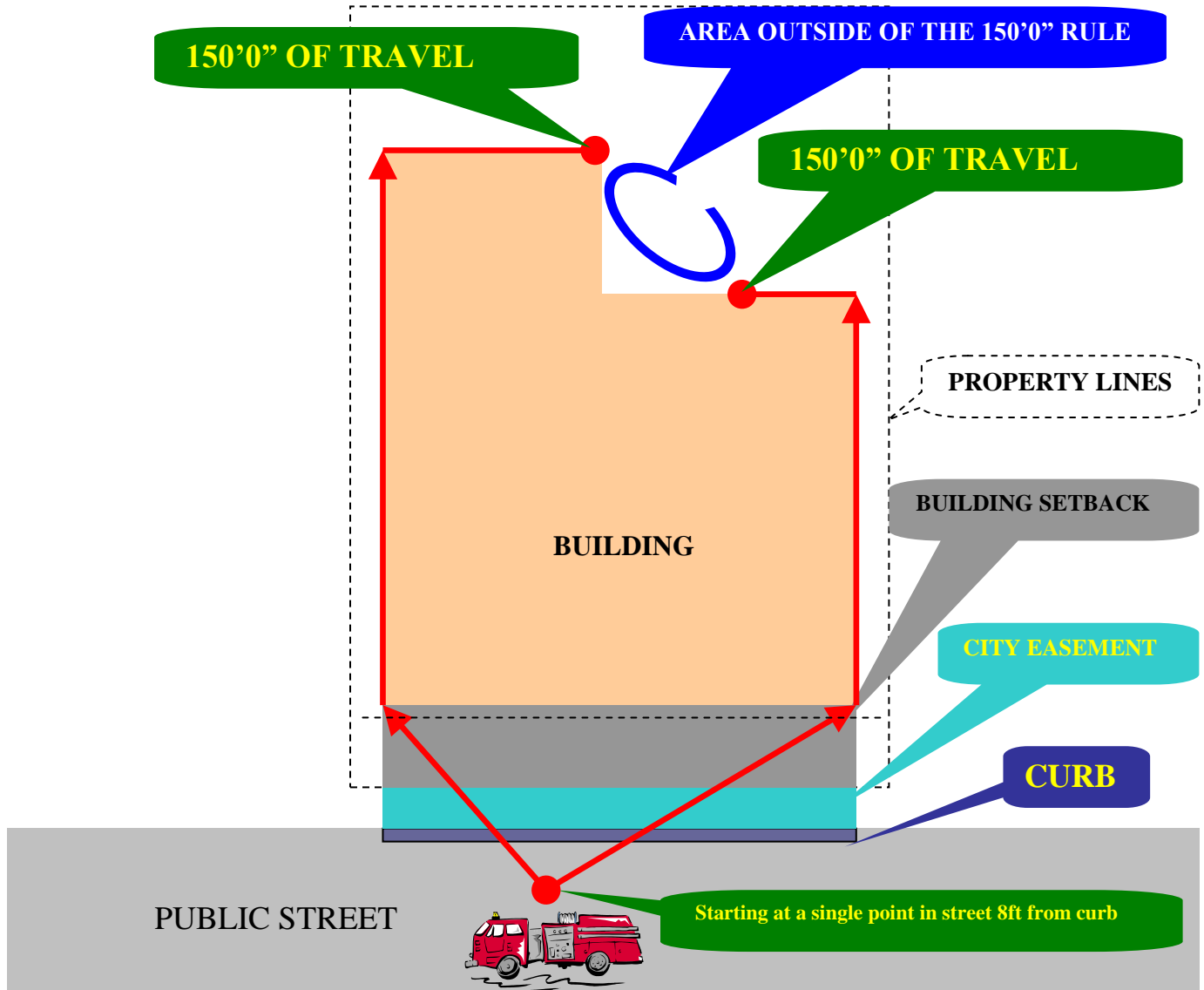
Within the City of Bellaire, Texas, the use of a private driveway as a fire apparatus access road for single-family residences, including duplexes, and townhouses, shall be prohibited.

3. THAT this ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED, and ADOPTED this 20th day of June, 2005.



**This building does not requires fire sprinkler**



Attachment: builders Letterhead1 (1641 : Appeal-Sprinkler Requirements)

**This building requires fire sprinkler systems**