



# CITY OF BANDERA

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

## MINUTES CITY OF BANDERA BOARD OF APPEALS

WEDNESDAY, JANUARY 16, 2019  
AT 5:30 PM IN THE MUNICIPAL BUILDING AT  
511 MAIN STREET, BANDERA, TEXAS

The meeting was called to order at 5:32 pm. Board of Appeals members Rebecca Gibson, Lynn Palmer, Glenn Clark, Tom McEachin, as well as, Suzanne Schauman were present. Board member Brice Cavanaugh is absent. Also in attendance are City Attorney Dan Santee, City Secretary Jill Shelton, City Administrator J Horry, Marshal Will Dietrich, Code Enforcement Officer Deputy Jimmy Allen, Bureau Veritas Representative Greg Hallmark, as well as, appellant Garrett Sullivan, representative for appellant Art Crawford, Building Contractor Fred Collins, and appellant's Attorney.

- 1. An appeal by Garrett Sullivan of the stop work order issued on December 17, 2018 by Code Enforcement Officer, Jimmy Allen, on the recommendation of Bureau Veritas, for the Special Conditions Commercial Building Permit #2018-002 issued to Garrett Sullivan of Bella Way Back Texas Holdings, LLC for work being performed at 1307 Main Street, Bandera, Texas 78003. The appellant shall offer evidence as to why the Stop Work Order should be lifted as pertaining to each of the following noted matters of non-compliance:**

Attorney Dan Santee explains to all in attendance that, about a year ago, that City Council added this process to the Ordinance to allow for people to come to the Board to appeal decisions made by the Building Official. He explains that it is an open hearing, but not a public hearing. He explains that anyone that is going to speak need to all stand and the City Secretary will administer the Oath. He goes on to say that we can take each item one at a time or as a group. It is up to the Board and how they want to hear it. He explains that the Mayor will also get a vote as a member of the Board of Appeals and that there must be a 75 percent vote of the membership of the board to overturn the Code Officer's decision. Meaning there would have to be 5 out of 6 people but since there is one member absent then it would have to be a unanimous decision to overturn the decision. He further explains that the appellant has an opportunity to reschedule the appeal since one member is absent.

Board member Schauman asked Mr. Sullivan if he would like to postpone and Mr. Crawford, after a brief conversation, states "they will go tonight".

All stood who will give testimony and repeated the oath after City Secretary, Jill Shelton.

Mr. Crawford spoke for Mr. Sullivan for a quick brief of their position. He states that they feel they are in compliance, or can be in compliance, with the items on the list. Mr. Sullivan gave a history of how he acquired the bar back in December of 2016 and all the money he has invested in the property. He explains he is all in on the property and wants to make things right and put these issues to rest. Mr. Sullivan is ready to move forward and do what needs to be done.

Code Enforcement Officer Jimmy Allen explained when he took over this project, he could not find any of the paperwork. He then called Bureau Veritas and found they had prepared the list below. Officer Allen met with Mr. Sullivan and Marshal Dietrich to go over the list. He never received any paperwork from Mr. Sullivan afterward showing any of the things on the list had been completed. Officer Allen decided a stop work order was necessary until they could get the requirements of the list resolved.

There were several comments made by all and some discussion about all involved in the past and present. All parties agreed that there has been some lack of communication. Before they began to go down the list of items, Mr. Crawford asked that the Building Officials' letter be read aloud (attached to these minutes for the record-Exhibit A).

Board member Gibson read the Code Enforcement letter aloud. There was some discussion about the letter. Then they proceeded to the items on the list.

- a. **Need a Texas Department of Licensing and Regulation number for accessibility. IBC 1101.1 and 1101.2** The following item are considered resolved and nothing further is required.
- b. **Need ComChecks. IECC 101.2 and 101.2.2.2** The following item shall be reflected on amended submitted plans within 90 days.
- c. **The entire structure exceeds 5,000 square feet and needs to be signed and sealed for slab, construction and MEPs. Please provide two complete signed and sealed drawings for slab, construction drawings and MEPs. Plans should include riser diagrams, panel schedules, load calculations, cleanouts, HVAC layout, condensate, floor drains, hub drains, indirect waste, great waste, etc....complete plans. IBC 502.1 and Texas Engineering Act, Chapter 1001** The following item shall be reflected on amended submitted plans within 90 days.
- d. **The building is required to be fire sprinklered. This may be done as a deferred submittal, but please acknowledge on plan the building will be sprinklered with a National Fire Protection Agency 13 system and show fire riser room on plans. IBC 303 and IBC 903.2.1.2 and IBC 903.2.1.2** This item is amended by the Board to require compliance with the 1997 Fire Code; appellant will submit a letter by the State or County Fire Marshal showing compliance.
- e. **The building is required to have a fire alarm. IBC 907.2.1** The following item shall be reflected on amended submitted plans within 90 days.
- f. **Please show all seating which will be any booths or tables with chairs. Then provide complete occupant load calculations based on the International Building Code Table 1004.1.2. IBC 1004.1** The following item are considered resolved and nothing further is required.
- g. **Based upon final occupant load calculations, provide plumbing calculations based upon the International Plumbing Code 403.1 or International Building Code Chapter 29. IPC 403.1 and IBC Table 2902.1** This item is amended by the board to establish occupant load calculation for purposed of plumbing as 300.
- h. **Provide an asbestos compliance report as required by the State of Texas for all demolition. Texas Department of Health, Senate Bill 509** The following item are considered resolved and nothing further is required.
- i. **Provide complete details for the Type I hood with fire suppression. IBC 507.2.1 and 509.1 and 507.2.1** This item was removed by the board because there is no kitchen planned for this building.
- j. **Provide door and window schedule. IBC 106.1.1 and 1008.1 and 2401.1** The following item shall be reflected on amended submitted plans within 90 days.

- k. **You cannot have all urinal. Urinals can not substitute for more than 50% of the required water closets. IPC 419.2** This item is considered resolved by the board.
- l. **Provide tempered water. Mixing valves are required. IBC 607.1 and 613.1** The following item shall be reflected on amended submitted plans within 90 days.
- m. **Where two or more exists are required, exterior landings for exit discharge doorways are required to have illumination with emergency power and battery backup. IBC 1006.3** The following item shall be reflected on amended submitted plans within 90 days.
- n. **Bi-level switching to reduce the illumination in an even patten by at least 50% or occupant sensors are required at all rooms that have more than one light. IECC 805.2.2.1** The following item shall be reflected on amended submitted plans within 90 days.
- o. **Toilet rooms require 75 cubic feet per minute per water closet and/or urinal ventilation. IMC Table 403.3** The following item shall be reflected on amended submitted plans within 90 days.
- p. **Walls within two feet of urinals and water closets shall have a smooth, hard, non-absorbent surface to a height of four feet above the floor and, except for structural elements, the materials used in such walls shall be a type that is not adversely affected by moisture. IBC 1210.2** The following item shall be reflected on amended submitted plans within 90 days.
- q. **Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons. IBC 1008.1.2** The following item shall be reflected on amended submitted plans within 90 days.
- r. **Means of egress shall be illuminated at all times the building is occupied with a minimum of one 1 foot candle of illumination at floor level. IBC 1006.1** The following item shall be reflected on amended submitted plans within 90 days.
- s. **Panic hardware. IBC 1008.1.9** The following item shall be reflected on amended submitted plans within 90 days.
- t. **Maximum occupant load signage. IBC 1004.3** The following item shall be reflected on amended submitted plans within 90 days.
- u. **Need to verify that the stage area does not have a curtain. That is meets the definition of a platform. Is there storage under the platform or stage? See International Building Code 410. IBC 410** The following item shall be reflected on amended submitted plans within 90 days.
- v. **All stairs need handrails on both sides. IBC 1009.11** The following item are considered resolved and nothing further is required. There are no stairs and all ramps will have handrails.

After the list was gone through one by one, Attorney Santee explained all items would be addressed in a resolution that would be drawn up tonight and brought back to the Board for a vote. As they went down the list, Mr. Crawford handed out papers showing that some items had been completed that the Code Enforcement Officer had not seen. City Secretary asks Mr. Crawford to please provide copies of all these items he handed out to the board.

On item D, there was some controversy about what edition of the Fire Prevention Code the City has adopted. After much discussion, Board member Gibson made a motion for Mr. Sullivan to comply with the 1997 Edition of the Fire Prevention Code instead of Item D, IBC 303, IBC 303, and IBC 903.2.1.2 and IBC 903.2.1.2 with approval from the County or State Fire Marshal. Seconded by Board member Clark. Board members McEachin, Clark, Gibson, and Schauman are in favor. Board member Palmer passes. Board member Gibson asks what a pass means. Attorney Santee explains it is not a vote, she is not required to vote, and that a pass is counted as a no.

Board member Gibson calls for an executive session to meet with attorney. The meeting was closed at 7:00PM.

Board member Schauman reconvened the meeting at 7:28PM.

The record shows that Board member Brice Cavanaugh arrived during executive session at 7:25PM

Board member Gibson made a motion to reconsider item D. Seconded by Board member McEachin. Board members McEachin, Clark, Cavanaugh, Gibson, and Schauman are in favor. Board member Palmer passes. Board member Schauman asks Board member Gibson to restate her motion.

Board member Gibson made a motion for Mr. Sullivan to comply with the 1997 Edition of the Fire Prevention Code per City Code instead of Item D, IBC 303, IBC 303, and IBC 903.2.1.2 and IBC 903.2.1.2 with approval from the County or State Fire Marshal. Board members McEachin, Clark, Cavanaugh, Gibson, and Schauman are in favor. Board member Palmer passes.

They continued to go down the list and discuss each item as stated above. There was no action or motions that needed to be made on the other items that would not be covered in the resolution.

Marshal Dietrich made a statement about the previous Building Official and the confusion about past problems and previous short comings. He would like to state that he wants to take some of the responsibility because he understands that Officer Allen is frustrated because he has had to bear the brunt of the problems.

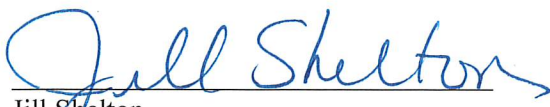
Board member Schauman called for a recess so Attorney Santee and City Secretary could draw up the resolution to be voted on. Meeting was recessed at 8:01PM.

Board member Schauman reconvened the meeting at 8:32PM Attorney Santee addressed the Board stating he has made a copy of the resolution for Mr. Sullivan and his representatives, as well as Code Enforcement and Bureau of Veritas. They are all in agreement that this resolution reflects all agreements made tonight. Attorney Santee read Section Four through Nine of the resolution aloud.

Board member Clark made a motion to approve the resolution as read. Seconded by Board member Cavanaugh. No Discussion. Board members McEachin, Clark, Cavanaugh, Gibson, and Schauman are in favor. Board member Palmer passes. (Attached to these minutes for the record-Exhibit B)

Board member Gibson made a motion to adjourn at 8:35.

2. **Adjourn.** Meeting was adjourned at 8:35.

  
Jill Shelton  
City Secretary