

NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
BOARD OF ADJUSTMENTS & APPEALS (BUILDING)

NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENTS & APPEALS (BUILDING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

TUESDAY, DECEMBER 2, 2014
9:00 A.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to the Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board of Adjustments & Appeals (Building) to discuss, debate or consider items that are not on the agenda. Citizen Comments may be referred to City Staff or may be placed on the agenda of a future Board of Adjustments & Appeals (Building) meeting]*
4. Approval of Minutes of the November 4, 2014 Regular Meeting.
5. Discussion and action regarding a request by Erickson Construction representing owner Raul Mata for a variance from Section 1208.2 Minimum ceiling heights from the 2012 International Building Code. Applicant is requesting a variance for a full bath under the stairs / ceiling height. *(110 E. Retama St.; Lot 32 Block 92 Padre Beach Subdivision Section VII)*
6. Adjourn

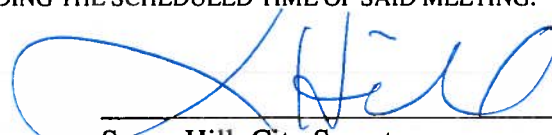
DATED THIS THE 26TH DAY OF NOVEMBER 2014



Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF REGULAR MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS (BUILDING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **NOVEMBER 26, 2014** AT/OR BEFORE **1:30 PM** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.





Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-1025.

<p style="text-align: center;">BOARD OF ADJUSTMENTS & APPEALS (ZONING and BUILDING) MEETING MINUTES NOVEMBER 4, 2014</p>

1. Call to Order.

Roy De los Santos called the meeting to order at 9:00 a.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Board Members in attendance were: Jerry Pace, Jim Winholtz, Paul Fedigan and Roy De los Santos. Alternate Member present was Stephen Burch. Staff Members present were Development Director Sungman Kim, Building Inspector David Travis, Assistant City Manager Darla Jones, and Marta Martinez.

2. Pledge of Allegiance.

Mr. De los Santos led those present in the Pledge of Allegiance.

3. Public comments and Announcements.

None

4. Approval of Minutes:

- a. **August 5, 2014 Zoning Regular Meeting.**
- b. **October 1, 2013 Building Regular Meeting.**

Mr. De los Santos announced the item from the agenda and asked the Board Members if they had any corrections to the August 5, 2014 Zoning Regular Meeting Minutes. Mr. Winholtz made a motion to approve with correction. Mr. Fedigan seconded the motion. The motion carried unanimously.

Mr. De los Santos announced the item from the agenda and asked the Board Members if they had any corrections to the October 1, 2013 Building Regular Meeting Minutes. Mr. Fedigan made a motion to approve as submitted. Mr. Winholtz seconded the motion. The motion carried unanimously.

5. Discussion and action regarding a Zoning request by William Schmidt for a variance from Section 20-7.1 District "B-2" – Residential & Multi-family Dwelling District (D) Area regulations (2) Side Yards and/or Section 20-12 Certain non-conforming uses (D) Continuance of non-conforming use subject to regulations of the City's Code of Ordinance. Applicant is requesting to rebuild the stairs the way they were. (120 E. Esperanza Street; Lot 12 Block 121 Padre Beach Subdivision, Section VIII)

Mr. De los Santos announced the item from the agenda and asked for a staff report. Dr. Kim gave a presentation regarding William Schmidt variance request.

Mr. De los Santos then opened it up for discussion by the Board. The Board expressed their comments/concerns regarding this matter. Mr. Winholtz made a motion to approve as submitted. Mr. Fedigan seconded the motion. The motion carried unanimously.

Board of Adjustments and Appeals (Zoning and Building) Minutes

November 4, 2014

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6. Discussion and action regarding a Building request by Sergio Mendez with Delta Construction representing owner Jorge Trevino for a variance from Section 4-27 (A) Standards for construction from the City's Code of Ordinance. Applicant is requesting a variance for an extension of an 8' – 16'4" foundation engineered design with no pilings. (116 E. Mezquite Street; Lot 10 Block 49 Padre Beach Subdivision, Section IV)

Mr. De los Santos announced the item from the agenda. Mr. Fedigan made a motion to table until applicant showed up. Mr. Winholtz seconded the motion. The motion carried unanimously.

7. Adjourn

Since the Board had no further business to discuss, Mr. Fedigan made a motion to adjourn the meeting. The meeting was adjourned at 9:08 a.m.

Marta Martinez, Secretary

Roy De los Santos, Chairman

of the interior room or 20 square feet (1.86 m²), whichever is greater.

1205.2.2 Exterior openings. Exterior openings required by Section 1205.2 for natural light shall open directly onto a *public way, yard or court*, as set forth in Section 1206.

Exceptions:

1. Required exterior openings are permitted to open into a roofed porch where the porch:
 - 1.1. Abuts a *public way, yard or court*;
 - 1.2. Has a ceiling height of not less than 7 feet (2134 mm); and
 - 1.3. Has a longer side at least 65 percent open and unobstructed.
2. Skylights are not required to open directly onto a *public way, yard or court*.

1205.3 Artificial light. Artificial light shall be provided that is adequate to provide an average illumination of 10 footcandles (107 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

1205.4 Stairway illumination. *Stairways* within *dwelling units* and *exterior stairways* serving a *dwelling unit* shall have an illumination level on tread runs of not less than 1 footcandle (11 lux). *Stairs* in other occupancies shall be governed by Chapter 10.

1205.4.1 Controls. The control for activation of the required *stairway* lighting shall be in accordance with NFPA 70.

1205.5 Emergency egress lighting. The *means of egress* shall be illuminated in accordance with Section 1006.1.

SECTION 1206 YARDS OR COURTS

1206.1 General. This section shall apply to *yards* and *courts* adjacent to exterior openings that provide natural light or ventilation. Such *yards* and *courts* shall be on the same *lot* as the building.

1206.2 Yards. *Yards* shall be not less than 3 feet (914 mm) in width for buildings two *stories* or less above *grade plane*. For buildings more than two *stories* above *grade plane*, the minimum width of the *yard* shall be increased at the rate of 1 foot (305 mm) for each additional *story*. For buildings exceeding 14 *stories* above *grade plane*, the required width of the *yard* shall be computed on the basis of 14 *stories* above *grade plane*.

1206.3 Courts. *Courts* shall be not less than 3 feet (914 mm) in width. *Courts* having windows opening on opposite sides shall be not less than 6 feet (1829 mm) in width. *Courts* shall be not less than 10 feet (3048 mm) in length unless bounded on one end by a *public way* or *yard*. For buildings more than two *stories* above *grade plane*, the *court* shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional *story*. For buildings exceeding 14 *stories* above *grade plane*, the required dimensions shall be computed on the basis of 14 *stories* above *grade plane*.

1206.3.1 Court access. Access shall be provided to the bottom of *courts* for cleaning purposes.

1206.3.2 Air intake. *Courts* more than two *stories* in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet (0.93 m²) in area and leading to the exterior of the building unless abutting a *yard* or *public way*.

1206.3.3 Court drainage. The bottom of every *court* shall be properly graded and drained to a public sewer or other approved disposal system complying with the *International Plumbing Code*.

SECTION 1207 SOUND TRANSMISSION

1207.1 Scope. This section shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent *dwelling units* or between *dwelling units* and adjacent public areas such as halls, *corridors*, *stairs* or service areas.

1207.2 Air-borne sound. Walls, partitions and floor/ceiling assemblies separating *dwelling units* from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for air-borne noise when tested in accordance with ASTM E 90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to *dwelling unit* entrance doors; however, such doors shall be tight fitting to the frame and sill.

1207.2.1 Masonry. The sound transmission class of concrete masonry and clay masonry assemblies shall be calculated in accordance with TMS 0302 or determined through testing in accordance with ASTM E 90.

1207.3 Structure-borne sound. Floor/ceiling assemblies between *dwelling units* or between a *dwelling unit* and a public or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 (45 if field tested) when tested in accordance with ASTM E 492.

SECTION 1208 INTERIOR SPACE DIMENSIONS

1208.1 Minimum room widths. *Habitable spaces*, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

1208.2 Minimum ceiling heights. Occupiable spaces, *habitable spaces* and *corridors* shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). *Bathrooms*, *toilet rooms*, *kitchens*, *storage rooms* and *laundry rooms* shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family *dwelling*s, beams or girders spaced not less than 4 feet (1219 mm) on center



CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENT & APPEALS APPLICATION

- ☐ \$250 variance ☐ Special Exception Use (Sec. 20-16.1)
☐ Administrative Appeal

APPLICANT INFORMATION

Name Erickson Construction
Mailing Address 3520 BUDDY OWENS
City, State, Zip McAllen TX 78504
Phone number 956-638-6456
Fax number 956-631-1074
E-mail Address Jeconstruction@me.com

OWNER INFORMATION

Name Raul Mata
Mailing address 3520 BUDDY OWENS
City, State, Zip McAllen TX 78504
Phone number 956-638-6456
Fax number —
Email Address —

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 110 E Retama

Legal Description (Lot / Block / Subdivision): Lot 32 BLK 92 SUBV VII

I hereby request the following from the Board of Adjustment and Appeals: A VARIANCE
for a 1/2 bath under the stairs. Ceiling Height
Section 1208.2 IBC 2012

In addition, the application requires the submission of the following:

- ♦ \$250 application fee per variance, special exception, and appeal request.
- ♦ Stamped/Sealed & dated survey of Improvements of the Subject Property.
- ♦ Copy of Floor Plan of structure proposed to be constructed or expanded.
- ♦ Current/recent photographs of the site.
- ♦ And any additional information to more clearly understand the request.

For Internal use only:

Amount Paid: 250.00
Paid Cash or Check No. 6461
Date Received: 11-26-14

Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined above. All information must be submitted no later than twenty (20) days prior to the meeting date. All fees must be paid prior to the Board reviewing the application.

If Staff determines that the application is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the variance or special exception, staff shall return the application to the applicant.

Applicant's Name (Please Print) Jeff Erickson

Owner's Name (Please Print): Raul Mata

Applicant's Signature: [Signature]

Owner's Signature: [Signature]

Date: 11/26/14

Date: 11/26/14



