

**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:

**WEDNESDAY, NOVEMBER 4, 2015**  
9:00 A.M. AT THE MUNICIPAL BUILDING,  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

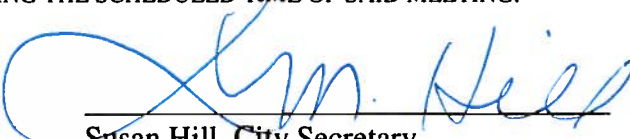
1. Call to Order.
2. Pledge of Allegiance.
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to the Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: 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 May 5, 2015 Regular Meeting.
5. Discussion and action regarding a request by Miguel Torres for a variance from the 2012 International Mechanical Code. Applicant does not want to provide make-up air as required by code for the Peninsula Island Resort and Spa Building "B". (Lot 1 Block 1 Padre Partners Subdivision: 340 Padre Boulevard)
6. Adjourn

DATED THIS THE 30<sup>TH</sup> DAY OF OCTOBER 2015

  
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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 **OCTOBER 30, 2015** AT/OR BEFORE **5:00 PM** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.



  
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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) 761-8103.

**BOARD OF ADJUSTMENTS & APPEALS (BUILDING)**  
**MEETING MINUTES**  
**MAY 5, 2015**

**1. Call to Order.**

Paul Fedigan 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, Paul Fedigan, Chris Huffman, Carol Bolstad, and Andy Beumel. Staff Members present were Building Official Jay Mitchim, Building Inspector David Travis, and Marta Martinez.

**2. Pledge of Allegiance.**

Mr. Fedigan led those present in the Pledge of Allegiance.

**3. Election of Chairman and Vice Chairman.**

Mr. Fedigan announce the item from the agenda and asked for any nominations for Chairman. Mr. Huffman made a motion to nominate Mr. Fedigan for Chairman. Mr. Pace seconded the motion. The motion carried unanimously.

Mr. Fedigan then made a motion to nominate Mr. Pace for Vice Chairman. Mr. Huffman seconded the motion. The motion carried unanimously.

**4. Public Comments and Announcements.**

None.

**5. Approval of Minutes of the March 3, 2015 Regular Meeting.**

Mr. Fedigan announced the item from the agenda and asked the Board Members if they had any corrections to the March 3, 2015 regular Meeting Minutes. Mr. Pace made a motion to approve the minutes as submitted. Mr. Fedigan seconded the motion. The motion carried unanimously.

**6. Discussion and action regarding a request by Jeff Eaton with Typhoon Services for a variance from Section 4-27 (A) of the City's Code of Ordinance. Applicant is requesting to construct an 18' x 18' storage room at KOA RV Park. (1 Padre Boulevard)**

Mr. Fedigan announced the item from the agenda and for a staff report. Mr. Mitchim stated that applicant is requesting to construct an 18'x18' storage room.

Mr. Fedigan then opened it up for discussion by the Board Members. The Board Members express their comments/concerns regarding this matter. After some discussion Mr. Pace made a motion to approve with the condition that the applicant submits engineering plans when abating a building permit. Ms. Bolstad seconded the motion. The motion carried unanimously.

**Board of Adjustments and Appeals (Building) Minutes**

**May 5, 2015**

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**7. Adjourn**

Since the Board had no further business to discuss, Mr. Pace made a motion to adjourn; the meeting. Mr. Huffman seconded the motion. The meeting was adjourned at 9:12 a.m.

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Marta Martinez, Secretary

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Paul Fedigan, Chairman

## CHAPTER 4

# VENTILATION

### SECTION 401 GENERAL

**401.1 Scope.** This chapter shall govern the ventilation of spaces within a building intended to be occupied. Mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; hazardous exhaust systems; dust, stock and refuse conveyor systems; subslab soil exhaust systems; smoke control systems; energy recovery ventilation systems and other systems specified in Section 502 shall comply with Chapter 5.

**401.2 Ventilation required.** Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

**401.3 When required.** Ventilation shall be provided during the periods that the room or space is occupied.

**401.4 Intake opening location.** Air intake openings shall comply with all of the following:

1. Intake openings shall be located a minimum of 10 feet (3048 mm) from lot lines or buildings on the same lot.
2. Mechanical and gravity outdoor air intake openings shall be located not less than 10 feet (3048 mm) horizontally from any hazardous or noxious contaminant source, such as vents, streets, alleys, parking lots and loading docks, except as specified in Item 3 or Section 501.2.1. Outdoor air intake openings shall be permitted to be located less than 10 feet (3048 mm) horizontally from streets, alleys, parking lots and loading docks provided that the openings are located not less than 25 feet (7620 mm) vertically above such locations. Where openings front on a street or public way, the distance shall be measured from the closest edge of the street or public way.
3. Intake openings shall be located not less than 3 feet (914 mm) below contaminant sources where such sources are located within 10 feet (3048 mm) of the opening.
4. Intake openings on structures in flood hazard areas shall be at or above the elevation required by Section 1612 of the *International Building Code* for utilities and attendant equipment.

**401.5 Intake opening protection.** Air intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles. Openings in louvers, grilles and screens shall be sized in accordance with Table 401.5, and shall be protected against local weather conditions. Louvers

that protect air intake openings in structures located in hurricane-prone regions, as defined in the *International Building Code*, shall comply with AMCA 550. Outdoor air intake openings located in exterior walls shall meet the provisions for exterior wall opening protectives in accordance with the *International Building Code*.

**TABLE 401.5  
OPENING SIZES IN LOUVERS, GRILLES AND SCREENS  
PROTECTING AIR INTAKE OPENINGS**

OUTDOOR OPENING TYPE	MINIMUM AND MAXIMUM OPENING SIZES IN LOUVERS, GRILLES AND SCREENS MEASURED IN ANY DIRECTION
Intake openings in residential occupancies	Not < 1/4 inch and not > 1/2 inch
Intake openings in other than residential occupancies	> 1/4 inch and not > 1 inch

For SI: 1 inch = 25.4 mm.

**401.6 Contaminant sources.** Stationary local sources producing airborne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health shall be provided with an exhaust system in accordance with Chapter 5 or a means of collection and removal of the contaminants. Such exhaust shall discharge directly to an *approved* location at the exterior of the building.

### SECTION 402 NATURAL VENTILATION

**[B] 402.1 Natural ventilation.** *Natural ventilation* of an occupied space shall be through windows, doors, louvers or other openings to the outdoors. The operating mechanism for such openings shall be provided with ready access so that the openings are readily controllable by the building occupants.

**[B] 402.2 Ventilation area required.** The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

**[B] 402.3 Adjoining spaces.** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the opening to the adjoining rooms shall be unobstructed and shall have an area not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.3 m<sup>2</sup>). The minimum openable area to the outdoors shall be based on the total floor area being ventilated.

**Exception:** Exterior openings required for ventilation shall be permitted to open into a thermally isolated sunroom addition or patio cover, provided that the openable area between the sunroom addition or patio cover and the interior room has an area of not less than 8 percent of the floor area of the interior room or space, but not less than 20 square feet (1.86 m<sup>2</sup>). The minimum openable area to

the outdoors shall be based on the total floor area being ventilated.

**[B] 402.4 Openings below grade.** Where openings below grade provide required *natural ventilation*, the outside horizontal clear space measured perpendicular to the opening shall be one and one-half times the depth of the opening. The depth of the opening shall be measured from the average adjoining ground level to the bottom of the opening.

**SECTION 403  
MECHANICAL VENTILATION**

**403.1 Ventilation system.** Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey *ventilation air* shall be designed and installed in accordance with Chapter 6.

**403.2 Outdoor air required.** The minimum outdoor airflow rate shall be determined in accordance with Section 403.3. Ventilation supply systems shall be designed to deliver the required rate of outdoor airflow to the *breathing zone* within each *occupiable space*.

**Exception:** Where the *registered design professional* demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.

**403.2.1 Recirculation of air.** The outdoor air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one *dwelling* to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces.
3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces

shall be exhausted, including any air in excess of that required by Table 403.3.

4. Where mechanical exhaust is required by Note g in Table 403.3, mechanical exhaust is required and recirculation is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces.

**403.2.2 Transfer air.** Except where recirculation from such spaces is prohibited by Table 403.3, air transferred from occupiable spaces is not prohibited from serving as *makeup air* for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges. The amount of transfer air and *exhaust air* shall be sufficient to provide the flow rates as specified in Section 403.3. The required outdoor airflow rates specified in Table 403.3 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.

**403.3 Outdoor airflow rate.** Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be those for a listed *occupancy* classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an *approved* engineering analysis. The ventilation system shall be designed to supply the required rate of *ventilation air* continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.

**Exception:** The occupant load is not required to be determined based on the estimated maximum occupant load rate indicated in Table 403.3 where *approved* statistical data document the accuracy of an alternate anticipated occupant density.

**403.3.1 Zone outdoor airflow.** The minimum outdoor airflow required to be supplied to each zone shall be determined as a function of *occupancy* classification and space air distribution effectiveness in accordance with Sections 403.3.1.1 through 403.3.1.3.



CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENT & APPEALS APPLICATION

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

APPLICANT INFORMATION

Name: MIGUEL TORRES  
Mailing Address: 1004 PADRE BLVD, SUITE G-1  
City, State, Zip: SOUTH PADRE ISLAND, TX 78597  
Phone number: 956-433-5475  
Fax number: 956-433-5474  
E-mail Address: mtorres@jmjdevelopers.com

OWNER INFORMATION

Name: CARLOS SALINAS  
Mailing address: 340 PADRE BLVD.  
City, State, Zip: SOUTH PADRE ISLAND, TX 78597  
Phone number: 956-761-2514  
Fax number: 956-761-4131  
E-mail Address: carlosasalinas@hotmail.com

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 340 PADRE BLVD, SOUTH PADRE ISLAND, TX 78597  
Legal Description (Lot / Block / Subdivision): LOT 1, BLOCK ONE, PADRE PARTNERS, SPI, TX CAMERON COUNTY

I hereby request the following from the Board of Adjustment and Appeals:  
PENINSULA BUILDING "D" - IBC CODE REQUIRES FRESH AIR (IMC SECTION 402.2) BECAUSE OF HUMIDITY & CONDITIONS ON SPI, WE PROPOSE TO ELIMINATE THIS REQUIREMENT.

- 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: _____ Paid Cash or Check No. _____ Date Received: _____
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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): MIGUEL TORRES

Owner's Name (Please Print): CARLOS SALINAS

Applicant's Signature: [Signature]

Owner's Signature: [Signature]

Date: 10/21/2015

Date: 10/21/2015





**October 29, 2015**

**City of South Padre Island, TX**

**Board of Adjustments and Appeals**

**Board Members:**

**JMJ Isla Developers is a local company doing business and Develop projects in South Padre Island. Texas since 2009.**

**Currently our company is building Peninsula Island Resort and Spa "Building D".**

**In this specific project International Building Code and International Mechanical Code requires Injection of Fresh Air from the exterior, (IMC Section 402.2).**

**The Institute of Building Codes have been doing great job creating and enforcing Construction codes in the United States of America and International as well. As General Contractors we follow and apply all Building Codes in our projects.**

**As everybody knows in South Padre Island weather conditions are unique from other parts of the Country, like Humidity, Red Tide, Hurricanes, Strong winds, etc.**

**Because of this conditions, the owner does not want the injection of fresh air as it will bring humidity that will create damage to the interior of the units and during the times that we have red tide in the area will create a very uncomfortable environment inside the units, all this creating mold and causing health problems to their guests and whoever use the Building.**

**Also, in this particular project we're installing a high efficiency Air conditioned Machines with the capacity to eliminate humidity and purify the living areas.**

**Based on the above explained and the requirements of the owners we also suggest the elimination of the fresh air injection, we are looking forward for your approval to this variance request**

Miguel Torres  
JMJD Isla Developers, LLC

A handwritten signature in black ink, appearing to read 'Miguel Torres', written over the printed name and company name.