



Building and Fire Code Board of Appeals
AMENDED MINUTES

REGULAR MEETING
September 9, 2009

The Building and Fire Code Board of Appeals convened in a regular meeting on September 9, 2009 at City Hall in Council Chambers

Alan Schumann called the meeting to order at 1:46 PM.

Board Members in Attendance: Alan Schumann, Frank Haught, Steven King, Michael Cannatti, Scott Stookey, James Sullivan

Staff in Attendance: Greg Guernsey, Leon Barba, Dan McNabb, Brent Lloyd, Chris Johnson, Katherine Clark, Ron Menard, Byron Kurka

1. **APPROVAL OF MINUTES** – Steven King made a motion to defer approval of minutes until next meeting. Alan Schuman seconded the motion and it passed unanimously 6-0.
2. **CITIZEN COMMUNICATIONS** – None
3. **CONDUCT A PUBLIC HEARING**
 - a. Appeal of Certificate of Occupancy issued July 15, 2009, Electric Permit issued July 8, 2009, Building Permit issued July 6, 2009, and Determination of a Site Plan Exemption Request approved on June 17, 2009.

Chair Alan Schuman noted continuation of public hearing and only the issuance of the building permit and site plan exemption are items to be discussed. Any unrelated items will not be acted upon.

Bob Tyler with Strasburger Attorneys at Law representing EZ Pawn began discussion regarding the building permit and site plan exemption. Mr. Tyler presented his case in opposition of the appeal filed by the neighborhood.

Jerry Harris with Brown Mc Carroll rebutted whether or not this project should have been granted a site plan exemption. Mr. Harris filed an appeal on the building permit citing no site plan exemption was properly granted and also alleged the City of Austin determined twice it had been improperly granted and suspended the permit. Nicole Findeisen (sp?) affirmed based on her experience, could not find any information regarding limits of construction.

- James Sullivan made a motion to close the public hearing and Michael Cannatti seconded on unanimous vote of 6-0. Chair Alan Schuman closed the public hearing at 3:04 PM

Chair Alan Schumann wanted to know if there is a definite definition of limits of construction in the City's environmental criteria manual we normally use. Assistant City Attorney Brent Lloyd would provide legal description.



Board Member James Sullivan made a motion the Board take a five minute break until Assistant City Attorney Brent Lloyd came back with legal description regarding environmental criteria manual. Alan Schumann seconded on a unanimous vote of 6-0 at 3:12 PM.

- Meeting was called backed to order by Chair Alan Schumann at 3:22 PM

Definition of Environmental Criteria Manual: Language refers to new construction, existing construction and undeveloped sites. (per Chris Johnson) Assistant City Attorney reiterated Chris Johnson's definition prior to the break was accurate.

Mr. Lloyd addressed the board to inform them if the board decided to go forward with the motion, there are two appeals needing to be voted on because there are two appellants.

Assistant City Attorney, Brent Lloyd noted City Code requires Board to make a written decision with finding regarding their judgment however Mr. Lloyd also stated he would require the board to provide a verbal decision from the dais with direction to Leon Barba, Building Official to memorialize their decision in writing. Chair Alan Schumann requested to have the Board's decision be memorialized in writing by staff.

The motion to deny the appeal of issuance of the building permit and site plan exemption was approved on Board Member Frank Haught motion, Board Member James Sullivan seconded on a 4-2 vote. Those voting nay were Chair, Alan Schumann and Vice Chair, Michael Cannatti.

Next item on the agenda: 2009 International Energy Conservation Code and local amendments

Board Members requested additional time to review the 2009 IECC and local amendments. Meeting will occur aggressively the next six weeks to ensure amendments are made. Comments will continue to be worked through Board Members as they are received.

4. **ADJOURN** - Michael Cannatti made a motion to adjourn and Alan Schumann seconded the motion to adjourn.

NOTE: *Audio/Video was ended prior to time being noted for adjournment.*