



**EMERGENCY AGENDA  
CONSTRUCTION BOARD OF  
ADJUSTMENT & APPEALS**

***Regular Meeting***

***Tyler Development Center  
423 W Ferguson St.  
Tyler, Texas  
December 2, 2021  
10:00 am***

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Please call (903) 531-1151 if you need assistance with interpretation or translation for this City meeting.

***Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1151.***

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**AMERICANS WITH DISABILITIES ACT NOTICE**

The City of Tyler wants to ensure that all Board meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to participate in this Construction Board of Adjustment & Appeals meeting, please contact the Development Services Department for the City of Tyler, at (903) 531-1151 in advance so accommodations can be made.

**BOARD PROCEDURES**

Like other City Boards the Construction Board of Adjustment and Appeals is subject to the Texas Open Meetings law, all meetings must be posted, and all meetings are public. A quorum (simple majority) is necessary for the Board to meet. The technical codes provide that the Board shall consist of 7 regular members, and 2 alternates that shall serve in the absence of a regular member. Due to the fact there are 7 **regular** members, it is necessary for **at least 4** members to be present or otherwise participate. The quorum can be a combination of regular and alternative members.

General rules of parliamentary procedure are followed. Before the Board votes, the Chair asks for a motion, which is seconded, and all of the members vote. If the Board is considering an item that has been **tabled** from a previous meeting, there should be a motion, second, **and vote to remove from the table** before the Board discusses the item.

## INTERNATIONAL CODES

The City Council has adopted various international codes (the “Technical Codes”), with local amendments. These include the 2015 International Building Code, 2015 International Fire Code, 2015 International Fuel Gas Code, 2015 International Plumbing Code, 2015 International Mechanical Code, 2015 International Residential Code, 2015 International Energy Conservation Code, and 2017 National Electrical Code. From time to time, these Codes are updated.

Most of the above codes refer to a “Construction Board of Adjustment and Appeals”. The 2015 International Fire Code has been amended so that appeals from the Fire Code are appealed to the Construction Board of Adjustment and Appeals, rather than to a “Fire Board”. Also, questions and variances relating to the National Electrical Code are heard by the Construction Board of Adjustment and Appeals.

## THREE PRINCIPAL DUTIES OF CONSTRUCTION BOARD

The three main duties of the Construction Board of Adjustment and Appeals are:

1. **Review appeals from the decision of a City official interpreting a provision of one of the technical codes.** The Board can uphold, reverse, or modify the City official’s interpretation. The person challenging a City official’s interpretation of one of the technical codes must file the appeal within (30) thirty days of the City official’s decision. The Board must meet within 30 days after the notice of appeal is filed.
2. **Review requests for variances to provisions of one of the technical codes.** The Board must meet within 30 days after the request for variance is filed.
3. **Review proposed ordinance amendments to the technical codes and make recommendations to the City Council.** Generally, City staff will prepare a proposed Ordinance change and Communication explaining the reason for the change. These materials are then placed on a Construction Board agenda for review. The Board is reviewing the actual documents that will be presented to City Council, although the Board can always recommend changes to the drafts before they are submitted to Council.

## *EMERGENCY NOTICE*

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**WHEREAS**, notice of City meetings is regularly and routinely posted at least seventy-two (72) hours prior to the meeting in accordance with Texas Gov’t Code Sec. 551.043; an

**WHEREAS**, due to unforeseen circumstances, notice was not timely posted for the Construction Board of Adjustment and Appeals meeting to be held on Thursday, December 2, 2021, at the Tyler Development Center, 423 W. Ferguson, Tyler, Texas; and

**WHEREAS**, this meeting is necessary to meet scheduled deadlines for adoption of certain ordinances related to public health and safety; and

**WHEREAS**, information was previously sent to persons planning to attend the meeting; and

**WHEREAS**, it would create a severe hardship to persons planning to attend this meeting if the scheduled meeting was cancelled; and

**WHEREAS**, although this notice for a meeting was not posted prior to 72 hours of the meeting it would result in unnecessary public inconvenience so there is an urgent public necessity that this posting be made and that the meeting proceed as originally planned.

**NOW, THEREFORE**, pursuant to Texas Gov't Code Sec. 551.045, emergency notice for a meeting of the Construction Board of Adjustment and Appeals to be held on Thursday, December 2, 2021, at the Tyler Development Center, 423 W. Ferguson, Tyler, Texas, is hereby posted as follows:

### **EMERGENCY AGENDA**

I. Call meeting to order.

II. Review and consider minutes of previous Construction Board meeting.

III. Request that the Construction Board of Adjustment and Appeals consider making a recommendation to the City Council regarding amendments to the Outdoor Burning Ordinance and fees. 2015 Edition of the International Fire Code (IFC) Section 307.1.1 Outdoor Burning and in Tyler City Code Section 6-123. Fire Code Amendments and Tyler City Code Section 6-127 Permit; Miscellaneous fees.

IV. Adjourn.

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### **CERTIFICATE OF EMERGENCY POSTING**

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ M., the above emergency notice was posted on the bulletin boards of City Hall.

\_\_\_\_\_  
City Clerk or Staff Designee

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ M., the above emergency notice was posted at Tyler Development Center, 423 W Ferguson St, Tyler, Texas.

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Staff Designee