

# Late Backup

City Council 2/28/14 Visitable Ramps

My name is Stuart Harry Hersh, and like most in Austin, I rent.

I am here to oppose the Planning Recommendation on Accessible Ramps, and to support the

Staff recommendation with a few amendments:

1. Allow ramps for new homes and duplexes to also encroach in the front setback, so that families who want a connection between the public sidewalk at the front of their property and their front entrance to install the visitable ramp without having to request an impervious cover waiver after the home is built.
2. Allow the ramp in side yard only encroach two feet in the setback so as to provide the standard three foot wide setback and open space that allows a person to exit to the public right-of-way in the event of a fire.
3. Also amend the local amendments to the International Residential Code so that ramps that function like sidewalks and are not located in the flood plain and are not over 30 inches high (and require guardrails) and are not requesting an impervious over waiver can be built without a building permit. This has been the standard for multi-family and commercial for a couple of decades except where the ramp is part of a required accessible route (Americans with Disabilities Act and the Fair Housing Act). Single-family homes and duplexes are not regulated by ADA and Fair Housing. The best way to expedite proper construction of a ramp that is not required by federal law, not located in a flood plain, and not so tall as to require additional rails is to way permit requirements the same way we have been for existing multi-family and commercial buildings.
4. I would ask that you sent the permit waiver amendment to the Building and Fire Code Board since they did not allow me to discuss this with them at their meeting yesterday.

Stuart Harry Hersh, 1307 Kinney Avenue #117, Austin, TX 78704-2279

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**R103.4** A person hired by the City as a residential combination inspector after the effective date of this Code must become a Licensed Plumbing Inspector by the Texas State Board of Plumbing Examiners within one year after the date of employment. All required certifications to be obtained within a 1 year period after the Texas State Plumbing Inspectors license is obtained

**R104.4 Inspections.** The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies, registered design professionals or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional such as but not limited to: building envelope survey, impervious coverage survey when within 5% of the maximum allowable, building height survey, finish floor elevations, foundation report and flood elevation certificate. All surveys shall be performed by a Texas registered professional surveyor.

**R104.10.1 Areas prone to flooding.** The City Council shall hear and decide requests for variances to any provision related to areas prone to flooding in accordance with Appendix G, Section G105 (*Variances*) of the Building Code.

**R105.1.1 Separate permit.** A separate permit must be obtained for each building or structure.

**R105.1.3 Persons authorized to obtain permits for mechanical work.** Except as otherwise provided in Section R105 (*Permits*), only an air conditioning and refrigeration contractor licensed by the State of Texas to perform mechanical work and registered with the City may obtain a permit required by the Residential Code to perform mechanical work.

**R105.2 Work exempt from permit.** *Permits* shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

- a. One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>), does not create a habitable space and contains no plumbing or is located within flood hazard areas.
- b. Fences not over 7 feet (1829 mm) high provided it is not located within a flood hazard area.
- c. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or located within a flood hazard area.
- d. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1 or located within a flood hazard area.
- e. Sidewalks and driveways that are not located in a Right of Way.
- f. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- g. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- h. Swings and other playground equipment.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*, provided they are not located within a flood hazard area.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground, provided they are not located within a flood hazard area.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems, provided they are not located within a flood hazard area.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s provided they are not located within a flood hazard area.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Repairs to gypsum board that is not part of a fire-resistance-rated wall, a shear assembly or part of a shower or water closet surround, but limited to a maximum of 32 sq. ft.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.