



**HAYS COUNTY
FIRE MARSHAL'S OFFICE**

810 S. Stagecoach Trail, Suite 1200, San Marcos, TX 78666
TEL: 512-393-7300 option 2
firemarshal@co.hays.tx.us



**NATHAN P. MENDENHALL, IAAI-FIT, NREMT
Hays County Fire Marshal**

CODE MODIFICATION/VARIANCE REQUEST (CMVR)

The following procedures are to be followed to help expedite the review of your CMVR.

1. All CMVRs are to be submitted prior to or at the time of the formal plan submittal. This will ensure that a CMVR review does not hinder or restrict the timeline for the review and approval of the permit for the plans.
2. The CMVR is to be submitted to the Hays County Fire Marshal's Office using the attached application, request letter (sample attached), and supporting documentation provided in the recommended format. The CMVR will be logged-in and routed to the appropriate staff for review/recommendations.
3. One CMVR is required for each item/code issue under consideration.
4. The supporting CMVR support letter is to be prepared on company letterhead, signed by the owner or owners' legal agent, and dated. The CMVR must be signed by the Owner if administrative controls are included in the CMVR (Examples include limitations on use of the building, space or material proposed; security measures; operational procedures; etc.)
5. The CMVR must be signed and sealed by the Texas registered architect or licensed professional engineer of record when the modification request applies to a building or system that is required to be designed and sealed by the Texas Architectural Board Statute or Texas Engineering Practice Act.
6. Applicant is required to provide a pdf copy of each CMVR, including the application, the request letter, and all supporting documents. A pdf of any supporting documentation (specifications, binders with product literature, 24x36 scaled and flattened pdf plans with the stamp and signature of the Texas-registered architect or licensed professional engineer of record, sample products, etc.) must be submitted.
7. There is a \$250.00 fee for each CMVR submitted for review and consideration. Applicant must pay the fee at time of submission. The submittal will be denied if fee is not paid at submission. **Fee shall be payable to the Hays County Fire Marshal's Office.**



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8. The applicant can deliver the completed CMVR application packet with all supporting documents saved on a USB drive along with the \$250.00 fee for each request via Certified Mail to:

Hays County Fire Marshals Office
c/o: Hays County Public Safety Building
Attn: Code Modification Variance Request
810 S. Stagecoach Trail, Suite 1200
San Marcos, TX 78666

Please be advised the USB drive will not be returned upon completion.

9. After our staff reviews the application packet, it will be forwarded to the County Fire Marshal for final review and action. The staff will respond to your CMVR with an approval, an approval with additional requirements, a denial, or allowing time compliance modifications for current requirements. In all cases, the ruling will be made in written form and the applicant will receive an executed copy of the ruling. If the CMVR is approved, the applicant will be advised whether to submit revised building plans for approval and/or attach a copy of the CMVR form to the reviewed and stamped plans on the job site.
10. The estimated turnaround time for CMVR review and action is ten (10) business days.



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SUBMITTAL DOCUMENTS:

At minimum, the following documents must be included in each CMVR packet:

1. CMVR completed application.
2. Check or money order for \$250.00 made payable to the Hays County Fire Marshal's Office.
3. CMVR letter prepared on Company Letterhead.
4. Architects/Engineers (and/or Fire Protection Engineer) letter prepared on their company letterhead.
5. A flattened, to scale 24x36 pdf plan set meeting Hays County plan submittal requirements:
 - a. One sheet showing current design, with affected area bubbled.
 - b. One sheet showing proposed design.
 - c. If the CMVR only affects materials, methods, or supplies, documentation must be submitted for the original items as well as documentation for the proposed items, including any approved testing lab fire rating documentation.

RECORDS:

Your CMVR application and the final decision of the Hays County Fire Marshal shall be officially recorded in the permanent records of the project file. The CMVR number will be associated to the Plan review number for future reference.

We hope this customer service process will help you complete your project or address your special situation. Should you have any questions regarding the CMVR process, please contact the Hays County Fire Marshal's Office by email at firemarshal@co.hays.tx.us

Should you be dissatisfied with the action/ruling taken on your CMVR, you have the right to appeal the ruling to the Board of Appeals in accordance with the process defined in the county fire code adoption (note: this Board of Appeals process takes time and there is no guarantee the outcome will be different).



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ATTACHMENTS:

1. CMVR Application Form
2. Example format for CMVR Letter to be submitted with CMVR application



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SAMPLE OF COMPANY LETTERHEAD

Date

Code Modification/Variance Request
Hays County Fire Marshal's Office
firemarshal@co.hays.tx.us

RE: Project Name
Project Physical Address
Code Issue: State summary of code issue here

At minimum, provide the following information in your code modification request letter:

Introduction: Identify the project and state that you are requesting consideration of a modification or an alternate method of construction or materials.

Code Issue: Identify the specific code section for which the Code Modification Request /Alternative Methods and Materials is proposed.

Discussion/Justification: Provide rationale and supporting information, such as technical data, engineering calculations, results of actual field tests, requirements or allowances in other model codes, etc. that provide the basis for the County to accept the request. This could also include an official letter or email from the Fire Chief or Fire Prevention Officer of the responding fire department that states the request does not cause a hinderance of fire/emergency response or will not result in an increased risk of fire, additional threats to public safety, cause extraordinary public expense, or create nuisances, cause fraud or victimization of the public. Proposed design documents (i.e. architectural or engineering plans) and supporting information listed above should be attached to the request as needed to clarify proposed request.

Financial Considerations: Provide information on the financial (estimated) impact of compliance with the code as written/adopted and the financial (estimated) impact (expense/savings) of the proposed changes.

Conclusion: Provide a summary statement such as "In my/our professional opinion, the proposed code modification/alternate method of construction/materials meets the intent of the Adopted Code and provides a level of safety equivalent to, or better than, that required by the Adopted Code."

Printed Name and Signature / Title of Applicant

Printed Name and Signature of
Owner/Owner's Agent



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CODE MODIFICATION/VARIANCE REQUEST APPLICATION

SECTION A: PROJECT RELATED INFORMATION			
Name of Project:			
Project's Physical Address:			
Owner's Name:			
Code Issue:			
Applicable Adopted Code:			
Code Section:			
SECTION B: SUBMITTAL INFORMATION			
Applicant's Name:			
Representation:			
<input type="checkbox"/> Owner <input type="checkbox"/> Owner's Agent			
Company Name:			
Company Address:			
City:		State:	Zip:
Phone:		E-Mail:	
Signature:		Date Signed:	
SECTION C: OFFICIAL ACTION <i>(for official use only)</i>			
CMVR #:		Date Received:	Receipt #:
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/ Comments	<input type="checkbox"/> Denied	<input type="checkbox"/> Compliance Time Extension
Signature of County Fire Marshal:		Date:	