STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING
March 20, 2009
RICHMOND, VIRGINIA

Members Present	Members Absent
Mr. R. Schaefer Oglesby, Vice-Chairman	Mr. J. Robert Allen, Chairman
Mr. John W. Ainslie, Jr.	Mr. J. Daniel Crigler
Mr. Matthew Arnold	Mr. John H. Epperson
Mr. James R. Dawson	Ms. Joanne D. Monday
Mr. Joseph A. Kessler, III	Ms. Patricia S. O'Bannon
Mr. John A. Knepper, Jr.	
Mr. James N. Lowe	
Mr. Eric Mays	

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Vice-Chairman at approximately 10:00 a.m.

Roll Call

The attendance was established by Mr. Vernon W. Hodge, Secretary, and constituted a quorum. Mr. Steven Jack, Assistant Attorney General of the State Office of the Attorney General, and the Board's legal counsel, was also present.

Approval of Minutes

Mr. Lowe moved to approve the minutes of the January 23, 2009 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Ainslie and passed unanimously.

Final Orders

Appeal of Fairfax Propane; Appeal No. 06-5:

After discussion, Mr. Lowe moved to approve the final order with editorial corrections discussed on page 12 of the agenda package. The motion was seconded by Mr. Arnold and pass unanimously.

Appeal of Danville Historical Society; Appeal No. 08-5:

Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Knepper and passed unanimously with Mr. Lowe abstaining from the vote.

New Business

Appeal of Richard L. Dixon, Jr.; Appeal No. 07-3:

A hearing convened with the Vice-Chairman serving as the presiding officer. The appeal concerned Mr. Dixon's house, located at 112 Colony Way in Westmoreland County, and whether violations of the Virginia Uniform Statewide Building Code (USBC) are present.

The following persons were sworn in and given the opportunity to present testimony:

Richard L. Dixon
Jennifer Dixon
Thomas Bailey

Mr. Hodge advised the Vice-Chairman that a continuance request had been received from the Westmoreland County Attorney. The Vice-Chairman permitted the Dixons and Mr. Bailey to address the continuance request and then deferred to the Review Board members for a decision. After discussion, Mr. Mays moved to continue the appeal hearing to the next Review Board meeting. The motion was seconded by Mr. Dawson and passed unanimously.

Mr. Dixon requested the opportunity to submit additional documents in the appeal. Mr. Hodge indicated that a new deadline would be established for the submittal of documents by any party.

Interpretations

The Review Board members considered an interpretation request from the Prince William County Fire Marshal. Mr. Mays recused himself from the consideration of the request.

Mr. Dennis Cruise, outreach coordinator for the Virginia Propane Gas Association, was present and offered comments concerning the interpretation request.

After discussion, Mr. Lowe moved to issue the following interpretation of Section 315.3.1 of the Virginia Statewide Fire Prevention Code as Interpretation No. 3/2006:

Interpretations (continued)

QUESTION: Does Section 315.3.1 mean that when a building is required by the code under which it was constructed to be protected by automatic sprinklers, outdoor storage of combustible materials under eaves is prohibited except where automatic sprinklers are installed under such eaves?

ANSWER: It means that sprinklers under the eaves are only necessary to allow storage if specifically required by the code, including the sprinkler standard and its exceptions, under which the building was constructed.

The motion was seconded by Mr. Dawson and passed unanimously with Mr. Mays abstaining from the vote.

New Business

Appeal of Marco Mendoza; Appeal No. 08-6:

Mr. Arnold recused himself from the appeal hearing and deliberations stating that he had heard the case as a member of the Fairfax County Local Board of Building Code Appeals.

A hearing convened with the Vice-Chairman serving as the presiding officer. Mr. Mendoza was appealing enforcement action under the USBC by the County of Fairfax concerning a construction project at the home of Curtis and Shirley Clinton, located at 1509 Stuart Road, in Reston.

The following persons were sworn in and given the opportunity to present testimony:

Marco A. Mendoza
Curtis Clinton
Shirley Clinton
Paul M. Lynch, for the Fairfax County USBC department

Also present was:

Joseph M. Perez, Esq., counsel for Mr. Mendoza

New Business

Appeal of Marco Mendoza; Appeal No. 08-6 (continued):

No exhibits were submitted to supplement the Review Board agenda package.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and would be distributed to the parties when approved.

Decision: Appeal of Marco Mendoza; Appeal No. 08-6:

After deliberation, Mr. Lowe moved to uphold the decision of the Fairfax County USBC board which ruled that Mr. Mendoza was responsible for the USBC violations at the Clintons' house. The motion was seconded by Mr. Kessler and passed unanimously.

Secretary's Report

Mr. Dawson informed the Board members of a training opportunity concerning residential sprinklers provided by a coalition of fire services groups. Mr. Dawson indicated that he would provide further information to Mr. Hodge and it will be distributed to the Board members.

Mr. Hodge informed the Board members of activities of the Department in the development of the 2009 state building and fire codes. Mr. Hodge also informed the Board members that it was anticipated that the Board would meet in April and May of 2009.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Ainslie at approximately 2:00 p.m.

Approved: April 17, 2009

Chairman, State Building Code Technical Review Board

Secretary, State Building Code Technical Review Board