

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
April 16, 2010

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. R. Schaefer Oglesby, Vice-Chairman
Mr. John W. Ainslie, Jr.
Mr. Matthew Arnold
Mr. W. Keith Brower, Jr.
Mr. J. Daniel Crigler
Mr. John H. Epperson
Mr. Joseph A. Kessler, III
Mr. John A. Knepper, Jr.
Mr. James N. Lowe
Mr. Eric Mays

Members Absent

Mr. James R. Dawson
Ms. Joanne D. Monday
Ms. Patricia S. O'Bannon

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:00 a.m. The Chairman acknowledged the presence of the Vice-Chairman, who had missed the previous meeting for health reasons. The Review Board members and staff also welcomed the Vice-Chairman back.

Roll Call

The Chairman then asked Mr. Hodge to establish attendance and the roll call was called with a quorum present. 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 22, 2010 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed with Messrs. Ainslie, Epperson, Mays and Oglesby abstaining from the vote.

Final Orders

Appeal of Hampton Roads Hospitality, Inc.: Appeal No. 09-13:

After consideration, Mr. Crigler moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Kessler and passed with Mr. Lowe voting in opposition and Messrs. Ainslie, Epperson, Mays and Oglesby abstaining from the vote.

Final Orders

Appeal of Loudoun County USBC Department; Appeal Nos. 09-5 (809 Bluefield), 09-6 (823 Bluefield) and 09-7 (302 Norwich):

After consideration, Mr. Lowe moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed with Messrs. Ainslie, Epperson, Mays and Oglesby abstaining from the vote.

Appeal of Mack and Melanie Fleming; Appeal No. 09-9:

After consideration, Mr. Lowe moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed with Messrs. Ainslie, Epperson, Mays and Oglesby abstaining from the vote.

New Business

Appeal of Betty C. Hill; Appeal No. 08-12:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned citations under the Virginia Uniform Statewide Building Code (USBC) by the County of Arlington for a house located at 800-26th Place, South and owned by Betty C. Hill.

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

Betty Hill
Sarah Hill, relative of Betty Hill
Gary Greene, for Arlington County
Richard Freeman, for Arlington County

Also present was:

Brian R. Charville, Esq., counsel for Arlington County

Prior to testimony, counsel for Arlington County requested that the Chairman seclude Sara Hill during testimony of Betty Hill. After discussion concerning its necessity, the Chairman ruled to deny the request.

New Business

Appeal of Betty C. Hill; Appeal No. 08-12 (continued):

The following exhibit was submitted by Arlington County to supplement the Review Board agenda package.

Exhibit A – Color pictures of Ms. Hill’s house

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, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Betty C. Hill; Appeal No. 08-12:

After deliberation, Mr. Mays moved to uphold the decision of the code official and County of Arlington USBC appeals board that the garage wall and column is in violation of Part III of the USBC, and further moved to establish a time frame for correction of the violations of sixteen (16) months from the entering of the final order. The motion was seconded by Mr. Brower and passed unanimously.

After further deliberation, Mr. Mays moved to uphold the decision of the code official and County of Arlington USBC appeals board that the chimney in question was in violation of Part III of the USBC. After discussion, Mr. Epperson offered a substitute motion that the chimney in question was in compliance with Part III of the USBC. The substitute motion was seconded by Mr. Lowe and passed with Mr. Mays voting in opposition.

Appeal of Charles R. Dalton; Appeal Nos. 09-14 and 09-15:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the construction of Mr. Dalton’s home by Dunn-Rite Construction, located at 196 Deer Path Drive in the County of Appomattox, and determinations by the building official that the home was in compliance with the USBC.

New Business

Appeal of Charles R. Dalton; Appeal Nos. 09-14 and 09-15
(continued):

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

Arthur T. Dunn, for Dunn-Rite Construction
David S. Martin, for Appomattox County
Lonny Hamlett, for Appomattox County
Charles R. Dalton

Also present was:

John G. Overstreet, Esq., counsel for Appomattox County

The following exhibits were submitted by Mr. Dalton to supplement the Review Board agenda package.

Exhibit A – Photographs of Mr. Dalton's house
Exhibit B – Engineered drawing for porch roof
Exhibit C – Engineering correspondence for porch roof
Exhibit D – Plans for Mr. Dalton's house
Exhibit E – Installation instructions for roof vents

The following exhibit was submitted by Dunn-Rite Construction to supplement the Review Board agenda package.

Exhibit A – Brochure on foundation finishing system

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, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

New Business

Decision: Appeal of Charles R. Dalton; Appeal Nos. 09-14 and 09-15:

After deliberation, Mr. Epperson moved to uphold the decision of the building official and County of Appomattox USBC appeals board that the issues raised by Mr. Dalton in Appeal No. 09-14 were not violations of the USBC. The motion was seconded by Mr. Ainslie and passed unanimously.

After further deliberation, Mr. Epperson moved to uphold the decision of the building official and County of Appomattox USBC appeals board that the issues raised by Mr. Dalton in Appeal No. 09-15 were not violations of the USBC. The motion was seconded by Mr. Oglesby and passed unanimously.

Appeal of Walter Smith; Appeal No. 09-17:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the construction of Mr. Smith's home, located at 300 Konnarock Road in Smyth County, and determinations by the building official that the home was in compliance with the USBC.

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

Clegg Williams, Smyth County building official
Stephen E Browning, engineering consultant
Walter L. Smith

Also present was:

Michael A. Bragg, Esq., counsel for Mr. Smith

No exhibits were submitted by the parties to supplement the documents in the Review Board's agenda package.

New Business

Appeal of Walter Smith; Appeal No. 09-17 (continued):

The Chairman noted that the issue of whether the front porch slab was in violation of the USBC was removed from the issues for resolution by the Review Board due to the building official's stipulation that based on new evidence it was determined that a violation exists.

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, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Walter Smith; Appeal No. 09-17:

After deliberation, Mr. Brower moved to overturn the decision of the building official and County of Smyth USBC appeals board and rule that the venting of the attic is not in compliance with the USBC. The motion was seconded by Mr. Lowe and passed unanimously.

After further deliberation, Mr. Lowe moved to overturn the decision of the building official and County of Smyth USBC appeals board and rule that the construction of the exterior wall in the garage area is not in compliance with the USBC. The motion was seconded by Mr. Ainslie and passed unanimously.

Secretary's Report

Mr. Hodge discussed procedural aspects of an interpretation request received from the City of Richmond after the agenda package for the April meeting was distributed. A copy of the request was provided. After discussion, staff was directed to contact and work with the proponent to identify the interpretive issues rather than to have questions directed at how the code applies to given sets of circumstances.

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Adjournment There being no further business, the meeting was adjourned by motion of Mr. Epperson at approximately 3:45 pm.

Approved: June 18, 2010

/S/
Chairman, State Building Code Technical Review Board

/S/
Secretary, State Building Code Technical Review Board