STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
November 20, 2009

RICHMOND, VIRGINIA

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

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 September 18, 2009 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Oglesby and passed unanimously with Mr. Kessler abstaining from the vote.

Final Orders

Appeal of Runnymeade Homeowners Association; Appeal No. 06-15:

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

Appeal of Baxter Brothers Construction Company; Appeal No. 09-1:

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

Final Orders

Appeal of Keystone–RM, LLC; Appeal No. 09-3:

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. Oglesby and passed unanimously with Mr. Kessler abstaining from the vote.

New Business

Mr. Hodge advised the Review Board members that the appeal hearing for the appeal by Hampton Roads Hospitality, Inc. (Appeal No. 09-13) was continued by request and agreement of the parties and would be scheduled for the January 2010 Review Board meeting.

Appeal of Robert Artise; Appeal No. 07-8:

Mr. Hodge informed the Review Board members that the appealing party was not present for the hearing. After due consideration, Mr. Lowe moved to hear the appeal in the absence of the appealing party. The motion was seconded by Mr. Kessler and passed unanimously.

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the issuance of a condemnation and demolition order by the City of Portsmouth under the Virginia Uniform Statewide Building Code (USBC) for a vacant house located at 1406 Centre Avenue and owned by Linda Artise.

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

Gene White, for the City of Portsmouth
Robert Martin, for the City of Portsmouth

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

Mr. Arnold arrived at approximately 10:35 a.m. during questioning of the city representatives by the Review Board members.

New Business

Appeal of Robert Artise; Appeal No. 07-8 (continued):

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 Robert Artise; Appeal No. 07-8:

After deliberation, Mr. Oglesby moved to uphold the City of Portsmouth's USBC order directing Linda Artise to demolish the house. The motion was seconded by Mr. Crigler and passed unanimously.

Appeal of John and Sonia Ferraro; Appeal No. 09-8:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned a heating system renovation as part of a newly constructed addition to a house owned by John and Sonia Ferraro and located at 9212 Portner Avenue in the City of Manassas. The City's USBC department determined that the convection heaters for the addition did not comply with the manufacturer's installation instructions. The contractor for the addition, Architectural Design and Construction, Inc. (ADCI), appealed the decision to the Manassas City Board of Building Code Appeals, which overturned the decision. The owners further appealed to the Review Board.

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

Sonia Ferraro
Thomas Ferguson, for the City of Manassas
Michael Friedrichs, for ADCI

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

New Business

Appeal of John and Sonia Ferraro; Appeal No. 09-8 (continued):

Exhibit A – Construction plans for the addition

After review of the exhibit, the Chairman ruled it out of order as not relevant.

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 John and Sonia Ferraro; Appeal No. 09-8:

After deliberation, Mr. Arnold moved to reverse the decision of the Manassas City Board of Building Code Appeals and reinstate the USBC violation since the installation of the heating system for the addition had adversely affected the performance of the existing heating system. The motion was seconded by Mr. Lowe and passed with only Mr. Ainslie voting in opposition.

Interpretations

An interpretation request from the County of Franklin USBC department was considered concerning a policy or procedure for identifying wall bracing on construction documents. After discussion, Mr. Lowe moved that the request was seeking review and approval of a policy as opposed to seeking clarification concerning the wording of a particular provision of the USBC, and as such, no interpretation could be issued. Mr. Lowe further moved that the informal correspondence provided by staff was adequate in addressing the proponents concerns. The motion was seconded by Mr. Crigler and passed unanimously.

Interpretations (continued)

An interpretation request from the City of Harrisonburg Fire Department was considered concerning the application of the Virginia Statewide Fire Prevention Code (SFPC) to trailers or panel trucks serving food and utilizing fuel-fired appliances. After discussion, Mr. Oglesby moved to issue the following interpretation, designated as Interpretation No. 4/2006, concerning the use of the term "building" in the definition of "Commercial cooking appliances" in Section 602.1 of the SFPC:

QUESTION: Is a trailer or panel-truck considered to be a building under the SFPC, irrespective of whether it's immobilized or anchored?

ANSWER: No.

The motion was seconded by Mr. Crigler and passed unanimously.

Secretary's Report

Mr. Hodge reviewed the 2010 meeting schedule with Board members. Mr. Oglesby moved to approve the 2010 meeting schedule with the following meeting dates:

January 22	July 16
February 19	August 20
March 19	September 17
April 16	October 15
May 21	November 19
June 18	December 17

The motion was seconded by Mr. Ainslie and passed unanimously.

A code change proposal was presented based on discussions at a prior meeting for requiring a notice of violation under the SFPC to specify whether the violation was of a local fire prevention regulation or the SFPC. After discussion, it was decided to have the issue considered by the workgroups the Department was utilizing in the code change process and the issue will be further discussed at the next Review Board meeting.

Secretary's Report (continued)	An additional code change proposal was presented based on discussions at a prior meeting for extending training of the local appeals board to the SFPC as well as the USBC. After discussion, Mr. Lowe moved to approved the proposal as presented. The motion was seconded by Ms. O'Bannon and passed unanimously..
Adjournment	There being no further business, the meeting was adjourned by motion of Mr. Crigler at approximately 2:00 pm.

Approved: January 22, 2010

/S/
Chairman, State Building Code Technical Review Board

/S/
Secretary, State Building Code Technical Review Board