

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
January 25, 2013

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. R. Schaefer Oglesby, Vice-Chairman
Mr. W. Keith Brower, Jr.
Mr. James R. Dawson
Mr. Joseph A. Kessler, III
Mr. John A. Knepper, Jr.
Mr. James N. Lowe
Mr. Eric Mays
Ms. Joanne D. Monday
Ms. Patricia S. O'Bannon

Members Absent

Mr. Matthew Arnold
Mr. J. Daniel Crigler
Mr. John H. Epperson

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 in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

Mr. Lowe moved to approve the minutes of the November 16, 2012 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Knepper and passed unanimously with Messrs. Arnold and Brower abstaining from the vote.

New Business

Appeal of Richard Clayton; Appeal No. 12-5:

A hearing convened with the Vice-Chairman serving as the presiding officer. The appeal concerned the application of the Virginia Statewide Fire Prevention Code (SFPC) to buildings in the Fort Ellsworth Condominium complex in the City of Alexandria. Richard Clayton, the owner of a condominium in the complex, appealed a decision of the City's SFPC fire official to the City of Alexandria Local Board of Fire Code Appeals. The decision related to whether the owner of the buildings is required to conduct annual inspections of the fire protection features of the buildings. The City appeals board upheld the fire official's decision and Clayton further appealed to the Review Board.

New Business

Appeal of Richard Clayton; Appeal No. 12-5 (continued):

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

Richard Clayton
Rudolph Thomas, Alexandria Asst. Fire Chief/Fire Marshal

Also present were:

Mary O'Donnell, Esq., counsel for the City of Alexandria
Martin Schubert, Esq., counsel for the Fort Ellsworth Unit
Owners Association

Mr. Kessler arrived at approximately 10:10 a.m.

No exhibits were submitted at the hearing to supplement the record in the appeal.

After testimony concluded, the Vice-Chairman closed the hearing and stated a decision from the Review Board members 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 Richard Clayton; Appeal No. 12-5:

After deliberation, Mr. Allen moved to uphold the decision of the fire official and the City appeals board since Section 703.1 of the International Fire Code requiring an annual visual inspection of fire-resistant-rated construction by the owner is superseded by Section 103.2 of the SFPC, which states that all administrative matters in the codes and standards referenced by the SFPC, including requirements for inspections, are deleted and replaced by the provisions of Chapter 1 of the SFPC and Chapter 1 of the SFPC does not require such inspections. The motion was seconded by Mr. Arnold and passed unanimously.

Interpretations

An interpretation request from the building official of York County was considered. Ms. Marianne Harris, the building official for York County, was present and provided an overview of the question and situation. Mr. Hodge advised the Review Board members that historically when an interpretation request involves a potential appeal situation the Board does not take any action on it. After discussion, the request was deferred.

Secretary's Report

Messrs. Hodge and Jack discussed the handling of public comments. After discussion, there was agreement to have a public comment period at the beginning of meetings.

The Board members considered a proposal for an amendment to the Virginia Uniform Statewide Building Code (USBC) and the Virginia Industrialized Building Safety Regulations partially based on a previous interpretation issued by the Board concerning the applicability of the USBC to storage containers. After discussion, Mr. Lowe moved to endorse the proposal as a co-proponent along with the Virginia Building and Code Officials Association's Administrative Committee. The motion was seconded by Mr. Oglesby and passed unanimously.

An additional proposal for an amendment to the USBC concerning the use of electronic inspection reports was considered. The proposal was based on a previous interpretation request issued by the Review Board. The proposal had been reviewed by a workgroup organized by the Department as part of the code development process and there was a suggestion to delete the reference in the proposal to a determination by the locality's legal counsel. After discussion, Mr. Allen moved to revise the proposal to remove the reference to the legal counsel. The motion was seconded by Mr. Dawson and passed unanimously.

Mr. Emory Rodgers, the Deputy Director of the Department's Division of Building and Fire Regulation briefly addressed the Board members concerning the code change process for developing the 2012 building and fire regulations. Mr. Rodgers then introduced Ms. Cindy Davis, the new State Building Code Administrator in the Department's State Building Codes Office.

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Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Lowe at approximately 1:10 p.m.

Approved: March 15, 2013

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board