

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING  
March 16, 2012

RICHMOND, VIRGINIA

Members Present

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

Members Absent

Mr. James R. Dawson  
Mr. John H. Epperson  
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 in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

Mr. Oglesby moved to approve the minutes of the November 18, 2011 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Lowe and passed unanimously with Mr. Arnold abstaining from the vote.

Final Orders

Appeal of Esther B. Coleman and Beverly A. Bell; Appeal No. 11-14:

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. Arnold abstaining from the vote.

Appeal of Walter Stanley Jennings; Appeal No. 11-11:

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. Arnold abstaining from the vote.

Final Orders

Appeal of Glenn Yates, Jr., AIA; Appeal No. 11-13:

After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package with editorial corrections to insert the word "as" in line three and strike the word "as" in line five of the second paragraph on page six of the order. The motion was seconded by Mr. Lowe and passed unanimously with Mr. Arnold abstaining from the vote.

Old Business

Appeal of Sovereign Homes, Inc.; Appeal No. 10-23:

Mr. Hodge briefed the Board members on the procedures for handling post-hearing submittals in appeals as they are only submitted infrequently. The Board members then considered post-hearing submittals received in the Sovereign Homes appeal. Mr. Hodge distributed correspondence received after the Board members' agenda package was mailed. In the latest correspondence, the parties agreed not to attend the meeting and asked only for a correction of the final order concerning the time which transpired between the completion of the house and the discovery of the violations by Frederick County. Mr. Hodge verified that the timeframe in the final order was incorrect and suggested striking the words "less than a year" in the first line of the second paragraph on page two of the order, and inserting "approximately four years" in its place. The Board members approved the rewording and it was noted that a corrected final order would be sent to the parties.

New Business

Appeal of Charles E. Bird; Appeal No. 11-16:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned a ruling by the Town of Pulaski building official that the barrier for a newly constructed above-ground swimming pool at Mr. Bird's residence, located at 1975 Peppers Ferry Road in the Town of Pulaski, did not meet the requirements of the Virginia Uniform Statewide Building Code (USBC). The ruling of the building official had been appealed by Mr. Bird to the Town of Pulaski Housing Board of Adjustment and Appeals and the building official's ruling was upheld.

New Business

Appeal of Charles E. Bird; Appeal No. 11-16 (continued):

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

Charles Bird  
Tom Compton, building official for the Town of Pulaski

Mr. Kessler arrived at approximately 10:15 a.m.

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

After testimony concluded, the Chairman closed the preliminary 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 Charles E. Bird; Appeal No. 11-16:

After deliberation, Mr. Mays moved to overturn the decision of the Town of Pulaski building official and the decision of the Town of Pulaski Housing Board of Adjustment and Appeals and to rule instead that the only USBC violation present was that the equipment located next to the pool was a climbing hazard and not protected by a barrier. It was further noted that the International Residential Code rather than the International Building Code was applicable to the installation. The motion was seconded by Mr. Crigler and passed unanimously.

Interpretations

An interpretation request from Mr. David Beahm, building official for the County of Warren was considered. Mr. Beahm was present and provided the Review Board members with an overview of the request. In consideration of the request, during discussion among the Board members and with staff, Mr. Hodge suggested that the questions presented could be narrowed to a single question and answer if the Board members determined that all the unsafe provisions of the Virginia Maintenance Code were applicable.

Interpretations

After further discussion, Mr. Arnold moved to issue the following interpretation of Section 104.1 of the Virginia Construction Code:

Question: Do all the provisions for unsafe structures in the Virginia Maintenance Code, wherever located, apply in enforcing the second paragraph of Section 104.1?

Answer: Yes.

The motion was seconded by Mr. Mays and passed unanimously. The interpretation is designated as Interpretation No. 3/2009.

Secretary's Report

The Board members considered four proposals drafted by staff for the 2012 USBC based on Interpretation Nos. 2/2003 (shipping containers), 6/2006 (electronic notices), 7/1990 (energizing electrical services) and 26/1990 (separation of dwelling units). After discussion, Mr. Oglesby moved to forward the proposals to the Board of Housing and Community Development. The motion was seconded by Ms. Monday and passed unanimously.

An additional proposal concerning USBC violations caused by defective materials, which the Review Board members had directed staff to develop as the result of an appeal case, was considered. After discussion, staff was given direction to revise the proposal for consideration at a future meeting.

Board members then reviewed a revised appeal application form and directed staff to change the number of days from the certificate of service to the receipt of the form to be five (5) days instead of three (3) days.

A calendar of meeting dates for 2012 was then considered. Mr. Knepper moved to approve the following meeting dates if needed:

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

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Secretary's Report                    The motion was seconded by Mr. Brower and passed unanimously.

Adjournment                         There being no further business, the meeting was adjourned by motion of Mr. Lowe at approximately 1:00 pm.

Approved: July 20, 2012

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/S/  
Chairman, State Building Code Technical Review Board

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/S/  
Secretary, State Building Code Technical Review Board