

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, September 17, 2021 - 10:00am
Henrico County Twin Hickory Area Library
5001 Twin Hickory Road Glen Allen, Virginia 23059

- I. Roll Call **(TAB 1)**
- II. Approval of May 21, 2021 Minutes **(TAB 2)**
- III. Approval of July 16, 2021 Minutes **(TAB 3)**
- IV. Approval of Final Order **(TAB 4)**

In Re: Monica and Michael Davis
Appeal No 21-02
- V. Approval of Final Order **(TAB 5)**

In Re: Anthony T. Grant, Jr.
Appeal No 21-03
- VI. Public Comment
- VII. Secretary's Report
 - a. 2018 Interpretation Booklet **(TAB 6)**
 - b. October/November 2021 meeting update

STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair

(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair

(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler

(Virginia Home Builders Association)

J. Daniel Crigler

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

Alan D. Givens

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

David V. Hutchins

(Electrical Contractor)

Christina Jackson

(Commonwealth at large)

Joseph A. Kessler, III

(Associated General Contractors)

Eric Mays

(Virginia Building and Code Officials Association)

Joanne D. Monday

(Virginia Building Owners and Managers Association)

J. Kenneth Payne, Jr., AIA, LEED AP BD+C

(American Institute of Architects Virginia)

Elizabeth C. White

(Commonwealth at large)

Richard C. Witt

(Virginia Building and Code Officials Association)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

1 **STATE BUILDING CODE TECHNICAL REVIEW BOARD**
2 **MEETING MINUTES**
3 **May 21, 2021**
4 **Virtual Meeting**

5 <https://vadhcd.adobeconnect.com/lbbca/>
6

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Mr. David V. Hutchins
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. J. Kenneth Payne, Jr., AIA
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Daniel Crigler
Ms. Joanne Monday

- 7 Call to Order The meeting of the State Building Code Technical Review Board
8 ("Review Board") was called to order at approximately 10:00 a.m. by
9 Secretary Travis Luter.
10
11 Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin
12 I. Bell, legal counsel for the Board from the Attorney General's Office,
13 was also present.
14
15 Approval of Minutes The draft minutes of the March 19, 2021 meeting in the Review
16 Board members' agenda package were considered. Mr. Payne moved
17 to approve the minutes as presented. The motion was seconded by
18 Ms. Jackson and passed unanimously.
19
20 The draft minutes of the April 16, 2021 meeting in the Review Board
21 members' agenda package were considered. Mr. Payne moved to
22 approve the minutes as presented. The motion was seconded by Ms.
23 Jackson and passed with Messrs. Butler, Givens, Hutchins, and Witt
24 abstaining.
25
26 Final Order Appeal of Fairfax County: Appeal No. 21-01:
27
28 After review and consideration of the final order presented in the
29 Review Board members' agenda package, Mr. Payne moved to approve
30 the final order as presented. The motion was seconded by Mr. Witt and
31 passed unanimously.
32

33 Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had contacted him to speak. With no one requesting to speak, requesting to be acknowledged to speak by use of the raised hand feature of the Adobe Connect meeting platform, or requesting to speak in the chat box section of the Adobe Connect meeting platform, Chair Dawson closed the public comment period.

40 New Business

Monica and Michael Davis; Appeal No. 21-02:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the home located at 1002 Round Hill School Road in Augusta County.

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

Monica Davis, Property Owner
Michael Davis, Property Owner
G. W. Wiseman, Augusta County Building Official

After testimony concluded, Chair Dawson 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: Monica and Michael Davis; Appeal No. 21-02:

Motion #1

After deliberations, Mr. Mays moved to uphold the local building official and local appeals board acceptance of the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report. The motion was seconded by Mr. Witt.

After further deliberations, Mr. Payne moved to substitute for the pending motion the following: To uphold the local building official and local appeals board to accept the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report with the exemption of items #8 and #12 in the letter from the local building official dated July 16, 2020. Mr. Payne further moved to overturn the local building official and local appeals board acceptance of the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report for items #8 and #12 in the letter from the local building official dated July 16, 2020. The substitute was seconded by Mr. Mays.

80 After additional deliberation, the substitute was withdrawn. The
81 original motion by Mr. Mays was also withdrawn
82

83 Motion #2

84 After further deliberations, Mr. Kessler moved to uphold the local
85 building official and local appeals board acceptance of the Schnitzhofer
86 Structural Engineers report dated November 3, 2020 as a valid
87 engineers report for the letter from the local building official dated July
88 16, 2020. Mr. Kessler further moved that the report did not resolve any
89 issues identified in the letter from the local building official dated July
90 16, 2020. Mr. Kessler further moved that the Engineering Solutions
91 report was also a valid report for the letter from the local building
92 official dated July 16, 2020. The motion was seconded by Mr. Payne
93 and passed unanimously.
94

95 Anthony T. Grant, Jr.; Appeal No. 21-03:

96
97 A hearing convened with Chair Dawson serving as the presiding
98 officer. The hearing was related to the home located at 4281 Cole
99 Avenue in the City of Suffolk.

100
101 The following persons were sworn in and given an opportunity to
102 present testimony:
103

104 Anthony T. Grant, Jr., Property Owner
105 Ashley Grant, Property Owner
106 Michael Robinson, City of Suffolk Building Official
107 Jeffery Sadler, Witness for the City of Suffolk
108 Carl Stevens, Witness for the City of Suffolk
109

110 Also present was:

111
112 Sean Dolan, legal counsel for the City of Suffolk
113

114 After testimony concluded, Chair Dawson closed the hearing and stated
115 a decision from the Review Board members would be forthcoming and
116 the deliberations would be conducted in open session. It was further
117 noted that a final order reflecting the decision would be considered at a
118 subsequent meeting and, when approved, would be distributed to the
119 parties, and would contain a statement of further right of appeal.
120

121 Decision: Anthony T. Grant, Jr.; Appeal No. 21-03:

122
123 Item #1

124 After deliberations, Mr. Mays moved that the City of Suffolk local
125 appeals board did not comply with the Remand Order dated January

126 11, 2019. The motion was seconded by Mr. Kessler and passed
127 unanimously.

128
129 Item #2
130 After further deliberations, Mr. Givens moved that the city of Suffolk
131 building official is to provide complete manual J, and D calculations
132 based on the original plans with corrected orientation, and adjustments
133 made for missing and new windows applied to them. The city of
134 Suffolk building official is also to provide all the backup
135 documentation including but not limited to wall construction type,
136 glazing and door details, insulation validating the data contained in the
137 new Manual J and D calculations of the home not on the as built as this
138 could require destructive testing. Once the accurate manual J and D
139 calculations are completed, then see, in particular, if the system meets
140 these requirements by testing air flow to each room, and if the BTU
141 values of the current system meets the requirements of the structure.
142 The city of Suffolk building official should also issue NOV's for the
143 other issues contributing to the comfort issues that were identified such
144 as but not limited to sealing registers, and vapor barrier issues in the
145 crawl space. The city of Suffolk building official shall also provide all
146 of the supporting documents and completed manual J and D
147 calculations to the State Technical Code Review Board. The motion
148 was seconded by Mr. Pharr and passed with Messrs. Butler and
149 Hutchins and Ms. Jackson voting in opposition.

150
151 Secretary's Report Mr. Luter informed the Board of the current caseload for the upcoming
152 meeting scheduled for July 16, 2021.

153
154 Attorney Bell provided legal updates to the Board.

155
156 Adjournment There being no further business, the meeting was adjourned by proper
157 motion at approximately 5:00 p.m.

158
159 Approved: July 16, 2021

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board
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1 **STATE BUILDING CODE TECHNICAL REVIEW BOARD**
2 **MEETING MINUTES**
3 **July 16, 2021**
4 **Henrico County Tuckahoe Area Library**
5 **1901 Starling Drive, Henrico, Virginia 23229**
6

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Christina Jackson
Ms. Joanne Monday
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens
Mr. David V. Hutchins
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. J. Kenneth Payne, Jr., AIA

- 7 Call to Order The meeting of the State Building Code Technical Review Board
8 ("Review Board") was called to order at approximately 10:30 a.m. by
9 Secretary Travis Luter.
10
11 Roll Call The roll was called by Mr. Luter and a quorum was not present. Mr.
12 Donald R. Ferguson, legal counsel for the Board from the Attorney
13 General's Office, was also present.
14
15 Public Comment Chair Dawson opened the meeting for public comment. Mr. Luter
16 advised that no one had signed up to speak. With no one coming
17 forward, Chair Dawson closed the public comment period.
18
19 New Business Due to the lack of a quorum no business could be conducted.
20
21 Secretary's Report Mr. Luter informed the Board of the current caseload.
22
23 Adjournment The Chair adjourned the meeting at approximately 11:00 a.m.
24
25

26 Approved: August 20, 2021
27
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29 Chairman, State Building Code Technical Review Board
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33 Secretary, State Building Code Technical Review Board
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1 VIRGINIA:
2

3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
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6 IN RE: Appeal of Monica and Michael Davis
7 Appeal No. 21-02
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9 DECISION OF THE REVIEW BOARD
10

11 I. Procedural Background
12

13 The State Building Code Technical Review Board (Review Board) is a Governor-
14 appointed board established to rule on disputes arising from application of regulations of the
15 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
16 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
17 Act (§ 2.2-4000 et seq. of the Code of Virginia).
18

19 II. Case History

20 On March 27, 2020, the County of Augusta Department of Community Development
21 (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012
22 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the
23 Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling
24 located at 1002 Round Hill School Road, in Augusta County.

25 Shortly after moving into their new home, Davis contacted the County Building Official
26 requesting he come inspect a variety of issues and concerns they had with their home, attached
27 garage, and detached garage.

28 In June and July of 2020, the County Building Official visited the Davis property several
29 times investigating the issues brought forth by Davis. During one or more of these inspections,
the County Building Official found several violations. On July 16, 2020, the County Building

30 Official issued a letter to Hendricks and Son General Contractor, LLC citing seventeen (17) code
31 violations.

32 In September of 2020, Schnitzhofer Structural Engineers visited the Davis home to
33 evaluate the residence with attached garage and detached garage related to the cited violations in
34 the July 16, 2020 letter from the County Building Official. Schnitzhofer Structural Engineers
35 drafted a letter dated November 3, 2020, which was received by Augusta County on November 9,
36 2020. The Schnitzhofer Structural Engineers letter was reviewed and accepted by the County
37 Building Official.

38 Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local
39 appeals board) for the acceptance and approval of the Schnitzhofer Structural Engineers letter.
40 Davis further appealed to the local appeals board to consider the proposal report from Engineer
41 Solutions and require the builder to approach the cited violations with the suggested analysis
42 process set forth in that report. The local appeals board upheld the decisions of the County
43 Building Official finding that the Schnitzhofer Structural Engineers report was a valid engineering
44 report for the Davis' structure. On February 1, 2021, Davis further appealed to the Review Board.

45 A virtual Review Board hearing was held May 21, 2021. Appearing at the Review Board
46 hearing for Augusta County was G. W. Wiseman. Monica and Michael Davis attended the hearing
47 on their behalf.

48 III. Findings of the Review Board

49 A. Whether to uphold the decision of the County Building Official and the local appeals
50 board that the Schnitzhofer Structural Engineers report is a valid report for the Davis
51 structure.

52 Davis argued that Schnitzhofer Structural Engineers were unable to provide an accurate
53 report as many of the violations cited in the letter from the County Building Official dated July

54 16, 2020. were in locations that were covered with drywall. Davis further argued that because
55 the drywall was not removed, the cited violations had not been properly investigated; therefore,
56 the report could not satisfy the issues as indicated in the County Building Official’s letter dated
57 March 31, 2021. Davis further argued that without proper investigation the report could not
58 provide the required engineer evaluation and design necessary for the repairs pursuant to the
59 letter from the building official dated July 16, 2020. Davis also argued that the Engineer
60 Solutions report provided a “clear-cut flawless” report as it was performed in conjunction with
61 the removal of drywall for proper investigation, and provided the design for repair as required in
62 the letter from the County Building Official dated July 16, 2020. Davis argued each individual
63 violation cited in the letter from the County Building Official dated July 16, 2020.

64 The County argued that the Schnitzhofer Structural Engineers report was a valid report
65 for the letter from the County Building Official dated July 16, 2020. The County further argued
66 that the Schnitzhofer Structural Engineers report fully resolved items #8 and #12 of the letter
67 from the building official dated July 16, 2020. The County argued that the remaining items
68 from the letter from the County Building Official dated July 16, 2020 could be resolved if the
69 repairs were done in accordance with the instructions in the Schnitzhofer Structural Engineers
70 report which the building official approved by approval of the report.

71 The Review Board agrees with the County and local appeals board that the Schnitzhofer
72 Structural Engineers report is a valid report, but does not resolve any of the issues outlined in the
73 July 16, 2020 letter from the County Building Official. The Review Board further finds that the
74 Engineering Solutions report is also a valid report.

75 IV. Final Order

76 The appeal having been given due regard, and for the reasons set out herein, the Review
77 Board orders as follows:

78 A. Whether to uphold the decision of the County Building Official and the local appeals
79 board that the Schnitzhofer Structural Engineers report is a valid report for the Davis
80 structure.

81 The decision by the County Building Official and local appeals board that the Schnitzhofer
82 Structural Engineers report is a valid report is upheld noting that the Engineering Solutions report,
83 provided by the Davis', is also a valid report.

84 .

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Chair, State Building Code Technical Review Board

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91 Date entered _____ July 16, 2021 _____

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96 As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days
97 from the date of service (the date you actually received this decision or the date it was mailed to
98 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal
99 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served
on you by mail, three (3) days are added to that period.

1 VIRGINIA:
2

3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
5

6 IN RE: Appeal of Anthony T. Grant, Jr.
7 Appeal No. 21-03
8

9 DECISION OF THE REVIEW BOARD
10

11 I. Procedural Background
12

13 The State Building Code Technical Review Board (Review Board) is a Governor-
14 appointed board established to rule on disputes arising from application of regulations of the
15 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
16 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
17 Act (§ 2.2-4000 et seq. of the Code of Virginia).
18

19 II. Case History

20 In May of 2015, the City of Suffolk Planning and Community Development Office (City
21 building official), the agency responsible for the enforcement of Part 1 of the 2009 Virginia
22 Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a final inspection
23 and a subsequent Certificate of Occupancy for a single-family dwelling at 4281 Cole Avenue in
24 the City of Suffolk which was purchased by Ashley and Anthony T. Grant Jr. (Grant) in June of
25 2015¹.

26 Due to the lack of action by the City appeals board, on July 27, 2020 Grant, through his
27 attorney, filed a Show Cause Order or Enforcement of Decision of the State Building Code
28 Technical Review Board against the City appeals board, in the City of Suffolk Circuit Court. In
January of 2021, the City appeals board again ruled to uphold the decision of the City building

¹ This case is not the first time the Review Board has seen these parties. Please see Review Board Appeal Case 18-10 which is attached as a supplement.

29 official that the heating and cooling system was sized properly. Grant further appealed to the
30 Review Board stating that the City appeals board had not complied with the Review Board Remand
31 Order dated January 11, 2019.

32 A virtual Review Board hearing was held May 21, 2021. Appearing at the Review Board
33 hearing for the City of Suffolk were Michael Robinson, Jeff Sadler, Carl Stevens, and Sean Dolan,
34 legal counsel for the city. Anthony and Ashley Grant attended the hearing on their behalf.

35 III. Findings of the Review Board

36 A. Whether the City appeals board complied with the Remand Order dated January 11, 2019

37 Grant argued the City appeals board did not comply with the Remand Order dated
38 January 11, 2019, to provide the Manual S, J, and D calculations and other requisite information
39 within 60 days. Grant further argued that he made many attempts via telephone calls and emails
40 to discuss the matter with the City building official. Grant also argued that only after the filing
41 of the Show Case Order, did the City building official respond. Grant further argued that the
42 HVAC contractor, utilized by the City building official to conduct the required testing on his
43 home, did not properly evaluate his home.

44 The City, through legal counsel, argued that following the recommendation of the
45 Review Board, the City retained a third party contractor to evaluate the sizing of the HVAC
46 system in its as built condition to provide the City appeals board additional information to be
47 used to evaluate the HVAC system. The City further argued that all of the information the City
48 acquired from the third party contractor indicated the HVAC was properly sized.

49 The Review Board agrees with Grant that the City appeals board did not comply with the
50 Remand Order dated January 11, 2019. The Review Board further finds that there is still
51 insufficient information present to make an informed decision and remands the appeal back to the

52 City building official to provide specific information and documentation for a better evaluation of
53 the HVAC system.

54 IV. Final Order

55 The appeal having been given due regard, and for the reasons set out herein, the Review
56 Board orders as follows:

57 A. Whether the City appeals board complied with the Remand Order dated January 11, 2019

58 The City appeals board did not comply with the Remand Order dated January 11, 2019 and
59 that the decision by the City building official and City appeals board that HVAC system is sized
60 properly remains overturned.

61

62 Remand Order

63

64 The appeal having been given due regard, and for the reasons set out herein, the Review
65 Board orders this matter to be, and hereby is, remanded to the City building official to provide
66 complete manual J, and D calculations based on the original plans with corrected orientation, and
67 adjustments made for missing and new windows applied to them. The City building official is also
68 to provide all the backup documentation including, but not limited to, wall construction type,
69 glazing and door details, insulation validating the data contained in the new Manual J and D
70 calculations of the home not on the as built as this could require destructive testing. Once the
71 accurate manual J and D calculations are completed, then see, in particular, if the system meets
72 these requirements by testing air flow to each room, and if the BTU values of the current system
73 meets the requirements of the structure. The City building official should also issue NOV's for the
74 other issues contributing to the comfort issues that were identified such as but not limited to sealing
75 registers, and vapor barrier issues in the crawl space. The City building official shall also provide

76 all of the supporting documents and completed manual J and D calculations to the State Technical
77 Code Review Board.

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Chair, State Building Code Technical Review Board

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85 Date entered ____July 16, 2021____

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89 As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days

90 from the date of service (the date you actually received this decision or the date it was mailed to

91 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal

92 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served

93 on you by mail, three (3) days are added to that period.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Division of Building and Fire Regulation
State Building Codes Office
Main Street Centre, 600 East Main Street, Suite 300
Richmond, Virginia 23219

STATE BUILDING CODE TECHNICAL REVIEW BOARD

INTERPRETATION BOOKLET

Containing Interpretations Applicable to the 2018 Editions

of the

Virginia Uniform Statewide Building Code

and the

Virginia Statewide Fire Prevention Code

September 2021

PREFACE

The Virginia State Building Code Technical Review Board (Review Board) is a governor-appointed board within the Virginia Department of Housing and Community Development. The board is responsible for hearing appeals arising under the application of the Virginia Uniform Statewide Building Code (USBC), the Virginia Statewide Fire Prevention Code (SFPC) and other building and fire-related regulations of the Department. As a secondary function, the Board interprets the provisions of the USBC and the SFPC and makes recommendations to the Virginia Board of Housing and Community Development for future modification, amendment or repeal of such provisions.

The interpretation booklet contains those interpretations of the Review Board which are still applicable to the code in effect at a given time, rather than a compilation of all interpretations ever issued by the Review Board. The older interpretation booklets and compilations may be reviewed in connection with existing buildings or situations and are therefore still available from the Department, on its website and on the websites of organizations involved in building and fire-code related activities. However, the interpretations in this booklet are those applicable to the 2018 edition of the USBC and the SFPC. Interpretations which were issued under a previous edition of the code, but which are still applicable to the current code, have been editorially changed to correct section references and terminology.

As additional interpretations are issued by the Review Board, they will be posted on the Department's website. Interpretation requests may be submitted by any code official. If requests are submitted by personnel other than a building or fire official, then the appropriate official will be contacted to assure the request is desired. If an appeal situation exists or potentially exists, then the Review Board may not consider the interpretation request.

Interpretation requests may be submitted by any code personnel with approval from the corresponding Building, Maintenance, or Fire Official on a form available on the Department's website. Inquiries or assistance may be obtained by contacting the Review Board staff within the State Building Codes Office, Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, Virginia 23219, or by calling (804) 371-7150.

INTERPRETATIONS
of the
2018 USBC Part I – Virginia Construction Code (VCC)

VCC Section 102.3
Code Interpretation No. 1/2019
First Issued: 05/17/19, 2015 Edition

QUESTION #1: Are equipment, wiring, and support structures that will be under the control of an electric company exempt from the USBC?

ANSWER: Yes, as long as the equipment, wiring, or support structures in question are located on property for which the electric company has rights of occupancy and entry.

Note: No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.

QUESTION #2: Are equipment, wiring and support structures that are under the control of an electric company, but are located on property that is leased, exempt from the USBC?

ANSWER: Yes, exempt equipment, wiring and support structures can be located within utility rights of-way, land owned or leased by the electric company, or on property that the electric has rights of entry and occupancy.

Note: No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.

QUESTION #3: Are equipment, wiring or support structures that are installed by a contractor or an entity other than the electric company, but the electric company will control the equipment, wiring or support structures once they are installed and will have rights of occupancy and entry to the property, exempt from the USBC?

ANSWER: Yes, regardless of who installs wiring, equipment or support structures, if they will be controlled by the electric company upon completion, they are exempt from the USBC and permits are not required.

Note: No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.

QUESTION #4: Are equipment, wiring or support structures that are under the control of the electric company and the electric company maintains rights of occupancy and entry to the property, but the wiring, equipment or support structures are being maintained and operated by a contractor or an entity other than the electric company, exempt from the USBC?

ANSWER: Yes, if the electric company utilizes a 3rd party contractor to operate or maintain wiring, equipment or support structures, but the electric company maintains control, the wiring, equipment or support structures in question are exempt from the USBC.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

QUESTION #5: Are equipment, wiring and support structures that are under the control of an entity that is not an electric company exempt from the USBC?

ANSWER: No.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

VCC Section 102.3
Code Interpretation No. 2/2019
First Issued: 11/15/19, 2015 Edition

QUESTION: Is a permit required to add, upgrade, or replace an antenna on an existing cell tower?

ANSWER: No, a permit is not required to add, upgrade, or replace an antenna on an existing tower because it is exempted from the code, as long as it does not create an unsafe condition prohibited by the USBC.

Note: For example, if you are increasing the structural load on an existing tower by adding, upgrading, or replacing an antenna on the existing cell tower, you may be creating an unsafe condition prohibited by the USBC.

VCC Section 104.1
Code Interpretation No. 2/06
First Issued: 06/20/08, 2006 Edition

QUESTION: In jurisdictions which have not elected to enforce the Virginia Maintenance Code, does the third paragraph of Section 104.1 give authority to investigate complaints of immediate and imminent threats to the health and safety from any complainant rather than just complaints by a tenant of a residential rental unit that is the subject of such complaint?

ANSWER: No, this provision would only apply to enforcement actions under the previous paragraph unless the locality has elected to enforce the Virginia Maintenance Code.

VCC Section 106.2 and 113.7
Code Interpretation No.1/2020
First Issued: 01/22/21, 2015 Edition

QUESTION #1: Is the elevator inspector, approved by the VCC Sections 106.2 or 113.7, and VMC Section 104.5 required to witness either virtually, in-person, or by other approved means the acceptance or periodic tests of elevators, escalators, or similar conveyances?

ANSWER: Yes.

QUESTION #2: Does the code official have the authority to waive the witnessing of tests pursuant to the question #1 above?

ANSWER: No.

VCC Section 202 (Definition of “night club”)
Code Interpretation No. 1/09
First Issued: 06/17/11, 2009 Edition

QUESTION: How do you apply the “main use” terminology in the definition of night club?

ANSWER: Determining the main use of a structure is a factual question to be made at the discretion of the local official.

VCC Section R302.7
Code Interpretation No. 1/2021
First Issued: 03/19/21, 2015 Edition

QUESTION: If open stud framing has been installed without drywall or other covering under the stairway in an unfinished basement, is the area considered enclosed?

ANSWER: No.

VCC Section 2801.1 (International Mechanical Code Section 602.1)
Code Interpretation No. 20/90
First Issued: 07/17/92, 1990 Edition

QUESTION: Does Section 602.1 prohibit completely sealed (combustion chamber and combustion air) fuel-fired mechanical appliances from being located in a return-air plenum?

ANSWER: Yes. Section 602.1 prohibits the installation of fuel-fired equipment in plenums. However, technical data, research reports or other information may be submitted to the code official to substantiate the approval of a modification request for the use of a specific unit listed for that purpose.

VPC Section 410.4
Code Interpretation No. 3/2019
First Issued: 11/15/19, 2015 Edition

QUESTION: May the faucet of a pantry sink be used as a required water dispenser?

ANSWER: No, the term water dispenser is used in the drinking fountain section of the code and is specific to that use so it needs to be accessible; therefore, a sink with a faucet is not an appropriate means of substituting for a required drinking fountain.

INTERPRETATIONS
of the
2018 USBC Part III – Virginia Maintenance Code (VMC)

VMC Section 104.1
Code Interpretation No. 3/09
First Issued: 03/16/12, 2009 Edition

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.

VMC Section 104.5
Code Interpretation No. 1/2020
First Issued: 01/22/21, 2015 Edition

QUESTION #1: Is the elevator inspector, approved by the VCC Sections 106.2 or 113.7, and VMC Section 104.5 required to witness either virtually, in-person, or by other approved means the acceptance or periodic tests of elevators, escalators, or similar conveyances?

ANSWER: Yes.

QUESTION #2: Does the code official have the authority to waive the witnessing of tests pursuant to the question #1 above?

ANSWER: No.

INTERPRETATIONS
of the
2018 Virginia Statewide Fire Prevention Code

Section 202 (Use of the term “building” in the definition of “commercial cooking appliance”)
Code Interpretation No. 4/06
First Issued: 11/20/09, 2006 Edition

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.

Section 308.1.4
Code Interpretation No. 4/09
First Issued: 11/16/12, 2009 Edition

QUESTION: Does Section 308.1.4, Exception 1 include townhouses?

ANSWER: Yes.