

ORANGE COUNTY, VIRGINIA
DEPARTMENT OF BUILDING & DEVELOPMENT SERVICES

COMMUNITY DEVELOPMENT BUILDING
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



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OrangeCountyVA.gov

LOCAL BOARD OF BUILDING CODE APPEALS

MEETING MAY 22, 2019

Meeting was called to order at 4:57 pm

Members Present: GW Gray, Building Official, Barbara Crozier, Secretary, Marshall Gillum, Chairman, Benny Sedwick, Danny Gooch, George Allman, Joe Wayner

Members Absent: None

Benny Sedwick made a motion to keep the current officers Marshall Gillum as Chairman and Barbara Crozier as Secretary. The motion was seconded by Danny Gooch and carried unanimously.

It was noted that no member's terms expire this year and there will be another meeting before December 2020 when Benny Sedwick, Joe Wayner and Marshall Gillum terms expire.

Marshall asked about changes between the 2012 Code and 2015 Code on both Residential and Commercial. GW said there was a fair amount of changes on Residential but not much on Commercial. Discussion ensued and GW shared his book on the code changes. Barbara volunteered to make copies of the book for all members (Note: copy is attached with this e-mail of minutes).

Benny asked about the training GW needs to maintain Building Official status. GW said he must do 16 hours training a year and is mandated to attend Code Change classes on all codes. He attended in Richmond this year for the Code Change of 2015.

Marshall asked about ANSI in Commercial application. Discussion ensued.

Benny asked how the Public Safety Building was coming along and discussion ensued.

There was discussion concerning the amount and location of new home growth in the county.

Meeting adjourned at 5:23 pm

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LOCAL BOARD OF BUILDING CODE APPEALS

MEETING APRIL 26, 2018

Meeting was called to order at 5:03 pm

Members Present: GW Gray, Building Official, Barbara Crozier, Secretary, Marshall Gillum, Chairman, Danny Gooch, Joe Wayner

Members Absent: George Allman, Bennie Sedwick

Danny Gooch made a motion to keep the current officers Marshall Gillum as Chairman and Barbara Crozier as Secretary. The motion was seconded by Joe Wayner and carried unanimously.

Two member's terms will expire December 31, 2018: Danny Gooch and George Allman. Unless notification is received their names will be submitted to the Board of Supervisors for reappointment for three years. The other three members' terms will not expire until December 2020.

GW gave the members a handout from the JMBCOA meeting titled Homeowner Role with Code Compliance. GW said that item 112.1 General. "It shall be the duty of any person performing work covered by this code to comply with all applicable provisions of this code and to perform and complete such work so as to secure the results intended by the USBC" is used a lot. The Board discussed homeowners not allowing Contractors in to correct problems and solutions for this situation.

Joe asked when the next code was going into effect. GW stated that it may be September the Governor still has not signed the bill. He also said there is the possibility that they may skip 2015 and go straight to the 2018 code. Discussion ensued concerning the length of time by other jurisdictions plans are excepted after a new code goes into effect. GW stated that Orange County accepts plans that have been started under an expired code for one year.

GW is going to contact George Allman since he has not made last two meeting and his term is expiring. (This call was made and George very much would like to remain on the Board and will be reappointed this year)

Meeting adjourned at 5:25 pm.

DISCUSSION OUTLINE
James Madison Building Code Officials Association Meeting
January 18, 2018

Homeowner Role with Code Compliance:

The Complaint:

Contractor builds a spec home. After the Certificate of Occupancy is issued, Contractor sells home to Homeowner.

Three months after Homeowner closes on the purchase of the home, he discovers some building code violations. Homeowner calls the Building Official and complains about the Code violations. The Building Official inspects the home and finds that there are three significant code violations that were missed during the final inspection.

A. Question No. 1: What action can the Building Official take to enforce the Code?

USBC

112.1 General. It shall be the duty of any person performing work covered by this code to comply with all applicable provisions of this code and to perform and complete such work so as to secure the results intended by the USBC.

110.5 Signature on and posting of permits; limitation of approval. The signature of the building official or authorized representative shall be on or affixed to every permit. A copy of the permit shall be posted on the construction site for public inspection until the work is completed. Such posting shall include the street or lot number, if one has been assigned, to be readable from a public way. In addition, each building or structure to which a street number has been assigned shall, upon completion, have the number displayed so as to be readable from the public way. A permit shall be considered authority to proceed with construction in accordance with this code, the approved construction documents, the permit application and any approved amendments or modifications. The permit shall not be construed to otherwise authorize the omission or amendment of any provision of this code.

Contractor Appeals the Building Official's Decision:

After the Building Official takes action against the Contractor regarding the Code violations, Contractor appeals that decision to the LBBCA. The Homeowner hires an attorney and notifies the Building Official that he wants to appear before the LBBA and address them regarding the enforcement action.

B. Question No. 2: Does the Homeowner have standing to address the LBBCA?

Yes. USBC§ 119.7 states that:

119.7 Hearings and decisions. All hearings before the BCCA shall be open to the public. The appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the building official's decision shall be given an opportunity to be heard.

Homeowners Dictates what corrective work is to be performed:

The LBBCA rules in favor of the Building Official and holds that the Contractor must correct the violations of the Building Code as cited by the Building Official. The Contractor meets with the Building Official and submits a written plan to remedy the violations. The Building Official approves that plan and signs off on the written submittal.

The Contractor then notifies the homeowner in writing that his subcontractors will appear on a specified date to correct the work cited by the Building Official. In response, the Homeowner's attorney sends a letter to the Contractor stating that the Contractor cannot enter the Homeowner's Property to do any work unless: (1) the Homeowner approves of the work in advance and (2) a RDP has signed off on the proposed work as being in compliance with the Building Code and sound architectural/engineering practices.

The Contractor refuses to comply with the Homeowner's demands and notifies the Building Official of the fact that he has been refused access to the home to do the corrective work.

D. **Question No. 4: Assuming the Homeowner refuses to grant access to the Contractor, what should the Building Official do about the outstanding violations of the Building Code?**

115.2 Notice of violation. The building official shall issue a written notice of violation to the responsible party if any violations of this code or any directives or orders of the building official have not been corrected or complied with in a reasonable time.

115.3 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the building official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved.

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LOCAL BOARD OF BUILDING CODE APPEALS

MEETING MAY 31, 2017

Meeting was called to order at 5:40 pm

Members Present: GW Gray, Building Official, Barbara Crozier, Secretary, Marshall Gillum, Chairman, Bennie Sedwick and Danny Gooch

Members Absent: Joe Wayner and George Allman

Bennie Sedwick made a motion to keep current officers Marshall Gillum as Chairman and Barbara Crozier as Secretary the motion was seconded by Danny Gooch and carried unanimously.

Two member's terms will expire December 31, 2018: Danny Gooch and George Allman. Unless notification is received their names will be submitted to the Board of Supervisors for reappointment. There will be another meeting before these terms expire.

Marshall Gillum asked if there were any rumblings of appeals. GW Gray said there had not and have only been 2 in the last 24 years.

Discussion ensued concerning tenant complaints, permit fees and time to issue permits. Barbara informed the Board that the County was discussing raising the permit fees

There was also discussion concerning Booster Park and how family members had been involved as volunteers during the creation.

Meeting time will be changed to 5:00 pm in the future and we will try to hold the next meeting in April of 2018.

Meeting adjourned at 6:05 pm.

LOCAL BOARD OF BUILDING CODE APPEALS

MEETING MAY 18, 2016

Meeting was called to order at 5:40 pm.

Members Present: GW Gray, Building Official, Barbara Crozier, Secretary, Bennie Sedwick, George Allman and Marshall Gillum, Chairman.

Members Absent: Danny Gooch and Joe Wayner

Discussion ensued concerning the VA Building Code 2012 and when the 2014 will go into place. Also discussed were some changes and the effects for the 2014 code.

Terms of office, policies on attendance and appointment of Board was discussed:

Terms of office are 3 years with re-election of offices for President and Secretary each year.

Bennie Sedwick made a motion to keep current officers Marshall Gillum as Chairman and Barbara Crozier as Secretary the motion was seconded by George Allman and carried unanimously.

Three members terms will expire December 31, 2017; Bennie Sedwick, Joe Wayner and Marshall Gillum. Unless notification is received their names will be submitted to the Board of Supervisors for reappointment. There will be another meeting before these terms expire.

The State Code references: "The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality."

It was agreed that the LBOBCA will try to meet in April Of 2017 instead of May. All present agreed to this change.

Meeting adjourned at 6:02 pm.

LOCAL BOARD OF BUILDING CODE APPEALS

MEETING MAY 28, 2015

Meeting was called to order at 5:33 pm.

Members Present: GW Gray, Building Official, Barbara Crozier, Secretary, Danny Gooch, Bennie Sedwick, Joe Wayner and Marshall Gillum, Chairman.

Members Absent: George Allman

Discussion ensued concerning when appeals are heard and if they can be heard at the State level.

When someone has an appeal of the Building Officials decision that appeal will be heard by the Local Board of Building Code of Appeals. The complainant can then appeal that decision to the State of Virginia. There have only been 3 appeals heard by the Local Board of Building Code of Appeals since they came into existence at least 20 years ago.

Joe Wayner had suggested having alternative members at the last meeting. GW Gray said he had contacted several people with no avail, he is still willing to have alternative members if a current member has someone who is willing to serve their name and information can be submitted.

Terms of office, policies on attendance and appointment of Board was discussed:

Terms of office are 3 years with re-election of offices for President and Secretary each year.

Danny Gooch made a motion to keep current officers Marshall Gillum as Chairman and Barbara Crozier as Secretary the motion was seconded by Bennie Sedwick and carried unanimously.

Two members terms will expire December 31, 2015; Danny Gooch and George Allman. Unless notification is received their names will be submitted to the Board of Supervisors for reappointment.

The State Code references: "The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality."

Orange County Policy for Absences on Boards and Commissions states: "that any member missing three meetings in a twelve month period without valid reason will be deemed to have resigned and will be automatically replaced at the next regularly scheduled Board meeting; and that all Boards and Commissions will report attendance of meetings to the Orange County Board of Supervisors." Members discussed how this policy will not affect the LBBCA unless there were several appeals in one year.

Meeting adjourned at 5:45 pm.

LOCAL BOARD OF BUILDING CODE APPEALS

MEETING JUNE 19, 2014

Meeting called to order at 5:35 pm.

Present members: GW Gray, Building Official, Barbara Crozier, Secretary, Danny Gooch, George Allman, Joe Wayner and Marshall Gillum.

Members Absent: Bennie Sedwick

New member George Allman was introduced to current members.

Election for new Chairman (previous elect has resigned due to move from area)

Danny Gooch made a motion to elect Marshall Gillum as Chairman the motion was seconded by Joe Wayner and carried unanimously.

Joe Wayner suggested having alternative members. GW Gray said he would entertain any alternative members that were interested. GW asked that he be given names, addresses and phone numbers for any alternative members that may be interested.

Terms of office, policies on attendance and appointment of Board was discussed:

Three members terms will expire December 31, 2014; Bennie Sedwick, Joe Wayner and Marshall Gillum. It was decided that unless notification is received from a current member whose term is expiring members name will be submitted to the Board of Supervisors for reappointment.

The State Code references: "The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality."

Orange County Policy for Absences on Boards and Commissions states: "that any member missing three meetings in a twelve month period without valid reason will be deemed to have resigned and will be automatically replaced at the next regularly scheduled Board meeting; and that all Boards and Commissions will report attendance of meetings to the Orange County Board of Supervisors." Members discussed how this policy will not affect the LBBCA unless there were several appeals in one year.

Discussion ensued concerning tenant complaints and the Property Maintenance Code.

Meeting adjourned at 6:05.

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Local Board of Building Code Appeals

Section 36-105 code of Virginia and the Uniform Statewide Building Code mandate each jurisdiction have a Local Board of Building Code Appeals (LBBCA). The purpose of the LBBCA is to hear and render decisions when someone appeals the decision of the Building Official.

Current members

Danny Gooch, Electrical and Plumbing Contractor
26199 Lafayette Drive
Rhoadesville, VA 22542
LDgooch@verizon.net
540-854-6100

George Allman
17567 James Madison Hwy
Gordonsville, VA 22942
georgnallman@gmail.com
540-832-3988
540-748-3362

H.B. (Bennie) Sedwick, Contractor & Property Manager
13595 Sedwick Lane
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540-672-1540
540-672-8009

Joseph R. Wayner, Jr, Contractor
P.O. Box 1217
Orange, VA 22960
Joe@waynerconstruction.com
540-672-5601
540-672-5033 office

T. Marshall Gillum, Architect
10515 Little Skyline Drive
P.O. Box 687
Orange, VA 22960
tmgillum@gmail.com
540-672-5912
540-672-6702 office

Attendance 6/19/14

Barbara J. Provier

Danny

George

Joe

Marshall

Absent Bennie (Myrtle Bank)

LOCAL BOARD OF BUILDING CODE APPEALS
MEETING MAY 29, 2013

Meeting called to order at 5:35.

Members Present: GW Gray, Barbara Crozier, Danny Gooch, Guido Terziotti, Joe Wayner, Marshall Gillum.

Members Absent: Bennie Sedwick

Introductions were made. Discussion of duties for elected Chairman. Chairman will decide meeting date, lead annual meeting and any appeals meetings.

Danny Gooch made a motion to elect Guido Terziotti as Chairman the motion was seconded by Marshall Gillum and carried unanimously.

It was agreed that future meetings will be held at 5:30 at the Community Development Building. The next annual meeting will be held the last Wednesday in May 2014. All agreed that e-mail is the best form of notification. Members added their e-mail address to the current member list. There was discussion over types of issues that come up for appeals filed.

Meeting adjourned at 6:05.