



STAFFORD COUNTY BOARD OF BUILDING CODE APPEALS

Meeting Minutes

Stafford County Public Schools Hearing July 11, 2023 at 3:00 p.m.
George L. Gordon Government Center – Board Chambers
1300 Courthouse Road | Stafford, VA 22554

Call to Order: Ms. Carabin called the meeting to order at 3:04 p.m.

Roll Call: The following members were present: Burton Bigoney, Jr., Gregory Cox, J.C. Hall, and Samer Shalaby

Also in attendance were Cary Jamison, Stafford County Building Official; Savannah Carabin, Development Services Administrative Manager; Katrina Griffin, Building Inspections Administrative Specialist; and other interested parties.

Election of Acting Chairman:

The first item on the agenda was the selection of an acting chairman in the absence of Ms. Lampman. Mr. Cox nominated Mr. Hall for the position, and Mr. Bigoney seconded the nomination. There were no other nominations.

A vote was taken to elect Mr. Hall as the acting chairman of the meeting, and the motion carried unanimously with all members in favor. Ms. Carabin then turned the meeting over to Mr. Hall.

Approval of the Minutes:

Mr. Hall began the discussion by highlighting the two main points of interest. Firstly, he mentioned that Cary had confirmed her willingness and authority to grant extensions for the modular industrial buildings in one-year increments, aligning with the intended time period of usage by the school system. The second point of discussion revolved around the possibility of placing the buildings on a proposed footing device on existing compacted asphalt. Mr. Hall acknowledged the presence of the compaction information in the provided materials.

However, Ms. Carabin interrupted Mr. Hall to address the need to approve the minutes from the previous meeting before proceeding with the current discussion. She requested the attendees to review the meeting minutes included in the agenda packet.

Mr. Hall promptly made a motion to approve the minutes, and Mr. Bigoney seconded the motion. Following that, Mr. Hall asked for a vote from all members in favor of approving the minutes.



Hearing of the Appeal:

Ms. Carabin initiated the discussion by informing Mr. Hall that they could now proceed with the procedure for the "F. hearing of the appeal." She requested Mr. Hall to read the appeal to the board, noting that Ms. Lampman had provided a summary during the previous meeting.

Mr. Hall began reading the appeal, listing the violations that were being appealed. The violations included Violation 1 of the Industrialized Building Code, Violation 2 related to the use of ABS pads over existing asphalt and concrete surfaces without concrete footings, Violation 3 regarding compliance with the Virginia Construction Code, and Violation 4 concerning the proposed duration of the industrialized buildings exceeding the allowable timeframe according to state code.

Ms. Jamison interjected, providing additional clarification on the appeal. She explained that Violation 1 referred to the requirement of meeting the standards outlined by the Industrialized Building Code, which referenced the Virginia Construction Code and specific footing specifications. Violation 2 pertained to the submission of documents and approval related to the foundation design, specifically the use of ABS pads, which were not in alignment with the manufacturer's specifications and local ordinances. Violation 3 highlighted the issue of ABS pads not being approved for use in industrialized buildings. Violation 4 addressed the proposed duration of the buildings exceeding the permitted timeframe, according to both state code and the Industrialized Modular Building Code Oversight Department of Housing Community Development. Ms. Jamison mentioned that the section numbers were not fully written out in the appeal, but the violations were explained.

Following the summary, Mr. Hall expressed his gratitude, confirming that it encompassed all the necessary details. Ms. Jamison confirmed that the summary was abbreviated in the first part.

Mr. Hall acknowledged the staff's report on the listed violations and then invited the appellant to speak, providing them with the opportunity to address the board.

Ms. Carabin initiated the appellant's presentation by informing Mr. Neubert that his speaking time would be monitored. She started the timer and advised him that when it flashes yellow, he would have one minute remaining.

Mr. Neubert stated that the appeal was filed on behalf of Stafford County Public Schools in response to the code violations outlined by Cary.

Mr. Neubert, the assistant director of Facilities Maintenance and Construction at Stafford County Public Schools, continued his presentation on behalf of the appellant. He explained that the appeal was filed in response to the mentioned code violations. Mr. Neubert emphasized that while the plans submitted by professional engineers or architects may differ from the literal text of the code, they are often considered and approved. However, the modular housing industry had successfully influenced the code to include their specific requirements, while the industrialized building industry did not have the same representation. Mr. Neubert argued that many provisions in the code for modular housing were being applied to industrialized buildings without proper consideration.



Regarding the foundation, Mr. Neubert mentioned a change in classification from temporary to permanent and stated that the criteria for temporary foundations, which included the use of ABS pads, were submitted for review and approval. He highlighted that all the soils at the proposed installation sites had a bearing capacity exceeding the minimum design requirement of 2000 pounds per square foot (PSF) as specified by the modular company. He also provided additional information on the asphalt areas designated for installation, stating that they exceeded the minimum bearing capacity and could accommodate the modulares. Mr. Neubert emphasized that the signed and sealed plans from the manufacturer sought permission to use a temporary foundation due to its practicality and cited cost implications and the need for future repairs if concrete footings were mandated.

Mr. Cox raised questions regarding product identification and the reference to manufacturer labels in the drawings. Mr. Neubert clarified that the ABS pads with manufacturer labels had not been used yet, as the appeal was specifically for this year's and next year's installations. He explained that the ABS pads were initially proposed but had to be replaced with concrete footings upon notification of their disapproval. Mr. Neubert expressed the desire to use ABS pads in the future based on industry standards and the financial considerations involved. He mentioned that certain sites, including Rock Hill and Conway Elementary, were already using ABS pads and had not experienced any issues.

Mr. Neubert concluded his presentation by emphasizing that building officials have the discretion to make reasonable determinations based on information provided, even if it does not strictly adhere to the literal text of the code. He mentioned the need for financial backing and the influence of industry size when considering code interpretations.

Mr. Hall proceeded to open the public portion of the meeting and welcomed comments from the public. With no interest from members of the public, Mr. Hall closed the public portion of the meeting and proceeded to initiate the discussion phase.

Ms. Jamison requested permission to respond to the appellant's presentation considering the Procedure of Hearing Cases is outlined in the Board of Building Code Appeals Bylaws. Ms. Carabin requested that Ms. Jamison direct her question to Ms. Meyer with the Stafford County Attorney's office. However, Ms. Meyer stated that she would need to defer that question. Mr. Hall then asked Ms. Jamison if she had any response, to which she expressed willingness to provide her input. She stated that building officials have the flexibility to use other known and listed engineer groups to modify the code, but they must still adhere to the intent of the code. Ms. Jamison emphasized the importance of following manufacturer specifications and the need to consider the intended use and the code's requirement for a frost-free foundation. She mentioned seeking an opinion from the International Code Council regarding the use of ABS pads that are not listed and tested for viability. She emphasized that the code serves as a minimum standard and explained her approach to enforcing it based on her extensive experience in code enforcement.

Mr. Cox raised a question regarding the identification of the ABS pads in the field. He inquired about the inclusion of a product identifier or specific reference to the pads on the drawings. Mr. Neubert clarified that the ABS pads referenced by Cary were resubmitted with appropriate information from the manufacturer. He explained that the weight and load calculations are based on the modular company's



foundation design, which considers the soil's bearing capacity. Mr. Hall added that the drawings provided were examples and that specific drawings would be submitted for each individual site based on testing requested by their team.

Mr. Cox further questioned how building inspectors would identify the specific ABS pads during field inspections. Ms. Jamison provided insights, stating that there would likely be a listing number, an ASTM number, or a Radco listing number engraved or embossed on the pads to indicate compliance with the specified criteria. She mentioned that third-party inspectors would also check the bearing capacity and verify the identification number on the pads to ensure compliance. Mr. Neubert mentioned that Tie Down Engineering, the manufacturer of the ABS pads, produces a single type of pad with different dimensions to accommodate varying weight requirements. He explained that the inspector would match the ABS pad dimensions with the approved drawings during inspections.

Ms. Jamison reminded everyone that according to the State Review Board, the current appeal only pertained to the permits in place and not future or perpetual approvals. She clarified that this information had been communicated to Joe and Jason previously.

The board members discussed the next steps in the process after the presentation. Mr. Hall inquired about the formality of rendering a decision. Ms. Carabin directed Mr. Hall's question to Ms. Meyer for clarification on how to proceed with a vote. Ms. Meyer stated that the building appeals board would deliberate and vote after the testimony. Ms. Jamison added that the board could approve, deny, or modify the appeal and that any future appeals would be separate cases. Mr. Hall inquired about debating with the microphones, and Ms. Meyer confirmed that debates should be conducted using the microphones.

Mr. Cox summarized that the issue raised in the previous hearing was addressed by using concrete footers. Ms. Jamison clarified that the current appeal only applied to the existing permits and not future permits, as indicated by the state technical review board. Mr. Neubert explained that the appeal was submitted with the intention of including the next year's permits since the appeal might not be heard in time to affect the current year's installations. Mr. Cox expressed concerns that the same issue might arise again when applying for permits in the future.

Mr. Towery suggested that it would be helpful to understand the board's inclination regarding the issue for future planning purposes. He mentioned considering discussions with the state to seek broader authority and avoid repeating the appeals process annually. Mr. Hall stated that he would be willing to make a motion to modify and allow the use of ABS pads on asphalt with proper compaction. However, it was acknowledged that voting on the motion would be moot since the current permits had already been completed.

Mr. Bigoney expressed his support for the use of ABS pads, emphasizing their engineering viability and the absence of life safety concerns. Mr. Cox echoed this sentiment, stating that he saw the code as having a glitch regarding ABS pads. Ms. Jamison stressed the need for a decision from the board to move forward, as per the state's indication.



Mr. Hall proposed a two-part motion, first allowing Cary to extend the timeframe for the use of modular units and secondly permitting the use of ABS pads in the future on asphalt or concrete with sufficient load capacity. Ms. Jamison reminded Mr. Hall to consider the option of yearly inspections to ensure the stability of the foundations. Mr. Hall modified the motion to include yearly inspections and extended timeframes. The motion was seconded by Mr. Bigoney. A vote was conducted, with all members in favor of the motion.

The meeting concluded with Mr. Hall reading the right of appeal and a motioning to close the meeting, which was seconded and approved.

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