



Office of the Town Manager
Frank Cassidy

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STAFF REPORT

Council Meeting Date:	January 9, 2023
Agenda Title:	Re-Appointment of Local Board of Building Code Appeals Members.
Requested Action:	Re-Appoint the Local Board of Building Code Appeals members.
Department / Agency Lead:	Community Development
Staff Lead:	Hunter Digges, Building Official

EXECUTIVE SUMMARY

The Local Board of Building Code Officials (LBBCA) is a quasi-judicial board providing a first-tier due process right of adjudication of decisions of local government building or fire officials. Virginia’s System of building codes establishes the process of enforcement by the officials through either the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, or the Virginia Property Maintenance Code.

The LBBCA typically meets annually at an organizational meeting and as- needed to hear appeals of the decisions of the building officials.

Staff have identified a need to re-appoint the members of the LBBCA.

A current appeal has been requested by a Citizen within Town. These appointments would enable the LBBCA to hear the appeal and consider the facts of the case for their decision.

BACKGROUND

Historically, the LBBCA members have been appointed by the Council. Appeals to the LBBCA are not numerous and are a rarity in Town. As Staff is working through the needs of the appeal it has been identified that due to the staffing change overs and impacts of the COVID pandemic the current term of the board has expired.

Historically, the members of the Fauquier County LBBCA have volunteered to be appointed to the Town’s LBBCA and serve their community. It is common for the members to be appointed to multiple boards due to the level of expertise needed for these roles and the infrequency of necessary action by them.

STAFF RECOMMENDATION

Staff recommends that the Town Council re-appoint James F. Tucker, James F. Austin Jr., Frank S. Foley, and Wayne G. Carson to the Local Board of Building Code Appeals. All individuals were members of the LBBCA prior to the expiration of their terms and have expressed interest in serving again.

Service Level/Collaborative Impact

Appointment of Local Board of Building Code Appeals members allows Town citizens and contractors the ability to appeal any determination made by a code official or the local building departments application of the Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, and the Virginia Property Maintenance Code. The term of each member would be for four years.

Policy Direction/Warrenton Plan 2040

The Local Board of Building Code Appeals (LBBCA) is tasked with hearing appeals of the determinations made by the Building Official. Enforcement of State Building Codes is for the health, safety, and welfare of the citizens and businesses of the Town of Warrenton contained within the built environment and property maintenance.

Fiscal Impact

No additional fiscal impact is expected.

Legal Impact

The purpose of the LBBCA is to hear appeals of determinations made by the Building Official. This in turn may involve the Town Attorney for representation. The lack of a LBBCA would impact the Building Officials ability to enforce the building codes of the Town and impact the Citizen's ability to appeal the decisions made.

ATTACHMENTS

1. Section 119 of the Uniform Statewide Building Code
2. Resolutions of appointment for suggested members.