

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Ephesus Baptist Church
Appeal No. 10-1

Hearing Date: June 18, 2010

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (the "Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (the "USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

Representatives of Ephesus Baptist Church ("Ephesus") appeal a determination by the Mecklenburg County USBC official (the "building official") concerning the construction of a family life center on the church property.

Ephesus is located at 1642 Smith Cross Road, in the town of South Hill, in Mecklenburg County. The property has an existing large single story church building.

In 2009, Ephesus presented plans to the building official for the construction of a new family life center adjacent to the existing church building. The new building was approximately 11,656 square feet in floor area and was to be connected to the existing church building by a vestibule area.

The plans were approved by the building official and a building permit was issued; however, the plans included the use of a sprinkler system as part of the construction of the building for fire protection purposes.

At some point during construction of the building, the issue of whether a sprinkler system was necessary was raised by Ephesus based on a USBC provision which states that a sprinkler system is required in assembly buildings having an occupant load of 300 or more persons, except in churches, where only a square footage requirement is considered rather than an occupant load

requirement. Ephesus was over the occupant load threshold for the necessity of a sprinkler system, unless the building was considered to be a church.

In October of 2009, the building official informed Ephesus in writing that a sprinkler system was required.

Ephesus appealed that decision to the Mecklenburg County Building Code Appeals Board ("County appeals board"), which ruled to uphold the building official's decision.

Ephesus then further appealed to the Review Board.

III. FINDINGS OF THE REVIEW BOARD

The USBC requirement in question is set out below:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. In Group A-3 occupancies other than churches, the fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

The determination of whether Ephesus is required to install a sprinkler system in the family life center hinges on whether the family life center is considered to be a church¹.

While the use of the family life center, as noted by Ephesus, is for many of the same uses as the original church building, the design of the family life center appeals to be more that of a multipurpose building than solely a church; it may be used in conjunction with the original church building, be used independently, be used by the community for indoor sports activities, be used as a place of preparing and service large meals, or for other uses which may or may not be church related.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the building official and the County appeals board to be, and hereby is, upheld.

/s/*

Chairman, State Technical Review Board

¹It is assumed that the family life center is being constructed as a separate building; however, there does not appear to be a fire wall or appropriate rated exterior wall separations between the existing church and the family life center. If the family life center and the existing church are considered one building, then the sprinkler threshold has been exceeded. There was no record that this issue has been addressed by the building official, so the issue is not considered in this decision.

*Note: The original signed final order is available from Review Board staff.

Aug. 20, 2010

Date Entered

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

***Note: The original signed final order is available from Review Board staff.**