



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
BUILDING DEPARTMENT**

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Sean Powers  
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Director of Building

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**NEVADA COUNTY BOARD OF SUPERVISORS**  
**Board Agenda Memo**

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**MEETING DATE:** November 12, 2019

**TO:** Board of Supervisors

**FROM:** **Craig Griesbach, Director of Building**

**SUBJECT:** Resolution denying the appeal filed by Scott Merritt regarding building permit 181444, regarding Section R317.1.3 of the 2016 California Residential Code requiring all horizontal and vertical structural members of decks exposed to the weather to be of materials that are naturally resistant to decay or pressure treated.

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**RECOMMENDATION:** Adopt the attached Resolution (Attachment 1) to deny the appeal and uphold the decision of the Building and Accessibility Standards Board of Appeals to require all horizontal and vertical structural members of the subject deck that are exposed to the weather to be of materials that are naturally resistant to decay or pressure treated in accordance with 2016 California Residential Code Section R317.1.3.

**FUNDING:** This hearing will have no impact on the General Fund. This project will affect the Building Department's FY 19/20 budget for staff time and general hearing costs.

**ATTACHMENTS:**

1. Resolution to Deny the Appeal and uphold the decision of the Building and Accessibility Standards Board of Appeals to require all horizontal and vertical structural members of the subject deck that are exposed to the weather to be of materials that are naturally resistant to decay or pressure treated in accordance with 2016 California Residential Code Section R317.1.3.
2. Appeal to the Board of Supervisors
3. Appeal acceptance by Board of Supervisors dated October 23, 2019
4. Notice of decision by Building and Accessibility Standards Board of Appeals dated August 29, 2019
5. Building permit 181444
6. Project plans

## **BACKGROUND**

The project site is located at 16887 Champion Rd, Nevada City, Assessor Parcel Number 004-151-088. The property is located off Newtown Rd at approximately 2400 ft elevation with a ground snow load of 43 lbs/sf. The project under permit 181444 consists of a two story structure with a lower level workshop of 1567 sqft and upper story residence of 1822 sqft with decking of 1730 sqft.

The project is currently under construction. During an insulation and underground utility site inspection a Nevada County Building Inspector noted that the deck posts were not of pressure treated or naturally resistant to decay materials per minimum code requirements and project plans. Per 2016 California Residential Code Section 317.1.3 as adopted by the State and Nevada County pursuant to Ordinance 2424, in geographic areas where experience has demonstrated a specific need, approved naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar, when those members are exposed to weather without adequate protection from roof, eave, and/or overhangs.

A request for appeal was filed by the appellant on July 12, 2019. A public hearing of the Building and Accessibility Standards Board of Appeals was scheduled and conducted on August 20, 2019. At the hearing, the Building Department noted that the posts could remain if the appellant constructed a listed roof covering over the deck or a listed waterproof membrane is installed over the deck surface. At the conclusion of the hearing, the Building and Accessibility Standards Board of Appeals unanimously voted to deny the appeal and uphold the decision of the Building Official.

**THE APPEAL:** The appeal (Attachment 2) cites the main reasons why the appellant believes the deck should remain as constructed. (1) the appellant states that he was confused by the hearing and that he was not provided an adequate summation and (2) states that section R317.1.4 of the 2016 Residential Code should be an allowed exception for Section R317.1.3. The deck was installed using this interpretation and the posts are structural grade douglas fir, which the appellant feels are more structurally sound than the pressure treated alternative as they have a tighter grain and have been painted.

**APPEAL CONCLUSION:** The Board of Supervisors does not have to adhere to the determination of the Building Official; however, staff finds that the current construction of the deck does not meet minimum code requirements, state law, and issued set of construction plans, and therefore should deny the appeal as noted. The appellant was given multiple options to meet minimum code requirements by the Building Department to resolve the matter. At the hearing by the Building and Accessibility Standards Board of Appeals, the appellant was provided every opportunity to present his concerns. The Board unanimously denied the motion.

**SUMMARY:** The Building Official is recommending that the Board adopts the attached Resolution (Attachment 1) to deny the appeal and uphold the decision of the Building and Accessibility Standards Board of Appeals to require all horizontal and vertical structural members of the subject deck that are exposed to the weather to be of materials that are naturally resistant to decay or pressure treated in accordance with 2016 California Residential Code Section R317.1.3.

**Please contact me should you require additional information or background.**

**Item Initiated/Approved by:** Craig Griesbach, Director of Building