



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

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**NOTICE OF DECISION BY THE BUILDING & ACCESSIBILITY STANDARDS
BOARD OF APPEALS**

August 29, 2019

Scott Merritt
PO Box 1124
Grass Valley, CA 95945

Re: Appeal of Determination by Building Official
17688 Champion Road, Nevada City, CA 95959
Permit: 181444

Dear Mr. Merritt:

On August 20, 2019, the Building Standards Board of Appeals (“Board”) held a hearing regarding your appeal of a determination by the Nevada County Building Official. The appeal was in regard to an interpretation by the Building Official of California Residential Code (“CRC”) Section R317.1.4, and whether the exceptions to this section apply to the property located at 17688 Champion Road, Nevada City, CA 95959. Also at issue was the Building Official’s application of CRC Section R317.1.3.

At the hearing, you were able to present to the Board facts as they relate to the appeal including photographs of the deck columns as well as information showing why the “as-built” satisfied the intention of the applicable codes. While you admitted that the deck columns at issue are not pressure treated as required by CRC Sections R317.1.3 and R317.1.4, you argued that your columns as installed meet the exceptions outlined in R317.1.4.

The Building Official presented evidence regarding the intention of these codes in regard to deck safety. He discussed the consistent application of this section of the code over the western area of the county, and that the application of this specific section is consistent among building officials in adjoining and nearby jurisdictions. He spoke to the very common experience of builders in the area encountering decks that were not built with these materials, and the resulting dry rot and failures that occur.

He further discussed that among the structural members making up a deck, the posts or columns are the most vulnerable while also being some of the most critical to the integrity of the deck. Some discussion occurred about the rule contained in the building code, that when two sections of the code are seemingly in conflict, the more restrictive of the two sections shall apply.

The Board discussed the presence of a note on the plans prepared by the designer / supplier calling for pressure treated materials for these posts. There was also discussion about the role that the supplier of the building materials played in delivering materials that either matched (or did not match) the materials that were called for on the approved plans.

On more than one occasion during the hearing, the Board discussed that the author of the plans and the supplier of the materials are essentially the same entity, which makes the delivery of non-pressure treated posts a failure to comply with their own drawings and specifications.

The Board and the Building Official discussed options to shroud and protect the posts rather than replace them. Similar approaches have been considered by the building department in the past, but judged to be insufficient to address the integrity concerns of the code over the life of the structure.

At the conclusion of the hearing, a motion to deny your appeal was approved with a 6-0 vote. As such the Building Official's decision that you must comply with CRC Section R317.1.3 is upheld. This decision is final effective August 20, 2019.

It is our understanding that the Building Official is willing to work with you regarding reasonable modifications that would allow the intent of these sections to be accomplished without replacing the deck columns. For instance, it was offered that you can cover the deck with a roof in order to shed water to protect the columns.



Andrew Pawlowski
Chair
Nevada County Building & Accessibility Standards Board of Appeals

cc: Craig Griesbach, Chief Building Official