



Town of Hilton Head Island
**CONSTRUCTION BOARD OF ADJUSTMENTS
AND APPEALS MEETING**
Tuesday, May 28, 2024, 5:00 PM
Minutes

1. Call to Order

Chairman Nix called the meeting to order at 5:00 PM.

2. Adoption of the Agenda

A motion to adopt the agenda as presented was made by Mr. Ellis and seconded by Mr. Okey. The motion passed by a vote of 5-0-1.

3. Approval of the Minutes

- a. Regular Meeting Minutes of October 30, 2023.

A motion to approve the regular meeting minutes from October 30, 2023, was made by Mr. Ellis and seconded by Mr. Pine. The motion passed unanimously.

4. Appearance by Citizens

There were no appearances by citizens.

5. Unfinished Business

6. New Business

- a. APL-000682-2024 - An appeal of the Building Officials Determination that the use of wood blocking around the windows and doors installed at Captains Quarters does not meet 2021 International Building Code Section (IBC) 603.1 Exemption 14 and that final inspections be passed to close the permits.

Shari Mendrick, Floodplain Administrator, presented the appeal submitted by Mike Pullon on behalf of Heritage Investors. Mr. Pullon is appealing the determination made by the previous Building Official who determined the use of wood blocking around the windows and doors at Captain's Quarters does not meet International Building Code (IBC) Section 603.1 Exemption 14. Additionally, the applicant requests that final inspections be passed to close the permits stating the rough-in work, window installation, window flashing, and stucco lath were all permitted prior to inspection, and the removal of the windows is not possible.

Ms. Mendrick explained to the board that the former Building Official received a request from Mr. Pullon, General Contractor, on behalf of the Homeowners Association for Captain's Quarters. The HOA had previously contracted with Coastline Construction in

2019 to replace windows and doors in both Captain's Quarters buildings. At the time, various homeowners did not elect to partake in the window and door replacement. However, those homeowners recently decided to have their windows and doors replaced and subsequently made the assumption that the 2019 permit was still in effect. The homeowners then contacted the stucco company, Island Exterior Finishes, to complete the work as opposed to contacting the original permittee - Coastline Construction. The stucco contractor was then unable to provide documentation to initiate the warranty for the windows and doors as the work had been completed without a permit. The HOA then contacted Mr. Pullon for assistance in resolving the situation. The Town of Hilton Head worked with Mr. Pullon to provide the proper permits, and Mr. Pullon then scheduled the proper inspections. Joseph Wheeler, Building Inspector, met with Mr. Pullon to perform the necessary inspections, but he was unable to do so as the work had already been completed. Mr. Pullon requested that the previous Building Official review the Building Code Section 603.1 Exemption 14 to allow the use of combustible material for the window and door blocking. However, both the former Building Official and Deputy Fire Marshal agreed that the exemption did not apply to the structural headers and other portions of the walls as the dimensions were modified to complete the window and door installation.

Steve Yeargin, Interim Building Official from Safe Built, attended the meeting virtually and confirmed that he did determine that the use of combustible blocking is allowed by Exemption 14 however the contractor must remove such materials as necessary to allow inspections by Town staff. Ms. Mendrick explained that with the modifications of the dimensions made to structural headers and other portions of the wall to accommodate the installation of the windows and doors, Building Code upholds that this is considered structural and must therefore be non-combustible. Staff stated that the contractor must remove such material as necessary to allow inspection by Town staff, and the window manufacturer specifications state that the contractor shall provide the design and method of installation of wood bucking from an engineer or architect, and thereafter the windows must be installed in accordance with the sealed design drawing. Town Staff recommends that the Construction Board of Adjustments and Appeals concur with the current Building Official's determination that though the use of combustible blocking is allowed, the contractor must remove any finishing materials to expose the work performed to be allowed inspection by Town staff, and per the window and door manufacturer, the contractor shall provide the method of installation for the wood bucking from an engineer or architect of record.

Following the Staff presentation, Chairman Nix posed a question for Ms. Mendrick and Mr. Wheeler inquiring whether the windows have been installed with combustible blocking or combustible framing. Chairman Nix stated that based on his understanding of the Building Code, combustible structural framing is not permitted. Mr. Wheeler addressed the question by explaining that the Town was unable to complete an inspection and their determination was made based upon photos provided by Mr. Pullon. Mr. Wheeler stated that the Town requested supporting documents for the window and door installation project in which the HOA and Mr. Pullon provided and based upon the photo evidence, the windows and doors had been sealed aside from the trim which appeared to be

combustible material. Mr. Wheeler also explained that there is no way of knowing what material lies beyond the installed densglass without removal and inspection to determine exactly what had been replaced and how the wood bucking had been attached to the structure itself. Staff noted that the structures were made up of Type 2 steel framing with non-combustible masonry. Town Staff stated that upon request of inspection, Town was told by the HOA of Captain's Quarters as well as Mr. Pullon that this was not an option. Mr. Yeargin contributed to the discussion by stating Building Code Section 110.1 outlines that the work shall remain visible and accessible until approved at the responsibility of the owner or the owner's agent. According to Building Code Section 110.4, the only alternative for Mr. Pullon would be to have an impartial architect or engineer complete the inspection or testing and provide the Town with a written report bearing their seal and signature at the applicant's expense. Ms. Mendrick relayed to the board that this option had already been presented to the applicant, and it was her understanding that he was unable to find an engineer or architect of record.

The applicant, Mr. Pullon, began his presentation to the board by explaining he had been approached to assist after the project had been completed and reiterated that his involvement was for the purpose of pulling permits so the manufacturer warranty would be honored. Mr. Pullon stated that, at the time, it was his understanding that he would pull the permits and then immediately call for an inspection. Further, he states that Ms. Mendrick and Mr. Wheeler's account of events is accurate, and when Mr. Wheeler arrived to inspect the installation, the windows had been sealed and there was no way for him to determine what was beneath the structure aside from the provided photos. Mr. Pullon noted that he either missed or misunderstood the email from Ms. Mendrick containing the option of inspection from an impartial architect or engineer and stated he would be willing to exercise this option if need be. The applicant explained that once he was aware of what needed to be done, he began the appeals process. Chairman Nix asked Mr. Pullon a series of questions regarding the completion of the work prior to Mr. Pullon's involvement in which he addressed.

Scott Wild, Attorney for HOA of Captain's Quarters, also addressed the board by asking that they interpret the code by making a specific determination as to whether or not the combustible material in the window opening is part of the header or blocking as opposed to arguing procedure. Mr. Wild presented the two notices of rejection for the inspection process which he states cite to the issue of non-combustible material and not a failure to inspect. Mr. Wild read the correspondence from the previous Building Official which asked that Mr. Pullon obtain the necessary permits, provide photos of installation flashing around windows, provide an affidavit from the window installer and stucco contractor both stating the windows had been installed and flashed to code, and to call for a final inspection. Mr. Wild noted that the applicant is open to providing a small percentage of representative sample as well as providing any photos they are able to.

Mr. Owen made a motion to uphold the determination made by the Building Official, Mr. Okey seconded. The motion passed unanimously.

7. Staff Report

8. Adjournment

The meeting was declared adjourned at 5:42 PM.

APPROVED: 1-29-25

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov