

**Southampton County Department of Community Development  
Code Modification Request Policy**

# **Code Modification Request Guidelines**



**Policy and Guidelines for the Southampton County Department of  
Community Development Code Modification Request**

Revision Date January 23, 2012

# **Southampton County Department of Community Development Code Modification Request Policy**

## **Southampton County Department of Community Development Issuance of modifications under Section 106.3 of the Uniform Statewide Building Code of Virginia**

A written request by the owner or an owner's agent, serving as an application, for a modification of the Uniform Statewide Building Code of Virginia must be submitted to the Building Official during the plan review stage of the Permit Application and will be considered during the plans examination. Modifications are to be submitted attached to the construction drawing(s).

The request must address all of the following elements:

1. Provide the code section the modification is to replace.
2. Describe the modification.
3. Provide data and/or statics from an independent testing agency, manufactures' information and installation instructions, statics and/or data from a Registered Design Professional (RDP) or references to future amendments to nationally recognized model codes and standards to support how the spirit and functional intent of the code section being modified is observed while demonstrating the public health, welfare and safety are assured.
4. If a Registered Design Professional (RDP) is utilized, all letters, drawings, calculations and notes must be sealed, dated and signed.

The building official may require a statement or report from an RDP or other person competent in the subject area of the application as to the equivalency of the proposed modification. A résumé demonstrating the RDP experience and competence in the medium considered in the modification shall accompany any RDP statement or report.

Should a modification request be submitted after the construction documents have been approved the original approved construction documents must accompany the application. The building official will examine the request and provide a written decision within 10 working days of the request. All work on the job site that is affected by the modification must stop until the written decision is received.

Modification will not to be granted to correct code violations or improper and/or unsafe construction. Contractors are to build to the code, get it correct or take it apart and make it correct. Fixes will not be approved. (example – ridge or valley rafters missing the bearing wall and sitting on ceiling joist – double wythe masonry foundation wall using improper ties – improperly notched or cut floor joist or girders – etc.)

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A handwritten signature in cursive script, reading "Lee D. Copeland".

Lee D. Copeland, CBO, CBCO  
Building Official

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## SECTION 106 POWERS AND DUTIES OF THE BUILDING OFFICIAL

**106.1 Powers and duties, generally.** The building official shall enforce this code as set out herein and as interpreted by the State Review Board.

**106.2 Delegation of authority.** The building official may delegate powers and duties except where such authority is limited by the local government. However, such limitations of authority by the local government are not applicable to the third-party inspector policy required by Section 113.7.1 nor shall such limitations of authority by the local government have the effect of altering the provisions of this code or creating building regulations. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

**106.3 Issuance of modifications.** Upon written application by an owner or an owner's agent, the building official may approve a modification of any provision of the USBC provided the spirit and functional intent of the code are observed and public health, welfare and safety are assured. The decision of the building official concerning a modification shall be made in writing and the application for a modification and the decision of the building official concerning such modification shall be retained in the permanent records of the local building department.

**Note:** The USBC references nationally recognized model codes and standards. Future amendments to such codes and standards are not automatically included in the USBC; however the building official should give them due consideration in deciding whether to approve a modification.

**106.3.1 Substantiation of modification.** The building official may require or may consider a statement from an RDP or other person competent in the subject area of the application as to the equivalency of the proposed modification. In addition, the building official may require the application to include construction documents sealed by an RDP.

**106.3.2 Use of performance code.** Compliance with the provisions of a nationally recognized performance code when approved as a modification shall be considered to constitute compliance with this code. All documents submitted as part of such consideration shall be retained in the permanent records of the local building department.