

**TOWN OF EDISTO BEACH  
CONSTRUCTION BOARD OF  
ADJUSTMENTS AND APPEALS**

Wednesday, December 15, 2021  
4:00 P.M.  
Regular Meeting

Members attending: Byron Briese, Ken Huggins, Edye Graves, and Dave Salter

Staff attending: Tammy Lake, Morgan Viars, Patrick Brown, Iris Hill, and Mark Aakhus

Chairperson Ken Huggins called the meeting to order and called attendance for all members present. All members were present.

**Review of Minutes:** November 18, 2021

Chairperson Ken Huggins asked for a motion to accept the minutes presented from the November 18, 2021, meeting. Member Edye Graves made a motion to approve the minutes with Member Dave Salter seconding. The minutes were **approved unanimously**.

**Unfinished Business:**

None

**New Business:** Appeal 2021-01, applicant Sea Island Elevator

Appeal 2021-01, by a representative of the permit holder, for an appeal from ANSI 17.1.

Chair Ken Huggins asked all parties who may speak during this portion of the hearing to raise their right hand and take the oath. The oath was administered, and all witnesses swore to the oath. Chair Huggins invited the applicant to present the case. Attorney Tommy Hill began presenting the appeal on behalf of the applicant by stating a permit was denied based on a laser gate installed in place of a scissor gate. Attorney Hill passed out example pictures of both laser and physical gates. Chair Huggins asked for a copy of the second page of the appeal application as it is illegible; Attorney Hill could not. Attorney Hill has contended Building Code Administrator Patrick Brown lacks qualifications to approve or disapprove construction of an elevator and are "normally farmed out to a actual elevator inspector". Attorney Hill passed out copies of an elevator license for Mr. Drue Hontz as an example and claiming Mr. Hontz is state certified. Attorney Hill proceeded to explain how laser devices operate in a commercial setting and have become the replacement for the older bumper style door that would trigger the doors to reopen. He also explained that in the event of a power failure, the lasers nor the elevator would work. Attorney Hill made an example of him having a doctorate in jurisprudence and not being allowed to perform surgery to Building Code Administrator Brown being "an inspector of buildings and that sort of thing, but not an elevator inspector".

Vice Chair Byron Briese requested the specific code section or sections that are the basis for the appeal request. Attorney Hill said a Mr. Hontz will testify as to the specific code section or sections.

Attorney Hill called Steve Pizzo to give testimony as the owner of Sea Island Elevator. Mr. Pizzo begins by stating he has been in the elevator business since 2000 and since then, there has always been an issue with the "3x5 rule". He explains as the back of the door and the edge of the gate cannot be more than five (5) inches; whereas pickets on stairs and railways cannot be spaced more than four (4) inches so small children cannot get their head through. In 2005, Mr. Pizzo claims to have worked with Beaufort County Building Codes to approach the State and establishing a State Residential Elevator Commission. Mr. Pizzo went on to explain that a gate prevents someone from going through the gate while the elevator is in motion whereas the light curtain stops the elevator and performs a completely different function. Mr. Pizzo also stated that light curtains are not in the code yet and that is a national issue, not local. He spoke of various counties and jurisdictions allowing the light curtain in place of a physical gate with no denials. It is the opinion of Mr. Pizzo that every municipality should hire an outside elevator inspector to perform all elevator inspections as building inspectors do not have the qualifications. Mr. Pizzo iterated that the code says to see ANSI 17.1; referring to ANSI 17.1 and it states only a "qualified elevator inspector may inspect an elevator"; thus not qualifying a building inspector.

Vice Chair Briese asked if this appeal is really concerning ANSI 17.1 and for a specific code section or sections is being used to fail the elevator inspections. Mr. Pizzo stated he was not sure which code and that there are different year codes and does not know which year code is currently enforced within the Town limits. Member Graves asked if it is the car, elevator shaft, or both not being approved on inspections. Mr. Pizzo stated "yes" without specifying an answer. Mr. Pizzo says he has hired a certified elevator inspector to inspect elevators he has installed in Town limits and other jurisdictions. Member Graves asked for further clarification on what this outside inspector is inspecting: door, or the part that goes up and down. Mr. Pizzo interjected the outside inspector is inspecting "the whole elevator" and their "jurisdiction is basically the whole elevator". Vice Chair Briese asked if this outside inspector been recognized by the Town of Edisto Beach. Mr. Pizzo retorted the inspector has not been recognized by the Town but by the state. Member Graves asked if the inspector license is by LLR or who is he licensed by to do elevator inspections? A copy of a license issued by Qualified Elevator Inspector Training Fund issued to Mr. Hontz was passed to the board members; Mr. Pizzo stated this license is a federal thing but corrected himself to say it was a national thing and added that Mr. Hontz has a license in Nevada. Attorney Hill passed out a copy of a license issued to Mr. Hontz as a special inspector by the South Carolina Department of Elevators. Building Code Administrator Brown requested copies of all documents the appellant is introducing to the board be given to himself and the court reporter. He further advised Attorney Hill that Town staff is available to make copies if needed.

Mr. Pizzo commented that special inspectors are available to the Town for a variety of needs. Member Graves clarified to Mr. Pizzo that the Town would receive a list of special inspectors so a record may be maintained and proper licensing verified. Building Code Administrator Brown asked again to see a copy of the license issued to Mr. Hontz by the South Carolina Department of Elevators. Vice Chair Briese asked if Building Code Administrator Brown had ever seen this license, he stated he had not. Chair Huggins asked if this particular license is available on a public website which Mr. Pizzo confirmed yes.

Member Graves asked Mr. Pizzo to explain how the lasers work. Mr. Pizzo obliged her request and further explained that a traditional scissor gate will allow a three (3) inch ball to pass through where a laser curtain is everywhere and you cannot fit a finger through. Member Graves asked if the lasers go to the top and bottom of the elevator cab opening and if there is a door of any sort on the elevator cab. Mr. Pizzo responded that you look at the wall, not a physical door of any type, as you go up and down in the elevator cab. It was further clarified that the hoist way still has doors and proper locking devices at every level, just the elevator cab does not. Mr. Pizzo said that the elevator cab runs off a 220v circuit within the home and the light curtain is a 110v circuit within the cab. Member Graves asked if the power to the house goes off, does the light curtain still operate; Mr. Pizzo answered, "that's correct...if you don't have the battery backup installed". He explained that the battery backup will only allow elevator cab to travel in a downward motion with the light curtain functional.

Vice Chair Briese asked who the manufacturer of the elevator cab is. Mr. Pizzo informed the board that his company, Sea Island Elevator, is the manufacturer. Chair Huggins requested verification on a statement by Mr. Pizzo that this has not been accepted on a national level; it was affirmed by Mr. Pizzo that is correct as residential elevators are not a high priority and the last thing "they" get to, and "they" never finished. It was asked of Mr. Pizzo what the current code cycle is adopted by the state of South Carolina, he stated Mr. Hontz would know, that he really does not know.

Member Salter asked if overriding the national code for safety reasons allowed. Mr. Pizzo named another jurisdiction stating they have adopted the light curtain as acceptable. Member Salter stated what the board is judging is not the amount of witnesses present claiming that the lasers are better, but that lasers are not recognized by the national code as acceptable.

Attorney Hill asked for Mr. Drue Hontz be allowed to speak in front of the board, permission was granted. Attorney Hill introduced Mr. Hontz as the special elevator inspector. Mr. Hontz gave a brief background of himself: started installing elevators in 1969, working his way to owning an elevator installation company before retiring in 2001; becoming an inspector in 2003 to current. Member Graves asked what type of qualifications are necessary to become an elevator inspector. Mr. Hontz stated you must begin as a QEI and pass an exam. Mr. Hontz wanted to clarify to the board that the State of South Carolina will not inspect a residential elevator. Chair Huggins asked Mr. Hontz to specify the section of the building code that Mr. Pizzo is appealing. Mr. Hontz stated he only knows the 17.1 code. Member Graves asked if that is the standard referenced in the IRC to which Mr. Hontz claims to have no dealings with the IRC and would not know what is referenced within the IRC. Mr. Hontz described to the board what he inspects when looking at any type of elevator, which is only safety. Mr. Hontz clarified to Vice Chair Briese that Sea Island Elevator aggregates parts and components from various manufacturers to make the elevator cabs. Mr. Hontz confirmed he performed an inspection at the property listed on the appeal application and wrote a note that a laser light curtain was installed and passed the inspection, even though the emergency use telephone was not in working order. Mr. Hontz stated he does not file his inspection report with the Town, he signs them and leaves them on the job.

Building Code Administrator requested permission from the board to ask Mr. Hontz two questions, Mr. Hontz and Chair Huggins agreed. Building Code Administrator Brown: "Based off the documents you have

in front of you, have you performed residential elevator inspections within the Town of Edisto Beach?" Answer from Mr. Hontz: "Yes". Building Code Administrator Brown: "What license do you have with the State that allows you to perform residential elevator inspections?" Answer from Mr. Hontz: "As I stated earlier, the State will not inspect a residential elevator. Period. QEI elevator inspectors can. That's what I go under when I inspect a residential is my QEI."

With the applicant having nothing further to discuss, Building Code Administrator Brown was given the attention of the board. Building Code Administrator Brown began by passing out copies of all documents to be submitted for evidence. Documents introduced into evidence include: a legible copy of the Notice of Corrections, the PowerPoint presentation, code sections, State license, and Inquiry 13-934.

BCA Brown began by pointing out the fact that the applicant is referencing the 2013 code, South Carolina is enforcing the 2016 ASME code. BCA Brown presented the PowerPoint he created that followed a trail of who has the authority to inspect residential elevators. South Carolina Office of Elevators and Amusement Rides specifically states it does not have jurisdiction over private residential elevators; but does govern QEI inspectors. BCA Brown recalled an incident in 2007 where a child was severely injured in an elevator accident, the South Carolina Building Codes Council issued an emergency code modification to create section 321 within the IRC requiring all municipalities to issue residential elevator permits separate from the dwelling permit and requiring all municipalities to inspect residential elevators per the adopted South Carolina Residential Code. BCA Brown walked the board through the code explaining how it gives authority to an ICC certified Residential Building Inspector to inspect residential elevators. CBA Brown gave the board a list of twenty (20) State licenses that allows him to inspect every aspect of a residential building and commercial building. He went on to also explain code of regulations 8-110 that it is "unlawful for any person to practice as a building code enforcement officer, special inspector, or contracted inspector as defined in the regulations without first being registered as provided here in. As evidence of registration, a certificate of registration must be issued by the council..." which he has provided by evidence of his certificate of registration; meeting the classifications and qualification for South Carolina Code of Regulations 8-115, pointing out that a QEI inspector is not one of the approved classifications.

BCA Brown wanted to clarify to the board that the initial permit was not denied, it was the initial inspection that was denied because of the presence of the light curtain. The inspection passed once the elevator installer corrected the violation by installing a physical gate.

BCA Brown continued with his presentation including gate and door definitions from the ASME 17.1-2016 code, explaining why definitions are important in the interpretation of code.

An additional sheet BCA Brown introduced was Inquiry 13-934 that was answered by a committee for the AMSE 17.1 standard.

Before closing, BCA Brown iterated to the board that Mr. Pizzo has made comments to Town staff and himself that Mr. Pizzo will wait until the CO (certificate of occupancy) is issued before returning to the residence, removing the physical gate, and reinstalling the light curtain.

CBA Brown gave all members a list of the currently adopted building codes in South Carolina. With that list he explained South Carolina adopts the codes and the referenced standards within the code book(s). The 2018 South Carolina Residential Building Code has AMSE A17.1-2016/CSA B44-16: Safety Code of Elevators and Escalators listed as a referenced standard.

There being no requests for public comment, Chair Huggins moved the board begin discussion. Vice Chair Briese asked why this appeal is being requested as the residence in question is now occupied. Mr. Pizzo stated that it is a loss of money by having to constantly swap out the light curtain for a physical gate to pass inspection and return after the CO is issued to remove the physical gate while reinstalling the light curtain.

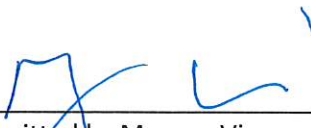
After discussion, Member Graves made a motion to deny the applicant's request followed by a second from Member Salter. A vote was held which passed unanimously.

**Adjournment:**

There being no further business to discuss, Vice Chair Briese made a motion to adjourn with a second given by Members Salter and Graves. A vote was held which passed unanimously.

Freedom of Information Act, § 30-4-80(3) was complied with.

APPROVED BY THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

  
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Submitted by Morgan Viars  
Secretary of the Construction Board of Adjustments and Appeals  
Town of Edisto Beach

A digital recording of this meeting is on file at Town Hall