

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of T. Chester Baker  
Appeal No. 14-8(A)

Hearing Date: March 20, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

T. Chester Baker (Baker), owner of an unoccupied building at 1667 Piney Forest Road, in Danville, appeals an order issued by the Inspections Division of the City of Danville's Department of Community Development in May of 2014, under Part III of the

Virginia Uniform Statewide Building Code, requiring the building to be demolished.

Baker first filed an appeal to the City of Danville Local Board of Building Code Appeals (local appeals board) after the demolition order issued by the City was posted on the property and a copy of the notice was published in local newspapers. The local appeals board conducted a hearing in June of 2014 and ruled to uphold the demolition order. Baker then further appealed to the Review Board.

Review Board staff conducted an informal fact-finding conference in early January of 2015, attended by Baker and representatives of the City. At the conference, City representatives advised that with Baker's permission, the City would engage a professional engineer to evaluate the building and submit a report to the Review Board to assist in determining whether the building needed to be demolished. Baker agreed to permit the City to engage the engineer.

The engineer's evaluation was submitted in late January of 2015 and a hearing before the Review Board was conducted in March of 2015 with Baker and representatives of the City attending.

### III. FINDINGS OF THE REVIEW BOARD

Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code, addresses when a building

may be ordered by a local enforcing agency to be demolished, in § 105.1, which states in pertinent part as follows:

"... when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code."

Further, an unsafe structure is defined in § 202 of the Virginia Maintenance Code as follows:

"An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure."

Based on the pictorial evidence submitted, the testimony of the City's representatives and the engineer's report, areas of the building's roof are rotten from years of roof leaks and are in danger of collapse. In addition, the columns supporting the roof extension over a walkway on one side of the building lack anchoring and given the deterioration of the roof framing, there is danger of a roof collapse affecting the safety of any persons outside of and in the immediate vicinity of the building.

Also, given the testimony from the City's representatives concerning the number of notices Baker has been issued for this building over the years and the lack of compliance with those notices and Baker's verbal and written testimony that his intent



\*Note: The original signed final order is available from Review Board staff.