

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
March 17, 2023
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23860**

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. David V. Hutchins
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. James S. Moss
Ms. Elizabeth White
Mr. Aaron Zdinak, PE

Members Absent

Mr. Daniel Crigler
Mr. Alan D. Givens

- Call to Order The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Chair Dawson.
- Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, arrived during the hearing for Monica and Michael Davis.
- Approval of Minutes The draft minutes of the February 17, 2023 meeting in the Review Board members’ agenda package were considered. Mr. Butler moved to approve the minutes as presented. The motion was seconded by Ms. Jackson and passed with Mses. Monday and White and Mr. Mays abstaining.
- Final Order Fei Zhang: Appeal No. 22-15:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Pharr moved to approve the final order as presented. The motion was seconded by Mr. Moss and passed with Mses. Monday and White and Mr. Mays abstaining.

Park Crescent Owners LLC: Appeal No. 22-14:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Pharr moved to approve the final order with the editorial change removing the words:

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*The decision of the City and local appeals board is overturned;
furthermore,*

and adding in its place the following words:

*Without having reached the merits of the decision of the City
and local appeals board*

The motion was seconded by Mr. Butler and passed with Mses. Monday and White and Mr. Mays abstaining.

Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chair Dawson closed the public comment period.

New Business

Monica and Michael Davis: Appeal Nos. 22-18 and 22-19:

A preliminary hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property located at 1002 Round Hill School Road, in Augusta County.

The following persons were sworn in and given an opportunity to present testimony:

Monica Davis, property owner
Michael Davis, property owner
G. W. Wiseman, Building Official for Augusta County

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Monica and Michael Davis: Appeal Nos. 22-18 and 22-19:

Motion Item #1:

After deliberations, Mr. Mays moved that the Review Board can rule on jurisdictional issues or merits of a case that the Review Board has previously heard, ruled on, and issued a final order. The motion was seconded by Ms. Jackson and passed unanimously.

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Motion Item #1A:

After deliberations, Mr. Pharr moved that this case did not warrant being re-visited in regard to any violation which was previously considered and ruled upon by the Board in prior cases or violations that were not appealed and therefore remain valid as the time to challenge has passed. The motion was seconded by Mr. Mays and passed unanimously.

Motion Item #2:

After deliberations, Mr. Pharr moved to overturn the County and local appeals board that the statute of limitations has expired. Mr. Pharr further moved that the violations were discovered less than two years after the certificate of occupancy was issued and their issuance is not invalidated by the provisions in the VCC Section 115.2.1. Mr. Pharr also moved that the County shall issue a written Notice of Violation for all directives or orders that have not been corrected or complied with here. The motion was seconded by Ms. Monday and passed unanimously.

Note: The written NOV shall include all 36 violations listed on pages 47-51 of the agenda package which are the four violations listed in the Augusta County NOV dated August 31, 2022 and the 32 violations listed in the County of Augusta Building Inspections; List of Items for Correction on Davis Structures.

Note: The local appeals board appears to have erred by making a decision contrary to the Review Board.

Black Wolf Services LLC: Appeal No. 22-05:

Note: Mr. Mays recused himself from participation as a Board member in this hearing due to his being the building official for Prince William County and a party to this appeal.

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property located at 1316 Profit Court, in Prince William County.

The following persons were sworn in and given an opportunity to present testimony:

Chris Berry, property owner
Pete Cartright, witness for the property owner
Eric Mays, Building Official for Prince William County

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Chad Roop, Deputy Building Official for Prince William County
Thomas Jarman, Battalion Chief, Prince William County Fire Marshal's Office

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Black Wolf Services LLC: Appeal No. 22-05:

After deliberations, Mr. Margarella moved to uphold the County and local appeals board that the area in question is being used as a mezzanine and violations of the 1987 VUSBC/BOCA Sections 605.3 Egress, 803.6 Open-sided floor area, and 824.1 General exist. The motion was seconded by Ms. Jackson and passed unanimously.

Secretary's Report

Mr. Luter pointed the Review Board members to the revised copy of Review Board Policy #30 presented in the Review Board members' agenda package. After a brief discussion, Mr. Butler moved to approve Policy #30 as presented. The motion was seconded by Ms. White and passed unanimously.

Mr. Luter pointed the Review Board members to the revised copy of Review Board Policy #31 presented in the Review Board members' agenda package. After a brief discussion, Mr. Moss moved to approve Policy #31 as presented. The motion was seconded by Ms. Jackson and passed unanimously.

Mr. Luter led a discussion on the need for a policy to limit submittals by parties to an appeal. The Review Board directed Mr. Luter to draft a policy for discussion at the upcoming retreat.

Mr. Luter informed the Review Board of the retreat scheduled for April 21, 2023 along with a brief description of the agenda and discussion topics.

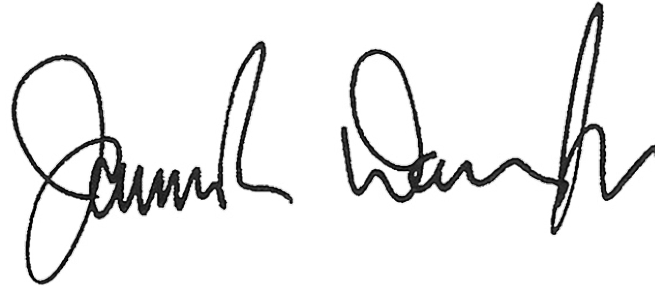
Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for May 12, 2023.

Attorney Bell offered no legal updates to the Board.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:00 p.m.

Approved: May 12, 2023

A handwritten signature in black ink, appearing to read "James Dumb". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "Dumb".

Chair, State Building Code Technical Review Board

A handwritten signature in black ink, appearing to read "William J. Smith". The signature is highly stylized and cursive, with the first name "William" being the most prominent part of the signature.

Secretary, State Building Code Technical Review Board