

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
September 16, 2022
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

Members Present

Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens
Mr. David V. Hutchins
Mr. Joseph Kessler (arrived after public comment)
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Ms. Elizabeth White
Mr. Aaron Zdinak, PE (arrived during Appeal 22-10 hearing)

Members Absent

Mr. James R. Dawson, Chairman
Ms. Christina Jackson

- 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 Secretary Travis Luter.
- 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, was also present.
- Approval of Minutes The draft minutes of the August 19, 2022 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes with the suggested editorial change to remove “Ms.” and replace it with “Mr.” on lines 97 of page 9. The motion was seconded by Mr. Butler and passed with Ms. White and Mr. Givens abstaining.
- Final Order TLF McClung LLC: Appeal No. 22-06:

After review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Monday moved to approve the final order with the editorial changes to remove the word “to” and replace it with the word “of” in line 26 on page 13 and line 38 on page 15. The motion was seconded by Mr. Margarella and passed with Ms. White and Mr. Givens abstaining.
- Interpretation Approval of Interpretation 03/2022:

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After review and consideration of Interpretation 03/2022 in the Review Board members' agenda package, Mr. Mays moved to approve Interpretation 03/2022 as presented. The motion was seconded by Mr. Hutchins and passed with Ms. White and Mr. Givens abstaining.

Public Comment

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

New Business

Daniel Maller: Appeal No. 22-10:

A preliminary hearing convened with Vice-Chair Pharr serving as the presiding officer. The hearing was related to the property located at 104 N. Montague, in Arlington County.

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

Daniel Maller, owner of the property
Shahriar Amiri, Arlington County
Myriam Villarroel, Arlington County
Richard Freeman, Arlington County

Also present was:

Ann Golski, legal counsel for Arlington County

After testimony concluded, Vice-Chair Pharr 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: Daniel Maller: Appeal No. 22-10:

After deliberations, Ms. Monday moved to remand the matter back to the local appeals board to render a decision on the Notice of Violation. The motion was seconded by Mr. Givens and passed with Mr. Zdinak abstaining.

Request for Interpretation of William Yeager (Montgomery County):
Interpretation Request No. 06-22:

An interpretation request from William Yeager of Montgomery County was considered concerning 2018 Virginia Construction Code Sections

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102.3 and 202 related to whether a building located on a farm where hemp is grown & harvested, that operates as a laboratory to enhance or extract by-product of this hemp, is exempt from the building code in accordance with the 2018 VCC Sections 102.3 and 202. With consent of the Vice-Chair, Mr. Yeager offered a revised question for his request which read:

“Is a building located on a farm where hemp is grown & harvested, that operates as a laboratory to enhance or extract by-product of this hemp, exempt from the building code in accordance with the 2018 Virginia Construction Code Section 102.3 Exemptions and Section 202 Definitions?”

Mr. Butler moved that the answer is “Yes”. The motion was seconded by Mr. Mays with Mr. Givens abstaining.

Secretary’s Report

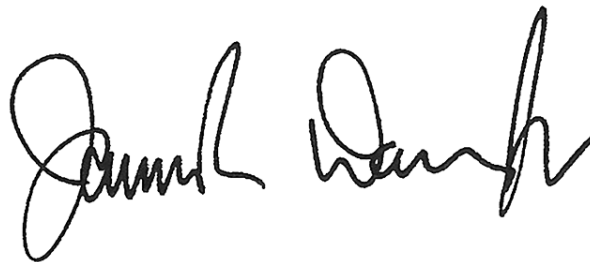
Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for November 18, 2022.

Attorney Bell provided legal updates to the Board. He also provided the Board an example of two virtual meeting policies and suggested the Board consider adopting one of the policies. No action was taken on the potential new policy.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 1:15 p.m.

Approved: November 18, 2022



Chair, State Building Code Technical Review Board

A handwritten signature in black ink, appearing to read "Will J. Smith". The signature is written in a cursive style with a large, prominent initial "W".

Secretary, State Building Code Technical Review Board