

Virginia:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Starr Construction, Inc.  
Appeal No. 15-6

Hearing Date: February 19, 2016

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 & 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

In mid-2012 Starr Construction, Inc. (Starr) entered into a contract with Frank and Evelyn Draper (Draper) to install replacement windows and fiber cement, horizontal lap siding (i.e. "Hardi-Plank," a James Hardie brand product) on their home located at 1173 Old Stable Road in McLean, Virginia. The work was performed in July and August of 2012.

In December of 2013, at the request of the Drapers, the Fairfax County Department of Public Works and Environmental Services (County building department), the county agency responsible for the enforcement of Part I of the Virginia Uniform Statewide Building Code (the Virginia Construction Code, or VCC), conducted an inspection of the work performed under the 2009 VCC. In May of 2014, as a result of the inspection, a corrective work order under the VCC was issued to Starr for the improper installation of composite siding (Section R703.10), the improper installation of an exterior porch ceiling (Section R805.1 and R703.11.1), and for a lack of permits (VCC Section 108.1 and 113.3) for electrical and plumbing work.

In August of 2014, the corrective work order was reissued to Starr.

Subsequently, in November of 2014, the County building department issued a notice of violation under the 2009 VCC to Starr requiring correction of the violations.

In December of 2014, Starr filed an appeal of the issuance of the notice regarding the installation of the siding and the porch ceiling to the County of Fairfax Board of Building Code Appeals which heard the appeal in March of 2015 and ruled to uphold the issuance of the notice. Starr then further appealed the same issues from the notice to the Review Board.

Subsequent to the conference, a staff summary was drafted and distributed to the parties and opportunity given to submit objections, corrections or additions to the staff summary. All documents, written arguments and other correspondence were then compiled as part of an agenda package for a meeting of the Review Board and a hearing was conducted concerning the appeal. Only representatives from Fairfax County were present at the hearing.

### III. FINDINGS OF THE REVIEW BOARD

The Review Board finds the testimony presented by Fairfax County and the evidence, including the color photographs submitted by the parties, clearly demonstrate that the fiber cement siding product (i.e. "Hardi-Plank," a James Hardie brand product) on the home was installed by Starr in contravention to the manufacturer's installation instructions that were in effect at the time of application. This conclusion is based on Section



As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Alan W. McMahan, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.