

**STATE BUILDING CODE TECHNICAL REVIEW BOARD**  
**MEETING MINUTES**  
**August 16, 2024**  
**Virginia Housing Center**  
**4224 Cox Road Glen Allen, Virginia 23060**

Members Present

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

Members Absent

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 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 July 19, 2024 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes as presented. The motion was seconded by Mr. Zdinak and passed with Mr. Margarella 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.
Request for Reconsideration	<u>Schiano (Appeal No. 24-03) Petition for Reconsideration:</u>  A petition for reconsideration for Appeal No. 24-03 was distributed to the board members. After discussion, Mr. Pharr moved to deny the request for consideration. The motion was seconded by Mr. Butler and passed with Mr. Margarella abstaining.

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

New Business

A10 Capital LLC: Appeal No. 24-05:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property located at 2101, 2103, 2105, 2107, 2109, 2111, 2113, 2115, 2117, 2119, and 2121 Kecoughtan Road, in the City of Hampton.

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

Kim Mikel, Deputy Director of Community Development and Property Maintenance Official, City of Hampton

Kyle R. Stephenson, President of KRS Holdings LLC (Court appointed receiver for the real property

Andrew Levine, Property Manager, KRS Holdings LLC

Jennifer McLemore, Substitute Trustee for the Deed of Trust from Colonial Landing Apartment LLC

Everett Mish, P.E., Principle Mish Engineering Concepts P.L.C.

Steve Zorich, Vice-President, Head of Special Services, A10 Capital LLC

Also present were:

Anne Ligon, Attorney for the City of Hampton

Brandi Law, Attorney for the City of Hampton

Peter Ware, General Counsel for A10 Capital LLC

Scott Miller, Attorney for A10 Capital LLC

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: A10 Capital LLC: Appeal No. 24-05:

Motion Item #1:

After deliberations, Mr. Mays moved to uphold the City property maintenance official and local appeals board decision that the structures located at 2101-2121 Kecoughtan Road are unsafe structures or structures unfit for human occupancy in accordance with VMC

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Section 106.1 *Unsafe Structure or Structures Unfit for Human Occupancy*. The motion was seconded by Mr. Kessler and passed unanimously.

Motion Item #2:

After deliberations, Mr. Mays moved to overturn the City property maintenance official and local appeals board decision that the structures located at 2101-2121 Kecoughtan Road must comply with all recommendations of the four A10 expert reports (MISH Engineering Concepts, PLC dated January 31, 2024, Complete Care Plumbing LLC dated January 26, 2024, S&W Power Solutions, LLC received January 31, 2024, and Partner Engineering and Science, INC. dated January 31, 2024). The motion was seconded by Mr. Butler and passed unanimously.

Motion Item #3:

After deliberations, Mr. Mays moved to uphold the City property maintenance official and local appeals board decision that the structures located at 2101-2121 Kecoughtan Road must be brought into compliance; however, amending the timeline to comply from “within 30 days of issuance of the NOV” to “within nine (9) months to get all building permits issued for the entire property from the date of the final order”. The motion was seconded by Ms. Monday and passed unanimously.

Motion Item #4:

After deliberations, Mr. Mays moved to uphold the City property maintenance official and local appeals board decision that structures located at 2101-2121 Kecoughtan Road must be demolished is warranted under VMC Section 106.1 *Unsafe Structure or Structures Unfit for Human Occupancy* and is the proper remedy and must be demolished if all building permits for the entire property are not issued within nine (9) months from the date of the final order. The motion was seconded by Mr. Kessler and passed with Ms. Monday and Messrs. Zdinak, Pharr, Moss, and Butler voting in opposition.

Motion Item #5:

After deliberations, Mr. Kessler moved to require the owner to turn off all power to the property and provide additional safety measures such as perimeter fencing, fence monitoring system, video monitoring, fire alarm system or temporary fire watch, etc. The motion was seconded by Mr. Givens and failed with Mses. Monday and White and Messrs. Butler, Crigler, Hutchins, Margarella, Mays, Moss, Pharr, and Zdinak voting in opposition.

Secretary’s Report

Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for September 20, 2024.

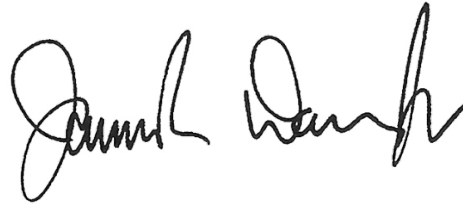
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Mr. Bell provided legal updates to the Review Board members.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 1:30 p.m.

Approved: September 20, 2024



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Chair, State Building Code Technical Review Board



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Secretary, State Building Code Technical Review Board