

**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES**

**May 20, 2022**

**Henrico County Tuckahoe Area Library  
1901 Starling Drive, Henrico, Virginia 23229**

Members Present

Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Alan D. Givens  
Mr. David V. Hutchins  
Ms. Christina Jackson  
Mr. R. Jonah Margarella  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. Aaron Zdinak, PE

Members Absent

Mr. James R. Dawson, Chairman  
Mr. Vince Butler  
Mr. Daniel Crigler  
Mr. Joseph Kessler  
Ms. Elizabeth White

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 Board from the Attorney General’s Office, was also present.

Approval of Minutes              The draft minutes of the March 18, 2022 meeting in the Review Board members’ agenda package were considered. Mr. Mays moved to approve the minutes as presented. The motion was seconded by Mr. Zdinak and passed with Mses. Monday and Jackson and Mr. Givens abstaining.

Final Order                          Appeal of Wayne Credle: Appeal No. 21-06:  
  
After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order with the following suggested editorial changes:

- 1) Remove the word *demolish*; replace it with the word *demolition* in line #24 on page 11
- 2) Remove the words *agrees with the City and*; replace with the words *determined that* in line #38 on page 13

The motion was seconded by Mr. Margarella and passed with Mses. Monday and Jackson and Mr. Givens abstaining.

Appeal of City of Petersburg: Appeal No. 21-08:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order with the following suggested editorial changes:

- 1) Add the word *because* after the word *furthermore* in line #43 on page 19
- 2) Add the following: *, it is unenforceable against a subsequent purchaser who lacks actual or constructive notice* after the word recorded at the end of line #43 on page 19
- 3) Add the word *legal* after the word *no* in line #53 on page 21
- 4) Remove the word *foreclosure* and replace with the words *recordation and case law* in line #54 on page 21
- 5) Add the words *because it was not recorded* after the word *property* at the end of line #55 on page 21
- 6) Add the word *legal* after the word *no* in line #61 on page 21
- 7) Remove line #63 in its entirety and replace with a new line #63 which reads *state recordation and case law, which extinguished the lease from the previous owner of the property because it was not recorded*

The motion was seconded by Mr. Zdinak and passed with Mses. Monday and Jackson 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

Clark Construction Group and JCM Associates; Appeal No. 22-01:

A hearing convened with Vice-Chair Pharr serving as the presiding officer. The hearing was related to the 140 condominium units on floors nine through 25 at the property located at 1650 Silver Hill Drive McLean, in Fairfax County.

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

- Ray Grill, Agent for Clark Construction Group and JCM Associates
- Charles Chisley, JCM Associates
- Mike McReady, JCM Associates
- Russell James, Meridian Group
- Larry Mundy, Clark Construction Group
- Lee DeLong, Clark Construction Group
- Richard Grace, Culpeper County (formerly of Fairfax County)

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Melissa Smarr, Fairfax County  
Scott Hagerty, Fairfax County  
Dennis Hart, Fairfax County  
Charles Horton, Fairfax County  
Anthony McMahan, Fairfax County  
John Walser, Fairfax County

Also present was:

Paul Emerick, legal counsel for Fairfax 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: Clark Construction Group and JCM Associates; Appeal No. 22-01:

*Note: The item numbers called out in the motions below are listed on pages 29-30 of the agenda package*

Motion Items #1, #2, and #6

After deliberations, Mr. Mays moved to overturn the county building official and local appeals board because no violation of the USBC had occurred. The motion was seconded by Ms. Jackson and passed unanimously.

Motion Items #3, #4, #5, #7, and #8

After deliberations, Mr. Mays moved to uphold the county building official and local appeals board issuance of the Corrective Work Order because the appliance shutoff valve, tenant shutoff valve, and the pressure regulator do not meet the access requirements. The motion was seconded by Mr. Givens and passed unanimously.

Monica and Michael Davis; Appeal No. 22-02:

A hearing convened with Vice-Chair Pharr serving as the presiding officer. The hearing was related to the home located at 1002 Round Hill School Road, in Augusta County.

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

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Monica Davis, Property Owner  
Michael Davis, Property Owner  
GW Wiseman, Building Official for Augusta 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: Monica and Michael Davis; Appeal No. 22-02:

*Note: The correlation of the alphabetical identification in the County Building Official's letter dated September 7, 2021 found on pages 249-251 of the agenda package, alphabetical identification in the Suggested Statement of Case History and Pertinent Fact section of the Review Board staff document found on pages 243-244 of the agenda package, and the numeric identification in the Suggested Issues for Resolution section of the Review Board staff document found on pages 244-245 of the agenda package are shown in the chart below:*

County Building Official's Letter pages 249-251	Suggested Statement of Case History and Pertinent Fact pages 243-244	Suggested Issues for Resolution pages 244-245
a)	a)	1
c)	c)	2
f)	f)	3
g)	g)	4
h)	h)	5
i)	i)	6
j)	j)	7
k)	k)	8
m)	m)	9

Motion for Suggest Issue for Resolution #1

After deliberations, Mr. Mays moved to uphold the county building official and local appeals board because the decision made by the county building official was made in accordance with the authority provided to the county building official in the 2012 USBC, which was the effective code at the time of construction. The motion was seconded by Mr. Zdinak and passed unanimously.

Motion for Suggest Issue for Resolution #2

After deliberations, Mr. Mays moved to uphold the county building official and local appeals board because no structural defect occurred related to the DWV pipe installation shown in the photographs on the lower left and center of page 262 of the agenda package. Mr. Mays further moved that the potential violation shown in the photographs on the lower right of page 262 and page 263 of the agenda package was not properly before the Board. The motion was seconded by Ms. Jackson and passed unanimously.

Motion for Suggest Issue for Resolution #3

After deliberations, Mr. Mays moved to overturn the county building official and local appeals board because at least one additional electrical outlet is required in the bonus room. Mr. Mays also moved to uphold the county building official and local appeals board because additional electrical outlets were not required in the bathroom. The motions were seconded by Ms. Monday and passed unanimously.

Motion for Suggest Issue for Resolution #4

After deliberations, Mr. Givens moved to overturn the county building official and local appeals board because the HVAC duct system was not compliant because a HVAC duct system cannot exist with the 0 static pressure designated in the design criteria provided. The motion was seconded by Mr. Zdinak and passed unanimously.

Motion for Suggest Issue for Resolution #5

After deliberations, Mr. Givens moved to uphold the county building official and local appeals board because a third support for the HVAC unit is not required and the required dead load for the design of the structure includes the weight of the HVAC unit. The motion was seconded by Ms. Jackson and passed unanimously.

Motion for Suggest Issue for Resolution #6

After deliberations, Mr. Mays moved to overturn the county building official and local appeals board because the required pipe sleeve through the foundation wall was not installed properly. Mr. Mays further clarified that his motion purposely did not address responsible party for the installation of the sleeve. The motion was seconded by Ms. Monday and passed unanimously.

Motion for Suggest Issue for Resolution #7

After deliberations, Mr. Givens moved to remand the item back to the county building official for additional investigation and inspection contingent upon the Davis' providing the necessary access to the space for inspection. The motion was seconded by Ms. Monday and passed unanimously.

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Motion for Suggest Issue for Resolution #8

After deliberations, Mr. Mays moved to uphold the county building official and local appeals board because the code does not address the height requirement for the installation of electrical disconnects for HVAC units. The motion was seconded by Ms. Jackson and passed unanimously.

Motion for Suggest Issue for Resolution #9

After deliberations, Mr. Givens moved to overturn the county building official and local appeals board because the HVAC mini split system, installed in the bonus room, was not sized properly and as a result is insufficient for the bonus room. The motion was seconded by Ms. Monday and passed unanimously.

Board Policy

Mr. Givens inquired about the requirement of information to be submitted by parties to an appeal. After a brief discussion staff was directed to draft a policy related to needed submittals for cases involving HVAC system. Staff indicated it would draft a new policy and present to the Review Board for consideration at the July 15, 2022 meeting.

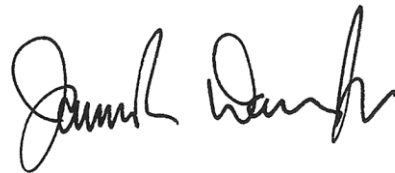
Secretary's Report

Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for July 15, 2022.

Adjournment

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

Approved: July 15, 2022



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Chairman, State Building Code Technical Review Board



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Secretary, State Building Code Technical Review Board