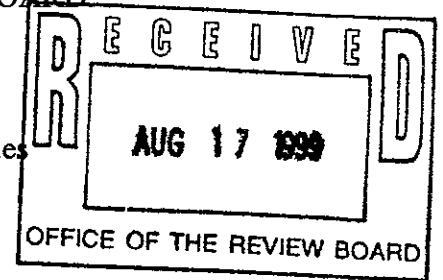


VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Parker Lancaster Corporation and John E. Rhodes  
Appeal No. 98-16



Appellant/Appellee Parker Lancaster Corporation (Parker Lancaster) and  
Appellant/Appellee John R. Rhodes (Rhodes) have made the following representations:

1. Beginning in June, 1995, Parker Lancaster, a builder/vendor, constructed a single family home at 12301 Chiasso Way in Chesterfield County. The home was sold to the Rhodes on August 21, 1995. The Rhodes closed on the home and moved in on October 25, 1995.
2. After occupying the house, Rhodes notified Parker Lancaster and the Chesterfield County Building Inspection Department (the "building official") of certain alleged defects in construction. After investigation, the building official found some of the defects constituted code violations, and others did not. The building official also found that some of the code violations that had been cited had been corrected.
3. In August, 1998, Rhodes appealed a number of the building officials decisions to the Chesterfield County Board of Building Code Appeals (the "County Appeals Board").
4. The County Appeals Board heard Rhodes' appeal on September 23, 1998, and found six USBC violations. The County Appeals Board directed the building official to re-issue notices of violation for two of the violations, and to document

the remaining ones. The County Appeals Board also considered whether there was a USBS violation for not building the house in accordance with the approved plans and specifications, but did not rule that to be a violation.

5. By Application dated October 16, 1998, Parker Lancaster filed an appeal to the State Review Board. Rhodes filed an appeal to the Review Board by application dated October 26, 1998.
6. Rhodes filed a subsequent appeal to the County Appeals Board concerning the building official's failure to document a USBC for failure to build in accordance with the approved plans. The County Appeals Board heard Rhodes' appeal on December 2, 1998, and ruled for the building official to document that as a USBC violation. The building official did so by letter dated December 11, 1998.
7. The matters on appeal are as follows:
  - A. Whether the drain tile was installed in compliance with USBC Section 305.1.
  - B. Whether the roof rafter grading complies with USBC Section 703.1.
  - C. Whether a crack in the foundation violates Section R-503.1 of the CABO One and Two Family Dwelling Code (the "CABO Code") requiring exterior walls to provide a barrier to weather and insects.
  - D. Whether electrical cables in the crawl space were not secured in accordance with Section 300-11 of the National Electric Code.
  - E. Whether exposed vegetation in the crawl space was in violation of Section R311.1 of the CABO Code.

- F. Whether the first floor bearing walls were not built in compliance with Table R-402.3d of the CABO Code for walls supporting two floors, a roof, and ceiling, i.e., the first floor wall stud spacing/sizing is incorrect.
- G. Whether a USBC violation exists because the house was not built in accordance with the approved plans.
8. After review of the matters on appeal, the parties stipulate and agree as follows:
- A. That the violations for which the County Appeals Board directed the building official to re-issue notices of violation have been corrected and are now in compliance with the USBC.
- B. That the County Appeals Board lacked jurisdiction to direct documentation of the remaining code violations, because the Board acted in the absence of prior decisions of the building official on those items. On the merits of the documented violations, the parties agree that the items have either been corrected or do not constitute violations of the USBC.
- C. That the house not being built in accordance with the approved plans is not a violation of the USBC.

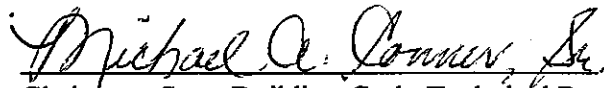
Based on the above representations, the State Building Code Technical Review Board hereby finds that the violations for which notices of violation were re-issued at the direction of the County Appeals Board have been corrected or abated.

The State Building Code Technical Review Board further finds that the County Review Board acted without jurisdiction in directing documentation of the remaining code violations, and

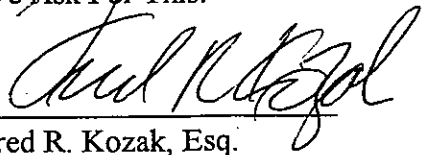
accordingly the Board's decisions with regard to those items are vacated. Since there is no other evidence that these items constitute violations, the Review Board further finds that no USBC violation exists relative to these items.

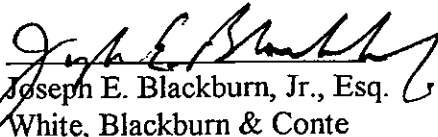
The State Building Code Technical Review Board further finds that no USBC violation exists relative to the house not being built in accordance with the approved plans.

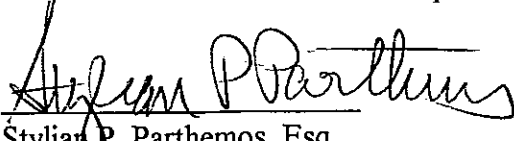
Because these findings resolve all issues with regard to the appeals filed by Parker Lancaster and John Rhodes, the Board hereby dismisses this appeal as moot.

  
Chairman, State Building Code Technical Review Board

We Ask For This:

  
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Attest: This final order was entered on August 20, 1999.

<sup>4</sup>  
  
Secretary, State Technical Review Board