

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
(For Preliminary Hearing as to Jurisdiction)

IN RE: Appeal of Fei Zhang
 Appeal No. 22-15

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 and 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 (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On June 15, 2022 the Fairfax County Department of Land Development Services (County), the agency responsible for the enforcement of the 2018 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), performed and conditionally approved a framing inspection for the residential structure, located at 1976 Kirby Road, in the Fairfax County which was under contract for purchase by Fei Zhang (Zhang) at the time of the inspection.

Zhang requested and subsequently was released from the purchase contract on July 1, 2022. Zhang filed an appeal to the Fairfax County Board of Building Code Appeals (local appeals board) for the conditionally approved framing inspection which was denied on September 14, 2022. Zhang appealed to the Review Board on October 4, 2022.

Appearing at the Review Board meeting was Patrick Foltz, legal counsel for Fairfax County. Fei Zhang was properly noticed of the hearing; however, did not attend.

III. Findings of the Review Board

A. Whether to dismiss the appeal as not properly before the Board since Zhang has requested and been released from the purchase contract ending whatever aggrievement there was against Zhang.

The County, through legal counsel, argued that Zhang filed the appeal after releasing from the contract to purchase. The county further argued that at the time Zhang filed the appeal Zhang was not in a position to be aggrieved by the decision of the building official; therefore, had no standing to file the appeal.

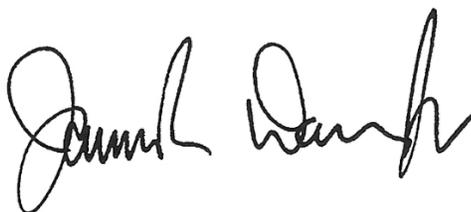
The Review Board finds that Zhang no longer had any connection to the property; therefore, could not be aggrieved and lacked standing to file the appeal.

IV. Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

B. Whether to dismiss the appeal as not properly before the Board since Zhang has requested and been released from the purchase contract ending whatever aggrievement there was against Zhang.

The appeal is dismissed as it is not properly before the board due to lack of standing.



Chair, State Building Code Technical Review Board

Date entered _____ March 17, 2023 _____

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 W. Travis Luter, Sr., 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.