

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of T. Chester Baker
Appeal No. 14-8(B)

Hearing Date: March 20, 2015

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. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

T. Chester Baker (Baker), owner of property located at 1663 Piney Forest Road, in Danville, appeals to the Review Board from a decision by the City of Danville Local Board of Building Code Appeals (local appeals board), which dismissed Baker's appeal as

being untimely. The Review Board therefore considers only the timeliness issue.

In January of 2014, the Inspections Division of the City of Danville's Department of Community Development, in enforcing Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code, issued a demolition order for a building owned by Baker at the above-referenced property. The order was mailed to Baker and posted on the building on the property. The City also published a Notice of Demolition for the building in a local newspaper in February of 2014.

Baker appealed the demolition order to the local appeals board in June of 2014, when filing an appeal for a similar situation on adjacent property. The local appeals board considered both of Baker's appeals in June of 2014, but limited their consideration of the demolition order for the 1663 Piney Forest Road building to only whether Baker's appeal was timely, and after consideration, dismissed the appeal as untimely since no application for appeal was filed by Baker within the 14-day timeframe required by the Virginia Maintenance Code.

III. FINDINGS OF THE REVIEW BOARD

The testimony and evidence submitted verifies that Baker's appeal to the local board was not filed within the 14-day time limit required by the Virginia Maintenance Code. Accordingly, and

consistent with past rulings of the Review Board, Baker's appeal is invalid.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders Baker's appeal of the demolition order for the building at 1663 Piney Forest Road, to be, and hereby is, dismissed as untimely.

/s/*

Chairman, State Technical Review Board

June 19, 2015

Date Entered

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 Vernon W. Hodge, Secretary to the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

***Note: The original signed final order is available from Review Board staff.**