

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
January 24, 2020
Glen Allen, Virginia**

Members Present

Mr. James R. Dawson, Chairman
Ms. Christina Jackson
Mr. Alan D. Givens
Mr. Eric Mays, PE (arrived at 10:30 during the public comment period)
Ms. Joanne Monday
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Daniel Crigler
Mr. Vince Butler
Mr. Joseph Kessler
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.

- Call to Order The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 9:00 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 November 15, 2019 meeting in the Review Board members' agenda package were considered. Ms. Monday moved to approve the minutes with the editorial changes. The motion was seconded by Ms. Jackson and passed with Messrs. Pharr and Givens abstaining.
- Final Orders Appeal of Janett Pakravan
Appeal No. 19-03:

After review and consideration of the final order presented in the Review Board members' agenda package, Ms. Monday moved to approve the final order as presented. The motion was seconded by Ms. Jackson and passed with Messrs. Pharr and Givens abstaining.
- Interpretations Approval of Interpretation 02/2019:

After review and consideration of Interpretation 02/2019 presented in the Review Board members' agenda package, Mr. Witt moved to approve Interpretation 02/2019 as presented. The motion was seconded by Ms. Monday and passed with Messrs. Pharr and Givens abstaining.

Approval of Interpretation 03/2019:

After review and consideration of Interpretation 03/2019 presented in the Review Board members' agenda package, Mr. Witt moved to approve Interpretation 03/2019 as presented. The motion was seconded by Ms. Jackson and passed with Messrs. Pharr and Givens abstaining.

Public Comment

Chairman Dawson opened the meeting for public comment. Mr. Luter advised that someone had signed up to speak; Mr. George E. Kline Jr. came forward and spoke. With no one else coming forward, Chairman Dawson closed the public comment period.

New Business

Preliminary Hearing (To discuss whether the appeals are timely)

Kristie Sours Atwood; Appeal No. 19-05 and 19-06:

A preliminary hearing convened with Chairman Dawson serving as the presiding officer. The preliminary hearing was related to the property owned by Kristie Sours Atwood located at 1255 Pilgrims Way, in Warren County.

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

Kristie Sours Atwood, Owner
Victor Atwood, Owner
David Beahm, Warren County Building Official
Martha Buracker, Buracker Construction

Also present was:

Caitlin Jordan, Esq., legal counsel for Warren County
T. Joel Francis, Esq., legal counsel for Buracker Construction

After testimony concluded, Chairman Dawson closed the preliminary 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: Preliminary Hearing (To discuss whether the appeals are timely)

Kristie Sours Atwood; Appeal No. 19-05 and 19-06:

After deliberations, Mr. Mays moved to overturn the decision of the local appeals board because the appeals were not timely filed. The motion was seconded by Mr. Witt and passed with Messrs. Pharr and Givens and Ms. Monday voting in opposition.

Preliminary Hearing (To discuss whether the appeal is properly before the Board)

Appeal of Buracker Construction; Appeal No. 19-07:

A preliminary hearing convened with Chairman Dawson serving as the presiding officer. The preliminary hearing was related to the property owned by Kristie Sours Atwood located at 1255 Pilgrims Way, in Warren County.

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

Kristie Sours Atwood, Owner
Victor Atwood, Owner
David Beahm, Warren County Building Official
Martha Buracker, Buracker Construction

Also present was:

Caitlin Jordan, Esq., legal counsel for Warren County
T. Joel Francis, Esq., legal counsel for Buracker Construction

After testimony concluded, Chairman Dawson closed the preliminary 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: Preliminary Hearing (To discuss whether the appeal is properly before the Board)

Buracker Construction; Appeal No. 19-07:

After deliberations, Mr. Mays moved to uphold the decision of the local appeals board because the appeal was properly before the Board; therefore the merits of the case are to be heard. The motion was

**State Building Code Technical Review Board
January 24, 2020 Minutes - Page 4**

seconded by Ms. Monday and passed with Mr. Pharr voting in opposition.

Appeal of Buracker Construction; Appeal No. 19-07 (Merits):

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under 2009 Virginia Construction Code related to the property owned by Kristie Sours Atwood located at 1255 Pilgrims Way, in Warren County.

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

Kristie Sours Atwood, Owner
Victor Atwood, Owner
David Beahm, Warren County Building Official
Martha Buracker, Buracker Construction

Also present was:

Caitlin Jordan, Esq., legal counsel for Warren County
T. Joel Francis, Esq., legal counsel for Buracker Construction

After testimony concluded, Chairman 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: Buracker Construction; Appeal No. 19-07 (Merits):

After deliberations, Mr. Witt moved to uphold the decision of the local appeals board and the building official that items listed as numbers 10 and 11 in the staff document, found on page 43 of the agenda package, were violations. The motion was seconded by Mr. Mays and passed unanimously.

After further deliberations, Mr. Witt moved to uphold the decision of the local appeals board and the building official that the item listed as number 21 in the staff document, found on page 45 of the agenda package, was a violation. The motion was seconded by Mr. Mays and passed unanimously.

After further deliberations, Mr. Witt moved to overturn the decision of the local appeals board and the building official that the item listed as

**State Building Code Technical Review Board
January 24, 2020 Minutes - Page 5**

number 52 in the staff document, found on page 51 of the agenda package, was not a violation. The motion was seconded by Mr. Mays and passed unanimously.

After further deliberations, Mr. Witt moved to overturn the decision of the local appeals board and the building official that the item listed as number 59 in the staff document, found on page 53 of the agenda package, was not a violation. The motion was seconded by Mr. Mays and passed unanimously.

Secretary's Report

Mr. Luter distributed a draft copy of Review Board Policy #24, which was prepared by staff at the request of a Review Board member. After review and consideration of Review Board Policy #24, Mr. Witt moved to approve Review Board Policy #24 with an editorial correction to also require the citing jurisdiction to identify, with specificity, the code section. The motion was seconded by Mr. Mays and passed unanimously.

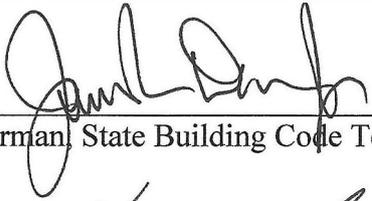
Mr. Luter reviewed the updated (2015) Review Board Interpretation Booklet, prepared by staff, included in the Review Board members' agenda package. After discussion, Mr. Witt move to approve the new interpretation booklet. The motion was seconded by Mr. Mays and passed unanimously.

Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for March 20, 2020.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 3:30 p.m.

Approved: July 17, 2020



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board