

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
May 21, 2021
Virtual Meeting

<https://vadhcd.adobeconnect.com/lbbca/>

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Mr. David V. Hutchins
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. J. Kenneth Payne, Jr., AIA
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Daniel Crigler
Ms. Joanne Monday

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 19, 2021 meeting in the Review Board members’ agenda package were considered. Mr. Payne moved to approve the minutes as presented. The motion was seconded by Ms. Jackson and passed unanimously.

The draft minutes of the April 16, 2021 meeting in the Review Board members’ agenda package were considered. Mr. Payne moved to approve the minutes as presented. The motion was seconded by Ms. Jackson and passed with Messrs. Butler, Givens, Hutchins, and Witt abstaining.

Final Order

Appeal of Fairfax County: Appeal No. 21-01:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Payne moved to approve the final order as presented. The motion was seconded by Mr. Witt and passed unanimously.

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Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had contacted him to speak. With no one requesting to speak, requesting to be acknowledged to speak by use of the raised hand feature of the Adobe Connect meeting platform, or requesting to speak in the chat box section of the Adobe Connect meeting platform, Chair Dawson closed the public comment period.

New Business

Monica and Michael Davis; Appeal No. 21-02:

A hearing convened with Chair Dawson 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:

Monica Davis, Property Owner
Michael Davis, Property Owner
G. W. Wiseman, Augusta County Building Official

After testimony concluded, Chair 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: Monica and Michael Davis; Appeal No. 21-02:

Motion #1

After deliberations, Mr. Mays moved to uphold the local building official and local appeals board acceptance of the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report. The motion was seconded by Mr. Witt.

After further deliberations, Mr. Payne moved to substitute for the pending motion the following: To uphold the local building official and local appeals board to accept the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report with the exemption of items #8 and #12 in the letter from the local building official dated July 16, 2020. Mr. Payne further moved to overturn the local building official and local appeals board acceptance of the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report for items #8 and #12 in the letter from the local building official dated July 16, 2020. The substitute was seconded by Mr. Mays.

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After additional deliberation, the substitute was withdrawn. The original motion by Mr. Mays was also withdrawn

Motion #2

After further deliberations, Mr. Kessler moved to uphold the local building official and local appeals board acceptance of the Schnitzhofer Structural Engineers report dated November 3, 2020 as a valid engineers report for the letter from the local building official dated July 16, 2020. Mr. Kessler further moved that the report did not resolve any issues identified in the letter from the local building official dated July 16, 2020. Mr. Kessler further moved that the Engineering Solutions report was also a valid report for the letter from the local building official dated July 16, 2020. The motion was seconded by Mr. Payne and passed unanimously.

Anthony T. Grant, Jr.; Appeal No. 21-03:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the home located at 4281 Cole Avenue in the City of Suffolk.

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

Anthony T. Grant, Jr., Property Owner
Ashley Grant, Property Owner
Michael Robinson, City of Suffolk Building Official
Jeffery Sadler, Witness for the City of Suffolk
Carl Stevens, Witness for the City of Suffolk

Also present was:

Sean Dolan, legal counsel for the City of Suffolk

After testimony concluded, Chair 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: Anthony T. Grant, Jr.; Appeal No. 21-03:

Item #1

After deliberations, Mr. Mays moved that the City of Suffolk local appeals board did not comply with the Remand Order dated January

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11, 2019. The motion was seconded by Mr. Kessler and passed unanimously.

Item #2

After further deliberations, Mr. Givens moved that the city of Suffolk building official is to provide complete manual J, and D calculations based on the original plans with corrected orientation, and adjustments made for missing and new windows applied to them. The city of Suffolk building official is also to provide all the backup documentation including but not limited to wall construction type, glazing and door details, insulation validating the data contained in the new Manual J and D calculations of the home not on the as built as this could require destructive testing. Once the accurate manual J and D calculations are completed, then see, in particular, if the system meets these requirements by testing air flow to each room, and if the BTU values of the current system meets the requirements of the structure. The city of Suffolk building official should also issue NOV's for the other issues contributing to the comfort issues that were identified such as but not limited to sealing registers, and vapor barrier issues in the crawl space. The city of Suffolk building official shall also provide all of the supporting documents and completed manual J and D calculations to the State Technical Code Review Board. The motion was seconded by Mr. Pharr and passed with Messrs. Butler and Hutchins and Ms. Jackson voting in opposition.

Secretary's Report

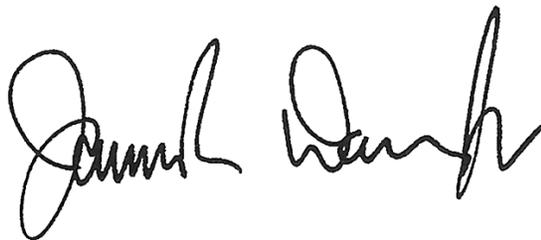
Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for July 16, 2021.

Attorney Bell provided legal updates to the Board.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 5:00 p.m.

Approved: September 17, 2021



Chairman, State Building Code Technical Review Board

A handwritten signature in black ink, appearing to read "William J. Smith". The signature is written in a cursive style with a large, prominent initial "W".

Secretary, State Building Code Technical Review Board