

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
September 18, 2020
Virtual Meeting

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

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Daniel Crigler
Mr. Alan D. Givens
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler

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 July 17, 2020 meeting in the Review Board members’ agenda package were considered. Mr. Payne moved to approve the minutes as presented. The motion was seconded by Mr. Pharr and passed unanimously.

Final Orders

Appeal of Kristie Sours Atwood and Buracker Construction
Appeal Nos. 19-05; 19-06; and 19-07:

After review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Monday moved to approve the final order with the suggested editorial change to strike the word “the” in line 193 of page 33 of the agenda package. The motion was seconded by Ms. Jackson and passed with Messrs. Kessler and Payne abstaining.

Culpeper County; Appeal No. 19-09:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve

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the final order as presented. The motion was seconded by Mr. Zdinak and passed with Messrs. Witt and Pharr abstaining.

Appeal of ZAAKI Restaurant and Cafe; Appeal No. 19-11:

After review and consideration of the final order presented in the Review Board members' agenda package, Ms. Jackson moved to approve the final order with the suggested editorial change to add "ed" to the word enter in line 69 and to add the letter "d" to the word issue on line 77 both on page 55 of the agenda package. The motion was seconded by Ms. Monday and passed with Mr. Pharr abstaining.

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 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

Timothy Dolan; Appeal No. 20-01:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the 15.3-acre property owned by Timothy Dolan, located on Hobbs Hole Drive, within the town of Tappahannock in Essex County.

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

Timothy Dolan, Owner
Brenda Dolan, Owner
Jeff Howeth, P.E., Project Engineer
Jimmy Snyder, Tappahannock Town Manager
Craig Thompson, P.E., Fire Protection Engineer for Rhino Fire
Protection Engineering, PLLC.
Steven Selinger
Joe Blackburn
Alwyn Davis, Essex County Building Official
Wayne Verlander, Essex County Building Inspector

Also present was:

Bill Bayliss, Esq., legal counsel for Timothy Dolan
Chris Mackenzie, Esq., legal counsel for Essex County

After testimony concluded, Chair Dawson closed the preliminary hearing and stated a decision from the Review Board members would

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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: Timothy Dolan; Appeal No. 20-01:

After deliberations, Mr. Mays moved to uphold the local appeals board that a decision or an application of the code had not occurred at the time the application for appeal was submitted; therefore, there was nothing to appeal. The motion was seconded by Mr. Witt and passed with Ms. Monday, Messrs. Pharr, and Payne voting in opposition.

Note: Ms. Monday left the meeting after the vote was taken for the Timothy Dolan Appeal (No. 20-01).

Interpretation Request

Interpretation Request of Paula Johnson (City of Fredericksburg); Interpretation Request No. 06-20:

An interpretation request from Paula Johnson of the City of Fredericksburg was considered concerning the 2015 Virginia Maintenance Code (VMC), on Sections 104.5.2 and 606.1 related to whether a modification, to allow elevators, escalators, or similar conveyances to be placed in service and maintained in service/tested without the witnessing inspection by a DHCD certified elevator inspector, meets the spirit and intent of the USBC?

After deliberations, Mr. Payne moved to table the request until the November 20, 2020 meeting with the direction for Review Board staff to work with the requester to formulate a more specific question(s). The Board also advised staff to have Messrs. Witt and Mays, and Ms. Jackson review the new request prior to the November meeting. The motion was seconded by Ms. Jackson and passed unanimously.

Secretary's Report

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

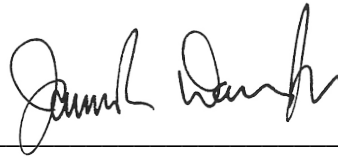
Attorney Bell provided legal updates to the Board.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:15 p.m.

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Approved: November 20, 2020



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board