

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
November 16, 2018
Glen Allen, Virginia**

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. E. G. Middleton, III
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler
Ms. Patricia S. O'Bannon

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 October 12, 2018 meeting in the Review Board members' agenda package were considered. Mr. Witt moved to approve the minutes with the addition of the phrase "*Recused himself from the meeting after roll call*" next to Chairman Dawson's name in the Members Present, an editorial change in spelling of the word "*Cassell*" in the third paragraph of page seven, and the capitalization change to the phrase "*Unsafe Structures or Structures Unfit for Human Occupancy*" in the third paragraph on page 11 of the agenda package. The motion was seconded by Mr. Mays and passed with Ms. Monday and Messrs. Middleton, Crigler, and Zdinak abstaining.

Final Orders

Appeal of Dr. Eric W. Bond (Augusta County Public Schools)
Appeal No. 18-04:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order with the editorial change to remove "*; therefore, the modification by the County Building Official, is acceptable*" in the last sentence of the first paragraph of page three of the final order, shown

**State Building Code Technical Review Board
November 16, 2018 Minutes - Page 2**

on page 26-C of the agenda package. Mr. Payne seconded the motion and it passed with Ms. Monday and Messrs. Middleton, Crigler, and Zdinak abstaining.

Appeal of Jack D. Singleton
Appeal No. 18-09:

After consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order as presented. Mr. Kessler seconded the motion and it passed with Ms. Monday and Messrs. Middleton, Crigler, and Zdinak abstaining.

Public Comment

Chairman Dawson opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chairman Dawson closed the public comment period.

New Business

Appeal of Anthony Grant Jr.; Appeal No. 18-10 (Continued from the October 12, 2018 hearing):

A hearing was re-opened and continued from the October 12, 2018 hearing with Chairman Dawson serving as the presiding officer. The appeal involved citations under the Virginia Construction Code related to the home owned by Anthony Grant Jr. located at 4281 Cole Avenue in the City of Suffolk.

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

Anthony Grant Jr.
Stanley Skinner
Sam Adams

Also present was:

Kalli Jackson, Esq., legal counsel for the City of Suffolk

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: Anthony Grant Jr.; Appeal No. 18-10

After deliberations, Mr. Mays moved that the memorandum from the Assistant Director of Planning and Community Development to the Chairman of the City appeals board constituted an application of the Uniform Statewide Building Code. The motion was seconded by Mr. Payne and passed with Mr. Witt voting in opposition and Ms. Jackson abstaining.

Mr. Mays moved that the appeal was properly before the Board. The motion was seconded by Ms. Monday. After further deliberation Mr. Mays withdrew his motion.

Mr. Kessler moved that the appeal was properly before the Board because the issues underlying the issuance of the summons constituted an application of the Building Code by the code official. The motion was seconded by Mr. Crigler and passed unanimously.

Mr. Payne moved that the appeal was untimely. The motion was seconded by Mr. Mays. The motion failed with Ms. Monday, Mr. Jackson and Messrs. Kessler, Pharr, Zdinak, Givens, and Crigler voting in opposition.

Mr. Pharr moved that the appeal was timely filed and was properly before the Board. The motion was seconded by Mr. Crigler. The motion passed with Messrs. Witt, Payne, Mays, and Middleton voting in opposition.

Mr. Givens moved to overturn the City's local board ruling that the system was of sufficient size to properly cool the home. The motion was not seconded.

Mr. Witt moved to overturn the City appeals board due to insufficient information for the Review Board to make an informed decision and to remand the appeal back to the City appeals board for a better evaluation of the HVAC system based on the Manual S, J, and D calculations including all inputs to include but not limited to roof color, coefficient of shading, air changes per day, insulated values of windows, doors, walls, ceilings and floors from the "as built" HVAC system conditions and calculations in order to make the determination as to the adequacy of the HVAC system within 60 days. The Review Board strongly suggests the City appeals board require this information from a third party HVAC contractor in addition to what may be provided by Wayne Able's Heating and A/C. The motion was seconded by Mr. Kessler and passed unanimously.

Appeal Harvey Dupree (A...H Variety); Appeal No. 18-06:

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under the Virginia Statewide Fire Prevention Code (SFPC) related to the property owned by Harvey Dupree located at 456-554 Piney Pond Road in Brunswick County.

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

Harvey Dupree
Lerma Ydel
Calvin Dee Madsen
Steven Sites

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: Appeal Harvey Dupree (A...H Variety); Appeal No. 18-06:

After deliberation Mr. Witt moved that the Review Board recognized that items #1-8 as outlined in the Staff Summary on page 133 of the agenda package have been previously dealt with by the Board and are also subject to court action and that there was nothing new presented to this Board to take further action; therefore, the Board will take no action on these items. The motion was seconded by Ms. Jackson and passed unanimously.

Mr. Witt moved to uphold the State Fire Marshal's Office (SFMO) on items #9-11, 13, and 14 as outlined in the Staff Summary on page 133 and 135 of the agenda package but to give the appellant 60 additional days to comply by making the needed repairs and having the re-inspection performed by the SFMO. The motion was seconded by Mr. Mays and passed unanimously.

Mr. Witt moved to acknowledge that the SFMO withdrew item #12 as outlined in the Staff Summary on page 135 of the agenda package. The motion was seconded by Mr. Crigler and passed unanimously.

Appeal Harvey Dupree (A...H Variety); Appeal No. 18-11

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under Part III of the Virginia Uniform Statewide Building Code (the Virginia Maintenance Code) related to the property owned by Harvey Dupree located at 456-554 Piney Pond Road in Brunswick County.

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

Harvey Dupree
Lerma Ydel
Harrison Jamison

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: Appeal Harvey Dupree (A...H Variety); Appeal No. 18-11:

After deliberation Mr. Witt moved to uphold the decision of the County Building Official and local appeals board that a violation of the VCC Section 103.3 (Change of Occupancy) exists. The motion was seconded by Mr. Mays and passed unanimously with Mr. Kessler having stepped out of the meeting during the vote.

Mr. Witt moved to overturn the decision of the County Building Official and local appeals board that a violation of the VCC Section 103.6 (Reconstruction, alteration, and repair in other occupancies) exists. The motion was seconded by Ms. Jackson and passed with Mr. Mays voting in opposition.

Mr. Witt moved to uphold the decision of the County Building Official and local appeals board that a violation of the VCC Section 108.1 (Where applications are required) exists. The motion was seconded by Ms. Jackson and passed unanimously.

Mr. Witt moved to uphold the decision of the County Building Official and local appeals board that a violation of the VCC Section 112.1 (General) exists. The motion was seconded by Ms. Jackson and passed

with Ms. Monday and Messrs. Payne, Pharr, Crigler, and Kessler voting in opposition.

Appeal Karen Lindsey; Appeal No. 18-07:

The meeting ran late; this appeal was not heard. The appeal was continued to the February 15, 2018 Review Board hearing by Chairman Dawson.

Secretary's Report

Mr. Luter provided the Review Board with a proposed schedule for 2019. There was a brief discussion about whether or not to move the meetings to different days, weeks, or times. The consensus was to keep the meetings on the third Friday of the month. The schedule was accepted as presented with the exception of moving the January meeting from the 25th to the 11th.

Mr. Luter informed the Review Board that the Board Retreat, scheduled for March 14, 2019, would include a discussion by AG representatives Heather Lockerman and Justin Bell as well as a thorough discussion of the newly drafted policies. He also informed the Board that additional information would be forthcoming.

Mr. Luter provided the Review Board with a basic overview of the three cases coming before them in the January meeting. The Board requested both paper copy and electronic copies of the January agenda package.

Due to the current case load a Board member suggested starting meetings at 9:00 a.m. when possible. No objections were heard.

Mr. Witt suggested utilizing the Chesterfield County Community Development Building for upcoming meetings to assist with the time constraints presented at the previous few meetings. Staff will explore that option.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 5:55 p.m.

State Building Code Technical Review Board
November 16, 2018 Minutes - Page 7

Approved: January 11, 2019



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board