

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
March 15, 2024
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060**

Members Present

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. David V. Hutchins
Mr. Joseph Kessler (arrived after approval of the
Final Order for Appeal No. 23-07)
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Elizabeth White
Mr. Aaron Zdinak, PE

Members Absent

Mr. Alan D. Givens
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 Chair Dawson.

Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, arrived during the hearing for Craig Caron.

Approval of Minutes The draft minutes of the February 16, 2024 meeting in the Review Board members’ agenda package were considered. Mr. Butler moved to approve the minutes as presented. The motion was seconded by Ms. Jackson and passed with Messrs. Moss and Zdinak abstaining.

Final Order Gregory Black: Appeal No. 23-09:

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 changes as follows to ensure the language was the same throughout the final order.

The last paragraph of Part III to read as follows:

“The Review Board found that the fire alarm programming sequencing in George Mason University (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at Potomac Heights

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located at 10350 York River Road Fairfax, Virginia 22030 exceeded the minimum requirements of the VCC and increased the potential for nuisance alarms, whereby students could become fatigued with false fire alarms and begin to ignore the fire alarms which increased the risk to the students during unnecessary building evacuation.”

The last paragraph of Part IV to read as follows:

“The decision of the Building Official to deny the request for modification is upheld because the request exceeds the minimum code requirements of the VCC and increases the potential for nuisance alarms, whereby students could become fatigued with false fire alarms and begin to ignore the fire alarms which increases the risk to the students during unnecessary building evacuation.”

The motion was seconded by Ms. Jackson and passed with Messrs. Moss and Zdinak abstaining.

Interpretations

Approval of Interpretation 01/2024:

After review and consideration of Interpretation 01/2024, presented in the Review Board members’ agenda package, Mr. Mays moved to approve Interpretation 01/2024 as presented. The motion was seconded by Mr. Hutchins and passed with Messrs. Moss and Zdinak abstaining.

Approval of Interpretation 02/2024:

After review and consideration of Interpretation 02/2024, presented in the Review Board members’ agenda package, Mr. Mays moved to approve Interpretation 02/2024 as presented. The motion was seconded by Mr. Hutchins and passed with Messrs. Moss and Zdinak abstaining.

Public Comment

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

New Business

Craig Caron: Appeal No. 23-10:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property located at 197 Compass Cove, in Franklin County.

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

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Craig Caron, Contractor
Chris Jánszky, Attorney for Craig Caron
John Broughton, Franklin County Building Official
Chris Dadak, Attorney for Franklin County
Robert Gearhart, Property Owner
Lisa Gearhart, Property Owner

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: Craig Caron: Appeal No. 23-10:

Motion Item #1:

After deliberations, Mr. Mays moved to uphold the building official and local appeals board decision that the exterior concrete lap board siding was not installed in accordance with the manufacturer's installation instructions. Mr. Mays also moved to direct the building official to modify the Notice of Violation (NOV) and cite VRC Section 112.3 *Documentation and approval* in the applicable code section portion of the NOV. The motion was seconded by Mr. Moss and passed unanimously.

Motion Item #2:

After deliberations, Mr. Mays moved to uphold the building official and local appeals board decision that the basement garage/workshop floor cracked, materially more significantly than a natural hair-line crack and the slab is consistently less than the required 3.5" thickness. Mr. Mays further moved to overturn all amendments made by the local appeals board in the Corrective Action section of the final decision. The motion was seconded by Mr. Pharr and passed with Mr. Zdinak voting in opposition.

Lisa and Robert Gearhart: Appeal No. 23-11:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property located at 197 Compass Cove, in Franklin County.

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

Robert Gearhart, Property Owner
Lisa Gearhart, Property Owner

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John Broughton, Franklin County Building Official
Chris Dadak, Attorney for Franklin County

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: Lisa and Robert Gearhart: Appeal No. 23-11:

After deliberations, Mr. Mays moved that the Gearharts had a right to file an appeal. The motion was seconded by Mr. Zdinak and passed unanimously.

After legal guidance from Board counsel Mr. Bell, Mr. Pharr moved to reconsider the motion to discuss other avenues to address the matter. The motion to reconsider was seconded by Mr. Moss and passed with Mr. Mays voting in opposition.

Mr. Mays withdrew his original motion that the Gearharts had a right to file an appeal. Mr. Zdinak withdrew his second.

After further deliberations, Ms. Jackson moved to table the matter and continue the hearing until the April 19, 2024 meeting to give Board counsel the opportunity to conduct additional research on the matter. The motion was seconded by Mr. Butler and passed unanimously.

Request for Interpretation of Richard Gordon (Hanover County):
Interpretation Request No. 02-24:

An interpretation request from Richard Gordon of Hanover County was considered concerning whether the building official is responsible for enforcing §36-99(B)(1-3).

Ms. Jackson moved to table the request until the April 19, 2024 meeting to give SBCO staff and Board counsel the opportunity to conduct additional research on the request. The motion was seconded by Mr. Pharr and passed unanimously.

Secretary's Report

Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for April 19, 2024.

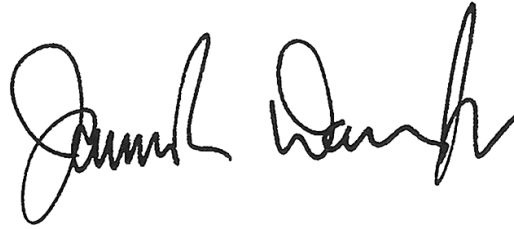
Mr. Bell provided legal updates to the Review Board members.

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Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 3:00 p.m.

Approved: April 19, 2024



Chair, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board