

**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES**

**March 19, 2021**

**Virtual Meeting**

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

Members Present

Members Absent

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

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 January 22, 2021 meeting in the Review Board members’ agenda package were considered. Mr. Butler moved to approve the minutes as presented with the addition of the word “of” in the public comment section of the minutes. The motion was seconded by Ms. Jackson and passed with Mr. Hutchins abstaining.

Interpretations                      Approval of Interpretation 01/2021:

After review and consideration of Interpretation 01/2021 presented in the Review Board members’ agenda package, Mr. Mays moved to approve Interpretation 01/2021 as amended to read:

*“QUESTION #1: If open stud framing has been installed without drywall or other covering under the stairway in an unfinished basement, is the area considered enclosed?”*

**ANSWER: No.**

**State Building Code Technical Review Board**  
**March 19, 2021 Minutes - Page 2**

The motion was seconded by Mr. Witt and passed with Mr. Givens 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 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.

**Final Orders**

Appeal of Sidney Harris; Appeal No. 20-02:

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 in the agenda package. The motion was seconded by Ms. Monday and passed with Messrs. Pharr and Hutchins abstaining.

Appeal of Monica and Michael Davis; Appeal No. 20-03:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Payne moved to approve the final order with the suggested editorial change to delete "d" for the word "required", creating the word "require", in line 100 on page 37 and remove the word "do" and replace it with the word "may" in line 157 of page 43 of the agenda package. The motion was seconded by Ms. Jackson and passed with Messrs. Pharr, Givens, Hutchins, and Mays abstaining.

Appeal of Patrick and Jean Sartori; Appeal No. 20-04:

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 suggested editorial change to delete the letters "ed" in the word "underlined" and replace it with the letters "ing", creating the word "underlining", in line 28 on page 47 of the agenda package. The motion was seconded by Ms. Jackson and passed with Messrs. Pharr, Hutchins, and Witt abstaining.

**New Business**

Fairfax County; Appeal No. 21-01:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to buildings located at 6231 Nelway Drive in McLean, Virginia which is in Fairfax County.

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

Ricky Salinas, Freedom Plumbers Corporation  
Manuel Felipe, Fairfax County Code Investigator  
Richard Grace, Fairfax County Code Specialist III  
James Canter, Fairfax County Chief of Land Develop. Services

Also present was:

Paul Emerick, legal counsel for Fairfax 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: Fairfax County; Appeal No. 21-01:

Motion #1

After deliberations, Mr. Mays moved to overturn the local appeals board and uphold the local building official on the failed video submission which was based on bullet item #5 of the modification approval letter dated October 9, 2020 by the local building official under the 2015 VCC. The motion was seconded by Mr. Kessler.

After additional deliberations, Mr. Kessler moved to substitute for the pending motion the following: To overturn the decision of the local appeals board that a violation of the October 9, 2020 code modification issued under the VRC 2015 regarding insufficient slope of the pipe does exist. The substitute was seconded by Mr. Mays. The motion to substitute was passed. The motion failed with Messrs. Givens, Kessler, Mays, and Payne and Ms. Jackson voting in favor of approval.

Motion #2

After further deliberations, Mr. Witt moved to remand the matter back to the local appeals board for a re-hearing on the matter to clarify the appropriate codes for which the modification request should have been issued under, evaluate the matter under that identified code edition, and clarify the decision being made. The motion was seconded by Ms. Jackson. After further deliberation the motion and second were withdrawn.

Motion #3

After additional deliberations, Mr. Witt moved to uphold the decision of the local appeals board. The motion was seconded by Mr. Butler. The motion failed with Chair Dawson casting the deciding vote in

**State Building Code Technical Review Board**  
**March 19, 2021 Minutes - Page 4**

opposition while Messrs. Pharr, Crigler, Hutchins, Witt, and Zdinak and Ms. Monday voting in favor of approval.

Motion #4

After further deliberations, Mr. Witt moved to remand the matter back to the local building official for re-evaluation under the 2015 VEBC and to work with Mr. Salinas to develop the proper submission. The motion was seconded by Ms. Monday.

After additional deliberations, Mr. Pharr moved to substitute for the pending motion the following: To remand the matter to the local board of appeals to specifically address whether standing water in the host pipe constitutes a defect that would prohibit relining of that pipe or whether the presence of any standing water in the host pipe did not constitute such a defect that relining should be prohibited. No second was received for the substitute.

Motion #4 passed with Mr. Kessler voting in opposition.

Interpretation Request

Interpretation Request of Chris Childress (Radford); Interpretation Request No. 01-21:

An interpretation request from Chris Childress of Radford was considered concerning the 2015 Virginia Construction Code (VCC), on Section 108.4 related to whether a duly licensed contractor (Class A, B, or C) who carries a DPOR issued journeyman's card, can apply for and obtain a permit from the local building department.

After deliberations, Mr. Mays moved that no interpretation was needed. The motion was seconded by Mr. Witt and passed unanimously.

Secretary's Report

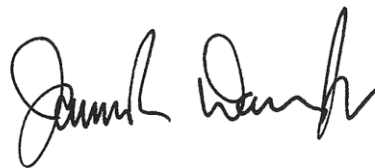
Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for May 21, 2021.

Attorney Bell provided legal updates to the Board.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:45 p.m.

Approved: May 21, 2021



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Chairman, State Building Code Technical Review Board

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

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Secretary, State Building Code Technical Review Board