

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING  
January 24, 2014

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman  
Mr. Vince Butler  
Mr. W. Keith Brower, Jr.  
Mr. J. Daniel Crigler  
Mr. James R. Dawson  
Mr. John H. Epperson  
Mr. Joseph A. Kessler, III  
Mr. James N. Lowe  
Mr. Eric Mays  
Ms. Joanne D. Monday

Members Absent

Mr. R. Schaefer Oglesby, Vice-Chairman  
Mr. Matthew Arnold  
Mr. John A. Knepper, Jr.  
Ms. Patricia S. O'Bannon

Call to Order

The meeting of the State Building Code Technical Review Board (Review Board) was called to order by the Chairman at approximately 10:00 a.m.

Roll Call

The attendance was established by Mr. Vernon W. Hodge, Secretary, and constituted a quorum. Ms. Elizabeth Myers, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

The Secretary informed the Board members of the hospitalization of the Vice-Chairman and advised that the Board members would be kept abreast of his condition. A get well soon card was distributed for signatures and well wishes and all expressed concern over the Vice-Chairman's absence.

Approval of Minutes

After consideration, Mr. Lowe moved to approve the minutes of the September 20, 2013 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed unanimously with Messrs. Brower and Mays and Ms. Monday abstaining from the vote. Ms. Monday requested that draft minutes be distributed as soon as possible following a meeting. Staff noted that draft minutes would be distributed to the Board members when being posted in the future instead of waiting for the next agenda package to be distributed.

Public Comment

The Chairman opened the floor for public comment. The Secretary reported that no one was preregistered. The Chairman closed the public comment period.

Final Orders

Appeal of Keith Kurtz; Appeal No. 13-2:

After consideration, Mr. Lowe moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Epperson and passed unanimously with Messrs. Brower and Mays and Ms. Monday abstaining from the vote.

New Business

Appeal of Rave Soccer, LLC; Appeal No. 13-5:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the construction of an indoor soccer facility at 2949 Shipps Corner Road in Virginia Beach and the issue on appeal was whether to overturn the disapproval of a modification request under Part I of the Virginia Uniform Statewide Building Code (USBC) for an increase in building area without a sprinkler system.

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

Kelly J. Olt, Architect  
Daniel W. Speight, P.E., Structural Engineer  
Cheri Hainer, City of Virginia Beach building official

Also present were:

R. Edward Bourdon, Jr., Esq., legal counsel for Rave  
B. K. Wilson, Esq., legal counsel for Virginia Beach

The following exhibit was submitted by Rave Soccer, LLC, to supplement the documents in the Review Board members' agenda package:

Exhibit A – Transcript of the hearing of the City appeals board

An objection to the exhibit was voiced by Ms. Wilson concerning the handwritten notes in the margins. The Chairman ruled to admit the exhibit due to the notes being generally illegible.

New Business

Appeal of Rave Soccer, LLC; Appeal No. 13-5 (continued):

After testimony concluded, the Chairman 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 of Rave Soccer, LLC; Appeal No. 13-5:

After deliberation, Mr. Epperson moved to uphold the decision of the City of Virginia Beach building official, affirmed by the City of Virginia Beach Board of Building Code Appeals, New Construction Division, to deny the modification request for an increase in the building area without a full sprinkler system. The motion was seconded by Mr. Dawson and passed unanimously.

Appeal of Stark Jones, LLC; Appeal No. 13-6:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned whether Stark Jones, the proprietor of JB's Restaurant and Lounge, located at 2328 Melrose Avenue in Roanoke, had approval to operate the business as a night club or whether its use as a night club constitutes a change of occupancy under the USBC.

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

Stark Jones  
Bane Compton, City of Roanoke acting building official  
Neil M. Holland, City of Roanoke building department  
Ronald Campbell, City of Roanoke building department

Also present were:

John Prillaman, Esq., legal counsel for Stark Jones  
Steve Talevi, Esq., legal counsel for the City of Roanoke

New Business

Appeal of Stark Jones, LLC; Appeal No. 13-6 (continued):

No exhibits were submitted at the hearing to supplement the record in the appeal.

After testimony concluded, the Chairman 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 of Stark Jones, LLC; Appeal No. 13-6:

After deliberation, Mr. Dawson moved to uphold the decision of the City of Roanoke building official, affirmed by the City of Roanoke Building and Fire Code Board of Appeals, that the use of JB's Restaurant and Lounge did constitute a change of occupancy to a night club. The motion was seconded by Mr. Crigler and passed with only Mr. Lowe voting in opposition.

Secretary's Report

The Secretary reviewed the meeting dates for 2014 and there was agreement to continue meeting on the third Friday of the month when necessary.

The Board's legal counsel then discussed a ruling by the City of Portsmouth Circuit Court concerning Review Board Appeal No. 11-13; Appeal of Glenn Yates, Jr. After discussion, it was agreed to have legal counsel seek clarification of the decision and to keep Review Board staff apprised of any deadlines for further appeal.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Crigler at approximately 2:00 p.m.

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Approved: March 21, 2014

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board