

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING

March 22, 2016

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. W. Keith Brower
Mr. J. Daniel Crigler
Mr. James R. Dawson
Mr. John H. Epperson, PE
Mr. Alan D. Givens
Mr. Joseph A. Kessler, III
Mr. Eric Mays
Ms. Joanne D. Monday
Mr. W. Shaun Pharr, Esq.

Members Absent

Mr. Matthew Arnold
Mr. Vince Butler
Mr. John A. Knepper
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 the Secretary, Alan W. McMahan, and constituted a quorum. Mr. Justin I. Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

Prior to voting on the February 19, 2016 minutes, Mr. Dawson moved that more elaborative language be added to the minutes describing the Executive Session that occurred at the February meeting. Ms. Monday seconded the motion and it passed unanimously. Mr. McMahan informed the Board that those revisions would be made and the draft minutes for the February 19, 2016 Review Board meeting would be presented at the May 20, 2016 meeting for further review and consideration.

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 Starr Construction, Inc.; Appeal No. 15-6

After review and consideration, Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed unanimously, with Mr. Kessler abstaining from the vote.

Appeal of the City of Richmond; Appeal Nos. 15-12 and 15-13:

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

Mr. Pharr arrived at approximately 10:19 a.m.

New Business

Mr. McMahan advised the Chairman and Board members that the parties in the McLaughlin appeal agreed to continue the matter subsequent to the Review Board members' agenda package being distributed and it is therefore stricken from the docket.

Appeals of David & Tara Laux; Appeal Nos. 15-15 and 15-22:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the 2012 Virginia Uniform Statewide Building Code (USBC) as it relates to the construction of multiple structures on property located in Fairfax County.

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

David Laux, homeowner
Tara Laux, homeowner
Rick Antonowics, for Fairfax County
Debra McMahan, for Fairfax County

Also present were:

Appeals of David & Tara Laux.; Appeal Nos 15-15 and 15-22
(cont'd.):

Chris Costa, Esq., counsel for Fairfax County

After deliberation, Mr. Epperson moved to uphold the decision of the building official and the local appeals board concerning the Stop Work Order issued due to alleged unsafe conditions associated with unpermitted construction activities on the property. The motion was seconded by Mr. Kessler and pass unanimously.

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.

Decisions – Appeals of David & Tara Laux.; Appeal No. 15-15:

After deliberation, Mr. Pharr moved to uphold the decision of the building official and the local appeals board concerning the Notice of Violation issued for unpermitted construction activities on the property. The motion was seconded by Mr. Mays and pass unanimously.

Appeal of Catherine Rowson; Appeal No. 15-16:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the 2012 Virginia Maintenance Code (VMC) as it relates to the alleged lack of maintenance of a residential property located in the City of Chesapeake.

Appeal of Catherine Rowson; Appeal No. 15-16 (cont'd.)

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

Catherine Rowson, homeowner
Harry Rowson, for the homeowner
Armetta Skinner, for the homeowner
Richard Burkard, Jr., for the City of Chesapeake
Deborah S. Butler, for the City of Chesapeake
John T. King, III, for the City of Chesapeake

Before testimony began, Ms. Rowson informed the Board that she had not received notice of her hearing and, as a result, was not prepared to offer testimony on her appeal. She asserted she was only at the meeting to assist her son in his appeal scheduled immediately after hers. The Chairman asked Ms. Rowson if she would agree to a continuance of her appeal by the Review Board until the next meeting to allow her more time to prepare. After consideration, Ms. Rowson agreed to the continuance.

Appeal of Harry and Catherine Rowson; Appeal No. 15-17:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the 2012 Virginia Maintenance Code (VMC) as it relates to the maintenance of a residential property located in the City of Chesapeake.

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

Catherine Rowson, homeowner
Harry Rowson, homeowner
Armetta Skinner, for the homeowner
Richard Burkard, Jr., for the City of Chesapeake

Appeal of Harry Rowson; Appeal No. 15-17:

Deborah S. Butler, for the City of Chesapeake
John T. King, III, for the City of Chesapeake

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 Harry Rowson; Appeal No. 15-17:

After deliberation, Mr. Epperson moved to modify the decisions of the local code official and the local board of building code appeal to allow Mr. Rowson an additional 90 days to remove debris and personal items from his home; to have a professional engineer complete a the structural evaluation of the building; and to acquire a professionally prepared estimate for necessary repairs to his home which must include a list of building permits required to complete the repairs. The motion was seconded by Mr. Mays and passed unanimously.

Subsequently, Mr. Pharr offered a further modification to the timeframe stipulating that if after 90 days, the final order has not be fully complied with, then 30 days thereafter the City may commence with its demolition process, with the caveat that no demolition may occur sooner than 90 days following the conclusion of the 90 day period. The motion was seconded by Mr. Kessler and passed unanimously.

Secretary's Report

Mr. McMahan informed the board members of several upcoming cases, future Review Board meetings and upcoming building code development activities in the state.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Crigler at approximately 3:25 p.m.

