

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING

May 20, 2016

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. Vince Butler
Mr. J. Daniel Crigler
Mr. Alan D. Givens
Mr. Joseph A. Kessler, III
Ms. Joanne D. Monday
Mr. W. Shaun Pharr, Esq.

Members Absent

Mr. Matthew Arnold
Mr. W. Keith Brower
Mr. James R. Dawson
Mr. John H. Epperson, PE
Mr. Eric Mays
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, Secretary, 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.
- Election of Officers The Secretary advised the Board members that the terms of the officers of the Board had expired. The floor was then opened for nominations. After discussion, Mr. Crigler moved to elect the current Chairman, Mr. Allen for another term by acclamation. The motion was seconded by Mr. Pharr and passed unanimously. Subsequently, the floor was opened for nominations for Vice Chairman. Mr. Butler moved to elect Mr. Dawson as Vice Chairman. The motion was seconded by Mr. Crigler and passed unanimously.
- Approval of Minutes Ms. Monday moved to approve the minutes of the February 19, 2016 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed unanimously with Mr. Kessler abstaining.

Ms. Monday moved to approve the minutes of the March 22, 2016 minutes as presented in the Review Board members' agenda package. The motion was seconded by Mr. Kessler and passed unanimously with Mr. Butler abstaining.

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

After review and consideration, Mr. Kessler 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.

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

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

New Business

Appeal of Karen McLaughlin; Appeal No. 11-3:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the 2006 Virginia Uniform Statewide Building Code (USBC) as it relates to the construction of a detached single-family dwelling in Loudoun County.

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

Karen McLaughlin
Karen Skevington, for Ms. McLaughlin
Paul Skevington, for Ms. McLaughlin

Appeal of Karen McLaughlin; Appeal No. 11-3 (cont'd.):

Tom Marable, Van Metre Homes representative
Chris Thompson, for Loudoun County

Also present was:

Juan Estrada, Esq, counsel for Van Metre Homes

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 Karen McLaughlin; Appeal No. 11-3:

After deliberation, Mr. Kessler moved to uphold the decision of the local code official and the local appeals board on both issues. The motion was seconded by Ms. Monday and passed unanimously.

Secretary's Report

Mr. Bell updated the Review Board members on pending circuit court appeals of past decisions. Mr. McMahan informed the Review Board members of a tentative July 15, 2016 Review Board meeting date. Mr. McMahan also introduced Mr. Michael Maenner, the newly hired State Building Code Administrator.

New Business

Appeal of Catherine D. 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 or Part II of the Uniform Statewide Building Code) as it relates to the maintenance of a detached single-family dwelling in the City of Chesapeake.

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

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

Catherine Rowson, homeowner
Harold Rowson, witness for Rowson
Quentin Rowson, witness for Rowson
Armetta Skinner, witness for Rowson
Richard L. Burkard, Jr., for the City of Chesapeake
Deborah Butler, for the City of Chesapeake
John King, code official for the City of Chesapeake

The following exhibit was submitted by Ms. Rowson, without objection, to supplement the Review Board members' agenda package:

Exhibit A – An estimate by Rid-A-Pest Corporation

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 Catherine D. Rowson; Appeal No. 15-17:

After deliberation, Mr. Pharr moved to modify the decision of the local appeals board and grant Ms. Rowson a 30 day extension Rowson to complete the necessary repairs, and that failure to comply within 30 days allows the City of Chesapeake to demolish her dwelling, but not before waiting an additional 60 days. The motion was seconded by Mr. Kessler and passed unanimously.

Appeal of Peppermill Homes, Inc.: Appeal No. 15-19:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the 2012 Virginia Construction Code (VCC or Part I of the Uniform Statewide Building Code) as it relates to the site plan and exterior grading of a property located in the City of Hampton.

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

Chip McErlean, for the City of Hampton
Steve Shapiro, building official for the City of Hampton
Kimberly Vaughn, adjacent homeowner
Robert Vaughn, adjacent homeowner
Mike Veraldi, for Peppermill Homes

Also present was:

Brandi Law, Esq., counsel for the City of Hampton

The following exhibit was submitted by Peppermill Homes to supplement the documents in the Review Board members' agenda package:

Exhibit A – Letter from Landtech Resources, Inc.

An objection to the exhibit was voiced by City of Hampton alleging it is irrelevant and hearsay. The Chairman ruled to admit the exhibit.

Then, the following exhibits were submitted by the Vaughns to supplement the documents in the Review Board members' agenda package with no objection from the City:

Exhibit B – Color photographs of their property

After testimony concluded, the Chairman closed the hearing and

