

MEETING
September 20, 2013

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. R. Schaefer Oglesby, Vice-Chairman
Mr. Vince Butler
Mr. J. Daniel Crigler
Mr. James R. Dawson
Mr. John H. Epperson
Mr. Joseph A. Kessler, III
Mr. John A. Knepper, Jr.
Mr. James N. Lowe
Ms. Patricia S. O'Bannon

Members Absent

Mr. Matthew Arnold
Mr. W. Keith Brower, Jr.
Mr. Eric Mays
Ms. Joanne D. Monday

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. Mr. Hodge introduced a newly appointed Review Board member representing the Home Builders Association of Virginia, Mr. Vince Butler, and Mr. Butler spoke briefly concerning his background and interest in Board matters. He was welcomed to the Board by the Chairman and other Board members. Mr. Steven Jack, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

After consideration, Mr. Oglesby moved to approve the minutes of the May 17, 2013 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Lowe and passed unanimously with Messrs. Butler, Crigler, Dawson and Epperson abstaining from the vote.

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 Fairfax County; Appeal No. 12-7:

A post-hearing submittal from Mr. Guglielmi was distributed to the Review Board members prior to consideration of the final order. With no action being taken on the post-hearing submittal, after consideration of the final order, Mr. Lowe moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Kessler. A vote was taken and the motion passed with Mr. Oglesby voting in opposition and Messrs. Butler, Crigler, Dawson and Epperson abstaining from the vote.

New Business

Appeal of STNP, LLC; Appeal No. 12-1:

Mr. Hodge informed the Review Board members that after the agenda package had been distributed, the parties had come to an agreement. A consent order to dispense with the appeal from the parties was distributed to the Review Board members. After consideration, Mr. Kessler moved to accept the consent order. The motion was seconded by Mr. Oglesby and passed unanimously.

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

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the construction of a home for Keith and Carol Kurtz at 4087 35th Street North in Arlington County by R-1 Construction, LLC (Metropolitan).

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

Keith Kurtz
Brian W. Smith, consultant for Mr. Kurtz
Emad Elmagraby, for the County building official's office
Charles D. Vernon, for the County building official's office
Paula Eubank, for the County building official's office
Byron Ramirez, for R-1 Construction

New Business

Appeal of Keith Kurtz; Appeal No. 13-2 (continued):

Also present were:

Robert K. Richardson, Esq., legal counsel for Mr. Kurtz
James R. Hart, Esq., legal counsel for R-1 Construction

The following exhibit was submitted by Mr. Kurtz to supplement the documents in the Review Board members' agenda package:

Exhibit A – Diagram of missing beam

After testimony concluded concerning whether the porch beams did not meet the requirements of the International Residential Code for protection against decay, the Chairman closed the hearing for deliberation of the issue. After consideration, Mr. Lowe moved to overturn the decision of the Arlington County building department and rule that the beams needed to be of pressure-treated wood. The motion was seconded by Mr. Dawson and passed unanimously.

After a brief recess requested by the parties, the Chairman reopened the hearing. The parties then confirmed that agreement had been reached concerning the remaining issues in the appeal and the resolution of each issue was delineated for the record. There being no need for further action, the hearing was closed.

Secretary's Report

Mr. Hodge provided information concerning the updating of the Department's building and fire regulations, including the date of an upcoming public hearing, a summary of a meeting of a sub-workgroup concerning the definition of nightclub and an overview of the approved proposed regulations, including actions taken on proposals for recommended changes submitted to the Board of Housing and Community Development by the Review Board. Ms. Cindy Davis, Associate Director in the Department's Division of Building and Fire Regulation, spoke briefly concerning the use of electronic formats for Review Board agenda packages. There was general consensus that without providing computers or electronic tablets for members at meetings, traditional agenda packages would still be necessary.

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Adjournment

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

Approved: January 24, 2014

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board