

STATE BUILDING CODE
TECHNICAL REVIEW BOARD

IN RE: Appeal of Thomas Stewart and
 Southern Heritage Builders; Appeal No. 96-23

On February 21, 1997, the appellants, Thomas Stewart and Southern Heritage Builders and the appellee, County of Chesterfield, appeared before the State Building Code Technical Review Board, pursuant to the Notice of Preliminary Jurisdictional Hearing issued on February 5, 1997, and made the following representations:

1. The two decisions of the local Board of Building Code Appeals that are being appealed in this case upheld the decisions of the local building official to (a) issue a Notice of Violation on July 23, 1996 to Southern Heritage Builders for a building code violation in the home of Thomas Stewart, located at 8313 Ferdinand Lane in Chesterfield County and (b) to approve a plan to correct the violation.
2. After the local Board's decisions, a second corrective plan for the violation was proposed. The appellants and the appellee all agreed that the second corrective plan complied with the building code.
3. The second corrective plan has been properly installed, and the appellants and the appellee all agree that the building code violation that is described in the July 23, 1996 Notice of Violation has been corrected.
4. Although the appellants have resolved their differences over the building code violation, they are concerned that the decisions of the local Board may be interpreted to raise questions as to whether the proper corrective plan has been installed and may

still require the first corrective plan to be installed. Accordingly, the appellants desire that the local Board's decisions to uphold the decisions of the building official be vacated.

5. Since the proper installation of the second corrective plan has properly resolved the building code violation, the appellee believes this appeal is moot. However, the appellee has, as an accommodation to the appellants, agreed to support their request that the decisions of the local Board be vacated.

Based on the above representations, the State Building Code Technical Review Board hereby finds that the building code violation in the home of Thomas Stewart, located at 8313 Ferdinand Lane in Chesterfield County, described in the July 23, 1996 Notice of Violation, has been corrected by the proper installation of the second corrective plan; and that there is no requirement that the first corrective plan be installed.

Accordingly, the State Building Code Technical Review Board hereby vacates the two decisions of the Chesterfield County Board of Building Code Appeals that form the basis of this appeal.

Since the proper installation of the second repair plan and the vacation of the local Board's decisions resolves all issues with regard to this appeal, the State Building Code Technical Review Board hereby dismisses this appeal as moot.


Chairman
State Building Code Technical Review Board

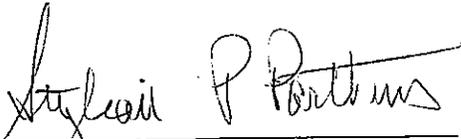
We Ask For This:



Thomas Stewart
8313 Ferdinand Lane
Midlothian, Virginia 23112



S. Craig Lane, Esquire
Counsel for Southern Heritage Builders
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Stylian P. Parthemos, Esquire
Senior Assistant County Attorney
Counsel for the County of Chesterfield
P. O. Box 40
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Attest:

This final order was entered on February 21, 1997.


Secretary, State Review Board

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.