

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
(For Preliminary Hearing as to Whether Moot)

IN RE: Appeal of Leonard Harris
Appeal No. 09-16

Preliminary Hearing Date: June 18, 2010

BACKGROUND

The matter is brought before the Review Board for preliminary determination of whether Harris' appeal is moot due to the resolution of the matter under appeal.

In 2006 or 2007, Harris obtained a building permit under the Virginia Uniform Statewide Building Code (the "USBC") from the City of Newport News USBC department (the "building official") to rebuild a shopping center building which had been damaged by fire.

As no substantial progress was made on the reconstruction, Harris' permit was revoked by the building official in early 2009. Harris requested the reinstatement of the building permit, which was denied by the building official.

Harris then appealed the denial to the City of Newport News USBC appeals board, which upheld the building official's decision.

Harris then further appealed to the Review Board.

Subsequent to the ruling by the City of Newport News USBC appeals board, Harris voluntarily applied for a new building permit and the permit application was approved by the building official.

A preliminary hearing was scheduled before the Review Board to decide whether that action rendered the appeal moot. The preliminary hearing was attended by Harris and the building official.

At the preliminary hearing, Harris stated that he applied for the new building permit due to the City threatening zoning action against him and that he would have had to move equipment and supplies off the site unless applying for the new permit. Harris also stated that while he had applied for the permit, he had not paid the permit fees or obtained the new permit. Harris stated he still desired to have the original building permit reinstated and wanted to move forward with the appeal.

The building official verified that Harris had not yet obtained the new building permit and stated that Harris would be entitled to a partial refund from the original building

permit fee, which could be applied to the new permit fee, if obtaining the new permit.

RULING

The Review Board finds that Harris' appeal to the Review Board is not rendered moot since he has not obtained the new building permit. Harris' appeal on whether the original building permit should be reinstated will be processed by the Review Board staff for a hearing on its merits at a subsequent meeting of the Review Board.

/s/*

Chairman, State Technical Review Board

Aug. 20, 2010

Date Entered

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 preliminary ruling or the date it was mailed to you, whichever occurred first) within which to appeal this preliminary ruling by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board

***Note: The original signed final order is available from Review Board staff.**

In the event that this decision is served on you by mail,
three (3) days are added to that period.