

VIRGINIA:

**BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
(REVIEW BOARD)
(For Determination of Whether or not to Dismiss as Untimely)**

IN RE: Appeal of KEBCO Enterprises, Inc. – Kenneth Bullock
Appeal No. 18-03

DECISION OF THE REVIEW BOARD

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

Kenneth Bullock, of KEBCO Enterprises, Inc. (KEBCO), a building construction company filed an appeal of enforcement action under the Virginia Uniform Statewide Building Code, Part I, Virginia Construction Code (VCC), by the City of Suffolk Department of Planning and Community Development (City), the department responsible for code enforcement, relative to the home constructed at 4281 Cole Avenue Suffolk.

The notice of violation (NOV) dated May 23, 2017 listed twelve violations. On June 16, 2017, KEBCO appealed the NOV to the City of Suffolk Board of Building Code Appeals (local appeals board). The local appeals board hearing was conducted on November 13 2017 and upheld the enforcement action by the City. KEBCO received a copy of the local appeals board resolution

on February 7, 2018. KEBCO further appealed to the State Building Code Technical Review Board (Review Board) on March 2, 2018.

Appearing at the Review Board hearing for the City of Suffolk were Kalli Jackson, legal counsel; Stanley Skinner, Assistant Director of Community Development; and Susan Gardner, Inspector. No one appeared at the Review Board hearing for KEBCO; however, KEBCO was properly notified of the hearing by Review Board staff.

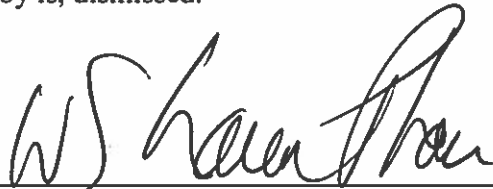
Findings of the Review Board

I. Whether or not to dismiss the appeal as untimely.

The City argued that KEBCO received the resolution of the local appeals board on February 7, 2018 and that in order to comply with the 21 day requirement for appeal, KEBCO needed to file the appeal by February 28, 2018. The City further argued that the application for appeal to the Review Board made on March 2, 2018 was outside the 21 day period given to further appeal to the Review Board; therefore the appeal should be dismissed as untimely. The Review Board agreed with the City's argument. It is untimely.

Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders this appeal to be, and hereby is, dismissed.


Vice - Chairman, State Building Code Technical Review Board

Date entered: 10/12/18

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 W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.