

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jack D. Singleton
Appeal No. 19-01

DECISION OF THE REVIEW BOARD
(For Preliminary Hearing as to Jurisdiction)

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

Jack D. Singleton (Singleton), owner of the property located at 190 West Jefferson Street in the Town of Wytheville, appealed the enforcement action by the Town of Wytheville, Office of the Building Official (Town Building Official) under Part III of the 2012 Uniform Statewide Building Code (Virginia Maintenance Code).

On January 22, 2019, the Town of Wytheville performed an inspection of the property and re-issued a Notice of Violation (NOV) citing the same six violations as previously cited, #2-5 and #10, in the original NOV dated March 26, 2018, which were upheld by the Review Board in the November 16, 2018 decision. The Town Building Official also posted a revised placard in accordance with the same Review Board decision.

Mr. Singleton filed an appeal to the local appeals board which was heard on March 20, 2019, where the local appeals board denied the appeal. Mr. Singleton subsequently filed an application for appeal to the Review Board in April of 2019.

Findings of the Review Board

A. Whether the appeal is properly before the Board.

Mr. Singleton argued that the citing of the violations constituted a new action and the report provided had not been before the Review Board. He further argued that the citations in the NOV were the wrong code because the 2015 VMC had been adopted since the last action taken by the Town Building Official. Chris Menerick, legal counsel for the Town Building Official, argued that the NOV dated January 22, 2019 was a continuation of the decision issued by the Review Board on November 16, 2018. Menerick further argued that the posting of the revised placard was posted in an effort to comply with the same Review Board decision.

The Review Board agreed with the Town Building Official that the NOV and letter, referred to as a report by Mr. Singleton, dated January 22, 2019 as well as the newly posted revised placard were a continuation of the decision issued by the Review Board on November 16, 2018 and that the 2012 VMC was the correct code to be cited. The Review Board found that the appeal was not properly before the Board, no new application of the code or decision had been made, and the case should not move forward to be heard on its merits.

Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether the appeal is properly before the Board.

The decision of the local appeals board and Town Building Official is upheld and the appeal is dismissed.



Vice Chairman, State Building Code Technical Review Board

Date entered: _____September 20, 2019_____

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.