

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Richard Chiu  
Appeal No. 08-4

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Hearing Date: August 20, 2010

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (the "Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (the "USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

Richard Chiu ("Chiu"), owner of a vacant home located at 3412 Arnold Lane, in Falls Church (the "dwelling"), appeals citations from the Fairfax County Department of Planning and Zoning (the "code official"), the designated enforcement agency for the County under Part III of the USBC, known as the Virginia Maintenance Code, or "VMC."

In December of 2007, the code official issued several notices under the VMC, the first directing Chiu to demolish the dwelling within thirty (30) days and a later notice requiring repair or demolition of the dwelling.

Chiu appealed to the County of Fairfax Board of Building Code Appeals ("County USBC board"), which sustained the code officials' decisions.

Chiu then further appealed to the Review Board. Both Chiu and the code official were given opportunity to submit additional documents for the record prior to the hearing before the Review Board and both parties were present at the hearing.

## III. FINDINGS OF THE REVIEW BOARD

Chiu stated in testimony at the hearing before the Review Board that he was in the process of obtaining a demolition permit for the dwelling; however, he wanted to reserve the right

to repair the dwelling if he was unsuccessful in obtaining the demolition permit. Chiu also stated that he disagreed with any cited violations not relating to water damage to the dwelling.

The code official testified that the County would provide any assistance possible to Chiu in obtaining the demolition permit and that the County's objective was only to have the USBC violations abated.

The Review Board finds the citations issued by the code official to be substantiated by the evidence and pictures submitted, including, but not limited to, the USBC violations relative to the deterioration of the roof and porch of the dwelling, the shed, the exterior walls, the foundation and the interior.

The Review Board further finds that the thirty (30) day timeframe for repairs to be completed or demolition to occur is reasonable.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decisions of the code official and County USBC board to be, and hereby are, upheld. The thirty (30) day timeframe for repairs to be completed or demolition to occur shall commence from the entering of this final order.

/s/\*

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Chairman, State Technical Review Board

Oct. 15, 2010

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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 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 Vernon W. Hodge, 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.

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