

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Wayne Credle
Appeal No. 21-06

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

On June 1, 2021, the City of Norfolk Department of Neighborhood Development (City), the agency responsible for the enforcement of Part III of the 2015 Virginia Uniform Statewide Building Code (Virginia Maintenance Code or VMC), issued a Notice of Violation (NOV) for the structure located at 5517 Popular Hall Drive, in the City of Norfolk, owned by Wayne and Juanita Credle (Credle). The NOV cited a violation of VMC Section 106.1 deeming the structure unsafe or unfit for human occupancy and ordered the repair or demolition and removal of the structure within 30 days of the date of the notice. The NOV also cited 10 other VMC violations:

The local appeals board heard Credle's appeal on July 22, 2021 and ruled to uphold the decision of the City. Credle further appealed to the Review Board.

A Review Board hearing was held on March 18, 2022. Appearing at the Review Board hearing for the City of Norfolk were Sherry Johnson and Katherine Tayler, legal counsel. Wayne Credle attended the hearing on his behalf.

Findings of the Review Board

A. Whether the appeal was properly before the Review Board.

Credle argued that the process the City followed to cite violations of the VMC and to demolish and remove his home were unfair.

The City, through legal counsel, argued that the City followed the VMC, City Code, and state law in citation and enforcement of the VMC, city code, and demolition and removal of the structure.

The Review Board determined that, since the building had been demolished and removed, there was no possible relief the Board could provide Credle as violations cannot exist in a structure that no longer exists; therefore, the Review Board finds the appeal is moot.

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 was properly before the Review Board.

The decision of the City and local appeals board is upheld and the appeal is moot.



Vice-Chairman, State Building Code Technical Review Board

Date entered: May 20, 2022

Certification

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.