

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
May 12, 2023
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23860**

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Daniel Crigler
Mr. David V. Hutchins
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. James S. Moss
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler
Mr. Alan D. Givens
Ms. Christina Jackson
Mr. R. Jonah Margarella
Ms. Joanne Monday
Ms. Elizabeth White

- Call to Order The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Chair Dawson.
- Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Donald Ferguson, legal counsel for the Review Board from the Attorney General’s Office, was also present.
- Approval of Minutes The draft minutes of the March 17, 2023 meeting in the Review Board members’ agenda package were considered. Mr. Pharr moved to approve the minutes as presented. The motion was seconded by Mr. Zdinak and passed with Messrs. Crigler and Mays abstaining.
- The draft minutes of the April 21, 2023 retreat in the Review Board members’ agenda package were considered. Mr. Mays moved to approve the minutes as presented. The motion was seconded by Mr. Crigler and passed with Mr. Zdinak abstaining.
- Final Order Monica and Michael Davis: Appeal Nos. 22-18 and 22-19:
- After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Hutchins moved to approve the final order as presented. The motion was seconded by Mr. Zdinak and passed with Mr. Crigler abstaining.

Black Wolf Services LLC: Appeal No. 22-05:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Zdinak moved to approve the final order with the editorial change, suggested by the Secretary to further clarify the decision of the Board, by adding the words "*because it is an occupiable space acting as a mezzanine; therefore, is required to have guards and a means of egress*" to the end of lines 96 and 108 of the final order found on page 111 of the agenda package:

The motion was seconded by Mr. Pharr and passed with Messrs. Kessler and Mays abstaining.

Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chair Dawson closed the public comment period.

Chair Dawson welcomed Building Official Mark Graver, local appeals board secretary Heather Baker, and local appeals board member Julian Wells all from the City of Waynesboro, whose attendance to observe a Review Board meeting was offered and encouraged at a recent training for the City of Waynesboro provided by Secretary Luter.

New Business

Fairfax County: Appeal No. 22-16:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property located at 244 Old Court House Road NE, in the town of Vienna in Fairfax County.

The following persons were sworn in and given an opportunity to present testimony:

Austin Sanchez, Fairfax County Codes Compliance Inspector
Patrick V. Foltz, Fairfax County Assistant County Attorney

Note: Barrett Kashdan, property owner, was properly notified of the hearing. Geoffrey Kashdan, brother and Power of Attorney for Barrett Kashdan, who provided staff with a copy of the POA, indicated both verbally during a telephone conversation with staff and in an email dated May 11, 2023 that neither he nor Barrett would be attending the hearing. Furthermore, Geoffrey waived Barrett's right to attend/appear and agreed to accept the decision of the Review Board.

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and

the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Fairfax County: Appeal No. 22-16:

After deliberations, Mr. Mays moved to uphold the County and overturn the local appeals board based on the evidence found on page 142 of the agenda package which conclusively demonstrated that a carport was constructed between 1972 and 1976 without the required permits. Mr. Mays further moved to uphold the County and overturn the local appeals board on the removal and installation of appliances without the required permits regardless of their location in the structure. The motion was seconded by Mr. Crigler and passed unanimously.

Request for Interpretation of Greg Revels (Henrico County):
Interpretation Request No. 01-23:

An interpretation request from Greg Revels of Henrico County was considered concerning the 2017 National Electrical Code (NEC) Section 250.24 related to whether equipment connected via taps ahead of the main for PV systems required to comply with 2017 NEC Section 250.24.

Mr. Hutchins moved that the answer is *“Yes. Section 705.12(A) of the 2017 NEC allows connecting PV systems to dwelling unit electric utilities via disconnect switch on the supply side of the existing electric service disconnecting means.”* The motion was seconded by Mr. Moss and passed with Mr. Mays abstaining.

Request for Interpretation of Paul Koll (Gloucester County):
Interpretation Request No. 03-23:

An interpretation request from Paul Koll of Gloucester County was considered concerning the 2018 Virginia Construction Code (VCC) Section R403.1.6 related to the requirements for anchor bolts in masonry walls.

After a brief discussion, Mr. Mays moved to defer the matter to the July 21, 2023 meeting pending an informal staff opinion from the ICC on VCC Section R403.1.6. The motion was seconded by Mr. Moss and passed unanimously.

The Board directed the secretary to submit the request for the informal staff opinion to the ICC for VCC Section R403.1.6. To ensure the proper inquiry was made to ICC, Mr. Mays agreed to work with Mr.

State Building Code Technical Review Board
May 12, 2023 Minutes - Page 4

Moss to craft the question to be asked and provide it to the Secretary no later than May 31, 2023.

Secretary's Report

Mr. Luter pointed the Review Board members to two revised options for Review Board Policy #14 presented in the Review Board members' agenda package, found on pages 431 and 433. After a brief discussion, Mr. Pharr moved to approve the revised Policy #14, found on page 433, as presented. The motion was seconded by Mr. Moss and passed unanimously.

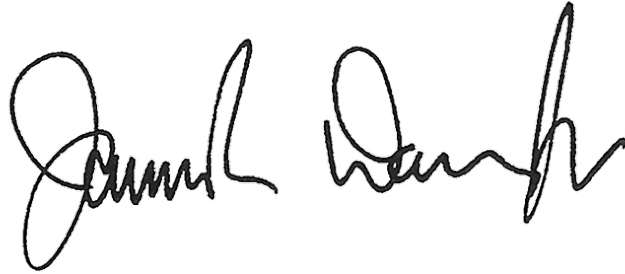
Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for July 21, 2023.

Mr. Luter provided the legal updates to the Board as provided to him by Mr. Bell.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 1:00 p.m.

Approved: July 21, 2023



Chair, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board