

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
September 20, 2019
Henrico, Virginia**

Members Present

Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. James R. Dawson, Chairman
Mr. Daniel Crigler
Mr. Vince Butler
Mr. Alan D. Givens
Ms. Patricia S. O'Bannon

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 Secretary Travis Luter.

Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was also present.

Approval of Minutes The draft minutes of the July 19, 2019 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes with the correction of the word “forward” to “forwarded” in the fourth paragraph of page 13 of the agenda package. The motion was seconded by Mr. Witt and passed unanimously.

Final Orders Appeal of Jack D. Singleton
Appeal No. 19-01:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order as presented. The motion was seconded by Mr. Payne and passed with Ms. Jackson abstaining.

Public Comment Vice-Chairman Pharr opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Vice-Chairman Pharr closed the public comment period.

New Business Appeal of Karen Lindsey; Appeal No. 19-02:

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under the 2012 Virginia Maintenance Code related to the property owned by Karen Lindsey located at 2445 Strawberry Lane, in the City of Chesapeake.

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

Karen Lindsey, Owner (arrived 30 minutes into the hearing)
Alexis Lindsey (arrived 30 minutes into the hearing)
Pepper Wilson (arrived 30 minutes into the hearing)
John T. King, III, City of Chesapeake Building Official

Also present was:

Meredith Jacobi, Esq., legal counsel for the City of Chesapeake

After testimony concluded, Vice-Chairman Pharr 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: Karen Lindsey; Appeal No. 19-02:

After deliberations, Mr. Mays moved that the appeal was timely because the relief sought was in the original appeal. The motion was seconded by Mr. Payne and passed with Mr. Witt and Ms. Jackson voting in opposition.

After finding the appeal to be timely, the Review Board members opted to hear the merits of the appeal since the parties were already there and time permitted.

After further deliberations, Mr. Mays moved to uphold the decision of the building official and local appeals board with the following amendments to the timeframes which begin upon the adoption of the final order:

- *90 days to submit the engineer's report and repair plans*
- *After the initial 90-day period, then 120 days to obtain the permit and plan approval*
- *After that 120-day period; then 270 days to obtain the certificate of occupancy*

The motion was seconded by Ms. Jackson and passed with Mr. Witt and Ms. Jackson voting in opposition.

Appeal of Oscar and Olga Marroquin; Appeal No. 19-04:

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under the 2012 Virginia Building Code related to the property owned by Oscar and Olga Marroquin located at 105 Reedville Court, in Frederick County.

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

Oscar Marroquin, Owner
Olga Marroquin, Owner
Mark Fleet, Frederick County Building Official
Kirby Place, Frederick County Building Inspector

Also present was:

Erin Swisshelm, Esq., legal counsel for Frederick County

After testimony concluded, Vice-Chairman Pharr 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: Oscar and Olga Marroquin; Appeal No. 19-04:

After deliberations, Mr. Witt moved to uphold the building official and local appeals board decision in accepting the sealed engineer's report for air balance and that the NOV was satisfied and no violation remains. The motion was seconded by Mr. Mays and passed with Ms. Monday voting in opposition.

Secretary's Report

Mr. Luter reminded the Board about the Retreat 2.0 scheduled for October 18, 2019.

Mr. Luter informed the Board of the caseloads for the upcoming meetings scheduled for November 15, 2019 and January 2020.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:00 p.m.

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Approved: November 15, 2019



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board