

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
DRAFT MEETING MINUTES
June 15, 2018
Glen Allen, Virginia**

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. E. G. Middleton, III
Ms. Joanne Monday

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 Assistant Secretary W. Travis Luter, Sr..

Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, the board's legal counsel from the Attorney General's Office, was also present.

Elections of Officers

Mr. Luter advised the board members that the terms of the officers of the Board had expired and election of officers was needed prior to moving forward with the meeting. Mr. Luter then called for nominations for Chairman. Mr. Crigler nominated Mr. Dawson. The nomination was seconded by Ms. O'Bannon. Mr. Luter called for nominations for Chairman twice more. After hearing no further nominations Mr. Luter closed the nominations for Chairman. A vote was taken and Mr. Dawson was unanimously elected as Chairman.

Chairman Dawson called for nominations for Vice-Chairman. Mr. Dawson nominated Mr. Pharr for Vice-Chairman. The nomination was seconded by Mr. Crigler. Chairman Dawson called for additional nominations for Vice-Chairman; hearing none he closed the nominations. A vote was taken and Mr. Pharr was unanimously elected as Vice-Chairman.

Chairman Dawson called for nominations for Secretary. Mr. Witt nominated Mr. Luter for Secretary. The nomination was seconded by Mr. Crigler. Chairman Dawson called for additional nominations for Secretary; hearing none he closed the nominations. A vote was taken and Mr. Luter was unanimously elected as Secretary.

Approval of Minutes The draft minutes of the April 20, 2018 meeting in the Review Board members' agenda package were considered. Ms. O'Bannon moved to approve the minutes with an editorial change to the spelling of the word "versus" in the next to last paragraph on page seven of the agenda package. The motion was seconded by Mr. Witt and passed unanimously.

Final Orders Appeal of Quantico City LLC (Joel Rhoades)
Appeal No. 17-8:

Mr. Givens informed the board members he would be recusing himself from the consideration of the final order as he had prior dealings with Mr. Zelnick, counsel for Quantico City LLC.

After consideration of the two final orders presented in the agenda package, Mr. Witt moved to approve the first final order, on pages 11-17, as written. Mr. Crigler seconded the motion and it passed unanimously.

Appeal of William Wiehe, Jr. (Vice Versa Corporation)
Appeal No. 17-9:

After consideration of the final order presented in the agenda package, Mr. Witt moved to approve the final order as written. Mr. Butler seconded the motion and it passed unanimously.

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

New Business Appeal of Unity Building LLC (Pooya Jamalreza); Appeal No. 17-12:

A request for a continuance by Unity Building LLC was presented to the Chairman and considered by the Board. The board members unanimously agreed to deny the request and proceed with the hearing.

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under the Virginia Construction Code related to the alterations to the home owned by Nahid Momenian located at 902 McMillen Court in Fairfax County.

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

Nahid Momenian
Scott Hagerty
Melissa Smarr

Also present was:

Paul Emerick, Esq., legal counsel for Fairfax County

The following exhibit was submitted by Paul Emerick, legal counsel for Fairfax County, without objection, to supplement the Review Board member's agenda package.

Appellee Exhibit A – Photo of the wall and header between the dining room and living room prior to alteration.

After testimony concluded, Chairman 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: Appeal of Unity Building LLC (Pooya Jamalreza); Appeal No. 17-12:

After deliberations, Mr. Witt moved to uphold the Notice of Violation by the Building Official and the local board decision. He further moved to require permits for the alterations to the home stating that it was unreasonable to believe the homeowner hired a different contractor to perform the same amount of work listed in the Unity Building LLC contract. The motion was seconded by Mr. Pharr and passed unanimously.

Appeal (Timeliness) of Dr. J. Matthew Hogendobler; Appeal No. 17-13:

A hearing convened with Chairman Dawson serving as the presiding officer. The issue to be resolved was whether Dr. Hogendobler filed a timely appeal of enforcement action under Part III of the Virginia Uniform Statewide Building Code (the Virginia Maintenance Code) by the City of Virginia Beach concerning the structure located at 2209 N. Lakeside Drive in the City of Virginia Beach..

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

Dr. J. Matthew Hogendobler
Wells Freed
Justin Doyle
Cheri Hainer

Also present was:

Tobias Eisenlohr, Esq., legal counsel for the City of Virginia Beach

Testimony was then presented concerning whether Dr. Hogendobler had filed a timely appeal to the City of Virginia Beach Local Board of Appeals from both parties.

After testimony concluded, Chairman 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: Appeal (Timeliness) of Dr. J. Matthew Hogendobler; Appeal No. 17-13:

After deliberation of the issue of the timeliness of Dr. Hogendoblers' appeal, Mr. Pharr moved to overturn the decision of the City of Virginia Beach Local Board of Appeals and hold that Dr. Hogendoblers' appeal was timely since the receipt of the Notice of Violation was in dispute. The motion was seconded by Mr. Payne and passed with Messrs. Crigler and Witt as well as Ms. O'Bannon voting in opposition.

Appeal (Merits) of Dr. J. Matthew Hogendobler; Appeal No. 17-13:

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under Part III of the Virginia Uniform Statewide Building Code (the Virginia Maintenance Code) by the City of Virginia Beach Building Official at a home located at 2209 N. Lakeside Drive in the City of Virginia Beach.

After testimony concluded, Chairman 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: Appeal (Merits) of Dr. J. Matthew Hogendobler; Appeal No. 17-13:

After deliberation Mr. Butler moved to uphold the Notice of Violation by the Building Official and the decision of the local board. The motion was seconded by Mr. Witt and passed unanimously.

Secretary's Report

Mr. Luter informed the board members that Mr. Keith Brower had resigned from the Review Board.

Mr. Luter informed the Board that the next meeting would be August 17, 2018.

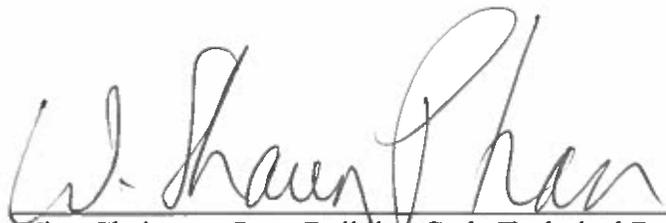
A brief discussion was held pertaining to meeting dates for the remainder of 2018. Mr. Luter agreed to send an email to the board members for feedback allowing board members an opportunity to view their calendars and respond accordingly.

Mr. Justin Bell, legal counsel from the Attorney General's office, gave the Review Board members an overview of the status of appeals further appealed to court.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 3:15 p.m.

Approved: August 17, 2018



Vice-Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board