

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE:       Appeal of Khaleen Monaro  
              Appeal No. 25-06

DECISION OF THE REVIEW BOARD

I.    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).

II.   Case History

On January 23, 2025, the Prince William County Department of Development Services, Building Development Division (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice of Violation (NOV) to Khaleen Monaro (Monaro), for a deck on the property located at 13959 Oleander Ct., in Prince William County, for construction without the required permits citing VUSBC Section 108.1.1 When applications are required and providing the following description:

*“Construction Without Permit – work done to deck without permits including but not limited to stairs.”*

Monaro filed an appeal to the Prince William County Building Code Board of Appeals (local appeals board). The local appeals board found that:

*“Based on the testimony, Notice of Violation BCE2025-00357 was properly issued and enforceable, and the Board upholds the Building Officials Notice of Violation.”*

On April 15, 2025, Monaro further appealed to the Review Board.

Appearing at the Review Board meeting for Monaro was Khaleen Monaro. Appearing at the Review Board meeting for Prince William County was Eric Mays, Building Official.

### III. Findings of the Review Board

A. Whether to overturn the decision of the County and the local appeals board that a violation of VUSBC Section 108.1.1 *When applications are required* exists.

B. Whether to overturn Notice of Violation BCE2025-00357 issued by the County and upheld by the local appeals board.

Monaro confirmed that the lower deck was demolished, and a new set of stairs were constructed. Monaro argued that the contractor was the responsible party for the cited violations related to the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck. Monaro further argued that she was not the responsible party. Monaro also argued that the demolition of the lower deck did not require a permit as it was less than 16” in height. Monaro further argued that the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck was on the approved plans and part of the swimming pool permit. Lastly, Monaro argued that the county inspectors were aware of the work being performed on the demolition of the lower deck and new set of stairs from grade to the upper deck and that the county inspectors had inspected and approved the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck.

The County argued that the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck, was discovered while conducting a property search to provide all permitting information related to the property to the Virginia Department of

Professional Occupation Regulation, which had requested the information due to the complaint filed by Monaro on the swimming pool contractor. The County confirmed that, pursuant to Prince William County policy, the lower deck did not require a permit as it was less than 16” in height. The County argued that property owners are always the responsible party, especially when there is no contractor involved in a project, such as the case with this property as Monaro fired the pool contractor in mid-2023. The County also argued that the contractor did not apply for a permit for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck; therefore, no permit was issued for this scope of work. The County further argued that the scope of work for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck was not part of the swimming pool permit application or subsequent permit. The County argued that, in Prince William County, all decks require a separate stand-alone permit. The County also argued that no inspections of the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck were performed as no indication to that scope of work was indicated on any inspection reports by any inspectors during the swimming pool inspections.

The Review Board found that a violation of VUSBC Section 108.1.1 *When applications are required* exists and a permit was required for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck based on the photographic evidence in the record along with testimony provided by the County that all decks require a separate permit in Prince William County. The Review Board also found that the Notice of Violation BCE2025-00357 was properly issued by the County.

C. Whether the Review Board has the authority to rescind and direct removal from public record a document created by a local building official.

If so, then:

D. Whether to rescind and direct removal from public record the Department of Development Services, Building Development Division letter dated January 22, 2025.

Monaro argued that the work performed in the basement, outlined in the January 22, 2025 final determination letter from the County (letter) was performed prior to her purchasing the property. Monaro further argued that the letter was defamatory and inflicted financial harm to her. Monaro also argued that the lack of a final inspection on the work performed in the basement did not constitute an unsafe structure. Lastly, Monaro argued that several inspectors had been in her basement over the years and no unsafe conditions had been cited.

The County argued that the abandoned permit, related to the work in the basement, was discovered while conducting a property search to provide all permitting information related to the property to Virginia Department of Professional Occupation Regulation, which requested the information due to the complaint filed by Monaro on the swimming pool contractor. The County accepted the testimony that inspectors had been in her basement for other projects for inspections; however, indicated that the inspectors were not aware of the permit for the unpermitted and inspected work from the abandoned permit of a previous owner at the time of those inspections. The County argued that on April 16, 2014, based on an inspection report, the conditions of the basement at the time of that inspection were unsafe. The County further argued that no inspections were performed after the April 16, 2014 inspections and the permit was abandoned. The County further argued that the current condition of the basement is unknown and Monaro refuses to allow the County to conduct a safety inspection to confirm the current conditions of the basement. The County argued that the lack of permits and inspections for the work in the basement, coupled with the April 16, 2014 inspection report, means that there are potential unsafe conditions. The County argued that, due to having knowledge of unpermitted and uninspected work and potential unsafe conditions, the County had a ministerial duty to

notify the property owner and to make the notice public record. The County argued that the letter from the County was not an application of the code; therefore, the Review Board lacked authority to rule on the letter. The County further argued that the letter is factually correct and free of errors. Lastly, the County argued that based on the state record retention laws, the Review Board could not order a locality to remove or destroy a public record.

Both, Monaro and the County, confirmed that the local appeals board heard the matter related to Monaro's request to have the letter rescinded and removed from public record and determined that the local appeals board lacked the authority to rescind and remove the letter from public record; however, failed to memorialize that decision in its final written decision.

The Review Board found that that the Review Board lacked authority to rescind or remove from public record a document created by the local building official, specifically the letter from Prince William County Building Official to Monaro dated January 22, 2025 due to the state record retention laws.<sup>1</sup>

#### IV. Conclusion

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

- A. Whether to overturn the decision of the County and the local appeals board that a violation of VUSBC Section 108.1.1 *When applications are required* exists.
- B. Whether to overturn Notice of Violation BCE2025-00357 issued by the County and upheld by the local appeals board.

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<sup>1</sup> The Review Board declined to make a decision on the contents of the letter from Prince William County Building Official to Monaro dated January 22, 2025, rather the Review Board restrict its decision to whether the Review Board had the authority to rescind and remove from public record the letter from Prince William County Building Official to Monaro dated January 22, 2025. The Review Board also considered remanding the letter to the local appeals board for decision on the contents of the letter from Prince William County Building Official to Monaro dated January 22, 2025 but decided not to do so due to the statute of limitations.

The decision of the County and local appeals board that a violation of VUSBC Section 108.1.1 *When applications are required* exists, a permit was required for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck, and the issuance of Notice of Violation BCE2025-00357, is upheld, based on the photographic evidence in the record along with testimony provided by the County that all decks require a separate permit in Prince William County.

C. Whether the Review Board has the authority to rescind and direct removal from public record a document created by a local building official.

If so, then:

D. Whether to rescind and direct removal from public record the Department of Development Services, Building Development Division letter dated January 22, 2025.

The Review Board lacks authority to rescind or remove from public record a document created by the local building official, specifically the letter from Prince William County Building Official to Monaro dated January 22, 2025 due to the state record retention laws.



Vice-Chair, State Building Code Technical Review Board

Date entered August 15, 2025

As required by VCC 119.9: "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.”

As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.” See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.