

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
 Appeal No. 25-09

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

1. On February 14, 2025, the Fairfax County Department of Land Development Services (County), the agency responsible for the enforcement of Part 1 of the 2021 Virginia Uniform Statewide Building Code (VUSBC), denied a permit/plan review for BLDC-2024-00163 pertaining to the design of the project known as Eastgate Mixed Use submitted by Campbell Code Consulting (Campbell) which had only one exit. The determination of the County was that two exits were required due to exit remoteness pursuant to VCC Section 1007.1.1 Two exits or exit access doorways. Campbell filed an appeal to the Fairfax County Building Code Board of Appeals (local appeals board). The local appeals board “*approved*” the appeal finding that:

- a. *“The floor plan associated with the subject proposed apartment building satisfies the requirements of the subject code as to required means of egress afforded to the occupants of each dwelling unit.*
- b. *The specific provisions of the subject code include a number of prescriptive provisions that are subject to interpretation and subsequently their application*

- to the subject building will result in differences of opinion as to a code-compliant means of egress arrangement on each floor of the building.*
- c. *The interpretation of those provisions by the appellant and their application to the subject apartment building was shown to be consistent with similar structures previously permitted and approved by Land Development Services.”*

On May 6, 2025, the County further appealed to the Review Board asking the Review Board to vacate the local appeals board decision and uphold the decision of the County.

Appearing at the Review Board meeting for the County were Building Official Jay Riat, Deputy Building Official Dan Willham, and Assistant Attorney County Patrick Foltz. Appearing at the Review Board meeting for Campbell were Chris Campbell and Project Designer Kacey Huntington.

III. Findings of the Review Board

A. Whether to uphold the decision of the County and overturn the decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use.

The County argued that the VCC required two remote means of egress with provisions for a single means of egress for spaces with an occupant load of 20 or less and a shorter common path of travel for egress. The County further argued that in order to have a single means of egress the area serving the single means of egress was limited to 4,000 square feet. The County argued that the project design exceeded those limitations. The County argued that the design of the Eastgate Mixed Use project required two remote means of egress due to the occupant load and area size requirements; the County conceded that the project design met the requirement for the common path of egress distance. The County argued that the requirement for remoteness of the two means of egress was required to ensure that, if one means of egress is compromised, there is an alternative means of egress available for occupants to exit the space that is sufficiently separated from the

primary means of egress to ensure it is not affected by the fire event affecting the primary means of egress.

Campbell argued that a single means of egress was allowed by the VCC and that the project design for Eastgate Mixed Use met the requirements of the VCC for a single means of egress. Campbell also argued that he requested and received three ICC staff opinions that the project design was code compliant. Campbell further argued that the County had no other code professional opinion that supported its opinion that the project design was not code compliant. Campbell argued that based on the County's interpretation of the VCC, it would be virtually impossible to design a project with a dead-end corridor; the code specifically allows a 50' dead-end corridor.

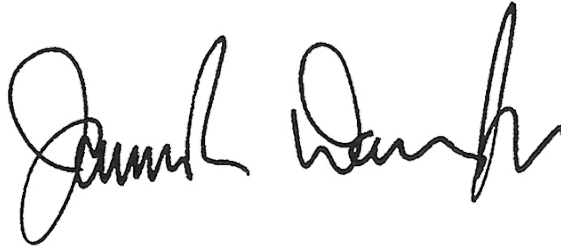
The Review Board found that no violation existed in the design of the Eastgate Mixed Use project as submitted by Campbell because a single means of egress for the project was code compliant.

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 uphold the decision of the County and overturn the decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use.

The decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* does not exist in the design of Eastgate Mixed Use is upheld and the decision of the County that a violation of VUSBC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use is overturned because a single exit for the project is code compliant.



Chair, State Building Code Technical Review Board

Date entered _____ September 19, 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.