

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Andrew Suddarth (David Williams)
 Appeal No. 25-04

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 October 28, 2024 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), inspected the structure located at 1201 Porter Street in the City of Richmond and subsequently issued a Notice of Violation – Unsafe Structure (NOV) on November 18, 2024 to David Williams (Williams), citing the following VMC Section:

“Report of Unsafe Conditions

106.1 US - Unsafe Structure

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such

structures in accordance with applicable requirements this code. An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because of, but not limited to, any of the following conditions:

- 1. The structure contains unsafe equipment;*
- 2. The structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely;*
- 3. The structure is unsecured or opened;*
- 4. The degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment;*
- 5. The required plumbing and sanitary facilities are inoperable.”*

Williams filed an appeal to the City of Richmond Local Board of Building Code Appeals (local appeals board). On March 19, 2025, the local appeals board upheld the decision of the code official stating that *“The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the Code Official properly”*. On April 8, 2025, Williams, through Andrew Suddarth, legal counsel, further appealed to the Review Board seeking to have the NOV overturned.

While initially processing the appeal application, Review Board staff learned that on March 24, 2025 the structure located at 1201 Porter Street had been razed and removed; therefore, in accordance with Review Board Policy #9, Review Board staff prepared the case for a preliminary hearing as to whether the appeal is properly before the Board.

Appearing at the Review Board meeting for Suddarth was Andrew Suddarth, legal counsel for owner David Williams. Appearing at the Review Board meeting for the City of Richmond was David Alley, Building Commissioner for the City of Richmond.

III. Findings of the Review Board

A. Whether the appeal is properly before the Board.

Suddarth argued that the structure had been demolished and understood that the Review Board would likely not be able to grant relief due to that fact, but he and his client wanted to exhaust all administrative remedies available to them.

The City argued that the structure had been demolished and the case was not properly before the Board.

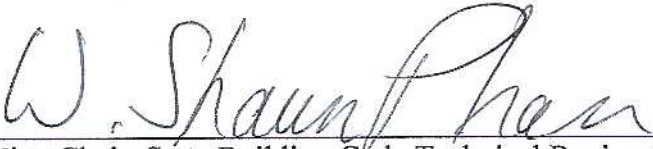
The Review Board found that because the structure had been demolished no relief could be given by the Review Board; therefore, the appeal should be dismissed as not properly before the Board.

IV. Conclusion

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

A. Whether the appeal is properly before the Board.

The appeal is dismissed as not properly before the Board because the structure had been demolished; therefore, no relief could be given by the Review Board.



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.