

**State Building Code Technical Review Board
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with Ms. Monday and Messrs. Givens, Margarella, and Zdinak abstaining.

Public Comment

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

New Business

Choice Housing Management (Eric DeSoto): Appeal No. 25-10:

A hearing was convened with Chair Dawson serving as the presiding officer. The hearing was related to a structure where the HVAC system and duct system were altered/installed without the required permits and inspections.

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

Eric DeSoto, Owner of Choice Housing Management
Ezra Marcus, Property Owner
Jonathan Weaver, Fairfax County Supervising Field Inspector
Donald Weyant, Fairfax County Supervising Field Inspector
Melissa Smarr, Fairfax County Code Specialist III

Also present was:

Patrick Foltz, Asst. County Attorney for Fairfax County

After testimony concluded, Chair 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: Choice Housing Management (Eric DeSoto): Appeal No. 25-10:

Motion #1:

After deliberations, Mr. Givens moved to uphold the decision of the city and local appeals board that permits were required because of the changes and expansion of the duct system and installation of new rooms within the structure which would have also required the submittal of a Manual J and D. The motion was seconded by Ms. Jackson and passed unanimously.

Motion #2:

After deliberations, Mr. Mays moved to uphold the decision of the city and local appeals board that minimum inspections were required because of the changes and expansion of the duct system and installation of new rooms within the structure which would have also required the submittal of a Manual J and D. The motion was seconded by Mr. Givens and passed unanimously.

Motion #3:

After deliberations, Mr. Givens moved to uphold the decision of the city and local appeals board because the issue is moot because the violation has been abated. The motion was seconded by Ms. Jackson and passed unanimously.

Poole, Brooke, and Plumlee (Dieffenbach): Appeal No. 25-11:

A hearing was convened with Chair Dawson serving as the presiding officer. The hearing was related to a structure primarily used as a farm building.

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

Michael Dieffenbach, Property Owner
Jessica Dieffenbach, Property Owner
Wendy Tabler, City of Chesapeake Building Codes Administrator
Lee Ostheller, City of Chesapeake Code Enforcement Administrator

Also present was:

Paul Schmidt, Attorney for the property owners
Jessica Hadley, Attorney for the City of Chesapeake
Joseph Miller Jr, Attorney for the City of Chesapeake

After testimony concluded, Chair 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: Poole, Brooke, and Plumlee (Dieffenbach): Appeal No. 25-11:

After deliberations, Mr. Mays moved to uphold the decision of the city and the local appeals board based on the city conditional use permit and the testimony of the owners who stated their intent was to use the structure for up to 50 days per year for events other than farming operations. Mr. Mays further moved that 50 days a year did not represent an occasional use of the structure rather 50 days per year represented a primary use of the structure. The motion was seconded by Mr. Givens and failed with Mses. Jackson and Monday and Messrs. Crigler, Margarella, Moss, and Zdinak voting in opposition.

After additional deliberations, Ms. Monday moved to overturn the decision of the city and the local appeals board requiring permits, inspections, and a certificate of occupancy because the use of the structure in question was being used primarily as a farm structure in accordance with the allowable exception in the definition of a farm structure in VUSBC Section 202. The business office within the structure was used 365 days per year to support farming operations, farm equipment was stored and maintained within the structure, and the structure was not a residence, restaurant, or structure in the flood plain. The motion was seconded by Mr. Crigler and passed with Ms. Jackson and Messrs. Givens and Mays voting in opposition.

The State of Culpeper LLC (James A. Wells): Appeal No. 25-14:

A hearing was convened with Chair Dawson serving as the presiding officer. The hearing was related to a fire alarm system .

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

Billy Hux, Chief State Fire Marshal
Adam Tutor, Deputy State Fire Marshal
Damon Price, Deputy State Fire Marshal

Also present was:

William Wittenbrook, legal counsel for the State Fire Marshal's Office from the Attorney General's Office

Note: James A. Wells was not present; however, was given proper notice of the hearing. The day before the hearing Mr. Wells informed the Secretary, via email, that he would not be attending the hearing.

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After testimony concluded, Chair 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: The State of Culpeper LLC (James A. Wells): Appeal No. 25-14:

After deliberations, Ms. Jackson moved to uphold the decision of the Chief State Fire Marshal because the alarm system was not being properly maintained in accordance with the manner in which the alarm system was approved and installed based on the evidence provided showing the alarm system condition to be “trouble” which had not been corrected. The motion was seconded by Mr. Givens and passed unanimously.

Note: Mr. Zdinak was not present at The State of Culpeper LLC (Appeal No. 25-14) hearing.

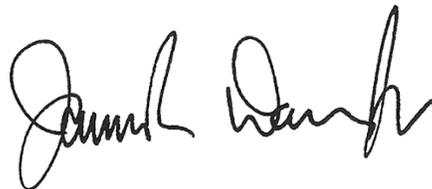
Secretary’s Report

Mr. Luter informed the Review Board of the current caseload and that there would be no meeting on February 20, 2026.

Adjournment

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

Approved: February 19, 2026



Chair, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board