

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Junjing (Jim) Song  
Appeal No. 23-07

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 April 26, 2023, the City of Manassas Community Development Department (City), the agency responsible for the enforcement of Part III of the 2018 Virginia Uniform Statewide Building Code (VUSBC or VMC) issued a Corrective Work Order (CWO) to Junjing (Jim) Song (Song) citing several violations of the VMC. On June 20, 2023, the City issued a Notice of Violation (NOV) citing the following violations:

- a. VMC 3-302.7 – Accessory Structures/Estructuras Accesorias: *Accessory structures including garages, fences, walls, sheds, etc., shall be maintained structurally sound and in good repair.*
- b. VMC 3-304.13 – Window, skylight, and door frames/Ventanas, tragaluces y marcos de puertas: *1. Every window, skylight, door, and frame shall be kept in sound conditions, good repair, and weather tight. 2. Glazing materials shall be maintained free from cracks and holes. 3. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.*
- c. VMC 3-304.2 – Exterior Protective Treatment/Tratamiento Protectorio Exterior: *Exterior structures including, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, fence, and*

*siding shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other treatments. Deteriorated paint shall be removed and surfaces repainted.*

Song filed an appeal to the City of Manassas Building Code Board of Appeals (local appeals board) which was denied on July 31, 2023. On August 28, 2023, Song attempted to further appeal to the Review Board. Review Board staff was never able to acquire a completed Review Board appeals application; therefore, staff processed the application as submitted.

Appearing at the Review Board meeting for Song was Junjing Song and Karen Song. Appearing at the Review Board meeting for the City was Eric Lowe and Carlos Perez.

### III. Findings of the Review Board

A. Whether to uphold the decision of the City and the local appeals board that a violation of VMC Section 302.7 – Accessory Structures/Estructuras Accesorias exists.

B. Whether to uphold the decision of the City and the local appeals board that a violation of VMC Section 304.13 – Window, skylight, and door frames/Ventanas, tragaluces y marcos de puertas exists.

C. Whether to uphold the decision of the City and the local appeals board that a violation of VMC Section 304.2 – Exterior Protective Treatment/Tratamiento Protectorio Exterior exists.

Song argued that the NOV and cited violations should have referenced §36-105 C.2 & 3 and the Virginia Existing Building Code (VEBC). Song also argued that the NOV and cited violations should not have referenced the VMC.

The City argued that the tenant of the structure filed a complaint with the City for potential violations of the VMC. The City argued that there was a broken fence on the property, a violation of VMC Section 302.7. The City further argued that the structure had windows without the

required screens, a violation of VMC Section 304.13. The City also argued that the structure had chipping and peeling paint on the exterior siding on the rear of the structure, a violation of VMC Section 304.2. Lastly, the City argued that the NOV did not reference §36-105 C.2 & 3 or the VEBC and only referenced the VMC for the violations found and cited.

The Review Board found that violations of VMC Section 302.7, 304.13, and 304.2 exist.

#### IV. Final Order

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 City and the local appeals board that a violation of VMC Section 302.7 – Accessory Structures/Estructuras Accesorias exists.

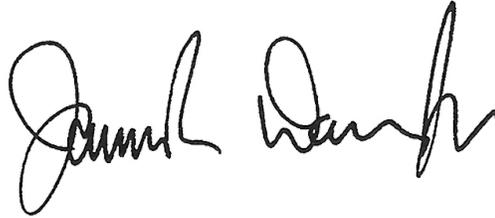
The decision of the City and local appeals board that a violation of VMC Section 302.7 Accessory Structures exists is upheld.

B. Whether to uphold the decision of the City and the local appeals board that a violation of VMC Section 304.13 – Window, skylight, and door frames/Ventanas, tragaluces y marcos de puertas exists.

The decision of the City and local appeals board that a violation of VMC Section 304.13 Window, skylight, and door frames exists is upheld.

C. Whether to uphold the decision of the City and the local appeals board that a violation of VMC Section 304.2 – Exterior Protective Treatment/Tratamiento Protectorio Exterior exists.

The decision of the City and local appeals board that a violation of VMC Section 304.2 exists is upheld.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ February 16, 2024 \_\_\_\_\_

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.