

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
[Preliminary Hearing for Properness Before the Board]

IN RE: Appeal of Stanley Homes and Beazer Homes
 Appeal No. 24-11

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 August 30, 2024, the Loudoun County Building and Development Department (County), the agency responsible for the enforcement of Part 1 of the 2021 Virginia Uniform Statewide Building Code (VUSBC), denied a modification request from Stanley Martin Homes and Beazer Homes (Stanley Martin and Beazer), for two (2) condominium projects named Dulles 2 over 2 Stacked Condominiums – Tessa/Julianne and Savannah/Harper and Belmont Park 2 over 2 Stack Condominiums – Monroe/Charlotte and Hepburn/Katherine, in Loudoun County, related to VCC Section 903.3.1.2 NFPA Sprinkler Systems.

Stanley Martin and Beazer filed an appeal to the Loudoun County Building Code Board of Appeals (local appeals board). The local appeals board denied the appeal finding that “*The code official applied the code correctly based on the 2021 Virginia Construction Code*”. On October 25, 2024, Stanley Martin and Beazer further appealed to the Review Board.

Appearing at the Review Board meeting for Stanley Martin and Beazer were Ryan Kenvin, Michael Taylor, Bill Foliaco, and Dale Wilkowske. Appearing at the Review Board meeting for Loudoun County was Raymond Rinaldi. While initially processing the appeal application, Review Board staff found that the appeal application did not reference a particular project location/address or permit number; therefore, Review Board staff scheduled a preliminary hearing for the Review Board to determine whether the appeal application was properly before the Board.

III. Findings of the Review Board

A. Whether the appeal was properly before the Board.

Stanley Martin and Beazer argued that their two (2) condominium projects were 2 over 2 stack condominiums Use Group R3, Type VB construction. Stanley Martin and Beazer further argued that both projects provided a two-hour fire wall between the stacked units, adhered to the limitation of four stories pursuant to VCC Table 504.4, and the maximum allowable building height of 60 feet pursuant to VCC Table 504.3. Stanley Martin and Beazer also argued that VCC Section 903.3.1.2 was changed in the 2021 edition of the VCC and requires buildings to meet three conditions in order to use a NFPA 13R sprinkler system which are (1) four stories or fewer above grade plane, (2) the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access, and (3) the floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access. Stanley Martin and Beazer further argued that the application of the second condition affected the use of a NFPA 13R sprinkler system in a 2 over 2 stacked condominium projects. Finally, Stanley Martin and Beazer argued that the application of the code as written would require them to install a NFPA 13 sprinkler system.

The County argued that the code requirement in 2021 VCC Section 903.3.1.2 is prescriptive and codified in the USBC. The County argued that the modification request Stanley

Martin and Beazer asked for, based off a DHCD staff opinion, suggested to use the requirements of the 2024 IBC Section 903.3.1.2; however, for Use Group R3 the requirements are unchanged from those found in the 2018 VCC except for Use Group R2 which allows an overall height of 45 feet to the roof. The County further argued that Use Group R3 was not separately addressed in that code section. The County finally argued that using the future edition of the code, 2024 edition, would not work as there was no change from the 2021 and was the basis of his denial of the request for modification.

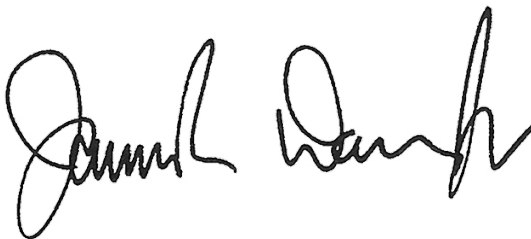
The Review Board found that the appeal application filed by Stanley Martin and Beazer was properly before the Board because Stanley Martin and Beazer were aggrieved by the building official's denial of their modification request.

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 was properly before the Board.

The Stanley Martin and Beazer appeal application is properly before the Board because Stanley Martin and Beazer are aggrieved by the building official's denial of their modification request.

A handwritten signature in black ink, appearing to read "James H. Hensley". The signature is fluid and cursive, with the first name "James" being more prominent than the last name "Hensley".

Chair, State Building Code Technical Review Board

Date entered ____ April 18, 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.