

1 **BUILDING CODE BOARD OF APPEALS MEETING**

2 June 18, 2020, 3:10 p.m.

3 Community Development Conference Room, 5th Floor, City Hall
4 22 Lincoln Street, Hampton, Virginia

5 **Members Present: Chairman Larry Nisley, Vice-Chairman Alan Bourne, Robert Kochran, H. Guy**
6 **Sager Jr, and Alternate Frank Feagan**

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8 **Members Absent: Michael Jackson**

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10 **Attendees: Deputy City Attorney Brandi Law, Assistant City Attorney Shannon Jones, Building**
11 **Official Steven Shapiro, Recording Secretary Dorinda Weeks, and City Attorney's Office Intern**
12 **Brennan McGovern**

13 **Meeting Purpose: The Election of New Officers**

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15 **Ms. Weeks, Secretary to the Board,** called the roll; a call of the roll was noted above.

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17 **Building Official Shapiro** – Opened the floor to accept nominations for the office of Chairman
18 and Vice-Chairman.

19
20 **Vice Chairman Bourne** – Nominated Larry Nisley to continue as Chairman.

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22 **Board Member Kochran** – 2nd the Motion.

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24 A vote by show of hand on the motion resulted as follows:

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26 AYES: Nisley, Bourne, Kochran, Sager, Feagan
27 NAYS: None
28 ABSTAIN: None
29 ABSENT: Jackson

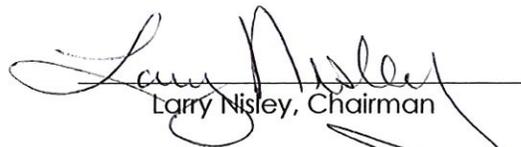
30 **Chairman Larry Nisley** – Nominated Alan Bourne to continue as Vice-Chairman.

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32 **Board Member Sager** – 2nd the Motion.

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34 A vote by show of hand on the motion resulted as follows:

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36 AYES: Nisley, Bourne, Kochran, Sager, Feagan
37 NAYS: None
38 ABSTAIN: None
39 ABSENT: Jackson

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41 There being no additional business to come before the Board, the hearing was adjourned at
42 3:18 p.m.

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46 Larry Nisley, Chairman
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1 **BUILDING CODE BOARD OF APPEALS MEETING**

2 June 18, 2020, 2:00 p.m.

3 Community Development Department Conference Room

4 5th Floor, City Hall

5 22 Lincoln Street, Hampton, Virginia

6 **Members Present:** *Chairman Larry Nisley, Vice-Chairman Alan Bourne, Robert Kochran, H. Guy*
7 *Sager Jr, and Alternate Frank Feagan*

8
9 **Members Absent:** *Michael Jackson*

10
11 **Attendees:** *Deputy City Attorney Brandi Law, Assistant City Attorney Shannon Jones, Building*
12 *Official Steven Shapiro, Recording Secretary Dorinda Weeks, Oscar Ward III, City Attorney's*
13 *Office Intern Brennan McGovern and attending via Zoom Meeting Inspector Gary Greer.*

14
15 **Meeting Purpose:** *To hear appeal concerning the property located at 411 Industry Dr, owned by*
16 *Oscar Ward III.*

17 **Chairman Larry Nisley** asked for individual introductions. Building Official Shapiro was asked to
18 brief the Board on the City's position concerning the subject appeal.

19
20 **Building Official Shapiro** explained an appeal was received by Mr. Ward regarding 411 Industry
21 Drive, Hampton, VA. The building has been a problem since May 2016. It has been
22 approximately 4 years since the notice of violation was sent for missing windows, rotted and
23 deteriorated wood and missing siding. A permit was issued to replace the windows, rotting wood
24 on the outside of the building, replace plywood, roofing materials, and replace rotting studs
25 holding false roof, however, no inspections were requested. Therefore, the permit expired on
26 November 20, 2016. A re-inspection was done and corrections had not been made. On
27 October 30, 2017, a summons was issued for correction of these items. Mr. Ward appeared in
28 District Court on May 23, 2018 and was found guilty and a fine set at \$250.00. He appealed to
29 Circuit Court and Circuit Court upheld the decision made by District Court on July 2, 2018. A Stop
30 Work Order and letter was posted on the structure on October 22, 2018. The next day a new
31 permit to re-roof and complete the framing for the new mansard roof was applied for. On
32 January 15, 2019 the permit was issued and Stop Work Order was removed. A modification was
33 submitted on January 18, 2019 to include the replacement of rotted sheathing and studs.
34 Modification permit was issued on February 12, 2019. Between June 21, 2019 thru July 24, 2019
35 there were partial framing inspections. A modification was submitted on January 8, 2020 to
36 replace the deteriorated roof trusses. On February 13, 2020 a notice of violation was sent to Mr.
37 Ward due to the condition of the property. On May 28, 2020 the latest plan review comments
38 were sent relative to the January 8, 2020 modification.

39 **Mr. Ward** says he received a notice of violation of the building code August 18, 2017. Prior to this
40 he was making plans and preparations to perform some repairs to the building. On August 20,
41 2017 he applied for a building permit to perform the necessary work that he was aware of at the
42 time. Due to the height of the structure, weather and wind, it was difficult and took time to
43 remove the shingles carefully so they can be re-used and took time to re-glaze the windows.
44 While removing the shingles, he noticed deteriorated plywood, so he removed the framing studs
45 and will replace it with salt treated materials. When removing the skylights, he found the roof
46 decking needed to be replaced. Mr. Ward decided to remove the membrane roofing and
47 assumed he was still working under the original building permit and that no inspections were
48 required. He says he was told from an authoritative source that as long as he was working on a

1 permit it does not expire and inspections are only required when the work is being covered up
2 and hidden from sight. When the Stop Work Order was issued, work was halted on the roof that
3 left the plywood decking exposed to the weather and the protective roof membrane had
4 already been removed. Mr. Ward wanted to know why a Stop Work Order was issued and what
5 was required to resume the work. After 30 days had passed, he wrote a letter requesting
6 information about the Stop Work Order and now 42 days after the Stop Work Order was issued,
7 he had not received a response. He assumed his permit was still valid from 2017. He was told by
8 the inspector a building permit was needed. He attempted to get a modification to the permit
9 however, he was told he needed to reapply. He submitted an application along with plans and
10 28 days later he received a comment letter, he responded to the comments and another 28
11 days went by before his permit was issued. On the south side of the building, the knee stud wall
12 was deteriorated and needed to be replaced. He requested a modification and another 28
13 days passed. Now he has deteriorated trusses that have to be replaced, a modification is
14 required and truss drawing are needed from the truss manufacturer. Mr. Ward says the trusses
15 are 60' clear span wooden trusses and a special inspection would be required to do these
16 trusses. He mentioned he had been working since early this year to get all of the information
17 together and approved to replace the trusses. Until trusses are removed the knee wall cannot
18 be completed. When the trusses are removed and the knee wall completed, then trusses can
19 be placed on top. Then other bracing can be put down, roof sheathing installed, the impervious
20 roof can be put in and then the windows can be replaced.

20 **Vice Chairman Bourne** asked Mr. Ward if this project was being worked on since 2017.

21
22 **Mr. Ward** said if the wind was above 15 mph no work can be done on the roof due to safety
23 issues, weather, holidays, illnesses and funeral, however, other work was being done during
24 inclement weather. He has 1-3 employees working with him.

25 **Vice Chairman Bourne** asked Building Official Shapiro, if a permit is good for 6 months, would a
26 progress inspection keep the permit alive? Response – "Yes".
27

28 **Mr. Ward** replied that since he has had the permit the building inspector has had him in court
29 every other month and as far as he was concerned a building inspector had been there and his
30 work was being inspected and the inspector had photos. Mr. Ward asked if the fact that the
31 inspector had visited the site when obtaining the summons and during the Court process, would
32 constitute an inspection in order to keep the permit valid? Building Official Shapiro answered –
33 "No".

34 **Vice Chairman Bourne** voiced concern with the length of time it is taking to complete this
35 project that started in 2017.
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37 **Mr. Ward** stated that he had employees that caused a setback and had to restart the project
38 again.
39

40 **Alternate Feagan** is concerned with the condition of the building and the use.

41 **Mr. Ward** stated that usage of building now is for storage and offices.
42

43 **Board Member Kochran** stated that City code has not been followed and it appears that it will
44 continue for another 3-5 years since he is not hiring a contractor or a team and is using his
45 employees to do the work that needs to be trained. It needs to be remediated immediately or
46 taken down because it is unsafe.
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Board Member Sager voiced concern with the amount of time it is taking and the process that is being used to complete the project and does not see an end to completion.

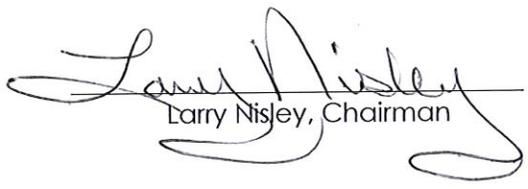
Building Official Shapiro clarified that progress inspections are required to keep a permit valid and Mr. Ward did not have any. Permits are good for 6 months and the 5th month our computer system auto generates a letter stating your permit is about to expire. Only one summons was issued for Mr. Ward, however, he may have gone back to court for the same summons.

Vice Chairman Bourne made a motion that the February 13, 2020 Notice of Violation to be upheld. **Board Member Kochran** seconded the motion.

A vote by show of hand on the motion resulted as follows:

AYES:	Nisley, Bourne, Kochran, Sager, Feagan
NAYS:	None
ABSTAIN:	None
ABSENT:	Jackson

Building Official Shapiro informed Mr. Ward that he does have a right to appeal this to the State Technical Review Board.



Larry Nisley, Chairman