

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, September 18, 2026 - 10:00am

Virtual Meeting

Microsoft Teams meeting

Join: <https://teams.microsoft.com/meet/252907045883684?p=kLr6ZfH93o7CqJExM0>

Meeting ID: 252 907 045 883 684

Passcode: Nu3Fo7ac

Dial in by phone

[+1 434-230-0065,,546673191#](tel:+14342300065546673191) United States, South Hill

[Find a local number](#)

Phone conference ID: 546 673 191#

Join on a video conferencing device

Tenant key: commonwealthofvirginia@m.webex.com

Video ID: 111 638 239 5

[More info](#)

- I. Roll Call **(TAB 1)**
- II. Approval of August 21, 2026 Minutes **(TAB 2)**
- III. Approval of Interpretation 06/2026 **(TAB 3)**
 - In Re: Raymond (Wally) Rinaldi (Loudoun County)
 - Interpretation Request No 06-26
- IV. Public Comment
- V. Secretary's Report
 - a. October 16, 2026 meeting update
 - b. Legal updates from Board Counsel

STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair

(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair

(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler

(Virginia Home Builders Association)

J. Daniel Crigler

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

Alan D. Givens

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

Christina Jackson

(Commonwealth at large)

Joseph A. Kessler, III

(Associated General Contractors)

R. Jonah Margarella, AIA, NCARB, LEED AP

(American Institute of Architects Virginia)

Eric Mays

(Virginia Building and Code Officials Association)

Joanne D. Monday

(Virginia Building Owners and Managers Association)

James S. Moss

(Virginia Building and Code Officials Association)

Elizabeth C. White

(Commonwealth at large)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

Vacant

(Electrical Contractor)

1 **STATE BUILDING CODE TECHNICAL REVIEW BOARD**
2 **MEETING MINUTES**
3 **August 21, 2026**
4 **Virginia Housing Center**
5 **4224 Cox Road Glen Allen, Virginia 23060**
6

Members Present

Mr. James R. Dawson, Chair
Mr. Vince Butler
Mr. Alan Givens
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chair
Mr. Aaron Zdinak, PE

Members Absent

Mr. Daniel Crigler
Mr. Joseph Kessler
Ms. Elizabeth White

- 7
8 Call to Order The meeting of the State Building Code Technical Review Board
9 ("Review Board") was called to order at approximately 10:00 a.m. by
10 Secretary Luter.
11
12 Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin
13 I. Bell, legal counsel for the Review Board from the Attorney General's
14 Office, was also present.
15
16 Approval of Minutes The draft minutes of the July 17, 2026 meeting in the Review Board
17 members' agenda package were considered. Ms. Monday moved to
18 approve the minutes as presented. The motion was seconded by Mr.
19 Moss and passed with Ms. Jackson and Messrs. Butler, Givens, Mays,
20 and Pharr abstaining.
21
22 Final Order Cory Kruse: Appeal No. 26-01:
23
24 After review and consideration of the final order presented in the
25 Review Board members' agenda package, Ms. Monday moved to
26 approve the final order with the following edit:
27
28 Delete the word "*it*" and replace with "*the city*" in line 71 of page 19.
29
30 The motion was seconded by Mr. Moss and passed with Ms. Jackson
31 and Messrs. Butler, Givens, Mays, and Pharr abstaining.
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William Laffoon: Appeal No. 26-02:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Moss moved to approve the final order as presented. The motion was seconded by Ms. Monday and passed with Ms. Jackson and Messrs. Butler, Givens, Mays, and Pharr abstaining.

Public Comment

Chair Dawson opened the meeting for public comment. Secretary Luter advised that no one had signed up to speak. Chair Dawson closed the public comment period.

New Business

Todd Ferguson: Appeal No. 26-03:

A preliminary hearing was convened with Chair Dawson serving as the presiding officer. The preliminary hearing was related to whether the appeal was timely and whether the appeal was properly before the Board because no local appeals board hearing had occurred and no decision of the local appeals board had been made.

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

Todd Ferguson, Property Owner

Otis Vaughan, Pittsylvania County Building Official

Also present was:

Matthew Evans, Attorney for Pittsylvania County

After testimony concluded, Chair Dawson closed the preliminary 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: Todd Ferguson: Appeal No. 26-03:

After deliberations, Mr. Mays moved that the appeal was not properly before the Board and that the Board did not have jurisdiction to hear the case because no case shall lie before the Review Board prior to final decision of the local appeals board. Mr. Mays further clarified that the local appeals board had not convened for a hearing and no decision had

83 been made by the local appeals board because Ferguson had not
84 properly filed his appeal to the local appeals board which required him
85 to attach the code official's decision to the appeal application and pay
86 the required fee as set forth in the Pittsylvania County ordinance. The
87 motion was seconded by Mr. Moss and passed with Mr. Pharr
88 abstaining.

89
90 After further deliberations, related to the administrative subpoena issue
91 by Board staff, Mr. Mays moved to continue the appeal hearing until
92 the October 16, 2026 meeting pending the process for the
93 administrative subpoena. The motion was seconded by Ms. Jackson
94 and passed unanimously.

95
96 Kyle Pasquarella (Thee Establishment LLC): Appeal No. 26-05:
97

98 A preliminary hearing was convened with Chair Dawson serving as the
99 presiding officer. The preliminary hearing was related to whether the
100 appeal was properly before the Board because no local appeals board
101 hearing had occurred and no decision of the local appeals board had
102 been made.

103
104 The following persons were sworn in and given an opportunity to
105 present testimony:

106
107 Fred Walker, Property Owner
108 Nicholas Walker, Witness for property owner
109 Edward Kaczowsky, City of Suffolk Dept. of Fire and Rescue;
110 Office of the Fire Marshal, Inspector
111 Scott McFatter, City of Suffolk Attorney Office Intern
112

113 Also present was:

114
115 Kyle Pasquarella, Attorney for Fred Walker
116 Barrett Richardson, City Attorney for City of Suffolk
117

118 After testimony concluded, Chair Dawson closed the preliminary
119 hearing and stated a decision from the Review Board members would
120 be forthcoming and the deliberations would be conducted in open
121 session. It was further noted that a final order reflecting the decision
122 would be considered at a subsequent meeting and, when approved,
123 would be distributed to the parties, and would contain a statement of
124 further right of appeal.

125
126 Decision: Kyle Pasquarella (Thee Establishment LLC): Appeal No. 26-
127 05:
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129

Motion #1:

After deliberations, Mr. Mays made a proper motion that was seconded by Mr. Butler. After further discussion Mr. Mays withdrew his motion, and Mr. Butler withdrew his second.

Motion #2:

After deliberations, Mr. Mays moved to defer the hearing and further consideration to the November 20, 2026 meeting to allow the City to become compliant with §27-98 and VSFPC 112.1 in forming the required local fire prevention appeals board. The motion was seconded by Ms. Monday and passed unanimously.

Note: Deferring the hearing also allows the September 22, 2026 hearing in Suffolk Circuit Court to occur and the decision to be published.

Request for Interpretation of Raymond Rinaldi (Loudoun County):
Interpretation Request No. 06-26:

An interpretation request from Raymond Rinaldi of Loudoun County was considered concerning the following:

Question 1: Is a tower or mobile crane temporarily erected for the purpose of constructing a building considered a structure under the USBC?

Mr. Mays moved that the answer is “No. However, the footing and foundation of a tower crane is an assembly of materials forming construction for use meeting the definition of structure in the USBC; therefore, the footing and foundation of a tower crane would be regulated by the USBC”. The motion was seconded by Mr. Pharr and passed unanimously.

Question 2: Is a tower or mobile crane temporarily erected for the purpose of constructing a building regulated by the USBC?

Mr. Mays moved that the answer is “No, because a tower or mobile crane do not meet the definition of a building in the USBC”. The motion was seconded by Mr. Pharr and passed unanimously.

Secretary’s Report

Mr. Luter pointed the Review Board members to the revised copy of Review Board Policy #4 presented in the Review Board members’ agenda package. After a brief discussion, Mr. Mays moved to adopt revised Policy #4 as presented. The motion was seconded by Mr. Moss and passed unanimously.

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176 Mr. Luter informed the Review Board of the current caseload for the
177 upcoming meetings scheduled for September 18, 2026, October 16,
178 2026, and November 20, 2026.

179
180 Mr. Bell provided legal updates to the Review Board members.

181
182 Adjournment There being no further business, the meeting was adjourned by proper
183 motion at approximately 2:30 p.m.

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185
186 Approved: September 18, 2026

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190 _____
191 Chair, State Building Code Technical Review Board

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193
194
195 _____
Secretary, State Building Code Technical Review Board

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 6/2026

Code: USBC, Part I, Virginia Construction Code/2021

Section No: Section 202 Definitions

Section 202 Definitions

BUILDING. A combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

STRUCTURE. An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Structure" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

QUESTION #1: Is a tower or mobile crane temporarily erected for the purpose of constructing a building considered a structure under the USBC?

ANSWER: No. However, the footing and foundation of a tower crane is an assembly of materials forming construction for use meeting

the definition of STRUCTURE in the USBC; therefore, the footing and foundation of a tower crane would be regulated by the USBC.

QUESTION #2: Is a tower or mobile crane temporarily erected for the purpose of constructing a building regulated by the USBC?

ANSWER: No, because a tower or mobile crane do not meet the definition of a BUILDING in the USBC.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of August 21, 2026.

Chair, State Building Code Technical Review Board