

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Cory Kruse
 Appeal No. 26-01

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

1. On July 15, 2025, the City of Martinsville Department of Community Development (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), issued a Notice of Unsafe Structure (Notice) on July 15, 2025 to property owners, Richard Dale Hankins and Lottie H. Weatherman (Hankins), for the structure located at 722 Oneida Street, in the City of Martinsville, citing the following potential violations:

- a) "PM-106 – Unsafe and unfit structure, extensive damage due to neglect.*
- b) PM-402.1 – Occupied without proper utilities, lacks proper lighting*
- c) PM-403.1 – Occupied without proper utilities, lacks proper ventilation*
- d) PM-504.2 – Occupied without proper utilities, lacks proper working plumbing fixtures"*

Additionally, the City of Martinsville Fire and EMS Inspections (Fire/EMS) posted a CONDEMNED placard on the structure located at 722 Oneida Street, in the City of Martinsville.

2. On December 17, 2025, Cory Kruse (Kruse) and McKenzie Spencer (Spencer), father and daughter and tenants of the property, filed appeals to the City of Martinsville Local Board of Building Code Appeals (local appeals board). The local appeals board heard both appeals together and denied both appeals stating *“Appeal was filed outside the 14-day requirement as set forth in §107 of the 2021 Virginia Maintenance Code and failure to pay the appeal fee. Appeal application was made on December 17, 2025 for a notice of unsafe structure posted on July 15, 2025, appeal fee has not been paid as of today for either application.”*

3. On February 2, 2026, Kruse initiated submittal of an appeal application to the Review Board. Kruse completed submittal of the appeal application on March 11, 2026, further appealing the matter to the Review Board.

4. While initially processing the appeal application, Review Board staff found that the appeal application to the local appeals board may have been untimely based on the date the Notice and appeal filing to the local appeals board; therefore, Review Board staff prepared the case for a preliminary hearing as to whether the appeal was untimely to the local appeals board

5. Appearing at the Review Board meeting for Kruse was Cory Kruse. Appearing at the Review Board meeting for the City were Kris Bridges, Building Official for the City of Martinsville, and Mark Price, Deputy Building Official for the City of Martinsville. Hankins was not present at the hearing; however, he was given proper notice of the hearing.

III. Findings of the Review Board

A. Whether the appeal was untimely to the local appeals board.

Kruse argued that the appeal to the local appeals board was timely. Kruse further argued that an inspection of the structure had not occurred and he had never received an inspection report citing violations needing to be abated. Kruse also argued that a CONDEMNED placard was placed on the door of the structure without prior notice (*Note: no date offered in testimony*).

Kruse further argued that the CONDEMNED placard was re-posted in December (*Note: no year offered in testimony*) and the occupants of the structure were removed. Kruse lastly argued that he had been given permission to be in the structure to perform work.

The City argued that on July 15, 2025, the City was notified by the city police department that a structure was occupied without the required utilities. The City further argued that it verified with the Public Utilities Department (PUD) that there were no active electric, water, or sewer accounts for the property. The City also argued that on July 15, 2026 a Notice of Unsafe Structure (NOV) was issued and hand delivered to the female occupant of the structure ordering the structure to be vacated. The City further argued that a CONDEMNED placard was posted to the front door of the structure.

The City argued that in December (*Note: no year offered in testimony*), based on several complaints related to the operation of a generator all night on the property, the city revisited the property and the structure appeared to be occupied. The City further argued that it reposted the CONDEMNED placard on the structure. Lastly, the City argued that Kruse filed his appeal application after the December (*Note: no year offered in testimony*) reposting of the July 15, 2026 CONDEMNED placard; therefore, the appeal was untimely. The City confirmed in its testimony that permission to work on the property during regular business hours was granted to Kruse in July 2025.

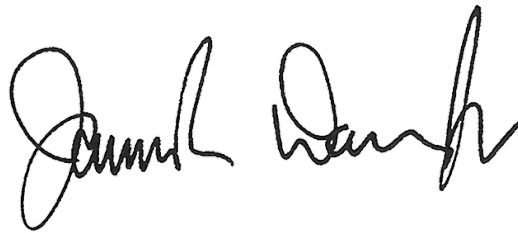
The Review Board found that the appeal application to the local appeals board was untimely because Kruse did not file the appeal application within 14 calendar days of receipt of the decision being appealed.

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 untimely to the local appeals board.

The appeal is untimely because Kruse did not file the appeal application within 14 calendar days of receipt of the decision being appealed.

A handwritten signature in black ink, appearing to read "James H. Luter, Sr.", is centered on the page.

Chair, State Building Code Technical Review Board

Date entered ____ August 21, 2026 ____

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.