

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of William Laffoon
 Appeal No. 26-02

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. The City of Richmond Finance Office requires all new businesses to acquire a city business license. Applying for a city business license requires the new business to acquire a new certificate of occupancy (CO) listing the new business on the CO. William Laffoon (Laffoon), design professional for the property owner for the property located at 5 E. and 7 E. Broad St in the City of Richmond, submitted the required permit applications for new certificates of occupancy (CO) on October 6, 2025, which were required by the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part I of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VCC). As part of the permit application submittal, Laffoon also submitted plans showing the proposed subdivision of the tenant space also required by the City.

2. On November 3, 2025 the City rejected the plans submitted by Laffoon for the basement and first floor of the structures located at 5 E. and 7 E. Broad St. In the City plan review rejection, the City requested in part the following clarification and/or submittal via email from the plans examiner:

- Clarify use of the basement
- Submit sealed, unlocked drawing set for each new tenant space
- Indicate in the drawing if the goal is to reestablish 5 E. Broad Street address or create two suites under the 7 E. Broad Street address; if two suites are proposed, provide the suite numbers
- Provide plumbing calculations coordinated with the occupancy load
- Show where wall openings are being filled and indicate what materials are proposed for the new walls
- Call out rated assemblies
- Drawing should include code summary specifying the building code, construction type, use classification, occupant load calculations, sprinkler information, etc.
- Basement separation and access, if applicable
- Requiring permits

Note: The City required the plan review pursuant to VCC Section 108.1 When applications are required Item #2 and Virginia Existing Building Code, (VEBC) Section 202, definition of Change of Occupancy Item #2, due to the subdivision of the first-floor tenant space which changed the level of activity in the building.

3. On January 16, 2026, Laffoon filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board). On February 18, 2026, the local appeals board “Upheld” the appeal finding that *“the intent of the code was applied and enforced properly by the code official.”* On February 23, 2026, Laffoon further appealed to the Review Board seeking to overturn the decision of the City and local appeals board.

4. Appearing at the Review Board meeting for Laffoon was William Laffoon and David Branch. Appearing at the Review Board meeting for the City were Daniel Mouer, City of Richmond Program & Operations Manager; Michelle Dickson, City of Richmond Senior Plan Review Engineer; and Greg Lukanuski, City Attorney for City of Richmond. William Pyliaris,

Manager Member for the property, was not present at the hearing; however, he was given proper notice of the hearing.

III. Findings of the Review Board

A. Whether to overturn the decision of the City and the local appeals board that building permits are required for a change of tenant when the building *Use and Occupancy Classification* remains the same.

B. Whether to overturn the decision of the City and local appeals board that Laffoon must provide the City with information for plan review when the City possesses files showing the requisite information.

Laffoon argued that the City required building permits for a tenant change. Laffoon further argued that the VEBC did not regulate tenant changes. Laffoon argued that there was no requirement for permits under the VEBC when there was no work intended or required, no greater degree of activity, and no change of occupancy classification or Use would occur. Lastly, Laffoon also argued that the occupancy load on the first floor was proposed to be reduced from 248 to 210 which improved the level of safety in the building.

The City argued that it does not conduct plan review under certification of occupancy permit applications, only building permit applications. The City argued that the existing tenant space was being sub-divided into three tenant spaces for three separate entities and the only way to evaluate the potential change of occupancy, change of level of activity in the building, was to conduct a plan review. The City further argued that three tenant spaces will share bathrooms, means of egress, and access to overcurrent electrical devices and water shutoffs. The City also argued that it needed building permit applications and plans showing the floor plan for each tenant with occupant loads showing how the three tenants will share bathrooms, means of egress,

and access to overcurrent electrical devices and water shutoffs. Lastly, the City argued that the requisite information was required because the information had to be listed on the new CO.

The Review Board found that no permits were required because there was no change of occupancy classification or work being performed in the building pursuant to record of the appeal and testimony provided by all parties during the hearing. The Review Board also found that, based on its decision that there was no requirement for permits, then the City cannot require Laffoon to provide information for plan review.

C. Whether to overturn the decision of the City and local appeals board requiring information be submitted to the City beyond what the code requires.

D. Whether to overturn the decision of the City and local appeals board that the occupant load of a building or space cannot be reduced, by owner request, to be lower than the calculated occupant load in accordance with VCC Section 1004.5 *Area without fixed seating*.

E. Whether to overturn the decision of the City and local appeals board that all tenants in a building/structure shall have ready access to the overcurrent device pursuant to National Electrical Code Article 240.24 *Location in or on premises*.

The Review Board found that the Issues for Resolution C, D, and E listed in this Final Order (above) are not appropriate for the Review Board to rule on because of the decisions of the Board to (A) overturn the decision of the city and local appeals board that permits were required and (B) overturn the decision of the city and local appeals board that Laffoon must provide the City with information for plan review.

IV. Conclusion

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to overturn the decision of the City and the local appeals board that building permits are required for a change of tenant when the building *Use and Occupancy Classification* remains the same.

The decision of the City and local appeals board that permits are required is overturned because permits are not required when there is no change of occupancy classification or work being performed in the building.

B. Whether to overturn the decision of the City and local appeals board that Laffoon must provide the City with information for plan review when the City possesses files showing the requisite information.

The decision of the City and local appeals board that Laffoon must provide the City with information for plan review is overturned because Decision A above ruled that there was no requirement for permits; therefore, with no requirement for permits the City cannot require Laffoon to provide information for plan review.

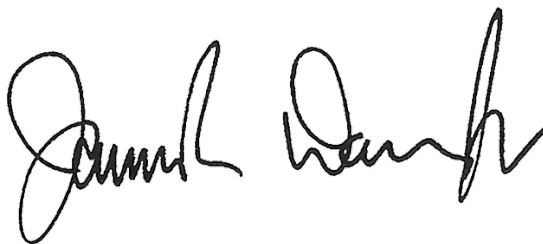
C. Whether to overturn the decision of the City and local appeals board requiring information be submitted to the City beyond what the code requires.

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E. Whether to overturn the decision of the City and local appeals board that all tenants in a building/structure shall have ready access to the overcurrent device pursuant to National Electrical Code Article 240.24 *Location in or on premises*.

The Issues for Resolution C, D, and E listed in this Final Order (above) are not appropriate for the Review Board to rule on because of the decisions of the Board to (A) overturn the decision

of the city and local appeals board that permits were required and (B) overturn the decision of the city and local appeals board that Laffoon must provide the City with information for plan review.



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.