

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, July 15, 2022 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia

- I. Roll Call **(TAB 1)**
- II. Election of Officers
- III. Approval of May 20, 2022 Minutes **(TAB 2)**
- IV. Approval of Final Order **(TAB 3)**
 - In Re: Clark Construction and JCM Associates
Appeal No 22-01
- V. Approval of Final Order **(TAB 4)**
 - In Re: Monica and Michael Davis
Appeal No 22-02
- VI. Public Comment
- VII. Appeal Hearing **(TAB 5)**
 - In Re: Vallerie Holdings of Virginia
Appeal No 22-04
- VIII. Preliminary Hearing **(TAB 6)**
 - In Re: TLF McClung
Appeal No 22-06
- IX. Interpretation Request No. 22-03 **(TAB 7)**
 - In Re: Jeffrey Senter (City of Newport News)

Does the Fire Official require additional authorization from the local governing body to require operational permits?

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X. (Addendum) Interpretation Request No. 22-04 **(TAB 11)**

In Re: Gregory Revels (Henrico County)

Is a single conductor within a Type TC-ER cable permitted to serve both the power and remote control signal circuit when supplying PV Solar arrays with micro-inverters and controllers?

XI. Secretary's Report

- a. Consideration of Draft Review Board Policy #27.0 **(TAB 8)**
- b. Consideration of Draft Review Board Policy #27.1 **(TAB 9)**
- c. Consideration of Draft Review Board Policy #28 **(TAB 10)**
- d. Discussion - Possible Board Retreat
- e. September 2022 meeting update - location VHC

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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)

David V. Hutchins
(Electrical Contractor)

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)

Elizabeth C. White
(Commonwealth at large)

Aaron Zdinak, PE
(Virginia Society of Professional Engineers)

Vacant
(Virginia Building and Code Officials Association)

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36 Appeal of City of Petersburg: Appeal No. 21-08:
37
38 After review and consideration of the final order presented in the
39 Review Board members' agenda package, Mr. Mays moved to approve
40 the final order with the following suggested editorial changes:

- 41
42 1) Add the word *because* after the word *furthermore* in line #43
43 on page 19
44 2) Add the following: *, it is unenforceable against a subsequent*
45 *purchaser who lacks actual or constructive notice* after the
46 word recorded at the end of line #43 on page 19
47 3) Add the word *legal* after the word *no* in line #53 on page 21
48 4) Remove the word *foreclosure* and replace with the words
49 *recordation and case law* in line #54 on page 21
50 5) Add the words *because it was not recorded* after the word
51 *property* at the end of line #55 on page 21
52 6) Add the word *legal* after the word *no* in line #61 on page 21
53 7) Remove line #63 in its entirety and replace with a new line
54 #63 which reads *state recordation and case law, which*
55 *extinguished the lease from the previous owner of the property*
56 *because it was not recorded*
57

58 The motion was seconded by Mr. Zdinak and passed with Mses.
59 Monday and Jackson and Mr. Givens abstaining.
60

61 Public Comment Vice-Chair Pharr opened the meeting for public comment. Mr. Luter
62 advised that no one had signed up to speak. With no one coming
63 forward, Vice-Chair Pharr closed the public comment period.
64

65 New Business Clark Construction Group and JCM Associates; Appeal No. 22-01:
66
67 A hearing convened with Vice-Chair Pharr serving as the presiding
68 officer. The hearing was related to the 140 condominium units on
69 floors nine through 25 at the property located at 1650 Silver Hill Drive
70 McLean, in Fairfax County.
71

72 The following persons were sworn in and given an opportunity to
73 present testimony:
74

- 75 Ray Grill, Agent for Clark Construction Group and JCM
76 Associates
77 Charles Chisley, JCM Associates
78 Mike McReady, JCM Associates
79 Russell James, Meridian Group
80 Larry Mundy, Clark Construction Group
81 Lee DeLong, Clark Construction Group
82 Richard Grace, Culpeper County (formerly of Fairfax County)

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83 Melissa Smarr, Fairfax County
84 Scott Hagerty, Fairfax County
85 Dennis Hart, Fairfax County
86 Charles Horton, Fairfax County
87 Anthony McMahan, Fairfax County
88 John Walser, Fairfax County
89

90 Also present was:

91
92 Paul Emerick, legal counsel for Fairfax County
93

94 After testimony concluded, Vice-Chair Pharr closed the hearing and
95 stated a decision from the Review Board members would be
96 forthcoming and the deliberations would be conducted in open session.
97 It was further noted that a final order reflecting the decision would be
98 considered at a subsequent meeting and, when approved, would be
99 distributed to the parties, and would contain a statement of further right
100 of appeal.

101
102 Decision: Clark Construction Group and JCM Associates; Appeal No.
103 22-01:
104

105 *Note: The item numbers called out in the motions below are listed on*
106 *pages 29-30 of the agenda package*
107

108
109 Motion Items #1, #2, and #6

110 After deliberations, Mr. Mays moved to overturn the county building
111 official and local appeals board because no violation of the USBC had
112 occurred. The motion was seconded by Ms. Jackson and passed
113 unanimously.
114

115 Motion Items #3, #4, #5, #7, and #8

116 After deliberations, Mr. Mays moved to uphold the county building
117 official and local appeals board issuance of the Corrective Work Order
118 because the appliance shutoff valve, tenant shutoff valve, and the
119 pressure regulator do not meet the access requirements. The motion
120 was seconded by Mr. Givens and passed unanimously.
121

122 Monica and Michael Davis; Appeal No. 22-02:
123

124 A hearing convened with Vice-Chair Pharr serving as the presiding
125 officer. The hearing was related to the home located at 1002 Round
126 Hill School Road, in Augusta County.
127

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

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Monica Davis, Property Owner
 Michael Davis, Property Owner
 GW Wiseman, Building Official for Augusta County

After testimony concluded, Vice-Chair Pharr closed the 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: Monica and Michael Davis; Appeal No. 22-02:

Note: The correlation of the alphabetical identification in the County Building Official's letter dated September 7, 2021 found on pages 249-251 of the agenda package, alphabetical identification in the Suggested Statement of Case History and Pertinent Fact section of the Review Board staff document found on pages 243-244 of the agenda package, and the numeric identification in the Suggested Issues for Resolution section of the Review Board staff document found on pages 244-245 of the agenda package are shown in the chart below:

| County Building Official's Letter pages 249-251 | Suggested Statement of Case History and Pertinent Fact pages 243-244 | Suggested Issues for Resolution pages 244-245 |
|---|--|---|
| a) | a) | 1 |
| c) | c) | 2 |
| f) | f) | 3 |
| g) | g) | 4 |
| h) | h) | 5 |
| i) | i) | 6 |
| j) | j) | 7 |
| k) | k) | 8 |
| m) | m) | 9 |

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Motion for Suggest Issue for Resolution #1

After deliberations, Mr. Mays moved to uphold the county building official and local appeals board because the decision made by the county building official was made in accordance with the authority provided to the county building official in the 2012 USBC, which was the effective code at the time of construction. The motion was seconded by Mr. Zdinak and passed unanimously.

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163 Motion for Suggest Issue for Resolution #2
164 After deliberations, Mr. Mays moved to uphold the county building
165 official and local appeals board because no structural defect occurred
166 related to the DWV pipe installation shown in the photographs on the
167 lower left and center of page 262 of the agenda package. Mr. Mays
168 further moved that the potential violation shown in the photographs on
169 the lower right of page 262 and page 263 of the agenda package was
170 not properly before the Board. The motion was seconded by Ms.
171 Jackson and passed unanimously.

172
173 Motion for Suggest Issue for Resolution #3
174 After deliberations, Mr. Mays moved to overturn the county building
175 official and local appeals board because at least one additional
176 electrical outlet is required in the bonus room. Mr. Mays also moved to
177 uphold the county building official and local appeals board because
178 additional electrical outlets were not required in the bathroom. The
179 motions were seconded by Ms. Monday and passed unanimously.

180
181 Motion for Suggest Issue for Resolution #4
182 After deliberations, Mr. Givens moved to overturn the county building
183 official and local appeals board because the HVAC duct system was
184 not compliant because a HVAC duct system cannot exist with the 0
185 static pressure designated in the design criteria provided. The motion
186 was seconded by Mr. Zdinak and passed unanimously.

187
188 Motion for Suggest Issue for Resolution #5
189 After deliberations, Mr. Givens moved to uphold the county building
190 official and local appeals board because a third support for the HVAC
191 unit is not required and the required dead load for the design of the
192 structure includes the weight of the HVAC unit. The motion was
193 seconded by Ms. Jackson and passed unanimously.

194
195 Motion for Suggest Issue for Resolution #6
196 After deliberations, Mr. Mays moved to overturn the county building
197 official and local appeals board because the required pipe sleeve
198 through the foundation wall was not installed properly. Mr. Mays
199 further clarified that his motion purposely did not address responsible
200 party for the installation of the sleeve. The motion was seconded by
201 Ms. Monday and passed unanimously.

202
203 Motion for Suggest Issue for Resolution #7
204 After deliberations, Mr. Givens moved to remand the item back to the
205 county building official for additional investigation and inspection
206 contingent upon the Davis' providing the necessary access to the space
207 for inspection. The motion was seconded by Ms. Monday and passed
208 unanimously.

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May 20, 2022 Minutes - Page 6

210 Motion for Suggest Issue for Resolution #8
211 After deliberations, Mr. Mays moved to uphold the county building
212 official and local appeals board because the code does not address the
213 height requirement for the installation of electrical disconnects for
214 HVAC units. The motion was seconded by Ms. Jackson and passed
215 unanimously.

216 Motion for Suggest Issue for Resolution #9
217 After deliberations, Mr. Givens moved to overturn the county building
218 official and local appeals board because the HVAC mini split system,
219 installed in the bonus room, was not sized properly and as a result is
220 insufficient for the bonus room. The motion was seconded by Ms.
221 Monday and passed unanimously.

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224
225 Board Policy Mr. Givens inquired about the requirement of information to be
226 submitted by parties to an appeal. After a brief discussion staff was
227 directed to draft a policy related to needed submittals for cases
228 involving HVAC system. Staff indicated it would draft a new policy
229 and present to the Review Board for consideration at the July 15, 2022
230 meeting.

231
232 Secretary's Report Mr. Luter informed the Board of the current caseload for the upcoming
233 meeting scheduled for July 15, 2022.

234
235 Adjournment There being no further business, the meeting was adjourned by proper
236 motion at approximately 4:00 p.m.

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239 Approved: July 15, 2022

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board
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1 VIRGINIA:

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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD

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6 IN RE: Appeal of Clark Construction Group and JCM Associates
7 Appeal No. 22-01
8

9 DECISION OF THE REVIEW BOARD

10
11 I. Procedural Background
12

13 The State Building Code Technical Review Board (Review Board) is a Governor-
14 appointed board established to rule on disputes arising from application of regulations of the
15 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
16 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
17 Act (§ 2.2-4000 et seq. of the Code of Virginia).

18 II. Case History

19 On March 29, 2021, the Fairfax County Department of Land Development Services
20 (County), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform
21 Statewide Building Code (Virginia Construction Code or VCC), received information regarding
22 natural gas shutoff valves and regulators that were installed in kitchen cabinets concealed by the
23 natural gas cooktop and electric wall oven in 140 units on floors nine through 25 of the property,
24 constructed by Clark Construction Group (Clark) and located at 1650 Silver Hill Drive McLean,
25 in Fairfax County.

26 Upon inspection of the property, two violations of the 2012 VCC and six violations of the
27 2012 Virginia Fuel Gas Code (VFGC) were cited in the Corrective Work Order (CWO) dated
28 October 29, 2021. The cited violations were:

- 29 a) VCC Section 108.1 When applications [for permits] are required. Gas
30 permits will be required for each residential unit.

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- 31 b) VCC Section 113.3 Minimum inspections. Each residential unit will need a
32 gas test and final inspection.
- 33 c) VFGC Section 409.1.2 Prohibited locations. Shutoff valves shall be
34 prohibited in concealed locations and furnace plenums.
- 35 d) VFGC Section 409.1.3 Access to shutoff valves. Shutoff valves shall be
36 located in places so as to provide access for operation and shall be installed
37 so as to be protected from damage.
- 38 e) VFGC Section 409.3.1 Multiple tenant buildings. In multiple tenant
39 building, where a common piping system is installed to supply other than
40 one-and two-family dwellings, shutoff valves shall be provided for each
41 tenant. Each tenant shall have access to the shutoff valve serving that
42 tenant's space.
- 43 f) VFGC Section 409.5.1 Located within the same room. The [appliance]
44 shutoff valve shall be located in the same room as the appliance. The
45 shutoff valve shall be within six feet of the appliance, and shall be installed
46 upstream of the union, connector, or quick disconnect device it serves. Such
47 shutoff valves shall be provided with access.
- 48 g) VFGC Section 410.1 Pressure regulators. Access shall be provided to
49 pressure regulators.
- 50 h) VFGC Section 623.1 Cooking appliances. Cooking appliances...shall be
51 installed in accordance with the manufacturer's installation instructions.

52
53 On October 28, 2021, Clark filed an appeal to the Fairfax County Board of Building Code
54 Appeals (local appeals board). On December 8, 2021, the local appeals board upheld the decision
55 of the County on all eight cited violations.

56 On January 6, 2022, Clark further appealed to the Review Board. A Review Board hearing
57 was held May 20, 2022. Appearing at the Review Board hearing for Clark Construction and JCM
58 Associates were Ray Grill, Charles Chisley, Mike McReady, Russell James, Larry Mundy, and
59 Lee DeLong. Appearing at the hearing for Fairfax County were Richard Grace, Melissa Smarr,
60 Scott Hagerty, Dennis Hart, Charles Horton, Anthony McMahan, John Walser, and Paul Emerick,
61 legal counsel.

62 III. Findings of the Review Board

- 63 A. Whether to uphold the decision of the County and local appeals board that a
64 violation of VCC Section 108.1 When applications [for permits] are required
65 exists.

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66 Clark, through their agent Ray Grill, argued that the cited violation did not apply because
67 no work had occurred which required permits; therefore, no permits were currently required.

68 The County, through legal counsel, offered that this citation served as notice that permits
69 would be required to perform the work needed to bring the structure into compliance. The
70 County concurred no violation of this code section exists as no permits were required at this
71 time.

72 The Review Board finds that a violation of VCC Section 108.1 When applications [for
73 permits] are required does not exist.

74 B. Whether to uphold the decision of the County and local appeals board that a
75 violation of VCC Section 113.3 Minimum inspections exists.

76 Clark, through their agent Ray Grill, argued that this cited violation did not apply because
77 no work had occurred which required inspections; therefore, no inspections were currently
78 required.

79 The County, through legal counsel, offered that this citation served as notice that
80 inspections would be required for the work needed to bring the structure into compliance. The
81 County concurred no violation of this code section exists as no inspections were required at this
82 time.

83 The Review Board finds that a violation of VCC Section 113.3 Minimum inspections does
84 not exist.

85 C. Whether to uphold the decision of the County and local appeals board that a
86 violation of VFGC Section 409.1.2 Prohibited locations exists.

87 D. Whether to uphold the decision of the County and local appeals board that a
88 violation of VFGC Section 409.1.3 Access to shutoff valves exists.

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89 E. Whether to uphold the decision of the County and local appeals board that a
90 violation of VFGC Section 409.3.1 Multiple tenant buildings exists.

91 Clark, through their agent Ray Grill, argued that only one gas appliance was present in
92 each tenant space and that the lone gas shutoff valve could serve as both the appliance and tenant
93 gas shutoff valves. Clark argued that the code only required access to gas shutoff valves not
94 ready access. Clark further argued that the code allowed the gas shutoff valve to be accessed
95 through a panel or door. Clark also argued that access to the gas shutoff valve was provided, in
96 accordance with the code, as removal of the oven was a similar obstruction to a door or panel.
97 Clark argued that an individual may have to remove several screws to remove a panel to provide
98 access and that removal of the oven only required the removal of two small screws and sliding
99 the oven out of the cabinet and onto the floor.

100 The County, through legal counsel, concurred that a single gas shutoff valve in each
101 tenant space could be utilized as both the gas appliance shutoff valve and the tenant gas shutoff
102 valve if installed in compliance with both the appliance and tenant gas shutoff valve code
103 provisions; however, that was not the case in the Verse Condominiums. The County argued that
104 the only gas shutoff valve in each unit was under the cooktop and behind the oven which was a
105 concealed location which required the removal of either the oven or the cooktop to access the gas
106 shutoff valve. The County further argued that pursuant to the code definition for access, a 149lbs
107 oven was not a similar obstruction to a door or panel; therefore, access to the gas shutoff valve
108 was not provided. The County further argued that pursuant to the code definition for concealed
109 location, the removal of an oven was not equivalent to a readily removable door or panel. The
110 County also argued that the location of the shutoff valve made servicing the gas shutoff valve
111 nearly impossible.

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112 The Review Board finds that a violations of VFGC Section 409.1.2 Prohibited locations,
113 VFGC Section 409.1.3 Access to shutoff valves, and VFGC Section 409.3.1 Multiple tenant
114 buildings exist.

115 F. Whether to uphold the decision of the County and local appeals board that a
116 violation of VFGC Section 409.5.1 Located within the same room exists.

117 Clark, through their agent Ray Grill, argued that the gas shutoff valve was located in the
118 same room and within six feet of the appliance.

119 The County, through legal counsel, offered that this citation served as notice that the
120 required tenant gas shutoff valve would be required to meet this code section to bring the
121 structure into compliance. The County concurred no violation of this code section exists at this
122 time.

123 The Review Board finds that a violation of VFGC Section 409.5.1 Located within the same
124 room does not exist.

125 G. Whether to uphold the decision of the County and local appeals board that a
126 violation of VFGC Section 410.1 Pressure regulators exists.

127 Clark, through their agent Ray Grill, argued that the pressure regulators were installed
128 pursuant to the manufacturer's installation instructions. Clark also argued that if the Board
129 found that access to the gas shutoff valves existed, then the Board should also find that access to
130 the pressure regulators existed.

131 The County, through legal counsel, argued that the line pressure regulators were not
132 installed pursuant to the manufacturer's installation instructions when using a vent limiting
133 device. The County further argued that the line pressure regulators were required to be installed
134 in a horizontal upright position. The County argued that the line pressure regulators were
135 mounted in a 45 degree position.

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136 The Review Board finds that a violation of VFGC Section 410.1 Pressure regulators exists.

137 H. Whether to uphold the decision of the County and local appeals board that a
138 violation of VFGC Section 623.1 Cooking appliances exists.

139 Clark, through their agent Ray Grill, acknowledged that the cooktops had not been
140 installed pursuant to the manufacturer's installation instructions and proper installations would
141 be performed.

142 The County, through legal counsel, argued that the cooktops were not installed pursuant
143 to the manufacturer's installation instructions.

144 The Review Board finds that a violation of VFGC Section 623.1 Cooking appliances exists.

145 IV. Final Order

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

148 A. Whether to uphold the decision of the County and local appeals board that a
149 violation of VCC Section 108.1 When applications [for permits] are required
150 exists.

151 The decision of the County and local appeals board that a violation of VCC Section 108.1
152 When applications [for permits] are required exists is overturned.

153 B. Whether to uphold the decision of the County and local appeals board that a
154 violation of VCC Section 113.3 Minimum inspections exists.

155 The decision of the County and local appeals board that a violation of VCC Section 113.3
156 Minimum inspections exists is overturned.

157 C. Whether to uphold the decision of the County and local appeals board that a
158 violation of VFGC Section 409.1.2 Prohibited locations exists.

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159 The decision of the County and local appeals board that a violation of VFGC Section
160 409.1.2 Prohibited location exists is upheld.

161 D. Whether to uphold the decision of the County and local appeals board that a
162 violation of VFGC Section 409.1.3 Access to shutoff valves exists.

163 The decision of the County and local appeals board that a violation of VFGC Section
164 409.1.3 Access to shutoff valves exists is upheld.

165 E. Whether to uphold the decision of the County and local appeals board that a
166 violation of VFGC Section 409.3.1 Multiple tenant buildings exists.

167 The decision of the County and local appeals board that a violation of VFGC Section
168 409.3.1 Multiple tenant buildings exists is upheld.

169 F. Whether to uphold the decision of the County and local appeals board that a
170 violation of VFGC Section 409.5.1 Located within the same room exists.

171 The decision of the County and local appeals board that a violation of VFGC Section
172 409.5.1 Located within the same room exists is overturned.

173 G. Whether to uphold the decision of the County and local appeals board that a
174 violation of VFGC Section 410.1 Pressure regulators exists.

175 The decision of the County and local appeals board that a violation of VFGC Section 410.1
176 Pressure regulators exists is upheld.

177 H. Whether to uphold the decision of the County and local appeals board that a
178 violation of VFGC Section 623.1 Cooking appliances exists.

179 The decision of the County and local appeals board that a violation of VFGC Section 623.1
180 Cooking appliance exists is upheld.

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Chair, State Building Code Technical Review Board

Date entered _____ July 15, 2022 _____

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.

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1 VIRGINIA:
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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
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6 IN RE: Appeal of Monica and Michael Davis
7 Appeal No. 22-02
8

9 DECISION OF THE REVIEW BOARD
10

11 I. Procedural Background
12

13 The State Building Code Technical Review Board (Review Board) is a Governor-
14 appointed board established to rule on disputes arising from application of regulations of the
15 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
16 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
17 Act (§ 2.2-4000 et seq. of the Code of Virginia).
18

19 II. Case History

20 On March 27, 2020, the County of Augusta Department of Community Development
21 (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012
22 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the
23 Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling
24 located at 1002 Round Hill School Road, in Augusta County.

25 Shortly after moving into their new home, Davis contacted the County Building Official
26 requesting he come inspect a variety of issues and concerns they had with their home, attached
27 garage, and detached garage.

28 In June and July of 2020, the County Building Official visited the Davis property several
29 times investigating the issues brought forth by Davis. During one or more of these inspections,
the County Building Official found several violations. On July 16, 2020, the County Building

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30 Official issued a letter to Hendricks and Son General Contractor, LLC citing seventeen (17) code
31 violations.

32 In September of 2020, Schnitzhofer Structural Engineers visited the Davis home to
33 evaluate the residence with attached garage and detached garage related to the cited violations in
34 the July 16, 2020 letter from the County Building Official. Schnitzhofer Structural Engineers
35 drafted a letter dated November 3, 2020, which was received by Augusta County on November 9,
36 2020. The Schnitzhofer Structural Engineers letter was reviewed and accepted by the County
37 Building Official.

38 Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local
39 appeals board) for the acceptance and approval of the Schnitzhofer Structural Engineers letter.
40 Davis further appealed to the local appeals board to consider the proposal report from Engineer
41 Solutions and require the builder to approach the cited violations with the suggested analysis
42 process set forth in that report. The local appeals board upheld the decisions of the County
43 Building Official finding that the Schnitzhofer Structural Engineers report was a valid engineering
44 report for the Davis' structure. On February 1, 2021, Davis further appealed to the Review Board.
45 These issues were presented to the Review Board for consideration at the May 21, 2021 Review
46 Board meeting in Appeal No. 21-02. The Review Board considered and approved the final order
47 for Appeal No. 21-02 on September 17, 2021.

48 Pursuant to the local appeals board decision, as a result of a conversation by the legal
49 counsels for the Davis', builder, and County Building Official a letter by the Davis' attorney, dated
50 August 5, 2021, was sent to the parties requesting a way forward to correct the issues with the
51 project. Item #2 of the letter proposed the County Building Official visit the site and make a
52 determination for compliance of 14 potential code violations. The inspection was performed on

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53 September 2, 2021. The County Building Official provided the findings to all legal counsels via
54 a report dated September 7, 2021.

55 Davis filed a timely appeal to the local appeals board for the following nine (9) potential
56 violations:

57 *Note: The alphabetical identification of the cited violations listed below is not in sequential*
58 *order, rather is given the same alphabetical identification listed in the County Building*
59 *Official report dated September 7, 2021 (report). The report cited 14 potential violations*
60 *lettered a-n; however six of the cited violations listed in the report were not appealed. The*
61 *remaining nine cited violations in the report that were appealed create the non-sequential*
62 *list found below.*

- 63
- 64 a) Air barrier behind the tub/shower; owner cited potential code sections VCC
65 N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2)
66 Installation
 - 67 c) Sill plate and floor joist cut for plumbing; owner cited potential code sections VCC
68 R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber
 - 69 f) Interior receptacles have locations that exceed code requirements for receptacle
70 placement; owner cited potential code section VCC E3901.2 General purpose
71 receptacle distribution
 - 72 g) HVAC return duct too small; owner cited potential code section VCC M1401.1
73 Installation
 - 74 h) HVAC air handler hung from the floor joist; load values not taken into account for
75 additional weight on the joists; owner cited potential code section VCC R502.8
76 Cutting, drilling, notching and VCC M1401.1 Installation
 - 77 i) Refrigerant piping not sleeved; owner cited potential code section VCC
78 N1103.3.1(R403.3.1) Protection of piping insulation
 - 79 j) Mini split drain leaking in the attic; owner cited potential code section VCC
80 M1412.3 Insulation of piping
 - 81 k) Electrical HVAC disconnect not mounted above the average snow level; owner
82 cited potential code section VCC M1401.1 Installation
 - 83 m) HVAC mini split does not meet heating and cooling requirements for the bonus
84 room space; owner cited potential code section VCC N1101.11(R302.1) Interior
85 design conditions
- 86

87 The local appeals board denied the appeal on January 10, 2022. Davis further appealed to the
88 Review Board on January 24, 2022.

89 A Review Board hearing was held May 20, 2022. Appearing at the Review Board hearing for
90 Augusta County was G. W. Wiseman. Monica and Michael Davis attended the hearing on their
91 behalf.

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III. Findings of the Review Board

Note: The correlation of the alphabetical identification assigned in the potential violations listed above, which are in accordance with the County Building Official’s letter dated September 7, 2021, and the alphabetical identification assigned in the Findings of the Review Board and Final Order sections of this written decision, which are in accordance with typical formatting procedures for Review Board Final Orders, are shown in the chart below:

| Potential Violations in accordance with the County Building Official’s letter dated September 7, 2021 as listed above | Findings of the Review Board and Final Order sections in accordance with typical formatting procedures for Review Board Final Orders as listed below |
|---|--|
| a) | A |
| c) | B |
| f) | C |
| g) | D |
| h) | E |
| i) | F |
| j) | G |
| k) | H |
| m) | I |

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- A. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2) Installation does not exist.

Davis argued that the kraft faced batt insulation installed behind the shower was not code compliant as the required air barrier.

The County argued that the 2012 VCC was silent on what constituted an air barrier. The County further argued that the determination of what constituted an air barrier was subject to the opinion of the building official and the County deemed the installation of kraft faced batt insulation, installed in accordance with the manufacturer’s installation instructions, to be an

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110 adequate air barrier. The County also argued that based on the timeline of the Davis' inquiry and
111 his response, he believed the appeal of this potential violation to be untimely.

112 The Review Board agrees with the County Building Official and local appeals board and
113 finds that a violation of VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and
114 VCC N1101.13 (R303.2) Installation does not exist.

115 B. Whether to uphold the decision of the County Building Official and the local appeals
116 board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC
117 R502.8.1 Sawn lumber does not exist.

118 Davis argued that structural floor joists were drilled within 2" of the edge of the joist for
119 plumbing lines. Davis also argued that structural floor joist was gouged vertically in excess of 3/4
120 of the way through the joist for plumbing drain line.

121 The County argued that the gouged joist for the plumbing drain line, described by Davis,
122 was a fully supported band joist and not in violation. The County also argued that the drilling of
123 the floor joist was not addressed during the inspection and was first presented at the local appeals
124 board.

125 The Review Board agrees with the County Building Official and local appeals board and
126 finds that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC R502.8.1
127 Sawn lumber does not exist as the gouging, described by Davis, was on a fully supported band
128 joist and the drilling within 2" of the edge of the joist for plumbing lines was not properly before
129 the Board.

130 C. Whether to uphold the decision of the County Building Official and the local appeals
131 board that a violation of the VCC Section E3901.2 General purpose receptacle
132 distribution does not exist.

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133 Davis argued that the code required a wall receptacle be installed within 6’ of a doorway
134 in the bonus room over the garage. Davis also argued that they had several walls that were over
135 two feet in length in their bathrooms with no receptacles installed.

136 The County argued that the wall receptacle spacing requirement was not 6’ as argued by
137 Davis in the local appeals board hearing. The County argued that the required spacing in the
138 code for wall receptacles was 12’ and that all receptacles in the Davis home more than met the
139 12’ spacing requirement. The County also argued that receptacles in bathrooms were not
140 required to meet the 12’ spacing requirement and that the receptacles installed in the bathrooms
141 were compliant.

142 During testimony the County acknowledged that if the evidence provided by Davis in the
143 agenda package on page 264 was accurate, a receptacle may be required in the bonus room over
144 the garage to meet the 6’ from the doorway requirement.

145 The Review Board disagrees with the County Building Official and local appeals board
146 and finds that a violation of the VCC Section E3901.2 General purpose receptacle distribution
147 does exist in the bonus room over the garage. The Review Board agrees with the County Building
148 Official and local appeals board and finds that a violation of the VCC Section E3901.2 General
149 purpose receptacle distribution does not exist in the bathrooms.

150 D. Whether to uphold the decision of the County Building Official and the local appeals
151 board that a violation of the VCC Section M1401.1 Installation does not exist.

152 Davis argued that the Manual J calculations were provided to the County approximately
153 15 months after the issuance of the CO which clearly showed that the County did not have the
154 needed documentation for the HVAC system when it was approved. Davis also argued that the
155 Manual J calculations contained several errors and/or misrepresentations related to the
156 construction and/or installation of the system. Davis further argued that the HVAC system failed

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157 the static pressure test as well as the performance test for required air exchanges per hour.
158 Finally, Davis argued that the size of the duct system was inadequate as the return grill was
159 approximately 21" X 21" while the return duct was only 8" X 8".

160 The County argued that the HVAC Manual S and J indicated that the system was sized
161 properly which included the duct system. The County further argued that return grills are always
162 larger than the return duct due to the restrictions imposed by the louvers in the grill.

163 The Review Board disagrees with the County Building Official and local appeals board
164 and finds that a violation of the VCC Section M1401.1 Installation does exist.

165 E. Whether to uphold the decision of the County Building Official and the local appeals
166 board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC
167 M1401.1 Installation does not exist.

168 Davis argued that structural floor joists were drilled within 2" of the edge of the joist for
169 support braces for the HVAC unit suspended from the joists in the crawlspace. Davis further
170 argued that the drilling occurred in the center third of the joist which was also non-compliant.
171 Davis also argued that the code required all HVAC systems must be installed pursuant to the
172 code and the manufacturer's installation instructions. Davis further argued that in accordance
173 with the manufacturer's installation instructions an HVAC unit suspended from joists in a
174 crawlspace required three supports and their unit only contained two supports.

175 The County argued that the weight of the HVAC unit suspended in the crawlspace was
176 included in the dead load design of the structure. The County also argued that the date provided
177 for the photographic evidence related to this potential violation was inaccurate. The County also
178 questioned how anyone could be certain the other photographic evidence was properly dated?

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179 Davis acknowledged the error in the date on the photographic evidence related to this
180 potential violation which indicated 2022 rather than 2021. Davis stated that the dates on all other
181 photographic evidence was accurate.

182 The Review Board agrees with the County Building Official and local appeals board and
183 finds that a violation of the VCC Sections R502.8 Cutting, drilling, notching does not exist. The
184 Review Board also agrees with the County Building Official and local appeals board and finds that
185 a violation of the VCC M1401.1 Installation does not exist because Figure 5 in the manufacturers
186 installation guide showing three supports for the HVAC unit suspended by joists in the crawlspace
187 is not a requirement rather a typical installation illustration.

188 F. Whether to uphold the decision of the County Building Official and the local appeals
189 board that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping
190 insulation does not exist.

191 Davis argued that the proper protection through the foundation wall (sleeving) for the
192 mini split HVAC piping was not installed properly.

193 The County argued that the mechanical code does not require protection of piping
194 because the insulation on a HVAC line set is larger than the 3/8" and 1/4" lines inside the
195 insulation and that the insulation provides the space needed should the foundation settle. The
196 County also argued that the sleeve was partially through the wall when originally inspected and
197 appeared to have been pulled out of the foundation wall, under the crawlspace. The County also
198 argued that the item was not part of the Davis appeal to the local appeals board, rather was
199 brought up by Davis during the local appeals board hearing. The County further argued that the
200 local appeals board made no decision on the item.

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201 The Review Board disagrees with the County Building Official and local appeals board
202 and finds that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping insulation
203 does exist.

204 G. Whether to uphold the decision of the County Building Official and the local appeals
205 board that a violation of the VCC Section M1412.3 Insulation of piping does not exist.

206 Davis argued that condensation piping for the mini split HVAC unit was leaking in the
207 attic. Davis further argued that the County did not properly investigate the potential violation
208 due to the lack of access to the attic because the County did not bring a ladder for the inspection.
209 Davis also argued that the condensation line was not connected to the drain plug on the back of
210 the unit.

211 The County argued that the HVAC line set insulation met the required R3 insulation
212 value and was UV and tear resistant. The County further argued that he saw condensation on the
213 line set both in the attic and in the crawlspace, noting it was a hot and humid day when the
214 inspection was performed. The County also argued that they could not access the attic area and
215 that the code does not require the County to provide a ladder to access spaces needing to be
216 inspected. The County further clarified that the responsibility to provide access (ladder) is that
217 of the contractor or property owner.

218 The Review Board finds that the potential violation of VCC Section M1412.3 Insulation
219 of piping be remanded to the County Building Official for additional investigation and inspection
220 contingent on the Davis' providing the necessary access to the space for inspection.

221 H. Whether to uphold the decision of the County Building Official and the local appeals
222 board that a violation of the VCC Section M1401.1 Installation does not exist.

223 Davis argued that the HVAC disconnects were not installed above the average snow load
224 for their area. Davis also argued that the code required all HVAC systems must be installed

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225 pursuant to code and the manufacturer's installation instructions. Davis further argued that the
226 manufacturer's installation instructions required disconnects to be installed at least 16" above
227 grade.

228 The County argued that the code was silent on the installation height requirement for
229 HVAC disconnects. The County also argued that the manufacturer's installation instructions do
230 not specify a height requirement for the installation of the HVAC disconnect. The County also
231 argued that based on the timeline of the Davis' inquiry and his response, he believed the appeal
232 of this potential violation to be untimely.

233 The Review Board agrees with the County Building Official and local appeals board and
234 finds that a violation of the VCC Section M1401.1 Installation does not exist because the figure in
235 the manufacturers installation guide showing two courses of 8" block for the installation of the
236 HVAC disconnect is not a requirement rather a typical installation illustration.

237 I. Whether to uphold the decision of the County Building Official and the local appeals
238 board that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions
239 does not exist.

240 Davis argued that the mini split HVAC system for the bonus room over the garage was
241 not designed properly. Davis further argued that the Manual J calculations contained several
242 errors and/or misrepresentations related to the construction and/or installation of the system.
243 Davis also argued that the system was sized too small for the space to be served.

244 The County argued that the Manual S and J indicated that the units were sized properly.
245 The County also argued that based on the timeline of the Davis' inquiry and his response, he
246 believed the appeal of this potential violation to be untimely.

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247 The Review Board disagrees with the County Building Official and local appeals board
248 and finds that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions does
249 exist.

250 IV. Final Order

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

253 A. Whether to uphold the decision of the County Building Official and the local appeals
254 board that a violation of the VCC Sections N1102.4.1.1 (R402.4.1.1) Installation
255 (Mandatory) and VCC N1101.13 (R303.2) Installation does not exist.

256 The decision by the County Building Official and local appeals board that a violation of
257 the VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13
258 (R303.2) Installation does not exist is upheld.

259 B. Whether to uphold the decision of the County Building Official and the local appeals
260 board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC
261 R502.8.1 Sawn lumber does not exist.

262 The decision by the County Building Official and local appeals board that a violation of
263 the VCC Sections R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber does not
264 exist is upheld.

265 C. Whether to uphold the decision of the County Building Official and the local appeals
266 board that a violation of the VCC Section E3901.2 General purpose receptacle
267 distribution does not exist.

268 The decision by the County Building Official and local appeals board that a violation of
269 the VCC Section E3901.2 General purpose receptacle distribution does not exist is overturned
270 related to the bonus room over the garage. The decision by the County Building Official and

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271 local appeals board that a violation of the VCC Section E3901.2 General purpose receptacle
272 distribution does not exist is upheld related to the bathrooms.

273 D. Whether to uphold the decision of the County Building Official and the local appeals
274 board that a violation of the VCC Section M1401.1 Installation does not exist.

275 The decision by the County Building Official and local appeals board that a violation of
276 the VCC Section M1401.1 Installation does not exist is overturned.

277 E. Whether to uphold the decision of the County Building Official and the local appeals
278 board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC
279 M1401.1 Installation does not exist.

280 The decision by the County Building Official and local appeals board that a violation of
281 the VCC Sections R502.8 Cutting, drilling, notching and VCC M1401.1 Installation does not
282 exist is upheld.

283 F. Whether to uphold the decision of the County Building Official and the local appeals
284 board that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping
285 insulation does not exist.

286 The decision by the County Building Official and local appeals board that a violation of
287 the VCC Section N1103.3.1 (R403.3.1) Protection of piping insulation does not exist is
288 overturned.

289 G. Whether to uphold the decision of the County Building Official and the local appeals
290 board that a violation of the VCC Section M1412.3 Insulation of piping does not exist.

291 The decision by the County Building Official and local appeals board that a violation of
292 the VCC Section M1412.3 Insulation of piping does not exist is remanded to the County
293 Building Official for additional investigation and inspection contingent on the Davis' providing
294 the necessary access to the space for inspection.

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295 H. Whether to uphold the decision of the County Building Official and the local appeals
296 board that a violation of the VCC Section M1401.1 Installation does not exist.

297 The decision by the County Building Official and local appeals board that a violation of
298 the VCC Section M1401.1 Installation does not exist is upheld.

299 I. Whether to uphold the decision of the County Building Official and the local appeals
300 board that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions
301 does not exist.

302 The decision by the County Building Official and local appeals board that a violation of
303 the VCC Section N1101.11 (R302.1) Interior design conditions does not exist is overturned.

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311 Date entered _____ July 15, 2022 _____

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As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days
316 from the date of service (the date you actually received this decision or the date it was mailed to
317 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal
318 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served
319 on you by mail, three (3) days are added to that period.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Vallerie Holdings of Virginia
Appeal No. 22-04

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Vallerie Holdings of Virginia LLC
Appeal No. 22-04

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On January 14, 2022, the County of Louisa Department of Community Development (County Building Official), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), performed an inspection of the structure located at 349 Pleasants Landing Road, in Louisa County, owned by Vallerie Holdings of Virginia LLC (Vallerie).

2. The inspection resulted in the issuance of a Notice of Unsafe Building or Structure (Notice) dated January 24, 2022. In the Notice the County Building Official cited the following code violations, related to an exterior stairway, and required the violations be made safe through compliance with the VCC or be removed, if deemed necessary by the County Building Official, pursuant to VCC Section 118.2:

- a) *“Stair Riser Height: is 8" inches in height, per Section 1011.5.2, Riser height shall be a maximum of 7" inches and a minimum of 4" inches.”*
- b) *“Guard Height: on the stairs is 36" inches in height, per Section 1015.3, the Guards height shall be 42" inches in height, on stairs, landings, ramps and decks.”*

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- c) *“Handrails: no handrails installed, per Section 1014.2, a graspable handrail shall be installed at a height of 34" -38" inches measuring from the nosing of the tread.”*
- d) *“Floor Joist and Stair Hangers: Not installed on the landing or the lower section of stairs, which are required per Section 2304.10.3”*
- e) *“Stairway Fire Separation Distance from the Building: is 23" inches, per Sections 1027.5 and 1027.6 ex. (1), Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: Adjacent lot lines, and other portions of the building.”*
- f) *“Footings: Could not be verified because the footers were poured and covered up a while ago. Will need a structural engineer to verify the footings for code compliance.”*

3. Vallerie filed a timely appeal to the Louisa County Local Board of Building Code Appeals (local appeals board) for the Notice. The local appeals board upheld the decision of the County Building Official.

4. On April 19, 2022, Vallerie further appealed to the Review Board.

5. This staff document, along with a copy of all documents submitted, will be sent to the parties and opportunity given for the submittal of additions, corrections, or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the appeal hearing before the Review Board.

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Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County Building Official and the local appeals board to issue the Notice of Unsafe Building or Structure pursuant to VCC Section 118 Unsafe Buildings or Structures.

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Basic Documents

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COUNTY OF LOUISA
COMMUNITY DEVELOPMENT

(540) 967-3430

Fax (540) 967-3486

www.louisacounty.com

1/24/2022

Building Official

To: Legal counsel for Vallerie Holdings of Virginia, LLC.

Clark Leming

Leming & Healy, P.C.

P.O. Box 445

Garrisonville, VA 22463

c/o Mr. Michael J. Vallerie

349 Pleasants Landing Road

Bumpass, VA 23024

NOTICE OF UNSAFE BUILDING OR STRUCTURE

This letter is to inform Mr. Michael J. Vallerie and Vallerie Holdings of Virginia, LLC, that the stairway for the smaller 2200 sqft. Building, located at 349 Pleasants Landing Road, has been determined by the Building Official to be unsafe and is a danger to the public due to the stairway being non code compliant and in violation of the Virginia Uniform Statewide Building Code, and Section 118 of the VUSBC.

Discrepancies and code violations found on the stairway, are as follows:

- **Stair Riser Height:** is 8" inches in height, *per Section 1011.5.2, Riser height shall be a maximum of 7" inches and a minimum of 4" inches.*

- **Guard Height:** on the stairs is 36" inches in height, *per Section 1015.3, the Guards height shall be 42" inches in height, on stairs, landings, ramps and decks.*

- **Handrails:** no handrails installed, *per Section 1014.2, a graspable handrail shall be installed at a height of 34" – 38" inches measuring from the nosing of the tread.*

- **Floor Joist and Stair Hangers:** Not installed on the landing or the lower section of stairs, which are required *per Section 2304.10.3*

- **Stairway Fire Separation Distance from the Building:** is 23" inches, *per Sections 1027.5 and 1027.6 ex. (1), Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: Adjacent lot lines, and other portions of the building.*

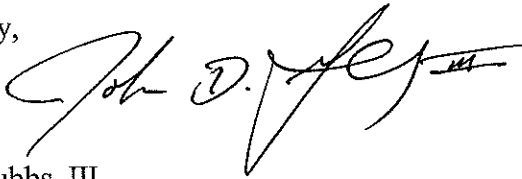
- **Footings:** Could not be verified because the footers were poured and covered up a while ago. Will need a structural engineer to verify the footings for code compliance.

All discrepancies cited for the stairway shall be made safe through compliance of the Virginia Uniform Statewide Building Code or shall be taken down and removed if determined necessary by the Building Official. (per Section 118.2)

You will be allotted (60) days from the date of this letter to: (1) Apply and submit a building permit application with two sets of building plans for the repair of the stairway. (2) When your permit is approved you will then come pick up your permit and post it on-site. (3) Once the permit is posted, then and only then will work be allowed to start to repair the unsafe stairway. (4) After the stairway is repaired you will need to schedule an inspection with the Community Development Department, to ensure the stairway is in code compliance.

In closing, NO one or any person shall be allowed on, or be permitted to use the stairway leading to the deck until the stairway has been permitted, repaired, inspected, and approved, or unless otherwise authorized by the Building Official, in writing. If you have any questions or concerns please feel free to contact me.

Respectfully,



John D. Grubbs, III
Building Official
Community Development Department
County of Louisa, VA



COUNTY OF LOUISA
COMMUNITY DEVELOPMENT
www.louisacounty.com

(540) 967-3430

Fax (540) 967-3486

1/24/2022

Building Official

To: Mr. Michael J. Vallerie
349 Pleasants Landing Road
Bumpass, VA 23024

c/o Legal counsel for Vallerie Holdings of Virginia, LLC.
Clark Leming
Leming & Healy, P.C.
P.O. Box 445
Garrisonville, VA 22463

NOTICE OF UNSAFE BUILDING OR STRUCTURE

This letter is to inform Mr. Michael J. Vallerie and Vallerie Holdings of Virginia, LLC, that the stairway for the smaller 2200 sqft. Building, located at 349 Pleasants Landing Road, has been determined by the Building Official to be unsafe and is a danger to the public due to the stairway being non code compliant and in violation of the Virginia Uniform Statewide Building Code, and Section 118 of the VUSBC.

Discrepancies and code violations found on the stairway, are as follows:

- **Stair Riser Height:** is 8" inches in height, *per Section 1011.5.2, Riser height shall be a maximum of 7" inches and a minimum of 4" inches.*
- **Guard Height:** on the stairs is 36" inches in height, *per Section 1015.3, the Guards height shall be 42" inches in height, on stairs, landings, ramps and decks.*
- **Handrails:** no handrails installed, *per Section 1014.2, a graspable handrail shall be installed at a height of 34" – 38" inches measuring from the nosing of the tread.*

- **Floor Joist and Stair Hangers:** Not installed on the landing or the lower section of stairs, which are required *per Section 2304.10.3*

- **Stairway Fire Separation Distance from the Building:** is 23" inches, *per Sections 1027.5 and 1027.6 ex. (1), Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: Adjacent lot lines, and other portions of the building.*

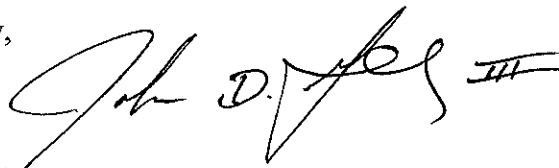
- **Footings:** Could not be verified because the footers were poured and covered up a while ago. Will need a structural engineer to verify the footings for code compliance.

All discrepancies cited for the stairway shall be made safe through compliance of the Virginia Uniform Statewide Building Code or shall be taken down and removed if determined necessary by the Building Official. (per Section 118.2)

You will be allotted (60) days from the date of this letter to: (1) Apply and submit a building permit application with two sets of building plans for the repair of the stairway. (2) When your permit is approved you will then come pick up your permit and post it on-site. (3) Once the permit is posted, then and only then will work be allowed to start to repair the unsafe stairway. (4) After the stairway is repaired you will need to schedule an inspection with the Community Development Department, to ensure the stairway is in code compliance.

In closing, NO one or any person shall be allowed on, or be permitted to use the stairway leading to the deck until the stairway has been permitted, repaired, inspected, and approved, or unless otherwise authorized by the Building Official, in writing. If you have any questions or concerns please feel free to contact me.

Respectfully,



John D. Grubbs, III
Building Official
Community Development Department
County of Louisa, VA



**COUNTY OF LOUISA
COMMUNITY DEVELOPMENT**

(540) 967-3430

Fax (540) 967-3486

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Local Board of Building Code Appeals

APPLICATION FOR APPEAL

Louisa County
(Locality)

I (we) Valerie Holdings of Virginia 6743 Tarpley's Tavern Road, Williamsburg, VA
(Name) LLC (Mailing Address) 23188

respectfully request that the Local Board of Building Code Appeals review the decision made by notice on January 24, 2022 by the Building Official.

Description of Decision Being Appealed: Notice of unsafe structure issued for already constructed stairway leading to second-story residence

Location of Property Involved: 349 Pleasants Landing Road Bypass, VA 23024

What is the applicant's interest in the property?

Owner

Contractor

Owners Agent

Other (explain) _____

Relief Sought: Reversal and dismissal of Notice

Attach the decision of the Building Official and any other pertinent documents.

Marlene Vallone
(Signature of Applicant)

**BOARD OF BUILDING APPEALS
COUNTY OF LOUISA
RESOLUTION**

At a regular meeting of the Board of Building Appeals of the County of Louisa, held in the Public Meeting Room in the Administration Building at 5:30 pm on the 28th day of March, 2022, at which the following members were present, the following resolution was denied by all members of the Board of Building Appeals, the vote being recorded in the minutes of the meeting as shown below:

| <u>PRESENT</u> | <u>VOTE</u> |
|--------------------------------|-------------|
| Robert D Gregory, Chairman | YES |
| William N. Hale, Vice Chairman | YES |
| Michael Brooking | YES |
| John Nedza | YES |
| Doug Whitlock | YES |
| Fran Burke | ABSENT |
| James Parisi | ABSENT |

On the motion from Robert Gregory, seconded by William Hale, which carried by a vote of 5-0, the following violations were upheld:

A RESOLUTION DENYING THE APPEAL OF VIOLATIONS OF USBC 118 IN REFERENCE TO THE NOTICE OF UNSAFE BUILDING OR STRUCTURE, FOR A CONSTRUCTED STAIRWAY LEADING TO SECOND LEVEL OF BUILDING

Whereas, code violation was cited, and


Whereas, the Board of Building Appeals upheld the decision made by the Louisa County Building Official: and

Whereas, the property subject to this appeal is located at 349 Pleasant Landing Road, Bumpass, Va., Tax Map # 47-11-B2

Now, Therefore Be It Resolved that the Louisa County Board of Building Appeals hereby denies the appeal made by Vallerie Holding of Virginia, LLC. on section 118 of the Uniform Statewide Building Code and upheld the decision of the Louisa County Building Official.

Now, Therefore Be It Further Resolved, "Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board of submitting an application to the State Building Code Technical Review Board within 21 calendar days. Application forms are available from the Office of the State Building Code Technical Review Board, 501 North Second Street, Richmond, Virginia 23219."

A Copy, testee:



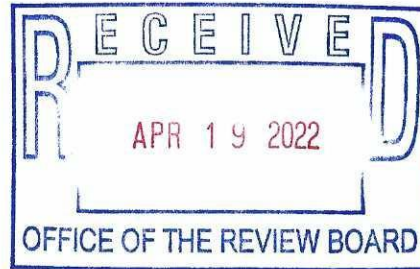
Robert D. Gregory Chairman
Board of Building Appeals
Louisa County, Virginia

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
- Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address):

Owner/Applicant: Vallerie Holdings of Virginia, LLC, 6743 TARPLEY'S TAVERN RD, WILLIAMSBURG, VA, 23188. email: Mike@valleneseervice.com; phone: (540) 659-5155

Counsel/Agent for Owner/Applicant: H. Clark Leming, Leming and Healy, P.C., 233 Garrisonville Road, Suite 104, Stafford, VA 22554 email: lemingandhealy1@msn.com; phone: (540) 659-5155

Opposing Party Information (name, address, telephone number and email address of all other parties):

John Grubbs, Louisa County Building Official, 1 Woolfolk Avenue, Suite 200, Louisa, VA, 23093, email: jgrubbs@louisa.org; phone: (540) 967-3430

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2022, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: _____

A handwritten signature in black ink that reads "Michael Vallerie". The signature is written over a horizontal line.

Name of Applicant: Michael Vallerie, Manager of Vallerie Holdings of Virginia, LLC
(please print or type)

STATEMENT OF APPEAL

Pursuant to Section 119.8 of the Uniform Statewide Building Code (the “USBC” or the “Building Code”), Vallerie Holdings of Virginia, LLC (“VHOV”) hereby appeals to the State Building Code Technical Review Board (the “State Review Board”) the March 28, 2022 Resolution of Louisa County Building Board of Appeals (the “Local Appeals Board”) to deny VHOV’s appeal of the “Notice of Unsafe building or structure” issued on January 24, 2022 (the “Notice”) by the building official for the County of Louisa (“County”).¹ In support thereof, VHOV states as follows:

Background

The Property contains an existing two-story structure which was constructed several decades ago. The second story of the two-story structure is used by VHOV as a private residential dwelling, as reflected in the County’s assessment records for the Property attached as Exhibit A. As detailed in the Affidavit of VHOV’s Manager, Michael Vallerie, attached as Exhibit B, there is no internal staircase or any other internal means to access the second-story residence from the first story. As such, the second-story residence had historically been accessed by an external staircase located in the southwest portion of the Property that led to the front door of the residence. *Id.* The southwest corner of the structure is only 5.8’ from the property line, and the previous staircase encroached within the five-foot (5’) zoning setback to the adjacent property line but was considered by the County to be lawfully nonconforming for zoning purposes. *Id.* By the time VHOV acquired the Property in December 2015, a previous owner had relocated the entrance to the second-story residence and removed the external staircase. *Id.* Consequently, the second-story residence was only accessible through use of an external ladder. *Id.*

In February 2019, VHOV submitted to the County Building Department building plans to construct the stairway structure at issue in the Notice (the “stairway structure”) to provide access to its private second-story residence. *Id.* Around this time, VHOV also submitted a variance request with the County Board of Zoning Appeals (the “BZA”) to permit the stairway structure to encroach within 5’ of the property line. *Id.* The County Building Department approved VHOV’s building plans for the stairway structure on or about March 11, 2019; a copy of the approved building plans are attached as Exhibit C. The BZA voted 3-1 to grant the setback variance after a hearing conducted on April 17, 2019. *See Ex. B.*

After the BZA voted to approve the variance, VHOV returned to the County Building Department to obtain the building permit for the stairway structure, but the County Building Department refused to release the building permit on the grounds that the County Board of Supervisors intended to appeal the BZA’s granting of the variance to the Louisa County Circuit Court. *Id.* The County Building Department had no authority under the Building Code or otherwise to withhold issuance of the building permit for the stairway structure due to the

¹ A copy of the Notice and the Local Board’s resolution upholding the Notice have been submitted with the appeal application.

pending appeal of the BZA's granting of the zoning variance.² As a result, VHOV proceeded with construction of the stairway structure on or about April 24, 2019. *Id.* VHOV has used the stairway structure to access its private second-floor residence since that time. *Id.* A photograph depicting the completed stairway structure is attached as Exhibit D.

On January 14, 2022, the County building official conducted an inspection of the stairway structure. On January 24, 2022, the building official issued the Notice which concluded that the stairway structure was "unsafe." This conclusion was based on five (5) alleged USBC construction offenses cited in the Notice.

VHOV appealed the Notice to the Local Appeals Board, which held a hearing on VHOV's appeal at its March 28, 2022, meeting. At the hearing, the Local Appeals Board primarily focused on the fact that the County Building Department did not issue a "certificate of occupancy" ("COO") for the stairway structure, which is wholly irrelevant to the Notice and the alleged USBC offenses cited therein.³

At the conclusion of the hearing, the Local Appeals Board voted to uphold the Notice and deny VHOV's appeal. The Local Appeals Board upheld the building official's conclusion in the Notice that the stairway structure was "unsafe," but did not make any findings or conclusions with regard to 5 alleged USBC offenses underlying the building official's "unsafe" conclusion.

Argument

While the Local Appeals Board agreed with and adopted the building official's conclusion in the Notice that the stairway structure was "unsafe," it did not independently analyze or render any findings or conclusions as to the alleged USBC construction offenses underpinning this "unsafe" conclusion. The building official's "unsafe" conclusion must rise or fall on the alleged USBC construction offenses which underlie it. As detailed below, the building official's conclusion that the stairway structure was "unsafe" is erroneous because none of the 5 alleged offenses cited in support thereof were properly based on the USBC standards applicable to the stairway structure. Moreover, the Notice is moot as any prosecution to compel compliance with or otherwise enforce the Notice is time-barred under Virginia Code §§ 19.2-8 and 36-106(D). Accordingly, the Notice, and the Local Appeals Board's decision to uphold same, are erroneous and must be reversed.

² In addition, Virginia Code § 15.2-2314 provides that an appeal of the BZA's decision to Circuit Court does not stay administrative proceedings (such as the issuance of building permits) unless the Court grants a restraining order, which did not occur here.

³ VHOV does not "occupy" the stairway structure; it occupies the single-family residence. The stairway structure, which serves as access to the single-family residence, is plainly an accessory structure for which no COO is required under Section 116.1 of the USBC. Nevertheless, this issue was not before the Local Appeals Board and is the subject of a separate civil enforcement action filed by the County currently pending in the Louisa County Circuit Court (Case No. CL20-305).

1. The building official's conclusion that the stairway structure was "unsafe" is erroneous because none of the 5 alleged offenses cited in support thereof were properly based on the USBC construction standards applicable to the stairway structure.

The building official's conclusion that the stairway structure is "unsafe" is erroneous because each of the 5 alleged offenses underlying this conclusion are premised on a misapplication of the USBC construction standards set forth in the International Building Code ("IBC"). Critically, the Notice fails to apply the proper occupancy classification to the stairway structure, which Section 302.1 of the IBC makes clear must be based on "*the primary purpose of the building, structure, or portion thereof.*" (Emphasis added.)⁴

As detailed above, the purpose of the stairway structure is to serve as access to VHOV's private second-story residence on the Property. *Id.* It is the only access to VHOV's second-story residence, which is inaccessible internally and has historically been accessed through an external stairway structure. *See* Ex. A, B. The second-story residence is the only dwelling unit on the Property, and is used and occupied exclusively by VHOV's Manager, Michael Vallerie, and his invitees; it is not used, rented, or otherwise made available to the general public. *Id.* The stairway structure is thus subject to the construction standards for Residential Group R-3 Occupancies (the "R-3 standards"), which apply to the construction of structures associated with two or less residential dwelling units. *See* IBC § 310.4.⁵

In light of the foregoing, VHOV will address each of the alleged USBC construction offense cited in the Notice in turn:

⁴ At the Local Appeals Board hearing, the building official introduced the County Building Department's internal notes to VHOV's building permit applications for the stairway structure attached hereto as Exhibit E, which the building official inaccurately represented as permit application forms submitted by VHOV. The building official asserted that these application notes, which list the occupancy as "Hotels transient – R-1," affirmed that R-occupancy standards apply to the stairway structure. The foregoing is irrelevant as the occupancy classification of the stairway structure is governed by the provisions of the IBC, not the County's self-serving application notes or any application forms.

⁵ The building official erroneously applied R-1 standards, which is reserved for "sleeping units where the occupants are primarily transient in nature" such as "hotels," "motels," and "boarding houses with more than 10 occupants." *See* IBC § 310.2. As detailed above, the stairway structure serves one private residential dwelling unit that is used and occupied solely by VHOV's Manager, Mr. Vallerie, and his invitees. It does not serve a "hotel," "motel," or "boarding house." Mr. Vallerie's occupancy of the second-floor residence further is not "transient in nature," which the IBC defines as a sleeping unit occupied for less than 30 days. The second-floor residence is intended for occupation by Mr. Vallerie throughout the spring, summer, and fall months while he operates the Pleasants' Landing Marina located on the Property.

Alleged Offense: “Stair Riser Height: is 8” inches in height, per Section 1011.5.2, Riser height shall be a maximum of 7” inches and a minimum of 4” inches.”

Response: This applies an erroneous construction standard to the stairway structure. The applicable R-3 standards for stair riser height is a maximum of 8.25”. *See* 13VAC5-63-245(W)(5). As documented in the Notice, the staircase riser height is 8” in compliance with the applicable R-3 standards.

Alleged Offense: “Guard height: on the stairs is 36” in height, per Section 1015.3, the Guard height shall be 42” in height on stairs, landing, ramps, and decks.”

Response: This applies an erroneous construction standard to the stairway structure. The applicable R-3 standards for guard height is 36”. *See* IBC § 1015.3.3. As documented in the Notice, the guard height of the staircase is 36” in compliance with the applicable R-3 standards.

Alleged Offense: “Handrails: no handrails installed, per Section 1014.2, a graspable handrail shall be installed at a height of 34”-38” measuring from the nosing of the thread.”

Response: The top of the guard for the stairway structure functions and serves as a graspable handrail. *See* Exhibit D. The USBC permits the top of the guard to serve as a handrail.⁶ As documented in the Notice, the top of the guard/handrail was installed at a height of 36” in compliance with IBC Section 1014.2.

Alleged Offense: “Floor Joist and Hangers: Not installed on the landing or the lower section of the stairs, which are required per Section 2304.10.3.”

Response: This is not an existing requirement. IBC Section 2304.10.3 does not reference, much less require, the installation of a floor joist and hangers.

Alleged Offense: “Stairway Fire Separation Distance from the Building: is 23” inches, per Sections 1027.5 and 1027.6 ex. (1), Exterior exit stairways and ramps shall have a minimum fire separation distance of 10’ feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: Adjacent lot lines, and other portions of the building.”

Response: The cited provision is inapplicable, as the stairway structure is not an “exterior exit stairway” as defined in the IBC. The IBC defines an “exterior exit stairway” as a “component that serves to meet one or more means of egress design requirements . . .” *See* IBC § 202. A “means of egress” is defined as a “continuous and unobstructed path” to a “public way.” *Id.* A “public way” is defined in pertinent part as “a

⁶ *See e.g.* The Journal of Light Construction, *Guardrails v. Handrails* (July 11, 2019), available at: <https://www.jlconline.com/how-to/exterior/guardrails-vs-handrails>

street, alley or other parcel of land . . . that has been deeded, dedicated or otherwise permanently appropriated to the public for public use . . .”

The stairway structure is not a “means of egress” component, as it does not lead to or provide a continuous path to a “public way.” It provides ingress and egress to and from VHOV’s private residence on VHOV’s private property. Thus, the stairway structure is not an “exterior exit stairway” and is not subject to the 10’ separation distance to other portions of the building set forth in IBC Section 1027.6.

Further, the County Building Department affirmed that the 10’ separation distance of IBC Section 1027.6 does not apply when it approved VHOV’s construction plans for the stairway structure, which clearly depict the proposed stairway structure approximately two feet, or 24 inches, from other portions of the building. *See* Exhibit C.

2. The Notice is moot as any prosecution thereof is time-barred under Virginia Code §§ 19.2-8 and 36-106(D).

In the event that the Notice or any portion thereof is upheld, it would serve no purpose since any prosecution to compel compliance with or otherwise enforce the Notice is time-barred under Virginia Code §§ 19.2-8 and 36-106(D).

The USBC at Section 115.3 provides that “[i]f the responsible party has not complied with [a] notice of violation, the building official may initiate legal proceedings . . . to restrain, correct or abate the violation” subject to “Section 19.2-8 of the Code of Virginia[,] concerning the statute of limitations for building code prosecutions.” Virginia Code §§ 19.2-8 and 36-106(D) mandate that any prosecution under the USBC “shall commence within one year of discovery of the offense by the building official, *provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure . . .*” (Emphasis added). The USBC at Section 115.2.1 provides that “[w]hen compliance can no longer be compelled by prosecution under Section 36-106 of the Code of Virginia, the building official, when requested by the building owner, shall document in writing the existence of the violation noting the edition of the USBC the violation is under.”

VHOV’s initial use of the stairway structure commenced in April of 2019. *See* Ex. B. The Notice, however, was not issued until January 24, 2022, which is well-after “two years of the date of initial occupancy or use after construction of the building or structure” such that any prosecution to compel compliance with or otherwise enforce the Notice is time-barred under Virginia Code §§ 19.2-8 and 36-106(D).⁷ Accordingly, the Notice is unenforceable and moot, and the building official’s remedy is limited to

⁷ The limitations period runs from VHOV’s initial use of the stairway structure because VHOV does not “occupy” the stairway structure as detailed above. In addition, while the building official may still be within one-year of “discovery” of the alleged USBC offenses cited in the Notice, this is irrelevant due to the “two years of the date of initial occupancy or use” proviso of Virginia Code § 19.2-8.

“document[ing] in writing the existence of the violation” when requested by the building owner under USBC Section 115.2.1 (this request will not be forthcoming).

Conclusion

For the foregoing reasons, VHOV respectfully requests for the State Review Board to reverse the decision of the Local Appeals Board, and to reverse and dismiss the building official’s Notice in its entirety.

Documents Submitted,
through legal counsel, by
Vallerie Holdings of
Virginia (Michael Vallerie)

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Louisa County, Virginia

[Property](#) [Building](#) [Calculations](#) [Sketch](#) [Assess/Sales](#) [Print Card](#) [View on GIS](#) [Search](#)

Land and Value Information

| | | | |
|-----------------------|----------|---------------------------|--|
| Parcel No: | 47 11 B2 | Magisterial: | JACKSON |
| Record Number: | 20455-1 | Legal Description: | PLEASANTS LANDING PLAT:491/201 LOT B2 DB 1435/750 7.298 AC |
| Acres: | 7.298 | Deed Book/Page: | 1435/750 |
| Zoning: | C2 | Property Type: | COMMERCIAL/INDUSTRIAL |
| Occupancy: | DWELLING | | |

Addresses

| | | | |
|------------------|--|------------------|---|
| Property: | 349 PLEASANTS LANDING RD BUMPASS , VA 23024 | Owner(s): | VALLERIE HOLDINGS OF VIRGINIA LLC 6743 TARPLEYS TAVERN RD WILLIAMSBURG , VA 23188 |
|------------------|--|------------------|---|

Web Link Information

This Real Estate info found at: <https://louweb.louisa.org/assess/index.asp?action=Get Records&RecFilter=20455>

Building Data

| | General | Exterior | Interior |
|---------------------|-----------------|-----------------------------|--------------------------|
| Year Built | 0 | Roof: GABLE | Stories 2 |
| Age | Unknown | Roofing: METAL | Rooms: 6 |
| Condition | AVERAGE | Walls: VINYL | Bedrooms: 3 |
| Class: | C | Foundation: CONCRETE | Full Bathrooms: 1 |
| Right of Way | PUBLIC | Water WELL | Half Bathrooms: 0 |
| Easement | PAVED | Sewer SEPTIC | Walls: |
| Terrain | ON | Electric: Y | Floors: WOOD |
| Character | ROLLING/SLOPING | Gas: N | Floors: |
| Garage: | NONE | Heat: B. BOARD | Fireplaces: 0 |
| Carpport: | NONE | Fuel: ELECTRIC | Flues 0 |
| | | A/C: YES | Basement: NONE |

Calculations

| Structural Elements | Size | Rate | Condition | Adjust | Value |
|---------------------|---------|--------|-----------|--------|---------|
| Building | 1,120.0 | 108.05 | | | 121,016 |
| Basement | 0.0 | 12.00 | | | 0 |
| Fin.Basement | 0.0 | 0.00 | | | 0 |
| Plumbing | | | | | -1,600 |
| Heat | | | | | 0 |
| A/C | | | | | 2,240 |
| Fireplaces | | | | | 0 |
| Flues | | | | | 0 |
| Built-in | | | | | 0 |
| Additions | Size | Rate | Condition | Adjust | Value |

| | | | | |
|---------|-------|-------|--|-------|
| C -DECK | 242.0 | 12.00 | | 2,904 |
| F -POR | 200.0 | 18.00 | | 3,600 |

Dwelling Subtotal = 128,160

Appreciation/Depreciation Factors

| | | |
|--------------|--------|--------------|
| Condition | Adjust | Depreciation |
| Class Factor | 110 % | 140,976 |

| | | |
|-------------------------|-------|---------|
| Physical Depreciation | -24 % | -33,834 |
| Market Value Adjustment | 55 % | 58,928 |

Adjusted Dwelling Value = 166,070

Other Improvements

| | Size | Rate | Condition | Adjust | Value |
|------------------|-----------|----------|-----------|--------|---------|
| COMM METAL SHELL | 12000 x 0 | 22.65 | A | 20% | 217,440 |
| GENERAL ASSEMBLY | 4800 x 0 | 25.00 | A | 20% | 96,000 |
| BOAT WORKSHOP | 5528 x 0 | 0.00 | A | 0% | 0 |
| STORE/COMMERCIAL | 1672 x 0 | 30.00 | A | 20% | 40,128 |
| UPSTAIRS STORAGE | 4560 x 0 | 10.00 | A | 20% | 36,480 |
| PATIO CONCRETE | 2112 x 0 | 4.00 | A | 0% | 8,448 |
| BOAT PORT WD | 312 x 0 | 8.00 | A | 25% | 1,872 |
| DOCKS WD (GAS) | 1080 x 0 | 12.00 | A | 25% | 9,720 |
| DOCK | 5 x 56 | 12.00 | A | 25% | 2,520 |
| SHED | 10 x 12 | 8.00 | A | 40% | 576 |
| BLOCK STORAGE | 12 x 16 | 6.00 | A | 40% | 691 |
| BOAT RAMPS | | 5,000.00 | A | 25% | 3,750 |
| DECK/STAGE WD | 25 x 29 | 12.00 | A | 10% | 7,830 |
| POLE SHED | 16 x 20 | 6.00 | A | 15% | 1,632 |
| POLE SHED | 16 x 20 | 6.00 | A | 15% | 1,632 |
| DOCK | 6 x 90 | 12.00 | A | 0% | 6,480 |
| DOCK/SLIP | 4 x 92 | 12.00 | A | 25% | 3,312 |
| DOCK/SLIP | 5 x 100 | 12.00 | A | 25% | 4,500 |
| DOCK/SLIP | 5 x 100 | 12.00 | A | 25% | 4,500 |
| DOCK/SLIP | 4 x 58 | 12.00 | A | 25% | 2,088 |
| DOCK | 8 x 24 | 12.00 | A | 25% | 1,728 |

Other Improvements Value = 451,327

Prior Assessment Improved Value = 592,200 **Total Improved Value (rounded to nearest hundred) = 617,400**

Land Use and Value

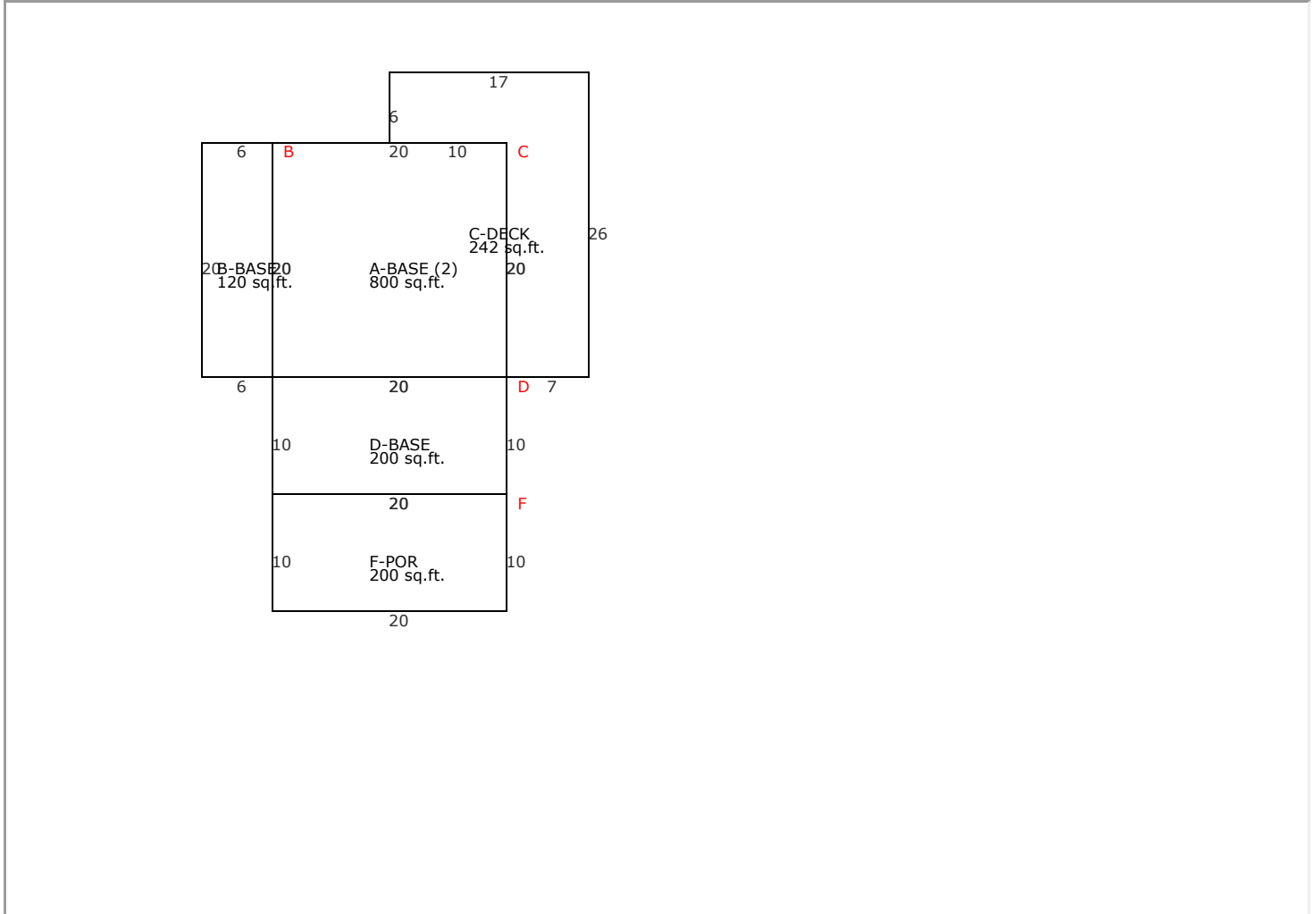
| Acres | Rate | Condition | Adjust | Value |
|-------|---------|-----------|--------|---------|
| 1 | 380,000 | | -4% | 364,800 |
| 1 | 300,000 | | 0% | 300,000 |
| 5.298 | 50,000 | | 0% | 264,900 |

Prior Assessment Land Value = 929,700 **Land Use and Value (rounded to nearest hundred) = 929,700**

Total Property Value

Prior Assessment Property Value = 1,521,900 **Total Property Value (rounded to nearest hundred) = 1,547,100**
 Increase = **1.66 %**

Sketch



Assessments/Sales

| Assessment Date | Land Value | Structure(s) Value | Property Total | Land Use Total | Taxable Amount | Tax Rate (cents/\$100) | County Taxes* |
|-----------------|------------|--------------------|----------------|----------------|----------------|------------------------|---------------|
| 2021 | 929,700 | 617,400 | 1,547,100 | 0 | 1,547,100 | 72 | 11,139 |
| 2020 | 929,700 | 592,200 | 1,521,900 | 0 | 1,521,900 | 72 | 10,958 |
| 2019 | 929,700 | 495,700 | 1,425,400 | 0 | 1,425,400 | 72 | 10,263 |
| 2018 | 918,300 | 476,500 | 1,394,800 | 0 | 1,394,800 | 72 | 10,043 |
| 2017 | 918,300 | 533,900 | 1,452,200 | 0 | 1,452,200 | 72 | 10,456 |
| 2016 | 918,300 | 533,900 | 1,452,200 | 0 | 1,452,200 | 72 | 10,456 |
| 2015 | 918,300 | 530,000 | 1,448,300 | 0 | 1,448,300 | 72 | 10,428 |
| 2014 | 918,300 | 530,600 | 1,448,900 | 0 | 1,448,900 | 68 | 9,853 |
| 2013 | 925,900 | 528,700 | 1,454,600 | 0 | 1,454,600 | 65 | 9,455 |
| 2012 | 925,900 | 522,100 | 1,448,000 | 0 | 1,448,000 | 65 | 9,412 |
| 2011 | 925,900 | 522,900 | 1,448,800 | 0 | 1,448,800 | 62 | 8,983 |
| 2010 | 944,900 | 531,000 | 1,475,900 | 0 | 1,475,900 | 62 | 9,151 |
| 2009 | 944,900 | 533,000 | 1,477,900 | 0 | 1,477,900 | 62 | 9,163 |
| 2008 | 944,900 | 533,400 | 1,478,300 | 0 | 1,478,300 | 62 | 9,165 |
| 2007 | 944,900 | 429,400 | 1,374,300 | 0 | 1,374,300 | 62 | 8,521 |
| 2006 | 898,400 | 427,100 | 1,325,500 | 0 | 1,325,500 | 64 | 8,483 |

| | | | | | | | |
|------|---------|---------|-----------|---|-----------|----|-------|
| 2005 | 808,400 | 372,500 | 1,180,900 | 0 | 1,180,900 | 66 | 7,794 |
| 2003 | 808,400 | 365,000 | 1,173,400 | 0 | 1,173,400 | 67 | 7,862 |
| 2001 | 714,900 | 391,900 | 1,106,800 | 0 | 1,106,800 | 67 | 7,416 |

* Approximate - these are calculated County taxes for this web page. [Click here for Actual Taxes](#)

| Sale Date | Owner 1 | Owner 2 | Deed Book | Will Book | Grantor | Sale Price |
|-----------|-----------------------------------|---------|------------|-----------|------------------------------|------------|
| 12/2015 | VALLERIE HOLDINGS OF VIRGINIA LLC | | 1435 / 750 | / 0 | GODBOLT, TERRY D & TERRY T | 2,250,000 |
| 12/2011 | GODBOLT, TERRY D & TERRY T | | 1266 / 615 | / 0 | AVERETT, MICHAEL R & ROBIN L | 1,200,000 |
| 05/2005 | AVERETT, MICHAEL R & ROBIN L | | 923 / 325 | / 0 | GODBOLT, TERRY D & TERRY T | 2,100,000 |
| 01/1989 | GODBOLT, TERRY D & TERRY T | | 357 / 179 | / 0 | | 500,000 |

<https://www.louisacounty.com>

AFFIDAVIT OF MICHAEL VALLERIE

I, Michael Vallerie, am a Member and Manager of Vallerie Holdings of Virginia, LLC ("VHOV"), the owner of that certain property located at 349 Pleasants Landing Road, Bumpass, Virginia 23024 (the "Property"). There exists a two-story structure on the Property that was constructed several decades ago. The second story of the structure is a residential dwelling. There is no internal staircase or any other internal means to access the second-story residence from the first story. The second-story residence had historically been accessed by an external staircase located in the southwest portion of the Property that led to the front door of the residence. The southwest corner of the structure is only 5.8" from the property line, and the previous staircase encroached within the five-foot (5') setback to the adjacent property but was considered by the County of Louisa (the "County") to be lawfully nonconforming. At the time VHOV acquired the Property in December 2015, the previous owner had relocated the upstairs entrance and removed the external staircase. As such, the residence was only accessible through use of an external ladder.

In February 2019, VHOV submitted building plans to construct the stairway structure at issue in this appeal. Around this time, VHOV also submitted a variance request with the County Board of Zoning Appeals (the "BZA") to permit the stairway structure to encroach within 5' of the property line. The County Building Department approved VHOV's building plans for the stairway structure on or about March 11, 2019, and the BZA voted 3-1 to grant the setback variance at a hearing conducted on April 17, 2019. After the BZA voted to approve the variance, VHOV visited the County Building Department to obtain the building permit for the stairway structure, but the County Building Department refused to release the building permit on the ground that the County Board of Supervisors intended to appeal the BZA's granting of the variance to the Louisa County Circuit Court.

On or about April 24, 2019, VHOV constructed the stairway structure. VHOV has utilized the stairway structure to access the residence since that time. While VHOV recognized that the County Building Department did not release the building permit for the stairway structure, VHOV proceeded with construction based on the building plans approved by the County Building Department on what VHOV believed to be a valid variance from the BZA..

Date: March 24, 2022

By: Michael Vallerie
Michael Vallerie
Member and Manager
Vallerie Holdings of Virginia, LLC

Page 1 of 2 pages
MVA
3/24/22
B

STATE/Commonwealth of Florida

COUNTY/CITY OF Sarasota, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Michael Vallerie, as a Member and Manager of Vallerie Holdings of Virginia, LLC, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

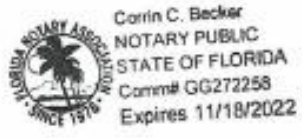
GIVEN under my hand and seal this 24 day of March, 2022.



Notary Public

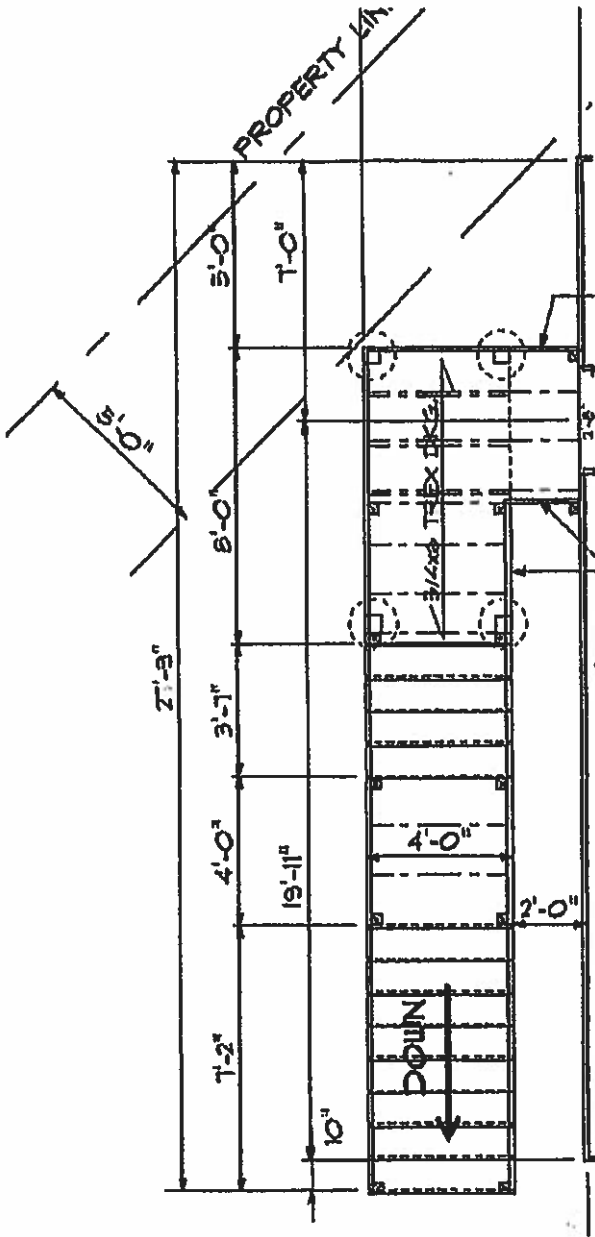
Registration Number: GG272258

My commission expires: 11/18/2022



Page 2 of 2 pages ¹³ 3/24/22

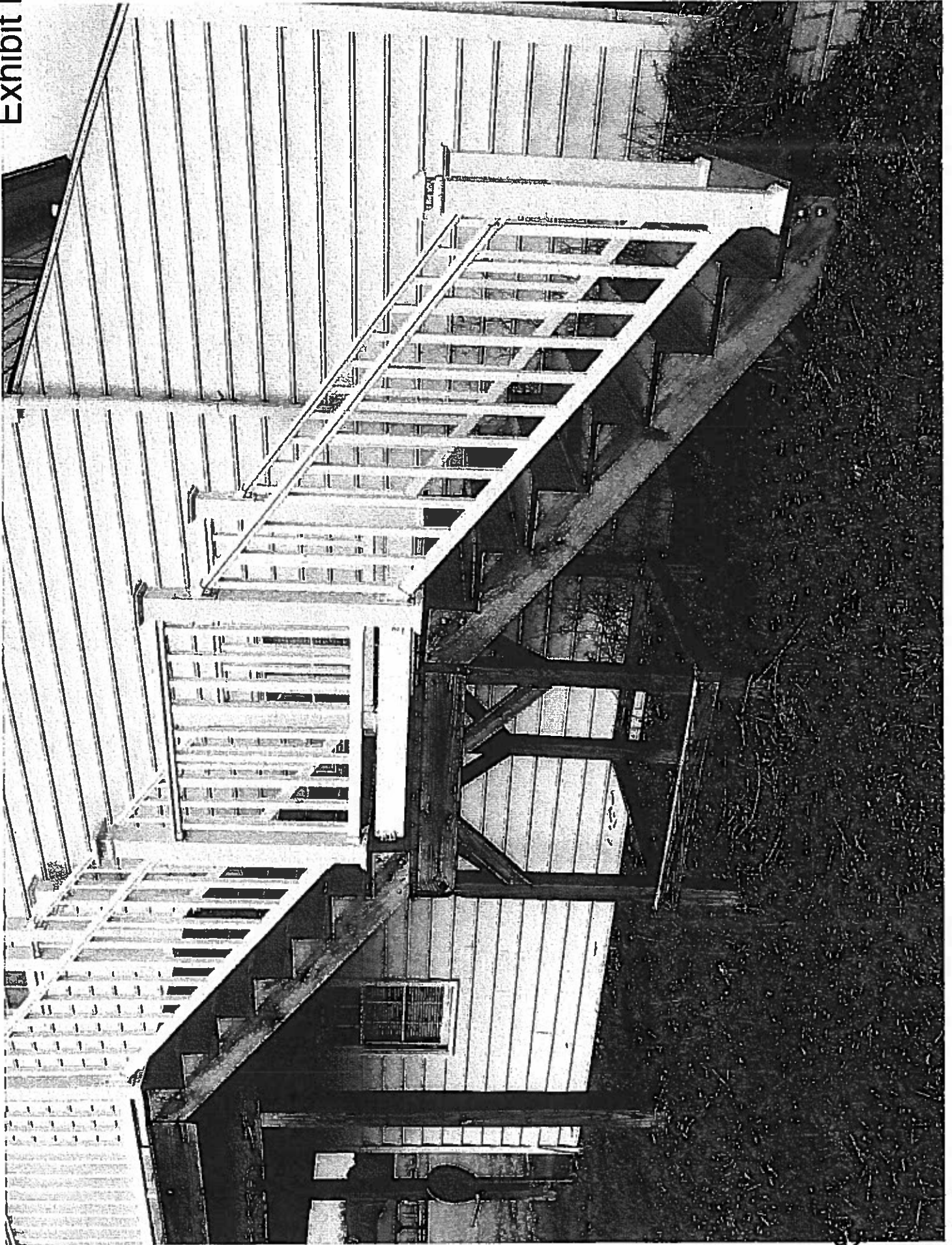
3 stair case



Riser height
MAX 7" NRV

Tread dept
minimum 11"
from Nose of Tread
NRV

APPROVED BY
[Signature]
3-11-19



☰ Permit Application

| | | |
|---|--|--|
| application number PRIB201900199 | master project MP2019000237 | application type Commercial Building ▼ |
| application status Closed ▼ | entered on 02/13/2019 | |
| primary contact Vallerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075 | primary location 349 PLEASANTS LANDING RD, BUMPASS VA 23024 | |

☰ Permit Application Details

| | | | |
|--|---|--|----------------------------|
| work class Alteration ▼ | building use Commercial ▼ | no fees? ▼ | |
| department Building Services | plan checker Steve Osgood ▼ | inspector Paul Snyder ▼ | entered by Jenny Carter |
| description of work Change of use to B, use of residence above to change to R-1, the use will change R-1 due to its use being a Studio/Apartment and being primarily transient, will be permitting upstairs change of use after closing this permit. Owner has been informed that the lower level will need | | location directions | |
| ▼ 1 occupancy codes | ▼ 1 construction types | | |
| Occupancy Code ⇅ | Construction Type ⇅ | | |
| Business - general offices (B) | Type VB (Unprotected) | | |
| jurisdiction Jackson ▼ | land use - none - ▼ | | |
| zoning C-2 - General Commercial ▼ | | | |
| date issued 02/13/2019 | | date expiration 08/12/2019 | |
| occupancy inspection required <input checked="" type="checkbox"/> | total valuation \$57,915.00 | use custom valuation <input type="checkbox"/> | |
| Zoning Details | | | |
| located on lake anna? <input checked="" type="checkbox"/> | subdivision Pleasants Landing | lotsize 7.29 | |
| building height | located in floodplain <input type="checkbox"/> | zoning permit number | |
| foundation survey required? - none - ▼ | setback certification required? - none - ▼ | shrink swell report required? - none - ▼ | |
| Setbacks | | | |
| proposed front setbacks (recommended) | | proposed rear setbacks (recommended) | |

☰ Permit Application

| | | |
|---|--|--|
| application number PRIB201900296 | master project MP2019000352 | application type Commercial Building ▼ |
| application status Expired ▼ | entered on 03/11/2019 | |
| primary contact Vallerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075 | primary location (read only) 349 PLEASANTS LANDING RD, BUMPASS VA 23024 | |

☰ Permit Application Details

| | | |
|---|---|---|
| work class Alteration ▼ | building use Commercial ▼ | no fees? ▼ |
| department Building Services | plan checker Steve Osgood ▼ | inspector John Grubbs ▼ |
| | | entered by Jenny Carter |
| description of work New 11 x 8 Balcony for Existing 2 Story Structure | | location directions Pleasants Landing Marina |
| ▼ 2 occupancy codes | ▼ 1 construction types | |
| Occupancy Code ⚙ | Construction Type ⚙ | |
| Business - general offices (B) | Type VB (Unprotected) | |
| Residential - hotels "transient" (R-1) | | |
| jurisdiction Jackson ▼ | land use - none - ▼ | |
| zoning C-2 - General Commercial ▼ | | |
| date issued mm/dd/yyyy | | date expiration mm/dd/yyyy |
| occupancy inspection required <input type="checkbox"/> | total valuation \$1,500.00 | use custom valuation <input checked="" type="checkbox"/> |
| Zoning Details | | |
| located on lake anna? <input type="checkbox"/> | subdivision Pleasants Landing | lotsize 7.298 |
| building height | located in floodplain <input type="checkbox"/> | zoning permit number Z-2019-0146 |
| foundation survey required? - none - ▼ | setback certification required? Yes ▼ | shrink swell report required? - none - ▼ |
| Setbacks | | |
| proposed front setbacks (recommended) | | proposed rear setbacks (recommended) |
| proposed left | proposed right | proposed corner setbacks |

Permit Application

| | | |
|---|--|---|
| application number PRIB201900297 | master project MP2019000353 | application type Commercial Building |
| application status Expired | entered on 03/11/2019 | |
| primary contact Vallerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075 | primary location 349 PLEASANTS LANDING RD, BUMPASS VA 23024 | |

Permit Application Details

| | | | |
|---|---|--|----------------------------|
| work class Alteration | building use Commercial | no fees? | |
| department Building Services | plan checker Steve Osgood | inspector John Grubbs | entered by Jenny Carter |
| description of work Remove Existing Doorway and Replace with New | | location directions Pleasants Landing Marina | |
| 2 occupancy codes Occupancy Code Business - general offices (B) Residential - hotels "transient" (R-1) | | 1 construction types Construction Type Type VB (Unprotected) | |
| jurisdiction Jackson | land use - none - | | |
| zoning C-2 - General Commercial | | | |
| date issued mm/dd/yyyy | | date expiration mm/dd/yyyy | |
| occupancy inspection required <input checked="" type="checkbox"/> | total valuation \$74.25 | use custom valuation <input type="checkbox"/> | |
| Zoning Details | | | |
| located on lake anna? <input type="checkbox"/> | subdivision | lotsize 7.298 | |
| building height | located in floodplain <input type="checkbox"/> | zoning permit number Z-2019-0147 | |
| foundation survey required? - none - | setback certification required? - none - | shrink swell report required? - none - | |
| Setbacks | | | |
| proposed front setbacks (recommended) | | proposed rear setbacks (recommended) | |
| proposed left | proposed right | proposed corner setbacks | |

☰ Permit Application

| | | |
|---|--|--|
| application number PRIB201900298 | master project MP2019000354 | application type Commercial Building ▼ |
| application status Expired ▼ | entered on 03/11/2019 | |
| primary contact Vallerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075 | primary location 349 PLEASANTS LANDING RD, BUMPASS VA 23024 | |

☰ Permit Application Details

| | | |
|--|---|---|
| work class Alteration ▼ | building use Commercial ▼ | no fees? ▼ |
| department Building Services | plan checker Steve Osgood ▼ | inspector John Grubbs ▼ |
| description of work New Stairway & Landing Accessing Small 2 Story Structure | | entered by Jenny Carter |
| location directions Pleasants Landing Marina | | |
| ▼ 2 occupancy codes | ▼ 1 construction types | |
| Occupancy Code ⚙ | Construction Type ⚙ | |
| Business - general offices (B) | Type VB (Unprotected) | |
| Residential - hotels "transient" (R-1) | | |
| jurisdiction Jackson ▼ | land use - none - ▼ | |
| zoning C-2 - General Commercial ▼ | | |
| date issued mm/dd/yyyy | date expiration mm/dd/yyyy | |
| occupancy inspection required <input checked="" type="checkbox"/> | total valuation \$1,500.00 | use custom valuation <input checked="" type="checkbox"/> |
| Zoning Details | | |
| located on lake anna? <input type="checkbox"/> | subdivision Pleasants Landing | lotsize 7.298 |
| building height | located in floodplain <input type="checkbox"/> | zoning permit number Z-2019-0148 |
| foundation survey required? - none - ▼ | setback certification required? Yes ▼ | shrink swell report required? - none - ▼ |
| Setbacks | | |
| proposed front setbacks (recommended) | proposed rear setbacks (recommended) | |
| proposed left | proposed right | proposed corner setbacks |

Documents Submitted By Louisa County

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COUNTY OF LOUISA
Office of the County Attorney

Helen E. Phillips, County Attorney
hphillips@louisa.org

Direct Dial (540) 967-4582
Facsimile (540) 967-4587

May 6, 2022

Via Email travis.luter@dhcd.virginia.gov
W. Travis Luter, Sr.
Secretary to the State Building Code
Technical Review Board
Code and Regulation Specialist
Virginia Dept. of Housing and Community Dev.

Re: Vallerie Holdings of Virginia, LLC Appeal

Dear Mr. Luter:

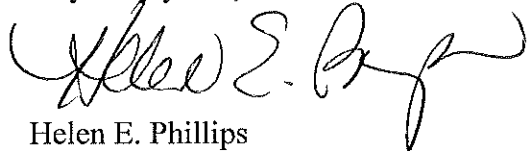
Please allow this letter to serve as notice of my appearance as counsel for Louisa County in this matter.

I have enclosed the following documents to be filed in this appeal on behalf of Louisa County:

1. Louisa County's Response to Administrative Appeal Arguments.
2. Notice of Unsafe Building or Structure, January 24, 2022.
3. Louisa County Board of Building Appeals Resolution Denying Appeal of Violation, March 28, 2022.
4. Louisa County Building Official's Outline for Power Point presented March 28, 2022 to Louisa County Board of Building Appeals.
5. Relevant LBBCA Code Sections.

Please do not hesitate to contact me if you have any questions. Thank you for your attention to this matter.

Very truly yours,



Helen E. Phillips

W. Travis Luter, Sr.
May 6, 2022
Page Two

Enclosures

cc: John Grubbs
H. Clark Leming

Response to Administrative Appeal Arguments

Louisa County, by counsel, submits this response to the Statement of Appeal filed herein on behalf of Vallerie Holdings of Virginia, LLC (VHOV).

Facts and Evidence Presented at March 28, 2022 Hearing

The Building Official of Louisa County, Virginia, John Grubbs, presented his notice of unsafe building or structure dated January 24, 2022, and the BBA upheld all his determinations in that notice unanimously at the conclusion of the hearing. Before the vote, the BBA commented on how egregious these violations are because it involves a deck and stairway built without building permits on commercial property used as a venue where hundreds of people attend concerts on property fronting Lake Anna. The BBA agreed the structures were unsafe and presented a danger for injuries and even death. One BBA member remarked, "This is about as flagrant an example of somebody not being willing to work with the prevailing rules that I've ever seen." Exhibit A, p. 60.

John Grubbs demonstrated, using documents submitted by Michael Vallerie to Louisa County for a change of use, that the bottom floor of this building is commercial and Louisa County would not issue a certificate of occupancy to the upper floor of this building until the flooring between downstairs and upstairs was properly fire rated. Exhibit B. He also explained that no building permits have ever been issued for the deck and stairway. Furthermore, there was evidence from theknot.com showing VHOV marketed this building as a wedding venue, including using the upper floor as the groom's suit where a groom and groomsmen could get dressed and have photographs taken.

Argument

1. The stairway structure is unsafe because the County determined the top half of the building to be an R-1 structure and the structure does not comply with the 2018 Virginia Construction Code.

The stairway structure was correctly deemed unsafe because the structure is not in compliance with the 2018 Virginia Construction Code for Residential Group R-1 occupancies. The five offenses listed by the County building official are premised on the application of standards set forth by the above-mentioned codes. Furthermore, the R-1 classification has been appropriately applied to the structure. While Section 302.1 of the International Building Code states "occupancy classification is the formal designation of the primary purpose of the building, structure, or portion thereof," it does not go so far as to detail who is tasked with determining the primary purpose of classification. However, section 15.2-2280 of the Code of Virginia specifically authorizes localities to "regulate, restrict, permit, prohibit, and determine... the use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses."

As detailed above, the County has deemed the top-half portion of the structure an R-1 structure. This is also consistent with VHOV's arguments to the BBA on March 28, 2022.

VHOV counsel stated Mr. Vallerie lives on the upper floor during the spring and summer months when his business is operating at Lake Anna, and he spends the rest of the year in Florida. The stairway structure serves as access to the top-half portion of the building. Thus, the stairway structure is subject to the construction standards for Residential Group R-1 Occupancies.

To substantiate the basis for the offenses with the 2018 Virginia Construction Code and respond to the responses by VHOV, the County addressed each offense in the Notice:

Offense: Stair Riser Height: is 8" inches in height, per Section 1011.5.2, Riser height shall be a maximum of 4" inches and a minimum of 4" inches.

VHOV Response: This applies an erroneous construction standard to the stairway structure. The applicable R-3 standards for stair riser height is a maximum of 8.25". See 13VAC5-63-245(W)(5). As documented in the Notice, the staircase riser height is 8" in compliance with the applicable R-3 standards.

Louisa County Response: The stair riser height is not in compliance with Section 1011.5.2, which is the proper standard for an R-1 structure. R-1 designation is appropriate (see above).

Offense: Guard Height: on the stairs is 36" inches in height, per Section 1015.3, the Guards height shall be 42" inches in height, on stairs, landings, ramps, and decks.

VHOV Response: This applies an erroneous construction standard to the stairway structure. The applicable R-3 standard for guard height is 36". See IBC § 1015.3.3. As documented in the Notice, the guard height of the staircase is 36" in compliance with the applicable R-3 standards.

Louisa County Response: The guard height is not in compliance with Section 101.5.3, which is the proper standard for an R-1 structure. R-1 designation is appropriate (see above).

Offense: Handrails: no handrails installed, per Section 1014.2, a graspable handrail shall be installed at a height of 34" -38" inches measuring from the nosing of the tread.

VHOV Response: The top of the guard for the stairway structure functions and serves as a graspable handrail. See Exhibit D. The USBC permits the top of the guard to serve as a handrail. As documented in the Notice, the top of the guard/handrail was installed at a height of 36" in compliance with IBC Section 1014.2.

Louisa County Response: No handrails are installed, per Section 101.5.3, which is the proper standard for an R-1 structure. R-1 designation is appropriate (see above).

Offense: Floor Joist and Stair Hangers: Not installed on the landing or the lower section of stairs, which are required per Section 2304.10.3."

VHOV Response: This is not an existing requirement. IBC Section 2304.10.3 does not reference, much less require, the installation of a floor joist and hangers.

Louisa County Response: According to Section 2304.10.3, "Connections depending on joist hangers or framing anchors, ties and other mechanical fastenings not otherwise covered are permitted where approved." The operative word is "approved," which Section 202 defines as "acceptable to the building official." Thus, the building official has the authority to determine what is required for floor joists and stair hangers. Therefore, the building official correctly determined this was an offense.

Offense: Stairway Fire Separation Distance from the Building: is 23" inches, per Sections 1027.5 and 1027.6 ex. (1), Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to Adjacent lot lines, and other portions of the building.

VHOV Response: The cited provision is inapplicable, as the stairway structure is not an "exterior exit stairway" as defined in the IBC. The IBC defines an "exterior exit stairway" as a "component that serves to meet one or more means of egress design requirements . . ." See IBC § 202. A "means of egress" is defined as a "continuous and unobstructed path" to a "public way." Id. A "public way" is defined in pertinent part as "a street, alley or other parcel of land . . . that has been deeded, dedicated or otherwise permanently appropriated to the public for public use . . ."

The stairway structure is not a "means of egress" component, as it does not lead to or provide a continuous path to a "public way." It provides ingress and egress to and from VHOV's private residence on VHOV's private property. Thus, the stairway structure is not an "exterior exit stairway" and is not subject to the 10' separation distance to other portions of the building set forth in IBC Section 1027.6.

Further, the County Building Department affirmed that the 10' separation distance of IBC Section 1027.6 does not apply when it approved VHOV's construction plans for the stairway structure, which clearly depict the proposed stairway structure approximately two feet, or 24 inches, from other portions of the building. See Exhibit C.

Louisa County Response: Sections 1027.5 and 1027.6 are applicable because the stairway structure is indeed an "exterior exit stairway." The stairway structure is the only entrance/exit into the top portion of the building. There is no way to access the top portion of the building from the inside of the building. As mentioned previously, the building has been designated R-1 status (see above). According to 310.2, occupants in an R-1 structure are "primarily transient." In addition, a public way is defined by section 202, as "a street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use." Thus, the stairway structure is an "exterior exit stairway," as it provides a continuous path to and from the top portion of the building which has a transient purpose.

Further, while Exhibit C shows an approved plan, the plan was approved administratively for use by the County to review and potentially issue a building permit. The building permit was never issued because VHOV never requested it is issued. VHOV built the stairway structure without a building permit.

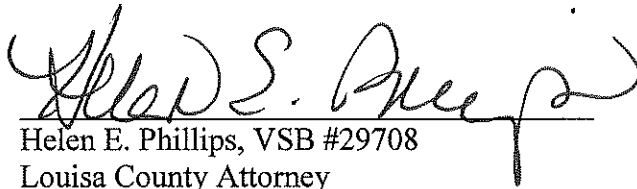
2. The Notice is proper and not time-barred under Virginia Code §§ 19.2-8 and 36-106(D).

Notice is proper and shall be upheld, and Virginia Code Section 19.2-8 provision on the prosecution of Building Code violations is inapplicable as this case does not involve a criminal prosecution. Virginia Code Section 19.2-8 states that “prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, *provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure whichever is later.*” (Emphasis added).

Furthermore, the date VHOV alleges it began using the stairway is irrelevant because there never was a certificate of use and occupancy issued for the top half of the building. VHOV wanted to change the upstairs to residential use but that certificate of occupancy was never issued because the floor is not fire rated. No one should be accessing the upstairs of this building because it is unsafe. The County discovered these violations upon inspection on January 14, 2022, and issued the notice of unsafe structure on January 24, 2022.

Conclusion

Louisa County respectfully requests the appeal by VHOV be dismissed and the decision dated January 24, 2022, that this is an unsafe structure by the Louisa County Building Official be upheld.



Helen E. Phillips, VSB #29708

Louisa County Attorney

1 Woolfolk Avenue

Post Office Box 160

Louisa, Virginia 23093

540-967-4582

hphillips@louisa.org

Counsel for Louisa County, Virginia



Louisa County Community Development's
Presentation For:
Structure at 349 Pleasants Landing Road
Appeal Hearing

**By the end of this presentation, it is my intention to prove
that the structure at 349 Pleasants Landing is an unsafe
structure as defined by the 2018 Virginia Building Code and
2018 International Building Code**

Permits Applied for the Structure

3/4/22, 2:21 PM PR18201900199 | Permit Application Details | CityView

Permit Application 1

application number: PR18201900199 master project: MP2019000237 application type: Commercial Building

application status: Closed entered on: 02/13/2019 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

Permit Application Details

work class: Alteration building use: Commercial no fees? entered by: Jenny Carter

department: Building Services plan checker: Steve Osgood inspector: Paul Snyder location directions: Pleasants Landing Marina

description of work: change to use to R-1, use on residential or subject to change to R-1, the use will change R 1 due to its use being a Studio/Apartment and being primarily transients. will be permitting upstairs change of use after closing this permit. Owner has been informed that the lower level will need

occupancy codes: 1 reconstruction types Construction Type: Type VB (Unprotected)

Occupancy Code: Business - general offices (B) land use: none

jurisdiction: Jackson zoning: C-2 - General Commercial date issued: 02/13/2019 total valuation: \$57,915.00 use custom valuation: located on lake area? located: 7,298

date issued: 02/13/2019 occupancy inspection required: total valuation: \$57,915.00 use custom valuation: located on lake area? located: 7,298

3/4/22, 2:25 PM PR18201900352 | Permit Application Details | CityView

Permit Application 1

application number: PR18201900352 master project: MP2019000352 application type: Commercial Building

application status: Expired entered on: 03/11/2019 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

Permit Application Details

work class: Alteration building use: Commercial no fees? entered by: Jenny Carter

department: Building Services plan checker: Steve Osgood inspector: John Grubbs location directions: Pleasants Landing Marina

description of work: New 11 x 8 Balcony for Existing 2-Story Structure

occupancy codes: 1 construction types Construction Type: Type VB (Unprotected)

Occupancy Code: Business - general offices (B) land use: none

jurisdiction: Jackson zoning: C-2 - General Commercial date issued: mm/dd/yyyy total valuation: \$1,500.00 use custom valuation: located on lake area? located: 7,298

date issued: mm/dd/yyyy occupancy inspection required: total valuation: \$1,500.00 use custom valuation: located on lake area? located: 7,298

Permits Applied for the Structure

31402, 230 PM Permit Application Details | CityView

Permit Application 1

application number: PR18201900298
 application status: Expired
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(433) 790-4075
 master project: MP2019000354
 application type: Commercial Building
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Permit Application Details

work class: Alteration
 department: Building Services
 description of work: Remove Existing Doorway and Replace with New

building use: Commercial
 plan checker: Steve Osgood
 entered by: Jerry Carter

inspector: John Grubbs
 location directions: Pleasants Landing Marina

no fees?

2 - occupancy codes
 Occupancy Code §
 Business - general offices (B)
 Residential - hotels "transient" (R-1)

1 - construction types
 Construction Type §
 Type VB (Unprotected)

jurisdiction: Jackson
 zoning: C-2 - General Commercial
 date issued: mm/dd/yyyy
 occupancy inspection required:

land use: none
 date expiration: mm/dd/yyyy
 total valuation: \$74.25
 use custom valuation:

Zoning Details
 located on later annual:
 subdivision: Pleasants Landing
 lotsize: 7.298

31402, 231 PM Permit Application Details | CityView

Permit Application 1

application number: PR18201900298
 application status: Expired
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(433) 790-4075
 master project: MP2019000354
 application type: Commercial Building
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Permit Application Details

work class: Alteration
 department: Building Services
 description of work: New Sainway & Landing Accessing Small 2 Story Structure

building use: Commercial
 plan checker: Steve Osgood
 entered by: Jenny Carter

inspector: John Grubbs
 location directions: Pleasants Landing Marina

no fees?

2 - occupancy codes
 Occupancy Code §
 Business - general offices (B)
 Residential - hotels "transient" (R-1)

1 - construction types
 Construction Type §
 Type VB (Unprotected)

jurisdiction: Jackson
 zoning: C-2 - General Commercial
 date issued: mm/dd/yyyy
 occupancy inspection required:

land use: none
 date expiration: mm/dd/yyyy
 total valuation: \$1,500.00
 use custom valuation:

Zoning Details
 located on later annual:
 subdivision: Pleasants Landing
 lotsize: 7.298

Description of Work for Change of Use Permit PRIB201900199

Permit Application 1

application number: MPB2019000237
 application status: entered on 02/13/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Master project
 master project number: MPB2019000237
 primary contact: Valerie Holdings of Virginia LLC, Address: 6743 Tarpleys Tavern Rd, Phone: (443) 790-4075

Permit Application Details

work class: Alteration
 building use: Commercial
 no fees:

department: Building Services
 plan checker: Steve Osgood
 inspector: Paul Snyder
 entered by: Jenny Carter
 location direction: location directions

description of work: Change in use to a, use in residential above to change to R-1, the use will change R-1 due to its use being a Studio/Apartment and being primarily transient, will be permitting upstairs change of use after finding this permit. Owner has been informed that the lower level will need 1 occupancy codes

Occupancy Code: 1
 Construction Type: 1
 Type: V8 (Unprotected)
 land use: none

Business - General offices (B)
 Jurisdiction: Jackson
 zoning: C-2 - General Commercial
 date issued: 02/13/2019
 date expiration: 08/13/2019
 use custom valuation:

occupancy inspection required:
 real valuation: \$57,915.00

Zoning Details
 located on late area?
 building height: 7.29
 zoning permit number: 7.29
 foundation survey required?
 setback certification required?
 shrink swell report required?

Setbacks
 proposed front setbacks: (recommended)
 proposed rear setbacks: (recommended)
 proposed side setbacks: (recommended)

https://www.louisiana.gov/OnlineView/2019000237/Workbooks/PermitApplication/PRIB2019000237/PRIB2019000237/PRIB2019000237

Request for Certificate of Occupancy - **Lower Level Only - Partial use by "The Encumbered"***

Change of Use to B, use of Residence above to change to R-1, the use will change R-1 due to its use being a Studio/Apartment and being primarily transient, will be permitting upstairs change of use after closing this permit. Owner has been informed that the lower level will need to be separated from the R-1 occupancy above and fire rated, before any use of the upper level. (per Paul Snyder Building Official)



County of Louisa
Certificate of Occupancy
 Commercial Building

USBC Edition: 2012
 Permit Number: PRIB2019000199
 CO Issue: February 13, 2019

OWNER NAME: Valeric Holdings of Virginia LLC
OWNER ADDRESS: 6743 Temples Tavern Rd
 Williamsburg, VA 23188
OWNER PHONE: (441) 790-4075

CONTRACTOR NAME: Valeric Holdings of Virginia LLC
CONTRACTOR ADDRESS: 6743 Temples Tavern Rd
 Williamsburg, VA 23188
CONTRACTOR PHONE: (441) 790-4075

CONTRACTOR PHONE: (441) 790-4075
ZONING INSPECTOR COMMENTS: No
OF RECEIVERS: HEALTH PERMIT NO:
ZONING NO:
TAX MAP NO: 47 11 B2
DISTRICT: Jackson
SUPERVISOR: PRESENTS LAMING
USE GROUP: Commercial
CONST TYPE:
MAX GCS:
ZONING: C-2 - General Commercial
SPRINKLER:

REASON FOR CERTIFICATE OF OCCUPANCY:
 Lower Level Only - Partial use by The Entrepreneur

REQUIRED SIGNATURES

BUILDING APPROVER: _____ **ZONING APPROVER:** _____

Paul R. Snyder, Building Official
 Zoning Administrator

Certificate of Occupancy Issued
for Permit PRIB2019000199

Expired Permit for Balcony with Outstanding Fees

3/14/2023 2:24 PM

Permit Application 1

application number: PR18201900296
 master project: MP2019000352
 application type: Commercial Building
 application status: Expired
 entered on: 03/11/2019
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075
 primary location (email only): 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Permit Application Details

work items: Alteration department: Building Services description of work: New 11 x 8 Balcony for Existing 2 Story Structure
 building use: Commercial
 plan checker: Steve Osgood
 inspector: John Grubbs
 location directions: Pleasants Landing Marina
 entered by: Jerry Carter
 no fees:

2 occupancy codes
 Occupancy Code 8: Business - general offices (B)
 Residential - hotels transient (R-1)

Jurisdiction: Jackson
 zoning: C-3 - General Commercial
 date issued: mm/dd/yyyy
 occupancy inspection required:

total valuation: \$1,500.00
 use custom valuation:

Zoning Details
 located on lake/river:
 building height:

foundation survey required?
 -NONE -

Setbacks
 proposed front setbacks (recommended):
 proposed rear setbacks (recommended):

proposed left:
 proposed right:

in ground corner setbacks:

3/14/2023 2:24 PM

Permit Application 1

application number: PR18201900296
 master project: MP2019000352
 application type: Commercial Building
 application status: Expired
 entered on: 03/11/2019
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Permit Application Details

\$ 4 Fees

| Type | Quantity | Amount | Payable | Amount Paid | Amount Owning | Date Paid |
|--|----------|----------|-------------------------------------|-------------|---------------|------------|
| Single-Family, Multi-Family, Indust., Manufactured | | \$100.00 | <input checked="" type="checkbox"/> | \$0.00 | \$100.00 | |
| Zoning Review Fee-ZONI | | \$75.00 | <input checked="" type="checkbox"/> | \$0.00 | \$75.00 | |
| E&S Fee - MISC | | \$3.50 | <input checked="" type="checkbox"/> | \$0.00 | \$0.00 | 04/25/2019 |
| 2% State Tax Fee-B-F | | \$125.00 | <input checked="" type="checkbox"/> | \$0.00 | \$0.00 | 04/25/2019 |
| Remodeling Fee BLDG | | \$302.50 | <input checked="" type="checkbox"/> | \$0.00 | \$175.00 | |

Permit Application
 application number: PR02011900297
 application status: Expired
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024
 master project: MP2019000353
 application type: Commercial Building

Permit Application Details
 application number: PR02011900297
 application status: Expired
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024
 master project: MP2019000353
 application type: Commercial Building

| Type | Quantity | Amount | Payable | Amount Paid | Amount Due | Date Paid |
|---|----------|----------|-------------------------------------|-------------|------------|-----------|
| Single-Family, Indust., Manufactured Zoning Review Fee-ZONI | | \$100.00 | <input checked="" type="checkbox"/> | \$0.00 | \$100.00 | |
| E&S Fee - MIES9 | | \$75.00 | <input checked="" type="checkbox"/> | \$0.00 | \$75.00 | |
| Non-Residential Building Permt Fee-BLDG | | \$125.00 | <input checked="" type="checkbox"/> | \$0.00 | \$125.00 | |
| 2% State Tax Fee-B+F | | \$2.50 | <input checked="" type="checkbox"/> | \$0.00 | \$2.50 | |
| | | \$302.50 | | \$0.00 | \$302.50 | |

Permit Application
 application number: PR02011900297
 application status: Expired
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024
 master project: MP2019000353
 application type: Commercial Building

Permit Application Details
 application number: PR02011900297
 application status: Expired
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024
 master project: MP2019000353
 application type: Commercial Building

Permit Application Details
 application number: PR02011900297
 application status: Expired
 entered on: 03/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024
 master project: MP2019000353
 application type: Commercial Building

Permit Application Details

work class: Alteration
 building use: Commercial
 plan checker: Steve Osgood
 inspector: John Grubbs
 entered by: Jenny Carter
 location directions: Pleasants Landing Marina

2 occupancy codes
 Occupancy Code 8
 Business - general offices (B)
 Residential - hotels "transient" (R-1)

jurisdiction: Jackson
 zoning: C-2 - General Commercial
 date issued: mm/dd/yyyy
 date expiration: mm/dd/yyyy
 cost valuation: \$174.25
 use custom valuation:

Zoning Details
 located on site area?
 building height: located in floodplain
 foundation survey required?
 setback certification required?
 shrink swell report required?

Setbacks
 proposed front setbacks (recommended)
 proposed rear setbacks (recommended)
 proposed lot
 proposed corner setbacks

Expired Permit to Replace Doorway and Outstanding Fees

Expired Permit for New Stairway & Landing to Access 2nd Story and Outstanding Fees

3/14/21, 2:27 PM

Permit Application Details | CityView

Permit Application |
 application number: PR182019000298
 application status: Expired
 entered on: 03/11/2019
 primary location: 3419 PLEASANTS LANDING RD, BUMPASS VA 23024
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

Permit Application Details |
 master project: MP2019000354
 application type: Commercial Building
 application number: PR182019000298
 application status: Expired
 entered on: 03/11/2019
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

Permit Application Details |
 work class: Alteration
 building use: Commercial
 plan checker: Steve Osgood
 inspector: John Grubbs
 location directions: Pleasants Landing Marina
 no lease?

Permit Application Details |
 occupancy codes: C-2 - General Commercial
 Business - general offices (B)
 Residential - hotels, transient* (R-1)
 jurisdiction: Jackson
 zoning: C-2 - General Commercial
 date issued: 03/11/2019
 total valuation: \$1,500.00

Permit Application Details |
 zoning details: located on lot area?
 building height:
 foundation survey required?
 setbacks: proposed front setbacks (recommended)
 proposed rear setbacks (recommended)
 proposed corner setbacks (recommended)
 proposed left
 proposed right

Permit Application Details |
 quantity: 4
 amount: \$100.00
 payable: \$100.00
 paid: \$0.00
 amount owing: \$100.00

Permit Application Details |
 quantity: 1
 amount: \$75.00
 payable: \$75.00
 paid: \$0.00
 amount owing: \$75.00

Permit Application Details |
 quantity: 1
 amount: \$2.50
 payable: \$2.50
 paid: \$0.00
 amount owing: \$2.50

Permit Application Details |
 quantity: 1
 amount: \$125.00
 payable: \$125.00
 paid: \$0.00
 amount owing: \$125.00

Permit Application Details |
 quantity: 1
 amount: \$302.50
 payable: \$302.50
 paid: \$0.00
 amount owing: \$302.50

Permit Application Details |
 quantity: 1
 amount: \$100.00
 payable: \$100.00
 paid: \$0.00
 amount owing: \$100.00

Permit Application Details |
 quantity: 1
 amount: \$75.00
 payable: \$75.00
 paid: \$0.00
 amount owing: \$75.00

Permit Application Details |
 quantity: 1
 amount: \$2.50
 payable: \$2.50
 paid: \$0.00
 amount owing: \$2.50

Permit Application Details |
 quantity: 1
 amount: \$125.00
 payable: \$125.00
 paid: \$0.00
 amount owing: \$125.00

Permit Application Details |
 quantity: 1
 amount: \$302.50
 payable: \$302.50
 paid: \$0.00
 amount owing: \$302.50

Section 310 Residential Group R

ILLUSTRATION

310.1 Residential Group R

Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code.

310.2 Residential Group R-1

Residential occupancies containing sleeping units or more than two dwelling units, and:

1. The occupants are primarily transient, and
2. There are more than 10 occupants.

310.3 Residential Group R-2

Residential occupancies containing sleeping units or more than two dwelling units where the occupants are not primarily transient.

310.4 Residential Group R-3

Residential occupancies containing no more than two dwelling units and where the occupancy is not classified as Group R-1, R-2, R-4, R-5, or I, and:

1. The occupants are not primarily transient, or
2. There are no more than 10 transient occupants per dwelling unit.

more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

3. A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million, but not more than 2,000 parts per million by volume of gas or vapor, or more than 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume or dust, when administered by continuous inhalation for 1 hour (or less if death occurs within 1 hour) to albino rats weighing between 200 and 300 grams each.

[B6] TRANSIENT. Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

[B5] TRANSIENT AIRCRAFT. Aircraft based at another location and that is at the transient location for not more than 90 days.

[B8] TREATED WOOD. Wood products that are conditioned to enhance fire-retardant or preservative properties.

Fire-retardant-treated wood. Wood products that, when impregnated with chemicals by a pressure process or other means during manufacture, exhibit reduced surface-burning characteristics and resist propagation of fire.

Preservative-treated wood. Wood products that, conditioned with chemicals by a pressure process or other means, exhibit reduced susceptibility to damage by fungi, insects or marine borers.

[B7] TRIM. Picture moldings, chair rails, baseboards, handrails, door and window frames and similar decorative or protective materials used in fixed applications.

[F] TROUBLE SIGNAL. A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

Definition of Residential Group R-1 and the Definition of Transient in Relation to R-1 Occupancy

[B5] SKYLIGHT, UNIT. A factory-assembled, glazed fenestration unit, containing one panel of glazing material that allows for natural lighting through an opening in the roof assembly while preserving the weather-resistant barrier of the roof.

[B5] SKYLIGHTS AND SLOPED GLAZING. Glass or other transparent or translucent glazing material installed at a slope of 15 degrees (0.26 rad) or more from vertical. Unit skylights, tubular daylighting devices, glazing materials, solariums, sunrooms, roofs and sloped walls are included in this definition.

[A] SLEEPING UNIT. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SLIP. A berth or space where a boat may be secured to a fixed or floating structure, including a dock, finger pier, boat lift, or mooring buoy.

[F] SMOKE ALARM. A single- or multiple-station alarm responsive to smoke. See "Multiple-station smoke alarm" and "Single-station smoke alarm."

Above: Definition of Sleeping Unit in 2015 Virginia Building Code

Below and to the Right: Definition of Sleeping Unit and Commentary From 2015 International Building Code and Commentary

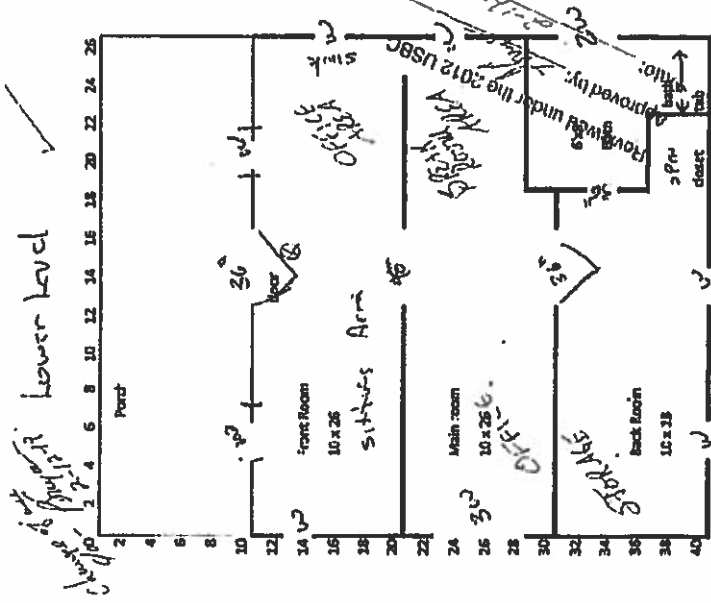
element in a dwelling's internal circulation.

[A] SLEEPING UNIT. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eat-

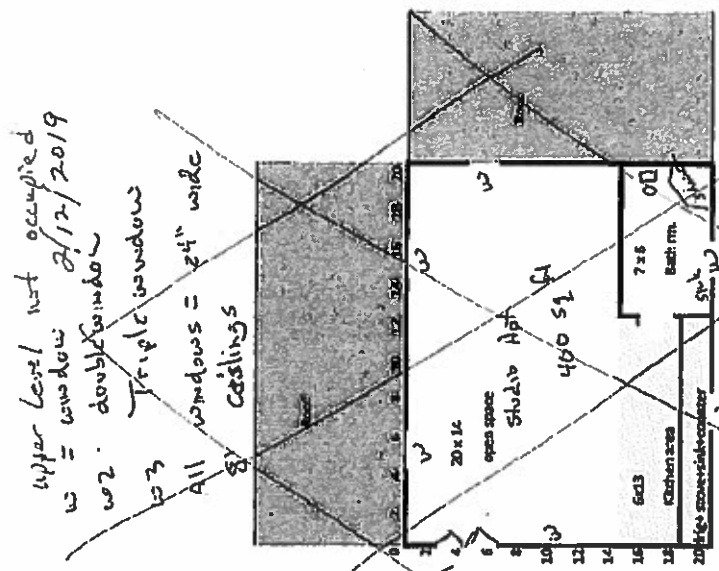
ing and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

↔ This definition is included to coordinate the Fair Housing Act guidelines with the code. The definition for "Sleeping unit" clarifies the differences between sleeping units and dwelling units. In addition, using the term "sleeping unit" for spaces where people sleep will replace a multitude of other terms (i.e., patient room, cell, guestroom) so that there is consistent application across occupancies. Some examples of sleeping units are hotel guest rooms, bedrooms in different types of congregate living facilities; patient sleeping rooms in hospitals, nursing homes or assisted living facilities; or housing cells in a jail. Another example would be a studio apartment with a kitchenette, bathroom, living area, and sleeping unit. Since the cooking arrangements are not the main configuration would be considered a sleeping unit and not a dwelling unit. As defined in the code, a "Dwelling unit" must contain permanent facilities for living, sleeping, eating, cooking and sanitation. The new style of dormitory in colleges consists of two, three or four bedrooms with one or two single occupant bathrooms and a shared living space. These facilities are considered a sleeping unit. Only where there are full cooking and eating facilities (i.e., a kitchen with a range) within the unit, is the unit considered a dwelling unit. The two-, three- or four-bedroom units operate similar to an apartment. Considering this group of rooms a sleeping unit clarifies that the provisions in Chapter 7 to separate dwelling or sleeping units allows for this group of rooms to be separated from adjacent groups and the corridors, but does not require the bedrooms to be separated from the associated living room or bathrooms. This also clarified that only the main corridors have fire alarms, and smoke detectors can be within the unit. With the previous definition, it was not clear if the living and sanitation were considered part of the unit or an extension of the main corridor. Due to how universities administer dormitory assignments, the accessibility provisions in Section 1107 specify that bedrooms within sleeping units are counted separately for purposes of the number of Accessible bedrooms required.

The current definition for sleeping unit does not set a limit on the number of occupants in a sleeping unit. However, for consistency with the application of provisions in Groups I-1.1-2, R-1 and R-2, and where similar facilities are permitted to comply with R-3, provisions of the 2015 International Building Code (IBC) require that sleeping units have a maximum of 10 occupants for compliance with R-3, 10



310 x 26 = 786
 Room sizes are accurate
 windows are approximate
 All windows are 36" above floor



Room in lower level do not have a designate use at this time

Plans that were submitted by Mr. Valerie for Review Back in 2019 for Permit # PR1201900199 with Notes from Previous Building Official Paul Snyder

Exhibit D

From: Vendor Support [mailto:support@weddingpro.com]
Sent: Wednesday, February 2, 2022 1:36 PM
To: mike@pleasantslandings.com
Subject: RE: Pleasants Landings

Hi there,

This is Taylor with your WeddingPro Support Team, just following up with you regarding our phone call.

The account 'Pleasants Landings' was originally created on our site September 30th, 2019.

Below, I've attached all of the images for you.

If you have any questions, let me know.

Thank you Mike!

—
Share [feedback](#) about your experience with me!

Taylor C

WeddingPro Support Specialist

support@weddingpro.com

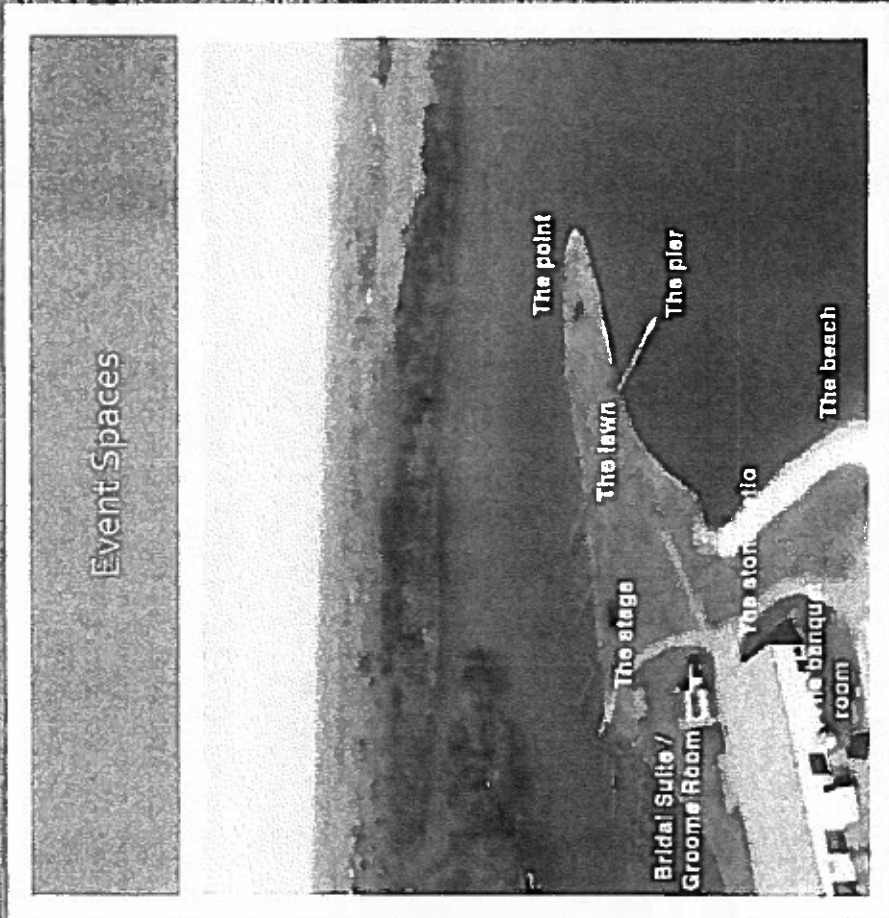
P (877) 331-7752

weddingpro.com

WEDDINGPRO

The power of the pros •     WEDDINGPRO

Figure Taken From a Brochure From Pleasants Landing Showing the Bridal Suite and Grooms Room in the Same Structure



Package

A

What's Included:

- Ceremony Site - we work with you to achieve your vision (set up included, excluding decorations)
- Venue/Day of Coordinator- we will keep the timeline running smoothly and maintain the grounds throughout the wedding
- Reception Area -we work with you to achieve your (set up included, excluding decorations)
- Use of Banquet Room Space
- Use of Golf Cart for transportation only (must have a PL attendant driving)
- Parking Attendant
- Bridal Cottage - full bathroom with shower, small kitchen, sitting area, beauty bar
- Groom's Den - full bathroom with shower, small kitchen, large balcony, area to get ready
- Tables- 10 shiny inch round tables
- 4 six foot rectangle table
- White Polyester Linens
- 100 White Wedding Folding Chairs
- Patio Area
- Fire Pit (wood must be supplied)
- Stage
- Beach
- Use of Fishing Pier
- Private Indoor Bathrooms
- Lawn Games

Use of Pleasants Landing for an Engagement Session

Use of Pleasants Landing's Outdoor and Indoor Area

Friday - 4pm-9pm (Rehearsal Time)
Saturday - 10am-10pm

Pleasants Landing will have staff on site the entire duration of your wedding. We want you and your guest to focus on your big day and leave the small things to us! We arrive to work with our brides from the moment they book until the last dance is called. We are a smaller venue and really focus on making everyone apart of our Pleasants Landing Family for years to come.

Friday's rehearsal includes time to prep the banquet room for your Saturday wedding, assuming there are no Friday events.

All of our couples receive a 4 hour Pontoon Boat Rental the day of your rehearsal wedding. More details available upon booking.

Extras

Clean Up Service--\$500
Rehearsal Dinner in Banquet Room--\$200

Package

B

What's Included:

- Ceremony Site - we work with you to achieve your vision (set up included, excluding decorations)
- Venue/Day of Coordinator- we will keep the timeline running smoothly and maintain the grounds throughout the wedding
- Reception Area -we work with you to achieve your (set up included, excluding decorations)
- Use of Golf Cart for transportation only (must have a PL attendant driving)
- Parking Attendant
- Bridal Cottage - full bathroom with shower, small kitchen, sitting area, beauty bar
- Groom's Den - full bathroom with shower, small kitchen, large balcony, area to get ready
- Tables- 10 sixty inch round tables
- 4 six foot rectangle table
- White Polyester Linens
- 100 White Wedding Folding Chairs
- Fire Pit (wood must be supplied)
- Stage
- Beach
- Use of Fishing Pier
- Lawn Games

Use of Pleasants Landing for an Engagement Session

Use of Pleasants Landing's Outdoor Area

Friday - 4pm-9pm (Rehearsal Time)
Saturday - 10am-10pm

Pleasants Landing will have staff on site the entire duration of your wedding. We want you and your guest to focus on your big day and leave the small things to us! We arrive to work with our brides from the moment they book until the last dance is called. We are a smaller venue and really focus on making everyone apart of our Pleasants Landing Family for years to come.

Friday's rehearsal includes time to prep for your Saturday wedding, assuming there are no Friday events.

All of our couples receive a 4 hour Pontoon Boat Rental the day of your rehearsal wedding. More details available upon booking.

Extras

Clean Up Service--\$500
Rehearsal Dinner in Banquet Room--\$200

Separate
Wedding
Packages
Offered in the
Wedding Guide
Brochure.

Package

What's Included:

- Ceremony Site - we work with you to achieve your vision (set up included, excluding decorations)
- Venue/Day of Coordinator - we will keep the timeline running smoothly and maintain the grounds throughout the wedding
- Reception Area - we work with you to achieve your (set up included, excluding decorations)
- Use of Banquet Room Space
- Use of Golf Cart for transportation only (must have a PI attendant driving)
- Parking Attendant
- Bridal Cottage - full bathroom with shower, small kitchen, sitting area, beauty bar
- Groom's Den - full bathroom with shower, small kitchen, large balcony, area to get ready
- Tables - 10 sixty inch round tables
- 4 six foot rectangle table
- White Polyester Linens
- 100 White Wedding Folding Chairs
- Patio Area
- Private Indoor Bathrooms

Use of Picnics Landing for an Engagement Session



Use of Pleasants Landing's

Indoor Area

Friday - 4pm-8pm (Rehearsal Time)

Saturday - 10am-10pm

Pleasants Landing will have staff on site the entire duration of your wedding. We want you and your guest to focus on your big day and leave the small things to us! We strive to work with our brides from the moment they book until the last dance is called. We are a smaller venue and really focus on making everyone apart of our Pleasants Landing Family for years to come.

Friday's rehearsal includes time to prep the banquet room for your Saturday wedding, assuming there are no Friday events.

All of our couples receive a 4 hour Pastors Best Rental the day of your rehearsal wedding. More details available upon booking.

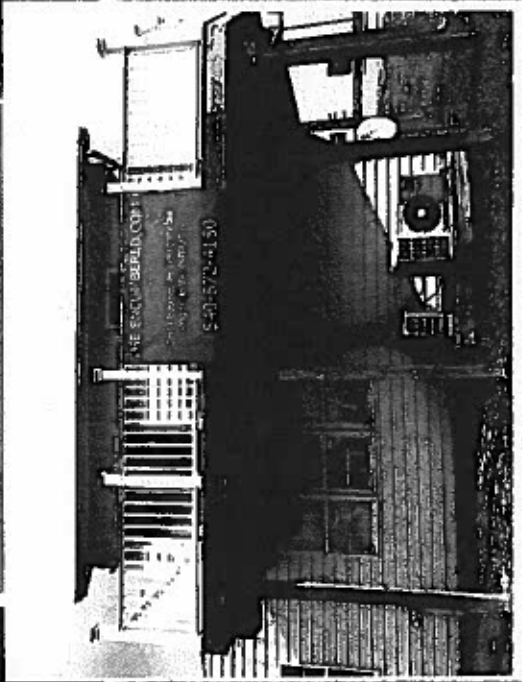
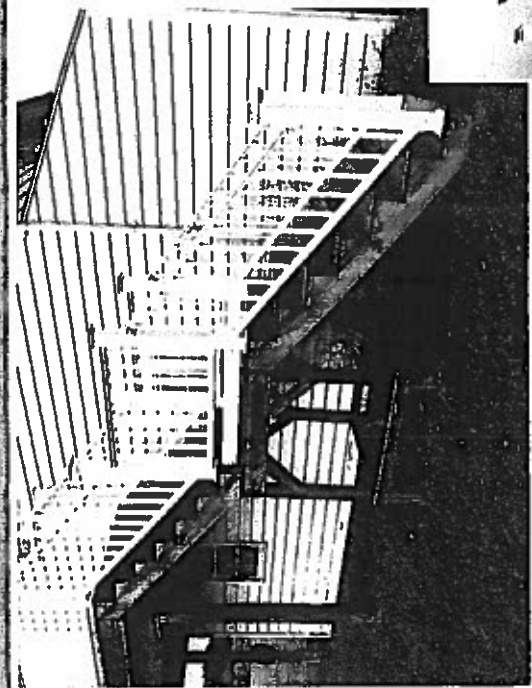
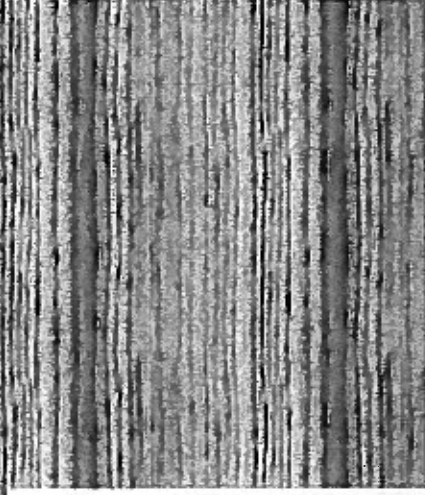
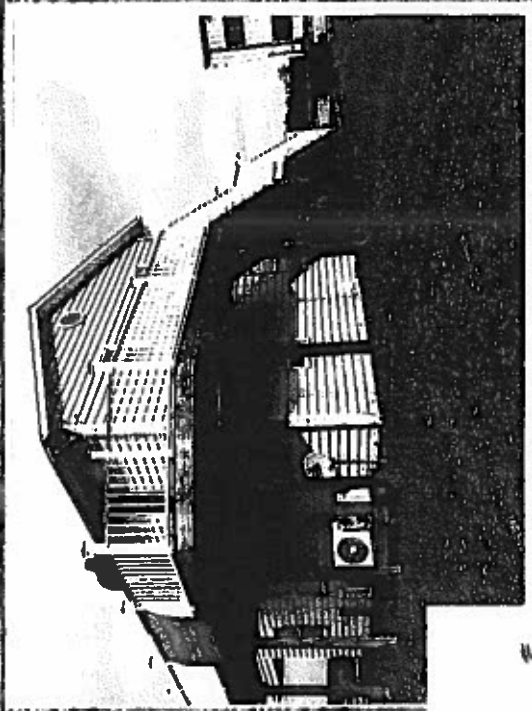
Extras

Clean Up Service-\$500

Rehearsal Dinner in Banquet Room-\$200

Separate Wedding Packages Offered in the Wedding Guide Brochure.

Current Pictures





COUNTY OF LOUISA
COMMUNITY DEVELOPMENT

Phone: (540) 967-3486

Phone: (540) 967-3430

www.louisacounty.com

1/24/2022

Building Official

To: Legal counsel for Vallerie Holdings of Virginia, LLC.
Clark Lening
Lening & Healy, P.C.
P.O. Box 445
Garrisesville, VA 22463

c/o Mr. Michael J. Vallerie
149 Pleasant Landing Road
Blumpass, VA 23024

NOTICE OF UNSAFE BUILDING OR STRUCTURE

This letter is to inform Mr. Michael J. Vallerie and Vallerie Holdings of Virginia, LLC, that the stairway for the smaller 2200 sqft. Building located at 349 Pleasant Landing Road, has been determined by the Building Official to be unsafe and is a danger to the public due to the stairway being non code compliant and in violation of the Virginia Uniform Statewide Building Code, and Section 118 of the VUSBC.

Discrepancies and code violations found on the stairway, are as follows:

- Stair Riser Height: is 8" inches in height, per Section 1011.5.2, Riser height shall be a maximum of 7" inches and a minimum of 4" inches.
- Guard Height: on the stairs is 36" inches in height, per Section 1015.3, the Guard height shall be 42" inches in height, on stairs, landings, ramps and decks.
- Handrails: no handrails installed, per Section 1014.2, a graspable handrail shall be installed at a height of 34" - 38" inches measuring from the nosing of the tread.

1 WOLFOLK AVENUE • Suite 201 • LOUISA, VIRGINIA • 21033 • www.louisacounty.com • 540 • 967 • 3430

**NOTICE OF
UNSAFE
STRUCTURE
SENT
1/24/2022**

- Riser Joint and Stair Handrail: Not installed on the landing or the lower section of stairs, which are required per Section 2304.10.3

- Stairway Fire Separation Distance from the Building: is 23" inches, per Sections 1027.5 and 1027.6 c. (1). Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: adjacent lot lines, and other portions of the building

- Footings: Could not be verified because the footers were poured and covered up a while ago. Will need a structural engineer to verify the footings for code compliance.

All discrepancies cited for the stairway shall be made safe through compliance of the Virginia Uniform Statewide Building Code or shall be taken down and removed if determined necessary by the Building Official. (per Section 118.2)

You will be allowed (60) days from the date of this letter to: (1) Apply and submit a building permit application with two sets of building plans for the repair of the stairway. (2) When your permit is approved you will then come pick up your permit and post it on-site. (3) Once the permit is posted, then and only then will work be allowed to start to repair the unsafe stairway. (4) After the stairway is repaired you will need to schedule an inspection with the Community Development Department, to ensure the stairway is in code compliance.

In closing, NO one or any person shall be allowed on, or be permitted to use the stairway leading to the deck until the stairway has been permitted, repaired, inspected, and approved, or unless otherwise authorized by the Building Official, in writing. If you have any questions or concerns please feel free to contact me.

Respectfully,

John D. Grubbs, III
Building Official
Community Development Department
County of Louisa, VA

RE: 349 Pleasantly Landing Rd, Bumpass, VA 23024 / Building Code Compliance of the Stairway and Deck on the 2200 sqft. Mixed Occupancy (R-1/B) Building.

Stairway

Stairway Width is 36" wide: Complies with Section 1011.5 Ex. (1)

Stair Risers measure 8": Needs Correction per Section 1011.5.2, Riser height shall be a maximum of 7" and a minimum of 4".

Stair Tread Depth is 11": Complies with Section 1011.5.2

Guard Height on Landing is 42": Complies with 1015.3

Guard Height on Stairs and Deck is 36": Needs Correction per Section 1015.3 the required Guard Height shall be 42".

Handrails No Handrails Installed: Needs Correction per Section 1014.2 a graspable handrail shall be installed at a height 34"-38" measuring from the nosing of the tread.

Landing measures 42"x36": Complies with Section 1011.6

Floor Joist and Stair Hangers Not installed on landing or lower section of stairs: Needs Correction per 2304.10.3

Stairway Fire Separation Distance from the Building is 23": Needs Correction per Sections 1027.5 and 1027.6 Ex. (1)

Inspection Report Conducted 1/14/2022

Deck

Floor Joists 2x10's @ 16" o.c. (on center) with an 8' ft. span: Complies with Section 2304.12.1.1

Ledger Board is a 2x10 attached by 1/2" diameter fasteners @ 16" o.c.: Complies with Sections 2304.10 - 2304.10.7

6x6 Posts notched with (2) carriage bolt connections to the (2)x12 Beams: Complies with Table 2304.11 and Section 2304.12.2.2

Beam Span between posts is 8' to 9' ft.: Complies with Section 2304.12.1.1

Lateral Bracing No Lateral Bracing Installed: Needs Correction per Section 1604.8.3 and 1604.9 provisions shall be made for decks attached to buildings, not just for seismic movement but for wind uplift as well.

Footings: Cannot verify: Needs Correction, for both the Stairway and the Deck, the footings could not be verified due the footings had been poured and backfilled prior to Louisa County's inspection. Footings for the Stairway and Deck will need to be verified by a Virginia Certified Structural Engineer or RDP (Registered Design Professional).

**BOARD OF BUILDING APPEALS
COUNTY OF LOUISIA
RESOLUTION**

At a regular meeting of the Board of Building Appeals of the County of Louisa, held in the Public Meeting Room in the Administration Building at 2:00 pm on the 26th day of October, 2017, at which the following members were present, the following resolution was debated by all members of the Board of Building Appeals, the vote being recorded in the minutes of the meeting as shown below:

PRESENT

- Robert D Gregory, Chairman
- William N. Hise, Vice Chairman
- Michael Brooking
- John Nedra
- Doug Whillock
- Earl Poon
- James Peritt

YOTE

- YES
- YES
- YES
- YES
- YES
- YES
- ABSENT

On the motion from Michael Brooking, seconded by John Nedra, which carried by a vote of 6-0, the following resolution was upheld:

A RESOLUTION DENYING THE APPEAL OF VIOLATIONS OF USBC 104.1, 114.1, 116.1, 118.1, 124.1, 126.1, 128.1, 130.1, 132.1, 134.1, 136.1, 138.1, 140.1, 142.1, 144.1, 146.1, 148.1, 150.1, 152.1, 154.1, 156.1, 158.1, 160.1, 162.1, 164.1, 166.1, 168.1, 170.1, 172.1, 174.1, 176.1, 178.1, 180.1, 182.1, 184.1, 186.1, 188.1, 190.1, 192.1, 194.1, 196.1, 198.1, 200.1, 202.1, 204.1, 206.1, 208.1, 210.1, 212.1, 214.1, 216.1, 218.1, 220.1, 222.1, 224.1, 226.1, 228.1, 230.1, 232.1, 234.1, 236.1, 238.1, 240.1, 242.1, 244.1, 246.1, 248.1, 250.1, 252.1, 254.1, 256.1, 258.1, 260.1, 262.1, 264.1, 266.1, 268.1, 270.1, 272.1, 274.1, 276.1, 278.1, 280.1, 282.1, 284.1, 286.1, 288.1, 290.1, 292.1, 294.1, 296.1, 298.1, 300.1, 302.1, 304.1, 306.1, 308.1, 310.1, 312.1, 314.1, 316.1, 318.1, 320.1, 322.1, 324.1, 326.1, 328.1, 330.1, 332.1, 334.1, 336.1, 338.1, 340.1, 342.1, 344.1, 346.1, 348.1, 350.1, 352.1, 354.1, 356.1, 358.1, 360.1, 362.1, 364.1, 366.1, 368.1, 370.1, 372.1, 374.1, 376.1, 378.1, 380.1, 382.1, 384.1, 386.1, 388.1, 390.1, 392.1, 394.1, 396.1, 398.1, 400.1, 402.1, 404.1, 406.1, 408.1, 410.1, 412.1, 414.1, 416.1, 418.1, 420.1, 422.1, 424.1, 426.1, 428.1, 430.1, 432.1, 434.1, 436.1, 438.1, 440.1, 442.1, 444.1, 446.1, 448.1, 450.1, 452.1, 454.1, 456.1, 458.1, 460.1, 462.1, 464.1, 466.1, 468.1, 470.1, 472.1, 474.1, 476.1, 478.1, 480.1, 482.1, 484.1, 486.1, 488.1, 490.1, 492.1, 494.1, 496.1, 498.1, 500.1, 502.1, 504.1, 506.1, 508.1, 510.1, 512.1, 514.1, 516.1, 518.1, 520.1, 522.1, 524.1, 526.1, 528.1, 530.1, 532.1, 534.1, 536.1, 538.1, 540.1, 542.1, 544.1, 546.1, 548.1, 550.1, 552.1, 554.1, 556.1, 558.1, 560.1, 562.1, 564.1, 566.1, 568.1, 570.1, 572.1, 574.1, 576.1, 578.1, 580.1, 582.1, 584.1, 586.1, 588.1, 590.1, 592.1, 594.1, 596.1, 598.1, 600.1, 602.1, 604.1, 606.1, 608.1, 610.1, 612.1, 614.1, 616.1, 618.1, 620.1, 622.1, 624.1, 626.1, 628.1, 630.1, 632.1, 634.1, 636.1, 638.1, 640.1, 642.1, 644.1, 646.1, 648.1, 650.1, 652.1, 654.1, 656.1, 658.1, 660.1, 662.1, 664.1, 666.1, 668.1, 670.1, 672.1, 674.1, 676.1, 678.1, 680.1, 682.1, 684.1, 686.1, 688.1, 690.1, 692.1, 694.1, 696.1, 698.1, 700.1, 702.1, 704.1, 706.1, 708.1, 710.1, 712.1, 714.1, 716.1, 718.1, 720.1, 722.1, 724.1, 726.1, 728.1, 730.1, 732.1, 734.1, 736.1, 738.1, 740.1, 742.1, 744.1, 746.1, 748.1, 750.1, 752.1, 754.1, 756.1, 758.1, 760.1, 762.1, 764.1, 766.1, 768.1, 770.1, 772.1, 774.1, 776.1, 778.1, 780.1, 782.1, 784.1, 786.1, 788.1, 790.1, 792.1, 794.1, 796.1, 798.1, 800.1, 802.1, 804.1, 806.1, 808.1, 810.1, 812.1, 814.1, 816.1, 818.1, 820.1, 822.1, 824.1, 826.1, 828.1, 830.1, 832.1, 834.1, 836.1, 838.1, 840.1, 842.1, 844.1, 846.1, 848.1, 850.1, 852.1, 854.1, 856.1, 858.1, 860.1, 862.1, 864.1, 866.1, 868.1, 870.1, 872.1, 874.1, 876.1, 878.1, 880.1, 882.1, 884.1, 886.1, 888.1, 890.1, 892.1, 894.1, 896.1, 898.1, 900.1, 902.1, 904.1, 906.1, 908.1, 910.1, 912.1, 914.1, 916.1, 918.1, 920.1, 922.1, 924.1, 926.1, 928.1, 930.1, 932.1, 934.1, 936.1, 938.1, 940.1, 942.1, 944.1, 946.1, 948.1, 950.1, 952.1, 954.1, 956.1, 958.1, 960.1, 962.1, 964.1, 966.1, 968.1, 970.1, 972.1, 974.1, 976.1, 978.1, 980.1, 982.1, 984.1, 986.1, 988.1, 990.1, 992.1, 994.1, 996.1, 998.1, 1000.1

Whereas, code violations were cited, and

Whereas, the Board of Building Appeals upheld the decision made by the Louisa County Building Official; and

Whereas, the property subject to this appeal is located at 349 Pleasant Landing Road, Bumpass, Va., Tax Map # 47-11-02.

Now, Therefore Be It Resolved that the Louisa County Board of Building Appeals hereby denies the appeal made by Yelverton Holdings of Virginia, LLC on Sections 104.1, 114.1, 116.1, 118.1, 124.1, 126.1, 128.1, 130.1, 132.1, 134.1, 136.1, 138.1, 140.1, 142.1, 144.1, 146.1, 148.1, 150.1, 152.1, 154.1, 156.1, 158.1, 160.1, 162.1, 164.1, 166.1, 168.1, 170.1, 172.1, 174.1, 176.1, 178.1, 180.1, 182.1, 184.1, 186.1, 188.1, 190.1, 192.1, 194.1, 196.1, 198.1, 200.1, 202.1, 204.1, 206.1, 208.1, 210.1, 212.1, 214.1, 216.1, 218.1, 220.1, 222.1, 224.1, 226.1, 228.1, 230.1, 232.1, 234.1, 236.1, 238.1, 240.1, 242.1, 244.1, 246.1, 248.1, 250.1, 252.1, 254.1, 256.1, 258.1, 260.1, 262.1, 264.1, 266.1, 268.1, 270.1, 272.1, 274.1, 276.1, 278.1, 280.1, 282.1, 284.1, 286.1, 288.1, 290.1, 292.1, 294.1, 296.1, 298.1, 300.1, 302.1, 304.1, 306.1, 308.1, 310.1, 312.1, 314.1, 316.1, 318.1, 320.1, 322.1, 324.1, 326.1, 328.1, 330.1, 332.1, 334.1, 336.1, 338.1, 340.1, 342.1, 344.1, 346.1, 348.1, 350.1, 352.1, 354.1, 356.1, 358.1, 360.1, 362.1, 364.1, 366.1, 368.1, 370.1, 372.1, 374.1, 376.1, 378.1, 380.1, 382.1, 384.1, 386.1, 388.1, 390.1, 392.1, 394.1, 396.1, 398.1, 400.1, 402.1, 404.1, 406.1, 408.1, 410.1, 412.1, 414.1, 416.1, 418.1, 420.1, 422.1, 424.1, 426.1, 428.1, 430.1, 432.1, 434.1, 436.1, 438.1, 440.1, 442.1, 444.1, 446.1, 448.1, 450.1, 452.1, 454.1, 456.1, 458.1, 460.1, 462.1, 464.1, 466.1, 468.1, 470.1, 472.1, 474.1, 476.1, 478.1, 480.1, 482.1, 484.1, 486.1, 488.1, 490.1, 492.1, 494.1, 496.1, 498.1, 500.1, 502.1, 504.1, 506.1, 508.1, 510.1, 512.1, 514.1, 516.1, 518.1, 520.1, 522.1, 524.1, 526.1, 528.1, 530.1, 532.1, 534.1, 536.1, 538.1, 540.1, 542.1, 544.1, 546.1, 548.1, 550.1, 552.1, 554.1, 556.1, 558.1, 560.1, 562.1, 564.1, 566.1, 568.1, 570.1, 572.1, 574.1, 576.1, 578.1, 580.1, 582.1, 584.1, 586.1, 588.1, 590.1, 592.1, 594.1, 596.1, 598.1, 600.1, 602.1, 604.1, 606.1, 608.1, 610.1, 612.1, 614.1, 616.1, 618.1, 620.1, 622.1, 624.1, 626.1, 628.1, 630.1, 632.1, 634.1, 636.1, 638.1, 640.1, 642.1, 644.1, 646.1, 648.1, 650.1, 652.1, 654.1, 656.1, 658.1, 660.1, 662.1, 664.1, 666.1, 668.1, 670.1, 672.1, 674.1, 676.1, 678.1, 680.1, 682.1, 684.1, 686.1, 688.1, 690.1, 692.1, 694.1, 696.1, 698.1, 700.1, 702.1, 704.1, 706.1, 708.1, 710.1, 712.1, 714.1, 716.1, 718.1, 720.1, 722.1, 724.1, 726.1, 728.1, 730.1, 732.1, 734.1, 736.1, 738.1, 740.1, 742.1, 744.1, 746.1, 748.1, 750.1, 752.1, 754.1, 756.1, 758.1, 760.1, 762.1, 764.1, 766.1, 768.1, 770.1, 772.1, 774.1, 776.1, 778.1, 780.1, 782.1, 784.1, 786.1, 788.1, 790.1, 792.1, 794.1, 796.1, 798.1, 800.1, 802.1, 804.1, 806.1, 808.1, 810.1, 812.1, 814.1, 816.1, 818.1, 820.1, 822.1, 824.1, 826.1, 828.1, 830.1, 832.1, 834.1, 836.1, 838.1, 840.1, 842.1, 844.1, 846.1, 848.1, 850.1, 852.1, 854.1, 856.1, 858.1, 860.1, 862.1, 864.1, 866.1, 868.1, 870.1, 872.1, 874.1, 876.1, 878.1, 880.1, 882.1, 884.1, 886.1, 888.1, 890.1, 892.1, 894.1, 896.1, 898.1, 900.1, 902.1, 904.1, 906.1, 908.1, 910.1, 912.1, 914.1, 916.1, 918.1, 920.1, 922.1, 924.1, 926.1, 928.1, 930.1, 932.1, 934.1, 936.1, 938.1, 940.1, 942.1, 944.1, 946.1, 948.1, 950.1, 952.1, 954.1, 956.1, 958.1, 960.1, 962.1, 964.1, 966.1, 968.1, 970.1, 972.1, 974.1, 976.1, 978.1, 980.1, 982.1, 984.1, 986.1, 988.1, 990.1, 992.1, 994.1, 996.1, 998.1, 1000.1 of the Louisa County Building Official.

Now, Therefore Be It Further Resolved, "Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board of submitting an application to the State Building Code Technical Review Board within 21 calendar days. Application forms are available from the Office of the State Building Code Technical Review Board, 301 North Second Street, Richmond, Virginia 23219."

A Copy, testee:


 Robert D. Gregory, Chairman
 Board of Building Appeals
 Louisa County, Virginia

**2017 Louisa
County Board of
Building
Appeals
Resolution**

References

1. All Information Related to and Found In Permits (Dees, Inspections, Notice of Unsafe Structures, Permit Summaries, Procs, etc.) Were Pulled From Community Development's CityView and Personnel Files (Used in Slides 3-9, 12, 17-20)
2. Sleeping Unit and Transient Definitions Were Pulled From 2018 Virginia Construction Code, Section 202 (Used in Slides 10 and 11)
3. Residential Group R-4 Description Was Pulled From 2018 Virginia Construction Code, Section 310.2 (Used in Slide 10)
4. Second Definition of Sleeping Unit and Commentary Were Pulled From 2018 International Building Code and Commentary (Used in Slide 11)
5. Event Spaces Figure Pulled From an Online Brochure Found on Pleanan's Landing's Website (<https://www.pleananlandings.com/weddings/wp-content/uploads/2020/04/Peasants-Landing-New-Brochure-2.pdf> Used in Slide 14)
6. All Bridal Package Figures Were Pulled From Pleanan's Landing's Wedding Guide Brochure Found on Wedding Wire (<https://www.weddingwire.com/south/37274706778/peasants-landing-wire> (08/5/2017) 0074H of Wedding Wire) Used in Slides 15 & 16)

RE: 349 Pleasants Landing Rd. Bumpass, VA 23024 / Building Code Compliance of the Stairway and Deck on the 2200 sqft. Mixed Occupancy (R-1/B) Building.

Stairway

Stairway Width is 36" wide: Complies with Section 1011 Ex. (1)

Stair Risers measure 8": Needs Correction per Section 1011.5.2, Riser height shall be a maximum of 7" and a minimum of 4".

Stair Tread Depth is 11": Complies with Section 1011.5.2

Guard Height on Landing is 42": Complies with 1015.3

Guard Height on Stairs and Deck is 36": Needs Correction per Section 1015.3 the required Guard Height shall be 42".

Handrails No Handrails Installed: Needs Correction per Section 1014.2 a graspable handrail shall be installed at a height 34"-38" measuring from the nosing of the tread.

Landing measures 42"x36": Complies with Section 1011.6

Floor Joist and Stair Hangers Not installed on landing or lower section of stairs: Needs Correction per 2304.10.3

Stairway Fire Separation Distance from the Building is 23": Needs Correction per Sections 1027.5 and 1027.6 Ex. (1)

Deck

Floor Joists 2x10's @ 16" o.c. (on center) with an 8' ft. span: **Complies** with Section 2304.12.1.1

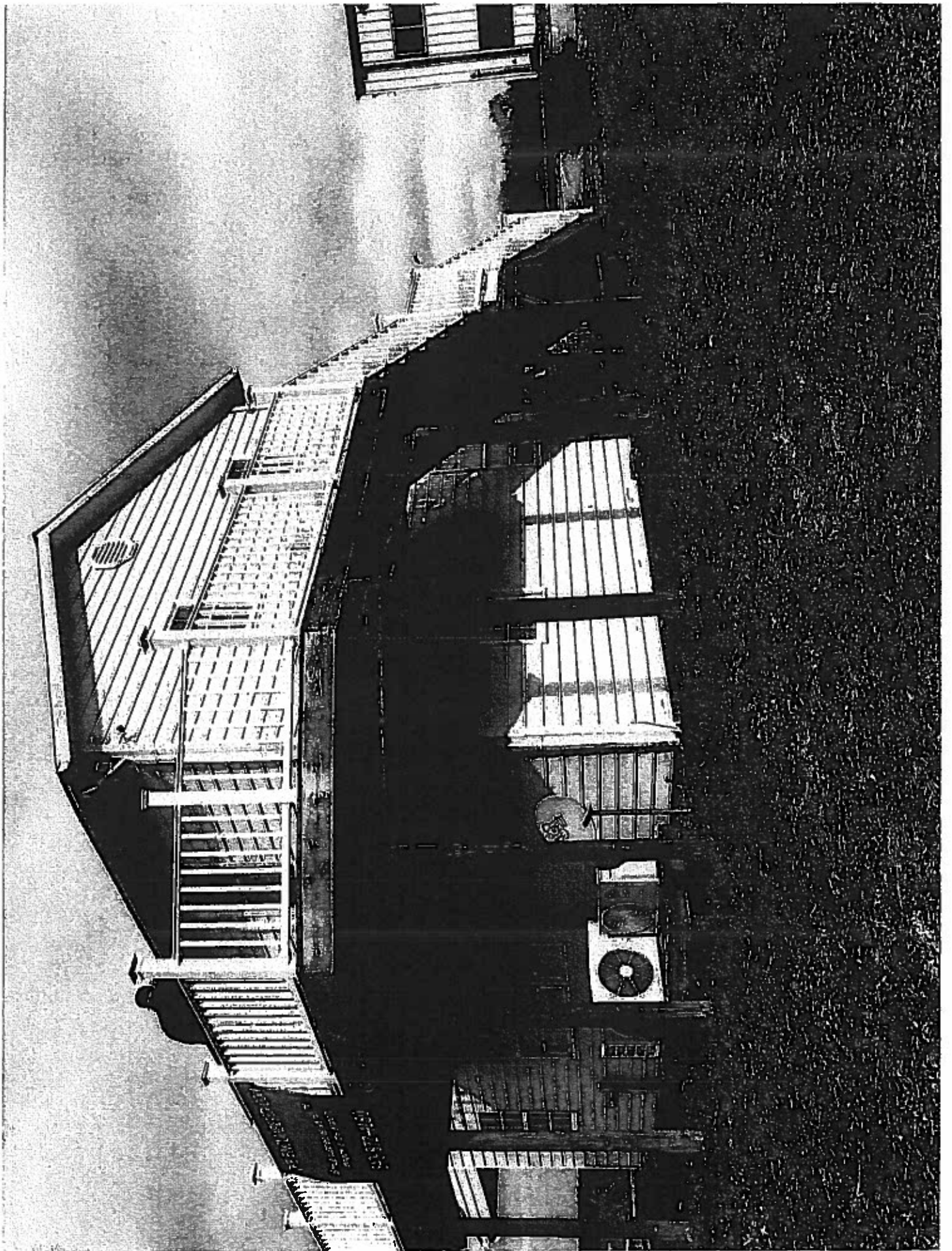
Ledger Board is a 2x10 attached by ½" diameter fasteners @ 16" o.c.: **Complies** with Sections 2304.10 – 2304.10.7

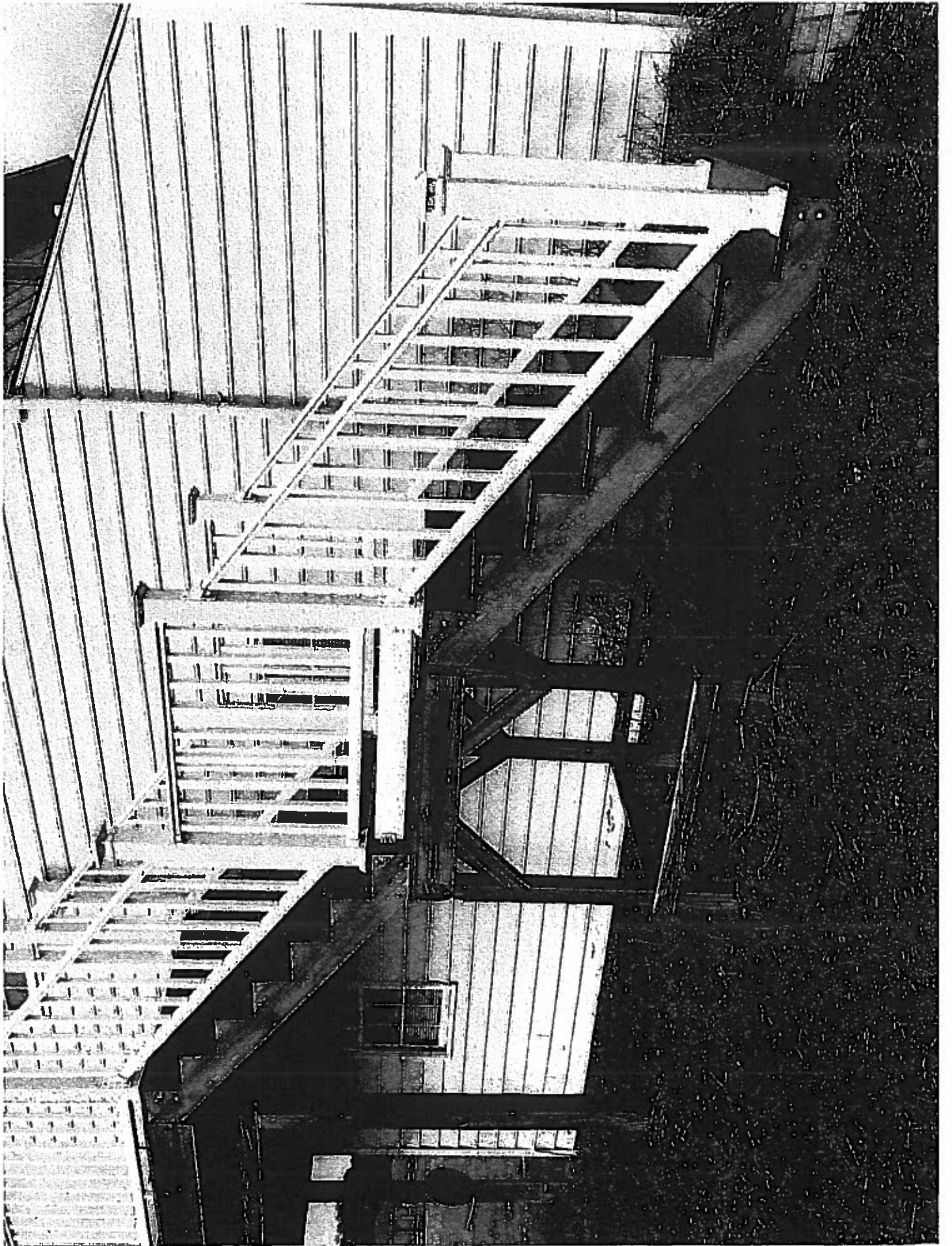
6x6 Posts notched with (2) carriage bolt connections to the (2)2x12 Beams: **Complies** with Table 2304.11 and Section 2304.12.2.2

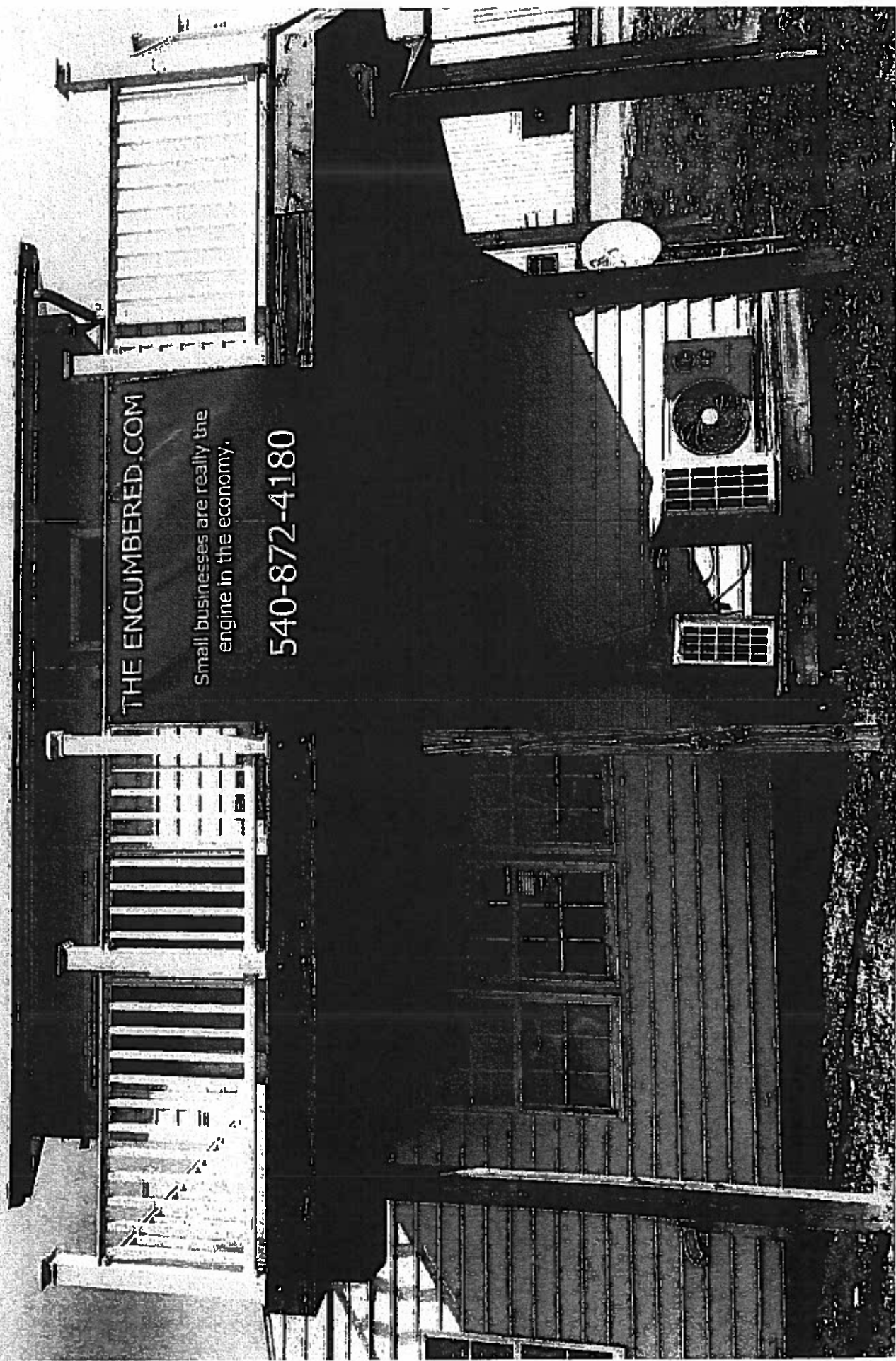
Beam Span between posts is 8' to 9' ft.: **Complies** with Section 2304.12.1.1

Lateral Bracing No Lateral Bracing Installed: **Needs Correction** per Section 1604.8.3 and 1604.9 provisions shall be made for decks attached to buildings, not just for seismic movement but for wind uplift as well.

Footings: Cannot verify: **Needs Correction**, for both the Stairway and the Deck, the footings could not be verified due the footings had been poured and backfilled prior to Louisa County's Inspection. Footings for the Stairway and Deck will need to be verified by a Virginia Certified Structural Engineer or RDP (Registered Design Professional).







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PowerPoint Outline:

Section 1- Title and Intent

Slide 1- Title

Slide 2- Intent of Presentation

Section 2- Pictures, Inspection Results, and Notice of Unsafe Structures

Slide 3- Pictures Taken During Inspection

Slide 4- Inspection Report Conducted on 1/14/2022

Slide 5- Notice of Unsafe Structure Sent 1/24/2022

Section 3- Permits Opened/Expired and CO's Given for Structure

Slide 6- PRIB201900199 with Description of Work, Enlarged

Slide 7- Plan Mr. Vallerie Submitted with Notes from Previous Building Official, Paul Snyder

Slide 8- PRIB201900199 CO Issued

Slide 9- PRIB201900199 & PRIB201900296

Slide 10- PRIB201900297 & PRIB201900298

Section 4- Current Use of Structure

Slide 11- Figure Taken from Pricing Brochure Showing Bridal Suite/Grooms Den in Same Structure

Slide 12- Packages Taken from Pricing Brochure that Describes the Bridal Suite and Groom's Den

Slide 13- Packages Taken from Pricing Brochure that Describes the Bridal Suite and Groom's Den

Section 5- Definitions and Commentary Pertaining to this Appeal

Slide 14- Section 310.2 of 2018 Virginia Construction Code Residential Group R-1 and Transient Definitions

Slide 15- Definition of Sleeping Unit in 2018 Virginia Construction Code and the definition/commentary for Sleeping Units in the 2018 International Building Code and Commentary

Section 6- 2017 LCBBA Resolution

Slide 16- 2017 LCBBA Resolution

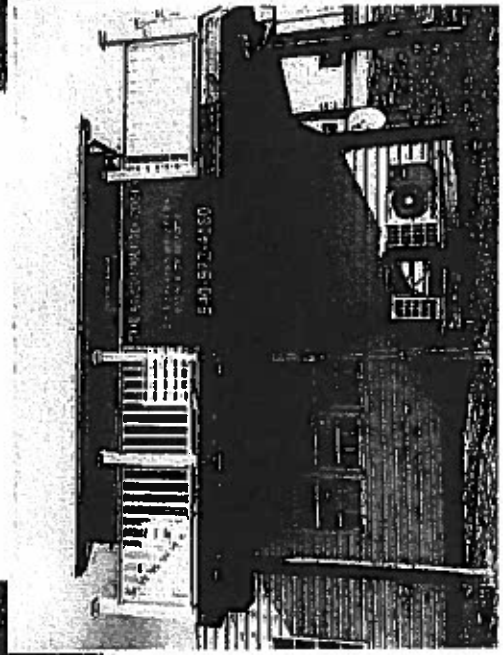
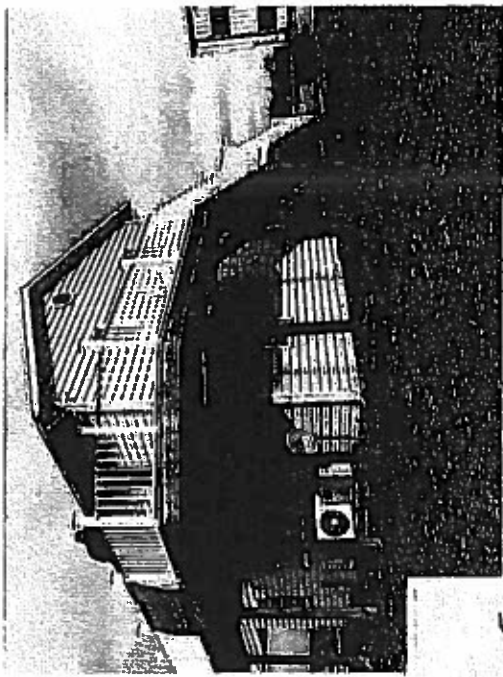
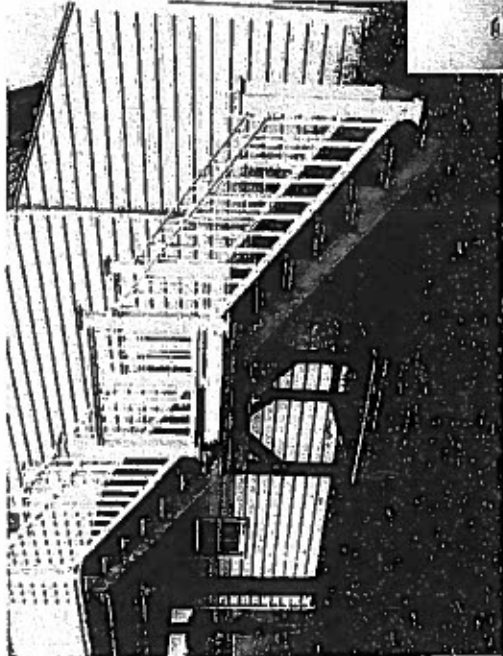
Section 7- References

Slide 17- References

Louisa County Community Development's
Presentation For:
Structure at 349 Pleasants Landing Road
Appeal Hearing

By the end of this presentation, it is my intention to prove that the stairway leading to the 2nd story of the structure at 349 Pleasants Landing is an unsafe structure as defined by the 2018 Virginia Construction Code and 2018 International Building Code

Current Pictures



RE: 349 Pleasanton Landing Rd., Business, VA 23024 / Building Code Compliance of the Stairway and Deck on the 2200 sqft. Mixed Occupancy (R-1/B) Building.

Stairway

Stairway Width is 36" wide: Complies with Section 1011.6 Ex. (1)

Stair Risers measure 8": ~~Needs Correction~~ per Section 1011.5.2. Riser height shall be a maximum of 7" and a minimum of 4".

Stair Tread Depth is 11": Complies with Section 1011.5.2

Guard Height on Landing is 42": Complies with 1015.3

Guard Height on Stairs and Deck is 36": ~~Needs Correction~~ per Section 1015.3 the required Guard Height shall be 42".

Handrails No Handrails Installed: ~~Needs Correction~~ per Section 1014.2 a graspable handrail shall be installed at a height 34"-36" measuring from the nosing of the tread.

Landing measures 42"x36": Complies with Section 1011.6

Floor Joist and Stair Hangers Not installed on landing or lower section of stairs: ~~Needs Correction~~ per 2304.10.3

Stairway Fire Separation Distance from the building is 23": ~~Needs Correction~~ per Sections 1027.5 and 1027.6 Ex. (1)

Deck

Floor Joists 2x10's @ 16" o.c. (on center) with an 8' ft. span: Complies with Section 2304.12.1.1

Ledger Board is 2x10 attached by 1/2" diameter fasteners @ 16" o.c.: Complies with Section 2304.10-2304.10.7

6x6 Posts notched with (2) carriage bolt connections to the (2)2x12 Beams: Complies with Table 2304.11 and Section 2304.12.2.2

Beam Span between posts is 8' to 9' ft.: Complies with Section 2304.12.1.1

Lateral Bracing No Lateral Bracing Installed: ~~Needs Correction~~ per Section 1604.3.3 and 1604.9 provisions shall be made for decks attached to buildings, not just for seismic movement but for wind uplift as well.

Footings: Cannot verify: ~~Needs Correction~~ for both the Stairway and the Deck, the footings could not be verified due the footings had been poured and backfilled prior to Louisa County's Inspection. Footings for the Stairway and Deck will need to be verified by a Virginia Certified Structural Engineer or RDP (Registered Design Professional).

Inspection Report Conducted 1/14/2022



COUNTY OF LOUISA
COMMUNITY DEVELOPMENT Fax (540) 967-3416
www.louisavirginia.com

(540) 967-3430

1/24/2022

Building Official

To: Legal counsel for Valerio Holdings of Virginia, LLC.
 Clark Lenthig
 Lenthig & Easley, P.C.
 P.O. Box 445
 Garrisonville, VA 22463

c/o Mr. Michael J. Valerio
 349 Williams Landing Road
 Damascus, VA 23024

NOTICE OF UNSAFE BUILDING OR STRUCTURE

This letter is to inform Mr. Michael J. Valerio and Valerio Holdings of Virginia, LLC, that the stairway for the smaller 2100 sqft. Building, located at 349 Williams Landing Road, has been determined by the Building Official to be unsafe and is a danger to the public due to the stairway being non code compliant and in violation of the Virginia Uniform Statewide Building Code, and Sections 118 of the VUSBC.

Discussions and code violations issued on this stairway are as follows:

- **Stair Rise Height:** is 8" inches in height, per Section 1011.5.2, Rise height shall be a maximum of 7" inches and a minimum of 4" inches.
- **Guard Heights:** on the stairs is 36" inches in height, per Section 1015.3, the Guards height shall be 42" inches in height, on stairs, landings, ramps and decks.
- **Handrails:** no handrails installed, per Section 1014.2, a graspable handrail shall be installed at a height of 34" - 38" inches measured from the nosing of the tread.

1 WOODPOLE AVENUE • SUITE 201 • LOUISA, VIRGINIA • 22093 • www.louisavirginia.com • 540-967-3430

Notice of
Unsafe
Structure
Sent
1/24/2022

- **Floor Jeld and Stair Handrail:** Not installed on the landing or the lower section of stairs, which are required per Section 2304.10.3

- **Stairway Fire Separation Distances:** From the Building is 21" inches, per Sections 1027.5 and 1027.6 ex. (1). *Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: Adjacent lot lines, and other portions of the building.*

- **Footings:** Could not be verified because the footers were painted and covered up a while ago. Will need a structural engineer to verify the footings for code compliance.

All discussions cited for the stairway shall be made safe through compliance of the Virginia Uniform Statewide Building Code or shall be taken down and removed if determined necessary by the Building Official. (per Section 118.2)

You will be allowed (60) days from the date of this letter to: (1) Apply and submit a building permit application with two sets of building plans for the repair of the stairway. (2) When your permit is approved you will then come pick up your permit and post it on-site. (3) Once the permit is posted, then and only then will you be allowed to start to repair the unsafe stairway. (4) After the stairway is repaired you will need to schedule an inspection with the Community Development Department, to ensure the stairway is in code compliance.

In closing, NO one or any person shall be allowed on, or be permitted to use the stairway leading to the deck until the stairway has been permitted, repaired, inspected, and approved, or unless otherwise authorized by the Building Official, in writing. If you have any questions or concerns please feel free to contact me.

Respectfully,

John D. Grabbie, III
 Building Official
 Community Development Department
 County of Louisa, VA

Description of Work for Change of Use Permit PRIB201900199

Permit Application 1

application number: MP2019000237
 application status: Closed
 entered on: 02/13/2019
 application type: Commercial Building
 primary contact: Valerie Holdings of Virginia LLC, Address: 6743 Terneys Tavern Rd, Phone: (43) 790-4075
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA, 23024

Permit Application Details

work class: Alteration
 building use: Commercial
 plan checker: Steve Osgood
 inspector: Paul Snyder
 no fees? no fees?
 entered by: Jenny Carter
 location description: location description

description of work: I will lift us case to its case on residential occupy (R) use being a Studio/Apartment and being primarily transient. Will be permitting upstairs changes of use after raising this permit. Owner has been informed that the lower level will remain.

occupancy code: C2 - General Commercial
 construction type: Type US (Unprotected)
 lead use: no

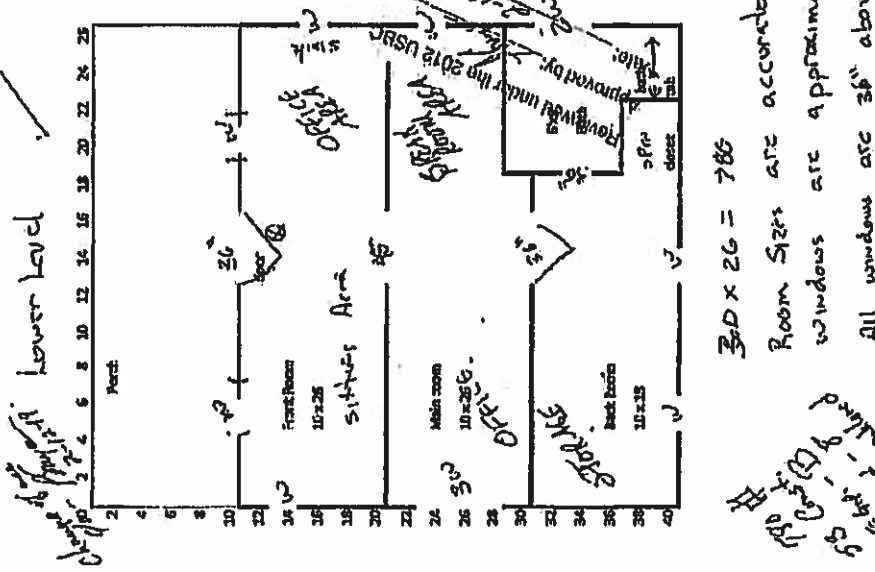
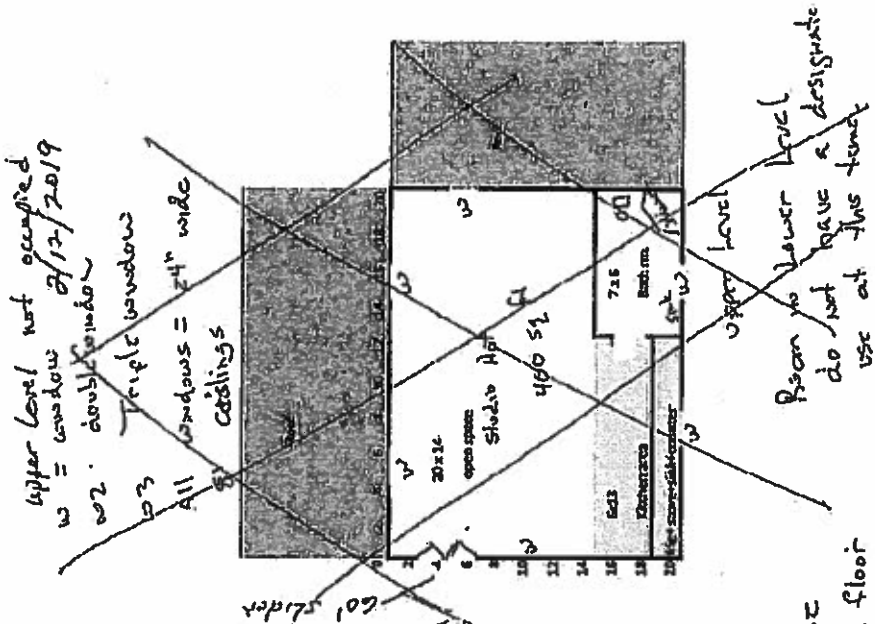
date issued: 02/13/2019
 occupancy inspection required:
 total valuation: \$57,015.00
 date expiration: 08/13/2019
 use custom valuation: no

Zoning Details
 located on later permit?
 subdivision: Pleasant's Landing
 zoning permit number: 7.25
 building height: located in township
 resolution survey required?
 subcode certification required?
 subcode certification required? - none -
 subcode certification required? - none -
 subcode certification required? - none -
 proposed river subcode: (none)

Request for Certificate of Occupancy - **Lower Level Only - Partial use by "The Encumbered"***

Change of Use to B, use of Residence above to change to R-1, the use will change R-1 due to its use being a Studio/Apartment and being primarily transient, will be permitting upstairs change of use after closing this permit. Owner has been informed that the lower level will need to be separated from the R-1 occupancy above and fire rated, before any use of the upper level. (per Paul Snyder Building Official)

Plans that were Submitted by Mr. Vallerie for Review Back in 2019 for Permit # PRIB201900199 with Notes From Previous Building Official Paul Snyder





County of Louisiana
Certificate of Occupancy
 Commercial Building

LIC#C BIRTHDATE: 2012
 PERMIT#1900199
 ISSUED: February 13, 2019

| | | | |
|------------------------|--|---|---|
| SITE | 349 PLEASANTS LANDING RD, BOURBON LAISSA VA 23804 | CONTRACTOR NAME CONTRACTOR ADDRESS | Valerie Holdings of Virginia LLC 6243 Topdog Trce, Bldg Williamsburg, VA, 23188 |
| OWNER NAME | Valerie Holdings of Virginia LLC | CONTRACTOR PHONE | (433) 790-8075 |
| OWNER ADDRESS | 6243 Topdog Trce, Bldg Williamsburg, VA 23188 | ZONING INSPECTION COMPLETE | N |
| OWNER PHONE | (433) 790-8075 | ZONING | C-3 - General Commercial |
| PERMIT NO. | 1900199 | TAX MAP NO. | 47 11 02 |
| DATE OF ISSUE | February 13, 2019 | DEPARTMENT | Judicial |
| PROJECT NAME | Plazons Landing | STATUS | Submittals |
| PROJECT TYPE | Commercial | USE GROUP | Commercial |
| PROJECT CODE | C-3 - General Commercial | CONTRACT TYPE | NA |
| PROJECT VALUE | NA | STATUS | NA |
| PROJECT ADDRESS | 349 Pleasants Landing Rd, Bourbon Laissa, VA 23804 | ZONING | C-3 - General Commercial |
| PROJECT CONTACT | Valerie Holdings of Virginia LLC 6243 Topdog Trce, Bldg Williamsburg, VA 23188 (433) 790-8075 | SPONSOR | NA |

Certificate of Occupancy Issued

for Permit PRIB201900199

REQUIRED SIGNATURES

Building Approver: _____ Zoning Approver: _____

Paul H. Snyder, Building Official _____
 Zoning Administrator

Permits Applied for the Structure

3/14/2019 2:51 PM

Permitted Details | Permit Application Details | CityView

Permit Application 1

application number: PRB201900199
 master project: MP201900037
 application status: Expired
 entered on: 02/13/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA, 23024
 primary contact: Yallerie Holdings of Virginia LLC, Address:5743 Tarpleys Tavern Rd, Phone:(443) 790-4075
 application type: Commercial Building

Permit Application Details

work class: Alteration
 building use: Commercial
 no fees? no fees?

department: Building Services
 plan checker: Steve Osgood
 entered by: Jenny Carter

inspector: Paul Snyder
 location directions: location directions

description of work: change to RF, the last will change R1, due to its use being a Studio/Apartment and being primarily transient, will be permitting topicals change of use after closing this permit. Owner has been informed that the owner must call 443-790-4075

occupancy codes: 1 | occupancy codes
 construction types: 1 | construction types
 Construction Type: Type VB (Unprotected)

Business - general offices (B)
 jurisdiction: Jackson
 land use: -10018 -

zoning: C-2 - General Commercial
 date issued: 02/13/2019
 use caption: 08/12/2019

total valuation: \$57,915.00
 use custom valuation: use custom valuation

occupancy inspection required:
 zoning details: located on site area?
 subdivision:

3/14/2019 2:51 PM

Permitted Details | Permit Application Details | CityView

Permit Application 1

application number: PRB201900296
 master project: MP201900032
 application status: Expired
 entered on: 02/11/2019
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA, 23024
 primary contact: Yallerie Holdings of Virginia LLC, Address:5743 Tarpleys Tavern Rd, Phone:(443) 790-4075
 application type: Commercial Building

Permit Application Details

work class: Alteration
 building use: Commercial
 no fees? no fees?

department: Building Services
 plan checker: Steve Osgood
 entered by: Jenny Carter

inspector: John Grubbs
 location directions: location directions

description of work: New 11 x 8 Balcony for Existing 2 Story Structure

occupancy codes: 2 | occupancy codes
 construction types: 1 | construction types
 Construction Type: Type VB (Unprotected)

Business - general offices (B)
 jurisdiction: Jackson
 land use: -10018 -

zoning: C-2 - General Commercial
 date issued: 02/11/2019
 use caption: 08/12/2019

total valuation: \$1,500.00
 use custom valuation: use custom valuation

occupancy inspection required:
 zoning details: located on site area?
 subdivision:

Permits Applied for the Structure

3/14/22, 2:28 PM

PERM1900227 | Permit Application Details | CityView

Permit Application 1

application number: **PR190201900227**
 application status: **Expired**
 entered on: **03/11/2019**
 primary location: **349 PLEASANTS LANDING RD, BUMPASS VA 23024**
 master project: **MP2019000353**
 application type: **Commercial Building**

primary contact: **Vallerie Holdings of Virginia LLC, Address:6743 Terpleys Tavern Rd, Phone:(434) 790-4075**

Permit Application Details

work class: **Alteration**
 department: **Building Services**
 description of work: **Remove Existing Downway and Replace with New**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

3/14/22, 2:27 PM

PERM1900228 | Permit Application Details | CityView

Permit Application 1

application number: **PR190201900228**
 application status: **Expired**
 entered on: **03/11/2019**
 primary location: **349 PLEASANTS LANDING RD, BUMPASS VA 23024**
 master project: **MP2019000354**
 application type: **Commercial Building**

primary contact: **Vallerie Holdings of Virginia LLC, Address:6743 Terpleys Tavern Rd, Phone:(434) 790-4075**

Permit Application Details

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

work class: **Alteration**
 department: **Building Services**
 description of work: **New Skyway & Landing Accessing Small 2 Story Structure**
 building use: **Commercial**
 plan checker: **Steve Osgood**
 inspector: **John Grubbs**
 location directions: **Pleasants Landing Marina**
 entered by: **Jenny Carter**

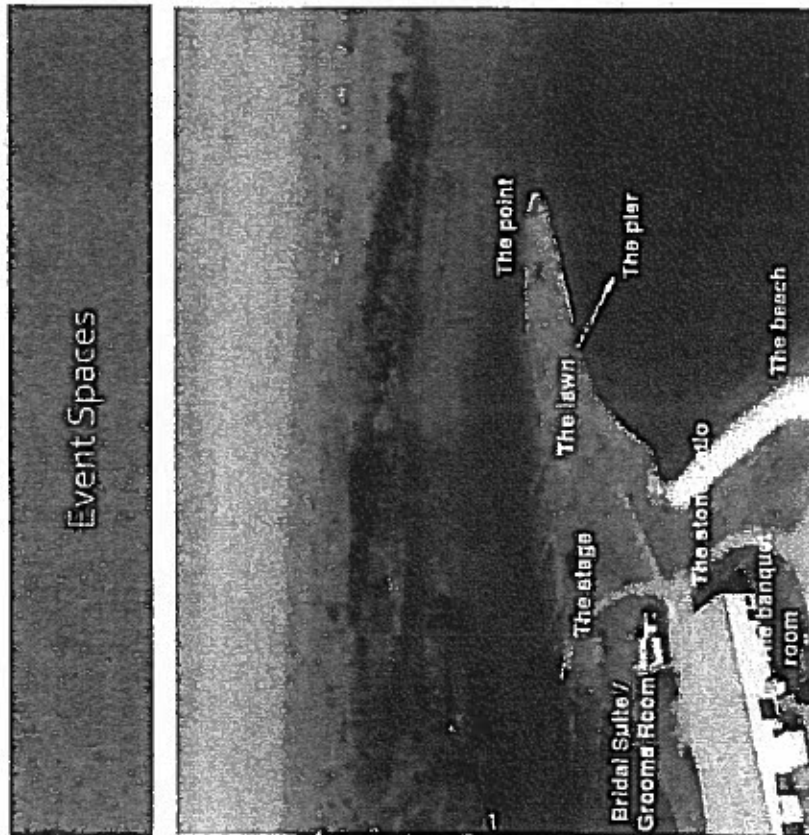


Figure Taken From a Brochure
From Pleasants Landing
Showing the Bridal Suite and
Grooms Room in the Same
Structure

Package

Package

What's Included:

- Ceremony Site - we work with you to achieve your vision (set up included, excluding decorations)
- Venue/Day of Coordinators - we will keep the timeline running smoothly and maintain the grounds throughout the wedding
- Reception Area - we work with you to achieve your (set up included, excluding decorations)
- Use of Banquet Room Space
- Use of Golf Cart for transportation only (must have a PL attendant driving)
- Parking Attendant
- Bridal Cottage - full bathroom with showers, small kitchen, sitting area, beauty bar
- Grooms' Den - full bathroom with showers, small kitchen, large balcony area to get ready

Use of Pleasants Landings' Outdoor and Indoor Area

Friday - 4pm-8pm (Rehearsal Time)
Saturday - 10am-10pm

Pleasants Landings will have staff on site the entire duration of your wedding. We want you and your guest to focus on your big day and leave the small things to us! We arrive to work with our brides from the moment they book until the last dance is called. We are a smaller venue and really focus on making everyone apart of our Pleasants Landings Family for years to come.

Friday's rehearsal includes time to prep the banquet room for your Saturday wedding, assuming there are no Friday events.

All of our couples receive a 4 hour Postnoon Boat Rental the day of your rehearsal wedding. More details available upon booking.

Extras

- Clean Up Service--\$500
- Rehearsal Dinner in Banquet Room--\$200

Use of Pleasants Landings for an Engagement Session

B

Use of Pleasants Landings' Outdoor Area

Friday - 4pm-8pm (Rehearsal Time)
Saturday - 10am-10pm

Pleasants Landings will have staff on site the entire duration of your wedding. We want you and your guest to focus on your big day and leave the small things to us! We arrive to work with our brides from the moment they book until the last dance is called. We are a smaller venue and really focus on making everyone apart of our Pleasants Landings Family for years to come.

Friday's rehearsal includes time to prep for your Saturday wedding, assuming there are no Friday events.

All of our couples receive a 4 hour Postnoon Boat Rental the day of your rehearsal wedding. More details available upon booking.

Extras

- Clean Up Service--\$500
- Rehearsal Dinner in Banquet Room--\$200

Use of Pleasants Landings for an Engagement Session

Separate Wedding Packages Offered in the Wedding Guide Brochure.

What's Included:

- Ceremony Site - we work with you to achieve your vision (set up included, excluding decorations)
- Venue/Day of Coordinators - we will keep the timeline running smoothly and maintain the grounds throughout the wedding
- Reception Area - we work with you to achieve your (set up included, excluding decorations)
- Use of Golf Cart for transportation only (must have a PL attendant driving)
- Parking Attendant
- Bridal Cottage - full bathroom with showers, small kitchen, sitting area, beauty bar
- Grooms' Den - full bathroom with showers, small kitchen, large balcony area to get ready
- Tables- 10 sixty inch round tables
4 six foot rectangle table
- White Polyester Linens
- 100 White Wedding Folding Chairs
- Fire Pit (wood must be supplied)
- Stage
- Beach
- Use of Fishing Pier
- Lawn Games

Package

Use of Pheasants Landing's

Indoor Area

Friday - 4pm-8pm (Rehearsal Time)
Saturday - 10am-10pm

Pheasants Landing will have staff on site the entire duration of your wedding. We want you and your guest to focus on your big day and leave the small things to us! We arrive to work with our brides from the moment they book until the last dance is called. We are a smaller venue and really focus on making everyone apart of our Pheasants Landing Family for years to come.

Friday's rehearsal includes time to prep the banquet room for your Saturday wedding, assuming there are no Friday events.

All of our couples receive a 4 hour Post-wedding Reception the day of your rehearsal wedding. More details available upon booking.

Extras

Clean Up Service-\$360

Rehearsal Dinner in Banquet Room-\$200

What's Included:

- Ceremony Site - we work with you to achieve your vision (set up included, excluding decorations)
- Venue/Day of Coordinator- we will keep the timeline running smoothly and maintain the grounds throughout the wedding
- Reception Area - we work with you to achieve your (set up included, excluding decorations)
- Use of Banquet Room Space
- Use of Golf Cart for transportation only (must have a FL attendant driving)
- Parking Allowance
- Bridal Cottage- full bathroom with shower, small kitchen, sitting area, beauty bar
- Groom's Den - full bathroom with shower, small kitchen, large balcony area to get ready
- Tables - 10 sixty inch round tables 4 six foot rectangle table
- White Polyester Linens
- 100 White Wedding Folding Chairs
- Fello Area
- Private Indoor Bathrooms

Use of Pheasants Landing for an Engagement Session

Separate Wedding Packages Offered in the Wedding Guide Brochure.

Section 310 Residential Group R

ILLUSTRATION

310.1 Residential Group R

Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code.

310.2 Residential Group R-1

Residential occupancies containing sleeping units or more than two dwelling units, and:

1. The occupants are primarily transient, and
2. There are more than 10 occupants.

310.3 Residential Group R-2

Residential occupancies containing sleeping units or more than two dwelling units where the occupants are not primarily transient.

310.4 Residential Group R-3

Residential occupancies containing no more than two dwelling units and where the occupancy is not classified as Group R-1, R-2, R-4, R-5, or I, and:

1. The occupants are not primarily transient, or
2. There are no more than 10 transient occupants per dwelling unit.

more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

3. A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million, but not more than 2,000 parts per million by volume of gas or vapor, or more than 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume or dust, when administered by continuous inhalation for 1 hour (or less if death occurs within 1 hour) to albino rats weighing between 200 and 300 grams each.

[B5] TRANSIENT. Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

[B6] TRANSIENT AIRCRAFT. Aircraft based at another location and that is at the transient location for not more than 90 days.

[B7] TREATED WOOD. Wood products that are conditioned to enhance fire-retardant or preservative properties.

Fire-retardant-treated wood. Wood products that, when impregnated with chemicals by a pressure process or other means during manufacture, exhibit reduced surface-burning characteristics and resist propagation of fire.

Preservative-treated wood. Wood products that, conditioned with chemicals by a pressure process or other means, exhibit reduced susceptibility to damage by fungi, insects or marine borers.

[B8] TRIM. Picture molds, chair rails, baseboards, handrails, door and window frames and similar decorative or protective materials used in fixed applications.

[F] TROUBLE SIGNAL. A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

International Building Code, International Residential Code, construction code 2018-01-01

1403

Definition of Residential Group R-1 and the Definition of Transient in Relation to R-1 Occupancy

[B5] SKYLIGHT, UNIT. A factory-assembled, glazed fenestration unit, containing one panel of glazing material that allows for natural lighting through an opening in the roof assembly while preserving the weather-resistant barrier of the roof.

[B6] SKYLIGHTS AND SLOPED GLAZING. Glass or other transparent or translucent glazing material installed at a slope of 15 degrees (0.26 rad) or more from vertical. Unit skylights, tubular daylighting devices, glazing materials, solariums, sunrooms, roofs and sloped walls are included in this definition.

[A] SLEEPING UNIT. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and other sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SLIP. A berth or space where a boat may be secured to a fixed or floating structure, including a dock, finger pier, boat lift, or mooring buoy.

[F] SMOKE ALARM. A single- or multiple-station alarm responsive to smoke. See "Multiple-station smoke alarm" and "Single-station smoke alarm."

Above: Definition of Sleeping Unit in 2018

Virginia Construction Code

Below and to the Right: Definition of Sleeping Unit and Commentary From 2018 International Building Code and Commentary

element in a dwelling's unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eat-

ing and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

This definition is included to coordinate the Fair Housing Act guidelines with the code. The definition for "Sleeping unit" clarifies the differences between sleeping units and dwelling units. In addition, using the term "sleeping unit" for spaces where people sleep will replace a multitude of other terms (i.e., patient room, cell, guestroom) so that there is consistent application across occupancies. Some examples of sleeping units are hotel/guest rooms, bedrooms in different types of congregate living facilities, patient sleeping rooms in hospitals, nursing homes, or assisted living facilities, or housing cells in a jail.

The new style of dormitory in colleges consists of two, three or four bedrooms with one or two single occupant bathrooms and a shared living space. These facilities are considered a sleeping unit. Only where there are full cooking and eating facilities (i.e., a kitchen with a range) within the unit, is the unit considered a dwelling unit. The two-, three- or four-bedroom units operate similar to an apartment. Considering this group of rooms a sleeping unit clarifies that the provisions in Chapter 7 to separate dwelling or sleeping units allows for this group of rooms to be separated from adjacent groups and the corridors, but does not require the bedrooms to be separated from the associated living room or bathroom. This also clarifies that only the main corridors have fire alarms, and smoke detectors can be within the unit. With the previous definition, it was not clear if the living and sanitation were considered part of the unit or an extension of the main corridor. Due to how universities administer dormitory assignments, the accessibility provisions in Section 1107 specify that bedrooms within sleeping units are counted separately for purposes of the number of Accessible bedrooms required.

The current definition for sleeping unit does not set a limit on the number of occupants in a sleeping unit. However, for consistency with the application of provisions in Groups I-1-I-2, R-1 and R-2, and where similar facilities are permitted to comply with R-3 provisions for a minimum number of nontransient R-3 in

**BOARD OF BUILDING APPEALS
COUNTY OF LOUISA
RESOLUTION**

At a regular meeting of the Board of Building Appeals of the County of Louisa, held in the Public Meeting Room in the Administration Building at 2:00 pm on the 20th day of October, 2017, at which the following members were present, the following resolution was decided by all members of the Board of Building Appeals, the vote being recorded in the minutes of the meeting as shown below:

| PRESENT | YOTE |
|--------------------------------|--------|
| Robert D. Gregory, Chairman | YES |
| William N. Hale, Vice Chairman | YES |
| Michael Bookout | YES |
| John Nadra | YES |
| Drew Whitlock | YES |
| Earl Peters | YES |
| James Peipert | ABSENT |

On the motion from Michael Bookout, seconded by John Nadra, which carried by a vote of 6-0, the following resolutions were upheld:

A RESOLUTION DENYING THE APPEAL OF VIOLATIONS OF USEC 102.1, 114.1, 114.1, 102.1, 114.1, 102.1, 114.1 IN REFERENCE TO PERFORMING CONSTRUCTION WORK PRIOR TO OBTAINING REQUIRED PERMITS, FAILING TO COMPLY WITH ISSUED STOP WORK ORDERS, OCCUPYING STRUCTURE WITHOUT THE REQUIRED CERTIFICATION OF OCCUPANCY.

Whereas, code violations were cited, and

Whereas, the Board of Building Appeals upheld the decision made by the Louisa County Building Official; and

Whereas, the property subject to this appeal is located at 248 Pleasant Landing Road, Bumpass, Va., Tax Map # 47-11-87.

Now, Therefore Be It Resolved that the Louisa County Board of Building Appeals hereby denies this appeal made by Valerie Holdings of Virginia, LLC, on Sections 102.1, 114.1, 114.1, 102.1, 114.1, 102.1, 114.1 of the Uniform Statewide Building Code and uphold the decision of the Louisa County Building Official.

Now, Therefore Be It Further Resolved, "Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board of submitting an application to the State Building Code Technical Review Board within 21 calendar days. Application forms are available from the Office of the State Building Code Technical Review Board, 501 North Second Street, Richmond, Virginia 23219."

A Copy: ~~xxxx~~

2017 Louisa County Board of Building Appeals Resolution


 Robert D. Gregory, Chairman
 Board of Building Appeals
 Louisa County, Virginia

References

- 1. All Information Related to and Found In Permits (Fees, Inspections, Notice of Unsafe Structures, Permit Summaries, Plans, etc.) Were Pulled From Community Development's CityView and Personnel Files (Used in Slides 3-9, 12, 17-20)**
- 2. Sleeping Unit and Transient Definitions Were Pulled From 2018 Virginia Construction Code, Section 310.2 202 (Used in Slides 10 and 11)**
- 3. Residential Group R-1 Description Was Pulled From 2018 Virginia Construction Code, Section 310.2 (Used in Slide 10)**
- 4. Second Definition of Sleeping Unit and Commentary Were Pulled From 2018 International Building Code and Commentary (Used in Slide 11)**
- 5. Event Spaces Figure Pulled From an Online Brochure Found on Pleasants Landing's Website (<https://www.pleasantslanding.com/weddings/wp-content/uploads/2020/04/Pleasants-Landing-New-Brochure-2.pdf> [Used in Slide 14])**
- 6. All Bridal Package Figures Were Pulled From Pleasants Landing's Wedding Guide Brochure Found on Wedding Wire (https://cdn0.weddingwire.com/solic/3/2/4/0/7/8/pricing-1035f231710cb74b_pl-wedding-guide.pdf [Used in Slides 15 & 16])**

Section 118 Unsafe Buildings or Structures

118.1 Applicability

This section applies to unsafe *buildings* or *structures*.

Note: Existing buildings and *structures* other than those under *construction* or subject to this section are subject to the VMC, which also has requirements for unsafe conditions.

118.2 Repair or Removal of Unsafe Buildings or Structures

Any *unsafe building* or *structure* shall be made safe through compliance with this code or shall be taken down and removed if determined necessary by the *building official*.

118.3 Inspection Report

The *building official* shall inspect any reported *unsafe building* or *structure* and shall prepare a report to be filed in the records of the *local building department*. In addition to a description of any unsafe conditions found, the report shall include the occupancy classification of the *building* or *structure* and the nature and extent of any damages caused by collapse or failure of any *building* components.

118.4 Notice of Unsafe Building or Structure

When a *building* or *structure* is determined by the *building official* to be an *unsafe building* or *structure*, a written notice of *unsafe building* or *structure* shall be issued by personal service to the *owner*, the *owner's* agent, or the person in control of such *building* or *structure*. The notice shall specify the corrections necessary to comply with this code and specify the time period within which the repairs must occur, or if the notice specifies that the *unsafe building* or *structure* is required to be demolished, the notice shall specify the time period within which demolition must occur.

Note: Whenever possible, the notice should also be given to any tenants or occupants of the *unsafe building* or *structure*.

118.4.1 Vacating Unsafe Building or Structure

If the *building official* determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an *unsafe building* or *structure*, the *building official* shall be authorized to order the occupants to immediately vacate the *unsafe building* or *structure*. When an *unsafe building* or *structure* is ordered to be vacated, the *building official* shall post a notice at each entrance that reads as follows:

"This Building (or Structure) Is Unsafe and Its Occupancy (or Use) Is Prohibited by the Building Official."

After posting, occupancy or use of the *unsafe building* or *structure* shall be prohibited except when authorized to enter to conduct inspections, make required repairs, or as necessary to demolish the *building* or *structure*.

When necessary for public safety, the *building official* shall be permitted to order the temporary closing of sidewalks, streets, *public ways*, or premises adjacent to *unsafe buildings or structures* and prohibit the use of such spaces.

Section 310 Residential Group R

ILLUSTRATION

310.1 Residential Group R

Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*.

310.2 Residential Group R-1

Residential occupancies containing *sleeping units* or more than two *dwelling units*, and:

1. The occupants are primarily transient, and
2. There are more than 10 occupants.

310.3 Residential Group R-2

Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are not primarily transient.

310.4 Residential Group R-3

Residential occupancies containing no more than two *dwelling units* and where the occupancy is not classified as Group R-1, R-2, R-4, R-5, or I, and:

1. The occupants are not primarily transient, or
2. There are no more than 10 transient occupants per *dwelling unit*.

310.4.1 Radon-Resistant Construction

Group R-3 *buildings* and *structures* shall be subject to the radon-resistant *construction* requirements in Appendix F of the *International Residential Code* (IRC) in localities enforcing such requirements pursuant to Section R328 of the IRC.

310.4.2 Lodging Houses

Owner-occupied or proprietor-occupied lodging houses and other transient boarding facilities not more than three stories above grade plane in height, with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be classified as either Group R-3 or R-5, provided that smoke alarms are installed in compliance with Section 907.2.10.2 for Group R-3, or Section R314 of the IRC for Group R-5.

310.5 Residential Group R-4

Residential occupancies with more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive *custodial care*. *Buildings* of Group R-4, other than assisted living facilities licensed by the Virginia Department of Social Services, shall be classified as the occupancy condition indicated in Section 310.5. Assisted living facilities licensed by the Virginia Department of Social Services shall be classified as one of the occupancy conditions indicated in Section 310.5.1 or 310.5.2.

310.5.1 Condition 1

This occupancy condition shall include *buildings* in which all persons receiving *custodial care* who, without any assistance, are capable of responding to an emergency situation to complete *building* evacuation or, in which not more than five of the residents may require physical assistance from staff to respond to an emergency situation when all residents who may require the physical assistance from staff reside on a level c exit discharge and the path of egress to the exit does not include steps.

310.5.2 Condition 2

This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

310.5.3 Radon-Resistant Construction

Group R-4 *buildings* and *structures* shall be subject to the radon-resistant *construction* requirements in Appendix F of the VRC in localities enforcing such requirements pursuant to Section R328 of the VRC.

310.6 Residential Group R-5

Residential occupancies within the scope of the VRC, other occupancies specifically permitted in this code to be classified as Group R-5, and *manufactured homes* in accordance with the Virginia Manufactured Home Safety Regulations (23VAC5-91).

The provisions of the IRC for one- and two-family dwellings shall apply to the *construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition* of the following when classified as Group R-5:

1. Detached single-family and two-family dwellings
2. Townhouses
3. Care facilities for five or fewer people
4. Owner- or proprietor-occupied lodging houses with no more than five guest rooms and 10 or fewer total occupants.
5. Accessory structures of Group R-5 occupancies.

The amendments to the IRC set out in Section 310.8 shall be made to the IRC for its use as part of this code. In addition, all references to the IRC and the *International Building Code* (IBC) shall be considered to be references to this section.

310.6.1 Additional Requirements

Methods of *construction*, materials, systems, *equipment* or components for Group R-5 structures not addressed by prescriptive or performance provisions of the IRC shall comply with applicable IBC requirements.

310.7 Radon-Resistant Construction in Groups R-3 and R-4 Structures

Groups R-3 and R-4 *structures* shall be subject to the radon-resistant *construction* requirements in Appendix F of the IRC in localities enforcing such requirements pursuant to Section R328 of the IRC.

310.8 Amendments to the IRC

The following changes shall be made to the IRC for its use as part of this code:

(DHCD Note: The changes to the IRC are available in the *Virginia Residential Code* published by the ICC, or the pamphlet form of the VCC published by the DHCD. They are not included in the printing of the VCC.

1011.5.2 Riser Height and Tread Depth

ILLUSTRATION

Stair riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the nosings of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's nosing. Winder treads shall have a minimum tread depth of 11 inches (279 mm) between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the stair.

Exceptions:

1. *Spiral stairways* in accordance with Section 1011.10.
2. *Stairways* connecting stepped *aisles* to cross *aisles* or concourses shall be permitted to use the riser/tread dimension in Section 1029.14.2.
3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be 8.25 inches (210 mm); the minimum tread depth shall be 9 inches (229 mm); the minimum winder tread depth at the walk line shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).
4. Deleted.
5. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m²) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

Section 1014 Handrails

ILLUSTRATION

1014.1 Where Required

Handrails serving *flights of stairways, ramps, stepped aisles* and *ramped aisles* shall be adequate in strength and attachment in accordance with Section 1607.8. *Handrails* required for *flights of stairways* by Section 1011.11 shall comply with Sections 1014.2 through 1014.9. *Handrails* required for *ramps* by Section 1012.8 shall comply with Sections 1014.2 through 1014.8. *Handrails* for *stepped aisles* and *ramped aisles* required by Section 1029.16 shall comply with Sections 1014.2 through 1014.8.

1014.2 Height

Handrail height, measured above *stair tread nosings*, or finish surface of *ramp* slope, shall be uniform, not less than 34 inches (864 mm) and not more than 38 inches (965 mm). *Handrail* height of *alternating tread devices* and ship's ladders, measured above *tread nosings*, shall be uniform, not less than 30 inches (762 mm) and not more than 34 inches (864 mm).

Exceptions:

1. Where handrail fittings or bendings are used to provide continuous transition between *flights*, the fittings or bendings shall be permitted to exceed the maximum height.
2. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are associated with a Group R-3 occupancy or associated with individual *dwelling units* in Group R-2 occupancies; where handrail fittings or bendings are used to provide continuous transition between *flights*, transition at *winder* treads, transition from *handrail* to *guard*, or where used at the start of a *flight*, the *handrail* height at the fittings or bendings shall be permitted to exceed the maximum height.
3. *Handrails* on top of a guard where permitted along *stepped aisles* and *ramped aisles* in accordance with Section 1029.16.

1014.3 Handrail Graspability

Required *handrails* shall comply with Section 1014.3.1 or shall provide equivalent graspability.

Exception: In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; *handrails* shall be Type I in accordance with Section 1014.3.1, Type II in accordance with Section 1014.3.2 or shall provide equivalent graspability.

1014.3.1 Type I

ILLUSTRATION

Handrails with a circular cross section shall have an outside diameter of not less than $1\frac{1}{4}$ inches (32 mm) and not greater than 2 inches (51 mm). Where the *handrail* is not circular, it shall have a perimeter dimension of not less than 4 inches (102 mm) and not greater than $6\frac{1}{4}$ inches (160 mm) with a maximum cross-sectional dimension of $2\frac{1}{4}$ inches (57 mm) and minimum cross-sectional dimension of 1 inch (25 mm). Edge shall have a minimum radius of 0.01 inch (0.25 mm).

1014.3.2 Type II

Handrails with a perimeter greater than $6\frac{1}{4}$ inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of $\frac{3}{4}$ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of not less than $\frac{5}{16}$ inch (8 mm) within $\frac{7}{8}$ inch (22 mm) below the widest portion of the profile. This required depth shall continue for not less than $\frac{3}{8}$ inch (10 mm) to a level that is not less than $1\frac{3}{4}$ inches (45 mm) below the tallest portion of the profile. The width of the *handrail* above the recess shall be not less than $1\frac{1}{4}$ inches (32 mm) to not greater than $2\frac{3}{4}$ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

1014.4 Continuity

Handrail gripping surfaces shall be continuous, without interruption by newel posts or other obstructions.

Exceptions:

1. *Handrails* within *dwelling units* are permitted to be interrupted by a newel post at a turn or landing.
2. Within a *dwelling unit*, the use of a volute, turnout, starting easing or starting newel is allowed over the lowest tread.
3. Handrail brackets or balusters attached to the bottom surface of the *handrail* that do not project horizontally beyond the sides of the *handrail* within $1\frac{1}{2}$ inches (38 mm) of the bottom of the *handrail* shall not be considered obstructions. For each $\frac{1}{2}$ inch (12.7 mm) of additional handrail perimeter dimension above 4 inches (102 mm), the vertical clearance dimension of $1\frac{1}{2}$ inches (38 mm) shall be permitted to be reduced by $\frac{1}{8}$ inch (3.2 mm).
4. Where *handrails* are provided along walking surfaces with slopes not steeper than 1:20, the bottoms of the handrail gripping surfaces shall be permitted to be obstructed along their entire length where they are integral to crash rails or bumper guards.
5. *Handrails* serving stepped *aisles* or ramped *aisles* are permitted to be discontinuous in accordance with Section 1029.16.1.

Handrails shall not rotate within their fittings.

1014.6 Handrail Extensions

Handrails shall return to a wall, *guard* or the walking surface or shall be continuous to the handrail of an adjacent *flight of stairs* or *ramp* run. Where *handrails* are not continuous between *flights*, the *handrails* shall extend horizontally not less than 12 inches (305 mm) beyond the top riser and continue to slope for the depth of one tread beyond the bottom riser. At *ramps* where *handrails* are not continuous between runs, the *handrails* shall extend horizontally above the landing 12 inches (305 mm) minimum beyond the top and bottom of *ramp* runs. The extensions of *handrails* shall be in the same direction of the *flights of stairs* at *stairways* and the *ramp* runs at *ramps*.

Exceptions:

1. *Handrails* within a *dwelling unit* that is not required to be *accessible* need extend only from the top riser to the bottom riser.
2. *Handrails* serving aisles in rooms or spaces used for assembly purposes are permitted to comply with the handrail extensions in accordance with Section 1029.16.
3. *Handrails* for *alternating tread devices* and ship's ladders are permitted to terminate at a location vertically above the top and bottom risers. *Handrails* for *alternating tread devices* are not required to be continuous between *flights* or to extend beyond the top or bottom risers.

1014.7 Clearance

Clear space between a handrail and a wall or other surface shall be not less than 1¹/₂ inches (38 mm). A handrail and a wall or other surface adjacent to the *handrail* shall be free of any sharp or abrasive elements.

1014.8 Projections

On *ramps* and on ramped *aisles* that are part of an *accessible route*, the clear width between *handrails* shall be 36 inches (914 mm) minimum. Projections into the required width of *aisles*, *stairways* and *ramps* at each side shall not exceed 4¹/₂ inches (114 mm) at or below the handrail height. Projections into the required width shall not be limited above the minimum headroom height required in Section 1011.3. Projections due to intermediate *handrails* shall not constitute a reduction in the egress width. Where a pair of intermediate *handrails* are provided within the *stairway* width without a walking surface between the pair of intermediate *handrails* and the distance between the pair of intermediate *handrails* is greater than 6 inches (152 mm), the available egress width shall be reduced by the distance between the closest edges of each such intermediate pair of *handrails* that is greater than 6 inches (152 mm).

1014.9 Intermediate Handrails

Stairways shall have intermediate *handrails* located in such a manner that all portions of the *stairway* minimum width or required capacity are within 30 inches (762 mm) of a handrail. On monumental *stairs*, *handrails* shall be located along the most direct path of egress travel.

Section 1015 Guards

1015.1 General

Guards shall comply with the provisions of Sections 1015.2 through 1015.7. Operable windows with sills located more than 72 inches (1829 mm) above finished grade or other surface below shall comply with Section 1015.8.

1015.2 Where Required

ILLUSTRATION

Guards shall be located along open-sided walking surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps* and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.8.

Exception: *Guards* are not required for the following locations:

1. On the loading side of loading docks or piers.
2. On the audience side of *stages* and raised *platforms*, including *stairs* leading up to the *stage* and raised *platforms*.
3. On raised *stage* and *platform* floor areas, such as runways, *ramps* and side *stages* used for entertainment or presentations.
4. At vertical openings in the performance area of *stages* and *platforms*.
5. At elevated walking surfaces appurtenant to *stages* and *platforms* for access to and utilization of special lighting or equipment.
6. Along vehicle service pits not accessible to the public.
7. In assembly seating areas at cross aisles in accordance with Section 1029.17.2.

1015.2.1 Glazing

Where glass is used to provide a *guard* or as a portion of the *guard* system, the *guard* shall comply with Section 2407. Where the glazing provided does not meet the strength and attachment requirements of Section 1607.8, complying *guards* shall be located along glazed sides of open-sided walking surfaces.

1015.3 Height

ILLUSTRATION

Required *guards* shall be not less than 42 inches (1067 mm) high, measured vertically as follows:

1. From the adjacent walking surfaces.
2. On *stairways* and stepped *aisles*, from the line connecting the leading edges of the tread *nosings*.
3. On *ramps* and ramped *aisles*, from the *ramp* surface at the *guard*.

Exceptions:

1. For occupancies in Group R-3 not more than three stories above grade in height and within individual *dwelling units* in occupancies in Group R-2 not more than three stories above grade in height with separate *means of egress*, required *guards* shall be not less than 36 inches (914 mm) in height measured vertically above the adjacent walking surfaces.
2. For occupancies in Group R-3, and within individual *dwelling units* in occupancies in Group R-2, *guards* on the open sides of *stairs* shall have a height not less than 34 inches (864 mm) measured vertically from a line connecting the leading edges of the treads.
3. For occupancies in Group R-3, and within individual *dwelling units* in occupancies in Group R-2, where the top of the *guard* serves as a *handrail* on the open sides of *stairs*, the top of the *guard* shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from a line connecting the leading edges of the treads.
4. The *guard* height in assembly seating areas shall comply with Section 1029.17 as applicable.
5. Along *alternating tread devices* and ship's ladders, *guards* where the top rail serves as a *handrail* shall have height not less than 30 inches (762 mm) and not more than 34 inches (864 mm), measured vertically from the leading edge of the device tread *nosings*.
6. In Group F occupancies where *exit access stairways* serve fewer than three stories and such *stairways* are not open to the public, and where the top of the *guard* also serves as a *handrail*, the top of the *guard* shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from a line connecting the leading edges of the treads.

1015.4 Opening Limitations

ILLUSTRATION

Required *guards* shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required *guard* height.

Exceptions:

1. From a height of 36 inches (914 mm) to 42 inches (1067 mm), *guards* shall not have openings that allow passage of a sphere $4\frac{3}{8}$ inches (111 mm) in diameter.

2. The triangular openings at the open sides of a *stair*, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
3. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, *guards* shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In areas that are not open to the public within occupancies in Group I-3, F, H or S, and for *alternating tread devices* and ship's ladders, *guards* shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
5. In assembly seating areas, *guards* required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, *guards* shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.
6. Within individual *dwelling units* and *sleeping units* in Group R-2 and R-3 occupancies, *guards* on the open sides of *stairs* shall not have openings that allow passage of a sphere $4\frac{3}{8}$ (111 mm) inches in diameter.

1015.5 Screen Porches

Porches and decks that are enclosed with insect screening shall be provided with *guards* where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

1015.6 Mechanical Equipment, Systems and Devices

ILLUSTRATION

Guards shall be provided where various components that require service are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The *guard* shall extend not less than 30 inches (762 mm) beyond each end of such components. The *guard* shall be constructed so as to prevent the passage of a sphere 21 inches (533 mm) in diameter.

Exception: *Guards* are not required where personal fall arrest anchorage connector devices that comply with ANSI/ASSE Z 359.1 are installed.

1015.7 Roof Access

Guards shall be provided where the roof hatch opening is located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The *guard* shall be constructed so as to prevent the passage of a sphere 21 inches (533 mm) in diameter.

Exception: *Guards* are not required where personal fall arrest anchorage connector devices that comply with ANSI/ASSE Z 359.1 are installed.

1015.8 Window Openings

Windows in Groups R-2 and R-3 buildings including dwelling units where the top of the sill of an operable window opening is located less than 18 inches (457 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the *building* shall comply with one of the following:

1. Operable windows where the top of the sill of the opening is located more than 75 feet (22 860 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F2006.
2. Operable windows where the openings will not allow a 4-inch diameter (102 mm) sphere to pass through the opening when the window is in its largest opened position.
3. Operable windows where the openings are provided with window fall prevention devices that comply with ASTM F2090.
4. Operable windows that are provided with window opening control devices that comply with Section 1015.8.1.

1015.8.1 Window Opening Control Devices

Window opening control devices shall comply with ASTM F2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section 1030.2.

Section 1027 Exterior Exit Stairways and Ramps

ILLUSTRATION

1027.1 Exterior Exit Stairways and Ramps

Exterior exit stairways and ramps serving as an element of a required *means of egress* shall comply with this section.

1027.2 Use in a Means of Egress

Exterior exit stairways shall not be used as an element of a required *means of egress* for Group I-2 occupancies. For occupancies in other than Group I-2, *exterior exit stairways and ramps* shall be permitted as an element of a required *means of egress* for buildings not exceeding six stories above *grade plane* or that are not *high-rise buildings*.

1027.3 Open Side

Exterior exit stairways and ramps serving as an element of a required *means of egress* shall be open on not less than one side, except for required structural columns, beams, *handrails* and *guards*. An open side shall have not less than 35 square feet (3.3 m²) of aggregate open area adjacent to each floor level and the level of each intermediate landing. The required open area shall be located not less than 42 inches (1067 mm) above the adjacent floor or landing level.

1027.4 Side Yards

The open areas adjoining *exterior exit stairways* or *ramps* shall be either *yards, courts* or *public ways*; the remaining sides are permitted to be enclosed by the *exterior walls* of the building.

1027.5 Location

Exterior exit stairways and ramps shall have a minimum fire separation distance of 10 feet (3048 mm) measured at right angles from the exterior edge of the *stairway* or *ramps*, including landings, to:

1. Adjacent *lot lines*.
2. Other portions of the building.
3. Other buildings on the same lot unless the adjacent building *exterior walls* and openings are protected in accordance with Section 705 based on *fire separation distance*.

For the purposes of this section, other portions of the building shall be treated as separate buildings.

Exception: *Exterior exit stairways and ramps* serving individual *dwelling units* of Group R-3 shall have a minimum *fire separation distance* of 5 feet (1525 mm).

1027.6 Exterior Exit Stairway and Ramp Protection

Exterior exit stairways and ramps shall be separated from the interior of the building as required in Section 1023.2. Openings shall be limited to those necessary for egress from normally occupied spaces. Where a vertical plane projecting from the edge of an *exterior exit stairway or ramp* and landings is exposed by other parts of the building at an angle of less than 180 degrees (3.14 rad), the exterior wall shall be rated in accordance with Section 1023.7.

Exceptions:

1. Separation from the interior of the building is not required for occupancies, other than those in Group R-1 or R-2, in buildings that are not more than two stories above *grade plane* where a *level of exit discharge* serving such occupancies is the first story above *grade plane*.
2. Separation from the interior of the building is not required where the *exterior exit stairway or ramp* is served by an *exterior exit ramp* or balcony that connects two remote *exterior exit stairways* or other *approved exits* with a perimeter that is not less than 50 percent open. To be considered open, the opening shall be not less than 50 percent of the height of the enclosing wall, with the top of the openings not less than 7 feet (2134 mm) above the top of the balcony.
3. Separation from the open-ended *corridor* of the building is not required for *exterior exit stairways or ramps*, provided that Items 3.1 through 3.5 are met:
 - 3.1. The building, including open-ended *corridors*, and *stairways and ramps*, shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
 - 3.2. The open-ended *corridors* comply with Section 1020.
 - 3.3. The open-ended *corridors* are connected on each end to an *exterior exit stairway or ramp* complying with Section 1027.
 - 3.4. The *exterior walls* and openings adjacent to the *exterior exit stairway or ramp* comply with Section 1023.7.
 - 3.5. At any location in an open-ended *corridor* where a change of direction exceeding 45 degrees (0.79 rad) occurs, a clear opening of not less than 35 square feet (3.3 m²) or an *exterior stairway or ramp* shall be provided. Where clear openings are provided, they shall be located so as to minimize the accumulation of smoke or toxic gases.
4. In Group R-3 occupancies not more than four stories in height, *exterior exit stairways and ramps* serving individual *dwelling units* are not required to be separated from the interior of the building where the *exterior exit stairway or ramp* discharges directly to grade.

2304.10.3 Joist Hangers and Framing Anchors

Connections depending on joist hangers or framing anchors, ties and other mechanical fastenings not otherwise covered are permitted where *approved*. The vertical load-bearing capacity, torsional moment capacity and deflection characteristics of joist hangers shall be determined in accordance with ASTM D7147.

Additional Documents
Submitted, through legal
counsel, by Vallerie
Holdings of Virginia
(Michael Vallerie)

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AFFIDAVIT OF MICHAEL VALLERIE

I, Michael Vallerie, am a Member and Manager of Vallerie Holdings of Virginia, LLC ("VHOV"), the owner of that certain property located at 349 Pleasants Landing Road, Bumpass, Virginia 23024 (the "Property"). There exists a two-story structure on the Property that was constructed several decades ago. The first story of the structure is used commercially and was issued a certificate of occupancy by the County of Louisa (the "County") under the business and general office (B) classification in 2019. The second story of the structure has traditionally been used as a residential dwelling and is continued to be used for this purpose by VHOV. The second story of the structure serves as a private residence for me and my wife during boating season when I operate the Pleasants' Landing Marina on the Property. The second-story private residence is not used, rented, marketed, or otherwise made available to the general public. There is no internal staircase or any other internal means to access the second-story residence from the first-story commercial space.

The County alleges that VHOV marketed the second-story residence for use as a "bridal suite" in a brochure advertisement published on the Wedding Wire website in 2019. The "bridal suite" photographed and advertised on the Wedding Wire website was wholly located within the first-story commercial space of the two-story structure. VHOV has never used or marketed the private second-floor residence for use in connection with weddings events or for any other commercial purpose, and VHOV does not intend to do so in the future. In addition, while VHOV is permitted to use the first-floor commercial space in connection with wedding events under the County's Zoning Ordinance, VHOV never actually conducted or hosted any wedding events on the Property and allowed its Wedding Wire account to lapse in 2020.

Date: 6/14/22

By: Michael Vallerie
Michael Vallerie
Member and Manager
Vallerie Holdings of Virginia, LLC

STATE/COMMONWEALTH OF Virginia
COUNTY/CITY OF Stafford, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Michael Vallerie, as a Member and Manager of Vallerie Holdings of Virginia, LLC, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this 14th day of June, 2022.

Katrina Marissa Kapes
Notary Public

Registration Number: 7921462

My commission expires: July 31, 2025

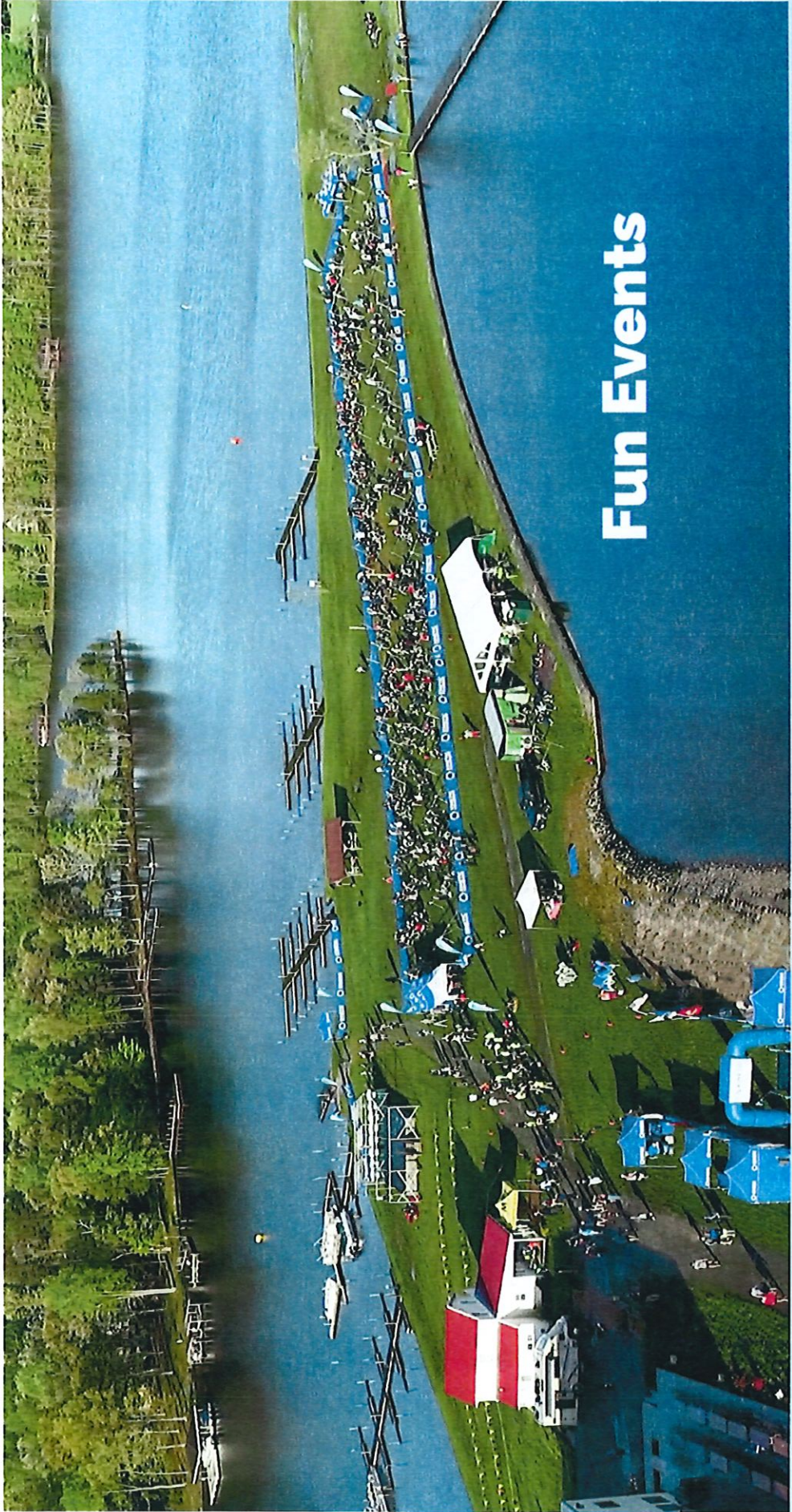


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Additional Documents
Submitted By
Louisa County

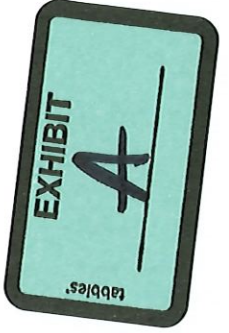
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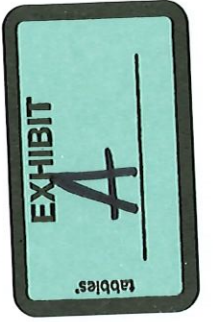


Fun Events









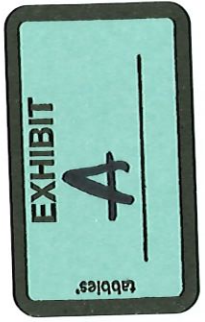




EXHIBIT
A
Tabbles



EXHIBIT
A
Labels

Transcript of the
Local Appeals Board
Hearing Held on
March 28, 2022

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LOUISA CO. BOARD OF BUILDING APPEALS

Transcript of Proceedings

March 28, 2022

Hart

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EXHIBIT

A

Transcript of Proceedings
March 28, 2022

LOUISA COUNTY COMMUNITY DEVELOPMENT'S
PRESENTATION FOR:
STRUCTURE AT 349 PLEASANT'S LANDING

BOARD OF BUILDING APPEALS
3/28/2022 APPEAL HEARING
5:30 p.m.

Transcript of Proceedings
March 28, 2022

ORIGINAL

BOARD MEMBERS:
ROBERT GREGORY
WILLIAM N. HALE
MICHAEL BROOKING
JOHN NEDZA
DOUG WHITLOCK

1 You guys don't meet very often -- at least that's been
2 my experience that most of the times I went before this
3 body it was the only time that year they had met, so I
4 know these appeals are fairly rare. I also appreciate
5 your accommodating me on the dates. I did have a
6 conflict with the date that you originally set, so --
7 so ready to go, and thank you.

8 In the way of substance, this is a violation
9 that comes from your building code official that deals
10 with one small aspect of everything that's going on
11 between Louisa County and Vallerie Holdings. The --
12 the subject matter is the -- the violation notice that
13 was provided to -- to Mr. Vallerie, and that's what
14 we're going to talk about tonight.

15 In the way of -- of overview, much of this
16 case in my view turns on whether or not this is a
17 commercial or a residential structure. And I'm going
18 to share with you why I think it's the latter. But
19 about four of the specific violations that were found
20 by the building code official I think are resolved in
21 my view by just that, by what classification this
22 structure -- or this portion of the structure goes
23 under.

24 And, of course, what we're talking about here
25 in the way of a structure is a staircase that leads to

1 BOARD MEMBER: The Vallerie Holdings,
2 appellant.

3 MR. LEMING: Yes, sir.

4 BOARD MEMBER: Sir, would you like to make
5 opening comments and --

6 MR. LEMING: Well, whatever's helpful to you.
7 I don't know whether you have a -- a set procedure.

8 Let me just introduce myself. My name is
9 Clark Leming. I'm an attorney. My office is in
10 Stafford, Virginia. I've been involved in a number of
11 matters involving Vallerie Holdings now for a couple of
12 years, and so I've made a number of trips over to this
13 very nice town. It's a long way, but I'm glad that I
14 did get here in time for your meeting. I was fairly
15 close this time.

16 I've been practicing land use law in Virginia
17 for going on forty years. It's all that I do. I have
18 a -- a boutique operation, so I -- I don't do the other
19 things that many lawyers do, and neither does my firm.
20 So I get called in to a number of jurisdictions fairly
21 far from my -- my central base, and -- and this is one
22 of them. But I'm pleased to be here before you this
23 evening.

24 I have appeared over my career probably about
25 a dozen times before building code boards of appeal.

1 the upper floor of a two-story building. It's the only
2 way up there. There are no inside stairs. The upper
3 portion is a residential dwelling, and that's where
4 Mr. Vallerie lives when he's at the marina, which is
5 about half of the year. And the downstairs has been
6 used for other purposes over the years. I think he
7 uses it primarily as an office now, but there's no
8 access or staircase between the two except the outside
9 staircase, which is the subject of the litigation over
10 in the circuit court.

11 Now, I don't want to get too far ahead of
12 myself, but if -- it that's what you had in mind in the
13 way of an -- of an opening statement, what I'm going to
14 do is to take you through each of the violations that
15 Mr. Grubbs has found here and his staff, and I'm going
16 to tell you why I think the violations are in error for
17 this particular structure.

18 BOARD MEMBER: Okay.

19 MR. LEMING: Okay.

20 BOARD MEMBER: If I'd like -- I'd like to ask
21 a question regarding this building. Was there ever an
22 access to that upper floor?

23 MR. LEMING: Yes, sir, there was, before
24 Mr. Vallerie purchased. He purchased in 2016, and we
25 put on this whole case before your Board of Zoning

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| <p style="text-align: right;">Page 5</p> <p>1 Appeals. In 2004, the place had been in -- deserted 2 for a fairly significant period of time. The prior 3 owner -- who we've identified -- and, actually, he 4 prepared an affidavit for us for the Board of Zoning 5 Appeals. 6 There was a staircase located on one side of 7 the building, the side closest to the actual marina 8 office. And we do have a photograph of that. It went 9 to the very back of the building, and there was a door 10 at the top of the stairs there. By the time 11 Mr. Vallerie had purchased the home, the inside 12 configuration had been rearranged by the prior owner, 13 and that was sealed off, and the kitchen appliances -- 14 we don't know where they had been, but they were all 15 against that wall at that point. There was an opening, 16 but it was on the back -- the other side of the 17 building, and it was -- at that point, it was just a 18 hole that had been cut for a door, and there was a 19 ladder. 20 So at the time of his purchase, there was no 21 staircase, and everything that's happened since then 22 has been about his trying to put in and authorize a 23 staircase for that entryway that was cut. The biggest 24 problem that we've had is simply that that staircase 25 goes into the setback under the zoning ordinance, which</p> | <p style="text-align: right;">Page 7</p> <p>1 MR. LEMING: -- this -- this is now -- this 2 has to do with an inspection of what was built and the 3 allegations of problems under the building code with 4 what he's actually constructed. 5 BOARD MEMBER: Okay. Does anybody else -- 6 All right. Thank you, sir. 7 BOARD MEMBER: And it -- 8 MR. LEMING: Yes. Yes, sir. 9 BOARD MEMBER: 2016 was when he bought this 10 place? 11 MR. LEMING: 2015. 12 BOARD MEMBER: 2015? 13 MR. LEMING: Yes, sir. 14 BOARD MEMBER: Okay. And they -- and he was 15 represented by another attorney on the -- on the same 16 issue before this board. I thought that was before 17 2015, but maybe I'm wrong. 18 MR. LEMING: No. It wouldn't have been 19 before 2015 -- 20 BOARD MEMBER: Okay. Very good. 21 MR. LEMING: -- against Mr. Vallerie, and 22 I -- you know, you're -- you're telling me something 23 new. I -- I don't know. Maybe -- maybe, John, does 24 he -- did he come before this board before? 25 BOARD MEMBER: You're -- you're talking about</p> |
| <p style="text-align: right;">Page 6</p> <p>1 is beyond your all's purview, but it does go into that, 2 and so that's what we were before the BZA -- or he's 3 been before the BZA three times now. And that case is 4 on appeal with the circuit court, whether or not he's 5 entitled to a variance into that setback. 6 He was granted one at one point. That was 7 reversed. And this time around, the BZA went the other 8 way and said he was not entitled one, so the circuit 9 court will resolve the right to the staircase, which is 10 really the biggest issue here, whether he has the right 11 to have the staircase within that setback. And he's 12 next to dominion lands, and of course there's nothing 13 there except grass and then ultimately water. 14 So -- 15 BOARD MEMBER: Okay. Thank you, sir. 16 MR. LEMING: -- yes, that's -- that's the 17 history of -- now, the only way up there is the 18 staircase that he built without going through all the 19 proper steps. As Mr. Grubbs may tell you, I -- I think 20 it's beyond the purview of this case. He did build it 21 after he thought he had the last variance, and the 22 staircase has been there since that time through the 23 rest of these proceedings. 24 So -- 25 BOARD MEMBER: Thank you, sir.</p> | <p style="text-align: right;">Page 8</p> <p>1 an old man's memory, so let's -- 2 MR. LEMING: Okay. 3 BOARD MEMBER: -- let's leave that one be. 4 MR. GRUBBS: 2017 was -- 5 BOARD MEMBER: It was 2017? 6 MR. LEMING: 2017 is -- would have been -- 7 BOARD MEMBER: Okay. Very good. 8 MR. LEMING: -- yeah. And I don't know what 9 the -- the point of that hearing was or what you 10 decided or anything -- 11 BOARD MEMBER: All right. Very good. 12 MR. LEMING: -- about that. My involvement 13 goes back about two years now. 14 BOARD MEMBER: Very good. Thank you. 15 MR. LEMING: Yes, sir. 16 BOARD MEMBER: I was -- the lower floor then 17 is -- is that used as part of the business, or is it 18 residential or ... 19 MR. LEMING: No. It's not residential. And 20 I don't think there's -- so far as we know, there's no 21 history of the lower portion of the building being used 22 as residential; just the upper floor. The bottom part 23 is used I think most accurately described right now as 24 an office by Mr. Vallerie. 25 BOARD MEMBER: Okay.</p> |



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| <p style="text-align: right;">Page 9</p> <p>1 MR. LEMING: And, you know, he has his 2 records there and things like that. He has a marina 3 office as well, but I think he uses that as his 4 personal office. But there's no other activity going 5 on downstairs that I'm aware of at this time. 6 BOARD MEMBER: Okay. Thank you for 7 clarifying -- 8 MR. LEMING: Yes, sir. 9 BOARD MEMBER: -- that to me. 10 BOARD MEMBER: Okay. Can you just clarify 11 one thing for me. You said that Mr. Vallerie 12 MR. LEMING: Vallerie. 13 BOARD MEMBER: -- lives up there currently? 14 MR. LEMING: He -- in the wintertime, the 15 marina closes down. 16 BOARD MEMBER: Okay. 17 MR. LEMING: So Mr. Vallerie in the 18 wintertime goes to Florida. 19 BOARD MEMBER: Okay. 20 MR. LEMING: So he -- he comes back when -- 21 to open the marina and has been up here a couple of 22 times to get that process started. And starting next 23 week, then he's here full-time -- 24 BOARD MEMBER: Okay. 25 MR. LEMING: -- once the marina operation</p> | <p style="text-align: right;">Page 11</p> <p>1 BOARD MEMBER: Is this -- is this the only 2 access to that second floor then? 3 MR. LEMING: That's exactly correct. 4 BOARD MEMBER: Okay. 5 MR. LEMING: The staircase is the only way up 6 there. This is no place indoor -- very small 7 structure. And the -- one of the things that he's 8 looked at is, well, where would you put internal 9 access. But, you know, where it would have to go to 10 avoid the pipes and things upstairs, yeah, he -- he 11 reached the conclusion that that would not be feasible. 12 And indeed there was never an internal staircase that 13 we know of. It was always an external staircase to the 14 upstairs, and it -- it's -- it's perfectly clear, I 15 think, based on what was going there and what was 16 there, what had been done at the time that he purchased 17 that that -- the upper part was a residence. 18 The other -- the other staircase was so old 19 that it was non-conforming. We don't know why, and he 20 wouldn't have had to build another staircase if that 21 one had still been there. It could have stayed on. 22 But for whatever reason, the prior owner removed it and 23 was restructuring, reconfiguring the residential 24 portion upstairs, including the new entryway, which 25 is -- is where he's tried -- you know, to put the door</p> |
| <p style="text-align: right;">Page 10</p> <p>1 starts. 2 BOARD MEMBER: So the second floor is only 3 used as a residence? 4 MR. LEMING: Yes, sir. That's correct. 5 BOARD MEMBER: It is -- 6 MR. LEMING: Uh-huh. 7 BOARD MEMBER: -- never used as a commercial? 8 MR. LEMING: He has never used it as a 9 commercial. There was a thought at one point -- and 10 you may have seen some photographs -- about that being 11 some kind of wedding venue -- 12 BOARD MEMBER: Yes. 13 MR. LEMING: -- that may be what you're 14 talking about. 15 BOARD MEMBER: Uh-huh. 16 MR. LEMING: And, yes, he did put something 17 on the internet thinking that that may be a possibility 18 there, but then things went wrong in the rest of the 19 case, the -- the access, the ability to get there, he's 20 never used it. There's never been to my knowledge a 21 wedding couple that has used that as a -- as a 22 honeymoon suite. And I know Mr. Vallerie has not used 23 it as a honeymoon suite because he's been married for a 24 lot -- a lot of years. So ... 25 BOARD MEMBER: Go ahead, sir.</p> | <p style="text-align: right;">Page 12</p> <p>1 back where it was, the appliances are there now, there 2 may be something that could be moved around, but it 3 would also involve, you know, closing up the door that 4 had been cut and moving it back to its original 5 position. And by -- by most ways of doing that, you 6 still have a setback violation, and we believe that the 7 old staircase intruded into the setback as well. It 8 could do so legally because it was non-conforming and 9 predated the staircase. It was unfortunate the old 10 staircase got removed, but it did. 11 BOARD MEMBER: Did you have another question, 12 Mr. ... 13 BOARD MEMBER: I think let's let Mr. Leming 14 do his presentation. I can hold them till then. 15 BOARD MEMBER: Okay. Thank you. 16 Okay. Yes, sir. 17 BOARD MEMBER: Please. 18 MR. LEMING: Okay. So we're -- you have 19 another -- do have an order that you're going to 20 proceed in now? 21 BOARD MEMBER: If -- well, we've asked a few 22 questions, and I think we cleared up some things, but 23 what is your purpose here today? 24 MR. LEMING: Oh, okay. Do you want me to -- 25 to give -- do you want me to put on my case?</p> |



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1 BOARD MEMBER: Yes, sir.
2 MR. LEMING: Okay. All right. Well, I
3 wasn't quite sure, and I've -- I've done this in -- in
4 different ways, so -- but you'll -- you'll see and
5 maybe be concerned that I brought a thick file. But
6 I -- I think this is fairly straightforward.
7 First, I think everybody has probably looked
8 at in advance the notice of violation that we're
9 working with tonight. And the important thing are
10 the -- are the specific findings that have been made,
11 the actual violations. So that's what we're going to
12 go through because that's what we're appealing.
13 So what is before you tonight in my view has
14 nothing to do with the broader issues, whether or not
15 he obtained a proper permit to build the staircase, you
16 know, the -- the issue is solely whether or not what
17 has been built is in compliance with the building code.
18 So that's what I -- that's what I will address.
19 Now, there are -- under the -- under the --
20 the notice of the violations, there are six specific
21 things that have been identified, and we're going to
22 spend what I hope is going to be a couple of moments on
23 each of them, and I'll explain to you what our position
24 is.
25 But the first issue is whether or not this

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1 is -- okay. Whoever put this together is -- they
2 didn't put enough of a lip on this to keep everything
3 from sliding off, but ...
4 BOARD MEMBER: It's harassment.
5 MR. LEMING: And, of course, they didn't know
6 how much stuff I was going to bring.
7 All right. Now, first of all, the issue of
8 what this is -- now, I -- I brought copies of the
9 building code with me of the sections I'm going to be
10 talking about. So happy to pass them around to you so
11 you can see what -- what we're discussing. Do I -- am
12 I correct that you probably don't have these sections
13 in front of you right now. I'm looking at Section 103.
14 BOARD MEMBER: I have IBC in front of me.
15 MR. LEMING: Oh, they're in there somewhere,
16 yes, sir. Well, would you -- if -- if my copy is
17 helpful to you, I'll -- I'll pass them around because
18 that's what I'm going to speak from.
19 And let's see.
20 BOARD MEMBER: Well, we have quite a bit,
21 actually.
22 MR. LEMING: Okay. All right. So --
23 BOARD MEMBER: Yeah.
24 MR. LEMING: Okay. If -- so if you've got
25 Section 301, that's where we're going to start.

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1 Now, the -- the purpose of this section is to
2 control the classification of buildings. Now, this
3 inspection occurred like this was a commercial
4 structure. Now, the only understanding that I've ever
5 been given as to why that happened is because it --
6 this is a commercial zoning district. But the
7 commercial zoning district, which is zoning, that
8 permits this residential use in this commercial
9 district.
10 But this isn't a zoning case. It's a
11 building code case. And the building code handles the
12 classification of uses on its own. So Section 301.
13 The provisions of this chapter shall control the
14 classification of all buildings and structures as to
15 occupancy and use.
16 Now, the -- at 302.1, what you have -- and
17 there are definitions for each of these
18 classifications. What you have is a list of ten
19 different uses. Number 8 is residential. Now, in
20 going through all of the definitions, the Residential
21 Grouping 3 -- now, there's an R-1, there's an R-2,
22 there's an R-3 under this one category. The definition
23 of Residential 3 -- and keep in mind we're talking
24 about a multi-purpose building here. The definition,
25 the Residential Group 3 occupancies where the occupants

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1 are primarily permanent in nature and they don't fit
2 into these other categories, but these are the kinds of
3 structures; buildings that do not contain more than two
4 dwellings. And this building has one dwelling. A
5 duplex would qualify under this section. And then
6 there are other things that it can be, like boarding
7 houses and dormitories, monasteries. But the important
8 one is residential that do not contain more than two
9 buildings.
10 Well, what do you do with a case like this?
11 Because the upstairs is residential. The downstairs
12 may be something else, but the issue here is the
13 staircase, the staircase that serves the residential
14 portion of the building. So that's why I believe this
15 category is appropriate.
16 Now, if you look in the tax records for
17 Louisa, and I did -- this was part of our appeal, so I
18 think you have these. You'll see that this is
19 classified as a dwelling, a dwelling. And I don't -- I
20 don't think we need to get too sophisticated with
21 definitions here, but dwellings are where people live.
22 So the county, completely independent of the
23 zoning ordinance, not a zoning case, the county treats
24 this as a residential structure, at least the top
25 floor. That's a dwelling. Okay? And the staircase is

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1 solely intended to serve the top floor. That's it.
2 There is no -- and as was mentioned earlier, there is
3 no connection between -- inside between the first floor
4 and the second floor. And so far as we know, that's how
5 it has always been, and there's no indication,
6 whatsoever, of a staircase that was ever internal.
7 Now, I want to talk about the -- the specific
8 violations, and we'll deal with them in this context.
9 This will be a -- a reoccurring theme what the nature
10 of the structure is.
11 Okay. Let me go back and find the -- the
12 first letter. This is why -- this is why a level
13 surface is very helpful. Here we go.
14 BOARD MEMBER: I think the county just spent
15 a fair amount of money to build that thing that you --
16 MR. LEMING: Well, they --
17 BOARD MEMBER: They needed --
18 MR. LEMING: They probably did.
19 BOARD MEMBER: -- blame to somebody.
20 MR. LEMING: Well -- and I can tell you that
21 it's very nice for leaning on. It's just not very
22 helpful for holding up papers. All right. Here, I
23 stuck it up here so it wouldn't slide.
24 Now, the first -- the first violation in your
25 notice is that the stair riser is eight inches in

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1 height. Now, per -- and this is a portion of the
2 commercial code that is cited here. Per Section
3 1011.52, the riser shall be a maximum of seven inches
4 rather than the eight inches.
5 Now, what do we -- how do we get to the -- to
6 the eight inches? The -- the residential portion of
7 the code contains an exception. Let's see. All right.
8 And there we go. Okay. And on the face of the code,
9 there is an exception to it for R-3, and that exception
10 is eight inches, exactly what it is. So this turns
11 on -- this violation turns on whether or not this
12 staircase is intended to be for a residential -- is a
13 residential structure or a commercial structure. And
14 even beyond that, I think it turns on what the
15 staircase is and what it is intended to serve, which is
16 the residential dwelling upstairs.
17 So we -- our position is that the correct
18 standard is eight inches, the eight inches that is
19 there. That's what is permitted for the residential
20 dwelling, not the -- not the seven inches that is
21 alleged to be required under the commercial portion of
22 the code. Okay?
23 Now, there was -- we gave you all of the
24 citations with the -- with the original appeal, and I
25 do have additional copies here with me if any of that

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1 is of assistance to you in your review.
2 Now, moving on to the second offense. The
3 second offense is the guard height. Now, the guard
4 height on the stairs, as measured by the inspection, is
5 thirty-six inches. Now, the allegation is that it
6 should be forty-two inches on the stairs, the landing,
7 the ramps, and the decks. Well, I think the stairs is
8 the only place it's an issue. I think the -- the
9 railing that's up on the deck is -- is compliant as far
10 as the building code official is concerned; however,
11 for R-3, for the residential classification, thirty-six
12 inches is the exception that is required, that is --
13 that is permitted for the residential guardrail.
14 Now, those two issues turn squarely on
15 whether or not you determine this to be a commercial
16 dwelling or -- or building or a residential dwelling,
17 as the Commission of Revenue says it is. So that's --
18 those two issues are very straightforward, I think.
19 Now, the -- the third issue is the --
20 BOARD MEMBER: Excuse me, sir.
21 MR. LEMING: Yes, sir.
22 BOARD MEMBER: The commissioner lists it
23 as --
24 MR. LEMING: Dwelling.
25 BOARD MEMBER: As a dwelling. Thank you.

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1 MR. LEMING: As a dwelling, yes, sir. And
2 you -- and you --
3 BOARD MEMBER: The upstairs or the entire
4 building, sir?
5 MR. LEMING: Well, it only says dwelling,
6 period, you know, so that's -- that's a -- that's a
7 good question. We don't -- we're not here alleging
8 that the downstairs is used as a dwelling, but the
9 entire -- the tax classification doesn't distinguish
10 between the upstairs and the downstairs. It describes
11 the whole building, but it describes the whole building
12 as a dwelling. Okay?
13 BOARD MEMBER: And that's the basis of our --
14 of our -- of the assessment then as a dwelling.
15 MR. LEMING: Yes, sir. Uh-huh.
16 BOARD MEMBER: Thank you.
17 MR. LEMING: That's exactly correct.
18 BOARD MEMBER: The whole building?
19 MR. LEMING: The entire building.
20 BOARD MEMBER: And -- and -- and you all are
21 not asking to have this changed to a residential, the
22 whole building? You want to keep the commercial use
23 downstairs?
24 MR. LEMING: Well, I'm not sure it's accurate
25 at this point to say there's a commercial use

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1 downstairs. I think it's -- for zoning purposes, it's
2 permitted. If indeed he set it up as a formal
3 office -- right now, there's very little going on
4 downstairs. I would hesitate to say right now that it
5 has a specific designated established use. He does
6 keep records there.
7 BOARD MEMBER: So it is currently under
8 commercial. It has a commercial usage?
9 MR. LEMING: If a -- if a -- if a sole
10 proprietor's -- the reason I hesitate is because I have
11 an office in my house, so I -- you know, I -- I
12 hesitate to say that there's a clearly established
13 commercial use. What is clear in this case, there is a
14 clearly established residential use. There's no
15 question that that's what the upstairs -- upstairs is.
16 The bottom, I would -- I would best describe as to be
17 determined.
18 BOARD MEMBER: Why do you want to leave it
19 vague? That's what I don't understand.
20 MR. LEMING: Oh, you mean why --
21 BOARD MEMBER: If you cho -- cho -- if you
22 just said, okay, the bottom, we'd like to have that be
23 a residence as well, then there's no question which
24 code applies.
25 MR. LEMING: Well -- and with the caveat

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1 that, you know, I have an office in my house, you
2 know -- yes. I mean, I think -- the only person using
3 it right now is Mr. Vallerie. Now, Mr. Vallerie puts
4 on concerts. He has a -- a venue there that is used
5 for entertainment in some cases, and there are -- I
6 mean, he will do those forms, those paper. He will
7 sign those papers in the downstairs portion. That's
8 what's closest to the venue. So, you know, that's why
9 I hesitate to say. Categorically, it's house, it's
10 a -- it's an office. You know, I think it is -- it is
11 to be determined.
12 Now, if it -- if it assists you with your
13 analysis of this and you want to say, okay, if you want
14 to apply a residential building code here, it's got to
15 be the whole thing. But then I'm -- I'm not sure you
16 have to do that. Because what we're talking about is
17 the staircase that serves the upstairs. You know,
18 it -- it's -- and it's a hybrid. But I don't think
19 it's correct to say that what's being analyzed here is
20 a commercial use. What the violations are based on is
21 a commercial use. It's not. There is no commercial
22 use associated with the staircase which is the subject
23 of this proceeding.
24 BOARD MEMBER: May --
25 MR. LEMING: So ...

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1 BOARD MEMBER: May I just ask a quick
2 question here?
3 MR. LEMING: Yes, sir.
4 BOARD MEMBER: Excuse me. What did you,
5 Mr. Grubbs, the building official, classify this
6 staircase as, commercial or residential?
7 MR. GRUBBS: The staircase is the structure
8 that serves the -- the -- the upstairs portion.
9 Currently at this time, there is no occupancy to be had
10 upstairs at all. There is no occupancy up there.
11 BOARD MEMBER: There's no occupancy?
12 MR. GRUBBS: No. And per my presentation,
13 you all will find out why. But I mean --
14 BOARD MEMBER: Okay. Well, maybe I should
15 wait. I'm sorry.
16 MR. GRUBBS: Yeah.
17 BOARD MEMBER: Thank you, sir.
18 BOARD MEMBER: Sure.
19 BOARD MEMBER: Yeah. I'll wait.
20 BOARD MEMBER: Go ahead, sir.
21 MR. LEMING: Well, if I could anticipate
22 that, you know, there is somebody that lives there.
23 Now, is there a residential permit issue? Perhaps not.
24 But you know what? That's a zoning issue. That's not
25 a building code issue.

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1 BOARD MEMBER: Is that --
2 MR. LEMING: The issue still is what's the
3 classification under the building code? And the
4 building code is different from the zoning ordinance,
5 so I don't think you could use one to bootstrap the
6 other. And I concede it's a fairly unusual case, but
7 Mr. Vallerie, I can absolutely assure you, lives
8 upstairs, and it's set up as a residential dwelling. I
9 mean, it has a stove, a refrigerator, a bed, a
10 bathroom, all of which work and which he uses. So -- I
11 mean, that's ...
12 BOARD MEMBER: So he's occupying it without
13 an occupy -- occupancy permit?
14 MR. LEMING: He --
15 BOARD MEMBER: Is that how I understand it?
16 MR. LEMING: He -- he may -- he may be,
17 but -- but I think -- again, the response to that is,
18 yes, that may be a zoning issue. I don't think it's a
19 building code issue. He's got lots of zoning issues.
20 BOARD MEMBER: Well, I -- I certainly don't
21 want to deal with that. I just -- I don't see how you
22 can say that an occupancy permit is the zoning issue.
23 I think that's what we do here is -- okay. Very good.
24 MR. LEMING: Well, yeah. You -- you're
25 correct that there's an occupancy permit to -- to use



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| <p style="text-align: right;">Page 25</p> <p>1 the premises, but there's not an occupancy permit that 2 I know of for anything. So -- and it may be that, you 3 know, all of this -- I mean, how do you evaluate what 4 building code should be applied until there's some 5 decision as to what the purpose of the building is 6 under the building code definitions. So I don't -- I'm 7 not sure that the occupancy permit or the lack of one 8 is definitive for the violations that are before you. 9 He's not charged with -- there's no violation that he 10 doesn't have an occupancy permit. He's charged with 11 specific violations of the building code.</p> <p>12 BOARD MEMBER: Okay. Could --</p> <p>13 MR. LEMING: Yes, sir.</p> <p>14 BOARD MEMBER: A bit further on the 15 downstairs portion. It is used as an office. And 16 there are customers coming in and signing contracts; is 17 that correct?</p> <p>18 MR. LEMING: I -- I -- yes. I think that 19 that has happened. It is my understanding that -- now, 20 they may do it on the porch. You know, do they -- do 21 they -- but yes. I mean --</p> <p>22 BOARD MEMBER: Okay.</p> <p>23 MR. LEMING: -- you know, the contracts and 24 things I think are handled out of that part of the 25 building.</p> | <p style="text-align: right;">Page 27</p> <p>1 BOARD MEMBER: Pretty old, so ...</p> <p>2 MR. GRUBBS: Yeah.</p> <p>3 BOARD MEMBER: I mean, that --</p> <p>4 MR. GRUBBS: (Indiscernible) seriously.</p> <p>5 BOARD MEMBER: But anyway --</p> <p>6 MR. GRUBBS: Yeah. It's all in the 7 presentation.</p> <p>8 BOARD MEMBER: I got you.</p> <p>9 MR. GRUBBS: Yes, sir.</p> <p>10 BOARD MEMBER: Okay.</p> <p>11 MR. GRUBBS: (Indiscernible.)</p> <p>12 BOARD MEMBER: Well, he -- you're certainly 13 right about one thing, Mr. Leming. This is very 14 complicated.</p> <p>15 MR. LEMING: Yes, sir.</p> <p>16 Now, the -- let's get back to the -- to the 17 particular violations here. What we -- we know that 18 prior to Mr. Vallerie's purchase of the property that 19 the entire thing was used as a house. That, we know 20 from the prior owner. I mean, there was nothing -- 21 there was nothing else there. You know, the -- the 22 house was just where the predecessor lived, and that -- 23 this goes back to the 1980s when the house was actually 24 built. So its original purpose was a house.</p> <p>25 Now, there may be an argument that, well,</p> |
| <p style="text-align: right;">Page 26</p> <p>1 BOARD MEMBER: All right. Thank you, sir.</p> <p>2 MR. LEMING: Okay.</p> <p>3 BOARD MEMBER: I've got a question for John.</p> <p>4 MR. GRUBBS: Uh-huh.</p> <p>5 BOARD MEMBER: The R-3 is regulated by the 6 Virginia Construction Code; is that correct? 7 And the R-5 is regulated under the Virginia 8 Residential Code?</p> <p>9 MR. GRUBBS: Correct.</p> <p>10 BOARD MEMBER: So the Virginia Construction 11 Code, basically what they did, they took the 12 international codes, you know, and Virginia makes their 13 amendments.</p> <p>14 MR. GRUBBS: Uh-huh.</p> <p>15 BOARD MEMBER: And so -- so basically what 16 I'm hearing from him, this actually could be R-5. I 17 mean, if -- you know, if what he's saying -- and the 18 downstairs could be a accessory to the residential 19 structure. I mean, it could be. So -- and I do agree 20 that this is a building code issue, not a zoning issue. 21 But would a solution to this be that he apply for a 22 change of use from -- from a undetermined -- you know, 23 because it's a old structure. I'm sure it was a house.</p> <p>24 MR. GRUBBS: Yeah. And that will be revealed 25 in my presentation as well.</p> | <p style="text-align: right;">Page 28</p> <p>1 whatever it was authorized for initially is what it's 2 still authorized for, and I don't know what the county 3 did back in the 1980s with regard to occupancy permits, 4 residential or otherwise, but that's -- that was the 5 established use. Now, Mr. Vallerie, to be sure, has 6 used the downstair -- only uses the upstairs portion 7 strictly as a residence. Now, there is a -- there is a 8 bathroom downstairs and a small kitchen and -- and so, 9 you know, there are other things downstairs that may be 10 attended to whatever use is going on there.</p> <p>11 Now, the next -- the next one that I want to 12 talk about -- we've talked about the -- the guardrails 13 and the -- and the stair rise. The next one is the 14 handrails. Now, this one perplexed us. There's a -- 15 there's -- the photograph that's presented I think with 16 the -- the county's materials that shows -- it took me 17 a lot to completely understand the guard versus the 18 handrail, but what we did come up with was some 19 material that discusses the difference, guardrails 20 versus handrails, and this -- this is from the -- the 21 Journal of Light Construction. We don't find a 22 definition of handrail in the code that is very 23 helpful, dimensions and so forth. But what this does 24 suggest is that -- and this is what I first -- our 25 first reaction to this was, wait a minute, there are</p> |



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1 handrails there. They're right there. You can see
2 them. They're on the top of the guard -- the guard.
3 Now, that begged the question as we got to
4 thinking about this. Well, can they be on top of the
5 guard? And what we have -- what is suggested here is
6 that -- well, yes, absolutely. There's no -- there's
7 no requirement that the handrail stand -- at least
8 that's been cited here, and all we can go on is -- is
9 what's been cited in the violation, but there's no
10 indication that the handrail needs to be something
11 separate and go right on top of the -- of the -- of the
12 guard.
13 Since that time, I've been noticing
14 staircases in my own house. You know, it -- at
15 adjacent properties, at commercial properties, just
16 to -- what in the world are they talking about here?
17 Well, in my house, I have some independent handrails
18 that are hooked to the wall. On the steps to my deck,
19 the -- the handrail -- and this was all inspected by
20 Stafford County. The handrail is on the top of the
21 guard. You hold on to it when you're going up the
22 steps, and it goes up with the steps.
23 So we're -- we're not sure what this is all
24 about, but it assumes, I think, that the -- what is
25 shown in the picture at the top of the guard is not a

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1 handrail and that somehow there needs to be something
2 else. We don't find anything in the building code that
3 tells us what the dimensions of the -- of the handrail
4 are supposed to be. But, obviously, it's supposed to
5 be something you can hold on to as you were descending
6 or ascending stairs.
7 So we're not really sure why this is cited as
8 a violation, but it is, to the extent that the guard is
9 at the correct height under the residential portion of
10 the code, the handrails are -- they're at -- they're at
11 the right height, you know, also. They're --
12 they're -- you know, it's thirty-four to thirty-eight
13 inches, and we're -- the top of the guard is thirty-six
14 inches. So if it's a handrail, that's it. And we've
15 not found any -- there's certainly no explanation in
16 the violation as to what else this could possibly be.
17 Now, the -- the next issue is -- are the
18 floor joists and hangers, and a code section is cited
19 here. Now, all I will tell you about this one is that
20 we -- we've looked up this code section, and it has
21 nothing to do with this subject. Now, the next code
22 section may be relevant, but not the one that's cited
23 in the violation. The section that is cited,
24 2304.10.3, doesn't reference or require -- much less,
25 require the installation of a floor joist and hangers.

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1 It's simply not that part of the code. So this may be
2 a technical issue, but this is a letter of violation,
3 so quite simply, they've got to have the -- the right
4 section cited. Now -- and there's been no -- there's
5 been no correction or modification to that, even though
6 we put it out in our -- pointed it out in our appeal.
7 Now, the -- the last -- or the next issue
8 here has to do with the stairway fire separation
9 distance from the building. Now, this one -- if you
10 thought things were complex to this point, just wait.
11 Now, first of all, I would point out that there is
12 separation shown on the -- one unusual thing about this
13 case is that Mr. Vallerie did submit plans for the
14 staircase that were approved by the county. Now, with
15 everything else going on and with an appeal of his
16 variance, he never picked them up, but they were
17 approved. Now, those approved plans, which are part of
18 your package, show a measurement of two feet between
19 the staircase and the house. Now, that's approved.
20 That's on the approved plan. So that was reviewed when
21 the plans were reviewed by the county, and the -- the
22 plans are -- are stamped approved.
23 Now, even beyond that, here's the -- here's
24 the definition of an exterior -- under the building
25 code -- because the -- the violation here suggests that

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1 this has to be a certain distance from the house
2 because it is -- let's see. An exit, a component that
3 serves to meet -- this is the definition under the
4 building code -- one or more means of egress design
5 requirements under the code.
6 Now, what does that mean? Means of egress is
7 defined under the building code as a continuous and
8 unobstructive path to a public way. Now, public way
9 that we can find is not defined in the building code.
10 But what I would point out is that this staircase comes
11 down to the lawn. It is nowhere near a sidewalk, near
12 a road, near any common sense definition of what a
13 public way would be. So question is, you know, whether
14 or not it's even covered, whether or not this is
15 something that is even regulated by the building code.
16 So that -- that's where that ten feet of provision
17 comes from.
18 You know, I have all of the -- the
19 definitions, the definitions of egress. And just to --
20 by way of review, a staircase -- exterior -- exterior
21 exit staircase, one on the outside of the building. An
22 exit component that serves to meet one or more means of
23 egress designed requirements such as a required number
24 of exits or exit access travel distance, none of which
25 I think is applicable here, and is open to -- and the



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1 last thing listed here is public ways, courts or public
2 ways, which doesn't fit here either.
3 So -- so first -- first point there is that
4 this plan was before them showing two feet. It was
5 approved. Now, they've gone off in another question
6 and said, well, it's got to be ten feet. I'm not --
7 I'm having trouble even visualizing how you would do
8 that or what portion of it would be separated, the
9 whole staircase and then what do you do? You have to
10 bridge -- and, of course, that would create all kinds
11 of additional setback issues, but I don't believe that
12 this is an exterior exit stairway within the meaning of
13 the building code. This is simply access to a
14 residential portion of this building upstairs. And in
15 its present configuration, that plan was approved by
16 the -- by the county.
17 So those are the -- those are the -- those
18 are the -- those are the points that are raised here,
19 so -- and I don't mean to be redundant at all, but
20 your -- your first two issues, the stair riser and then
21 the guardrail, are controlled I think by what this is,
22 what this staircase is. Is the staircase -- that's the
23 structure here. No other thing is being worked on. Is
24 the staircase a commercial or a residential structure?
25 And if you take a broader view and say, well, that

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1 turns on what the structure is, residential or -- or
2 commercial.
3 Well, it certainly -- it has no history of
4 being used historically, the upstairs at all, for a
5 commercial structure. If there is a residential use to
6 the downstairs portion of the building, it's a recent
7 one and is limited to Mr. Vallerie's office, but I
8 don't think that effects the definition of -- of
9 whether or not this is a commercial or a residential
10 dwelling. And -- oh, it can't be a commercial
11 dwelling. The -- it's your Commission of Revenue that
12 tells us it's a dwelling, and that's how it's taxed.
13 Now, the -- the issue of the -- the handrails
14 is simply -- it -- it -- from everything we've read, it
15 doesn't appear there has to be a separate independent
16 handrail on the inside of the guard, that the top of
17 the guard may be the handrail, and there's certainly
18 nothing in the code to suggest otherwise. And a
19 suggestion in the literature that -- you know, that is.
20 That serves that purpose. That's why it's there. And
21 you -- you think about how many outside staircases that
22 you've seen are structured like that. They don't --
23 they don't have something on the inside of the guard,
24 for the most part. Some may, but certainly most don't,
25 and based in my observation since I've been actually

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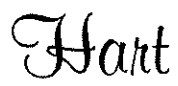
1 looking at them over the last month or so.
2 And then the -- the floor joist and hangers,
3 you know, this is -- this is -- it's simply not -- you
4 know, if they want to cite him -- go back and cite him
5 with the correct code section, they can, but this code
6 section has nothing to do with what they've said it
7 covers.
8 And then the -- the fire separation approved
9 plan by the building department, showing the two feet
10 and the definition in the building code that this
11 violation depends on that this be an exterior exit
12 stairway. That's how they're coming up with the ten
13 feet. But it doesn't appear to serve the purposes of
14 an exterior exit stairway, and there is no connection
15 to a -- a public way, which is what the building code
16 requires.
17 Okay, gentlemen. Well, you've -- you've been
18 very patient, and I noticed the questions died. Oh,
19 okay. Yes, sir.
20 BOARD MEMBER: I noticed you didn't address
21 the footing comment.
22 MR. LEMING: Well, I'm sorry. Which one?
23 BOARD MEMBER: Footing.
24 MR. LEMING: Oh. Well, the footing they
25 couldn't -- they can't -- they can't inspect anything

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1 is what the letter says. They did come out there. We
2 set a time up there for them to do it. They can't see
3 the footing. And they -- but they canceled the visit.
4 I think Mr. Grubbs would tell you the visit was
5 canceled -- at least as I'm advised by the county
6 attorney -- because it's not clear that they can do
7 that without possibly damaging the footers. So we set
8 up a time for them to come and inspect the footers, but
9 there is no inspection of the footers at this point.
10 And I think what the letter says is they couldn't do
11 it. There's no -- that's not a violation.
12 BOARD MEMBER: I have a question concerning
13 the handrail guardrail.
14 MR. LEMING: Yes, sir.
15 BOARD MEMBER: Is the top of this a
16 two-by-four laid down flat?
17 MR. LEMING: I don't think it's that wide.
18 There's a picture I think that the top is -- it may be
19 as wi -- you know, you're asking a lawyer here. It may
20 be as wide as four inches. It is not simply a
21 two-by-four. It's -- it's a more finished staircase
22 than that. And Mr. Grubbs may be able to --
23 MR. GRUBBS: It's --
24 MR. LEMING: -- tell you that --
25 MR. GRUBBS: It's a --

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| <p style="text-align: right;">Page 37</p> <p>1 MR. LEMING: -- more accurately. 2 MR. GRUBBS: -- vinyl type -- 3 MR. LEMING: It's a vinyl, right. 4 MR. GRUBBS: -- three-fab -- 5 MR. LEMING: Oh, okay. 6 MR. GRUBBS: -- handrail with the -- the 7 little bumps on the side. 8 MR. LEMING: Yeah. 9 MR. GRUBBS: And it didn't -- it didn't come 10 with any code because the -- it was too wide across the 11 top to get that fully graspable. 12 BOARD MEMBER: So it's configured as a -- 13 MR. GRUBBS: Yes. 14 BOARD MEMBER: Thank you. 15 MR. LEMING: Yeah. So it's -- it's flat 16 across the top, and I -- my -- I was going to guess 17 that it was not wood, but vinyl is -- and certainly the 18 picture seems to support that it's one of the new vinyl 19 staircases and rails. 20 BOARD MEMBER: Yes, sir. Questions? 21 MR. LEMING: All right. Well -- well, thank 22 you all very much for your patience. And, you know, if 23 there are questions for me when you hear the rest of 24 what you're going to hear tonight -- 25 BOARD MEMBER: Well --</p> | <p style="text-align: right;">Page 39</p> <p>1 through all the -- all the violations I've hit him on. 2 All right. As far as the violations go, every one of 3 them meet an R-1 occupancy as far as what he has out 4 there. After the inspection report was conducted, it 5 led to the notice of unsafe structure. All right? The 6 notice of unsafe structure went out on January 24th, 7 2022, after the inspection of the stairway and deck was 8 complete and after it was found that the top portion of 9 the building was not to be occupied. This was found in 10 the notes of the change-of-use permit to change the use 11 of the bottom portion of the building to a B, business 12 use, and the top portion to change to an R-1 use. This 13 was to only turn to an R-1 use after Mr. Vallerie 14 applied for another permit to fire rate the floors 15 between the two occupancies. The top portion of the 16 building was not to be occupied until the fire rating 17 between the two floors was permitted, approved, 18 installed, and inspected. 19 This slide shows a permit for that change of 20 use. All right. Originally, this change of use was 21 going to be changed the bottom use to a B, business 22 use, and the top portion to an R-1 use as a studio 23 apartment upstairs. All right. That was the 24 original -- that's what he came in to permit 25 originally. If you see the notes to decide that we've</p> |
| <p style="text-align: right;">Page 38</p> <p>1 MR. LEMING: -- please don't hesitate to 2 bring them to my attention. 3 BOARD MEMBER: Okay. Mr. Grubbs, sir. 4 MR. GRUBBS: Yes, sir. Hopefully I can bring 5 a little clarification to all of this. Good evening, 6 everyone on the board. Thanks for coming tonight. 7 Let's see. By the end of this presentation, 8 it is my intention to prove that the stairway leading 9 to the second story of this structure at 34 -- 10 349 Pleasants Landing is unsafe -- is an unsafe 11 structure defined by the 2018 Virginia Construction 12 Code and the 2018 International Building Code. 13 All right. This next batch of slides will be 14 the current pictures that we took during that 15 inspection. This one you can see it of the -- the side 16 of the stairway going down the side of the building 17 there and then the -- what they're calling the balcony. 18 It is truly a deck, but the balcony, slash, deck above 19 as well right there in that picture. This next picture 20 will show you the stairwell, how it goes up, how it's 21 actually lined up and stuff. And then we have another 22 picture of the back side showing the deck and all that 23 good stuff. 24 All right. From this -- in the inspection 25 report. All right. We al -- we've already been</p> | <p style="text-align: right;">Page 40</p> <p>1 blown up for you, they're highlighted there in -- in 2 yellow -- just couldn't get them to -- to really get it 3 all up there for you. 4 Our previous building official, Paul Snyder, 5 wrote the change of use to be use of a residence above 6 to change to R-1. This use will change R-1 due to its 7 use to being a studio apartment and being primarily 8 transient. Will be permitting upstairs change of use 9 after closing this permit. Owner has been informed 10 that the lower will need to be separated from the R-1 11 occupancy above and fire rated before any use of the 12 upper level will be permitted. 13 All right. This next slide is a plan that 14 Mr. Vallerie provided us for that change of use. As 15 you can see on the -- the lower-level portion, that's 16 the business side portion, and the upper portion. You 17 can notice the upper portion is scratched through. The 18 upper portion is scratched through because Mr. Vallerie 19 is going to have to come back, get another per -- 20 permit to fire rate between those two floors before he 21 could use that studio apartment up top. That's what 22 we're looking at there. 23 So based off this building plan and this 24 layout, a permit was issued. Inspections were 25 conducted. They were actually conducted on</p> |



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1 February 12th, 2022 -- sorry. Of 2019. And a CO was
2 issued to Mr. Vallerie changing the building's use to
3 commercial with the understanding that the top portion
4 was not to be occupied until the fire rating between
5 the floors was completed.
6 Next slide I will show you. This is the
7 certificate of occupancy that was issued to
8 Mr. Vallerie on February 13, 2019. As you can see, the
9 use group, it is a commercial use.
10 All right. These next group of slides will
11 show you all the permits that were applied for that
12 that -- that are associated with this building. The
13 first one you see is 201900199, that is the
14 change-of-use permit we just went over. The other one,
15 296, that is the deck permit. 297 is the -- it was
16 replacing an existing doorway on the upstairs portion.
17 And 298 is the -- is the permit application for the
18 stairwell.
19 All right. These four permits that are
20 associated with this building, one's a change of use,
21 we got a stairway, a deck, and a new door. Only -- of
22 all four of these permits, only one -- only one permit
23 was ever issued and paid for. All the other permits
24 were not issued and not approved because of zoning
25 issues that haven't been corrected yet. The plans were

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1 approved for the stairs. Mr. Vallerie obtained those
2 plans through one of many zoning hearings that we've
3 had, and that's how he obtained those plans. Those
4 plans were never issued to him. A permit was never
5 issued to him to build the stairway, the deck, or to
6 replace that door upstairs.
7 BOARD MEMBER: Could you -- could you mind
8 repeating that last bit. That he is no -- he has no
9 permit for the stairs, the deck, and the door upstairs.
10 MR. GRUBBS: Yes, sir. Therefore, the
11 stairway, deck, and installation of the new door on the
12 second story were all constructed and installed without
13 building permits.
14 BOARD MEMBER: Thank you.
15 MR. GRUBBS: All right. This next slide
16 right here, this is a picture that was taken and pulled
17 off of Mr. Vallerie's -- he has hired this --
18 theknot.com. It is a website that -- that promotes his
19 wedding business and stuff down there. This was one of
20 the pictures that was taken off of his website that we
21 still had. The lower portion of this building -- and
22 I'm pulling it up for you right here. That's the
23 billing we're talking about right here. You notice
24 what it says right above, bridal suite and groom's
25 room. Keep that in mind.

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1 BOARD MEMBER: Uh-huh.
2 MR. GRUBBS: Slide 12 and 13 will be sort of
3 the same. You have Package A and B and C. This was
4 pulled off of the same website Mr. Vallerie forgot to
5 take down. This will prove what he is intending to use
6 that top portion for. If you read, groom's den has a
7 full bathroom, shower, small kitchen, large balcony,
8 and a area to get ready.
9 The large balcony is the second-floor area.
10 He is letting the public go up there and -- and use the
11 upstairs area, which is not to be occupied at no time.
12 At no time. Nor are the stairs supposed to be there.
13 You're not allowed to walk up those stairs to get up to
14 an occupancy either. Here is Package C. It is the
15 same thing just to show you that the groom's den is
16 available upstairs for the groom and all of his
17 groomsmen to get ready in that area. Again, I will
18 remind you, the top portion of this building is not to
19 be occupied.
20 All right. This set of slides will show you
21 how and why we inspected the stairway and deck as an
22 R-1 occupancy. All right. R-1, residential occupancy
23 containing sleeping units or more than one -- more than
24 two dwelling units. One, the occupancies are primarily
25 transient, and there are more than ten occupants.

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1 We went to the transient definition.
2 Transient definition is basically occupancy of a
3 dwelling unit or a sleeping unit for not more than
4 thirty days, which is exactly was being done up there.
5 Finally, we looked up sleeping unit. All
6 right. Sleeping unit. The single unit that provides
7 room or spaces for one or more persons, including
8 permit provisions for sleeping and can include
9 provisions for living and eating and either sanitation
10 or kitchen facilities, but not both.
11 We went into a little deeper over here to
12 your right, and that is the IBC Code and Commentary.
13 Great book to have if you ever want to get into the
14 code a little bit more, it really explains it more. If
15 you look in the -- this section right here that they
16 define R-1, another example would be a studio
17 apartment. On the -- on the plans that Mr. Vallerie
18 provided for the upstairs, in his own writing says
19 studio apartment. That's exactly what he is intends --
20 he intends to use it as a studio apartment and intends
21 to rent it out to these wedding parties to use up
22 there; maybe to stay the night, maybe not, but to be
23 used.
24 All right. This slide is the resolution for
25 the 2017 local board of building code appeals, the



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|--|---|
| <p style="text-align: right;">Page 45</p> <p>1 finding that Mr. Vallerie in 2017 for almost the same 2 exact stuff. Last time was he did not have a permit 3 for the stairs, for the stairway. He did not have a 4 permit for the deck. Therefore, you found in favor of 5 the building official. He had no permit to construct 6 this. He took it down. Once again, we're in the same 7 place again. He has built the stairway again without a 8 permit. He has built that deck again without a permit. 9 This time, it has turned into an unsafe situation. 10 With the way the deck was configured and not only does 11 it not have a permit, it makes this an unsafe 12 situation. 13 I would like to take the time to thank the 14 board for their -- for your time and your patience 15 today. I will close with this. One, the stairway was 16 constructed without an approved building permit. Two, 17 the stairway is not constructed to the provisions and 18 standards set forth in the Virginia Construction Code. 19 Three, the stairway needs -- the stairway leads to the 20 top portion of the building that is not to be occupied 21 because it has not yet been fire rated between both 22 floors. For these reasons, the stairway poses a threat 23 to life safety -- the stairway needs to be removed to 24 ensure that there is no threat to life safety, to the 25 public, and that no one can occupy the top portion of</p> | <p style="text-align: right;">Page 47</p> <p>1 The -- most of what the building code 2 official has shared with you is irrelevant. The reason 3 for that is this. We're here on a specific notice of 4 these violations, and we've -- we've been through the 5 basis for this letter. There are -- there are six of 6 them. And this -- what he's concluded rises and falls 7 on the validity of the particular things, the 8 particular violations that have been alleged. 9 I would suggest to you that what counts right 10 now -- this wasn't an inspection that didn't occur some 11 years ago; this was an inspection that occurred this 12 past February. It was pursuant to a discovery request 13 and the context of the litigation. And all these 14 permit issues tell you to get a permit, they're all 15 pending at the circuit court. This is something new. 16 This is a set of violations, building code violations, 17 that are alleged and a conclusion that in the building 18 codes official he believes he can make in a directive, 19 but if these violations are not supportable, he cannot. 20 He can only -- he can only proceed if these violations 21 that are cited in the notice that's provided to the 22 property owner are valid. 23 We're not here today to talk about whether he 24 has a permit or not, a host of other things whether or 25 not at some point -- remember, the only thing that he</p> |
| <p style="text-align: right;">Page 46</p> <p>1 the building until the required permits have been 2 applied for and approved and all code requirements have 3 been met. 4 Thank you. Do you have any questions at this 5 time? 6 BOARD MEMBER: I have one question. I guess 7 I'm a little bit -- the question I have, we have these 8 set of plans that were originally reviewed and 9 approved, but then he changed the use of the upstairs 10 or requested a change of the use for upstairs? 11 MR. GRUBBS: Correct. The original permit 12 when he came in was to change the use for the bottom -- 13 BOARD MEMBER: Right. 14 MR. GRUBBS: -- and the top. 15 BOARD MEMBER: So when those plans were 16 reviewed, they met the code. But then when he 17 requested the change, they didn't? 18 MR. GRUBBS: Correct. 19 BOARD MEMBER: Okay. 20 MR. GRUBBS: Yes, sir. 21 BOARD MEMBER: Thank you, Mr. Grubbs. 22 MR. GRUBBS: Thank you. 23 BOARD MEMBER: Counsel, do you have closing 24 remarks? 25 MR. LEMING: Yes, sir. Thank you. Yes.</p> | <p style="text-align: right;">Page 48</p> <p>1 showed you, which we told you about, is yes, at one 2 point, Mr. Vallerie thought, oh, this would be a nice 3 wedding venue. Well, you may recall before COVID, this 4 goes back -- how old are these now? How many years it 5 hasn't been used. Before COVID, wedding venues were a 6 big business. And yes, he did entertain. But no -- no 7 honeymoon has occurred in that. There's been no 8 wedding couple that has used the upstairs. That is 9 where he stays. That's where he lives. That's -- 10 that's a -- that's all that it is. 11 So what does any of that have to do -- now, 12 he's not -- he's not -- there's not a building code 13 violation here for using the premises for some use that 14 the building code doesn't sanction or permit. You 15 know, the -- the violations go to specific building 16 standards; risers, guard height, handrails, floor 17 joists. It doesn't even have the right code section. 18 The stairway separation, distance. You know, and then, 19 of course, the footings we didn't get to. So those -- 20 those five things are what he is alleged to have 21 violated, nothing more. And I don't believe that in 22 your consideration of this that you can do anything 23 other than make a determination as to whether or not 24 these violations are valid. 25 Now, if they are, then maybe you -- you're</p> |



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1 enti -- maybe he's entitled to make the leap, and
2 that's what it is at this point, to the conclusion that
3 there's something so unsafe going on right now that it
4 has to be taken down. Well, none of that's going to
5 happen until the circuit court's done anyway. So this
6 is something else thrown into the mix, and I encourage
7 you to review this narrowly in the context of what it
8 is that he says violates the building code. I think
9 that's the -- that's the -- that's the agenda today
10 deciding, and I think that's the way it has to be
11 reviewed.

12 Now -- and I would also point out that a good
13 bit of confusion, I wasn't exactly sure how we were
14 getting through the classifications, but under
15 Section 301 and several things were suggested here that
16 this could be, but we have an R-1, we have an R-2 and
17 an R-3, and it -- the code tells you what's included
18 with each one. Okay?

19 R-1, the residential group, boarding houses.
20 This isn't a boarding house. Congregate living
21 facilities, hotel, motel, no. R-2, apartment houses.
22 This is not an apartment house. Congregate living,
23 boarding houses -- non-transient boarding houses. And
24 then we come to Group 3, and the only thing -- the only
25 thing that we found that fits what's going on here is

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1 that under 310.4, buildings that do not contain more
2 than two dwellings. That's what this is. It has one
3 dwelling in the building. Okay?

4 So that's why we think that's the
5 appropriate -- but, regardless, you know, the
6 fundamental question still is -- at least with regard
7 to risers and guard height, the -- this whole issue is
8 is this -- is the staircase a commercial structure or
9 residential structure? It doesn't matter at this point
10 whether he got a permit, didn't get a -- got one,
11 didn't get one, got a partial permit, whatever. Said
12 he was going to do X, said he was going to do Y. This
13 letter of violation goes to particular building code
14 violations that have to be established to go to the
15 next step.

16 So, you know, I suggest to you that for
17 application of the building code -- that's the narrow
18 task here. How do we apply the building code to this?
19 And for building code purpose, what is it, you know?
20 And, you know, what is the staircase? And if you have
21 to get to that point, what is the staircase serving? A
22 dwelling, a residential unit.

23 Okay. Thank you all very much. I -- you
24 probably said, oh, that's just -- how many times is he
25 going to say that? But I appreciate very much your

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1 patience. And -- and I ask you to uphold the appeal on
2 the merits of the case.

3 But, you know, if you -- if you think you
4 have to look beyond this, you know -- you know, take it
5 under advisement, let the circuit court do its thing,
6 you know, and -- and then deal with it. But this is
7 all highly irrelevant until the circuit court first
8 decides whether he has a right to have the staircase in
9 the setback. It's all going to turn on that
10 ultimately, you know. You know, if the Court says,
11 yes, he does, he gets a variance. Then we're going to
12 have to get this stuff straightened out. If he says --
13 if the Court says, no, he's not entitled to a variance,
14 the staircase comes down. So this is a side -- an
15 unfortunate sideshow that the county has created in the
16 midst of major litigation going on that will dispose of
17 all of these issues. Thank you.

18 BOARD MEMBER: Thank you.
19 Mr. Grubbs.
20 MR. GRUBBS: Yeah. Just to close here. It's
21 a lot of smoke and mirrors going on here. R-3 is the
22 only occupancy that allows him to have that eight --
23 that eight-inch rise, all his handrails and all that
24 stuff. As -- as far as I'm concerned, building codes
25 and -- and the stairwell itself, the stairwell did not

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1 meet code. It does -- does not have a permit. Within
2 itself, that is a code that must be followed and
3 mandated.

4 I -- I ask that you uphold my decision today
5 because the stairwell, as it is today, is it -- in an
6 unsafe state. And in the history of Louisa County,
7 when I started here ten years ago, our building
8 official put in front of us one thing we will never
9 miss is handrails. One thing we will never miss is
10 handrails with anything to do with steps. Because we
11 had an inspector a while back -- it was about, I'd say,
12 twelve years ago -- missed a handrail on a set of
13 steps. Lady fell down and fell to her death. Well, he
14 was caught for it and all that good stuff. Well, I can
15 tell you one thing we're not going to miss in this
16 county is a set of steps. Nobody's going to fall down
17 because we missed it. Okay? The stairs are unsafe
18 because they do not meet building code, and that's
19 plain and simple. Thank you.

20 BOARD MEMBER: I have a question, Mr. Grubbs.
21 MR. GRUBBS: Yes, sir.
22 BOARD MEMBER: This is a very complex issue,
23 and I'd like to get it down to just one point. Was
24 there a building permit issued for these stairs?
25 MR. GRUBBS: No.



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1 BOARD MEMBER: Thank you.
2 BOARD MEMBER: And a change of use was
3 approved for the R-1 occupancy upstairs and the B
4 occupancy below?
5 MR. GRUBBS: Originally, no. The -- that got
6 changed to just the B below. The R-1 was to be
7 permitted later once the fire rating between the
8 floors --
9 BOARD MEMBER: I got you.
10 MR. GRUBBS: -- was permitted as well.
11 BOARD MEMBER: So the downstairs does have a flood use
12 approved occupancy of B?
13 MR. GRUBBS: Right. Yes, sir.
14 BOARD MEMBER: One question. The -- his
15 reference to the floor joist and stair hangers not
16 being referenced correctly, it -- is he correct about
17 that, or is that --
18 MR. GRUBBS: Not correct. That is out of the
19 2018 --
20 BOARD MEMBER: Okay.
21 MR. GRUBBS: -- Virginia Construction Code.
22 You --
23 BOARD MEMBER: Thank you.
24 MR. GRUBBS: -- will not find that in 2015 or
25 behind.

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1 BOARD MEMBER: Thank you.
2 MR. GRUBBS: Yes, sir.
3 BOARD MEMBER: And, basically, the handrail
4 is in both codes, residential and -- and it gives you
5 specific dimensions in the code very -- and it's kind
6 of complicated really, some of it, but -- but the
7 dimensions are in the code. And then actually some of
8 the residential re -- I mean, some of the commercial
9 requires handrails both sides of the stairwell.
10 MR. GRUBBS: Yes. Yes, sir.
11 BOARD MEMBER: And continuous at the
12 landings. So -- so -- but it is specific definitions
13 of the handrail in both codes as far as the requirement
14 of it.
15 BOARD MEMBER: Thank you, sir.
16 MR. GRUBBS: Thank you.
17 BOARD MEMBER: All right. We are now going
18 to debate. You're welcome to stay and listen to the
19 debate, and if we can come to a conclusion, it'll be --
20 everybody will go home with knowing what's going on.
21 John, do you have any questions or comments?
22 BOARD MEMBER: Comments.
23 BOARD MEMBER: Comments?
24 BOARD MEMBER: Well, you know, you don't
25 start building something without a permit, number one.

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1 Number two, there was a stop work order issued; is that
2 correct?
3 MR. GRUBBS: That's correct. Stop work order
4 in 2019 was actually on this same structure we're --
5 BOARD MEMBER: Okay.
6 MR. GRUBBS: -- talking about. And the
7 statutes of the limitations had been brought with that.
8 BOARD MEMBER: Sure.
9 MR. GRUBBS: Paul had surgery on his hip
10 during that time, and then COVID hit, and then it
11 --
12 BOARD MEMBER: Sure.
13 MR. GRUBBS: -- he actually left in July of
14 2020 and just -- and it got dropped by the wayside.
15 BOARD MEMBER: Sure. Well, just those two
16 things right there are pretty egregious violations of
17 the building code. I was just reading this morning on,
18 you know, violating stop work orders, and there --
19 there are civil penalties that can be assessed on that.
20 I do know that there have been many injuries
21 and even deaths in this country on improperly built
22 decks, old decks, decks that have come away from homes.
23 You know, somebody has a birthday party and has
24 twenty-five people up on the deck, and maybe they start
25 dan -- maybe they're just standing there taking a

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1 picture, and all of a sudden, the deck fall. Decks are
2 a -- a critical structure. For residential, they're
3 designed for forty pounds a square foot. For
4 commercial, they're designed for a hundred. I don't
5 know what this deck is designed for, but you've
6 inspected it, and I believe -- I mean, I agree with
7 your assessment that it is unsafe.
8 So -- well, the difference between having an
9 office in your house and an office on this property,
10 there are hundreds of people that come to Pleasants
11 Landing. You know, you can get a number of people up
12 on that deck or on those stairs just, you know, hey,
13 how's everybody doing? You know, take a picture or
14 something. To me, it's a commercial property, and I
15 believe that's your assessment too, and it should be
16 built in accordance with the Virginia Construction
17 Code. So I agree with your assessment that this is a
18 violation of code. I'm done.
19 BOARD MEMBER: Counsel might be right that
20 this has to be decided on whether it's a commercial or
21 residential structure, and it's certainly been fogged
22 up to the maximum amount, it seems to me so far. We
23 have a relatively small building that is being asked to
24 have two different uses. I don't think I've ever run
25 across that one before. You might have that in a large

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1 building, but -- but -- and it's clearly in a
2 commercial zone, and certainly appears to have
3 commercial intent. And my recollection is that this
4 was a event site of some sort, music venue and so
5 forth. I mean, wow, you'd get some pretty crazy
6 behavior in places like that, so we need to be very
7 careful.
8 So if it -- if -- if it has to be decided on
9 that narrow basis -- and I'm not sure that it does
10 because there's a lot of sort of mind-boggling things
11 that have gone on here, it seems like it would have to
12 be decided that this is not a common residential
13 structure we have here, and you can't just say, oh,
14 that part of the house up there is going to be
15 different. It might be possible in -- in a more
16 complex situation, but this is a pretty simple
17 situation. So I would certainly uphold your ruling on
18 this.
19 BOARD MEMBER: Please, comment?
20 BOARD MEMBER: Yeah. I -- I agree with John
21 that, you know, definitely I know the -- to me, the
22 violation is notice of unsafe building or structure and
23 that the code sections are some of the reasons why it
24 is unsafe, so -- but like you say, I think it all goes
25 to not having a building permit, to begin with, to --

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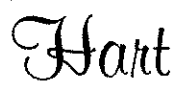
1 if the other structure was taken down, and that
2 definitely the graspable handrails required, either
3 way, whatever the occupancy is, but -- so, basically, I
4 think his first attempt was to get it CO'd as a R-1
5 structure upstairs and the B structure downstairs, and
6 I could see why the upstairs was not issued a CO for a
7 residential use till they got the fire rating done
8 between the two occupancies.
9 So -- you know, so if it was a total
10 residential use, you know-- you know, the violations
11 would probably be more easier to correct, but here it
12 all goes again, whether zoning will allow for a permit
13 to be issued to begin with. So, you know -- so, you
14 know, like how our systems usually work, the applicant
15 applies for a permit with all the -- the zoning
16 setbacks and everything. It has to be approved through
17 zoning before we can issue a permit, so -- but if he
18 never even made a application to build this, you
19 know -- you know, it -- and, like I say, the stop work
20 order was never -- the footings -- I mean, you know,
21 it's just all the way, you know.
22 So -- I mean, even if you took Harry
23 Homeowner building a deck and -- and he didn't get his
24 footings inspected, you know, we usually do require a
25 engineer or them to expose the footings or have a

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1 engineer verify that information be adequate for the
2 load, so -- so I do agree with the building official
3 that it is a unsafe structure.
4 BOARD MEMBER: Mr. Whitlock.
5 BOARD MEMBER: Yes. Well, I feel like the
6 reasoning he brought this notice of unsafe structure
7 out and he applied what he did to it was because
8 Mr. Vallerie asked for R-1, so that's the latest thing
9 he asked for, and so that's why you applied those
10 standards to it.
11 I hope it doesn't happen, but if somebody's
12 up there and that deck comes down, that stairway comes
13 down, somebody's got a mess on their hands, and if --
14 if the county does not put a stop to this, they could
15 be liable along with Mr. Vallerie. And so I -- I feel
16 like this -- these findings are correct.
17 BOARD MEMBER: Yeah. I think --
18 BOARD MEMBER: Thank you for your
19 presentation.
20 BOARD MEMBER: -- John's -- the building
21 officials first duty is for life safety --
22 BOARD MEMBER: Yeah.
23 BOARD MEMBER: -- of people.
24 BOARD MEMBER: Absolutely.
25 BOARD MEMBER: So ...

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1 BOARD MEMBER: Absolutely.
2 BOARD MEMBER: Okay. Further comment?
3 BOARD MEMBER: Then --
4 BOARD MEMBER: It just seems like -- it seems
5 like there was a simple solution in -- in some ways,
6 but it also seems to me that this is about as flagrant
7 an example of somebody not being willing to work with
8 the -- the prevailing rules that I've ever seen.
9 And -- and makes it hard to try to bend anything in his
10 favor in that regard, despite the life safety issues.
11 BOARD MEMBER: The request is by counsel that
12 the appeals board reverse and dismiss the building
13 official's notice in its entirety.
14 We'll take a vote. A yes vote would be to
15 uphold the appeal and dismiss the building official's.
16 A no vote would be to uphold the building official and
17 the notices stand.
18 BOARD MEMBER: Now, wait a second. I'm not
19 sure I --
20 BOARD MEMBER: Okay. The way this is
21 presented is that the -- counsel wants the appeals
22 board to reverse and dismiss the building official's
23 notice.
24 BOARD MEMBER: That's the appeal.
25 BOARD MEMBER: That's the --



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1 BOARD MEMBER: Asking for --
2 BOARD MEMBER: -- appeal.
3 BOARD MEMBER: -- a reversal.
4 BOARD MEMBER: Right.
5 BOARD MEMBER: Okay.
6 BOARD MEMBER: And if we're upholding the --
7 the appeal and dismissing those notices, then we would
8 vote no. If we uphold the building offi -- Jesus, now
9 I'm --
10 BOARD MEMBER: Now you're backwards.
11 BOARD MEMBER: Okay. I need a -- is there of
12 any attorneys in here that are going to help me with
13 this?
14 BOARD MEMBER: We have -- we've got one of
15 our own.
16 BOARD MEMBER: Okay. All right.
17 BOARD MEMBER: Yeah. If we get our own ...
18 BOARD MEMBER: Well, let's keep it simple.
19 We'll start with the -- the yes votes. Do we uphold
20 the appeal and reverse the building official's notices
21 entirety? Does that make sense? Or am I still going
22 circles?
23 BOARD MEMBER: I think it might be simpler --
24 I think you're --
25 BOARD MEMBER: Okay.

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1 BOARD MEMBER: There's nothing wrong with
2 what you said, but it might be simpler for us if we
3 just said are we going to uphold the building
4 official's ruling in this situation?
5 BOARD MEMBER: Okay. I -- do we all agree
6 with that terminology?
7 BOARD MEMBER: Yes, sir.
8 BOARD MEMBER: All right. Then if we --
9 let's proceed then.
10 All those that wish to uphold the building
11 official's notice entirety, say aye.
12 BOARD MEMBER: Aye.
13 BOARD MEMBER: Aye.
14 BOARD MEMBER: Aye.
15 BOARD MEMBER: Aye.
16 BOARD MEMBER: Then it's unanimous. We --
17 we're upholding the building official's notices.
18 MR. LEMING: Thank you all very much.
19 BOARD MEMBER: Thank you, Mr. Leming.
20 MR. LEMING: You've been very courteous.
21 BOARD MEMBER: You know -- you know Charles
22 Payne?
23 MR. LEMING: I'm sorry?
24 BOARD MEMBER: You know Charlie Payne?
25 MR. LEMING: Yes. Of course. I was --

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1 BOARD MEMBER: He does a lot of
2 (indiscernible).
3 MR. LEMING: I was on the phone with him a
4 couple times today, as a matter of fact.
5 BOARD MEMBER: Yes, sir. Good -- good guy.
6 MR. LEMING: Yes, sir. Yes. He's a good
7 guy. We've known each other for a long time, but --
8 BOARD MEMBER: Yes, sir.
9 MR. LEMING: -- I've been doing it longer
10 than him. Y'all have a good evening.
11 BOARD MEMBER: And the (indiscernible)
12 certainly a good presentation today.
13 BOARD MEMBER: Yes, sir. Good presentation.
14 BOARD MEMBER: We have -- is there any old
15 business?
16 I have new business. We need to vote on a
17 chairman and a vice chairman. Would anybody like to --
18 the pay is twice as good for a chairman than it is for
19 the standing members.
20 BOARD MEMBER: Oh. We all scrambled.
21 Are you willing to serve again, sir?
22 BOARD MEMBER: I'm not sure. I'm having
23 health issues, and I may have surgery here, which would
24 be significant. So I'm not sure that -- do we have
25 anything in the works that you think is going to come

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1 before the appeals board?
2 MR. GRUBBS: No.
3 BOARD MEMBER: Excellent.
4 MR. GRUBBS: Not unless this morphs back
5 again somehow, but no.
6 BOARD MEMBER: Well, yeah. This is a --
7 MR. GRUBBS: No, sir.
8 BOARD MEMBER: This is 2022, so that's going
9 to come forward.
10 MR. GRUBBS: Yeah.
11 BOARD MEMBER: So -- okay. Then I'll stand
12 for election as chairman again if that is the board's
13 wish.
14 BOARD MEMBER: Yes, sir. It would be my
15 wish. (877) 907-4278
16 BOARD MEMBER: By acclamation?
17 BOARD MEMBER: Oh, I like that.
18 BOARD MEMBER: And, Mr. Hale, you are the
19 vice chairman. Would you stand for that position
20 again?
21 BOARD MEMBER: I'm all about vice here.
22 Hear, hear.
23 All right. Thank you, gentlemen, and
24 Ms. Carter for being here.
25 BOARD MEMBER: Thank you very much.



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1 BOARD MEMBER: All right. This session of
2 the appeals board is concluded.
3 (End of recording.)
4

5
6 *Grace A. Lengmueller*
7
8

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| <p>treats 16:23</p> <p>trips 2:12</p> <p>trouble 33:7</p> <p>turn 19:14 39:13 51:9</p> <p>turned 45:9</p> <p>turns 3:16 18:10,11, 14 34:1</p> <p>twelve 52:12</p> <p>twenty-five 55:24</p> <p>two-by-four 36:16, 21</p> <p>two-story 4:1</p> <p>type 37:2</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 10:6,15 20:15 26:4,14 43:1</p> <p>ultimately 6:13 51:10</p> <p>unanimous 62:16</p> <p>understand 21:19 24:15 28:17</p> <p>understanding 15:4 25:19 41:3</p> <p>undetermined 26:22</p> <p>unfortunate 12:9 51:15</p> <p>unit 44:3,5,6 50:22</p> <p>units 43:23,24</p> <p>unobstructive 32:8</p> <p>unsafe 38:10 39:5,6 45:9,11 49:3 52:6,17 56:7 57:22,24 59:3,6</p> <p>unusual 24:6 31:12</p> <p>uphold 51:1 52:4 57:17 60:15,16 61:8, 19 62:3,10</p> <p>upholding 61:6 62:17</p> | <p>upper 4:1,2,22 8:22 11:17 40:12,16,17,18</p> <p>upstair 21:15</p> <p>upstairs 11:10,14,24 16:11 18:16 20:3,10 21:15 22:17 23:8,10 24:8 28:6 33:14 34:4 39:23 40:8 41:16 42:6,9 43:11,16 44:18 46:9,10 48:8 53:3 58:5,6</p> <p>usage 21:8</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vague 21:19</p> <p>valid 47:22 48:24</p> <p>validity 47:7</p> <p>Vallerie 2:1,11 3:11, 13 4:4,24 5:11 7:21 8:24 9:11,12,17 10:22 22:3 24:7 28:5 31:13 39:13 40:14,18 41:2,8 42:1 43:4 44:17 45:1 48:2 59:8, 15</p> <p>Vallerie's 27:18 34:7 42:17</p> <p>variance 6:5,21 31:16 51:11,13</p> <p>venue 10:11 22:4,8 48:3 57:4</p> <p>venues 48:5</p> <p>verify 59:1</p> <p>versus 28:17,20</p> <p>vice 63:17 64:19,21</p> <p>view 3:16,21 13:13 33:25</p> <p>vinyl 37:2,3,17,18</p> <p>violated 48:21</p> <p>violates 49:8</p> <p>violating 55:18</p> <p>violation 3:8,12 12:6 13:8 17:24 18:11</p> | <p>25:9 29:9 30:8,16,23 31:2,25 35:11 36:11 48:13 50:13 56:18 57:22</p> <p>violations 3:19 4:14 16:13 17:20 17:22 22:20 25:8,11 27:17 39:1,2 47:4,8,16,19, 20 48:15,24 50:14 55:16 58:10</p> <p>Virginia 2:10,16 26:6,7,10,12 38:11 45:18 53:21 56:16</p> <p>visit 36:3,4</p> <p>visualizing 33:7</p> <p>vote 60:14,16 61:8 63:16</p> <p>votes 61:19</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 23:15,19 28:25 31:10 60:18</p> <p>walk 43:13</p> <p>wall 5:15 29:18</p> <p>water 6:13</p> <p>ways 12:5 13:4 33:1, 2 60:5</p> <p>wayside 55:14</p> <p>website 42:18,20 43:4</p> <p>wedding 10:11,21 42:19 44:21 48:3,5,8</p> <p>week 9:23</p> <p>whatever's 2:6</p> <p>whatsoever 17:6</p> <p>Whitlock 59:4</p> <p>wi 36:19</p> <p>wide 36:17 20 37:10</p> <p>wintertime 9:14,18</p> <p>wood 37:17</p> <p>work 24:10 55:1,3,18</p> | <p>58:14,19 60:7</p> <p>worked 33:23</p> <p>working 13:9</p> <p>works 63:25</p> <p>world 29:16</p> <p>wow 57:5</p> <p>writing 44:18</p> <p>wrong 7:17 10:18 62:1</p> <p>wrote 40:5</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Y'ALL 63:10</p> <p>year 3:3 4:5</p> <p>years 2:12,17 4:6 8:13 10:24 47:11 48:4 52:7,12</p> <p>yellow 40:2</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zone 57:2</p> <p>zoning 4:25 5:4,25 15:6,7,10 16:23 21:1 23:24 24:4,18,19,22 26:20 41:24 42:2 58:12,15,17</p> |
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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of TLF McClung
Appeal No. 22-06

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
(For Preliminary Hearing as to Jurisdiction)

IN RE: Appeal of TLF McClung LLC
 Appeal No. 22-06

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On October 25, 2021, the City of Salem Department of Community Development (City), the agency responsible for the enforcement of Part III of the 2018 Virginia Uniform Statewide Building Code (Virginia Maintenance Code or VMC), issued a letter for the structure located at 17 E. 7th Street, in the City of Salem, owned by TLF McClung LLC (McClung). The letter cited a violation of Section 18-38 of the City of Salem Code for dilapidated buildings deeming the structure unsafe and dangerous to the safety of other inhabitants to the city. The letter ordered that documentation outlining how the structure would be brought into compliance be submitted to the City within 15 days of the date of the letter or the City would bring the matter before the City of Salem Board of Building Appeals (appeals board). The letter cited the following needed to be repaired:

- 1) The entry way needs to be demolished or repaired.
- 2) The sidewall needs to be repaired
- 3) The siding needs to be replaced

2. On February 17, 2022, the City issued another letter to McClung for the structure. In the letter the City again cited a violation of Section 18-38 of the City of Salem Code for dilapidated buildings and again deemed the structure unsafe and dangerous to the safety of other inhabitants to the city. The letter ordered that documentation outlining how the structure would

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be brought into compliance be submitted to the City within 15 days of the date of the letter or the City would bring the matter before the appeals board. The letter cited the following needed to be repaired:

- 1) The entry way needs to be demolished or repaired.
- 2) The sidewalk needs to be repaired
- 3) The siding needs to be replaced
- 4) All unsafe structural issues need to be made code compliant

3. The City scheduled a hearing with the appeals board for March 31, 2022¹ concerning McClung's structure for violations of Section 18-38 of the City of Salem Code.

4. In a letter from the City dated April 4, 2022, the City notified McClung that the appeals board ruled that McClung had to obtain a demolition permit within 30 days of the date of the meeting and complete demolition of the structure within 120 days of the meeting date. The appeals board also gave the City authority to proceed with demolition of the structure if McClung failed to obtain the required permit and/or complete demolition in the required timeframe. In the last paragraph of the letter the City advised that *"any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this decision"*. The letter included the address and phone number for the Office of the Review Board.

5. After receiving the decision of the appeals board McClung, through legal counsel, further appealed to the Review Board.

6. While processing McClung's appeal, Review Board staff advised the parties that in prior cases concerning jurisdiction, the Review Board ruled it lacked jurisdiction to hear appeals

¹ McClung never filed an appeal to the appeals board on this matter

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for the application of local ordinances and/or regulations while referencing the Perry Smith Appeal No. 16-3².

7. This staff document and the Final Order for Perry Smith Appeal No. 16-3 along with a copy of the documents submitted related to the jurisdictional issue of properness before the Board will be sent to the parties and opportunity given for the submittal of additions, corrections or objections to the staff document, and the submittal of additional documents or written arguments related to the jurisdictional issue of properness before the Board to be included in the information distributed to the Review Board members for the preliminary hearing before the Review Board.

Suggested Preliminary Issues for Resolution by the Review Board

1. Whether the appeal is properly before the Board.

² Perry Smith Appeal No. 16-3 is from the City of Salem for cited violation of Section 18-38 of the City of Salem Code

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Basic Documents

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SALEM VA



Charles E. VanAllman, PE, LS
Director

Department of Community Development
Engineering/GIS, Inspections, Planning & Zoning

Troy D. Loving, CBO
Building Official

October 25, 2021

TLF McClung
c/o Frances Ferguson
1917 Maylin Drive
Salem, VA 24153

RE: 17 E. 7th Street (Tax Map 184-2-2)

Dear Property Owner:

It has come to our attention that a structure located at the above-mentioned property is in violation of Section 18-38 of the City of Salem Code for Dilapidated Buildings (copy enclosed). It has been determined that the structure has deteriorated to the extent that it has become unsafe and dangerous to the safety of other inhabitants of the city.

The structure must either be repaired or demolished.

The following items are in need of repair:

- The entryway needs to be demolished or repaired,
- The sidewall needs to be repaired, and
- The siding needs to be replaced.

You are hereby notified that documents must be submitted to this office on how you are going to bring this structure into compliance with the City of Salem code by either repairing or demolishing the structure within 15 days of the date of this letter. If we do not hear from you within the 15-day period, we will proceed to bring the matter before the City of Salem Board of Building Appeals.

Thank you in advance for your prompt response.

Sincerely,

Troy D. Loving, CBO
Building Official

c: Tom McClung, 1500 Hollybrook Road, Salem, VA 24153

SALEM VA



Charles E. VanAllman, PE, LS
Director

Department of Community Development
Engineering/GIS, Inspections, Planning & Zoning

Troy D. Loving, CBO
Building Official

February 17, 2022

TLF McClung
c/o Frances Ferguson
1917 Maylin Drive
Salem, VA 24153

RE: 17 7th Street (Tax Map 184-2-2)

Dear Property Owner(s):

It has come to our attention that a structure located at the above-mentioned property is in violation of Section 18-38 of the City of Salem Code for Dilapidated Buildings (copy enclosed). It has also been determined that the structure has become unsafe and dangerous to the safety of other inhabitants of the city.

The structure must either be repaired or demolished.

The following items are in need of repair:

- The entryway needs to be demolished or repaired;
- The sidewalk needs to be repaired;
- The siding needs to be replaced; and
- All unsafe structural issues need to be made code compliant.

You are hereby notified that documents must be submitted to this office on how you are going to bring this structure into compliance with the City of Salem Code by either repairing or demolishing the structure **within 15 days of the date of this letter**. Failure to do so will result in the matter being brought before the Board of Building Appeals.

If you have questions in this regard, please contact this office at (540) 375-3036.

Sincerely,

Troy D. Loving

Troy D. Loving, CBO
Building Official

c: Tom McClung, 1500 Hollybrook Road, Salem, VA 24153
Lew McClung, 1486 Hollybrook Road, Salem, VA 24153
David McClung, 1480 Hollybrook Road, Salem, VA 24153

SALEM VA



Charles E. VanAllman, PE, LS
Director

Department of Community Development
Engineering/GIS, Inspections, Planning & Zoning

Troy D. Loving, CEO
Building Official

April 4, 2022

TLF McClung
c/o Frances Ferguson
1917 Maylin Drive
Salem, VA 24153

RE: 17 7th Street (Tax Map 184-2-2)

Dear Property Owner(s):

The City of Salem Board of Building Appeals held a public hearing on Thursday, March 31, 2022, at 3:30 pm regarding the delapidated structure on your property located at 17 7th Street, Salem, Virginia. The Board unanimously voted that you have 30 days from the date of the meeting to obtain a demolition permit and 120 days from the date of the meeting to demolish the structure.

The Board also gave the City of Salem the authority to proceed with the demolition of the structure itself if you fail to acquire a demolition permit within 30 days and demolish the structure within the 120 days. You will be responsible for all costs incurred by the City for the demolition and clean-up of the project.

Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150.

If you have questions in this regard, please contact this office at (540) 375-3036.

Sincerely,

Troy D. Loving

Troy D. Loving, CEO
Building Official on behalf of Nathan Routt, Chair,
Board of Building Appeals

c: James E. Taliaferro, II, City Manager
Jim Guynn, City Attorney
Charles E. Van Allman, Jr., Director of Community Development
Board of Appeals Members

P.O. Box 869

21 South Bruffey Street
Salem, VA 24153, USA

223

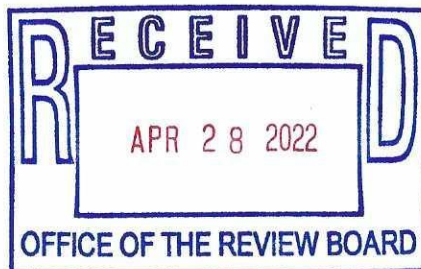
Telephone: 540-375-3036

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
- Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address):

TLF McCune, LLC LEW McCune, MEMBER
1917 MAYLIN DRIVE, SALEM, VA 24153
540-353-1548 LEWMCCUNE@YAHOO.COM

Opposing Party Information (name, address, telephone number and email address of all other parties):

TROY D. LOVING, BUILDING OFFICIAL, CITY OF SALEM
21 SOUTH BRUFFY ST. SALEM, VA 24153
540-375-3036 TLOVING@SALEMVA.GOV

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of APRIL, 2022, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: _____

Name of Applicant: _____

SCOTT E. GARDNER, ATTORNEY FOR TLF, LLC
(please print or type)
501 JAMES ST
SALEM, VA 24153
540-761-5143
SCOTT@SEGGARDNERLAW.COM

ADMINISTRATIVE APPEAL

TLF MCCLUNG, LLC

v.

CITY OF SALEM BOARD OF BUILDING APPEALS

STATEMENT OF APPEAL

TLF McClung, LLC, a Virginia Limited Liability Company is owner of real property located at 17 East 7th Street, Salem, Virginia (“Subject Property”) files this appeal of the decision of the Board of Building Appeals (“Board”) from a hearing held on March 31, 202 and a letter stating the decision of the Board received by TLF on April 8, 2022.

1. On or about October 25, 2021, TLF received a letter from Troy D. Loving, a building official from the City of Salem, advising that a structure located on the Subject Property was in violation of Section 18-38 of the Virginia Uniform Statewide Building Code, adopted by the City of Salem, stating in part that “certain items are in need of repair: The entryway needs to be demolished or repaired, the sidewall needs to be repaired, and the siding needs to be replaced.” A copy of which is attached hereto as Exhibit 1.

2. On or about February 17, 2022, TLF received a second letter from Mr Loving, restating the same concerns as the above letter dated October 25, 2021, with additional language that it had “been determined that the structure has become unsafe and dangerous to the safety of other inhabitants of the city.” Also adding that “all unsafe structural issues need to be made code compliant. A copy of which is attached hereto as Exhibit 2.

3. On or about March 31, 2022, a hearing of the City of Salem Board of Building Appeals was held regarding the Subject Property. TLF did not formally appeal the decision of the building official. The hearing was requested by the Board.

4. On or about April 8, 2022, TLF received a letter from Troy D. Loving, Building Official on behalf of Nathan Routt, Chair, Board of Building Appeals, dated April 4, 2022. The letter states that the Board unanimously voted that TLF shall have 30 days from the date of the meeting to obtain a demolition permit and 120 days to demolish the structure on the Subject Property. A copy of which is attached hereto as Exhibit 3.

5. TLF is aggrieved by the unlawful, unreasonable, arbitrary and capricious decision of the Board in that the demolition of any structures on said property would irreversibly harm their interest in said property and damage its value.

6. The Board's decision was unlawful in failing to follow the provisions of the City of Salem Ordinance 18-38. The Board provided a picture of the structure alleging that it showed 33 percent or more of damages or deterioration of supporting members or 50 percent of damage or deterioration of non-supporting, enclosing or outside walls or covering. The Board's evidence presented was a photograph showing one side of the building, which cannot rise to the mathematical standard of the ordinance. A copy of which is attached hereto as Exhibit 4.

7. The Board's decision was also unlawful in that it violated the procedures set forth in Ordinance 18-38. Specifically, Section (3) states that when a building official believes a building is in violation of this section, after inspection, he shall notify the Board of his finding and the Board shall give notice in writing of such finding to the owner and set forth a time and place for a show cause hearing why such dangerous building should not be repaired, vacated or demolished. In this case, the building official provided notice to the owner, not the Board, which is in direct violation of the ordinance. In fact, the final decision of the Board was indicated by the building official, on behalf of the Board and not the Board itself.

8. The decision of the Board was unreasonable in that The Board argued that the building was unsafe, pursuant to the ordinance, which was an additional allegation from the letter dated October 25 to the letter dated February 17. At the hearing, the Board gave no evidence of the dangerous condition of the

structure and in support only stated opinion that the danger was obvious to anyone. The Board did not provide Petitioner an opportunity to present any evidence to defend or refute this allegation. The Board's decision, as stated in the letter from the building official, did not afford Petitioner an opportunity to repair the structure, without any explanation as to why an opportunity for repairs was not given to the Petitioner.

9. At the hearing, the TLF was not given an opportunity to present evidence as to the soundness of the structure, the possibility of making repairs, if needed. TLF was not given an opportunity to "show cause" or defend its property rights and alternatives to their decision of the Board for demolition.

10. TLF is requesting to have the decision of the City of Salem building official, Troy Loving and the decision of the City of Salem Board of Building Appeals deemed null and void in that the decisions were unlawful and unreasonable, arbitrary and capricious, or in the alternative, that TLF have an opportunity for a hearing to present evidence supporting their defense against the allegations of the building official, Troy Loving.

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Documents Submitted,
through legal counsel, by
TLF McClung LLC which
appears to be a copy of
the City of Salem
Code Section 18-38

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SALEM VA



Charles E. VanAlman, PE, LS
Director

Department of Community Development
Engineering/GIS, Inspections, Planning & Zoning

Troy D. Leving, CBO
Building Official

Sec. 18-38. - Amendments.

The Virginia Uniform Statewide Building Code is amended and reordained in the following respects:

- (1) Unsafe buildings. In addition to the administrative and enforcement provisions contained in the BOCA National Property Maintenance Code, adopted in the Uniform Statewide Building Code, as amended from time to time, the provisions of this section shall apply to unsafe buildings. The following words when used in this section for the purposes of this section shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
 - a. *Board* means the board of appeals established under section 116.0 of volume I of the Uniform Statewide Building Code.
 - b. *Building* means every building or structure which:
 1. Shows 33 percent or more of damages or deterioration of the supporting members, or 50 percent of damage or deterioration of the nonsupporting, enclosing or outside walls or covering;
 2. Has improperly distributed loads upon the floors or roof or is otherwise overloaded, or which has insufficient strength to be reasonably safe for the purpose for which it is used;
 3. Has been damaged by fire, wind or other causes so as to become dangerous to the life, safety or health of the occupants thereof or other inhabitants of the city;
 4. Is so dilapidated, decayed or unsafe as to become dangerous to the safety of the inhabitants of the city; or
 5. Has parts thereof which are so attached that they may fall or otherwise become detached and cause personal injury or damage to other property.
 - c. *Building official* shall be as defined in section 102.0 of volume I of the Uniform Statewide Building Code.
 - d. *Occupant* means the occupants of a building in possession under a contract or lease with the owner thereof or the occupants of a building in possession under a sublease thereof.
 - e. *Owner* means every individual, firm or corporation holding legal title to a building appearing of record in the clerk's office of the circuit court of the city, where deeds are recorded; the guardian, if any, of any such owner if he is an infant and the committee, if any, of such owner if he is insane; and the trustee or mortgagee under any deed of trust or mortgage creating a lien on such building also appearing of record in such clerk's office.
- (2) All buildings defined in subsection (1) of this section are hereby declared to be public nuisances and shall be repaired, vacated or demolished, as the case may be, as required by this section.
- (3) Whenever it shall come to the attention of the building official that a building is likely to exist in violation of the provisions of this section, he shall inspect or cause an inspection to be made thereof and shall determine whether the existence of such building is in fact in violation of the provisions of this section. Upon such finding, the building official shall notify the board of his finding and the board shall give notice in writing of such finding to the owner and occupant, if any, of the building and shall set forth in such notice a time and place that the owner and occupant may appear before the board to show cause why such dangerous building should not be repaired, vacated or demolished, as the case may be.
- (4) The notice under this section shall set forth (i) the location of the building; (ii) a statement of the particulars which cause the building to exist in violation of the provisions of this section; (iii) a general statement of the work to be undertaken, if the building can be repaired; and (iv) the time and place of the hearing before the board. If, in the opinion of the building official, the continued occupancy of the building will cause imminent peril to life or property, the board or the building official may order the vacation of the building forthwith.

SALEM VA



Charles E. VanAlman, PE, LS
Director

Department of Community Development
Engineering/GIS, Inspections, Planning & Zoning

Troy D. Loefing, CBO
Building Official

- (5) The notice under this section shall be given in the following manner:
- a. To persons who are the owners of such buildings, by delivering a copy thereof to them in person; or if they cannot be found at their usual place of abode in the city, by delivering such copy and giving information of its purport to any person found there who is a member of their family, other than a temporary sojourner or guest, above the age of 16 years; or if neither they nor any such person is found there, by leaving such copy posted at the front door of such place of abode.
 - b. To persons who are owners of such buildings who are infants or insane, by delivering a copy thereof to their guardian or committee in person; or if such guardian or committee cannot be found at his usual place of abode in the city, by delivering such copy and information of its purport to any person found there who is a member of his family, other than a temporary sojourner or guest, above the age of 16 years; or if neither he nor any such person is found there, by leaving such copy posted at the front door of such place of abode.
 - c. To a corporation, bank, trust company or other corporate entity who is the owner of such building, by delivering a copy thereof to its president or other officer, manager, director or agent thereof in the city; or if such person cannot be found at the office or place of business in the city of such corporation, bank, trust company or corporate entity, by delivering a copy to any employee thereof found at such office or place of business giving information of its purport; or if no such person is found at such office or place of business, by leaving such copy posted at the front door of such office or place of business.
 - d. If an owner of such building is unknown or cannot with reasonable diligence be found in the city or has no place of abode, office or place of business in the city, the notice shall be given by posting a copy thereof on such building in such place on the front thereof as can be easily and readily seen and by mailing a copy thereof by registered mail to the last known street and post office address of such owner, and the proof of such mailing shall be sufficient evidence of serving notice by mail.
 - e. To an occupant of any building, by delivering a copy thereof to him in person; or if he cannot be found at such building, by delivering a copy and giving information of its purport to any person found there who is a member of his family, other than a temporary sojourner or guest, above the age of 16 years; or if neither he nor any such person is found there, by leaving such copy posted at the front door of such building. If, in the opinion of the building official, the continued occupancy of the building will cause imminent peril to life or property, the board or the building official may order the vacation of the building forthwith.
 - f. The notice shall be served by any officer having authority to serve notices under Code of Virginia, § 8.01-293, who shall make return of the manner and time of service thereof to the board.
 - g. The building official shall, upon order of the board, post on the front door of such building in such place as can be easily and readily seen the following notice, and it shall be unlawful to remove such notice from the building until the order of the board with respect to the building is complied with or unless it is necessary to remove the notice in order to comply with such order.

"Warning—This building is unsafe and its use or occupancy has been prohibited by the City of Salem, Virginia. It shall be unlawful for any person, firm or corporation or their agents to remove this notice without written permission of the building official. It shall be unlawful for any person to enter this building without permission of the building official."
- (6) The board shall fix a reasonable time for the hearing and shall decide the issue within reasonable time. At the hearing before the board, the owner and occupant may appear in person, by agent or attorney, and shall be given an opportunity to be heard. The board shall have the power and it shall be its duty to enter such order or may make such requirement or determination as shall be entered or made. The concurring affirmative vote of a majority of the members of the board shall

SALEM VA



Charles E. VanAilman, PE, LS
Director

Department of Community Development
Engineering/GIS, Inspections, Planning & Zoning

Troy D. Loving, CBO
Building Official

be necessary to comprise the order of the board. The board shall act by formal resolution, which shall set forth the reason for its action, and the vote of each member participating therein, which shall be spread upon its records, and shall be open to public inspection. Every decision of the board shall be based upon a finding of fact and sworn testimony. The actions or decisions of the board shall be final, and its proceedings may not be stayed otherwise than by order of a court of competent jurisdiction.

If, on hearing of the case, the board shall find that the building in question is a dangerous building or structure, it shall enter an order that such building be repaired, vacated or demolished, as the case may be. The board shall:

- a. Order a building to be repaired when it can be reasonably done so that it will not exist in violation of the provisions of this section;
- b. Order the occupants thereof to vacate such building when it is in such condition as to make it detrimental to public health or safety; or
- c. Order the demolition of such building in any other case where the building cannot or will not be repaired so that it will no longer exist in violation of the provisions of this section.

The order shall specify the time in which the work is to be completed and the day on or before which the work of repair or removal is to be begun. The order shall further specify the repairs which will be necessary if the owner elects to repair rather than remove the building or structure, and such order shall further specify the time in which such vacation is to take place should such building be ordered vacated. A copy of the order shall be given to the owner or occupant or to any person appearing on the owner's behalf, and, should the board deem it advisable, the board may order a notice to be posted on the front door of such building or structure as provided in subsection (5) of this section.

- (7) If an owner fails to appear or refuses or neglects to comply with the order of the board, the board may order the building to be repaired or demolished, and the building official shall cause the building to be repaired or demolished upon such order of the board and shall submit to the city treasurer a statement of all costs incurred thereby, which shall be added to the taxes for the ensuing tax year assessed against the real estate on which the building stood and shall be collected with such taxes by any manner prescribed by law for the collection of such taxes.
- (8) If an occupant refuses or neglects to comply with the order of the board, the board shall cause a summons to be issued by the clerk of the general district court against the occupant based upon a statement made in writing by the board to the clerk under oath of the facts which authorize the removal of the occupant from the building. The summons shall be served upon the occupant, together with a copy of the statement, by the authorized officer in the manner provided for the service of the notice upon the occupant under the provisions of subsection (5) of this section. It shall be returned to the general district court and the case shall be heard and determined by such court. Such summons shall be served at least five days before the return day thereof. The case shall be heard upon a plea of not guilty, and upon this issue the court shall determine whether the occupant retains possession of the building in violation of the order of the board, and upon finding that such order is being violated, shall issue a writ directed to the authorized officer commanding him to remove the occupant and his goods or chattels from the building. All costs and expenses incurred in the issuance and service of such summons, the trial of the issue and removing the occupant and his goods and chattels shall be recoverable against the occupant in such proceeding.
- (9) Every owner or occupant who shall fail, refuse or neglect to comply with the order of the board, or otherwise violate the provisions of this section, shall be deemed guilty of a class 4 misdemeanor and be punished in accordance with the provisions of section 1-7 of the City Code.

(Code 1969, § 6-5.1)

P.O. Box 869

21 South Bruffey Street
Salem, VA 24153-0869

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Meeting Minutes of
the Local Appeals
Board Hearing Held
on March 31, 2022

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Board of Building Appeals
March 31, 2022
Minutes

A meeting of the Board of Building Appeals of the City of Salem, Virginia, was held on March 31, 2022, in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 3:30 p.m. concerning the dilapidated structure on the property located at 17 7th Street in the City of Salem, Virginia.

The Board—John Hildebrand, Robert Fry, III, David Botts, Nathan Routt, and Joe Driscoll; presided together with Troy D. Loving, Building Official; Jim Guynn, City Attorney, and Krystal M. Graves, Secretary; and the following business was transacted:

It was noted that notice of such hearing was published in the March 17 and 24, 2022, issues of the Salem Times-Register, a newspaper published and having general circulation in the City of Salem.

Secretary Graves called the meeting to order.

Secretary Graves stated that the first item on the agenda is to elect a chair and noted that a chair is elected at the first meeting of the calendar year.

ON A MOTION MADE BY MEMBER DRISCOLL, SECONDED BY MEMBER FRYE AND DULY CARRIED, Nathan Routt was elected chairman – the roll call vote: all – aye.

Secretary Graves asked that everyone who planned to speak at the hearing to rise, and she administered the oath.

Secretary Graves stated that the first item on the agenda to be heard is 17 7th Street.

Lew McClung, 1486 Hollybrook Road, Salem, requested to record the meeting due to having new hearing aides and not being able to write very fast.

Member Botts requested that everyone speak in a loud, clear voice as a couple of the Board members also have hearing problems.

Troy Loving, Building Official of the City of Salem, stated that it is his opinion the building located at 17 East 7th Street is in violation 18-38 of the City of Salem ordinance; the documents in the packet show the deterioration of the structure and the numerous conversations that have been had with the property owners about resolving the issues. The property owners have failed to produce any documents explaining that the building will be brought into compliance and that it is safe. He is bringing the matter to the Board in hopes that the City can get some resolution in this matter.

Chair Routt asked for speakers and for the speakers to state their name and address for the record.

Lew McClung, 1486 Hollybrook Road, Salem, member of the LLC and ownership of the building, appeared before the Board and stated that there is an interested party in the purchase of the property who is currently exploring the demolition of the building; the person has gone so far as asking demolition contractors for pricing and for hazardous waste disposal and removal. He asked the Board for 60 more days to bring a contract or some progress on that front. He stated the goal of that would be to demolition, which would be commiserate with the desires of the Board.

Chair Routt asked if there were any other speakers. No one stepped forward and he questioned if the other owners wanted to speak.

David McClung stated that they were waiting for the Board to make a decision on what they asked.

Member Driscoll stated that will come at the end.

Chair Routt stated that a decision will come at the end, but if the other owners want to speak, they can say their thoughts at this point.

Member Botts stated that the Board will discuss their request after they hear from all of the speakers.

Lew McClung questioned if the Board is opposed to his request, will the hearing continue.

Member Botts stated that the meeting would continue.

Member Driscoll questioned Mr. McClung about an email on October 25, 2021, between he and Mr. Loving where Mr. Loving had requested information from his architect or engineer regarding this code section and the building at 17 East 7th Street. In the email Mr. McClung apologized for the late response, so on and so forth; the discussion with the architect, who Mr. McClung said he had already enlisted, was waiting to get some stuff together. Member Driscoll stated that this was back in October 2021—five months ago; and inquired if he has been unable to put together the necessary stuff to do what needs to be done in five months.

Mr. McClung stated that “he” is a “she” and they have dismissed her as the architect, so the real question today he feels is would the Board allow them another 60 or 90 days to produce a contract that has an end goal of the demolition of this building, which would, he feels, would remove the need for an architect.

Member Driscoll questioned when the architect was dismissed.

Mr. McClung stated that he does not remember the exact date.

Member Driscoll stated that nothing has taken place since October other than releasing the architect.

Mr. McClung stated that he doesn't feel that is true, but nothing that he has affidavits of or have subjects present to testify.

Member Driscoll questioned if Mr. Loving has received any documentation or notification of anything.

Mr. Loving stated that he has not received anything.

Chair Routt asked if any other person(s) would like to speak.

Tom McClung, 1500 Hollybrook Road, Salem, appeared before the Board and stated that he sent a note to Mr. Loving; he hand delivered it as a matter of fact to Mr. Loving's office, stating that they had an interest from the City itself in the building, which we believe put things on hold and his actions, not having heard anything from him, would underscore that. He stated that he asked for an additional time period and Mr. Loving's response was the form of this hearing. He stated that he did make a request for an extension that was apparently denied.

Chair Routt again asked if any other person(s) would like to speak.

Lew McClung, again appeared before the Board and stated that the real matter before the Board is to accept or deny his request that they have a potential purchase pending and they are working to negotiate a contract. He stated that it sounds like the Board will exclude testimony from them in the future. If the Board agrees to the request, then there will not be a need for anyone else to bring up any points about the property. If the request is deemed not reasonable, then he asked that they have an opportunity to discuss points on the property.

Chair Routt asked for guidance.

Secretary Graves stated that typically a public hearing is held, and the Board hears from everyone who wants to speak. The public hearing is then closed, and that is when the Board would discuss and make a motion.

Chair Routt stated that the Board will hear from anyone who wants to speak regardless of what the decision will be. After all speakers have been heard, the Board will make a decision.

Mr. Lew McClung requested if an adjournment could be made long enough to make that decision and reconvene after a decision has been made. He asked the City Attorney if that was allowed by the Code.

The City Attorney stated that given Roberts Rules of Order, it would be the chairman's prerogative in that regard.

Mr. McClung questioned Member Fry if it would be reasonable to adjourn and reconvene.

Secretary Graves noted that Mr. Routt is the chair.

Mr. McClung apologized.

Chair Routt stated respectfully that he has a packet in front of him with pages and pages of emails and he feels this has been a delay tactic for a long time. He stated that it needs to be resolved today. Other Board members agreed.

Mr. McClung then stated that the notice of this meeting dated March 9, 2022, from the Building Official's office; he then questioned if the letter was the notice of this meeting.

Mr. Loving stated that the letter was notice of the hearing.

Mr. McClung then stated that the City has not followed the procedures outlined in that code section, specifically three because the procedure calls for Mr. Loving to advise the Board and for the Board to advise us in writing and he just confirmed that this came from his office and not from the Board; therefore, he asked that since the City did not follow its own rules pursuant to the code section that the case be dismissed herewith.

Chair Routt questioned where the letter was in the packet.

Secretary Graves noted that the Board received a copy of the letter separate from the packet.

Chair Routt questioned Mr. McClung's contention with the letter.

Mr. McClung stated that it was not his contention, it is the Board's rules and asked if Chair Routt had a copy of the code section in front of him.

Chair Routt stated that he did not have a copy in front of him.

Mr. McClung provided Chair Routt with a copy of the code section and stated that the process clearly was not followed in this matter and again asked that the matter be dismissed based on that.

It was noted that it's Code section 18-38, paragraph 3.

Member Hildebrand questioned Mr. McClung if he understood his opening statement to mean that it his partnership has made a decision to demolish the subject property.

Mr. McClung stated that not necessarily. If the sale is executed, then it will be demolished. If the sale isn't executed, they will look at other possibilities. He further stated that if the sale goes through, and he has every confidence that it will, there are some fine points that need to be worked on in the negotiation. He stated that they have entertained demolishing the building, but they haven't worked on all the moving parts such as the ability to reclaim some of the valuable and historic timber inside the building.

Member Botts stated that in his opinion, the Board is an entity of the City of Salem, which is also represented by the City's attorney and the Building Department is also a part of the entire entity. He stated that a letter from the Building Department calling this meeting should be as if it came from the Board.

Mr. McClung respectfully stated that is not what the code says, which is what the City should follow.

Member Driscoll respectfully stated that it is about interpretation of the code and how each person interpretes it. He is inclined to agree with Member Botts.

Chair Routt asked the City Attorney for his interpretation.

City Attorney Guynn stated that the Board is like any other corporate entity, and corporations have to act through people. The Board is active through the Building Official in giving the notice. He gives it on behalf of the Board. He doesn't have any authority otherwise; therefore, due process has been met in this case for two reasons: 1) that he acts on behalf of the Board, and 2) the notice that was given is still valid—it gave you the time, it gave you the issues and told you what would happen if you didn't show up. Due process has been met, and in his opinion it is lawful to continue.

David McClung, 1480 Hollybrook Road, Salem, appeared before the Board and asked respectfully to the city attorney, where that authority can be delegated from the Board to the employee of the City of Salem.

The City Attorney stated that it is inherent.

Mr. McClung stated that it sounds like it's in the eye of the beholder.

The City Attorney stated that he is not going to argue.

Mr. McClung stated that Mr. Loving has been speaking during parts of this meeting and he did not get sworn. He questioned if this was common process.

The City Attorney stated that he thought he was sworn because he saw him stand up and hold his arm up.

Mr. McClung stated that Mr. Loving did not, because he watched him—he thought that was going to happen and it did.

Secretary Graves stated that Mr. Loving could be sworn again and could testify again.

Mr. McClung stated that he was just inquiring.

Chair Routt asked if Mr. Loving would mind being sworn again.

Secretary Graves again administered the oath to Mr. Loving.

Mr. McClung asked that everything Mr. Loving has said before this be stricken.

Chair Routt stated that Mr. Loving will just repeat what he previously stated; and would repeat it again.

Mr. Loving again stated that he was the Building Official of the City of Salem, and that the meeting is being held today because it is his opinion that the structure at 17 E. 7th Street is in violation of Section 18-38 of the City of Salem ordinance. The Board can see from the packet that the documents show the deterioration of the structure and numerous conversations he has had with the property owners about resolving the issues. They have failed to produce any documents explaining the building will be brought into compliance and that it is safe. He brought the issue to the Board in hopes that the City can get some resolution in this matter.

Chair Routt asked if any other person(s) wanted to speak on the matter.

Lew McClung reappeared before the Board and stated that Mr. Loving sent out pictures that he hopes the Board has, with arrows pointing to deteriorated sections of the building.

The City Attorney noted that this is not an examination, it is a public hearing.

Mr. McClung then asked if the Board had photos of the deterioration.

Chair Routt stated that the Board has photos.

Mr. McClung stated that Mr. Loving points to specific areas. He asked the Board to ask Mr. Loving, even though Mr. Loving is an extension of the Board, if there is anything else that

they need to know that needs to bring the building into compliance either through repair or demolition. He stated that the arrows point to two specific areas.

Chair Routt stated that the Board is here to look at the record from the City's standpoint—to look at items Mr. Loving has addressed and Mr. Loving has addressed with you.

Mr. McClung stated that looking at that, the Board will see that the square footage of deterioration that Mr. Loving notes does not come anywhere close to what the statute calls for to be a violation of same so for that reason he would like for this case to be dismissed because there is no reason for this hearing since there is no violation of the code, and math should not be up to interpretation.

Member Driscoll stated that no one said math was up to interpretation Number One.

Mr. McClung stated that the Board is trying to prevent him from doing that.

Member Driscoll stated Number Two: Mr. McClung has been in discussions with the City as far back as October 2021. Someone has communicated on Mr. McClung's behalf named Fran—Fran Ferguson, and questioned if that was the architect.

Mr. McClung stated that it is his sister, member of the LLC and ownership of the property.

Member Driscoll stated that in one of the emails, there was a discussion about safety and that your architect said that the building as a whole was unsafe. He further stated that it doesn't matter what the building looks like, if it's unsafe, then there's an issue. As close as the building is to the road, if a good, strong wind blows that structure out onto the road and kills a passerby, there's bigger problems. He stated that the Board is not out to get anyone—the biggest thing is public safety first and foremost. He feels the building is not safe.

Mr. McClung asked Member Driscoll on what basis he makes his determination.

Member Driscoll stated 1) photos, 2) he stated that he stood outside that building today at about 12:30 this afternoon and looked at it himself.

Mr. McClung asked Member Driscoll what degree he has that would allow (i.e. engineering) for that interpretation.

Member Driscoll stated that his degree is common sense.

Mr. McClung began to ask Member Driscoll another question and Chair Routt halted the questioning. Chair Routt stated that the Board is not here for question and answer; and is not here to question Mr. McClung. It is about Mr. McClung making his statements in regard to this matter.

Mr. McClung stated that he feels this matter is a non-issue because the math does not add up to a violation of the statute. The statute clearly states the percentage of damage that has to be present and there is no way using gut feelings or anything else for that to be interpreted as having been met by this building.

Chair Routt noted Mr. McClung's statement.

Mr. McClung further stated that despite anyone's feelings otherwise, it comes down to simple math.

Member Botts stated that the Board depends on the Building Department and their authority, and their experience of knowledge of building practices to give the Board recommendation. The Building Official's recommendation is that the building is structurally unsound and unsafe. The Building Official gave the property owners every opportunity, numerous times, to provide architectural or structural engineer—certified, licensed—to prove otherwise, and it hasn't been done. It wasn't done in October, November, December, January and here it is the last day of March, and it's still being discussed. He stated that the Board is going to make a decision today based on recommendations of the Building Official.

Mr. McClung stated that he will note that Mr. Loving's recommendation was preceded by "in my opinion this building is" and he would like to have the opinion removed and replaced in a calculated fashion this building is in violation of. If it is done that way, the Board will see that there is no reason for them to be here today. He further stated that he has never seen such vitriol from a Board such as this and he would like it noted because he feels that it does seem like the Board is after someone and they are as tired of it as the Board. He further stated that the Board has let procedure walk by, a request for a sale of a building that will result in demolition go past, let common sense and common math go by, and he is interested in having it end today as well. He stated that he hoped the Board would consider it without thinking of people that complain about buildings in Salem, but think about the progression of what the property owners intend to do with the building, which is to demolish it.

Chair Routt stated that he understands Mr. McClung's request; the Board has not made any decisions—they are hearing everything that anyone wants to say.

Mr. McClung stated that he does not agree that the Board has not made a decision yet—not publicly anyway.

David McClung appeared before the Board again and presented some photographs of the property. He stated that we have not decided when he describes building what it means. On the front of the photos presented, it was a roof portrait straight down. For the point of understanding, he would like to ask the Board to have Mr. Loving to describe what portion of the building or all he is talking about.

Chair Routt stated that this is not a question and answer session.

Member Bott asked when the photos were taken.

Mr. McClung stated that the photos were taken four or five weeks ago. He stated that in the lower, center right, you can see the equipment that is preparing to take down the stable that they agreed with the Board some months ago to do. He stated that the photos were comparatively recent.

Secretary Graves noted that the stable structure was removed last year.

Mr. McClung stated that it was removed in December or somewhere along that time. He further stated that the building was built in 1890. He is 93 years old and feels there is no one alive who knows more about the building than he does. He was in the building with his father when he was 12-13 years old and has been interested in it ever since. He has a history of 80 years in the building and if the Board really wants to know something about it, he can tell you.

Chair Routt asked if there were any other person(s) to speak on the matter, and no other person(s) appeared before the Board.

Mr. McClung stated that he is not going to get any clarification as to what Mr. Loving means by a building.

Chair Routt asked if the property owners received photos like were given to the Board.

Mr. McClung stated that they received photos.

Chair Routt stated that he would be wasting time if he went through and noted everything that had been noted by the City in five photos. To save time, he is not going to read what Mr. Loving wrote, but if Mr. McClung has a copy of the photos, then he is aware.

Mr. McClung stated that he has a copy of the photos, but he can guess, but this is no time to be guessing. He thanked the Board.

Chair Routt again asked if there were any other person(s) to speak on the matter. He then asked the Board if anyone had a motion to entertain.

Member Botts stated that the Board will make a motion, second it, debate it, and then vote on it.

Member Botts moved to introduce a motion that the owner of the property located at 17 E. 7th Street be allowed 30 days to apply for a demolition permit to remove the buildings on said property. Demolition of these buildings should be completed within 120 days of this

meeting. If either of the conditions are not met, the City of Salem will proceed with the demolition and all costs will be charged to the owner and the City will place a lien on the property in the amount of the costs of the demolition and removal and disposal of the debris.

Member Frye seconded the motion.

Chair Routt asked to take a few minutes to discuss things before taking a vote.

The Board discussed the motion among themselves and asked the City Attorney a question.

Chair Routt noted that there has been a motion for the owner to apply for a demolition permit within 30 days of today.

Secretary Graves questioned 30 days to obtain a permit.

Chair Routt stated to completely pull a permit, not just apply for the permit, within 30 days of today and from that day, the day the permit is pulled.

Secretary Graves clarified that the motion was for 120 days from the date of today to complete the demolition.

Chair Routt stated that it was 30 days from today to pull a permit and 120 days from today to complete the demolition.

Member Botts confirmed the timeframe.

Chair Routt again clarified that the motion stated 30 days from today to obtain a demolition permit, and 120 days from today to complete the demolition.

Secretary Graves noted that an asbestos report would need to be submitted along with the demolition permit application; and the asbestos, if any, would have to be removed before the building could be demolished. Same as it was when the "stable" on the property was demolished.

Member Botts questioned if 30 days was ample time.

Secretary Graves stated that 30 days should be ample time.

Member Driscoll stated that the verbiage should be changed to 30 days to obtain a demolition permit.

Member Botts amended the motion and re-read it.

ON MOTION MADE BY MEMBER BOTTS, SECONDED BY MEMBER DRISCOLL, AND DULY CARRIED, the property owner of the property located at 17 E. 7th Street has 30 days from the date of the meeting to obtain a demolition permit to remove the buildings on said property; demolition of the buildings shall be completed within 120 days of the meeting; if the structures are not demolished within 120 days, the City will demolish the structure with the costs charged to the owner, and a lien will be placed on the property for said demolition – the roll call vote: all – aye.

ON MOTION MADE BY CHAIRMAN ROUTT, SECONDED BY MEMBER BOTTS, AND DULY CARRIED, the meeting was hereby adjourned at 4:18 p.m.

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Supplemental Information
Provided by Staff

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Virginia:

BEFORE THE

STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Perry Smith
Appeal No. 16-3

Hearing Date: September 16, 2016

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 & 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. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

In July of 2015, the City of Salem's Department of Engineering and Inspections (City code office), the authority

responsible for the enforcement of Part I (the Virginia Construction Code, or VCC) of the Virginia Uniform Statewide Building Code, issued a building permit under the 2012 VCC to Perry Smith (Smith) for the completion of a two-story addition onto his home at 353 Red Lane. The permit required the addition be completed within six months of the permit's issuance date.

Afterwards, the City code office reminded Smith of his need to obtain the required inspections and to provide a registered design professional's evaluation of the structural soundness of the addition's masonry walls.

In late January of 2016, the City code office notified Smith that his permit had expired and, as result, the city planned on taking his project to the City of Salem's Board of Building Appeals¹ (local appeals board).

Subsequently, the City code office scheduled a hearing with the local appeals board in March of 2016 concerning the unfinished addition. The city notified Smith of the hearing by regular mail, certified mail, by posting a notice on the exterior of his home, and by publishing a legal notice of the local newspaper.

The local appeals board held a hearing in March of 2016

¹ Smith never filed an appeal to the local appeals board on this matter.

against Smith for violations of §18-38(1) (b) (1), (4), and (5) of the Code of the City of Salem, ultimately ruling that Smith had 30 days to secure a demolition permit, then an extra 90 days from that date to complete the demolition of the addition.

After receiving the local board's decision, Smith further appealed to the Review Board.

Review Board staff, in processing Smith's appeal, informed the parties that in prior cases concerning jurisdiction, the Review Board had determined that it lacked jurisdiction to hear appeals of the application of local ordinances or regulations.

Consequently, a hearing was held before the Review Board with Smith as the only party in attendance.

FINDINGS OF THE REVIEW BOARD

Although Smith filed an appeal to the Review Board requesting additional time to complete his addition, the Review Board finds that the only issues properly before is whether it can hear an appeal of a local appeals board decision that solely based on a local ordinance (i.e. a local city code or regulation).

On this matter, the Review Board finds that no evidence or documentation was submitted by the parties to indicate that the City code office had cited Smith for any violations of the VCC. Moreover, the local appeals board did not reference or cite any VCC violations in its decision concerning Smith's project. The Review Board finds that its basic law, § 36-114 of the Code of Virginia, does not authorize it to hear appeals of local ordinances:

"The Review Board shall have the power and duty to hear all appeals from decisions arising under application of the Building Code, the Virginia Amusement Device Regulations adopted pursuant to § 36-98.3, the Fire Prevention Code adopted under the Statewide Fire Prevention Code Act (§ 27-94 et seq.), and rules and regulations implementing the Industrialized Building Safety Law (§ 36-70 et seq.), and to render its decision on any such appeal, which decision shall be final if no appeal is made therefrom. Proceedings of the Review Board shall be governed by the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), except that an informal conference pursuant to § 2.2-4019 shall not be required."

Additionally, the Review Board finds that it lacks proper jurisdiction to hear a further appeal from the decision of the local appeals board predicated on a city ordinance. Moreover, it finds that Smith's remedy on this matter is limited to an appeal of the city ordinance to the local appeals board.

FINAL ORDER

The appeal hearing has been given due regard, and for the reasons set out herein, the Review Board orders the appeal of Smith, to be, and hereby is, dismissed due to lack of jurisdiction.

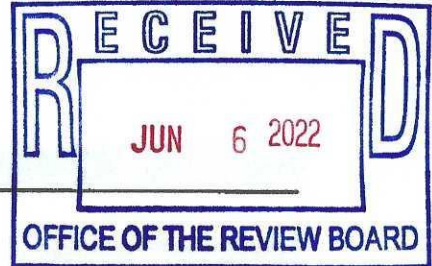
J. Robert Allen
Chairman, State Technical Review Board
Nov. 10, 2016
Date Entered

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 Alan McMahan, 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.

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REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov



From: Jeffrey W. Senter, Fire Official, City of Newport News, Virginia

Phone Number: 757-876-8553

Email Address: senterjw@nnva.gov

Applicable Code: Statewide Fire Prevention Code

Code Section(s): Section 107, 108

Submitted by (signature):

A handwritten signature in blue ink, appearing to be "Jeffrey W. Senter", written over a horizontal line.

Date: 06/03/2022

QUESTION(S):

Assuming the Virginia Statewide Fire Prevention Code is adopted as promulgated, with no modifications by the local governing body and presuming the Fire Official will not assess a fee to defray the cost of an operational permit or permit related inspection: Does the locality's Fire Official require additional authorization from the local governing body to require operational permits as described in sections 107 and 108, and referenced in table 107.2?

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CHAPTER 1 ADMINISTRATION

SECTION 107 **PERMITS AND FEES**

107.1 Prior notification.

The fire official may require notification prior to (i) activities involving the *handling*, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

107.2 Permits required.

Operational *permits* may be required by the fire official as permitted under the SFPC in accordance with [Table 107.2](#), except that the fire official shall require *permits* for the manufacturing, storage, *handling*, use, and sale of *explosives*. In accordance with [Section 5601.2.3.1](#), an application for a *permit* to manufacture, store, handle, use, or sell *explosives* shall only be made by a *designated individual*.

Exception: Such *permits* shall not be required for the storage of *explosives* or *blasting agents* by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

TABLE 107.2
OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)

| DESCRIPTION | PERMIT REQUIREMENT (yes or no) | PERMIT FEE | INSPECTION FEE |
|---|---|-----------------------|---------------------------|
| Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight. | | | |
| Amusement buildings. An operational permit is required to operate a special amusement building. | | | |
| Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes. | | | |
| Carnivals and fairs. An operational permit is required to conduct a carnival or fair. | | | |
| Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy. | | | |
| Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2 . | | | |
| Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: An operational permit is not required for agricultural storage. | | | |
| Commercial Cooking. An operational permit is required for the operation of commercial cooking appliances in occupancies other than assembly occupancies or dwellings. | | | |

| <p>Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below.</p> <p>Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|----------------------------|----------------------------|-------------------------|----------------------------|----------------------------|-----------|-------------|----|---|-----|-----|-----------------------------|------------|----|---|------------|------------|------------------------------|-----|--|------------|------------|--|-------|------------|--|
| <p>PERMIT AMOUNTS FOR COMPRESSED GASES</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>TYPE OF GAS</th> <th colspan="2">AMOUNT (cubic feet at NTP)</th> </tr> </thead> <tbody> <tr> <td>Corrosive</td> <td colspan="2">200</td> </tr> <tr> <td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td> <td colspan="2">200</td> </tr> <tr> <td>Highly toxic</td> <td colspan="2">Any Amount</td> </tr> <tr> <td>Inert and simple asphyxiant</td> <td colspan="2">6,000</td> </tr> <tr> <td>Oxidizing (including oxygen)</td> <td colspan="2">504</td> </tr> <tr> <td>Pyrophoric</td> <td colspan="2">Any Amount</td> </tr> <tr> <td>Toxic</td> <td colspan="2">Any Amount</td> </tr> </tbody> </table> | | | TYPE OF GAS | AMOUNT (cubic feet at NTP) | | Corrosive | 200 | | Flammable (except cryogenic fluids and liquefied petroleum gases) | 200 | | Highly toxic | Any Amount | | Inert and simple asphyxiant | 6,000 | | Oxidizing (including oxygen) | 504 | | Pyrophoric | Any Amount | | Toxic | Any Amount | |
| TYPE OF GAS | AMOUNT (cubic feet at NTP) | | | | | | | | | | | | | | | | | | | | | | | | | |
| Corrosive | 200 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Flammable (except cryogenic fluids and liquefied petroleum gases) | 200 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Highly toxic | Any Amount | | | | | | | | | | | | | | | | | | | | | | | | | |
| Inert and simple asphyxiant | 6,000 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Oxidizing (including oxygen) | 504 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pyrophoric | Any Amount | | | | | | | | | | | | | | | | | | | | | | | | | |
| Toxic | Any Amount | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>For SI: 1 cubic foot = 0.02832 m³.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Covered and open mall buildings. An operational permit is required for:</p> <ol style="list-style-type: none"> 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below.</p> <p>Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>TYPE OF CRYOGENIC FLUID</th> <th>INSIDE BUILDING (gallons)</th> <th>OUTSIDE BUILDING (gallons)</th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td>More than 1</td> <td>60</td> </tr> <tr> <td>Inert</td> <td>60</td> <td>500</td> </tr> <tr> <td>Oxidizing (includes oxygen)</td> <td>10</td> <td>50</td> </tr> <tr> <td>Physical or health hazard not indicated above</td> <td>Any amount</td> <td>Any amount</td> </tr> </tbody> </table> | | | TYPE OF CRYOGENIC FLUID | INSIDE BUILDING (gallons) | OUTSIDE BUILDING (gallons) | Flammable | More than 1 | 60 | Inert | 60 | 500 | Oxidizing (includes oxygen) | 10 | 50 | Physical or health hazard not indicated above | Any amount | Any amount | | | | | | | | | |
| TYPE OF CRYOGENIC FLUID | INSIDE BUILDING (gallons) | OUTSIDE BUILDING (gallons) | | | | | | | | | | | | | | | | | | | | | | | | |
| Flammable | More than 1 | 60 | | | | | | | | | | | | | | | | | | | | | | | | |
| Inert | 60 | 500 | | | | | | | | | | | | | | | | | | | | | | | | |
| Oxidizing (includes oxygen) | 10 | 50 | | | | | | | | | | | | | | | | | | | | | | | | |
| Physical or health hazard not indicated above | Any amount | Any amount | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>For SI: 1 gallon = 3.785 L.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Explosives, fireworks, and pyrotechnics. An operational permit is required for the storage, handling, sale or use of any quantity of explosive, explosive materials, fireworks, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56.</p> <p>Exception: Storage in Group R-3 or R-5 occupancies of <i>smokeless propellant</i>, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Explosives, restricted manufacture. An operational permit is required for the restricted manufacture of explosives within the scope of Chapter 56.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Explosives, unrestricted manufacture. An operational permit is required for the unrestricted manufacture of explosives within the scope of Chapter 56.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |

Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the US Department of Transportation (DOTn) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.
7. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
8. To manufacture, process, blend or refine flammable or combustible liquids.

Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

Fruit and crop ripening. An operational permit is required to operate a fruit-ripening or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

Fumigation, thermal, and insecticidal fogging. An operational permit is required to operate a business of fumigation, thermal, or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

| TYPE OF MATERIAL | AMOUNT |
|-------------------------|---------------------------------------|
| Combustible liquids | See flammable and combustible liquids |
| Corrosive materials | |
| Gases | See compressed gases |
| Liquids | 55 gallons |
| Solids | 1000 pounds |
| Explosive materials | See explosives |
| Flammable materials | |
| Gases | See compressed gases |
| Liquids | See flammable and combustible liquids |
| Solids | 100 pounds |
| Highly toxic materials | |
| Gases | See compressed gases |
| Liquids | Any amount |
| Solids | Any amount |
| Oxidizing materials | |
| Gases | See compressed gases |

| TYPE OF MATERIAL | AMOUNT |
|--------------------------------------|------------------------|
| <u>Liquids</u> | |
| Class 4 | Any amount |
| Class 3 | 1 gallon ^a |
| Class 2 | 10 gallons |
| Class 1 | 55 gallons |
| <u>Solids</u> | |
| Class 4 | Any amount |
| Class 3 | 10 pounds ^b |
| Class 2 | 100 pounds |
| Class 1 | 500 pounds |
| <u>Organic peroxides</u> | |
| <u>Liquids</u> | |
| Class I | Any amount |
| Class II | Any amount |
| Class III | 1 gallon |
| Class IV | 2 gallons |
| Class V | No permit required |
| <u>Solids</u> | |
| Class I | Any amount |
| Class II | Any amount |
| Class III | 10 pounds |
| Class IV | 20 pounds |
| Class V | No permit required |
| <u>Pyrophoric materials</u> | |
| Gases | See compressed gases |
| Liquids | Any amount |
| Solids | Any amount |
| <u>Toxic materials</u> | |
| Gases | See compressed gases |
| Liquids | 10 gallons |
| Solids | 100 pounds |
| <u>Unstable (reactive) materials</u> | |
| <u>Liquids</u> | |
| Class 4 | Any amount |
| Class 3 | Any amount |
| Class 2 | 5 gallons |
| Class 1 | 10 gallons |
| <u>Solids</u> | |
| Class 4 | Any amount |
| Class 3 | Any amount |
| Class 2 | 50 pounds |
| Class 1 | 100 pounds |
| <u>Water reactive materials</u> | |
| <u>Liquids</u> | |
| Class 3 | Any amount |
| Class 2 | 5 gallons |
| Class 1 | 55 gallons |
| <u>Solids</u> | |
| Class 3 | Any amount |
| Class 2 | 50 pounds |
| Class 1 | 500 pounds |

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

| | | |
|--|--|--|
| <p>a. <u>Twenty gallons when Section 5003.1.1 applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.</u></p> <p>b. <u>Two hundred pounds when Section 5003.1.1 applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.</u></p> | | |
| <p>HPM facilities. <u>An operational permit is required to store, handle or use hazardous production materials.</u></p> | | |
| <p>High piled storage. <u>An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m²).</u></p> | | |
| <p>Hot work operations. <u>An operational permit is required for hot work including, but not limited to:</u></p> <ol style="list-style-type: none"> 1. <u>Public exhibitions and demonstrations where hot work is conducted.</u> 2. <u>Use of portable hot work equipment inside a structure.</u> <p>Exception: <u>Work that is conducted under a construction permit.</u></p> <ol style="list-style-type: none"> 3. <u>Fixed-site hot work equipment such as welding booths.</u> 4. <u>Hot work conducted within a hazardous fire area.</u> 5. <u>Application of roof coverings with the use of an open-flame device.</u> 6. <u>When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.</u> | | |
| <p>Industrial ovens. <u>An operational permit is required for operation of industrial ovens regulated by Chapter 30.</u></p> | | |
| <p>Lumber yards and woodworking plants. <u>An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ㎥) (236 m³).</u></p> | | |
| <p>Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings. <u>An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.</u></p> | | |
| <p>LP-gas. <u>An operational permit is required for:</u></p> <ol style="list-style-type: none"> 1. <u>Storage and use of LP-gas.</u> <p>Exception: <u>An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.</u></p> <ol style="list-style-type: none"> 2. <u>Operation of cargo tankers that transport LP-gas.</u> | | |
| <p>Magnesium. <u>An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.</u></p> | | |
| <p>Miscellaneous combustible storage. <u>An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.</u></p> | | |
| <p>Mobile food preparation vehicles. <u>A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.</u></p> <p>Exception: <u>Recreational vehicles used for private recreation.</u></p> | | |
| <p>Open burning. <u>An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.</u></p> <p>Exception: <u>Recreational fires.</u></p> | | |
| <p>Open flames and candles. <u>An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.</u></p> | | |
| <p>Open flames and torches. <u>An operational permit is required to remove paint with a torch, or to use a torch or open-flame device in a wildfire risk area.</u></p> | | |
| <p>Organic coatings. <u>An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.</u></p> | | |
| <p>Places of assembly. <u>An operational permit is required to operate a place of assembly.</u></p> | | |
| <p>Plant extraction systems. <u>An operational permit is required to use plant extraction systems.</u></p> | | |

| | | | |
|--|--|--|--|
| Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants. | | | |
| Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. | | | |
| Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics. | | | |
| Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6 . | | | |
| Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations. | | | |
| Rooftop heliports. An operational permit is required for the operation of a rooftop heliport. | | | |
| SRCFs. An operational permit is required for the operation of a State-Regulated Care Facility where inspection by the fire official is required by state licensing regulations | | | |
| Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24 . | | | |
| Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts. | | | |
| Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m ²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. | | | |
| Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant. | | | |
| Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities. | | | |
| Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³). | | | |

107.3 Application for permit.

Application for a *permit* shall be made on forms prescribed by the fire official.

107.4 Issuance of permits.

Before a *permit* is issued, the fire official shall make such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of this code.

107.5 Conditions of permit.

A *permit* shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC and shall not be construed as authority to omit or amend any of the provisions of this code. *Permits* shall remain in effect until revoked or for such period as specified on the *permit*. *Permits* are not transferable.

107.6 Annual.

The enforcing agency may issue annual *permits* for the manufacturing, storage, *handling*, use, or sales of *explosives* to any state regulated public utility.

107.7 Approved plans.

Plans *approved* by the fire official are *approved* with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

107.8 Posting.

Issued *permits* shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

107.9 Suspension of permit.

A *permit* shall become invalid if the authorized activity is not commenced within 6 months after issuance of the *permit* or if the authorized activity is suspended or abandoned for a period of 6 months after the time of commencement.

107.10 Local fees.

In accordance with § 27-98 of the Code of Virginia, fees may be levied by the *local governing body* in order to defray the cost of enforcement and appeals under the SFPC. However, for the city of Chesapeake no fee charged for the inspection of any place of religious worship designated as Assembly Group A-3 shall exceed \$50. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours but shall not include overtime costs, unless conducted outside of the normal working hours established by the *locality*. A schedule of such costs shall be adopted by the *local governing body* in a local ordinance. A *locality* shall not charge an overtime rate for inspections conducted during the normal business hours established by the *locality*. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been *approved* to perform such inspections in accordance with the written policy of the fire official for the *locality*.

107.11 State Fire Marshal's office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks.

Complete *permit* applications shall be submitted to and received by the *State Fire Marshal's Office* not less than 15 days prior to the planned use or event. A \$500 expedited handling fee will be assessed on all permit applications submitted less than 15 days prior to the planned use or event. Inspection fees will be assessed at a rate of \$60 per staff member per hour during normal business hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.) and at a rate of \$90 per hour at all other times (nights, weekends, holidays). *State Fire Marshal's Office* permit fees shall be as follows:

1. Storage of explosives and blasting agents, 12-month permit \$250 first magazine, plus \$150 per each additional magazine on the same site.
2. Use of explosives and blasting agents, nonfixed site, 6-month permit \$250 per site, plus inspection fees.
3. Use of explosives and blasting agents, fixed site, 12-month permit \$250 per site.
4. Sale of explosives and blasting agents, 12-month permit \$250 per site.
5. Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit \$250 per site.
6. Manufacture explosives (restricted), 12-month permit \$20 per site.
7. Fireworks display in or on state-owned property \$300 plus inspection fees.
8. Pyrotechnics or proximate audience displays in or on state-owned property \$300 plus inspection fees.
9. Flame effects in or on state-owned property \$300 plus inspection fees.
10. Flame effects incidental to a permitted pyrotechnics display \$150 (flame effects must be individual or group effects that are attended and manually controlled).

Exception: Permit fees shall not be required for the storage of explosives or blasting agents by state and local law enforcement and fire agencies.

107.12 State annual compliance inspection fees.

Fees for compliance inspections performed by the *State Fire Marshal's office* shall be as follows:

1. Nightclubs.
 - 1.1. \$350 for occupant load of 100 or less.
 - 1.2. \$450 for occupant load of 101 to 200.
 - 1.3. \$500 for occupant load of 201 to 300.
 - 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.
2. Private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.
 - 2.1. \$150 for 3,500 square feet (325 m²) or less.
 - 2.2. \$200 for greater than 3,500 square feet (325 m²) up to 7000 square feet (650 m²).
 - 2.3. \$250 for greater than 7,000 square feet (650 m²) up to 10,000 square feet (929 m²).
 - 2.4. \$250 plus \$50 for each additional 3,000 square feet (279 m²) where square footage exceeds 10,000 square feet (929 m²).
3. Assembly areas that are part of private college dormitories.
 - 3.1. \$50 for 10,000 square feet (929 m²) or less provided the assembly area is within or attached to a dormitory building.
 - 3.2. \$100 for greater than 10,000 square feet (929 m²) up to 25,000 square feet (2323 m²) provided the assembly area is within or attached to a dormitory building, such as gymnasiums, auditoriums or cafeterias.
 - 3.3. \$100 for up to 25,000 square feet (2323 m²) provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
 - 3.4. \$150 for greater than 25,000 square feet (2323 m²) for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
4. Hospitals.

- 4.1. \$300 for 1 to 50 beds.
- 4.2. \$400 for 51 to 100 beds.
- 4.3. \$500 for 101 to 150 beds.
- 4.4. \$600 for 151 to 200 beds.
- 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.
5. Facilities licensed by the Virginia Department of Social Services based on licensed capacity as follows:
 - 5.1. \$50 for 1 to 8.
 - 5.2. \$75 for 9 to 20.
 - 5.3. \$100 for 21 to 50.
 - 5.4. \$200 for 51 to 100.
 - 5.5. \$300 for 101 to 150.
 - 5.6. \$400 for 151 to 200.
 - 5.7. \$500 for 201 or more.

Exception: Annual compliance inspection fees for any building or groups of buildings on the same site may not exceed \$2500.

6. Registered complaints.
 - 6.1. No charge for first visit (initial complaint), and if violations are found.
 - 6.2. \$51 per hour for each State Fire Marshal's office staff for all subsequent visits.
7. Bonfires (small and large) on state-owned property.
 - 7.1. For a small bonfire pile with a total fuel area more than 3 feet (914 mm) in diameter and more than 2 feet (610 mm) in height, but not more than 9 feet (2743 mm) in diameter and not more than 6 feet (1829 mm) in height, the permit fee is \$50. If an application for a bonfire permit is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$100. If an application for a bonfire permit is received by the State Fire Marshal's office less than 7 days prior to the planned event, the permit fee shall be \$150.
 - 7.2. For a large bonfire pile with a total fuel area more than 9 feet (2743 mm) in diameter and more than 6 feet (1829 mm) in height, the permit fee is \$150. If an application for a bonfire permit is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$300. If an application for a bonfire permit is received by the State Fire Marshal's office less than 7 days prior to the planned event, the permit fee shall be \$450.

107.13 Fee schedule.

The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

107.14 Payment of fees.

A permit shall not be issued until the designated fees have been paid.

Exception: The fire official may authorize delayed payment of fees.

107.14.1 State Fire Marshal's office certification and permit fees not refundable.

No refund of any part of the amount paid as a permit or certification fee will be made where the applicant, permit or certification holder, for any reason, discontinued an activity, changed conditions, or changed circumstances for which the permit or certification was issued. However, the permit or certification fee submitted with an application will be refunded if the permit or certification is canceled, revoked, or suspended subsequent to having been issued through administrative error, or if a permit being applied for is to be obtained from a locally appointed fire official.

SECTION 108 OPERATIONAL PERMITS

108.1 General.

Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

108.1.1 Permits required.

Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

Exceptions:

1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.
2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

108.1.2 Duration of operational permits.

An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:

1. A prescribed period.
2. Until renewed, suspended, or revoked.

108.1.3 Operational permits for the same location.

When more than one operational permit is required for the same location, the fire official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

SECTION 108 OPERATIONAL PERMITS

108.2 Application.

Application for an operational permit required by this code shall be made to the fire official in such form and detail as prescribed by the fire official. Applications for permits shall be accompanied by such plans as prescribed by the fire official.

108.2.1 Refusal to issue permit.

If the application for an operational permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

108.2.2 Inspection authorized.

Before a new operational permit is approved, the fire official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

108.2.3 Time limitation of application.

An application for an operational permit for any proposed work or operation shall be deemed to have been abandoned 6 months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

108.2.4 Action on application.

The fire official shall examine or cause to be examined applications for operation permits and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements of pertinent laws, the fire official shall reject such application in writing, stating the reasons. If the fire official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire official shall issue a permit as soon as practicable.

SECTION 108 OPERATIONAL PERMITS

108.3 Conditions of a permit.

An operational permit shall constitute permission to maintain, store or handle materials; or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code.

Note: The building official issues permits to install equipment utilized in connection with such activities or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification.

108.3.1 Expiration.

An operational permit shall remain in effect until reissued, renewed, or revoked for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

108.3.2 Extensions.

A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

108.3.3 Annual.

The enforcing agency may issue annual operational permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

108.3.4 Suspension of permit.

An operational permit shall become invalid if the authorized activity is not commenced within 6 months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of 6 months after the time of commencement.

108.3.5 Posting.

Issued operational permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

108.3.6 Compliance with code.

The issuance or granting of an operational permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Operational permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on other data shall not prevent the fire official from requiring the correction of errors in the provided documents and other data. Any addition to or alteration of approved provided documents shall be approved in advance by the fire official, as evidenced by the issuance of a new or amended permit.

108.3.7 Information on the permit.

The fire official shall issue all operational permits required by this code on an approved form furnished for that purpose. The operational permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire official. Issued permits shall bear the original or electronic signature of the fire official or other designee approved by the fire official.

SECTION 108 OPERATIONAL PERMITS

108.4 Revocation.

The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.



State Building Code Technical Review Board Policy #27.0

Title: State Building Code Technical Review Board Secretary authority to request additional information and/or documentation from the parties to an application for appeal.

Authority: Section 36-108 et seq. of the Code of Virginia

Policy Statement: It shall be the policy of the State Building Code Technical Review Board (Board) that, when the Secretary is processing an application for appeal (appeal) and discovers additional information and/or documentation is needed, the Secretary may request the additional information and/or documentation from the applicable party. Additional information and/or documentation may be, but is not limited to, the following items:

1. Local appeals board application
2. Certificate of Occupancy for the building subject of the appeal
3. Engineering reports for the building subject of the appeal
4. Photographs of the site and or the building subject to the appeal
5. Approved building plans for the building subject of the appeal
6. Technical specifications, technical calculations, product standards, and/or manufacturer's installation instructions for installed equipment and/or products for the building subject of the appeal
7. A copy of the meeting minutes of the local appeals board hearing
8. Any additional information and/or documentation requested by a Board member
9. Any other additional information and/or documentation deemed necessary by the Secretary

It shall further be the policy of the Board that, when the appeal is related to a Heating Ventilation and Air Conditioning (HVAC) system of a building the Secretary shall request the following information for the building subject of the appeal from the applicable party:

1. Entire set of approved building plans
2. Manuals S, J, and D or other approved calculations for sizing the HVAC equipment and ductwork

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3. Site plan with a North Indicator
4. Set of “As Built” plans for the building subject of the appeal
5. Manufacturer’s specifications and installation instructions
6. Schedule of materials for building thermal envelope for the building subject of the appeal

Approval and Review: This Board policy was reviewed and approved on 07/15/2022.

Supersession: This Board policy is new.

Board Chair at Last Review: James R. Dawson

DHCD Director: Bryan Horn

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State Building Code Technical Review Board Policy #27

| | |
|------------------------------------|--|
| Title: | Submittals of the local appeals board hearing minutes |
| Authority: | Section 36-108 et seq. of the Code of Virginia |
| Policy Statement: | It shall be the policy of the State Building Code Technical Review Board (Board) that, when available, the minutes of the local appeals board hearing shall be submitted to the Review Board Secretary (Secretary) in accordance with the time frames established by the Secretary. The submitted information shall be included in the Board agenda package. |
| Approval and Review: | This Board policy was reviewed and approved on 07/15/2022. |
| Supersession: | This Board policy is new. |
| Board Chair at Last Review: | James R. Dawson |
| DHCD Director: | Bryan Horn |

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State Building Code Technical Review Board Policy #28

| | |
|------------------------------------|--|
| Title: | Submittal of HVAC documentation |
| Authority: | Section 36-108 et seq. of the Code of Virginia |
| Policy Statement: | <p>It shall be the policy of the State Building Code Technical Review Board (Board) that, when an appeal is related to the HVAC system of a building, the following documents, if they exist, shall be submitted to the Review Board Secretary (Secretary) in accordance with the time frames established by the Secretary.</p> <ol style="list-style-type: none">1. Entire set of approved building plans2. Manuals S, J, and D or other approved calculations for sizing the HVAC equipment and ductwork3. Site plan with a North Indicator4. Set of “As Built” plans for the building5. Manufacturer’s specifications for the HVAC system6. Schedule of materials for the building for building thermal envelope <p>The submitted information shall be included in the Board agenda package.</p> |
| Approval and Review: | This Board policy was reviewed and approved on 07/15/2022. |
| Supersession: | This Board policy is new. |
| Board Chair at Last Review: | James R. Dawson |
| DHCD Director: | Bryan Horn |

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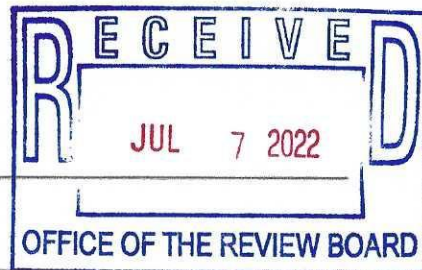
Addendum to the July 15, 2022
Agenda Package

Request for Interpretation
Submitted By
Gregory Revels

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REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov



From: Gregory H. Revels

Phone Number: 804/501-4374

Email Address: Greg.Revels@henrico.us

Applicable Code: 2017 National Electrical Code

Code Section(s): Articles 100, 336.10(9), 725.1(B)

Submitted by (signature):

A handwritten signature in blue ink, appearing to be "Gregory H. Revels", written over a horizontal line.

Date:

7.7.2022

QUESTION(S):

Is a single conductor within a Type TC-ER cable permitted to serve as both the power and remote control signal circuit when supplying PV Solar arrays with micro-inverters and controllers?

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conductors. The communications conductors shall comply with Part V of Article 800.

334.108 Equipment Grounding Conductor. In addition to the insulated conductors, the cable shall have an insulated, covered, or bare equipment grounding conductor.

334.112 Insulation. The insulated power conductors shall be one of the types listed in Table 310.104(A) that are suitable for branch-circuit wiring or one that is identified for use in these cables. Conductor insulation shall be rated at 90°C (194°F).

Informational Note: Types NM, NMC, and NMS cable identified by the markings NM-B, NMC-B, and NMS-B meet this requirement.

334.116 Sheath. The outer sheath of nonmetallic-sheathed cable shall comply with 334.116(A), (B), and (C).

(A) **Type NM.** The overall covering shall be flame retardant and moisture resistant.

(B) **Type NMC.** The overall covering shall be flame retardant, moisture resistant, fungus resistant, and corrosion resistant.

(C) **Type NMS.** The overall covering shall be flame retardant and moisture resistant. The sheath shall be applied so as to separate the power conductors from the communications conductors.

ARTICLE 336

Power and Control Tray Cable: Type TC

Part I. General

336.1 Scope. This article covers the use, installation, and construction specifications for power and control tray cable, Type TC.

336.2 Definition.

Power and Control Tray Cable, Type TC. A factory assembly of two or more insulated conductors, with or without associated bare or covered grounding conductors, under a nonmetallic jacket.

336.6 Listing Requirements. Type TC cables and associated fittings shall be listed.

Part II. Installation

336.10 Uses Permitted. Type TC cable shall be permitted to be used as follows:

- (1) For power, lighting, control, and signal circuits.
- (2) In cable trays, including those with mechanically discontinuous segments up to 300 mm (1 ft).
- (3) In raceways.
- (4) In outdoor locations supported by a messenger wire.
- (5) For Class 1 circuits as permitted in Parts II and III of Article 725.
- (6) For non-power-limited fire alarm circuits if conductors comply with the requirements of 760.49.

(7) Between a cable tray and the utilization equipment or device(s), provided all of the following apply:

- a. The cable is Type TC-ER.
- b. The cable is installed in industrial establishments where the conditions of maintenance and supervision ensure that only qualified persons service the installation.
- c. The cable is continuously supported and protected against physical damage using mechanical protection such as struts, angles, or channels.
- d. The cable that complies with the crush and impact requirements of Type MC cable and is identified with the marking "TC-ER."
- e. The cable is secured at intervals not exceeding 1.8 m (6 ft).
- f. Equipment grounding for the utilization equipment is provided by an equipment grounding conductor within the cable. In cables containing conductors sized 6 AWG or smaller, the equipment grounding conductor must be provided within the cable or, at the time of installation, one or more insulated conductors must be permanently identified as an equipment grounding conductor in accordance with 250.119(B).

Exception to (7): Where not subject to physical damage, Type TC-ER shall be permitted to transition between cable trays and between cable trays and utilization equipment or devices for a distance not to exceed 1.8 m (6 ft) without continuous support. The cable shall be mechanically supported where exiting the cable tray to ensure that the minimum bending radius is not exceeded.

- (8) Where installed in wet locations, Type TC cable shall also be resistant to moisture and corrosive agents.
- (9) In one- and two-family dwelling units, Type TC-ER cable containing both power and control conductors that is identified for pulling through structural members shall be permitted. Type TC-ER cable used as interior wiring shall be installed per the requirements of Part II of Arti-

cle 334 and, where installed as exterior wiring, shall be installed per the requirements of Part II of Article 340.

Exception: Where used to connect a generator and associated equipment having terminals rated 75°C (140°F) or higher, the cable shall not be limited in ampacity by 334.80 or 340.80.

Informational Note No. 1: TC-ER cable that is suitable for pulling through structural members is marked "JP."

Informational Note No. 2: See 725.136 for limitations on Class 2 or 3 circuits contained within the same cable with conductors of electric light, power, or Class 1 circuits.

(10) Direct buried, where identified for such use

Informational Note: See 310.15(A)(3) for temperature limitation of conductors.

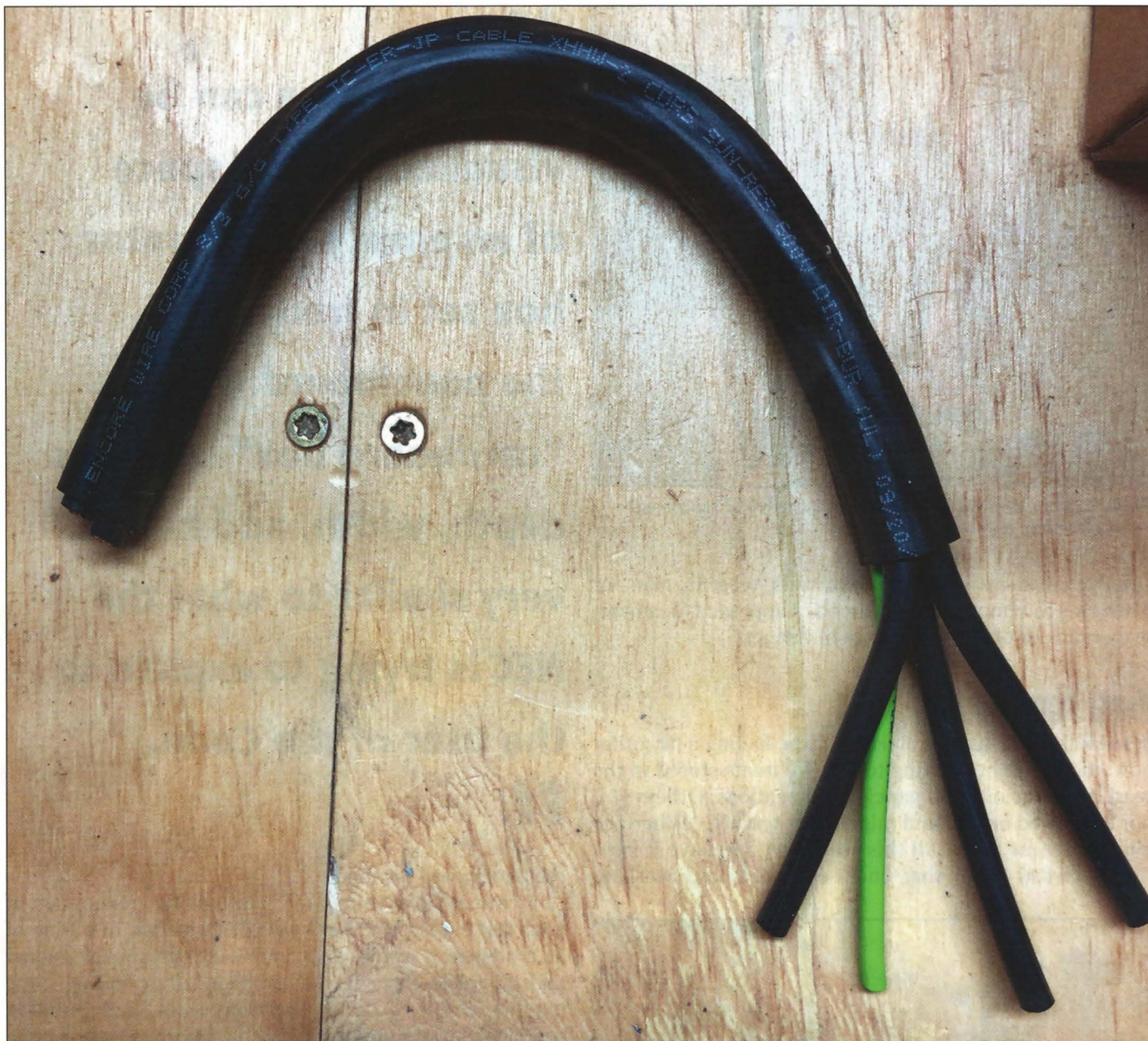


Photo 1. TC-ER-JP cable as described in NEC 2017/2020 Section 339.10(9)

Using TC-ER Cable for Inverter Output Circuits

by: Barklie Estes

Type TC-ER tray cable is a cable that has been predominantly used for industrial purposes due to its impact and crush resistance, cost-effectiveness and the fact that most products are sunlight resistant and direct burial rated. One of the important changes between the 2011 and 2014 *NEC* for solar systems using microinverters was the addition of permission to use TC-ER tray cable for inverter output circuits under certain circumstances [*NEC* 2014 690.31(D)]. However, the introduction of the 2017 *National Electrical Code (NEC)* removed the Chapter 6 permission while simultaneously adding a permission for utilizing Type TC-ER cable in

Chapter 3. This transition has raised the question under what, if any, circumstances can TC-ER cable be used for inverter output circuits per the 2017 and 2020 *NEC*?

In both editions, the first thing that jumps out in Section 336.10(9) is that the permission is limited to only one-family and two-family dwellings and thus cannot be used for non-dwelling units or buildings with more than two complete independent living facilities.

A second requirement is that the cable must be identified for pulling through structural members. A UL Listing with a Joist Pull (“JP”) rating would suffice as being “Identified” according to its Article 100 definition

In one- and two-family dwelling units, Type TC-ER cable containing both power and control conductors that is identified for pulling through structural members shall be permitted. Type TC-ER cable used as interior wiring shall be installed per the requirements of Part II of Article 334.

Exception: Where used to connect a generator and associated equipment having terminals rated 75°C (140°F) or higher, the cable shall not be limited in ampacity by 334.80 or 340.80.

Informational Note No. 1: TC-ER cable that is suitable for pulling through structural members is marked "JP."

Informational Note No. 2: See 725.136 for limitations on Class 2 or 3 circuits contained within the same cable with conductors of electric light, power, or Class 1 circuits. [NEC 336.10(9)]



Photo 2. Example of a UL Joist Pull Listing for TC-ER cable

and informational note. Although NEC 336.10(9), Informational Note No. 1, states that such cable is marked "JP", cable that has passed the UL requirement but does not have JP on its print label would be acceptable since informational notes are not enforceable code [NEC-2017, 90.5(C)]. The 2020 NEC moves the "JP" stipulation out of the informational note so inspectors enforcing the 2020 may require its presence on the print legend.

A third requirement which is especially important for solar installers who route wiring through the attic is that TC-ER cable used as interior wiring must meet the Article 334 Part II requirements. As such, it should be supported every 1.4 m (4 ½ ft) [334.30], which is less than the 1.8 m (6 ft) requirement per NEC 2014 Section 690.31(D). For trusses that are 24" on center, this means the cable should be stapled every 2nd truss instead of every 3rd. The 2017 NEC does not make explicit the securing requirements for exterior runs of TC-ER cable used in one-family and two-family dwellings. The 2020 NEC states that exterior runs need to follow Part II of Article 340 [340.10(4)], which redirects to the NM securing requirement of 1.4 m (4 ½ ft).

The stipulation to follow Article 334 Part II can also affect conductor sizing due to the requirement to use the

60°C rating [334.80] which can be more stringent than the requirement to multiply the inverter output by 125% [690.8(B)(1)]. As an example, a microinverter system with 90°C rated cable/terminations and a 42-amp aggregate continuous output rating could use 8 AWG cable (55>42*125%) under the 2014 requirements but could not under the 2017 or 2020 requirements (42>40) [2017 NEC Table 310.15(B)(16) and 2020 NEC Table 310.16].

The fourth requirement is that the cable must contain both power and control conductors. Since the only way inverters output their power is through their AC conductors, the adherence to the power conductor requirement is self-evident. Adherence to the control conductor requirement involves determining whether an inverter output circuit [defined in 690.2] meets the criteria for any of the different varieties of control circuits.

There are three types of control circuits discussed in Article 725, the relevant one for inverters being remote-control circuits. A remote-control circuit is "any electrical circuit that controls any other circuit through a relay or equivalent device" [Article 100]. Because grid-connected inverters are required to be compliant with UL 1741 and IEEE 1547, these types of inverters must be able to discontinue the production of power when the



Photo 3. Interior TC-ER cable installed under the 2017/2020 NEC should be secured every 1.4 m (4 ½ ft). If a firefighter saws through the roof with a chainsaw (a thing they do), that there is a chance they hit the cable that is stapled to the rafter. To prevent this mishap, the firemen should disconnect the service prior to venting. PV conductors in buildings have to be under 30 volts within 30 seconds of being disconnected [690.31(B)(1)]. For systems connected on the load-side (i.e. through the circuit breaker), turning off the main breaker also disconnects the PV circuits. For systems connected to the line-side, the firefighter will separately disconnect the main service and the PV service. Pulling the meter shuts down all the services in either case.

utility grid is disrupted. This mandate is referred to as “anti-islanding.” Inverters achieve this requirement by limiting the PV circuit(s) when the inverter output circuit detects grid disruption. Because the inverter output circuit is directing the function of the PV circuit(s), it would, therefore, meet the definition of a remote-control circuit.

There are also three classes of control circuits, the relevant one in this scenario being Class 1, since Class 2 and Class 3 circuits are not allowed to be contained in the same cable as power conductors [725.136]. Class 1 Circuits are defined as, “The portion of the wiring system between the load side of the overcurrent device or power-limited supply and the connected equipment” [NEC 2017 725.2]. The stipulation that the control circuit be less than 600 volts [725.41(B)] is not particularly consequential since an inverter interconnected to a one- or two-family dwelling is going to be operating at 240 volts.

As long as the inverter output circuit can exercise control over the PV circuit(s), is located between the overcurrent device and equipment, and is not exceeding 600 volts, it would qualify as a Class 1 circuit and meet the control conductor requirement in 339.10(9). Because the NEC does not preclude a conductor from simultaneously serving as both a power conductor and a Class 1 conductor, the fact that the same conductors are being used for two

different purposes does not constitute a violation.

In addition to checking the four boxes required for the 336.10(9) permission, it is also necessary to evaluate whether the application in question violates any of the three TC-ER uses not permitted [336.12].

The first clarifies that the cable should not be installed where subject to physical damage. Accordingly, the cable can be used as a substitute for other wiring methods not subject to physical damage (MC Cable, Schedule 40 PVC, LFMC, SER, etc.) but should not be used as a substitute for wiring methods that are subject to physical damage (Schedule 80 PVC, IMC, or RMC). While the topic of subject to physical is worthy of an article itself, a common qualifier is whether there are hazards (vehicles, machinery, falling objects, destructive tools) near the wiring.

The purpose of the second limitation is to prohibit the use of TC-ER cable outside of a conduit system in certain applications, but it also serves to clarify that the 336.10(9) permission being discussed is indeed about applications outside of a raceway.

The third prohibition states that TC-ER cable is not to be exposed to direct rays of the sun, unless identified for as sunlight resistant. Such cable will typically have “SUNLIGHT RESISTANT” or “SUN RES” on its print legend.

The answer to the question of whether TC-ER cable can be used for an inverter output circuit is under the

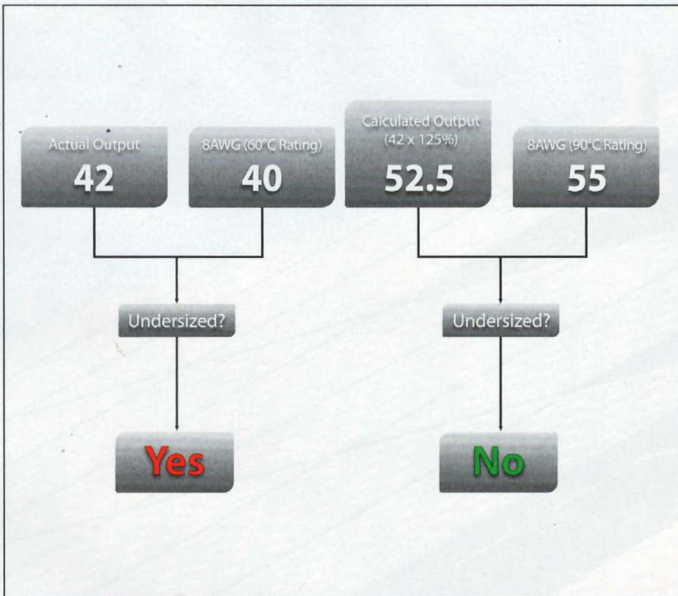


Figure 1. Example of inverter wire sizing using a 42-amp inverter output circuit

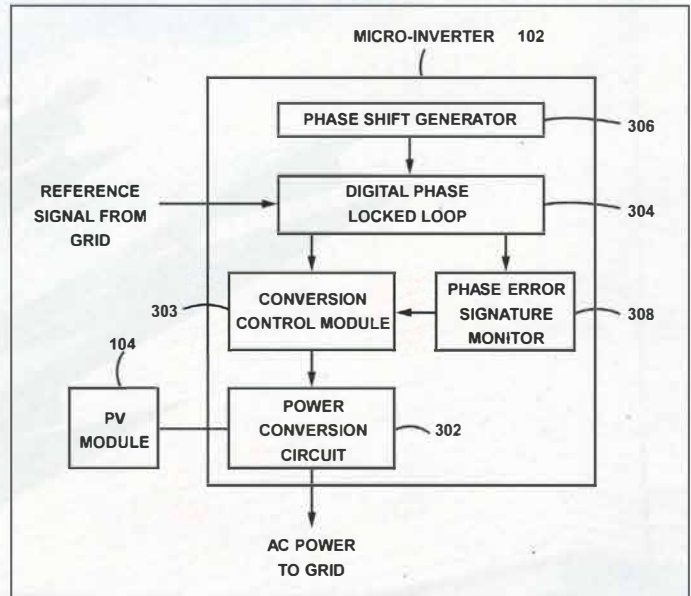


Figure 2. Example of internal components for a grid-connected microinverter



Photo 4. Exterior runs of TC-ER cable on a single-family dwelling

2017 or 2020 *NEC* is, therefore, yes, as long as 1) it is being used for a one or two-family dwelling, 2) it is UL listed for joist pull, 3) the installation meets the *NEC* 2017/2020 Article 334 Part II wire sizing and support requirements, 4) it is UL 1741/IEEE 1547 compliant, 5) is installed away

from physical hazards, and 6) the cable is sunlight resistant if used outdoors. ⚠️

Barklie Estes is the president of Nova Solar, a residential and commercial solar installation company serving DC, Maryland, and Virginia. He is a NABCEP Certified PV Associate and PV Installer. He is also a licensed Master Electrician in Maryland and Virginia.