

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, September 22, 2023 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia

- I. Roll Call **(TAB 1)**
- II. Approval of July 21, 2023 Minutes **(TAB 2)**
- III. Public Comment
- IV. Preliminary Hearing **(TAB 3)**
 - In Re: Mazzei Construction Group LLC
Appeal No. 23-02
- V. Appeal Hearing **(TAB 4)**
 - In Re: William Bock
Appeal No. 23-01
- VI. Appeal Hearing **(TAB 5)**
 - In Re: Fairfax County
Appeal No. 23-03
- VII. Secretary's Report
 - a. November 17, 2023 meeting update - location VHC
 - b. Legal updates from Board Counsel

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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)

James S. Moss

(Virginia Building and Code Officials Association)

Elizabeth C. White

(Commonwealth at large)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

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1 STATE BUILDING CODE TECHNICAL REVIEW BOARD
2 MEETING MINUTES
3 July 21, 2023
4 Virginia Housing Center
5 4224 Cox Road Glen Allen, Virginia 23860
6

Members Present

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. David V. Hutchins
Mr. Joseph Kessler (arrived after approval of the
May 12, 2023 meeting minutes)
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. James S. Moss
Mr. Aaron Zdinak, PE

Members Absent

Mr. Alan D. Givens
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Elizabeth White

7
8 Call to Order The meeting of the State Building Code Technical Review Board
9 (“Review Board”) was called to order at approximately 10:00 a.m. by
10 Chair Dawson.
11

12 Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin
13 I. Bell, legal counsel for the Review Board from the Attorney General’s
14 Office, was also present.
15

16 Approval of Minutes The draft minutes of the May 12, 2023 meeting in the Review Board
17 members’ agenda package were considered. Mr. Zdinak moved to
18 approve the minutes with the editorial change adding the words “*and*
19 *passed*” after the word “*Moss*” on line 109 of page 9 of the agenda
20 package. The sentence now reads:
21

The motion was seconded by Mr. Moss *and passed* with Mr.
22 Mays abstaining.
23

24
25 The motion was seconded by Mr. Crigler and passed with Messrs.
26 Butler and Margarella and Mses. Jackson and Monday abstaining.
27

28 Final Order Fairfax County: Appeal No. 22-16:
29

30 After review and consideration of the final order presented in the
31 Review Board members’ agenda package, Mr. Mays moved to approve
32 the final order with two editorial changes.

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33 Remove the last paragraph of Section III Findings of the Review Board,
34 line 74-77 of page 17 of the agenda package, and add the following
35 paragraph:

36
37 *“The Review Board found that a carport had been constructed*
38 *between 1972 and 1976 based on aerial photographs provided*
39 *in the record and testimony that no record of the required*
40 *permits existed in the county database. The Review Board*
41 *further found that the removal and installation of new gas*
42 *appliances in the main dwelling occurred without the required*
43 *permits.”*

44
45 Remove the last paragraph of Section IV Final Order, line 91-94 of
46 page 19 of the agenda package and add the following paragraph:

47
48 *“The decision of the County is upheld and the decision of the*
49 *local appeals board is overturned because the carport was*
50 *constructed between 1972 and 1976 based on aerial*
51 *photographs provided in the record and testimony that no*
52 *record of the required permits existed in the county database,*
53 *and that the removal and installation of gas appliances in the*
54 *main dwelling occurred without the required permits.”*

55
56 The motion was seconded by Mr. Kessler and passed with Messrs.
57 Butler and Margarella and Mses. Jackson and Monday abstaining.

58
59 Interpretations Approval of Interpretation 01/2023:

60
61 After review and consideration of Interpretation 01/2023, presented in
62 the Review Board members’ agenda package, Mr. Hutchins moved to
63 approve Interpretation 01/2023 as presented. The motion was
64 seconded by Mr. Moss and passed with Messrs. Butler and Margarella
65 and Mses. Jackson and Monday abstaining.

66
67 Public Comment Chair Dawson opened the meeting for public comment. Mr. Luter
68 advised that no one had signed up to speak. With no one coming
69 forward, Chair Dawson closed the public comment period.

70
71 New Business Request for Interpretation of Paul Koll (Gloucester County):
72 Interpretation Request No. 03-23:

73
74 After a brief discussion about the interpretation request from Paul Koll
75 of Gloucester County and the requisite information gathered by the
76 secretary, as directed by the Review Board at the May 12, 2023 meeting
77 and provided in the Review Board members’ agenda package, Mr. Koll
78 withdrew his request for interpretation.
79

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80 Secretary's Report Mr. Luter pointed the Review Board members to Draft Review Board
81 Policy #32 presented in the Review Board members' agenda package,
82 found on page 63. After a brief discussion, Mr. Luter withdrew the draft
83 policy from consideration.
84

85 Mr. Luter informed the Review Board of the current caseload for the
86 upcoming meeting scheduled for September 22, 2023.
87

88 Mr. Bell provided legal updates to the Review Board members.
89

90 Adjournment There being no further business, the meeting was adjourned by proper
91 motion at approximately 12:00 p.m.
92

93
94 Approved: September 22, 2023
95

96
97 _____
98 Chair, State Building Code Technical Review Board
99

100
101 _____
102 Secretary, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Mazzei Construction Group LLC
Appeal No. 23-02

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
(For Preliminary Hearing as to Timeliness)

IN RE: Appeal of Mazzei Construction Group LLC
Appeal No. 23-02

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 10, 2023, the Prince William County Department of Development Services, Building Development Division (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice of Violation (NOV) to Mazzei Construction Group LLC (Mazzei), for the properties located at 4997-5051 Anchorstone Drive, in Prince William County, for construction without permits and inspections citing VUSBC Section 108.1.1.

2. Mazzei filed an appeal to the Prince William County Building Code Board of Appeals (local appeals board). The local appeals board found that the NOV was originally issued on August 2, 2021 with attention to Mazzei President and that the reissuance of the NOV on April 10, 2023 with attention to Mazzei Vice-President did not constitute a new decision; therefore, found the appeal to be untimely.

3. On July 3, 2023, Mazzei further appealed to the Review Board.

4. 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

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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 to uphold the decision of the County and the local appeals board that the appeal was untimely filed to the local appeals board and dismiss the appeal as untimely.

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Basic Documents

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VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 – 5051 ANCHORSTONE DR
CONTRACTOR: MAZZEI CONSTRUCTION GROUP LLC
4340 PRINCE WILLIAM PY 105
WOODBIDGE VA 22192

CASE # : BCE2022-00041
VIOLATION DATE: April 10, 2023
NOTICE DATE: April 10, 2023

INSPECTOR: Kristin Alexander

CONTACT # / kalexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2015	108.1.1 No Permit	Construction Without Permit - Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone). County Center Condos.	Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone Drive, Woodbridge, VA 22192), County Center Condos. BPR2022-00600 for work never approved, still pending. Permits BLD2022-01659 - 01660, 01662 - 01665, 01667 - 01669, 01675, 01677 - 01678, 01688, 01696 - 01698, 01700 - 01703, 01705, 01709 - 01710, 01712, 01714, 01721 - 01722 never were issued for work.	5/10/23

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/department/building-development-division/unpermitted-work>.

/S/Kristin Alexander

BUILDING CODE ENFORCEMENT SUPERVISOR

Appeal No. _____

Application for Appeal

Prince William County

Locality

I (we) Mazzei Construction Group LLC of 4340 Prince William Parkway, Suite 105, Woodbridge, VA 22192
(Name) (Mailing address)

respectfully request that the Local Board of Appeals review the decision made on
April 10, 2023 by the code official.

Description of Decision Being Appealed: Construction with no permit. VUSBC code section 108.1.1
Violation notice attached.

Location of Property Involved: 5079 - 5051 Anchorstone Drive, Woodbridge, VA 22192

What is the applicant's interest in the property?

- Owner
 Contractor
 Owner's agent
 Other (explain) _____

Relief Sought: Dismissal of violation. Find attached letter sent to the property on March 14, 2023.

Attach the Decision of the Code Official and Any Other Pertinent Documents.



Signature of Applicant

Filed at _____, Virginia, the _____ day of _____, 20__

Prince William County Building Code Board of Appeals **Resolution**

WHEREAS, the Prince William County Building Code Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code; and

WHEREAS, an appeal has been filed and brought to the attention of the Board of Appeals; and

WHEREAS, a hearing was held on June 7, 2023, to consider the aforementioned appeal; and

WHEREAS, the Notice of Violation BCE2022-00041 was issued on August 2, 2021, and the Appeal was submitted to the Board on May 8, 2023; and

WHEREAS, the Notice of Violation BCE2022-00041 was issued to Mazzei Construction with attention to the company Vice-President and the re-issuance to the attention of the company President did not constitute a new decision; and

WHEREAS, the Board of Appeals has fully deliberated this matter;

NOW, THEREFORE, BE IT RESOLVED that in the matter of:

Appeal No: APL2023-00004

IN RE: Mazzei Construction Group v. Prince William County Building Official

The Appeal was not submitted in a timely manner and was not properly before the Board; therefore, the Board upholds the Building Official's decision.

Date: June 13, 2023

Signature: John Heltzel AIA Digitally signed by John Heltzel AIA
Date: 2023.06.15 06:32:49 -04'00'
Chairman of Local Board of Appeals

Note: Any person who was a party to the appeal my appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150.

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Staff Note:

Multiple Review Board applications submitted by Mazzei Construction Group LLC are included in the agenda package to show the timeline from original submittal to when staff was able to acquire the completed application

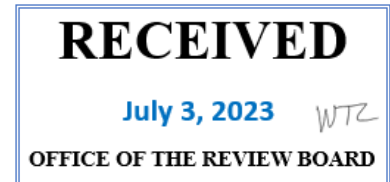
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: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

Mazzei Construction Group, LLC
4340 Prince William Parkway, Suite 105
Woodbridge, VA 22192
703-680.3375
nathan@mcgva.com

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

Prince William County Building Official
5 County Complex Court, Suite 120
Prince William, VA
703-792.5533
kjessie@pwcva.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 29th day of June, 2023, 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: Nathan Supinski
Vice President for Mazzei Construction Group, LLC
(please print or type)

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@dhd.virginia.gov

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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):

Mazzei Construction Group, LLC
4340 Prince William Parkway, Suite 105
Woodbridge, VA 22192
703-680.3375
nathan@mcgva.com

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

Prince William County Building Official
5 County Complex Court, Suite 120
Prince William, VA
703-792.6873
Eric M. Mays
emays@pwcva.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 29th day of June, 2023, 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.

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Signature of Applicant: _____

Name of Applicant: Nathan Supinski
Vice President for Mazzei Construction Group LLC
(please print or type)

To: 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, VA 23219

Date: June 29, 2023

Re: Application for Administrative Appeal – State of Specific Relief Sought

To Whom It May Concern,

MCG is seeking relief from the decision by the Prince William County Building Code Board of Appeals. To be more specific, we are seeking relief to overturn the decision by the Building Code Board of Appeals that the appeal was not submitted in a timely manner. The original violation was sent on August 2, 2021 at which time, MCG was prompt in communicating with the county official(s) and was of the understanding the violation notice was put on hold as we attempted to obtain the permit. The violation was re-issued on April 10, 2023, and MCG subsequently submitted an appeal to the board on May 8, 2023. This appeal to the board was submitted within the 30 days of the date of notice.

Sincerely,



Nathan Supinski
Vice President
Mazzei Construction Group, LLC

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Documents Submitted
by Mazzei
Construction Group
LLC

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Sent Via: shrevelle@hotmail.com

To: Shane Revelle
Former President, County Center Condominium Unit Owners Association

Re: County Center Balcony Replacement Building Permit

To Whom It May Concern,

Pursuant to article 8.8 of the February 21, 2020 Construction Contract between Mazzei Construction Group LLC ("MCG"), and County Center Condominium, "the Owner shall secure and pay for the building permit and other permits and governmental fees, licenses and inspections necessary for the proper execution and completion of the Work." MCG has attempted to assist the Owner to obtain a building permit, but it has not assumed the Owner's obligation to do so.

MCG has been informed that Prince William County has issued a summons for the violation of the requirement under the Building Code to obtain a building permit. MGC cannot proceed with the Balcony Replacement until a building permit has been obtained. Please address this matter as soon as possible. Once the building permit has been issued, please provide it to me so that MGC can continue work on the project.

Sincerely,



Nathan Supinski
Vice President
Mazzei Construction Group, LLC

Cc: Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor

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Documents Submitted
By Prince William
County

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Staff Note:

Duplicate documents were left in the record to preserve the integrity of the local appeals board package submitted by PWC

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Prince William County, Virginia

BEFORE THE
PRINCE WILLIAM COUNTY BUILDING CODE APPEALS BOARD

IN RE: Appeal No. APL2023-00004 - Appeal of Mazzei Construction Group LLC

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Attachment #2 Anchorstone Emails July 2021 to March 2022	7
Attachment #3 Notice of Violations (BCE2022-00041) Updated	21
Attachment #4 Mazzei Construction Group LLC Appeal and Documents	23

BEFORE THE

PRINCE WILLIAM COUNTY BUILDING CODE APPEALS BOARD

IN RE: Appeal No. APL2023-00004 - Appeal of Mazzei Construction Group LLC

BUILDING OFFICIAL'S DOCUMENT

Summary Of Case History And Pertinent Facts

1. On August 2, 2021, the Building Code Enforcement Branch issued a Notice of Violation BCE2022-00041 for unpermitted alterations/repairs to twenty-eight (28) condominium balconies located at 5079 Anchorstone Drive. The Notice of Violation was issued to the Mazzei Construction Group, NV Roofing, and the County Center Condo Owners (Attachment 1).
2. Mazzei Construction Group received the Notice of Violation BCE2022-00041 on or around August 19, 2021, and did not submit an appeal within thirty (30) days (Attachment 2, Page 17).
3. In response to the Notice of Violation, a Building Permit Application and plans were submitted on October 22, 2021, and the plans were placed on hold on November 4, 2021. The Mazzei Construction Group had installed the Bridgeport Series Railing System manufactured by Spec Rail, which does not have an approved testing/listing by a Nationally Recognized Testing Laboratory.
4. Building Code Enforcement filed a Criminal Complaint with the Magistrate's Office on May 23, 2022, and a Criminal Summons was issued to Mazzei Construction Group and sent to the Police Department for service.
5. The plans were resubmitted on June 28, 2022, and placed on hold on July 6, 2022, for the same deficiency noted during the first plan review. There was no additional activity, and the Building Permit Application was abandoned on April 9, 2023.
6. The County Police Department attempted to serve the Criminal Summons to Mazzei Construction Group's representative Mr. Nathan Supinski, Vice President, six times. However, the Police were unsuccessful, and Mr. Supinski refused the Police Department's request to pick up the Criminal Summons at the Police Station.
7. Based on Mr. Supinski's refusal to facilitate the service of the Criminal Summons to Mazzei Construction, Building Code Enforcement was advised to re-issue the Criminal Summons to Mazzei Construction Group through the company owner, Mr. Thomas Mazzei. Therefore, the original Notice of Violation was updated by replacing Mr. Supinski's name with Mr. Mazzei's name in advance of re-issuing the Criminal Summons (Attachment 3).

8. The Building Official's findings and final determination are:

- A. Mazzei Construction did not submit their appeal of the Notice of Violation BCE2022-00041 in a timely manner in accordance with the Virginia Uniform Statewide Building Code, Chapter 1, Section 119.5 Right of Appeals within thirty (30) calendar days of receipt. The Notice of Violation was received by Mazzei Construction on or about August 19, 2021, and therefore, the Appeal was required to be submitted no later than September 18, 2021. Therefore, Mazzei Construction's appeal is moot and not properly before the Board.
- B. If the Board decides that Mazzei Construction's appeal was timely, my determination is that Mazzei Construction is a responsible party and Notice of Violation BCE2022-00041 was properly issued and is enforceable.

The County Center Condo Owners hired a registered design professional to obtain the required Building Permit for the installed work. However, Mazzei Construction had purchased and installed the Bridgeport Series Railing System manufactured by Spec Rail, which was not approved and listed by a Nationally Recognized Testing Laboratory. Therefore, the County Center Condo Owners could not be responsible for failing to obtain a Building Permit because of Mazzei Construction's negligence.

VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 ANCHORSTONE DR
CONTRACTOR: MAZZEI CONSTRUCTION GROUP
 ATTN: NATHAN SUPINSKI
 4340 PRINCE WILLIAM PARK 105
 WOODBRIDGE VA 22192

CASE # : BCE2022-00041
VIOLATION DATE: August 02, 2021
NOTICE DATE: August 02, 2021

INSPECTOR: Kristin Alexander

CONTACT # / EMAIL: 703-792-5702 /
 KAlexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2015	108.1.1 No Permit	Construction Without Permit - Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone).	Immediately Stop all work and Obtain All Required Permits and Inspections	9/1/21

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at www.pwcgov.org/UnpermittedWork.



BUILDING CODE ENFORCEMENT INSPECTOR

VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 ANCHORSTONE DR
CONTRACTOR: NV ROOFING
43671 TRADE CENTER PL 142 B
STERLING VA 20166

CASE # : BCE2022-00041
VIOLATION DATE: August 02, 2021
NOTICE DATE: August 02, 2021

INSPECTOR: Kristin Alexander

CONTACT # / EMAIL: 703-792-5702 /
KAlexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

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BUILDING CODE ENFORCEMENT INSPECTOR

VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 ANCHORSTONE DR
OWNER: UNIT OWNERS COUNTY CENTER CONDOS
 5079 ANCHORSTONE DR
 WOODBRIDGE VA 22192

CASE # : BCE2022-00041
VIOLATION DATE: August 02, 2021
NOTICE DATE: August 02, 2021

INSPECTOR: Kristin Alexander

CONTACT # / EMAIL: 703-792-5702 /
 KAlexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

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 BUILDING CODE ENFORCEMENT INSPECTOR

From: Nathan Supinski <nathan@mcgva.com>
Sent: Friday, March 25, 2022 9:14 AM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohammed <MAbdalhameed@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Good morning.

Providing an update on this project and associated permitting. See attached email. The manufacturer says they will have the appropriate testing and engineering updated for permitting in April. As soon as this is received, we will submit to the permit reviewer for approvals.

We appreciate your patience with this matter.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Nathan Supinski
Sent: Wednesday, February 23, 2022 10:41 AM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohammed <MAbdalhameed@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Good morning.

Following up on the below. We have been checking in with Spec Rail regularly and they are working on analyzing the rails and attachments to provide necessary documentation. We expect it soon. See below email from the manufacturer (Spec Rail).

Hey Nathan.

I just spoke with Jeff and he said we are currently having data analyzed by engineers so that we can provide you with the stamps / info you need. He will check in with them today to see where they are with this process.

He mentioned that if you need to speak to him individually feel free to reach out 203-605-7907

Shane Abercrombie
Southeast Regional Sales Manager
SPECRAIL Aluminum Fence & Railing Products
Cell: 475-227-1747



Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Nathan Supinski
Sent: Friday, February 4, 2022 9:06 AM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohanned <MAbdalhameed@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Good morning.

We had a call with the President of SpecRail yesterday and they have committed to providing the necessary reporting to satisfy the permit comments. We are working with SpecRail and local engineer to get this documented. I will have a better understanding of the how long this will take next week and can update the team here. Thank you for your patience.

Thanks.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Nathan Supinski
Sent: Monday, January 24, 2022 4:51 PM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohammed <MAbdalhameed@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Team,

I have escalated this with the rail manufacturer for additional information. Thanks.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Nathan Supinski
Sent: Friday, January 14, 2022 2:04 PM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohammed <MAbdalhameed@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Inspector Alexander and Jenifer.

I am writing to let you know that I am also involved and we are working the railing manufacturer and structural engineer to provide information to address the comments. Thanks.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Sent: Tuesday, January 11, 2022 3:12 PM
To: Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Nathan Supinski <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohammed <MAbdalhameed@pwcgov.org>

Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Jennifer,

I contacted the structural engineer to bubble the plans and provide the itemized checklist.

Troy

From: Griffin, Jenifer <JGriffin@pwcgov.org>
Sent: Tuesday, January 11, 2022 12:08 PM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Nathan-MCG <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>; Abdalhameed, Mohammed <MAbdalhameed@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Mr. Congleton,

The document you uploaded does not address the reviewer's comments. I have included your reviewer, Mohammed Abdalhameed, in this email chain so if you have any questions regarding his comments you can email him directly.

Thanks,

Jenifer Griffin

Building Plan Intake Supervisor
O: 703.792.5703
jgriffin@pwcgov.org

From: Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Sent: Monday, January 10, 2022 1:21 PM
To: Griffin, Jenifer <JGriffin@pwcgov.org>; Alexander, Kristin O. <KAlexander@pwcgov.org>; Nathan-MCG <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>
Cc: Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

I submitted this again under the correct permit number. I was submitting under the ADR number mistakenly.

From: Griffin, Jenifer <JGriffin@pwcgov.org>
Sent: Monday, January 10, 2022 12:30 PM
To: Alexander, Kristin O. <KAlexander@pwcgov.org>; Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Nathan-MCG <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>

Cc: Spittle, Amanda <ASpittle@pwcgov.org>

Subject: RE: County Center Condos - unpermitted work on balconies

Mr. Congleton,

I do not see anything uploaded to the BPR case, BPR2022-00600. The corrections report issued on November 4 is the last status we have. Please upload your documents under attachments on the plan case, BPR2022-00600. Please submit a letter responding to the reviewer's comments, the resubmission/revision checklist, and the documents required to respond to the reviewer. Please let me know if you have any further questions.

Thanks,

Jenifer Griffin

Building Plan Intake Supervisor

O: 703.792.5703

jgriffin@pwcgov.org

From: Alexander, Kristin O. <KAlexander@pwcgov.org>

Sent: Friday, January 7, 2022 1:16 PM

To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Nathan-MCG

<nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>; Griffin, Jenifer <JGriffin@pwcgov.org>

Cc: Spittle, Amanda <ASpittle@pwcgov.org>

Subject: RE: County Center Condos - unpermitted work on balconies

Jenn,

Can you please assist Mr. Congleton? This has been going on for a little while. Would love to have a status update.

Thank you,

Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Troy Congleton <t.congleton@cardinalmanagementgroup.com>

Sent: Friday, January 7, 2022 1:09 PM

To: Alexander, Kristin O. <KAlexander@pwcgov.org>; Nathan-MCG <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>; Griffin, Jenifer <JGriffin@pwcgov.org>

Cc: Spittle, Amanda <ASpittle@pwcgov.org>

Subject: RE: County Center Condos - unpermitted work on balconies

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Good Morning,

I just checked my dashboard and I do not see a response yet. I submitted the document through the BPR.

Thank you,

Troy

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Sent: Friday, January 7, 2022 12:40 PM
To: Nathan-MCG <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>; Griffin, Jenifer <JGriffin@pwcgov.org>
Cc: Troy Congleton <t.congleton@cardinalmanagementgroup.com>; Spittle, Amanda <ASpittle@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Good afternoon Mr. Supinski,

Did you ever receive a response? I have cc'd the Plan Intake supervisor since the resubmission should have been done through the BPR. If the question has not been answered, Ms. Griffin should be able to assist.

Thank you,

Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Nathan Supinski <nathan@mcgva.com>
Sent: Wednesday, January 5, 2022 8:36 PM
To: Alexander, Kristin O. <KAlexander@pwcgov.org>; Foltz, Laura L. <LFoltz@pwcgov.org>
Cc: Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Subject: RE: County Center Condos - unpermitted work on balconies

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Good evening. Hope you all had a happy and safe holiday season. Could you confirm receipt of the rail mounting details for the permitting? Thanks.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Nathan Supinski
Sent: Wednesday, December 29, 2021 9:43 AM
To: Alexander, Kristin O. <KAlexander@pwcgov.org>; Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Cc: Foltz, Laura L. <LFoltz@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Inspector, Alexander. Thank you for looping in the permit supervisor.

It was our understanding that details from the manufacturer for the rail mounting were uploaded on 29NOV2021. I have asked that Troy upload again today. He will let us know when this has been – Ms. Foltz, could you confirm receipt once Troy sends? Thank you for your assistance, as you can imagine, we are eager to get this resolved.

Happy Holidays!

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Sent: Tuesday, December 28, 2021 2:47 PM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Cc: Nathan Supinski <nathan@mcgva.com>; Foltz, Laura L. <LFoltz@pwcgov.org>
Subject: RE: County Center Condos - unpermitted work on balconies

Good afternoon,

I had the Permit Supervisor double check your submission and she see the same thing I do. The documents you say you provided to satisfy the requests from the attached denied comment letter, are not here. Did you submit through the BPR? All updates should now be submitted through the BPR. I have cc'd Ms. Foltz, the supervisor for permits, on this email. Ms. Foltz might be able to assist, better than I can, with resubmission questions.

Thank you,

Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Sent: Tuesday, December 28, 2021 12:35 PM

To: Alexander, Kristin O. <KAlexander@pwcgov.org>
Cc: Nathan-MCG <nathan@mcgva.com>
Subject: RE: County Center Condos - unpermitted work on balconies

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Good afternoon Inspector Alexander,

My online portal is showing 100% complete on the review. It does show a hold but there is no information under the hold tab. I submitted the final item needed which was a manufacture rail test report on 11/29 under the current plans(attached). Is there something here I am missing? I have not received any request for payment for the permit.

Thank you,

From: Troy Congleton <troy.congleton@gmail.com>
Sent: Tuesday, December 28, 2021 12:24 PM
To: Troy Congleton <t.congleton@cardinalmanagementgroup.com>
Subject: Fwd: County Center Condos - unpermitted work on balconies

----- Forwarded message -----

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Date: Tuesday, December 28, 2021
Subject: RE: County Center Condos – unpermitted work on balconies
To: Nathan Supinski <nathan@mcgva.com>
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>, "troy.congleton@gmail.com" <troy.congleton@gmail.com>, "c.chisholm@cardinalmanagementgroup.com" <c.chisholm@cardinalmanagementgroup.com>

Good morning Mr. Supinski,

It has been over a month since our last communication and there has been no movement on the resubmission of requested/required documents. Can you please provide an update?

For reference and information, a Criminal Summons will be issued by March 29, 2021, if compliance is not obtained. That is 8 (eight) months. Please submit the required documents, obtain permits, and required inspections. If none of this is achieved, the balcony railings and overlay are considered unsafe, and each balcony may need to be posted as unsafe.

Thank you,

Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Nathan Supinski <nathan@mcgva.com>
Sent: Tuesday, November 23, 2021 3:03 PM
To: Alexander, Kristin O. <KAlexander@pwcgov.org>
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; troy.congleton@gmail.com;
c.chisholm@cardinalmanagementgroup.com
Subject: RE: County Center Condos - unpermitted work on balconies

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Inspector, Alexander.

Thanks for your email. We are working with our roofer and railing manufacturer on obtaining the requested information.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341
Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Sent: Tuesday, November 23, 2021 3:00 PM
To: Nathan Supinski <nathan@mcgva.com>
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; troy.congleton@gmail.com;
c.chisholm@cardinalmanagementgroup.com
Subject: RE: County Center Condos - unpermitted work on balconiesood afternoon,

I am emailing to check on the status of the plan resubmission for the balconies at Anchorstone (County Center Condos).

I see that the plan submission was rejected, with comments on 10.22.2021 (see attachment).

Thank you,
Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Alexander, Kristin O.
Sent: Tuesday, November 2, 2021 1:43 PM
To: Nathan Supinski <nathan@mcgva.com>
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; Troy.congleton@gmail.com;

c.chisholm@cardinalmanagementgroup.com

Subject: Re: County Center Condos - unpermitted work on balconies

Nathan.

I checked with our permitting supervisor about the addresses involved. She has informed me that your plans are accepted and in for review. The estimated review date is 11/5/2021.

If your plans are approved, permits will reach out to you for payment and permits will be issued. If rejected, you will receive comments on what is missing.

Thank you,
Kristin
Sent from my iPhone

On Nov 1, 2021, at 10:36 AM, Alexander, Kristin O. <KAlexander@pwcgov.org> wrote:

All,

I will check on the status of permit issuance tomorrow when I return to the office. The Violation abatement date will be extended to December 1, 2021 to accommodate for compliance.

Thank you for updating me.

Kristin
Sent from my iPhone

On Nov 1, 2021, at 10:06 AM, Nathan Supinski <nathan@mcgva.com> wrote:

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Good morning, Inspector Alexander.

It is my understanding in working with the team copied here is the fees were paid, but we have not yet received a permit. I want to make sure we are on track to satisfy the requirements and make sure the work is permitted/inspected as needed.

Thanks. Feel free to give me a call with any questions.

Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341
Mazzei Construction Group LLC
703.680.3375

[5900 Prince James Drive, Springfield, VA 22152](https://www.mcgva.com)
www.mcgva.com

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Sent: Thursday, August 19, 2021 4:30 PM
To: Nathan Supinski <nathan@mcgva.com>; csantos@nvroofing.com;
c.chisholm@cardinalmanagementgroup.com
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; Troy.congleton@gmail.com
Subject: RE: County Center Condos - unpermitted work on balconies

Good afternoon,

Yes, please return certified mail, if possible.

Confirmed, abatement date has been extended to November 1, 2021.

Thank you,
Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Nathan Supinski <nathan@mcgva.com>
Sent: Thursday, August 19, 2021 10:32 AM
To: Alexander, Kristin O. <KAlexander@pwcgov.org>; csantos@nvroofing.com;
c.chisholm@cardinalmanagementgroup.com
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; Troy.congleton@gmail.com
Subject: RE: County Center Condos - unpermitted work on balconies

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Good morning, Inspector Alexander.

We received notice certified mail with case #BCE2022-00041 for violation notice. Notice is dated August 2, 2021.

Since we have already been communicating on this matter do you need me to return the certified mail receipt? Also, could you confirm the date below of November 1, 2021, is an extension to the date of September 1, 2021, listed in the letter?

Thank you!
Nathan
Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341

Mazzei Construction Group LLC
703.680.3375
[5900 Prince James Drive, Springfield, VA 22152](http://www.mcgva.com)
www.mcgva.com

****PLEASE NOTE THAT WE HAVE MOVED TO [5900 PRINCE JAMES DRIVE, SPRINGFIELD, VA 22152](http://www.mcgva.com)****

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Sent: Wednesday, August 11, 2021 3:18 PM
To: Nathan Supinski <nathan@mcgva.com>; csantos@nvroofing.com;
c.chisholm@cardinalmanagementgroup.com
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; Troy.congleton@gmail.com
Subject: RE: County Center Condos - unpermitted work on balconies

Mr. Supinski,

Per your request, an extension can be granted until 11/1/2021. This should allow enough time for plans to be approved and permits to be issued.

Thank you for keeping me in the loop.
Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
703-792-5702

From: Nathan Supinski <nathan@mcgva.com>
Sent: Wednesday, August 11, 2021 12:32 PM
To: Alexander, Kristin O. <KAlexander@pwcgov.org>; csantos@nvroofing.com;
c.chisholm@cardinalmanagementgroup.com
Cc: Jonathan Sucher <j.sucher@cardinalmanagementgroup.com>; Troy.congleton@gmail.com
Subject: RE: County Center Condos - unpermitted work on balconies

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Good afternoon, Inspector Alexander.

Wanted to give you an update on this project/permit status. The board has engaged Gardner Engineering to prepare the permit documents. I have attached their signed proposal indicating such.

Gardner will be performing a sit visit today or tomorrow to confirm as built conditions and has notified us that the permit documents will be ready for submission by the end of next week.

While we have not yet formally pulled permits, the team involved is making the necessary steps to do so. While this takes place, we have stopped the balcony waterproofing and railing replacements until permits are issued.

Given the status and steps taking thus far we are hopeful you could allow a bit more time for us to have permits in hand. Please let us know.

Thank you for your cooperation and patience in this matter.

Nathan
Nathan Supinski | Vice President
nathan@mcgva.com | 202.731.6341
Mazzei Construction Group LLC
703.680.3375
5900 Prince James Drive, Springfield, VA 22152
www.mcgva.com

From: Alexander, Kristin O. <KAlexander@pwcgov.org>
Sent: Thursday, July 29, 2021 11:04 AM
To: Nathan Supinski <nathan@mcgva.com>; csantos@nvroofing.com;
c.chisholm@cardinalmanagementgroup.com
Subject: County Center Condos - unpermitted work on balconies

All,

Thank you for speaking with me about the liquid membrane/guardrail unpermitted work which took place at County Center Condos.

I wanted to forward you my contact information.

As indicated, I am allowing two weeks to abate the violation, by pulling permits, before a violation notice is issued. A Notice of Violation will be issued by August 13th (a little over two weeks), if no action has been taken towards abatement.

All addresses noted below are involved. These addresses are located in the two building identified by you, as having completed work.

Building #1 (16 addresses)

4997 Anchorstone
4999 Anchorstone
5001 Anchorstone
5003 Anchorstone
5005 Anchorstone
5007 Anchorstone
5009 Anchorstone
5011 Anchorstone
5013 Anchorstone
5015 Anchorstone

5017 Anchorstone
5019 Anchorstone
5021 Anchorstone
5023 Anchorstone
5025 Anchorstone
5027 Anchorstone

Building #2 (12 addresses)

5029 Anchorstone
5031 Anchorstone
5033 Anchorstone
5035 Anchorstone
5037 Anchorstone
5039 Anchorstone
5041 Anchorstone
5043 Anchorstone
5045 Anchorstone
5047 Anchorstone
5049 Anchorstone
5051 Anchorstone

Please let me know if you have any further questions. This is a commercial project, as condo's in Prince William county are commercial.

Thank you,
Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor
Building Development Division
[5 County Complex Court #120](#)
[Prince William County](#)
[Woodbridge VA, 22192](#)
Desk Ph # 703-792-5702
kalexander@pwcgov.org

VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 ANCHORSTONE DR
CONTRACTOR: MAZZEI CONSTRUCTION GROUP LLC
REG AGENT - CONTRACTOR: MAZZEI CONSTRUCTION
ATTN: THOMAS A MAZZEI
4340 PRINCE WILLIAM PY 201
WOODBIDGE VA 22192

CASE # : BCE2022-00041

VIOLATION DATE: April 10, 2023
NOTICE DATE: April 10, 2023

INSPECTOR: Kristin Alexander

CONTACT # / EMAIL: kalexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2015	108.1.1 No Permit	Construction Without Permit - Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone). County Center Condos.	Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone Drive, Woodbridge, VA 22192), County Center Condos. BPR2022-00600 for work never approved, still pending. Permits BLD2022-01659 - 01660, 01662 - 01665, 01667 - 01669, 01675, 01677 - 01678, 01688, 01696 - 01698, 01700 - 01703, 01705, 01709 - 01710, 01712, 01714, 01721 - 01722 never were issued for work.	5/10/23

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/department/building-development-division/unpermitted-work>.

/S/Kristin Alexander

BUILDING CODE ENFORCEMENT SUPERVISOR

VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 ANCHORSTONE DR
CONTRACTOR: MAZZEI CONSTRUCTION GROUP LLC
 4340 PRINCE WILLIAM PY 105
 WOODBRIDGE VA 22192

CASE # : BCE2022-00041
VIOLATION DATE: April 10, 2023
NOTICE DATE: April 10, 2023

INSPECTOR: Kristin Alexander

CONTACT # / EMAIL: kalexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2015	108.1.1 No Permit	Construction Without Permit - Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone). County Center Condos.	Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone Drive, Woodbridge, VA 22192), County Center Condos. BPR2022-00600 for work never approved, still pending. Permits BLD2022-01659 - 01660, 01662 - 01665, 01667 - 01669, 01675, 01677 - 01678, 01688, 01696 - 01698, 01700 - 01703, 01705, 01709 - 01710, 01712, 01714, 01721 - 01722 never were issued for work.	5/10/23

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/department/building-development-division/unpermitted-work>.

/S/Kristin Alexander

BUILDING CODE ENFORCEMENT SUPERVISOR

Appeal No. _____

Application for Appeal

Prince William County

Locality

I (we) Mazzei Construction Group LLC of 4340 Prince William Parkway, Suite 105, Woodbridge, VA 22192
(Name) (Mailing address)

respectfully request that the Local Board of Appeals review the decision made on

April 10, 2023 by the code official.

Description of Decision Being Appealed: Construction with no permit. VUSBC code section 108.1.1

Violation notice attached.

Location of Property Involved: 5079 - 5051 Anchorstone Drive, Woodbridge, VA 22192

What is the applicant's interest in the property?

Owner

Contractor

Owner's agent

Other (explain) _____

Relief Sought: Dismissal of violation. Find attached letter sent to the property on March 14, 2023.

Attach the Decision of the Code Official and Any Other Pertinent Documents.



Signature of Applicant

Filed at _____, Virginia, the _____ day of _____, 20__



VIOLATION NOTICE

PREMISE IN VIOLATION: 5079 – 5051 ANCHORSTONE DR
CONTRACTOR: MAZZEI CONSTRUCTION GROUP LLC
4340 PRINCE WILLIAM PY 105
WOODBIDGE VA 22192

CASE # : BCE2022-00041
VIOLATION DATE: April 10, 2023
NOTICE DATE: April 10, 2023

INSPECTOR: Kristin Alexander

CONTACT # / kalexander@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2015	108.1.1 No Permit	Construction Without Permit - Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone). County Center Condos.	Obtain All Required Permits and Inspections, including but not limited to guardrail removal/installation and liquid membrane installation on multiple balconies. 28 addresses (4997 - 5051 Anchorstone Drive, Woodbridge, VA 22192), County Center Condos. BPR2022-00600 for work never approved, still pending. Permits BLD2022-01659 - 01660, 01662 - 01665, 01667 - 01669, 01675, 01677 - 01678, 01688, 01696 - 01698, 01700 - 01703, 01705, 01709 - 01710, 01712, 01714, 01721 - 01722 never were issued for work.	5/10/23

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/s/Kristin Alexander

BUILDING CODE ENFORCEMENT SUPERVISOR



Sent Via: shrevelle@hotmail.com

To: Shane Revelle
Former President, County Center Condominium Unit Owners Association

Re: County Center Balcony Replacement Building Permit

To Whom It May Concern,

Pursuant to article 8.8 of the February 21, 2020 Construction Contract between Mazzei Construction Group LLC ("MCG"), and County Center Condominium, "the Owner shall secure and pay for the building permit and other permits and governmental fees, licenses and inspections necessary for the proper execution and completion of the Work." MCG has attempted to assist the Owner to obtain a building permit, but it has not assumed the Owner's obligation to do so.

MCG has been informed that Prince William County has issued a summons for the violation of the requirement under the Building Code to obtain a building permit. MGC cannot proceed with the Balcony Replacement until a building permit has been obtained. Please address this matter as soon as possible. Once the building permit has been issued, please provide it to me so that MGC can continue work on the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Supinski', is written over a faint horizontal line.

Nathan Supinski
Vice President
Mazzei Construction Group, LLC

Cc: Kristin Alexander CBO, CBMO, CZA
Building Code Compliance Supervisor

CONSTRUCTION CONTRACT

**Mazzei Construction Group, LLC
5900 Prince James Drive
Springfield, Virginia 22152**

THIS CONSTRUCTION CONTRACT ("Agreement") is entered into this 21st day of February, 2020, by and between Mazzei Construction Group, LLC. (hereinafter "Contractor") and County Center Condominium, Woodbridge, VA 22192, (hereinafter "Owner") for County Center Balcony Replacement (the "Project").

WITNESSETH:

Now, therefore, in consideration of the promises and mutual covenants herein, the parties hereto agree as follows:

1. Contractor's Work

The Contractor shall fully execute the work described in the Contract Documents ("Work") except to the extent specifically indicated in the Contract Documents to be the responsibility of others.

2. Date of Commencement and Substantial Completion

2.1. Date of Commencement: Date of commencement of the Work shall be the date of this Contract unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

2.2 Substantial Completion: "Substantial Completion" or "Date of Substantial Completion" shall mean the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The Contractor shall achieve Substantial Completion of the Work in accordance with the Project schedule in effect on the Commencement Date, subject to adjustments of this Contract Time as provided in the Contract Documents. Total project duration shall be 137 calendar days for Phase 1 and 132 calendar days for Phase II. The Contractor acknowledges and agrees that time is of the essence in completing the Work required hereunder and that the Owner will incur damages if the Contractor fails to achieve Substantial Completion by the date required by this Agreement.

3. Contract Sum

3.1 Contract Sum: The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be Five Hundred Sixteen Thousand Fifty Six Dollars (\$516,056.00) subject to additions and deletions as provided in the Contract Documents.

4. Payments

4.1 Payment Periods: Based upon Applications for Payment ("Application") submitted to the Owner by the Contractor, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents. The period covered by each Application shall be monthly. Payment shall be made by the Owner upon each such Application to Contractor by no later than 15 days following submission of the bill. The payment periods shall include

an initial deposit amount \$60,638.00 for mobilization, General Conditions, Mock-ups, and Access to Work Areas. The deposit amount shall be required prior to commencement of work.

4.2 Calculation of Payments: Each Application shall be prepared using a Schedule of Values for the Work and shall include all Work performed or materials fabricated and installed during the period in question, less any previous payments made to Contractor. In the event of a dispute regarding any Application for Payment, Owner shall notify the Contractor within Seven (7) days of receipt of the Application of the specific amounts in dispute and the reasons therefor and shall pay Contractor any amounts not otherwise in dispute in accordance with Article 4.1.

4.3 Final Payment: Final payment constituting the entire unpaid balance of the Contract Sum shall be made by the Owner to the Contractor when: (1) the Contractor has fully and properly performed and completed the Work; (2) the Contractor has provided Owner with a Final Release of Lien Waiver of Claims in the form attached to the Agreement as Exhibit A; (3) the Contractor has delivered any as-built drawings to the Owner required by the Contract documents; and (4) the Contractor has delivered any insurance certificates required by Subsection 13.1. The Owner's final payment to the Contractor shall be made no later than thirty (30) days after foregoing conditions precedent to final payment have been satisfied.

4.4 Interest: Any payment not made by the Owner to the Contractor within the time period or periods set forth in this Contract shall bear interest at an annual rate of 6% from the date due until the date the payment is made in full.

5. Enumeration of Contract Documents

5.1 Contract Documents: The Contract Documents, except for Modifications issued after execution of this Contract, are enumerated as follows:

Exhibit A: Bid Form

Exhibit B: Phasing Plans

Exhibit C: Certificate of Insurance

6. General Provisions

6.1 The Contract Documents: The Contract Documents consist of this Agreement and Exhibits hereto listed in Section 5.1, as well as Modifications issued after execution of this Agreement. A Modification is (1) a written amendment to the Contract signed by both parties, or (2) a Change Order agreed in writing by the Owner. The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor and Owner warrants that the Contract Drawings and Specifications are accurate and sufficient in detail to allow Contractor to complete the Work for the Contract Sum.

6.2 Entire Agreement: The Contract Documents form the Contract for Construction. The Contract represents the entire and integrated agreement between the parties hereto and supersedes any and all prior negotiations, representations or agreements, either written or oral. The Contract may be amended or modified only by a written Modification signed by both parties. However, in the event of a dispute over whether an item of work should be considered Change Order work, the lack of a written Modification shall not, by itself, preclude recovery upon such a claim. The Contract Documents shall not be construed to create a contractual relationship of any kind between the Owner and a Subcontractor or sub-subcontractor, between any persons or entities other than the Owner and Contractor.

6.3 The Work: The term "Work" means the construction and services required by the Contract Documents, whether completed or partially completed, and includes all other labor, materials, equipment

and services provided or to be provided by the Contractor to fulfill the Contractor's obligations. The Work may constitute the whole or a part of the Project. The parties hereto agree that this is not a design-build project and thus, the Work does not include any design obligations.

7. Owner

7.1 Information and Services Required of the Owner: If necessary to perform the Work, the Owner shall promptly furnish and pay for surveys and a legal description of the site; the Contractor shall be entitled to and is presumed to have relied on the accuracy of information furnished by the Owner; and the Owner is responsible for permits and fees under the Contract Documents. All testing necessary for the construction of the Work shall be paid for by the Owner. The Owner shall secure and pay for other necessary approvals, easements, assessments and charges required for the construction, use or occupancy of permanent structures or permanent changes in existing facilities. Upon request, Owner shall promptly provide Contractor with information and/or documents which relate or pertain to the financing in place to fund construction of the Work. Owner shall appoint one or more individuals to act as Owner's Agent on the Project, who shall have the authority to make decisions on behalf of the Owner.

8. Contractor

8.1 Supervision and Construction Procedures: The Contractor shall supervise and direct the Work, using the Contractor's best skill and attention. The Contractor shall be responsible for and have control over construction means, methods, techniques, sequences and procedures, and for coordinating all portions of the Work under the Contract, unless the Contract Documents give other specific instructions concerning these matters. The Contractor shall be responsible to the Owner for acts and omissions of the Contractor's employees, Subcontractors and their agents and employees, and other persons, or entities performing portions of the Work for or on behalf of the Contractor or any of its Subcontractors.

8.2 Labor and Materials: Unless otherwise provided in the Contract Documents, the Contractor shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, transportation, and other facilities and services necessary for proper execution and completion of the work whether temporary or permanent and whether or not incorporated or be incorporated in the work.

8.3 Contractor's Employees: The Contractor shall enforce discipline and good order among the Contractor's employees and other persons carrying out the Contract. The Contractor shall not permit employment of unfit persons or persons not skilled in tasks assigned to them.

8.4 Materials: The Contractor shall deliver, handle, store and install materials in accordance with manufacturers' instructions and/or custom or practice in the construction industry.

8.5 Substitutions: The Contractor may make substitutions with the written consent of the Owner.

8.6 Warranty: For a period of one year following the Substantial Completion of the Project, the Contractor warrants to the Owner, that materials and equipment furnished under the Contract will be of good quality and new unless otherwise required or expressly permitted by the Contract Documents, that the Work will be free from defects not inherent in the quality required or permitted, that the Work will conform with the requirements of the Contract Documents. Work not conforming to these requirements, including substitutions not properly approved and authorized, may be considered defective. The Contractor also provides a structural warranty for a period of thirty months following the Substantial Completion of the Project. Any structural warranty claims must be accompanied by an engineer's report. The Contractor's warranty excludes remedy for damage or defect caused by abuse, neglect, modifications not executed by

the Contractor, improper or insufficient maintenance, improper operation or normal wear and tear and normal usage.

8.7 Taxes: The Contractor shall pay sales, consumer, use and other similar taxes which pertain to the materials and service rendered hereunder.

8.8 Permits, Fees and Notices: Unless otherwise provided in the Contract Documents, the Owner shall secure and pay for the building permit and other permits and governmental fees, licenses and inspections necessary for proper execution and completion of the Work. The Contractor shall comply with and give notices required by laws, ordinances, rules, regulations and lawful orders of public authorities applicable to performance of the Work. The Contractor shall notify the Owner within a reasonable period of time if the Drawings and Specifications are observed by the Contractor to be at variance therewith.

8.9 Use of Site: The Contractor shall confine operations at the site to areas permitted by law, ordinances, permits and the Contract Documents and shall not unreasonably encumber the site with materials or equipment.

8.10 Cutting and Patching: The Contractor shall be responsible for cutting, fitting or patching required to complete the Work or to make its parts fit together properly.

8.11 Cleaning Up: The Contractor shall keep the premises and surrounding area free from accumulation of waste materials or rubbish caused by operations under the Contract. At completion of the Work, the Contractor shall remove from and about the Project waste materials, rubbish, the Contractor's tools, construction equipment, machinery and surplus material.

8.12 Access to Work: The Contractor shall provide the Owner reasonable access to the Work. Owner recognizes that the Project is a construction site and as such, Contractor may enact rules and regularities pertaining to and/or reasonably limiting site visits conducted by the Owner.

9. Subcontractors

9.1 Definition: A Subcontractor is a person or entity who has a direct contract with the Contractor to perform a portion of the Work at the site.

9.2 Requirements: Unless otherwise stated in the Contract Documents or the bidding requirements, the Contractor if deemed necessary by the Owner, shall furnish in writing to the Owner the names of the Subcontractors for each of the principal portions of the Work. The Contractor shall not contract with any Subcontractor to whom the Owner has made a reasonable and timely objection. If the proposed but rejected Subcontractor was reasonably capable of performing the Work, the Contract Sum and Contract Time shall be increased or decreased by the difference, if any, occasioned by such change, and an appropriate Change Order shall be issued before commencement of the substitute Subcontractor's Work. The Contractor shall not be required to contract with anyone to whom the Contractor has made a reasonable objection.

9.3 Obligations: Contracts between the Contractor and Subcontractors shall require each Subcontractor, to the extent of the Work to be performed by the Subcontractor, to be bound to the Contractor by the terms of the Contract Documents, and to assume toward the Contractor all the obligations and responsibilities, including the responsibility for safety of the Subcontractor's Work, which the Contractor, by the Contract Documents, assumes toward the Owner and to allow the Subcontractor the benefit of all rights, remedies and redress afforded to the Contractor by these Contract Documents. Contractor remains responsible to the Owner for all Work performed by any Subcontractor.

10. Changes in the Work

10.1 Change Orders: The Owner, without invalidating the Contract, may order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, the Contract Sum and Contract Time being adjusted accordingly. Such changes in the Work shall be authorized by a written Change Order signed by both the Owner and the Contractor. The Contractor shall not be required to commence work on a Change Order without first receiving a written Change Order. Change orders will be priced by Contractor for the actual cost of performing the work, plus and an added 10% overhead and 5% profit for the Contractor and 10% overhead and 5% profit for the Subcontractor.

10.2 Cost: The cost or credit to the Owner from a change in the Work shall be determined by mutual agreement of the parties.

10.3 Unforeseen Conditions: Owner acknowledges that the Contract Sum does not include any allowances for unforeseen, concealed or unknown conditions that may exist on the site. If concealed or unknown physical conditions are encountered by the Contractor that differ materially from those indicated in the Contract Documents or from those conditions ordinarily found to exist, the Contract Sum and Contract Time shall be equitably adjusted. Contractor shall notify Owner of the existence of any concealed or unforeseen condition and shall advise the Owner of any additional costs associated with the performance of work necessary to overcome such a condition. Unforeseen, concealed or unknown conditions shall mean conditions that the Contractor could not have reasonably discovered by a thorough visual inspection of the site, the information provided to Contractor by Owner or that should not have been anticipated given the conditions ordinarily found in the general area in which the Work was performed.

10.4 Claims for Consequential Damages: The Contractor and Owner waive claims against each other for consequential damages arising out of or relating to this Agreement. This mutual waiver includes:

1. damages incurred by the Owner for rental expenses, for losses of use, income, profit, financing, business and reputation, and for loss of management or employee productivity or of the services of such persons; and
2. damages incurred by the Contractor for principal office expenses including the compensation of personnel stationed there, for losses of financing, business and reputation, and for loss of profit except anticipated profit arising directly from the Work.

This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination in accordance with Article 14.

11. Time

11.1 Time of the Essence: Time limits stated in this Contract and the Contract Documents are of the essence.

11.2 Extension: If the Contractor is delayed at any time in the commencement or progress of the Work by changes ordered to the Work, by labor disputes, fire, unusual delays in deliveries, abnormal adverse weather conditions, unavoidable casualties or any causes beyond the Contractor's control, then the Contract Time shall be extended by a Change Order for a reasonable time on account of such delay.

12. Payment to Contractor

12.1 Application for Payment: The Contractor warrants that title to all Work covered by an Application for Payment will pass to the Owner for Payment, all Work for which Applications for Payment have been previously issued and payments received from the Owner shall, to the best of the Contractor's

knowledge, information and belief, be free and clear of liens, claims, security interests or other encumbrances adverse to the Owner's interests.

12.2 Subcontractor Payments: The Contractor shall promptly pay each Subcontractor, upon receipt of payment from the Owner, out of the amount paid to the Contractor on account of such Subcontractor's portion of the Work, the amount to which said Subcontractor is or may be entitled to, reflecting percentages actually retained from payments to the Contractor on account of such Subcontractor's portion of the Work and less any deductions or adjustments due under any such subcontract. The Contractor shall, by appropriate agreement with each Subcontractor, require each Subcontractor to make payments to sub-subcontractors in similar manner. The Owner shall not have an obligation to pay or see to the payment of money to a Subcontractor except as may otherwise be required by law.

12.3 Substantial Completion: Substantial Completion is the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The existence of punchlist items shall not affect the determination that the Contractor's Work is substantially complete. The Contractor is not responsible for obtaining and/or the costs associated with the certificate of occupancy.

12.4 Waiver of Claims: The making of final payment shall constitute a waiver of claims by the Owner except those arising from: liens; security interests or encumbrances arising out of the Contract that are unsettled; any warranty claims; and the terms of special warranties required by the Contract Document.

13. Insurance

13.1 Contractor: The Contractor shall purchase from and maintain in a company or companies lawfully authorized to do business in the jurisdiction in which the Project is located insurance for protection from claims under workers' compensation acts and other employee benefit acts which are applicable, claims for damages because of bodily injury, including death, and claims for damages, other than to the Work itself, to property which may arise out of or result from the Contractor's operations under the Contract, whether such operations be by the Contractor or by a Subcontractor or anyone directly or indirectly employed by any of them. The insurance shall be written for not less than the limits of liability set forth below or as required by law, whichever coverage is greater, and shall include conatracutral liability insurance applicable to the Contractor's obligations. The insurance coverage shall provide that Owner is an additional insured on a primary and non-contributory basis for General Liability and Automobile Liability. Waiver of subrogation applies for General Liability, Automobile liability, and Workers' Compensation. Umbrella follows form.

See Exhibit D

13.3 Property Insurance: Unless otherwise provided, the Owner shall purchase and maintain, in a company or companies lawfully authorized to do business in the jurisdiction in which the Project is located, property insurance comprising the total value for the entire Project at the site on a replacement cost basis without optional deductibles. Such property insurance shall be maintained, unless otherwise provided in the Contract Documents or otherwise agreed in writing by all persons and entities who are beneficiaries of such insurance, until final payment has been made, or until no person or entity other than the Owner has an insurable interest in the property to be covered, whichever is later.

13.4 Copies: The Owner shall file a copy of each policy with the Contractor before an exposure to loss may occur. Each policy shall contain a provision that the policy will not be canceled or allowed to expire, and that its limits will not be reduced, until at least 30 days' prior written notice has been given to the Contractor.

13.5 Waivers of Subrogation: Owner and Contractor waive all rights against each other and any of their subcontractors, sub-subcontractors, agents, employees of the other for damages caused by fire or other causes of loss to the extent covered by property insurance; provided that such damage has not been caused by the Contractor, subcontractor, sub-subcontractor, or agents or employees of such.

14. Termination

14.1 Termination by the Contractor: If the Owner fails to make payment for a period of thirty (30) days through no fault of the Contractor, the Contractor may, upon seven additional days (7) written notice to the Owner terminate the Contract and recover from the Owner payment for Work executed and for proven actual loss with respect to materials, equipment, tools, and construction equipment and machinery. Contractor's right to terminate the contract under this Subsection is contingent upon their being no bona fide basis for the Owner's withholding of payment.

14.2 Termination by the Owner: The Owner may terminate the Contract if the Contractor:

1. persistently or repeatedly refuses or fails to supply enough properly skilled workers or proper materials;
2. after being compensated by the Owner pursuant to the terms herein, fails to make payment to Subcontractors for materials or labor in accordance with the respective agreements between the Contractor and the Subcontractors;
3. disregards laws, ordinances, or rules, regulations or orders of a public authority having jurisdiction; or
4. otherwise is guilty of substantial breach of a provision of the Contract Documents.

When any of the above reasons exists, without prejudice to any other remedy the Owner may have and after giving the Contractor seven (7) days written notice to cure any such default and if Contractor has not cured any such default, Owner may terminate the Contract and take possession of the site and may finish the Work by whatever reasonable method the Owner may deem expedient. Upon request of the Contractor, the Owner shall furnish to the Contractor a detailed accounting of the costs incurred to complete the Work.

14.3.1 Owner may terminate this Agreement for its convenience and without cause upon five (5) days written notice to Contractor. In such event, Contractor shall be entitled to be compensated for the Work it completed as of the date of the termination and the actual cost of any labor, equipment, or materials ordered in good faith which could not be cancelled, less the salvage value thereof.

14.3.2 In the event that it is adjudged that the Owner's termination for cause is not justified, then the termination shall be deemed to be a termination by the Owner for convenience and Contractor shall be entitled to compensation only set forth in Subsection 14.3.1.

15. Indemnification

To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the Owner, from and against claims, damages and losses, arising out of or resulting from performance of the Work, provided that such claim, damage, and loss is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, but only to the extent caused by the negligent acts or omissions of the Contractor, its agents, employees or others retained or employed by the Contractor. As this is not a design-build contract, in no event shall Contractor be responsible for any damages arising out of or related to a defective or substandard design.

16. **Attorney's Fees.** In the event either party brings an action upon, or in connection with, the prevailing party shall be entitled to recover reasonable attorneys' fees incurred in prosecuting or defending such action.

17. **Miscellaneous Provisions**

17.1 **Assignment of Contract:** Neither party to the Contract shall assign the Contract without written consent of the other.

17.2 **Days:** As used herein the term "day" or "days" refers to calendar days.

17.3 **Governing Law:** The Contract shall be governed interpreted and enforced in accordance with the laws of the State of Maryland without regard to conflicts of law principles

17.4 **Jurisdiction and Venue:** Any action or proceeding arising out of or related to this Contract, or the breach, interpretation or enforcement thereof, shall be brought solely in the District Court or Circuit Court of the District of Columbia. The parties irrevocably submit themselves to the jurisdiction of said Courts and waive all objections based upon improper venue or *forum non conveniens*.

17.5 **Tests and Inspections:** Tests, inspections and approvals of portions of the Work required by the Contract Documents or by laws, ordinances, rules, regulations or orders of public authorities having jurisdiction shall be made at an appropriate time. Unless otherwise provided, the Contractor shall make arrangements for such tests, inspections and approvals with an independent testing laboratory or entity acceptable to the Owner, or with the appropriate public authority, of tests, inspections and approvals the Owner shall bear costs of tests, inspections or approvals.

17.6 **Adverse Weather:** Contract time extensions for changes by Owner for weather conditions that limit the Contractor's ability to perform work in accordance with the construction schedule shall be executed per Change Order.

17.7 **Severability:** In the event that any one or more of the provisions contained in this Contract shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality or unenforceability, shall not affect any other provisions of this agreement, and this Agreement shall be construed as if the provisions had never been contained in the Agreement, provided that the provisions shall be curtailed, limited or eliminated only to the extent necessary to remove the invalidity, illegality or unenforceability.

17.8 **Waiver:** No waiver by either party of any breach by the other party of any of the provisions of this Agreement shall be deemed a waiver of any preceding or succeeding breach of the same or any other provisions of this Agreement.

WHEREFORE, representatives of the parties to this Agreement have executed this Agreement below.

MAZZEI CONSTRUCTION GROUP, LLC.

COMMUNITY CENTER CONDOMINIUM

By: _____
Nathan Supinski
Vice President

Board President
Owner: Shirley

Date _____

Date: 2/27/20

3.0 BID FORM

Bidder will complete the work described in these documents for the prices indicated below.

PART I

LUMP SUM BID

All work as described in the Specifications for the Balcony Remediation at County Center Condominium; Base Bid lump sum:

Five Hundred Sixteen Thousand Fifty Six Dollars

(use words)

\$ \$516,056.00

(use figures)

Bid Qualification: The lump sum bid indicated above shall represent all Work described in the Project Manual, including Allowances of \$50,000. A summary of the significant individual items of work are identified in the Bid Table included below, and include quantities or are to be Contractor Measured. For any Contractor measured item, include measured quantity on bid form. The Lump Sum Bid above shall include items not specifically itemized in the Bid Table, including but not limited to access, protection measures, barriers, signage, etc. Unit prices shall include labor and materials and will be used for quantities that are different from base bid quantities, to be added to, or subtracted from, the Base Bid.

WORK ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	BID AMOUNT
BALCONY REMEDIATION – PHASE I: BUILDINGS 1-3 (2020)				
A	Removal, Re-coating offsite and Reinstalling all railings	710 LF	\$ 97.5 /LF	\$69,225.00
B	Removal and Disposal of Duradek Membrane Assembly	5,500 SF	\$ 3.25 /SF	\$ 17,875.00
C	Remediation of Ponding by Removing Plywood, Shaving Down the Beam and Re-Fastening Plywood	700 LF	\$ 20.15 /LF	\$ 14,105.00
D	Temporary Elevation and Resetting of the upper balcony AC units.	8 EA	\$ 425 /EA	\$ 3,400.00
E	Preparation of Plywood Substrate (Not Including Replacement of Plywood Sheathing)	5,500 SF	\$ 2.95 /SF	\$ 16,225.00
F	Installation of a new liquid-applied polyurethane coating assembly, including wear coat with aggregate and all associated flashings	5,500 SF	\$ 14.89 /SF	\$ 81,867.50
PHASE I SUBTOTAL:				\$ 202,697.50

Contractor: Mazzei Construction Group LLC

BALCONY REMEDIATION – PHASE II: BUILDINGS 4-5 (2021)					
A	Removal, Re-coating offsite and Reinstalling all railings	700	LF	\$ 97.50 /LF	\$ 68,250.00
B	Removal and Disposal of Duradek Membrane Assembly	5,200	SF	\$ 3.25 /SF	\$ 16,900.00
C	Remediation of Ponding by Removing Plywood, Shaving Down the Beam and Re-Fastening Plywood	600	LF	\$ 20.15 /LF	\$ 12,090.00
D	Temporary Elevation and Resetting of the upper balcony AC units.	5	EA	\$ 425.00 /EA	\$ 2,125
E	Preparation of Plywood Substrate (Not Including Replacement of Plywood Sheathing)	5,200	SF	\$ 2.95 /SF	\$ 15,340.00
F	Installation of a new liquid-applied polyurethane coating assembly, including wear coat with aggregate and all associated flashings	5,200	SF	\$ 14.89 /SF	\$ 77,402.00
PHASE II SUBTOTAL:					\$ 192,107.00
ALLOWANCE					
	ALLOWANCE - Unforeseen Conditions & Miscellaneous Repairs	ALLOWANCE	N/A	\$50,000.00	
Contractor Mobilization, General Conditions, Mock-ups, Access to Work Areas					\$ 60,638.00
Payment and Performance Bonds					\$ 10,614.29
BASE BID LUMP SUM				\$ 516,056.00	
Unit Rate for Replacement of 5/8" Tongue and Groove Plywood Substrate:					\$8.25 /SF
Breakout Cost for Transport, Offsite Storage, Recoating and Reinstallation of the Existing Railings (to be deducted from Base Bid if Alternate 1 is selected):					\$ 137,475.00

Contractor: Mazzei Construction Group LLC

PART II – ALTERNATES

ALTERNATE 1 – Replace the aluminum railing in lieu of offsite re-coating.

The cost to replace all railings with the specified aluminum railing is \$ 103,400.00 ;
which is based on 1,410 linear feet.

ALTERNATE 2 – Install quartz blend in lieu of the standard aggregate (include additional required sealer).

Additional cost to the base bid to install the quartz blend and sealer is \$ 17,980.00 ;
which is based on 10,700 square feet.

ALTERNATE 3 – Install flake blend in lieu of the standard aggregate (include additional required sealer).

Additional cost to the base bid to install the flake blend and sealer is \$ 23,340.00 ;
which is based on 10,700 square feet.

PART III

We hereby acknowledge receipt of:

Addendum 1, dated 6/20/2019.

Addendum _____, dated _____.

PART IV

Proposed start date for Base Bid Work (2020) Within 4 weeks of executed contract, pending weather and permit issuance.

Phase I Duration (Calendar Days) 137 Days.

Contractor EMR _____.

Contractor: Mazzei Construction Group LLC

PART V – DISCOVERABLE ERRORS

Contractor shall fully execute the Work described in the Contract Documents and reasonably inferable by the Contractor as necessary to produce the results intended by the Contract Documents, except to the extent specifically indicated in the Contract Documents to be the responsibility of others. The Work includes, but is not limited to, all labor, materials and equipment as set forth in the Contract Documents, including but not limited to delivery, storage, handling and installation of all material and equipment as well as related and incidental construction necessary to result in a complete and functioning Project in accordance with the Contract and all applicable Legal Requirements, notwithstanding any errors, omissions, inconsistencies or lack of coordination in the Contract Documents that an experienced contractor that has constructed many similar projects and reviewed the Drawings and Specifications on the Project could reasonably have recognize during bidding and negotiation of the Documents to construct the Project (the "Discoverable Errors").

Contractor agrees that if there are any such Discoverable Errors in the Contract Documents, the Contractor shall promptly report them to Owner, however the cost to perform any additional Work necessary to complete the Project or any increase in the cost of Work resulting from any Discoverable Errors shall be borne by Contractor and shall not form a basis for an increase in the Contract Sum or the deadline for completion of the Work. The Engineer, as administrator of the Contract, will determine any items that might be considered as discoverable errors.

Contractor: Mazzei Construction Group LLC

PART VI

Communications concerning this Bid shall be addressed to bidder at the following address:

5900 Prince James Drive, Springfield, VA 22152

THIS BID IS HEREBY SUBMITTED on October 15, 2019

BY Mazzei Construction Group LLC
(Corporation Name)

Virginia
(State of Incorporation)

BY Nathan Supinski, Vice President
(Print Name and Title)


(Signature)

(Corporate Seal)

Attest 
(Secretary)

4.0 SUBCONTRACTOR AND MATERIAL SUPPLIER LISTING

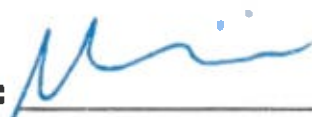
These subcontractors shall be licensed to perform in the Commonwealth of Virginia:

Portion of the Work	Subcontractor name and address:
<u>Roofing, flashing, waterproofing</u>	<u>NV Roofing</u>
	<u>43671 Trade Center Place, Suite 142</u>
	<u>Sterling, VA 20166</u>

Listing of Material Suppliers	
<u>ABC Supply</u>	

USE ADDITIONAL SHEETS IF REQUIRED.

PROVIDE SIGNATURE IDENTICAL TO THAT SHOWN ON THE BID FORM

Bllder: 

By: Nathan Supinski

Shane Reville President 11/28/20
Shane Reville

Contractor: Mazzel Construction Group LLC

5.0 SUBSTITUTION LIST

The Contract Sum proposed by the undersigned on the bid form is for the Work as shown on the Drawings, described in the Specifications, and otherwise defined in the Contract Documents. However, the undersigned proposes the following substitutions for the Owner's Representative(s) consideration. Should the Owner's Representative(s) accept any or all of the proposed substitutions, the bidder's proposed Contract Sum will be reduced by the amount shown.

Specified product or material:	Drawing number or Spec. Section:	Proposed Substitution:	Proposed reduction in Contract Sum:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 3. Manufacturers who have provided unsatisfactory past installations must provide evidence in writing that the reason for the unsatisfactory product has been corrected.

PROVIDE SIGNATURE IDENTICAL TO THAT SHOWN ON THE BID FORM

Bidder: 

By: Nathan Supinski

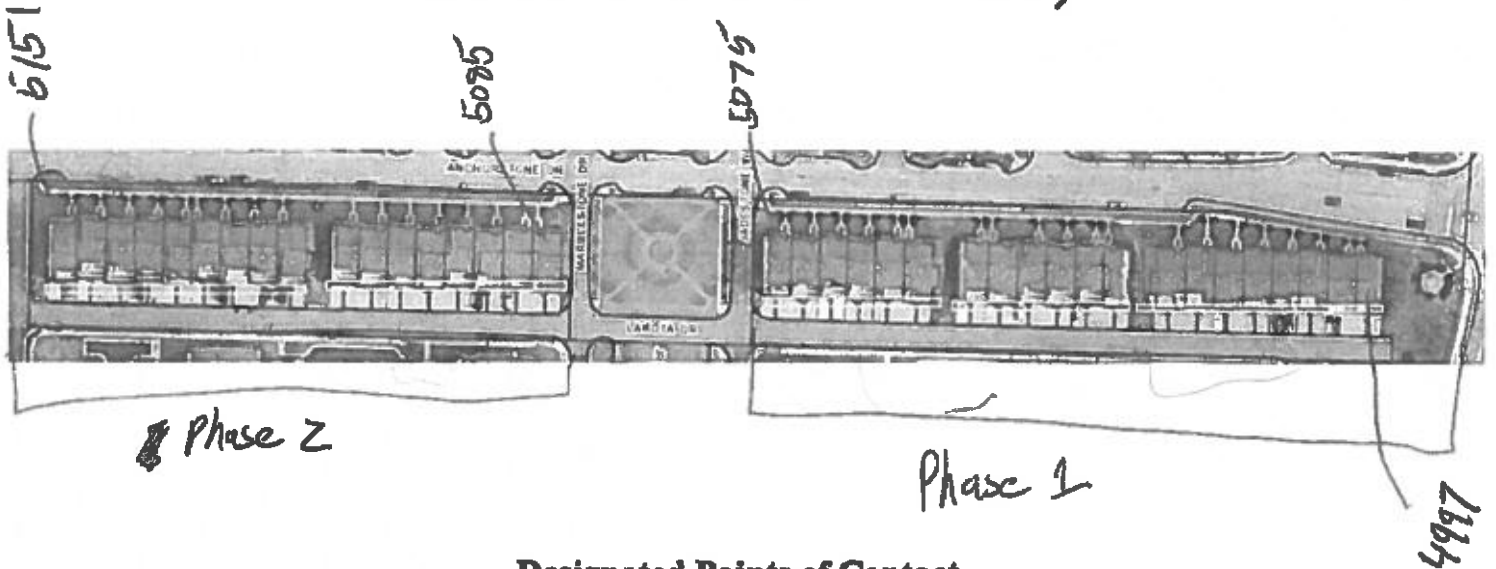
Contractor: Mazzei Construction Group LLC

County Center Condominiums

- Building 1: 4997-5027 Anchorstone Dr. (16 units)
- Building 2: 5029-5051 Anchorstone Dr. (12 units)
- Building 3: 5053-5075 Anchorstone Dr. (12 units)
- Building 4: 5085-5115 Anchorstone Dr. (16 units)
- Building 5: 5117-5151 Anchorstone Dr. (18 units)

Phase 1 (40)

Phase 2 (34)



Designated Points of Contact

MANAGEMENT AGENT

Amanda R Chohamin, CMCA®, AMS®
 Community Manager
 Cardinal Management Group, Inc.
 4330 Prince William Pkwy, Suite #201
 Woodbridge, VA 22192
 Email: a.chohamin@cardinalmanagementgroup.com
 Direct: 703-565-5252
 Fax: 703-866-3156
 Website: www.cardinalmanagementgroup.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/21/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Sahouri Ins & Financial 6200 Greensboro Drive Suite 1550 Mc Lean, VA 22102	CONTACT NAME: Morgan Ball PHONE (A/C, No, Ext): FAX (A/C, No): (855) 242-6660 E-MAIL ADDRESS: mball@sahouri.com
	INSURER(S) AFFORDING COVERAGE INSURER A: Erie Insurance Exchange INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO JECT <input type="checkbox"/> LOC OTHER:		Q39-3151355	3/31/2019	3/31/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		Q03-3131389	3/31/2019	3/31/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB EXCESS LIAB DED RETENTION \$	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE	Q27-3170585	3/31/2019	3/31/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A	Q87-3101145	3/31/2019	3/31/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Rented/Leased		Q39-3151355	3/31/2019	3/31/2020	Limit of insurance \$ 100,000
A			Q39-3151355	3/31/2019	3/31/2020	Deductible \$ 500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Proof of insurance

CERTIFICATE HOLDER Mazzel Construction Group, LLC 5900 Prince James Drive Springfield, VA 22152	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Morgan Ball</i>
---	--

From: Jessie, Kristin
Sent: Tuesday, May 9, 2023 11:40 AM
To: nathan@mcgva.com
Subject: APL2023-00004
Importance: High

Good morning,

This email acknowledges receipt of your request for an appeal delivered to Building Development on May 8, 2023, disputing BCE2022-00041.

The hearing is scheduled for June 7, 2023, at 2:00 p.m. The hearing will be conducted at 5 County Complex Court in conference rooms 107 A & B.

If you have any other documents you want to be included in the hearing, these must be submitted by the close of business on May 23, 2023.

Thank you,

Kris Jessie

Administrative Coordinator/Secretary to the Board of Appeals
Prince William County-Department of Development Services
5 County Complex Court Suite 120
Prince William Va. 22192
kjessie@pwcva.gov
703-792-5533 (Direct)
Please submit any FOIA requests for documents to DDSFOIA@pwcgov.org

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Prince William County
Local Appeals Board
Meeting Minutes
June 7, 2023

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Prince William Building Code Appeals Board

APL2023-00004- Mazzei Construction Group

June 7, 2023

Meeting Minutes

1. Mr. John Heltzel, Chair, called the meeting to order.
2. Secretary took roll call- quorum established
 - a. Mr. John Heltzel-Present
 - b. Mr. Michael Kitchen-Absent
 - c. Mr. Steve Daves-Present
 - d. Mr. Michael Sawyers-Present
 - e. Mr. Roy Pavone-Present
3. Chair called APL2023-00004 to order. The Board of Appeals conducted the hearing.
 - a. Motion by Mr. Daves to uphold the Building Official because the Appeal was not submitted within thirty (30) days of receipt of the Notice of Violation.
 - b. Mr. Pavone seconded the motion.
 - c. The motion passed, and the vote was unanimous.
4. Bylaws Revision Discussion and Adoption (Secretary)
 - a. Mr. Daves motioned to adopt the revised bylaws.
 - b. Mr. Sawyers seconded the motion.
 - c. The motion passed, and the vote was unanimous.
5. Farm Building and Structures (Building Official)
 - a. Eric provided a presentation on Farm Buildings and Structures.
 - b. Refer to BDD Policy 1.07. [Building Code Exemption - Farm Structures](#)

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of William Bock
Appeal No. 23-01

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of William Bock
Appeal No. 23-01

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. From March 14, 2022 through January 9, 2023 the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of the 2018 Virginia Uniform Statewide Building Code (Virginia Maintenance Code or VMC), performed several inspections for the residential structure, located at 2405 Parkers Lane, in Fairfax County, owned by William P. Bock and Valerie A. Bock (Bock). As a result of the inspections a Notice of Violation was issued on February 3, 2023 citing violations of VMC Sections 304.2, 304.4, 304.6, 304.7, 304.10, and 304.13 related to the following:

- a. Front and rear porches/decks of the structure (four in total)
- b. Exterior windows and window frames of the structure
- c. Missing, loose, holes, or rot in the exterior wood surfaces
- d. Coating/Painting of the exterior of the structure
- e. Failing structural members
- f. Missing shingles on the roof; tarp on the roof; broken and missing gutters and downspouts

2. As a result of the January 9, 2023 inspection, a Notice of Unsafe Structure was also issued, deeming the structure unsafe for human occupancy, in accordance with the defined term, in Section 202 of the VMC.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY. An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

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3. Bock does not dispute the cited violations of the NOV or the unfit for human occupancy determination of the structure; however, Bock does dispute the finding of the county and local appeals board that the property is not safe and secure from public entry.

4. Bock filed an appeal to the Fairfax County Board of Building Code Appeals (local appeals board) which was denied on March 8, 2022.

5. Bock further appealed to the Review Board on April 4, 2023; however, it took until April 11, 2023 to acquire an accurately completed application.

6. 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.

Suggested Preliminary Issues for Resolution by the Review Board

1. Whether to overturn the county and local appeals board that the structure is not safe and secure against public entry pursuant to the VCC.

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Basic Documents

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF VIOLATION Virginia Maintenance Code

DATE OF ISSUANCE: 02/3/2023

METHOD OF SERVICE: Office of the Sheriff

LEGAL NOTICE ISSUED TO: William P. Bock
Valerie A. Bock

ADDRESS: 2405 Parkers Lane
Alexandria, VA 22306

LOCATION OF VIOLATION: 2405 Parkers Lane
Alexandria, VA 22306-3288

TAX MAP REF: 1021010003A

INVESTIGATION #: PMINV-2022-191793 **COMPLAINT #:** DCCCOMP-2022-00923

ISSUING INVESTIGATOR: David Domin, 571-292-4999

POTENTIAL CIVIL PENALTIES PURSUANT TO FAIRFAX COUNTY CODE § 61-7-1(B):

Maintenance Code Violation(s)	First Offense	Each Subsequent Offense
304.10	\$100.00	\$350.00
304.13	\$100.00	\$350.00
304.2	\$100.00	\$350.00
304.4	\$100.00	\$350.00
304.6	\$100.00	\$350.00
304.7	\$100.00	\$350.00
TOTAL:	\$600.00	\$2100.00

Dear Responsible Party:

The Notices of Violation dated January 25, 2023, are being rescinded due to an administrative error and reissued with this Notice of Violation.

In accordance with the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code 2018 Edition), inspections conducted between March 14, 2022, and January 9, 2023, revealed violations as listed below at the referenced location. The cited violations must be corrected within **30 days** from receipt of this notice unless otherwise indicated.

VIOLATION: 304.10 STAIRWAYS, DECKS, PORCHES, BALCONIES. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

LOCATION: Front and rear of dwelling

WORK TO BE PERFORMED: Repair, replace, or remove front and rear porches and decks (four in total) and if to be repaired obtain necessary building permit(s). If to be removed obtain necessary demolition permits.

VIOLATION: 304.13 WINDOW, SKYLIGHT & DOOR FRAMES. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition and good repair and weather tight.

LOCATION: All exterior windows of dwelling

WORK TO BE PERFORMED: The windows and their frames located at the top of the rear of the structure and the lower level right side corner are in such a state of disrepair that they are separating from the walls. Repair or replace all windows and window frames so that they are in sound condition and weathertight.

VIOLATION: 304.2 PROTECTIVE TREATMENT. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

LOCATION: Entire dwelling

WORK TO BE PERFORMED: All surfaces of dwelling need to be re-coated with paint. Additionally on all four sides of house there are areas that are not being maintained in good condition and are no longer weather resistant. Repair or replace exterior wood surfaces so they can again be weather resistant.

VIOLATION: 304.4 STRUCTURAL MEMBERS. All structural members shall be maintained free from

deterioration and shall be capable of safely supporting the imposed dead and live loads.

LOCATION: Right side rear corner of dwelling

WORK TO BE PERFORMED: The structural members are in such a state of deterioration that they are contributing to wall movement and structural failure. Repair or replace all structural members, so they are capable of supporting the imposed load or provide a certified engineering report that would indicate no repairs are needed.

VIOLATION: 304.6 EXTERIOR WALLS. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

LOCATION: Exterior walls on all sides of dwelling

WORK TO BE PERFORMED: Exterior walls on all sides of dwelling have holes, loose or rotting materials, and are not being maintained so that they are weatherproof. Repair or replace exterior walls to remove these conditions and restore the walls.

VIOLATION: 304.7 ROOF AND DRAINAGE. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

LOCATION: Roof and gutters of dwelling

WORK TO BE PERFORMED: The roof has missing or loose shingles. A tarp is covering a portion of the roof. Portions of gutters and downspouts are broken or missing and need to be repaired or replaced. The roof needs to be repaired or replaced so that it is again sound, tight, and does not admit rain.

All repairs, alterations, and/or additions must be made in accordance with applicable laws. Any additional violations that may appear as work progresses will require correction.

Information about obtaining any necessary permits required by other Fairfax County agencies may be obtained by calling (703)222-0801, TTY 711 and requesting the appropriate department.

Per Sect. 107.5 of the Virginia Maintenance Code, any person aggrieved by the application of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 14 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application

William P. Bock
Valerie A. Bock
02/3/2023
PMINV-2022-191793
Page 4

for appeal within the time limit established shall constitute acceptance of the Code Official's decision.

You may call the secretary of the LBBCA for more information about the appeals process:
Telephone: (703) 324-5175, TTY 711.

Information and forms can also be obtained at: <https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals>.

You may arrange an appeal or obtain information on the appeals process by visiting the county website at <https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals> or by contacting the Secretary to the LBBCA, Carla Guerra-Moran, at 703-324-5175, TTY 711 or Carla.Guerra-Moran@fairfaxcounty.gov.

* Our website <https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals> has the information on how to create an account in PLUS and how to submit an appeal.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice.

Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Virginia Maintenance Code which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amounts shown on page 1 of this Notice of Violation for each violation cited herein for the first violation and each subsequent violation cited herein per day totaling up to \$4,000.00 in accordance with Fairfax County Code § 61-7-1(B). The Property Maintenance Code Official may also seek to enjoin this violation.

Civil penalties entered by the General District Court shall be paid to the Office of the County Attorney. Investigators may not accept any payments, including those associated with fines and fees.

In accordance with the code, the owner or person to whom this notice of violation has been issued is responsible for contacting me within the time frame established for any re-inspections to assure the violations have been corrected.

If you have any questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1458. For any other questions, please contact our main office at (703) 324-1300, TTY 711.

LEGAL NOTICE ISSUED BY:



Signature

David Domin
Code Compliance Investigator
571-292-4999
David.Domin@fairfaxcounty.gov



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF UNSAFE STRUCTURE AND STRUCTURE UNFIT FOR HUMAN OCCUPANCY

DATE OF ISSUANCE: 02/3/2023

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: William P. Bock
Valerie A. Bock

ADDRESS: 2405 Parkers Lane
Alexandria, VA 22306

**LOCATION OF VIOLATION/
SUBJECT PROPERTY:** 2405 Parkers Lane
Alexandria, VA 22306-3288

TAX MAP REF: 1021010003A

INVESTIGATION #: PMINV-2022-191793 **COMPLAINT #:** DCCCOMP-2022-00923

ISSUING INVESTIGATOR: David Domin, 571-292-4999

Dear Responsible Party:

The Notices of Violation dated January 25, 2023, are being rescinded due to an administrative error and reissued with this Notice of Violation.

In accordance with the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code - 2018 Edition), an inspection of the single-family dwelling located on the above-referenced subject property was conducted on January 9, 2023. The inspection found the structure is unsafe because of structural supports on the right side of the dwelling are failing, decks are in a severe state of disrepair, and the windows have separated from structure and present a hazardous condition. Therefore, the Fairfax County Maintenance Code Official (Code Official) has deemed this structure to be an Unsafe Structure for Human Occupancy, which is defined in Section 202 of the Virginia Maintenance Code as:

UNSAFE STRUCTURE:

An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

A Field Notice of Unsafe Structure for Human Occupancy was issued to William P. Bock and/or posted to the subject property on January 25, 2023; the property condition required immediate attention; and, pursuant

William P. Bock
Valerie A. Bock
2405 Parkers Ln
02/3/23
PMINV-2022-191793
Page 2

to the provisions of Section 106 of the Virginia Maintenance Code, a placard stating the following has been posted to the entrance to the structure:

THIS STRUCTURE IS UNSAFE/UNFIT FOR HUMAN HABITATION.

ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE MAINTENANCE CODE OFFICIAL

The structure must remain vacant. No person shall enter the structure except upon the authorization of the Code Official for one of the following purposes: (a) to make the required repairs, (b) to demolish the structure, or (c) to make inspections. The placard shall not be removed until the structure is determined by the Code Official as safe to occupy.

You are hereby directed to abate the conditions found at the subject property by complying with the attached Notice of Violation.

Pursuant to Section 106.7 and Section 106.8 of the Virginia Maintenance Code, the Code Official shall be permitted to authorize the necessary work to secure the structure against public entry, or to make the structure temporarily safe, whether or not legal action to compel compliance has been instituted. You will be billed if such work is done.

Per Sect. 107.5 of the Virginia Maintenance Code, any person aggrieved by the application of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 14 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application for appeal within the time limit established shall constitute acceptance of the Code Official's decision.

You may file an appeal and obtain information on the appeals process by visiting the County website at: <https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals> or by contacting the secretary to the LBBCA, Carla Guerra-Moran, at 703-324-5175, TTY 711 or carla.guerra-moran@fairfaxcounty.gov.

Please give this matter your immediate attention and should you have any questions, please contact me at 571-292-4999.

LEGAL NOTICE ISSUED BY:



Signature

David Domin
Code Compliance Investigator
571-292-4999
David.Domin@fairfaxcounty.gov

CC: Case File

Mail body: [No Subject]

Appeal submitted to the Fairfax County Board of Building Code Appeals, February 7, 2023. Appeal CDAPPL-2023-00002

The Board does not accept written appeals. They only accept appeals uploaded to their database. This is the only appeal in existence.

Project Description:

Old Structure (Farm House) 2405 Parkers Lane

On January 25 and February 3, 2023 I was personally served with two sets of Notices of Violation by a Fairfax County Deputy Sheriff. The only difference in the two sets of Violation Notices was the elimination of Violation 505.1 "water supply turned off to the structure." I discussed with the Code Investigator for 27 minutes on January 31 and then on the next day for 44 minutes with the Code Investigator and his Supervisor that the water supply had NOT been turned off and I had a letter from Fairfax Water attesting to that fact. Two days later I was served with a second set of Notices eliminating this "administrative error". I am not going to waste this Appeal Board's time by appealing the two remaining violations, 304.4 or 304.13 listed on the Field Notice of Unsafe Structure, nor am I going to appeal the other 4 violations 304.10, 304.2, 304.6, 304.7 noted in the Notice of Violation. Although somewhat exaggerated in description and accuracy, I cannot look this Board in the face and disagree with the substance of these violations. What I am appealing is the requirement that these numerous violation deficiencies be corrected in 30 days in a structure that: --- has not been occupied for over 9 years and 5 months (since September 3, 2013). ----that will never be occupied. ----that will be demolished when we sell the remaining 7.5 acres of our property just as 7 similar turn of the last century 100 year old structures were demolished on the other 4.38 acre portion of our property which we sold on March 19, 2019. ----that is fully secured with windows and doors secured and locked or chained shut. ----which poses no threat or danger to the public in that it is non accessible and is surrounded by a 6 foot tall security fence with locked gates and NO TRESPASSING signs posted. ----and which stands only so that we can continue to use the water from Fairfax Water which flows from the street through this old structure and out to our barns and field troughs and which is critical to the health and welfare of our livestock and horses which have been on the property for the almost 25 years of our ownership of this farm. We now have two offers to purchase the property. Both are being reviewed by our attorneys, and both require the demolition of this structure and the removal of our livestock. While this is being accomplished, we intend to keep the structure standing to provide water to our horses. I look forward to providing additional information, answering any questions and presenting my appeal in person to the Board.

Applicant:

Individual
WILLIAMBOCK
WEB PERMIT USER
United States

Primary (703)
Phone: 947-7133

WPBOCK@COX.NET

Mailing
2405 Parkers Lane
Alexandria, VA, 22306-3232
United States

Owner:

BOCK WILLIAM P,
BOCK VALERIE A

2405 PARKERS LN

ALEXANDRIA VA
22306-3232

RESOLUTION

WHEREAS the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Virginia Maintenance Code (VMC) – Uniform Statewide Building Code (Part III), 2018 Edition;

and

WHEREAS an appeal was filed and brought to the attention of the Board; and
WHEREAS a hearing has been duly held to consider the aforementioned appeal; and
WHEREAS, the Board has fully deliberated this matter; now, therefore, be it

RESOLVED, that the matter of

Appeal No. CDAPPL-2023-00002

In RE: Fairfax County Department of Land Development Services (LDS) v. William Bock

The appeal is denied (4-0-0 CNV)

The rationale given for denying the appeal was the health and life safety concern associated with allowing an unsafe structure (house) to continue to remain without correcting the issues that would result in the structure being rendered safe or securing the property against public entry pursuant to the VCC.

FURTHER, be it known that:

1. This decision is solely for this case and its surrounding circumstances.
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear.

03/09/2023 | 09:14:18 EST

Date: March 8, 2023

Signature:

DocuSigned by:
Dave Conover
1608ED8519E371A1
Chairman, Board of Building Code Appeals

Note: Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219 or by calling 804.371.7150.

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Staff Note:

Multiple Review Board applications submitted by William Bock are included in the agenda package to show the timeline from original submittal to when staff was able to acquire the completed application from William

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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):

WILLIAM P. BOCK 703 947 7133
 2405 Parkers Lane wpbock@cox.net
 Alexandria VA 22306

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

Fairfax County Board of Building Code Appeals 571 585 4698
 12055 Govt Center Parkway Suite 3304 Fairfax VA 22036 Carla.Lucifra-Moran@fairfaxcounty.gov
 Department of Code Compliance 703 324-1300
 12055 Govt Center Parkway Suite 1016 Fairfax VA 22035-5508 David.Domin@fairfaxcounty.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 30 day of March, 2023, 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: William P. Bock

Name of Applicant: William P. Bock
 (please print or type)

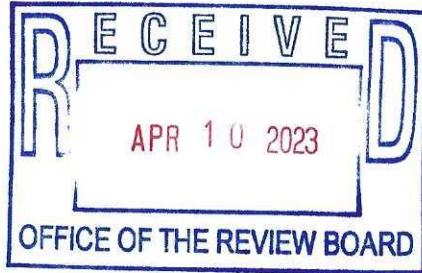
File
Appeal No.
23-01

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@dhd.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):

William P. Beck
2005 Parkers Lane
Alexandria VA 22304
703 947 7133
wbeck@cox.net

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

Mr. Gabriel M. Zakkak, Director, Department of Code Compliance and Fairfax County Property Maintenance Code Official 12055 Gov't Center Parkway, Suite 1016, Fairfax, VA 22035-5500 703-324-1300/324-4044 Gabriel.Zakkak@fairfaxcounty.gov

Mr. Dave Conover, Chairman, Fairfax County Board of Building Code Appeals, 12055 Gov't Center Parkway, Suite 334, Fairfax, VA 22035 703-585-4698 Carla.Guerra-Moran@fairfaxcounty.gov

- 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 30 day of March, 2023, 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: William P. Beck

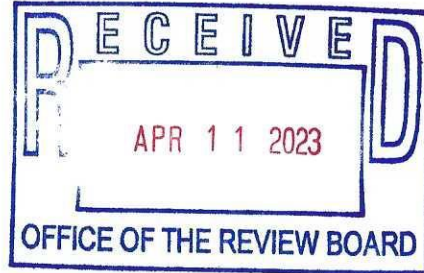
Name of Applicant: William P. Beck
(please print or type)

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):

WILLIAM P. BOCK 703-947-7133
2405 Parkers Ln WPBOCK@COX.NET
Alexandria VA 22306

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

FAIRFAX COUNTY PROPERTY MAINTENANCE OFFICIAL
MR. GABRIEL M. ZAKKAK, DIRECTOR, DEPT OF CODE COMPLIANCE
12055 GOUT CENTER PARKWAY FAIRFAX, VA 22035-5500

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

703-324-1300/324-404
GABRIEL.ZAKKAK@
Fairfax county-g

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2023, 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: _____

William P. Bock

Name of Applicant: _____

WILLIAM P. BOCK

(please print or type)

Statement of Specific Relief Sought

William P. Bock

I am appealing the rationale given by the Fairfax County Board of Building Code Appeals in Appeal No. CDAPPL-2023-00002 that the basis "for denying the appeal was the health and life safety concern associated with allowing an unsafe structure (house) to continue to remain without correcting the issues that would result in the structure being rendered safe.....".

The appeal I made to the Board was based on my objection that the Fairfax County of Code Compliance Notice of Violation stipulated 30 days to correct multiple maintenance violations noted in a 118 year old farmhouse that had not been occupied for 9 years and 6 months; a farmhouse which will never be occupied; and a farmhouse which will be demolished upon sale of the property on which it stands, just as 8 other century old structures on another part of the property have been demolished.

Further, I am appealing and contesting the last portion of the Board's rationale "or securing the property against public entry pursuant to the VCC". The house is secured in that it stands behind a 6' tall chain link fence with chained and locked gates bearing "NO TRESPASSING" signs and with all windows screwed shut and both doors locked and chained shut.

Furthermore, the property is more secure against public access and entry than a nearby property owned by Fairfax County which is undergoing a major renovation and has less secure measures in place to prevent public entry to the property.

I look forward to appearing before the Review Board to present my appeal, provide further information and answer your questions.

Thank you,

William P. Bock



Documents Submitted By William Bock

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF UNSAFE STRUCTURE UNFIT FOR HUMAN OCCUPANCY

VIRGINIA MAINTENANCE CODE

DATE OF ISSUANCE: 9-3-13

ISSUED IN PERSON OR
POSTED IN ACCORDANCE WITH SECT. 105.5 Virginia Maintenance Code
(Part III of the Virginia Uniform Statewide Building Code - 2009 Edition)

LEGAL NOTICE ISSUED TO: William + Valerie Bock Received By: _____

LOCATION OF VIOLATION: 2405 Parkers Lane Alex.

PROPERTY OWNER(S): William + Valerie Parker

ADDRESS: 2405 Parker Lane Alex, Va.

Dear Responsible Party:

In accordance with the Virginia Maintenance Code (Part III of the Virginia Uniform Statewide Building Code - 2009 Edition), an inspection on 9-3-13 revealed violations of the subject structure, Single family dwelling. This structure (_____) fails to comply with the Virginia Maintenance Code and the structure is unfit/unsafe for human habitation for the following reason(s):

Major structure damage to foundation, structure in partial collapse, further collapse is likely, electrical hazards, ceiling collapse
Occupancy or use of this structure is prohibited.

The subject structure must remain vacant. All doors, windows or other points of unauthorized entry must be secured within 24 hours of receipt of this notice. No person shall enter the structure except upon the authorization of the Building Maintenance Official of the Fairfax County Department of Code Compliance for one of the following purposes: (a) to make the required repairs, (b) to take the structure down and remove it or (c) to make inspections.

In accordance with VMC 105.4, Notice of unsafe structure or structure unfit for human occupancy; when "a building or structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued in person to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

In accordance with the code, the owner or person to whom this notice of violation has been issued is responsible for contacting me within the time frame established for any re-inspections to assure the violations have been corrected. When calling to schedule a re-inspection, please mention the subject address.

In accordance with the Virginia Maintenance Code (Part III of the Virginia Uniform Statewide Building Code - 2009 Edition), sect. 105.5, which states: If the notice is unable to be issued in person as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

You may appeal this Notice in accordance with Section 106.5 of the Virginia Maintenance Code (Part III of the USBC - 2009 Edition).

LEGAL NOTICE ISSUED BY: David Dornig
Code Compliance Investigator
Phone # 703 324-1562

see attached Field Notice, separate formal Notice will be issued.

Hand delivered/posted at _____
received by: [Signature] Date: 9/3/13

- Owner
- Occupant
- Person(s) in control of the subject property

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5508
Phone: 703-324-1300 Fax: 703-324-9346
www.fairfaxcounty.gov/code



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Date: 9-3-13
Case # 201306159

Notice of Violation

Maintenance Code (Part III of the Uniform Statewide Building Code - 2009 Edition)

Name: William + Valerie Bock
First Middle Last
Address: 2405 Parkers Lane Alex. Va. 22306
Location of Offense(s): entire dwelling
Offense Date: 9-3-13

Violation(s) of the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code - 2009 Edition)

General - VMC 304.1 The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Location: entire structure, foundation cracks causing collapse
Corrective Action Required: Within 24 hours upon receipt, insure that repairs are made to insure the structural soundness and/or sanitary conditions in accordance with in Sect. 304.1 above.

General - VMC 504.1 All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from this obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Location: all plumbing fixture, plumbing tied into septic system w/o proper installation
Corrective Action Required: Within 24 hours upon receipt, insure that repairs are made to insure the proper installation and functioning of all plumbing fixtures in accordance with Sect. 504.1 above.

Mechanical appliances - VMC 603.1. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of perform the intended function.

Location: entire structure, use of space heaters
Corrective Action Required: Within 24 hours upon receipt, insure that repairs are made to insure the proper installation and functioning of all mechanical fixtures and/or appliances in accordance with Sect. 603.1 above.

Installation - VMC 605.1. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Location: Elec system hazards, exposed wiring, unpermitted elec work, exposed bus bar in service
Corrective Action Required: Within 24 hours upon receipt, insure that repairs are made to insure the proper installation and functioning of all electrical fixtures and/or appliances in accordance with Sect. 605.1 at ove.

The above offense(s) violate(s) the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code - 2009 Edition), and must be corrected within 24 hours. Failure to correct the violation(s) within the time period prescribed will result in the initiation of all necessary legal action to remedy the violations. Each day the violation exists constitutes a separate violation.

You may appeal this Notice in accordance with Section 106.5 of the Virginia Maintenance Code (Part III of the USBC - 2009 Edition).

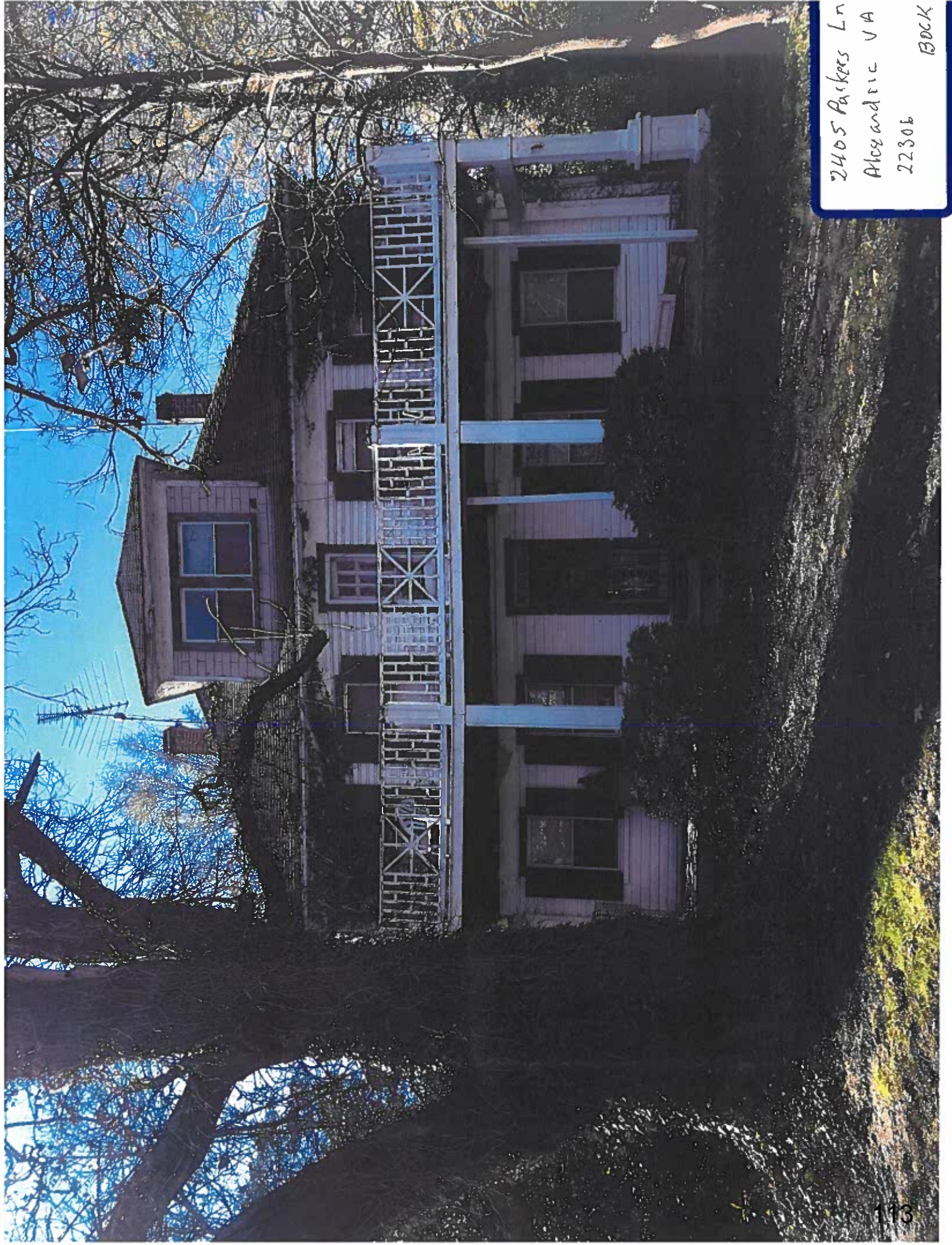
LEGAL NOTICE ISSUED BY: David Domin partial formal, complete
Code Compliance Investigator Notice Notice will be forth coming

Hand delivered/posted at _____

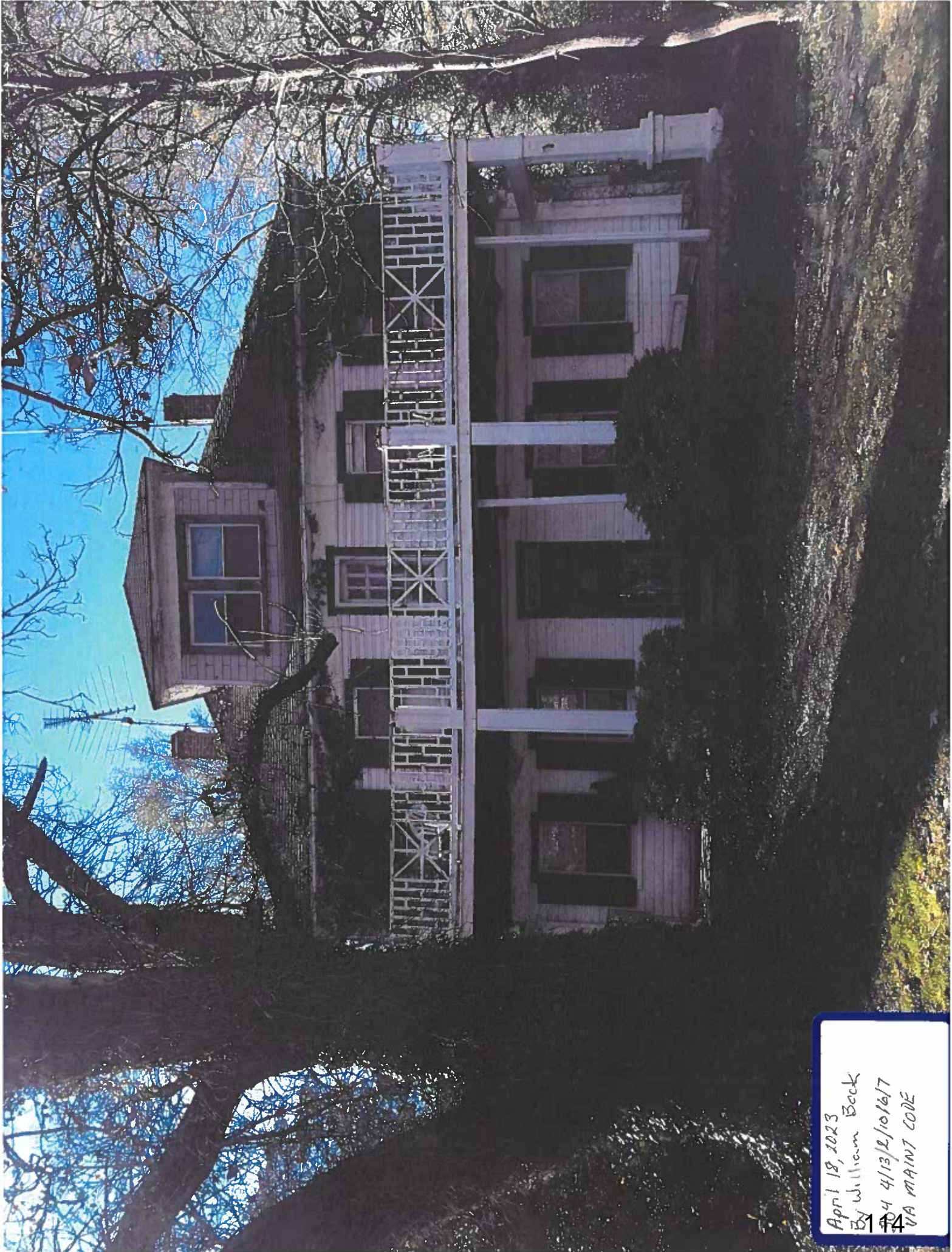
Received by: [Signature] Date: 9/3/13

- Owner
- Occupant
- Person(s) in control of the subject property

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5508
Phone: 703-324-1300 Fax: 703-324-9346
www.fairfaxcounty.gov/code



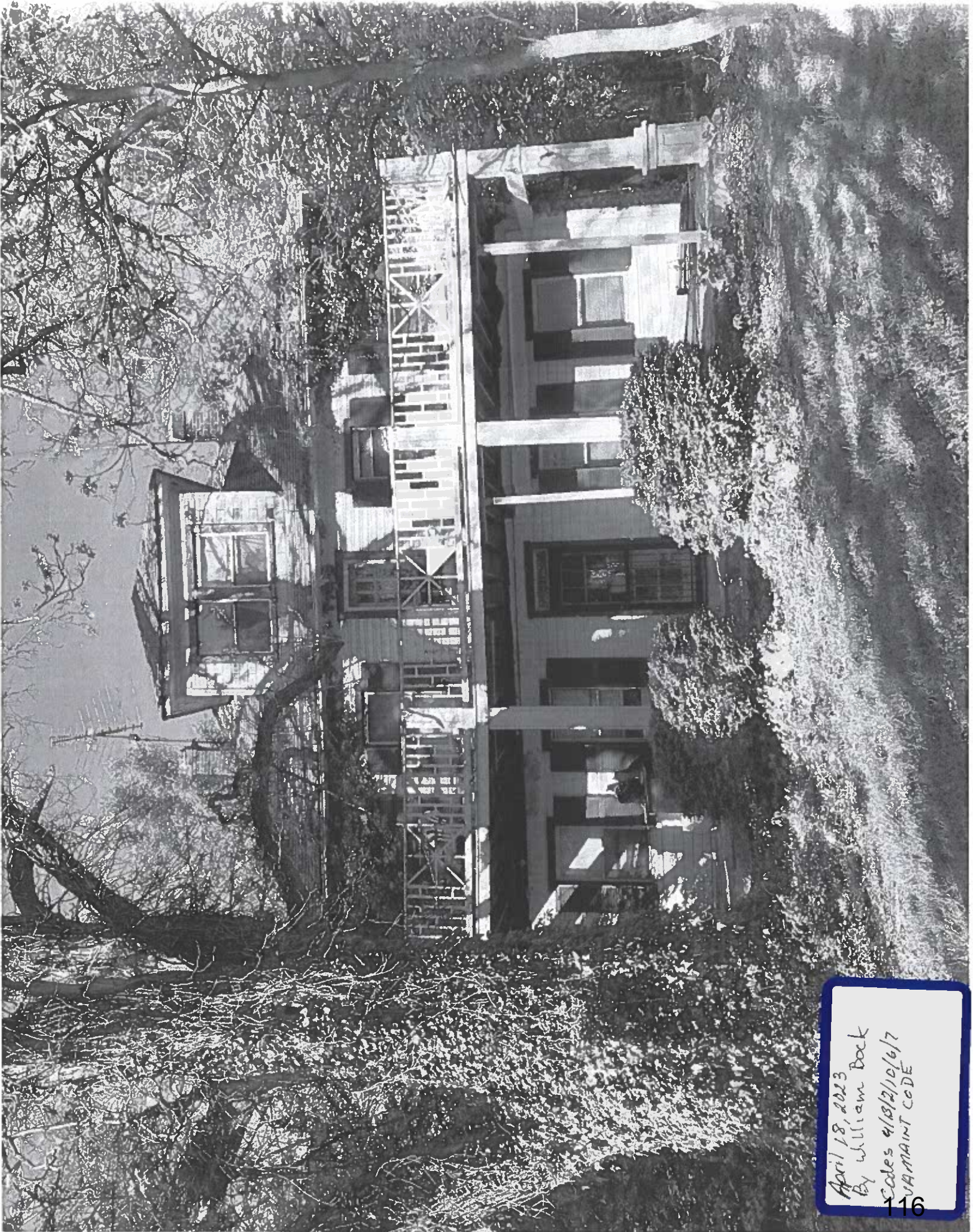
2405 Parkers Ln
Alexandria VA
22306
Brock



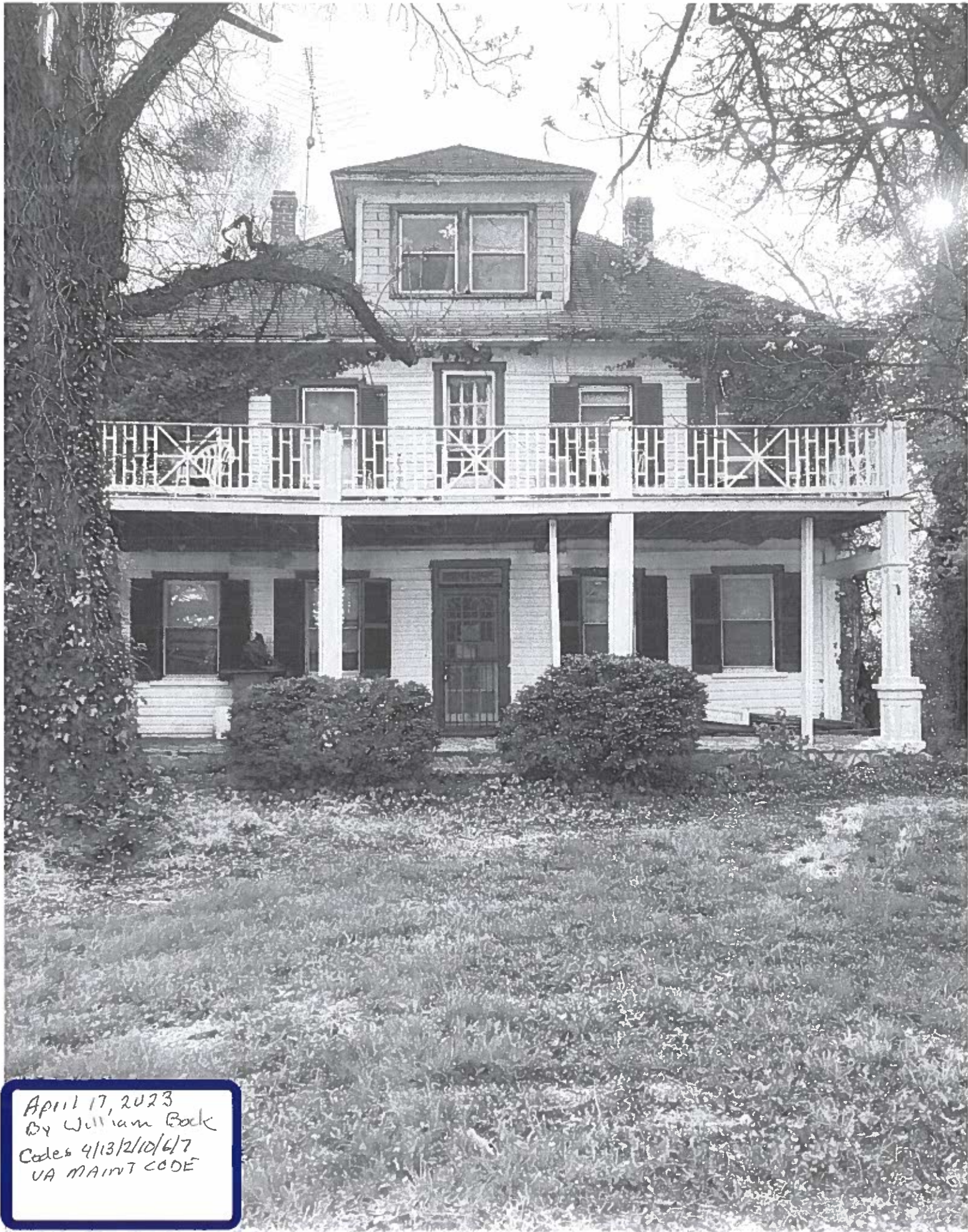
April 18, 2023
By William Beck
144
4/13/2/10/6/7
VA MAINT CODE



April 18, 2023
Gary William Book
VII Mount Cook 309
4/13/2/10/67 115



April 18, 2023
By William Beck
Scans 4/18/23/10/6/7
VA MAINT CODE
116



April 17, 2023
By William Bock
Codes 4/13/2/10/4/7
VA MAINT CODE



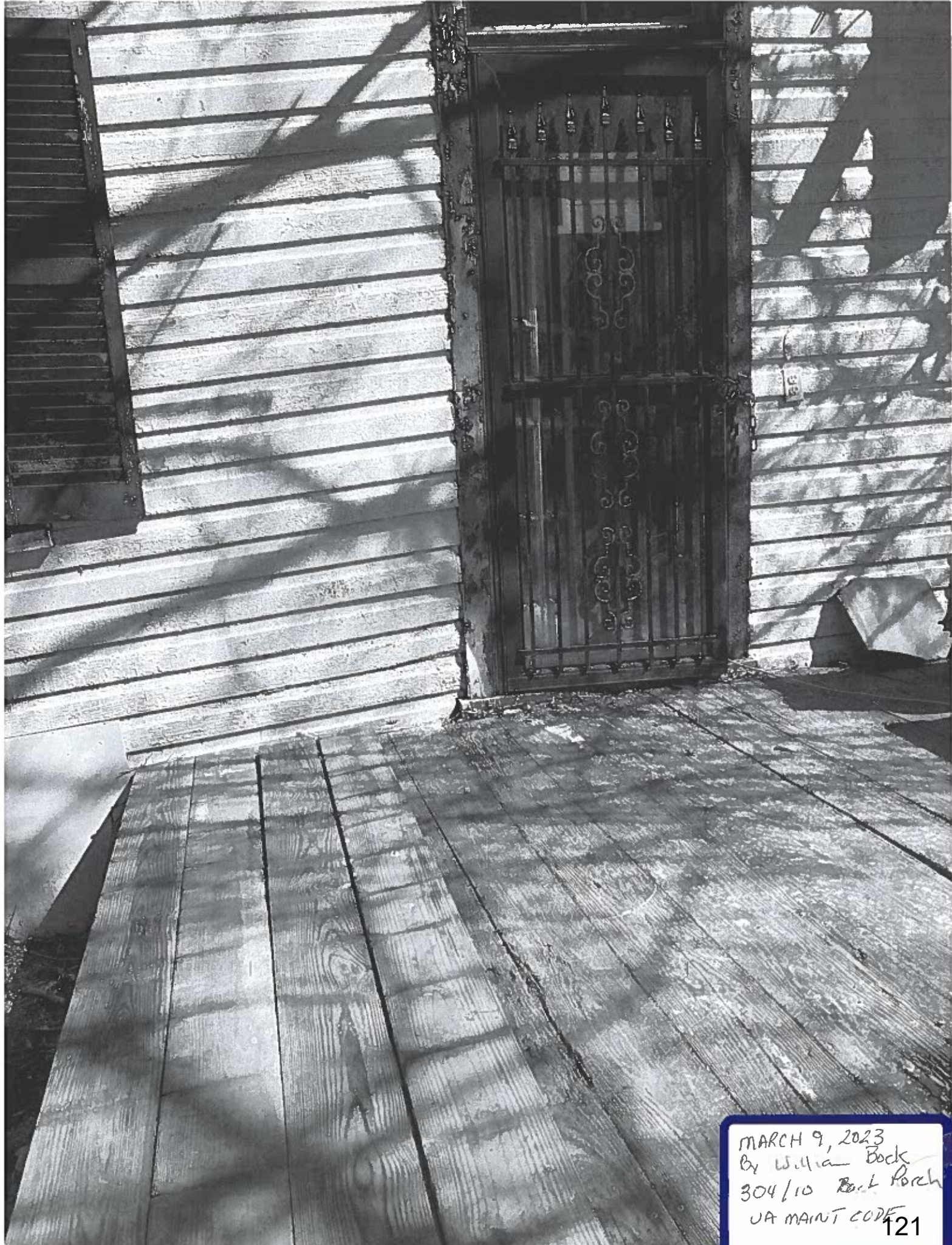
MARCH 5, 2023
By William Beck
304/10 Front Street
VA MAINT CODE



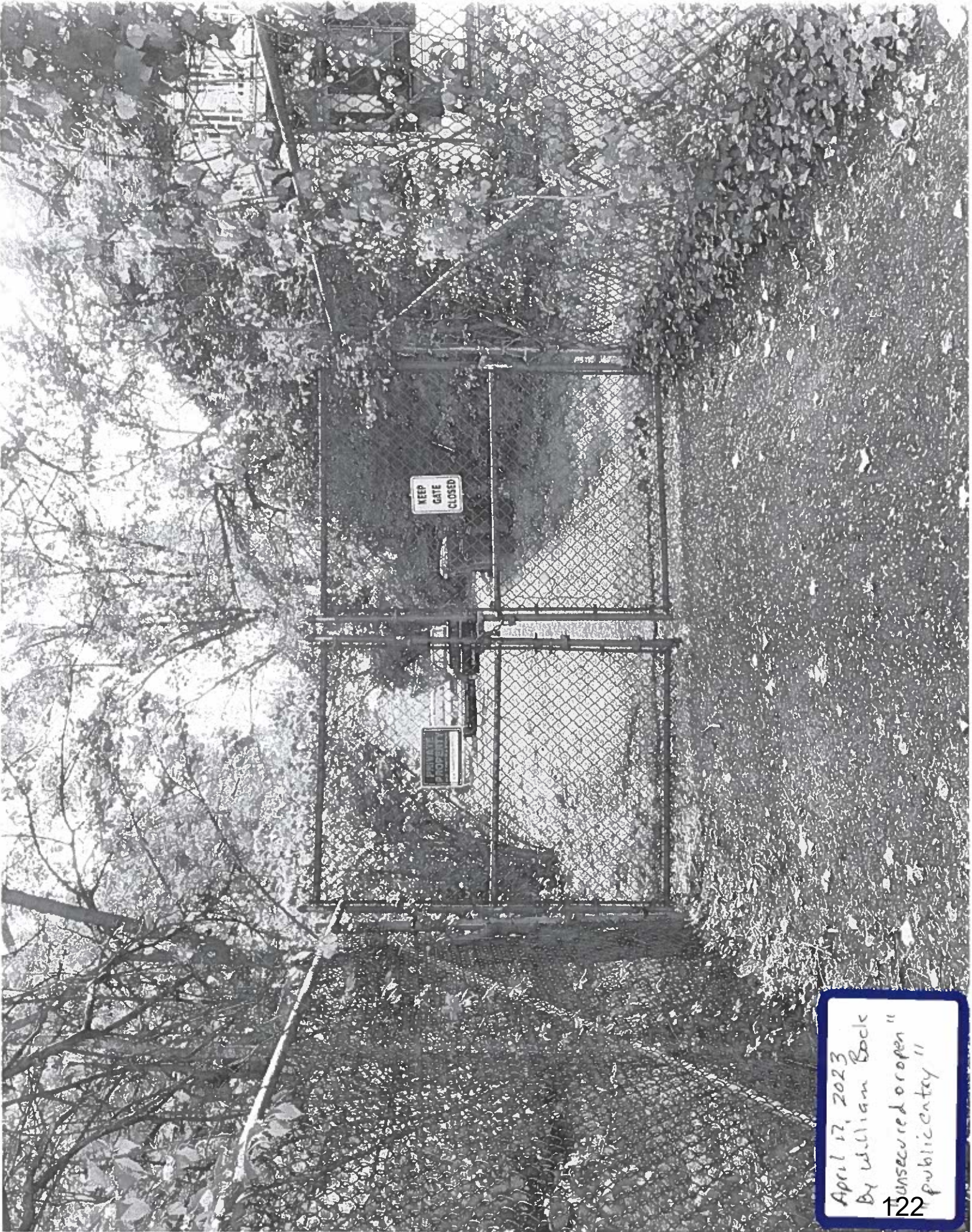
MARCH 5, 2023
By William Beck
304/10 Front Porch
VA MAINT CODE



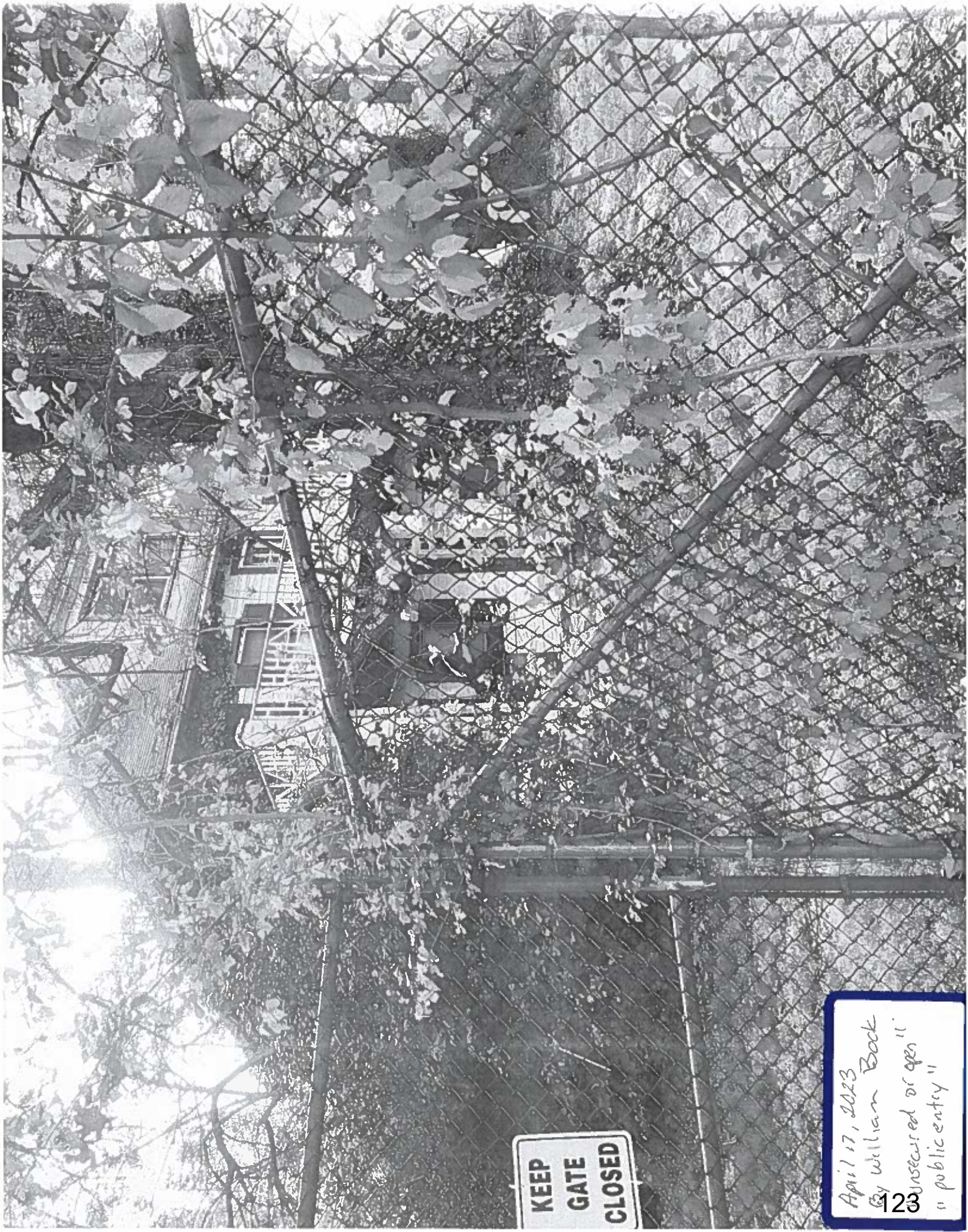
MARCH 5, 2023
By William Bock
30410 Front Stone Birch
VA MAINT CODE



MARCH 9, 2023
By William Bock
304/10 B.L. Porch
JA MAINT CODE 121

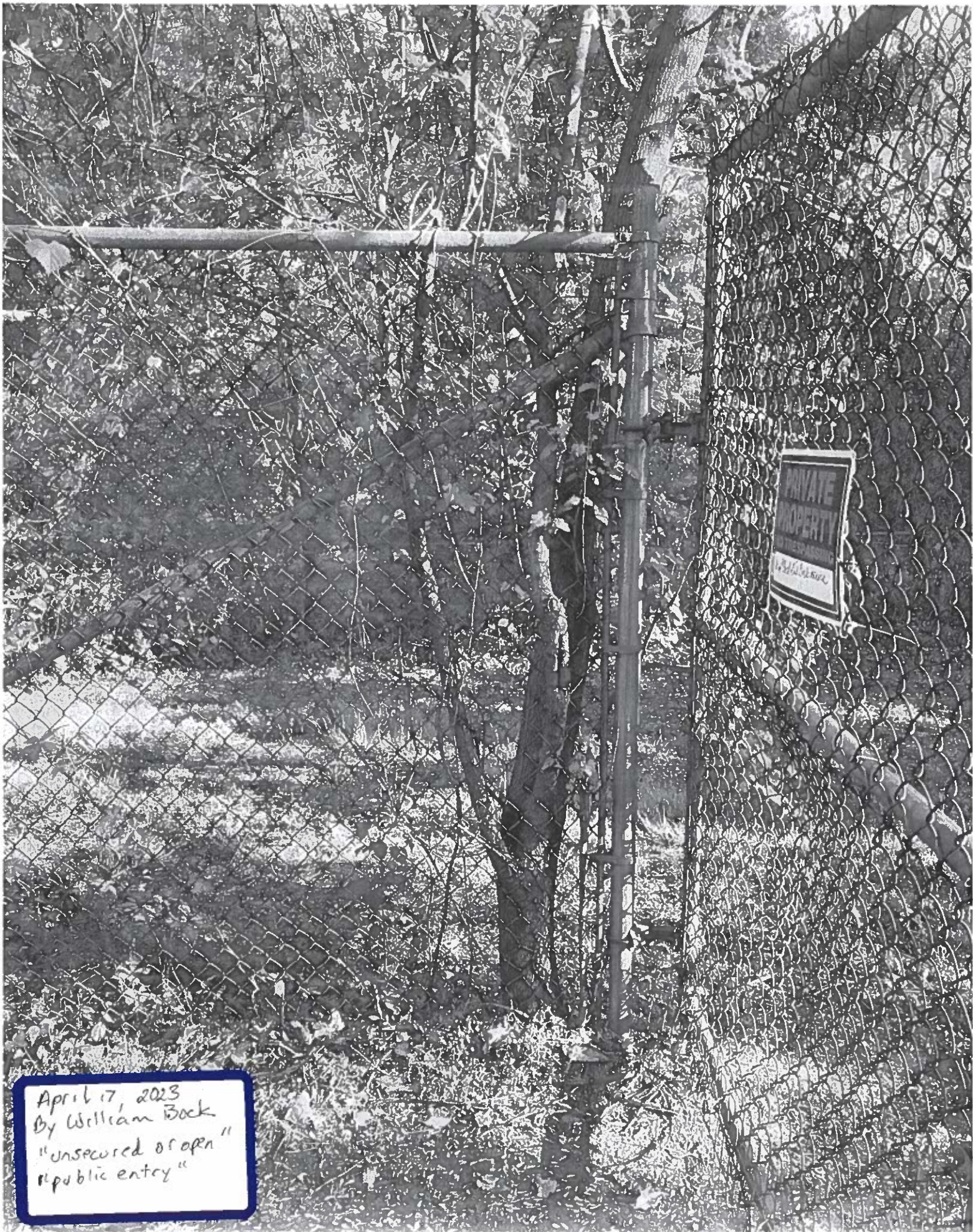


April 17, 2023
By William Boek
"unsecured or open"
"public entry"



**KEEP
GATE
CLOSED**

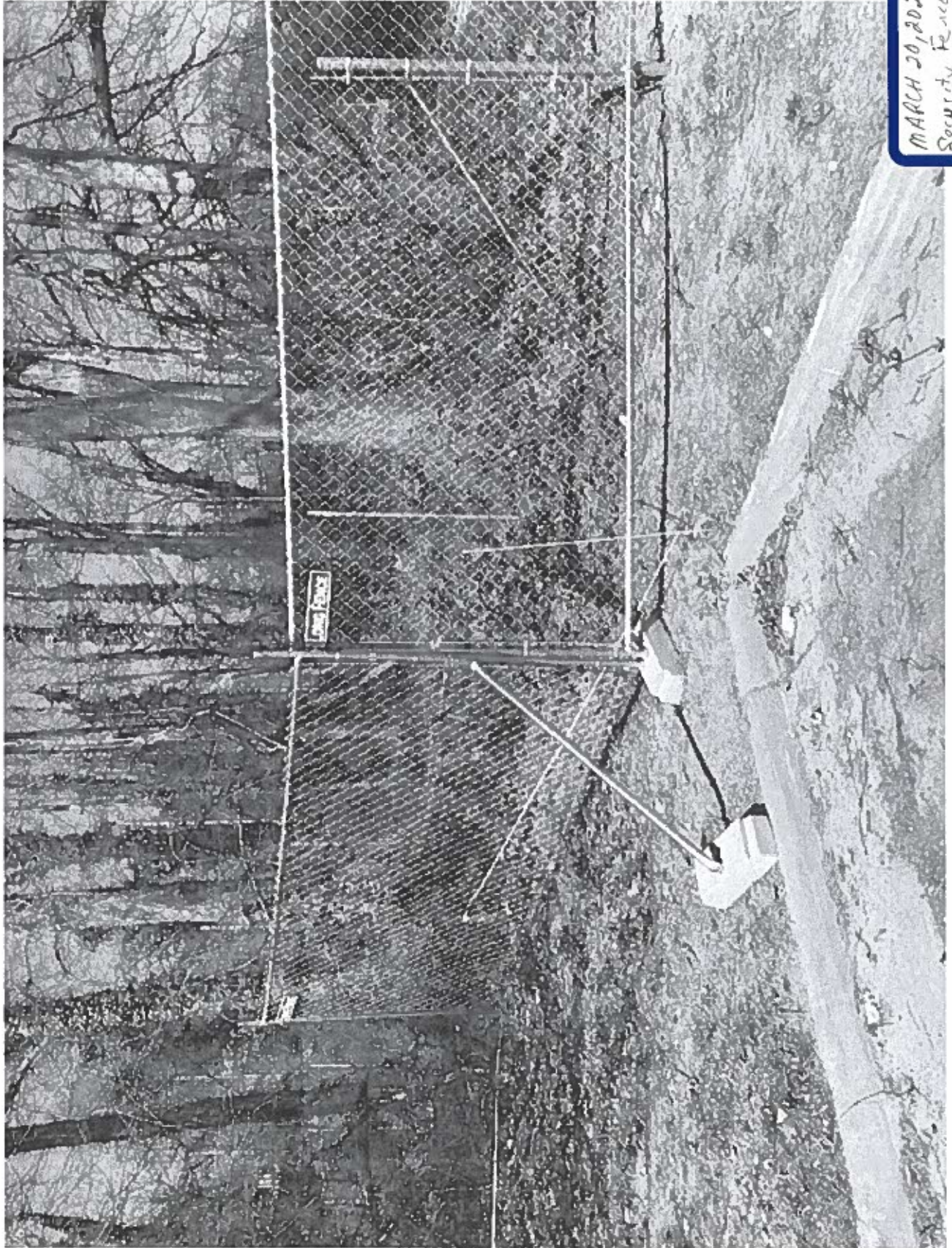
April 17, 2023
By William Bock
"unsecured or open"
"public entry"



April 17, 2023
By William Beck
"unsecured or open"
"public entry"

March 20, 1923
By William Bock
"Security Fence" at
Fairfax County owned
property





MARCH 20, 2023
Security Fence at
major 15,000 sqft
addition to Fairfax
County building



March 20, 2023
Security fence
for 75,000 sqft
renovation, new pool
ice skating rink, etc

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Additional Documents
Submitted By William
Bock

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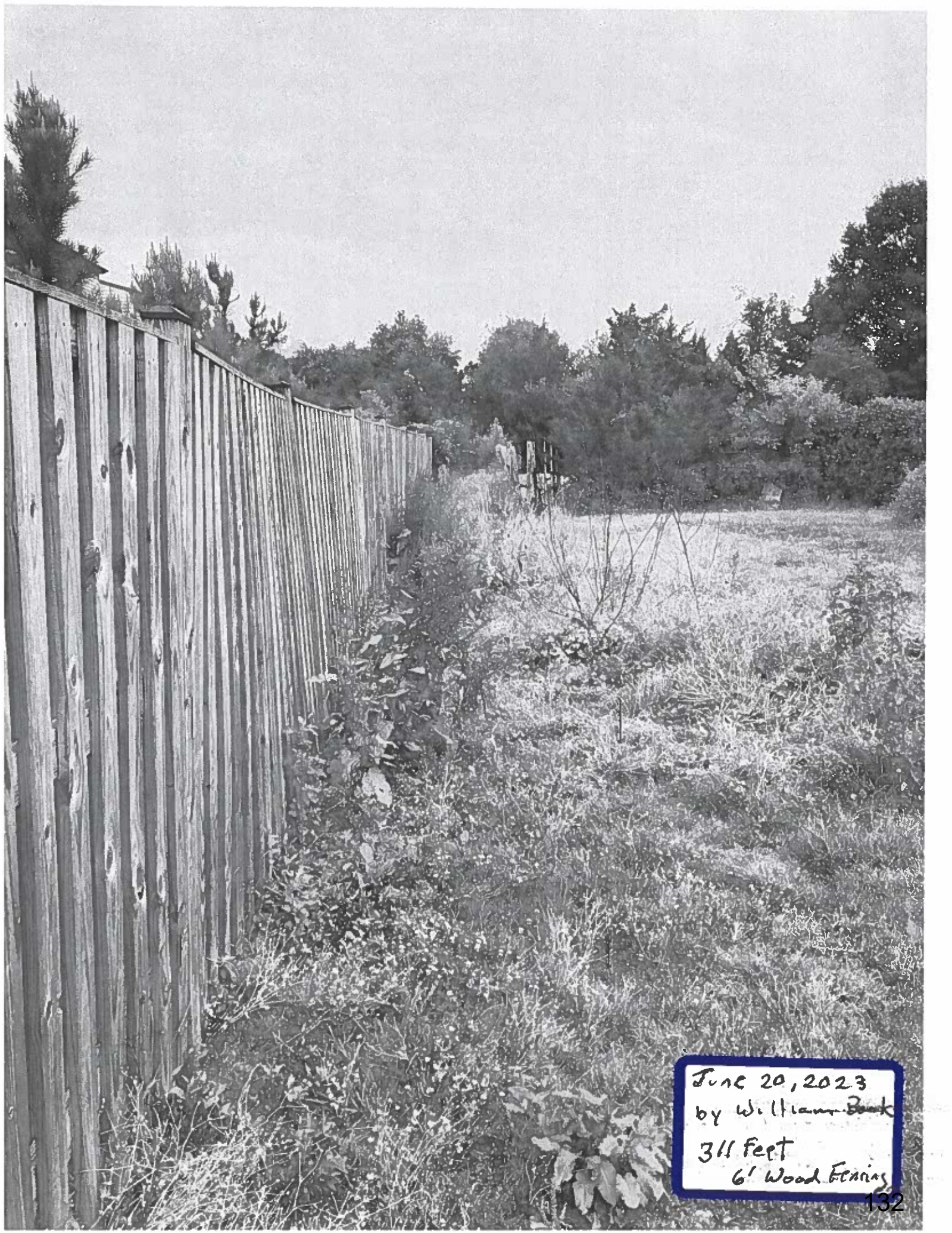
21 June 2023

Dear Mr. Luter
Enclosed are 4 additional
photos I would like added to
the file of Appeal No. 23-01
per your email of 24 May 2023.

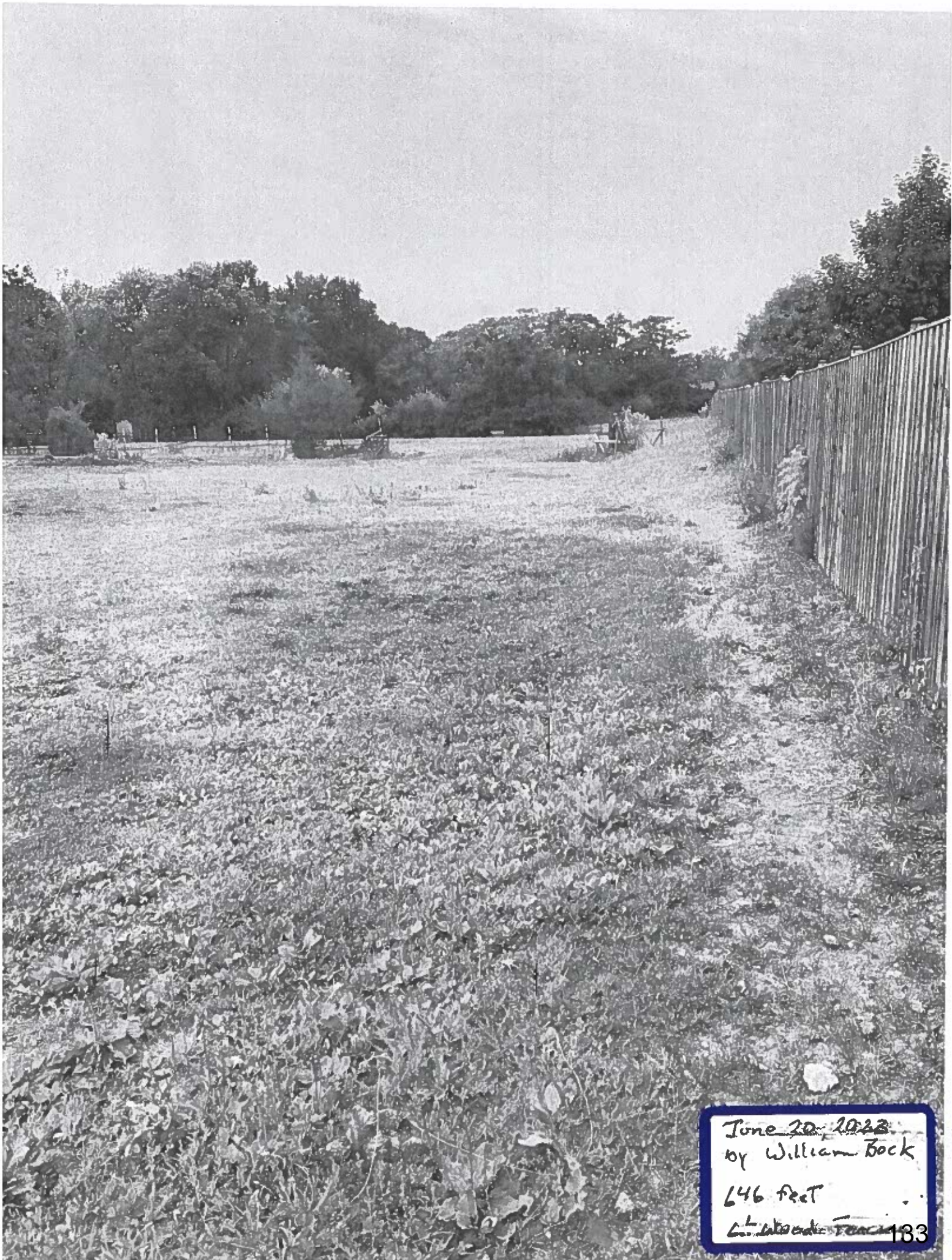
Thanks!

Bock

William



June 20, 2023
by William Bank
311 feet
6' Wood Fencing

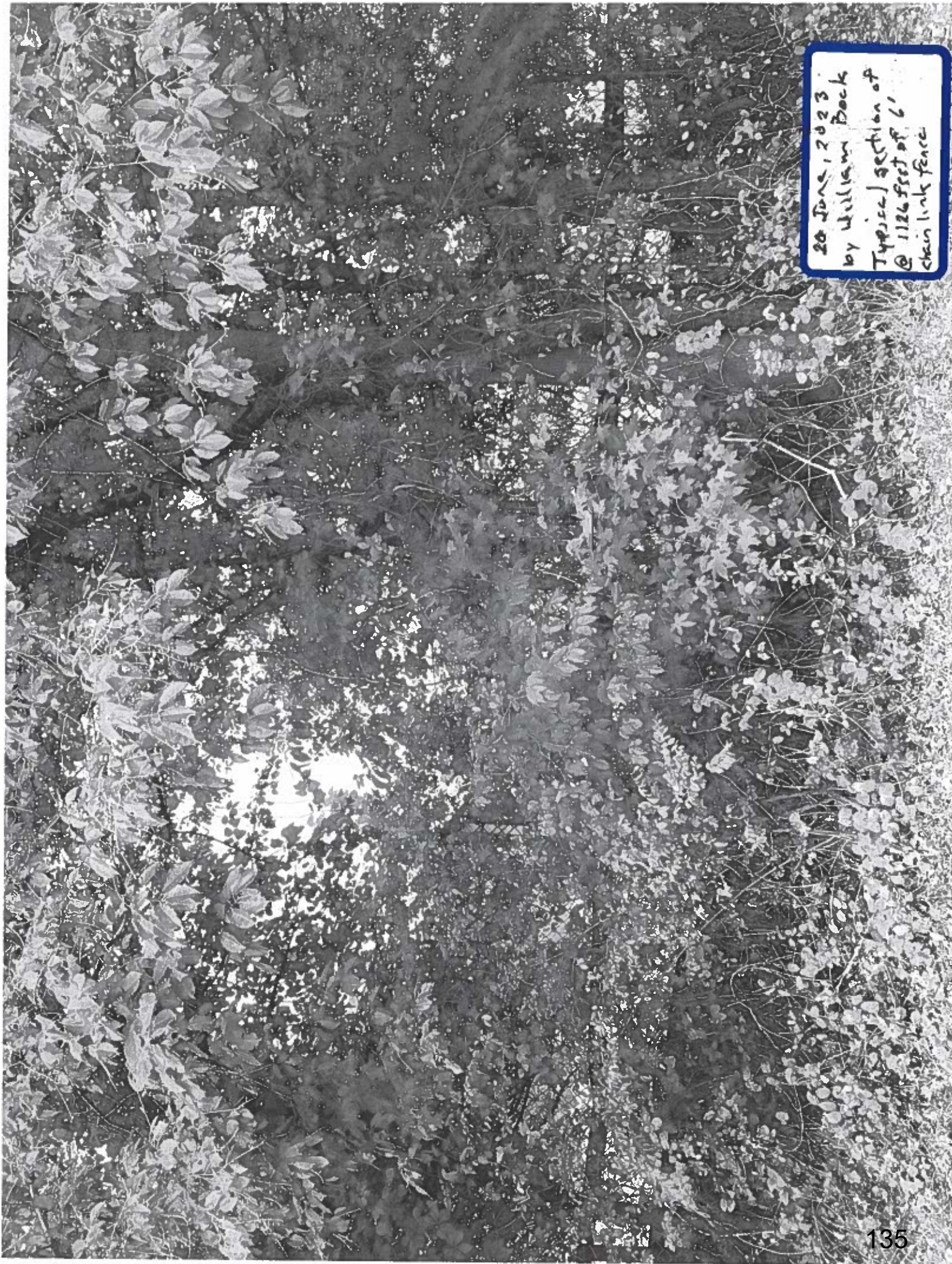


June 20, 1928
by William Bock
646 feet
C. L. Woods Farm 183



June 20, 2023
by Willard Buck
16 foot "Hay" Gate
Part of 1126 feet
of 6' chain fence

20 June, 2023
by William Bock
Typical section of
@ 1126 feet of 6'
chain link fence



(Page left blank intentionally)

Documents Submitted By Fairfax County

(Page left blank intentionally)



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

June 23, 2023

BY EMAIL AND FIRST-CLASS MAIL

Virginia Technical Review Board
c/o Travis Luter, Secretary
Main Street Centre
600 E. Main Street
Suite 300
Richmond, VA 23219

RE: Appeal No. CDAPPL-2023-00001
Fairfax County Board of Building Code Appeals
Hearing Date: July 21, 2023

Mr. Luter,

My name is Patrick Foltz and my office represents the Property Maintenance Code Official. I'm writing to supplement this argument for the board package for the above appeal.

Mr. Bock owns two properties in the immediate vicinity of 2405 Parkers Lane. The first, the site of the deteriorating dwelling, is part of a much larger surrounding parcel, also owned by Mr. Bock. Please see the map attached to this letter.

The only issue appealed by Mr. Bock is whether the structure is sufficiently secured. The Property Maintenance Code Official's main concern is that the house, in its dangerous current condition, is not protected from access from the south. Twelve townhomes border the south line of the larger property and the only meaningful obstacles to accessing Mr. Bock's properties from the south are low chainlink and board-on-board residential-grade fences. Photos of some of these fences are enclosed. The Property Maintenance Code Official believes that it would be an easy matter for trespassers to access Mr. Bock's properties from the south by climbing those fences and then proceeding north and east across to access the deteriorating house.

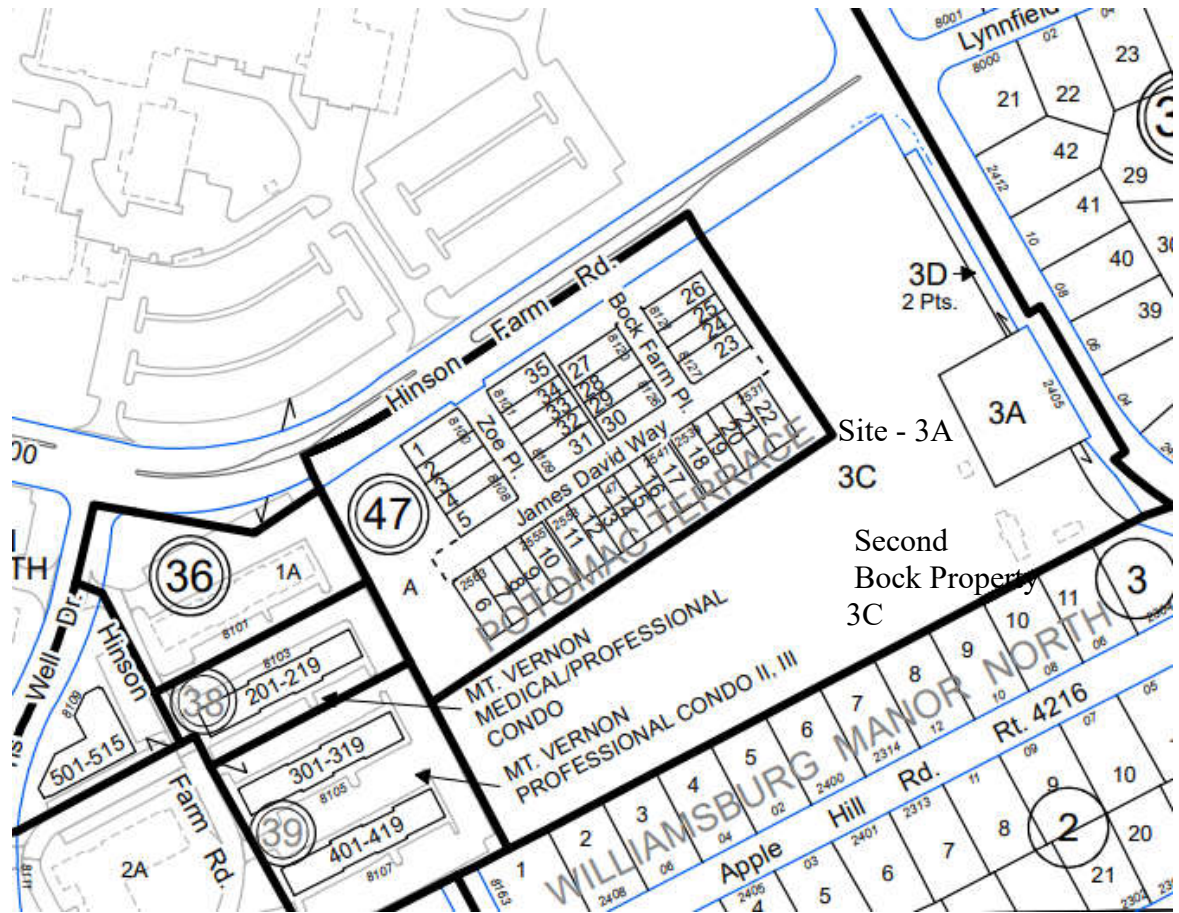
The Property Maintenance Code Official believes that reasonably securing this area requires fences at least 6' in height, or the same size as those protecting other borders of the property. I can be reached at the above number if I can be of further assistance.

Thank you,

Patrick V. Foltz

Attachment

2405 Parkers Lane and Vicinity





A Fairfax County, Virginia Publication



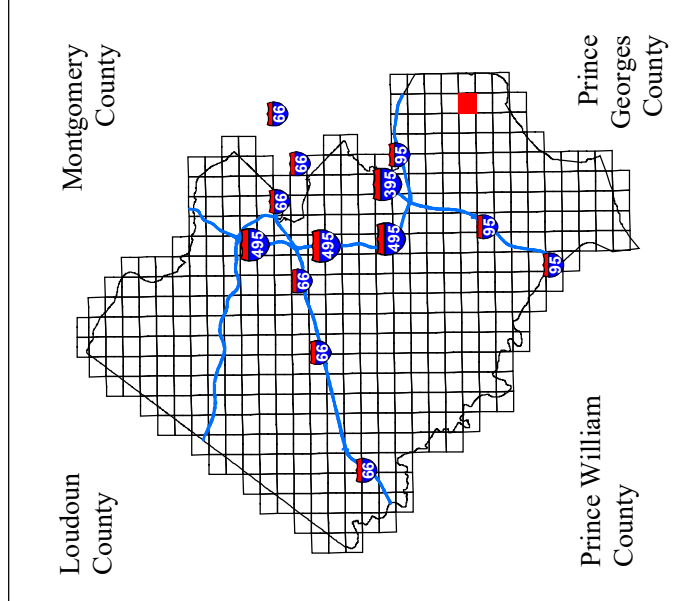
100 200 300 400 Feet

Map file is 50" X 70" based on USGS 1:24,000 scale
vertical datum is NAVD 83. The map was prepared using
the National Geographic Survey Network adjustment.
National Geographic Vertical Datum 1929

GENERAL NOTES

WARNING: CLAY BENEATH
The limits of the Marine Clay Deposits shown in this map are general and should not be used for design.

The information contained on this page is NOT to be construed as a warranty of accuracy or a representation of the information shown. It is provided for informational purposes only and shall not be used for design, construction, or other purposes. The County is not responsible for any errors or omissions in this information. The County is not responsible for any damage or injury resulting from the use of this information. The County is not responsible for any loss of data, loss of profit, business interruption, loss of business, or any other damages or losses resulting from the use of this information.



ADMINISTRATIVE INDEX

92-4	93-3	93-4
101-2	102-1	102-2
101-4	102-3	102-4

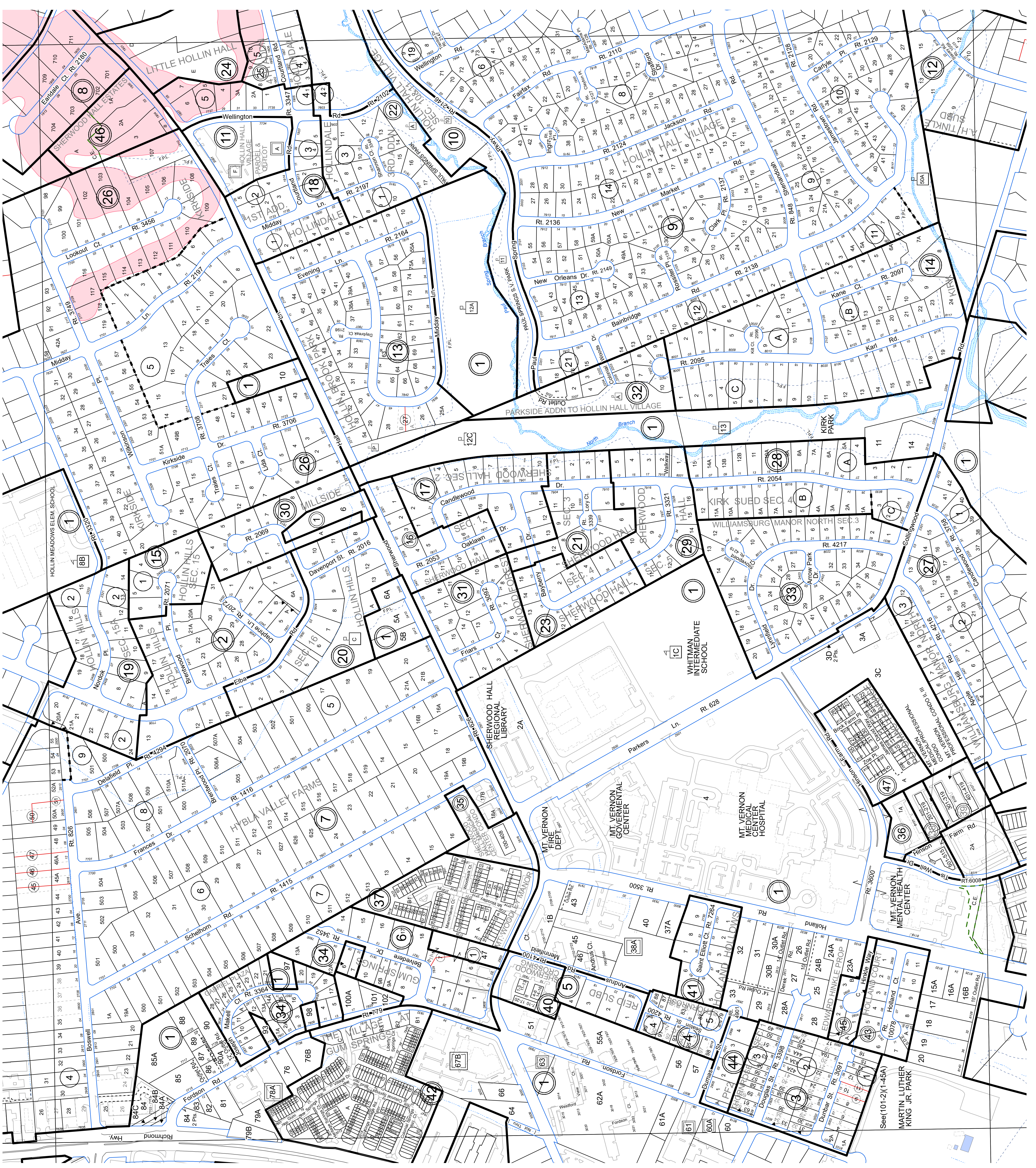
SHEET INDEX

CADASTRAL MAP

102-1

Revised to : 01 - 01 - 2023

Prepared by:
DEPARTMENT OF INFORMATION TECHNOLOGY
GIS and Mapping Services Branch
12000 Lee Highway, Suite 117
Fairfax, Virginia 22035-5010
(703) 324-2712
FAX (703) 324-3937
Email: gisinfo@fairfaxcounty.gov



Foltz, Patrick

From: Foltz, Patrick
Sent: Friday, April 21, 2023 12:09 PM
To: Zakkak, Gabriel M
Subject: Re: Contact Information for Fairfax County Maintenance Code Official

From: WILLIAM BOCK <wpbock@cox.net>
Sent: Wednesday, April 19, 2023 11:59 AM
To: Zakkak, Gabriel M <Gabriel.Zakkak@fairfaxcounty.gov>
Subject: Re: Contact Information for Fairfax County Maintenance Code Official

Good morning, Mr. Zakkak.

I appreciated your "Thanks for the "heads up." comment in your email from last Monday, but please rest assured, as a long term (and responsible) citizen of the County, I have always kept your staff fully informed.

As background, my family have been residents of the County since we arrived from Tokyo after military assignments in 7 states and four foreign countries (two in hostile fire zones). I well remember buying the first house we looked at, because I knew we would be here for only two years. That was 42 years ago, and, in that time, our two kids were fortunate to have been educated in Fairfax County grade, middle and

high schools and then able to go on to UVA, Florida State, Wake Forest School of Law and the London School of Economics. My wife Valerie had a full career and in my free time I volunteered for many County boards and work groups to include the Mount Vernon Visioning Task Force, Future of the old Mount Vernon High School, Zoning Review Boards, Storm Water Management Study Groups, etc. In fact, somewhere in the Department of Planning and Development files is a video of me discussing with a County planner the importance of County resident input to the planning, zoning and development process.

And now, pushing eighty years of age, I find myself in a major and personally frustrating and distressing contretemps with my County after having been served twice within 9 days by a Fairfax County Sheriff (and then twice again with duplicate registered letters) with Notices of Violation of the Virginia Maintenance code and Notices of Unsafe Structure.

I am questioning why I should be required within a period of just 30 days to bring up to occupancy standards a 118-year-old farmhouse (pictured in the attachment) which sits on our almost 8-acre quiet horse property. This is a house which has not been occupied for 9 years and 7 months, which will never be occupied, and which will be demolished when we sell the property in the near future just as 7 other 100 plus year-old structures were demolished when we sold a 4.38 acre of this property in 2019.

I have never argued about the Unsafe For Human Occupancy designation and maintenance violations but have pointed out that the structure, while it has certainly seen better days, is not unsafe to the public in that the old house's windows and doors are secured and chained; that it quite stately stands well off the street; that it is screened by vegetation, and it is securely situated behind a 6' tall chain link fence with locked gates which my wife and I enter three times daily to care for our horses. The house is empty, but it is not abandoned, it is not an eyesore according to our neighbor who lives directly across the street, and we want to keep it standing because the only source of water for our barns and fields is routed from the street and through the old house. This is the simple basis for my appeal effort.

It also appears that I will not be meeting with you in Richmond before the State Technical Review Board as we both received info copies of an email yesterday stating that Assistant County Attorney Patrick Foltz will be representing you.

As I mentioned previously, it pains me to be taking on my County with all its massive resources, but at this point my options are few. No one is willing to hear me out or even engage in a discussion at the local level other than through the formal appeal process and the train is obviously leaving the station.

Sincerely,

Bill Bock

----- Original Message -----

From: "Zakkak, Gabriel M" <Gabriel.Zakkak@fairfaxcounty.gov>
To: WILLIAM BOCK <wpbock@cox.net>
Cc: "Perrott, Rachael C" <Rachael.Perrott@fairfaxcounty.gov>, "Domin, David" <David.Domin@fairfaxcounty.gov>
Date: April 10, 2023 at 9:03 AM
Subject: RE: Contact Information For Fairfax County Property Maintenance Code Official

Mr. Bock,

Thank you for the heads up.

Gabriel M. Zakkak, Director

Department of Code Compliance

12055 Government Center Parkway, Suite 1016

Fairfax, VA 22035-5500

Main Office 703-324-1300

Direct 703-324-4044

Fax 703-653-1324

www.fairfaxcounty.gov/code

DCC Mission - To promote, protect and maintain a healthy and desirable living environment in Fairfax County.

From: WILLIAM BOCK <wpbock@cox.net>
Sent: Monday, April 10, 2023 8:34 AM
To: Zakkak, Gabriel M <Gabriel.Zakkak@fairfaxcounty.gov>
Cc: Perrott, Rachael C <Rachael.Perrott@fairfaxcounty.gov>; Domin, David <David.Domin@fairfaxcounty.gov>
Subject: Contact Information For Fairfax County Property Maintenance Code Official

Good morning, Mr. Zakkak,

The Virginia State Technical Review Board has requested that I provide contact information for Fairfax County's Property Maintenance Code Official as part of an appeal I have filed with their office and I have been advised that you are that person.

I just spoke with a very nice member of your office and was provided this information as to your contact information as the Fairfax County Property Maintenance Code Official.

Mr. Gabriel Zakkak

Director, Fairfax County Department of Code Compliance (DCC)

12055 Gov't Center Parkway, Suite 1016, Fairfax, VA 22035

Gabriel.Zakkak@fairfaxcounty.gov

703 324 1300

Thank you for your office's assistance with this matter and congratulations on your appointment as the Director of Office of Code Compliance (DCC).

Sincerely,

William P. Bock

2405 Parkers Ln

Alexandria, VA 22306

703 947 7133

<IMG_5325.jpg>



Photograph by: David Domin, Inspector
Virginia Maintenance Codes §§ 106, 202
Date: June 21, 2023



Photograph by: David Domin, Inspector
Virginia Maintenance Codes §§ 106, 202
Date: June 21, 2023



Photograph by: David Domin, Inspector
Virginia Maintenance Codes §§ 106, 202
Date: June 21, 2023



Photograph by: David Domin, Inspector
Virginia Maintenance Codes §§ 106, 202
Date: June 21, 2023



Photograph by: David Domin, Inspector
Virginia Maintenance Codes §§ 106, 202
Date: June 21, 2023



Photograph by: David Domin, Inspector
Virginia Maintenance Codes §§ 106, 202
Date: June 21, 2023

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
Appeal No. 23-03

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
Appeal No. 23-03

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 11, 2023, the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of the 2018 Virginia Uniform Statewide Building Code (Virginia Maintenance Code or VMC), denied the request for a temporary certification of occupancy for the residential structure, located at 7108 Centerville Road, in Fairfax County, owned by Lewis Washington (Washington).

2. Washington filed an appeal to the Fairfax County Board of Building Code Appeals (local appeals board). The first local appeals board hearing was held on May 10, 2023 where the local appeals board deferred action on the appeal. A second local appeals board hearing was held on June 14, 2023 and the local appeals board, with the Chair casting the deciding vote, approved the appeal and directed the County to issue a temporary certificate of occupancy with a 75-day deadline.

3. The County further appealed to the Review Board on July 6, 2023.

4. 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

(Page left blank intentionally)

the information distributed to the Review Board members for the appeal hearing before the Review Board.

Suggested Preliminary Issues for Resolution by the Review Board

1. Whether to uphold the county and overturn the local appeals board that a temporary certificate of occupancy should not be issued.

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Basic Documents

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Temp Cert of Occupancy - 7108 Centreville Road

FULLY COMPLETED
DECISION

From: Flynn, Rachel (rachel.flynn@fairfaxcounty.gov)

To: lwiii@bellsouth.net

Cc: william.hicks@fairfaxcounty.gov; jay.riat@fairfaxcounty.gov; helman.castro@fairfaxcounty.gov

Date: Tuesday, April 11, 2023 at 05:30 PM EDT

Lewis, Let me check with my colleagues in LDS.
Thx, Rachel

On Apr 11, 2023, at 5:04 PM, Lewis E. Washington, III <lwiii@bellsouth.net>

Ms. Flynn,

I think we last spoke around 5-4-2021. I'd like to see if you're available tomorrow to chat by phone regarding this thread? I've left 3-4 messages Mr. Riat over the past 2 weeks prior to the below request to confirm what's needed. I promise to be positive and provide the facts.

Maybe this was overlooked in the long chain of events, but:

1. My building inspector shared with us last year that if we got into a pinch, we could request temp occupancy. A couple weeks ago, I asked him which code was he referring to and he opened the Code book he carries and had me take a photo of it. (116.1.1)
2. The bank has provided 4 extensions to us as a result of both bank inspection issues with their hired inspector, contractor delays I have had, delays with supplies, etc... they informed me last Tuesday that no additional draws will be provided until we obtain temp occupancy.
3. 3/28 - my inspector checked the sewer tap and also did a courtesy house inspection, at that time he mentioned the rear sliding doors needed steps and railing, the railing to the second floor needed to be completed, and the garage needed railing also to block access where the potential retaining wall would go. He also created a courtesy routine ticket to list out all items (in total 16). **We completed 15 of the 16** (leaving two windows to the boys bedrooms remaining until HomeDepot delivered the ones ordered). He also spoke with Aaron Morgan that day who advised if we were seeking temp occupancy, in order to do so, I needed to purchase separation permits and include the following items:
 - Retaining Wall
 - Theater Room (wired, insulated, drywall and final electrical remaining)
 - Brick Veneer
 - 2 of the 6 bathrooms (bathrooms are complete, excluding shower tile and fixture)
4. 4/5 - a new inspector came, spoke with Aaron Morgan and asked me to complete the separation permit. I went to the County office, we conferenced in Nicole Mahon who had been conversing with Aaron prior to my arrival. We agreed coming out of the meeting that I would purchase temp windows and install them (as other contractors have done). I spent \$600+ on 4/6 at 6:30 a.m., contractor came at 9:30 a.m. and installed them.
5. 4/6 - another inspector came at 7:30 a.m. and reported back the windows were not in yet (see number 4 on what time they were purchased and installed). He added that the attic above the second floor needed to be insulated completely and plug abandoned 2" plumbing drains in the master where the wall mount sink drain required one instead of 2, and plug the wet bar drain until installed. **I called our insulation contractor, carpenter, and everyone was onsite within 2 hours and worked until 5:30 to address the new items requested.** Aaron called me around 11:52 and stated there was no way we could get to temp occupancy that day with site not coming out, gutters not installed (I pointed out to him that he asked me to do a separate permit for the bricks until completed, they're 70% done and gutters go on top of those, he then pointed to the retaining wall, which is also in a separate permit as requested.

Ms. Flynn the milestone shifts out further and further when we address what's been requested. Aside from the above hold by the bank, the owners of the townhome we were renting are selling the house. We vacated on 3/31 in anticipation of obtaining temp occupancy based on the representations made. I have had my family in a hotel since 3/31.

I don't think the request is out of the ordinary. It's listed in the VA Code. My inspector in fact mentioned that this comes up time to time when the banks are tightening their disbursements. Manassas and Winchester actually reference the same temp occupancy code in their guides; Winchester mentions:

"It is sometimes possible for the Building Official and Zoning Administrator to approve the temporary occupancy of a structure in accordance with Section 116.1.1 of the USBC. In order for a temporary CO to be considered, all portions of the structure to be occupied must not endanger life or public safety. This means that required fire alarms and fire suppression/sprinkler systems must be installed and pass field acceptance tests. Common areas, accessibility, and access/egress components including emergency & egress lighting are installed, inspected and approved. CUP conditions, if applicable, are inspected and approved. If a temporary occupancy will be issued, and outstanding site development items remain per the approved site plan, a bond may be required with the Zoning Administrator." [Link](#)

They talk about a bond may be required if outstanding site development items remain. In this case, my engineers are revising the plans to eliminate the retaining wall and grade the left side of the driveway 2:1, that site condition will be addressed upon completion of that revision. I also have \$7,000+ cash bond with Fairfax County.

I am hopeful this sheds some additional clarity on the request and surfaced up some of the content that may have been lost in threads. Without the temp occ, we will have to continue in limbo and actually doesn't help us the bank releasing the remaining disbursements. Hope we can come to a resolution that is win-win for both.

Thanks,

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net

----- Forwarded Message -----

From: Riat, Jay <jay.riat@fairfaxcounty.gov>

To: Lewis E. Washington, III <lwiii@bellsouth.net>

Cc: Flynn, Rachel <rachel.flynn@fairfaxcounty.gov>; Hicks, Bill <william.hicks@fairfaxcounty.gov>

Sent: Tuesday, April 11, 2023 at 03:03:06 PM EDT

Subject: RE: Temp Cert of Occupancy - 7108 Centreville Road

Code Official's Decision

Lewis,

Thank you for the email and for providing the context of the construction work at 7108 Centreville Rd. We are interested in assisting you towards completion of your home so you can occupy as soon as possible. We have considered your request for a temporary certificate of occupancy. Based on the incomplete site and building construction under the issued building permit, a temporary certificate of occupancy will not be issued.

Please do not hesitate to contact us if we can assist towards the completion of the construction work at this address.

Thank you.

Jay S. Riat, P.E., PMP, CBO

Director, Building Division

Building Official

Fairfax County – Land Development Services

12055 Government Center Parkway, Suite 312

Fairfax, Virginia 22035

fairfaxcounty.gov/buildingpermits

703-324-1017 703-609-0856

PLUS Release 4 successfully launched on October 31. Follow these links to learn more or start your application process.

- [Your LDS Guide to PLUS](#)
- [What is PLUS?](#)
- [Link directly to PLUS](#) to start applications, upload plans, schedule inspections, pay fees and more!



**BUILDING
DIVISION**

From: Lewis E. Washington, III <lwiii@bellsouth.net>

Sent: Monday, April 10, 2023 3:36 PM

To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Hicks, Bill <William.Hicks@fairfaxcounty.gov>

Cc: Flynn, Rachel <Rachel.Flynn@fairfaxcounty.gov>

Subject: Temp Cert of Occupancy - 7108 Centreville Road

Dear Mr. Riat / Mr. Hicks,

I am writing to request a 75 day temporary occupancy permit for the bedrooms, bathrooms, kitchen, and living rooms (collectively, the "living spaces") located at 7108 Centerville Road pursuant to Section 116.1.1 of VA Code of the home and structure as it currently sits. I am making this request as the permit holder because the portion of the structure I wish to occupy at may be occupied without endangering life or public safety.

As you know, Section 116.1.1 provides:

"Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety."

In making this request, I would like to bring to your attention the following facts to demonstrate that the Living Spaces do not endanger life or public safety.

First, this request relates solely to the Living Spaces and not other unfinished portions of the property. As you are aware, the area near the garage continues to be under construction and some soil/slope issues remain. Despite these ongoing projects, my occupancy request does not include the area near the garage, and the sloping issues are not life threatening. As requested, I have secured the garage area to satisfy the County that this area will not be occupied during the pendency of the temporary occupancy.

Second, the Living Spaces are themselves safe and have all standard utilities operational. Electricity works in all living space areas. Water runs in each sink, toilet, and washing area. Further, the living spaces have fully enclosed windows and roofing. All Living Spaces have compliant fire retardant systems, and no exposed electrical wiring or plumbing is present in any of them. I have also made the improvements the County previously requested, such as the installation of handrails on walking areas. I have attached videos and photos of each preceding representation for your convenience, and welcome the opportunity for the County to come and inspect for their own edification should there be any doubt as to safety.

Finally, the Living Spaces do not endanger public safety. 7108 Centerville is a detached residence; therefore no member of the public would be at risk for my occupancy of the Living Spaces. If requested, I would be happy to certify that no guests or invitees will be allowed on the premises until the County is satisfied with the remaining work projects to be done.

This request is particularly important to me as my family has been displaced from permanent housing while the work on our home has continued. At present, we are paying approximately \$1,000 a week for temporary housing; should this matter continue much longer, there is a substantial risk that we may be financially exhausted and unable to complete our dream home.

Select Link: [7108 Centerville Video & Photo of Living Space](#)

Many Thanks,

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwill@bellsouth.net



**BUILDING
DIVISION**



Record Summary Report

Record No.: CDAPPL-2023-00006
Date: 4/12/2023 2:52:10 PM

Code Appeal

Record Summary

Record Number: CDAPPL-2023-00006

Submittal Date: 04/12/2023

Issue Date: 04/12/2023

Type: Code Appeal

Expiration Date:

Project Name: Project Description: Appeal Building Official's denial on 4/11 of temp occupancy under code 116.1.1

Contact

Contact Type: Applicant

Full Name: LEWIS WASHINGTON

Organization Name:

Email: LWILL@BELLSOUTH.NET

Secondary Number:

Primary Number: 8042967531

Contact Address: 7108 CENTREVILLE ROAD, CENTREVILLE VA 20121

Address

Premise Address: 7108 CENTREVILLE RD
CENTREVILLE, VA 20121



Record Summary Report

Record No.: CDAPPPL-2023-00006
Date: 4/12/2023 2:52:10 PM

Parcel

PARCEL_NBR	LOI	BLOCK	SUBDIVISION	TOWNSHIP	RANGE	SECTION	LAND_VALUE	IMP_VALUE	AREA	PRIMARY
0741010003B1	0741 01	0003B1						913.00		Y

LEGAL DESCRIPTION: MANASSAS ROAD LOT 3B1

Owner

OWNER_NAME	OWNER_ADDRESS	CITY	STATE	ZIP	PHONE	PRIMARY
WASHINGTON LEWIS E III	3882 CENTRAL PLANK RD	WETUMPKA	AL	36092		Y



Record Summary Report

Record No.: CDAPPL-2023-00006
Date: 4/12/2023 2:52:10 PM

Application Specific Info

CODE APPEAL INFORMATION

Notice of Violation?: No

Is there a related record that you are appealing?: No

Appealed Code Deficiency Identified By: Owner

Code Edition: 2018 Virginia Construction Code

Design Deficiency Appealed: Section 116.1.1 provides:

"Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building of structure may be occupied safely prior to full completion

Decision Rendered By: Building Official

Date of Decision: 04/11/2023

OWNERS AGENT

Owner Agent: No

Application Specific Info Tables

GEOGRAPHIC INFORMATION



Record Summary Report

Record No.: CDAPPL-2023-00006
 Date: 4/12/2023 2:52:10 PM

Parcel Number	Attribute Name	Attribute Value	Last Refreshed On	Source
0741 01 0003B1	ZONING DISTRICT	R-C	04/12/2023	BLD.GISMGR .ZONING
0741 01 0003B1	FEMA FLOOD HAZARD AREAS	0.2 PCT ANNUAL CHANCE FLOOD HAZARD	04/12/2023	BLD.STWMG R.FEMA_FLO OD_HAZARD _AREAS
0741 01 0003B1	FLOODPLAIN NO		04/12/2023	BLD.GISMGR .FLOOD_PLA IN_RECORD ED
0741 01 0003B1	WATERSHED MANAGEMENT PLAN 100YEAR FLOODPLAIN	NO	04/12/2023	BLD.STWMG R.WATERSH ED_MGMT_P LAN_FLOOD PLAIN
0741 01 0003B1	ESTIMATED 70AC FLOODPLAIN	NO	04/12/2023	BLD.STWMG R.ESTIMATE D_FLOODPL AIN_70AC
0741 01 0003B1	AREA OF CONCERN	NO	04/12/2023	BLD.LDSAM GR.AREA_OF _CONCERN



Record Summary Report

Record No.: CDAPPL-2023-00006
 Date: 4/12/2023 2:52:10 PM

0741 01 0003B1	RESOURCE NO PROTECTIO N AREAS (CHESAPEAK E BAY PRES. AREA)	NO	04/12/2023	BLD.STWMG R.CHESAPEA KE_BAY_ARE AS
0741 01 0003B1	CONSERVAT ION EASEMENTS	NO	04/12/2023	BLD.GISMGR .EASEMENT
0741 01 0003B1	WATERSHED S	Cub Run	04/12/2023	BLD.STWMG R.WATERSH EDS_WMP
0741 01 0003B1	SEWERSHED S	CUB RUN	04/12/2023	BLD.WWMM GR.SEWERS HED
0741 01 0003B1	OVERLAY DISTRICTS	WATER SUPPLY PROTECTIO N	04/12/2023	BLD.GISMGR .OVERLAY_D ISTRICTS
0741 01 0003B1	SOILS (2018)	2;30;80	04/12/2023	BLD.NVSWC DMGR.SOIL_ LINES
0741 01 0003B1	REVIEW JURISDICTI ON	Fairfax County	04/12/2023	BLD.SEWER_ REVIEW_AR EAS
0741 01 0003B1	ASBESTOS SOILS	NO	04/12/2023	BLD.NVSWC DMGR.ASBE STOS_SOIL



Record Summary Report

Record No.: CDAPPL-2023-00006
 Date: 4/12/2023 2:52:10 PM

0741 01 0003B1	LDS CROSS CONNECTIO N INSPECTION AREAS	XCG	04/12/2023	BLD.LDSAM GR.CROSS_C ONN_INSPE CTION_ARE AS
0741 01 0003B1	EASEMENT TYPE	SANITARY SEWER	04/12/2023	BLD.GISMGR .EASEMENTS
0741 01 0003B1	EASEMENT TYPE CAT	STORM DRAINAGE/ STORMWAT ER MANAGMEN T	04/12/2023	BLD.STWMG R.STW_EASE MENT_POLY GONS
0741 01 0003B1	SEWER/SEP TIC	SA	04/12/2023	APO-Parcel
0741 01 0003B1	LEGAL DESCRIPTIO N	MANASSAS ROAD LOT 3B1	04/12/2023	APO-Parcel
0741 01 0003B1	PUBLIC/WEL L	WA	04/12/2023	APO-Parcel



Record Summary Report

Record No.: CDAPPL-2023-00006
Date: 4/12/2023 2:52:10 PM

Workflow

TASK	STATUS	STATUS DATE	ACTION BY	ASSIGN DATE	ASSIGN TO	COMMENTS
------	--------	-------------	-----------	-------------	-----------	----------

4/12/2023

Application Submittal
Prepare for Hearing
Hearing
Close Out

Documents

DOCUMENT	CATEGORY	DESCRIPTION	STATUS	UPLOAD DATE
003_SITE GRADING PLAN REV 3 (3).pdf	Plans	Site Plans that were referenced during 1 hour call with Site concerning a retaining wall the plans will have removed.	Uploaded	4/12/2023 2:51:22 PM
AT&T Yahoo Mail - Temp Cert of Occupancy - 7108 Centreville Road.pdf	Supporting Document	Communication thread regarding request and denial by Building Official.	Uploaded	4/12/2023 2:51:23 PM



Building Code Appeal Request

PROJECT INFORMATION

Project Name: 7108 CENTREVILLE RD CENTREVILLE, VA 20121

Project Address: 7108 CENTREVILLE RD CENTREVILLE, VA 20121

Permit or case number: CDAPPL-2023-00006

Tax map number: 0741010003B1

APPLICANT INFORMATION

Applicant Name: LEWIS WASHINGTON

Address: 7108 CENTREVILLE ROAD

City: CENTREVILLE

State: VA

Zip: 20121

Phone: 804-296-7531

Email: LWIII@BELLSOUTH.NET

OWNER INFORMATION

Owner Name: Washington Lewis E Iii

Address: 7108 CENTREVILLE RD

City: CENTREVILLE

State: VA

Zip: 20121

Phone: _____

Email: _____

APPEAL INFORMATION

Appealing decision made on the date of by Building Official Fire Official Property Maintenance Official
rendered on the following date: 04/11/2023

Code(s) (IBC, IMC, IPMC, etc.) and year-edition: 2018 Virginia Construction Code

Section(s): _____

REQUEST / SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision:

Section 116.1.1 provides:

"Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion

RESOLUTION

WHEREAS the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Virginia Construction Code (VCC) – Uniform Statewide Building Code (Part I), 2018 Edition;

and

WHEREAS an appeal was filed and brought to the attention of the Board; and
WHEREAS a hearing has been duly held to consider the aforementioned appeal; and
WHEREAS, the Board has fully deliberated this matter; now, therefore, be it

RESOLVED, that in the matter of

Appeal No. CDAPPL-2023-00006

In RE: Fairfax County Department of Land Development Services (LDS) v. Lewis Washington

The appeal is approved (3-2-0)

All parties to the appeal agreed that the structure now complies with the USBC, with the remaining issues being site-related and associated with grading adjacent to the garage and the current condition of the driveway from the street apron to the home. The basis for the appeal and request for a temporary occupancy permit is contained in Section 116.1.1 of the USBC. The metric in that section of the code, and the basis for the Board’s deliberations, focused on the whether the building could be occupied safely without endangering public safety. Based on the information provided the Board, in approving the appeal, felt that criterion in the USBC had been satisfied.

FURTHER, be it known that:

1. This decision is solely for this case and its surrounding circumstances.
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear.

06/16/2023 | 14:47:08 EDT

Date: June 14, 2023

Signature: *Dave Conover*
Chairman, Board of Building Code Appeals

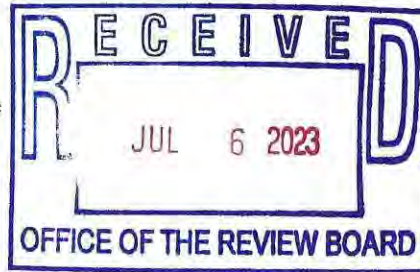
Note: Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219 or by calling 804.371.7150.

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):

- IX) Uniform Statewide Building Code
 E 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):

Jay Riat, Building Official for Fairfax County
12055 Government Center Parkway, Suite 312
Fairfax, Virginia 22035
703-324-1017 jay.riat@fairfaxcounty.gov

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

Lewis Washington
7108 Centreville Road
Centreville, VA 20121
804 296-7531 LWIII@bellsouth.net

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 5th day of July, 2023, 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: Jay S. Riat

Name of Applicant: Jay Riat, Building Official for Fairfax County
(please print or type)



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

July 5, 2023

BY FIRST-CLASS MAIL

W. Travis Luter, Sr.

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

Phone: 04-371-7163

travis.luter@dhcd.virginia.gov

**RE: Appeal from the Fairfax County Local Board of Building Code Appeals
Lewis Washington
7108 Centreville Road**

Mr. Luter,

My name is Patrick Foltz and my office represents Jay Riat, the Building Code Official for Fairfax County. I'm writing to state the grounds for an appeal from the June 14th, 2023 decision of the Fairfax Local Board of Building Code Appeals. The Board sent its resolution to the parties on June 20th.

This appeal concerns the Building Official's denial of a temporary occupancy permit on April 11, 2023. On April 10, 2023, Appellant Lewis Washington requested approval of a 75-day temporary occupancy permit for the completed living spaces at 7108 Centreville Road in Fairfax County. Mr. Washington acknowledged the incompleteness of the construction of the building and site; however, he has pointed to Section 116.1.1 of the Virginia Construction Code to obtain temporary occupancy of the completed portions of the home:

116.1.1 Temporary certificate of occupancy.

Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building of structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety.

Mr. Washington has stated to staff that there is no danger to life or public safety and he should be allowed to occupy the incomplete home. At the time of his request, a final inspection had not been approved and many building and site deficiencies existed. Mr. Washington acknowledged that the permitted work was not complete and asked the Building Official to waive the requirements of 116.1. While the Building Official previously approved temporary

occupancy permits for larger commercial and multifamily structures, staff had no record of any such request being granted for a single-family detached dwelling. As a result, the Building Official denied Mr. Washington's request for a temporary occupancy permit, from which Mr. Washington appealed.

On May 10, 2023, the Local Board of Building Code appeals heard evidence and argument on Mr. Washington's appeal and deferred the matter until June 14th, 2023. The Board heard evidence from Mr. Washington that all the outstanding safety-related issues cited by County staff had been addressed – however, Mr. Washington also admitted that inspections of that work had not been carried out. The parties met after the hearing to plan inspections of the work and, between May 10th and June 14th, Mr. Washington resolved the safety deficiencies in the main structure. Site deficiencies remained, however, including a missing apron between the road and the driveway and a yard area that had not been sodded or seeded. Importantly, Mr. Washington did not make any new or separate request for a temporary occupancy permit based on the improved condition of the overall site.

On June 14th, 2023, Mr. Washington again asked the Board to force the Building Official to issue a temporary occupancy permit. A divided Board found that, “[b]ased on the information provided the Board, in approving the appeal, [the Board] felt that criterion in the USBC had been satisfied.”

The Building Official appeals this decision based on several grounds. First, as a matter of procedure, the Board did not, in its final decision, consider the condition of the Property on April 10, 2023 – rather, it ruled based on evidence of the condition of the Property on June 14th. The Board is limited to the appeals procedures as stated in the Building Code – the Board is not empowered to conduct its own investigation of an issue and the substitute its judgment for that of the Building Official. By holding the appeal open on May 12 and considering new information on June 14th, the Board essentially undertook its own investigation and improperly exercised its own discretion instead.

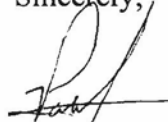
Second, Section 116.1.1 applies to portions of a building and not to a fully completed building. Section 116.1.1 states that a temporary certificate “may be issued before completion of the work...provided that such portion or portions of a building may be occupied safely prior to full completion of the building.” Mr. Washington does not propose to inhabit a portion of his detached residential structure – rather, he proposes to move his family into a finished building on an unfinished site. His proper remedy is to finish the site work, pass a final inspection, and move in after the issuance of a final occupancy permit. Under the LBBCA's decision, the Building Official is left without an effective practical way to ensure that the site is finished. This outcome misapplies Section 116.1.1 and defeats the spirit of the exception.

Third, neither Mr. Washington nor the Local Board of Building Code Appeals can compel the Building Official to issue a temporary certificate of occupancy. As indicated by the word “may” in Section 116.1, the authority conferred by the Building Code exists to permit the Building Code Official to avoid a wasteful or inefficient situation. It does not confer a right on

a permit holder to compel a temporary certificate of occupancy before the building or the site is finished.

For these reasons, and those that may be supplemented at a later date, the Building Official asks the Technical Review Board to overturn the decision of the LBBCA and reinstate the decision of the Building Official.

Sincerely,



Patrick V. Foltz

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Documents Submitted By Fairfax County

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Foltz, Patrick

From: Guerra-Moran, Carla C.
Sent: Tuesday, June 20, 2023 11:17 AM
To: Riat, Jay
Cc: Foltz, Patrick; Hicks, Bill; Willham, Dan; Hansen, Matthew
Subject: BBCA June 14, 2023 - Resolution - CDAPPL-2023-00006 - 7108 Centreville Rd
Attachments: Resolution - CDAPPL-2023-00006 - 7108 Centreville Rd (continuation).pdf

Good morning Jay,
Please see attached.

Best Regards,
Carla
Carla Guerra-Moran
Secretary to the Board of Building Code Appeals
Carla.Guerra-Moran@fairfaxcounty.gov
12055 Government Center Parkway, Suite 334
Fairfax, VA 22035
571-585-4698



Ineffective construction entrance



Unmaintained/ineffective super silt fencing



Unmaintained/ineffective super silt fencing



Stockpile not stabilized or protected



Damaged/uninstalled super silt fencing



Incorrectly installed super silt fencing, not trenched in at bottom



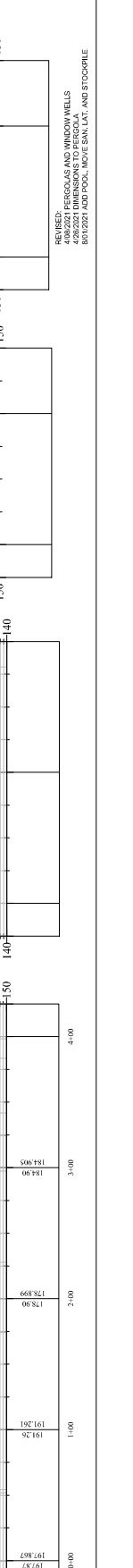
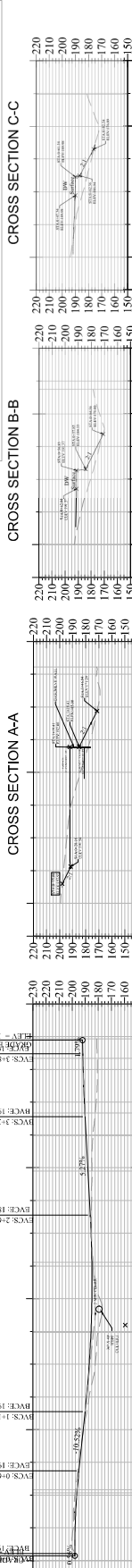
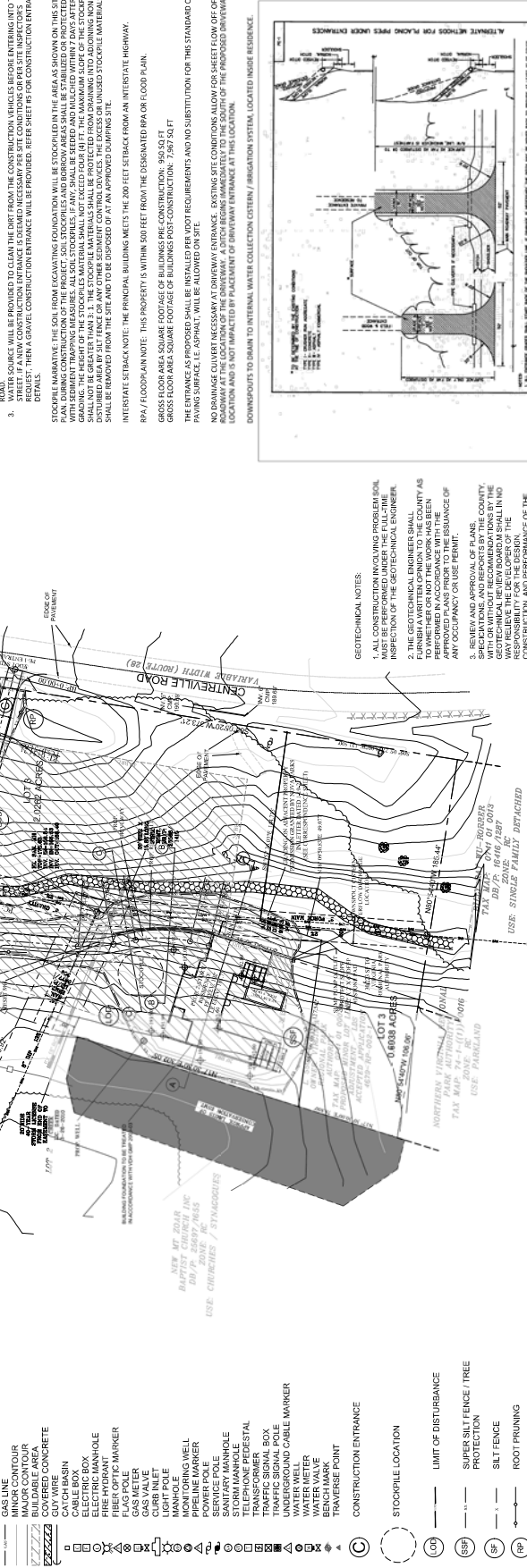
Unmaintained/ineffective super silt fencing, construction debris outside limits of disturbance in tree protection area.



Unmaintained/ineffective super silt fencing

LEGEND

- AE - AERIAL EASEMENT
- BL - BUILDING RESTRICTION LINE
- BUD - BUILDING
- BUDG - BLDG. FOUNDATION
- ESMT - EASEMENT
- DWY - DRIVEWAY
- CON - CONCRETE
- IP - IRON PIPE OR ROD SET
- PK - PK NAIL SET
- PHS - POINT OF BEGINNING
- POC - POINT OF COMMENCING
- ROW - RIGHT OF WAY (S)
- SF - SQUARE FEET
- UE - UTILITY EASEMENT
- PL - PROPERTY LINE
- RL - ROW LINE
- BE - BASELINE
- W - WETLAND LIMITS
- EL - ELECTRICAL LINE
- GL - GAS CONDUIT
- MC - MINOR CONTOUR
- MA - MAJOR CONTOUR
- CC - COVERED CONCRETE
- CB - CABLE BOX
- EB - ELECTRIC BOX
- EM - ELECTRIC MANHOLE
- FO - FIBER OPTIC MARKER
- FL - FLAG POLE
- GI - GAS VALVE
- CI - CURB INLET
- MI - MONITORING WELL
- PM - PIPELINE MARKER
- SP - SERVICE POLE
- SM - SANITARY MANHOLE
- TR - TRANSFORMER
- TRP - TRAFFIC SIGNAL POLE
- TRF - TRAFFIC SIGNAL POLE
- UC - UNDERGROUND CABLE MARKER
- WV - WATER VALVE
- WM - WATER MARK
- BM - BENCH MARK
- TP - TRAVERSE POINT
- CE - CONSTRUCTION ENTRANCE
- SL - STOCKPILE LOCATION
- LD - LIMIT OF DISTURBANCE
- SP - SILT FENCE / TREE PROTECTION
- SI - SILT FENCE
- RP - ROOT PRUNING



RETAINING WALL HEIGHT TABULATION

DRIVEWAY STATION	TOP OF WALL ELEVATION (FT)	BASE ELEVATION (FT)	EXPOSED SURFACE WALL HEIGHT (FT)
3+76	190.68	185.00	5.68
3+78	191.65	185.00	6.65
3+79	192.00	185.00	7.00

CUMBERT RAVA
DB/ZONE: 0718
USE: SINGLE FAMILY DETACHED

REAR YARD: 21,900 SQ FT
TOTAL COVERAGE: 490 SQ FT
% OF REAR YARD: 95073.90 X 100
= 43.38% REAR YARD

WATER HOUSE CONNECTION NOTE: THIS HOUSE WILL BE SERVICED BY WELL
SHE (SEWER HOUSE CONNECTION) NOTE: THIS HOUSE WILL BE SERVICED BY PUBLIC SEWER

CONSTRUCTION ENTRANCE NOTE:
1. THE PROPOSED CONSTRUCTION ENTRANCE SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.
2. THE PROPOSED CONSTRUCTION ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.
3. THE PROPOSED CONSTRUCTION ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.

STOCKPILE NARRATIVE: THE SOIL FROM EXCAVATING FOUNDATION WILL BE STOCKPILED IN THE AREA AS SHOWN ON THIS SHEET WITH SEDIMENT TRAPPING MEASURES. ALL SOIL STOCKPILES, IF ANY, SHALL BE SEED AND MULCHED WITHIN 7 DAYS AFTER GRADING. THE HEIGHT OF THE STOCKPILES SHALL NOT EXCEED 5 FEET (5) FT. THE MAXIMUM SCOUR OF THE STOCKPILES SHALL BE 10 FEET (10) FT. THE STOCKPILES SHALL BE LOCATED IN THE AREA AS SHOWN ON THIS SHEET. EXCESS OR UNUSED STOCKPILE MATERIALS SHALL BE REMOVED FROM THE SITE AND TO BE DISPOSED OF AT AN APPROVED DUMPING SITE.

INTERSTATE SETBACK NOTE: THE PRINCIPAL BUILDING MEETS THE 200 FEET SETBACK FROM AN INTERSTATE HIGHWAY.
RAV FLOODPLAIN NOTE: THIS PROPERTY IS WITHIN 500 FEET FROM THE DESIGNATED RAV OR FLOOD PLAIN.
GROSS FLOOR AREA SQUARE FOOTAGE OF BUILDINGS PRE-CONSTRUCTION: 900 SQ FT
GROSS FLOOR AREA SQUARE FOOTAGE OF BUILDINGS POST-CONSTRUCTION: 7,867 SQ FT

THE ENTRANCE AS PROPOSED SHALL BE INSTALLED PER FOOT REQUIREMENTS AND NO SUBSTITUTION FOR THIS STANDARD OR PAVING SURFACE, I.E. ASPHALT, WILL BE ALLOWED ON SITE.
NO DRAINAGE CURLENT NECESSARY AT DRIVEWAY ENTRANCE. EXISTING SITE CONDITIONS ALLOW FOR SHEET FLOW OFF OF THE DRIVEWAY ENTRANCE. THE DRIVEWAY ENTRANCE SHALL BE LOCATED IN THE AREA AS SHOWN ON THIS SHEET. THE PROPOSED DRIVEWAY LOCATION AND IS NOT IMPACTED BY PLACEMENT OF DRIVEWAY ENTRANCE AT THIS LOCATION.
DOWNPOUTS TO DRAIN TO INTERNAL WATER COLLECTION SYSTEM / IRRIGATION SYSTEM, LOCATED INSIDE RESIDENCE.

GEOTECHNICAL NOTES:
1. ALL CONSTRUCTION INVOLVING PROBLEM SOIL MUST BE PERFORMED UNDER THE FULL-TIME INSPECTION OF THE GEOTECHNICAL ENGINEER.
2. THE GEOTECHNICAL ENGINEER SHALL BE RESPONSIBLE TO THE OWNER FOR THE DESIGN OF THE PROPOSED DRIVEWAY ENTRANCE AND SHALL BE RESPONSIBLE FOR THE DESIGN OF THE CONSTRUCTION AND PERFORMANCE OF THE PROJECT AND DAMAGE TO SURROUNDING PROPERTIES.
3. REVIEW AND APPROVAL OF PLANS, SPECIFICATIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL REVIEW BOARD SHALL IN NO WAY BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND PERFORMANCE OF THE PROJECT AND DAMAGE TO SURROUNDING PROPERTIES.

REVIEW AND APPROVAL OF PLANS, SPECIFICATIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL REVIEW BOARD SHALL IN NO WAY BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND PERFORMANCE OF THE PROJECT AND DAMAGE TO SURROUNDING PROPERTIES.

STANDARD PRIVATE ENTRANCES
1. THE PROPOSED DRIVEWAY ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.
2. THE PROPOSED DRIVEWAY ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.
3. THE PROPOSED DRIVEWAY ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.

ALTERNATE METHODS FOR PLACING PILES UNDER ENTRANCES
1. THE PROPOSED DRIVEWAY ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.
2. THE PROPOSED DRIVEWAY ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.
3. THE PROPOSED DRIVEWAY ENTRANCE SHALL BE 10 FEET WIDE AND SHALL BE LOCATED ON THE EAST SIDE OF THE PROPOSED DRIVEWAY ENRANCE ON CENTERVILLE ROAD.

1/2" = 10' GRAPHIC SCALE
1" = 40' FEET

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Foltz, Patrick

From: Hansen, Matthew
Sent: Wednesday, May 17, 2023 1:55 PM
To: Foltz, Patrick; Hicks, Bill
Cc: Zhang, Bin
Subject: FW: Erosion and sediment control issues 7108 Centreville Road 600-INF-003-3
Attachments: 2023-05-04 Erosion and Sediment Control Report.pdf

Update:

We conducted an E&S inspection today. Apparently, the owners were not present. Pictures are in the folder below.

[\\fxsharev01\dpwes\LDS\Divisions & Branches\SDID\SDID Inspectors\North Branch Inspectors\John C\! Minor Plans\(INF,CON,RGP,MSP\)\CENTREVILLE RD 7108 - 600-INF-003\Photos\2023-05-17](#)

We will assess compliance with the attached inspection report from 5/4/23 and respond appropriately to seek compliance.

From: Chea, Nak <Vadhanak.Chea@fairfaxcounty.gov>
Sent: Wednesday, May 17, 2023 1:41 PM
To: Hansen, Matthew <Matthew.Hansen@fairfaxcounty.gov>
Subject: RE: Erosion and sediment control issues 7108 Centreville Road 600-INF-003-3

[J:\LDS\Divisions & Branches\SDID\SDID Inspectors\North Branch Inspectors\John C\! Minor Plans\(INF,CON,RGP,MSP\)\CENTREVILLE RD 7108 - 600-INF-003](#)

Has all the emails that we've had with him that I know of within a subfolder.

E&S issues been on going, as stated prior we were trying to be lenient to their situation but comes a time that we have to do our jobs.

From: Chea, Nak
Sent: Wednesday, May 17, 2023 1:38 PM
To: Hansen, Matthew <Matthew.Hansen@fairfaxcounty.gov>
Subject: FW: Erosion and sediment control issues 7108 Centreville Road 600-INF-003-3

From: Christ, John <John.Christ@fairfaxcounty.gov>
Sent: Thursday, May 11, 2023 10:09 AM
To: Lewis Washington <lwiii@bellsouth.net>
Cc: Chea, Nak <Vadhanak.Chea@fairfaxcounty.gov>; Timbers, Joseph G. <Joseph.Timbers@fairfaxcounty.gov>
Subject: Erosion and sediment control issues 7108 Centreville Road 600-INF-003-3

Good morning,

During the site inspection on 05/04/2023 the following Erosion and Sediment control issues were noted:

- 1) The construction entrance must be reinstalled or repaired per the approved plans as the existing one is filled with soil and ineffective. Super Silt fence must be run up to the apron as per the approved plan.
- 2) There are multiple sections of damaged, ineffective, or improperly installed perimeter erosion control measures. Super Silt fencing must be installed where indicated on the approved plans. Any damaged, ineffective, or improperly installed fencing must be repaired or replaced. Follow *the Super Silt Fence* detail and notes on sheet 5, specifying embedment at bottom, lapping requirements and when to remove sediment build up against fence. Any soil, stone, or other debris that has entered the tree preservation area must be removed by hand and disturbed areas stabilized immediately.
- 3) No stabilization present on-site. There are areas at final grade and areas that are not at final grade, but which have been inactive for more than 14 days. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.
- 4) The soil stockpile must be protected or stabilized. During construction of the project, soil stockpiles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.
- 5) Tree protection signage must be installed per *Tree Preservation Signage Detail* on sheet 10.
- 6) Any debris must be removed from the tree protection area, including sections of removed trees. On this project, the Limits of Disturbance and delineation of the Tree Protection Area are the same. The permittee should actively monitor the construction site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within areas shown to be preserved outside of the limits of clearing.

As the last site visit was cut short, this list may not be exhaustive. The photos provided are only examples and do not show every instance where corrective action is required. Review the approved site plan and field conditions to locate any possible issues. The deficiencies noted above must be corrected by end of day Tuesday, 5-16-23.

Please refer to the following from the Code of Virginia Stormwater Management Act and Erosion and Sediment Control Law regarding site access:

§ 62.1-44.15:60. Right of entry

The Department, the VESCP authority, where authorized to enforce this article, or any duly authorized agent of the Department or such VESCP authority may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VESCP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the permit Erosion and Sediment Control Law conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

§ 62.1-44.15:39. Right of entry.

The Department, the VSMP authority, where authorized to enforce this article, any duly authorized agent of the Department or VSMP authority, or any locality that is the operator of a regulated municipal separate storm sewer system may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. For operators of municipal separate storm sewer systems, this authority shall apply only to those properties from which a discharge enters their municipal separate storm sewer systems.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VSMP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the

permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

John Christ

Senior Engineering Inspector
Land Development Services
Site Development and Inspections Division
703-324-4095

Quick links to help you navigate Land Development Services (LDS):

- [LDS Permit Library](#) – See all the permit and record types available through LDS (updates ongoing).
- [LDS PLUS Support](#) – For questions about using the Planning and Land Use System (PLUS), including FAQs and how-to videos.
- [Schedule a Virtual Appointment](#) – Sign up for one-on-one support from LDS staff.
- Walk-in customer support also available in the Herrity Building. [Learn more.](#)

Foltz, Patrick

From: Guerra-Moran, Carla C.
Sent: Wednesday, May 17, 2023 9:40 AM
To: Dave; George Page; Michael R. Sanio (Michael.R.Sanio@Gmail.com); Rob Fisher
Cc: Foltz, Patrick; Riat, Jay; Willham, Dan
Subject: FW: BBCA - May 10, 2023 - Resolution - CDAPPL-2023-00006 - 7108 Centreville Rd
Attachments: Board Request for decision_05_17.pdf; Letter from Appellant to Building Official_05_16.pdf; County Denial Email - 5_11.pdf; County Interpretation-04_13.pdf; 7108 Centreville rd - Position letter(PVM and JSR Revisions) (1).docx

Good morning,
Please see Mr. Washington's request and advise.
Thank you,
Carla

From: Lewis E. Washington, III <lwiii@bellsouth.net>
Sent: Wednesday, May 17, 2023 8:30 AM
To: Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>
Subject: Re: BBCA - May 10, 2023 - Resolution - CDAPPL-2023-00006 - 7108 Centreville Rd

Mr. Guerra-Moran,

Please see attached request to the board with attachments.

If this is not the proper procedure or request and State Technical Review is appropriate, please let me know.

Thanks,

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net

On Monday, May 15, 2023 at 10:06:22 AM EDT, Guerra-Moran, Carla C. <carla.guerra-moran@fairfaxcounty.gov> wrote:

Dear Mr. Washington,

Please see attached.

Best Regards,

Carla

Carla Guerra-Moran

Secretary to the Board of Building Code Appeals

Carla.Guerra-Moran@fairfaxcounty.gov

12055 Government Center Parkway, Suite 334

Fairfax, VA 22035

571-585-4698

Lewis E. Washington, III

7108 Centreville Road • Centreville, VA 20121

P: 804.296.7531 E: Lwiii@bellsouth.net

May 17, 2023

Fairfax County Board of Building Code Appeals

Appeal No. CDAPPL-2023-0006

In re: Fairfax County Department of Land Development Services (LDS) v. Lewis Washington

Dear Board of Building Code Appeals,

This communication is being submitted on behalf of the appellant, Lewis Washington regarding the hearing held on May 10, 2023 concerning the Building Officials interpretation of VA Code 116.1.1. The outcome of that hearing was a deferred decision in hopes that Fairfax County and the appellant would resolve the issues. The appellant hereby requests an expedited review and moves the Board to visit the deferred decision and grant his appeal.

The Building Official provided a position statement (attached) and summarily stated, “A ***final inspection has not been approved...many building and site deficiencies are present...permitted work is not complete...previously approved for larger commercial and multifamily structures...*” In the same letter, the Building Official provided inspection results from “April 12” for building and site on pages 2 through 3 and April 20 and that “Mr. Washington’s representations that site and house are safe do not solve or address the deficiencies staff has already identified.”**

Counsel for the appellant provided an overview at the hearing in the appellant’s position that the temp occupancy code does not account for site work as indicated in the County’s list of ‘deficiencies’ and stated that the building or portions thereof are safe to occupy, the funding institution for the construction has halted funds for draws until occupancy of some sort is provided, the appellant has exhausted his funds from savings and residing at a hotel with his family, and the new home has been burglarized three times over the course of 10 days.

The appellant testified that building deficiencies noted in the County’s position statement were actually from the building inspector, Johnny Vanoy on March 28, 2023 (attached) and mitigated prior to his request for temp occupancy on April 10th and that in the inspection results from April 20th, none of those items were re-listed, but different small punch list items were (see page 4 of Building Official’s Position Letter). The appellant’s counsel also read into the record commentary from the ICC supporting their position and contrary to the building officials interpretation, “*The building official is permitted to issue a temporary certificate of occupancy for all or a portion of a building prior to the completion of all work. Such certification is to be issued only when the building or portion in question can be safely occupied prior to full completion. The certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. This provision precludes the occupancy of a building or structure that does not contain all of the required fire protection systems and means of egress. Temporary certificates should be issued only when incidental construction remains, such as site work and interior work that is not regulated by the code and exterior decoration not necessary to the integrity of the building envelope.*”

Lewis E. Washington, III

7108 Centreville Road • Centreville, VA 20121

P: 804.296.7531 E: Lwiii@bellsouth.net

At the conclusion of the hearing, Counsel for the appellant, appellant, counsel for the County, and Building Official met and agreed to have an inspector visit and re-verify the completion of the Building results from March 28 and April 20. All of those were verified to be completed. The building inspector then provided new items, not relevant to the results listed in the position statement OR dependencies for temp occupancy that the appellant again mitigated that same day at an additional expense of nearly \$4,000. On Friday, the building inspector verified those were completed, added 3 more items, and spoke with the Health Department's supervisor (Greg Garver) who confirmed the "water is safe for drinking, working properly, but before I can mark approval in the system, we are awaiting the last GW2 from the Well Company who installed the pump".

We respectfully request the Board grant the appeal with regard to the interpretation the appellant has testified to, aligned with the ICC's commentary, neighboring cities (Alexandria, Manassas) and Winchester, and direct the Building Official to grant the temporary certificate of occupancy. Without this in place, the appellant's funding institution will close the remaining draws entirely, the appellant will continue to be burdened living from a hotel while paying the mortgage and attempting to pay for construction from his limited income.

ATTACHMENTS:

- 1- Email to Mr. Riat 5/16/2023
- 2- County Position Statement 5/9/2023
- 3- County Denial Email 4/11/2023
- 4- County Interpretation of Temp Occupancy 04/13/2023

Respectfully submitted,

Lewis Washington

Lewis E. Washington, III

7108 Centreville Road • Centreville, VA 20121

P: 804.296.7531 E: Lwiii@bellsouth.net

5/11 Results	5/12 Results	5/16 Results	Owner Notes
<ul style="list-style-type: none"> 1- Egress windows x2 upper level to small. 2- Jack and Jill bath □eparation plumbing permit 3- Fall protection bedroom #4 4- add 2x4 Smoke/co detectors outside of sleeping areas 1 upper level hallways 5- Bath fan master must be listed for shower location and Gfci protected. 6- Gfci protection for unfinished theater room 7- Set fire door at theater room 8- Missing hearth extension at fireplace 9- Disconnect circuits for outdoor units or terminate in junction boxes 10- Secure the end of soffit as shown 11- Need final approval 	<ul style="list-style-type: none"> 1- Bath fan master shower location must be Gfci protected. 2- Gfci protection for unfinished theater room 3- Set fire door at the after room 4- Disconnect circuits for outdoor units or terminate in junction boxes 5- Secure the end of soffit as shown 6- Well sign off ?? 	<ul style="list-style-type: none"> 1- No power at some receptacles in master bedroom. 2- Need GFCI protection at the theater Room and install cover plates. 3- Well sign off??? 	<ul style="list-style-type: none"> • Electrician worked 5 hours 5/14 to connect shower fan to AFCI / GFCI breaker and must have disconnected something to master bedroom, this problem was not prevalent prior to 5/14 • Theater room GFCI was addressed, however a separate safe room in the rear is on a different circuit and according to inspector needs a GFCI receptacle on it, plus all outlets need cover? (this room now has a steel door on it with key lock and is already on a separation permit to be completed later)e

Lewis E. Washington, III

7108 Centreville Road • Centreville, VA 20121

P: 804.296.7531 E: Lwiii@bellsouth.net

1 week expenses from inspection plus displacement lodging, not inclusive of meals and travel

Date	Description	Made To	Amount
5/10/2023	Egress window replacement	Reyes-Minera Contracting	\$950
5/10/2023	Pell 38x60" windows	Lowes	\$577
5/11/2023	Return Visit Egress Window	Reyes-Minera Contracting	\$950
5/11/2023	Drywall Repair	Rodriguez Drywall Finishing	\$150
5/15/2023	Steel Fire Rated Door	Home Depot	\$395
5/11/2023	Fireplace Hearth Materials	Home Depot	\$288
5/11/2023	Hearth Installation	Salome General Carpentry	\$400
5/15/2023	Steel Door Install	Salome General Carpentry	\$100
5/14/2023	Theater Room Electrical	Herrera Electrical	\$300
5/13/2023	13 receptecals + 1 GFCI	Home Depot	\$47
5/13/2023	1 AFCI/GFCI Breaker for fan	Leviton	\$54
5/12/2023	Labor to install drywall on windows	Marcos	\$180
	SUBTOTAL		\$4,391

5/15/2023	Displacement	Hilton	\$116.11
5/14/2023	Displacement	Hilton	\$89.84
5/13/2023	Displacement	Hilton	\$101.54
5/12/2023	Displacement	Hilton	\$95.49
5/11/2023	Displacement	Hilton	\$87.01
5/10/2023	Displacement	Hilton	\$63.60
5/9/2023	Displacement	Hilton	\$89.84
5/8/2023	Displacement	Hilton	\$119.67
5/7/2023	Displacement	Hilton	\$94.88
5/6/2023	Displacement	Hilton	\$84.93
	SUBTOTAL		\$942.91
	GRAND TOTAL		\$5,334

7108 Centreville Road

From: Lewis E. Washington, III (lwiii@bellsouth.net)

To: jay.riat@fairfaxcounty.gov

Date: Tuesday, May 16, 2023 at 04:42 AM EDT

Mr. Riat,

Coming out of the local technical review board meeting last week, it was my understanding that the inspectors would re-verify the inspection results from 4/20 and 3/28 in lieu of us proceeding with 'temp' or some occupancy to settle this request. This has turned into a 'fishing expedition' and even more of a financial nightmare very quickly. The board did defer decisioning in hopes that a quick resolve would be forthcoming.

We paid the contractor \$900 to replace the two bedroom windows on the second floor. The inspector assumed the headers had been cut from the windows and relisted this in the inspection results on Thursday. I was forced to recall the contractor who again charged me \$900 for their time since the headers were in fact already in place above the windows the entire span of the wall with four 2x12 joists, with 3/4 OSB supported by 2x6 wall studs. To satisfy the request and mitigate the inspection, he added additional framing that essentially supports drywall only. Total: **\$1800** in 24 hour time period.

A new request for 'hearth', not needed for temp or summer months was included on Thursday; I had this done overnight Thursday night costing me an additional \$400 to the contractor and \$268 in materials, plus another request for an additional Smoke C/O detector \$39, and request to add receptacles in the theater room and set a fire door at the the theater room. Note: we already had onsite a solid core pocket door and the theater room is separated by 12" of concrete. As you know the theater room is on a separation permit and again not required for temp or final pending the request to review the theater room. This cost an additional \$395 for the new steel door, receptacles and labor \$750.

Thursday, May 11, 2023

- Inspector, Johnny Vanoy and Supervisor, Scott Varner verified the items listed from 3/28 and 4/20 were complete, but listed these:
 - Egress windows x2 upper level to small
 - Jack and Jill bath separation plumbing permit
 - Fall protection bedroom #4
 - add 2x4 Smoke/co detectors outside of sleeping areas 1 upper level hallways
 - Bath fan master must be listed for shower location and Gfci protected.
 - Gfci protection for unfinished theater room
 - Set fire door at theater room
 - Missing hearth extension at fireplace
 - Disconnect circuits for outdoor units or

On Friday, the inspector was able to connect with the Greg Garber from the Health Department live during the inspection who confirmed the water is "safe for drinking and functioning properly", but he was awaiting paperwork only from Northern Virginia Drilling to mark approved in the system. And he noted the below results.

Friday, May 12, 2023

- Inspector, Johnny Vanoy came to close out the items from Thursday, but then noted:
 - Bath fan master shower location must be Gfci protected
 - Gfci protection for unfinished theater room
 - Set fire door at the after room
 - Disconnect circuits for outdoor units or terminate in junction boxes
 - Secure the end of soffit as shown
 - Well sign off ??

Monday I was informed plumbing fees remain that need to be addressed. I looked into this and those fees are the sewer connection fees at \$15,300.

Mr. Riat between February and the end of April as mentioned during testimony before the board, we cleared all of the \$40,000 from our personal savings into the construction since the bank has halted draws. We have spent \$120 / night at a hotel for 46 nights totaling \$5,520 which could of gone into our house while being responsible for the \$3300 mortgage note. The aforementioned erroneous inspection costs totaling \$3,652 in 24 hours could have been applied to the plumbing fee along with \$5,520 for hotel expenses had temp occupancy been provided. I was able to obtain a hard money loan for \$12,000 yesterday at 35% for the plumbing fee. This loan would not have been required had the occupancy been provided, which the construction loan is for.

Mr. Riat, I have mitigated every bullet in the previous and new requests and bent over backwards to accommodate the fishing expedition.

We unequivocally cannot pay for anything else or additional requests post today without release of funds from the bank to proceed with the build. I'd like to obtain the temp occupancy today, March 16th.

Counsel read into the record the ICC commentary we received in writing: "The building official is permitted to issue a temporary certificate of occupancy for all or a portion of a building prior to the completion of all work. Such certification is to be issued only when the building or portion in question can be safely occupied prior to full completion. The certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. This provision precludes the occupancy of a building or structure that does not contain all of the required fire protection systems and means of egress. Temporary certificates should be issued only when incidental construction remains, such as site work and interior work that is not regulated by the code and exterior decoration not necessary to the integrity of the building envelope." I would like to close this out without further review by the local or State technical review board. GFCI, Hearth, egress are all inclusive in this commentary, "*portions can be safely occupied prior to full completion*" and notwithstanding the Building Officials ability to issue temp occupancy. Mr. Riat this has continued to drag the build and strain the family under tremendous duress.

I am hopeful you are able to provide some relief to us today to 1) get us in and 2) allow us to get the remaining funds released to complete the permitted items for site and on the separation permits.

Note: photos attached of the header

Many Thanks,


Lewis Washington, CSM, POPM, SAFe


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Mobile: +1 804.296.7531


Lwiii@bellsouth.net


 7108 Centreville Rd WS 4-6-23.pdf
270.3kB


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1.8MB


 image1.jpeg
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3MB

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3.1MB

 image7.jpeg
2.3MB

RE: Temp Cert of Occupancy - 7108 Centreville Road

From: Riat, Jay (jay.riat@fairfaxcounty.gov)
To: lwiii@bellsouth.net
Cc: Rachel.Flynn@fairfaxcounty.gov; William.Hicks@fairfaxcounty.gov
Date: Tuesday, April 11, 2023 at 03:03 PM EDT

Lewis,

Thank you for the email and for providing the context of the construction work at 7108 Centreville Rd. We are interested in assisting you towards completion of your home so you can occupy as soon as possible. We have considered your request for a temporary certificate of occupancy. Based on the incomplete site and building construction under the issued building permit, a temporary certificate of occupancy will not be issued.

Please do not hesitate to contact us if we can assist towards the completion of the construction work at this address.

Thank you.

Jay S. Riat, P.E., PMP, CBO

Director, Building Division

Building Official

Fairfax County – Land Development Services

12055 Government Center Parkway, Suite 312

Fairfax, Virginia 22035

[fairfaxcounty.gov/buildingpermits](https://www.fairfaxcounty.gov/buildingpermits)

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- [Your LDS Guide to PLUS](#)
- [What is PLUS?](#)
- [Link directly to PLUS](#) to start applications, upload plans, schedule inspections, pay fees and more!



From: Lewis E. Washington, III <lwiii@bellsouth.net>
Sent: Monday, April 10, 2023 3:36 PM
To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Hicks, Bill <William.Hicks@fairfaxcounty.gov>
Cc: Flynn, Rachel <Rachel.Flynn@fairfaxcounty.gov>
Subject: Temp Cert of Occupancy - 7108 Centreville Road

Dear Mr. Riat / Mr. Hicks,

I am writing to request a 75 day temporary occupancy permit for the bedrooms, bathrooms, kitchen, and living rooms (collectively, the "living spaces") located at 7108 Centerville Road pursuant to Section 116.1.1 of VA Code of the home and structure as it currently sits. I am making this request as the permit holder because the portion of the structure I wish to occupy at may be occupied without endangering life or public safety.

As you know, Section 116.1.1 provides:

"Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety."

In making this request, I would like to bring to your attention the following facts to demonstrate that the Living Spaces do not endanger life or public safety.

First, this request relates solely to the Living Spaces and not other unfinished portions of the property. As you are aware, the area near the garage continues to be under construction and some soil/slope issues remain. Despite these ongoing projects, my occupancy request does not include the area near the garage, and the sloping issues are not life threatening. As requested, I have secured the garage area to satisfy the County that this area will not be occupied during the pendency of the temporary occupancy.

Second, the Living Spaces are themselves safe and have all standard utilities operational. Electricity works in all living space areas. Water runs in each sink, toilet, and washing area. Further, the living spaces have fully enclosed windows and roofing. All Living Spaces have compliant fire retardant systems, and no exposed electrical wiring or plumbing is present in any of them. I have also made the improvements the County previously requested, such as the installation of handrails on walking areas. I have attached videos and photos of each preceding representation for your convenience, and welcome the opportunity for the County to come and inspect for their own edification should there be any doubt as to safety.

Finally, the Living Spaces do not endanger public safety. 7108 Centerville is a detached residence; therefore no member of the public would be at risk for my occupancy of the Living Spaces. If requested, I would be happy to certify that no guests or invitees will be allowed on the premises until the County is satisfied with the remaining work projects to be done.

This request is particularly important to me as my family has been displaced from permanent housing while the work on our home has continued. At present, we are paying approximately \$1,000 a week for temporary housing; should this matter continue much longer, there is a substantial risk that we may be financially exhausted and unable to complete our dream home.

Select Link: [7108 Centerville Video & Photo of Living Space](#)

Many Thanks,

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net

From: Riat, Jay <Jay.Riat@fairfaxcounty.gov>
Sent: Thursday, April 13, 2023 4:40 PM
To: Lewis E. Washington, III
Cc: Castro, Helman; Hicks, Bill; Hansen, Matthew
Subject: RE: Temp Cert of Occupancy - 7108 Centreville Road

Mr. Washington,

A temporary certificate of occupancy will not be issued. The Virginia Construction Code section 116.1 requires that the final inspection be approved and that the building complies with the building codes and any pertinent laws and ordinances. Your building and site do not yet comply with the requirements of 116.1 for occupancy.

116.1 General; when to be issued.

Prior to occupancy or change of occupancy of a *building* or *structure*, a certificate of occupancy shall be obtained in accordance with this section. The *building official* shall issue the certificate of occupancy within five *working days* after approval of the final inspection and when the *building or structure* or portion thereof is determined to be in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled.

You are correct that section to 116.1.1 allows a temporary certificate of occupancy. However, this subsection does not supersede 116.1 or provide an alternative to complying with the requirements of 116.1. This section is used to allow occupancy during an emergency or extenuating circumstances or where the occupancy of the building may indeed be temporary and other provisions have been made to ensure an equivalent level of safety. 116.1.1 is not invoked by Fairfax County to allow early occupancy of an incomplete building or occupancy before required building and site works are complete. Simply providing that the incomplete building and site does not pose a threat to public or personal safety does not qualify it for an occupancy permit, permanent or temporary, and so we in Department of Land Development Services are unable to approve your request.

You state that many of the building and site items have been completed. Completed items need to be verified through an inspection. We will be glad to inspect them as soon as you request it to continue moving your project expeditiously towards successful completion.

Thank you.

Jay S. Riat, P.E., PMP, CBO

Director, Building Division

Building Official

Fairfax County – Land Development Services

12055 Government Center Parkway, Suite 312

Fairfax, Virginia 22035

[fairfaxcounty.gov/buildingpermits](https://www.fairfaxcounty.gov/buildingpermits)

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From: Lewis E. Washington, III <lwiii@bellsouth.net>
Sent: Wednesday, April 12, 2023 9:42 PM
To: Castro, Helman <Helman.Castro@fairfaxcounty.gov>
Cc: Hicks, Bill <William.Hicks@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Hansen, Matthew <Matthew.Hansen@fairfaxcounty.gov>
Subject: Re: Temp Cert of Occupancy - 7108 Centreville Road

Sorry for the additional note here.

Garage floor is Hollow Core Planks.

- Page 19 and 26 of approved build plans for the HCP attached.
- Email with Combination inspector regarding testing and shoring not needed attached for the HCP.
- Plant certification attached. I didn't think this was needed due to the PCI conversations we had prior to permitting, but I have attached in case.

Lewis Washington, CSM, POPM, SAFe

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Mobile: +1 804.296.7531

lwiii@bellsouth.net

On Wednesday, April 12, 2023 at 08:25:13 PM EDT, Lewis E. Washington, III <lwiii@bellsouth.net> wrote:

Mr. Helman,

Building Items

1 through 16 are done. Health Dept result **attached**. I called for 17, can you have someone come look at this again?

Site Items

1 through 8, are these health and safety? I don't believe they are.

- Yosif was copied on the email to the civil engineer on Monday who responded that he was working on it already (attached).
- I spoke with him this afternoon also and we are removing the retaining wall. The grade of the driveway has remained stable since it's rough grade 04/2021.

- I have also spoken to the geotech engineer who will be providing the letter that Behzad requested, he is assessing the proctor samples of the structured soil he wants placed on the 2:1 slope. The driveway as it stands will not be graded lower from my understanding, the slope to the left of the driveway will be compacted with silty sand structured fill and vegetated. He will provide the requested letter when the civil engineer completes the revision.

We can immediately take care of #4 and #7 pending the site revision. #6 - mailbox is up with address listed, address is also posted at house directly.

#8 will be removed from the revised plan; we were planning to install stormwater tanks below grade for water collection, the soil has weathered rock 3 feet below the surface, as you dig deeper the rock is very large, it would require hammering by UCCCI to bury the tanks we intended to purchase. This was a nice to have personal preference.

For final, these site items will be completed.

Based on the aforementioned and mitigating #4 and #7 this week, can we proceed with temp occ?

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net

On Wednesday, April 12, 2023 at 06:45:50 PM EDT, Castro, Helman <helman.castro@fairfaxcounty.gov> wrote:

Good afternoon Lewis,

Thank you for reaching out and it is our intent to help you move through this process as quickly as possible.

The following are a compilation of steps provided by Site Developments and Inspections Division (SDID) and Building Division (BD) to help guide you through the process in obtaining occupancy permit for your home:

Building Items

These items were identified during the last inspection by our inspection supervisor (Don Cassidy). If some of these items are already completed, please disregard. If further clarification is needed feel free to reach directly to Jay Riat Building Official, Director Building Division (copied herein).

1- Need to have all concrete certifications entered into the system. (missing garage slab and stoop) Note: retaining wall another permit.

- 2- Need to complete the unfinished roof covering over the garage. Question- drainage of roof (will drains or scuppers be used)
- 3- All paper on exposed insulation must be covered with drywall or other approved covering.
- 4- All guardrails and handrails must be installed at the stair and other areas where required.
- 5- All light fixtures, receptacles and electrical devices must be installed with Afcu and Gfci protection as required. Note all egress light need to be installed by the doors.
- 6- All doors that lead to grade where no stairs are installed must have a guardrail/barricade installed for fall protection.
- 7- Need to seal all plumbing fixtures at the floor and walls as needed.
- 8- Need to install the insulation in the unfinished area of basement.
- 9- Need to drywall the underside and supporting structure for stairs.
- 10- Missing attic insulation and soffit
- 11- Install 2 missing windows. (Once received from vendor)
- 12- Need 6" of fall in the first 10' around dwelling.
- 13- Seal all exterior light fixture and penetrations as needed.
- 14- Repair/replace damaged drywall in the garage.
- 15- You will need well approval by the Health Department prior to final building and plumbing.
- 16- Need address posted on the front of dwelling.
- 17 -Need to call trade permit when house is ready for final inspections

Note: You had asked if Code item 116.1.1 "Temporary certificate of occupancy" was a possible avenue. The challenge at this time is that based on the incomplete construction both on the site and building side, the level of safety of the building does not meet the same level as if it were completed.

Site Items

The items identified by SDID staff in the list below are yet to be accomplished. These are for general guidance and do not substitute the requirements of the approved plan. If further clarification is needed feel free to reach directly to Matthew Hansen, Director, SDID (copied herein).

1. Complete all site grading per approved plan.
2. The approved plans call for a retaining wall to hold the steep slopes with a driveway on top of it. The retaining wall varied from 7 ft high to some 3 ft. If you plan to eliminate the wall and submit a revision to the plan, we will expedite its review, but keep in mind that slope stability could be an issue, and this would trigger a revision to geotechnical requirements.

3. Based on site inspection, permanent site stabilization as part of Erosion and Sediment control are yet to be achieved.
4. Retaining wall if not removed from approved plans must be installed will need permit finalization prior to pre-occupancy inspection.
5. Stabilization either sod or seed and mulch, the latter with the controls staying in place per the approved plan until stand of grass has been obtained.
6. PE-1 DW apron and DW surface needs to be installed per the approved plan. Address should be located near the apron area since the home sits back off Centreville Road a bit.
7. Install sump pump daylight per the approved plan.
8. Gutter and downspouts need to be installed. A note on the plan states for downspouts to drain into an internal water collection cistern/ irrigation systems, located inside residence. We couldn't locate that detail in the plan, and require coordination with the applicant about that plan note.

Please do not hesitate to contact us if you have any questions at any time.

Thanks,

Helman

Helman A. Castro, PE, LEED AP ND

Director of Operations, LDS

12055 Government Center Pkwy- Suite 659

Fairfax, VA 22035-5500

703-324-2586

Helman.Castro@fairfaxcounty.gov

Quick links to help you navigate Land Development Services (LDS):

- [LDS Permit Library](#) – See all the permit and record types available through LDS (updates ongoing).
- [LDS PLUS Support](#) – For questions about using the Planning and Land Use System (PLUS), including FAQs and how-to videos.
- [Schedule a Virtual Appointment](#) – Sign up for one-on-one support from LDS staff.
- Walk-in customer support also available in the Herrity Building. [Learn more.](#)



From: Flynn, Rachel <Rachel.Flynn@fairfaxcounty.gov>
Sent: Tuesday, April 11, 2023 5:30 PM
To: Lewis E. Washington, III <lwiii@bellsouth.net>
Cc: Hicks, Bill <William.Hicks@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Castro, Helman <Helman.Castro@fairfaxcounty.gov>
Subject: Temp Cert of Occupancy - 7108 Centreville Road

Lewis, Let me check with my colleagues in LDS.

Thx, Rachel

On Apr 11, 2023, at 5:04 PM, Lewis E. Washington, III <lwiii@bellsouth.net>

Ms. Flynn,

I think we last spoke around 5-4-2021. I'd like to see if you're available tomorrow to chat by phone regarding this thread? I've left 3-4 messages Mr. Riat over the past 2 weeks prior to the below request to confirm what's needed. I promise to be positive and provide the facts.

Maybe this was overlooked in the long chain of events, but:

1. My building inspector shared with us last year that if we got into a pinch, we could request temp occupancy. A couple weeks ago, I asked him which code was he referring to and he opened the Code book he carries and had me take a photo of it. (116.1.1)
2. The bank has provided 4 extensions to us as a result of both bank inspection issues with their hired inspector, contractor delays I have had, delays with supplies, etc... they informed me last Tuesday that no additional draws will be provided until we obtain temp occupancy.

3. 3/28 - my inspector checked the sewer tap and also did a courtesy house inspection, at that time he mentioned the rear sliding doors needed steps and railing, the railing to the second floor needed to be completed, and the garage needed railing also to block access where the potential retaining wall would go. He also created a courtesy routine ticket to list out all items (in total 16). **We completed 15 of the 16** (leaving two windows to the boys bedrooms remaining until HomeDepot delivered the ones ordered). He also spoke with Aaron Morgan that day who advised if we were seeking temp occupancy, in order to do so, I needed to purchase separation permits and include the following items:
 - o Retaining Wall
 - o Theater Room (wired, insulated, drywall and final electrical remaining)
 - o Brick Veneer
 - o 2 of the 6 bathrooms (bathrooms are complete, excluding shower tile and fixture)
4. 4/5 - a new inspector came, spoke with Aaron Morgan and asked me to complete the separation permit. I went to the County office, we conferenced in Nicole Mahon who had been conversing with Aaron prior to my arrival. We agreed coming out of the meeting that I would purchase temp windows and install them (as other contractors have done). I spent \$600+ on 4/6 at 6:30 a.m., contractor came at 9:30 a.m. and installed them.
5. 4/6 - another inspector came at 7:30 a.m. and reported back the windows were not in yet (see number 4 on what time they were purchased and installed). He added that the attic above the second floor needed to be insulated completely and plug abandoned 2" plumbing drains in the master where the wall mount sink drain required one instead of 2, and plug the wet bar drain until installed. **I called our insulation contractor, carpenter, and everyone was onsite within 2 hours and worked until 5:30 to address the new items requested.** Aaron called me around 11:52 and stated there was no way we could get to temp occupancy that day with site not coming out, gutters not installed (I pointed out to him that he asked me to do a separate permit for the bricks until completed, they're 70% done and gutters go on top of those, he then pointed to the retaining wall, which is also in a separate permit as requested.

Ms. Flynn the milestone shifts out further and further when we address what's been requested. Aside from the above hold by the bank, the owners of the townhome we were renting are selling the house. We vacated on 3/31 in anticipation of obtaining temp occupancy based on the representations made. I have had my family in a hotel since 3/31.

I don't think the request is out of the ordinary. It's listed in the VA Code. My inspector in fact mentioned that this comes up time to time when the banks are tightening their disbursements. Mannassas and Winchester actually reference the same temp occupancy code in their guides; Winchester mentions:

"It is sometimes possible for the Building Official and Zoning Administrator to approve the temporary occupancy of a structure in accordance with Section 116.1.1 of the USBC. In order for a temporary CO to be considered, all portions of the structure to be occupied must not endanger

life or public safety. This means that required fire alarms and fire suppression/sprinkler systems must be installed and pass field acceptance tests. Common areas, accessibility, and access/egress components including emergency & egress lighting are installed, inspected and approved. CUP conditions, if applicable, are inspected and approved. If a temporary occupancy will be issued, and outstanding site development items remain per the approved site plan, a bond may be required with the Zoning Administrator. " [Link](#) "

They talk about a bond may be required if outstanding site development items remain. In this case, my engineers are revising the plans to eliminate the retaining wall and grade the left side of the driveway 2:1, that site condition will be addressed upon completion of that revision. I also have \$7,000+ cash bond with Fairfax County.

I am hopeful this sheds some additional clarity on the request and surfaced up some of the content that may have been lost in threads. Without the temp occ, we will have to continue in limbo and actually doesn't help us the bank releasing the remaining disbursements. Hope we can come to a resolution that is win-win for both.

Thanks,

Lewis Washington, CSM, POPM, SAFe

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Lwiii@bellsouth.net

----- Forwarded Message -----

From: Riat, Jay <jay.riat@fairfaxcounty.gov>

To: Lewis E. Washington, III <Lwiii@bellsouth.net>

Cc: Flynn, Rachel <rachel.flynn@fairfaxcounty.gov>; Hicks, Bill <william.hicks@fairfaxcounty.gov>

Sent: Tuesday, April 11, 2023 at 03:03:06 PM EDT

Subject: RE: Temp Cert of Occupancy - 7108 Centreville Road

Lewis,

Thank you for the email and for providing the context of the construction work at 7108 Centreville Rd. We are interested in assisting you towards completion of your home so you can occupy as soon as possible. We have considered your request for a temporary certificate of occupancy. Based on the incomplete site and building construction under the issued building permit, a temporary certificate of occupancy will not be issued.

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Thank you.

Jay S. Riat, P.E., PMP, CBO

Director, Building Division

Building Official

Fairfax County – Land Development Services

12055 Government Center Parkway, Suite 312

Fairfax, Virginia 22035

fairfaxcounty.gov/buildingpermits

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Sent: Monday, April 10, 2023 3:36 PM
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Subject: Temp Cert of Occupancy - 7108 Centerville Road

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In making this request, I would like to bring to your attention the following facts to demonstrate that the Living Spaces do not endanger life or public safety.

First, this request relates solely to the Living Spaces and not other unfinished portions of the property. As you are aware, the area near the garage continues to be under construction and some soil/slope issues remain. Despite these ongoing projects, my occupancy request does not include the area near the garage, and the sloping issues are not life threatening. As requested, I have secured the garage area to satisfy the County that this area will not be occupied during the pendency of the temporary occupancy.

Second, the Living Spaces are themselves safe and have all standard utilities operational. Electricity works in all living space areas. Water runs in each sink, toilet, and washing area. Further, the living spaces have fully enclosed windows and roofing. All Living Spaces have compliant fire retardant systems, and no exposed electrical wiring or plumbing is present in any of them. I have also made the improvements the County previously requested, such as the installation of handrails on walking areas. I have attached videos and photos of each preceding representation for your convenience, and welcome the opportunity for the County to come and inspect for their own edification should there be any doubt as to safety.

Finally, the Living Spaces do not endanger public safety. 7108 Centerville is a detached residence; therefore no member of the public would be at risk for my occupancy of the Living Spaces. If requested, I would be happy to certify that no guests or invitees will be allowed on the premises until the County is satisfied with the remaining work projects to be done.

This request is particularly important to me as my family has been displaced from permanent housing while the work on our home has continued. At present, we are paying approximately \$1,000 a week for temporary housing; should this matter continue much longer, there is a substantial risk that we may be financially exhausted and unable to complete our dream home.

Select Link: [7108 Centreville Video & Photo of Living Space](#)

Many Thanks,

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net



RE: Temp Cert of Occupancy - 7108 Centreville Road

From: Riat, Jay (jay.riat@fairfaxcounty.gov)
To: lwiii@bellsouth.net
Cc: Rachel.Flynn@fairfaxcounty.gov; William.Hicks@fairfaxcounty.gov
Date: Tuesday, April 11, 2023 at 03:03 PM EDT

Lewis,

Thank you for the email and for providing the context of the construction work at 7108 Centreville Rd. We are interested in assisting you towards completion of your home so you can occupy as soon as possible. We have considered your request for a temporary certificate of occupancy. Based on the incomplete site and building construction under the issued building permit, a temporary certificate of occupancy will not be issued.

Please do not hesitate to contact us if we can assist towards the completion of the construction work at this address.

Thank you.

Jay S. Riat, P.E., PMP, CBO
Director, Building Division
Building Official
Fairfax County – Land Development Services
12055 Government Center Parkway, Suite 312
Fairfax, Virginia 22035
fairfaxcounty.gov/buildingpermits
☎ 703-324-1017 📠 703-609-0856

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- [What is PLUS?](#)
- [Link directly to PLUS](#) to start applications, upload plans, schedule inspections, pay fees and more!



**BUILDING
DIVISION**

From: Lewis E. Washington, III <lwiii@bellsouth.net>
Sent: Monday, April 10, 2023 3:36 PM
To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Hicks, Bill <William.Hicks@fairfaxcounty.gov>
Cc: Flynn, Rachel <Rachel.Flynn@fairfaxcounty.gov>
Subject: Temp Cert of Occupancy - 7108 Centreville Road

Dear Mr. Riat / Mr. Hicks,

I am writing to request a 75 day temporary occupancy permit for the bedrooms, bathrooms, kitchen, and living rooms (collectively, the "living spaces") located at 7108 Centerville Road pursuant to Section 116.1.1 of VA Code of the home and structure as it currently sits. I am making this request as the permit holder because the portion of the structure I wish to occupy at may be occupied without endangering life or public safety.

As you know, Section 116.1.1 provides:

"Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety."

In making this request, I would like to bring to your attention the following facts to demonstrate that the Living Spaces do not endanger life or public safety.

First, this request relates solely to the Living Spaces and not other unfinished portions of the property. As you are aware, the area near the garage continues to be under construction and some soil/slope issues remain. Despite these ongoing projects, my occupancy request does not include the area near the garage, and the sloping issues are not life threatening. As requested, I have secured the garage area to satisfy the County that this area will not be occupied during the pendency of the temporary occupancy.

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Select Link: [7108 Centerville Video & Photo of Living Space](#)

Many Thanks,

Lewis Washington, CSM, POPM, SAFe

B s B A | **Economics** - International Business

Mobile: +1 804 296 7531

Lwii@bellsouth.net

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[Faint, illegible text, likely a body paragraph]

[Faint, illegible text, likely a list or bullet points]

[Faint, illegible text, likely a list or bullet points]

[Faint, illegible text, likely a list or bullet points]

From: Riat, Jay <Jay.Riat@fairfaxcounty.gov>
Sent: Thursday, April 13, 2023 4:40 PM
To: Lewis E. Washington, III
Cc: Castro, Helman; Hicks, Bill; Hansen, Matthew
Subject: RE: Temp Cert of Occupancy - 7108 Centreville Road

Mr. Washington,

A temporary certificate of occupancy will not be issued. The Virginia Construction Code section 116.1 requires that the final inspection be approved and that the building complies with the building codes and any pertinent laws and ordinances. Your building and site do not yet comply with the requirements of 116.1 for occupancy.

116.1 General; when to be issued.

Prior to occupancy or change of occupancy of a *building or structure*, a certificate of occupancy shall be obtained in accordance with this section. The *building official* shall issue the certificate of occupancy within five *working days* after approval of the final inspection and when the *building or structure or portion thereof* is determined to be in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled.

You are correct that section to 116.1.1 allows a temporary certificate of occupancy. However, this subsection does not supersede 116.1 or provide an alternative to complying with the requirements of 116.1. This section is used to allow occupancy during an emergency or extenuating circumstances or where the occupancy of the building may indeed be temporary and other provisions have been made to ensure an equivalent level of safety. 116.1.1 is not invoked by Fairfax County to allow early occupancy of an incomplete building or occupancy before required building and site works are complete. Simply providing that the incomplete building and site does not pose a threat to public or personal safety does not qualify it for an occupancy permit, permanent or temporary, and so we in Department of Land Development Services are unable to approve your request.

You state that many of the building and site items have been completed. Completed items need to be verified through an inspection. We will be glad to inspect them as soon as you request it to continue moving your project expeditiously towards successful completion.

Thank you.

Jay S. Riat, P.E., PMP, CBO
Director, Building Division
Building Official
Fairfax County – Land Development Services
12055 Government Center Parkway, Suite 312
Fairfax, Virginia 22035
[fairfaxcounty.gov/buildingpermits](https://www.fairfaxcounty.gov/buildingpermits)
📞 703-324-1017 📠 703-609-0856

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BUILDING DIVISION

From: Lewis E. Washington, III <lwiii@bellsouth.net>
Sent: Wednesday, April 12, 2023 9:42 PM
To: Castro, Helman <Helman.Castro@fairfaxcounty.gov>
Cc: Hicks, Bill <William.Hicks@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Hansen, Matthew <Matthew.Hansen@fairfaxcounty.gov>
Subject: Re: Temp Cert of Occupancy - 7108 Centreville Road

Sorry for the additional note here.

Garage floor is Hollow Core Planks.

- Page 19 and 26 of approved build plans for the HCP attached.
- Email with Combination Inspector regarding testing and shoring not needed attached for the HCP.
- Plant certification attached. I didn't think this was needed due to the PCI conversations we had prior to permitting, but I have attached in case.

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

lwiii@bellsouth.net

On Wednesday, April 12, 2023 at 08:25:13 PM EDT, Lewis E. Washington, III <lwiii@bellsouth.net> wrote:

Mr. Helman,

Building Items

1 through 16 are done. Health Dept result **attached**. I called for 17, can you have someone come look at this again?

Site Items

1 through 8, are these health and safety? I don't believe they are.

- Yosif was copied on the email to the civil engineer on Monday who responded that he was working on it already (attached).
- I spoke with him this afternoon also and we are removing the retaining wall. The grade of the driveway has remained stable since it's rough grade 04/2021.

- I have also spoken to the geotech engineer who will be providing the letter that Behzad requested, he is assessing the proctor samples of the structured soil he wants placed on the 2:1 slope. The driveway as it stands will not be graded lower from my understanding, the slope to the left of the driveway will be compacted with silty sand structured fill and vegetated. He will provide the requested letter when the civil engineer completes the revision.

We can immediately take care of #4 and #7 pending the site revision. #6 - mailbox is up with address listed, address is also posted at house directly.

#8 will be removed from the revised plan; we were planning to install stormwater tanks below grade for water collection, the soil has weathered rock 3 feet below the surface, as you dig deeper the rock is very large, it would require hammering by UCCCI to bury the tanks we intended to purchase. This was a nice to have personal preference.

For final, these site items will be completed.

Based on the aforementioned and mitigating #4 and #7 this week, can we proceed with temp occ?

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net

On Wednesday, April 12, 2023 at 06:45:50 PM EDT, Castro, Helman <helman.castro@fairfaxcounty.gov> wrote:

Good afternoon Lewis,

Thank you for reaching out and it is our intent to help you move through this process as quickly as possible.

The following are a compilation of steps provided by Site Developments and Inspections Division (SDID) and Building Division (BD) to help guide you through the process in obtaining occupancy permit for your home:

Building Items

These items were identified during the last inspection by our inspection supervisor (Don Cassidy). If some of these items are already completed, please disregard. If further clarification is needed feel free to reach directly to Jay Riat Building Official, Director Building Division (copied herein).

1- Need to have all concrete certifications entered into the system. (missing garage slab and stoop) Note: retaining wall another permit.

- 2- Need to complete the unfinished roof covering over the garage. Question- drainage of roof (will drains or scuppers be used)
- 3- All paper on exposed insulation must be covered with drywall or other approved covering.
- 4- All guardrails and handrails must be installed at the stair and other areas where required.
- 5- All light fixtures, receptacles and electrical devices must be installed with Afci and Gfci protection as required. Note all egress light need to be installed by the doors.
- 6- All doors that lead to grade where no stairs are installed must have a guardrail/barricade installed for fall protection.
- 7- Need to seal all plumbing fixtures at the floor and walls as needed.
- 8- Need to install the insulation in the unfinished area of basement.
- 9- Need to drywall the underside and supporting structure for stairs.
- 10- Missing attic insulation and soffit
- 11- Install 2 missing windows. (Once received from vendor)
- 12- Need 6" of fall in the first 10' around dwelling.
- 13- Seal all exterior light fixture and penetrations as needed.
- 14- Repair/replace damaged drywall in the garage.
- 15- You will need well approval by the Health Department prior to final building and plumbing.
- 16- Need address posted on the front of dwelling.
- 17 -Need to call trade permit when house is ready for final inspections

Note: You had asked if Code item 116.1.1 "Temporary certificate of occupancy" was a possible avenue. The challenge at this time is that based on the incomplete construction both on the site and building side, the level of safety of the building does not meet the same level as if it were completed.

Site Items

The items identified by SDID staff in the list below are yet to be accomplished. These are for general guidance and do not substitute the requirements of the approved plan. If further clarification is needed feel free to reach directly to Matthew Hansen, Director, SDID (copied herein).

1. Complete all site grading per approved plan.
2. The approved plans call for a retaining wall to hold the steep slopes with a driveway on top of it. The retaining wall varied from 7 ft high to some 3 ft. If you plan to eliminate the wall and submit a revision to the plan, we will expedite its review, but keep in mind that slope stability could be an issue, and this would trigger a revision to geotechnical requirements.

3. Based on site inspection, permanent site stabilization as part of Erosion and Sediment control are yet to be achieved.
4. Retaining wall if not removed from approved plans must be installed will need permit finalization prior to pre-occupancy inspection.
5. Stabilization either sod or seed and mulch, the latter with the controls staying in place per the approved plan until stand of grass has been obtained.
6. PE-1 DW apron and DW surface needs to be installed per the approved plan. Address should be located near the apron area since the home sits back off Centreville Road a bit.
7. Install sump pump daylight per the approved plan.
8. Gutter and downspouts need to be installed. A note on the plan states for downspouts to drain into an internal water collection cistern/ irrigation systems, located inside residence. We couldn't locate that detail in the plan, and require coordination with the applicant about that plan note.

Please do not hesitate to contact us if you have any questions at any time.

Thanks,

Helman

Helman A. Castro, PE, LEED AP ND

Director of Operations, LDS

12055 Government Center Pkwy- Suite 659

Fairfax, VA 22035-5500

703-324-2586

Helman.Castro@fairfaxcounty.gov

Quick links to help you navigate Land Development Services (LDS):

- [LDS Permit Library](#) – See all the permit and record types available through LDS (updates ongoing).
- [LDS PLUS Support](#) – For questions about using the Planning and Land Use System (PLUS), including FAQs and how-to videos.
- [Schedule a Virtual Appointment](#) – Sign up for one-on-one support from LDS staff.
- [Walk-in customer support](#) also available in the Herrity Building. [Learn more.](#)



LAND DEVELOPMENT
SERVICES



From: Flynn, Rachel <Rachel.Flynn@fairfaxcounty.gov>
Sent: Tuesday, April 11, 2023 5:30 PM
To: Lewis E. Washington, III <lwiii@bellsouth.net>
Cc: Hicks, Bill <William.Hicks@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Castro, Helman <Helman.Castro@fairfaxcounty.gov>
Subject: Temp Cert of Occupancy - 7108 Centreville Road

Lewis, Let me check with my colleagues in LDS.

Thx, Rachel

On Apr 11, 2023, at 5:04 PM, Lewis E. Washington, III <lwiii@bellsouth.net>

Ms. Flynn,

I think we last spoke around 5-4-2021. I'd like to see if you're available tomorrow to chat by phone regarding this thread? I've left 3-4 messages Mr. Riat over the past 2 weeks prior to the below request to confirm what's needed. I promise to be positive and provide the facts.

Maybe this was overlooked in the long chain of events, but:

1. My building inspector shared with us last year that if we got into a pinch, we could request temp occupancy. A couple weeks ago, I asked him which code was he referring to and he opened the Code book he carries and had me take a photo of it. (116.1.1)
2. The bank has provided 4 extensions to us as a result of both bank inspection issues with their hired inspector, contractor delays I have had, delays with supplies, etc... they informed me last Tuesday that no additional draws will be provided until we obtain temp occupancy.

3. 3/28 - my inspector checked the sewer tap and also did a courtesy house inspection, at that time he mentioned the rear sliding doors needed steps and railing, the railing to the second floor needed to be completed, and the garage needed railing also to block access where the potential retaining wall would go. He also created a courtesy routine ticket to list out all items (in total 16). **We completed 15 of the 16** (leaving two windows to the boys bedrooms remaining until HomeDepot delivered the ones ordered). He also spoke with Aaron Morgan that day who advised if we were seeking temp occupancy, in order to do so, I needed to purchase separation permits and include the following items:
 - o Retaining Wall
 - o Theater Room (wired, insulated, drywall and final electrical remaining)
 - o Brick Veneer
 - o 2 of the 6 bathrooms (bathrooms are complete, excluding shower tile and fixture)
4. 4/5 - a new inspector came, spoke with Aaron Morgan and asked me to complete the separation permit. I went to the County office, we conferenced in Nicole Mahon who had been conversing with Aaron prior to my arrival. We agreed coming out of the meeting that I would purchase temp windows and install them (as other contractors have done). I spent \$600+ on 4/6 at 6:30 a.m., contractor came at 9:30 a.m. and installed them.
5. 4/6 - another inspector came at 7:30 a.m. and reported back the windows were not in yet (see number 4 on what time they were purchased and installed). He added that the attic above the second floor needed to be insulated completely and plug abandoned 2" plumbing drains in the master where the wall mount sink drain required one instead of 2, and plug the wet bar drain until installed. **I called our insulation contractor, carpenter, and everyone was onsite within 2 hours and worked until 5:30 to address the new items requested.** Aaron called me around 11:52 and stated there was no way we could get to temp occupancy that day with site not coming out, gutters not installed (I pointed out to him that he asked me to do a separate permit for the bricks until completed, they're 70% done and gutters go on top of those, he then pointed to the retaining wall, which is also in a separate permit as requested.

Ms. Flynn the milestone shifts out further and further when we address what's been requested. Aside from the above hold by the bank, the owners of the townhome we were renting are selling the house. We vacated on 3/31 in anticipation of obtaining temp occupancy based on the representations made. I have had my family in a hotel since 3/31.

I don't think the request is out of the ordinary. It's listed in the VA Code. My inspector in fact mentioned that this comes up time to time when the banks are tightening their disbursements. Mannassas and Winchester actually reference the same temp occupancy code in their guides; Winchester mentions:

"It is sometimes possible for the Building Official and Zoning Administrator to approve the temporary occupancy of a structure in accordance with Section 116.1.1 of the USBC. In order for a temporary CO to be considered, all portions of the structure to be occupied must not endanger

life or public safety. This means that required fire alarms and fire suppression/sprinkler systems must be installed and pass field acceptance tests. Common areas, accessibility, and access/egress components including emergency & egress lighting are installed, inspected and approved. CUP conditions, if applicable, are inspected and approved. If a temporary occupancy will be issued, and outstanding site development items remain per the approved site plan, a bond may be required with the Zoning Administrator." [Link](#)

They talk about a bond may be required if outstanding site development items remain. In this case, my engineers are revising the plans to eliminate the retaining wall and grade the left side of the driveway 2:1, that site condition will be addressed upon completion of that revision. I also have \$7,000+ cash bond with Fairfax County.

I am hopeful this sheds some additional clarity on the request and surfaced up some of the content that may have been lost in threads. Without the temp occ, we will have to continue in limbo and actually doesn't help us the bank releasing the remaining disbursements. Hope we can come to a resolution that is win-win for both.

Thanks,

Lewis Washington, CSM, POPM, SAFE

B.S.B.A. | Economics - International Business

Mobile: +1 804.296.7531

lwiii@bellsouth.net

----- Forwarded Message -----

From: Riat, Jay <jay.riat@fairfaxcounty.gov>

To: Lewis E. Washington, III <lwiii@bellsouth.net>

Cc: Flynn, Rachel <rachel.flynn@fairfaxcounty.gov>; Hicks, Bill <william.hicks@fairfaxcounty.gov>

Sent: Tuesday, April 11, 2023 at 03:03:06 PM EDT

Subject: RE: Temp Cert of Occupancy - 7108 Centreville Road

Lewis,

Thank you for the email and for providing the context of the construction work at 7108 Centreville Rd. We are interested in assisting you towards completion of your home so you can occupy as soon as possible. We have considered your request for a temporary certificate of occupancy. Based on the incomplete site and building construction under the issued building permit, a temporary certificate of occupancy will not be issued.

Please do not hesitate to contact us if we can assist towards the completion of the construction work at this address.

Thank you.

Jay S. Riat, P.E., PMP, CBO

Director, Building Division

Building Official

Fairfax County – Land Development Services

12055 Government Center Parkway, Suite 312

Fairfax, Virginia 22035

fairfaxcounty.gov/buildingpermits

☎ 703-324-1017 📠 703-609-0856

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**BUILDING
DIVISION**

From: Lewis E. Washington, III <lwlll@bellsouth.net>
Sent: Monday, April 10, 2023 3:36 PM
To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Hicks, Bill <William.Hicks@fairfaxcounty.gov>
Cc: Flynn, Rachel <Rachel.Flynn@fairfaxcounty.gov>
Subject: Temp Cert of Occupancy - 7108 Centerville Road

Dear Mr. Riat / Mr. Hicks,

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As you know, Section 116.1.1 provides:

"Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety."

In making this request, I would like to bring to your attention the following facts to demonstrate that the Living Spaces do not endanger life or public safety.

First, this request relates solely to the Living Spaces and not other unfinished portions of the property. As you are aware, the area near the garage continues to be under construction and some soil/slope issues remain. Despite these ongoing projects, my occupancy request does not include the area near the garage, and the sloping issues are not life threatening. As requested, I have secured the garage area to satisfy the County that this area will not be occupied during the pendency of the temporary occupancy.

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Select Link: [7108 Centreville Video & Photo of Living Space](#)

Many Thanks,

Lewis Washington, CSM, POPM, SAFe

B.s.B.A. | Economics - International Business

Mobile: +1 804.296.7531

Lwiii@bellsouth.net



Documents Submitted By Lewis Washington

(Page left blank intentionally)

Lewis E. Washington

7108 Centreville Road • Centreville, VA 20121
P: 804.296.7531 • E: Lwiii@bellsouth.net

July 26, 2023

VIA Electronic Email – tracis.luter@dhcd.virginia.gov

W. Travis Luter, Sr.
Secretary to the State Building Code and
Regulation Specialist
Virginia Department of Housing and Community Development
State Building Technical Review Board

Re: **Appeal from the Fairfax County Local Board of Building Code Appeals
Lewis Washington
7108 Centreville Road**

Dear Members of the State Building Technical Review Board,

I am writing this letter as the permit holder and property owner of the property located at 7108 Centreville Road, and I am submitting this correspondence in regard to my request for temporary occupancy, as allowed by the USBC Code 116.1.1.

USBC Code 116.1.1 clearly states that "Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building or structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety."

The term "portion or portions" is explicit in its meaning and does not leave room for ambiguity. It refers to any section of the building or structure that can be safely occupied, such as a first level, second level, basement, kitchen, bath, and/or bedroom. It does not mandate the completion of the entire structure or a final inspection for the issuance of a temporary certificate of occupancy.

In the Building Official's April 13, 2023 email denying the permit holder's request he states:

"You are correct that section to 116.1.1 allows a temporary certificate of occupancy. However, this subsection does not supersede 116.1 or provide an alternative to complying with the requirements of 116.1. This section is used to allow occupancy during an emergency or extenuating circumstances or where the occupancy of the building may indeed be temporary and other provisions have been made to ensure an equivalent level of safety. 116.1.1 is not invoked by Fairfax County to allow early occupancy of an incomplete building or occupancy before required building and site works are complete. Simply providing that the incomplete building and site does not pose a threat to public or personal safety does not qualify it for an occupancy permit, permanent or temporary, and so we in Department of Land Development Services are unable to approve your request."

The building official's opinionated interpretation significantly differs from the plain language used in the code. This code is written to allow and acknowledge that some, not all of a structure is complete and safe, in the interim, and while continued construction occurs. It's not an

Lewis E. Washington

7108 Centreville Road • Centreville, VA 20121

P: 804.296.7531 • E: Lwiii@bellsouth.net

“alternative to complying with requirements” as he states, but in fact a milestone towards the final completion of the building or structure. Nor does the code specify an “emergency or extenuating circumstances” in order to for the code to be applied. The building official’s position that “116.1.1 is not invoked by Fairfax County to allow early occupancy of an incomplete building or occupancy before required building and site works are complete” is concerning in that counties and municipalities local code do not supersede State code, this has been consistently upheld by Virginia’s Supreme Court. Following this denial and escalated emails for leadership to weigh in, as the permit holder, an appeal was filed with the Local Technical Review Board.

At the May 10, 2023 hearing, I presented the Local Technical Review Board with photographic evidence of the interior of the home, which demonstrated the completion of paint, drywall, baths, showers, electrical work, and meeting egress requirements. The only outstanding items were the windows in two bedrooms on the second floor, which required replacement to meet safety standards.

During that hearing, counsel, James Granoski for the owner read into the record commentary we received by ICC that directly supports the DHCD’s adoption of the temporary occupancy code and stated in pertinent part:

R110.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

❖ **Commentary text:** The building official is permitted to issue a temporary certificate of occupancy for all or a portion of a building prior to the completion of all work. Such certification is to be issued only when the building or portion in question can be safely occupied prior to full completion. The certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. This provision precludes the occupancy of a building or structure that does not contain all of the required fire protection systems and means of egress. Temporary certificates should be issued only when incidental construction remains, such as site work and interior work that is not regulated by the code and exterior decoration not necessary to the integrity of the building envelope.

Fairfax County's appeal alleges that "Mr. Washington also admitted that inspections of that work had not been carried out," but this statement is not entirely accurate. During the hearing, I clarified that the windows in the two bedrooms were not yet inspected, but all other items on the list of 16 counts were thoroughly inspected by Inspector Don Cassidy. Although they were not marked off the list, they were duly addressed and resolved, as indicated by their omission in subsequent inspections.

The Local Technical Review Board deferred decisioning based on Fairfax County's assertion during the May 10 hearing that they were willing to collaborate and resolve the outstanding matters in a relatively short period, either in days or week.

Lewis E. Washington

7108 Centreville Road • Centreville, VA 20121

P: 804.296.7531 • E: Lwiii@bellsouth.net

Regarding Fairfax County's appeal letter dated July 5, 2023, it is essential to note that they brought up issues related to "site deficiencies" such as silt fence, signage, seed, and straw, which are final/ permanent occupancy requirements that USBC Code 116.1.1 does not discuss as prerequisites for temporary occupancy. However, other localities have implemented conditions on temporary occupancy, including addressing site items, which are necessary for final/ permanent occupancy.

The June 14 hearing showcased the property's condition as of May 10, as evidenced by photographs and improvements made since then, those improvements were directly related to the egress window changes and multiple punch list items on the separate permit for the basement theater room as indicated in the email to the Building Official on May 16. Neither of these points contradicts the provisions of USBC Code 116.1.1. Testimony was also provided to the board that it appearing Fairfax County had provided "silent temporary occupancy" to a homeowner of a nearby property located at 3611 West Ox Road and that the homeowner had moved into the property for nearly 7 months prior to the final occupancy permit being issued by the building official 48 hours before the June 14 hearing. That particular home had ongoing inspections for electrical, plumbing, and mechanical between February 2023 and June 12th albeit no certificate of occupancy or final inspection passing while the homeowner resided in the home. At the time of drafting this response, that property continues to have an open electrical permit and DCC complaints for operating a day care at that property without permits.

Nevertheless, the discretion to issue a building permit either under a temporary occupancy or permanent at all is much broader than the discretion which must be exercised in determining whether to issue a certificate of occupancy. Once the building permit has been issued, it cannot be de facto revoked by the simple expedient of never issuing the certificate of occupancy. That is not to say that the holder of a building permit is automatically entitled to a certificate of occupancy (i.e., that the building official or public agency has a mandatory duty to issue one), merely because the project has been approved to the extent of obtaining a building permit. The building permit holder must first satisfy the building official, in the exercise of official discretion, that the project meets the requirements contained in the applicable statutes, codes, and regulations, and in the permit itself.

Here - the building official is confused on where section 116.1.1 applies to residential or commercial properties, whether it requires a final or routine inspection, whether site conditions must be final, and quite frankly whether or not Fairfax County is immune from applying the State Code correctly. The enabling legislation, Code § 36-98, directed the State Board of Housing to adopt and promulgate a uniform statewide building code, and implicit in this is the power to adopt administrative rules and procedures carrying out the building code. In *Portsmouth v. Virginia Railway and Power Company*, 141 Va. 54, 61, 126 S.E. 362, 364 (1925), we said: [E]very power expressly granted, or fairly implied from the language used, or which is necessary to enable the Commission to exercise the powers expressly granted, should and must be accorded. Code § 36-98. State Board of Housing to promulgate Statewide Code; other codes and regulations superseded. -- The State Board of Housing is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such Building Code shall supersede

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the building codes and regulations of the counties, municipalities and State agencies. [Emphasis added.] [BOCA/U.S.B.C.] *Board of Supervisors of Fairfax County v. Miller and Smith Inc.*, 279 S.E.2d 158 (1981)

Section 306(c) of the Uniform Building Code provides in pertinent part: "(c) Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of this Code, the Building Official shall issue a Certificate of Occupancy." (See also § 307, quoted in fn. 9, ante, at p. 56.)

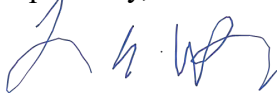
The building official has in fact-by its May 25, 2023 inspection " All life safety issues have been addressed and building is ok to final out"-already actually approved owner's building. Further showing that the home has exceeded the "temp occupancy" requirements. Accordingly, the building official retained no further discretion to withhold the certificate of occupancy. (Cf. *Johnson v. Mead* (1987) [191 Cal. App. 3d 156](#) [[236 Cal. Rptr. 277](#)] and *Trewin v. State of California* (1984) [150 Cal. App. 3d 975](#) [[198 Cal. Rptr. 263](#)], 41 A.L.R.4th 104

Furthermore, Fairfax County's reliance on the use of the word "may" in section 116.1.1 of the Uniform Building Code to argue that the section is not mandatory is unfounded. Case law, such as *Morris v. County of Marin* (1977) 18 Cal. 3d 901, 910-911, supports the understanding that not every statute using the word "shall" is obligatory rather than permissive. The determination of whether a provision is mandatory or directory depends on legislative intent, the terms of the statute as a whole, the nature of the act to be done, and the consequences of doing or failing to do the act.

In conclusion, I respectfully request that the State Building Technical Review Board deny Fairfax County's appeal, wanton willful refusal to abide by the State's code, reviews my application for temporary occupancy at 7108 Centreville Road, Permit No. [203400039], in light of the clear and unambiguous provisions of USBC Code 116.1.1. I have met all the necessary safety requirements and provided evidence of the completed portions of the building that ensure safe occupancy.

Thank you for considering my request. I am available to provide any additional information or clarification as needed.

Respectfully,



Lewis E. Washington, III

BLDR-203400039 - Inspection Result

From: donotreply@fairfaxcounty.gov

To: LWIII@BELLSOUTH.NET

Date: Tuesday, March 28, 2023 at 02:09 PM EDT

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7108 CENTREVILLE RD CENTREVILLE, VA 20121-2721

Inspection Type: Routine

Result of Inspection: Passed

Inspection Date: 3/28/2023

Inspected By: Johnny Vannoy, 703-475-0615, Johnny.Vannoy@fairfaxcounty.gov

Comments related to this inspection: This was a courtesy inspection to provide guidance for future final inspection. The items listed hereafter are items that must be completed prior to receiving final approval. NOTE, this may not be a complete list. 1- Need to have all concrete certifications entered into the system. 2- Need to complete the unfinished roof covering over the garage. 3- all Paper on exposed insulation Must covered with drywall or other approved covering. 4- All guardrails and handrails must be installed at the stair and other areas where required. 5- All light fixtures, receptacles and electrical devices must be installed with Afci and Gfci protection as required. Note all egress light need to be installed by the doors. 6- All doors that lead to grade where no stairs are installed must have a guardrail/barricade installed for fall protection. 7- Need to seal all plumbing fixtures at the floor and walls as needed. 8- Need to install the insulation in the unfinished area of basement. 9- Need to drywall the underside and supporting structure for stairs. 10- Need to label the circuit breakers in both panels. 11- Install 2 missing windows. (Once received from vendor) 12- Need 6" of fall in the first 10' around dwelling. 13- Seal all exterior light fixture and penetrations as needed. 14- Repair/replace damaged drywall in the garage. 15- You will need and approved sanitary connection and the well approved by the Health Department prior to final building and plumbing. 16- Need address posted on the front of dwelling. NOTE, As per Arron Morgan, you will need to pull separation permits for the unfinished portions of work which were shown on permits and plans. this will include but not limited to , the bath rooms, theater room and exterior brick veneer. .

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

[Building Inspection Survey - PublicInput.com](https://publicinput.com)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

BLDR-203400039 - Inspection Result

From: Fairfax County Government (donotreply-plus@fairfaxcounty.gov)

To: LWIII@BELLSOUTH.NET

Date: Thursday, May 25, 2023 at 02:12 PM EDT

This is a notification from Fairfax County of your recent inspection result for:

Project Address: 7108 CENTREVILLE RD CENTREVILLE, VA 20121-2721

Inspection Type: Final

Result of Inspection: Failed

Inspection Date: 5/25/2023

Inspected By: Johnny Vannoy, 703-475-0615, Johnny.Vannoy@fairfaxcounty.gov

Comments related to this inspection: 1- Site related issue must be addressed prior to final building approval. NOTE, All life safety issues have been addressed and building is ok to final out.

For questions regarding this inspection, please contact your inspector at the number above. Call 711 for TTY services. Inspectors are not permitted to answer their phone if they are performing another inspection or driving. Please leave them a message to include a permit number and call back number so they can return your call as soon as they are able.

Please complete our Customer Service Survey.

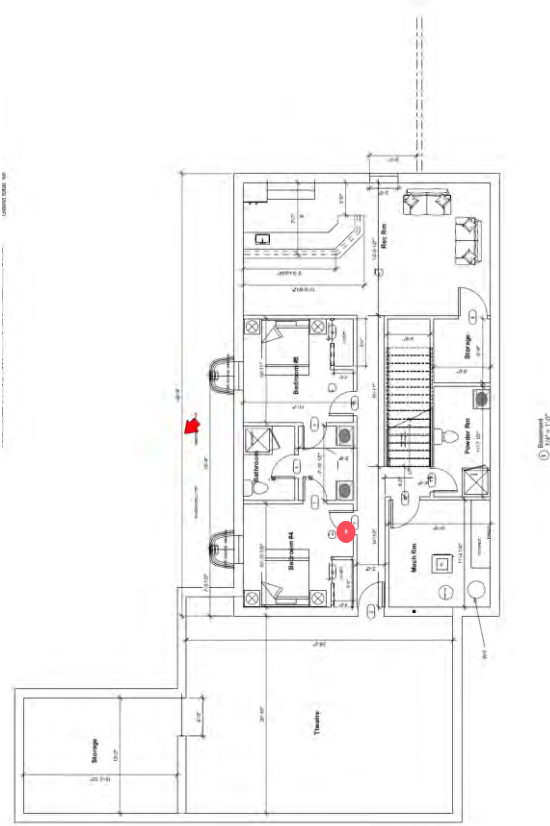
[Building Inspection Survey - PublicInput.com](#)

Fairfax County Land Development Services

*** This is an automatically generated email. Please do not reply. ***

Legend
● Location of photo

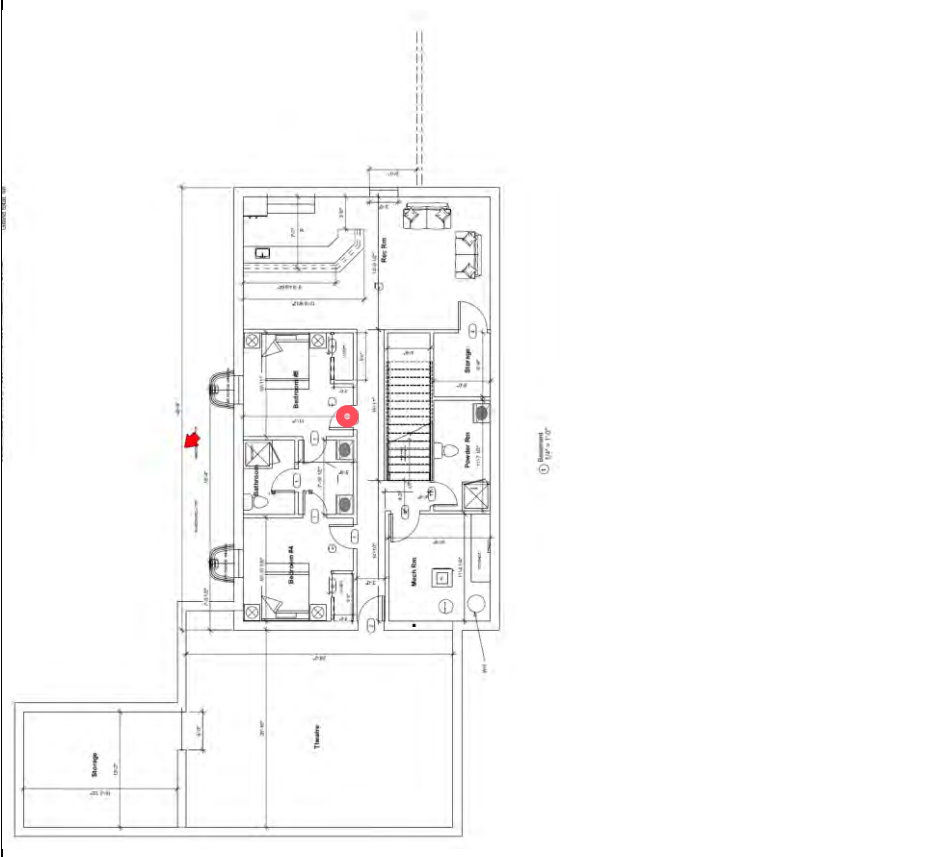
BASEMENT FLOOR PLAN



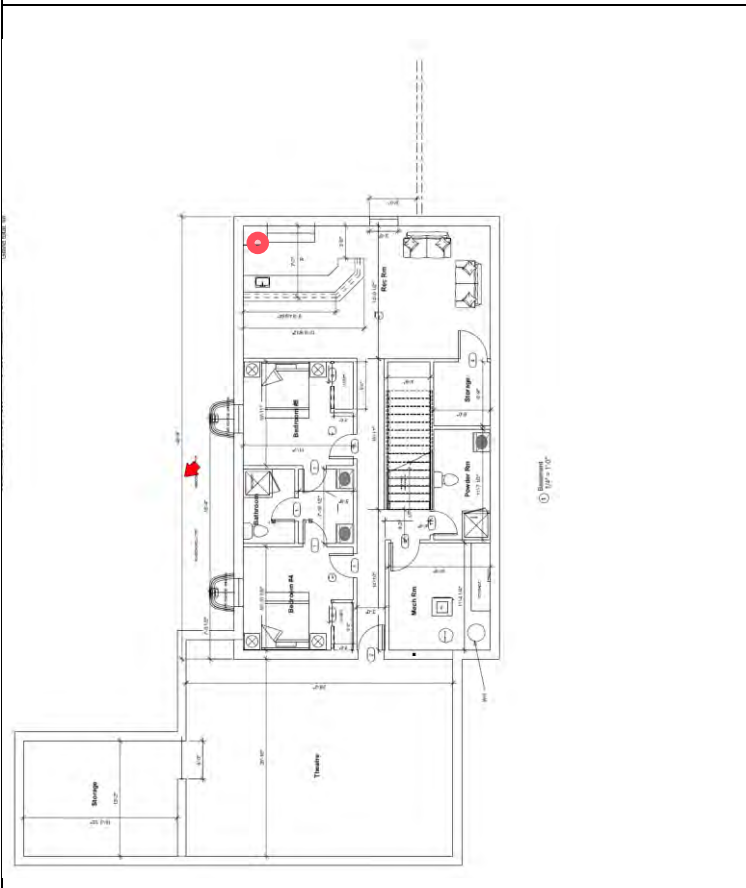
BEDROOM #4



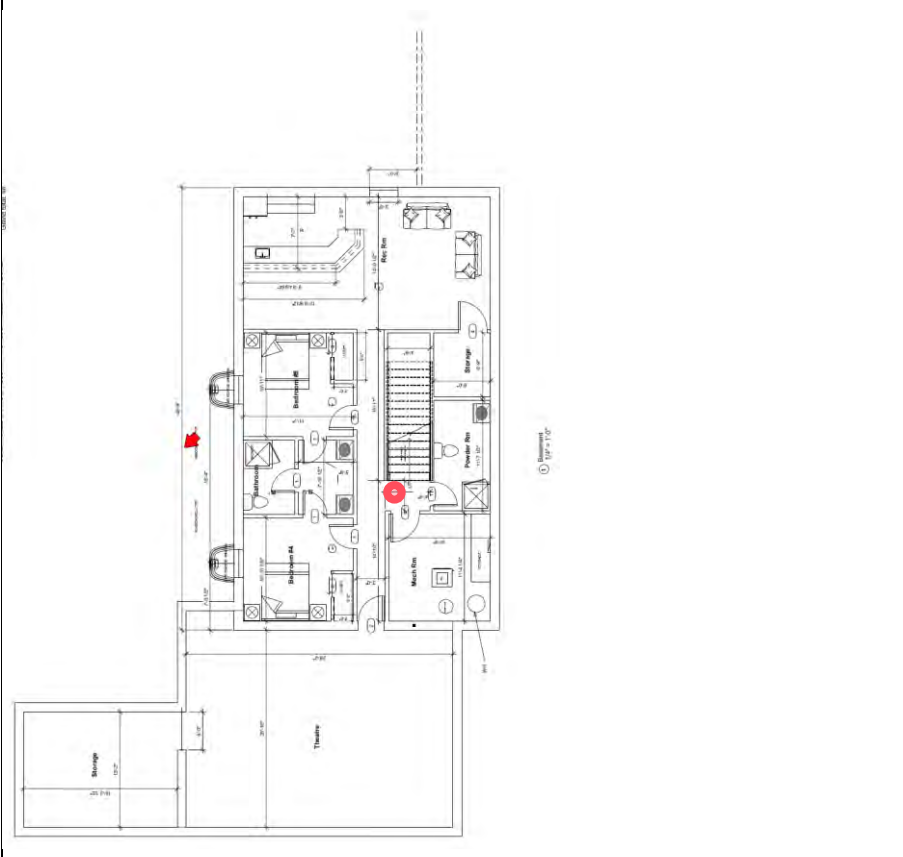
BEDROOM #5



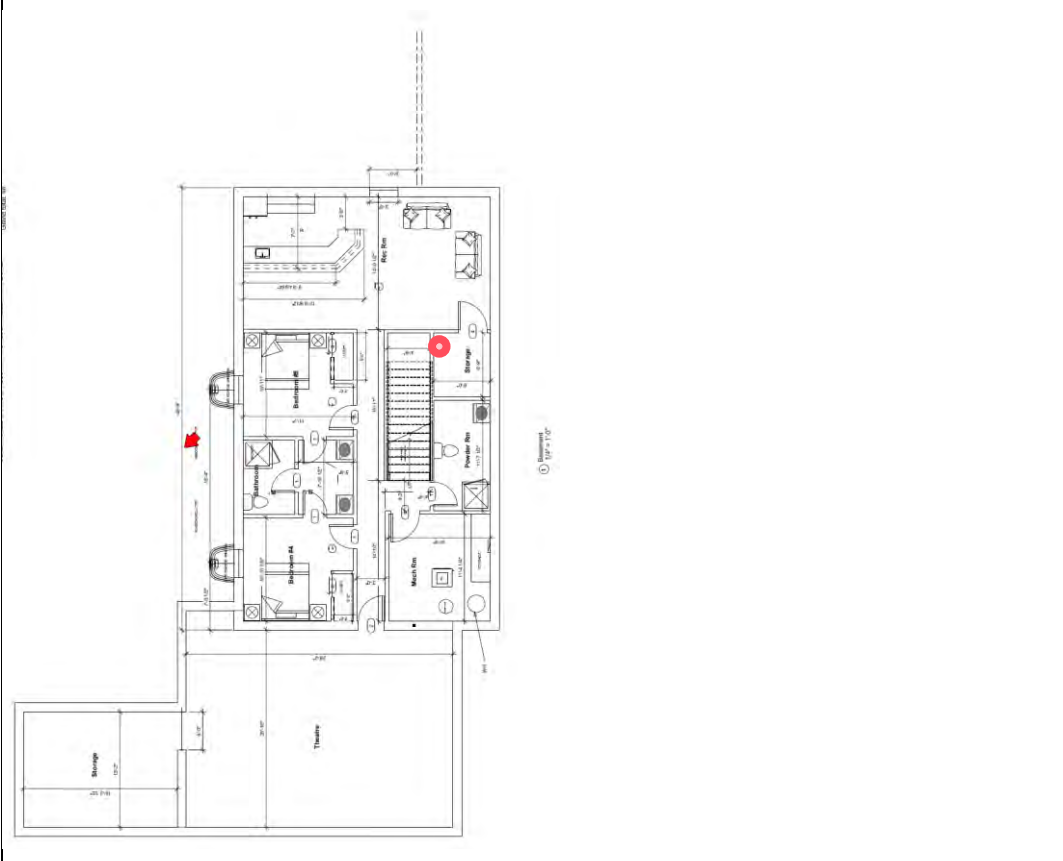
WET BAR & REC ROOM



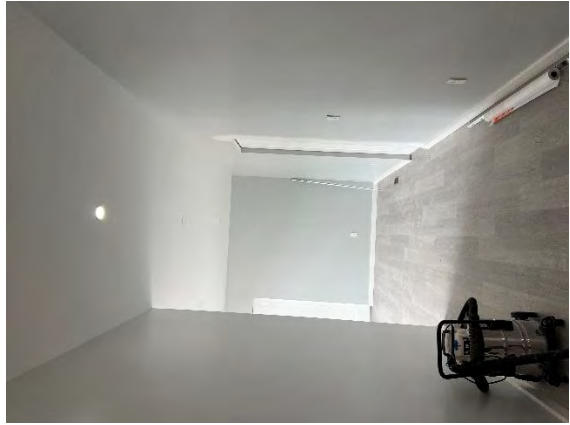
HALF BATH



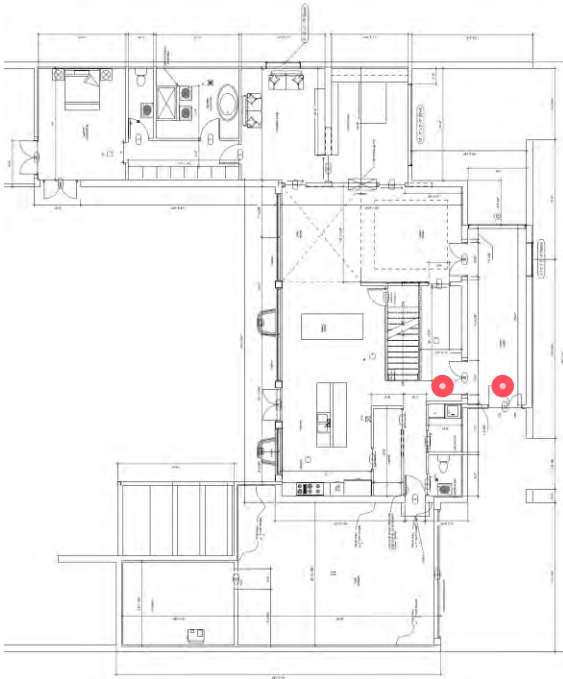
STORAGE ROOM



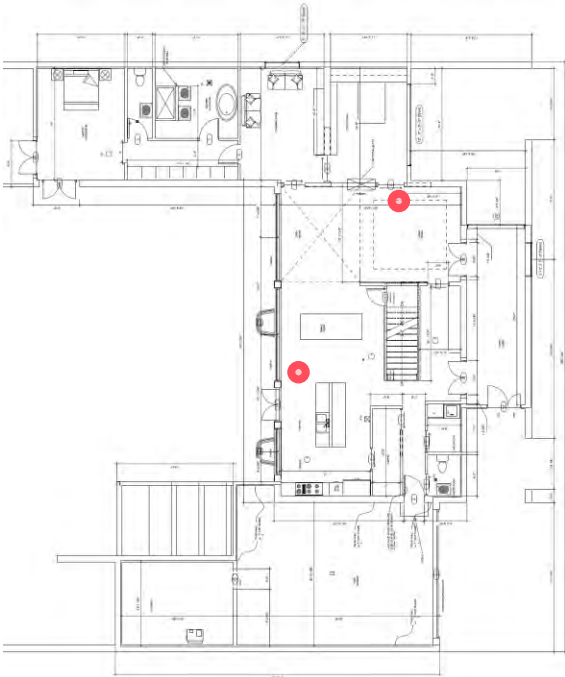
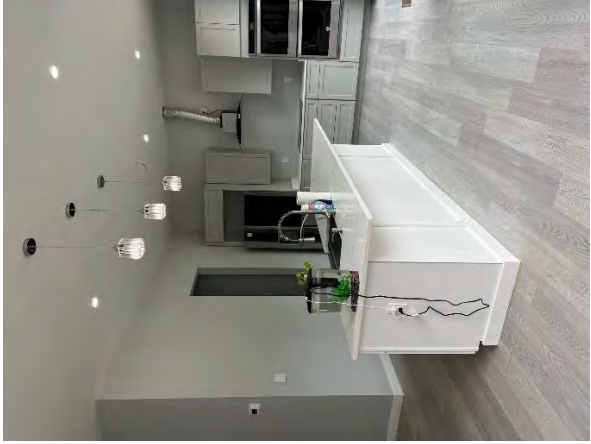
LOBBY



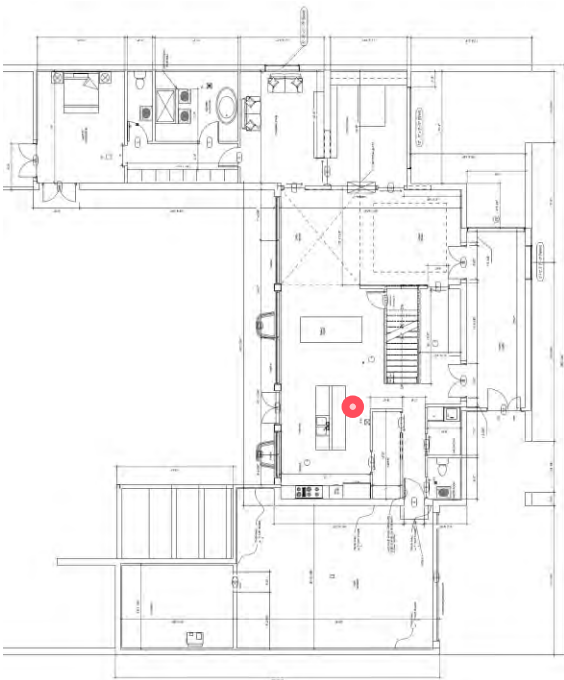
FIRST FLOOR PLAN



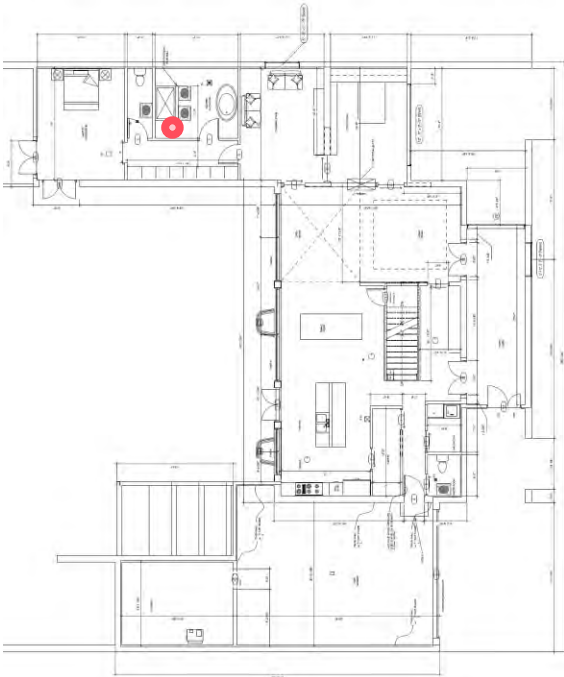
KITCHEN & DINING ROOM



LIVING ROOM



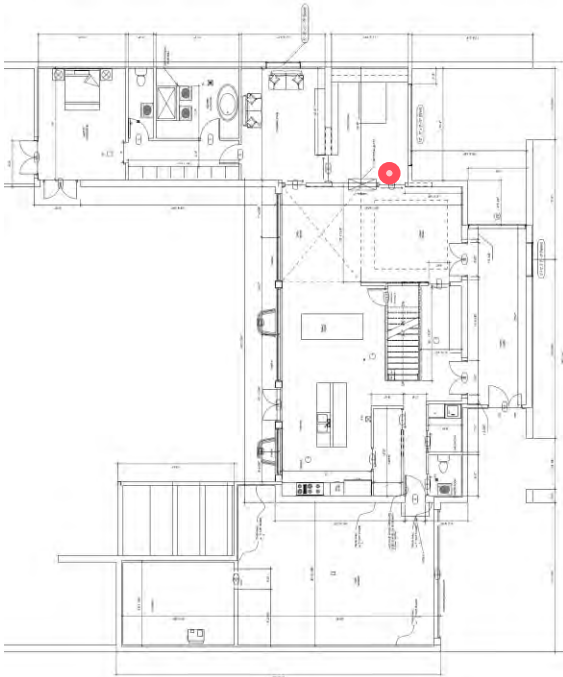
MASTER BATHROOM



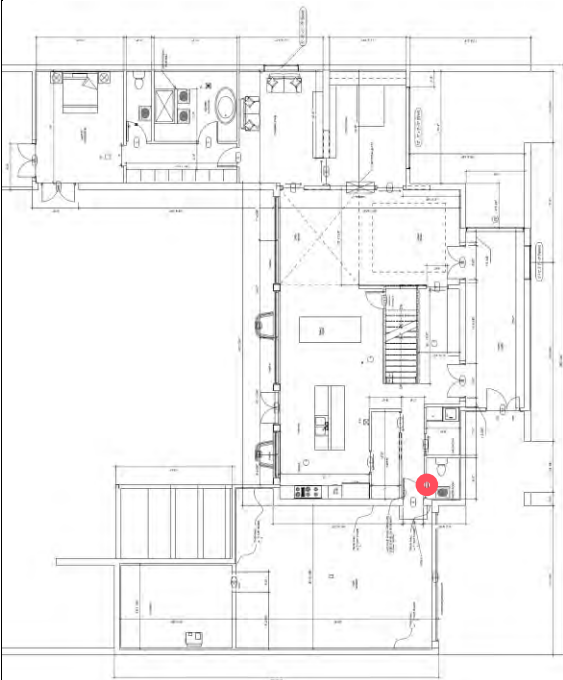
CRAFT ROOM



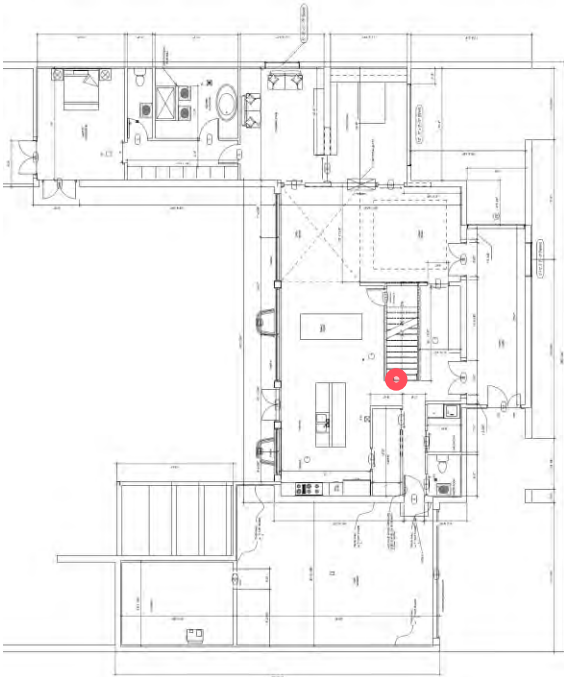
STUDY



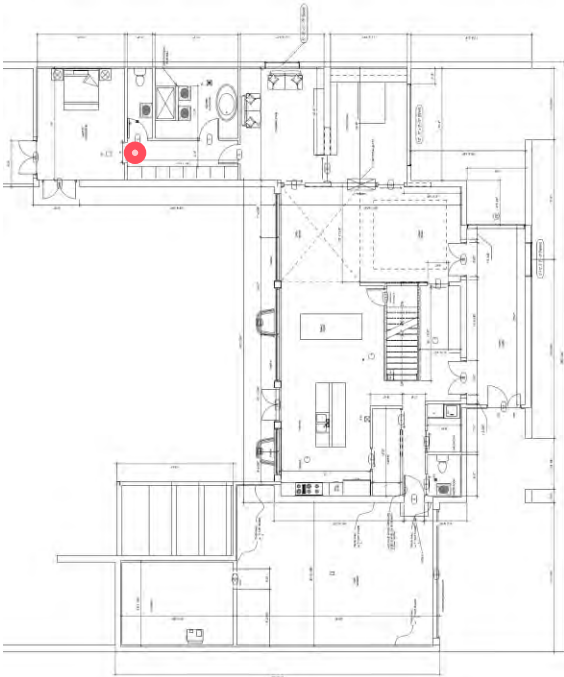
HALF BATH



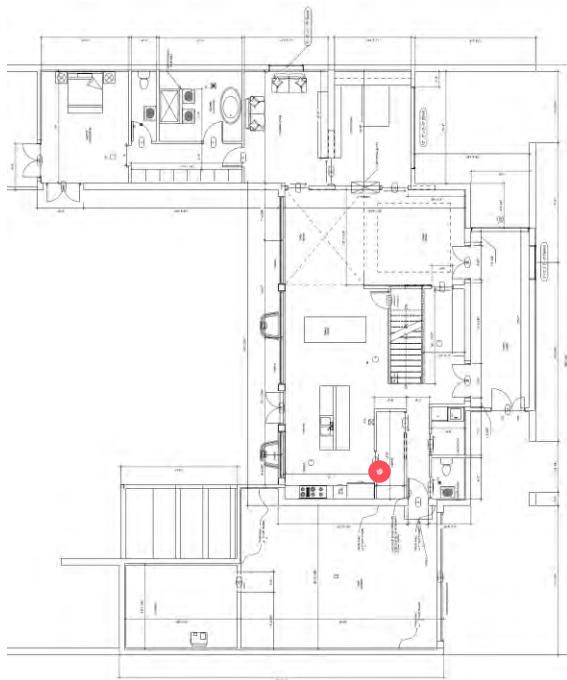
STAIRWELL



MASTER BEDROOM



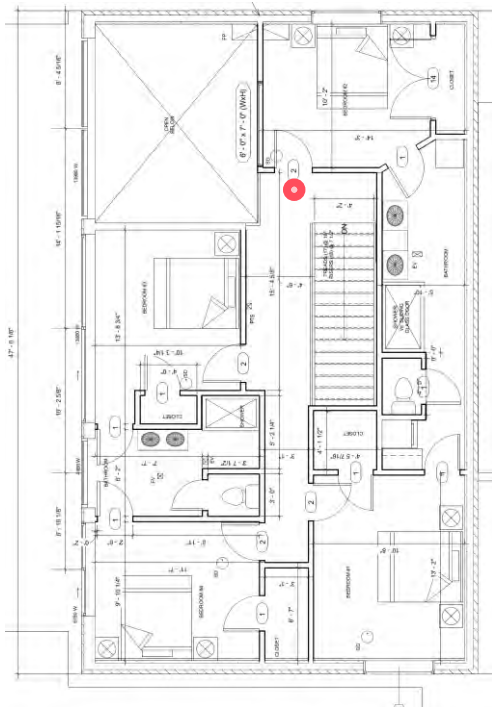
PANTRY



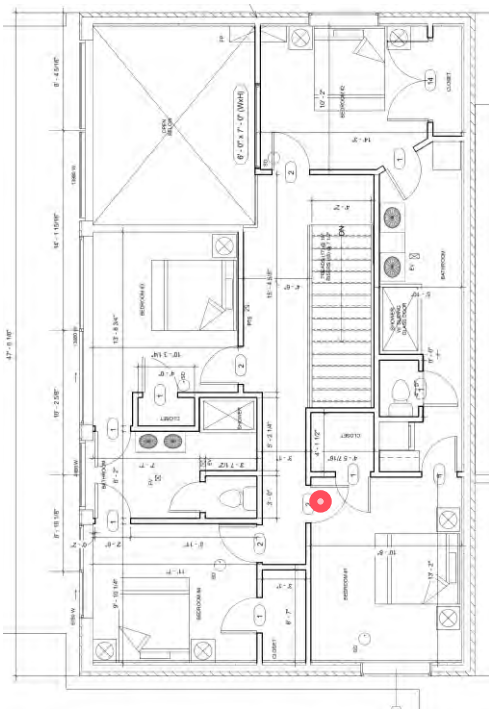
HALL



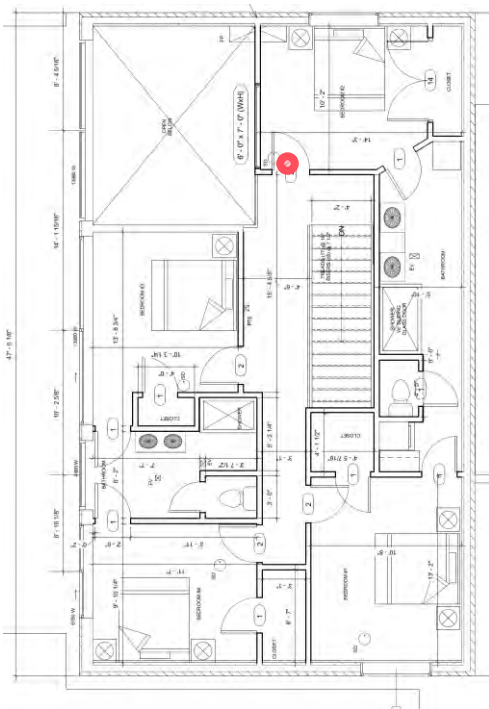
SECOND FLOOR PLAN



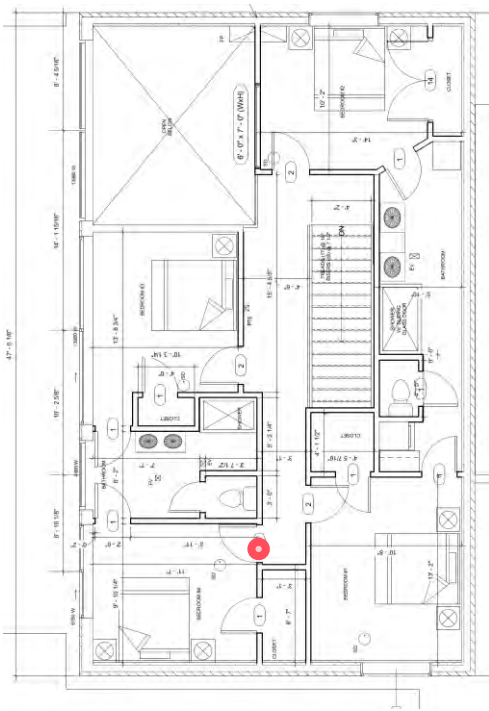
BEDROOM 2



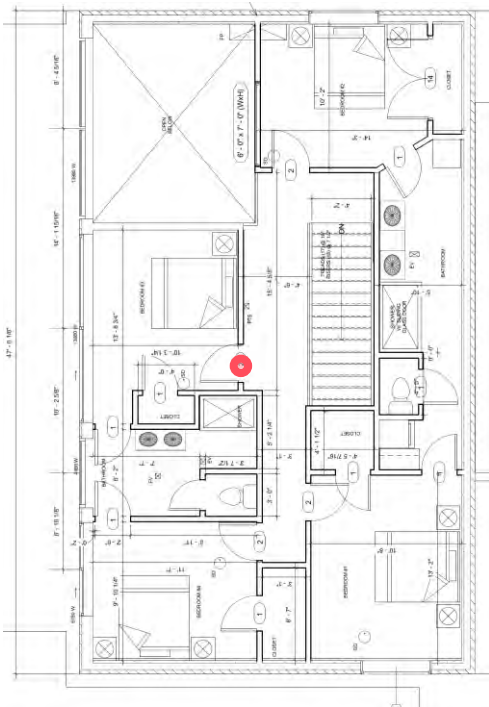
BEDROOM 1



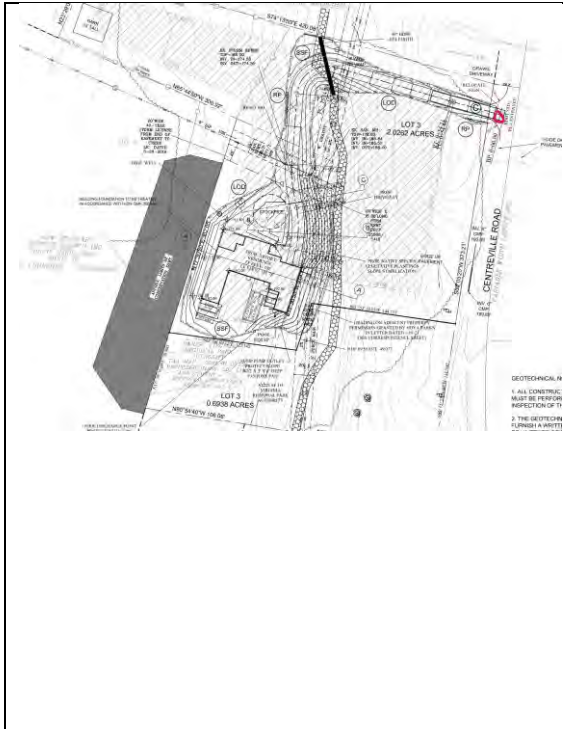
BEDROOM 3



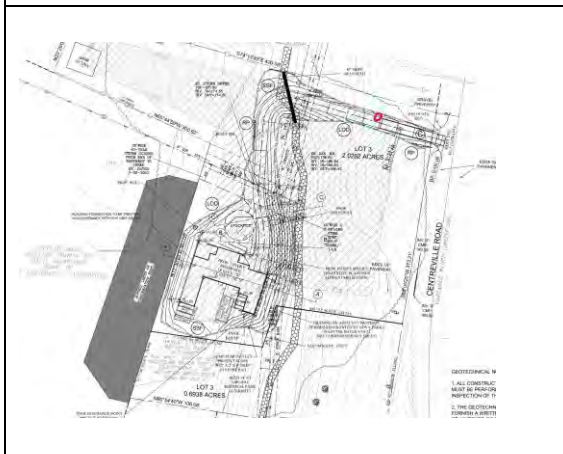
BEDROOM 4



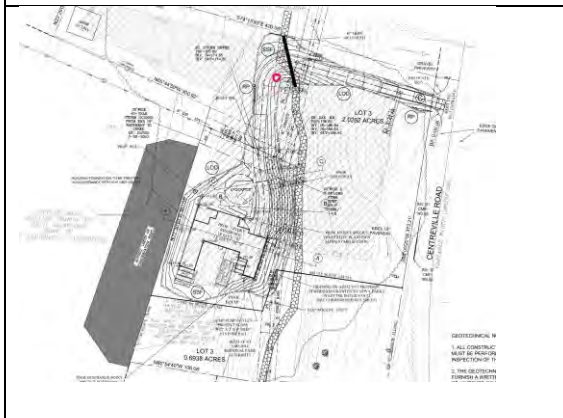
WASHINGTON RESIDENCE DRIVEWAY & EXTERIOR PHOTOS



Mailbox with Street address in gold numbering and panel wood with numbers in white

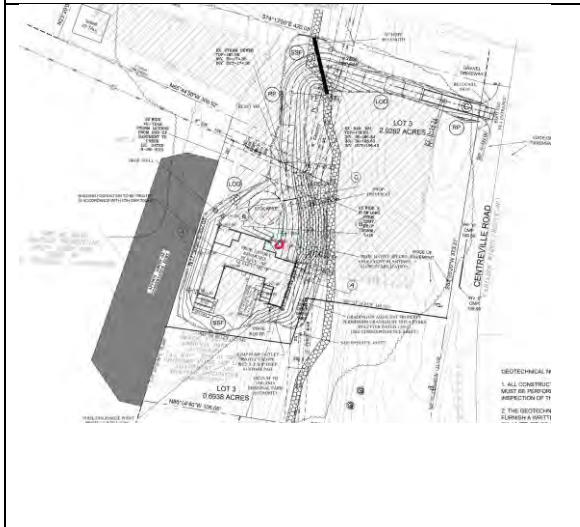
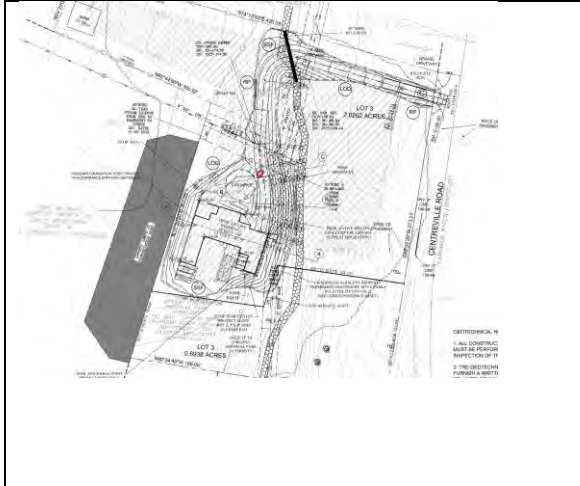


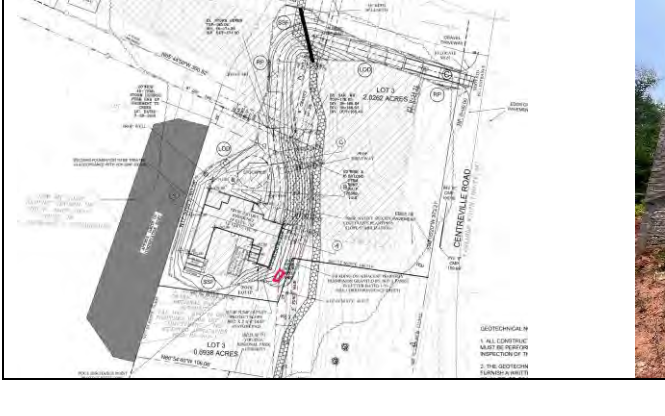
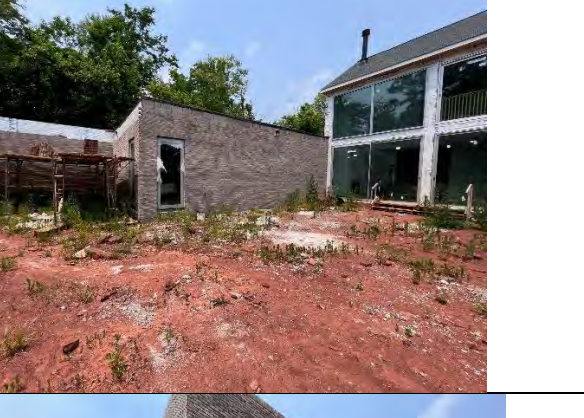
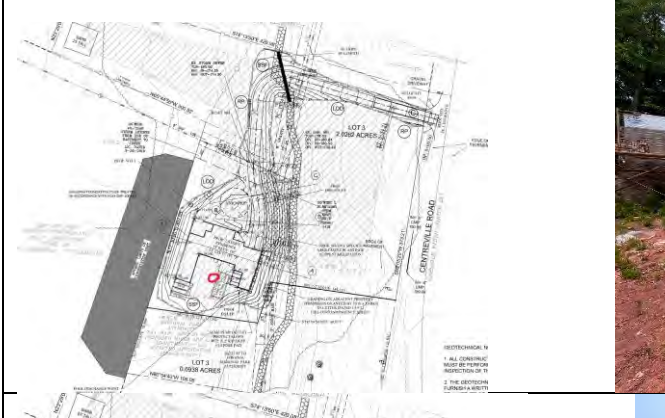
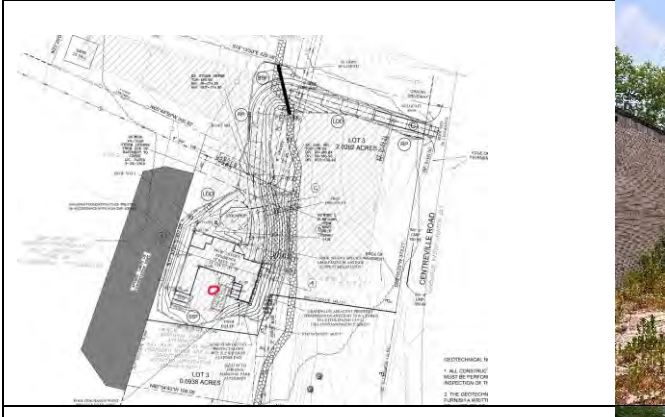
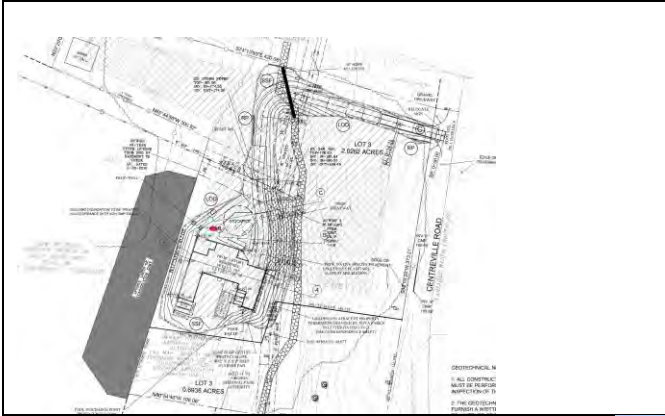
Driveway entrance towards house



Driveway towards home after crossing culvert on turn







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Fairfax County
Local Appeals Board
Meeting Minutes
May 10, 2023

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Transcript of Fairfax County Board Building and Fire Prevention Code of Appeals Meeting

Date: May 10, 2023

Case: Transcription Services

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TRANSCRIPT OF AUDIO-RECORDED
MEETING OF THE FAIRFAX COUNTY BOARD BUILDING AND FIRE
PREVENTION CODE OF APPEALS

WEDNESDAY, MAY 10, 2023

Job No.: 500179

Pages: 1 - 67

Transcribed by: Christian Naaden

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P R O C E E D I N G S

MR. CONOVER: Good morning. I'd like to open the May meeting of the Fairfax County Board Building and Fire Prevention Code of Appeals. Thanks Carla and other staff of Land Development Services for your efforts in facilitating this meeting. And thanks to my fellow board members for being here and making themselves available.

We'll be hearing one appeal today. It is for 7108 Centreville Road and there being four members of the board present, the quorum exists. For the appeal today, both the appellant and the appellee can appeal a decision to the State Technical Review Board.

The application for appeal must be submitted to the State Technical Review Board within 21 days following the receipt of our decision on the appeal. You'll get that decision today, verbally at the end of the hearing on the vote on the appeal and I will follow that up with an official form today or tomorrow with Carla.

Please note a majority vote of the board is needed to overturn the building official's ruling. As

1 chairman, I do not vote. The order of the meeting with
2 respect to each appeal we'll hear today is as follows.
3 The appellant will present a one-minute opening
4 statement that includes a summary of the basis for
5 their appeal -- of an appeal.

6 The county will present a one-minute opening
7 statement that includes a summary of the basis for
8 their position. I will try and, based on those
9 statements, frame the issue before the board. That
10 helps us focus on what's relevant to the -- the issue.
11 Then the appellant will be given time to present their
12 case.

13 Technically, I think the guidelines call for a
14 ten-minute time limit. I've never enforced that, but if
15 this goes on and things start to ramble, I will suggest
16 to either party to kind of sum up. The county will
17 present its case and after each presentation, I'll look
18 for the board members to ask questions of the appellant
19 and the county.

20 Then, you'll be invited to provide a closing
21 comment, which at that time you'll be able to use the
22 word rebut, what the other party has maybe stated and

1 then we'll have one more round of questions.

2 After completing presentations from and
3 questions of each party, I'll close the public hearing
4 phase of the meeting and ask for a motion and a second
5 from the board members as to the disposition of the
6 appeal. With a motion before the board, we'll discuss
7 the motion and vote.

8 If in the board discussion a new issue arises
9 that was not raised during the hearing, I'll reopen the
10 hearing for each party to speak to that issue. So, I
11 will generally continue to remind board members to ask
12 questions so that nothing new comes up and I have to
13 reopen the hearing.

14 Please note, any questions from the appellant
15 to the appellee or vice versa can be directed to me and
16 I'll facilitate that if you will. So, I'd like to
17 invite the parties for the appeal at 7108 Centreville
18 Road to present a one-minute summary of your appeal.
19 And please introduce yourselves.

20 MR. BERNOSKI: My name is Gene Bernoski. I'm
21 counsel for Lewis Washington.

22 MR. WASHINGTON: I'm Lewis Washington. I'm the

1 homeowner at 7108.

2 MR. TARASKA: For our opening statement, I'd
3 like ask to refer to the May 9 memorandum that we
4 received from the county [inaudible] and the objections
5 that -- the exceptions that were -- were taken were on
6 page two. The lower -- lower part of the document says
7 building. All of those, according to Mr. Lewis, have
8 been satisfied.

9 The third page is where we believe we're
10 asking for relief in the variance in the temporary
11 occupation. These are all site items, which are safety
12 concerns with respect to the interior of the building.
13 Those are what we're asking for relief from the code
14 and whichever occupancy permit. With respect to the
15 last page, there's a building inspection from April
16 2023.

17 All of those items have been satisfied. And
18 Mr. Washington has both video and still pictures and
19 his own testimony to show that. So, I think what would
20 be appropriate today would be for respectfully asking
21 for granting of the temporary occupancy permit
22 contingent upon, of course, a verification inspection

1 of the county.

2 MR. CONOVER: Okay. So, let me make that
3 clear. You're -- you're going to be asking for a
4 temporary certificate of occupancy and that contingent
5 upon inspection by the county, that inspection would
6 occur at some point later then.

7 MR. BERNOSKI: As soon as [inaudible].

8 MR. CONOVER: Okay. Thank you.

9 MR. RIAT: Good morning. I'm Jay Riat. I'm a
10 Fairfax County building official. Thank you for hearing
11 us here today and for this appeal hearing. I am
12 sympathetic to Mr. Washington's request. We have been
13 helping Mr. Washington since he reached out to us with
14 his -- with the situation that he has with his
15 finances.

16 We have dedicated staff ready, standing by to
17 review and inspect all of his items that we had cited
18 on 4/20 as they had said. We have prioritized his
19 project. It is our responsibility and commitment to
20 help Mr. Washington gain occupancy as soon as safely
21 possible. And we're not interested in splitting hairs
22 or denying any occupancy over minor things.

1 However, when there are critical items that,
2 according to our records, inspection records, as you
3 know, the last inspection took place on 4/20, arc fault
4 protection, GFCI not installed properly, missing
5 electrical wiring, fault protection from elevated
6 levels, missing handrails at the stairs, egress windows
7 incorrectly sized and installed incorrectly.

8 These are significant items that are critical
9 to safe occupancy of his home. We want to see him get
10 in as soon as possible. I mean, that's our
11 responsibility as public officials to get this, you
12 know, get his family into this home as soon as
13 possible. I can appreciate Mr. Washington has
14 completed, according to his statement, that these items
15 have been addressed on these things.

16 But according to our inspection records, none
17 of the inspections have occurred since 4/20 and we have
18 staff standing by ready to go out there and inspect
19 today if need be. Again, we're very interested in
20 helping him occupy his home as soon as safely possible,
21 but we believe that these significant items need to be
22 inspected prior to an occupancy being given.

1 One other point to clarify, I think that we
2 believe that this request is not for temporary
3 occupancy. It's a request to occupy early. Temporary
4 occupancy means that he will occupy for some temporary
5 amount of time and leave. That's not the case.

6 What I think he's trying to do is gain
7 occupancy, complete these items after the fact, these
8 site items, which are very critical as well, as far as
9 I can tell, it looks like a construction site to us.
10 None of the site work, the grading, the revision that's
11 been -- that's in place here in our possession for
12 review, because the site work doesn't match the
13 approved plans.

14 And -- and if emergency personnel are to
15 access for some emergency reason, I don't think they
16 could be able to do that. So, that's just one point of
17 clarification I wanted to make and that's -- that's
18 what I have for my opening statement.

19 MR. CONOVER: Okay. So, I'm going to turn it
20 over to you for more presentation of your case in a
21 second. So, I'll try and frame this as the structure
22 and site is nearing completion and probably very close

1 to being ready for final inspection and certificate of
2 occupancy.

3 And we're kind of caught in this never, never
4 land, if I can use that term, of days, weeks, of, how
5 shall I put this, wanting to open the oven and pull the
6 cake out, but the chefs that are in charge of the
7 kitchen are saying, wait a minute, we've got to wait a
8 couple more days.

9 I don't know if it's completely baked and
10 we're afraid if we pull it out early, it's going to
11 fall, not a cake souffle, whatever. So, I'm -- we're --
12 we're -- that's how I'm framing this.

13 And so, the issue before the board and what
14 both parties are going to speak to is whether we feel,
15 based on the information that's provided, that it's
16 acceptable to continue with things as they are to issue
17 a temporary or permanent certificate of occupancy.

18 Or, as was suggested approve it with some
19 contingency, contingent upon something happening in the
20 next week or so or a couple of days. So, that's where
21 we are and I'll again turn it over to you folks, Mr.
22 Washington and Mr. --

1 MR. BERNOSKI: Bernoski. Mr. Washington, I --
2 the problem is, I don't have sufficient copies for the
3 [inaudible]. I don't [inaudible] for four board
4 members.

5 MR. CONOVER: We -- we can -- we -- we've
6 passed before.

7 MALE 2: We'll sort through.

8 MR. CONOVER: We can --

9 MALE 1: We'll share, right?

10 MALE 2: Yeah.

11 MR. CONOVER: Okay.

12 MALE 1: We'll share one copy.

13 MALE 2: Okay. George and I will share a copy
14 [inaudible] goes to the county.

15 MR. CONOVER: All right.

16 MALE 1: Thanks.

17 MR. BERNOSKI: Mr. Washington, there's a group
18 of photographs that we've passed around to the board
19 members. Could you please tell us what pictures of
20 these address the items that were on either the April
21 12 inspection or page two [inaudible]?

22 MR. WASHINGTON: The first one [inaudible]

1 over there.

2 MR. BERNOSKI: Is that a fully functioning
3 kitchen right now.

4 MR. WASHINGTON: It is.

5 MR. BERNOSKI: You have [inaudible] right
6 here.

7 MR. WASHINGTON: Yeah.

8 MR. BERNOSKI: Electrical?

9 MR. WASHINGTON: Yeah.

10 MR. BERNOSKI: And the appliances, are they
11 working?

12 MR. WASHINGTON: They are. And [inaudible]
13 office is also part of the [inaudible] also.

14 MR. CONOVER: Mr. Washington, could you move a
15 little closer to the mic or move the mic closer to you?
16 Just I want to make sure [Talking over each other],
17 yeah, sorry. Just bring it over.

18 MALE 2: Just bring it over to the middle
19 here. Sorry.

20 MR. CONOVER: Just want to make sure it's
21 getting picked up.

22 MR. WASHINGTON: The second photo on page two,

1 this shows the master bedroom and then all of the
2 receptacles [inaudible]. And then the third photo is of
3 the master toy room and you see the lights on there.

4 MR. BERNOSKI: Does that fully function?

5 MR. WASHINGTON: It is functioning.

6 MR. BERNOSKI: Yeah. [Inaudible]

7 MR. WASHINGTON: So, the third photo, I mean
8 the fourth photo, this is of the master bathroom shower
9 fully functioning with light [inaudible]. Also, it's
10 [inaudible] also.

11 MR. BERNOSKI: And that's with double faucets.

12 MR. WASHINGTON: That's all in the master.

13 MR. BERNOSKI: Does that work?

14 MR. WASHINGTON: It does. The next one after
15 that, this is a photo of the front office, the office
16 space. It's fully functioning with electrical and
17 lights. And the next photo is the same thing, the
18 office. [Inaudible] of the [inaudible] electric in
19 bathroom.

20 So, the same thing electrical. This room also
21 has a carbon monoxide smoke detector combination
22 detector in there. So, down the other is just a regular

1 smoke detector [inaudible].

2 MR. BERNOSKI: Is the ceiling detector in the
3 ceiling?

4 MR. WASHINGTON: It's in the [inaudible] now,
5 but it's right here. We had it on the wall and he asked
6 us to put on the ceiling, so we took them down on
7 Sunday. The next photo is of the -- the breaker.

8 When the inspector came, there was some
9 concern that he was not able to read our fault on the
10 bathroom and the -- bathroom and also the bedrooms and
11 carbon -- no, smoke detectors. So, this is a photo of
12 the [inaudible]. [Inaudible] is very lightly written on
13 it -- it was very lightly stamped on it from the
14 manufacturer.

15 But it's on each one of these and we went back
16 and painted all of them the best we could and then we
17 did some [inaudible].

18 The photo after that, that is one of the
19 combination smoke detectors that we installed in that
20 bathroom, but there in the house, one in the craft
21 room, there's one upstairs between the kid's bedroom
22 and the hallway and there's also one here at the bottom

1 of the base of the stairs. Just over here [inaudible].

2 The next photo is the one of the [inaudible].

3 The [inaudible]. This upstairs on the second-floor room
4 by my daughter's room. The railing was initially about
5 five or six inches apart. The inspector had asked us to
6 have it no more than four inches apart, so we put it at
7 three and a half. So, this is a photo that was taken
8 last week once the carpenter finished that.

9 So that's two bedrooms. That's bedroom four
10 and there is also a bedroom [inaudible]. The next photo
11 is of the bricking that was done over the past week on
12 the left side. This [inaudible] at the door at the
13 wall. And this next photo is just of the kitchen,
14 facing the living room and bathroom.

15 MR. BERNOSKI: What items on the second page
16 of the memorandum are left to [inaudible]?

17 MR. WASHINGTON: [Inaudible].

18 MR. BERNOSKI: [Inaudible].

19 MR. WASHINGTON: Yeah, so all of these were
20 done -- these -- these came from the [inaudible]
21 inspection by [inaudible]. All of these were completed
22 before the request of [inaudible]. I can see they're

1 all made [inaudible]. All 116 of those are done with
2 the exception of the two [inaudible] windows.

3 After [inaudible] with Mr. Helman, I went and
4 [inaudible] two windows to go in, because they were on
5 back order. He put those in and after that April 20th
6 inspection [inaudible]. So, those are being replaced
7 now.

8 MR. BERNOSKI: With respect to the site, can
9 emergency personnel [inaudible].

10 MR. WASHINGTON: Yes, we've had three
11 burglaries in the past 10 days, and the police have
12 been able to get in and out very easily.

13 MR. BERNOSKI: What did the officer tell you
14 about the reasons why you would be targeted as a
15 burglary?

16 MR. WASHINGTON: So, the -- after catching two
17 of the suspects, the response from the suspect was that
18 the house had been -- they have termed my property as
19 abandoned because no one lives there [inaudible].

20 MR. BERNOSKI: That's another reason we'd like
21 to [inaudible]. All the items under the site subject
22 [inaudible]. Here's the biggest thing, [inaudible] the

1 retaining wall [inaudible]. [Inaudible] retaining wall,
2 is that necessary?

3 MR. WASHINGTON: No, the retaining wall was
4 removed from the plan revision last week by the
5 [inaudible] so.

6 MR. BERNOSKI: And according to them, I think
7 you need the retaining wall.

8 MR. WASHINGTON: No, [inaudible] he talks
9 about like a shallow [inaudible]. There's an accurate
10 [inaudible], but it's very stable ground. So, just
11 [inaudible].

12 MR. BERNOSKI: What about the sump pump or
13 gutter downspouts?

14 MR. WASHINGTON: So, one of the inspection
15 items from the 20th was facility sump pump. I have a
16 photo of that on my phone I took this morning. It's
17 still, in terms of the site work for that, they just
18 need [inaudible].

19 MR. BERNOSKI: Does that appear to be a
20 [inaudible] problem?

21 MR. WASHINGTON: No. That's outside the house.

22 MR. BERNOSKI: Let's go to the last page

1 [inaudible]. The building inspection, page 20, 22.
2 Which of those items were not addressed? That have not
3 been secured?

4 MR. WASHINGTON: All of those in [inaudible].

5 MR. BERNOSKI: Is there are portion of -- of
6 the [inaudible] home that you need to have restricted
7 access to or prevent anyone from coming into the
8 [inaudible] a barrier.

9 MR. WASHINGTON: So, the only area that, you
10 know, the barrier was the garage, where we were
11 initially going to do the retaining wall. There's like
12 a six-foot gap there. So, the inspector asked us to
13 board it up. So, we boarded it up with some 2 x 12s.
14 And then we also have like a [inaudible] to the garage
15 doors.

16 MR. BERNOSKI: [Inaudible] about the roof to
17 the garage?

18 MR. WASHINGTON: So, I have a photo. It's not
19 in those photos though, but I took a picture this
20 morning, the roof of the garage was completed back on
21 the 29th. It's right over there. He was up there
22 walking on his [inaudible]. But I took a picture this

1 morning. That's the garage, that's the garage roof.

2 MR. BERNOSKI: Is the garage roof sealed from
3 water coming in from the outside?

4 MR. WASHINGTON: Yes. That was the other
5 concern that there was a [inaudible] in the garage, so
6 there's a [inaudible] coming down and I have an old
7 photo of that too, but that -- that rubber [inaudible]
8 on the rubber roofing was not placed correctly by the
9 people that installed it, so I had another [inaudible]
10 come by and do it correctly.

11 MR. BERNOSKI: Can you please tell the board
12 what became of your request [inaudible]. Besides this
13 big --

14 MR. WASHINGTON: Difficult thing. We wanted to
15 put [inaudible] all the way to [inaudible] pocket
16 [inaudible] for all the construction materials
17 [inaudible]. [Inaudible] robbery Michigan on a fine day
18 for all the construction, and here's the situation,
19 which is completely messed up.

20 He said that -- that post the robbery
21 [inaudible]. [Whispering in background] Referring to
22 the getting the [inaudible]

1 MR. BERNOSKI: So, if -- if the bank saw this,
2 but the county approved, early over [inaudible], would
3 you be allowed to have [inaudible] on your [inaudible].

4 MR. WASHINGTON: Yes.

5 MR. BERNOSKI: I would like to reserve a few
6 minutes if we have a [inaudible].

7 MR. CONOVER: Yeah.

8 MR. BERNOSKI: Sure.

9 MR. CONOVER: Okay. Thank you. I'm -- I'm
10 going to ask the board members if they have questions.

11 [Whispering in background]

12 MALE 1: What's the status with the health
13 department and the well?

14 MR. WASHINGTON: The health department, they
15 did [inaudible] they came out and tested the water, it
16 came back clear.

17 I -- I'm pretty sure that after [inaudible]
18 Jessica Ramos, she asked me to get the gentleman to
19 provide a copy of the -- John Maza who did our well
20 construction, he didn't have the document submitted to
21 us [inaudible], but he [inaudible].

22 MALE 1: So, it's not approved. The water test

1 came back, it passed, but you don't have final approval
2 on the well?

3 MR. WASHINGTON: She's waiting on that
4 document.

5 MALE 1: Yeah.

6 MR. WASHINGTON: She got it last week.

7 MALE 1: What about, are you well -- are you
8 septic or are you public sewer?

9 MR. WASHINGTON: Public sewer.

10 MALE 1: And that's tied in?

11 MR. WASHINGTON: Yes. We had an issue with
12 that. Palmer tied it in incorrectly the first time
13 [inaudible] on top and then he went back and had to do
14 [inaudible] so they did [inaudible].

15 MALE 1: Do you have a general contractor?

16 MR. WASHINGTON: No.

17 MALE 1: You're doing that yourself. And do
18 you have any final inspections? Plumbing, electric,
19 HVAC?

20 MR. WASHINGTON: We -- so, when Mr. Benoit
21 came out on the 20th, they -- the way they do it, they
22 make -- they had to request all three of them.

1 MALE 1: Right.

2 MR. WASHINGTON: When he came back the last
3 time, he failed the electrical. The plumbing was done
4 by, I think Cassidy [inaudible]. But in terms of the
5 plumbing, when Benoit came, the toilet in the closet,
6 the half bath, it wasn't seated. So, we -- we did it
7 [inaudible] part of the [inaudible].

8 MALE 1: So, electrical has not been passed?

9 MR. WASHINGTON: So, he couldn't read the
10 [inaudible] on those breakers.

11 MALE 1: Okay.

12 MR. WASHINGTON: [Inaudible] and that was the
13 concern.

14 MALE 1: And that is --

15 MR. WASHINGTON: They called the [inaudible].

16 MALE 1: And that has not been recalled?

17 MR. WASHINGTON: It has not been rechecked,
18 but it's -- it's done.

19 MALE 1: And how about HVAC?

20 MR. WASHINGTON: HVAC, again, he checked
21 those. There's one in the attic and there's one in the
22 basement, so.

1 MALE 1: But, I mean, has that been approved?

2 MR. WASHINGTON: He hasn't -- well, he was
3 trying to read it when he was there. He wanted the guy
4 to write something on it. Or he wanted [inaudible], but
5 then it was [inaudible] working in the house.

6 MALE 1: And do you have a driveway?

7 MR. WASHINGTON: So, we have the, it's like
8 recycled concrete driveway right now all the way back -
9 -

10 MALE 1: Gravel, essentially.

11 MR. WASHINGTON: What's it called?

12 MALE 1: Like gravel.

13 MR. WASHINGTON: No, it's like -- it's like
14 gravel, but it's a little bit bigger.

15 MALE 1: Yeah.

16 MR. WASHINGTON: Like RC6, RC2.

17 MALE 1: Okay. All right, thank you. I'm good.

18 MALE 2: What's the -- the handrail at stairs?
19 I don't see that in that photograph. The handrail in
20 there.

21 MR. WASHINGTON: The first -- so, so when you
22 come down the steps, the handrail came down and

1 [inaudible] over and when it's over by the wall, it was
2 too close to it. So, the gentleman went back and he
3 corrected it.

4 MALE 2: Did he use inch and a half or
5 something?

6 MR. WASHINGTON: Well, instead of doing an
7 inch and a half, we just made it straight down. We just
8 got it straight all the way down.

9 MALE 2: Oh.

10 MR. WASHINGTON: They got a 90 [inaudible].

11 MALE 2: And the [inaudible] windows you said
12 were replaced?

13 MR. WASHINGTON: That was replaced right
14 there.

15 MALE 2: Because it was the bedroom, right?

16 MR. WASHINGTON: There's two of the bedrooms.
17 We have seven bedrooms, but there's two on the second
18 floor. So, the -- the boys' bedrooms.

19 MALE 2: So, they call them bedrooms, but you
20 have [inaudible]. And fall protection bedroom number
21 three and number four was the worst side [inaudible].

22 MR. WASHINGTON: Yes, that was the

1 [inaudible].

2 MALE 2: Yeah, I think you got that

3 [inaudible].

4 MR. WASHINGTON: Yeah, that's right. And
5 here's the other one. That's the second one.

6 MALE 2: Okay. It's like this one. All right.
7 Got it.

8 MR. CONOVER: Other questions?

9 MALE 3: I have a couple. The CO detector, a
10 combination of CO smoke. Is that hardwired?

11 MR. WASHINGTON: It is hardwired. Yes. We had
12 regular smoke detectors before, and we had to take
13 those down.

14 MALE 3: And HVAC is out of reach. [Whispering
15 in background]

16 MR. WASHINGTON: Yes.

17 MALE 3: But I think [Whispering in
18 background] it's a fellow board member, if you haven't
19 had final inspection on it.

20 MR. WASHINGTON: Yeah.

21 MALE 3: And -- and you -- you referred to
22 safety. I guess policemen have been there or what have

1 you. So, if you were to take off and see the structure,
2 let's say tomorrow, and there were a medical emergency
3 within the house, or some other situation that occurred
4 inside the house with your family.

5 Could an EMT get to the property and get
6 inside the house to address a medical emergency that
7 had occurred inside the structure.

8 MR. WASHINGTON: Yes. [Whispering in
9 background]

10 MALE 3: And that's your opinion or you -- you
11 have talked to the fire department or --

12 MR. WASHINGTON: [Whispering in background]
13 [inaudible].

14 MALE 3: Okay. I'm talking about getting into
15 the house with a stretcher and, you know, or having to
16 fight a fire God forbid.

17 MR. WASHINGTON: Yeah. Yeah, the [inaudible]
18 [Whispering in background].

19 MALE 3: Okay. Thank you.

20 MR. CONOVER: Okay. Who's going to present for
21 the county?

22 MALE 4: I can present.

1 MR. CONOVER: It's your turn.

2 MALE 4: Yeah, I don't have much of a
3 presentation other than what we're gaining here from
4 this conversation is that items have been completed
5 since we gave this punch list and last inspection item,
6 according to Mr. Washington.

7 We want the opportunity to inspect those items
8 to ensure that these items are completed and can issue
9 a final inspection that is approved before occupancy
10 can be given. Again, we're not here to harp on minor
11 small things. We want just safe occupancy. We want a
12 completed site. And one of the things I do have follow
13 up questions about is the items that are on the site
14 punch list.

15 They say that all the items have been
16 addressed, but I just want to ensure there's eight
17 items here. I just want to kind of understand which
18 ones are not addressed and which ones have been
19 addressed. And if they have been addressed, again, on
20 the same -- same on the site side, we would like the
21 opportunity to go out there and inspect as soon as
22 possible.

1 If they're ready today, as soon as we leave
2 here, we'll make the call to send inspectors out there
3 at his request to inspect it and deem this property
4 safe. He can go on completing the minor stuff after the
5 fact, as long as the main critical items are in place
6 and are safe.

7 That's ultimately what we care about and, you
8 know, we care about Mr. Washington and his family and
9 the public and everybody around as well, anybody that
10 needs to go in and also help. I mean, if the soil --
11 one of the items on the site punch list is that the
12 soil is not stable.

13 So, if that is the case, according to our
14 records, that is one of the things that has been
15 identified, I don't understand how emergency personnel,
16 if they were to respond, could do that.

17 MALE 2: One thing I'd just like to add is
18 that after having conferred with staff on this
19 particular problem, this particular request for
20 temporary occupancy is extraordinary. We can't, as a
21 collective staff, remember an application made for
22 temporary occupancy that was for a single-family stand-

1 alone home.

2 This is for larger commercial structures that
3 are opening as construction completes, when the shuttle
4 is complete and other basic things are in there. This
5 is for larger multi-family buildings when they want to
6 start opening up apartments to people and start using
7 the space for commercial/residential purposes.

8 So, the guidance we have from the code is
9 safety. And this lies within, as I read the code, the
10 building official's discretion. What does the building
11 official use as a measure of his discretion? And the
12 guidance from the code is life or public safety.

13 Like once -- I think what the building
14 official has said is that once he's confident that
15 these life and public safety issues are addressed, that
16 he is more amenable than now to granting the permit.

17 But as he's also said, some of the things
18 which don't immediately jump off the page as life
19 safety issues can be like the grading of the property
20 and when the access of emergency services.

21 All these things play in to the idea of how
22 emergency services are going to get to the property and

1 so we appreciate all that's been done here and I think
2 staff really wants to get out here and inspect those
3 things to make sure it's safe because that's our
4 overriding concern too.

5 But I think the building official here in a
6 space where we don't see a lot of requests of this kind
7 of nature is trying to be cautious and trying to make
8 sure that Mr. Washington and his family are going into
9 a safe situation.

10 And one where, quite frankly, as they are in
11 there, what we -- what we sort of don't know, and this
12 is maybe something he can speak to in his rebuttal, is
13 that -- is this is a 75-day permit. Is this going to be
14 done in 75 days? If it's not, what happens? If the CO
15 is revoked, it kind of puts us in a situation where the
16 family can't stay there, but probably will.

17 And we don't want that situation either. So,
18 we're trying to take the long view of this as well. It
19 seems strange in the short term, perhaps a little hard
20 -- a little bit of a hardship for Mr. Washington here.
21 But I think overall we're serving the values of the
22 community and the values of the code.

1 MR. CONOVER: Questions for the county?

2 MALE 5: I guess the -- the one question I
3 would have, the last time you were out, I mean, it
4 seems like a lot of work has been done since the last
5 time you were out there. Has there been any request to
6 have you come back out and inspect this completion?

7 MALE 4: No, it has not.

8 MALE 5: What's been completed.

9 MALE 4: Not from us. Not for us, I mean.

10 MALE 5: Yeah. Okay.

11 MR. CONOVER: [Inaudible].

12 MALE 6: No, I'm good.

13 MR. PAIGE: The request for a temporary
14 occupancy permit, in accordance with the code, the code
15 doesn't say skyscrapers or single-family homes. It just
16 says buildings or structures. Why would you make that
17 distinction between the two.

18 I mean, just because you did it before, that's
19 not what the code says. So, why -- why would -- why
20 would we say that doesn't mean single-family homes?

21 MR. WILHAM: This is Dan Wilham, Deputy Field
22 Official of Fairbanks County. I don't think our comment

1 was to say it doesn't necessarily include single-family
2 homes. It's just that we haven't done it in the past.

3 We do have a policy for early occupancies for
4 commercial structures, and it's published on our
5 website, and we follow that, and that includes, the
6 building corn shell has to be 100% complete. You know,
7 all site work and all proffers have to be 100%
8 complete.

9 We have a -- a very detailed outline procedure
10 on how we handle temporary or early occupancies for
11 commercial structures. We don't have anything like that
12 for a single-family home. So, our point was that this
13 is extraordinary to us because this is the first time
14 from our knowledge that we've ever been asked to do
15 this.

16 MR. PAIGE: Okay.

17 So, we're trying to -- we're trying to -- to
18 bend over backwards to help them as much as we can.
19 We've given them a big outline of what things need to
20 get done and we would like to go out and inspect it and
21 potentially approve them. We haven't been asked to do
22 that yet.

1 It sounds to me like maybe we're being asked
2 to inspect it right here in this room based on
3 pictures. We don't do that. We have to go to the site
4 usually, or at least video or something, and be able to
5 look around ourselves, not just look at a select few
6 handfuls of photographs to determine what work has been
7 completed.

8 MR. PAIGE: Okay. Another question, would you
9 -- would you hold back a temporary, I'm assuming
10 temporary is temporary here, would you hold back a
11 temporary approval because of site deficiencies, not
12 building deficiencies, but site deficiencies? Because
13 it's supposed to be, the issue is supposed to be
14 safety. Health and safety, right?

15 So, I'm looking at the site deficiencies here
16 and I'm -- I'm not seeing health and safety in there.
17 So, am I missing something? If -- if the rest of this
18 stuff has been completed, as they say, and you inspect
19 it and you verify that it's been completed, would site
20 deficiency still hold you back from issuing the
21 approval?

22 MR. WILHAM: It would depend on the site

1 inspector.

2 MR. PAIGE: Okay. So, there would be a site
3 inspection then, before you issue the approval?

4 MR. WILHAM: Yes. Yes.

5 MR. PAIGE: But you've already done that.

6 MR. WILHAM: What -- what?

7 MR. PAIGE: The site inspection.

8 MR. WILHAM: Well, we, despite site
9 inspection, to my knowledge, is not complete yet. And I
10 think they submitted for a site plan revision to remove
11 the retaining wall and that's still under review.

12 MR. PAIGE: Yeah. So, I guess my question is,
13 I mean, until all that is settled, if -- if all the
14 building stuff was satisfied, would you issue the
15 temporary -- temporary occupancy?

16 MR. WILHAM: Well, from a -- from a building
17 standpoint, we have to look at all regulations in
18 chapter one of the code. It says that we have to, you
19 know, withhold a permit if all regulations aren't
20 satisfied. So, like, for health example, you brought
21 that up. We can issue a building permit where a health
22 approval is not satisfied. Waste water.

1 Other -- other agencies have approvals that
2 involve -- we're not to issue occupancy [inaudible]
3 until all the regulations that we know of, you know,
4 that we can --

5 MR. PAIGE: Okay.

6 MR. WILHAM: Ascertain or complete --

7 MR. PAIGE: And just so, so I understand how
8 this works, if all of this stuff was completed to the
9 county's satisfaction, you wouldn't be issuing a
10 temporary occupancy permit, would you? You'd be issuing
11 a [inaudible] permit.

12 MR. WILHAM: The plan that we proposed was too
13 partial out or separate certain portions of the work
14 that were still outstanding that we thought could be
15 like that, like extras, in addition to what -- what you
16 could imagine, you know, if a single-family home had a
17 core and shell per se.

18 So, like we asked for like, you know, you have
19 to have, you know, what constitutes the minimum
20 requirements to be a single-family home. You have to
21 have, you know, living space, sleeping space, cooking
22 space, you know, sanitation space for bathrooms?

1 MR. PAIGE: No, we were focused on the site.

2 MR. WILHAM: So -- so -- so, some of those,
3 like multiple bathrooms, you know, or things like that,
4 we kind of, you know, suggested that he apply for a
5 separate permit to pull those out so this could be
6 finished later, but there are minimum requirements that
7 constitutes a single-family home that we would look at
8 as like the core or shell.

9 [Whispering in background] to a commercial
10 building. And we were asking for those minimum to be
11 completed so that, you know, it was a whole house or
12 function -- the function has a -- a whole house.

13 MR. FOLTZ: Okay.

14 MALE 2: If I could take a shot at Mr. Paige's
15 question.

16 MR. WILHAM: Okay.

17 MR. FOLTZ: I think the building inspector
18 looks to the house first.

19 MR. WILHAM: Right.

20 MR. FOLTZ: And if all of the safety and --
21 and life issues in the house are resolved, the function
22 of the permit would essentially to be to allow

1 occupancy during a 75-day period during which those
2 other site issues could be resolved.

3 And the best case scenario would be that prior
4 to the expiration of that 75 days, all the site issues
5 are done and -- and the temporary occupancy permit
6 segues into a final permit.

7 MR. PAIGE: Oh, so, yeah, that's different.
8 So, the site stuff can come later, during the 75-day
9 period, as long as the building stuff is done now.

10 MR. FOLTZ: And nothing about the site poses a
11 life safety issue. I think -- I think that's how we're
12 reading how this would work, and again, we're on a
13 little bit of new ground here, because --

14 MR. WILHAM: No, no, that's really clear.
15 Thank you.

16 MALE 3: My question is it sounds like you all
17 read the -- the appellant has said that they've got a
18 number of things done and they're ready for
19 inspections. And it sounds like you're ready to go out
20 and have a team to do those inspections. So, we're
21 talking about a couple of days here, correct? For that?

22 MALE 4: As soon as he's ready. If he's ready

1 today, we'll send an inspector.

2 MALE 3: Okay. And -- and secondly, with
3 respect to the site, again, I'm thinking about fire
4 department.

5 If there happened to be a fire on the site and
6 I have to bring in a truck and so on and I have to set
7 up ladders and so on, would your inspection, could it
8 include a contact with the one or two closest fire
9 departments to this location?

10 To have them look at the site and determine if
11 there were a fire in the structure that trapped people
12 inside the structure that they would be willing to set
13 up, given the site in its present form. Because I get
14 the sense that the site may not be ready yet, but may
15 be a little bit further down the road.

16 Is that something you would normally do, or
17 since we're plowing new ground, is it something you
18 could do?

19 MALE 4: It's something we would have to
20 revisit. I mean, we'd also have to talk with the site
21 director as well to make sure that they're comfortable
22 with all of these items. Us looking at it here, we say

1 that the site items may not be life safety, but there
2 might be some considerations for site.

3 And we do have Matthew Hanson, who's the site
4 director here, if you want to -- if you want to come up
5 and share any -- anything at this time about the site
6 portion of it, I mean, we can certainly ask, but we
7 have him here as well. But again, this is new
8 territory. We've not gone down this path with the --
9 with the residents.

10 MALE 3: [Inaudible]

11 MALE 4: Absolutely.

12 MALE 3: Get one more [inaudible].

13 MALE 1: So, winter construction. I finished a
14 house in February and everything's frozen. I can't get
15 sod. Stabilize the ground and I get a temporary route.

16 MALE 4: That would -- it would --

17 MALE 1: A temporary certificate of occupancy.

18 MALE 4: We've never issued a temporary
19 certificate of occupancy for residential. In this case,
20 what would happen would be at the discretion of the
21 site inspector to say, yep, we're in the winter months
22 and we know that this will be taken care of. This is

1 not a life safety measure. We don't see any reason for
2 any occupancy to be held up.

3 They would approve their site inspection and
4 we'd move forward and complete our final inspection and
5 issue a full ROC in this -- in this case.

6 MALE 1: Yeah, I think what you're referring
7 to is that you can't get a site deferral when you have
8 winter conditions like that.

9 MALE 3: Because that -- it expires April 15th
10 and like I have to have, you know, a stain of grass by
11 April 15th. Yeah. I've always referred to that as a
12 temporary CO. That's -- that's not what you would call
13 that?

14 MALE 4: No, I don't think so. I mean, maybe
15 Matt can speak more clearly to that, but I think the
16 site gives like a -- once the site signs off on it, we
17 give the CO, but there's still outstanding site items,
18 which is not -- which is handled outside of the
19 building permit, I believe. But Matt could maybe be
20 able to speak more clearly to that.

21 MR. HANSON: Certainly. Good morning. My name
22 is Matthew Hanson. I lead the Site Development

1 Inspection Division.

2 MR. CONOVER: Your microphone --

3 MR. HANSON: The site inspectors. Thank you.
4 Our process to that exact question is that we do issue
5 a winter weather waiver where -- where folks are --
6 their final inspection is signed off on four sites.

7 However, we will be holding a conservation
8 escrow that's required to be posted for securing the
9 erosion sediment controls, which is public health and
10 welfare that we don't have erosion and sediment
11 pollution occurring. And then by the end of that
12 agreement period at the end of winter, the grass is
13 grown, stabilized and the project is completed.

14 But my understanding is the occupancy that is
15 a -- an actual certificate of occupancy. It is not a
16 temporary CO in those cases.

17 MALE 3: Okay. And just to be clear, we're --
18 we're not [inaudible] the site and the building
19 together, but they are two different branches or two
20 different inspectors, either one of which can hold up
21 the certificate of occupancy.

22 MALE 4: That is correct. They would have

1 their site inspector and we would have our building
2 inspector. Ultimately, the certificate of occupancy
3 says that the site stuff plus the building stuff and
4 all the zoning and all of that stuff has been addressed
5 [inaudible]. And just building, electrical and plumbing
6 have to be done before the site inspection.

7 MALE 3: No.

8 MALE 4: All right. Thank you.

9 MALE 5: So, are there any site safety issues
10 that you're concerned about? In terms of emergency
11 vehicle access and so on and so forth?

12 MR. WILHAM: I can't answer for emergency
13 vehicle access. I've heard the discussion here. What I
14 said earlier that erosion and sediment control is
15 absolutely public health and welfare. This site has a
16 significant flow through it. It has significant slopes
17 and it seems to be in question what the resolution of
18 how the landowner is going to handle those slopes.

19 There's mention here of revisions to plans to
20 date. The county has not received them. So, could a
21 firetruck access the site that is perhaps a question
22 you asked. I -- I remain very concerned for the public

1 health and welfare reasons that we care about the site
2 stability and sites being constructed per approved
3 plans, that the plan appears to be in flux.

4 The county has not received the plans that
5 have been mentioned here this morning and the site
6 inspectors observe ongoing violations of erosion and
7 sediment control plan, and yet, the final plan itself
8 seems to be an idea that we haven't yet seen. So, I --
9 I don't see the plan to completion.

10 And as -- as our site inspectors are a
11 signatory to -- to the final use permit here, we would
12 not be ready until the site complies with their site
13 plan to sign off on that. Similar to how in that
14 commercial example, the site work is complete before a
15 temporary CO is issued on the residential side.

16 Once the site work is complete, well, that's
17 the whole thing. There is no like future phasing of
18 additional stories on a residential project. It's a
19 much simpler project. And so, we would have no need of
20 giving that temporary CO to allow, you know, stories 12
21 through 14 to continue being built.

22 MALE 5: Thank you, that's [inaudible].

1 MR. CONOVER: Okay. This is for the closing
2 and to respond to any [inaudible] in terms of our
3 question [inaudible] [Whispering in background].

4 MR. RIAT: [Inaudible] occupancy and the
5 general intent of that section [inaudible] IRC code.
6 The commentary is that the temporary occupancy says the
7 building official -- official is authorized to issue a
8 temporary certificate of occupancy before the
9 completion of the entire work [inaudible] permit,
10 provided that such a portion shall be occupied safely.

11 So, safety is the concern. The building
12 official shall set a time period to issue a temporary
13 CO is valid.

14 When they talk about the site work, there's a
15 special comment there that says temporary certificates
16 should be issued only when incidental construction
17 remains, as here, such as site work and interior work
18 that is not regulated by the code and exterior
19 decoration, not necessary to the integrity of the
20 building envelope.

21 So, that's -- when they talk about the site
22 work, the site work isn't something that [Whispering in

1 background] call a city court on it or an absolutely
2 necessary thing if the site work doesn't pose a threat
3 to help receive. And I don't think that we have the
4 conditions [inaudible] the level of that right now. Mr.
5 Washington has a letter that he submitted from his soil
6 expert.

7 MR. WASHINGTON: Yeah. So, [inaudible] provide
8 a letter to the revision. I sent it over to [inaudible]
9 a couple days ago, because I -- they looked at it and
10 told me [inaudible] provide it through a seller.

11 But in short, what they stated in the letter
12 is that, as indicated in the Geotech engineer report,
13 the entire site is underlain by shallow rock of the
14 Newark Supergroup Sandstone Formation, where the
15 sandstone was present at the depth of 12 inches below
16 the previous ground surface in the borage drill as part
17 of the Geotech investigation.

18 The foundation supporting the recently
19 constructed home [inaudible] is entirely on sandstone.
20 So, that's one portion of it, and then he goes in to
21 talk about the structural building in front of it.

22 So, he's saying that in [inaudible] soil is

1 table. And then the slope that he talked about is to
2 the left of the driveway. So, if you come in the
3 driveway, it goes down and it goes to the -- back to
4 the left of the house. This is totally to the left of
5 it, the entire driveway up to the house, the whole
6 shallow lot.

7 MR. RIAT: He had no concern about soil
8 erosion or water flow that would be detrimental to the
9 structure of the home, right?

10 MR. WASHINGTON: Correct. Yeah.

11 MR. RIAT: So, in closing, I think that the
12 real nut here is going to be the site work. And under
13 the code, if the site work is something that's
14 incidental, which that opens the door to allow the
15 temporary occupancy or the early occupancy permit to be
16 granted.

17 Mr. Washington has shown through his soil
18 expert, the documents he submitted to the board, that
19 there is no concern for erosion. There is no concern
20 for excess water flow to undermine the integrity of the
21 home. And the composition of the soil shouldn't pose
22 any concern or any potential concern.

1 So, I think what we're asking for today,
2 respectfully, is for the board to allow an inspection
3 of the property to verify that the conditions that Mr.
4 Washington and his representative have been cured, have
5 in fact been cured, that if they have been cured then
6 we turn his attention to the site work.

7 Looking at the documentation that -- Mr.
8 Washington's documentation, the site work appears to be
9 only incidental that emergency personnel can access the
10 building, can access inside the home also, that should
11 be an impediment to granting the temporary permit.

12 Thank you.

13 MR. CONOVER: Questions?

14 MALE 2: One. So, I'm looking at some of these
15 pictures and, you know, kind of the detail is in what
16 you can't see, but there's one here where there's brick
17 and block on the sidewall towards the end. The wall
18 that intersects with that, the perpendicular wall, is
19 completely unsheathed.

20 I don't know if it's [inaudible]. I don't
21 know. This -- this photograph here where there's a
22 large brick wall. So. this area that has no exterior

1 sheathing on it, what's that?

2 MR. WASHINGTON: That's the garage. That's the
3 garage over here. So, that's just like two foot to the
4 -- they need to put that [Whispering in background].
5 But I have a separation coming on the brick also.

6 MALE 2: Separation?

7 MR. WASHINGTON: Yes.

8 MALE 2: That pulls it out separately from the
9 rest of the house?

10 MR. WASHINGTON: Yeah, so when we're talking
11 about [inaudible] and also, I think they got more
12 [inaudible] separation permit to finish the brick at a
13 later time and move trying to get a [inaudible]. So, we
14 put the brick veneer on that. We also put two bathrooms
15 there. We don't have tiles in the shower when
16 [inaudible]. But the guys bricked that wall, as you
17 see, last week.

18 MALE 2: Okay. Okay. That's all I got.

19 MR. CONOVER: All right.

20 MALE 1: I have one. The appeal and the issue
21 as I see it, is the county has said we're sorry, you're
22 not ready, or we can't give you a temporary certificate

1 of occupancy. And then, by default, wouldn't say, well
2 or a CO, temporary or not. And so, the appeal as I'm
3 reading it is, you disagree with that, you want the
4 temporary certificate of occupancy back.

5 And -- but what I heard you say in the summary
6 statement is you want us to consider allowing for an
7 inspection of the property. You don't need us.

8 So, I'm -- I'm trying to wrestle with the
9 appeal in front of us is the county says, the -- pardon
10 my use of the analogy, that the cake or the souffle is
11 not ready, and you're saying, it's ready, you know,
12 open, and we're being asked to decide whether the
13 souffle is cooked, or whether it's okay to bring it
14 out.

15 And -- and yet, what I heard you say again was
16 well, we want to open the -- the oven door, but we want
17 the county to come in and look in the oven before we
18 open it. So, I'm -- I'm wrestling with what's before us
19 is a vote to would be if we have a motion. The issue is
20 they say it's not ready, you say we're ready.

21 And we're being asked to make a decision one
22 way or the other, when it sounds to me like your days

1 are no more than a week from having them come out and
2 look at what's going on there, including the site work.

3 And that, you know, it's very possible if what
4 you say is, I guess what I'm trying to say, Dave, is
5 there a question in your -- you know, but the question
6 is, I'm trying to frame this for the board members and
7 I wanted to see how you, and I probably asked the same
8 of the county after they summarized, how you can -- how
9 you're looking at the appeal, which is we want it
10 versus this allow for an inspection of the property.

11 MALE 3: Certainly. I -- what I proposed I
12 thought was logical, because I don't think that the
13 board would ever want to vote on something without
14 having full information. So, I think what the -- what
15 the board could do is the board could say if the site
16 work is -- doesn't pose a threat to public safety, then
17 a temporary occupancy permit is granted.

18 So, the decisions come into effect after
19 verification. I -- I think it would be -- I can't
20 imagine that they wouldn't want -- that the board
21 wouldn't want verification. Yeah.

22 MR. CONOVER: Final statements, comments?

1 MALE 4: Yeah. Again, sure thing. We want the
2 opportunity to inspect. Your analogy was great. I feel
3 that we're at that stage where some work is it's done.
4 They're saying it's done. We want to go in there just
5 to make sure the life safety and critical items are
6 indeed done. We do have, I would point one question
7 about the site portion of it as they had mentioned.

8 Determining what is life safety and what is
9 not when our site inspector goes out there, I think
10 could raise questions down the road and more back and
11 forth between hey, you know, we don't think that this
12 is life safety, but you're saying this is life safety,
13 and we could be put into this position of having to
14 appeal that or they appeal that decision again.

15 Therefore, I think it's cleaner that we work
16 with them to get all of the building items inspected
17 and work with them on getting the critical site items
18 inspected as well. And if they agree to that and can
19 respect the inspector's decision on that, we're here to
20 work with them and get them into their house as soon as
21 possible.

22 MR. FOLTZ: Just to add a little code into

1 that. The situation as I see it after hearing
2 everything today is it's not really ripe yet. It would
3 be ripe if Mr. Washington were here and saying I've
4 done everything I need to do, I've called out all the
5 inspections, the inspections are done, I'm ready for my
6 certificate of temporary occupancy.

7 And the building inspector was saying no, even
8 though you've done all these things, I'm not going to
9 give it to you. Here we have a situation where maybe
10 he's done the things as he needs to do, and we just
11 haven't had a chance to inspect it yet. We previously
12 denied a certificate of temporary occupancy, but
13 nothing stops him from doing the -- from having the
14 inspections and asking again. It would be a lot more
15 clean and more ripe if it were a situation where the
16 parties had reached more of an impasse. But we're not
17 there yet. We're still in the process. We're still
18 doing the inspections.

19 MALE 2: I think we need to return to the
20 code. The code says temporary certificates should be
21 issued only when it's known the construction is such a
22 site. So, this is right. What's [inaudible] site work.

1 [Talking in background]

2 MR. CONOVER: Hang on. I'm going to allow one
3 more back and forth, but I'd like to make sure the
4 county is done with making their first rebuttal before
5 I go ahead and grant everyone a second.

6 MALE 4: I do have a question about that code
7 section. I didn't -- I didn't hear which code section
8 that was.

9 MALE 2: It's a -- it's a commentary on 110.4
10 temporary occupancy.

11 MALE 4: Which code was that exactly?

12 MALE 2: IRC.

13 MALE 4: International Residential Commentary?
14 Okay.

15 MR. FOLTZ: Can Mr. Hanson add something to
16 our rebuttal?

17 MR. CONOVER: Oh, yes, sure.

18 MR. HANSON: I'd like to add to the question
19 of is site work life and safety with the specifics of -
20 - of this site in mind. That's what we're here to do. I
21 understand that the forthcoming and as of yet not
22 submitted request is to not include a specific

1 retaining wall. This wall supports the driveway. The
2 driveway as it sits now is graded in some particular
3 way.

4 Grading that's on site may or may not be too
5 steep to remain stable. We don't know that the grading
6 that's proposed without retaining walls is in fact
7 stable. We don't know that the site will -- will behave
8 as expected. So, I would say that we are -- we're
9 definitely still in the process to -- to Patrick's
10 point.

11 MR. CONOVER: Any -- so you're -- okay.

12 MALE 2: I'm good. I'm good.

13 MR. CONOVER: Two questions. When we talk
14 about commentary to the IRC, that's ICC -- correct me
15 that that's ICC staff adding commentary and isn't
16 there something at the beginning of the commentary
17 books that ICC produces that says this is not to be
18 replaced the code, it's just suggested language to go
19 into the background, etc. And that's to the I code.

20 MALE 4: That's correct.

21 MR. CONOVER: Whereas the text that we're
22 dealing with is actually Virginia State Regulatory

1 Amendment.

2 MALE 4: That is --

3 MR. CONOVER: [Inaudible]. So, the second
4 question is, if you were, it sounds like there might be
5 some building inspections occurring in the next couple
6 days.

7 In terms of site, would you consider getting
8 the fire marshal or the local fire department to go
9 with you when you're doing the site to have somebody
10 that would have to do an emergency response,
11 specifically fire, and set up on the exterior of the
12 building to deal with whatever issue came up, to have
13 them go along and -- and -- and say, you know, yeah,
14 this is fine.

15 I think I heard from one of my fellow board
16 members, if it was February and the ground was frozen,
17 there's probably not an issue.

18 Well, there -- there might be and -- and so,
19 would -- would the county consider getting that
20 expertise from most likely the people that would be
21 called to this this, you know, this address in the next
22 week or two, should occupancy be allowed.

1 MALE 4: Yes, we would -- we would definitely
2 entertain fire marshal's office and local fire
3 department saying this is definitely safe. But again,
4 that's something that we don't want to take away from
5 the other items that the site inspector would have to
6 check and make sure.

7 MR. CONOVER: I understand. I understand.
8 Okay. Second.

9 MR. WASHINGTON: So, Mr. Hanson brought up the
10 site, retaining wall [inaudible] of the driveway.
11 According to the letter from Geotech [inaudible] the
12 retaining wall is in the [inaudible] and the driveway
13 is stable with the rock. So, [inaudible] below the
14 whole [inaudible], the slope is to the left of the
15 driveway.

16 So, at -- at minimum, maybe a [inaudible]
17 could go there, but we're going to plant some
18 vegetation, which is what's [inaudible] right at the
19 bottom of the letter is number one. Number two,
20 [inaudible] on the temp occupancy which is not a part
21 of that code.

22 And then three, the building is the items on

1 the response from the county 1 through 16 [inaudible]
2 forward [inaudible] occupancy on April 10th and the
3 inspector, he had come back on April 20th. When he came
4 out on April 20th, he did not recite those in his
5 inspection for the April 20th punch list items.

6 And none of those punch list items are
7 [inaudible] to public -- public safety of the last few
8 items. So, they got them basically checked off, which
9 is why he [inaudible] them to the notes.

10 MR. CONOVER: Okay. And so, I -- I just picked
11 up on one -- one of your comments. So, here's --
12 there's an address.

13 MR. WASHINGTON: So, when he came the first
14 time on the 20th, the mailbox was right here at the
15 road.

16 MR. CONOVER: So, there is an address? Okay.
17 Okay. Any other questions from the board? Okay. Any
18 comments? Final?

19 MR. WILHAM: Dan Wilham, I just wanted to --
20 to clarify one point. That -- that -- I want to clarify
21 one point. I keep hearing a lot of reliance on the --
22 the code section that the building official may or is

1 permitted to issue a temporary certificate of
2 occupancy. And I just want to ensure that there's no
3 confusion that compels the building official to do
4 that.

5 It doesn't say shall, it doesn't say should.
6 It says may or is permitted to or is authorized to, so
7 the -- it's -- it's not a duty of the building official
8 to have to do that. So, I just want to make sure that's
9 an understood point.

10 MR. CONOVER: Understood. Further questions
11 from the county? Okay. We're going to close the -- the
12 public hearing and I'm going to ask for a motion and it
13 -- it appears to me that one motion would be to approve
14 the appeal, which would essentially establish a
15 temporary certificate of occupancy at this point in
16 time.

17 Unless, of course, I don't know how that works
18 with the State Technical Review Board if you decided to
19 argue, then you'd go to Richmond and it could be
20 [inaudible]. If we deny it, then nothing happens.

21 But, it's also -- it seems to me, if we defer
22 meaning we -- we decided to table, it's possible that

1 based on what I've heard, with inspections and things
2 happening, that in the next week, everything would be
3 taken care of in the normal process, and essentially
4 you would be in a position to withdraw the appeal
5 because you have the certificate of occupancy anyway.

6 So, I'm not trying to sway the board in one
7 direction, which is why I don't vote and never have as
8 a chairman, but I was just trying to frame that as this
9 isn't like other cases we have, where it's, you know,
10 either this or that, there may be other options.

11 So, I would like, you know, any board member
12 that is inclined to make a motion to consider that we
13 have other options besides either approve or not
14 approve the appeal.

15 MALE 2: So, I -- I'll make a motion to defer
16 with that understanding. I'm making the motion so that
17 we can discuss it further after, all the board members.

18 MALE 1: I second it.

19 MR. CONOVER: Okay. So, we have a motion and a
20 second to discuss.

21 MALE 2: To defer.

22 MR. CONOVER: To defer action on this. Did you

1 want to add a time certain or a report back? Like, you
2 know, defer for, you know, two weeks pending, you know,
3 further inspections or whatever. I'm just, you know,
4 trying to get the discussion started.

5 MALE 2: It sounds like --

6 MALE 1: We don't have to do that really. If
7 there's another round of inspections and they don't
8 have any disagreements over it, then -- if they do have
9 a disagreement, they'll be in here a week from now, so.

10 MR. CONOVER: Right.

11 MALE 2: I think putting a time frame on it is
12 probably helpful. Something that works with you all.
13 You know, you said you were [inaudible] inspectors
14 today. And so, I think a week or two, if that makes
15 sense, so that we've got that to frame the -- frame the
16 action.

17 MALE 6: I guess I'm not sure why we're
18 deferring it. I mean, I understand there's work to be
19 done, but the request is that essentially, we issue a
20 certificate of occupancy as a board, and that's not
21 what we do. Any one of these items could fail an
22 inspection. The fact that he hasn't been approved by

1 the health department, there's a lot of work to be
2 done.

3 So, to me, the request from the appellant is
4 for us to issue a temporary certificate of occupancy
5 and that's -- I think the answer is no. There's work to
6 be done.

7 I think it sounds like -- like you said, the
8 county's position is you're not ready yet. And when you
9 are, we're willing to come out and do it.

10 So, I'm not sure, if we defer it, it's almost
11 as though we want you to come back to us before this
12 temporary CO is issued and that's not our job. So, I'm
13 not sure why we're deferring versus denying.

14 MALE 2: Because if the county says, all of
15 your building issues have been resolved, but we have
16 some site issues, therefore, we're not going to issue a
17 permit and we disagree with that. We say, the site
18 issues are not health and safety. Then that's our --
19 that's our role here. That's what we're supposed to do.
20 We say, no county, that's not right. Or yes county,
21 that is right.

22 MALE 6: But we're not there yet.

1 MALE 2: No, that's why -- that's why we're
2 deferring.

3 MALE 1: I don't think deferring is really
4 going to hurt anything here. It does put us off a
5 month. We don't meet for another month.

6 MALE 2: If we did defer, I think there's, in
7 supporting deferring, there's an expectation based on
8 what we've heard from both sides that they're ready --
9 they're ready and that there's an expectation that, you
10 know, within the next week, there would be inspectors
11 out there, they'd final the electrical, the plumbing.

12 And if the inspector found something that
13 wasn't right, I kind of get the feeling that it would
14 get fixed quickly, and the county would say, okay, we
15 can send somebody back to reinspect in three days, or
16 four days, or what have you.

17 MR. CONOVER: Okay.

18 MALE 6: Not comfortable? No. And there's
19 still open issues with submittals. I guess I don't see
20 the advantage of deferring. I don't see that it hurts
21 us, but I don't see what helps him either.

22 MALE 2: But if --

1 MALE 6: I'm not saying they have to -- I'm
2 sorry, I'm not saying they have to come back to us
3 before this temporary CO gets issued, right?

4 MALE 2: Yeah. Yeah.

5 MALE 6: Because that's -- that's not what we
6 did.

7 MALE 2: So, if you decided to deny the
8 appeal, it does sound like, you know, what we've
9 discussed that the county has said things are ready and
10 so on, that the inspections would still take place and,
11 you know, the -- the end game is I want to get in the
12 structure and want to occupy the structure and it
13 sounds like regardless of what we do, that's likely to
14 happen. We just don't know when.

15 MALE 6: Okay.

16 MR. CONOVER: Further discussion?

17 MALE 6: If all the stuff has been fixed,
18 except for site stuff, it's kind of a -- a judgment
19 call, right?

20 And that's where we come in. So, I'm not ready
21 to make a judgment yet. I mean, the building stuff has
22 not been resolved, the county's correct, but we don't

1 know that.

2 MR. CONOVER: Right.

3 MR. FOLTZ: Well, I recognize the financial
4 hardship for the homeowner and whatnot to be concerned
5 about burglaries and other, otherwise. But to me it
6 sounds like both sides want to move this along. By
7 deferring it, I think it's just a very elegant way of
8 knowing that, there's focus and attention on this
9 that'll be done.

10 And I think that if we put a -- a time frame
11 on it, you know, a couple of weeks if things don't move
12 along as you expect, then the occupancy will be denied
13 and presumably, you'll either be back, or it'll put
14 even more pressure to get whatever needs to be done.

15 I recognize there are just lots of open
16 questions here, but it sounds like both sides are very
17 much focused on it and wanting to make it happen.

18 MALE 2: As things stand right now, the
19 county's not issuing any permit?

20 MR. FOLTZ: Correct.

21 MALE 2: You know that, right?

22 MR. FOLTZ: No, subject to inspections across

1 the board.

2 MALE 3: And if we defer it, they're still not
3 going to issue it.

4 MR. FOLTZ: That's right. But I think both
5 sides understand that.

6 MALE 2: Something, you know, that goes
7 through my mind is, as we've heard, this is the first
8 time, at least we're dealing with this for a single-
9 family detached structure in the county. And so, I'm
10 not suggesting this is going to happen again with --
11 with a different property, but certainly this presents
12 a precedent in some way that I'm sure, you know, others
13 might pursue.

14 MR. CONOVER: So, are you ready to vote?

15 MALE 4: Yeah, just on that point though.

16 MR. CONOVER: To modify --

17 MALE 3: The thing that Carla types up, where
18 it says, this doesn't -- doesn't establish a
19 precedence, so.

20 MALE 4: I know that but. [Talking over each
21 other]

22 MR. CONOVER: Okay. So, the motion is to defer

1 action on the appeal. Okay. Defer action on the appeal.
2 Rob?

3 MALE 3: No.

4 MR. CONOVER: Okay. [Inaudible]

5 MALE 2: Yes.

6 MR. CONOVER: [Inaudible]

7 MALE 1: Yes.

8 MR. CONOVER: Okay. Chairman not voting. So,
9 the motion passes 2 to 1, 0, Chairman not voting, to
10 defer action on the appeal.

11 I'd like to thank you folks for being here on
12 both sides. And we -- we kept the audience for 70
13 minutes for doing a lot of [inaudible].

14 So, I'm presuming based on our actions that --
15 and based on what we've heard during the past hour that
16 there will be you guys are ready, you're ready,
17 [inaudible] same building, maybe it's an opportunity to
18 go down and you know, kind of [inaudible] on which
19 inspector is going to go out when and actually deal
20 with that face-to-face scheduling and things.

21 Ideally, that happens in the next couple of
22 days and you guys can, you know, move forward and get

1 Mr. Washington [inaudible].

2 MR. FOLTZ: Absolutely.

3 MR. CONOVER: Thanks for your time.

4 MR. FOLTZ: Thank you so much. Thank you.

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CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 66 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.



July 17, 2023
Chris Naaden

(500179, Meeting of the Fairfax County Board Building and Fire Prevention Code of Appeals, 5-10-23)

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Fairfax County
Local Appeals Board
Meeting Minutes
June 14, 2023

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Transcript of Fairfax County Board Building and Fire Prevention Code of Appeals Meeting

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TRANSCRIPT OF AUDIO-RECORDED
MEETING OF THE FAIRFAX COUNTY BOARD BUILDING AND FIRE
PREVENTION CODE OF APPEALS

WEDNESDAY, JUNE 14, 2023

Job No.: 500179

Pages: 1 - 51

Transcribed by: Christian Naaden

1 P R O C E E D I N G S

2 MR. CONOVER: Good morning.

3 ALL: Good morning.

4 MR. CONOVER: I'd like to open the June
5 meeting of the Fairfax County Board of Building and
6 Fire Prevention Code Appeals. Thanks Carla and other
7 staff at Land Development Services for your efforts in
8 facilitating the meeting. We'll be hearing three
9 appeals today and I find that there being four board
10 members here that a quorum exists.

11 I understand the fifth board member, Rob
12 Fischer is -- is on his way, but we're going to start
13 promptly at 10:00, because we do have three appeals.
14 They'll be heard in this order, which is 2023-06, this
15 is Centerville Road, then 2301 Fairmont Street, and
16 then 2304 Willard Road.

17 For each appeal, both the appellant, will sit
18 on my right, and the appellee representing the county
19 will sit on our left, can appeal a decision to the
20 State Technical Review Board.

21 The application for appeal must be submitted
22 to the State Technical Review Board within 21 days

1 following the receipt of our decision on the appeal.
2 You will get a verbal decision today unless an issue is
3 deferred based on the votes of the board members, and
4 we'll follow that with an official resolution form
5 tomorrow.

6 Please note that a majority vote of the board
7 is needed to overturn the building officials ruling. As
8 chairperson, I will only vote to break a tie. The order
9 of the meeting with respect to each appeal will appear
10 today as follows. The appellant will present a one-
11 minute opening statement that includes a summary of the
12 basis for their appeal.

13 The county will present a one-minute opening
14 statement that includes a summary of the basis for
15 their position with respect to the appeal. As
16 chairperson, I will try and focus on the specific item
17 or items that technically that we're here to discuss
18 and resolve. Then the appellant will be given time to
19 present their case. The county will present its case.

20 The appellant and then the county will be
21 invited to present a closing statement that includes
22 any new information in response to prior testimony.

1 After each, the appellant and the appellee speak, I'll
2 open the floor of the board to ask any questions they
3 have of either party.

4 Having completed presentations from and
5 questions of each party, I'll close the public hearing
6 phase of the meeting and I'll ask for a motion and a
7 second from the board members. We'll discuss that
8 motion and then we'll vote on it. Good morning, Rob.

9 MALE 1: Good morning. Apologies.

10 MR. CONOVER: Oh, that's okay. I was just
11 finishing up. Yeah, I'm glad, and I will mention, while
12 Rob's getting situated, again, I appreciate the efforts
13 of Land Development Services in facilitating this.

14 Those of you that participated via Zoom or
15 whatever platform we were using during COVID where we
16 couldn't go face to face this -- this took 20 minutes
17 to read because of all the -- the, you know, so, I very
18 much appreciate our ability to meet face to face.

19 Certainly, email and Zoom have their -- their place,
20 but I've always been in favor of face to face.

21 So, we'll have a motion and a second from the
22 board. We'll discuss that and then we'll vote on it.

1 I always remind the board members, if you've
2 got any questions of either party, get them out during
3 the public hearing phase, because if during our
4 deliberation of a motion on an appeal, a new issue is
5 raised, I'm going to feel compelled to open the floor
6 on that issue, or issues to both parties so that they
7 can respond.

8 If any party, either the appellant or the
9 appellee has questions of the other, I call it cross
10 examination, you can direct that to the other party
11 through me. So, I'd like to invite Mr. Washington to go
12 ahead and make a one-minute opening statement and
13 welcome.

14 MR. WASHINGTON: Good morning, everyone. All
15 right, so, our bill is based on a new residential
16 construction on this bill [inaudible] tent. We
17 requested temporary occupancy for the construction.

18 The building is more or less 95 percent
19 complete, with the exception of the official break for
20 the year and site work remains. At the May 10th
21 hearing, the board [inaudible] decision and so this is
22 a continuation of that discussion.

1 MR. CONOVER: Thank you. And who is
2 representing the county?

3 MR. FULTZ: Patrick Fultz from the Office of
4 the County Attorney. Your Honor, I'm up here alone
5 because there have been a lot of intervening events
6 since the May 10th meeting. The most notable is that
7 Mr. Washington has filed suit in Fairfax Circuit Court,
8 seeking an injunction and a mandamus compelling the
9 building official to issue the temporary occupancy in
10 this case.

11 Thus, because this is on the record, it
12 becomes something more like a deposition than it does a
13 true hearing. So, I'll be representing the county today
14 and relaying the facts to you as I -- as I understand
15 them.

16 There is a hearing in this case set for July
17 7th for an emergency preliminary injunction, forcing
18 the building official to do this, and so to me it would
19 make sense to defer this decision again until after
20 that hearing because that would be the next big step in
21 the development legally as we go forward.

22 MR. CONOVER: Okay. I'm -- I'm going to try

1 and frame this. The basis for the appeal is section
2 116, I think it's .1.1, which is a subsection to the
3 parent 116.1 that deals with certificates of occupancy.

4 And that parent says, when final inspection is
5 completed, building official can issue a certificate of
6 occupancy, and then there's the subsection that says
7 except, you can get a temporary certificate of
8 occupancy and it -- it goes on to say when the building
9 can be occupied safely without endangering public
10 safety.

11 That's the nugget. That is the -- the
12 provision that is being, is the core of the decision
13 here, which is the building and its property in its --
14 and the property in its current form. We have to decide
15 whether or not it based on 116.1.1. we feel can be
16 occupied safely without endangering public safety.

17 So, if we -- I'm going to try and frame the
18 discussion and ask both the appellant and the and the -
19 - and the county to focus their input on why the
20 building can or should be capable of being occupied and
21 in its current form does not endanger public safety,
22 and certainly the county may have some remarks in that

1 regard as well as to why they feel it does.

2 That's what we have to hinge on as a board.
3 Not how long something took or anything else that's,
4 I'm going to call it administrative in nature,
5 technical issue and that's the -- that's the nugget
6 that our decision has to enjoy. So, I'll turn the floor
7 over to you, Mr. Washington.

8 MR. WASHINGTON: Yes, sir. Prior to the May
9 10th hearing, the building was more or less in line
10 [inaudible] safe to occupy. At the May 10th hearing,
11 there was an outstanding concern with the well water.
12 Since that time, the well has been approved. All GW2s
13 have been submitted.

14 On the May 25th inspection from the county,
15 Johnny Benoit marked in the building, the building, but
16 this is where, you know, this is need to address site
17 related issues. Number two, all line safety issues have
18 been resolved. The building is okay. So, that was the
19 last remarking on the building.

20 So, plumbing, electrical, water, everything on
21 the interior of the home is complete. The outside just
22 has about 15 percent more brick [inaudible] to go.

1 MR. CONOVER: So, on that basis, you're
2 feeling everything's safe out in the public?

3 MR. WASHINGTON: Myself and also the county's
4 building inspector has stated the same.

5 MR. CONOVER: Okay. Okay. I'm going to turn it
6 over to board members to see if you have any questions
7 for Mr. Washington at this time.

8 MR. WASHINGTON: Do you guys want a copy of
9 this? This came from them. Or did you guys see this
10 already?

11 MR. CONOVER: Yes. Thank you.

12 MALE 2: So, I'm looking at what was provided
13 in the Dropbox of the photos of the site in a not
14 finished state. Are there updated photos of where we're
15 currently at today?

16 MR. WASHINGTON: So, the photos that are
17 uploaded to Dropbox, those are the photos I took last
18 week.

19 MALE 2: And has there been significant change
20 since last week?

21 MR. WASHINGTON: To the site, no. No, the site
22 is now part of 116.1.1 discussion.

1 MALE 2: Okay.

2 MR. CONOVER: Go ahead.

3 MALE 3: Yeah, it is important. I think the
4 temporary occupation permit allows you, what, 75 days?

5 MR. WASHINGTON: So, we requested 75 days in
6 writing, but I think based on the ICC commentaries
7 feedback, they said the building was supposed to
8 stipulate a time for it to be terminated.

9 MALE 3: So, it's up to them?

10 MR. WASHINGTON: Yes.

11 MALE 3: Have they?

12 MR. WASHINGTON: No.

13 MALE 2: If they said 75 days, would the site
14 work be done in 75 days?

15 MR. WASHINGTON: Absolutely.

16 MR. CONOVER: Okay. All right guys. Rob.

17 MALE 1: What is he referring to when he says
18 site work's going to be done.

19 MR. WASHINGTON: So, that's a good question.
20 On the 25th, after the inspection took place, I -- I
21 relayed a call to Mr. Riat and about an hour later I
22 had an email from John Kreiss, the site inspector with

1 about 16 site deficiencies that they noted, which were
2 related to the silk fence coming down and not having
3 the tree preservation signs up.

4 So, we took care of all those things. They
5 came back last week and closed that deficiency off. So,
6 from our perspective, that was what they were
7 interested in, in terms of site related issues.

8 And the county's building position statement
9 yesterday, they called out the PE1 [inaudible] at the
10 driveway entrance and it also says site grading. So,
11 that's what I received yesterday from them.

12 MALE 4: So, if there's no apron connecting
13 the road to the driveway, how do you get in? Is it just
14 gravel?

15 MR. WASHINGTON: So, this is the -- this is
16 the driveway here. This is the -- to the right, that's
17 my driveway. And if you -- this is 28 where the
18 lighting project has been going on. So, you'll see the
19 cones there. They shifted the lanes over from the
20 property to the left slightly. So, the two lanes on the
21 right are what were there previously.

22 The traffic is going in the two left lanes

1 now. So, the county has an easement in front of the
2 property. They're going to be [inaudible], so I brought
3 a copy of their site plans also.

4 MALE 1: So -- I'm sorry to interrupt. So,
5 this -- I don't understand what is -- is your driveway.

6 MR. WASHINGTON: That's my driveway, yes.

7 MALE 1: Obviously, you can only come out and
8 go right, correct?

9 MR. WASHINGTON: Correct. That's -- that's not
10 the [inaudible] site.

11 MR. CONOVER: Is there any more questions?

12 MALE 3: Yeah. There was some discussion about
13 the driveway. I guess it's the sides that are steep.
14 So, I think that's in one of the photos up on his
15 Dropbox. So, you come around the property, on the left
16 side as you get close to the house.

17 MR. WASHINGTON: That's the driveway.

18 MALE 3: Yes. You're on the left side of that.
19 That's the way we go from that [inaudible].

20 MR. WASHINGTON: So, that's the left side of
21 the driveway when you get close to the house.

22 MALE 3: This is all fill dirt here?

1 MR. WASHINGTON: No, that's the -- that's the
2 regular break from the house.

3 MALE 3: But this is your garage.

4 MR. WASHINGTON: That's the garage.

5 MALE 4: Right there?

6 MR. WASHINGTON: That's the garage, yeah.

7 MALE 3: It sure [inaudible].

8 MALE 2: It's on that same thing that you're
9 looking at, right?

10 MALE 3: Yeah.

11 MR. CONOVER: Any more, Rob?

12 MALE 1: No.

13 MALE 3: So, well actually, yes. I'm sorry.

14 MR. CONOVER: No, no worries.

15 MALE 3: So, we haven't had a drop of rain in
16 weeks. What is preventing you from getting the said
17 work done?

18 MR. WASHINGTON: Obviously, the stuff out of
19 the street. You got to work with the [inaudible]. Yeah.
20 So, financials. I spent like 60K of my money. We tapped
21 out and the bank said it won't release any additional
22 draws until we receive some sort of occupancy.

1 So, they've done three extensions for us based
2 on some of the permit [inaudible] county. So, my
3 [inaudible] this place into a hotel right now so we can
4 pay them for that [inaudible] construction work.

5 MALE 3: I'm sorry.

6 MR. CONOVER: [Inaudible]

7 MR. WASHINGTON: That's all I know
8 [inaudible].

9 MR. CONOVER: Okay. George.

10 MALE 5: The temp occupancy is good enough for
11 that.

12 MR. WASHINGTON: It is. That was a specific
13 note on the [inaudible].

14 MALE 5: Okay.

15 MALE 4: I have kind of a comment/question and
16 then a question. You indicated 116.1.1 is focused on
17 the building and doesn't mention site. But 116.1.1, the
18 hinge is if we approve this or if the county in
19 approving it during a normal inspection, is -- and the
20 purpose of the code is to make sure we're not
21 endangering public safety.

22 So, as we mentioned in the hearing on May

1 10th, the accessibility of the emergency responders,
2 police, fire, etcetera, etcetera, they're part of the
3 public, as would be an Amazon driver or somebody that
4 happened to, you know, come visit or stop by.

5 So, I would respectfully disagree that while a
6 structure may in fact be deemed as complying with the
7 code, this particular provision, in my opinion and
8 maybe it's something the county will -- will comment
9 on, the focus is public safety, which includes being
10 able to get to.

11 So, could you describe, because you've showed
12 us the entryway where you -- your driveway or your
13 future driveway will intersect with Route 28, and I
14 noticed you've got a -- a sign with your street address
15 painted on plywood, 7108, so we can tell that.

16 MR. WASHINGTON: It's on the -- it's on the
17 mailbox also.

18 MALE 4: Okay. Can you describe, because I
19 haven't seen in the pictures, I've seen the grading at
20 the garage entry, and we've seen a picture of the
21 entryway on Route 28, can you describe how many feet or
22 yards it takes to go from the entryway on Centerville

1 Road, through the woods, and to the front of your
2 garage.

3 Can you describe it in terms of length, the
4 condition of the road? Is -- is it all gravel, is it
5 all dirt? And can you give some rough estimate of is it
6 flat, is it sloped? Does it have any turns? Does it
7 have -- can you describe that, because I believe, as I
8 said earlier with all due respect, we're looking at
9 public safety.

10 And one of our concerns, or at least the
11 concern of the code, is to make sure that anybody
12 accessing a property, which includes emergency
13 management personnel, fire department, etc. is not put
14 in harms way.

15 So, can you describe the condition of the
16 driveway in its current form, because I don't see any
17 pictures or videos showing how I would drive down the
18 driveway and get to the house, unless they're on
19 Dropbox and I didn't see them.

20 MR. WASHINGTON: They're on Dropbox.

21 MALE 4: I apologize.

22 MR. WASHINGTON: I'll walk you through them.

1 MALE 4: Yes.

2 MR. WASHINGTON: If you come down 28 --

3 MALE 4: Yeah.

4 MR. WASHINGTON: This is the initial entry.

5 So, the driveway at the top has the [inaudible] stone
6 there, probably a little bit more now. But as you turn
7 into the driveway, this is on the road 28, so this turn
8 here, this is about 110 feet from the road.

9 So, we have the stone all the way down. And
10 then, as you turn the corner, from this distance here
11 to the house, this is about another 150 feet from here
12 to the house.

13 It's the same, it's the shallow stone rock
14 that's natural grade, plus we have our C6 on top of
15 that with a little bit of asphalt moving here,
16 following back to the house. And then as you get close
17 to the house. So, here this is getting closer to it.

18 MALE 4: Okay.

19 MR. WASHINGTON: So, this is like the last 50
20 feet to it.

21 MALE 4: Okay.

22 MR. WASHINGTON: And then, I have this photo

1 here standing in front of the garage and then coming
2 back out that driveway.

3 MALE 4: Okay. Where's the front door?

4 MR. WASHINGTON: The front door is right
5 there.

6 MALE 4: Okay. That [inaudible]. I -- I -- you
7 know, I wanted to -- to get to that issue because it's
8 not just the structure itself, but it's the ability of
9 emergency personnel and others to -- to protect you in
10 case something happens and, you know, to also make sure
11 we're not putting them in harm's way by allowing
12 occupants.

13 MR. WASHINGTON: And I will say, I think last
14 on the May 10th hearing, I mentioned we had three
15 burglaries, so on the May 7th burglary, we had about 10
16 police cars at the house right here in this picture I'm
17 showing you here and I got those [inaudible]. I have
18 the video right here [inaudible], so.

19 MALE 4: That's all. Thank you.

20 MR. CONOVER: Your turn.

21 MR. FOLTZ: Thank you, Patrick, Foltz the
22 County Attorney's Office. A lot has developed in the

1 last month. Much of it is positive. The building
2 related issues, which were the subject of the several
3 checklists that we examined in the last meeting, have
4 been satisfied as to all safety aspects.

5 I'm kind of proffering this, but I don't
6 believe staff has any concerns about safety of the
7 building. There was a question about a retaining wall
8 that was going to be on the property. In the meantime,
9 a new grading plan was submitted removing the retaining
10 wall and I guess grading the property different, such
11 that the retaining wall wasn't needed.

12 That grading plan has been approved. The final
13 grading, sodding and seeding has not been done though.
14 And that was one of the things that is still remaining
15 to be done on the site. Also, the access, the apron
16 from the road to the driveway is still incomplete.

17 I don't believe staff views these as safety
18 concerns as they view safety concerns in the building,
19 but the site is not at a point where the building
20 official has decided that it is appropriate to grant
21 temporary occupancy. There's a dynamic here that at the
22 closer we get to being done, and Mr. Washington has

1 made great steps towards being done.

2 The more able we are to see a temporary
3 occupancy permit, but the more favorable we are towards
4 going forward to a final inspection. Mr. Washington has
5 articulated several goals. One is that he wants to move
6 his family into the house. The other is that he needs
7 an occupancy permit to perfect a draw.

8 With respect to moving his family into the
9 house, we would submit to the board that even if he
10 were to do so today with a temporary occupancy permit
11 from building, that the residency of the house would
12 still not be legal.

13 Because pursuant to the zoning ordinance, with
14 which he also needs a zoning use permit to inhabit the
15 house legally, he has not satisfied the requirements of
16 8100.9.B.2, which requires that the lot must be final
17 graded, sodded and seeded. We are close. I mean, it is
18 there waiting to be graded and sodded and seeded.

19 And there is only exception that the zoning
20 administrator has for that is to grant an exception in
21 the winter when seeding and siding is impractical, and
22 we're not in the winter.

1 And so, even if we were -- even if he were to
2 prevail today, I do not believe it would serve his goal
3 of moving his family because that residency would
4 violate the zoning rights because he would not have the
5 use permit, he needs to occupy the home. It's part of
6 being a new home that needs that permit from the job.

7 So, in a sense, now that we're close to
8 occupancy, we have to consider the entire picture of
9 what moving his family in means. I do not believe that
10 the zoning -- that the building official is amenable to
11 giving a permit solely for the purpose of showing a
12 bank that another draw is appropriate.

13 That's really not, I believe, where we want to
14 go with these, especially in residential single stand-
15 alone homes. We want to stay focused on the site. And
16 it's in the discretion of the official, whether he
17 thinks the site is ready for it to be occupied safely
18 and within the public safety bounds of 1116.1.1. And
19 we're not at that point yet.

20 But the progress over the last month shows us
21 that we're close and that despite the fact that the
22 bank hasn't given any more draws, that the work that

1 needed to be done has gotten done in large part. There
2 is also the pending lawsuit.

3 There is a circuit court case wherein Mr.
4 Washington, now with his attorney, has asked for an
5 injunction to compel the building official to give
6 this. Now we've got two tracks. We've got this hearing
7 for which an appeal is taken to the TRB, if there's an
8 adverse decision to one party.

9 And we've got a circuit court case running on
10 a parallel line with the same facts, same evidence,
11 same record that appeal will be taken to the Supreme
12 Court or to the Court of Appeals. There is a timeline
13 coming up where there will be a significant step in the
14 appeal, which is the preliminary injunction.

15 Time is a factor here. We all know it. We are
16 very sensitive to the Mr. Washington's situation. The
17 court couldn't get us in before July 7th. And that's
18 the soonest possible date I was able to understand that
19 we were able to get and we took it. There'll be
20 briefing, there'll be an argument on that date, and
21 there'll be a decision I anticipate.

22 After that, would be the July meeting, if

1 there is a July meeting for the TRB, and we could take
2 this back up then with the result of that hearing in
3 hand. And that might inform the LBBC on which direction
4 it wants to take.

5 But given the progress we've made, given the
6 fact that relief today does not serve, I think, his
7 biggest status goal of moving his family, because it
8 wouldn't be legal yet until the zoning use permit is
9 done, and the pending lawsuit. I think there are a lot
10 of good reasons here to defer it one more month. We've
11 done a lot. There's been a lot that's gone on. Thank
12 you.

13 MR. CONOVER: Questions with the county?

14 MALE 2: Yeah, I have one. Is this a zoning
15 issue?

16 MR. FOLTZ: The occupancy of bringing his
17 family in --

18 MALE 2: No, no, a temporary occupancy. Is it
19 a zoning issue?

20 MR. FOLTZ: There is no overlap between the
21 building code and the zoning ordinance in that respect.
22 It's two permits, both are needed. If he didn't have

1 one, he'd get a notice of violation from that agency
2 for not having it.

3 MALE 2: But we -- we don't do zoning.

4 MR. FOLTZ: That's true. This board doesn't
5 have any power to issue that permit.

6 MALE 2: What do we -- what do you --

7 MR. FOLTZ: This board does not have any power
8 to force the zoning director to issue a permit over
9 8100.1.B.2.

10 MALE 2: But up until now we've been
11 discussing the construction code.

12 MR. FOLTZ: Yes.

13 MALE 2: We've been discussing 116.1.1.

14 MR. FOLTZ: Yes.

15 MALE 2: And you, in fact, said the building
16 was [inaudible], which is the construction code.

17 MR. FOLTZ: Building official.

18 MALE 2: So, you're representing the zoning?

19 MR. FOLTZ: Well, at this hearing what I'm
20 doing is representing the building official in the
21 context of this appeal. But I'm also trying to give the
22 board a fuller picture of what a decision here today

1 really does. Does it -- is this -- is this a last step?
2 No, we're not at the last step yet.

3 If the question is moving a family in with all
4 the permits that the county requires as a whole to
5 occupy that building.

6 MALE 2: Well, since you seem to be
7 representing some of the zoning concerns, can you
8 please tell me, because it says here you may issue a
9 temporary permit, you may, so it's up to you, it's up
10 to the county, right?

11 MR. FOLTZ: Are you pointing to the building
12 code? Okay, yes.

13 MALE 2: 116.1. I mean, that's what we've been
14 discussing.

15 MR. FOLTZ: That's true.

16 MALE 2: Okay. You may, it's up to you.

17 MR. FOLTZ: Yes.

18 MALE 2: The question is why you don't, can
19 you be really specific about why you won't let him in
20 for 75 days? Why do you want to specify that? No, I
21 know why you won't specify the time period, because
22 you're not giving him that, but can you just be

1 specific? You don't like the grading of the driveway.

2 What -- what?

3 MR. FOLTZ: I would specifically say that the
4 building official is reluctant to exercise his
5 discretion under that section without a fully completed
6 site and without everything else from every other part
7 of the government that is required to be in place, in
8 place. Otherwise --

9 MALE 2: Yeah.

10 MR. FOLTZ: Otherwise, to be very specific,
11 what we would be doing is talking out of both sides of
12 our mouths. We would be saying, hey, it's fine to go
13 occupy the property, but you can't use it for
14 residential because you don't have the residential use
15 permit.

16 In a sense, if we're trying to serve his
17 stated goals, this isn't the last step and the building
18 official is cognizant of that, and is unwilling to
19 exercise his discretion in a situation where it would
20 create a misimpression, perhaps encourage him to do
21 something that would violate the zoning, and that
22 wouldn't otherwise be the way we do business.

1 MR. CONOVER: You'll get a chance in --

2 MALE 5: Okay.

3 MR. CONOVER: In -- in a moment. Okay, Jordan?

4 MALE 2: No, but there are no safety concerns
5 as -- as far as you know.

6 MR. FOLTZ: I'm proffering to you, with regard
7 to the building, the county is satisfied that the life
8 safety issues have been addressed.

9 MALE 2: And if he did do the site work that
10 the zoning people want, that he can get an occupation -
11 -

12 MR. FOLTZ: He -- he would receive, at that
13 point, provided the grading was done and the apron was
14 done, he would get a final occupancy permit.

15 MALE 2: I don't understand why we have
16 temporary [inaudible]. What's the point?

17 MR. FOLTZ: Because in many other situations,
18 let's say a shopping plaza, those are completed at
19 stages.

20 MALE 2: I know, okay.

21 MR. FOLTZ: And so, a temporary occupancy
22 permit allows the building official the ability to

1 extend to an otherwise finished space, which is open
2 for everything, to let that start being used.

3 MALE 2: Okay.

4 MR. FOLTZ: And as I said in the previous
5 hearing, this has never been done for a stand-alone
6 single-family house in Fairfax County to our knowledge.
7 After looking at the records, this is a unique
8 application of [inaudible].

9 MALE 2: Okay. Thank you. That's it.

10 MR. CONOVER: Other questions?

11 MR. WASHINGTON: Along those lines, we can get
12 a winter waiver, which essentially is, we've done
13 everything except for the [inaudible].

14 MALE 2: Well, no. You've done everything
15 except for stabilization. I mean, seeding, sodding,
16 whatever. How is that different than what he's asking
17 for?

18 MR. FOLTZ: Well, it's different because it
19 has to be in the winter. That's one thing.

20 MALE 2: Well, that's a good point.

21 MR. FOLTZ: It's a -- it's a -- it's a -- it's
22 through the ordinance, it's only set for that time of

1 year when it's not practical to do those things. And
2 the director is limited in its discretion to that part
3 of the year. It doesn't say that in other areas of
4 drought or something like that. It's only in the
5 winter.

6 So, in a sense, where the building official in
7 116.1.1 has broad discretion, here in the zoning side,
8 the zoning administrator has much less discretion. That
9 exception is bounded by time and can be granted.

10 Still -- it's still within their discretion to
11 grant it then. And I understand that they are, but it
12 is limited. So, the difference is that we're
13 considering a different grant of discretion through the
14 different ordinances.

15 MR. CONOVER: Other questions?

16 MALE 2: One more.

17 MR. CONOVER: Okay.

18 MALE 2: In your opinion, does the board have
19 the right to grant his appeal?

20 MR. FOLTZ: In my opinion, it's a question
21 that we haven't addressed yet in the law. It has to do
22 with what's called mandamus, which is the ability of a

1 court or a board to demand the performance or the
2 issuance of a particular act or writ upon command.
3 Mandamus is supposed to be used for things that are
4 ministerial in their function.

5 The famous -- the first Marshall case in the
6 Supreme Court was about the issuance of writs, and the
7 people were refusing to -- to issue the writs, and the
8 only thing mandamus said is okay, you've got these
9 pieces of paper, you've got to give them to the people
10 who they're addressed to. That's it. It's a ministerial
11 thing.

12 There is a question still existing in here
13 about how the code is being applied. I don't have a
14 resolved answer for you if we went to court what I
15 would expect to happen, because there's a question of
16 whether the code really is being applied in this case.
17 Mr. Washington has asked for a special exception to
18 allow a temporary occupancy of a home.

19 He hasn't made a code argument like you'd
20 normally make on a particular aspect of construction or
21 on site or anything like that. He's asked the building
22 official for something and the building official has

1 essentially applied the code and determined that it's
2 not ready yet and he's not willing to exercise his
3 discretion.

4 But there is an argument on the county side
5 that have we even reached the code in a way that an
6 appeal can lie. I think it's more strong to say that a
7 court is really the one who would be able to order
8 this. And even then, the mandamus issue still applies
9 because the discretion granted the building official
10 rises past that ministerial level.

11 I mean, it's not as though it's a final
12 inspection that we just haven't sent to him. It's not
13 like the final permit is sitting on the desk and it's
14 been approved, but we just haven't sent it because
15 we're being, I know no government person would ever be
16 spiteful, but it's not as though we're just being
17 spiteful and refusing.

18 That would be the ministerial duty that a
19 mandamus would cover. And that's an issue in Mr.
20 Washington's suit, about whether the court really can
21 step into the shoes of the [inaudible] official here
22 and exercise its discretion for them. I don't think

1 that was a very satisfying answer, I apologize. But
2 it's new.

3 MR. CONOVER: Other questions?

4 MR. PAIGE: Okay. I have, I guess one,
5 possibly two. This is our metric. This is what the
6 board is focused on, Uniform Statewide Building Code.
7 And a particular section I mentioned about public
8 safety has been through that and -- and certainly, you
9 know, grating a driveway, I think Mr. Washington has
10 kind of addressed the current status of that.

11 Where in this Uniform Statewide Building Code
12 does it tie us to zoning? Is there a specific reference
13 in this document to the local zoning ordinance?

14 MR. FOLTZ: Not to the local.

15 MR. PAIGE: Okay.

16 MR. FOLTZ: And since there is no state zoning
17 ordinance, there -- there is no true tie from the state
18 building code to the local ordinance.

19 MR. PAIGE: So, it's, in dealing with this
20 document, which is our metric for determining whether
21 the board believes a structure, any structure and its
22 surrounding areas is safe for the public, this is our

1 metric.

2 And unlike this document references certain
3 standards, ASTM, ASHRAE, you know, NFPA, etcetera,
4 etcetera, there's no reference in here to local zoning
5 ordinance or anything like that.

6 MR. FOLTZ: There is not.

7 MR. PAIGE: So, would you say -- would you
8 agree that in terms of this particular or any issue
9 that relates to public safety, any, you know, is
10 something meeting this document or the intent of this
11 document, that what we have to work with in this case
12 is framed by 116.1.1, where we're talking about public
13 safety and the metric for that is anything that's
14 contained within this book. Would you kind of agree
15 with that?

16 MR. FOLTZ: Can I consult with the gentleman
17 to my left before I answer?

18 MR. PAIGE: Yes, certainly. [Talking in
19 background]

20 MR. FOLTZ: Mr. Riat can address that now.

21 MR. RIAT: Yes, thank you. The section above
22 that --

1 MR. CONOVER: Your name?

2 MR. RIAT: I'm Jay Riat, building official,
3 County of Fairfax. The section above that, 116.1, says
4 that you grant a certificate of occupancy all three of
5 that, the finals -- I think the final sentence says
6 that all local laws and ordinances must also be met,
7 something along those lines as well, and that's where
8 the zoning ordinance is also part of that certificate
9 of occupancy.

10 MR. PAIGE: But then it has an exception.

11 MR. FOLTZ: Yes.

12 MR. PAIGE: Read on. It's got an exception.

13 MR. RIAT: It has an exception.

14 MR. PAIGE: Read on below that.

15 MR. RIAT: I -- I don't have the code with me.
16 If you -- if you read or you can help me.

17 MR. PAIGE: Pass that over to him. That's
18 where -- that's -- that's what this whole thing is
19 about.

20 MR. RIAT: That -- you're -- you're describing
21 what's in the parent. The child, which is .1.1. is what
22 Mr. Washington is seeking an acceptance of, because it

1 does say temporary certificate of occupancy.

2 MR. FOLTZ: Mr. Mr. Paige, are you referring
3 to 116.1.1?

4 MR. PAIGE: Yeah. Okay. What I have
5 highlighted there. That's -- that's what we've been
6 discussing all this -- all this time.

7 MR. CONOVER: That's the basis for the appeal.
8 Is it safe, or isn't it? And -- and I'm trying to frame
9 it as it's what's in the Uniform Statewide Building
10 Code. Okay. No more questions from the board?

11 I'm going to turn the floor over to Mr.
12 Washington for any final comments or I think you used
13 the word rebuttal, but any other comments you have in
14 relation to what you've heard and so forth.

15 MALE 3: So, I have a statement and I have a
16 question followed by a response. So, I want to address
17 the lawsuit [inaudible] at the petition that was filed.
18 The injunction was related to the notice of violation I
19 received that they [inaudible]. That was specifically
20 for the injunction. So, that's in the petition.

21 The other piece of it is it's regarding the
22 refund that the county refused to issue by council

1 [inaudible] returning of [inaudible], which there's
2 also a case on there, [Inaudible] County versus Miller.
3 So, that's what the lawsuit is about. And the third
4 piece is around the temporary occupancy. So, that's
5 wasn't totally accurate. So, I just want to clear that
6 up.

7 MR. CONOVER: Okay.

8 MALE 3: The other piece is -- and it also
9 could be withdrawn anytime. The other piece I wanted to
10 ask is, is the county aware of any temporary occupancy
11 they have issued to other homeowner's or permit holders
12 at this point or are they aware of any occupancy of a
13 dwelling prior to the issues [inaudible]?

14 MR. FOLTZ: I believe the last meeting we --
15 we stated that this exception section is used for
16 multifamily and for larger scale commercial
17 establishments that we were aware at that time of no
18 such use of this section or legal occupancy of a
19 standalone single-family house prior to that date. And
20 I'm not aware that we've come up with any since then.

21 MALE 3: All right. So, I'm asking the
22 question because property address 3611 West Oxford Road

1 is a new build. The occupant there, she's been living
2 in the house for six months up until two days ago, when
3 they issued occupancy. So, there's a notice of
4 violation on the property with February 1st on it
5 regarding the same.

6 And she was also running the daycare out of
7 it, but -- but they issued occupancy about 48 hours ago
8 on the property. So, we have photos of that also that
9 we can [inaudible]. So, it's like it was a solid
10 temporary occupancy provided there.

11 MR. FOLTZ: In response to that, I say I'm not
12 sure that qualifies as legal occupancy of the house. We
13 cannot stop people from doing things on some level.
14 We're not policing the houses that we're aware of being
15 built. We're responding to complaints through the
16 complaint process.

17 It sounds as though that person occupied the
18 house without the proper permits and then caught up and
19 he was able to receive it.

20 MALE 3: So, if there's a DCC complaint, what
21 is the process for issuing an occupancy at that point,
22 if there's an open DCC complaint?

1 MR. FOLTZ: I'm not as -- I'm not as versed in
2 this as many people in the room, but I can give you my
3 impression as someone who enforces these things. Upon a
4 complaint having to do with a building or zoning issue,
5 the agency dispatches an inspector to the scene to
6 inspect for that particular violation.

7 The inspector engages with anybody found on
8 the prejudice, or I'm sorry, on the preferences to
9 ascertain any information and then determines whether
10 or not there's a violation. And a violation for not
11 having a use permit or an occupancy permit are both
12 ones that are subject to violations that I've seen.

13 That violation is then issued, there's an
14 appeal period that goes through, but I think it's at
15 least 31 or 21 days that the person has the right to
16 appeal that particular notice of violation and then
17 after that, the notice of violation becomes subject to
18 legal action.

19 So, at any time after that, the county can --
20 my office when asked by LDS, will bring suits in either
21 GDC or circuit court to get the appropriate relief to
22 address the situation.

1 MALE 3: Just to close out my statement, is
2 this particular property I am referring to [inaudible]
3 inspection assessed in notice of occupancy was found on
4 the BCC complaint, but they've done several inspections
5 at [inaudible] until about two days ago, so they're
6 well aware she was living there. So, to me, it looks
7 like a solid temporary occupancy was provided there.

8 MR. CONOVER: Any other comment or questions?

9 MR. RIAT: You're looking for a piece of paper
10 that says the county can let you stay there. Right? Is
11 that correct?

12 MALE 3: That's -- that's all I can
13 [inaudible], sir. But it -- it -- it saves us also
14 financially [inaudible].

15 MALE 1: And would you agree that, and I'll
16 ask you the same question. I think I already did. This
17 is our metric and what -- what we're focused on is, can
18 this particular property in its current form be
19 occupied safely without endangering life for public
20 safety? Would you agree that is our -- that's what
21 we're here to discuss and -- and vote on?

22 MR. WASHINGTON: Yes, I agree with that.

1 MR. CONOVER: Thank you. Final comments?

2 MR. FOLTZ: No final comments.

3 MR. CONOVER: Okay. I'm going to close the
4 public hearing phase of this on the appeal 2023 06. And
5 before we discuss it as a board I'm going to Call for a
6 motion and a second.

7 Now, we've deferred, so we do not -- we need a
8 motion to either approve the appeal, deny the appeal,
9 if you felt like you wanted to approve it with
10 conditions, or, you know, you can continue it again.
11 So, what's your pleasure?

12 MALE 2: With conditions?

13 MR. CONOVER: Well, I -- any motion can have -
14 - so, I'm just laying out, you know, what the options
15 are without trying to, you know, persuade one way or
16 the other.

17 MALE 5: Deferring it, if we wanted to wait
18 until the July 7th court date, that would be continuing
19 our deferral. It's a tough one.

20 MR. CONOVER: It is tough and I have a comment
21 on this section once we get to a motion. I'm -- I'm --
22 I'm -- I -- as chairman, I don't think it's appropriate

1 for me to make a motion.

2 MALE 2: [Inaudible] we'll have a winter
3 exclusion formation. Can we have a discussion or do you
4 need a motion first?

5 MR. CONOVER: I'd like to have a motion,
6 otherwise we'll start going down a rabbit hole of, you
7 know, like to have a focus on, you know.

8 MALE 2: Mike.

9 MALE 4: I already know my decision, I'm just
10 [inaudible].

11 MALE 2: Based on --

12 MR. PAIGE: Make a motion for discussion.

13 MALE 2: Well, we have to motion for what we
14 would do.

15 MR. CONOVER: Again, I'm going to frame it as
16 what -- what we've heard from both Mr. Washington and
17 the county and what we've seen in terms of pictures. We
18 -- the issue before us is, as I stated earlier, is the
19 structure and its surrounding, which includes the
20 driveway, etcetera, etcetera, its current form.

21 Do we feel it can be occupied safely by Mr.
22 Washington and his family, and without endangering

1 public safety, which includes Mr. Washington's family
2 and any emergency personnel or others that might show
3 up at the site for an emergency.

4 MALE 2: That's fine. In life, I'm the one
5 that has to make the tough decisions throughout, and
6 there's a human element to it that I -- I really
7 appreciate that. You expressed it well. My motion is to
8 deny the appeal.

9 MALE 1: I second that.

10 MR. CONOVER: We have a motion and a second to
11 deny the appeal, and is there a reason? Would it --
12 would I be correct in saying that in -- in your opinion
13 you don't feel that in its current form, the property,
14 structure, etcetera, is --

15 MALE 2: Correct. Like --

16 MR. CONOVER: Addressing this --

17 MALE 2: Rob and I kind of live in the same
18 world where we've turned over hundreds of units between
19 the two of us. I can say in mine, I never would have
20 even considered that for a temporary certificate of
21 occupancy. You know, just even looking at the front
22 door where I can't get in, because there's no brickwork

1 above it, you know, and just garage and everything
2 else.

3 I would not have called that in. Though I
4 understand the situation and the financial impacts. So,
5 that's where I'm coming from on this.

6 MALE 1: I think that's right. You know, I've
7 got a bias of 30 years of single-family residential
8 construction.

9 And I'm also a father of three, so that house
10 just, I -- I -- I can't get my head around that being
11 ready to occupy. You know, you -- there's a fall off
12 coming out of the garage, there's -- you know, there's
13 a steep grade off the side of that driveway.

14 And while I have empathy for the situation
15 that you're in, unfortunately, that's not really the
16 basis for the county to make decisions.

17 So, it just -- it -- it doesn't seem like a
18 safe site at this point. It seems like there's a long
19 way to go.

20 MALE 2: And to get there is going to require
21 heavy equipment and machinery and so forth. But what's
22 better? To have an unoccupied half-finished building

1 just standing there?

2 MALE 1: No.

3 MALE 2: Give him a few days to do the site
4 work. I mean what's better for the county? Do we have
5 to have more police cars show up?

6 I mean, that's -- that's what we're -- I don't
7 know if we have the ability to even tell the county
8 [inaudible].

9 MALE 1: Agree on that.

10 MALE 2: Agree to do that. And if we -- and if
11 we just blindly approve, just come out and approve the
12 -- the appeal without any deadline, then they can --
13 they can go on forever. But the balance off what you're
14 saying to just having a -- have an empty building
15 standing there unoccupied, what's better for the
16 county?

17 MR. RIAT: I think I understand the county's
18 position. I really do. But I -- I -- I do think they're
19 -- they're not being flexible and we don't have these
20 every day. It's not like, you know, we're doing a
21 thousand of these a month. It's once in a blue moon.
22 That's what --

1 MR. CONOVER: [Inaudible] it's -- it's kind of
2 what's appropriate for the county, but it's more what's
3 appropriate for the public safety.

4 MR. RIAT: Right.

5 MR. CONOVER: And that's the focus of this
6 document, that's the focus of, you know, the Uniform
7 Statewide Building Code, mechanical plumbing, etcetera,
8 etcetera, fire code, property what's -- what's going to
9 protect the public safety.

10 MALE 2: Right.

11 MR. CONOVER: Which the county is entrusted to
12 and whether the county is inspecting or not,
13 technically, you know, like a speed limit, you're
14 supposed to do 55, whether you get caught or not. This
15 is the speed limit, and you know, it's -- it's really
16 about public safety and --

17 MALE 2: I would like to -- I know. I don't
18 know if we can tell the county what to do in this case,
19 because it says it may issue a temporary permit, not
20 that it shall. Okay.

21 But I would really like to tell the county,
22 look, you know, cut him some slack and give him a

1 deadline.

2 And that -- that takes care of this issue, it
3 takes care of the county safety issue. Police don't
4 have to show up every day, every few weeks. That's --
5 that -- that was my thing.

6 MR. CONOVER: Okay. Michael?

7 MR. PAIGE: So, I -- I hear my peers on the
8 board in terms of your own experience and what not. But
9 I too am very sympathetic to the homeowner. And what
10 I've heard from the county and the way I read the code;
11 the facility appears to be safe.

12 There's things that need to be done, and
13 frankly, if we're going to add a condition that there's
14 a timeline to get these things completed, so that we're
15 fully in compliance.

16 But I am -- I'm sympathetic to the homeowner
17 and I think that what I've heard is that the county and
18 the homeowner believe it is safe. It appears to be
19 safe.

20 And so, I -- I would -- I would vote with the
21 homeowner.

22 MALE 2: So, we have a motion.

1 MR. CONOVER: We have a motion and a second to
2 deny the appeal. Any further discussion? All those in
3 favor -- of denial, 1, 2 -- this is [inaudible].

4 MR. FOLTZ: Yeah, I've never had the --

5 MR. CONOVER: Yeah. I didn't. Since I've
6 became chairman, I've never had to vote. Those opposed.
7 We have a tie.

8 MALE 2: You have to break the tie.

9 MR. CONOVER: I know. I've given this, you
10 know, a lot of thought, I've tried to frame this and I
11 guess I'll give you the vote if -- if I can give you my
12 vote, but I'd like to make a 15 or 20 second statement.
13 I'm going to vote to uphold.

14 I think it's a fine line, but I believe my
15 sense is that in -- in approving this, there are still
16 some issues to go through. There's, you know, the May
17 and my sense is that with this, the homeowner maybe get
18 some relief and can go in and finish this site work,
19 you know, quickly and then get the -- so, the other
20 comment.

21 So, it's -- it's -- it's going to be two to
22 three, the motion fails. Before I ask for a second

1 motion, I pondered this a lot. I started going to code
2 hearings in 1976, [Inaudible], SBCCI and ICPO, so on
3 and so forth. I spent most of my career writing and
4 dealing with these.

5 I said when I retired in 2019, you know, I'd
6 help out here as a volunteer but I thought I'd never
7 want to go back to an ICC hearing, both as a proponent
8 and as a former staff of ICC. But this is not an ICC
9 issue, it's a state issue.

10 I'm really seriously considering, as an
11 individual, submitting a change the next time the
12 Virginia Code is up for modification to not have this
13 exception applied to a single-family detached
14 structure. I understand the need for this in terms of
15 commercial properties, multifamily.

16 This is just a big -- we've heard about the
17 zoning, etcetera, etcetera, it's -- it's -- it's gut-
18 wrenching.

19 It's tough. If somebody's living somewhere
20 they shouldn't, you got the property maintenance code,
21 you've got the fire code.

22 I really don't think this personally should

1 apply to a single-family detached structure, this
2 exception, in my opinion. So, sorry to get on the
3 soapbox. I need an alternative motion, since the motion
4 to deny failed.

5 MALE 2: All right, I'll make the motion to
6 uphold the appeal. County to issue the temporary permit
7 with a 75-day deadline for [inaudible] so that he can
8 [inaudible].

9 MR. PAIGE: And I'll second that.

10 MR. CONOVER: All those in favor? Two. All
11 those opposed? Two. Chairman will break the tie and
12 vote in favor of the motion.

13 So, the appeal is approved by the board and
14 where it goes from here, it goes back to the county.
15 And as I said earlier, you know, anybody can, that's
16 agreed with this can file an appeal with the State
17 Technical Review Board.

18 There are other avenues that are pursuing.
19 This motion, in my opinion, just says, based on the
20 information that we have at this point, which is --
21 includes pictures and photographs, you know, it's our
22 belief that the property in its current form is -- is

1 acceptable and is not at risk for public safety.

2 MALE 2: That's it.

3 MR. CONOVER: That's it. Thank you for your
4 time.

5 MR. PAIGE: Thank you.

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CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 50 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.



July 17, 2023
Chris Naaden

(500179, Meeting of the Fairfax County Board Building and Fire Prevention Code of Appeals, 6-14-23)

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Transcript of Fairfax County Board Building and Fire Prevention Code of Appeals Meeting

Conducted on June 14, 2023

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