

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 18, 2022 - 10:00am

Virginia Housing Center  
4224 Cox Road Glen Allen, Virginia

- I. Roll Call **(TAB 1)**
- II. Approval of September 16, 2022 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
  - In Re: Daniel Maller  
Appeal No 22-10
- IV. Approval of Interpretation 04/2022 **(TAB 4)**
  - In Re: William Yeager (Montgomery County)  
Interpretation Request No 06-22
- V. Public Comment
- VI. Preliminary Hearing **(TAB 5)**
  - In Re: Jonathan and Lauren Borchers  
Appeal No 22-08
- VII. Preliminary Hearing **(TAB 6)**
  - In Re: Clifford and Khristina Hammill  
Appeal No 22-13
- VIII. Appeal Hearing **(TAB 7)**
  - In Re: Valerie Holdings of Virginia LLC  
Appeal No 22-04
- IX. Secretary's Report
  - a. Revision to Board Policy #9 **(TAB 8)**
  - b. Policy #30 **(TAB 9)**
  - c. Policy #31 **(TAB 10)**
  - d. 2023 Meeting Calendar **(TAB 11)**
  - e. January 2023 meeting update - location VHC

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

**James R. Dawson, Chair**

(Virginia Fire Chiefs Association)

**W. Shaun Pharr, Esq., Vice-Chair**

(The Apartment and Office Building Association of Metropolitan Washington)

**Vince Butler**

(Virginia Home Builders Association)

**J. Daniel Crigler**

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

**Alan D. Givens**

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

**David V. Hutchins**

(Electrical Contractor)

**Christina Jackson**

(Commonwealth at large)

**Joseph A. Kessler, III**

(Associated General Contractors)

**R. Jonah Margarella, AIA, NCARB, LEED AP**

(American Institute of Architects Virginia)

**Eric Mays**

(Virginia Building and Code Officials Association)

**Joanne D. Monday**

(Virginia Building Owners and Managers Association)

**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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**State Building Code Technical Review Board**  
**September 16, 2022 Minutes - Page 2**

34 After review and consideration of Interpretation 03/2022 in the Review  
35 Board members' agenda package, Mr. Mays moved to approve  
36 Interpretation 03/2022 as presented. The motion was seconded by Mr.  
37 Hutchins and passed with Ms. White and Mr. Givens abstaining.  
38

39 Public Comment Vice-Chair Pharr opened the meeting for public comment. Mr. Luter  
40 advised that no one had signed up to speak. With no one coming  
41 forward, Vice-Chair Pharr closed the public comment period.  
42

43 New Business Daniel Maller: Appeal No. 22-10:  
44

45 A preliminary hearing convened with Vice-Chair Pharr serving as the  
46 presiding officer. The hearing was related to the property located at  
47 104 N. Montague, in Arlington County.  
48

49 The following persons were sworn in and given an opportunity to  
50 present testimony:  
51

- 52 Daniel Maller, owner of the property
- 53 Shahriar Amiri, Arlington County
- 54 Myriam Villarroel, Arlington County
- 55 Richard Freeman, Arlington County

56  
57 Also present was:  
58

59 Ann Golski, legal counsel for Arlington County  
60

61 After testimony concluded, Vice-Chair Pharr closed the hearing and  
62 stated a decision from the Review Board members would be  
63 forthcoming and the deliberations would be conducted in open session.  
64 It was further noted that a final order reflecting the decision would be  
65 considered at a subsequent meeting and, when approved, would be  
66 distributed to the parties, and would contain a statement of further right  
67 of appeal.  
68

69 Decision: Daniel Maller: Appeal No. 22-10:  
70

71 After deliberations, Ms. Monday moved to remand the matter back to  
72 the local appeals board to render a decision on the Notice of Violation.  
73 The motion was seconded by Mr. Givens and passed with Mr. Zdinak  
74 abstaining.  
75

76 Request for Interpretation of William Yeager (Montgomery County):  
77 Interpretation Request No. 06-22:  
78

79 An interpretation request from William Yeager of Montgomery County  
80 was considered concerning 2018 Virginia Construction Code Sections

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**State Building Code Technical Review Board**  
**September 16, 2022 Minutes - Page 3**

81 102.3 and 202 related to whether a building located on a farm where  
82 hemp is grown & harvested, that operates as a laboratory to enhance or  
83 extract by-product of this hemp, is exempt from the building code in  
84 accordance with the 2018 VCC Sections 102.3 and 202. With consent  
85 of the Vice-Chair, Mr. Yeager offered a revised question for his request  
86 which read:

87  
88 *“Is a building located on a farm where hemp is grown &*  
89 *harvested, that operates as a laboratory to enhance or extract*  
90 *by-product of this hemp, exempt from the building code in*  
91 *accordance with the 2018 Virginia Construction Code Section*  
92 *102.3 Exemptions and Section 202 Definitions?”*  
93

94 Mr. Butler moved that the answer is “Yes”. The motion was seconded  
95 by Mr. Mays with Mr. Givens abstaining.  
96

97 Secretary’s Report Mr. Luter informed the Review Board of the current caseload for the  
98 upcoming meeting scheduled for November 18, 2022.  
99

100 Attorney Bell provided legal updates to the Board. He also provided  
101 the Board an example of two virtual meeting policies and suggested the  
102 Board consider adopting one of the policies. No action was taken on  
103 the potential new policy.  
104

105 Adjournment There being no further business, the meeting was adjourned by proper  
106 motion at approximately 1:15 p.m.  
107

108  
109 Approved: September 16, 2022  
110

111  
112 \_\_\_\_\_  
113 Chair, State Building Code Technical Review Board  
114

115  
116 \_\_\_\_\_  
117 Secretary, State Building Code Technical Review Board

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VIRGINIA:

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

IN RE:           Appeal of Daniel Maller  
                  Appeal No. 22-10

DECISION OF THE REVIEW BOARD

I.    Procedural Background

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

II.   Case History

On January 26, 2022, the County of Arlington Department of Community Planning, Housing, and Development (County), the agency responsible for the enforcement of Part I of the 2018 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a Notice of Violation (NOV) to Daniel Maller (Maller) for two structures, located at 104 N. Montague, in the County of Arlington. The NOV cited violations related to construction without the required permits and lack of required inspections for the structures.

Maller filed an appeal to the Arlington County Board of Building Code Appeals (local appeals board) which was administratively denied by Gary Greene, Assistant Building Official, on May 31, 2022 for being untimely. The County did not convene the local appeals board and Maller’s appeal was not heard; therefore, Maller appealed to the Review Board. While processing

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Maller's appeal, Review Board staff advised the parties that no appeal to the Review Board shall lie prior to a final determination by the local appeals board.<sup>1</sup>

### III. Findings of the Review Board

#### A. Whether to remand the appeal to the local appeals board for a decision.

The County argued that the building code provides 30 days to file an appeal and if an individual does not file their appeal in 30 days then they have accepted the building official's decision. The County further argued that Mr. Maller did not file his appeal within 30 days; therefore, his appeal was untimely and the code official did not have to convene the local appeals board to hear his appeal.

Maller argued that he was entitled to a hearing before the local appeals board which was administratively denied by the building official.

The Review Board finds that no appeal to the Review Board shall lie prior to a final determination by the local appeals board (§36-105); therefore, remands the case to the local appeals board for decision.

### IV. Final Order

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

#### A. Whether to remand the appeal to the local appeals board for a decision.

The appeal is remanded to the local appeals board for a decision because no appeal to the Review Board shall lie prior to a final determination by the local appeals board (§36-105).

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<sup>1</sup> See Review Board Case No. 91-16

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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_November 18, 2022\_\_\_\_\_

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

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 4/2022

Code: USBC, Part I, Virginia Construction Code/2018

Section No(s): Section 102.3 and 202

102.3 Exemptions

The following are exempt from this code:

1. Equipment and wiring used for providing utility, communications, information, cable television, broadcast or radio service in accordance with all of the following conditions:
  - 1.1. The equipment and wiring are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
  - 1.2. Buildings housing exempt equipment and wiring shall be subject to the USBC.
  - 1.3. The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.
2. Support structures owned or controlled by a provider of publicly regulated utility service or its affiliates for the transmission and distribution of electric service in accordance with all of the following conditions:
  - 2.1. The support structures are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
  - 2.2. The support structures exempted by this section shall not create an unsafe condition prohibited by the USBC.
3. Direct burial poles used to support equipment or wiring providing communications, information or cable television services. The poles exempted by this section shall not create an unsafe condition prohibited by the USBC.
4. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications, or information service in accordance with all of the following conditions:

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4.1. Buildings housing exempt equipment and wiring and structures supporting exempt equipment and wiring shall be subject to the USBC.

4.2. The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

5. Manufacturing, processing, and product handling machines and equipment that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products, and all of the following service equipment:

5.1. Electrical equipment connected after the last disconnecting means.

5.2. Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap.

5.3. Gas piping and equipment connected after the outlet shutoff valve.

Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.

6. Parking lots and sidewalks that are not part of an accessible route.

7. Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located.

8. Industrialized buildings subject to the Virginia Industrialized Building Safety Regulations (13VAC5-91) and manufactured homes subject to the Virginia Manufactured Home Safety Regulations (13VAC5-95); except as provided for in Section 429 and in the case of demolition of such industrialized buildings or manufactured homes.

9. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (§35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

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10. Federally owned buildings and structures unless federal law specifically requires a permit from the locality. Underground storage tank installations, modifications and removals shall comply with this code in accordance with federal law.

11. Off-site manufactured intermodal freight containers, moving containers, and storage containers placed on site temporarily or permanently for use as a storage container.

12. Automotive lifts.

## SECTION 202 DEFINITIONS

**FARM BUILDING OR STRUCTURE.** A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

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**QUESTION #1:** Is a building located on a farm where hemp is grown & harvested, that operates as a laboratory to enhance or extract by-product of this hemp, exempt from the building code in accordance with the 2018 Virginia Construction Code Section 102.3 Exemptions and Section 202 Definitions?

**ANSWER:** Yes.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting on September 16, 2022.

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Chairman, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jonathan and Lauren Borchers  
Appeal No. 22-08

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VIRGINIA:

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

IN RE: Appeal of Jonathan and Lauren Borchers  
Appeal No. 22-08

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On March 25, 2022, Chesterfield County Department of Building Inspections (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), informed Jonathan and Lauren Borchers (Borchers), via email, there were no violations to cite at the structure, located at 9930 Fawnhope Court, in Chesterfield County.

2. Borchers filed an appeal to the Chesterfield County Local Board of Building Code Appeals (local appeals board) which was denied on May 19, 2022.

3. Borchers appealed to the Review Board on June 17, 2022.

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

Suggested Preliminary Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County Building Official and the local appeals board that the appeal is untimely?

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# Basic Documents

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## STAFF NOTE

The Code Official's decision can be found on the final page of this email thread.

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**9930 Fawnhope Ct**

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**Bill Timberlake** <bill.timberlake.pe@gmail.com>

Mon, Apr 4, 2022 at 10:40 AM

To: "Laws, Jason" &lt;LawsJ@chesterfield.gov&gt;

Cc: "Brooks, Jeff" &lt;BrooksJ@chesterfield.gov&gt;, Jonathan Borchers &lt;jonathanborchers@me.com&gt;, Bill Timberlake &lt;bill.timberlake.pe@gmail.com&gt;, Lauren &lt;laureanne626@gmail.com&gt;

Mr. Laws,

We appreciate your continued assistance on this matter. That said, you must be as bewildered as I am on what they sent you. As you must already know, for a hand-generated Duct Design to be produced, there are three (3) worksheets that must be compiled before the Duct Layout/Drawing can be designed & finalized. Just to be clear, the missing worksheets are the following:

- 1) Effective Length Worksheet
- 2) Friction Rate Worksheet
- 3) Duct Sizing Worksheet

Without the above worksheets to derive important parameters, the drawing they sent you is useless to examine. Since the Borchers' are experiencing "hot & cold" rooms throughout their house, the importance of providing and installing an effective Duct System is critical. That being said, the Borchers' performed a review of the duct drawing provided and found a handful of errors, including several places where the drawings show "NO" duct work/registers, but in actuality these rooms do have duct work & registers running to them. Other errors include the drawings showing a certain size duct, while a smaller size duct was actually installed.

All that said, I still do not want to lose sight of our initial discussion that the Heating & Cooling Systems (2 systems) currently within the Borchers' Residence are grossly oversized and in my professional opinion will pose safety & health concerns, not to mention subsequent property damage within this structure. I would ask on a professional basis that you would re-examine the facts concerning your initial decision that there are no code violations (as stated within your email dated 25 March 2022). If I can provide any other pertinent information to assist your office in your determination, please do not hesitate to call me directly.,

Thanks,  
Bill

**William Timberlake, P.E.**

William T. Timberlake Residential Engineering

261 Summerfield Road

Roper, NC 27970

919-655-5828

[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)[WilliamTTimberlakeResidentialEngineering.com](http://WilliamTTimberlakeResidentialEngineering.com)

*Praise be to the God and Father of our Lord Jesus Christ, the Father of compassion and the God of all comfort, who comforts us in all our troubles, so that we can comfort those in any trouble with the comfort we ourselves receive from God (2 Corinthians 1:3-4)*

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On Fri, Apr 1, 2022 at 1:50 PM Lauren <laureanne626@gmail.com> wrote:

Thank you, Mr. Laws and thank you for your continued assistance with this matter.

Lauren Borchers

On Fri, Apr 1, 2022 at 1:48 PM Laws, Jason <LawsJ@chesterfield.gov> wrote:

Please see the attached duct design from Comfort First.

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

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**From:** Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>

**Sent:** Thursday, March 31, 2022 4:10 PM

**To:** Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)>

**Cc:** Lauren <[laurenanne626@gmail.com](mailto:laurenanne626@gmail.com)>; Brooks, Jeff <[BrooksJ@chesterfield.gov](mailto:BrooksJ@chesterfield.gov)>; Jonathan Borchers <[jonathanborchers@me.com](mailto:jonathanborchers@me.com)>

**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Mr. Laws,

I appreciate the dialogue, but nowhere am I seeing a bonafide Duct Design based on a room-by-room load calculation and subsequent airflow requirements (in CFM) so proper trunk & branch duct sizing could have been determined to each room within the Borchers Residence. The Trane Ductulator is only a hand-held calculator/tool assisting in a duct design calculation (like a traditional calculator is used in solving a math problem). All that said, it's been many years since I've seen any contractors perform a duct design by hand, they are almost always computer generated to ensure an accurate & functional layout. Do we have a copy of this hand-generated duct design?

I look forward to hearing from you.



Thanks,

Bill

**William Timberlake, P.E.**

William T. Timberlake Residential Engineering

261 Summerfield Road

Roper, NC 27970

919-655-5828

[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)

[WilliamTTimberlakeResidentialEngineering.com](http://WilliamTTimberlakeResidentialEngineering.com)

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On Thu, Mar 31, 2022 at 10:16 AM Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)> wrote:

Mr. Timberlake,

All factory-made ducts have to be listed and labeled in accordance with UL 181 and must be installed in accordance with the manufacturer's instructions. Field-fabricated and shop-fabricated metal and flexible duct construction shall conform to the SMACNA HVAC Duct Construction Standards or as allowed per Table M1601.1.1 of the VRC. The installation of duct needs to conform to section M1601.4 of the VRC. In this case the contractor used the load calculations provided by Covington Design Group in conjunction with the Trane Ductulator, a tool published by Trane for the use to size duct for their systems.

Thank you,

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

---

**From:** Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>

**Sent:** Thursday, March 31, 2022 8:39 AM

**To:** Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)>

**Cc:** Lauren <[laurenanne626@gmail.com](mailto:laurenanne626@gmail.com)>; Brooks, Jeff <[BrooksJ@chesterfield.gov](mailto:BrooksJ@chesterfield.gov)>; Jonathan Borchers <[jonathanborchers@me.com](mailto:jonathanborchers@me.com)>; Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>

**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Mr. Laws,

I appreciate your response below. After re-reading your email several times, are you stating that your office passed the final inspection of the duct design/installation "per the manufacturer's installation instructions" for both the 1st and 2nd floor Trane Heating & Cooling Systems at the Borchers's Residence? That said, I'm really confused since I know first-hand that Trane Technologies does not describe in their installation instructions on how to "design and install" a residential duct system. Do you recall what paperwork was shown by the hvac contractor to your inspector? Could you forward this paperwork to me?

I look forward to hearing from you.

Thx,

Bill

**William Timberlake, P.E.**

William T. Timberlake Residential Engineering

261 Summerfield Road

Roper, NC 27970

919-655-5828

[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)

[WilliamTTimberlakeResidentialEngineering.com](http://WilliamTTimberlakeResidentialEngineering.com)

*Praise be to the God and Father of our Lord Jesus Christ, the Father of compassion and the God of all comfort, who comforts us in all our troubles, so that we can comfort those in any trouble with the comfort we ourselves receive from God (2 Corinthians 1:3-4)*

On Wed, Mar 30, 2022 at 4:24 PM Laws, Jason <LawsJ@chesterfield.gov> wrote:

All,

Thank you for taking the time to discuss your current situation with your hvac system in your home. Below is the text from section M1601.1 Duct design that Bill was referencing but it does allow for it to be installed per the manufacturer's installation instructions or other approved methods. During our final inspection we determined it was installed per the manufacturer's installation instruction given the approved inspection. Hope this provides some clarity on why a Manual D was not required.

**M1601.1 Duct design.**

*Duct systems serving heating, cooling and ventilation equipment shall be installed in accordance with the provisions of this section and ACCA Manual D, the appliance manufacturer's installation instructions or other approved methods.*

Thank you,

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: lawsj@chesterfield.gov

---

**From:** Lauren <laureanne626@gmail.com>

**Sent:** Tuesday, March 29, 2022 1:44 AM  
**To:** Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)>  
**Cc:** Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>; Brooks, Jeff <[BrooksJ@chesterfield.gov](mailto:BrooksJ@chesterfield.gov)>; Jonathan Borchers <[jonathanborchers@me.com](mailto:jonathanborchers@me.com)>  
**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Good morning Mr. Laws-

Wednesday at 3:30pm works for us, thank you. If you could please send an invite to Bill as well, we'd appreciate it. He will be joining us on the call. His email is [bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com).

We look forward to speaking with you.

Lauren

On Mon, Mar 28, 2022 at 3:46 PM Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)> wrote:

Mrs. Borchers,

Thank you for your reply. Would Wednesday at 3:30 pm work for you all? I can sent out an invite via Microsoft Teams if that time works for you.

Thank you,

***Jason Laws*** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

**From:** Lauren <laurenanne626@gmail.com>  
**Sent:** Sunday, March 27, 2022 11:19 PM  
**To:** Laws, Jason <LawsJ@chesterfield.gov>  
**Cc:** Brooks, Jeff <BrooksJ@chesterfield.gov>; Jonathan Borchers <jonathanborchers@me.com>  
**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Good Evening Mr. Laws-

Thank you for your email. Are you available to speak via conference call Tuesday or Wednesday? We are flexible on time so please let us know a time that works best for you and the best number to reach you at.

I have added comments and clarifying points in red to your below email.

I have also attached the detailed load calculations completed by William "Bill" Timberlake that shows the requirements for our house. For your situational awareness, Bill is a licensed mechanical engineer (Virginia P.E. specializing in residential HVAC design) who provides HVAC training to ACCA on Manual J, S, and D.

Thank you, sir.

Lauren & Jonathan Borchers

9930 Fawnhope Ct.

Midlothian, VA 23112

On Fri, Mar 25, 2022 at 8:36 AM Laws, Jason <LawsJ@chesterfield.gov> wrote:

Mrs. Borchers,

Thank you for reaching out with your concerns about the HVAC system installed in your house. I fully understand your concerns with making sure the system is correct. We continue to review the information that we have been able to get from Comfort Systems but felt the need to clarify what the 2015 Virginia Residential Code requires.

**M1401.3 Equipment and appliance sizing.** Heating and cooling equipment and appliances shall be sized in accordance with ACCA Manual S or other approved sizing

methodologies based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies.

**Exception:** Heating and cooling equipment and appliance sizing shall not be limited to the capacities determined in

accordance with Manual S or other approved sizing methodologies where any of the following conditions apply:

1. The specified equipment or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling methodology fall within the range of the manufacturer's published capacities for that equipment or appliance.

2. The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling methodology, and the next larger standard size unit is specified.

3. The specified equipment or appliance is the lowest capacity unit available from the specified manufacturer.

Please note the underlined text above from the 2015 Virginia Residential Code. I know you have specifically requested that the Manual D & S be provided but please know that there are other approved heating and cooling calculation methodologies that could be provided to size HVAC equipment. Also, the documentation that Comfort Systems has provided indicates that the equipment installed has multistage technology / variable speed and would actually exempt the equipment capacities from being determined in accordance with manual S or other approved sizing methodologies. To clarify, only the 2nd floor unit is a multi-stage unit. The 1st floor A/C system is a single-speed compressor unit. That said, the current 1st floor unit is a 3-ton A/C and is over-sized by more than 150% and the existing gas furnace is a 100,000 Btuh model which is over-sized by more than 400% based on the attached Load Calculation completed by Bill Timberlake, P.E. Per page 3 of the attached Load Calculation, the total Heating Load is 18,318 Btuh and the total Cooling Load is 13,421 Btuh.

As for the 2nd floor Heat Pump System, Comfort Systems, Inc. installed a 3-ton Unit / 2-Stage Compressor System. Based on the attached Load Calculation, the proper multi-stage unit would have been a 2-ton / 2-Stage Compressor System. The 3-ton that was installed last year, even if running on lower-stage of cooling, would fall outside of the range of the manufacturer's published capacities for that equipment. Simply stated, the total cooling for the 2nd floor is 13,543 Btuh and the Low-Stage of cooling from our 3-ton unit is around 22,000 Btuh, which is still over-sized by approximately 60% from what is actually needed.

The proprietary software (Trace 700) that was used for the load calculations is acceptable for residential structures as well as commercial. The issue with any software is that if you put bad information in you are likely to get bad information out and it can be manipulated to get a desired result. If you can point out any specific inputs that you feel were in error I will be happy to investigate further. Per Bill Timberlake... "for any HVAC contractor to feel that installing 6-tons of Cooling in an approximately 3,100 sq. ft. modern-built home (semi-tight, energy efficient) that has superior low-e windows, 1st floor ducts in a conditioned crawlspace, 2nd floor ducts in an attic that has a radiant barrier system and very good insulation values throughout the house is unprofessional and/or lacks knowledge. Homes of the above description are typically seeing cooling loads of 1,000-1,200 sq. ft. per ton of cooling and placing 6-tons of cooling within our home should have been a red flag to all parties, to include the inspection department."

While Virginia is known to be a leader in code development the fact is that the building code is the absolute minimum to build a safe house and fails in comparison with best practice. As stated above, I will continue to review information as it is provided but feel at this time there are no code violations for us to cite.



Please feel free to reach out to me with any additional questions or concerns.

Code Official's  
Decision

Thank you,

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

--

*Lauren Borchers*

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*Lauren Borchers*

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*Lauren Borchers*

**Date:** April 22, 2022

**From:** Jonathan & Lauren Borchers  
9930 Fawnhope Ct.  
Midlothian, VA 23112

**To:** Chairman Jack R. Wilson  
C/O Erin White  
Chesterfield County Local Board of Building Code Appeals  
9800 Government Center Parkway  
Chesterfield, VA 23838

**RE:** Right to Appeal

Dear Chairman Jack Wilson C/O Ms. Erin White,

We respectfully request an appeal for the decision(s) made by Chesterfield County Department of Building Inspection Assistant Director Jason Laws et al. Mr. Laws made the decision that there are “no code violations” contrary to what our hired Professional Engineer (PE) determined, and this determination was shared with Mr. Laws in multiple email conversations and phone calls.

Per Mr. Laws’ email, dated March 25, 2022, he states that “there are no code violations” for them to cite. Mr. Laws again, reiterated that there were “no code violations” during a Microsoft Teams Meeting held on March 30, 2022. Our PE participated in that meeting as well.

### **Background**

On March 18, 2021, we hired Comfort Systems, Inc. to install appropriately sized HVAC equipment for our entire home. **Their design included reallocating the existing air conditioning system and gas furnace that initially serviced the first and second levels, to only servicing the first level.** Additionally, Comfort Systems, Inc. also installed a new two-stage heat pump system for the second level only; removed and disposed of all original/existing ductwork on both floors; installed new metal duct system with R-8 flex branch ducts on both floors and installed new supply and return grills; and installed an ionizer on the gas furnace as well as the second level air handler.

### **Issues / Findings**

William “Bill” Timberlake, our hired licensed mechanical engineer (Virginia PE who specializes in residential HVAC design) strongly disagrees with Mr. Laws’ decision that there are no code violations. For your situational awareness, Mr. Timberlake is a national known trainer who provides residential HVAC training for the Air Conditioning Contractors of America (ACCA) organization on their Manual J, S, and D courses. Additionally, Mr. Timberlake also serves as a training consultant for Trane Technologies for their Residential HVAC Design Classes in Virginia and North Carolina.

Mr. Timberlake ran a detailed load calculation, which I’ve attached, that shows the requirements for our energy efficient house that was built in 2016. Per Mr. Timberlake’s attached FIRST FLOOR Load Calculation, the correct gas furnace sizing should have been a 40,000 BTU unit and the air conditioning system should have been a 1.5-ton unit.





**Chesterfield County, Virginia  
Local Board of Building Code Appeals**

9800 Government Center Parkway – P.O. Box 40 – Chesterfield, VA 23832  
Phone: (804) 748-1057 – Fax: (804) 751-2249 – Internet: chesterfield.gov/bi

**Jack R. Wilson, III  
Chairman**

**Erin White  
Secretary to Board**

**Written Decision**

**Appeal Borchers May 19, 2022**

**In Re: Borchers v. Chesterfield County**

The appeal is hereby denied, for the reasons set out below:

Pursuant to USBC section 119.5, appeals must be submitted within 30 calendar days of the receipt of the decision being appealed. It was found that the decision in this case occurred during the final mechanical inspection for permit # 20210506-016 that took place on July 22, 2021. The appeal was filed on April 22, 2022 making this appeal untimely.

Date: May 24, 2022

Signature

Chair of Local Board of Appeals

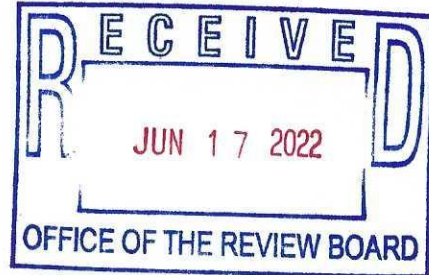
Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may-19.pdf>.

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):

Jonathan & Lauren Borchers  
9930 Fawnhope Ct. Midlothian, VA 23112 (703) 727-9897  
LaurenAnne626@gmail.com

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

Ronald W. Clements, Jr.  
9800 Government Center Parkway, P.O. Box 40, Chesterfield, VA 23832  
(804) 751-4163 clementsRO@chesterfield.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 17 day of June, 2022, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: Lauren Borchers

Name of Applicant: Lauren Borchers  
(please print or type)

**Statement of specific relief sought:** We are requesting the Review Board overturn the decision made by Chesterfield County Code Official and find that there is a violation of the 2015/2018 Virginia Residential Code M1401.3 "Equipment and appliance sizing". There may also be additional code violations pertaining to our HVAC system based on sizing, design, installation.



# Certificate of Occupancy

Chesterfield County Department of Building Inspection  
9800 Government Center Parkway  
Chesterfield, VA 23832

**Job Number: 20160308-049**

**Date Issued: June 23, 2016**

Stanley Martin Companies LLC  
11111 Sunset Hills Road Suite 200  
Reston, VA 20190

**Location for which this permit applies:** 9930 FAWNHOPE CT

**Permit Description:** Construct new single family dwelling with an attached garage. E-Plans. 2012 IRC

**Building Address:** 9930 FAWNHOPE CT

**Building Code Edition:** 2012

**Building Group Classification And Occupancy:** 5B Combustible Unprotected

**Building Type of Construction:** R5 (IBC) One and two family dwelling

**Permit Applicant:**

Stanley Martin Companies LLC  
11111 Sunset Hills Road Suite 200  
Reston, VA 20190

**Building Owner:**

SM RICHMOND LLC  
11710 PLAZA AMERICA DR  
RESTON, VA 20190

  
\_\_\_\_\_  
Building Official

06/23/2016

\_\_\_\_\_  
Date

Documents Submitted  
by Jonathan and  
Lauren Borchers

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Track Another Package +

Tracking Number: 7003311000032649911

Remove X

Your item was delivered to an individual at the address at 2:29 pm on May 28, 2022 in MIDLOTHIAN, VA 23112.

USPS Tracking Plus® Available v

Delivered, Left with Individual

May 28, 2022 at 2:29 pm  
MIDLOTHIAN, VA 23112

Get Updates v

Text & Email Updates v

Tracking History ^

May 28, 2022, 2:29 pm

Delivered, Left with Individual  
MIDLOTHIAN, VA 23112

Your item was delivered to an individual at the address at 2:29 pm on May 28, 2022 in MIDLOTHIAN, VA 23112.

May 28, 2022, 11:44 am

Out for Delivery  
MIDLOTHIAN, VA 23112

May 28, 2022, 11:33 am

Arrived at Post Office  
MIDLOTHIAN, VA 23112

May 27, 2022

In Transit to Next Facility

May 26, 2022, 10:43 pm

Departed USPS Regional Facility  
RICHMOND VA DISTRIBUTION CENTER

May 25, 2022, 6:59 pm

Arrived at USPS Regional Facility  
RICHMOND VA DISTRIBUTION CENTER

USPS Tracking Plus® v

Product Information v

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Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

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# LBBCA Board Package

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**Date:** April 22, 2022

**From:** Jonathan & Lauren Borchers  
9930 Fawnhope Ct.  
Midlothian, VA 23112

**To:** Chairman Jack R. Wilson  
C/O Erin White  
Chesterfield County Local Board of Building Code Appeals  
9800 Government Center Parkway  
Chesterfield, VA 23838

**RE:** Right to Appeal

Dear Chairman Jack Wilson C/O Ms. Erin White,

We respectfully request an appeal for the decision(s) made by Chesterfield County Department of Building Inspection Assistant Director Jason Laws et al. Mr. Laws made the decision that there are “no code violations” contrary to what our hired Professional Engineer (PE) determined, and this determination was shared with Mr. Laws in multiple email conversations and phone calls.

Per Mr. Laws’ email, dated March 25, 2022, he states that “there are no code violations” for them to cite. Mr. Laws again, reiterated that there were “no code violations” during a Microsoft Teams Meeting held on March 30, 2022. Our PE participated in that meeting as well.

### **Background**

On March 18, 2021, we hired Comfort Systems, Inc. to install appropriately sized HVAC equipment for our entire home. **Their design included reallocating the existing air conditioning system and gas furnace that initially serviced the first and second levels, to only servicing the first level.** Additionally, Comfort Systems, Inc. also installed a new two-stage heat pump system for the second level only; removed and disposed of all original/existing ductwork on both floors; installed new metal duct system with R-8 flex branch ducts on both floors and installed new supply and return grills; and installed an ionizer on the gas furnace as well as the second level air handler.

### **Issues / Findings**

William “Bill” Timberlake, our hired licensed mechanical engineer (Virginia PE who specializes in residential HVAC design) strongly disagrees with Mr. Laws’ decision that there are no code violations. For your situational awareness, Mr. Timberlake is a national known trainer who provides residential HVAC training for the Air Conditioning Contractors of America (ACCA) organization on their Manual J, S, and D courses. Additionally, Mr. Timberlake also serves as a training consultant for Trane Technologies for their Residential HVAC Design Classes in Virginia and North Carolina.

Mr. Timberlake ran a detailed load calculation, which I’ve attached, that shows the requirements for our energy efficient house that was built in 2016. Per Mr. Timberlake’s attached FIRST FLOOR Load Calculation, the correct gas furnace sizing should have been a 40,000 BTU unit and the air conditioning system should have been a 1.5-ton unit.

Comfort Systems, Inc. installed a total of 6 tons of cooling for our entire house, keeping the original 3-ton air conditioning (single-speed compressor) system and the 100,000 BTUs gas furnace and reallocating their full heating & cooling capacity for the first floor only (originally this 3-ton system was serving the entire house). They also manipulated the gas furnace by attaching new ductwork and installing an ionizer to the furnace. Therefore, they should be held responsible for the issues associated with the gas furnace, such as the furnace being oversized and now leaking. Please note, the furnace never leaked until it was manipulated by Comfort Systems, Inc. Mr. Laws' argues that our furnace is not the responsibility of Comfort Systems, Inc. because it was an existing furnace regardless of the modifications to the furnace made by Comfort Systems, Inc.

**Therefore, the current first floor air conditioning unit is currently oversized by more than 150% and the gas furnace is oversized by more than 400%. Both of these units are seen as grossly oversized and pose safety and health concerns, not to mention subsequent property damage within this structure. Simply put, the first floor HVAC system does not meet code.**

Additionally, per Mr. Timberlake's attached SECOND FLOOR Load Calculation, the correct heat pump sizing should have been a 2.0-ton/2-Stage system (if multi-stage technology is selected). The two-stage heat pump that was installed by Comfort Systems, Inc. was a 3-ton unit which exceeds the allowable maximum capacity allowed by code.

**Therefore, the current SECOND FLOOR heat pump unit (in the air conditioning mode) is oversized by 60%. The 3-ton/ 2-stage unit that was installed, even when running on lower stage cooling, would still be oversized since it falls outside of the range of the manufacturer's cooling capacities to satisfy the required cooling load. The unit is oversized and poses health concerns, not to mention subsequent property damage within this structure. Simply put, the Second floor HVAC system does not meet code.**

The code we are referencing is listed below and our engineer used the ACCA Manual J & S methodologies for all his calculations and determination. That said, while the code does mention "other approved heating and cooling calculation methodologies", it is reasonable to expect that all "approved" methods would have derived similar end results. According to our engineer, this is the worst system oversizing he has ever seen, and he plans to use our house as a case study for all his future classes that he teaches.

**M1401.3 Equipment and appliance sizing.** Heating and cooling equipment and appliances shall be sized in accordance with ACCA Manual S or other approved sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies.

**Exception:** Heating and cooling equipment and appliance sizing shall not be limited to the capacities determined in accordance with Manual S or other approved sizing methodologies where any of the following conditions apply:

1. The specified equipment or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling methodology fall within the range of the manufacturer's published capacities for that equipment or appliance.

2. The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling methodology, and the next larger standard size unit is specified.

3. The specified equipment or appliance is the lowest capacity unit available from the specified manufacturer.

On a separate, but related note, the HVAC Duct System on both floors was replaced without an adequate duct design being completed. Typically, when a duct system is replaced, a computer-generated ACCA Manual "D" Duct Design is completed before work starts. For our particular house, Mr. Laws provided a hand-drawn duct drawing that he had already determined was code compliant. When our engineer asked Mr. Laws for the three (3) worksheets that need be compiled before the Duct Layout/Drawing can be designed & finalized, Mr. Laws ceased communicating with us. To be clear, the following worksheets that should have been included with a "hand-generated" duct layout are the following:

- 1) Effective Length Worksheet
- 2) Friction Rate Worksheet
- 3) Duct Sizing Worksheet

Without the above worksheets to derive important parameters, the drawing Comfort Systems, Inc. provided is useless. Since we are experiencing "hot & cold" rooms throughout our house, the importance of providing and installing an effective Duct System is critical. To be thorough, we did take the time to review the hand-drawn duct drawing Comfort Systems, Inc. provided to the Mr. Laws and found a handful of errors, including several places where the drawings show "NO" duct work/registers, but in actuality these rooms do have duct work and registers running to them. Other errors include the drawings showing a certain size duct, while a smaller size duct was actually installed. That said, our engineer has no confidence in the drawing that it delivers the correct airflow to all the rooms within our house.

To highlight just a couple of our many challenges we have had, Comfort Systems, Inc. refused to perform a Duct Leakage Test on the new duct system that was installed. We opted to pay for this test ourselves with a 3<sup>rd</sup> party and when the test was performed, it failed with an 8.7% leakage, (exceeding the 4% max duct leakage tolerance within the Virginia Residential Code Requirement: R403.3.3 Duct Testing). Comfort System, Inc. project manager – Kenny Fodill III, who refused to pay for the code required duct testing and re-test, stated that he was not aware of the requirement nor was well versed in residential code requirements. Additionally, Kenny agreed to do a test and balance of our systems, but later refused to do so. Our issues were brought to the attention of Comfort Systems, Inc. president - Fred D. Wilcox who refused to correct the wrongs committed by his employees.

### **Conclusion**

Our heating and cooling systems (2 systems) currently within our home are faulty and grossly oversized. Per Mr. Timberlake, they pose safety and health concerns, not to mention subsequent property damage within this structure that will occur overtime.

Code requires proper load calculations and duct designs. However, Comfort Systems, Inc. used an inaccurate Load Calculation and an incomplete Duct Design which was then provided to the County Inspector. It is the County's responsibility to inspect the system for which a permit was pulled. They

failed to uphold their responsibility causing hardship to us, the homeowners. Please note that Chesterfield County failed to cite a violation for our oversized gas furnace not once but twice – when our home was originally built in 2016 and again during the final inspections that took place in July 2021 of our new/modified system(s).

Respectfully,



Jonathan & Lauren Borchers

**Attachments:**

- Copy of the Code Official's decision (email dated March 25, 2022) found within email chain
  - Comfort Systems' Duct Design (provided by Mr. Laws)

\*\* Please be sure to read entire email chain \*\*
  
- Load Calculations completed by William T. Timberlake, Residential Engineering (8 pages)

---

**9930 Fawnhope Ct**

---

**Bill Timberlake** <bill.timberlake.pe@gmail.com>

Mon, Apr 4, 2022 at 10:40 AM

To: "Laws, Jason" &lt;LawsJ@chesterfield.gov&gt;

Cc: "Brooks, Jeff" &lt;BrooksJ@chesterfield.gov&gt;, Jonathan Borchers &lt;jonathanborchers@me.com&gt;, Bill Timberlake &lt;bill.timberlake.pe@gmail.com&gt;, Lauren &lt;laureanne626@gmail.com&gt;

Mr. Laws,

We appreciate your continued assistance on this matter. That said, you must be as bewildered as I am on what they sent you. As you must already know, for a hand-generated Duct Design to be produced, there are three (3) worksheets that must be compiled before the Duct Layout/Drawing can be designed & finalized. Just to be clear, the missing worksheets are the following:

- 1) Effective Length Worksheet
- 2) Friction Rate Worksheet
- 3) Duct Sizing Worksheet

Without the above worksheets to derive important parameters, the drawing they sent you is useless to examine. Since the Borchers' are experiencing "hot & cold" rooms throughout their house, the importance of providing and installing an effective Duct System is critical. That being said, the Borchers' performed a review of the duct drawing provided and found a handful of errors, including several places where the drawings show "NO" duct work/registers, but in actuality these rooms do have duct work & registers running to them. Other errors include the drawings showing a certain size duct, while a smaller size duct was actually installed.

All that said, I still do not want to lose sight of our initial discussion that the Heating & Cooling Systems (2 systems) currently within the Borchers' Residence are grossly oversized and in my professional opinion will pose safety & health concerns, not to mention subsequent property damage within this structure. I would ask on a professional basis that you would re-examine the facts concerning your initial decision that there are no code violations (as stated within your email dated 25 March 2022). If I can provide any other pertinent information to assist your office in your determination, please do not hesitate to call me directly.,

Thanks,  
Bill

**William Timberlake, P.E.**

William T. Timberlake Residential Engineering

261 Summerfield Road

Roper, NC 27970

919-655-5828

[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)[WilliamTTimberlakeResidentialEngineering.com](http://WilliamTTimberlakeResidentialEngineering.com)

*Praise be to the God and Father of our Lord Jesus Christ, the Father of compassion and the God of all comfort, who comforts us in all our troubles, so that we can comfort those in any trouble with the comfort we ourselves receive from God (2 Corinthians 1:3-4)*

---

On Fri, Apr 1, 2022 at 1:50 PM Lauren <laureanne626@gmail.com> wrote:



Thank you, Mr. Laws and thank you for your continued assistance with this matter.

Lauren Borchers

On Fri, Apr 1, 2022 at 1:48 PM Laws, Jason <LawsJ@chesterfield.gov> wrote:

Please see the attached duct design from Comfort First.

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

---

**From:** Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>

**Sent:** Thursday, March 31, 2022 4:10 PM

**To:** Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)>

**Cc:** Lauren <[laurenanne626@gmail.com](mailto:laurenanne626@gmail.com)>; Brooks, Jeff <[BrooksJ@chesterfield.gov](mailto:BrooksJ@chesterfield.gov)>; Jonathan Borchers <[jonathanborchers@me.com](mailto:jonathanborchers@me.com)>

**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Mr. Laws,

I appreciate the dialogue, but nowhere am I seeing a bonafide Duct Design based on a room-by-room load calculation and subsequent airflow requirements (in CFM) so proper trunk & branch duct sizing could have been determined to each room within the Borchers Residence. The Trane Ductulator is only a hand-held calculator/tool assisting in a duct design calculation (like a traditional calculator is used in solving a math problem). All that said, it's been many years since I've seen any contractors perform a duct design by hand, they are almost always computer generated to ensure an accurate & functional layout. Do we have a copy of this hand-generated duct design?

I look forward to hearing from you.

Thanks,

Bill

**William Timberlake, P.E.**

William T. Timberlake Residential Engineering

261 Summerfield Road

Roper, NC 27970

919-655-5828

[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)

[WilliamTTimberlakeResidentialEngineering.com](http://WilliamTTimberlakeResidentialEngineering.com)

*Praise be to the God and Father of our Lord Jesus Christ, the Father of compassion and the God of all comfort, who comforts us in all our troubles, so that we can comfort those in any trouble with the comfort we ourselves receive from God (2 Corinthians 1:3-4)*

On Thu, Mar 31, 2022 at 10:16 AM Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)> wrote:

Mr. Timberlake,

All factory-made ducts have to be listed and labeled in accordance with UL 181 and must be installed in accordance with the manufacturer's instructions. Field-fabricated and shop-fabricated metal and flexible duct construction shall conform to the SMACNA HVAC Duct Construction Standards or as allowed per Table M1601.1.1 of the VRC. The installation of duct needs to conform to section M1601.4 of the VRC. In this case the contractor used the load calculations provided by Covington Design Group in conjunction with the Trane Ductulator, a tool published by Trane for the use to size duct for their systems.

Thank you,

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

---

**From:** Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>

**Sent:** Thursday, March 31, 2022 8:39 AM

**To:** Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)>

**Cc:** Lauren <[laurenanne626@gmail.com](mailto:laurenanne626@gmail.com)>; Brooks, Jeff <[BrooksJ@chesterfield.gov](mailto:BrooksJ@chesterfield.gov)>; Jonathan Borchers <[jonathanborchers@me.com](mailto:jonathanborchers@me.com)>; Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>

**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Mr. Laws,

I appreciate your response below. After re-reading your email several times, are you stating that your office passed the final inspection of the duct design/installation "per the manufacturer's installation instructions" for both the 1st and 2nd floor Trane Heating & Cooling Systems at the Borchers Residence? That said, I'm really confused since I know first-hand that Trane Technologies does not describe in their installation instructions on how to "design and install" a residential duct system. Do you recall what paperwork was shown by the hvac contractor to your inspector? Could you forward this paperwork to me?

I look forward to hearing from you.

Thx,

Bill

**William Timberlake, P.E.**

William T. Timberlake Residential Engineering

261 Summerfield Road

Roper, NC 27970

919-655-5828

[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)

[WilliamTTimberlakeResidentialEngineering.com](http://WilliamTTimberlakeResidentialEngineering.com)

*Praise be to the God and Father of our Lord Jesus Christ, the Father of compassion and the God of all comfort, who comforts us in all our troubles, so that we can comfort those in any trouble with the comfort we ourselves receive from God (2 Corinthians 1:3-4)*

On Wed, Mar 30, 2022 at 4:24 PM Laws, Jason <LawsJ@chesterfield.gov> wrote:

All,

Thank you for taking the time to discuss your current situation with your hvac system in your home. Below is the text from section M1601.1 Duct design that Bill was referencing but it does allow for it to be installed per the manufacturer's installation instructions or other approved methods. During our final inspection we determined it was installed per the manufacturer's installation instruction given the approved inspection. Hope this provides some clarity on why a Manual D was not required.

**M1601.1 Duct design.**

*Duct systems serving heating, cooling and ventilation equipment shall be installed in accordance with the provisions of this section and ACCA Manual D, the appliance manufacturer's installation instructions or other approved methods.*

Thank you,

**Jason Laws** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: lawsj@chesterfield.gov

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**From:** Lauren <laureanne626@gmail.com>

**Sent:** Tuesday, March 29, 2022 1:44 AM

**To:** Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)>

**Cc:** Bill Timberlake <[bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com)>; Brooks, Jeff <[BrooksJ@chesterfield.gov](mailto:BrooksJ@chesterfield.gov)>; Jonathan Borchers <[jonathanborchers@me.com](mailto:jonathanborchers@me.com)>

**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Good morning Mr. Laws-

Wednesday at 3:30pm works for us, thank you. If you could please send an invite to Bill as well, we'd appreciate it. He will be joining us on the call. His email is [bill.timberlake.pe@gmail.com](mailto:bill.timberlake.pe@gmail.com).

We look forward to speaking with you.

Lauren

On Mon, Mar 28, 2022 at 3:46 PM Laws, Jason <[LawsJ@chesterfield.gov](mailto:LawsJ@chesterfield.gov)> wrote:

Mrs. Borchers,

Thank you for your reply. Would Wednesday at 3:30 pm work for you all? I can sent out an invite via Microsoft Teams if that time works for you.

Thank you,

***Jason Laws*** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

**From:** Lauren <laurenanne626@gmail.com>  
**Sent:** Sunday, March 27, 2022 11:19 PM  
**To:** Laws, Jason <LawsJ@chesterfield.gov>  
**Cc:** Brooks, Jeff <BrooksJ@chesterfield.gov>; Jonathan Borchers <jonathanborchers@me.com>  
**Subject:** Re: 9930 Fawnhope Ct

**CAUTION:** External Email

Good Evening Mr. Laws-

Thank you for your email. Are you available to speak via conference call Tuesday or Wednesday? We are flexible on time so please let us know a time that works best for you and the best number to reach you at.

I have added comments and clarifying points in red to your below email.

I have also attached the detailed load calculations completed by William "Bill" Timberlake that shows the requirements for our house. For your situational awareness, Bill is a licensed mechanical engineer (Virginia P.E. specializing in residential HVAC design) who provides HVAC training to ACCA on Manual J, S, and D.

Thank you, sir.

Lauren & Jonathan Borchers

9930 Fawnhope Ct.

Midlothian, VA 23112

On Fri, Mar 25, 2022 at 8:36 AM Laws, Jason <LawsJ@chesterfield.gov> wrote:

Mrs. Borchers,

Thank you for reaching out with your concerns about the HVAC system installed in your house. I fully understand your concerns with making sure the system is correct. We continue to review the information that we have been able to get from Comfort Systems but felt the need to clarify what the 2015 Virginia Residential Code requires.

**M1401.3 Equipment and appliance sizing.** Heating and cooling equipment and appliances shall be sized in accordance with ACCA Manual S or other approved sizing

methodologies based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies.

**Exception:** Heating and cooling equipment and appliance sizing shall not be limited to the capacities determined in

accordance with Manual S or other approved sizing methodologies where any of the following conditions apply:

1. The specified equipment or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling methodology fall within the range of the manufacturer's published capacities for that equipment or appliance.

2. The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling methodology, and the next larger standard size unit is specified.

3. The specified equipment or appliance is the lowest capacity unit available from the specified manufacturer.

Please note the underlined text above from the 2015 Virginia Residential Code. I know you have specifically requested that the Manual D & S be provided but please know that there are other approved heating and cooling calculation methodologies that could be provided to size HVAC equipment. Also, the documentation that Comfort Systems has provided indicates that the equipment installed has multistage technology / variable speed and would actually exempt the equipment capacities from being determined in accordance with manual S or other approved sizing methodologies. To clarify, only the 2nd floor unit is a multi-stage unit. The 1st floor A/C system is a single-speed compressor unit. That said, the current 1st floor unit is a 3-ton A/C and is over-sized by more than 150% and the existing gas furnace is a 100,000 Btuh model which is over-sized by more than 400% based on the attached Load Calculation completed by Bill Timberlake, P.E. Per page 3 of the attached Load Calculation, the total Heating Load is 18,318 Btuh and the total Cooling Load is 13,421 Btuh.

As for the 2nd floor Heat Pump System, Comfort Systems, Inc. installed a 3-ton Unit / 2-Stage Compressor System. Based on the attached Load Calculation, the proper multi-stage unit would have been a 2-ton / 2-Stage Compressor System. The 3-ton that was installed last year, even if running on lower-stage of cooling, would fall outside of the range of the manufacturer's published capacities for that equipment. Simply stated, the total cooling for the 2nd floor is 13,543 Btuh and the Low-Stage of cooling from our 3-ton unit is around 22,000 Btuh, which is still over-sized by approximately 60% from what is actually needed.

The proprietary software (Trace 700) that was used for the load calculations is acceptable for residential structures as well as commercial. The issue with any software is that if you put bad information in you are likely to get bad information out and it can be manipulated to get a desired result. If you can point out any specific inputs that you feel were in error I will be happy to investigate further. Per Bill Timberlake... "for any HVAC contractor to feel that installing 6-tons of Cooling in an approximately 3,100 sq. ft. modern-built home (semi-tight, energy efficient) that has superior low-e windows, 1st floor ducts in a conditioned crawlspace, 2nd floor ducts in an attic that has a radiant barrier system and very good insulation values throughout the house is unprofessional and/or lacks knowledge. Homes of the above description are typically seeing cooling loads of 1,000-1,200 sq. ft. per ton of cooling and placing 6-tons of cooling within our home should have been a red flag to all parties, to include the inspection department."

While Virginia is known to be a leader in code development the fact is that the building code is the absolute minimum to build a safe house and fails in comparison with best practice. As stated above, I will continue to review information as it is provided but feel at this time there are no code violations for us to cite.

Please feel free to reach out to me with any additional questions or concerns.

Thank you,

***Jason Laws*** - Assistant Director

**Chesterfield County Department of Building Inspection**

9800 Government Center Parkway

Chesterfield VA 23832-0040

Ph: (804) 751-4161 Fax: (804) 751-2249

E-mail: [lawsj@chesterfield.gov](mailto:lawsj@chesterfield.gov)

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*Lauren Borchers*

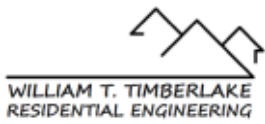
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*Lauren Borchers*

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*Lauren Borchers*





# Load Short Form

## Entire House

Job: 001  
 Date: Nov 16, 2021  
 By: WTT

### Project Information

For: Jonathan and Lauren Borchers, Homeowner  
 9930 Fawnhope Ct., Midlothian, VA

### Design Information

	Htg	Clg	Infiltration	
Outside db (°F)	18	92	Method	Simplified
Inside db (°F)	70	75	Construction quality	Semi-tight
Design TD (°F)	52	17	Fireplaces	0
Daily range	-	M		
Inside humidity (%)	50	50		
Moisture difference (gr/lb)	44	39		

#### HEATING EQUIPMENT

Make	n/a
Trade	n/a
Model	n/a
AHRI ref.	n/a
Efficiency	n/a
Heating input	
Heating output	0 Btuh
Temperature rise	0 °F
Actual air flow	0 cfm
Air flow factor	0 cfm/Btuh
Static pressure	0 in H2O
Space thermostat	n/a

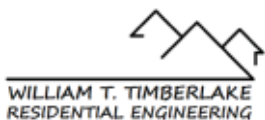
#### COOLING EQUIPMENT

Make	n/a
Trade	n/a
Cond	n/a
Coil	n/a
AHRI ref.	n/a
Efficiency	n/a
Sensible cooling	0 Btuh
Latent cooling	0 Btuh
Total cooling	0 Btuh
Actual air flow	0 cfm
Air flow factor	0 cfm/Btuh
Static pressure	0 in H2O
Load sensible heat ratio	0

ROOM NAME	Area (ft²)	Htg load (Btuh)	Clg load (Btuh)	Htg AVF (cfm)	Clg AVF (cfm)
2ND FLOOR AHU	1520	17952	11365	496	496
1ST FLOOR AHU	1568	18318	11551	825	825
Entire House	3087	36270	22916	1321	1321
Other equip loads		0	0		
Equip. @ 1.00 RSM			22916		
Latent cooling			4048		
<b>TOTALS</b>	<b>3087</b>	<b>36270</b>	<b>26964</b>	<b>1321</b>	<b>1321</b>

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.





# Load Short Form

## 1ST FLOOR AHU

Job: 001  
 Date: Nov 16, 2021  
 By: WTT

### Project Information

For: Jonathan and Lauren Borchers, Homeowner  
 9930 Fawnhope Ct., Midlothian, VA

### Design Information

	Htg	Clg	Infiltration	
Outside db (°F)	18	92	Method	Simplified
Inside db (°F)	70	75	Construction quality	Semi-tight
Design TD (°F)	52	17	Fireplaces	0
Daily range	-	M		
Inside humidity (%)	50	50		
Moisture difference (gr/lb)	44	39		

#### HEATING EQUIPMENT

Make	Generic
Trade	
Model	AFUE 96
AHRI ref	
Efficiency	96 AFUE
Heating input	34150 Btuh
Heating output	32784 Btuh
Temperature rise	36 °F
Actual air flow	825 cfm
Air flow factor	0.045 cfm/Btuh
Static pressure	0 in H2O
Space thermostat	

#### COOLING EQUIPMENT

Make	Generic
Trade	
Cond	SEER 14.0
Coil	
AHRI ref	
Efficiency	12.2 EER, 14 SEER
Sensible cooling	18558 Btuh
Latent cooling	6186 Btuh
Total cooling	24744 Btuh
Actual air flow	825 cfm
Air flow factor	0.071 cfm/Btuh
Static pressure	0 in H2O
Load sensible heat ratio	0.86

ROOM NAME	Area (ft²)	Htg load (Btuh)	Clg load (Btuh)	Htg AVF (cfm)	Clg AVF (cfm)
FAMILY ROOM	400	5065	3772	228	269
STUDY	144	2574	1269	116	91
FOYER/STAIRS	202	1582	405	71	29
DINING ROOM	184	2260	1186	102	85
PDR	30	40	12	2	1
BREAKFAST	198	1695	1470	76	105
OFFICE	30	1025	684	46	49
PANTRY	25	444	123	20	9
KITCHEN	312	2501	2147	113	153
MUD	43	1132	483	51	35

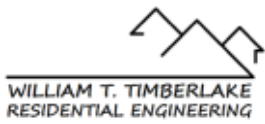
Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



1ST FLOOR AHU	1568	18318	11551	825	825
Other equip loads		0	0		
Equip. @ 1.00 RSM			11551		
Latent cooling			1870		
TOTALS	1568	18318	13421	825	825

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.





# Load Short Form

## 2ND FLOOR AHU

Job: 001  
 Date: Nov 16, 2021  
 By: WTT

### Project Information

For: Jonathan and Lauren Borchers, Homeowner  
 9930 Fawnhope Ct., Midlothian, VA

### Design Information

	Htg	Clg	Infiltration	
Outside db (°F)	18	92	Method	Simplified
Inside db (°F)	70	75	Construction quality	Semi-tight
Design TD (°F)	52	17	Fireplaces	0
Daily range	-	M		
Inside humidity (%)	50	50		
Moisture difference (gr/lb)	44	39		

#### HEATING EQUIPMENT

Make	
Trade	
Model	
AHRI ref	
Efficiency	80 AFUE
Heating input	0 Btuh
Heating output	0 Btuh
Temperature rise	0 °F
Actual air flow	496 cfm
Air flow factor	0.028 cfm/Btuh
Static pressure	0 in H2O
Space thermostat	

#### COOLING EQUIPMENT

Make	
Trade	
Cond	
Coil	
AHRI ref	
Efficiency	0 SEER
Sensible cooling	0 Btuh
Latent cooling	0 Btuh
Total cooling	0 Btuh
Actual air flow	496 cfm
Air flow factor	0.044 cfm/Btuh
Static pressure	0 in H2O
Load sensible heat ratio	0.84

ROOM NAME	Area (ft²)	Htg load (Btuh)	Clg load (Btuh)	Htg AVF (cfm)	Clg AVF (cfm)
MASTER BEDROOM	360	3937	2982	109	130
W.I.C.1	39	479	139	13	6
BATH 3	50	497	152	14	7
W.I.C.2	41	68	48	2	2
BEDROOM 4	242	3277	2012	91	88
LAUNDRY	44	73	370	2	16
BEDROOM 2	165	2267	1510	63	66
BEDROOM 3	185	3356	1842	93	80
MASTER BATH	152	2701	1095	75	48
STAIRS/HALL	178	1188	1139	33	50
BATH 2	65	108	75	3	3

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



2ND FLOOR AHU	1520	17952	11365	496	496
Other equip loads		0	0		
Equip. @ 1.00 RSM			11365		
Latent cooling			2178		
TOTALS	1520	17952	13543	496	496

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.



### Project Information

For: Jonathan and Lauren Borchers, Homeowner  
9930 Fawnhope Ct., Midlothian, VA

### Design Conditions

#### Location:

Richmond AP, VA, US  
Elevation: 164 ft  
Latitude: 37°N

#### Outdoor:

Drybulb (°F)  
Daily range (°F)  
Wet bulb (°F)  
Wind speed (mph)

#### Heating

18  
-  
-  
15.0

#### Cooling

92  
20 ( M )  
75  
7.5

#### Indoor:

Indoor temperature (°F)  
Design TD (°F)  
Relative humidity (%)  
Moisture difference (gr/lb)

#### Heating

70  
52  
50  
44.1

#### Cooling

75  
17  
50  
39.4

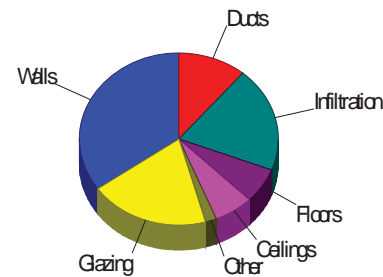
#### Infiltration:

Method  
Construction quality  
Fireplaces

Simplified  
Semi-tight  
0

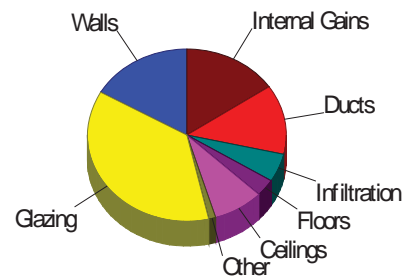
### Heating

Component	Btuh/ft²	Btuh	% of load
Walls	4.3	12625	34.8
Glazing	15.8	7083	19.5
Doors	15.8	662	1.8
Ceilings	1.4	2332	6.4
Floors	1.4	2388	6.6
Infiltration	2.4	7140	19.7
Ducts		4040	11.1
Piping		0	0
Humidification		0	0
Ventilation		0	0
Adjustments		0	0
<b>Total</b>		<b>36270</b>	<b>100.0</b>



### Cooling

Component	Btuh/ft²	Btuh	% of load
Walls	1.3	3824	16.7
Glazing	18.8	8444	36.8
Doors	6.2	262	1.1
Ceilings	1.1	1883	8.2
Floors	0.4	741	3.2
Infiltration	0.4	1214	5.3
Ducts		2997	13.1
Ventilation		0	0
Internal gains		3550	15.5
Blower		0	0
Adjustments		0	0
<b>Total</b>		<b>22916</b>	<b>100.0</b>



Latent Cooling Load = 4048 Btuh  
Overall U-value = 0.150 Btuh/ft²-°F

Data entries checked.

## Project Information

For: Jonathan and Lauren Borchers, Homeowner  
9930 Fawnhope Ct., Midlothian, VA

## Design Conditions

**Location:**

Richmond AP, VA, US  
Elevation: 164 ft  
Latitude: 37°N

**Outdoor:**

Drybulb (°F)  
Daily range (°F)  
Wet bulb (°F)  
Wind speed (mph)

**Heating**

18  
-  
-  
15.0

**Cooling**

92  
20 ( M )  
75  
7.5

**Indoor:**

Indoor temperature (°F)  
Design TD (°F)  
Relative humidity (%)  
Moisture difference (gr/lb)

**Heating**

70  
52  
50  
44.1

**Cooling**

75  
17  
50  
39.4

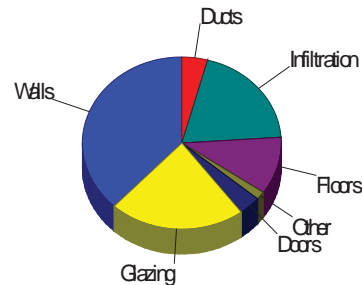
**Infiltration:**

Method  
Construction quality  
Fireplaces

Simplified  
Semi-tight  
0

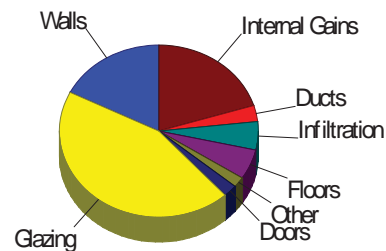
## Heating

Component	Btuh/ft²	Btuh	% of load
Walls	4.2	6975	38.1
Glazing	16.0	4049	22.1
Doors	15.8	662	3.6
Ceilings	1.4	277	1.5
Floors	1.3	1979	10.8
Infiltration	2.4	3613	19.7
Ducts		763	4.2
Piping		0	0
Humidification		0	0
Ventilation		0	0
Adjustments		0	0
<b>Total</b>		<b>18318</b>	<b>100.0</b>



## Cooling

Component	Btuh/ft²	Btuh	% of load
Walls	1.2	2028	17.6
Glazing	20.1	5093	44.1
Doors	6.2	262	2.3
Ceilings	1.1	224	1.9
Floors	0.4	647	5.6
Infiltration	0.4	614	5.3
Ducts		354	3.1
Ventilation		0	0
Internal gains		2330	20.2
Blower		0	0
Adjustments		0	0
<b>Total</b>		<b>11551</b>	<b>100.0</b>



Latent Cooling Load = 1870 Btuh  
Overall U-value = 0.219 Btuh/ft²-°F

Data entries checked.

## Project Information

For: Jonathan and Lauren Borchers, Homeowner  
9930 Fawnhope Ct., Midlothian, VA

## Design Conditions

**Location:**

Richmond AP, VA, US  
Elevation: 164 ft  
Latitude: 37°N

**Outdoor:**

Drybulb (°F)  
Daily range (°F)  
Wet bulb (°F)  
Wind speed (mph)

**Heating**

18  
-  
-  
15.0

**Cooling**

92  
20 ( M )  
75  
7.5

**Indoor:**

Indoor temperature (°F)  
Design TD (°F)  
Relative humidity (%)  
Moisture difference (gr/lb)

**Heating**

70  
52  
50  
44.1

**Cooling**

75  
17  
50  
39.4

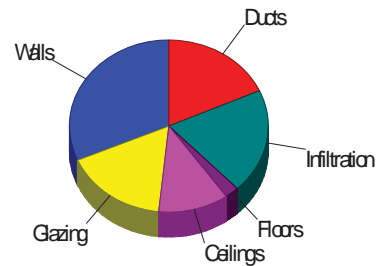
**Infiltration:**

Method  
Construction quality  
Fireplaces

Simplified  
Semi-tight  
0

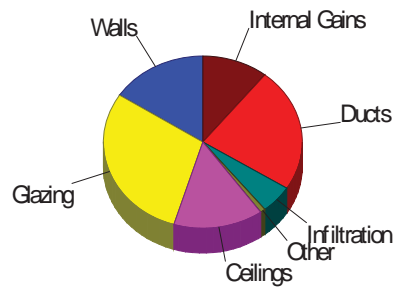
## Heating

Component	Btuh/ft²	Btuh	% of load
Walls	4.4	5651	31.5
Glazing	15.6	3034	16.9
Doors	0	0	0
Ceilings	1.4	2055	11.4
Floors	2.6	409	2.3
Infiltration	2.4	3527	19.6
Ducts		3277	18.3
Piping		0	0
Humidification		0	0
Ventilation		0	0
Adjustments		0	0
<b>Total</b>		<b>17952</b>	<b>100.0</b>



## Cooling

Component	Btuh/ft²	Btuh	% of load
Walls	1.4	1796	15.8
Glazing	17.2	3352	29.5
Doors	0	0	0
Ceilings	1.1	1660	14.6
Floors	0.6	94	0.8
Infiltration	0.4	600	5.3
Ducts		2644	23.3
Ventilation		0	0
Internal gains		1220	10.7
Blower		0	0
Adjustments		0	0
<b>Total</b>		<b>11365</b>	<b>100.0</b>



Latent Cooling Load = 2178 Btuh  
Overall U-value = 0.068 Btuh/ft²-°F

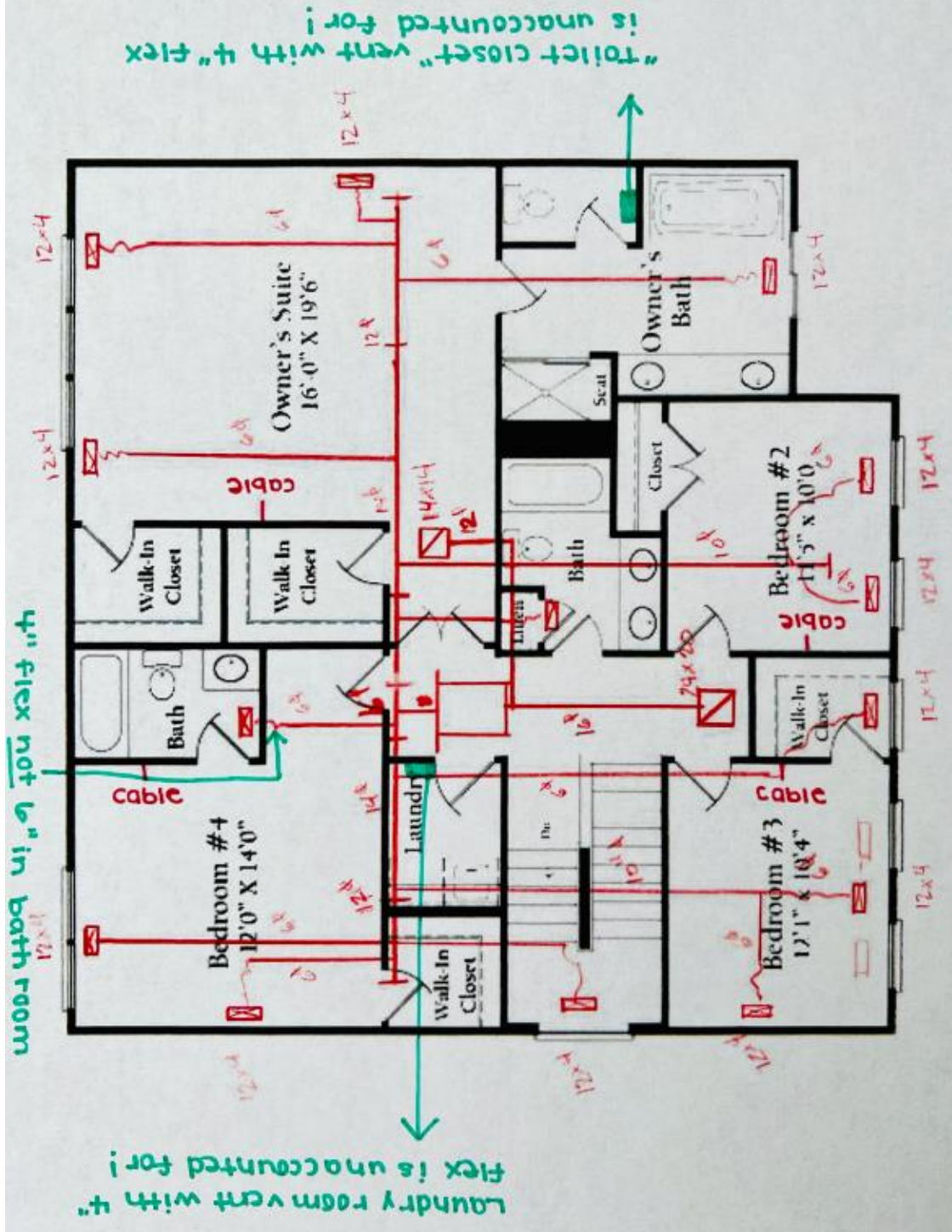
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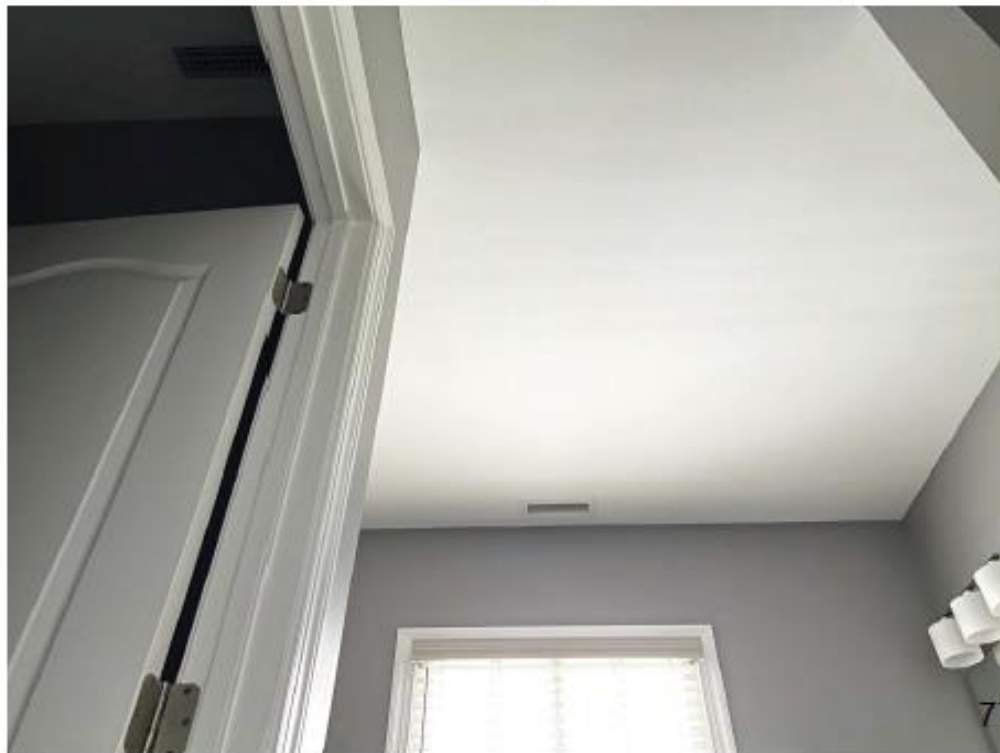


Upper Level Floor Plan



← Ceiling Vent  
Laundry Room

Ceiling Vent  
Master Bathroom  
Toilet Closet



77

Floor Vent  
Closet Under Stairs  
(Lower Level)



## 9930 Fawnhope Ct. Timeline

6/23/2016 – CO Issued – 20160308-049

7/29/2020 – Concern was created for damage due to HVAC duct condensation.

8/4/2020 – Jeff Brooks, Inspection Supervisor completed an inspection of the property and confirmed the damage. Made customer aware that the statute of limitations had passed, and no enforcement action could be taken.

12/2/2020 – Covington Design Group provided a report to Jonathan & Lauren Borchers that included load calculations and recommended sizing of HVAC system for the home.

3/18/2021 – Jonathan and Lauren Borchers signed a contract with Comfort Systems Inc. to have new HVAC system installed

5/6/2021 – Comfort Systems Inc. pulled a permit to install new HVAC system. A new heat pump was installed for the second floor and the existing furnace and condenser were used for the first floor and conditioned crawlspace. All new duct work was installed.

6/16/2021 – correspondence began between Lauren Borchers and Jeff Brooks regarding duct testing

6/23/2021 – Duct testing was completed and found to be acceptable by The Drying Co.

7/22/2021 – Jeff Brooks approved the Mechanical Final on the third attempt.

(BI received no communication from the Borchers during this time period.)

12/21/2021 – Lauren Borchers contacted Jeff Brooks to inform him of Mr. Timberlake's opinion that the sizing of the hvac equipment was not correct.

(During this time Jeff Brooks was attempting to assist the Borchers in effort to resolve the conflict with Comfort System Inc.)

3/25/2022 – Jason Laws, Assistant Director began correspondence with the Borchers and Mr. Timberlake

3/26/2022 – Microsoft Teams meeting was conducted with the Borchers, Mr. Timberlake, Jeff Brooks and Jason Laws

4/22/2022 – Request for Appeal was submitted by Jonathan & Lauren Borchers



20210506-016 STATUS LOCATION CONTACT WORKFLOW  
 Mechanical - Resi... > Completed > 9930 FAWN... > Brenda Wilcox > 2 total Task  
 HVAC unit replac... 07/22/2021 b... Midlothian, V... ● 2 completed



## 20210506-016 - Mechanical - Residential - LAUREN BORCHERS



A notice was added to this record on 2022-01-24.  
 Condition: Budget - Perpetual : added via script for converted records Severity: Notice  
 Total conditions: 1 (Notice: 1)

[View notice](#)



20210506-016

Menu	Manage Inspection	Delete	Search	Select Record To Copy From	Edit Flow	View Log	Help			
<input checked="" type="radio"/>	"Record Inspections"	<input type="radio"/>	Related Records Inspections							
<input type="checkbox"/>	<u>Sched Date</u>	<u>Inspection Type</u>	<u>Seq #</u>	<u>Status</u>	<u>Insp Date</u>	<u>Department</u>	<u>Inspector</u>	<u>Result Comment</u>	<u>Request Date</u>	<u>Request Co</u>
<input type="checkbox"/>	05/07/2021	Mechanical Final	0	Cancelled		Buildin...			05/06/2021	
<input type="checkbox"/>	05/14/2021	Mechanical Rough In	1	Approved	05/14/2021	Buildin...	Robert Hairfield	new unit in attic.	05/06/2021	
<input type="checkbox"/>	06/23/2021	Mechanical Final	2	Cancelled	06/23/2021	Buildin...	Robert Hairfield	jeff	06/15/2021	
<input type="checkbox"/>	06/23/2021	Mechanical Final	2	Corrections ...	07/07/2021	Buildin...	Jeff Brooks	1) seal holes t...	06/17/2021	
<input type="checkbox"/>	07/14/2021	Mechanical Final	2	Corrections ...	07/14/2021	Buildin...	Robert Hairfield	1. no one home.	07/09/2021	
<input type="checkbox"/>	07/22/2021	Mechanical Final	3	Approved	07/22/2021	Buildin...	Jeff Brooks	no fee due for ...	07/16/2021	



# 20210506-016 - Mechanical - Residential - LAUREN BORCHERS



20210506-016



Mechanical Final-656232

Menu Update Reset View Log Help

**Inspection Type \***

Mechanical Final

**Seq #**

2

**Address**

9930 FAWNHOPE CT, Midlothian, VA 23112

**Scheduled Date \***

06/23/2021

**Record ID**

20210506-016

**House/Unit Identifier**

**Request Date**

06/17/2021

**Requestor's Phone**

**Requestor**

Jeff Brooks

**Request Comment**

**Inspection Date**

07/07/2021

**Status \***

Corrections Required

**Department Current Department**

Building Inspection

**Inspector Current User**

Jeff Brooks

Reinspection Fee?

Not Ready Fee?

**Result Comment** Standard Comments

1) seal holes thru foundation wall at refrig. lines  
2) seal / tape all torn vapor barrier on attic ductwork  
3) secure /zip tie return flex vapor barrier in attic at plenum  
4) install 1st floor registers at air transfer opening and supply air ( remove damper in air transfer opening register)

[check spelling](#)

Display in ACA

Display Comment in ACA

Created By ACA

## Applicable Codes

### **USBC 119.5 Right of appeal; filing of appeal application.**

Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

### **USBC 119.7 Hearings and decision.**

All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the building official's decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be explained in writing, signed by the chairman and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision shall contain the following wording:

"Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

### **VRC M1401.3 Equipment and appliance sizing.**

Heating and cooling *equipment* and appliances shall be sized in accordance with ACCA Manual S or other approved sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation methodologies.

**Exception:** Heating and cooling *equipment* and appliance sizing shall not be limited to the capacities determined in accordance with Manual S or other approved sizing methodologies where any of the following conditions apply:

1. The specified *equipment* or appliance utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling methodology fall within the range of the manufacturer's published capacities for that *equipment* or appliance.

2. The specified *equipment* or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling methodology, and the next larger standard size unit is specified.
3. The specified *equipment* or appliance is the lowest capacity unit available from the specified manufacturer.

#### Commentary

- ❖ The Air Conditioning Contractors of America's Manual J, Load Calculations for Residential Winter and Summer Air Conditioning, contains a simplified method of calculating heating and cooling loads. It includes a room-by-room calculation method that allows the designer to determine the required capacity of the heating and cooling equipment. In addition, it provides for an estimate of the airflow requirements for each of the areas in the house. The estimate can be used in sizing the duct system for the types of heating and cooling units that use air as the medium for heat transfer. Other approved methods may be used with the code official's approval.

#### **VRC M1601.1 Duct design.**

*Duct systems* serving heating, cooling and *ventilation equipment* shall be installed in accordance with the provisions of this section and ACCA Manual D, the appliance manufacturer's installation instructions or other *approved* methods.

**[RB]APPROVED.** Acceptable to the *building official*.



# THE BORCHERS' RESIDENCE

## MECHANICAL COMMISSIONING REPORT

**DATE:**

December 2, 2020

**PREPARED FOR:**

Lauren & Jonathan Borchers

# TABLE OF CONTENTS

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- 2.0 Design Considerations ..... 1
- 3.0 Existing Conditions..... 1
- 4.0 Mechanical Conclusions..... 2

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- Appendix A – Trace Load Calculation Results..... 3

## 1.0 EXECUTIVE SUMMARY

Covington Design Group is a professional MEP engineering firm licensed in Virginia, North Carolina, and Georgia.

The Borchers' Residence, located at 9930 Fawnhope Court in Midlothian, VA, contacted Covington Design Group on November 19, 2020 for expert advice on the HVAC equipment sizing necessary for their approximately 3,000 square foot single-family residence. This report concludes the HVAC study completed by Covington Design Group with professional recommendations on appropriate equipment sizing. A comprehensive load analysis was completed to establish the required cooling and heating equipment needed for this home. The calculations were performed with the industry standard Trane Air Conditioning Economics software, or TRACE. This calculation output can be found in Appendix A.

## 2.0 DESIGN CONSIDERATIONS

### APPLICABLE CODES:

All mechanical calculations and assumptions were based on the 2012 Virginia Residential Code, based on when the house was constructed, in 2016.

### DESIGN TEMPERATURES:

- Summer Design Dry Bulb: 95°F ± 2°
- Summer Design Wet Bulb: 75°F ± 2°
- Winter Design Dry Bulb: 17°F ± 2°
- Indoor Design Dry Bulb: 72°F ± 2°

## 3.0 EXISTING CONDITIONS

On November 24, 2020, a site survey was performed by Covington Design Group to document existing conditions and to take measurements of the floor plan to perform accurate calculations. The home is currently heated and cooled by one Trane XT95 gas furnace in conjunction with one Trane XR 3-ton AC coil, located in the crawlspace. The Trane XR 3-ton split condensing unit is located outdoors on grade with appropriate clearances and refrigeration line lengths, as recommended by the manufacturer. Ductwork distribution through the crawlspace supplies air to the first floor via floor registers; this ductwork is insulated. Ductwork is also routed up to the ceiling of the first floor to supply air to the second floor via floor registers; this ductwork is uninsulated. Ventilation air is ducted to the return of the unit from a louver at the crawlspace exterior wall and is rendered ineffective due to an improperly installed louver. The existing louver is a discharge louver (typically seen on bathroom fan exhaust or dryer exhaust) so does not open inward. Therefore, no fresh ventilation air is being supplied to the home. The result is that any time an exhaust fan (bathroom, dryer, kitchen vent, etc.) in the home turns on, raw outside air is infiltrating the building envelope at the outdoor air conditions (hot and humid in the summer). A properly installed louver would allow all outside ventilation air to come in through the AC unit and be conditioned down to an appropriate temperature and humidity range.

It was apparent there had been extensive moisture buildup in the ceiling space of the first floor due to water stains on the drywall. Upon inspection, it was concluded this water issue is a result of condensation forming on

the surface of the uninsulated supply air duct serving the second floor. Condensation forms when the surface temperature of a conductive material drops below the ambient air's dew point temperature. Dew point is the temperature at which water vapor from the air begins to condense into a liquid state when that air comes in contact with a surface temperature that is colder than the air. Air conditioning (AC) equipment supplies cold air at a range of 55°F to 58°F. The metal of the supply ductwork also reaches this temperature. If the metal ductwork is not insulated, condensation will form on the outside surface that is exposed to air with a dewpoint higher than 55° to 58°F, depending on the conditions.

Taking into account each room size, room use and occupancy, and the building orientation in relation to the sun path, and including any shading from trees or adjacent structures, a thorough load calculation was performed. Appendix A shows the result of these calculations with the following explanations:

- Building Areas – cumulative of all room sizes and exterior wall/roof/window exposures
- Building U-Factors – insulation values of all walls and windows
- Load/Airflow Summary – one page report showing how each room should be zoned
- Zone Checksums – each zone's report, indicative of two separate units
- System Checksums – the entire house with both zones combined

Refer to the Cooling Coil Selection on the Checksums reports for appropriate unit sizing results.

## 4.0 MECHANICAL CONCLUSIONS

With the existing total capacity of 3 tons, the equipment will operate continuously during the summer days and never achieve appropriate cooling or dehumidification that is required for this home. With the indoor air not being dehumidified appropriately and the relative humidity being higher, the dewpoint temperature of the air will be higher, resulting in a condition of more than usual condensation. Pairing this condition with the uninsulated metal ductwork that has been exposed to 55°-58°F temperatures continuously, condensation is inevitable.

After performing the load calculations for this building, results suggest a total of 6 tons of cooling be provided to this home; refer to Appendix A. Due to the size and two-story arrangement of this home, a zoned approach with two separate split systems is a better practice to achieve appropriate temperature setpoints throughout. Separate units will not only achieve zoned thermostatic setpoints, the building as a whole will operate more efficiently. All ductwork being insulated will ensure no condensation and drastically reduce the loss of energy in the ducted air.

APPENDIX A

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TRACE LOAD CALCULATION RESULTS



# Borchers Residence

Location  
 Building owner  
 Program user  
 Company  
 Comments

Chesterfield, VA  
 The Borchers  
 P Matt Covington  
 Covington Design Group  
 Used Richmond, VA ASHRAE Weather Data

By  
 Dataset name

Covington Design Group  
 P:\2020\201119 BORCHERS RESIDENCE\2 MECHANICAL\1  
 CALCULATIONS\BORCHERS RESIDENCE.TRC

Calculation time  
 TRACE® 700 version

03:59 PM on 12/02/2020  
 6.3.5

Location  
 Latitude  
 Longitude  
 Time Zone  
 Elevation  
 Barometric pressure

Richmond, Virginia  
 37.0 deg  
 77.0 deg  
 5  
 162 ft  
 29.7 in. Hg

Air density  
 Air specific heat  
 Density-specific heat product  
 Latent heat factor  
 Enthalpy factor

0.0756 lb/cu ft  
 0.2444 Btu/lb·°F  
 1.1087 Btu/h·cfm·°F  
 4,880.3 Btu·min/h·cu ft  
 4.5356 lb·min/hr·cu ft

Summer design dry bulb  
 Summer design wet bulb  
 Winter design dry bulb  
 Summer clearness number  
 Winter clearness number  
 Summer ground reflectance  
 Winter ground reflectance  
 Carbon Dioxide Level

94.0 °F  
 75.2 °F  
 17.0 °F  
 0.95  
 0.95  
 0.20  
 0.20  
 400 ppm

Design simulation period  
 Cooling load methodology  
 Heating load methodology

January - December  
 TETD-TA1  
 UATD



**BUILDING AREAS**  
By Covington Design Group

Sys	Zon	Room	Number of Duplicate Floors	Number of Duplicate Rooms	Floor Area/ Duplicate Room ft²	Total Floor Area ft²	Partition Area ft²	Int Door Area ft²	Exposed Floor Area ft²	Skylight Area ft²	Net Roof Area ft²	Window Area ft²	Window/ Wall %	Ext Door Area ft²	Net Wall Area ft²
<b>Alternative 1</b>															
		1 - Dining Room	1	1	180	180	0	0	0	0	0	30	30	0	69
		1 - Family Room	1	1	440	440	0	0	0	0	0	90	26	0	258
		1 - Foyer	1	1	130	130	0	0	0	0	0	0	0	15	34
		1 - Kitchen	1	1	470	470	0	0	0	0	0	60	28	0	156
		1 - Mud Room	1	1	85	85	0	0	0	0	0	15	16	0	80
		1 - Office	1	1	130	130	0	0	0	0	0	30	15	0	176
		1 - Pantry	1	1	67	67	0	0	0	0	0	9	6	0	139
		0 - Crawlspace	1	1	1,500	1,500	0	0	0	0	0	0	0	0	360
		Downstairs			3,002	3,002	0	0	0	0	0	234	16	15	1,271
		2 - Bathroom	1	1	70	70	0	0	0	0	70	0	0	0	0
		2 - Bedroom 1	1	1	240	240	0	0	0	0	240	30	11	0	253
		2 - Bedroom 2	1	1	160	160	0	0	0	0	160	30	14	0	186
		2 - Bedroom 3	1	1	136	136	0	0	0	0	136	30	29	0	73
		2 - Hallway	1	1	160	160	0	0	0	0	160	15	24	0	48
		2 - Laundry	1	1	30	30	0	0	0	0	30	0	0	0	0
		2 - M Bath	1	1	135	135	0	0	0	0	135	16	8	0	195
		2 - M Bedroom	1	1	466	466	0	0	0	0	466	45	13	0	310
		Upstairs			1,397	1,397	0	0	0	0	1,397	166	14	0	1,063
		Heat Pump			4,399	4,399	0	0	0	0	1,397	400	15	15	2,335

**Total building Window Area: 400 ft²**  
**Total building Skylight Area: 0 ft²**

**Total building Wall Area: 2,750 ft²**  
**Total building Roof Area: 1,397 ft²**  
**Total building Floor Area: 4,399 ft²**

**Building Total Window %: 14.5%**  
**Building Total Skylight %: 0.0%**

# BUILDING U-FACTORS

By Covington Design Group

Description	ROOM U-FACTORS										Btu/h·ft <sup>2</sup> ·°F		Room	Room
	Partition	Internal Door	Exposed Floor	Summer Skylight	Winter Skylight	Roof	Summer Window	Winter Window	External Door	Wall	Ceiling	Room Mass lb/ft <sup>2</sup>	Room Capacitance Btu/lb·°F	
<b>Alternative 1</b>														
1 - Dining Room	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.000	0.069	0.317	37.5	9.7	
1 - Family Room	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.000	0.069	0.317	50.4	13.5	
1 - Foyer	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.200	0.069	0.317	29.6	7.4	
1 - Kitchen	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.000	0.069	0.317	34.3	8.8	
1 - Mud Room	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.000	0.069	0.317	72.3	19.9	
1 - Office	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.000	0.069	0.317	98.8	27.6	
1 - Pantry	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.000	0.069	0.317	143.8	40.8	
0 - Crawlspace	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.119	0.317	30.5	7.2	
Downstairs - Zone	0.000	0.000	0.000	0.000	0.000	0.000	0.400	0.409	0.200	0.083	0.317	41.1	10.5	
2 - Bathroom	0.000	0.000	0.000	0.000	0.043	0.043	0.000	0.000	0.000	0.000	0.317	25.5	6.3	
2 - Bedroom 1	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	91.9	25.7	
2 - Bedroom 2	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	98.8	27.7	
2 - Bedroom 3	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	59.2	16.2	
2 - Hallway	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	44.4	11.9	
2 - Laundry	0.000	0.000	0.000	0.000	0.043	0.043	0.000	0.000	0.000	0.000	0.317	25.5	6.3	
2 - M Bath	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	116.4	32.9	
2 - M Bedroom	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	67.4	18.6	
Upstairs - Zone	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.000	0.069	0.317	73.5	20.4	
Heat Pump - System	0.000	0.000	0.000	0.000	0.043	0.043	0.400	0.409	0.200	0.077	0.317	51.4	13.6	

Overall Thermal Transfer Values		
<b>Overall U-Factors</b>		
Roof	0.043 Btu/h·ft <sup>2</sup> ·°F	Roof (OTTVr) 2.20 Btu/hr·ft <sup>2</sup>
Wall	0.125 Btu/h·ft <sup>2</sup> ·°F	Wall (OTTVw) 12.19 Btu/hr·ft <sup>2</sup>
Building	0.097 Btu/h·ft <sup>2</sup> ·°F	

# Load / Airflow Summary

By Covington Design Group

System	Zone	Room **	Floor Area ft <sup>2</sup>	People #	Coil		Space		Air Changes ach/hr	VAV		Main Coil		Heating		Percent OA	
					Cooling Sensible Btu/h	Cooling Total Btu/h	Design Max SA cfm	Design		Minimum SA cfm	VAV Minimum %	Heating Sensible Btu/h	Heating Fan Max SA cfm				
Alternative 1																	
		0 - Crawlspace	1,500	0.0	0	0	0	0	0.00	0	0	0	0	0	0	1.0	0.0
		1 - Dining Room	180	4.0	4,872	5,292	295	14.06	14.06	295	0	0	-2,766	295	0.0	0.0	0.0
		1 - Family Room	440	2.0	11,648	16,204	610	11.87	11.87	610	0	0	-13,115	610	19.0	19.0	19.0
		1 - Foyer	130	2.0	2,283	2,493	140	9.24	9.24	140	0	0	-1,243	140	0.0	0.0	0.0
		1 - Kitchen	470	2.0	11,054	11,264	790	14.40	14.40	790	0	0	-6,889	790	0.0	0.0	0.0
		1 - Mud Room	85	0.0	2,232	2,232	122	12.30	12.30	122	0	0	-1,349	122	0.0	0.0	0.0
		1 - Office	130	1.0	3,900	4,005	268	17.67	17.67	268	0	0	-2,815	268	0.0	0.0	0.0
		1 - Pantry	67	0.0	1,446	1,446	78	10.02	10.02	78	0	0	-1,107	78	0.0	0.0	0.0
		Downstairs	3,002	11.0	37,435	42,936	2,303			2,303	0	0	-29,283	2,303	5.0	5.0	5.0
		Downstairs	3,002	11.0	32,552	38,054	2,303			2,303	0	0	-29,231	2,303	5.0	5.0	5.0
		2 - Bathroom	70	0.0	722	722	30	3.64	3.64	30	0	0	-283	30	0.0	0.0	0.0
		2 - Bedroom 1	240	1.0	4,984	5,089	355	12.67	12.67	355	0	0	-3,691	355	0.0	0.0	0.0
		2 - Bedroom 2	160	1.0	4,314	4,419	261	14.00	14.00	261	0	0	-2,852	261	0.0	0.0	0.0
		2 - Bedroom 3	136	1.0	4,070	4,175	250	15.73	15.73	250	0	0	-2,444	250	0.0	0.0	0.0
		2 - Hallway	160	0.0	2,316	2,316	132	7.06	7.06	132	0	0	-1,442	132	0.0	0.0	0.0
		2 - Laundry	30	0.0	309	309	13	3.64	3.64	13	0	0	-121	13	0.0	0.0	0.0
		2 - M Bath	135	0.0	2,666	2,666	123	7.80	7.80	123	0	0	-1,763	123	0.0	0.0	0.0
		2 - M Bedroom	466	2.0	8,562	8,772	603	11.10	11.10	603	0	0	-5,928	603	0.0	0.0	0.0
		Upstairs	1,397	5.0	27,942	28,467	1,766			1,766	0	0	-18,524	1,766	0.0	0.0	0.0
		Upstairs	1,397	5.0	24,178	24,703	1,766			1,766	0	0	-18,524	1,766	0.0	0.0	0.0
		Heat Pump	4,399	16.0	65,377	71,403	4,069			4,069			-47,808	4,069	2.9	2.9	2.9
		Heat Pump	4,399	16.0	53,107	59,133	4,069			4,069			-47,758	4,069	2.9	2.9	2.9

\* This report does not display heating only systems.

# Zone Checksums

By Covington Design Group

## Downstairs

COOLING COIL PEAK				CLG SPACE PEAK				HEATING COIL PEAK				TEMPERATURES					
Peaked at Time: Outside Air: Mo/Hr: 7 / 11 OADB/WB/HR: 85 / 74 / 113				Mo/Hr: 9 / 11 OADB: 78				Mo/Hr: Heating Design OADB: 17									
Space Sens. + Lat. Btu/h	Plenum Sens. + Lat. Btu/h	Net Total Btu/h	Percent Of Total (%)	Space Sensible Btu/h	Percent Of Total (%)	Space Peak Space Sens Btu/h	Coil Peak Tot Sens Btu/h	Percent Of Total (%)	SADB	Cooling	Heating	Ra Plenum	Return	Ret/OA	Fn MtrTD	Fn BltTD	Fn Frict
<b>Envelope Loads</b>																	
SkyLite Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SkyLite Cond	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Roof Cond	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Glass Solar	19,016	0	42	19,768	52	19,768	52	17.76	0	0	0	0	0	0	0	0	0
Glass/Door Cond	1,104	0	2	909	2	-5,200	-5,200	17.76	0	0	0	0	0	0	0	0	0
Wall Cond	1,349	698	5	1,319	3	-3,439	-5,284	18.04	0	0	0	0	0	0	0	0	0
Partition/Door	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Floor	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Adjacent Floor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Infiltration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sub Total ==&gt;</b>	<b>21,469</b>	<b>698</b>	<b>49</b>	<b>21,996</b>	<b>58</b>	<b>-8,639</b>	<b>-10,484</b>	<b>35.80</b>									
<b>Internal Loads</b>																	
Lights	10,253	0	23	10,253	27	0	0	0.00	0	0	0	0	0	0	0	0	0
People	3,850	0	9	2,695	7	0	0	0.00	0	0	0	0	0	0	0	0	0
Misc	1,941	0	4	1,941	5	0	0	0.00	0	0	0	0	0	0	0	0	0
<b>Sub Total ==&gt;</b>	<b>16,044</b>	<b>0</b>	<b>35</b>	<b>14,889</b>	<b>39</b>	<b>0</b>	<b>0</b>	<b>0.00</b>									
<b>Ceiling Load</b>	<b>-546</b>	<b>546</b>	<b>0</b>	<b>-555</b>	<b>-1</b>	<b>828</b>	<b>0</b>	<b>0.00</b>									
<b>Ventilation Load</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-7,073</b>	<b>24.15</b>									
<b>Adj Air Trans Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>									
<b>Dehumid. Ov Sizing</b>	<b>1,436</b>	<b>-385</b>	<b>0</b>	<b>1,436</b>	<b>4</b>	<b>-1,974</b>	<b>-1,974</b>	<b>6.74</b>									
<b>Ov/Undr Sizing</b>	<b>1,436</b>	<b>1,436</b>	<b>3</b>	<b>1,436</b>	<b>4</b>	<b>659</b>	<b>659</b>	<b>-2.25</b>									
<b>Exhaust Heat</b>	<b>-385</b>	<b>-385</b>	<b>-1</b>	<b>-385</b>	<b>-1</b>	<b>0</b>	<b>0</b>	<b>0.00</b>									
<b>Sup. Fan Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>									
<b>Ret. Fan Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>									
<b>Duct Heat PkUp</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-10,412</b>	<b>35.55</b>									
<b>Underfir Sup Ht PkUp</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>									
<b>Supply Air Leakage</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>									
<b>Grand Total ==&gt;</b>	<b>38,404</b>	<b>859</b>	<b>100.00</b>	<b>37,767</b>	<b>100.00</b>	<b>-9,784</b>	<b>-29,283</b>	<b>100.00</b>									

AIRFLOWS				ENGINEERING CKS			
Diffuser	Cooling	Heating	% OA	Cooling	Heating	cfm/ft²	ft²/ton
Terminal	2,303	2,303	5.0	5.0	5.0	0.77	0.77
Main Fan	2,303	2,303	0	643.61	0	839.01	14.30
Sec Fan	0	0	0	14.30	0	0	-9.75
Nom Vent	116	116	0	11	0	0	0
AHU Vent	116	116	0	0	0	0	0
Infil	0	0	0	0	0	0	0
MinStop/Rh	0	0	0	0	0	0	0
Return	2,303	2,303	0	0	0	0	0
Exhaust	116	116	0	0	0	0	0
Rm Exh	0	0	0	0	0	0	0
Auxiliary	0	0	0	0	0	0	0
Leakage Dwn	0	0	0	0	0	0	0
Leakage Ups	0	0	0	0	0	0	0

HEATING COIL SELECTION			
Capacity MBh	Coil Airflow cfm	Ent °F	Lvg °F
Main Htg	-29.3	2,303	64.4
Aux Htg	0.0	0	0.0
Preheat	0.0	0	0.0
Humidif	0.0	0	0.0
Opt Vent	0.0	0	0.0
<b>Total</b>	<b>-29.3</b>		

AREAS			
Gross Total	Glass ft²	Percentage (%)	
Floor	3,002		
Part	0		
Int Door	1		
ExFlr	0		
Roof	0		
Wall	1,505	234	16
Ext Door	15	0	0

COOLING COIL SELECTION			
Total Capacity ton	Sens Cap. MBh	Coil Airflow cfm	Enter DB/WB/HR °F
Main Clg	3.6	37.4	75.7
Aux Clg	0.0	0.0	61.7
Opt Vent	0.0	0.0	60.2
<b>Total</b>	<b>3.6</b>	<b>42.9</b>	<b>57.2</b>

# Zone Checksums

By Covington Design Group

## Upstairs

COOLING COIL PEAK				CLG SPACE PEAK				HEATING COIL PEAK				TEMPERATURES			
Peaked at Time: Mo/Hr: 6 / 18				Mo/Hr: 9 / 12				Mo/Hr: Heating Design							
Outside Air: OADB/WB/HR: 89 / 72 / 92				OADB: 81				OADB: 17							
Space Sens. + Lat.	Plenum Sens. + Lat.	Net Total	Percent Of Total	Space Sensible	Percent Of Total	Space Peak	Percent Of Total	Space Peak	Percent Of Total	Space Peak	Percent Of Total	SADB	Cooling	Heating	
Btu/h	Btu/h	Btu/h	(%)	Btu/h	(%)	Btu/h	(%)	Btu/h	(%)	Btu/h	(%)				
<b>Envelope Loads</b>															
SkyLite Solar	0	0	0	0	0	0	0	0	0	0	0	0	58.1	76.3	
SkyLite Cond	0	0	0	0	0	0	0	0	0	0	0	0	75.2	66.9	
Roof Cond	0	1,710	6	0	0	0	0	-2,983	16.10	0	0	0	75.2	66.9	
Glass Solar	13,576	0	48	13,576	50	-3,573	19.29	-3,573	19.29	0	0	0	0.0	0.0	
Glass/Door Cond	691	0	2	691	3	-2,646	21.16	-3,919	21.16	0	0	0	0.0	0.0	
Wall Cond	838	366	4	838	3	0	0	0	0	0	0	0	0.0	0.0	
Partition/Door	0	0	0	0	0	0	0	0	0	0	0	0	0.0	0.0	
Floor	0	0	0	0.00	0	0	0	0	0	0	0	0	0.0	0.0	
Adjacent Floor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	
Infiltration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Sub Total ==&gt;</b>	<b>15,105</b>	<b>2,076</b>	<b>60</b>	<b>15,105</b>	<b>55</b>	<b>-6,219</b>	<b>56.55</b>	<b>-10,476</b>	<b>56.55</b>	<b>-10,476</b>	<b>56.55</b>				
<b>Internal Loads</b>															
Lights	9,536	0	33	9,536	35	0	0	0	0	0	0	0	0	0	
People	1,750	0	6	1,225	4	0	0	0	0	0	0	0	0	0	
Misc	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Sub Total ==&gt;</b>	<b>11,286</b>	<b>0</b>	<b>40</b>	<b>10,761</b>	<b>39</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Ceiling Load</b>	<b>1,403</b>	<b>-1,403</b>	<b>0</b>	<b>1,404</b>	<b>5</b>	<b>-2,269</b>	<b>0</b>	<b>-2,269</b>	<b>0</b>	<b>-2,269</b>	<b>0</b>				
<b>Ventilation Load</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Adj Air Trans Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Dehumid. Ov Sizing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Ov/Undr Sizing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Exhaust Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Sup. Fan Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Ret. Fan Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Duct Heat PkUp</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Underflr Sup Ht PkUp</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Supply Air Leakage</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Grand Total ==&gt;</b>	<b>27,795</b>	<b>672</b>	<b>100.00</b>	<b>27,270</b>	<b>100.00</b>	<b>-8,488</b>	<b>100.00</b>	<b>-18,524</b>	<b>100.00</b>	<b>-18,524</b>	<b>100.00</b>				

AIRFLOWS			
Diffuser	Cooling	Heating	
Terminal	1,766	1,766	1,766
Main Fan	1,766	1,766	1,766
Sec Fan	0	0	0
Nom Vent	0	0	0
AHU Vent	0	0	0
Infil	0	0	0
MinStop/Rh	0	0	0
Return	1,766	1,766	1,766
Exhaust	0	0	0
Rm Exh	0	0	0
Auxiliary	0	0	0
Leakage Dwn	0	0	0
Leakage Ups	0	0	0

ENGINEERING CKS			
% OA	Cooling	Heating	
cfm/ft²	0.0	0.0	0.0
cfm/ton	1.26	1.26	1.26
ft²/ton	744.59	588.89	588.89
Btu/hr-ft²	20.38	-13.26	-13.26
No. People	5		

HEATING COIL SELECTION			
Capacity	Coil Airflow	Ent	Lvg
MBh	cfm	°F	°F
Main Htg	1,766	66.9	76.3
Aux Htg	0	0	0
Preheat	0	0	0
Humidif	0	0	0
Opt Vent	0	0	0
<b>Total</b>	<b>-18.5</b>	<b>0</b>	<b>0</b>

AREAS			
Gross Total	Glass	%	
ft²	ft²	(%)	
Floor	1,397	0	0
Part	0	0	0
Int Door	1	0	0
ExFlr	0	0	0
Roof	1,397	166	14
Wall	1,229	0	0
Ext Door	0	0	0

COOLING COIL SELECTION			
Total Capacity	Sens Cap.	Coil Airflow	Enter DB/WB/HR
ton	MBh	cfm	°F
Main Clg	2.4	27.9	60.6
Aux Clg	0.0	0.0	0.0
Opt Vent	0.0	0.0	0.0
<b>Total</b>	<b>2.4</b>	<b>28.5</b>	<b>58.1</b>

# System Checksums

By Covington Design Group

## Heat Pump

## Incremental Heat Pump

COOLING COIL PEAK				CLG SPACE PEAK				HEATING COIL PEAK			
Peaked at Time: Outside Air:				Mo/Hr: 7 / 11				Mo/Hr: Heating Design			
OADB/WB/HR: 85 / 74 / 113				OADB: Peaks				OADB: 17			
Space Sens. + Lat.	Plenum Sens. + Lat.	Net Total	Percent Of Total	Space Sensible	Percent Of Total	Space Peak	Percent Of Total	Coil Peak Tot Sens	Percent Of Total	Space Peak	Percent Of Total
Btu/h	Btu/h	Btu/h	(%)	Btu/h	(%)	Btu/h	(%)	Btu/h	(%)	Btu/h	(%)
<b>Envelope Loads</b>											
SkyLite Solar	0	0	0	0	0	0	0	0	0.00	0	0.00
SkyLite Cond	0	0	0	0	0	0	0	0	0.00	0	0.00
Roof Cond	0	1,710	2	0	0	0	0	-2,983	10.16	0	0.00
Glass Solar	32,591	0	44	33,344	51	0	0	0	0.00	0	0.00
Glass/Door Cond	1,796	0	2	1,600	2	-8,774	29.90	-8,774	29.90	-8,774	29.90
Wall Cond	2,188	1,064	4	2,158	3	-6,084	31.36	-9,203	31.36	-9,203	31.36
Partition/Door	0	0	0	0	0	0	0	0	0.00	0	0.00
Floor	0	0	0	0.00	0	0	0	0	0.00	0	0.00
Adjacent Floor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Infiltration	0	0	0	0	0	0	0	0	0.00	0	0.00
<b>Sub Total ==&gt;</b>	<b>36,575</b>	<b>2,774</b>	<b>53</b>	<b>37,102</b>	<b>57</b>	<b>-14,858</b>	<b>71.42</b>	<b>-20,960</b>	<b>71.42</b>	<b>-14,858</b>	<b>71.42</b>
<b>Internal Loads</b>											
Lights	19,789	0	27	19,789	30	0	0.00	0	0.00	0	0.00
People	5,600	0	8	3,920	6	0	0.00	0	0.00	0	0.00
Misc	1,941	0	3	1,941	3	0	0.00	0	0.00	0	0.00
<b>Sub Total ==&gt;</b>	<b>27,330</b>	<b>0</b>	<b>37</b>	<b>25,650</b>	<b>39</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Ceiling Load</b>	<b>858</b>	<b>-858</b>	<b>0</b>	<b>849</b>	<b>1</b>	<b>-1,440</b>	<b>0.00</b>	<b>-1,440</b>	<b>0.00</b>	<b>-1,440</b>	<b>0.00</b>
<b>Ventilation Load</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>-7,073</b>	<b>24.10</b>	<b>0</b>	<b>0.00</b>
<b>Adj Air Trans Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Dehumid. Ov Sizing</b>	<b>1,436</b>	<b>-385</b>	<b>2</b>	<b>1,436</b>	<b>2</b>	<b>-1,974</b>	<b>6.72</b>	<b>-1,974</b>	<b>6.72</b>	<b>0</b>	<b>0.00</b>
<b>Ov/Undr Sizing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>659</b>	<b>-2.25</b>	<b>0</b>	<b>0.00</b>
<b>Exhaust Heat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>RA Preheat Diff.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Additional Reheat</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Underfir Sup Ht PkUp</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Supply Air Leakage</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Grand Total ==&gt;</b>	<b>66,198</b>	<b>1,531</b>	<b>100.00</b>	<b>65,037</b>	<b>100.00</b>	<b>-18,272</b>	<b>100.00</b>	<b>-29,348</b>	<b>100.00</b>	<b>-18,272</b>	<b>100.00</b>

COOLING COIL SELECTION				HEATING COIL SELECTION			
Total Capacity	Sens Cap.	Coil Airflow	Enter	Capacity	Coil Airflow	Ent	Lvg
ton	MBh	cfm	°F	MBh	cfm	°F	°F
Main Clg	6.0	71.4	61.2	-47.8	4,069	65.5	76.1
Aux Clg	0.0	0.0	0.0	0.0	0	0.0	0.0
Opt Vent	0.0	0.0	0.0	0.0	0	0.0	0.0
<b>Total</b>	<b>6.0</b>	<b>71.4</b>	<b>61.2</b>	<b>-47.8</b>	<b>4,069</b>	<b>65.5</b>	<b>76.1</b>

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Meeting Minutes of  
the Local Appeals  
Board Hearing Held  
on May 19, 2022

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**Chesterfield County, Virginia**  
**Local Board of Building Code Appeals**

9800 Government Center Parkway – P.O. Box 40 – Chesterfield, VA 23832  
 Phone: (804) 748-1057 – Fax: (804) 751-2249 – Internet: chesterfield.gov

**Jack R. Wilson, III**  
**Chairman**

**Erin White**  
**Secretary to Board**

**HEARING MINUTES**  
**May 19, 2022**

A request for an appeal hearing was submitted by the property owners Lauren and Jonathan Borchers in an email dated April 22, 2022. The appeal case concerns the statement made by Mr. Jason Laws that there were no code violations to site regarding an approved final inspection that took place on July 22, 2021 for the HVAC system installed at the Borchers' residence at 9930 Fawnhope Ct., Midlothian, VA 23112.

Mr. Jack Wilson, Chairman, called the hearing to order at 5:57 p.m. in the Multi-purpose room of the Community Development Building with the following board members present:

Michael Bricker  
 Matthew Coyner

R. Christian Eudailey  
 Jack R. Wilson, III

Secretary to the Board Erin White and her assistant Angela Watson were also present.

The following county representatives were present:

Ronald W. Clements, Jr., Director of Building Inspection  
 Jason E. Laws, Assistant Director of Building Inspection  
 Jeffrey Brooks, Building Inspection Supervisor  
 Emily Russell, Senior Assistant County Attorney

The appellants, Lauren and Jonathan Borchers, homeowners, were present.

Professional Engineer, William Timberlake, attended via Microsoft Teams.

Chairman Wilson instructed the appellants that they would have 10 minutes to present their case, then Building Inspection would have 10 minutes to present their side.

Mr. and Mrs. Borchers presented their case and explained in detail that they hired Comfort Systems Inc. to install appropriately sized HVAC equipment for their entire home. Comfort Systems Inc.'s design included reallocating the existing ac system and gas furnace that originally serviced both the first and second floor, and now only services the first floor. Comfort Systems Inc. removed and disposed of all original duct work on both floors, installed a two stage heat pump to service the second level, as well as all new duct work through the home. Later they hired Mr. William Timberlake who ran his own load calculations concerning what size units should have been installed within the home. According to Mr. Timberlake's load calculations the first floor AC unit is over sized by more than 150% and the first floor gas furnace is oversized by more than 400%. Mr. Timberlake calculations for the second floor found that the two-stage heat pump installed was oversized by over 60%. Mr. Timberlake continued to support the Borchers case stating by his load calculations that the original AC unit installed at the time the home was built was of the correct size but other issues prevented it from working correctly. He questioned how the calculation of three tons cooling maximum was seen as sufficient at time of the home being built, but then a few years later a maximum of six tons maximum was accepted. Mr. Timberlake believes that the oversized units will cause the mold and mildew issues to return as the house will not de-humidify.

County Attorney, Emily Russell presented the case for the Building Inspection department. Ms. Russell stated that there were three legal issues with the appeal. The first being that there was no application of the building code which is required for appeal under section 119.5 of the Building Code. Second, the appeal is outside of the thirty-day timeline, as the application of the code took place at the time of final inspection on July 22, 2021. Third being that the permit was properly issued. Ms. Russell states for any of these reasons the appeal should not be heard by the LBBCA. Mr. Laws explained that due to the multiple variables needed to perform load calculations that the final result could vary.

The LBBCA discussed the appeal. During the LBBCA deliberations the question was asked of Mr. Jason Laws as to why the issue of the units being oversized were not caught during plan review. Mr. Laws informed the board that Chesterfield County does not perform a plan review for residential mechanical permits. In this case the county inspected the work based on the design provided by Covington Design Group.

The LBBCA concluded deliberations.

Chairman Wilson called for an individual motion on the Borchers' appeal request.

Mr. Bricker made the motion to deny the appeal based on not meeting the thirty-day timeframe. Mr. Coyner seconded the motion.

The LBBCA voted on the motion to deny the Borchers' Appeal request as it was submitted after thirty days from the application of the Building code. With a vote of 3 yeas, Mr. Wilson, chair, did abstain.

The appeal request letter and all exhibits are available in the LBBCA Borchers appeal case record maintained by the secretary to the LBBCA.

The hearing was adjourned at 6:30 p.m.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Clifford and Khristina Hammill  
Appeal No. 22-13

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VIRGINIA:

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

IN RE: Appeal of Clifford and Khristina Hammill  
Appeal No. 22-13

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On October 28, 2021, the County of Albemarle Community Development Department; Building Inspections, Management Team (County), the agency responsible for the enforcement of the 1996 Virginia Uniform Statewide Building Code (USBC), informed Clifford and Khristina Hammill (Hammill), via email, their permits were expired for the structure, located at 6591 Blenheim Road, in the Albemarle County.

2. On April 27, 2022, the County offered to grant Hammill a one year extension with the understanding the project had to be completed and receive the certificate within that one year time limit.

3. Hammill filed an appeal to the Albemarle County Board of Building Code Appeals (local appeals board) on July 26, 2022 which was denied on August 22, 2022.

4. Hammill appealed to the Review Board on September 13, 2022.

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

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Suggested Preliminary Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County Building Official and the local appeals board that the appeal is untimely?

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# Basic Documents

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Cliff and Krisy Hammill &lt;ckhammill@gmail.com&gt;

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## Next steps

1 message

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**Michael Dellinger** <mdellinger@albemarle.org>  
To: Cliff and Krisy Hammill <ckhammill@gmail.com>  
Cc: Charles Rapp <rappc@albemarle.org>, Jodie Filardo <jfilardo@albemarle.org>

Wed, Apr 27, 2022 at 3:09 PM

Good afternoon Mr. Hammill,

Thank you for your patience as we explored what options may be available based on your situation. Due to the extensive time frame from the date of your permit, the county no longer has any documents or copies of the permitted drawings for your project; however, if you can produce a copy of the original stamped drawings for our records, I will provide you with an extension of your original permit for one year with the understanding that the project must be completed and receive a certificate of occupancy within that time frame. No additional extensions will be granted to complete the project.

If the project is not on jurisdictional services, you will need to provide a valid health department construction or operations permit. In order to comply with state regulations, you will also need to sign any in lieu of agreements for erosion and sediment controls.

If you are unable to provide a copy of the permitted drawings and/or believe that you cannot accomplish your project in the time frame provided, a new permit can be issued that provides you with a three-year time limit for completion. Since no inspections have occurred on your previous work, an application for a new permit would be subject to today's safety standards and code requirements. Over the 20-year period dating back to your original permit, there have been six building code cycles which have included significant safety improvements for residential structures.

Please let me know if you have any additional questions.

Thanks,

*M. A. Dellinger, CBO*

*Building Official*

*Vice Chair Region 4 VBCOA*

*Albemarle County*

*[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)*

*office 434-296-5832 X3228*

*[401 McIntire Road](#), North Wing, Charlottesville, Va 22902*

*All decisions subject to appeal in accordance*

*with Chapter 119 of the VCC*



Cliff and Krisy Hammill &lt;ckhammill@gmail.com&gt;

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**RE: B200200338 permit**

1 message

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**Michael Dellinger** <mdellinger@albemarle.org>  
To: Cliff and Krisy Hammill <ckhammill@gmail.com>  
Cc: Jennifer Ashcraft <jashcraft@albemarle.org>, Dwayne Via <DVIA@albemarle.org>

Thu, Oct 28, 2021 at 12:20 PM

Good afternoon Mr. Hammill,

Thank you for your email. I'll try to provide you with some explanation to your questions as it relates to the building code and permit holder responsibilities. I can empathize with you in this situation and want to help you bring the project to fruition with as little headache as possible so bear with me throughout this email.

Unfortunately, I cannot address what actions or statements were made by Mr. Schlothauer prior to my arrival approximately five years ago because such correspondences were never saved in written form. However, the building official is charged with enforcing the regulations of the Virginia Uniform Statewide Building Code (VUSBC), which is the building code for Virginia. In Virginia, like many states, a property owner is allowed to perform work on their own property without obtaining a contractor's license. Licensing is a form used to assure the person performing the work is aware of all of the regulations that are associated with such work. Even though property owners are not required to obtain a license, it doesn't eliminate the need to know all of the regulations associated with the work. Inspection staff are confronted daily with owner/contractor situations that must be forwarded to licensed construction professionals for help.

Along with the enforcement of the VUSBC regulations, some of those responsibilities include other referenced codes and one of those include the public record retention of documents requirements through the Library of Virginia. Each division head is responsible for complying with the retention requirements which indicate certain documents must be destroyed after a specific period of time including building permit documents. I've been advised that Mr. Schlothauer would provide staff each year with a list of permit numbers that pulled from our files all documents for those numbers and those documents were sent for destruction. It appears due to the date of issuance and no record of continuous work, as shown below, that your permit was deemed invalid and expired during Mr. Schlothauer's tenure. I have included two sections from the 1996 VUSBC that deals with permitting as well.

*It shall be the duty of every person who performs work regulated by the USBC, including but not limited to the construction, installation or repair of a structure or equipment, to comply with the USBC.*

*Any permit issued shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. **It shall be the responsibility of the permit applicant to prove to the code official that work has not been suspended or abandoned.** Upon written request, the code official may grant one or more extensions of time, not to exceed one year per extension.*

Appeal No.: \_\_\_\_\_

**APPLICATION FOR APPEAL**

Locality: Albemarle County, Virginia

We, **Clifford and Khristina Hammill** (collectively, the “Applicant”), of **P.O. Box 303, Keene, VA, 22946**, by counsel, respectfully request that the Albemarle County Board of Building Code Appeals (hereinafter, “BBCA”) review the decision made on **April 27, 2022**, by Michael Dellinger, Building Official.

Description of Decision Being Appealed: See Attached **Exhibit A**

Location of Property Involved: 6591 Blenheim Road, Scottsville, VA 24590

What is the Applicant’s interest in the property?

- Owner
- Contractor
- Owner’s agent
- Other (explain) \_\_\_\_\_

Relief Sought: See Attached **Exhibit A**

Attach the Decision of the Code Official and Any Other Pertinent Documents:  
See Attached **Exhibit B**



\_\_\_\_\_  
Attorney for Applicant

Filed at \_\_\_\_\_, Virginia, the \_\_\_\_ day of July, 2022.

# Albemarle County Board of Building Code Appeals Decision

Appeal No. 2022-1

IN RE: Appeal by Clifford & Khristina Hammill of Official Determination dated April 27, 2022.

The appeal is hereby DENIED, for the reasons set out below:

The subject permit was issued on April 9, 2002, under the 1996 Uniform Statewide Building Code (USBC), whose effective date was September 15, 2000. However, because both the determination and appeal were made in 2022, the appeal itself is governed by the current version of 13VAC5-63-190 (USBC Section 119), as confirmed by the State Building Code Technical Review Board's decision in *In Re: Appeal of North Park Street, L.C.* (Appeal No. 98-10) and the Review Board's Interpretation No. 4/93, which reads:

“QUESTION #1: In appealing a decision of the building official, are the current appeals procedures used, or, if the building or structure was constructed under a previous edition of the code, are the appeals procedures under the previous edition used; and, how does this correlate with § 100.6?

ANSWER #1: The edition of the USBC in effect at the time the application for appeal is made is used for appeal procedures. Technical issues upon which the appeal is based are according to the model code enforced at the time of the building permit application.”

Based on this Interpretation No. 4/93, the Review Board went on to dismiss as “invalid” an appeal that would have been timely under the USBC at the time of permit issuance, but was no longer timely under the USBC at the time of the appeal.

Under the applicable current Code, 13VAC5-63-190(E) (USBC Section 119.5) provides in relevant part:

“Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. . . . Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.”



In this case, the Appellants appealed the Building Official's April 27 determination 90 days afterwards, on July 26. The Appellants' failure to appeal within the 30-day limit established by 13VAC5-63-190(E) constitutes acceptance of the Building Official's April 27 decision. Therefore, because this Board lacks jurisdiction to even hear this appeal, this appeal is summarily dismissed on those grounds.

Date: August 22, 2022

Signature   
Chair of Local Board of Appeals

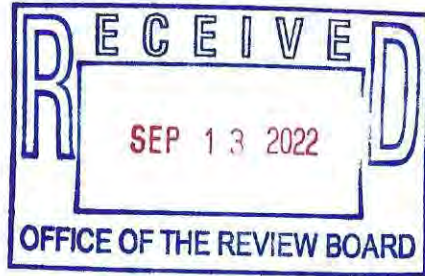
Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may-19.pdf>.

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):

Clifford and Khristina Hammill  
PO Box 303  
Keene, VA 22946  
Phone: 434-996-7760  
Email Address: ckhammill@gmail.com

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

[REDACTED]  
401 McIntire Road  
Charlottesville, VA 22902  
Phone: 434-296-5832, ext. [REDACTED] 3228  
[REDACTED]  
Michael Dellinger, Building Official, [mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)

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 12 day of September, 2022, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: Clifford A. Hammill Khristina S. Hammill

Name of Applicant: Clifford and Khristina Hammill  
(please print or type)

## Statement of Specific Relief Sought

### Specific Relief Sought:

**Clifford and Khristina Hammill** (collectively, the “Applicant”) of **P.O. Box 303, Keene, VA 22946** respectfully request that the Office of the State Technical Review Board review the decision made by Albemarle County Board of Building Code Appeals Decision (Appeal No. 2022-1) on **August 22, 2022**. The resolution was sent to the Applicant by certified mail and post-marked August 25, 2022 and received by the Applicant on or about August 27, 2022.

The Applicant requests that the Office of the State Technical Review Board review the pertinent information presented by the Applicants to the Albemarle County Board of Building Code Appeals and over-turn its decision that the appeal was untimely and should not be heard. Additionally, the Applicant requests that the State Technical Review Board make a determination that the Permit should not have been deemed expired by i) acknowledging that the County provided no notice to the applicant of such determination ii) inspections and correspondence with the County have in fact occurred at the Project since the Permit was issued and since the alleged “expiration” date, iii) acknowledging that the facts of this situation and the direct assertions of Applicant are sufficient to prove that work on the Project has not been suspended, and therefore, no extensions of the Permit are necessary or appropriate under the 2000 USBC, iv) acknowledge that the Permit is valid under the 2000 USBC, and iv) complete the pending electrical inspection for the Property so that the Project may continue.

### *Justifications:*

The Albemarle County Board of Building Code’s decision cites the reason for denial as follows: “The subject permit was issued on April 9, 2002, under the 1996 Uniform Statewide Building Code (USBC), whose effective date was September 15, 2000. However, because both the determination and appeal were made in 2022, the appeal itself is governed by the current version of 13VAC5-63-190 (USBC Section 119)”. However, as noted in an October 28 email exchange between the Applicant and the Building Official, a determination that the permit was expired had been made at some point prior to October 2021. No notice was provided to the Applicant of such determination nor was there an opportunity for the Applicant to respond within a timely manner to determination of expiration. The Applicant only learned of the determination upon requesting an electrical inspection.

Also as noted in the original application to the Albemarle County Board of Building Code Appeals, the applicant appealed the Building Code Official’s April 27 email as the County made it clear that it considered the April 27 Email to be a determination of the Building Official that was subject to appeal. The Applicant made the appeal even though it questioned whether the Email truly constituted a final, appealable decision as the Applicant’s consistent position and disagreement with the Building Official was the determination (made sometime prior to October 2021) that the permit was expired. The Applicant appealed to the Albemarle County Board of Building Code Appeals in order to preserve the right of appeal to the next level despite the fact there was ongoing conversation and discussions surrounding the status of the Permit. The remedies offered by the Building Official’s April 27 Email would not be relevant to a valid permit issued under the 2000 USBC guidelines as there is no provision for an “expiration” as long as work is not abandoned.

(Page left blank intentionally)

Documents Submitted  
by Clifford and Khristina  
Hammill

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BUILDING APPLICATION STATUS INFORMATION		Add Status
Entered By/Date	<input type="text"/>	
<b>NOTE: Do not edit existing status, add a new change of status and date.</b>		
New Building Application - Send e-mail to applicant that the permit has been processed	Status	Date/Status
	Issued	4/9/2002
	Permit Expired	11/28/2002
Permit Entered - Send Email File Explorer		Send e-mail to applicant that the Building permit has been issued
		Permit Issued - Send E-mail

APPLICATION INFORMATION					
Application # <b>B2002-00338-SF</b>	Application Type Detached Single Family Dwelling				
NOTE: If Street Address box is empty - please update with correct building address					
Address: 6591 BLENHEIM RD, SCOTTSVILLE 24590					
<input type="button" value="NO"/> Print Commercial Tickets	<input type="button" value="NO"/> Print Today's Residential Ticket				
	Proffers? <input type="button" value="NO"/>				
APPLICATION INSPECTION INFORMATION					
Entered By/Date Dwayne Via	10/22/2021				
<input type="button" value="Print Commercial Tickets"/>	<input type="button" value="Print Residential Ticket"/>				
<input type="button" value="Print Tomorrow's Residential Ticket"/>	<input type="button" value="Refresh Data"/>				
	<input type="button" value="Commit Data"/>				
<input type="button" value="GIS Web Map"/>					
Inspection Type	Re-Inspection?	Status	Scheduled Date	Inspector	Inspection Date
Site Visit	<input type="checkbox"/>	Rejected	10/25/2021	Dwayne Via	10/25/2021

Please see my responses below to your questions:

1. When was the existing permit officially closed by your office? Specifically what is the date of record? [Reference above information from our permitting system.](#)
2. Who made that determination and on what grounds was it deemed expired? [Reference above information from the building code regarding requirements to maintain a valid permit.](#)
3. Understanding that my information was provided by a previous building official, what is the new process to close a permit per County policy? Can you please provide a copy of the policy? *Per the 2018 edition of the VUSBC, An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time if a justifiable cause is demonstrated.*

*A building official shall be permitted to revoke a permit if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the permit is issued; however, permits issued for plumbing, electrical and mechanical work shall not be revoked if the building permit is still in effect. It shall be the responsibility of the permit applicant to prove to the building official that authorized work includes substantive progress, characterized by approved inspections as specified in Section 113.3 of at least one inspection within a period of six months or other evidence that would indicate substantial work has been performed. Upon written request, the building official may grant one or more extensions of time, not to exceed one year per extension.*

*The building official shall be permitted to require a three-year time limit to complete construction of new detached single-family dwellings, additions to detached single-family dwellings and residential accessory structures. The time limit shall begin from the issuance date of the permit. The building official may grant extensions of time if the applicant can demonstrate substantive progress, characterized by approved inspections as specified in Section 113.3 of at least one inspection within a period of six months or other evidence that would indicate substantial work has been performed.*

4. How is a permit holder notified that a permit has expired or is being closed out? *It is the responsibility of the permit holder to comply with the regulations of the VUSBC.*

5. What are guidelines for record retention once a permit has been closed? *Three years and then destruction per the Library of Virginia except for the certificate of occupancy and any modifications issued.*

In lieu of the information above and that we enforce the eighth (8<sup>th</sup>) code change edition since the original issuance of the permit I cannot in good faith reinstate your permit as requested. What I can do is the following:

- Since we have no record of your permit or documents, have you re-apply and re-submit all of your approved paperwork from when you originally applied for your permit. The building code required you to keep a copy of approved drawings and documents on site while the work was under construction therefore you should be able to provide these documents.
- I can make a request to the Director of Community Development to waive the fees.

This issuance of a new permit will require compliance with today's code for work that has not been inspected prior to the new permit. Dwayne can assist you in having your inspections performed. In accordance with today's code and also back in 1996, you will also be required to keep your permit active per the requirements above. Also be advised that we enforce the three- year time limit from the issue date of the permit to completion to avoid the same situation from occurring in the future. This regulation was added to the VUSBC as inspectors cannot successfully retain 20 years of code regulation knowledge.

This may not be the desired outcome you were hoping for however if we can get a valid permit issued without requiring any additional fee I believe we can pick up where you have left off.

Let me know if you have further questions.

Regards,

Michael

*M. A. Dellinger, CBO*

*Building Official*

*Vice Chair Region 4 VBCOA*

*Albemarle County*

*[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)*

*office 434-296-5832 X3228*

*[401 McIntire Road](#), North Wing, Charlottesville, Va 22902*

*All decisions subject to appeal in accordance*

*with Chapter 119 of the VCC*



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**From:** Cliff and Krisy Hammill <ckhammill@gmail.com>  
**Sent:** Wednesday, October 27, 2021 5:29 PM  
**To:** Michael Dellinger <mdellinger@albemarle.org>  
**Cc:** Jennifer Ashcraft <jashcraft@albemarle.org>; Dwayne Via <DVIA@albemarle.org>  
**Subject:** Re: B200200338 permit

**CAUTION:** This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Mr Dellinger -

Thank you for your email. It has come to my attention within the last couple of weeks that my existing building permit has been determined to be expired. Unfortunately, I only learned of this upon requesting an inspection. I am puzzled as to how or why this determination would have been made without a notice to me as the permit holder. I began this project knowing that it would take me a long time as all the work was going to be performed by me and on a pay as I go basis. Therefore, I specifically inquired early on with the previous building official - Jay Schlothauer - about any expiration dates of the permits and also if anything additional would be required of me given the circumstances. I was told by Mr. Schlothauer that the permits never expire as long as work was continuing to be performed. Additionally, as you know no further inspections can be completed until the framing, mechanical, plumbing and electrical work is complete. So, working with the understanding of no expiration for the permit and not being at a point for the next inspection there has been reason for any further communication based on Mr. Schlothauer's guidance. Further, on multiple occasions (including as recent as this past spring) County representatives from the County Assessors office have been on site and County assessment records still refer to this property using the existing building permit as a property under construction. This history provides the basis for my following questions and request.

1. When was the existing permit officially closed by your office? Specifically what is the date of record?
2. Who made that determination and on what grounds was it deemed expired?
3. Understanding that my information was provided by a previous building official, what is the new process to close a permit per County policy? Can you please provide a copy of the policy?
4. How is a permit holder notified that a permit has expired or is being closed out?
5. What are guidelines for record retention once a permit has been closed?

I am requesting that the existing building permit (# B2002338) be reinstated. As per County staff and the building code, extension of a building permit can be granted at the discretion of the Building Official. Documentation indicates I have previously complied with all necessary requirements and provided the necessary documentation which was reviewed, signed off on and approved by County officials and the Health Department. There is no merit to starting over and only comes at a substantial cost and inconvenience to me.

Please let me know about next steps.

Thank you -

Clifford Hammill

On Wed, Oct 27, 2021 at 1:05 PM Michael Dellinger <[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)> wrote:

Good afternoon,

Sorry I have not been able to contact you back before now however I was out of the office last week on vacation and my calendar for this week is overbooked and I'm responding while in an electronic meeting now.

Please respond to me in an email format of your question or concern as almost of my time is in meetings this week.

Regards,

*M. A. Dellinger, CBO*

*Building Official*

*Vice Chair Region 4 VBCOA*

*Albemarle County*

*[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)*

*office 434-296-5832 X3228*

*401 McIntire Road, North Wing, Charlottesville, Va 22902*

*All decisions subject to appeal in accordance*

*with Chapter 119 of the VCC*

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**From:** Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)>

**Sent:** Wednesday, October 27, 2021 11:53 AM

**To:** Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>; Michael Dellinger <[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)>; Dwayne Via

<[DVIA@albemarle.org](mailto:DVIA@albemarle.org)>

**Subject:** RE: B200200338 permit

Yes sir. I will do that now.

---

**From:** Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>

**Sent:** Wednesday, October 27, 2021 11:47 AM

**To:** Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)>

**Subject:** Re: B200200338 permit

**CAUTION:** This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi Jennifer -

Thanks for your email. However, before we move forward with any additional steps, we are still waiting for a return phone call from Michael Dillenger. We tried calling him and emailed him directly using the link on the County website requesting a call back after meeting with Mr. Via on Monday. We have received no response. Can you please coordinate with Mr. Dillenger and let him know we would like to speak with him?

Thanks!

Cliff

On Wed, Oct 27, 2021 at 9:56 AM Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)> wrote:

Sure Mr. Hammill;

Let me first attach what you need and then Once you look over it, I can call you and we can walk through it step by step. Does that sound okay?

- You need the application filled out pgs 4-6
- Affidavit page 10
- Copy of your BTEX report that you obtained last time. Page 11
- 2 copies of your plats showing the house in progress
- 2 copies of building plans
- Critical resource map page 13
- Stormwater form and erosion and sediment form page 14-17

Don't let this intimidate you, it's just paperwork and I'm right here for you and if you want, you can always schedule a time to come in with me and ill walk you through everything.

*Jennifer Ashcraft,*

*Permit Technician*

*Albemarle County*

*[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)*

*office 434-296-5832 X3072*

*"PEOPLE WILL FORGET WHAT YOU SAID, PEOPLE WILL FORGET WHAT YOU DID, BUT PEOPLE WILL NEVER FORGET HOW YOU MADE THEM FEEL."-MAYA ANGELOU*

**\* PROCESS CHANGE \***

In an effort to speed up the review process as well as align with their requirements, **ACSA approval will be required to be submitted along with your application.** ACSA has streamlined their requirements into a fillable form that can be found at the following link, <https://serviceauthority.org/customerservices/building-permit-pre-application/>

Albemarle County Service Authority approval link will become available for your use on March 29, 2021, and then mandatory on May 1, 2021.

**Permit Status Tracking**

You can track the status of your permit by using the permit number and the following link. <https://www.albemarle.org/government/community-development/request/application-tracking-status-update>

**Inspection Request Deadline Change**

The inspections request line deadline will change from the existing 4 pm to **noon** for next day inspections, beginning on January 1, 2021.

---

**From:** Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>

**Sent:** Monday, October 25, 2021 3:40 PM

**To:** Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)>  
**Subject:** Re: B200200338 permit

**CAUTION:** This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi Jennifer -

Dwayne was out and viewed the property earlier today. He said that we needed to speak with Michael Dillenger about reinstating the current permit. He also noted that if a new permit would ultimately be required that I would need to speak with you regarding that process. Can you give me a call to discuss the process? I can be reached at 434-996-7760 (cell) or 434-286-2485 (home)..

Thanks!

Clifford Hammill

On Fri, Oct 22, 2021 at 4:08 PM Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)> wrote:

Hi Jennifer -

I just left you a voicemail but wondering if you could give me a quick return call at 434-996-7760? I also tried calling Mr. Via but got his voicemail as well.

Thanks!

Cliff

On Fri, Oct 22, 2021 at 2:47 PM Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)> wrote:

I know that Betty and Dwayne are working on this. Let me cc them and get you an answer because I know you need your inspection.

*Jennifer Ashcraft,*

*Permit Technician*

*Albemarle County*

*[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)*

office 434-296-5832 X3072

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**Inspection Request Deadline Change**

The inspections request line deadline will change from the existing 4 pm to **noon** for next day inspections, beginning on January 1, 2021.

---

**From:** Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>  
**Sent:** Friday, October 22, 2021 2:43 PM  
**To:** Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)>  
**Subject:** Re: B200200338 permit

**CAUTION:** This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi Jennifer -

Just following up to see if there is an update on this request or if you know when more information may be available?

Thanks!

Clifford Hammill  
434-996-7760

On Thu, Oct 21, 2021 at 9:53 AM Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)> wrote:

No other inspections beyond the two I sent you have been performed. It is my understanding that before the framing inspection can be done, the electrical and plumbing rough ins need to be completed. The inspection I am currently requesting is for the electrical meter cab/panel box installation. As noted, the well and septic are installed and have been inspected and approved by the Health Department.

Thanks!

On Thu, Oct 21, 2021 at 8:17 AM Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)> wrote:

Thank you Mr. Hammill;

Have you had any more building inspections since 2002? If so, do you have any of those tickets?

*Jennifer Ashcraft,*

*Permit Technician*

*Albemarle County*

*[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)*

*office 434-296-5832 X3072*

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#### Inspection Request Deadline Change

The inspections request line deadline will change from the existing 4 pm to **noon** for next day inspections, beginning on January 1, 2021.

---

**From:** Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>  
**Sent:** Wednesday, October 20, 2021 10:40 PM  
**To:** Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)>  
**Subject:** Re: B200200338 permit

**CAUTION:** This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi Jennifer -

Thank you for your time and assistance today. As per our conversation, I am emailing to request a reinstatement and extension of permit #2000200338. I am attaching copies of previous inspections of the temporary electrical service and the footers for your review. I am also attaching a previous correspondence with the inspections department that indicated the slow progress due to the fact that I am building on a paygo basis and doing most of the work myself.

Once we are able to resolve the permit issue, I would like to move forward with the request to schedule an inspection of the new electrical service. We have a contract with American Electric for the installation but they are waiting for the County's inspection signoff to move forward with installation. Please note that the property is not accessible without someone being present to allow access. I can be reached on my cell phone (434-996-7760) to coordinate a date and time.



Please let me know if you require any additional information or actions on my part. Again, thank you for your assistance.

Clifford Hammill

434-996-7760 (cell phone)

On Wed, Oct 20, 2021 at 10:14 AM Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)> wrote:

Here is my email information. Talk to you soon

*Jennifer Ashcraft,*

*Permit Technician*

*Albemarle County*

*[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)*

*office 434-296-5832 X3072*

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BUT PEOPLE WILL NEVER FORGET HOW YOU MADE THEM FEEL."-MAYA  
ANGELOU*

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COLLISON F. ROYER  
PETER J. CARAMANIS  
JESSICA F. PHILLIPS  
ERNEST A. HARPER  
SHANNON T. MORGAN  
CHRISTIAN A. PATRIZIA

SHELLIE S. TAYLOR  
SAMANTHA V. RICCI  
PHILLIP D. WILLIAMS

July 26, 2022

VIA HAND DELIVERY

Michael Dellinger, Building Official  
Albemarle County Community Development Office  
401 McIntire Road, North Wing  
Charlottesville, VA 22902  
Email: [mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)

Todd Shifflett, Secretary of the BBCA  
Albemarle County Community Development Office  
401 McIntire Road, North Wing  
Charlottesville, VA 22902

RE: Application for Appeal to Board of Building Code Appeals  
Clifford and Khristina Hammill - #B2002-00338-SF  
Appeal of Building Official Decision – April 27, 2022

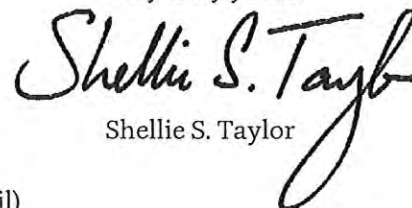
Dear Mr. Dellinger and Mr. Shifflett:

Enclosed please find an Application for Appeal to the Albemarle County Board of Building Code Appeals (“BBCA”) submitted on behalf of Clifford and Khristina Hammill in the above-referenced matter. This package is being submitted to Mr. Dellinger and Mr. Shifflett per the requirements of the Albemarle County BBCA Bylaws and the DHCD’s Board of Appeals Manual.

Our office has been unable to determine the specific filing fee for this Application of Appeal and will therefore bring a blank check to the Albemarle County Community Development Office upon hand delivery of this package. If there is no one available at the County Office to accept this package and confirm the filing fee amount, we ask that you please contact us immediately upon your receipt of the Application for Appeal and we will promptly deliver any necessary fee.

Thank you in advance for your assistance. Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Shellie S. Taylor

cc: Andy Herrick, Deputy County Attorney (By Email)  
Doug Lowe, BBCA Chairperson (By Email)  
Client (By Email)

## EXHIBIT A

### Description of Decision Being Appealed:

Applicant was issued a building permit, Application #B2002-00338-SF on April 9, 2002 (the "Permit"), under the Virginia Uniform Statewide Building Code effective September 15, 2000 (the "2000 USBC"), in connection with Applicant's construction of a new dwelling (the "Project") located at 6591 Blenheim Road, Scottsville, VA 24590 (the "Property").

As an initial matter, it is important to note the following facts about the 2000 USBC in relation to this Application for Appeal:

- The 2000 USBC does not include any provision for "expiration" of a permit.
- Section 110.6 (Suspension of permit) of the 2000 USBC provides that, "[a]ny permit issued shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, **or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work...** It shall be the responsibility of the permit applicant to prove to the code official that work has not been suspended or abandoned" (emphasis added).
- Section 122.5 (Application for appeal) of the 2000 USBC provides that, "[t]he owner of a structure...may appeal the code official's decision concerning application of the USBC...The applicant shall submit a written request for appeal, indicating specific requirements, to the BBCA within **90 calendar days** from the receipt of the decision to be appealed" (emphasis added).

The Permit and all work performed thereunder are subject to the 2000 USBC, not the current code or any iteration of the code in the intervening years between approval of the Permit and present day. In fact, the County has acknowledged through correspondence from the Building Official and the Deputy County Attorney that the 2000 USBC is the applicable building code for analysis of this situation. Accordingly, this Application for Appeal is subject to the 90-day filing deadline and is timely submitted.

In October 2021, Applicant contacted various representatives at the Albemarle County (the "County") Office of Community Development to schedule a County inspection for new electrical service installation at the Property in connection with the Project. Applicant was informed that the Permit is no longer active in the County computer system. Applicant continued to press for additional answers and on October 28, 2021, Michael Dellinger responded to Applicant's inquiries offering his explanation of the Permit status and why the County records indicate that the Permit "expired" on November 28, 2002, only seven (7) months after the Permit was issued.

Over the next few months, discussions continued and the parties explored options for addressing the Permit status. On April 27, 2022, Mr. Dellinger send another email communication to Applicant stating that i) the County no longer has any documents or copies of the permitted drawings for the Project, and ii) Applicant could either submit their copy of the drawings and

obtain a one-year extension or a new permit application would be required. A copy of the April 27, 2022, email is attached hereto as part of Exhibit B (the “April 27 Email”).

The County has made clear that it considers the April 27 Email to be a determination of the Building Official subject to appeal, despite the ongoing conversation and discussions surrounding the status of the Permit. Although Applicant questions whether this truly constitutes a final, appealable decision, Applicant is submitting this Application for Appeal to preserve its appeal right under the 90-day deadline of the 2000 USBC.

The decision being appealed under this Application for Appeal is the April 27 Email, and more specifically, the Building Official’s statements that:

- “...I will provide you with an extension of your original permit for one year with the understanding that the project must be completed and receive a certificate of occupancy within that time frame.”
- “No additional extensions will be granted to complete the project,” and
- “Since no inspections have occurred on your previous work, an application for a new permit would be subject to today’s safety standards and code requirements.”

The Building Official’s decision is based on an erroneous application of the USBC, and therefore, subject to appeal under Section 122.5 of the 2000 USBC. The Building Official “determined” that the Permit was subject to the granting or rejection of extensions and imposed a one-year deadline on the Project, confirming the County’s position that the Permit is “expired” or “invalid.” The Building Official further determined that if the arbitrary one-year deadline could not be met, a new permit would be subject to current code requirements “since no inspections have occurred on [the] previous work.” This is both an incorrect application of the applicable USBC and factually inaccurate, as there were inspections that occurred at the Project, even after the alleged “expiration” date in the County’s system.

Under the 2000 USBC, a permit only becomes invalid if “work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work.” There is no dispute here that work was commenced on time, and the multiple inspections that took place in 2002 are evidence of that commencement. Given that, the only basis for revocation under the 2000 USBC was if work were to cease for a period of six months after it was commenced.

The Applicant can and has previously certified to the Building Official that there has never been a six-month period since the issuance of the Permit during which no work was done on the Project. Mr. Hammill has done the work himself on a pay as you go basis, hence the slow progress, but he has regularly performed work on the Project during weekends and some weeknights over the last many years. Further, there has been significant progress. The grading and exterior of the home on the Property are completely finished. Accordingly, there has never been a basis for revocation, nor did Applicant ever receive any notice of a purported revocation from anyone at the County, which they would have immediately disputed.

In addition, it is critical to point out that no inspections were requested or performed by the County over the past many years, and there is no affirmative obligation in the 2000 USBC for an applicant

to prove the continuation of work at any particular interval or in any way other than their testimony and the evident visible progress of the project. That is exactly what Applicant is offering in this case.

Given that there was no expiration of the Permit and no basis for revocation or attempted revocation, the Permit remains valid to date, regardless of what the County's computer system may say. The County's failure to maintain appropriate and accurate records related to the Permit is also no basis for its termination. In fact, as previously noted, the County's system which purportedly shows issuance of the permit on 4/9/2002 and an "expiration" date of 11/28/2002, bears no connection to reality. It does not reflect a six-month timeline and is not consistent with the fact that inspections for ongoing work occurred at least three times between those dates, despite Mr. Dellinger's claim otherwise in the April 27 Email. It is further inconsistent with communications with other building officials, additional Property inspections, real estate assessments, and other correspondence in the years since. All of this, in conjunction with the Applicant's certification of continued work, is and should be sufficient to prove to the Building Official that work, although admittedly slow moving, has continuously progressed since the Permit was issued.

**Relief Sought:**

Applicant seeks for the County to i) acknowledge that inspections have in fact occurred at the Project since the Permit was issued and since the alleged "expiration" date, ii) acknowledge that the facts of this situation and the direct assertions of Applicant are sufficient to prove that work on the Project has not been suspended, and therefore, no extensions of the Permit are necessary or appropriate under the 2000 USBC, iii) acknowledge that the Permit is valid under the 2000 USBC, and iv) complete the pending electrical inspection for the Property so that the Project may continue.

**EXHIBIT B**

Additional Documents





Owner: Cliff Hamill

Contractor: \_\_\_\_\_



19200-00-00-02580  
W 50 ft. x 5 ft. x 10 ft.  
S of mt. Rt. 113

**COUNTY OF ALBEMARLE  
DEPARTMENT OF INSPECTIONS  
296-5832**

Date: 6/1/82 Bldg. Permit No. 02-200-95 Permit No.: \_\_\_\_\_

Time: 10:05 Type of Inspection: Permit/Chimney Pits

Approved

Rejected

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature]*

Inspector

6/1/82

Owner: Clifford Hammill

Contractor: \_\_\_\_\_



122-25B

N. 50 Ft. 795 2/10 mi.

S. of inter. w/ Rt.

713

COUNTY OF ALBEMARLE  
DEPARTMENT OF INSPECTIONS  
296-5832

Date: 5/28/02 Bldg. Permit No. 02-338 SF Permit No.: E02-658 1P

Time: 11:30 Type of Inspection: Temp. Svc.

Approved

Rejected

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E 28 795 2 5 713

*[Handwritten Signature]*

Inspector

CLT

Rt 795  
b2-2212

Owner: Clyford H. ...  
Contractor: \_\_\_\_\_



[Signature]  
11/02

COUNTY OF ALBEMARLE  
DEPARTMENT OF INSPECTIONS  
296-5832

Date: 4/24/02 Bldg. Permit No.: 02-3385F Permit No. \_\_\_\_\_  
Time: 11:29 Type of Inspection: Final

Approved  Rejected

COMMENTS:

Per approved from property lines shown on plan.

[Signature]

Inspector

[Signature]

ORIGINAL - White  
DUPLICATE - Canary  
TRIPLICATE - Pink

**County of Albemarle**  
Department of Building Code  
Telephone (434) 296-5832

43543

Date 4/9/02

RECEIVED OF

Cliff Hammill

Seven hundred thirty seven

72/102

\$ 377.72

307 \$ 20

310 \$ 75

314 \$ 50

308 \$ 510.86

312 \$ 50

510 \$ 6.86

cash

check 1270

2-1000-13000-130324

2002-3385F

By M. M. M. M.

Director of Finance



PERMIT FOR ELECTRICAL WORK  
COUNTY OF ALBEMARLE  
Department of Inspections  
296-5832

Electrical Permit # E02-6595F

Building Permit # 02-3383F

Date: 3/27/02

Owner: Clifford Hamm Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location: \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Tax Map \_\_\_\_\_

Work to be done Wiring

I understand the inspections must be made before work can be concealed and/or energized and the person doing the work must call for the inspection.

Permit Fee: 50.30 Company Name \_\_\_\_\_

[Signature] Signed By \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

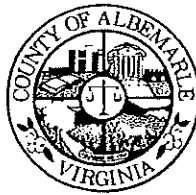
Issued by: [Signature]  
Building Official

License Information:

Class A or B # : \_\_\_\_\_ ZONING \_\_\_\_\_

Expiration Date: \_\_\_\_\_

County Lic.: Yes \_\_\_\_\_ No \_\_\_\_\_



**PERMIT FOR MECHANICAL WORK  
COUNTY OF ALBEMARLE  
Department of Inspections  
296-5832**

Mechanical Permit # M02-5295F

Building Permit # 02-3385F

Date: 4/9/02

Owner: Hammil Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location: \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Tax Map \_\_\_\_\_

New/Replace	Type of Equipment	BTU
N or R	<u>oil furn</u>	_____
N or R	_____	_____
N or R	_____	_____
N or R	_____	_____

# of Supplies \_\_\_\_\_ # of Returns \_\_\_\_\_

Permit Fee: 50.50 *[Signature]* Company Name Same

Contract Amt: \_\_\_\_\_ Signed By \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

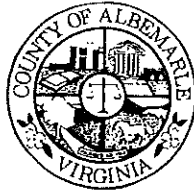
Issued by J S / Mac  
Building Official

License Information: ZONING \_\_\_\_\_

Class A or B # : \_\_\_\_\_

Expiration Date: \_\_\_\_\_

County Lic.: Yes \_\_\_\_\_ No \_\_\_\_\_



PERMIT FOR PLUMBING WORK  
COUNTY OF ALBEMARLE  
Department of Inspections  
296-5832

Plumbing Permit # PO2-5485F

Building Permit # 02-33855

Date: 4/9/02

Owner: Nammie Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location: \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Tax Map \_\_\_\_\_

Type of Water Supply: Public \_\_\_\_\_ Private \_\_\_\_\_ Well \_\_\_\_\_

Type of Sewage Disposal: Public \_\_\_\_\_ Private (septic tank) \_\_\_\_\_

Number of Fixtures: 1 RZ basement

<u>3</u> water closets	_____ wash trays	_____ roof drains
<u>1</u> sinks	<u>1</u> floor drains	_____ sprinkler heads
<u>2</u> bath tubs	<u>1</u> automatic washer	_____ water line
<u>1</u> shower baths	<u>1</u> hot water heater	_____ sewer lateral
<u>3</u> lavatories	<u>2</u> outside faucets	_____ other _____
_____ urinals	_____ mobile homes	_____ other _____

I understand the inspections must be made before work can be concealed and the person doing the work must call for the inspection.

Permit Fee: 50.52 Company Name: same

Contract Amt: \_\_\_\_\_ Signed By: \_\_\_\_\_

License Information: \_\_\_\_\_ Address: \_\_\_\_\_

Class A or B #: \_\_\_\_\_ Phone #: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ Issued by: J. J. Mat

County Lic.: Yes \_\_\_\_\_ No \_\_\_\_\_ Building Official



PERMIT FOR ELECTRICAL WORK  
COUNTY OF ALBEMARLE  
Department of Inspections  
296-5832

Electrical Permit # ED2-658 TP

Building Permit # 2002-3385F

Date: 2/20/02

Owner: Clifford Hammill Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location: \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Tax Map \_\_\_\_\_

Work to be done Temp Service

I understand the inspections must be made before work can be concealed and/or energized and the person doing the work must call for the inspection.

Permit Fee: 2525 Company Name \_\_\_\_\_

Signed By Clifford H. Hammill

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Issued by: A S I Mat  
Building Official

License Information:

Class A or B # : \_\_\_\_\_ ZONING \_\_\_\_\_

Expiration Date: \_\_\_\_\_

County Lic.: Yes \_\_\_ No \_\_\_





**COMMONWEALTH OF VIRGINIA  
VIRGINIA DEPARTMENT OF HEALTH**

Albemarle County Health Department  
PO Box 7546  
Charlottesville, VA 22906  
(434) 972-6259

**SEWAGE DISPOSAL SYSTEM OPERATION PERMIT**

**Tax Map No.: 122-25B**  
**Type of Property: Residential**  
**Health Dept. Id. 101-02-0130**

**Building Permit # 2002-338SF**

**Hammill, Clifford G., P O Box 303, Keene, 22946 (434) 286-2485, is Hereby Granted Permission to Operate a Type I Sewage System, Having Design Capacity of 600 gallons per day, and 4 Bedrooms at 6591 Blenheim Road , Scottsville, VA 24590**

Subdivision	Section	Lot

This Permit is Issued in Accordance with the Provisions of Title 32.1, Chapter 6 of the Code of Virginia as Amended and Section(s) 12-VAC5-610-340 of Sewage Handling Disposal Regulations of Virginia Department of Health and permit dated 02/04/2002.

**February 17, 2005**  
**Effective Date**

**William A. Craun**  
**EHS**

  
**Approved**

**Copy for :**  
**Property Owner or Agent**

Please keep for your records!



**COMMONWEALTH OF VIRGINIA  
VIRGINIA DEPARTMENT OF HEALTH**

Albemarle County Health Department  
PO Box 7546  
Charlottesville, VA 22906  
(434) 972-6259

***PRIVATE WELL SYSTEM OPERATION PERMIT***

Tax Map No.: 122-25B  
Health Dept. Id. 101-02-0130

Building Permit# 2002-338 SF

Hammill, Clifford G., P O Box 303, Keene, 22946 (434) 286-2485, is Hereby Granted Permission to Operate a Class IIIB Well, located at 6591 Blenheim Road, Scottsville, VA 24590.

Subdivision	Section	Lot

This Permit is Issued in Accordance with the Provisions of Title 32.1, Chapter 6 of the Code of Virginia as Amended and Section(s) 12-VAC5-630-330 of Private Well Regulations of the Virginia Department of Health and permit dated 03/04/2002.

<u>February 17, 2005</u> Effective Date	<u>William A. Craun</u> EHS	<u><i>Chadwell for Bl.</i></u> Approved
--	--------------------------------	--

# Water Supply and/or Sewage Disposal System Construction Permit Page 1 of 3

Commonwealth of Virginia  
 Department of Health  
 ALBEMARLE CO. HEALTH DEPARTMENT

Health Department  
 Identification Number: 101-02-0130  
 Tax Map Number: 122-25B

**General Information**

BP#: 2002-338 SF

Water Supply System: **NEW**

Sewage Disposal System: **NEW**

Based on the application for a sewage disposal system construction permit filed in accordance with Section 2.13 E, of the Sewage Handling and Disposal Regulations and/or Section 2.13 of the Private Well Regulations a construction permit is hereby issued to:

Owner: **CLIFFORD G. HAMMILL** Telephone: 434-286-2485  
 Address: P O BOX 303, KEENE, VA 22946

For a Type I Sewage Disposal System or Well to be constructed on/at **EAST OF ROUTE 795, 0.25 MILES SOUTH OF ROUTE 713**  
 Sec/Bk Lot Actual or estimated water use **600 gpd - 4 bedrooms**

DESIGN	NOTES: SEWAGE DISPOSAL SYSTEM INSPECTION RESULTS
--------	--

Water supply, <b>TO BE INSTALLED</b>	Water supply location: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
--------------------------------------	---

To be installed: <b>CLASS: IIB</b> CASED: 50 feet GROUTED: 50 feet	GROUT <i>Benovite</i> CAP <i>McWest Dations</i> <b>IIC well Installed Instead of IIB Well</b>
---	---

Building Sewer: <b>4"</b> I.D. PVC Schedule 40, or equivalent. Slope 1.25" per 10ft(min.) Other	Building Sewer: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
--	--

Septic Tank: Capacity: 1200 Gals.(min.) Other <i>1500 gallon Tank</i>	Pretreatment unit: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
--	---

Inlet-outlet structure: PVC Schedule 40, 4" tees or equivalent. Other	Inlet-outlet structure: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
--	--

Pump and pump station: NO	Pump & pump station: Satisfactory yes <input type="checkbox"/> no <input checked="" type="checkbox"/> EHS DATE <i>N/A</i>
------------------------------	--

Gravity mains: 3" or larger I.D., min. 6" fall per 100 ft., 1500 lb. crush strength or equivalent. Other	Conveyance method: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
--	---

Distribution Box: Precast concrete with 6 ports. Other <i>#12 D-Box</i>	Distribution box: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
--	--

Header lines: Material: 4" I.D. 1500 lb. crush strength plastic or equivalent from distribution box to 2 ft into absorption trench. Slope 2" min. Other <i>Smooth Bore</i>	Header lines: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
--	--

Percolation lines: Gravity 4" plastic 1000 lb. per foot bearing load or equiv. slope 2" - 4" (min. max.) per 100ft Other	Percolation lines: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i>
---	---

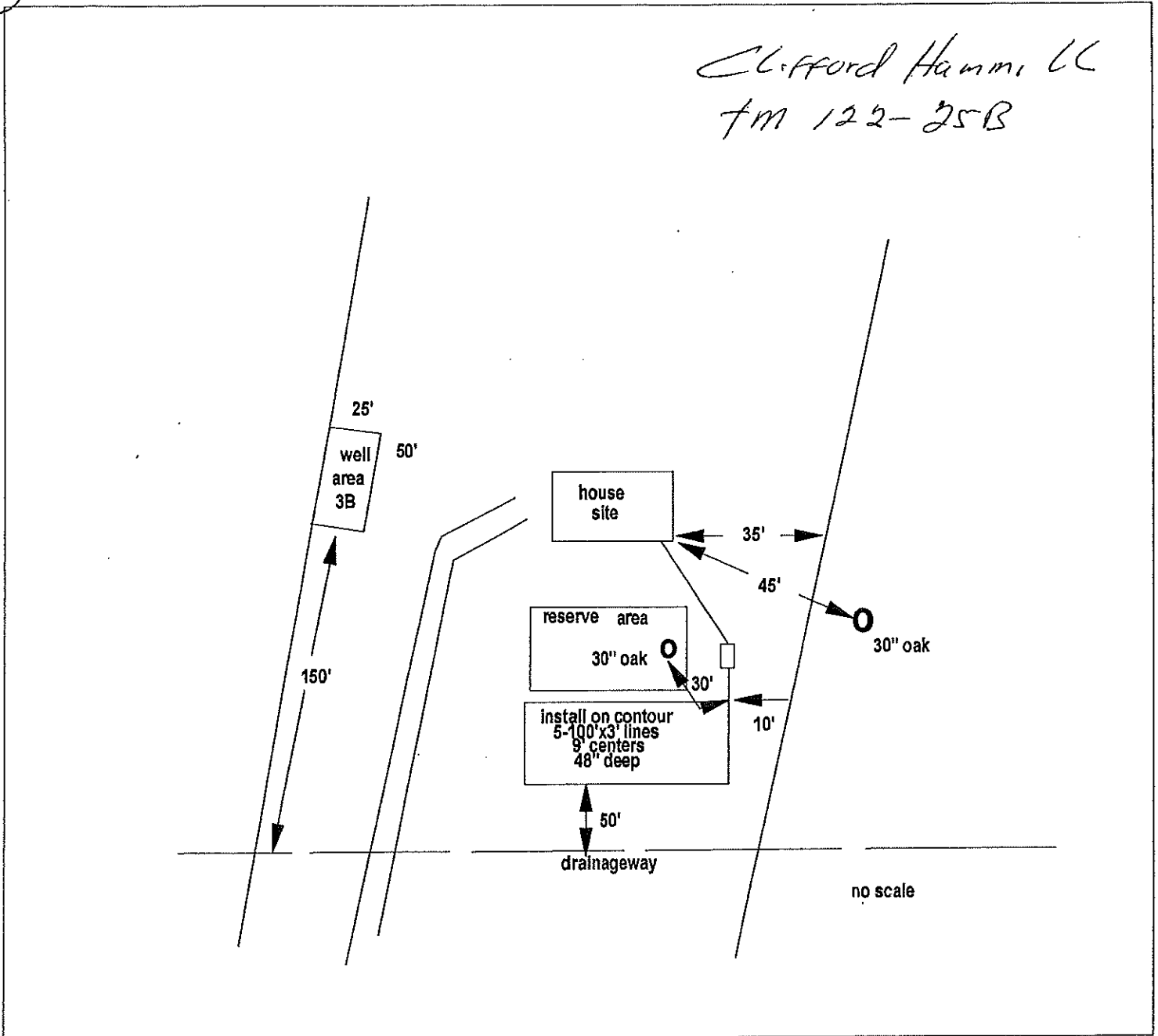
Absorption trenches: Sq ft. required: 1500 depth from ground surface to bottom of trench <i>48"</i> aggregate size .5-1.5"; Trench bottom slope 2-4"/100 ft <i>65" - 68 1/2"</i> center to center spacing 09 FT; Trench width 36" Depth of aggregate 13"; Trench length 100 ft; Number of trenches 5 :	Absorption trenches: Satisfactory yes <input checked="" type="checkbox"/> no <input type="checkbox"/> EHS <i>J.K.K.</i> DATE <i>12/03/2004</i> Date <i>12/03/2004</i> Approved by: <i>[Signature]</i> Environmental Health Specialist
---	--

*AS-BUILT - ON-REVERSE*

**Schematic drawing of sewage disposal and/or water supply system and topographic features.**

Show the lot lines of the building site, sketch of property showing any topographic features which may impact on the design of the well or sewage disposal system, including existing and/or proposed structures and sewage disposal systems and wells within 200 feet. The schematic drawing of the well site or area and/or sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be permitted, show all sources of pollution within 200 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application.



This sewage disposal system and/or water supply is to be constructed as specified by this permit.

This sewage disposal system and/or well construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 2/4/02

Issued by: *UMA*  
Environmental Health Specialist

Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
Environmental Health Supervisor

This Construction Permit Valid until 9/4/03

# Completion Statement

Commonwealth of Virginia  
State Department of Health

Health Department  
Identification Number 101-02-0130  
Abernake Co. Health Department

Name of Company/Corporation/Individual: Clifford G. Hammill  
Address: PO Box 303 Keene, VA 22946 Telephone: 434-286-2485  
Owner's Name Clifford G. Hammill  
Owner's Address PO Box 303 Keene, VA 22946  
Location of Installation: Lot \_\_\_\_\_ Block \_\_\_\_\_  
Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Other: 6591 Blenheim Road Scottsville, VA 24590

I hereby certify that the onsite sewage disposal system has been installed and completed in accordance with the construction permit issued (date) FEBRUARY 4, 2002 and is in compliance with Part D of the Sewage Handling and Disposal Regulations and when appropriate the plans and specifications for the project.

FEBRUARY 16, 2005  
Date

Clifford G. Hammill (owner)  
Signature and Title 149

972-4179  
 Alb. County  
 Inspections

**CURRENT OWNER** HAMMILL, CLIFFORD GEORGE  
**TOPO** 01 Rolling  
**UTILITIES** 1 Private Well  
**STRT/ROAD** 3 State Rd. - Pa  
**LOCATION** 2 Stable  
**2021 ASSESSMENT**  
 Description Assessed  
 Building 168200  
 Out Building 0  
 Extra Feature 0  
 Land 82100  
**Total** 250300

**RECORD OF OWNERSHIP**

BK	VOL	PAGE	SALE DATE	QU	VI	SALE PRICE	VC
0	0	0	08-06-1990	U	1		0 07

**ASSESSING NEIGHBORHOOD**

Neighborhood	Slate Code	Tax Type	Deeded Acres
MA319 Market Area 319	2A	2	3

**PREVIOUS ASSESSMENTS (HISTORY)**

Year	Desc	Appraised	Year	Desc	Appraised
2020	Build	157900	2019	Build	168200
	OB	0		OB	0
	XF	0		XF	0
	Land	71200		Land	82100
<b>Total</b>		<b>229100</b>	<b>Total</b>		<b>250300</b>

**APPRAISED VALUE SUMMARY**

Appraised Bldg. Value (Card)	Appraised XF (B) Value (Bldg)	Appraised OB (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value	Valuation Method	Adjustment	Total Appraised Parcel Value
168,200	0	0	82,100	0	250,300			250,300

**BUILDING PERMIT RECORD**

Permit ID	Issue Date	Permit Type	Description	Work Value	Status Date	% Comp	Progress Da	Work Desc
B20020033	04-09-2002	SF	New House	150,000	04-09-2002	100	01-01-2008	SINGLE FAMILY RE BY OWNER
02338	02-20-2002	4		150,000				

**VISIT / CHANGE HISTORY**

Date	Type	IS	ID	Cd	Purpose/Result
01-06-2021	02		CDC	01	Permit
05-02-2019	02		CDC	01	Permit
09-28-2009			AO	09	Neigh Review

**LAND LINE VALUATION SECTION**

B#	L#	Use co	S.I.	Zone	Type	Units	Acres	Unit Price	Adjustment 1	Adjustment 2	Adjustment 3	Adjustment 4	Adj Unit Price	Land Value
1	1	210R	R	RA	HS1	1 BL	2.000	75,000					75,000	
1	2	210R	R	RA	RS1	0.630 AC	0.630	11,300					11,300	7,100
<b>150</b>														

**Total Card Land Units** 0.630 AC  
**Parcel Total Land Area** 2.6300  
**Total Land Value** 82,100

Property Location 0001 BLEINFIELD RD  
 Vision ID 42700  
 Account # 12200000025B0  
 Bldg Name Sec # 1 of 1  
 Card # 1 of 1  
 State Use 210R  
 Print Date 2/25/2021 9:12:39 AM

972-4179  
 Alb. County  
 Inspections

**RECORD OF OWNERSHIP**

BK	VOL	PAGE	SALE DATE	QU	VI	SALE PRICE	VC
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**ASSESSING NEIGHBORHOOD**

Neighborhood	Slate Code	Tax Type	Deeded Acres
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<b>Total</b>		<b>229100</b>	<b>Total</b>		<b>250300</b>

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1	2	210R	R	RA	RS1	0.630 AC	0.630	11,300					11,300	7,100
<b>150</b>														

**Total Card Land Units** 0.630 AC  
**Parcel Total Land Area** 2.6300  
**Total Land Value** 82,100



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1829K



**IMG\_0751.JPEG**  
1626K



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1260K



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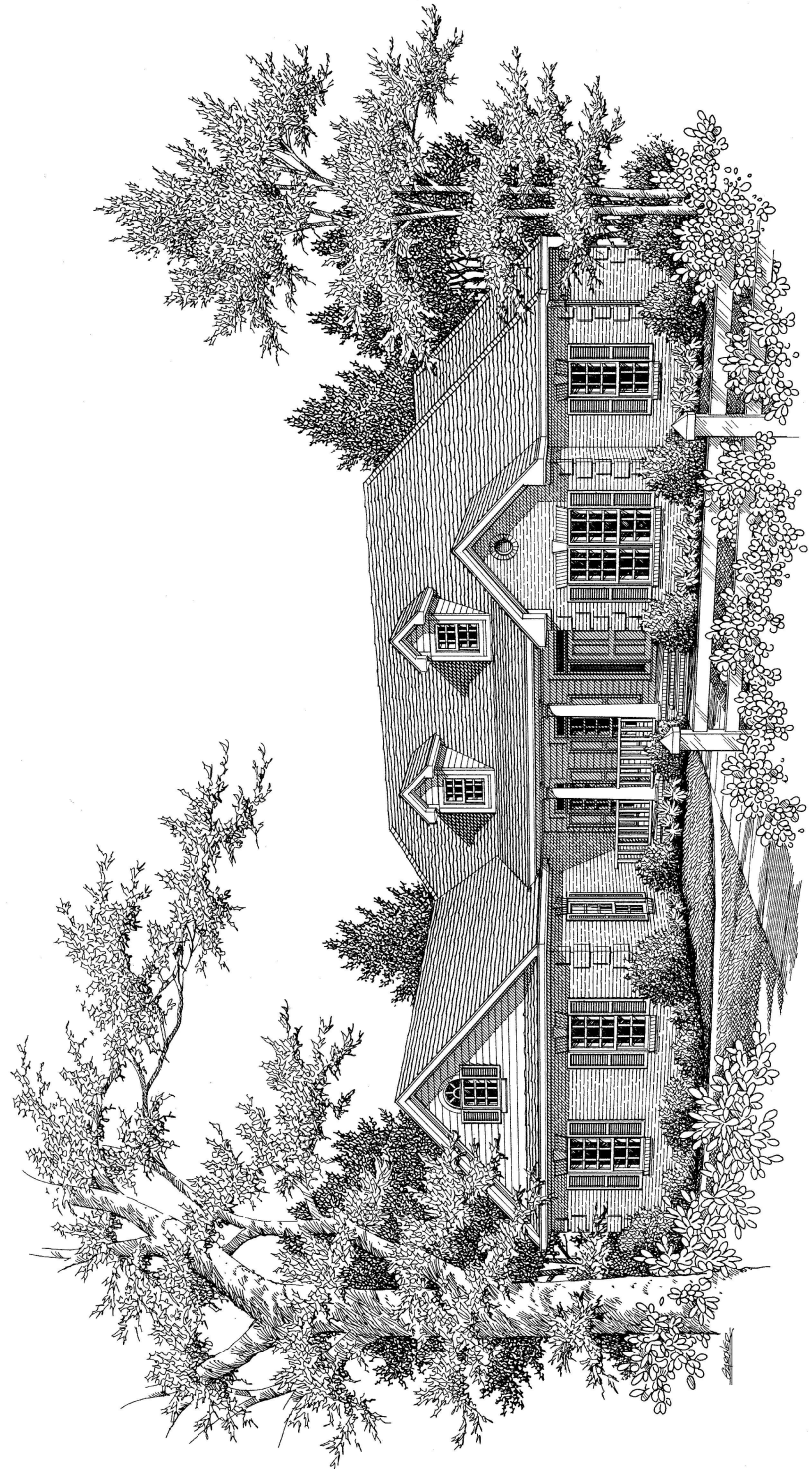
**GEORGE MATHS, BUILDING DESIGNER**  
 6659 HIGHWAY 98 WEST, HATTIESBURG, MS 39402  
 PHONE: (601) 264-4403

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DATE: 11/17/00  
 DRAWN BY: G.S.M.  
 CHECKED BY: G.S.M.  
 REVISIONS:

PLAN NUMBER  
 2805

SHEET NUMBER  
 1  
 OF 8 SHEETS



BASEMENT OPTION

# GEORGE MATHS, BUILDING DESIGNER

6559 HIGHWAY 98 WEST, HATTESBURG, MS 39402  
 PHONE (601) 264-4403

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DATE:	2/22/01
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CHECKED BY:	G.L.M.
REVISIONS:	
PLAN NUMBER:	2805
SHEET NUMBER:	2
OF 8 SHEETS	

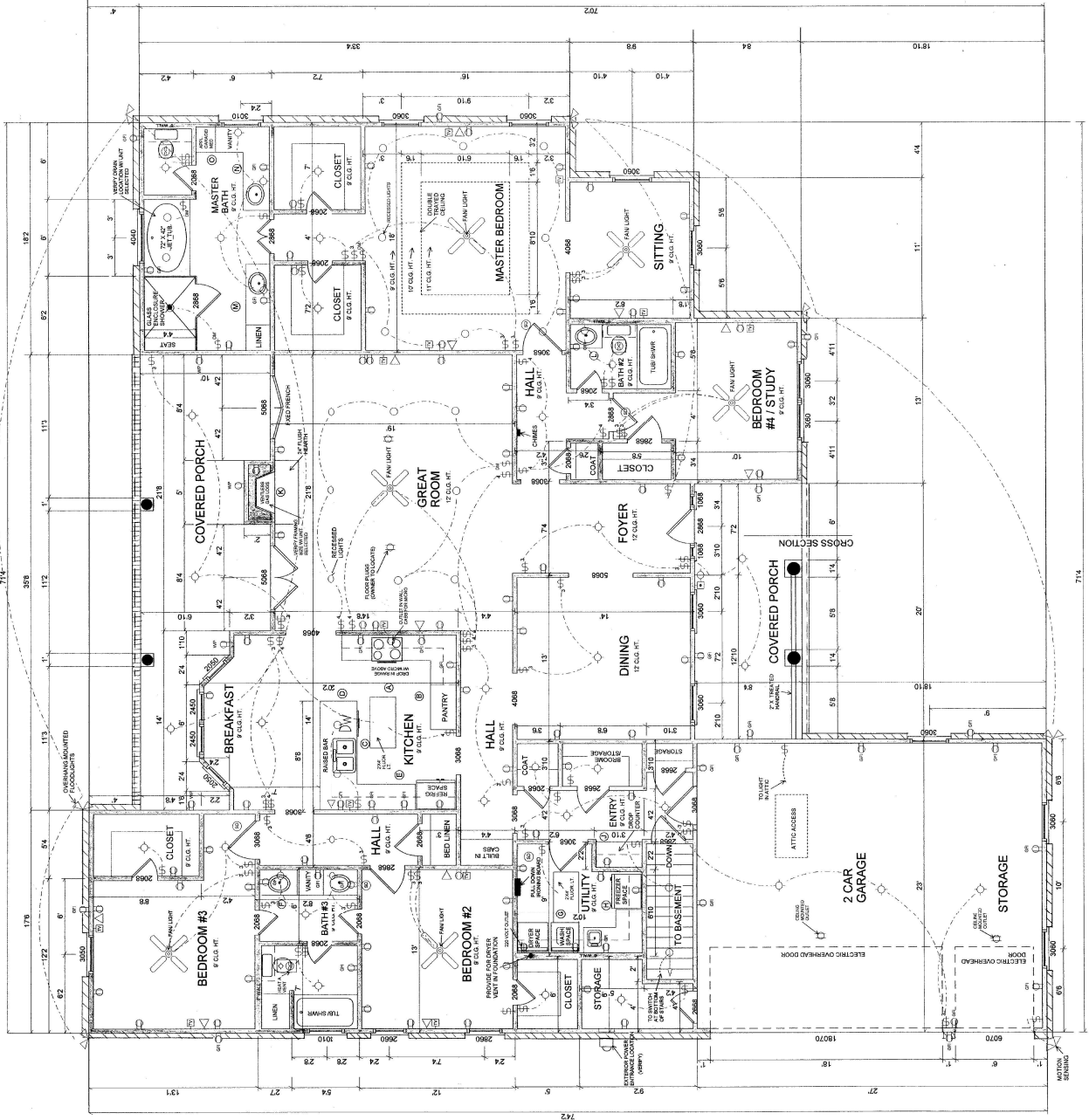


ELECTRICAL SYMBOLS LEGEND	
SYMBOL	DESCRIPTION
(Symbol)	15 VOLT OUTLET
(Symbol)	GROUND FAULT PROTECTED OUTLET
(Symbol)	WEATHERPROOF OUTLET
(Symbol)	250 VOLT RECEPTACLE
(Symbol)	FLOOR OUTLET
(Symbol)	CEILING HUNG FIXTURE
(Symbol)	RECESSED CEILING FIXTURE
(Symbol)	FLOURESCENT LIGHT
(Symbol)	SMOKE DETECTOR
(Symbol)	SWITCH
(Symbol)	FOUR WAY SWITCH
(Symbol)	THREE WAY SWITCH
(Symbol)	DIMMER SWITCH
(Symbol)	TELEPHONE OUTLET
(Symbol)	TELEVISION OUTLET
(Symbol)	DOORBELL BUTTON
(Symbol)	THERMOSTAT
(Symbol)	CEILING EXHAUST FAN

ELECTRICAL CONTRACTOR TO VERIFY ALL EXISTING SITE CONDITIONS AND LOCATIONS OF ALL UTILITIES. ALL WORK SHALL COMPLY WITH THE NATIONAL ELECTRICAL CODE AND ALL OTHER APPLICABLE REGULATIONS AND CODES. ALL SMOKE DETECTORS TO BE HARD WIRED TOGETHER WITH BATTERY BACKUP. PROVIDE FOR FUTURE LANDSCAPE LIGHTING IN FRONT & REAR OF RESIDENCE. PROVIDE FOR SECURITY & SURROUNDING SOUND. (S) SECURITY PANEL.

NOTE: CONTRACTOR TO VERIFY ALL DIMENSIONS & EXISTING SITE CONDITIONS PRIOR TO CONSTRUCTION. DOOR & WINDOW SIZES ARE GIVEN IN FEET & INCHES. CONTRACTOR SHALL VERIFY ALL INTERIOR FINISHES, FLOOR COVERINGS, AND TRIM SIZES & CONDITIONS. CONTRACTOR SHALL VERIFY ALL EXTERIOR FINISHES, FLOOR COVERINGS, AND TRIM SIZES & CONDITIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL CONDITIONS AND TO REPORT TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY OF ANY DISCREPANCIES.

CONTRACTOR SHALL LOCATE ALL HVAC UNITS & WATER HEATERS.  
**FLOOR PLAN**  
 (BASEMENT OPTION)  
 SCALE: 1/4" = 1'-0"  
 AREAS: 2834 S.F. HEATED  
 1161 S.F. UNHEATED  
 3995 S.F. TOTAL UNDER ROOF  
 (WOOD WALLS)



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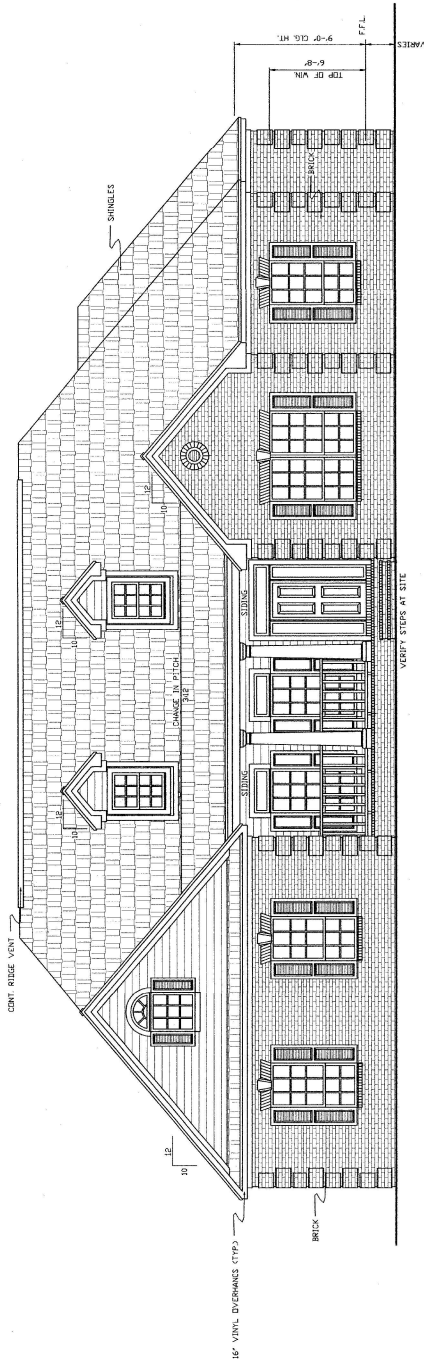
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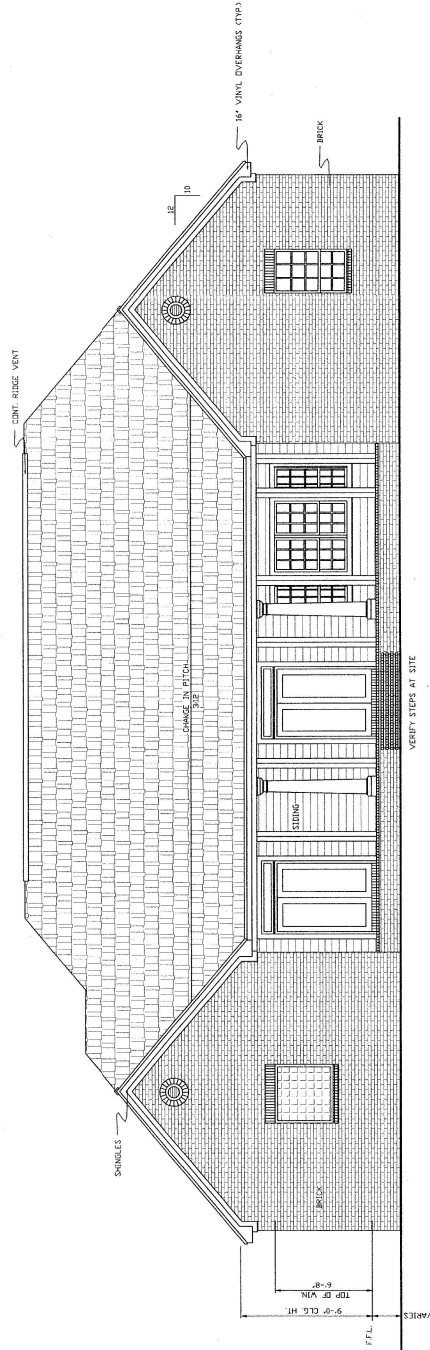
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 DRAWN BY: C.R.  
 CHECKED BY: G.S.M.  
 REVISIONS:

PLAN NUMBER  
**2805**

SHEET NUMBER  
**3**  
 OF 8 SHEETS



**FRONT ELEVATION**  
 1/4" = 1'-0" SCALE



**REAR ELEVATION**  
 1/4" = 1'-0" SCALE



BASEMENT OPTION

# GEORGE MATHIS, BUILDING DESIGNER

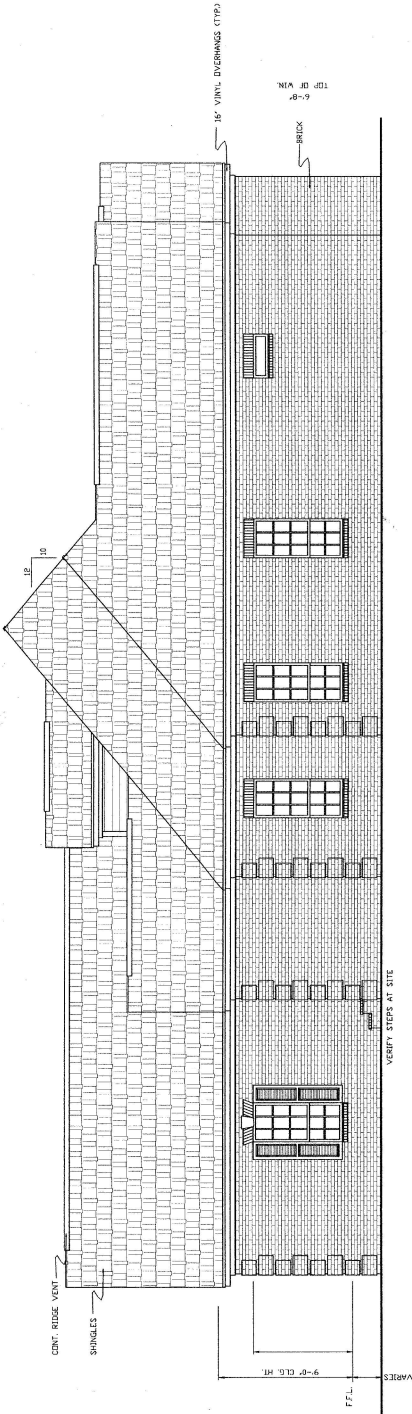
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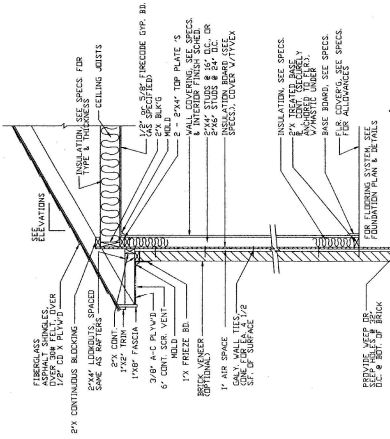
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 REVISIONS:

PLAN NUMBER  
**2805**

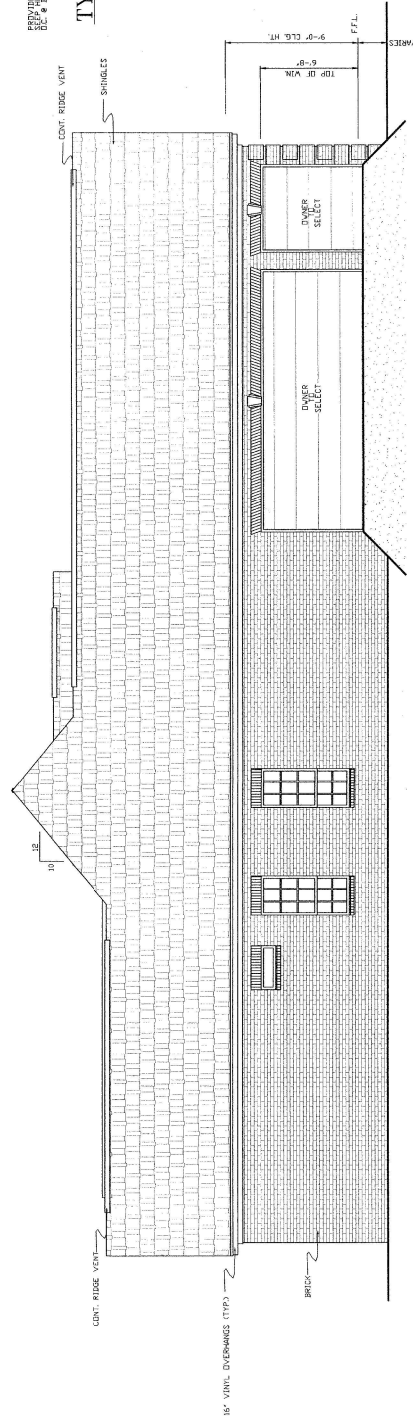
SHEET NUMBER  
**4**  
 OF 8 SHEETS



**RIGHT ELEVATION**  
 1/4" = 1'-0" SCALE



**TYP. EXTERIOR WALL SECTION**  
 1/2" = 1'-0" SCALE



**LEFT ELEVATION**  
 1/4" = 1'-0" SCALE

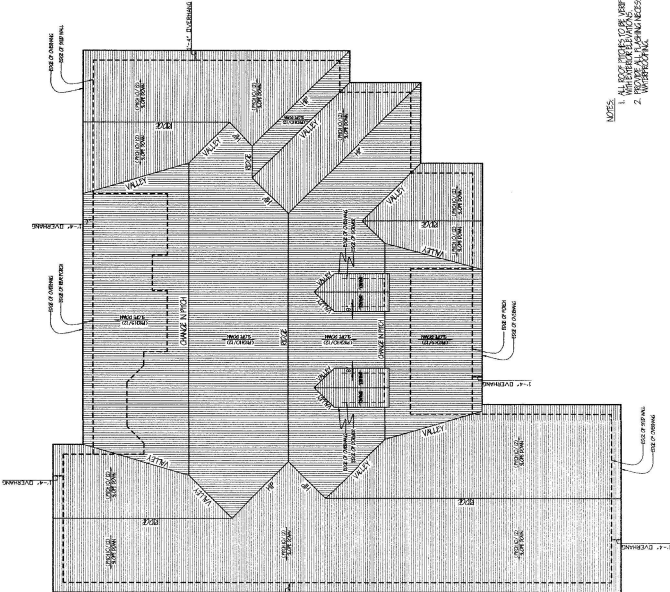
BASEMENT OPTION

DATE: 9/22/00  
 DRAWN BY: A.G.  
 CHECKED BY: G.S.M.  
 REVISIONS:  
 PLAN NUMBER: 2805

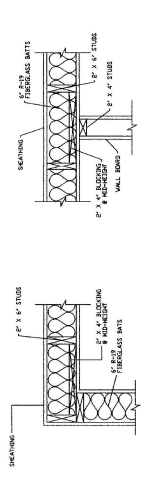
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 OF 8 SHEETS



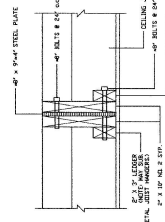
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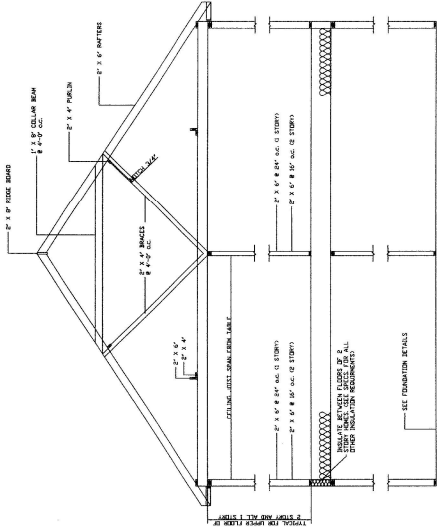
ROOF DRAINAGE PLAN  
 SCALE: 1/4" = 1'-0"



EXTERIOR CORNER  
 NON-BEARING PARTITION JOINING EXTERIOR WALL  
 WALL FRAMING DETAILS  
 SCALE: 1" = 1'-0"



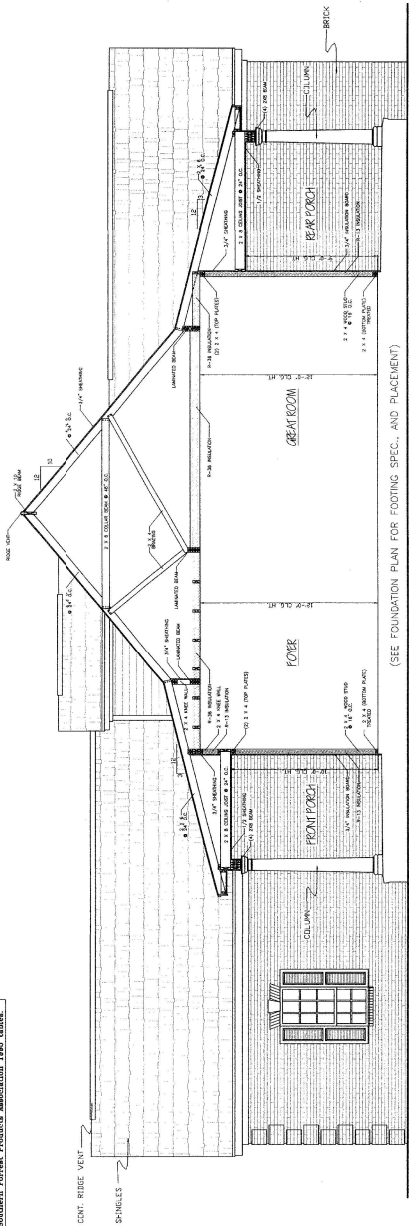
FLITCH BEAM  
 SCALE: 1 1/2" = 1'-0"



TYP. FRAMING DETAIL  
 SCALE: 1/4" = 1'-0"

TABLE OF CEILING JOISTS		TABLE OF RAFTERS	
SIZE AND SPACING	MAXIMUM SPAN	SIZE AND SPACING	MAXIMUM SPAN
2" x 8" @ 12" o.c.	11'-10"	2" x 8" @ 12" o.c.	15'-6"
2" x 8" @ 16" o.c.	10'-9"	2" x 8" @ 16" o.c.	12'-3"
2" x 8" @ 24" o.c.	9'-4"	2" x 8" @ 24" o.c.	10'-2"
2" x 8" @ 12" o.c.	15'-7"	2" x 8" @ 12" o.c.	17'-10"
2" x 8" @ 16" o.c.	14'-3"	2" x 8" @ 16" o.c.	15'-2"
2" x 8" @ 24" o.c.	12'-4"	2" x 8" @ 24" o.c.	13'-2"
2" x 10" @ 12" o.c.	18'-10"	2" x 10" @ 12" o.c.	18'-3"
2" x 10" @ 16" o.c.	15'-0"	2" x 10" @ 16" o.c.	15'-3"
2" x 10" @ 24" o.c.	14'-8"	2" x 10" @ 24" o.c.	15'-9"

MAXIMUM RAFTER PROBLEMS INDICATED IN THIS TABLE.  
 MAXIMUM CEILING JOIST PROBLEMS INDICATED IN THIS TABLE.



CROSS SECTION  
 (SCHEMATIC) FOR GENERAL REFERENCE ONLY  
 SCALE: 1/8" = 1'-0"

(SEE FOUNDATION PLAN FOR FOOTING SPEC. AND PLACEMENT)

# GEORGE MATHIS, BUILDING DESIGNER

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PHONE: (601) 264-4403

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 CHECKED BY: G.S.M.  
 REVISIONS:

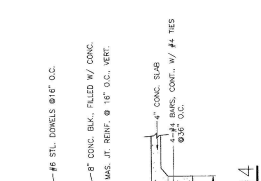
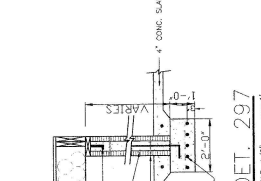
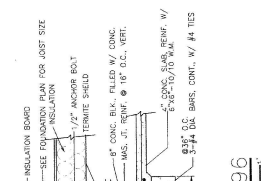
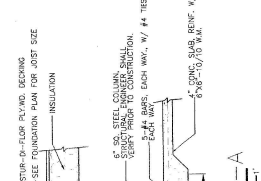
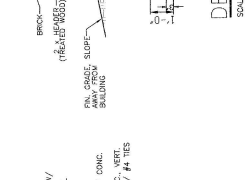
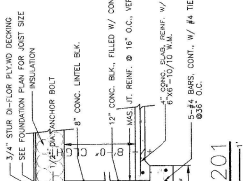
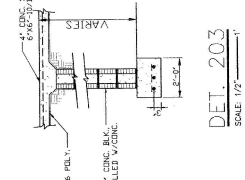
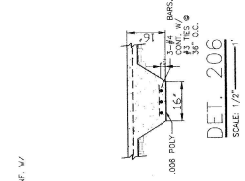
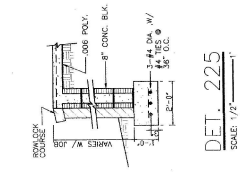
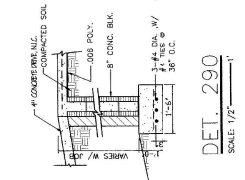
PLAN NUMBER  
**2805**

SHEET NUMBER  
**6-A**  
 OF **8** SHEETS



### NOTES:

- OWNER SHALL HAVE ALL FOOTING SIZES VERIFIED BY A STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION, BASED ON SOILS ANALYSIS AT SITE.
- CONTRACTOR TO VERIFY ALL SITE CONDITIONS WITH FOUNDATION PLAN AND MAKE NECESSARY ADJUSTMENTS.
- CONTRACTOR TO VERIFY ALL DIMENSIONS.
- CONTRACTOR TO SPECIFY LOCATION & DESCRIPTION OF ALL DOORS & WINDOWS IN BASEMENT.
- CONTRACTOR TO PROVIDE 4" DRAIN IN BASEMENT.
- CONTRACTOR TO PROVIDE 4" GLUE ALL STUR-DI-FLOOR PLYWOOD TO FLOOR FRAMING AND NAIL WITH RING-SHANK NAILS.



BASEMENT OPTION

# GEORGE MATHIS, BUILDING DESIGNER

6559 HIGHWAY 98 WEST, HATTIESBURG, MS 39402  
 PHONE: (601) 264-4403

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DATE: 2/26/01  
 DRAWN BY: A.G.  
 CHECKED BY: G.S.M.

REVISIONS:  
 PLAN NUMBER:  
 2805

SHEET NUMBER:  
 6-B  
 OF 8 SHEETS



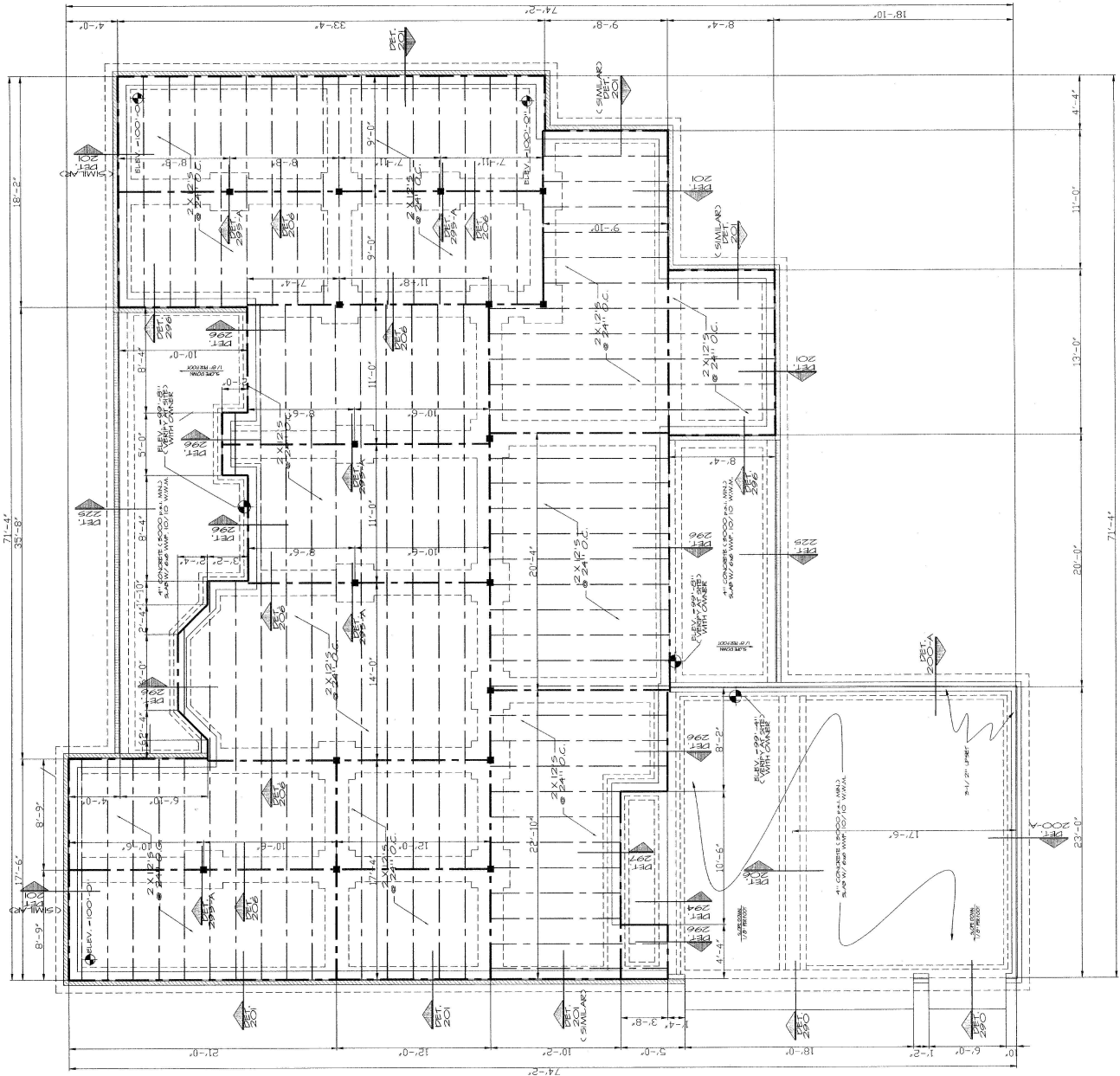
## NOTES:

- OWNER SHALL HAVE ALL FOOTING SIZES VERIFIED BY A STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION, BASED ON SOILS ANALYSIS AT SITE.
- CONTRACTOR TO VERIFY ALL SITE CONDITIONS WITH FOUNDATION PLAN AND MAKE NECESSARY ADJUSTMENTS.
- CONTRACTOR TO VERIFY ALL DIMENSIONS
- CONTRACTOR TO SPECIFY LOCATION & DESCRIPTION OF ALL DOORS & WINDOWS IN BASEMENT
- CONTRACTOR TO PROVIDE 4" DRAIN IN BASEMENT
- GLUE ALL STUR-DI-FLOOR PLYWOOD TO FLOOR FRAMING AND NAIL WITH RING-SHANK NAILS.

## BASEMENT PLAN

SCALE: 1/4" = 1'-0"

BASEMENT OPTION



# SCHEDULE OF FINISHES

DIMENSIONS AND CONDITIONS TO BE VERIFIED BY CONTRACTOR  
 COPYRIGHT © 1998 GEORGE MATHIS, BUILDING DESIGNER  
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**GEORGE MATHIS, BUILDING DESIGNER**  
 6659 HIGHWAY 98 WEST, HATTIESBURG, MS 39402  
 PHONE: (601) 264-4403

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_

PLAN NUMBER  
**2805**

SHEET NUMBER  
**7**  
 OF **8** SHEETS



ROOM NAME	FLOOR				WALLS	CEILING	REMARKS
	EXP. AGGREGATE	CERAMIC TILE	VINYL ROLL FLOOR	GRANITE			
FIRST FLOOR	CARPET						
FOYER							
DINING							
GREAT ROOM							
KITCHEN							
BREAKFAST							
MASTER BEDROOM							
MASTER BATH							
MASTER CLOSETS							
SITTING							
BEDROOM #2							
BEDROOM #2 CLOSET							
BEDROOM #3							
BEDROOM #3 CLOSET							
BEDROOM #4/STUDY							
BEDROOM #4/STUDY CLO							
BATH #2							
BATH #3							
BED LINEN							
ENTRY							
ENTRY COAT CLOSET							
UTILITY							
HALLS							
HALL COAT CLOSET							
BROOM/STORAGE							
STORAGE							
2 CAR GARAGE/STORAGE							



BASEMENT OPTION



# GEORGE MATHIS, BUILDING DESIGNER

6659 HIGHWAY 98 WEST, HATTIESBURG, MS 39402

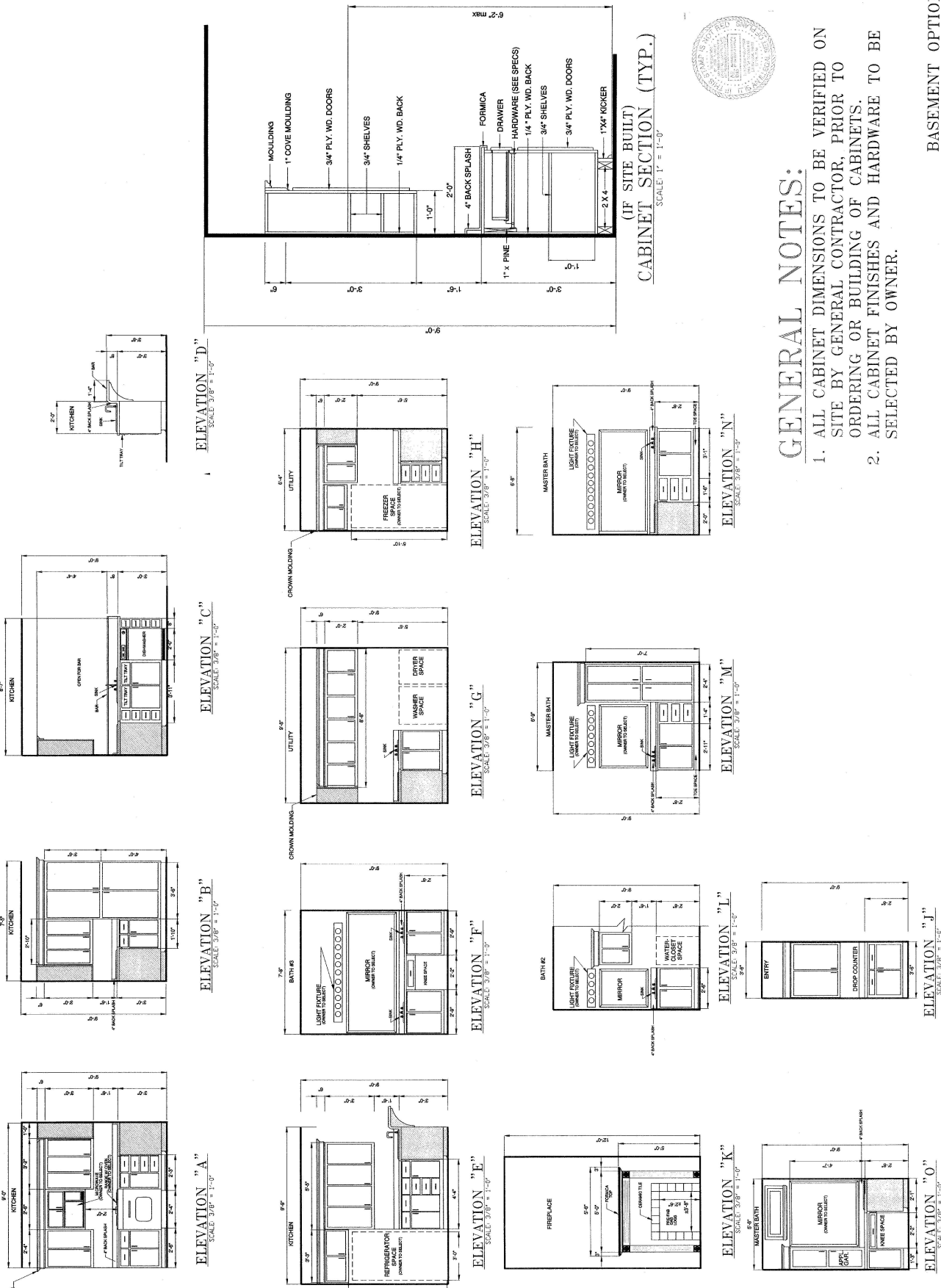
ANY AND ALL UNAUTHORIZED REPRODUCTION PROHIBITED

DATE: 9/22/00  
 DRAWN BY: C.R.  
 CHECKED BY: G.S.M.  
 REVISIONS:

PLAN NUMBER  
**2805**

SHEET NUMBER  
**8**

DF & SHEETS



## GENERAL NOTES:

1. ALL CABINET DIMENSIONS TO BE VERIFIED ON SITE BY GENERAL CONTRACTOR, PRIOR TO ORDERING OR BUILDING OF CABINETS.
2. ALL CABINET FINISHES AND HARDWARE TO BE SELECTED BY OWNER.

BASEMENT OPTION

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# Documents Submitted By Albemarle County

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Luter, William &lt;travis.luter@dhcd.virginia.gov&gt;

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**RE: Appeal to the Review Board for Clifford and Khristina Hammill (Appeal No. 22-13) - Preliminary Hearing**

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Andy Herrick &lt;aherrick@albemarle.org&gt;

Wed, Sep 28, 2022 at 11:48 AM

To: "travis.luter@dhcd.virginia.gov" &lt;travis.luter@dhcd.virginia.gov&gt;

Cc: Michael Dellinger &lt;mdellinger@albemarle.org&gt;, "ckhammill@gmail.com" &lt;ckhammill@gmail.com&gt;, "Potts, Richard" &lt;richard.potts@dhcd.virginia.gov&gt;, Paul Messplay IV &lt;paul.messplayiv@dhcd.virginia.gov&gt;, Florin Moldovan &lt;florin.moldovan@dhcd.virginia.gov&gt;

Mr. Luter,

Thank you for your message. Please note that our office represents the Albemarle County Building Official, and wishes to participate in this appeal.

Also, though the Review Board Staff's Suggested Statement of Case History and Pertinent Facts appears accurate, in order to determine whether the Hammills' local appeal was timely filed, the date of their filing with the Local Appeals Board is also needed. Please note that the Hammills' appeal to the Local Appeals Board was filed on July 26, 2022, which was 90 days after the Building Official's April 27, 2022 determination. (See Basic Documents, page 25.)

Finally, the County wishes to (re-)submit the attached memo for the Review Board's consideration. Please note that the attached memo was originally submitted to and considered by the Local Appeals Board, and was part of the local record. Again, we'd ask for the Review Board's consideration of the attached memo.

Please let me know if anything else is needed to confirm our representation or to include these pertinent facts and memo in this appeal. Please also let us know when the Review Board's hearing is scheduled. Thank you.

**Andy Herrick***Deputy County Attorney*

Albemarle County

[aherrick@albemarle.org](mailto:aherrick@albemarle.org)

434-972-4067

[401 McIntire Road, Suite 325, Charlottesville, VA 22902](#)

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# COUNTY OF ALBEMARLE



## MEMORANDUM

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**TO:** Albemarle County Board of Building Code Appeals

**FROM:** Andrew H. Herrick, Deputy County Attorney

**DATE:** August 15, 2022

**RE:** Appeal of Official Determination – Clifford & Khristina Hammill

---

On behalf of the County, the County Attorney’s Office submits the following summary of legal issues raised in the appeal of Clifford and Khristina Hammill (the “Appellants”).

### 1. Summary of Facts

The Appellants own Parcel 122-25B (the “Subject Property”), at 6591 Blenheim Road in Scottsville. On February 21, 2002, Mr. Hammill applied for Building Permit B2002-00338-SF (the “Subject Permit”) for a single-family dwelling on the Subject Property. The permit was issued on April 9, 2002. Footing inspections were performed a few months later, but until recently, Mr. Hammill had requested no further building inspections since 2002.

A building permit is considered invalid if the authorized work is suspended or abandoned for a period of six months. Because the Appellants had not requested any building inspections since 2002, the County was unaware of any activity, and reasonably believed that authorized work on the site had been suspended or abandoned. At some point, as part of a routine records disposal dictated by the Library of Virginia, the County disposed of records believed to be no longer necessary, including the Appellants’.

Following almost a 20-year lapse, Mr. Hammill reached out to the Building Official on October 20, 2021. Following an exchange, by e-mail of April 27, 2022, the Building Official advised Mr. Hammill that he’d have to obtain a new building permit. Because the regulation requires permittees to keep a copy of the approved set of construction documents on site, the Building Official also advised that if Mr. Hammill could provide his copy of the approved drawings and his Health Department approval, the County could expedite his application. Through their attorney, the Appellants appealed the Building Official’s determination exactly 90 days later, on July 26, 2022.

**2. This Appeal Should Summarily Be Dismissed as Untimely.**

The subject permit was issued on April-9, 2002, under the 1996 Unified Statewide Building Code (USBC), whose effective date was September 15, 2000. However, because both the determination and appeal were made this year, the appeal itself is governed by the current version of 13VAC5-63-190 (USBC Section 119). In *In Re: Appeal of North Park Street, L.C.* (Appeal No. 98-10) (attached), the State Building Code Technical Review Board affirmed the use of the current USBC to govern appeal procedures, applying the Review Board’s Interpretation No. 4/93:

“QUESTION #1: In appealing a decision of the building official, are the current appeals procedures used, or, if the building or structure was constructed under a previous edition of the code, are the appeals procedures under the previous edition used; and, how does this correlate with § 100.6?”

ANSWER #1: The edition of the USBC in effect at the time the application for appeal is made is used for appeal procedures. Technical issues upon which the appeal is based are according to the model code enforced at the time of the building permit application.”

Based on this Interpretation No. 4/93, the Review Board went on to dismiss as “invalid” an appeal that would have been timely under the USBC at the time of permit issuance, but was no longer timely under the USBC at the time of the appeal.

Under the applicable current Code, 13VAC5-63-190(E) (USBC Section 119.5) provides in relevant part:

“Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. . . . Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.”

In this case, the Appellants appealed the Building Official’s April 27 determination 90 days afterwards, on July 26. The Appellants’ failure to submit an application for appeal within the 30-day limit established by 13VAC5-63-190(E) constitutes acceptance of the Building Official's April 27 decision. Therefore, the Board lacks jurisdiction to even hear this appeal, and must dismiss it summarily on those grounds.

**3. The Building Official’s Determination Was Correct.**

Even if the Board were to consider the Appellants’ underlying appeal, the Building Official correctly determined that the 20-year-old Subject Permit was invalid. Because the Subject Permit was issued in 2002, it was and is subject to the 1996 USBC, the version in effect at that time. Regarding suspensions of permits, Section 110.6 of the 1996 USBC provides:

“Any permit issued shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. It shall be the responsibility of the permit applicant to prove to the code official that work has not been

suspended or abandoned. Upon written request, the code official may grant one or more extensions of time, not to exceed one year per extension.”

In this case, the subject permit is invalid because the Appellants have yet to prove that work was not suspended or abandoned. Specifically, the Appellants have yet to provide sufficient proof to warrant any extension(s) at any point(s) if/when the work was discontinued for more than six months.

**4. The Appellants Have No Approved Plans.**

Regarding approved construction documents, Section 109.5.4 of the 1996 USBC provides: “The code official shall stamp "Approved" or provide an endorsement in writing on both sets of construction documents when approved. One set of such approved construction documents shall be retained by the code official. The other set shall be kept at the building site, open to inspection by the code official at all reasonable times.”

Despite this requirement, the Appellants apparently no longer have the approved construction documents, which are intended to guide not only inspections, but also construction. The Appellants are asking to rely on 20-year-old plans without knowing the contents of those plans. How can either the Building Official or the Appellants themselves know whether construction complies with missing documents? Though the Building Official has offered to expedite review of the Appellants’ 20-year-old plans, neither party can proceed in the absence of approved plans.

**5. Conclusion**

The Board should decline to hear this appeal because it was not timely filed within the 30-day appeal period. Even if the Board does hear this appeal, the Building Official correctly determined that the 20-year-old permit was and is invalid because the Appellants have yet to prove that work was not suspended or abandoned. Finally, even if the subject permit remains valid, the Appellants cannot rely on missing documents. On these three bases, this appeal should be dismissed and/or denied, and the Building Official’s determination affirmed by written decision.



Additional Documents  
Submitted by Clifford  
and Khristina Hammill

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**Clifford Hammill**

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**From:** Jay Schlothauer  
**Sent:** Thursday, September 03, 2009 3:17 PM  
**To:** Clifford Hammill  
**Subject:** FW: Info.

**From:** Dwayne Via  
**Sent:** Wednesday, September 02, 2009 11:38 AM  
**To:** Jay Schlothauer  
**Subject:** RE: Info.

lc type can be in contact with wood at recessed parts, points of support & pasing through ceiling finish 410-66 -2 nec

**From:** Jay Schlothauer  
**Sent:** Wednesday, September 02, 2009 8:48 AM  
**To:** Dwayne Via  
**Subject:** FW: Info.

Dwayne,

Would you please help Cliff with his question below?

Thanks,

Jay

**From:** Clifford Hammill  
**Sent:** Wednesday, September 02, 2009 8:02 AM  
**To:** Jay Schlothauer  
**Subject:** Info.

Good Morning,

Sorry to bother you so early in the morning, but just wanted to thank you for following up on those building permits that I have and to apologize for the amount of time it is taking me to construct my house. I am a one man crew working evenings and weekends. The question that I have is that I am placing recessed lights across my front porch. The lights are type IC and are designed for damp locations per the identification label. My question is that I am trying to evenly space them between the trusses and in order to do this, they would have to be within a few inches of the wooden truss on the side. The directions stated not to have insulation placed within three inches of the fixture, but doesn't address the issue of wood. I would really appreciate it if you could advise me on a safe distance per code that I can place these recessed lights in order that they do not create a fire hazard to the structure.

Once again, thanks for your time and effort on this matter. Please do not hesitate to let me know if you have any other questions. Hope you have a great day.

Many Thanks,

Cliff

9/3/2009

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Cliff and Krisy Hammill &lt;ckhammill@gmail.com&gt;

**FW: Cliff and Krisy Hammill**

1 message

**Donna Price** <dprice@albemarle.org>  
To: Krisy Hammill <ckhammill@gmail.com>

Wed, Feb 23, 2022 at 10:43 AM

Cliff and Krissy:

I am forwarding, rather than having "copied" you on, my email to our Deputy County Executive, Mr. Walker, who oversees the Community Development Department. I chose to do it that way because I did not want anyone to speculate on my message as being "for the constituent" as much as I wanted them to look at this from "just do the right thing"...and, believe that reviving your permit is the right thing to do.

Best wishes and I will stay in touch.

Donna Price (She/Her/Hers)

Supervisor

Scottsville Magisterial District

434-529-0191

[dprice@albemarle.org](mailto:dprice@albemarle.org)

**From:** Donna Price  
**Sent:** Wednesday, February 23, 2022 10:41 AM  
**To:** Doug Walker <dwalker3@albemarle.org>  
**Cc:** Jodie Filardo <jfilardo@albemarle.org>; Charles Rapp <rappc@albemarle.org>  
**Subject:** Cliff and Krisy Hammill

Doug:

I am asking that County Staff re-look at the "expiration" decision on the Hammill's permit from 2002. I met with the Hammill's yesterday at the home that he has been building for the past 20 years. I have received; and, will pass to CDD, additional documents beyond those found in the attachments to their emails (some, but not all of which, had been previously shared with the County). I will bring them by to your office.

When taken together, it is difficult for me to conclude that the County was not aware that the Hammill's were engaged in a very long-term construction project and that the permit should remain valid and not expired.

I appreciate that part of the issue may be that the different County Departments may not have been able, through technology gaps, in being aware of what other Departments may have known to be the situation (a left-hand, right-hand

situation). Their property assessments continue to reflect the house was under an ongoing permit (most recently as late as 01-06-2021); and, the mere entry in a database that the permit has expired in 2002, is contrary to emails and documents over the length and breadth of the last 20 years which clearly show that the permit was active and considered by the County to be valid. Because there are different construction stages, some of which require permit inspections with more or less frequency than other actions, it is not unreasonable to see how and why there would have been, and continue to be, great passages of time between inspections.

Of particular note is the commentary in an email exchange between Mr. Hammill and Jay Schlothauer on September 2, 2009 (7 years after the supposed expiration of the permit) in which Mr. Hammill writes to "...apologize for the amount of time it is taking me to construct my house. I am a one man crew working evenings and weekends." With many of the contacts taking place over the years, using landlines, where no phone record exists, it may be difficult for the Hammill's to document every interaction; but, I am now convinced that the County's decision to declare the permit expired is inconsistent with the County's approach over the past 20 years clearly leading the Hammill's to reasonably believe that their permit remained valid.

What raises a significant concern over getting their permit situation cleared up is that they have now exposed in a ditch the buried electrical cable so that Appalachian Power can connect electricity to the home. Their concern at the present is having an attractive nuisance on the property which could result in significant injury were someone to fall into the open ditch.

I also appreciate that County Staff may interpret data entries one way; while, here, it is important to look at the record from the standpoint of the applicant/resident and how that individual would reasonably interpret the information; and, not just rely upon a technical explanation. There are other concerns, beyond mere expense of permit concerns, which lead me to conclude that revising the 2002 permit is the right thing to do; and, not require the Hammill's to apply for a new permit.

Thank you for your review of this information.

Donna Price (She/Her/Hers)

Supervisor

Scottsville Magisterial District

434-529-0191

dprice@albemarle.org

## Timeline of Documented Permit Correspondence

**April 9, 2002** – Permit Issued

**April 24, 2002** – Inspection and approval of property line setbacks

**May 28, 2002** – Inspection and approval Temporary electrical service

**June 4, 2002** – Inspection and approval of pier and chimney pads

**February 17, 2005** – well and septic operation permit issued by Virginia Department of Health

**September 3, 2009** – Email correspondence with previous building official, Jay Schlothauer and Dwayne Via, Inspector

**May 25, 2011** – phone conversation with Cindy Dotson, Inspector, regarding ceiling height requirements and slope requirements for back porch

Sometime in **2015** or **2016** prior to the retirement of Mr. Schlothauer, previous Building Official, an inspector was sent out at the request of the County Assessor, Billy Jo Walton to investigate an exposed electrical wire for the temporary electrical service. No problems were cited.

**Spring of 2017** – Assessment Appeal and County records affirmed property was “construction in progress”. Records reference original permit #.

**January 2021** – Phone call to Building Official’s office to inquire about the process for scheduling an electrical inspection. Staff member (female, unsure of name) looked up the property by the address and referenced the original permit #. No mention of the permit being expired. Staff person (female, unsure of name) also answered several questions relating to the installation requirements.

**Spring 2021** – Property Assessment Appeal and County records affirmed property was “construction in progress”. Records reference original permit #.

**Thursday, October 14, 2021** – Left voicemail requesting electrical inspection for Monday, October 18

**Monday, October 18, 2021** – Called to inquire about the inspection as no one had arrived for the inspection. Advised that the reason no one arrived for the inspection was that the permit could not be found.

**Wednesday, October 20, 2021** – Spoke with Jennifer Ashcraft, Building Official’s Office Staff, who advised that if documents of prior inspections could be provided, the permit could be re-instated. Email and documents sent to her on that day.

**October 21, 2021** – Jennifer follows-up to inquire if the inspections we sent were the only ones performed

**October 22, 2021** – We follow-up as still no response has been received. Jennifer responds that Betty and Dwayne (additional office staff) are working on the issue and copies them on the email. We also tried calling Dwayne and got his voicemail.

**October 25, 2021** – Dwayne Via, Inspector, visits the property to inspect the electrical box installation and does a walk-thru of the entire house. He notes and approves the work but notes we need to talk to Dellinger regarding the permit status and we should talk to Jennifer Ashcraft regarding process for a new permit.

**October 27, 2021** – Jennifer emails list of requirements, we respond that we have both emailed and left a voicemail for Mr. Dellinger who has not acknowledged either correspondence. Asked Jennifer to let Dellinger know we'd like to speak with him. Dellinger finally responds saying he's been out of the office and has no time to meet or discuss as he is scheduled for meetings all week. Advises he wants any correspondence via email. We respond with email explaining the situation, asking about the determination of the permit expiration and request the permit be reinstated.

**October 28, 2021** – Dellinger responds stating permit has been expired since 11/28/02 and that we will need to resubmit all documents, apply for a new permit and he will request a waiver of fees from the Director of Community Development.

**November 4, 2021 (7 days since last correspondence)** – We respond to Dellinger's email, agree to resubmit the documents, and ask that an inspection of the property be made of work performed to date to ensure there are no substantial issues with the work performed to date before moving forward.

**November 16, 2021 (12 days since last correspondence)** – we email Dellinger again to follow-up on the November 4 email as there has been no response

**November 24, 2021 (8 days since last correspondence)** – we again email to follow-up on the November 4 email as there has been no response. We receive an out of office response noting that questions could be referred to Betty Slough, Deputy Building Official. She responds citing code sections but fails to answer the questions we posed in the November 4 email and notes Mr. Dellinger will return to the office on November 29. We responded noting that she failed to answer the questions we posed in the November 4 email.

**November 29, 2021 (5 days since last correspondence, 46 days since inspection request)** – Dellinger responds noting only that he had checked with the Director – Jodie Filardo – and she has advised no fees can be waived. He fails to respond to any other questions we posed in the November 4 email.

**February 11, 2022**– we emailed Donna Price, Chair of Board of Supervisor and Scottsville Representative. She responds saying she's out of town but in the meantime is forwarding the email to the Deputy County Executive and County Attorney for their review.

**February 14, 2022**– Donna Price responds providing same references, answers we have received to date from County staff. We responded asking to meet with her to discuss the situation from our perspective.

**February 15, 2022** – Donna responds and agrees to meet to “hear the rest of the story”

**February 22, 2022** – Donna visits the property and meets with us

**February 23, 2022** – Donna emails Doug Walker, Jodie Filardo, Charles Rapp asking for a reconsideration

**April 19, 2022 (55 days since Donna's email to staff)** – We emailed Donna Price to see if she has received any follow-up on her email as we had no further correspondence from the County.

**April 20, 2022** – Donna follows up thanking us for the reminder and advises she will ask staff for an update.

**April 27, 2022 (7 days after we contacted Donna regarding follow-up)** – Dellinger responds with offer to extend the existing permit for one year

**June 13, 2022** – Pete Caramanis, Attorney for the Hammills, emails Dellinger

**June 14, 2022** - Dellinger responds, Pete responds back

**June 15, 2022** – Andy Herrick, County Attorney responds to Pete

**July 26, 2022** – Appeal request filed with the Local Board of Appeals



**From:** Andy Herrick <[aherrick@albemarle.org](mailto:aherrick@albemarle.org)>  
**Sent:** Wednesday, June 15, 2022 10:42 AM  
**To:** Pete Caramanis <[pcaramanis@rc.law](mailto:pcaramanis@rc.law)>  
**Cc:** Michael Dellinger <[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)>; Shellie Taylor <[staylor@rc.law](mailto:staylor@rc.law)>  
**Subject:** RE: B2002-00338-SF Hammill, Cliff

Pete,

Because our office represents the Building Official, your messages have been forwarded to me for review. For starters, Mr. Dellinger's reference to the [1996 Code](#) was not a correction to your e-mail, but a clarification that all of his responses were based on the [1996 Code](#) and not [today's Code](#).

Though you are correct that this permit has not "expired" (as the Code does not use that term), the permit is currently considered invalid because the permit applicant has yet to prove to the code official that work has not been suspended or abandoned. Specifically, the applicant has yet to provide sufficient proof to warrant any extension(s) at any point(s) if/when the work was discontinued for more than six months.

Incidentally, I'd note that the appeal period has already run on each of the attached determinations. Under [13VAC5-63-190\(E\)](#), failure to submit an application for appeal within 30 days constitutes acceptance of a building official's decision.

Aside from these legal/procedural issues, from a practical perspective, the biggest obstacles facing the applicant at this point are:

1. The complete lack of approved construction documents to guide both construction and inspections
2. A certificate of functional design approval from the Virginia Department of Health

Unfortunately, Mr. Dellinger has had to be the bearer of this bad news. Without the above documents, it is practically impossible for an applicant to proceed.

Again, because our office represents the Building Official, we'd expect any future contact from your firm to be to/through our office. Thanks.

**Andy Herrick**

*Deputy County Attorney*

Albemarle County

[aherrick@albemarle.org](mailto:aherrick@albemarle.org)

434-972-4067

[401 McIntire Road](#), Suite 325, Charlottesville, VA 22902

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**From:** Pete Caramanis <pcaramanis@rc.law>  
**Sent:** Tuesday, June 14, 2022 10:42 AM  
**To:** Michael Dellinger <mdellinger@albemarle.org>  
**Cc:** Charles Rapp <rappc@albemarle.org>; Jodie Filardo <jfilardo@albemarle.org>; Shellie Taylor <staylor@rc.law>; Cliff and Krisy Hammill <ckhammill@gmail.com>; Donna Price <dprice@albemarle.org>  
**Subject:** Re: B2002-00338-SF Hammill, Cliff

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Mr. Dellinger,

It seems we agree on the Code that is applicable as I also said it was "under the Virginia USBC that became effective on September 15, 2000." I'm not sure why you stated that as if we were in disagreement, but I am glad we agree on that point. I note that you also have not cited any language in that Code about expiration of permits, because none exists. You highlighted that the owner needs to show that work has not been suspended or abandoned, and they have done that. As I mentioned, they are willing to swear to that under oath as necessary, and there is no evidence to the contrary. Given that there is no possibility of permit expiration, the language regarding extensions of time which you highlighted is clearly only relevant in the context of suspended permits. Again, the Hammills' was not and could not be suspended under these facts.

I find it interesting that you indicate the Hammills' retention of plans on site is a critical failure on their part, while the Code also says, "One set of such approved construction documents shall be retained by the code official," yet it seems clear that did not happen. Again, the owners should be punished for the failings of the County, nor should one party be held to a higher standard of compliance than the other. Are you suggesting that there is somehow a deviation between the permitted structure and what has been constructed? That would be the first we've heard of that. Are there issues with the quality of the construction? Again, everything that we have heard is that the work done is of exceptional quality,. It just seems inexplicable why they are suddenly, after all this time, having road blocks thrown in their way when they are just trying to move forward.

I understand your challenges as someone relatively new to the position and without control over past or even present document retention systems. I also understand that perhaps you would have done things a bit differently over the years had you been in charge at the time. Like you said, my goal is not to assign blame but to allow the Hammills to keep their project moving as is their right. The Hammills' building permit remains in effect as previously set forth. You claim that you are "trying to assist the owners to get to fruition with their project in an acceptable timeframe and legal manner," and that is also what I am trying to do. I don't understand how your actions further that end, however, by preventing them from getting the electrical inspection.

If you have concerns over the construction to date being in compliance with the applicable Code, then please provide specifics so we can address those concerns. I do not believe there are any, and if there are none, then why are we arguing, and why can't the Hammills simply continue under the still-valid, never-expired-or-revoked permit? It is our position that they are legally entitled to do so.

You claim to be waiting on a response from the Hammills to your April 27 email, but my email below was their response. We again ask that the electrical inspection be completed as soon as possible under their present, valid permit. Thank you.

Pete



**Peter J. Caramanis**  
Attorney at Law

[pcaramanis@rc.law](mailto:pcaramanis@rc.law)

Royer Caramanis PLC  
200-C Garrett St.  
Charlottesville, VA 22902  
(434) 260-8767, x302

(434) 260-8757 Direct  
(434) 710-4061 Fax

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Best Lawyers



**From:** Michael Dellinger <[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)>

**Sent:** Tuesday, June 14, 2022 9:57 AM

**To:** Pete Caramanis <[pcaramanis@rc.law](mailto:pcaramanis@rc.law)>

**Cc:** Charles Rapp <[rappc@albemarle.org](mailto:rappc@albemarle.org)>; Jodie Filardo <[jfilardo@albemarle.org](mailto:jfilardo@albemarle.org)>; Shellie Taylor <[staylor@rc.law](mailto:staylor@rc.law)>; Cliff

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and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>; Donna Price <[dprice@albemarle.org](mailto:dprice@albemarle.org)>  
**Subject:** RE: B2002-00338-SF Hammill, Cliff

Good morning Mr. Caramanis,

I'm sorry that this situation has elevated to the point where legal representation has been requested by the applicant however let me provide several corrections and other highlights.

First the code cycle under which the permit was issued. The issue date of the permit was 4-9-2002 therefore the permit was issued under the 1996 Virginia Uniform Statewide Building Code with the effective date of September 15, 2000. The 2002 edition was not effective until October 1, 2003. All my references below will be in accordance with this edition.

Under Section 110.6. Suspension of permit. The code clearly states that it is the responsibility of the permit applicant to prove to the code official that work has not been suspended or abandoned. At no time during the recent correspondences regarding this situation has the applicant attempted to provide the burden of proof required by the code to show that the work had not been suspended or abandoned other than state the previous building official did not inform them of this requirement of the building code and the one email. From all the electronic copies of letters that were left from the previous building official, there are no correspondences to or from the applicant showing the burden of proof was ever presented for the last twenty years. These letters go back to 2004. Refer to the code section below:

**Section 110.6. Suspension of permit:** Any permit issued shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. It shall be the responsibility of the permit applicant to prove to the code official that work has not been suspended or abandoned. Upon written request, the code official may grant one or more extensions of time, not to exceed one year per extension.

In my emails dated October 28, 2021 and April 27, 2022 to the Hammill's I advised that the county no longer retained the documents for the permit due to the extensive timeframe that has occurred and that if they could produce the original documents, that were approved and required by the building code to remain on site, that I would gladly extend their permit but required as part of that extension the project must be completed within that time frame as authorized in the last sentence of the previous code as due to the timeframe with this project I could not permit another extension. If this was not an option, a new permit could be obtained that would provide three additional years in accordance with today's code. I also advised that we need valid approval documentation from the Va. Department of Health which is required to issue a permit and per their regulation is only valid for 18 months. To extend a permit all documentation needs to remain valid. This requirement is found in Section 110.1 Issuance of Permits. Please refer to the code sections below:

**109.5.4. Approved construction documents:** The code official shall stamp "Approved" or provide an endorsement in writing on both sets of construction documents when approved. One set of such approved construction documents shall be retained by the code official. The other set shall be kept at the building site, open to inspection by the code official at all reasonable times.

**110.1. Issuance of permits:** For the purpose of establishing USBC compliance, the code official shall cause to be examined all applications for permit, construction documents and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws and ordinances, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of the USBC, and all pertinent laws and ordinances, a permit shall be issued as soon as practicable. The code official may authorize work to commence prior to the issuance of the permit. Any special requirements relating to inspections shall be determined by the code official prior to the issuance of the building permit, and the permit applicant so informed. In addition to other information required by the USBC, building permits for one-or two-family residential dwelling units shall at the time of issuance contain such information as required in Section 109.2.2.

The Code of Virginia 32.1-165 requires that written authorization must be obtained from VDH for the county to issue a building permit therefore such documentation must remain valid. If the systems, well and septic, have not been installed, they will most likely have to install to today's standards per VDH regulations. We have nothing to do with this process. Please refer to the code section below:

**§ 32.1-165. Prior approval required before issuance of building permit; approved sewage system or nonconforming system.**

A. No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of such permit has been approved by the Review Board. "Safe, adequate, and proper" means a treatment works that complies with applicable regulations of the Board of Health that are in effect at the time of application.

B. The Commissioner shall develop an application and procedure for evaluating an installed treatment works and to determine whether to authorize issuance of a permit for a building designed for human occupancy.

C. Nothing in this section shall be construed to prevent the Commissioner or his agent from approving the use of a nonconforming treatment works, provided the treatment works was installed in accordance with the Board of Health's applicable regulations in effect at the time of its installation, is not failing, and is designed and constructed for the sewage flow and strength expected from the building.

D. Nothing in this section shall be construed to prevent an owner of real property from receiving a voluntary upgrade pursuant to § 32.1-164.1:3, or other permit, as a condition of approval as a nonconforming treatment works.

E. The Board, Commissioner, and Department may accept a certified evaluation from (i) a professional engineer licensed pursuant to Chapter 4 of Title 54.1; (ii) an onsite soil evaluator, onsite sewage system operator, or onsite sewage system installer licensed pursuant to Chapter 23 of Title 54.1; (iii) or other individual with an appropriate certification from the National Sanitation Foundation, or equivalent. The Department may perform an inspection of the certified evaluation but shall not be required to perform a field check prior to the issuance of the written authorization in subsection A.

While the Virginia Uniform Statewide Building Code as well as the Commonwealth of Virginia Department of Professional and Occupational Regulations Contractor Board do not require an owner of a property to be licensed in order to perform work on their own property, neither of these regulations provide an exception to their text that releases such persons from not knowing what the regulations require. It is the responsibility of any applicant to know and follow the regulations that pertain to construction they are performing, and it is not the responsibility of the building department or county to monitor or send notices of inactivity as well as the regulations specifically state "the applicant" numerous times.

While I have only been the building official for this jurisdiction the past five years, I cannot attest to what actions, decisions, or anything else as it pertains to the building division was said in the past except for the electronic records left for me, especially when there is no written record of any conversations between the applicants and the building official for this specific situation. Even today I do not have control of the building application or records systems as this is handled by the records management and zoning divisions.

The decisions that have been made are based on face value of the facts that have been presented to me. I am charged as the building official to administer the Virginia Uniform Statewide Building Code as it is written. In as much, I am not here today to assign blame or point fingers as to who did or didn't follow the regulations in the past but trying to assist the owners to get to fruition with their project in an acceptable timeframe and legal manner.

I have provided several options to the owners based on my emails dated 10/28/2021 and reiterated again on 4/27/2022 in an additional email therefore I am waiting for a response to those options since my decision has not changed.

Respectfully,

*M. A. Dellinger, CBO*

*Building Official*

*Vice Chair Region 4 VBCOA*

*Albemarle County*

*mdellinger@albemarle.org*

*office 434-296-5832 X3228*

*401 McIntire Road, North Wing, Charlottesville, Va 22902*

*All decisions subject to appeal in accordance*

*with Chapter 119 of the VCC*

**From:** Pete Caramanis <[pcaramanis@rc.law](mailto:pcaramanis@rc.law)>

**Sent:** Monday, June 13, 2022 1:50 PM

**To:** Michael Dellinger <[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)>

**Cc:** Charles Rapp <[rappc@albemarle.org](mailto:rappc@albemarle.org)>; Jodie Filardo <[jfilardo@albemarle.org](mailto:jfilardo@albemarle.org)>; Shellie Taylor <[staylor@rc.law](mailto:staylor@rc.law)>; Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>; Donna Price <[dprice@albemarle.org](mailto:dprice@albemarle.org)>

**Subject:** B2002-00338-SF Hammill, Cliff

**CAUTION:** This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Mr. Dellinger:

I have been retained by Cliff Hammill to assist in connection with the recent conversations you have been having with the Hammills over a building permit on their property (B2002-00338-SF). It seems that some of the analysis done to date is incorrect, and I am hoping to help clear that up so their project can move forward to completion.

We all understand that this project has taken a long time, and because of that, there are some unique issues to review and address. That being said, there is really no uncertainty surrounding those issues, the application of the building code, and rights of the Hammills. The key elements in the analysis are as follows:

1. The building permit in question was issued in 2002 under the Virginia USBC that became effective on September 15, 2000. Accordingly, the permit and the work performed thereunder are subject to the provisions of that 2000 Code and not the current Code or any intervening Code.

2. The 2000 USBC did not include any provision for "expiration" of a permit. It only included language regarding "revocation" or "suspension" of a permit. That is consistent with that the Hammills were verbally told by the building official at the time. The permit itself confirms the same by stating, "This permit becomes null and void if work or construction authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 6 months at any time after work is commenced. There is no dispute here that work was commenced on time, and the multiple inspections that took place in 2002 are evidence of that commencement. Given that, the only basis for revocation under the code was if work were to cease for a period of six months after it was commenced.
3. The Hammills can and do certify that there has never been a six month period since the issuance of the permit during which no work was done under the permit. Mr. Hammill has regularly done work during weekends and some weeknights over the last many years. Accordingly, there has never been a basis for revocation, nor did the Hammills ever receive any notice of a purported revocation from anyone at the County, which they would have immediately disputed.
4. Given that there was no expiration of the original permit and no basis for revocation or attempt to revoke the permit, the original permit remains valid regardless of what the County's computer system may say. The County's failure to maintain appropriate and accurate records related to the permit is also no basis for its termination. In fact, the County's system which purportedly shows issuance of the permit on 4/9/2002 and an "expiration" date of 11/28/2002, bears no connection to reality. It does not reflect a six-month timeline and is not consistent with the fact that inspections for ongoing work occurred at least three times between those dates and that the applicable Code does not provide for "expiration." It is further inconsistent with communications with building officials, additional inspections, real estate assessments, and other correspondence in the years since.

There are numerous problems with the way this has been handled by your office over the last several months, including (i) the citation of building code, purportedly from the applicable time period, that simply did not exist in that code, (ii) various comments that demonstrate a total lack of familiarity with the project itself (e.g., mention of erosion and sediment control in the present for a property whose grading was done years ago and has a fully vegetated and completed exterior, (iii) a false claim that "no inspections have occurred" on previous work, and (iv) seemingly ignoring very valid points made by Supervisor Donna Price in favor of the Hammills continuing under the original permit.

Please understand that everyone would like this project to reach conclusion in the near future, but, at this point, the cause of delay is your refusal to complete the electrical inspection to allow the work to move forward. If not for that electrical inspection request, the Hammills would never even know of your (unwarranted) position to date that their building permit is not presently valid.

We appreciate your effort to present options in your April 27, 2022 email, but unfortunately, those options are based on an erroneous analysis of the present situation and are unacceptable to the Hammills, because they would require them to forego vested rights they otherwise have as set forth above. We propose an alternate path forward, as follows: (1) the County recognizes the reality that the building permit in question never expired, was never revoked, and remains valid under the 2000 Virginia USBC, (2) the County completes the pending electrical inspection for which I understand approval is only being withheld because of the building permit dispute referenced above, and (3) the Hammills agree to permit status inspections every six months as

desired and requested by the County going forward so you can verify that work is continuing and that the project is not being abandoned.

Please confirm that we can proceed on our proposed terms, so we can get the project back moving again. Thank you.

Pete



**Peter J. Caramanis**  
Attorney at Law

[pcaramanis@rc.law](mailto:pcaramanis@rc.law)

Royer Caramanis PLC  
200-C Garrett St.  
Charlottesville, VA 22902  
(434) 260-8767, x302

(434) 260-8757 Direct  
(434) 710-4061 Fax

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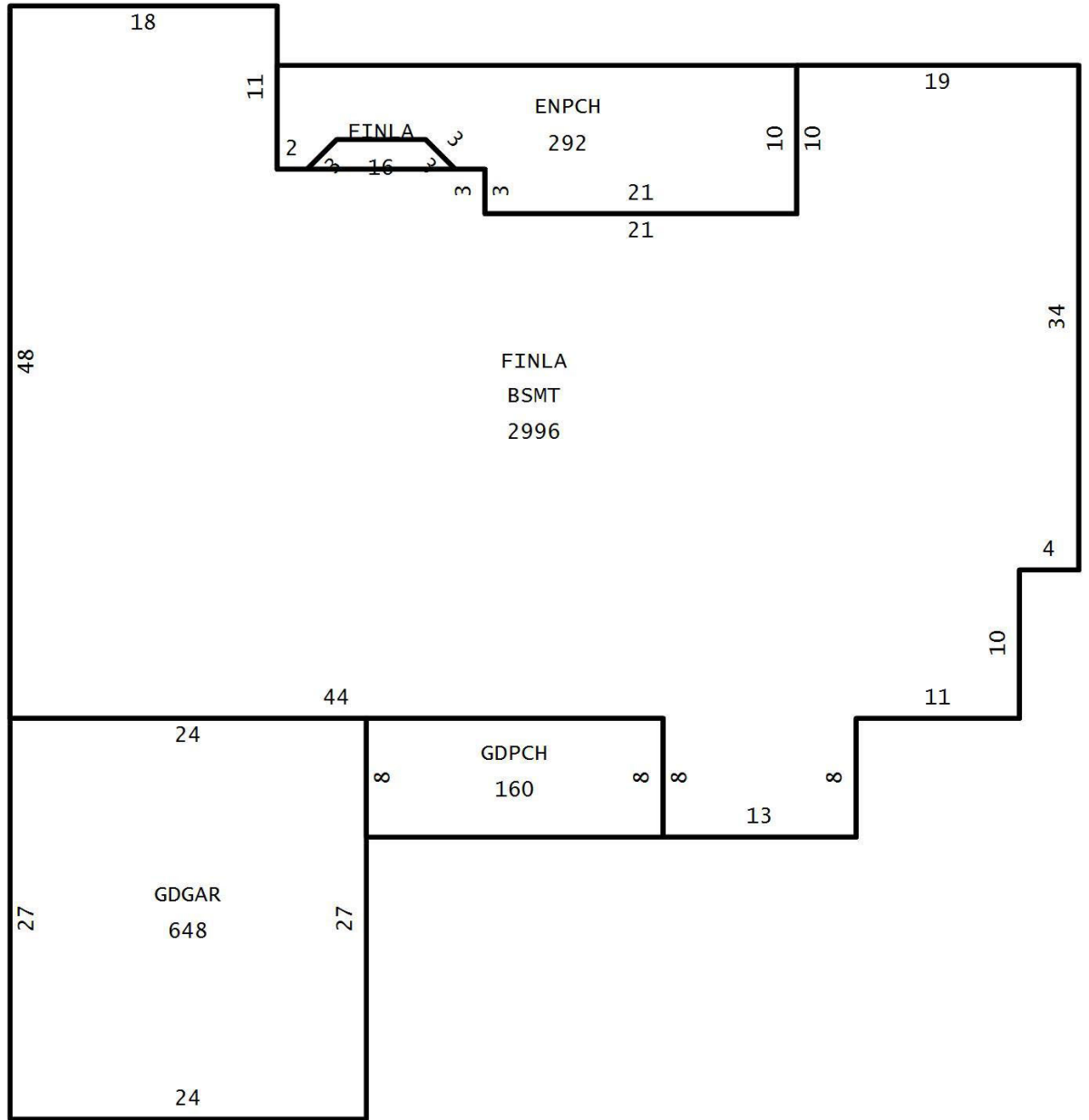


----- Forwarded message -----

From: Michael Dellinger <[mdellinger@albemarle.org](mailto:mdellinger@albemarle.org)>  
To: Cliff and Krisy Hammill <[ckhammill@gmail.com](mailto:ckhammill@gmail.com)>  
Cc: Jennifer Ashcraft <[jashcraft@albemarle.org](mailto:jashcraft@albemarle.org)>, Dwayne Via <[DVIA@albemarle.org](mailto:DVIA@albemarle.org)>  
Bcc:  
Date: Thu, 28 Oct 2021 16:20:11 +0000  
Subject: RE: B200200338 permit

Good afternoon Mr. Hammill,





## PART II. CONSTRUCTION.

### Section 102.0 Purpose.

**102.1. Purpose:** The purpose of this part of the USBC is to ensure safety to life and property from all hazards incident to structure design, construction, occupancy, repair, removal or demolition. Structures shall be permitted to be constructed at the least possible cost consistent with nationally recognized standards for health, safety, energy conservation, water conservation, adequate egress facilities, sanitary equipment, light and ventilation, fire safety, structural strength, and physically handicapped and aged accessibility.

**102.1.1. Other codes:** As provided in the Uniform Statewide Building Code Law (§ 36-97 et seq. of the Code of Virginia), the USBC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. "Building regulations" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

### Section 103.0 Applicability.

**103.1. General:** The provisions of Parts I and II of the USBC shall apply to the construction of all structures. Subsequent changes of occupancy, reconstruction, renovation, repair or demolition of existing structures shall comply with Parts I and II of the USBC.

**103.2. When applicable:** Any structure, for which a building permit has been issued or on which construction has commenced, or for which working drawings have been prepared in the year prior to the effective date of the USBC, shall remain subject to the building regulations in effect at the time of such issuance or commencement of construction. In such cases, proposed construction may comply with either this edition of the USBC or the previous edition of the USBC. This provision shall also apply to subsequent amendments to the USBC based on the effective dates of such amendments.

**103.3. Nonrequired equipment:** Building owners may install partial or full fire alarms or other safety equipment that was not required by the USBC in effect at the time a structure was constructed without meeting current USBC requirements, provided the installation does not create a hazardous condition. Permits for such installations shall be obtained in accordance with the USBC.

**103.4. State-owned structures:** In accordance with § 36-98.1 of the Code of Virginia the USBC shall be applicable to all state-owned structures, with the exception that §§ 2.1-514 through 2.1-521.1 of the Code of Virginia shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped. Any state-owned building or structure for which preliminary plans were prepared or on which construction commenced after the initial effective date of the USBC, shall remain subject to the provisions of the USBC that were in effect at the time such plans were completed or such construction commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be subject to the pertinent provisions of the USBC.

Supplemental Information  
Provided by Staff

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Relative Code Sections  
Provided by Review  
Board staff

1996 VUSBC

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**121.2. Notice of violation:** The code official shall issue a notice of violation to the responsible party as determined by Section 121.1 if **(i)** the defective work has not been remedied within a reasonable time following an inspection report or **(ii)** any other directive or order of the code official has not been complied with within a reasonable time. The notice shall reference the USBC section that serves as the basis for such notice and direct the discontinuance and abatement of the alleged violation. The notice shall be in writing and be issued by either delivering a copy to the responsible party by mail to the last known address or delivering the notice in person or by leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place if the person in charge of the premises cannot be found. The notice of violation shall indicate the right of appeal by referencing the appeals section.

**121.2.1. Copies of notice:** A copy of the notice shall be delivered to the owner and the permit holders under which the alleged violation falls, when not the cited responsible party, as applicable.

**121.2.2. Limitation of notice:** When an alleged violation relating to construction is discovered more than two years after either **(i)** the certificate of occupancy is issued or the date of initial occupancy, whichever is later, or **(ii)** the approved final inspection for an alteration or renovation, a notice of violation shall only be issued upon advice from legal counsel to the locality that action may be taken to compel correction of the violation. The code official shall document alleged violations of the applicable edition of the USBC once compliance can no longer be compelled by prosecution under § 36-106 of the Code of Virginia.

**121.3. Actions for violation:** If the responsible party has not complied with the notice of violation, the code official shall request, in writing, the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate such alleged violation or

to require the removal or termination of the use of the structure in violation of the provisions of the USBC or the code official may issue or obtain a summons or warrant where the locality so authorizes. Compliance with a notice of violation notwithstanding, the code official may request legal proceedings be instituted for prosecution when a person, firm or corporation is served with three or more notices of violation within one calendar year for failure to obtain a required construction permit prior to commencement of work regulated under the USBC.

**121.3.1. Civil penalties:** Under § 36-106 of the Code of Virginia, any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the USBC which are not abated or remedied promptly after receipt of notice of violation from the code official. Designation of a particular code violation for a civil penalty shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

**121.4. Violation penalties:** Penalties, upon conviction, for violations of the USBC shall be as set out in § 36-106 of the Code of Virginia.

**121.5. Abatement of violation:** Conviction of a violation of the USBC shall not preclude the institution of appropriate legal action to require correction or abatement of the violation.

## Section 122.0 Appeals.

**122.1. Local Board of Building Code Appeals (BBCA):** Each locality shall have a BBCA to hear appeals as authorized herein; or it shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the DHCD, to act on appeals. The BBCA may also hear appeals under Part III (13 VAC 5-61-121 et seq.) of this chapter, if the locality has elected to enforce such part, or the locality may have a separate BBCA provided that each BBCA

complies with this section. An appeal case decided by a BBBCA or a separate BBBCA shall constitute an appeal in accordance with this section and shall be final unless appealed to the State Building Code Technical Review Board (TRB).

**122.2. Membership of BBBCA:** The BBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period.

**122.2.1. Chairman:** The BBBCA shall annually select one of its regular members to serve as chairman. In case of the absence of the chairman at a hearing, the members present shall select an acting chairman.

**122.2.2. Secretary:** The locality or the chief executive officer of the locality shall appoint a secretary to the BBBCA to maintain a detailed record of all proceedings.

**122.3. Qualifications of BBBCA members:** BBBCA members shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder and one member a licensed architect or professional engineer and one member an experienced property manager. Employees or officials of the locality shall not serve as members of the BBBCA.

**122.4. Disqualification of member:** No member shall hear an appeal in which that member has

conflict of interest in accordance with the State and Local Government Conflict of Interests Act (§ 2.1-639 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

**122.5. Application for appeal:** The owner of the structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure pursuant to Part III of this chapter may appeal the code official's decision concerning application of the USBC or refusal to grant modification to the provisions of the USBC covering the manner of construction or materials to be used in the erection, alteration, repair or maintenance (pursuant to Part III) of that structure. The applicant shall submit a written request for appeal, indicating specific requirements, to the BBBCA within 90 (21 calendar days for maintenance Part III) calendar days from the receipt of the decision to be appealed. The application shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the BBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the code official's decision.

**122.6. Notice of meeting:** The BBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, or a longer period of time if agreed to by all parties to the appeal. Notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing. Less notice may be given if agreed upon by all parties to the appeal.

**122.7. Hearing procedures:** All hearings before the BBBCA shall be open to the public. The appellant, the appellant's representative, the locality's representative and any person whose



interests are affected shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings.

**122.7.1. Postponement:** When a quorum of the BBCA is not present to hear an appeal, any party to the appeal shall have the right to request a postponement of the hearing. The BBCA shall reschedule the appeal within 30 calendar days of the postponement, or a longer period of time if agreed to by all parties to the appeal.

**122.8. Decision:** The BBCA shall have the power to uphold, reverse or modify the decision of the code official by a concurring vote of a majority of those present. Decisions of the BBCA shall be final if no appeal is made therefrom and all parties shall be bound by the decision.

**122.8.1. Resolution:** The decision of the BBCA shall be by resolution signed by the chairman and retained as part of the record by the BBCA. The following wording shall be part of the resolution:

"Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such Board within 21 calendar days. Application forms are available from the Office of the State Building Code Technical Review Board, 501 North Second Street, Richmond, Virginia 23219, (804) 371-7150."

Copies of the resolution shall be furnished to all parties.

**122.9. Appeal to the TRB:** After final determination by the BBCA, any person who was a party to the BBCA appeal may appeal to the TRB. Appeals from the decision of the code official for state-owned structures shall be made directly to the TRB. Application shall be made to the TRB within 21 calendar days of receipt of the decision to be appealed. Failure to submit an application for appeal within the time limit established by this section shall constitute an

acceptance of the BBCA's resolution or code official's decision.

**122.9.1. Information to be submitted:** Copies of the code official's decision and the resolution of the BBCA shall be submitted with the application for appeal to the TRB. Upon request by the Office of the TRB, the BBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of state-owned buildings, the involved state agency shall submit a copy of the code official's decision and other relevant information.

**122.9.2. Decision of TRB:** Procedures of the TRB are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the TRB shall be final if no appeal is made therefrom and all parties shall be bound by the decision.

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Final Order and Interpretation  
Referenced in the Local Appeals  
Board Decision

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of North Park Street, L.C.  
Appeal No. 98-10

Decided: July 17, 1998

DECISION OF THE REVIEW BOARD

PROCEDURAL BACKGROUND

1. North Park Street, L.C., a development firm in Fairfax County, through counsel, brings the appeal to the Review Board pursuant to the Virginia Uniform Statewide Building Code ("USBC").

2. By letter, Fairfax County USBC officials informed North Park of the revocation of their USBC building permit for Lot 7 in the North Park Subdivision.

3. North Park filed an appeal with the Fairfax County USBC appeals board. The Fairfax board heard the appeal and ruled to dismiss the appeal citing nonconformity with the USBC's time limit requirements for filing an appeal.

4. North Park then further appealed to the Review Board. The Review Board scheduled and conducted a preliminary hearing for consideration of the timeliness issue. North Park, through counsel, submitted written arguments but did not attend the hearing. Representatives of Fairfax County were present at the hearing.

## FINDINGS OF THE REVIEW BOARD

1. As evidenced by the supplemental statement submitted by North Park, the building permit in question was issued on November 17, 1997. The current, or 1996, edition of the USBC was in effect at that time. Section 121.1, governing appeals, states in pertinent part: "[a]ppeals relating to construction shall be submitted within 30 days."

2. The letter from Fairfax rescinding the building permit was dated April 9, 1998. Fairfax testified the letter was hand delivered to North Park's counsel that day. As evidenced by North Park's response letter, Fairfax's letter was in fact received by North Park's counsel on April 9, 1998.

3. As further evidenced by the record, North Park filed an appeal of the revocation of the building permit by application to the Fairfax board dated May 19, 1998; received by Fairfax on May 20, 1998. The appeal was therefore submitted at 41 days, not within 30 days.

4. North Park argues in its supplemental statement that Fairfax revoked the building permit under § 109.7 of the 1993 edition of the USBC. The 1993 edition of the USBC allowed 90 days to file an appeal. North Park further argues if the 1993 edition of the USBC is not applicable, the revocation is void ab initio; conversely, if the 1993 edition of the USBC is applicable, North Park had 90 days to appeal.

5. Fairfax's response to North Park's argument is that

under the current (1996) edition of the USBC, § 102.2 authorizes a building permit applicant to use the previous (1993) edition of the USBC for construction aspects of a building when the permit application is submitted within one year after the new (1996) edition of the USBC becomes effective. Fairfax states North Park exercised this option. Fairfax further argues administrative actions, such as appeals, are governed by the USBC in effect at such time the action occurs. Therefore the 30 day time frame for an appeal applies.

6. Fairfax admits error in citing § 109.7 of the 1993 edition of the USBC in revoking the building permit, but contends since § 108.6 of the current (1996) edition of the USBC contains identical wording and authorization, the revocation remains valid.

7. The Review Board agrees with Fairfax County. Further, an interpretation of the Review Board addresses the issue in question. Interpretation No. 4/93 states as follows:

**QUESTION #1:** In appealing a decision of the building official, are the current appeals procedures used, or, if the building or structure was constructed under a previous edition of the code, are the appeals procedures under the previous edition used; and, how does this correlate with § 100.6?

**ANSWER #1:** The edition of the USBC in effect at the time the application for appeal is made is used for appeal procedures. Technical issues upon which the appeal is based are according to the model code enforced at the time of the building permit application.

8. The Review Board finds Fairfax's revocation of the building permit on April 9, 1998 to be an authorized action under

§ 108.6 of the 1996 edition of the USBC. The fact that Fairfax cited the incorrect section number does not make the action void. Further, North Park, under § 121.1 of the 1996 edition of the USBC, had 30 days to file an appeal and failed to do so. Therefore North Park's appeal is invalid.

FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the ruling of the Fairfax County USBC appeals board to be, and hereby is, upheld.

The appeal of North Park Street, L.C. is denied.

  
\_\_\_\_\_  
Chairman, State Technical Review Board

10.18.98  
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.



Section 116.0

Code Interpretation No. 4/93

First Issued: 12/16/94, 1993 Edition

**QUESTION #1:** In appealing a decision of the building official, are the current appeals procedures used, or, if the building or structure was constructed under a previous edition of the code, are the appeal procedures under the previous edition used; and, how does this correlate with Section 100.6?

**ANSWER:** The edition of the USBC in effect at the time the application for appeal is made is used for appeal procedures. Technical issues upon which the appeal is based are according to the model code enforced at the time of the building permit application.

**QUESTION #2:** If a locality's legal representative is representing the building official at an appeal before the local appeals board, who would serve as legal counsel for the appeals board?

**ANSWER:** The USBC does not address the issue of legal counsel for the local appeals board. The local board may request representation from the jurisdiction.

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

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

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

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

(Page left blank intentionally)

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

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

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

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

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Suggested Issues for Resolution by the Review Board

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

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# Basic Documents

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**COUNTY OF LOUISA  
COMMUNITY DEVELOPMENT**

(540) 967-3430

Fax (540) 967-3486

*www.louisacounty.com*

1/24/2022

**Building Official**

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

**Clark Leming**

**Leming & Healy, P.C.**

**P.O. Box 445**

**Garrisonville, VA 22463**

**c/o Mr. Michael J. Vallerie**

**349 Pleasants Landing Road**

**Bumpass, VA 23024**

**NOTICE OF UNSAFE BUILDING OR STRUCTURE**

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

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

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

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

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

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

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

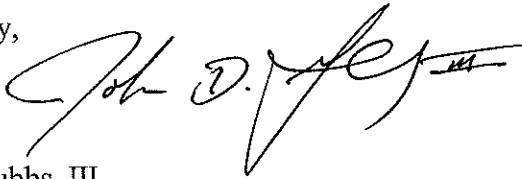
- **Footings:** Could not be verified because the footers were poured and covered up a while ago. Will need a structural engineer to verify the footings for code compliance.

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

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

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

Respectfully,



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



**COUNTY OF LOUISA**  
**COMMUNITY DEVELOPMENT**  
*www.louisacounty.com*

(540) 967-3430

Fax (540) 967-3486

1/24/2022

**Building Official**

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

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

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

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

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

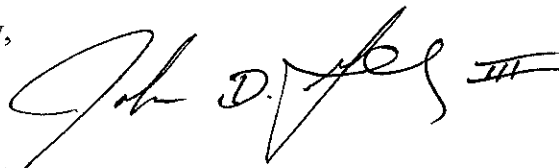
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In closing, NO one or any person shall be allowed on, or be permitted to use the stairway leading to the deck until the stairway has been permitted, repaired, inspected, and approved, or unless otherwise authorized by the Building Official, in writing.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

Respectfully,



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





**COUNTY OF LOUISA  
COMMUNITY DEVELOPMENT**

(540) 967-3430

Fax (540) 967-3486

[www.louisacounty.com](http://www.louisacounty.com)

Local Board of Building Code Appeals

**APPLICATION FOR APPEAL**

Louisa County  
(Locality)

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

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

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

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

What is the applicant's interest in the property?

Owner

Contractor

Owners Agent

Other (explain) \_\_\_\_\_

Relief Sought: Reversal and dismissal of Notice

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

Marlene Vallone  
(Signature of Applicant)

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

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

---

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

---

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

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

**Whereas**, code violation was cited, and

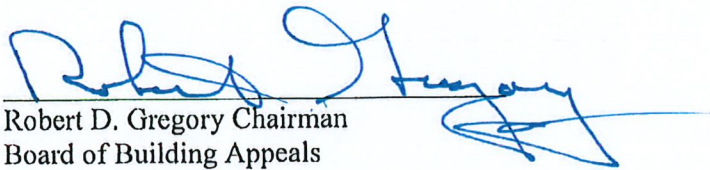
**Whereas**, the Board of Building Appeals upheld the decision made by the Louisa County Building Official: and

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

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

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

A Copy, testee:



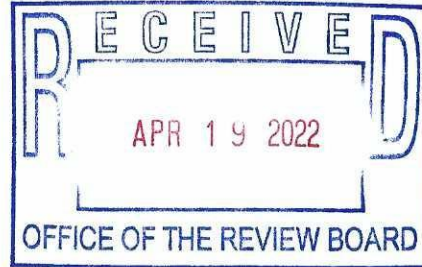
Robert D. Gregory Chairman  
Board of Building Appeals  
Louisa County, Virginia

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



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

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

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

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

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

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

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

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

Signature of Applicant: \_\_\_\_\_

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

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

## STATEMENT OF APPEAL

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

### Background

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

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

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

---

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

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

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

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

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

### **Argument**

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

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

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

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

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

As detailed above, the purpose of the stairway structure is to serve as access to VHOV's private second-story residence on the Property. *Id.* It is the only access to VHOV's second-story residence, which is inaccessible internally and has historically been accessed through an external stairway structure. *See* Ex. A, B. The second-story residence is the only dwelling unit on the Property, and is used and occupied exclusively by VHOV's Manager, Michael Vallerie, and his invitees; it is not used, rented, or otherwise made available to the general public. *Id.* The stairway structure is thus subject to the construction standards for Residential Group R-3 Occupancies (the "R-3 standards"), which apply to the construction of structures associated with two or less residential dwelling units. *See* IBC § 310.4.<sup>5</sup>

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

### **Conclusion**

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

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

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# Louisa County, Virginia

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

## Land and Value Information

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

## Addresses

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

## Web Link Information

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

## Building Data

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

## Calculations

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

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

Dwelling Subtotal = 128,160

**Appreciation/Depreciation Factors**

Condition Adjust Depreciation  
Class Factor 110 % 140,976

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

Adjusted Dwelling Value = 166,070

**Other Improvements**

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

Other Improvements Value = 451,327

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

**Land Use and Value**

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

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

**Total Property Value**

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



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

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

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

<https://www.louisacounty.com>



**AFFIDAVIT OF MICHAEL VALLERIE**

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

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

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

Date: March 24, 2022

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

Page 1 of 2 pages  
 MSV  
 3/24/22  
 VA

STATE/Commonwealth of Florida

COUNTY/CITY OF Seaside, to wit:

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

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



\_\_\_\_\_  
Notary Public

Registration Number: GG272258

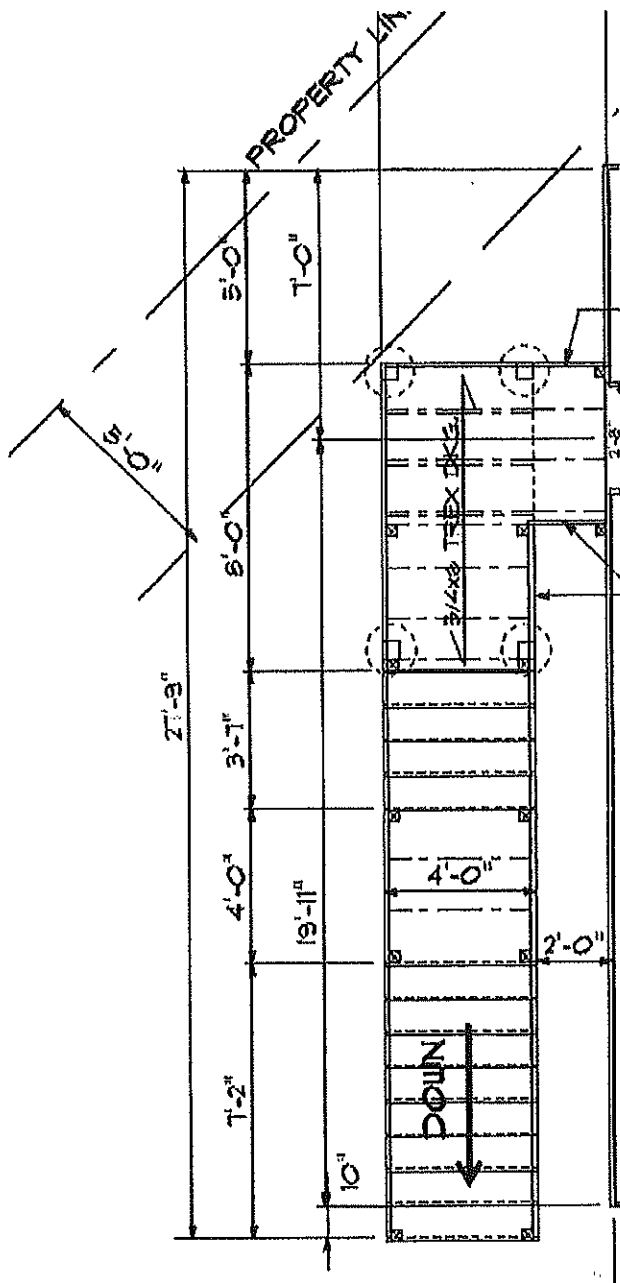
My commission expires: 11/18/2022



Corrin C. Becker  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG272258  
Expires 11/18/2022

Page 2 of 2 pages <sup>(B)</sup> MTW 3/21/22

3 stair case



Riser height  
MAX 7" MSV

Tread dept  
minimum 11"  
from nose of tread  
MSV

APPROVED BY  
*[Signature]*  
3-11-19



☰ Permit Application

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

☰ Permit Application Details

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

☰ Permit Application

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

☰ Permit Application Details

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

☰ Permit Application

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

☰ Permit Application Details

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

☰ Permit Application

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

☰ Permit Application Details

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

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# Documents Submitted By Louisa County

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**COUNTY OF LOUISA**  
**Office of the County Attorney**

Helen E. Phillips, County Attorney  
[hphillips@louisa.org](mailto:hphillips@louisa.org)

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

May 6, 2022

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

Re: Vallerie Holdings of Virginia, LLC Appeal

Dear Mr. Luter:

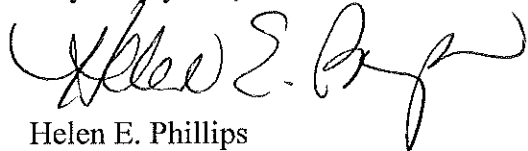
Please allow this letter to serve as notice of my appearance as counsel for Louisa County in this matter.

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

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

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

Very truly yours,



Helen E. Phillips

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

Enclosures

cc: John Grubbs  
H. Clark Leming

## **Response to Administrative Appeal Arguments**

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

### Facts and Evidence Presented at March 28, 2022 Hearing

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

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

### Argument

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

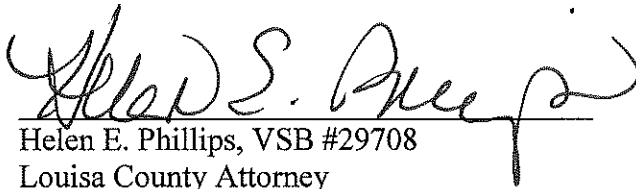
2. The Notice is proper and not time-barred under Virginia Code §§ 19.2-8 and 36-106(D).

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

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

Conclusion

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



Helen E. Phillips, VSB #29708

Louisa County Attorney

1 Woolfolk Avenue

Post Office Box 160

Louisa, Virginia 23093

540-967-4582

[hphillips@louisa.org](mailto:hphillips@louisa.org)

Counsel for Louisa County, Virginia





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

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

# Permits Applied for the Structure

3/14/22, 2:25 PM      PRIB201900296 | Permit Application Details | CityView

**Permit Application**

application number: PRIB201900296      master project: MP2019000352      application type: Commercial Building

application status: Expired      entered on: 03/11/2019

primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075      primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

**Permit Application Details**

work class: Alteration      building use: Commercial      no fees?

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

description of work: New 11 x 8 Balcony for Existing 2 Story Structure      location directions: Pleasants Landing Marina

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

Occupancy Code

Business - general offices (B)

Residential - hotels "transient" (R-1)

jurisdiction: Jackson      land use: - none -

zoning: C-2 - General Commercial      date issued: mm/dd/yyyy      total valuation: \$1,500.00      use custom valuation

occupancy inspection required:       located on lake arms?

Zoning Details: Pleasants Landing      subdivision: Pleasants Landing      lotsize: 7.298

3/14/22, 2:21 PM      PRIB201600180 | Permit Application Details | CityView

**Permit Application**

application number: PRIB201900199      master project: MP2019000237      application type: Commercial Hitting

application status: Closed      entered on: 02/13/2019

primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075      primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

**Permit Application Details**

work class: Alteration      building use: Commercial      no fees?

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

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

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

Occupancy Code

Business - general offices (B)

jurisdiction: Jackson      land use: - none -

zoning: C-2 - General Commercial      date issued: 08/12/2019      total valuation: \$57,915.00      use custom valuation

occupancy inspection required:       located on lake arms?

Zoning Details:      subdivision:      lotsize:



# Description of Work for Change of Use Permit PRIB201900199

**Permit Application 1**

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

**Permit Application Details**

work class: Alteration  
 building use: Commercial  
 no fees?

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

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

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

Business - general offices (B)  
 jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: 02/13/2019  
 date expiration: 08/12/2019

occupancy inspection required:   
 total valuation: \$57,915.00  
 use custom valuation:

Zoning Details  
 located on lake area?   
 building height: 7.29  
 subdivision: Pleasants Landing  
 located in floodplain:   
 zoning permit number: [redacted]

foundation survey required?   
 setback certification required?   
 shrink swell report required?

Setbacks  
 proposed front setbacks (recommended): [redacted]  
 proposed rear setbacks (recommended): [redacted]

https://oculiview.louisiana.gov/oculiview/workspace/PermitApplication/18897?workspace=201904-0569-4641-b669-6526535ab7a

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

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



**County of Louisiana**  
**Certificate of Occupancy**  
 Commercial Building

USBC EDITION: 2012  
 PERMIT NUMBER: PRB201900199  
 CO ISSUED: February 13, 2019

**OWNER NAME:** Valerie Holdings of Virginia LLC  
**OWNER ADDRESS:** 349 PLEASANTS LANDING RD,  
 BLUMPASS VA 23024  
**OWNER PHONE:** (443) 790-4075

**CONTRACTOR NAME:** Valerie Holdings of Virginia LLC  
**CONTRACTOR ADDRESS:** 6743 Tapleys Tavern Rd  
 Williamsburg, VA 23188  
**CONTRACTOR PHONE:** (443) 790-4075

**CONTRACTOR NAME:** Valerie Holdings of Virginia LLC  
**CONTRACTOR ADDRESS:** 6743 Tapleys Tavern Rd  
 Williamsburg, VA 23188  
**CONTRACTOR PHONE:** (443) 790-4075

**STREET:** 349 PLEASANTS LANDING RD,  
 BLUMPASS VA 23024  
**CONTRACTOR NAME:** Valerie Holdings of Virginia LLC  
**CONTRACTOR ADDRESS:** 6743 Tapleys Tavern Rd  
 Williamsburg, VA 23188  
**CONTRACTOR PHONE:** (443) 790-4075

**OWNER NAME:** Valerie Holdings of Virginia LLC  
**OWNER ADDRESS:** 349 PLEASANTS LANDING RD,  
 BLUMPASS VA 23024  
**OWNER PHONE:** (443) 790-4075

**CONTRACTOR NAME:** Valerie Holdings of Virginia LLC  
**CONTRACTOR ADDRESS:** 6743 Tapleys Tavern Rd  
 Williamsburg, VA 23188  
**CONTRACTOR PHONE:** (443) 790-4075

# Certificate of Occupancy Issued

## for Permit PRB201900199

**REQUIREMENTS:**  
 BEDROOMS: N/A TAX MAP NO: 47 11 BZ  
 BATHROOMS: N/A DISTRICT: Jackson  
 STORIES: N/A SUBDIVISION: Pleasant Landing  
 NATURE OF WORK: Request for Certificate of Occupancy -  
 \*\*Lower Level Only - Partial Use by "The  
 Encumbersh"\*\*\*  
 WATER: N/A USE GROUP: Commercial  
 SEWER: N/A CONST TYPE:  
 ACTUAL COST: N/A MAX OCC: C-2 - General Commercial  
 SPRINKLER:

**COMMENTS:**

**REQUIRED SIGNATURES**

**BUILDING APPROVED:** \_\_\_\_\_ **ZONING APPROVED:** \_\_\_\_\_  
 Paul R. Snyder, Building Official \_\_\_\_\_  
 Zoning Administrator \_\_\_\_\_

# Expired Permit for Balcony with Outstanding Fees

3/14/2021, 3:24 PM FRIB201900296 | Permit Application Details | CityView

**Permit Application 1**  
 application number: FRIB201900296  
 application status: Expired  
 master project: MP2019000352  
 entered on: 03/11/2019  
 application type: Commercial Building  
 primary location (read only): 349 PLEASANTS LANDING RD, BUMPASS VA 23024  
 primary contact: Vallerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

**Permit Application Details**  
 work class: building use  
 Alteration: Commercial  
 department: plan checker  
 Building Services: Steve Osgood  
 description of work: New 11 x 8 Balcony for Existing 2 Story Structure  
 inspector: John Grubbs  
 location directions: Pleasants Landing Marina  
 entered by: Jenny Carter

**2. occupancy codes**  
 Occupancy Code: Business - general offices (B)  
 Residential - hotels "transient" (R-1)  
 jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: mm/dd/yyyy  
 occupancy inspection required:

**Zoning Details**  
 located on lake annar:   
 building height:   
 foundation survey required?   
 setback verification required?   
 setback (feet):   
 proposed front setbacks (recommended):  
 proposed rear setbacks (recommended):  
 proposed corner setbacks  
 proposed left:   
 proposed right:

**3. construction types**  
 Construction Type: Type VB (Unprotected)  
 land use: - none -  
 date expiration: mm/dd/yyyy  
 total valuation: \$1,500.00  
 use custom valuation:   
 subdivision: Pleasants Landing  
 located in floodplain:   
 zoning permit number: Z-2019-0146  
 shrink swell report required?   
 - none -  
 proposed rear setbacks (recommended):  
 proposed corner setbacks  
 proposed left:   
 proposed right:

https://cityview.southcoastcity.com/worksheets/178857?tab=84627962\_6564\_253-9654-00586180386 1/2

3/14/2021, 3:24 PM FRIB201900296 | Permit Application Details | CityView

**Permit Application 1**  
 application number: FRIB201900296  
 application status: Expired  
 master project: MP2019000352  
 entered on: 03/11/2019  
 application type: Commercial Building  
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024  
 primary contact: Vallerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

**Permit Application Details**  
 \$ 4 | Fees

Type	Quantity	Amount	Payable	Amount Paid	Amount Owning	Date Paid
Single-Family, Multi-Family, Industrial, Manufactured		\$100.00	<input checked="" type="checkbox"/>	\$0.00	\$100.00	
Zoning Review Fee-ZONI		\$75.00	<input checked="" type="checkbox"/>	\$0.00	\$75.00	
E&S Fee- MIS9		\$2.50	<input checked="" type="checkbox"/>	\$0.00	\$0.00	04/25/2019
2% State Tax Fee-B-F		\$125.00	<input checked="" type="checkbox"/>	\$0.00	\$0.00	04/25/2019
Remodeling Fee BLDG		\$302.50	<input checked="" type="checkbox"/>	\$0.00	\$175.00	

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

**Permit Application Details**  
 \$ 4 | Fees

Type	Quantity	Amount Payable	Amount Paid	Amount Owning	Date Paid
Single-Family, Indist., Manufactured Zoning Review Fee-ZONI		\$100.00	\$0.00	\$100.00	
E&S Fee - MISS		\$75.00	\$0.00	\$75.00	
Non-Residential Building Permit Fee-BLDG		\$125.00	\$0.00	\$125.00	
2% State Tax Fee-B-F		\$2.50	\$0.00	\$2.50	
		\$302.50	\$0.00	\$302.50	

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

**Permit Application Details**

work class: Alteration  
 building use: Commercial  
 plan checker: Steve Osgood  
 inspector: John Grubbs  
 entered by: Jenny Carter  
 location directions: Pleasants Landing Marina  
 no fees?  
 description of work: Remove Existing Doorway and Replace with New

occupancy codes: 2  
 Occupancy Code: Business - general offices (B)  
 Residential - hotels "transient" (R-1)  
 jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: m/m/yyyy  
 occupancy inspection: required  
 total valuation: \$74.25  
 use custom valuation:

Zoning Details  
 located on lake area?  
 building height: located in floodplain  
 foundation survey required?  
 setbacks certification required?  
 proposed front setbacks (recommended)  
 proposed rear setbacks (recommended)  
 proposed corner setbacks  
 proposed light  
 proposed fire

# Expired Permit to Replace Doorway and Outstanding Fees



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

3/14/22, 2:27 PM PRIB201900298 | Permit Application Details | CityView

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

**Permit Application Details**  
 work class building use Commercial  
 Alteration no fees?  
 department plan checker Steve Osgood  
 inspector John Grubbs  
 location directions Pleasants Landing Marina  
 entered by Jenny Carter  
 description of work New Stairway & Landing Accessing Small 2 Story Structure

**Occupancy Code**  
 Business - general offices (B)  
 Residential - hotels "Transient" (R-1)  
 jurisdiction Jackson  
 zoning C-2 - General Commercial  
 date issued  
 mmm/dd/yyyy  
 occupancy inspection required  
 total valuation \$1,500.00  
 use custom valuation

**Zoning Details**  
 located on lake area? Pleasants Landing  
 building height located in floodplain  
 foundation survey required? setback certification required?  
 - none - Yes  
 Setbacks proposed front setbacks (recommended) proposed rear setbacks (recommended)  
 proposed left proposed right  
 proposed corner setbacks  
 https://cityview.tulsa.org/CityViewWorkspace/Workspace/PermitApplication/79857?view=500855-668-468-486-1cd30264e4

**Construction Type**  
 Type VB (Unprotected)  
 land use none  
 date expiration  
 mm/dd/yyyy  
 subdivision Pleasants Landing  
 lot size 7.298  
 zoning permit number 2-2019-0148  
 shrink swell report required?  
 - none -  
 proposed corner setbacks (recommended)  
 proposed rear setbacks (recommended)  
 proposed front setbacks (recommended)  
 proposed left proposed right  
 proposed corner setbacks  
 https://cityview.tulsa.org/CityViewWorkspace/Workspace/PermitApplication/79857?view=500855-668-468-486-1cd30264e4

3/14/22, 3:25 PM PRIB201900298 | Permit Application Details | CityView

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

**Permit Application Details**  
 \$ 4 | Fees

Type	Quantity	Amount Payable	Amount Paid	Amount Owning	Date Paid
Single, Multi-Family, Indust., Manufactured Zoning Review Fee-ZONI		\$100.00 <input checked="" type="checkbox"/>	\$0.00 <input type="checkbox"/>	\$100.00	
E&S Fee - MIS9		\$75.00 <input checked="" type="checkbox"/>	\$0.00 <input type="checkbox"/>	\$75.00	
2% State Tax Fee- B-F		\$2.50 <input checked="" type="checkbox"/>	\$0.00 <input type="checkbox"/>	\$2.50	
Non-Residential Building Permit Fee-BLDG		\$125.00 <input checked="" type="checkbox"/>	\$0.00 <input type="checkbox"/>	\$125.00	
		\$302.50	\$0.00	\$302.50	

## Section 310 Residential Group R

ILLUSTRATION

### 310.1 Residential Group R

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

### 310.2 Residential Group R-1

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

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

### 310.3 Residential Group R-2

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

### 310.4 Residential Group R-3

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

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

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

3. A chemical that has a median lethal concentration (LC<sub>50</sub>) in air of more than 200 parts per million, but not more than 2,000 parts per million by volume of gas or vapor, or more than 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume or dust, when administered by continuous inhalation for 1 hour (or less if death occurs within 1 hour) to albino rats weighing between 200 and 300 grams each.

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

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

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

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

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

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

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

<https://www.construction.com/resources/special/construction-code-2019/irc/>

5/93

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

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

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

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

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

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

## Above: Definition of Sleeping Unit in 2018 Virginia Building Code

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

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

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

This definition is included to coordinate the Fair Housing Act guidelines with the code. The definition for "Sleeping unit" clarifies the differences between sleeping units and dwelling units. In addition, using the term "sleeping unit" for spaces where people sleep will replace a multitude of other terms (i.e., patient room, cell, guestroom) so that there is consistent application across occupancies. Some examples of sleeping units are hotel guest rooms; bedrooms in different types of congregate living facilities; patient sleeping rooms in hospitals, nursing homes or assisted living facilities; or housing cells in a jail. Another example would be a studio apartment with a kitchenette (i.e., countertop, microwave, sink, refrigerator). Since the cooking arrangements are not the traditional permanent appliances (i.e., a range), this configuration would be considered a sleeping unit, and not a dwelling unit. As defined in the code, a "Dwelling unit" must contain permanent facilities for living, sleeping, eating, cooking and sanitation.

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

The current definition for sleeping unit does not set a limit on the number of occupants in a sleeping unit. However, for consistency with the application of provisions in Groups I-1.1-2, R-1 and R-2, and where similar facilities are permitted to comply with R-2 provisions (i.e., 16 occupants for nontransient R-2 10



## Exhibit D

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

Hi there,

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

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

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

If you have any questions, let me know.

Thank you Mike!

--

Share feedback about your experience with me!

Taylor C




WeddingPro Support Specialist

[support@weddingpro.com](mailto:support@weddingpro.com)

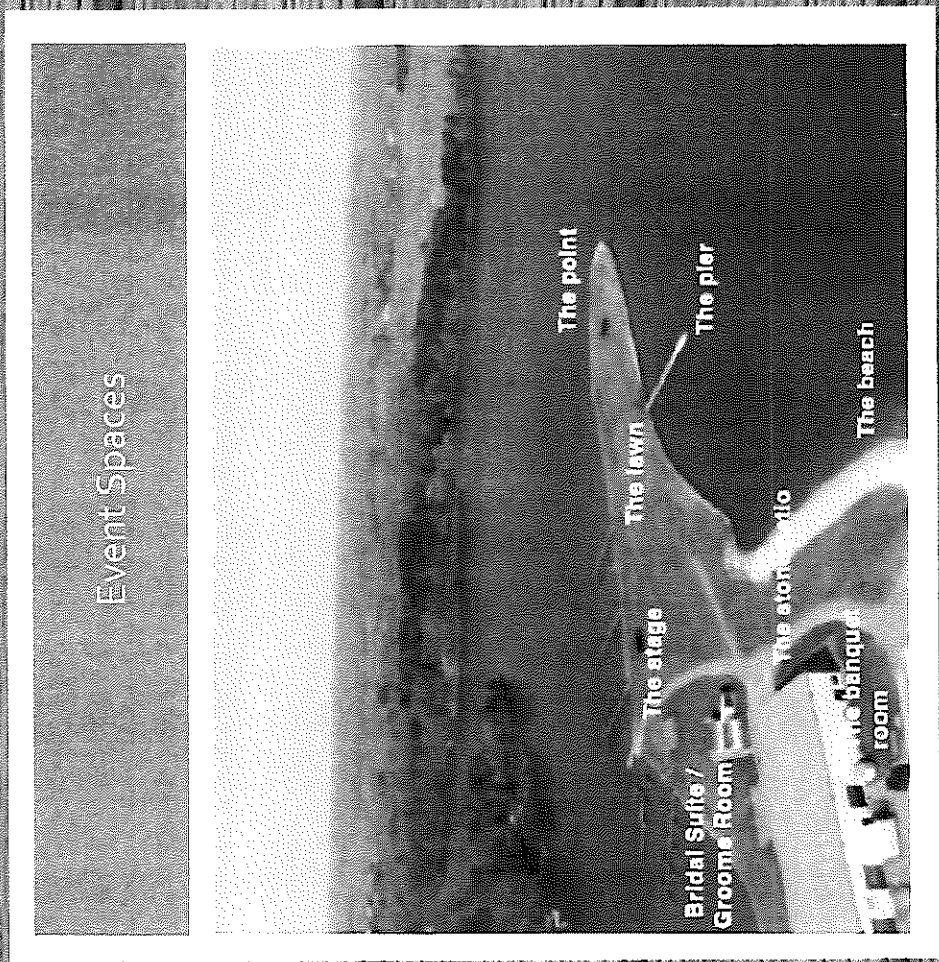
P (877) 331-7752

[weddingpro.com](http://weddingpro.com)

**WEDDINGpro**

The power of    WEDDINGWIRE

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



# Package

# A

## What's Included:

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

## Use of Pleasants Landing's Outdoor and Indoor Area

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

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

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

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

## Extras

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

Use of Pleasants Landing for an Engagement Session

# Separate

# Wedding

# Packages

# Offered in the

# Wedding Guide

# Brochure.

# Package

# B

## What's Included:

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

## Use of Pleasants Landing's Outdoor Area

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

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

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

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

## Extras

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

Use of Pleasants Landing for an Engagement Session

# Package



## What's Included:

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

Use of Pleasants Landing for an Engagement Session

## Use of Pleasants Landing's

### Indoor Area

Friday - 4pm-8pm (Rehearsal Time)

Saturday - 10am-10pm

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

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

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

### Extras

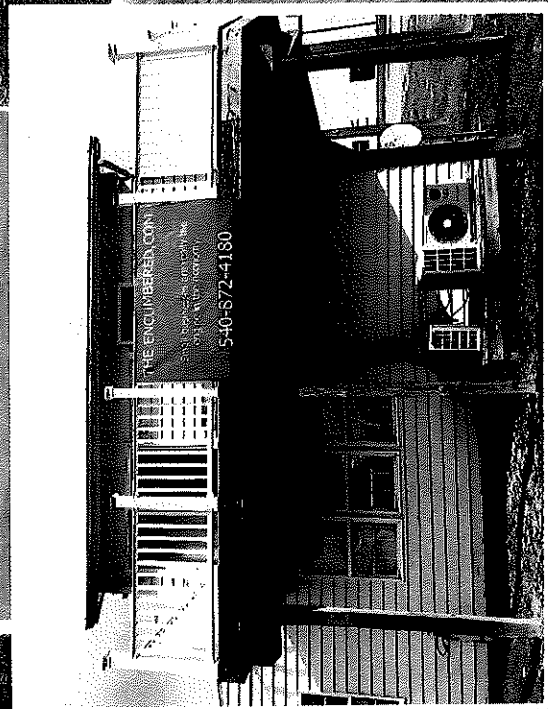
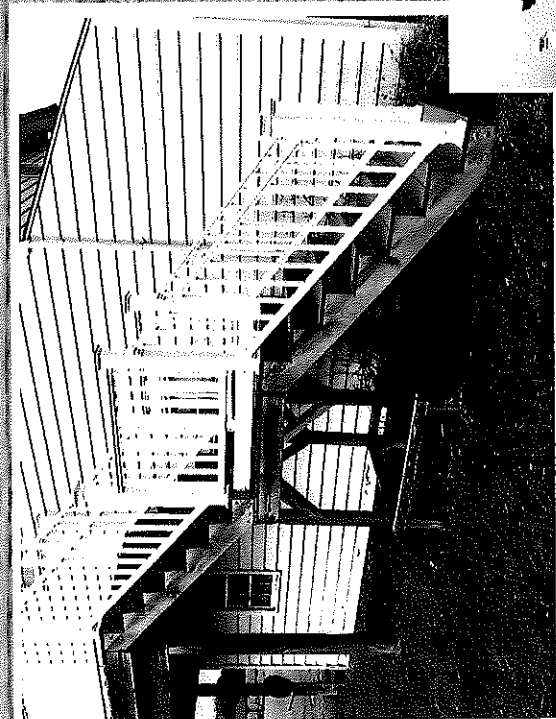
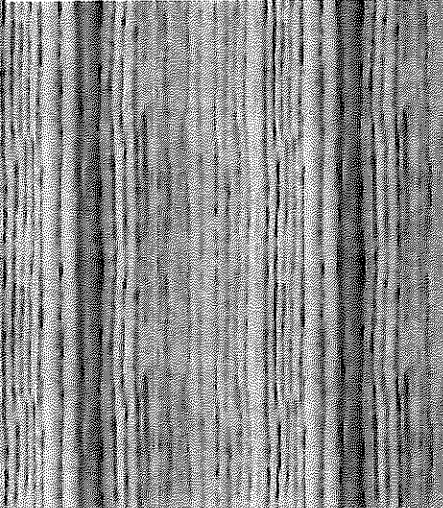
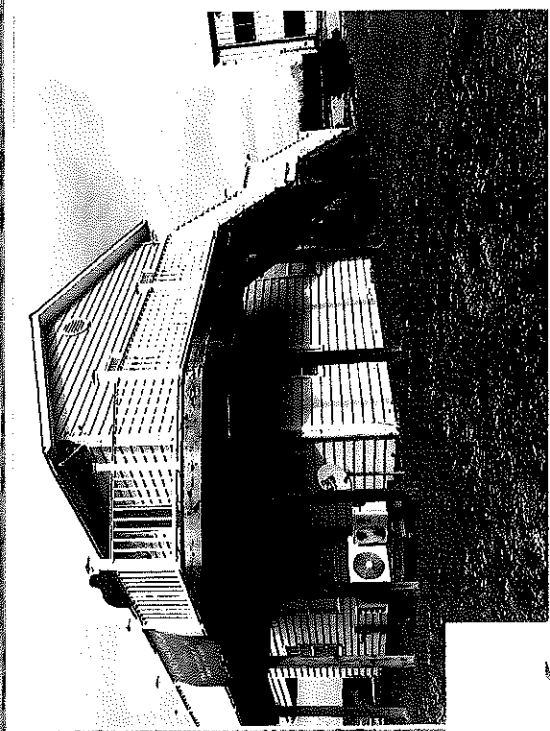
Clean Up Service--\$500

Rehearsal Dinner in Banquet Room--\$200

# Separate Wedding Packages Offered in the Wedding Guide Brochure.



# Current Pictures





**COUNTY OF LOUISA  
COMMUNITY DEVELOPMENT**

Fax (540) 967-3486

(540) 967-3430

[www.louisacounty.com](http://www.louisacounty.com)

1/24/2022

Building Official

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

Clark Lening  
Leming & Healy, P.C.  
P.O. Box 445  
Garrisonville, VA 22463

c/o Mr. Michael J. Vallerie  
349 Pleasants Landing Road  
Bumpass, VA 23024

**NOTICE OF UNSAFE BUILDING OR STRUCTURE**

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

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

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

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**Notice of  
Unsafe  
Structure  
Sent  
1/24/2022**

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

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

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

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

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

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

Respectfully,

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

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

#### Stairway

Stairway Width is 36" wide: Complies with Section 1011.5.1 Ex. (1)

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

Stair Tread Depth is 11": Complies with Section 1011.5.2

Guard Height on Landing is 42": Complies with 1015.3

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

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

Landing measures 42"x36": Complies with Section 1011.6

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

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

#### Deck

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

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

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

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

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

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

# Inspection Report Conducted 1/14/2022

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

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

**PRESENT**

- Robert D Gregory, Chairman
- William N. Hale, Vice Chairman
- Michael Brooking
- John Nedra
- Doug Whitlock
- Earl Poore
- James Parrisi

**VOTE**

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

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

**A RESOLUTION DENYING THE APPEAL OF VIOLATIONS OF USBC 108-1, 114.1, 116.1, 108.1, 114.1, 108.1, 116.1 IN REFERENCE TO PERFORMING CONSTRUCTION WORK PRIOR TO OBTAINING REQUIRED PERMITS, FAILING TO COMPLY WITH ISSUED STOP WORK ORDER, OCCUPYING STRUCTURE WITHOUT THE REQUIRED CERTIFICATION OF OCCUPANCY.**

Whereas, code violations were cited, and

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

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

Now, Therefore Be It Resolved that the Louisa County Board of Building Appeals hereby denies the appeal made by Valiere Holdings of Virginia, LLC, on Sections 108.1, 114.1, 116.1, 108.1, 114.1, 108.1, 116.1 of the Uniform Statewide Building Code and upheld the decision of the Louisa County Building Official.

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

A Copy, testee:

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

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

## References

1. All Information Related to and Found In Permits (Fees, Inspections, Notice of Unsafe Structures, Permit Summaries, Plans, etc.) Were Pulled From Community Development's Cityview and Personnel Files (Used in Slides 3-9, 12, 17-20)
2. Sleeping Unit and Transient Definitions Were Pulled From 2018 Virginia Construction Code, Section 202 (Used in Slides 10 and 11)
3. Residential Group R-1 Description Was Pulled From 2018 Virginia Construction Code, Section 310.2 (Used in Slide 10)
4. Second Definition of Sleeping Unit and Commentary Were Pulled From 2018 International Building Code and Commentary (Used in Slide 11)
5. Event Spaces Figure Pulled From an Online Brochure Found on Pleasants Landings Website (<https://www.pleasantstanding.com/weddings/wp-content/uploads/2020/04/Pleasants-Landings-New-Brochure-2.pdf> (Used in Slide 14))
6. All Bridal Package Figures Were Pulled From Pleasants Landings' Wedding Guide Brochure Found on Wedding Wire (<https://cdn0.weddingwire.com/solic/372/4/0/7/8/BUICMG-10351231710cb74b-pl-wedding-guide.pdf> (Used in Slides 15 & 16))

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

**Stairway**

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

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

**Stair Tread Depth** is 11": **Complies** with Section 1011.5.2

**Guard Height on Landing** is 42": **Complies** with 1015.3

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

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

**Landing** measures 42"x36": **Complies** with Section 1011.6

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

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

## Deck

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

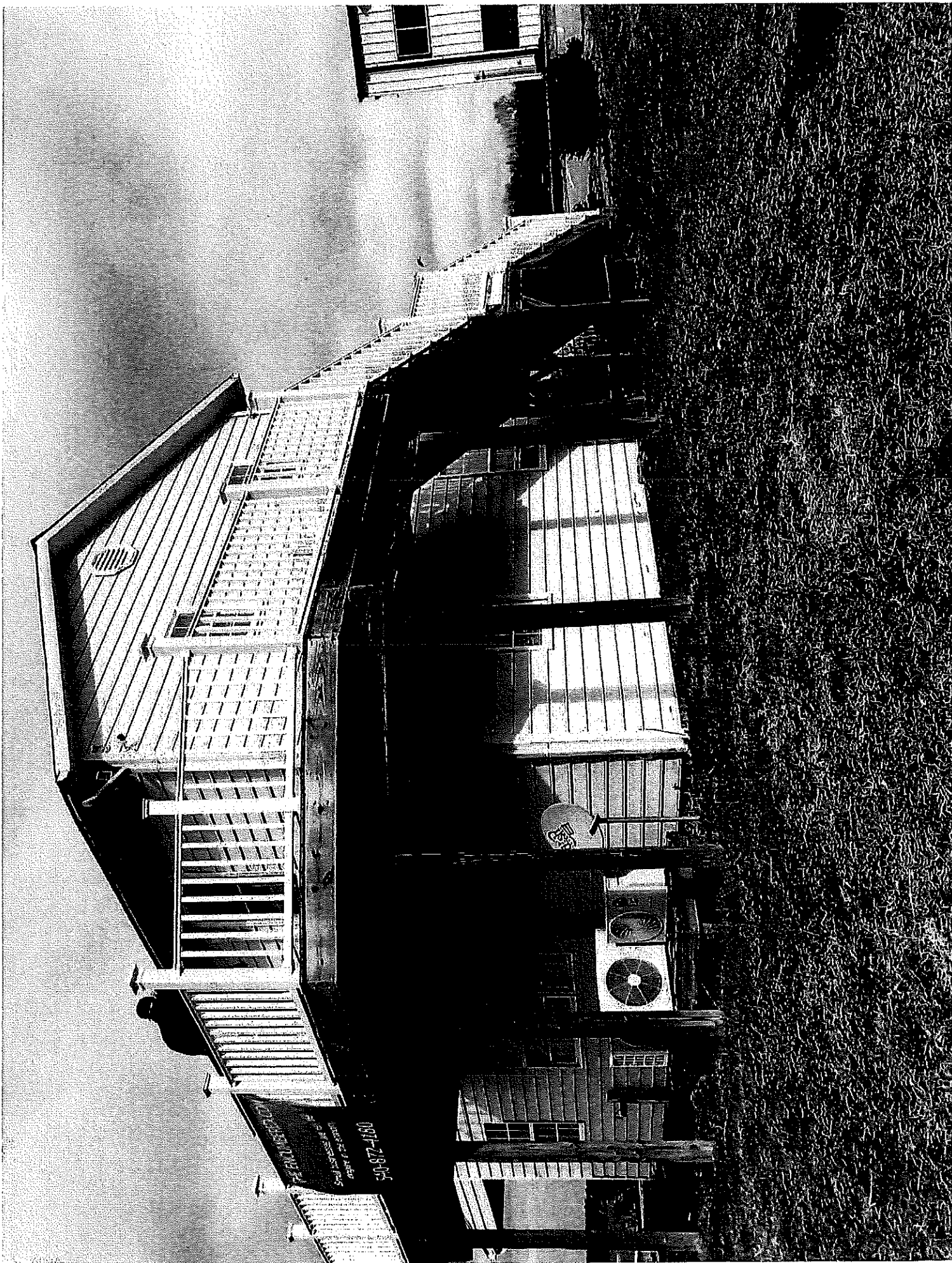
**Ledger Board** is a 2x10 attached by ½" diameter fasteners @ 16" o.c.: **Complies** with Sections 2304.10 – 2304.10.7

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

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

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

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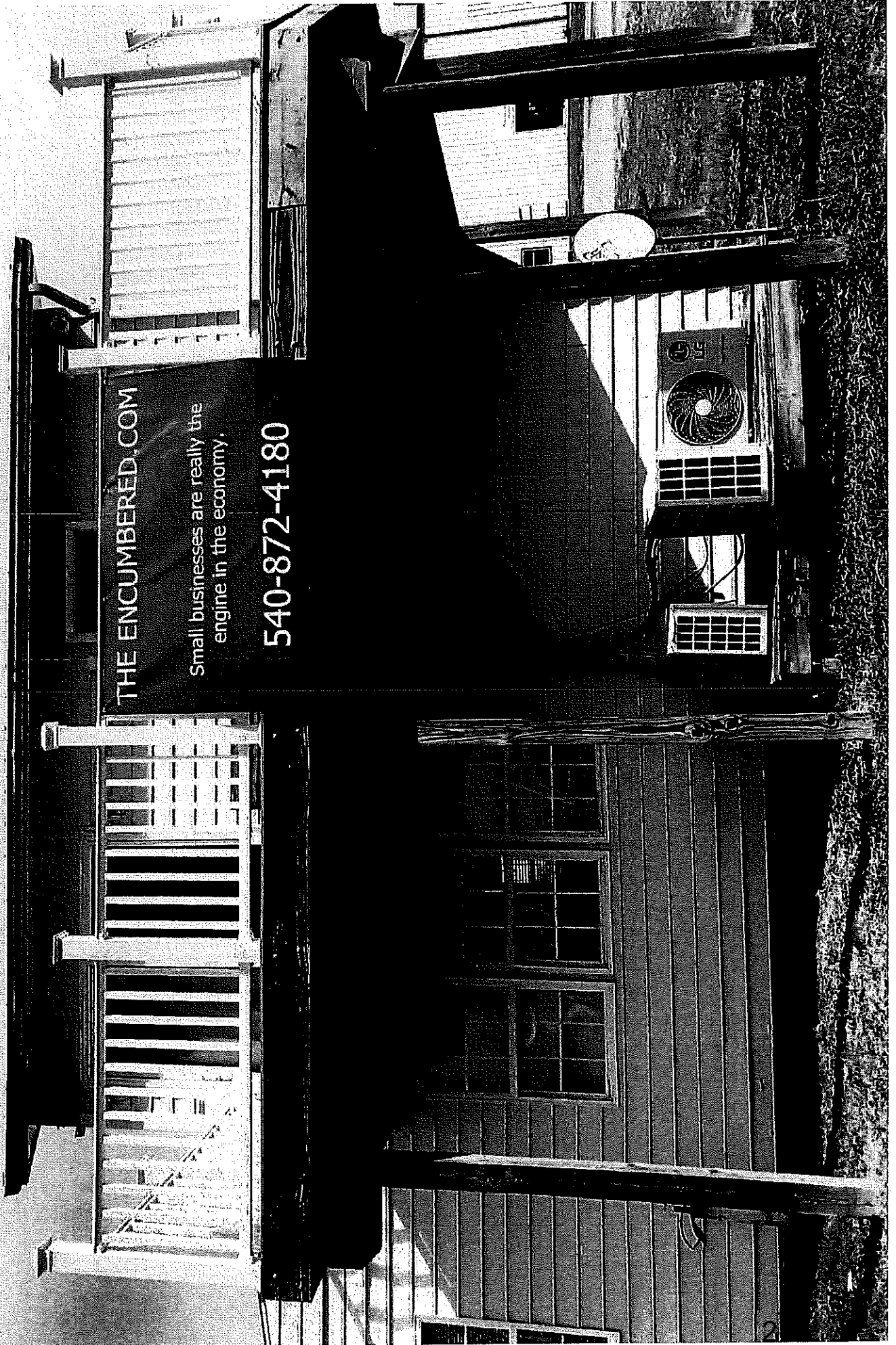




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## **PowerPoint Outline:**

### **Section 1- Title and Intent**

Slide 1- Title

Slide 2- Intent of Presentation

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

Slide 3- Pictures Taken During Inspection

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

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

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

Slide 6- PRIB201900199 with Description of Work, Enlarged

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

Slide 8- PRIB201900199 CO Issued

Slide 9- PRIB201900199 & PRIB201900296

Slide 10- PRIB201900297 & PRIB201900298

### **Section 4- Current Use of Structure**

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

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

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

### **Section 5- Definitions and Commentary Pertaining to this Appeal**

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

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

**Section 6- 2017 LCBBA Resolution**

Slide 16- 2017 LCBBA Resolution

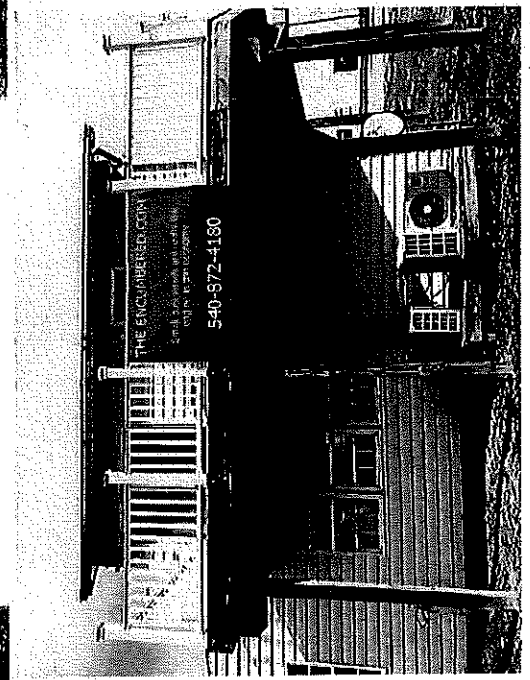
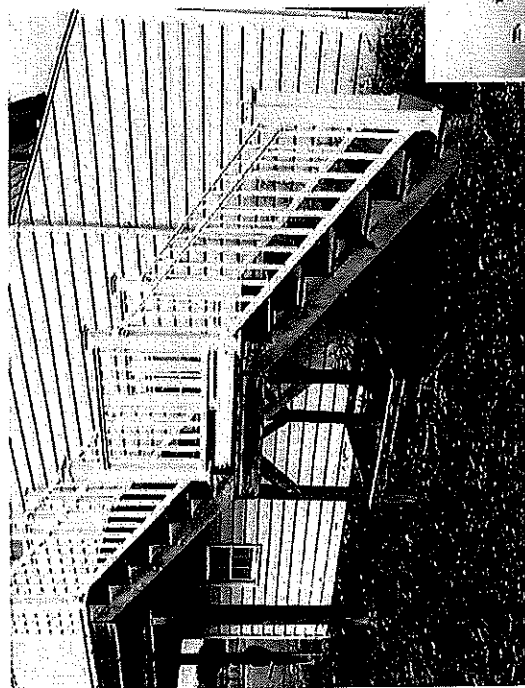
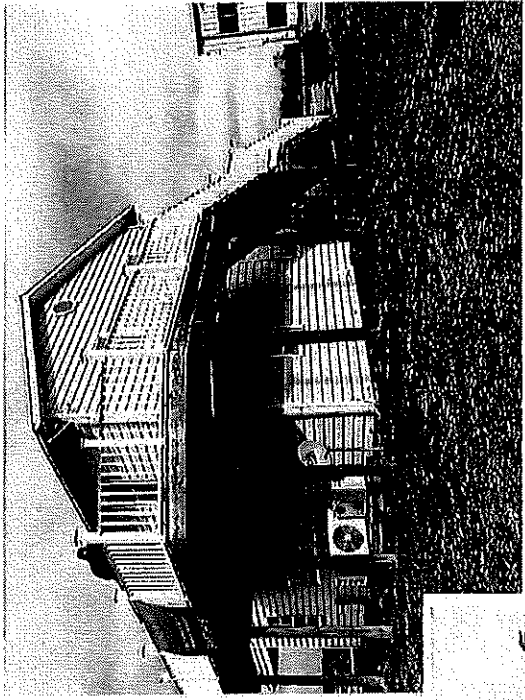
**Section 7- References**

Slide 17- References

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

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

# Current Pictures



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

**Stairway**

Stairway Width is 36" wide: Complies with Section 1011.5.1 Ex. (1)

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

Stair Tread Depth is 11": Complies with Section 1011.5.2

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

Landing measures 42"x36": Complies with Section 1011.6

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

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

**Deck**

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

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

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

# Inspection Report Conducted 1/14/2022





**COUNTY OF LOUISA**  
**COMMUNITY DEVELOPMENT** Fax: (540) 967-3486  
[www.louisacounty.com](http://www.louisacounty.com)

(540) 967-3430

1/24/2022

Building Official

To: Legal counsel for Vallerie Holdings of Virginia, LLC.  
 Clark Leming  
 Leming & Eichey, P.C.  
 P.O. Box 445  
 Garrisonville, VA 22463

c/o Mr. Michael J. Vallerie  
 349 Pleasants Landing Road  
 Dumfries, VA 23024

**NOTICE OF UNSAFE BUILDING OR STRUCTURE**

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

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

- Stair Riser Height is 8" inches in height, per Section 1011.5.2, Riser height shall be a maximum of 7" inches and a minimum of 4" inches.
- Guard Height on the stairs is 36" inches in height, per Section 1015.3, the Guards height shall be 42" inches in height, on stairs, landings, ramps and decks.
- Handrails no handrails installed, per Section 1016.2, a graspable handrail shall be installed at a height of 34" - 38" inches measuring from the nosing of the tread.

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# Notice of Unsafe Structure Sent 1/24/2022

- Floor Joint and Stair Hangers: Not installed on the landing or the lower section of stairs, which are required per Section 2304.10.3
- Stairway Fire Separation Distance from the Building; is 23" inches, per Sections 1027.5 and 1027.6 et. (1). Exterior exit stairways and ramps shall have a minimum fire separation distance of 10' feet measured at right angles from the exterior edge of the stairway, ramp, or landing to: Adjacent lot lines, and other portions of the building.

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

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

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

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

Respectfully,

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

# Description of Work for Change of Use Permit PRIB201900199

**Permit Application 1**

application number: PRIB201900199  
 master project: NP2019000237  
 application status: Closed  
 entered on: 02/13/2019  
 application type: Commercial Building

primary contact: Vailorice Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443)790-4075  
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

**Permit Application Details**

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

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

description of work: Change of use for an existing residential structure to be used as a Studio/Apartment and being primarily transient. Will be permitting upstairs change of use after closing this permit. Owner has been informed that the lower level will need to be separated from the upper level.

Occupancy Code:  1 construction types  
 Type vs (Unprotected): Type vs (Unprotected)

Justification: Jackson  
 Land use: none

zone: C-2 - General Commercial  
 date issued: 02/13/2019  
 date expiration: 08/13/2019

occupancy inspection required:   
 total valuation: \$57,915.00  
 use custom valuation:

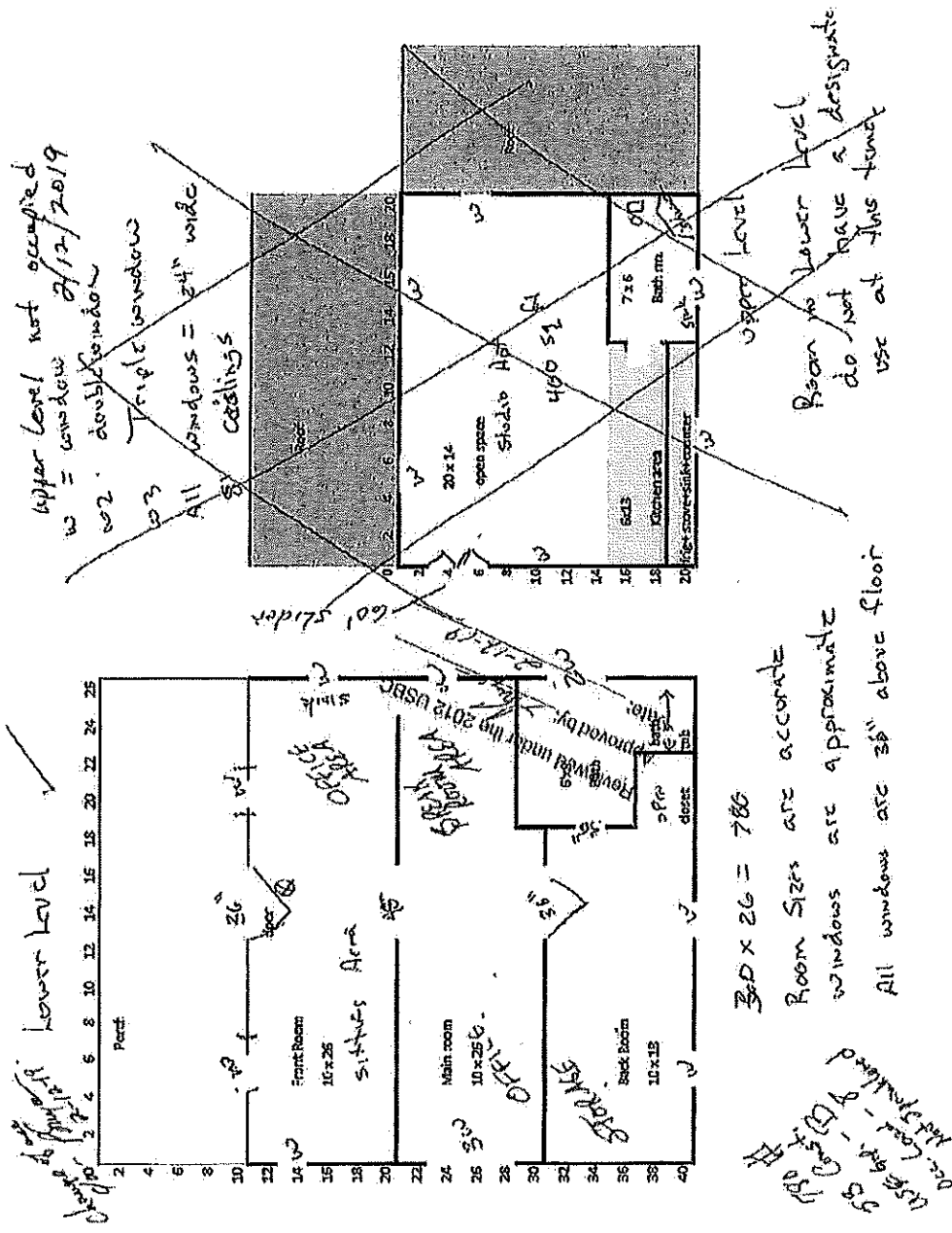
**Zoning Details**

located on lake area?   
 subdivision: Pleasants Landing  
 located in floodplain:   
 building height:   
 foundation survey required?   
 setback certification required?   
 setback report required?   
 setbacks (recommended):   
 proposed front setbacks (recommended):   
 proposed rear setbacks (recommended):

lotsize: 7.29  
 zoning permit number:   
 shrink-wrap report required?

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

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



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

30' x 26' = 780  
 Room sizes are accurate  
 windows are approximate  
 All windows are 30" above floor



# Permits Applied for the Structure

3/14/2023, 2:24 PM

PR18201900159 | Permit Application Details | CityView

Permit Application 1

application number: PR18201900159  
 application type: Commercial Building  
 application status: Closed  
 entered on: 02/13/2019  
 master project: MP2019000237  
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024  
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

Permit Application Details

work class: Alteration  
 building use: Commercial  
 department: Building Services  
 plan checker: Steve Osgood  
 inspector: Paul Snyder  
 entered by: Jenny Carter  
 location/direction: Pleasants Landing Marina  
 description of work: New 11' x 8' Balcony for Existing 2 Story Structure  
 occupancy codes: 1 - occupancy codes  
 occupancy Code: Business - general offices (B)  
 Business - general offices (B)  
 Residential - hotels (transient) (R-1)  
 jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: 02/13/2019  
 date expiration: 08/12/2019  
 occupancy/inspection required:   
 total valuation: \$57,915.00  
 use custom valuation:   
 Zoning Details  
 located on lake area:   
 subdivision: Pleasants Landing  
 lotsize: 7.298

3/14/2023, 2:23 PM

PR18201900296 | Permit Application Details | CityView

Permit Application 1

application number: PR18201900296  
 application type: Commercial Building  
 application status: Expired  
 entered on: 03/31/2019  
 master project: MP2019000352  
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024  
 primary contact: Valerie Holdings of Virginia LLC, Address:6743 Tarpleys Tavern Rd, Phone:(443) 790-4075

Permit Application Details

work class: Alteration  
 building use: Commercial  
 department: Building Services  
 plan checker: Steve Osgood  
 inspector: John Grubbs  
 entered by: Jenny Carter  
 location/direction: Pleasants Landing Marina  
 description of work: New 11' x 8' Balcony for Existing 2 Story Structure  
 occupancy codes: 1 - construction types  
 occupancy Code: Type VB (Unprotected)  
 Business - general offices (B)  
 Residential - hotels (transient) (R-1)  
 jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: mm/dd/yyyy  
 date expiration: mm/dd/yyyy  
 occupancy/inspection required:   
 total valuation: \$1,500.00  
 use custom valuation:   
 Zoning Details  
 located on lake area:   
 subdivision: Pleasants Landing  
 lotsize: 7.298

# Permits Applied for the Structure

3/14/22, 2:20 PM

PR18201900297 | Permit Application Details | CityView

Permit Application 1

application number: PR18201900297  
 application status: Expired  
 primary contact: Vallerie Holdings of Virginia LLC, Address: 6743 Tarpleys Tavern Rd, Phone: (443) 790-4075  
 master project: MP2019000353  
 application type: Commercial Building  
 entered on: 03/11/2019  
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Permit Application Details

work class: Alteration  
 department: Building Services  
 plan checker: Steve Osgood  
 inspector: John Grubbs  
 entered by: Jenny Carter  
 description of work: Remove Existing Driveway and Replace with New Structure  
 location directions: Pleasants Landing Marina  
 building use: Commercial  
 no fees? no fees?

occupancy codes: 2  
 occupancy code: Business - general offices (B)  
 residential: hotels "transient" (R-1)  
 construction types: 1  
 construction type: Type VB (Unprotected)

jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: mm/dd/yyyy  
 occupancy inspection required:   
 total valuation: \$74.25  
 use custom valuation:

zoning details: located on site area?   
 subdivision: Pleasants Landing  
 lot size: 7,298

3/14/22, 2:27 PM

PR18201800028 | Permit Application Details | CityView

Permit Application 1

application number: PR18201900398  
 application status: Expired  
 primary contact: Vallerie Holdings of Virginia LLC, Address: 6743 Tarpleys Tavern Rd, Phone: (443) 790-4075  
 master project: MP2019000354  
 application type: Commercial Building  
 entered on: 03/11/2019  
 primary location: 349 PLEASANTS LANDING RD, BUMPASS VA 23024

Permit Application Details

work class: Alteration  
 department: Building Services  
 plan checker: Steve Osgood  
 inspector: John Grubbs  
 entered by: Jenny Carter  
 description of work: New Stairway & Landing Accessing Small 2 Story Structure  
 location directions: Pleasants Landing Marina  
 building use: Commercial  
 no fees? no fees?

occupancy codes: 2  
 occupancy code: Business - general offices (B)  
 residential: hotels "transient" (R-1)  
 construction types: 1  
 construction type: Type VB (Unprotected)

jurisdiction: Jackson  
 zoning: C-2 - General Commercial  
 date issued: mm/dd/yyyy  
 occupancy inspection required:   
 total valuation: \$1,500.00  
 use custom valuation:

zoning details: located on site area?   
 subdivision: Pleasants Landing  
 lot size: 7,298

Event Spaces

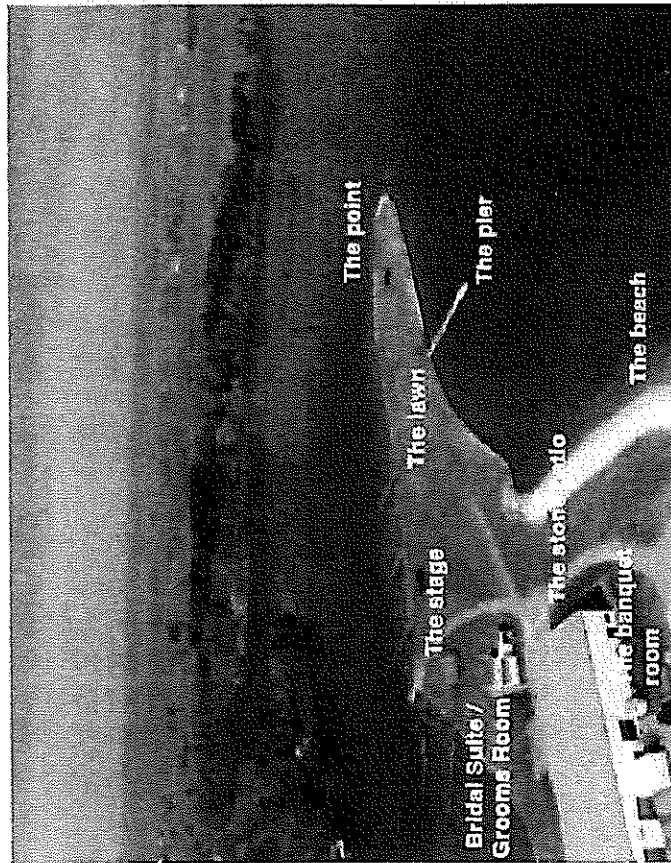


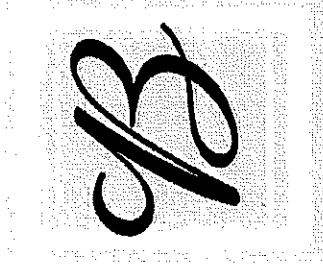
Figure Taken From a Brochure  
From Pleasants Landing  
Showing the Bridal Suite and  
Grooms Room in the Same  
Structure

# Package

## What's Included:

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

Use of Pleasants Landing for an Engagement Session



### Use of Pleasants Landings

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

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

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

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

### Extras

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

## Separate Wedding Packages Offered in the Wedding Guide Brochure.

# Package

## What's Included:

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

Use of Pleasants Landing for an Engagement Session



### Use of Pleasants Landings

**Outdoor and Indoor Area**  
Friday - 4pm-8pm (Rehearsal Time)  
Saturday - 10am-10pm

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

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

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

### Extras

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



# Package

## What's Included:

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

Use of Pleasants Landing for an Engagement Session

## Use of Pleasants Landing's

### Indoor Area

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

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

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

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

### Extras

Clean Up Service--\$500

Rehearsal Dinner in Banquet Room--\$200

# Separate Wedding Packages Offered in the Wedding Guide Brochure.



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

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

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

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

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

## Above: Definition of Sleeping Unit in 2018

### Virginia Construction Code

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

element in a dwelling's weather envelope.

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

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

❖ This definition is included to coordinate the *Fair Housing Act* guidelines with the code. The definition for "Sleeping unit" clarifies the differences between sleeping units and dwelling units. In addition, using the term "sleeping unit" for spaces where people sleep will replace a multitude of other terms (i.e., patient room, cell, guestroom) so that there is consistent application across occupancies. Some examples of sleeping units are hotel guest rooms, bedrooms in different types of congregate living facilities, patient sleeping rooms in hospitals, nursing homes or assisted living facilities, or housing cells in a jail. Another example would be a studio apartment with a kitchenette (i.e., countertop, microwave, sink, refrigerator). Since the cooking arrangements are not the traditional permanent appliances (i.e., a range), this configuration would be considered a sleeping unit and not a dwelling unit. As defined in the code, a "Dwelling unit" must contain permanent facilities for living, sleeping, eating, cooking and sanitation.

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

The current definition for sleeping unit does not set a limit on the number of occupants in a sleeping unit. However, for consistency with the application of provisions in Groups 1-1.1-2, R-1 and R-2, and where similar facilities are permitted to comply with R-3 provisions (i.e., 15 occupants for nontransient R-3 10

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

At a regular meeting of the Board of Building Appeals of the County of Louisa, held in the Public Meeting Room in the Administration Building at 2:00 pm on the 28<sup>th</sup> day of October, 2017, at which the following members were present, the following resolution was denied by all members of the Board of Building Appeals, the vote being recorded in the minutes of the meeting as shown below:

PRESENT	YOTE
Robert D Gregory, Chairman	YES
William N. Hale, Vice Chairman	YES
Michael Brooking	YES
John Nedra	YES
Doug Whitlock	YES
Earl Poore	YES
James Parisi	ABSENT

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

**A RESOLUTION DENYING THE APPEAL OF VIOLATIONS OF USBC 108.1, 114.1, 116.1, 108.1, 114.1, 108.1, 116.1 IN REFERENCE TO PERFORMING CONSTRUCTION WORK PRIOR TO OBTAINING REQUIRED PERMITS, FAILING TO COMPLY WITH ISSUED STOP WORK ORDER, OCCUPYING STRUCTURE WITHOUT THE REQUIRED CERTIFICATION OF OCCUPANCY.**

Whereas, code violations were cited, and

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

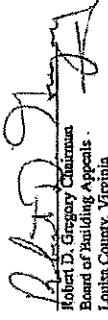
Whereas, the property subject to this appeal is located at 349 Pleasant Landing Road, Bumpass, Va., Tax Map # 47-11-52.

Now, Therefore Be It Resolved that the Louisa County Board of Building Appeals hereby denies the appeal made by Vallens Holdings of Virginia, LLC, an Sections 108.1, 114.1, 116.1, 108.1, 114.1, 108.1, 116.1 of the Uniform Statewide Building Code and uphold the decision of the Louisa County Building Official.

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

A Copy. testcc

# 2017 Louisa County Board of Building Appeals Resolution

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

## **References**

- 1. All Information Related to and Found In Permits (Fees, Inspections, Notice of Unsafe Structures, Permit Summaries, Plans, etc.) Were Pulled From Community Development's CityView and Personnel Files (Used in Slides 3-9, 12, 17-20)**
- 2. Sleeping Unit and Transient Definitions Were Pulled From 2018 Virginia Construction Code, Section 202 (Used in Slides 10 and 11)**
- 3. Residential Group R-1 Description Was Pulled From 2018 Virginia Construction Code, Section 310.2 (Used in Slide 10)**
- 4. Second Definition of Sleeping Unit and Commentary Were Pulled From 2018 International Building Code and Commentary (Used in Slide 11)**
- 5. Event Spaces Figure Pulled From an Online Brochure Found on Pleasants Landing's Website (<https://www.pleasantslanding.com/weddings/wp-content/uploads/2020/04/Pleasants-Landing-New-Brochure-2.pdf>) (Used in Slide 14)**
- 6. All Bridal Package Figures Were Pulled From Pleasants Landing's Wedding Guide Brochure Found on Wedding Wire ([https://cdn0.weddingwire.com/solic/3/2/4/0/7/8/pricing-1035f231710cb74b\\_pl-wedding-guide.pdf](https://cdn0.weddingwire.com/solic/3/2/4/0/7/8/pricing-1035f231710cb74b_pl-wedding-guide.pdf)) (Used in Slides 15 & 16)**

# Section 118 Unsafe Buildings or Structures

## 118.1 Applicability

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

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

## 118.2 Repair or Removal of Unsafe Buildings or Structures

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

## 118.3 Inspection Report

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

## 118.4 Notice of Unsafe Building or Structure

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

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

### 118.4.1 Vacating Unsafe Building or Structure

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

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

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



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



# Section 310 Residential Group R

## ILLUSTRATION

### 310.1 Residential Group R

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

### 310.2 Residential Group R-1

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

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

### 310.3 Residential Group R-2

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

### 310.4 Residential Group R-3

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

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

#### 310.4.1 Radon-Resistant Construction

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

#### 310.4.2 Lodging Houses

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

### 310.5 Residential Group R-4

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

#### 310.5.1 Condition 1

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

#### 310.5.2 Condition 2

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

#### 310.5.3 Radon-Resistant Construction

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

### 310.6 Residential Group R-5

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

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

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

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

### **310.6.1 Additional Requirements**

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

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

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

### **310.8 Amendments to the IRC**

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

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

# 1011.5.2 Riser Height and Tread Depth

## ILLUSTRATION

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

### Exceptions:

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

# Section 1014 Handrails

## ILLUSTRATION

### 1014.1 Where Required

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

### 1014.2 Height

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

#### Exceptions:

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

### 1014.3 Handrail Graspability

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

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

#### 1014.3.1 Type I

##### ILLUSTRATION

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

#### 1014.3.2 Type II

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

#### 1014.4 Continuity

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

##### Exceptions:

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

*Handrails* shall not rotate within their fittings.

#### 1014.6 Handrail Extensions

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

#### Exceptions:

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

#### 1014.7 Clearance

Clear space between a handrail and a wall or other surface shall be not less than 1<sup>1</sup>/<sub>2</sub> inches (38 mm). A handrail and a wall or other surface adjacent to the *handrail* shall be free of any sharp or abrasive elements.

#### 1014.8 Projections

On *ramps* and on ramped *aisles* that are part of an *accessible route*, the clear width between *handrails* shall be 36 inches (914 mm) minimum. Projections into the required width of *aisles*, *stairways* and *ramps* at each side shall not exceed 4<sup>1</sup>/<sub>2</sub> inches (114 mm) at or below the handrail height. Projections into the required width shall not be limited above the minimum headroom height required in Section 1011.3. Projections due to intermediate *handrails* shall not constitute a reduction in the egress width. Where a pair of intermediate *handrails* are provided within the *stairway* width without a walking surface between the pair of intermediate *handrails* and the distance between the pair of intermediate *handrails* is greater than 6 inches (152 mm), the available egress width shall be reduced by the distance between the closest edges of each such intermediate pair of *handrails* that is greater than 6 inches (152 mm).

#### 1014.9 Intermediate Handrails

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

# Section 1015 Guards

## 1015.1 General

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

## 1015.2 Where Required

### ILLUSTRATION

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

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

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

## 1015.2.1 Glazing

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

## 1015.3 Height

### ILLUSTRATION

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



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

**Exceptions:**

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

**1015.4 Opening Limitations**

**ILLUSTRATION**

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

**Exceptions:**

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

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

### 1015.5 Screen Porches

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

### 1015.6 Mechanical Equipment, Systems and Devices

#### ILLUSTRATION

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

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

### 1015.7 Roof Access

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

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

### 1015.8 Window Openings

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

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

#### 1015.8.1 Window Opening Control Devices

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

# Section 1027 Exterior Exit Stairways and Ramps

## ILLUSTRATION

### 1027.1 Exterior Exit Stairways and Ramps

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

### 1027.2 Use in a Means of Egress

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

### 1027.3 Open Side

*Exterior exit stairways and ramps* serving as an element of a required *means of egress* shall be open on not less than one side, except for required structural columns, beams, *handrails* and *guards*. An open side shall have not less than 35 square feet (3.3 m<sup>2</sup>) of aggregate open area adjacent to each floor level and the level of each intermediate landing. The required open area shall be located not less than 42 inches (1067 mm) above the adjacent floor or landing level.

### 1027.4 Side Yards

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

### 1027.5 Location

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

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

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

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

### 1027.6 Exterior Exit Stairway and Ramp Protection

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

#### Exceptions:

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

## 2304.10.3 Joist Hangers and Framing Anchors

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

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

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**AFFIDAVIT OF MICHAEL VALLERIE**

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

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

Date: 6/14/22

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

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

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

GIVEN under my hand and seal this 14<sup>th</sup> day of June, 2022.

Katrina Marissa Kapes  
Notary Public

Registration Number: 7921462

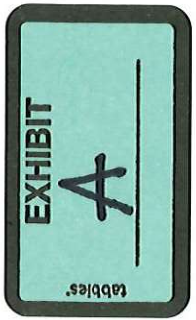
My commission expires: July 31, 2025

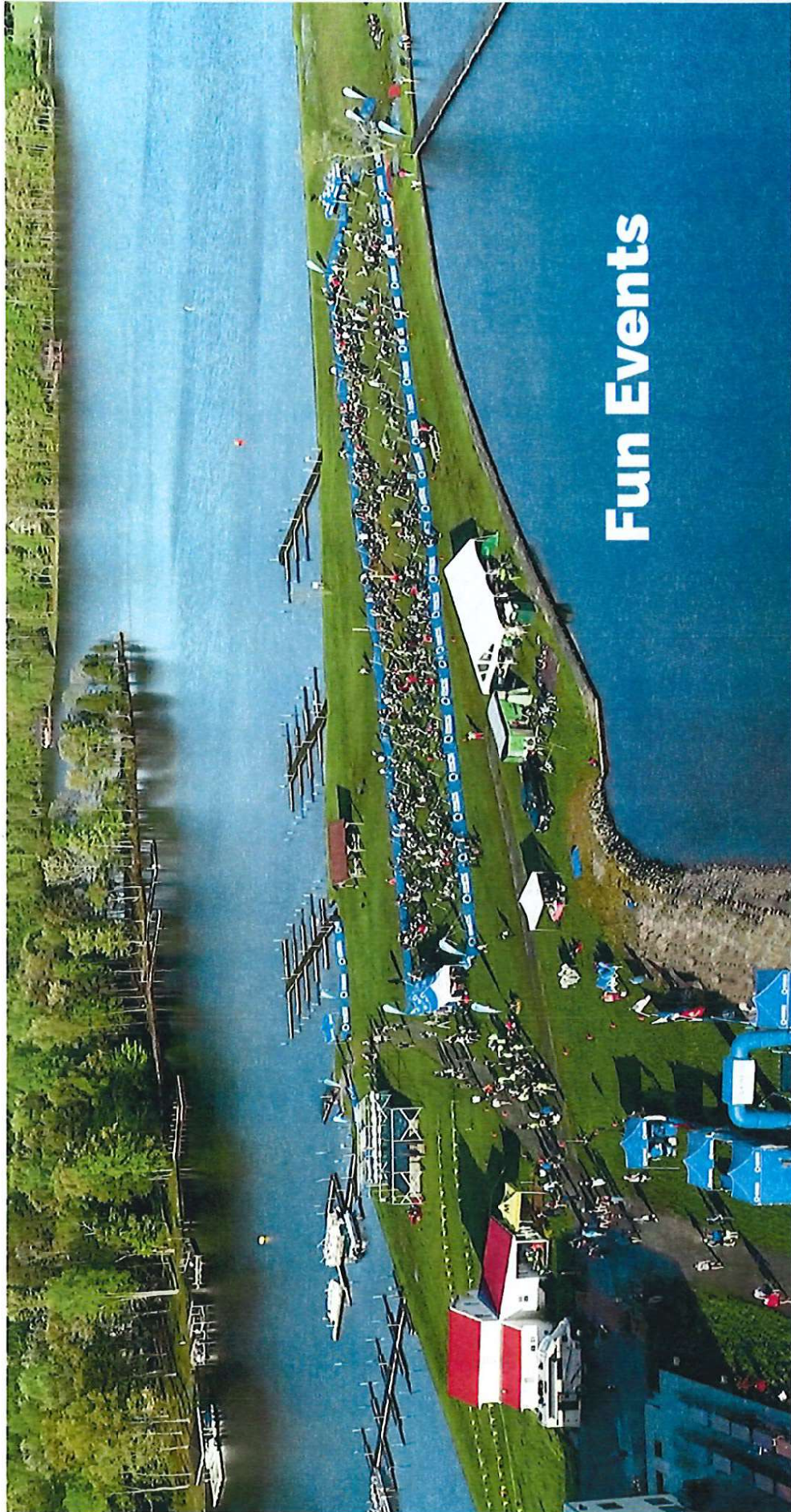


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Additional Documents  
Submitted By  
Louisa County

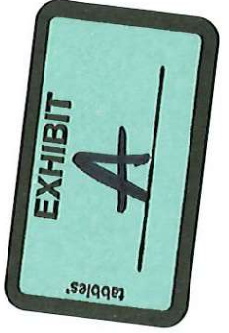
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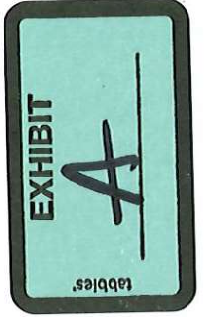




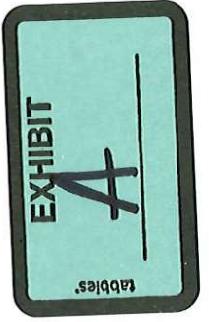
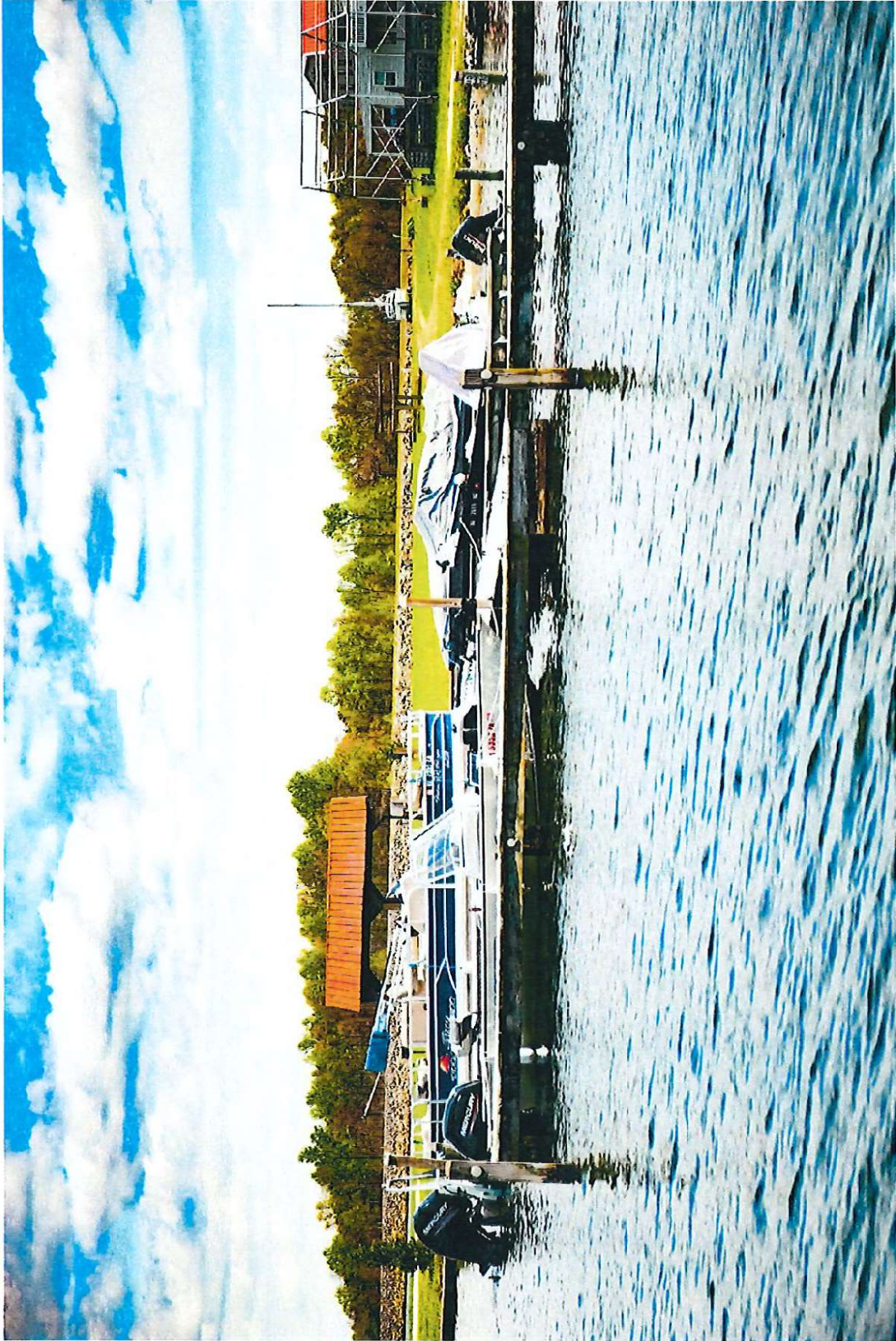
# Fun Events











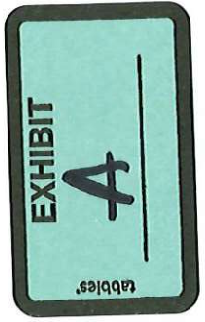




EXHIBIT  
**A**  
tabbles



EXHIBIT  
**A**  
Lobbies

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

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# LOUISA CO. BOARD OF BUILDING APPEALS

*Transcript of Proceedings*

*March 28, 2022*

**Hart**

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**EXHIBIT**

**A**

Transcript of Proceedings  
March 28, 2022

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

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

Transcript of Proceedings  
March 28, 2022

**ORIGINAL**

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

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

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

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

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

1 BOARD MEMBER: The Vallerie Holdings,  
2 appellant.

3 MR. LEMING: Yes, sir.

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

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

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

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

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

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

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

18 BOARD MEMBER: Okay.

19 MR. LEMING: Okay.

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

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



Transcript of Proceedings  
March 28, 2022

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



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1 MR. LEMING: And, you know, he has his  
2 records there and things like that. He has a marina  
3 office as well, but I think he uses that as his  
4 personal office. But there's no other activity going  
5 on downstairs that I'm aware of at this time.  
6 BOARD MEMBER: Okay. Thank you for  
7 clarifying --  
8 MR. LEMING: Yes, sir.  
9 BOARD MEMBER: -- that to me.  
10 BOARD MEMBER: Okay. Can you just clarify  
11 one thing for me. You said that Mr. Vallerie  
12 MR. LEMING: Vallerie.  
13 BOARD MEMBER: -- lives up there currently?  
14 MR. LEMING: He -- in the wintertime, the  
15 marina closes down.  
16 BOARD MEMBER: Okay.  
17 MR. LEMING: So Mr. Vallerie in the  
18 wintertime goes to Florida.  
19 BOARD MEMBER: Okay.  
20 MR. LEMING: So he -- he comes back when --  
21 to open the marina and has been up here a couple of  
22 times to get that process started. And starting next  
23 week, then he's here full-time --  
24 BOARD MEMBER: Okay.  
25 MR. LEMING: -- once the marina operation

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1 starts.  
2 BOARD MEMBER: So the second floor is only  
3 used as a residence?  
4 MR. LEMING: Yes, sir. That's correct.  
5 BOARD MEMBER: It is --  
6 MR. LEMING: Uh-huh.  
7 BOARD MEMBER: -- never used as a commercial?  
8 MR. LEMING: He has never used it as a  
9 commercial. There was a thought at one point -- and  
10 you may have seen some photographs -- about that being  
11 some kind of wedding venue --  
12 BOARD MEMBER: Yes.  
13 MR. LEMING: -- that may be what you're  
14 talking about.  
15 BOARD MEMBER: Uh-huh.  
16 MR. LEMING: And, yes, he did put something  
17 on the internet thinking that that may be a possibility  
18 there, but then things went wrong in the rest of the  
19 case, the -- the access, the ability to get there, he's  
20 never used it. There's never been to my knowledge a  
21 wedding couple that has used that as a -- as a  
22 honeymoon suite. And I know Mr. Vallerie has not used  
23 it as a honeymoon suite because he's been married for a  
24 lot -- a lot of years. So ...  
25 BOARD MEMBER: Go ahead, sir.

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1 BOARD MEMBER: Is this -- is this the only  
2 access to that second floor then?  
3 MR. LEMING: That's exactly correct.  
4 BOARD MEMBER: Okay.  
5 MR. LEMING: The staircase is the only way up  
6 there. This is no place indoor -- very small  
7 structure. And the -- one of the things that he's  
8 looked at is, well, where would you put internal  
9 access. But, you know, where it would have to go to  
10 avoid the pipes and things upstairs, yeah, he -- he  
11 reached the conclusion that that would not be feasible.  
12 And indeed there was never an internal staircase that  
13 we know of. It was always an external staircase to the  
14 upstairs, and it -- it's -- it's perfectly clear, I  
15 think, based on what was going there and what was  
16 there, what had been done at the time that he purchased  
17 that that -- the upper part was a residence.  
18 The other -- the other staircase was so old  
19 that it was non-conforming. We don't know why, and he  
20 wouldn't have had to build another staircase if that  
21 one had still been there. It could have stayed on.  
22 But for whatever reason, the prior owner removed it and  
23 was restructuring, reconfiguring the residential  
24 portion upstairs, including the new entryway, which  
25 is -- is where he's tried -- you know, to put the door

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1 back where it was, the appliances are there now, there  
2 may be something that could be moved around, but it  
3 would also involve, you know, closing up the door that  
4 had been cut and moving it back to its original  
5 position. And by -- by most ways of doing that, you  
6 still have a setback violation, and we believe that the  
7 old staircase intruded into the setback as well. It  
8 could do so legally because it was non-conforming and  
9 predated the staircase. It was unfortunate the old  
10 staircase got removed, but it did.  
11 BOARD MEMBER: Did you have another question,  
12 Mr. ...  
13 BOARD MEMBER: I think let's let Mr. Leming  
14 do his presentation. I can hold them till then.  
15 BOARD MEMBER: Okay. Thank you.  
16 Okay. Yes, sir.  
17 BOARD MEMBER: Please.  
18 MR. LEMING: Okay. So we're -- you have  
19 another -- do have an order that you're going to  
20 proceed in now?  
21 BOARD MEMBER: If -- well, we've asked a few  
22 questions, and I think we cleared up some things, but  
23 what is your purpose here today?  
24 MR. LEMING: Oh, okay. Do you want me to --  
25 to give -- do you want me to put on my case?



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

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

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

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



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

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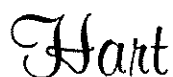
1 height. Now, per -- and this is a portion of the  
2 commercial code that is cited here. Per Section  
3 1011.52, the riser shall be a maximum of seven inches  
4 rather than the eight inches.  
5 Now, what do we -- how do we get to the -- to  
6 the eight inches? The -- the residential portion of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

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

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



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

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

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

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



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



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<p style="text-align: right;">Page 29</p> <p>1 handrails there. They're right there. You can see 2 them. They're on the top of the guard -- the guard. 3 Now, that begged the question as we got to 4 thinking about this. Well, can they be on top of the 5 guard? And what we have -- what is suggested here is 6 that -- well, yes, absolutely. There's no -- there's 7 no requirement that the handrail stand -- at least 8 that's been cited here, and all we can go on is -- is 9 what's been cited in the violation, but there's no 10 indication that the handrail needs to be something 11 separate and go right on top of the -- of the -- of the 12 guard. 13 Since that time, I've been noticing 14 staircases in my own house. You know, it -- at 15 adjacent properties, at commercial properties, just 16 to -- what in the world are they talking about here? 17 Well, in my house, I have some independent handrails 18 that are hooked to the wall. On the steps to my deck, 19 the -- the handrail -- and this was all inspected by 20 Stafford County. The handrail is on the top of the 21 guard. You hold on to it when you're going up the 22 steps, and it goes up with the steps. 23 So we're -- we're not sure what this is all 24 about, but it assumes, I think, that the -- what is 25 shown in the picture at the top of the guard is not a</p>	<p style="text-align: right;">Page 31</p> <p>1 It's simply not that part of the code. So this may be 2 a technical issue, but this is a letter of violation, 3 so quite simply, they've got to have the -- the right 4 section cited. Now -- and there's been no -- there's 5 been no correction or modification to that, even though 6 we put it out in our -- pointed it out in our appeal. 7 Now, the -- the last -- or the next issue 8 here has to do with the stairway fire separation 9 distance from the building. Now, this one -- if you 10 thought things were complex to this point, just wait. 11 Now, first of all, I would point out that there is 12 separation shown on the -- one unusual thing about this 13 case is that Mr. Vallerie did submit plans for the 14 staircase that were approved by the county. Now, with 15 everything else going on and with an appeal of his 16 variance, he never picked them up, but they were 17 approved. Now, those approved plans, which are part of 18 your package, show a measurement of two feet between 19 the staircase and the house. Now, that's approved. 20 That's on the approved plan. So that was reviewed when 21 the plans were reviewed by the county, and the -- the 22 plans are -- are stamped approved. 23 Now, even beyond that, here's the -- here's 24 the definition of an exterior -- under the building 25 code -- because the -- the violation here suggests that</p>
<p style="text-align: right;">Page 30</p> <p>1 handrail and that somehow there needs to be something 2 else. We don't find anything in the building code that 3 tells us what the dimensions of the -- of the handrail 4 are supposed to be. But, obviously, it's supposed to 5 be something you can hold on to as you were descending 6 or ascending stairs. 7 So we're not really sure why this is cited as 8 a violation, but it is, to the extent that the guard is 9 at the correct height under the residential portion of 10 the code, the handrails are -- they're at -- they're at 11 the right height, you know, also. They're -- 12 they're -- you know, it's thirty-four to thirty-eight 13 inches, and we're -- the top of the guard is thirty-six 14 inches. So if it's a handrail, that's it. And we've 15 not found any -- there's certainly no explanation in 16 the violation as to what else this could possibly be. 17 Now, the -- the next issue is -- are the 18 floor joists and hangers, and a code section is cited 19 here. Now, all I will tell you about this one is that 20 we -- we've looked up this code section, and it has 21 nothing to do with this subject. Now, the next code 22 section may be relevant, but not the one that's cited 23 in the violation. The section that is cited, 24 2304.10.3, doesn't reference or require -- much less, 25 require the installation of a floor joist and hangers.</p>	<p style="text-align: right;">Page 32</p> <p>1 this has to be a certain distance from the house 2 because it is -- let's see. An exit, a component that 3 serves to meet -- this is the definition under the 4 building code -- one or more means of egress design 5 requirements under the code. 6 Now, what does that mean? Means of egress is 7 defined under the building code as a continuous and 8 unobstructive path to a public way. Now, public way 9 that we can find is not defined in the building code. 10 But what I would point out is that this staircase comes 11 down to the lawn. It is nowhere near a sidewalk, near 12 a road, near any common sense definition of what a 13 public way would be. So question is, you know, whether 14 or not it's even covered, whether or not this is 15 something that is even regulated by the building code. 16 So that -- that's where that ten feet of provision 17 comes from. 18 You know, I have all of the -- the 19 definitions, the definitions of egress. And just to -- 20 by way of review, a staircase -- exterior -- exterior 21 exit staircase, one on the outside of the building. An 22 exit component that serves to meet one or more means of 23 egress designed requirements such as a required number 24 of exits or exit access travel distance, none of which 25 I think is applicable here, and is open to -- and the</p>



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1 last thing listed here is public ways, courts or public  
2 ways, which doesn't fit here either.  
3 So -- so first -- first point there is that  
4 this plan was before them showing two feet. It was  
5 approved. Now, they've gone off in another question  
6 and said, well, it's got to be ten feet. I'm not --  
7 I'm having trouble even visualizing how you would do  
8 that or what portion of it would be separated, the  
9 whole staircase and then what do you do? You have to  
10 bridge -- and, of course, that would create all kinds  
11 of additional setback issues, but I don't believe that  
12 this is an exterior exit stairway within the meaning of  
13 the building code. This is simply access to a  
14 residential portion of this building upstairs. And in  
15 its present configuration, that plan was approved by  
16 the -- by the county.  
17 So those are the -- those are the -- those  
18 are the -- those are the points that are raised here,  
19 so -- and I don't mean to be redundant at all, but  
20 your -- your first two issues, the stair riser and then  
21 the guardrail, are controlled I think by what this is,  
22 what this staircase is. Is the staircase -- that's the  
23 structure here. No other thing is being worked on. Is  
24 the staircase a commercial or a residential structure?  
25 And if you take a broader view and say, well, that

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1 turns on what the structure is, residential or -- or  
2 commercial.  
3 Well, it certainly -- it has no history of  
4 being used historically, the upstairs at all, for a  
5 commercial structure. If there is a residential use to  
6 the downstairs portion of the building, it's a recent  
7 one and is limited to Mr. Vallerie's office, but I  
8 don't think that effects the definition of -- of  
9 whether or not this is a commercial or a residential  
10 dwelling. And -- oh, it can't be a commercial  
11 dwelling. The -- it's your Commission of Revenue that  
12 tells us it's a dwelling, and that's how it's taxed.  
13 Now, the -- the issue of the -- the handrails  
14 is simply -- it -- it -- from everything we've read, it  
15 doesn't appear there has to be a separate independent  
16 handrail on the inside of the guard, that the top of  
17 the guard may be the handrail, and there's certainly  
18 nothing in the code to suggest otherwise. And a  
19 suggestion in the literature that -- you know, that is.  
20 That serves that purpose. That's why it's there. And  
21 you -- you think about how many outside staircases that  
22 you've seen are structured like that. They don't --  
23 they don't have something on the inside of the guard,  
24 for the most part. Some may, but certainly most don't,  
25 and based in my observation since I've been actually

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1 looking at them over the last month or so.  
2 And then the -- the floor joist and hangers,  
3 you know, this is -- this is -- it's simply not -- you  
4 know, if they want to cite him -- go back and cite him  
5 with the correct code section, they can, but this code  
6 section has nothing to do with what they've said it  
7 covers.  
8 And then the -- the fire separation approved  
9 plan by the building department, showing the two feet  
10 and the definition in the building code that this  
11 violation depends on that this be an exterior exit  
12 stairway. That's how they're coming up with the ten  
13 feet. But it doesn't appear to serve the purposes of  
14 an exterior exit stairway, and there is no connection  
15 to a -- a public way, which is what the building code  
16 requires.  
17 Okay, gentlemen. Well, you've -- you've been  
18 very patient, and I noticed the questions died. Oh,  
19 okay. Yes, sir.  
20 BOARD MEMBER: I noticed you didn't address  
21 the footing comment.  
22 MR. LEMING: Well, I'm sorry. Which one?  
23 BOARD MEMBER: Footing.  
24 MR. LEMING: Oh. Well, the footing they  
25 couldn't -- they can't -- they can't inspect anything

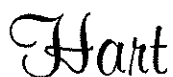
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1 is what the letter says. They did come out there. We  
2 set a time up there for them to do it. They can't see  
3 the footing. And they -- but they canceled the visit.  
4 I think Mr. Grubbs would tell you the visit was  
5 canceled -- at least as I'm advised by the county  
6 attorney -- because it's not clear that they can do  
7 that without possibly damaging the footers. So we set  
8 up a time for them to come and inspect the footers, but  
9 there is no inspection of the footers at this point.  
10 And I think what the letter says is they couldn't do  
11 it. There's no -- that's not a violation.  
12 BOARD MEMBER: I have a question concerning  
13 the handrail guardrail.  
14 MR. LEMING: Yes, sir.  
15 BOARD MEMBER: Is the top of this a  
16 two-by-four laid down flat?  
17 MR. LEMING: I don't think it's that wide.  
18 There's a picture I think that the top is -- it may be  
19 as wi -- you know, you're asking a lawyer here. It may  
20 be as wide as four inches. It is not simply a  
21 two-by-four. It's -- it's a more finished staircase  
22 than that. And Mr. Grubbs may be able to --  
23 MR. GRUBBS: It's --  
24 MR. LEMING: -- tell you that --  
25 MR. GRUBBS: It's a --



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<p style="text-align: right;">Page 37</p> <p>1 MR. LEMING: -- more accurately. 2 MR. GRUBBS: -- vinyl type -- 3 MR. LEMING: It's a vinyl, right. 4 MR. GRUBBS: -- three-fab -- 5 MR. LEMING: Oh, okay. 6 MR. GRUBBS: -- handrail with the -- the 7 little bumps on the side. 8 MR. LEMING: Yeah. 9 MR. GRUBBS: And it didn't -- it didn't come 10 with any code because the -- it was too wide across the 11 top to get that fully graspable. 12 BOARD MEMBER: So it's configured as a -- 13 MR. GRUBBS: Yes. 14 BOARD MEMBER: Thank you. 15 MR. LEMING: Yeah. So it's -- it's flat 16 across the top, and I -- my -- I was going to guess 17 that it was not wood, but vinyl is -- and certainly the 18 picture seems to support that it's one of the new vinyl 19 staircases and rails. 20 BOARD MEMBER: Yes, sir. Questions? 21 MR. LEMING: All right. Well -- well, thank 22 you all very much for your patience. And, you know, if 23 there are questions for me when you hear the rest of 24 what you're going to hear tonight -- 25 BOARD MEMBER: Well --</p>	<p style="text-align: right;">Page 39</p> <p>1 through all the -- all the violations I've hit him on. 2 All right. As far as the violations go, every one of 3 them meet an R-1 occupancy as far as what he has out 4 there. After the inspection report was conducted, it 5 led to the notice of unsafe structure. All right? The 6 notice of unsafe structure went out on January 24th, 7 2022, after the inspection of the stairway and deck was 8 complete and after it was found that the top portion of 9 the building was not to be occupied. This was found in 10 the notes of the change-of-use permit to change the use 11 of the bottom portion of the building to a B, business 12 use, and the top portion to change to an R-1 use. This 13 was to only turn to an R-1 use after Mr. Vallerie 14 applied for another permit to fire rate the floors 15 between the two occupancies. The top portion of the 16 building was not to be occupied until the fire rating 17 between the two floors was permitted, approved, 18 installed, and inspected. 19 This slide shows a permit for that change of 20 use. All right. Originally, this change of use was 21 going to be changed the bottom use to a B, business 22 use, and the top portion to an R-1 use as a studio 23 apartment upstairs. All right. That was the 24 original -- that's what he came in to permit 25 originally. If you see the notes to decide that we've</p>
<p style="text-align: right;">Page 38</p> <p>1 MR. LEMING: -- please don't hesitate to 2 bring them to my attention. 3 BOARD MEMBER: Okay. Mr. Grubbs, sir. 4 MR. GRUBBS: Yes, sir. Hopefully I can bring 5 a little clarification to all of this. Good evening, 6 everyone on the board. Thanks for coming tonight. 7 Let's see. By the end of this presentation, 8 it is my intention to prove that the stairway leading 9 to the second story of this structure at 34 -- 10 349 Pleasants Landing is unsafe -- is an unsafe 11 structure defined by the 2018 Virginia Construction 12 Code and the 2018 International Building Code. 13 All right. This next batch of slides will be 14 the current pictures that we took during that 15 inspection. This one you can see it of the -- the side 16 of the stairway going down the side of the building 17 there and then the -- what they're calling the balcony. 18 It is truly a deck, but the balcony, slash, deck above 19 as well right there in that picture. This next picture 20 will show you the stairwell, how it goes up, how it's 21 actually lined up and stuff. And then we have another 22 picture of the back side showing the deck and all that 23 good stuff. 24 All right. From this -- in the inspection 25 report. All right. We al -- we've already been</p>	<p style="text-align: right;">Page 40</p> <p>1 blown up for you, they're highlighted there in -- in 2 yellow -- just couldn't get them to -- to really get it 3 all up there for you. 4 Our previous building official, Paul Snyder, 5 wrote the change of use to be use of a residence above 6 to change to R-1. This use will change R-1 due to its 7 use to being a studio apartment and being primarily 8 transient. Will be permitting upstairs change of use 9 after closing this permit. Owner has been informed 10 that the lower will need to be separated from the R-1 11 occupancy above and fire rated before any use of the 12 upper level will be permitted. 13 All right. This next slide is a plan that 14 Mr. Vallerie provided us for that change of use. As 15 you can see on the -- the lower-level portion, that's 16 the business side portion, and the upper portion. You 17 can notice the upper portion is scratched through. The 18 upper portion is scratched through because Mr. Vallerie 19 is going to have to come back, get another per -- 20 permit to fire rate between those two floors before he 21 could use that studio apartment up top. That's what 22 we're looking at there. 23 So based off this building plan and this 24 layout, a permit was issued. Inspections were 25 conducted. They were actually conducted on</p>



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1 February 12th, 2022 -- sorry. Of 2019. And a CO was  
2 issued to Mr. Vallerie changing the building's use to  
3 commercial with the understanding that the top portion  
4 was not to be occupied until the fire rating between  
5 the floors was completed.  
6 Next slide I will show you. This is the  
7 certificate of occupancy that was issued to  
8 Mr. Vallerie on February 13, 2019. As you can see, the  
9 use group, it is a commercial use.  
10 All right. These next group of slides will  
11 show you all the permits that were applied for that  
12 that -- that are associated with this building. The  
13 first one you see is 201900199, that is the  
14 change-of-use permit we just went over. The other one,  
15 296, that is the deck permit. 297 is the -- it was  
16 replacing an existing doorway on the upstairs portion.  
17 And 298 is the -- is the permit application for the  
18 stairwell.  
19 All right. These four permits that are  
20 associated with this building, one's a change of use,  
21 we got a stairway, a deck, and a new door. Only -- of  
22 all four of these permits, only one -- only one permit  
23 was ever issued and paid for. All the other permits  
24 were not issued and not approved because of zoning  
25 issues that haven't been corrected yet. The plans were

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1 approved for the stairs. Mr. Vallerie obtained those  
2 plans through one of many zoning hearings that we've  
3 had, and that's how he obtained those plans. Those  
4 plans were never issued to him. A permit was never  
5 issued to him to build the stairway, the deck, or to  
6 replace that door upstairs.  
7 BOARD MEMBER: Could you -- could you mind  
8 repeating that last bit. That he is no -- he has no  
9 permit for the stairs, the deck, and the door upstairs.  
10 MR. GRUBBS: Yes, sir. Therefore, the  
11 stairway, deck, and installation of the new door on the  
12 second story were all constructed and installed without  
13 building permits.  
14 BOARD MEMBER: Thank you.  
15 MR. GRUBBS: All right. This next slide  
16 right here, this is a picture that was taken and pulled  
17 off of Mr. Vallerie's -- he has hired this --  
18 theknot.com. It is a website that -- that promotes his  
19 wedding business and stuff down there. This was one of  
20 the pictures that was taken off of his website that we  
21 still had. The lower portion of this building -- and  
22 I'm pulling it up for you right here. That's the  
23 billing we're talking about right here. You notice  
24 what it says right above, bridal suite and groom's  
25 room. Keep that in mind.

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1 BOARD MEMBER: Uh-huh.  
2 MR. GRUBBS: Slide 12 and 13 will be sort of  
3 the same. You have Package A and B and C. This was  
4 pulled off of the same website Mr. Vallerie forgot to  
5 take down. This will prove what he is intending to use  
6 that top portion for. If you read, groom's den has a  
7 full bathroom, shower, small kitchen, large balcony,  
8 and a area to get ready.  
9 The large balcony is the second-floor area.  
10 He is letting the public go up there and -- and use the  
11 upstairs area, which is not to be occupied at no time.  
12 At no time. Nor are the stairs supposed to be there.  
13 You're not allowed to walk up those stairs to get up to  
14 an occupancy either. Here is Package C. It is the  
15 same thing just to show you that the groom's den is  
16 available upstairs for the groom and all of his  
17 groomsmen to get ready in that area. Again, I will  
18 remind you, the top portion of this building is not to  
19 be occupied.  
20 All right. This set of slides will show you  
21 how and why we inspected the stairway and deck as an  
22 R-1 occupancy. All right. R-1, residential occupancy  
23 containing sleeping units or more than one -- more than  
24 two dwelling units. One, the occupancies are primarily  
25 transient, and there are more than ten occupants.

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1 We went to the transient definition.  
2 Transient definition is basically occupancy of a  
3 dwelling unit or a sleeping unit for not more than  
4 thirty days, which is exactly was being done up there.  
5 Finally, we looked up sleeping unit. All  
6 right. Sleeping unit. The single unit that provides  
7 room or spaces for one or more persons, including  
8 permit provisions for sleeping and can include  
9 provisions for living and eating and either sanitation  
10 or kitchen facilities, but not both.  
11 We went into a little deeper over here to  
12 your right, and that is the IBC Code and Commentary.  
13 Great book to have if you ever want to get into the  
14 code a little bit more, it really explains it more. If  
15 you look in the -- this section right here that they  
16 define R-1, another example would be a studio  
17 apartment. On the -- on the plans that Mr. Vallerie  
18 provided for the upstairs, in his own writing says  
19 studio apartment. That's exactly what he is intends --  
20 he intends to use it as a studio apartment and intends  
21 to rent it out to these wedding parties to use up  
22 there; maybe to stay the night, maybe not, but to be  
23 used.  
24 All right. This slide is the resolution for  
25 the 2017 local board of building code appeals, the



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1 finding that Mr. Vallerie in 2017 for almost the same  
2 exact stuff. Last time was he did not have a permit  
3 for the stairs, for the stairway. He did not have a  
4 permit for the deck. Therefore, you found in favor of  
5 the building official. He had no permit to construct  
6 this. He took it down. Once again, we're in the same  
7 place again. He has built the stairway again without a  
8 permit. He has built that deck again without a permit.  
9 This time, it has turned into an unsafe situation.  
10 With the way the deck was configured and not only does  
11 it not have a permit, it makes this an unsafe  
12 situation.

13 I would like to take the time to thank the  
14 board for their -- for your time and your patience  
15 today. I will close with this. One, the stairway was  
16 constructed without an approved building permit. Two,  
17 the stairway is not constructed to the provisions and  
18 standards set forth in the Virginia Construction Code.  
19 Three, the stairway needs -- the stairway leads to the  
20 top portion of the building that is not to be occupied  
21 because it has not yet been fire rated between both  
22 floors. For these reasons, the stairway poses a threat  
23 to life safety -- the stairway needs to be removed to  
24 ensure that there is no threat to life safety, to the  
25 public, and that no one can occupy the top portion of

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1 the building until the required permits have been  
2 applied for and approved and all code requirements have  
3 been met.

4 Thank you. Do you have any questions at this  
5 time?

6 BOARD MEMBER: I have one question. I guess  
7 I'm a little bit -- the question I have, we have these  
8 set of plans that were originally reviewed and  
9 approved, but then he changed the use of the upstairs  
10 or requested a change of the use for upstairs?

11 MR. GRUBBS: Correct. The original permit  
12 when he came in was to change the use for the bottom --

13 BOARD MEMBER: Right.

14 MR. GRUBBS: -- and the top.

15 BOARD MEMBER: So when those plans were  
16 reviewed, they met the code. But then when he  
17 requested the change, they didn't?

18 MR. GRUBBS: Correct.

19 BOARD MEMBER: Okay.

20 MR. GRUBBS: Yes, sir.

21 BOARD MEMBER: Thank you, Mr. Grubbs.

22 MR. GRUBBS: Thank you.

23 BOARD MEMBER: Counsel, do you have closing  
24 remarks?

25 MR. LEMING: Yes, sir. Thank you. Yes.

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1 The -- most of what the building code  
2 official has shared with you is irrelevant. The reason  
3 for that is this. We're here on a specific notice of  
4 these violations, and we've -- we've been through the  
5 basis for this letter. There are -- there are six of  
6 them. And this -- what he's concluded rises and falls  
7 on the validity of the particular things, the  
8 particular violations that have been alleged.

9 I would suggest to you that what counts right  
10 now -- this wasn't an inspection that didn't occur some  
11 years ago; this was an inspection that occurred this  
12 past February. It was pursuant to a discovery request  
13 and the context of the litigation. And all these  
14 permit issues tell you to get a permit, they're all  
15 pending at the circuit court. This is something new.  
16 This is a set of violations, building code violations,  
17 that are alleged and a conclusion that in the building  
18 codes official he believes he can make in a directive,  
19 but if these violations are not supportable, he cannot.  
20 He can only -- he can only proceed if these violations  
21 that are cited in the notice that's provided to the  
22 property owner are valid.

23 We're not here today to talk about whether he  
24 has a permit or not, a host of other things whether or  
25 not at some point -- remember, the only thing that he

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1 showed you, which we told you about, is yes, at one  
2 point, Mr. Vallerie thought, oh, this would be a nice  
3 wedding venue. Well, you may recall before COVID, this  
4 goes back -- how old are these now? How many years it  
5 hasn't been used. Before COVID, wedding venues were a  
6 big business. And yes, he did entertain. But no -- no  
7 honeymoon has occurred in that. There's been no  
8 wedding couple that has used the upstairs. That is  
9 where he stays. That's where he lives. That's --  
10 that's a -- that's all that it is.

11 So what does any of that have to do -- now,  
12 he's not -- he's not -- there's not a building code  
13 violation here for using the premises for some use that  
14 the building code doesn't sanction or permit. You  
15 know, the -- the violations go to specific building  
16 standards; risers, guard height, handrails, floor  
17 joists. It doesn't even have the right code section.  
18 The stairway separation, distance. You know, and then,  
19 of course, the footings we didn't get to. So those --  
20 those five things are what he is alleged to have  
21 violated, nothing more. And I don't believe that in  
22 your consideration of this that you can do anything  
23 other than make a determination as to whether or not  
24 these violations are valid.

25 Now, if they are, then maybe you -- you're



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1 enti -- maybe he's entitled to make the leap, and  
2 that's what it is at this point, to the conclusion that  
3 there's something so unsafe going on right now that it  
4 has to be taken down. Well, none of that's going to  
5 happen until the circuit court's done anyway. So this  
6 is something else thrown into the mix, and I encourage  
7 you to review this narrowly in the context of what it  
8 is that he says violates the building code. I think  
9 that's the -- that's the -- that's the agenda today  
10 deciding, and I think that's the way it has to be  
11 reviewed.

12 Now -- and I would also point out that a good  
13 bit of confusion, I wasn't exactly sure how we were  
14 getting through the classifications, but under  
15 Section 301 and several things were suggested here that  
16 this could be, but we have an R-1, we have an R-2 and  
17 an R-3, and it -- the code tells you what's included  
18 with each one. Okay?

19 R-1, the residential group, boarding houses.  
20 This isn't a boarding house. Congregate living  
21 facilities, hotel, motel, no. R-2, apartment houses.  
22 This is not an apartment house. Congregate living,  
23 boarding houses -- non-transient boarding houses. And  
24 then we come to Group 3, and the only thing -- the only  
25 thing that we found that fits what's going on here is

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1 that under 310.4, buildings that do not contain more  
2 than two dwellings. That's what this is. It has one  
3 dwelling in the building. Okay?

4 So that's why we think that's the  
5 appropriate -- but, regardless, you know, the  
6 fundamental question still is -- at least with regard  
7 to risers and guard height, the -- this whole issue is  
8 is this -- is the staircase a commercial structure or  
9 residential structure? It doesn't matter at this point  
10 whether he got a permit, didn't get a -- got one,  
11 didn't get one, got a partial permit, whatever. Said  
12 he was going to do X, said he was going to do Y. This  
13 letter of violation goes to particular building code  
14 violations that have to be established to go to the  
15 next step.

16 So, you know, I suggest to you that for  
17 application of the building code -- that's the narrow  
18 task here. How do we apply the building code to this?  
19 And for building code purpose, what is it, you know?  
20 And, you know, what is the staircase? And if you have  
21 to get to that point, what is the staircase serving? A  
22 dwelling, a residential unit.

23 Okay. Thank you all very much. I -- you  
24 probably said, oh, that's just -- how many times is he  
25 going to say that? But I appreciate very much your

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1 patience. And -- and I ask you to uphold the appeal on  
2 the merits of the case.

3 But, you know, if you -- if you think you  
4 have to look beyond this, you know -- you know, take it  
5 under advisement, let the circuit court do its thing,  
6 you know, and -- and then deal with it. But this is  
7 all highly irrelevant until the circuit court first  
8 decides whether he has a right to have the staircase in  
9 the setback. It's all going to turn on that  
10 ultimately, you know. You know, if the Court says,  
11 yes, he does, he gets a variance. Then we're going to  
12 have to get this stuff straightened out. If he says --  
13 if the Court says, no, he's not entitled to a variance,  
14 the staircase comes down. So this is a side -- an  
15 unfortunate sideshow that the county has created in the  
16 midst of major litigation going on that will dispose of  
17 all of these issues. Thank you.

18 BOARD MEMBER: Thank you.  
19 Mr. Grubbs.  
20 MR. GRUBBS: Yeah. Just to close here. It's  
21 a lot of smoke and mirrors going on here. R-3 is the  
22 only occupancy that allows him to have that eight --  
23 that eight-inch rise, all his handrails and all that  
24 stuff. As -- as far as I'm concerned, building codes  
25 and -- and the stairwell itself, the stairwell did not

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1 meet code. It does -- does not have a permit. Within  
2 itself, that is a code that must be followed and  
3 mandated.

4 I -- I ask that you uphold my decision today  
5 because the stairwell, as it is today, is it -- in an  
6 unsafe state. And in the history of Louisa County,  
7 when I started here ten years ago, our building  
8 official put in front of us one thing we will never  
9 miss is handrails. One thing we will never miss is  
10 handrails with anything to do with steps. Because we  
11 had an inspector a while back -- it was about, I'd say,  
12 twelve years ago -- missed a handrail on a set of  
13 steps. Lady fell down and fell to her death. Well, he  
14 was caught for it and all that good stuff. Well, I can  
15 tell you one thing we're not going to miss in this  
16 county is a set of steps. Nobody's going to fall down  
17 because we missed it. Okay? The stairs are unsafe  
18 because they do not meet building code, and that's  
19 plain and simple. Thank you.

20 BOARD MEMBER: I have a question, Mr. Grubbs.  
21 MR. GRUBBS: Yes, sir.  
22 BOARD MEMBER: This is a very complex issue,  
23 and I'd like to get it down to just one point. Was  
24 there a building permit issued for these stairs?  
25 MR. GRUBBS: No.



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1 BOARD MEMBER: Thank you.  
2 BOARD MEMBER: And a change of use was  
3 approved for the R-1 occupancy upstairs and the B  
4 occupancy below?  
5 MR. GRUBBS: Originally, no. The -- that got  
6 changed to just the B below. The R-1 was to be  
7 permitted later once the fire rating between the  
8 floors --  
9 BOARD MEMBER: I got you.  
10 MR. GRUBBS: -- was permitted as well.  
11 BOARD MEMBER: So the downstairs does have a flood use  
12 approved occupancy of B?  
13 MR. GRUBBS: Right. Yes, sir.  
14 BOARD MEMBER: One question. The -- his  
15 reference to the floor joist and stair hangers not  
16 being referenced correctly, it -- is he correct about  
17 that, or is that --  
18 MR. GRUBBS: Not correct. That is out of the  
19 2018 --  
20 BOARD MEMBER: Okay.  
21 MR. GRUBBS: -- Virginia Construction Code.  
22 You --  
23 BOARD MEMBER: Thank you.  
24 MR. GRUBBS: -- will not find that in 2015 or  
25 behind.

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1 BOARD MEMBER: Thank you.  
2 MR. GRUBBS: Yes, sir.  
3 BOARD MEMBER: And, basically, the handrail  
4 is in both codes, residential and -- and it gives you  
5 specific dimensions in the code very -- and it's kind  
6 of complicated really, some of it, but -- but the  
7 dimensions are in the code. And then actually some of  
8 the residential re -- I mean, some of the commercial  
9 requires handrails both sides of the stairwell.  
10 MR. GRUBBS: Yes. Yes, sir.  
11 BOARD MEMBER: And continuous at the  
12 landings. So -- so -- but it is specific definitions  
13 of the handrail in both codes as far as the requirement  
14 of it.  
15 BOARD MEMBER: Thank you, sir.  
16 MR. GRUBBS: Thank you.  
17 BOARD MEMBER: All right. We are now going  
18 to debate. You're welcome to stay and listen to the  
19 debate, and if we can come to a conclusion, it'll be --  
20 everybody will go home with knowing what's going on.  
21 John, do you have any questions or comments?  
22 BOARD MEMBER: Comments.  
23 BOARD MEMBER: Comments?  
24 BOARD MEMBER: Well, you know, you don't  
25 start building something without a permit, number one.

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1 Number two, there was a stop work order issued; is that  
2 correct?  
3 MR. GRUBBS: That's correct. Stop work order  
4 in 2019 was actually on this same structure we're --  
5 BOARD MEMBER: Okay.  
6 MR. GRUBBS: -- talking about. And the  
7 statutes of the limitations had been brought with that.  
8 BOARD MEMBER: Sure.  
9 MR. GRUBBS: Paul had surgery on his hip  
10 during that time, and then COVID hit, and then it  
11  
12 BOARD MEMBER: Sure.  
13 MR. GRUBBS: -- he actually left in July of  
14 2020 and just -- and it got dropped by the wayside.  
15 BOARD MEMBER: Sure. Well, just those two  
16 things right there are pretty egregious violations of  
17 the building code. I was just reading this morning on,  
18 you know, violating stop work orders, and there --  
19 there are civil penalties that can be assessed on that.  
20 I do know that there have been many injuries  
21 and even deaths in this country on improperly built  
22 decks, old decks, decks that have come away from homes.  
23 You know, somebody has a birthday party and has  
24 twenty-five people up on the deck, and maybe they start  
25 dan -- maybe they're just standing there taking a

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1 picture, and all of a sudden, the deck fall. Decks are  
2 a -- a critical structure. For residential, they're  
3 designed for forty pounds a square foot. For  
4 commercial, they're designed for a hundred. I don't  
5 know what this deck is designed for, but you've  
6 inspected it, and I believe -- I mean, I agree with  
7 your assessment that it is unsafe.  
8 So -- well, the difference between having an  
9 office in your house and an office on this property,  
10 there are hundreds of people that come to Pleasants  
11 Landing. You know, you can get a number of people up  
12 on that deck or on those stairs just, you know, hey,  
13 how's everybody doing? You know, take a picture or  
14 something. To me, it's a commercial property, and I  
15 believe that's your assessment too, and it should be  
16 built in accordance with the Virginia Construction  
17 Code. So I agree with your assessment that this is a  
18 violation of code. I'm done.  
19 BOARD MEMBER: Counsel might be right that  
20 this has to be decided on whether it's a commercial or  
21 residential structure, and it's certainly been fogged  
22 up to the maximum amount, it seems to me so far. We  
23 have a relatively small building that is being asked to  
24 have two different uses. I don't think I've ever run  
25 across that one before. You might have that in a large

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1 building, but -- but -- and it's clearly in a  
2 commercial zone, and certainly appears to have  
3 commercial intent. And my recollection is that this  
4 was a event site of some sort, music venue and so  
5 forth. I mean, wow, you'd get some pretty crazy  
6 behavior in places like that, so we need to be very  
7 careful.  
8 So if it -- if -- if it has to be decided on  
9 that narrow basis -- and I'm not sure that it does  
10 because there's a lot of sort of mind-boggling things  
11 that have gone on here, it seems like it would have to  
12 be decided that this is not a common residential  
13 structure we have here, and you can't just say, oh,  
14 that part of the house up there is going to be  
15 different. It might be possible in -- in a more  
16 complex situation, but this is a pretty simple  
17 situation. So I would certainly uphold your ruling on  
18 this.  
19 BOARD MEMBER: Please, comment?  
20 BOARD MEMBER: Yeah. I -- I agree with John  
21 that, you know, definitely I know the -- to me, the  
22 violation is notice of unsafe building or structure and  
23 that the code sections are some of the reasons why it  
24 is unsafe, so -- but like you say, I think it all goes  
25 to not having a building permit, to begin with, to --

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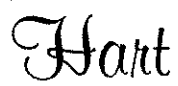
1 if the other structure was taken down, and that  
2 definitely the graspable handrails required, either  
3 way, whatever the occupancy is, but -- so, basically, I  
4 think his first attempt was to get it CO'd as a R-1  
5 structure upstairs and the B structure downstairs, and  
6 I could see why the upstairs was not issued a CO for a  
7 residential use till they got the fire rating done  
8 between the two occupancies.  
9 So -- you know, so if it was a total  
10 residential use, you know-- you know, the violations  
11 would probably be more easier to correct, but here it  
12 all goes again, whether zoning will allow for a permit  
13 to be issued to begin with. So, you know -- so, you  
14 know, like how our systems usually work, the applicant  
15 applies for a permit with all the -- the zoning  
16 setbacks and everything. It has to be approved through  
17 zoning before we can issue a permit, so -- but if he  
18 never even made a application to build this, you  
19 know -- you know, it -- and, like I say, the stop work  
20 order was never -- the footings -- I mean, you know,  
21 it's just all the way, you know.  
22 So -- I mean, even if you took Harry  
23 Homeowner building a deck and -- and he didn't get his  
24 footings inspected, you know, we usually do require a  
25 engineer or them to expose the footings or have a

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1 engineer verify that information be adequate for the  
2 load, so -- so I do agree with the building official  
3 that it is a unsafe structure.  
4 BOARD MEMBER: Mr. Whitlock.  
5 BOARD MEMBER: Yes. Well, I feel like the  
6 reasoning he brought this notice of unsafe structure  
7 out and he applied what he did to it was because  
8 Mr. Vallerie asked for R-1, so that's the latest thing  
9 he asked for, and so that's why you applied those  
10 standards to it.  
11 I hope it doesn't happen, but if somebody's  
12 up there and that deck comes down, that stairway comes  
13 down, somebody's got a mess on their hands, and if --  
14 if the county does not put a stop to this, they could  
15 be liable along with Mr. Vallerie. And so I -- I feel  
16 like this -- these findings are correct.  
17 BOARD MEMBER: Yeah. I think --  
18 BOARD MEMBER: Thank you for your  
19 presentation.  
20 BOARD MEMBER: -- John's -- the building  
21 officials first duty is for life safety --  
22 BOARD MEMBER: Yeah.  
23 BOARD MEMBER: -- of people.  
24 BOARD MEMBER: Absolutely.  
25 BOARD MEMBER: So ...

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1 BOARD MEMBER: Absolutely.  
2 BOARD MEMBER: Okay. Further comment?  
3 BOARD MEMBER: Then --  
4 BOARD MEMBER: It just seems like -- it seems  
5 like there was a simple solution in -- in some ways,  
6 but it also seems to me that this is about as flagrant  
7 an example of somebody not being willing to work with  
8 the -- the prevailing rules that I've ever seen.  
9 And -- and makes it hard to try to bend anything in his  
10 favor in that regard, despite the life safety issues.  
11 BOARD MEMBER: The request is by counsel that  
12 the appeals board reverse and dismiss the building  
13 official's notice in its entirety.  
14 We'll take a vote. A yes vote would be to  
15 uphold the appeal and dismiss the building official's.  
16 A no vote would be to uphold the building official and  
17 the notices stand.  
18 BOARD MEMBER: Now, wait a second. I'm not  
19 sure I --  
20 BOARD MEMBER: Okay. The way this is  
21 presented is that the -- counsel wants the appeals  
22 board to reverse and dismiss the building official's  
23 notice.  
24 BOARD MEMBER: That's the appeal.  
25 BOARD MEMBER: That's the --



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1 BOARD MEMBER: Asking for --  
2 BOARD MEMBER: -- appeal.  
3 BOARD MEMBER: -- a reversal.  
4 BOARD MEMBER: Right.  
5 BOARD MEMBER: Okay.  
6 BOARD MEMBER: And if we're upholding the --  
7 the appeal and dismissing those notices, then we would  
8 vote no. If we uphold the building offi -- Jesus, now  
9 I'm --  
10 BOARD MEMBER: Now you're backwards.  
11 BOARD MEMBER: Okay. I need a -- is there of  
12 any attorneys in here that are going to help me with  
13 this?  
14 BOARD MEMBER: We have -- we've got one of  
15 our own.  
16 BOARD MEMBER: Okay. All right.  
17 BOARD MEMBER: Yeah. If we get our own ...  
18 BOARD MEMBER: Well, let's keep it simple.  
19 We'll start with the -- the yes votes. Do we uphold  
20 the appeal and reverse the building official's notices  
21 entirety? Does that make sense? Or am I still going  
22 circles?  
23 BOARD MEMBER: I think it might be simpler --  
24 I think you're --  
25 BOARD MEMBER: Okay.

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1 BOARD MEMBER: There's nothing wrong with  
2 what you said, but it might be simpler for us if we  
3 just said are we going to uphold the building  
4 official's ruling in this situation?  
5 BOARD MEMBER: Okay. I -- do we all agree  
6 with that terminology?  
7 BOARD MEMBER: Yes, sir.  
8 BOARD MEMBER: All right. Then if we --  
9 let's proceed then.  
10 All those that wish to uphold the building  
11 official's notice entirety, say aye.  
12 BOARD MEMBER: Aye.  
13 BOARD MEMBER: Aye.  
14 BOARD MEMBER: Aye.  
15 BOARD MEMBER: Aye.  
16 BOARD MEMBER: Then it's unanimous. We --  
17 we're upholding the building official's notices.  
18 MR. LEMING: Thank you all very much.  
19 BOARD MEMBER: Thank you, Mr. Leming.  
20 MR. LEMING: You've been very courteous.  
21 BOARD MEMBER: You know -- you know Charles  
22 Payne?  
23 MR. LEMING: I'm sorry?  
24 BOARD MEMBER: You know Charlie Payne?  
25 MR. LEMING: Yes. Of course. I was --

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1 BOARD MEMBER: He does a lot of  
2 (indiscernible).  
3 MR. LEMING: I was on the phone with him a  
4 couple times today, as a matter of fact.  
5 BOARD MEMBER: Yes, sir. Good -- good guy.  
6 MR. LEMING: Yes, sir. Yes. He's a good  
7 guy. We've known each other for a long time, but --  
8 BOARD MEMBER: Yes, sir.  
9 MR. LEMING: -- I've been doing it longer  
10 than him. Y'all have a good evening.  
11 BOARD MEMBER: And the (indiscernible)  
12 certainly a good presentation today.  
13 BOARD MEMBER: Yes, sir. Good presentation.  
14 BOARD MEMBER: We have -- is there any old  
15 business?  
16 I have new business. We need to vote on a  
17 chairman and a vice chairman. Would anybody like to --  
18 the pay is twice as good for a chairman than it is for  
19 the standing members.  
20 BOARD MEMBER: Oh. We all scrambled.  
21 Are you willing to serve again, sir?  
22 BOARD MEMBER: I'm not sure. I'm having  
23 health issues, and I may have surgery here, which would  
24 be significant. So I'm not sure that -- do we have  
25 anything in the works that you think is going to come

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1 before the appeals board?  
2 MR. GRUBBS: No.  
3 BOARD MEMBER: Excellent.  
4 MR. GRUBBS: Not unless this morphs back  
5 again somehow, but no.  
6 BOARD MEMBER: Well, yeah. This is a --  
7 MR. GRUBBS: No, sir.  
8 BOARD MEMBER: This is 2022, so that's going  
9 to come forward.  
10 MR. GRUBBS: Yeah.  
11 BOARD MEMBER: So -- okay. Then I'll stand  
12 for election as chairman again if that is the board's  
13 wish.  
14 BOARD MEMBER: Yes, sir. It would be my  
15 wish. (877) 907-4278  
16 BOARD MEMBER: By acclamation?  
17 BOARD MEMBER: Oh, I like that.  
18 BOARD MEMBER: And, Mr. Hale, you are the  
19 vice chairman. Would you stand for that position  
20 again?  
21 BOARD MEMBER: I'm all about vice here.  
22 Hear, hear.  
23 All right. Thank you, gentlemen, and  
24 Ms. Carter for being here.  
25 BOARD MEMBER: Thank you very much.



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1 BOARD MEMBER: All right. This session of  
2 the appeals board is concluded.  
3 (End of recording.)  
4

5  
6 *Grace A. Lengmueller*  
7  
8

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## State Building Code Technical Review Board Policy #9

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**Title:** Process of jurisdictional issues such as properness before the Review Board, timeliness, proper party, aggrieved party, or any other administrative provision.

**Authority:** Section 36-108 et seq. of the Code of Virginia

**Policy Statement:** It shall be the policy of the State Building Code Technical Review Board (Board) that when the State Building Code Technical Review Board Secretary (Secretary) is processing an application for appeal (Appeal) and discovers a jurisdictional issue, the Secretary shall, when possible, and in the interest of time, bring the issue before the Board for consideration in a preliminary hearing in the first available slot on an upcoming agenda. When this occurs, the Secretary may schedule the merits of the case on the meeting agenda of the next regularly scheduled meeting following the meeting where the jurisdictional issue was heard. If the Board dismissed the Appeal during the preliminary hearing, the follow up hearing shall be cancelled.

It shall further be the policy of the Board that when processing a preliminary hearing, the Secretary, shall only forward to the Board the documents and information provided by the parties related to the jurisdictional issue to be considered in the preliminary hearing. If the appeal is not dismissed during the preliminary hearing and a hearing for the merits of the case is to be heard, then the Secretary shall forward the documents and information provided by the parties related to the merits of the case.

**Approval and Review:** This Board policy was reviewed and approved on 10/18/2019.

**Supersession:** This Board policy was revised and approved on 11/18/2022.

**Board Chair at Last Review:** James R. Dawson

**DHCD Director:** Bryan Horn

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## State Building Code Technical Review Board Policy #30

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**Title:** Remote Participation of State Building Code Technical Review Board Members

**Authority:** Section 2.2-3708.3 of the Code of Virginia and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Code of Virginia Section 2.2-3700—3715.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

**Policy Statement:** **DEFINITIONS**

a. **“BOARD”** means the State Building Code Technical Review Board or any committee, subcommittee, or other entity of the State Building Code Technical Review Board.

b. **“Member”** means any member of the State Building Code Technical Review Board.

c. **“Remote participation”** means participation by an individual member of the State Building Code Technical Review Board by electronic communication means in a public meeting where a quorum of the Board is physically assembled, as defined by Va. Code § 2.2-3701.

d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.

e. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

### **MANDATORY REQUIREMENTS**

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a. A quorum of the Board must be physically assembled at the primary or central meeting location; and

b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

#### **PROCESS TO REQUEST REMOTE PARTICIPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the Board Secretary of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i)—(iii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

e. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

#### **PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION**

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

- a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
- b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

**RECORDING IN MINUTES:**

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes (1) the Board's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

**CLOSED SESSION**

If the Board goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

**STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

**Approval  
and Review:**

This Board policy was reviewed and approved on 11/18/2022.

**Supersession:**

This Board policy is new.

**Board Chair  
at Last Review:**

James R. Dawson

**DHCD Director:**

Bryan Horn





## State Building Code Technical Review Board Policy #31

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**Title:** All Virtual Public Meeting of the State Building Code Technical Review Board

**Authority:** Section 2.2-3708.3 of the Code of Virginia and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Code of Virginia Section 2.2-3700—3715.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

**Policy Statement:** **DEFINITIONS**

a. **“BOARD”** means the State Building Code Technical Review Board or any committee, subcommittee, or other entity of the State Building Code Technical Review Board.

b. **“Member”** means any member of the State Building Code Technical Review Board.

c. **“All-virtual public meeting”** means a public meeting conducted by the Board using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.

d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.

e. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

**WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED**

An all-virtual public meeting may be held under the following circumstances:

- a. It is impracticable or unsafe to assemble a quorum of the Board in a single location, but a state of emergency has not been declared by the Governor; or
- b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
- c. The Board has not had more than two all-virtual public meetings, or more than 25 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
- d. The Board's last meeting was not an all-virtual public meeting.

#### **PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING**

- a. The Board may schedule its all-virtual public meetings at the same time and using the same procedures used by the Board to set its meetings calendar for the calendar year; or
- b. If the Board wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

#### **ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS**

The following applies to any all-virtual public meeting of the Board that is scheduled in conformance with this Policy:

- a. The meeting notice indicates that the public meeting will be all-virtual and the Board will not change the method by which the Board chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Board;
- c. Audio-visual technology, if available, is used to allow the public to see the members of the Board;
- d. A phone number, email address, or other live contact information is provided to the public to alert the Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the Board takes a recess until public access is restored;

e. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Board;

f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and

g. There are no more than two members of the Board together in one physical location.

**RECORDING IN MINUTES:**

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

**CLOSED SESSION**

If the Board goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

**STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

**Approval  
and Review:**

This Board policy was reviewed and approved on 11/18/2022.

**Supersession:**

This Board policy is new.

**Board Chair  
at Last Review:**

James R. Dawson

**DHCD Director:**

Bryan Horn

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# Commonwealth of Virginia 2023 Pay and Holiday Calendar

## State Holidays

- January 2**  
New Year's Day (Observed)
- January 16**  
Martin Luther King, Jr. Day
- February 20**  
George Washington Day
- May 29**  
Memorial Day
- June 19**  
Juneteenth
- July 4**  
Independence Day
- September 4**  
Labor Day
- October 9**  
Columbus Day & Yorktown Victory Day
- November 7**  
Election Day
- November 10**  
Veterans Day (Observed)  
4 hours additional holiday time
- November 23**  
Thanksgiving
- November 24**  
Day After Thanksgiving
- December 22**  
4 hours additional holiday time
- December 25**  
Christmas

Please note: In some agencies, the holiday and payday schedule may vary from what is shown here. If you have questions, see your agency human resources officer.

- Denotes Payday
- Denotes Holiday
- Denotes Additional Time Off 8 hrs 4 hrs
- Denotes Payday on Holiday or Time Off

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September 2022



Virginia Department of  
**HUMAN RESOURCE  
MANAGEMENT**

## January

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## February

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

## March

S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## April

S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## May

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21	22	23	24	25	26	27
28	29	30	31			

## June

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18	19	20	21	22	23	24
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## July

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

## August

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13	14	15	16	17	18	19
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27	28	29	30	31		

## September

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23	24	25	26	27	28	29
30						

## October

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## November

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			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

## December

S	M	T	W	T	F	S
						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
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