

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, September 20, 2019 - 10:00am

Henrico County Public Library  
Tuckahoe Library  
1901 Starling Drive  
Henrico, Virginia 23229

- I. Roll Call **(TAB 1)**
  
- II. Approval of July 19, 2019 Minutes **(TAB 2)**
  
- III. Approval of Final Order **(TAB 3)**  
  
    In Re: Appeal of Jack D. Singleton  
    Appeal No 19-01
  
- IV. Public Comment
  
- V. Preliminary Hearing **(TAB 4)**  
  
    In Re: Karen Lindsey  
    Appeal No 19-02
  
- VI. Appeal Hearing **(TAB 5)**  
  
    In Re: Oscar and Olga Marroquin  
    Appeal No 19-04
  
- VII. Secretary's Report
  - a. Board Policy Process and upcoming Board Retreat
  - b. November meeting update

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

**James R. Dawson, Chairman**  
(Virginia Fire Chiefs Association)

**W. Shaun Pharr, Esq., Vice-Chairman**  
(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)

**Christina Jackson**  
(Commonwealth at large)

**Joseph A. Kessler, III**  
(Associated General Contractors)

**Eric Mays**  
(Virginia Building and Code Officials Association)

**Joanne D. Monday**  
(Virginia Building Owners and Managers Association)

**Patricia S. O'Bannon**  
(Commonwealth at large)

**J. Kenneth Payne, Jr., AIA, LEED AP BD+C**  
(American Institute of Architects Virginia)

**Richard C. Witt**  
(Virginia Building and Code Officials Association)

**Aaron Zdinak, PE**  
(Virginia Society of Professional Engineers)

**Vacant**  
(Electrical Contractor)

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**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES  
July 19, 2019  
Glen Allen, Virginia**

Members Present

Mr. James R. Dawson, Chairman (Arrived during the Secretary's Report)  
Mr. Daniel Crigler  
Mr. Joseph Kessler  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. J. Kenneth Payne, Jr.  
Mr. Richard C. Witt  
Mr. Aaron Zdinak, PE

Members Absent

Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Vince Butler  
Mr. Alan D. Givens  
Ms. Christina Jackson  
Ms. Patricia S. O'Bannon

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 10:00 a.m. by Secretary Travis Luter.

Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General's Office, was also present.

Election of Chairman Pro Tem

Mr. Luter advised the Board that Chairman Dawson would be delayed in arriving to the meeting and that Vice-Chairman Pharr would not be attending the meeting; therefore, a Chairman Pro Tem would need to be elected.

Mr. Luter opened the floor for nominations. Mr. Crigler moved to elect Mr. Eric Mays as the Chairman Pro Tem. The motion was seconded by Ms. Monday and passed unanimously. Mr. Luter then turned the meeting over to Chairman Pro Tem Mays.

Approval of Minutes

The draft minutes of the May 17, 2019 meeting in the Review Board members' agenda package were considered. Mr. Kessler moved to approve the minutes with the correction of the word "second" to "seconded" in three locations; the addition of the note "Mr. Payne recused himself and did not participate in the hearing for Greg Wooldridge (ODU) Appeal No. 18-17 in the second paragraph of page 7; and the addition of the note "to address each item in a separate motion" in the third paragraph of page 11 of the agenda package. The motion was seconded by Mr. Witt and passed with Mr. Payne abstaining.

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Approval of Retreat  
Minutes

The draft minutes of the May 20, 2019 retreat in the Review Board members' agenda package were considered. Mr. Kessler moved to approve the minutes with the addition of the word "is" in Note 4 on page 17 of the agenda package. The motion was seconded by Mr. Witt and passed unanimously.

Final Orders

Appeal of Karen Hobbs  
Appeal No. 18-21:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Kessler moved to approve the final order with the editorial correction in the spelling of the word "argued" in two locations; the restructuring of the last sentence of the first paragraph on page 25 to read "*Based on the testimony of the County, the Review Board finds that violations of VMC Section 305.1 (General) exist due to the presence of animal urine and the strong smell of ammonia, commonly associated with animal urine*"; and the restructuring of the Final Order section on page 31 to read:

Final Order

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

A. *Whether the County made a reasonable effort to obtain consent to enter the property for an inspection.*

*The decision of the local appeals board that the County made a reasonable effort to obtain consent to enter the property for inspection and did in fact gain that consent and is upheld.*

B. *Whether to overturn the decision of the County and the local board that a violation of the VMC Section 305.1 (General) exists.*

*The decision of County and the local appeals board that a violation of Section 305.1 exists and is upheld.*

C. *Whether to overturn the decision of the County and the local board that a violation of the VMC Section 308.1 (Accumulation of rubbish and garbage) exists.*

*The decision of County and the local appeals board that a violation of Section 308.1 exists and is upheld.*

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*D. Whether to overturn the decision of the County and the local board that a violation of the VMC Section 702.1 (General) exists.*

*The decision of County and the local appeals board that a violation of Section 702.1 exists and is overturned.*

*E. Whether to overturn the decision of the County and the local board that in accordance with VMC Section 202 (Definition) the structure is unfit for human occupancy.*

*The Review Board concluded that this cited violation had already been rescinded prior to the Review Board hearing; therefore, no right of appeal exists.*

The motion was seconded by Mr. Crigler and passed unanimously.

Interpretation

Interpretation 04-19 Jeff Brown (DHCD):  
Interpretation No. 1-2019:

After review and consideration of the interpretation presented in the Review Board members' agenda package, Mr. Payne moved to approve the interpretation as presented. The motion was seconded by Mr. Witt and passed unanimously.

Mr. Witt requested SBCO distribute the interpretation to all building officials, VML, and VACO.

Public Comment

Chairman Pro Tem Mays opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chairman Pro Tem Mays closed the public comment period.

New Business

Appeal of Freemason Street Area Association; Appeal No. 18-22:

A hearing convened with Chairman Pro Tem Mays serving as the presiding officer.

A dismissal order, signed by legal counsel for both Freemason Street Area Association and the City of Norfolk, that was provided to the Review Board Secretary via email on July 15, 2019 by Joseph V. Sherman, legal counsel for Freemason Street Area Association, was presented to the Review Board in the agenda package for consideration. Prior to consideration by the Board, the Secretary provided an overview of the case and receipt of the order. Neither of the parties to the appeal appeared before the Board at the hearing.

New Business

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(continued)

After review of the order and the update by the Secretary, Chairman Pro Tem Mays closed the hearing.

Decision: Appeal of Freemason Street Area Association; Appeal No. 18-22:

After a brief discussion, Ms. Monday moved to accept the dismissal order as written. The motion was seconded by Mr. Witt and passed unanimously.

Appeal of Jack D. Singleton; Appeal No. 19-01:

A hearing convened with Chairman Pro Tem Mays serving as the presiding officer. The appeal involved citations under the 2012 Virginia Maintenance Code related to the property owned by Jack D. Singleton located at 190 West Jefferson Street, in the Town of Wytheville.

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

Jack D. Singleton, Owner  
Charles Vannatter, Town of Wytheville Building Official

Also present was:

Chris Menerick, Esq., legal counsel for the Town of Wytheville

After testimony concluded, Chairman Pro Tem Mays closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Jack D. Singleton; Appeal No. 19-01:

After deliberations, Mr. Witt moved that the appeal is a continuation of the previous appeal filed by Mr. Singleton (Appeal No. 18-09) and is not properly before the Board. Mr. Witt further moved that no new application of the code or decision had been made and the Town of Wytheville Building Official had done what was prescribed in the November 16, 2019 final order and the Board should not hear the case

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on its merits. The motion was seconded by Mr. Payne and passed unanimously.

Secretary's Report

Mr. Luter informed the Board of Mr. Middleton's resignation.

Mr. Luter conveyed his findings, from telephone discussion with each Board member, related to Mr. Givens current situation and his desire to remain on the Board. The Board members conveyed their support for Mr. Givens and their desire for him to remain on the Board.

Mr. Luter provided his findings on scheduling a date for the next Board retreat. Mr. Luter informed the Board that he had forward his findings to Deputy Director, Cindy Davis, and was awaiting further direction. Mr. Witt suggested September 19, 2019. October 18, 2019 was also discussed. Mr. Luter agreed to forward the suggestions to Ms. Davis.

Mr. Luter informed the Board of the case load for the upcoming meeting scheduled for September 20, 2019.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 2:00 p.m.

Approved: September 20, 2019

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jack D. Singleton  
Appeal No. 19-01

DECISION OF THE REVIEW BOARD  
(For Preliminary Hearing as to Jurisdiction)

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).

Case History

Jack D. Singleton (Singleton), owner of the property located at 190 West Jefferson Street in the Town of Wytheville, appealed the enforcement action by the Town of Wytheville, Office of the Building Official (Town Building Official) under Part III of the 2012 Uniform Statewide Building Code (Virginia Maintenance Code).

On January 22, 2019, the Town of Wytheville performed an inspection of the property and re-issued a Notice of Violation (NOV) citing the same six violations as previously cited, #2-5 and #10, in the original NOV dated March 26, 2018, which were upheld by the Review Board in the November 16, 2018 decision. The Town Building Official also posted a revised placard in accordance with the same Review Board decision.

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Mr. Singleton filed an appeal to the local appeals board which was heard on March 20, 2019, where the local appeals board denied the appeal. Mr. Singleton subsequently filed an application for appeal to the Review Board in April of 2019.

#### Findings of the Review Board

##### A. Whether the appeal is properly before the Board.

Mr. Singleton argued that the citing of the violations constituted a new action and the report provided had not been before the Review Board. He further argued that the citations in the NOV were the wrong code because the 2015 VMC had been adopted since the last action taken by the Town Building Official. Chris Menerick, legal counsel for the Town Building Official, argued that the NOV dated January 22, 2019 was a continuation of the decision issued by the Review Board on November 16, 2018. Menerick further argued that the posting of the revised placard was posted in an effort to comply with the same Review Board decision.

The Review Board agreed with the Town Building Official that the NOV and letter, referred to as a report by Mr. Singleton, dated January 22, 2019 as well as the newly posted revised placard were a continuation of the decision issued by the Review Board on November 16, 2018 and that the 2012 VMC was the correct code to be cited. The Review Board found that the appeal was not properly before the Board, no new application of the code or decision had been made, and the case should not move forward to be heard on its merits.

#### Final Order

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

##### A. Whether the appeal is properly before the Board.

The decision of the local appeals board and Town Building Official is upheld and the appeal is dismissed.

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Chairman, State Building Code Technical Review Board

Date entered: \_\_\_\_\_September 20, 2019\_\_\_\_\_

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:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Karen Lindsey  
Appeal No. 19-02

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Karen Lindsey  
Appeal No. 19-02

REVIEW BOARD STAFF DOCUMENT  
(For Preliminary Hearing as to Timeliness)

Suggested Summary of the Appeal

1. On January 25, 2018, the home owned by William and Marjorie Lindsey located at 2445 Strawberry Lane in the City of Chesapeake caught fire. The occupants of the home were displaced due to the extensive damage to the home.

2. On January 29, 2018, the City of Chesapeake Development and Permits Department (City), in enforcement of the Virginia Property Maintenance (VMC), performed an inspection of the property.

3. On February 27, 2018 Karen Lindsey (Lindsey) was certified as the Executor of the estate for the property owned by William and Marjorie Lindsey whom are deceased.

4. In early March of 2018 copies of the Notice of Unsafe Structure (Demolition), Demolition Authorization Form, City of Chesapeake Board of Building Code Appeals (local appeals board) application, Notice of Violation (NOV), Public Notice, and Building Inspection Report for Unsafe Structure dated March 7, 2018 were stapled to the garage at the structure. Lindsey removed them from the structure and contacted the City for clarification of the documents.

5. On March 29, 2018 Lindsey received copies of the Notice of Unsafe Structure (Demolition), Demolition Authorization Form, local appeals board application, Notice of Violation, Public Notice, and Amended Building Inspection Report for Unsafe Structure dated

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March 26, 2018 via USPS certified mail . The same documents were posted on the structure by the City Sheriff's Department on March 30, 2018.

5. Lindsey filed an appeal to the local appeals board on April 10, 2018.

6. The local appeals board conducted the hearing on May 16, 2018. The local appeals board upheld the NOV issued by the Property Maintenance Official. In addition to upholding the NOV the local appeals board gave the owner/executor 30 days from the date of the hearing to obtain an engineer's report and contractor's agreement; 60 days to acquire the needed permits and 180 days to complete all repairs, request the required inspections and obtain a new Certificate of Occupancy; and 270 to obtain the new CO or have the property demolished. The local appeals board further stated that if the deadlines provided were not adhered to the City would demolish the structure without further notice. Karen Lindsey agrees with the cited violations; however, she finds the timeline unattainable and asks for an extension of the timeframes provided by the local appeals board.

7. Lindsey received a copy of the local appeals board decision on May 25, 2018. Lindsey filed an application for appeal to the Review Board on June 15, 2018.

8. Lindsey's appeal was considered at the February 15, 2019 Review Board meeting. The Review Board found that the local appeals board resolution did not provide the required language in accordance with the VMC Section 106.7. The Review Board further found that the information provide to Lindsey was outdated and referenced Review Board staff that retired nearly a year earlier. The Review Board remanded the appeal to the local appeals board to re-issue its decision in a manner and form that complied with the 2012 VMC Section 106.7 because the prior resolution did not comply.

9. The local appeals board conducted the hearing on April 17, 2019. The local appeals board upheld the NOV issued by the Property Maintenance Official. In addition to upholding the

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NOV the local appeals board gave the owner/executor 30 days from the date of the hearing, April 17, 2019, to obtain an engineer's report and contractor's agreement; 60 days to acquire the needed permits and 180 days to complete all repairs, request the required inspections and obtain a new Certificate of Occupancy; and 270 to obtain the new CO or have the property demolished. The local appeals board further stated that if the deadlines provided were not adhered to the City would demolish the structure without further notice.

10. Lindsey received a copy of the local appeals board decision on May 13, 2019. Lindsey filed an application for appeal to the Review Board on June 3, 2019.

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

Suggested Issue for Resolution by the Review Board

1. Whether the appeal is timely.

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# Basic Documents

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Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

April 22, 2019

Karen Lindsey  
Po Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – April 17, 2019 Appeals Board Rulings for LBBCA Case  
Case 18-02

Dear Ms. Lindsey:

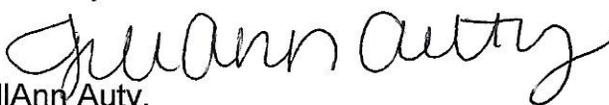
Attached please find the signed ruling for LBBCA Case 18-02 from the April 17, 2019 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/state-building-code-technical-review-board-sbctrb>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions, you may contact the Office of the State Review Board, 804-371-7150, or Mr. Luter, [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), who is the Secretary for the Technical Review Board as of the date of this cover letter.

If you have any questions, please call me at 382-6466.

Sincerely,

  
JillAnn Auty,  
Secretary

Attachments:  
Results to Citizen letter for 18-02

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

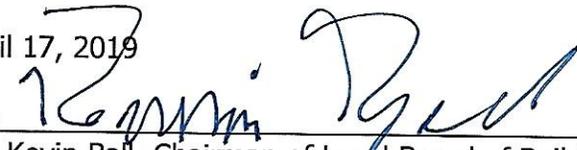
WHEREAS, a hearing was held on April 17, 2019 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the Board hereby UPHOLDS the Notice of Violation issued on March 26, 2018 for the reasons set out below:

The Board has determined that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code for the reasons provided by the Code Official's evidence on the record, and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, April 17, 2019, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake shall perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: April 17, 2019

Signature



Kevin Ball, Chairman of Local Board of Building Code Appeals

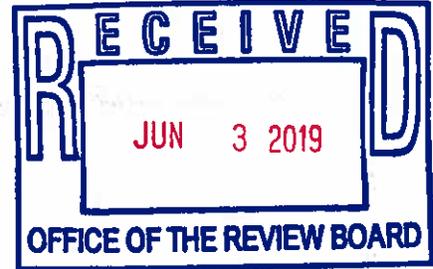
Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board,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

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



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

KAREN LINDSEY - (757) 381-0299 - K.LEX.LIND@gmail.com  
245 STRAWBERRY LANE CHESAPEAKE, VA 23324  
Mailing Address: P O Box 5481 CHESAPEAKE, VA 23324

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

Dept. of Development and Permits - 306 Cedar Rd P O Box 15225 - CHESAPEAKE, VA 23328 - 5225  
John King Code Official Email Address: JKING@cityofchesapeake.net - 757-382-8976  
Michele Throckmorton Code Enforcement Administrator Email Address: mthrockmorton@cityofchesapeake.net - 757-382-0314

Additional Information (to be submitted with this application)

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

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of JUNE, 2019, 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: Karen Lindsey

Name of Applicant: KAREN LINDSEY  
(please print or type)

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Documents Submitted  
By Karen Lindsey (Owner)

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Good Afternoon Mr. Luter,

This week I will be sending documentation in reference to my 2<sup>nd</sup> appeal to the State. However, this information will be split up and sent at different times. Starting today, the attached documents will be the 2019 State Application and Local Board decision as well as the copies from 2018. Also, I am mailing these documents today.

Next, I will email my response to the 2019 Local Board's letter within the next day or two. I am still working on finalizing my thoughts for this appeal.

As for the Certified Mail from the City I emailed you about earlier, I never received it; therefore, I have concluded that it was never sent.

I anticipated having the entire appeal packet completed prior to Memorial Day, but an unexpected schedule change transpired 10 days ago making things more hectic than it already is.

The finished packet including all the documents emailed, photos, etc. will be mailed at the latest on Saturday the 8<sup>th</sup> of June.

I hope this time that my appeal is not only accepted but is heard by the State Board.

This process is very tedious and time consuming which is why I am doing everything that I can do to ensure that my voice is heard no matter how long it takes.

Looking forward to hearing back from you soon.

Thanks,

Karen Lindsey

NOTE: Resending scanned documents.

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

May 18, 2018

Karen Lindsey  
Po Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – May 16, 2018 Appeals Board Rulings for Case 18-02

Dear Ms. Lindsey:

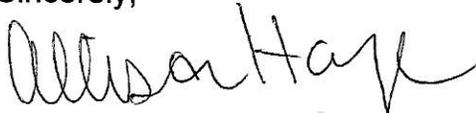
Attached please find the signed ruling for Case 18-02 from the May 16, 2018 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/index.php/va-building-codes/building-and-fire-codes/appeals.html>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions for the Technical Review Board, you may contact [Vernon.Hodge@dhcd.virginia.gov](mailto:Vernon.Hodge@dhcd.virginia.gov) or [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), who are the contacts for that program.

If you have any questions, please call me at 382-6466.

Sincerely,



Allison Harper,  
Secretary

Attachments

Results to Citizen letter for 18-02

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

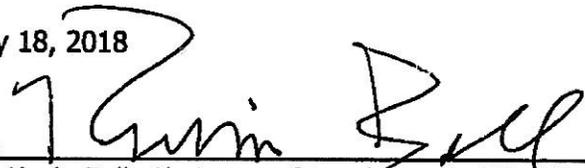
WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

WHEREAS, a hearing was held on May 16, 2018 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the board hereby upholds the Notice of Violation issued on March 26, 2018 determining that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, May 16, 2018, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake will perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: May 18, 2018

Signature



Kevin Ball, Chairman of Local Board of Building Code Appeals

**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
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations

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

KAREN LINDSEY - (757) 287-0299 - K.lex.lind@gmail.com  
2445 STRAWBERRY LANE CHESAPEAKE, VA 23324  
Mailing Address: PO Box 5481 CHESAPEAKE, VA 23324

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

Dept. of Development and Permits - 306 Cedar Rd, PO Box 15225 - CHESAPEAKE, VA 23328-5225  
John King Code official Email Address: JKING@cityofchesapeake.net - 757-382-8976  
Michele Throckmorton Code Enforcement Administrator Email Address: mthrockmorton@cityofchesapeake.net - 757-382-8374

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of July, 2018, 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: Karen Lindsey

Name of Applicant: KAREN LINDSEY  
(please print or type)

# Documents Submitted By the City of Chesapeake

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Department of Development and Permits  
Zoning Administration  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328  
Tel. (757) 382-8454

## Local Board of Building Code Appeals

### 2445 Strawberry Lane

January 26, 2018 – An inspection was conducted on the burned residential structure at 2445 Strawberry Lane. The Fire Department informed the Department of Development and Permits of the hazard and requested an inspection. When the Inspector arrived, the structure was substantially deteriorated. Due to the deteriorated condition and the excessive storage of property within the structure, entering would have been hazardous. The Fire Department had, however provided extensive photographs depicting the condition of the structure. A small number of the photographs taken are included in this report. Inspection Report and Photographs - Attachment #1

March 22, 2018 – The following notes were placed in the file by the Code Compliance Manager: Michele Throckmorton

03-22-18- Rec'vd a call from the front counter indicating a lady wanted to speak to the person that is above the code compliance inspectors. She stated her name was Karen Lindsey and that the building inspector had no right to enter her property with the permission of a contractor that was on the property. She stated it was illegal and immoral for the city to give her this notice. She in turn also stated that the house is structurally sound, it is certainly not unsafe and she can live in there if she wants to. We have no business citing her property nor conducting such inspection. She asked for the names and phone numbers for Jay and Attorney's office and asked for the head attorney's name. She was shouting and not letting me speak other than to give her the names and numbers. She stated that we should have called her prior to inspection or putting these notices on the house because we should have googled her number or checked with the circuit court because they have her number. She warned that no one else should come on her property unless she is called first and informed of such action. Her number is 757-287-0299. I have emailed the assigned inspector and supervisor about the call.

March 22, 2018 - Revised inspection report was completed. Attachment #2

March 26, 2018 – Notice of Demolition mailed to owners. Attachment #3

April 10, 2018 – Request for Appeal. Attachment #4

May 16, 2018 - LBBCA Meeting Record. Attachment #5 - Notification Letter, Appeal Package, May 16, 2018 Meeting Minutes, Signed Ruling & Result Letter to Applicant.

The referenced structure was severely damaged by fire. An inspection revealed that structural members were damaged and missing in the roof structure. There was sufficient evidence that the structure is unsafe and cannot be occupied. The notice of violation forwarded to the owner provides options for demolition or repair. It also indicates that an agreement will be required with the City if the owner chooses to repair the structure. The structure is currently secured. An engineer's report describing the structural repairs required and a Class A contractor's report describing the repairs required to meet the Uniform Statewide Building Code, with cost estimates will be required in order to determine the extent and timeframes needed for required repairs. Once the documentation required is submitted, a Memorandum of Agreement between the City and the owner will be required. This agreement will spell out time frames and actions if the timeframes are not met within reason.

Staff requests that the Board uphold the notice of violation and stipulate a time frame for repairs or demolition.

April 17, 2019 – LBBCA Meeting Record. Attachment #6 – Notification Letter, Appeal Package, April 17, 2019 Meeting Minutes, Signed Ruling & Result Letter to Applicant.



Department of Development and Permits  
 306 Cedar Road  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 Tel. (757) 382-6018, 6890, 8424  
 Fax. (757) 382-8448

### AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric

Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq. Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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

Code for Unsafe Structures: Chapter 1 Section 105, 2012 Virginia Maintenance Code

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

*"The City of Chesapeake adheres to the principles of equal employment opportunity  
 This policy extends to all programs and services supported by the City."*



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Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

#### CONCLUSION:

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

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City of Chesapeake

Development and Permits  
Code Compliance Division

306 Cedar Road

P.O. Box 15225

Chesapeake, Virginia 23328-5225

(757) 382-6378

Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 26, 2018

**CERTIFIED: 7017 0530 0000 5212 5288**

Karen Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030

Dear Property Owner(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

The defects which make this building unsafe and a public nuisance are listed on the enclosed inspection report. There may be concealed damage not included in the report. Any work performed to correct these defects must meet the minimum standards of the Virginia Uniform Statewide Building Code and the Chesapeake Zoning Ordinance. Plans must be submitted within thirty (30) days for approval prior to the issuance of a building permit or any work being done on the building.

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.

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Demolition  
2445 Strawberry Lane  
Page Two  
March 26, 2018

You are herewith notified that repair and correction of these defects must be started and a fixed completion date agreed upon, or the unsafe building must be demolished within thirty (30) days from the date of this notice.

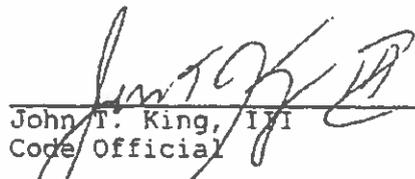
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

Failure to comply with the above within the stated time shall result in the Code Official having the structure demolished. Any personal items remaining on the premises shall be removed and disposed of. Any expense incurred by the City of Chesapeake in having the unsafe building demolished and the debris removed from the premises shall be charged to the owner and collected in the manner provided by law. The cost shall include a \$150.00 administration fee and the cost of advertising notices as required by Section 14-35 of the Chesapeake City Code.

The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of this notice. A fee of \$25.00 must accompany the application. You will be notified of the time, date and place of the meeting of the Board of Appeals.

Should you agree that demolition is the proper solution and desire the City to have the property cleared at your expense, you may minimize the expense by completing the enclosed work authorization form. It must be notarized and returned promptly to this office.

Respectfully,

  
\_\_\_\_\_  
John T. King, III  
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

Sir:

As the person responsible for the structure located at 2445 Strawberry Lane, I hereby authorize the City to have the building demolished and all debris removed from the premises.

It is understood that expenses incurred by the City in conjunction with this request shall be charged to the landowner and collected in the manner provided by law.

\_\_\_\_\_  
Signature

Current Mailing Address

\_\_\_\_\_  
\_\_\_\_\_  
Phone Number

Duly subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

\_\_\_\_\_ The Property Maintenance Code has been misapplied to my property. Please explain below.

\_\_\_\_\_ The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

\_\_\_\_\_  
I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number



**Notice of Violation**

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-362-6793

Parcel # **1410000005030** Property Address **2445 STRAWBERRY LN.**

Occupancy Type **Occupied** Tenant Name **[Redacted]**

Owner Name/Address **LINDSEY, WILLIAM J. & MARJORIE A.**

Type of Inspection **Initial Inspection** Date of Inspection **01/30/2018**

Violation(s) must be corrected within **30 days** Name of Inspector **Julian T. Parcell**

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
<input type="checkbox"/> 301.3 Vacant Structure	<input type="checkbox"/> 305.1 General	<input type="checkbox"/> 502 Required Facilities	<input type="checkbox"/> 602 Heating & Cooling Supply
<input type="checkbox"/> 302 Exterior Areas	<input type="checkbox"/> 305.2 Structural members	<input type="checkbox"/> 502.1 Water closet	<input type="checkbox"/> 603.1 Mechanical Appliances
<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
<input type="checkbox"/> 304 General Exterior	<input type="checkbox"/> 305.6 Interior Doors	<input type="checkbox"/> 503 Toilet Rooms	<input type="checkbox"/> 603.5 Combustion Air
<input type="checkbox"/> 304.2 Protective Treatment	<input type="checkbox"/> 305.7 Carbon Monoxide Alarms	<input type="checkbox"/> 504.1 Fixture maintenance	
<input type="checkbox"/> 62-2 Weeds/Debris	<input type="checkbox"/> 307.1 Handrails/Guardrails	<input type="checkbox"/> 505.1 Fixture connections	<b>ELECTRICAL</b>
<input type="checkbox"/> 304.3 Street Numbers	<input type="checkbox"/> 308.1 Interior Rubbish	<input type="checkbox"/> 505.2 Contamination	<input type="checkbox"/> 604.1 Facilities Required
<input type="checkbox"/> 304.4 Structural Members	<input type="checkbox"/> 309 Pest Elimination	<input type="checkbox"/> 505.3 Supply	<input type="checkbox"/> 604.3 System Hazards
<input type="checkbox"/> 304.5 Foundation Walls	<input type="checkbox"/> 310 Lead Based Paint	<input type="checkbox"/> 505.4 Water heating	<input type="checkbox"/> 605.1 Installation
<input type="checkbox"/> 304.6 Exterior Walls	<input type="checkbox"/> 402 Light	<input type="checkbox"/> 506.1 Sewer Connection	<input type="checkbox"/> 605.2 Receptacles
<input type="checkbox"/> 304.7 Roofs/Drainage	<input type="checkbox"/> 403 Ventilation	<input type="checkbox"/> 506.2 Sewage maintenance	<input type="checkbox"/> 605.3 Lighting Fixtures
<input type="checkbox"/> 304.10 Stairs/decks/balconies	<input type="checkbox"/> 404 Occupancy Limitations	<input type="checkbox"/> 507.1 Storm Drainage	<input type="checkbox"/> 607.1 Duct System
<input type="checkbox"/> 304.13 Window/door frame	<input type="checkbox"/> 702 Means of egress		<input type="checkbox"/> 607.4 Cooling Supply
<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors		<input type="checkbox"/> 606 Elevators
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		
<input type="checkbox"/> 304.14 Insect Screens	<b>Code Explanation(s):</b> Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.  *Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.		
<input type="checkbox"/> 304.15 Doors			
<input type="checkbox"/> 46.131.1 Graffiti			
<input checked="" type="checkbox"/> 105 Unsafe/Unfit Structure			
<input type="checkbox"/> 14-4 Dangerous Building			

Notice: In accordance with City Code section 14-86 and Chapter 1, Part III of the Virginia Uniform Statewide Building Code, any person aggrieved by the City of Chesapeake's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The application for appeal must be made within fourteen (14) calendar days of receipt of the notice. (Exception- Appeals for Dangerous Buildings must be made to the City Manager). An application is available on the City's website at <http://www.cityofchesapeake.net/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm>



Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official,  
John King

Signature 

Date 3/22/18

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**City of Chesapeake**

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

## **PUBLIC NOTICE**

---

Please note that Section 38-8 of the Chesapeake City Code requires a rodent inspection prior to issuance of demolition permits.

This is a result of an ordinance adopted to abate rat infestation, which states that a building shall be free of rats or similar rodents prior to demolition. Should an inspection reveal the presence of rats/rodents, the site must be treated as required by the Department of Development & Permits. When it is determined the building is in compliance, the Department of Development & Permits will approve the issuance of a demolition permit.

For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

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**SENDER: COMPLETE THIS SECTION**

DEP-2445 Strawberry Ln 201610

1. Article Addressed to:

Complete items 1, 2, and 3.  
 Print your name and address on the reverse so that we can return the card to you.  
 Attach this card to the back of the mailpiece, or on the front if space permits.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X P. Wilson  Addressee

B. Received by (Printed Name)  Date of Delivery  
 P. Wilson 3/24/16

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

2. Article Number (Transfer from service label)

7017 0530 0000 2512 5318

PS Form 3811, July 2015 PSN 7550-02-000-9053

3. Service Type

Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery  
 Restricted Delivery

Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Return Receipt for Merchandise  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery  
 Restricted Delivery

Domestic Return Receipt

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

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Additional Comments/Explanations:

Review phone calls + email w/ Mr Tate (courtesy)

I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

Karen Lundeby  
Signature

April 10, 2018  
Date

2445 Strawberry Lane POB #5481  
Ches. VA 23324  
Address

757-287-0299  
Contact Phone Number



Development and Permits Department  
RECEIPT OF PAYMENT

Date: 04/10/2018

Receipt # 532331

Paid By:

Paid

KAREN LINDSEY  
2445 STRAWBERRY LN  
CHESAPEAKE, VA 23324-3113

Record Description	Address	Lot #	Fee Description	Amount
BLD-APPEAL-2018-00002	2445 STRAWBERRY LN		Building Appeal Application Fee	\$25.00
			<b>Total</b>	<b>\$25.00</b>

Payment Type:	Identifying #	# of Transactions	Amount
Money Order	17-738850712	1	\$25.00
		<b>Total</b>	<b>\$25.00</b>

BALANCE DUE

\$0.00

Collected By: DWARE

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

April 26, 2018

Karen Lindsey  
2445 Strawberry Ln  
Chesapeake, VA 23324-3113

RE: Appeal – 2445 Strawberry Lane  
Real Estate Parcel Number 1410000005030

Dear Ms. Lindsey:

We have received your request for appeal of the Notice of Unsafe Structure (Demolition) sent regarding the above noted property. Please be advised your appeal will be heard at the next scheduled meeting for the Local Board of Building Code Appeals, Wednesday, May 16, 2018. This meeting will be held at the Chesapeake Central Library at 5:30pm in the large conference room on the first floor of the building.

If you have any questions, please call me at 382-6466.

Sincerely,



Allison Harper,  
Secretary

C: Patrick M. Hughes, Building Official  
John King III, Code Official

Department of Development and Permits  
Zoning Administration  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328  
Tel. (757) 382-8454

**Local Board of Building Code Appeals  
May 16, 2018 5:30 PM  
Chesapeake Central Library**

**2445 Strawberry Lane**

January 26, 2018 – An inspection was conducted on the burned residential structure at 2445 Strawberry Lane. The Fire Department informed the Department of Development and Permits of the hazard and requested an inspection. When the Inspector arrived, the structure was substantially deteriorated. Due to the deteriorated condition and the excessive storage of property within the structure, entering would have been hazardous. The Fire Department had, however provided extensive photographs depicting the condition of the structure. A small number of the photographs taken are included in this report. Photos, attachment #1.

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March 22, 2018 - Revised inspection report was completed. Attachment #2

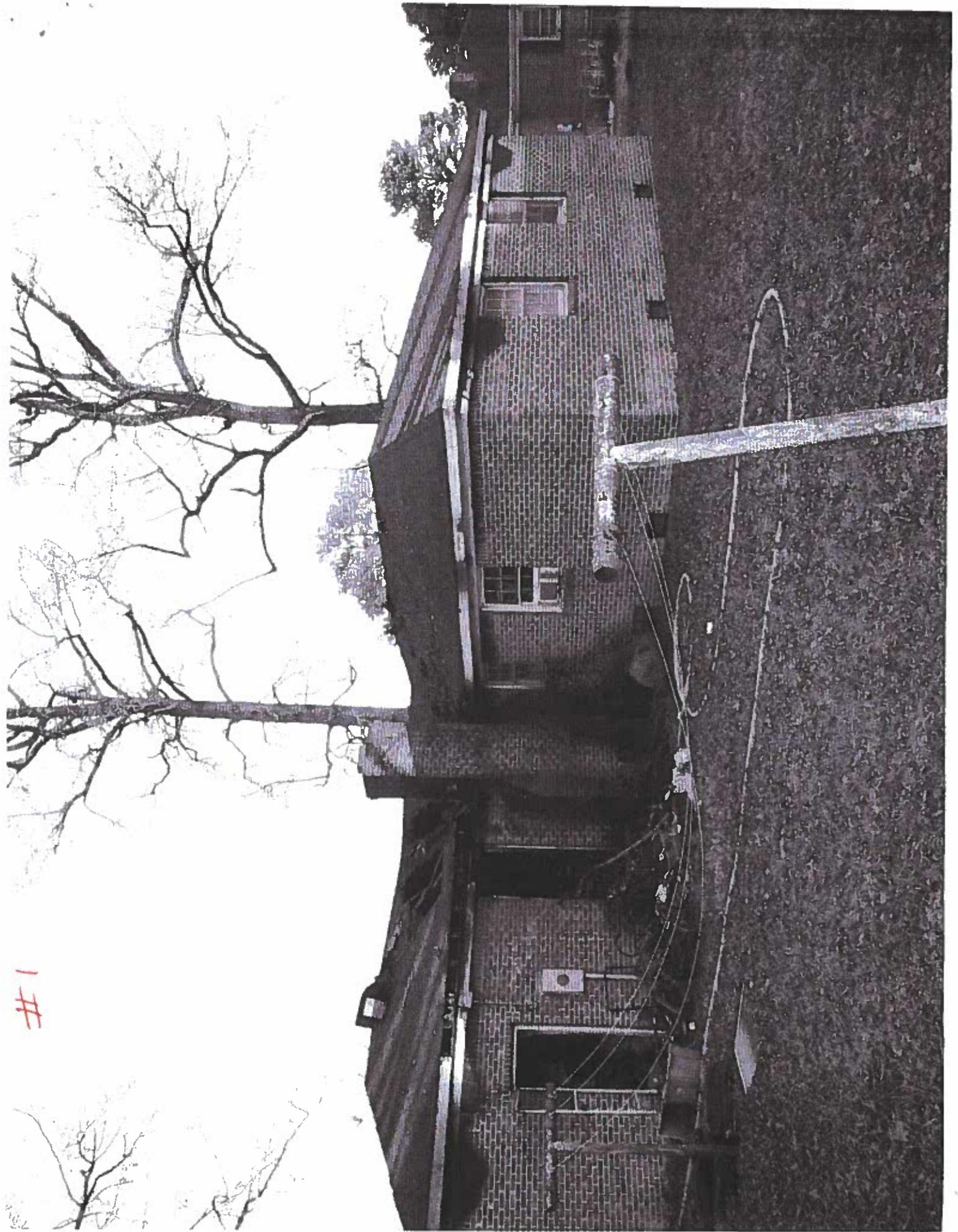
March 26, 2018 – Notice of Demolition mailed to owners. Attachment #3

**April 10, 2018 – received the request for appeal. Attachment #4**

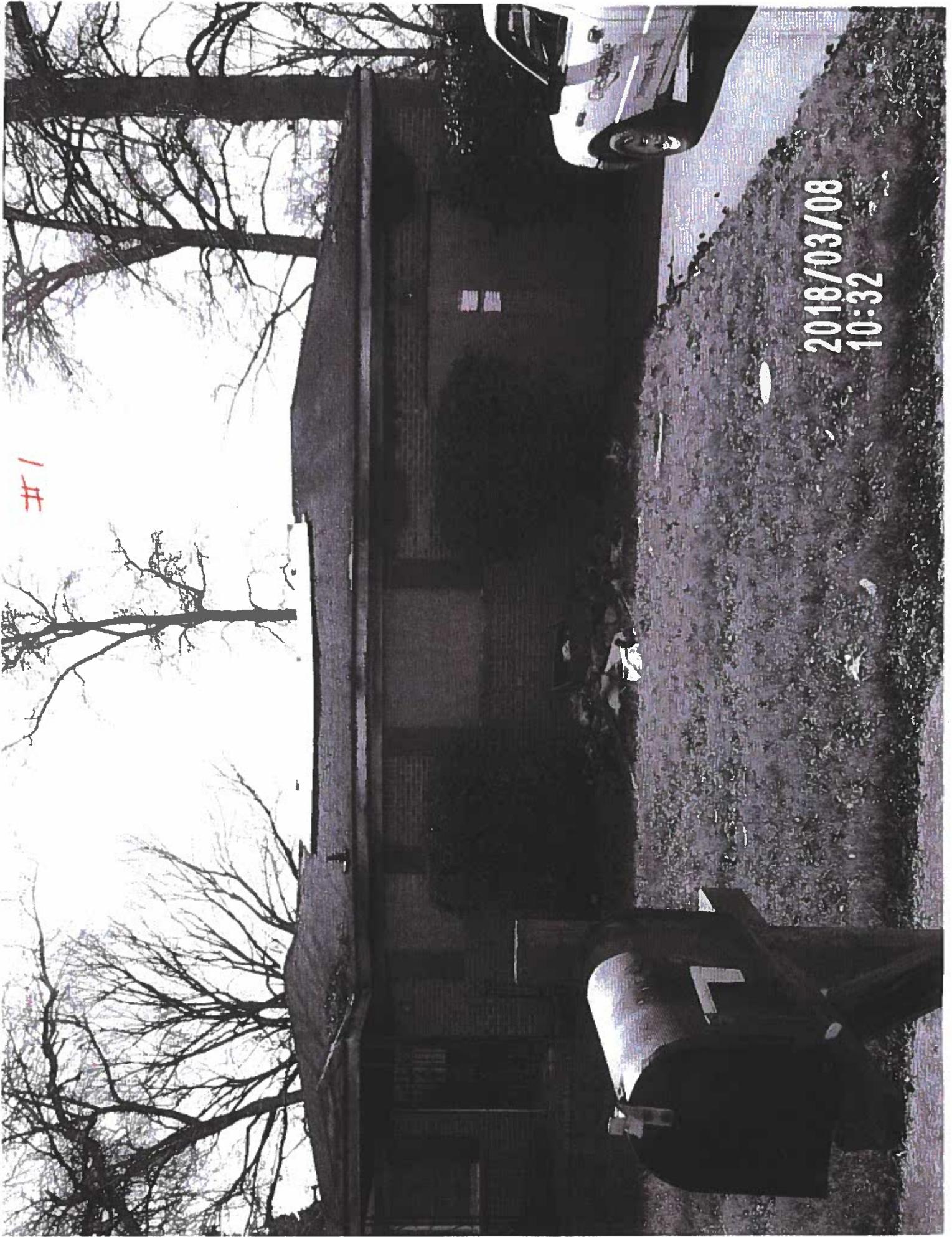
**The referenced structure was severely damaged by fire. An inspection revealed that structural members were damaged and missing in the roof structure. There was sufficient evidence that the structure is unsafe and cannot be occupied. The notice of violation forwarded to the owner provides options for demolition or repair. It also indicates that an agreement will be required with the City if the owner chooses to repair the structure. The structure is currently secured. An engineer's report describing the structural repairs required and a Class A contractor's report describing the repairs required to meet the Uniform Statewide Building Code, with cost estimates will be required in order to determine the extent and timeframes needed for required repairs. Once the documentation required is submitted, a Memorandum of Agreement between the City and the owner will be required. This agreement will spell out time frames and actions if the timeframes are not met within reason.**

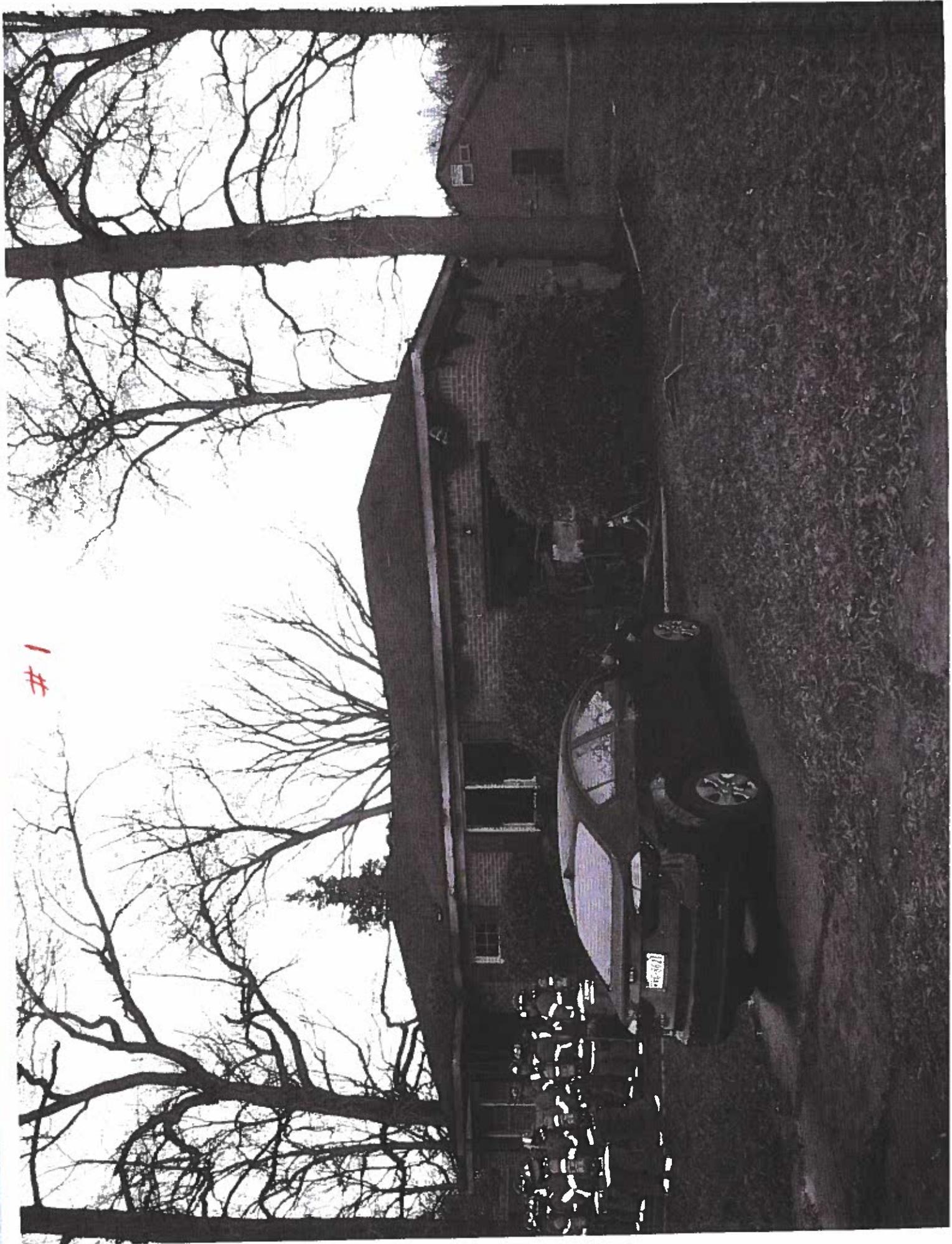
**Staff requests that the Board uphold the notice of violation and stipulate a time frame for repairs or demolition.**

**John King  
5/2/18**



1#





#2



Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
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**AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES**

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric  
Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:  
An existing structure (i) Determined by the code official to be dangerous to the health , safety, and welfare of the occupants of the structure or public ,(ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated , structurally unsafe or of such faulty construction or unstable foundation that partial collapse or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

Code for Unsafe Structures: Chapter 1 Section 105. 2012 Virginia Maintenance Code

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

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Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

# 3



City of Chesapeake

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 26, 2018

**CERTIFIED: 7017 0530 0000 5212 5288**

Karen Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030

Dear Property Owner(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

The defects which make this building unsafe and a public nuisance are listed on the enclosed inspection report. There may be concealed damage not included in the report. Any work performed to correct these defects must meet the minimum standards of the Virginia Uniform Statewide Building Code and the Chesapeake Zoning Ordinance. Plans must be submitted within thirty (30) days for approval prior to the issuance of a building permit or any work being done on the building.

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.

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This policy extends to all programs and services supported by the City."*

Demolition  
2445 Strawberry Lane  
Page Two  
March 26, 2018

You are herewith notified that repair and correction of these defects must be started and a fixed completion date agreed upon, or the unsafe building must be demolished within thirty (30) days from the date of this notice.

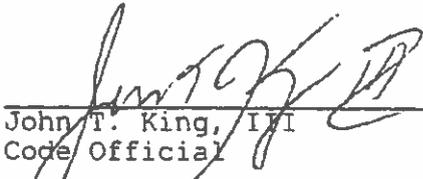
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

Failure to comply with the above within the stated time shall result in the Code Official having the structure demolished. Any personal items remaining on the premises shall be removed and disposed of. Any expense incurred by the City of Chesapeake in having the unsafe building demolished and the debris removed from the premises shall be charged to the owner and collected in the manner provided by law. The cost shall include a \$150.00 administration fee and the cost of advertising notices as required by Section 14-35 of the Chesapeake City Code.

The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of this notice. A fee of \$25.00 must accompany the application. You will be notified of the time, date and place of the meeting of the Board of Appeals.

Should you agree that demolition is the proper solution and desire the City to have the property cleared at your expense, you may minimize the expense by completing the enclosed work authorization form. It must be notarized and returned promptly to this office.

Respectfully,

  
\_\_\_\_\_  
John T. King, III  
Code Official

Enclosures

**DEMOLITION AUTHORIZATION FORM**

TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

Sir:

As the person responsible for the structure located at 2445 Strawberry Lane, I hereby authorize the City to have the building demolished and all debris removed from the premises.

It is understood that expenses incurred by the City in conjunction with this request shall be charged to the landowner and collected in the manner provided by law.

\_\_\_\_\_  
Signature

Current Mailing Address

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

Phone Number

\_\_\_\_\_

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

\_\_\_\_\_ The Property Maintenance Code has been misapplied to my property. Please explain below.

\_\_\_\_\_ The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

\_\_\_\_\_  
I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number

**Notice of Violation**

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel #  Property Address   
 Occupancy Type  Tenant Name   
 Owner Name/Address

Type of Inspection  Date of Inspection   
 Violation(s) must be corrected within  Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
<input type="checkbox"/> 301.3 Vacant Structure	<input type="checkbox"/> 305.1 General	<input type="checkbox"/> 502 Required Facilities	<input type="checkbox"/> 602 Heating & Cooling Supply
<input type="checkbox"/> 302 Exterior Areas	<input type="checkbox"/> 305.2 Structural members	<input type="checkbox"/> 502.1 Water closet	<input type="checkbox"/> 603.1 Mechanical Appliances
<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
<input type="checkbox"/> 304 General Exterior	<input type="checkbox"/> 305.6 Interior Doors	<input type="checkbox"/> 503 Toilet Rooms	<input type="checkbox"/> 603.5 Combustion Air
<input type="checkbox"/> 304.2 Protective Treatment	<input type="checkbox"/> 305.7 Carbon Monoxide Alarms	<input type="checkbox"/> 504.1 Fixture maintenance	
<input type="checkbox"/> 62-2 Weeds/Debris	<input type="checkbox"/> 307.1 Handrails/Guardrails	<input type="checkbox"/> 505.1 Fixture connections	<b>ELECTRICAL</b>
<input type="checkbox"/> 304.3 Street Numbers	<input type="checkbox"/> 308.1 Interior Rubbish	<input type="checkbox"/> 505.2 Contamination	<input type="checkbox"/> 604.1 Facilities Required
<input type="checkbox"/> 304.4 Structural Members	<input type="checkbox"/> 309 Pest Elimination	<input type="checkbox"/> 505.3 Supply	<input type="checkbox"/> 604.3 System Hazards
<input type="checkbox"/> 304.5 Foundation Walls	<input type="checkbox"/> 310 Lead Based Paint	<input type="checkbox"/> 505.4 Water heating	<input type="checkbox"/> 605.1 Installation
<input type="checkbox"/> 304.6 Exterior Walls	<input type="checkbox"/> 402 Light	<input type="checkbox"/> 506.1 Sewer Connection	<input type="checkbox"/> 605.2 Receptacles
<input type="checkbox"/> 304.7 Roofs/Drainage	<input type="checkbox"/> 403 Ventilation	<input type="checkbox"/> 506.2 Sewagemaintenance	<input type="checkbox"/> 605.3 Lighting Fixtures
<input type="checkbox"/> 304.10 Stairs/decks/balconies	<input type="checkbox"/> 404 Occupancy Limitations	<input type="checkbox"/> 507.1 Storm Drainage	<input type="checkbox"/> 607.1 Duct System
<input type="checkbox"/> 304.13 Window/door frame	<input type="checkbox"/> 702 Means of egress		<input type="checkbox"/> 607.4 Cooling Supply
<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors		<input type="checkbox"/> 606 Elevators
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		
<input type="checkbox"/> 304.14 Insect Screens	<p><b>Code Explanation(s):</b>            Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.</p> <p>*Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.</p>		
<input type="checkbox"/> 304.15 Doors			
<input type="checkbox"/> 46.131.1 Graffiti			
<input checked="" type="checkbox"/> 105 Unsafe/Unfit Structure			
<input type="checkbox"/> 14-4 Dangerous Building			

Notice: In accordance with City Code section 14-86 and Chapter 1, Part III of the Virginia Uniform Statewide Building Code, any person aggrieved by the City of Chesapeake's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The application for appeal must be made within fourteen (14) calendar days of receipt of the notice. (Exception - Appeals for Dangerous Buildings must be made to the City Manager). An application is available on the City's website at <http://www.cityofchesapeake.net/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm>

**Department of Development and Permits**  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

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This policy extends to all programs and services supported by the City."*

## **PUBLIC NOTICE**

---

Please note that Section 38-8 of the Chesapeake City Code requires a rodent inspection prior to issuance of demolition permits.

This is a result of an ordinance adopted to abate rat infestation, which states that a building shall be free of rats or similar rodents prior to demolition. Should an inspection reveal the presence of rats/rodents, the site must be treated as required by the Department of Development & Permits. When it is determined the building is in compliance, the Department of Development & Permits will approve the issuance of a demolition permit.

For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

DEP-2445 Strawberry Ln 2nd Fl Ox W

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WILLIAM J. LINDSEY  
 MERJORIE A. LINDSEY  
 2445 STRAWBERRY LANE  
 CHESAPEAKE, VA 23324



2. Article Number (Transfer from service label)

7017 0530 0000 2512 5316

PS Form 3811, July 2015 PSN 7530-02-000-8053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X P Wilson  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 P Wilson 3/29/16

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

Adult Signature Restricted Delivery

Adult Signature Restricted Delivery

Certified Mail®

Collect on Delivery

Collect on Delivery Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

# 4



Development and Permits Department  
RECEIPT OF PAYMENT

Date: 04/10/2018

Receipt # 532331

Paid By:

KAREN LINDSEY  
2445 STRAWBERRY LN  
CHESAPEAKE, VA 23324-3113

Paid

Record Description	Address	Lot #	Fee Description	Amount
BLD-APPEAL-2018-00002	2445 STRAWBERRY LN		Building Appeal Application Fee	\$25.00
			<b>Total</b>	<b>\$25.00</b>

Payment Type:	Identifying #	# of Transactions	Amount
Money Order	17-738850712	1	\$25.00
		<b>Total</b>	<b>\$25.00</b>

BALANCE DUE

\$0.00

Collected By: DWARE

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

  /  

The Property Maintenance Code has been misapplied to my property. Please explain below.

  /  

The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

Review phone calls + Email w/ MR Tate (owner)

I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

Karen Lindberg  
Signature

April 10, 2018  
Date

2445 Strawberry Lane POB # 5481  
Chesapeake, VA 23324  
Address

757-287-0299  
Contact Phone Number

**CITY OF CHESAPEAKE**  
**LOCAL BOARD OF BUILDING CODE APPEALS**  
**Meeting Minutes for May 16, 2018**

**MEMBERS OF THE BOARD:**

Mr. Kevin Ball, Chairman- present  
Mr. Murray Goodwin -present  
Mr. Gerald Martin – present  
Mr. Robert Hudson – present  
Mr. Eric Stüchler – present

**CITY OF CHESAPEAKE, DEPARTMENT OF DEVELOPMENT AND PERMITS**

Mr. John King, Zoning Administrator  
Mrs. Meredith Jacobi, Assistant City Attorney  
Mrs. Allison Harper, Secretary

**APPELLANTS**

Karen Lindsey/Executor of the Estate-2445 Strawberry Lane

**MINUTES**

The meeting was called to order at 5:36pm, by Chairman Ball. Mr. King thoroughly explained to the board members a timeline of events beginning January 26, 2018 and ending April 10, 2018 of action that had been taken by the city in regards to the demolition of property address 2445 Strawberry Lane. Mr. King requested that the board upholds the notice of violation issued on March 26, 2018 and if the board allows additional time to complete repairs, it is suggested that the property owner is given a deadline of 30 days to obtain the engineer's report and contractor's agreement, 60 days to obtain required permits and 180 days for the structure to be repaired, inspected and issue a new Certificate of Occupancy or grant the city authority to demolish the property. Mr. King also stated that the structure had been posted as unsafe and it is unlawful to enter the structure unless permission is received by the Department of Development and Permits. Mr. King, Code Official, had not been contacted for further discussion of the process and procedures after the Demolition Notice was sent to the residence.

Meredith Jacoby, Assistant City Attorney, concurs with the Zoning Administrator. Mrs. Jacobi has also stated that the court documents relating to the Estate of William and Marjorie Lindsey are irrelevant to this appeal, but it was confirmed that Karen Lindsey, as the Executor of the Estate, holds responsibility of the property located at 2445 Strawberry Lane.

Ms. Karen Lindsey, Executor of the Estate, 2445 Strawberry Lane, stated that a fire took place at the residence on January 25, 2018. Since the fire, her family has been displaced to several locations due to

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the damage that occurred to the home. Ms. Lindsey exclaimed that she was not aware of the process or procedures that needed to be followed after the event of the fire and when she returned to her home on several occasions, she found the demolition notices from the City of Chesapeake. Also, Ms. Lindsey was not aware that it was unlawful for her to enter the home after receiving the Notice of Unsafe Structure. She had previously been in contact with Michele Throckmorton, Code Enforcement Administrator of the Department of Development and Permits and Jay Tate, Director of Development and Permits, in regards to the Code Enforcement procedures of the Department. It was further explained in detail by the Board to Ms. Lindsey what specific steps that need to be taken to repair the structure. Ms. Lindsey plans to move forward with the repair process.

**APPEAL 18-02 – 2445 Strawberry Lane**

Due to the structure's deteriorated condition, City recommends repair of the structure or demolition.

Mr. Gerald Martin presented a motion to uphold the Notice of Violation given to the property owner on March 26, 2018 along with a 270 day timeframe from the date of the hearing, May 16, 2018, the engineer's report and contractor's agreement need to be obtained, the structure needs to be permitted, repaired and inspected, and a new Certificate of Occupancy needs to be issued. A waiver of liability(s) will need to be requested and approved by the City (John T. King, III, Code Officer or his designee) for entry of the property. If the repairs are not completed within the 270 day timeframe and the appellant does not decide to demolish the structure, the City of Chesapeake will perform the demolition of the structure at 2445 Strawberry Lane.

Mr. Robert Hudson seconded the motion. The motion passed by unanimous vote of the Board.

There being no other business before the Board, the meeting adjourned at 7:04 pm.

Respectfully submitted for approval by Allison Harper, Secretary.

Allison Harper  
Name

5/21/18  
Date

Minutes reviewed and approved by LBBCA.

Karin Spel  
Name

5/21/18  
Date

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

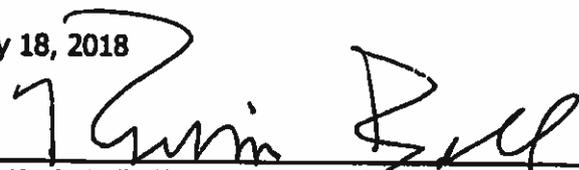
WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

WHEREAS, a hearing was held on May 16, 2018 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the board hereby upholds the Notice of Violation issued on March 26, 2018 determining that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, May 16, 2018, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake will perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: May 18, 2018

Signature



Kevin Ball, Chairman of Local Board of Building Code Appeals

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May 21, 2018

Karen Lindsey  
Po Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – May 16, 2018 Appeals Board Rulings for Case 18-02

Dear Ms. Lindsey:

Attached please find the signed ruling for Case 18-02 from the May 16, 2018 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/index.php/va-building-codes/building-and-fire-codes/appeals.html>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions for the Technical Review Board, you may contact [Vernon.Hodge@dhcd.virginia.gov](mailto:Vernon.Hodge@dhcd.virginia.gov) or [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), who are the contacts for that program.

If you have any questions, please call me at 382-6466.

Sincerely,



Allison Harper,  
Secretary

Attachments

Results to Citizen letter for 18-02

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

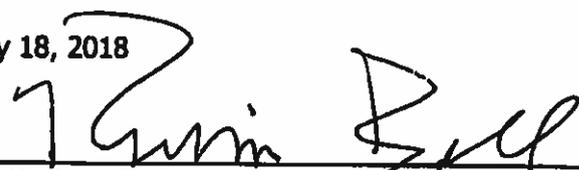
WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

WHEREAS, a hearing was held on May 16, 2018 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the board hereby upholds the Notice of Violation issued on March 26, 2018 determining that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, May 16, 2018, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake will perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: May 18, 2018

Signature



Kevin Ball, Chairman of Local Board of Building Code Appeals

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

Mailed Reg'le Certified 3.27.19

**Chesapeake**  
VIRGINIA

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

March 27, 2019

Karen Lindsey  
PO Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane - Remanded Appeal No. 18-07  
Real Estate Parcel Number 1410000005030

Dear Ms. Lindsey:

Attached please find the signed ruling for Case 18-07 from the February 15, 2019 meeting of the State Building Code Technical Review Board.

Please be advised that the remanded appeal will be heard and re-issued at a meeting for the Local Board of Building Code Appeals on April 17, 2019. This meeting will be held at the Chesapeake Central Library, 298 Cedar Rd, Chesapeake, VA 23322, in the in the Albert Einstein Conference room at 10:00 am.

If you have any questions, please call me at 382-6466.

Sincerely,



JillAnn Auty,  
Secretary

C: Patrick M. Hughes, Building Official  
John King III, Code Official

mailed Request & Certified mail 3-27-19



Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

March 27, 2019

Karen Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane - Remanded Appeal No. 18-07  
Real Estate Parcel Number 1410000005030

Dear Ms. Lindsey:

Attached please find the signed ruling for Case 18-07 from the February 15, 2019 meeting of the State Building Code Technical Review Board.

Please be advised that the remanded appeal will be heard and re-issued at a meeting for the Local Board of Building Code Appeals on April 17, 2019. This meeting will be held at the Chesapeake Central Library, 298 Cedar Rd, Chesapeake, VA 23322, in the in the Albert Einstein Conference room at 10:00 am.

If you have any questions, please call me at 382-6466.

Sincerely,

A handwritten signature in black ink that reads "JillAnn Auty". The signature is written in a cursive, flowing style.

JillAnn Auty,  
Secretary

C: Patrick M. Hughes, Building Official  
John King III, Code Official

CERTIFIED MAIL

Chesapeake VIRGINIA



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of Chesapeake • Department of  
Cedar Road, City Hall 2<sup>nd</sup> Floor • Cr

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4/1/20

Karen Lindsey  
PO Box 5481  
Chesapeake, VA 23324



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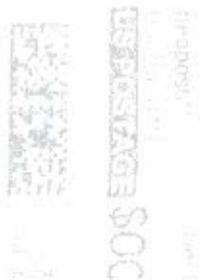
Chesapeake VIRGINIA



of Chesapeake • Department of C...  
Cedar Road, City Hall 2<sup>nd</sup> Floor • Chesapeake, VA 23324 790 0001 3770 8735

Karen Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

*Handwritten note:*  
P.O. Box  
5481



NIXIE 231 CE 1 0204/18/19

RETURN TO SENDER  
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MANUAL PROC REQ \*0892-03113-13-21

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**D&D 2nd floor JA 2445 Strawberry Lane**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p>Karen Lindsey PO Box 5481 Chesapeake, VA 23324</p>																	
 9590 9402 4797 8344 2012 94	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>																

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**2445 Strawberry Ln D&D 2nd floor JA**

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<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>																

2445 Strawberry Lane  
Chesapeake, VA 23224

# Appeal Package

## Case 18-07



Hearing Date  
April 17, 2019  
10:00 am

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

  /   The Property Maintenance Code has been misapplied to my property. Please explain below.

  /   The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

Review phone calls + Email w/ Mr Tate (Aurethn)

I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

Karen Dunderberg  
Signature

April 10, 2018  
Date

2445 Strawberry Lane POB # 5481  
Ches, VA 23324  
Address

757-287-0299  
Contact Phone Number



Development and Permits Department  
RECEIPT OF PAYMENT

Date: 04/10/2018

Receipt # 532331

Paid By: \_\_\_\_\_

Paid

KAREN LINDSEY  
2445 STRAWBERRY LN  
CHESAPEAKE, VA 23324-3113

Record Description	Address	Lot #	Fee Description	Amount
BLD-APPEAL-2018-00002	2445 STRAWBERRY LN		Building Appeal Application Fee	\$25.00
			<b>Total</b>	<b>\$25.00</b>

Payment Type:	Identifying #	# of Transactions	Amount
Money Order	17-738850712	1	\$25.00
		<b>Total</b>	<b>\$25.00</b>

**BALANCE DUE**

**\$0.00**

Collected By: DWARE

Department of Development and Permits  
Zoning Administration  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328  
Tel. (757) 382-8454

**Local Board of Building Code Appeals  
May 16, 2018 5:30 PM  
Chesapeake Central Library**

**2445 Strawberry Lane**

January 26, 2018 – An inspection was conducted on the burned residential structure at 2445 Strawberry Lane. The Fire Department informed the Department of Development and Permits of the hazard and requested an inspection. When the Inspector arrived, the structure was substantially deteriorated. Due to the deteriorated condition and the excessive storage of property within the structure, entering would have been hazardous. The Fire Department had, however provided extensive photographs depicting the condition of the structure. A small number of the photographs taken are included in this report. Photos, attachment #1.

March 22, 2018 – The following notes were placed in the file by the Code Compliance Manager: Michele Throckmorton

03-22-18- Rec'vd a call from the front counter indicating a lady wanted to speak to the person that is above the code compliance inspectors. She stated her name was Karen Lindsey and that the building inspector had no right to enter her property with the permission of a contractor that was on the property. She stated it was illegal and immoral for the city to give her this notice. She in turn also stated that the house is structurally sound, it is certainly not unsafe and she can live in there if she wants to. We have no business citing her property nor conducting such inspection. She asked for the names and phone numbers for Jay and Attorney's office and asked for the head attorney's name. She was shouting and not letting me speak other than to give her the names and numbers. She stated that we should have called her prior to inspection or putting these notices on the house because we should have googled her number or checked with the circuit court because they have her number. She warned that no one else should come on her property unless she is called first and informed of such action. Her number is 757-287-0299. I have emailed the assigned inspector and supervisor about the call.

March 22, 2018 - Revised inspection report was completed. Attachment #2

March 26, 2018 – Notice of Demolition mailed to owners. Attachment #3

**April 10, 2018 – received the request for appeal. Attachment #4**

**The referenced structure was severely damaged by fire. An inspection revealed that structural members were damaged and missing in the roof structure. There was sufficient evidence that the structure is unsafe and cannot be occupied. The notice of violation forwarded to the owner provides options for demolition or repair. It also indicates that an agreement will be required with the City if the owner chooses to repair the structure. The structure is currently secured. An engineer's report describing the structural repairs required and a Class A contractor's report describing the repairs required to meet the Uniform Statewide Building Code, with cost estimates will be required in order to determine the extent and timeframes needed for required repairs. Once the documentation required is submitted, a Memorandum of Agreement between the City and the owner will be required. This agreement will spell out time frames and actions if the timeframes are not met within reason.**

**Staff requests that the Board uphold the notice of violation and stipulate a time frame for repairs or demolition.**

**John King  
5/2/18**

RECEIVED  
3-25-19

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Karen Lindsey  
Appeal No. 18-07

DECISION OF THE REVIEW BOARD

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).

Case History

On January 25, 2018, the home owned by William and Marjorie Lindsey located at 2445 Strawberry Lane in the City of Chesapeake caught fire. Karen Lindsey (Lindsey), daughter to the deceased owners and current resident of the property along with her two children, were displaced due to the extensive damage to the home. In February of 2018 Lindsey was certified as the Executor of the estate for the property. Lindsey, appealed the enforcement action by the City of Chesapeake, Development and Permits Department (City) under Part III of the Uniform Statewide Building Code (Virginia Maintenance Code).

On January 29, 2018, the City, in enforcement of the 2012 Virginia Property Maintenance (VMC), performed an inspection of the property. In early March of 2018 copies of the Notice of Unsafe Structure (Demolition), Demolition Authorization Form, City of Chesapeake Board of Building Code Appeals (local appeals board) application, Notice of Violation (NOV), Public

Notice, and Building Inspection Report for Unsafe Structure dated March 7, 2018 were stapled to the garage of the structure. Lindsey removed them from the structure and contacted the City for clarification of the documents. On March 29, 2018, Lindsey received copies of the above referenced documents along with an amended Building Inspection Report for Unsafe Structure dated March 26, 2018 via USPS certified mail. The same documents were posted on the structure by the City Sheriff's Department on March 30, 2018.

The local appeals board heard Lindsey's appeal on May 16, 2018 and ruled to uphold the decision of the City. In addition to upholding the City's decision the local appeals board gave Lindsey 30 days from the date of the hearing to obtain an engineer's report and contractor's agreement; 60 days to acquire the needed permits and 180 days to complete all repairs, request the required inspections and obtain a new Certificate of Occupancy (CO); and 270 days to obtain the new CO or have the property demolished. The local appeals board further stated that if the deadlines provided were not adhered to the City would demolish the structure without further notice. Lindsey agreed with the cited violations; however, she found the timeline unattainable and asked for an extension of the timeframes provided by the local appeals board; therefore, Lindsey further appealed to the Review Board.

A Review Board hearing was held on February 15, 2019. Appearing at the Review Board hearing for the City of Chesapeake were John King and Meredith Jacobi, legal counsel. Karen Lindsey and her two children, Alexis Lindsey and Pepper Wilson, attended on behalf of the Lindseys.

#### Findings of the Review Board

##### A. Whether or not the appeal was timely to the Review Board.

Lindsey argued that she emailed Review Board staff within the required timeframe to acquire the needed application; Lindsey expressed her desire to appeal the decision of the City in that email. The City argued that in accordance with VMC section 106.8, the application must be made to the Review Board within 21 days. The City also argued that a copy of the Code Official's decision and the resolution from the local board of appeals must accompany the application. Lindsey argued that she requested the necessary information and documentation at the local appeals board hearing needed to further appeal to the Review Board. Lindsey further argued the City did not provide her with the needed guidance, pertinent information, complete contact information, or Review Board appeals application needed to properly file an appeal to the Review Board. The City argued that it was not the responsibility of the City to provide Lindsey with the needed application form; however, the City did provide Lindsey with the link to the location of the Review Board appeals application located on the Department of Housing and Community Development, State Building Codes Office (SBCO) website and Review Board staff email addresses. The City also argued that Lindsey should have emailed Review Board staff sooner allowing ample time to receive the necessary application. Lindsey argued that she had limited access to technology due to being displaced from her home since the fire.

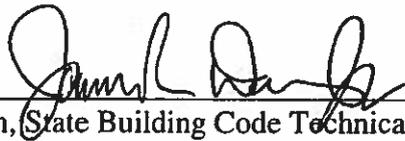
The Review Board did not agree with the City that the LBBCA resolution was adequate. The Review Board finds the local appeals board resolution did not provide the required language in accordance with the VMC Section 106.7 which reads:

*"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 resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."*

The Review Board further finds that the information provided to Lindsey was outdated and referenced Review Board staff that retired nearly a year ago.

Final Order

For the reasons set out herein, the Review Board orders the appeal to be, and hereby is, remanded to the local appeals board to re-issue its decision in a manner and form that complies with the 2012 VMC Section 106.7 because the prior resolution did not comply.



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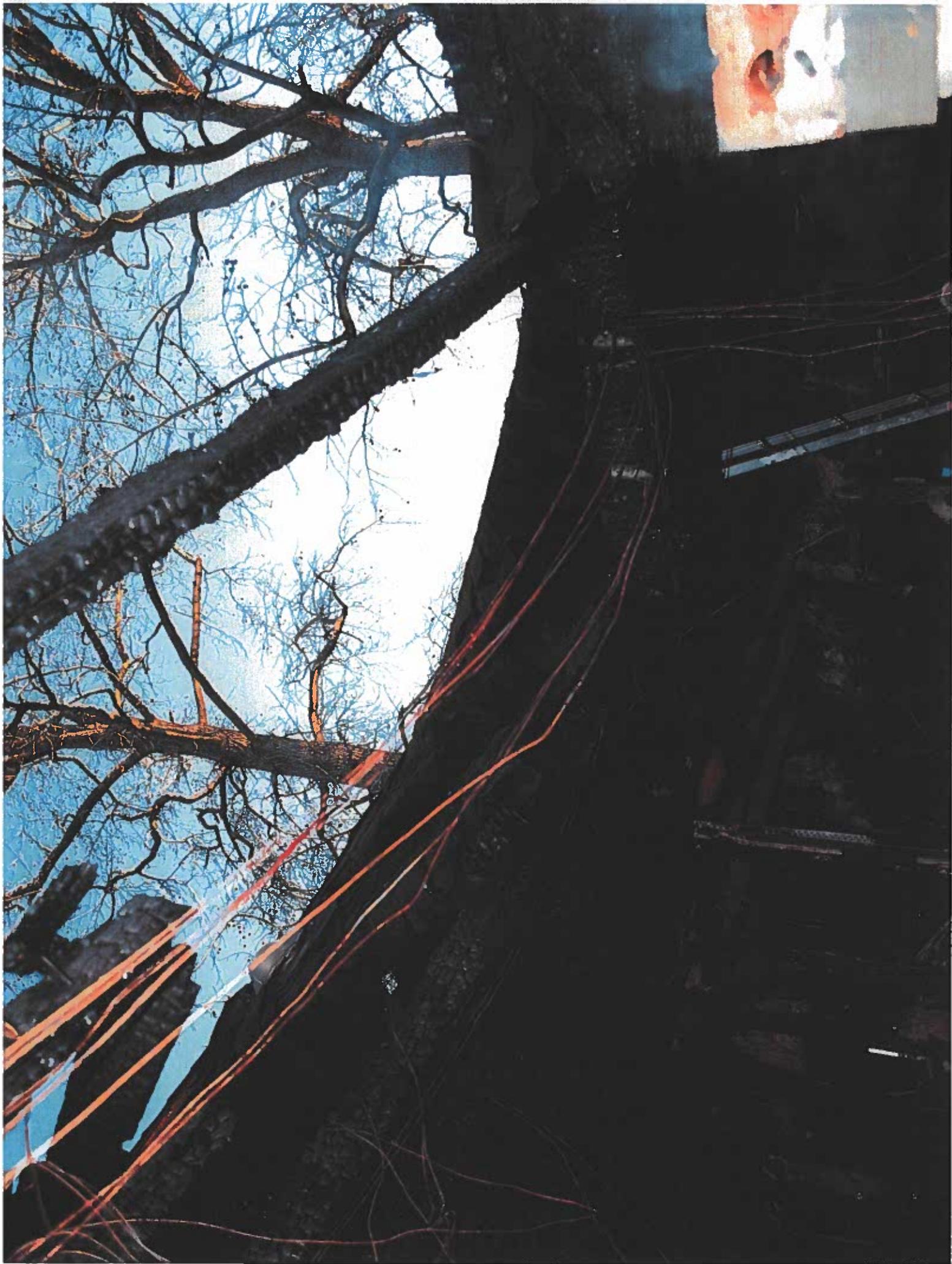
Chairman, State Building Code Technical Review Board

Date entered: March 15, 2019

Certification

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.

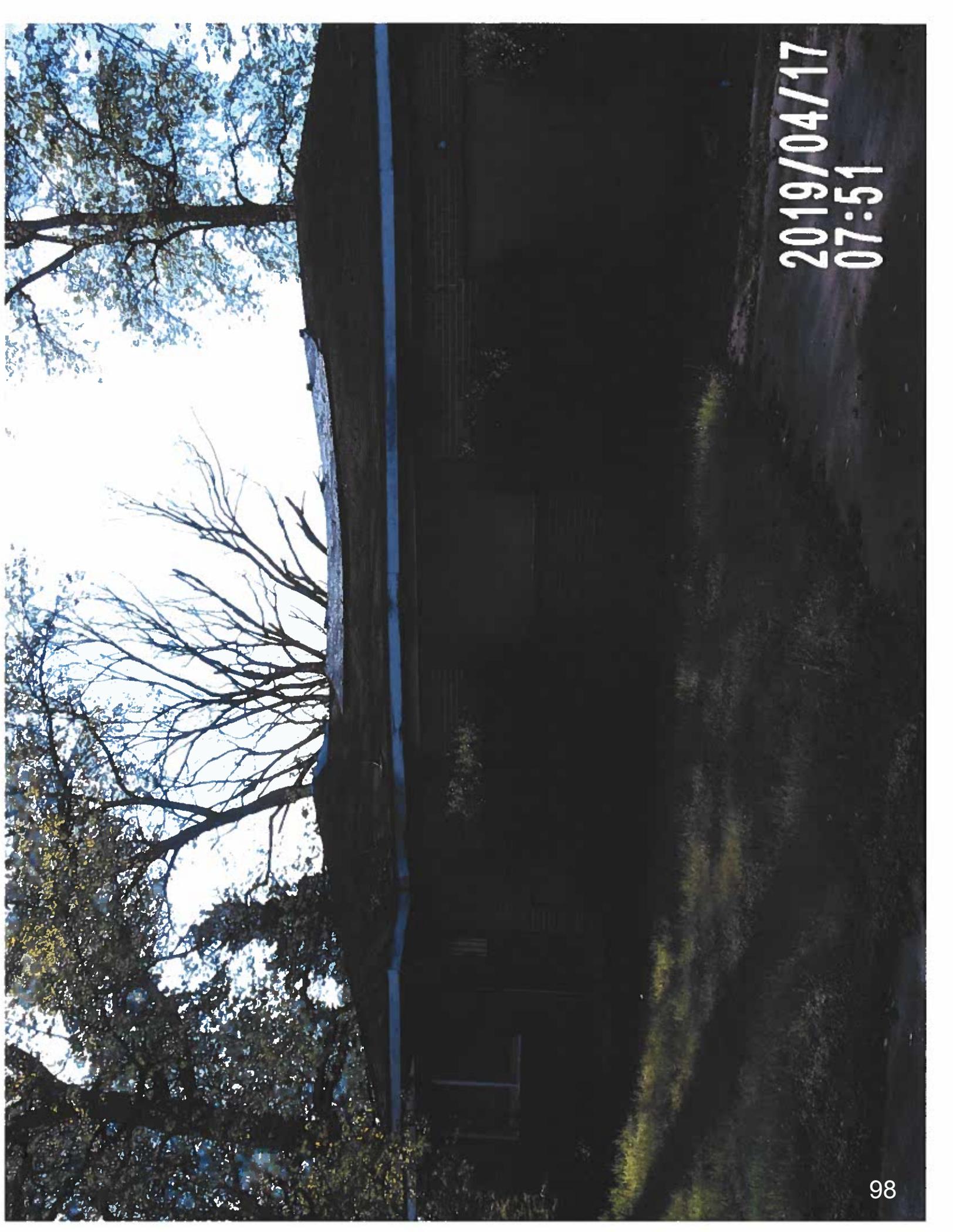








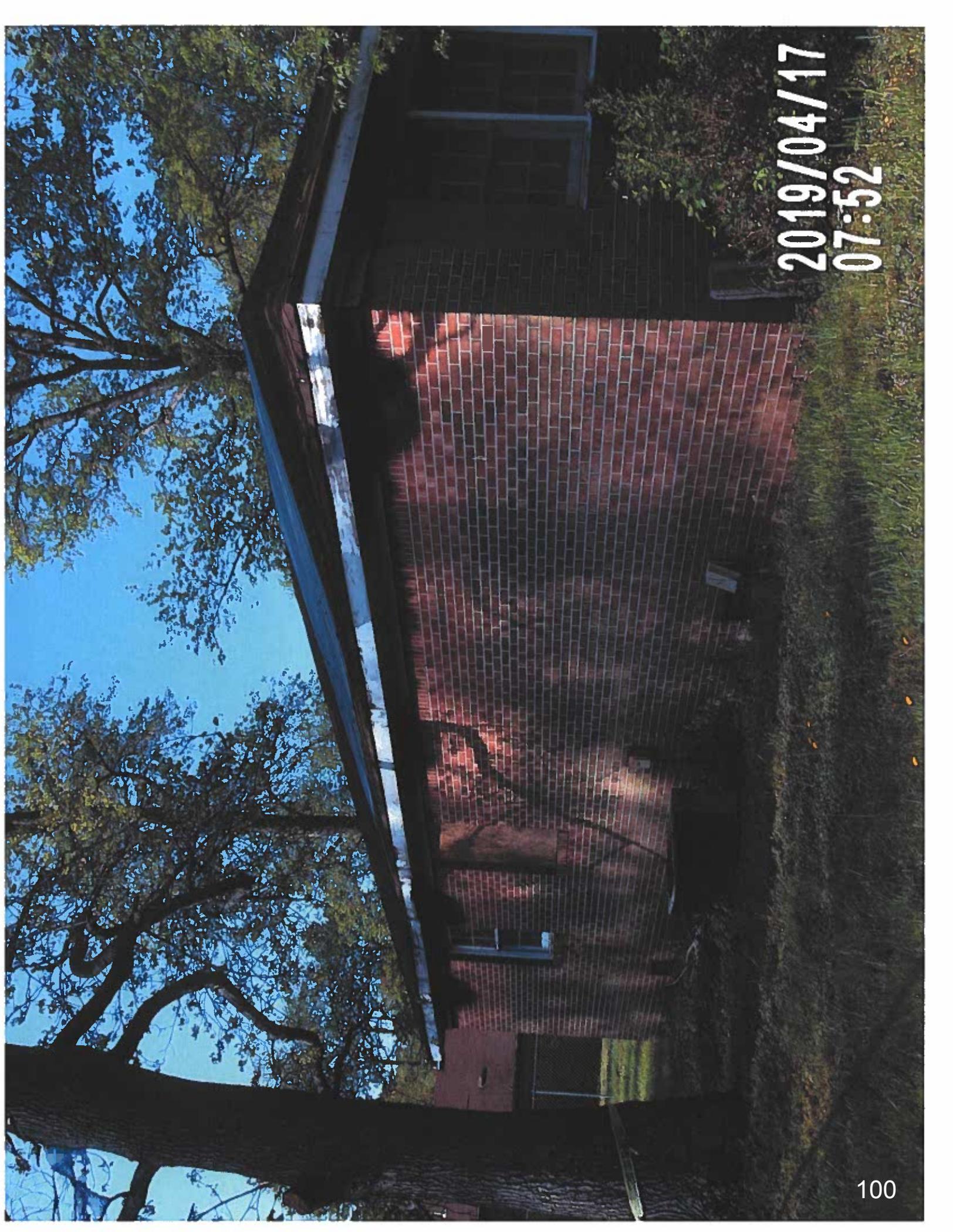




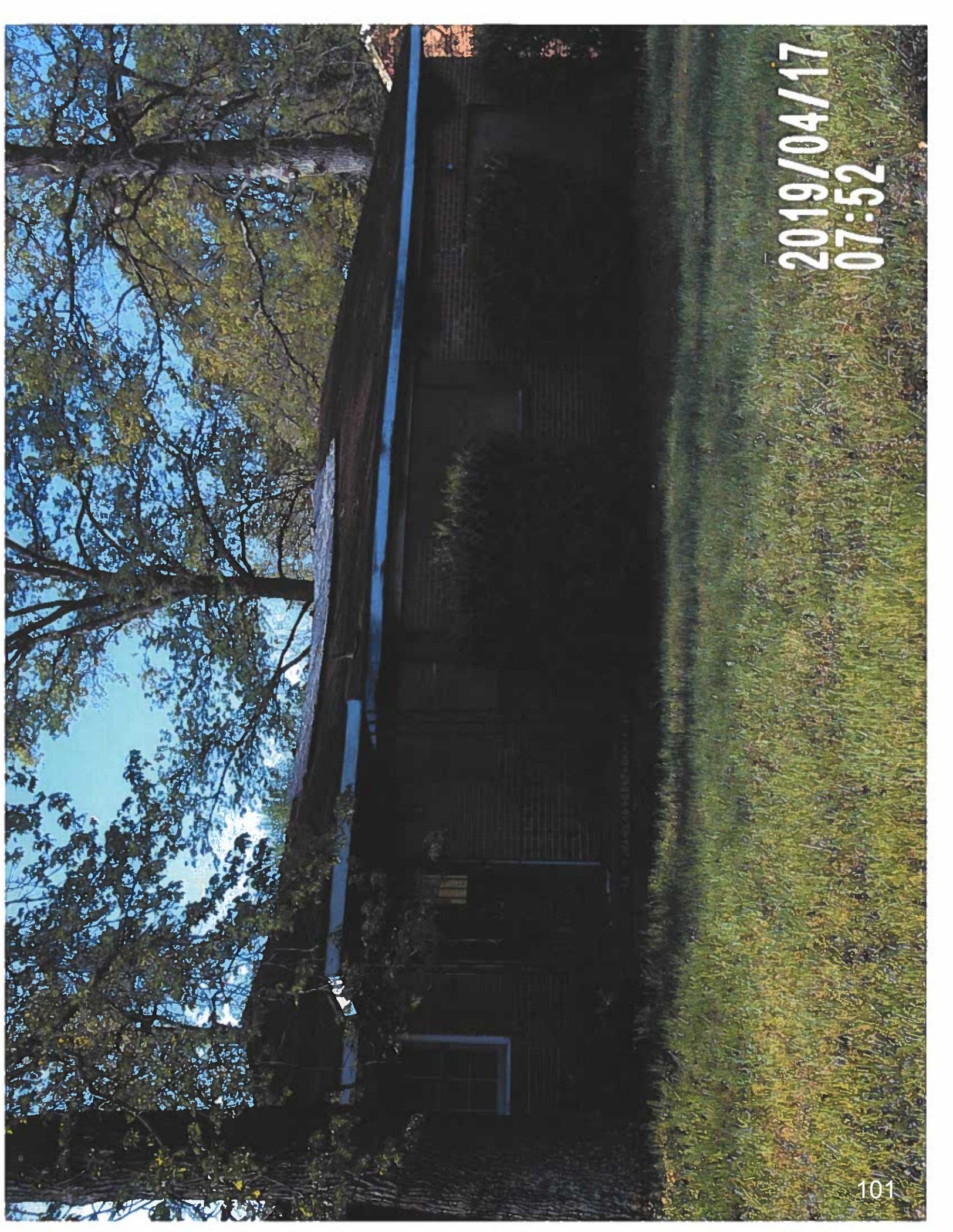
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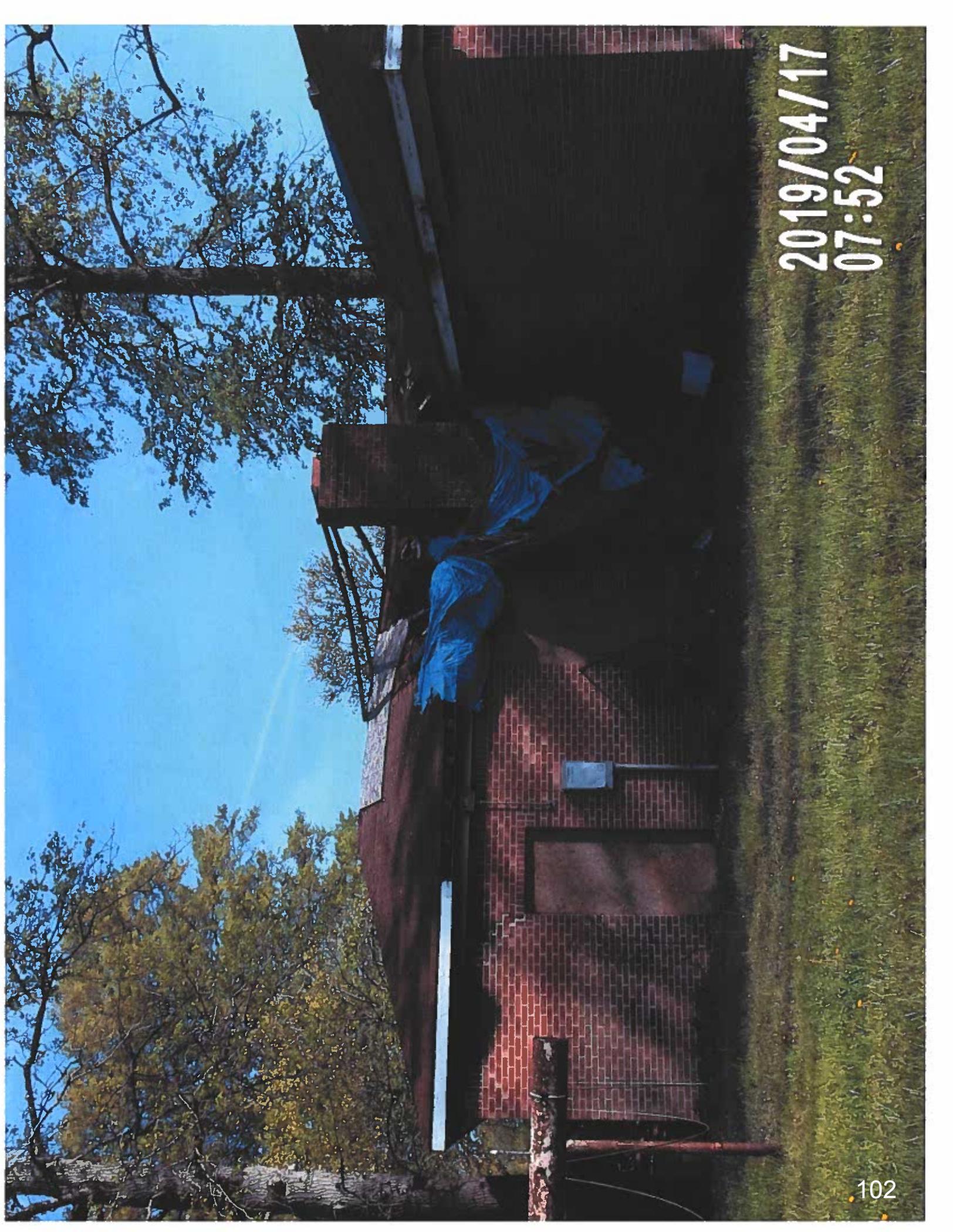
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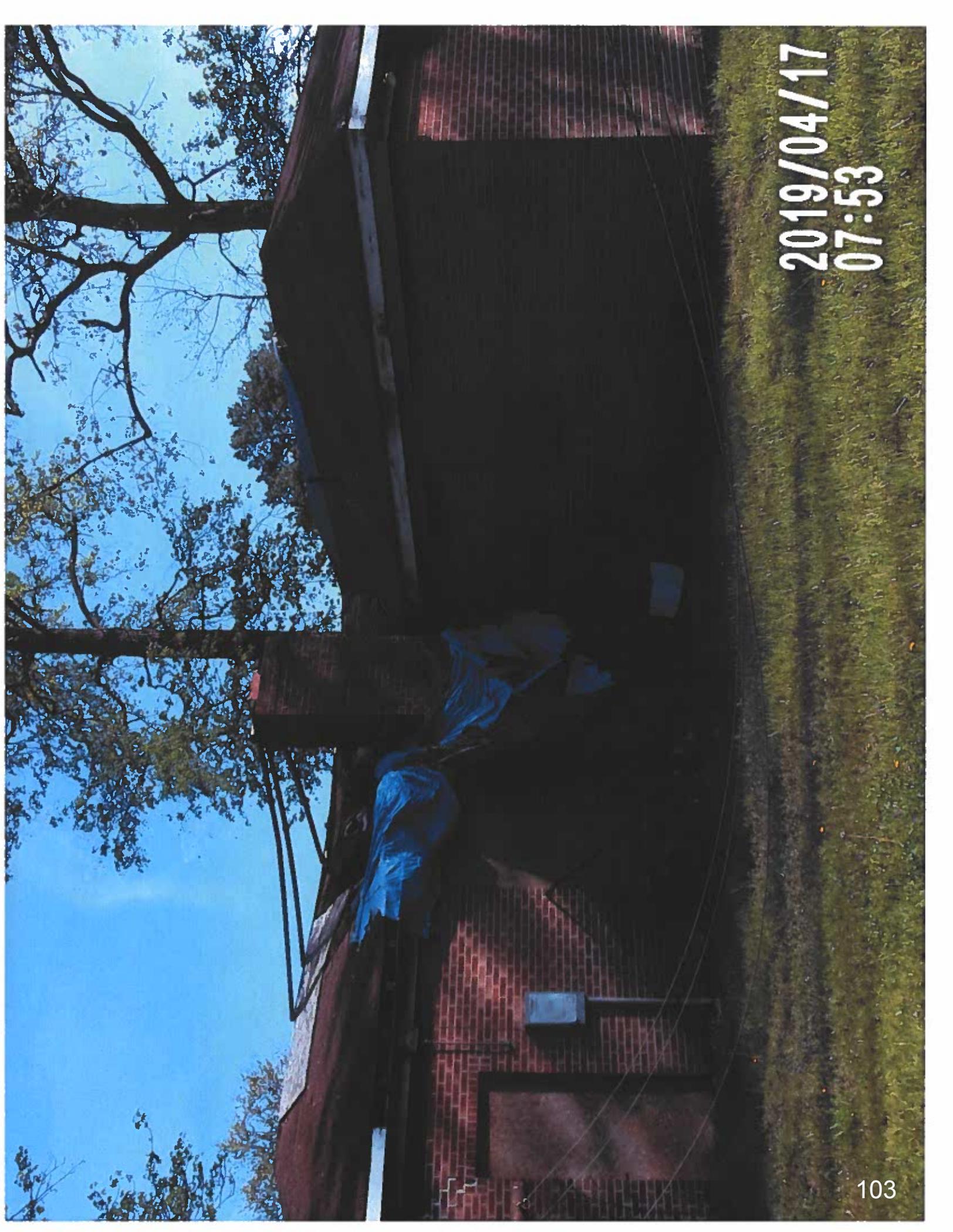
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**CITY OF CHESAPEAKE**  
**LOCAL BOARD OF BUILDING CODE APPEALS**  
**Meeting Minutes for April 17, 2019**

**MEMBERS OF THE BOARD:**

Mr. Kevin Ball, Chairman- present  
Mr. Murray Goodwin –present  
Mr. Gerald Martin – present  
Mr. Eric Stichler – present

**CITY OF CHESAPEAKE, DEPARTMENT OF DEVELOPMENT AND PERMITS**

Mr. John King, Zoning Administrator  
Mrs. Meredith Jacobi, Assistant City Attorney  
Ms. Jill Ann Auty, Secretary  
Mrs. Pamela Witham, Code Compliance Supervisor

**APPELLANTS**

Karen Lindsey/Executor of the Estate-2445 Strawberry Lane

**MINUTES**

The meeting was called to order at 10:30 am by Chairman Ball. Mr. King explained that on January 26, 2018, an inspection was conducted at the burned residential structure located at 2445 Strawberry Lane. The fire department had informed the Department of Development and Permits of the hazard and requested an inspection. When the inspector arrived the structure was substantially deteriorated. Due to the deteriorated condition and the excessive storage of property within the structure, entering would have been hazardous. The fire department had however, provided extensive photos depicting the condition of the structure. Mr. King advised that an inspection was conducted of the exterior and what could be seen of the interior. On March 26, 2018, the Notice of Demolition was mailed to the property owner. On April 10, 2018, a request for an appeal was received. The referenced structure was severely damaged by fire. Mr. King stated that an inspection revealed that the structural portions were severely damaged and missing in the roof structure. There was sufficient evidence that the structure was and is unsafe and cannot be occupied. Mr. King advised that the Notice of Violation was forwarded to the owners, which provided options for demolition or repair. It also indicated that an agreement would be required with the City if the owner chose to repair the structure. An engineering report describing structural repairs is required as well as a Class A contractors report describing the repairs required to meet the Uniform Statewide Building code to include cost estimates in order to determine the extent of the time and timeframes needed for the required repairs. Mr. King confirmed that once the documentation required was submitted, a Memorandum between the City and the property owner would

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

be required with time frames of actions to take place if they were not met. The Board heard this case at the May 16, 2018 meeting and upheld the determination that the structure needed to be demolished. However, the Board provided a timeline for getting permits and required documentation for the demolition or repair. Mr. King stated that the ultimate deadline came out to 270 days of the last hearing. That ruling was mailed to all parties, the ruling was appealed to the Technical Review Board at the state level. The Technical Review Board remanded the decision back to this Board due to a technicality. The Technical Review Board also indicated that they expected the new ruling to provide the same timeline, so another 270 days, for the completion of the repairs or the demolition. Staff continues to request that the board uphold the Notice of Violation and stipulate a time frame for repairs and demolition.

Ms. Karen Lindsey, Executor of the Estate, 2445 Strawberry Lane, responded that the statement Mr. King made about the Board keeping the same timeline is inaccurate. Ms. Lindsay stated that The Board ruled that the case would be referred back to this Board due to errors that were made when the information was submitted. Ms. Lindsay stated that The Technical Review Board specifically said that the case would start over from the beginning. Ms. Lindsay claimed that she has entered the house on several occasions including the day of the fire. Ms. Lindsay also disagrees with the statement in the letter that "the home is structurally unsound". Ms. Lindsay exclaims that she will not agree to any decision or opinion that includes the demolition of her property. Since the fire, her family has been displaced to several locations due to the damage that occurred to the home and that the rebuilding of three lives. She advises she had a plan in process that was being executed but after the notices appeared from the City, she halted the process. Ms. Lindsay stated that she disagrees with the actions of the Board and will continue to appeal.

Mrs. Meredith Jacoby, Assistant City Attorney, concurs with the Zoning Administrator, but clarifies that the Technical Review Board has ordered that the appeal be remanded to this Board to re-issue its decision in a manner that complies with 2012 VMC Section 106.7.

Mr. Kevin Ball, Chairman, further explained that the City is required to make sure that the unsafe structure is either demolished or repaired so that it is livable. It was further explained in detail by the Board to Ms. Lindsey what specific steps that need to be taken to repair the structure, none of which have been taken.

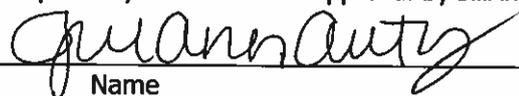
#### **APPEAL 18-02 – 2445 Strawberry Lane**

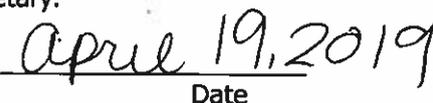
Mr. Kevin Ball, Chairman, presented a motion to reissue the decision in a manner that complies with the 2012 VMC Section 106.7 due to non-compliance of the prior resolution.

Eric Stichler seconded the motion. The motion passed by unanimous vote of the Board.

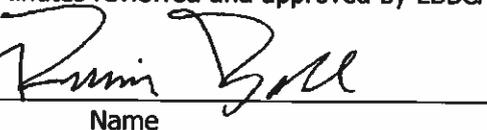
There being no other business before the Board, the meeting adjourned at 11:33 am.

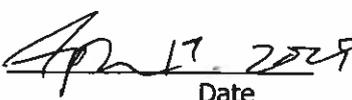
Respectfully submitted for approval by JillAnn Auty, Secretary.

  
Name

  
Date

Minutes reviewed and approved by LBBCA.

  
Name

  
Date

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

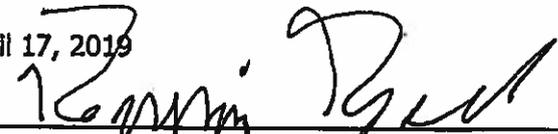
WHEREAS, a hearing was held on April 17, 2019 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the Board hereby UPHOLDS the Notice of Violation issued on March 26, 2018 for the reasons set out below:

The Board has determined that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code for the reasons provided by the Code Official's evidence on the record, and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, April 17, 2019, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake shall perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: April 17, 2019

Signature

  
Kevin Ball, Chairman of Local Board of Building Code 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, Virginia 23219, (804) 371-7150.

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

mailed Regularly: certified 4.22.19

**Chesapeake**  
VIRGINIA

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

April 22, 2019

Karen Lindsey  
Po Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – April 17, 2019 Appeals Board Rulings for LBBCA Case  
Case 18-02

Dear Ms. Lindsey:

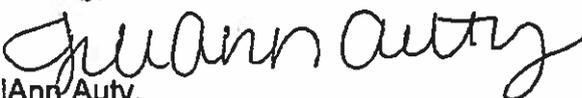
Attached please find the signed ruling for LBBCA Case 18-02 from the April 17, 2019 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/state-building-code-technical-review-board-sbctrb>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions, you may contact the Office of the State Review Board, 804-371-7150, or Mr. Luter, [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), who is the Secretary for the Technical Review Board as of the date of this cover letter.

If you have any questions, please call me at 382-6466.

Sincerely,

  
JiliAnn Auty,  
Secretary

Attachments:  
Results to Citizen letter for 18-02

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

mailed certificate and Regular Mail 4.27.19

**Chesapeake**  
VIRGINIA

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Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

April 22, 2019

Karen Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – April 17, 2019 Appeals Board Rulings for Case 18-02

Dear Ms. Lindsey:

Attached please find the signed ruling for Case 18-02 from the April 17, 2019 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/state-building-code-technical-review-board-sbctrb>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions, you may contact [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), Secretary for the Technical Review Board.

If you have any questions, please call me at 382-6466.

Sincerely,



JillAnn Auty,  
Secretary

Attachments

Results to Citizen letter for 18-02

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
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**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

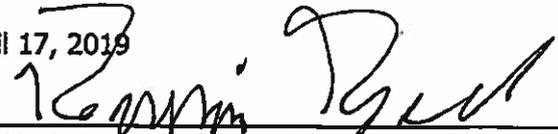
WHEREAS, a hearing was held on April 17, 2019 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the Board hereby UPHOLDS the Notice of Violation issued on March 26, 2018 for the reasons set out below:

The Board has determined that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code for the reasons provided by the Code Official's evidence on the record, and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, April 17, 2019, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake shall perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: April 17, 2019

Signature

  
Kevin Ball, Chairman of Local Board of Building Code 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, Virginia 23219, (804) 371-7150.

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

(Page left blank intentionally)

Additional Documents  
Submitted by  
Karen Lindsey (Owner)

(Page left blank intentionally)

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES**

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric

Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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

Code for Unsafe Structures: 108.1.5 sections 2,3,5,6,7,8,9,10,11

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

OBJECTION SUMMARY FOR 2<sup>ND</sup> APPEAL 2019 TO STATE TECHNICAL REVIEW BOARD

- 1) OVERALL OBJECTION: Mr. King's actions from start to finish; finalizing demolition documents and entering home without my knowledge or permission. Although Mr. King retracted the entry; I still believe he entered as stated in the original document prior to the revision.
- 2) SECOND OBJECTION: Inconsistencies in proper protocol being followed by both the Local Board and the City of Chesapeake. Obviously, there is a communication gap that need to be fixed.
- 3) THIRD OBJECTION: Bias intent from the Local Review Board; was not surprised at all by them siding with the City Official not once but twice.
- 4) FOURTH OBJECTION: The ruling of the City Local Board including unfair stipulations favoring the City Official; "WITHOUT FURTHER NOTICE" is one example.

Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

There was a cleaning/restoration company on site. I identified myself to them and displayed my city credentials. I asked for permission to enter the structure and they allowed me entry. I found significant fire damage to the rear area at the "C"/"D" portion.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature HB Phillips III

Date: 1-30-18

Code Official:  
John King

Signature John King

Date 1/30/18

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
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Page 2

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#### CONCLUSION:

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

NOTE: THE LBBCA ATTENDEE WITH  
 ✓ MARK ON RIGHT OF NAME PRINTED  
 WERE PRESENT AT APPEAL HEARING APRIL 7, 2019.

Department of Development & Permits  
 306 Cedar Road  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 Tel. (757) 382-6018, 6890, 8424  
 Fax. (757) 382-8448

## CHESAPEAKE LOCAL BOARD OF BUILDING CODE APPEALS APPEAL Application #BLD-APPEAL-2018-00002

MEETING ATTENDANCE ROSTER  
 Wednesday May 16, 2018 –Central Library  
 First Floor Conference Room @ 5:30PM

ATTENDEE (Initials)	REPRESENTING	EMAIL
<i>KB</i> Kevin T. Ball ✓	LBBCA	kball@rrmm.com
Edwin A. Coyner III	LBBCA	edcoyner63@gmail.com
<i>MRG</i> Murray R. Goodwin III ✓	LBBCA	mrgoodwinIII@aol.com
<i>RCH</i> Robert C. Hudson III	LBBCA	rhudson@BGI-GC.com
<i>GM</i> Gerald F. Martin ✓	LBBCA	gfm@mandma.com
<i>ES</i> Eric Stichler ✓	LBBCA	estichler@bgi-gc.com
Steven D. Allen	LBBCA	redtr6man@cox.net

City Staff and Appellants

Allison Harper - Development & Permits

John King DPJP

Karen Kindley

Meredith Jacobi - Asst. City Attorney

**Release of Liability Statement**

I, KAREN LINDSEY, of 2445 STRAWBERRY LN PO BOX 5481 CHES. VA 23324  
[Print name] [Print home address]

for myself and my heirs, executors, administrators and assigns, hereby release, indemnify and hold harmless the City of Chesapeake, Virginia ("City"), from all liability for any and all risk of damage or bodily injury or death that may occur to me (including any injury caused by negligence), in connection with my entry into the structure at 2445 STRAWBERRY LANE CHES. VA 23324, in Chesapeake, VA

January 25, 2018 from 1/25/18 to 1/25/20.  
[Print date and time frame of entry]

I understand and acknowledge that this structure has been posted unsafe by the City and that I enter this structure at my own peril.

Further, I expressly agree that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the State of Virginia, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

I have no known physical or mental condition that would impair my capability to participate fully, as intended or expected of me.

I have carefully read the foregoing release and indemnification and understand the contents thereof and sign this release as my own free act.

Karen Lindsey / KAREN LINDSEY  
Signature Print

July 12, 2018  
Date

(757) 287-0299  
Phone Number

\_\_\_\_\_/\_\_\_\_\_  
City employee initials Date

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES**

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric

Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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Code for Unsafe Structures: Chapter 1 Section 105. 2012 Virginia Maintenance Code

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

**Release of Liability Statement**

I, KAREN LINDSEY, of 2445 STRAWBERRY LN PO BOX 5781 CHES. VA 23324  
[Print name] [Print home address]

for myself and my heirs, executors, administrators and assigns, hereby release, indemnify and hold harmless the City of Chesapeake, Virginia ("City"), from all liability for any and all risk of damage or bodily injury or death that may occur to me (including any injury caused by negligence), in connection with my entry into the structure at 2445 STRAWBERRY LANE CHES. VA 23324, in Chesapeake, VA  
[Print address of unsafe structure]  
January 25, 2018, from 1/25/20 to 1/25/22  
[Print date and time frame of entry]

I understand and acknowledge that this structure has been posted unsafe by the City and that I enter this structure at my own peril.

Further, I expressly agree that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the State of Virginia, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

I have no known physical or mental condition that would impair my capability to participate fully, as intended or expected of me.

I have carefully read the foregoing release and indemnification and understand the contents thereof and sign this release as my own free act.

Karen Lindsey, KAREN LINDSEY  
Signature Print

August 9, 2019  
Date

(757) 287-0299  
Phone Number

\_\_\_\_\_  
City employee initials Date

**Release of Liability Statement**

I, KAREN LINDSEY, of 2445 STRAWBERRY LN PO BOX 5781 CHES. VA 23324  
[Print name] [Print home address]

for myself and my heirs, executors, administrators and assigns, hereby release, indemnify and hold harmless the City of Chesapeake, Virginia ("City"), from all liability for any and all risk of damage or bodily injury or death that may occur to me (including any injury caused by negligence), in connection with my entry into the structure at 2445 STRAWBERRY LANE CHES. VA 23324, in Chesapeake, VA  
[Print address of unsafe structure]  
January 25, 2018 from 1/25/22 to 1/25/24  
[Print date and time frame of entry]

I understand and acknowledge that this structure has been posted unsafe by the City and that I enter this structure at my own peril.

Further, I expressly agree that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the State of Virginia, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

I have no known physical or mental condition that would impair my capability to participate fully, as intended or expected of me.

I have carefully read the foregoing release and indemnification and understand the contents thereof and sign this release as my own free act.

Karen Lindsey / KAREN LINDSEY  
Signature Print

August 9, 2019  
Date

(757) 287-0299  
Phone Number

\_\_\_\_\_  
City employee initials Date

## APPEAL LETTER TO THE STATE SENT VIA EMAIL 2018

Technical Review Board State of Virginia

This email is to inform the Technical Review Board that I would like to appeal the decision made by the Local Board of Building Code of Appeals and the official reporting from the Department of Development and Permits. The main thing I am appealing is the timeframe of expectancy for displaced victims. I do not know how this appeal process to the state works so I am contacting you via email. If there is any other application process necessary for this appeal please provide me with that information.

The information following will provide you with the details of what has transpired thus far.

On May 16, 2018, a meeting with the Local Board of Building Code of Appeals took place. This appeal was mandatory to put a stop to the Department of Development and Permits from demolishing the property at 2445 Strawberry Lane, Chesapeake, VA 23324. There was a house fire at the residence on the morning of January 25, 2018. This fire made breaking news around 5am, everyone got out of the home unharmed, however three people were displaced from the fire. The Circuit Court was called to clearly let it be known that the property was not abandoned. The City of Chesapeake was already aware that a fire had occurred due to the breaking news coverage and there was no record of any action being taken against the property. According to the Circuit Court, the City of Chesapeake was not going to do anything; the property would just sit there. Unbeknown to me, the Department of Development and Permits had put plans in motion immediately after the fire to demolish the home; documents were stapled to the plywood on the garage door, letters mailed out to apparent lienholders, the house was placed on the demolition list for March 2018, and within 30 days or less the home was going to be demolished to the ground. This plan by the Department of Development and Permits became apparent when driving pass the home. The following week phone calls were made to Department Head, Michele Throchmorton, and the Director, Jay Tate, in addition to emails exchanges with Mr. Tate asking what was the city trying to do and why was this taking place. I acknowledged to everyone I have been in contact with that I totally disagree with everything that has transpired in reference to the property on Strawberry Lane. The responses I received was if you do not agree then the only thing to do in appeal.

This methodology of demolishing displaced victims homes immediately after a fire without having any direct contact first with the representative of the property is just plain cruel and unethical. Did anyone take into consideration what the victims have endured? First of all, everyone is traumatized by having to escape a fire and there was not even a sympathetic gesture from anyone in the Department of Development and Permits, just letters sent out to destroy the property, like we never at all existed. The Department of Development and Permits took off running regarding the demolition like we all had

perished in that fire. It did not matter what anyone's wishes were for that property; orders were given by John T. King, III to bulldozer that home. How much time is a reasonable amount of time in order for displaced victims to start our lives over again? Did anyone at the City or State level take into consideration that the victims need a temporary place of residency? Life as we once knew it to be is gone forever; the next step is to make plans for transitioning to a brand new life in addition to coordinating a plan to rebuild our home.

I followed the steps through Probate to have legal authority to make decisions on the property. Now, there are additional responsibilities I also must follow: getting a new Tax ID number for the estate property, reporting of inventory of accounts, trying to locate the original plans for the property, if can't be found having to draw up new plans, and there is a financial responsibility as well.

As the Executor of the Estate, I intend to fight for as long as necessary to protect what is left of my parent's home; the future plan is to rebuild. There is no way that a home can be rebuilt the correct way without proper research and planning and this cannot be done in 30 days. Building a home from the ground up takes an extensive amount of time; I know this because I was there when the original plans were being established to build the house back in 1980 and 1981.

As a Chesapeake resident who was born and raised in that community where the fire took place, I also am concerned about safety and protection. At the Local Board of Building Code of Appeals meeting, I made it perfectly clear that I was not at all fearful of entering my home in the state it is in today; that home is sound and will not collapse upon entry. The framework for the structure still remains which tells me that if it was not my duty to rebuild this home then the entire house would have burned completely down; reduced to nothing but ashes. I have a waiver to sign and return to the Department of Development and Permits next week indicating that I will be entering my home at will holding no one liable in the event of injury or death. Would I sign such a document if I was not confident about the structure withstanding all attacks that has come up against it?

This appeal to the state, is for an extension of a 120 days to review all of the documentation sent by the Department of Development and Permits regarding compliance codes in the City of Chesapeake and the motion made by the Local Board of Building Code of Appeals for reports from structural engineers providing estimates of repairs. Also, I am seeking an amended time frame for the completion of the rebuilt home to be 365 days. This extra time allotted will give me the additional time needed to focus also on relocating to a temporary place of residency so I can be in one establishment while overseeing this massive home rebuilding project.

As I mention to the Local Board of Building Code of Appeals, I do have a degree but not in the field of Engineering. I called 757-382-8976 on Tuesday June 5<sup>th</sup> and left a voicemail for Allison Harper and John T. King, III that I was granting an extension but as of date, I have not received a phone call or email back from either of them. The document mailed certified of the Local Board of Building Code of Appeals motion was signed for on May 25<sup>th</sup> and it stated that contact must be made within 21 days from the date of receipt to appeal to the state. So, today, June 15<sup>th</sup>, at the local library, I am appealing to the Technical Review Board to review this entire demolition process.

The steps taken to place my home on the demolition list initially after the fire is being questioned and now I am seeking clarity from the State. I am well aware that a decision must be made regarding the structure because it cannot remain as it is forever; demolition is not an option of mine. The Executor of

the Estate should have not been put in this position to have to battle to save this home prior to giving my response on how I planned to proceed with the property moving forward. I am following the protocol set in motion by the Department of Development and Permits of the next step in this process after the Local Board of Building Code of Appeals by appealing to the State Technical Review Board. If at any point you need to reach me via phone, my cell number is 757-287-0299; please leave a detail message if no answer. Also, my mailing address at this time is PO Box 5481, Chesapeake, Virginia 23324.

Karen Lindsey  
Executor of the Estate  
2445 Strawberry Lane  
Chesapeake, VA 23324

## APPEAL LETTER TO THE STATE SENT VIA EMAIL 2019

### Technical Review Board State of Virginia Appeal #2

This email is to inform the Technical Review Board that I would like to appeal the decision made by the Local Board of Building Code of Appeals and the official reporting from the Department of Development and Permits. The main thing I am appealing is the timeframe of expectancy for displaced victims.

On Friday, February 15, 2019, the State Board rendered a decision to send my appeal back to the City Local Board which meant my 1<sup>st</sup> Appeal was not going to be heard by the State and I would have to start these proceedings all over again. The second meeting with the City Local Board was actually held on Wednesday, April 17, 2019.

In the 1<sup>st</sup> Appeal to the State it is notated in my email my disagreement with Mr. King's actions in reference to the demolition and his ill-advised entry into my home as addressed in the email with the Director of Development and Permits.

There was a lengthy discussion on the timing of when documents were received and the responsibilities of the City and the City Local Board at the first hearing with the State Board. For this reason, I was skeptical in sending the Appeal application for the 2<sup>nd</sup> Appeal to the State because there was no CERTIFIED MAIL sent by the City of the City Local Board decision the second time around to establish a TIMELINE based on a signature of receipt from the certified letter; (see attached email for further details).

Immediately, it became obvious to me that a 2<sup>nd</sup> appeal would have to be filed with the State soon as the meeting began, let me reiterate what occurred at that April 17<sup>th</sup> meeting.

One of the City Local Board members, Eric Stichler, attempted to emphasize that my focus should have been solely on the structure this past year. My response was; "I value lives over a structure. My focus was where it should have been; rebuilding three lives first before strategizing on rebuilding a structure."

I strongly pointed this out at the previous meeting last year held on May 16, 2018 that I needed time to get our lives back in order and I reiterated that prioritizing lives first was totally ignored prior to a decision being reached by the City Local Board at the last meeting.

Mr. Stichler then stated, in a condescending way, "The City Local Board did not have to grant you any time at all in our last decision; we could have voted for IMMEDIATE DEMOLITON." My response to Mr. Stichler was "I would have also APPEALED that decision."

I then stated; let me be very clear; "I will not be BULLIED or INTIMIDATED at any time by anyone in this room; I will not hesitate to take my appeal back to the State Board." It is bad enough, I said, that I am having to deal with Mr. King's takeover tactics of demolition in addition to his attempt to eliminate everyone's identity associated with that property.

At the APPEAL hearing on the 17<sup>th</sup> of April, Mr. King drafted a one page document to pass around to the City Local Board members only in order to get a signature from the City Local Board Chairman; totally ignoring I was even in the room. Where is my copy to review, I asked Mr. King? Mr. King replied, "You can look at it if you want."

I was APPAULED at that last hearing when I recognized in BIG BOLD LETTERS, "WITHOUT FURTHER NOTICE" was the last line on that one page document. Why is "WITHOUT FURTHER NOTICE" here; IS IT REQUIRED BY LAW? There was no response from anyone except, MEREDITH JACOBI who stated, "We are not here to discuss "The Law"; Mr. STICHLER replied, "It was on the last ruling"; and The CHAIRMAN, KEVIN BALL said it was 'IN THE MOTION.'" At no time was this discuss, this notion is "TOTALLY INSANE"; WHY DO YOU THINK I APPEALED IN THE FIRST PLACE; was my response.

Apparently, the City and the Local Board thought they could slip that "WITHOUT FURTHER NOTICE" stipulation in the ruling and I would unknowingly agree to those terms. NEVER, will I give Mr. King AUTHORITY to decide the fate on that property without CONSULTING with anyone. This in my opinion is an obvious example of ABUSE OF AUTHORITY. What IMPARTIAL BOARD would allow for something like this to take place?

MOVING FORWARD, first and foremost, I will be continuing on with my transitional phase of starting over; we have made considerable progress but there is still more to overcome. If you recall from my original email; I acknowledged that I am aware that the house cannot remain in its current condition for ever and there were plans in place prior to the demolition notices. However, those plans had to be put on hold, why move forward in 2018 while facing destruction from the City?

What I truly need at this time is PEACE, PEACE THAT SURPASSES ALL UNDERSTANDING to finally be able to reflect on what was lost from the tragedy on January 25, 2018. The City of Chesapeake Department of Development & Permits went into attack mode beginning 40 days after the fire occurred. Which brings up this point; WHY WAS MR. KING IN SUCH A HURRY TO DEMOLISH THE PROPERTY? There was no reason at all for this hastiness unless there is some sought of beneficial gain for Mr. King that I am unaware of. Mr. King has a lot of explaining to do about his abrupt behavior in regards to this home.

As for my PEACE request, I am asking the State Board to grant 6 months of freedom (October 2019 – March 2020) from any and all City and State matters referencing the property. I can utilize this time to continue with my Strategic Planning for researching and gathering data for rebuilding my property. There are Do's and Don'ts that I need to familiarize myself with prior to scheduling interviews with Engineering Firms and Potential Contractors. In April and May of 2020, these will be the months I will coordinate walk-through times of the property for opinions, quotes and estimates. As for the WAIVERS needed to enter the home; I have signed plenty (see attached).

After the data is collected, the next step will involve opening up communication between me and the City of Chesapeake Development & Permits. How will this even work when my heart is filled with so much animosity because they showed no empathy for what my children and I endured? Who will be my point of contact at the City of Chesapeake Development & Permits; Mr. King, the City Official whom I have no faith and trust in?

Rebuilding is an Investment; but I am not going to make this sacrifice with a "WITHOUT FURTHER NOTICE" stipulation hanging over my head. This would be a huge risk on my part because if I miss ONE

deadline Mr. King can swoop in and demolish the property at will without ever having to contact me at all. This is exactly what Mr. King wants to happen; he loves these "SNEAK ATTACKS"; this is the way he operates.

Mr. King stapled demolition notices on the garage door without any hesitation in order to destroy that property within 30 days. What about the family that was in that house when the fire started? Did Mr. King ever stop for one second to think about us? Of course not; Mr. King's mission was to erase our existence and eliminate our family legacy forever.

My mission on the other hand, is to stop Mr. King. I will continue filing one Appeal after another to bring attention to all involved that adding fuel to the fire is not the answer. This process needs to be revised, innocent victims lives are at stake. No family who survives a tragic should be subjected to such evil attacks from the City where they were born and raised in.

Karen Lindsey  
Named Executor of the Estate/Will  
2445 Strawberry Lane  
Chesapeake, VA 23324



Karen Lindsey <k.lex.lind@gmail.com>

## Appeal Preparation #2

4 messages

**Karen Lindsey** <k.lex.lind@gmail.com>

Wed, May 15, 2019 at 3:16 PM

To: "Luter, William" <Travis.Luter@dhcd.virginia.gov>

Good Afternoon Mr. Luter,

This past Monday, May 13, 2019, I arrived at the Post Office anticipating signing the receipt for the Certified Letter from the City/Local Board, but the Certified Letter was never sent; only the mailed letter was in my PO Box. Therefore, I am acknowledging the receipt date for this letter to be May 13, 2019.

What happened to the Certified letter? Why wasn't it never sent?

Today, I am moving forward to take the necessary steps finalizing this second appeal in hopes that this time the appeal will be heard by the State Board.

I am in the process of drafting the appeal letter, completing the forms, and preparing the packet to be mailed. I will email you the appeal letter, the Local Board Letters, and the completed forms the day before I mail the package. I plan on mailing the package next Wednesday, the 22<sup>nd</sup> of May.

Thanks again for all your help.

Karen Lindsey

**Luter, William** <travis.luter@dhcd.virginia.gov>

Thu, May 16, 2019 at 8:43 AM

To: Karen Lindsey <k.lex.lind@gmail.com>

Cc: John King <jking@cityofchesapeake.net>, "Meredith H. Jacobi" <mjacobi@cityofchesapeake.net>, "Potts, Richard" <richard.potts@dhcd.virginia.gov>

Ms. Lindsey,

The letter from the local board comes from the City of Chesapeake not my office; therefore, I cannot answer any questions related to the local board letter. You will need to pose those questions to the City of Chesapeake. I have copied the city property maintenance official and the attorney in hopes they can assist you with your inquiry.

If the date you indicate in your email is accurate, you will need to ensure your appeal application is received within 21 days, or June 3, 2019. I have included a copy of the appeals application.

**W. Travis Luter Sr., C.B.C.O.**

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Department of Housing & Community Development

Division of Building & Fire Regulation

State Building Codes Office

**600 East Main Street, Suite 300**

Richmond, Virginia 23219  
(804) 371-7163 - phone  
(804) 371-7092 - fax

[Quoted text hidden]

 **Appeal Application (July 2017).pdf**  
62K

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**Meredith H. Jacobi** <mjacobi@cityofchesapeake.net>  
To: Karen Lindsey <k.lex.lind@gmail.com>  
Cc: John King <JKING@cityofchesapeake.net>, "Potts, Richard" <richard.potts@dhcd.virginia.gov>, "Luter, William" <travis.luter@dhcd.virginia.gov>

Thu, May 16, 2019 at 2:34 PM

Dear Ms. Lindsey:

The Recording Secretary for the Board mailed the LBBCA's *Resolution* on April 22, 2019, via First Class Mail and Certified Mail to your P.O. Box and, in an abundance of caution in case you had mail forwarding set up to go elsewhere, to 2445 Strawberry Lane. The affidavit of the Recording Secretary to this effect is attached. If you feel it is appropriate, you may want to discuss this matter with the local Post Office housing your P.O. Box or submit a lost mail request. Regretfully, we did not note the certified mail receipt numbers before they were sent off, so I am unable to look it up myself unless the letters get returned to us.

We have not received a return of the Certified Mail letters containing the Resolution, but as you can see from the attached envelopes in which the *Notice of Hearing* for the April 17, 2019, LBBCA re-hearing was sent, the Post Office made three attempts and did not return it to us as unclaimed until almost a month after it was mailed (March 28, 2019 mailed; April 20, 2019 returned). If we receive returned letters for the resolution that was mailed on April 22, 2019, in the near future, I will inform you.

Very truly yours,

Meredith Harlow Jacobi  
Assistant City Attorney

131

City of Chesapeake

306 Cedar Road, 6<sup>th</sup> Fl.

Chesapeake, VA 23322

Ph: (757) 382-6586

Fx: (757) 382-8749

[Quoted text hidden]

#### 4 attachments

 **Back of Hearing Notice Letter.pdf**

89K

 **Copy of Hearing DECISION Letter sent.pdf**

72K

 **Front of Hearing Notice Letter.pdf**

55K

 **JillAnn Auty - Affidavit executed.pdf**

32K

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**Karen Lindsey** <k.lex.lind@gmail.com>

To: "Meredith H. Jacobi" <mjacobi@cityofchesapeake.net>

Thu, May 16, 2019 at 3:30 PM

With all due respect Meredith, the certified letters for the hearing dated April 17, 2019 is not the issue here; I appeared at that hearing. It is obvious to me that the certified letter for the meeting of April 22, 2019 was never sent; which we both know is crucial when filing an appeal with the State.

The Recording Secretary's job is to prepare the pertinent documentation in regards to the actual receipt date which in this case would have been via Certified Mail to my P.O. Box.

You as well as others at the City and State level have been aware that the PO Box has been my mailing address for over a year now. There is no discrepancy with my local Post Office; the discrepancy is the failure of the Recording Secretary to mail the certified letter.

It is totally irrelevant Meredith for you to try to insinuate that just because there was no signature on the certified letter for the hearing then that justifies not sending the certified letter for the Local Board's decision.

Karen Lindsey  
[Quoted text hidden]

**CERTIFICATE/LETTER OF QUALIFICATION**  
COMMONWEALTH OF VIRGINIA  
VA. CODE §§ 6.2-893, 6.2-1171, 6.2-1365, 6.2-1367, 6.2-2011, 6.2-506, 6.2-607

Court File No. 180000154

Chesapeake Circuit Court

I, the duly qualified clerk/deputy clerk of this Court, **CERTIFY** that on February 27, 2018

DATE

Karen Gaynell Lindsey,

NAME(S) OF PERSON(S) QUALIFYING

duly qualified in this court, under applicable provisions of law, as **Executor** of the estate of

Marjorie A Lindsey

DECEASED  MINOR  INCAPACITATED

The powers of the fiduciary(ies) named above continue in full force and effect.

\$344,000.00 bond has been posted.

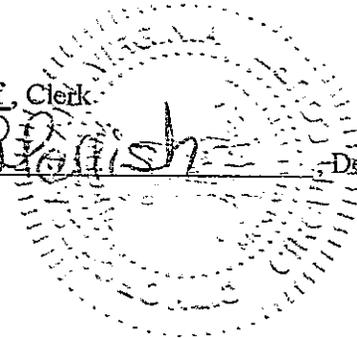
Given under my hand and the seal of this Court on

February 27, 2018

DATE

Alan P. Krasnoff, Clerk

by Stacey L. Parish Deputy Clerk



### Release of Liability Statement

I, KAREN LINDSEY, of 2445 STRAWBERRY LN PO BOX 5481 CHES. VA 23324  
[Print name] [Print home address]

for myself and my heirs, executors, administrators and assigns, hereby release, indemnify and hold harmless the City of Chesapeake, Virginia ("City"), from all liability for any and all risk of damage or bodily injury or death that may occur to me (including any injury caused by negligence), in connection with my entry into the structure at 2445 STRAWBERRY LANE CHES. VA 23324, in Chesapeake, VA

January 25, 2018, from 1/25/18 to 1/25/20  
[Print address of unsafe structure] [Print date and time frame of entry]

I understand and acknowledge that this structure has been posted unsafe by the City and that I enter this structure at my own peril.

Further, I expressly agree that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the State of Virginia, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

I have no known physical or mental condition that would impair my capability to participate fully, as intended or expected of me.

I have carefully read the foregoing release and indemnification and understand the contents thereof, and sign this release as my own free act.

Karen Lindsey, KAREN LINDSEY  
Signature Print

July 12, 2018  
Date

(757) 287-0299  
Phone Number

\_\_\_\_\_/\_\_\_\_\_  
City employee initials Date



Chesapeake

## 3 people displaced in Chesapeake house fire

By: Kevin Green

Updated: Jan 25, 2018 05:28 AM EST



*Credit: Chesapeake Fire Department*

CHESAPEAKE, Va. (WAVY) -- Firefighters responded to a house fire early Thursday morning in Chesapeake.

Fire department officials tweeted Thursday morning that the fire was a house on Strawberry Lane. A photo posted to Twitter showed smoke rising from the top of the house.

Lt. Tony Barakat tells WAVY.com firefighters were called to the scene just before 5 a.m. A fire was found in the attic on the backside of the house.

Crews had the fire under control at 6:10 a.m.

Barakat says crews searched the house, but no one was found inside. Three people who live at the house have been displaced.

Stay with WAVY.com for the latest developments.

*Copyright by WAVY - All rights reserved*

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Karen Lindsey &lt;k.lex.lind@gmail.com&gt;

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**2445 Strawberry Lane**7 messages

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**Jay Tate** <jtate@cityofchesapeake.net>

Fri, Mar 23, 2018 at 4:50 PM

To: "k.lex.lind@gmail.com" &lt;k.lex.lind@gmail.com&gt;

Cc: "Sandra R. Witherow" &lt;switherow@cityofchesapeake.net&gt;, Michele Throckmorton &lt;mdthrockmorton@cityofchesapeake.net&gt;

Good evening Ms. Lindsey,

Pursuant to our conversation March 22, 2018, I am providing this letter to address your questions and provide suggestions on correcting the defects to the referenced building:

I have paraphrased your questions in italics and our answers follow:

1. *Why did the City inspect my house and determine it was an unsafe building?*

Due to a structure fire that occurred at 2445 Strawberry Lane on January 25, 2018, the Department of Development and Permits was alerted by the Fire Department to conduct a building inspection for building safety. The inspection occurred on January 29, 2018 and the building was found to have notable damages that rendered the structure unsafe for habitation.

2. *What right did the City have to enter the building without my consent?*

In reviewing this matter with the inspector, we determined that he used a previous inspection report as a template in reporting the inspection of this building. The following quote from the report was erroneously included:

There was a cleaning/restoration company on site. I identified myself to them and displayed my city credentials. I asked for permission to enter the structure and they allowed me entry. I found significant fire damage to the rear area at the "C/D" portion."

The condition at the property was so deteriorated at the time of inspection that its status as unsafe for human occupancy under the Uniform Statewide Building Code was apparent from viewing the exterior of the structure; entry was not necessary to make such a determination.

The City Attorney's Office was consulted regarding the authority the inspector had to enter the structure for inspection without your consent. Even if the inspector had entered your property in this circumstance, the City's position is that the inspector entered the property pursuant consent by a third party with common authority over the premises.

3. *Where does the building code say that the City can dictate how long I have to restore the building?*

Sections 104.5.4.2 and 105.4 of the 2012 Virginia Maintenance Code (VMC) requires the City Code Official to describe the violations and provide a time period within which they should be corrected. Failure to provide a timeline would have been unlawful, but reasonable extensions for diligently performed work can be arranged.

4. *Why did you mail notices and post them on my building instead of calling me?*

The City of Chesapeake is legally obligated to provide notice of building code violations with specific content, provided in a specific manner. Section 105.5 of the VMC requires that the notice be mailed to the owner and posted on the structure. A phone call would have been legally insufficient. In short, the City was required by law to send your notice in this manner.

You explained your intent to restore the building the building yourself. That option is available within specific parameters that satisfy building code requirements. This option includes the following steps:

1. A structural engineer must evaluate the building and provide a report detailing the methods to correct the fire damaged building.
2. An agreement must be executed with the City detailing milestones and a schedule for restoring the building. Attached please see an example of a typical agreement.
3. A building plan and permit must be acquired by a licensed contractor for repair of all damages, consistent with the engineer's report.
4. Completion of the milestones must occur on schedule, otherwise the City will need to proceed with demolition of the unsafe building.

In our title search for the property and reviewing utility records, your name was not identified as a responsible party for the property. You recently contacted our department to inform us that you are a resident to the property, therefore, we will be providing you with a new Notice of Unsafe Structure letter. This letter will contain the timeframe to which you should have a permit to repair the building. Should you need additional time to obtain an inspection by a structural engineer and estimate of repair from a licensed contractor, additional time can be granted with an agreement (see 2 above).

If you have any additional questions please contact me.

J.B. Tate, P.E.

Director of Development and Permits

City of Chesapeake

306 Cedar Rd 3<sup>rd</sup> Floor

Chesapeake VA 23322

757-382-6263

 **MOU DRAFT VERSION.DOC**

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**Karen Lindsey** <k.lex.lind@gmail.com>  
To: Jay Tate <jtate@cityofchesapeake.net>

Fri, Mar 23, 2018 at 5:04 PM

Thank you for this information. I am submitting this documentation to be reviewed by my attorney. You will be contacted soon.

---

**Jay Tate** <jtate@cityofchesapeake.net>  
To: Karen Lindsey <k.lex.lind@gmail.com>  
Cc: "Meredith H. Jacobi" <mjacobi@cityofchesapeake.net>

Fri, Mar 23, 2018 at 5:13 PM

You can tell your attorney that Meredith Jacobi represents us, for them to contact.

*Sent from my Verizon Wireless 4G LTE DROID*

Karen Lindsey <k.lex.lind@gmail.com> wrote:

Thank you for this information. I am submitting this documentation to be reviewed by my attorney. You will be contacted soon.

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**Karen Lindsey** <k.lex.lind@gmail.com>  
To: Jay Tate <jtate@cityofchesapeake.net>

Fri, Mar 23, 2018 at 5:52 PM

Thank you for this information as well. As I indicated on Thursday, March 22, 2018, I am appealing all of your Code Inspector's reports via written documentation that my property is "Unsafe."

[Quoted text hidden]

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**Jay Tate** <jtate@cityofchesapeake.net>  
To: Karen Lindsey <k.lex.lind@gmail.com>  
Cc: "Sandra R. Witherow" <switherow@cityofchesapeake.net>, Michele Throckmorton <mdthrockmorton@cityofchesapeake.net>

Mon, Mar 26, 2018 at 11:58 AM

Ms. Lindsey, I previously advised you that we would be sending you a formal notice of violation(NOV), based on your indication you lived there and are responsible for the building. The NOV will have the instructions for an appeal, consistent with City Code requirements. The NOV will also provide a contact for any questions about the appeal process.

J.B. Tate, P.E.  
Director of Development and Permits  
City of Chesapeake  
306 Cedar Rd 3rd Floor  
Chesapeake VA 23322  
757-382-6263

[Quoted text hidden]

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**Karen Lindsey** <k.lex.lind@gmail.com>  
To: Jay Tate <jtate@cityofchesapeake.net>

Fri, Mar 30, 2018 at 10:13 AM

Mr. Tate,

I contacted you, the Director, notifying you that this is an official complaint against your Code Officials and that I disagree with their assessment and the methods used. So, why would I proceed with contacting Mr. King? I need the Director's name, phone number, and email address who oversees the appeal process.

Also, please provide me with a listing of the Property Maintenance Code along with photographs referencing sides (A, B, C, D, etc.) that you are stating in the NOV applies to my property.

I am interested in moving forward and working towards resolving this matter in a reasonable time frame making sure that my rights are not being violated in any way.

Thank You,

Karen Lindsey

[Quoted text hidden]

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**Jay Tate** <jtate@cityofchesapeake.net>

Mon, Apr 2, 2018 at 6:15 PM

To: Karen Lindsey <k.lex.lind@gmail.com>

Cc: John King <JKING@cityofchesapeake.net>, "Sandra R. Witherow" <switherow@cityofchesapeake.net>

Dear Ms. Lindsey,

You have asked for the contact information of the director who oversees the appeal process. The person who administers (oversees) the appeals to the Local Board of Building Code Appeals (LBBCA) is the City's Code Official under the Virginia Maintenance Code. Mr. King is the City's Code Official, which is why the NOV instructs you to submit the appeal form and application fee of 25.00 to his office, where the Recording Secretary for the LBBCA is also located. In order to process your appeal, you must complete the form and fee by the deadline, or the City will take the position that the appeal period has expired and the assessment by the Code Official stands. If you file an appeal, a hearing before the Local Board of Building Code Appeals will be scheduled and you will have the opportunity to present your position concerning the property and the actions of the Code Official to them. You may also submit any other documentation or statements that you would like for the Local Board of Building Code Appeals to review in advance to the Code Official, and he and the Recording Secretary for the LBBCA will compile a packet to provide the LBBCA that contains both yours and the City's supporting documentation. You have asked for copies of photographs of the exterior of the structure. Please see attached. Side A faces the street, Side C is the back of the house, and sides B and D are the other sides of the house. The codes pertaining to the notice of violation can be found in the Virginia Maintenance Code at <https://codes.iccsafe.org/public/document/VMNC2012>.

You have also indicated that you are interested in resolving this matter in a reasonable timeframe. You may choose to pursue one or more of the following options:

1. Repair the structure. If you choose to repair the structure, several documents will be required in order purchase the required building permits prior to beginning work. A Structural Engineer's report that details the required structural repairs will be needed. This report shall include the estimated cost of the repairs. In addition, two (2) Class A Contractor's reports will be required detailing the structural and nonstructural repairs and estimated costs that will result in compliance with the Virginia Uniform Statewide Building Code (VUSBC). The third Item that will be required in order to purchase permits will be a memorandum of understanding (MOU) between the property owner and the City. This MOU will need to detail timelines for completion and inspection of repairs.
2. Demolish the structure. If it is determined by the property owner that demolition of the structure will be pursued, the following criteria must be completed.
  - a. Request a rodent free inspection from the Department of Development and Permits. There is a \$25 fee

associated with a rodent free inspection.

b. Request utility release letters from all of the utility providers that supply the structure. Written releases must be submitted to the City with the application for a demolition permit.

c. Purchase the demolition permit and receive a final inspection upon completion of the removal of the structure.

3. The determination and notice of violation issued for the unsafe structure is authorized by the VUSBC, Virginia Maintenance Code as adopted by the City of Chesapeake. You may choose to appeal the notice of violation to the Local Board of Building Code Appeals (LBBCA). The form supplied to you within the Notice of Violation should be completed and submitted to the Code Official with the application fee of \$25, made out to the City of Chesapeake. The appeal documents must be submitted within 14 days of the date of the notice of violation. Since the notice of violation sent to you was dated March 28, 2018, the deadline for submittal and perfection of an appeal will be prior to close of business on April 11, 2018.

Please be aware that failure to respond and/or submit required documentation by the provided deadlines will result in action to have the unsafe structure demolished and removed. If you have questions about resolving the violations or processing an appeal, Mr. King can be reached at 757-382-6466.

J.B. Tate, P.E.  
Director of Development and Permits  
City of Chesapeake  
306 Cedar Rd 3rd Floor  
Chesapeake VA 23322  
757-382-6263

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

From: Karen Lindsey [mailto:k.lex.lind@gmail.com]

[Quoted text hidden]

**4 attachments**



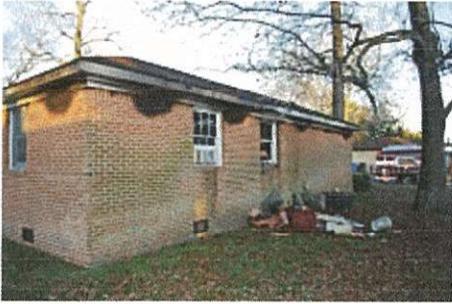
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**1801011 (6).jpg**  
2313K



**1801011 (4) (1).jpg**  
2401K

**Memorandum of Understanding  
Unsafe Structures DRAFT VERSION**

Address: 1234 Cedar Road  
Parcel # 1000000000000

I am the owner or agent and have control of and authority over the above referenced property. To remedy the code violations on the property, I am requesting additional time to repair the structure on the property according to the attached document signed and dated **March 23, 2018**.

Without a written revision to this agreement, signed by an authorized City of Chesapeake Code Official, all reports, repairs, or demolition listed in the attached document will be completed on or before **June 23, 2018**.

I fully understand, agree and give my consent that if all requirements included on the attached document have not been totally completed and final inspections approved on or before **June 23, 2018**, the City of Chesapeake can proceed with the required notices of unsafe structure which could result in the demolition of the structure without further notice or liability for loss of property or value.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Property Owner

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Agent (power of attorney)

Notary:

State of:  
City/County of:

On \_\_\_\_\_ personally appeared before me \_\_\_\_\_

Whose identity I verified on the basis of \_\_\_\_\_,

Notary Public \_\_\_\_\_

My commission expires:

**Memorandum of Understanding  
Unsafe and Dangerous Structures  
Attachment**

Address: : 1234 Cedar Road  
Parcel # 1000000000000

**If the house structure is proposed to be repaired, the following requirements will be completed.**

1. Structural engineer report and building permit for structural repairs must be obtained by **April 15, 2018.**
2. All structural repairs to primary structure house required to meet the Virginia Uniform Statewide Building Code shall be completed, inspected and approved prior to **June 23, 2018.**
3. All other inspections, to include an additional inspection by Code Compliance Building Maintenance Inspector for approved habitability of occupants, shall be completed by **June 23, 2018.**
4. Certificate of Occupancy (C.O.) is required to be issued by **June 23, 2018.**

Property owner or Agent Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

City Employee's initials \_\_\_\_\_









Search Keywords

> [City of Chesapeake, Virginia](#) > [Government](#) > [City Agencies, Departments, and Offices](#) > [Departments](#) > [Department of Development and Permits](#) > [Code Compliance](#) > April 2018 Demolition List

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- [Do I Need a Permit?](#)
- [Apply for a permit](#)
- [Get information about...](#)
- [Report...](#)

## April 2018 Demolition List

### Board-Ups

- 3506 Franklin Street
- 122 Grant Street
- 126 Jones Street
- 400 Battlefield Boulevard N.
- 611 Beech Street
- 728 Fentress Road
- 1011 Bowden Avenue

### Dangerous Building

- 1113 Kimberly Court
- 405 Beauregard Drive

### Demolitions

- Dominion Blvd S
- 935 Hill Street
- 829 Bells Mill Road
- 837 Bells Mill Road
- 841 Bells Mill Road
- 4912 Bainbridge Boulevard
- 3802 Bainbridge Boulevard
- 2509 Battlefield Boulevard
- 2445 Strawberry Lane
- 2361 Number Ten Lane
- 2256 Jolliff Road
- 220 Rainbow Lane
- 1400 River Birch Run S
- 128 George Washington Hwy S
- 0 Gum Road
- 1409 Martin Avenue
- 1411 Martin Avenue
- 1412 Martin Avenue
- 1413 Martin Avenue
- 2055 Maywood Street
- 2575 Narrow Street
- 3706 Bainbridge Boulevard
- 1408 Eagleston Arch
- 1612 Jackson Ave
- 2237 Delwood Road
- 2622 King Court
- 4133 Sunkist Road

### This Section

**Department of Development and Permits Home**

**Building Permits and Inspections**

**Code Compliance**

Property Maintenance Inspection

Landscaping

**Demolition List**

**Development Advisories**

**Development Engineering and Construction**

**Fees**

**FAQs**

**Informational Bulletins**

**PFM**

**Zoning Administration**

**Floodplain Ordinance**

**FEMA FloodSmart Fact Sheet**

**Announcements**

**Department Calendar**

**Permit Applications**

**Forms**

**Demolition - Invitation for Bid**

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 7, 2018

**CERTIFIED: 7017 0190 0000 9661 5431**

William J. Lindsey  
Marjorie A. Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030

Dear Property Owner(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

The defects which make this building unsafe and a public nuisance are listed on the enclosed inspection report. There may be concealed damage not included in the report. Any work performed to correct these defects must meet the minimum standards of the Virginia Uniform Statewide Building Code and the Chesapeake Zoning Ordinance. Plans must be submitted within thirty (30) days for approval prior to the issuance of a building permit or any work being done on the building.

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.

Demolition  
**2445 Strawberry Lane**  
Page Two  
March 7, 2018

You are herewith notified that repair and correction of these defects must be started and a fixed completion date agreed upon, or the unsafe building must be demolished within thirty (30) days from the date of this notice.

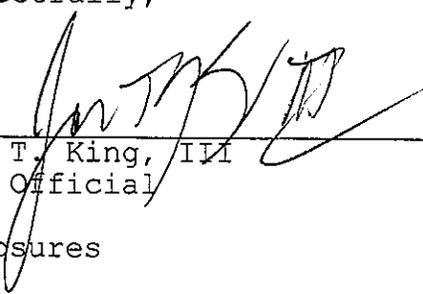
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

Failure to comply with the above within the stated time shall result in the Code Official having the structure demolished. Any personal items remaining on the premises shall be removed and disposed of. Any expense incurred by the City of Chesapeake in having the unsafe building demolished and the debris removed from the premises shall be charged to the owner and collected in the manner provided by law. The cost shall include a \$150.00 administration fee and the cost of advertising notices as required by Section 14-35 of the Chesapeake City Code.

The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of this notice. A fee of \$25.00 must accompany the application. You will be notified of the time, date and place of the meeting of the Board of Appeals.

Should you agree that demolition is the proper solution and desire the City to have the property cleared at your expense, you may minimize the expense by completing the enclosed work authorization form. It must be notarized and returned promptly to this office.

Respectfully,

  
\_\_\_\_\_  
John T. King, III  
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

Sir:

As the person responsible for the structure located at 2445 Strawberry Lane, I hereby authorize the City to have the building demolished and all debris removed from the premises.

It is understood that expenses incurred by the City in conjunction with this request shall be charged to the landowner and collected in the manner provided by law.

\_\_\_\_\_  
Signature

Current Mailing Address

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

Phone Number

\_\_\_\_\_

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

\_\_\_\_\_ The Property Maintenance Code has been misapplied to my property. Please explain below.

\_\_\_\_\_ The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

\_\_\_\_\_  
I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number

## Notice of Violation

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel #  Property Address

Occupancy Type  Tenant Name

Owner Name/Address

Type of Inspection  Date of Inspection

Violation(s) must be corrected within  Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
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<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
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<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		<input type="checkbox"/> 606 Elevators
<input type="checkbox"/> 304.14 Insect Screens			
<input type="checkbox"/> 304.15 Doors			
<input type="checkbox"/> 46.131.1 Graffiti			
<input checked="" type="checkbox"/> 105 Unsafe/Unfit Structure			
<input type="checkbox"/> 14-4 Dangerous Building			

**Code Explanation(s):**

Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.

\*Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

Notice: In accordance with City Code section 14-86 and Chapter 1, Part III of the Virginia Uniform Statewide Building Code, any person aggrieved by the City of Chesapeake's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The application for appeal must be made within fourteen (14) calendar days of receipt of the notice. (Exception- Appeals for Dangerous Buildings must be made to the City Manager). An application is available on the City's website at <http://www.cityofchesapeake.net/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm>

## **PUBLIC NOTICE**

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Please note that Section 38-8 of the Chesapeake City Code requires a rodent inspection prior to issuance of demolition permits.

This is a result of an ordinance adopted to abate rat infestation, which states that a building shall be free of rats or similar rodents prior to demolition. Should an inspection reveal the presence of rats/rodents, the site must be treated as required by the Department of Development & Permits. When it is determined the building is in compliance, the Department of Development & Permits will approve the issuance of a demolition permit.

For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 7, 2018

**CERTIFIED: 7017 0190 0000 9661 5462**

Bank of America f/k/a National Bank of Delaware, N.A.  
401 N. Tyron Street  
Charlotte, NC 28255

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030  
RE: Bank of America v. Ms. William J. Lindsey

Dear Judgement Holder(s):

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2445 Strawberry Lane  
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March 7, 2018

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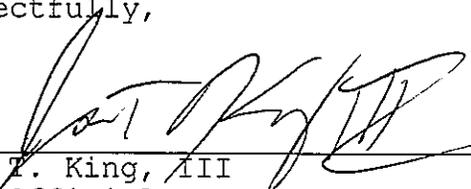
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Respectfully,

  
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John T. King, III  
Code Official

Enclosures

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TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

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\_\_\_\_\_  
Signature

Current Mailing Address

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

Phone Number

\_\_\_\_\_

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

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Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number

**Notice of Violation**

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel #  Property Address   
 Occupancy Type  Tenant Name   
 Owner Name/Address

Type of Inspection  Date of Inspection   
 Violation(s) must be corrected within  Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors		<input type="checkbox"/> 606 Elevators
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		

**Code Explanation(s):**

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Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES**

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric  
Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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

Code for Unsafe Structures: 108, 1.5 sections 2, 3, 5, 6, 7, 8, 9, 10, 11

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

There was a cleaning/restoration company on site. I identified myself to them and displayed my city credentials. I asked for permission to enter the structure and they allowed me entry. I found significant fire damage to the rear area at the "C"/"D" portion.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

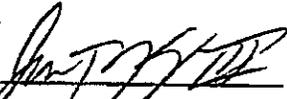
Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 1-30-18

Code Official:

John King

Signature 

Date 1/30/18

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Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

## **PUBLIC NOTICE**

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Development and Permits  
Code Compliance Division  
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P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 7, 2018

**CERTIFIED: 7017 0190 0000 9661 5455**

Capital One Bank (Assignee of Signet Bank, Virginia)  
P.O. Box 85168  
Richmond, VA 23285

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030  
RE: Capital One Bank v. Ms. William J. Lindsey (Marjorie)

Dear Judgement Holder(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

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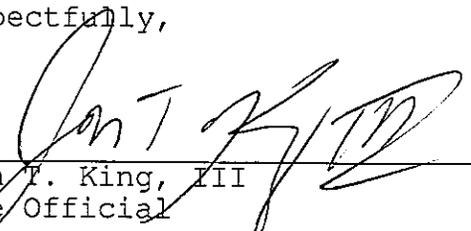
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John T. King, III  
Code Official

Enclosures

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\_\_\_\_\_  
Signature

Current Mailing Address

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

Phone Number

\_\_\_\_\_

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

**Notice of Violation**

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel #  Property Address   
 Occupancy Type  Tenant Name   
 Owner Name/Address

Type of Inspection  Date of Inspection   
 Violation(s) must be corrected within  Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
<input type="checkbox"/> 301.3 Vacant Structure	<input type="checkbox"/> 305.1 General	<input type="checkbox"/> 502 Required Facilities	<input type="checkbox"/> 602 Heating & Cooling Supply
<input type="checkbox"/> 302 Exterior Areas	<input type="checkbox"/> 305.2 Structural members	<input type="checkbox"/> 502.1 Water closet	<input type="checkbox"/> 603.1 Mechanical Appliances
<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
<input type="checkbox"/> 304 General Exterior	<input type="checkbox"/> 305.6 Interior Doors	<input type="checkbox"/> 503 Toilet Rooms	<input type="checkbox"/> 603.5 Combustion Air
<input type="checkbox"/> 304.2 Protective Treatment	<input type="checkbox"/> 305.7 Carbon Monoxide Alarms	<input type="checkbox"/> 504.1 Fixture maintenance	
<input type="checkbox"/> 62-2 Weeds/Debris	<input type="checkbox"/> 307.1 Handrails/Guardrails	<input type="checkbox"/> 505.1 Fixture connections	<input type="checkbox"/> <b>ELECTRICAL</b>
<input type="checkbox"/> 304.3 Street Numbers	<input type="checkbox"/> 308.1 Interior Rubbish	<input type="checkbox"/> 505.2 Contamination	
<input type="checkbox"/> 304.4 Structural Members	<input type="checkbox"/> 309 Pest Elimination	<input type="checkbox"/> 505.3 Supply	<input type="checkbox"/> 604.1 Facilities Required
<input type="checkbox"/> 304.5 Foundation Walls	<input type="checkbox"/> 310 Lead Based Paint	<input type="checkbox"/> 505.4 Water heating	<input type="checkbox"/> 604.3 System Hazards
<input type="checkbox"/> 304.6 Exterior Walls	<input type="checkbox"/> 402 Light	<input type="checkbox"/> 506.1 Sewer Connection	<input type="checkbox"/> 605.1 Installation
<input type="checkbox"/> 304.7 Roofs/Drainage	<input type="checkbox"/> 403 Ventilation	<input type="checkbox"/> 506.2 Sewage maintenance	<input type="checkbox"/> 605.2 Receptacles
<input type="checkbox"/> 304.10 Stairs/decks/balconies	<input type="checkbox"/> 404 Occupancy Limitations	<input type="checkbox"/> 507.1 Storm Drainage	<input type="checkbox"/> 605.3 Lighting Fixtures
<input type="checkbox"/> 304.13 Window/door frame	<input type="checkbox"/> 702 Means of egress		<input type="checkbox"/> 607.1 Duct System
<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors		<input type="checkbox"/> 607.4 Cooling Supply
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		<input type="checkbox"/> 606 Elevators

**Code Explanation(s):**

Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.

\*Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

Notice: In accordance with City Code section 14-86 and Chapter 1, Part III of the Virginia Uniform Statewide Building Code, any person aggrieved by the City of Chesapeake's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The application for appeal must be made within fourteen (14) calendar days of receipt of the notice. (Exception- Appeals for Dangerous Buildings must be made to the City Manager). An application is available on the City's website at <http://www.cityofchesapeake.net/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm>

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

## BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric

Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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

Code for Unsafe Structures: 108.1.5 sections 2,3,5,6,7,8,9,10,11

### Examination:

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

There was a cleaning/restoration company on site. I identified myself to them and displayed my city credentials. I asked for permission to enter the structure and they allowed me entry. I found significant fire damage to the rear area at the "C"/"D" portion.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature HB Phillips III

Date: 1-30-18

Code Official:

John King

Signature John King

Date 1/30/18

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

## PUBLIC NOTICE

---

Please note that Section 38-8 of the Chesapeake City Code requires a rodent inspection prior to issuance of demolition permits.

This is a result of an ordinance adopted to abate rat infestation, which states that a building shall be free of rats or similar rodents prior to demolition. Should an inspection reveal the presence of rats/rodents, the site must be treated as required by the Department of Development & Permits. When it is determined the building is in compliance, the Department of Development & Permits will approve the issuance of a demolition permit.

For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 26, 2018

CERTIFIED: 7017 0530 0000 2512 5318

William J. Lindsey  
Marjorie A. Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030

Dear Property Owner(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

The defects which make this building unsafe and a public nuisance are listed on the enclosed inspection report. There may be concealed damage not included in the report. Any work performed to correct these defects must meet the minimum standards of the Virginia Uniform Statewide Building Code and the Chesapeake Zoning Ordinance. Plans must be submitted within thirty (30) days for approval prior to the issuance of a building permit or any work being done on the building.

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.

*"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."*

Demolition  
2445 Strawberry Lane  
Page Two  
March 26, 2018

You are herewith notified that repair and correction of these defects must be started and a fixed completion date agreed upon, or the unsafe building must be demolished within thirty (30) days from the date of this notice.

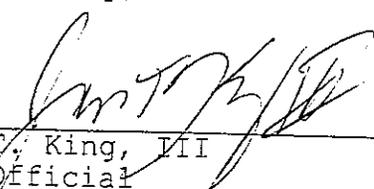
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

Failure to comply with the above within the stated time shall result in the Code Official having the structure demolished. Any personal items remaining on the premises shall be removed and disposed of. Any expense incurred by the City of Chesapeake in having the unsafe building demolished and the debris removed from the premises shall be charged to the owner and collected in the manner provided by law. The cost shall include a \$150.00 administration fee and the cost of advertising notices as required by Section 14-35 of the Chesapeake City Code.

The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of this notice. A fee of \$25.00 must accompany the application. You will be notified of the time, date and place of the meeting of the Board of Appeals.

Should you agree that demolition is the proper solution and desire the City to have the property cleared at your expense, you may minimize the expense by completing the enclosed work authorization form. It must be notarized and returned promptly to this office.

Respectfully,

  
\_\_\_\_\_  
John T. King, III  
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

Sir:

As the person responsible for the structure located at 2445 Strawberry Lane, I hereby authorize the City to have the building demolished and all debris removed from the premises.

It is understood that expenses incurred by the City in conjunction with this request shall be charged to the landowner and collected in the manner provided by law.

\_\_\_\_\_  
Signature

Current Mailing Address

\_\_\_\_\_  
\_\_\_\_\_  
Phone Number

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

\_\_\_\_\_ The Property Maintenance Code has been misapplied to my property. Please explain below.

\_\_\_\_\_ The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

\_\_\_\_\_  
I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES**

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric  
Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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

Code for Unsafe Structures: Chapter 1 Section 105, 2012 Virginia Maintenance Code

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

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Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

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Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
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# Notice of Violation

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel # 1410000005030 Property Address 2445 STRAWBERRY LN.

Occupancy Type Occupied Tenant Name  

Owner Name/Address LINDSEY, WILLIAM J. & MARJORIE A.

Type of Inspection Initial Inspection Date of Inspection 01/30/2018

Violation(s) must be corrected within 30 days Name of Inspector Julian T. Parcell

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
<input type="checkbox"/> 301.3 Vacant Structure	<input type="checkbox"/> 305.1 General	<input type="checkbox"/> 502 Required Facilities	<input type="checkbox"/> 602 Heating & Cooling Supply
<input type="checkbox"/> 302 Exterior Areas	<input type="checkbox"/> 305.2 Structural members	<input type="checkbox"/> 502.1 Water closet	<input type="checkbox"/> 603.1 Mechanical Appliances
<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
<input type="checkbox"/> 304 General Exterior	<input type="checkbox"/> 305.6 Interior Doors	<input type="checkbox"/> 503 Toilet Rooms	<input type="checkbox"/> 603.5 Combustion Air
<input type="checkbox"/> 304.2 Protective Treatment	<input type="checkbox"/> 305.7 Carbon Monoxide Alarms	<input type="checkbox"/> 504.1 Fixture maintenance	<span style="border: 1px solid black; padding: 2px;">ELECTRICAL</span>
<input type="checkbox"/> 62-2 Weeds/Debris	<input type="checkbox"/> 307.1 Handrails/Guardrails	<input type="checkbox"/> 505.1 Fixture connections	
<input type="checkbox"/> 304.3 Street Numbers	<input type="checkbox"/> 308.1 Interior Rubbish	<input type="checkbox"/> 505.2 Contamination	<input type="checkbox"/> 604.1 Facilities Required
<input type="checkbox"/> 304.4 Structural Members	<input type="checkbox"/> 309 Pest Elimination	<input type="checkbox"/> 505.3 Supply	<input type="checkbox"/> 604.3 System Hazards
<input type="checkbox"/> 304.5 Foundation Walls	<input type="checkbox"/> 310 Lead Based Paint	<input type="checkbox"/> 505.4 Water heating	<input type="checkbox"/> 605.1 Installation
<input type="checkbox"/> 304.6 Exterior Walls	<input type="checkbox"/> 402 Light	<input type="checkbox"/> 506.1 Sewer Connection	<input type="checkbox"/> 605.2 Receptacles
<input type="checkbox"/> 304.7 Roofs/Drainage	<input type="checkbox"/> 403 Ventilation	<input type="checkbox"/> 506.2 Sewagemaintenance	<input type="checkbox"/> 605.3 Lighting Fixtures
<input type="checkbox"/> 304.10 Stairs/decks/balconies	<input type="checkbox"/> 404 Occupancy Limitations	<input type="checkbox"/> 507.1 Storm Drainage	<input type="checkbox"/> 607.1 Duct System
<input type="checkbox"/> 304.13 Window/door frame	<input type="checkbox"/> 702 Means of egress	<input type="checkbox"/>	<input type="checkbox"/> 607.4 Cooling Supply
<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors	<input type="checkbox"/>	<input type="checkbox"/> 606 Elevators
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector	<input type="checkbox"/>	

**Code Explanation(s):**

Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.

\*Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

Notice: In accordance with City Code section 14-86 and Chapter 1, Part III of the Virginia Uniform Statewide Building Code, any person aggrieved by the City of Chesapeake's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The application for appeal must be made within fourteen (14) calendar days of receipt of the notice. (Exception- Appeals for Dangerous Buildings must be made to the City Manager). An application is available on the City's website at <http://www.cityofchesapeake.net/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm>

## PUBLIC NOTICE

---

Please note that Section 38-8 of the Chesapeake City Code requires a rodent inspection prior to issuance of demolition permits.

This is a result of an ordinance adopted to abate rat infestation, which states that a building shall be free of rats or similar rodents prior to demolition. Should an inspection reveal the presence of rats/rodents, the site must be treated as required by the Department of Development & Permits. When it is determined the building is in compliance, the Department of Development & Permits will approve the issuance of a demolition permit.

For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 26, 2018

**CERTIFIED: 7017 0530 0000 2512 5318**

William J. Lindsey  
Marjorie A. Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030

Dear Property Owner(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

The defects which make this building unsafe and a public nuisance are listed on the enclosed inspection report. There may be concealed damage not included in the report. Any work performed to correct these defects must meet the minimum standards of the Virginia Uniform Statewide Building Code and the Chesapeake Zoning Ordinance. Plans must be submitted within thirty (30) days for approval prior to the issuance of a building permit or any work being done on the building.

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.

Demolition  
2445 Strawberry Lane  
Page Two  
March 26, 2018

You are herewith notified that repair and correction of these defects must be started and a fixed completion date agreed upon, or the unsafe building must be demolished within thirty (30) days from the date of this notice.

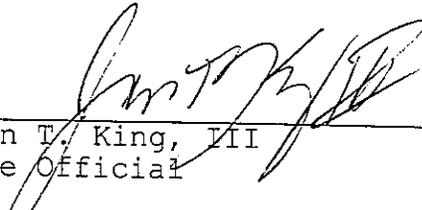
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

Failure to comply with the above within the stated time shall result in the Code Official having the structure demolished. Any personal items remaining on the premises shall be removed and disposed of. Any expense incurred by the City of Chesapeake in having the unsafe building demolished and the debris removed from the premises shall be charged to the owner and collected in the manner provided by law. The cost shall include a \$150.00 administration fee and the cost of advertising notices as required by Section 14-35 of the Chesapeake City Code.

The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of this notice. A fee of \$25.00 must accompany the application. You will be notified of the time, date and place of the meeting of the Board of Appeals.

Should you agree that demolition is the proper solution and desire the City to have the property cleared at your expense, you may minimize the expense by completing the enclosed work authorization form. It must be notarized and returned promptly to this office.

Respectfully,

  
\_\_\_\_\_  
John T. King, III  
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

Sir:

As the person responsible for the structure located at 2445 Strawberry Lane, I hereby authorize the City to have the building demolished and all debris removed from the premises.

It is understood that expenses incurred by the City in conjunction with this request shall be charged to the landowner and collected in the manner provided by law.

\_\_\_\_\_  
Signature

Current Mailing Address

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

Phone Number

\_\_\_\_\_

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

\_\_\_\_\_ The Property Maintenance Code has been misapplied to my property. Please explain below.

\_\_\_\_\_ The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

\_\_\_\_\_  
I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number

## AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric

Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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

Code for Unsafe Structures: Chapter 1 Section 105. 2012 Virginia Maintenance Code

### Examination:

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

The "D" side of the structure shows smoke and fire damage which have been boarded and secured. The gas had been secured at the meter. There is significant fire damage noted to the roof area which has been covered with tarps. There is a vertical break in the brick veneer extending from the top of the window towards the roof line.

I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

**Notice of Violation**

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel #  Property Address

Occupancy Type  Tenant Name

Owner Name/Address

Type of Inspection  Date of Inspection

Violation(s) must be corrected within  Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
<input type="checkbox"/> 301.3 Vacant Structure	<input type="checkbox"/> 305.1 General	<input type="checkbox"/> 502 Required Facilities	<input type="checkbox"/> 602 Heating & Cooling Supply
<input type="checkbox"/> 302 Exterior Areas	<input type="checkbox"/> 305.2 Structural members	<input type="checkbox"/> 502.1 Water closet	<input type="checkbox"/> 603.1 Mechanical Appliances
<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
<input type="checkbox"/> 304 General Exterior	<input type="checkbox"/> 305.6 Interior Doors	<input type="checkbox"/> 503 Toilet Rooms	<input type="checkbox"/> 603.5 Combustion Air
<input type="checkbox"/> 304.2 Protective Treatment	<input type="checkbox"/> 305.7 Carbon Monoxide Alarms	<input type="checkbox"/> 504.1 Fixture maintenance	
<input type="checkbox"/> 62-2 Weeds/Debris	<input type="checkbox"/> 307.1 Handrails/Guardrails	<input type="checkbox"/> 505.1 Fixture connections	<input type="checkbox"/> <b>ELECTRICAL</b>
<input type="checkbox"/> 304.3 Street Numbers	<input type="checkbox"/> 308.1 Interior Rubbish	<input type="checkbox"/> 505.2 Contamination	
<input type="checkbox"/> 304.4 Structural Members	<input type="checkbox"/> 309 Pest Elimination	<input type="checkbox"/> 505.3 Supply	<input type="checkbox"/> 604.1 Facilities Required
<input type="checkbox"/> 304.5 Foundation Walls	<input type="checkbox"/> 310 Lead Based Paint	<input type="checkbox"/> 505.4 Water heating	<input type="checkbox"/> 604.3 System Hazards
<input type="checkbox"/> 304.6 Exterior Walls	<input type="checkbox"/> 402 Light	<input type="checkbox"/> 506.1 Sewer Connection	<input type="checkbox"/> 605.1 Installation
<input type="checkbox"/> 304.7 Roofs/Drainage	<input type="checkbox"/> 403 Ventilation	<input type="checkbox"/> 506.2 Sewage maintenance	<input type="checkbox"/> 605.2 Receptacles
<input type="checkbox"/> 304.10 Stairs/decks/balconies	<input type="checkbox"/> 404 Occupancy Limitations	<input type="checkbox"/> 507.1 Storm Drainage	<input type="checkbox"/> 605.3 Lighting Fixtures
<input type="checkbox"/> 304.13 Window/door frame	<input type="checkbox"/> 702 Means of egress		<input type="checkbox"/> 607.1 Duct System
<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors		<input type="checkbox"/> 607.4 Cooling Supply
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		<input type="checkbox"/> 606 Elevators

**Code Explanation(s):**  
 Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.  
 \*Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

Notice: In accordance with City Code section 14-86 and Chapter 1, Part III of the Virginia Uniform Statewide Building Code, any person aggrieved by the City of Chesapeake's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The application for appeal must be made within fourteen (14) calendar days of receipt of the notice. (Exception- Appeals for Dangerous Buildings must be made to the City Manager). An application is available on the City's website at <http://www.cityofchesapeake.net/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm>

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

## PUBLIC NOTICE

---

Please note that Section 38-8 of the Chesapeake City Code requires a rodent inspection prior to issuance of demolition permits.

This is a result of an ordinance adopted to abate rat infestation, which states that a building shall be free of rats or similar rodents prior to demolition. Should an inspection reveal the presence of rats/rodents, the site must be treated as required by the Department of Development & Permits. When it is determined the building is in compliance, the Department of Development & Permits will approve the issuance of a demolition permit.

For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

Proof of Posting this notice @ house



City of Chesapeake

Development and Permits  
Code Compliance Division  
306 Cedar Road  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6378  
Fax (757) 382-6793

**NOTICE OF UNSAFE STRUCTURE**  
**(DEMOLITION)**

March 26, 2018

WW180329056

CERTIFIED: 7017 0530 0000 5212 5288

Karen Lindsey  
2445 Strawberry Lane  
Chesapeake, VA 23324

5

RECEIVED BY SHERIFF  
2018 MAR 29  
CHESAPEAKE  
AH 10:04

Reference: Demolition of 2445 Strawberry Lane  
Tax Parcel 1410000005030

Dear Property Owner(s):

Pursuant to the Virginia Uniform Statewide Building Code (USBC), Part III, Section 105 and Section 14-35 of the Chesapeake City Code, the structure located at 2445 Strawberry Lane and described as 2 Sub Of Strawberry Lane Reuse Parcels Sec One, has been declared unsafe and a public nuisance by the Code Official.

The defects which make this building unsafe and a public nuisance are listed on the enclosed inspection report. There may be concealed damage not included in the report. Any work performed to correct these defects must meet the minimum standards of the Virginia Uniform Statewide Building Code and the Chesapeake Zoning Ordinance. Plans must be submitted within thirty (30) days for approval prior to the issuance of a building permit or any work being done on the building.

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.

*\*The City of Chesapeake adheres to the principles of equal employment opportunity  
This policy extends to all programs and services supported by the City.\**

Demolition  
2445 Strawberry Lane  
Page Two  
March 26, 2018

You are herewith notified that repair and correction of these defects must be started and a fixed completion date agreed upon, or the unsafe building must be demolished within thirty (30) days from the date of this notice.

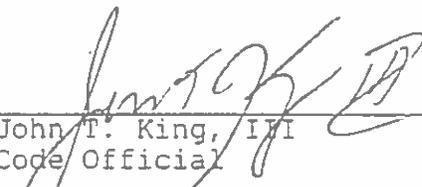
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

Failure to comply with the above within the stated time shall result in the Code Official having the structure demolished. Any personal items remaining on the premises shall be removed and disposed of. Any expense incurred by the City of Chesapeake in having the unsafe building demolished and the debris removed from the premises shall be charged to the owner and collected in the manner provided by law. The cost shall include a \$150.00 administration fee and the cost of advertising notices as required by Section 14-35 of the Chesapeake City Code.

The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of this notice. A fee of \$25.00 must accompany the application. You will be notified of the time, date and place of the meeting of the Board of Appeals.

Should you agree that demolition is the proper solution and desire the City to have the property cleared at your expense, you may minimize the expense by completing the enclosed work authorization form. It must be notarized and returned promptly to this office.

Respectfully,

  
\_\_\_\_\_  
John T. King, III  
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

TO: Code Official  
Department of Development and Permits  
P.O. Box 15225  
Chesapeake, Virginia 23328

Property Identification Number: 1410000005030

Sir:

As the person responsible for the structure located at 2445 Strawberry Lane, I hereby authorize the City to have the building demolished and all debris removed from the premises.

It is understood that expenses incurred by the City in conjunction with this request shall be charged to the landowner and collected in the manner provided by law.

\_\_\_\_\_  
Signature

Current Mailing Address  
\_\_\_\_\_

\_\_\_\_\_  
Phone Number  
\_\_\_\_\_

Duly subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

\_\_\_\_\_ The Property Maintenance Code has been misapplied to my property. Please explain below.

\_\_\_\_\_ The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

\_\_\_\_\_  
I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact Phone Number

**AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES**

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected:  City Water  City Sewer  Septic Tank  Gas  Electric  
Legal Description:

Type of Structure:  Residential  Detached Structure  Shed  Other Structure  
 Commercial Occupancy Use, Circle one of the following: R3

Size of the Building: Aprox. Sq..Ft. 1,339 Stories: one

Building is:  Occupied  Vacant  Abandoned

**Unsafe Building or Structure:** Definition per Chapter 2, 2012 Virginia Maintenance Code:

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Code for Unsafe Structures: Chapter 1 Section 105, 2012 Virginia Maintenance Code

**Examination:**

On 29 January 2018 at 1043 hours, this inspector arrived at the above referenced location. This location is in the City of Chesapeake, Commonwealth of Virginia. This location was involved in a residential structure fire on 25 January 2018 at 0454 hours.

The building is a single story brick veneer residence that was occupied at the time of the fire. According to city records the building was constructed in 1981. Taken into account the location within the City of Chesapeake, other buildings in the area and the appearance of the construction, it is my opinion that this time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is significant fire damage to the roof area, which has been covered with tarps. The front shows fire and smoke damage at the windows and doors which have been boarded and secured. The "A" side also has a covered porch attached to it.

The "B" side of the structure shows fire and smoke damage at the windows which are secured by boarding. There is significant fire damage noted to the roof area, which has been covered with tarps.

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Page 2

The "C" side of the structure shows fire and smoke damage at the windows and doors which have been boarded and secured. The Dominion Power meter base is located near the "C"/"D" corner and the meter has been removed. There is significant fire damage noted to the roof area, which has been covered with tarps.

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I spoke to Deputy Fire Marshal G. Orfield, Chesapeake Fire Marshal's Office about this fire. The fire is currently under investigation. During the investigation DFM Orfield took pictures of the interior which are relevant to the investigation and allowed this inspector to review the pictures. The pictures display significant damage to the roof and the supporting members. The pictures also display large piles of debris throughout the residence.

**CONCLUSION:**

After consultation with DFM Orfield and examination of the pictures, it is my opinion that this structure meets the definition of an unsafe structure. It is my opinion that due to this classification, a structural engineer be brought in for further examination should the owner want to make repairs. If the owner does not want to make repairs, it is my opinion that the structure be labeled for demolition.

Based upon these findings, I placed placards on the "A" and "C" side of the structure at 1047 hours.

Department of Development and Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

Inspector performing inspection:

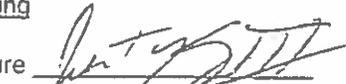
Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

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**Notice of Violation**

Development and Permits  
Code Compliance Division  
PO Box 15225  
Chesapeake, VA 23328  
Fax: 757-382-6793

Parcel #  Property Address   
 Occupancy Type  Tenant Name   
 Owner Name/Address

Type of Inspection  Date of Inspection   
 Violation(s) must be corrected within  Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

EXTERIOR	INTERIOR	PLUMBING/FIXTURES	EQUIPMENT
<input type="checkbox"/> 301.3 Vacant Structure	<input type="checkbox"/> 305.1 General	<input type="checkbox"/> 502 Required Facilities	<input type="checkbox"/> 602 Heating & Cooling Supply
<input type="checkbox"/> 302 Exterior Areas	<input type="checkbox"/> 305.2 Structural members	<input type="checkbox"/> 502.1 Water closet	<input type="checkbox"/> 603.1 Mechanical Appliances
<input type="checkbox"/> 302.5 Rodent Harborage	<input type="checkbox"/> 305.3 Interior surfaces	<input type="checkbox"/> 502.1 Bathtub/shower	<input type="checkbox"/> 603.2 Chimney/Vent Connection
<input type="checkbox"/> 302.7 Accessory Structures	<input type="checkbox"/> 305.4 Stairs/walking surfaces	<input type="checkbox"/> 502.1 Lavatory	<input type="checkbox"/> 603.3 Clearances
<input type="checkbox"/> 303 Pools/Enclosures	<input type="checkbox"/> 305.5 Handrails/guardrails	<input type="checkbox"/> 502.1 Kitchen sink	<input type="checkbox"/> 603.4 Controls
<input type="checkbox"/> 304 General Exterior	<input type="checkbox"/> 305.6 Interior Doors	<input type="checkbox"/> 503 Toilet Rooms	<input type="checkbox"/> 603.5 Combustion Air
<input type="checkbox"/> 304.2 Protective Treatment	<input type="checkbox"/> 305.7 Carbon Monoxide Alarms	<input type="checkbox"/> 504.1 Fixture maintenance	
<input type="checkbox"/> 62-2 Weeds/Debris	<input type="checkbox"/> 307.1 Handrails/Guardrails	<input type="checkbox"/> 505.1 Fixture connections	<b>ELECTRICAL</b>
<input type="checkbox"/> 304.3 Street Numbers	<input type="checkbox"/> 308.1 Interior Rubbish	<input type="checkbox"/> 505.2 Contamination	
<input type="checkbox"/> 304.4 Structural Members	<input type="checkbox"/> 309 Pest Elimination	<input type="checkbox"/> 505.3 Supply	<input type="checkbox"/> 604.1 Facilities Required
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<input type="checkbox"/> 304.6 Exterior Walls	<input type="checkbox"/> 402 Light	<input type="checkbox"/> 506.1 Sewer Connection	<input type="checkbox"/> 605.1 Installation
<input type="checkbox"/> 304.7 Roofs/Drainage	<input type="checkbox"/> 403 Ventilation	<input type="checkbox"/> 506.2 Sewage maintenance	<input type="checkbox"/> 605.2 Receptacles
<input type="checkbox"/> 304.10 Stairs/decks/balconies	<input type="checkbox"/> 404 Occupancy Limitations	<input type="checkbox"/> 507.1 Storm Drainage	<input type="checkbox"/> 605.3 Lighting Fixtures
<input type="checkbox"/> 304.13 Window/door frame	<input type="checkbox"/> 702 Means of egress		<input type="checkbox"/> 607.1 Duct System
<input type="checkbox"/> 304.13.1 Glazing	<input type="checkbox"/> 702.3 Locked doors		<input type="checkbox"/> 607.4 Cooling Supply
<input type="checkbox"/> 304.13.2 Openable window	<input type="checkbox"/> 704 Smoke detector		<input type="checkbox"/> 606 Elevators

**Code Explanation(s):**  
 Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.  
 \*Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

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For additional information concerning this amendment, please contact the Code Compliance Section of the Department of Development & Permits by phoning (757) 382-6378.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 WILLIAM J. LINDSEY  
 MARIJORIE A. LINDSEY  
 2475 STRAWBERRY LANE  
 CITIESAPEAKE, VA 23324



9590 9402 3737 7335 0906 10

2 Article Number (Transfer from service label)

7027 0530 0000 2512 5318

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  
 Agent  
 Addressee  
 X *W. W. Lindsey*
- B. Received by (Printed Name)  
 P. W. Lindsey
- C. Date of Delivery  
 5 29 14
- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature Restricted Delivery
  - Adult Signature Restricted Delivery/Registered Mail™
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery Restricted Delivery
  - Collect on Delivery Restricted Delivery and Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

---

## Return of Service

**CITY OF CHESAPEAKE DEVELOPMENT AND PERMITS vs KAREN LINDSEY**

**Case #:** 70170530000025125318

**Paper Type:** Notice

**Court Date:**



**Name:** LINDSEY, KAREN

**Address:** 2445 STRAWBERRY LN  
Chesapeake, VA

**Date Served:** 3/30/2018 11:26:49 AM

**Type of Service:** Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.

**Note:**

WW180329056

**Serving Officer:** Deputy M. Elkins

**For:** Jim O'Sullivan, Sheriff

# 4



Development and Permits Department  
RECEIPT OF PAYMENT

Date: 04/10/2018

Receipt # 532331

Paid By:

KAREN LINDSEY  
2445 STRAWBERRY LN  
CHESAPEAKE, VA 23324-3113

Paid

Record Description	Address	Lot #	Fee Description	Amount
BLD-APPEAL-2018-00002	2445 STRAWBERRY LN		Building Appeal Application Fee	\$25.00
			<b>Total</b>	<b>\$25.00</b>

Payment Type:	Identifying #	# of Transactions	Amount
Money Order	17-738850712	1	\$25.00
		<b>Total</b>	<b>\$25.00</b>

BALANCE DUE

\$0.00

Collected By: DWARE

Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

I herewith appeal the decision of the Code Official on the above-referenced property. The grounds for appeal are:

  /    
  /  

The Property Maintenance Code has been misapplied to my property. Please explain below.

The Code Official has erroneously refused to grant a modification to the provisions of the Property Maintenance Code covering the manner of maintenance or use of the materials to be used in the maintenance or repair of that building or structure. Please explain below.

Additional Comments/Explanations:

Review phone call + Email w/ MR Tate (Owner)

I, or my agent, will appear before the Board of Building Code Appeals when notified of the time and place. Enclosed is my application fee of \$25.00 payable to the City of Chesapeake, Virginia.

Owner

Other

Karen Lindberg  
Signature

April 10, 2018  
Date

2445 Strawberry Lane POB #5481  
Ches, VA 23324  
Address

757-267-0299  
Contact Phone Number

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

April 26, 2018

Karen Lindsey  
2445 Strawberry Ln  
Chesapeake, VA 23324-3113

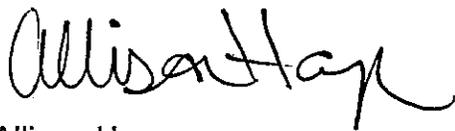
RE: Appeal – 2445 Strawberry Lane  
Real Estate Parcel Number 1410000005030

Dear Ms. Lindsey:

We have received your request for appeal of the Notice of Unsafe Structure (Demolition) sent regarding the above noted property. Please be advised your appeal will be heard at the next scheduled meeting for the Local Board of Building Code Appeals, Wednesday, May 16, 2018. This meeting will be held at the Chesapeake Central Library at 5:30pm in the large conference room on the first floor of the building.

If you have any questions, please call me at 382-6466.

Sincerely,



Allison Harper,  
Secretary

C: Patrick M. Hughes, Building Official  
John King III, Code Official

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

May 18, 2018

Karen Lindsey  
Po Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – May 16, 2018 Appeals Board Rulings for Case 18-02

Dear Ms. Lindsey:

Attached please find the signed ruling for Case 18-02 from the May 16, 2018 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/index.php/va-building-codes/building-and-fire-codes/appeals.html>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions for the Technical Review Board, you may contact [Vernon.Hodge@dhcd.virginia.gov](mailto:Vernon.Hodge@dhcd.virginia.gov) or [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), who are the contacts for that program.

If you have any questions, please call me at 382-6466.

Sincerely,



Allison Harper,  
Secretary

Attachments

Results to Citizen letter for 18-02

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

# LBBCA Decision Letter to Appellant

**Chesapeake**  
VIRGINIA

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

May 21, 2018

Karen Lindsey  
Po Box 5481  
Chesapeake, VA 23324

RE: 2445 Strawberry Lane – May 16, 2018 Appeals Board Rulings for Case 18-02

Dear Ms. Lindsey:

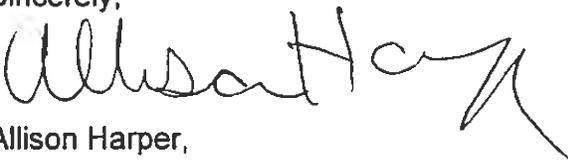
Attached please find the signed ruling for Case 18-02 from the May 16, 2018 meeting of the Local Board of Building Code Appeals.

If you wish to appeal the decision of the Local Board of Building Code of Appeals, you may appeal to the State Technical Review Board. Information regarding appeals may be found at <http://www.dhcd.virginia.gov/index.php/va-building-codes/building-and-fire-codes/appeals.html>.

The application must be submitted to the State Technical Review Board within 21 calendar days of receipt of the decision. Failure to submit an application for appeal within the 21 calendar day time limit will constitute an acceptance of the City of Chesapeake Board of Building Code Appeals decision. If you have any questions for the Technical Review Board, you may contact [Vernon.Hodge@dhcd.virginia.gov](mailto:Vernon.Hodge@dhcd.virginia.gov) or [Travis.Luter@dhcd.virginia.gov](mailto:Travis.Luter@dhcd.virginia.gov), who are the contacts for that program.

If you have any questions, please call me at 382-6466.

Sincerely,



Allison Harper,  
Secretary

Attachments

Results to Citizen letter for 18-02

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This policy extends to all programs and services supported by the City."*

Department of Development & Permits  
306 Cedar Road  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
Tel. (757) 382-6018, 6890, 8424  
Fax. (757) 382-8448

**LOCAL BOARD OF BUILDING CODE APPEALS RULING  
APPEAL CASE NUMBER 18-02**

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code (USBC); and

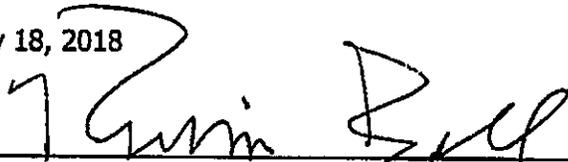
WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

WHEREAS, a hearing was held on May 16, 2018 to consider the aforementioned appeal; and the board has deliberated the matter,

NOW THEREFORE, be it resolved in the matter of Appeal No. 18-02, Karen Lindsey vs. City of Chesapeake Department of Development and Permits, the board hereby upholds the Notice of Violation issued on March 26, 2018 determining that the building is unsafe for human occupancy under the Virginia Uniform Statewide Building Code and has given the property owner/Executor of the Estate a 30 day timeframe from the date of the hearing, May 16, 2018, to obtain an engineer's report and contractor's agreement, an additional 60 days for the purchase of the required permits from the Development and Permits Department, and an additional 180 days for the structure to be repaired, inspected and obtain a new Certificate of Occupancy from the Development and Permits Department. Any entry of the property without a waiver of liability(s) issued by the City (John T. King, III, Code Official or his designee) is prohibited by law. If a Certificate of Occupancy is not issued or the property is not demolished by the Appellant, Ms. Lindsey, within 270 days of the date of this decision, the City of Chesapeake will perform the demolition of the structure at 2445 Strawberry Lane WITHOUT FURTHER NOTICE to the Board or Appellant.

Date: May 18, 2018

Signature

  
Kevin Ball, Chairman of Local Board of Building Code Appeals

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

## CHESAPEAKE LOCAL BOARD OF BUILDING CODE APPEALS APPEAL Application #BLD-APPEAL-2018-00002

MEETING ATTENDANCE ROSTER  
 Wednesday May 16, 2018 –Central Library  
 First Floor Conference Room @ 5:30PM

ATTENDEE (Initials)	REPRESENTING	EMAIL
 Kevin T. Ball	LBBCA	kball@rmm.com
Edwin A. Coyner III	LBBCA	edcoyner63@gmail.com
 Murray R. Goodwin III	LBBCA	mrgoodwinIII@aol.com
 Robert C. Hudson III	LBBCA	rhudson@BGI-GC.com
 Gerald F. Martin	LBBCA	gfm@mandma.com
 Eric Stichler	LBBCA	estichler@bgi-gc.com
Steven D. Allen	LBBCA	redtr6man@cox.net

City Staff and Appellants

Allison Harper - Development & Permits

John King O.P.P.

Karen Kindsey

Meredith Jacobi - Asst. City Attorney

DAD AND FLOOR YO BOX 5481 23324 HH

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee  <i>X Pepper Wilson</i></p> <p>B. Received by (Printed Name)  <i>Pepper Wilson</i></p> <p>C. Date of Delivery  <i>5-25-18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>												
<p>1. Article Addressed to:  <i>Karen Lindsey            PO BOX 5481            Chesapeake, VA 23324</i></p>	<p>3. Service Type</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>2. Article Number (transfer from service label)  <b>7017 3380 0000 3201 6270</b></p>	<p>1 Mail          1 Mail Restricted Delivery          500</p> <p style="text-align: right;">Domestic Return Receipt</p>												

9590 9402 3737 7335 0905 73

PS Form 3811, July 2015 PSN 7530-02-000-9053

HH

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To *Karen Lindsey*

Street and Apt. No. or PO Box No. *PO BOX 5481*

City, State, ZIP+4® *Chesapeake, VA 23324*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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  
 Statewide Fire Prevention Code  
 Industrialized Building Safety Regulations  
 Amusement Device Regulations

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

KAREN LINDSEY - (757) 287-0299 - k.lind@gmail.com

2445 STRAWBERRY LANE CHESAPEAKE, VA 23324

Mailing Address: P.O. Box 5481 CHESAPEAKE, VA 23324

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

Dept. of Development and Permits - 306 Cedar Rd, P.O. Box 15225 - Chesapeake, VA 23328-5225

John King Code Official Email Address: jking@cityofchesapeake.net - 757-382-8976

Michele Theockmorton Code Enforcement Administrator Email Address: mtheockmorton@cityofchesapeake.net - 757-382-8374

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of July, 2018, 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: Karen Lindsey

Name of Applicant: KAREN LINDSEY

(please print or type)



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

---

## Appeal to Technical Review Board

---

**Karen Lindsey** <k.lex.lind@gmail.com>  
To: Vernon.Hodge@dhcd.virginia.gov  
Cc: Travis.Luter@dhcd.virginia.gov

Fri, Jun 15, 2018 at 5:59 PM

Technical Review Board State of Virginia

This email is to inform the Technical Review Board that I would like to appeal the decision made by the Local Board of Building Code of Appeals and the official reporting from the Department of Development and Permits. The main thing I am appealing is the timeframe of expectancy for displaced victims. I do not know how this appeal process to the state works so I am contacting you via email. If there is any other application process necessary for this appeal please provide me with that information.

The information following will provide you with the details of what has transpired thus far.

On May 16, 2018, a meeting with the Local Board of Building Code of Appeals took place. This appeal was mandatory to put a stop to the Department of Development and Permits from demolishing the property at 2445 Strawberry Lane, Chesapeake, VA 23324. There was a house fire at the residence on the morning of January 25, 2018. This fire made breaking news around 5am, everyone got out of the home unharmed, however three people were displaced from the fire. The Circuit Court was called to clearly let it be known that the property was not abandoned. The City of Chesapeake was already aware that a fire had occurred due to the breaking news coverage and there was no record of any action being taken against the property. According to the Circuit Court, the City of Chesapeake was not going to do anything; the property would just sit there. Unbeknown to me, the Department of Development and Permits had put plans in motion immediately after the fire to demolish the home; documents were stapled to the plywood on the garage door, letters mailed out to apparent lienholders, the house was placed on the demolition list for March 2018, and within 30 days or less the home was going to be demolished to the ground. This plan by the Department of Development and Permits became apparent when driving pass the home. The following week phone calls were made to Department Head, Michele Throchmorton, and the Director, Jay Tate, in addition to emails exchanges with Mr. Tate asking what was the city trying to do and why was this taking place. I acknowledged to everyone I have been in contact with that I totally disagree with everything that has transpired in reference to the property on Strawberry Lane. The responses I received was if you do not agree then the only thing to do in appeal.

This methodology of demolishing displaced victims homes immediately after a fire without having any direct contact first with the representative of the property is just plain cruel and unethical. Did anyone take into consideration what the victims have endured? First of all, everyone is traumatized by having to escape a fire and there was not even a sympathetic gesture from anyone in the Department of Development and Permits, just letters sent out to destroy the property, like we never at all existed. The Department of Development and Permits took off running regarding the demolition like we all had perished in that fire. It did not matter what anyone's wishes were for that property; orders were given by John T. King, III to bulldozer

that home. How much time is a reasonable amount of time in order for displaced victims to start our lives over again? Did anyone at the City or State level take into consideration that the victims need a temporary place of residency? Life as we once knew it to be is gone forever; the next step is to make plans for transitioning to a brand new life in addition to coordinating a plan to rebuild our home.

I followed the steps through Probate to have legal authority to make decisions on the property. Now, there are additional responsibilities I also must follow: getting a new Tax ID number for the estate property, reporting of inventory of accounts, trying to locate the original plans for the property, if can't be found having to draw up new plans, and there is a financial responsibility as well.

As the Executor of the Estate, I intend to fight for as long as necessary to protect what is left of my parent's home; the future plan is to rebuild. There is no way that a home can be rebuilt the correct way without proper research and planning and this cannot be done in 30 days. Building a home from the ground up takes an extensive amount of time; I know this because I was there when the original plans were being established to build the house back in 1980 and 1981.

As a Chesapeake resident who was born and raised in that community where the fire took place, I also am concerned about safety and protection. At the Local Board of Building Code of Appeals meeting, I made it perfectly clear that I was not at all fearful of entering my home in the state it is in today; that home is sound and will not collapsed upon entry. The framework for the structure still remains which tells me that if it was not my duty to rebuild this home then the entire house would have burned completely down; reduced to nothing but ashes. I have a waiver to sign and return to the Department of Development and Permits next week indicating that I will be entering my home at will holding no one liable in the event of injury or death. Would I sign such a document if I was not confident about the structure withstanding all attacks that has come up against it?

This appeal to the state, is for an extension of a 120 days to review all of the documentation sent by the Department of Development and Permits regarding compliance codes in the City of Chesapeake and the motion made by the Local Board of Building Code of Appeals for reports from structural engineers providing estimates of repairs. Also, I am seeking an amended time frame for the completion of the rebuilt home to be 365 days. This extra time allotted will give me the additional time needed to focus also on relocating to a temporary placed of residency so I can be in one establishment while overseeing this massive home rebuilding project.

As I mention to the Local Board of Building Code of Appeals, I do have a degree but not in the field of Engineering. I called 757-382-8976 on Tuesday June 5th and left a voicemail for Allison Harper and John T. King, III that I was granting an extension but as of date, I have not received a phone call or email back from either of them. The document mailed certified of the Local Board of Building Code of Appeals motion was signed for on May 25th and it stated that contact must be made within 21 days from the date of receipt to appeal to the state. So, today, June 15th, at the local library, I am appealing to the Technical Review Board to review this entire demolition process.

The steps taken to place my home on the demolition list initially after the fire is being questions and now I am seeking clarity from the State. I am well aware that a decision must be made regarding the structure because it cannot remain as it is forever; demolition is not an option of mine. The Executor of the Estate should have not been put in this position to have to battle to save this home prior to giving my response on how I planned to proceed with the property

moving forward. I am following the protocol set in motion by the Department of Development and Permits of the next step in this process after the Local Board of Building Code of Appeals by appealing to the State Technical Review Board. If at any point you need to reach me via phone, my cell number is 757-287-0299; please leave a detail message if no answer. Also, my mailing address at this time is PO Box 5481, Chesapeake, Virginia 23324.

Karen Lindsey  
Executor of the Estate  
2445 Strawberry Lane  
Chesapeake, VA 23324

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Oscar and Olga Marroquin  
Appeal No. 19-04

CONTENTS

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Documents Submitted by Oscar and Olga Marroquin	233
Additional Documents Submitted by Frederick County	273
Additional Documents Submitted by Oscar and Olga Marroquin	337

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Oscar and Olga Marroquin  
Appeal No. 19-04

REVIEW BOARD STAFF DOCUMENT

Suggested Summary of the Appeal

1. Oscar and Olga Marroquin (Marroquin), owners of the property located at 105 Reedville Court in the Town of Stephens City, which is located in Frederick County, appeals enforcement action by the Frederick County, Office of the Building Official (Frederick County) under Part I of the 2012 Uniform Statewide Building Code (Virginia Construction Code or VCC).
2. On October 27, 2017 Marroquin was issued a certificate of occupancy for the property.
3. On February 12, 2018 a complaint was filed by Marroquin and an inspection of the property was performed by Frederick County.
4. On February 13, 2018, Frederick County, in enforcement of the Virginia Construction Code, issued a Corrective Order for the property. The Corrective Order cited three violations (1) Furnace installed 88,000 BTU input – Design load requires 110,000 BTU input; (2) Draft hood of the water heater needs to be secured; (3) Vent connector needs 1” clearance from combustibles.
5. On February 27, 2018 an air flow balance test was performed by Southern Maryland Heating and Air Inc..

(Page left blank intentionally)

6. On July 10, 2018, Frederick County, in enforcement of the Virginia Construction Code, issued a notice of violation to Dan Ryan Builders for his property. The notice outlined nine (9) violations of the Virginia Construction Code:

- 1) Need to repair I joist with cut bottom cord, 2012 Virginia Residential Code Section, R502.8.2 **Engineered wood products**
- 2) Need to size furnace correctly and have an RDP design and approved air balance test that is also RDP approved, 2012 Virginia Residential Code, Section M1401.3 **Equipment and appliance sizing.**
- 3) Need 1" clearance on B-vent at furnace. 2012 Virginia Residential Code, Section M1307 **Appliance installation.**
- 4) Need to secure draft hood on water heater, 2012 Virginia Residential Code, Section M1307 **Equipment and appliance sizing.**
- 5) Need register added in closet of bedroom #2, 2012 Virginia Residential Code, Section M1401.3 **Equipment and appliance sizing.**
- 6) Remove or protect paper on insulation at furnace room, 2012 Virginia Residential Code, Section R302.10 **Flame spread index and smoke-developed index for insulation.**
- 7) Need to repair cracked tile around tub in master bathroom, 2012 Virginia Residential Code, Section R307.2 **Bathtub and shower spaces.**
- 8) Nails coming out of subfloor in master bedroom and family room, 2012 Virginia Residential Code, Section R505.3.1(2) **Floor fastener schedule.**
- 9) Need to insulate under master bedroom floor and access to enclosed space, 2012 Virginia Residential Code, Section N1102 **Building thermal envelope.**

and contained a statement of right of appeal.

7. On March 15, 2019 a second air flow balance test was performed. The report was dated March 28, 2019 was stamped/sealed by professional engineer.

8. On April 3, 2019, Frederick County accepted the March 28, 2019 William Wiles, P.E., HVAC Parameters report.

9. Marroquin filed an appeal to Frederick County Board of Building Code Appeals (local appeals board) on May 1, 2019.

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10. On May 6, 2019, a third air flow balance test was performed by Annadale Balancing Company Inc., a contractor hired by Marroquin, which according to Marroquin failed.

11. The local board conducted a hearing on May 28, 2019. Mannoquin was served a copy of the local board resolution sometime thereafter and subsequently filed an application for appeal to the Review Board with a certification of service date of June 18, 2019.

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

Suggested Issue for Resolution by the Review Board

1. Whether to overturn the decision of the Frederick County Building Official and the local appeals board to accept a stamped/sealed HVAC Parameters report and that a violation of VCC Section M1401.3 does not exist.

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# Basic Documents

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County of Frederick  
 107 North Kent Street  
 Winchester, VA 22601

Certificate of Occupancy

Permit Number: 0001196-2017

Permit Type:BLD

Date Issued:10/27/2017

Owner Name: DAN RYAN BUILDERS MID-ATLANTIC INC  
 Site Address: 105 Reedville Court  
 Old Dominion Green, Lot 195

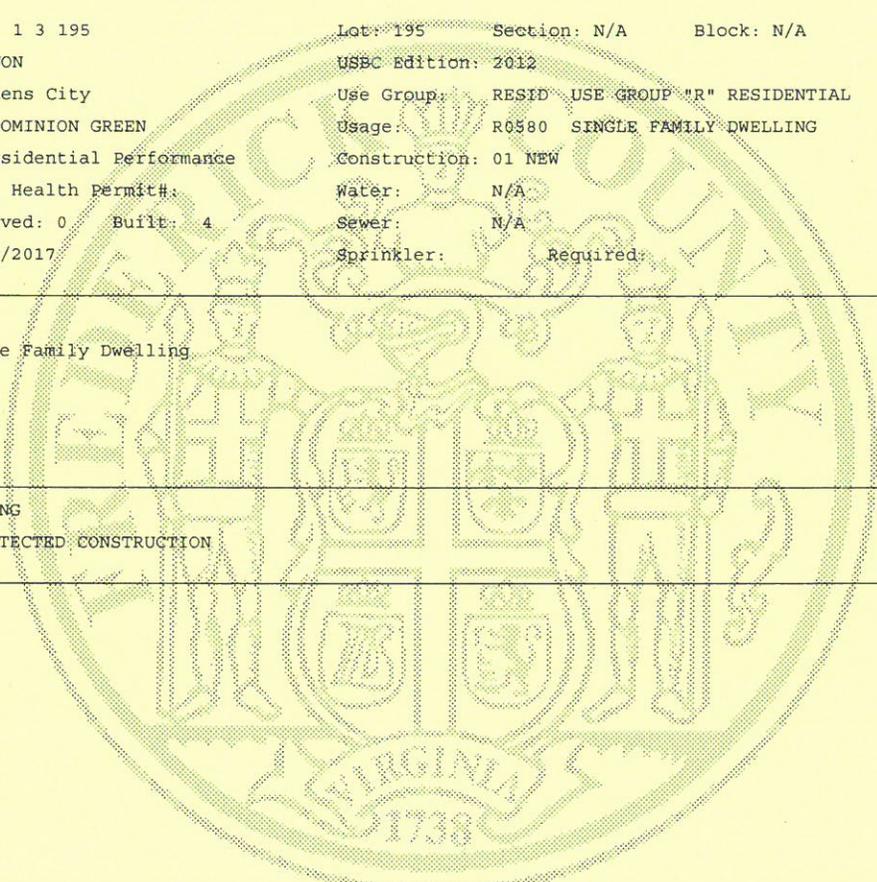
Contractor: Dan Ryan Builders Inc.  
 60 Thomas Johnson Drive  
 Frederick, MD 21702  
 Washington Division

Map Number:	75P 1 3 195	Lot:	195	Section:	N/A	Block:	N/A
District:	3 OPEQUON	USBC Edition:	2012				
Area:	20 Stephens City	Use Group:	RESID USE GROUP "R" RESIDENTIAL				
Sub Division:	OLD DOMINION GREEN	Usage:	R0580 SINGLE FAMILY DWELLING				
Zoning:	RP Residential Performance	Construction:	01 NEW				
Occupant Load:	N/A Health Permit#:	Water:	N/A				
Number of Bedrooms->Approved:	0 Built: 4	Sewer:	N/A				
Date Completed:	10/27/2017	Sprinkler:	Required:				

Nature of Work: Single Family Dwelling

Modifications:  
 Modifications:  
 (C.O.)

R-5 SINGLE FAMILY DWELLING  
 TYPE V COMBUSTIBLE UNPROTECTED CONSTRUCTION



*Signature Not Required*

Zoning Administrator

*Mark A. Reeder*  
 Building Code Official

**FREDERICK COUNTY INSPECTIONS DEPT.  
CORRECTION  
ORDER**

60213

Date 2-17-18 Type of Insp. Misc.

Permit No. 141-077 Owner \_\_\_\_\_

Location 15 Rockville Court

The following items must be corrected in order to pass inspection:

1) Furnace installed in EE room  
BTU Input - Design load  
requires 112,000 BTU Input

2) Draft hood of water heater  
needs to be secured

3) Vent connector needs 1" clearance  
at all times (average)

Please Call for Reinspection as Soon as Corrections  
Are Completed.

108-5

Y. Williams Inspector



**COPY**

**COUNTY of FREDERICK**

**Inspections Department**

**Mark A. Fleet, Building Official**

**540-665-5650**

**Fax 540-678-0682**

**CERTIFIED**

**July 10, 2018**

**Dan Ryan Builders  
Attn. Don Brown  
10212 Governor Lane Blvd.  
Suite 1006  
Williamsport, Md. 21795**

**Reference: 105 Reedville Ct.**

**Dear Mr. Brown,**

**On February 13 & 27, March 08 & 13, May 08 & 10, and June 25, 2018, code enforcement inspectors responded to complaints at the above referenced address. At these times, multiple code violations were found. Correction orders were issued at that time, but the violations have yet to be corrected.**

- 1. Need to repair I joist with cut bottom cord, 2012 Virginia Residential Code, section R502.8.2 Engineered wood products**
- ✓ 2. Need to size Furnace correctly and have an RDP design and approved air balance test that is also RDP approved, 2012 Virginia residential Code, section M1401.3 Equipment and appliance sizing**
- 3. Need 1" clearance on B-Vent at furnace, 2012 Virginia Residential Code, section M1307 Appliance Installation**
- 4. Need to secure draft hood on water heater, 2012 Virginia Residential Code, section M1307 Appliance Installation**
- 5. Need register added in closet of bedroom # 2, 2012 Virginia Residential Code, section M1401.3 Equipment and appliance sizing**
- 6. Remove or protect paper on insulation at furnace room, 2012 Virginia Residential Code, section R302.10 Flame spread index and smoke-developed index for insulation**
- 7. Need to repair cracked tile around tub in master bath, 2012 Virginia Residential Code, section R307.2 Bathtub and shower spaces**

**Page 1 of 2**

225

**8.Nails coming out of subfloor in master bedroom and family room,2012 Virginia Residential Code, Table R505.3.1 (2) Floor Fastening Schedule**

**9.Need to insulate under master bedroom floor and access to enclosed space, 2012 Virginia Residential Code, section N 1102, Building Thermal Envelope**

This office hereby gives you ten (10) days from the receipt of this letter to correct the violations and schedule the proper inspections. Please be aware that the above is subject to appeal under **Section 119 of the Virginia Uniform Statewide Building Code**. If you have any questions, please do not hesitate to contact me at (540) 665-5650 between 8:00 and 4:00.

Respectfully,



Mark A. Fleet  
Building Code Official  
Frederick County, Virginia

CC: Oscar Marroquin, Bob Wells

kbp

• copy of enforcement decision  
being appealed.

Respectfully,

This is the official email that I received  
from Mark Fleet regarding  
his approval.

Mark A. Fleet

Building Code Official

Frederick County, Va.

107 N. Kent St.

Winchester, Va. 22601

(540)665-5650

From: oscar marroquin <[marroquin4@gmail.com](mailto:marroquin4@gmail.com)>

Sent: Tuesday, April 2, 2019 9:02 PM

To: Mark Fleet <[mfleet@fcva.us](mailto:mfleet@fcva.us)>

Subject: HVAC ISSUES

Mr. Fleet I receive some documents today and I don't see the RDP DESIGN (see attached file) as well I would like to know your thoughts regarding the documents you sent me today.

Thank You,

Oscar Marroquin

## Mark Fleet

---

**From:** Mark Fleet  
**Sent:** Monday, April 8, 2019 3:25 PM  
**To:** 'oscar marroquin'  
**Subject:** RE: HVAC ISSUES

Oscar,

Over the past week I have been giving your request much thought. I will leave an application for appeal at the front desk for you.

Respectfully,

Mark A. Fleet  
Building Code Official  
Frederick County, Va.  
107 N. Kent St.  
Winchester, Va. 22601  
(540)665-5650

**From:** oscar marroquin <marroquin4@gmail.com>  
**Sent:** Wednesday, April 3, 2019 10:30 AM  
**To:** Mark Fleet <mfleet@fcva.us>  
**Subject:** Re: HVAC ISSUES

Mark, is there a existing possibility that you can recheck your decision from the HVAC issues or is there any way I can appeal your decision? by filling out a form at the front office. Scott Harper and Josh Catlett Mechanical Engineer states that the equipment and duct is undersized as well you've been telling me in multiple meetings that they have to fix the problem so I'm surprised that you approved the air balance test report that's been performed incorrectly, shutting off registers, and closing dampers for the main level.

Thank You for your help.

On Wed, Apr 3, 2019 at 8:18 AM Mark Fleet <mfleet@fcva.us> wrote:

Mr. Marroquin,

I have given you a copy of the duct work design that was sent to me by Dan Ryan. Nothing in the residential code requires it to be designed by a RDP nor was it required by my violation notice. I required that the air balance report be reviewed and seal by the RDP which I have also sent you. The copy of the manual J which was included in the email was not sealed but we both already have copies of the Manual J that is sealed. Upon receipt of the air balance report all the violations in the violation notice have been satisfied with the exception of the repair of the floor joist which now falls on you to allow the contractor to repair.

COPY

RECEIVED

MAY 01 2019

Frederick County  
Public Works & Inspections

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

**COUNTY OF FREDERICK**  
**Application for Appeal**

I (we) Oscar / Olga Marroquin of 105 Redwick Court Stephens City, VA address  
Name Mailing Address

respectfully request that the Local Board of Appeals review the decision made on April 3, 2019,  
by the code official.

Description of Decision Being Appealed:

Approval of Air Balance Test by Mark Fleet. See attached  
email dated 4/27/19 from Rod Williams to Christopher Dove and  
attachments

Location of Property Involved: 105 Redwick Court, Stephens City, VA

What is the applicant's interest in the property?

- owner
- contractor
- owner's agent
- other (explain) \_\_\_\_\_

Relief Sought:

Waive acceptance and approval of Air Balance Test; require  
re-submission of corrected manual; require installation of  
adequately sized furnace / AC unit as required by §1401.3 of Virginia  
VA Residential Building Code

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

  
Signature of Applicant

Filed at \_\_\_\_\_, Virginia, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

J. M. P. - was handed all  
Paperwork 5/11/19

**RESOLUTION**

**WHEREAS**, The Frederick County Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the USBC;

**WHEREAS**, an appeal has been filed and brought to the attention of the board of appeals;

**WHEREAS**, a hearing has been held to consider the aforementioned appeal; and

**WHEREAS**, the board has fully deliberated this matter; now, therefore, be it

**RESOLVED**, That in the matter of

Appeal Number 01-2019

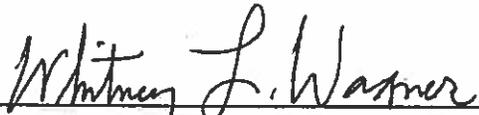
RE: Oscar and Olga Marroquin v. Frederick County

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

The Frederick County Board of Building Appeals voted unanimously to uphold the decision of the Building Official to accept and approve the air balance report. In the opinion of the Frederick County Board of Building Appeals the acceptance of the air balance report was within the guidelines of the USBC.

Date: May 28, 2019

Signature:

  
Chairman of Local Board of Appeals

Note: "Any person who was a party to the appeals to the State Review Board by submitting an application to such Board with 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 501 North Second Street, Richmond, VA 23219, 804-371-7150."

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- 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):

Oscar and Olga Marroquin - 105 Reedville Ct. Stephens City VA 22655  
(434) 260-2108. email: marroquin4@gmail.com.

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

Mark A. Flect (540) 665-5650 email: m.flect@fcva.org  
Mr. Whitney L. Wagner - Local Board of Appeals.

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 day of June, 2019, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

(please print or type)

Statement of Specific Relief Sought:

- Vacate Accepting and approval of air balance test; because 2 of the 3 balance test report shows air flow issues meaning the HVAC system can't be balance. As well there are irregularities between two Manual J's air flow (CFM) design that don't match with drawing design (CFM) from DAN RYAN BUILDERS Contractor Southern Maryland Heating and Air Inc.

History of three air balance test performance: Southern Maryland Heating and Air Inc DAN RYAN BUILDER Contractor performed Air Flow Balance report on 2/27/18 in presence of Building Code Official Tom W. Marple and Home owners. According to Tom Marple and Mark Fleet code official the results of this test didn't passed. (FAILED)

On March 15<sup>th</sup>, 2019 DAN RYAN BUILDERS sent William Wiles to the house for performing the air balance test. Mark Fleet approved this report because it has P.E. stamped. My mechanical engineer has a lot of doubts on William Wiles report doesn't match with Southern Maryland Heating air flow design.

May 6<sup>th</sup> 2019 I hired certified Annandale Balancing Company Inc. to perform an Tab report in my residency, Mr. John Swan (TAB SUPERVISOR) go over with me about the tab result and the test showed supply and return air flow issues (Test Failed)

Please help us resolve this problem for the house; because the house is freezing in winter and extremely hot in the summer.

Respectfully,

Oscar and Olga Marroquin

Documents Submitted  
By Oscar and Olga Marroquin  
(Owner)

(Page left blank intentionally)

Help



# Product Tracking & Reporting

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Reports

Manual Entry

Rates/  
Commitments

PTR / EDW

USPS Corporate  
Accounts

June 13, 2019

## USPS Tracking Intranet

### Delivery Signature and Address

 1 On 3/31/19, PTR changed the event description on all versions of the intranet tracking results for consistency. E.g., on the container results page, the U1 event was UNLOAD but now reflects ARRIVE USPS FACILITY. The change is for the description only.

2 "Scheduled Delivery Date from the ISC" is incorrectly showing "by 8:00pm" on the internet and intranet tracking results page for international items. Until this is fixed on the page, please disregard the time of "by 8:00pm" and adhere to the correct commitment time of 3:00pm; deliveries/attempts after 3:00pm fail service.

Updated: 4/19/19

Tracking Number: 7018 1830 6000 0856 4274

This item was delivered on 06/04/2019 at 08:45:00

[Return to Tracking Number View](#)

Signature	
Address	105 Reedville Ct

Enter up to 35 items separated by commas.

Select Search Type:

Product Tracking & Reporting. All Rights Reserved  
Version: 19.2.4.0.11



*Annandale Balancing Company, Inc.*  
140 Lora Drive, Suite 104  
Woodstock, Virginia 22664-



# **CERTIFIED TEST, ADJUST, AND BALANCE REPORT**

DATE

05/06/2019

PROJECT

2019257

REEDVILLE COURT

OSCAR MARROQUIN

TAB REPORT

105 REEDVILLE COURT

STEPHENS CITY, VA USA 22655

ARCHITECT

DESIGN ENGINEER

HVAC CONTRACTOR

NEBB TAB FIRM

Annandale Balancing Company, Inc.  
140 Lora Drive, Suite 104  
Woodstock, Virginia 22664-  
Certification Number: 3407



*Annandale Balancing Company, Inc.*  
 140 Lora Drive, Suite 104  
 Woodstock, Virginia 22664-



**CERTIFICATION**

**PROJECT: 2019257**  
**REEDVILLE COURT**  
**OSCAR MARROQUIN**  
**TAB REPORT**  
**105 REEDVILLE COURT**  
**STEPHENS CITY, VA USA 22655**

THE DATA PRESENTED IN THIS REPORT IS AN EXACT RECORD OF SYSTEM PERFORMANCE AND WAS OBTAINED IN ACCORDANCE WITH NEBB STANDARD PROCEDURES. ANY VARIANCES FROM DESIGN QUANTITIES WHICH EXCEED NEBB TOLERANCES ARE NOTED THROUGHOUT THE REPORT.

THE AIR DISTRIBUTION SYSTEMS HAVE BEEN TESTED & BALANCED AND FINAL ADJUSTMENTS HAVE BEEN MADE IN ACCORDANCE WITH NEBB "PROCEDURAL STANDARDS FOR TESTING, ADJUSTING, BALANCING OF ENVIRONMENTAL SYSTEMS" AND THE PROJECT SPECIFICATIONS.

NEBB TAB FIRM: **Annandale Balancing Company, Inc.**

REGISTRATION NUMBER: **3407**

CERTIFIED BY (Air TAB Supervisor): **JOHN L. SWAN**

DATE: **05/06/2019**

THE HYDRONIC DISTRIBUTION SYSTEMS HAVE BEEN TESTED & BALANCED AND FINAL ADJUSTMENTS HAVE BEEN MADE IN ACCORDANCE WITH NEBB "PROCEDURAL STANDARDS FOR TESTING, ADJUSTING, BALANCING OF ENVIRONMENTAL SYSTEMS" AND THE PROJECT SPECIFICATIONS.

NEBB TAB FIRM: **Annandale Balancing Company, Inc.**

REGISTRATION NUMBER: **3407**

CERTIFIED BY (Hydronic TAB Supervisor): **JOHN L. SWAN**

DATE: **05/06/2019**

SUBMITTED & CERTIFIED BY:

NEBB TAB FIRM: **Annandale Balancing Company, Inc.**

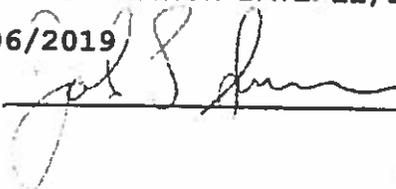
REGISTRATION NUMBER: **3407**

CERTIFIED BY (TAB Supervisor): **JOHN L. SWAN**

CERTIFICATION EXPIRATION DATE: **12/31/2021**

DATE: **05/06/2019**

SIGNATURE

  
 \_\_\_\_\_





**UNITS OF MEASUREMENT STATEMENT**

DATA QUANTITY (UOM)	INCH-POUND (IP)	SYSTEM-INTERNATIONAL (SI)
ACCELERATION	FEET PER SECOND SQUARED	METERS PER SECOND SQUARED
AIR PRESSURE	INCHES WATER GAGE	PASCALS
AIR VOLUME FLOW RATE	CUBIC FEET PER MINUTE	LITERS PER SECOND
AREA	SQUARE FEET, SQUARE INCHES	SQUARE METERS, SQUARE MILLIMETERS
DENSITY	POUNDS PER CUBIC FOOT	KILOGRAMS PER CUBIC METER
ELECTRIC CURRENT	AMPERE	AMPERE
ELECTRIC POTENTIAL	VOLT	VOLT
ENTHALPY	BRITISH THERMAL UNITS PER POUND	KILOJOULES PER KILOGRAM
FORCE	POUNDS	NEWTONS
FREQUENCY	HERTZ	HERTZ
GRAVITY	FEET PER SECOND SQUARED	METERS PER SECOND SQUARED
HEAT FLOW	BRITISH THERMAL UNITS, TONS	KILOWATTS, WATTS
LENGTH	FEET, INCHES	METERS, MILLIMETERS
LINEAR VELOCITY	FEET PER MINUTE	METERS PER SECOND
LIQUID VOLUME	GALLONS	LITERS
MASS	POUNDS	KILOGRAMS
MASS FLOW RATE	POUNDS PER HOUR	KILOGRAMS PER SECOND
POWER	HORSEPOWER	KILOWATTS, WATTS
SPECIFIC VOLUME	CUBIC FEET PER POUND	CUBIC METERS PER KILOGRAM
TEMPERATURE	FAHRENHEIT	CELSIUS
TIME	SECONDS, MINUTES, HOURS	SECONDS, MINUTES, HOURS
WATER PRESSURE	POUNDS PER SQUARE INCH	KILOPASCALS
WATER VOLUME FLOW RATE	GALLONS PER MINUTE	LITERS PER SECOND

THE DATA PRESENTED IN THIS TESTING, ADJUSTING, BALANCING REPORT WAS OBTAINED USING INSTRUMENTS WHICH DISPLAY INCH-POUND OR SYSTEM-INTERNATIONAL UNITS OF MEASUREMENT. THE REPORT FORMS INDICATE WHETHER THE DATA PRESENTED ON THE INDIVIDUAL REPORT FORM IS SHOWN IN INCH-POUND OR SYSTEM-INTERNATIONAL UNITS OF MEASUREMENT. THE TABLE ABOVE DESCRIBES THE UNITS OF MEASUREMENT USED THROUGHOUT THIS TESTING, ADJUSTING, BALANCING REPORT.



SYMBOL REPORT

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
AK	EFFECTIVE AREA FACTOR	DT	DUAL TEMPERATURE
AMB	AMBIENT	DX	DIRECT EXPANSION
APD	AIR PRESSURE DIFFERENTIAL	E	ELECTRIC OR ELECTRONIC
BHP	BRAKE HORSEPOWER	EAP	ENTERING AIR PRESSURE
BTU	BRITISH THERMAL UNITS	EAT	ENTERING AIR TEMPERATURE
BV	BALANCE VALVE	EH	ELECTRIC HEAT
BYP	BYPASS	ESP	EXTERNAL STATIC PRESSURE
C/C	CENTER DISTANCE	EVAP	EVAPORATOR
CD	CEILING DIFFUSER	EWP	ENTERING WATER PRESSURE
CDW	CONDENSER WATER	EWT	ENTERING WATER TEMPERATURE
CFM	CUBIC FEET PER MINUTE	FD	FIRE DAMPER
CG	CEILING GRILLE	FF	FULL FLOW
CHW	CHILLED WATER	FMD	FLOW MEASURING DEVICE
CO	COOLING ONLY	FPM	FEET PER MINUTE
COMP	COMPRESSOR	FT/HD	FOOT OF HEAD
COND	CONDENSER	GH	GAS HEAT
CORR	CORRECTIVE	GPM	GALLONS PER MINUTE
CR	CEILING REGISTER	HP	HIGH PRESSURE
CRU	COMPUTER ROOM UNIT	HP	HORSEPOWER
CS	CIRCUIT SETTER	HW	HOT WATER
CV	CONSTANT VOLUME	LAP	LEAVING AIR PRESSURE
D	DELETED	LAT	LEAVING AIR TEMPERATURE
D/D	DUAL DUCT	LD	LINEAR DIFFUSER
DB	DRY	LP	LOW PRESSURE
DD	DIRECT DRIVE	LT	LIGHT TROUFFER
DFO	DAMPER FULLY OPEN	LWP	LEAVING WATER PRESSURE
DIFF	DIFFERENTIAL	LWT	LEAVING WATER TEMPERATURE
DIS	DISCHARGE	MBH	THOUSANDS BTU/HR

REMARKS:



**SYMBOL REPORT**

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
MFGR	MANUFACTURER	SQ/FT	SQUARE FEET
MTR	MOTOR	SUC	SUCTION
N.A.	NOT ACCESSIBLE	SWG	SIDE WALL GRILLE
N/A	NOT AVAILABLE	SWR	SIDE WALL REGISTER
NA	NA APPLICABLE	TD	TEMPERATURE DIFFERENTIAL
NC	NOISE CRITERIA	TEMP	TEMPERATURE
ND	NO DAMPER	VAV	VARIABLE AIR VOLUME
NF	NO FLOW	VD	VOLUME DAMPER
NI	NOT INSTALLED	VEL	VELOCITY
NIC	NOT IN CONTRACT	VVT	VARIABLE AIR TERMINAL
NS	NOT SPECIFIED	WB	WET BULB
OBD	OPOSED BLADE DAMPER	WO	WIDE OPEN, MAXIMUM FLOW
OE	OPEN ENDED	WPD	WATER PRESSURE DIFFERENTIAL
P	PNEUMATIC	WTR	WATER
PD	PRESSURE DIFFERENTIAL		
PPF	PARALLEL FAN POWERED		
PI	PRESSURE INDEPENDENT		
PRESS	PRESSURE		
PSI	POUNDS PER SQUARE INCH		
PT	PITOT TUBE		
REQ	REQUIRED		
RPM	REVOLUTIONS PER MINUTE		
RST	REQUIRES SEASONAL TESTING		
SD	SPLITTER DAMPER		
SFP	SERIES FAN POWERED		
SP	STATIC PRESSURE		
SPEC	SPECIFIED		
SPPD	SYS POWERED PRESSURE DEPENDENT		

REMARKS:





*Annandale Balancing Company, Inc.*  
140 Lora Drive, Suite 104  
Woodstock, Virginia 22664-



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AIR APPARATUS TEST REPORT

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN											
UNIT		AC UNIT			SYSTEM			HVAC			
LOCATION		BASEMENT			SERVICE			REEDVILLE COURT			
UNIT DATA					MOTOR DATA						
MAKE		LENNOX			MAKE		FRAME	LENNOX		N/A	
MODEL		ML180UH090P48B			POWER		BRAKE PWR.	.5			
SERIAL		6017C16900			RPM		SER FACTOR		N/A	N/A	
TYPE	SIZE	DD		DD	NAMEPLATE VOLTAGE			120			
DISCHARGE	CLASS	DD		DD	NAMEPLATE AMPERES			8.2			
ARRANGEMENT		DD			ACTUAL VOLTAGE			121			
SHEAVE MAKE		DD			ACTUAL AMPERES			6.7			
SHEAVE DIAMETER		DD			C.F.L.A.		OVERLOAD	8.13			
SHEAVE BORE		DD			PHASE		HERTZ	1	60		
BELT MAKE		DD			PWR. FACTOR		EFFICIENCY	N/A	N/A		
# BELTS	BELT SIZE	DD		DD	SHEAVE MAKE			DD			
NUMBERS OF FILTERS		1			SHEAVE DIAMETER			DD			
FILTER TYPE		FIBERGLASS			SHEAVE BORE			DD			
FILTER SIZE		20X25X1			OPERATING DIAMETER			DD			
TEST DATA					CENTER DISTANCE					DD	
TEST		DESIGN		ACTUAL		STATIC PRESSURE PROFILE					
OUTSIDE AIRFLOW		NA		NA		DEVICE		DESIGN S.P.D.	ACTUAL S.P.D.	ACTUAL ENT. S.P.	ACTUAL LVG. S.P.
RETURN AIRFLOW		1505		1893		FILTER			0.24	-.21	-.45
TOTAL AIRFLOW		1604		1893		FAN				-.45	N.A.
TOTAL STATIC PRESSURE		NS		0.55		GAS				N.A.	N.A.
EXT. STATIC PRESSURE				0.31		COOLING COIL				N.A.	.10
FAN RPM		NS		*							
VORTEX OR VFD POSITION		NA									
STATIC PRESSURE SETPOINT		NA									
OUT. AIR DAMPER POSITION		NA									
RET. AIR DAMPER POSITION		NA									
REMARKS: * NO ACCESS : There was no ability to get a fan RPM measurement due to the size and accessibility of the evaporator fan compartment.											
NEBB TRS 04-2001		UOM: IP		TEST DATE: 05/02/2019		READINGS BY: J. LAWRENCE			PAGE 243		



**APPARATUS COIL TEST REPORT**

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN											
UNIT			AC UNIT			SYSTEM			COOLING		
LOCATION			BASEMENT			TYPE			DX		
COIL DATA						ELECTRICAL DATA					
MAKE			LENNOX			STAGES		PHASE			
MODEL			CX35-48B-6F-1			NAMEPLATE VOLTAGE					
ROWS		FINS	3		13	NAMEPLATE AMPERES					
FACE AREA			5.77			ACTUAL VOLTAGE					
AIR DATA						ACTUAL AMPERES					
TEST			DESIGN		ACTUAL		DESIGN KW		ACTUAL KW		
AIRFLOW			1604		1893		LIMIT-CUTOUT TIME				
AIR VELOCITY			277.99		328.08		LIMIT-CUTOUT TEMPERATURE				
PRESSURE DROP			.40		.35		FLOW SWITCH				
OUT. AIR DB		OUT. AIR WB	N/A	N/A	81.4	68.0	REFRIGERATION DATA				
RET. AIR DB		RET. AIR WB	NS	NS	69.3	58.9	REFRIGERANT		R410A		
ENT. AIR DB		ENT. AIR WB	NS	NS	69.30	59.00	REFRIGERANT PRESS.		N/A		
LVG. AIR DB		LVG. AIR WB	NS	NS	54.3	50.9	REFRIGERANT TEMP.		N/A		
AIR TEMP. DIFF. DB			15.00			EXPANSION VALVE		YES			
WATER DATA						GAS/OIL FIRED DATA					
TEST			DESIGN		ACTUAL		TEST		DESIGN		ACTUAL
WATERFLOW							TYPE FUEL				
ENT. WATER PRESSURE							LOW FIRE INPUT				
LVG. WATER PRESSURE							HIGH FIRE INPUT				
WATER PRESS. DIFF.							LOW FIRE OUTPUT				
ENT. WATER TEMPERATURE							HIGH FIRE OUTPUT				
LVG. WATER TEMPERATURE							IGNITION TYPE				
WATER TEMP. DIFF.							BURNER CONTROL				
STEAM DATA						MANIFOLD PRESSURE					
TEST			DESIGN		ACTUAL		HIGH LIMIT SETPOINT				
INLET STEAM PRESSURE							OPERATING SETPOINT				
REMARKS:											
* REFRIGERATION AND GAS/OIL FIRED DATA TO BE FURNISHED BY THE INSTALLER OF THE EQUIPMENT *											
NEBB TRS 05-2001		UOM: IP		TEST DATE: 05/02/2019		READINGS BY: J. LAWRENCE			PAGE 244		



RECTANGULAR DUCT TRAVERSE REPORT

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN

UNIT	AC UNIT	SYSTEM	RETURN
ZONE	1	SERVICE	REEDVILLE COURT
LOCATION	BASEMENT	ALTITUDE	900
DUCT DATA			
TEST DATA			
DESIGN			
ACTUAL			
HEIGHT	WDTH	12.00	20.00
DENSITY	S.P.	0.073	.22
AIR TEMP. DB	AREA	65.3	1.67
		STANDARD AIRFLOW	1505
		MEASURED AIRFLOW	1505
		AVERAGE VELOCITY	903.00
			1893
			1862
			1117.00

POSITION	1	2	3	4	5	6	7	8	9	10	11	12	13
1	1054	1069	1106	1119									
2	1166	1160	1231	1132									
3	1029	1090	1216	1131									
4	1022	1202	1122	1023									
5													
6													
7													
8													
9													
10													
11													
12													
13													

READINGS TAKEN WITH AIR BLOWING TOWARD THE OBSERVER. HORIZONTAL NUMBERS ARE LEFT TO RIGHT. VERTICAL NUMBERS ARE TOP TO BOTTOM.

REMARKS:

Report is not valid unless it is submitted with an appropriate NEBB Certificate from obtained with a National Environmental Balancing Bureau Certification Exam



REGISTER, GRILLE, DIFFUSER TEST REPORT (Flow Hood)

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN			
UNIT	AC UNIT	SYSTEM	SUPPLY
TERMINAL BOX	NA	LOCATION	REEDVILLE COURT
MANUFACTURER		TEST INSTRUMENT	FLOW HOOD

LOCATION OR ADDRESS	REGISTER, GRILLE, DIFFUSER			DESIGN	PRELIMINARY	FINAL	
	NUMBER	TYPE	SIZE	FLOW	FLOW	FLOW	%
	1	CR	12X6	66	85	85	128.8
	2	CR	12X6	66	60	60	90.9
	3	CR	10X8	110	125	125	113.6
	4	CR	12X6	48	35	35	72.9
	5	CR	12X6	66	90	90	136.4
	6	FR	14X6	100	210	210	210.0
	7	FR	12X6	114	55	55	48.2
	8	FR	12X6	60	100	100	166.7
	9	FR	12X6	60	140	140	233.3
	10	SWR	12X6	99	75	75	75.8
	11	CR	12X6	34	40	40	117.6
	12	FR	12X6	32	100	100	312.5
	13	FR	12X6	50	75	75	150.0
	14	FR	12X6	78	115	115	147.4
	15	FR	14X6	68	90	90	132.4

TOTAL	1051	1395	1395
-------	------	------	------

REMARKS: NO MANUAL VOLUME DAMPERS INSTALLED IN DUCT SYSTEM.  
 ONLY FACE DAMPERS INSTALLED AT AIR TERMINALS.

Do not be used unless it is submitted with an appropriate NEBB Certification form stamped with a National Environmental Balance Bureau Seal.



*Annandale Balancing Company, Inc.*  
 140 Lora Drive, Suite 104  
 Woodstock, Virginia 22664-



**REGISTER, GRILLE, DIFFUSER TEST REPORT (Flow Hood)**

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN

UNIT	AC UNIT	SYSTEM	SUPPLY
TERMINAL BOX	NA	LOCATION	REEDVILLE COURT
MANUFACTURER		TEST INSTRUMENT	FLOW HOOD

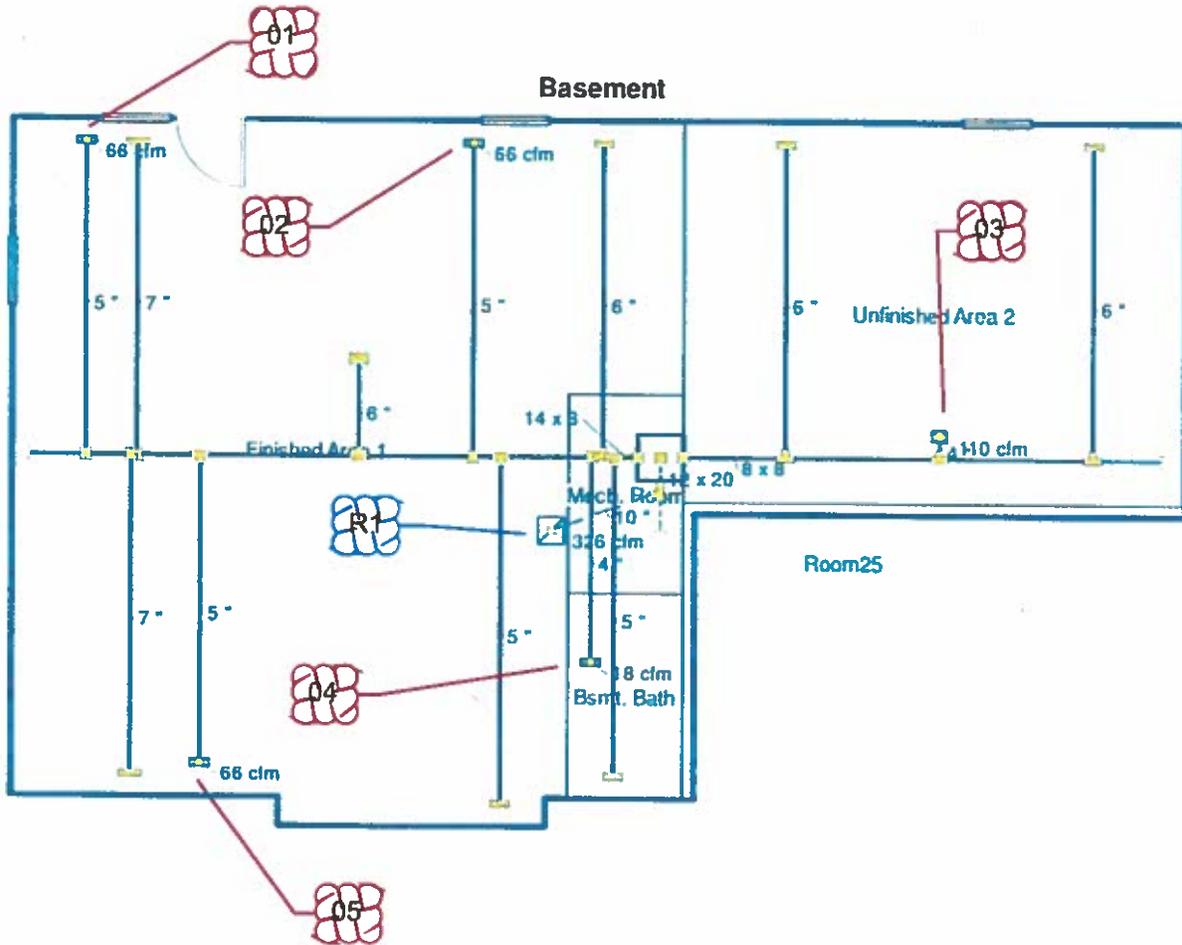
LOCATION OR ADDRESS	REGISTER, GRILLE, DIFFUSER			DESIGN	PRELIMINARY	FINAL	
	NUMBER	TYPE	SIZE	FLOW	FLOW	FLOW	%
	16	FR	12X6	60	60	60	100.0
	17	FR	14X6	13	40	40	307.7
	18	FR	14X6	58	55	55	94.8
	19	FR	12X6	11	25	25	227.3
	20	FR	12X6	2	30	30	1500.0
	21	FR	12X6	23	30	30	130.4
	22	SWR	12X8	61	40	40	65.6
	23	FR	12X6	117	60	60	51.3
	24	FR	12X6	52	35	35	67.3
	25	FR	12X6	77	80	80	103.9
	26	FR	12X6	77	65	65	84.4
	27	FR	12X6	2	55	55	2750.0
	28	SWR	12X8	NS	0	0	0.0
	29	SWR	12X8	NS	0	0	0.0

<b>TOTAL</b>	<b>553</b>	<b>575</b>	<b>575</b>

REMARKS: NO MANUAL VOLUME DAMPERS INSTALLED IN DUCT SYSTEM.  
 ONLY FACE DAMPERS INSTALLED AT AIR TERMINALS.

AIR TERMINALS 28 & 29 ARE DELIVERING NO AIRFLOW.





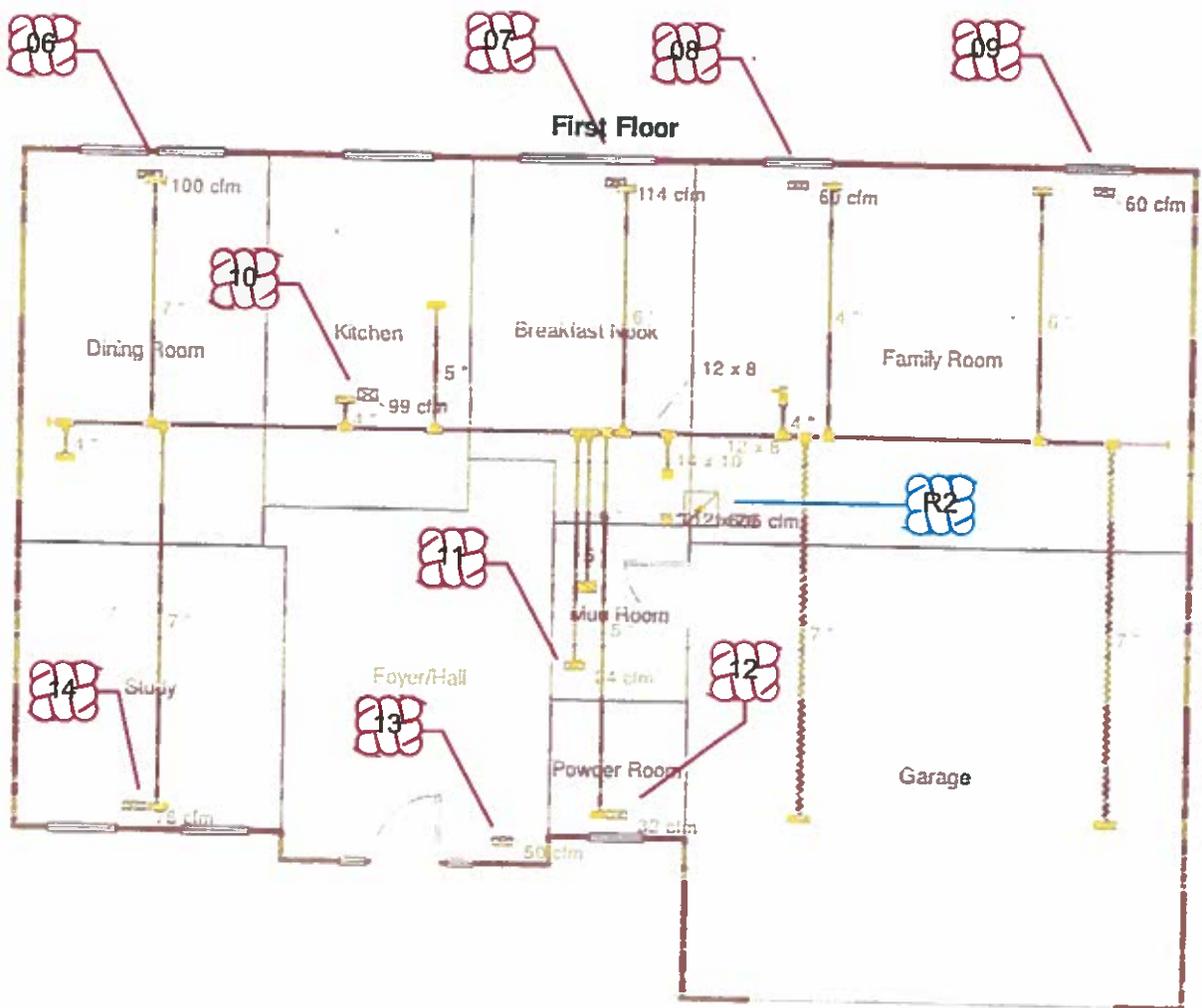
**Job #: Oakdale II**  
**Performed by SMN for:**  
Dan Ryan Builders  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Phone: 301-696-0200

**Southern Maryland Heating & Air, Inc.**

3360 Gough Drive  
Waldorf, MD 20602  
Phone: 301-645-6928 Fax: 301-705-7095  
contactus@somdhvac.com

Scale: 1 : 86

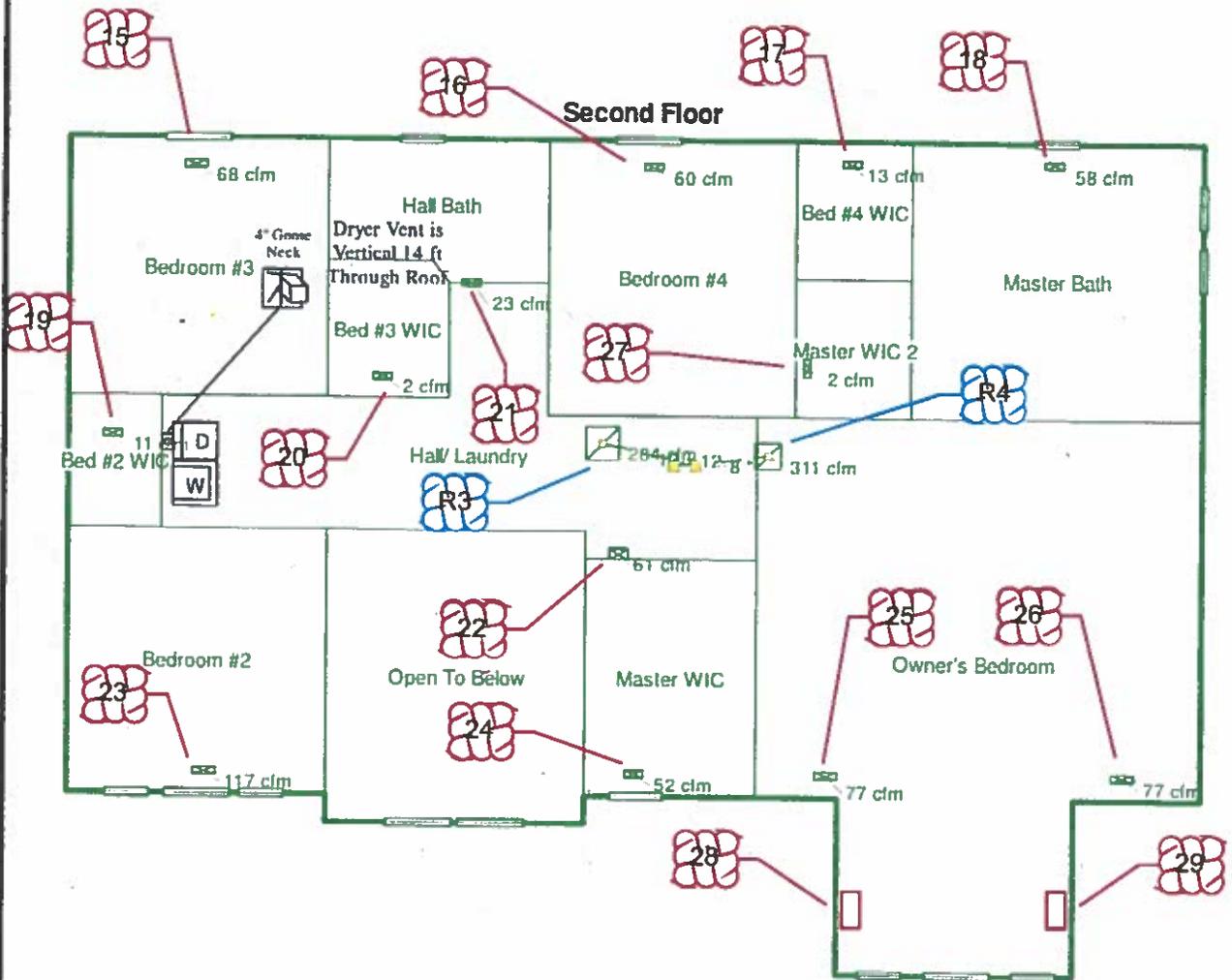
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**Job #: Oakdale II**  
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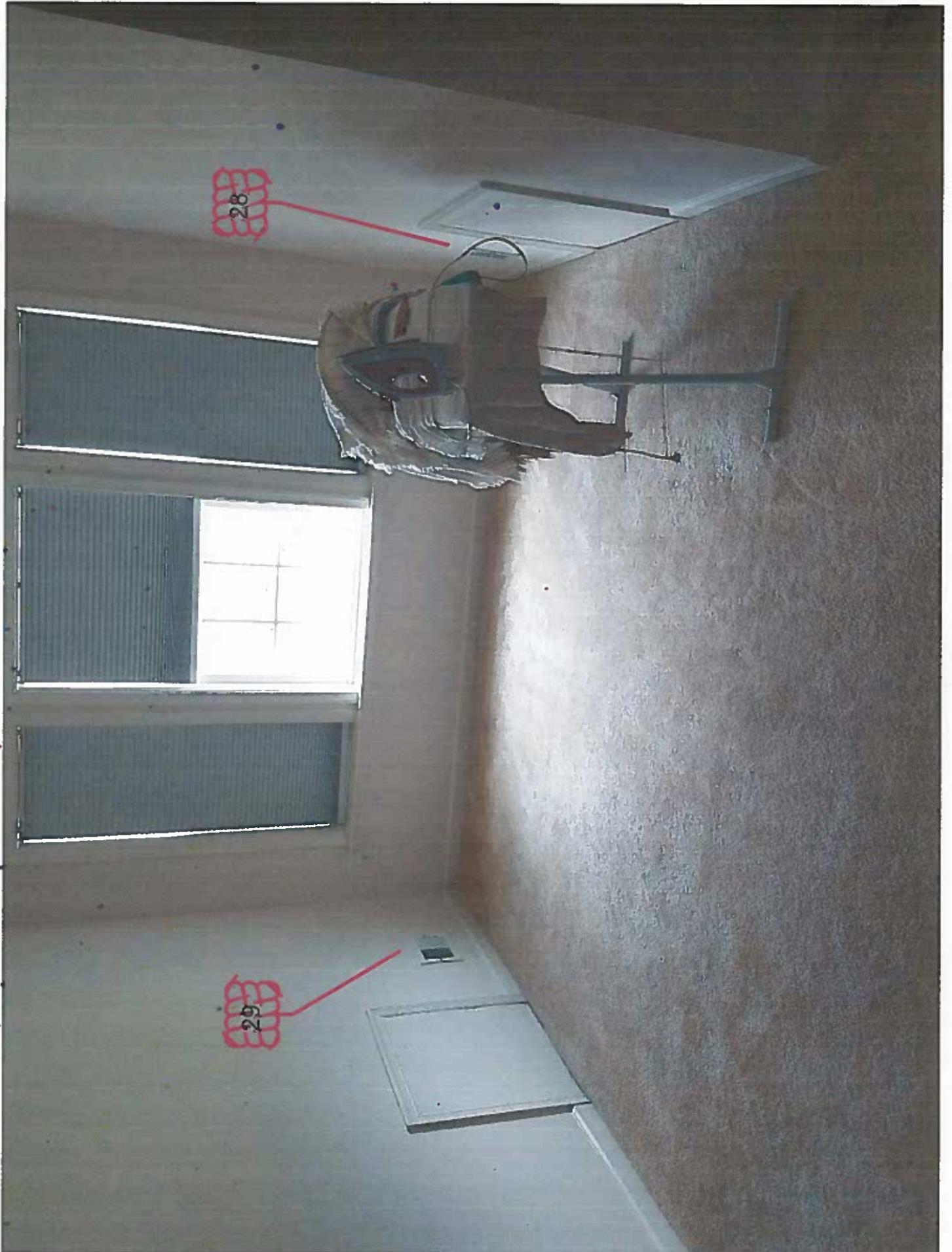
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**SOUTHERN MARYLAND HEATING AND AIR, INC**

**AIR FLOW BALANCE REPORT**

Date: 2/27/2018

Test: 1

Name: Southern Maryland Heating & Air Inc Phone: (571)261-2632 ext 2101

Street Address: 7689 Limestone Drive Suite #135 Gainesville VA 20155

Location: Old Dominion Green Lot 195

Meter Used: Alnor Flow Hood

**EQUIPMENT DESCRIPTION:** Installed

Furnace Model: ML180UH090XP48B

Coil Model: CX35-48B

A/C Model: 14ACX-042-230

**SETTINGS:**

2.7 (IWC) (77.3) KBTUH

Fan Speed: (Black/ Cool) 1665 (Brown / Heat) 1660

Filter: 20X25X1 (Removed-Test / In Backwards)

Static: 0.50

Supply 125.2 / Return 73.9 - (51.3) Lennox 22-55

Location	DIFFUSER SIZE	CFM REQUIRED Based on County Submitted Cert with ML180UH1100XP48C	CFM READINGS Based on County Submitted Cert with ML180UH1100XP48C	CFM REQUIRED Based on Correct Load Cert with ML180UH1100XP48C	STAT	
					Reading	Setting
Finished Area 1	10x4 / 10X4 / 10X4 Ceiling	214	63 / 53 / 48 Adjust By Damper	178	72	72
Unfinished Area 2	10X8 Cut into Duct	123	Cut into Duct Unfinished Area	102	72	
Mech Room		0	0	0	72	
Dining Room	12X4	89	98	83	72	
Study	12X4	97	86	81	72	
Foyer Hall	10X4	59	60	50	72	
Powder Room	10X4	31	35	26	72	
Mud Room	10X8 Ceiling	29	32	24	72	
Kitchen	10X8 High Wall	26	Could Not Access Cabinet	22	72	
Breakfast Nook	10X4 Floor	48	60	40	72	
Family Room	10X4 / 10X4 Floor	132	77 / 80	127	72	
Bedroom #3	12X4 Floor	70	73	59	72	
Hall Bath	10X4 Floor	27	28	22	72	
Bedroom #3 Closet	10X4 Floor	1	12 / Closed	1	72	
Bedroom #4	10X4 Floor	37	38	31	72	
Master Bath	10X4 Floor	66	65	55	72	
Owners Bedroom	12X4 / 12X4 Floor	159	98 / 109	153	72	
	10X8 / 10X8 Wall		36 / 26		72	
Master WIC	10X4 Floor	45	48 / Adjusted	37	72	
Hall/Laundry	10X8 Wall	28	29	23	72	
Open to Below		0	0	0	72	
Bedroom #2	12X4 Floor	81	101	76	72	
Bed #2 WIC	10X4 Floor	11	Not Accessible	9	72	
Bed #4 WIC	10X4 Floor	15	18 / Closed	13	72	
Master WIC #2	10X4 Floor	2	18 / Closed	2	72	
Basmt. Bath	10X4 Ceiling	40	36	33	72	

#	KEY ITEM	CHECK	QUESTIONS TO ASK		CIRCLE ANSWER*			
			YES	NO	YES	NO		
1	DESIGN TEMPERATURES	✓ Indoor Design Temperatures	Is the indoor design temperature for Heating per Local Code OR 70°F (21°C) at 30% RH?					
			Is the indoor design temperature for Cooling per Local Code OR 75°F (24°C) at 50% RH [or 55% for humid climates, 45% for dry climate?]					
2	WINDOWS & GLASS DOORS	✓ Outdoor Design Temperatures	Is the outdoor design temperature per Table 1 of MJB or Local Code?					
			✓ U-values and SHGC values	Are the SHGC and U-values reasonable for the window types and frame constructions? (see Table 2 of MJB)				
				✓ Shading Adjustments	Have window shading (curtains, drapes, insect screens, tinting, etc.) adjustments been made?			
					Have roof overhang adjustments been made?			
					Is the total area for the windows & glass doors roughly equal to the area shown on the drawing plans?			
3	SKYLIGHTS	✓ Exposure Directions		Do the exposure directions [North (N), North-East (NE), etc.] appear correct?				
			✓ U-values and SHGC values	Are the SHGC and U-values appropriate for the skylight types and frame constructions? (see Table 2 of MJB)				
				✓ Shading Adjustments	Have adjustments been made for drapes, tinting and reflective coatings?			
					Is the total area for the skylights roughly equal to the area shown on the drawing plans?			
					Do the exposure directions [North (N), North-East (NE), etc.] appear correct?			
4	DOORS   WOOD, METAL	✓ None						
5	WALLS   ABOVE GRADE, BELOW GRADE	✓ Insulation	Are correct wall insulation R-values taken into account when the wall loads are calculated?					
			✓ Total Area	Is the total area for the walls equal to the area shown on the drawing plans?				
6	CEILINGS	✓ Insulation		Is correct ceiling insulation R-value taken into account when the ceiling load is calculated?				
			✓ Radiant Barrier	If applicable, does the load calculation take credit for a radiant barrier?				
				Is correct roof color and material taken into account when the ceiling load is calculated?				
				Is the total area for the ceilings equal to the area shown on the drawing plans?				
				Is the floor insulation and type of construction representative of what is built/planned?				
7	FLOORS	✓ Envelope Tightness	Is the listed envelope tightness (tight, semi-tight, average, semi-loose, loose) appropriate?					
			✓ Above grade volume	Is the total above grade volume equal to what is shown on the drawing plans?				
				Are the appliances gains 1200 Btuh, 2400 Btuh or a value recommended by MJB?				
				Is Maximum Number of Occupants = Number of Bedrooms + 1?				
				Is Bath (cooling) = 250 x Number of Occupants?				
8	INFILTRATION	✓ Appliances	Is Bath (heating) = 200 x Number of Occupants?					
			✓ Occupants	If located in an unconditioned space, are the ducts insulated (appropriate R-value)?				
				Is the duct tightness category 'average sealed' or higher (i.e. notably sealed, extremely sealed)?				
				Are intermittent bathroom and kitchen fans excluded from the infiltration calculations?				
				Are dedicated exhaust fans (continuous) included in the calculations?				
9	INTERNAL GAINS	✓ Duct Leaks	Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?					
			✓ Duct Tightness	Are intermittent bathroom and kitchen fans excluded from the infiltration calculations?				
				Are dedicated exhaust fans (continuous) included in the calculations?				
				Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?				
				Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?				
10	DUCTS	✓ Intermittent Fans	Are intermittent bathroom and kitchen fans excluded from the infiltration calculations?					
			✓ Continuous Exhaust Fans	Are dedicated exhaust fans (continuous) included in the calculations?				
				Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?				
				Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?				
				Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?				
11	VENTILATION	✓ Heat Recovery Equipment	Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?					
			Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?					
			Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?					
			Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?					
			Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?					

\*Questions should be answered 'YES' (where applicable) to achieve representative load calculations.

The order of this checklist follows Form J1 of ACCA Manual J8.

# HVAC SYSTEM PARAMETERS

## FAN NAMEPLATE DATA

MANUFACTURER	LEARNIX	5410	1408
MODEL	5410	5410	1408
TYPE	CLUB PLACE		
SIZE	96.00 BFL		0.40
SERIAL NUMBER	1717013517		0.20
CONDENSING UNIT DATA			
MANUFACTURER	LEARNIX		0.20
MODEL	144025042-000		
TONNAGE	2.0		
SERIAL NUMBER	191710622		

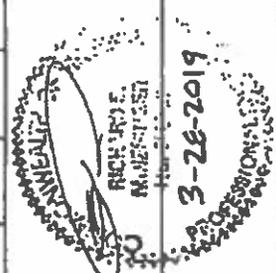
## FAN FULLEY DATA

CHARACTER	ORIENT
TEMP	CO TEMP 60 - CD TEMP 71

NOTE: 1- Cool is temperature uniformity, each room less within 4°F of the roomed ceiling, and no less rooms varied beyond 8°F.  
 2- Primary rooms with per-tracer valve, greater door area to be balanced within 10% of design airflow.  
 3- Secondary rooms such as walk in closets, mail rooms and the like shall be balanced to within 20 to 25 lbs of design airflow.  
 4- The air supply registers as per manufacturer's instructions shall be opened 1/2 way and they can be adjusted easily by user. HVAC trade persons. Additionally, it is verified that the balance adjustments and airflow the test will remain, or occupants often adjust these air flow volume levels.

BALANCE	160	186	186	186	110%
UNFINISHED	84	90	83	83	98%
DRYING	100	82	500	100%	100%
STUDY	78	70	77	77	98%
POWER	80	63	63	63	110%
POWDER RM	33	40	36	36	105%
SEED ROOM	18	36	18	18	113%
KITCHEN	99		91	91	93%
BREAKFAST	114	113	119	119	98%
PANTRY RM	116	80	139	139	103%
BRG	66	66	64	64	94%
HALL BATH	23	40	22	22	137%
BR 3 CLOSET	2	26	13	13	80%
BR 4	67	31	82	82	103%
MASTER BATH	44	45	42	42	94%
CHIMNEY BR	183	165	169	169	113%
MASTER WC	23	41	21	21	90%
HALLWAY	61	60	60	60	98%
BRG	137	66	116	116	107%
BR 3 W/C	6	40	13	13	207%
BR 4 W/C	6	35	16	16	226%
BR 1 W/C 2	3	35	16	16	219%
BR 1 W/C 1	6	32	10	10	200%

Company: National Capital Energy Solutions  
 4403 Beach Rd.  
 Torrance Hills, MD 20745  
 800-433-8913



REVISIONS BY  
 WILLIAM WELLS  
 C0814-08-05

DATE: 3/14/19  
 PROJECT: OLD COMMON LOT 116  
 116 Riverside Ct Stephens City VA

SYSTEM: SFLR



# Project Summary Entire House

Southern Maryland Heating & Air, Inc.

Job: Oakdale II  
Date: 5/18/2017  
By: SMN

3360 Gough Drive, Waldorf, MD 20602 Phone: 301-645-6928 Fax: 301-705-7095 Email: contactus@sernhvac.com

## Project Information

For: Dan Ryan Builders  
60 Thomas Johnson Drive, Frederick, MD 21702  
Phone: 301-696-0200

Notes: Old Dominion Greens Lot 195  
Oakdale II Standard Layout

## Design Information

Weather: Hagerstown, MD, US

### Winter Design Conditions

Outside db 12 °F  
Inside db 70 °F  
Design TD 58 °F

### Summer Design Conditions

Outside db 91 °F  
Inside db 75 °F  
Design TD 16 °F  
Daily range M  
Relative humidity 50 %  
Moisture difference 36 gr/lb

### Heating Summary

Structure 42229 Btuh  
Ducts 150 Btuh  
Central vent (97 cfm) 6015 Btuh  
Humidification 0 Btuh  
Piping 0 Btuh  
Equipment load 48394 Btuh

### Sensible Cooling Equipment Load Sizing

Structure 25220 Btuh  
Ducts 38 Btuh  
Central vent (97 cfm) 1659 Btuh  
Blower 0 Btuh

Use manufacturer's data y  
Rate/swing multiplier 1.00  
Equipment sensible load 26917 Btuh

### Infiltration

Method Simplified  
Construction quality Average  
Fireplaces 1 (Average)

	Heating	Cooling
Area (ft <sup>2</sup> )	3936	3936
Volume (ft <sup>3</sup> )	30445	30445
Air changes/hour	0.32	0.15
Equiv. AVF (cfm)	162	76

### Latent Cooling Equipment Load Sizing

Structure 2830 Btuh  
Ducts 76 Btuh  
Central vent (97 cfm) 2321 Btuh  
Equipment latent load 5227 Btuh

Equipment total load 32145 Btuh  
Req. total capacity at 0.70 SHR 3.2 ton

### Heating Equipment Summary

Make Lennox  
Trade MERIT 80  
Model ML180UH110P60C-  
AHRI ref 4208211

Efficiency 80 AFUE  
Heating input 110000 Btuh  
Heating output 89000 Btuh  
Temperature rise 56 °F  
Actual air flow 1470 cfm  
Air flow factor 0.035 cfm/Btuh  
Static pressure 0.50 in H<sub>2</sub>O  
Space thermostat

### Cooling Equipment Summary

Make Lennox  
Trade 14ACX SERIES  
Cond 14ACX-042-230-  
Coil CX34-49C++TDR  
AHRI ref 5429061

Efficiency 12.0 EER, 14 SEER  
Sensible cooling 29050 Btuh  
Latent cooling 12450 Btuh  
Total cooling 41500 Btuh  
Actual air flow 1635 cfm  
Air flow factor 0.065 cfm/Btuh  
Static pressure 0.50 in H<sub>2</sub>O  
Load sensible heat ratio 0.84

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



Right-Suite® Universal 2017 17.0 04 RSU09571

2017-May-18 14:26:46

... d Dominion Greens\Lot 195\Oakdale II 1 Zone.rup Calc = MJ8 Front Door faces: N

Page 1

**wrightsoft** Load Short Form  
**Entire House**  
 Southern Maryland Heating & Air, Inc.

Job: Oakdale II  
 Date: 5/18/2017  
 By: SMN

3360 Gough Drive, Waldorf, MD 20602 Phone: 301-645-6928 Fax: 301-705-7085 Email: [contactus@somdhvac.com](mailto:contactus@somdhvac.com)

**Project Information**

For: Dan Ryan Builders  
 60 Thomas Johnson Drive, Frederick, MD 21702  
 Phone: 301-696-0200

**Design Information**

	Htg	Cig	Infiltration	Simplified Average
Outside db (°F)	12	91	Method	1 (Average)
Inside db (°F)	70	75	Construction quality	
Design TD (°F)	58	16	Fireplaces	
Daily range	-	M		
Inside humidity (%)	50	50		
Moisture difference (gr/lb)	48	36		

**HEATING EQUIPMENT**

Make Lennox  
 Trade MERIT 80  
 Model ML180UH110P60C-  
 AHRI ref 4208211

Efficiency 80 AFUE  
 Heating input 110000 Btuh  
 Heating output 89000 Btuh  
 Temperature rise 56 °F  
 Actual air flow 1470 cfm  
 Air flow factor 0.035 cfm/Btuh  
 Static pressure 0.50 in H2O  
 Space thermostat

**COOLING EQUIPMENT**

Make Lennox  
 Trade 14ACX SERIES  
 Cond 14ACX-042-230-  
 Coil CX34-49C++TDR  
 AHRI ref 5429061

Efficiency 12.0 EER, 14 SEER  
 Sensible cooling 29050 Btuh  
 Latent cooling 12450 Btuh  
 Total cooling 41500 Btuh  
 Actual air flow 1635 cfm  
 Air flow factor 0.065 cfm/Btuh  
 Static pressure 0.50 in H2O  
 Load sensible heat ratio 0.84

ROOM NAME	Area (ft²)	Htg load (Btuh)	Cig load (Btuh)	Htg AVF (cfm)	Cig AVF (cfm)
Finished Area 1	781	6157	2112	214	137
Unfinished Area 2	347	3532	953	123	62
Mech. Room	44	0	0	0	0
Dining Room	179	2866	2105	99	136
Study	150	2786	1938	97	125
Foyer/Hall	192	1714	905	59	59
Powder Room	36	895	573	31	37
Mud Room	47	834	283	29	18
Kitchen	131	761	1662	26	108
Breakfast Nook	136	1376	2092	48	135
Family Room	347	4388	2294	152	149
Bedroom #3	141	2026	1287	70	83
Hall Bath	72	768	415	27	27
Bed #3 WIC	27	41	31	1	2

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



**wrightsoft**

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...d Dominion Greens\Lot 195\Oakdale II 1 Zone.rup Calc = MJB Front Door faces: N

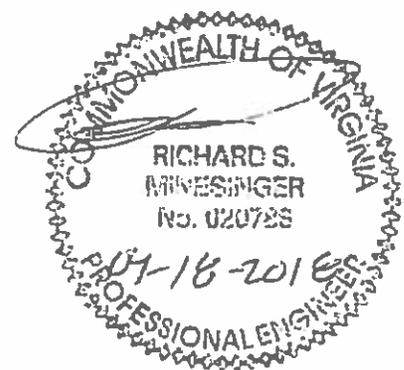
Page 1

Bedroom #4	129	1067	1029	37	67
Master Bath	152	1911	742	66	48
Owner's Bedroom	349	4590	2407	159	156
Master WIC	83	1287	918	45	59
Hall/ Laundry	144	808	1082	28	70
Open To Below	156	0	0	0	0
Bedroom #2	150	2616	1917	91	124
Bed #2 WIC	37	310	93	11	6
Bed #4 WIC	28	433	131	15	8
Master WIC 2	33	54	41	2	3
Bsmt. Bath	45	1159	246	40	16
Entire House	d 3936	42379	25258	1470	1635
Other equip loads		6015	1659		
Equip. @ 1.00 RSM			26917		
Latent cooling			5227		
<b>TOTALS</b>	<b>3936</b>	<b>48394</b>	<b>32145</b>	<b>1470</b>	<b>1635</b>

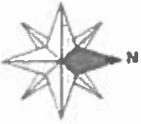
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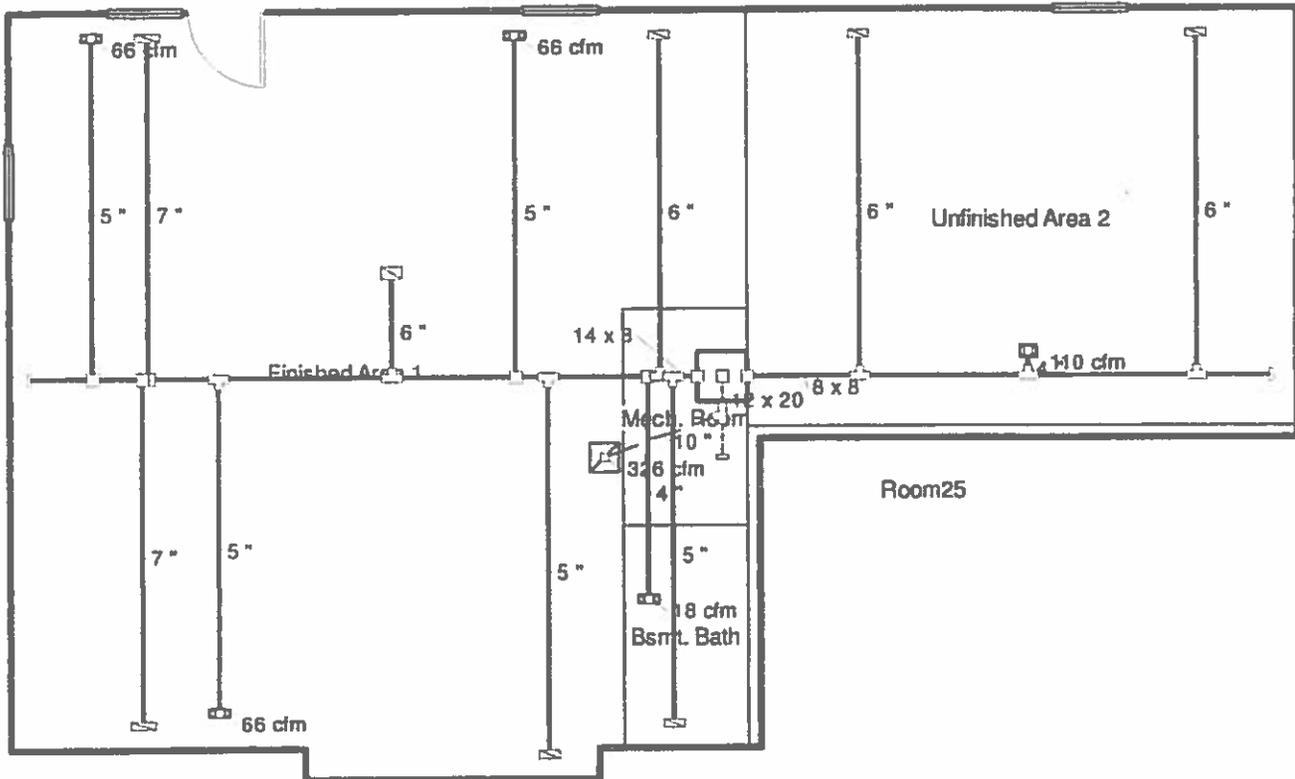
Bedroom #4		141	1096	1095	32	60
Master Bath		166	2006	806	58	44
Owner's Bedroom		435	5317	2758	154	152
Master WIC		83	1279	940	37	52
Hall/ Laundry		188	853	1108	25	61
Open To Below		156	0	0	0	0
Bedroom #2		141	2649	2123	77	117
Bed #2 WIC		28	379	98	11	5
Bed #4 WIC		33	444	140	13	8
Master WIC 2		33	54	41	2	2
Bsmt. Bath		45	638	83	18	5
Entire House	d	4154	42268	25605	1225	1410
Other equip loads			6388	1762		
Equip. @ 1.00 RSM				27367		
Latent cooling				6108		
<b>TOTALS</b>		<b>4154</b>	<b>48657</b>	<b>33476</b>	<b>1225</b>	<b>1410</b>



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



### Basement



**Job #: Oakdale II**  
**Performed by SMN for:**  
Dan Ryan Builders  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Phone: 301-696-0200

### Southern Maryland Heating & Air, Inc.

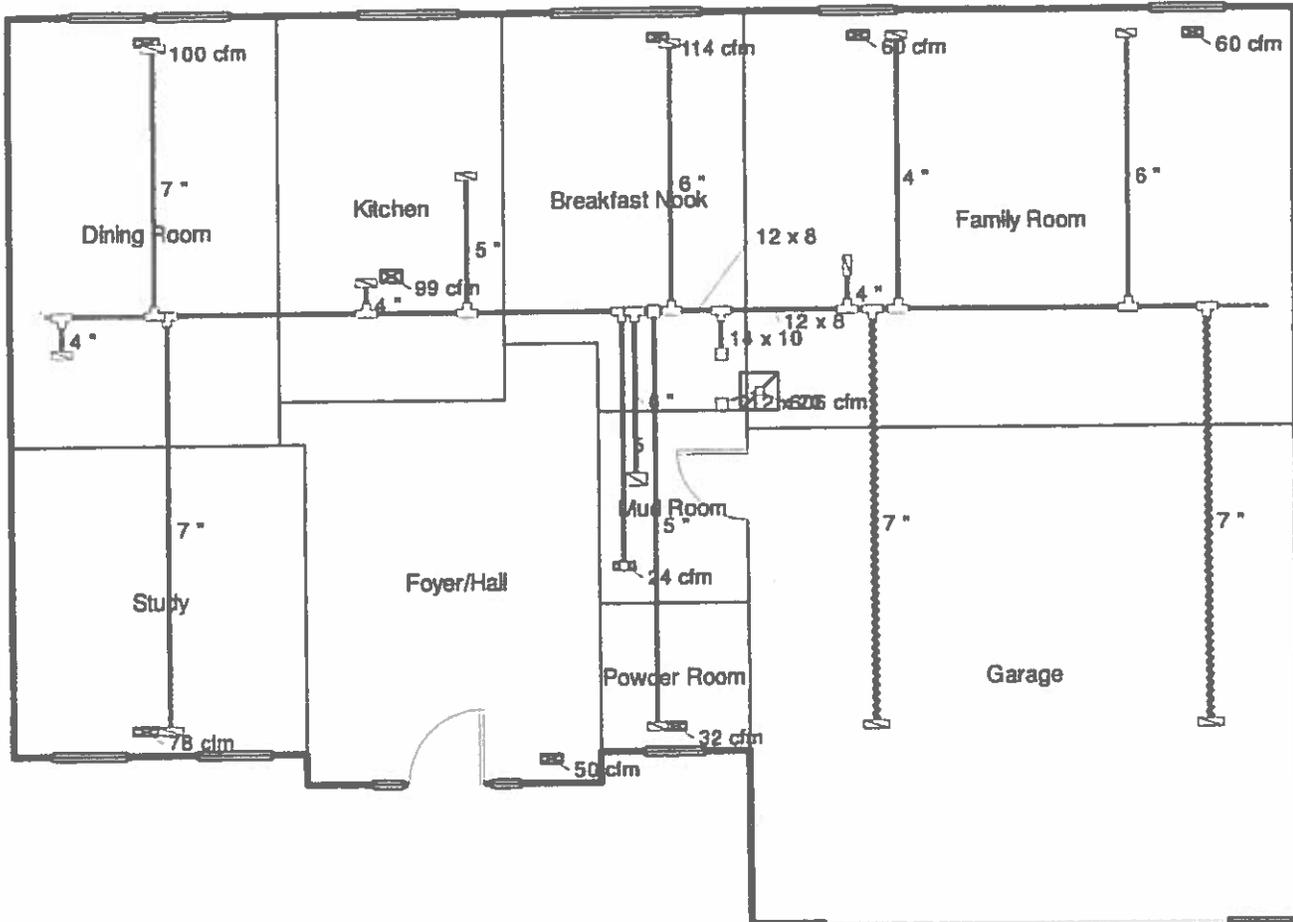
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### First Floor



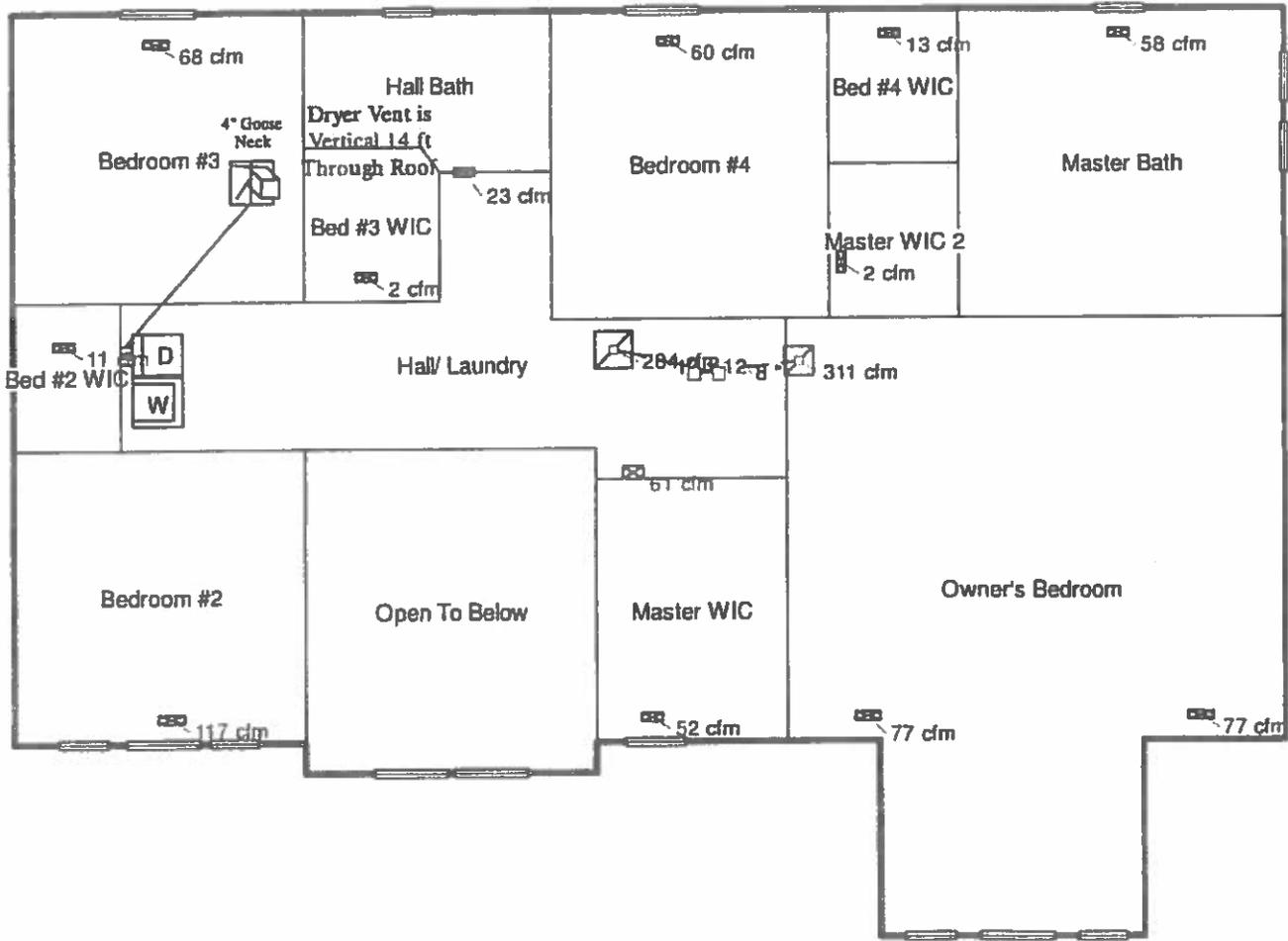
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### Second Floor



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County of Frederick  
 Winchester VA 22601  
 USBC: 2012

PERMIT NUMBER: 1196-2017

B1201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
 60 Thomas Johnson Drive  
 Frederick, MD 21702  
 Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RESULT
	2017/06/21	BLD	Backfill/Drain	Private Engineering Repo's	
	2017/06/21	BLD	Basement Slab	Private Engineering Repo's	
	2017/06/21	BLD	Footings	Private Engineering Repo's	
	2017/06/21	BLD	Garage Slab	Private Engineering Repo's	
	2017/06/21	BLD	Slab	Private Engineering Repo's	
	2017/06/21	BLD	Wall	Private Engineering Repo's	
	2017/06/28	SETBAC	setback survey/1	Private Engineering Repo's	
	2017/06/28	SETBAC	setback survey/1	Private Engineering Repo's	
				URBAN, LTD- THOMAS J STARK	
				FRONT 38.0'	
				BACK 33.8'	
				RIGHT 13.1'	
				LEFT 14.4'	
	2017/06/29	BLD	Footings	Private Engineering Repo's	
	2017/06/29	BLD	Wall	Private Engineering Repo's	
	2017/07/05	BLD	Backfill/Drain	Private Engineering Repo's	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger	
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger	
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger	
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger	
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger	
	2017/07/11	BLD	Basement Slab	Private Engineering Repo's	

\*\*\* C O M M E N T S \*\*\*

TRIAD ENG- UVER IN PLACE  
 TRIAD ENG  
 TRIAD ENG  
 GENE 6/30/17 974.9203  
 \*S  
 GENE 6/30/17 974.9203  
 \*P  
 bathroom rough in on crock  
 pass inspection with footing inspection  
 pass inspection with footing inspection  
 \*S  
 GENE 6/30/17 974.9203  
 \*P  
 OK TO PASS RECEIVED FOOTING INSPECTION  
 \*S  
 \*P  
 250psi poly 1" w/brass coupling and service pressure  
 10ft head good flow with trace wire  
 pass inspection with footing inspection  
 pass inspection with footing inspection  
 \*S  
 \*P  
 OK TO PASS RECEIVED FOOTING INSPECTION  
 TRIAD ENG

County of Frederick  
Winchester VA 22601  
USBC: 2012

PERMIT NUMBER: 1196-2017

BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	Comments
	2017/07/11	BLD	Garage Slab	Private Engineering Repo*P	TRIAD ENG	
	2017/08/01	BLD	Slab	Private Engineering Repo*P	TRIAD ENG	
	2017/08/02	BLD	Framing	Kim C. Dellinger	*S	
	2017/08/02	BLD	Framing	Kim C. Dellinger	*P	ATTILA 240.527.5334 7/31/17 need to change nails in all Joist hangers throughout the house need fire blocking in basement need to weld ahims in basement need to repair exterior wall studs where waste line ran through need brace on truss A? picked up truss details *R *F
	2017/08/02	MECH1	Gas Piping	Kim C. Dellinger		
	2017/08/02	MECH1	Gas Piping	Kim C. Dellinger		no gas piping(not ready) NO GAS PIPING(NOT READY) *Y
	2017/08/02	MECH1	Gas Piping	Kim C. Dellinger		no gas piping(not ready) NO GAS PIPING(NOT READY) *Y
	2017/08/02	MECH	MANUAL J	Private Engineering Repo*P		
	2017/08/02	MECH	MANUAL J	Private Engineering Repo*P		
	2017/08/02	ELECT	Rough Electric	Kim C. Dellinger	*R	
	2017/08/02	ELECT	Rough Electric	Kim C. Dellinger	*P	
	2017/08/02	MECH	Rough Mech.	Kim C. Dellinger	*R	
	2017/08/02	MECH	Rough Mech.	Kim C. Dellinger	*P	
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger	*R	
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger	*P	Picked up manual J *R *P
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger		need hanger on 2" vent before going through roof NEED HANGER ON 2" VENT BEFORE GOING THROUGH ROOF no test on sanitary piping NO TEST ON SANITARY PIPING need to change sanitary line in exterior wall NEED TO CHANGE SANITARY LINE IN EXTERIOR WALL *F
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger		need hanger on 2" vent before going through roof NEED HANGER ON 2" VENT BEFORE GOING THROUGH ROOF no test on sanitary piping NO TEST ON SANITARY PIPING need to change sanitary line in exterior wall NEED TO CHANGE SANITARY LINE IN EXTERIOR WALL

County of Frederick  
Winchester VA 22601  
WBEC: 2012

PERMIT NUMBER: 1196-2017

BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History Of Inspections				Comments
STS	DATE	Permit Type Inspection Type	Inspector	RESULT
2017/08/02		ELECT Service	Kim C. Dellinger	*S
2017/08/02		ELECT Service	Kim C. Dellinger	*P
2017/08/04		MECH1 Gas Piping	Kim C. Dellinger	200 amp underground
2017/08/04		BLD Insulation	Charles David Kibler	200 amp underground
2017/08/04		BLD Insulation	Charles David Kibler	*S
2017/08/04		BLD Reframe	Charles David Kibler	ATILLA 240.527.5134 7/31/17
2017/08/04		BLD Reframe	Charles David Kibler	insulation and air barrier missing behind tub do not hang wall board until insulation and rough electric passes
2017/08/04		PLUMB Rerough plumb	Charles David Kibler	Atilla 240.527.5134
2017/08/04		ELECT Rerough plumb	Charles David Kibler	*P
2017/08/04		ELECT Rerough Electric	Kim C. Dellinger	framing ok pending insulate inspection
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	Do not hang wall board until insulation inspection
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	*S
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	*P
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	bath fan not wired basement bath
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	*S
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	*S
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	*P
2017/08/04		MECH1 Rerough Electric	Charles David Kibler	10 psi for 15 mins
2017/08/07		BLD REFRAMING	Kirby B. Place	*S
2017/08/07		BLD REFRAMING	Kirby B. Place	*P
2017/08/07		BLD REINSULATION	Kirby B. Place	*S
2017/08/07		MECH1 Gas Fire-up	Kirby B. Place	MAVICK 8/4/17 301.302.6042
2017/09/19		MECH1 Gas Fire-up	Charles David Kibler	*P
2017/09/19		MECH1 Gas Fire-up	Charles David Kibler	*S
2017/09/19		MECH1 Gas Fire-up	Charles David Kibler	ATILLA 9/15/17 240.527.5134
2017/09/19		MECH1 Gas Fire-up	Charles David Kibler	furnace 88,000 btu
2017/09/19		MECH1 Gas Fire-up	Charles David Kibler	*S
2017/09/19		MECH1 Gas Fire-up	Charles David Kibler	*P
2017/09/20		MECH1 Gas Fire-up	Charles David Kibler	cook top only 50,200 btu
2017/09/22		SETBAC setback survey2	Private Engineering Repo	*S
2017/09/22		SETBAC setback survey2	Private Engineering Repo	*P

URBAN, LTD- THOMAS J STARK

County of Frederick  
 Winchester VA 22601  
 USBC: 2012

PERMIT NUMBER: 1196-2017

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
 60 Thomas Johnson Drive  
 Frederick, MD 21702  
 Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RESULT	Comments
					FRONT 37.9' BACK 33.9' RIGHT 12.7' LEFT 14.3'	
2017/09/22		BLD	Final Building	Charles David Kibler	ATILLA 240.527.5134 9/20/17	
2017/09/22		BLD	Final Building	Charles David Kibler	passed final	
2017/09/22		MECH1	Gas Fire-Up	Charles David Kibler	*R	
2017/09/22		MECH1	Gas Fire-Up	Charles David Kibler	*P	
2017/09/22		BLD	FW FINAL	Ben Whitlock	*S	no logs, water heater 75,100 btu
2017/09/22		ELECT	Rough Electric	Charles David Kibler	*S	
2017/09/22		ELECT	Rough Electric	Charles David Kibler	*S	
2017/10/02		BLD	FW FINAL	Ben Whitlock	*P	
2017/10/18		BLD	DECK FOOTING	Private Engineering Repo'S		
2017/10/24		BLD	DECK FOOTING	Private Engineering Repo'S		
2018/02/13		COMPLA	MISC-TM	Tom W. Marple	TRIAD ENG	
2018/02/13		COMPLA	MISC-TM	Tom W. Marple	OSCAR 434.260.2108 2/12/18	
2018/02/27		COMPLA	MISC-TM	Tom W. Marple	*F	furnace installed is 88000 BTU input, design load requires 110000 BTU input, draft hood of water heater needs to be secured, vent connector needs 1" clearance to combustibles (armaflex insulation)
2018/02/27		COMPLA	MISC-TM	Tom W. Marple	*S	
2018/02/27		COMPLA	MISC-TM	Tom W. Marple	*F	supply missing in closet upstairs bed room, air flow not to manual J
2018/03/08		COMPLA	MISC-KBP	Kirby B. Place	*S	
2018/03/08		COMPLA	MISC-KBP	Kirby B. Place	*P	
2018/03/08		COMPLA	MISC-TM	Tom W. Marple		1.need to repair 1 joist with cut bottom cord 2.need specs on 1 joists 3.still need to size furnace correctly 4.still need 1" clearance on b-vent 5.still need to secure draft hood on water heater 6.still need register added in bedroom #2 closet 7.need to address clearance issue for duct work between floors
2018/03/08		COMPLA	MISC-TM	Tom W. Marple	*S	
2018/03/08		COMPLA	MISC-TM	Tom W. Marple	*F	8.remove or protect paper on insulation at furnace room
						1.NEED TO REPAIR 1 JOIST WITH CUT BOTTOM CORD 2.NEED SPECS ON 1 JOISTS 3.STILL NEED TO SIZE FURNACE CORRECTLY 4.STILL NEED 1" CLEARANCE ON B-VENT 5.STILL NEED TO SECURE DRAFT HOOD ON WATER

County of Frederick  
Winchester VA 22601  
USBC: 2012

PERMIT NUMBER: 1196-2017

BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT
2018/03/13		COMPLA MISC-KBP		Kirby B. Place	<p>HEATER 6. STILL NEED REGISTER ADDED IN BEDROOM #2 CLOSET 7.NEED TO ADDRESS CLEARANCE ISSUE FOR DOCT WORK BETWEEN FLOORS</p> <p>8. REMOVE OR PROTECT PAPER ON INSULATION AT FURNACE ROOM</p>
2018/03/13		COMPLA MISC-KBP		Kirby B. Place	
2018/03/13		COMPLA MISC-VMP		Vernon W. Poff	<p>1. need to repair cracked tile at tub in master bath 2. need to correct nails out of subfloor in master bedroom and family room</p>
2018/03/13		COMPLA MISC-VMP		Vernon W. Poff	
2018/03/28		COMPLA MISC-KAP		Mark A. Fleet	<p>No new structural defects found, will need to remove or bend over nails/tacks in carpet strips.</p>
2018/03/28		COMPLA MISC-KAP		Mark A. Fleet	
2018/03/28		COMPLA MISC-TM		Tom W. Marple	<p>PER TMN W/ MAP (Scheduled 3/27/18 @ 10:10 am)</p>
2018/03/28		COMPLA MISC-TM		Tom W. Marple	
2018/05/08		COMPLA MISC-VMP		Vernon W. Poff	<p>MTG IN OFFICE WITH HOME OWNER, WAITING ON DOCUMENTS FROM HVAC CO. AND FLOOR TRUSS MANUFACTURER</p>
2018/05/08		COMPLA MISC-VMP		Vernon W. Poff	
2018/05/10		COMPLA MISC-TM		Tom W. Marple	<p>PER TMN W/ MAP (Scheduled 3/27/18 @ 10:10 am)</p>
2018/05/10		COMPLA MISC-TM		Tom W. Marple	
2018/06/25		COMPLA MISC-VMP		Vernon W. Poff	<p>mtg in office with home owner, waiting on documents from HVAC CO. and floor truss manufacturer</p>
2018/06/25		COMPLA MISC-VMP		Vernon W. Poff	
2018/10/17		COMPLA MISC-KBP		Kirby B. Place	<p>OSCAR 434.260.2108 5/7/18</p> <p>No insulation in floor of master bedroom at garage, also need to insulate behind access opening to garage ceiling.</p>
2018/10/17		COMPLA MISC-KBP		Kirby B. Place	
2018/10/17		COMPLA MISC-KAP		Mark A. Fleet	<p>OSCAR 434.260.2108</p> <p>no violations found 2"vent and discharge off mump correct, 4" on exhaust correct, heat ducts sized per cfm on manual J ok, other previous corrections not made</p>
2018/10/17		COMPLA MISC-KAP		Mark A. Fleet	

\* \* \* C o m m e n t s \* \*

County of Frederick  
Winchester VA 22601  
USBC: 2012

PERMIT NUMBER: 1196-2017

BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	Comments
	2018/10/17	COMPLA	MISC-MAF	Mark A. Fleet	*F	IN OFFICE MEETING W/TWM, KBP AND OSCAR
	2018/10/17	COMPLA	MISC-TWM	Tom W. Marple	*S	DISCUSS VIOLATION ISSUES WITH OWNER
	2018/10/17	COMPLA	MISC-TWM	Tom W. Marple	*F	IN OFFICE MEETING W/MAF, KBP AND OSCAR
	2018/10/30	COMPLA	MISC-KBP	Kirby B. Place	*S	mtg in office
	2018/10/30	COMPLA	MISC-KBP	Kirby B. Place	*X	WITH MAF
	2018/10/30	COMPLA	MISC-MAF	Mark A. Fleet	*S	WITH KBP
	2018/10/30	COMPLA	MISC-MAF	Mark A. Fleet	*X	WITH VWP
	2018/12/14	COMPLA	MISC-KBP	Kirby B. Place	*P	builder to insulate under front area of bedroom floor and call when complete, corrections have been made to B-vent clearance at furnace and to draft hood at water heater
	2018/12/14	COMPLA	MISC-VWP	Vernon W. Poff	*P	OSCAR 434.260.2108 INSULATION IN ATTIC
	2018/12/14	COMPLA	MISC-VWP	Vernon W. Poff	*S	Met with owner and representatives from contractor, went over insulation and repairs, verified R-19 in house wall at garage.
	2019/01/15	COMPLA	MISC-KBP	Kirby B. Place	*F	OSCAR 1/14/19 434.260.2108
	2019/01/15	COMPLA	MISC-KBP	Kirby B. Place	*F	register has been added in 2nd bedroom closet and flex duct has been covered with drywall, owner had pictures
	2019/01/15	COMPLA	MISC-VWP	Vernon W. Poff	*F	Met with homeowner, new duct run to bedroom 2 closet, cannot see attachment to existing ductwork, already covered.
	2019/02/07	COMPLA	MISC-MAF	Mark A. Fleet	*S	OSCAR 434.260.2108 2/5/19
	2019/02/07	COMPLA	MISC-MAF	Mark A. Fleet	*S	INSULATION
	2019/02/07	COMPLA	MISC-VWP	Vernon W. Poff	*P	Section of garage calling under living space insulated with blown in fibre-glass, 12" deep- R-30, R-19 is required
	2019/03/15	COMPLA	MISC-KBP	Kirby B. Place	*S	

County of Frederick  
 Winchester VA 22601  
 USBC: 2012

PERMIT NUMBER: 1196-2017

B1201XA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
 60 Thomas Johnson Drive  
 Frederick, MD 21702  
 Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RESULT
2019/03/15	2019/03/15	COMPLA	MISC-KBP	Kirby B. Place	OSCAR 434.260.2108 W/VWP & MAP *X *8
2019/03/15	2019/03/15	COMPLA	MISC-KBP	Kirby B. Place	OSCAR 434.260.2108 W/VWP & MAP *P *8
2019/03/15	2019/03/15	COMPLA	MISC-MAP	Mark A. Fleet	OSCAR 434.260.2108 WITH KBP & VWP *P *8
2019/03/15	2019/03/15	COMPLA	MISC-MAP	Mark A. Fleet	OSCAR 434.260.2108 WITH KBP & VWP *P *8
2019/03/15	2019/03/15	COMPLA	MISC-VWP	Vernon N. Poff	OSCAR 434.260.2108 WITH KBP & VWP *P *8
2019/03/15	2019/03/15	COMPLA	MISC-VWP	Vernon N. Poff	OSCAR 434.260.2108 WITH KBP & VWP *P *8
2019/04/02	2019/04/02	MECH	Misc.	Mark A. Fleet	net on site while air balance test was being conducted, testing agent adjusted registers throughout to try and achieve design flow rate
2019/04/02	2019/04/02	MECH	Misc.	Mark A. Fleet	Need air balance certified. Need to correct damaged/ over-notched floor joint.

AIR BALANCE REPORT RECEIVED SIGNED BY ENGINEER AS PER ITEM #2 OF VIOLATION NOTICE SENT TO DAN RYAN BUILDERS

Family room



Dinning Room

# Documents Submitted By Frederick County

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## COUNTY of FREDERICK

---

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

### CERTIFIED MAIL

May 8, 2019

Mr. Robert M. Rhodes  
1107 Cedar Creek Grade  
Winchester, VA 22602

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Mr. Rhodes:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m. We are asking that all Appeal Members meet at 1:30 p.m. for updating and general information prior to the meeting.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals

Attachments



## COUNTY of FREDERICK

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

### CERTIFIED MAIL

May 8, 2019

Mr. Whitney L. Wagner  
251 Tyler Drive  
Clearbrook, VA 22624

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Mr. Wagner:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m. We are asking that all Appeal Members meet at 1:30 p.m. for updating and general information prior to the meeting.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals

Attachments



## COUNTY of FREDERICK

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

### CERTIFIED MAIL

May 8, 2019

Mr. Richard A. Ruckman  
481 Stoneymeade Drive  
Winchester, VA 22602

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Mr. Ruckman:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m. We are asking that all Appeal Members meet at 1:30 p.m. for updating and general information prior to the meeting.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals

Attachments



## COUNTY of FREDERICK

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

### CERTIFIED MAIL

May 8, 2019

Ms. Kay M. Dawson  
203 Canyon Road  
Winchester, VA 22602

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Ms. Dawson:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m. We are asking that all Appeal Members meet at 1:30 p.m. for updating and general information prior to the meeting.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals

Attachments



## COUNTY of FREDERICK

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

### CERTIFIED MAIL

May 8, 2019

Mr. Kevin W. Kenney  
292 Thwaite Lane  
Winchester, VA 22603

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Mr. Kenney:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m. We are asking that all Appeal Members meet at 1:30 p.m. for updating and general information prior to the meeting.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals

Attachments



## COUNTY of FREDERICK

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

### CERTIFIED MAIL

May 8, 2019

Oscar Marroquin  
105 Reedville Court  
Stephens City, VA 22655

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Mr. Marroquin:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

A handwritten signature in cursive script that reads "Cora M. DeHaven".

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals



## COUNTY of FREDERICK

---

### Inspections Department

Mark A. Fleet, Building Official  
540-665-5650  
Fax 540-678-0682

May 10, 2019

Mark A Fleet  
5056 Main Street  
Stephens City, VA 22655

RE: Appeal Number 01-2019 for Oscar Marroquin

Dear Mr. Fleet:

This letter is to inform you that an appeal has been requested and a meeting scheduled with the Board of Appeals for Tuesday, May 28, 2019, at 2:00 p.m.

This meeting will be held in the Board of Supervisors' Meeting Room at 107 North Kent Street on the first floor.

This appeal pertains to the decision by the Building Code Official, as described in the appeals application

If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

Cora M. DeHaven  
Secretary for the Frederick County Board of Building Appeals

RECEIVED

MAY 01 2019

Frederick County  
Public Works & Inspections

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

### COUNTY OF FREDERICK Application for Appeal

I (we) Oscar / Olga Marroquin of 105 Reedville Court Stephens City, VA 22655  
Name Mailing Address

respectfully request that the Local Board of Appeals review the decision made on April 3, 2019  
by the code official.

Description of Decision Being Appealed:

Approval of Air Balance Test by Mach. Elect. See attached  
email dated 4/7/19 from Ed Williams to Christopher Dore and  
attachments

Location of Property Involved: 105 Reedville Court, Stephens City, VA

What is the applicant's interest in the property?

- owner
- contractor
- owner's agent
- other (explain) \_\_\_\_\_

Relief Sought:

Waive acceptance and approval of Air Balance Test; require  
re-submission of corrected manual; require installation of  
adequately sized furnace / AC unit as required by §1401.3 of Virginia  
VA Residential Building Code

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

  
Signature of Applicant

Filed at \_\_\_\_\_, Virginia, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*JK* - was handed all  
pages - 5/1/19

Rod Williams <[rwillia@fcva.us](mailto:rwillia@fcva.us)>

4/17/2019 5:00 PM

RE: Oscar Marroquin - 105 Reedville Court, Stephens City, VA -  
Frederick County tax parcel number 75P-1-3-195

To Christopher Dove <[chris@christopherdovelawfirm.com](mailto:chris@christopherdovelawfirm.com)>

Dear Mr. Dove,

Attached please find the documents reflecting and/or constituting the building official's decision in this matter. Please note that we will stipulate for purposes of any appeal in this matter that these documents constitute the decision.

You also asked about contacting the building official directly. At this time, my request is that you please correspond through my office. Thank you.

Sincerely yours,  
Roderick B. Williams  
County Attorney  
Frederick County, Virginia  
107 North Kent Street  
Winchester, VA 22601  
540-722-8383  
[rwillia@fcva.us](mailto:rwillia@fcva.us)

From: Christopher Dove <[chris@christopherdovelawfirm.com](mailto:chris@christopherdovelawfirm.com)>

Sent: Tuesday, April 16, 2019 12:17 PM

To: Rod Williams <[rwillia@fcva.us](mailto:rwillia@fcva.us)>

Cc: Oscar Marroquin <[marroquin4@gmail.com](mailto:marroquin4@gmail.com)>

Subject: Re: Oscar Marroquin - 105 Reedville Court, Stephens City, VA - Frederick County tax parcel number 75P-1-3-195

Mr. Williams:

I am in the process of putting together the appeal in this matter.

Section 119.5 (Rights of Appeal; Filing of Appeal Application) states that "A copy of the building official's decision shall be submitted along with the application for appeal....." My client was never given a copy of the decision. Could you ask Mr. Fleet to forward the same on to me so that I can attach it to the application for appeal? Also, it would be appreciated if you could let me know if I could communicate directly with Mr. Fleet about this matter, or if I should go through your office.

Thank you.

On April 15, 2019 at 8:21 AM, Rod Williams <[rwillia@fcva.us](mailto:rwillia@fcva.us)> wrote:

Dear Mr. Dove:

I understand that your client, Mr. Marroquin, has been in contact with Frederick County staff regarding a Virginia Uniform Statewide Building Code (VUSBC) matter in connection with the above-referenced property. I am informed that, on April 3, County Building Official Mark Fleet notified Mr. Marroquin that he (Mr. Fleet) was accepting an air balance test, conducted by a qualified third party professional pursuant to VUSBC Part I,

Section 113.7, as satisfactory resolution of the HVAC portion of a notice of violation issued to Dan Ryan Homes. Accordingly, there is no further action for Mr. Fleet, as building official, to take with respect to that portion of the notice of violation.

If your client wishes to appeal to the Local Board of Building Code Appeals, pursuant to VUSBC Part I, Section 119.5, he may seek to do so by completing and filing with the County's Department of Building Inspections the application form for doing so, within the time provided for in such section. I further understand that your client has requested the assistance of County staff with respect to filing that application. County staff is, of course, not authorized to provide legal advice on such matters and, accordingly, I am instructing County staff not to communicate further with Mr. Marroquin with respect to completion of the application.

Thank you for your attention to this matter.

Sincerely yours,

Roderick B. Williams

County Attorney

Frederick County, Virginia

107 North Kent Street

Winchester, VA 22601

540-722-8383

[rwillia@fcva.us](mailto:rwillia@fcva.us)

Christopher M. Dove  
The Law Offices of Christopher  
M. Dove, PLLC  
20 W. Market Street  
Leesburg, VA 20176  
(571) 291-2200  
(571) 291-2201 (fax)  
[www.christopherdovelawfirm.com](http://www.christopherdovelawfirm.com)

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- 1196-2017 Complaint resolution.pdf (760 KB)

County of Frederick  
Winchester VA 22601  
USBC: 2012

PERMIT NUMBER: 1196-2017

BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	ASLT	Comments
	2017/06/21	BLD	Backfill/Drain	Private Engineering Repo's	URBAN, LTD- THOMAS J STARK	
	2017/06/21	BLD	Basement Slab	Private Engineering Repo's	FRONT 38.0'	
	2017/06/21	BLD	Footings	Private Engineering Repo's	BACK 33.8'	
	2017/06/21	BLD	Garage Slab	Private Engineering Repo's	RIGHT 13.1'	
	2017/06/21	BLD	Slab	Private Engineering Repo's	LEFT 14.4'	
	2017/06/21	BLD	Wall	Private Engineering Repo's		
	2017/06/28	SETRAC	setback survey1	Private Engineering Repo's		
	2017/06/28	SETRAC	setback survey1	Private Engineering Repo's		
	2017/06/29	BLD	Footings	Private Engineering Repo's		
	2017/06/29	BLD	Wall	Private Engineering Repo's	TRIAD ENG- UFER IN PLACE	
	2017/07/05	BLD	Backfill/Drain	Private Engineering Repo's	TRIAD ENG	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger	TRIAD ENG	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger	GENE 6/30/17 974.9203	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger	GENE 6/30/17 974.9203	
	2017/07/05	PLUMB	Groundworks	Kim C. Dellinger		bathroom rough in on crock
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		pass inspection with footing inspection
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		pass inspection with footing inspection
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		*S
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		*P
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		OK TO PASS RECEIVED FOOTING INSPECTION
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		*S
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		*P
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		250psi poly 1" x/brass coupling and service pressure
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		10ft head good flow with trace wire
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		pass inspection with footing inspection
	2017/07/05	PLUMB	Water & Sewer	Kim C. Dellinger		pass inspection with footing inspection
	2017/07/11	BLD	Basement Slab	Private Engineering Repo's		OK TO PASS RECEIVED FOOTING INSPECTION
						TRIAD ENG

County of Frederick  
Winchester VA 22601  
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BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	Result
					* * C o m m e n t s * *
	2017/07/11	BLD	Garage Slab	Private Engineering Repo*P	TRIAD ENG
	2017/08/01	BLD	Slab	Private Engineering Repo*P	TRIAD ENG
	2017/08/02	BLD	Framing	Kim C. Dellinger	*S
	2017/08/02	BLD	Framing	Kim C. Dellinger	*F ARTILA 240.527.5134 7/31/17 need to change nails in all Joist hangers throughout the house need fire blocking in basement need to weld shims in basement need to repair exterior wall studs where waste line ran through need brace on truss A7 Picked up truss details *R *F
	2017/08/02	MECH1	Gas Piping	Kim C. Dellinger	no gas piping(not ready) *F
	2017/08/02	MECH1	Gas Piping	Kim C. Dellinger	NO GAS PIPING(NOT READY) *F
	2017/08/02	MECH1	Gas Piping	Kim C. Dellinger	no gas piping(not ready) *F
	2017/08/02	MECH	MANUAL J	Private Engineering Repo*S	NO GAS PIPING(NOT READY) *F
	2017/08/02	MECH	MANUAL J	Private Engineering Repo*S	NO GAS PIPING(NOT READY) *F
	2017/08/02	ELECT	Rough Electric	Kim C. Dellinger	*R
	2017/08/02	ELECT	Rough Electric	Kim C. Dellinger	*P
	2017/08/02	MECH	Rough Mech.	Kim C. Dellinger	*R
	2017/08/02	MECH	Rough Mech.	Kim C. Dellinger	*P
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger	Picked up manual J *R
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger	*F need hanger on 2" vent before going through roof NEED HANGER ON 2" VENT BEFORE GOING THROUGH ROOF no test on sanitary piping NO TEST ON SANITARY PIPING need to change sanitary line in exterior wall *F need hanger on 2" vent before going through roof NEED HANGER ON 2" VENT BEFORE GOING THROUGH ROOF no test on sanitary piping NO TEST ON SANITARY PIPING need to change sanitary line in exterior wall NEED TO CHANGE SANITARY LINE IN EXTERIOR WALL
	2017/08/02	PLUMB	Rough Plumbing	Kim C. Dellinger	need hanger on 2" vent before going through roof NEED HANGER ON 2" VENT BEFORE GOING THROUGH ROOF no test on sanitary piping NO TEST ON SANITARY PIPING need to change sanitary line in exterior wall NEED TO CHANGE SANITARY LINE IN EXTERIOR WALL

County of Frederick  
 Winchester VA 22601  
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BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
 60 Thomas Johnson Drive  
 Frederick, MD 21702  
 Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	Comments
2017/08/02		ELECT	Service	Kim C. Dellinger	*S	
2017/08/02		ELECT	Service	Kim C. Dellinger	*P	
2017/08/04		MECH1	Gas Piping	Kim C. Dellinger	200 amp underground	CUTIN# 35820
2017/08/04		BLD	Insulation	Charles David Kibler	200 amp underground	
2017/08/04		BLD	Insulation	Charles David Kibler	*F	ATILLA 240.527.5134 7/31/17
2017/08/04		BLD	Reframe	Charles David Kibler	*S	insulation and air barrier missing behind tub
2017/08/04		BLD	Reframe	Charles David Kibler	*F	do not hang wall board until insulation and rough electric passes
2017/08/04		BLD	Reframe	Charles David Kibler	*F	Atilla 240.527.5134
2017/08/04		PLUMB	Rerough plumb	Charles David Kibler	*S	framing ok pending insulate inspection
2017/08/04		PLUMB	Rerough Plumb	Charles David Kibler	*P	Do not hang wall board until insulation inspection
2017/08/04		ELECT	Rough Electric	Kim C. Dellinger	*S	
2017/08/04		ELECT	Rough Electric	Charles David Kibler	*P	
2017/08/04		MECH	Rough Mech.	Kim C. Dellinger	*S	bath fan not wired basement bath
2017/08/04		PLUMB	Rough Plumbing	Kim C. Dellinger	*S	
2017/08/04		MECH1	REGAS PIPING	Charles David Kibler	*S	
2017/08/04		MECH1	REGAS PIPING	Charles David Kibler	*P	
2017/08/07		BLD	REFRAMING	Kirby B. Place	10 psi for 15 mins	
2017/08/07		BLD	REFRAMING	Kirby B. Place	*S	
2017/08/07		BLD	REINSULATION	Kirby B. Place	*P	
2017/08/07		BLD	REINSULATION	Kirby B. Place	*S	
2017/08/07		MECH	Gas Fire-up	Charles David Kibler	*P	MARVICK 8/4/17 301.302.6042
2017/09/19		MECH	Gas Fire-up	Charles David Kibler	*S	
2017/09/19		MECH1	Gas Fire-Up	Charles David Kibler	*P	ATILLA 9/15/17 240.527.5134
2017/09/19		MECH1	Gas Fire-Up	Charles David Kibler	*S	furnace 88,000 btu
2017/09/19		MECH1	Gas Fire-Up	Charles David Kibler	*F	
2017/09/20		MECH1	Gas Fire-Up	Charles David Kibler	*S	cook top only 50,200 btu
2017/09/22		SETBAC	setback survey2	Private Engineering Repo	*S	
2017/09/22		SETBAC	setback survey2	Private Engineering Repo	*P	

URBAN, LTD- THOMAS J STARK

County of Frederick  
 Winchester VA 22601  
 USBC: 2012

PERMIT NUMBER: 1196-2017

BI201RA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
 60 Thomas Johnson Drive  
 Frederick, MD 21702  
 Washington Division

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RESULT	Comments
					FRONT 37.9'	
					BACK 33.9'	
					RIGHT 12.7'	
					LEFT 14.3'	
2017/09/22		BLD	Final Building	Charles David Kibler	*S	
2017/09/22		BLD	Final Building	Charles David Kibler	*P	ATTILA 240.527.5134 9/20/17
2017/09/22		MECH1	Gas Fire-Up	Charles David Kibler	*R	passed final
2017/09/22		MECH1	Gas Fire-Up	Charles David Kibler	*P	
2017/09/22		BLD	PW FINAL	Ben Whitlock	*S	no logs, water heater 75,100 btu
2017/09/22		ELECT	Rough Electric	Charles David Kibler	*S	
2017/09/22		ELECT	Rough Electric	Charles David Kibler	*S	
2017/10/02		BLD	PW FINAL	Ben Whitlock	*P	
2017/10/18		BLD	DECK FOOTING	Private Engineering Repo*S	*P	
2017/10/24		BLD	DECK FOOTING	Private Engineering Repo*S	*P	
2018/02/13		COMPLA	MISC-TWM	Tom W. Marple	*S	TRIAD ENG
2018/02/13		COMPLA	MISC-TWM	Tom W. Marple	*F	OSCAR 434.260.2108 2/12/18
2018/02/27		COMPLA	MISC-TWM	Tom W. Marple	*S	furnace installed is 8000 BTU input, design load requires
2018/02/27		COMPLA	MISC-TWM	Tom W. Marple	*F	11000 BTU input, draft hood of water heater needs to be
2018/03/08		COMPLA	MISC-KBP	Kirby B. Place	*S	secured, vent connector needs 1" clearance to
2018/03/08		COMPLA	MISC-KBP	Kirby B. Place	*F	combustibles[armaflex insulation]
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*S	supply missing in closet upstairs bed room, air flow not to
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*F	manual J
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*S	1..need to repair I joist with cut bottom cord 2.need specs on I
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*F	joists 3.still need to size furnace correctly 4.still need 1"
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*S	clearance on b-vent 5.still need to secure draft hood on water
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*F	heater 6.still need register added in bedroom #2 closet 7.need
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*S	to address clearance issue for duct work between floors
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*F	8.remove or protect paper on insulation at furnace room
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*S	1.NEED TO REPAIR I JOIST WITH CUT BOTTOM CORD 2.NEED SPECS ON I
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*F	JOISTS 3.STILL NEED TO SIZE FURNACE CORRECTLY 4.STILL NEED 1"
2018/03/08		COMPLA	MISC-TWM	Tom W. Marple	*S	CLEARANCE ON B-VENT 5.STILL NEED TO SECURE DRAFT HOOD ON WATER

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CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

Building Inspection History of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT
2018/03/13	2018/03/13	COMPLA MISC-KBP	COMPLA MISC-KBP	Kirby B. Place	HEATER 6. STILL NEED REGISTER ADDED IN BEDROOM #2 CLOSET 7. NEED TO ADDRESS CLEARANCE ISSUE FOR DUCT WORK BETWEEN FLOORS 8. REMOVE OR PROTECT PAPER ON INSULATION AT FURNACE ROOM *S *F
2018/03/13	2018/03/13	COMPLA MISC-VMP	COMPLA MISC-VMP	Vernon W. Poff Vernon W. Poff	
2018/03/28	2018/03/28	COMPLA MISC-MAP	COMPLA MISC-MAP	Mark A. Fleet	1. need to repair cracked tile at tub in master bath 2. need to correct nails out of subfloor in master bedroom and family room *S *P No new structural defects found, will need to remove or bend over nails/tacks in carpet strips. Per TWM w/ MAF (Scheduled 3/27/18 @ 10:10 am) *F MTG IN OFFICE WITH HOME OWNER, WAITING ON DOCUMENTS FROM HVAC CO. AND FLOOR TRUSS MANUFACTURER *S *F Per TWM w/ MAF (Scheduled 3/27/18 @ 10:10 am) *F mtg in office with home owner, waiting on documents from HVAC co. and floor truss manufacturer OSCAR 434.260.2108 5/7/18 *S *F No insulation in floor of master bedroom at garage, also need to insulate behind access opening to garage ceiling. OSCAR 434.260.2108 *F no violations found 2" vent and discharge off sump correct, 4" on exhaust correct, heat ducts sized per cfm on manual J ok, other previous corrections not made *S OSCAR 434.260.2108 INSULATION IN ATTIC *P Insulation in attic is 13" thick for R-38, no new corrections found. *S IN OFFICE MEETING W/MAF, TWM AND OSCAR *F MEETING WITH OWNERS AND SCOTT HARPER (CONTRACTOR, HVAC) *S
2018/03/28	2018/03/28	COMPLA MISC-MAP	COMPLA MISC-MAP	Mark A. Fleet	
2018/03/28	2018/03/28	COMPLA MISC-TWM	COMPLA MISC-TWM	Tom W. Marple	
2018/03/28	2018/03/28	COMPLA MISC-TWM	COMPLA MISC-TWM	Tom W. Marple	
2018/05/08	2018/05/08	COMPLA MISC-VMP	COMPLA MISC-VMP	Vernon W. Poff	
2018/05/08	2018/05/08	COMPLA MISC-VMP	COMPLA MISC-VMP	Vernon W. Poff	
2018/05/10	2018/05/10	COMPLA MISC-TWM	COMPLA MISC-TWM	Tom W. Marple	
2018/05/10	2018/05/10	COMPLA MISC-TWM	COMPLA MISC-TWM	Tom W. Marple	
2018/06/25	2018/06/25	COMPLA MISC-VMP	COMPLA MISC-VMP	Vernon W. Poff	
2018/06/25	2018/06/25	COMPLA MISC-VMP	COMPLA MISC-VMP	Vernon W. Poff	
2018/10/17	2018/10/17	COMPLA MISC-KBP	COMPLA MISC-KBP	Kirby B. Place	
2018/10/17	2018/10/17	COMPLA MISC-KBP	COMPLA MISC-KBP	Kirby B. Place	
2018/10/17	2018/10/17	COMPLA MISC-MAP	COMPLA MISC-MAP	Mark A. Fleet	

County of Frederick  
Winchester VA 22601  
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BI201KA

LOCATION: 105 Reedville Court

CONTRACTOR NAME/ADDR: Dan Ryan Builders Inc.  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Washington Division

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	Comments
						Building Inspection History Of Inspections
						***Comments***
2018/10/17		COMPLA	MISC-MAF	Mark A. Fleet	*F	IN OFFICE MEETING W/TWM, KBP AND OSCAR
2018/10/17		COMPLA	MISC-TWM	Tom W. Marple	*S	DISCUSS VIOLATION ISSUES WITH OWNER
2018/10/17		COMPLA	MISC-TWM	Tom W. Marple	*F	IN OFFICE MEETING W/MAF, KBP AND OSCAR
2018/10/30		COMPLA	MISC-KBP	Kirby B. Place	*S	mtg in office
2018/10/30		COMPLA	MISC-KBP	Kirby B. Place	*X	WITH MAF
2018/10/30		COMPLA	MISC-MAF	Mark A. Fleet	*S	WITH KBP
2018/10/30		COMPLA	MISC-MAF	Mark A. Fleet	*X	WITH KBP
2018/12/14		COMPLA	MISC-KBP	Kirby B. Place	*S	WITH VWP
2018/12/14		COMPLA	MISC-KBP	Kirby B. Place	*F	builder to insulate under front area of bedroom floor and call when complete, corrections have been made to B-vent clearance at furnace and to draft hood at water heater
2018/12/14		COMPLA	MISC-VWP	Vernon W. Poff	*F	OSCAR 434.260.2108 INSULATION IN ATTIC
2018/12/14		COMPLA	MISC-VWP	Vernon W. Poff	*S	Met with owner and representatives from contractor, went over insulation and repairs, verified R-19 in house wall at garage.
2019/01/15		COMPLA	MISC-KBP	Kirby B. Place	*F	OSCAR 1/14/19 434.260.2108
2019/01/15		COMPLA	MISC-KBP	Kirby B. Place	*S	register has been added in 2nd bedroom closet and flex duct has been covered with drywall, owner had pictures
2019/01/15		COMPLA	MISC-VWP	Vernon W. Poff	*F	Met with homeowner, new duct run to bedroom 2 closet, cannot see attachment to existing ductwork, already covered.
2019/01/15		COMPLA	MISC-VWP	Vernon W. Poff	*S	OSCAR 434.260.2108 2/5/19
2019/02/07		COMPLA	MISC-MAF	Mark A. Fleet	*X	INSULATION
2019/02/07		COMPLA	MISC-MAF	Mark A. Fleet	*S	INSULATION
2019/02/07		COMPLA	MISC-VWP	Vernon W. Poff	*P	INSULATION
2019/03/15		COMPLA	MISC-KBP	Kirby B. Place	*S	Section of garage ceiling under living space insulated with blown in fibre-glass, 12" deep- R-30, R-19 is required

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Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	** C o m m e n t s **
2019/03/15		COMPLA	MISC-KBP	Kirby B. Place	OSCAR 434.260.2108	W/VWP & MAF
2019/03/15		COMPLA	MISC-KBP	Kirby B. Place	OSCAR 434.260.2108	W/VWP & MAF
2019/03/15		COMPLA	MISC-KBP	Kirby B. Place	OSCAR 434.260.2108	W/VWP & MAF
2019/03/15		COMPLA	MISC-MAF	Mark A. Fleet	OSCAR 434.260.2108	WITH KBP & VWP
2019/03/15		COMPLA	MISC-MAF	Mark A. Fleet	OSCAR 434.260.2108	WITH KBP & VWP
2019/03/15		COMPLA	MISC-VWP	Vernon W. Poff	OSCAR 434.260.2108	WITH KBP & VWP
2019/03/15		COMPLA	MISC-VWP	Vernon W. Poff	OSCAR 434.260.2108	WITH KBP & VWP
2019/04/02		MECH	Misc.	Mark A. Fleet	OSCAR 434.260.2108	WITH KBP & VWP
2019/04/02		MECH	Misc.	Mark A. Fleet	OSCAR 434.260.2108	WITH KBP & VWP

met on site while air balance test was being conducted, testing agent adjusted registers throughout to try and achieve design flow rate

Need air balance certified.  
 Need to correct damaged/ over-notched floor joist.

AIR BALANCE REPORT RECEIVED SIGNED BY ENGINEER AS PER ITEM #2 OF VIOLATION NOTICE SENT TO DAN RYAN BUILDERS

## Mark Fleet

---

**From:** Mark Fleet  
**Sent:** Monday, April 8, 2019 3:25 PM  
**To:** 'oscar marroquin'  
**Subject:** RE: HVAC ISSUES

Oscar,

Over the past week I have been giving your request much thought. I will leave an application for appeal at the front desk for you.

Respectfully,

Mark A. Fleet  
Building Code Official  
Frederick County, Va.  
107 N. Kent St.  
Winchester, Va. 22601  
(540)665-5650

**From:** oscar marroquin <marroquin4@gmail.com>  
**Sent:** Wednesday, April 3, 2019 10:30 AM  
**To:** Mark Fleet <mfleet@fcva.us>  
**Subject:** Re: HVAC ISSUES

Mark, is there a existing possibility that you can recheck your decision from the HVAC issues or is there any way I can appeal your decision? by filling out a form at the front office. Scott Harper and Josh Catlett Mechanical Engineer states that the equipment and duct is undersized as well you've been telling me in multiple meetings that they have to fix the problem so I'm surprised that you approved the air balance test report that's been performed incorrectly, shutting off registers, and closing dampers for the main level.

Thank You for your help.

On Wed, Apr 3, 2019 at 8:18 AM Mark Fleet <mfleet@fcva.us> wrote:

Mr. Marroquin,

I have given you a copy of the duct work design that was sent to me by Dan Ryan. Nothing in the residential code requires it to be designed by a RDP nor was it required by my violation notice. I required that the air balance report be reviewed and seal by the RDP which I have also sent you. The copy of the manual J which was included in the email was not sealed but we both already have copies of the Manual J that is sealed. Upon receipt of the air balance report all the violations in the violation notice have been satisfied with the exception of the repair of the floor joist which now falls on you to allow the contractor to repair.

Respectfully,

**Mark A. Fleet**

**Building Code Official**

**Frederick County, Va.**

**107 N. Kent St.**

**Winchester, Va. 22601**

**(540)665-5650**

**From:** oscar marroquin <marroquin4@gmail.com>

**Sent:** Tuesday, April 2, 2019 9:02 PM

**To:** Mark Fleet <mfleet@fcva.us>

**Subject:** HVAC ISSUES

**Mr. Fleet I receive some documents today and I don't see the RDP DESIGN (see attached file) as well I would like to know your thoughts regarding the documents you sent me today.**

Thank You,

**Oscar Marroquin**

## Mark Fleet

---

**From:** Mark Fleet  
**Sent:** Tuesday, April 2, 2019 9:53 AM  
**To:** 'oscar marroquin'  
**Subject:** FW: Manual S Old Dominion Green Lot 195  
**Attachments:** NCES Results ODG Lot 195.pdf

**From:** Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>  
**Sent:** Monday, April 1, 2019 10:09 AM  
**To:** Mark Fleet <[mfleet@fcva.us](mailto:mfleet@fcva.us)>  
**Subject:** FW: Manual S Old Dominion Green Lot 195

Mr. Fleet,

The stamped, certified Manual S is attached as requested. Please let me know if you need anything else.

Thank you.



**Donald B. Brown | Director of Production**

[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)

Phone 240-420-6046 ext. 2005 | Cell 301-760-8053

[www.DanRyanBuilders.com](http://www.DanRyanBuilders.com)

10212 Governor Lane Blvd. Williamsport, MD 21795 Suite 1006

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

**From:** John Kenyon <[jkenyon@somdha.com](mailto:jkenyon@somdha.com)>  
**Sent:** Monday, April 1, 2019 9:47 AM  
**To:** Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>  
**Cc:** David Ernst <[dernst@somdha.com](mailto:dernst@somdha.com)>  
**Subject:** RE: Manual S Old Dominion Green Lot 195

Don,

Attached you will find the stamped certification for Old Dominion Green Lot 195 sorry for the delay I have to work on their terms and I will work on getting you an original to your office as the scanned copy's stamp is not very legible.

Thanks

John Kenyon

Southern Maryland Heating & Air, INC.

7689 Limestone Drive Suite #135

Gainesville, VA 20155

Office 571-261-2632

Fax 571-261-2635

[jkenyon@somdha.com](mailto:jkenyon@somdha.com)

**From:** Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>  
**Sent:** Thursday, March 28, 2019 4:07 PM  
**To:** John Kenyon <[jkenyon@somdha.com](mailto:jkenyon@somdha.com)>  
**Subject:** RE: Manual S

Any work, was supposed to have a few days ago.



**Donald B. Brown | Director of Production**

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10212 Governor Lane Blvd. Williamsport, MD 21795 Suite 1006

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**From:** John Kenyon <[jkenyon@somdha.com](mailto:jkenyon@somdha.com)>  
**Sent:** Friday, March 22, 2019 8:35 AM  
**To:** Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>  
**Subject:** RE: Manual S

Don,  
I just spoke with the engineer he has everything and I was told we will have on Tuesday of next week.

Thanks  
John Kenyon  
Southern Maryland Heating & Air, INC.  
7689 Limestone Drive Suite #135  
Gainesville, VA 20155  
Office 571-261-2632  
Fax 571-261-2635  
[jkenyon@somdha.com](mailto:jkenyon@somdha.com)

**From:** Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>  
**Sent:** Wednesday, March 20, 2019 12:50 PM  
**To:** John Kenyon <[jkenyon@somdha.com](mailto:jkenyon@somdha.com)>  
**Subject:** Re: Manual S

Will we have it this week?

Sent from my iPhone

On Mar 20, 2019, at 12:39 PM, John Kenyon <[jkenyon@somdha.com](mailto:jkenyon@somdha.com)> wrote:

I understand I'm waiting for it to be approved from the engineer once I have I will forward to you.

Sent from my Sprint Samsung Galaxy S9.

----- Original message -----

From: Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>

Date: 3/20/19 12:22 PM (GMT-05:00)

To: John Kenyon <[jkenyon@somdha.com](mailto:jkenyon@somdha.com)>, Willie Haynes <[whaynes@somdha.com](mailto:whaynes@somdha.com)>

Subject: FW: Manual S

John,

I need this for the house that was air balance tested as well, the county is requesting it per below.

<image001.jpg>

**Donald B. Brown | Director of Production**

[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)

Phone 240-420-6046 ext. 2005 | Cell 301-760-8053

[www.DanRyanBuilders.com](http://www.DanRyanBuilders.com)

10212 Governor Lane Blvd. Williamsport, MD 21795 Suite 1006

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Mark Fleet <[mfleet@fcva.us](mailto:mfleet@fcva.us)>

Sent: Wednesday, March 20, 2019 12:05 PM

To: Don Brown <[dbrown@danryanbuilders.com](mailto:dbrown@danryanbuilders.com)>

Cc: oscar marroquin <[marroquin4@gmail.com](mailto:marroquin4@gmail.com)>

Subject: Manual S

Don,

As per Section 1103.6 Equipment and appliance sizing of the 2012 Virginia Residential Code, I need for you to provide a copy of the ACCA Manual S for the home built at 105 Reedville Court, Stephens City, Va.

Respectfully,

Mark A. Fleet  
Building Code Official  
Frederick County, Va.  
107 N. Kent St.  
Winchester, Va. 22601  
(540)665-5650

# HVAC SYSTEM PARAMETERS

## FAN MAKEUP DATA

MANUFACTURER	LENNOX
MODEL	90J00-005-06
TYPE	GAS PURCHASE
SIZE	90J00 6TU
SERIAL NUMBER	1717012047

## CONDENSING UNIT DATA

MANUFACTURER	LENNOX
MODEL	14K03B042-130
TONNAGE	3.0
SERIAL NUMBER	1917864022

## FAN PULLEY DATA

DIAMETER	DIRECT
TEMP@ OD TEMP @D TEMP T1	

SYSTEM	DESIGN	ACTUAL
SUPPLY AIR CFM	1410	1498
RETURN AIR CFM	1410	1498
FAN RPM		
STATIC PRESSURE @	0.49	0.49
STATIC PRESSURE @	0.20	0.20
Total Static Pressure	0.69	0.69
Filter Pressure Drop	0.20	0.20
MOTOR		
AMPS		
VOLTS		
HORSEPOWER		
RPM		

- NOTES: 1. Goal is temperature uniformity, each room was within .4F of the thermostat setting, and no hrs rooms varied beyond .8F.  
 2. Primary rooms with perimeter walls (under door etc) to be balanced within 10% of design airflow.  
 3. Secondary rooms such as walk in closets, mud rooms and the like shall be balanced to within 20 to 25 cfm of design airflow.  
 4. The air supply registers as per residential code include room occupant levers and they can be adjusted easily by non HVAC trade persons. Accordingly, it is unlikely that the balance positions set during the test will remain, so occupants often adjust these air flow volume levers.

DATE	3/16/19
PROJECT	OLD DOMINION LOT 106 106 Rockville Ct Stephens City VA
SYSTEM	SPLIT
REASONED BY	WILLIAM WILDS CERT#11-129-08

Room	Supply	Return	Temp	Humidity
BASEMENT	180	196	186	110%
UNFINISHED	54	90	63	95%
DINING	100	82	100	108%
STUDY	76	70	77	99%
FOYER	80	53	68	110%
POWDER RM	32	40	36	109%
WED ROOM	18	36	18	113%
KITCHEN	89		91	92%
BREAKFAST	114	113	110	96%
FAMILY RM	118	90	120	103%
BR3	85	90	84	94%
HALL BATH	23	40	32	130%
BR 3 CLOSET	2	20	13	880%
BR 4	90	53	82	103%
MASTER BATH	44	40	42	96%
OWNERS BR	152	185	188	117%
MASTER WIC	52	48	51	98%
HALLWAY	81	50	80	98%
BR2	117	86	116	101%
BR 2 WIC	8	40	18	280%
BR 4 WIC	8	35	18	238%
MAST WIC 2	2	26	18	780%
BASE BATH	8	32	10	200%

Company: Realtime Capital Energy Solutions  
 4483 Beach Rd.  
 Temple Hill, MD 20746  
 301-423-8913

3-28-2019



## COUNTY of FREDERICK

---

### Inspections Department

**Mark A. Fleet, Building Official**  
**540-665-5650**  
**Fax 540-678-0682**

May 7, 2019

#### Local Building Board of Appeals

Enclosed are copies of the documentation and pertaining code sections used to determine acceptance of the air balance.

Respectfully,

Mark Fleet

Building Code Official

# HVAC SYSTEM PARAMETERS

## FAN NAMEPLATE DATA

MANUFACTURER LENNOX  
 MODEL 18BUH08P48B-55  
 TYPE GAS FURNACE  
 SIZE 80,000 BTU  
 SERIAL NUMBER 1717012417

## CONDENSING UNIT DATA

MANUFACTURER LENNOX  
 MODEL 14ACX8045-230  
 TONNAGE 3.5  
 SERIAL NUMBER 1917H06422

## FAN PULLEY DATA

DIAMETER DIRECT  
 TEMPS OD TEMP 60 -ID TEMP 71

SYSTEM	DESIGN	ACTUAL	Room Code	Code	Size	Design CFM	Test 1	Final CFM	% of Design
SUPPLY AIR CFM	1410	1488	BASEMENT			160	186	186	110%
RETURN AIR CFM	1410	1496	UNFINISHED			54	90	63	95%
FAN RPM			DINING			100	62	108	108%
STATIC PRESSURE +		0.40	STUDY			78	70	77	89%
STATIC PRESSURE -		0.20	FOYER			50	53	66	110%
Total Static Pressure	0.60	0.60	POWDER RM			32	40	36	109%
Filter Pressure Drop		0.20	MUD ROOM			18	35	18	113%
MOTOR			KITCHEN			99		91	92%
AMPS			BREAKFAST			114	113	110	96%
VOLTS			FAMILY RM			116	90	120	102%
HORSEPOWER			BR3			68	60	64	94%
RPM			HALL BATH			23	40	32	139%
			BR 3 CLOSET			2	20	13	650%
			BR 4			60	55	62	103%
			MASTER BATH			44	40	42	95%
			OWNERS BR			182	195	168	111%
			MASTER WIC			52	48	51	98%
			HALLWAY			61	50	60	98%
			BR2			117	85	116	101%
			BR 2 WIC			6	40	13	260%
			BR 4 WIC			8	35	18	226%
			MASTER WIC 2			2	25	18	760%
			BASE BATH			5	32	10	200%

NOTES: 1- Goal is temperature uniformity, each room was within 4°F of the thermostat setting, and no two rooms varied beyond 6°F.  
 2- Primary rooms with perimeter walls and/or door are to be balanced within 15% of design airflow.  
 3- Secondary rooms such as walk in closets, mud rooms and the like shall be balanced to within 20 to 25 cfm of design airflow.  
 4- The air supply registers as per residential code include room occupant levers and they can be altered easily by non HVAC trades person. Accordingly, it is unlikely that the balance positions set during the test will remain, as occupants often adjust these air flow volume levers.

Company: Nations Capital Energy Solutions  
 4463 Beech Rd.  
 Temple Hills, MD 20748  
 301-423-8913

READINGS BY  
 WILLIAM WILES  
 Cert#13-138-05

DATE 3/16/19  
 PROJECT OLD DOMINION LOT 195  
 105 Reservoir Ct Stephens City VA

SYSTEM SPLIT

PROFESSIONAL SEAL  
 RICHARD E. BAUMANN  
 3-28-2019



**Project Summary**  
**Entire House**  
**Southern Maryland Heating & Air, Inc.**

Job: Oakdale II  
 Date: 5/18/2017  
 By: SMN

3360 Gough Drive, Waldorf, MD 20602 Phone: 301-645-6928 Fax: 301-705-7095 Email: contactus@somdhvac.com

1196

**Project Information**

For: Dan Ryan Builders  
 60 Thomas Johnson Drive, Frederick, MD 21702  
 Phone: 301-696-0200

MP187

Notes: Old Dominion Greens Lot 195  
 Oakdale II Standard Layout

**Design Information**

Weather: Hagerstown, MD, US

**Winter Design Conditions**

Outside db 12 °F  
 Inside db 70 °F  
 Design TD 58 °F

**Summer Design Conditions**

Outside db 91 °F  
 Inside db 75 °F  
 Design TD 16 °F  
 Daily range M  
 Relative humidity 50 %  
 Moisture difference 36 gr/lb

**Heating Summary**

Structure 42229 Btuh  
 Ducts 150 Btuh  
 Central vent (97 cfm) 6015 Btuh  
 Outside air  
 Humidification 0 Btuh  
 Piping 0 Btuh  
 Equipment load 48394 Btuh

**Sensible Cooling Equipment Load Sizing**

Structure 25220 Btuh  
 Ducts 38 Btuh  
 Central vent (97 cfm) 1659 Btuh  
 Outside air  
 Blower 0 Btuh  
 Use manufacturer's data y  
 Rate/swing multiplier 1.00  
 Equipment sensible load 26917 Btuh

**Infiltration**

Method Simplified  
 Construction quality Average  
 Fireplaces 1 (Average)

**Latent Cooling Equipment Load Sizing**

Structure 2830 Btuh  
 Ducts 65 Btuh  
 Central vent (97 cfm) 2321 Btuh  
 Outside air  
 Equipment latent load 5217 Btuh  
 Equipment Total Load (Sen+Lat) 32134 Btuh  
 Req. total capacity at 0.70 SHR 3.2 ton

	Heating	Cooling
Area (ft²)	3936	3936
Volume (ft³)	30445	30445
Air changes/hour	0.32	0.15
Equip. AVF (cfm)	162	76

**Heating Equipment Summary**

Make Lennox  
 Trade LENNOX  
 Model ML180UH090P48B-\*  
 AHRI ref 4208209

Efficiency 80 AFUE  
 Heating input 88000 Btuh  
 Heating output 71000 Btuh  
 Temperature rise 54 °F  
 Actual air flow 1225 cfm  
 Air flow factor 0.029 cfm/Btuh  
 Static pressure 0.50 in H2O  
 Space thermostat

**Cooling Equipment Summary**

Make Lennox  
 Trade LENNOX  
 Cond 14ACX-042-230A\*\*  
 Coil CX35-48B++TDR  
 AHRI ref 9143768  
 Efficiency 12.2 EER, 14.5 SEER  
 Sensible cooling 28700 Btuh  
 Latent cooling 12300 Btuh  
 Total cooling 41000 Btuh  
 Actual air flow 1410 cfm  
 Air flow factor 0.056 cfm/Btuh  
 Static pressure 0.50 in H2O  
 Load sensible heat ratio 0.84

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



Flight-Suite® Universal 2017 17.0.23 RSU09571

2017-Nov-10 16:41:10

Page 1

...d Dominion Greens Lot 195 Oakdale II 1 Zone.rup Calc = MJ8 Front Door faces: N



April 4, 2018

Southern Maryland Heating and Air Inc.  
17 Irongate Drive  
Waldorf, MD 20602

Attention: David Ernst, President  
John Kenyon, Vice president of Construction

Reference: Old Dominion Lot 195  
Frederick County, Virginia  
Dan Ryan Builders, house model: Oakdale II, Garage Right

Subject: HVAC equipment selection

Gentlemen:

It is understood that a manual J calculation dated 5-18-17 for the above referenced home was submitted to the Frederick County building permit department with a size 110mbh natural gas furnace input and a 3.5 ton air conditioner. Subsequently, your firm improved the furnace selection and matched a more appropriate furnace closer to the heating load, and this was installed. The furnace is identified on a manual J completed February 15, 2018 and is a 88mbh natural gas furnace input with a 3.5 ton air conditioner. The smaller furnace is a satisfactory application, as it will cycle less, should last longer and keep the house more comfortable than the larger furnace originally selected. Often a furnace is selected to match the air conditioning coil width, which sometimes forces a larger size furnace than needed, which may also be acceptable.

Rest assured the Lennox model ML 180UH090P48B (88.0 mbh input/77.0mbh output) as specified on the manual J dated 2-15-18 and installed should meet code and maintain design conditions.

The heating load of the house is 48.4 mbh, and the furnace capacity is 71.0mbh, far in excess of the house heating requirements. Including portions of the basement the habitable conditioned portions of the home are more than adequately served by the 71.0 mbh output furnace with a 3.5 ton air conditioner. There is no need for a larger furnace or a two zone HVAC system.

Should you require further information, please do not hesitate to call me.

Very truly yours,

R. Scot Minesinger, PE,  
President,

LEED AP

**LEED Accredited Professionals**



**Load Short Form  
Entire House  
Southern Maryland Heating & Air, Inc.**

Job: Oakdale II  
Date: 2/15/2018  
By: SMN  
Plan: 2484

3360 Gough Drive, Waldorf, MD 20602 Phone: 301-645-6928 Fax: 301-705-7095 Email: contactus@somdhvac.com

**Project Information**

For: Dan Ryan Builders  
60 Thomas Johnson Drive, Frederick, MD 21702  
Phone: 301-696-0200

**Design Information**

	Htg	Clg	Method	Infiltration
Outside db (°F)	12	91	Construction quality	Simplified Average
Inside db (°F)	70	75	Fireplaces	1 (Average)
Design TD (°F)	58	16		
Daily range	-	M		
Inside humidity (%)	50	50		
Moisture difference (gr/lb)	47	41		

**HEATING EQUIPMENT**

Make Lennox  
Trade LENNOX  
Model ML180UH090P48B-  
AHRI ref 4208209

Efficiency 80 AFUE  
Heating input 88000 Btuh  
Heating output 71000 Btuh  
Temperature rise 53 °F  
Actual air flow 1225 cfm  
Air flow factor 0.029 cfm/Btuh  
Static pressure 0.50 in H2O  
Space thermostat

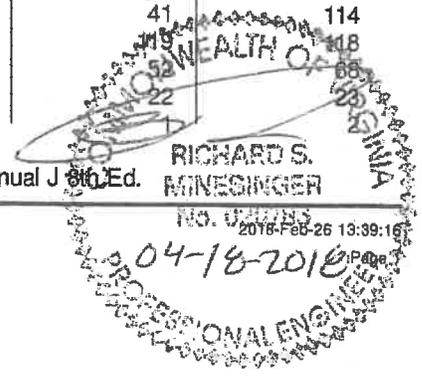
**COOLING EQUIPMENT**

Make Lennox  
Trade LENNOX  
Cond 14ACX-042-230A\*\*  
Coil CX35-48B++TDR  
AHRI ref 9143768

Efficiency 12.2 EER, 14.5 SEER  
Sensible cooling 28700 Btuh  
Latent cooling 12300 Btuh  
Total cooling 41000 Btuh  
Actual air flow 1410 cfm  
Air flow factor 0.055 cfm/Btuh  
Static pressure 0.50 in H2O  
Load sensible heat ratio 0.82

ROOM NAME	Area (ft²)	Htg load (Btuh)	Clg load (Btuh)	Htg AVF (cfm)	Clg AVF (cfm)
Finished Area 1	804	6842	2725	198	150
Unfinished Area 2	369	3778	974	110	54
Mech. Room	44	0	0	0	0
Dining Room	185	2377	1815	69	100
Study	147	2138	1412	62	78
Foyer/Hall	192	1728	908	50	50
Powder Room	36	905	573	26	32
Mud Room	47	834	291	24	16
Kitchen	140	837	1801	24	99
Breakfast Nook	146	1408	2063	41	114
Family Room	369	4109	2151	119	118
Bedroom #3	138	1788	1233	52	85
Hall Bath	60	756	426	22	23
Bed #3 WIC	34	51	39	1	1

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



wrightsoft

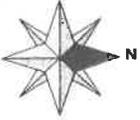
Right-Suite® Universal 2017 17.0.23 RSU09571

...reens\Lot 195\Oakdale II 1 Zone - 2-15-2018.rup Calc = MJ8 Front Door faces: N

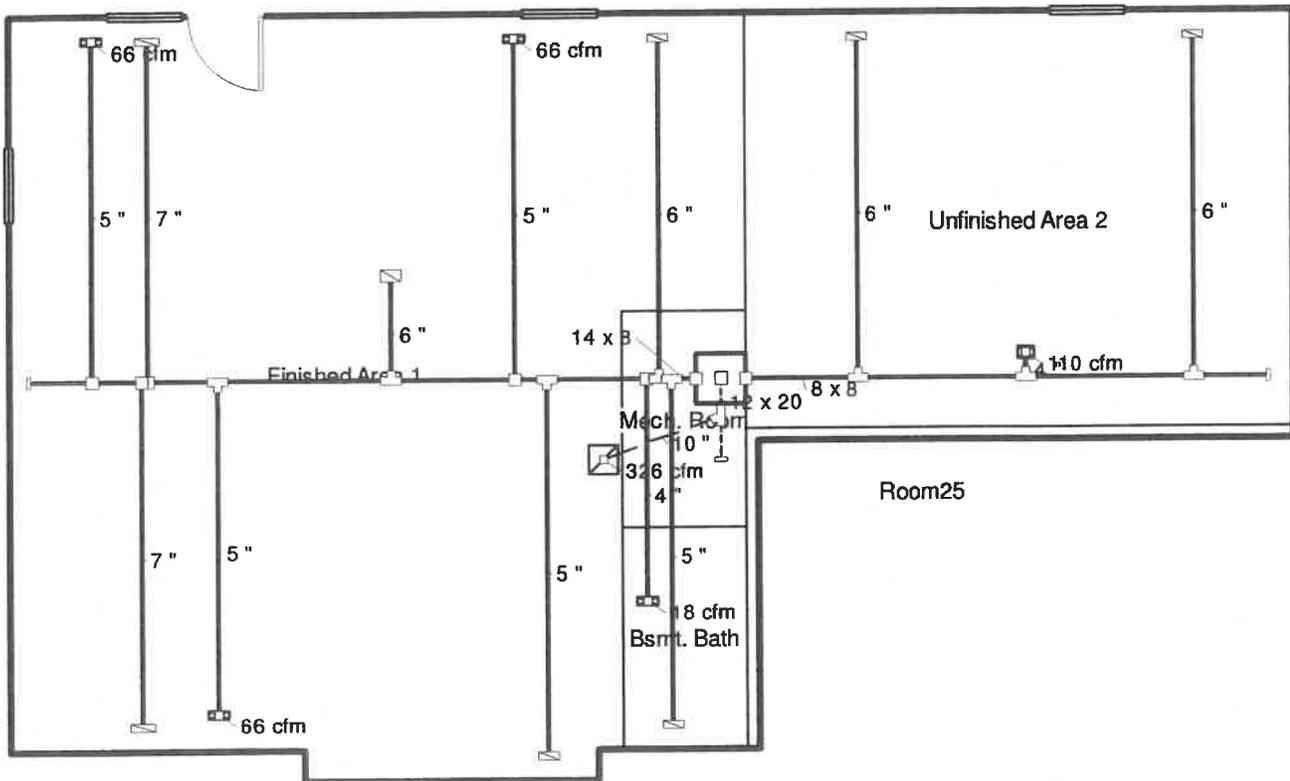
Bedroom #4	141	1096	1095	32	60
Master Bath	166	2006	806	58	44
Owner's Bedroom	435	5317	2758	154	152
Master WIC	83	1279	940	37	52
Hall/ Laundry	188	853	1108	25	61
Open To Below	156	0	0	0	0
Bedroom #2	141	2649	2123	77	117
Bed #2 WIC	26	379	98	11	5
Bed #4 WIC	33	444	140	13	8
Master WIC 2	33	54	41	2	2
Bsmt. Bath	45	638	83	18	5
Entire House	d 4154	42268	25605	1225	1410
Other equip loads		6388	1762		
Equip. @ 1.00 RSM			27367		
Latent cooling			6108		
<b>TOTALS</b>	<b>4154</b>	<b>48657</b>	<b>33476</b>	<b>1225</b>	<b>1410</b>



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



### Basement



**Job #: Oakdale II**  
**Performed by SMN for:**  
Dan Ryan Builders  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Phone: 301-696-0200

### Southern Maryland Heating & Air, Inc.

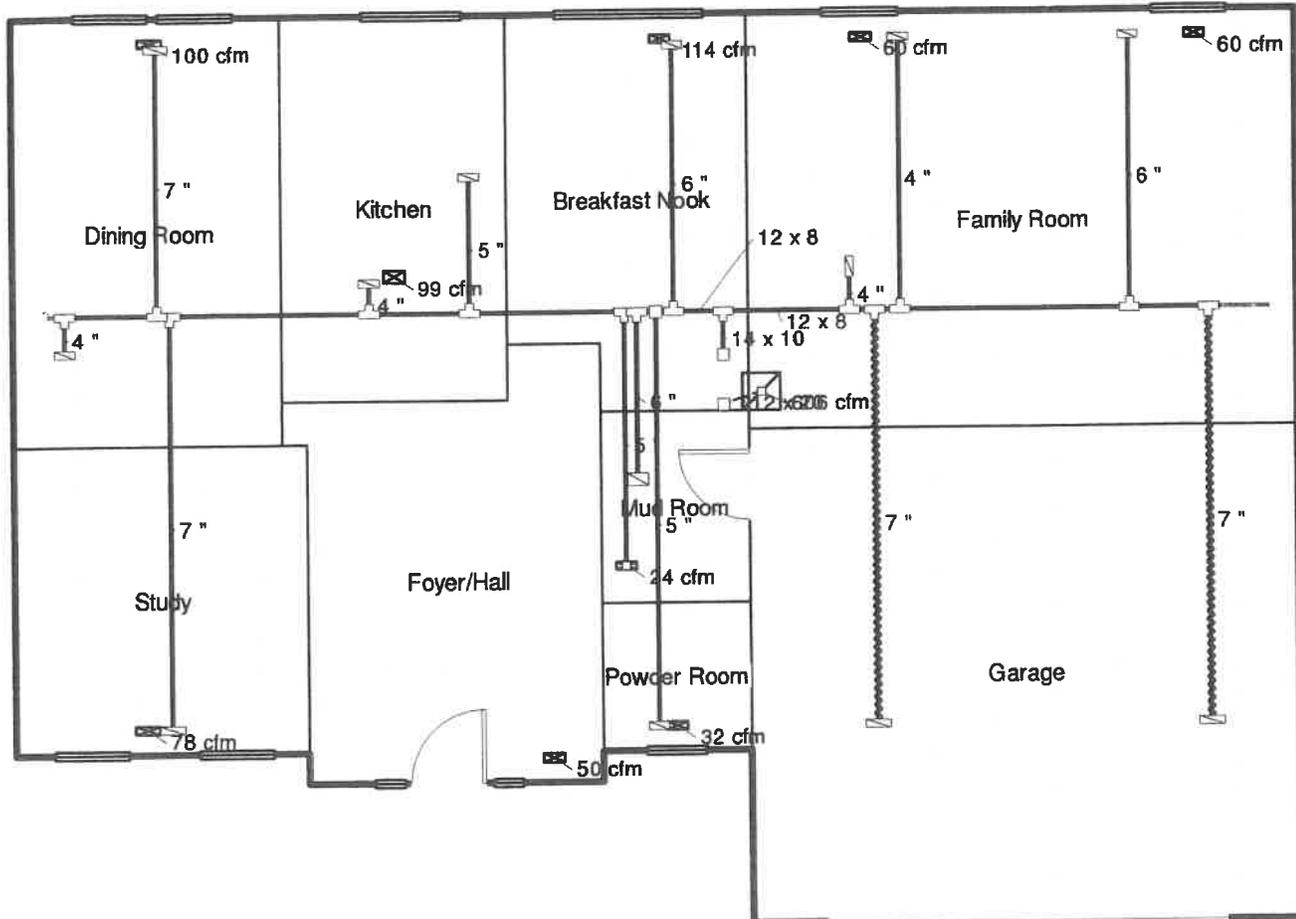
3360 Gough Drive  
Waldorf, MD 20602  
Phone: 301-645-6928 Fax: 301-705-7095  
contactus@somdhvac.com

Scale: 1 : 86

Page 1  
Right-Suite® Universal 2017  
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2018-Feb-26 13:39:23  
...akdale II 1 Zone - 2-15-2018.rup



### First Floor



**Job #: Oakdale II**  
**Performed by SMN for:**  
Dan Ryan Builders  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Phone: 301-696-0200

### Southern Maryland Heating & Air, Inc.

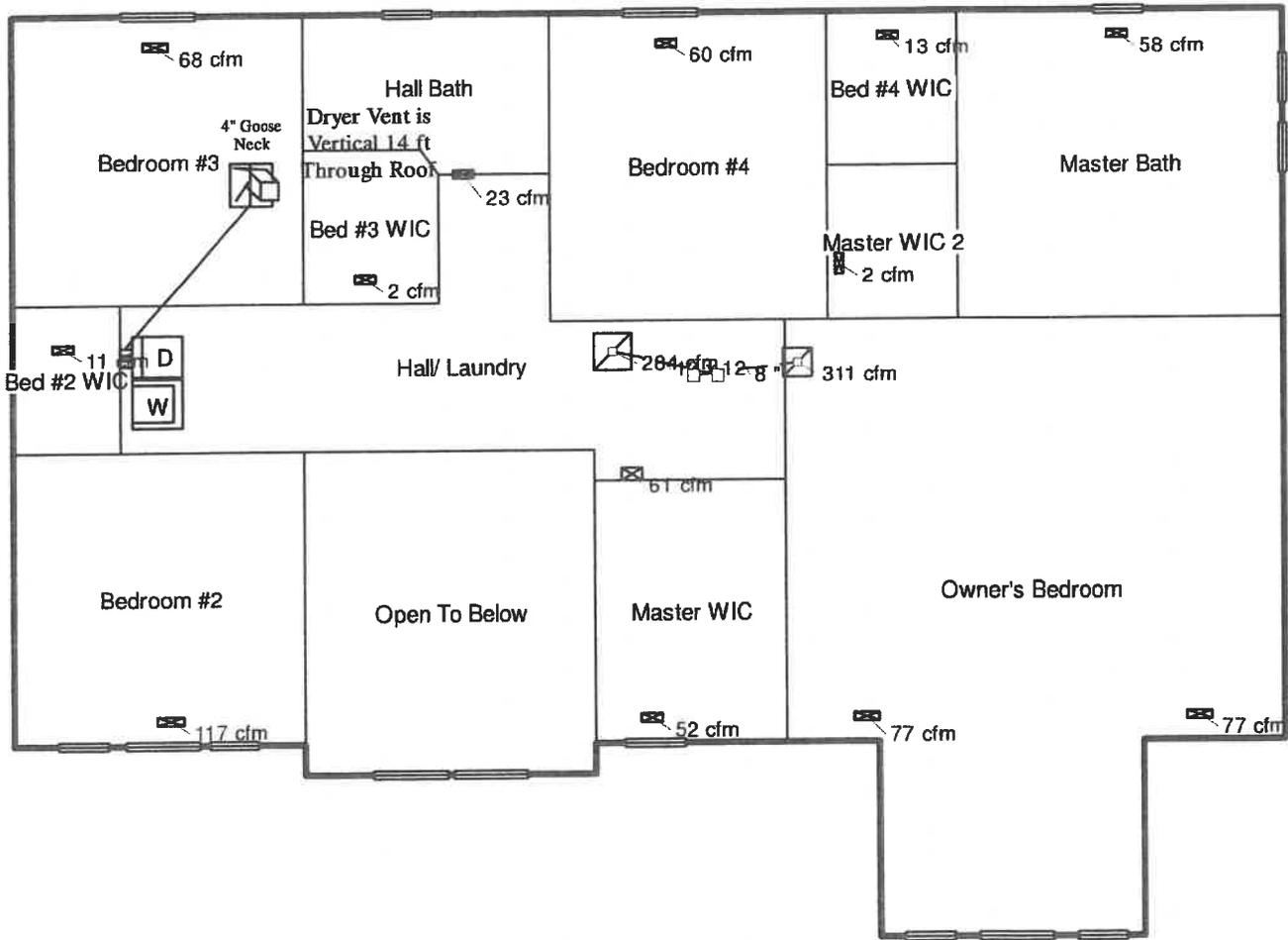
3360 Gough Drive  
Waldorf, MD 20602  
Phone: 301-645-6928 Fax: 301-705-7095  
contactus@somdhvac.com

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Page 2  
Right-Suite® Universal 2017  
17.0.23 RSU09571  
2018-Feb-26 13:39:23  
...akdale II 1 Zone - 2-15-2018.rup



### Second Floor



**Job #: Oakdale II**  
**Performed by SMN for:**  
Dan Ryan Builders  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Phone: 301-696-0200

**Southern Maryland Heating & Air, Inc.**  
3360 Gough Drive  
Waldorf, MD 20602  
Phone: 301-645-6928 Fax: 301-705-7095  
contactus@somdhvac.com

Scale: 1 : 86  
Page 3  
Right-Suite® Universal 2017  
17.0.23 RSU09571  
2018-Feb-26 13:39:23  
...akdale II 1 Zone - 2-15-2018.rup

# DPOR License Lookup License Number

0402020786

## License Details

<b>Name</b>	MINESINGER, RICHARD SCOTT
<b>License Number</b>	0402020786
<b>License Description</b>	Professional Engineer License
<b>Rank</b>	Professional Engineer
<b>Address</b>	FAIRFAX STATION, VA 22039
<b>Initial Certification Date</b>	1990-01-26
<b>Expiration Date</b>	2021-03-31

## Related Licenses <sup>1</sup>

License Number	License Holder Name	License Type	Relation Type	License Expiry
0407003479	SCOT ENGINEERING PROPERTIES INC	Business Entity Registration	Engineering	2019-12-31

Showing 1 to 1 of 1 entries

- <sup>1</sup> The data located on this website are not the public records of the Department of Professional and Occupational Regulation (DPOR). All public records are physically located at DPOR's Public Records Section: 9960 Mayland Drive, Suite 400, Richmond, VA 23233. While DPOR works to ensure the accuracy of the data provided online, the data available on these pages are updated routinely but may not be up to date at all times (due to document processing delays, technical maintenance, etc.).

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# DPOR License Lookup License Number

## 2710034260

### License Details

<b>Name</b>	MINESINGER, RICHARD SCOTT
<b>License Number</b>	2710034260
<b>License Description</b>	Tradesman
<b>Rank</b>	Tradesman
<b>Address</b>	FAIRFAX STATION, VA 22039
<b>Specialties<sup>1</sup></b>	Master Gas Fitter (MGFC) Master Heating Ventilation and Air Cond. (MHVA) Master Plumber (MPLB)
<b>Initial Certification Date</b>	1999-02-25
<b>Expiration Date</b>	2022-02-28

- 1 Refer to the Classification Definitions (<http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+18VAC50-22-20>) and Specialty Definitions (<http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+18VAC50-22-30>) for detailed definitions of these classifications and specialties.

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**COMMONWEALTH OF VIRGINIA**

Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400, Richmond, VA 23233  
Telephone: (804) 367-8500

EXPIRES ON  
07-31-2019

NUMBER  
2710066616



**WILLIAM J WILES**  
12800 BRADBURY AVE  
SMITHSBURG, MD 21783

**BOARD FOR CONTRACTORS  
TRADESMAN**



*Jan W. DeLoach*  
Jan W. DeLoach, Director

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(SEE REVERSE SIDE FOR PRIVILEGES AND INSTRUCTIONS)

DPOR-LIC (02/2017)

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JAN 31 2019

Fredrick County  
Public Works & Inspection  
Division

**Commercial Air Balancer**

**NCI**  
National Comfort Institute, Inc.

**CERTIFICATION**

**William Wiles**  
16-128-05

Has participated in the required training and successfully passed the written examination by National Comfort Institute to perform air balancing for commercial HVAC systems according to NCI standards and practices.

Cert Since	3/31/2016
Cert Exp	3/31/2020

*[Signature]*  
Roby Fialke, President  
800-633-7058 • [www.NationalComfortInstitute.com](http://www.NationalComfortInstitute.com)

**603.14 Location.** Ducts shall not be installed in or within 4 inches (102 mm) of the earth, except where such ducts comply with Section 603.8.

**603.15 Mechanical protection.** Ducts installed in locations where they are exposed to mechanical damage by vehicles or from other causes shall be protected by *approved* barriers.

**603.16 Weather protection.** All ducts including linings, coverings and vibration isolation connectors installed on the exterior of the building shall be protected against the elements.

**603.17 Air dispersion systems.** Air dispersion systems shall:

1. Be installed entirely in exposed locations.
2. Be utilized in systems under positive pressure.
3. Not pass through or penetrate fire-resistant-rated construction.
4. Be listed and labeled in compliance with UL 2518.

**603.18 Registers, grilles and diffusers.** Duct registers, grilles and diffusers shall be installed in accordance with the manufacturer's installation instructions. Volume dampers or other means of supply air adjustment shall be provided in the branch ducts or at each individual duct register, grille or diffuser. Each volume damper or other means of supply air adjustment used in balancing shall be provided with access.

**603.18.1 Floor registers.** Floor registers shall resist, without structural failure, a 200-pound (90.8 kg) concentrated load on a 2-inch-diameter (51 mm) disc applied to the most critical area of the exposed face.

**603.18.2 Prohibited locations.** Diffusers, registers and grilles shall be prohibited in the floor or its upward extension within toilet and bathing rooms required by the *International Building Code* to have smooth, hard, nonabsorbent surfaces.

**Exception:** *Dwelling units.*

## SECTION 604 INSULATION

**604.1 General.** Duct insulation shall conform to the requirements of Sections 604.2 through 604.13 and the *International Energy Conservation Code*.

**604.2 Surface temperature.** Ducts that operate at temperatures exceeding 120°F (49°C) shall have sufficient thermal insulation to limit the exposed surface temperature to 120°F (49°C).

**604.3 Coverings and linings.** Coverings and linings, including adhesives when used, shall have a flame spread index not more than 25 and a smoke-developed index not more than 50, when tested in accordance with ASTM E 84 or UL 723, using the specimen preparation and mounting procedures of ASTM E 2231. Duct coverings and linings shall not flame, glow, smolder or smoke when tested in accordance with ASTM C 411 at the temperature to which they are exposed in service. The test temperature shall not fall below 250°F (121°C). Coverings and linings shall be listed and labeled.

**604.4 Foam plastic insulation.** Foam plastic used as duct coverings and linings shall conform to the requirements of Section 604.

**604.5 Appliance insulation.** *Listed* and *labeled* appliances that are internally insulated shall be considered as conforming to the requirements of Section 604.

**604.6 Penetration of assemblies.** Duct coverings shall not penetrate a wall or floor required to have a fire-resistance rating or required to be fireblocked.

**604.7 Identification.** External duct insulation, except spray polyurethane foam, and factory-insulated flexible duct shall be legibly printed or identified at intervals not greater than 36 inches (914 mm) with the name of the manufacturer, the thermal resistance *R*-value at the specified installed thickness and the flame spread and smoke-developed indexes of the composite materials. All duct insulation product *R*-values shall be based on insulation only, excluding air films, vapor retarders or other duct components, and shall be based on tested *C*-values at 75°F (24°C) mean temperature at the installed thickness, in accordance with recognized industry procedures. The installed thickness of duct insulation used to determine its *R*-value shall be determined as follows:

1. For duct board, duct liner and factory-made rigid ducts not normally subjected to compression, the nominal insulation thickness shall be used.
2. For duct wrap, the installed thickness shall be assumed to be 75 percent (25 percent compression) of nominal thickness.
3. For factory-made flexible air ducts, the installed thickness shall be determined by dividing the difference between the actual outside diameter and nominal inside diameter by two.
4. For spray polyurethane foam, the aged *R*-value per inch, measured in accordance with recognized industry standards, shall be provided to the customer in writing at the time of foam application.

**604.8 Lining installation.** Linings shall be interrupted at the area of operation of a fire damper and at a minimum of 6 inches (152 mm) upstream of and 6 inches (152 mm) downstream of electric-resistance and fuel-burning heaters in a duct system. Metal nosings or sleeves shall be installed over exposed duct liner edges that face opposite the direction of airflow.

**604.9 Thermal continuity.** Where a duct liner has been interrupted, a duct covering of equal thermal performance shall be installed.

**604.10 Service openings.** Service openings shall not be concealed by duct coverings unless the exact location of the opening is properly identified.

**604.11 Vapor retarders.** Where ducts used for cooling are externally insulated, the insulation shall be covered with a vapor retarder having a maximum permeance of 0.05 perm [2.87 ng/(Pa · s · m<sup>2</sup>)] or aluminum foil having a minimum thickness of 2 mils (0.051 mm). Insulations having a permeance of 0.05 perm [2.87 ng/(Pa · s · m<sup>2</sup>)] or less shall not be

**M1401.2 Access.** Heating and cooling *equipment* and appliances shall be located with respect to building construction and other *equipment* and appliances to permit maintenance, servicing and replacement. Clearances shall be maintained to permit cleaning of heating and cooling surfaces; replacement of filters, blowers, motors, controls and vent connections; lubrication of moving parts; and adjustments.

**Exception:** Access shall not be required for ducts, piping, or other components approved for concealment.

**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 multi-stage 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.

**M1401.4 Exterior installations.** *Equipment* and *appliances* installed outdoors shall be *listed* and *labeled* for outdoor installation. Supports and foundations shall prevent excessive vibration, settlement or movement of the *equipment*. Supports and foundations shall be in accordance with Section M1305.1.4.1.

**M1401.5 Flood hazard.** In flood hazard areas as established by Table R301.2(1), heating and cooling *equipment* and *appliances* shall be located or installed in accordance with Section R322.1.6.

**M1402.2 Clearances.** Clearances shall be provided in accordance with the *listing* and the manufacturer's installation instructions.

**M1402.3 Combustion air.** *Combustion air* shall be supplied in accordance with Chapter 17. *Combustion air* openings shall be unobstructed for a distance of not less than 6 inches (152 mm) in front of the openings.

## SECTION M1403 HEAT PUMP EQUIPMENT

**M1403.1 Heat pumps.** The minimum unobstructed total area of the outside and return air ducts or openings to a heat pump shall be not less than 6 square inches per 1,000 Btu/h (13 208 mm<sup>2</sup>/kW) output rating or as indicated by the conditions of the *listing* of the heat pump. Electric heat pumps shall conform to UL 1995.

**M1403.2 Foundations and supports.** Supports and foundations for the outdoor unit of a heat pump shall be raised at least 3 inches (76 mm) above the ground to permit free drainage of defrost water, and shall conform to the manufacturer's installation instructions.

## SECTION M1404 REFRIGERATION COOLING EQUIPMENT

**M1404.1 Compliance.** Refrigeration cooling *equipment* shall comply with Section M1411.

## SECTION M1405 BASEBOARD CONVECTORS

**M1405.1 General.** Electric baseboard convectors shall be installed in accordance with the manufacturer's installation instructions and Chapters 34 through 43 of this code. Electric baseboard heaters shall be listed and labeled in accordance with UL 1042.

## SECTION M1406 RADIANT HEATING SYSTEMS

**M1406.1 General.** Electric radiant heating systems shall be installed in accordance with the manufacturer's installation instructions and Chapters 34 through 43 of this code and shall be listed for the application.

7. Final inspection.

**113.4 Additional inspections.** The building official may designate additional inspections and tests to be conducted during the construction of a building or structure and shall so notify the permit holder.

**113.5 In-plant and factory inspections.** When required by the provisions of this code, materials, equipment or assemblies shall be inspected at the point of manufacture or fabrication. The building official shall require the submittal of an evaluation report of such materials, equipment or assemblies. The evaluation report shall indicate the complete details of the assembly including a description of the assembly and its components, and describe the basis upon which the assembly is being evaluated. In addition, test results and other data as necessary for the building official to determine conformance with the USBC shall be submitted. For factory inspections, an identifying label or stamp permanently affixed to materials, equipment or assemblies indicating that a factory inspection has been made shall be acceptable instead of a written inspection report, provided the intent or meaning of such identifying label or stamp is properly substantiated.

**113.6 Approval or notice of defective work.** The building official shall either approve the work in writing or give written notice of defective work to the permit holder. Upon request of the permit holder, the notice shall reference the USBC section that serves as the basis for the defects and such defects shall be corrected and reinspected before any work proceeds that would conceal such defects. A record of all reports of inspections, tests, examinations, discrepancies and approvals issued shall be maintained by the building official and shall be communicated promptly in writing to the permit holder. Approval issued under this section may be revoked whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC. Notices issued pursuant to this section shall be permitted to be communicated electronically provided the notice is reasonably calculated to get to the permit holder.

**113.7 Approved inspection agencies.** The building official may accept reports of inspections and tests from individuals or inspection agencies approved in accordance with the building official's written policy required by Section 113.7.1. The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Under circumstances where the building official is unable to make the inspection or test required by Section 113.3 or 113.4 within two working days of a request or an agreed upon date or if authorized for other circumstances in the building official's written policy, the building official shall accept reports for review. The building official shall approve the report from such approved individuals or agencies unless there is cause to reject it.

Failure to approve a report shall be in writing within two working days of receiving it stating the reason for the rejection. Reports of inspections conducted by approved third-party inspectors or agencies shall be in writing, shall indicate if compliance with the applicable provisions of the USBC have been met and shall be certified by the individual inspector or by the responsible officer when the report is from an agency.

**Note:** Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.

**113.7.1 Third-party inspectors.** Each building official charged with the enforcement of the USBC shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or pre-approval requirements before conducting a third-party inspection and any other requirements and procedures established by the building official.

**113.7.2 Qualifications.** In determining third-party inspector qualifications, the building official may consider such items as DHCD inspector certification, other state or national certifications, state professional registrations, related experience, education and any other factors that would demonstrate competency and reliability to conduct inspections.

**113.8 Final inspection.** Upon completion of a building or structure and before the issuance of a certificate of occupancy, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under Section 106.3. The building official shall be permitted to require the electrical service to a building or structure to be energized prior to conducting the final inspection. The approval of a final inspection shall be permitted to serve as the new certificate of occupancy required by Section 116.1 in the case of additions or alterations to existing buildings or structures that already have a certificate of occupancy.

## SECTION 114 STOP WORK ORDERS

**114.1 Issuance of order.** When the building official finds that work on any building or structure is being executed contrary to the provisions of this code or any pertinent laws or ordinances, or in a manner endangering the general public, a written stop work order may be issued. The order shall identify the nature of the work to be stopped and be given either to the owner of the property involved, to the owner's agent or to the person performing the work. Following the issuance of such an order, the affected work

TABLE N1101.10 (R301.1)—continued  
 CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID  
 DESIGNATIONS BY STATE, COUNTY AND TERRITORY

3A San Saba\*  
 3B Schleicher  
 3B Scurry  
 3B Shackelford  
 3A Shelby\*  
 4B Sherman  
 3A Smith\*  
 3A Somervell\*  
 2A Starr\*  
 3A Stephens  
 3B Sterling  
 3B Stonewall  
 3B Sutton  
 4B Swisher  
 3A Tarrant\*  
 3B Taylor  
 3B Terrell  
 3B Terry  
 3B Throckmorton  
 3A Titus\*  
 3B Tom Green  
 2A Travis\*  
 2A Trinity\*  
 2A Tyler\*  
 3A Upshur\*  
 3B Upton  
 2B Uvalde\*  
 2B Val Verde\*  
 3A Van Zandt\*  
 2A Victoria\*  
 2A Walker\*  
 2A Waller\*  
 3B Ward  
 2A Washington\*  
 2B Webb\*  
 2A Wharton\*  
 3B Wheeler  
 3A Wichita  
 3B Wilbarger  
 2A Willacy\*  
 2A Williamson\*  
 2A Wilson\*  
 3B Winkler  
 3A Wise  
 3A Wood\*  
 4B Yoakum

3A Young  
 2B Zapata\*  
 2B Zavala\*

**UTAH**

5B Beaver  
 6B Box Elder  
 6B Cache  
 6B Carbon  
 6B Daggett  
 5B Davis  
 6B Duchesne  
 5B Emery  
 5B Garfield  
 5B Grand  
 5B Iron  
 5B Juab  
 5B Kane  
 5B Millard  
 6B Morgan  
 5B Piute  
 6B Rich  
 5B Salt Lake  
 5B San Juan  
 5B Sanpete  
 5B Sevier  
 6B Summit  
 5B Tooele  
 6B Uintah  
 5B Utah  
 6B Wasatch  
 3B Washington  
 5B Wayne  
 5B Weber

**VERMONT**

6A (all)

**VIRGINIA**

4A (all)

**WASHINGTON**

5B Adams  
 5B Asotin  
 5B Benton  
 5B Chelan  
 4C Clallam

4C Clark  
 5B Columbia  
 4C Cowlitz  
 5B Douglas  
 6B Ferry  
 5B Franklin  
 5B Garfield  
 5B Grant  
 4C Grays Harbor  
 4C Island  
 4C Jefferson  
 4C King  
 4C Kitsap  
 5B Kittitas  
 5B Klickitat  
 4C Lewis  
 5B Lincoln  
 4C Mason  
 6B Okanogan  
 4C Pacific  
 6B Pend Oreille  
 4C Pierce  
 4C San Juan  
 4C Skagit  
 5B Skamania  
 4C Snohomish  
 5B Spokane  
 6B Stevens  
 4C Thurston  
 4C Wahkiakum  
 5B Walla Walla  
 4C Whatcom  
 5B Whitman  
 5B Yakima

**WEST VIRGINIA**

5A Barbour  
 4A Berkeley  
 4A Boone  
 4A Braxton  
 5A Brooke  
 4A Cabell  
 4A Calhoun  
 4A Clay  
 5A Doddridge  
 5A Fayette

4A Gilmer  
 5A Grant  
 5A Greenbrier  
 5A Hampshire  
 5A Hancock  
 5A Hardy  
 5A Harrison  
 4A Jackson  
 4A Jefferson  
 4A Kanawha  
 5A Lewis  
 4A Lincoln  
 4A Logan  
 5A Marion  
 5A Marshall  
 4A Mason  
 4A McDowell  
 4A Mercer  
 5A Mineral  
 4A Mingo  
 5A Monongalia  
 4A Monroe  
 4A Morgan  
 5A Nicholas  
 5A Ohio  
 5A Pendleton  
 4A Pleasants  
 5A Pocahontas  
 5A Preston  
 4A Putnam  
 5A Raleigh  
 5A Randolph  
 4A Ritchie  
 4A Roane  
 5A Summers  
 5A Taylor  
 5A Tucker  
 4A Tyler  
 5A Upshur  
 4A Wayne  
 5A Webster  
 5A Wetzel  
 4A Wirt  
 4A Wood  
 4A Wyoming

**WISCONSIN**

6A Adams  
 7 Ashland  
 6A Barron  
 7 Bayfield  
 6A Brown  
 6A Buffalo  
 7 Burnett  
 6A Calumet  
 6A Chippewa  
 6A Clark  
 6A Columbia  
 6A Crawford  
 6A Dane  
 6A Dodge  
 6A Door  
 7 Douglas  
 6A Dunn  
 6A Eau Claire  
 7 Florence  
 6A Fond du Lac  
 7 Forest  
 6A Grant  
 6A Green  
 6A Green Lake  
 6A Iowa  
 7 Iron  
 6A Jackson  
 6A Jefferson  
 6A Juneau  
 6A Kenosha  
 6A Kewaunee  
 6A La Crosse  
 6A Lafayette  
 7 Langlade  
 7 Lincoln  
 6A Manitowoc  
 6A Marathon  
 6A Marinette  
 6A Marquette  
 6A Menominee  
 6A Milwaukee  
 6A Monroe  
 6A Oconto  
 7 Oneida  
 6A Outagamie

(continued)

TABLE N1101.10 (R301.1)—continued  
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID  
DESIGNATIONS BY STATE, COUNTY AND TERRITORY

6A Winneshiek	4A Hodgeman	4A Seward	2A Iberville*	6A Cumberland
5A Woodbury	4A Jackson	4A Shawnee	3A Jackson*	6A Franklin
6A Worth	4A Jefferson	5A Sheridan	2A Jefferson*	6A Hancock
6A Wright	5A Jewell	5A Sherman	2A Jefferson Davis*	6A Kennebec
<b>KANSAS</b>	4A Johnson	5A Smith	2A Lafayette*	6A Knox
4A Allen	4A Kearny	4A Stafford	2A Lafourche*	6A Lincoln
4A Anderson	4A Kingman	4A Stanton	3A La Salle*	6A Oxford
4A Atchison	4A Kiowa	4A Stevens	3A Lincoln*	6A Penobscot
4A Barber	4A Labette	4A Sumner	2A Livingston*	6A Piscataquis
4A Barton	5A Lane	5A Thomas	3A Madison*	6A Sagadahoc
4A Bourbon	4A Leavenworth	5A Trego	3A Morehouse	6A Somerset
4A Brown	4A Lincoln	4A Wabaunsee	3A Natchitoches*	6A Waldo
4A Butler	4A Linn	5A Wallace	2A Orleans*	6A Washington
4A Chase	5A Logan	4A Washington	3A Ouachita*	6A York
4A Chautauqua	4A Lyon	5A Wichita	2A Plaquemines*	<b>MARYLAND</b>
4A Cherokee	4A Marion	4A Wilson	2A Pointe Coupee*	4A Allegany
5A Cheyenne	4A Marshall	4A Woodson	2A Rapides*	4A Anne Arundel
4A Clark	4A McPherson	4A Wyandotte	3A Red River*	4A Baltimore
4A Clay	4A Meade	<b>KENTUCKY</b>	3A Richland*	4A Baltimore (city)
5A Cloud	4A Miami	4A (all)	3A Sabine*	4A Calvert
4A Coffey	5A Mitchell	<b>LOUISIANA</b>	2A St. Bernard*	4A Caroline
4A Comanche	4A Montgomery	2A Acadia*	2A St. Charles*	4A Carroll
4A Cowley	4A Morris	2A Allen*	2A St. Helena*	4A Cecil
4A Crawford	4A Morton	2A Ascension*	2A St. James*	4A Charles
5A Decatur	4A Nemaha	2A Assumption*	2A St. John the Baptist*	4A Dorchester
4A Dickinson	4A Neosho	2A Avoyelles*	2A St. Landry*	4A Frederick
4A Doniphan	5A Ness	2A Beauregard*	2A St. Martin*	5A Garrett
4A Douglas	4A Osage	3A Bienville*	2A St. Mary*	4A Harford
4A Edwards	5A Osborne	3A Bossier*	2A St. Tammany*	4A Howard
4A Elk	4A Ottawa	3A Caddo*	2A Tangipahoa*	4A Kent
5A Ellis	4A Pawnee	2A Calcasieu*	3A Tensas*	4A Montgomery
4A Ellsworth	5A Phillips	3A Caldwell*	2A Terrebonne*	4A Prince George's
4A Finney	4A Pottawatomie	2A Cameron*	3A Union*	4A Queen Anne's
4A Ford	4A Pratt	3A Catahoula*	2A Vermilion*	4A Somerset
4A Franklin	5A Rawlins	3A Claiborne*	3A Vernon*	4A St. Mary's
4A Geary	4A Reno	3A Concordia*	2A Washington*	4A Talbot
5A Gove	5A Republic	3A De Soto*	3A Webster*	4A Washington
4A Graham	4A Rice	2A East Baton Rouge*	2A West Baton Rouge*	4A Wicomico
4A Grant	4A Riley	3A East Carroll	3A West Carroll	4A Worcester
4A Gray	5A Rooks	2A East Feliciana*	2A West Feliciana*	<b>MASSACHUSETTS</b>
4A Greeley	4A Rush	2A Evangeline*	3A Winn*	5A (all)
4A Greenwood	4A Russell	3A Franklin*	<b>MAINE</b>	<b>MICHIGAN</b>
4A Hamilton	4A Saline	3A Grant*	6A Androscoggin	6A Alcona
4A Harvey	5A Scott	2A Iberia*	7 Aroostook	6A Alger
4A Howard	4A Sedgwick			

(continued)

# **Local Building or Fire Code**

## **Board of Appeals**

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# **POWERS and DUTIES**

2000

Virginia Department of Housing and Community Development  
Office of the Review Board

## ABSTRACT

- TITLE:** Powers and Duties of the Local Building or Fire Code Board of Appeals
- AUTHOR:** Office of the Review Board  
Virginia Department of Housing and Community Development
- SOURCE OF COPIES:** Department of Housing and Community Development  
Office of the Review Board  
The Jackson Center  
501 North Second Street  
Richmond, Virginia 23219-1321
- NUMBER OF COPIES:** As Needed (2000)
- ABSTRACT:** A Local Board of Appeals plays an important role in the enforcement of building and fire regulations by local governments. Most members of a board of appeals, however, have little or no training in quasi-judicial proceedings or in the application of the regulations which control building construction and fire safety. This document is a technical manual to assist members of the local boards in carrying out their responsibilities.

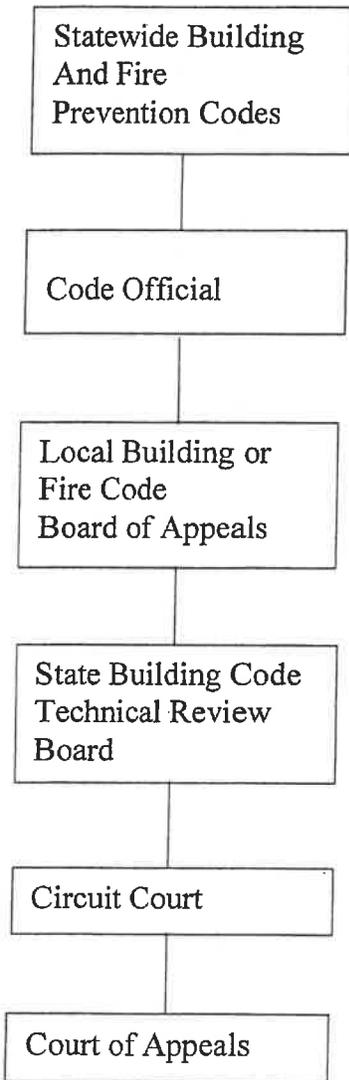
## INTRODUCTION

Local governments are required to enforce the Virginia Uniform Statewide Building Code and may enforce the Virginia Statewide Fire Prevention Code. When decisions under these codes are made by local code officials, the affected person(s) may appeal such decisions to a local board of appeals. The local board then rules whether to uphold or overturn the code official's decision. The powers and duties of the Local Board of Appeals are discussed in the following pages.

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## APPEALS PROCESS



The Uniform Statewide Building Code and the Statewide Fire Prevention Code are the state regulations being enforced by the local code official.

The local code official makes a decision under the code.

The regulated party appeals the decision of the code official to the local building or fire code board of appeals and the local board of appeals makes a ruling.

The regulated party or the code official furthers the appeal to the State Building Code Technical Review Board and the State Review Board makes a ruling.

The appeal is furthered to the circuit court level and the court makes a ruling.

The appeal is furthered to the Virginia Court of Appeals.

# **Powers and Duties of the Local Building or Fire Code Board of Appeals**

## **1. What is a Local Building or Fire Code Board of Appeals?**

A quasi-judicial body established under state law to rule on disagreements between the local enforcers of the Virginia Statewide Fire Prevention Code ("the SFPC") or the Virginia Uniform Statewide Building Code ("the USBC") and those persons being regulated under the codes.

The SFPC is a state regulation prescribing standards to be complied with for the protection of life and property from the hazards of fire or explosion and the handling, storage and use of explosives or blasting agents.

The USBC is a state regulation prescribing standards to be complied with in the construction and maintenance of buildings and structures.

The enforcement of the USBC by a local building department within each city, county and town government is mandated by state statute, while enforcement of the SFPC by local government is optional and is enforced by the Virginia State Fire Marshal's Office in those localities where there is no local enforcement.

## **2. Why Does a Local Building or Fire Code Board of Appeals Exist?**

Disagreements inevitably arise in the enforcement of any regulation. The board of appeals is established to provide a means of having a decision of a code official (the generic name for a person responsible for enforcement of either the SFPC or USBC) reviewed by an independent body to assure that the applicable code is being properly enforced.

They are established at the local government level since the enforcement of the SFPC and the USBC is by a agency within the local government. A hearing by a local board of appeals is seen as a necessary first step in the overall appeal process (see Appeals Process, page 1).

## **3. What is the Legal Authority for Creating a Local Building or Fire Code Board of Appeals?**

The provisions of state law relating to the USBC and appeals are set out in Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia ("the building code law"). The

provisions of state law relating to the SFPC and appeals are set out in Chapter 9 (§ 27-94 et seq.) of Title 27 of the Code of Virginia ("the fire prevention code law").

The appeals board for USBC appeals is referred to in the law as a "local board of Building Code appeals" and for SFPC appeals as a "local board of appeals." A local government enforcing both the USBC and the SFPC could use one board to serve both functions, or may have separate boards.

#### 4. Who Establishes the Local Building or Fire Code Board of Appeals?

The building code law states, "[t]here shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the [USBC]." The fire prevention code law states that appeals shall first lie to a local board of appeals.

It is generally agreed that since the local government enforces the USBC and SFPC, that the local building or fire code board of appeals should be appointed by the local governing body, e.g., the town or city council or a board of supervisors. Both the USBC and the SFPC contain provisions establishing qualifications for board members that the local governing body should consider in making appointments. The terms of office (the length of appointment) of the board members is also determined by the appointing authority.

The local board of appeals must have at least five members, but may have more as determined by the appointing authority or through its bylaws. The appointing authority may authorize multiple boards, each to hear appeals concerning different subject matter. In that case, each such board shall independently meet all requirements for membership, etc.

#### 5. What Are the Powers of the Local Building or Fire Code Board of Appeals?

The building code law states, "[a]ppeals from the local building department concerning application of the [USBC] or refusal to grant a modification to the provisions of the [USBC] covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure shall first lie to the local board of Building Code appeals." The fire prevention code law states, "[a]ppeals concerning the application of the [SFPC] by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board."

The power of the local board of appeals is to, when presented with an appeal, rule on the application of the SFPC or USBC by the enforcing agency or to rule on the enforcing agency's denial of a modification request.

In exercising these powers, the local board of appeals may reverse or affirm, wholly or partly, or modify any decision under review as well as to determine whether an appeal is properly before them (see Question #7).

6. What Are the Administrative Responsibilities of the Local Building or Fire Code Board of Appeals?

A. The local board of appeals shall:

- (1) Hear appeals when properly presented;
- (2) Keep minutes of its proceedings, which include the vote of each member on each question, and records of its deliberations and other official actions;
- (3) File its records in the office of the board and maintain them as a public record;
- (4) Hold meetings that are open to the public at the call of the chairman and at such other times as the board may determine; and
- (5) Elect a chairman to preside over appeal hearings.

B. A secretary is appointed by the local governing body or by the board to maintain a record of proceedings and to otherwise coordinate board activities.

7. What Procedures Does the Local Building or Fire Code Board of Appeals Use in Hearing an Appeal?

Many of the specific requirements are contained in the USBC and SFPC. In addition, procedures may be established by the bylaws of the board and others are standard practice for all quasi-judicial boards. Typically, there are two separate parties involved; the appealing party, and the enforcement official. An overview of a typical proceeding is set out below:

- (1) Once an appeal has been requested in writing, the board must meet within 30 days to take action on the appeal.
- (2) Notice of the meeting date is sent to those involved at least two weeks before the day of the meeting.
- (3) Suggested order of events for the hearing of an appeal is as follows:
  - a. The chairman or another member of the board should serve as a presiding officer at the appeal hearing and opens the hearing. A quorum of the board (more than half of the number of members currently appointed) must be present to conduct business.

- b. Jurisdictional issues may be raised by those involved or by members of the board and should be dispensed with prior to hearing an appeal on its merits. Jurisdictional issues are as follows:
  - 1. Whether the appealing party has a right to appeal under the regulation.
  - 2. Whether the time frame for submitting an appeal has been met.
  - 3. Whether the issue in question is appealable under the applicable regulation.
- c. If the appeal is valid jurisdictionally, the appealing party should be given an opportunity to submit any relevant documents to the board and to submit, orally or in writing, any arguments to substantiate their position in the appeal.
- d. Objections by those involved in the appeal to any proceeding or documents may be ruled on by the chairman or presiding officer.
- e. Any opposing party may cross-examine the appealing party after testimony is complete. The appealing party may then have any witnesses testify and the opposing party may cross-examine the testimony of any witnesses.
- f. The opposing party may then present any arguments or documents, or both, to the board and have any witnesses testify. Cross-examination by the appealing party is permitted after each person's testimony.
- g. Closing arguments may be permitted if warranted and the hearing then closed. Those involved should be informed that no more testimony will be taken, that deliberations will follow, and that they will be notified of the decision of the board through a written resolution (see Appendix for sample resolution).

8. What Are the Consequences of Actions of the Local Building or Fire Code Board of Appeals?

The board may uphold the decision of the code official, in which case the appealing party has a right to further the appeal to the State Building Code Technical Review Board, a governor-appointed board within the Virginia Department of Housing and Community Development. Decisions of the State Review Board are subject to court review (see Appeals Process, page 1).

The board may overturn the decision of the code official, in which case the code official may request the State Review Board to re-hear the appeal. The code official should take

action in accordance with the decision of the local board of appeals, whether it would be the withdrawal of a notice of violation or the approval of a material, operation or process.

9. Does the Virginia Freedom of Information Act and Conflict of Interest Act Affect the Local Building or Fire Code Board of Appeals?

The Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) provides guidelines for public access to local board of appeals' meetings and to official records.

The Virginia Conflict of Interest Act (§ 2.1-639.1 et seq. of the Code of Virginia) provides standards of conduct for members of the local building or fire code board of appeals.

Board members should be familiar with these code sections and refer questions to the board's legal counsel as the members are subject to the provisions of both Acts.

# APPENDIX

Suggested Bylaws  
Local Board of Appeals  
(substitute actual name of board)

## Article 1. Officers

- 1-1. The local board of appeals shall organize; and annually elect a chairman, vice-chairman and secretary in the month of \_\_\_\_\_.
- 1-2. The chairman shall preside at meetings and hearings, shall decide points of order or procedure and shall appoint any committees that are found to be necessary.
- 1-3. The vice-chairman shall assume the duties of the chairman in the chairman's absence.
- 1-4. The secretary shall handle correspondence subject to these rules at the direction of the board; shall send out notices required by these rules; shall keep the minutes of the board's proceedings; and shall keep a file on each appeal which comes before the board.

## Article 2. Meetings

- 2-1. Regular meetings of the local board of appeals for the hearing of cases shall be held on the \_\_\_\_\_ of each month at \_\_\_\_\_ .m., unless no cases are pending, in which instance no meeting shall be held.
- 2-2. Special meetings may be called by the chairman, provided at least five (5) days written notice of such meeting is given each member.
- 2-3. A majority of the board shall constitute a quorum.
- 2-4. Business conducted at meetings of the board shall follow Roberts' Rules of Order.
- 2-5. The board may adjourn a meeting if all applications or appeals cannot be disposed of on the meeting day, and no further notice shall be necessary for a continuation of such meeting.

## Article 3. Procedure for Hearing Appeals

- 3-1. Appeals to the local board of appeals shall be filed with the code official on a form provided by the board. The code official shall transmit the appeal to the

secretary of the board along with all papers constituting the record of action upon which the appeal is based.

- 3-2. The applicant shall provide the secretary with all information requested on the form provided by the board and any such additional information and data as may be required to advise the board fully with reference to the application for appeal. Applications for appeal must be made on the proper form.
- 3-3. An application for appeal filed accordingly to the above shall be assigned an appeal number within five (5) days. Applications for appeals will be heard in the order they are received.
- 3-4. The secretary of the board shall schedule the appeal, notify all interested parties of the hearing and give notice including the time, date and place of the meeting to anyone requesting such information.
- 3-5. The applicant may appear in his own behalf at the hearing or may be represented by counsel or an agent.

Both the applicant and the code official may speak to the appeal and any person whose interests are affected may speak for or against the issue. The applicant shall be given an opportunity for final rebuttal.

- 3-6. The final decision on any appeal to the local board of appeals shall be in the form of a resolution approved by a quorum of the board.
- 3-7. The board shall notify the interested parties and the code official of the decision within seven (7) days after the signing of the resolution by the chairman, and in any event, within fourteen (14) days after the meeting in which the decision is made and within sixty (60) days of the date on which the application for appeal was filed.

#### Article 4. Records

- 4-1. A complete file on each appeal shall be kept by the secretary as part of the records of the local board of appeals.
- 4-2. All records of the board shall be public records.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

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

## Application for Appeal

\_\_\_\_\_

Locality

I (we) \_\_\_\_\_ of \_\_\_\_\_  
(name) (mailing address)

respectfully request that the Local Board of Appeals review the decision made on \_\_\_\_\_, 2000\_\_ by the code official.

Description of Decision Being Appealed: \_\_\_\_\_

\_\_\_\_\_

Location of Property Involved: \_\_\_\_\_

What is the applicant's interest in the property?

owner

contractor

owner's agent

other (explain) \_\_\_\_\_

Relief Sought: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant

Filed at \_\_\_\_\_, Virginia, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

# Sample Resolution

WHEREAS, the \_\_\_\_\_ Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the \_\_\_\_\_ code; and

WHEREAS, an appeal has been filed and brought to the attention of the board of appeals; and

WHEREAS, a hearing has been held to consider the aforementioned appeal; and

WHEREAS, the board has fully deliberated this matter; now, therefore, be it

RESOLVED, That in the matter of

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

IN RE: \_\_\_\_\_ v. \_\_\_\_\_

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

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

Signature \_\_\_\_\_  
Chairman of Local Board of Appeals

Note: Further appeal may be made to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia 23219.

A meeting of the Frederick County Board of Appeals was held on Tuesday, May 28, 2019, at 2:00 p.m., in the Board of Supervisors' Meeting Room, County Administration Building, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Whit Wagner; Richard Ruckman; Kevin Kenney; and Kay Dawson

**ABSENT**

Robert Rhodes

**CALL TO ORDER**

Chairman Whit Wagner called the meeting to order.

**APPEAL REQUEST 01-2019 – Oscar and Olga Marroquin**

Mr. Whit Wagner, Chairman asked the county to present their side of the appeal first.

Ms. Erin Swisshelm, County Attorney , stated the issue is the air balance test and if the registers can be closed or adjusted to manipulate air flow.

Mr. Chris Dove, appellant attorney, stated the issue at first was a manual j and the size of the equipment which turned out not to be the issue. But rather, the air balance done in February 2018, that was conducted, and the test failed. The corrections were to add a register in the closet and have some other work done. In March of 2019 the air balance was performed by William Wiles and his report passed. The County then, accepted the manual j and air balance report. That is the subject that is being appealed to the board. Then, the client had his own air balance performed, by Annandale. The test reflected that the system failed. The issue for the board is to decide whether the person performing the test can manipulate the registers to get the test to pass. The flow was less going out than was coming into the system. It was stated that air could be coming in from outside. Perhaps there was a hole in the ductwork.

Chairman Whit Wagner then asked why they would assume that it was pulling in outside air.

Mr. Dove, then handed out the report from Annandale. He explained the report results and the attachments.

Chairman Wagner asked about the air flow on the report that is on pages 28 and 29.

Mr. Dove explained about the air flow on those pages.

Chairman Wagner asked is there any problem with the heating and cooling in the house or just an air balance issue.

Mr. Dove explained that there was a problem with heating in the winter and cooling in the summer. He said it has to do with air flow. The unit is running fairly constantly. It can't keep up. The problem was the size of the unit. So, Mr. Marroquin had an independent person do another manual J, saying the units were not under sized, his name is Josh Catlett. Mr. Catlett is a mechanical engineer, and his report showed that the system passed. Therefore, they took the issue of the manual J off the table as part of the appeal.

Chairman Wagner asked if the size of the unit can be taken off the table.

Mr. Dove answered that it could be taken off the table, as the size of the units were not an issue.

Chairman Wagner, asked about the air balance report from Annandale, and if there were adjustments made in order to get the system to balance. I see that this was done in the first report that was performed by Mr. Wiles, and not the report done by Annandale. Mr. Wagner noted the registers were not adjusted in the final report.

Ms. Swisshelm, then explained that the county accepted the first report, and the mech code says that the registers can be adjusted. Internal dampers are not required in residential. It is the nature of how the test was performed that is in dispute. It's the County's position that the test was performed adequately.

Chairman Wagner, then asked Mark Fleet, Building Code Official, if the air balance report performed was done with adjusting registers?

Mr. Fleet, answered, they went through the house and performed the test. Then, went back through and adjusted the registers to reach the air flow required on the manual j. As part of that initial request, the engineer needed to sign and seal the report that was performed by the first company that did the original air balance test.

Mr. Kevin Kenney, asked, were the steps that were taken, part of the building code requirement.

Mr. Fleet, answered no, that he decided that since there was an issue with the first report that was performed, I requested that the builder get an independent person to perform the second test.

Ms. Swisshelm asked was that required by the building code to have an independent person perform the test.

Mr. Fleet, answered, No. It is not required.

Ms. Swisshelm, asked Mr. Fleet is it required to have the manual J signed and sealed by an engineer?

Mr. Fleet, answered, No.

Ms. Swisshelm, then asked why he had another test performed?

Mr. Fleet, to assure that the system was the correct one.

Mr. Kenney, asked, did you do this on your own as the building dept.

Mr. Fleet, answered, No, it was sent back to the builder, to have the test performed and signed off on by a mechanical engineer.

Ms. Swisshelm, answered, that the initial violation went to the builder, not to Mr. Marroquin. The one charged with the violation has the duty to address the violation.

Mr. Kenney, answered, ok, thank you.

Chairman Wagner is there anything else to come before the board.

Mr. Dove, said, that even though the volume dampers are not required in residential duct work, performing the air balance report and allowing adjustment of registers should not be permitted. The adjustments in the registers can be moved easily by occupants. The house will no longer be in balance. Mr. Wiles, report is less involved than Annandale's air balance report. Annandale report failed due to inadequate air flow, which is not addressed in Mr. Wiles report.

Chairman Wagner asked Mr. Fleet or his representative. Is there any evidence of outside air flow in this system?

Mr. Richard Ruckman, answered, he didn't think so, I think when they are saying outside air, they mean outside the duct work.

Mr. Dove, said, it must be drawing air from outside the duct work.

Ms. Swisshelm, said, a couple of things first, we received a copy of the report, and didn't discuss during the phone conversion about the appeal. She then asked Mr. Kirby Place, county inspector, if he was present for the entire test of the system?

Mr. Place, answered, that he was present for the entire test of the system.

Ms. Swisshelm asked about what the gentleman had said about the testing of the system.

Mr. Place, answered, that the gentleman doing the test, had told Mr. Marroquin that he recommended to all people to mark the registers with a permanent marker to keep them in place so if it was bumped, like during moping, cleaning , or by your foot, it can be put back to keep system in balance. If it stays where it is, the system will remain in balance.

Mr. Kenney, asked, so you mean the floor registers that has the little slides or knobs, should not be moved.

Mr. Place, answered, Yes.

Mr. Dove, said, you should not be able to adjust the registers. If internal dampers would have been put in with and an access door before the drywall was put up, it wouldn't be an issue.

Chairman Wagner, the registers are made to be adjusted, the dampers should be off the table as there is a 3<sup>rd</sup> party PE stamp, and that in my opinion, I don't feel comfortable over riding that. It is a performance code, not a specific code. It is my opinion, that the county handled this issue correctly, and met the intent of the code. That is my opinion only.

Mr. Kenney, said, he doesn't disagree with Mr. Wagner. That the 3<sup>rd</sup> party report added clarity. At what point does the county's responsibly cease and the building contractor begins.

Ms. Swisshelm, said, does it become a civil dispute. It is a performance-based code. The report with an engineered seal is what I believe to have been done per code. The mechanical code allows the registers or dampers to be adjusted in a commercial application. Because we are dealing with a smaller system, the registers were adjusted. Because we are dealing with a comfort issue, I believe it's a civil issue between the contractor and the homeowner.

Mr. Kenny, agreed.

Mr. Ruckman, agreed.

Ms. Kay Dawson agreed also.

Chairman Wagner, then asked the other board members to make a motion.

Mr. Kenney made a motion to accept the findings of the building dept and accept the test and balance report provided and the inspections they did after that.

Mr. Ruckman, then second the motion.

Chairman Wagner, then took a vote starting to his right by indicating "I"

Mr. Kenney, said I.

Mr. Ruckman, said I.

Ms. Dawson, said I.

Chairman Wagner, chair votes I. Would like to speak to them after the meeting.  
Called for adjournment.

Mr. Ruckman, 2<sup>nd</sup> the motion to adjourn.

**APPEAL REQUEST – DENIED**

Chairman Wagner, said he believes it's a civil matter, not a code issue.

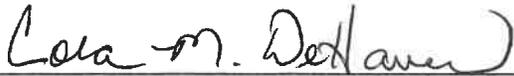
**ADJOURN**

There being no further business to come before the Board, Chairman Whit Wagner adjourned the meeting at 2:35 p.m.



Whit Wagner, Chairman, Board of Building Appeals

Minutes Prepared By



Cora M. DeHaven

Secretary, Board of Building Appeals

**COPY**

**RESOLUTION**

**WHEREAS**, The Frederick County Local Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the USBC;

**WHEREAS**, an appeal has been filed and brought to the attention of the board of appeals;

**WHEREAS**, a hearing has been held to consider the aforementioned appeal; and

**WHEREAS**, the board has fully deliberated this matter; now, therefore, be it

**RESOLVED**, That in the matter of

Appeal Number 01-2019

RE: Oscar and Olga Marroquin v. Frederick County

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

The Frederick County Board of Building Appeals voted unanimously to uphold the decision of the Building Official to accept and approve the air balance report. In the opinion of the Frederick County Board of Building Appeals the acceptance of the air balance report was within the guidelines of the USBC.

Date: May 28, 2019

Signature:   
Chairman of Local Board of Appeals

Note: "Any person who was a party to the appeals to the State Review Board by submitting an application to such Board with 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 501 North Second Street, Richmond, VA 23219, 804-371-7150."

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.

**Note:** To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the VADR.

**119.6 Meetings and postponements.** The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a period of up to 45 calendar days shall be permitted where the LBBCA has regularly scheduled monthly meetings. A longer time period shall be permitted if agreed to by all the parties involved in the appeal. A 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, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

**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 by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be sent to all parties by certified mail. In addition, the resolution 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 resolution. Application forms are available from the Office of the State Re-

view Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

**119.8 Appeals to the State Review Board.** After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with Section 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the building official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the building official's decision. For appeals from a LBBCA, a copy of the building official's decision and the resolution of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the building official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

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Additional Documents  
Submitted by  
Oscar and Olga Marroquin

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Project #: E18103

Project: Oscar Marroquin  
105 Reedville Court  
Stephen City, VA 22655

### Introduction

Mr. Oscar Marroquin has selected the professional engineering services of Comfort Design Inc to investigate and prepare a report of the HVAC system installed in his home. Due to the broad scope of the study, this report shall be summary in nature. Mr. Marroquin has stated the issues he is having with the home is that areas of the house are not cooling properly or are overcooling other areas of the home.

### Review Procedure

An ACCA Manual J was performed on the residence. A review of a certified air balance report completed by Annandale Air Balance report. A site visit was performed on June 18<sup>th</sup>, 2019 by Joshua Catlett and Roger Catlett of Comfort Design Inc. The professional engineers did physical observations to review and collect hands on knowledge about the HVAC installation.

### Findings

The ACCA Manual J calculated on the residence came to a total cooling load of 36,887 btuh (3.1 tons) and a total heating load of 50,443 btuh. The installed equipment is an 80,000 btuh gas furnace for heating and 4 ton (48,000 btuh) split system air conditioning.

- ✓ The certified air balance report showed the HVAC system to fail the required ACCA Manual D air balancing requirements. It was found the system does not have manual volume dampers installed in the duct system.
- ✓ The site visit inspection of the installed HVAC system confirmed the manual volume dampers were not installed. The ductwork installation was only partially reviewed due to most of the ducts serving the upper floor were not viewable and were drywall enclosed.

### Analysis

- ✓ It was concluded that the HVAC heating and cooling equipment size was acceptable to meet the heating and cooling demands of the residence.
- ✓ The ductwork installation does not appear to be sufficient to meet the requirements to air balance the residence to provide uniform cooling and heating of the basement, 1<sup>st</sup> Floor and 2<sup>nd</sup> Floor. The owner has reported extremely cold temperatures in the 2<sup>nd</sup> floor rooms during the winter and very warm temperatures in the 2<sup>nd</sup> floor rooms during the hot summer months. As a minimum, it is recommended that the manual volume dampers be installed in the ductwork in order to properly air balance the ductwork system. An alternate and better solution would be to install a two zone damper system on the existing ductwork with zone thermostats on 1<sup>st</sup> Floor and 2<sup>nd</sup> Floor. Homes that are 2 stories normally

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620 Pennsylvania Ave.  
Winchester, VA 22604

Voice: (540) 665-2846  
Fax: (540) 665-0038



Comfort Design, Inc.  
Mechanical & Electrical Engineers

have two HVAC systems, one for 1st floor and one for 2<sup>nd</sup> floor in order to keep acceptable comfort levels on each floor. One system will serve the basement and first floor. The second system will serve the second floor of the residence.

A handwritten signature in black ink that reads "Joshua L. Catlett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joshua L. Catlett, P.E.  
Professional Engineer

---

620 Pennsylvania Ave.  
Winchester, VA 22604

Voice: (540) 665-2846  
Fax: (540) 665-0038



oscar marroquin &lt;marroquin4@gmail.com&gt;

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**Explanation Letter regarding the existing HVAC system.**

2 messages

**Donnie Laing** <donnie@ashavac.com>

Wed, Jul 3, 2019 at 10:27 AM

To: oscar marroquin &lt;marroquin4@gmail.com&gt;

Cc: Brandon Atkins &lt;brandona@ashavac.com&gt;

Good morning Mr. Marroquin, I have visited your home in the regards to your HVAC complaints. After reviewing all the information that we have talked about my conclusions how to resolve your issues are as following.

### (CURRENT PROBLEMS WITH THE EXISTING SYSTEM)

1. There is no way to balance the system to obtain proper airflow to the upstairs and control the temperature.
2. There are two supply vent that appear that they may not be connected to the main duct line for the upstairs. These are located small room front of the house no airflow.
3. The Main supply trunk line that is located in the first floor ceiling that supplies air to the second floor and is installed incorrectly. Supply trunk is the same dimensions and it is not reduced down to control the statics in the system correctly. There is no balancing dampers anywhere to balance the system other than in the basement at the equipment location. Will not balance individual supply vents.
4. Homeowner stated that the supply ductwork that runs thru TGI floor truss in the living room, kitchen, dining room was making popping noises this is due to internal static pressure in duct system and poorly installed.

Aire Serv has proposed the following recommendation:

1. Provide and install one heat pump system in the attic for the upstairs location. This will have a 2 Ton Heat pump system with a 10 Kw heater pack and complete duct system and thermostat controller.
2. This will require disconnecting the existing main trunk at the basement and capping it off this will eliminate noise popping. Cost \$15,500.00
3. First floor and basement system will have to be replaced with a 2 Ton air condition coil and condensing unit and matched with 80,000 BTUH 92% 2 Stage Gas Furnace as now that the existing equipment is too big for just the basement and the first floor area. Cost \$8,945.00

These proposals will give the homeowner proper control of his systems and solve all of his ongoing issues with his current HVAC system.

---

**oscar marroquin** <marroquin4@gmail.com>

Wed, Jul 3, 2019 at 1:21 PM

To: Christopher Dove &lt;chris@christopherdovelawfirm.com&gt;

<https://mail.google.com/mail/u/1?ik=78f218f618&view=pt&search=all&permthid=thread-f%3A1638051499127988153&siml=msg-f%3A1638051499127988153> 1/2



VA License #  
2705071440  
Class A HVA/GFC

## Proposal

6/18/19

Oscar Marroquin  
105 Reedville Court  
Stephens City, Va. 22655

### Scope of Work

1. Provide and install one 2 ton 14 SEER air conditioning unit.
2. Provide and install one 80,000 two stage gas furnace 92% EFF.
3. Provide and install some duct modifications.
4. Provide and install new refrigerant lines.
5. Provide and install one safety pan under the gas furnace with float switch.
6. Provide all electrical line voltage and low voltage control wiring.
7. Cleanup jobsite after work has been completed.
8. Operation check on the entire system.

**Total cost of proposal: \$8,945.00**

**Payment:** 40% deposit is required at signing of this contract and 60% due on the completion of this job.

**Aire Serv Assurance Guarantee:**

Aire Serv hereby guarantees that we will comply with all local requirements for building permits, inspections, and zoning.

**Change Order Policy:**

Any modifications of the signed contract by either party, including but not limited to, cost, materials, work to be performed, estimated completion date, must be in writing and signed by all parties.

**Force Majeure Clause:**

10/11/2018

Gmail - FW: Marroquin Residence



oscar marroquin <marroquin4@gmail.com>

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**FW: Marroquin Residence**

3 messages

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**Tracy Fries** <tfries@aims-llcva.com>  
To: marroquin4@gmail.com  
Cc: Scott Harper <sharper@aims-llcva.com>

Thu, Sep 6, 2018 at 7:56 AM

Good Morning Oscar,

Attached you will find the Manual J for your home. Below you will find Scott's thoughts on the project.

Should you have any questions, give us a shout.

Thank you,

Tracy

A.I.M.S., LLC

Okay, I have reviewed the manual J and all so the disc with the floor plan. The disc has multiple stamped floor plans of this house design. It seems to me that we are missing some square footage for the house design. With this being written, I can honestly state that there is a huge disconnect between the builder and the Fredrick county inspections department. Hence leaving both the homeowner and whomever is trying to remedy this problem very handicapped.

I can however state that there is a significant issue with the thermal envelope, sealing and installation of the insulation package. After reviewing the data of the thermal inspection.

I can however state that the ducting system installation is very inadequate for the system equipment installed. Adding along with an inferior thermal package will result in an uncomfortable comfort level with the climate control of the home. The ducting system is not sized correctly for the upper level of the home. The multiple levels are controlled by a centrally located thermostat leaving the majority of the home at the mercy of this location, pending the climate and season.

I recommend an independent HVAC system just for the second level with a dedicated climate controller. And a independent HVAC system for the main level and basement area. Somehow fix or elevate the performance of the insulation/thermal package for the dwelling. Example: insulate the floor/ceiling area between the master bedroom area and the unconditioned garage area.

G. Scott Harper

Advanced Integrated Mech. Specialist

425 N. Cameron Street

Winchester VA 22601

540.773.4741 office

