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 Marroquín
   Appeal No 19-04

VII. Secretary’s Report

   a. Board Policy Process and upcoming Board Retreat
   b. November meeting update
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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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.

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.

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.

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.
(Page left blank intentionally)
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.
(Page left blank intentionally)
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.
(Page left blank intentionally)
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.
(Page left blank intentionally)
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

_______________________________________________
Chairman, State Building Code Technical Review Board

___________________________________________________
Secretary, State Building Code Technical Review Board
(Page left blank intentionally)
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.
(Page left blank intentionally)
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.
(Page left blank intentionally)
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.
VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

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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
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.


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
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.
Basic Documents
(Page left blank intentionally)
April 22, 2019

Karen Lindsey
Po Box 5481
Chesapeake, VA 23324

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

Dear Ms. Lindsey:

Attached please find the signed ruling for LBCCA 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, 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

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
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."
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) 337-0299 - ALEX.LINDO@GMAIL.COM
305 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 - 304 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 - 757-382-8514

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 3rd 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)
Documents Submitted
By Karen Lindsey (Owner)
Good Afternoon Mr. Luter,

This week I will be sending documentation in reference to my 2nd 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 8th 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.
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.


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."
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."
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) 897-0349 - k.lind@emai1.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 23324 - 5225
John King, Code Official Email Address: jking@cityofchesapeake.net - 757-382-8976
Michelle Throckmorton, Code Enforcement Administrator Email Address: mthrock@cityofchesapeake.net - 757-382-8914

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 12th 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
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’d 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
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.
AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703
Owner/Agent: Lindsey William J & Marjorie A
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 timeframe is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the timeframe. 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.
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.

"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,

[Signature]
John T. King, CI
Code Official

Enclosures
DEMOLITION AUTHORIZATION FORM

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

Property Identification Number: 141000005030

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 15229
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

Parcel #: 1410000005030
Property Address: 2445 STRAWBERRY L.N.

Occupancy: Occupied
Type: 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

<table>
<thead>
<tr>
<th>EXTERIOR</th>
<th>INTERIOR</th>
<th>PLUMBING/FIXTURES</th>
<th>EQUIPMENT</th>
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</thead>
<tbody>
<tr>
<td>301.3 Vacant Structure</td>
<td>305.1 General</td>
<td>502.1 Required Facilities</td>
<td>602. Heating &amp; Cooling Supply</td>
</tr>
<tr>
<td>302 Exterior Areas</td>
<td>305.2 Structural members</td>
<td>502.1 Water closet</td>
<td>603.1 Mechanical Appliances</td>
</tr>
<tr>
<td>302.7 Rodent Harborage</td>
<td>305.3 Interior surfaces</td>
<td>502.1 Bathtub/shower</td>
<td>603.2 Chimney/Vent Connection</td>
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<tr>
<td>302.7 Accessory Structures</td>
<td>305.4 Stairs/walking surfaces</td>
<td>502.1 Lavatory</td>
<td>603.3 Clearances</td>
</tr>
<tr>
<td>303 Pools/Enclosures</td>
<td>305.5 Handrails/guardrails</td>
<td>502.1 Kitchen sink</td>
<td>603.4 Controls</td>
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<tr>
<td>304 General Exterior</td>
<td>305.6 Interior Doors</td>
<td>503. Toilet Rooms</td>
<td>603.5 Combustion Air</td>
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<tr>
<td>304.2 Protective Treatment</td>
<td>305.7 Carbon Monoxide Alarms</td>
<td>504.1 Fixture maintenance</td>
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<tr>
<td>62.2 Weeds/Debris</td>
<td>307.1 Handrails/Guardrails</td>
<td>505.1 Fixture connections</td>
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<tr>
<td>304.3 Street Numbers</td>
<td>308.1 Interior Rubbish</td>
<td>505.2 Contamination</td>
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<tr>
<td>304.4 Structural Members</td>
<td>309. Pest Elimination</td>
<td>505.3 Supply</td>
<td></td>
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<tr>
<td>304.5 Foundation Walls</td>
<td>310. Lead Based Paint</td>
<td>505.4 Water heating</td>
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<td>304.6 Exterior Walls</td>
<td>602. Light</td>
<td>506.1 Sewer Connection</td>
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<td>304.7 Roofs/Drainage</td>
<td>403. Ventilation</td>
<td>506.2 Sewage maintenance</td>
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<tr>
<td>304.10 Stairs/decks/balconies</td>
<td>404. Occupancy Limitations</td>
<td>507.1 Storm Drainage</td>
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<tr>
<td>304.13 Window/door frame</td>
<td>702. Means of egress</td>
<td></td>
<td></td>
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<tr>
<td>304.13.1 Glazing</td>
<td>702.3 Locked doors</td>
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<tr>
<td>304.13.2 Openable window</td>
<td>704. Smoke detector</td>
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<td>304.14 Insect Screens</td>
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<td>304.15 Doors</td>
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<td>46.13.1 Graffiti</td>
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<td>105 Unsafe/Uplift Structure</td>
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<tr>
<td>14-4 Dangerous Building</td>
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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.us/government/City-Development-Departments/Departments/Development-and-Permits/Permits.htm
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."
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.
WILLIAM J. LINDSEY
MARIORIE A. LINDSEY
2455 STRAWBERRY LANE
CHESAPEAKE, VA 23324

9590 9402 3737 7335 0906 10

2. Article Number (Transfer from service label)
7017 0530 0000 2512 5318

PS Form 3811, July 2015 PSN 7330-02-000-0053
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:

[Handwritten notation: Review Phone Call + Email w/ Ms. Tate (Question)]

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

[Signature]  

445 Strawberry Lane POB #5481  
Chesapeake, VA 23324

Address

757-287-0299

Contact Phone Number
Date: 04/10/2018
Receipt #: 632331

Paid By: KAREN LINDSEY
2445 STRAWBERRY LN
CHESAPEAKE, VA 23324-3113

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<th>Fee Description</th>
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<tr>
<td></td>
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<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

BALANCE DUE $0.00

Collected By: DWARE
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,

[Signature]

Allison Harper,
Secretary

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

*The City of Chesapeake adheres to the principles of equal employment opportunity.
This policy extends to all programs and services supported by the City.*
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
AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703
Owner/ Agent: Lindsey William J & Marjorie A
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.

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
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 141000005030

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 hereby 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,

[Signature]

John T. King, III
Code Official

Enclosures
DESTRUCTION AUTHORIZATION FORM

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

Property Identification Number: 14100000005030

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 23323

Reference: 2445 Strawberry Lane - 141000005030

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

Parcel #: 1410000005030 Property Address: 2445 STRAWBERRY LN.

Occupancy Type: Occupied Tenant Name: 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

<table>
<thead>
<tr>
<th>EXTERIOR</th>
<th>INTERIOR</th>
<th>PLUMBING/FIXTURES</th>
<th>EQUIPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>301.3 Vacant Structure</td>
<td>305.1 General</td>
<td>502 Required Facilities</td>
<td>602 Heating &amp; Cooling Supply</td>
</tr>
<tr>
<td>302 Exterior Areas</td>
<td>305.2 Structural members</td>
<td>502.1 Water closet</td>
<td>603.1 Mechanical Appliances</td>
</tr>
<tr>
<td>302.5 Rodent Harborage</td>
<td>305.3 Interior surfaces</td>
<td>502.1 Bathtub/shower</td>
<td>603.2 Chimney/Vent Connection</td>
</tr>
<tr>
<td>302.7 Accessory Structures</td>
<td>305.4 Stairs/walking surfaces</td>
<td>502.1 Lavatory</td>
<td>603.3 Clearances</td>
</tr>
<tr>
<td>303 Pools/Enclosures</td>
<td>305.5 Handrails/guardrails</td>
<td>502.1 Kitchen sink</td>
<td>603.4 Controls</td>
</tr>
<tr>
<td>304 General Exterior</td>
<td>305.6 Interior Doors</td>
<td>503 Toilet Rooms</td>
<td>603.5 Combustion Air</td>
</tr>
<tr>
<td>304.2 Protective Treatment</td>
<td>305.7 Carbon Monoxide Alarm</td>
<td>504.1 Fixture maintenance</td>
<td></td>
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<tr>
<td>62.2 Weeds/Debris</td>
<td>307.1 Handrails/Guardrails</td>
<td>505.1 Fixture connections</td>
<td></td>
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<tr>
<td>304.3 Street Numbers</td>
<td>308.1 Interior Rubbish</td>
<td>505.2 Contamination</td>
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<tr>
<td>304.4 Structural Members</td>
<td>309.1 Pest Elimination</td>
<td>505.3 Supply</td>
<td></td>
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<tr>
<td>304.5 Foundation Walls</td>
<td>310 Lead Based Paint</td>
<td>505.4 Water heating</td>
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<td>304.6 Exterior Walls</td>
<td>402 Light</td>
<td>505.6 Sewer Connections</td>
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<tr>
<td>304.7 Roofs/Draight</td>
<td>403 Ventilation</td>
<td>506.2 Sewage maintenance</td>
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<tr>
<td>304.10 Stairs/deck/balconies</td>
<td>404 Occupancy Limitations</td>
<td>507.1 Storm Drainage</td>
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<tr>
<td>304.13 Window/door frame</td>
<td>702 Means of egress</td>
<td></td>
<td></td>
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<tr>
<td>304.13.1 Glazing</td>
<td>702.3 Locked doors</td>
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<tr>
<td>304.13.2 Openable window</td>
<td>704 Smoke detector</td>
<td></td>
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<tr>
<td>304.14 Insect Screens</td>
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<td>304.15 Doors</td>
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<tr>
<td>45.13.1 Graffiti</td>
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<tr>
<td>105 Unsafe/Unfit Structure</td>
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<tr>
<td>14-4 Dangerous Building</td>
<td></td>
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</table>

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 sections 14-46 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.ci.chesapeake.va.us/government/City-Departments/Departments/Department-of-Development-and-Permits/forms.htm
Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature: [Signature]

Date: 3-22-18

Code Official:
John King

Signature: [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.*
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.
SENDING COMPLETE THIS SECTION

1. Article Addressed to:

WILLIAM J. LINDSEY
MARJORIE A. LINDSEY
2475 STRAWBERRY LANE
CHESAPEAKE, VA 23324

2. Article Number (Transfer from service label)

7017 0530 0000 2512 5318

A. Signature

X P Wilson

B. Received by (Printed Name)

P Wilson

C. Date of Delivery

3/3/19

D. Is delivery address different from item 17?

Yes

If YES, enter delivery address below:

No

3. Service Type

☐ Priority Mail Express®
☐ Registered Mail™
☐ Domestic Mail Restricted Delivery

☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restrict Delivery
☐ Acknowledgment Delivery

☐ Signature Confirmation
☐ Signature for Commercial

☐ Restricted Delivery
Date: 04/10/2018

Paid By: KAREN LINDSEY
2445 STRAWBERRY LN
CHESAPEAKE, VA 23324-3113

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<th>Address</th>
<th>Lot #</th>
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<th>Amount</th>
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<td></td>
<td>Building Appeal Application Fee</td>
<td>$25.00</td>
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<td></td>
<td></td>
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<td>$25.00</td>
</tr>
</tbody>
</table>

**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] [MR/Date (Optional)]  

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  

[4455 Strawberry Lane] [000-5481]  

[Chesapeake, VA 23324]  

Address  

[757-247-0299]  

Contact Phone Number  

[April 10, 2010]  

Date  

[Name]  

[Name]  

[Name]
MEMBERS OF THE BOARD:

Mr. Kevin Ball, Chairman - present
Mr. Murray Goodwin - present
Mr. Gerald Martin - present
Mr. Robert Hudson - present
Mr. Eric Stichler - 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 uphold 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 Jacobi, 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

"The City of Chesapeake adheres to the principles of equal employment opportunity.
This policy extends to all programs and services supported by the City."
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 within 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 Office 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 Bell
Name
5/23/18
Date
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(ies) 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.”
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 or Travis.Luter@dhcd.virginia.gov, who are the contacts for that program.

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

Sincerely,

[Signature]

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."
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(ies) 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.*
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

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

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Please be advised that the remanded appeal will be heard and re-issued at a meeting
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held at the Chesapeake Central Library, 298 Cedar Rd, Chesapeake, VA 23322, in the
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If you have any questions, please call me at 382-6466.

Sincerely,

JillAnn Auty,
Secretary

C: Patrick M. Hughes, Building Official
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<td>Complete items 1, 2, and 3.</td>
<td>A. Signature</td>
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<tr>
<td>Print your name and address</td>
<td>X</td>
</tr>
<tr>
<td>so that we can return the</td>
<td>B. Received by (Printed Name)</td>
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<tr>
<td>card to you.</td>
<td>C. Date of Delivery</td>
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<tr>
<td>Attach this card to the</td>
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<tr>
<td>back of the mailpiece,</td>
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<tr>
<td>or on the front if space</td>
<td>If YES, enter delivery address</td>
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<td>below:</td>
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1. Addressed to:

Karen Lindsey
PO Box 5481
Chesapeake, VA 23324

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7018 2290 0011 3770 8725

PS Form 3811, July 2015 PSN 7530-02-000-9053

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PS Form 3811, July 2015 PSN 7530-02-000-9053

83
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 CALL + EMAIL w/ MR Code (Question)

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

Signature

2445 Strawberry Lane

Date

April 10, 2018

[] Other

Address

252-267-0299

Contact Phone Number
**Date:** 04/10/2018

**Paid By:**
KAREN LINDSEY  
2445 STRAWBERRY LN  
CHESAPEAKE, VA 23324-3113

**Chesapeake VIRGINIA**

Development and Permits Department
RECEIPT OF PAYMENT

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<th>Fee Description</th>
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**BALANCE DUE** $0.00

**Collected By:** DWARE
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
5/2/13
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 LBCCA 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."

3
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.

[Signature]
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.
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 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 referring 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.

Ms. 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.

APPPEAL 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.

[Signature]

Name

April 19, 2019

Date

Minutes reviewed and approved by LBBCA.

[Signature]

Name

April 17, 2019

Date
LOCAL BOARD OF BUILDING CODE APPEALS RULING
APEAL 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."
April 22, 2019

Karen Lindsey
Po Box 5481
Chesapeake, VA 23324

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

Dear Ms. Lindsey:

Attached please find the signed ruling for LBCCA 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](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, 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

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
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, 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. This policy extends to all programs and services supported by the City."
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."
Additional Documents
Submitted by
Karen Lindsey (Owner)
(Page left blank intentionally)
BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703
Owner/Agent: Lindsey William J & Marjorie A
Address: 2445 Strawberry Ln

Real estate Tax Value: $171,700.00
Utilities Connected: ☐ City Water ☐ City Sewer ☐ Septic Tank ☐ Gas ☐ Electric

Hazardous Structure Number: Phone No. Unknown

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 1991. 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 applies to all programs and services operated by the City."
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.
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.
Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature

Date: 1-30-18

Code Official:

John King

Signature

Date: 1-30-18
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 "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.

"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

<table>
<thead>
<tr>
<th>ATTENDEE (Initials)</th>
<th>REPRESENTING</th>
<th>EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin T. Ball</td>
<td>LBBCA</td>
<td><a href="mailto:kball@rrmm.com">kball@rrmm.com</a></td>
</tr>
<tr>
<td>Edwin A. Coyner III</td>
<td>LBBCA</td>
<td><a href="mailto:edcoyner63@gmail.com">edcoyner63@gmail.com</a></td>
</tr>
<tr>
<td>Murray R. Goodwin III</td>
<td>LBBCA</td>
<td><a href="mailto:mrgoodwinlll@aol.com">mrgoodwinlll@aol.com</a></td>
</tr>
<tr>
<td>Robert C. Hudson III</td>
<td>LBBCA</td>
<td><a href="mailto:rhudson@BGI-GC.com">rhudson@BGI-GC.com</a></td>
</tr>
<tr>
<td>Gerald F. Martin</td>
<td>LBBCA</td>
<td><a href="mailto:gfm@mandma.com">gfm@mandma.com</a></td>
</tr>
<tr>
<td>Eric Stichler</td>
<td>LBBCA</td>
<td><a href="mailto:estichler@bgi-gc.com">estichler@bgi-gc.com</a></td>
</tr>
<tr>
<td>Steven D. Allen</td>
<td>LBBCA</td>
<td><a href="mailto:redtr6man@cox.net">redtr6man@cox.net</a></td>
</tr>
</tbody>
</table>

City Staff and Appellants

Allison Harper - Development & Permits
John King
Karen Lindsey
Meredith Jacobi - Asst. City Attorney

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

I, Karen Lindsey, of 2445 Strawberry Lane, PO Box 5781, Chesapeake, VA 23324, 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, Chesapeake, VA 23324, in Chesapeake, VA on January 25, 2018, from 1/25/18 to 1/25/20.

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.

Signature: Karen Lindsey
Print: Karen Lindsey
Date: July 12, 2018
Phone Number: (757) 387-0299

City employee initials: ___ Date: ___
AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703
Owner/Agent: Lindsey William J & Marjorie A
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.
Release of Liability Statement

I, **KAREN LINDSEY**, of 2445 STRAWBERRY LN PO BOX 5481 CHESAPEAKE 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 CHESAPEAKE VA 23324, in Chesapeake, VA

January 25, 2018

[Print date and time frame of entry]

from 1/25/10 to 1/25/22

[Print address of unsafe structure]

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**

Signature

August 9, 2019

Date

(757) 281-0299

Phone Number

City employee initials Date
Release of Liability Statement

I, **Karen Lindsey**, of **2445 Strawberry Ln. PO Box 5781 Chesapeake, VA 23324**, 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 Chesapeake, VA 23324**, in Chesapeake, VA **January 25, 2018**, from **1/25/22** to **1/25/24**.

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.

Signature: **Karen Lindsey**
Print: **Karen Lindsey**
Date: **August 9, 2019**
Phone Number: **(757) 697-0299**

City employee initials Date
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 past 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 fired 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
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 1st 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 1st 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 2nd 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 2nd appeal would have to be filed with the State soon as the meeting began, let me reiterate what occurred at that April 17th 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 DEMOLITION.” 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 17th 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>

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 22nd of May.

Thanks again for all your help.

Karen Lindsey

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

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
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
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.
CERTIFICATE/LETTER OF QUALIFICATION
COMMONWEALTH OF VIRGINIA
VA. CODE §§ 6.2-893, 6.2-1171, 6.2-1365, 6.2-1367, 64.2-2011, 64.2-506, 64.2-607

Chesapeake Circuit Court

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

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. Stoffish, Deputy Clerk
Release of Liability Statement

I, KAREN LINDSEY, of 2445 Strawberry Ln P O Box 5481 CHESAPEAKE, VA 23324 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 Chesapeake, VA 23324, in Chesapeake, VA from January 25, 2018 to January 25, 2020.

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

Signature

Print

July 12, 2018

Date

(757) 267-0299

Phone Number

City employee initials

Date

135

310
3 people displaced in Chesapeake house fire

By: Kevin Green
Updated: Jan 25, 2018 05:28 AM EST

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
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 3rd Floor
Chesapeake VA 23322
757-382-6263
Karen Lindsey <k.alex.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.alex.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.alex.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.

Karen Lindsey <k.alex.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]

Jay Tate <jtate@cityofchesapeake.net>
To: Karen Lindsey <k.alex.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]

Karen Lindsey <k.alex.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

[Quote text hidden]

---

Jay Tate <jltate@cityofchesapeake.net>  
To: Karen Lindsey <k.alex.lind@gmail.com>  
Cc: John King <JKING@cityofchesapeake.net>, "Sandra R. Witherow" <swwitherow@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 to 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 B 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 not feasible to repair the structure, the property owner may decide to demolish the structure. The following steps 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.

The determination and notice of violation issued for the unsafe structure is authorized by the VIJSCC, 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 25, 2018, the deadline for submitting 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]

4 attachments

1801011 (9) (1).jpg
2419K

1801011 (7) (1).jpg
2322K
Memorandum of Understanding
Unsafe Structures DRAFT VERSION

Address: 1234 Cedar Road
Parcel # 100000000000

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.  


Property owner or Agent Signature ____________________________  
Printed Name ____________________________  
Date ______________  
City Employee's initials ________  

Page 2 of 2
April 2018 Demolition List

Board-Ups

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

Dangerous Building

- 1113 Kimberly Court
- 405 Beaugard Drive

Demolitions

- Dominion Blvd S
- 935 Hill Street
- 829 Bales Mill Road
- 837 Bales Mill Road
- 841 Bales 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
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 14100000005030

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 Parcel 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 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 1435 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,

[Signature]

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

Parcel #: 1410000005030
Property Address: 2445 STRAWBERRY LN.

Occupancy Type: Occupied
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

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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 14.8B 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

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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.
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):

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 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 J. 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: 14100000005030

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

Parcel #: 1410000005030 Property Address: 2445 STRAWBERRY LN.
Occupancy Type: Occupied
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

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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 II 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

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BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 16-00013703
Owner/Agent: Lindsey William J & Marjorie A
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. 1339 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."
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.
Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature: [Signature]

Date: 1-30-18

Code Official:

John King

Signature: [Signature]

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.*
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.

"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 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.

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 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,

[Signature]

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: 141000005030

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: ____________________________
Notice of Violation

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. Parcelli

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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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

167
Building Inspection Report for Unsafe Structures

SR Number: 18-90013703

Owner/Agent: Lindsey William J & Marjorie A

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.

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

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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,

[Signature]

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 - 140000005030

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
Owner/ Agent: Lindsey William J & Marjorie A
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

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

Examination:
On 28 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 28 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.

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Page 2

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

**Parcel #**: 1410000005030  
**Property Address**: 2445 STRAWBERRY LN.  
**Occupancy**: Occupied  
**Type**:  
**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**

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<tr>
<td>304.15 Doors</td>
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<tr>
<td>46.131.1 Graffiti</td>
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<tr>
<td>105 Unsafe/Unfit Structure</td>
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<tr>
<td>14-4 Dangerous Building</td>
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</tbody>
</table>

**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 14-85 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](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.

"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 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 141UUUUUUUU5030

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 hereby 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,

[Signature]

John T. King, III
Code Official

Enclosures
DESTRUCTION 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 - 141000005030  

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
Owner/Agent: Lindsey William J & Marjorie A
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."
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.

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

Parcel # 1410000005030  
Property Address 2445 STRAWBERRY LN.  

**Occupancy** Occupied

**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**

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

"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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NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 26, 2018

WW180329056

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.

*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,

[Signature]

John P. King, Jr.
Code Official

Enclosures
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
Owner/Agent: Lindsey William J & Marjorie A
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.

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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.

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

Harold B. Phillips III, Code Compliance Inspector

Signature: [Signature]

Date: 3-22-18

Code Official:

John King

Signature: [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

**Parcel #:** 14100000005030  
**Property Address:** 2445 STRAWBERRY LN.

**Tenant Name:** 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

---

## Exterior

| 197 | 197 |

## Interior

| 197 | 197 |

## Plumbing/Fixtures

| 197 | 197 |

## Equipment

| 197 | 197 |

---

### Electrical

| 197 | 197 |

---

**Code Explanations:**

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, anyone 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/CityDepartments/Building, code and permit/Building Code Forms.htm](http://www.cityofchesapeake.net/government/CityDepartments/Building, code and permit/Building Code Forms.htm)

---

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

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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.
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:

Serving Officer: Deputy M. Elkins

For: Jim O'Sullivan, Sheriff
Receipt # 532331

Date: 04/10/2018

Paid By: KAREN LINDSEY  
2445 STRAWBERRY LN  
CHESAPEAKE, VA 23324-3113

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<th>Lot #</th>
<th>Fee Description</th>
<th>Amount</th>
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<td>2445 STRAWBERRY LN</td>
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<td>Building Application Fee</td>
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<th>Payment Type:</th>
<th>Identifying #</th>
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<th>Amount</th>
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<td>1</td>
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<td></td>
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<td>Total</td>
</tr>
</tbody>
</table>

BALANCE DUE $0.00

Collected By: DWARE
Department of Development and Permits
Attention: John T. King, III
Post Office Box 15225
Chesapeake, Virginia 23321

Reference: 2445 Strawberry Lane - 141000005030

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.

[Signature]
Owner

[Signature]
Other

[April 10, 2018]
Date

2445 Strawberry Lane
PO Box 548
Chesapeake, VA 23321

Address

757-247-0299

Contact Phone Number
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,

[Signature]

Allison Harper,
Secretary

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

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

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<th>ATTENDEE (Initials)</th>
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<th>EMAIL</th>
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<tbody>
<tr>
<td>Kevin T. Ball</td>
<td>LBBCA</td>
<td><a href="mailto:kball@rmm.com">kball@rmm.com</a></td>
</tr>
<tr>
<td>Edwin A. Coyer III</td>
<td>LBBCA</td>
<td><a href="mailto:edcoyner63@gmail.com">edcoyner63@gmail.com</a></td>
</tr>
<tr>
<td>Murray R. Goodwin III</td>
<td>LBBCA</td>
<td><a href="mailto:mrgoodwinlll@aol.com">mrgoodwinlll@aol.com</a></td>
</tr>
<tr>
<td>Robert C. Hudson III</td>
<td>LBBCA</td>
<td><a href="mailto:rhudson@BGI-GC.com">rhudson@BGI-GC.com</a></td>
</tr>
<tr>
<td>Gerald F. Martin</td>
<td>LBBCA</td>
<td><a href="mailto:gfm@mandma.com">gfm@mandma.com</a></td>
</tr>
<tr>
<td>Eric Stichler</td>
<td>LBBCA</td>
<td><a href="mailto:estichler@bgi-gc.com">estichler@bgi-gc.com</a></td>
</tr>
<tr>
<td>Steven D. Allen</td>
<td>LBBCA</td>
<td><a href="mailto:redtr6man@cox.net">redtr6man@cox.net</a></td>
</tr>
</tbody>
</table>

City Staff and Appellants

Allison Harper - Development & Permits

John King

Karen Lindsey

Meredith Tarchi - Asst. City Attorney

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
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) 287-0899 - k.lind.1199@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 - 2356 Cedar Rd, PO Box 15225, Chesapeake, VA 23325
John King, Code Enforcement Officer, Email Address: John.King@chesapeake.net - 757-382-8976
Michele Throckmorton, Code Enforcement Administrator, Email Address: Michele.Throckmorton@chesapeake.net - 757-382-8314

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 12th 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)
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 Throchmorten, 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. Ill 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

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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.
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 and 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.


9. Marroquin filed an appeal to Frederick County Board of Building Code Appeals (local appeals board) on May 1, 2019.
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. Manroquin 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.
Basic Documents
(Page left blank intentionally)
County of Frederick
107 North Kent Street
Winchester, VA 22601

Certificate of Occupancy

Permit Number: 0001136-2017  Permit Type: BLD  Date Issued: 10/27/2017

Owner Name: DAN RYAN BUILDERS MID-ATLANTIC INC  Contractor: Dan Ryan Builders Inc.
Site Address: 105 Reedville Court  60 Thomas Johnson Drive
Old Dominion Green, Lot 195  Frederick, MD 21702

Washington Division

Map Number: 75P 1 3 195  Lot: 195  Section: N/A  Block: N/A
District: 3 OPEQUON  USE GROUP: RESID
Area: 20 Stephens City  USE GROUP "R" RESIDENTIAL
Sub Division: OLD DOMINION GREEN  Usage: R0560 SINGLE FAMILY DWELLING
Zoning: RP Residential Performance  Construction: 01 NEW
Occupant Load: N/A  Health Permits:
Number of Bedrooms—Approved: 0  Built: 4
Date Completed: 10/27/2017  Sprinkler: Required

Nature of Work: Single Family Dwelling

Signature Not Required

Zoning Administrator

Building Code Official
FREDERICK COUNTY INSPECTIONS DEPT.
CORRECTION ORDER

Date: 11-14 Type of Insp: 7458

Permit No: 15 Owner:

Location: 3 Kent Ave.

The following items must be corrected in order to pass inspection:

- Fire Alarm System - Design and Equipment
- Egress - Open Door
- Other:

Please Call for Reinspection as Soon as Corrections Are Completed.

Inspector: 108-5
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
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
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: 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.
COUNTY OF FREDERICK
Application for Appeal

I (we) Oscar John Marqueen of 105 Redwick Court Stephens City, VA 22655 respectfully request that the Local Board of Appeals review the decision made on April 2, 2023, by the code official.

Description of Decision Being Appealed:

Approval of air balance test by Mark Forst. See attached email dated 4/12/23 from Ben Williams to Christopher Davis and an attachment.

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:

Vacate acceptance and approval of air balance test. Request re-submission of corrected plan. Study requires installation of additional gas storage for unit as required by § 49.3 if necessary.

Attach the decision of the code official and any other pertinent documents.

Signature of Applicant

Filed at ______________________, Virginia, the ___ day of ________, 20__.
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: Whitney L. Warner
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 Anz Olya Marroquin - 105 Riverside 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. Fleet (540) 665 - 5650, email: mfleet@fcsavous
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: Oscar Marroquin

(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 15th, 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 6th 2019 I hired certified Annandale Balancing Company Inc. to perform an Tab report in my residency, Mr. John Swan (TAB SUPERVIOISR) 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)
Product Tracking & Reporting

USPS Tracking Intranet

Delivery Signature and Address

1. On 3/01/19, 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 1030 0000 0856 4274
This item was delivered on 06/04/2019 at 08:45:00

Signature:

Address:
105 Reo Drive C4

Select Search Type: Quick Search

Product Tracking & Reporting, All Rights Reserved
Version: 19.2.4.0.11
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
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 

NEBB TRS 02-2001
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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.
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**REMARKS:**
### Instrument Calibration Report

**Project:** 2019257 REEDVILLE COURT OSCAR MARROQUIN

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**NEBB TRS 27-2001** Date: 05/06/2019

*Report is not valid unless it is submitted with an accompanying NEBB Certification Form stamped with a National Environmental Balancing Bureau Certification Seal.*
<table>
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<tr>
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<tr>
<td>AIR APPARATUS - AC UNIT HVAC</td>
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# AIR APPARATUS TEST REPORT

**PROJECT:** 2019257 REEDVILLE COURT OSCAR MARROQUIN

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## MOTOR DATA

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| NAMEPLACE AMPERES | 8.2 |
| ACTUAL VOLTAGE | 121 |
| ACTUAL AMPERES | 6.7 |
| C.F.I.A. | OVERLOAD | 8.13 |
| PHASE | HERTZ | 1 | 60 |
| PWR. FACTOR | EFFICIENCY | N/A | N/A |

## TEST DATA

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## STATIC PRESSURE PROFILE

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## 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 OSWALD MARQUIN

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REMARKS:

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* 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

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**Remarks:**

**NEBB TRS 09-2001**

**UOM: IP**

**Test Date: 05/02/2019**

**Readings by: J. Lawrence**

*Readings taken with air blowing toward the observer. Horizontal numbers are left to right. Vertical numbers are top to bottom.*
REGISTER, GRILLE, DIFFUSER TEST REPORT (Flow Hood)

PROJECT: 2019257 REEDVILLE COURT OSCAR MARROQUIN

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TOTAL: 1051 1395 1395

REMARKS: NO MANUAL VOLUME DAMPERS INSTALLED IN DUCT SYSTEM.
ONLY FACE DAMPERS INSTALLED AT AIR TERMINALS.
**REGISTER, GRILLE, DIFFUSER TEST REPORT (Flow Hood)**

**PROJECT:** 2019257 REEDVILLE COURT OSCAR MARROQUIN

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**REMARKS:** NO MANUAL VOLUME DAMPERS INSTALLED IN DUCT SYSTEM.
ONLY FACE DAMPERS INSTALLED AT AIR TERMINALS.

AIR TERMINALS 28 & 29 ARE DELIVERING NO AIRFLOW.
## Register, Grille, Diffuser Test Report (Flow Hood)

### Project: 2019257 Reedville Court Oscar Marroquin

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<th>AC UNIT</th>
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### Location or Address

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### Remarks

No manual volume dampers installed in duct system.
# Southern Maryland Heating and Air, Inc

## Air Flow Balance Report

**Date:** 2/27/2018

### System Information

- **Name:** Southern Maryland Heating & Air Inc
- **Phone:** (571) 261-2832 ext 2101
- **Street Address:** 7889 Limestone Drive Suite #135 Gainesville VA 20155
- **Location:** Old Dominion Green Lot 195
- **Meter Used:** Alnor Flow Hood

### System Specifications

- **Furnace Model:** ML180UH090DXP48B
- **Coil Model:** CX35-48B
- **A/C Model:** 14ACX-042-230

### Test Parameters

- **Fan Speed:** (Black/ Cool) 1865 (Brown / Heat) 1860
- **Filter:** 20X25X1 (Removed-Test / In Backwards)
- **Static:** 0.50
- **Supply 125.2 / Return 73.9 - (51.3) Lennox 22-55

### Test Details

<table>
<thead>
<tr>
<th>Location</th>
<th>DIFFUSER SIZE</th>
<th>CFM REQUIRED Based on County Balanced Duct with MLI80B301H16SP90</th>
<th>CFM READING Based on County Balanced Duct with MLI80B301H16SP90</th>
<th>CFM REQUIRED Based on Correct Load Duct with ML180UH090DXP48B</th>
<th>STAT</th>
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<tbody>
<tr>
<td>Finished Area 1</td>
<td>10x4 / 10x4 / 10x4 Ceiling</td>
<td>214</td>
<td>63 / 53.48 Adjust by Damper 178</td>
<td>245</td>
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<tr>
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<td>10x8 Cut into Duct</td>
<td>123</td>
<td>85</td>
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<tr>
<td>Mach Room</td>
<td>12x4 Cut into Duct</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>Dining Room</td>
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<td>69</td>
<td>69</td>
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<td>10x8 High Wall</td>
<td>29</td>
<td>Could Not Access Cabinet 22</td>
<td>22</td>
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<td>Breakfast Nook</td>
<td>12x4 Floor</td>
<td>48</td>
<td>80</td>
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<td>Family Room</td>
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<td>77 / 89</td>
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<tr>
<td>Bedroom #5</td>
<td>12x4 Floor</td>
<td>76</td>
<td>73</td>
<td>59</td>
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<td>Half Bath</td>
<td>10x4 Floor</td>
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<td>26</td>
<td>22</td>
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<td>Bedroom #6 Closet</td>
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<td>12 / Closed</td>
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<td>57</td>
<td>57</td>
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<td>Master Bath</td>
<td>10x4 Floor</td>
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<td>65</td>
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<td>Owners Bedroom</td>
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<td>98 / 109</td>
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<td>Master WC</td>
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<td>10x8 Wall</td>
<td>68</td>
<td>68</td>
<td>33</td>
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<td>Open to Balcony</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>72</td>
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<td>Bedroom #2</td>
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<td>91</td>
<td>101</td>
<td>76</td>
<td>72</td>
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<td>Bed #2 WC</td>
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<td>11</td>
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<td>72</td>
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<td>Bed #2 WC</td>
<td>10x4 Floor</td>
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<td>15 / Closed</td>
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<td>72</td>
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<td>Master WC #2</td>
<td>10x4 Floor</td>
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<td>15 / Closed</td>
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<td>Bath, Bath</td>
<td>10x4 Ceiling</td>
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<td>36</td>
<td>33</td>
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<td>#</td>
<td>Key Item</td>
<td>CHECK</td>
<td>Questions to Ask</td>
<td>Circle Answer*</td>
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<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------</td>
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<tr>
<td>1</td>
<td><strong>Design Temperatures</strong></td>
<td></td>
<td>Is the indoor design temperature for Heating per Local Code 0° F (21°C) at 30% RH?</td>
<td>YES No</td>
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<tr>
<td></td>
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<td></td>
<td>Is the indoor design temperature for Cooling per Local Code 70° F (24°C) at 50% RH?</td>
<td>YES No</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(or 55% for humid climate, 45% for dry climates)</td>
<td>YES No</td>
<td></td>
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<tr>
<td>2</td>
<td><strong>Windows &amp; Glass Doors</strong></td>
<td></td>
<td>U-values and SHGC values: Are the SHGC and U-values reasonable for the window types and frame constructions? (see Table 2 of MJ8)</td>
<td>YES No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shading Adjustments: Have window shading (curtains, drapes, insect screens, tinting, etc.) adjustments been made?</td>
<td>YES No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Overhang Adjustments: Have roof overhang adjustments been made?</td>
<td>YES No</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total Area: Is the total area for the windows &amp; glass doors roughly equal to the area shown on the drawing plans?</td>
<td>YES No</td>
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</tr>
<tr>
<td></td>
<td></td>
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<td>Exposure Directions: Do the exposure directions [North (N), North-East (NE), etc.] appear correct?</td>
<td>YES No</td>
<td></td>
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<tr>
<td>3</td>
<td><strong>Skylights</strong></td>
<td></td>
<td>U-values and SHGC values: Are the SHGC and U-values appropriate for the skylight types and frame constructions? (see Table 2 of MJ8)</td>
<td>YES No ✗</td>
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</tr>
<tr>
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<td></td>
<td>Shading Adjustments: Have adjustments been made for direct, tinting and reflective coatings?</td>
<td>YES No ☐</td>
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<td></td>
<td>Total Area: Is the total area for the skylights roughly equal to the area shown on the drawing plans?</td>
<td>YES No ☐</td>
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</tr>
<tr>
<td></td>
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<td></td>
<td>Exposure Directions: Do the exposure directions [North (N), North-East (NE), etc.] appear correct?</td>
<td>YES No ☐</td>
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</tr>
<tr>
<td>4</td>
<td>**Doors</td>
<td>Wood, Metal**</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Nons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>**Walls</td>
<td>Above Grade, Below Grade**</td>
<td></td>
<td>Are correct wall insulation R-values taken into account when the wall loads are calculated?</td>
<td>YES No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total Area: Is the total area for the walls equal to the area shown on the drawing plans?</td>
<td>YES No</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td><strong>Ceilings</strong></td>
<td></td>
<td>Insulation: Is correct ceiling insulation R-value taken into account when the ceiling load is calculated?</td>
<td>YES No ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Radiant Barrier: Is correct radiant barrier taken into account when the ceiling load is calculated?</td>
<td>YES No ☐</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Roof color and material: Is correct roof color and material taken into account when the ceiling load is calculated?</td>
<td>YES No ☐</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total Area: Is the total area for the ceilings equal to the area shown on the drawing plans?</td>
<td>YES No</td>
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<tr>
<td>7</td>
<td><strong>Floors</strong></td>
<td></td>
<td>Insulation: Is the floor insulation type of construction representative of what is built/planned?</td>
<td>YES No</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td><strong>Infiltration</strong></td>
<td></td>
<td>Envelope Tightness: Is the listed envelope tightness (tight, semi-tight, average, semi-loose, loose) appropriate?</td>
<td>YES No ☐</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Above grade volume: Is the listed above grade volume equal to what is shown on the drawing plans?</td>
<td>YES No</td>
<td></td>
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<tr>
<td>9</td>
<td><strong>Internal Gains</strong></td>
<td></td>
<td>Appliances: Are the appliance gains 1200 Brth. 2400 Brth or a value recommended by MJ8?</td>
<td>YES No</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Occupants: Is Maximum Number of Occupants = Number of Bedrooms + 1?</td>
<td>YES No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Is Brth (cooling) = 230 x Number of Occupants?</td>
<td>YES No ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Is Brth (heating) = 280 x Number of Occupants?</td>
<td>YES No ☐</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td><strong>Ducts</strong></td>
<td></td>
<td>Duct Location: If located in an unconditioned space, are the ducts insulated (appropriate R-value)?</td>
<td>YES No ☐</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Duct Tightness: Is the duct tightness category ‘average sealed’ or higher (i.e. notably sealed, extremely sealed)?</td>
<td>YES No ☐</td>
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<tr>
<td>11</td>
<td><strong>Ventilation</strong></td>
<td></td>
<td>Intermittent Fans: Are intermittent bathroom and kitchen fans excluded from the infiltration calculations?</td>
<td>YES No ☐</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Continuous Exhaust Fans: Are dedicated exhaust fans (continuous) included in the calculations?</td>
<td>YES No ☐</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Heat Recovery Equipment: Are the heat recovery equipment and/or a ventilating dehumidifier included in the calculations (if applicable)?</td>
<td>YES No ☐</td>
<td></td>
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</tbody>
</table>
### HVAC System Parameters

**Fan Nameplate Data**

- **Manufacturer**: Lennox
- **Model**: N1E36V100-40
- **Type**: SAB PUMPS
- **Size**: 60/80-40
- **Serial Number**: 1717501228

**Condensing Unit Data**

- **Manufacturer**: Lennox
- **Model**: N4E36V100-30
- **Type**: SAB PUMPS
- **Size**: 40/30-20
- **Serial Number**: 1717501228

**Fan Pulley Data**

- **Chamber**: Direct
- **Temp**: 85°F
- **Speed**: 100/75/50

**Notes:**
- The air flow rate for each room is within 10% of the design air flow rate. 
- The air flow rate for each room is within 10% of the design air flow rate.

<table>
<thead>
<tr>
<th>System</th>
<th>Supply Air CFM</th>
<th>Return Air CFM</th>
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<tbody>
<tr>
<td>Basement</td>
<td>160</td>
<td>165</td>
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<tr>
<td>Unfinished</td>
<td>85</td>
<td>80</td>
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<tr>
<td>Dining</td>
<td>750</td>
<td>750</td>
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<tr>
<td>Hall Bath</td>
<td>114</td>
<td>112</td>
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<td>Kitchen</td>
<td>85</td>
<td>80</td>
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<tr>
<td>Master Bath</td>
<td>165</td>
<td>165</td>
</tr>
<tr>
<td>Master Wing</td>
<td>85</td>
<td>80</td>
</tr>
<tr>
<td>Hallway</td>
<td>117</td>
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<td>3</td>
<td>2</td>
</tr>
<tr>
<td>BR 6</td>
<td>3</td>
<td>2</td>
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*Company: Nation's Capital Energy Solutions
4463 Beach Rd.
Temple Hills, MD 20746
301-455-8913*
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

Sensible Cooling Equipment Load Sizing

Structure 25220 Btuh
Ducts 38 Btuh
Central vent (97 cfm) 1559 Btuh
Blower 0 Btuh
Use manufacturer's data
Rate/swing multiplier 1.00
Equipment sensible load 26917 Btuh

Latent Cooling Equipment Load Sizing

Structure 2630 Btuh
Ducts 76 Btuh
Central vent (97 cfm) 2321 Btuh
Equipment latent load 5227 Btuh
Equipment total load 3245 Btuh
Req. total capacity at 0.70 SHR 3.2 ton

Heating Summary

Structure 42229 Btuh
Ducts 150 Btuh
Central vent (97 cfm) 6015 Btuh
Humidification 0 Btuh
Piping 0 Btuh
Equipment load 48394 Btuh

Infiltration

Method Simplified
Construction quality Average
Fireplaces 1 (Average)

Area (ft²) Heating 3936 Cooling 3936
Volume (ft³) 30445 30445
Air changes/hour 0.32 0.15
Equiv. AVF (cfm) 162 76

Heating Equipment Summary

Make Lennox
Trade MERIT 80
Model ML180UH110P60C-
AHRI ref 4206211

Efficiency 80 AFUE
Heating input 110000 Btuh
Heating output 89900 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 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 28050 Btuh
Latent cooling 12450 Btuh
Total cooling 41500 Btuh
Actual air flow 1835 cfm
Air flow factor 0.065 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.
# Load Short Form

*Entire House*

**Southern Maryland Heating & Air, Inc.**

3300 Gough Drive, Waldorf, MD 20602 Phone: 301-645-6928 Fax: 301-705-7095 Email: contactus@smhvac.com

---

## Project Information

For: Dan Ryan Builders  
60 Thomas Johnson Drive, Frederick, MD 21702  
Phone: 301-696-0200

---

## Design Information

<table>
<thead>
<tr>
<th>Method</th>
<th>Outside db (°F)</th>
<th>Htg</th>
<th>Clg</th>
<th>Infiltration</th>
<th>Simplified Average</th>
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<td>Construction quality</td>
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<td>Fireplaces</td>
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<td>75</td>
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<td>Daily range</td>
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<td>16</td>
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<tr>
<td>Inside humidity (%)</td>
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<td>50</td>
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<tr>
<td>Moisture difference (gr/lb)</td>
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<td>36</td>
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## Heating Equipment

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<th>80 AFUE</th>
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<tr>
<td>Heating input</td>
<td>110000 Btuh</td>
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<tr>
<td>Heating output</td>
<td>89000 Btuh</td>
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<tr>
<td>Temperature rise</td>
<td>56 °F</td>
</tr>
<tr>
<td>Actual air flow</td>
<td>1470 cfm</td>
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<tr>
<td>Air flow factor</td>
<td>0.035 cfm/Btuh</td>
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<tr>
<td>Static pressure</td>
<td>0.50 in H2O</td>
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## Cooling Equipment

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>12.0 EER, 14 SEER</th>
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<tbody>
<tr>
<td>Sensible cooling</td>
<td>29050 Btuh</td>
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<tr>
<td>Latent cooling</td>
<td>12450 Btuh</td>
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<tr>
<td>Total cooling</td>
<td>41500 Btuh</td>
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<tr>
<td>Actual air flow</td>
<td>1635 cfm</td>
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<tr>
<td>Air flow factor</td>
<td>0.065 cfm/Btuh</td>
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<tr>
<td>Static pressure</td>
<td>0.50 in H2O</td>
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<tr>
<td>Load sensible heat ratio</td>
<td>0.84</td>
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## Room Information

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<th>ROOM NAME</th>
<th>Area (ft²)</th>
<th>Htg load (Btuh)</th>
<th>Clg load (Btuh)</th>
<th>Htg AVF (cfm)</th>
<th>Clg AVF (cfm)</th>
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<tbody>
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<td>781</td>
<td>6157</td>
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<td>Unfinished Area 2</td>
<td>347</td>
<td>3532</td>
<td>953</td>
<td>123</td>
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<td>Mech. Room</td>
<td>44</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Dining Room</td>
<td>179</td>
<td>2866</td>
<td>2105</td>
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<td>136</td>
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<td>Study</td>
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<td>2786</td>
<td>1938</td>
<td>97</td>
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<tr>
<td>Foyer/Hall</td>
<td>192</td>
<td>1714</td>
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<tr>
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<td>895</td>
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<td>834</td>
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<td>131</td>
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<tr>
<td>Breakfast Nook</td>
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<td>1376</td>
<td>2092</td>
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Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
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Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
### Project Information

**For:** Dan Ryan Builders  
60 Thomas Johnson Drive, Frederick, MD 21702  
Phone: 301-696-0200

### Design Information

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### HEATING EQUIPMENT

- **Make:** Lennox  
- **Trade:** LENNOX  
- **Model:** ML180UH090P4GB-*  
- **AHRI ref:** 4208209

### COOLING EQUIPMENT

- **Make:** Lennox  
- **Cond:** 14ACX-042-230A**  
- **Coil:** CX35-48B++TDR  
- **AHRI ref:** 9143768

### Efficiency

- **Heating input:** 88000 Btuh  
- **Heating output:** 71000 Btuh

### Temperature rise

- **Actual air flow:** 1225 cfm  
- **Air flow factor:** 0.029 cfm/Btuh  
- **Static pressure:** 0.50 in H2O  
- **Space thermostat**

### Cooling Efficiency

- **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

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**Comments**

**Comment:**

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BLD Footing
Private Engineering
Repo*P
TRIAD ENG
UPPER IN PLACE

2017/07/05
BLD Backfill/Draft
Private Engineering
Repo*P
TRIAD ENG

2017/07/05
PLUMB Groundworks
Kim C. Dallinger
Gene 6/30/17 974.9203
Gene 6/30/17 974.9203

bathroom rough in on crook
pass inspection with footing inspection
pass inspection with footing inspection

2017/07/05
PLUMB Groundworks
Kim C. Dallinger
Gene 6/30/17 974.9203
Gene 6/30/17 974.9203

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

2017/07/11
BLD Basement Slab
Private Engineering
Repo*P
TRIAD ENG
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<td>Insulation</td>
<td>Charles David Kibler</td>
<td>*P</td>
<td>7/31/17</td>
<td></td>
</tr>
</tbody>
</table>
| 2017/08/04 | BLD  | Reframe     | Charles David Kibler | *P  | Insulation and air barrier missing behind tub:

- do not hang wall board until insulation and rough electric passes
- do not hang wall board until insulation inspection
- framing ok pending insulate inspection
- bath fan not wired basement bath
- 10 psi for 15 mins
- AITILLA 8/4/17 301.302.6042
- AITILLA 9/15/17 240.527.5134
- furnace 88,000 btu
- cook top only 50,200 btu

URBAN, LTD- THOMAS J STARK

PRIVATE ENGINEERING RAPID
<table>
<thead>
<tr>
<th>STS</th>
<th>DATE</th>
<th>Permit Type</th>
<th>Inspection Type</th>
<th>Inspector</th>
<th>Notes</th>
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<tbody>
<tr>
<td>2017/09/22</td>
<td>BLD</td>
<td>Final Building</td>
<td>Charles David Kibler</td>
<td>FRONT 37.5', BACK 33.5', RIGHT 12.7', LEFT 14.3'</td>
<td></td>
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<tr>
<td>2017/09/22</td>
<td>BLD</td>
<td>Final Building</td>
<td>Charles David Kibler</td>
<td>ATTILA 240.527.5134 5/20/17</td>
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<tr>
<td>2017/09/22</td>
<td>MBCH1</td>
<td>Gas Fire-Up</td>
<td>Charles David Kibler</td>
<td>Passed final</td>
<td></td>
</tr>
<tr>
<td>2017/09/22</td>
<td>MBCH1</td>
<td>Gas Fire-Up</td>
<td>Charles David Kibler</td>
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<tr>
<td>2017/09/22</td>
<td>BLD</td>
<td>PW FINAL</td>
<td>Ben Whitlock</td>
<td>logs, water heater 75,100 btu</td>
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<tr>
<td>2017/09/22</td>
<td>ELECT</td>
<td>Rough Electric</td>
<td>Charles David Kibler</td>
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<tr>
<td>2017/10/02</td>
<td>BLD</td>
<td>PW FINAL</td>
<td>Ben Whitlock</td>
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<td>2017/10/18</td>
<td>BLD</td>
<td>CHECK FOOTING</td>
<td>Private Engineering</td>
<td>Repo*</td>
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<td>2017/10/24</td>
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<td>DECK FOOTING</td>
<td>Private Engineering</td>
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<td>2018/02/13</td>
<td>COMPLA</td>
<td>MISC-TWN</td>
<td>Tom W. Marple</td>
<td>TRIAD ENG</td>
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</tr>
<tr>
<td>2018/02/13</td>
<td>COMPLA</td>
<td>MISC-TWN</td>
<td>Tom W. Marple</td>
<td>434.260.2108 2/13/18</td>
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<td>2018/02/27</td>
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<td>MISC-TWN</td>
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<td>COMPLA</td>
<td>MISC-TWN</td>
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<tr>
<td>2018/01/08</td>
<td>COMPLA</td>
<td>MISC-XBP</td>
<td>Kirby B. Place</td>
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<tr>
<td>2018/03/08</td>
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<td>MISC-TWN</td>
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<td>COMPLA</td>
<td>MISC-TWN</td>
<td>Tom W. Marple</td>
<td>*S</td>
<td></td>
</tr>
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</table>

- NOTES:
  - 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] (manual)
  - Supply missing in closet upstairs bed room, air flow not to manual J
  - Need to repair I joint with cut bottom cord, need specs on I joints.
  - Need to secure draft hood on water heater 4 still need register added in bedroom 82 closet.
  - Need to address clearance issue for duct work between floors 8, remove or protect paper on insulation at furnace room.

- 1. NEED TO REPAIR I JOINT WITH CUT BOTTOM CORD 2. NEED SPECS ON I JOINTS 3. STILL NEED TO SIZE FURNACE CORRECTLY 4. STILL NEED 1' CLEARANCE ON B-VENT 5. STILL NEED TO SECURE DRAFT HOOD ON WATER
<table>
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<td>COMPLA MISC-KBP</td>
<td>Kirby B. Place</td>
<td>Kirby B. Place</td>
<td></td>
<td>HEATER #2 STILL NEED REGISTER ADDED IN BEDROOM #2 CLOSET 7. NEED TO ADDRESS CLEARANCE ISSUE FOR DUCT WORK BETWEEN FLOORS. REMOVE OR PROTECT PAPER ON INSULATION AT FURNACE ROOM.</td>
</tr>
<tr>
<td></td>
<td>2018/03/13</td>
<td>COMPLA MISC-KBP</td>
<td>Vernon W. Poff</td>
<td>Vernon W. Poff</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>2018/03/28</td>
<td>COMPLA MISC-HAF</td>
<td>Mark A. Fleet</td>
<td>Mark A. Fleet</td>
<td></td>
<td>NO NEW STRUCTURAL DEFECTS FOUND, WILL NEED TO REMOVE OR BEND OVER NAILS/TACKS IN CARPET STRIPS.</td>
</tr>
<tr>
<td></td>
<td>2018/03/28</td>
<td>COMPLA MISC-HAF</td>
<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
<td></td>
<td>Per TMW w/ MAF (Scheduled 3/27/18 @ 10:10 am).</td>
</tr>
<tr>
<td></td>
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<td>COMPLA MISC-TWN</td>
<td>Vern W. Poff</td>
<td>Vern W. Poff</td>
<td></td>
<td>MTG IN OFFICE WITH HOME OWNER, WAITING ON DOCUMENTS FROM HVAC CO. AND FLOOR TRuss MANUFACTURER.</td>
</tr>
<tr>
<td></td>
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<td>COMPLA MISC-VNP</td>
<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
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<td>Per TMW w/ MAF (Scheduled 3/27/18 @ 10:10 am).</td>
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<td>OSCAR 434.260.2108 5/7/18</td>
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<td>COMPLA MISC-TWN</td>
<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
<td></td>
<td>No insulation in floor of master bedroom at garage, also need to insulate behind access opening to garage ceiling.</td>
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<td>2018/06/25</td>
<td>COMPLA MISC-VNP</td>
<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
<td></td>
<td>No violations found 2&quot; vent and discharge off sump correct, 4&quot; exhaust correct. heat ducts sized per cfa on manual J ok, other previous corrections not made.</td>
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<tr>
<td></td>
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<td>COMPLA MISC-KBP</td>
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<td>Vern W. Poff</td>
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<td>OSCAR 434.260.2108 INSULATION IN ATTIC</td>
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<td>COMPLA MISC-KBP</td>
<td>Kirby B. Place</td>
<td>Kirby B. Place</td>
<td></td>
<td>Insulation in attic is 11&quot; thick for R-38, no new corrections found.</td>
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<tr>
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<td>Vern W. Poff</td>
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<td>IN OFFICE MEETING W/ MAF, TMW AND OSCAR</td>
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<td>COMPLA MISC-KBP</td>
<td>Mark A. Fleet</td>
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<td>MEETING WITH OWNERS AND SCOTT HARPER (CONTRACTOR, HVAC)</td>
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<td>MISC-MAP</td>
<td>Mark A. Fleet</td>
<td>IN OFFICE MEETING W/TWM, KBP AND OSCAR</td>
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<td>2018/10/17</td>
<td>COMPLA</td>
<td>MISC-TWM</td>
<td>Tom W. Marple</td>
<td>DISCUSS VIOLATION ISSUES WITH OWNER</td>
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<td>Kirby B. Place</td>
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**Comments:**
- Builder to insulate under front area of bedroom floor and call when complete. Corrections have been made to R-vent clearance at furnace and to draft hood at water heater.
- Oscar 434.260.2108 Insulation in attic.
- Met with owner and representatives from contractor, went over insulation and repairs, verified R-19 in house wall at garage.
- Register has been added in 2nd bedroom closet and flex duct has been covered with drywall, owner had pictures.
- Met with homeowner, new duct run to bedroom 2 closet, cannot see attachment to existing ductwork, already covered.
- Oscar 434.260.2108 2/5/19
- Insulation.
- Section of garage ceiling under living space insulated with blown in fibre-glass, 12" deep, R-30, R-19 is required.
<table>
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<th>DATE</th>
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<td>Kirby B. Place</td>
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<td>WITH MAP &amp; KBP</td>
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<td>COMPLA MISC-VNP</td>
<td>Vernon W. Poff</td>
<td>Vernon W. Poff</td>
<td>WITH MAP &amp; KBP</td>
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<tr>
<td>2019/04/02</td>
<td>MECH Misc.</td>
<td>Mark A. Fleet</td>
<td>Mark A. Fleet</td>
<td>AIR BALANCE REPORT RECEIVED SIGNED BY ENGINEER AS PER ITEM #2 OF VIOLATION NOTICE SENT TO DAN RYAN BUILDERS</td>
<td></td>
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</tr>
<tr>
<td>2019/04/02</td>
<td>MECH Misc.</td>
<td>Mark A. Fleet</td>
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</table>
Documents Submitted
By Frederick County
(Page left blank intentionally)
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
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.

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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,

[Signature]

Cora M. DeHaven
Secretary for the Frederick County Board of Building Appeals

Attachments
May 8, 2019

Mr. Richard A. Ruckman
481 Stonemeade 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.

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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
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.

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If you have any questions, please feel free to contact me at 540-722-8245.

Sincerely,

[Signature]

Cora M. DeHaven
Secretary for the Frederick County Board of Building Appeals

Attachments
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
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,

Cora M. DeHaven
Secretary for the Frederick County Board of Building Appeals

107 North Kent Street • Winchester, Virginia 22601
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,

[Signature]

Cora M. DeHaven
Secretary for the Frederick County Board of Building Appeals
COUNTY OF FREDERICK
Application for Appeal

I (we) Oscar Olson Marquez of 105 Redwick Court Stephens City, VA 22655 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 Fleck. See attached email dated 9/20/19 from Dr. Williams to Christopher Dor 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:

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

Signature of Applicant

Filed at _________________, Virginia, the ___ day of __________, 20___.

[Signature]

Received
MAY 01 2019
Frederick County
Public Works & Inspections
RE: Oscar Marroquin - 105 Reedville Court, Stephens City, VA - Frederick County tax parcel number 75P-1-3-195

To Christopher Dove <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

From: Christopher Dove <chris@christopherdovelawfirm.com>
Sent: Tuesday, April 16, 2019 12:17 PM
To: Rod Williams <rwillia@fcva.us>
Cc: Oscar Marroquin <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> 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

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

The information in this electronic message is attorney-privileged and confidential, intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us by responding to this message or by telephone. Thank you.

- 1196-2017 Complaint resolution.pdf (760 KB)
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**Comments**

- Front 38.0'
- Back 33.8'
- Level 14.4'

2017/06/29 BLD Footing Private Engineering Repo*P

2017/06/29 BLD Wall Private Engineering Repo*P

2017/07/05 BLD Backfill/Draft Private Engineering Repo*P

2017/07/05 PLUMB Groundworks Kim C. Dellingar TRIAD ENG

2017/07/05 PLUMB Groundworks Kim C. Dellingar TRIAD ENG

2017/07/05 PLUMB Groundworks Kim C. Dellingar TRIAD ENG

2017/07/05 PLUMB Groundworks Kim C. Dellingar TRIAD ENG

2017/07/05 PLUMB Water & Sewer Kim C. Dellingar OK TO PASS RECEIVED FOOTING INSPECTION

2017/07/05 PLUMB Water & Sewer Kim C. Dellingar OK TO PASS RECEIVED FOOTING INSPECTION

2017/07/11 BLD Basement Slab Private Engineering Repo*P

250 psi poly 1" w/brass coupling and service pressure
10ft head good flow with trace wire
pass inspection with footing inspection

2017/07/11 BLD Basement Slab Private Engineering Repo*P

2017/07/11 BLD Basement Slab Private Engineering Repo*P

2017/07/11 BLD Basement Slab Private Engineering Repo*P

2017/07/11 BLD Basement Slab Private Engineering Repo*P
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|     | 2017/08/02 | BLD | Framing | Kim C. Dollinger | **Comments:**
| 286 | 2017/08/02 | BLD | Slab | Kim C. Dollinger | **Comments:**
| 286 | 2017/08/02 | BLD | Framing | Kim C. Dollinger | **Comments:**
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URBAN, LTD- THOMAS J STARK
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<td>No logs, water heater 75100 btu</td>
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<td>2018/03/08</td>
<td>COMPLA MISC-KBP</td>
<td>Kirby B. Place</td>
<td>Supply missing in closet upstairs bed room, air flow not to manual J</td>
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<td></td>
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<td>2018/03/08</td>
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<td>Tom W. Marple</td>
<td>F</td>
<td></td>
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</table>

- 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 [aramflex insulation].
- Supply missing in closet upstairs bed room, air flow not to manual J.

- Need to repair I joint with cut bottom cord 2. Need specs on I JOIST 3. STILL NEED TO SIZE FURNACE CORRECTLY 4. STILL NEED 1" CLEARANCE ON B-VENT 5. STILL NEED TO SECURE DRAFT HOOD ON WATER.
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<td>Kirby B. Place</td>
<td><em>(F)</em> 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</td>
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<td>Kirby B. Place</td>
<td>Kirby B. Place</td>
<td><em>(F)</em> 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</td>
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<td>Mark A. Fleet</td>
<td>Mark A. Fleet</td>
<td><em>(S)</em> No new structural defects found, will need to remove or bend over nails/tacks in carpet strips.</td>
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<td>Mark A. Fleet</td>
<td>Mark A. Fleet</td>
<td><em>(F)</em> Per TWM w/ NAF (Scheduled 3/27/18 @ 10:10 am)</td>
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<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
<td><em>(F)</em> MSTG IN OFFICE WITH HOME OWNER, WAITING ON DOCUMENTS FROM HVAC CO. AND FLOOR TRUSS MANUFACTURER</td>
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<td>Vernon W. Poff</td>
<td><em>(F)</em> Per TWM w/ NAF (Scheduled 3/27/18 @ 10:10 am)</td>
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<td>Vernon W. Poff</td>
<td>Vernon W. Poff</td>
<td><em>(S)</em> mtg in office with home owner, waiting on documents from HVAC co. and floor truss manufacturer</td>
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<td>2018/05/10</td>
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<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
<td><em>(F)</em> OSCAR 434.260.2108 5/7/18</td>
<td></td>
</tr>
<tr>
<td>2018/05/10</td>
<td>COMPLA MIS-TWM</td>
<td>Tom W. Marple</td>
<td>Tom W. Marple</td>
<td><em>(F)</em> No insulation in floor of master bedroom at garage, also need to insulate behind access opening to garage ceiling.</td>
<td></td>
</tr>
<tr>
<td>2018/06/25</td>
<td>COMPLA MIS-VWP</td>
<td>Vernon W. Poff</td>
<td>Vernon W. Poff</td>
<td><em>(F)</em> OSCAR 434.260.2108</td>
<td></td>
</tr>
<tr>
<td>2018/06/25</td>
<td>COMPLA MIS-VWP</td>
<td>Vernon W. Poff</td>
<td>Vernon W. Poff</td>
<td><em>(F)</em> no violations found 2&quot;vent and discharge off sump correct. 4&quot; on exhaust correct, heat ducts sized per cfs on manual J ok, other previous corrections not made</td>
<td></td>
</tr>
<tr>
<td>2018/10/17</td>
<td>COMPLA MIS-KBP</td>
<td>Kirby B. Place</td>
<td>Kirby B. Place</td>
<td><em>(F)</em> OSCAR 434.260.2108 INSULATION IN ATTIC</td>
<td></td>
</tr>
<tr>
<td>2018/10/17</td>
<td>COMPLA MIS-KBP</td>
<td>Kirby B. Place</td>
<td>Kirby B. Place</td>
<td><em>(S)</em> Insulation in attic is 13&quot; thick for R-38, no new corrections found.</td>
<td></td>
</tr>
<tr>
<td>2018/10/17</td>
<td>COMPLA MIS-MAF</td>
<td>Mark A. Fleet</td>
<td>Mark A. Fleet</td>
<td><em>(F)</em> IN OFFICE MEETING W/MAF, TWM AND OSCAR</td>
<td></td>
</tr>
<tr>
<td>2018/10/17</td>
<td>COMPLA MIS-MAF</td>
<td>Mark A. Fleet</td>
<td>Mark A. Fleet</td>
<td><em>(F)</em> MEETING WITH OWNERS AND SCOTT HARPER (CONTRACTOR, HVAC)</td>
<td></td>
</tr>
<tr>
<td>STS</td>
<td>DATE</td>
<td>Permit Type</td>
<td>Inspection Type</td>
<td>Inspector</td>
<td>BSIT</td>
</tr>
<tr>
<td>------</td>
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<td>-----------------</td>
<td>-----------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>2018/12/30</td>
<td>COMPLA MISC-MAP</td>
<td>1196-2017</td>
<td>Reedville Court</td>
<td>Dan Ryan Builders Inc.</td>
<td>60 Thomas Johnson Drive</td>
</tr>
<tr>
<td>STS</td>
<td>DATE</td>
<td>Permit Type</td>
<td>Inspection Type</td>
<td>Inspector</td>
<td>RSNT</td>
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<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-KBP</td>
<td>Kirby B. Place</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-KBP</td>
<td>Kirby B. Place</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-KBP</td>
<td>Kirby B. Place</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-MAF</td>
<td>Mark A. Fleet</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-MAF</td>
<td>Mark A. Fleet</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-VWP</td>
<td>Vernon W. Poff</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/03/15</td>
<td>COMPLA MISC-VWP</td>
<td>Vernon W. Poff</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
<tr>
<td>2019/04/02</td>
<td>MECH Misc.</td>
<td>Mark A. Fleet</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
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<tr>
<td>2019/04/02</td>
<td>MECH Misc.</td>
<td>Mark A. Fleet</td>
<td>W/VWP &amp; MAEP</td>
<td>434.260.2108</td>
<td>G</td>
</tr>
</tbody>
</table>

*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
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@dannyanbuilders.com>
Sent: Monday, April 1, 2019 10:09 AM
To: Mark Fleet <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.

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
From: Don Brown <dbrown@danryanbuilders.com>
Sent: Thursday, March 28, 2019 4:07 PM
To: John Kenyon <jkenyon@somdha.com>
Subject: RE: Manual S

Any work, was supposed to have a few days ago.

Donald B. Brown | Director of Production
dbrown@danryanbuilders.com
Phone 240-420-6046 ext. 2005 | Cell 301-760-8053
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>
Sent: Friday, March 22, 2019 8:35 AM
To: Don Brown <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

From: Don Brown <dbrown@danryanbuilders.com>
Sent: Wednesday, March 20, 2019 12:50 PM
To: John Kenyon <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> 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@danyanbuilders.com>
Date: 3/20/19 12:22 PM (GMT-05:00)
To: John Kenyon <kenyon@somdha.com>, Willie Haynes <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@danyanbuilders.com
Phone 240-420-6046 ext. 2005 | Cell 301-760-8053
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>
Sent: Wednesday, March 20, 2019 12:05 PM
To: Don Brown <dbrown@danyanbuilders.com>
Cc: oscar marroquin <marroquln4@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

<table>
<thead>
<tr>
<th>SYSTEM</th>
<th>DESIGN GPM</th>
<th>Nominal GPM</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUPPLY AIR GPM</td>
<td>1410</td>
<td>1490</td>
</tr>
<tr>
<td>RETURN AIR GPM</td>
<td>1480</td>
<td></td>
</tr>
<tr>
<td>PAN RPM</td>
<td>0.40</td>
<td></td>
</tr>
<tr>
<td>Static Pressure -</td>
<td>0.20</td>
<td></td>
</tr>
<tr>
<td>Total Static Pressure</td>
<td>0.80</td>
<td></td>
</tr>
<tr>
<td>Filter Pressure Drop</td>
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<td></td>
</tr>
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### Fan Pulley Data

<table>
<thead>
<tr>
<th>UNIT</th>
<th>SPEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>TEMPS</td>
<td>C/O TEMPERATURE 60°F - D/T TEMPERATURE 71°F</td>
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</tbody>
</table>

### Motor Data

<table>
<thead>
<tr>
<th>UNIT</th>
<th>RPM</th>
</tr>
</thead>
<tbody>
<tr>
<td>HORSEPOWER</td>
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### System Data

<table>
<thead>
<tr>
<th>SYSTEM</th>
<th>DESIGN GPM</th>
<th>Nominal GPM</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOUSE</td>
<td>1410</td>
<td>1490</td>
</tr>
<tr>
<td>RETURN AIR GPM</td>
<td>1480</td>
<td></td>
</tr>
<tr>
<td>PAN RPM</td>
<td>0.40</td>
<td></td>
</tr>
<tr>
<td>Static Pressure -</td>
<td>0.20</td>
<td></td>
</tr>
<tr>
<td>Total Static Pressure</td>
<td>0.80</td>
<td></td>
</tr>
<tr>
<td>Filter Pressure Drop</td>
<td>0.30</td>
<td></td>
</tr>
</tbody>
</table>

### Controls Data

<table>
<thead>
<tr>
<th>UNIT</th>
<th>TEMPERATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BREATH</td>
<td>60°F - 71°F</td>
</tr>
</tbody>
</table>

### Notes

- Goal is temperature uniformity, all rooms are within 4°F of the thermostat setting, and no hot spots varied beyond 6°F.
- Primary rooms with perimeter walls (floor to door) to be balanced within 10% of design airflow.
- Secondary rooms such as bathrooms, must be balanced to within 30 to 50 cfm of design airflow.
- The air supply registers as per residential code include room controls, and they can be adjusted as necessary.
- The heat will be evenly distributed to ensure comfort and energy efficiency.

### Company Information

Company: Mathews Capital Energy Solutions
4443 Beach Rd.
Temple Hills, MD 20746
301-413-6813

Signature: [Signature]
Date: 3-26-2019

[Project Information]

**Project:** OLD DOMINION LOT 188
105 Rockville Ct Stephens City VA

**System:** SPLIT

**Date:** 3/16/19

**Reviewed by:** WILLIAM WILCOX
Cert#P1-189-09
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,

[Signature]

Mark Fleet

Building Code Official
### Project Summary

**Entire House**

Southern Maryland Heating & Air, Inc.

3300 Gough Drive, Waldorf, MD 20602 Phone: 301-645-6926 Fax: 301-705-7565 Email: contactus@somdhvac.com

**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

### Project Information

<table>
<thead>
<tr>
<th>Job:</th>
<th>Oakdale II</th>
<th>Date:</th>
<th>5/18/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>SMN</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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 Btu |
| Ducts     | 150 Btu   |
| Central vent (97 cfm) | 6015 Btu |
| Outside air |   |
| Humidification | 0 Btu   |
| Piping     | 0 Btu    |
| Equipment load | 48394 Btu |

#### Sensible Cooling Equipment Load Sizing

| Structure | 25220 Btu |
| Ducts     | 38 Btu    |
| Central vent (97 cfm) | 1659 Btu |
| Outside air |   |
| Blower    | 0 Btu     |
| Use manufacturer's data |   |
| Rate/swing multiplier | 1.00 |
| Equipment sensible load | 26917 Btu |

#### Infiltration

| Method | Simplified |
| Construction quality | Average |
| Fireplaces | 1 (Average) |

#### Heating Equipment Summary

| Make | Lennox |
| Trade | LENNOX |
| Model | ML180UH090P48B-4 |
| AHRI ref | 4208209 |

#### Cooling Equipment Summary

| Make | Lennox |
| Trade | LENNOX |
| Cond | 14ACX-042-230A** |
|Cooli | CX35-48B++TDR |
|AHRI ref | 9143768 |

#### Heating Equipment Summary

| Efficiency | 80 AFUE |
| Heating input | 88000 Btu |
| Heating output | 71000 Btu |
| Temperature rise | 54 °F |
| Actual air flow | 122.5 cfm |
| Air flow factor | 0.029 cfm/Btu |
| Static pressure | 0.5 in H2O |
| Space thermostat |   |

#### Cooling Equipment Summary

| Efficiency | 12.2 EER, 14.5 SEER |
| Sensible cooling | 26700 Btu |
| Latent cooling | 12300 Btu |
| Total cooling | 41000 Btu |
| Actual air flow | 1410 cfm |
| Air flow factor | 0.056 cfm/Btu |
| 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.
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 manula 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 orginally 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 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
## Load Short Form

### Entire House

Southern Maryland Heating & Air, Inc.

3350 Gough Drive, Waldorf, MD 20602 Phone: 301-645-9828 Fax: 301-705-7085 Email: contactus@smhec.com

### Project Information

For: Dan Ryan Builders  
60 Thomas Johnson Drive, Frederick, MD 21702  
Phone: 301-696-0200

### Design Information

<table>
<thead>
<tr>
<th></th>
<th>Htg</th>
<th>Clg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside db (°F)</td>
<td>12</td>
<td>91</td>
</tr>
<tr>
<td>Inside db (°F)</td>
<td>70</td>
<td>75</td>
</tr>
<tr>
<td>Design TD (°F)</td>
<td>58</td>
<td>16</td>
</tr>
<tr>
<td>Daily range</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Moisture difference (gr/lb)</td>
<td>47</td>
<td>41</td>
</tr>
</tbody>
</table>

### Infiltration

- Simplified: Average 1 (Average)
- Method: Construction quality Fireplaces

### HEATING EQUIPMENT

- Make: Lennox  
- Trade: LENNOX  
- Model: ML20UH090PAC-B  
- AHRI ref: 420839

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>Heating input</th>
<th>Heating output</th>
<th>Temperature rise</th>
<th>Actual air flow</th>
<th>Air flow factor</th>
<th>Static pressure</th>
<th>Space thermostat</th>
</tr>
</thead>
<tbody>
<tr>
<td>80 AFUE</td>
<td>88000 Btuh</td>
<td>71000 Btuh</td>
<td>53 °F</td>
<td>1225 cfm</td>
<td>0.029 cfm/Btuh</td>
<td>0.50 in H2O</td>
<td></td>
</tr>
</tbody>
</table>

### COOLING EQUIPMENT

- Make: Lennox  
- Trade: LENNOX  
- Cond: 14ACX-042-230A**  
- Coil: CX35-48B+TDR  
- AHRI ref: 914374B

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>Sensible cooling</th>
<th>Latent cooling</th>
<th>Total cooling</th>
<th>Actual air flow</th>
<th>Air flow factor</th>
<th>Static pressure</th>
<th>Load sensible heat ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.2 EER, 14.5 SEER</td>
<td>28700 Btuh</td>
<td>12300 Btuh</td>
<td>41000 Btuh</td>
<td>1410 cfm</td>
<td>0.065 cfm/Btuh</td>
<td>0.50 in H2O</td>
<td>0.82</td>
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### ROOMS

<table>
<thead>
<tr>
<th>ROOM NAME</th>
<th>Area (ft²)</th>
<th>Htg load (Btuh)</th>
<th>Clg load (Btuh)</th>
<th>Htg AVF (cfm)</th>
<th>Clg AVF (cfm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished Area 1</td>
<td>804</td>
<td>6842</td>
<td>2725</td>
<td>198</td>
<td>150</td>
</tr>
<tr>
<td>Unfinished Area 2</td>
<td>369</td>
<td>3778</td>
<td>974</td>
<td>110</td>
<td>54</td>
</tr>
<tr>
<td>Mech. Room</td>
<td>44</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dining Room</td>
<td>185</td>
<td>2377</td>
<td>1815</td>
<td>69</td>
<td>100</td>
</tr>
<tr>
<td>Study</td>
<td>147</td>
<td>2138</td>
<td>1412</td>
<td>62</td>
<td>78</td>
</tr>
<tr>
<td>Foyer/Hall</td>
<td>192</td>
<td>1728</td>
<td>908</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Powder Room</td>
<td>36</td>
<td>905</td>
<td>573</td>
<td>26</td>
<td>32</td>
</tr>
<tr>
<td>Mud Room</td>
<td>47</td>
<td>834</td>
<td>281</td>
<td>24</td>
<td>16</td>
</tr>
<tr>
<td>Kitchen</td>
<td>140</td>
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Calculations approved by ACCA to meet all requirements of Manual J 10th Ed.
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| Entire House | d     | 4154        | 42268 | 25605 | 1225   | 1410   |
| Other equip loads | 6388 | 1762    |
| Equip. @ 1.00 RSM |      | 27367    |
| Latent cooling |       | 6108    |
| TOTALS       |       | 4154      | 48657 | 33476 | 1225   | 1410   |

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
DPOR License Lookup License Number
0402020786

License Details

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Showing 1 to 1 of 1 entries

1 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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http://dporweb.dpor.virginia.gov/LicenseLookup/LicenseDetail

4/9/2019
DPOR License Lookup  License Number

2710034260

License Details

Name        MINESINGER, RICHARD SCOTT
License Number 2710034260
License Description Tradesman
Rank        Tradesman
Address     FAIRFAX STATION, VA 22039
Specialties 1
            Master Gas Fitter (MGFC)
            Master Heating Ventilation and Air Cond. (MHVA)
            Master Plumber (MPLB)
Initial Certification Date 1999-02-25
Expiration Date 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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DPOR License Lookup build 1,198 (built 2017-07-13 02:34:41).

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4/9/2019
COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400, Richmond, VA 23233
Telephone: (804) 367-8500

BOARD FOR CONTRACTORS
TRADESMAN

WILLIAM J WILES
12800 BRADBURY AVE
SMITHSBURG, MD 21783

Status can be verified at http://www.dpor.virginia.gov

(SEE REVERSE SIDE FOR PRIVILEGES AND INSTRUCTIONS)

COMMERCIAL AIR BALANCER
CERTIFICATION

William Wiles
16-126-05

I/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 3/31/2010
Cert. Exp. 3/31/2020

Rob Fallon, President
600-633-7058 • www.NationalComfortInstitute.com

RECEIVED
JAN 31 2019
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 andlinings. 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,

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·m²)] 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·m²)] 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 multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling methodology fall within the range of the manufacturer’s published capacities for that equipment or appliance.

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

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

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 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 (13208 mm²/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
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**VERMONT**

| 6A (all) |

**WASHINGTON**

| 5B Adams | 5B Asotin | 5B Benton | 5B Chelan | 4C Clallam |


**WISCONSIN**


---

**WISCONSIN**

TABLE N101.10 (R301.1)—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID
DESIGNATIONS BY STATE, COUNTY AND TERRITORY

| 6A Winnebago | 4A Hodgeman | 4A Seward | 2A Iberville* |
| 6A Woodbury | 4A Jackson | 4A Shawnee | 3A Jackson* |
| 6A Worthington | 4A Jefferson | 5A Sheridan | 2A Jefferson* |
| 6A Wright | 5A Jewell | 5A Sherman | 2A Jefferson Davis* |
| **KANSAS** | 4A Johnson | 5A Smith | 2A Lafayette* |
| 4A Allen | 4A Kearny | 4A Stafford | 2A Lafourche* |
| 4A Anderson | 4A Kingman | 4A Stanton | 3A La Salle* |
| 4A Atchison | 4A Kiowa | 4A Stevens | 3A Lincoln* |
| 4A Barber | 4A Labette | 4A Sumner | 2A Livingston* |
| 4A Barton | 5A Lane | 5A Thomas | 3A Madison* |
| 4A Bourbon | 4A Leavenworth | 5A Trego | 3A Morehouse |
| 4A Brown | 4A Lincoln | 4A Wabansee | 3A Natchitoches* |
| 4A Butler | 4A Linn | 5A Wallace | 2A Orleans* |
| 4A Chase | 5A Logan | 4A Washington | 2A Ouachita* |
| 4A Chautauqua | 4A Lyon | 5A Wichita | 2A Plaquemines* |
| 4A Cherokee | 4A Marion | 4A Wilson | 2A Pointe Coupee* |
| 5A Cheyenne | 4A Marshall | 4A Woodson | 2A Rapides* |
| 4A Clark | 4A McPherson | 4A Wyandotte | 3A Red River* |
| 4A Clay | 4A Meade | **KENTUCKY** | 3A Richland* |
| 5A Cloud | 4A Miami | 4A (all) | 3A Sabine* |
| 4A Coffey | 5A Mitchell | LOUISIANA | 2A St. Bernard* |
| 4A Comanche | 4A Montgomery | 2A Acadiana* | 2A St. Charles* |
| 4A Cowley | 4A Morris | 2A Allen* | 2A St. Helena* |
| 4A Crawford | 4A Morton | 2A Ascension* | 2A St. James* |
| 5A Decatur | 4A Nemaha | 2A Assumption* | 2A St. John the Baptist* |
| 4A Dickinson | 4A Neosho | 2A Avoilees* | 2A St. Landry* |
| 4A Doniphan | 5A Ness | 2A Beauregard* | 2A St. Martin* |
| 4A Douglas | 5A Norton | 3A Bienville* | 2A St. Mary* |
| 4A Edwards | 4A Osage | 3A Bossier* | 2A St. Tammany* |
| 4A Elk | 5A Osborne | 3A Caddo* | 2A Tangipahoa* |
| 5A Ellis | 4A Ottawa | 2A Calcasieu* | 3A Tensas* |
| 4A Ellisworth | 4A Pawnee | 3A Caldwell* | 2A Terrebonne* |
| 4A Finney | 5A Phillips | 3A Cameron* | 3A Union* |
| 4A Ford | 4A Pottawatomie | 3A Catahoula* | 2A Vermilion* |
| 4A Franklin | 4A Pratt | 3A Claiborne* | 3A Vernon* |
| 4A Geary | 5A Rawlins | 3A Concordia* | 2A Washington* |
| 4A Graham | 4A Reno | 3A De Soto* | 3A Webster* |
| 4A Grant | 5A Republic | 2A East Baton Rouge* | 2A West Baton Rouge* |
| 4A Gray | 4A Rice | 3A East Carroll | 3A West Carroll |
| 4A Greeley | 4A Riley | 2A East Feliciana* | 2A West Feliciana* |
| 4A Greenwood | 5A Rooks | 2A Evangeline* | 3A Winn* |
| 4A Hamilton | 4A Russell | 3A Franklin* | **MAINE** |
| 4A Hannibal | 4A saline | 3A Grant* | 6A Androscoggin |
| 5A Scott | 5A Sedgwick | 2A Iberia* | 7 Aroostook |
| **MARYLAND** | 4A Allegany | 4A Anne Arundel | 6A Cumberland |
| 4A Baltimore | 4A Carroll | 6A Franklin | 6A Hancock |
| 4A Baltimore (city) | 4A Cecel | 6A Kennebec | 6A Knox |
| 4A Calvert | 4A Charles | 6A Lincoln | 6A Oxford |
| 4A Caroline | 4A Dorchester | 6A Penobscot | 6A Pescataquis |
| 4A Frederick | 4A Howard | 6A Sagadahoc | 6A Somerset |
| 5A Garrett | 4A Kent | 6A Waldo | 6A Washington |
| 4A Harford | **Massachusetts** | 6A York | 5A (all) |
| 4A Howard | **MICHIGAN** | 6A Alcona | 6A Alger |
| 4A Talbot | 6A Alpena | 6A Alger | 6A Alcona |
| 4A Washington | 6A Alpena | 6A Alger | 6A Alpena |
| 4A Wicomico | 6A Alpena | 6A Alger | 6A Alpena |
| 4A Worcester | 6A Alpena | 6A Alger | 6A Alpena |
Local Building or Fire Code

Board of Appeals

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
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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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Suggested Bylaws  
Sample Form: Application for Appeal  
Sample Form: Resolution/Decision of Board
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
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?

Y owner
Y contractor
Y owner's agent
Y 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:

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

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 if 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 \textit{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 mopping, 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 3rd 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 3rd 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, 2nd 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
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: [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-
Additional Documents
Submitted by
Oscar and Olga Marroquin
(Page left blank intentionally)
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 18th, 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, 1st Floor and 2nd Floor. The owner has reported extremely cold temperatures in the 2nd floor rooms during the winter and very warm temperatures in the 2nd 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 1st Floor and 2nd Floor. Homes that are 2 stories normally
Comfort Design, Inc.
Mechanical & Electrical Engineers

have two HVAC systems, one for 1st floor and one for 2nd 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.

Joshua L. Catlett, P.E.
Professional Engineer

620 Pennsylvania Ave.
Winchester, VA 22604

Voice: (540) 665-2846
Fax: (540) 665-0038
Explanation Letter regarding the existing HVAC system.

2 messages

Donnie Laing <donnie@ashavac.com>
To: oscar marroquin <marroquin4@gmail.com>
Cc: Brandon Atkins <brandon@ashavac.com>

Wed, Jul 3, 2019 at 10:27 AM

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>
To: Christopher Dove <chris@christopherdovelawfirm.com>

Wed, Jul 3, 2019 at 1:21 PM

https://mail.google.com/mail/u/1?ik=78f218f618&view=pl&search=all&permthid=thread-f%3A1638051499127988153&simp=msg-f%3A163805149912... 1/2
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:
FW: Marroquin Residence

3 messages

Tracy Fries <tfries@aims-llcva.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
Kit, as a follow-up to my email below, I just got off the phone with Mark Fleet with Frederick County. He indicated that the air balance test needed to be conducted by a mechanical engineer or a certified air balance company (i.e., not Southern MD Air). The reason he indicated that Southern MD Air should not do it included (1) the conflicting Manual J's that they submitted, (2) the fact that they are involved in this case, and (3) the last time they were conducting the air balance test, they were opening and shutting vents to get the correct air balance in certain rooms.

Anyway, as you know, the County has an outstanding correction order for this issue, and it is the county's position that the air balance test needs to be conducted by a mechanical engineer or a certified air balance company. You will need to arrange for either one of these to conduct the air balance test. Once you have the name of the company, please provide me dates when they are available.

On December 11, 2018 at 9:34 AM Christopher Dove <chris@christopherdovlawfirm.com> wrote:

Kit:

Insulation Inspection:

Can you let me know what time your representatives are intending to be present on the 14th? My client needs to coordinate with others who want to be present. Also, I know when Comfenergy did their audit, they were able to inspect the house without cutting into drywall, or otherwise disturbing the house. Do you believe your inspectors can do the same?

Air Balance Test:

the 10th and 11th were unavailable for my client. Can you provide other dates to conduct the test? Also, Mark Fleet with the County indicated to my client that the test needs to be performed by a Mechanical Engineer or Certified Air Balance Company. Do you know if Southern Maryland HVAC meets this criteria?

Storm Drain Concept:

What dates do you propose to do the work? Also, my client indicated to me that the County Public Works Department will be sending him some additional requirements that must be added to the storm drain concept. Once I receive these, I will forward on to you.

On December 7, 2018 at 9:31 AM "Christian (Kit) Mathers" <cmathers@danryanbuilders.com> wrote:

Chris:

Just wanted to send a follow up e-mail confirming that the 14th will still work for your client.