AGENDA
STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 16, 2018
Virginia Housing Center
4224 Cox Road, Glen Allen, Virginia

I. Roll Call (TAB 1)

II. Approval of October 12, 2018 Minutes (TAB 2)

III. Approval of Final Order (TAB 3)
   A. In Re: Appeal of Jack D. Singleton
      Appeal No 18-09
   B. In Re: Appeal of Dr. Eric W. Bond (Augusta County Public Schools)
      Appeal No 18-04

IV. Public Comment

V. Appeal Hearing (TAB 4)
   In Re: Appeal of Anthony Grant Jr.
   Appeal No 18-10

VI. Appeal Hearing (TAB 5)
   In Re: Appeal of Harvey Dupree (A...H Variety)
   Appeal No. 18-06

VII. Appeal Hearing (TAB 6)
   In Re: Appeal of Harvey Dupree (A...H Variety)
   Appeal No. 18-11

VIII. Appeal Hearing (TAB 7)
   In Re: Appeal of Karen Lindsey
   Appeal No. 18-07

IX. Secretary’s Report
   a. Policy Manual
   b. 2019 Meeting Calendar
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)  

E.G. “Rudy” Middleton  
(Electrical Contractor)  

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)
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Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 9:00 a.m. by Secretary Travis Luter.

Roll Call

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

Approval of Minutes

The draft minutes of the August 17, 2018 meeting in the Review Board members’ agenda package were considered. Mr. Witt moved to approve the minutes with the editorial change in spelling of the word “do” in the first paragraph of page nine, the possessive change to the word “City’s” in the fourth paragraph from the bottom of page 11, and the exchange of “locality” for local board in the third paragraph from the bottom of page 11 of the agenda package. The motion was seconded by Mr. Payne and passed unanimously with Ms. Jackson abstaining.

Final Orders

Appeal of KEBCO Enterprises, Inc. (Kenneth Bullock)
Appeal No. 18-03:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order with the editorial change presented by Mr. Payne to remove “Vernon Hodge, Acting” and replace it with “W. Travis Luter, Sr.” in the statement of further review. Ms. O’Bannon seconded the motion and it passed unanimously with Ms. Jackson abstaining.
Appeal of Joshua and Makiba Gaines
Appeal No. 18-05:

After consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order with the editorial changes presented by Mr. Payne to remove “appeal” and replace it with “appealed the” in the second paragraph of page 23, add an “s” to the word “agree” in the last sentence under item B of page 27, remove “ed” from the word “re-inspected” in the first sentence of item C of page 27, remove the word “by” in the second sentence of page 29, and remove “Vernon Hodge, Acting” and replace it with “W. Travis Luter, Sr.” in the statement of further review. Ms. O’Bannon seconded the motion and it passed unanimously with Ms. Jackson abstaining.

Public Comment

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

New Business

Appeal of Dr. Eric W. Bond (Augusta County Public Schools); Appeal No. 18-04

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under the Statewide Fire Prevention Code related to Casselll and Rivershead Elementary Schools owned by Augusta County located at 1301 Rockfish Road and 239 Don Hanger Circle respectively in Augusta County.

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

Kenneth L. Kent
Brian McGraw
Douglas Shifflett Jr.
Eric W. Bond

Also present was:

Rodney Yound, Esq., legal counsel for the Augusta County Public Schools

After testimony concluded, Vice-Chairman Pharr closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session.
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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: Dr. Eric W. Bond (Augusta County Public Schools); Appeal No. 18-04

After deliberations, Mr. Witt moved to separate the three violations into three separate motions. The motion was seconded by Mr. Mays and passed unanimously.

Mr. Witt moved to overturn the decision of the State Fire Marshal that a violation of section 1030.2.1 of the Statewide Fire Prevention Code (SFPC) exists. The motion was seconded by Mr. Butler and passed unanimously.

Mr. Witt moved to continue the two remaining cited violations for each of the elementary schools pertaining to violations to SFPC Sections 401.2 and 404.2.3.1 related to the evaluation and lockdown plans allowing the parties to get together and cooperatively come up with approved evacuation and lockdown plans. The motion was seconded by Ms. O’Bannon and passed unanimously.

During deliberation Mr. Mays made substitute motion to uphold the State Fire Marshal’s violation notices related to the two remaining cited violations for each of the elementary schools pertaining to violations to SFPC Sections 401.2 and 404.2.3.1 related to the evaluation and lockdown plans with an extension of the compliance deadline to January 15, 2019. The motion was seconded by Ms. Jackson. After further discussion Mr. Mays withdrew his substitute motion.

Appeal Jack D. Singleton; Appeal No. 18-09:

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under Part III of the Virginia Uniform Statewide Building Code (the 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:

Charles Vannatter
(Page left blank intentionally)
Jack Singleton

Also present was:

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

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

Decision: Appeal Jack D. Singleton; Appeal No. 18-09:

After deliberation Mr. Mays moved that the appeal was timely. The motion was seconded by Ms. O’Bannon and passed unanimously.

Mr. Mays moved to uphold the decision of the Town Building Official and local appeals board that the cited violations of the VMC Section 105 unsafe structure or unfit structures for human habitation exist and that the placarding of the structure was proper with the determination that the placard was improper. Mr. Mays further moved that a proper placard be issued with the new date, in full compliance with Section 105 of the VMC, and with the corrections needed. The motion was seconded by Ms. O’Bannon and passed unanimously.

Mr. Mays moved to uphold the decision of the Town Building Official and local appeals board that violations of VMC Section 105 exist and that securing of the structure was, and is, required. The motion was seconded by Mr. Butler and passed unanimously.

Mr. Mays moved to uphold the decision of the Town Building Official and local appeals board on items one through five (1-5) and 10 of the March 26, 2018 notice of violation with the correction to item one (1) to only reference unsafe structure and to reference the new date of the placard. Mr. Mays further moved that the notice of violation be re-issued with for these items with the indicated corrections.

Mr. Mays moved to overturn the decision of the Town Building Official and local appeals board on items six through nine (6-9) and 11-57 of the March 26, 2018 notice of violation. The motion was seconded by Mr. Witt and passed unanimously.
Mr. Mays moved to overturn the decision of the Town Building Official and local appeals board that violations of VMC Section 105 exist and that demolition of the structure was required. The motion was seconded by Mr. Payne and passed unanimously.

**Appeal Anthony Grant Jr.; Appeal No. 18-10:**

Continuance requests from the City of Suffolk on September 11, 2018 and Alexander Bell, attorney for Anthony Grant Jr. on September 25, 2018 were presented to Vice-Chairman Pharr. Each continuance request was made and denied by the opposing parties at the time of the requests. Vice-Chairman Pharr denied the requests and proceeded with the hearing.

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under Part I of the Virginia Uniform Statewide Building Code (the Virginia Construction Code) related to the home owned by Anthony and Ashley Grant Jr. located at 4281 Cole Avenue in the City of Suffolk.

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

Stanley Skinner
Anthony Grant

Also present was:

Kalli Jackson, Esq., legal counsel for the City of Suffolk

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

**Decision: Appeal Anthony Grant Jr.; Appeal No. 18-10:**

After deliberation Mr. Payne moved that the appeal was untimely. The motion was seconded by Mr. Witt. After further deliberation Mr. Witt withdrew his second. The appeal was continued to November 16, 2018.
<table>
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<tr>
<th>Secretary’s Report</th>
<th>Mr. Luter informed the Review Board that he had completed the Draft Policy Manuals, based on the historical minutes of the Review Board, and that copies were located on a table near the exit of the room. He asked that each Board member pick up a copy on the way out and review it prior to the November 16, 2018 meeting.</th>
</tr>
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<tr>
<td>Adjournment</td>
<td>There being no further business, the meeting was adjourned by proper motion at approximately 6:35 p.m.</td>
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Approved: November 16, 2018

_______________________________________________
Chairman, State Building Code Technical Review Board

_________________________________________________
Secretary, State Building Code Technical Review Board
VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jack D. Singleton
Appeal No. 18-09

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

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 Uniform Statewide Building Code (Virginia Maintenance Code).

In March of 2018, the Town Building Official, in enforcement of the Virginia Maintenance Code (VMC), issued a notice of violation (NOV) to Mr. Singleton for his property located at 190 West Jefferson Street. The notice outlined fifty seven (57) violations of the VMC. The Town Building Official affixed a copy of the NOV on the home of Singleton located at 260 West Jefferson Street; however, the notice was never posted on the structure located at 190 West Jefferson Street. The Town Building Official re-placarded the structure at 190 West Jefferson...
(Page left blank intentionally)
Street with a replacement placard. The structure was originally placarded on January 26, 2016. The placard identified the structure as unsafe for habitation.

The local appeals board heard Singleton’s appeal on April 11, 2018 and ruled to uphold the decision of the Town Building Official. Singleton then further appealed to the Review Board.

**Findings of the Review Board**

A. **Whether or not the appeal was timely to the local board.**

In the Town’s written submittal to the Review Board, the Town argued that the appeal was not timely to the local appeals board. The local appeals board heard the appeal and rendered its decision. The Review Board did not agree with the Town that the appeal to the local board was untimely.

B. **Whether or not to overturn the decision of the Property Maintenance Official and the local appeals board that violations of the Virginia Maintenance Code Section 105 (Unsafe structures or structures unfit for human occupancy) exist and that the placarding of the structure was proper.**

Singleton argued that the violations existed prior to his ownership of the property. He further argued that the Town placarded the property on January 26, 2016 when he was not the owner of the property and that no report was drafted related to the original placarding of the property. Singleton also argued that the placard was misleading and unclear.

The Town argued that the property did fit the description of unsafe structure according to the definitions in section 202 of the VMC. The Town further argued that violations of the VMC section 105 did exist and that the placarding of the structure was proper. The Review Board agreed with the Town that violations exist and the placarding of the structure was proper; however, the Review Board did not agree with the language on the placard.
(Page left blank intentionally)
C. Whether or not to overturn the decision of the Property Maintenance Official and the local appeals board that violations of the Virginia Maintenance Code Section 105 (Unsafe structures or structures unfit for human occupancy) exist and that the securing of the structure was required.

Singleton argued the violations no longer existed due to the installation of fencing on the structure subsequently restricting access to the structure rendering the structure secure. The Town argued that the violations were not satisfied by the installation of the fencing; furthermore, that access to the structure was not secured which was substantiated by Singleton’s testimony of people tossing garbage into the structure and removing garbage from the structure. The Review Board agreed with the Town that violations exist and the securing of the property is required.

D. Whether or not to overturn the decision of the Property Maintenance Official and the local appeals board that the remaining violations of the Virginia Maintenance Code listed on the March 26, 2018 Notice of Violation (NOV) exist.

Singleton argued that the remaining violations did not exist as the structure was a block wall and plumbing, electrical, and mechanical violations could not exist. The Town argued that the violations did exist. The Town clarified that they issued the all inclusive NOV at the request of Singleton in an attempt to provide Singleton with a comprehensive list of violations that needed to be addressed to make the structure habitable. The Review Board did not agree with the Town that the remaining violations existed for the structure.

E. Whether or not to overturn the decision of the Property Maintenance Official and the local appeals board that violations of the Virginia Maintenance Code Section 105 (Unsafe structures or structures unfit for human occupancy) exist and that the demolition of the structure was required.
Singleton argued that the structure was secured and as such the demolition of the structure was not required. The Town argued that the structure was not secure and that the Demolition Order was proper; therefore, the structure must be demolished. The Review Board agreed with the Town that the structure was required to be secured; however the Review Board does not agree that the Demolition Order was proper or that demolition of the structure was required.

**Final Order**

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

A. The decision of the local appeals board that the appeal is timely to be, and hereby is, upheld.

B. The decision of the Town Building Official and the local appeals board that violations of Section 105 exist and the placarding of the structure to be, and hereby is, upheld with a determination that the placard is improper and that a proper placard be issued. In addition, the Review Board orders the placard to be, and hereby is, remanded to the Town to be re-issued with the proper date and in full conformance with Section 105 of the VMC.

C. The decision of the Town Building Official and the local appeals board that violations of Section 105 exist and that the structure is required to be secured to be, and hereby is, upheld.

D. The decision of the Town Building Official and the local appeals board that all of the remaining violations of the VMC listed on the March 26, 2018 NOV exist to be, and hereby is, upheld related to items numbered one through five (1-5) and ten (10) with the determinations that item number one (1) only state unsafe structure, not unfit for human habitation, and reference the date of the new placard to be issued pursuant to Item B of this Final Order and that the notice of violation be re-issued for these items and with the specified corrections herein. The decision of the Town Building Official and the local appeals board that all of the remaining violations of the
VMC listed on the March 26, 2018 NOV exist to be, and hereby is, overturned related to items numbered six through nine (6-9) and 11-57.

E. The decision of the Town Building Official and the local appeals board that violations of Section 105 exist and that the demolition of the structure is required to be, and hereby is, overturned.

______________________________________________
Chairman, State Building Code Technical Review Board

Date entered: _____November 16, 2018_________

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.
Before the State Building Code Technical Review Board

In Re: Dr. Eric W. Bond, Superintendent for Augusta County Public Schools
Appeal No. 18-04

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

The State Fire Marshal’s Office (SFMO) is responsible for the enforcement of the Statewide Fire Prevention Code (SFPC) in those localities which do not enforce the code through a local enforcing agency. Appeals concerning the application of the SFPC by the SFMO are filed directly with the Review Board.

In April of 2018, a representative of the SFMO conducted inspections at Cassell and Rivershead Elementary Schools located at 1301 Rockfish Road and 239 Don Hanger Circle respectively in Augusta County.

The inspections resulted in the issuance of six inspection notices and six cited violations of the SFPC. Cassell and Rivershead Elementary Schools were each cited for violations of the SFPC Section 1030.2.1 (Security devices and egress locks) concerning the installation of security devices; Section 401.2 (Approval) concerning the fire safety plan, emergency procedures, and
employee training program; and Section 404.2.3.1 (Lockdown plan contents) pertaining to the lockdown plans.

Dr. Eric W. Bond filed an appeal to the Review Board within the required timeframe under the SFPC based on receiving a modification from the Building Official for the installation of the door hardware to be utilized only in an “active shooter” event.

Review Board staff developed a staff summary of the appeal, distributed it to all the parties and scheduled an appeal hearing before the Review Board.

Findings of the Review Board

A. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 1030.2.1 (Security devices and egress locks) concerning the installation of security devices exists.

Dr. Bond argued that the installation of the Nightlock devices were approved during construction of Cassell and Rivershead Elementary Schools through a modification of Section 1008.1.9 of the Virginia Construction Code (VCC) by the County Building Official. Dr. Bond further argued that because this was new construction and the installation of the devices were approved by the County Building Official under the VCC, that the SFPC should not be interpreted and applied in a manner that was more restrictive than was applied by the County Building Official pursuant to Section 102.6 the SFMO.

The SFMO argued that the Nightlock devices are security devices addressed under Section 1030.2 of the SFPC and are not locks or latches addressed under Section 1008.1.9 of the VCC. The SFMO further argued that the Building Official’s modification did not meet the spirit and intent of the code rather was a waive of the code.
The Review Board agrees with Dr. Bond that the installation of the devices falls under the purview of the VCC Section 1008.1.9 and not under the jurisdiction of the SFPC and that the authority to grant the modification was the Building Official’s; therefore, the modification by the County Building Official, is acceptable.

B. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 401.2 (Approval) concerning the fire safety plan, emergency procedures, and employee training program exists.

This issue was continued by the Board because the parties indicated they were working towards resolving this issue.

C. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 404.2.3.1 (Lockdown plan contents) pertaining to the lockdown plans exists.

This issue was continued by the Board because the parties indicated they were working towards resolving this issue.

Final Order

(A) This item of the appeal having been given due regard, and for the reasons set out herein, the Review Board orders this item of the appeal to be, and hereby is, overturned. Because the parties indicated to the Review Board that the remaining issues can be resolved without further action from the Review Board, the Review Board will hold its ruling in abeyance until the other items have been resolved or the parties indicate that the issues cannot be resolved.

(B) Continued

(C) Continued
The parties will have until December 31, 2018 to provide an update to the Review Board staff. If the parties fail to update Review Board staff or fail to resolve the remaining issues the Review Board will call this matter for additional hearings as necessary.

______________________________________________

Chairman, State Building Code Technical Review Board

Date entered: ____November 16, 2018_____

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 Anthony Grant Jr.
          Appeal No. 18-10

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Anthony T. Grant
Appeal No. 18-10

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. In May of 2015, the City of Suffolk Planning and Community Development Office (City building official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a final inspection and a subsequent Certificate of Occupancy to KEBCO, Inc. (KEBCO), a licensed Class A contractor, for a single-family dwelling it built at 4281 Cole Avenue in Suffolk.

2. In June of 2015, Ashley and Anthony T. Grant Jr. (Grant) purchased the dwelling from KEBCO.

3. In July of 2016, the City of Suffolk issued a summons to KEBCO. The summons listed three violations one of which was, Section M1401.3 “Improper sizing of heating and cooling equipment and appliances, Differences between original information submitted and 2nd reevaluation submitted.”

4. In November of 2017 Grant filed an appeal to the City appeals board. In January of 2017, the City appeals board heard Grant’s appeal and ruled to uphold the City building official’s decision on several VCC Sections. The City appeals board also modified the City building official’s decision concerning VCC Section M1401.3 (Equipment and appliance sizing) requiring additional testing; and chose to not render a decision.
5. Review Board staff conducted an informal fact-finding conference (IFFC) in April of 2017. At the conference it was determined that since the City appeals board had modified, and not upheld or reversed the City building official’s decision on the sizing of the heating and cooling system, that issue would not be included in the issues for consideration by the Review Board. In that regard, staff explained to the parties that once the City building official made a determination on that issue, specifically whether the heating and cooling system was properly sized for the home, Grant could then choose whether to appeal the issue to the City appeals board.

6. Grant further appealed to the Review Board on March 2, 2017. The appeal was heard at the June 15, 2017 Review Board meeting; however, as agreed upon at the IFFC in April of 2017, the Review Board did not hear the issue related to M1401.3 (Equipment and appliance sizing) as the local board has not yet ruled on the issue.

7. On March 28, 2017, through a memorandum from the Assistant Director of Community Development to the Chairman of the City appeals board, the City determined the size of the heating and cooling system was sufficient. Grant appealed the decision to the City appeals board.

8. In November of 2017, the City appeals board heard Grant’s appeal and ruled to uphold the Assistant Director of Community Development’s decision that the heating and cooling system was sized appropriately. Mr. Grant did not receive notification of the meeting; therefore, the City appeals board re-heard Grant’s appeal in April of 2018 and again ruled to uphold the City Assistant Director of Community Development’s decision that the heating and cooling system was sized appropriately.
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10. 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 or not the memorandum from the Assistant Director of Planning and Community Development to the Chairman of the City appeal board constitutes an enforcement decision by the City building official; and if ruling in the negative,

2. Whether or not to dismiss the Grant’s appeal as not properly before the Review Board since the only action required related to the sizing of the heating and cooling system was not through a notice of violation issued by the building official, but rather through a summons issued to KEBCO for a civil penalty in the city of Suffolk General District Court, and whether or not the decision of the City appeals board should be vacated.

3. Whether or not the Grant’s appeal should be dismissed as untimely and whether or not the decision of the City appeals board should be vacated; and if ruling in the negative,

4. Whether or not to overturn the decision of the City building official and the City appeals board that a violation of VCC Section M1401.3 (Equipment and appliance sizing) does not exist concerning the sizing of the heating and cooling system.
Basic Documents
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SUMMONS FOR CIVIL PENALTY FOR BUILDING CODE VIOLATIONS
CITY OF SUFFOLK, GENERAL DISTRICT COURT, GODWIN COURTS BUILDING
150 N. MAIN STREET, SUFFOLK, VIRGINIA

TO ANY AUTHORIZED OFFICER:
You are hereby commanded to summon the Defendant(s) to appear on JULY 7, 2016____
____ at 2:00 PM before this court to contest the alleged violation(s) at
4281 COLE AVENUE, SUFFOLK, VIRGINIA

<table>
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<tr>
<th>VUSBC SECTION</th>
<th>NATURE OF VIOLATION</th>
<th>DATE AND TIME OF VIOLATION</th>
<th>AMOUNT OF CIVIL PENALTY</th>
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<tr>
<td>109.3</td>
<td>Complete a Structural evaluation including 2nd floor knee wall, attic &amp; crawl space</td>
<td>4/25/16</td>
<td>$100.00</td>
</tr>
<tr>
<td>M1401.3</td>
<td>Improper sizing of heating &amp; cooling equipment &amp; appliances. Differences between original information submitted and 2nd reevaluation submittal.</td>
<td>4/25/16</td>
<td>$100.00</td>
</tr>
<tr>
<td>P2603.2.1</td>
<td>Fail to install shield plates to protect plumbing pipes.</td>
<td>4/25/16</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

DATE ISSUED ________________ CLERK ________________ TOTAL $300.00

NOTICE: YOU MAY ELECT TO PAY THE CIVIL PENALTY ESTABLISHED FOR THE ABOVE VIOLATION(S) OR YOU MAY ELECT TO STAND TRIAL. SEE INSTRUCTIONS ON REVERSE CASE.

DISPOSITION
Judgment that Plaintiff(s) recover against NAMED DEFENDANT ________________

$ __________ net of any credit with interest at ______ % from date of judgment until paid.

JUDGEMENT FOR NAMED DEFENDANT ________________

NON-SUIT _____ DISMISSED _____ Defendant(s) Present? Yes _____ No _____

Date Entered ________________ Judge ________________
ATTENTION:
IT IS IMPORTANT THAT YOU READ THESE INSTRUCTIONS CAREFULLY.

1. IF YOU ELECT TO PAY THE CIVIL PENALTY:
   a. Sign this summons in the space provided below.
   b. Determine from the front of this summons the total amount of civil penalty specified for the violation(s) for which you have been charged as well as the amount of any related costs.
   c. Mail this summons and a check or money order in the amount specified payable to "City of Suffolk" to the OFFICE OF THE TREASURER, P.O. Box 1583, Suffolk, Virginia 23434; or
   d. Pay the fine in person at the Office of the Treasurer by bringing this summons and a check or money order to 442 W Washington Street, Suffolk, Virginia 23434.

NOTE: Payment must be received by the Office of the Treasurer no later than the day prior to the return date. Thru delivery by mail is at the sender's risk. For further information concerning payment of the civil penalty contact the Office of the Treasurer at 757-514-4275.

WAIVER OF TRIAL AND ADMISSION OF LIABILITY
By signing this form, I certify that I have read this NOTICE and I am electing to waive my right to a trial in the court case resulting from the violation(s) charged on the front of this summons, I understand that I have a right to a trial which I am giving up. I also understand that my signature is an admission of liability and will have the same force and effect as a finding of liability by the Judge. However, I understand that an admission is not deemed to be a criminal conviction for any purpose. Understanding all this, I admit liability to the violation(s) charged, waive my right to a court hearing, and entitle to the civil penalty prescribed. Further, I agree to be liable for any violations within 6 months of this date.

Signature

PROCEDURES IF VIOLATOR IS A PERSON UNDER A DISABILITY

If defendant is a minor or other person under disability pursuant to Va. Code Sect. 8.01-2, any signature of such defendant must be countersigned by the defendant's parent or legal guardian as a guarantor. Such a guarantor must be in person at the court if the defendant chooses to appear in court. If payment is made by mail or to person in the Office of the Treasurer, the parent(s) or legal guardian's signature must be notarized.

GUARDIAN OF PAYMENTS:

SIGNATURE OF PARENT OR LEGAL GUARDIAN

Date

SWORN AND SUBSCRIBED before me this day of

My Commission Expires:

Notary Public

SERVICE

NAME:

ADDRESS:

1 Personal

2 Regular Mail

3 Posted on Premises

Date

2. IF YOU ELECT TO STAND TRIAL: your case will be set on the return date appearing on the front of this summons. Trial will not be held on the return date provided, however, if you fail to appear, judgment may be entered against you. You have the absolute right to hire a lawyer at your own expense to assist you. A lawyer will not be appointed for you. If you intend to hire a lawyer, you should do so immediately. NOTE: If you are found liable in a court hearing, a Judgment will be entered against you. For further information concerning the violations, contact the Department of Planning & Community Development, Building Division, 442 W Washington Street, Suffolk, Virginia 23434, 757-514-4150.

SCHEDULE OF CIVIL PENALTIES

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>FIRST PENALTY</th>
<th>SUBSEQUENT PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia Uniform StateWide Building Code 109.3 - Engineering Details</td>
<td>$100.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>M1401.3 - Equipment and Appliance Stringing</td>
<td>$100.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>P2603.2.1 - Protection Against Physical Damage</td>
<td>$100.00</td>
<td>$350.00</td>
</tr>
</tbody>
</table>

3. MULTIPLE VIOLATIONS: If you have been summoned for multiple violations, you may elect to stand trial on one or more violations and pay the civil penalty on the remaining violation(s). To do so, you must indicate below on which violation(s) you have elected to stand trial and for which violations you have elected to pay the civil penalty and must appear in court on the return date.

I elect to stand trial on the following violation(s) only and have read Paragraph 2, above.

1.

2.

3.

Signature

Date

I elect to waive trial, admit liability and pay the established civil penalty for the following violation(s) only. I have read the instructions, waiver of trial and admission of liability in Paragraph 1, above and understand that they apply only to the violation(s) I am listing below.

1.

2.

3.

Signature

Date
MEMO

TO: Mitchell Wilcox, Chairman of Suffolk Board of Building Code Appeals

FROM: Stanley Skinner, Assistant Director of Community Development, MCP, CBCO

COPY TO: Board of Building Code Appeals Members

DATE: March 28, 2017

RE: LBBCA 01-2017 - 4281 Cole Avenue, Suffolk Virginia 23434

Please be advised that the Department of Planning and Community Development revisited the HVAC Unit that was installed at 4281 Cole Avenue, Suffolk Virginia, as requested at the Board of Building Code Appeals meeting on January 25, 2017. Furthermore, this request was based on an HVAC Service Order supplied to Mr. Anthony Grant from Stokley's Service, INC., and presented to this office on June 3, 2016. Stokley's Service, INC. instructed Mr. Grant that his HVAC unit was not sized properly and that he would need at a minimum a 3 ton HVAC unit. Understand that even though this service request was not included with Mr. Grant's initial appeal, it was used as the cornerstone for his request.

As required per section M1401.3 of the 2012 Virginia Residential Code (VRC), HVAC equipment shall be sized and calculated in accordance with ACCA Manual J or other approved heating and cooling methodologies. Which to my knowledge this information has never been supplied to this office from Stokley's Service, INC. or Mr. Grant and therefore, per the above referenced code section, this invoice is unenforceable.

However, the 2.5 ton HVAC Unit installed by Wayne Ables Heating and Air Conditioning, Inc. (using calculations approved by ACCA and meeting all the requirements of the Manual J 8th Ed.), was found to meet the requirements of the 2012 VPC. Furthermore, as per your instructions to The Community Development Division to further substantiate our position as it relates to Mr. Grant's appeal, solicited the services of Suffolk Sheet Metal. Suffolk Sheet Metal, a licensed HVAC installer (using calculations approved by ACCA and meeting all the requirements of the Manual J 8th Ed.), has further corroborated that the 2.5 ton unit installed by Wayne Ables Heating and Air Conditioning, Inc. has been found to be in compliance per the VRC Chapter 14, Section M1401.3, using ACCA calculations. Additionally to further support our position, The Community Development Division, requested the HVAC Certificate Number (1313414280152233091) and the AHRI Number (5358271) from the system manufacturer, which they delivered.
Please be advised that per the calculations provided to this office and as required by section M1401.3 of the VRC, the HVAC system is required to have a BTU output of not less than 23,512 (per Wayne Able) and 22,707 (per Suffolk Sheet Metal), with an average BTU output rating between the 2 units of 23,109.5. The product Certificate Ratings states that the total BTU of Outdoor Unit #GSZ13030A and Indoor Unit #ARUF30B14 produce a combine BTU rating of 27,200. Therefore this office has concluded that the HVAC unit installed at 4281 Cole Avenue, Suffolk Virginia, meets the intent of section M1401.3 of the 2012 VRC.

Please review attachments for additional information in supporting the City’s position in this matter:

- Section M1401.3
- Stokley’s Invoice
- Letter from Wayne Ables Heating & Air Conditioning, Inc.
- Second Letter from Wayne Ables Heating & Air Conditioning, Inc.
- Wayne Ables calculations
- Suffolk Sheet Metal calculations
- AHRI Certificate of Product Ratings

Should you have any further concerns, please feel free to contact me at 757-514-4152.
APPLICATION FOR APPEAL

Appellant Information (Name, address and telephone number of applicant for appeal.)

Anthony T. Grant Jr. 4281 Cole Ave. Suffolk, VA 23435
(757) 737-9995

Related Party Information (Name, address and telephone number of others involved.)

Ashley N. Grant 4281 Cole Ave. Suffolk, VA 23435
(757) 535-8664

Additional Information (To be submitted with this application)

1. Copy of decision or action being appealed.
2. Statement of reason for appeal.

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November, 2016, a completed true copy of the foregoing Application for Appeal, including any additional information required above, was delivered or sent to the Board of Appeals and all related parties listed.

Signature of Applicant: Anthony T. Grant Jr.
Name (print or type): Anthony T. Grant Jr.
November 30, 2016

To Whom It May Concern,

I would like to appeal the notice of violation for the dates of 5/18/15, 10/28/16, 5/13/16, 12/22/15, 4/25/16, and 6/24/16 regarding section N1102.4, section R-703.11, 408 and section R408. Also, VUSBC109.3, M1401.3, P2603.21, R403.1.6 and P2603.2.1. The Inspection report project number SFC2014-00187. I am unsure of the code violations for our driveway; however the builder did not have a permit to build. Our driveway and garage floor is cracking severely. I spoke to the building official on the issue; he stated that it was not his department. I would like to appeal these violations because the building official issued them, and then removed them without them being addressed. My family and I have endured a lot during our first year within the home; due to a lot of violations that were passed that should not have been. We have contacted the builder, the city of Suffolk and numerous third party vendors to address the issues with our home. We have documentation from numerous reputable companies and a structural engineer report that stated the issues with our home. My family and I have been very patient with the building official in allowing him to address the violations, which have not been addressed appropriately. In my efforts in trying to have my home fixed, I feel defeated. The city in which I live has not fully taken responsibility for their negligence and my family and I have been suffering. With my sincerest regards, I hope this appeal will look at the documentation that is being presented and help me in addressing the issues, so that my family and I can enjoy living in the home we fell in love with, and the community in which we cherish. As I conclude, I would like you all to resolve these issues by addressing the code violations that are listed above. The builder has had numerous opportunities to correct some violations; however, he has failed to do so. He has displayed poor workmanship and professionalism. Again, we would like for the violations to be addressed accordingly. We do not want the builder to come back to our home to fix the issues, due to his poor workmanship, lack of professionalism and continuous issues due to his negligence. We would like for the builder to be fined, along with DPOR being notified of the violations.

Warm Regards,

Anthony T. Grant Jr.
RESOLUTION NO. 01-2017
CITY OF SUFFOLK BOARD OF BUILDING CODE APPEALS
DECISION
4281 COLE AVE, SUFFOLK, VIRGINIA, ZONING MAP 13A *JAMES, PARCEL *18
LBBCA 01-2017

WHEREAS, Mr. Anthony Grant, Jr., applicant and property owner, by letter dated November 30, 2016, requested a hearing with the City of Suffolk Board of Building Code Appeals for a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 13A James, Parcel 18; and,

WHEREAS, the appeal hearing was held in the City of Suffolk Council Chambers on January 25, 2017, at 1:00 p.m.; and

WHEREAS, the applicant Anthony Grant was present at the hearing, and representing the City of Suffolk were Stanley I. Skinner, Susan Gardner and Larry Stokes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Code Appeals of the City of Suffolk, Virginia, that:

The Board of Building Code Appeals

1. ___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as N1102.4; and,

2. ___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as R-703.11; and,

3. ___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as R-408; and,

4. ___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as VUSBC109.3; and,

5. _____ UPHOLDS _____ REVERSES _____X____ MODIFIES the Building Official’s decision with respect to appeal identified as M1401.3; and,

6. ___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as P2603.2.1; and,

7. ___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as R403.1.6; and,
8. __ Finds X __ Does not find that the request for the appeal identified as an Inspection Report project number SFC2014-00187 is warranted (Public Works Department and not a building code item); and,

9. __ Finds X __ Does not find that the request for the appeal identified as Driveway and Garage floor is warranted (not a building code item).

BE IT FURTHER RESOLVED that item 4 above represents outstanding violations that have not yet been resolved to the satisfaction of the Building Official.

BE IT FURTHER RESOLVED that the Building Official shall reevaluate its decision regarding the proper sizing of heating and cooling systems with respect to item 5 above.

BE IT FURTHER RESOLVED that items 8 and 9 above were not warranted for consideration because they do not involve the Building Official's application of the Uniform Statewide Building Code.

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

Chairman, Board of Building Code Appeals
AGENDA
CITY OF SUFFOLK
BOARD OF BUILDING CODE APPEALS
NOVEMBER 13, 2017 – 1:00 P.M.
CITY COUNCIL CHAMBERS

I. CALL TO ORDER & ROLL CALL

II. APPROVAL OF THE MINUTES

January 25, 2017 Meeting

III. BOARD HEARING

NOVEMBER 13, 2017 Meeting
LBBCA 02-2017
Kebco Enterprises Inc. c/o Kenneth Bullock

HEARING ITEMS

1. R401.3 – Drainage (perimeter)
2. R401.3 – Exception (Area in front of garage door)
3. R905.1 – Roof covering
4. R905.2.1 – Sheathing Requirements
5. R703.11.1 – Installation of vinyl siding
6. R703.8 – Flashing (front porch)
7. R502.6 – Bearing (shims)
8. R606.6.1 – Pier cap(s)
9. P2605.1 – General Piping Support
10. R602.3 – Design and Construction (repair deck)
11. R403.1.6 – Foundation Anchorage (rear wall)

IV. OLD BUSINESS

Results of the Building Official’s reevaluation decision regarding the proper sizing of the heating and cooling system

V. NEW BUSINESS

VI. ADJOURNMENT
RESOLUTION NO. 02-2017

CITY OF SUFFOLK BOARD OF BUILDING CODE APPEALS
DECISION
4281 COLE AVE, SUFFOLK, VIRGINIA, ZONING MAP 13A *JAMES, PARCEL *18
LBBCA 02-2017

WHEREAS, Mr. Anthony Grant, Jr., applicant and property owner, by letter dated November 30, 2016, requested a hearing with the City of Suffolk Board of Building Code Appeals for a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 13A James, Parcel 18; and,

WHEREAS, the appeal hearing was held in the City of Suffolk Council Chambers on November 13, 2017, at 1:00 p.m. under Old Business; and

WHEREAS, the applicant Anthony Grant was not present at the hearing and representing the City of Suffolk were Michael Robinson, Susan Gardner and Sam Adams and representing the Builder were Kebco Enterprise Inc. c/o Kenneth Bullock and Wayne Ables of Wayne Ables Heating & Air Conditioning, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Code Appeals of the City of Suffolk, Virginia, that:

The Board of Building Code Appeals

1. ___X___ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as M1401.3, under Old Business; and,

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

R. Mitchell
Chairman, Board of Building Code Appeals
RESOLUTION NO. 01-2018
CITY OF SUFFOLK BOARD OF BUILDING CODE APPEALS
DECISION
4281 COLE AVE, SUFFOLK, VIRGINIA, ZONING MAP 13A *JAMES, PARCEL *18
LBBCA 001-2017

WHEREAS, Mr. Anthony Grant Jr., applicant and property owner, by letter dated November 30, 2016, requested a hearing with the City of Suffolk Board of Building Code Appeals for a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 13A James, Parcel 18; and,

WHEREAS, an appeal hearing was held in the City of Suffolk Council Chambers on January 25, 2017, at which the Board MODIFIED the decision of the Building Official with respect to the appeal item identified as M1401.3, stating in Resolution No. 01-2017 that “the Building Official shall reevaluate its decision regarding the proper sizing of heating and cooling systems”; and,

WHEREAS, an appeal hearing on this matter was held in the City of Suffolk Council Chambers on November 13, 2017, at which the Board UPHELD the decision of the Building Official with respect to the appeal item identified as M1401.3 under Old Business; and,

WHEREAS, upon receiving a certified copy of Resolution No. 02-2017 reflecting the Board’s decision regarding the appeal item identified as M1401.3, the applicant, Mr. Grant, advised the City that he did not receive notice of the November 13, 2017 hearing date or time, and thus was not able to be heard on this matter; and,

WHEREAS, a rehearing on this matter was held in the City of Suffolk Council Chambers on April 25, 2018, at 1:00 p.m. under Old Business; and,

WHEREAS, the applicant Anthony Grant Jr. was present representing himself, and representing the City of Suffolk were Michael Robinson, Building Official, Samuel Adams, Building inspector, and Kalli Jackson, Assistant City Attorney. Also present representing themselves were the builder, Kenneth Bullock on behalf of Kebco Enterprise Inc., and Wayne Ables on behalf of Wayne Ables Heating & Air Conditioning, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Code Appeals of the City of Suffolk, Virginia, that:

The Board of Building Code Appeals

1. _X__ UPHOLDS _____ REVERSES _____ MODIFIES the Building Official’s decision with respect to appeal identified as M1401.3.
BE IT FURTHER RESOLVED that this Resolution replaces in its entirety Resolution No. 02-2017 with respect to the appeal item identified as of M1401.3 under Old Business.

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

[Signature]
Chairman, Board of Building Code Appeals

5-10-18
Date
• Complete items 1, 2, and 3.
• Print your name and address on the reverse so that we can return the card to you.
• Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ALEXANDER H. BELL
ATTORNEY AT LAW
C/O ANTHONY & ASHLEY GRANT
555 EAST MAIN ST, STE 1102
NORFOLK, VA 23510

2. Article Number (Transfer from service label)

7017 2400 0000 0099 9853

3. Service Type

4. Adult Signature

5. Priority Mail Express®

6. Registered Mail™

7. Certified Mail®

8. Return Receipt for Merchant

9. Signature Confirmation

10. Restricted Delivery

11. Collect on Delivery

12. Collect on Delivery Restricted Delivery

13. PS Form 3811, July 2015 PSN 7630-02-000-9053

American Return Receipt

PS Form 3811, July 2013 PSN 7630-02-000-9053

RETURN TO SENDER

AMERICAN RETURN RECEIPT

For delivery information, visit our website at www.usps.com.

For delivery information, visit our website at www.usps.com.
June 26, 2018

VIA EMAIL ONLY
W. Travis Luter Sr., C.B.C.O.
Assistant Secretary to the State Building Code Technical Review Board
Department of Housing & Community Development
Division of Building & Fire Regulation
State Building Codes Office
600 East Main Street, Suite 300
Richmond, Virginia 23219
804-371-7163
travis.luter@dhcd.virginia.gov

Re: Appeal of Anthony and Ashley Grant to State Review Board
Address: 4281 Cole Avenue, Suffolk, VA 23435

Dear Mr. Luter:

Please note that I have been retained by Mr. and Mrs. Grant regarding the aforementioned matter. Enclosed please find Mr. and Mrs. Grant’s Application for Administrative Appeal to affect an appeal of Resolution No. 01-2018 of the Board of Building Code Appeals of the City of Suffolk dated May 10, 2018 and the Grant’s supporting documents relating the aforementioned appeal.

Do not hesitate to contact me should you have any questions.

Very truly yours,

Alexander H. Bell

AHB/
Enclosures

cc: Kalli L. Jackson, Esq. (via Email) [w/ Enc.]
    Christopher H. Faulk, Esq. (via Email) [w/ Enc.]
    Wayne Ables Heating and Air Conditioning (via Facsimile 757-547-1502) [w/ Enc.]
    Clients (via Email) [w/ Enc.]
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: sbeo@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):

Anthony Grant Jr.
c/o Alexander H. Bell, Esquire 555 E. Main St., Ste. 1102, Norfolk, VA 23510
757-651-5017 Alex@AlexBellLaw.com

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

Kalli L. Jackson, Esquire Assistant City Attorney
442 West Washington St., Ste. 2117, Suffolk, VA 23434
757-514-7136 kjackson@suffolkva.us

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 26th day of June 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:

[Signature]

Name of Applicant: Alexander H. Bell, Esq. - Attorney for Anthony and Ashley Grant
(please print or type)
APPEAL NOTICE

CONTRACTOR: Kebco Enterprises, Inc.
c/o Christopher H. Falk, Esq.
205 S. Battlefield Blvd., Suite 100
Chesapeake, Virginia 23322
Falk@aol.com

SUBCONTRACTOR: Wayne Ables Heating & Air Conditioning
c/o Wayne Ables
1226 Executive Blvd., Suite 117
Chesapeake, VA 23320
Facsimile: 757-547-1502

LOCATION: 4281 Cole Avenue
Suffolk, Virginia 23432

TAX MAP: 13A*JAMES*18
304529700

OWNER/APPELLANT: Ashley Grant and Anthony Grant, Jr.
c/o Alexander H. Bell, Esq.
555 E. Main St., Suite 1102
Norfolk, VA 23510
Alex@AlexBellLaw.com

STATEMENT OF REASON FOR APPEAL

Ashley and Anthony Grant ("Homeowners") object to the finding of the Board of Building Code Appeals of the City of Suffolk dated May 10, 2018 that upheld the City of Suffolk Board of Building Code Appeals decision to modify the decision of the Building Official with respect to the appeal item identified as M1401.3, stating in Resolution No. 01-2017 that "the Building Official shall reevaluate its decision regarding the proper sizing of heating and cooling systems."

On March 5, 2017 Suffolk Sheet Metal provided an analysis of the heating and cooling systems to Sam Adams who is an inspector for the City of Suffolk. On March 28, 2017 Stanley I. Skinner, Assistant Director of Community Development for the City of Suffolk, produced a Memo to Mitchell Wilcox, Chairman of Suffolk Board of Building Code Appeals that provided false and
misleading conclusions of Suffolk Sheet Metal’s findings. On December 7, 2017 Ray Cobb, Vice President of Suffolk Sheet Metal, sent a letter to the Homeowners previous attorney outlining the false and misleading conclusions that Mr. Skinner stated in his March 28, 2017 letter. In his December 7, 2017 letter Mr. Cobb stated unequivocally that the HVAC system that is the subject of this Appeal is grossly inadequate for the home.

Furthermore, a letter from Russell’s Heating and Cooling dated February 24, 2016 and a letter Stokley’s Services dated June 16, 2016 corroborate the exact findings of Suffolk Sheet Metal. Due to the grossly misleading conclusions of Mr. Skinner’s letter, the City should be prohibited from determining whether the subject HVAC system is adequate for the home, especially when three other reputable HVAC companies have independently stated otherwise.

SPECIFIC RELIEF SOUGHT

That the State Review Board reverse the Building Official’s decision that the Grant’s home contains the proper sizing of heating and cooling systems with respect to the Building Official’s decision that the heating and cooling systems are of the proper size. Or, in the alternative, the State Review Board modify the aforementioned modification of M1401.3 to require a Building Official other than those who have already evaluated the HVAC system to reevaluate the proper sizing of heating and cooling systems.
Documents Submitted
By the Grants through counsel
(Alexander Bell, Esq)
(Page left blank intentionally)
Relevant Documents
This certificate is issued pursuant to the requirements of the Uniform Statewide Building Code, Zoning Ordinances and other applicable codes and ordinances certifying that at the time of issuance this structure is in compliance with the above mentioned codes and ordinances.

Owner or Contractor: KEBCO ENTERPRISES INC
1332 CAMBRIDGE WAY
CHESAPEAKE, VA 23320

Use Class: NWR
SFD

Group: R5
Occupancy Load:
Type Construction: 5H

Building Address: 428 COLE AV

Date: 5/27/2015

This Certificate of Occupancy is not transferrable and becomes invalid upon any change of use or occupancy, or any changes to the building or premises, or upon any violation of the Uniform Statewide Building Code.
FREE SECOND OPINION

Checked unit customer was having issues with unit maintaining temp in summer. Checked unit, it is a 2.5 ton unit in a 2400 sq ft home. If you base unit size off square footage, it should be a 4 ton unit. With amount of insulation and age of home with new windows, my estimate would be at least a 3.5 ton would be minimum for home. Home is not going to be able to maintain temp when it is very hot or very cold outside due to the unit not being sized properly for home.

Payment is due upon completion of work. Interest at the rate of 2% per month (24% annual) will be charged on any unpaid balance outstanding 30 days after completion. Attorney's fees, court costs, and any other costs incidental to the collection of monies due under this agreement will be paid for by the purchaser.

PLEASE BE AWARE that annual maintenance is a requirement for all equipment covered under an extended warranty plan. Refer to your extended warranty documents for specific requirements. Failure to perform annual maintenance will affect your ability to file a claim and may result in termination of the extended warranty plan.
June 16, 2016

ATTN: Anthony Grant
4281 Cole Ave.
Suffolk, VA 23435

RE: HVAC system

Mr. Grant,

After looking at the system for your house at the above location, we have determined that you current HVAC system is too small to properly cool your house. Typically, we would recommend a system for the downstairs and a separate system for the upstairs. Unfortunately most builders will cut corners when it comes to installing a central heating and cooling system. Putting in one system instead of two is one of the corners that they cut. The ductwork will need to be addressed as well as it is not sized to handle a larger system.

My recommendations are to put in 2 separate systems with all new duct work for the best comfort. Short of that I would recommend putting in a larger system and installing a zoning system with automatic (mechanical) dampers that are controlled by separate thermostats for each zone. The appropriate duct modifications would also need to be made. I, personally, do not like zoning systems and feel that they are essentially a “cheat” but I know many HVAC contractors that swear by them

Unfortunately we are booked solid right now and we would not be able to handle a project like this for some time: therefore, I am not offering a bid to do the work.

Sincerely,

Rob Shortt
Vice-President
Dear Mr. Wilson,

This is a re-do of the load calculations at 4281 Cole Ave. Cole Ave. has an outdoor unit, Model # GSZ130301 and an indoor unit, Model # ARUF30B14A. As supported by the load calculations and the expanded rating of the outdoor unit, this system is properly sized for this home.

The home inspector's feeling that the system is too small is not the proper method for sizing any heating and cooling system. It is possible that a properly sized system will run longer than an oversized system, but that is the benefit of a properly sized system. There is no such thing as a standard sized system for any home and a 3 ton system for this home is oversized and would be a code violation.

Too many home inspectors base the size of a system on a square foot per ton. This is only a guess-timation. It doesn't account for the different R values of the home, types of windows, or any other factors. No oversite was made with this system.

Thank you,

Wayne Ables
### Project Report:

**General Project Information**

- **Project Title:** Kebco 4281 Cole Ave
- **Project Date:** Thursday, May 12, 2016

#### Design Data

- **Reference City:** Norfolk, Virginia
- **Building Orientation:**
  - Front door faces North
  - Medium
- **Daily Temperature Range:** 36 Degrees
- **Elevation:** 22 ft.
- **Altitude Factor:** 0.999
- **Elevation Sensible Adj. Factor:** 1.000
- **Elevation Total Adj. Factor:** 1.000
- **Elevation Heating Adj. Factor:** 1.000
- **Elevation Heating Adj. Factor:** 1.000

#### Outdoor

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<th>Winter</th>
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<th>Outdoor Wet Bulb</th>
<th>Outdoor Rel. Hum.</th>
<th>n/a</th>
<th>Indoor Dry Bulb</th>
<th>Indoor Wet Bulb</th>
<th>Indoor Rel. Hum.</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>22</td>
<td>20</td>
<td>80%</td>
<td>n/a</td>
<td>70</td>
<td>75</td>
<td>51%</td>
<td>n/a</td>
</tr>
<tr>
<td>Summer</td>
<td>91</td>
<td>76</td>
<td>51%</td>
<td>50%</td>
<td>75</td>
<td>n/a</td>
<td>47</td>
<td>n/a</td>
</tr>
</tbody>
</table>

#### Check Figures

- **Total Building Supply CFM:** 1,090
- **Square ft. of Room Area:** 2,303
- **Volume (ft³) of Cond. Space:** 19,333

#### Building Loads

- **Total Heating Required Including Ventilation Air:** 32,142 Btuh
- **Total Sensible Gain:** 19,793 Btuh
- **Total Latent Gain:** 3,719 Btuh
- **Total Cooling Required Including Ventilation Air:** 23,512 Btuh

#### Calculations

- **CFM Per Square ft.:** 0.473
- **Square ft. Per Ton:** 1,175
- **Total Heating Required Including Ventilation Air:** 32,142 MBH
- **Total Sensible Gain:** 19,793 MBH
- **Total Latent Gain:** 3,719 MBH
- **Total Cooling Required Including Ventilation Air:** 23,512 MBH

#### Notes


All computed results are estimates as building use and weather may vary.

Be sure to select a unit that meets both sensible and latent loads.

---

This house only needs 23,512 Btuh. The system is installed.

Supply is 267,300 @ 95° & 25,000 @ 105°. Plenty of good cooling with this unit.

Thank you.

Wayne Ables
<table>
<thead>
<tr>
<th>Outdoor Ambient Temperature (°F)</th>
<th>Entering Indoor Wet Bulb Temperature (°F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>44</td>
</tr>
<tr>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>40</td>
<td>36</td>
</tr>
<tr>
<td>30</td>
<td>32</td>
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<tr>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>10</td>
<td>24</td>
</tr>
<tr>
<td>0</td>
<td>20</td>
</tr>
</tbody>
</table>

This table provides information on outdoor ambient temperature and entering indoor wet bulb temperature.
July 20, 2016

Dear Sirs,

The original load calculations submitted were the load calculations from the first floor of Kenny’s 2-story house with a 2-zone system, that was the first page and the 2nd page was the actual house on Cole Ave with a 1-zone system. My office clerk mixed up the paperwork. If you look at the load calculations that say 2 story one zone, the net gain is 22,720 which is almost the same as the load calculations that say 4281 Cole Ave. Its net gain is 23,512, 792 BTUs different. Not enough difference to matter on any day @ any temperature. As evidenced by the expanded cooling data. This unit supplies 26,300 BTUs, enough to cool the house on any given day. I have included a ACCA Manuel J information sheet about the “Proper” way to size a/c equipment.

Thank you,
Wayne Ables
December 7, 2017

Gregory S. Bean
1307 Jamestown Road, Suite 201
Williamsburg, VA 23185

RE: Case #CL17-471

Dear Mr. Gregory Bean,

This letter is in response to your subpoena received on November 17, 2017 regarding the above referenced case number. According to the records on behalf of Suffolk Sheet Metal, Inc and Ray Cobb, there are no invoices, documents or correspondences in the name of Ashley Byrd n/k/a Ashley Grant or Kebeo Enterprises, Inc. I can only submit to you information to which I am assuming you are referring.

Some time before March 5, 2017, Sam Adams an inspector for the City of Suffolk, came to my office and dropped off copies of a blueprint on 8.5X11 white copy paper requesting a load calculation on a residence. I asked if I could have the address so that I could see the house. The address and the name were kept out of the conversation and never provided by the City of Suffolk. I typically like to see the house or view the house online in order to provide useful information.

On Sunday, March 5, 2017, I entered only the numbers that were provided from the blue prints in my computer program. I use a program called Wrightsoft. I have designed my program for the type of materials I use for heating and air conditioning applications such as metal duct trunk line and Rheem Manufacturing equipment. I printed a copy and provided the calculations to Sam Adams. When he came back to my office in order to pick up the copy, I attempted to show him how the program worked, inserting different numbers and how they would change the outcome of a load calculation. I exited the program saving the changes under the title “City of Suffolk.” The only copy I have to share today is latter saved information. He took the original load calculations on March 5 along with his furnished copies of the blue prints. I provided him with only the Manual J and Manual D calculations. There are three calculations I can produce from my program for specific buildings; a Manual J, which provides the load calculations for heat and air conditioning; a Manual D, which calculates the specific duct sized needed and a Manual S, which are calculations used to determine the specific size of the heating and air conditioning...
equipment. Again this program is designed for the equipment and materials I use in my business. I did not provide Manual S information.

A male homeowner contacted my office by phone about a letter he had receive stating that I told the city of Suffolk that a 2.5 ton system was sized properly for his home. I was not aware of this information and believed he had the wrong company or something was misprinted. I requested a copy of this letter; however, he never provided a copy.

Later, I found myself sitting in front of you Mr. Bean in my office stating the same thing as the above homeowner. I wasn’t until our conversation that I was lead to believe this situation all started with the no name blue prints provided by Sam Adams, a city inspector earlier in the year. I printed off the last numbers I entered in my program under “City of Suffolk,” which I later realized were altered after showing Mr. Adams how the programmed worked. I asked you then if I could get a copy of this letter.

On June 14, 2017, you emailed me a copy of a letter from Stanley Skinner, Assistant Director of Community Development for the City of Suffolk and part of the twelve page Manual J and Manual D calculations I created. If this letter was constructed from the load calculations I provided to Sam Adams on March 5, 2017, the calculations are misinterpreted and more importantly used my name and company name without my permission. It takes a licensed HVAC contractor who has gone through intensive Manual J training to interpret the calculations. I found the letter in regards to Suffolk Sheet Metal, Inc false and misappropriated.

I have included with this letter a copy of the City’s letter in relation to 4281 Cole Ave Suffolk, VA 23434 in which I am referring to above, a copy of the five page calculations I gave to Sam Adams which I recognize and a copy of what I have saved in my Manual J program under “City of Suffolk.” I am sorry I can not provide nor confirm any other information regarding case #CL17-471.

To this day, I have never held a conversation with Mr. Stanley Skinner. Please feel free to contact me at the office at 757-539-7484.

Sincerely,

Ray Cobb
Vice President
Load Short Form
Entire House
Suffolk Sheet Metal

For: City of Suffolk
VA

<table>
<thead>
<tr>
<th>Design Information</th>
<th>Htg</th>
<th>Cig</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside db (°F)</td>
<td>25</td>
<td>93</td>
</tr>
<tr>
<td>Inside db (°F)</td>
<td>70</td>
<td>75</td>
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<td>Design TD (°F)</td>
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<td>18</td>
</tr>
<tr>
<td>Daily range</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Inside humidity (%)</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Moisture difference (gr/h)</td>
<td>40</td>
<td>50</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>HEATING EQUIPMENT</th>
<th>HEATING EQUIPMENT</th>
</tr>
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<tr>
<td>Make</td>
<td>Sample</td>
</tr>
<tr>
<td>Trade</td>
<td>Cond</td>
</tr>
<tr>
<td>Model</td>
<td>AHRI ref</td>
</tr>
<tr>
<td>Efficiency</td>
<td>7.1 HSPF</td>
</tr>
<tr>
<td>Heating input</td>
<td>17200 Btuh @ 47°F</td>
</tr>
<tr>
<td>Heating output</td>
<td>15 °F</td>
</tr>
<tr>
<td>Temperature rise</td>
<td>1035 cfm</td>
</tr>
<tr>
<td>Actual air flow</td>
<td>0.051 cfm/Bluah</td>
</tr>
<tr>
<td>Static pressure</td>
<td>0 in H2O</td>
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<tr>
<td>Load sensible heat ratio</td>
<td>0.78</td>
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<table>
<thead>
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<th>COOLING EQUIPMENT</th>
<th>COOLING EQUIPMENT</th>
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</thead>
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<td>Sample</td>
</tr>
<tr>
<td>Trade</td>
<td>Cond</td>
</tr>
<tr>
<td>Model</td>
<td>AHRI ref</td>
</tr>
<tr>
<td>Efficiency</td>
<td>9.8 EER, 0 SEER</td>
</tr>
<tr>
<td>Sensible cooling</td>
<td>9500 Btuh</td>
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<tr>
<td>Latent cooling</td>
<td>4950 Btuh</td>
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<td>Air flow factor</td>
<td>0.045 cfm/Bluah</td>
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<td>Static pressure</td>
<td>0 in H2O</td>
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</table>

<table>
<thead>
<tr>
<th>ROOM NAME</th>
<th>Area (ft²)</th>
<th>Htg load (Btuh)</th>
<th>Cig load (Btuh)</th>
<th>Htg AVF (cfm)</th>
<th>Cig AVF (cfm)</th>
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<tr>
<td>First Floor</td>
<td>834</td>
<td>7690</td>
<td>9637</td>
<td>360</td>
<td>449</td>
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<tr>
<td>Second Floor</td>
<td>1340</td>
<td>12716</td>
<td>16384</td>
<td>645</td>
<td>731</td>
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<tr>
<td>Entire House</td>
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<td>20460</td>
<td>22701</td>
<td>1035</td>
<td>1035</td>
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</table>

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
Load Short Form
First Floor
Suffolk Sheet Metal

For: City of Suffolk
VA

Design Information

<table>
<thead>
<tr>
<th></th>
<th>Htg</th>
<th>Clg</th>
<th>Infiltration</th>
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</thead>
<tbody>
<tr>
<td>Outside db (°F)</td>
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<td>63</td>
<td>Method</td>
</tr>
<tr>
<td>Inside db (°F)</td>
<td>70</td>
<td>75</td>
<td>Construction</td>
</tr>
<tr>
<td>Design TD (°F)</td>
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<td>18</td>
<td>quality</td>
</tr>
<tr>
<td>Daily range</td>
<td>-</td>
<td>M</td>
<td>Fireplaces</td>
</tr>
<tr>
<td>Inside humidity (%)</td>
<td>50</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Moisture difference (gr/lb)</td>
<td>40</td>
<td>55</td>
<td></td>
</tr>
</tbody>
</table>

HEATING EQUIPMENT

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

COOLING EQUIPMENT

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

ROOM NAME          | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | HtgAVF (cfm) | ClgAVF (cfm) |
-------------------|------------|-----------------|-----------------|--------------|--------------|
Family Room        | 420        | 4986            | 5887            | 259          | 267          |
Dining             | 100        | 1301            | 1350            | 66           | 144          |
Living Room        | 230        | 970             | 650             | 49           | 30           |
Foyer              | 30         | 337             | 154             | 17           | 7            |
Bath 1             | 36         | 63              | 24              | 3            | 1            |
Closet             | 18         | 31              | 12              | 2            | 1            |

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
<table>
<thead>
<tr>
<th>Equipment</th>
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<td>0</td>
<td>0</td>
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</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>834</td>
<td>7690</td>
<td>10825</td>
<td>390</td>
<td>449</td>
<td></td>
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</table>
### Load Short Form

**Second Floor**

**Suffolk Sheet Metal**

---

**Project Information**

For: City of Suffolk VA

---

**Design Information**

<table>
<thead>
<tr>
<th>Outdoor dry bulb (°F)</th>
<th>Indoor Dry bulb (°F)</th>
<th>Design TD (°F)</th>
<th>Daily range</th>
<th>Inside humidity (%)</th>
<th>Moisture difference (gr/lb)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>63</td>
<td>45</td>
<td>-</td>
<td>50</td>
<td>40</td>
</tr>
</tbody>
</table>

- Htg: Heating
- Clg: Cooling
- Method: Simplified
- Construction quality: Tight
- Fireplaces: 0

---

**HEATING EQUIPMENT**

<table>
<thead>
<tr>
<th>Make</th>
<th>Trade</th>
<th>Model</th>
<th>AHRI ref</th>
<th>Efficiency</th>
<th>Htg Input</th>
<th>Htg Output</th>
<th>Temperature Rise</th>
<th>Actual Air Flow</th>
<th>Air Flow Factor</th>
<th>Static Pressure</th>
<th>Load Sensible Heat Ratio</th>
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<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0 Btuh</td>
<td>0 Btuh</td>
<td>0 °F</td>
<td>0 cfm</td>
<td>0 cfm/Btu/h</td>
<td>0 in H2O</td>
<td>0</td>
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</table>

**COOLING EQUIPMENT**

<table>
<thead>
<tr>
<th>Make</th>
<th>Trade</th>
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<th>Coll</th>
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<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>
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</thead>
<tbody>
<tr>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0 Btuh</td>
<td>0 Btuh</td>
<td>0 Btuh</td>
<td>0 cfm</td>
<td>0 cfm/Btu/h</td>
<td>0 in H2O</td>
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**Room Information**

<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>
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<tr>
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<td>22</td>
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<td>2658</td>
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<td>145</td>
<td>141</td>
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<tr>
<td>Utility</td>
<td>35</td>
<td>470</td>
<td>948</td>
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<td>Master Clo</td>
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<td>92</td>
<td>4</td>
<td>4</td>
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<td>ll</td>
<td>36</td>
<td>337</td>
<td>177</td>
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<td>2323</td>
<td>94</td>
<td>106</td>
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<tr>
<td>Bed 2</td>
<td>133</td>
<td>1462</td>
<td>3084</td>
<td>74</td>
<td>140</td>
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<tr>
<td>Bed 3</td>
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<td>2277</td>
<td>2807</td>
<td>115</td>
<td>126</td>
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<tr>
<td>Bed 4</td>
<td>226</td>
<td>2735</td>
<td>3023</td>
<td>139</td>
<td>137</td>
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<tr>
<td>Bath 2</td>
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<td>481</td>
<td>270</td>
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<td>Room 22</td>
<td>6</td>
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<td>Hall</td>
<td>125</td>
<td>183</td>
<td>194</td>
<td>9</td>
<td>9</td>
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</table>

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

---

C:/Users/Ray/Documents Wrightsoft HVAC/City.rpt Calc = MJS6 Front Door Faces NE
<table>
<thead>
<tr>
<th>Second Floor</th>
<th>P</th>
<th>1340</th>
<th>12716</th>
<th>16084</th>
<th>645</th>
<th>731</th>
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<tbody>
<tr>
<td>Other equip loads</td>
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<td>0</td>
<td></td>
<td></td>
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<td>TOTALS</td>
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<td>1340</td>
<td>12716</td>
<td>17168</td>
<td>645</td>
<td>731</td>
</tr>
</tbody>
</table>

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

For: City of Suffolk
VA

### Design Information

<table>
<thead>
<tr>
<th></th>
<th>Htg</th>
<th>Ctg</th>
<th>Infiltration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside db (°F)</td>
<td>20</td>
<td>62</td>
<td>Method</td>
</tr>
<tr>
<td>Inside db (°F)</td>
<td>70</td>
<td>75</td>
<td>Construction quality</td>
</tr>
<tr>
<td>Design TD (°F)</td>
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<td>17</td>
<td>Fireplaces</td>
</tr>
<tr>
<td>Daily range</td>
<td>M</td>
<td></td>
<td>Simplified</td>
</tr>
<tr>
<td>Inside humidity (%)</td>
<td>50</td>
<td>50</td>
<td>Tight</td>
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<tr>
<td>Moisture difference (gr/lb)</td>
<td>43</td>
<td>41</td>
<td></td>
</tr>
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</table>

### HEATING EQUIPMENT

<table>
<thead>
<tr>
<th>Make</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade</td>
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<tr>
<td>Model</td>
<td></td>
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<td>AHRI ref</td>
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<tr>
<td>Efficiency</td>
<td>7.1 HSPF</td>
</tr>
<tr>
<td>Heating Input</td>
<td></td>
</tr>
<tr>
<td>Heating output</td>
<td>17200 Btuh @ 47°F</td>
</tr>
<tr>
<td>Temperature rise</td>
<td>15 °F</td>
</tr>
<tr>
<td>Actual air flow</td>
<td>1025 cfm</td>
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<tr>
<td>Air flow factor</td>
<td>0.046 cfm/Btuh</td>
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<td>Space thermostat</td>
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<tr>
<td>Capacity balance point</td>
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### COOLING EQUIPMENT

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Trade</td>
<td>Cond</td>
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<tr>
<td>Model</td>
<td>Coll</td>
</tr>
<tr>
<td>AHRI ref</td>
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<tr>
<td>Efficiency</td>
<td>9.8 EER, 0 SEER</td>
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<tr>
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<tr>
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<td>Air flow factor</td>
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### ROOM NAME

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<th>Ctg load (Btuh)</th>
<th>Htg AVF (cfm)</th>
<th>Ctg AVF (cfm)</th>
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<tbody>
<tr>
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Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
## Project Information

For: City of Suffolk
VA

## Design Information

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### HEATING EQUIPMENT

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## ROOM NAME

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<tr>
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<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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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.
Load Short Form
Second Floor
Suffolk Sheet Metal

For: City of Suffolk VA

Design information

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Outside db (°F)</td>
<td>20</td>
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</tr>
<tr>
<td>Inside db (°F)</td>
<td>70</td>
<td>75</td>
</tr>
<tr>
<td>Design TD (°F)</td>
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</tr>
<tr>
<td>Daily range</td>
<td>-</td>
<td>M</td>
</tr>
<tr>
<td>Inside humidity (%)</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Moisture difference (gr/lb)</td>
<td>43</td>
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</tr>
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Infiltration

<table>
<thead>
<tr>
<th>Method</th>
<th>Simplified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction quality</td>
<td>Tight</td>
</tr>
<tr>
<td>Fireplaces</td>
<td>0</td>
</tr>
</tbody>
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- HEATING EQUIPMENT
  - Make: n/a
  - Trade: n/a
  - Model: n/a
  - AHRI ref: n/a
  - Efficiency: n/a
  - Heating input: 0 Btuh
  - Heating output: 0 °F
  - Temperature rise: 0 °F
  - Actual air flow: 0 cfm
  - Air flow factor: 0 cfm/Btuh
  - Static pressure: 0 in H2O
  - Space thermostat: n/a

- COOLING EQUIPMENT
  - Make: n/a
  - Trade: n/a
  - Model: n/a
  - AHRI ref: n/a
  - Efficiency: n/a
  - Sensible cooling: 0 Btuh
  - Latent cooling: 0 Btuh
  - Total cooling: 0 Btuh
  - Actual air flow: 0 cfm
  - Air flow factor: 0 cfm/Btuh
  - Static pressure: 0 in H2O
  - Load sensible heat ratio: 0

ROOM NAME | Area (ft²) | Htg load (Btuh) | C Ig load (Btuh) | Htg AVF (cfm) | C Ig AVF (cfm)
-----------|-----------|----------------|-----------------|---------------|----------------|
Stairs     | 35        | 69             | 21              | 3             | 1              |
Master     | 236       | 3118           | 3075            | 144           | 139            |
Utility    | 35        | 516            | 344             | 24            | 43             |
Master Clo | 80        | 96             | 92              | 4             | 4              |
C          | 38        | 370            | 177             | 8             |                |
Master Bath| 151       | 1811           | 2302            | 93            | 104            |
Bed 2      | 133       | 1604           | 3049            | 73            | 138            |
Bed 3      | 205       | 2498           | 2900            | 114           | 131            |
Bed 4      | 226       | 3001           | 3118            | 137           | 141            |
Bath 2     | 70        | 528            | 270             | 24            | 12             |
Room22     | 9         | 114            | 50              | 5             | 2              |
Hall       | 126       | 201            | 194             | 9             |                |

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
<table>
<thead>
<tr>
<th></th>
<th>p</th>
<th>1340</th>
<th>13952</th>
<th>16192</th>
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<th>731</th>
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<td>639</td>
<td>731</td>
</tr>
</tbody>
</table>
## Project Information

**For:** City of Suffolk  
**VA**

**Notes:**

---

## Design Information

### Winter Design Conditions

- **Outside db:** 20 °F  
- **Inside db:** 70 °F  
- **Design TD:** 50 °F

### Heating Summary

- **Structure:** 22530 Btuh  
- **Ducts:** 0 Btuh  
- **Central vent (125 cfm):** 6856 Btuh  
- **Outside air:** 0 Btuh  
- **Humidification:** 0 Btuh  
- **Piping:** 0 Btuh  
- **Equipment load:** 29246 Btuh

### Infiltration

- **Method:** Simplified  
- **Construction quality:** Tight  
- **Fireplaces:** 0

### Heating Equipment Summary

- **Make:** Sample  
- **Trade:** Sample  
- **Model:** Sample  
- **AHRI ref:** Sample

### Summer Design Conditions

- **Outside db:** 92 °F  
- **Inside db:** 75 °F  
- **Design TD:** 17 °F  
- **Daily range:** M  
- **Relative humidity:** 50 %  
- **Moisture difference:** 41 gr/lb

### Sensible Cooling Equipment Load Sizing

- **Structure:** 22537 Btuh  
- **Ducts:** 0 Btuh  
- **Central vent (125 cfm):** 2327 Btuh  
- **Outside air:** 0 Btuh  
- **Blower:** 0 Btuh  
- **Use manufacturer's data:** n  
- **Rate/swing multiplier:** 0.97  
- **Equipment sensible load:** 24353 Btuh

### Latent Cooling Equipment Load Sizing

- **Structure:** 2341 Btuh  
- **Ducts:** 0 Btuh  
- **Central vent (125 cfm):** 3489 Btuh  
- **Outside air:** 0 Btuh  
- **Equipment latent load:** 5830 Btuh  
- **Equipment total load:** 29923 Btuh

### Cooling Equipment Summary

- **Efficiency:** 9.8 EER, 0 SEER  
- **Sensible cooling:** 11550 Btuh  
- **Latent cooling:** 4950 Btuh  
- **Total cooling:** 16500 Btuh  
- **Actual air flow:** 1025 cfm  
- **Air flow factor:** 0.046 cfm/Btuh  
- **Static pressure:** 0 in H2O  
- **Space thermostat:** 0 in H2O  
- **Backup sample:** 7 kW, 22390 Btuh, 100 AFUE

---

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
Project Summary
First Floor
Suffolk Sheet Metal

308 Granby St., Suffolk, VA 23434 Phone: 757-639-7444 Email: raycobb@suffolksheetmetal.com Web: www.suffolksheetmetal.com License: 2701G2555

Project Information

For: City of Suffolk VA

Notes:

Design Information


Winter Design Conditions

| Outside db | 20 °F |
| Inside db  | 70 °F |
| Design TD  | 50 °F |

Heating Summary

- Structure: 8438 Btuh
- Ducts: 0 Btuh
- Central vent (48 cfm): 0 Btuh
- Humidification: 0 Btuh
- Piping: 0 Btuh
- Equipment load: 8438 Btuh

Infiltration

- Method: Simplified
- Construction quality: Tight
- Fireplaces: 0

Summer Design Conditions

| Outside db | 92 °F |
| Inside db  | 75 °F |
| Design TD  | 17 °F |
| Daily range| M      |
| Relative humidity | 50 % |
| Moisture difference | 41 gr/lb |

Sensible Cooling Equipment Load Sizing

- Structure: 9799 Btuh
- Ducts: 0 Btuh
- Central vent (48 cfm): 0 Btuh
- Blower: 0 Btuh
- Use manufacturer's data: n
- Equipment sensible load: 9495 Btuh

Latent Cooling Equipment Load Sizing

- Structure: 1065 Btuh
- Ducts: 0 Btuh
- Central vent (48 cfm): 0 Btuh
- Equipment latent load: 1065 Btuh
- Equipment total load: 10561 Btuh
- Req. total capacity at 0.70 SHR: 1.1 ton

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

For: City of Suffolk  
VA

Notes:

### Design Information

**Weather:** Washington R. Reagan AP, DC, US

#### Winter Design Conditions

<table>
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<tr>
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<th>Value</th>
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<td>Inside db</td>
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<td>Design TD</td>
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**Heating Summary**

<table>
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<tbody>
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<td>Structure</td>
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<tr>
<td>Ducts</td>
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<tr>
<td>Central vent (77 cfm)</td>
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**Humidification**

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**Infiltration**

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**Heating Area**

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#### Summer Design Conditions

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<tbody>
<tr>
<td>Outside db</td>
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<td>Inside db</td>
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<td>Relative humidity</td>
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**Sensible Cooling Equipment Load Sizing**

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<td>Central vent (77 cfm)</td>
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**Blower**

| Equipment load      | 15990  |

| Use manufacturer's data | 0.97 |

**Latent Cooling Equipment Load Sizing**

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<td>Central vent (77 cfm)</td>
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**Equipment latent load**

| Equipment total load | 16996  |

| Req. total capacity at 0.70 SHR | 1.9 ton |

**Cooling Equipment Summary**

<table>
<thead>
<tr>
<th>Component</th>
<th>Efficiency</th>
<th>Sensible cooling</th>
<th>Latent cooling</th>
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Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.
Duct System Summary

Entire House

Suffolk Sheet Metal

Job: Data: Mar 05, 2017
By: Ray Cobb

Project Information

For: City of Suffolk
VA

External static pressure
Pressure losses
Available static pressure
Supply / return available pressure
Lowest friction rate
Actual air flow
Total effective length (TEL)

---

Supply Branch Detail Table

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<thead>
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<th>Design FR</th>
<th>Diam (in)</th>
<th>H x W (in)</th>
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Documents Submitted
By the City of Suffolk
July 18, 2018

SUBMITTED VIA EMAIL to travis.luter@dhcd.virginia.gov

W. Travis Luter Sr., C.B.C.O.
Assistant Secretary to the State Building Code Technical Review Board
Department of Housing & Community Development
Division of Building & Fire Regulation
State Building Codes Office
600 East Main Street, Suite 300
Richmond, Virginia 23219
(804) 371-7163

RE: Appeal of Anthony Grant Jr. to State Review Board (Appeal No. 18-10)
Address: 4281 Cole Avenue, Suffolk

Dear Mr. Luter,

Attached are the U.S. Postal Service certified mail receipts that were sent in this matter to Anthony Grant and Alexander H. Bell. Mr. Grant received the local board decision on June 4, 2018, making his appeal deadline June 25, 2018. The appeal application in this case is dated June 26, 2018. Per VCC section 119.8, failure to submit an application within the time limit shall constitute an acceptance of the building official’s decision. Therefore, the application for appeal is untimely and cannot proceed.

Please note that Mr. Grant was not represented by counsel in this matter at the local board hearing. Although a copy of the hearing decision was provided to Mr. Bell, the date on which Mr. Bell received the decision does not alter Mr. Grant’s appeal deadline.

In the event the appeal is allowed to proceed despite the deficiency noted above, please include the attachments to this letter in the appeal record.
Sincerely,

Kalli L. Jackson
Assistant City Attorney

Attachments: U.S. Postal Service Certified Mail Receipts
- Date Calculator showing 21 day Appeal Deadline of June 25, 2018
- City of Suffolk Memo to Local Board dated March 28, 2017
- Mechanical Permit Application dated December 31, 2014

cc: Wayne Ables for Wayne Ables Heating & Air Conditioning, Inc. (via email)
- Alexander H. Bell, Esq. for Anthony Grant Jr. (via email)
- Christopher H. Faulk, Esq. for Kebco Enterprises, Inc. (via email)
Date Calculator: Add to or Subtract From a Date

Enter a start date and add or subtract any number of days, months, or years.

**Count Days** | **Add Days** | **Workdays** | **Add Workdays** | **Weekday** | **Week No.**
---|---|---|---|---|---

From Monday, June 4, 2018
Added 21 days

Result: Monday, June 25, 2018

Calendar showing period from June 4, 2018 to June 25, 2018

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<td>18</td>
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<tr>
<td>24</td>
<td>25</td>
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= Start date (Jun 4, 2018) = Final result date (Jun 25, 2018)
CHAPTER 14
HEATING AND COOLING EQUIPMENT AND APPLIANCES

SECTION M1401
GENERAL
M1401.1 Installation. Heating and cooling equipment and appliances shall be installed in accordance with the manufacturer's installation instructions and the requirements of this code.

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, cleaning 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 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 4.1.

M1401.5 Flood hazard. In flood hazard areas as established by R301.2(1), heating and cooling equipment and appliances shall be located or installed in accordance with R322.1.6.

SECTION M1402
CENTRAL FURNACES

M1402.2 Clearances. Clearances shall be provided in accordance with the listing and the manufacturer's installation instructions.

M1402.3 Combustion air. Combustion air shall be supplied in accordance with Chapter 17. Combustion air openings shall be unobstructed for a distance of not less than 6 inches (152 mm) in front of the openings.

SECTION M1403
HEAT PUMP EQUIPMENT
M1403.1 Heat pumps. The minimum unobstructed total area of the outside and return air ducts or openings to a heat pump shall not be less than 6 square inches per 1,000 Btu/h (13.208 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.
# HVAC Service Order

## Invoice

**Invoice No:** 53395

**Date:** 6-3-16

**Customer:** Anthony Grant

**Address:** 4281 Cole Ave, Suffolk, VA 23435

**Phone:** 757-9995

**Issue:** Estimate on equipment and ductwork

### Description of Work Performed

- **Estimate on Equipment and Ductwork**

### Recommendations

- **AC Unit:** 7 yrs. old, AH 5 yrs. old

### Work Charges

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**TOTAL MATERIALS**

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**Total Labor**

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**TOTAL LABOR**

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### Total Summary

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**TOTAL:** 125.00

### Terms

Service work is cash/check. Use of bank card subject to 4% surcharge. Unpaid Invoices subject to $10.00 billing charge and 1.5% monthly finance charge.

I have authority to order the work outlined above which has been satisfactorily completed. I agree that Seller reserves title to all materials furnished until final payment is made. Payment is not made as agreed, Seller can remove and dispose of all materials of Seller's expense. Any damage resulting from said removal shall not be the responsibility of Seller.

**Signature:**

[Signature]

**Date:** 6-3-16

### Limited Warranty

- All materials, parts and equipment are warranted by the manufacturers' or suppliers' written warranty only. All labor performed by the above named company is warranted for 30 days or as otherwise indicated in writing. The above named company makes no other warranties, express or implied, and its agents or technicians are not authorized to make any such warranties on behalf of above named company.

---

**Note:**

- **AC Unit:** 7 yrs. old, AH 5 yrs. old
- **Service Contract**
- **Warranty**

---

**Service Contract**

---

**Warranty**

---

**Service Order**

---

**Invoice**

---

**Total**

---

**Comment:**

- **.concurrent**
- **system**
- **3 ton (36K BTU)**
- **system or a zoning system to regulate air flow to 1st or 2nd floor only**
- **AC Unit:** 7 yrs. old, AH 5 yrs. old
Project Report

General Project Information

Project Title: Kenny Bullock Fl 1
Project Date: Sunday, October 19, 2014

Design Data

Reference City: Norfolk, Virginia
Building Orientation: Front door faces West
Daily Temperature Range: Medium
Latitude: 36 Degrees
Elevation: 22 fl.
Altitude Factor: 0.959
Elevation Sensible Adj. Factor: 1.000
Elevation Total Adj. Factor: 1.000
Elevation Heating Adj. Factor: 1.000

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Check Figures

Total Building Supply CFM: 590
Square ft. of Room Area: 924
Volume (ft³) of Cond. Space: 8,316

Building Loads

Total Heating Required Including Ventilation Air: 11,948 Btu/h 11,948 MBH
Total Sensible Gain: 7,728 Btu/h 67 %
Total Latent Gain: 4,211 Btu/h 13 %
Total Cooling Required Including Ventilation Air: 0,006 Btu/h 0.74 Tons (Based On Sensible + Latent)

Notes

Rhvac is an ACCA approved Manual J and Manual D computer program. Calculations are performed per ACCA Manual J 8th Edition, Version 2, and ACCA Manual D. All computed results are estimates as building use and weather may vary. Be sure to select a unit that meets both sensible and latent loads.

Kenny Bullock
4281 Cole

PRJ 14-02946
### Load Preview Report

<table>
<thead>
<tr>
<th>Scope</th>
<th>Net A/C Tons</th>
<th>Net Gain</th>
<th>Lat Gain</th>
<th>Net Loss Gain</th>
<th>Sen Hig CFM</th>
<th>Sys Hig CFM</th>
<th>Sen Lo CFM</th>
<th>Sys Lo CFM</th>
<th>Duct Loss CFM</th>
<th>Duct Loss %</th>
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</thead>
<tbody>
<tr>
<td>Building</td>
<td>1.59</td>
<td>1.135</td>
<td>2,149</td>
<td>19,730</td>
<td>21,730</td>
<td>29,154</td>
<td>950</td>
<td>950</td>
<td>550</td>
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<tr>
<td>System 1</td>
<td>1.69</td>
<td>1.135</td>
<td>2,149</td>
<td>19,730</td>
<td>22,730</td>
<td>29,154</td>
<td>950</td>
<td>950</td>
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<tr>
<td>Duct Latent</td>
<td>1,226</td>
<td>1.226</td>
<td>1,226</td>
<td>1,226</td>
<td>1,226</td>
<td>1,226</td>
<td>1,226</td>
<td>1,226</td>
<td>1,226</td>
<td>1,226</td>
</tr>
</tbody>
</table>

#### Duct Sizes

- 4" Diameter Ducts

#### Test Results

**Total Leakage Test:**
- Ducts: 63 cfm
- Pressure: 1.25"

**Test Pressure:** 1.25"

**Required Duct Pressure (optional):**

<table>
<thead>
<tr>
<th>Test Press (Pa)</th>
<th>Duct Ring (Pa)</th>
<th>Fan Press (Pa)</th>
<th>Flow (cfm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>25</td>
<td>125</td>
<td>63</td>
</tr>
</tbody>
</table>

**Fan Model/SN:**

**Results:**

- Total Leakage: 63 cfm
- Total Leakage as %: 1.03%
- System Airflow: 25 dcfm
- Total Leakage as %: 26.3%
- Floor Area: 2149 sq ft

---

*Date: October 19, 2014, 10:46 AM*
Project Report

General Project Information

Project Title: Kebo 4281 Cole Ave
Project Date: Thursday, May 12, 2016

Design Data
Reference City: Norfolk, Virginia
Building Orientation: Front door faces North
Daily Temperature Range:
Latitude: 36 Degrees
Elevation: 22 ft.
Altitude Factor: 0.999
Elevation Sensible Adj. Factor: 1.000
Elevation Total Adj. Factor: 1.000
Elevation Heating Adj. Factor: 1.000

<table>
<thead>
<tr>
<th>Grains</th>
<th>Outdoor Dry Bulb</th>
<th>Outdoor Wet Bulb</th>
<th>Outdoor Rel. Hum</th>
<th>Indoor Rel. Hum</th>
<th>Indoor Dry Bulb</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>Winter</td>
<td>22</td>
<td>20</td>
<td>43</td>
<td>51%</td>
<td>n/a</td>
<td>70</td>
</tr>
<tr>
<td>Summer</td>
<td>91</td>
<td>76</td>
<td>51%</td>
<td>50%</td>
<td>75</td>
<td>47</td>
</tr>
</tbody>
</table>

Calculation Figures

Total Building Supply CFM: 2,333
Square ft. of Room Area: 19,333
Volume (ft³) of Cond. Space: 32,142

Building Loads

Total Heating Required Including Ventilation Air: 32,142 BtuH
Total Sensible Gain: 19,793 BtuH
Total Latent Gain: 3,719 BtuH
Total Cooling Required Including Ventilation Air: 23,512 BtuH

Notes:

R HVAC is an ACCA approved Manual J and Manual D computer program. Calculations are performed per ACCA Manual J 8th Edition, Version 2, and ACCA Manual D. All computed results are estimates as building use and weather may vary. Be sure to select a unit that meets both sensible and latent loads.

This house only needs 23,512 BtuH was the system installed. 24,300 @ 95° F and 25,000 @ 102° F plenty of good cooling with this unit.

Thanks,
Wayne Abls
Certificate of Product Ratings

AHRI Certified Reference Number: 6358271  Date: 3/16/2017

Outdoor Unit Model Number: GSZ130301A
Indoor Unit Model Number: ARUF30B14A
Manufacturer: GOODMAN MANUFACTURING CO., LP.

Trade/Brand name: GOODMAN; JANITROL; AMANA DISTINCTIONS; EVEREST; ONE HOUR AIR CONDITIONING AND HEATING; ENERGI AIR
Series name: GSZ13

Manufacturer responsible for the rating of this system combination is GOODMAN MANUFACTURING CO., LP.

Rated as follows in accordance with AHRI Standard 210/240-2008 for Unitary Air-Conditioning and Air-Source Heat Pump Equipment and subject to verification of rating accuracy by AHRI-sponsored, independent, third party testing:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rating</th>
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<tbody>
<tr>
<td>Cooling Capacity (Btuh)</td>
<td>27200</td>
</tr>
<tr>
<td>EER Rating (Cooling)</td>
<td>11.00</td>
</tr>
<tr>
<td>SEER Rating (Cooling)</td>
<td>13.00</td>
</tr>
<tr>
<td>Heating Capacity (Btuh) @ 41°F</td>
<td>27000</td>
</tr>
<tr>
<td>Heating Capacity (Btuh) @ 17°F</td>
<td>15500</td>
</tr>
<tr>
<td>Heating Capacity (Btuh) @ 17°F</td>
<td>15500</td>
</tr>
</tbody>
</table>

* Ratings followed by an asterisk (*) indicate a voluntary retest of previously published data, unless accompanied with a WPS, which indicates an involuntary retest.

DISCLAIMER
AHRI does not endorse the product(s) listed on this Certificate and makes no representations, warranties or guarantees as to, and assumes no responsibility for, the product(s) listed on this Certificate. AHRI expressly disclaims all liability for damages of any kind arising out of the use or performance of the product(s), or the unauthorized alteration of data listed on this Certificate. Certified ratings are valid only for models and configurations listed in the directory at www.ahridirectory.org.

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This Certificate and its contents are proprietary products of AHRI. This Certificate shall only be used for individual, personal and confidential reference purposes. The contents of this Certificate may not, in whole or in part, be reproduced; copied; disseminated; entered into a computer database; or otherwise utilized, in any form or manner or by any means, except for the user's individual, personal and confidential reference.

CERTIFICATE VERIFICATION
The information for the model cited on this certificate can be verified at www.ahridirectory.org, click on "Verify Certificate" link, and enter the AHRI Certified Reference Number and the date on which the certificate was issued, which is listed above, and the Certificate No., which is listed at bottom right.

© 2014 Air-Conditioning, Heating, and Refrigeration Institute
### APPLICATION FOR SERVICES-RESIDENTIAL

**PERMIT NUMBER:** BLD2014-01071  
**CONTRACTOR LICENSE #:** 0041196  
**EXPIRATION DATE:** 12/31/14

**OWNERS NAME:** Kebo  
**APPLICANT NAME:** WAYNE ABLES HEATING & AC

**CURRENT ADDRESS:**  
**ZIP CODE:**

**PHONE NUMBER:**

**ADDRESS:** 1226 EXECUTIVE AVE., SUITE 117

**ZIP CODE:** 23320

**PHONE NUMBER:** (757) 514-9252

**EMAIL ADDRESS:** wayneables@hvnfcroixmail.com

#### PERMIT TYPE

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>PERMIT TYPE</th>
<th>DESCRIPTION OF WORK</th>
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</thead>
<tbody>
<tr>
<td>NEW CONSTR. (circle box) SUPLEX-CONDO-TWHRSE-APARTMT</td>
<td>☑</td>
<td>NO. OF UNITS</td>
</tr>
<tr>
<td>ADDITION/ALTERATION REPAIR</td>
<td>☐</td>
<td>ACCESSORY STRUCTURE</td>
</tr>
<tr>
<td>ZONING REVIEW</td>
<td>☐</td>
<td>BUILDING PERMIT</td>
</tr>
<tr>
<td>BUILDING PERMIT</td>
<td>☐</td>
<td>PLUMBING PERMIT</td>
</tr>
<tr>
<td>SITE PLAN REVIEW</td>
<td>☐</td>
<td>ELECTRICAL PERMIT</td>
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<td>ZONING PERMIT</td>
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<td>DEMOLITION PERMIT</td>
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<td>SITE PLAN REVIEW</td>
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<td>ZONING PERMIT</td>
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<td>POOL</td>
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<tr>
<td>SITE PLAN REVIEW</td>
<td>☐</td>
<td>SIGN PERMIT</td>
</tr>
</tbody>
</table>

#### SITE / BUILDING INFORMATION

**SITE ADDRESS:** 4281 Cole Ave

**ACCT. NO.:** 303793500  
**MAP NO.:**  
**LOT #:**  
**SECTION #:**

**SUBDIVISION:** Many of the subdivisions and developments in Suffolk have private deed restrictions and covenants regulating construction beyond the limitations contained in Suffolk City Ordinances. These amount to contractual agreements. The City does not enforce covenants and deed restrictions and is not always aware of their existence. Should you have questions about your development's restrictions, you may obtain information from your homeowners association.

**ZONING DISTRICT:**  
**BOROUGH:**  
**MODEL NAME OR NUMBER:**

**THE FOLLOWING MUST BE CHECKED IN ORDER FOR THE APPLICATION TO BE ACCEPTED FOR ALL 1 & 2 FAMILY DWELLINGS AND COMMERCIAL PROJECTS:**

| FLOOD ZONE: | YES (engineer's report for foundation design attached) | ☑ NO |
| SHRINK/SWELL SOIL POTENTIAL: | YES (engineer's report for footing and foundation attached) | ☑ NO |
| CHESAPEAKE BAY PRESERVATION AREA: | ☑ RMA | ☑ RPA | ☑ NOA |

By initating here I understand it is my responsibility to investigate whether I am in these areas and pursue as necessary.

**CHECK ALL THAT APPLY:**

- ☑ City Water  
- ☑ Well Water  
- ☑ City Sewer  
- ☑ Septic System

**SET BACKS**

<table>
<thead>
<tr>
<th>FRONT:</th>
<th>BACK:</th>
<th>CENTER LINE:</th>
<th>FRONTAGE AT SETBACK:</th>
<th>BLDG HEIGHT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADMINISTRATIVE APPROVAL (IF APPLICABLE):**

**DATE:**

**NOTES:**

**MECHANIC LIEN INFORMATION**

| LIEN AGENT DESIGNATED: | ☑ YES | ☑ NO |
| NAME OF AGENT: | PHONE NUMBER: |
| ADDRESS: | CITY | STATE | ZIP |

---

96
**BUILDING PERMIT**

- Dimensions of Structure: ______
- Length: ______ Width: ______ Height: ______ Total Sq. Ft. Under Roof: ______
- Number of Bedrooms: ______
- Number of Bathrooms: ______ Number of Stories: ______
- Fireplace: [ ] Yes [ ] No, If yes Masonry Or [ ] Prefab
- Estimated Value of Construction at Completion: (If New Construction Exclude Land) ______
- Detailed Description of Work Being Performed: ______

Please check one: [ ] IRC Code [ ] IBC Code

(As of 5-1-2008 the 2006 VAUSBC (VCC) will be enforced on all projects)

---

**ELECTRICAL PERMIT**

- Temporary Service: ______ New Service 0-30A ______ New Service 30-60A ______ New Service 60-100A ______ New Service 100-200 ______ New Service 200+AMP ______
- Service Change 0-30A ______ Service Change 30-60A ______ Repair Permit ______ Pool Grounding ______
- Circuits: 0-30 Amp ______ 31-60 Amps ______ 61-100 Amps ______ 101-200 ______ 200+ Amp ______ Other ______
- Comments: ______

Please check the electric company servicing this address: [ ] Dominion [ ] Community Electric [ ] Franklin Power

Please check one: [ ] IRC Code [ ] NEC Code

(As of 5-1-2008 the 2006 VAUSBC (VCC) will be enforced on all projects)

---

**MECHANICAL PERMIT**

(Must have Zoning Clearance On Any Outside Unit)

- Heat Pump ______
- Boiler ______
- Air Handler ______
- Misc Fans ______
- Repair Permit ______
- Gas Furnace ______
- Gas Piping ______
- Range Hood ______
- Misc Woods ______
- Fire Suppression ______
- Air Conditioner ______
- Gas Pack ______
- Tanks ______
- Forced Air ______
- Cooler Towers ______
- Duct Work ______
- Misc Heater ______
- Fire Alarms ______
- Chillers ______
- Other ______
- Comments: ______

Please check one: [ ] IRC Code [ ] IMC Code

(As of 5-1-2008 the 2006 VAUSBC (VCC) will be enforced on all projects)

---

**PLUMBING PERMIT**

- Sinks ______
- Lavatory ______
- Water Heater ______
- Washing Machine ______
- Urinal ______
- Bath Tubs ______
- Showers ______
- Laundry Tray ______
- Garbage Disposal ______
- Other ______
- Water Closets ______
- Dishwasher ______
- Water Service Line ______
- Grease Trap ______
- Floor Drain ______
- Sewer Inspection ______
- Repair Permit ______
- Special Waste ______
- Gas Piping ______
- Please list any other fixtures or comments: ______

Please check one: [ ] IRC Code [ ] IPC Code

(As of 5-1-2008 the 2006 VAUSBC (VCC) will be enforced on all projects)

---

The signature below indicates that I agree to comply with the current edition of the Virginia Uniform Statewide Building Code and all supplements and the erosion and sediment control requirements as contained in Chapter 30, Suffolk City Code and all other city code requirements. This application is made pursuant to U.S.B.C. Section 110. Structures are not permitted to be placed on easements or right of ways. The city will be held harmless for violation of this policy. **FENCES ONLY** - The property owner/permit holder is responsible for the fence access on the subject property as it relates to the fence associated with this fence permit. Be advised that the purchase of the permit does not allow property owner/permit holder to impede the easement holder's access. In the event access is needed, the property owner/permit holder will have to work out access with the easement holder accordingly. The City is in no way responsible for any damage or property inaccessibility that may result from any party as a result of the property owner/permit holder erecting the fence associated with this permit. If the fence is a City easement (in part or whole), issuance of the permit does not diminish the City's easement rights. Fences erected in easements may be cleared to be moved by the property holder (owner or anyone else) or UDO 31-701. The "finished" side of any fence shall face outward towards surrounding properties and rights-of-way.

* I hereby swear or affirm that the information contained herein is true and accurate. Any falsification, misrepresentation or misleading information voids this permit.

Signed: [Signature]

Print Name: Gary W. Ables

Date: [3/31/14]

Rev. 1-13-09
UNIFIED DEVELOPMENT ORDINANCE 31-407 (Dimensional and Density Regulations)

1. EXCEPTIONS AND PERMITTED ENCROACHMENTS.
   A. The following features may encroach into required setbacks:
      (i) Landscaping
      (ii) Bay windows; not to exceed 3 feet;
      (iii) Chimneys, not to exceed 2 feet;
      (iv) Clothesline pole (rear yard only);
      (v) Driveways, curbs and sidewalks;
      (vi) Flagpoles;
      (vii) Heating and cooling units, not to exceed 3 feet;
      (viii) Mailboxes;
      (ix) Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 3 feet, except that no septic system shall be permitted to encroach into the RPA or stream back buffer unless authorized by the Health Department;
      (x) Septic systems, wells and underground utilities;
      (xi) Signs (in accordance with the sign standards);
      (xii) Steps, stairs or fire escape (non-enclosed), not to exceed 6 feet, but not closer than 3 feet to any side property line;
      (xiii) Uncovered, unenclosed terraces or porches not to exceed 6 feet, but not closer than 3 feet to any side property line;
      (xiv) Accessory buildings, within required rear setbacks only or as otherwise allowed by this Ordinance
      (xv) Fences, in accordance with Section 31-701 of this Ordinance;
      (xvi) Yard service lighting fixtures or poles; and
      (xvii) Fire escapes not to exceed 6 feet, but not closer than 3 feet to any side property line.

   B. The administrator may permit a reduction of not to exceed twenty-five percent (25%) in the dimension of any required yard for otherwise conforming lot subject to the requirements of VC 15.2-2286.4. Any reduction by more than twenty-five percent (25%) shall require a variance from the Board of Zoning Appeals.

UNIFIED DEVELOPMENT ORDINANCE 31-701 (accessory structures)

1. Fences or walls in single-family residential districts provided that:
   A. A fence or wall not more than six (6) feet in height may be located in any required side yard or rear yard other than a required yard adjacent to a street. A fence or wall not more than six (6) feet in height may be located in any planting screen/no access easement adjacent to a street serving a double frontage and/or reverse frontage lot. Except as allowed above, no fence or wall which creates a solid screen may exceed two and one-half (2-1/2) feet in height in any required yard adjacent to a street, except that fences having a uniform open area of fifty (50) percent or more may be erected to a maximum height of four (4) feet in such required yards. Height shall be measured from the average ground level adjacent to the fence or wall. No fence or wall shall encroach the visibility triangle.
   B. The above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this Ordinance as determined by the Administrator; and
   C. The “finished” side of any fence shall face outward towards surrounding properties and rights-of-way.

I have read, understand and will comply with the exceptions and permitted encroachments provisions and the fences or walls in a single-family residential districts listed in the Unified Development Ordinance and take full responsibility for any non-compliance with the provisions herein.

[Signature]
Applicant's Signature

[Date]
Date
Additional Documents
Submitted By
The Grants through counsel
(Alexander Bell, Esq.)
(Page left blank intentionally)
February 12, 2017

VIA U.S. MAIL

City of Suffolk Board of Building Code Appeals
c/o Community Development
442 W. Washington Street
Suffolk, VA 23434

Re: 4281 Cole Ave., Suffolk VA
Our client: Anthony T. Grant, Ashley Grant
Builder: Kebco Enterprises

Dear Sir/Madam:

We understand that the Board of Building Code appeals held hearing on November 13, 2017, regarding Mr. Grant’s appeal regarding M1401.3 as well as Kebco’s appeal of multiple violations. This was certainly a surprise to myself and my clients as neither of us received any notice of this hearing. I had personally called on multiple occasions and sent correspondence attempting to determine the status of such a hearing. My client advises that he too attempted contact multiple times without success. What’s more, it appears that Kebco Enterprises Inc. and the City were both present and had the benefit of providing evidence and information to the board. My clients were not afforded this opportunity, which is especially important due to the fact that the information upon which the City relied to show passage of the HVAC unit has been discredited in writing by the very individual that provided the information.

While my client will certainly appeal the issue to the State Technical Review Board, if the Board is inclined to hold a re-hearing on the issue of M1401.3 to properly hear all of the evidence, my clients would be appreciative. Otherwise, we will be happy to present the evidence to the Technical Review Board and advise how we were not afforded the opportunity to do so at the local level.
In the future, we demand that you put us on notice of any hearing relating to this matter to which representatives of parties are invited. Thank you for your consideration.

Sincerely,

[Signature]

Gregory S. Bean, Esq.
Collins & Hyman PLC

Cc: Ashley and Anthony Grant (by email)
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):
Anthony Grant Jr.; Ashley Grant

c/o Gregory S. Bean, Esq., Collins & Hyman PLC
1307 Jamestown Road, Suite 201, Williamsburg, VA 23185 - 757-645-0827

Opposing Party Information (name, address, telephone number and email address of all other parties):
Kebo Enterprises c/o C. Faulk Esq., 205 S. Battlefield #100 Chesapeake VA 23322
City of Suffolk Board of Building Code Appeals, City of Suffolk, P.O. Box 1858
Suffolk, VA 23439

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 20th day of February, 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: __________________________

Name of Applicant: __________________________

(please print or type)
February 22, 2017

VIA OVERNIGHT MAIL AND FACSIMILE (804) 371-7092

Virginia State Technical Review Board
Main Street Centre
600 E. Main Street, Suite 300
Richmond, VA 23219

Re: 4281 Cole Ave., Suffolk VA
Our client: Anthony T. Grant, Ashley Grant
Builder: Kebco Enterprises

Dear Sir/Madam:

Please find enclosed Mr. and Mrs. Grant’s appeal from a decision from the Suffolk Board of Building Code Appeals, upholding a decision by the City of Suffolk regarding the compliance of the HVAC unit at the above residence with the applicable section of the Uniform Statewide Building Code (see attached decision). Note that I will be representing the Grants in this appeal. Please direct any future correspondence to my attention.

In this appeal, the Grants request that the Technical Review Board hear all evidence on regarding the alleged violation relating to the HVAC unit and overturn the City of Suffolk’s determination that the HVAC was appropriately sized and is not in need of replacement.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Gregory S. Bean, Esq.
Collins & Hyman PLC

Enc. – Appeal documents
Cc: Ashley and Anthony Grant (by email)
Chis Faulk (via U.S. Mail)
City of Suffolk (via U.S. Mail)
City of Suffolk Board of Building Code Appeals (via U.S. Mail)
RESOLUTION NO. 02-2017
CITY OF SUFFOLK BOARD OF BUILDING CODE APPEALS
DECISION
4281 COLE AVE, SUFFOLK, VIRGINIA, ZONING MAP 13A *JAMES, PARCEL *18
LBBCA 02-2017

WHEREAS, Mr. Anthony Grant, Jr., applicant and property owner, by letter dated November 30, 2016, requested a hearing with the City of Suffolk Board of Building Code Appeals for a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 13A James, Parcel 18; and,

WHEREAS, the appeal hearing was held in the City of Suffolk Council Chambers on November 13, 2017, at 1:00 p.m. under Old Business; and

WHEREAS, the applicant Anthony Grant was not present at the hearing and representing the City of Suffolk were Michael Robinson, Susan Gardner and Sam Adams and representing the Builder were Kebo Enterprise Inc. o/b Kenneth Bullock and Wayne Ables of Wayne Ables Heating & Air Conditioning, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Code Appeals of the City of Suffolk, Virginia, that:

The Board of Building Code Appeals

1. X UPHOLDS REVERSES MODIFIES the Building Official’s decision with respect to appeal identified as M1401.3, under Old Business; and,

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

R. McElveen
Chairman, Board of Building Code Appeals
February 27, 2018

VIA U.S. MAIL, FACSIMILE (804) 371-7092, AND E-MAIL

Virginia State Technical Review Board
Main Street Centre
600 E. Main Street, Suite 300
Richmond, VA 23219

Re: 4281 Cole Ave., Suffolk VA
Our client: Anthony T. Grant, Ashley Grant
Builder: Kebco Enterprises

Dear Sir/Madam:

We previously supplied an Appeal for the above referenced matter, but inadvertently sent an unsigned copy. Attached is a signed copy of the Appeal. Thanks.

Sincerely,

[Signature]
Gregory S. Bean, Esq.
Collins & Hyman PLC
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

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Anthony Grant Jr.; Ashley Grant
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Opposing Party Information (name, address, telephone number and email address of all other parties):
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City of Suffolk Board of Building Code Appeals, City of Suffolk, P.O. Box 1858
Suffolk, VA 23439

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 28 day of February, 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: [Signature]

Name of Applicant: Greg Bean, Attorney for Ashley + Anthony Grant
(please print or type)
RESOLUTION NO. 02-2017
CITY OF SUFFOLK BOARD OF BUILDING CODE APPEALS
DECISION
4281 COLE AVE, SUFFOLK, VIRGINIA, ZONING MAP 13A *JAMES, PARCEL *18
LBBCA 02-2017

WHEREAS, Mr. Anthony Grant, Jr., applicant and property owner, by letter dated
November 30, 2016, requested a hearing with the City of Suffolk Board of Building Code
Appeals for a certain tract of land situated in the City of Suffolk, Virginia, which land is
designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 13A James,
Parcel 18; and,

WHEREAS, the appeal hearing was held in the City of Suffolk Council Chambers on
November 13, 2017, at 1:00 p.m. under Old Business; and

WHEREAS, the applicant Anthony Grant was not present at the hearing and
representing the City of Suffolk were Michael Robinson, Susan Gardner and Sam Adams and
representing the Builder were Keboe Enterprise Inc. c/o Kenneth Bullock and Wayne Ables of
Wayne Ables Heating & Air Conditioning, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Code Appeals of
the City of Suffolk, Virginia, that:

The Board of Building Code Appeals

1. ___ UPHOLDS ___ REVERSES ___ MODIFIES the Building
   Official's decision with respect to appeal identified as M1401.3, under Old
   Business; and,

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

[Signature]
Chairman, Board of Building Code Appeals
| TERMS | All service & parts are C.O.D. This acknowledges receipt of order, materials ordered above & that work pertaining to above order has been satisfactorily completed. We are not responsible for any subsequent damage to equipment. Our liability shall be confined solely to parts or materials furnished & installed by us for a period of thirty (30) days. Purchaser agrees to the terms & conditions of this contract as set forth above & hereby orders the installation of the above described equipment or work. A two percent (2%) service charge, minimum of $1.00 (annual percentage rate 24%) will be added to all accounts not paid within thirty (30) days of invoice date. Also, a reasonable attorney's fee on the unpaid balance will be applicable if this contract is referred to an attorney for collection. |
| SPECIAL INSTRUCTIONS | SUB-TOTAL |
| | TAX |
| | HRS. LABOR |
| CUSTOMER SIGNATURE | BILLING FEE* | $10 00 |
| TECHNICIAN | DATE |
| TOTAL |
## Residential Load Calculations

**Worksheet for ACCA Manual J Procedure**

### Design Conditions

<table>
<thead>
<tr>
<th></th>
<th>Winter</th>
<th>Summer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside db °F:</td>
<td>22</td>
<td>95</td>
</tr>
<tr>
<td>Inside db °F:</td>
<td>70</td>
<td>75</td>
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<tr>
<td>Winter Design Temperature Difference:</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Summer Design Temperature Difference:</td>
<td></td>
<td>20</td>
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</tbody>
</table>

### Heating Summary

<table>
<thead>
<tr>
<th></th>
<th>Btuh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Heat Loss for the Entire House:</td>
<td>17,292</td>
</tr>
<tr>
<td>Ventilation in excess of standard values:</td>
<td></td>
</tr>
<tr>
<td>Heat Required for Ventilation Air:</td>
<td></td>
</tr>
<tr>
<td>Total Required Heating Output Capacity:</td>
<td>17,292</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Btuh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sensible Heat Factor:</td>
<td>1.08</td>
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### Equipment Summary

<table>
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</table>

### Cooling Summary

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<td>16,614</td>
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<tr>
<td>Total Latent Gain:</td>
<td>3,355</td>
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<tr>
<td>Total Heat Gain:</td>
<td>19,969</td>
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### Energy Cost Estimates

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<th>SEER:</th>
<th>Cooling</th>
<th>Electricity per kWh:</th>
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<tr>
<td>HSPF:</td>
<td>HP Heating</td>
<td>Gas cost per therm:</td>
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<tr>
<td>AFUE:</td>
<td>Fossil Fuel Heating</td>
<td>Oil cost per gallon:</td>
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<tr>
<td>BIN Cooling Hours:</td>
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<td>Heat value of a therm: 100,000</td>
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<tr>
<td>BIN Heating Hours:</td>
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<tr>
<td>Btuh per cu ft (gas):</td>
<td>1,000</td>
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</tr>
<tr>
<td>Btuh per gallon (oil):</td>
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<tr>
<td>Watts per kW:</td>
<td>1,000</td>
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</table>

Estimated annual heating costs:

Estimated annual heating costs (HP):

Estimated annual heating costs (gas):

Estimated annual heating costs (oil):

---

### Construction Data

<table>
<thead>
<tr>
<th>Windows:</th>
<th>Good: 1-pane, clear glass, metal frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better: 2-pane, clear glass, wood frame</td>
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</tr>
<tr>
<td>Doors:</td>
<td>Metal: Polystyrene core</td>
</tr>
<tr>
<td></td>
<td>Wood: Solid core with storm</td>
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<tr>
<td>Ceiling:</td>
<td>No attic insulation</td>
</tr>
<tr>
<td></td>
<td>Enter attic R-value</td>
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<tr>
<td>R-value:</td>
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<tr>
<td>Walls: R-value:</td>
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<table>
<thead>
<tr>
<th>Floors:</th>
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<tbody>
<tr>
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<td>Poor: Crawl, no insulation</td>
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<tr>
<td>R-value:</td>
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<td>900</td>
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<tr>
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<td>5</td>
<td>Element</td>
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<tr>
<td>6</td>
<td>Good</td>
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<tr>
<td>7</td>
<td>Partitions:</td>
</tr>
<tr>
<td>8</td>
<td>Partitions:</td>
</tr>
<tr>
<td>9</td>
<td>Fenestration (Htg):</td>
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<tr>
<td>10</td>
<td>Windows/Glass Doors (Htg):</td>
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<td>11</td>
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<tr>
<td>12</td>
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<tr>
<td>13</td>
<td>Better</td>
</tr>
<tr>
<td>14</td>
<td>Fenestration (Clg):</td>
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<td>Element</td>
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<tr>
<td>19</td>
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<tr>
<td>36</td>
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<td>Block Load Sub-Totals:</td>
</tr>
<tr>
<td>39</td>
<td>Room Load Sub-Totals:</td>
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</table>
### Residential Load Calculations

**ACCA Manual J Spreadsheet**

<table>
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<tr>
<th></th>
<th>North:</th>
<th>E &amp; W:</th>
<th>South:</th>
</tr>
</thead>
</table>

#### Ceilings:
- No Insul Sq Ft:
- Actual R-value below
- Insul R-:
- Insul F:
- Hgt HTM:
- Clg HTM:
- Htg Btuhr:
- Clg Btuhr:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:

#### Floors over crawl:
- Poor Sq Ft:
- Better Sq Ft:
- Hgt HTM:
- Clg HTM:
- Area:
- Area:
- Area:
- Area:
- Area:

#### Floors, concrete slab:
- Exterior Wall:
- Exterior Wall:
- Exterior Wall:
- Exterior Wall:
- Exterior Wall:

#### Linear feet of exterior wall:
- Htg HTM:
- Clg HTM:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:

#### Infiltration:
- Door/Window Area:
- Square feet:
- Htg HTM:
- Clg HTM:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:

#### Block Load Sub-Totals:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:

#### Room Load Sub-Totals:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:
- Htg Btu:
- Clg Btu:

#### Duct Loss %:
- Total Btuh Heat Loss (Block):
- Total Btuh Heat Loss (Room):

#### Internal Loads:
- People @:
- Appliances @:
- Cooling Load Sub-Totals:
- Duct Gain %:
- Total Btuh Heat Gain (Block):
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<thead>
<tr>
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<th>Bedrm3</th>
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<tbody>
<tr>
<td><strong>Length</strong></td>
<td><strong>Height</strong></td>
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<tr>
<td>5.0</td>
<td>9.0</td>
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<td>Clg Bluh</td>
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<td>617</td>
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</table>

Area

Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better |
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</thead>
<tbody>
<tr>
<td>Htg Bluh</td>
<td>Htg Bluh</td>
<td>Htg Bluh</td>
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<td>Htg Bluh</td>
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<tr>
<td>Clg Bluh</td>
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<table>
<thead>
<tr>
<th>Exterior Wall</th>
<th>Exterior Wall</th>
<th>Exterior Wall</th>
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<tbody>
<tr>
<td>Htg Btuh</td>
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<td>Htg Btuh</td>
<td>Clg Btuh</td>
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<tr>
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<table>
<thead>
<tr>
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<th>Door/Window Area</th>
<th>Door/Window Area</th>
<th>Door/Window Area</th>
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</thead>
<tbody>
<tr>
<td>Htg Btuh</td>
<td>Clg Btuh</td>
<td>Htg Btuh</td>
<td>Clg Btuh</td>
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</tbody>
</table>

3308 Dominion Avenue
Norfolk, VA 23518-3419

757.588.1358
harlan@krepcik.com
### Residence Load Calculations Worksheet for ACCA Manual J Procedure

**Name:** Anthony Grant  
**Address:** 4281 Cole ave.  
**City, State:** Suffolk  
**Zip Code:** 23435  
**Phone:** 737-9995

#### Design Conditions

<table>
<thead>
<tr>
<th>Winter</th>
<th>Summer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside <strong>°F:</strong></td>
<td>22</td>
</tr>
<tr>
<td>Inside <strong>°F:</strong></td>
<td>70</td>
</tr>
<tr>
<td>Winter Design Temperature Difference:</td>
<td>48</td>
</tr>
<tr>
<td>Outside db °F:</td>
<td>95</td>
</tr>
<tr>
<td>Summer Design Temperature Difference:</td>
<td>20</td>
</tr>
<tr>
<td>Grains Difference:</td>
<td>48</td>
</tr>
</tbody>
</table>

#### Heating Summary

- **Total Heat Loss for the Entire House:** 13,880 Btuh
- **Ventilation in excess of standard values:**
- **Heat Required for Ventilation Air:**
- **Total Required Heating Output Capacity:** 13,880 Btuh
- **Sensible Heat Factor:** 1.08

#### Equipment Summary

<table>
<thead>
<tr>
<th>Make</th>
<th>Model</th>
<th>Description</th>
</tr>
</thead>
</table>
- | | |
- | | |
- | | |
- | | |
- | | |

#### Cooling Summary

- **Total Sensible Gain:** 13,822 Btuh
- **Total Latent Gain:** 2,149 Btuh
- **Total Heat Gain:** 15,972 Btuh

#### Energy Cost Estimates

- **Cooling**
  - Electricity per kWh:
  - Gas cost per therm:
  - Oil cost per gallon:
  - Heat value of a therm: 100,000

- **Estimated annual cooling costs:**
- **Estimated annual heating costs (HP):**
- **Estimated annual heating costs (gas):**
- **Estimated annual heating costs (oil):**

**Notes:** Estimates are for comparison purposes only. Actual cost of operation will depend on lifestyle of the occupants as well as the maintained condition of the mechanical equipment.

#### Construction Data

- **Windows:** Good: 1-pane, clear glass, metal frame  
  Better: 2-pane, clear glass, wood frame
- **Ceiling:** No attic insulation
- **Enter attic R-value:**
- **R-value:**
- **Walls:**
- **R-value:**

**Windows:** Good: 1-pane, clear glass, metal frame  
**Doors:** Metal: Polystyrene core  
**Wood:** Solid core with storm

**Floors:** Good: Slab, 4" edge insul.  
**Poor:** Crawl, no insulation  
**Better:** R-value: 19  

3308 Dominion Avenue  
Norfolk, VA 23518-3419  
757.588.1358  
harlan@krepcik.com
# Residential Load Calculations

<table>
<thead>
<tr>
<th>Name of Room</th>
<th>Entire House</th>
<th>Den</th>
<th>Dining rm</th>
<th>Kitchen</th>
<th>Bath</th>
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<tr>
<td>Exterior Walls</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Element</td>
<td>Htg HTM</td>
<td>Clg HTM</td>
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<td>Clg Bluh</td>
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<tr>
<td>1</td>
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<tr>
<td>Partitions</td>
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<td></td>
<td></td>
</tr>
<tr>
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<td>Clg HTM</td>
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</tr>
<tr>
<td>Windows/Glass Doors (Htg)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Element</td>
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<tr>
<td>Windows/Glass Doors (Clg)</td>
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<tr>
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<td>Direction</td>
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3308 Dominion Avenue  
Norfolk, VA 23518-3419  
757.588.1358  
harlan@krepcik.com
## Residential Load Calculations

**ACC A Manual J Spreadsheet**

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## Residential Load Calculations

### ACCA Manual J Spreadsheet

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3308 Dominion Avenue
Norfolk, VA 23518-3419
757.588.1358
harlan@krepcik.com
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Prior Review Board Decisions
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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Anthony T. Grant, Jr.
Appeal No. 17-3

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

Anthony T. Grant, Jr. (Grant), current co-owner of a single family dwelling located at 4281 Cole Avenue, in Suffolk, appeals determinations by the City of Suffolk’s building official and inspections department for the enforcement of the Virginia Uniform Statewide Building Code, Part I, New Construction, also known as the Virginia Construction Code, or VCC. The building official and inspections department is referred to hereinafter as the “building official.”

Grant’s home was completed and the VCC certificate of occupancy issued in early to mid-2015 under the 2009 edition of the VCC, which incorporates the 2009 edition of the International Residential Code (IRC) for the technical requirements for home construction. By December of 2015, Grant was corresponding with the building official concerning problems with the construction of the home.
After numerous inspections and the issuance of some notices of violation under the VCC to the builder of the home, KEBCO Enterprises, Inc., and its representative Kenneth Bullock (collectively referred to hereinafter as “Bullock”), in November of 2016, Grant filed an appeal to the City of Suffolk Board of Building Code Appeals (City appeals board), alleging that the building official had inadequately addressed the problems with the home.

The City appeals board heard Grant’s appeal in January of 2017 and upheld all determinations of the building official, with the exception of modifying a decision relating to the proper sizing of the heating and air-conditioning system and determining that two issues raised by Grant were not governed by the VCC.

Grant further appealed to the Review Board in February of 2017. Review Board staff conducted an informal fact-finding conference in April of 2017, attended by Grant, the building official and Bullock, for the purpose of clarifying the issues on appeal to the Review Board. The parties were subsequently given opportunity to supplement the record and address a summary of the appeal produced by Review Board staff.

A hearing before the Review Board was held on June 15, 2017 and attended by Grant, the building official and Bullock.

Findings

Whether there is a violation of Section N1102.4 of the IRC.

A violation of this section was cited by the building official in a notice of violation dated December 22, 2015. Section N1102.4 requires either a test of air infiltration or a visual inspection during construction to assure that all joints and penetrations through the exterior envelope are sealed to prevent air infiltration. The building official asserts that the only issue involving this code provision was inadequate insulation in the attic and a question of adequate
attic venting, and that compliance was determined through an inspection performed on May 13, 2016, and confirmed through the testimony of the building official at the hearing before the City appeals board who testified that the attic insulation was “evened out at the location where it appeared uneven, and that the proper number of roof vents were verified.”

The Review Board finds to the contrary. Grant identified and provided evidence of excessive air infiltration along with moisture intrusion from lack of proper flashings and exterior covering installation. No test of air infiltration has been conducted and no evidence was provided that a visual inspection was performed during construction. In addition, evidence was provided of air infiltration causing lack of proper functioning of the heating and cooling system.

**Whether there is a violation of Section R703.11 of the IRC for the lack of siding.**

A violation of this section was cited by the building official in a notice of violation dated December 22, 2015, citing missing siding under the cantilevered fireplace and siding pulled free in several areas. The building official testified before the City appeals board that these violations had been corrected. The Review Board agrees. Grant provided no pictorial evidence or testimony that the violations had not been corrected.

It is noted that this determination has no bearing on the general issue of proper installation of the siding, which is addressed by a new notice of violation issued by the building official in May of 2017 and which is not under appeal in this proceeding.

**Whether there is a violation of Section R408 of the IRC for the crawlspace and grade around the house.**

Grant withdrew his appeal concerning debris in the crawlspace at the hearing before the Review Board, but is still challenging the building official’s decision that the exterior grade and crawlspace floor level are in compliance with the code.
The building official testified before the City appeals board that additional fill was added to the crawlspace to achieve compliance. The Review Board finds to the contrary. Bullock added sand to the crawlspace in May of 2016. Inspections in January of 2017 by Quality Home Inspections and in April of 2017 by Michael W. Schooley, P.E. indicated the moisture issues were still present. A third party inspection report in May of 2017, at the request of the building official, stated there were wet areas under the vapor barrier on top of the sand in the crawlspace.

Adding sand in the crawlspace does not effectively raise the grade in the crawlspace to comply with Section R408.6 since sand is a porous material and will not readily block the flow of water into the foundation and crawlspace area. In addition, there is evidence of presence of a high surface water table and inadequate grading on the exterior of the home. The continued presence mold and mildew on the framing elements is also indicative of noncompliance with Section R408.6.

Whether there is a violation of Section 109.3 of the VCC relative to the requirement for a structural evaluation.

The action to require a structural evaluation was not through a notice of violation issued by the building official, but rather through a summons issued to Bullock for a civil penalty in the City of Suffolk General District Court. Therefore, the matter was not properly before the City appeals board.

Whether there is a violation of Section R403.1.6 of the IRC for the framing connections at the rear foundation wall.

Grant’s engineer identified an issue with the framing of the rear wall of the house where it cantilevered over brick veneer. Bullock had an architect inspect the home and no problems were noted. Consequently, the building official determined no violation of the code existed
relative to the rear wall construction. The City appeals board upheld the building official’s determination.

Subsequent to the City appeal board’s decision, Grant’s engineer conducted an additional inspection and noted that the recommended correction for the rear wall framing and foundation had not been adequately implemented. Based on that report, the building official included a citation in a new notice of violation issued in May of 2017 for the rear wall framing and foundation reversing the prior determination. The new notice of violation is not under appeal in this proceeding.

Final Order

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

1. The decision of the building official, confirmed by the City appeals board, that no violation of Section N1102.4 of the IRC exists, is hereby overturned. The violations present are delineated in the “Findings” section of this decision.

2. The decision of the building official, confirmed by the City appeals board, that the violation of Section R703.11 of the IRC for the lack of siding was corrected, is hereby upheld.

3. The decision of the building official, confirmed by the City appeals board, that the violations of Section R408 of the IRC for the crawlspace and grade around the house were corrected, is hereby overturned.

4. The appeal of whether there is a violation of Section 109.3 of the VCC relative to the requirement for a structural evaluation is hereby dismissed as not properly before the Review Board and the decision of the City appeals board on this issue is hereby vacated.
5. The appeal of whether there is a violation of Section R403.1.6 for the framing connections to the rear foundation wall is hereby dismissed as moot due to the issuance of a new notice of violation addressing the issue.

[Signature]
Chairman, State Building Code Technical Review Board

Date entered: Sept. 15, 2017

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 Vernon Hodge, Acting 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 Harvey Dupree (A...H Variety)
Appeal No. 18-06

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VIRGINIA:

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

IN RE: Harvey Dupree (A…H Variety)
Appeal No. 18-06

REVIEW BOARD STAFF DOCUMENT

Suggested Summary of the Appeal

1. In May of 2018, a representative of the State Fire Marshal’s Office (SFMO) conducted an inspection at 456-554 Piney Pond Road in Brunswick County. The buildings at that address are used to sell merchandise under the business name of A…H Variety, owned by Harvey and Ann Dupree.

2. The inspection resulted in the issuance of a notice of violation, dated May 10, 2018, under the Virginia Statewide Fire Prevention Code (SFPC). Thirty one (31) violations of the SFPC were cited.

3. Mr. Dupree filed an appeal to the Review Board on May 25, 2018. In Mr. Dupree’s submittals he indicated that he was appealing some of the previously cited violations stating that the previously cited violations had been corrected; however, the SFMO re-cited the violations in the May 10, 2018 notice. Mr. Dupree also outlined which of the newly cited violations he was appealing.

4. Review Board staff added numbering next to each cited violation on the notice making it easier to identify the thirty one (31) cited violation. The numbering was also used to identify the cited violations being appealed in the Issues for Resolution.

5. This staff summary was distributed to the parties along with all documents received from the parties and opportunity was given for the submittal of additions, corrections or objections to the summary and for submittal of additional documents, pictures or written arguments.
Suggested Issues for Resolution by the Review Board

1. Whether to overturn or uphold the decision of the SFMO that a violation (#7) of SFPC Section 605.6 (Unapproved Conditions) exists.

2. Whether to overturn or uphold the decision of the SFMO that a violation (#8) of SFPC Section 605.6 (Unapproved Conditions) exists.

3. Whether to overturn or uphold the decision of the SFMO that a violation (#9) of SFPC Section 605.6 (Unapproved Conditions) exists.

4. Whether to overturn or uphold the decision of the SFMO that a violation (#10) of SFPC Section 605.6 (Unapproved Conditions) exists.

5. Whether to overturn or uphold the decision of the SFMO that a violation (#11) of SFPC Section 605.6 (Unapproved Conditions) exists.

6. Whether to overturn or uphold the decision of the SFMO that a violation (#12) of SFPC Section 605.6 (Unapproved Conditions) exists.

7. Whether to overturn or uphold the decision of the SFMO that a violation (#13) of SFPC Section 605.6 (Unapproved Conditions) exists.

8. Whether to overturn or uphold the decision of the SFMO that a violation (#14) of SFPC Section 605.6 (Unapproved Conditions) exists.

9. Whether to overturn or uphold the decision of the SFMO that a violation (#16) of SFPC Section 605.6 (Unapproved Conditions) exists.

10. Whether to overturn or uphold the decision of the SFMO that a violation (#17) of SFPC Section 605.6 (Unapproved Conditions) exists.

11. Whether to overturn or uphold the decision of the SFMO that a violation (#18) of SFPC Section 605.3 (Working space and clearance) exists.
(Page left blank intentionally)
12. Whether to overturn or uphold the decision of the SFMO that a violation (#19) of SFPC Section 110.1 #1 (General) exists.

13. Whether to overturn or uphold the decision of the SFMO that a violation (#22) of SFPC Section 901.6 (Inspection, testing, and maintenance) exists.

14. Whether to overturn or uphold the decision of the SFMO that a violation (#26) of SFPC Section 603.5.2 (Heating appliance installation and maintenance) exists.
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Basic Documents
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Commonwealth Of Virginia  
Department of Fire Programs  
State Fire Marshal's Office  
Inspection Notice

Date of Inspection:  05/10/2018

| Owner/Occupant: Harvey M. Dupree & Ann N Dupree | File Number: C-1270-001 |
| Building Name: BRUNSWICK - A & H Variety and Flea Market | Occ/Use Code: OTHER |
| Address: 484 Piney Pond Rd. | |
| Address Line 2 | |
| Brodnax, 23920 | |

The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Violation(s)</th>
<th>Correct By</th>
</tr>
</thead>
<tbody>
<tr>
<td>1030.2</td>
<td>Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.</td>
<td>6/11/2018</td>
</tr>
<tr>
<td>1</td>
<td>Exit double doors to the outside on the west side in the west warehouse was barricaded on the inside slide barrel latch on the inside to prevent the doors from being opened in the direction of egress. This condition restricted egress from inside the building to the public way.</td>
<td>Previous Violation</td>
</tr>
<tr>
<td>2</td>
<td>Exit door to the outside at the southwest side of the west warehouse was barricaded with a metal bar on the inside that had a chain and lock around the bar and the metal bar that is attached to the door. In addition, that was a hasp that is attached to the door frame and door that is locked with a key paddle lock to prevent the doors from being opened in the direction of egress. This condition restricted egress from inside the building to the public way.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The required egress lighting is not provided for all egress paths when the building is occupied. The egress lighting is</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Failure to correct violations within the time limit specified in this notice may result in appropriate legal proceedings. An owner or occupant may appeal a decision of the State Fire Marshal to the State Building Code Technical Review Board within fourteen (14) days from receipt of this notice.

Notice Issued To: Harvey Dupree  
Inspected By: Dee Madsen, Chief Deputy State Fire Marshal  
Page 1 of 12  
Date: 5/10/2018
Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice

Date of Inspection: 05/10/2018

Owner/Occupant: Harvey M. Dupree & Ann N Dupree
Building Name: BRUNSWICK - A & H Variety and Flea Market
Address: 484 Piney Pond Rd.
Address Line 2
Brodna, 23920

File Number: C-1270-001
Occ/Use Code: OTHER

The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

5. not lit when entering the warehouse. Exit doors shall be unlocked to allow occupants to exit the west warehouse when the building is occupied.

1. Again

Exit double doors to the outside on the west side in the west warehouse was barricaded on the inside slide barrel latch on the inside to prevent the doors from being opened in the direction of egress. This condition could restrict egress from inside the building to the public way.

2. Again

Exit door to the outside at the southwest side of the west building that has a hasp that is attached to the doorframe and door that could locked with a key paddle lock or other device to prevent the doors from being opened in the direction of egress.

3. Again

The egress path is not provided with the required egress lighting in the building on Piney Pond Road and buildings fronting Main Street.

Egress was obstructed with storage by a door that had a bar across the door that goes from the main street building to the next south building on Main Street.

6. Exit doors shall be unlocked to allow occupants to exit to

5. Again

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Building Name: BRUNSWICK - A & H Variety and Flea Market
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Address Line 2
Brodnax, 23920

File Number: C-1270-001
Occ/Use Code: OTHER

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the buildings when the building is occupied.

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| Address: 484 Piney Pond Rd. | |
| Address Line 2 | |
| Broadnax, 23920 | |

The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

605.6 | Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>There are florescent light fixtures that are suspended from the ceiling grid that the cover is missing and there is open wiring in the south middle of the west warehouse.</td>
</tr>
<tr>
<td>8</td>
<td>There are open junction boxes that contain wire splices that are not closed above the ceiling grid in the south center of the west building.</td>
</tr>
<tr>
<td>9</td>
<td>There is a splice in non-metallic wiring that is not in a junction box, spliced together, and covered with electrical tape in the southern area of the west building and in Main Street Buildings.</td>
</tr>
<tr>
<td>10</td>
<td>The panel cover that was installed on the main electrical panel in the Main Street building is not listed for the electrical panel and the door is screws shut to prevent access to the breakers.</td>
</tr>
<tr>
<td>11</td>
<td>There is open wiring, junction boxes missing covers, openings in panel boxes, disconnects and junction boxes that are not closed in the west building and Main Street buildings that were observed in the 8/29/17 inspection.</td>
</tr>
<tr>
<td>6/11/2018</td>
<td></td>
</tr>
<tr>
<td>Previous</td>
<td>Violation</td>
</tr>
</tbody>
</table>

This is wrong. Panel boxes were not inspected on this date.

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Department of Fire Programs  
State Fire Marshal's Office  
Inspection Notice

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### 605.5

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<tr>
<th>Violation</th>
<th>Date</th>
<th>Previous Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extension cords. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.</td>
<td>6/11/2018</td>
<td></td>
</tr>
<tr>
<td>There are extension cords being used that were observed during the inspection conducted on 8/29/17 were observed in the Main Street buildings.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 605.6

<table>
<thead>
<tr>
<th>Violation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.</td>
<td>5/10/2018</td>
</tr>
<tr>
<td>There is an electrical panel cover missing and there is exposed wiring, busb bars in the south Main street building. There is open wiring to a water heater where the power is fed from the west building and not from the Main Street building</td>
<td></td>
</tr>
</tbody>
</table>

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Building Name: BRUNSWICK - A & H Variety and Flea Market
Address: 484 Piney Pond Rd.
Address Line 2: Brodnax, 23920

File Number: C-1270-001
Occ/Use Code: OTHER

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605.3 Working space and clearance. A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials will be located within the designated working space. (2 exceptions)

6/11/2018

18 There is storage located in the clear working space in front of electrical panels and fire alarm panel in the south buildings on Main Street.

110.1 #1 General. The fire official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the SFPC:
1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure, or to endanger the occupants thereof.

6/11/2018

19 There is damaged wooden roof structure, roof supports, floors and floor supports that was caused by leaking water that would be hazardous to fire fighters and occupants in the building.

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</thead>
<tbody>
<tr>
<td>110.1 #3</td>
<td>General. The fire official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the SFPC:</td>
<td>6/11/2018</td>
</tr>
<tr>
<td></td>
<td>3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere within egress of occupants or operation of the fire department in case of fire.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>315.3</td>
<td>Storage in buildings. Storage of combustible materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.</td>
<td>6/11/2018</td>
</tr>
<tr>
<td></td>
<td>21</td>
<td>There is combustible storage that is not orderly in the south buildings on Main Street.</td>
</tr>
</tbody>
</table>

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901.6 Inspection, testing and maintenance. To the extent that equipment, systems devices, and safeguards, such as fire detection, alarm and extinguishing systems, which were provided and approved by the building official when constructed, shall be maintained in an operative condition at all times. And where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire officials shall order all such equipment to be rendered safe in accordance with the USBC.

There is a fire alarm system that is not in operation.

6/11/2018

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<th>Date Corrected</th>
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<tr>
<td>1030.2</td>
<td>Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.</td>
<td>6/11/2018</td>
</tr>
<tr>
<td>23</td>
<td>There is construction and storage that is obstructing the egress to exits in the Main Street buildings.</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>There are battery power emergency lights that are not working in the Main Street buildings.</td>
<td></td>
</tr>
<tr>
<td>1030.4</td>
<td>Exit signs. Exit signs shall be installed and maintained in accordance with Section 1011. Decorations, furnishings, equipment or adjacent signage that impairs the visibility of exit signs, creates confusion or prevents identification of the exit shall not be allowed.</td>
<td>6/11/2018</td>
</tr>
<tr>
<td>25</td>
<td>There is exit signs that is not working in the Main Street Buildings.</td>
<td></td>
</tr>
</tbody>
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<tr>
<td>603.5.2</td>
<td>Heating appliance installation and maintenance. Heating appliances shall be installed and maintained in accordance with the manufacturer's instructions, the International Building Code, the International Mechanical Code, the International Fuel Gas Code and NFPA 70.</td>
<td>6/11/2018</td>
</tr>
</tbody>
</table>

26 There is gas unit heaters in the Main Street buildings where the single wall flues that do not maintain the required clear distance to combustible materials.

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</tr>
</thead>
<tbody>
<tr>
<td>605.3.1</td>
<td>Labelling. Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.</td>
<td>6/11/2018</td>
</tr>
</tbody>
</table>

27 The panel cover that was installed on the panel in the west building does not have a panel schedule to note what circuit and locations the breakers supply power too.

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</thead>
<tbody>
<tr>
<td>308.1.5</td>
<td>Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.</td>
<td>6/11/2018</td>
</tr>
<tr>
<td>28</td>
<td>There was signs that a candle has been lit in the shower area of the main street building.</td>
<td></td>
</tr>
<tr>
<td>310.6</td>
<td>Ash trays. Where smoking is permitted, suitable noncombustible ash trays or match receivers shall be provided on each table and at other appropriate locations.</td>
<td>6/11/2018</td>
</tr>
<tr>
<td>29</td>
<td>There were cigarette butts that were on the floor and an ashtray was not provided near the water heater in Main Street Building.</td>
<td></td>
</tr>
</tbody>
</table>

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<td>30</td>
<td>There are signs noting the location of fire extinguishers and there are no fire extinguishers installed beneath the signs,</td>
<td>6/11/2018</td>
</tr>
<tr>
<td>31</td>
<td>The fire extinguisher is past due for the annual inspection and the tag last annual inspection date was 12/88</td>
<td></td>
</tr>
</tbody>
</table>

Failure to correct violations within the time limit specified in this notice may result in appropriate legal proceedings. An owner or occupant may appeal a decision of the State Fire Marshal to the State Building Code Technical Review Board within fourteen (14) days from receipt of this notice.

Notice Issued To: Harvey Dupree
Inspected By: Dee Madsen, Chief Deputy State Fire

Page 12 of 12
Application for Administrative Appeal

☐ Uniform State Building Code

Appeal Party into
All Store/Hervey Dupree
Ph: 434-565-3725
sooth/hervey@gmail.com

I hereby certify that on the 25th day of May, 2018, a copy of this application was mailed

Signature

Print Name

Hervey Dupree
RE: Appeal

1) Request a re-inspection with a different inspector, because Mr. Madsen is biased, unprofessional, unreasonable, has lied, violated due process, disrupted my family and business, came to the store drunk...

2) While an appeal was still pending (April 10) I received criminal charges, violating due process

3) During the last visit (May 9), Mr. Madsen did not open any panel boxes, entered closed sections of storage, warehousing, cited unrealistic violations

4) Unreasonable demands after repairs were made, unreasonable demands for a work permit

5) Mr. Madsen entered the business on several occasions without a proper search warrant

6) Repairs made then cited for the same violations

7) Our electrician is a past building code inspector, has informed me of past incidents similar to this, and has a list of improper work by Mr. Madsen.

8) Repairs made, yet still cited.
9) Mr. Madsen once again violated due process by cited the business on May 10th, yet delivered the paperwork ten days later.

10) Surrounding properties directly by me, haven't received notices, namely a closed cotton mill, with many flammable materials warehoused.

11) Mr. Madsen has shown no communication with us, doesn't answer our questions, provides no support or advice.

12) I ask this be accepted, as stated above, the current list wasn't delivered in a timely, rightful manner. Thus the late appeal application.

13) Mr. Madsen wrote violations that are incorrect, for storage warehouse (different codes), namely, the sprinkler system.
We agree with the majority of the needed repairs. However, as a long time business owner, we cannot deal or communicate with Mr. Madison. Court case will be appealed to a jury due process violation is waived. I ask for the above, in order to put money into a closed warehouse.

Sinceely,

Harry Lifson
May 24, 2018
Front of business card

---

Back of business card

Please contact this person. He is a building code officer from Portsmouth (previously). Thanks.
Commonwealth of Virginia
Dept. of Housing & Community Development
State Building Codes Office & State Technical Review Board
Main Street Condo
600 E. Main St.
Suite 300
Richmond, Virginia
Ph 804
371-750
APPLICATION & APPEAL
Statewide Fire Prevention Code
Harvey Dupree
6934 S 765 E
Email: soothavay@gmail.com
184 Private Road P.O. Box 852
LeRoy, VA 24577
157

Opposing:
Dee Madsen
Case Pending in Court
I certify on 26th of May, 2018, a completed copy
of this application, including additional info was
mailed to State Tech Board.
Accepted: May 26th, 2018
Sgt. Harry M. Dupree
Harvey Dupree

Additional Info
for an Appeal Granted
5-22-2018

RE: Appeal Application
Reasons for appeal:
1) Due process violated. Madsen brought criminal charges while appeal pending.
2) Request for a different inspector. Madsen is not communicative, cooperative, and doesn’t address due concerns and questions properly.
3) We now have reports under the FOIA Act that brings to question Madsen’s continued training education/ proper certification.

4) As of this mailing, a case is pending in Brunswick County Court concerning this matter, then will be under further appeal processes.
5) I am very upset with Madsen’s uncooperative, detached attitude. We feel he listed violations a year later, to cause, it’s mistakes, and doesn’t want to talk with me.

Batemann, the Portsmouth building inspector (past)
Mr. Bauman has experienced past problems and agrees with our long-time business. He has condemned 65 million dollars of property. He has proper licenses.

Wrong dates are on the recent notices. Another example of Madsen's poor work. Coos stated under oath that our store was very much cleaned. Then said he would cooperate but didn't.

110.1 This is undocumented. Alleged report done by David Tucker building inspector, Brunswick, Va. We've discovered this person is uncertified to do this report.

110.1 No occupants used as stated on deed. Storage warehouse.

Too vague. This is a flea market. He must be more specific especially in a 22,000 square building. He didn't look for contents.
10) Stated (again) under oath, that the property was very clean.

He wrote this while in a dark, unit, storage room. How can he see this? He didn't even carry a flashlight (as witnesses well know). I ask for pictures and proof!

12) I agree with;

- 906.2
- 315.3
- 310.6
- 110.1
- 306.1
- 605.5
- 605.3.1
- 605.6
- 1030.4
- 1030.2

I agree to provide proof of the corrections and necessary repairs. Mr. Bateman will be the contractor and will verify.
I disagree, as stated, this is from a unqualified building inspector.

Unconnected, un阿拉

From a 1905-50s sewing room

Madsen didn't look. Repairs are made.

#4) Request:
I agree to make the repairs proper.
Submit that to you, on conditions.
Once repairs are submitted and approved by you.

#1) Criminal charges dropped.

#2) A re-inspection by a different inspector.

After I secure the services of Mr. Bateman. Will Madsen agree to look at the degree of
(4) Continued

Professionalism, be professional.

Agreed, that, David Tucker was unauthorized, unlicensed, yet accompanied by Madsen, without verifying Tucker’s qualifications.

Ask for extended timeframe. The property is currently listed for sale as is. I need that time to change the documents. My realtor is elderly, hard to reach.

My.

(5) I agree to not make complaints concerning this, or take any action.

Sincerely,

[Signature]

email: ScottHarvey@gmail.com

Note: I’m a 20 year plus chimney sweep, trust me, the heaters are disconnected.

ph # 434.865.3765
Called on a citizen complaint. What exactly should the inspector inspect? What's the difference of storage warehouse to retail commercial? I've not to get this answered.
501 N. 15th St.
Richmond, VA 23219

Dept. Housing (SEA) Tenth Floor
Commonwealth of Virginia

30 MAY 2008

RICHMOND VA 23221
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):

Harvey Dupree
421 Pinoy Pond Rd. Broadway, VA 28220
sootyhaevey@gmail.com

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

Calvin Lee Madison
Chief Deputy State Fire Marshall

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 __4__ day of __JUNE__, 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: Harvey Dupree

Name of Applicant: Harvey Dupree

(please print or type)
Statement of Relief Sought,

Dismissal of the notices, on conditions,
Repairs to be made, then submitted to proper office.

Additional reason for dismissal, Mr. Madsen bought criminal charges while an appeal was still pending, failed to notify all parties, was called on a citizens complaint (no reason for a full building inspection)
Mr. Madsen has violated due process.

Mailed 4 Day of June 2018,

Signature: Harvey DePue
Harvey DePue
VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Harvey Dupree (A...H Variety)
Appeal No. 18-11

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1. In May of 2018, a representative of the Brunswick County Department of Building/Fire Inspections and Code Enforcement (Brunswick) conducted an inspection at 456-554 Piney Pond Road in Brunswick County. The buildings at that address are used to sell merchandise under the business name of A…H Variety, owned by Harvey and Ann Dupree.

2. The inspection resulted in the issuance of a notice of violation, dated May 10, 2018, under the Virginia Construction Code (VCC). Eleven (11) violations of the VCC were cited.

3. Mr. Dupree filed an appeal to the Crater Regional Building Code Appeals Board (local appeals board) on June 4, 2018. The local appeals board heard the appeal on June 26, 2018 and upheld the notice of all violations listed on the Notice of Violation (NOV) issued by the Brunswick County Building Official (Building Official).

4. Mr. Dupree filed an appeal to the Review Board with a certificate of service date of July 19, 2018.

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

1. Whether or not to overturn the decision of the Building Official that a violation of VCC Section 103.3 (Change of Occupancy) exists.

If voting in the affirmative, then;

2. Whether or not to overturn the decision of the Building Official that a violation of VCC Section 103.6 (Reconstruction, alteration, and repair in other occupancies) exists.

3. Whether or not to overturn the decision of the Building Official that a violation of VCC Section 108.1 (Where applications are required) exists.

4. Whether or not to overturn the decision of the Building Official that a violation of VCC Section 112.1 (General) exists.
(Page left blank intentionally)
Basic Documents
(Page left blank intentionally)
NOTICE OF VIOLATION/STOP WORK ORDER
Virginia Uniform Statewide Building or Fire Codes and other
Delegated County Ordinances as Enforced by Brunswick County Virginia

Brunswick County Department of Building/Fire Inspections and Code Enforcement
P. O. Box 399 Lawrenceville, Virginia 23868
434-848-2962

Issued in accordance with pertinent sections of the current Edition of the applicable Virginia Uniform Statewide Building or Fire Codes as enforced by Brunswick County Virginia, and when applicable the Code of the County of Brunswick Virginia for enforcement of delegated Ordinances. For Building and Fire Code issues the cited party may appeal the official’s decision in accordance with the applicable code.

Date of Violation: 5/10/2018 Article of Authority: 2012 USBC Stop Work Order: Yes ☑ No ☐

Violation of: Building Code ☑, Fire Code ☐, Maintenance Code ☐, County Code Ordinance ☐

Owner, Agent, or Responsible Party:
Harvey & Ann Dupree DBA A&H Variety

Address and Contact Information:
484 Piney Pond Rd.
Brodnax, VA. 23920

Legal Description or Location of Violation:
484 Piney Pond Rd.
Brodnax, VA 23920

Violation(s) Cited:

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<td>Reconstruction, Alteration, &amp; Repair Shall Comply with the VA Rehabilitation Code (VRC)</td>
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<td>118.4</td>
<td>Notice of Unsafe Building or Structure</td>
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<td>Right of Appeal</td>
<td>30 days</td>
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May 11, 2018

Harvey & Ann Dupree
DBA A&H Variety
484 Piney Pond Rd.
Brodnax, VA 23920

Dear Mr. & Mrs. Dupree:

Please note the following violations:

Section 118.4 - Notice of Unsafe Structure

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

Nature/Extent of Damages per Section 118.3 need to be addressed by a structural engineer. Engineered plans are required for repairs. The engineer must hold a valid State of Virginia license.

Section 118.3 – Inspection Report

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

Unsafe Roof in Multiple Areas

Roof Repair – Roof covering, sheeting, rafters, and ceiling joist need to be repaired or replaced.
Unsafe Floor in Multiple Areas

Floor Area – Post, beams, footings, floor joist, band boards, and floor sheeting

Trades Systems

Reported Unsafe Electrical – Open Wiring throughout structure and non-complaint listed materials used

Unsafe Heating System – none in operation – space heaters cannot be used

Unsafe plumbing system – Kitchen area for residence, open fixture/sewer lines in existing bath room areas, water leaking from water distribution line to under structure

No Change of Occupancy

The Occupancy of the structure is 309.1 Mercantile Group M. Change of occupancy of a portion of the building to residence.

No Emergency Egress

You may appeal this with the Local Board of Building Code Appeals. The contact information is below:

Martha Burton
Crater Planning District Commission
P.O. Box 1808
Petersburg, VA 23805
(804) 861-1666

Sincerely,

[Signature]

David H. Tucker
Building/Code Official

DHT: dkg
Application for Appeal

Appellant Party Information:
Harvey Dupree
461 Piney Pond Rd, Bealeton, VA 22712
Opposing: David Tucker
Barnesville County Building Official
Lancasterville, VA

Additional Info:
☑ Copy of decision appealed
☑ Statement of relief sought

Certification of Service
I certify on 4th day of June 2018, a completed copy was mailed to the
appellate board.

Signature: Harvey Dupree

June 4, 2018
Reasons appealed:

103.3 - This is not a primary residence.
103.6 - No VRC codes were provided
118.4 - Tucker found a couple of holes in floor, one soft wood.

No heat used in this business
Heat is disconnected, oil tanks removed

Improper inspection
Belief sought

Dismissal of this notice
CRATER PLANNING DISTRICT COMMISSION

Mr. Harvey Dupree
484 Pinney Pond Road
Brodnax, VA 23920

Dear Mr. Dupree:

Enclosed please find the report minutes of the Crater Regional Building Code Appeals Board hearing held on
June 26, 2018. I am sending these certified mail.

Give my e-mail to you, you have 21 days from the date you receive these
minutes,

Best wishes,

Sincerely,

[Name]
Assistant to the Executive Director

County of Charles City • County of Chesterfield • City of Colonial Heights • County of Dinwiddie • City of Emporia
County of Greensville • City of Hopewell • City of Petersburg • County of Prince George • County of Surry • County of Sussex
Crater Regional Building Code Appeals Board A&H
Variety Appeal Case
June 26, 2018

Minutes

The following Board members were present: Charles E. Townes, Chair, Donald Simmons, Michael L. Gizzard, II, William C. (Clint) Slate, III, and C. J. Jackson. Also present were: Harvey Dupree, the appellant, Martha Burton of the Crater Planning District Commission, Brian M. McGraw, State Fire Marshall, Michael T. Reilly, Executive Director of Virginia Department of Fire Programs, Lacey Marks, Building Inspector for the County of Brunswick, Deborah K. Givens, Planning and Building Services Technician for the County of Brunswick (Recorder)

Mr. Townes brought the meeting to order at 10:30 a.m. He requested that Mr. Marks speak on behalf of the Building Department for Brunswick County. Mr. Marks introduced himself. He explained that Mr. Tucker was the Building Official at the time of the complaint and has since retired. Mr. Marks did not accompany Mr. Tucker on his inspection of A & H Variety. Mr. Marks also stated that from his understanding, Mr. Tucker received a complaint from the State Fire Marshal who received a complaint about the condition of the building. Brunswick County does not have a property maintenance ordinance but Mr. Tucker accompanied the State Fire Marshal to inspect the building because the building is being used by the public. Mr. Tucker informed Mr. Marks that there are numerous electrical violations and the roof is in need of repair.

Mr. Townes asked Mr. McGraw and Mr. Reilly if they have been in the building. Mr. McGraw explained that they have not been in the building but he has reviewed the photographs of the deputy fire marshal that did inspect the building. Mr. Townes asked if the photographs of inside the building were available. Mr. McGraw explained that he did not have the photographs because he expected the deputy fire marshal who did the inspection to attend the hearing but he was detained and was unable to attend. Mr. McGraw requested to share with the Board some background information. After introducing himself, he shared that last August an anonymous voice complaint was received at the office of the State Fire Marshal stating that the store was a fire trap. Chief Deputy State Fire Marshal Dee Madsen went to the property the next day. He walked through the store area and observed a number of significant fire hazards that were of significant concern to him. He went to meet with Mr. Tucker to request his assistance. A notice of violation was served to Mr. Dupree the next day listing approximately seventeen sections of the State Fire Code. The number of violations identified in the building code was approximately forty. The violations included electrical violations, obstructed egress, inadequate lighting, and locked egress doors. Within three days of receiving the notice of violation, Mr. Dupree appealed that violation to the State Building Code Technical Review Board. There was a fact finding meeting held in Brunswick County that was attended by staff from the office of the State Fire Marshal but Mr. Dupree was not in attendance. The State Building Code Technical Review Board heard the appeal January 19, 2018 and upheld the State Fire Marshal office’s notice of violation. The two items Mr. Dupree appealed were the method of service, claiming that the other property owner was not served with a notice, which is not a requirement of the statewide fire prevention code and that one of the exit doors in question was not an exit door because it only serves the loading dock. The Technical Review Board upheld the State Fire Marshal’s notice of violation on both accounts. The door on the
loading dock is marked as an exit; therefore, it needs to be maintained as an exit unless it goes through the process of having it deemed not a required exit through the building department. Since that time the State Fire Marshal’s office has conducted a number of follow up inspections. The easy items to fix have been addressed to some degree. Pathways have been widened but there are still a significant number of electrical violations. Approximately one-half of the building remains vacant, but it is not separated by a fire wall or fire separation from the occupied portion. Mr. McGraw said that in late February the state filed criminal charges for the violations of the Statewide Fire Prevention Code. This case has been through district court three times. On the last court date two weeks ago, the judge found Mr. Dupree guilty of violating the Statewide Fire Prevention Code and sentenced him to six months in jail and a $2,000 fine. Those penalties were suspended predicated upon Mr. Dupree correcting the violations. Mr. Dupree immediately appealed that sentence to the Circuit Court. The appeal is scheduled for July 10, 2018. On May 10, 2018, there was a hearing in District Court, the judge instructed Mr. Dupree to give access to the building to the State Fire Marshal for inspections. A deputy fire marshal approached Mr. Dupree after the hearing requesting access to the building. Mr. Dupree told him to get a warrant. A warrant was obtained under the fire code. We are at the point of issuing an order declaring the building unsafe and evacuated under section 110 of the fire code. However, that decision is made by the local building official it can either be upheld or overturned. The inspection on May 10, 2018 was conducted by two deputy fire marshals, a Brunswick County Sheriff, the Brunswick County Building Official, and the Brodnax Town Manager. The roof was replaced with sheathing and shingles. The issue is that the structural trusses supporting the roof are rotten. There are still a host of electrical issues. Mr. Tucker issued a violation stating work was being done without permits, occupancy of the second floor as a residence without a certificate of occupancy, and a number of other unsafe conditions. The Fire Marshal’s office has been working this case for ten months. Instead of addressing and correcting the issues, Mr. Dupree has chosen to work the system to delay the inevitable. Mr. Dupree has filed a second appeal with the State Technical Review Board. The documentation he has submitted to the Board states that he is putting the building on the market for sale and that he needs additional time to get the paperwork changed. The building remains open to the public. The public, the fire service, Mr. Dupree, and his wife and children are at risk if there is a fire in the building. There are no smoke detectors and the fire alarm system is in disrepair.

Mr. Dupree was given an opportunity to present his case. Mr. Dupree stated that some of the first round of violations have been completed and done. The adjoining rooms of the building are deemed as a storage warehouse and not for business. He stated that his concern is does he want to spend $100,000 to $200,000 for a storage warehouse to put in a sprinkler system. The inspection was done in a hurry and rush in less than 15 minutes. The normal inspection of an average size home is four to five hours. How can one man go in a 20,000 Sq. Ft. building with tiny flashlights and tell his building is condemned. He disagrees with that assessment. There is no leaking sewage or leaking parts of the roof. His main concern is the improper inspection that was done in a dark unlighted storage warehouse. He wants to know what does a storage warehouse code pertain to a commercial building code. He says that he has been seeking the answer to that question for over a year and it has gone unanswered. He says they will not return phone calls or text message. He also says they will not interpret the violations. Therefore, he does not know what to do. He stated that he cannot secure the services of a licensed bonded electrician. He says he is willing to correct fuse boxes, panel boxes, and fire extinguishers but no one will show up to do the work.

He says that the complaint came from someone because an exit door was locked. He says it was locked to protect from being robbed because he does not have a security system. He says he and wife
stay there on weekends to protect from getting robbed. He says it is not a primary residence it is a secondary residence. He said he did not go to the first appeal because his wife did show up and was not notified. So there was no reason for him to go to the first appeal. He did have the property on the market. He turned down cash offers. His realtor recently passed so he withdrew his property from the market. He feels like he is being picked on by this department. No customer is allowed in the storage area but he is being asked to put in light the area and put fire alarms, emergency lights, and water sprinklers. He says he is struggling on Main Street and does not know how he can come up with the money to do all that and stay in business. He presented pictures to the Board.

Mr. Townes informed Mr. Dupree that anytime you have a building with different uses the code states you have to have a fire barrier to separate the uses. He asked Mr. Dupree who took the pictures. He said Mr. Calvin Madsen.

Mr. Simmons asked Mr. Dupree if the building inspector been back to inspect. Mr. Dupree responded that the building inspector has not been back to inspect. Mr. Simmons also asked Mr. Dupree if he has hired an engineer. Mr. Dupree responded that he has not hired an engineer.

Mr. Slate asked Mr. Dupree if the living space was in the building when he purchased it. Mr. Dupree responded that there was a living space on the second floor when he purchased the building. He also asked Mr. Dupree if it was disclosed to him that there was a living space in the building when he purchased it. Mr. Dupree responded that it was not disclosed that a living space was in the building. He said the previous owner used that space on the second floor as a living space. Mr. Slate's concern is for the safety of Mr. Dupree's wife and children.

Mr. Simmons asked Mr. Dupree how long the building has been like that. Has it been like that for seventy-five years? Mr. Dupree responded since 1950 for the back of the building which was the Brodnax Cooper Mill and in 1975 the front of the building was the Brunswick Furniture Store.

Mr. Marks remarked that the old part of the building was built in 1950. He helped his father build the new part of the building in the early 1970's there was never a residence in that new part because the Duggers lived in Brodnax. The original roof was cedar shakes. The roof has been replaced and there are solar panels on the roof.

Mr. Townes asked Mr. Dupree how much of the building is being used. Mr. Dupree responded that only one room 180'x42.5' is open to the public.

Mr. Grizzard informed Mr. Dupree that they are not there to pick on him. Regulations have been put in place to prevent the loss of life. They are trying to make good decisions based on past experiences to save lives. The building needs to be safe and habitable for you, your family, and the public. The building is not designed to live in.

Mr. Dupree said his store is unheated. The heaters are disconnected. He is being asked to restore ten chimneys with stainless steel. He feels like this is an unreasonable request because he operates his store with no heat and the stainless steel is $127 per linear foot. He says he does not open in the winter when it is below freezing.
Mr. Townes asked Mr. Dupree where his primary residence is. Mr. Dupree responded that he is in negotiations for a property five minutes from the store. At this time, he said he is renting a house in Lawrenceville, VA on Highway 46.

Mr. Slate asked Mr. Dupree how the living space in the building is heated. Mr. Dupree responded that he uses an infrared portable electric heater. The square footage upstairs is less than 300 sq. ft.

Mr. Simmons asked Mr. Dupree if he tried to address each issue. Mr. Dupree responded that he has tried to contact every electrician within an 80 mile radius for over a year and no one will show up except one, Bateman Plumbing and Electric. He is a retired building inspector from Portsmouth Virginia. Mr. Dupree feels like it is guessing game on how to fix the issues.

Mr. Slate shared with Mr. Dupree that no one in business is going to give him a free estimate to tell him what he needs and to price it out. He suggested that he hire an engineer to put a plan in place. If you have a plan in place you will be able to find someone to do the job. Putting a plan in place is the first step.

Mr. Simmons asked Mr. Dupree if he had money to pay for the repairs. Mr. Dupree responded that he has money and resources to pay for the repairs but he cannot find anyone.

Mr. Townes shared that the issue that upsets him is the possibility of Mr. Dupree’s wife and children dying in a fire that could have been prevented. With the electrical issues in the building, it is unsafe for Mr. Dupree to be using an electric source of heat.

Mr. Dupree responded that the electric heater is a secondary source of heat. He also uses a 50 foot chimney he cleans twice a year that he uses as a primary source of heat upstairs and downstairs.

Mr. McGraw requested to address the Board. He shared that the Fire Prevention Code is a maintenance code. When a fire prevention inspection is done, the fire marshal looks for the condition of the structure, the means of egress and the systems such as electric, HVAC, fire alarm, and sprinkler systems to ensure that they are being maintained as they were originally installed according to the building code at the time they were permitted. They are not invoking new requirements. They are not requiring installation of a new sprinkler system or fire alarm system. We are requiring the maintenance of the systems that are there. If there is system there that is deemed no longer to be required because a change and use of occupancy, it requires a review by the building department and new certificate of occupancy. The electrical deficiencies have been identified. It is now up to the electrical contractor to pull the permit from the building department and to correct the issues. There is a process to decommission a system if a system needs to be taken out of service. There is a process to deem portions of the building abandoned and no longer in use. There needs to be a fire barrier to make the building safe. Three fire marshals agree with the findings of the condition of building.

Mr. Jackson informed Mr. Dupree that the Building Code Appeals Board is not here to address the fire violations. The Board is here to address the items on Mr. Tucker’s notice of violation of an unsafe structure. The Board is to address whether or not Mr. Tucker was correct in issuing the notice of violation and if he was correct in the code sections he cited relative to the violations. He said he has reviewed the notice and everything is correct. He cited the correct code sections and he was correct in saying that it is an unsafe building. With the wiring that is hanging no one should be in the building.
Mr. Dupree responded that there is no electricity to the wiring that is hanging.

Mr. Jackson informed Mr. Dupree that if any wiring is disconnected or not in use it needs to be pulled out of the building. Also, any electrical boxes that are not being used need to be taken out the building.

Mr. Dupree responded that he is willing to do the work but he cannot find anyone. He went on to complain about the method of the inspections. He disagrees with the method of the inspections and that his building is unsafe.

Mr. Grizzard reminded Mr. Dupree that the hearing is about him occupying an unsafe building. The code says you have to light buildings. You cannot use a structure with a flashlight.

Mr. Slate reminded Mr. Dupree that he needs the guidance of someone in business that can tell him how to make the building habitable.

After hearing evidence from both sides, including testimony from Mr. Mr. Marks, Mr. McGraw and Mr. Dupree, the Board adopted the following resolution:

BE IT RESOLVED that with respect to notice of the Brunswick County Building Official, the Crater Building Code Appeals Board upholds the notice of all violations issued by Mr. Tucker to Mr. Dupree.

A roll call vote was taken with all five members voting aye.

The hearing was adjourned at 11:23 a.m.

Charles E. Townes
Chairman

ATTEST: Martha A. Burton
Assistant to the Executive Director
(Page left blank intentionally)
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@dhec.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):

ATT... Store 1484 Piny Road Rd. Bedway VA
434 867 3745
Scotty@everyday.com

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

Fire Prevention Office (Richmond VA.)
Calvin Lee Martin Fire Marshal

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 19 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: Harvey Dupree
Name of Applicant: Harvey Dupree (please print or type)
(Page left blank intentionally)
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):

A.H. Store, 4812 Pinewood Dr, Beach, VA 23920
 PHONE 434 865 3725
506yhs6fg@gmail.com

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

Beaufort County Building Official
David Turbore (Retired) Info unknown
(Cannot be reached)

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 27th 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: [Signature]

Name of Applicant: Harvey Dupree

(please print or type)
Statement of Specific Relief sought

2. Building inspector did not attend
   the center planning District Commission
   meeting on June 26, 2018.
3. Not enough proof of damaged roof
   support.
4. Fire Marshall Dee Madison has provided
   two or three pictures of small areas
   (less than 10 feet) of a piece of
   wood beneath the building system,
   an area of x = 15 feet of damaged floor,
   and a collapsed toilet. That's not
   enough in a 19,000 feet building.
5. Express is addressed and completed.

6. The claim of trusses rotted are unverified,
   not proof, only assumption.
7. Marshall’s office claim of a host of
   electrical issues is not true.
   I have receipts of work completed.
   All that’s left is panel box work (less
   than 3 hours).
8. Main street exit sign and
   what to do about disconnected lights.
9. Accused of “working” the system. In fact,
   I cannot obtain the services of a
   licensed electrician.
7. Due process is violated. While issuing violation reports I was in court without proper time to correct the few hundred defects of panel box work.

8. The adjoining rooms are separate structures, used as storage as stated on the deed.

9. The inspections (done months apart) were done in a hurry, less than 15 minutes, in a 19,000 feet structure.

10. There are no trusses that are rotten or leaking, and no proof of such assumptions.

11. Dee Madson incorrectly stated that the adjoining rooms have no solid brick firewalls to separate the rooms. When, in fact, a solid top to bottom double brick wall separates the rooms.

12. Only one room (180' x 42.5') is used and open to the public.

13. On page 4, Mr. McGraw stated the electrical deficiencies have been addressed except for panel box work. There is no proof of fire barrier between rooms.


15. Mr. Geissler incorrectly stated my business
is flashlight lighted. In fact, it's lighted by solar panels and natural lighting.

16. No evidence was submitted at the hearing, neither the inspector attended.
17. Building deemed unsafe without proper proof.
18. On page 4, Mr. Jackson on reviewed the notice, made a decision without proof.
19. In 14 years of full time business at this location, the Fire Prevention Inspector never came here, I feel they are responsible, since the Department's goal of education failed me.
20. Dee Madsen swore under oath that the egress issue has been properly addressed. At the same time, just issued violations for the above. On 5/10/2018.
21. Dee Madsen got the County Inspector involved before the reasonable amount of time needed to correct issues.
22. David Tucker stated a "Kitchen Area" that is a double sink in the sales floor.
23. Open hanging wiring in the main room is fixed. Yet, I'm still criticized for it.
24. David Tucker's inspection was done.
hurriedly, without proper light (done in a
unit dusk storage warehouse).
He cited an unsafe roof. Our roof is a
30-year warranted Gen Flex rubber
membrane roofing system.
25. David Tucker's inspection didn't include
any inspection or proof of potted
trusses or supports.
26. David Tucker's inspection was done in
a $19,000 feet structure of five separate
buildings, without tools, access to roof or
under buildings in less than 30 minutes.
Sorry, if you are here to deem my
building unsafe, provide a proper inspection.
27. David Tucker's inspection is not
interpreted by us to understand, only issued
without communication, explanations. Since
he retired, and I am unable to reach him,
this right is violated.
28. David Tucker's inspection says "change of occupancy"
I have a primary address. He raised this on
a double sink in the sales floor, and a bedroom
suite upstairs I display, then sell, suites.
That doesn't make it living area. No matter
of clothes, wardrobes, personal items, laundry or
cooking was noted. Insufficient proof.
David Tucker has not returned. My rights to communicate is non-present.

The areas of the 19,000 sq ft store that David Tucker inspected that were noted, are a piece of supporting framing, not trusses, and less than 5 feet of damage. The "multiple" holes in loads flooring were due to improper guttering. These areas were reported immediately.

The building inspector has not returned to check on the issues.

David Tucker's assumption that my business is a primary residence is based on a double sink in the sales room, and a bedroom suite, staged for sale, upstairs. My primary residence is 4218 Christiana Hwy, Goochland, Va. 23063.

I want that charge dropped. See enclosed power bill for a 19,000 sq foot building. That's 150kW enough my family does not live here.
Additionally,

At the review hearing, my appeal concerns were not addressed.
Again, neither inspectors attended. Dismiss the charges please.

Sincerely,

[Signature]

[Handwritten Name]
Documents Submitted
By Harvey Dupree
Property Identification Card

Property Address
0 MAIN ST

Owner Name/Address
DUPREE HARVEY M & ANN M
484 PINEY POND RD
BRODNAX, VA 23920

Map ID: 68A 2 K 4
Acct No: 9695-1

Legal Description: MICHAEL STORE LAND-LOT 4 & LOT 5
INSTR# 070001785
Deed Book/Page: 267 / 167
Instrument: DB 2007 1785

Occupancy:

Dwelling Type:
Use/Class: COMMERCIAL & INDUSTRIAL

Effective Date: Invalid Date
Year Built:
Year Remodeled:

Zoning:
District: 02 BRODNAX

MH/Type:
Condition:

Acreage: 0.000
Year Effective:
On Site Date: 12/22/2010
Total Improvements:
Review Date: 02/21/2011
Total Value: $9,300

Land Use: 0
Total Mineral:
Total Land: 9300

Improvement Description
Exterior
Interior
Site
STRT-PAVED
TOPO-LEVEL
UTIL-ALL PUBLIC

Land Valuation

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Total Land Value 9300

Comments
05/2006 FR BRUCE CHANDLER INC INSTR# 050001174
07/2007/FR JAMES C CLARY JR INSTR# 070001785 (SURV)

Total Property Value 9300

See Type Str Description Acre
Land 9300 9300
Improvements 9300 9300
Total 9300 9300

Average Price Per Acre
THIS WRITTEN CONVEYANCE IS MADE BY THE GRANTORS AND THE
GRANTEE PURSUANT TO A WRITTEN SEPARATION AGREEMENT
ACCORDING TO THE PROVISIONS OF SECTION 58.1-806 AND 58.1-
810 OF THE CODE OF VIRGINIA, 1950, AS AMENDED

THIS DEED, made and entered into this 15th day of
February, 2018 by and between HARVEY M. DUPREE and ANN M.
DUPREE, parties of the first part, hereinafter referred to
as "Grantors" and HARVEY M. DUPREE, party of the second
part, hereinafter referred to as "Grantee", 484 Piney Pond
Road, Brodnax, Virginia 23920.

WITNESSETH:

That for and in consideration of the provisions of a
separation and property settlement agreement duly executed
by the Parties and in further consideration of the mutual
covenants existing between them, legally and sufficiently
acknowledged for all purposes relative to this transaction,
the Grantors do hereby quitclaim, release, assign and
convey unto Harvey M. Dupree, the Grantee, the following
described real estate:

1. "All those three certain lots or parcels of
land situate in the Town of Brodnax, Meherrin
Magisterial District, Brunswick County,
Virginia, containing in the aggregate 1.046
acres, as shown on a plat made by Jacob C.
Shearin, dated May 7, 1982, recorded in the
Clerk's Office of the Circuit Court of
Brunswick County, Virginia, in Plat Book 9,
Page 5."
2. "A certain storage warehouse, indicated as 'Building' on the aforesaid plat, which is located partially upon the land conveyed in paragraph 1. Above, but principally upon the right-of-way of the A&D Railroad as shown on said map, together with whatever rights, if any, the Grantors have and may assign in and to a certain lease-agreement relative to the portion of the railroad right-of-way on which said storage warehouse is located."

3. "All that certain parcel of land situate in the Town of Brodnax, Mecklenburg Magisterial District, Brunswick County, Virginia, containing 0.70 acre, more or less, designated as 'Elsie Dugger' on the aforesaid plat at Plat Book 9, Page 5."

4. "All that certain lot or parcel of land, together with the improvements thereon consisting of two brick buildings, together with the appurtenances thereto belonging, situate in the Town of Brodnax, Mecklenburg Magisterial District, — Brunswick County, Virginia, containing 0.456 acres, more or less, shown on the plat of Julian E. Moore, CLS, dated December 29, 1987, recorded in the aforesaid Clerk's Office in Deed Book 231, Page 69"

The aforesaid real estate being the same property conveyed to Harvey M. Dupree and Ann M. Dupree, by deed of James C. Clary, Jr., dated July 31, 2007, which in recorded in the Brunswick County, Virginia, Circuit Court Clerk's Office as Instrument Number 070001785.

Reference to the aforesaid deed and plats is hereby made for a more complete and accurate description of the property herein conveyed.
H.&H. Roofing Contract

1. Scope of Work: This contract is for installing new Genflex roofing systems on four buildings owned by Mr. Dupree. New flashing will also be installed on all four buildings. The roof systems will be installed using adhesives, fasteners, and seam tape.

2. Work Site: The project shall be constructed on the property of Mr. Dupree located at 284 Piney Pine Rd. in Broadnax.

3. Time of Completion: H.&H. Roofing Company shall commence work on or before April 15, 2009. H.&H. shall not be liable for any delay due to circumstances beyond its control including strikes, casualty, acts of God, illness, injury, or general unavailability of materials.

4. Contract Price: Mr. Dupree agrees to pay H.&H. Roofing Company $25,250.00 in two installments. The first installment of $19,000.00 is to cover materials needed to complete job. The second installment of $6,250.00 is due upon completion.

5. Warranty: Genflex has a 20 year manufacturer's warranty and H.&H. Roofing will have a 5 year warranty on workmanship. H.&H. agrees to repair any leaks under normally anticipated weather conditions. Ice damage is not included as a normal weather condition.

Contractor:  

Owner:

License # 2705120798

434-
532-6269
SPECIAL SERVICES CUSTOMER INVOICE

1400 COUNTY ROAD
SOUTH HILL, VA 23870

This is only a QUOTE for the merchandise and services printed below. This becomes
an Agreement upon payment and an endorsement by a Home Depot register validation.

DUPREE HARVEY
Address: 123 HWY 98E
City: BROODNAX
State: VA

SOLO TO

COMPANY NAME: A/VARIETY JOB

CUSTOMER PICKUP #1

MECKLENBURG

MERCHANDISE AND SERVICE SUMMARY

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SCHEDULED PICKUP DATE: 06/24/2019

FOR WILL CALL
MERCHANDISE PICK-UP
PROCEED TO WILL CALL OR
SERVICES DESK AREA

(Please your current order status online at
www.homedepot.com/orderstatus)

Page 1 of 2

No. 4659-18772

205
A double sink, a bedroom suite displayed for sale does not prove this is a power bill history I live here. Clearly, if this was a primary residence, the bills would be much higher.

May 25, 2018

HARVEY DUPREE

484 PINEY POND RD
BRODNAX, VA 23920

Billing and Payment Summary

Account # 0144507803

Due Date: Jun 19, 2018

Total Amount Due: $ 127.69

To avoid a Late Payment Charge of 1.5% please pay by Jun 19, 2018.

Previous Amount Due: $ 171.53
Payments as of May 25: $ 171.53CR

Explanation of Bill Detail

Customer Service 1-866-DOM-HELP (1-866-366-4357)

Previous Balance 171.53
Payment Received 171.53 CR
Balance Forward 0.00

Non-Residential Service (Schedule GS-1) 04/26/23 05/23
Distribution Service
Basic Customer Charge 15.47
Distribution Service kWh 18.19
Electricity Supply Svc (ESS) 21.95
Generation 44.53
Transmission 8.58
Fuel 22.68
Sales and Use Surcharge 0.40
State/Local Consumption Tax 1.46
BRODNAX Utility Tax 16.18
Total Current Charges 127.69

Total Account Balance 127.69

Important Customer Information from Dominion Energy Virginia

If a family in need through EnergyShare - add $1,2,5,10,20,25 or 35 to your payment. Overpayments in these exact amounts are automatically recognized as a contribution to EnergyShare. You may also mail a separate check for any amount payable to EnergyShare to P.O. Box 91717, Richmond, VA 23291-1717.

Use energy wisely - your next bill will be on summer rates.

In over 1 million customers who love eBill, Dominion Energy's paperless billing option. Receive bill notifications and payment reminders via email and text. View, or print your bill anytime, anywhere, on any device. Learn more, including how you can win cash and prizes, by visiting dominionenergy.com/ebill.
Job Name: A H Variety
Address: 484 Piney Pond Rd, Brodnax, VA
Contact Person: Harvey Dugger
Phone: 434.865.3725

Customer hereby authorizes Bateman Electric and Plumbing, L.L.C. (hereafter referred to as BEP), to perform its services at the above referenced job. Payment is due when work is performed unless prior payment arrangements have been made. Should customer fail to make payment when due, customer agrees to pay all court costs incurred, including attorney's fees of 33 1/3% of the amount due when turned over to an attorney for collection. In addition, all overdue accounts shall incur interest at the rate of eighteen percent (18%) per annum.

1) Install (2) Owner supplied ex. lights
2) Wire Tic Romex from To Boi Joss' Place
Note Building is Mixed with Named of Brad
Romex. Romex was used. Time of 5/15/18 correct
3) Install (1) P12 Over Panel Box
4) Repair with request of the F A C Marmon
Total $75.00
Paid-

Method of Payment (circle one): CASH

Client Signature

Bateman Electric & Plumbing, L.L.C. Agent

Date: 5-5-18

Date: 5-15-18
Please note the repairs made, but not noted by Dee Madsen.
This is a text message from the only electrician I could find. He made the first round of repairs. Dee Madson then cited the same violations, harassed me. Baterieal to the point. He will not work here.
Date of Appointment: 6.2018
Customer: At Home Street
Address: 484 Piney Rd.
City: Norfolk, State: VA
Phone (H): 757-860-3725
Appointment Day: 6 Date: 11 Time: 2
Number of Fireplaces: 0 Number of Chimneys: 0

CONDITION REPORT
Type of Fireplace: Prefab
Masonry
Flue: 
Insert: Free Standing Stove
Brand Name: 

CHIMNEY
Chimney Cap: 
Crown/Wash/Mortar Cap: 
Bricks/Mortar Joints: 
Flue Liner: 
Moisture Resistance: 
Flashing: 
Mechanical Parts: 

FIREPLACE
Smoke Chamber: 
Smoke Damage: 
Damper/Intel: 
Firebox/System Surrounds: 
Heat Reflector: 
Fireplace Door/Screens: 
Ash Dump/Clean Out Door: 

CUSTOMER VERIFICATION
I have read this form and now understand which areas of my wood/gas/oil system appear to be unsatisfactory.
Customer Signature: 
Note: This sheet is a result of a visual inspection done at the time of cleaning. It is intended as a convenience to our customer, not as a certification of fire worthiness or safety. Since conditions of use are beyond our control, we make no warranty of safety or function of any appliance and none is to be implied. A yearly inspection is recommended.

SOOT SAVER
Full Service
Chimney, Gutters, Air Ducts
3800 Deep Creek Blvd.
Portsmouth, VA 23702
Serving All of Hampton Roads
(757) 393-5911
Visit us on the web:
www.sootsayer.com

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</tbody>
</table>

Comments: Repaired Flooring, Repair in Existing.

Work Authorized By

Exp. Date: CASH

Auth#:

Amount: 500.00

Customer Signature:

Sweep Signature:

THANKS FOR CHOOSING SOOT SAVER

211
Date of Appointment: 5/1/2017
Customer: All Store
Address: 461 Pony Field Rd
City: BRANF
State: VA Zip: 23092
Phone (H) (W) 3/21/2017
Appointment Day: 5/1/2017 Time: 
Number of Fireplances: 2 Number of Chmneys: 10

## CONDITION REPORT
- Type of Fireplace: Prefab Masonry
- Flue x
- Insert Free Standing Stove
- Brand Name

### CHIMNEY
- Chimney Cap
- Crown/Wash/Mortar Cap
- Bricks/Mortar Joints
- Flue Liner 3-60
- Moisture Resistance
- Flashing
- Mechanical Parts

### FIREPLACE
- Smoke Chamber
- Smoke Damage
- Damper/Inlet
- Firebox/System Surrounds
- Heat Reflector
- Fireplace Door/Screens
- Ash Dump/Clean Out Door

---

### CUSTOMER VERIFICATION
I have read this form and now understand which areas of my wood/gas/oil system appear to be unsatisfactory.

Customer Signature:

Note: This sheet is a result of a visual inspection done at the time of cleaning. It is intended as a convenience to our customer, not as a certification of fire worthiness or safety. Since conditions of use are beyond our control, we make no warranty of safety or function of any appliance and none is to be implied. A yearly inspection is recommended.

---

### SOOT SAYER CORPORATION
Full Service
Chimney, Gutters, Air Ducts
3800 Deep Creek Blvd.
Portsmouth, VA 23702
Serving All of Hampton Roads
(757) 898-5811
Visit us on the web: www.sootsayer.com

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
<th>Estimate</th>
<th>Work Ordered</th>
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Comments: CHIMNEYS 3-60 ARE IN NEED OF WIPER SYSTEMS

Work Authorized By
Customer Signature:

Exp. Date: 6/9/2017
Check#: 102 Amount Pd: 0

Sweep Signature:

THANKS FOR CHOOSING SOOT SAYER
This is to Certify that the certificate of incorporation of
SOOT SAVER SWEEP & HOME SERVICES, INC.
was this day issued and admitted to record in this office
and that the said corporation is authorized to transact its business
subject to all Virginia laws applicable to the corporation and its
business. Effective date:

November 20, 1998

State Corporation Commission

Joel H. Peck
Clerk of the Commission
Business License

Town of Brodnax, Virginia
P. O. BOX K - BRODNAX, VIRGINIA 23920

RECEIVED, This 12th day of March, 2018

For Licensed Tax Levied for Business of AH Store

in the Town of Brodnax from 1st day of January, 2018
to 31st day of December, 2018.

This license must be displayed in a conspicuous place.

License Fee: $53.95

License Number 451

Beth W. Moore
Treasurer
Each section below contains a listing of specific non-cosmetic deficiencies that might have been found in that section of the property, and a classification of the type and degree of each deficiency.

*Of the items evaluated in each area, the property appeared in good working condition except for the following checked items ("X"d), the coded items in the "Rooms/Bathrooms" section, and the list of additional items near the end of the report. Major "plusses" of the property may be listed at the end of the report.* Although classification by type and degree is strictly an opinion of our firm and some categories overlap, a good faith effort has been made to classify according to the predominant or most likely involvement using the following codes:

<table>
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<tr>
<th>Type of Deficiency</th>
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<tr>
<td>S = Safety</td>
<td>A = Very important</td>
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<tr>
<td>M = Maintenance</td>
<td>B = Moderately important</td>
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<tr>
<td>P = Peripheral</td>
<td>C = Marginally important</td>
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**EXTERIOR**

- Snow cover on exterior allows only peripheral, if any, evaluation of much of exterior.
- Some non-original construction has been done on this property. We recommend that an anonymous check be made with the applicable municipality's building and housing division to see when this address was last permitted without revealing your reasons.
- No extensions on downspouts (M, B).
- Substantial debris in gutters (M, B).
- Some downspouts missing (M, B).
- Wood at soil at patio, deck, balcony, front/side/rear porch (M, A).
- Trip hazard: non-uniform/<11" treads/short step/covering deteriorated/projecting at front/side/rear porch, patio, deck, balcony, basement stairs or garage (S, A).
- Rail/stair rail missing/ungraspable/broken continuity/loose- front/side/rear porch, patio, deck, balcony, basement stairs or garage (S, A).
- Rail/stair rail loose- front/side/rear porch, patio, deck, balcony or basement stairs or garage (S, A).
- Storm or screen door automatic closer in disrepair (P, B).
- Screen door has torn screen (P, B).
- Concrete surface broken on walks (M, A).
- Trip hazard on walks due to settling and/or buckling (S, A).
- Minor cracks in foundation—probably represent primarily a cosmetic concern—patch (M, A).
- Grading around perimeter of house flat or toward house (M, B).
- Minor paint peeling in some exterior areas (M, B).
- Window screens missing (M, C).
- Some double pane windows have evidence of condensation (M, C).
- Some windows cracked/broken (M, B).
- Exterior wood around window(s) deteriorating (M, B).
- Basement window(s) wood deteriorating (S, A).
- Inadequate window wells (M, A).
- Exterior outlet not properly weatherstripped (S, A).
- Exterior switch not properly weatherstripped (S, A).
- Faucet splashblocks recommended (M, B).
- Air conditioning unit(s) not level (M, A). This results in a less efficiently operating unit and many times results in a shorter useful life of the unit.
- Outdoor temperature too cool to allow for evaluation of central air conditioning.
- Air conditioning oil heating elements not on for at least 24 hours prior to inspection and so air conditioning not evaluated.
- Trees touching electrical service line to house (S, A).
- Concrete surface broken on driveway (M, A).
- Trip hazard on driveway due to settling and/or buckling (S, A).
- Driveway slopes toward garage without opportunity for drainage (M, A).
- Weep holes do not exist in retaining walls (M, A).
- Retaining wall shows signs of being slightly out of plumb (watch/check periodically for additional settlement after take preventative action—e.g. drill weep holes, eliminate uphill pressure etc., S, A).
- Minor damage to fence (P, C).
- No drainage ditch or catch basin above building on uphill grade to divert water around house.

**ROOF**

At least 3 layers of shingles exist on roof currently. This may mean that you might have to remove at least one of the layers of shingles before applying a new layer (cost=approximately an additional 50% of new shingles if done at time of new shingle application, M, A). This cost does not include any costs related to new or replacement sheathing, if necessary, to go beneath the new shingles for support (cost=approximately an additional 50% of new shingles if done at time of new shingle application M,A)

- Ridge of roof sags (S, A).
- Decking of roof (different planes of roof that shingles rest on) is sagging (S, A).
- Trees scraping roof with risk of damage significant enough to reduce life of roof (M, A).
- Minor portions of roof need reroofing (S, A).
- Moderate portions of roof need reroofing. (S, A).
- Large portions of roof need reroofing. Consider replacing entire roof since replacing only the parts of the roof that need replacement may be about the same costs as complete replacement (S, A).

Page 2 of 10  Copyright © 3/13/98 Heur Evectic, Inc. Limitations apply to this report (see contract).
Inadequate diagonal wall supports in garage with walls out of plumb (S, A).

Inadequate diagonal wall supports in garage (S, A).

Garage roof has inadequate cross members (S, A).

There is noticeable settlement at garage foundation. Recommend structural engineer or contractor for further evaluate.

Ridge of garage roof sag (S, A).

Trees scraping garage roof, with risk of damage significant enough to reduce life of roof (M, A).

Minor portions of garage roof need reroofing (S, A).

Large portions of garage roof need reroofing. Consider replacing entire roof since replacing only the parts of the roof that need replacement may be about the same costs as complete replacement (S, A).

Estimate remaining useful life of garage roof: 0-5 5-10 10-15 15-20 20+ years

Some shingles are curling on garage roof. This limits the life of the shingles significantly (see estimated remaining useful life of roof).

Shingles are cracked on garage roof. This usually means the shingles are past approximately the midpoint of their useful life (usually a watch situation, M, A).

Some garage roof shingles are missing (M, A).

Some garage shingles are torn (M, A).

Some shingles on garage roof missing some granules. This may indicate that the shingles are approaching the end of their estimated remaining useful life.

Recommend oil and graphite coating on wood shingles/shakes of garage (M, A).

Some wood shakes/shingles have "burn" in some places on garage roof--recommend replacement of those shingles (M, A).
Wood shakes/shingles of garage roof show signs of minor curling. Could be due to a recent rain or permanent curling.
Some wood shakes/shingles splitting on garage roof (M, A).
Some wood shakes/shingles missing on garage roof (M, A).
Rolled roofing more likely to leak than rest of garage roof.
Rolled roofing on garage deteriorated (M, A).
Rolled roofing on garage wrinkled. This could significantly reduce the estimated remaining useful life of the roof material.
Rolled roofing of garage cracking. This usually means the material is past approximately the midpoint of its useful life (usually a watch situation, M, A).
Rolled roofing torn on garage roof. This should be repaired since it is a clear break in the roofing material ($80-200, M, A).
Rolled roofing installed on a garage roof with less than a 2 in 12 pitch. The pitch of the roof is not a proper application by manufacturer's instructions and its serviceability is indeterminable.
Wood touching soil at garage foundation, exterior wall or covering (M, A).
Minor cracks in garage foundation walls-probably represent primarily a cosmetic concern-cover with parging or patch (M, A).
Medium sized crack(s) in garage foundation or exterior wall. Could consider consulting with structural contractor or engineer to further evaluate.
Broken window at garage (S, A).
Trip hazard on garage floor (S, A).
Fire wall between house and garage not continuous on garage side (M, A).
Garage walls out of plumb.
Rear wall of garage bowed out (S, A).
Rear wall of garage damaged (P, B).
Wire connections exposed due to no cover over outlet box at garage (S, A).
Wire connections exposed due to no cover over switch box at garage (S, A).
Wire connections exposed due to no cover over junction box where wires meet at garage (S, A).
Wire connections exposed without junction box installation at garage (S, A).
Ramp cord used in lieu of "hard wire" at garage (S, A).
Outlet inoperable at garage (S, A).
Wires taped at junctions at garage (S, A).
Ungrounded three prong outlets at garage-change to two prong outlet or establish ground to outlet (S, A).
Reversed electrical polarity in outlet(s) at garage (S, A).
Wires to garage may not be exterior grade (S, A).
Garage vehicle door damaged (S, A).
Wires to garage hanging too low to ground (S, A).
Garage door opener not automatic reversing (S, A).
Garage door opener automatic reversing needs adjustment (S, A).
No metal/fire rated/solid core common door between house and garage (S, A).
Door between house and garage not auto closing (S, A).

**ATTIC**

Attic was not traversed due to risk of injury to inspector and damage to house.

No accessible attic space.

Could add more insulation to attic space. This would be one of the most cost-effective "repairs" that could be done on this home (P, A). However, if the home is of a rafter type, it is likely that some additional support may be required for your roof deck.

Additional insulation may allow larger amounts of snow to build up on the roof.

Uneven distribution of insulation in attic (M, A).

Evidence of roof and rafters bowing. Recommend contacting structural contractor to provide additional bracing or repairs.

Evidence of leaks at evaporative cooler penetration in roof at attic (M, A).

Evidence of leaks at chimney penetration in roof at attic (M, A).

Evidence of leaks at flue penetration in roof at attic (M, A).

Evidence of leaks at sewer vent penetrations in roof at attic (M, A).

Evidence of leaks on underside of roof-possibly due to previous or current roof covering.

Wire connections exposed due to no cover over junction box where wires meet at attic (S, A).

Wire connections exposed without junction box installation at attic (S, A).

Wires taped at junctions at attic (S, A).

Some recessed lights apparently in contact with insulation at attic. Check to be sure that the manufacturer's installation instructions allow for the fixture to be in contact with insulation or move insulation away from the fixture.
HALLS/ENTRY

All exterior doors do not have operable deadbolts or standard locks (S, A).
Sliding glass door difficult to open/lock inoperable (S, A).
Operable smoke detectors do not exist in the appropriate places on appropriate floors - levels 1, 2, 3, 4, 5 (levels circled without operating detector) (S, A).
Trip hazard at stairs: non-uniform/<11” treads/short step/covering deteriorated/projecting between: level 1 and 2 level 2 to 3 level 3 to 4 level 4 to 5 (applicable levels circled) - (S, A).
Stair rail missing/ungraspable/broken continuity/loose-stairs: level 1 to 2 level 2 to 3 level 3 to 4 level 4 to 5 (applicable levels circled) - (S, A).
Stairwell related problem may exist: Poorly lit/no 3 way switch between: level 1 and 2 level 2 to 3 level 3 to 4 level 4 to 5 (applicable levels circled) - (S, A).
Stairwell has poor headroom (S, A).
No doorbell (P, B).
Doorbell not ringing.

BASEMENT/CRAWLSPACE

Crawlspace not completely accessible and so not fully evaluable.
Significant storage in basement area severely limits basement evaluation.
Minor cracks in foundation - probably represent primarily a cosmetic concern - patch (M, A).
Medium sized crack(s) in foundation or exterior wall. Could consider consulting with structural contractor or engineer to provide a letter of evaluation for your information and persons purchasing from you in the future.
Minor effervescence evident in some areas of crawlspace/basement (see grading and downspout issues).
Some other evidence of water entry at crawlspace/basement walls (see grading and downspout, and drainage issues).
Stains at base of basement walls indicate water in basement (see grading and downspout issues).
Stains on outside basement walls indicate water infiltration (see grading and downspout issues).
Possible asbestos wrap on furnace ductwork. In order to determine whether the material is actually asbestos, it must be tested by an appropriate lab. For more information contact an industrial hygienist (see Yellow Pages).
No rim joist insulation in at least some areas of basement (P, A).
Furnace ductwork not adequately insulated in crawlspace (P, A).
No electrical insulation between copper pipe and steel.
Wire connections exposed due to no cover over outlet box in basement or crawlspace (S, A).
Wire connections exposed due to no cover over switch box in basement or crawlspace (S, A).
Wire connections exposed due to no cover over junction box where wires meet in basement or crawlspace (S, A).
Wire connections exposed without junction box installation in basement or crawlspace (S, A).
Wires taped at junctions in basement or crawlspace (S, A).
Ungrounded three prong outlets in basement or crawlspace change to two prong outlet or establish ground to outlet (S, A).
Reversed electrical polarity in outlet(s) in basement or crawlspace (S, A).
Some staining or water damage in some exposed flooring above looking from crawlspace side below a plumbing fixture (M, A).
Some staining or water damage in some exposed flooring above looking from basement side below a plumbing fixture (M, A).
No vapor barrier over earthen crawlspace floor or underside of floor upstairs. Consider laying a tar paper or visqueen layer over earth to avoid high humidity or moisture to crawlspace components etc (M, C).
Wood supports in crawlspace touching soil. This is an attraction for wood destroying insects.
Damaged or no cover over basement drain (M, A).

FURNACE/WATER HEATER

Combustion air backflow on water heater or heating/central heating flue (S, A).
Gas burning heating appliance(s) inadequately provided with combustion air (S, A).
No supply valve on water heater (M, A).
No supply valve handle on water heater (M, A).
No relief valve on water heater (S, A).
No adequate drain line on temperature and pressure relief valve of water heater (S, A).
Some leaks evident in fuel supply piping around water heater (M, A).
Some fuel supply leaks evident at manufacturer's valve at water heater (M, A).
Some leaks evident in fuel supply pipe union around water heater (M, A).
Medium efficiency central heating connected to the same flue as the water heater. This generally may not comply with manufacturer's installation instructions. Have fuel company or contractor evaluate for manufacturer's compliance.
Some leaks evident in water supply piping at water heater (M, A).
Possible asbestos wrap on furnace ductwork. In order to determine whether the material is actually asbestos, it must be tested by an appropriate lab. For more information contact an industrial hygienist (see Yellow Pages).
Possible cracked heat exchanger-match flame disturbed or blown out when at mixer or burner flame disturbed when fan turns on-have fuel company or contractor verify evidence of cracked heat exchanger.

Recommend fuel company or contractor be asked to check furnace for cracked heat exchanger—older than 20 yrs.

Some leaks evident in fuel supply piping/manufacturer’s fuel valve around heating system (M, A).

Medium efficiency furnace does not have a double walled flue as is recommended (S, A).

Above/below ground/basement oil tank/filter/line/fireproofing/fire-o-matics/emergency switch/barometric draft damper is stained/leaks/inadequate/missing/unprotected/may be abandoned/may not follow local practice/unevaluable. (S, A).

Boiler gauge/pipes/hot water supply/heat to radiators etc. stained/corroded/leaking/inadequate/banging noises (M, A).

Recommend boiler low water alarm be checked by boiler service company/utility under contract with seller.

Filter missing (S, A).

Filter(s) not properly placed on furnace(s) (M, A).

Air conditioning unit appears to have rusted parts of heat exchanger on heating unit—have fuel company or contractor check for cracked heat exchanger.

Apparent inadequate drainage on air conditioning unit condensate drainage system (S, A).

PLUMBING

Galvanized water supply piping has or will narrow internally due to rust, thus reducing flow and pressure. Recommend using water saver shower heads to reduce this effect at an important point.

Soldered copper water supply piping may allow lead to leach into water supply. Check with Poison Control to see whether such a condition is believed to represent a problem in your area.

Some supply piping has some leaks in it (M, A).

Some supply piping corroded (M, A).

Some rust or corrosion evident on drainage piping (M, A).

Some stains from possible leaks evident in drainage piping (M, A).

No P trap on washer drain (S, A).

Unvented dryer (S, A).

No electric dryer outlet (P, B).

Unanchored dryer outlet (S, A).

Dryer wire not conduited (S, A).

ELECTRICAL

Building has fuses now or probably had fuses in the past, judging by its age, and is a risk that at some time the wiring was overloaded by using oversized fuses (e.g. placing a 30 amp fuse in a slot designed for only a 15 amp fuse). However evidence/no evidence was found of any resulting damage to insulation of wires inspected—most important concern in wiring that has been "overramed".

Home has had panel box upgraded significantly from what is typical for this age home. Care should be taken to be sure circuits utilizing any old wiring in the home—probably 14 gauge—is connected to 15 amp breakers.

No main electrical switch which shuts off entire electrical service to building (S, A).

Wires entering through electrical panel box walls not protected by protective clamps (S, A).

Unused breaker slot cover openings on panel cover (e.g. breaker removed without replacement cover at slot opening).

Some single strand aluminum wiring exists in the home. Obtain a Consumer Product Safety Commission pamphlet on this issue to be sure it will be properly corrected or call 1-800-522-6752 to locate a qualified local electrician.

Some fuses/breakers have amperage ratings above that for which the wiring was designed—this sometimes results in the loss of the insulation value for wires. In the case of fuses, recommend that special amperage selective inserts be used to prevent use of oversized fuses in future (some of these fuses are available with a reset switch that allows it to work as if it were a breaker). In the case of breakers, recommend that appropriate breakers be installed for the wire sizes.

Visible evidence was found of insulation value loss in wires inspected.

However, no visible evidence was found of insulation value loss in wires inspected.

KITCHEN APPLIANCES

Food waste disposal sounds rough and may need replacing (M, B).

Chipped sink (P, C).

Countertop has burns (M, B).

Countertop has cracks (M, B).

Countertop has chips (M, B).

Kitchen appliances circled are not fully operational: Range Oven Microwave Exhaust hood Refrigerator Food waste disposal Dishwasher Waste compactor Other ______________________
SOLID FUEL STOVES/INSERTS

- Creosote buildup in wood stove/insert (S, A).
- Inadequate hearth width on wood stove/insert-less than 18 inches (S, A).
- Wood stove/insert does not follow listing clearances to combustibles- remove or remodel.
- Wood stove/insert does not follow listing clearances to non-combustibles-check with manufacturer.

FIREPLACES

- Fireplace has creosote buildup-have fireplace cleaned-level 1 2 3 4 5 (S, A).
- Firebrick deteriorating in fireplace-level 1 2 3 4 5 (S, A).
- Firebrick mortar deteriorating in fireplace-level 1 2 3 4 5 (S, A).
- Damper hardware damaged-level 1 2 3 4 5 (S, A).
- Damper hardware missing-level 1 2 3 4 5 (S, A).
- Inadequate hearth width on fireplace insert-less than 18 inches-level 1 2 3 4 5 (S, A).

ROOMS/BATHROOMS

Items in the "Rooms/Bathrooms" Sections below are coded according to the codes which follow the locations listed.

Hall Kitchen Formal Dining Room Parlor
Living Room Den Family Room Office Rec Room
Workroom Laundry room Toy room
Bedrooms (location/level): Master N S E W 1 2 3 4 5 N S E W 1 2 3 4 5
N S E W 1 2 3 4 5 N S E W 1 2 3 4 5
N S E W 1 2 3 4 5 N S E W 1 2 3 4 5

Throughout house with few, if any, exceptions:

Baths: Master bath ———— Main Full bath ————
Basement bath ———— Half bath ————

Other baths (location/level): N S E W 1 2 3 4 5 ———— N S E W 1 2 3 4 5

A Wire connections exposed due to no cover over outlet box (S, A).
B Wire connections exposed due to no cover over switch box (S, A).
C Lamp cord used in lieu of "hard wire" (S, A).
D Outlet inoperative (S, A).
E Inadequate outlets available (S, A).
F Outlet broken (S, A).
G Wires taped at junctions (S, A).
H Ungrounded three prong outlets-change to two prong outlet or establish ground to outlet (S, A).
I Reversed electrical polarity in outlet(s) (S, A).
J Switch possibly defective (S, A).
K Recommend Ground Fault Circuit Interruptor Outlets replace three-prong or convertable two prong outlets in "wet" areas - kitchens, bathrooms, exterior and garage (S, A).
L Two prong electrical outlets exist in at least some rooms. If you are planning to use a computer or other appliances which require three prong plugs, you may find that you must modify or add to the wiring arrangement.
N Minor cracks in walls (M, A).
O Evidence of leaks at wall.
P Wallpaper peeling (P, C).
R Damaged wall materials (P, B).
S Possible asbestos ceiling texture. In order to determine whether the ceiling texture is actually asbestos, it must be tested by an appropriate lab. For more information contact an industrial hygienist (see Yellow Pages).
T Possible, but very highly unlikely asbestos ceiling texture.
U Minor cracks in ceiling (M, A).
W Evidence of previous or current leaks on ceiling-possibly due to bathroom or kitchen fixtures above.
Y Evidence of leaks on ceiling-possibly due to previous or current roof covering or flashing (needs further evaluation).
Z Some ceiling tiles missing (P, C).
AA No closet in bedroom (P, B).
BB Closet door(s) not fully operational (P, B).
CC Closet door(s) missing (P, B).
DD Evidence of previous water exposure-mildew-to floor-possibly from exterior (ask owner about possible previous infiltrations of water and see downspout, window well and grading issues. Could obtain additional evaluation by specialist).
EE Flooring damaged (S, A).
FF Some flooring not attached to floor (P, C but may represent a trip hazard (S, A) if not smoothly laying on ground).
GG Floor sags or is not level (S, A).
HH Heat source apparently not adequately providing heat (M, A).
II Heat source not visible (S, A).
JJ Heat vents not covered (P, B).
KK Heater not properly vented (S, A).
LL Some windows cracked/broken (M, B).
NN Some double pane windows have evidence of condensation (M, C).
OO Numerous windows in building stick and are at least difficult to open ($40-100 per window, S -if sleeping room, A -if sleeping room)
PP Some casement windows have damaged hardware (e.g. handles, guides etc.).
RR Some windows are not sized/positioned for egress (S, A).
SS Some doors damaged (P, C).
TT Door knob damaged (P, C).
UU Door knob missing (P, C).
WW Window air conditioning unit not operable (P, C).
XX Moisture around window effecting the wall-this could be caused by poor window seals or condensation (M, A).
1 Chipped sink (P, C).
2 Sink drains slowly or is plugged (M, A).
3 Fan noisy or not fully operational (M, B).
4 No ventilation in bathroom with shower (M, B).
5 Window not movable (M, B).
6 Bathtub does not have a slip resistant floor to help prevent slip injuries (S, A).
7 Bathtub does not have a safety handhold to help prevent slip injuries (S, A).
8 Slow draining bathtub (M, A).
9 Tile above tub needs regrouting or caulking (M, A).
1V Damaged tub surround waterproof materials-e.g. tile waterproof board, plastic etc. (P, B).
2V Apparently water damaged wall next to tub (M, A).
3V Apparently water damaged flooring next to tub (M, A).
4V Galvanized water supply piping has or will narrow internally due to rust, thus reducing flow and pressure.
5V Recommend using water saver shower heads to reduce this effect at an important point.
6V Slow draining shower (M, A).
7V Shower does not have a slip resistant floor to help prevent slip injuries (S, A).
8V Shower does not have a safety handhold to help prevent slip injuries (S, A).
9V Shower needs regrouting or caulking (M, A).
1M Shower pan leak (S, A).
2M Apparently water damaged wall next to shower (M, A).
3M Apparently water damaged flooring next to shower (M, A).
4M At least some parts of shower walls are not waterproof (M, A).
5M Damaged shower waterproof materials-e.g. tile waterproof board, plastic etc. (P, B).
6M Shower head not operating appropriately (M, A).
7M Shower door not fully operational (M, B).
8M Shower valve not appropriately operating (M, A).
9M Toilet may need reanchoring (S, A).
1Q Toilet water valve allows running water (M, A).
2Q Some fixtures appeared to have poor pressure/flow. Recommend using water saver shower heads to reduce this effect at an important point and/or adjustment of in-house or street pressure regulators.
3Q Sink faucet system damaged (M, A).
4Q Tub fixtures damaged (M, A).
5Q Shower fixtures damaged (M, A).
6Q Toilet valve system damaged (M, A).
7Q Evidence of current leaks around some faucets/valves (M, A).
8Q Evidence of current leaks around some plumbing drain fixtures (M, A).
9Q Tape wrapped on sink drain (M, B).
10Q Improperly pitched drain pipe at sink (M, A).
11Q Countertop has burns (M, B).
12Q Countertop has chips (M, B).
13Q Adhesive failure on formica countertop (M, B).
14Q Countertop needs grout or caulking (M, B).
15Q Moldew, moisture or rust below shower and/or tub at walls and floor (M, A).
16Q No knob locks on door (P, C).

Page 8 of 10 Copyright © 3/13/98 Heur Evectic, Inc. Limitations apply to this report (see contract).
"Observed" and "Operated" Items may be circled whether they apply to this property or not and whether they were accessible or visible or not to indicate that they were at least checked for.

**NV = not visible**  **NA = Not Applicable**

**Apparent Wall Type:** Brick/Block/Frame/Brick Veneer/Earth/Earth sheltered/Log/Other

**Wall Covering:** Brick  Brick Veneer  Wood clapboard  Wood panels  Stucco  Metal Insulated Metal  Vinyl/plastic  Wood shingles/shakes  Asbestos  Texture  Other

**Observed:** Wall flashing/trim  Entryway doors  Eaves/Soffits/Fascia  Vegetation

**Foundation:** Concrete  Block/brick  Stone  Other  **NA**

**Porch/Patios/Decks/Balconies:** Columns: Metal/Wood/Indeterminate/NA

**Roof:** "A" Steep Medium Low Pitched Flat Gable Hip Shed Mansard Gambrel Asphalt or Fiberglass Shingles  Wood Shingles  Wood Shakes  Tar & Gravel  Rolled Metal  Clay  Vinyl  Plastic  Slate  Asbestos  Corrugate  Other

**Observed by:** Binoculars  On roof  Ladder at eave  Window  Other  **NA**

**Electrical:** Underground  Overhead  Riser (110 Volts)  220 Volts  **Operated:** Switches/Fixtures Panel Box Loc.(s):Stairwell/Garage/Laundry/BSmnt/Exterior/Hall/Closet/Furnace room/Other

**Observed:** Grounding/Receptacles (garages/carports, exterior and near fixtures)/GFCI operation

Service: Alum./Copper  Main Disconnect Amps: 30 40 50 60 70 80 100 125 150 200  Other: None

**Attic:** Inspection method: At access port  Access obstructed/partially obstructed  No attic

Walking in attic  Entry would damage property (e.g. insulation would be disturbed)

Adverse/Dangerous situations suspected (e.g. no floor boards)

Ceiling structure: NV Trusses/Joists  Roof Structure: NV Trusses/Rafters  Sheathing/Batt boards

Insulation: NV  Cellulose  Fiberglass  Rockwool  Roll/Batt  Loose fill  Other

Vapor barrier: Not visible/None/Incorrectly placed

**Water Heater Unit:** Tank  Instantaneous (tankless)  Potable hot water from heating system

**Central Heating:** Duct/distribution: Sheet metal/Sub-Slab/Flexible/Pipe/Radiant ceiling plenum

**NA**

Type: Forced air  Hot Water: Gravity/Circulating pump  Steam  Heat pump (test if outside > 30° & < 60° F)

Up/down/horiz. draft  Hi/Medium efficiency "Octopus" gravity/forced air  **Observed:** Oper./Safety Controls

Fuel: Natural Gas  Electricity/Propane/Wood/Coal/Kerosene/Solar  Oil with interior-exterior tank/Other

**Observed:** Oper./Safety Controls

**Central Cooling:** Electric/Gas/Oil  Integral/Split  Temp. < 60° F or unit not "warmed up" 24 hrs.

**AD**

Type: Condenser/Chiller  Not applicable  before test (do not test)

**Observed:** Operating controls

**Crawlspace:** Inspection method: No crawlspace/At port  Access obstructed/partially obstructed

Crawling/Walking inside crawlspace  Adverse/Dangerous situations suspected (e.g. waste, minor head/knee/hand injury)

Vapor barrier: On ground/Not visible/None/Incorrectly placed  Venting: Yes  No

**Floor/Ceiling structure:** NV Trusses/Joists  Underside Upstairs Floors: NV Batt Plywood Chipboard Concrete

**NA**

Vapor Barrier: Not visible/None/Incorrectly placed

Girders/Beams: NV/Bearing wall/Wood/Built-Up Joists/Solid Beam/Laminated Beam/Brick/Steel/Other

Piers/Support Posts: NV/Bearing wall/Wood/Masonry/Concrete/Other

**Footings:** NV/Masonry/Concrete/Other

**Water supply:** Galvanized/Copper/Plastics  Other  **NA**

**Observed:** Fixtures/Faucets  Cross Connects/NA

**Water Drainage:** Cast iron/Galvanized steel/Plastic/Copper/Lead/Steel/Other  **NA**

**Observed:** Sumps/NA

**Kitchen:**  **NA**

Observed: Cabinets
Regardless of the use of plural or singular, all of the following entries refer to at least one item of the type referred to in the comment:

(Conditions Repair Needed)

2 splices in panel box = < (see page 1)

Major condition plusses to this property probably not typical in this age property (e.g. newer roof, newer furnace, fuses replaced with breakers, etc.):

Gen Floor Roof in good condition.
No exposed wiring or deep cords.

Approximate number of problems or preventative maintenance items found on this property through our inspection:

2 - (in panel boxes)
Documents Submitted
By Brunswick County
(Page left blank intentionally)
Mr. Luter,

In an effort to ensure ex parte communication does not occur, I met with Mr. Dupree on Monday (September 17, 2018) to show him the attached letter regarding amending the violations listed in the Notice of Violation issued to Mr. Dupree on May 10, 2018. If my recommendation to amend the violations cited to Mr. Dupree are accepted by the TRB then the Issues for Resolution would be issues #1, #2, #3, #7 as listed in the Suggested Issues for Resolution by the Review Board. Mr. Dupree and I both signed and dated the attached letter.

Additionally, to maintain transparency, I have copied Mr. Dupree on this message.

Please add the attachment as additional documentation to appeal 18-11.

Thank you,

Harrison Jamison || Building Official || Brunswick County
228 N. Main St. || Lawrenceville, VA 23868 || (434) 848-2962
September 14, 2018

Department of Housing & Community Development
Technical Review Board
Division of Building & Fire Regulation
State Building Codes Office
600 East Main Street, Suite 300
Richmond, Virginia 23219

Re: Appeal 18-11 (H. Dupree)

To Members of the Technical Review Board,

I would like to recommend an amendment to Appeal 18-11. The appellant, Mr. Harvey Dupree, and I have included both of our signatures below to indicate approval by both parties.

The amendment is as follows: Remove the following Violations Cited in the Brunswick County Notice of Violation / Stop Work Order dated May 10, 2018 to Harvey and Ann Dupree DBA A&H Variety:

2. Code Section: 109.3: Engineering Details
3. Code Section: 110.3: Asbestos Inspection Required on Structures
4. Code Section: 113: Inspection Required
5. Code Section: 113.1.2: Duty to Notify of Inspection Needed
6. Code Section: 118.4: Notice of Unsafe Building or Structure
7. Code Section: 119.5: Right of Appeal

The four (4) following cited violations would be the items under appeal for Violations Cited in the Brunswick County Notice of Violation / Stop Work Order dated May 10, 2018 to Harvey and Ann Dupree DBA A&H Variety:

1. Code Section: 103.3: Change of Occupancy to a Structure
2. Code Section: 103.6: Reconstruction, Alteration & Repair shall comply with the Virginia Rehabilitation Code (VRC)
3. Code Section: 108.1: When Application is Required for Permit

1 County of Brunswick. Building Inspections Department. Notice of Violation / Stop Work Order, 05/10/2018.
2 County of Brunswick. Building Inspections Department. Notice of Violation / Stop Work Order, 05/10/2018.
The undersigned persons do hereby agree to the amendments listed above.

Harvey Dupree (Appellant)  
9.16.18  
Date

Harrison Jamison (Building Official)  
9.14.18  
Date

Respectfully submitted by Harrison Jamison, Building Official, County of Brunswick, Virginia.
(Page left blank intentionally)
VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

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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.
(Page left blank intentionally)
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.


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 or not to provide the requisite extension to the timeframe provided by the local appeals board to 120 days, from the decision of the Review Board, to review the documentation sent to Lindsey by the City and local appeals board.
(Page left blank intentionally)
2. Whether or not to provide the requisite extension to the timeframe provided by the local appeals board to 365 days, from the decision of the Review Board, to complete reconstruction of the home and obtain a new Certificate of Occupancy.
(Page left blank intentionally)
Basic Documents
(Page left blank intentionally)
NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 7, 2018

CERTIFIED: 7017 0190 0000 9661 5431

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

Reference: Demolition of 2445 Strawberry Lane
Tax Parcel 1410000005030

Dear Property Owner(s):

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

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

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

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

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

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

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

March 7, 2018

CERTIFIED: 7017 0190 0000 9661 5462

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

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

Dear Judgement Holder(s):

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: 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 __________________________
Notice of Violation

Parcel #: 14100000005030  Property Address: 2445 STRAWBERRY LN.

Occupancy Type: Occupied  Tenant Name:  

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

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

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

NOTE: MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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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 14-88 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
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  
Occcupancy 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."
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 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.

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Demolition
2445 Strawberry Lane
Page Two
March 7, 2018

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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 F. 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: ___________________________
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. Parcell

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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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

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The building is a single story brick veneer residence that was occupied at the time of the fire. According
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time frame is correct.

The "A" side of the structure faces Strawberry Lane and is a typical residential of the time frame. There is
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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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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 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, M.I.
Code Official

Enclosures
DESTRUCTION 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 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  Tenant Name: LINDSEY, WILLIAM J. & MARJORIE A.

Owner Name/Address:  

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 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.

"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 1410000005030

Dear Property Owner(s):

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

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

Part III, Section 105.4 of the USBC requires that you declare immediately upon receipt, to the Code Official, acceptance or rejection of the terms of this notice.
Demolition
2445 Strawberry Lane
Page Two
March 26, 2018

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

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

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

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

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

Respectfully,

[Signature]
John D. 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: _______________________.

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

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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

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

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

Additional Comments/Explanations:

______________________________________________________________

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

[ ] Owner

[ ] Other

Signature ___________________________ Date ___________________________

Address ___________________________

Contact Phone Number ___________________________
AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703
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.

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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

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.  
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

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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/Development-and-Permits/forms.htm](http://www.cityofchesapeake.net/government/City-Departments/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.
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 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: ___________________________.
Department of Development and Permits
Attention: John T. King, III
Post Office Box 15225
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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

_______

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

_______

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

Additional Comments/Explanations:

__________________________________________________________

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

[ ] Owner

[ ] Other

Signature ___________________________ Date ___________________________

Address ___________________________

Contact Phone Number ___________________________
AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703  
Hazardous Structure Number: Unknown

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 1399  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 Type:** Occupied
**Owner Name/Address:** LINDSEY, WILLIAM J. & MARJORIE A.

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

Violations must be corrected within **30 days**

**Name of Inspector:** Julian T. Parcell

---

**NOT MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST**

<table>
<thead>
<tr>
<th>EXTERIOR</th>
<th>INTERIOR</th>
<th>PLUMBING/FIXTURES</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>
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<tr>
<td>302 Exterior Areas</td>
<td>305.2 Structural members</td>
<td>502.1 Water closet</td>
<td>603.1 Mechanical Appliances</td>
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<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>
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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>
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<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>
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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 Service Connections</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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<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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<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>46.131.1 Graffiti</td>
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<td>105 Unsafe/Unfit Structure</td>
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<tr>
<td>14.4 Dangerous Building</td>
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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."
Return of Service

CITY OF CHESAPEAKE DEVELOPMENT AND PERMITS vs KAREN LINDSEY

Case #: 70170530000025125318
Paper Type: Notice
Court Date:

Name: LINDSEY, KAREN
Address: 2445 STRAWBERRY LN
Chesapeake, VA

Date Served: 3/30/2018 11:26:49 AM
Type of Service: Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.

Note:

WW180329056
Serving Officer: Deputy M. Elkins
For: Jim O'Sullivan, Sheriff
Date: 04/10/2018

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

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</tbody>
</table>

BALANCE DUE $0.00
Department of Development and Permits  
Attention: John T. King, III  
Post Office Box 15225  
Chesapeake, Virginia 23320  

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:  

[Signature]

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.  

4 Owner  
8 Other  

[Signature]  

Kareemindee  

[Phone Number]  

757-247-0899  

[Address]  

Chesapeake, VA 23324  

[Date]  

April 10, 2014
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.


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,

[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.*
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

<table>
<thead>
<tr>
<th>ATTENDEE (Initials)</th>
<th>REPRESENTING</th>
<th>EMAIL</th>
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<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. 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>
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<tr>
<td>Eric Stichler</td>
<td>LBBCA</td>
<td><a href="mailto:estichler@bgi-gc.com">estichler@bgi-gc.com</a></td>
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<tr>
<td>Steven D. Allen</td>
<td>LBBCA</td>
<td><a href="mailto:redtr6man@cox.net">redtr6man@cox.net</a></td>
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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."
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@dhec.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

Appeal Application requested by Review Board staff for clerical purposes. Appeal received June 15, 2018 via email in the next three pages

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

Karen Loosney - (757) 287-0299 - k.loosney.lind@gmail.com

2445 Strawberry Lane, Chesapeake, VA 23324

Mailing Address: PO Box 5481, Chesapeake, VA 23324

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

Dept of Development and Permits - Tawne Cedano, PO Box 5481, Chesapeake, VA 23324-5481

John King Code Official Email Address:JKing@cityofchesapeake.net - (757) 382-8776

Michele Throckmorton Code Enforcement Administrator Email Address: mthrockmorton@chesapeake.net - (757) 382-8374

Additional Information (to be submitted with this application):

☐ Copy of enforcement decision being appealed

☐ Copy of record and decision of local government appeals board (if applicable and available)

☐ Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 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: [Signature]

Name of Applicant: Karen Loosney

(please print or type)
Luter, William <travis.luter@dhcd.virginia.gov>

 Appeal to Technical Review Board

Karen Lindsey <k.lex.lind@gmail.com>  
To: Vernon.Hodge@dhcd.virginia.gov  
Cc: Travis.Luter@dhcd.virginia.gov

Fri, Jun 15, 2018 at 5:59 PM

Technical Review Board State of Virginia

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

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

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

This methodology of demolishing displaced victims homes immediately after a fire without having any direct contact first with the representative of the property is just plain cruel and unethical. Did anyone take into consideration what the victims have endured? First of all, everyone is traumatized by having to escape a fire and there was not even a sympathetic gesture from anyone in the Department of Development and Permits, just letters sent out to destroy the property, like we all had perished in that fire. 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?

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

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

KAREN LINDSEY

Signature

July 12, 2018

Date

(571) 247-0299

Phone Number

City employee initials / Date

310
Chesapeake

3 people displaced in Chesapeake house fire

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

Credit: Courtesy of Lieutenant

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.l.und@gmail.com>
To: Jay Tate <jtate@cityofchesapeake.net>

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.l.und@gmail.com>
Cc: "Meredith H. Jacobi" <mjacobi@cityofchesapeake.net>

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.l.und@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.l.und@gmail.com>
To: Jay Tate <jtate@cityofchesapeake.net>

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.l.und@gmail.com>
Cc: "Sandra R. Witherow" <switherow@cityofchesapeake.net>, Michele Throckmorton <mdthrockmorton@cityofchesapeake.net>

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.l.und@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

Jay Tate <jtate@cityofchesapeake.net>  Mon, Apr 2, 2018 at 6:15 PM
To: Karen Lindsey <k.lex.lind@gmail.com>
Cc: John King <JKING@cityofchesapeake.net>, "Sandra R. Witherow" <switherow@cityofchesapeake.net>

Dear Ms. Lindsey,

You have asked for the contact information of the director who oversees the appeal process. The person who administers (oversees) the appeals to the Local Board of Building Code Appeals (LBBCA) is the City’s Code Official under the Virginia Maintenance Code. Mr. King is the City’s Code Official, which is why the NOV instructs you to submit the appeal form and application fee of 25.00 to his office, where the Recording Secretary for the LBBCA is also located. In order to process your appeal, you must complete the form and fee by the deadline, or the City will take the position that the appeal period has expired and the assessment by the Code Official stands. If you file an appeal, a hearing before the Local Board of Building Code Appeals will be scheduled and you will have the opportunity to present your position concerning the property and the actions of the Code Official to them. You may also submit any other documentation or statements that you would like for the Local Board of Building Code Appeals to review in advance to the Code Official, and he and the Recording Secretary for the LBBCA will compile a packet to provide the LBBCA that contains both yours and the City’s supporting documentation.

You have asked for copies of photographs of the exterior of the structure. Please see attached. Side A faces the street, Side C is the back of the house, and sides B and D are the other sides of the house. The codes pertaining to the notice of violation can be found in the Virginia Maintenance Code at https://codes.iccsafe.org/public/document/VMNC2012.

You have also indicated that you are interested in resolving this matter in a reasonable timeframe. You may choose to pursue one or more of the following options:
1. Repair the structure. If you choose to repair the structure, several documents will be required in order purchase the required building permits prior to beginning work. A Structural Engineer’s report that details the required structural repairs will be needed. This report shall include the estimated cost of the repairs. In addition, two (2) Class A Contractor’s reports will be required detailing the structural and nonstructural repairs and estimated costs that will result in compliance with the Virginia Uniform Statewide Building Code (VUSBC). The third item that will be required in order to purchase permits will be a memorandum of understanding (MOU) between the property owner and the City. This MOU will need to detail timelines for completion and inspection of repairs.
2. Demolish the structure. If it is determined by the property owner that demolition of the structure will be pursued, the following criteria must be completed.
   a. Request a rodent free inspection from the Department of Development and Permits. There is a $25 fee
associated with a rodent free inspection.
b. Request utility release letters from all of the utility providers that supply the structure. Written releases must be submitted to the City with the application for a demolition permit.
c. Purchase the demolition permit and receive a final inspection upon completion of the removal of the structure.
3. The determination and notice of violation issued for the unsafe structure is authorized by the VUSBC, Virginia Maintenance Code as adopted by the City of Chesapeake. You may choose to appeal the notice of violation to the Local Board of Building Code Appeals (LBBCA). The form supplied to you within the Notice of Violation should be completed and submitted to the Code Official with the application fee of $25, made out to the City of Chesapeake. The appeal documents must be submitted within 14 days of the date of the notice of violation. Since the notice of violation sent to you was dated March 28, 2018, the deadline for submittal and perfection of an appeal will be prior to close of business on April 11, 2018.
Please be aware that failure to respond and/or submit required documentation by the provided deadlines will result in action to have the unsafe structure demolished and removed. If you have questions about resolving the violations or processing an appeal, Mr. King can be reached at 757-382-6466.

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

-----Original Message-----
From: Karen Lindsey [mailto:k.lex.lind@gmail.com]
[Quoted text hidden]

4 attachments

1801011 (9) (1).jpg
2419K

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

Address: 1234 Cedar Road
Parcel # 1000000000000

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

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

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

Signature ___________________________ Date __________

Printed Name ________________________ Property Owner

Signature ___________________________ Date __________

Printed Name ________________________ Agent (power of attorney)

Notary:

State of:
City/County of:

On ________________ personally appeared before me ________________________

Whose identity I verified on the basis of _________________________________.

Notary Public ________________________________

My commission expires:
Memorandum of Understanding  
Unsafe and Dangerous Structures  
Attachment

Address: 1234 Cedar Road  
Parcel # 1000000000000

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

1. Structural engineer report and building permit for structural repairs must be obtained by **April 15, 2018**.

2. All structural repairs to primary structure house required to meet the Virginia Uniform Statewide Building Code shall be completed, inspected and approved prior to **June 23, 2018**.

3. All other inspections, to include an additional inspection by Code Compliance Building Maintenance Inspector for approved habitability of occupants, shall be completed by **June 23, 2018**.

4. Certificate of Occupancy (C.O.) is required to be issued by **June 23, 2018**.

Property owner or Agent Signature __________________________

Printed Name __________________________

Date __________

City Employee's initials _______
April 2018 Demolition List

Board-Ups

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

Dangerous Building

- 1113 Kimberly Court
- 405 Beauregard Drive

Demolitions

- Dominion Blvd S
- 935 Hill Street
- 829 Bells Mill Road
- 837 Bells Mill Road
- 841 Bells Mill Road
- 4912 Bainbridge Boulevard
- 3802 Bainbridge Boulevard
- 2509 Battlefield Boulevard
- 2445 Strawberry Lane
- 2361 Number Ten Lane
- 2256 Jolliff Road
- 220 Rainbow Lane
- 1400 River Birch Run S
- 128 George Washington Hwy S
- 0 Gum Road
- 1409 Martin Avenue
- 1411 Martin Avenue
- 1412 Martin Avenue
- 1413 Martin Avenue
- 2055 Maywood Street
- 2575 Narrow Street
- 3706 Bainbridge Boulevard
- 1408 Eagleton Arch
- 1612 Jackson Ave
- 2237 Delwood Road
- 2622 King Court
- 4133 Sunkist Road
Documents Submitted
By the City of Chesapeake
(Page left blank intentionally)
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
Utilities Connected: ☑ City Water ☑ City Sewer ☐ Septic Tank ☐ Gas ☑ Electric

Real estate Tax Value: $171,700.00
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.

(Pictures labeled A for TRB)

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.

(Pictures labeled B for TRB)

"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. (Pictures labeled C For TRS)

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. (Pictures labeled D For TRS)

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. (Pictures labeled I For TRS)

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."
Additional Documents Submitted By the City of Chesapeake
(Page left blank intentionally)
VIA Email
Virginia State Building Code
Technical Review Board
W. Travis Luter Sr.
Secretary to the Board
travis.luter@dhcd.virginia.gov

Re: 2445 Strawberry Lane, Chesapeake- Karen Lindsey- LBBCA Ruling 18-02
City of Chesapeake Position Statement

Dear Secretary Luter and Members of the Board:

The City of Chesapeake and its Code Official ("City"), by counsel, respectfully submit this position statement in support of the Code Official’s Notice of Violation dated March 26, 2018 (see “Proof of Notice Posting on Property, p. 1) and the decision of the Chesapeake Local Board of Building Code Appeals (LBBCA) dated May 21, 2018 (see “Local Board of Building Code Appeals Decision Letter). All references are to the labeled .pdf attachments provided to Secretary Luter via email from Michele Throckmorton on July 23, 2018, which are hereby incorporated into this statement by reference.¹

1. The Board does not have jurisdiction to hear this appeal and should dismiss it outright.

Section 106.8 of the 2012 Virginia Maintenance Code (VMC) states in relevant part, “The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official’s decision. For appeals from a LBBCA, a copy of the code official’s decision and the resolution of the LBBCA shall be submitted with the application for appeal to the State Review Board” (emphasis added). This language is mandatory and requires an application with the attachments to be submitted within 21 calendar days of receipt of the LBBCA decision. Cf. Hershfield v. Town of Colonial Beach, Record No. 0628-98-2, 1999 Va. App. LEXIS 34, at *2 (1999) (upholding the circuit court’s decision to dismiss appeal of TRB decision under Va. Rule 2A:2 because Hershfield’s notice of appeal was filed untimely); Sours v. Va. Bd. for Architects, Prof’l Eng’rs, Land Surveyors & Landscape Architects, 516 S.E.2d 712, 715 (1999) (“the timely filing of a petition for appeal of an agency decision is jurisdictional”). In compliance with the language of the VMC, the Virginia State Building Code Technical Review Board’s (TRB) appeal application contains specific instructions for determining the filing date of the application.

Under the VMC, an emailed notification of the intent to appeal is not sufficient. According to the certified mail return receipt for the LBBCA decision, Ms. Lindsey, through her

¹ The City has handwritten highlighted labels for the benefit of the TRB within the documents. Please note that highlighted labels have been added for the easy reference of the TRB and were not part of the LBBCA record.

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agent, received the LBCCA’s decision on May 25, 2018 (see “Local Board of Building Code Appeals Decision Letter,” p. 3). Ms. Lindsey should have submitted a completed application with the required attachments no later than June 15, 2018. According to Mr. Luter’s email of July 18, 2018 (attached as Exhibit A), Mr. Lindsey’s appeal application was received on July 18, 2018, twelve days too late. Thus, Ms. Lindsey failed to submit her application within the time limit and has accepted the decision of the Code Official as a matter of law. For this reason, the City requests that this appeal be dismissed without a hearing.

2. The City objects to consideration of ex parte communications by Ms. Lindsey, including her appeal application.

To date, the City has not received a copy of Ms. Lindsey’s appeal application. Because of this ex parte communication and failure to serve the City, the City is prejudiced in its ability to respond to Ms. Lindsey’s appeal. For this reason, the City requests that this appeal be dismissed without a hearing. If the Board is not inclined to dismiss the appeal on this basis, the City respectfully requests to be provided with a copy of Ms. Lindsey’s appeal and the opportunity to respond to any allegations it contains.

3. Without waiving its Motion to Dismiss for failure to timely file the appeal, the City requests that the TRB uphold the decision of the LBCCA.

Should the TRB allow Ms. Lindsey’s time-barred appeal to be heard, the TRB should uphold the decision of the LBCCA. Ms. Lindsey has actual notice of the Code Official’s determination and the structure located at 2445 Strawberry Lane, Chesapeake, VA is an unsafe structure under the Virginia Maintenance Code. See, e.g. “Supporting Pictures to Inspection Report-First Set,” pp. 8-13; Amended Building Inspection Report, p. 2. To date, Ms. Lindsey has neither provided a structural engineer’s report to the Code Official indicating that the structure can be repaired, nor made any other lawful efforts to repair or demolish the structure.

Very truly yours,
John T. King, III
Code Official for the City of Chesapeake

By:
Meredith Harlow Jacobi
Assistant City Attorney

CC via e-mail: Karen Lindsey, Appellant
John T. King, III, Chesapeake Code Official
Michele Throckmorton, Code Compliance Administrator

2 Per the TRB’s own form, the application could also have been timely if Ms. Lindsey had signed the Certificate of Service on June 15, 2018 and it was received within five business days of that date.
Meredith H. Jacobi

From: Michele Throckmorton
Sent: Monday, July 23, 2018 3:29 PM
To: Luter, William
Cc: Brown, Jeff (DHCD); John King; Meredith H. Jacobi; Pamela D. Witham
Subject: RE: Appeal to the Review Board for Karen Lindsey (Appeal No. 18-07)

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon Mr. Luter,

Please see attached the additional information you have requested and inform if any additional information is required. Thank you.

Sincerely,
Michele Throckmorton
Code Enforcement Administrator
City of Chesapeake
Department of Development & Permits
Phone: 757-382-8374
mdthrockmorton@cityofchesapeake.net

From: Luter, William [mailto:travis.luter@dhcd.virginia.gov]
Sent: Thursday, July 19, 2018 9:06 AM
To: Karen Lindsey; John King; Michele Throckmorton
Cc: Brown, Jeff (DHCD)
Subject: Appeal to the Review Board for Karen Lindsey (Appeal No. 18-07)

All:

Karen Lindsey requested an appeal on June 15, 2018 via email. The Review Board does not have a policy requiring a request for appeal to be on the application; however, for clerical purposes Review Board staff requested Ms. Lindsey fill out an appeal application and submit it with her initial submittal. The appeal application and her initial submittal was received yesterday.

Attached is the information we received in the above-referenced appeal to the Review Board. Please send in any additional documents and/or photographs you have relative to the appeal by August 17, 2018 so Review Board staff may begin the processing of the appeal. If you submit any photographs, please correlate them to the applicable cited violations in your submittal.

Once we receive all the documents Review Board staff will determine how best to process the appeal. It would generally be either by drafting a summary of the appeal for the parties to review, or by conducting an informal fact-finding conference to meet with the parties to clarify the facts and issues in the appeal.
Please feel free to contact me if you have any questions or concerns.

W. Travis Luter Sr., C.B.C.O.
Secretary to the State Building Code Technical Review Board
Senior Construction Inspector II
Department of Housing & Community Development
Division of Building & Fire Regulation
State Building Codes Office
600 East Main Street, Suite 300
Richmond, Virginia 23219
(804) 371-7163 - phone
(804) 371-7092 - fax
Additional Documents and Written Arguments Submitted by the City of Chesapeake
(Page left blank intentionally)
VIA Email
Virginia State Building Code
Technical Review Board
W. Travis Luter Sr.
Secretary to the Board
travis.luter@dhcd.virginia.gov

Re:  Appeal No. 18-07: 2445 Strawberry Lane, Chesapeake
City of Chesapeake Response to Staff Report

Dear Secretary Luter and Members of the State Building Code Technical Review Board:

Please accept this response to the proposed Record and Review Board Staff Document ("Staff Report") by the City of Chesapeake and its Code Official ("City"), by counsel. The City objects to the characterization of Ms. Lindsey’s June 15, 2018 email as an “application for appeal” in Suggested Summary of the Appeal number ten, and requests that the additional issue of whether the appeal should be dismissed for lack of jurisdiction be added to the Suggested Issues for Resolution by the Review Board.

1. The Board has the authority to rule on procedural issues, which should be included as such in the Staff Report.

Proceedings of the State Building Code Technical Review Board (TRB) are governed by the Administrative Process Act. Va. Code § 36-114. Under the Administrative Process Act, agencies, such as the TRB, rendering case decisions may “dispose of procedural requests.” Va. Code § 2.2-4020(C). The City’s request that the TRB dismiss this appeal due to the appeal application’s untimely filing is a procedural request. Furthermore, the timely filing of a petition for appeal of an agency decision is jurisdictional. Sours v. Va. Bd. for Architects, Proj’l Eng’rs, Land Surveyors & Landscape Architects, 516 S.E.2d 712, 715 (1999). Failure to comply with procedural rules renders an appeal subject to dismissal. Mayo v. Dept of Commerce, 358 S.E.2d 759, 761 (1987). Because this issue involves the TRB’s jurisdiction to hear the merits of the appeal, it should be included in the Review Board Staff Document an “Issue for Resolution by the Review Board.” The City respectfully requests that it be added.

2. The sequence of the filings for this appeal is material and should be included in the Summary of the Appeal in detail.

The purpose of the time limit is not to penalize the appellant, but to protect the appellee, who needs to know when the litigation has ended and be able to act on that knowledge. Sours, 516 S.E.2d at 715. In order for an appeal application to be timely filed, all of the statutory requirements to perfect the appeal must be met. Id. The Mayo case has similar facts to this case. Mayo appealed an agency decision, issued on August 19, 1985, revoking her professional license, to a Virginia Circuit Court under the Administrative Process Act. 358 S.E.2d at 760. Virginia Supreme Court Rule 2A:4(a), at issue in the Mayo case, requires that a petition for

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appeal in a proceeding for review brought pursuant to the Administrative Process Act be filed within 30 days after the notice of appeal has been filed with the administrative agency. 358 S.E.2d at 761. Mayo filed her Notice of Appeal with the agency on September 4, 1985, but she did not file her Petition for Appeal within 30 days of that date. id. (Mayo filed for a hearing requesting the appeal deadline be extended on November 25, 2018 instead). The Virginia Court of Appeals found that, where the applicable procedural rules required the “petition for appeal and the record within the time provided,” failure to present those items was fatal to the appeal, and that this reasoning applied to Circuit Court proceedings as well. 358 S.E.2d at 761. The City sees no reason why it should not also apply to TRB proceedings.

Because the Mayo case is analogous to the 2445 Strawberry Lane case, and the Mayo court relied on the timeline of filings provided by the applicant to reach its ruling, the timeline of filings provided by Ms. Lindsey should likewise be included in the Review Board Staff Document. Thus, the City requests that the Suggested Summary of the Appeal be corrected to add the following:

10. Lindsey received a copy of the local appeals board decision on May 25, 2018. Lindsey emailed her intent to appeal to the Review Board on June 15, 2018.

11. Lindsey executed an appeal application on July 12, 2018. The Review Board received the application on July 18, 2018.

An email is not an appeal application as required by section 106.8 of the 2012 Virginia Maintenance Code. The City objects to this characterization in the Staff Report, and the characterization of the appeal application as being filed “for clerical purposes.” The appeal application is a jurisdictional requirement. Thus, City respectfully requests that the record and Review Board Staff Document be revised as outlined above.

Very truly yours,
John T. King, III
Code Official for the City of Chesapeake

By:

Meredith Harlow Jacobi
Assistant City Attorney

CC via e-mail: Karen Lindsey, Appellant
John T. King, III, Chesapeake Code Official
Michele Throckmorton, Code Compliance Administrator