

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

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

W. Shaun Pharr, Esq., Vice-Chairman
(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler
(Virginia Home Builders Association)

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

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

Christina Jackson
(Commonwealth at large)

Joseph A. Kessler, III
(Associated General Contractors)

Eric Mays
(Virginia Building and Code Officials Association)

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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**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
October 12, 2018
Henrico, Virginia**

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt

Members Absent

Mr. Daniel Crigler
Ms. Joanne Monday
Mr. E. G. Middleton, III
Mr. Aaron Zdinak, PE

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.

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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

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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.

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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.

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Secretary's Report

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..

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 6:35 p.m.

Approved: November 16, 2018

Chairman, State Building Code Technical Review Board

Secretary, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jack D. Singleton
Appeal No. 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

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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.

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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.

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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

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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.

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VIRGINIA:

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.

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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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9. Grant further appealed to the Review Board on June 26, 2018.

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.

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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
 of
4281 COLF AVENUE, SUFFOLK, VIRGINIA

| VUSBC SECTION | NATURE OF VIOLATION | DATE AND TIME OF VIOLATION | AMOUNT OF CIVIL PENALTY |
|---------------|---|----------------------------|-------------------------|
| 199.3 | Complete a Structural evaluation including 2 nd floor knee wall, attic & crawl space | 4/25/16 | \$100.00 |
| M1401.3 | Improper sizing of heating & cooling equipment & appliances. Differences between original information submitted and 2 nd reevaluation submittal. | 4/25/16 | \$100.00 |
| P2603.2.1 | Fail to install shield plates to protect plumbing pipes. | 4/25/16 | \$100.00 |
| 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

RETURN DATE FILE #

 CITY OF SUFFOLK
 PLAINTIFF

V.

DEFENDANT
 KEBCO ENTERPRISES, INC

SERVE: Kenneth Bullock

ADDRESS
 1332 Cambridge Way

Chesapeake, VA 23320

TELEPHONE #
 757-435-4305

SUMMONS FOR HOUSING/BUILDING VIOLATION
 I certify that I mailed or hand delivered a copy of this document to the defendant(s) named herein at the address shown hereon.

6/7/2016
 Date Plaintiff Larry Stokes II

TO DEFENDANT: You are not required to appear; however, if you fail to appear judgment may be entered against you.

CONTESTED CASES:
 will be heard on return date:
 will be set for later date:

BILL OF PARTICULARS
GROUND OF DEFENSE

**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 23419; 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 will be received by the Office of the Treasurer no later than the day prior to the return date. Timely 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 757-514-4175.

WAIVER OF TRIAL AND ADMISSION OF LIABILITY

By signing this form, I certify that I have read this NOTICE and I am entering my written return than personal appearance 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 enclose to the civil penalty prescribed. Further, I agree to abate any violations within 6 months of this date.

Signature _____

Date _____

PROCEDURES IF VIOLATOR IS A PERSON UNDER A DISABILITY

If defendant is a minor or other person under a 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 countersignature must be made in person at the court if the defendant chooses to appear in court. If payment is made by mail or in person in the Office of the Treasurer, the parent(s) or legal guardian's must be notarized.

GUARANTOR OF PAYMENTS:

SIGNATURE OF PARENT OR LEGAL GUARDIAN _____ Date _____

SWORN AND SUBSCRIBED before me this _____ day of _____, 20____.

Notary Public _____ My Commission Expires: _____

SERVICE: _____

NAME: _____

ADDRESS: _____

Personal Regular Mail 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 conducted on the return date; but will be scheduled for a later 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 to 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, 757-514-4190.

SCHEDULE OF CIVIL PENALTIES

| SECTION VIOLATION | FIRST OFFENSE | SUBSEQUENT |
|--|---------------|------------|
| Virginia Uniform Statewide Building Code 109.3 - Engineering Details | \$100.00 | \$350.00 |
| M1401.3 - Equipment and Apparatus String | \$100.00 | \$350.00 |
| P2603.2.1 Protection Against Physical Damage | \$100.00 | \$350.00 |

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 _____



DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT


Division of Community Development

CITY OF SUFFOLK

442 W. WASHINGTON STREET, POST OFFICE BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4150 FAX: (757) 514-4199

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 VRC. 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 (131341428052233091) 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.

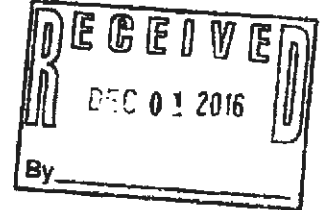
Please review attachments for additional information in supporting the City's position in this matter:

- 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.

City of Suffolk
Community Development
Phone: 757-514-4150
Fax: 757-514-4199

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



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.
3. Statement of specific relief sought.

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.

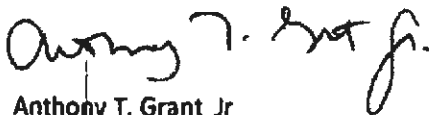
Signature of Applicant: Anthony T. Grant Jr.
Name (print or type): Anthony T Grant Jr.

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. X UPHOLDS REVERSES MODIFIES the Building Official's decision with respect to appeal identified as N1102.4; and,
2. X UPHOLDS REVERSES MODIFIES the Building Official's decision with respect to appeal identified as R-703.11; and,
3. X UPHOLDS REVERSES MODIFIES the Building Official's decision with respect to appeal identified as R-408; and,
4. X 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. X UPHOLDS REVERSES MODIFIES the Building Official's decision with respect to appeal identified as P2603.2.1; and,
7. X UPHOLDS REVERSES MODIFIES the Building Official's decision with respect to appeal identified as R403.1.6; and,

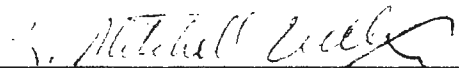
8. _____ Finds X Does not find that the request for the appeal identified as Inspection Report project number SFC2014-00187 is warranted (Public Works Department and not a building code item); and,
9. _____ Finds X Does not find that the request for the appeal identified as Driveway and Garage floor 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 Kebeo 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.



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.

R. Mitchell Wilcox
Chairman, Board of Building Code Appeals

5-10-18
Date



CITY OF SUFFOLK
 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
Division of Community Development
 P.O. BOX 1858, SUFFOLK, VA 23102
 442 W. WASHINGTON STREET, SUFFOLK, VA 23102

CERTIFIED MAIL



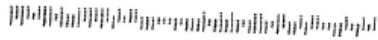
7017 2400 0000 0099 9846



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

**RETURN RECEIPT
 REQUESTED**

23510-223777



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

NORFOLK-VA-23501 OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)

| | |
|--|--------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.50

Total Postage \$0.50

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

Postmark Here JUN - 1 2018


06/01/2018

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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



9590 9402 3174 7166 9412 49

2. Article Number (Transfer from service label)
7017 2400 0000 0099 9846

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Alex H. Bell* Agent Address

B. Received by (Printed Name)
Alex Bell

C. Date of Delivery
6/6/18

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

3. Service Type

| | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restr. Delivery |
| <input checked="" type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |

Restricted Delivery

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

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

NORFOLK-VA-23501 OFFICIAL USE

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

| | |
|--|--------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.50

Total Postage \$0.50

Sent to **ANTHONY GRANT**
4281 COLE AVE
SUFFOLK, VA 23435

Postmark Here JUN - 1 2018


06/01/2018

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

**ANTHONY GRANT
4281 COLE AVE
SUFFOLK, VA 23435**



9590 9402 3174 7166 9412 56

2. Article Number (Transfer from service label)
7017 2400 0000 0099 9853

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Anthony Grant* Agent Address

B. Received by (Printed Name)
Anthony Grant

C. Date of Delivery
6/4/18

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

3. Service Type

| | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restr. Delivery |
| <input checked="" type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |

Restricted Delivery

Domestic Return Receipt



Alexander H. Bell

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

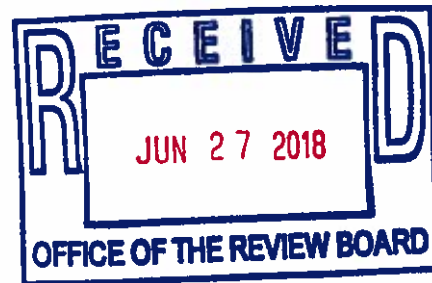
cc: Kalli L. Jackson, Esq. (via Email) [w/ Enc.]
Christopher H. Faulk, Esq. (via Email) [w/ Enc.]
Wayne Ables Heating and Air Conditioning (via Facsimile 757-547-1502) [w/ Enc.]
Clients (via Email) [w/ Enc.]

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: 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.

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 26 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: _____

A handwritten signature in black ink, appearing to read "Alexander H. Bell".

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/ 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)

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Relevant Documents

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CERTIFICATE OF OCCUPANCY

5/27/2015

3:31PM

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

NANSEMOND 1646

SUFFOLK 1742

Use Class:

NWR

SFD

Project No: **PRJ2014-02946**

Bldg. Permit No: **BPD2014-01071**

Group:

R5

Occupancy Load:

Type Construction:

5B

Building Address:

4281 COLE AV

Building Official:

John D. Wilson

Date:

5/27/2015

**VAUSBC CODE
EDITION
2009**

Post on the Premises in a Conspicuous Place
Shall Not Be Removed Except by Building Official

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.

Work Order

Russell's Heating and Cooling
916 Business Park Drive
Chesapeake, VA 23320
(757)424-1000 Fax: (757)424-2036

02/24/16
Page 1

ANTHONY GRANT
4281 COLE AVE
SUFFOLK, VA 23435

ANTHONY GRANT
4281 COLE AVE
SUFFOLK, VA 23435

Call Slip Number

88404

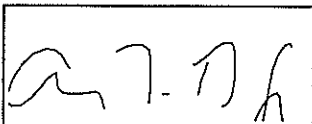
Tech Date
MIKEH 02/24/2016

ADDITIONAL DETAILS:

Free second opinion Checked unit customer was having issues with unit maintaining temp in summer checked unit it is a 2.5ton unit in a 2400sqft home if you base unit size off square footage it should be a 4ton unit. With amount of insulation and age of home with new windows my estimate would be at least a 3.5ton 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 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.



02/24/2016 03:22PM

Authorized Signature



711 Falcon Ave. #C-1
Chesapeake, VA 23321
Phone: 757-857-7247

Heating, Air Conditioning, Indoor Air Quality,
Automatic Standby Generators, Duct Cleaning

Tidewater's Oldest Heating and Cooling Contractor

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 your 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,

A handwritten signature in cursive script that reads "Rob Shortt".

Rob Shortt
Vice-President

**Wayne Ables Heating &
Air Conditioning, Inc.**

1226 Executive Boulevard
Suite 117
Chesapeake, VA 23320
757-547-9252
Fax 757-547-1502
Email wayneables@hvac hrcoxmail.com

5 M1401.3

2ND SUBMITTAL
AS REQUESTED.

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 oversight was made with this system.

Thank you,

Wayne Ables



Project Rep.

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 ✓
 Daily Temperature Range: Medium ✓
 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 ✓
 Elevation Heating Adj Factor: 1.000 ✓

| | Outdoor Dry Bulb | Outdoor Wet Bulb | Outdoor Rel.Hum | Indoor Rel.Hum | Indoor Dry Bulb | Grains Difference |
|--------|---------------------|---------------------|--------------------|-------------------|--------------------|----------------------|
| Winter | 22 | 20.45 | 80% | n/a | 70 | n/a |
| Summer | 91 | 76 | 51% | 50% | 75 | 47 |

Check Figures

| | | | |
|--|--------|---------------------|-------|
| Total Building Supply CFM: | 1,090 | CFM Per Square ft. | 0.473 |
| Square ft of Room Area: | 2,303 | Square ft. Per Ton: | 1,175 |
| Volume (ft ³) of Cond Space: | 19,333 | | |

Building Loads

| | | |
|---|-------------|--|
| Total Heating Required Including Ventilation Air: | 32,142 Btuh | 32,142 MBH |
| Total Sensible Gain | 19,793 Btuh | 84 % |
| Total Latent Gain | 3,719 Btuh | 16 % |
| Total Cooling Required Including Ventilation Air | 23,512 Btuh | 1.96 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.

*This house only needs 23,512 Btuh. The system installed
 supplies 26,300 @ 95° & 35,000 @ 105°. Plenty of
 good cooling with this unit*

*Thank you,
 Wayne Ables*

| ID# | AIRFLOW | Outdoor Ambient Temperature | | | | | | | | | | 105°F | | | | | | | | | | 115°F | | | | | | | | | | | | | | | | | | | |
|-----|---------|-----------------------------|------|------|------|------|------|------|------|------|------|-------|------|------|------|------|------|------|------|------|------|-------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | | 65°F | | | | | 70°F | | | | | 75°F | | | | | 80°F | | | | | 85°F | | | | | 90°F | | | | | 95°F | | | | | | | | | |
| | | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | | | | | |
| | 3178 | 27.4 | 28.5 | 29.4 | 30.4 | 31.4 | 26.8 | 27.8 | 28.8 | 29.8 | 30.8 | 0.79 | 0.85 | 0.91 | 0.97 | 1.04 | 0.81 | 0.87 | 0.93 | 0.99 | 1.05 | 0.83 | 0.89 | 0.95 | 1.01 | 1.07 | 0.85 | 0.91 | 0.97 | 1.03 | 1.09 | 0.87 | 0.93 | 0.99 | 1.05 | 1.11 | 0.89 | 0.95 | 1.01 | 1.07 | 1.13 |
| | 70 | 27.0 | 28.0 | 29.0 | 30.0 | 31.0 | 26.4 | 27.4 | 28.4 | 29.4 | 30.4 | 0.73 | 0.79 | 0.85 | 0.91 | 0.97 | 0.75 | 0.81 | 0.87 | 0.93 | 0.99 | 0.77 | 0.83 | 0.89 | 0.95 | 1.01 | 0.79 | 0.85 | 0.91 | 0.97 | 1.03 | 0.81 | 0.87 | 0.93 | 0.99 | 1.05 | 0.83 | 0.89 | 0.95 | 1.01 | 1.07 |
| | 927 | 27.0 | 28.0 | 29.0 | 30.0 | 31.0 | 26.4 | 27.4 | 28.4 | 29.4 | 30.4 | 0.73 | 0.79 | 0.85 | 0.91 | 0.97 | 0.75 | 0.81 | 0.87 | 0.93 | 0.99 | 0.77 | 0.83 | 0.89 | 0.95 | 1.01 | 0.79 | 0.85 | 0.91 | 0.97 | 1.03 | 0.81 | 0.87 | 0.93 | 0.99 | 1.05 | 0.83 | 0.89 | 0.95 | 1.01 | 1.07 |

| ID# | AIRFLOW | Outdoor Ambient Temperature | | | | | | | | | | 105°F | | | | | | | | | | 115°F | | | | | | | | | | | | | | | | | | | |
|-----|---------|-----------------------------|------|------|------|------|------|------|------|------|------|-------|------|------|------|------|------|------|------|------|------|-------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | | 65°F | | | | | 70°F | | | | | 75°F | | | | | 80°F | | | | | 85°F | | | | | 90°F | | | | | 95°F | | | | | | | | | |
| | | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | 50 | 55 | 60 | 65 | 70 | | | | | |
| | 1178 | 27.4 | 28.5 | 29.4 | 30.4 | 31.4 | 26.8 | 27.8 | 28.8 | 29.8 | 30.8 | 0.79 | 0.85 | 0.91 | 0.97 | 1.04 | 0.81 | 0.87 | 0.93 | 0.99 | 1.05 | 0.83 | 0.89 | 0.95 | 1.01 | 1.07 | 0.85 | 0.91 | 0.97 | 1.03 | 1.09 | 0.87 | 0.93 | 0.99 | 1.05 | 1.11 | 0.89 | 0.95 | 1.01 | 1.07 | 1.13 |
| | 75 | 27.0 | 28.0 | 29.0 | 30.0 | 31.0 | 26.4 | 27.4 | 28.4 | 29.4 | 30.4 | 0.73 | 0.79 | 0.85 | 0.91 | 0.97 | 0.75 | 0.81 | 0.87 | 0.93 | 0.99 | 0.77 | 0.83 | 0.89 | 0.95 | 1.01 | 0.79 | 0.85 | 0.91 | 0.97 | 1.03 | 0.81 | 0.87 | 0.93 | 0.99 | 1.05 | 0.83 | 0.89 | 0.95 | 1.01 | 1.07 |
| | 927 | 27.0 | 28.0 | 29.0 | 30.0 | 31.0 | 26.4 | 27.4 | 28.4 | 29.4 | 30.4 | 0.73 | 0.79 | 0.85 | 0.91 | 0.97 | 0.75 | 0.81 | 0.87 | 0.93 | 0.99 | 0.77 | 0.83 | 0.89 | 0.95 | 1.01 | 0.79 | 0.85 | 0.91 | 0.97 | 1.03 | 0.81 | 0.87 | 0.93 | 0.99 | 1.05 | 0.83 | 0.89 | 0.95 | 1.01 | 1.07 |

115°F = 100°F + 10°F

95°F = 100°F - 5°F

85°F = 100°F - 15°F

75°F = 100°F - 25°F

65°F = 100°F - 35°F

**Wayne Ables Heating &
Air Conditioning, Inc.**

1226 Executive Boulevard
Suite 117
Chesapeake, VA 23320
757-547-9252
Fax 757-547-1502
Email. wayneables@hvac.hrcoxmail.com

11401.3

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

SSM Suffolk Sheet Metal, Inc.

Class A Registered Contractor
VIRGINIA
Mechanical & Electrical 2701 020555
NORTH CAROLINA
Mechanical 10864/Electrical 23777-U

HEATING, AIR CONDITIONING & ELECTRICAL CONTRACTORS
309 GRANBY STREET
SUFFOLK, VA 23434

Telephone
(757)-539-7484
Fax
(757) 934-0291

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

CITYS M J

wrightsoft Load Short Form
Entire House
 Suffolk Sheet Metal

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

308 Granby St., Suffolk, Va 23434 Phone: 757-539-7484 Email: raycobb@effolkshsheetmetal.com Web: www.suffolkshsheetmetal.com License: 2701020555

Project Information

For: City of Suffolk
 VA

Design Information

| | Htg | Clg | Method | Infiltration |
|-----------------------------|-----|-----|----------------------|--------------|
| Outside db (°F) | 25 | 93 | Construction quality | Simplified |
| Inside db (°F) | 70 | 75 | Fireplaces | Tight |
| Design TD (°F) | 45 | 18 | | |
| Daily range | - | M | | |
| Inside humidity (%) | 50 | 50 | | |
| Moisture difference (gr/lb) | 40 | 55 | | |

HEATING EQUIPMENT

Make Sample
 Trade
 Model
 AHRI ref
 Efficiency 7.1 HSPF
 Heating input
 Heating output 17200 Btuh @ 47°F
 Temperature rise 15 °F
 Actual air flow 1035 cfm
 Air flow factor 0.051 cfm/Btuh
 Static pressure 0 in H2O
 Space thermostat
 Capacity balance point = 39 °F

COOLING EQUIPMENT

Make Sample
 Trade
 Cond
 Coil
 AHRI ref
 Efficiency 9.8 EER, 0 SEER
 Sensible cooling 11550 Btuh
 Latent cooling 4950 Btuh
 Total cooling 16500 Btuh
 Actual air flow 1035 cfm
 Air flow factor 0.045 cfm/Btuh
 Static pressure 0 in H2O
 Load sensible heat ratio 0.78

Backup: Sample
 Input = 7 kW Output = 22390 Btuh, 100 AFUE

| ROOM NAME | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | Htg AVF (cfm) | Clg AVF (cfm) |
|-------------------|-------------|-----------------|-----------------|---------------|---------------|
| First Floor p | 834 | 7690 | 9687 | 390 | 449 |
| Second Floor p | 1340 | 12716 | 16084 | 645 | 731 |
| Entire House d | 2174 | 20408 | 22707 | 1035 | 1035 |
| Other equip loads | | 6236 | 2445 | | |
| Equip. @ 0.98 RSM | | | 24599 | | |
| Latent cooling | | | 7269 | | |
| TOTALS | 2174 | 26643 | 31867 | 1035 | 1035 |

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

wrightsoft Load Short Form
First Floor
 Suffolk Sheet Metal

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

309 Granby St., Suffolk, Va 23434 Phone: 757-539-7494 Email: raycobb@suffolksheetmetal.com Web: www.suffolksheetmetal.com License: 2701022555

Project Information

For: City of Suffolk
 VA

Design Information

| | Htg | Clg | Infiltration | Simplified |
|-----------------------------|-----|-----|----------------------|------------|
| Outside db (°F) | 25 | 93 | Method | Tight |
| Inside db (°F) | 70 | 75 | Construction quality | |
| Design TD (°F) | 45 | 18 | Fireplaces | 0 |
| Daily range | - | M | | |
| Inside humidity (%) | 50 | 50 | | |
| Moisture difference (gr/lb) | 40 | 55 | | |

HEATING EQUIPMENT

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

COOLING EQUIPMENT

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

| ROOM NAME | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | Htg AVF (cfm) | Clg AVF (cfm) |
|-------------|------------|-----------------|-----------------|---------------|---------------|
| Family Room | 420 | 4989 | 5887 | 253 | 267 |
| Dining | 100 | 1301 | 3160 | 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.

| | | | | | | |
|-------------------|---|------------|-------------|--------------|------------|------------|
| First Floor | p | 834 | 7690 | 9887 | 390 | 449 |
| Other equip loads | | | 0 | 0 | | |
| Equip. @ 0.98 RSM | | | | 9668 | | |
| Latent cooling | | | | 1156 | | |
| TOTALS | | 834 | 7690 | 10825 | 390 | 449 |

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

wrightsoft **Load Short Form**
Second Floor
Suffolk Sheet Metal

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

309 Granby St., Suffolk, Va 23434 Phone: 757-638-7484 Email: raycobb@suffolksheetmetal.com Web: www.suffolksheetmetal.com License: 2701020559

Project Information

For: City of Suffolk
 VA

Design Information

| | Htg | Clg | Method | Infiltration |
|-----------------------------|-----|-----|----------------------|--------------|
| Outside db (°F) | 25 | 93 | | Simplified |
| Inside db (°F) | 70 | 75 | Construction quality | Tight |
| Design TD (°F) | 45 | 18 | Fireplaces | |
| Daily range | - | M | | |
| Inside humidity (%) | 50 | 50 | | |
| Moisture difference (gr/lb) | 40 | 55 | | |

HEATING EQUIPMENT

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

COOLING EQUIPMENT

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

| ROOM NAME | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | Htg AVF (cfm) | Clg AVF (cfm) |
|-------------|------------|-----------------|-----------------|---------------|---------------|
| Stairs | 36 | 63 | 22 | 3 | 1 |
| Masater | 256 | 2868 | 3094 | 145 | 141 |
| Utility | 35 | 470 | 948 | 24 | 43 |
| Master Clo | 60 | 87 | 92 | 4 | 4 |
| ll | 36 | 337 | 177 | 17 | 8 |
| Master Bath | 151 | 1650 | 2323 | 84 | 106 |
| Bed 2 | 133 | 1462 | 3084 | 74 | 140 |
| Bed 3 | 205 | 2277 | 2807 | 115 | 128 |
| Bed 4 | 226 | 2735 | 3023 | 139 | 137 |
| Bath 2 | 70 | 481 | 270 | 24 | 12 |
| Room22 | 6 | 104 | 50 | 5 | 2 |
| Hall | 126 | 183 | 194 | 9 | 9 |

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

| | | | | | | |
|-------------------|---|------|-------|-------|-----|-----|
| Second Floor | p | 1340 | 12716 | 16084 | 645 | 731 |
| Other equip loads | | | 0 | 0 | | |
| Equip. @ 0.98 RSM | | | | 15730 | | |
| Latent cooling | | | | 1438 | | |
| TOTALS | | 1340 | 12716 | 17168 | 645 | 731 |

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

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Under "City of Suffolk"

wrightsoft Load Short Form
Entire House
Suffolk Sheet Metal

12 pgs.

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

309 Granby St., Suffolk, Va 23434 Phone: 757-539-7484 Email: raycobb@suffolkshoemetal.com Web: www.suffolkshoemetal.com License: 2701020565

Project Information

For: City of Suffolk
VA

Design Information

| | Htg | Clg | Method | Infiltration | Simplified |
|-----------------------------|-----|-----|----------------------|--------------|------------|
| Outside db (°F) | 20 | 92 | | | Tight |
| Inside db (°F) | 70 | 75 | Construction quality | | |
| Design TD (°F) | 50 | 17 | Fireplaces | | |
| Daily range | - | M | | | |
| Inside humidity (%) | 50 | 50 | | | |
| Moisture difference (gr/lb) | 43 | 41 | | | |

HEATING EQUIPMENT

Make Sample
Trade
Model
AHRI ref
Efficiency 7.1 HSPF
Heating input
Heating output 17200 Btuh @ 47°F
Temperature rise 15 °F
Actual air flow 1025 cfm
Air flow factor 0.046 cfm/Btuh
Static pressure 0 in H2O
Space thermostat
Capacity balance point = 38 °F

COOLING EQUIPMENT

Make Sample
Trade
Cond
Coil
AHRI ref
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 0.045 cfm/Btuh
Static pressure 0 in H2O
Load sensible heat ratio 0.81

Backup: Sample
Input = 7 kW. Output = 22390 Btuh, 100 AFUE

| ROOM NAME | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | Htg AVF (cfm) | Clg AVF (cfm) |
|-------------------|------------|-----------------|-----------------|---------------|---------------|
| First Floor p | 834 | 8438 | 9799 | 386 | 443 |
| Second Floor p | 1340 | 13952 | 16192 | 639 | 731 |
| Entire House d | 2174 | 22390 | 22537 | 1025 | 1025 |
| Other equip loads | | 6856 | 2327 | | |
| Equip. @ 0.97 RSM | | | 24093 | | |
| Latent cooling | | | 5830 | | |
| TOTALS | 2174 | 29246 | 29923 | 1025 | 1025 |

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

wrightsoft Load Short Form
First Floor
 Suffolk Sheet Metal

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

309 Granby St., Suffolk, Va 23434 Phone: 757-538-7484 Email: raycobb@suffolksheetmetal.com Web: www.suffolksheetmetal.com License: 2701020555

Project Information

For: City of Suffolk
 VA

Design Information

| | Htg | Clg | Method | Infiltration | Simplified |
|-----------------------------|-----|-----|----------------------|--------------|------------|
| Outside db (°F) | 20 | 92 | Construction quality | | Tight |
| Inside db (°F) | 70 | 75 | Fireplaces | | |
| Design TD (°F) | 50 | 17 | | | |
| Daily range | - | M | | | |
| Inside humidity (%) | 50 | 50 | | | |
| Moisture difference (gr/lb) | 43 | 41 | | | |

HEATING EQUIPMENT

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

COOLING EQUIPMENT

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

| ROOM NAME | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | Htg AVF (cfm) | Clg AVF (cfm) |
|-------------|------------|-----------------|-----------------|---------------|---------------|
| Family Room | 420 | 5474 | 5834 | 251 | 263 |
| Dining | 100 | 1427 | 3133 | 65 | 142 |
| Living Room | 230 | 1064 | 644 | 49 | 28 |
| Foyer | 30 | 370 | 154 | 17 | 7 |
| Bath 1 | 36 | 69 | 23 | 3 | 1 |
| Closet | 18 | 34 | 12 | 2 | 1 |

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

| | | | | | | |
|-------------------|---|-----|------|-------|-----|-----|
| First Floor | p | 834 | 8438 | 9799 | 386 | 443 |
| Other equip loads | | | 0 | 0 | | |
| Equip. @ 0.97 RSM | | | | 9485 | | |
| Latent cooling | | | | 1065 | | |
| TOTALS | | 834 | 8438 | 10561 | 386 | 443 |

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

wrightsoft Load Short Form
Second Floor
 Suffolk Sheet Metal

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

309 Granby Bl., Suffolk, Va 23434 Phone: 757-538-7484 Email: raycobb@suffolkshheetmetal.com Web: www.suffolkshheetmetal.com License: 2701020555

Project Information

For: City of Suffolk
 VA

Design Information

| | Htg | Clg | Method | Infiltration |
|-----------------------------|-----|-----|----------------------|--------------|
| Outside db (°F) | 20 | 92 | | Simplified |
| Inside db (°F) | 70 | 75 | Construction quality | Tight |
| Design TD (°F) | 50 | 17 | Fireplaces | 0 |
| Daily range | - | M | | |
| Inside humidity (%) | 50 | 50 | | |
| Moisture difference (gr/lb) | 43 | 41 | | |

HEATING EQUIPMENT

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

COOLING EQUIPMENT

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

| ROOM NAME | Area (ft²) | Htg load (Btuh) | Clg load (Btuh) | Htg AVF (cfm) | Clg AVF (cfm) |
|-------------|------------|-----------------|-----------------|---------------|---------------|
| Stairs | 36 | 69 | 21 | 3 | 1 |
| Masater | 256 | 3146 | 3075 | 144 | 139 |
| Utility | 35 | 515 | 944 | 24 | 43 |
| Master Clo | 60 | 96 | 92 | 4 | 4 |
| Q | 36 | 370 | 177 | 17 | 8 |
| Master Bath | 151 | 1811 | 2302 | 83 | 104 |
| Bed 2 | 133 | 1604 | 3049 | 73 | 138 |
| Bed 3 | 205 | 2498 | 2900 | 114 | 131 |
| Bed 4 | 226 | 3001 | 3116 | 137 | 141 |
| Bath 2 | 70 | 528 | 270 | 24 | 12 |
| Room22 | 6 | 114 | 50 | 5 | 2 |
| Hall | 126 | 201 | 194 | 9 | 9 |

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

| | | | | | | |
|-------------------|---|-------------|--------------|--------------|------------|------------|
| Second Floor | p | 1340 | 13952 | 16192 | 639 | 731 |
| Other equip loads | | | 0 | 0 | | |
| Equip. @ 0.97 RSM | | | | 15690 | | |
| Latent cooling | | | | 1276 | | |
| TOTALS | | 1340 | 13952 | 16966 | 639 | 731 |

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

wrightsoft Project Summary
Entire House
Suffolk Sheet Metal

Job:
Date: Mar 06, 2017
By: Ray Cobb

309 Granby St., Suffolk, Va 23434 Phone: 757-539-7484 Email: raycobb@suffolkshheetmetal.com Web: www.suffolkshheetmetal.com License: 2701020565

Project Information

For: City of Suffolk
VA

Notes:

Design Information

Weather: Washington R. Reagan AP, DC, US

Winter Design Conditions

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

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 |

Heating Summary

| | |
|------------------------|------------|
| Structure | 22390 Btuh |
| Ducts | 0 Btuh |
| Central vent (125 cfm) | 6856 Btuh |
| Outside air | |
| Humidification | 0 Btuh |
| Piping | 0 Btuh |
| Equipment load | 29246 Btuh |

Sensible Cooling Equipment Load Sizing

| | |
|------------------------|------------|
| Structure | 22537 Btuh |
| Ducts | 0 Btuh |
| Central vent (125 cfm) | 2327 Btuh |
| Outside air | |
| Blower | 0 Btuh |

Infiltration

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

| | | |
|---------------------------|---------|---------|
| | Heating | Cooling |
| Area (ft ²) | 2174 | 2174 |
| Volume (ft ³) | 19958 | 19958 |
| Air changes/hour | 0.15 | 0.08 |
| Equiv. AVF (cfm) | 50 | 27 |

Heating Equipment Summary

| | |
|---|-----------------------|
| Make | Sample |
| Trade | |
| Model | |
| AHRI ref | |
| Efficiency | 7.1 HSPF |
| Heating input | |
| Heating output | 17200 Btuh @ 47°F |
| Temperature rise | 15 °F |
| Actual air flow | 1025 cfm |
| Air flow factor | 0.046 cfm/Btuh |
| Static pressure | 0 in H ₂ O |
| Space thermostat | |
| Capacity balance point = 38 °F | |
| Backup: Sample | |
| Input = 7 kW, Output = 22390 Btuh, 100 AFUE | |

Latent Cooling Equipment Load Sizing

| | |
|---------------------------------|------------|
| Structure | 2341 Btuh |
| Ducts | 0 Btuh |
| Central vent (125 cfm) | 3489 Btuh |
| Outside air | |
| Equipment latent load | 5830 Btuh |
| Equipment total load | 29923 Btuh |
| Req. total capacity at 0.70 SHR | 2.9 ton |

Cooling Equipment Summary

| | |
|--------------------------|-----------------------|
| Make | Sample |
| Trade | |
| Cond | |
| Coil | |
| AHRI ref | |
| 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 | 0.045 cfm/Btuh |
| Static pressure | 0 in H ₂ O |
| Load sensible heat ratio | 0.81 |

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

wrightsoft Project Summary
First Floor
Suffolk Sheet Metal

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

309 Granby St., Suffolk, Va 23434 Phone: 757-639-7484 Email: raycobb@suffolkshheetmetal.com Web: www.suffolkshheetmetal.com License: 2701020555

Project Information

For: City of Suffolk
 VA

Notes:

Design Information

Weather: Washington R. Reagan AP, DC, US

Winter Design Conditions

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

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 |

Heating Summary

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

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 |
| Rate/swing multiplier | 0.97 |
| Equipment sensible load | 9495 Btuh |

Infiltration

| | | |
|---------------------------|-------------|-------------|
| Method | Simplified | |
| Construction quality | Tight | |
| Fireplaces | 0 | |
| Area (ft ²) | Heating 834 | Cooling 834 |
| Volume (ft ³) | 7506 | 7506 |
| Air changes/hour | 0.14 | 0.08 |
| Equiv. AVF (cfm) | 18 | 10 |

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 |

Heating Equipment Summary

| | |
|------------------|------------|
| 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 Summary

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

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

wrightsoft Project Summary
Second Floor
Suffolk Sheet Metal

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

308 Granby St., Suffolk, Va 23434 Phone: 757-539-7484 Email: raycobb@suffolkshheetmetal.com Web: www.suffolkshheetmetal.com License: 2701020555

Project Information

For: City of Suffolk
 VA

Notes:

Design Information

Weather: Washington R. Reagan AP, DC, US

Winter Design Conditions

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

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 |

Heating Summary

| | |
|-----------------------|------------|
| Structure | 13952 Btuh |
| Ducts | 0 Btuh |
| Central vent (77 cfm) | 0 Btuh |
| Humidification | 0 Btuh |
| Piping | 0 Btuh |
| Equipment load | 13952 Btuh |

Sensible Cooling Equipment Load Sizing

| | |
|-------------------------|------------|
| Structure | 16192 Btuh |
| Ducts | 0 Btuh |
| Central vent (77 cfm) | 0 Btuh |
| Blower | 0 Btuh |
| Use manufacturer's data | n |
| Rate/swing multiplier | 0.97 |
| Equipment sensible load | 15690 Btuh |

Infiltration

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

| | | |
|---------------------------|----------------|----------------|
| | Heating | Cooling |
| Area (ft ²) | 1340 | 1340 |
| Volume (ft ³) | 12452 | 12452 |
| Air changes/hour | 0.15 | 0.08 |
| Equiv. AVF (cfm) | 32 | 17 |

Latent Cooling Equipment Load Sizing

| | |
|---------------------------------|------------|
| Structure | 1276 Btuh |
| Ducts | 0 Btuh |
| Central vent (77 cfm) | 0 Btuh |
| Equipment latent load | 1276 Btuh |
| Equipment total load | 16966 Btuh |
| Req. total capacity at 0.70 SHR | 1.9 ton |

Heating Equipment Summary

| | |
|------------------|------------|
| 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 cfm |
| Actual air flow | 0 cfm/Btuh |
| Air flow factor | 0 in H2O |
| Static pressure | n/a |
| Space thermostat | |

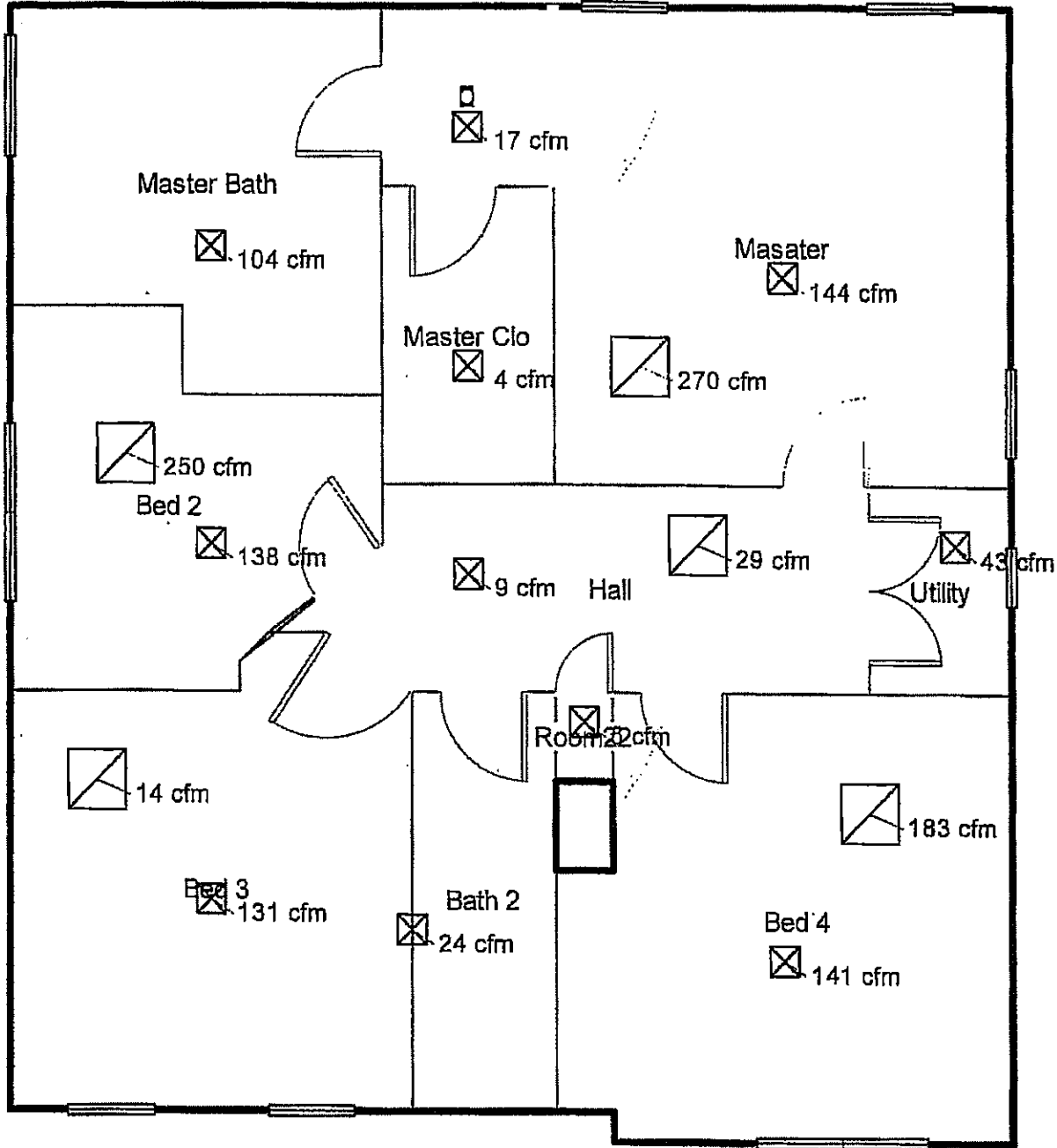
Cooling Equipment Summary

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

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



Level 2



Job #:
Performed by Ray Cobb for:
 City of Suffolk

VA

Suffolk Sheet Metal

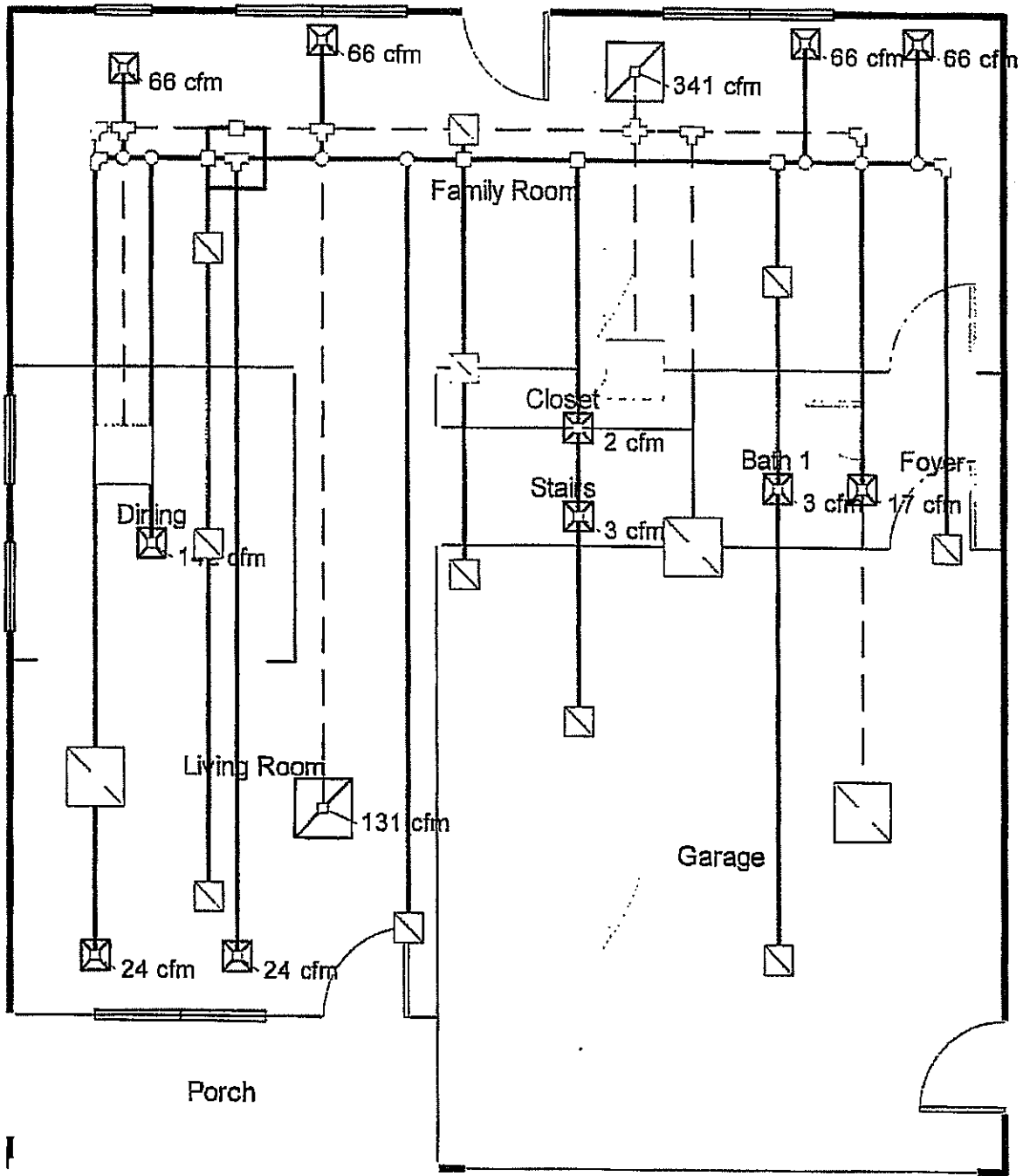
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 Suffolk, Va 23434
 Phone: 757-539-7484
www.suffolksheetmetal.com raycobb@suffolksheetm...

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Level 1



Job #:
Performed by Ray Cobb for:
 City of Suffolk

VA

Suffolk Sheet Metal

309 Granby St.
 Suffolk, Va 23434
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Duct System Summary
Entire House
Suffolk Sheet Metal

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

308 Granby St., Suffolk, Va 23434 Phone: 757-539-7484 Email: raycobb@suffolkshheetmetal.com Web: www.suffolkshheetmetal.com License: 2701020535

Project Information

For: City of Suffolk
 VA

| | | |
|------------------------------------|----------------------|----------------------|
| | Heating | Cooling |
| External static pressure | 0 in H2O | 0 in H2O |
| Pressure losses | 0 in H2O | 0 in H2O |
| Available static pressure | 0 in H2O | 0 in H2O |
| Supply / return available pressure | 0.000 / 0.000 in H2O | 0.000 / 0.000 in H2O |
| Lowest friction rate | 0 in/100ft | 0 in/100ft |
| Actual air flow | 1025 cfm | 1025 cfm |
| Total effective length (TEL) | | 749 ft |

Supply Branch Detail Table

| Name | Design (Btuh) | Htg (cfm) | Clg (cfm) | Design FR | Diam (in) | H x W (in) | Duct Matl | Actual Ln (ft) | Ftg.Eqv Ln (ft) | Trunk |
|----------------|---------------|-----------|-----------|-----------|-----------|------------|-----------|----------------|-----------------|-------|
| Q | h | 177 | 17 | 8 | 0 | 0 | 0x0 | 8.0 | 205.0 | st1 |
| Bath 1 | h | 23 | 3 | 1 | 0 | 0 | 0x0 | 30.0 | 415.0 | st1 |
| Bath 2 | h | 270 | 24 | 12 | 0 | 0 | 0x0 | 32.0 | 205.0 | st1 |
| Bed 2 | c | 3049 | 73 | 138 | 0 | 0 | 0x0 | 14.0 | 190.0 | st2 |
| Bed 3 | c | 2900 | 114 | 131 | 0 | 0 | 0x0 | 26.0 | 190.0 | st2 |
| Bed 4 | c | 3116 | 137 | 141 | 0 | 0 | 0x0 | 46.0 | 415.0 | st1 |
| Closet | h | 12 | 2 | 1 | 0 | 0 | 0x0 | 21.0 | 315.0 | st1 |
| Dining | c | 3133 | 65 | 142 | 0 | 0 | 0x0 | 16.0 | 275.0 | st2 |
| Family Room | c | 1459 | 63 | 66 | 0 | 0 | 0x0 | 7.0 | 205.0 | st1 |
| Family Room -A | c | 1459 | 63 | 66 | 0 | 0 | 0x0 | 24.0 | 510.0 | st1 |
| Family Room -B | c | 1459 | 63 | 66 | 0 | 0 | 0x0 | 7.0 | 265.0 | st2 |
| Family Room -C | c | 1459 | 63 | 66 | 0 | 0 | 0x0 | 28.0 | 490.0 | st1 |
| Foyer | h | 154 | 17 | 7 | 0 | 0 | 0x0 | 33.0 | 500.0 | st1 |
| Hall | h | 194 | 9 | 9 | 0 | 0 | 0x0 | 22.0 | 205.0 | st1 |
| Living Room | h | 322 | 24 | 15 | 0 | 0 | 0x0 | 27.0 | 95.0 | |
| Living Room-A | h | 322 | 24 | 15 | 0 | 0 | 0x0 | 32.0 | 200.0 | st2 |
| Master | h | 3075 | 144 | 139 | 0 | 0 | 0x0 | 23.0 | 415.0 | st1 |
| Master Bath | c | 2302 | 83 | 104 | 0 | 0 | 0x0 | 4.0 | 190.0 | st2 |
| Master Clo | h | 92 | 4 | 4 | 0 | 0 | 0x0 | 15.0 | 205.0 | st1 |
| Room22 | h | 50 | 5 | 2 | 0 | 0 | 0x0 | 31.0 | 315.0 | st1 |
| Stairs | h | 21 | 3 | 1 | 0 | 0 | 0x0 | 24.0 | 315.0 | st1 |
| USTy | c | 944 | 24 | 43 | 0 | 0 | 0x0 | 38.0 | 425.0 | st1 |



Supply Trunk Detail Table

| Name | Trunk Type | Htg (cfm) | Clg (cfm) | Design FR | Veloc (fpm) | Diam (in) | H x W (in) | Duct Material | Trunk |
|------|------------|-----------|-----------|-----------|-------------|-----------|------------|---------------|-------|
| st1 | Peak AVF | 577 | 585 | 0 | 0 | 0 | 8 x 0 | ShtMetl | |
| st2 | Peak AVF | 423 | 595 | 0 | 0 | 0 | 8 x 0 | ShtMetl | |

Return Branch Detail Table

| Name | Grille Size (in) | Htg (cfm) | Clg (cfm) | TEL (ft) | Design FR | Veloc (fpm) | Diam (in) | H x W (in) | Stud/Jolst Opening (in) | Duct Matl | Trunk |
|------|------------------|-----------|-----------|----------|-----------|-------------|-----------|------------|-------------------------|-----------|-------|
| rb1 | 0x0 | 258 | 341 | 96.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt1 |
| rb2 | 0x0 | 258 | 270 | 102.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt1 |
| rb3 | 0x0 | 161 | 183 | 145.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt1 |
| rb4 | 0x0 | 14 | 13 | 122.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt2 |
| rb5 | 0x0 | 173 | 250 | 215.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt2 |
| rb6 | 0x0 | 29 | 14 | 130.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt1 |
| rb7 | 0x0 | 131 | 103 | 106.0 | 0 | 0 | 0 | 0x 0 | | ShMt | rt1 |

Return Trunk Detail Table

| Name | Trunk Type | Htg (cfm) | Clg (cfm) | Design FR | Veloc (fpm) | Diam (in) | H x W (in) | Duct Material | Trunk |
|------|------------|-----------|-----------|-----------|-------------|-----------|------------|---------------|-------|
| rt1 | Peak AVF | 838 | 911 | 0 | 0 | 0 | 8 x 0 | ShtMetl | |
| rt2 | Peak AVF | 187 | 263 | 0 | 0 | 0 | 8 x 0 | ShtMetl | |

Documents Submitted By the City of Suffolk

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**CITY OF SUFFOLK, VIRGINIA
OFFICE OF THE CITY ATTORNEY**

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HELIVI L. HOLLAND
CITY ATTORNEY

WILLIAM E. HUTCHINGS, JR.
DEPUTY CITY ATTORNEY

KARLA D. CARTER
ASST. CITY ATTORNEY

KALLI L. JACKSON
ASST. CITY ATTORNEY

MINNA SANDWICH
ASST. CITY ATTORNEY

SHONDA R. CARROLL
PARALEGAL ADMIN.

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,

A handwritten signature in blue ink, appearing to read "K. Jackson", with a long horizontal flourish extending to the right.

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

| June 2018 | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| 21 days added | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

= Start date (Jun 4, 2018) = Final result date (Jun 25, 2018)

Advertising

[? Need some help?](#)



Time & Date Calculator
– iOS

See how long remains before a deadline or exactly when those 30 days are up. [More >](#)

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, servicing and replacement. Clearances shall be maintained to permit cleaning of heating and cooling surfaces; replacement of filters, blowers, motors, controls and vent connections; lubrication of moving parts; and adjustments.

Exception: Access shall not be required for ducts, piping, or other components approved for concealment.

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

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

1. The specified equipment or appliance utilizes multi-stage technology or variable refrigerant flow technology and the loads calculated in accordance with the approved heating and cooling methodology fall within the range of the manufacturer's published capacities for that equipment or appliance.
2. The specified equipment or appliance manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling methodology and the next larger standard size unit is specified.
3. The specified equipment or appliance is the lowest capacity unit available from the specified manufacturer.

M1401.4 Exterior installations. *Equipment and appliances* installed outdoors shall be listed and labeled for outdoor installation. Supports and foundations shall prevent excessive vibration, settlement or movement of the *equipment*. Supports and foundations shall be in accordance with Section 1805.4.1.

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

SECTION M1402 CENTRAL FURNACES

M1402.1 General. Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995.

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

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

SECTION M1403 HEAT PUMP EQUIPMENT

M1403.1 Heat pumps. The minimum unobstructed total area of the outside and return air ducts or openings to a heat pump shall be not less than 6 square inches per 1,000 Btu/h (13 208 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.



STOKLEY'S SERVICES, INC.
 Tidewater's Oldest Heating & Cooling Contractor
 Since 1938
 2500 Abbeeda Avenue #201 Norfolk, Virginia 23513
 757-857-7247

HVAC SERVICE ORDER INVOICE

53395

BILL TO
 SEE CERTIFICATE OF PRODUCT RATINGS

THIS WORK IS TO BE
 C.O.D. CHARGE NO CHARGE

| | |
|----------------------------|-----------------------------|
| MAKE GORDMAN AK | MAKE JANITROL F/coil |
| MODEL ESZ130301AH | MODEL ARUF30B14AC |
| SERIAL NUMBER 14092784H | SERIAL NUMBER 1411126477 |

NAME: **ANTHONY GRANT**
 STREET: **4281 COLE AVE** DATE: **6-3-16**
 CITY: **SUFFOLK, VA. 23435** PROMISED
 PHONE: **737-9995** CALL BEFORE: **1hr** A.M. P.M.
 TECHNICIAN: **BRUCE/WAYNE** AUTHORIZED BY

| | |
|---------------|---------------|
| MAKE | MAKE |
| MODEL | MODEL |
| SERIAL NUMBER | SERIAL NUMBER |

COMPLAINT

DESCRIPTION OF WORK PERFORMED

| QTY | MATERIALS & SERVICES | UNIT PRICE | AMOUNT |
|--|--|------------|--------|
| | REFRIGERANT R- LBS. | | |
| NOTE: ACCA CALCULATIONS NOT SUPPLIED FROM STOKLEY'S SERVICES | | | |
| 1 | FILTERS 30 x 20 x | | |
| | FILTERS x x | | |
| | In _____ Out _____ AM PM TOTAL MATERIALS | | |

Estimate on Equipment and ductwork

pd w/cash on 6-3-16
 W. Hunt

| WORK CHARGES | QUANTITY | UNIT PRICE | AMOUNT |
|--------------------------|----------|------------|--------|
| 1/4 HR. LABOR INCREMENTS | | | |
| LABOR - HELPER | | | |
| OT LABOR INCREMENTS | | | |
| TOTAL LABOR | | | |

RECOMMENDATIONS

Found system too small for the square footage. Needs at least 3 ton (36,000 BTU) system or a zoning system to regulate air flow to 1st or 2nd floor only.
 A/C unit 7 yrs. old A/H 5 yrs. old

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.

| TOTAL SUMMARY | |
|-------------------|--------|
| TOTAL MATERIALS | |
| TOTAL LABOR | 125.00 |
| TRIP & DIAGNOSTIC | |
| OVERTIME CHARGE | |
| ENVIRO CHARGE | |
| DISCOUNT | |
| TOTAL | |

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.

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

PRINT NAME: **x Anthony Grant** PHONE NO.: **6-3-16**
 CUSTOMER SIGNATURE: _____ DATE: _____

REGULAR WARRANTY
 SERVICE CONTRACT

4281 Cole Ave.

Rhvac - Residential & Light Commercial HVAC Loads
 Wayne Ables Heating And A/C
 Ferris, VA 23322

Elite Software Development, Inc.
 Kenny Bullock Fl 1
 Page 1

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 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 Dry Bulb | Outdoor Wet Bulb | Outdoor Rel.Hum | Indoor Rel.Hum | Indoor Dry Bulb | Grains Difference |
|---------|---------------------|---------------------|--------------------|-------------------|--------------------|----------------------|
| Winter: | 22 | 20.45 | 80% | n/a | 70 | n/a |
| Summer: | 91 | 76 | 51% | 50% | 75 | 47 |

Check Figures

| | | | |
|---|-------|---------------------|-------|
| Total Building Supply CFM: | 530 | CFM Per Square ft.: | 0.574 |
| Square ft. of Room Area: | 924 | Square ft. Per Ton: | 1.247 |
| Volume (ft ³) of Cond. Space: | 8,316 | | |

Building Loads

| | | |
|---|-------------|--|
| Total Heating Required Including Ventilation Air: | 11,948 Btuh | 11.948 MBH |
| Total Sensible Gain: | 7,728 Btuh | 67 % |
| Total Latent Gain: | 1,161 Btuh | 13 % |
| Total Cooling Required Including Ventilation Air: | 8,889 Btuh | 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

4281 Cole Av.

Rhvac - Residential & Light Commercial HVAC Loads
Wayne Ables Heating And A/C
Fentress, VA 23322

Elite Software Development, Inc.
Kenny Bullock 2 Story One Zone
Page 1

Load Preview Report

| Scope | Net Tbn | R ² / Tbn | Area | Sen Gain | Lat Gain | Net Gain | Sen Loss | Sys Htg CFM | Sys Cig CFM | Sys Ad CFM | Duct Sca |
|-------------------|---------|----------------------|-------|----------|----------|----------|----------|-------------|-------------|------------|----------|
| Building | 1.89 | 1.135 | 2,149 | 19,730 | 2,991 | 22,720 | 29,154 | 950 | 950 | 550 | |
| System 1 | 1.89 | 1.135 | 2,149 | 19,730 | 2,991 | 22,720 | 29,154 | 950 | 950 | 550 | 14 |
| Duct Latent | | | | | 1,226 | 1,226 | | | | | |
| Zone 1 | | | 924 | 8,954 | 543 | 9,537 | 14,065 | 458 | 433 | 433 | 10 |
| 1-Living | | | 80 | 2,331 | 89 | 2,420 | 3,590 | 117 | 112 | 112 | 1-6 |
| 2-Dining | | | 150 | 971 | 33 | 1,004 | 1,551 | 64 | 47 | 47 | 1-4 |
| 3-Kitchen | | | 216 | 2,158 | 99 | 2,257 | 3,432 | 112 | 104 | 104 | 1-6 |
| 4-Family | | | 224 | 2,328 | 299 | 2,627 | 3,334 | 109 | 112 | 112 | 1-6 |
| 5-1/2 Bath | | | 154 | 1,156 | 23 | 1,219 | 1,748 | 57 | 59 | 59 | 1-4 |
| Zone 2 | | | 1,225 | 10,735 | 1,222 | 11,957 | 15,089 | 492 | 517 | 517 | 12 |
| 6-Bed 6 | | | 234 | 2,712 | 297 | 3,008 | 3,859 | 127 | 131 | 131 | 1-7 |
| 7-Hall Bath | | | 113 | 504 | 22 | 526 | 1,057 | 35 | 24 | 24 | 1-4 |
| 8-Bed 3 | | | 182 | 2,264 | 273 | 2,543 | 2,914 | 85 | 109 | 109 | 1-6 |
| 9-Bed 2 | | | 156 | 1,226 | 232 | 1,454 | 1,579 | 55 | 59 | 59 | 1-4 |
| 10-Master Bath | | | 120 | 935 | 65 | 1,000 | 1,859 | 62 | 45 | 45 | 1-4 |
| 11-WIC | | | 129 | 359 | 18 | 407 | 597 | 19 | 19 | 19 | 1-4 |
| 12-Master Bedroom | | | 303 | 2,705 | 303 | 3,008 | 3,334 | 129 | 130 | 130 | 1-7 |

2149

Total Leakage Test Depress _____ Press 25

Test Pressure: _____ (Pa)

Baseline Duct Pressure (optional): _____ (Pa)

| Duct Press. (Pa) | Flow Ring Installed | Fan Press (Pa) | Flow (cfm) |
|------------------|---------------------|----------------|------------|
| 25 | M | 25 | 63 |
| | | | |
| | | | |
| | | | |

Fan Model/SN: _____

Results:

Total Leakage (cfm): 63

Total Leakage as % System Airflow: _____

Total Leakage as % Floor Area: _____



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
 Daily Temperature Range: Medium
 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
 Elevation Heating Adj. Factor: 1.000

| | Outdoor Dry Bulb | Outdoor Wet Bulb | Outdoor Rel.Hum | Indoor Rel.Hum | Indoor Dry Bulb | Grains Difference |
|---------|---------------------|---------------------|--------------------|-------------------|--------------------|----------------------|
| Winter: | 22 | 20.45 | 89% | n/a | 70 | n/a |
| Summer: | 91 | 76 | 51% | 50% | 75 | 47 |

Crack Figures

Total Building Supply CFM: 1,090 CFM Per Square ft.: 0.473
 Square ft. of Room Area: 2,303 Square ft. Per Ton: 1,175
 Volume (ft³) of Cond. Space: 19,333

Building Loads

| | | |
|---|-------------|--|
| Total Heating Required Including Ventilation Air: | 32,142 Btuh | 32,142 MBH |
| Total Sensible Gain: | 19,793 Btuh | 84 % |
| Total Latent Gain: | 3,719 Btuh | 16 % |
| Total Cooling Required Including Ventilation Air: | 23,512 Btuh | 1.96 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.

*This house only needs 23,512 Btuh's. The system installed
 supplies 24,300 @ 95° & 25,000 @ 105°. Plenty of
 good cooling with this unit*

*Thank you
 Wayne Ables*

27119-14111



Certificate of Product Ratings

AHRI Certified Reference Number: 5358271 Date: 3/16/2017

Product: Split System: Heat Pump with Remote Outdoor Unit-Air-Source

Outdoor Unit Model Number: GSZ130301A*

Indoor Unit Model Number: ARUF30B14A*

Manufacturer: GOODMAN MANUFACTURING CO., LP.

Trade/Brand name: GOODMAN; JANITROL; AMANA DISTINCTIONS; EVERREST; 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:

| | | |
|----------------------------------|-------|-------|
| Cooling Capacity (Btuh): | 27200 | TOTAL |
| EER Rating (Cooling): | 11.00 | |
| SEER Rating (Cooling): | 13.00 | |
| Heating Capacity (Btuh) @ 47 F: | 27000 | TOTAL |
| Region IV HSPF Rating (Heating): | 8.00 | |
| Heating Capacity (Btuh) @ 17 F: | 16500 | |

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

DISCLAIMER

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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.

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AIR-CONDITIONING, HEATING, & REFRIGERATION INSTITUTE

we make life better™

CERTIFICATE NO.: 131341428052233091

2014-02946

CITY OF SUFFOLK

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
441 MARKET STREET, SUFFOLK, VIRGINIA 23434
MAIN: 757-514-4150 FAX: 757-514-4199

DEC 31 2014

City of Suffolk
Community Development

APPLICATION FOR SERVICES-RESIDENTIAL

PERMIT NUMBER: BLD 2014-01071 CONTRACTOR LICENSE # 0041196 EXPIRATION DATE: 12/31/10

OWNERS NAME: Keboo

APPLICANT NAME: WAYNE ABLES HEATING + A/C

CURRENT ADDRESS: _____

ADDRESS: 1226 EXECUTIVE BLVD. SUITE 117

ZIP CODE: _____

CHESAPEAKE, VA ZIP CODE: 23320

PHONE NUMBER: _____

PHONE NUMBER: (757) 547-9252

EMAIL ADDRESS: Wayneables@hvac.hrcocmail.com

PERMIT TYPE

DESCRIPTION OF WORK

NEW CONST. (circle one) SFD DUPLEX-CONDO-TWHS-APTMT NO. of UNITS _____ MOD NO. _____

ADDITION/ALTERATION/ REPAIR ACCESSORY STRUCTURE ACCESSORY DWELLING UNIT/APARTMENT

- PLAN REVIEW
- SITE PLAN REVIEW
- ZONING PERMIT
- BUILDING PERMIT

- PLUMBING PERMIT
- ELECTRICAL PERMIT
- MECHANICAL PERMIT
- DEMOLITION PERMIT

- MOVING PERMIT
- ELEVATOR
- POOL
- SIGN PERMIT

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

If you do not know which box to check, please contact your surveyor for help.

FLOOD ZONE: YES (engineer's report for foundation design attached) NO
SHRINK/SWELL SOIL POTENTIAL: YES (engineer's soil report for footing and foundation attached) NO

CHESAPEAKE BAY PRESERVATION AREA: RMA RPA N/A

By initialling 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

FRONT: _____ BACK: _____ CENTER LINE: _____ FRONTAGE AT SETBACK: _____
RIGHT: _____ LEFT: _____ RIGHT OF WAY: _____ BLDG HEIGHT: _____

ADMINISTRATIVE APPROVAL (IF APPLICABLE) _____ DATE _____
NOTES _____

MECHANIC LIEN INFORMATION

LIEN AGENT DESIGNATED: YES NO
NAME OF AGENT: _____ PHONE NUMBER: _____

ADDRESS: _____ CITY _____ STATE _____ ZIP _____

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 EXTERIOR FINISH: _____
 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 1Ø _____ NEW SERVICE 3Ø _____ RELOCATE METER BASE _____
 SERVICE CHANGE 1Ø _____ SERVICE CHANGE 3Ø _____ 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 ESTIMATED VALUE: _____
(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 _____ | GAS FURNACE _____ | GAS PACK _____ | AIR CONDITIONER _____ |
| BOILER _____ | GAS PIPING _____ | TANKS _____ | MISC HEATER _____ |
| AIR HANDLER _____ | RANGE HOOD _____ | FORCED AIR _____ | DUCT WORK <input checked="" type="checkbox"/> |
| MISC FANS _____ | MISC HOODS _____ | COOLER TOWERS _____ | CHILLERS _____ |
| REPAIR PERMIT _____ | FIRE SUPPRESSION _____ | FIRE ALARMS _____ | OTHER _____ |

COMMENTS: _____

PLEASE CHECK ONE: IRC CODE IMC CODE ESTIMATED VALUE: 5400.00

(AS OF 5-1-2008 THE 2006 VAUSBC (VCC) WILL BE ENFORCED ON ALL PROJECTS)

PLUMBING PERMIT

| | | | |
|-----------------------|------------------------|--------------------------|---------------------|
| SINKS _____ | BATH TUBS _____ | WATER CLOSETS _____ | FLOOR DRAIN _____ |
| LAVATORY _____ | SHOWERS _____ | DISHWASHER _____ | REPAIR PERMIT _____ |
| WATER HEATER _____ | LAUNDRY TRAY _____ | WATER SERVICE LINE _____ | SPECIAL WASTE _____ |
| WASHING MACHINE _____ | GARBAGE DISPOSAL _____ | SEWER INSPECTION _____ | GAS PIPING _____ |
| URINAL _____ | OTHER _____ | GREASE TRAP _____ | |

PLEASE LIST ANY OTHER FIXTURES/COMMENTS: _____

PLEASE CHECK ONE: IRC CODE IPC CODE ESTIMATED VALUE: _____

(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 34, 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 easement 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 easement 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 required to be moved by the entity that has the easement rights (easement holder) and the City is not responsible for costs associated with the removal or destruction of the fence by the easement holder or anyone else. Per 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 *Gary W. Ables* PRINT NAME GARY W. ABLES
 DATE 12-31-14 rev. 1-13-09

CITY OF SUFFOLK

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
441 MARKET STREET, SUFFOLK, VIRGINIA 23434
MAIN: 757-514-4150 FAX: 757-538-1306

Article 4, Zoning

UNIFIED DEVELOPMENT ORDINANCE 31-407 (Dimensional and Density Regulations)

(2) 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 post (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 escapes (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.

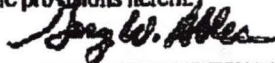
B. The administrator may permit a reduction of not to exceed twenty-five percent (25%) in the dimension of any required yard for otherwise conforming lot subject to the requirements of VC 15.2-2286.4. Any reduction by more than twenty-five percent (25%) shall require a variance from the Board of Zoning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

UNIFIED DEVELOPMENT ORDINANCE 31-701 (accessory structures)

(10) 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.



Applicant's Signature

12-31-14
Date

Additional Documents
Submitted By
The Grants through counsel
(Alexander Bell, Esq.)

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1307 Jamestown Road, Suite 201
Williamsburg, Virginia 23185
757.645.9001
757.517.0693 (fax)

11815 Fountain Way, Suite 300
Newport News, Virginia 23606
757.926.5259
757.517.0693 (fax)

COLLINS & HYMAN, PLC

Richard G. Collins, Esq.
Michael A. Hyman, Esq.

Gregory S. Bean, Esq.
Melissa M. Gutridge, Esq.

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

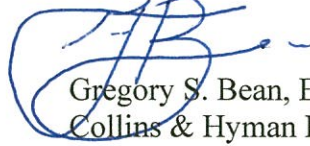
Dear Sir/Madam:

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,

A handwritten signature in blue ink, appearing to be 'G.S. Bean', written over a circular stamp or watermark.

Gregory S. Bean, Esq.
Collins & Hyman PLC

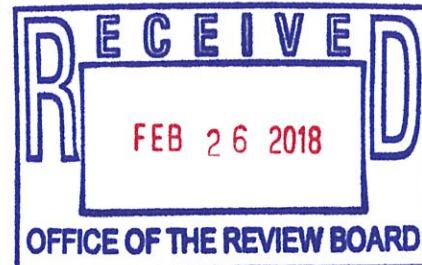
Cc: Ashley and Anthony Grant (by email)

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):
Kebco 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 20 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)

1307 Jamestown Road, Suite 201
Williamsburg, Virginia 23185
757.645.9001
757.517.0693 (fax)

11815 Fountain Way, Suite 300
Newport News, Virginia 23606
757.926.5259
757.517.0693 (fax)

COLLINS & HYMAN, PLC

Richard G. Collins, Esq.
Michael A. Hyman, Esq.

Gregory S. Bean, Esq.
Melissa M. Gutridge, Esq.

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 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.


Chairman, Board of Building Code Appeals

1307 Jamestown Road, Suite 201
Williamsburg, Virginia 23185
757.645.9001
757.517.0693 (fax)

11815 Fountain Way, Suite 300
Newport News, Virginia 23606
757.926.5259
757.517.0693 (fax)

COLLINS & HYMAN, PLC

Richard G. Collins, Esq.
Michael A. Hyman, Esq.

Gregory S. Bean, Esq.
Melissa M. Gutridge, Esq.

February 27, 2018

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

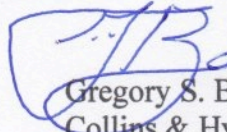
Virginia State Technical Review Board
Main Street Centre
600 E. Main Street, Suite 300
Richmond, VA 23219

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,



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@dhd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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- 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

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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)

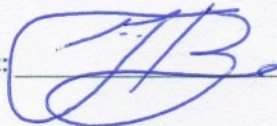
- Copy of enforcement decision being appealed
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CERTIFICATE OF SERVICE

I hereby certify that on the 20 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.

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Signature of Applicant: _____



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**

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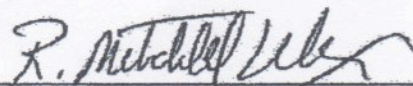
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The Board of Building Code Appeals

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Chairman, Board of Building Code Appeals



SOUTHSIDE
 833 LIVE OAK DRIVE
 CHESAPEAKE, VA 23320
 (757) 420-1231 • SERVICE (757) 420-1921 (757) 873-0459 • FAX (757) 873-0054

- PENINSULA**
 1 ELMHURST STREET
 NEWPORT NEWS, VA 23603
 (757) 873-0459 • FAX (757) 873-0054
- ELECTRICAL
 - HVAC
 - RETAIL SLS
 - PLUMBING
 - SERVICE
 - COMM. SLS

27357

ASSIGNED TO

DATE

HOME PHONE

WORK PHONE

PHONE

ORDERED BY

P.O. #

SUBDIVISION

STATE

ZIP

CHARGE

C.O.D.

WARRANTY

T & M

STATE

ZIP

WORK REQUESTED

AMOUNT

TERMS: All service & parts are C.O.D. This acknowledges receipt of mise/or material referred to above and 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 material 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*

DATE

TOTAL

\$10 00

Upstairs

Residential Load Calculations Worksheet for ACCA Manual J Procedure

Harlan Krepcik, CMS

Upstairs

| | | | |
|------------------------|--|-----------------|--|
| Name: Anthony Grant | | Date: 11/16/16 | |
| Address: 4281 Cole ave | | Phone: 737-9995 | |
| City, State: Suffolk | | Zip Code: 23435 | |

| | |
|--|--|
| Design Conditions | |
| Winter | Summer |
| Outside db *F: 22 | Outside db *F: 95 |
| Inside db *F: 70 | Inside db *F: 75 |
| Winter Design Temperature Difference: 48 | Summer Design Temperature Difference: 20 |
| | Daily Range: Med. |
| Grains Difference: 48 | |

| | |
|---|--------|
| Heating Summary | |
| Total Heat Loss for the Entire House: | 17,292 |
| Ventilation in excess of standard values: | Btuh |
| Heat Required for Ventilation Air: | cfm |
| Total Required Heating Output Capacity: | 17,292 |
| Sensible Heat Factor: | 1.08 |

| | |
|----------------------------------|--------|
| Cooling Summary | |
| Total Sensible Gain: | 16,614 |
| Total Latent Gain: | 3,355 |
| Total Heat Gain: | 19,969 |
| Design Temperature Swings | |
| Normal 3°F: | X |
| 4.5°F: | |

| | |
|--------------------------|--------|
| Equipment Summary | |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |

Its Hard to Stop a Trane

| | | |
|------------------------------|---------------------|------------------------|
| Energy Cost Estimates | | |
| SEER: | Cooling | Electricity per kWh: |
| HSPF: | HP Heating | Gas cost per therm: |
| AFUE: | Fossil Fuel Heating | Oil cost per gallon: |
| BIN Cooling Hours: | | Heat value of a therm: |
| BIN Heating Hours: | | 100,000 |
| Btuh per cu ft (gas): | 1,000 | |
| Btuh per gallon (oil): | 140,000 | |
| Watts per kW: | 1,000 | |

Estimates are for comparison purposes only. Actual cost of operation will depend on life style of the occupants as well as the maintained condition of the mechanical equipment.

| | |
|---|---------------------|
| Construction Data | |
| Windows: Good: 1-pane, clear glass, metal frame | Sq. Feet |
| Better: 2-pane, clear glass, wood frame | No attic insulation |
| Doors: Metal: Polystyrene core | Enter attic R-value |
| Wood: Solid core with storm | R-value: 38 |
| | R-value: 900 |
| | Walls: R-value: 19 |
| | 900 |

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

U-1

| 1 | Name of Room: | | Entire House | | Master bedrm | | master bath | | Bedrm1 | | Bedrm2 | |
|----|---------------------------|--------------|--------------|----------|--------------|----------|-------------|----------|----------|----------|----------|----------|
| | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height |
| 2 | Exterior Walls: | | 111.0 | 9.0 | 31.0 | 9.0 | 10.0 | 9.0 | 9.0 | 9.0 | 29.0 | 9.0 |
| 3 | 111 | Linear Feet: | | | | | | | | | | |
| 4 | Exterior Walls | | | | | | | | | | | |
| 5 | Element | Htg HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 6 | Good | 13.7 | 12000 | 5833 | 3826 | 1880 | 1234 | 600 | 1111 | 540 | 3579 | 1740 |
| 7 | Partitions: | | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height |
| 8 | Linear Feet: | | | | | | | | | | | |
| 9 | Partitions | | | | | | | | | | | |
| 10 | Element | Htg HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 11 | Good | 10.9 | | | | | | | | | | |
| 12 | Fenestration (Htg): | | Area | | Area | | Area | | Area | | Area | |
| 13 | 0.0 | Sq. Feet: | 124.0 | | | | | | | | | |
| 14 | Windows/Glass Doors (Htg) | | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better |
| 15 | Element | Htg HTM | Htg Btuh | | Htg Btuh | | Htg Btuh | | Htg Btuh | | Htg Btuh | |
| 16 | Good | 55.4 | | | | | | | | | | |
| 17 | Better | 22.8 | | 2827 | | | | | | | | |
| 18 | Fenestration (Cig): | | Area | | Area | | Area | | Area | | Area | |
| 19 | Windows/Glass Doors (Cig) | | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better |
| 20 | Element | Direction | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | |
| 21 | Good | N | | 1344 | | | | | | | | 672 |
| 22 | Better | 48.0 | | 48.0 | | | | | | | | 24.0 |
| 23 | Sg. Feet: | | | | | | | | | | | |
| 24 | Element | Direction | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | |
| 25 | Good | E & W | | 4857 | | | | 1494 | | 2242 | | |
| 26 | Better | 40.0 | | 52.0 | | | | 16.0 | | 24.0 | | |
| 27 | Sg. Feet: | | | | | | | | | | | |
| 28 | Element | Direction | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | |
| 29 | Good | S | | 1152 | | 1152 | | | | | | |
| 30 | Better | 24.0 | | 24.0 | | 24.0 | | | | | | |
| 31 | Sg. Feet: | | | | | | | | | | | |
| 32 | Exterior Doors: | | Area | | Area | | Area | | Area | | Area | |
| 33 | Metal Door Sq Ft: | | | | | | | | | | | |
| 34 | Wood Door Sq Ft: | | | | | | | | | | | |
| 35 | Element | Htg HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 36 | Metal | 22.6 | | | | | | | | | | |
| 37 | Wood | 22.1 | | | | | | | | | | |
| 38 | Block Load Sub-Totals: | | 14827 | 13186 | 3826 | 3012 | 1234 | 2094 | 1111 | 2782 | 3579 | 2412 |
| 39 | Room Load Sub-Totals: | | 13701 | 12892 | | | | | | | | |
| 40 | Skylights: | | Sq Ft | Sq Ft | | | | | | | | |

| | North: | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
|----|-----------------------------------|------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 41 | | | | | | | | | | | | | |
| 42 | | | | | | | | | | | | | |
| 43 | E & W: | | | | | | | | | | | | |
| 44 | South: | | | | | | | | | | | | |
| 45 | Ceilings: | Area | | | | | | | | | | | |
| 46 | No Insul Sq Ft: | Area | | | | | | | | | | | |
| 47 | Actual R-value below Insul R-: 38 | Area | | | | | | | | | | | |
| 48 | 900 | 900 | | 240.0 | | 120.0 | | 90.0 | | 208.0 | | | |
| 49 | Element | Htg HTM | Cig HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 50 | No Insul | 28.7 | 20.8 | | | | | | | | | | |
| 51 | R-Value: | | | | | | | | | | | | |
| 52 | 38 | 1.2 | 0.5 | 1089 | 468 | 290 | 125 | 145 | 62 | 109 | 47 | 252 | 108 |
| 53 | Floors over crawl: | Area | | | | | | | | | | | |
| 54 | Poor Sq Ft: | Area | | | | | | | | | | | |
| 55 | Better Sq Ft: | Area | | | | | | | | | | | |
| 56 | Element | Htg HTM | Cig HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 57 | Good | 7.5 | | | | 899 | | 674 | | 1558 | | | |
| 58 | Better | 1.5 | | 1376 | | 367 | | | | | | | |
| 59 | Floors, concrete slab: | Exterior Wall | | | | | | | | | | | |
| 60 | Linear feet of exterior wall: | Exterior Wall | | | | | | | | | | | |
| 61 | Htg HTM | Cig HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Cig Btuh |
| 62 | 19.7 | | | | | | | | | | | | |
| 63 | Infiltration: | Door/Window Area | | | | | | | | | | | |
| 64 | Square feet: | 124.0 | | | | | | | | | | | |
| 65 | Htg HTM | Cig HTM | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Cig Btuh |
| 66 | 11.768 | | | 1459 | | | | | | | | | |
| 67 | Block Load Sub-Totals: | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 68 | Room Load Sub-Totals: | 17292 | 15114 | 4484 | 3137 | 2278 | 2157 | 1894 | 2828 | 5389 | 2520 | | |
| 69 | Duct Loss %: | 20099 | 13360 | 4484 | 3137 | 2278 | 2157 | 1894 | 2828 | 5389 | 2520 | | |
| 70 | Total Btuh Heat Loss (Block): | 17292 | | | | | | | | | | | |
| 71 | Total Btuh Heat Loss (Room): | 20099 | | 4484 | 3137 | 2278 | 2157 | 1894 | 2828 | 5389 | 2520 | | |
| 72 | Internal Loads: | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh |
| 73 | People @: | 5 | 1500 | 2 | 600 | | | 1 | 300 | 1 | 300 | | |
| 74 | Appliances @: | | | | | | | | | | | | |
| 75 | Cooling Load Sub-Totals: | | | | | | | | | | | | |
| 76 | Duct Gain %: | | 16614 | | 3737 | | 2157 | | 3128 | | 2820 | | |
| 77 | Total Btuh Heat Gain (Block): | | 16614 | | 3737 | | 2157 | | 3128 | | 2820 | | |
| 78 | Total Btuh Heat Gain (Room): | | 14860 | | 3737 | | 2157 | | 3128 | | 2820 | | |
| 79 | | | 14860 | | 3737 | | 2157 | | 3128 | | 2820 | | |

| | | | | | | | | | | | | | |
|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| bath | | Bedrm3 | | | | | | | | | | | |
| Length | Height | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height |
| 5.0 | 9.0 | 27.0 | 9.0 | | 9.0 | | | | | | | | 9.0 |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 617 | 300 | 3333 | 1620 | | | | | | | | | | |
| Length | Height | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height |
| | | | | | | | | | | | | | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| | | | | | | | | | | | | | |
| Area | | Area | | Area | | Area | | Area | | Area | | Area | |
| Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better |
| Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh |
| | | | | | | | | | | | | | |
| Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better |
| Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh |
| | | | 672 | | | | | | | | | | |
| | | | 24.0 | | | | | | | | | | |
| Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh |
| | | | | | | | | | | | | | |
| Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh |
| | | | | | | | | | | | | | |
| Area | | Area | | Area | | Area | | Area | | Area | | Area | |
| | | | | | | | | | | | | | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| | | | | | | | | | | | | | |
| 617 | 300 | 3333 | 2292 | | | | | | | | | | |

U-4

| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
|------------------|----------|------------------|----------|------------------|----------|------------------|----------|------------------|----------|------------------|----------|------------------|----------|------------------|----------|
| Area | | Area | | Area | | Area | | Area | | Area | | Area | | Area | |
| 60.0 | | | | | | | | | | | | | | | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| | | | | | | | | | | | | | | | |
| 73 | 31 | 220 | 95 | Area | | Area | | Area | | Area | | Area | | Area | |
| 60.0 | | | | | | | | | | | | | | | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 449 | | 1363 | | | | | | | | | | | | | |
| Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| | | | | | | | | | | | | | | | |
| Door/Window Area | | Door/Window Area | | Door/Window Area | | Door/Window Area | | Door/Window Area | | Door/Window Area | | Door/Window Area | | Door/Window Area | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| | | | | | | | | | | | | | | | |
| 1139 | 331 | 4916 | 2387 | | | | | | | | | | | | |
| 1139 | | 4916 | | | | | | | | | | | | | |
| Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh | Count | Cig Btuh |
| | | 1 | 300 | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | 331 | | 2687 | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | 331 | | 2687 | | | | | | | | | | | | |

Downstairs

Residential Load Calculations Worksheet for ACCA Manual J Procedure

| | | | |
|-------------------------|--|-----------------|-----------------|
| Name: Anthony Grant | | Date: 11/16/16 | |
| Address: 4281 Cole ave. | | | |
| City, State: Suffolk | | Zip Code: 23435 | Phone: 737-9995 |

| | |
|--|--|
| Design Conditions | |
| Winter | Summer |
| Outside db *F: 22 | Outside db *F: 95 |
| Inside db *F: 70 | Inside db *F: 75 |
| Winter Design Temperature Difference: 48 | Summer Design Temperature Difference: 20 |
| Grains Difference: 48 | Daily Range: Med. |

| | |
|--|------|
| Heating Summary | |
| Total Heat Loss for the Entire House: 13,850 | Btuh |
| Ventilation in excess of standard values: | cfm |
| Heat Required for Ventilation Air: | Btuh |
| Total Required Heating Output Capacity: | Btuh |
| Sensible Heat Factor: 1.08 | |

| | |
|-----------------------------|------|
| Cooling Summary | |
| Total Sensible Gain: 13,822 | Btuh |
| Total Latent Gain: 2,149 | Btuh |
| Total Heat Gain: 15,972 | Btuh |

| | |
|---------------------------------|--------|
| Equipment Summary | |
| <i>Its Hard to Stop a Trane</i> | |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |
| Make: | Model: |

| | |
|------------------------------|------------------------|
| Energy Cost Estimates | |
| SEER: | Electricity per kWh: |
| HSPF: | Gas cost per therm: |
| AFUE: | Oil cost per gallon: |
| BIN Cooling Hours: | Heat value of a therm: |
| BIN Heating Hours: | 100,000 |
| Btuh per cu ft (gas): | |
| Btuh per gallon (oil): | |
| Watts per kW: | |

Estimated annual cooling costs: []

Estimated annual heating costs (HP): []

Estimated annual heating costs (gas): []

Estimated annual heating costs (oil): []

Estimates are for comparison purposes only. Actual cost of operation will depend on life style of the occupants as well as the maintained condition of the mechanical equipment.

Construction Data

| | | | | |
|---|------------------------------|---------------|--|---------------|
| Windows: Good: 1-pane, clear glass, metal frame | Ceiling: No attic insulation | Sq. Feet: [] | (*Enter linear feet of ext. wall for slab floor) | Sq. Feet: [] |
| Better: 2-pane, clear glass, wood frame | Enter attic R-value | [] | Floors: Good: Slab, 1" edge insul. | [] |
| Doors: Metal: Polystyrene core | R-value: 38 | [] | Poor: Crawl, no insulation | [] |
| Wood: Solid core with storm | R-value: [] | 900 | Better: R-value: 19 | 600 |

| 1 | Name of Room: | | Entire House | | Den | | Dining rm. | | Kitchen | | bath | |
|-----|---------------------------|--------------|--------------|----------|----------|----------|------------|----------|----------|----------|----------|----------|
| | Exterior Walls: | Linear Feet: | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height |
| 2 | 85 | | 85.0 | 9.0 | 28.0 | 9.0 | 10.0 | 9.0 | 9.0 | 9.0 | | |
| 3 | Exterior Walls | | | | | | | | | | | |
| 4 | Htg HTM Cig HTM | | | | | | | | | | | |
| 5 | 13.7 | 6.7 | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh |
| 6 | Good | | 8434 | 4100 | 3168 | 1540 | 1234 | 600 | 1111 | 540 | | |
| 7 | Partitions: | | | | | | | | | | | |
| 8 | Linear Feet: | | | | | | | | | | | |
| 9 | Partitions | | | | | | | | | | | |
| 10 | Element | Htg HTM | Cig HTM | | | | | | | | | |
| 11 | Good | 10.9 | 4.0 | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Cig Btuh |
| 12 | Fenestration (Htg): | | | | | | | | | | | |
| 13 | Area | | | | | | | | | | | |
| 14 | Sq. Feet: | | | | | | | | | | | |
| 15 | Windows/Glass Doors (Htg) | | | | | | | | | | | |
| 16 | Element | Htg HTM | | Good | Better | Good | Better | Good | Better | Good | Better | Better |
| 17 | Good | 55.4 | | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh | Htg Btuh |
| 18 | Better | 22.8 | | | 2462 | | | | | | | |
| 19 | Fenestration (Cig): | | | | | | | | | | | |
| 20 | Area | | | | | | | | | | | |
| 21 | Sq. Feet: | | | | | | | | | | | |
| 22 | Windows/Glass Doors (Cig) | | | | | | | | | | | |
| 23 | Element | Direction | Cig HTM | Good | Better | Good | Better | Good | Better | Good | Better | Better |
| 24 | Good | N | 36.0 | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh |
| 25 | Better | 24.0 | 28.0 | | 672 | | | | | | | |
| 26 | Sq. Feet: | | | | | | | | | | | |
| 27 | Area | | | | | | | | | | | |
| 28 | Sq. Feet: | | | | | | | | | | | |
| 29 | Windows/Glass Doors (Cig) | | | | | | | | | | | |
| 30 | Element | Direction | Cig HTM | Good | Better | Good | Better | Good | Better | Good | Better | Better |
| 31 | Good | E & W | 113.4 | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh | Cig Btuh |
| 32 | Better | 12.0 | 93.4 | | 2242 | | | | | | | |
| 33 | Sq. Feet: | | | | | | | | | | | |
| 34 | Area | | | | | | | | | | | |
| 35 | Sq. Feet: | | | | | | | | | | | |
| 36 | Area | | | | | | | | | | | |
| 37 | Sq. Feet: | | | | | | | | | | | |
| 38 | Area | | | | | | | | | | | |
| 39 | Sq. Feet: | | | | | | | | | | | |
| 40 | Area | | | | | | | | | | | |
| 41 | Sq. Feet: | | | | | | | | | | | |
| 42 | Area | | | | | | | | | | | |
| 43 | Sq. Feet: | | | | | | | | | | | |
| 44 | Area | | | | | | | | | | | |
| 45 | Sq. Feet: | | | | | | | | | | | |
| 46 | Area | | | | | | | | | | | |
| 47 | Sq. Feet: | | | | | | | | | | | |
| 48 | Area | | | | | | | | | | | |
| 49 | Sq. Feet: | | | | | | | | | | | |
| 50 | Area | | | | | | | | | | | |
| 51 | Sq. Feet: | | | | | | | | | | | |
| 52 | Area | | | | | | | | | | | |
| 53 | Sq. Feet: | | | | | | | | | | | |
| 54 | Area | | | | | | | | | | | |
| 55 | Sq. Feet: | | | | | | | | | | | |
| 56 | Area | | | | | | | | | | | |
| 57 | Sq. Feet: | | | | | | | | | | | |
| 58 | Area | | | | | | | | | | | |
| 59 | Sq. Feet: | | | | | | | | | | | |
| 60 | Area | | | | | | | | | | | |
| 61 | Sq. Feet: | | | | | | | | | | | |
| 62 | Area | | | | | | | | | | | |
| 63 | Sq. Feet: | | | | | | | | | | | |
| 64 | Area | | | | | | | | | | | |
| 65 | Sq. Feet: | | | | | | | | | | | |
| 66 | Area | | | | | | | | | | | |
| 67 | Sq. Feet: | | | | | | | | | | | |
| 68 | Area | | | | | | | | | | | |
| 69 | Sq. Feet: | | | | | | | | | | | |
| 70 | Area | | | | | | | | | | | |
| 71 | Sq. Feet: | | | | | | | | | | | |
| 72 | Area | | | | | | | | | | | |
| 73 | Sq. Feet: | | | | | | | | | | | |
| 74 | Area | | | | | | | | | | | |
| 75 | Sq. Feet: | | | | | | | | | | | |
| 76 | Area | | | | | | | | | | | |
| 77 | Sq. Feet: | | | | | | | | | | | |
| 78 | Area | | | | | | | | | | | |
| 79 | Sq. Feet: | | | | | | | | | | | |
| 80 | Area | | | | | | | | | | | |
| 81 | Sq. Feet: | | | | | | | | | | | |
| 82 | Area | | | | | | | | | | | |
| 83 | Sq. Feet: | | | | | | | | | | | |
| 84 | Area | | | | | | | | | | | |
| 85 | Sq. Feet: | | | | | | | | | | | |
| 86 | Area | | | | | | | | | | | |
| 87 | Sq. Feet: | | | | | | | | | | | |
| 88 | Area | | | | | | | | | | | |
| 89 | Sq. Feet: | | | | | | | | | | | |
| 90 | Area | | | | | | | | | | | |
| 91 | Sq. Feet: | | | | | | | | | | | |
| 92 | Area | | | | | | | | | | | |
| 93 | Sq. Feet: | | | | | | | | | | | |
| 94 | Area | | | | | | | | | | | |
| 95 | Sq. Feet: | | | | | | | | | | | |
| 96 | Area | | | | | | | | | | | |
| 97 | Sq. Feet: | | | | | | | | | | | |
| 98 | Area | | | | | | | | | | | |
| 99 | Sq. Feet: | | | | | | | | | | | |
| 100 | Area | | | | | | | | | | | |

| | North: | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh |
|----|-------------------------------|------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 41 | | | | | | | | | | | | | |
| 42 | | | | | | | | | | | | | |
| 43 | E & W: | | | | | | | | | | | | |
| 44 | South: | | | | | | | | | | | | |
| 45 | Ceilings: | Area | | | | | | | | | | | |
| 46 | No Insul Sq Ft: | Area | | | | | | | | | | | |
| 47 | Actual R-value below | Area | | | | | | | | | | | |
| 48 | Insul R-: 38 | Area | | | | | | | | | | | |
| 49 | Element Htg HTM Clg HTM | 900 | | 195.0 | | 130.0 | | 81.0 | | 25.0 | | | |
| 50 | No Insul | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh |
| 51 | R-Value: | | | | | | | | | | | | |
| 52 | 38 | 1089 | 468 | 236 | 101 | 157 | 68 | 98 | 42 | 30 | 13 | | |
| 53 | Floors over crawl: | Area | | | | | | | | | | | |
| 54 | Poor Sq Ft: | Area | | | | | | | | | | | |
| 55 | Better Sq Ft: | Area | | | | | | | | | | | |
| 56 | Element Htg HTM Clg HTM | 600 | | 195.0 | | 130.0 | | 81.0 | | 25.0 | | | |
| 57 | Good | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh |
| 58 | Better | 917 | | 1460 | | 973 | | 607 | | 187 | | | |
| 59 | Floors, concrete slab: | Exterior Wall | | | | | | | | | | | |
| 60 | Linear feet of exterior wall: | Exterior Wall | | | | | | | | | | | |
| 61 | Htg HTM Clg HTM | | | | | | | | | | | | |
| 62 | 19.7 | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh |
| 63 | Infiltration: | Door/Window Area | | | | | | | | | | | |
| 64 | Square feet: | 21.0 | | | | | | | | | | | |
| 65 | Htg HTM Clg HTM | 150.0 | | 21.0 | | 21.0 | | 21.0 | | 21.0 | | 21.0 | |
| 66 | 6.439 | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh |
| 67 | | 966 | | 135 | | 135 | | 135 | | 135 | | 135 | |
| 68 | Block Load Sub-Totals: | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh | Htg Btuh | Clg Btuh |
| 69 | Room Load Sub-Totals: | 13850 | 11722 | 5338 | 3126 | 2365 | 1820 | 1815 | 1158 | 217 | 13 | | |
| 70 | Duct Loss %: | 15760 | 10451 | 5338 | 3126 | 2365 | 1820 | 1815 | 1158 | 217 | 13 | | |
| 71 | Total Btuh Heat Loss (Block): | 13850 | | | | | | | | | | | |
| 72 | Total Btuh Heat Loss (Room): | 15760 | | | | | | | | | | | |
| 73 | Internal Loads: | Count | Clg Btuh | Count | Clg Btuh | Count | Clg Btuh | Count | Clg Btuh | Count | Clg Btuh | Count | Clg Btuh |
| 74 | People @: | 3 | 900 | 1 | 300 | 1 | 300 | 1 | 300 | 1 | 300 | 1 | 300 |
| 75 | Appliances @: | 1.0 | 1200 | | | | | | | | | | |
| 76 | Cooling Load Sub-Totals: | | 13822 | | 3426 | | 2120 | | 1200 | | 2358 | | 13 |
| 77 | Duct Gain %: | | | | | | | | | | | | |
| 78 | Total Btuh Heat Gain (Block): | | 13822 | | | | | | | | | | |
| 79 | Total Btuh Heat Gain (Room): | | 12551 | | 3426 | | 2120 | | 2358 | | 13 | | |

| Formal dining | | living rm | | Length | Height | Length | Height | Length | Height | Length | Height | Length | Height | | |
|---------------|----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--|--|
| Length | 11.0 | Height | 9.0 | 27.0 | 9.0 | | 9.0 | | | | | | | | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | | |
| | 660 | | 1480 | 3045 | | | | | | | | | | | |
| Length | | Height | | | | | | | | | | | | | |
| Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | Htg Btuh | Cig Btuh | | |
| | | | | | | | | | | | | | | | |
| Area | | | | Area | | | | Area | | | | Area | | | |
| Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | | |
| Htg Btuh | | Htg Btuh | | Htg Btuh | | Htg Btuh | | Htg Btuh | | Htg Btuh | | Htg Btuh | | | |
| | | | | | | | | | | | | | | | |
| Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | Good | Better | | |
| Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | Cig Btuh | | | |
| | | | | | | | | | | | | | | | |
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D-2

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| 988 | | | | | | | | | | | | | | | |
| Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | | Exterior Wall | |
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| | 729 | | 3905 | | | | | | | | | | | | |

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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:

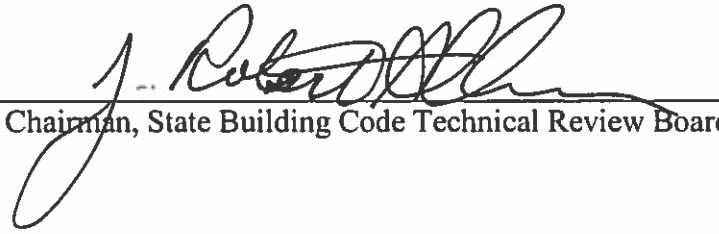
1. The decision of the building official, confirmed by the City appeals board, that no violation of Section N1102.4 of the IRC exists, is hereby overturned. The violations present are delineated in the "Findings" section of this decision.

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.



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.

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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.

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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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Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



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State Fire Marshals Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: (804) 371-0220
Fax: (804) 371-3367
Dee Madsen
Fire Marshal Supervisor

**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 Brodnax, 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.

| Code Section | Violation(s) | Correct By | Previous Violation |
|--------------|---|------------|--------------------|
| 1030.2 | 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. | 6/11/2018 | |
| 1 | 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. | | |
| 2 | 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 doorframe 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. | | |
| 3 | The required egress lighting is not provided for all egress paths when the building is occupied. The egress lighting is | | |
| 4 | | | |

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

Page 1 of 12

Inspected By: Dee Madsen, Chief Deputy State Fire Mars

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



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**Commonwealth Of Virginia
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Inspection Notice**

Date of Inspection:

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|--|--|

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. 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. 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 be locked with a key paddle lock or other device to prevent the doors from being opened in the direction of egress. The egress path is not provided with the required egress lighting in the building on Piney Pond Road and buildings fronting Main Street. | 1 - Again 2 - Again 3 - Again |
| 6 | 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. Exit doors shall be unlocked to allow occupants to exit to | 5 - Again |

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**

Page 2 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
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**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

05/10/2018

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|--|--|

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.

the buildings when the building is occupied.

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**

Page 3 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
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**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

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|--|--|

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.

| Code | Description | Date | Previous Violation |
|--------------|---|-----------|--------------------|
| 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. | 6/11/2018 | Previous Violation |
| 7 | 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. | | |
| 8 | 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. | | |
| 9 | 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. | | |
| 10 | 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. | | |
| 11 | 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. | | |
| 12, 13, & 14 | | | |

Handwritten note: → this is wrong. Panel boxes were not inspected on this date

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

Page 4 of 12

Inspected By: Dee Madsen, Chief Deputy State Fire

Date: 5/10/2018

Michael Reilly
Executive Director

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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.

| Code | Description | Date | Previous Violation |
|-------|--|-----------|--------------------|
| 605.5 | 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. | 6/11/2018 | Previous Violation |
| 15 | There are extension cords being used that were observed during the inspection conducted on 8/29/17 were observed in the Main Street buildings. | | |
| 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. | 6/10/2018 | |
| 16 | There is an electrical panel cover missing and there is exposed wiring, buss 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 | | |
| 17 | | | |

Handwritten note: This is incorrect (circled) with an arrow pointing to the 16 violation.

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

Page 5 of 12

Inspected By: Dee Madsen, Chief Deputy State Fire

Date: 5/10/2018

Michael Reilly
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Date of Inspection:

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|--|--|

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.

| | | |
|----------|---|-----------|
| 605.3 | 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. | |

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

Page 6 of 12

Inspected By: Dee Madsen, Chief Deputy State Fire

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Central Regional Office
State Fire Marshals Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: (804) 371-0220
Fax: (804) 371-3367
Dee Madsen
Fire Marshal Supervisor

**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 Brodnax, 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.

| | | |
|----------|---|-----------|
| 110.1 #3 | General. The fire official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the SFPC: 3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with egress of occupants or operation of the fire department in case of fire. | 6/11/2018 |
| 20 | Egress to the exits and public way are obstructed by storage, construction and doors are equipped with locking devices not approved by the building official. | |
| 315.3 | 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. | 6/11/2018 |
| 21 | There is combustible storage that is not orderly in the south buildings on Main Street. | |

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**

Page 7 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Central Regional Office
State Fire Marshals Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
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Dee Madsen
Fire Marshal Supervisor

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

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| 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 Brodnax, 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.

| | | |
|-------|---|-----------|
| 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. | 6/11/2018 |
| 22 | There is a fire alarm system that is not in operation. | |

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**

Page 8 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

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1005 Technology Park Drive
Glen Allen, VA 23059-4500
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Fire Marshal Supervisor

**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 Brodnax, 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.

| | | |
|--------|--|-----------|
| 1030.2 | 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. | 6/11/2018 |
| 23 | There is construction and storage that is obstructing the egress to exits in the Main Street buildings. | |
| 24 | There are battery power emergency lights that are not working in the Main Street buildings. | |
| 1030.4 | 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. | 6/11/2018 |
| 25 | There is exit signs that is not working in the Main Street Buildings. | |

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**

Page 9 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Central Regional Office
State Fire Marshals Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: (804) 371-0220
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Dee Madsen
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**Commonwealth Of Virginia
Department of Fire Programs
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Inspection Notice**

Date of Inspection:

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| 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 Brodnax, 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.

| | | |
|---------|--|-----------|
| 603.5.2 | 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. | 6/11/2018 |
| 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. | |
| 605.3.1 | Labeling. 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. | 6/11/2018 |
| 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. | |

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**

Page 10 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Central Regional Office
State Fire Marshals Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: (804) 371-0220
Fax: (804) 371-3367
Dee Madsen
Fire Marshal Supervisor

**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 Brodnax, 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.

| | | |
|---------|--|-----------|
| 308.1.5 | 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. | 6/11/2018 |
| 28 | There was signs that a candle has been lit in the shower area of the main street building. | |
| 310.6 | Ash trays. Where smoking is permitted, suitable noncombustible ash trays or match receivers shall be provided on each table and at other appropriate locations. | 6/11/2018 |
| 29 | There were cigarette butts that were on the floor and an ashtray was not provided near the water heater in Main Street Building. | |

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**

Page 11 of 12

Inspected By: **Dee Madsen, Chief Deputy State Fire**

Date: 5/10/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Central Regional Office
State Fire Marshals Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: (804) 371-0220
Fax: (804) 371-3367
Dee Madsen
Fire Marshal Supervisor

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

05/10/2018

*1005
Technology
Park Dr
Glen
Allen
VA
23059*

| | |
|---|-------------------------|
| 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.

| | | |
|-------|---|-----------|
| 906.2 | Portable fire extinguishers shall be selected, installed and maintained in accordance with this Section and NFPA 10. (8 exceptions) | 6/11/2018 |
| 30 | There are signs noting the location of fire extinguishers and there are no fire extinguishers installed beneath the signs, | |
| 31 | The fire extinguisher is past due for the annual inspection and the tag last annual inspection date was 12/98 | |

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

Page 12 of 12

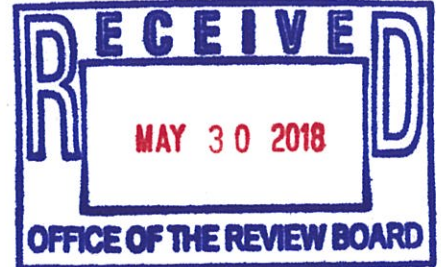
Inspected By: Dee Madsen, Chief Deputy State Fire

Date: 5/10/2018

Application For Administrative Appeal

Uniform state building code

Appeal party info
AH stores/HARVEY DUPREE
Ph. 434-865-3725
sootyharvey@gmail.com



I hereby certify that on the 25th day of May, 2018. A copy of this application WAS mailed

SIGNATURE *Harvey Dupree*
PRINT NAME HARVEY DUPREE

FROM; ATT... STORE / HARVEY DUPREE / OWNER
484 Pinney Pond Rd. / Broadview VA
TO; STATE Code Tech. Review Board

RE; APPEAL

- 1) Request A REINSPECTION 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 DIDN'T OPEN ANY PANEL BOXES, ENTERED CLOSED SECTIONS OF STORAGE WAREHOUSING, CITED UNRELATED VIOLATIONS, DIDN'T CONDUCT A PROPER INSPECTION. HE WALKED IN A UNIT WAREHOUSE WITHOUT PROPER INSPECTION TOOLS.
- 4) UNREASONABLE DEMANDS AFTER REPAIRS WERE MADE, UNREASONABLE DEMANDS FOR A WORK PERMIT, WITH COST OF REPAIRS LESS THAN \$300.00
- 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'S
- 8) EXPRESS REPAIRS MADE, YET STILL CITED.

9) MR. MADSEN ONCE AGAIN VIOLATED DUE PROCESS by citing 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 RAOV, FLAMMABLE MATERIALS WAREHOUSE.

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. THIS THE LATE APPEAL APPLICATION.

13) MR. MADSEN WROTE VIOLATIONS THAT ARE INCORRECT FOR STORAGE WAREHOUSE (DIFFERENT CODES), NAMELY, THE SINKLEER SYSTEM.

We Agree With the majority of the
Needed repairs. However, as a long time
business owner, we CANNOT deal or
COMMUNICATE with Mr. Madson.

Court case will be appealed to a
jury due process violation is
vailed. I ASK for the ABOVE,
in order to put money into a closed,
WAREHOUSE.

Sincerely,
Harry Luper
MAY 24 2018



Front of business card

PLEASE CONTACT THIS
PERSON. He is a building
code officer from Portsmouth
(previously) Thanks.

Back of business card

Att Store
Pitney Bowes Funded
BroadAX VA
23920

Commonwealth of Virginia
Dept. of Housing & Community Development
STATE Building Codes Office
STATE Technical Review Board
Main Street Center
600 E. MAIN ST.
Suite 300
Richmond, Virginia

ph 804
371-7150



Application of Appeal
statewide Fire protection code
Harvey Dupree: PH 434 865
3725
email: sootyharvey@gmail.com
484 Piny Pond Rd, Beach VA

opposing
D.E. 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 Review
Board. Agreed (AD)
Signed: Harvey Dupree
Harvey Dupree

Harvey Dupree
Owner
sootyharvey@gmail.com

AH...Store(buy&sale)

USA Hwy.58
Brodax Va

Additional info
for an appeal mailed
5-22-2018

RE: Appeal Application

BATEMAN
ELECTRIC & PLUMBING
Class "A" Licensed & Insured
434.532.6335
3959 GOVERNOR HARRISON PKWY. • BRODNAX, VA 23920



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 our
concerns and questions
properly.

#3) We now have reports under
the FOIA Act that brings
to question Madsen's con-
tinued 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 cover
his mistakes, and, doesn't
want to talk with Mr.
Bateman the Portsmouth
building inspector (past)

MR. BATEMAN HAS EXPERIENCED
PAST PROBLEMS, AND AGREES
WITH OUR LONG TIME BUSINESS.
HE HAS CONDEMNED 65
MILLION DOLLARS OF PROPERTY.
HE HAS PROPER LICENSES.

#6) WRONG DATES ARE ON
THE RECENT NOTICES. ANOTHER
EXAMPLE OF MADSON'S POOR
WORK.

COO.S.3 → STATED UNDER OATH
THAT OUR STORE WAS VERY
MUCH CLEANED, THEN SAID
HE WOULD COOPERATE, BUT,
DID'NT.

#7) 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.

#8) 110.1 → NO OCCUPANTS
USED AS STATED ON
DEED. STORAGE WAREHOUSE.

#9) TOO VAGUE. THIS IS A
Flea MARKET. HE MUST BE
MORE SPECIFIC (ESPECIALLY
IN A 22,000 FEET BUILDING
HE DIDNT 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!

#11) 603 → the heat units
are disconnected, unflued,
tanks (propane), NO &
unheated storage.

#12) I agree with;

906.2 315.3

310.6 110.1#3

305.1.5 605.5

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.

#13) I disagree;
110.11#1 → AS stated,
this is from a
un-certified building
inspector.

603.5.2 → UN-Valved,
UNCONNECTED

901.6 → from a 1905-
SD's sewing room

605.6 → Madsen didn't
look. REPAIRS ARE
MADE.

#14) Request;

I Agree to MAKE
the, provide proper
PROOF, submit that
to you, ON CONDITIONS,
ONCE REPAIRS ARE
submitted and approved
by you. (#1) CRIMINAL
charges dropped.

#2) A REINSPECTION
BY A DIFFERENT
INSPECTOR. (#3) After I
secure the services of Mr.
BAKEMAN, will Madsen agree
to look at the degree of

#14) continued
Professionalism, be professional.

#4) Agreed that, David
Tucker was unauthorized,
unlicensed, yet accompanied
by Madsen, without
verifying Tucker's
qualifications.

#5) 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

#4.
#5) I agree to NOT
MAKE COMPLAINTS CONCERNING
THIS, OR TAKE ANY ACTION.

Sincerely,

Sandy Lyne

email: sootyharvey@
gmail.com.

Note: I'm a 20 year plus
chimney sweep. Trust me,
the hosters are disconnected.
ph # 434.865.3725

Called on a citizen
complaint. What exactly
should the inspector,
inspect?

What's the difference
of storage warehouse
to retail commercial

I've got to get
this answered.

Jill Stoe
40 Harvey Drive
York River Ponds
Bedford VA
23915

Commonwealth of Virginia
Dept. Housing (AHD) Tech Review Ponds
State Building Codes Office
Main St. Ct.
600 E. Main St.
Suite 300
Richmond VA 23219

RICHMOND VA 23219
30 MAY 2018 PM 4 L



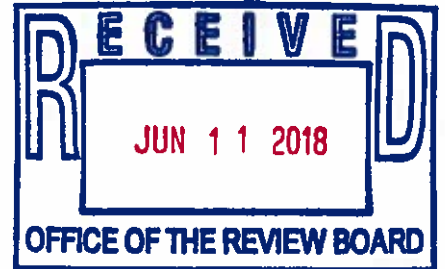
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

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

Appeal application requested by Review Board staff for clerical purposes. Appeal received May 30, 2018.



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

HARVEY DUPREE
484 Piney Pond Rd Brooklyn VA 23920
sootyhaevy@gmail.com

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

Calvin Joe Anderson
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 brought 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 Duprez
Harvey Duprez

Harvey Dorse
184 King Road
Fayette Va
23140

RICHMOND
VA 230
04 JUN '88
PM 11



Commonwealth of Virginia
Dept. of Housing & Community Development
State Building (idea office of the state
Technical Review Board)
Main St. Corridor
6000 ~~St. Main~~ St
Richmond, Va 23219
Suite 300

2321982430 0003

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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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| Documents Submitted by Brunswick County | 227 |

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VIRGINIA:

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

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

REVIEW BOARD STAFF DOCUMENT

Suggested Summary of the Appeal

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.

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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.

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Basic Documents

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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:

| Code Section | Violations, Corrective Orders and Directives <i>Contact the local authority having jurisdiction as to requirements for permits to make corrections.</i> | Time Limit for Corrections |
|--------------|--|----------------------------|
| 103.3 | Change of Occupancy to a Structure | 30 days |
| 103.6 | Reconstruction, Alteration, & Repair Shall Comply with the VA Rehabilitation Code (VRC) | 30 days |
| 108.1 | When Application is Required for Permit | 30 days |
| 109.1 | Submittal of Documents (Construction) | 30 days |
| 109.3 | Engineering Details Need For | 30 days |
| 110.3 | Asbestos Inspection Required on Structures Built Prior to January 1, 1985 | 30 days |
| 112.1 | Workmanship, Materials, and Equipment | 30 days |
| 113 | Inspection Required | 30 days |
| 113.1.2 | Duty to Notify of Inspection Needed | 30 days |
| 118.4 | Notice of Unsafe Building or Structure | 30 days |
| 119.5 | Right of Appeal | 30 days |
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County of Brunswick

OFFICE OF THE BUILDING INSPECTOR

POST OFFICE BOX 399
LAWRENCEVILLE, VA 23868
PHONE - (434) 848-2962
FAX - (434) 848-0424

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,



David H. Tucker
Building/Code Official

DHT:dkg

JUNE 4, 2018

APPLICATION FOR APPEAL

Appel party information:

HARVEY DUPREE
484 Piney Pond Rd, Beodmax, VA 23920

Opposing: David Tucker
Beunside County Building Official
Lawrenceville, VA

Additional info: Copy of decision appealed
 Statement of Relief sought.

CERTIFICATION OF SERVICE

I certify on 4 day of JUNE 2018, a completed copy was mailed to the appeal board.

Signature: *Harvey Dupree*
HARVEY DUPREE

REASONS APPEALS

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
by gutting, NO REASON TO CONDEM.

NO HEAT USED IN THIS BUSINESS

HEAT IS DISCONNECTED, OIL TANKS REMOVED

IMPROPER INSPECTION

RELIEF SOUGHT

DISMISSAL OF THIS NOTICE

CRATER PLANNING DISTRICT COMMISSION

Monument Professional Building • 1964 Wakefield Street • Post Office Box 1808 • Petersburg, Virginia 23805
PHONE: (804) 861-1666 • FAX: 804-732-8972 • E-MAIL: info@craterpdc.org • WEBSITE: www.craterpdc.org

Dennis K. Morris, Executive Director

Comm. 9VA
Dept of Hous & Comm. Servs
July 9, 2018
Application for Administrative Appeal

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

Dear Mr. Dupree:

Enclosed please find the signed minutes of the Crater Regional Building Code Appeals Board hearing held on June 26, 2018. I am sending via Certified Mail.

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

Best wishes.

Sincerely,
Martha A. Burton
Assistant to the Executive
Director

**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 him 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 - July 9, 2018
Martha A. Burton
Assistant to the Executive Director

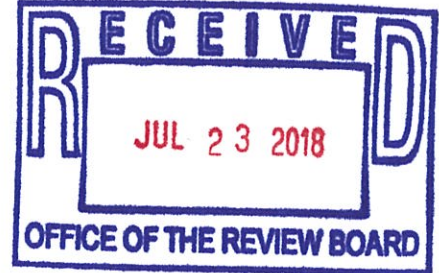
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**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



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

AH... STORE 484 Pines Road Rd Beach VA
434 865 3725
sootyblue@gmail.com

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

Fire Prevention office / Richmond VA.
Calvin Lee Mason 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)

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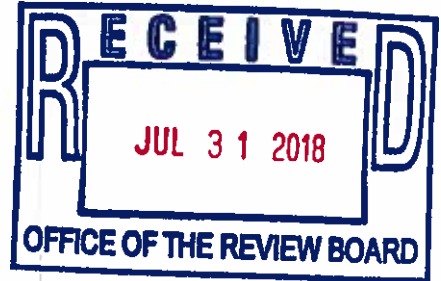
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

Revised Appeal
Application requested
by Review Board
staff for clerical
purposes. Appeal
received July 23,
2018



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

AH... STORE 484 Pinney Pond Rd Beachlak VA.
23920 phone 434 865 3725
sootyhasewy@gmail.com

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

Beunswick County Building OFFICIAL
DAVID TUCKER (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 27 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)

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From AH Stoe 484 Pinyon Pond Rd Bend, OR 97701
to: Tech. Review Board 7.29.18

Statement of Specific Relief sought
charges dropped. decisions overturned.

1. the building inspector did not attend the center planning District commission meeting on June 26, 2018.

2. not enough proof of damaged Roof Support

② Fire Marshall Dee Madson has provided two or three pictures of small areas (less than 10 feet) of a piece of wood beneath guttering system,

A AREA of \approx 15 feet of damaged floor, and a collapsed toilet. That's not

enough in a 19,000 foot building. Repairs made

③ Egress is addressed and complied.

④ The claim of trusses rotted ARE UNVERIFIED,

Not proof, only ASSUMPTION.

⑤ 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), the main street exit sign, and

what to do about disconnected lights.

⑥ 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 dollars 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 foot structure.
- ⑩ There are no trusses that are rotted 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 bricked 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 a fire barrier between rooms.
- ⑭ incorrect statement, or no proof of hanging electric wiring.
- ⑮ Mr. Grezard 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 inspectors 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 cited for it.

(24) David Tucker's inspection was done

hurriedly, without proper light (done in a unit, dark storage warehouse).

He cited an unsafe roof. Our roof is a 30 year warranted Gen Flex™ rubber membrane roofing system.

25) David Tucker inspection didn't include any inspection or proof of rotted trusses or supports.

26) David Tucker's inspection was done in a \$19,000 feet structure of Govc 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 for 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 "charge of occupancy" I have a primary address. He based 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 mention of clothes, wardrobes, personal items, laundry or cooking was noted. Insufficient proof.

29 David Tucker hasnt returned. My rights to communicate is non-present

30 The areas of the 19,000 foot 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 back flooring were due to improper guttering divider. These areas were repaired

immediately.

31 The Building inspector hasnt returned to check on the issues.

32 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 1218 Christina Hwy. Gasbueva VA. 23057. I want that charge dropped. See enclosed power bill for a 19,000 foot building. That's prove 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,

Henry Dupree

Documents Submitted By Harvey Dupree

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Prepared By:
Harry S. Montgomery, III (VS6 #43041)
Harris, Matthews & Crowder, P.C.
P. O. Box 369
South Hill, Virginia 23970

Title Not Examined By Preparer of Deed

Tax Map Parcel Numbers:
*68A2**K****4A**
*68A2**K****6**
*68A2**K****7A**
*68A2**K****8**

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."

Commercial
WAREHOUSE STORAGE

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, Meherrin 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, Meherrin 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 is 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 building 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 need 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:

Heath Stamp

License # 2705120798

434 -
532-6269

Owner:

Harvey Dupree

*only get 10 years - premium roofing - protected
not subsidized*



SPECIAL SERVICES CUSTOMER INVOICE

Store 4659 SOUTH HILL
1400 COUNTY ROAD
SOUTH HILL, VA 23970

Phone: (434) 955-2477
Salesperson: MH65TD
Reviewer:

Page 1 of 2 **No. 4659-18772**

VALIDATION AREA

SALE 4659 00001 47454 06/24/09
61 K0D1A5 10:09 AM

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.

SOLD TO

Name: **DUPREE HARVEY** Home Phone: **(877) 729-3905**

Address: **123 HWY 58E** Work Phone:

City: **BRODNAX** Company Name:

State: **VA** Zip: **23920** County: **MECKLENBURG**

Job Description: **AH VARIETY JOB**

CUSTOMER AGREEMENT # 18772

| | |
|--------------------|---------|
| RECALL AMOUNT | 2038.42 |
| ADOL MOSE SUBTOTAL | 14.96 |
| SUBTOTAL | 2053.38 |
| SALES TAX | 102.64 |
| TOTAL | 2156.02 |
| CHECK | 2156.02 |

XXXX4750
AUTH CODE 8331 TA

QUOTE is valid for this date: 06/24/2009

CUSTOMER PICKUP #1

MERCHANDISE AND SERVICE SUMMARY

We reserve the right to limit the quantities of merchandise sold to customers.

REF # W08 SKU # 515-964 Customer Pickup / Will Call

STOCK MERCHANDISE TO BE PICKED UP:

| REF # | SKU | QTY | UM | DESCRIPTION | TAX | PRICE EACH | EXTENSION |
|-------|---------|--------|----|--|-----|---------------------------|-------------------|
| R01 | 489-211 | 1.00 | EA | 1-1/2IN SMTH GV COIL ROOFING 7.2M / | | \$45.21 | \$45.21 |
| R02 | 577-332 | 1.00 | EA | 1-1/2" PLASTIC ROUND CAP 2.5M BUCKET / | Y | \$32.79 | \$32.79* |
| R03 | 258-630 | 6.00 | EA | 15# FELT-432 SQ.FT. / | Y | \$20.57 | \$123.42* |
| R05 | 515-038 | 90.00 | BD | 25YR ALUMIN BROWN SOVEREIGN FR / | Y | \$19.72 | \$1,774.80* |
| R07 | 168-335 | 5.00 | EA | 2X6-8 PT #2 PRIME-WEATHERSHIELD / | Y | \$3.86 | \$19.30* |
| R09 | 615-405 | 100.00 | EA | 2X3X7 GALV FORM STEP FLASHING-31GALV / | Y | \$0.32 | \$32.00* |
| R10 | 161-640 | 5.00 | EA | 2X4-96IN. PREMIUM KD YW STUD / | Y | \$2.18 | \$10.90 |
| | | | | | | MERCHANDISE TOTAL: | \$2,036.42 |

SCHEDULED PICKUP DATE: 06/25/2009

END OF CUSTOMER PICKUP - REF #W08

Return 4 (#6) tubes to store

Black sheets

4 (#6) tubes

NOT VALID FOR MERCHANDISE PICKUP

check my file plates val

12.97

.99

WILL CALL MERCHANDISE PICKUP
Will-Call items will be held in the store for 7 days only.
Check your current order status online at
www.homedepot.com/orderstatus

FOR WILL CALL
MERCHANDISE PICK-UP
PROCEED TO WILL CALL OR
SERVICE DESK AREA
(Pro Customers, Proceed To The Pro Desk)
* Indicates Item markdown
Customer Copy



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

May 25, 2018

HARVEY DUPREE

Customer Bill

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

For service emergencies and power outages please call 1-866-DOM-HELP (1-866-366-4357). Visit us at www.dominionenergy.com.

Meter and Usage

Current Billing Days: 27

Billable Usage

Schedule GS-1 04/26-05/23
Total kWh 960

Measured Usage

Meter: 0004476990 04/26-05/23
Current Reading 1071
Previous Reading 1059
Total kWh 960
Current Reading .08
Demand 6.40
Multiplier: 80

Usage History

| Mo | Yr | kWh |
|-----|----|------|
| May | 17 | 880 |
| Jun | 17 | 1200 |
| Jul | 17 | 1360 |
| Aug | 17 | 1360 |
| Sep | 17 | 960 |
| Oct | 17 | 960 |
| Nov | 17 | 2320 |
| Dec | 17 | 1600 |
| Jan | 18 | 2800 |
| Feb | 18 | 1760 |
| Mar | 18 | 1840 |
| Apr | 18 | 1360 |
| May | 18 | 960 |

Explanation of Bill Detail

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

Previous Balance 171.53
Payment Received 171.53CR
Balance Forward 0.00

Non-Residential Service (Schedule GS-1) 04/26-05/23
Distribution Service
Basic Customer Charge 15.47
Distribution Service kWh 18.19
Electricity Supply Svc (ESS) Generation 44.53
Transmission 8.58
Fuel 22.88
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

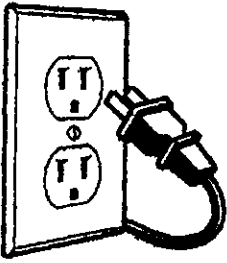
View payment options, request service changes and enroll in eBill at www.dominionenergy.com, search: Manage Your Account

Important Customer Information from Dominion Energy Virginia

Help 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.

Join over 1 million customers who love eBill, Dominion Energy's paperless billing option. Receive bill notifications and payment reminders via email and text. View, save, or print your bill anytime, anywhere, on any device. Learn more, including how you can win cash and prizes, by visiting dominionenergy.com/eBill.



BATEMAN ELECTRIC AND PLUMBING, L.L.C.

3959 GOVERNOR HARRISON PKWY. • BRODNAX, VA 23920

OFFICE: (434) 532-6335



AUTHORIZATION

Job Name: A H Variety

Address: 484 Piney Pond Rd. BRODNAX VA

Contact Person: Harvey Dupree 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 Tlc Romex cable to Box Joist Place
Note Building is mixed with Armored cable and Romex. Romex was legal at time of City inspection.
- 3) Install cover plate over panel box
- 4) Repair w/ the request of the F.A.C MARSHALL
total due \$275.00
paid-

Method of Payment (circle one): CASH CHECK CREDIT CARD

Client Signature Harvey Dupree

[Signature]

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

5-5-18
Date

5-15-18
Date

PLEASE NOTE THE REPAIRS
MADE, BUT, NOT NOTED BY
Dee Madsen

Are you able to make it .here today!
Sat 10:16AM

M No I can't maybe Monday
Sat 11:37AM

Okey,thank you sir.
Sat 11:53AM

do you think you can make it sometime this week?
Mon 10:21AM

M I won't be able to get to in Mr Harvey. I am very busy and, I have been asked not to go the job from people on the local level, the County level and highly discouraged from the State level. I can't win against those kind of offs. I am new here and they are in position to hurt me. Its unfair and I am sorry.
Wed 10:59PM

its ok. i understand that. I will refer you whenever I can. take care.
Wed 11:15PM

Send message



This is a text message
from the only electrician I
could find. He made the first
round of repairs. Dee Madison
then cited the same violations,
harrassed Mr. Bateman to the
point he will not work here.

Date of Appointment 6.2018
 Customer ATTOR STORE
 Address 484 Piney Pond Rd.
 City BROOKNAX State VA Zip 220
 Phone (H) 434 865 3725
 Appointment Day 6 Date 11 Time 7:45
 Number of fireplaces? 0 Number of Chimneys? 2

SOOT SAYER CORPORATION
 Full Service
 Chimney, Gutters, Air Ducts
 3800 Deep Creek Blvd.
 Portsmouth, VA 23702
 Serving All of Hampton Roads
 (757) 993-5911
 Visit us on the web:
 www.sootsayer.com

434
865
3725

CONDITION REPORT *NA*

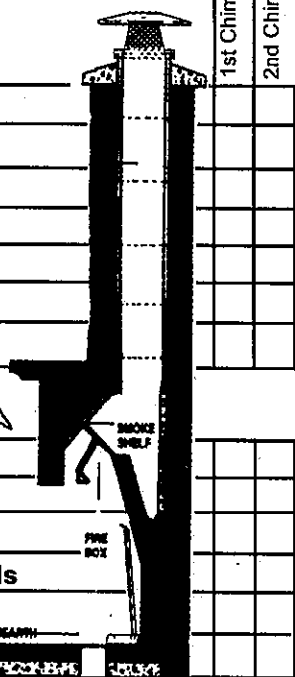
Type of Fireplace: Prefab _____ Masonry _____
 Flue x _____
 Insert _____ Free Standing Stove _____ **Unsatisfactory**
 Brand Name _____

CHIMNEY *NA*

| | | |
|-----------------------|--|--|
| Chimney Cap | | |
| Crown/Wash/Mortar Cap | | |
| Bricks/Mortar Joints | | |
| Flue Liner | | |
| Moisture Resistance | | |
| Flashing | | |
| Mechanical Parts | | |

FIREPLACE *NA*

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



| Description | Cost | Estimate | Work Ordered |
|--|------|----------|--------------|
| Sweep/Inspection | | | |
| Smoke Test | | | |
| Smoke Damage Repair | | | |
| Regular Cap | | | |
| Special Cap | | | |
| Custom Cap | | | |
| Top Sealing Damper | | | |
| Flashing Repair/New | | | |
| Crown Repair/New | | | |
| Fireplace Acces. | | | |
| Chimsaver | | | |
| Fire Box Tuckpointing | | | |
| Fire Box Back Wall | | | |
| Fire Box 3 Walls | | | |
| Heat Reflector | | | |
| Fireplace Screen | | | |
| New Liner | | | |
| Tuckpoint Flue | | | |
| Repair Smoke Chamber | | | |
| Smoke Guard/Mantle Shield | | | |
| Hearth Repair | | | |
| Ash Dump Door | | | |
| Clean Out Door | | | |
| Home Inspection | | | |
| Gas Logs Installed | | | |
| Dryer Vent Cleaning | | | |
| Duct Cleaning | | | |
| Gutter Cleaning | | | |
| Homeservices | | | |
| <u>6 DOOR REPAIR EQUATOR</u> | | | |
| Sales Tax | | | |
| Total | | | |
| Comments: <u>REPAIRED FLOORING, REPAIR TO GUTTERING.</u> | | | |

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.

Work Authorized By _____
 No. _____ Customer Signature _____
 Exp. Date NA Auth# _____
 Check# NA Amount 500.00
 Customer Signature _____
 Sweep Signature [Signature]

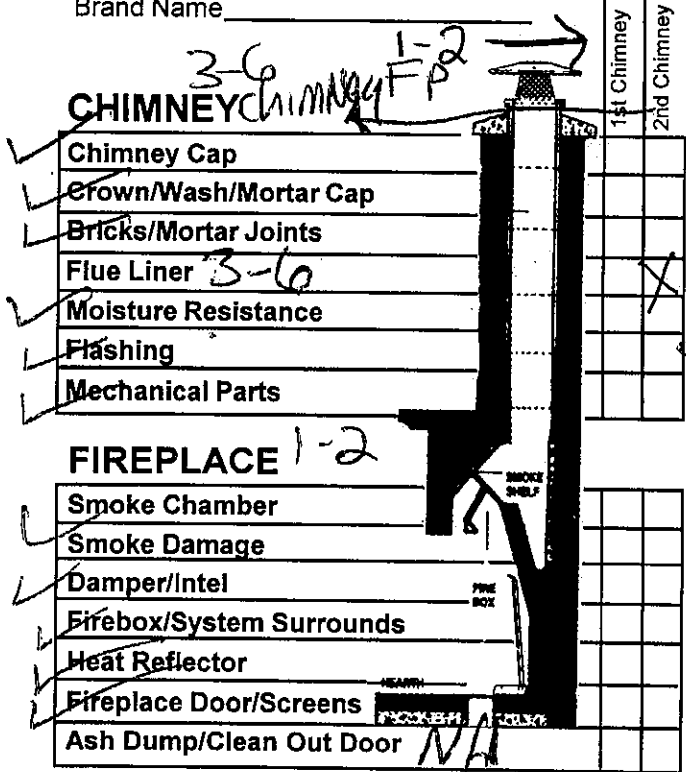
THANKS FOR CHOOSING SOOT SAYER

Date of Appointment 5.01.2017
 Customer ALL STORE
 Address 454 Piney Pond Rd
 City BROOKHAVEN State VA Zip 23061
 Phone (H) _____ (W) _____
 Appointment Day S Date 01.2017 Time _____
 Number of fireplaces? 2 Number of Chimneys? 6

SOOT SAYER CERTIFICATION
 Full Service
 Chimney, Gutters, Air Ducts
 3800 Deep Creek Blvd.
 Portsmouth, VA 23702
 Serving All of Hampton Roads
 (757) 899-8911
 Visit us on the web: 865 434
 www.sootsayer.com 3725

CONDITION REPORT

Type of Fireplace: Prefab _____ Masonry _____
 Flue ___x___ 8x8 8 1/2 x 8 1/2
 Insert ___Free Standing Stove___ Unsatisfactory
 Brand Name _____



| Description | Cost | Estimate | Work Ordered |
|-----------------------------|------------|-------------|--------------|
| Sweep/Inspection <u>X 6</u> | <u>N/A</u> | | |
| Smoke Test | | | |
| Smoke Damage Repair | | | |
| Regular Cap | | | |
| Special Cap | | | |
| Custom Cap | | | |
| Top Sealing Damper | | | |
| Flashing Repair/New | | | |
| Crown Repair/New | | | |
| Fireplace Acces. | | | |
| Chimsaver | | | |
| Fire Box Tuckpointing | | | |
| Fire Box Back Wall | | | |
| Fire Box 3 Walls | | | |
| Heat Reflector | | | |
| Fireplace Screen | | | |
| New Liner <u>3-6</u> | | <u>9.00</u> | |
| Tuckpoint Flue | | | |
| Repair Smoke Chamber | | | |
| Smoke Guard/Mantle Shield | | | |
| Hearth Repair | | | |
| Ash Dump Door | | | |
| Clean Out Door | | | |
| Home Inspection | | | |
| Gas Logs Installed | | | |
| Dryer Vent Cleaning | | | |
| Duct Cleaning | | | |
| Gutter Cleaning | | | |
| Homeservices | | | |
| Sales Tax | | | |
| Total | | | |

Comments: CHIMNEYS 1-2 ARE CLEAN AND SAFE. 3-6 ARE IN NEED OF LINER SYSTEMS

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

Customer Signature [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.

Work Authorized By [Signature]
 No. _____ Customer Signature _____
 Exp. Date NA Auth# _____
 Check# NA Amount Pd. 0-
 Customer Signature _____
 Sweep Signature [Signature]

THANKS FOR CHOOSING SOOT SAYER

Commonwealth of Virginia



STATE CORPORATION COMMISSION

Richmond,

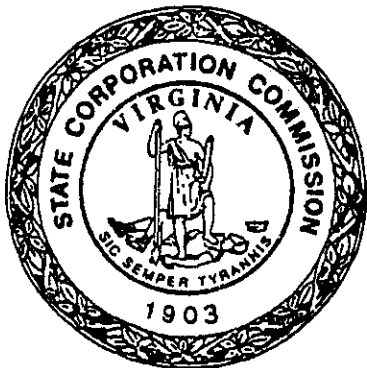
November 20, 1998

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. Beck

Clerk of the Commission



Business License

Town of Brodnax, Virginia

P. O. BOX K • BRODNAX, VIRGINIA 23920

RECEIVED, This 12th day of March, 20 18

For Licensed Tax Levied for Business of AH Store

in the Town of Brodnax from 1st day of January, 20 18

to 31st day of December, 20 18.

This license must be displayed in a conspicuous place.



451

License Number

License Fee: \$ 53.95

Beth W. Moore

Treasurer

Form 707

AH Store 484 Piney Pond Rd.

Confidential Inspection Report

Beod, N.V., Va.

PAID JUL 18 2018

CASH \$350.00



Property: AH STORE
Client: HARVEY DUPREE
Type Inspection: Commercial
Order Number: 01618
Inspected: July 18, 2018

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:

Type of Deficiency
S = Safety
M = Maintenance
P = Peripheral

Degree of Deficiency
A = Very important
B = Moderately important
C = Marginally important

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" may exist at the end of the report, if applicable.

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 downdrains (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).

(Roof Continued)

- _____ Estimated remaining useful life of house roof with repairs recommended, if any: 0-5 5-10 10-15 15-20 20+ years
- _____ Some shingles are curling. This limits the life of the shingles significantly (see estimated remaining useful life of roof).
- _____ Shingles are cracked. This usually means the shingles are past approximately the midpoint of their useful life (usually a watch situation, M, A).
- _____ Some shingles are missing (M, A).
- _____ Some shingles are torn (M, A).
- _____ Some shingles 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 (M, A).
- _____ Some wood shakes/shingles have "burn" in some places-recommend replacement of those occasional shingles (\$80-280, M, A).
- _____ Wood shakes/shingles show signs of minor curling-could be due to a recent rain or represent permanent curling.
- _____ Some wood shakes/shingles splitting (M, A).
- _____ Some wood shakes/shingles missing (M, A).
- _____ Many wood shingles or shakes show significant wear and are near the end of their life expectancy.
- _____ Rolled roofing more likely to leak than rest of roof and generally will have a useful life of about only 5-10 years.
- _____ Rolled roofing deteriorated (M, A).
- _____ Rolled roofing wrinkled. This could significantly reduce the estimated remaining useful life of the roof material.
- _____ Rolled roofing cracking. This usually means the material is past approximately the midpoint of its useful life (usually a watch situation, M, A).
- _____ Rolled roofing installed on a roof with less than an appropriate pitch. The pitch of the roof is not a proper application by manufacturer's instructions and its serviceability is indeterminable.
- _____ Chimney masonry deteriorating (M, A).
- _____ Chimney cap damaged (M, A).
- _____ Concrete capped tile flue deteriorating (M, B).
- _____ No screen covers on chimney (S, A)--should be at least 1/4" mesh-do not use window screen.
- _____ Chimney or skylight flashing not stepped into mortar or caulked on pitched sides of chimney (M, A).
- _____ No screened covers over combustion air vents (S, A)--should be at least 1/4" mesh-do not use window screen.
- _____ Combustion vents below top of evaporative cooler (S, A).
- _____ Flashing at combustion/sewer vents inadequate-e.g. cracked/no flash at top of conical flashing, etc.(M, A).
- _____ No drain line to carry evaporative cooler overflow water off of roof or unit is leaking. This has resulted/could result in significant damage to the roof below the evaporative cooler (M, A).
- _____ No drain line to carry evaporative cooler overflow water off roof. This could result in significant damage to the roof below the evaporative cooler although we are unable to evaluate possible damage due to snow on roof (M, A).
- _____ Evaporative cooler unit does not step flashed on sides. At least add step flashing at next re-roofing (M, A).
- _____ Evaporative cooler winterized and so not evaluable.

GARAGE

- _____ 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 sags (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).
- _____ Moderate 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).
- _____ Estimated 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).

(Garage Continued)

- _____ 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).
- _____ Lamp 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, 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).

(Furnace Continued)

- _____ 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/manufacture'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.
- _____ Apparently 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-the most important concern in wiring that has been "overamped".
- _____ 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).
- X _____ Wires entering through electrical panel box walls not protected by protective clamps (S, A) → 2 splices
- _____ 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 _____

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 inoperable (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 convertible 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 Mildew, moisture or rust below shower and/or tub at walls and floor (M, A).
- 16Q No knob locks on door (P, C).

→ ONE damaged toilet. Resealed

GENERAL ITEMS

"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 _____ NV → *the rooms joining have a top to bottom double bricked wall*

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 _____ NV

Porches/Patios/Decks/Balconies: Columns: Metal/Wood/Indeterminable/NV

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 Membrane

Observed by: Binoculars On roof Ladder at eave Window Other _____ **Observed:** Skylight/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 _____
N S E W level: 1 2 3 4 5 N S E W level: 1 2 3 4 5 Aluminum Branch Circuit Wiring Present

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
No 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
NO 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 _____

Central Cooling: Electric/Gas/Oil Integral/Split Temp. < 60° F or unit not "warmed up" 24 hrs.
NO 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
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 _____ NV **Observed:** Fixtures/Faucets Cross Connects/NA

Water Drainage: Cast iron/Galvanized steel/Plastic/Copper/Lead/Steel/Other _____ NV **Observed:** Sumps/NA

Kitchen: *no kitchen* **Observed:** Cabinets *no cabinets* *in main room* *New Plc*

ADDITIONAL ITEMS FOUND

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 pluses to this property probably not typical in this age property (e.g. newer roof, newer furnace, fuses replaced with breakers, etc.):

Gen Flex Roof in good condition.
No exposed wiring or deep cracks.

Approximate number of problems or preventative maintenance items found on this property through our inspection:

2 - (in panel boxes)



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Documents Submitted By Brunswick County

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

RE: Appeal to the Review Board for Harvey Dupree (A...H Variety) Appeal No. 18-06

Harrison <hjamison@brunswickco.com>

Fri, Sep 21, 2018 at 11:02 AM

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

Cc: Harvey Dupree Dupree <sootyharvey@gmail.com>, "Brown, Jeff (DHCD)" <Jeff.Brown@dhcd.virginia.gov>

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

From: Luter, William [mailto:travis.luter@dhcd.virginia.gov]**Sent:** Thursday, September 06, 2018 4:42 PM**To:** Harrison <hjamison@brunswickco.com>**Cc:** Harvey Dupree Dupree <sootyharvey@gmail.com>; Brown, Jeff (DHCD) <Jeff.Brown@dhcd.virginia.gov>**Subject:** Re: Appeal to the Review Board for Harvey Dupree (A...H Variety) Appeal No. 18-06

Mr. Jamison,

I apologize for my delayed response as I am out of the office today with limited access to my email. All communication related to an appeal must be conveyed to all parties in the appeal; therefore, I have copied Mr. Dupree on my response to ensure ex parte communication does not occur.



County of Brunswick

OFFICE OF THE BUILDING INSPECTOR

POST OFFICE BOX 399
LAWRENCEVILLE, VA 23868
PHONE - (434) 848-2962
FAX - (434) 848-0424

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 Variety¹:

1. Code Section: 109.1: Submittal of Documents (Construction)
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 Variety²:

- ✓ 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
- ✓ 4. Code Section: 112.1: Workmanship, Materials, and Equipment

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
Harvey Dupree (Appellant)

9.17.18 (HD)
9.16.18
Date

Harrison Jamison
Harrison Jamison (Building Official)

9/17/18
Date

Respectfully submitted by Harrison Jamison, Building Official, County of Brunswick, Virginia.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

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VIRGINIA:

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

IN RE: Karen Lindsey
Appeal No. 18-07

REVIEW BOARD STAFF DOCUMENT

Suggested Summary of the Appeal

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

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

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

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

5. On March 29, 2018 Lindsey received copies of the Notice of Unsafe Structure (Demolition), Demolition Authorization Form, local appeals board application, Notice of Violation, Public Notice, and Amended Building Inspection Report for Unsafe Structure dated March 26, 2018 via USPS certified mail . The same documents were posted on the structure by the City Sheriff's Department on March 30, 2018.

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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.

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

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.

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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.

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Basic Documents

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

NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 7, 2018

CERTIFIED: 7017 0190 0000 9661 5431

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

Reference: Demolition of 2445 Strawberry Lane
Tax Parcel 1410000005030

Dear Property Owner(s):

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

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

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

Demolition
2445 Strawberry Lane
Page Two
March 7, 2018

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

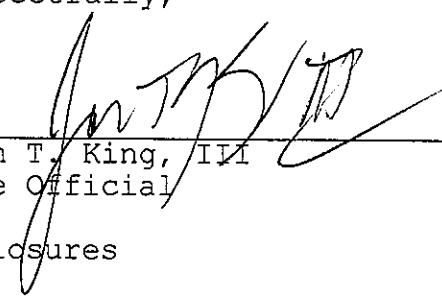
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

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

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

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

Respectfully,



John T. King, III
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

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

Property Identification Number: 1410000005030

Sir:

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

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

Signature

Current Mailing Address

Phone Number

Duly subscribed to before me this _____ day of _____, 2018.

Notary Public

My Commission Expires: _____.

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

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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

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

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

Additional Comments/Explanations:

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

Owner

Other

Signature

Date

Address

Contact Phone Number

Notice of Violation

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

Parcel # Property Address

Occupancy Type Tenant Name

Owner Name/Address

Type of Inspection Date of Inspection

Violation(s) must be corrected within Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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

Code Explanation(s):

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

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

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

PUBLIC NOTICE

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

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

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

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

NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 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.

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2445 Strawberry Lane
Page Two
March 7, 2018

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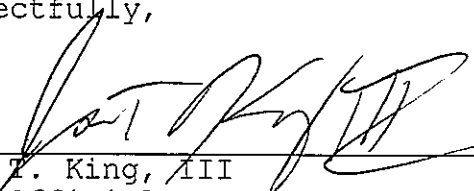
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Current Mailing Address

Phone Number

Duly subscribed to before me this _____ day of _____, 2018.

Notary Public

My Commission Expires: _____.

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Post Office Box 15225
Chesapeake, Virginia 23328

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Owner

Other

Signature

Date

Address

Contact Phone Number

Notice of Violation

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

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

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

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| <input type="checkbox"/> 304.13.2 Openable window | <input type="checkbox"/> 704 Smoke detector | | |
| <input type="checkbox"/> 304.14 Insect Screens | | | |
| <input type="checkbox"/> 304.15 Doors | | | |
| <input type="checkbox"/> 46.131.1 Graffiti | | | |
| <input checked="" type="checkbox"/> 105 Unsafe/Unfit Structure | | | |
| <input type="checkbox"/> 14-4 Dangerous Building | | | |

Code Explanation(s):
 Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.
 *Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

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

BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected: City Water City Sewer Septic Tank Gas Electric

Legal Description:

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

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

Building is: Occupied Vacant Abandoned

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

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

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

Examination:

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

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

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

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

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

Page 2

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

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

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

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

CONCLUSION:

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

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

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

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 1-30-18

Code Official:
John King

Signature 

Date 1/30/18

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

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P.O. Box 15225
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Fax (757) 382-6793

NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 7, 2018

CERTIFIED: 7017 0190 0000 9661 5455

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

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

Dear Judgement Holder(s):

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

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Demolition
2445 Strawberry Lane
Page Two
March 7, 2018

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

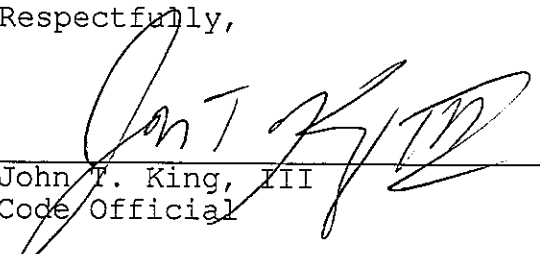
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

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

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

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

Respectfully,



John T. King, III
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

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

Property Identification Number: 1410000005030

Sir:

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

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

Signature

Current Mailing Address

Phone Number

Duly subscribed to before me this _____ day of _____, 2018.

Notary Public

My Commission Expires: _____.

Notice of Violation

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

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

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

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

| EXTERIOR | INTERIOR | PLUMBING/FIXTURES | EQUIPMENT |
|--|--|--|--|
| <input type="checkbox"/> 301.3 Vacant Structure | <input type="checkbox"/> 305.1 General | <input type="checkbox"/> 502 Required Facilities | <input type="checkbox"/> 602 Heating & Cooling Supply |
| <input type="checkbox"/> 302 Exterior Areas | <input type="checkbox"/> 305.2 Structural members | <input type="checkbox"/> 502.1 Water closet | <input type="checkbox"/> 603.1 Mechanical Appliances |
| <input type="checkbox"/> 302.5 Rodent Harborage | <input type="checkbox"/> 305.3 Interior surfaces | <input type="checkbox"/> 502.1 Bathtub/shower | <input type="checkbox"/> 603.2 Chimney/Vent Connection |
| <input type="checkbox"/> 302.7 Accessory Structures | <input type="checkbox"/> 305.4 Stairs/walking surfaces | <input type="checkbox"/> 502.1 Lavatory | <input type="checkbox"/> 603.3 Clearances |
| <input type="checkbox"/> 303 Pools/Enclosures | <input type="checkbox"/> 305.5 Handrails/guardrails | <input type="checkbox"/> 502.1 Kitchen sink | <input type="checkbox"/> 603.4 Controls |
| <input type="checkbox"/> 304 General Exterior | <input type="checkbox"/> 305.6 Interior Doors | <input type="checkbox"/> 503 Toilet Rooms | <input type="checkbox"/> 603.5 Combustion Air |
| <input type="checkbox"/> 304.2 Protective Treatment | <input type="checkbox"/> 305.7 Carbon Monoxide Alarms | <input type="checkbox"/> 504.1 Fixture maintenance | |
| <input type="checkbox"/> 62-2 Weeds/Debris | <input type="checkbox"/> 307.1 Handrails/Guardrails | <input type="checkbox"/> 505.1 Fixture connections | <input type="checkbox"/> ELECTRICAL |
| <input type="checkbox"/> 304.3 Street Numbers | <input type="checkbox"/> 308.1 Interior Rubbish | <input type="checkbox"/> 505.2 Contamination | <input type="checkbox"/> 604.1 Facilities Required |
| <input type="checkbox"/> 304.4 Structural Members | <input type="checkbox"/> 309 Pest Elimination | <input type="checkbox"/> 505.3 Supply | <input type="checkbox"/> 604.3 System Hazards |
| <input type="checkbox"/> 304.5 Foundation Walls | <input type="checkbox"/> 310 Lead Based Paint | <input type="checkbox"/> 505.4 Water heating | <input type="checkbox"/> 605.1 Installation |
| <input type="checkbox"/> 304.6 Exterior Walls | <input type="checkbox"/> 402 Light | <input type="checkbox"/> 506.1 Sewer Connection | <input type="checkbox"/> 605.2 Receptacles |
| <input type="checkbox"/> 304.7 Roofs/Drainage | <input type="checkbox"/> 403 Ventilation | <input type="checkbox"/> 506.2 Sewage maintenance | <input type="checkbox"/> 605.3 Lighting Fixtures |
| <input type="checkbox"/> 304.10 Stairs/decks/balconies | <input type="checkbox"/> 404 Occupancy Limitations | <input type="checkbox"/> 507.1 Storm Drainage | <input type="checkbox"/> 607.1 Duct System |
| <input type="checkbox"/> 304.13 Window/door frame | <input type="checkbox"/> 702 Means of egress | | <input type="checkbox"/> 607.4 Cooling Supply |
| <input type="checkbox"/> 304.13.1 Glazing | <input type="checkbox"/> 702.3 Locked doors | | <input type="checkbox"/> 606 Elevators |
| <input type="checkbox"/> 304.13.2 Openable window | <input type="checkbox"/> 704 Smoke detector | | |
| <input type="checkbox"/> 304.14 Insect Screens | | | |
| <input type="checkbox"/> 304.15 Doors | | | |
| <input type="checkbox"/> 46.131.1 Graffiti | | | |
| <input checked="" type="checkbox"/> 105 Unsafe/Unfit Structure | | | |
| <input type="checkbox"/> 14-4 Dangerous Building | | | |

Code Explanation(s):

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

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

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

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

BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected: City Water City Sewer Septic Tank Gas Electric

Legal Description:

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

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

Building is: Occupied Vacant Abandoned

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

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

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

Examination:

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

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

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

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

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

Page 2

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

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

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

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

CONCLUSION:

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

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

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

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 1-30-18

Code Official:

John King

Signature 

Date 1/30/18

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

PUBLIC NOTICE

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

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

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

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

NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 26, 2018

CERTIFIED: 7017 0530 0000 2512 5318

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

Reference: Demolition of 2445 Strawberry Lane
Tax Parcel 1410000005030

Dear Property Owner(s):

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

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

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

Demolition
2445 Strawberry Lane
Page Two
March 26, 2018

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

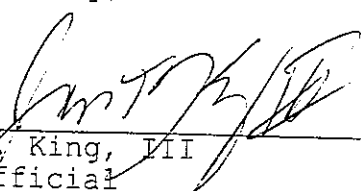
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The owner, agent or person in control of the property has the right to appeal the decision of the Code Official. Should you desire to appeal, execute the furnished appeal form and return same to this office within fourteen (14) days of the date of 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.

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Respectfully,



John T. King, III
Code Official

Enclosures

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

Property Identification Number: 1410000005030

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Signature

Current Mailing Address

Phone Number

Duly subscribed to before me this _____ day of _____, 2018.

Notary Public

My Commission Expires: _____

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

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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

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

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

Additional Comments/Explanations:

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

Owner

Other

Signature

Date

Address

Contact Phone Number

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

AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

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

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Page 2

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CONCLUSION:

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

Inspector performing inspection:


Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

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Notice of Violation

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

Parcel # 1410000005030 Property Address 2445 STRAWBERRY LN.

Occupancy Type Occupied Tenant Name

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

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

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

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

| EXTERIOR | INTERIOR | PLUMBING/FIXTURES | EQUIPMENT |
|--|--|--|--|
| <input type="checkbox"/> 301.3 Vacant Structure | <input type="checkbox"/> 305.1 General | <input type="checkbox"/> 502 Required Facilities | <input type="checkbox"/> 602 Heating & Cooling Supply |
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Development and Permits
Code Compliance Division
306 Cedar Road
P.O. Box 15225
Chesapeake, Virginia 23328-5225
(757) 382-6378
Fax (757) 382-6793

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

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2445 Strawberry Lane
Page Two
March 26, 2018

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John T. King, III
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

TO: Code Official
Department of Development and Permits
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Chesapeake, Virginia 23328

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Sir:

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

Signature

Current Mailing Address

Phone Number

Duly subscribed to before me this _____ day of _____,
2018.

Notary Public

My Commission Expires: _____.

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

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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

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

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

Additional Comments/Explanations:

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

Owner

Other

Signature

Date

Address

Contact Phone Number

AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected: City Water City Sewer Septic Tank Gas Electric

Legal Description:

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

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

Building is: Occupied Vacant Abandoned

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

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

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

Examination:

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

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

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

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

Page 2

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

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

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

CONCLUSION:

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

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

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

Inspector performing inspection:

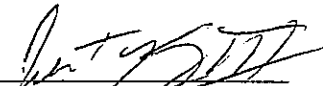
Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/22/18

Notice of Violation

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

Parcel # Property Address

Occupancy Type Tenant Name

Owner Name/Address

Type of Inspection Date of Inspection

Violation(s) must be corrected within Name of Inspector

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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

Code Explanation(s):
 Unsafe Structure - Accessory structure shed/garage has been determined to be an unsafe structure and the condition constitutes such a hazard that it should be razed or removed. Unsafe determination prohibits its use for habitation until repaired with building permit requiring structural engineer plans for repair.
 *Demolish unsafe structure within 30 days of the date of written notice with permit or provide structural engineers report stating that the structure is repairable for further review to obtain required permits within 30 days of this written notice.

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

Proof of Posting this notice @ house



City of Chesapeake

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

NOTICE OF UNSAFE STRUCTURE
(DEMOLITION)

March 26, 2018

WW180329056

CERTIFIED: 7017 0530 0000 5212 5288

RECEIVED BY SHERIFF
2018 MAR 29
CHESAPEAKE
AH ID: 04

Karen Lindsey
2445 Strawberry Lane
Chesapeake, VA 23324

5

Reference: Demolition of 2445 Strawberry Lane
Tax Parcel 1410000005030

Dear Property Owner(s):

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

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

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

Demolition
2445 Strawberry Lane
Page Two
March 26, 2018

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

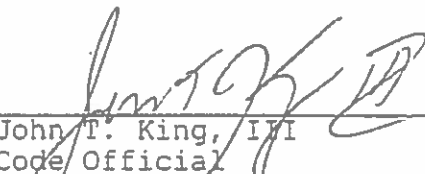
If demolition of the building is contemplated, a demolition permit must be issued before the work is commenced. It shall remain the property owner's responsibility to pay any fees for discontinuance of utility services (water and sewer).

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

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

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

Respectfully,



John T. King, III
Code Official

Enclosures

DEMOLITION AUTHORIZATION FORM

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

Property Identification Number: 1410000005030

Sir:

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

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

Signature

Current Mailing Address

Phone Number

Duly subscribed to before me this _____ day of _____, 2018.

Notary Public

My Commission Expires: _____.

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Attention: John T. King, III
Post Office Box 15225
Chesapeake, Virginia 23328

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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Owner

Other

Signature

Date

Address

Contact Phone Number

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

AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

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Legal Description:

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

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Examination:

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

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

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

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

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

Page 2

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

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CONCLUSION:

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

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

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:
John King

Signature 

Date 3/22/18

Notice of Violation

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

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

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

NOTE MAKE ALL NECESSARY REPAIRS CHECKED BELOW - EXPLANATION BELOW CHECKLIST

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

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

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 WILLIAM J. LINDSEY
 MARIJORIE A. LINDSEY
 2475 STRAWBERRY LANE
 CITIESAPEAKE, VA 23324



9590 9402 3737 7335 0906 10

2 Article Number (Transfer from service label)
 7027 0530 0000 2512 5318
 PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *W. J. Lindsey*
 Agent

B. Received by (Printed Name)
 P. W. Wilson
 Addressed

C. Date of Delivery
 5 29 14
 Yes
 No

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

3. Service Type

| | |
|--|--|
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery and Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| | <input type="checkbox"/> Restricted Delivery |

Domestic Return Receipt

Return of Service

CITY OF CHESAPEAKE DEVELOPMENT AND PERMITS vs KAREN LINDSEY

Case #: 70170530000025125318

Paper Type: Notice

Court Date:



Name: LINDSEY, KAREN

Address: 2445 STRAWBERRY LN
Chesapeake, VA

Date Served: 3/30/2018 11:26:49 AM

Type of Service: Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.

Note:

WW180329056

Serving Officer: Deputy M. Elkins

For: Jim O'Sullivan, Sheriff

4



Development and Permits Department
RECEIPT OF PAYMENT

Date: 04/10/2018

Receipt # 532331

Paid By:

KAREN LINDSEY
2445 STRAWBERRY LN
CHESAPEAKE, VA 23324-3113

Paid

| Record Description | Address | Lot # | Fee Description | Amount |
|-----------------------|--------------------|-------|---------------------------------|----------------|
| BLD-APPEAL-2018-00302 | 2445 STRAWBERRY LN | | Building Appeal Application Fee | \$25.00 |
| | | | Total | \$25.00 |

| Payment Type: | Identifying # | # of Transactions | Amount |
|---------------|---------------|-------------------|----------------|
| Money Order | 17-738850712 | 1 | \$25.00 |
| | | Total | \$25.00 |

BALANCE DUE

\$0.00

Collected By: DWARE

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

Reference: 2445 Strawberry Lane - 1410000005030

Dear Sir:

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

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

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

Additional Comments/Explanations:

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

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

Owner

Other

Karen Lindberg
Signature

April 10, 2018
Date

2445 Strawberry Lane POB #5481
Ches, VA 23324
Address

757-267-0299
Contact Phone Number

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

April 26, 2018

Karen Lindsey
2445 Strawberry Ln
Chesapeake, VA 23324-3113

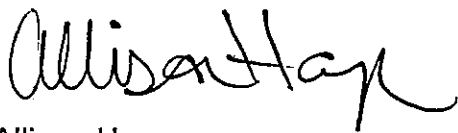
RE: Appeal – 2445 Strawberry Lane
Real Estate Parcel Number 1410000005030

Dear Ms. Lindsey:

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

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

Sincerely,



Allison Harper,
Secretary

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

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

May 18, 2018

Karen Lindsey
Po Box 5481
Chesapeake, VA 23324

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

Dear Ms. Lindsey:

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

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

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

LBBCA Decision Letter to Appellant

Chesapeake
VIRGINIA

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

May 21, 2018

Karen Lindsey
Po Box 5481
Chesapeake, VA 23324

Staff Note: This letter was provided by the City of Chesapeake. The same letter was provided by the Appellant and is on the previous page; however, the dates of the letters are different so I included both letters in the agenda package.

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

Dear Ms. Lindsey:

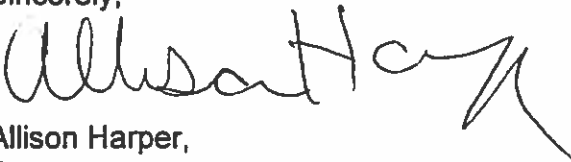
Attached please find the signed ruling for Case 18-02 from the May 16, 2018 meeting of the Local Board of Building Code Appeals.

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."*

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

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

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

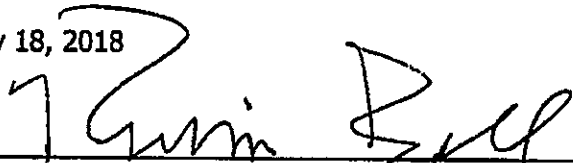
WHEREAS, appeal 18-02 was filed April 10, 2018 by Karen Lindsey, the resident of 2445 Strawberry Lane and also the Executor of the Estate of William and Marjorie Lindsey, located in the City of Chesapeake, Virginia and brought to the attention of the board of appeals; and

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

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

Date: May 18, 2018






Signature


Kevin Ball, Chairman of Local Board of Building Code Appeals

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

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

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

| ATTENDEE (Initials) | REPRESENTING | EMAIL |
|--|--------------|----------------------|
|  Kevin T. Ball | LBBCA | kball@rmm.com |
| Edwin A. Coyner III | LBBCA | edcoyner63@gmail.com |
|  Murray R. Goodwin III | LBBCA | mrgoodwinIII@aol.com |
|  Robert C. Hudson III | LBBCA | rhudson@BGI-GC.com |
|  Gerald F. Martin | LBBCA | gfm@mandma.com |
|  Eric Stichler | LBBCA | estichler@bgi-gc.com |
| Steven D. Allen | LBBCA | redtr6man@cox.net |

City Staff and Appellants

Allison Harper - Development & Permits

John King O.P.P.

Karen Lindsey

Meredith Jacobi - Asst. City Attorney

D&P 2ND FLOOR PO BOX 5481 23324 HH

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | | | | | | | | | | | | |
|--|---|--|---|--|---|--|--|---|---|--|--|--|---|
| <ul style="list-style-type: none"> ■ 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. | <p>A. Signature <input checked="" type="checkbox"/> <i>Pepper Wilson</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Pepper Wilson</i></p> <p>C. Date of Delivery <i>5-25-18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> | | | | | | | | | | | | |
| <p>1. Article Addressed to:</p> <p style="font-size: 1.2em;"><i>Karen Lindsey</i> <i>PO BOX 5481</i> <i>Chesapeake, VA 23324</i></p> | <p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/> Adult Signature</td> <td style="border: none;"><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td style="border: none;"><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certified Mail®</td> <td style="border: none;"><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td style="border: none;"><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Collect on Delivery</td> <td style="border: none;"><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td style="border: none;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table> | <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | | | | | | | | | | | | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | | | | | | | | | | | | |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | | | | | | | | | | | | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | | | | | | | | | | | | |
| <p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em;"><i>7017 3380 0000 3201 6270</i></p> | <p>1 Mail 1 Mail Restricted Delivery (300)</p> | | | | | | | | | | | | |
| <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> | | | | | | | | | | | | | |

HH

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

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7017 3380 0000 3201 6270

| | |
|--|----------------------|
| <p>Certified Mail Fee \$</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$</p> <p><input type="checkbox"/> Return Receipt (electronic) \$</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$</p> <p><input type="checkbox"/> Adult Signature Required \$</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$</p> | <p>Postmark Here</p> |
| <p>Postage \$</p> <p>Total Postage and Fees \$</p> | |
| <p>Sent To <i>Karen Lindsey</i></p> <p>Street and Apt. No. or PO Box No. <i>PO BOX 5481</i></p> <p>City, State, ZIP+4® <i>Chesapeake, VA 23324</i></p> | |

PS Form 3800, April 2015 PSN 7530-02-000-3047 See Reverse for Instructions

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

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 LINDSEY - (757) 287-0299 - k.lind@gmail.com

2445 STRAWBERRY LANE CHESAPEAKE, VA 23324

Mailing Address: P.O. Box 5481 CHESAPEAKE, VA 23324

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

Dept. of Development and Permits - 306 Cedar Rd, P.O. Box 15225 - Chesapeake, VA 23328-5225

John King Code Official Email Address: jking@cityofchesapeake.net - 757-382-8976

Michele Theockmorton Code Enforcement Administrator Email Address: mtheockmorton@cityofchesapeake.net - 757-382-8374

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2018, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: Karen Lindsey

Name of Applicant: KAREN LINDSEY

(please print or type)



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 past the home. The following week phone calls were made to Department Head, Michele Throchmorton, and the Director, Jay Tate, in addition to emails exchanges with Mr. Tate asking what was the city trying to do and why was this taking place. I acknowledged to everyone I have been in contact with that I totally disagree with everything that has transpired in reference to the property on Strawberry Lane. The responses I received was if you do not agree then the only thing to do in appeal.

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

that home. How much time is a reasonable amount of time in order for displaced victims to start our lives over again? Did anyone at the City or State level take into consideration that the victims need a temporary place of residency? Life as we once knew it to be is gone forever; the next step is to make plans for transitioning to a brand new life in addition to coordinating a plan to rebuild our home.

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

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

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

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

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

The steps taken to place my home on the demolition list initially after the fire is being questions and now I am seeking clarity from the State. I am well aware that a decision must be made regarding the structure because it cannot remain as it is forever; demolition is not an option of mine. The Executor of the Estate should have not been put in this position to have to battle to save this home prior to giving my response on how I planned to proceed with the property

moving forward. I am following the protocol set in motion by the Department of Development and Permits of the next step in this process after the Local Board of Building Code of Appeals by appealing to the State Technical Review Board. If at any point you need to reach me via phone, my cell number is 757-287-0299; please leave a detail message if no answer. Also, my mailing address at this time is PO Box 5481, Chesapeake, Virginia 23324.

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

Documents Submitted
By Karen Lindsey

(Page left blank intentionally)

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

Court File No. 180000154

Chesapeake Circuit Court

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

DATE

Karen Gaynell Lindsey,

NAME(S) OF PERSON(S) QUALIFYING

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

Marjorie A Lindsey

DECEASED MINOR INCAPACITATED

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

\$344,000.00 bond has been posted.

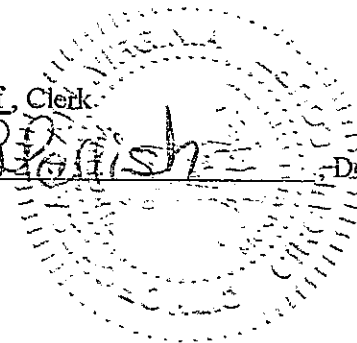
Given under my hand and the seal of this Court on

February 27, 2018

DATE

Alan P. Krasnoff, Clerk

by Stacey L. Parish, Deputy Clerk



Release of Liability Statement

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

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

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

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

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

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

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

Karen Lindsey, KAREN LINDSEY
Signature Print

July 12, 2018
Date

(757) 287-0299
Phone Number

_____/_____
City employee initials Date



Chesapeake

3 people displaced in Chesapeake house fire

By: Kevin Green

Updated: Jan 25, 2018 05:28 AM EST



Credit: Chesapeake Fire Department

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

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

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

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

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

Stay with WAVY.com for the latest developments.

Copyright by WAVY - All rights reserved



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

2445 Strawberry Lane7 messages

Jay Tate <jtate@cityofchesapeake.net>

Fri, Mar 23, 2018 at 4:50 PM

To: "k.lex.lind@gmail.com" <k.lex.lind@gmail.com>

Cc: "Sandra R. Witherow" <switherow@cityofchesapeake.net>, Michele Throckmorton <mdthrockmorton@cityofchesapeake.net>

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

 **MOU DRAFT VERSION.DOC**

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

Fri, Mar 23, 2018 at 5:04 PM

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

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

Fri, Mar 23, 2018 at 5:13 PM

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

Sent from my Verizon Wireless 4G LTE DROID

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

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

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

Fri, Mar 23, 2018 at 5:52 PM

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

[Quoted text hidden]

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

Mon, Mar 26, 2018 at 11:58 AM

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

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

[Quoted text hidden]

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

Fri, Mar 30, 2018 at 10:13 AM

Mr. Tate,

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

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

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

Thank You,

Karen Lindsey

[Quoted text hidden]

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



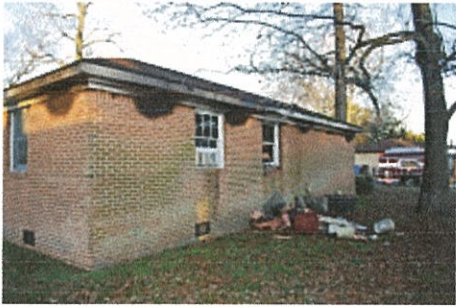
1801011 (9) (1).jpg
2419K



1801011 (7) (1).jpg
2322K



1801011 (6).jpg
2313K



1801011 (4) (1).jpg
2401K

**Memorandum of Understanding
Unsafe Structures DRAFT VERSION**

Address: 1234 Cedar Road
Parcel # 1000000000000

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

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

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

Signature _____ Date _____

Printed Name _____ Property Owner

Signature _____ Date _____

Printed Name _____ Agent (power of attorney)

Notary:

State of:
City/County of:

On _____ personally appeared before me _____

Whose identity I verified on the basis of _____,

Notary Public _____

My commission expires:

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

Address: : 1234 Cedar Road
Parcel # 1000000000000

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

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

Property owner or Agent Signature _____

Printed Name _____

Date _____

City Employee's initials _____









Search Keywords

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

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April 2018 Demolition List

Board-Ups

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

Dangerous Building

- 1113 Kimberly Court
- 405 Beauregard Drive

Demolitions

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

This Section

Department of Development and Permits Home

Building Permits and Inspections

Code Compliance

Property Maintenance Inspection

Landscaping

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Development Engineering and Construction

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Zoning Administration

Floodplain Ordinance

FEMA FloodSmart Fact Sheet

Announcements

Department Calendar

Permit Applications

Forms

Demolition - Invitation for Bid

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Documents Submitted
By the City of Chesapeake

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

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

2445 Strawberry Lane

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

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

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

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

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

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

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

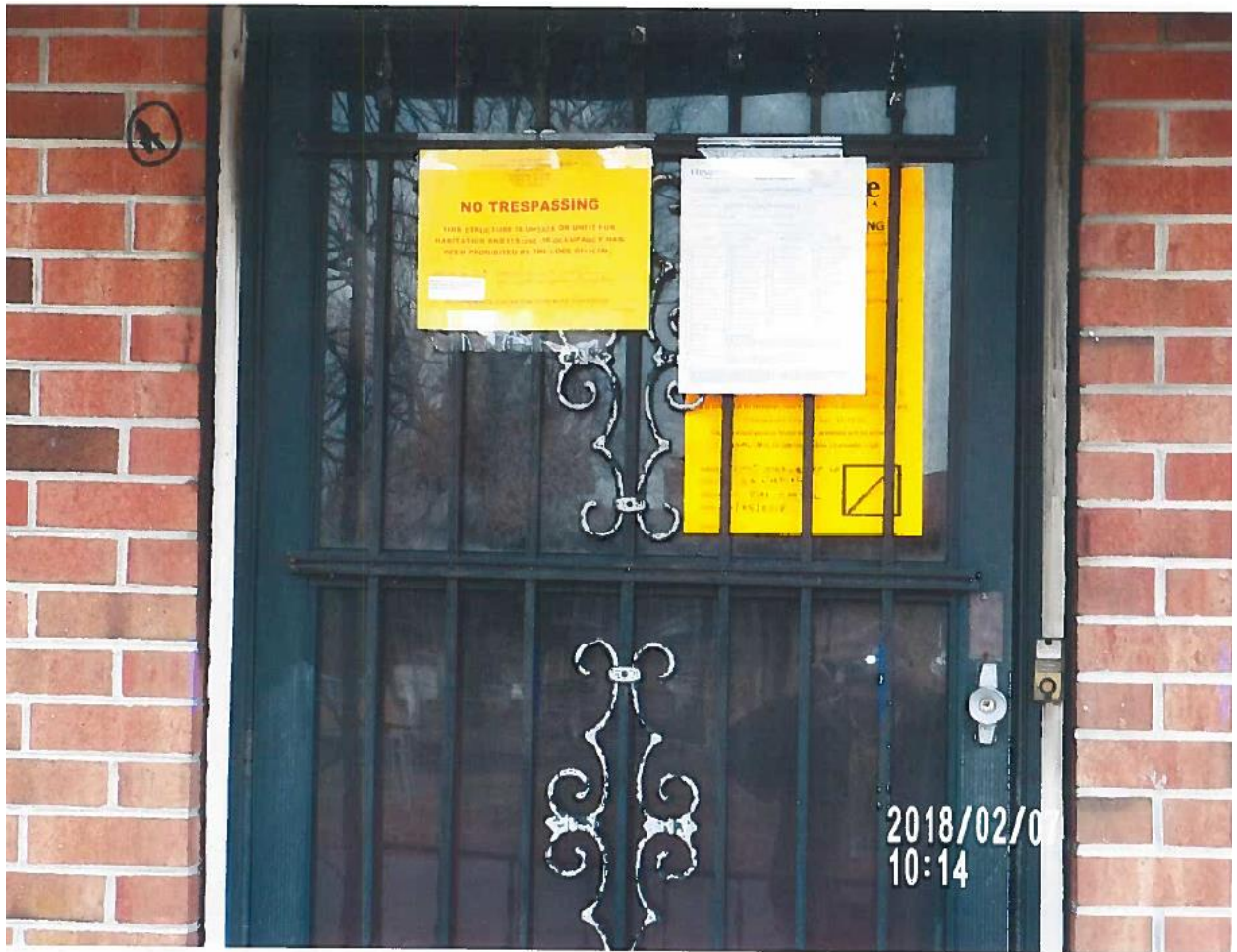
Staff requests that the Board uphold the notice of violation and stipulate a time frame for repairs or demolition.

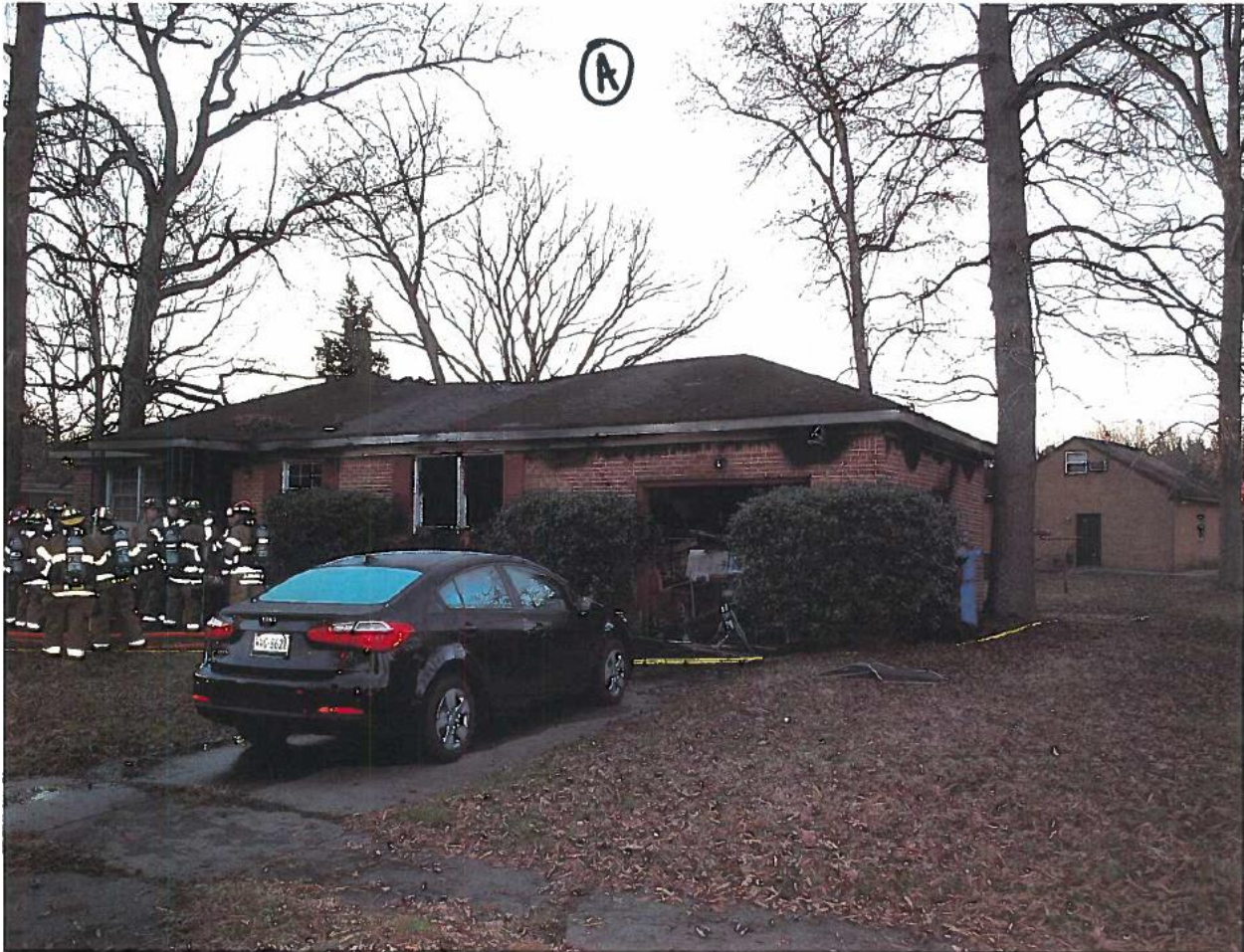
John King
5/2/18















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

AMENDED BUILDING INSPECTION REPORT FOR UNSAFE STRUCTURES

SR Number: 18-00013703

Hazardous Structure Number:

Owner/ Agent: Lindsey William J & Marjorie A

Phone No. Unknown

Address: 2445 Strawberry Ln

Real estate Tax Value: \$171,700.00

Utilities Connected: City Water City Sewer Septic Tank Gas Electric

Legal Description:

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

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

Building is: Occupied Vacant Abandoned

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

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

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

Examination:

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

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

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

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. (Pictures labeled C For TRB)

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 TRB)

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 TRB)

CONCLUSION:

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

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

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

Inspector performing inspection:

Harold B. Phillips III, Code Compliance Inspector

Signature 

Date: 3-22-18

Code Official:

John King

Signature 

Date 3/23/18

Additional Documents
Submitted By the
City of Chesapeake

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August 16, 2018

VIA Email

Virginia State Building Code
Technical Review Board
W. Travis Luter Sr.
Secretary to the Board
travis.luter@dhcd.virginia.gov

Office of the City Attorney
306 Cedar Road
Chesapeake, Virginia 23322
(757) 382-6586
Fax (757) 382-8749

**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.

agent, received the LBBCA'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, 2018.² 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.

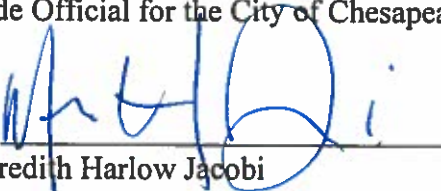
2. The City objects to consideration of ex parte communications by Ms. Lindsey, including her appeal application.

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 LBBCA.

Should the TRB allow Ms. Lindsey's time-barred appeal to be heard, the TRB should uphold the decision of the LBBCA. 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)
Attachments: Local Board of Building Code Appeals Decision Letter.pdf; Proof of Notice Posting on Property.pdf; Staff Report for Local Board of Building Code Appeals.pdf; Supporting Pictures to Inspection Report- First Set.pdf; Supporting Pictures to Inspection Report- Second Set.pdf; Supporting Pictures to Inspection Report- Third Set.pdf; Amended Building Inspection Report.pdf

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

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September 28, 2018

VIA Email

Virginia State Building Code
Technical Review Board
W. Travis Luter Sr.
Secretary to the Board
travis.luter@dhcd.virginia.gov

Office of the City Attorney
306 Cedar Road
Chesapeake, Virginia 23322
(757) 382-6586
Fax (757) 382-8749

**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, Prof'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. Dep't 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

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.

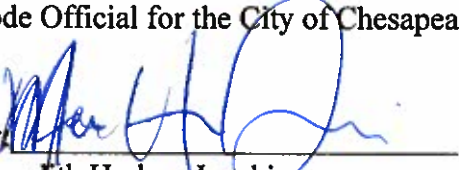
Because the *Mayo* case is analogous to the 2445 Strawberry Lane case, and the *Mayo* court relied on the timeline of filings provided by the applicant to reach its ruling, the timeline of filings provided by Ms. Lindsey should likewise be included in the Review Board Staff Document. Thus, the City requests 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: 
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Assistant City Attorney

CC via e-mail: Karen Lindsey, Appellant
John T. King, III, Chesapeake Code Official
Michele Throckmorton, Code Compliance Administrator