

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, March 15, 2024 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

- I. Roll Call **(TAB 1)**
- II. Approval of February 16, 2024 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
 - In Re: Gregg Black
Appeal No. 23-09
- IV. Approval of Interpretation 01/2024 **(TAB 4)**
 - In Re: John Card (City of Newport News)
Interpretation Request No 04-23
- V. Approval of Interpretation 02/2024 **(TAB 5)**
 - In Re: Phillip Moore (Prince Edward County)
Interpretation Request No 01-24
- VI. Public Comment
- VII. Appeal Hearing **(TAB 6)**
 - In Re: Craig Caron
Appeal No. 23-10
- VIII. Preliminary Hearing **(TAB 7)**
 - In Re: Lisa and Robert Gearhart
Appeal No. 23-11
- IX. Interpretation Request No. 04.23 **(TAB 8)**
 - In Re: Richard Gordon (Hanover County)

Enforcing Code of Virginia §36-99(B) (1-3)

Question 1: Is the Building Official responsible for enforcing §36-99(B) (1-3)?
- X. Secretary's Report
 - a. April 2024 meeting update
 - b. Legal updates from Board Counsel

(Page left blank intentionally)

STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair

(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair

(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler

(Virginia Home Builders Association)

J. Daniel Crigler

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

Alan D. Givens

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

David V. Hutchins

(Electrical Contractor)

Christina Jackson

(Commonwealth at large)

Joseph A. Kessler, III

(Associated General Contractors)

R. Jonah Margarella, AIA, NCARB, LEED AP

(American Institute of Architects Virginia)

Eric Mays

(Virginia Building and Code Officials Association)

Joanne D. Monday

(Virginia Building Owners and Managers Association)

James S. Moss

(Virginia Building and Code Officials Association)

Elizabeth C. White

(Commonwealth at large)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

(Page left blank intentionally)

1 STATE BUILDING CODE TECHNICAL REVIEW BOARD
2 MEETING MINUTES
3 February 16, 2024
4 Henrico County Library - Tuckahoe
5 1901 Starling Drive Henrico, Virginia 23229
6

Members Present

Members Absent

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens
Mr. David V. Hutchins
Mr. Joseph Kessler (arrived after approval of the
Final Order for Appeal No. 23-07)
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Elizabeth White

Mr. James S. Moss
Mr. Aaron Zdinak, PE

7
8 Call to Order The meeting of the State Building Code Technical Review Board
9 (“Review Board”) was called to order at approximately 10:00 a.m. by
10 Chair Dawson.
11
12 Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin
13 I. Bell, legal counsel for the Review Board from the Attorney General’s
14 Office, arrived during the hearing for Gregory Black.
15
16 Approval of Minutes The draft minutes of the November 17, 2023 meeting in the Review
17 Board members’ agenda package were considered. Ms. Monday moved
18 to approve the minutes with the editorial change offered by the
19 Secretary striking the word “not” in line 75 of the minutes found on
20 page 9 of the agenda package. The motion was seconded by Ms.
21 Jackson and passed with Mr. Crigler and Ms. White abstaining.
22
23 Final Order Robert Hale Jr.: Appeal No. 23-05:
24
25 After review and consideration of the final order presented in the
26 Review Board members’ agenda package, Ms. Monday moved to
27 approve the final order as presented. The motion was seconded by Mr.
28 Givens and passed with Mr. Crigler and Ms. White abstaining.
29
30
31
32

(Page left blank intentionally)

33 Final Order

Junjing (Jim) Song: Appeal No. 23-07:

34
35 After review and consideration of the final order presented in the
36 Review Board members’ agenda package, Ms. Jackson moved to
37 approve the final order as presented. The motion was seconded by Mr.
38 Margarella and passed with Mr. Crigler and Ms. White abstaining.

39
40 Public Comment

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

41
42
43
44 New Business

Gregory Black: Appeal No. 23-09:

45
46 A hearing convened with Chair Dawson serving as the presiding
47 officer. The hearing was related to the property located at 10350 York
48 River Road, in Fairfax County.

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

- 52
- 53 Gregory Black, Director of Emergency Management and Fire
- 54 Safety for George Mason University
- 55 David Farris
- 56 David Kidd, Building Official for George Mason University
- 57 Justin Biller, George Mason University Fire Protection
- 58 Engineer
- 59

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

66
67 Decision: Gregory Black: Appeal No. 23-09:

68
69 After deliberations, Mr. Mays moved to uphold the building official’s
70 decision to deny the request for modification for the sequence of events
71 for smoke alarm activation. The motion was seconded by Mr. Butler
72 and passed unanimously.

73
74 Request for Interpretation of John Card (City of Newport News):
75 Interpretation Request No. 04-23:

76
77 An interpretation request from John Card of the City of Newport News
78 was considered concerning whether a single family dwelling (R5) that
79 is used as a family day home per 2021 VCC Section 313.3 with more

(Page left blank intentionally)

80 than 5 children remains a R5 use group under 2021 VCC Section
81 310.06 #3.

82
83 Mr. Mays moved that the answer is “*Yes. provided the structure meets*
84 *the definition of family day home in §22.1-289.02, which allows a R5*
85 *to have up to 12 children.*” The motion was seconded by Ms. Monday
86 and passed unanimously.

87
88 *Note: Ms. Jackson announced her employment with the City of*
89 *Newport News and recused herself from the discussion related*
90 *to the request for interpretation.*

91
92 Request for Interpretation of Phillip Moore (Prince Edward County):
93 Interpretation Request No. 01-24:

94
95 An interpretation request from Phillip Moore of Prince Edward County
96 was considered concerning 2021 VRC Sections 113.1.3 and 113.8
97 related to whether a building official can require Virginia Department
98 of Health approval prior to conducting the final inspection.

99
100 Mr. Mays moved that the answer is “*Yes.*” The motion was seconded
101 by Mr. Pharr and passed unanimously.

102
103 *Note: Phillip Moore withdrew questions 1-8 of his request for*
104 *interpretation.*

105
106 Secretary’s Report Mr. Luter informed the Review Board of the current caseload for the
107 upcoming meeting scheduled for March 15, 2024. A discussion related
108 to a potential request for interpretation pertaining to the new
109 Agritourism law found in §36-99 B (1-3) was included.

110
111 Mr. Bell provided legal updates to the Review Board members.

112
113 Adjournment There being no further business, the meeting was adjourned by proper
114 motion at approximately 2:00 p.m.

115
116
117 Approved: March 15, 2024

118
119
120 _____
121 Chair, State Building Code Technical Review Board

122
123
124 _____

125 Secretary, State Building Code Technical Review Board

(Page left blank intentionally)

1 VIRGINIA:
2

3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
5

6
7 IN RE: Appeal of Gregory Black
8 Appeal No. 23-09
9

10 DECISION OF THE REVIEW BOARD
11

12 I. Procedural Background
13

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

19 II. Case History

20 On October 11, 2023, the Office of the Building Official for George Mason University
21 (Building Official), the agency responsible for the enforcement of Part 1 of the 2018 Virginia
22 Uniform Statewide Building Code (VUSBC), denied a modification request from Gregory Black,
23 Director of Emergency Management and Fire Safety for George Mason University (Black),
24 submitted on July 26, 2023, for fire alarm programming sequencing in George Mason University
25 (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at Potomac
26 Heights located at 10350 York River Road Fairfax, Virginia 22030¹.

27 On October 26, 2023, Black filed an appeal to the Review Board. Appearing at the Review
28 Board meeting for Black were Gregory Black and David Farris. Appearing at the Review Board
29 meeting for the Building Official were David Kidd and Justin Biller.

¹ Potomac Heights at 10350 York River Road Fairfax, Virginia 22030 is located on the GMU campus.

(Page left blank intentionally)

30 III. Findings of the Review Board

31 A. Whether to uphold the decision of the Building Official denying the request for
32 modification from Black for fire alarm programming sequencing in George Mason University
33 (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at Potomac
34 Heights located at 10350 York River Road Fairfax, Virginia 22030.

35 Black argued that the proposed fire alarm programming sequencing in his request for
36 modification, requiring that when two smoke detectors in a dwelling unit or suite sense smoke a
37 general building fire alarm would activate, the building would be evacuated, and the fire
38 department would be called, is much safer than the minimum code requirement which sends a
39 supervisory alarm to the police department, activates only the smoke alarms in that particular
40 dwelling unit or suite, does not notify everyone else in the building, and does not dispatch the
41 fire department. Black further argued that the proposed fire alarm programming sequence would
42 initiate building evacuation and get the appropriate first responders on scene faster. Black also
43 argued that the proposed fire alarm programming sequencing exist in many other buildings on
44 the GMU campus and other institutes of higher learning across the Commonwealth.

45 The Building Official argued that the activation of smoke alarms in an individual
46 dwelling unit or suite is not to activate a general building fire alarm and building evacuation.
47 The Building Official also argued that the fire alarm programming sequencing in Black's request
48 for modification had a potential to create multiple nuisance alarms, whereby students could
49 become fatigued with false fire alarms, begin to ignore the fire alarms, and possibly refuse to
50 evacuate the building. The Building Official further argued that most fires in dormitories are
51 confined to an individual dwelling unit or suite which are separated by a one-hour fire barrier.
52 The Building Official also argued that having additional general building fire alarms would put
53 students at risk when evacuating the building. The Building Official further argued that the risk

(Page left blank intentionally)

54 of building evacuation was greater than the potential fire hazard confined to a particular dwelling
55 unit or suite. The Building Official concluded that he denied the request for modification to
56 uphold the minimum code requirements and make it clear that smoke alarms in the dwelling
57 units or suites are only to be supervisory alarms and do not trigger general building fire alarms.

58 The Review Board found that the fire alarm programming sequencing in George Mason
59 University (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at
60 Potomac Heights located at 10350 York River Road Fairfax, Virginia 22030 exceeded the
61 minimum requirements of the VCC and increased the potential for nuisance alarms which
62 increased the risk to the students during building evacuation.

63 IV. Final Order

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

66 A. Whether to uphold the decision of the Building Official denying the request for
67 modification from Black for fire alarm programming sequencing in George Mason University
68 (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at Potomac
69 Heights located at 10350 York River Road Fairfax, Virginia 22030.

70 The decision of the Building Official to deny the request for modification is upheld because
71 the request exceeds the minimum code requirements of the VCC and increases the potential for
72 nuisance alarms which increases the risk to the students during building evacuation.

73
74
75 _____
76 Chair, State Building Code Technical Review Board
77

78 Date entered _____ March 15, 2024 _____
79
80

(Page left blank intentionally)

81
82 As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days
83 from the date of service (the date you actually received this decision or the date it was mailed to
84 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal
85 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served
86 on you by mail, three (3) days are added to that period.

87

88

89

(Page left blank intentionally)

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 1/2024

Code: USBC, Part I, Virginia Construction Code/2021

Section No: Sections 310.6 and 313.3

310.6 Residential Group R-5.

Residential Group R-5 occupancies shall include residential occupancies within the scope of Section 310.6.1 and manufactured homes in accordance with the Virginia Manufactured Home Safety Regulations (13VAC5-91).

313.3 Family day homes.

Family day homes registered or licensed by the Virginia Department of Education shall be classified as Group R-2, R-3, or R-5.

QUESTION: Does a single-family dwelling (R5) that is used as a family day home per VCC 2021 section 313.3 with more than 5 children remain a R5 use group under VCC 2018 Section 310.6 #3?

ANSWER: Yes. provided the structure meets the definition of family day home in §22.1-289.02, which allows a R5 to have up to 12 children.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of February 16, 2024.

Chair, State Building Code Technical Review Board

(Page left blank intentionally)

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 2/2024

Code: USBC, Part I, Virginia Construction Code/2021

Section No: Sections 113.1.3 and 113.8

113.1.3 Duty to inspect.

Except as provided for in Section 113.7, the building official shall perform the requested inspection in accordance with Section 113.6 when notified in accordance with Section 113.1.2.

113.8 Final inspection.

Upon completion of construction for which a permit was issued, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under Section 106.3. The building official shall be permitted to require the electrical service to a building or structure to be energized prior to conducting the final inspection. Approval of the final inspection indicates that all work associated with the permit complies with this code and the permit is complete. Prior to occupancy or change of occupancy of a building or structure, a certificate of occupancy shall be issued in accordance with Section 116.

QUESTION: Pursuant to VCC Sections 113.1.3 and 113.8, can a building official require Virginia Department of Health approval prior to conducting the final inspection?

ANSWER: Yes.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of February 16, 2024.

(Page left blank intentionally)

Chair, State Building Code Technical Review Board

(Page left blank intentionally)

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Craig Caron
Appeal No. 23-10

CONTENTS

<u>Section</u>	<u>Page No.</u>
Review Board Staff Document	27
Basic Documents	33
Documents Submitted by Craig Caron	53
Documents Submitted by Franklin County	135
Documents Submitted by Lisa and Robert Gearhart	183

(Page left blank intentionally)

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Craig Caron (Chris Jánosky, Esq.)
Appeal No. 23-10

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On September 5, 2023, the Franklin County Development Services Department of Building Inspections (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued several Notices of Violation (NOV) to Craig Caron dba/ Craig Caron Builders (Caron) for a residential structure located at 197 Compass Cove in Franklin County, which is owned by Robert and Lisa Gearhart (Gearhart).

2. The certificate of occupancy was issued on November 10, 2022.

3. Two of the NOV's cited the following potential violations:

a) *Violation: Exterior Concrete Lap siding is not installed in accordance with manufacturer installation instructions. This installation voids the warranty and is likely to cause further issues.*

i. *Applicable Code Section: 2018 Virginia Residential Code-Section R703.10.2 Fiber Cement Lap Siding. It requires that the siding be installed according to the approved manufacturer's installation instructions.*

1. *Corrective Action: Provide evaluation and repair design from manufacturer and repair in accordance with design. All remedial work must be finished to consider the violation remedied.*

b) *Violation: Basement garage/workshop floor cracked, materially more significant than a natural hair-line crack. Slab is consistently less than the required 3-1/2" thickness.*

i. *Applicable Code Section: Section R506 Concrete Floors (On Ground) of the 2018 Virginia Construction Code.*

(Page left blank intentionally)

1. Corrective Action: Provide intended repair solutions for the correction of the concrete floor for approval or provide an engineered evaluation and corrective action. All remedial work must be finished to consider the violation remedied.

c) Violation: Floor Trusses are damaged and incorrectly installed per manufacturer installation requirements. This has been verified by manufacturer representative (David Jones).

4. Caron filed an appeal to the Franklin County Building Local Board of Building Code Appeals (local appeals board). The local appeals board upheld the decision of the County on the matter related to the fiber cement siding (Item 2a above). The local appeals board modified the decision of the County on the matter related to the concrete floor (Item 2b above) to read as follows:

“Corrective Action: Provide intended repair solutions for the correction of the concrete floor within three (3) feet of the existing 1/4" crack to be repaired and to verify the depth of the concrete for approval by the Building Official or provide an engineered evaluation and corrective action to the Building Official. Provide repairs based on recommended additional testing and core drilling. All remedial work must be finished to consider the violation remedied. This issue must be resolved within sixty (60) days of receiving resolution from the Local Board of Building Code Appeals.”

5. On December 4, 2023, Caron, through legal counsel Chris Jánszky, further appealed to the Review Board.

6. 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 hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

(Page left blank intentionally)

1. Whether to uphold the decision of the County and the local appeals board that a violation of R703.10.2 Fiber Cement Lap Siding exists.
2. Whether to uphold the decision of the County and the local appeals board that a violation of R506 Concrete Floors (On Ground) exists.
3. Whether to uphold the corrective action of the local appeals board.

(Page left blank intentionally)

Basic Documents

(Page left blank intentionally)



DEVELOPMENT SERVICES DEPARTMENT OF BUILDING INSPECTIONS

OFFICIAL NOTICE OF VIOLATION

September 5, 2023

Responsible Party: Craig Caron- **dba/** Craig Caron Builders
PO BOX 759
Hardy, VA 24101

Property: 197 Compass Cove, Moneta, VA 24121

Mr. Caron,

County staff have contacted you numerous times regarding the following violations within the Virginia Uniform Statewide Building Code. The following describes the building code violations found at 197 Compass Cove, Moneta, VA 24121 for which you are the responsible party.

DESCRIPTION OF VIOLATIONS

Violation: Exterior Concrete Lap siding is not installed in accordance with manufacturer installation instructions. This installation voids the warranty and is likely to cause further issues.

Applicable Code Section: *2018 Virginia Residential Code-Section R703.10.2 Fiber Cement Lap Siding.* It requires that the siding be installed according to the approved manufacturer's installation instructions.

Corrective Action: Provide evaluation and repair design from manufacturer and repair in accordance with design. . All remedial work must be finished to consider the violation remedied.

CORRECTIVE ACTION REQUIRED

You were notified by e-mail of these violations on multiple occasions, including March 3 and on March 23, 2023. As of the date of this letter, these violations have not been corrected.

According to the Virginia Uniform Statewide Building Code, Section 36-106 of the Code of Virginia and Section 5-22 Franklin County Ordinance any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a **violation shall be punished by a fine of not more than \$2,500.**

The determination by the Building Official is that you are in violation of the Virginia Uniform Statewide Building Code. Failure to perform the corrective actions described above within 30 days of this notice may result in legal action being taken against you.

If you wish to contest this determination, you must file a written request for appeal to the Local Board of Building Appeals by submitting an application, the basis for your appeal, and a copy of this violation notice within thirty (30) days of the date on this notice to the Office of the Building Official. Failure to submit the written appeal within thirty (30) days shall

{00524225 DOCX }

constitute acceptance of this decision and notice of violation.

If you have questions about the violation or the required corrective action, please contact our office at 540-483-3047 ext. 2248.

Thank you for your prompt attention to this matter.



JOHN W BROUGHTON, CBO
Franklin County Building Official
VBCOA/1st Vice-President



Franklin County

1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248
John.Broughton@franklincountyva.gov

Right to Appeal: *VUSBC Section 119.5- Any person aggrieved by the Franklin County Building Department's application of the VUSBC or the refusal to grant a modification to the provisions of the VUSBC may appeal to the Local Board of Building Code Appeals. An applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building structure and in addition, the name of and address of the person appealing, when the applicant is not the owner. Failure to submit the appeal of the building official's decision within the 30-day time limit shall constitute acceptance of the building official's decision.*



DEVELOPMENT SERVICES DEPARTMENT OF BUILDING INSPECTIONS

OFFICIAL NOTICE OF VIOLATION

September 5, 2023

Responsible Party: Craig Caron- **dba/** Craig Caron Builders
PO BOX 759
Hardy, VA 24101

Property: 197 Compass Cove, Moneta, VA 24121

Mr. Caron,

County staff have contacted you numerous times regarding the following violations within the Virginia Uniform Statewide Building Code. The following describes the building code violations found at 197 Compass Cove, Moneta, VA 24121 for which you are the responsible party.

DESCRIPTION OF VIOLATION

Violation: Basement garage/workshop floor cracked, materially more significant than a natural hair-line crack. Slab is consistently less than the required 3-1/2" thickness

Applicable Code Section: *Section R506 Concrete Floors (On Ground)* of the 2018 Virginia Construction Code.

Corrective Action: Provide intended repair solutions for the correction of the concrete floor for approval or provide an engineered evaluation and corrective action. All remedial work must be finished to consider the violation remedied.

Violation: Floor Trusses are damaged and incorrectly installed per manufacturer installation requirements. This has been verified by manufacturer representative (David Jones).

CORRECTIVE ACTION REQUIRED

You were notified by e-mail of these violations on multiple occasions, including March 3 and on March 23, 2023. As of the date of this letter, these violations have not been corrected.

According to the Virginia Uniform Statewide Building Code, Section 36-106 of the Code of Virginia and Section 5-22 Franklin County Ordinance any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a **violation shall be punished by a fine of not more than \$2,500.**

The determination by the Building Official is that you are in violation of the Virginia Uniform Statewide Building Code. Failure to perform the corrective actions described above within 30 days of this notice may result in legal action being taken against you.

If you wish to contest this determination, you must file a written request for appeal to the Local Board of Building Appeals

by submitting an application, the basis for your appeal, and a copy of this violation notice within thirty (30) days of the date on this notice to the Office of the Building Official. Failure to submit the written appeal within thirty (30) days shall constitute acceptance of this decision and notice of violation.

If you have questions about the violation or the required corrective action, please contact our office at 540-483-3047 ext. 2248.

Thank you for your prompt attention to this matter.



JOHN W BROUGHTON, CBO
Franklin County Building Official
VBCOA/1st Vice-President



Franklin County

1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248

John.Broughton@franklincountyva.gov

Right to Appeal: *VUSBC Section 119.5- Any person aggrieved by the Franklin County Building Department's application of the VUSBC or the refusal to grant a modification to the provisions of the VUSBC may appeal to the Local Board of Building Code Appeals. An applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building structure and in addition, the name of and address of the person appealing, when the applicant is not the owner. Failure to submit the appeal of the building official's decision within the 30-day time limit shall constitute acceptance of the building official's decision.*

Department of Planning & Community Development



Certified Mail: 9589 0710 5270 0167 2108 13
9589 0710 5270 0167 2108 20

November 16, 2023

Craig Caron
PO Box 759
Hardy, VA 24101

RE: Appeals Request APRQ-10-23-17803

Dear Mr. Craig Caron,

On the evening of Monday, November 13, 2023, after a lawfully advertised public hearing, the Franklin County Local Board of Building Code Appeals voted on each violation noted in the Building Official's determination dated September 5, 2023, for the property located at 197 Compass Cove Circle, further identified as Tax Map/Parcel # 0481403700. There are four (4) final orders enclosed with this letter,

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

If there are any questions you may contact me by phone at 540-483-3028 or by email at megan.fenner@franklincountyva.gov.

Sincerely,

Megan Fenner
Local Board of Building Code Appeals, Clerk

Enc.

CC: Christopher Janszky

1255 Franklin Street, Suite 103, Rocky Mount, Virginia 24151

STATE OF VIRGINIA:

BEFORE THE LOCAL BOARD OF BUILDING CODE APPEALS OF FRANKLIN COUNTY

A +/- 1.15 parcel of land located at 197 Compass)	
Cove Circle in the Gills Creek Election District of)	FINAL ORDER
Franklin County (Tax Map/Parcel Number)	
0481403700) (APRQ-10-23-17803))	

WHEREAS, Craig Caron, Applicant, appealed the Building Official’s determination dated September 5, 2023, which determined the applicant violated 2018 Virginia Residential Code-Section R703.10.2 *Fiber Cement Lap Siding*, and

WHEREAS, the property is located at 197 Compass Cove Circle, in the Gills Creek Election District and is identified on Franklin County Real Estate Tax Records as Tax Map number 0481403700, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Local Board of Building Code Appeals did hold a public hearing on November 13, 2023, at which time, all parties in interest were given an opportunity to be heard, and

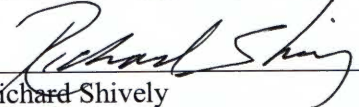
WHEREAS, after full consideration the Franklin County Local Board of Building Code Appeals motioned and decided to uphold the Building Official’s determination, and

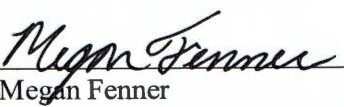
WHEREFORE, BE IT ORDERED, that a copy of this order be transmitted to the Clerk of the Local Board of Building Code Appeals and that the Clerk be directed to reflect these actions in the records of Franklin County.

On the motion made by Eric Buck and seconded by Jody Lyons to **UPHOLD** the Building Official’s determination, said motion **PASSED** by the following recorded vote:

- AYES: Buck, Jones, Harper, Lyons, Shivley
- NAYES: None
- ABSENT: None
- ABSTAIN: None

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

 _____, Chairman
 Richard Shively
 Franklin County Local Board of Building Code Appeals

 _____, Clerk
 Megan Fenner
 Franklin County Local Board of Building Code Appeals

November 16, 2023
 Date

November 16, 2023
 Date

STATE OF VIRGINIA:

BEFORE THE LOCAL BOARD OF BUILDING CODE APPEALS OF FRANKLIN COUNTY

A +/- 1.15 parcel of land located at 197 Compass)
Cove Circle in the Gills Creek Election District of) **FINAL ORDER**
Franklin County (Tax Map/Parcel Number)
0481403700) (APRQ-10-23-17803))

WHEREAS, Craig Caron, Applicant, appealed the Building Official's determination dated September 5, 2023, which determined the applicant violated 2018 Virginia Construction-Section R506 *Concrete Floors (On Ground)*, and

WHEREAS, the property is located at 197 Compass Cove Circle, in the Gills Creek Election District and is identified on Franklin County Real Estate Tax Records as Tax Map number 0481403700, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Local Board of Building Code Appeals did hold a public hearing on November 13, 2023, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration the Franklin County Local Board of Building Code Appeals motioned and decided to modify the Building Official's determination to read as follows:

Corrective Action: Provide intended repair solutions for the correction of the concrete floor within three (3) feet of the existing 1/4" crack to be repaired and to verify the depth of the concrete for approval by the Building Official or provide an engineered evaluation and corrective action to the Building Official. Provide repairs based on recommended additional testing and core drilling. All remedial work must be finished to consider the violation remedied. This issue must be resolved within sixty (60) days of receiving resolution from the Local Board of Building Code Appeals.

WHEREFORE, BE IT ORDERED, that a copy of this order be transmitted to the Clerk of the Local Board of Building Code Appeals and that the Clerk be directed to reflect these actions in the records of Franklin County.

On the motion made by Jody Lyons and seconded by Eric Buck to **MODIFY** the Building Official's determination, said motion **PASSED** by the following recorded vote:

AYES: Buck, Jones, Harper, Lyons, Shivley
NAYES: None
ABSENT: None
ABSTAIN: None

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

Richard Shively, Chairman
Richard Shively
Franklin County Local Board of Building Code
Appeals

November 16, 2023
Date

Megan Fenner, Clerk
Megan Fenner
Franklin County Local Board of Building Code
Appeals

November 16, 2023
Date

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
 - Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



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

Craig Caron c/o Chris Jánosky, MichieHamlett
310 4th Street NE, 2nd Floor, P.O. Box 298, Charlottesville, VA 22902
cjanszky@michiehamlett.com; 434.951.7285

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

John W. Broughton, CBO, Franklin County Building Official
1255 Franklin Street, Suite 103, Rocky Mount, VA 241512
john.broughton@franklincountyva.gov; 540.483.3047

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2023, a completed copy of this application, including the additional information required above, was ~~either mailed, hand delivered, or sent by fax to~~ **XXXXXXXXXXXXXXXXXXXX** emailed ~~to~~ **XXXX** ~~sent by fax to~~ **XXXXXXXXXXXXXXXXXXXX** 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: Chris Jánosky, attorney-in-fact for Craig Caron
(please print or type)



310 4TH ST. NE, 2ND FLOOR
POST OFFICE BOX 298
CHARLOTTESVILLE, VA 22902
MAIN: 434.951.7200

MICHIEHAMLETT

ATTORNEYS AT LAW

CHRISTOPHER JÁNSZKY

cjanszky@michiehamlett.com

Phone: 434.951.7285

Fax: 434.951.7245

December 4, 2023

VIA EMAIL

W. Travis Luter, Sr.
Richard Potts
Virginia Department of Housing and Community Development
Division of Building and Fire Regulation
State Building Codes Office
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219
Telephone: (804) 371-7150
travis.luter@dhcd.virginia.gov
richard.potts@dhcd.virginia.gov
sbco@dhcd.virginia.gov

**Re: Appeal of Franklin County Local Board of Building Code Appeals
Request APRQ-10-23-17803**

Dear Messrs. Luter, Sr. and Potts:

This firm and I represent Craig Caron in connection with his construction work at 197 Compass Cove, Moneta, Virginia 24121 (the “Property”), which is owned by Robert and Lisa Gearhart (the “Owners”). On his behalf, I write to the State Building Code Technical Review Board (“Review Board”) pursuant to Virginia Code § 36-114 to request an appeal of two of the four final orders issued against Mr. Caron by the Franklin County Local Board of Build Code Appeals (“Franklin County Board”) on November 16, 2023. Respectfully, the Franklin County Board erred in issuing these two orders, which are enclosed as Exhibit A.¹ The notices of violation issued by the Franklin County Building Official (“Building Official”) on September 5, 2023 under consideration by the Franklin County Board are

¹ Mr. Caron is not appealing the third and fourth orders in Exhibit A, for alleged violations of 2018 Virginia Construction Code Sections R406.1 and R406.2, and 112.1, respectively. Mr. Caron vigorously denies that he has violated these sections of the Code in any way; nonetheless he has determined that the corrective actions required are less burdensome and costly than pursuing an appeal of these particular final orders.

{01433176-2 }

enclosed as Exhibit B. Mr. Caron’s appeal application to the Franklin County Board and the identification information for the parties to the appeal are enclosed as Exhibit C.

On November 13, 2023, over the course of a six-hour and forty-two-minute hearing, the Franklin County Board heard (and spent considerable time deliberating over) commentary from the Building Official and the Owners. Respectfully, most of it was wholly irrelevant to the violations at issue. As explained further below, and as will be presented to the Review Board at the appeal hearing, the violations alleged by the Building Official are inapplicable to the sections of the Code he cited and, critically, are barred by the applicable statute of limitations.

Violation 1: Lap Siding

The Building Official issued a notice of violation because Mr. Caron allegedly violated 2018 Virginia Residential Code Section R703.10.2 (Fiber Cement Lap Siding). The Building Official stated in his notice that this section of the Virginia Residential Code “requires that the siding be installed according to the approved manufacturer’s installation instructions” and found that “Exterior Concrete Lap siding is not installed in accordance with manufacturer installation instructions, which “voids the warranty and is likely to cause further issues.” There are several reasons why this violation must be reversed.

First, Section R703.10.2 does not require that siding be installed according to the approved manufacturer’s installation instructions. The only requirement in that Section regarding manufacturer instructions concerns fastener heads, which is not at issue here (“Lap siding courses shall be installed with the fastener heads exposed or concealed, in accordance with Table R703.3(1) or approved manufacturer’s instructions.”). There was no evidence adduced at the hearing that even suggests that Mr. Caron failed to install lap siding fastener heads in accordance with Table R703.3(1) or approved manufacturer’s instructions. Much of the discussion at the November 13 hearing concerned *other* deviations from the manufacturer’s instructions—which the Owners agreed to, as explained below—but such deviations have no bearing at all on Section R703.10.2.

Second, separate and apart from fastener heads, any deviations from the manufacturer’s instructions were requested and approved by the Owners at a July 13, 2022 meeting at which the Building Official attended. A July 14, 2022 email exchange between the Owners, Mr. Caron and the Building Official that memorializes some of what was discussed at the meeting is included below and as Exhibit D.

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, July 14, 2022 10:04 AM
To: Craig Caron <ccaronbuilder@aol.com>; Broughton, John <John.Broughton@franklincountyva.gov>; Bob Gearhart <Robert.gearhart@jamesriverequipment.com>
Subject: Gearhart Project - siding discussion 07.13.22

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Thanks for meeting to discuss the issues of the lap siding and house wrap on our new house.

To recap, we discussed the following corrections per manufacturer installation instructions.

1. Z-Flashing 1/4" clearance

2. Water resistive barrier house wrap must be installed where missing. The manufacturer requires that all joints, holes and tears in the barrier be sealed with DRYline Sheathing tape. John will perform pre inspection of house wrap corrections, including all walls where existing siding is removed before replacing with new product. Expecting a row of sheathing tape across each and every row where siding is removed to properly seal the nail penetrations in existing WRB. Alternatively, should the WRB be damaged, replacing with new is an option.



3. Avoid placing butt joints directly above windows or doors at least one course away, ensuring all butt joints land on studs.

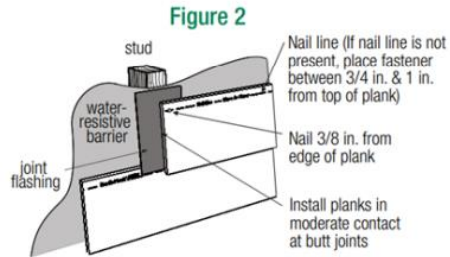
4. Moderate contact butt joints not exceeding 1/8".

5. Per Craig, 8.25 Cedarmill HZ10 HardiePlank® Primed Siding "yellow primed" will be used everywhere and the manufacturer letter to honor warranty dated April 5, 2022 applies despite the HZ5 zoned product which corresponds with 24121. Our build site Lot 37 Compass Cove Moneta, VA zip code 24121 per manufacturer zones, requires HZ5.

6. The entire wall on right side of house (study room) to receive all new lap siding, in addition to places where improperly installed HZ5 "greenish primed" exists.



7. Fasteners between 3/4" to 1" from top of plank.



----- Forwarded Message -----

From: "Broughton, John" <John.Broughton@franklincountyva.gov>
To: "Lisa Gearhart" <lkgearhart@gmail.com>, "Craig Caron" <ccaronbuilder@aol.com>, "Bob Gearhart" <Robert.gearhart@jamesriverequipment.com>
Sent: Thu, Jul 14, 2022 at 11:16 AM
Subject: RE: Gearhart Project - siding discussion 07.13.22

Lisa,

I concur with all of the items that you have listed and will coordinate with Craig on schedule as needed.

Thank you,

JOHN W BROUGHTON, CBO
 Franklin County Building Official
 VBCOA/2nd Vice-President



1255 Franklin St. Ste. 103
 Rocky Mount, VA 24151
 (540) 483-3047 Ext. 2248

The Franklin County Building Inspection Office conducted at least two inspections over the course of four or five months through issuance of a certificate of occupancy to track adherence to the siding remediation agreement. Subsequent to these inspections, neither the Building Inspection Office nor the Owners communicated any installation issues with the remediated siding. Indeed, at the November 13 hearing, neither the Building Official nor the Owners disputed that all siding issues discussed at the July 13, 2022 meeting had been remediated. This violation came out of left field and has no basis in fact or law.

Third, and critically, the violation is time barred. Virginia Code § 19.2-8 provides:

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later.

To the Building Official’s credit, at the November 16 hearing he did not dispute that the siding issues that form the basis of his violation (and which have no bearing on Section R703.10.2) were discussed at the July 13, 2022 meeting between him, Mr. Caron and the Owners. That means that discovery of this violation was made by the Building Official no later than July 13, 2022. Indeed, the discovery of siding issues was made much earlier: the Owners engaged a third-party consultant who issued a 10-page report on the Property’s siding on February 7, 2022, while construction was underway. *See* Exhibit E. At the November 13 hearing, it was established that this report is what prompted the Owners to seek assistance from the Building Official in the first instance.

The Building Official did not prosecute this particular violation until September 5, 2023, when he sent Mr. Caron the notice of violation—well over a year after its discovery. The Virginia Court of Appeals has made clear that, for purposes of the statute of limitations, violations are not continuing and the statute begins to run when the violation is first discovered. *Granny’s Cottage, Inc. v. Occoquan*, 3 Va. App. 577, 583, 352 S.E.2d 10, 14 (1987) (applying predecessor statute to Va. Code § 19.2-8 and rejecting argument that each day of violation constituted a separate offense and therefore statute had not begun to run). The violation is therefore time barred.

I want to emphasize to the Review Board that the application of statutes of limitations are not discretionary—they must be applied as a matter of Virginia law. The Supreme Court of Virginia has repeatedly held that statutes of limitation, when applicable, are an “absolute bar” to the claim asserted. *See, e.g., Schmitt v. Redd*, 151 Va. 333, 341, 143 S.E. 884, 886 (1928). At the November 13 hearing, this point was stressed to the Franklin County Board multiple times, but, during the panel’s long deliberation, the issue of whether the Building Official’s violation was time barred was not actually raised or discussed. I appreciate that the Review Board is not comprised of attorneys or jurists, but it is nonetheless oathbound to faithfully apply the laws of this Commonwealth. *See* Va. Code § 36-111.

Finally, the Building Official has produced no evidence—photos, reports, communications—that the siding on the Property currently fails to comply with Section R703.10.2. To be sure, photos were submitted by the Building Official at the November 13 hearing, but all of them reflect the state of the siding *during construction*, not at present. On November 19—six days after the Franklin County Board

hearing—Mr. Caron took photographs of the current state of the siding, which are included below and as Exhibit F.



These photos are incongruous with the violation levied, which would require Mr. Caron to remove and replace the entire Property’s siding. The Property passed all inspections and a certificate of occupancy was issued on November 10, 2022. *See Exhibit G.* The certificate of occupancy, which was signed by the Building Official, certifies that “at the time of issuance this structure was in compliance with the various ordinances of the jurisdiction regulating building construction or use.” There is simply no evidence of a violation of Section R703.10.2 that would contradict the Building Official’s certification from November 2022.²

For all the foregoing reasons, the final order finding Mr. Caron in violation of Virginia Construction Code Section R703.10.2 should be reversed.

² The Review Board may be confused as to why a violation of Section R703.10.2 was issued at all, particularly after the Building Official 1) was on site and monitored the siding remediation that occurred during construction in 2022; 2) certified that the Property was up to Code by issuing a certificate of occupancy on November 10, 2022; and 3) waited 10 months after its issuance—in September 2023—to issue a notice of violation. Undersigned counsel remains confused as well.

Violation 2: Concrete Slab

The Building Official issued a notice of violation that Mr. Caron allegedly violated 2018 Virginia Residential Code Section R506 (Concrete Floors (On Ground)) because the Property's "[b]asement garage/workshop floor cracked, materially more significant than a natural hair-line crack. Slab is consistently less than the required 3-1/2" thickness." It is factually incorrect that Mr. Caron failed to install slab at a thickness of 3.5 inches—in fact, Mr. Caron laid concrete slab at an average of 4 inches thickness. What is more, the Building Official determined, in the presence of the Owners at an onsite inspection, that the concrete slab was poured consistently more than 3.5 inches deep. Indeed, the Building Official noted that he had a crack in his concrete basement larger than the Owners' basement.

Additionally, while concrete cracking due to contraction from weather is normal, it may be moderated by installing saw joints in the concrete. Mr. Caron proposed installing saw joints to the Owners, but Ms. Gearhart was adamant that she did not want joints installed for cosmetic reasons. Mr. Caron fully advised Ms. Gearhart that failure to install joints would exacerbate and hasten and exacerbate the concrete cracking, but Ms. Gearhart instructed Mr. Caron to lay the concrete without the joints regardless. This was not disputed at the November 13 hearing. Further, on November 3, 2021, a Franklin County inspector inspected the pre-slab installation and approved Mr. Caron's work. *See* Exhibit H. In fact, the exterior forms were set at four inches prior to the pre-slab inspection approval and witnessed by the approving inspector.

At no point at the November 13 hearing was evidence presented that established that Mr. Caron failed to lay slab at the Property at a depth less than 3.5 inches.³ In fact, the Franklin County Board modified the Building Official's proposed corrective action to the following, which demonstrates as much:

Provide intended repair solutions for the correction of the concrete floor within three (3) feet of the existing ¼" crack to be repaired and to **verify the depth of the concrete** for approval by the Building Official or provide an engineered evaluation and corrective action to the Building Official. **Provide repairs based on recommended additional testing and core drilling**. All remedial work must be finished to consider the violation remedied. This issue must be resolved within sixty (60) days of receiving resolution from the Local Board of Building Code Appeals.

Ex. A at 3 (emphasis supplied). The Franklin County Board's modified corrective action constitutes reversible error, for several reasons. *First*, it explicitly acknowledges that the concrete depth has not been established. It recognizes that no core sample has been taken, which is the acceptable method for determining concrete thickness according to the American Society of Concrete Contractors. The modified corrective action says so in as many words: "[V]erify the depth of the concrete." If the depth of the concrete has not been verified, then logically it has not been verified to be less than 3.5 inches. *Second*, it puts the burden on *Mr. Caron* to obtain a core sample to verify the concrete depth. It is the burden of *the Building Official* to adduce evidence of this particular violation, which he should have done *before* he issued the violation to confirm that the violation was factually supported. *Third*, it requires Mr. Caron to

³ The Owners shared some photos of measuring tape shoved into cracks, but the measured depth is impossible to read. Regardless, the undated photos were evidently taken by a third-party who was not present and therefore could not testify nor be cross-examined about them. In all events, shoving items into cracked concrete says little about the concrete's depth, as a core sample must be taken to reliably determine its thickness.

“provide intended repair solutions” to fix cracking within three feet of an alleged 1/4” crack in the slab. Notwithstanding that Mr. Caron advised the Owners that cracking would be exacerbated without the installation of joints, Section R506 says nothing whatsoever about concrete cracking. Mr. Caron should not and cannot be expected to expend his own labor, time and materials to “repair” an issue that has no basis in the Code at all.⁴

Finally, this violation is time barred pursuant to Va. Code § 19.2-8. The Building Official, the Owners and Mr. Caron participated in a meeting, referenced above, to review the cracking concrete in September 2021, which was not disputed at the November 13 hearing. At the meeting, cracking and the concrete depth was discussed. Accordingly, like the alleged siding violation, because prosecution of the violation did not commence until well after the one-year statute of limitations had run—September 5, 2023—the alleged violation of Section R506 is time barred.

Conclusion

Mr. Caron respectfully asks for the following relief:

- 1) A determination that Mr. Caron did not violate 2018 Virginia Residential Code Section R703.10.2 and no corrective action is required; and
- 2) A determination that Mr. Caron did not violate 2018 Virginia Residential Code Section R506 and no corrective action is required.

Thank you for your careful consideration. Should you need more information, please do not hesitate to ask.

Sincerely,



Christopher Jánszky, Esq.

Encls.

C: Craig Caron (via email)

⁴ Not only is there no basis for this required repair in the Code, but there is no evidence of which Mr. Caron is aware that establishes a correlation between concrete depth and cracking. In other words, after a certain point the thickness of the slab has no bearing on the frequency and intensity of concrete cracks. The reason the Owners’ slab cracking may be exacerbated is because the concrete was not reinforced with joints, which was at the insistence of the Owners, as mentioned above.

Certificate of Occupancy

Building Inspections Department

This certificate issued pursuant to the requirements of the Virginia Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the jurisdiction regulating building construction or use. For the following:

Description 3 BEDROOM SINGLE FAMILY DWELLING WITH GARAGE

Owner LISA K and ROBERT GEARHART

Contractor CRAIG CARON BUILDER

Permit No. RES-06-2021-60354 Map/Tax # 0481403700

Permit Type Residential Building Subdivision COMPASS COVE

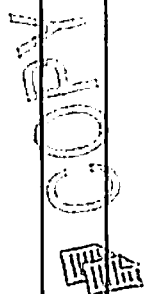
Work Class Single Family (Home) Lot: LOT 27

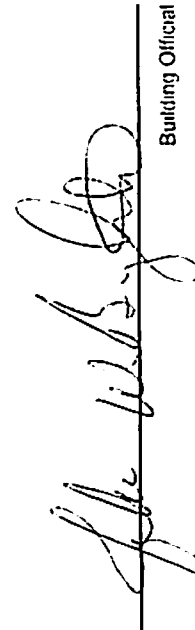
Bedrooms 3 197 COMPASS COVE CIR

USBC Ref 2015 Edition MONETA, VA 24121

Construction Type 5B Group/Occupancy Group R-5 911 Address

Sprinkler Required No Sprinkler Provided No




Building Official

CO Issue Date: 11/10/2022



Franklin County

Temporary Certificate of Occupancy

Franklin County

Department of Code Enforcement
Building Inspection

This certificate issued pursuant to the requirements of the International Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the jurisdiction regulating building construction or use. For the following:

Permit Type	Residential Building	Permit No.	RES-06-2021-60354
Workclass	Single Family (Home)	Date Issued	07/01/2021
Owner	LISA K and ROBERT GEARHART		
Project	Robert Gearhart	Map/Tax #	0481403700
Subdivision	COMPASS COVE	Contractor	CRAIG CARON BUILDER

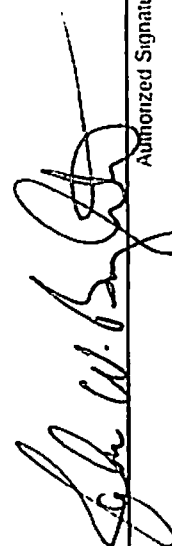
197 COMPASS COVE CIR
MONETA, VA 24121

Property Location



Franklin County

Franklin County, Virginia


Authorized Signature
Temp CO Issue Date: 10-25-22



Documents Submitted
by
Chris Jánszky, Esq.
for Craig Caron

(Page left blank intentionally)

Craig Caron Appeal – Party Contact Information

Craig Caron
PO Box 759
Hardy, Va 24101
ccaronbuilder@aol.com
(540) 871-0848
(May be contacted through counsel)

Robert and Lisa Gearhart
197 Compass Cove
Moneta, VA 24121
lkgearhart@gmail.com

John W. Broughton
Franklin County Building Official
1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248
John.Broughton@franklincountyva.gov



310 4TH ST. NE, 2ND FLOOR
POST OFFICE BOX 298
CHARLOTTESVILLE, VA 22902
MAIN: 434.951.7200

MICHIEHAMLETT

ATTORNEYS AT LAW

CHRISTOPHER JÁNSZKY
cjanszky@michiehamlett.com
Phone: 434.951.7285
Fax: 434.951.7245

October 5, 2023

VIA EMAIL AND FEDEX

Richard Shively – Chairman
Franklin County Local Board of Building Code Appeals
P.O. Box 795
Rocky Mount, VA 24151
Cell: 540.493.7131
Roanoke Office: 540.344.5500
[E-mail: rshively@shivelelectric.com](mailto:rshively@shivelelectric.com)

**Re: 197 Compass Cove, Moneta, VA 24121
Written Request for Appeal**

Dear Mr. Shively:

This firm and I represent Craig Caron in connection with his construction work at 197 Compass Cove, Moneta, Virginia 24121 (the “Property”), which is owned by Robert and Lisa Gearhart (the “Owners”). On his behalf, I write to the Franklin County Local Board of Building Code Appeals pursuant to Virginia Code § 36-105 and Section 119 of the Virginia Uniform Statewide Building Code to request an appeal of the Building Official’s four notices of violation issued to Mr. Caron on September 5, 2023. Respectfully, the Building Official erred in issuing each of the notices, which are enclosed as Exhibit 1.

First, the Building Official issued a notice of violation because Mr. Caron allegedly violated 2018 Virginia Residential Code Section R703.10.2 (Fiber Cement Lap Siding). The Building Official stated in his notice that this section of the Virginia Residential Code “requires that the siding be installed according to the approved manufacturer’s installation instructions” and found that “Exterior Concrete Lap siding is not installed in accordance with manufacturer installation instructions, which “voids the warranty and is likely to cause further issues.” As an initial matter, Section R703.10.2 does not require that siding be installed according to the approved manufacturer’s installation instructions. The only requirement in that Section regarding manufacturer instructions concerns fastener heads, which is not at issue here (“Lap siding courses shall be installed with the fastener heads exposed or concealed, in accordance with Table R703.3(1) or approved manufacturer’s instructions.”). Moreover, any deviations from the manufacturer’s instructions were requested and approved by the Owners at a meeting at which the Building Official

{01407035-3 }

attended. At the meeting, the Building Official and the Owners identified other issues, but those issues were subsequently remediated, which is evidenced by the July 22, 2022 Franklin County Inspection Worksheet, which approved Mr. Caron’s work. *See* Exhibit 2. Further, the Franklin County Building Inspection Office conducted at least two inspections over the course of four or five months through issuance of a certificate of occupancy to track adherence to the siding remediation agreement. Subsequent to these inspections, neither the Building Inspection Office nor the Owners communicated any installation issues with the remediated siding.

Second, the Building Official issued a notice of violation that Mr. Caron allegedly violated 2018 Virginia Residential Code Section R506 (Concrete Floors (On Ground)) because the Property’s “[b]asement garage/workshop floor cracked, materially more significant than a natural hair-line crack. Slab is consistently less than the required 3-1/2” thickness.” It is factually incorrect that Mr. Caron failed to install slab at a thickness of 3.5 inches—in fact, Mr. Caron laid concrete slab at an average of 4 inches thickness. What is more, the Building Official determined, in the presence of the Owners at an onsite inspection, that the concrete slab was poured consistently more than 3.5 inches deep. Indeed, the Building Official noted that he had a crack in his concrete basement larger than the Owners’ basement.

Additionally, while concrete cracking due to contraction from weather is normal, it may be moderated by installing saw joints in the concrete. Mr. Caron proposed installing saw joints to the Owners, but Ms. Gearhart was adamant that she did not want joints installed for cosmetic reasons. Mr. Caron fully advised Ms. Gearhart that failure to install joints would exacerbate and hasten and exacerbate the concrete cracking, but Ms. Gearhart instructed Mr. Caron to lay the concrete without the joints regardless. Further, on November 3, 2021, a Franklin County inspector inspected the pre-slab installation and approved Mr. Caron’s work. *See* Exhibit 3. In fact, the exterior forms were set at four inches prior to the pre-slab inspection approval and witnessed by the approving inspector.

Third, the Building Official issued a notice of violation because Mr. Caron allegedly violated Virginia Uniform Statewide Building Code Section 112 (“Damage to regulated building components caused by violations of this code or by the use of faulty materials or installations shall be subject to the applicable provisions of Section 115.”). The Building Official stated that the specific violation of this provision of the Code is that “Floor Trusses are damaged and incorrectly installed per manufacturer installation requirements. This has been verified by manufacturer representative.” Although the Building Official does not provide details regarding this alleged violation in the notice, Mr. Caron understands from prior communications with the Building Official that the Building Official believes each top chord truss should have been cut for weight-bearing purposes. Mr. Caron has reviewed the instructions provided by Jones Building Systems, the truss manufacturer, and finds no support for this position because cutting the top chord trusses is not required by the instructions. Moreover, no damage to the floor trusses was observed by Mr. Caron or the Franklin County inspector before the certificate of occupancy was issued and Mr. Caron is unaware of any damage to floor trusses during construction on the Property. Further, the Franklin County inspector was provided truss sheets and the footings/foundation were approved during inspection. *See* Exhibit 4.

Finally, the Building Official issued a notice of violation because Mr. Caron allegedly violated 2018 Virginia Residential Code Section R406.1 (Concrete and masonry foundation damp proofing) and Section R406.2 (Concrete and masonry waterproofing) due to a leaky foundation in two locations. The Building Official does not identify which parts of these sections Mr. Caron allegedly violated and it is Mr. Caron’s position that he complied fully with Sections R406.1 and R406.2. The foundation was approved by the Franklin County inspector, *see* Exhibit 4, and any leaks would have occurred after final inspection

and after Mr. Caron adequately installed the foundation. Mr. Caron also notes that he expressed to the Owners that the Property would have water runoff issues since it sits approximately 10 to 15 feet below the street, necessitating a large retaining wall.

The specific relief sought by Mr. Caron is:

- 1) A determination that Mr. Caron did not violate 2018 Virginia Residential Code Section R703.10.2;
- 2) A determination that Mr. Caron did not violate 2018 Virginia Residential Code Section R506;
- 3) A determination that Mr. Caron did not violate Virginia Uniform Statewide Building Code Section 112; and
- 4) A determination that Mr. Caron did not violate 2018 Virginia Residential Code Sections R406.1 and R406.2.

Thank you for your consideration. I am available to discuss this matter at your convenience should you wish to do so.

Sincerely,



Christopher Jánszky, Esq.

cc: Craig Caron (via email)
John Broughton, Building Official (via email)

INSPECTION WORKSHEET (INSP-213924-2022) FOR FRANKLIN COUNTY

Case Number: RES-06-2021-60354

Case Module: Permit

Inspection Date:

Inspection Status: Partial Pass

Inspector: Trevor Stanley

Inspection Type: Misc

Job Address: 197 Compass Cove Cir
Moneta, VA 24121

Parcel Number: 0481403700

Contact Type

Company Name

Name

Applicant
Contractor
Mechanics Lien
Owner

CRAIG CARON BUILDER
FIRST CHOICE TITLE & SETTLEMENT

CRAIG CARON
CRAIG ANTHONY CARON

LISA K and ROBERT GEARHART

Checklist Item

Results

Comments

Miscellaneous

Pass

7/22/22-TS

Provided second layer of air barrier over original damaged sections. Seams taped and overlapped.

Air barrier okay

INSPECTION WORKSHEET (INSP-205881-2021) FOR FRANKLIN COUNTY

Case Number: RES-06-2021-60354

Case Module: Permit

Inspection Date: 11/03/2021

Inspection Status: Passed

Inspector: Samuel Matherly

Inspection Type: Pre-Slab

Job Address:

Parcel Number: 0481403700

Contact Type

Company Name

Name

Applicant
Contractor
Mechanics Lien
Owner

CRAIG CARON BUILDER
FIRST CHOICE TITLE

CRAIG CARON
CRAIG ANTHONY CARON

LISA K and ROBERT GEARHART

Checklist Item

Results

Comments

Miscellaneous

Pass

FRANKLIN COUNTY BUILDING INSPECTIONS FINAL APPROVALS

PERMIT NO. :		60354		DATE ISSUED:		7.1.2021	
CONTACT:		Craig Caron		PHONE NO. :		540.871.0848	
JOB ADDRESS:		COMPASS COVE, LOT 37					
FOOTINGS/ FOUNDATIONS	PASS	DATE:	INSPECTOR	ELECTRICAL	PASS	DATE:	INSPECTOR
PERIMETER HOUSE	✓	7/29/21	TS	TEMPORARY ELECTRIC			
GARAGE PERIMETER				PERMANENT POWER			
PIER FOOTINGS				BASEMENT / CRAWL	✓	1-18-22	SNM
FOUNDATION REBAR	✓	7-28-21	SNM	1ST FLOOR / GARAGE	✓	1-19-22	SNM
FOUNDATION BOLTS				2ND FLOOR	✓	1-19-22	SNM
DRAINTILE / SEALER	✓	8/11/21	TS	3RD FLOOR			
NOTES:				NOTES:			
SLABS	PASS	DATE:	INSPECTOR	MECHANICAL	PASS	DATE:	INSPECTOR
BASEMENT / GRADE	✓	9/8/21	TS	BASEMENT / CRAWL	✓	1/21-22	TS
GARAGE	✓	11-3-21	SNM	1ST FLOOR / GARAGE			
OTHERS				2ND FLOOR			
OTHERS				3RD FLOOR			
NOTES:				ATTIC			
				GAS PRESSURE TEST			
				✓ 1-18-22 SNM			
NOTES:				NOTES:			
PLUMBING	PASS	DATE:	INSPECTOR				
GROUNDWORK	✓	8/26/21	TS				
BASEMENT / CRAWL				BUILDING	PASS	DATE:	INSPECTOR
1ST FLOOR / GARAGE				BASEMENT / CRAWL			
2ND FLOOR				1ST FLOOR			
3RD FLOOR				2ND FLOOR			
NOTES:				3RD FLOOR / ROOF			
				PORTAL / GARAGE			
NOTES:				NOTES:			
DECKS	PASS	DATE:	INSPECTOR				
PIER FOOTINGS FRONT							
PIER FOOTINGS REAR				INSULATION	PASS	DATE:	INSPECTOR
OTHER FOOTINGS				BASEMENT / CRAWL			
LEDGER / FLASHING				1ST FLOOR / GARAGE			
DECK FRAMING FRONT				2ND FLOOR			
DECK FRAMING REAR				3RD FLOOR / ATTIC			
DECK FRAMING OTHER:				NOTES:			
NOTES:							
		PASS	DATE	INSPECTOR (SIGN)			
BUILDING FINAL							
NOTES:							



April 5, 2022

Robert & Lisa Gearhart
1228 Peters Pike Road
Wirtz, VA 24184

RE: 8.25 Cedarmill HZ10 HardiePlank® Primed Siding installed at Lot 37 Compass Cove Circle,
Moneta, VA 24121

Dear Hardie Customer;

By way of this letter, James Hardie Building Products will warrant the HZ10 Hardie Products installed at the above referenced address (Warranties Enclosed). As stated in the enclosed "Warranty" James Hardie Building Products warrants that the "product" will be free from manufacturing defects. This warranty does not cover damage or defects that may arise from or in any way correlated to installation.

This Limited Warranty extends only to the first retail purchaser of the Product, the first owner of the structure to which the Product is applied and the first transferee where the Product is installed in a commercial or multi-family dwelling.

Should you experience any problems related to the manufacture of your Hardie products, James Hardie Building Products, Inc. will remedy those problems under the normal warranty terms and conditions.

If you have any questions that are warranty related, please feel free to contact us directly at 866-375-8603.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Phan'.

Nancy Phan
Claims & Warranty Department
James Hardie Building Products

Enclosure: HardiePlank Warranty

James Hardie Building Products, Inc.
Claims & Warranty Department
10901 Elm Avenue, Fontana, CA 92337



Includes: HardiePlank® HZ10® Lap Siding, HardiePanel® HZ10® Vertical Siding, HardieShingle® HZ10® Siding, HardieSoffit® HZ10® Panels

Effective July 2020

1. LIMITED WARRANTY. James Hardie Building Products Inc. ("Hardie") warrants, for a period of thirty (30) years (the "Limited Warranty Period") that when manufactured, the HardiePlank® HZ10® Lap Siding, HardiePanel® HZ10® Vertical Siding, HardieShingle® HZ10® Siding, and HardieSoffit® HZ10® Panels (the "Product") comply with ASTM C1186, will resist damage caused by hail or termite attacks, and is free from defects in material and workmanship. This Limited Warranty extends only to (i) the first retail purchaser of the Product and the first transferee; or (ii) the first owner of the structure to which the Product is applied and the first transferee (each a "Covered Person"), where the Product is installed in an approved HZ10 product zone defined in Section 2.



2. LIMITED WARRANTY COVERAGE AREA. Approved HZ10 product zone shall mean Puerto Rico, and within the United States, the states of AL, AR, FL, GA, HI, LA, MS, OK, TX, SC, as well as limited areas of AZ, CA, KY, NC, NM, NV, OR, TN, VA and WA. For a list of covered ZIP codes in the states of AZ, CA, KY, NC, NM, NV, OR, TN, VA and WA, please consult www.hardiezone.com or call 1-866-9-HARDIE.

3. WHAT WE WILL DO. If during the Limited Warranty Period, the Product is defective in material or workmanship, Hardie will, in its sole discretion, either repair or replace the defective portion of the Product, or, during the first (1st) through the thirtieth (30th) year, reimburse the Covered Person for up to twice the original retail cost of the defective portion of the Product. After the 30th year, this Limited Warranty will expire and shall no longer be applicable. If the original retail cost cannot be established by the Covered Person to Hardie's reasonable satisfaction, the cost shall be determined by Hardie in its sole and reasonable discretion. Hardie's repair or replacement of the defective portion of the Product or reimbursement pursuant to Section 3 of this Limited Warranty is the exclusive remedy for the Covered Person for

any warranty claim under Section 1. Hardie will not reimburse or pay any costs in connection with labor or accessory materials.

4. WHAT YOU MUST DO/CONDITIONS OF LIMITED WARRANTY. Warranty coverage under this Limited Warranty shall be subject to the following terms and conditions:

- a) A Covered Person must provide written notice to Hardie within thirty (30) days after discovery of any claimed defect covered by this Limited Warranty. The notice must describe the location and details of the claimed defect and any additional information necessary for Hardie to investigate the claim. Photos of the Product, showing the claimed defect must accompany the notice. A claimant under this Limited Warranty must provide proof to Hardie that such claimant is a Covered Person as defined in Section 1 above.
- b) The Product must be installed according to Hardie's printed installation instructions and must comply with all building codes adopted by federal, state or local governments or government agencies applicable to the installation.
- c) Upon discovery of a claimed defect, a Covered Person must immediately, and at a Covered Person's own expense, provide for protection of all property that could be affected until the claimed defect is remedied, if applicable. Before any permanent repair to the Product, a Covered Person must allow Hardie or Hardie's authorized agent to enter the property and structure where the Product is installed, if applicable, and examine, photograph and take samples of the Product. Any repairs initiated by or on behalf of a Covered person without prior authorization from Hardie may void the warranty.



Homeowner Care and Maintenance Tips

PATCHING

Fill dents, chips and cracks using a good quality cement patching compound (acrylic mortar patch), which can be found at your local Home Center or Hardware Store.

PRODUCT REPLACEMENT

Replace siding and trim products in accordance with James Hardie's written installation instructions.

CAULK REPLACEMENT

When caulk is in need of replacing, carefully remove existing caulk and replace with a high quality, paintable latex caulk. For best results, use a latex caulk that complies with ASTM D834 or better. Caulking should be applied in accordance with the caulking manufacturer's written application instructions.

PAINT MAINTENANCE

Remove any damaged, chipped or cracked paint. Prior to repainting, make sure that the surface area is properly prepped for paint. Repaint immediately using a good quality 100% acrylic paint. For best results, please refer to your paint manufacturer's written specifications for application rates and required topcoats.

Call 1-800-9-HARDIE or visit www.JamesHardiePros.com to obtain written installation requirements or for more detailed technical information.

5. WHAT IS NOT COVERED. This Limited Warranty does not cover damage or defects resulting from or in any way attributable to: (a) The improper storage, shipping, handling or installation of the Product (including, without limitation, failure of the Product to be installed in strict compliance with the Conditions of Limited Warranty set forth in Section 4(b) of this Limited Warranty) and/or improper installation of studs or other accessories; (b) Further processing, modification or alteration of the Product after shipping from Hardie; (c) Neglect, abuse, or misuse; (d) Repair or alteration inconsistent with Hardie instructions; (e) Settlement or structural movement and/or movement of materials to which the Product is attached; (f) Damage from incorrect design of the structure; (g) Damage resulting from water infiltration; (h) Exceeding the maximum designed wind loads; (i) Acts of God including, but not limited to, tornados, hurricanes, floods, earthquakes, severe weather or other natural phenomena (including, but not limited to, unusual climate conditions); (j) Efflorescence, peeling or performance of any third party paints, stains and/or coatings; (k) Growth of mold, mildew, fungi, bacteria, or any organism on any surface of the Product (whether on the exposed or unexposed surfaces); (l) Lack of proper maintenance; and/or (m) Any cause other than material or manufacturing defects attributable to Hardie.

6. LIMITATION OF WARRANTY. THE ABOVE LIMITED WARRANTY IS THE EXCLUSIVE WARRANTY FOR THE PRODUCT. HARDIE DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE OR OTHERWISE. In the event that applicable consumer law prohibits the disclaimer of an implied warranty, the above Limited Warranty shall not extend the time period of any such implied warranty. Some states do not allow limitations for consumers on how long an implied warranty lasts, so the above limitation may not apply to you. This Limited Warranty gives you specific legal rights, and you may have additional rights, which vary from state to state.

7. LIMITATION OF LIABILITY. IN NO EVENT SHALL HARDIE BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES, INCLUDING BUT NOT LIMITED TO, ANY CLAIMS OF PROPERTY DAMAGE, BASED UPON BREACH OF WARRANTY, BREACH OF CONTRACT, TORT, OR ANY OTHER LEGAL THEORY. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation may not apply to you.

8. NO WAIVER. Hardie may, in its sole discretion, extend benefits beyond what is covered under this Limited Warranty. Any such extension shall apply only to the specific instance in which it is granted, and shall not constitute a waiver of Hardie's right to strictly enforce the exclusions, disclaimers, and limitations set forth herein for any or all other circumstances.

9. ENTIRE AGREEMENT. This Limited Warranty contains and represents the only warranty extended by Hardie for the Product. No employee or agent of Hardie or any other party is authorized to make any other warranty in addition to those made in this Limited Warranty. This Limited Warranty gives you specific legal rights and you may also have other rights which vary from state to state.

10. MODIFICATION OR DISCONTINUATION OF PRODUCT. Hardie reserves the right to discontinue or modify the Product at any time without notice. In the event that repair or replacement of the Product pursuant to this Limited Warranty is not possible, Hardie will fulfill any repair or replacement obligation under this Limited Warranty with a product of equal or greater value.

11. HOW TO OBTAIN LIMITED WARRANTY SERVICE. For warranty services, call 866-375-8603 or write Warranty Department, James Hardie Building Products, Inc., 10901 Elm Avenue, Fontana, California 92337.

COMPLETE AND SAVE FOR YOUR OWN RECORDS

Name of Owner _____
Installation Address _____
Name of Installing Contractor _____
Date Installed _____ Contractor Phone Number _____



From: [Craig Caron](#)
Sent: Thursday, October 19, 2023 10:28 PM
To: [Chris Jánosky](#)
Subject: Fw: Gearhart Project - siding discussion 07.13.22

[Sent from AOL on Android](#)

----- Forwarded Message -----

From: "Craig Caron" <ccaronbuilder@aol.com>
To: "Chris Jánosky" <cjanszky@michiehamlett.com>
Sent: Wed, Sep 27, 2023 at 11:25 PM
Subject: Fw: Gearhart Project - siding discussion 07.13.22

[Sent from AOL on Android](#)

----- Forwarded Message -----

From: "Broughton, John" <John.Broughton@franklincountyva.gov>
To: "Lisa Gearhart" <lkgearhart@gmail.com>, "Craig Caron" <ccaronbuilder@aol.com>, "Bob Gearhart" <Robert.gearhart@jamesriverequipment.com>
Sent: Thu, Jul 14, 2022 at 11:16 AM
Subject: RE: Gearhart Project - siding discussion 07.13.22

Lisa,

I concur with all of the items that you have listed and will coordinate with Craig on schedule as needed.

Thank you,

JOHN W BROUGHTON, CBO

Franklin County Building Official

VBCOA/2nd Vice-President



1255 Franklin St. Ste. 103

Rocky Mount, VA 24151

(540) 483-3047 Ext. 2248

John.Broughton@franklincountyva.gov

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, July 14, 2022 10:04 AM
To: Craig Caron <ccaronbuilder@aol.com>; Broughton, John <John.Broughton@franklincountyva.gov>; Bob Gearhart <Robert.gearhart@jamesriverequipment.com>
Subject: Gearhart Project - siding discussion 07.13.22

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Thanks for meeting to discuss the issues of the lap siding and house wrap on our new house.

To recap, we discussed the following corrections per manufacturer installation instructions.

1. Z-Flashing 1/4" clearance

2. Water resistive barrier house wrap must be installed where missing. The manufacturer requires that all joints, holes and tears in the barrier be sealed with DRYline Sheathing tape. John will perform pre inspection of house wrap corrections, including all walls where existing siding is removed before replacing with new product. Expecting a row of sheathing tape across each and every row where siding is removed to properly seal the nail penetrations in existing WRB. Alternatively, should the WRB be damaged, replacing with new is an option.



3. Avoid placing butt joints directly above windows or doors at least one course away, ensuring all butt joints land on studs.

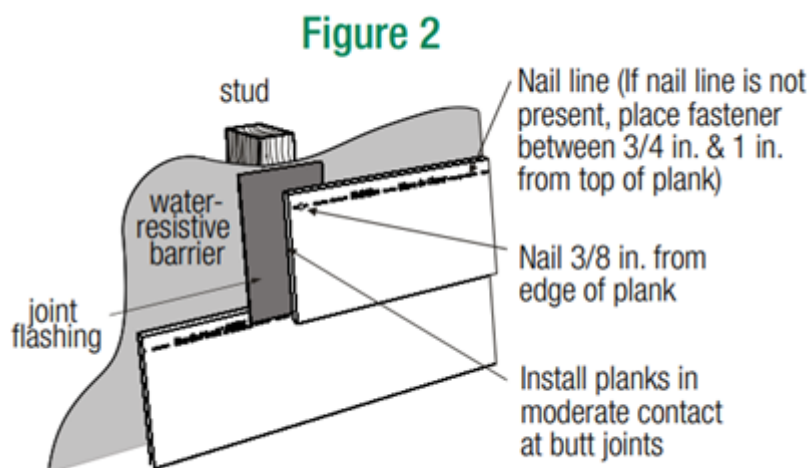
4. Moderate contact butt joints not exceeding 1/8".

5. Per Craig, 8.25 Cedarmill HZ10 HardiePlank® Primed Siding "yellow primed" will be used everywhere and the manufacturer letter to honor warranty dated April 5, 2022 applies despite the HZ5 zoned product which corresponds with 24121. Our build site Lot 37 Compass Cove Moneta, VA zip code 24121 per manufacturer zones, requires HZ5.

6. The entire wall on right side of house (study room) to receive all new lap siding, in addition to places where improperly installed HZ5 "greenish primed" exists.



7. Fasteners between 3/4" to 1" from top of plank.



James Hardie Installation: <https://www.jameshardiepros.com/getattachment/3db6064b-4ed5-433f-bfe9-caf95a61eee1/hardieplank-hz5-us-en.pdf>

Thank you.

Lisa Gearhart 540-354-5774

Bob Gearhart 540-354-2439

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

INSPECTION WORKSHEET (INSP-213924-2022) FOR FRANKLIN COUNTY

Case Number: RES-06-2021-60354

Case Module: Permit

Inspection Date:

Inspection Status: Partial Pass

Inspector: Trevor Stanley

Inspection Type: Misc

Job Address: 197 Compass Cove Cir
Moneta, VA 24121

Parcel Number: 0481403700

Contact Type

Company Name

Name

Applicant
Contractor
Mechanics Lien
Owner

CRAIG CARON BUILDER
FIRST CHOICE TITLE & SETTLEMENT

CRAIG CARON
CRAIG ANTHONY CARON

LISA K and ROBERT GEARHART

Checklist Item

Results

Comments

Miscellaneous

Pass

7/22/22-TS

Provided second layer of air barrier over original damaged sections. Seams taped and overlapped.

Air barrier okay

From: [Craig Caron](#)
Sent: Wednesday, September 27, 2023 11:12 PM
To: [Chris Jánosky](#)
Subject: Fw: Gearhart - water entering the basement and lower garage

[Sent from AOL on Android](#)

----- Forwarded Message -----

From: "Lisa Gearhart" <lkgearhart@gmail.com>

To: "Craig Caron" <ccaronbuilder@aol.com>

Sent: Tue, Nov 15, 2022 at 7:57 PM

Subject: Re: Gearhart - water entering the basement and lower garage

Hi Craig,

Thanks for checking and letting us know.

We captured these images at 7pm this evening and water is still entering the basement.

Water is ponding on the right side of the sidewalk in the yard, creating a drainage issue.

We request you resolve the drainage issue in the yard and stop water from entering the basement.





Thank you.

Lisa Gearhart 540-354-5774

Bob Gearhart 540-354-2439

On Tue, Nov 15, 2022 at 5:23 PM Craig Caron <ccaronbuilder@aol.com> wrote:

Lisa,

I looked at your basement this evening. The garage door likely allowed water in because it's not locked with any downward pressure on the seal. Once it's locked, the seal should have enough pressure to keep the water out.

There was not any water on the floor at the back of the garage. I could see water stain on the floor, but none was coming in at this time though it rained all day. I believe water is ponding between the garage apron and foundation. I would suggest putting a gutter drain across the driveway when you get it paved since there is so much water coming at the house. I will bring some dirt down when it dries up to try to prevent the water from ponding in that corner.

[Sent from the all new AOL app for Android](#)

On Sat, Nov 12, 2022 at 11:17 AM, Lisa Gearhart

<lkgearhart@gmail.com> wrote:

Hi Craig,

We are still having water entering the basement and lower garage and would appreciate you letting us know how and when you plan to resolve?

We would like to discuss the proposed solution with you.

Lower garage door images taken 11.11.22



Lower basement where future door separates garage from living area images taken 11.11.22.

Note the drywall is wet at bottom. The image of standing water is on the "right side" of upper yard sidewalk opposite side of where the drain is on "left side" of the sidewalk.



Thank you.

Lisa Gearhart 540-354-5774

Bob Gearhart 540-354-2439

Franklin County

55 Franklin Street, Suite 103
 Rocky Mount, VA 24151
 Phone (540)483-3047 Fax (540)483-6665

Permit NO. **RES-06-2021-60354**

Permit Type: Residential Building
 Work Classification: Single Family (Home)
 Permit Status: Active

Issue Date: 7/1/2021

Expiration: 07/03/2023

Owner Information LISA K and ROBERT GEARHART	Address 1228 PETERS PIKE ROAD WIRTZ, VA 24184	Phone 5403545774	Cell 5403545774
Project Address 197 COMPASS COVE CIR MONETA, VA 24121	Zoning R1	Parcel Number 0481403700	Applicant CRAIG CARON
	District Gills Creek	Lot/Tract/Section # COMPASS COVE	Subdivision COMPASS COVE

Directions: 122N, R616, L COMPASS COVE, JUST BEFORE BERNARDS LAND, TAKE LEFT AT STOP SIGN, LOT 37 ON RIGHT

Mechanics Lien Agent FIRST CHOICE TITLE & SETTLEMENT	Address 86 BUILDERS PRIDE RD HARDY, VA 24101	Phone 5402044160	Fax
--	---	----------------------------	------------

Type of Construction	Use Group	Code	Year
Req. Setback Front 30	Req. Setback Rear 20	Req. Setback Right 12	Prop. Setback Left 12

Description of Work: 3 BEDROOM SINGLE FAMILY DWELLING WITH GARAGE 6-28-22 renewed file, info same

Valuation:	\$55,500.00
Total Sq Feet:	5,068

Inspection Requests:
(540) 483-3047

Contractor(s)	Address	Phone	Cell	Contractor Type
CRAIG CARON BUILDER	P O BOX 759 HARDY VA 24101	(540)871-0848		Building

Available Inspections:

Inspection Type:	IVR
Temporary Final	
GPS Points	101
Drain/Water Proofing	104
Energy/Air Barrier	105
Footing Exterior Piers	114
Footing Interior	116
Footing Interior Piers	117
Footing Perimeter	118
Foundation	120
Framing	121
Insulation	124
Pre-Slab	127
Rough-In Gas	132
Rough-In Electrical	310
Temporary Power	325
Permanent Power	330
Rough-In Mechanical	410
Rough-In Plumbing	510
Underslab Plumbing	520
Misc	800
E&S Control	950
Final	998

Number of Stories: 1	Exterior Wall Type:
Basement Status: N/A	Foundation Type: Basement

Fees Due	Amount
Land Use Fee	\$35.00
Plan Review Fee	\$91.00
Single Family Site-Built Fee	\$912.00
State Surcharge	\$20.00
Total:	\$1,058.00

Paytype	Amt Paid
Total Fees	\$1,058.00
Check # 7491	\$1,058.00
Amount Due:	\$0.00

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Craig Caron July 06, 2022
 Applicant Name (Owner / Applicant / Contractor / Agent) Authorized Signature Date

Franklin County Building Department July 06, 2022
 Authorized Signature Date

Office Copy



Franklin County

Natural Setting for Opportunity

1255 Franklin Street, Suite 103
Rocky Mount, VA 24151
Phone: (540)483-3047 Fax: (540)483-6665

Permit NO. **RES-06-2021-60354**

Permit Type: **Residential Building**

Work Classification: **Single Family (Home)**

Permit Status: **Active**

Issue Date: **7/1/2021**

Expiration: **07/03/2023**

Owner Information LISA K and ROBERT GEARHART	Address 1228 PETERS PIKE ROAD WIRTZ, VA 24184	Phone 5403545774	Cell 5403545774
Project Address 197 COMPASS COVE CIR MONETA, VA 24121	Zoning R1	Parcel Number 0481403700	Applicant CRAIG CARON
	District Gills Creek	Lot/Tract/Section # COMPASS COVE	Subdivision COMPASS COVE

Directions: 122N, R616, L COMPASS COVE, JUST BEFORE BERNARDS LAND, TAKE LEFT AT STOP SIGN, LOT 37 ON RIGHT

Mechanics Lion Agent FIRST CHOICE TITLE & SETTLEMENT	Address 86 BUILDERS PRIDE RD HARDY, VA 24101	Phone 5402044160	Fax
--	---	----------------------------	------------

Type of Construction	Use Group	Code	Year
Req. Setback Front 30	Req. Setback Rear 20	Req. Setback Right 12	Prop. Setback Left 12

Description of Work: 3 BEDROOM SINGLE FAMILY DWELLING WITH GARAGE 6-28-22 renewed file, info same

Valuation: 55,500.00
Total Sq Feet: 5,068

Inspection Requests:
(540) 483-3047

Contractor(s)	Address	Phone	Cell	Contractor Type
CRAIG CARON BUILDER	P O BOX 759 HARDY VA 24101	(540)871-0848		Building

Inspection Type:	NR
Temporary Final	
GPS Points	101
Drain tile/Water Proofing	104
Energy/Air Barner	105
Footing Exterior Piers	114
Footing Interior	118
Footing Interior Piers	117
Footing Perimeter	118
Foundation	120
Framing	121
Insulation	124
Pre-Slab	127
Rough-In Gas	132
Rough-In Electrical	310
Temporary Power	325
Permanent Power	330
Rough-In Mechanical	410
Rough-In Plumbing	510
Underslab Plumbing	520
Misc	800
E&S Control	950
Final	999

Number of Stories: 1
Basement Status: N/A
Exterior Wall Type:
Foundation Type: Basement

Fees Due	Amount
Land Use Fee	\$35.00
Plan Review Fee	\$91.00
Single Family Site-Built Fee	\$912.00
State Surcharge	\$20.00
Total:	\$1,058.00

Paytype	Amt Paid
Total Fees	\$1,058.00
Check # 7491	\$1,058.00
Amount Due:	\$0.00

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Renewed by [Signature] **June 28, 2022**
Print Name (Owner / Applicant / Contractor / Agen _____ Authorized Signature _____ Date _____
Franklin County Building Department _____ **June 28, 2022**
Authorized Signature _____ Date _____

Office Copy

Angle, Kathy

From: Craig Caron <ccaronbuilder@aol.com>
Sent: Tuesday, June 28, 2022 8:34 AM
To: Angle, Kathy
Subject: Permit #60354, Gearhart

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Kathy,
As discussed, please renew the permit for Gearhart, #60354. All information stays the same and we should be ready for a final inspection within the next 30 days.

Thanks,
Craig

Sent from the all new AOL app for Android

Franklin County

1255 Franklin Street, Suite 103
 Rocky Mount, VA 24151
 Phone: (540)483-3047 Fax: (540)483-6665

Permit NO. **RES-06-2021-60354**
 Permit Type: **Residential Building**
 Work Classification: **Single Family (Home)**
 Permit Status: **Active**

Issue Date: **7/1/2021**

Expiration: **07/01/2022**

Owner Information LISA K and ROBERT GEARHART	Address 1228 PETERS PIKE ROAD WIRTZ, VA 24184	Phone 5403545774	Cell 5403545774
Project Address	Zoning R1	Parcel Number 0481403700	Applicant CRAIG CARON
	District Gills Creek	Lot/Tract/Section # COMPASS COVE	Subdivision COMPASS COVE

Directions: 122N, R616, L COMPASS COVE, JUST BEFORE BERNARDS LAND, TAKE LEFT AT STOP SIGN, LOT 37 ON RIGHT

Mechanics Lien Agent FIRST CHOICE TITLE	Address 86 BUILDERS PRIDE RD HARDY, VA 24101	Phone 5402044160	Fax
---	---	----------------------------	------------

Type of Construction	Use Group	Code	Year
Req. Setback Front 30	Req. Setback Rear 20	Req. Setback Right 12	Prop. Setback Left 12

Description of Work: 3 BEDROOM SINGLE FAMILY DWELLING WITH GARAGE

Valuation: \$ 55,500.00
Total Sq Feet: 5,068

Inspection Requests:
(540) 483-3047

Contractor(s)	Address	Phone	Cell	Contractor Type
CRAIG CARON BUILDER	P O BOX 759 HARDY VA 24101	(540)871-0848		Building

Available Inspections:

Inspection Type	IVR
Temporary Final	
GPS Points	101
Drain tile/Water Proofing	104
Energy/Air Barrier	105
Footing Exterior Piers	114
Footing Interior	116
Footing Interior Piers	117
Footing Perimeter	118
Foundation	120
Framing	121
Insulation	124
Pre-Slab	127
Rough-In Gas	132
Rough-In Electrical	310
Temporary Power	325
Permanent Power	330
Rough-In Mechanical	410
Rough-In Plumbing	510
Under-slab Plumbing	520
Misc	800
E&S Control	950
Final	998

Number of Stories: 1
Basement Status: N/A
Exterior Wall Type:
Foundation Type: Basement

Fees Due	Amount
Land Use Fee	\$35.00
Plan Review Fee	\$91.00
Single Family Site-Built Fee	\$912.00
State Surcharge	\$20.00
Total:	\$1,058.00

Paytype	Amt Paid
Total Fees	\$1,058.00
Check # 7491	\$1,058.00
Amount Due:	\$0.00

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Nicole Caron *Nicole M. Ci* **July 01, 2021**
 Print Name (Owner / Applicant / Contractor / Agen Authorized Signature Date

BAM **July 01, 2021**
 Franklin County Building Department Authorized Signature Date

Office Copy



Property Details	
Parcel ID	0481403700
Map Number	048 14
Parcel Number	03700
Owner	GEARHART, JIA + S + DEEN*
Owner Address	1022 PETERS PARK ROAD
City	ALBANY
State	VA
Zip Code	24514
Physical Address	
Legal Description 1	COMPASS CODE
Legal Description 2	LOT 17
Zoning	R1
District	GULL CREEK
Acres	0.48
Land Value	\$200,000.00
Building Value	\$10,000.00
Assessed Total	\$210,000.00
Land Use Value	\$0.00
Grantor	BANK OF AMERICA NATIONAL ASSOCIATION
Consideration	\$95,000.00
Consideration Date	08/24/2010 10:11 AM
Instrument No	2010
Instrument No	4011
Subdivision No	
Deed Book	COMPASS CODE
Deed Page	1010
Plat Book	239
Plat Page	211
Property Card	160



Franklin County

Development Services Application

Date: 06-13-21

1. Please identify the property on which the proposed activity will occur:

Tax ID number: 0481403700

Street address: _____

City, State, Zip: _____

Other means of description: Lot '37 Compass Cove

2. Please identify who the applicant is:

Owner Tenant General Contractor

Design Professional - (Architect / Engineer / Etc.)

Other: _____

3. Please identify the owner(s) of the subject property:

Owner's name: Bob & Lisa Gearhart

Mailing address: 1228 Peters Pike Rd.

City, State, Zip: Wirtz, Va 24184

Phone: 540-354-5774 Fax: _____

Email: lkgearhart@gmail.com

4. If the applicant is not the owner, please provide the following:

Applicant's name: Craig Caron

Mailing address: PO Box 759

City, State, Zip: Hardy, Va 24101

Phone: 540-871-8848 Fax: _____

Email: ccaronbuilder@aol.com

Please check the box by all permit types, listed below, required for your project.

- 1 Building - Needed to build a new structure, add to, alter, or demolish an existing structure, perform any electrical, plumbing, HVAC work, install a sign, pool, retaining wall, tower, antenna, storage tank, amusement device or elevator.
- 2 Land Use - Needed for any structure to be built or placed on a property.
How much land will you be disturbing? 2,800 ft²
- 3 Erosion & Sediment Control - Needed if disturbing 10,000ft.² up to 1 acre of land on a property not within 200ft. of any state waterway or if disturbing 3,000ft.² or more on a property where land disturbance is within 200ft. of any state waterway.
- 4 Storm Water - Future requirement

Description of Work: New Single family stick built home

Directions to the property: 122 N to (R) Scruggs Rd to (L) Compass Cove Dr. to (L) Compass Cove Circle, Lot on (R)

I hereby certify that the proposed work is authorized by the owner(s) of record and that I have been authorized by the owner(s) to make this application as an authorized agent and I agree to conform to all statutes and regulations identified on the back of this document.

[Signature]
Signature of Property Owner
Or Authorized Agent

Craig Caron
Printed Name of Property Owner
Or Authorized Agent

1255 Franklin Street, Suite 103, Rocky Mount, Virginia, 24151, (540) 483-3047



Development Services Application

Please identify all applicable statutes & regulations by checking the appropriate box(es)

I hereby certify that I am the owner of record of the herein described property, or that the proposed work has been authorized by the owner of record and that I have been authorized to make this application as a designated agent. I agree to conform to all applicable state and local regulations, rules and policies and such shall be deemed a condition entering into the exercise of the permit. In addition, if a permit is issued, I certify that the code official or his authorized representative shall have the authority to enter the area(s) described herein at any reasonable hour for the purpose of enforcing the provisions of the applicable code(s). I affirm that the information given in this application is correct at the time of submittal. I recognize any changes to the information given in this application require written notification to Franklin County Development Services.

Property ownership, as verified through Franklin County Real Estate Tax Records, will reflect the permit holder. If the permit is to be issued in another name, a signed letter from the existing property owner(s) giving permission for the specific structure on the property is required. The Real Estate Tax Identification number, subdivision name and lot number (if applicable) for the property is to be included in this letter. This statement is to be signed and dated by all property owner(s).

I realize that NO OCCUPANCY can be made until all final inspections are completed, approved and a CERTIFICATE OF OCCUPANCY has been obtained. I understand that if I occupy, or allow occupancy, in any manner, I am not in compliance with the "Virginia Uniform Statewide Building Code" and hereby I am giving permission for the Franklin County Inspections Department to have my electric meter disconnected and removed. *Manufactured HUD homes may be occupied for up to 60 days

I am requesting and approving authorization to be notified of inspection results by phone and/or e-mail.
Phone: _____ Email: ccaronbuilder@aol.com

I am requesting Mechanics Lien agent be added to this permit.
Business Name: First Choice Tile Phone: 540-204-4160
Business Address: 86 Builder Pride Dr.
City: Hardy State: Va Zip Code: 24101

I am acting as Self-Contractor, have fully completed the Development Services Self Affidavit form, and affirm that I am familiar with the prerequisites of Section 54.1-1111 of the Code of Virginia and I am not subject to licensure as a contractor or subcontractor. I realize that I am liable to ensure all contractors and or subcontractors performing more than \$1000.00 work on my project are licensed by the State Board of Contractors in accordance with the Code of Virginia Section 54.1-1115. Failure to do so constitutes the commission of a Class 1 misdemeanor.

1255 Franklin Street, Suite 103, Rocky Mount, Virginia, 24151, (540) 483-3047



Development Services Application

1
Building Permit #: 60354

Please provide all contractor information below:

Owner Exempt - Self Affidavit Required

Electrical Contractor:

Company Name: TL Electric

Contact Person: Tony Lloyd

Contact Number: 540-871-1160

General Contractor:

Company Name: Craig Caron Builder

License Number: 2705096626A

Contact Person: Craig

Contact Number: 540-871-0948

HVAC Contractor:

Company Name: Condifff Heating

Contact Person: Tim Hart

Contact Number: 540-537-5818

Plumbing Contractor:

Company Name: Ricky Martin Ent

Contact Person: Ricky

Contact Number: 540-529-0536

Other Contractor (Type)

Company Name: Condifff Heating

Contact Person: Tim Hart

Contact Number: 540-537-5818

Please check the box by all statements, listed below, that apply to your project

Residential (1&2 Family Dwellings)

or

Non-Residential (including apartments, condos)

Accessory Structure / Deck / Dock

New Structure (excluding 1&2 family dwellings)

Additions

New Single Family Dwellings (Including Modular)

Alterations

New Multi-Family Dwellings (Duplex / Townhouses)

Sign

New Manufactured / Mobile Home (HUD) Dwellings

Miscellaneous

Single-wide Double-wide Triple-wide

Tank Removal: _____ (size / fuel type / above or below ground)

Demolition

Electrical

Above Ground Swimming Pool / Hot Tub

Retaining Wall _____ height(ft.)

Mechanical

Below Ground Swimming Pool / Hot Tub

Plumbing

Other: _____

Please provide the following sizes associated with this project

First Floor: 2042 ft² Second Floor: _____ ft² Third Floor: _____ ft²

Finished Basement: _____ ft² Unfinished Basement: 2042 ft² Porch(es): 408 ft²

Patio(s): _____ ft² Deck(s) / Dock(s): _____ ft² Carport(s): _____ ft²

Garage(s): 576 ft² Finished Garage Loft(s): _____ ft² Unfinished Garage Loft(s) _____ ft²

Total: _____ ft²

1255 Franklin Street, Suite 102, Rocky Mount, Virginia 24151 (540) 488-3037

(over)



Development Services Application

Please provide the following general information for the proposed project

Dollar value of any new structures or additions: \$ _____ Dollar value of any interior alterations: \$ _____

Dollar value of entire project: \$ 555,000 (including additions if constructed)

Number of Bedrooms: 3 Number of Bathrooms: 2 Number of Half Bathrooms: 1

Total Number of Rooms: 6 Total Number of Stories: 1 (above grade)

Foundation Material: Concrete Block ICF Other: _____

Foundation Type: Basement Crawlspace Slab Column / Pier Other: _____

Heating Source: Gas Oil Electric Hot Water Other: _____

Heat Pump

Fireplaces: Number: 1 Masonry Metal

Flues: Number: _____ Masonry Metal

Gas Appliances: Number: 2

Retaining Walls: Number Attached: _____ Number Detached: _____

Please provide the following HUD related information if applicable

Model Year: _____ Manufacturer: _____ Model: _____ Color: _____

Size: _____ (length x width) Previous Owner: _____ New Owner: _____

New Owner Address: _____ New Owner Phone Number: _____

Skirting: Vinyl Block Brick Metal Rock Other: _____

Please provide the following electrical information if applicable

New Service Upgrade Reconnection # Amps: 400 AEP work order #: _____ (Temporary Power)

Call AEP @ 1-800-956-4237 to apply for a work order number and electric service AEP work order #: _____ (Permanent Power)

Please provide the following water & sewer information if applicable

Water Source Individual / Private Municipal / Public

Sewage Individual / Private Municipal / Public

Will a fire sprinkler system be installed? Yes No

1255 Franklin Street, Suite 103, Rocky Mount, Virginia, 24161, (540) 483-3047



Franklin County

Development Services Application

2

Land Use Permit

Please provide the following information

Current Land Use: Vacant Agricultural Residential Commercial Industrial Other

If land disturbance is required, please specify by checking the box that best describes how vegetative waste will be managed below.
 Open Burned Mulched Off Site Landfill

If off site landfill, please identify location: _____

Will there be land disturbance within 200' of any waterways? Yes No

Will there be land disturbance below the 800' contour (S.L.L)? Yes No

Is the subject property within 500 feet of the 795' water level on Smith Mountain Lake? Yes No

Are there any existing homes on the subject property? Yes No If YES, how many? _____

How much road frontage does the property have? 139 feet according to GIS

Is the property on a primary, secondary, or private road? Primary Secondary Private

Is property a corner lot facing two (2) different road? Yes No

Proposed Structure

Front Setback from Center of Road 55 ft

Front Setback from Edge of Right-of-Way 30 ft

Rear Setback from rear property line 100 ft

Right Setback from side property line 15 ft

Left Setback from side property line 15 ft

If property is a corner lot, please place the setback information below.

Front Setback from Center of Road _____ ft

Front Setback from Edge of Right-of-Way _____ ft

Detached Garage

Front Setback from Center of Road _____ ft

Front Setback from Edge of Right-of-way _____ ft

Rear Setback from rear property line _____ ft

Right Setback from side property line _____ ft

Left Setback from side property line _____ ft

(All setbacks are measured from the closest point of the proposed structure to the property line.)

Height of Building 21 ft

Zoning of Subject Property R-1

Handwritten note: V4HJ setbacks of for the purpose of a single family home

1255 Franklin Street, Suite 103, Rocky Mount, Virginia, 24151. (540) 483-3047 (over)

Franklin County Health Department
365 Pell Ave., 249
Rocky Mount, Virginia 24151
(540) 484-0292 Voice

Permit # 60354

AOSE Construction Permit

Well and Sewage Contractors: Please notify Health Department and OSE or PE 48 hours prior to installation to arrange for inspection

May 26, 2021

Robert & Lisa Gearhart
1228 Peters Pike Road
Wirtz, VA 24184

RE: Compass Cove Circle, Moneta VA 24121
Subdivision: Compass cove Sec: N/A Blk: N/A Lot: 37 Acres: 0.48
Tax Map/Parcel #: 0481-103700
IIDID: 133 21 0211 (133 03 0361)
System Capacity: Residential, 3 Bedroom, 450 Gallons per Day

Dear Robert & Lisa Gearhart:

This letter and the attached drawings, specifications, and calculations (8 pages) dated 03-30-2021 and 4-27-21 constitute your permit to install a sewage disposal system on the property referenced above. Your application for a permit was submitted pursuant to §32.1-163.5 of the Code of Virginia, which requires the Health Department to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or a Professional Engineer working in consultation with an OSE for residential development. VDH is not required to perform a field check to verify the private evaluations of OSEs or PEs and such a field check may not have been conducted for the issuance of this permit.

The soil absorption area ("site") and sewage system design were certified by Chris Frith, Private AOSE and Marty Prillaman, P. E. as substantially complying with the Board of Health's regulations (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances). This permit is issued in reliance upon that certification. VDH hereby recognizes that the soil and site conditions acknowledged by this permit are suitable for the installation of an onsite sewage system. The attached plat shows the approved area for the sewage disposal system; there are additional records on file with the Franklin County Health Department pertaining to this permit, including the Site and Soil Evaluation Report. This construction permit is null and void if any substantial physical change in the soil or site conditions occurs where a sewage disposal system is to be located.

If modifications or revisions are necessary between now and when you construct your dwelling, please contact the OSE/PE who performed the evaluation and design on which this permit is based. Should revisions be necessary during construction, your contractor should consult with the OSE/PE that submitted the site evaluation or site evaluation and design. The OSE/PE is authorized to make minor adjustments in the location or design of the system at the time of construction provided adequate documentation is provided to the Franklin County Health Department.

The OSE/PE that submitted the certified design for this permit is required to conduct a final inspection of this sewage system when it is installed and to submit an inspection report and completion statement. As the owner, you are responsible for giving reasonable notice to the OSE/PE of the need for a final inspection. If the designer is unable to perform the required inspection, you may provide an inspection report and completion statement executed by another OSE/PE.

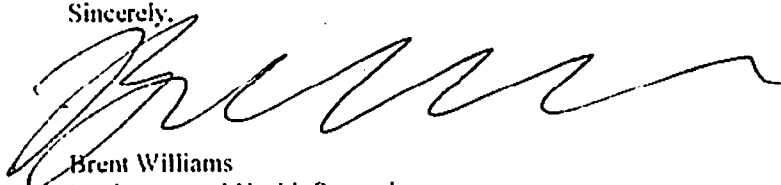
The Franklin County Health Department is not required to inspect the installation but may perform an inspection at its sole discretion. No part of this installation shall be covered until it has been inspected by the OSE/PE as noted herein. The sewage system may not be placed into operation until you have obtained an Operation Permit from the Franklin County Health Department.

This Construction Permit is null and void if conditions are changed from those shown on your application or if conditions are changed from those shown on the Site and Soil Evaluation Report and the attached construction drawings, specifications, and calculations. VDH may revoke or modify any permit if, at a later date, it finds that the site and soil conditions and/or design do not substantially comply with the Sewage Handling and Disposal Regulations, 12 VAC 5-610-20 et seq., or if the system would threaten public health or the environment.

This permit approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations. If you have any questions, please contact me.

This permit expires: 11-27-2022. This permit is not transferable to another owner or location.

Sincerely,



Brent Williams
Environmental Health Supervisor
Franklin County Health Department

CC: Marty Prillaman, P. E.
Chris Frith, Private AOSE

Commonwealth of Virginia

Application for: Sewage System Water Supply

VDH Use only
Health Department ID# 133-21-0211
Due Date _____

Owner Robert & Lisa Gearhart
Mailing Address 1228 Peters Pike Road
Wirtz, VA. 24184
Agent Christopher S. Frith
Mailing Address 2767 Wagon Trail Road
Ridgeway, VA. 24148
Site Address Compass Cove Circle
Moneta, VA. 24121

Phone (540) 354-2439
Phone _____
Fax _____
Phone (540) 597-0330
Phone _____
Fax _____

Email lkgearhart@gmail.com

Directions to Property: 40 East, L-RL122, R-RL616, L-Compass Cove Dr., L-Compass Cove Circle, to lot on the right
Subdivision Compass Cove Section _____ Block _____ Lot 37
Tax Map 0481403700 Other Property Identification _____ Dimension/Acreage of Property 0.48

Sewage System

Type of Approval: Applicants for new construction are advised to apply for a certification letter to determine if land is suitable for a sewage system and to apply for a construction permit (valid for 18 months) only when ready to build.

Certification Letter Construction Permit Voluntary Upgrade Repair Permit Minor Modification

Proposed Use:
Single Family Home (Number of Bedrooms 3) Multi-Family Dwelling (Total Number of Bedrooms _____)
Other (describe) _____

Basement? Yes No Walk-out Basement? Yes No Fixtures in Basement? Yes No
Conditional permit desired? Yes No If yes, which conditions do you want?
 Reduced water flow Limited Occupancy Intermittent or seasonal use Temporary use not to exceed 1 year
Do you wish to apply for a betterment loan eligibility letter? Yes No *There is a \$50 fee for determination of eligibility.

Water Supply

Will the water supply be Public or Private? Is the water supply Existing or Proposed?
If proposed, is this a replacement well? Yes No If yes, will the old well be abandoned? Yes No
Will any buildings within 50' of the proposed well be termite treated? Yes No
Well Type (e.g. domestic use, agricultural, irrigation, etc.) Existing Community Supply

All Applicants

Is this property intended to serve as your (owners) principal place of residence? Yes No
All applications must be accompanied by private sector evaluations and designs, unless a petition for VDH services is approved. Is a Petition for Service form attached? Yes No

In order for VDH to process your application for a sewage system you must attached a plat of the property and a site sketch. For water supplies, a plat of the property is recommended and a site sketch is required. The site sketch should show your property lines, actual and/or proposed buildings and the desired location of your well and/or sewage system. When the site evaluation is conducted the property lines, building location and the proposed well and sewage sites must be clearly marked and the property sufficiently visible to see the topography. I give permission to the Virginia Department of Health to enter onto the property described during normal business hours for the purpose of processing this application and to perform quality assurance checks of evaluations and designs certified by a private sector Onsite Soil Evaluator or Professional Engineer as necessary until the sewage disposal system and/or private water supply has been constructed and approved.

Date 3/30/2021
Signature of Owner/Agent

This form contains personal information subject to disclosure under the Freedom of Information Act. Revised 7/1/2019

OSE/PE Report For:

- Construction Permit
- Repair Permit
- Voluntary Upgrade Permit
- Certification Letter
- Subdivision Approval

Property Location:
 911 Address: Compass Cove Circle City: Moneta
 Lot 37 Section _____ Subdivision Compass Cove
 GPIN or Tax Map # 0481403700 Health Dept ID # _____
 Latitude _____ Longitude _____

Applicant or Client Mailing Address:
 Name: Robert & Lisa Gearhart
 Street: 1228 Peters Pike Road
 City: Wirtz State VA. Zip Code 24184

Prepared by:
 OSE Name Christopher S. Frith License # 1940001328
 Address 2767 Wagon Trail Road
 City Ridgeway State VA. Zip Code 24148
 PE Name _____ License # _____
 Address _____
 City _____ State _____ Zip Code _____

Date of Report 3/30/2021 Date of Revision #1 _____
 OSE/PE Job # _____ Date of Revision #2 _____

Contents/Index of this report (e.g., Site Evaluation Summary, Soil Profile Descriptions, Site Sketch, Abbreviated Design, etc.)

APPLICATION	(3) System Specifications
(1) OSE/PE Report	(4) Abbreviated Design
(2) Plat/Site Sketch	(5) Owner/Contractor Specifications

Certification Statement
 I hereby certify that the evaluations and/or designs contained herein were conducted in accordance with the applicable provisions of the Sewage Handling and Disposal Regulations (12 VAC5-610), the Private Well Regulations (12 VAC5-630), the Regulations for Alternative Onsite Sewage Systems (12VAC5-613) and all other applicable laws, regulations and policies implemented by the Virginia Department of Health. I further certify that I currently possess any professional license required by the laws and regulations of the Commonwealth that have been duly issued by the applicable agency charged with licensure to perform the work contained herein. The potential for both conventional and alternative onsite sewage systems has been discussed with the owner/applicant.

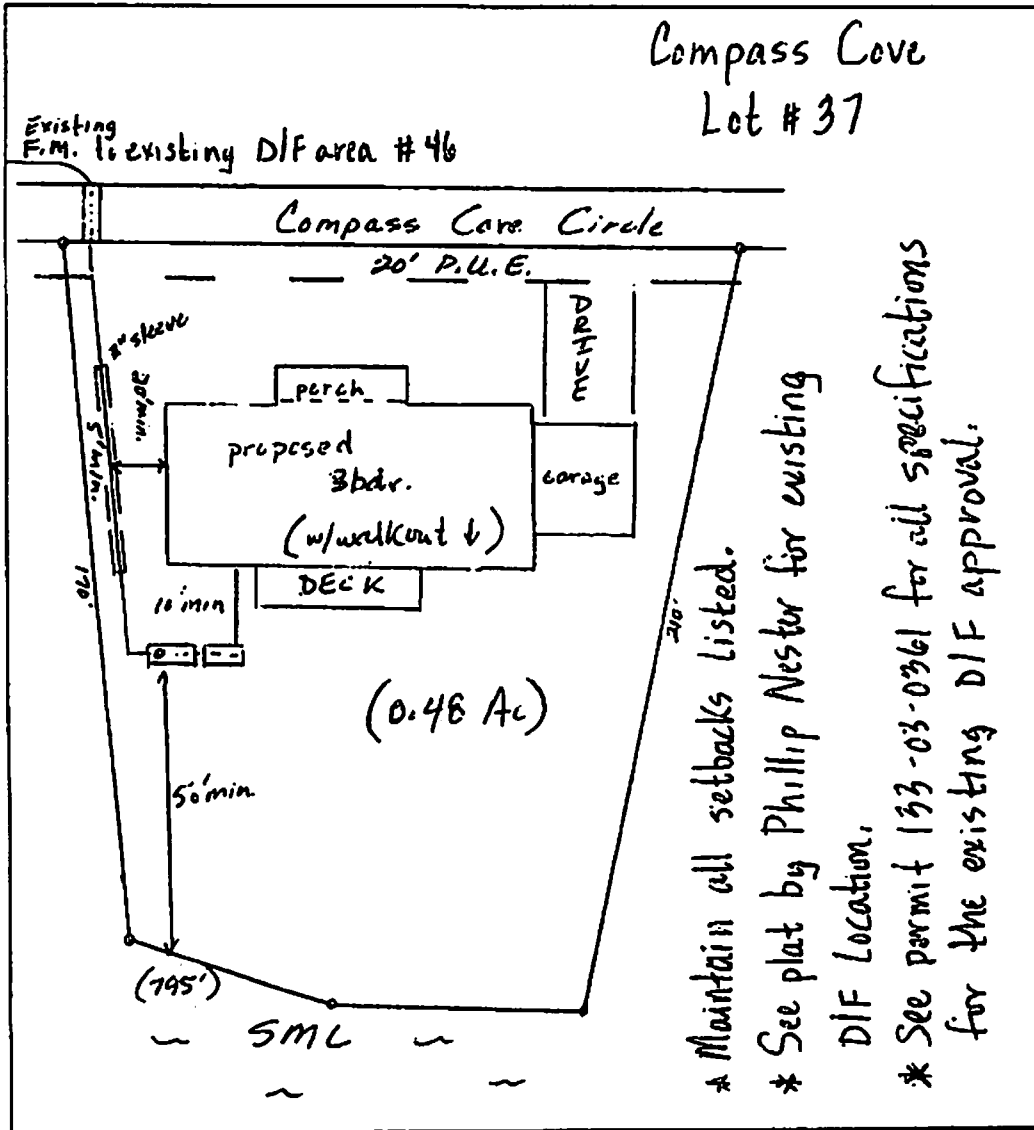
The work attached to this cover page has been conducted under an exemption to the practice of engineering, specifically the exemption in Code of Virginia Section 54.1-402.A.11

I recommend that a (select one): construction permit certification letter subdivision approval or (select one) Issued
 repair permit voluntary upgrade Denied

OSE/PE Signature CE FR Date 3/30/2021

Construction Drawings

Property ID: 0481403700



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

This form contains personal information subject to disclosure under the Freedom of Information Act

Revised 12/1/2014

System Specifications

VDH Use Only

HDIN: _____

Application Information	
Name: <u>Robert & Lisa Goehart</u>	Address: <u>1228 Peters Pkwy Road</u>
Phone: <u>(540) 354-2439</u>	<u>Wirtz, VA. 24148</u>
Location Information	
Tax Map/GPIN #: <u>0481403700</u>	Property Address: <u>Compass Cove Circle Moneta, VA. 24121</u>
Subdivision: <u>Compass Cove</u>	Section: _____ Block: _____ Lot: <u>37</u>
Directions: <u>40 East, L-Rt. 122, R-Rt. 618, L-Compass Cove Dr., L-Compass Cove Circle, to lot on the right</u>	
General Information	
Property Type (e.g. residential): <u>residential</u>	Number of Bedrooms: <u>3</u>
Daily Flow: <u>450</u> gpd	Conditions: _____
Notes: _____	
Sewer Line	
Diameter: <u>3-4</u> in. Material: <u>Sch. 40 PVC</u>	(or equivalent) Notes: _____
Pretreatment Unit(s)	
Treatment Level: <u>Primary</u>	Septic Tank Capacity: <u>1000</u> gallons
Number of Septic Tanks <u>2</u>	Size of Septic Tank(s) <u>1000</u> gallons
Per the Sewage Handling and Disposal Regulations, check which option(s) chosen:	
<input checked="" type="checkbox"/> Septic tank with inspection port <input type="checkbox"/> Septic tank with effluent filter <input type="checkbox"/> Reduced maintenance septic tank	
Secondary treatment device(s), if applicable: _____	
Notes: <u>2nd tank is the pump chamber</u>	
Conveyance Line	Distribution Method and Header Lines
Conveyance Method: <u>Pump</u>	Distribution Method: <u>Distribution Box - Existing</u>
If pumping, include pump specifications sheet.	No. of boxes: <u>1</u> No. of outlets: <u>10</u>
Material: <u>Pressure Pipe</u> Diameter: <u>2'</u>	Surge or splitter box required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Notes: <u>See P.E. Plans</u>	Header Line Material: <u>4" 1600lb. crush strength - Existing</u>
Percolation Lines/Absorption Area	
Dispersal Method (e.g. laterals, pad, mound): <u>Laterals - Existing</u>	
If using pressure dispersal (e.g. drip), include pressure dispersal specifications sheet.	
No. of laterals/pads: <u>6</u> Length of lateral(s)/pad(s): <u>65</u> ft. Width of lateral(s)/pad(s): <u>38</u> in.	
Center to center spacing: <u>10</u> ft. Installation depth: <u>54</u> in. Aggregate depth: <u>13</u> in.	
Size/Type of Aggregate: <u>0.5 - 1.5" crushed stone</u> Lateral/pad slope: <u>2-4</u> in. per <u>100</u> ft.	
Reserve Area Provided: <u>N/A</u> % Notes: <u>***Drainfield is Existing, See H.D.I.D. # 133-03-0361***</u>	
Please Note: _____	

This form contains personal information subject to disclosure under the Freedom of Information Act.

Revised 12/1/2014

Appendix 6
Abbreviated Design Form

Lot#37

For use with gravity and pump drainfields, enhanced flow systems and low pressure distribution systems when applying for a certification letter or subdivision approval.

Design Basis

- A. Estimated Percolation Rate 40
- B. Trench bottom square feet required per bedroom Table 5.4 based on Gravity LPD 314
- C. Number of bedrooms **EXISTING DRAINFIELD** 3

Area Calculations

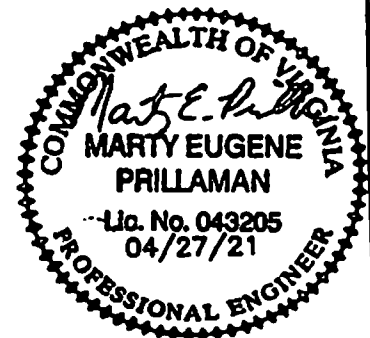
- D. Length of trench 65' Length of available area 65'
- E. Width of trench 3'
- F. Number of trenches 5
- G. Center-to-center spacing 10'
- H. Width required $G(F-1) + E$ 43' Width of available area 43'
- I. Total square footage required (line B times line C) 942
- J. Square footage in design (D*E*F) 975
- K. Is a reserve area required? Yes 50% No

NOTICE TO ALL CONTRACTORS & PROPERTY OWNERS:

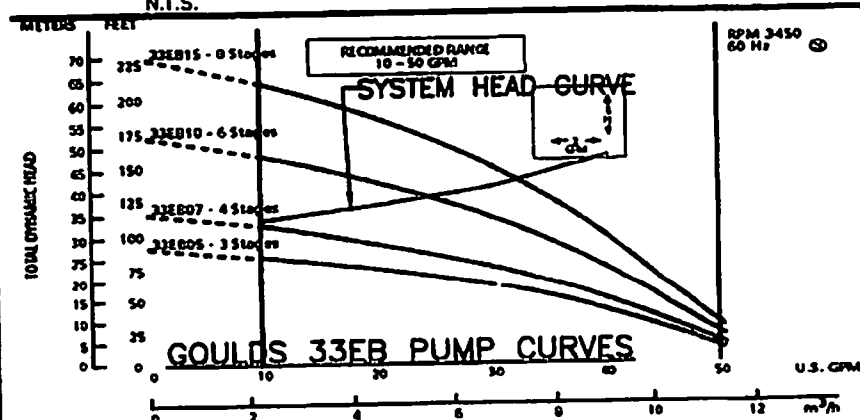
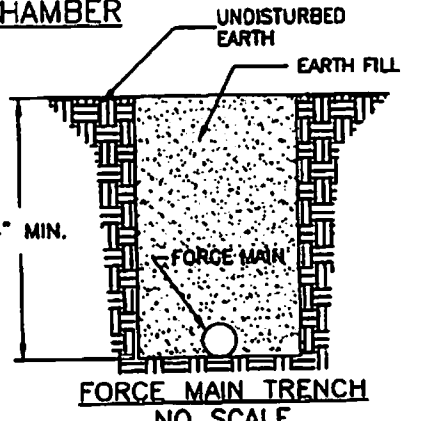
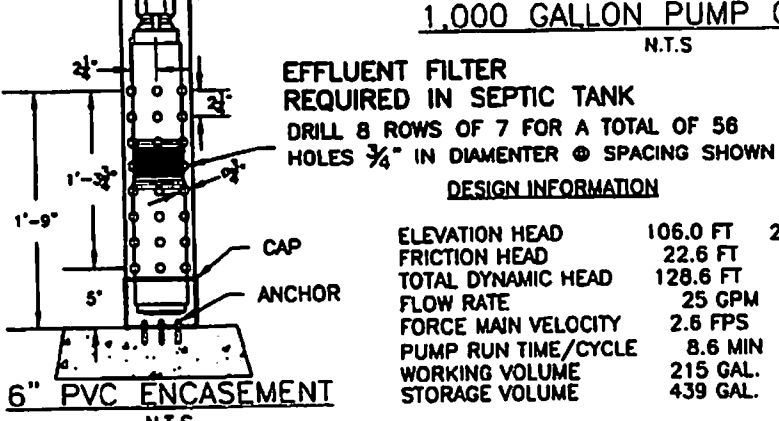
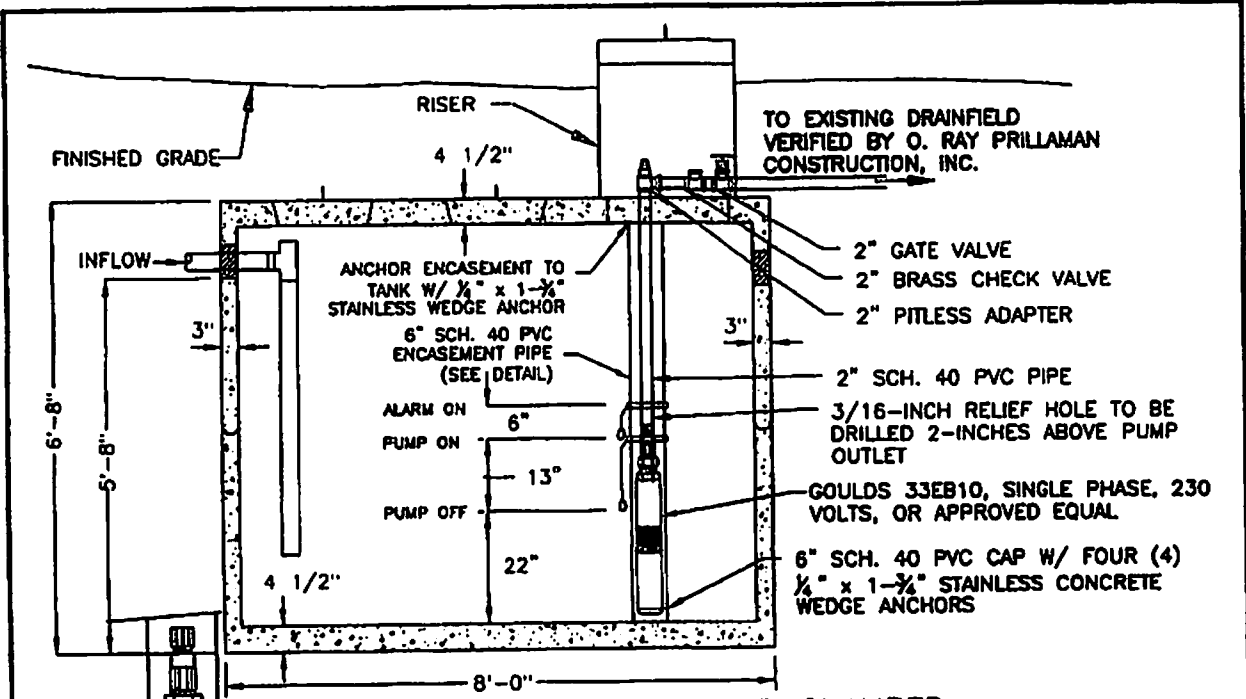
- All Federal Law & State Regulations must be followed when installing this system. Installation must follow OSHA Guidelines.
- **IT IS THE OWNER'S RESPONSIBILITY TO HIRE A DPOR Licensed installer contractor that is required through ALL construction.**
- **DO NOT INSTALL DRAINFIELD's or provide clearing services during periods of wet soil conditions.** DPOR system installers should review state health regulation 12 VAC 5-610-700 Site Preparation & Alteration to determine suitability prior to installation. Divert all roof drains & surface water away from the Septic Tank(s) & D/F area.
- Original grade of the property altered may result in null & void of previous approval to install a sewage disposal system. See Sewage Disposal System location & all specifications.
- Garbage disposals or water softeners are **NOT** recommended for onsite sewage disposal systems. These can cause a premature failure of the sewage disposal system.
- **Land Clearing resulting in a major change of topography determined by the AOSE could result in a Null & Void of a previously approved site.** All hydrophilic trees & shrubs should be removed in & within 10'min. of the D/F area.
- Driveway(s) that cross the drainfield area are required to be paved, avoid the distribution box.
- Maintain the proper setback distance with driveways and structures off the drainfield and reserve areas.
- All private Well's are to be drilled prior to Drainfield installation. Otherwise subject to an additional \$300 inspection fee
- **ALL FINAL INSPECTIONS OF DRAINFIELDS REQUIRE 72 hrs. NOTICE (business days)**
- All Sewage Disposal Systems are required to be inspected at the time of install and all trenches are to be left open for inspection prior to covering or the existing permit of approval can be deemed **NULL & VOID or REVOKED.**
- The Completion Statement for a Sewage Disposal System will not be **RELEASED** until **FULL PAYMENT** is received.
- **ANY** site or soil conditions of this property that change **CAN Null & Void** the Permit of approval.
- **ANY GRAVEL-LESS** proposals must be approved by Christopher S. Frith, AOSE (1940001328) prior to being installed.
- It is the owner's and contractor's responsibility to ensure that the private well, sewage disposal system, and reserve area are designed & installed on the applicant's property and do not interfere with P.U.E.'s and Easements of any kind. The Owner/Agent accepts **ALL** liability for property line locations as identified unless the property is marked by a new survey in the field at the time of the site evaluation.

GENERAL NOTES AND SPECIFICATIONS

1. INSTALL CENTRIPRO A3 SIMPLEX WASTEWATER CONTROL PANEL WITH CENTIPRO A4-2 AUDIO/VISUAL ALARM INSIDE BUILDING. CENTRIPRO A2 SERIES FLOAT SWITCHES SHALL BE INSTALLED TO OPERATE PUMP AND ALARM. PROVIDE SEPARATE ELECTRICAL CIRCUIT FOR THE ALARM. INSTALL A PHYSICAL DISCONNECT SWITCH ON THE BUILDING WITHIN SIGHT OF THE PUMP CHAMBER. OUTDOOR CONTROL PANELS AND ALARMS SHALL USE NEMA 4 ENCLOSURE.
2. INSTALL GOULDS BLASTER FILTERED EFFLUENT PUMP, 33EB10, SINGLE PHASE, 230 VOLTS. OR APPROVED EQUAL. USE 10 AWG (UF) UNDERGROUND CABLE FOR PUMP. INSTALL EFFLUENT FILTER IN THE SEPTIC TANK.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE COMMONWEALTH OF VIRGINIA STATE BOARD OF HEALTH SEWAGE HANDLING AND DISPOSAL REGULATIONS AND STATE WATER CONTROL BOARD SEWAGE COLLECTION AND TREATMENT REGULATIONS.
4. SEPTIC TANKS, DISTRIBUTION BOXES, DRAINFIELDS, FORCE MAINS, GRAVITY MAINS, AND CONVEYANCE LINES MUST BE LOCATED A MINIMUM OF 5-FEET FROM PROPERTY LINES, 10-FEET FROM BUILDING FOUNDATIONS, 20-FEET FROM BASEMENTS, AND 50-FEET FROM ANY WATER COURSE.
5. MAINTIAN 100-FEET SEPARATION BETWEEN DRAINFIELD AND ANY CLASS IIIC WELL AND 50-FEET FROM AN CLASS IIIB WELL. SEPTIC TANKS SHALL BE LOCATED A MINIMUM OF 50-FEET FROM ALL WELLS.
6. DRAINFIELD LINES ARE LOCATED OFF-SITE AND ARE EXISTING. DRAINFIELD WAS INSTALLED BY O. RAY PRILLAMAN CONSTRUCTION, INC IN 2004.
7. CONTRACTOR SHALL ADHERE TO ALL OSHA REGULATIONS FOR DEEP TRENCH INSTALLATION.
8. SEWAGE SYSTEM DESIGN BASED ON DIMENSIONS OF PRE-CAST TANKS AS MANUFACTURED BY C.T. JAMISON SEPTIC TANKS, INC. (540-483-5944). IF ALTERNATE TANKS ARE USED, THE CONTRACTOR SHALL CONTACT THE ENGINEER WITH ACTUAL DIMENSIONS.
9. GARBAGE DISPOSALS SHALL NOT DISCHARGE TO THIS ON-SITE SEPTIC SYSTEM.
10. CONTRACTOR SHALL CONTACT MISS UTILITY (1-800-552-7001) 72 HOURS PRIOR TO CONSTRUCTION TO VERIFY LOCATIONS OF EXISTING UTILITIES.
11. DRAINFIELD EASEMENT MUST BE LOCATED BY A LICENSED SURVEYOR PRIOR TO CONSTRUCTION.
12. REMOVE ALL HYDROPHYLIC PLANTS WITHIN 10-FEET OF TANKS AND/OR DRAINFIELD AREA.



<p>O. Ray Prillaman Construction P.O. Box 689 Rocky Mount, VA 24151 (540) 483-9452</p>	<p>Project: Lisa Gearhart</p> <hr/> <p>Date: 04/27/21</p>	<p>Description: EFFLUENT PUMPING SYSTEM</p> <p>GENERAL NOTES</p>	<p>Designed By: MEP</p> <hr/> <p>Sheet Number:</p>
--	---	---	--



COMMONWEALTH OF VIRGINIA

Marty Eugene Prillaman

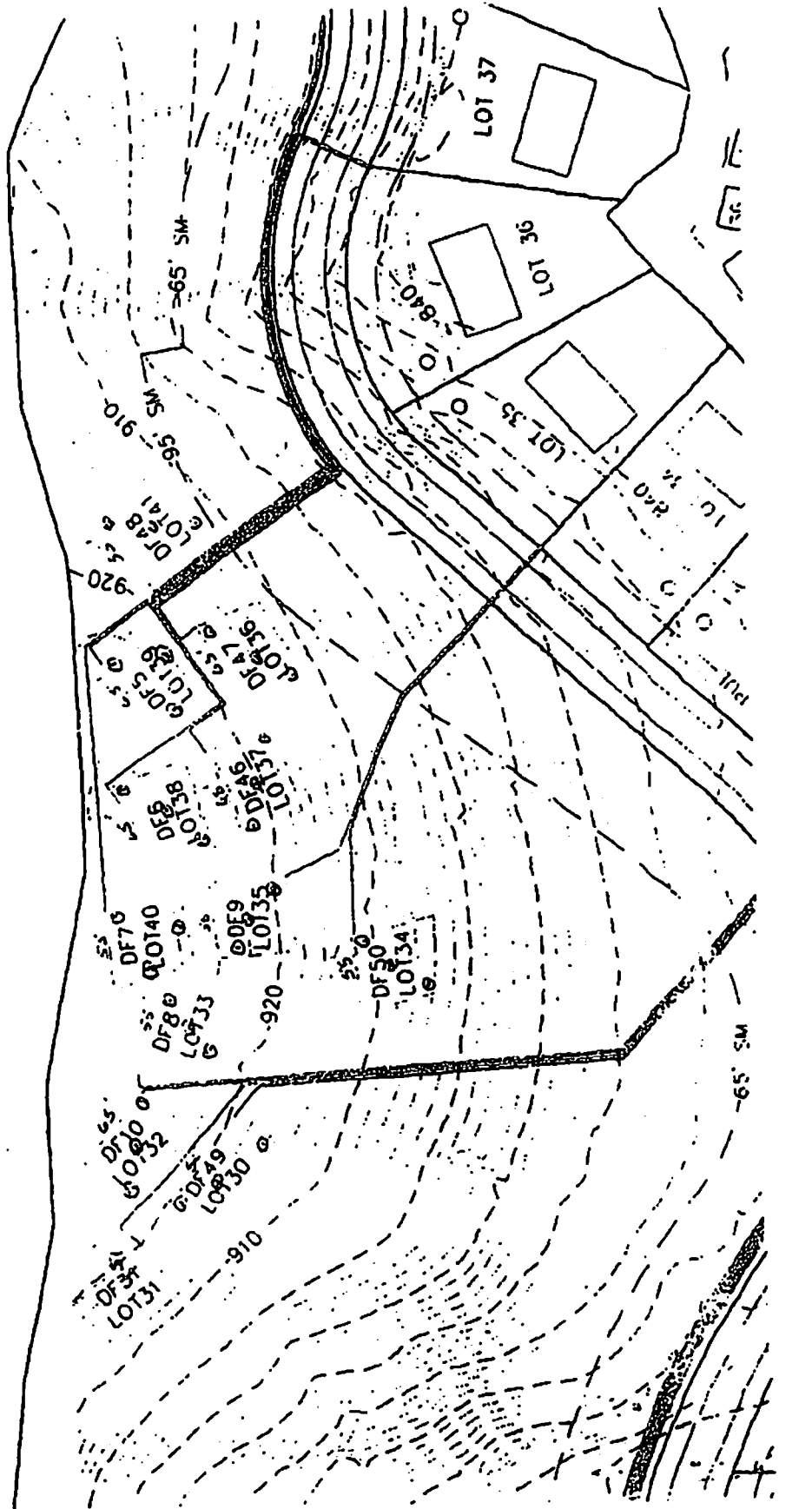
MARTY EUGENE
PRILLAMAN

Lic. No. 043205
04/27/21

PROFESSIONAL ENGINEER

O. Ray Prillaman Construction P.O. Box 689 Rocky Mount, VA 24151 (540) 483-9452	Project: Lisa Gearhart	Description: EFFLUENT PUMPING SYSTEM PUMP DETAILS	Designed By: MEP
	Date: 04/27/21		Sheet Number:

FRANKLIN REAL ESTATI
D.B. 177 PG. 25:
TAX: 48-19
ZONED: A-1



Completion Statement

Commonwealth of Virginia
State Department of Health

Health Department
Identification Number: 133-03-0361
Franklin Co. Health Department

Name of Company/Corporation/Individual: O. Ray Prillaman
Address: 540-203-0777
Property Owner's Name: Windstar Properties
Property Owner's Address: 170 Virginia Key Dr. Union Hall VA 24126
Location of Installation: Subdivision: Compass Cove Section: --- Block: --- Lot: 37
Property Address: _____

I hereby certify that the onsite sewage disposal system has been installed and completed in accordance with the construction permit issued (date) 4-9-03 and is in compliance with Part V (12VAC5-610-660 et seq.) of the Sewage Handling and Disposal Regulations and when appropriate the plans and specifications for the project.

6-10-2004 Date
[Signature] Signature and License Number 1944001206

This form contains personal information subject to disclosure under the Freedom of Information Act. [Type here]

Revised: September 19, 2019

W0354

Franklin County Health Department
365 Pell Avenue, 249
Rocky Mount, Virginia 24151
(540) 484-0292 Voice
(540) 483-1485 Fax

Sewage Disposal System Operation Permit

Property Owner

Robert & Lisa Gearhart
1228 Peters Pike Road
Wirtz, VA 24184

Health Dept. ID: 133 21 0211 (133 03 0361)
Tax Map/Parcel #: 0481403700
Locality: Franklin County

Property Location

Property Address: 197 Compass Cove Circle, Moneta, Virginia 24121
Subdivision: Compass Cove Section: N/A
Lot: 37 Acres: 0.48

Robert & Lisa Gearhart are hereby granted permission to operate a Residential Onsite Sewage System at the above referenced location, under the following parameters:

Daily Flow: 450 Gallons/Day
Number of Bedrooms: 3 Bedrooms
Occupancy Limit: 6 Persons Maximum

This permit is issued in accordance with the provisions of Title 32.1, Chapter 6 of the Code of Virginia as Amended, and Section 12VAC 5-610-340 of the Sewage Handling and Disposal Regulations of the Virginia Department of Health. The issuance of an operation permit does not denote or imply any guarantee by the department that the sewage disposal system will function for any specified period of time. It shall be the responsibility of the owner or any subsequent owner to maintain, repair, or replace any sewage disposal system that ceases to operate in accordance with the regulations.

10-20-2022
Effective Date

Zane Lineberry
Environmental Health Specialist

Zane Lineberry
Signature

Angle, Kathy

60354

From: Craig Caron <ccaronbuilder@aol.com>
Sent: Tuesday, June 29, 2021 4:21 PM
To: Angle, Kathy
Subject: Fw: Gearhart Compass Cove lot 37 Water Auth
Attachments: WaterAuthCC37.pdf; WaterAuthReceiptGearhart2.png; WaterAuthReceiptGearhart.png

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Kathy,
See attached information regarding Lot 37, Compass Cove, owned by Bob & Lisa Gearhart, from Western Virginia Water Authority. The owners already have water service on the lot and pay a monthly water fee. This should satisfy your question about water hookup.

Craig

Sent from the all new AOL app for Android

----- Forwarded Message -----

From: "Lisa Gearhart" <lkgearhart@gmail.com>
To: "Craig Caron" <ccaronbuilder@aol.com>, "Bob Gearhart" <Robert.gearhart@jamesriverequipment.com>
Sent: Mon, Jun 28, 2021 at 10:02 PM
Subject: Gearhart Compass Cove lot 37 Water Auth

Hi Craig,

Hope all is good your way!

PFA which verifies our water hookup is paid and we are billed regularly from Water Authority and in good standing.

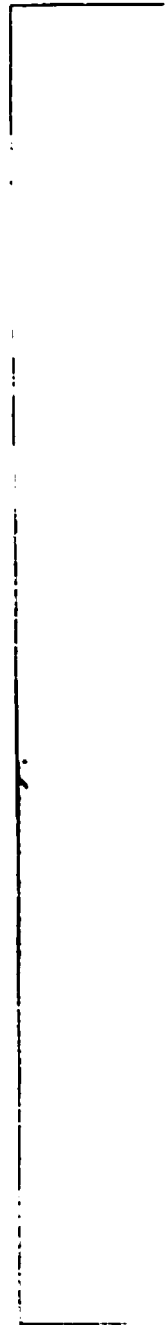
Thank you.
Lisa Gearhart
540-354-5774

0 1 2 3 4 5 6 7 8 9

Total Savings
Total Checking

.....

LISA K GEARHART
1228 PETERS PIKE RD
WIRTZ VA 24184-3931



Membership Savings - XXXXXXXX

Balance

Post Effective Date	Deposit	Withdrawal	Balance	Description

Basic Checking - XXXXXXXX

Balance:

Post Effective Date	Deposit	Withdrawal	Balance	Description
02-01				Beginning Balance
02-05		-80.00		External Withdrawal WESTERN VIRGINIA EASY PAY SERVICE - BILL PAYMT

Western Virginia Water Authority
601 S Jefferson Street
Roanoke VA 24011



WATER AUTHORITY

August 14, 2020

LISA GEARHART
1228 PETERS PIKE RD
WIRTZ, VA 24184-3931

Located at : 601 S Jefferson Street
Roanoke, VA 24011

Contact Us : info@westernvawater.org
540.853.5700

Business Hours : 8:00 am to 5:00 pm
Monday thru Friday

Emergency After Hours : 540.853 5700

On the web at www.westernvawater.org

Service Address: 0 COMPASS COVE LOT 37
Account Number: 199797-566208

Dear LISA GEARHART,

The Western Virginia Water Authority (Authority) performed a review of all accounts currently being billed either an annual or monthly availability fees rate and want to communicate important information related to these rates

Your property was billed for availability fees by the previous owner of the water system and was therefore grandfathered into the Authority rates at the time the Authority purchased the system. As such, this rate only applies to you, the owner of the property at the time the water system transferred to the Authority. Should you decide to sell the property, it is important to let the new property owner know they will be responsible for paying the Authority's full availability fee.

Should you have questions about your account or the information conveyed in this letter please contact Customer Service in person at our downtown Roanoke office, by email at info@westernvawater.org, or by phone at 540.853.5700 from 8am – 5pm Monday-Friday.

It is our pleasure to serve you. We appreciate your business.

Sincerely,

Léana Stoltz
Chief Operating Officer – Customer Operations
Western Virginia Water Authority

FRANKLIN COUNTY BUILDING INSPECTIONS FINAL APPROVALS

PERMIT NO. :		60354		DATE ISSUED:		7.1.2021	
CONTACT:		Craig Caron		PHONE NO. :		540.871.0848	
JOB ADDRESS:		COMPASS COVE, LOT 37					
FOOTINGS/ FOUNDATIONS		PASS	DATE:	INSPECTOR	ELECTRICAL		PASS
PERIMETER HOUSE		✓	7/29/21	TS	TEMPORARY ELECTRIC		
GARAGE PERIMETER					PERMANENT POWER		
PIER FOOTINGS					BASEMENT / CRAWL		✓ 1-15-22 S.M.M
FOUNDATION REBAR		✓	7-28-21	S.M.M	1ST FLOOR / GARAGE		✓ 1-19-22 S.M.M
FOUNDATION BOLTS		✓			2ND FLOOR		✓ 1-18-22 S.M.M
DRAINTILE / SEALER		✓	8/11/21	TS	3RD FLOOR		
NOTES:				NOTES:			
SLABS		PASS	DATE:	INSPECTOR	MECHANICAL		PASS
BASEMENT / GRADE		✓	9/8/21	TS	BASEMENT / CRAWL		✓ 1/21-22 TS
GARAGE		✓	11-3-21	S.M.M	1ST FLOOR / GARAGE		
OTHERS:					2ND FLOOR		
OTHERS:					3RD FLOOR		
NOTES:					ATTIC		✓
					GAS PRESSURE TEST		✓ 1-18-22 S.M.M
NOTES:				NOTES:			
PLUMBING		PASS	DATE:	INSPECTOR			
GROUNDWORK		✓	8/26/21	TS			
BASEMENT / CRAWL					BUILDING		PASS
1ST FLOOR / GARAGE					BASEMENT / CRAWL		
2ND FLOOR					1ST FLOOR		
3RD FLOOR					2ND FLOOR		
NOTES:					3RD FLOOR / ROOF		
					PORTAL / GARAGE		
NOTES:				NOTES:			
DECKS		PASS	DATE:	INSPECTOR			
PIER FOOTINGS FRONT							
PIER FOOTINGS REAR					INSULATION		PASS
OTHER FOOTINGS					BASEMENT / CRAWL		
LEDGER / FLASHING					1ST FLOOR / GARAGE		
DECK FRAMING FRONT					2ND FLOOR		
DECK FRAMING REAR					3RD FLOOR / ATTIC		
DECK FRAMING OTHER:					NOTES:		
NOTES:				NOTES:			
		PASS	DATE	INSPECTOR (SIGN)			
BUILDING FINAL							
NOTES:							

Inspection Type	Inspection Status	Primary Inspector	Scheduled Start .
Framing	Passed	Stanley, Trevor	11/10/2022
Insulation	Passed	Stanley, Trevor	11/10/2022
Final	Passed	Stanley, Trevor	11/10/2022
Final	Failed	Stanley, Trevor	10/11/2022
Temporary Final	Passed	Stanley, Trevor	10/11/2022
Final	Failed	Stanley, Trevor	09/13/2022
Misc	Partial Pass	Stanley, Trevor	07/22/2022
Permanent Power	Passed	Stanley, Trevor	02/01/2022
Rough-In Plumbing	Passed	Stanley, Trevor	01/26/2022
Framing	Failed	Stanley, Trevor	01/26/2022
Insulation	Partial Pass	Stanley, Trevor	01/26/2022
Framing	Partial Pass	Stanley, Trevor	01/21/2022
Rough-In Plumbing	Failed	Stanley, Trevor	01/21/2022
Rough-In Mechanical	Passed	Stanley, Trevor	01/21/2022

Rough-In Mechanical	Partial Pass	Matherly, Samuel	01/18/2022
Rough-In Electrical	Passed	Matherly, Samuel	01/18/2022
Framing	Failed	Matherly, Samuel	01/18/2022
Rough-In Plumbing	Partial Pass	Matherly, Samuel	01/18/2022
Rough-In Gas	Passed	Matherly, Samuel	01/18/2022
Rough-In Plumbing	Partial Pass	Stanley, Trevor	01/14/2022
Pre-Slab	Passed	Matherly, Samuel	11/03/2021
Misc	Pending Inspection	Stanley, Trevor	11/02/2021
Misc	Cancelled	Stanley, Trevor	10/15/2021
Pre-Slab	Partial Pass	Stanley, Trevor	09/09/2021
Underslab Plumbing	Passed	Stanley, Trevor	08/25/2021
Foundation	Cancelled	Stanley, Trevor	08/11/2021
Drain tile\Water Proofing	Pass with Conditions	Stanley, Trevor	08/11/2021
Foundation	Passed	Matherly, Samuel	07/28/2021
Footing Perimeter	Passed	Stanley, Trevor	07/20/2021

Franklin County Building Inspection's Office
FIELD INSPECTION

1255 Franklin Street
Suite 103
Rocky Mount, Virginia 24151
(540) 483-3047

Date: 9/13/12

_____ Corrections _____ Approved
_____ Notice of Violation Not Approved

To: Sraig C. Permit # 60354
From: Irevor S. Subject: Final

- Ref:
- 1) Post 911 Address
 - 2) Foam cannot be exposed on exterior
 - 3) Paint, Band, & secure black iron gas pipe on exterior.
 - 4) Garages shall be fire separated from dwelling per VRC 302.6 & 302.5 for opening protection.
 - 5) Mech units & ret wall req 30x30 working clearance.

See Open Framing: Need letter for tall wall engineering that did not match field construction.

Need Operations Permit & Blower Door test prior to CO.

10-11-22 -TS N/A - See Notes In Encomp Regarding Dec's & Tall Wall.

INSPECTION WORKSHEET (INSP-216579-2022) FOR FRANKLIN COUNTY

Case Number: RES-06-2021-60354

Case Module: Permit

Inspection Date: 10/11/2022

Inspection Status: Failed

Inspector: Trevor Stanley

Inspection Type: Final

Job Address: 197 Compass Cove Cir
Moneta, VA 24121

Parcel Number: 0481403700

Contact Type

Company Name

Name

Applicant
Contractor
Mechanics Lien
Owner

CRAIG CARON BUILDER
FIRST CHOICE TITLE & SETTLEMENT

CRAIG CARON
CRAIG ANTHONY CARON

LISA K and ROBERT GEARHART

Checklist Item

Results

Comments

Miscellaneous

Fail

10/11/22-TS
N/A
2. Rear deck requires more lateral load devices. 1500 lbs hold down required.
3. Ledger screwed appear to be on 19" centers with trusses, need documentation for spacing of installed ledger screws,

See previous inspection - need engineering approval for tall wall construction.

**INSPECTION WORKSHEET (INSP-215621-2022)
FOR FRANKLIN COUNTY**

Case Number: RES-06-2021-60354

Case Module: Permit

Inspection Date: 09/14/2022

Inspection Status: Failed

Inspector: Trevor Stanley

Inspection Type: Final

Job Address: 197 Compass Cove Cir
Moneta, VA 24121

Parcel Number: 0481403700

Contact Type

Company Name

Name

Applicant

CRAIG CARON

Contractor

CRAIG CARON BUILDER

CRAIG ANTHONY CARON

Mechanics Lien

FIRST CHOICE TITLE & SETTLEMENT

Owner

LISA K and ROBERT GEARHART

Checklist Item

Results

Comments

Miscellaneous

Fail

9/14/22-TS

1. Post 911 address.
2. Foam can not be exposed on exterior.
3. Paint, bond, and secure black iron gas piping on exterior.
4. Garages shall be fire separated from dwelling per VRC 302.6 and 302.5 for openings.
5. Mechanical units require 30x30 working clearance around face of unit for servicing at retaining wall.

See open framing inspection: need letter for tall wall engineering that did not match construction in field.

Need operations permit and blower door test prior to CO.

**INSPECTION WORKSHEET (INSP-208126-2022)
FOR FRANKLIN COUNTY**

Case Number: RES-06-2021-60354

Case Module: Permit

Inspection Date: 01/26/2022

Inspection Status: Failed

Inspector: Trevor Stanley

Inspection Type: Framing

Job Address:

Parcel Number: 0481403700

Contact Type
Applicant
Contractor
Mechanics Lien
Owner

Company Name
CRAIG CARON BUILDER
FIRST CHOICE TITLE & SETTLEMENT

Name
CRAIG CARON
CRAIG ANTHONY CARON

LISA K and ROBERT GEARHART

Checklist Item
Miscellaneous

Results
Fail

Comments
1/26/22-TS

1. Tall wall engineering provided does not match construction in field. Headers and posts not provided at top and running to roof deck as shown on engineering drawing.

2. Ledgered decks will require lateral load devices. (If staying open can see at final)

**INSPECTION WORKSHEET (INSP-207997-2022)
FOR FRANKLIN COUNTY**

Case Number: RES-06-2021-60354
Inspection Date: 01/21/2022
Inspector: Trevor Stanley

Case Module: Permit
Inspection Status: Failed
Inspection Type: Rough-In Plumbing

Job Address:

Parcel Number: 0481403700

Contact Type
 Applicant
 Contractor
 Mechanics Lien
 Owner

Company Name
 CRAIG CARON BUILDER
 FIRST CHOICE TITLE & SETTLEMENT

Name
 CRAIG CARON
 CRAIG ANTHONY CARON
 LISA K and ROBERT GEARHART

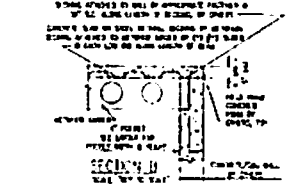
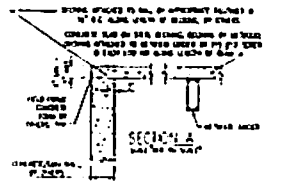
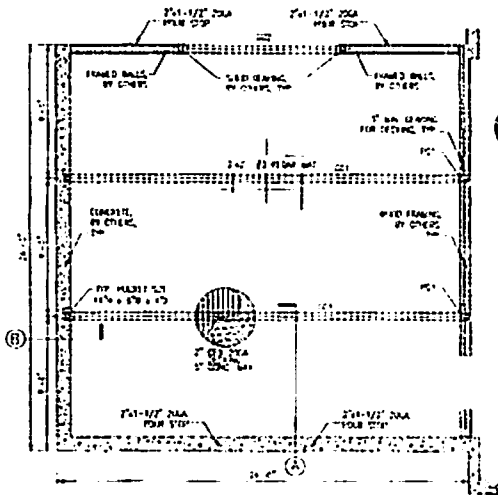
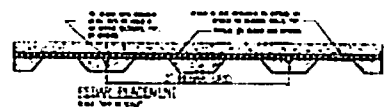
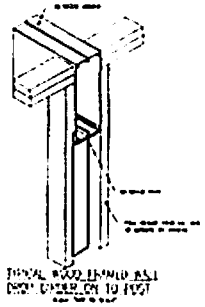
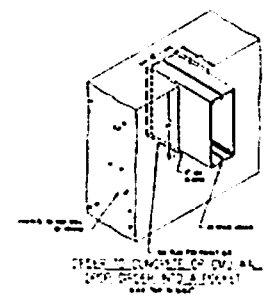
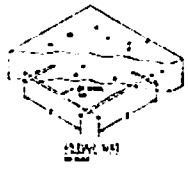
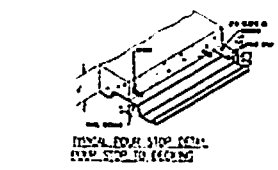
Checklist Item
 Miscellaneous

Results
 Fail

Comments
 1/21/22-TS

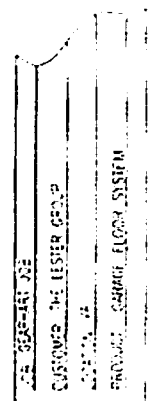
Test not on water lines - air test can be seen at insulation once corrections are made

60354
1F3-21
S/M



CONSTRUCTION NOTES

1. ALL WOOD SHALL BE DRY (MOISTURE CONTENT NOT TO EXCEED 19%) AT THE TIME OF INSTALLATION.
2. ALL WOOD SHALL BE TREATED WITH AN APPROPRIATE PRESERVATIVE TO PROTECT AGAINST TERMITES AND OTHER INSECTS.
3. ALL WOOD SHALL BE PROTECTED AGAINST WEATHER AND MOISTURE.
4. ALL WOOD SHALL BE PROTECTED AGAINST FIRE.
5. ALL WOOD SHALL BE PROTECTED AGAINST ROT AND FUNGUS.
6. ALL WOOD SHALL BE PROTECTED AGAINST INSECTS.
7. ALL WOOD SHALL BE PROTECTED AGAINST CORROSION.
8. ALL WOOD SHALL BE PROTECTED AGAINST WEAR AND TEAR.
9. ALL WOOD SHALL BE PROTECTED AGAINST DISCOLORATION.
10. ALL WOOD SHALL BE PROTECTED AGAINST STAINING.
11. ALL WOOD SHALL BE PROTECTED AGAINST SCRATCHING.
12. ALL WOOD SHALL BE PROTECTED AGAINST IMPRESSIONS.
13. ALL WOOD SHALL BE PROTECTED AGAINST ABRASION.
14. ALL WOOD SHALL BE PROTECTED AGAINST SCUFFING.
15. ALL WOOD SHALL BE PROTECTED AGAINST SCOURING.
16. ALL WOOD SHALL BE PROTECTED AGAINST FRICTION.
17. ALL WOOD SHALL BE PROTECTED AGAINST WEAR AND TEAR.
18. ALL WOOD SHALL BE PROTECTED AGAINST DISCOLORATION.
19. ALL WOOD SHALL BE PROTECTED AGAINST STAINING.
20. ALL WOOD SHALL BE PROTECTED AGAINST SCRATCHING.
21. ALL WOOD SHALL BE PROTECTED AGAINST IMPRESSIONS.
22. ALL WOOD SHALL BE PROTECTED AGAINST ABRASION.
23. ALL WOOD SHALL BE PROTECTED AGAINST SCUFFING.
24. ALL WOOD SHALL BE PROTECTED AGAINST SCOURING.
25. ALL WOOD SHALL BE PROTECTED AGAINST FRICTION.



MISTWOOD
BUILDING SOLUTIONS



Franklin County Building Inspection's Office
FIELD INSPECTION

1255 Franklin Street
Suite 103
Rocky Mount, Virginia 24151
(540) 483-3047

Date: 1-21-22

_____ Corrections _____ Approved
_____ Notice of Violation _____ Not Approved

To: Craig C. Permit # CO354
From: [Signature] Subject: Rough Ins

Ref: _____

Framing - Partial Pass

- 1) Will need tall wall engineering
- 2) Additional bracing needed per specs (Circled on truss specs)

[Signature]

Plumbing

Test out on plumbing

Mech

OK - Vents shall terminate - 3' from openings at final

OK to Insulate

Blower Door test req by final

Franklin County Building Inspection's Office
FIELD INSPECTION

1255 Franklin Street
Suite 103
Rocky Mount, Virginia 24151
(540) 483-3047

Date: 1-18-22

 Corrections Approved
 Notice of Violation Not Approved

To: Craig Larson Permit # 60354
From: Samuel Northcutt Subject: R.I. Mech, Plumbing & Framing

Ref: (1) Mech

Exhaust Fan needs to exit at least 3 foot away from any windows.

② Framing - Inside House only (No Decks)
Needs truss sheets.

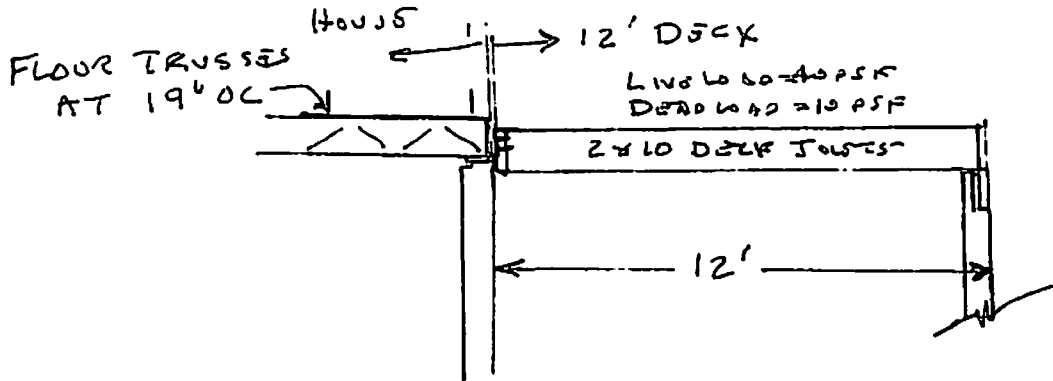
③ Needs Mech. fasteners on all steps + landings

④ Need to portal frame garage doors.

⑤ R.I Plumbing
① Air test was on 80psi and in 15min test leaked down to 70psi

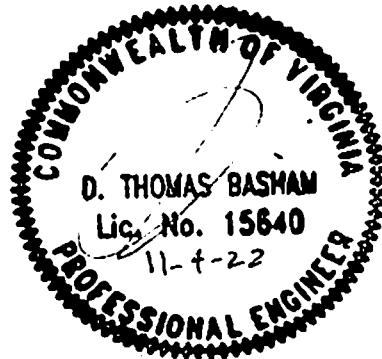
DECK LEDGER ATTACHMENT TO FLOOR TRUSSES

* SEE ATTACHED FLOOR TRUSS MFG. DETAIL WHICH ALLOWS LEDGER ATTACHMENT WITH BOLTS OR LAG SCREWS.

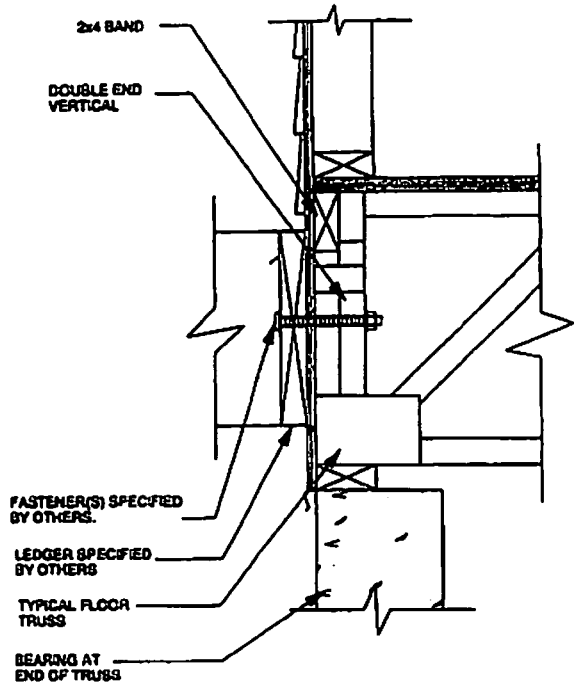
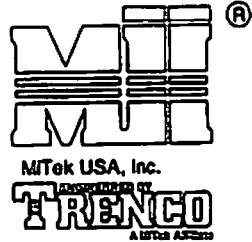


- LEDGER LOAD = $(12/2) 50 \text{ PSF} = 300 \text{ lb/LF}$
- LOAD PER TRUSS JOIST = $(19/12)(300) = 475 \text{ lbs / FLOOR TRUSS}$
- USING Z-4" x 5/16" RSS RUGGED STRUCTURAL SCREWS
- WOODSIDE MEMBER THICKNESS = 1.5"
- LATERAL RESISTANCE - SPF = 357 lbs / 4" SCREW
- TOTAL RESISTANCE = 2 SCREWS x 357 lbs / SCREW = 714 lbs
- RESISTANCE = $\frac{714 \text{ lbs}}{475 \text{ lbs / TRUSS}} \sim \text{F.O.S.} = 1.50$

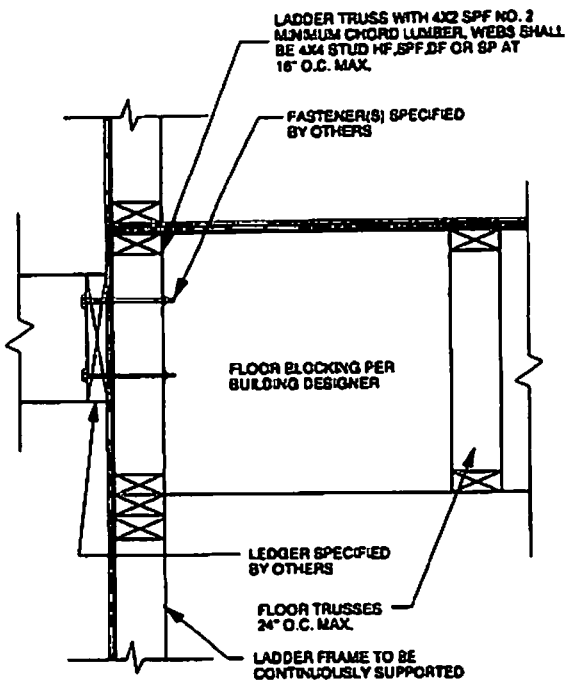
∴ Z-4" x 5/16" RSS STRUCTURAL SCREWS PER TRUSS JOISTS IS OKAY



2/3



**FLOOR TRUSS PERPENDICULAR
TO BEARING WALL**
N.T.S.
OTHER FRAMING ELEMENTS
NOT SHOWN FOR CLARITY



**FLOOR TRUSS PARALLEL
TO BEARING WALL**
N.T.S.
OTHER FRAMING ELEMENTS
NOT SHOWN FOR CLARITY

NOTES:

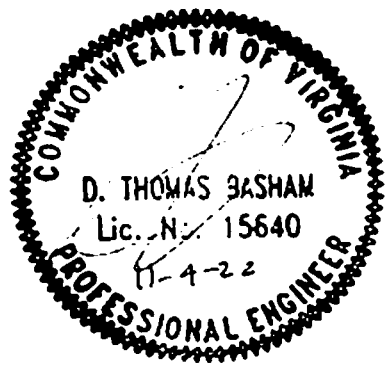
DETAIL PERMITS A MAXIMUM OF TWO 5/8" DIA. THRU BOLTS OR LAG SCREWS TO BE INSTALLED ALONG THE VERTICAL CENTER LINE AND INTO THE DOUBLE END VERTICAL OF FLOOR TRUSSES OR INTO THE 4x4 VERTICALS OF A LADDER TRUSS.

FASTENERS SHALL NOT INTERFERE WITH ANY JOINTS OR CONNECTORS WITHIN THE FLOOR OR LADDER TRUSS AND BE INSTALLED PER NDS.

CAPACITY OF CONNECTION SHALL BE SPECIFIED BY THE BUILDING DESIGNER. REFER TO NATIONAL, STATE, LOCAL BUILDING CODES OR STANDARD INDUSTRY DETAILS APPROVED BY THE BUILDING OFFICIAL.

DETAIL HAS CONSIDERED VERTICAL LOAD CAPACITY OF THE FASTENERS ONLY. ALL OTHER FRAMING ELEMENTS REQUIRED TO SUPPORT AND OR RESIST ANY OTHER LOADS AND OR FORCES SHALL BE THE RESPONSIBILITY OF OTHERS.

DESIGN OF ALL DECK OR PORCH COMPONENTS SHALL BE BY OTHERS.



Factored Resistances (RSS 5/16")

FACTORED RESISTANCES FOR D-FIR MEMBERS																
MODEL/ BULK PART NO.	SIZE		SHANK DIAMETER	THREADED LENGTH (in)	D-FIR ¹											
	THREAD DIA (in)	LENGTH (in)			FACTORED LATERAL RESISTANCE WOOD SIDE MEMBER THICKNESS (in)										FACTORED WITHDRAWAL	
					1.5	2	2.5	3	3.5	4	4.5	5	6	8		
LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.				
kN	kN	kN	kN	kN	kN	kN	kN	kN	kN	kN	kN	kN				
10217	5/16	2.5	0.1988	1.5	268°	---	---	---	---	---	---	---	---	---	378	
					1.19°	---	---	---	---	---	---	---	---	---	1.68	
10219		2.75		1.75	295	---	---	---	---	---	---	---	---	---	---	449
					1.31	---	---	---	---	---	---	---	---	---	2.00	
10221		3.125		2.125	335	302°	---	---	---	---	---	---	---	---	---	556
					1.49	1.34°	---	---	---	---	---	---	---	---	---	2.47
10223		3.5		2.5	376	376	268°	---	---	---	---	---	---	---	---	664
					1.67	1.67	1.19°	---	---	---	---	---	---	---	---	2.95
10225		4		2.75	404	429	402	268°	---	---	---	---	---	---	---	735
					1.80	1.91	1.79	1.19°	---	---	---	---	---	---	---	3.27
10231	5.125	3.5	404	459	488	472	418	302°	---	---	---	---	---	949		
			1.80	2.04	2.17	2.10	1.86	1.34°	---	---	---	---	---	4.22		
10235	6	3.875	404	459	488	488	488	459	402	268°	---	---	---	1056		
			1.80	2.04	2.17	2.17	2.17	2.04	1.79	1.19°	---	---	---	4.70		

FACTORED RESISTANCES FOR S-P-F MEMBERS (LBS)															
MODEL/ BULK PART NO.	SIZE		SHANK DIAMETER	THREADED LENGTH (in)	S-P-F										
	THREAD DIA (in)	LENGTH (in)			FACTORED LATERAL RESISTANCE WOOD SIDE MEMBER THICKNESS (in)										FACTORED WITHDRAWAL
					1.5	2	2.5	3	3.5	4	4.5	5	6	8	
LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.	LB.			
kN	kN	kN	kN	kN	kN	kN	kN	kN	kN	kN	kN	kN			
10217	5/16	2.5	0.1988	1.5	230°	---	---	---	---	---	---	---	---	---	288
					1.02°	---	---	---	---	---	---	---	---	---	1.28
10219		2.75		1.75	253	---	---	---	---	---	---	---	---	---	342
					1.13	---	---	---	---	---	---	---	---	---	1.52
10221		3.125		2.125	287	259°	---	---	---	---	---	---	---	---	454
					1.28	1.15°	---	---	---	---	---	---	---	---	1.88
10223		3.5		2.5	322	322	230°	---	---	---	---	---	---	---	505
					1.43	1.43	1.02°	---	---	---	---	---	---	---	2.25
10225		4		2.75	357	368	345	230°	---	---	---	---	---	---	559
					1.59	1.64	1.53	1.02°	---	---	---	---	---	---	2.49
10231	5.125	3.5	357	403	439	415	369	259°	---	---	---	---	723		
			1.59	1.79	1.95	1.85	1.64	1.15°	---	---	---	---	3.21		
10235	6	3.875	357	403	439	439	439	403	345	230°	---	---	804		
			1.59	1.79	1.95	1.95	1.95	1.79	1.53	1.02°	---	---	3.58		

¹ End-grain installation is not permitted.

² Factored lateral resistances shown have been developed in accordance with Clause 12.11 CSA O86 2016 Wood Screw provisions. Values must be multiplied by all applicable modification factors as specified for wood screws in accordance with CSA O86 2016.

³ Factored lateral resistances according to Clause 12.6 CSA O86 2016 Lag Screw provisions can be obtained upon request. Please contact ITW Canada for more information. Designer to note provisions for net area and group of fasteners per Clause 12 in CSA O86 2016.

⁴ Factored withdrawal resistances shown have been developed in accordance with Clause 12.6 CSA O86 2016 Lag Screw provisions. Values must be multiplied by all applicable modification factors as specified for lag screws in accordance with CSA O86 2016.

⁵ Factored withdrawal resistances shown assume the entire threaded portion of the screw is installed into the main member. This accounts for the tip length reduction as per 12.6 CSA O86 2016 Lag Screw provisions.

⁶ Minimum row spacing, spacing in row and edge distances shall be as specified in Clause 12.6.2.6 CSA O86 2016. Designer to note additional provision in Clause 12 in CSA O86 2016 for service conditions and other factors affecting connection layout and capacity. The minimum spacing table can be used for reference.

*The penetration length is less than the minimum as per Lag Screw provision but it meets the penetration length according to the Wood Screw provision on Clause 12 of CSA O86 2016. See footnote 6.

⁷ Convert inches to millimetres by multiplying the value by 25.4 (1 in. = 25.4 mm).



October 28, 2022

Bob & Lisa Gearhart
1228 Peters Pike Road
Wirtz, VA 24184

Re: Gearhart Residence Tall Wall Framing, Compass Coves Subdivision

Dear Mr. & Mrs. Gearhart,

We were contacted to address the discrepancy between the Tall Wall Framing plans and how the tall walls were installed.

The approved plans detailed that the wall framing should extend to the underside of the roof sheathing.

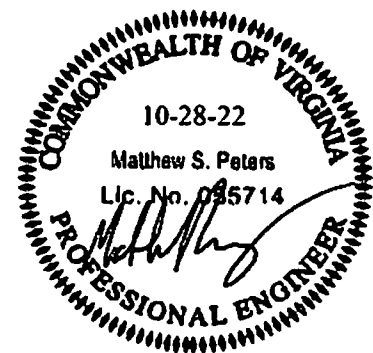
The wall was framed to the bottom of the truss framing with 2x6 ladder framing spanning between the trusses that are on either side of the tall wall framing.

The wall framing and attachment to the roof framing is sufficient for the design wind loads without remedial action.

We trust that this is the information you require. Please feel free to call us if you have any questions. Thank you.

Covenant Engineering

Matthew Peters, PE



P.O. Box 12062, Roanoke, VA 24022
2728 Colonial Ave SW, Suite 12
Roanoke, VA 24015
540.345.5555, e-mail: info@covenanteng.com

Blower Door Results for Virginia Building Code Compliance



197 Compass Cove Circle New Construction
 Moneta, VA 24121

Field Visit Date: 9/15/2022, 2pm

Performed By: D. Cohan

Outdoor Conditions: 80° F / 45% RH / 57° F DP
 Winds NE 5 mph

Indoor Conditions: 74° F

Contact Name: Craig Caron

General Contractor: Craig Caron Builder
 95 Windward Drive
 Moneta, VA

Building and Inspections Department: Franklin County Building Inspections
 1255 Franklin St, Suite 103
 Rocky Mount, VA 24151

Building Type: Single Family Residence

Building Permit Number: RES-06-2021-60354

BBWX Job #: 1-21-096.15

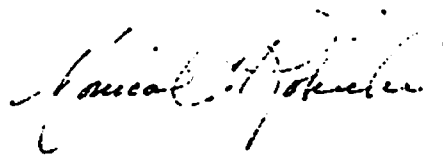
Conditioned Area:	4,084	Conditioned Volume:	43,957
Incl. Conditioned Basement?	Includes Basement	# Bedrooms As Built:	3
CFM50 Code Target to meet ≤ 5 ACH50:	3,663	Measured CFM50:	1,396
Measured ACHn:	0.08	Measured ACH50:	1.91

Compliance per R-102.4.1.3, 2015 Virginia Construction Code

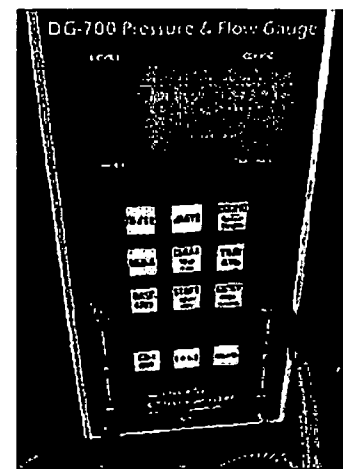
Pass? **Pass, ACHn < .30**

The information in this report was prepared for building code compliance, only. Results may be relevant for other purposes, including energy modeling, the Green and Energy Efficient Home Addendum and HVAC calibration. If you have any questions, feel free to reach out to us. It is a pleasure to be of service to you.

Sincerely,



Monica Rokicki
 and the Better Building Works Team
 LEED BD+C, ERO+M, WELL, WUFI, EPS, BPI Analyst & Healthy Homes Evaluator



PO Box 12391, Roanoke, VA 24025 O 540 345 0900 C 540 238 3845. BPI# 5025574

Everything is connected. betterbuildingworks.com



CLEARANCE AND FLASHING REQUIREMENTS

Figure 3
Roof to Wall

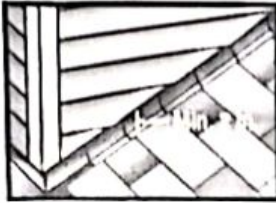


Figure 4
Horizontal Flashing



Figure 5
Kickout Flashing

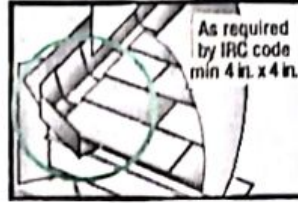


Figure 6
Slabs, Path, Steps to Siding

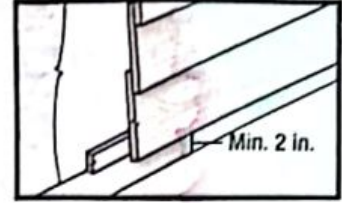


Figure 7
Deck to Wall

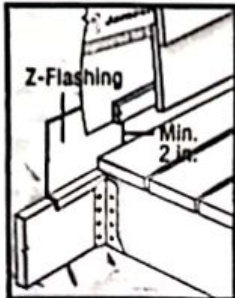


Figure 8
Ground to Siding

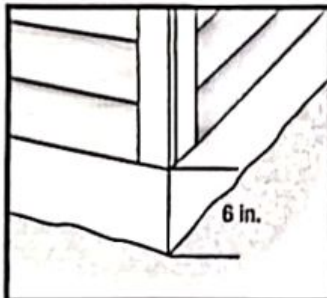


Figure 9
Gutter to Siding



Figure 10
Sheltered Areas

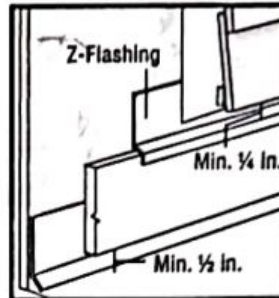


Figure 11
Mortar/Masonry

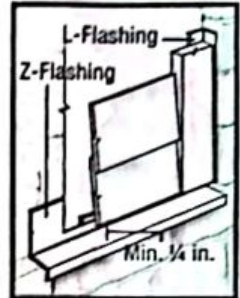


Figure 12
Drip Edge

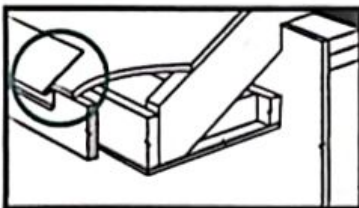


Figure 13
Block Penetration

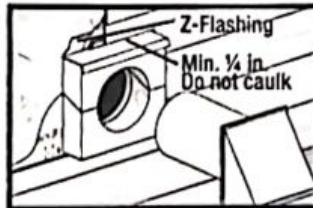


Figure 14
Valley/Shingle Extension



FASTENER REQUIREMENTS*

Refer to the applicable ESR report online to determine which fastener meets your wind load design criteria.

Blind Nailing is the preferred method of installation for HardiePlank® lap siding products. Face nailing should only be used where required by code for high wind areas and must not be used in conjunction with Blind nailing (Please see JH Tech bulletin 17 for exemption when doing a repair).

BLIND NAILING

Nails - Wood Framing

- Siding nail (0.09 in. shank x 0.221 in. HD x 2 in. long)
- 11ga. roofing nail (0.121 in. shank x 0.371 in. HD x 1.25 in. long)

Screws - Steel Framing

- Ribbed Wafer-head or equivalent (No. 8 x 1 1/4 in. long x 0.375 in. HD) Screws must penetrate 3 threads into metal framing.

Nails - Steel Framing

- ET & F Panelfast® nails or equivalent (0.10 in. shank x 0.313 in. HD x 1-1/2 in. long)
- Nails must penetrate minimum 1/4 in. into metal framing.

OSB minimum 7/16 in.

- Siding nail (0.09 in. shank x 0.215 in. HD x 1-1/2 in. long)
- Ribbed Wafer-head or equivalent (No. 8 x 1 5/8 in. long x 0.375 in. HD).

FACE NAILING

Nails - Wood Framing

- 6d (0.113 in. shank x 0.267 in. HD x 2 in. long)
- Siding nail (0.09" shank x 0.221" HD x 2" long)

Screws - Steel Framing

- Ribbed Bugle-head or equivalent (No. 8-18 x 1-5/8 in. long x 0.323 in. HD) Screws must penetrate 3 threads into metal framing.

Nails - Steel Framing

- ET & F pin or equivalent (0.10 in. shank x 0.25 in. HD x 1-1/2 in. long)
- Nails must penetrate minimum 1/4 in. into metal framing.

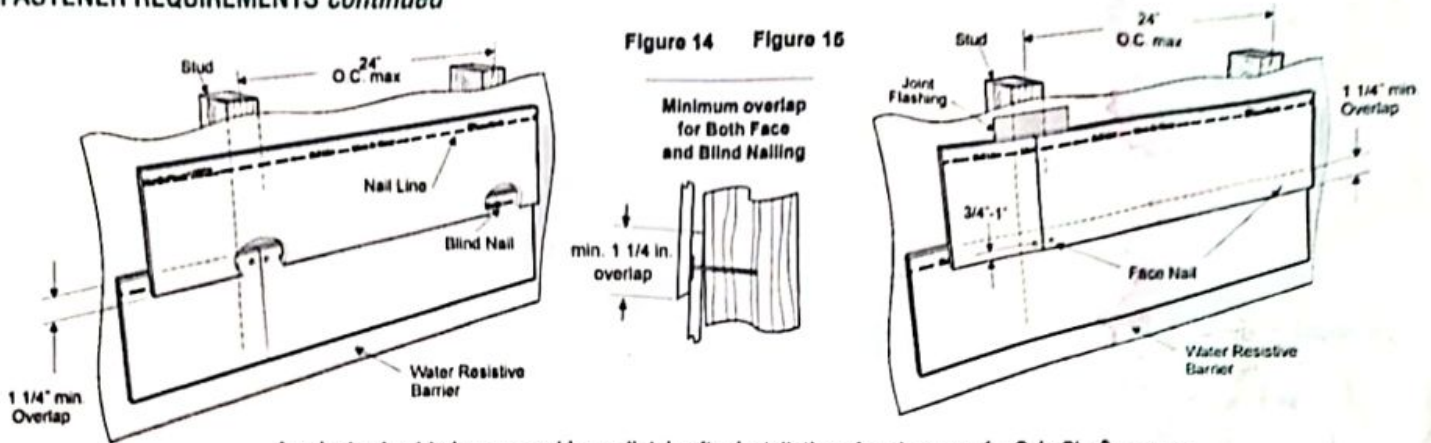
OSB minimum 7/16 in.

- Siding nail (0.09 in. shank x 0.221 in. HD x 1-1/2 in. long)

*Also see General Fastening Requirements; and when considering alternative fastening options refer to James Hardie's Technical Bulletin USTB 5 - Fastening Tips for HardiePlank Lap Siding.



FASTENER REQUIREMENTS *continued*



Laminate sheet to be removed immediately after installation of each course for ColorPlus® products.

Pin-backed corners may be done for aesthetic purposes only. Finish nails are recommended for pin-backs. Headed siding nails are allowed. Place pin-backs no closer than 1 in. from plank ends and 3/4 in. from plank edge into min. 3/8 in. wood structural panel. Pin-backs are not a substitute for blind or face nailing.

GENERAL FASTENING REQUIREMENTS

Fasteners must be corrosion resistant, galvanized, or stainless steel. Electro-galvanized are acceptable but may exhibit premature corrosion. James Hardie recommends the use of quality, hot-dipped galvanized nails. James Hardie is not responsible for the corrosion resistance of fasteners. Stainless steel fasteners are recommended when installing James Hardie® products near the ocean, large bodies of water, or in very humid climates.

Manufacturers of ACQ and CA preservative-treated wood recommend spacer materials or other physical barriers to prevent direct contact of ACQ or CA preservative-treated wood and aluminum products. Fasteners used to attach HardieTrim Tabs to preservative-treated wood shall be of hot dipped zinc-coated galvanized steel or stainless steel and in accordance to 2009 IRC R317.3 or 2009 IBC 2304.9.5

- Consult applicable product evaluation or listing for correct fasteners type and placement to achieve specified design wind loads.
- NOTE: Published wind loads may not be applicable to all areas where Local Building Codes have specific jurisdiction. Consult James Hardie Technical Services if you are unsure of applicable compliance documentation.
- Drive fasteners perpendicular to siding and framing.
- Fastener heads should fit snug against siding (no air space).
- NOTE: Whenever a structural member is present, HardiePlank should be fastened with even spacing to the structural member. The tables allowing direct to OSB or plywood should only be used when traditional framing is not available.

CUT EDGE TREATMENT

Caulk, paint or prime all field cut edges. James Hardie touch-up kits are required to touch-up ColorPlus products.

CAULKING

For best results use an Elastomeric Joint Sealant complying with ASTM C920 Grade NS, Class 25 or higher or a Latex Joint Sealant complying with ASTM C834. Caulking/Sealant must be applied in accordance with the caulking/sealant manufacturer's written instructions. Note: some caulking manufacturers do not allow "tooling".

PAINTING

DO NOT use stain, oil/alkyd base paint, or powder coating on James Hardie® products. Factory-primed James Hardie products must be painted within 180 days of installation. 100% acrylic topcoats are recommended. Do not paint when wet. For application rates refer to paint manufacturers specifications. Back-rolling is recommended if the siding is sprayed.

PNEUMATIC FASTENING

James Hardie products can be hand nailed or fastened with a pneumatic tool. Pneumatic fastening is highly recommended. Set air pressure so that the fastener is driven snug with the surface of the siding. A flush mount attachment on the pneumatic tool is recommended. This will help control the depth the nail is driven. If setting the nail depth proves difficult, choose a setting that under drives the nail. (Drive under driven nails snug with a smooth faced hammer - Does not apply for installation to steel framing).



DO NOT



IF, THEN

WOOD FRAME



HAMMER FLUSH

STEEL FRAME



REMOVE & REPLACE

DO NOT



IF, THEN ADDITIONAL NAIL

FACE NAIL



COUNTERSINK & FILL

DO NOT USE





HardiePlank® Lap Siding

EFFECTIVE SEPTEMBER 2019

IMPORTANT: FAILURE TO FOLLOW JAMES HARDIE WRITTEN INSTALLATION INSTRUCTIONS AND COMPLY WITH APPLICABLE BUILDING CODES MAY VIOLATE LOCAL LAWS, AFFECT BUILDING ENVELOPE PERFORMANCE AND MAY AFFECT WARRANTY COVERAGE. FAILURE TO COMPLY WITH ALL HEALTH AND SAFETY REGULATIONS WHEN CUTTING AND INSTALLING THIS PRODUCT MAY RESULT IN PERSONAL INJURY BEFORE INSTALLATION. CONFIRM YOU ARE USING THE CORRECT HARDIEZONE® PRODUCT INSTRUCTIONS BY VISITING HARDIEZONE.COM OR CALL 1-866-942-7343 (866-9-HARDIE)

STORAGE & HANDLING:

Store flat and keep dry and covered prior to installation. Installing siding wet or saturated may result in shrinkage at butt joints. Carry planks on edge. Protect edges and corners from breakage. James Hardie is not responsible for damage caused by improper storage and handling of the product.



CUTTING INSTRUCTIONS

OUTDOORS

- Position cutting station so that airflow blows dust away from the user and others near the cutting area.
- Cut using one of the following methods:
 - Best:** Circular saw equipped with a HardieBlade® saw blade and attached vacuum dust collection system. Shears (manual, pneumatic or electric) may also be used, not recommended for products thicker than 7/16 in.
 - Better:** Circular saw equipped with a dust collection feature (e.g. Roan® saw) and a HardieBlade saw blade.
 - Good:** Circular saw equipped with a HardieBlade saw blade.

INDOORS

- DO NOT** grind or cut with a power saw indoors. Cut using shears (manual, pneumatic or electric) or the score and snap method, not recommended for products thicker than 7/16 in.
- DO NOT dry sweep dust, use wet dust suppression or vacuum to collect dust.
 - For maximum dust reduction, James Hardie recommends using the "Best" cutting practices. Always follow the equipment manufacturer's instructions for proper operation.
 - For best performance when cutting with a circular saw, James Hardie recommends using HardieBlade® saw blades.
 - Go to jameshardiepros.com for additional cutting and dust control recommendations.

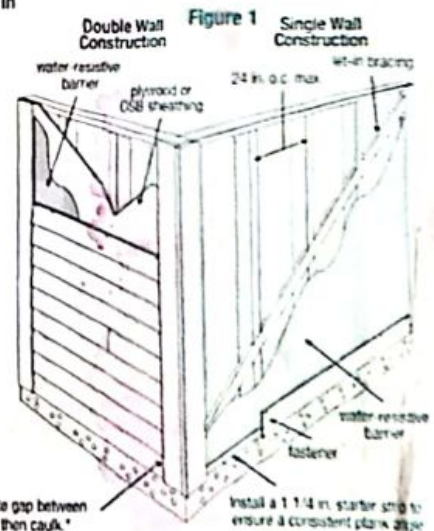
IMPORTANT: The Occupational Safety and Health Administration (OSHA) regulates workplace exposure to silica dust. For construction sites, OSHA has deemed that cutting fiber cement with a circular saw having a blade diameter less than 8 inches and connected to a commercially available dust collection system per manufacturer's instructions results in exposures below the OSHA Permissible Exposure Limit (PEL) for respirable crystalline silica, without the need for additional respiratory protection.

If you are unsure about how to comply with OSHA silica dust regulations, consult a qualified industrial hygienist or safety professional, or contact your James Hardie technical sales representative for assistance. James Hardie makes no representation or warranty that adopting a particular cutting practice will assure your compliance with OSHA rules or other applicable laws and safety requirements.

IMPORTANT: To prevent damage to the drip edge, extra care should be taken when removing planks from the pallet, while handling, and when installing with a lap gauge. Please see additional handling requirements on page 4.

GENERAL REQUIREMENTS:

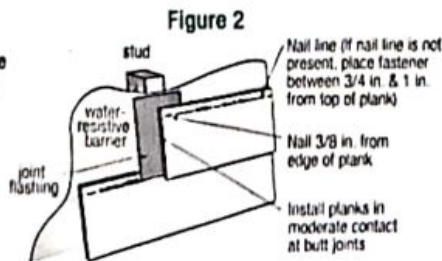
- HardiePlank® lap siding can be installed over braced wood or steel studs, 20 gauge (33 mils) minimum to 16 gauge (54 mils) maximum, spaced a maximum of 24 in. o.c. or directly to minimum 7/16 in thick OSB sheathing. See General Fastening Requirements. Irregularities in framing and sheathing can mirror through the finished application. Correct irregularities before installing siding.
- Information on installing James Hardie products over non-nailable substrates (ex: gypsum, foam, etc.) can be located in JH Tech Bulletin 19 at www.jameshardie.com
- A water-resistive barrier is required in accordance with local building code requirements. The water-resistive barrier must be appropriately installed with penetration and junction flashing in accordance with local building code requirements. James Hardie will assume no responsibility for water infiltration. James Hardie does manufacture HardieWrap® Weather Barrier, a non-woven non-perforated housewrap¹, which complies with building code requirements.
- Adjacent finished grade must slope away from the building in accordance with local building codes - typically a minimum of 6 in. in the first 10 ft.
- Do not use HardiePlank lap siding in Fascia or Trim applications.
- Do not install James Hardie products, such that they may remain in contact with standing water.
- HardiePlank lap siding may be installed on flat vertical wall applications only.
- For larger projects, including commercial and multi-family projects, where the span of the wall is significant in length, the designer and/or architect should take into consideration the coefficient of thermal expansion and moisture movement of the product in their design. These values can be found in the Technical Bulletin "Expansion Characteristics of James Hardie® Siding Products" at www.jameshardie.com.
- James Hardie Building Products provides installation/wind load information for buildings with a maximum mean roof height of 85 feet. For information on installations above 60 feet, please contact JH technical support.



INSTALLATION: JOINT TREATMENT

One or more of the following joint treatment options are required by code (as referenced 2009 IRC R703.10.2)

- Joint Flashing (James Hardie recommended)
- Caulking* (Caulking is not recommended for ColorPlus for aesthetic reasons as the Caulking and ColorPlus will weather differently. For the same reason, do not caulk nail heads on ColorPlus products.)
- *"H" jointer cover



Leave appropriate gap between planks and trim, then caulk.*

Note: Field painting over caulking may produce a sheen difference when compared to the field painted PrimePlus. *Refer to Caulking section in these instructions. For additional information on HardieWrap® Weather Barrier, consult James Hardie at 1-866-4Hardie or www.hardiewrap.com



SELECT CEDARMILL® | SMOOTH | BEADED CEDARMILL® | BEADED SMOOTH

Visit jameshardiepros.com for the most recent version.

HS11117 P1/4 09/19



COLORPLUS® TECHNOLOGY CAULKING, TOUCH-UP & LAMINATE

- Care should be taken when handling and cutting James Hardie ColorPlus® products. During installation use a wet soft cloth or soft brush to gently wipe off any residue or construction dust left on the product, then rinse with a garden hose.
 - Touch up nicks, scrapes and nail heads using the ColorPlus® Technology touch-up applicator. Touch-up should be used sparingly. If large areas require touch-up, replace the damaged area with new HardiePlank® lap siding with ColorPlus® Technology.
 - Laminate sheet must be removed immediately after installation of each course.
 - Terminate non-factory cut edges into trim where possible, and caulk. Color matched caulks are available from your ColorPlus® product dealer.
 - Treat all other non-factory cut edges using the ColorPlus Technology edge coat, available from your ColorPlus product dealer.
- Note:** James Hardie does not warrant the usage of third party touch-up or paints used as touch-up on James Hardie ColorPlus products.

Problems with appearance or performance arising from use of third party touch-up paints or paints used as touch-up that are not James Hardie touch-up will not be covered under the James Hardie ColorPlus Limited Finish Warranty.

COVERAGE CHART/ESTIMATING GUIDE

Number of 12 ft. planks, does not include waste

COVERAGE AREA LESS OPENINGS	HARDIEPLANK® LAP SIDING WIDTH									
	SQ (1 SQ = 100 sq ft.)	(exposure) 5 1/4 4	6 1/4 5	7 1/4 6	7 1/2 6 1/4	8 6 3/4	8 1/4 7	9 1/4 8	9 1/2 8 1/4	12 10 3/4
1		25	20	17	16	15	14	13	13	9
2		50	40	33	32	30	29	25	25	19
3		75	60	50	48	44	43	38	38	28
4		100	80	67	64	59	57	50	50	37
5		125	100	83	80	74	71	63	63	47
6		150	120	100	96	89	86	75	75	56
7		175	140	117	112	104	100	88	88	65
8		200	160	133	128	119	114	100	100	74
9		225	180	150	144	133	129	113	113	84
10		250	200	167	160	148	143	125	125	93
11		275	220	183	176	163	157	138	138	102
12		300	240	200	192	178	171	150	150	112
13		325	260	217	208	193	186	163	163	121
14		350	280	233	224	207	200	175	175	130
15		375	300	250	240	222	214	188	188	140
16		400	320	267	256	237	229	200	200	149
17		425	340	283	272	252	243	213	213	158
18		450	360	300	288	267	257	225	225	167
19		475	380	317	304	281	271	238	238	177
20		500	400	333	320	296	286	250	250	186

PAINTING JAMES HARDIE® SIDING AND TRIM PRODUCTS WITH COLORPLUS® TECHNOLOGY

When repainting ColorPlus products, James Hardie recommends the following regarding surface preparation and topcoat application:

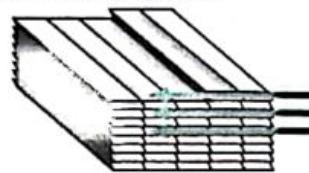
- Ensure the surface is clean, dry, and free of any dust, dirt, or mildew
- Repriming is normally not necessary
- 100% acrylic topcoats are recommended
- DO NOT use stain, oil/alkyd base paint, or powder coating on James Hardie® Products.
- Apply finish coat in accordance with paint manufacturers written instructions regarding coverage, application methods, and application temperature
- DO NOT caulk nail heads when using ColorPlus products, refer to the ColorPlus touch-up section

This coverage chart is meant as a guide. Actual usage is subject to variables such as building design. James Hardie does not assume responsibility for over or under ordering of product.

ADDITIONAL HANDLING REQUIREMENTS

IMPORTANT: To prevent damage to the drip edge, extra care should be taken when removing planks from the pallet, while handling, and when installing with a lap gauge. Planks are interlocked together on the pallet, therefore they should be removed from the pallet horizontally (side to side) to allow planks to unlock themselves from one another.

Pull from across the stack



Do not go down the stack



HS11117 P4/4 09

SILICA WARNING DANGER: May cause cancer if dust from product is inhaled. Causes damage to lungs and respiratory system through prolonged or repeated inhalation of dust from product. Refer to the current product Safety Data Sheet before use. The hazard associated with fiber cement arises from crystalline silica present in the dust generated by activities such as cutting, machining, drilling, routing, sawing, crushing, or otherwise abrading fiber cement, and when clean-up, disposing of or moving the dust. When doing any of these activities in a manner that generates dust you must (1) comply with the OSHA standard for silica dust and/or other applicable laws, (2) follow James Hardie cutting instructions to reduce or limit the release of dust, (3) warn others in the area to avoid breathing the dust, (4) when using mechanical saw or high speed cutting tools, work outdoors and use dust collection equipment, and (5) if other dust controls are available, wear a dust mask or respirator that meets NIOSH requirements (e.g. N-95 dust mask). During clean-up, use a well maintained vacuum and filter appropriate for capturing fine respirable dust or use wet clean-up methods - never dry sweep.

WARNING: This product can expose you to chemicals including respirable crystalline silica, which is known to the State of California to cause cancer. For more information go to P65Warnings.ca.gov.

RECOGNITION: In accordance with ICC-ES Evaluation Report ESR-2290, HardiePlank® lap siding is recognized as a suitable alternate to that specified in the 2006, 2009, 2012 & 2015 International Residential Code for One and Two-Family Dwellings, and the 2006, 2009, 2012 & 2015 International Building Code. HardiePlank lap siding is also recognized for application in the following: City of Los Angeles Research Report No. 24862, State of Florida Product Approval File # Miami-Dade County Florida NQA No. 17-0406 06, U.S. Dept. of HUD Materials Release 1263f, Texas Department of Insurance Product Evaluation EC-23, City of New York MEA 223-93-M, and California DSA PA-019. These documents are also be consulted for additional information concerning the suitability of this product for specific applications.

From: [Craig Caron](#)
Sent: Thursday, October 19, 2023 10:28 PM
To: [Chris Jánosky](#)
Subject: Fw: Gearhart Project - siding discussion 07.13.22

[Sent from AOL on Android](#)

----- Forwarded Message -----

From: "Craig Caron" <ccaronbuilder@aol.com>
To: "Chris Jánosky" <cjanszky@michiehamlett.com>
Sent: Wed, Sep 27, 2023 at 11:25 PM
Subject: Fw: Gearhart Project - siding discussion 07.13.22

[Sent from AOL on Android](#)

----- Forwarded Message -----

From: "Broughton, John" <John.Broughton@franklincountyva.gov>
To: "Lisa Gearhart" <lkgearhart@gmail.com>, "Craig Caron" <ccaronbuilder@aol.com>, "Bob Gearhart" <Robert.gearhart@jamesriverequipment.com>
Sent: Thu, Jul 14, 2022 at 11:16 AM
Subject: RE: Gearhart Project - siding discussion 07.13.22

Lisa,

I concur with all of the items that you have listed and will coordinate with Craig on schedule as needed.

Thank you,

JOHN W BROUGHTON, CBO

Franklin County Building Official

VBCOA/2nd Vice-President



1255 Franklin St. Ste. 103

Rocky Mount, VA 24151

(540) 483-3047 Ext. 2248

John.Broughton@franklincountyva.gov

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, July 14, 2022 10:04 AM
To: Craig Caron <ccaronbuilder@aol.com>; Broughton, John <John.Broughton@franklincountyva.gov>; Bob Gearhart <Robert.gearhart@jamesriverequipment.com>
Subject: Gearhart Project - siding discussion 07.13.22

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Thanks for meeting to discuss the issues of the lap siding and house wrap on our new house.

To recap, we discussed the following corrections per manufacturer installation instructions.

1. Z-Flashing 1/4" clearance

2. Water resistive barrier house wrap must be installed where missing. The manufacturer requires that all joints, holes and tears in the barrier be sealed with DRYline Sheathing tape. John will perform pre inspection of house wrap corrections, including all walls where existing siding is removed before replacing with new product. Expecting a row of sheathing tape across each and every row where siding is removed to properly seal the nail penetrations in existing WRB. Alternatively, should the WRB be damaged, replacing with new is an option.



3. Avoid placing butt joints directly above windows or doors at least one course away, ensuring all butt joints land on studs.

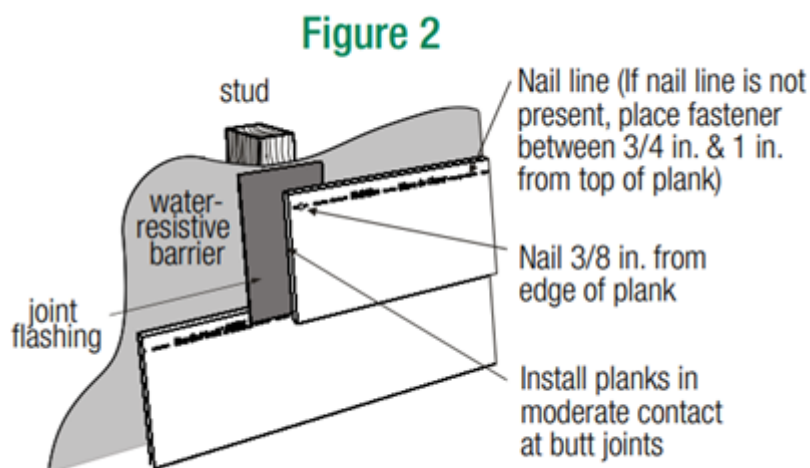
4. Moderate contact butt joints not exceeding 1/8".

5. Per Craig, 8.25 Cedarmill HZ10 HardiePlank® Primed Siding "yellow primed" will be used everywhere and the manufacturer letter to honor warranty dated April 5, 2022 applies despite the HZ5 zoned product which corresponds with 24121. Our build site Lot 37 Compass Cove Moneta, VA zip code 24121 per manufacturer zones, requires HZ5.

6. The entire wall on right side of house (study room) to receive all new lap siding, in addition to places where improperly installed HZ5 "greenish primed" exists.



7. Fasteners between 3/4" to 1" from top of plank.



James Hardie Installation: <https://www.jameshardiepros.com/getattachment/3db6064b-4ed5-433f-bfe9-caf95a61eee1/hardieplank-hz5-us-en.pdf>

Thank you.

Lisa Gearhart 540-354-5774

Bob Gearhart 540-354-2439

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com

February 7, 2022

Name: Bob & Lisa Gearhart

Address: Lot 37, Compass Cove Subdivision, Moneta, VA 24121

Subject: Wall Covering Inspection

At your request, the wall covering was inspected at the above property on February 7, 2022. The following were found to be non-compliant with the 2015 Virginia Residential Code and/or the manufacturers installation guidelines:

- The water resistive barrier material manufacturer is DRYline Building. In accordance with the manufacturer's installation guidelines, the barrier should be extended a minimum of 2 to 4 inches over the sill plates. The barrier is not installed in accordance with this requirement. The manufacturer requires that all joints in the barrier be sealed with DRYline Sheathing tape. The exposed sections of barrier that were visible did not have any taped joints. Sections of wood framed walls intended to receive stone veneer as cladding should have two layers of the water resistive barrier installed over the wall sheathing.
- The wall cladding was incomplete at the time of the inspection. The installed siding is a combination of HZ5 and HZ10 HardiePlank Cedarmill Fiber Cement Lap Siding by James Hardie Building Products. These two siding materials are intended to be installed in different regions of the country and the HZ5 product is intended to be installed at the project location. The manufacturer will not warranty the HZ10 material at this location. The manufacturer provides a 30 year warranty for the HZ5 material at the properly location. In addition, the two materials have different edge profiles. The HZ10 material has a square edge and the HZ5 material has a bull nosed drip edge. The difference in edge profiles is noticeable and will be an aesthetic detriment.
- The siding manufacture has specific installation guidelines that must be adhered to for their warranty to be honored. Below are installation issues that do not comply with those guidelines:

*Specializing in the
inspection and evaluation
of residential structures.*



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com

- Locations are present where the HZ5 siding is installed upside down with nail line exposed on the bottom and the drip edge on the top.
- The bottom rows of siding are installed with less than the required ¼ inch gap between the bottom edge of the siding and the metal flashing.
- Locations present where the bottom edge of the siding is installed with less than the required ¼ inch gap from the head flashing over windows.
- Locations present where the butt joints between the siding panels and between the siding panels and trim materials exceed the required maximum 1/8 inch.
- The bottom of the trim directly over the roof covering does not have the required 2 inch clearance.
- Locations noted where fasteners are installed closer than the required ¾ inch minimum from the top edge of the siding.
- Locations noted where the ends of siding panels do not appear to be over framing studs.
- The cut edges of siding panels over doors and windows are not sealed. Caulk is not permitted in this joint as a sealant.
- The R10 slab on grade rigid insulation is installed on the exterior of the foundation in the rear of the dwelling. No wall section at this location was viewed. The owner indicated that the cladding is planned to be stone at this area. It is unclear how the stone is to be installed, however, the head flashing is not adequate as it does not extend beyond the outer edge of the insulation much less the additional stone cladding.

II. Existing Condition Photo's

Photo's documenting the existing conditions are included below.

*Specializing in the
inspection and evaluation
of residential structures.*

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #1

Subject: Photo of the subject dwelling. Note the two different types of siding.



Photo #2

Subject: Photo of base flashing over rigid insulation. Note flashing does not lap the outer edge of the insulation nor will it lap the top of the planned stone cladding.

*Specializing in the
inspection and evaluation
of residential structures.*

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #3

Subject: Photo of thin strips of siding below deck which are not secured or secured with fasteners closer than $\frac{3}{4}$ inch from edges.



Photo #4

Subject: Representative photo of lack of $\frac{1}{4}$ inch gap between the bottom of the siding and the flashing.

*Specializing in the
inspection and evaluation
of residential structures.*

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #5

Subject:

Representative photo of lack of taped joints in water resistive barrier.



Photo #6

Subject:

Representative photo of water resistive barrier not being lapped over the sill plate by the minimum 2 inch required.

*Specializing in the
inspection and evaluation
of residential structures.*



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #7
Subject:
Representative photo of HZ5 siding installed upside down.



Photo #8
Subject:
Representative photo of butt joint exceeding maximum 1/8 inch required.

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com

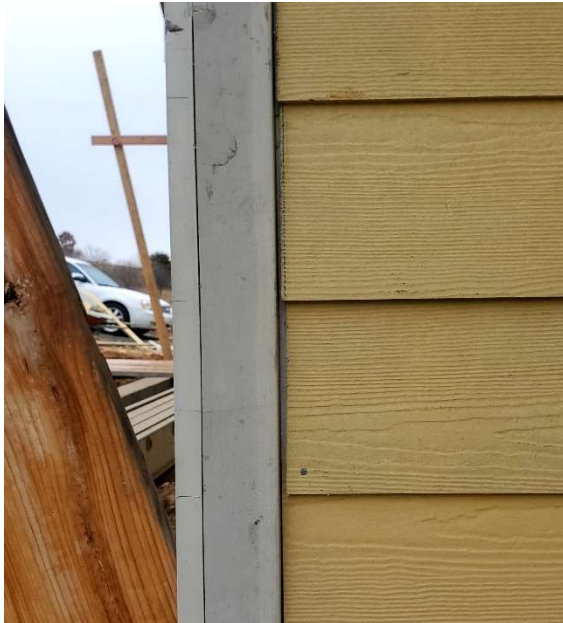


Photo #9

Subject:

Representative photo of joint between siding panels and trim exceeding maximum 1/8 inch required.



Photo #10

Subject:

Representative photo of fasteners installed closer than the minimum required 3/4" inches.

*Specializing in the
inspection and evaluation
of residential structures.*

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #11

Subject:

Representative photo of lack of minimum ¼ inch gap between siding and head flashing above windows and unsealed cut edges of siding.



Photo #12

Subject:

Representative photo of lack of minimum 2 inch clearance between bottom of trim and roof covering.

*Specializing in the
inspection and evaluation
of residential structures.*



Photo #13

Subject:

Representative photo of location where end of siding panel does not appear to be located over a wall stud.

The issues note above have a direct impact on the long term performance of the materials. Deficiencies noted have the potential to allow for moisture intrusion, material damage from moisture, and the siding panels becoming loose or dislocated completely.

Due to the overwhelming number of visual issues noted in the wall covering inspection and the high likelihood that these issues are consistent in non visible areas, it is my recommendation that the fiber cement siding be removed in its entirety and new HZ5 siding be installed in strict conformance with the manufacturer's installation requirements. Prior to installation of the new siding, I recommend that the water resistive barrier defects be addressed and that all joints and nail hole penetrations through the barrier be sealed with DRYline Sheathing tape.



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com

Thank you for asking us to perform this important inspection for you. If you have any questions after reviewing this letter, please contact our office.

Sincerely,
HBS CONSULTING, LLC



Scott F. Easter, PE
Structural Engineer

*Specializing in the
inspection and evaluation
of residential structures.*

(Page left blank intentionally)

Documents Submitted By Franklin County

(Page left blank intentionally)

Luter, Travis (DHCD)

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, March 2, 2023 8:17 PM
To: Broughton, John
Subject: Gearhart home violations
Attachments: Gmail - James Hardie Claims suggest Installation Inspection 011923 .pdf; FullInspection.pdf

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Hi John,
Thanks for getting back with us about the truss issue today.

In addition to the trusses, drainage / leaks in basement, I wanted to let you know our siding is still not compliant with manufacturer installation instructions.
Please find (1) attached reply from James Hardie urging an installation inspection for deviations which we had inspected again section 8 of (2) attached FullInspection.pdf.

Despite Craig's statement to correct the defects in siding he continued to disregard manufacturer installation instructions. See sample image where siding was painted during wet rainy conditions.

Per James Hardie Installation Instructions | Painting:

- . **Factory-primed James Hardie products must be painted within 180 days of installation** (recall the first trim and siding were installed in January 2022)
- . **Do not paint when wet**





Currently, the paint and siding remain blotchy across the house. Z-Flashing is not used anywhere around the house where hardie plank siding meets stone veneer as required by MFG instructions. Sample siding at Deck Ledger uneven jagged cut and no sealed edge; unnecessary joint between windows, blotchy paint, visible “white caulked” joints and “warped” siding. Numerous places have $\frac{1}{4}$ " butt joints which exceed manufacturer instructions for moderate contact.





Thank you.
Lisa Gearhart 540-354-5774
Bob Gearhart 540-354-2439



Lisa Gearhart <lkgearhart@gmail.com>

James Hardie Offer--Product Voucher

Nancy Phan <Nancy.Phan@jameshardie.com>
To: Lisa Gearhart <lkgearhart@gmail.com>

Thu, Jan 19, 2023 at 12:22 PM

Hello Lisa,

Thank you for speaking with me today. As stated in our call the product voucher offer is for the pieces that have lumps/bumps and the 1 cracked piece. Your other concerns are not manufactured related. We suggest that you obtain a certified and bonded residential home inspector through the International Association of Certified Home Inspectors ([InterNACHI-www.nachi.org](http://www.nachi.org)) or the American Society of Home Inspectors (ASHI - www.homeinspector.org) to conduct a thorough inspection and provide you with a detailed report on any installation deviations. Please find attached copy of our warranty and install instructions.

If you have additional information that will lead us to believe that this claim is covered under the Warranty please feel free to provide that at any time and we will re-visit your claim.

Kind regards,

Nancy Phan (Avila)

Claims Coordinator III



James Hardie Building Products, Inc.

Claims & Warranty

M: (866) 375-8603 T: (949) 348-4432 F: (909) 356-7442
10901 Elm Avenue
Fontana, CA, 92337

www.jameshardie.com

Please consider the environment before printing this email

Notice: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this e-mail is unauthorized. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and delete and destroy all copies of this transmission together with any attachments.

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, January 19, 2023 6:12 AM
To: Nancy Phan <Nancy.Phan@Jameshardie.com>; Claims Administration (US) <Claims.Administration@Jameshardie.com>
Subject: Re: James Hardie Offer--Product Voucher

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I am just checking if you received my last email and you have any updates for us?

Thank you.

Lisa Gearhart

540-354-5774

On Mon, Jan 16, 2023 at 12:25 PM Lisa Gearhart <lkgearhart@gmail.com> wrote:

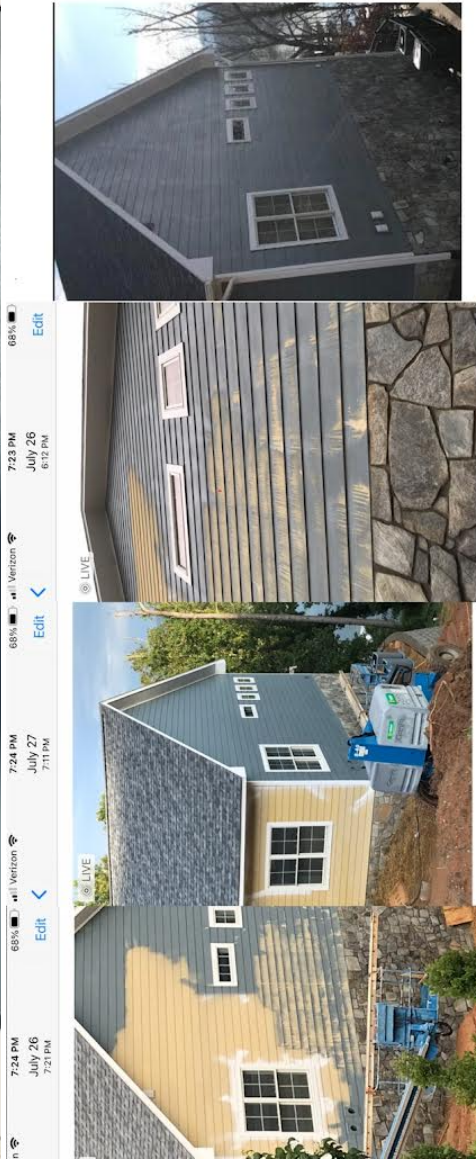
Hi Nancy,

Thank you for your response however I'm not certain you have considered the following issues / images when making your determination.

The blotchy rough texture (like sandpaper), warping at multiple locations including joints does not seem to correspond with James Hardie written warranty "to be free from defects in material and workmanship".

We are glad to meet at the home with a James Hardie representative to further review so you can better understand the issues.







Thank you.

Lisa Gearhart

540-354-5774

[Quoted text hidden]

3 attachments

 **Technical Bulletin 17.pdf**
796K

 **2020 July HZ10 HardiePlank_HardiePanel_HardieShingle_HardieSoffit.pdf**
261K

 **2019 Dec HZ10 HardiePlank.pdf**
15979K



HBS Property Inspections, L.L.C.

Inspection Report

Bob & Lisa Gearhart

Property Address:
Lot 37 Compass Cove Subdivision
Moneta Virginia 24121



HBS Property Inspections, LLC

Scott F. Easter 3380000911 NRS: Expires 6-30-23

PO Box 2022

Salem, VA 24153

Ph: (540) 874-5493

Table of Contents

[Cover Page.....1](#)

[Table of Contents.....3](#)

[Intro Page4](#)

[General Summary.....5](#)

[I General Information9](#)

[II Electrical System11](#)

[III Structure13](#)

[IV\(1\) HVAC System #117](#)

[IV\(2\) HVAC System #218](#)

[V Plumbing System.....19](#)

[VI Interior21](#)

[VII Attic.....22](#)

[VIII Exterior Conditions23](#)

[IX Roofs Flashings and Chimneys.....31](#)

[X Garage.....32](#)

[Invoice.....34](#)

Date: 9/8/2022	Time: 06:00 PM	Report ID: 090822-5SSE
Property: Lot 37 Compass Cove Subdivision Moneta Virginia 24121	Customer: Bob & Lisa Gearhart	Real Estate Professional:

Comment Key or Definitions

The following are definitions of comment descriptions represented in this inspection report. All comments by the inspector should be considered before purchasing this home. Any recommendations by the inspector listed in the summary section of the report suggests a second opinion or further evaluation by a licensed contractor. All costs associated with further inspection fees and repair or replacement of item, component or unit should be considered before you purchase the property.

SATISFACTORY = Item or system appeared to function or operate correctly at the time of the inspection.

FUNCTIONAL = Item or system appeared to operate at the time of inspection. Performance of the item or system was not evaluated.

MARGINAL = Item or system was performing at the time of inspection, however, appears to have limited life expectancy remaining. Consider replacement prior to failure.

HAZARDOUS = A potential or current safety hazard exists. Correction of condition is strongly recommended.

NOT PRESENT = Item or system was not present at the time of the inspection and was not evaluated.

NOT ACCESSIBLE = Item or system was present, however, limited access prevented inspection. Item or system not evaluated.

APPEARS TO BE SERVICEABLE = Unit or system appears to operate but may require routine maintenance to perform adequately.

SUMMARY ITEM = Item or system did not operate or perform designed function at the time of inspection. Further evaluation is recommended by a licensed contractor.

The following information is based on the conditions present the day the home inspection was conducted and is in no way intended to suggest any type of warranty or guarantee of any item or system included in the report.

Thank you for your business and may God Bless you, Scott Easter.

General Summary



HBS Property Inspections, L

HBS Property Inspections, LLC

**PO Box 2022
Salem, VA 24153
Ph: (540) 874-5493**

Customer
Bob & Lisa Gearhart

Address
Lot 37 Compass Cove Subdivision
Moneta Virginia 24121

The following items or systems indicate deficiencies that, to the best ability of the inspector, are either covered under the home inspection clause in the real estate contract or present a safety concern that the purchaser should be made aware of. The summary does not contain recommendations for routine upkeep of a system or component or recommendations to upgrade or enhance the function, efficiency, or safety of the home. This Summary is not the entire report. The complete report may include additional information of concern and it is recommended that the customer read the complete report.

III. Structure

3.2 STRUCTURAL FRAMING/COMPONENTS

Summary Item

Multiple locations where penetrations through the main level subfloor have not been sealed to provide adequate fire blocking. Fire blocking is necessary to restrict the passage of fire flames inside concealed spaces. Industry

standards recommends all penetrations through the floor be sealed with fireblocking caulk or mineral wool or fiberglass insulation packed tightly for openings less than 1 inch. Larger openings are recommended to be sealed with 1/2 inch gypsum board, 2x lumber, two thicknesses of 1x lumber with staggered joints, 3/4 inch plywood, OSB, or particleboard with joints backed b 6 inches of the same material, 1/4 inch cement board. Recommend sealing all penetrations accordingly. Representative photo.

The perimeter wood stud walls are offset from the concrete foundation wall. Industry standards recommend fireblocking in all concealed spaces of stud walls offset from the foundation walls. Recommend filling the gaps with continuous horizontal fireblocking materials noted above. Representative photo.

The penetrations through the draftstopping which is secured to the side of one of the trusses have not been sealed. Condition compromises the performance of the draftstopping. Representative photo.

3.4 MOISTURE EVIDENCE

Summary Item

Active moisture was noted on the concrete slab near the center front of the basement. Condition appears to be moisture penetrating through the joint in the slab and foundation wall due poor drainage during construction. A drainage structure with underground drain piping was recently installed in this area and may eliminate the saturated soil condition. Recommend monitoring.

3.6 INSULATION

Summary Item

The paper faced vapor retarder is exposed on the wall insulation on the left side of the basement adjacent to the garage. The paper face is highly flammable and increases the spread of fire if it were to occur. The manufacturer requires the vapor retarder to be covered with a non flammable material. Recommend the installation of 1/2" drywall.

V. Plumbing System

5.4 CLOTHES DRYER

Summary Item

Dryer vent has a screened cover which is prone to the collection of lint. Recommend removal of screen.

VIII. Exterior Conditions

8.0 SIDING, FLASHING & TRIM

Summary Item

Fiber cement siding and trim products are not recommended to be butted directly against stone veneer. The manufacturer recommends that L flashing be installed to isolate the trim or siding from the stone veneer. No L flashing is visible.

The stone veneer is grouted tight to the vertical trim. Industry standards recommend a 3/8" gap with backer rod and sealant at material transitions to allow for differential expansion and to prevent moisture intrusion.

The first course of of the siding at the front porch does not appear to have been installed over a 1/4 inch lath strip to ensure a consistent plank angle.

Locations present where the butt joints between the siding panels and between the siding panels and trim materials exceed the manufacturer recommended maximum 1/8 inch.

The bottom of the trim directly over the roof covering does not have the manufacturer recommended 2 inch clearance.

The cut edges of siding panels over doors and windows do not appear to be sealed as recommended by the manufacturer.

Locations noted where the siding exposure was 7.25 to 7.5 inches resulting in a 3/4 to 1 inch lap of the siding. The

manufacturer recommends a minimum of 1.25 inches of overlap. Condition appears to indicate that at some locations the blind fasteners are not 1 inch from the top edge of the siding as recommended by the manufacturer.

Multiple locations noted where the siding panels were easily moved at the base which is typical of high nailing. Panels near the ridge on both sides were noted to have a gap between panels.

Propane fuel line and AC refrigerant line penetrations are not sealed to prevent potential moisture or pest intrusion.

The water resistive barrier (WRB) is not lapped over the head flashing at the rear where the bottom siding panel is off. Unable to determine if this issue is present in other areas. The WRB should be lapped over the vertical edge of the head flashing to direct any moisture to the exterior.

The head flashing is present over the rear hose bibb block.

8.4 PORCHES, STEPS & DECKS

Summary Item

The R10 slab on grade rigid insulation is installed on the exterior of the foundation in the rear of the dwelling. The top of the insulation is flush with the top of the patio and extends out beyond the edges of the stone veneer. Therefore the insulation will remain visible. I recommend notching the insulation along the patio to facilitate the installation of foam backer rod and elastomeric joint sealant that can bond to both stone veneer and the patio.

8.5 REAR DECK

Summary Item

The rear three ply beam is supported by four rear 6x6 support posts. The posts have been notched resulting in a 1 inch thick sliver of post secured to the beam with a structural screw. Industry standards do not recommend this type of connection for three ply beams. In this case industry standards recommend that engineered post caps be utilized.

Industry standards recommend that deck ledger boards be secured with fasteners into the vertical members at the ends of each truss with lag screws, through bolts or LedgerLok or equivalent screws. All of three types are acceptable, however, the maximum spacing of the fasteners varies and the LedgerLok or equivalent screws require the closest spacing. The trusses are spaced at 19.2 inches which exceeds the recommended maximum spacing of the fasteners used.

IX. Roofs Flashings and Chimneys

9.0 MAIN ROOF

Summary Item

The roof underlayment is not lapped over the drip edge at the eave of the garage. Unable to determine if this is a consistent issue but it likely is. Industry standards recommend that the drip edge be installed beneath the underlayment along the eaves of the roof and over the underlayment along the rake edges of the roof.

X. Garage

10.5 GARAGE DOOR(S)

Summary Item

The basement level garage door does not fully open when raised due to the location of the Metwood beam for the elevated garage floor.

This report is provided for the specific benefit and exclusive use of the customer **only**. Secondary readers of this report should hire or contract a licensed contractor or qualified technician to meet their specific needs or to obtain current information concerning this property.

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To Scott F. Easter

I. General Information

A message for the home buyer from **HBS Property Inspections, LLC**.

The Building Inspection: This building inspection is being conducted in accordance with the American Society of Home Inspectors standards of practice and is for the purpose of identifying major deficiencies which might affect your decision whether to purchase the structure. Although some minor problems might be mentioned, this report does not attempt to list them all.

You are urged to attend the inspection and accompany the inspector during the inspection of the building. The information you will gain will be of great benefit to you. This report is a summary of that information.

It is important for you to understand exactly what your professional building inspector is able to do for you and what the limitations are in the inspection and the inspection is of readily accessible areas of the building and is limited to visual observations only. The inspector may not move furniture, lift carpeting, remove panels or dismantle items or equipment.

An inspection is intended to assist in evaluation of the overall condition of the building. The inspection is based on observation of the visible and apparent condition of the building and its components on the date of the inspection only.

The results of this home inspection are not intended to make any representation regarding latent or concealed defects that may exist, and no warranty or guaranty is expressed or implied.

Your Inspection Report: Throughout your report where the age of appliances, roofs, etc., is stated, the age shown is an approximate. It is not possible to be exact, but an effort is made to be as accurate as possible based on the visible evidence.

When any item in the report is checked "Satisfactory", the meaning is that it should give generally satisfactory service within the limits of its age and any defects or potential problems noted during the inspection.

Problems with the Building: This report is not a guaranty or warranty: we cannot eliminate all of your risk in purchasing. There are warranty programs which may be obtained to insure you against failure of some of the major systems of the house.

Home buyers, after settlement and occupying the building, sometimes over look important information and warning contained in their reports. This can result in failure of equipment or other damage which could have been prevented if the inspector's advice and/or recommendations had been followed.

After occupancy, all buildings will have some defects which will not be identified in the inspection report. If a problem occurs that you feel the inspector's report did not give you sufficient warning of, call him or her. A phone consultation may be helpful to you in deciding the corrective measures to take and the inspector may be able to advise you in assessing proposals offered from contractors for remedying the problem.

Please consult your inspector before you engage a contractor to correct a possible defect. Unless prior consolation occurs, this company cannot assist you further.

Styles & Materials

<p>Structure: Single Family Contemporary</p>	<p>Estimated/ Reported Age: New Construction</p>	<p>Area: Moneta</p>
<p>Driveway: Gravel</p>	<p>Street: Paved</p>	<p>Walkways: Gravel</p>
<p>Retaining Walls: Self-locking Block</p>	<p>Weather: Clear</p>	<p>Temperature: 80-85 Degrees</p>
<p>Rain in last 3 days: Yes</p>	<p>Starting Time: 5:00 pm</p>	<p>Water Source: Public</p>
<p>Waste System: Private septic system The check of septic systems is not included in this visual inspection. It is recommended if concerned that the local authorities or other qualified experts check the conditions of the septic system.</p>	<p>Occupied: Vacant</p>	<p>Present for Inspection: Client</p>

Items

1.0 WALKWAY(S)

Comments: Satisfactory

1.1 DRIVEWAY(S)

Comments: Functional

1.2 RETAINING WALLS & STAIRWELLS

Comments: Satisfactory

II. Electrical System

The home inspector shall observe: service entrance conductors; service equipment, grounding equipment, main over current devices, and main and distribution panels; amperage and voltage ratings of the service; branch circuit conductors, their over current devices, and the compatibility of their ampacities and voltages; the operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls; the polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures; the operation of ground fault and arch fault circuit interrupters; and smoke detectors. The home inspector shall describe: service amperage and voltage; service entry conductor materials; service type as being overhead or underground; and location of main and distribution panels. The home inspector shall report any observed aluminum branch circuit wiring. The home inspector shall report on presence or absence of smoke detectors, and operate their test function, if accessible, except when detectors are part of a central system. The home inspector is not required to: insert any tool, probe, or testing device inside the panels; test or operate any over current device except ground fault circuit interrupters; dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution panels; or observe: low voltage systems; security system devices, heat detectors, or carbon monoxide detectors; telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; or built-in vacuum equipment.

Styles & Materials

<p>Location of Main Panel: Basement Front</p>	<p>Location of Sub-Panel(s): Dock</p>	<p>Electrical Disconnect(s): 2 @ 200 amps each</p>
<p>Electric Panel Manufacturer: SIEMENS</p>	<p>Panel Capacity: 2 @ 200 AMPS</p>	<p>Panel Type: Circuit breakers</p>
<p>Branch Wiring: Copper</p>	<p>Wiring Methods: Romex</p>	<p>Exterior Electrical Service Conductors: Underground In conduit</p>
<p>Electrical System Grounding Method: Grounding rod</p>		

Items

2.0 SERVICE ENTRANCE CONDUCTORS & GROUNDING

Comments: Satisfactory

2.1 MAIN SERVICE DISCONNECT

Comments: Satisfactory

View of main electric disconnects.



2.1 Item 1(Picture)

2.2 ELECTRICAL PANEL(S)

Comments: Satisfactory

2.3 ELECTRICAL DISTRIBUTION SYSTEM

Comments: Satisfactory

2.4 OUTLETS, SWITCHES AND FIXTURES

Comments: Satisfactory

2.5 SMOKE DETECTORS

Comments: Satisfactory

The electrical system of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Outlets were not removed and the inspection was only visual. Any outlet not accessible (behind the refrigerator for example) was not inspected or accessible. Please be aware that the inspector has your best interest in mind. Any summary items mentioned in this report should be further evaluated or repaired by a licensed contractor prior to purchase.

III. Structure

The home inspector shall observe structural components including foundations, floors, walls, columns or piers and ceilings. The home inspector shall describe the type of foundation, floor structure, wall structure, columns or piers and ceilings. The home inspector shall: probe structural components where deterioration is suspected; enter under floor crawl spaces and basements, except when entry could damage the property, or when dangerous or adverse situations are suspected; report the methods used to observe under floor crawl spaces; and report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components. The home inspector is not required to: enter any area or perform any procedure that may damage the property or its components or be dangerous to or adversely effect the health of the home inspector or other persons.

Styles & Materials

<p>Description: Full Unfinished Basement</p> <p>First Floor Design: Web Trusses OSB Subfloor</p> <p>Floor Drains: Utility area only Water present in plumbing trap</p>	<p>Floors: Concrete</p> <p>Walls: Poured concrete</p> <p>Insulation: Combination of: Insulated perimeter walls Insulated from top of foundation wall to subfloor on perimeter walls</p>	<p>Bearing Structure: Combination of: Concrete Bearing Walls Wood framed support wall</p> <p>Moisture Evidence: Present Floors</p>
---	--	--

Items

3.0 FLOORS

Comments: Satisfactory

3.1 BEARING STRUCTURE

Comments: Satisfactory

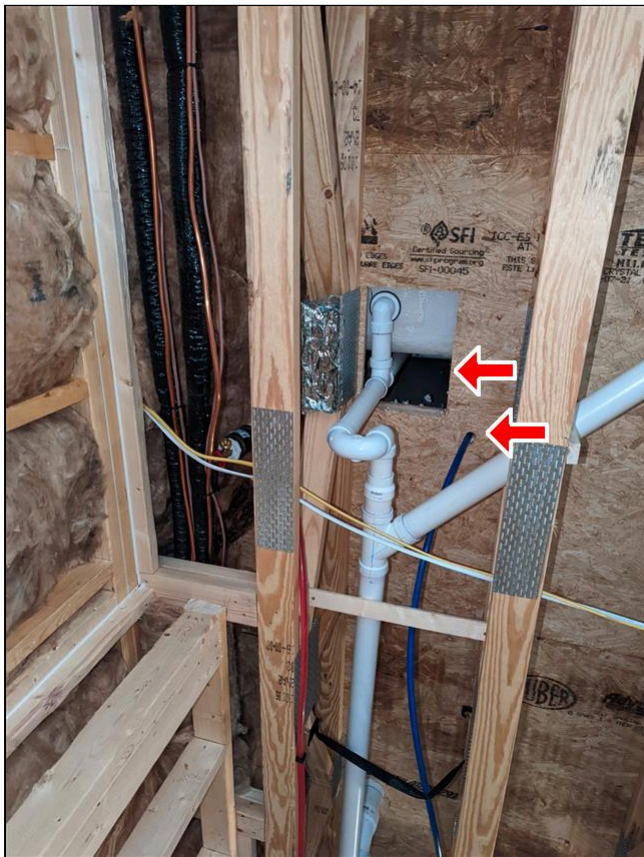
3.2 STRUCTURAL FRAMING/COMPONENTS

Comments: Summary Item

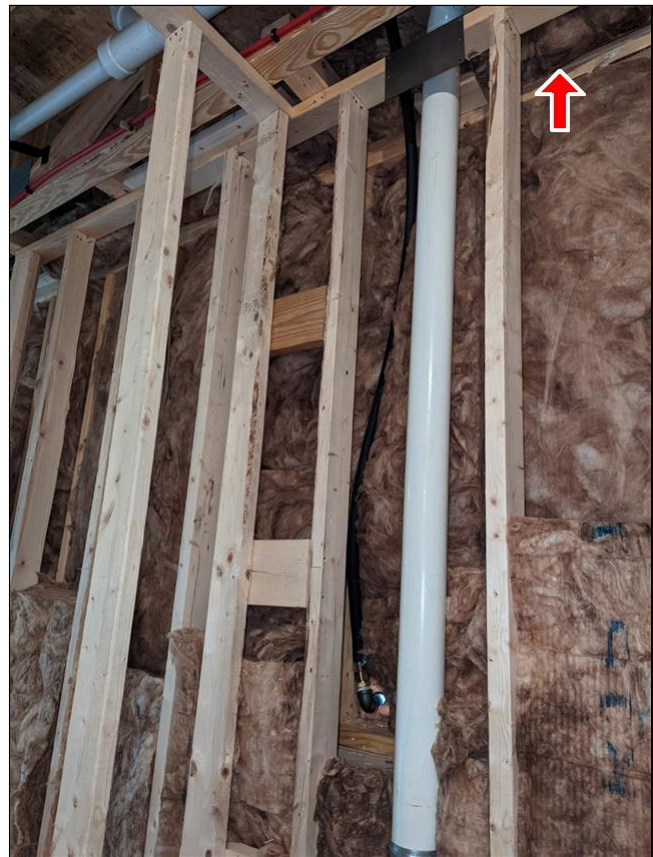
Multiple locations where penetrations through the main level subfloor have not been sealed to provide adequate fire blocking. Fire blocking is necessary to restrict the passage of fire flames inside concealed spaces. Industry standards recommends all penetrations through the floor be sealed with fireblocking caulk or mineral wool or fiberglass insulation packed tightly for openings less than 1 inch. Larger openings are recommended to be sealed with 1/2 inch gypsum board, 2x lumber, two thicknesses of 1x lumber with staggered joints, 3/4 inch plywood, OSB, or particleboard with joints backed b 6 inches of the same material, 1/4 inch cement board. Recommend sealing all penetrations accordingly. Representative photo.

The perimeter wood stud walls are offset from the concrete foundation wall. Industry standards recommend fireblocking in all concealed spaces of stud walls offset from the foundation walls. Recommend filling the gaps with continuous horizontal fireblocking materials noted above. Representative photo.

The penetrations through the draftstopping which is secured to the side of one of the trusses have not been sealed. Condition compromises the performance of the draftstopping. Representative photo.



3.2 Item 1(Picture)



3.2 Item 2(Picture)



3.2 Item 3(Picture)

3.3 WALLS

Comments: Satisfactory

3.4 MOISTURE EVIDENCE

Comments: Summary Item

Active moisture was noted on the concrete slab near the center front of the basement. Condition appears to be moisture penetrating through the joint in the slab and foundation wall due poor drainage during construction. A drainage structure with underground drain piping was recently installed in this area and may eliminate the saturated soil condition. Recommend monitoring.



3.4 Item 1(Picture)

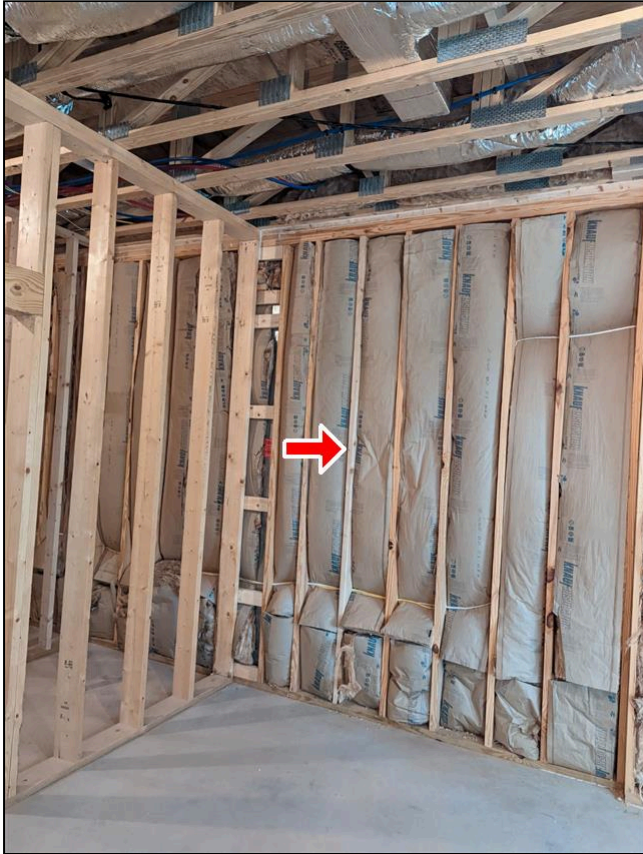
3.5 FLOOR DRAINS

Comments: Satisfactory

3.6 INSULATION

Comments: Summary Item

The paper faced vapor retarder is exposed on the wall insulation on the left side of the basement adjacent to the garage. The paper face is highly flammable and increases the spread of fire if it were to occur. The manufacturer requires the vapor retarder to be covered with a non flammable material. Recommend the installation of 1/2" drywall.



3.6 Item 1(Picture)

The structure of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Please be aware that the inspector has your best interest in mind. Any summary items mentioned in this report should be considered before purchase. It is recommended that licensed contractors be used in further inspections or repair issues as it relates to the comments in this inspection report.

IV(1) . HVAC System #1

The home inspector shall observe permanently installed heating and cooling systems including: heating equipment; cooling equipment that is central to home; normal operating controls; automatic safety controls; chimneys, flues, and vents, where readily visible; solid fuel heating devices; heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and the presence of an installed heat source in each room. The home inspector shall describe: energy source; and heating equipment and distribution type. The home inspector shall operate the systems using normal operating controls. The home inspector shall open access panels provided by the manufacturer or installer for routine homeowner maintenance. The home inspector is not required to: operate heating systems when weather conditions or other circumstances may cause equipment damage; operate automatic safety controls; ignite or extinguish solid fuel fires; or observe: The interior of flues; fireplace insert flue connections; humidifiers; electronic air filters; or the uniformity or adequacy of heat supply to the various rooms.

Styles & Materials

<p>Heating Type: Heat Pump</p> <p>Fuel Source: Electric</p> <p>Heating System: It is recommended that the heating system be cleaned and serviced annually by an HVAC professional</p> <p>Age: 2021</p>	<p>Manufacturer: Age: DAIKIN 2021</p> <p>Heating Distribution: Heat Source in Every Room: Yes Insulated Metal Flexible Ductwork</p> <p>Cooling Type: Manufacturer: Heat DAIKIN Pump</p> <p>Size: Cooling System: 2.0 ton It is recommended that the cooling system be cleaned and serviced annually by an HVAC professional</p>
--	--

Items

- 4.0.A SYSTEM OPERATING CONTROLS**
Comments: Satisfactory
- 4.1.A HEATING SYSTEM OPERATION**
Comments: Satisfactory
- 4.2.A DISTRIBUTION SYSTEMS**
Comments: Satisfactory
- 4.3.A HEAT SOURCE IN EACH ROOM**
Comments: Satisfactory
- 4.4.A AUTOMATIC SAFETY CONTROLS**
Comments: Satisfactory
- 4.5.A COOLING EQUIPMENT OPERATION**
Comments: Satisfactory
- 4.6.A COOLING SOURCE IN EACH ROOM**
Comments: Satisfactory
- 4.7.A COOLING CONDENSATION SYSTEM**
Comments: Satisfactory

The heating and cooling system of this home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. The inspection is not meant to be technically exhaustive. The inspection does not involve removal and inspection behind service door or dismantling that would otherwise reveal something only a licensed heat contractor would discover. Please be aware that the inspector has your best interest in mind. Any summary items mentioned in this report should be considered before purchase. It is recommended that a licensed HVAC contractor be used in further inspections or repair issues as it relates to the comments in this inspection report.

IV(2) . HVAC System #2

The home inspector shall observe permanently installed heating and cooling systems including: heating equipment; cooling equipment that is central to home; normal operating controls; automatic safety controls; chimneys, flues, and vents, where readily visible; solid fuel heating devices; heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and the presence of an installed heat source in each room. The home inspector shall describe: energy source; and heating equipment and distribution type. The home inspector shall operate the systems using normal operating controls. The home inspector shall open access panels provided by the manufacturer or installer for routine homeowner maintenance. The home inspector is not required to: operate heating systems when weather conditions or other circumstances may cause equipment damage; operate automatic safety controls; ignite or extinguish solid fuel fires; or observe: The interior of flues; fireplace insert flue connections; humidifiers; electronic air filters; or the uniformity or adequacy of heat supply to the various rooms.

Styles & Materials

<p>Heating Type: Heat Pump</p> <p>Fuel Source: Electric</p> <p>Heating System: It is recommended that the heating system be cleaned and serviced annually by an HVAC professional</p> <p>Age: 2021</p>	<p>Manufacturer: Age: DAIKIN 2021</p> <p>Heating Distribution: Heat Source in Every Room: Yes Insulated Metal Flexible Ductwork</p> <p>Cooling Type: Manufacturer: Heat DAIKIN Pump</p> <p>Size: Cooling System: 4.0 ton It is recommended that the cooling system be cleaned and serviced annually by an HVAC professional</p>
--	--

Items

- 4.0.B SYSTEM OPERATING CONTROLS**
Comments: Satisfactory
- 4.1.B HEATING SYSTEM OPERATION**
Comments: Satisfactory
- 4.2.B DISTRIBUTION SYSTEMS**
Comments: Satisfactory
- 4.3.B HEAT SOURCE IN EACH ROOM**
Comments: Satisfactory
- 4.4.B AUTOMATIC SAFETY CONTROLS**
Comments: Satisfactory
- 4.5.B COOLING EQUIPMENT OPERATION**
Comments: Satisfactory
- 4.6.B COOLING SOURCE IN EACH ROOM**
Comments: Satisfactory
- 4.7.B COOLING CONDENSATION SYSTEM**
Comments: Satisfactory

The heating and cooling system of this home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. The inspection is not meant to be technically exhaustive. The inspection does not involve removal and inspection behind service door or dismantling that would otherwise reveal something only a licensed heat contractor would discover. Please be aware that the inspector has your best interest in mind. Any summary items mentioned in this report should be considered before purchase. It is recommended that a licensed HVAC contractor be used in further inspections or repair issues as it relates to the comments in this inspection report.

V. Plumbing System

The home inspector shall observe: interior water supply and distribution system, including: piping materials, supports, and insulation; fixtures and faucets; functional flow; leaks; and cross connections; interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports and pipe insulation; leaks; and functional drainage; hot water systems including: water heating equipment; normal operating controls; automatic safety controls; and chimneys, flues, and vents; fuel storage and distribution systems including: interior fuel storage equipment, supply piping, venting, and supports; leaks; and sump pumps. The home inspector shall describe: water supply and distribution piping materials; drain, waste, and vent piping materials; water heating equipment; and location of main water supply shutoff device. The home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance. The home inspector is not required to: State the effectiveness of anti-siphon devices; determine whether water supply and waste disposal systems are public or private; operate automatic safety controls; operate any valve except water closet flush valves, fixture faucets, and hose faucets; observe: water conditioning systems; fire and lawn sprinkler systems; on-site water supply quantity and quality; on-site waste disposal systems; foundation irrigation systems; spas, except as to functional flow and functional drainage; swimming pools; solar water heating equipment; or observe the system for proper sizing, design, or use of proper materials.

Styles & Materials

Water Source: Public	Main Water Service: HDPE	Location of Main Water Shut-off: Basement - front wall
Plumbing Water Distribution: PEX	Plumbing Waste Line: PVC	Clean-out(s): Individual plumbing stacks
Waste Ventilation System: Atmospheric Vents	Water Heater Manufacturer: RHEEM	Water Heater Capacity: 75 gallon
Water Heater Power Source: Electric	Water Heater Age: 2021	

Items

5.0 PLUMBING ENTRANCE, SUPPLY AND DISTRIBUTION PIPING

Comments: Functional

Most of the plumbing fixtures had the water off at the cut off valves and were not tested.

5.1 PLUMBING DRAIN, WASTE AND VENT SYSTEMS

Comments: Satisfactory

5.2 HOT WATER HEATER OPERATION, CONTROLS AND VENTING

Comments: Satisfactory

5.3 FUEL STORAGE AND DISTRIBUTION LINES

Comments: Not tested

The propane fuel supply piping was not connected at the time of the inspection. The gas range and fireplace were not tested.

5.4 CLOTHES DRYER

Comments: Summary Item

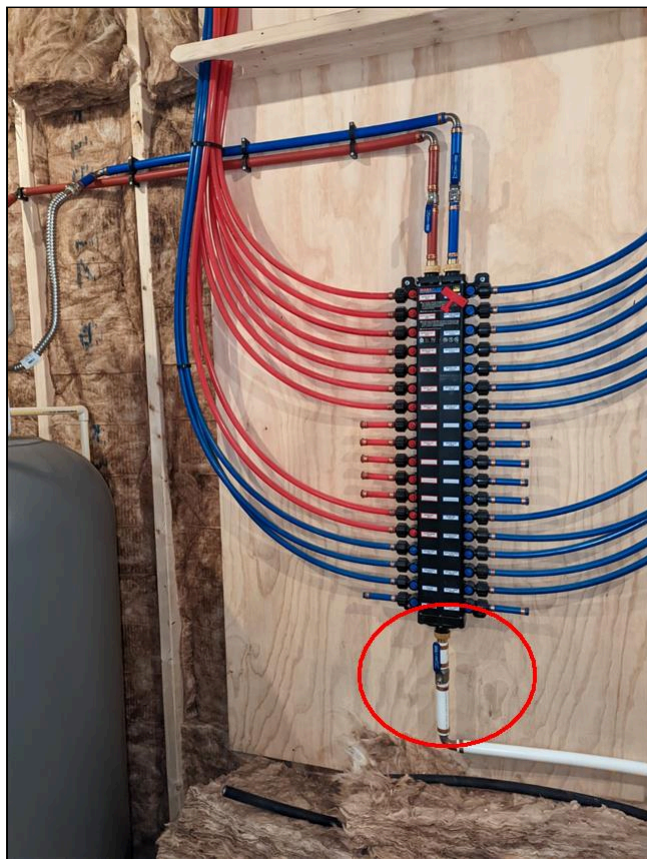
Dryer vent has a screened cover which is prone to the collection of lint. Recommend removal of screen.



5.4 Item 1(Picture)

5.5 LOCATION OF MAIN WATER CUT-OFF VALVE**Comments:** Satisfactory

View of main water valve.



5.5 Item 1(Picture)

The plumbing in the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Washing machine drain line for example cannot be checked for leaks or the ability to handle the volume during drain cycle. Older homes with galvanized supply lines or cast iron drain lines can be obstructed and barely working during an inspection but then fails under heavy use. If the water is turned off or not used for periods of time (like a vacant home waiting for closing) rust or deposits within the pipes can further clog the piping system. Please be aware that the inspector has your best interest in mind. Any summary items mentioned in this report should be considered before purchase. It is recommended that a licensed contractor be used in your further inspection or repair issues as it relates to the comments in this inspection report.

VI. Interior

The home inspector shall observe: walls, ceiling, and floors; steps, stairways, balconies, and railings; counters and a representative number of installed cabinets; and a representative number of doors and windows. The home inspector shall: operate a representative number of windows and interior doors; and report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components. The home inspector is not required to observe: paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors; carpeting; or draperies, blinds, or other window treatments.

Styles & Materials

Doors: Wood	Exterior Doors: Combination of: Metal Sliding glass doors	Windows: Double hung Vinyl clad wood Insulated
Wall Material: Plaster covered drywall	Floor Covering(s): Combination of: Hardwood Ceramic Tile	Ceiling Materials: Plaster covered drywall

Items

6.0 DOORS

Comments: Satisfactory

6.1 WINDOWS

Comments: Satisfactory

6.2 WALLS

Comments: Satisfactory

6.3 CEILINGS

Comments: Satisfactory

6.4 FLOORS

Comments: Satisfactory

6.5 OUTLETS AND WALL SWITCHES

Comments: Satisfactory

6.6 STEPS, STAIRWAYS, BALCONIES AND RAILINGS

Comments: Satisfactory

6.7 MOLD-LIKE GROWTHS

Comments: Functional

No mold-like growth was visible during the inspection.

The interior of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. The inspection did not involve moving furniture and inspecting behind furniture, area rugs or areas obstructed from view. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that licensed contractors be used in further inspections or repair issues as it relates to the comments in this inspection report.

VII. Attic

The inspector shall inspect the structural framing components. Probing a representative number of structural components where clear indications of possible deterioration exists. Probing is not required when probing would damage any finished surface or where deterioration is not visible; The inspector shall describe the electrical method and materials, insulation, ventilation, type of sheathing and areas where roof leaks are suspected; Report the method(s) used to inspect the attic. The inspector is not required to report on any areas which are not accessible due to excessive storage, vaulted ceilings, low clearances or areas where the inspector may caused harm to himself, others or the dwelling.

Styles & Materials

Attic Access:

Scuttlehole

Sheathing:

Oriented Strand Board (OSB) with H clips

Electrical:

Romex

Attic Type:

Full

Ventilation:

Combination of:

Soffit vents

Ridge vents

Structure:

Trusses

Insulation:

Loose fiberglass

Items

7.0 ATTIC ACCESS

Comments: Satisfactory

7.1 STRUCTURE

Comments: Satisfactory

7.2 SHEATHING

Comments: Satisfactory

7.3 VENTILATION

Comments: Satisfactory

7.4 INSULATION

Comments: Satisfactory

7.5 ELECTRICAL

Comments: Satisfactory

VIII. Exterior Conditions

The home inspector shall observe: wall cladding, flashings, and trim; entryway doors and a representative number of windows; garage door operators; decks, balconies, stoops, steps, areaways, porches and applicable railings; eaves, soffits, and fascias; and vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building. The home inspector shall: describe wall cladding materials; operate all entryway doors and a representative number of windows; probe exterior wood components where deterioration is suspected. The home inspector is not required to observe: storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories; fences; presence of safety glazing in doors and windows; garage door operator remote control transmitters; geological conditions; soil conditions; recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities); detached buildings or structures; or presence or condition of buried fuel storage tanks. The home inspector is not required to: move personal items, panels, furniture, equipment, plant life, soil, snow, ice or debris that obstructs access or visibility.

Styles & Materials

<p>Exterior finish: Combination of: Stone veneer Fiber Cement Siding</p>	<p>Exterior Windows: Vinyl clad wood</p>	<p>Soffits & Fascia: Painted Cement Fiberboard</p>
<p>Exterior Trim: Painted Wood</p>	<p>Exterior Electrical: Covered outlets GFCI outlets</p>	<p>Hose Bibbs: Front Rear</p>
<p>Front Porch: Covered Concrete</p>	<p>Patio: Concrete</p>	<p>Deck: Covered Wooden Composite decking Metal Railing</p>

Items

8.0 SIDING, FLASHING & TRIM

Comments: Summary Item

Fiber cement siding and trim products are not recommended to be butted directly against stone veneer. The manufacturer recommends that L flashing be installed to isolate the trim or siding from the stone veneer. No L flashing is visible.

The stone veneer is grouted tight to the vertical trim. Industry standards recommend a 3/8" gap with backer rod and sealant at material transitions to allow for differential expansion and to prevent moisture intrusion.

The first course of of the siding at the front porch does not appear to have been installed over a 1/4 inch lath strip to ensure a consistent plank angle.

Locations present where the butt joints between the siding panels and between the siding panels and trim materials exceed the manufacturer recommended maximum 1/8 inch.

The bottom of the trim directly over the roof covering does not have the manufacturer recommended 2 inch clearance.

The cut edges of siding panels over doors and windows do not appear to be sealed as recommended by the manufacturer.

Locations noted where the siding exposure was 7.25 to 7.5 inches resulting in a 3/4 to 1 inch lap of the siding. The manufacturer recommends a minimum of 1.25 inches of overlap. Condition appears to indicate that at some locations the blind fasteners are not 1 inch from the top edge of the siding as recommended by the manufacturer.

Multiple locations noted where the siding panels were easily moved at the base which is typical of high nailing. Panels near the ridge on both sides were noted to have a gap between panels.

Propane fuel line and AC refrigerant line penetrations are not sealed to prevent potential moisture or pest intrusion.

The water resistive barrier (WRB) is not lapped over the head flashing at the rear where the bottom siding panel is off. Unable to determine if this issue is present in other areas. The WRB should be lapped over the vertical edge of the head flashing to direct any moisture to the exterior.

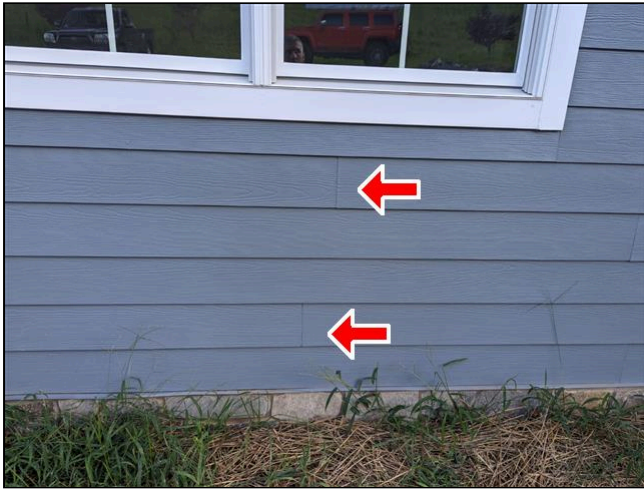
The head flashing is present over the rear hose bibb block.



8.0 Item 1(Picture)



8.0 Item 2(Picture)



8.0 Item 3(Picture)



8.0 Item 4(Picture)



8.0 Item 5(Picture)



8.0 Item 6(Picture)



8.0 Item 7(Picture)



8.0 Item 8(Picture)



8.0 Item 9(Picture)



8.0 Item 10(Picture)

8.1 EAVES, SOFFITS, FASCIAS & TRIM**Comments:** Satisfactory**8.2 EXTERIOR DOORS****Comments:** Satisfactory**8.3 EXTERIOR WINDOWS, WINDOW WELLS & WELL COVERS****Comments:** Satisfactory**8.4 PORCHES, STEPS & DECKS****Comments:** Summary Item

The R10 slab on grade rigid insulation is installed on the exterior of the foundation in the rear of the dwelling. The top of the insulation is flush with the top of the patio and extends out beyond the edges of the stone veneer. Therefore the insulation will remain visible. I recommend notching the insulation along the patio to facilitate the installation of foam backer rod and elastomeric joint sealant that can bond to both stone veneer and the patio.



8.4 Item 1(Picture)

8.5 REAR DECK**Comments:** Summary Item

The rear three ply beam is supported by four rear 6x6 support posts. The posts have been notched resulting in a 1 inch thick sliver of post secured to the beam with a structural screw. Industry standards do not recommend this type of connection for three ply beams. In this case industry standards recommend that engineered post caps be utilized.

Industry standards recommend that deck ledger boards be secured with fasteners into the vertical members at the ends of each truss with lag screws, through bolts or LedgerLok or equivalent screws. All of three types are acceptable,

however, the maximum spacing of the fasteners varies and the LedgerLok or equivalent screws require the closest spacing. The trusses are spaced at 19.2 inches which exceeds the recommended maximum spacing of the fasteners used.



8.5 Item 1(Picture)



8.5 Item 2(Picture)

8.6 VEGETATION, GRADING & DRAINAGE

Comments: Not Tested

8.7 HOSE BIBB(S)

Comments: Satisfactory

8.8 EXTERIOR ELECTRICAL

Comments: Satisfactory

The exterior of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that a licensed contractor be used in further inspections or repair issues as it relates to the comments in this inspection report.

IX. Roofs Flashings and Chimneys

The inspector shall inspect the roof covering; the roof drainage system; the flashings; the skylights, chimneys and roof penetrations. The inspector shall describe the roof covering and the methods used to inspect the roof; the number of layers present; the type(s) of materials used. The inspector is not required to inspect antennae(s); the interiors of flues or chimneys which are not readily accessible; any other installed accessories. The inspector not required to physically walk the roof where it could cause harm to the roof covering, the inspector or others.

Styles & Materials

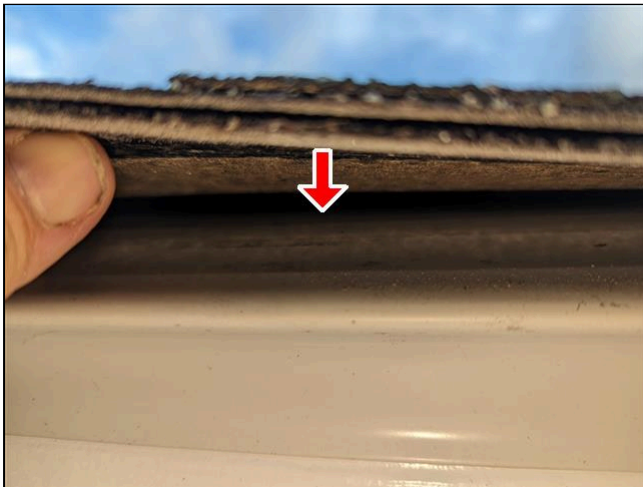
Method of Inspection: Viewed from ground with binoculars	Main Roofing Material: Architectural shingles	Layers of shingles present: One layer
Estimated Age of Roofing Material: New roof	Roof Structure: Gable	Flashings: Rubber plumbing vent boots

Items

9.0 MAIN ROOF

Comments: Summary Item

The roof underlayment is not lapped over the drip edge at the eave of the garage. Unable to determine if this is a consistent issue but it likely is. Industry standards recommend that the drip edge be installed beneath the underlayment along the eaves of the roof and over the underlayment along the rake edges of the roof.



9.0 Item 1(Picture)

9.1 FLASHINGS

Comments: Satisfactory

The roof and roof covering was inspected and reported on with the above information. While the inspector makes every effort to locate all areas of concern, however, in order for a current roof leak to be detected or identified current conditions such as recent weather patterns and readily accessible areas greatly factor into this process. Please be aware that inspector has your best interest in mind. Any summary items mentioned in this report should be considered before purchase. It is recommended that a licensed contractor or roofer be used in further inspections or repair issues as it relates to the comments in this inspection report.

X. Garage

The inspector shall observe the structure, roof covering, drainage, exterior wall cladding, flashings and trim. (If garage is detached from main dwelling.); Doors, windows, walls, floor and ceilings; The inspector shall operate garage doors and openers testing all available automatic reversing features and hardware; Switches, outlets, GFCI function and reset locations. The inspector is not required to check garage door operating remote control transmitters or any area equipment or which is not readily accessible due to excessive storage or due to the presence of a vehicle.

Styles & Materials

<p>Type: Two car Attached Main level</p>	<p>Roof Covering: See "Main Roof" section of report</p>	<p>Roof Structure: See "Attic" section of report.</p>
<p>Exterior Walls: See "Exterior Conditions" section of report</p>	<p>Foundation: Concrete</p>	<p>Floor: Concrete</p>
<p>Garage Door Type: Two doors Overhead Electronic eyes</p>	<p>Garage Door Material: Metal Insulated</p>	<p>Opener Manufacturer: LIFT-MASTER</p>
<p>Electrical: Three pronged grounded GFCI outlets</p>		

Items

- 10.0 ROOFING**
 Comments: Satisfactory
- 10.1 ROOF STRUCTURE**
 Comments: Satisfactory
- 10.2 EXTERIOR WALLS**
 Comments: Satisfactory
- 10.3 FOUNDATION**
 Comments: Satisfactory
- 10.4 FLOOR**
 Comments: Satisfactory
- 10.5 GARAGE DOOR(S)**
 Comments: Summary Item

The basement level garage door does not fully open when raised due to the location of the Metwood beam for the elevated garage floor.



10.5 Item 1(Picture)



10.5 Item 2(Picture)

10.6 GARAGE DOOR OPENERS

Comments: Satisfactory

Both Garage Doors will reverse when met with resistance.

10.7 DWELLING-GARAGE SEPARATION

Comments: Satisfactory

10.8 WALLS & CEILING

Comments: Satisfactory

10.9 OUTLETS AND WALL SWITCHES

Comments: Satisfactory

The garage of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some items may go unnoticed. Please be aware that the inspector has your best interest in mind. Any summary items mentioned in the report should be considered prior to purchase. It is recommended that a licensed contractor be used in further inspections or repair issues as it relates to the comments in this report.



HBS Property Inspections, L

HBS Property Inspections, LLC
 PO Box 2022
 Salem, VA 24153
 Ph: (540) 874-5493
 Inspected By: Scott F. Easter

Inspection Date: 9/8/2022
Report ID: 090822-5SSE

Customer Info:	Inspection Property:
Bob & Lisa Gearhart	Lot 37 Compass Cove Subdivision Moneta Virginia 24121
Customer's Real Estate Professional:	

Inspection Fee:

Service	Price	Amount	Sub-Total
Full Home Inspection	525.00	1	525.00
			Tax \$0.00
			Total Price \$525.00

Payment Method: Payment is due at the time of the inspection
Payment Status: Invoice Sent. Please remit to PO Box 2022, Salem, VA 24153
Note: Thank you for your business



Franklin County
A Natural Setting for Opportunity

DEVELOPMENT SERVICES
DEPARTMENT OF BUILDING INSPECTIONS

March 23, 2023

To: Craig Caron- dba/ Craig Caron Builders
PO BOX 759
Hardy, VA 24101

Re: Bob and Lisa Gearhart
197 Compass Cove
Moneta, VA 24121

Mr. Caron,

An email was sent to you on Friday, March 3, 2023 asking you to contact me or come by the office to discuss a multitude of complaints made and verified by the Gearhart's. Below, is an excerpt from the email sent on the 3rd.

"Trevor and I have visited the Gearhart property in the last month or so and verified that many issues are occurring that need your attention. The basement slab in the garage area has opened up considerably, one area of the foundation is leaking water, excessive truss bounce (Mfg will not discuss with them, they say you are the customer), exterior paint and siding have many issues. All of these complaints are growing and from the owner's statement "Craig will not call or email us back after repeated attempts"."

It has been **20 days** since the email was sent with no response from you or anyone in your company. This Certified Letter serves as the **2nd notice** of request for communication. If you fail to contact the Building Inspections Office within **10 business days** of receipt of this letter, then further action may be taken.

Respectfully,

JOHN W BROUGHTON, CBO
Franklin County Building Official
VBCOA/1st Vice-President



Franklin County
A Natural Setting for Opportunity

1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248
John.Broughton@franklincountyva.gov

Right to Appeal: VUSBC Section 119.5- Any person aggrieved by the Franklin County Building Department's application of the VUSBC or the refusal to grant a modification to the provisions of the VUSBC may appeal to the Local Board of Building Code Appeals. An applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building structure and in addition, the name of and address of the person appealing, when the applicant is not the owner. Failure to submit the appeal of the building official's decision within the 30-day time limit shall constitute acceptance of the building official's decision.

(Page left blank intentionally)

Documents Submitted
By Lisa and Robert
Gearhart (Owners)

(Page left blank intentionally)

Appeal No. 23-10

Violation: Exterior Concrete Lap siding. Applicable Code Section: 2018 Virginia Residential Code-Section R703.10.2 Fiber Cement Lap Siding.

Due to the improper installation the siding is progressively worse and continues to show signs of degradation.

Hardie Siding / WRB / Flashing not installed per residential code and not per manufacturer's instructions and improper manufacture zoned product HZ10 installed instead of HZ5 per <https://www.jameshardiepros.com/explore/the-hardiezone-system> for our zip code 24121 Moneta, VA. HZ5 is higher performance product for extreme seasonal changes and better paint adhesion and moisture control. Reference reply from James Hardie urging an installation inspection for deviations which we had inspected twice by DPOR licensed NRS Home Inspector. James Hardie states the blotchy paint, warped loose siding etc. are not manufacturing defects. Numerous siding panels are loose / indicates high nailed and joints not on wall studs having ¼" butt joints which exceed manufacturer instructions for moderate contact.

Final CO issued 11.10.2022. After many days of rain, wind and varying seasonal freezing temperature changes, we noticed the siding was starting to warp and rattle. The paint was fading, blotchy and numerous joints began to show "white caulked".

01.19.2023 James Hardie Claims replied to our submitted claim that the loose, warped, blotchy siding are not due manufacture related defects and urged an installation inspection for installation deviations. We contacted the building inspector to inform of this along with other issues. NOTE: the contractor was also informed of the issues.

03.03.2023 Reference "BuldingOfficialCertifiedLetter030323"

===== PRE Final CO 2022 Events =====

Prior to final CO, we hired a DPOR NRS home inspector / structural engineer License 3380000911 Scott Easter.

Reference "Gearhart Lot 37 Compass Cove Wall Covering Inspection Letter020722.pdf" dated 02.07.2022. The report concluded "Due to the overwhelming number of visual issues noted in the wall covering inspection and the high likelihood that these issues are consistent in non visible areas, it is my recommendation that the fiber cement siding be removed in its entirety and new HZ5 siding be installed in strict conformance with the manufacturer's installation requirements". At the time of this report two mixed products were installed (some upside-down) on the home, both HZ5 (correct zoned product for zip 24121) and HZ10 (incorrect zoned product for zip 24121).

07.13.2022 After 5 months and 13 days since raising concern, a meeting with us, Craig and building inspector John Broughton took place where Per Craig, 8.25 Cedarmill HZ10 HardiePlank® Primed Siding "yellow primed" will be used everywhere and the manufacturer letter to honor warranty dated April 5, 2022 applies despite the HZ5 zoned product which corresponds with 24121. Craig stated he would correct the defects in WRB and siding per manufacturer installation instructions. **Reference "Gmail - Gearhart Project - siding discussion 07.13.22"**. Contrary to contractor's submittal, as homeowners we never requested nor approved any manufacturer installation deviations. If fact, the email meeting recap states, "per manufacturer installation instructions" and includes a link to the mfg install instructions.

10.03.2022 Again contractor states he will address the exterior siding callout homeowners mentioned. **Reference "Gmail - Gearhart List 100322 SIDING CALLOUT.pdf"**. In this email the homeowners requested to fix the "bowed" siding panels in both gable areas and a noticeable siding joint. The email further requests to check all exterior siding and trim. **This evidence clearly shows post remediation issues called out before the final CO was issued to what was noticeable at that time and subsequently requested contractor to check again. Subsequent progressive degradation issues became apparent later after the CO and seasonal weather changes in Dec 2022 / Jan 2023.**

=====

10.16.2023 most recent siding inspection reference "Gearhart Wall Covering Inspection Letter101623.pdf" in which siding found to be non-compliant with both the 2015 Virginia Residential Code (VRC) and manufacture installation instructions. This report also makes it apparent the siding butt joints are not on framing studs thus leading to the

progressive worsening of the siding becoming loose and warping. The report further states Section R703.10.2 Lap siding. Section requires lap siding be lapped a minimum of 1 1/4 inches. Locations are present where the siding does not adhere to this minimum lap requirement. This same code references in accordance with Table R703.3(1) which states at each stud in accordance with mfg instructions.

TABLE R703.3(1) SIDING MINIMUM ATTACHMENT AND MINIMUM THICKNESS

MATERIAL	NOMINAL THICKNESS (inches)	JOINT TREATMENT	TYPE OF SUPPORTS FOR THE SIDING MATERIAL AND FASTENERS					Direct to studs	Number or spacing of fasteners
			Wood or wood structural panel sheathing into stud	Fiberboard sheathing into stud	Gypsum sheathing into stud	Foam plastic sheathing into stud ^f			
Block stone	2	Section R703.8	Section R703.8						
Concrete masonry	—	Section R703.12	Section R703.12						
Panel siding (see Section R703.10.1)	5/16	Section R703.10.1	6d common (2' x 0.113')	6d common (2' x 0.113')	6d common (2' x 0.113')	6d common (2' x 0.113')	4d common (1 1/2" x 0.099')	6" panel edges 12" inter. sup.	
Lap siding (see Section R703.10.2)	5/16	Section R703.10.2	6d common (2' x 0.113')	6d common (2' x 0.113')	6d common (2' x 0.113')	6d common (2' x 0.113')	6d common (2' x 0.113') or 11 gage roofing nail	Note f	

f.Face nailing: one 6d common nail through the overlapping planks at each stud. Concealed nailing: one 11-gage 11/2-inch-long galv. roofing nail through the top edge of each plank at each stud in accordance with the manufacturer's installation instructions.

Violation: Exterior Concrete Lap siding. Applicable Code Section: 2018 Virginia Residential Code-Section R703.10.2 Fiber Cement Lap Siding.

These photos taken 08.09.2023 by Bob Gearhart



PLEASE REFERECE MORE PHOTOS in “Appeal No 23-10 - Gearhart Photos”



Lisa Gearhart <lkgearhart@gmail.com>

James Hardie Offer--Product Voucher

Nancy Phan <Nancy.Phan@jameshardie.com>
To: Lisa Gearhart <lkgearhart@gmail.com>

Thu, Jan 19, 2023 at 12:22 PM

Hello Lisa,

Thank you for speaking with me today. As stated in our call the product voucher offer is for the pieces that have lumps/bumps and the 1 cracked piece. Your other concerns are not manufactured related. We suggest that you obtain a certified and bonded residential home inspector through the International Association of Certified Home Inspectors ([InterNACHI-www.nachi.org](http://www.nachi.org)) or the American Society of Home Inspectors (ASHI - www.homeinspector.org) to conduct a thorough inspection and provide you with a detailed report on any installation deviations. Please find attached copy of our warranty and install instructions.

If you have additional information that will lead us to believe that this claim is covered under the Warranty please feel free to provide that at any time and we will re-visit your claim.

Kind regards,

Nancy Phan (Avila)

Claims Coordinator III



James Hardie Building Products, Inc.

Claims & Warranty

M: (866) 375-8603 T: (949) 348-4432 F: (909) 356-7442
10901 Elm Avenue
Fontana, CA, 92337

www.jameshardie.com

Please consider the environment before printing this email

Notice: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this e-mail is unauthorized. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and delete and destroy all copies of this transmission together with any attachments.

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, January 19, 2023 6:12 AM
To: Nancy Phan <Nancy.Phan@Jameshardie.com>; Claims Administration (US) <Claims.Administration@Jameshardie.com>
Subject: Re: James Hardie Offer--Product Voucher

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I am just checking if you received my last email and you have any updates for us?

Thank you.

Lisa Gearhart

540-354-5774

On Mon, Jan 16, 2023 at 12:25 PM Lisa Gearhart <lkgearhart@gmail.com> wrote:

Hi Nancy,

Thank you for your response however I'm not certain you have considered the following issues / images when making your determination.

The blotchy rough texture (like sandpaper), warping at multiple locations including joints does not seem to correspond with James Hardie written warranty "to be free from defects in material and workmanship".

We are glad to meet at the home with a James Hardie representative to further review so you can better understand the issues.







Thank you.

Lisa Gearhart

540-354-5774

[Quoted text hidden]

3 attachments

 **Technical Bulletin 17.pdf**
796K

 **2020 July HZ10 HardiePlank_HardiePanel_HardieShingle_HardieSoffit.pdf**
261K

 **2019 Dec HZ10 HardiePlank.pdf**
15979K



Lisa Gearhart <lkgearhart@gmail.com>

Gearhart Project - siding discussion 07.13.22

4 messages

Lisa Gearhart <lkgearhart@gmail.com>

Thu, Jul 14, 2022 at 10:04 AM

To: Craig Caron <ccaronbuilder@aol.com>, "Broughton, John" <john.broughton@franklincountyva.gov>, Bob Gearhart <Robert.gearhart@jamesriverequipment.com>

Thanks for meeting to discuss the issues of the lap siding and house wrap on our new house. To recap, we discussed the following corrections per manufacturer installation instructions.

1. Z-Flashing 1/4" clearance
2. Water resistive barrier house wrap must be installed where missing. The manufacturer requires that all joints, holes and tears in the barrier be sealed with DRYline Sheathing tape. John will perform pre inspection of house wrap corrections, including all walls where existing siding is removed before replacing with new product. Expecting a row of sheathing tape across each and every row where siding is removed to properly seal the nail penetrations in existing WRB. Alternatively, should the WRB be damaged, replacing with new is an option.

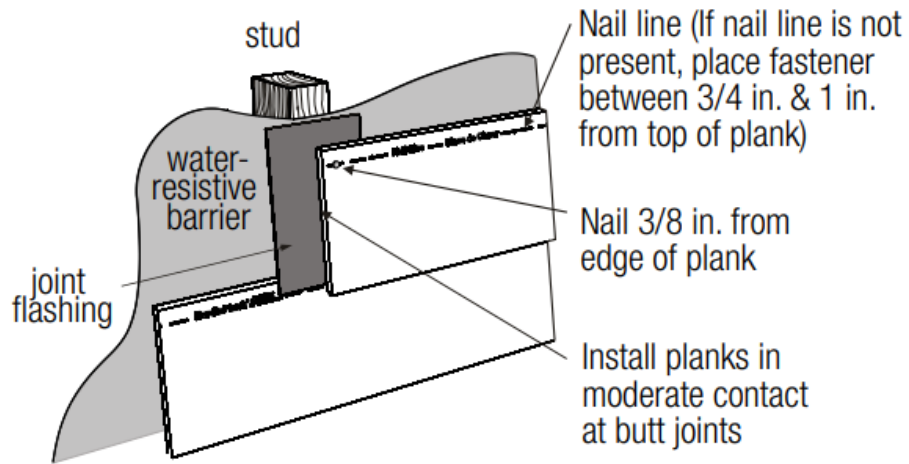


3. Avoid placing butt joints directly above windows or doors at least one course away, ensuring all butt joints land on studs.
4. Moderate contact butt joints not exceeding 1/8".
5. Per Craig, 8.25 Cedarmill HZ10 HardiePlank® Primed Siding "yellow primed" will be used everywhere and the manufacturer letter to honor warranty dated April 5, 2022 applies despite the HZ5 zoned product which corresponds with 24121. [Our build site Lot 37 Compass Cove Moneta, VA zip code 24121 per manufacturer zones, requires HZ5.](#)
6. The entire wall on right side of house (study room) to receive all new lap siding, in addition to places where improperly installed HZ5 "greenish primed" exists.



7. Fasteners between 3/4" to 1" from top of plank.

Figure 2



James Hardie Installation: <https://www.jameshardiepros.com/getattachment/3db6064b-4ed5-433f-bfe9-caf95a61eee1/hardieplank-hz5-us-en.pdf>

Thank you.

Lisa Gearhart 540-354-5774

Bob Gearhart 540-354-2439

Broughton, John <John.Broughton@franklincountyva.gov>

Thu, Jul 14, 2022 at 11:16 AM

To: Lisa Gearhart <lkgearhart@gmail.com>, Craig Caron <ccaronbuilder@aol.com>, Bob Gearhart <Robert.gearhart@jamesriverequipment.com>

Lisa,

I concur with all of the items that you have listed and will coordinate with Craig on schedule as needed.

Thank you,

JOHN W BROUGHTON, CBO
Franklin County Building Official
VBCOA/2nd Vice-President



1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248

John.Broughton@franklincountyva.gov

From: Lisa Gearhart <lkgearhart@gmail.com>
Sent: Thursday, July 14, 2022 10:04 AM
To: Craig Caron <ccaronbuilder@aol.com>; Broughton, John <John.Broughton@franklincountyva.gov>;
Bob Gearhart <Robert.gearhart@jamesriverequipment.com>
Subject: Gearhart Project - siding discussion 07.13.22

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

[Quoted text hidden]

Lisa Gearhart <lkgearhart@gmail.com>
To: "Broughton, John" <John.Broughton@franklincountyva.gov>

Thu, Jul 14, 2022 at 11:24 AM

Thank you John for all your help.

Lisa Gearhart
[Quoted text hidden]

Broughton, John <John.Broughton@franklincountyva.gov>
To: Lisa Gearhart <lkgearhart@gmail.com>

Thu, Jul 14, 2022 at 11:45 AM

You are very welcome.

[Quoted text hidden]

These photos taken by Lisa Gearhart on 12.15.2023 Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2



These photos taken by Lisa Gearhart on 12.15.2023 Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2



These photos taken by Lisa Gearhart on 12.15.2023 Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2

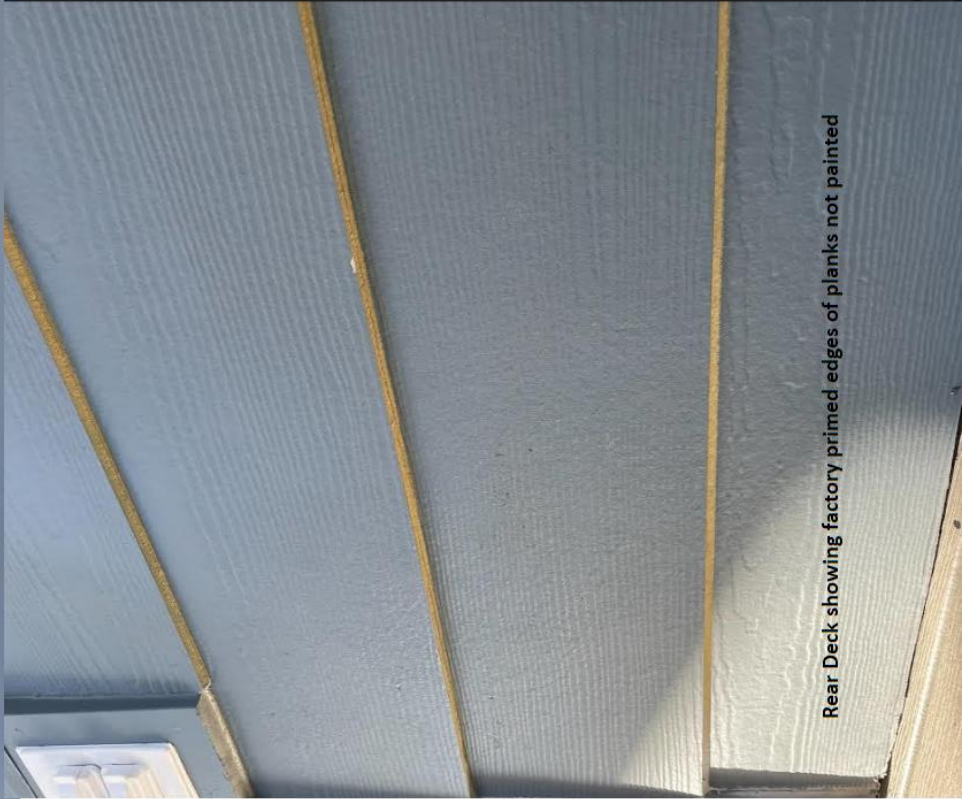
No flashing on concrete porch and house wrap showing.



These photos taken by Lisa Gearhart on 12.15.2023 Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2



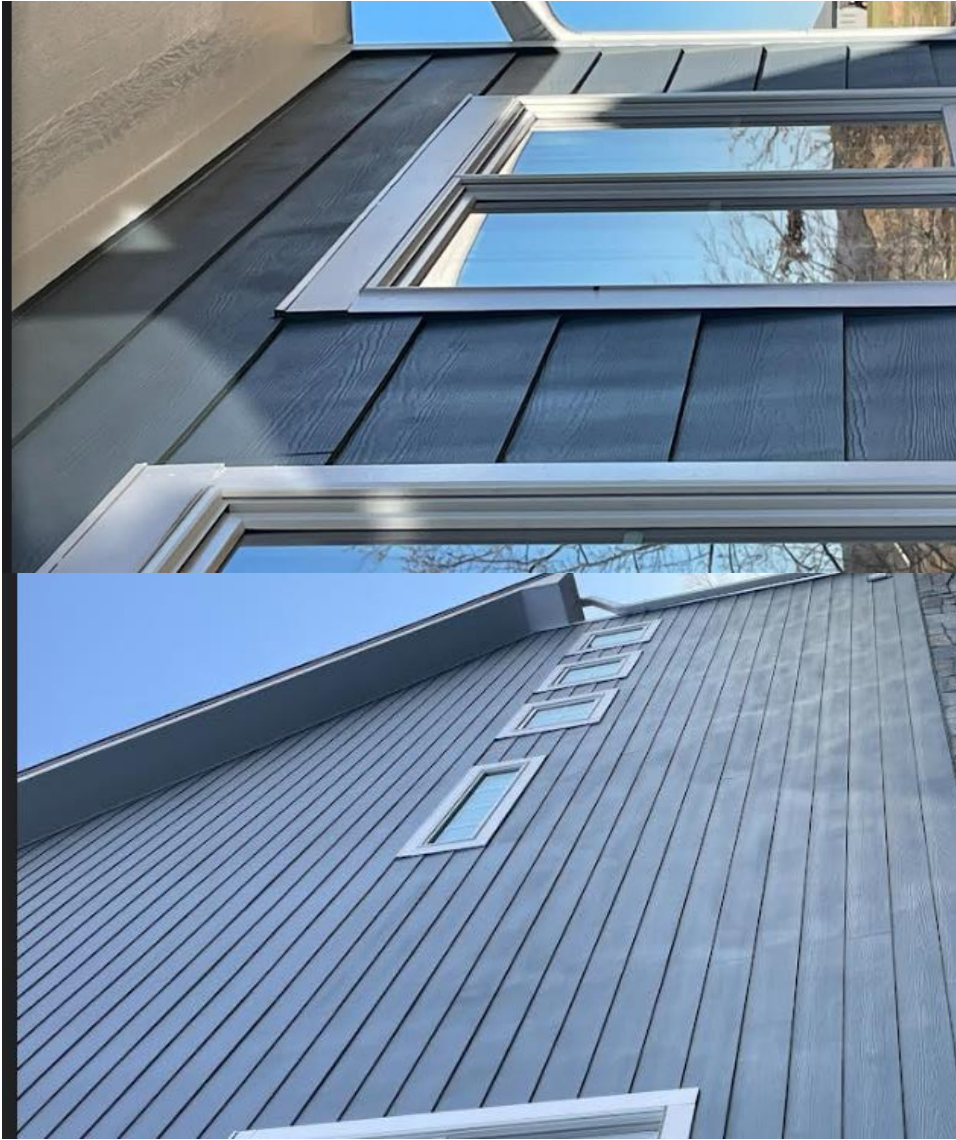
Exterior Electric Box



Rear Deck showing factory primed edges of planks not painted

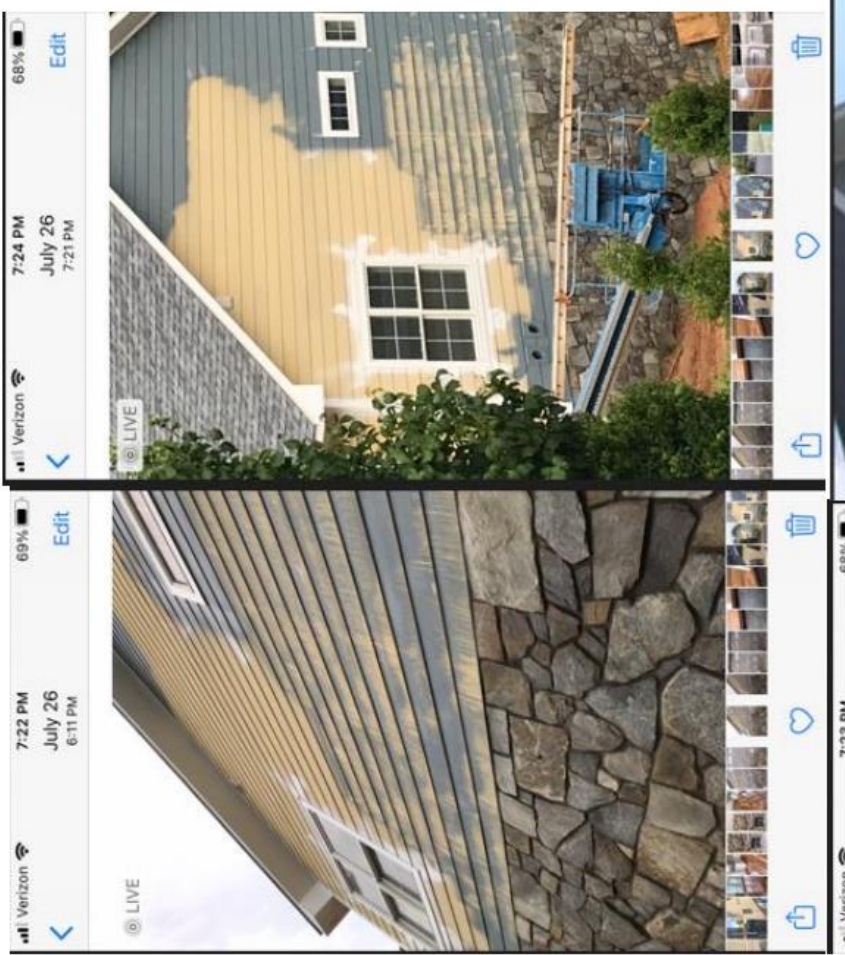
Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2

These photos taken by Lisa Gearhart on 12.15.2023



Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2

These photos taken by Bob Gearhart on 07.26.2022



Appeal No 23-10 Violation: Basement garage/workshop floor cracked, materially more significant than a natural hair-line crack. Slab is consistently less than the required 3-1/2" thickness. Applicable Code Section: Section R506 Concrete Floors (On Ground) of the 2018 Virginia Construction Code.

These photos taken by Bob Gearhart on 01.29.2023



Appeal No 23-10 Violation: Basement garage/workshop floor cracked, materially more significant than a natural hair-line crack. Slab is consistently less than the required 3-1/2" thickness. Applicable Code Section: Section R506 Concrete Floors (On Ground) of the 2018 Virginia Construction Code.

This photo taken by Lisa Gearhart on 09.25.2021



Appeal No 23-10 Violation: Exterior Concrete Lap Siding R703.10.2

This photo taken by Bob Gearhart on 11.11.2021 and pertains to the "Gmail - Gearhart List 100322 SIDING CALLOUT.pdf". In this email the homeowners requested to fix the "bowed" siding panels in both gable areas which we believe are due to the hole made in the top gable truss during installation.



Fwd: Gearhart List 10.03.22

Craig Caron <ccaronbuilder@aol.com>
Reply-To: Craig Caron <ccaronbuilder@aol.com>
To: lkgearhart@gmail.com

Mon, Oct 3, 2022 at 8:14 PM

Ok, I'll get it done.

Sent from the all new AOL app for Android

On Mon, Oct 3, 2022 at 8:09 PM, Lisa Gearhart <lkgearhart@gmail.com> wrote:

Hi Craig,
Thanks for reviewing.
Here's a few more items please.

1- You mentioned sealing the bottom cedar columns and wanted us to choose a color. From the box you have in garage, we think this grey matches well with the cap stones.



207

- 2- Drain cover for garage floor.
- 3- Gutter attachment appears loose on right front porch.



Thank you.
Lisa Gearhart 540-354-5774
Bob Gearhart 540-354-2439

----- Forwarded message -----

From: **Lisa Gearhart** <lkgearhart@gmail.com>
Date: Wed, Sep 28, 2022 at 8:31 PM
Subject: Gearhart List 09:28.22
To: Craig Caron <ccaronbuilder@aol.com>

Hi Craig,
Thank you for all your help.
Here's a list of remaining stuff we know of.
Redwood informed they will be onsite Monday Oct. 3rd for gas hookup.

- 1- HVAC placement pending code compliance
- 2- Deadbolt and lock on door from garage to utility room where misaligned.
- 3- Front door lock needs installation.
- 4- Garage baseboard molding clean and touch up.
- 5- Did you discuss w Gary about the lower garage door track being lowered so door will open all the way?
- 6- Please check overall exterior house and trim
- 7- Both right (below image) and garage top gable roof have hardy siding bowed out; possibly from the repair of the patched hole in OSB sheathing.

right gable roof from
inside sheathing needs
patch hole as
housewrap visible
inside attic



8- Thanks for caulking in (below image)... please paint the section where caulked so the white caulk is not visible.

Rightmost side has a
joint partially caulked...
can it be caulked and
painted please.



Thank you.
Lisa Gearhart 540-354-5774
Bob Gearhart 540-354-2439



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com

October 16, 2023

Name: Bob & Lisa Gearhart
Address: 197 Compass Cove Circle, Moneta, VA 24121
Subject: Wall Covering Inspection

At your request, the wall covering was inspected at the above property on October 16, 2023. The installed siding is yellow primed HZ10 Cedarmill HardiePlank Fiber Cement Lap Siding 8.25" by James Hardie Building Products. The following were found to be non-compliant with the 2015 Virginia Residential Code (VRC):

1. Section R703.1.2 Wind Resistance. Section requires wall coverings, backing materials and their attachments be capable of resisting wind loads in accordance with Tables R301.2(2) and R301.2(3). Wind-pressure resistance of the siding and backing materials shall be determined by ASTM E330 or other applicable standard test methods. James Hardie Building Products have been tested and approved to meet this requirement; however, the approval is contingent on the siding being installed in accordance with published installation requirements. The failure to adhere to the manufacturer's installation requirements noted herein negates the ASTM E330 approval and creates a condition whereby the product as installed may not be capable of withstanding design wind loads.
2. Section R703.10.2 Lap siding. Section requires lap siding be lapped a minimum of 1¹/₄ inches. Locations are present where the siding does not adhere to this minimum lap requirement.

The siding manufacture has specific installation guidelines that must be adhered to for their warranty to be honored. The following, including the VRC issues noted above, were found to be non-compliant with the manufacturers installation guidelines:

1. The bottom rows of siding are installed with less than the required ¼ inch gap between the bottom edge of the siding and the metal flashing.
2. Locations present where the butt joints between the siding and between the siding and trim materials exceed the required maximum 1/8 inch.

*Specializing in the
inspection and evaluation
of residential structures.*

3. The bottom of the trim directly over the roof covering does not have the required 2-inch clearance.
4. Locations noted where the siding is easily raised from the bottom and where horizontal gaps are present between the lap siding due to warping. Condition is typical of high nailing where the fasteners are installed closer to the top edge of the lap siding than the manufactures minimum $\frac{3}{4}$ inch. Locations noted where fasteners are installed closer than the required $\frac{3}{4}$ inch minimum from the top edge of the siding.
5. Locations are present where the butt ends of the siding are not located over framing members as viewed from within by removal of the insulation. Joint staggering does not adhere to conventional 16-inch increments which would result in siding ends being located over studs.
6. The cut edges of lap siding over doors and windows are not sealed in accordance with the manufacturer's recommendations.
7. The head flashing at the interface of the stone veneer and bottom row of siding is not Z type flashing as required by the manufacturer.
8. No flashing is present at the base of the bottom row of siding and the concrete slab at the front porch.
9. The splices in the vertical corner trim members are cut flat. The manufacturer requires a tapered 22.5° - 45° weather cut.
10. No kickout flashing where the roof begins at its lowest point to deflect water away from the siding. Kickout flashing should be minimum 4 in x 4 in with a 100° - 110 bend/ kickout to divert water away from the wall.
11. The manufacturer requires the siding to be painted within 180 days of installation. Based on documentation from the owners the siding was not painted within 180 days of installation. The manufacturer requires that the siding not be painted when wet and that two high-quality exterior grade acrylic topcoats should be applied. Back-rolling is recommended if the siding is sprayed. Areas of the paint on the siding are very blotchy and uneven. Condition appears to be due to one or more of these issues.

II. Existing Condition Photo's

Photo's documenting the existing conditions are included below.



Photo #1

Subject: Photo of head flashing at interface of siding and stone veneer. Note flashing is not Z type flashing. Note gap between siding and flashing is less than required $\frac{1}{4}$ inch.

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #2

Subject:

Representative photo of warped siding indicative of high nailing.



Photo #3

Subject: Photo nails at ends of siding not located over framing members.

*Specializing in the
inspection and evaluation
of residential structures.*



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #4
Subject:
Representative photo of joint between butt ends of siding exceeding the required maximum 1/8 inch.



Photo #5
Subject:
Representative photo of joint between ends of siding and trim exceeding the required maximum 1/8 inch.

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #6
Subject: Representative photo of siding with less than 1.25 inch lap.



Photo #7
Subject: Photo of front porch without base flashing below bottom row of siding.

*Specializing in the
inspection and evaluation
of residential structures.*

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #8
Subject:
Representative photo of blotchy paint covering.



Photo #9
Subject:
Representative photo of unsealed cut surface of siding above window.

*Specializing in the
inspection and evaluation
of residential structures.*

HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com



Photo #10

Subject:

Representative photo of trim material above roof with less than required 2 inch clearance.



Photo #11

Subject: Photo of roof to wall interface without kickout flashing.

*Specializing in the
inspection and evaluation
of residential structures.*



HBS Consulting, LLC

P. O. Box 2022
Salem, VA 24153

540-874-5493

sfeaster70@gmail.com

The issues noted above have a direct impact on the long-term performance of the materials. Deficiencies noted have the potential to allow for moisture intrusion, material damage from moisture, rattling and the lap siding becoming loose or dislocated completely.

Due to the overwhelming number of visual issues noted in the wall covering inspection and the high likelihood that these issues are consistent in non-visible areas, it is my recommendation that the fiber cement siding be removed in its entirety and new HZ5 Cedarmill HardiePlank Fiber Cement Lap Siding siding be installed in strict conformance with the manufacturer's installation requirements. Prior to installation of the new siding, I recommend that new water resistive barrier be installed over the original due to the number of penetrations.

Thank you for asking us to perform this important inspection for you. If you have any questions after reviewing this letter, please contact our office.

Sincerely,
HBS CONSULTING, LLC



Scott F. Easter, PE
Structural Engineer

*Specializing in the
inspection and evaluation
of residential structures.*

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Lisa and Robert Gearhart
Appeal No. 23-11

CONTENTS

<u>Section</u>	<u>Page No.</u>
Review Board Staff Document	221
Basic Documents	225
Documents Submitted by Lisa and Robert Gearhart	233
Documents Provided by Review Board Staff	239

(Page left blank intentionally)

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Lisa and Robert Gearhart
Appeal No. 23-11

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On September 5, 2023, the Franklin County Development Services Department of Building Inspections (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued several Notices of Violation (NOV) to Craig Caron dba/ Craig Caron Builders (Caron) for a residential structure located at 197 Compass Cove in Franklin County, which is owned by Robert and Lisa Gearhart (Gearhart).

2. The certificate of occupancy was issued on November 10, 2022.

3. The NOV cited the following potential violation:

a) Violation: *Foundation leaking in two locations.*

i. Applicable Code Section: *Section R406.1 Concrete and masonry foundation damp proofing and Section R406.2 Concrete and masonry foundation waterproofing of the 2018 Virginia Construction Code.*

1. Corrective Action: *These two locations shall be made watertight. If the soil and/or water table are extreme, foundation water proofing is required.*

4. Caron filed an appeal to the Franklin County Building Local Board of Building Code Appeals (local appeals board). The local appeals board modified the decision of the County on the matter related to the foundation leaking to read as follows:

(Page left blank intentionally)

“Corrective Action: Contractor to assess the cause of the water leakage and make corrective repairs as deemed necessary to prevent this issue except as such not directly correlated to the contractor’s work/responsibilities. If it is determined that the issue of the water leakage was caused by a separate party other than the contractor, the contractor shall have the option of billing the homeowner for work completed to make the assessment. The duty then falls on the property owners to remedy the leakage. If the soil and/or water table are extreme, provide remediation as required.”

5. Gearhart was neither a party to the local appeals board hearing nor provided a copy of the decision of the local appeals board in accordance with VUSBC Section 119.7; however, on December 6, 2023 further appealed to the Review Board.

6. 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 hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether Gearhart has a right to appeal.

And if so:

2. Whether to uphold the decision of the County and the local appeals board that a violation of Section R406.1 Concrete and masonry foundation damp proofing and Section R406.2 Concrete and masonry foundation waterproofing exists.

3. Whether to uphold the corrective action of the local appeals board.

(Page left blank intentionally)

Basic Documents

(Page left blank intentionally)



DEVELOPMENT SERVICES DEPARTMENT OF BUILDING INSPECTIONS

OFFICIAL NOTICE OF VIOLATION

September 5, 2023

Responsible Party: Craig Caron- **dba/** Craig Caron Builders
PO BOX 759
Hardy, VA 24101

Property: 197 Compass Cove, Moneta, VA 24121

Mr. Caron,

County staff have contacted you numerous times regarding the following violations within the Virginia Uniform Statewide Building Code. The following describes the building code violations found at 197 Compass Cove, Moneta, VA 24121 for which you are the responsible party.

DESCRIPTION OF VIOLATION

Violation: Foundation leaking in two locations.

Applicable Code Sections: *Section R406.1 Concrete and Masonry foundation damp proofing and Section R406.2 Concrete and masonry foundation Waterproofing* of the 2018 Virginia Construction Code.

Corrective Action: These two locations shall be made watertight. If the soil and/or water table are extreme, foundation water proofing is required.

CORRECTIVE ACTION REQUIRED

You were notified by e-mail of these violations on multiple occasions, including March 3 and on March 23, 2023. As of the date of this letter, these violations have not been corrected.

According to the Virginia Uniform Statewide Building Code, Section 36-106 of the Code of Virginia and Section 5-22 Franklin County Ordinance any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a **violation shall be punished by a fine of not more than \$2,500.**

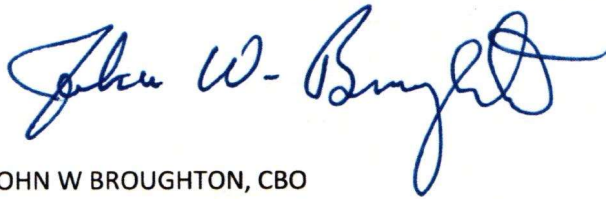
The determination by the Building Official is that you are in violation of the Virginia Uniform Statewide Building Code. Failure to perform the corrective actions described above within 30 days of this notice may result in legal action being taken against you.

If you wish to contest this determination, you must file a written request for appeal to the Local Board of Building Appeals by submitting an application, the basis for your appeal, and a copy of this violation notice within thirty (30) days of the date on this notice to the Office of the Building Official. Failure to submit the written appeal within thirty (30) days shall constitute acceptance of this decision and notice of violation.

{00524222.DOCX }

If you have questions about the violation or the required corrective action, please contact our office at 540-483-3047 ext. 2248.

Thank you for your prompt attention to this matter.



JOHN W BROUGHTON, CBO
Franklin County Building Official
VBCOA/1st Vice-President



Franklin County
A National Heritage Area

1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248
John.Broughton@franklincountyva.gov

Right to Appeal: *VUSBC Section 119.5- Any person aggrieved by the Franklin County Building Department's application of the VUSBC or the refusal to grant a modification to the provisions of the VUSBC may appeal to the Local Board of Building Code Appeals. An applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building structure and in addition, the name of and address of the person appealing, when the applicant is not the owner. Failure to submit the appeal of the building official's decision within the 30-day time limit shall constitute acceptance of the building official's decision.*

STATE OF VIRGINIA:

BEFORE THE LOCAL BOARD OF BUILDING CODE APPEALS OF FRANKLIN COUNTY

A +/- 1.15 parcel of land located at 197 Compass)
Cove Circle in the Gills Creek Election District of) **FINAL ORDER**
Franklin County (Tax Map/Parcel Number)
0481403700) (APRQ-10-23-17803))

WHEREAS, Craig Caron, Applicant, appealed the Building Official's determination dated September 5, 2023, which determined the applicant violated 2018 Virginia Construction-R406.1 *Concrete and Masonry Foundation Damp Proofing* and Section R406.2 *Concrete and Masonry Foundation Waterproofing*, and

WHEREAS, the property is located at 197 Compass Cove Circle, in the Gills Creek Election District and is identified on Franklin County Real Estate Tax Records as Tax Map number 0481403700, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Local Board of Building Code Appeals did hold a public hearing on November 13, 2023, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration the Franklin County Local Board of Building Code Appeals motioned and decided to modify the Building Official's determination to read as follows:

Corrective Action: Contractor to assess the cause of the water leakage and make corrective repairs as deemed necessary to prevent this issue except as such not directly correlated to the contractor's work/responsibilities. If it is determined that the issue of the water leakage was caused by a separate party other than the contractor, the contractor shall have the option of billing the homeowner for work completed to make this assessment. The duty then falls on the property owners to remedy the leakage. If the soil and/or water table are extreme, provide remediation as required.

WHEREFORE, BE IT ORDERED, that a copy of this order be transmitted to the Clerk of the Local Board of Building Code Appeals and that the Clerk be directed to reflect these actions in the records of Franklin County.

On the motion made by Eric Buck and seconded by Jody Lyons to **MODIFY** the Building Official's determination, said motion **PASSED** by the following recorded vote:

AYES: Buck, Jones, Harper, Lyons, Shivley

NAYES: None

ABSENT: None

ABSTAIN: None

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

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
 - Virginia Construction Code
 - Virginia Existing Building Code
 - Virginia Maintenance Code

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



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

Lisa and Robert Gearhart
1228 Peters Pike Road, Wirtz VA 24184
540-354-5774
lkgearhart@gmail.com

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

John W. Broughton, CBO, Franklin County Building Official
1255 Franklin Street, Suite 103, Rocky Mount, VA 241512
john.broughton@franklincountyva.gov; 540.483.3047

Additional Information (to be submitted with this application)

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

Request to "Uphold" the original violation cited by Building Official and overturn the Local Appeal Board's modification to the "corrective action".

Disagree with the board's modified Corrective Action which implies the contractor shall assess and determine if not due to his work and bill homeowner. Consider the local board does not have the authority to impose such potential billing upon the homeowner. Further, as homeowners we have

documentation of leaking just 2 days after final CO was issued. Please see attached gmail/email correspondence between homeowner and contractor where homeowner reported foundation leaking just 2 days after Final CO was issued and contractor replied, **"I will take a look at it, probably a foundation tie hole not completely sealed."**

During the appeal hearing homeowners were limited to 3 minutes to speak; Additionally, we have video of the source of the leaking and the local Building Official has also observed the leaking.

Corrective Action: Contractor to assess the cause of the water leakage and make corrective repairs as deemed necessary to prevent this issue except as such not directly correlated to the contractor's work/responsibilities. If it is determined that the issue of the water leakage was caused by a separate party other than the contractor, the contractor shall have the option of billing the homeowner for work completed to make this assessment.

The Local Appeal Board's corrective action assigns responsibility of determining if the foundation leak is due to his own work which he / contractor has already appealed at local board and his own legal representative, Chris Janszky declared "he disputes and disclaims any liability for".

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December , 2023, 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: ___Lisa Gearhart

Robert Gearhart_____

(please print or type)

Documents Submitted
by
Lisa and Robert
Gearhart

(Page left blank intentionally)

Gearhart - water entering the basement and lower garage

4 messages

Lisa Gearhart <lkgearhart@gmail.com>
To: Craig Caron <ccaronbuilder@aol.com>

Sat, Nov 12, 2022 at 11:17 AM

Hi Craig,

We are still having water entering the basement and lower garage and would appreciate you letting us know how and when you plan to resolve? We would like to discuss the proposed solution with you.

Lower garage door images taken 11.11.22



Lower basement where future door separates garage from living area images taken 11.11.22. Note the drywall is wet at bottom. The image of standing water is on the "right side" of upper yard sidewalk opposite side of where the drain is on "left side" of the sidewalk.



Thank you.
Lisa Gearhart 540-354-5774
Bob Gearhart 540-354-2439

235

Craig Caron <ccaronbuilder@aol.com>
Reply-To: Craig Caron <ccaronbuilder@aol.com>
To: lkgearhart@gmail.com

Sun, Nov 13, 2022 at 1:07 PM

Lisa,
I will take a look at it, probably a foundation tie hole not completely sealed.

Craig Caron <ccaronbuilder@aol.com>
Reply-To: Craig Caron <ccaronbuilder@aol.com>
To: lkgearhart@gmail.com

Tue, Nov 15, 2022 at 5:23 PM

Lisa,
I looked at your basement this evening. The garage door likely allowed water in because it's not locked with any downward pressure on the seal. Once it's locked, the seal should have enough pressure to keep the water out.
There was not any water on the floor at the back of the garage. I could see water stain on the floor, but none was coming in at this time though it rained all day. I believe water is ponding between the garage apron and foundation. I would suggest putting a gutter drain across the driveway when you get it paved since there is so much water coming at the house. I will bring some dirt down when it dries up to try to prevent the water from ponding in that corner.

Sent from the all new AOL app for Android

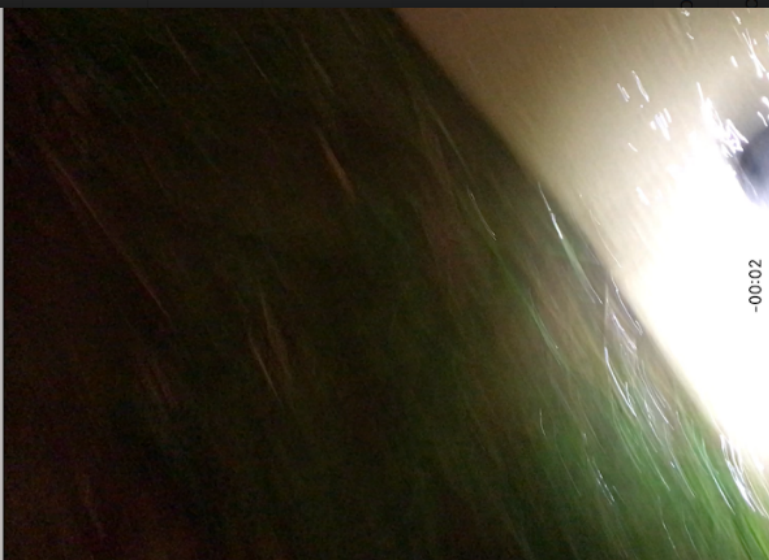
On Sat, Nov 12, 2022 at 11:17 AM, Lisa Gearhart
<lkgearhart@gmail.com> wrote:
[Quoted text hidden]

Lisa Gearhart <lkgearhart@gmail.com>
To: Craig Caron <ccaronbuilder@aol.com>

Tue, Nov 15, 2022 at 7:56 PM

Hi Craig,
Thanks for checking and letting us know.
We captured these images at 7pm this evening and water is still entering the basement.
Water is ponding on the right side of the sidewalk in the yard, creating a drainage issue.
We request you resolve the drainage issue in the yard and stop water from entering the basement.





-00:02

Thank you.
Lisa Gearhart 540-354-5774
Bob Gearhart 540-354-2439
[Quoted text hidden]

(Page left blank intentionally)

Staff Note:

VUSBC Sections provided by
Review Board staff

(Page left blank intentionally)

CHAPTER 1 ADMINISTRATION

119.7 Hearings and decision.

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

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

(Page left blank intentionally)

CHAPTER 1 ADMINISTRATION

119.8 Appeals to the State Review Board.

After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with Section 36-114 of the Code of Virginia, the State Review Board shall have the power and duty to hear all appeals from decisions arising under the application of the USBC and to render its decision on any such appeal, which decision shall be final if no appeal is made therefrom. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the building official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the building official's decision. For appeals from a LBBCA, a copy of the building official's decision and the written decision of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the building official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

(Page left blank intentionally)

REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov

From: Richard Gordon

Phone Number : 804-365-6040

Email Address: rtgordon@hanovercounty.gov

Applicable Code: 2021 USBC

Code Section(s): Code of Virginia §36-99(B)(1-3)

Submitted by (signature):  Date: February 22, 2024

QUESTION(S):

Is the Building Official responsible for enforcing §36-99(B)(1-3)?

(Page left blank intentionally)

§ 36-99. Provisions of Code; modifications

A. The Building Code shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe regulations to ensure that such buildings and structures are properly maintained, and shall also prescribe procedures for the administration and enforcement of such regulations, including procedures to be used by the local building department in the evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured. The provisions of the Building Code and modifications thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for individuals with physical disabilities and aged individuals. Such regulations shall be reasonable and appropriate to the objectives of this chapter.

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable. However, any farm building or structure (i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:

1. Portable fire extinguishers for the purpose of fire suppression;
2. A simple written plan in case of an emergency, but such plan shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and
3. A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one

inch in height.

C. Where practical, the Code provisions shall be stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized standards of performance are not available, such provisions shall provide for acceptance of materials and methods whose performance has been found by the local building department, on the basis of reliable test and evaluation data, presented by the proponent, to be substantially equal in safety to those specified.

D. The Board, upon a finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, may conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations. Any amendments to regulations adopted pursuant to this subsection shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

1972, c. 829; 1974, c. 433; 1975, c. 394; 1977, cc. 423, 613; 1978, c. 581; 1981, c. 2; 1982, c. 267; 1998, c. 755; 2000, c. 751; 2002, c. 555; 2003, cc. 436, 650, 901; 2023, cc. 148, 149, 644.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Bryan W. Horn
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

October 2023

Memorandum

To: Board of Housing and Community Development Members

From: Agritourism Event Structure Technical Advisory Committee

RE: Findings and Recommendations

Background

[SB1305](#) (2023), as approved by the General Assembly and signed by the Governor, directed the Agritourism Event Structure Technical Advisory Committee (the Committee) to continue its efforts first established by [SB400](#) (2022). The legislation implemented three new requirements for farm buildings and structures that are open to the general public for agritourism activities ([§ 36-99.B.](#)). Additionally, the new legislation required the Committee to meet at least four times during 2023 to continue considering the following issues of concern regarding fire safety and the welfare of the general public at agritourism facilities:

- (i) *minimum safety standards for any building or structure utilizing the agritourism exemption, including the need to provide fire suppression, proper ingress and egress from buildings in case of emergency, and requirements relating to access roads;*
- (ii) *issues relating to standards that appropriately address facilities of all sizes and types; and*
- (iii) *the potential need for an administrative organization for inspection, enforcement, and evaluation of any new laws or regulations.*

In addition to the requirements imposed by SB1305, the Board of Housing and Community Development (the Board) directed the Committee to also consider certain terms and definitions that need additional clarity. Furthermore, SB1305 directed the Committee to report its findings and recommendations to the Board by November 1, 2023. The Committee met four times during 2023 and a summary of each meeting is attached.



Minimum Safety Standards

As previously stated, SB1305 implemented three new requirements for farm buildings and structures that are open to the general public for agritourism activities ([§ 36-99.B.](#)). The new requirements went into effect July 1, 2023, and are as follows:

1. *Portable fire extinguishers for the purpose of fire suppression;*
2. *A simple written plan in case of an emergency, but shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any local requirements; and*
3. *A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one inch in height.*

Committee members reported that affected facilities attempting to comply with the new requirements do not know how to do so because the requirement to have a portable fire extinguisher and have a simple written emergency plan do not provide enough detail as currently stated in State Code. The Committee agreed the third new requirement regarding the posting of a sign stating the facility's exemption from the Uniform Statewide Building Code (USBC) is currently detailed and specific enough for a facility to comply.

Considering the July 1, 2023, effective date, committee members expressed concern regarding the lack of specificity in complying with the new requirements imposed by §36-99.B and discussed best practices for compliance with the new requirements. In doing so, the Committee and stakeholders developed best practices in the form of non-binding guidance for facilities seeking to comply with the new requirements. The best practices are offered as a resource in the absence of other federal, state, or local requirements imposed on facilities subject to §36-99.B and pertaining to portable fire extinguishers and simple written emergency plans. The detailed best practices may be found in the accompanying memo to the Board.

Facilities of all Sizes and Types

The Committee discussed the need for different tiers of safety requirements dependent upon the size and capacity of a facility. When considering minimum safety requirements, the Committee noted that the safety requirements for a smaller operation may vary drastically from that of a larger operation and could potentially place a greater burden upon a smaller operation. Additionally, the Committee noted that minimum safety standards deemed necessary may vary regionally based on the environment and resources available. Committee members also discussed how the minimum safety standards deemed necessary may vary for a facility's regular weekday operations, weekend operations, or for a special event.

Another aspect of the issue discussed was the fact that there is not currently a mechanism for determining the occupancy limits for these affected facilities. As these facilities are exempt from



the Uniform Statewide Building Code (USBC), there is not currently a process by which a facility could receive a certificate of occupancy from a local building official. Some committee members shared examples of localities requiring these facilities to obtain a special or temporary permit in certain situations. It was noted that these permits are often based on the type of activity to occur or the expected attendance of an event.

Administrative Organization for Inspection, Enforcement, and Evaluation

Currently, farm buildings and structures (as defined by [§36-97](#)) are exempt from complying with the Uniform Statewide Building Code (USBC). As such, the administrative apparatus associated with the enforcement of the USBC would not apply to farm buildings and structures that are open to the general public for agritourism activities (as defined by [§3.2-6400](#)).

The Committee discussed that there is currently no identified administrative organization to inspect and enforce the new requirements imposed by [§36-99.B](#), as well as any new laws or regulations that may affect farm buildings and structures that are open to the general public for agritourism activities. The Committee discussed different enforcement mechanisms, including the Statewide Fire Prevention Code (SFPC) which includes fire safety provisions associated with ongoing operations and maintenance of facilities. Additionally, the SFPC includes administrative provisions related to inspection and enforcement, including an appeal process. Methods for including the new requirements imposed by [SB1305](#) (§36-99.B, 1-3) within the administrative apparatus of the SFPC were offered, however, all options would require legislative and/or regulatory action.

No consensus was reached as to the most effective administrative apparatus for inspecting, enforcing, and evaluating the new requirements imposed by §36-99.B. Additional discussion would be required.

Other Topics Discussed

Terms and Definitions- As directed by the Board at its May 8, 2023, meeting, the Committee considered the issue of certain terms and definitions, specifically the term “primarily” as used in the definition of “farm building and structure” in [§36-97](#) of the Virginia State Code. The Committee discussed how the uncertainty in this term has led to varying application across localities of the farm building and structure exemption from the Uniform Statewide Building Code (USBC). The inconsistent interpretations have subsequently created uncertainty in the application of the new requirements imposed by [§36-99.B.](#), because the new requirements only apply to certain types of farm buildings and structures that are exempt from the USBC.

Legislative Language- Committee members noted that there is only a farm building and structure exemption from the USBC, not an agritourism exemption as stated in the second enactment clause of SB1305.

Applicability- The Committee discussed the fact that enforcement of the USBC only applies to



the construction of new facilities, not preexisting facilities. As such, if the requirements imposed by §36-99.B. were to be administered in a manner similar to the USBC, the new requirements would only apply to the construction of new facilities. However, as previously stated, farm buildings and structures (as defined by §36-97) are exempt from complying with the USBC.

Recommendations to the Board

The Committee recommends publishing to the Department of Housing and Community Development (DHCD) website the accompanying memo of offered best practices in the form of non-binding guidance for facilities seeking to comply with the new requirements for farm buildings and structures that are open to the general public for agritourism activities ([§ 36-99.B.](#)). Committee members have agreed to provide notice to relevant stakeholders regarding the publishing of this best practices memo. The Committee recommends the Board takes no additional action.





Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

October 2023

Memorandum

To: Board of Housing and Community Development Members

From: Agritourism Event Structure Technical Advisory Committee

RE: Best Practices for New Safety Measures

Background

[SB1305](#) (2023), as approved by the General Assembly and signed by the Governor, directed the Agritourism Event Structure Technical Advisory Committee to continue its efforts first established by [SB400](#) (2022). The legislation requires the Committee to meet at least four times during 2023 to continue considering issues of concern regarding fire safety and the welfare of the general public at agritourism facilities. Additionally, the new legislation implemented three new requirements for farm buildings and structures that are open to the general public for agritourism activities ([§ 36-99.B.](#)). The new requirements went into effect July 1, 2023, and are as follows:

1. *Portable fire extinguishers for the purpose of fire suppression;*
2. *A simple written plan in case of an emergency, but shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any local requirements; and*
3. *A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one inch in height.*

During the Committee's meeting on June 14, 2023, committee members reported that affected facilities attempting to comply with the new requirements do not know how to do so because the requirement to have a portable fire extinguisher and have a simple written emergency plan do not provide enough detail as currently stated in State Code. The Committee agreed the third new requirement regarding the posting of a sign stating the facility's exemption from the Uniform



Statewide Building Code (USBC) is currently detailed and specific enough for a facility to comply. Considering the impending July 1 effective date, committee members expressed concern regarding the lack of specificity in complying with the new requirements and began discussing best practices for compliance with the new requirements.

The following best practices were developed by the Committee and stakeholders to provide non-binding guidance for facilities seeking to comply with the new requirements imposed by §36-99.B. While the committee has generally agreed on the contents of the best practices, it has not taken formal action to adopt or endorse the best practices. These recommended best practices are offered in the absence of other federal, state, or local requirements imposed on facilities subject to §36-99.B and pertaining to portable fire extinguishers and simple written emergency plans.

Best Practices

In the absence of federal, state, or local requirements pertaining to the measures specified in §36-99.B.1 and 36-99.B.2 of the Code of Virginia, the Agritourism Event Structure Technical Advisory Committee (the Committee) offers the following best practices for fulfilling the requirements related to portable fire extinguishers and a simple written emergency plan as stated in §36-99.B.1. and 36-99.B.2. These best practices are non-binding in nature and are to be used as guidance to ensure fire safety and the welfare of the general public at agritourism facilities.

36-99.B.1. Portable fire extinguishers for the purpose of fire suppression

The Committee suggests several resources for facilities to reference in order to comply with the requirement to have “portable fire extinguishers for the purpose of fire suppression.” Compliance with this requirement may include the following elements:

Fire Extinguishers For Class A Fire Hazards

	Ordinary (Moderate) Hazard Occupancy
Minimum-rated single extinguisher	2-A
Maximum floor area per unit of A	1,500 sqft.
Maximum floor area for extinguisher	11,250 sqft.
Maximum distance of travel to extinguisher	75 ft.

Conspicuous Location- Portable fire extinguishers may be located in conspicuous locations where they will have ready access and be immediately available for use. These locations may be along normal paths of travel, unless the hazard posed indicates the need for placement away from normal paths of travel.

Unobstructed and Unobscured- Portable fire extinguishers may not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means may be provided to indicate the locations of extinguishers.



Hangers and Brackets- Hand-held portable fire extinguishers, not housed in cabinets, may be installed on the hangers or brackets supplied. Hangers or brackets may be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.

Cabinets- Cabinets used to house portable fire extinguishers may not be locked.

Extinguisher Installation- Portable fire extinguishers having a gross weight not exceeding 40 pounds (18 kg) may be installed so that their tops are not more than 5 feet (1524 mm) above the floor. Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds (18 kg) may be installed so that their tops are not more than 3.5 feet (1067 mm) above the floor. The clearance between the floor and the bottom of installed hand-held portable fire extinguishers may be not less than 4 inches (102 mm).

Wheeled Units- Wheeled fire extinguishers may be conspicuously located in a designated location.

Maintenance- Portable fire extinguishers should be inspected at least annually and maintained in compliance with the manufacturer's recommendations.

36-99.B.2 A simple written plan in case of an emergency, but shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any local requirements

The Committee suggests several resources as best practices for complying with “a simple written plan in case of an emergency.” The plan may include the following elements:

Virginia Farm Emergency Plan- published by the Virginia Cooperative Extension ([here](#))

- Contact information for the following:
 - Facility’s ownership and/or management
 - Emergency services
 - Specific phone numbers for the operation of the facility
 - Farm operations primary and secondary contacts
- Directions to the facility from all major highways/roads, including a map of the property with major landmarks highlighted
- Facility site information including:
 - Physical address
 - GPS coordinates
 - Chemical storage address
 - E911 Addresses
- Frequent walkthroughs and operational checks
- Records updated annually
- Employee information including:
 - CPR and First Aid training certifications
 - Medical requirements



Fire Evacuation Plans- fire evacuation plans may include the following:

- Emergency egress or escape routes and whether evacuation of the building is to be complete by selected floors or areas only or with a defend-in-place response.
- Procedures for employees who must remain to operate critical equipment before evacuating.
- Procedures for the use of elevators to evacuate the building where occupant evacuation elevators are provided.
- Procedures for assisted rescue for persons unable to use the general means of egress unassisted.
- Procedures for accounting for employees and occupants after evacuation has been completed.
- Identification and assignment of personnel responsible for rescue or emergency medical aid.
- The preferred and any alternative means of notifying occupants of a fire or emergency.
- The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
- Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
- A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire Safety Plans- fire safety plans may include the following:

- The procedure for reporting a fire or other emergency.
- The life safety strategy including the following:
 - Procedures for notifying occupants, including areas with a private mode alarm system.
 - Procedures for occupants under a defend-in-place response.
 - Procedures for evacuating occupants, including those who need evacuation assistance.
- Site plans indicating the following:
 - The occupancy assembly point.
 - The locations of fire hydrants.
 - The normal routes of fire department vehicle access.
- Floor plans identifying the locations of the following:
 - Exits.
 - Primary evacuation routes.
 - Secondary evacuation routes.
 - Accessible egress routes.
 - Areas of refuge.
 - Exterior areas for assisted rescue.
 - Refuge areas associated with smoke barriers and horizontal exits.
 - Manual fire alarm boxes.



- Portable fire extinguishers.
 - Occupant-use hose stations.
 - Fire alarm annunciators and controls.
- A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
- Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
- Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.





Virginia Farm Emergency Plan

Authored by Livvy Priesser, Unit Coordinator and Extension Agent, Agriculture and Natural Resources, Isle of Wight County, Virginia Cooperative Extension

What is a Farm Emergency Plan and why should you create one

The purpose of a Farm Emergency Plan is to help agricultural operations proactively prepare for management of unexpected hazardous situations. A thorough and current Farm Emergency Plan can help minimize first responder response times and assist with site location accuracy during an emergency. Farm Emergency Plans should be utilized as well communicated training tools for operational employees, family members, etc. If done properly, a Farm Emergency Plan could be one of the most effective and invaluable tools to have around.

The Bureau of Labor Statistics found that agriculture activities are among the 34 deadliest jobs in the United States. Farming is a hazardous job and in 2019, Virginia reported three fatalities throughout the state due to farm incidents according to Virginia Farm Bureau. Our program team has put together resources to help encourage farm safety and wellness for all farm families by compiling a Farm Emergency Plan to help farmers ensure they are prepared in the event of an on-farm emergency.

Where should you store your plan

Once you have thoroughly completed a Farm Emergency Plan, it is important that all necessary parties are provided convenient access. The plan should be stored in multiple locations and be available in various formats if possible. Suggested places include in the tractor(s), combine(s), truck(s), pesticide storage shed, office, and/or any other central location where employees congregate. Laminating or keeping the plan in a binder/folder will help with the durability of the plan. It is important to share this information with employees, family members, and local first responders (police, EMS, and fire). If the operation is multilingual, all should be covered in the plan. Lastly, the plan should be updated annually and reviewed with new employees.

Who should have access to it

All farm employees and family members should have access to this plan. This plan should be kept in several different locations for easy access. We also suggest sharing this plan with your local first responders as well.

The following is a template:

Farm Name: _____

Date Completed: _____

About the Farm

Farm Employers	Name	Phone Number	Email
Owner/Manager			
Vice President/Manager			
Other Workers			

If you have an emergency, call 911. If 911 does not work, please contact:

Departments	Contact Numbers
Local Fire Department	
Local Emergency Medical Services	
Sheriff	
Animal Control	
Virginia State Police	(800) 674-2000
Local Hospital	
Local or Family Doctor	
Veterinarian (Small and Large Animal)	
Local VDACS Pesticide Investigator	
Virginia Agriculture and Consumer Services (VDACS)	(804) 786-3501
VDACS Pesticide Division	(804) 786-3798
Virginia Poison Control	(800) 222-1222
National Response Center	(800) 424- 8802
National Suicide Prevention Line	(800) 273-8255

Directions to the farm from all major highways/roads

Include a map of your farm with fields or land worked highlighting major landmarks. Inc.

Specific Numbers for your operation

Departments	Contact Numbers
Fire Department/Chief	
EMS/EMS Coordinator	
Gas Company	
Electric Company	
Farm Mechanic	
Chemical Dealer	
Equipment Dealer	
Local Virginia Cooperative Extension Agent	
Loan Officer	
Insurance Agent	
Farm Service Agency	
Family Doctor	
Family Therapist	
Other	
Other	

Farm Operation - Primary Contact Information

Name	
Address	
Daytime Phone Number	
Nighttime Phone Number	
Email	
Other?	

Farm Operation- Secondary Contact Information

Name	
Address	
Daytime Phone Number	
Nighttime Phone Number	
Email	
Other?	

Farm Site

Farm Physical Address	
Farm GPS Coordinates	
Chemical Storage Address	
Other	

What else should I know or include in my emergency plan

- **Operation Layout**

Please include a map or layout of the operation in the plan. Include all land owned, rented, or worked with all the main highways marked. If you operate a U-pick or agritourism operation, it would be helpful to share these layouts with local first responders (fire, EMS, and police). Please mark all major landmarks on the map such as ponds, chemical storage, septic/wastewater, powerlines, grain bins/silos, first aid kits, fire extinguishers, and any other needed emergency documentation.

- **E911 Addresses**

Include all E911 addresses of your farm and rented land within your plan.

- **Walkthroughs**

It is always good to do frequent operational checks and document if/when deficiencies are addressed.

- **Updating Records**

Make sure the plan is updated annually! Update all numbers to reflect any changes in businesses, veterinarians, etc. Also, update locations of farm land or rented land to reflect safe entrances, etc.

- **CPR and First Aid**

If any employee is trained in CPR or first aid, please add that to your plan.

- **Medical Requirements**

If any employee has specific medical requirements, please address that as well (latex, asthma, food or medicine allergies, etc.).

- **Customize**

This farm emergency plan is very basic, so please customize to your operation and your needs.

For questions about how to use or update your farm emergency plan, please contact Livvy Preisser at livvy16@vt.edu or 757-365-6261.

Funding provided by the “Reducing Human & Financial Risk for Beginning, Military Veteran, & Historically Underserved Farmers through Farm Stress, Wellness, & Safety Education” project of the Southern Extension Risk Management Education Center in partnership with the Virginia Beginning Farmer and Rancher Coalition and AgrAbility Virginia Program.



Visit Virginia Cooperative Extension: ext.vt.edu

Virginia Cooperative Extension programs and employment are open to all, regardless of age, color, disability, gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, genetic information, veteran status, or any other basis protected by law. An equal opportunity/affirmative action employer. Issued in furtherance of Cooperative Extension work, Virginia Polytechnic Institute and State University, Virginia State University, and the U.S. Department of Agriculture cooperating. Edwin J. Jones, Director, Virginia Cooperative Extension, Virginia Tech, Blacksburg; M. Ray McKinnie, Administrator, 1890 Extension Program, Virginia State University, Petersburg. 2020 ALCE-219NP

October 23, 2023

Re: Agritourism Event Structure Technical Advisory Committee Best Practices Memo and Final Report

Dear Board of Housing and Community Development Members,

The Virginia Agribusiness Council (VAC) is a non-profit member organization committed to representing the agriculture and forest industries in the Commonwealth with a unified voice through effective government relations. Our membership spans family and commercial farms, agribusiness companies, agriculture lenders, industry associations, and multiple other industry participants. VAC has long supported agritourism activities on farms and forest land for the purpose of economic development, recreation, entertainment, and education.

Agritourism is a \$2.2 billion business in Virginia. Whether it's U-Pick operations for berries or apples, a cut-your-own Christmas tree farm, or hosting events in a farm winery, agritourism gives producers an opportunity to generate additional income and an avenue for direct marketing to consumers.

As stakeholders in the Commonwealth's agritourism industry, VAC has participated in the Agritourism Event Structure Technical Advisory Committee (AgTAC) initially established by SB 400 and continued with SB 1305. We are pleased to support and give our approval of the Best Practices Memo and 2023 Final Report. These documents accurately represent the AgTAC's discussions and how the Committee fulfilled the directive from the Virginia General Assembly. We appreciate the Board's assistance in communicating this information to agritourism event operators and the public via the Department of Housing and Community Development's website.

VAC has made plans to provide education and outreach to VAC members and the agritourism community in the following ways:

- Provide an update to VAC members during the 2024 State Policy Meeting which will be held November 9th, 2023;
- Utilize the in-person Annual Meeting on November 20th, 2023 to provide an update to attendees on the outcome of the AgTAC and next steps;
- Link to the Best Practices Memo and 2023 Report on our website and provide content on VAC's social media platforms; and
- Create signage that meets the specifications of section §36-99 of the Code of Virginia.

We appreciate the work of the AgTAC members, the Department of Housing and Community Development staff, and the Office of the Attorney General. We are grateful to the Board of Housing and Community Development for your partnership.

Sincerely,



Cliff Williamson, Executive Director
Virginia Agribusiness Council



COMMONWEALTH of VIRGINIA

Virginia Fire Services Board

Virginia Fire Services Board
c/o Virginia Department of Fire Programs
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: 804/ 371-0220
Fax: 804/ 371-3408

Keith Johnson
CHAIRMAN
VA FIRE CHIEFS ASSOCIATION

Abbey Johnston
VICE-CHAIRMAN,
VA STATE FIREFIGHTERS
ASSOC.

Walter T. Bailey
VA FIRE SERVICES COUNCIL

Bettie Reeves-Nobles
GENERAL PUBLIC

Scott Garber
LOCAL FIRE MARSHAL

Ernie Little
VA FIRE PREVENTION
ASSOCIATION

Dennis D. Linaburg
VA CHPT INTERNATIONAL
ASSOC. OF ARSON
INVESTIGATORS

Ess Rodzinka
VA PROFESSIONAL
FIREFIGHTERS' ASSOCIATION

Erome Williams
CERTIFIED FIRE SERVICE
INSTRUCTOR

Steven Sites
VA MUNICIPAL LEAGUE

James A. Calvert
INDUSTRY – SARA TITLE III &
OSHA

Ben Reedy
INSURANCE INDUSTRY

Donald L. Hart
ASSOCIATION OF COUNTIES

John Miller
VA DEPART OF FORESTRY

Mark Snell II
VA BOARD OF HOUSING AND
COMMUNITY DEVELOPMENT

November 3, 2023

Board of Housing and Community Development
Chairman Louie Berbert
600 East Main Street, Suite 300
Richmond, VA 23219

Dear Chairman Berbert:

I write to you as the Chair of the Virginia Fire Services Board and Board member of the Board of Housing and Community Development (BHCD). At the October 16, 2023, meeting of the Board of Housing and Community Development, Department of Housing and Community Development (DHCD) staff provided an oral report to the Board of the findings and recommendations of the Agritourism Event Structure Technical Advisory Committee (AgTAC). The report consisted of an overview of the information contained in the *2023 Findings and Recommendations* and *Best Practices for New Safety Measures*. On October 19, 2023, BHCD members received the *2023 Findings and Recommendations* and *Best Practices for New Safety Measures* (memorandums attached) that was developed by the AgTAC.

As the Chair of the Virginia Fire Services Board, I write to provide profound disappointment and concern with the October 2023 Findings and Recommendations of the AgTAC regarding the outcome of legislation which mandated the BHCD to promulgate regulations related to agritourism event buildings and provide guidance to the board of housing for topics on fire safety and the welfare of the general public.

As the BHCD, DHCD, and our state legislators are aware, currently farm buildings and structures (as defined by §36-97) are exempt from complying with the Uniform Statewide Building Code (USBC). As such, the administrative apparatus associated with the enforcement of the USBC would not apply to farm buildings and structures that are open to the general public for agritourism activities. We also know that SB1305 (2023) and SB400 (2022) as signed by the Governor, directed the establishment and reenactment of the AgTAC. These were just the latest efforts in a long and arduous multi-year process to investigate and improve on the lack of or exclusion of safety regulations in agritourism buildings that are open to the public for reasons of public assembly.

Beginning in 2018, the *Virginia Agritourism & Building Codes: Stakeholder Group* convened on multiple occasions where they “agreed that Virginia’s agritourism industry incorporates multiple types of operations and there are some differences in how building codes are enforced throughout the Commonwealth. They published that the ultimate goal is to ensure a safe environment for everyone and to engage all agritourism operations in this review”.

In the 2018 review issued by the *Virginia Agritourism & Building Codes*, prepared by Martha A. Walker, Ph.D and Megan M. Seibel, Ph.D. of the Virginia Tech / Virginia Cooperative Extension, in Collaboration with the Agritourism & Building Codes Stakeholder Group, the group suggested building safety attributes that were identified based on the comments gathered during the review process and from the experiences of agritourism entrepreneurs and building officials. Suggestions included:

- *An automatic fire alarm system throughout the structure with pull stations located at the emergency exits. This system is not required to have off site monitoring capabilities.*
- *Emergency lights at exits and provide emergency lighting.*
- *Panic hardware on all hinged exit doors.*
- *At least one accessible* restroom with hand washing facilities.*
- *Some type of potable water for patron use.*
- *An accessible route for emergency vehicles to access the structure.*
- *Portable fire extinguishers as defined by the Virginia Uniform Statewide Building Code.*
- *Occupancy load of more than 49 people but no more than 300 persons.*

While the suggestions above were not acted upon, the latest 2023 legislative action (SB1305) required the AgTAC to meet at least four times during 2023 to continue considering the issues of concerns regarding fire safety and the welfare of the general public at agritourism facilities. It is disappointing and deeply concerning that the AgTAC recommended publishing to the DHCD website, a memorandum offering best practices in the form of non-binding guidance for facilities seeking to comply with the new requirements for farm buildings and structures that are open to the general public for agritourism activities. Perhaps most disturbing and fully against the concerns raised by the fire service in that “the Committee recommends the Board takes no additional action”.

This memorandum regarding *Best Practices for New Safety Measures* provides inadequate and somewhat dismissive fire safety requirements for farm buildings and structures that are open to the general public for agritourism activities. The new requirements include:

- *Portable fire extinguishers for the purpose of fire suppression.*
- *A simple written plan in case of an emergency but shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any local requirements.*

- *A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one inch in height.*

I challenge anyone with the foremost interest of life safety for the public and first responders to explain how the presence of a sign that states "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies" will enhance life safety and keep anyone safe.

My request is simple, reconvene the AgTAC indefinitely until meaningful and enforceable fire and life safety requirements can be enacted in agritourism structures that are open to the public before serious injuries and/or death occur to the citizens and visitors to agritourism structures in the Commonwealth of Virginia.

I look forward to the opportunity for members of the Virginia Fire Services Board to meet to discuss any questions you have regarding the concerns raised in this letter. Please place life safety as a priority in the Commonwealth of Virginia.

Sincerely,



Keith H. Johnson
Virginia Fire Services Board, Chairman

Attachments: Memorandum – Findings and Recommendations (October 2023)
Memorandum – Best Practices for New Safety Measures (October 2023)

cc: Sonny Daniels, Assistant Secretary of Public Safety and Homeland Security
Brad Creasy, Executive Director, Department of Fire Programs
Bryan Horn, Director, Department of Housing and Community Development
Spencer Willett, Government Affairs Manager, Department of Fire Programs
Virginia Fire Services Board Members
Chris Barry, Fire Marshal, Loudoun County Fire and Rescue, VFSB Representative

Meeting Summary
Agritourism Event Structure Technical Advisory Committee
June 14, 2023
10:00 am
Virginia Housing Center
Glen Allen, VA

Committee Members Present

- Chris Barry, VA Fire Services Board
- Joe Lerch, VA Association of Counties
- Shawn Maddox, VA Fire Prevention Association
- Martha Moore, VA Farm Bureau
- Jimmy Moss, VA Building Code Officials Association

Other Attendees

- Justin Bell, Office of the Attorney General
- Jeff Brown, Dept. of Housing and Community Development
- Brad Copenhaver, VA Agribusiness Council (Representative)
- Cindy Davis, Dept. of Housing and Community Development
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- Katelyn Jordan, VA Farm Bureau (Representative)
- Anne Leigh Kerr, VA Wineries Association
- Chase Sawyer, Dept. of Housing and Community Development
- Brett Vassey, VA Craft Brewers Guild (Representative)

Key Takeaways

- Stakeholders would like additional guidance regarding how to comply with the three new requirements imposed by SB1305 (§36-99.B, 1-3)
- There remains uncertainty in which agricultural buildings and structures must comply with the new safety requirements
- It is unclear the enforcement mechanism for the new requirements; they will be effective starting July 1, 2023

Note: Please note the summary and notes included do not include a specific endorsement or opinion of the committee or any one committee member.

Summary

Department of Housing and Community Development (DHCD) staff provided an overview of [SB1305](#), legislation that continues the 2022 efforts of the Agritourism Event Structure Technical Advisory Committee as established by [SB400](#) (2022). The new legislation implemented three minimum safety requirements for farm buildings and structures that are open to the general public for agritourism activities. The legislation also requires the Committee to meet at least four times during 2023 to continue considering issues of concern regarding fire safety and the welfare of the general public at agritourism facilities. The Committee is to report its findings and

recommendations to the Board of Housing and Community Development (the Board) by November 1, 2023.

As directed by the Board at its May 8, 2023, meeting, the Committee first considered the issue of unclear terms and definitions, specifically the term “primarily” as used in the definition of “farm building and structure” in [§ 36-97](#) of the Virginia State Code. The Committee discussed how the uncertainty in this term has led to inconsistent application of the exemption across localities. Furthermore, the Committee discussed uncertainty in the legislative language and noted it is difficult to discern which facilities must comply with the new minimum safety requirements. Additionally, several committee members emphasized the fact that there is only a farm building and structure exemption from the Uniform Statewide Building Code (USBC), not an agritourism exemption as stated in the second enactment clause of SB1305.

The Committee discussed some issues that exist with the three new minimum safety requirements that were created by SB1305, chiefly the lack of specificity in complying with the requirements. Committee members reported that affected entities attempting to comply with the requirements do not know how to do so because the requirement to have a portable fire extinguisher and have a simple written emergency plan do not provide enough detail. Additionally, there were questions as to what entity/organization will be enforcing these new minimum safety requirements and what are the consequences to a facility for noncompliance.

Additional questions regarding the enforcement of the new minimum safety standards were discussed. Currently, State Code does not indicate who is authorized to enforce these requirements. It was noted that USBC requirements are typically construction related requirements that are not inspected on an ongoing basis. It was suggested that local fire services may be a better option for enforcement rather than local building officials given the ongoing nature of the requirements. It was suggested that if fire services were to enforce these requirements, the requirements should be moved to a more appropriate State Code section.

With the understanding the new minimum safety requirements are effective as of July 1, 2023, the Committee agreed that its next meeting should focus on identifying specific methods by which a facility could comply with these requirements. It was suggested that the Committee could start by reviewing relevant sections of the Statewide Fire Prevention Code (SFPC).

Future Considerations

- Methods for compliance with new minimum safety requirements
- Additional minimum safety requirements
- Safety standards for facilities of all sizes and types
- Mechanisms for inspection and enforcement
- Application of the farm buildings and structures exemption

Meeting Summary
Agritourism Event Structure Technical Advisory Committee
July 25, 2023
10:00 am
Virtual Meeting

Committee Members Present

- Chris Barry, VA Fire Services Board
- Heidi Hertz, VA Agribusiness Council
- Jimmy Moss, VA Building Code Officials Association
- Janell Zurschmeide, Craft Beverage Manufacturer

Other Attendees

- Justin Bell, Office of the Attorney General
- Jeff Brown, Dept. of Housing and Community Development
- Cindy Davis, Dept. of Housing and Community Development
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- George Hodson, VA Wineries Association (Representative)
- Katelyn Jordan, VA Farm Bureau (Representative)
- Chase Sawyer, Dept. of Housing and Community Development
- Marybeth Williams, VA Wineries Association (Representative)

Key Takeaways

- Stakeholders generally agreed upon proposed best practices for compliance with the new safety requirements imposed by SB1305 (§36-99.B, 1-3) that became effective July 1, 2023
- The Committee’s proposed best practices are non-binding in nature, and the enforcement mechanism for the new safety requirements is still unclear

Note: Please note the summary and notes included do not include a specific endorsement or opinion of the committee or any one committee member.

Summary

Department of Housing and Community Development (DHCD) staff provided a summary of the Committee’s previous meeting on June 14, 2023, and acknowledged this meeting would continue the discussion regarding compliance with the new safety requirements imposed by [SB1305 \(§36-99.B, 1-3\)](#) that became effective July 1, 2023. DHCD staff outlined the process by which the Committee is able to report its findings and recommendations to the Board of Housing and Community Development (the Board), as required by SB1305, in the form of agreed upon non-binding best practices.

The Committee’s discussion mainly focused on the first and second new safety requirements regarding portable fire extinguishers and a simple written emergency plan. The Committee agreed the third new safety requirement regarding the posting of a sign stating the facility’s exemption from the Uniform Statewide Building Code (USBC) is currently detailed and specific

enough for a facility to comply. Following the Committee's request at its June 14 meeting, relevant sections of the Statewide Fire Prevention Code (SFPC) were distributed for consideration as a compliance standard for the portable fire extinguisher and simple written emergency plan requirements.

Committee members stated that although facilities may be exempt from the USBC, there are other entities that may regulate a facility's operations, such as the Virginia Department of Health (VDH), Virginia Department of Agriculture and Consumer Services (VDACS), US Occupational Safety and Health Administration (OSHA), or other locality requirements. Some committee members shared examples of localities requiring a special or temporary permit for certain activities occurring in these facilities. It was discussed that some of the requirements imposed by these other entities may already contain provisions associated with portable fire extinguishers and a simple written emergency plan. Committee members expressed difficulty with sometimes having to comply with conflicting requirements imposed by different entities.

The Committee reviewed a guidance document published by the Virginia Cooperative Extension (VCE) titled [Virginia Farm Emergency Plan](#). The document provides a general outline of suggested safety measures agricultural operations can take to prepare for emergency situations. The Committee agreed that this document, in addition to subsections [404.2.1](#) (fire evacuation plans) and [404.2.2](#) (fire safety plans) of the SFPC, creates a reasonable baseline for items to include in a simple written emergency plan to address a facility's regular operations.

The Committee reviewed Section 906 (Portable Fire Extinguishers) of the SFPC. The Committee agreed that [Table 906.3\(1\)](#) (Fire Extinguishers for Class A Fire Hazards), in addition to subsections [906.5](#) (conspicuous location), [906.6](#) (unobstructed and unobscured), [906.7](#) (hangers and brackets), [906.8](#) (cabinets), [906.9](#) (extinguisher installation), and [906.10](#) (wheeled units), provide reasonable standards related to portable fire extinguishers.

Prior to the Committee's next meeting, DHCD staff will prepare for the Committee's review a report to the Board outlining non-binding best practices for compliance with §36-99.B, 1-3. These non-binding best practices would be encouraged in the absence of other federal, state, or local requirements imposed on a facility subject to §36-99.B and pertaining to portable fire extinguishers and simple written emergency plans.

Future Considerations

- Application of the farm buildings and structures exemption
- Mechanisms for inspection and enforcement
- Safety standards for facilities of all sizes and types
- Additional minimum safety requirements

Meeting Summary
Agritourism Event Structure Technical Advisory Committee
August 9, 2023
10:00 am
Virginia Housing Center
Glen Allen, VA

Committee Members Present

- Chris Barry, VA Fire Services Board
- Skip Causey, VA Wineries Association
- Heidi Hertz, VA Agribusiness Council
- Joe Lerch, VA Association of Counties
- Shawn Maddox, VA Fire Prevention Association
- Jimmy Moss, VA Building Code Officials Association

Other Attendees

- Chase Barnett, VA Craft Brewers Guild (Representative)
- Justin Bell, Office of the Attorney General
- Cindy Davis, Dept. of Housing and Community Development
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- Katelyn Jordan, VA Farm Bureau (Representative)
- Anne Leigh Kerr, VA Wineries Association
- Trisha Lindsey, Dept. of Housing and Community Development
- Chase Sawyer, Dept. of Housing and Community Development

Key Takeaways

- Stakeholders reviewed and agreed upon offered best practices for compliance with the new safety requirements imposed by SB1305 (§36-99.B, 1-3)
- Administrative provisions to inspect and enforce the new minimum safety requirements were discussed, however, all options would require legislative and/or regulatory action

Note: Please note the summary and notes included do not include a specific endorsement or opinion of the committee or any one committee member.

Summary

Department of Housing and Community Development (DHCD) staff provided a summary of the Committee's previous 2023 meetings (June 14 and July 25) and presented a draft of the Committee's offered best practices for the new safety requirements imposed by [SB1305 \(§36-99.B, 1-3\)](#) that became effective July 1, 2023. The draft document was based on stakeholder input during the July 25, 2023, meeting. Following discussion, Committee members offered revisions to the draft document in the form of clarifying language. As noted in the draft document, the Committee's offered best practices are non-binding in nature and are to be used as suggested resources for affected facilities.

In addition to reviewing the best practices draft document, the Committee discussed the need for an administrative organization to inspect and enforce the new minimum safety requirements imposed by [§36-99.B](#), as well as any new laws or regulations that may affect farm buildings and structures that are open to the general public for agritourism activities. Currently, farm buildings and structures (as defined by [§36-97](#)) are exempt from complying with the Uniform Statewide Building Code (USBC). As such, the administrative apparatus associated with the enforcement of the USBC would not apply to farm buildings and structures that are open to the general public for agritourism activities (as defined by [§3.2-6400](#)).

Furthermore, it was noted that enforcement of the USBC would only apply to the construction of new facilities and not preexisting facilities. It was suggested that an alternative enforcement mechanism could be the Statewide Fire Prevention Code (SFPC) which includes fire safety provisions associated with ongoing operations and maintenance of facilities. Additionally, the SFPC includes administrative provisions related to inspection and enforcement, including an appeal process. Methods for including the new safety requirements imposed by SB1305 (§36-99.B, 1-3) within the administrative apparatus of the SFPC were offered, however, all options would require legislative and/or regulatory action. No consensus was reached as to whether the SFPC would be the best enforcement mechanism.

Future Considerations

- Additional discussion regarding previously considered issues:
 - Mechanisms for inspection and enforcement
 - Safety standards for facilities of all sizes and types
 - Additional minimum safety requirements
 - Application of the farm buildings and structures exemption
- Final review of best practices memo
- Review of findings and recommendations memo to Board

Meeting Summary
Agritourism Event Structure Technical Advisory Committee
October 4, 2023
10:00 am
Virginia Housing Center
Glen Allen, VA

Committee Members Present

- Chris Barry, VA Fire Services Board
- Skip Causey, VA Wineries Association
- Heidi Hertz, VA Agribusiness Council
- Joe Lerch, VA Association of Counties
- Janell Zurschmeide, Craft Beverage Manufacturer

Other Attendees

- Justin Bell, Office of the Attorney General
- Anthony Creech, VA Department of Health
- Cindy Davis, Dept. of Housing and Community Development
- Nancy Diersen, VA Department of Health
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- Katelyn Jordan, VA Farm Bureau (Representative)
- Anne Leigh Kerr, VA Wineries Association
- Chase Sawyer, Dept. of Housing and Community Development

Key Takeaways

- Committee members reviewed and agreed upon offered best practices for compliance with the new requirements imposed by SB1305 (§36-99.B, 1-3)
- Committee members reviewed and approved the document containing the Committee's findings and recommendations to the BHCD

Note: Please note the summary and notes included do not include a specific endorsement or opinion of the committee or any one committee member.

Summary

Department of Housing and Community Development (DHCD) staff provided a summary of the Committee's previous 2023 meetings (June 14, July 25, and August 9) and presented an updated draft of the Committee's offered best practices for the new requirements imposed by [SB1305 \(§36-99.B, 1-3\)](#). The updated draft was based on feedback from the Committee at its August 9 meeting. Following review of the draft document, the Committee suggested a minor edit. As noted in the document, the Committee's offered best practices are non-binding in nature and are to be used as suggested resources for affected facilities.

Additionally, DHCD staff presented a draft of the Committee's findings and recommendations to be presented to the Board of Housing and Community Development (BHCD) pursuant to the

second enactment clause of [SB1305](#). Following discussion, committee members offered revisions to the draft document to provide greater clarity and context to the topics discussed during the 2023 meetings. The Committee generally agreed that the document accurately reflected the findings and recommendations of the Committee. A motion was made and seconded to approve the document with the amendments agreed upon during the meeting. The motion passed unanimously. Committee members were offered the opportunity to provide additional comments on behalf of their represented organizations for inclusion in the final report to the BHCD.

Future Considerations

- The Committee recommends publishing the final 2023 documents to the DHCD website so that relevant stakeholders may be informed of the Committee’s findings and suggested best practices resources.
- There are no additional planned meetings of the Committee, but it is formed and can convene as needed.