AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, January 22, 2021 – 10:00am (Virtual Meeting)
https://vadhcd.adobeconnect.com/lbbca/

I. Roll Call **(TAB 1)**

II. Approval of November 20, 2020 Minutes **(TAB 2)**

III. Approval of Interpretation 01/2020 **(TAB 3)**

In Re: Paula Johnson (City of Fredericksburg)
Interpretation Request No 06-20

IV. Public Comment

V. Appeal Hearing **(TAB 4)**

In Re: Sidney Harris
Appeal No 20-02

VI. Appeal Hearing **(TAB 5)**

In Re: Monica and Michael Davis
Appeal No 20-03

VII. Appeal Hearing **(TAB 6)**

In Re: Patrick and Jean Sartori
Appeal No 20-04

VIII. Interpretation Request **(TAB 7)**

In Re: Enclosing accessible space under stairs

IX. Secretary's Report **(TAB 8)**

a. Consideration of Draft Review Board Policy #25
b. Consideration of Draft Review Board Policy #26
c. March 2021 meeting update

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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

Christina Jackson
(Commonwealth at large)

Joseph A. Kessler, III
(Associated General Contractors)

Eric Mays
(Virginia Building and Code Officials Association)

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

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

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

Aaron Zdinak, PE
(Virginia Society of Professional Engineers)

Vacant
(Commonwealth at large)

Vacant
(Electrical Contractor)

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STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
November 20, 2020
Virtual Meeting
https://vadhcd.adobeconnect.com/lbbca/

Members Present	Members Absent
Mr. James R. Dawson, Chairman	Mr. Vince Butler
Mr. W. Shaun Pharr, Esq., Vice-Chairman	Mr. Daniel Crigler
Ms. Christina Jackson	Mr. Alan D. Givens
Mr. Joseph Kessler	
Mr. Eric Mays, PE	
Ms. Joanne Monday	
Mr. J. Kenneth Payne, Jr.	
Mr. Richard C. Witt	
Mr. Aaron Zdinak, PE	

Call to Order	The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 10:00 a.m. by Secretary Travis Luter.
Roll Call	The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General's Office, was also present.
Approval of Minutes	The draft minutes of the September 18, 2020 meeting in the Review Board members' agenda package were considered. Mr. Payne moved to approve the minutes as presented. The motion was seconded by Ms. Monday and passed unanimously.
Final Orders	Appeal of Timothy Dolan; Appeal No. 20-01: After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Witt moved to approve the final order with the suggested editorial change to add "r" to the word "though", creating the word "through", in line 53 on page 15 of the agenda package. The motion was seconded by Mr. Payne and passed unanimously.
Public Comment	Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had contacted him to speak. With no one requesting to speak, requesting to be acknowledged to speak by use the raised hand feature of the Adobe Connect meeting platform, or requesting to speak in the chat box section of the Adobe Connect meeting platform, Chair Dawson closed the public comment period.

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New Business

Sidney Harris; Appeal No. 20-02:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to buildings located at 5615 Hope Park Road in Fairfax County.

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

Sidney Harris, Owner
Angela Harris, Witness for Appellant
Margaret Delean, Fairfax County Division Supervisor
Gary Wallace, Fairfax County Code Investigator
Richard Grace, Fairfax County Code Specialist III

Also present was:

Sara Silverman, legal counsel for Fairfax County

During opening statements and testimony, Sidney Harris indicated that his witness, Angela Harris, was unable to access the virtual meeting. The hearing was paused while Review Board staff assisted Ms. Harris. With the assistance of staff, Ms. Harris was able to access the virtual meeting via telephone call. Once successfully in attendance, Ms. Harris indicated that she was unable to hear Mr. Harris as he attempted to question her; however, Ms. Harris was able to hear other communications from the Board Chair, legal counsel, and staff. Again, Review Board staff attempted to assist Ms. Harris with her technical difficulty; however, staff was unable to resolve Ms. Harris' issue.

Fairfax County legal counsel, Sara Silverman, also experienced technical difficulty with her computer microphone, as attendees could not hear her when she attempted to speak. Ms. Silverman resolved her issue by moving to a different computer; however, the issue resurfaced a few moments later.

Due to the technical issues experienced by the parties, Mr. Witt moved to table the hearing until the January 2021 meeting. The motion was seconded by Ms. Jackson and passed unanimously.

Note: Mr. Witt suggested that staff work with the parties, prior to the January 2021 meeting, to assist them with their technical difficulties.

New Review Board Policy

The Review Board directed the Secretary to draft new Board policies

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to address participant and witness notification for hearings as well as the requirements for hearing participants to attend mandatory training prior to the meeting in which their case is scheduled.

The Chair granted the authority to the Secretary to establish the needed requirements and guidelines for the parties of the January 2021 meeting.

Interpretation Request

Interpretation Request of Paula Johnson (City of Fredericksburg); Interpretation Request No. 06-20:

An interpretation request from Paula Johnson of the City of Fredericksburg was considered concerning the 2015 Virginia Maintenance Code (VMC), on Sections 104.5.2 and 606.1 related to whether a modification, to allow elevators, escalators, or similar conveyances to be placed in service and maintained in service/tested without the witnessing inspection by a DHCD certified elevator inspector, meets the spirit and intent of the USBC?

After deliberations, Mr. Witt moved to amend the applicable code for the Request for Interpretation be 2015 Virginia Construction Code Sections 106.2 and 113.7 and 2015 Virginia Maintenance Code Section 104.5 and editorial changes to question #1 so that it reads as follows:

> ***QUESTION #1:*** *Is the elevator inspector, approved by VCC Sections 106.2 or 113.7, and VMC Section 104.5 required to witness either virtually, in-person, or by other approved means the acceptance or periodic tests of elevators, escalators, or similar conveyances?*

Mr. Witt further moved that the answer to question #1 be yes. The motion was seconded by Mr. Mays and passed unanimously.

Mr. Witt then moved that question #2 remain as written and that the answer to question #2 be no. The motion was seconded by Mr. Mays and passed unanimously.

Secretary's Report

Mr. Luter presented the Board with the proposed 2021 Review Board meeting calendar, which was reviewed, considered, and approved by the Board.

Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for January 22, 2021.

Attorney Bell provided legal updates to the Board.

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Adjournment	There being no further business, the meeting was adjourned by proper motion at approximately 12:30 p.m.

Approved: January 22, 2021

_____

Chairman, State Building Code Technical Review Board

_____

Secretary, State Building Code Technical Review Board

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 1/2020

Code: USBC, Part I, Virginia Construction Code/2015

Section No(s): Section 106.2 and 113.7

Code: USBC, Part III, Virginia Maintenance Code/2015

Section No(s): Section 104.5

106.2 Delegation of authority.

The building official may delegate powers and duties except where such authority is limited by the local government. However, such limitations of authority by the local government are not applicable to the third-party inspector policy required by Section 113.7.1 nor shall such limitations of authority by the local government have the effect of altering the provisions of this code or creating *building regulations*. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

113.7 Approved inspection agencies.

The building official may accept reports of inspections and tests from individuals or inspection agencies approved in accordance with the building official's written policy required by Section 113.7.1. The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Under circumstances where the building official is unable to make the inspection or test required by Section 113.3 or 113.4 within 2 *working days* of a request or an agreed upon date or if authorized for other circumstances in the building official's written policy, the building official shall accept reports for review. The building official shall approve the report from such approved individuals or agencies unless there is cause to reject it. Failure to approve a report shall be in writing within 2 *working days* of receiving it stating the reason for the rejection. Reports of inspections conducted by approved third-party inspectors or agencies shall

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be in writing, shall indicate if compliance with the applicable provisions of the USBC have been met and shall be certified by the individual inspector or by the responsible officer when the report is from an agency.

> **Exception: The licensed mechanical contractor installing the mechanical system shall be permitted to perform duct tests required by Section R403.3.3 of the IECC or Section N1103.3.3 of the IRC. The contractor shall have been trained on the *equipment* used to perform the test.**

Note: Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.

104.5 Powers and duties, generally.

The code official shall enforce this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.

QUESTION #1: Is the elevator inspector, approved by VCC Sections 106.2 or 113.7, and VMC Section 104.5 required to witness either virtually, in-person, or by other approved means the acceptance or periodic tests of elevators, escalators, or similar conveyances?

ANSWER: Yes.

QUESTION #2: Does the Code Official have the authority to waive the witnessing of tests pursuant to question #1 above?

ANSWER: No.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of January 22, 2021.

_____

Chairman, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Sidney Harris
Appeal No. 20-02

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Sidney Harris
Appeal No. 20-02

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On May 15, 2020, the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a Notice of Violation (Notice) to Sidney Harris (Harris), for the buildings, located at 5615 Hope Park Road in Fairfax County citing violations to VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals.

2. The County performed an inspection of the property on March 2, 2020 resulting in the issuance of a Stop Work Order (SWO) on March 5, 2020, ordering the immediate cessation of the violations. The County confirmed on April 28, 2020 that the violations still existed.

3. Harris filed a timely appeal to the Fairfax County Board of Building Code Appeals (local appeals board) stating, "All structures located on the premises in question, are within the code of compliance guidelines. The Stop Work Orders issued references a completely different property, than the one listed in the Notice of Violation." The local appeals board denied the appeal for the work identified by the County performed on and within structures

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located on the subject property without obtaining the appropriate permits, inspections, and final approvals required by the VCC.

4. On August 5, 2020, Harris further appealed to the Review Board asserting that the structures, related to the Notice, were farm buildings and structures used to support the farming operations on the property located at 5615 Hope Park Road.

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

Suggested Issue for Resolution by the Review Board

1. Whether the SWO and the Notice reference the buildings on the property located at 5615 Hope Park Road.

2. Whether the buildings and structures located on the property located at 5615 Hope Park Road, identified in the Notice of Violation, are farm buildings and structures in accordance with VCC Section 102.3 (Exemptions) #9

3. Whether to uphold the decision of the County and the local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist.

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Basic Documents

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

LEGAL NOTICE

STOP WORK ORDER-Correction

DATE OF ISSUANCE: March 5, 2020

STOP WORK ORDER ISSUED TO: Sidney Tobias Harris, et al
P O Box 220271
Chantilly, VA 20153

PROPERTY OWNER: Sidney Tobias Harris, et al
P O Box 220271
Chantilly, VA 20153

PROJECT ADDRESS: 5615 Hope Park Road **TAX MAP NUMBER:** 67-1 ((01)) 0012

PERMIT APPLICATION NUMBER: n/a

ORDER: Pursuant to 2015 Virginia Construction Code (VCC) Section 114, *Stop work order,* you are hereby directed to cease all construction activity at the cited location. Failure to follow this order will result in additional enforcement action under the applicable state and county codes.

EXPLANATION: Per Section 114.1, *Issuance of order,* when the building official or his agent(s) find work on any building or structure being executed contrary to the provision of the code or any pertinent laws or ordinances, or in a manner endangering the general public, a written stop work order may be issued.

On March 3, 2020, county staff discovered that two structures were built that exceed 256 square feet without an issued building permit or associated trade permits. The county is issuing this Stop Work Order until the corrective actions have been completed.

CORRECTIVE ACTION:

1. Cease all construction activity and secure the job site.
2. Apply and obtain all required building and trade permits.
3. Obtain required inspections to include final on all permits.

RIGHT TO APPEAL THIS NOTICE: As provided by the VCC Section 119.5, *Right of appeal; filing of appeal application,* you have the right to appeal this decision to the Local Board of Building Code Appeals, within 30 calendar days of receipt of this notice. You may call the secretary of the Board at 703-324-5175, TTY 711 for more information about the appeals process.

Brian Foley, P.E.
Building Official

Cc: Debra McMahon, Building Permit Project Manager, Operations, LDS
Steve Kendrick, Supervisor, Customer and Technical Support Center, LDS
Hivi Faraj, PAC Supervisor, Customer and Technical Support Center, LDS
Nicole McMahon, PAC Supervisor, Customer and Technical Support Center LDS
Jim Canter, Chief, Inspections, Building Division, LDS
Gary Wallace, Investigator, Department of Code Compliance

Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, VA 22035-5504
Phone: 703-324-1780, TTY: 711
www.fairfaxcounty.gov/landdevelopment

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF VIOLATION
Virginia Construction Code

DATE OF ISSUANCE: May 15, 2020

METHOD OF SERVICE: CERTIFIED MAIL # 7019 1120 0001 2427 6708

LEGAL NOTICE ISSUED TO: Sidney Tobias Harris or his heirs
ADDRESS: PO Box 220271
Chantilly, VA 20153

LOCATION OF VIOLATION: 5615 Hope Park Road
Fairfax, VA 22030-6321

TAX MAP REF: 0671 01 0072

CASE #: 201900211 **SR#:** 170161

ISSUING INVESTIGATOR: Gary M. Wallace, (703) 324-9324

Based on a March 2, 2020, inspection, County staff discovered the construction of a building with a chimney and deck on the northern section of the above referenced property and another large structure built on the south-west section of the property without required permit(s), inspections, and approvals. Permits, inspections, and final approvals are required for all such structures. *See* Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2015 Edition, effective September 4, 2018, ***Sections 108.1 When applications are required, 113.3 Minimum inspections, 113.8 Final inspection,*** and ***Section 116.1 Certificates of Occupancy, General; when to be issued.*** The permits that may be required include, but are not limited to, building, electrical, mechanical, plumbing, demolition, and small appliance.

A Stop Work Order was issued on March 5, 2020 ordering the immediate cessation of these violations. Staff confirmed through research on April 28, 2020; however, that the violations remain.

Order: Under the USBC provisions cited above, you are directed to apply for and obtain the required permit(s), inspections, and approvals for the construction of the structures described above or their demolition within **30 calendar days** from the date you receive this notice.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

You must contact Investigator Gary M. Wallace at (703) 324-9324, TTY 711 to schedule a pre-application meeting before submitting permit application documents. This meeting is intended to ensure all cited violations are addressed in your permit application and/or construction documents. Your permit application will not be accepted by the Permit Application Center without this review from the Department of Code Compliance.

Please be aware that:

- **A copy of this Notice must remain as part of your construction documents.**
- **A floor plan identifying all cited violations is required to receive the DCC stamp by your investigator prior to submission where it is to remain as part of your construction.**
- **For e-plans. You must email all your permit documents to your investigator to verify that all the cited violations are addressed prior to submitting online.**
- **A stop work hold has been placed on your address preventing any permits documents from being submitted, and it can only be removed with approval from your DCC investigator.**

Once all required permits are issued, call 703-631-5101, TTY 711 to schedule all building inspections related to this matter. Please reference Case 201900211. This notice must be available for County field staff throughout the inspection process. Failure to call for the required inspections within 30 days may result in the initiation of the legal process

Note:

- When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so. Permit application must be made at:

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

- If the unpermitted work described above involves the removal of unpermitted features (including appliances, plumbing/gas fixtures), a demolition permit will be required. Be advised

that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit.

- If you have received a Zoning Notice of Violation, contact the investigator from the Department of Code Compliance at (703) 324-1300, TTY 711 who issued the Notice before applying for your permit. When applying for your permit, a copy of this notice must remain as part of your permit documents.

You are directed to notify Gary M. Wallace in writing or by telephone at 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035, (703) 324-9324 within three (3) working days from the date you receive this Order.

RIGHT TO APPEAL THIS NOTICE: Per **USBC *Sect. 119.5 Right of appeal; filing appeal application***, any person aggrieved by this application of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 30 calendar days of receipt of the decision being appealed along with a $208 fee. Failure to timely appeal constitutes acceptance of the Code Official's decision.

You may call the secretary of the LBBCA for more information about the appeals process, and/or appeal application forms:

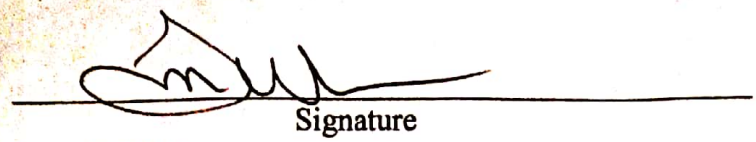
Secretary to the Fairfax County Local Board of Building Code Appeals
Attention:
Secretary to the Fairfax County Local Board of Building Code Appeals
Land Development Services
12055 Government Center Parkway, Suite 334
Fairfax, Va. 22035-5504
Telephone: (703) 324-5175, TTY 711

Information and forms can also be obtained at: https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals.

Investigators may not accept any payments, including those associated with fines and fees.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-9324 or the main office at (703) 324-1300.

Notice Issued By:



Signature

Gary M. Wallace
(703) 324-9324
Gary.Wallace@fairfaxcounty.gov
Master Combination Inspector
Technical Assistant to the Building Official
Code Compliance Investigator III
Department of Code Compliance

CC: Case File
Jim Canter, Inspections Branch Chief

Print Form

Please type or
Print in Black Ink

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR APPEAL

APPLICATION NO. _____
(Assigned by Staff)

NAME OF APPELLANT: SIDNEY HARRIS

NATURE OF THE APPEAL:

All STRUCTURES LOCATED ON THE PREMISES IN QUESTION, ARE WITHIN THE CODE OF COMPLIANCE GUIDELINES.
THE STOP WORK ORDERS ISSUED REFERENCES A COMPLETELY DIFFERENT PROPERTY, THAN THE ONE LISTED
IN THE NOTICE OF VIOLATION

DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL MAY 15, 2020

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:
OWNER

IF APPEAL RELATES TO A SPECIFIC PROPERTY, PROVIDE THE FOLLOWING INFORMATION:

POSTAL ADDRESS OF PROPERTY: 5615 HOPE PARK ROAD

TAX MAP DESCRIPTION: 0671 01 0072

SIDNEY HARRIS
Type or Print Name of Appellant or Agent

Signature of Appellant or Agent

PO BOX 220271 CHANTILLY, VA 20153
Address

202-425-4718
Telephone No: Home **Work** **Cell**

Please type or print name, address, and phone number of contact person if different from above:

DO NOT WRITE IN THIS SPACE

Subdivision Name: _____

Total Area (Acres/Square Feet): _____

Present Zoning: _____

Supervisor District: _____

Date application received: _____ **Application Fee Paid: $** _____

Date application accepted: _____

Building Code Appeal Request

PROJECT INFORMATION

Project Name:

Project Address: 5615 HOPE PARK ROAD

Permit or case number: Tax map number: 0671 01 0072

APPLICANT INFORMATION

Applicant Name: Sidney Harris ■ Owner ☐ Owner's agent

Address: Po box 220271

City: CHANTILLY State: VA ZIP: 20153

Phone: 2024254718 Email: Harris.sidney34@yahoo.com

OWNER INFORMATION

☐ See applicant information

Owner Name: SIDNEY HARRIS

Address: PO BOX 220271

City: FAIRFAX State: VA ZIP: 22030

Phone: 202-425-4718 Email: Harris.sidney34@yahoo.com

APPEAL INFORMATION

Appealing decision made on the date of by ■ Building Official ☐ Fire Official ☐ Property Maintenance Official

rendered on the following date: 05152020

Code(s) (IBC, IMC, IPMC, etc.) and year-edition: VCC, USBC, 2015 edition

Section(s): 108.1, 113.3, 113.8, and 116.1 certificate of occupancy.

REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision:

Please return the completed form and any supporting documentation to the address or email below. A $216.32 fee is required at the time of submittal. This total fee includes a base fee of $208.00 plus a 4% technology surcharge. The application will not be further processed until this fee has been collected.

Chairman, Fairfax County Board of Building Code Appeals
12055 Government Center Parkway, Suite 334
Fairfax, VA 22035-5504
Attention: Secretary to the Board
buildingofficial@fairfaxcounty.gov

RESOLUTION

WHEREAS, the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of Part I of the Virginia Uniform Statewide Building Code (VUSBC), 2015 Edition;

and

WHEREAS, an appeal has been timely filed and brought to the attention of the Board; and
WHEREAS, a hearing has been duly held to consider the aforementioned appeal; and
WHEREAS, the Board has fully deliberated this matter; now, therefore, be it

RESOLVED, that the matter of

Appeal No. 200617.0AP
In RE: Fairfax County, VA Department of Code Compliance **v.** Sydney Harris (Owner)

The appeal is hereby denied for the reasons set out below.

- Construction work as identified by the County has been conducted on and within structures located on the subject property without obtaining the permits, inspections and approvals as required in the VSUBC

FURTHER, be it known that:

1. This decision is solely for this case and its surrounding circumstances;
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear;
3. (If appropriate to the motion) No significant adverse conditions to life safety will result from this action; and
4. All of the following conditions be observed.

   a. N/A
   b. _____
   c. _____

Date: July 8, 2020 **Signature:** _____
Chairman, Board of Building Code Appeals

Note: Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219 or by calling 804.371.7150.

J:\LDS\Divisions_&_Branches\LDS_Dir_Office\Old\Carla\Appeals - Code Modifications\RESOLUTION.doc December 5, 2007

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 ADMINISTRATATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- [X] 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

RECEIVED
AUG 5 2020
OFFICE OF THE REVIEW BOARD

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

SIDNEY HARRIS PO BOX 220271 CHANTILLY, VA 20153
202-425-4718 harris.sidney34@yahoo.com

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

FAIRFAX COUNTY,VA DEPARTMENT OF CODE COMPLIANCE.
12055 Government Center Parkway,Suite 334 Fairfax,VA 22035
703-324-5175 Carla.Guerra-Moran@fairfaxcounty.gov

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 2 day of AUGUST, 20 201_, 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: SIDNEY HARRIS
(please print or type)

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 ADMINISTRATATIVE 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

RECEIVED
AUG 14 2020
OFFICE OF THE REVIEW BOARD

Appealing Party Information (name, address, telephone number and email address):
SIDNEY HARRIS, 5615 HOPE PARK ROAD FAIRFAX VA 220
202-425-4718
Harris.sidney34@yahoo.com

Opposing Party Information (name, address, telephone number and email address of all other parties):
GARY WALLACE, FAIRFAX COUNTY VA, DEPARTMENT OF CODE COMPLIANCE, 12055 GOVERI PARKWAY SUITE 334 FAIRFAX VA, 703-324-9324, gary.wallace@fairfaxcounty.gov

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 2 day of AUGUST, 2020, 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: SIDNEY HARRIS
(please print or type)

August 3, 2020

Relief sought by appellant:

The Building Code is under the purview of the Department of Land Development Services. The 2015 Virginia Construction Code, Chapter 1, Sect. 102.3, Par 9 exempts “farm buildings and structures”.

- All buildings and structures listed in the agents report, supports the operations of the Farm, Located at 5615 Hope Park Road Fairfax, VA 22030.

For that reason: I ask that all holds and notices of violation be removed from my account.

Respectfully Requested,

Sidney Harris

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Documents Submitted
By Sidney Harris

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County of Fairfax, Virginia

MEMORANDUM

STAFF MEMORANDUM TO THE
LOCAL BOARD OF BUILDING AND FIRE CODE APPEALS

HEARING DATE: July 1, 2020

APPELLANT: Sidney Tobias Harris

PROPERTY: 5615 Hope Park Road
Fairfax, VA 22030

CODE: 2015 Construction Code

INVESTIGATOR: Gary M. Wallace
Department of Code Compliance

DCC CASE #: #: 201900211 **SR#**: 170161

Staff respectfully recommends that the Fairfax County Board of Building and Fire Code Appeals (Board) uphold the Building Official's determination that the Property is in violation of the Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2015 Edition, effective September 4**,** 2018 (VCC).

Staff Position

In response to an appeal to the Board of Zoning Appeals, Department of Code Compliance Investigator Gary Wallace inspected the Property on March 20, 2020. During that inspection, Investigator Wallace observed the construction of a building with a chimney and deck on the northern section of the Property and another large structure on the southwest section of the Property—both without any required permit, inspection, or approval in violation of VCC §§ 108.1, 113.3, 113.8, and 116.1. Accordingly, Investigator Wallace issued the attached Notice of Violation to the Appellant, Sidney Tobias Harris.

Harris alleges that all structures on the Property are in compliance with the "code of compliance guidelines." He also alleges that a previously issued Stop Work Order references a different property than that identified in the NOV that is the subject of this appeal.

By failing to obtain any permit, inspection, or approval for the structures on the Property, Harris is in direct violation of the VCC §§ 108.1, 113.3, 113.8, and 116.1. VCC § 108.1 states:

> **108.1 When applications are required.** Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement

of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

VCC § 113.3 states:

113.3 Minimum inspections. The following minimum inspections shall be conducted by the building official when applicable to the *construction* or permit:
1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of *construction* necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.
4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, *equipment* and systems prior to concealment.
6. Inspection of energy conservation material prior to concealment.
7. Final inspection.

VCC § 113.8 states:

113.8 Final inspection. Upon completion of a building or structure and before the issuance of a certificate of occupancy, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under Section 106.3. The building official shall be permitted to require the electrical service to a building or structure to be energized prior to conducting the final inspection. The approval of a final inspection shall be permitted to serve as the new certificate of occupancy required by Section 116.1 in the case of additions or alterations to existing buildings or structures that already have a certificate of occupancy.

VCC § 116.1 states:

116.1 General; when to be issued. A certificate of occupancy indicating completion of the work for which a permit was issued shall be obtained prior to the occupancy of any building or structure, except as provided for in this section generally and as specifically provided for in Section 113.8 for additions or alterations. The certificate shall be issued after completion of the final inspection and when the building or structure is in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled. The building official shall, however, issue a certificate of occupancy within five working days after being requested to do so, provided the building or structure meets all of the requirements for a certificate.

Exception: A certificate of occupancy is not required for an accessory structure as defined in the IRC.

Furthermore, while the Stop Work Order referenced in the NOV cites an incorrect tax map number, it cites the correct address, putting Harris on notice of the Property at issue. Moreover, the NOV, which is the subject of this appeal, cites the correct tax map number and property address. (See attached maps). Accordingly, there is no ambiguity as to the Property cited in the NOV. Additionally, the Appellant does not dispute that the violations cited in the NOV are on the property corresponding to the address and parcel number listed in the NOV.

In conclusion, the appellant has failed to state a basis for overturning any decision of the Building Official. The unpermitted structures require building permits in accordance with VCC § 108.1, as well as inspections and ultimately certificates of occupancy in accordance with VCC §§ 113.3, 113.8, and 116.1. The NOV clearly put Harris on notice of the affected property. Therefore, the Building Official respectfully requests that the Board deny this appeal.

Appellant Position

Harris's appeal application is attached.

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Documents Submitted
By Fairfax County

(Page left blank intentionally)

County of Fairfax, Virginia

MEMORANDUM

STAFF MEMORANDUM TO THE
LOCAL BOARD OF BUILDING AND FIRE CODE APPEALS

HEARING DATE: July 1, 2020

APPELLANT: Sidney Tobias Harris

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Fairfax, VA 22030

CODE: 2015 Construction Code

INVESTIGATOR: Gary M. Wallace
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Appellant Position

Harris's appeal application is attached.

RESIDENTS BUSINESS GOVERNMENT FAIRFAX COUNTY VIRGINIA SERVICES CONNECT SEARCH

Homepage ▸ Fairfax Inspections Database Online, FIDO ▸ Dynamic Portal ▸ Status

View Plan Status By
- Permit #
- Applicant Name
- Address
- Project Name
- View Review Comments
- Mechanical Certification Status

View Inspection Status By
- Permit #
- Applicant Name
- Address
- Project Name

View Permits By
- Permit #
- Applicant Name
- Address
- Project Name

Elevators
- Check Elevator Plan Status

Schedule, Modify or Cancel an Inspection

Permit Status by Address

To view a list of Permit numbers for the address entered:

1. Enter the address of the Permit. Partial addresses can be used.
   Example: entering only street name and suffix "BRADDOCK RD" will result in a list of all the worksite addresses available for "Braddock Road".
2. Enter the dates.
3. Click "Search."

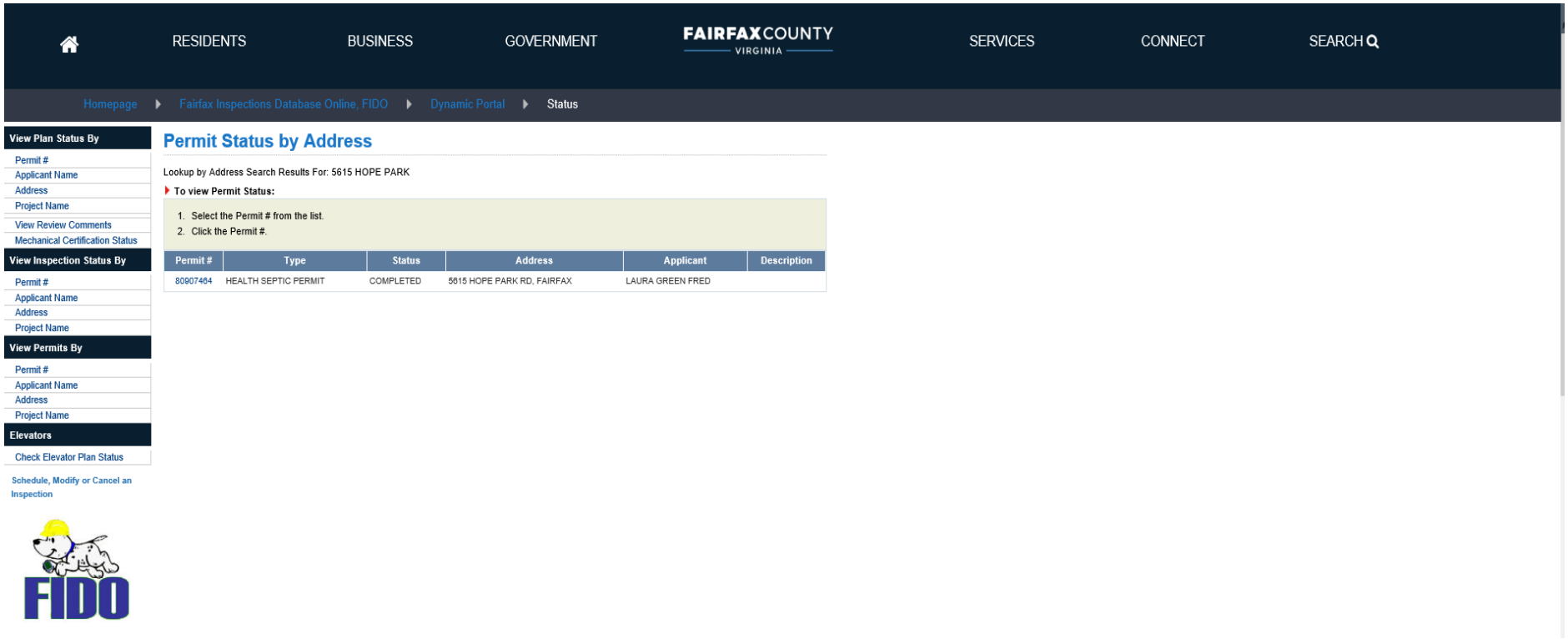
*Required

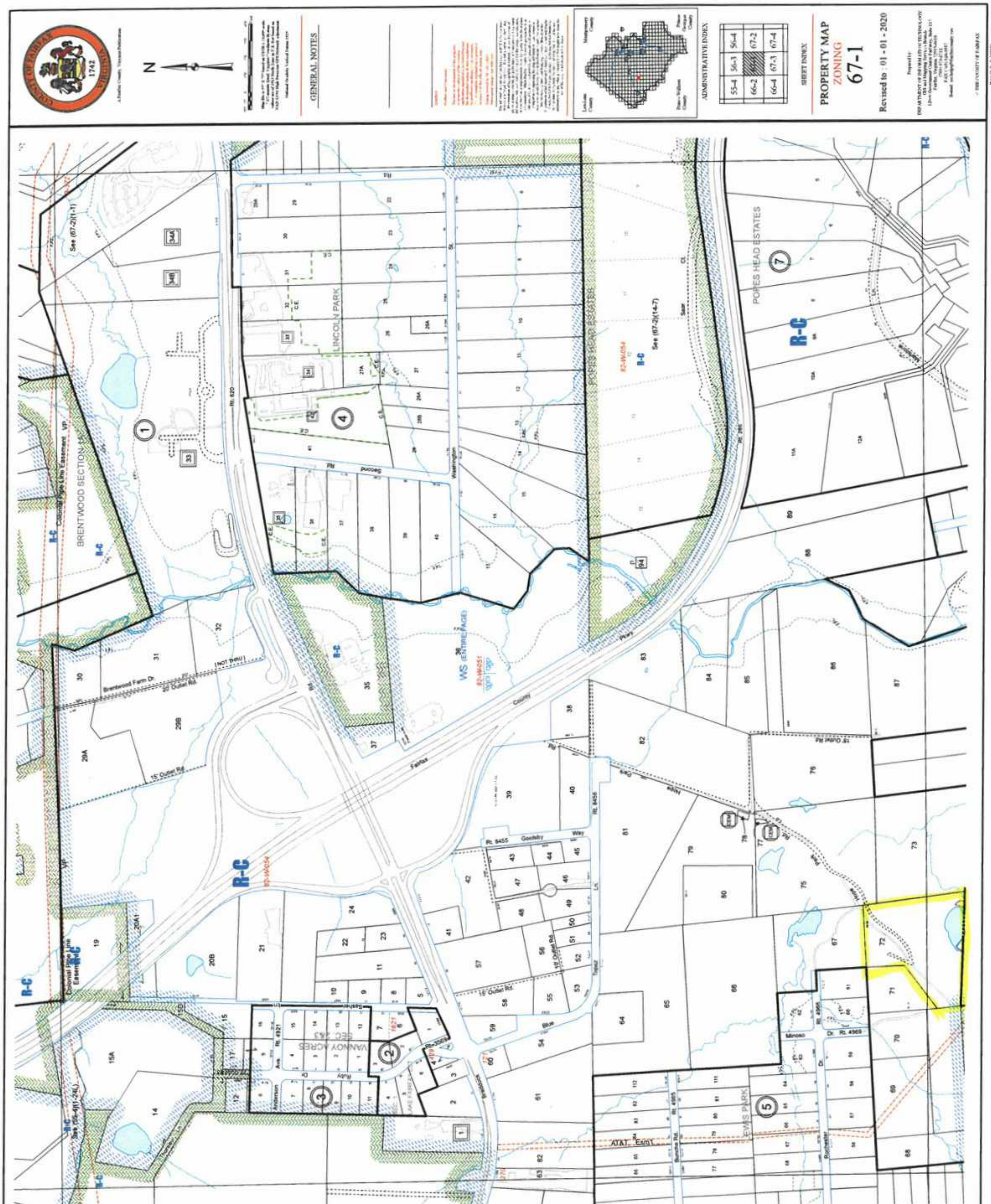
Number	Street Name *	Suffix	AptNo/Suite
5615	HOPE PARK	--	

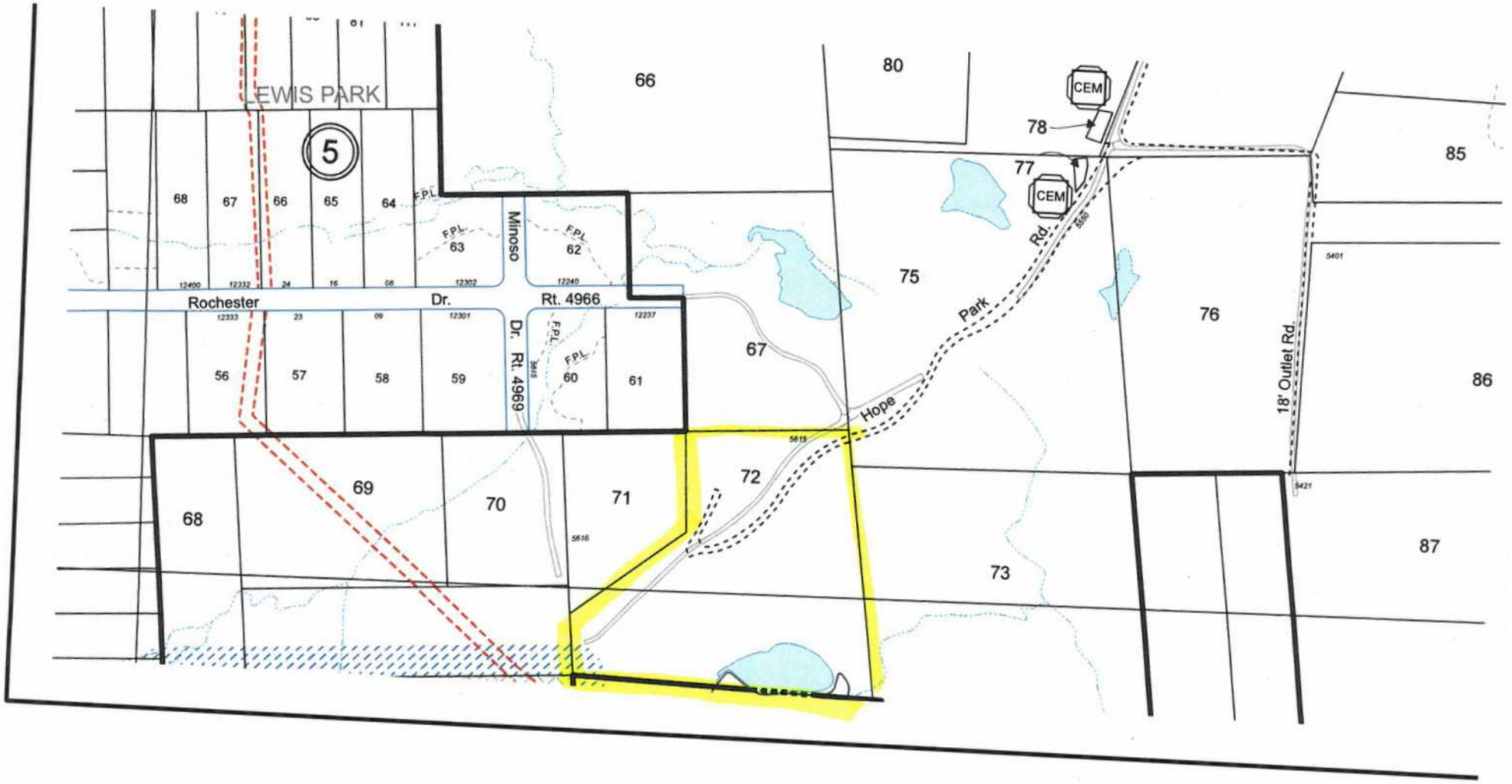
Permit Between Dates :

From: JAN 25 1985 To: AUG 25 2020

Search


RESIDENTS
BUSINESS
GOVERNMENT
FAIRFAX COUNTY
VIRGINIA
SERVICES
CONNECT
SEARCH
Homepage
Fairfax Inspections Database Online, FIDO
Dynamic Portal
Status
View Plan Status By
Permit #
Applicant Name
Address
Project Name
View Review Comments
Mechanical Certification Status
View Inspection Status By
Permit #
Applicant Name
Address
Project Name
View Permits By
Permit #
Applicant Name
Address
Project Name
Elevators
Check Elevator Plan Status
Schedule, Modify or Cancel an Inspection
FIDO
Permit Status by Address
Lookup by Address Search Results For: 5615 HOPE PARK
To view Permit Status:
1. Select the Permit # from the list.
2. Click the Permit #.
Permit # Type Status Address Applicant Description
80907464 HEALTH SEPTIC PERMIT COMPLETED 5615 HOPE PARK RD, FAIRFAX LAURA GREEN FRED


PROPERTY MAP
ZONING
67-1
Revised to : 01 - 01 - 2020
GENERAL NOTES
ADMINISTRATIVE INDEX
SHEET INDEX
55-4
56-3
56-4
66-2
67-2
66-4
67-3
67-4
LINCOLN PARK
POPES HEAD ESTATES
BRENTWOOD SECTION 1
VANNOY ACRES
R-C
WS (ENTIRE PAGE)
Rt. 620
Fairfax County


LEWIS PARK
5
66
80
CEM
78
77
CEM
85
68
67
66
65
64
F.P.L.
63
62
Minoso
Dr.
Rt. 4966
Rochester
Dr. Rt. 4969
75
Park Rd.
76
5401
18' Outlet Rd.
86
56
57
58
59
60
61
67
Hope
69
70
71
72
68
73
87

Map Title

Legend

- Parcels
- Parcels (for imagery)

Notes:

5615 Hope Park Rd.
Tax Map #0671 01 0072

Map produced: 6/29/2020

0 0.07 0.1 Miles

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.

DCC Inspection Report

(Inspection # : 8660774)

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

Location: 5615 Hope Park Rd, Fairfax VA 22030-6321

Inspection Date	Inspection #	Inspection Status	Insp Sqnce #	INSPBY
03/02/20 12:30	**8660774**	**FAILED**	**1**	**GWALLA**

At the request of Suzanne Gilbert, I obtained permission from neighbor Will McAteer to have access to his back yard to obtain photographs of the adjoining property 5615 Hope Park. I observed 3 new structures being built, 2 of which would require a building permit and the 3rd would not be allowed under the zoning ordinance due, to the fact that it appears to be an accessory storage shed and there is no primary use for the property so, no accessory use would be allowed. A SWO will be issued for the 2 structures that require a permit. I will open an unpermitted case for these 2 structures and have it assigned to me. I have made multiple attempts to access the property as Mr. Harris stated that he would allow me to do, to no avail.
I had an unpermitted case opened for the 2 structures that I observed. I was issued case on 3/6/20 and this is my first chance that I had to write report. A NOV was drafted. It was reviewed by the OCA and issued on 5/15/20 along with a Zoning NOV for use not permitted.

CODE	Code Violation	Status
CERC FINAL	ENTER RESOLUTION CODE	
VCC15 108.1	FAILURE TO OBTAIN REQUIRED PER	
VCC15 113.3	MINIMUM INSPECTIONS	

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

LOG ACTION

Date	LOG TYPE	Comments
06/10/20	Bza Upheld Zoning Adm	Junkyard/storageyard NOV upheld
07/08/20	Comment	Board denied Mr. Hariss's appeal.
06/16/20	Building Code Appeal	Appeal of building NOV dated May 15, 2020
06/10/20	Bza Upheld Zoning Adm	BZA upheld Zoning Administrator on Zoning NOV for use not permitted (Junk Yard/Storage Yard)
05/18/20	Comment	Call from wife of William E Greene. New deed was entered on 3/16/20 gifting his share of property to Sidney Harris.
05/18/20	Notice Of Violation Rescinded	Received call from Ms. Greene, wife of William E. Greene. NOV's issued on May 15 will be rescinded. Cert#7019 1120 0001 2427 7217 / William E. Greene, JR . OR his heirs - 5651 Rowser Dr. Woodbridge, VA 22193 ~ Signed by William Greene
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/21/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
06/15/20	Notice Of Viol Receipt Rcved	
05/21/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/21/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/27/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
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05/15/20	Notice Of Violation Sent	
05/21/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
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05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/22/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

05/21/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
07/14/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
06/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
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05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/18/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/21/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
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05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/21/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/21/20	Notice Of Viol Receipt Rcved
05/01/20	Notice Of Violation Sent
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05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
07/01/20	Notice Of Viol Receipt Rcved
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/21/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/21/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/02/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/21/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Viol Receipt Rcved
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
07/17/20	Notice Of Viol Receipt Rcved
05/01/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent
06/15/20	Notice Of Viol Receipt Rcved
05/15/20	Notice Of Violation Sent
05/01/20	Notice Of Violation Sent
05/02/20	Notice Of Violation Sent
05/15/20	Notice Of Violation Sent

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Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

05/15/20	Notice Of Viol Receipt Rcved	
06/09/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/01/20	Notice Of Violation Sent	
05/02/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/02/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/01/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
06/09/20	Notice Of Viol Receipt Rcved	
05/01/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/01/20	Notice Of Violation Sent	
05/21/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/01/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/02/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/02/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
05/15/20	Notice Of Viol Receipt Rcved	
05/15/20	Notice Of Violation Sent	
05/27/20	Notice Of Viol Receipt Rcved	
05/01/20	Notice Of Violation Sent	
05/01/20	Notice Of Violation Sent	
05/15/20	Notice Of Violation Sent	
06/26/20	Notice Of Viol Receipt Rcved	
03/09/20	Comment	Rec. called from David Lewis Jackson of 179 Flagstaff Circle. Claims he is not David Lee Jackson and County needs to stop sending him notices. SSilverman (OCA) spoke w/him as well. NOV & SWO were rescinded.
03/10/20	Notice Of Violation Rescinded	Certified Letter #7019 1120 0002 22941 1447 was sent to David Lewis Jackson to 179 Flagstaff Circle, Martinsburg, WV 25405
03/06/20	Assigned Case To Inspector	CUNPEROTH #1 ASSIGNED TO: GARY WALLACE
02/21/20	Comment	Called NOVEC who verified that there is no electrical service to this property or 5617 Hope Park Rd.
02/20/20	Notice Of Violation Sent	
04/06/20	Notice Of Viol Receipt Rcved	
02/20/20	Notice Of Violation Sent	
03/24/20	Notice Of Viol Receipt Rcved	
02/20/20	Notice Of Violation Sent	
02/20/20	Notice Of Violation Sent	
03/03/20	Notice Of Viol Receipt Rcved	
02/11/20	Notice Of Viol Receipt Rcved	
01/31/20	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
12/30/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

01/17/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
02/14/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
02/14/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
12/30/19	Notice Of Viol Receipt Rcved	
01/22/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
01/22/20	Notice Of Viol Receipt Rcved	
10/20/19	Notice Of Violation Sent	
02/14/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
10/20/19	Notice Of Violation Sent	
12/30/19	Notice Of Viol Receipt Rcved	
02/24/20	Notice Of Viol Receipt Rcved	
10/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
01/02/20	Notice Of Viol Receipt Rcved	
01/08/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
12/19/19	Notice Of Violation Sent	
01/22/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
01/07/20	Notice Of Viol Receipt Rcved	
12/30/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
03/24/20	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/20/19	Notice Of Viol Receipt Rcved	
12/20/19	Notice Of Violation Sent	
12/18/19	Called Responsible Party	Spoke with Franchester Greene. She does not know who lives on the property. She does not know how many chidren Sherral Greene had. She does not have any addresses. She has no record that Sidney Harris is a relative.
11/20/19	Bza Appeal - Nov	Continued until 1/20/20

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

[redacted]

06/06/19	Notice Of Violation Sent	
07/31/19	Notice Of Viol Receipt Rcved	
06/06/19	Notice Of Violation Sent	
05/31/19	Notice Of Violation Sent	
05/31/19	Notice Of Viol Receipt Rcved	
05/31/19	Notice Of Violation Sent	
05/31/19	Notice Of Viol Receipt Rcved	
05/31/19	Notice Of Viol Receipt Rcved	
05/31/19	Notice Of Violation Sent	
06/21/19	Notice Of Viol Receipt Rcved	
05/31/19	Notice Of Violation Sent	
05/31/19	Notice Of Violation Sent	
06/11/19	Notice Of Viol Receipt Rcved	
05/30/19	Miscellaneous	Email to DTA to confirm property owners.
06/10/19	Notice Of Viol Receipt Rcved	
05/31/19	Notice Of Violation Sent	
03/08/19	Miscellaneous	Sent email to Peggi with DCC Letting know that i closed my case.
03/06/19	Miscellaneous	Visited the site to check the erosion controls and the stibilization the land disturbance is under 2,500
02/27/19	Called Property Management	Called Mr Harris to let him know that I'm inspecting the site by the end of the week 3/1/2019
02/15/19	Called Violator	called Mr Harris To check on the status of the Erosion Controls he said he is working on
02/06/19	Meeting	Update: 2/5/2019 LDPOB and DCC met with Mr. Vernon, one of the owner. also, Mr. Sidney Harris was present to discussed the issues regarding the complaint for the land disturbance and the DCC took care their part pretending to all the RV'S, car and equipm
02/05/19	Meeting	Peggy Delean (DCC) Jesus Rico Arreola, and Brandy Mueller (LDS) met with William Vernon Jackson (571) 665-1517 & Sydney Harris ((202) 425-4718 to discuss land disturb, RPA, and zoning violations.
02/04/19	Miscellaneous	email to tony and David to help me to find any information for any of the property owners. Mr. Harris Sidney and Mr. Vernon one of the owners wants to come and meet on Tuesday, February 5, 2019
02/04/19	Meeting	2/1/2019 we will met with DCC to discuss the situation on Monday, February 4, 2019 Updated:2/4/2019 met with DCC also sent an email to tony and David to help me to find any information for any of the property owners. Mr. Harris Sidney and Mr. Vernon one
02/01/19	Called Violator	called Sidney HArris to check on the staus of prof of ownership of the property he wants to bring vernon one of the owner to our office to adress the issue.he will call me with day/time.
01/28/19	Miscellaneous	Owner of the adjacent property new RPA complaint will be created for the encroachment in the RPA.
01/28/19	Called Violator	called Mr harris Sydney to check on the status of the prof of ownership of the property .
01/24/19	Miscellaneous	Called the owner for the adjacent property parcel# 0671 01 0067 spoke with [redacted] she said that she never authorized any work been done on her property i would like to schedule onsite meeting as soon as possible.
01/22/19	Called Property Management	called the property manager C AND E Services for the adjacent parecel from 5615 hope park Rd to call me back to verified if they allow Mr Harris to come across their property and dress up the existing dirt driveway.
01/18/19	Assigned Case To Inspector	CZONE #1 ASSIGNED TO: GARY WALLACE

CASE # : 201900211
Service Request # : 170161 **Problem Code :** CUOTH: Unpermitted Other
Date Rcvd : 03/05/2020 **Assigned To : WALLACE** **Res.Code : OPEN**

01/18/19	Called Violator	Inspector's Comments: Met with Mr. Sydney on 1/17/2019 per what he said he is cleaning up the property, and hauling in fill dirt to fill-in the low spots grade the land to plant grass. the land disturbance is approximately 6,500 Sq. feet Mr. Sydney wil
01/18/19	Assigned Case To Inspector	EFIPLAN #1 ASSIGNED TO: J JESUS RICO ARREOLA
01/18/19	Meeting	Met with Mr. Sydney, onsite on 1/17/2019 per Mr. Harris said that he is been cleaning up the property and haul in some fill dirt to grade out the low spots and hopefully he can plant some grass to raise some horses. the land disturbance Approximately 6,
01/17/19	Called Violator	spoked with Keith Jones what he said he is the property owner we will met onsite to discus the complaint.
01/16/19	Miscellaneous	The property actually is 5615 HOPE PARK ROAD
01/16/19	Called Contractor	called the trucking company spoke with Erick the CEO for SP-trucking of falls church Va what he said he has been paying MR Keith Jones for Dumping at 5615 Hope Park RD property.he will provide more info later today i requested to set up on site meeting.
01/15/19	Called Violator	Called owner left a message to call me back.
01/14/19	Assigned Case To Inspector	RPA #1 ASSIGNED TO: J JESUS RICO ARREOLA

Photograph by Deputy Sheriff Sureyya Kanli on March 12, 2020

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Photograph by Deputy Sheriff Sureyya Kanli on March 12, 2020

Photograph by Deputy Sheriff Sureyya Kanli on March 12, 2020


LOWE'S
03/02/2020 11:53
Photograph taken by
Investigator Gary Wallace

65

Photograph taken by Investigator Gary Wallace


Photograph taken by
Investigator Gary Wallace
03/02/2020 11:42

Parcel ID: 0671 01 0072 HARRIS SIDNEY TOBIAS 5615 HOPE PARK RD FAIRFAX VA 22030 2020

Add Record | Deactivate | Alerts | Reassign | Abandon | Validate | Commit | Quick View | Print | Run Reports | Documents | Quick Links

General | Dwellings | Additions | OBY | Land | Permits | Entrances | Notes | Values | Sales | Asmt | Legal

Insert | Modify | Delete | ▲ | ▼

#	Code	Comment	Who	When	Statu
101	RMKS: Converted fr...	1 NOTES: 98 UNKNOWN YEAR BUILT ESTIMATED CIRCA 1925 7/1/97.	Convert	01/14/2004 12:00 AM	
102	RLOC: Reallocation	2008: Land allocation review. No change to 1-1-08 land value.	DMICHA	04/01/2008 12:40 PM	
103	PA: Parcel Notes	PA 10: CHANGE TO VACANT LAND 3/24/09 #52	NALBAR	04/22/2009 02:11 PM	
104	DIST: District Change	Stormwater District No. 1 was added effective 07/01/2009	PTIMMS	08/02/2009 07:53 PM	
105	APL: Appeal Notes	PER HEALTH DEPT POSSIBILITY OF PERC APPROVAL IS VERY LOW BECAUSE OF THE POOR	KGREWA	05/03/2011 03:14 PM	
109	APL: Appeal Notes	SOIL- SITE CODE CHANGED TO 'V' #77 05/03/11	KGREWA	05/03/2011 03:14 PM	
107	APL: Appeal Notes	2011 REDECED FROM $415,000 TO $97,000, 2010 FROM $428,000 TO $97,000	BSCHUE	05/16/2011 07:58 AM	
108	APL: Appeal Notes	2009 FROM $450,000 TO $97,900 AND 2008 FROM $500,000 TO $98,000 #77 5/16/11	BSCHUE	05/16/2011 07:58 AM	
110	APL: Appeal Notes	APPEAL: 11-24381 LAND VALUE CORR (UNUSUAL CONDITION-ADJUSTED FOR BEING	JGUIRG	05/16/2011 02:52 PM	
111	APL: Appeal Notes	NON-BUILDABLE). TOTAL ASSMT REDUCED FROM 415,000 TO 97,000; 2010 FROM 428,000 TO	JGUIRG	05/16/2011 02:52 PM	
112	APL: Appeal Notes	97,000; 2008 FROM 450,900 TO 97,900 & 2008 FROM 501,000 TO 98,000. 05/10/11 #77.	JGUIRG	05/16/2011 02:52 PM	
106	APL: Appeal Notes	2011 + 3 PRIOR REDUCED TO $0.37/SF DUE TO LARGE PARCEL SIZE AND POOR SOILS	HGOODI	05/26/2017 08:43 AM	

MAP #: 0671 01 0072
HARRIS SIDNEY TOBIAS 5615 HOPE PARK RD

Owner

Name	HARRIS SIDNEY TOBIAS,
Mailing Address	PO BOX 220271 CHANTILLY VA 20153
Book	26187
Page	0114

Co-Owners

JACKSON DAVID LEE
JACKSON-WILKERSON ADIA
JACKSON JESSICA
GREENE JEREMY

Parcel

Property Location	5615 HOPE PARK RD FAIRFAX VA 22030
Map #	0671 01 0072
Tax District	80000
District Name	SPRINGFIELD
Land Use Code	Vacant Land
Land Area (acreage)	6
Land Area (SQFT)	
Zoning Description	RC(Res Conservation 1DU/5AC)
Utilities	WATER NOT AVAILABLE SEWER NOT AVAILABLE GAS NOT AVAILABLE
County Inventory of Historic Sites	NO
County Historic Overlay District	NO For further information about the Fairfax County Historic Overlay Districts, CLICK HERE For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	UNPAVED
Site Description	NON-BUILDABLE-NO PERC-NO SEWER

Legal Description

Legal Description	PT HOPE PARK PT LT 13

Sales History

Date	Amount	Seller	Buyer
04/17/2020	$0	HARRIS SIDNEY TOBIAS	HARRIS SIDNEY TOBIAS
04/19/2019	$0	JACKSON WILLIAM VERNON	HARRIS SIDNEY TOBIAS
01/06/2011	$0	JACKSON WILLIAM VERNON	JACKSON WILLIAM VERNON
01/06/2011	$0	GREEN FRED	JACKSON WILLIAM VERNON

Sales

1 of 4

Date	04/17/2020
Amount	$0
Seller	HARRIS SIDNEY TOBIAS
Buyer	HARRIS SIDNEY TOBIAS
Notes	No consideration
Deed Book and Page	26187-0114
Additional Notes	

Values

Tax Year	2020
Current Land	$97,000
Current Building	$0
Current Assessed Total	$97,000
Tax Exempt	NO
Note	

Values History

Tax Year	Land	Building	Assessed Total	Tax Exempt
2019	$97,000	$0	$97,000	NO
2018	$97,000	$0	$97,000	NO
2017	$97,000	$0	$97,000	NO
2016	$97,000	$0	$97,000	NO
2015	$97,000	$0	$97,000	NO
2014	$97,000	$0	$97,000	NO
2013	$97,000	$0	$97,000	NO
2012	$97,000	$0	$97,000	NO
2011	$97,000	$0	$97,000	NO
2010	$97,000	$0	$97,000	NO

2009	$97,000	$900	$97,900	NO
2008	$97,000	$1,000	$98,000	NO
2007	$451,000	$4,000	$455,000	NO
2006	$447,000	$4,000	$451,000	NO
2005	$302,000	$4,000	$306,000	NO
2004	$280,000	$3,555	$283,555	NO
2003	$168,000	$3,555	$171,555	NO
2002	$140,000	$3,555	$143,555	NO
2001	$120,000	$3,555	$123,555	NO
2000	$120,000	$3,555	$123,555	NO

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Date

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In The Matter Of:

IN RE: APPEAL OF SIDNEY HARRIS

July 8, 2020

Anita B. Glover and Associates, Ltd.
10521 West Drive
Fairfax, Virginia 22030
(703)591-3004
www.AnitaGlover.com

In The Matter Of:

IN RE: APPEAL OF SIDNEY HARRIS

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V I R G I N I A:

VIRTUAL HEARING BEFORE THE
FAIRFAX COUNTY BOARD OF BUILDING AND FIRE CODE APPEALS
RICHARD GRACE, LIAISON AND MODERATOR
July 8, 2020

IN RE: Appeal of Sidney Harris
Appeal No. 200617.0AP

BOARD MEMBERS:

David R. Conover, Chairman
Wayne Bryan
Amado Fernandez
Rob Fisher
George Page
Daren Shumate, P.E.

WZ20-002

APPEARANCES:

On behalf of the Appellant:

SIDNEY HARRIS, PRO SE

On behalf of Fairfax County:

SARA SILVERMAN, ESQUIRE
Office of the County Attorney
12000 Government Center Parkway
Suite 549
Fairfax, Virginia 22035

Also present:

GARY WALLACE, INVESTIGATOR, DCC

C O N T E N T S

P R O C E E D I N G S

CHAIRMAN CONOVER: Okay. This is Dave Conover, again, and I am going to call the meeting back to order.

And we are going to take our second appeal which is regarding Hope Park Road. This is Appeal Number 200617.0AP.

And I believe earlier in the call we took roll. Sidney Harris was here, so I am going to open the floor up to Sidney and/or those speaking on his behalf regarding the appeal. And, again, when you re speaking, please state your name. Mr. Harris.

MR. HARRIS: Yes, Sidney Harris. Thank you. Good morning, everyone.

CHAIRMAN CONOVER: Good morning.

MR. HARRIS: I am appealing, again, the decision that was made to, I guess, the stop work orders and the notice that basically states that I needed certain provisions in order to continue completing, I guess, the finalization of the two constructed buildings that were recently renovated, constructed to, pretty much, not perish in a short period of time.

The first objection would be the fact that

the notice that was issued -- the stop work order notice that was issued was issued with the wrong identifier. I guess the land code or the tax map ID.

And I called them to speak on that prior to appealing this particular notice, because I didn t know if it applied to me or not. I know it had the -- the address was correct, but not the actual tax map ID. I didn t know if it was in conjunction with some other case and the documents got mixed up or not. Didn t know.

Secondly, when the sheriff s department came to the location, I actually -- what they were stating was that these buildings were larger than 256 square feet.

I then allowed them to take out a measuring tape, which I did, and I showed them in no way, shape, fashion or form, despite what the notice said, are these buildings greater than 256 square feet. And, also, the picture that was taken was enlarged to make it look a lot bigger than what it actually is.

And the use right now that the property is for, as far as agricultural usage, in going through the -- I m going through the codes, going through everything that I needed to do prior, even calling to see whether or

not when these were erected and any renovations to any existing shed of how feed, anything that I needed to do were complied with.

Secondly -- I mean, thirdly -- excuse me -- the -- I think it s the stack, the renovations to one of the buildings that s in question was renovated and nothing stated that any permits, any type of -- anything that I needed it for were necessary or needed, necessary or needed, and that s why once the notices were presented on the building, they were left in that condition. I have not done anything to them since then in order to be in compliance.

And that s all I ve ever wanted to do is be in compliance with the County. I have never tried to be rogue or do anything outside of the scope of what s permitted, whether it be permitted uses or for my animals and to make sure that they are in a safe environment once they re here.

The reason I really appealed this was because it prevents me from actually applying for any more permits or any permit which are necessary for the new house or a house to be placed on this particular property different from the one that is already -- or was

here prior and, from 1896, modified since then.

There were several homes on this property. And then my aunt, which is next door, subdivided her property from the existing eight acres which at that time it showed as two different parcels.

And I apologize because my phone keeps going in and out. I see I have an incoming call.

But other than that, all the violation stated was in the inspector s write-up. According to the plans and the provisions that I went over and that I read and that I also conversed with the ordinances and the individuals was within compliance of the usage that are permitted on the property and within the county.

I will yield there.

CHAIRMAN CONOVER: Okay. Thank you, Mr. Harris.

Board Members, do you have any questions for Mr. Harris?

MR. PAGE: Yeah, David, this is George Page. I have a couple of questions for Mr. Harris.

CHAIRMAN CONOVER: Go ahead, George.

MR. PAGE: Mr. Harris, the building, the chimney and deck on the northern section of the property,

is that a dwelling, is it a shed, is it a barn? What is that?

MR. HARRIS: That s actually a storage facility at the time. There s three of them and -- well, actually, I take that back.

The chimney smokestack has -- right now, it has feed and different material inside of it so that the material is safe.

At one point we had mobile minis here and the mobile minis were protecting all of the material. But then based on cleaning the property up or taking certain things out, because I m only allowed to have the mobile minis for a certain period of time, then they were moved from the mobile minis inside.

MR. PAGE: Okay. My second question is the large structure on the southwest section of the property, is that a dwelling, is it a shed, is it a storage shed? What is that?

MR. HARRIS: Those two are storage sheds. The ones that were taken pictures of -- that the County actually took pictures of were all based on agricultural usages.

The one picture with the smokestack and

chimney, if you -- going back through the records, I have been trying to work with and deal with the real estate assessment tax office.

At one point in time, this property was -- it was inhabited on a 2011 appeal from my cousin. The rectification of that was to remove all dwellings from the property. And we have been in the last, I m going to say, eight months, along with the pandemic, trying to resolve that particular issue. And I have involved my attorney in doing that and correcting that problem. So that s a clerical error.

MR. PAGE: Okay. So they re all agricultural storage somethings; right?

MR. HARRIS: At this point, yes. I m going to say, the ones that were erected. The ones in question right now, the ones that we re talking about, the erected ones, yes. Those were agricultural storage units.

MR. PAGE: The ones that the County has taken issue with?

MR. HARRIS: That is correct.

MR. PAGE: All right. And what is the 250-square-foot issue?

MR. HARRIS: The 256 square foot or less, it basically requires you to have a permit. If you are greater than 256 square feet, according to the code that I read, you re required to have a permit.

But I m also conflicted with the code that basically deals with agricultural usage or purposes, like a barn. If -- like the lean-to -- like in the woods right there, there s a barn that basically needs repair, but does that need a permit if it s for agricultural purposes? Am I just going to leave it alone until the house is actually built? What am I going to do? And that s based on the information that I would obtain to be code-compliant --

MR. PAGE: All right.

MR. HARRIS: -- because since 1896, that was this was used for. We have a pond stocked full of fish, we have chickens, and I m trying to move from one place to the other the horses. So I can t do that until the fields are properly treated or landscaped.

MR. PAGE: Okay. I have no more questions. Thank you very much, Mr. Harris.

CHAIRMAN CONOVER: Any other Board Member questions?

[No response.]

CHAIRMAN CONOVER: Okay. I m going to turn it over to the County.

MR. SHUMATE: Wait. I have a question. I m sorry, David. This is Daren. I ve got a question.

CHAIRMAN CONOVER: Daren.

MR. SHUMATE: My question is is there actually a home on the property right now? Is there a home on the property now?

MR. HARRIS: That is correct. It s not being allowed to be occupied because of like that clerical error. Again, that s something that I have to address with the tax assessment office.

MR. SHUMATE: And you said that this building is under 256 square feet?

MR. HARRIS: That is correct, or right at. I ve taken measurements.

But the one picture that you see with the -- that was an extension of the existing property, but I figured if we -- because of the complaint -- I mean, excuse me -- not of the complaint, but the issue that was at hand was the footage or the size of the building. Instead of putting a chicken coop or something on the

side of it, we just built it elsewhere. We just simply fixed it up and put it at a different location on the property.

MR. SHUMATE: Okay. And that -- well, the one building, it looks like it s on an old concrete slab. You ve got it on four little -- four concrete corner blocks --

MR. HARRIS: Correct.

MR. SHUMATE: -- that is a storage shed?

MR. HARRIS: That is correct. That is not a permanent building.

MR. SHUMATE: And the one picture that s got like the double doors and a gable --

MR. HARRIS: Correct, correct.

MR. SHUMATE: -- that s an addition to an existing structure?

MR. HARRIS: I m sorry.

MR. SHUMATE: That s an addition to an existing structure?

MR. HARRIS: Oh, I m sorry. That is a renovation to an existing structure. That is correct. Yes, sir.

MR. SHUMATE: And that original structure,

was that originally a house? Was it originally a residential dwelling?

MR. HARRIS: That s correct.

MR. SHUMATE: It was?

MR. HARRIS: Yes, sir.

MR. SHUMATE: Okay.

CHAIRMAN CONOVER: Other questions from the Board?

[No response.]

CHAIRMAN CONOVER: I have one, Mr. Harris.

The picture I m looking at that s got the Lowe s and Tyvek vapor retarder, air infiltration retarder on it and appears that there s double doors and windows on either side with exterior vinyl siding -- there s some sort of siding almost up to the top roof pitch -- I see on the left side a chimney exit. What is that chimney connected to?

MR. HARRIS: It was connected to an old school wood-burning stove. You know how they used to -- I guess it was a cooking stove and wood stove at the same time. That s what that was connected to.

But the chute had backed up so much and hadn t been cleaned, that s why you see a new one up

there, because the flue -- I m sorry, the flue was just completely ruined -- I mean, not ruined, but it was just old.

CHAIRMAN CONOVER: So, again, I m looking at a chimney cap and chimney above the roof line. What is it currently connected to, anything?

MR. HARRIS: No, sir.

CHAIRMAN CONOVER: What s it going to be connected to?

MR. HARRIS: No. It was connected to the same chimney -- I mean the same fire stove/fireplace, the old school fireplace. That s what it was connected to at one point.

We simply -- in order to install the new chimney vent, the existing vent had to be -- or the existing placement of the stove had to be removed so that that could be placed in. It couldn t be placed in at the same time that the stove was connected to it, as well.

CHAIRMAN CONOVER: Again, I m still -- sorry. I m a little confused.

So what -- so it s not connected to anything and will not be connected to anything or is it your intent to -- if I heard you, the flue pipe was

blocked up, wasn t working, et cetera, et cetera. It used to be a wood stove in there.

You put in new vent pipe and then you re going to connect it to a wood stove?

MR. HARRIS: I apologize for the confusion.

We re talking about -- this particular structure that you re talking about has been there more than a year and a half now. So when I speak, I m sorry if I m speaking in the wrong tense.

At the time the structure was -- the pipe or the flue was replaced, the stove was removed and put back in the same location that it was taken out of in order to have that repair done.

CHAIRMAN CONOVER: So this structure will, I guess, if construction continues and you finish it, will have a freestanding wood-burning stove in it with a working flue/chimney; is that correct?

MR. HARRIS: That is correct. What was in it before is what s still in it, except for the new cap and the collar. That s correct.

CHAIRMAN CONOVER: Thank you.

Okay, any other questions?

[No response.]

CHAIRMAN CONOVER: All right. I m going to turn it over to the County and, again, remind folks we ve got all of the documentation, pictures, et cetera.

But I ll turn it over to the County. Please indicate who is speaking, and then the floor is yours.

MS. SILVERMAN: This is Sara Silverman from the County Attorney s Office. I m going to -- let me turn my volume down a little bit.

What I d like to do is allow Gary Wallace, who is the investigator, to address the facts of the case and then I ll be able to respond to some points.

I think Mr. Wallace can give the history on the inspections and he can also give some history on some prior inspections that he s done related to zoning and to sort of address the accuracy of what has or hasn t been on the property in the past or at least what s been observed. We ve had a number of inspections surrounding the property and actually the aerials.

So I will turn it over to Mr. Wallace now, and then when he s done I can address specific points Mr. Harris has made.

CHAIRMAN CONOVER: Thank you.

MR. WALLACE: This is Gary Wallace of the Department of Code Compliance. Request permission to speak.

CHAIRMAN CONOVER: Yes, go ahead. Sorry.

MR. WALLACE: All right. Let s start with the problem at hand right now, the notice of violation.

This notice of violation that Mr. Harris is appealing is based on an inspection I did in preparation for a hearing before the Board of Zoning Appeals regarding unrelated zoning violations; specifically, on 3-2-20, I went to an adjoining property with the permission of the owner of the adjoining property because Mr. Harris refused to grant me permission to the property -- to have access to the property.

While I was there for my follow-up inspection for the upcoming zoning appeals, I observed several structures that were not there the last time I did perform an inspection.

One of those structures observed appeared to be well in excess of the requirement from being exempt from a building permit, based on my experience as a

technical assistant. A second structure appeared to be also that exceeded the size from being exempt from obtaining a building permit.

I then returned to the office, opened an unpermitted case, had it assigned to me. I sent a notice of violation that clearly identified the subject property on 5-15-20. It was posted on the property by the sheriff on 5-15-20. A copy of the NOV was also sent to Mr. Harris via certified mail. It was marked delivered on 5-18-20. It was sent to his P.O. Box address in Chantilly.

On top of that, I d like to add with investigating my zoning violation, the County clearly has pictures of no structures at all where these structures now exist.

MS. SILVERMAN: This is Sara Silverman. Permission to speak.

CHAIRMAN CONOVER: Go ahead, Sara.

MS. SILVERMAN: Okay. So I d like to address several points.

Specifically, just first, Mr. Wallace -- or Mr. Harris is addressing a stop work order. Given the history of this case, you can see Mr. Wallace s investigation was actually in March. There was a stop

work order issued, but that is not the notice that is being appealed. You will see attached to his appeal, he attached the notice of violation that was later issued. There is no problem with the parcel number in that notice of violation. I would say the stop work order. I think it s completely disingenuous to suggest that, given the property address is correct, that the parcel number was incorrect on the tax map and caused confusion.

But with that said, that s not the notice that is being appealed. And the stop work order is long outside the time period allowed for an appeal, so that s not what we re here for.

In terms of disputing the size of the structures, this is Mr. Harris appeal. Beyond alleging that the sheriff came and he had done some measurements, he s not presented the measurements, he s not presented the actual size. he doesn t have any pictures of, you know, tape measures on the structures. So these are self-serving statements where he has presented no evidence to support. So I don t think that his appeal can be granted on that basis.

You know, he claims that this is going to be an agricultural use. Again, we don t have concerns of

anything. There s no -- we have no evidence that there s any agricultural activity on the property.

I was trying to scour my inbox and just in the spur of the moment was not able to do it. I would, if given a minute, have some rebuttal evidence on that. I wasn t anticipating his position quite in this nature where he says he has animals on the property and has agricultural activity.

At the recent BZA hearing, Mr. Harris admitted pictures of his property that he claims were recent, so I think that those pictures would be relevant if you wanted to see whether there was agricultural activity.

Regardless, the property is zoned residential, currently. He has submitted no use -- request for use determination to convert it to agriculture and from our inspections, we can t see any evidence of agricultural activity.

So, again, this is his appeal. Beyond his testimony, he s presented no corroborating evidence, so I don t think that that can support his appeal.

And as Mr. Wallace testified, we have no -- we know that these were not existing structures. We

do have aerials, and I know that you received some. There were some police flyover aerials that we also have that I could, in a moment, locate for you and email if you feel that you need that evidence.

But I think that s all I have for now. But if you have any questions, we re happy to answer them.

CHAIRMAN CONOVER: Thank you, Sara. Board Members, any questions?

MR. WALLACE: Investigator Wallace. Request permission to speak.

CHAIRMAN CONOVER: Go ahead.

MR. WALLACE: Yes, sir. If Mr. Harris says the buildings under the requirement of obtaining permit, why doesn t he let me on the property so I can assess that and then we can move forward from there?

CHAIRMAN CONOVER: Oh, I m sorry. I am confused. I thought the County was done with their testimony. I was asking for questions from the Board.

MR. WALLACE: Then just forget about that then. I m sorry.

MR. PAGE: David, this is George Page. I have a couple of questions for the County.

CHAIRMAN CONOVER: Go ahead, George.

MR. PAGE: Okay. First of all, well, I guess I ll just direct this to Sara, because I don t know who else would be better qualified to answer.

If the structures were under 256 feet -- and I didn t see that in the code book when I checked -- but if the structures were under 256 square feet, would that makes a difference for this appeal?

MS. SILVERMAN: Yes, that would. There is an exemption in the code for structures under 256 square feet in terms of the requirement for building permits. However, we don t have -- they appear to exceed 256 square feet, I think, you know, comfortably. I don t think there s any question about the structure with the chimney.

And Mr. Wallace experienced viewing many that (inaudible) was also in excess, and Mr. Harris did not come in with any measurements to dispute that.

MR. PAGE: Okay. I have another question. Let s say it is under -- let s say a structure is under 256 square feet. If it s got electrical service or a chimney, does that make a difference?

MS. SILVERMAN: I will defer back to Mr.

Wallace because, as a technical assistant, he actually deals with those aspects of the code more than I do.

MR. PAGE: Go ahead, Mr. Wallace.

MR. WALLACE: Investigator Wallace, Department of Code Compliance. Request permission to speak.

CHAIRMAN CONOVER: Go ahead.

INVESTIGATOR WALLACE: Okay.

CHAIRMAN CONOVER: Thank you.

INVESTIGATOR WALLACE: Yeah, if he ran plumbing, electrical, mechanical. Even if it was a shed that didn t require a permit, it would still require a permit for the electrical, mechanical and plumbing.

The other issues we have is there s no primary use. So even if it was under 256 square feet, it still wouldn t be allowed on the property.

MR. PAGE: Okay. And, finally, I have a question -- I m going to bump this one back to Sara Silverman, again. Again, this is George Page.

Sara, you said the area was zoned residential. Does that mean you cannot claim an agricultural exemption for a structure?

MS. SILVERMAN: He would need to submit

evidence that it was agricultural and, typically, you get a use determination from the zoning administrator to make that determination.

So I am not suggesting that merely because it s zoned agricultural does not mean that he can t have an agricultural use or the agricultural use exemption doesn t apply. But the reference was just because we have no evidence to support the agricultural beyond his testimony today.

MR. PAGE: Okay, thank you very much. I have no more questions, David.

CHAIRMAN CONOVER: Okay. Other Board Members, questions?

[No response.]

CHAIRMAN CONOVER: Okay. I have one for the County.

I m looking at the building code appeal request form.

MR. SHUMATE: David, when you have a moment, I have a question. I apologize.

CHAIRMAN CONOVER: Go ahead.

MR. SHUMATE: All right. My question, the appeal is basically for the building. The zoning is not

an issue in this appeal. Am I correct in that?

MS. SILVERMAN: You are correct. This is Sara Silverman. There is a separate zoning appeal that Mr. Harris has filed.

MR. SHUMATE: Our evaluation has to do with the physical structures that are constructed without permits and without inspections?

MS. SILVERMAN: Yes, correct.

MR. SHUMATE: Okay, thank you. That was all, George. Thank you. David, that was all. Thank you.

CHAIRMAN CONOVER: Thank you. This is Dave Conover, again. And if you re not speaking, please mute, star 6, so we don t have any background or echo.

This is for the County. In the appeal request, the form, there is always an opportunity -- and I assume a requirement -- for the appellant to describe the code or design deficiency and practical difficulty in complying with the code.

The code in this case is the section so noted on the appeal request dealing with permits, inspections and a C of O.

I didn t see anything filled out. Am I

reading the wrong appeal request or, in fact, this appeal request doesn t provide a request or a solution if that section is left blank?

MS. SILVERMAN: Sir, there s -- I think if you would scroll down, you ll see that there was another appeal request.

Mr. Harris initially filed an appeal request for -- that had this notice of violation attached on the form for a zoning appeal. That form doesn t have all of the required information for a building code appeal. But we provided him the form -- the correct form. He filled that out, but he left blank the description of his appeal.

We just didn t want to be unreasonable in that there was a description provided on the form he initially filled out and, clearly, was sort of the confusion, so I didn t read that here. Yes, that is missing from the form. You ll see that it s really a very brief description.

We didn t really know what we were going to be hearing from Mr. Harris today, but he did have, at least, some modicum of a description on the initial form. I believe that is part of the package, but you may need

to scroll down until you see it.

CHAIRMAN CONOVER: Thank you.

Okay, I didn t hear any other Board Members prior to my asking that question. Thank you.

So I ll turn the floor back over to Mr. Harris for any additional comments or, if you will, rebuttal.

MR. HARRIS: Thank you. Can you hear me?

CHAIRMAN CONOVER: Yes.

MR. HARRIS: Okay. I would definitely state that there are several other factors here based on what the County represented.

If I can, I understand that this is my particular time. I was given the notice, but I was not given a place where to send photos. If we were in person, this would be totally different. This is the same thing that happened at the Board of Zoning Administration appeal.

I have no problem providing photos of livestock. I have no problem providing photos of the upkeep of the pond and the fully-stocked fish, the horses, any of the things that are needed to show that, I can show for a fact that this property is being used for

agricultural purposes.

Until I get the appropriate permits to build any structure new to this particular property that will be properly coded, to have anyone come an inspect it as it s needed, but because of this particular violation, that was all prevented for me to do.

And I would ask if that s the case, so that I can get the appropriate place to send these pictures -- and we re having this because, in fact, it is my appeal. So I would ask for a continuation to get that information in order to provide, because I can also provide documentation where this property was agricultural at one point and the County changed it without the -- I guess anyone that I was aware of in my family knowing that it was changed to an R-C District. So to state that this was always residential, it was agricultural and then it was changed to residential conservation, which still allow the agricultural usages within its premises and permitted uses.

And Mr. Wallace and Mrs. Silverman basically said -- and I do apologize because Mrs. Silverman wasn t there -- but Mr. -- I m sorry, too. Mr. Wallace was also not there. I met with the County, with

Ms. Silverman, and the -- Mr. Jesus and his supervisor and we discussed all of these things. But they were aware of the meeting that took place which the agricultural usage was discussed. It was a very clear topic that that was the premise of the property and my non-profit using it for that scope.

So -- and the other thing -- I m sorry.

CHAIRMAN CONOVER: Go ahead, Mr. Harris.

MR. HARRIS: I m sorry. So as far as the principal use, as I m aware, there s nothing stating that for the principal use that it can t still be used as agriculture until those permits are obtained through the county as long as I m not blocked.

I m having the geotechnical soil testing done so that the structural engineer and the blueprints can be properly submitted down in the county. I m not trying to do anything that is outside of the scope.

So based on what was just brought up, as far as me providing the evidence, since this is my appeal, I would just ask for a continuance until the next hearing based on the circumstances because I do have the photos in my phone. But if this was in person, this would allow me to do so.

So I would just ask for that continuance just simply to do exactly what was stated to prove that not only are the buildings within code compliance, but also the permitted use of being used as agricultural purposes.

MS. SILVERMAN: Permission to speak. This is Sara Silverman. This is just a procedural suggestion.

CHAIRMAN CONOVER: I wanted to first ask Mr. Harris -- if it s okay, you guys on the county side will get to speak in a moment to clarify anything.

MS. SILVERMAN: Certainly. I was going to suggest that he could email the pictures. That s all. That s been done in other hearings for other bodies.

CHAIRMAN CONOVER: Do the Board Members have any questions?

[No response.]

MR. CONOVER: Mr. Harris -- I assume, Mr. Harris, you were done with your second set of remarks?

MR. HARRIS: Oh, yes, sir. I was also going to state that on the form, like Ms. Silverman stated, there was some confusion on which because I did fill out multiple appeals, but I didn t know if that was

for me to fill out like a possible solution or if that was for the county section for possible solutions.

And the solution that I have is simply to allow me the ability to apply for permits and then you will see that I will be completely on the outside of showing you the structures are within code compliance and the use or the permitted use is being also well within compliance.

If I m allowed to -- now that I have all of the engineering and the appropriate blueprints, I can move forward with the erection or the building, the process of the new house or building coming on the property that will be well within code, that there is no question about whether or not anything is existing or wasn t existing.

CHAIRMAN CONOVER: So I assume you are done. And I m going to see if any of the Board Members have questions.

MR. SHUMATE: This is Daren. Can you hear me?

CHAIRMAN CONOVER: Go ahead, Daren.

MR. SHUMATE: All right. So -- Mr. Harris, so you said you ve got actually a home that you

designed or you re designing. You re working on geotech, a structural engineer. I assume you have an architect or at least a builder who has got a plan. So you re making progress on that.

And what is your intent on -- you said you were going to follow up with the county. What is your schedule for what you have filed? Are you waiting for the zoning appeal to come through?

MR. HARRIS: Oh, no, sir. The -- if you ll notice, in the actual notice of violation for the Virginia Construction Code, Mr. Wallace put certain provisions in the -- so even with me getting granted permission to -- we have a Toll Brothers home that will be built here. The geotechnical engineer will simply sign off on this is what you need structurally to make this house work here.

And remember when I brought up before the assessment that was done through the Real Estate Assessment Office? Before the property was listed as poor lot buildable, but then upon our appeal, it was placed in a non-buildable zone for having perking for sewer and water. So, again, not having the assessment appeal, it put us in two different categories.

So I had to hire a geotechnical engineer to come in, test the soil again, then tell me exactly what structural procedures we need to follow so that the civil engineer can go forward with the house that we want built. So, yes, sir.

So if the notice of violation didn t put a block on my account at the address, then, yes, I could have -- once we get the geotechnical report back, we could then follow up with the county and proceed through the county with the next steps, with the building plan, the permits that are required, that that builder will be doing all of that. He s the one that s a professional in those particular areas. But I have hired someone to do that for me.

MR. SHUMATE: And your contention, in general, the appeal is that the one structure is under 256 square feet and I don t believe in the photographs I saw that it had any sort of mechanical or plumbing in it.

MR. HARRIS: That s correct.

MR. SHUMATE: And there was an addition to an existing building. So it seems to me that your contention is of those two buildings, one of them is under 256 square feet and would not apply.

And I m actually sitting here in front of my computer at home and if a permit is not required for -- a permit is required for a shed or a playhouse over 256 square feet. So you re contending that you re in the not -- a permit not being required for that structure.

But on the other one -- what s your thoughts on the other one, the one that s got the addition, the building that s got the chimney that s attached into an old wood stove? What s would be the use?

MR. HARRIS: Yes, sir, for the same purposes, of storage.

I had two 40-yard mobile mini units here. So when we come to the property, whether it be cold or whether it be hot, there are no electrical, any -- there are no additional electrical wiring going to the property. There s no plumbing within the property. I mean on that particular building.

The other two photos -- and that s what I m saying. If I had -- if this were to be continued, I can provide the evidence that is necessary to show that those buildings are far under 256 square feet.

The existing building with the chimney is,

if anything, slightly -- that s why we decided not to build the addition or where you see the wood for that paneling onto it because it would greatly exceed -- or not greatly, but it could possibly exceed much further than 256 square feet. So we decided to make it a separate structure versus an existing structural building on the existing structure.

And so my plan is there s no occupancy of that particular dwelling and there s no plumbing. There s no electrical devices that were in addition.

Like I stated, I reviewed the code to see if we were to add electrical or if we were doing anything to the building other than renovating the outer surface of it, such as the roof, the vinyl siding.

And that s what I plan on putting on the other units, but they re not in that stage yet because we were told to stop. So I didn t want to go any further at this point, so they re somewhat getting weathered based on the weather that we ve had lately.

But that is -- that s, pretty much -- the purpose is for feed. It s going to be the purpose of storage so that when we come here, we can actually have the animals tended to properly. And that s --

MR. SHUMATE: I m sorry.
MR. HARRIS: No, go ahead. Go ahead.
MR. SHUMATE: This is Daren, again. You re saying that neither of these structures have electricity to them?
MR. HARRIS: There is no -- other than a generator that is operating the electrical that was already in it, none of these -- the two small -- the two units with no -- I m going to see how I can describe it. Without the chimneys, they have no electrical. There s no electrical in them at all.
The existing unit that was there, there s no new electrical in any of it, and it was being powered by a generator. And the generator still is being used to power the -- any electrical appliance we charge, like tools, screw guns, anything, to recharge batteries.
MR. SHUMATE: David, while I ve got the floor, can I ask a question to the County?
CHAIRMAN CONOVER: No.
MR. SHUMATE: You said I can t?
CHAIRMAN CONOVER: No. When the County gets the floor, then we ll direct questioning to the County.

MR. SHUMATE: Okay, got you.
CHAIRMAN CONOVER: Are there any questions for Mr. Harris?
MR. FISHER: Dave Conover, this is Rob Fisher.
MR. CONOVER: Yes, Rob.
MR. FISHER: And I m sorry I m having a little bit of difficulty with this whole thing. But, Mr. Harris, just to be clear, there s a structure there that s partially sided. Is that intended to be a residential dwelling?
MR. HARRIS: No, sir.
MR. FISHER: Has it ever been?
MR. HARRIS: At one time -- sorry.
MR. FISHER: Go ahead. Has that ever been a residential dwelling?
MR. HARRIS: Yes. At one point, it was a residential dwelling and that was some time ago.
There was a fire -- where it was located, there was a fire in the particular area of the unit and at that time it was never repaired, it was never addressed or dealt with.
We relocated the building. When they keep

stating -- the County keeps stating that -- they re correct. That building was not always there. It was relocated from its current position to act as a storage unit where the horses will be so that the feed can be used from there directly out in the field.

Right now, it s not being used as housing or a -- it s not being used as the original purposes that it was intended for when it was initially erected on the property. And it s simply been renovated and now is being used for storage.

So the house that I am trying to get and will be permitting, that will be the residential structure that will be occupied with the appropriate occupational permits and whatever is needed for someone to live in.

MR. FISHER: Okay. And then just one last question.

Why did you not allow the County on the property? If it s not in excess of 256 square feet, what would prevent you from allowing them to come inside or come on the property and confirm that? Then that would be -- that structure would be off the table.

MR. HARRIS: Yes, sir. What wasn t

discussed was prior to the BZA, the initial BZA meeting, the County was here. There was a county official here just from a different department.

This entire issue was raised by County. It has nothing to do with a civil concern from another person. The County thought that we were illegally dumping dirt and the inspector was allowed, Mr. Jesus. This is why we had the meeting. Mr. Jesus was allowed to come on the property, see that we weren t illegally dumping. It was allowed by me and that was dealt with, addressed and closed out.

Mr. Jesus then turned it into -- at first, they thought we were doing this in an RPA, a resource protected area. That also was confirmed that that was not the case. That s how the zoning department got involved.

I received a notice of violation from Mr. Wallace without me ever seeing Mr. Wallace. I had never heard of Mr. Wallace. I had not dealt with Mr. Wallace. So there was a notice of violation that this Mr. Wallace had been on the property before, and he had not, and that caused a question of concern of the integrity of what was taking place.

So as I explained to Mr. Wallace and the Department of Code Compliance, my family had been unjustly dealt with, the County, in prior stages. So until I legally get things corrected with my family, I m not the only one that has the voice to allow Mr. Wallace on the property. I am the one who was appealing it.

But Mr. Wallace, based on how the notice of violation was written up, my family had a discussion and it was not just a one-sided thing. Because of the dealings in the past and the prejudices and the bias and I didn t know I had to bring that particular version up, but this is why Mr. Wallace -- Mr. Jesus was allowed on the property to confirm certain things because Mr. Jesus presented himself as wanting to help and wanted to basically mitigate what was taking place, helping. And that s not the position that the zoning department -- which Mr. Wallace was not present. And I do apologize. Mr. Wallace was not present at the initial meeting, because there were people here that are no long here that were staying in mobile homes and using the property for over a hundred years for -- as their dwelling. They re no longer here because I have taken control of the property and the animals stayed, but the people didn t

necessarily stay.

And that s the reason that Mr. Wallace -- because at that point we felt that the zoning administration wasn t trying to assist us in confirming something or to help us, but to continue the prejudices and the ways of old to the family.

And I have a bunch of 80-, 90-, 95-year-old uncles and people who used to have almost slave-like laborers, because my family became from slave to slave property owners. And ever since we ve had this property, there have been problems and we re addressing those now.

So I hate to be long-winded, but that s the reason that we prefer to do it this particular way, take the pictures, present to the county. So it seemed like it was a we re going to go searching for something wrong.

And I ve already spent about two thousand dollars in appeals that could have been going to better the property or toward the construction and the erection of the new home versus these particular appeals. And that s to give you a background of why.

MR. FISHER: Okay.

CHAIRMAN CONOVER: Any other questions

from the Board?

[No response.]

CHAIRMAN CONOVER: Okay. I have one.

I guess, Mr. Harris, on the bottom of the appeal request that I assume you filled out and submitted, isn t there a note that gives you direction of where to submit your form and supporting documentation? Isn t there an address and an email address, as well?

MR. HARRIS: You re saying to the email that I received?

CHAIRMAN CONOVER: The appeal request form that you filled out, doesn t it at the bottom of that form tell you specifically where to send all your documentation, forms, photographs, plans, whatever it may be?

You had stated earlier you weren t told where to send things, so you didn t send them. But doesn t the form that you filled out at the bottom give you that direction?

MR. HARRIS: Well, I m not going to say no, sir, but the one that I read looked as if it was for administrative purposes because I originally filled out two appeals and then I, on the direction -- because I

guess I didn t -- it was already at the deadline, so I was directed to then resubmit the -- I guess I did it incorrectly and I took the --

CHAIRMAN CONOVER: Not -- I ll try to help you answer.

At the bottom, there s a golden-colored appeal request that I m presuming you submitted as a basis for this appeal, because we re here, and you re appealing the county notice of violation that you just hadn t gotten the necessary permits, submitted documentation and got the necessary inspections.

And so I m looking at that form and it gives you specific guidance about where to send things, through United Postal Service, USPS, and through email. You personally got the appeal request for the county. But my next question is -- and then that s the last of my questions -- you ve indicated that you re getting blueprints and geotechnical and, you know, so on and, you know, that we should have a continuance to allow you to complete that.

But the notice of violation is just asking you to submit a permit request which then leads to your submitting the same documents that you ve indicated on

your producings.

So why can t you just continue to produce your blueprints, your geotechnical whatever it is and submit that to the county? I mean, that would solve this notice of violation, in my opinion.

Why do we have to do a continuance? All you ve got to do is -- don t you agree, all you ve got to do is finish whatever you re doing with your blueprints and submit it to the county?

MR. HARRIS: No, sir. I think we ve misunderstood somewhere.

If you look at the page two or within the actual confines of Mr. Wallace s notice of violation, he specifically states he has blocked all of the measures that I can use or resources to present that information. Like, I can t go for --

CHAIRMAN CONOVER: Well, I hate to interrupt you, but I m sorry, I m looking at the notice. It says you ve got to apply for a permit, submit documentation.

I don t see anything where the county is, on one hand, saying here s your notice and you need to apply for a permit and then, on the other hand saying,

I m sorry, you can t submit a permit.

I m sorry if I m confused, but you re producing plans, blueprints. You re getting geotechnical whatever. You ve certainly provided a lot of information verbally today on square footages and generators and things don t have electrical wiring, et cetera, et cetera.

It seems to me the county is just asking you for -- asking you to write that down and submit it with a permit application. So that s the issue that the Board has in front of it, is not to discuss zoning, not to discuss anything other than, gee, just apply for a permit and submit the information, which you ve said you already have and are producing, but you didn t know where to mail it.

MR. HARRIS: Okay. Well, I think that s where I want to clarify things.

There are two structures that are under -- that are 256 square feet and under, which permits are not required.

CHAIRMAN CONOVER: I have the form. I m going to ask. You submitted a fresh drawing of those two structures to the county, Department of Code Compliance.

MR. HARRIS: Didn t know I needed to do that because they were under 256 square feet. And if I -- like I stated, if I misread this -- and it says to schedule a pre-application meeting before submitting permit application documents. It is intended to ensure all cited violations are addressed in your permit application.

So, basically, it meant to be addressed or had to be removed. It says, Please be aware that, and then it broke it down. It was basically that those violations had to be removed off the property before any further permits would be granted.

Maybe I misunderstood that. Maybe I misinterpreted that.

CHAIRMAN CONOVER: Well, I guess I m confused because you -- again, if I go back to the building code appeal request form that you filled out, it says, Please return the completed form and any supporting documentation to, and it gives an address and an email.

Why wouldn t you have just done a sketch of the footprint of these two buildings and say they re 255 square feet; therefore, they re not subject to a

permit and that s the basis for my appeal.

MR. HARRIS: I appreciate that wholeheartedly because this is my first time appealing it and this is what I was not aware.

And like I stated, I did two appeals at the same time with the same verbiage. I got a notice of violation. And one went to the BZA and one went here. And at the bottom, I think I just copied and pasted the one.

If that s what I needed to do, then that s what I can do. But it stated that I had to destroy these particular -- that s the impression I was under. I m not in -- the 256-square-foot storage units are separate from the construction --

CHAIRMAN CONOVER: I --

MR. HARRIS: Okay, you got it.

CHAIRMAN CONOVER: I understand that.

MR. HARRIS: I think I perfectly understand. I think I understand what you re saying. And, yes, I can do that. I can submit to the county. But those particular units are mobile. They re not fixated. They re mobile. So if I have to draw up a plan that say these two particular structures are here and I

needed to just simply present that to the county, I have no problem doing it. I was not aware that that s what I needed to do.

CHAIRMAN CONOVER: Well, and, again, I don t want to belabor this, but, you know, if that s the basis for the notice of violation, then if you did that and the County said, Oh, yeah, that looks right. Okay, I guess we don t need a permit for these, you re done. So are there any other questions from the Board Members?

[No response.]

CHAIRMAN CONOVER: I m going to turn over to County for their final comments.

MR. FERNANDEZ: One second. David?

CHAIRMAN CONOVER: Yes.

MR. FERNANDEZ: This is Amado. Can I ask a question of Mr. Harris?

CHAIRMAN CONOVER: Go ahead.

MR. FERNANDEZ: Mr. Harris --

MR. HARRIS: Yes, sir.

MR. FERNANDEZ: -- you just said the photographs that were included in the violation are two buildings that are clearly not mobile. I mean, they are -- they re physical. One is an addition or what appears

to be an addition. The other one is a freestanding storage building. Those are not mobile.

So that s what I believe David was referring to, was the buildings that -- the permanent buildings that appear to be not documented. Those are the ones that the request or the discussions has been had relative to providing information to validate your assertion that these buildings are potentially less than whatever is required for a permit. So are you following me, sir?

MR. HARRIS: Yes, sir. I am completely following.

MR. FERNANDEZ: All right. That was all. Thank you. Thank you.

CHAIRMAN CONOVER: Okay. I m going to turn it over to the County for any final remarks.

MS. SILVERMAN: Yes, sir. This is Sara Silverman.

I would just note that in, you know, the BZA hearing that Mr. Harris participated in previously -- which started what led to the inspection here was a violation junk yard storage yard, and Mr. Wallace went out to check the condition of the property and discovered

these violations, it was long after that notice was issued -- Mr. Harris was permitted to email pictures to the Board on that date.

My goal is not to deprive Mr. Harris of any process. I agree with you that the form clearly states that he had an opportunity to submit it with his application for appeal. I really don t know how you could read that appeal form to suggest that that was for office use only -- you know, that that section was for office use only. So I really don t understand that misread.

I would also note that the notice of -- well, first, that there was a stop work order issued before the notice of violation was issued. He has had ample time to have a conversation with the County about the size of the structures, his use of the structures, really raising the -- whether -- I think he s talking about conversations with the Department of Tax Administration or Land Development Services -- or, excuse me, Department of Public Works and Environmental Services, if he s talking about RPA violations. So he hasn t come to the people who are addressing this issue to have a conversation and document that he s in

compliance.

Nobody in the county is interested in issuing notices of violation or pursuing -- you know, prosecuting Mr. Harris if he s in compliance with the code. But it appears from Mr. Wallace s inspection that he is not and he has not taken any opportunity to provide that evidence.

And Mr. Wallace has offered to come out and inspect. I think he could testify today that at one of the BZA hearings, Mr. Harris said that he would allow Mr. Wallace on the property. Mr. Wallace attempted to schedule those inspections and Mr. Harris did not follow through on that inspection. So we ve made attempts.

The goal is not to prosecute Mr. Harris for something that s not a violation, but it s up to Mr. Harris at this point to demonstrate that it is not -- that his property is not in violation.

If you d like any additional evidence from the County, we do have some pictures to document that the property -- that these structures were not located in that location, at least as of March 2019. So we could submit those in an email to Mr. Grace who could distribute them to all of the parties.

Mr. Peggy Delean, Mr. Wallace s supervisor, may have located the pictures that Mr. Harris submitted at the BZA appeal previously. I just -- I can t search my email for that. But we have those documents, that documentation if you are interested.

I m just saying that I don t know if it s necessary at this point, so I d defer to the Board in terms of what you d like. But I don t think that Mr. Harris -- Mr. Harris shouldn t be deprived of his right to present evidence. He clearly had an opportunity previously, but, you know, we all do have access to email.

And I suppose that it s in the Board s prerogative to accept, you know, email evidence at this point if it so chose.

That s all I have to say.

CHAIRMAN CONOVER: Anything else from the County?

[No response.]

CHAIRMAN CONOVER: Any questions from the Board of the County?

[No response.]

CHAIRMAN CONOVER: I ll ask one.

Sara, isn t it just -- at this point in time given where we are with the notice of violation regarding the Uniform Statewide Building Code and these structures, isn t it simply a case of, if I can use my own words, the County is saying, Hey, there s some things going on there with buildings, building construction. Would you please submit some information regarding those structures, you know, blueprints, geotechnical analysis, whatever it is, to show either you re exempt from the code because of, let s say, square footage, or if you re not exempt from the code, well, here s the documentation that shows I meet the code ?

Isn t all you re looking for is this information so that you can make a determination, either (a), one or more structures are exempt, or (b), no, they re under the scope of the code and to make them safe, you need to do X, Y and Z, and you can make an assessment of that based on the information that the applicant has provided?

Isn t that basically where we are?

MS. SILVERMAN: From a practical standpoint, yes. I mean, we re here that a notice of

violation was issued because Mr. Harris did not have those communications with us.

I mean, a stop work order was issued initially and we didn t have those conversations, nor was that evidence presented with this appeal.

It s certainly never the County s intention to force somebody to do something that they re not legally obligated to do. But at this point, we would say that the evidence points to there being a need for permits.

And so we would, you know, like the Board to uphold the building official s determination and allow the County to enforce as necessary.

CHAIRMAN CONOVER: Okay.

MS. SILVERMAN: Now, if Mr. Harris comes in with documentation, it is not the County s intention to enforce -- you know, force him to do something that he is not legally obligated to do.

But he needs to present that evidence to us at the conclusion of the hearing. I mean, at the conclusion of this, if you do uphold the building official s determination, it will be a thing decided that those structures are in violation. But I just think

that, you know, the policy of the County is not to be unreasonable.

CHAIRMAN CONOVER: Understood. Thank you.

And I did not hear any other Board Members when I asked before if they had any questions of the County. I didn t hear any Board Members asking to speak, so I asked that one question.

So at this point, we ve have gone through two sets of, if you will, questions from the Board and two opportunities for both sides to present their case. So I m going to close the public hearing phase of this and ask for a motion and a second as to the appeal request, either upholding the position of the County and denying the appeal or approving the appeal.

MR. PAGE: Are you ready, David?

CHAIRMAN CONOVER: I m ready. Is there a motion?

MR. PAGE: Okay, yeah. This is George Page. I ll start it again.

Look, I m going to make a motion to uphold the County and to deny the appeal, and this is why. There s a lot of confusion here. I don t blame the County or Mr. Harris for any of it. It just happened.

But there is evidence that there might be some code violations and aerials to suggest that they re probably are. So I would suggest that, you know, we deny the appeal.

If we don t deny the appeal, no further action will be taken and we could have just, you know, subverted our entire code compliance process.

On the other hand, if we uphold the County and deny the appeal, this will allow Mr. Harris to do what he said he was going to do before, apply for permits and work the issue.

So, again, I make a motion that we deny the appeal.

CHAIRMAN CONOVER: Is there a second?

MR. FERNANDEZ: So this Amado --

MR. SHUMATE: I m sorry. Go ahead.

CHAIRMAN CONOVER: Go ahead.

MR. FERNANDEZ: I was just saying this is Amado Fernandez. I will second that motion.

CHAIRMAN CONOVER: Okay. Any discussion?

We have a motion and a second and the motion is to uphold the County and to deny the appeal. Any discussion?

[No response.]

CHAIRMAN CONOVER: Okay. Rob? I m asking for votes. Rob?

MR. FISHER: I am voting in favor of the motion to uphold the -- I m sorry, to deny the appeal.

CHAIRMAN CONOVER: George?

MR. PAGE: Deny the appeal.

CHAIRMAN CONOVER: Amado?

MR. FERNANDEZ: Deny the appeal.

CHAIRMAN CONOVER: Wayne?

MR. BRYAN: Deny the appeal.

CHAIRMAN CONOVER: Daren? Daren?

MR. PAGE: We ve lost Daren.

CHAIRMAN CONOVER: Daren?

MR. SHUMATE: Hey, I m playing by your rule, the star six. This is Daren. I vote to deny the appeal.

CHAIRMAN CONOVER: Okay. And Conover is Chairman, not voting.

Okay, thank you. That concludes the second of three appeals.

[Whereupon, the public hearing concluded.]

CERTIFICATE OF TRANSCRIPTIONIST

I, Wanda L. Zapata, a Master Certified Verbatim Reporter, do hereby certify that I transcribed the audio recording of the foregoing proceeding; that the foregoing typewritten transcript is a true record of said proceeding; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was held; and, further, that I am not a relative or employee of any attorney, counsel or employee conducting this proceeding hereto, nor financially or otherwise interested in the outcome of the action.

(e) Wanda L. Zapata

WANDA L. ZAPATA, CVR-M
Notary Public in and for the
Commonwealth of Virginia
Reporter Number 122358

My commission expires:
February 29, 2024.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Monica and Michael Davis
Appeal No. 20-03

CONTENTS

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Monica and Michael Davis
Appeal No. 20-03

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. In March of 2020, the County of Augusta Department of Community Development (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a final inspection and a subsequent Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling located at 1002 Round Hill School Road, in Augusta County.

2. Shortly after moving into their new home, Davis contacted the County Building Official requesting he come to their home to inspect a variety of issues they had found with the home, attached garage, and detached garage.

3. In June and July of 2020, the County Building Official visited the property several times investigating the issues brought forth by Davis. During one or more of these inspections the County Building Official found several violations. On June 10, 2020, the County Building Official issued a letter to Davis citing twenty-two (22) code violations. In the letter, the County Building Official also addressed three other issues presented by Davis, explaining why those three issues were not code violations.

STAFF NOTE: ***The dates given in paragraph 3 above appear to be incorrect; however, were copied from the County Building Official letter dated June 10, 2020.***

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4. Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local appeals board) for items numbered one (1) and three (3) under the other sections portion of the June 10, 2020 letter from the County Building Official. Davis also asked the local board to consider the potential code violation related to the bathroom door in the half bath in the garage, which was not sealed to prevent garage odors, such as exhaust fumes, from entering the HVAC system for the home. The local appeals board upheld the decisions of the County Building Official.

5. On October 15, 2020, Davis 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 appeal hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R311.7.7 (Stairway walking surface) does not exist.

2. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist.

3. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist.

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4. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist.

5. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist.

6. Whether to uphold the decision of the County Building Official and the local appeals board that a violation related to the shoe block or full cut header block installation does not exist.

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Basic Documents

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CERTIFICATE OF OCCUPANCY
COUNTY OF AUGUSTA
BUILDING INSPECTION

This certificate issued pursuant to the requirements of Section 118 of the Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the Building Code, Zoning Code and various ordinances of the county regulating building construction or use. This Certificate must be posted, as required by the Uniform Statewide building Code and permanently maintained in a conspicuous place at or near the entrance of the building. Any change of use voids this certificate of occupancy.

OWNER OF BUILDING Michael E. & Monica M. Davis TENANT Same

BUILDING LOCATIONS 1002 Round Hill School Road

BUILDING PERMIT NO 718-2019 TAX MAP NO. 48-116

BUILDING USE Single Family Dwelling ZONING DISTRICT General Agriculture

USE GROUP R-5 TYPE OF CONSTRUCTION 5B OCCUPANCY LOAD N/A FLOOR LOAD 30/40/50

CONSTRUCTED UNDER THE 2012 EDITION OF THE UNIFORM STATEWIDE BUILDING CODE

SPECIAL CONDITIONS None

NO. OF BEDROOMS 3 SPRINKLER REQUIRED N/A

151

BUILDING OFFICIAL Granville Wiseman /BCS DATE March 27, 2020

SERVICE AUTHORITY N/A DATE N/A

COMMUNITY DEVELOPMENT N/A DATE N/A

COUNTY OF AUGUSTA

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590

20-800

June 10, 2020

CERTIFIED MAIL

Michael and Monica Davis
1002 Round Hill School Rd.
Crimora, VA 24431

Dear Mr. and Mrs. Davis:

On 6/10/20, 6/25/20 and 7/8/20 our office visited your site to inspect concerns you have with your house constructed under permit #718-2019. This house was constructed under the 2012 edition of the International Residential Code as amended by the Uniform Statewide Building Code. This letter is a report on our findings based on those inspections.

After review of your concerns, inspections of those items, and inspections of the structures, I have concluded that the following items are not in compliance with the building code and need to be corrected:

1. The foundation on the detached garage does not comply with code sections R403.1.1 and R403.1.4.1.
2. Floor in detached garage is not sloping to the doors in accordance with section R309.1.
3. Sill plates in detached garage and house need anchor bolts within 12 inches of each sill plate splice in accordance with section R403.1.6. Need to correct to section R403.1.6 or provide an engineered design and approval in accordance with section R301.3.
4. Fascia trim on detached garage does not extend up behind the drip edge on the detached garage and the fascia is not protected per section R703.
5. Vinyl siding on detached garage and house not installed in accordance with the manufacturer's installation instructions.
6. Some of the roof trusses are not installed in accordance to the manufacturer's specifications. An engineer will need to evaluate and design the necessary repairs and approve those repairs once made.
7. Back porch floor beams not properly anchored with appropriate hangers to band board of house. Second option is to provide post with proper connector to beam to an approved foundation. Third option is to provide engineered design and approval in accordance with section R301.1.3.
8. Floor joist are not all installed in the joist hangers to manufacturer's specifications. Need to correct to manufacturer's requirements or provide engineers design and approval in accordance with section R301.1.3.

Staunton (540) 245-5700

TOLL FREE NUMBERS
From Deerfield (540) 939-4111
FAX (540) 245-5066

Waynesboro (540) 942-5113

9. Need an architect or engineer to evaluate, design and approve the walls of the attached and detached garage as shears walls per section R301.1.3 as these walls cannot meet the prescriptive requirements for wall bracing in the residential code.
10. Front stairs exceed allowed slope of 2 percent per section R311.7.7.
11. Provide manufacturer's installation instructions that PVC trim boards are installed in accordance with manufacturer's specifications. They show excessive uncontrolled expansion.
12. Per numerous photos of owner's taken after drywall finishing but before paint, the drywall was not secured in accordance with table R702.3.5. Need to correct to table R702.3.5 or provide an engineered design and approval in accordance with section R301.1.3.
13. Header at master bath toilet where floor joist was cut was not installed to code. Need to correct to R502.10 or provide engineered design and approval in accordance with section R301.1.3.
14. Door in half bath in garage does not meet fire resistant requirements of R302.5.1. Need to replace with 1 3/8" solid core wood door, steel door or 20 minute fire door in accordance with section R302.5.1.
15. Grade to left of front stair needs to have proper grade in accordance with section R401.3 so that water will not pond behind sidewalk. (grade currently lower than sidewalk)
16. Dryer vent is installed in violation to section M1502.3 as it is within 3 feet of foundation vent which is a building opening. It needs to be rerouted to an approved location. Screws holding the duct together cannot protrude more than 1/8" into the duct. Duct cannot exceed 35 feet in equivalent length taking into account reductions for fittings in accordance with section M1502.4.4.1.
17. Need to properly caulk outside refrigerant lines.
18. Flex ducts and flex duct insulation not connected to take offs and register boots with proper sealing with mastic or approved tape in accordance with the manufacturer's requirements.
19. Need to seal HVAC register boots to sub-floor or drywall in accordance with table N1102.4.1.1.
20. Condensate pump discharge line in crawlspace needs to be run to front of rear porch or relocated outside of porch area so that the water that discharges will run away from house.
21. Toilet in full bath does not meet minimum spacing requirements of R307.1.
22. Master bath light over vanity not installed to manufacturer's specifications.

Letters will be sent to the general, electrical, plumbing and mechanical contractors with the respective items they need to correct.

In addition to the above items, you also expressed concerns with the following items:

1. The landings on the front stairs.
2. The attached garage floor.
3. The garage door frame in the detached garage.

The code requires that the landings on the front stairs be sloped no more than two percent. I checked the landings with a 2' digital level in multiple locations and both planes of the landings and found them to be in compliance with the standard. The finish appeared to be typical of concrete construction.

I checked the floor in the attached garage and found that the floor is sloping towards the garage door. The code only states that the floor has to slope towards the door. It does not give any specific slope. The finish appeared to be typical of concrete construction.

You stated you were concerned that the garage door frame was in violation of section R317.1 #2 and was required to be treated lumber. R317.1 #2 states that "all wood framing members that rest on concrete or masonry exterior foundation walls and are less than 8" from exposed ground." This section of code is referring to the sill plate fastened to the top of the foundation wall. The garage door frame is not part of the wall framing and is not fastened to the foundation wall and therefore this section does not apply to the door frame. Section R317.1 #3 applies to sills and sleepers on a concrete or masonry slab. Again the door frame is not a sill or a sleeper and therefore this section also does not apply to the door frame.

In accordance with section 119 of the Uniform Statewide Building Code you have the right to appeal if you disagree with any of my applications of the code.

Sincerely,

G.W. Wiseman
Building Official

SES - Comm Dev

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Michael & Monica Davis
1002 Round Hill School Rd
Crimora, VA 24431

9590 9402 5447 9189 6007 11

2. Article Number (Transfer from service label)
7019 1120 0001 0500 7949

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Monica Davis ☐ Agent ☒ Addressee

B. Received by (Printed Name) Monica Davis
C. Date of Delivery 7-14-20

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

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☑ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

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

SES - Comm Dev

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

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

OFFICIAL USE

Certified Mail Fee $ 3.55
Extra Services & Fees (check box, add fee as appropriate)
☑ Return Receipt (hardcopy) $ 2.85
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ .50
Total Postage and Fees $ 6.90

VERONA, VA
JUL 10 2020
Postmark Here
USPS 2448

Sent To Michael & Monica Davis
Street and Apt. No., or PO Box No. 1002 Round Hill School Rd
City, State, ZIP+4® Crimora, VA 24431

7019 1120 0001 0500 7949

From: "G.W. Wiseman" <gwiseman@co.augusta.va.us>
Date: July 27, 2020 at 2:25:50 PM EDT
To: Monica Davis <monica.davis27@comcast.net>
Subject: RE: [EXTERNAL] Frost Depth Augusta County

As I have tried to explain, the frost line for Augusta County is measured from the top of the finished grade to the bottom of the footing. If that distance is 24 inches, then the ground below the footing will not freeze and the structure is protected from frost in accordance with section R403.1.4.1.

Regarding the shoe block. The block exceeds the required bearing of 3 inches for the floor joist and has a ledge for the concrete porch. Therefore, I can see no code violation.

G.W. Wiseman

Building Official

County of Augusta

540-245-5717

540-245-5066 (Fax)

gwiseman@co.augusta.va.us

Appeal No. 20-1

Application for Appeal

Augusta County
Locality

I (we) Monica and Michael Davis (name) of 1002 Round Hill School Road Crimora VA 24431 (mailing address)

respectfully request that the Local Board of Appeals review the decision made on

June 10, 2020 , by the code official.

Description of Decision Being Appealed: Under other concerns section, items numbered 1, & 3

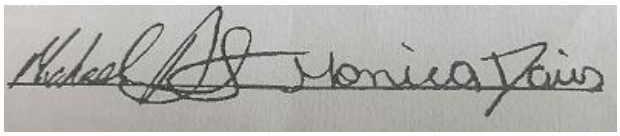
Location of Property Involved: 1002 Round Hill School Rad

What is the applicant's interest in the property?

- X Owner
- ___ Contractor
- ___ Owner's agent
- ___ Other (explain) _____

Relief Sought: We request that the two items be reviewed and reconsidered for failing the code Compliance. Also we would like to add our concern of the issue of the door in the half bath in the garage needing to be sealed to prevent garage odors entering the HVAC system that is attached to the house and entering in that system when the system is not running forcing air out.

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



Signature Of Applicant

Dropped Off @The Government Center Friday July 24, 2020 @ 8: AM

Filed at_____, Virginia, the___day of_, 20__

Good morning my name is Monica Davis, myself along with my husband and our two children ages 9 and 12 occupy the home addressed 1002 Round Hill School Road in Crimora. Please take note I stated “occupy” as we have not been able to actually live in the property since we received our CO back on March 27, 2020. Our dwelling has been a non-building code compliance mess since way before that date. If you want to get technical in my opinion it was wrong from the time the footings was poured. I would like to make the board aware that an Augusta County Inspector or Building Official has to date visited our project 5 times please note that is 5 times since we have received our CO. I would also like to make you aware that in those 5 visit they have found 22 items that do not comply with USBC (Uniform State Building Code). Please also be advised that those items are as simple as caulking the outside refrigerant lines to sever as LVL beams in the wrong location, missing trusses, light fixtures falling off the wall, and even a detach garage with no footer. Please also be aware that the report created on June 10, 2020 by Mr. GW Wiseman still does not have all the items that need to be addresses: the following items are not on the report: opening to the attic, sealing of the door to the half bath in the garage, front porch shoe block, and footing depth. Over the course of the past 5 months I have taken it upon myself to become informed in the 2012 USBC doing my own research and along the way trying to figure out how my project went so wrong and was allowed to get to the disaster it is today. Moving on to the reason for this conference per the report dated June 10, 2020 under section “In addition to above items, other expressed concerns. Number 1. The landing on the front stairs: The verbiage in the report states “the code requires that the landing on the front stairs be sloped no more than two percent. I (GW Wiseman) checked the landing with a 2 foot digital level in multiple locations and both the planes of the landing and found them to be in compliance with the standard. The finish appeared to be typical of concrete construction. Let me first address the section of the findings that Mr. Wiseman did not use a 2 foot digital level as he indicated. Not only did I see it for myself he informed me in his email from June 29, 2020 he actually uses an 8” level that he places on a 2 foot bar stock. To be accurate to my research I purchased a digital level and bar stock equivalent to what he used to perform my research. In my appeals application I provided the board with many images of the top and bottom landings that will show that not only does the landings not comply with the specified 2% but they are so far out of level as I displayed that it’s hard to even provide an accurate reading due to the level not being able to make full contact across the entire platform of the level. I also displayed an image showing the landing not only is out of level from one side to the next but also slopes toward my foundation causing ponding on the landing and then drainage down my foundation walls. Item 2 in this same location of the report addresses the attached garage floor. Mr Wiseman stated in his comment he checked the floor in the garage and found that the floor is sloping toward the garage door. The code states that the floor has to slope toward the door. It does not give any specific slope. The finish appeared to be typical of concrete construction. Again I go to my submitted documentation and images that will show different. The images not only show that the garage is not sealed and water comes in when it rains, it shows that it slopes toward the back wall. I do understand in both of the above issues Mr Wiseman was able to find locality’s within the locations that comply with code but with that being said I was able to find the same that do not comply. Code section R311.7.7 Stairway Walking Surface does not state that some of the, or half of the, it states “The walking surface”. R309.1 Floor surface
Garage floor surfaces shall be of *approved* noncombustible material. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. Again it doesn’t state some of the, or half of the it states The area of the floor. We would like to bring to the boards attention our other concerns we have tried to address with Mr Wiseman on several different occasion the footing depth requirements. Code section R403.1.4.1Frost protection.

Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. 1.Extended below the frost line specified in Table R301.2.(1);
2. 2.Constructing in accordance with Section R403.3; which is Frost-protected shallow foundations.
3. 3.Constructing in accordance with ASCE 32;again dealing with shallow footer or
4. 4.Erected on solid rock.

Which number 2-4 do not apply to our application

The code clearly states "shall be protected from frost"! If you do not put the footing below the frost depth line of 24" how are you protecting the footing? In number 1 under this section it states that it must be extended below the frost line. It does not state that some of the footing must be or half of the footing must be, it states extended below the frost line. Our frost line depth here in Augusta County is 24" there for as explained to me at the state level it does not give you specifications as to how much or how little is to extended, but it does state that the footing must be

protected, there for the only way to protect the footing from freeze is to protect it as stated in the opening code which is to put the entire footing below the 24" frost depth to insure you have no possibility of uplift. Just a side note water expands 9% by volume when frozen at a force of 150,000 pounds per square inch. Clearly if the footing is not installed and protected from frost it doesn't take a lot of frozen ground to raise a footing and the structure on top of it. The code that MR Wiseman had pointed me to R301.2(1) under letter b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade. This section is only stating for each locality to fill in your frost depth requirements for your area which you have indicated is 24". It does not state anything about how or where to measure your footing. Per our images we only have two runs of cinder block under finish grade which is 16" total. You (GW Wiseman) stated we "should" (please note again we have 22 other items not noted here that do not comply with the building code so I use the word SHOULD very loosely as the inspectors failed my project at ever other avenue of inspection I would assume this part would be no different) have 8" of footing below that. Simple math will show that totals 24". So from this investigation we have determined that none of our footings even extends below the frost depth line as required in R403.1.4.1 and much less protected in any way. Let's go one step farther and provide you with some food for thought. We tell our children you must be 24" away from the white line on the road at the bus stop it's the only way to insure their safety. We don't tell them that 12" is ok 16" is ok we tell them 24" being clear that anything in between them and 24" is unsafe it's the only sure fire way to be 100% sure they are safe. That may be a strange way to explain it for sure but we are parents and when you take on that role you only have one job every day that you must do and that is to protect them and make sure that you do everything in your power to make sure they are safe. That is why we set before you today because we are not sure we have them in a safe environment. Moving on Our attached garage on the house has a half bath in the garage. The inspector already has the door has to be replaced with a fire rated door but our concern is that they state the door does not need to be sealed to the floor to prevent fumes entering the ventilation system through the duct work that is in that room. R302.5.2Duct penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the *dwelling* from the garage shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other *approved* material and shall have no openings into the garage. When the HVAC system is not running the air is not being forced out the vent if a car would happen to be running those ignition fumes could easily enter that vent and enter the home. Last but not least let's look at the front porch application of what Mr Wiseman called shoe block and another name I found is Full Cut Header Block. The purpose of this block is to be used where concrete will be poured to tie the concrete and fill the void of the location. Our images will show that the porch opening was filled with rock and not concrete. Our concern is that the block that is in this location has the exterior walls resting in the location of the sill plate that has nothing to bear the load on other than rock that is in the hole. The particular block in this application has 3 and 5/8th inches of the floor joist resting on it which I am aware that only 3" is need. The concern isn't with the floor joist but with the load bearing wall resting on the part of the sill plate that has nothing below it to carry the load all the way through and distribute it to the block and footing below. In my opinion throughout this conference I have provided the board with all required data, documentation and images needed to make a decision based on our concerns and indeed that they do not comply with the codes. In light of the facts, I request that the board reconsider the decision made by Mr Wiseman. In closing I would like to add that I and my husband have spent many nights lying awake wondering how our local county building Official's here in Augusta County failed us and failed to do the job that we paid them to do when we paid the required building permit fees back in June of 2019. We know that we will never be provided with answer to those in question but you can provide us with some support when you review our request set before you today. Thank you for your time and the opportunity to appeal the issues at hand. I would like to approach the board and provide my statement in writing as well as provide additional images.

COUNTY OF AUGUSTA

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590

WRITTEN DECISION

Appeal No. 20-1

Michael & Monica Davis **v.** Building Official

The Building Official's decision is hereby upheld **, for the reasons set out below:**

We find the Building Official's decision on the five items in the appeal and the attached garage floor brought up in the appeal hearing by the Davis's to meet the Building Code requirements for those items.

Date: 9-24-2020

Signature: _____
Chairman of Local Board of Appeals

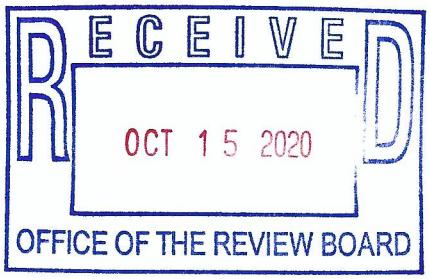
Note: **Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board,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

Staunton (540) 245-5700 Deerfield (540) 939-4111 FAX (540) 245-5066 Waynesboro (540) 942-5113

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 ADMINISTRATATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):



X Uniform Statewide Building Code
- X 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):
Monica Davis & Michael Davis
1002 Round Hill School Road Crimora, Virginia 24431
1(540)810-2532
Monica.davis27@comcast.net

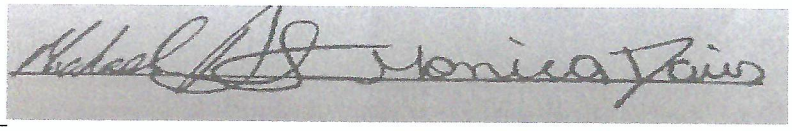
Opposing Party Information (name, address, telephone number and email address of all other parties):
Augusta County Building Official PO BOX 590 County Government Center, Verona VA 24482
G.W. Wiseman 1(540)245-5717 or 1(540)245-5700
gwiseman@co.augusta.va.us

Additional Information (to be submitted with this application) o
Copy of enforcement decision being appealed
Copy of the decision of local government appeals board (if applicable) o
Statement of specific relief sought
All items are attached in the email submitted

CERTIFICATE OF SERVICE

I hereby certify that on the 02 day of ,October 20,20 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: _Monica Davis & Michael Davis_____
(please print or type)

Statement of specific relief sought:

Monica and Michael Davis request the following 5 items that are on the appeals application be reconsidered for appeals at the state level. The request is sought to have an end dwelling and detached garage that complies with the USBC for the state of Virginia.

1. The landings on the front stairs- *R311.7.7 Stairway Walking Surface: The walking surface of treads and landings of stairways shall be level or sloped no steeper than one unit vertical in 48 units horizontal (2 percent slope)*

Image 1 Top of front porch landing picture take June 27 @3:29 PM

Image 2 Top of front porch landing picture take June 27 @3:31 PM

Image 3 Top of front porch landing picture take June 27 @3:32 PM

Image 4 Top of front porch landing picture take July 16 @2:14 PM Ponding water after rain water then leakes down foundation wall causing ponding under crawl space.

Image 1 Bottom of front porch landing picture take June 27 @12:44 PM

Image 2 Bottom of front porch landing picture take June 27 @12:46 PM

2. The attached garage floor - *R309.1 Floor surface: Garage floor surfaces shall be of approved noncombustible material. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway*

Image 1 attached garage floor picture taken June 27 @ 12:53 PM will show slope is toward back wall. Garage door opening would be on the left side of this image.

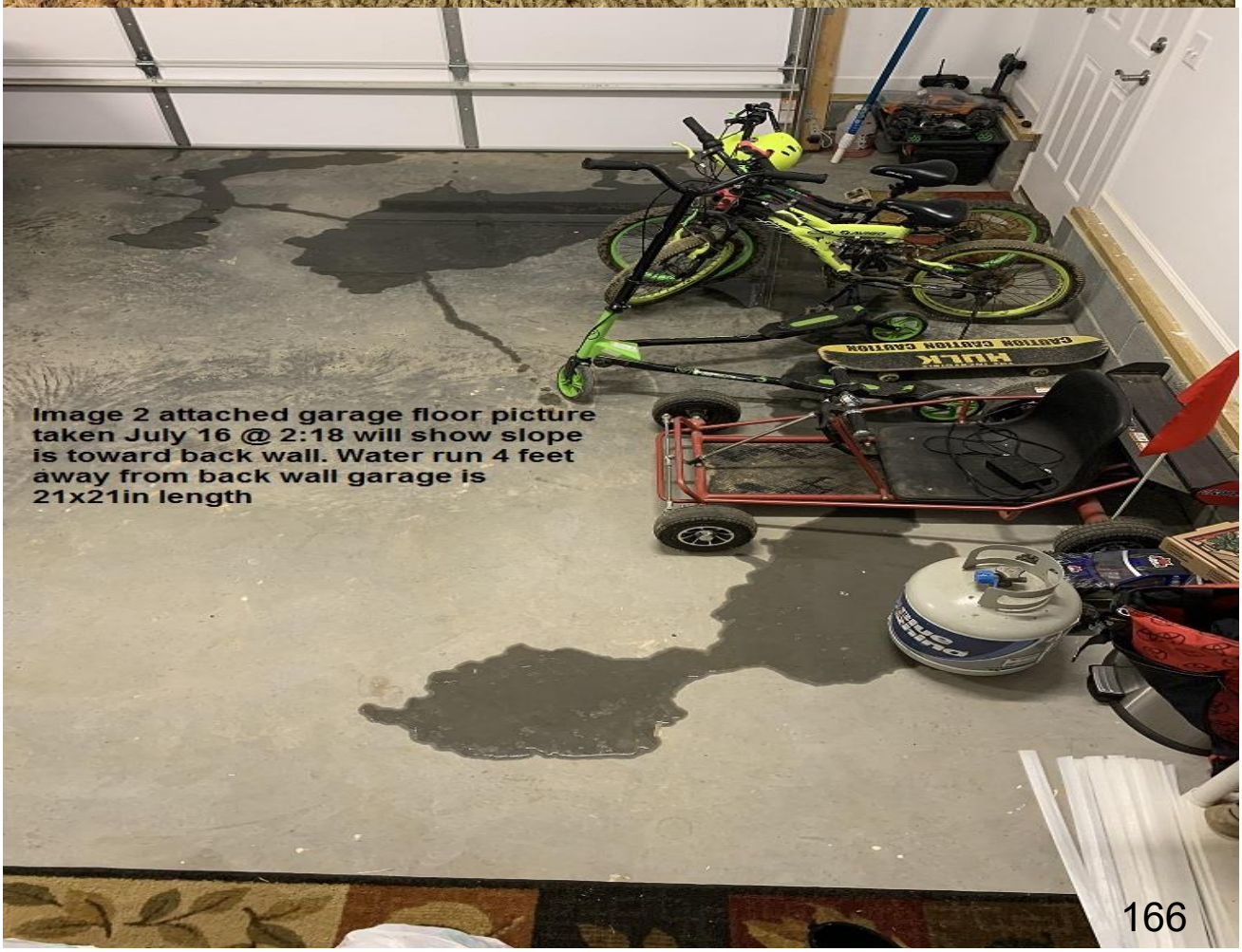


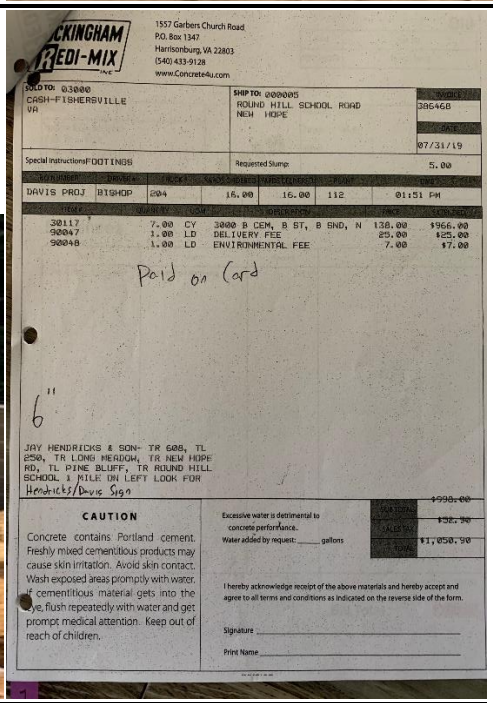
Image 2 attached garage floor picture taken July 16 @ 2:18 will show slope is toward back wall. Water run 4 feet away from back wall garage is 21x21in length

3. I do not have a code to attach to this because I am unsure which code it violates. The below images will show the front porch application of what is Full Cut Header Block. The purpose of this block is to be used where concrete will be poured to tie the concrete and fill the void of the location. The images will show that the porch opening was filled with rock and not concrete. Our concern is that the block that is in this location has the exterior walls resting in the location of the sill plate that has nothing to bear the load on other than rock that is on the hole. The particular block in this application has 3 and 5/8th inches of the floor joist resting on it which I am aware that only 3" is needed. The concern isn't with the floor joist but with the load bearing wall resting on the part of the sill plate that has nothing below the sill plate to transfer the weight from the sill plate through the foundation block to the footer below.

Both images show the hole filled up to the bottom of the sill pate with stone. As well as the stone covered with plastic and preped and ready for concrete.

4. Footing frost protection - *R403.1.4.1Frost protection: Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods: 1.Extended below the frost line specified in Table R301.2.(1); 2.Constructing in accordance with Section R403.3; 3.Constructing in accordance with ASCE 32; or 4.Erected on solid rock.*

The code clearly states "shall be protected from frost"! If you do not put the footing below the frost depth line of 24" which is what it is for Augusta County how are you protecting the footing? Per our images we only have two runs of cinder block under finish grade which is a total of 16", then below grade as we have on documentation from our builder whom hand wrote on the invoice 6” we only have 6” of concrete which only totals 22”. This will show we have nothing even below the frost depth line as required in item 1 in the above code.



5.HVAC duct work ½ bath *- R302.5.2Duct penetration*: *Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.* When the HVAC system is not running the air is not being forced out the vent if a car would happen to be running those ignition fumes could easily enter that vent and enter the home.

Thank you

Monica & Michael Davis

Documents Submitted by Monica and Michael Davis

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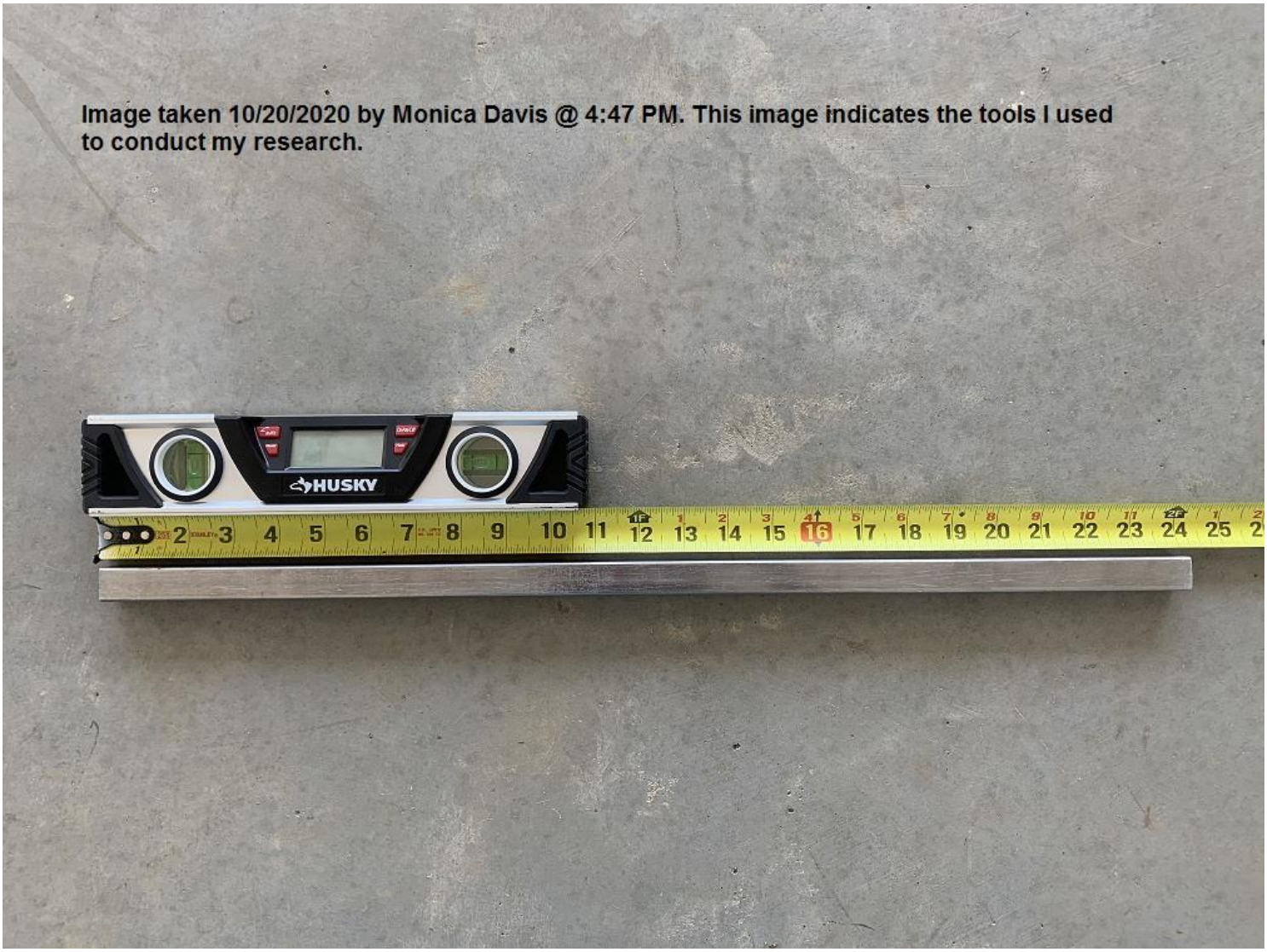
Submittal number 2

Under item number 2 of the appeals application for:

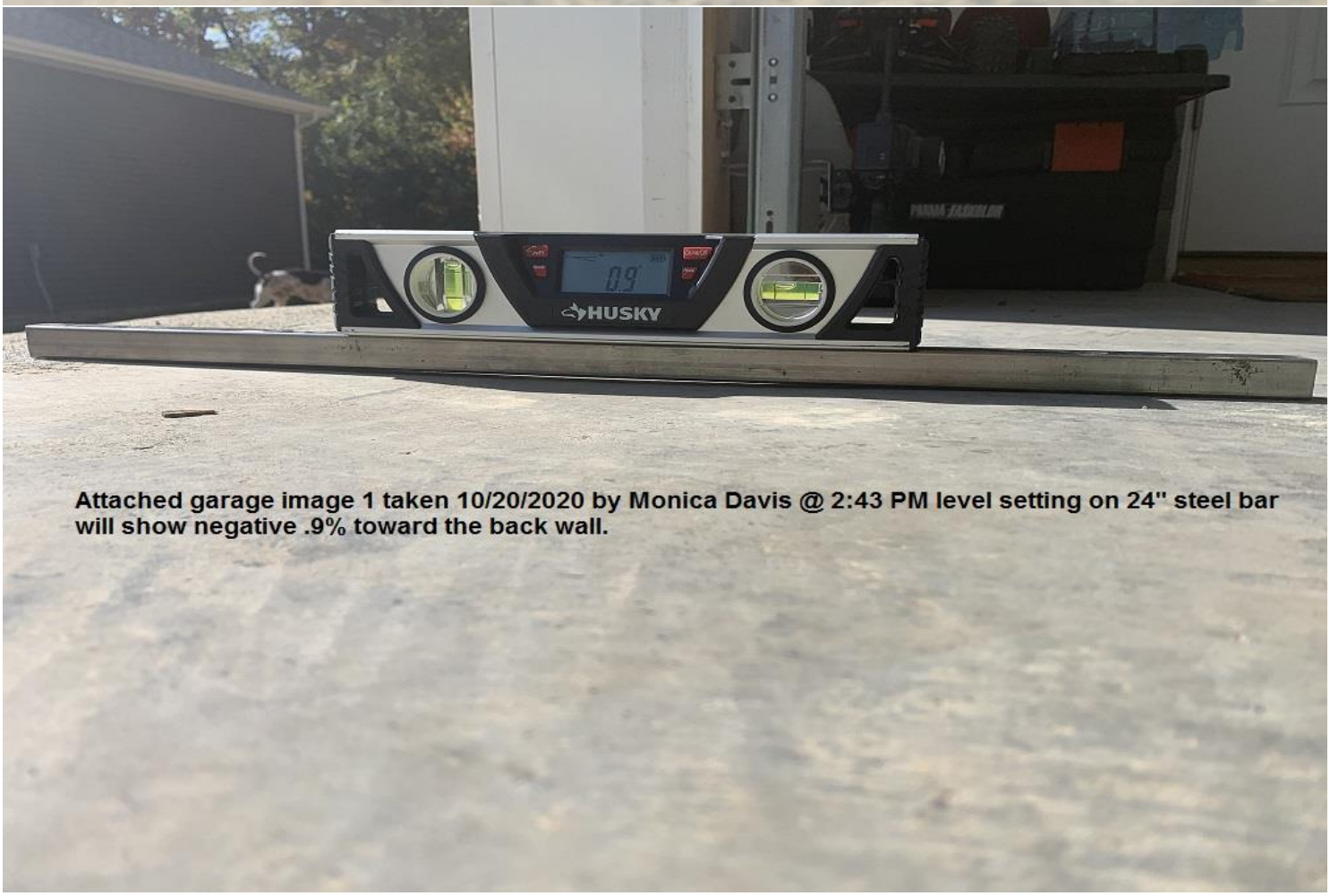
The attached garage floor - *R309.1 Floor surface: Garage floor surfaces shall be of approved noncombustible material. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway*

The image below will show I used a 10” digital level and 24” steel bar stock like the county official did when he conducted his test.

5 separate locations were selected in the attached garage. Within those locations 2 separate images were taken to show that it does not madder if the level is setting on the floor or on the 24” steel bar stock the reading is still the same and the fall is not as required by the code to slope toward the main door entry. In all images the main door entry will be located to the left and the back inside wall of the garage would be to your right.



Attached garage image 1 taken 10/20/2020 by Monica Davis @ 2:44 PM level setting on floor will show negative .9% toward the back wall.



Attached garage image 1 taken 10/20/2020 by Monica Davis @ 2:43 PM level setting on 24" steel bar will show negative .9% toward the back wall.

Attached garage image 2 taken 10/20/2020 by Monica Davis @ 2:47 PM level setting on floor will show negative .8% toward the back wall.

Attached garage image 2 taken 10/20/2020 by Monica Davis @ 2:46 PM level setting on 24" steel bar will show negative .8% toward the back wall.

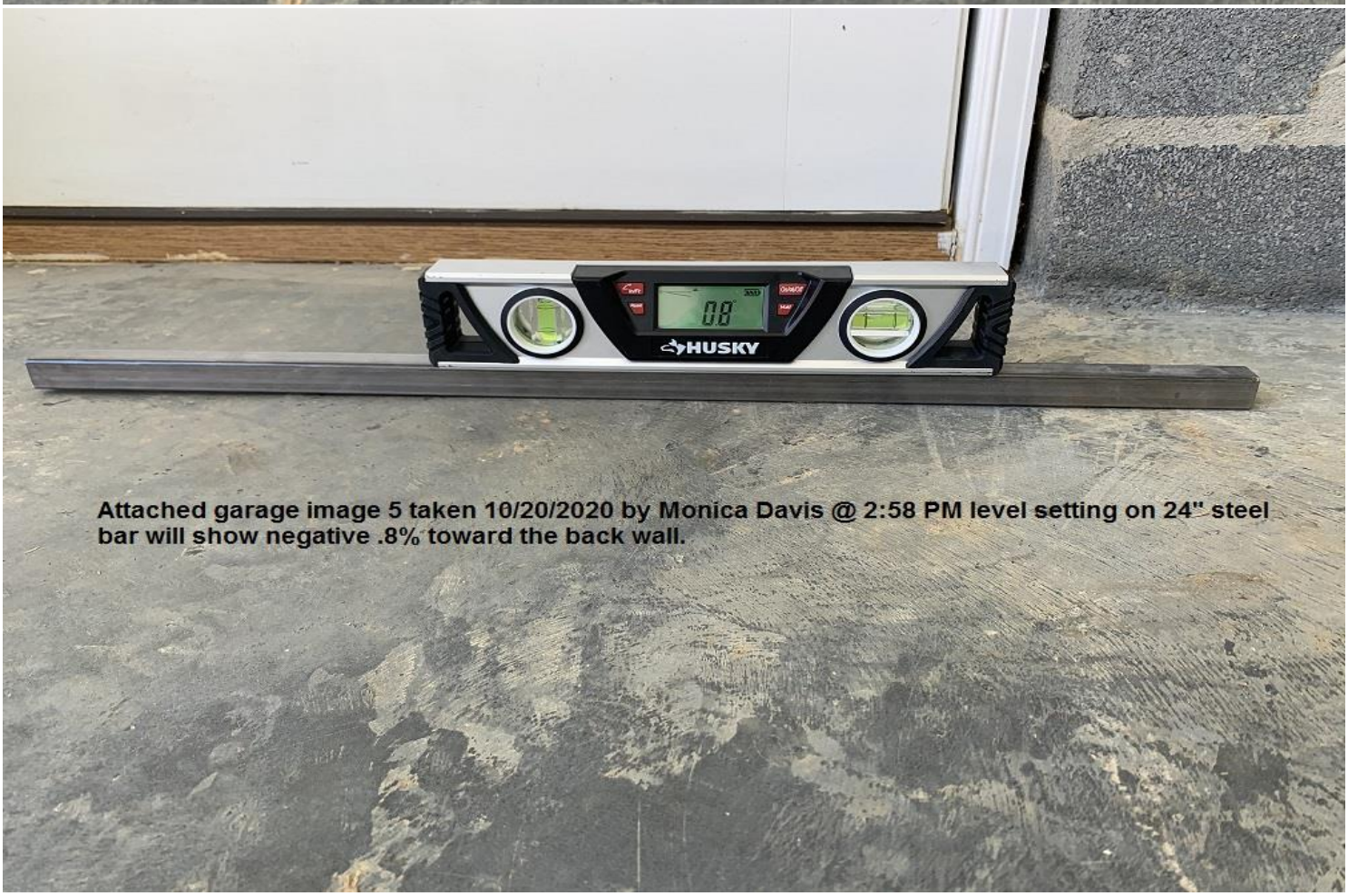
Attached garage image 3 taken 10/20/2020 by Monica Davis @ 2:52 PM level setting on floor will show negative .3% toward the back wall.

Attached garage image 3 taken 10/20/2020 by Monica Davis @ 2:51 PM level setting on 24" steel bar will show negative .3% toward the back wall.

Attached garage image 4 taken 10/20/2020 by Monica Davis @ 2:55 PM level setting on floor will show negative .2% toward the back wall.

Attached garage image 4 taken 10/20/2020 by Monica Davis @ 2:55 PM level setting on 24" steel bar will show negative .2% toward the back wall.

Attached garage image 5 taken 10/20/2020 by Monica Davis @ 2:58 PM level setting on floor will show negative .8% toward the back wall.



Attached garage image 5 taken 10/20/2020 by Monica Davis @ 2:58 PM level setting on 24" steel bar will show negative .8% toward the back wall.

Documents Submitted by Augusta County

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November 2, 2020

Office of the State Technical Review Board
600 East Main Street, Suite 300
Richmond VA, 23219

Members of the Board:

As requested, I am providing a detailed explanation and photographs regarding the code items in appeal at the Michael & Monica Davis property. I will explain my reasons as to why I do not believe they are code violations and was therefore, unable to identify them as such.

Our office has visited the site 3 times regarding the items in question, June 10, 2020, June 25, 2020, and July 8, 2020. I was accompanied by the Director of Community, Mr. John Wilkinson, on June 25, 2020, to witness the inspection of the concrete for slope in both planes of the surface of the floor slabs, landings and stairs for the report. The photographs of that area were taken by me on the subsequent July 8, 2020, inspection.

All level measurements were taken with a 9 ½ inch digital level with a magnetic base. For most of the measurements shown, it was placed on a 24 inch steel bar for a more accurate measurement on the concrete surfaces. The photographs below show the level used.

The first item on the Davises' appeal is in regard to the landings of the front stairs. The front stair is to a covered porch and the slopes on both planes do not exceed the 2 percent allowed by section R311.7.7. I did perform measurements on both slopes on June 25, 2020, and took photographs of the side to side slope on July 8, 2020. The front to back slopes were also within the 2 percent allowance. Below are the photographs of the top landing.


0.7
HUSKY
Jul 8, 2020, 2:26 PM


Oct 20, 2020, 8:33 AM


HUSKY
Reset
Hold
Jul 8, 2020, 2:26 PM

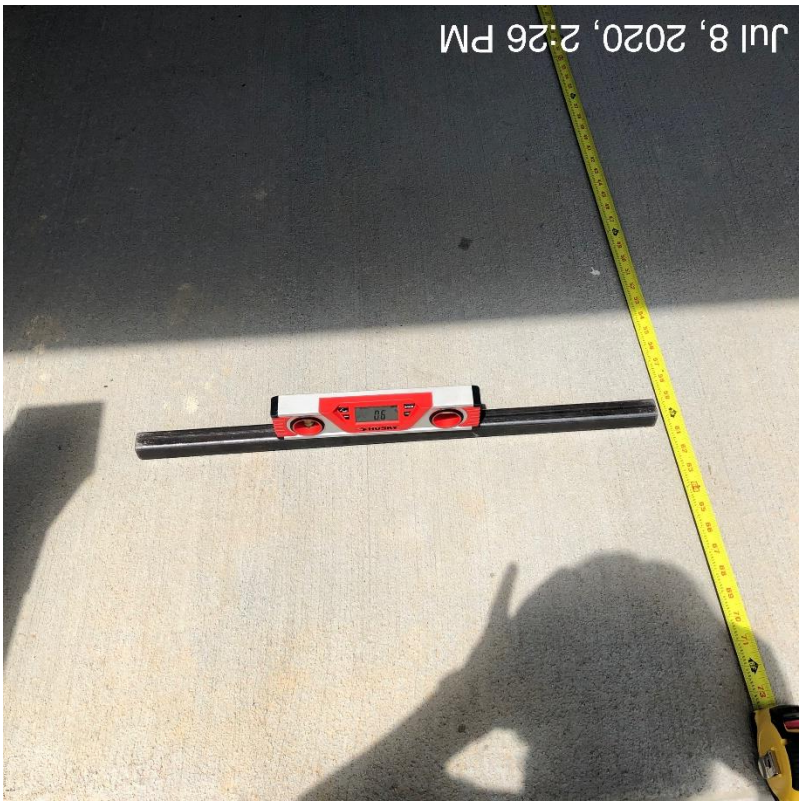

Jul 8, 2020, 2:26 PM


Reset
0.6
%
On/Off
Hold
HUSKY
Jul 8, 2020, 2:26 PM


Jul 8, 2020, 2:27 PM
0.4
HUSKY


Oct 26, 2020, 2:30 PM


0.4
HUSKY
Jul 8, 2020, 2:27 PM


Jul 8, 2020, 2:26 PM


In/Ft
Reset
06
%
On/Off
Hold
HUSKY
Jul 8, 2020, 2:26 PM

The concrete does have some typical high and low spots, mainly around the edges which is where you will notice most of the Davises' photographs were taken. Overall, the floor surface was well within code requirements for allowable slope. There is no floor flatness requirement in the building code or testing required for such, therefore; I did not find a violation in this location.

The photos from the lower landing are below. The sidewalk is the majority of the lower landing, with the grade being the remainder of the landing. The sidewalk does not extend the full width of the stairway in accordance with code. The contractor has been instructed to bring the grade up to the level of the sidewalk on both sides of the sidewalk in accordance with item #15 of my report. The code does not state that the landing has to be of the same materials, only that it is as wide as the stairway. The photographs show the sidewalk in compliance with the 2 percent limit of slope.


Jul 8, 2020, 2:23 PM


HUSKY
Jul 8, 2020, 2:24 PM

As with the upper landing, the Davises are looking at only the imperfections in the surface, not the totality of the surface.

Please note that item #10 in my report states that the stairs need to be repaired where they exceed the 2 percent limit.

The next item on the appeal is the garage door frame in the detached garage. The Davises stated that the garage door frame was in violation of section R317.1 #2 and was required to be treated lumber. R317.1 #2 states that "all wood framing members that rest on concrete or masonry exterior foundation walls and are less than 8 inches from exposed ground are required to be treated." The garage door frame is not part of the wall framing and is not fastened to the foundation wall and therefore, this section does not apply to the garage door frame. Section R317.1#3 applies to sills and sleepers on a concrete or masonry slab. Again, the door frame is not a sill or sleeper and therefore, this section also does not apply to the door frame. As such, I found no violation of the code. A photograph of the door frame is below.

Door frame in question in item #3

The last item on the appeal paperwork submitted to your office is the door to the half bath in the garage. The Davises want that door to be vapor proof. The door does have to be replaced with a fire rated door per #14 of my report.

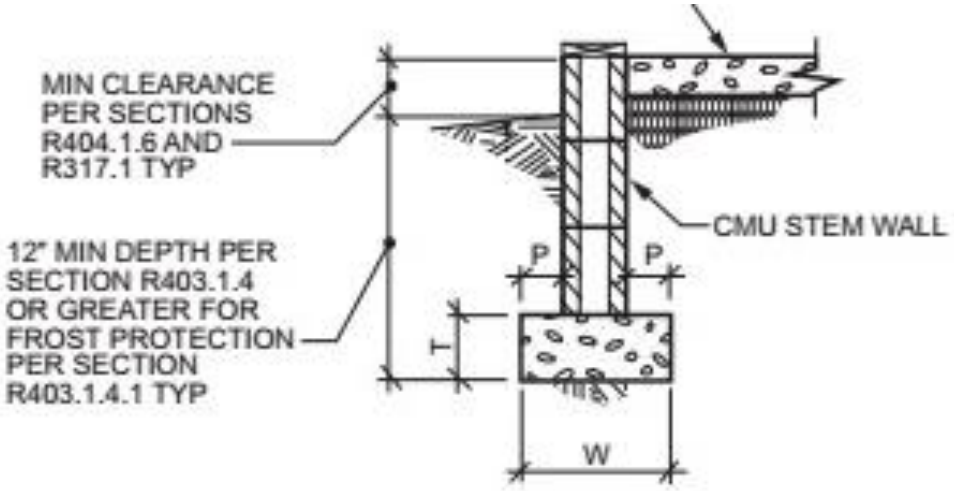
There is no code requirement for the door to be smoke tight or vapor tight only that it be a 1 3/8 inch solid core wood door, steel door or twenty minute fire door in accordance with section R305.5.1. I cannot require what is not required by code.

That completes my response to the items in the appeal submitted to your office. The Davises did submit two other items to the Augusta County appeals board and brought up a third item during the hearing which the Augusta County appeals board agreed to hear and upheld my decision. I would like to address those items as well, as they are mentioned in the attachments that were submitted to your office by the Davises.

The first of the mentioned items was Augusta County's frost line. I have been with Augusta County since 1994. At that time the frost line was 18 inches. It was changed to 24 inches over 20 years ago so that it was consistent with the cities of Staunton and Waynesboro which are within Augusta County. Augusta County did not experience any problems with an 18 inch frost line and has never had any issues with the 24 inch frost line.

The frost line has always been measured from the finished grade to the bottom of the footing. As concrete will not freeze and the ground cannot freeze below the 24 inch frost line, the ground below cannot heave and the foundation is protected in accordance with section R403.1.4.1.

I believe the diagram from the 2015 code is in line with my description. The Davis house was constructed under the 2012 code however, the code language is exactly the same, it just did not have the diagram.



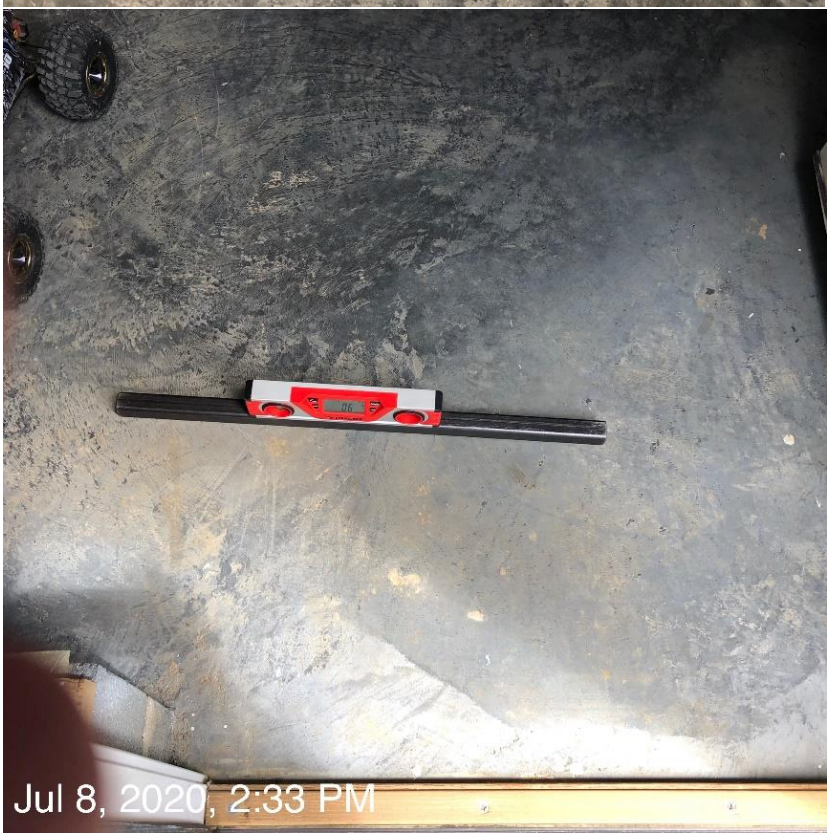
The Davises also indicated that they only have a 6 inch footing. The footing is 8 inches thick and with two courses of block minimum below grade, so they have 24 inch frost line protection. In the majority of the house they have a much greater depth to the bottom of the footing than that.

The next item on the Davises' list was the block at the front porch. The only thing that I have ever seen are the same pictures you were sent. I could not make a solid determination on if, or how much, concrete went into the header block. Therefore, I considered both circumstances separately.

It is clear that the slab is fully supported on a gravel base and therefore is code compliant from a support standpoint. The question regarding this block would be whether the block is adequate for support? A header block is basically an 8 inch block with one quadrant removed. Floor joist require a minimum of 3 inches of bearing on masonry and currently is bearing on 3 5/8 inches as per Mrs. Davis's own comments. Since the block meets the size requirements by code and has the minimum bearing required by code, I did not see any code violation that existed.

The last item on their list is the attached garage floor slab. On the June 25,2020, visit, I checked the slab all over and found that it did slope towards the doors. It was less than a 1 percent slope but section R309.2 does not specify a minimum slope, only that the floor has to be sloped to facilitate the movement of liquids towards the doors. Below are pictures taken on the July 8, 2020, visit showing the general slope.


HUSKY
Jul 8, 2020, 2:33 PM


Jul 8, 2020, 2:33 PM

As with the landing photos, please take note that the Davis photos are near the walls, other obstacles or edges where the most imperfections are likely to be present. The photo provided to the Board by the Davises labeled as Image 1 is near this same door within a couple of inches from the wall. You can see that just by moving a short distance away from the wall, the floor comes into compliance.

I found the floor surface to be in general compliance, as there is no floor flatness requirement or testing for floor flatness in the building code.

Please note that item #2 in my report turned down the floor in the detached garage for a floor which does not meet the code requirements. Why would I turn down one and not the other unless I did think the attached garage met code requirements?

This completes my response to the items as I have seen them. Please also find a copy of the transcript from our local appeals board hearing attached.

Please feel free to contact me if I can be of any further assistance.

Sincerely,

G.W. Wiseman
Building Official

Building Board of Appeals
Appeals Hearing, Michael & Monica Davis
August 24, 2020, 8:30 a.m.
Clean Transcript

Members Present:
Bob Seaman, *Chairman*
John Earhart
Bill Dudley
Pat Katz
David Kirby

Attendees:
Michael Davis
Monica Davis
Jay Hendricks

Staff Present:
G.W. Wiseman, Building Official & Board Secretary
Renee Southers, Permit Specialist

Bob Seaman:
All right, let's start. Call the meeting to order. My name is Bob Seaman. I don't know how I got elected Chairman but we'll discuss that later. Do we have a quorum?
G.W. Wiseman:
You've got all five.
Bob Seaman:
We're all here, so I'd say we're good. Okay. We are here for an appeal from Michael and Monica Davis. We have two appeals I believe. Do you Ms. Davis, do you want to tell us…
Monica Davis:
Sure, I have typed a document is it okay to read that?
Bob Seaman:
Okay.
Monica Davis:
Good morning, my name is Monica Davis. Myself, along with my husband and our two children, ages nine and 12 occupy the home addressed 1002 Round Hill School Road, in Crimora. Please take note that I state that we occupy, as we have not been able to actually live in the property since we received our CO back on March 27th, of 2020. Our dwelling has been a non-building code compliance mess since way before that date. If you want to get technical, in my opinion it was wrong from the time that the footers were poured. I would like to make the Board aware that an Augusta County Inspector, our Building Official, has to date visited our project five times. Please note that is five times since we have received our CO. I would also like to make the Board aware that in those five visits, they have found 22 items that do not comply with the USBC. Please also be advised that those items are as simple as caulking the outside refrigerant line, to severe as LVL beams in the wrong location, missing trusses, light fixtures falling off the wall, and even a detached garage with no footer. Please also be aware that the report created on June the 10th of 2020, by Mr. G.W. Wiseman, still does not have all of the items that need to be addressed. The following items are not on that report; the opening into the attic, the sealing of the door on the half bath in the garage, the front porch shoe block, and the footing depth. Over the course of the past five months, I have taken it upon myself to become informed in the 2012 USBC, that's the

code that our home was built to, doing my own research along the way trying to figure out how my project went so wrong and was allowed to get to the disaster that it is today. Moving on to the reason for this conference. Per the report dated June the 10th, 2020, under section *In Addition To The Above Items, Other Expressed Concerns #1. The landing on the front steps.*, the verbiage in the report states the code requires that the landing on the front stairs be sloped no more than 2%. "I" quote GW Wiseman, "checked the landing with a two foot digital level in multiple locations and both the planes of the landing and found them to be in compliance with the standards. The finish appears to be typical of concrete construction". Let me first address the section of the findings that Mr. Wiseman did not use a two foot digital level as he indicated. Not only did I see it myself, he informed me via email, June 29th of 2020, that he actually uses an eight inch level but if you look at the images that Mr. Wiseman provided, it's actually not an eight inch level, it's actually a 10 inch level that he places on a two foot barstock. To be accurate to my research I purchased a digital level and barstock equivalent to what he used to perform my research. In my appeals application, I provided the Board with many images of the top and the bottom landings that will show not only doesn't the landing not comply with a specified 2%, but they are so far out of level, as I display, that it is even hard to provide an accurate reading due to the level not being able to make full contact across the entire platform of the tool. I also displayed an image showing the landing not only is out of level from one side to the next but also slopes toward my foundation causing ponding on the landing and then draining down my foundation walls.

Item Two in that same location of the report addresses the attached garage floor. Mr. Wiseman states in his comments he checked the floor in the garage and found that the floor is sloping toward the garage door. The code states that the floor has to slope towards the door, it does not give any specific slope. The finish appears to be typical of concrete construction. Again, I go to my submitted documentation and images that will show different. The images not only show that the garage is not sealed and water is coming in when it rains, it shows that it slopes toward the back wall. I do understand in both of the above issues, Mr. Wiseman was able to find localities within the locations that apply to the code. With that being said, I was able to find the same that do not comply. All of the codes that I'm going to read out, I got them off of the Virginia Housing and Community Development. They actually have a place there that you can select the code. 2012 or 15 is the options and you can view it for free, so all of the codes that I'm going to read come off of that website.

Code Section *R311.7.7 Stairways Walking Surfaces*, does not state some of the, or half of the, it states the walking surfaces. *R309.1 Floor Surfaces*, garage floor surfaces shall be approved non-combustible material. The area of the floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquid to a drain or toward the main vehicle entry door. Again, it doesn't state some of the, or half of the, it states the area of the floor.

We would like to bring to the Board's attention other concerns that we have tried to address with Mr. Wiseman on several different occasions. The footing depth requirement Code Section *R403.1.4.1 Frost Protection*, it states except where otherwise protected from frost foundation walls, piers and other permanent supports of buildings and structures shall be protected from frosts by one or more of the following methods:
Number 1, Extended below the frost line specified in table *R401.2 (1).*
Number 2, Constructed in accordance with section *R403.3*, which is *Frost Protection Shallow Foundation*.

Number 3, Constructed in accordance with *ASCE 32*, again dealing with shallow footing.
Number 4, Erected in solid rock.

Number two through four do not apply to our application. The code clearly states, shall be protected from frost. If you do not put the footing below the frost depth line of 24 inches, how are you protecting the footing? And number one under this section, it states that it must extend below the frost line. It does not state that some of the footing must be, or half of the footing must be, it states extended below the frost line. Our frost line depth here in Augusta County is 24 inches and that information was provided to me by Mr. Wiseman. Therefore, as explained to me at the state level, it does not give you specification as to how much or how little to extend but it does state that the footing must be protected. Therefore, the only way to protect the footing from freezing is to protect it as stated in the opening code, which is to put the footing below the 24 inch frost line to ensure you have no possibility of uplift. A side note, water expands 9% by volume when frozen at a force of 150,000 pounds per square inch. Clearly, if the footing is not installed and protected from frost depth it doesn't take a lot of frozen ground to raise a footing and the structure on top of it.

The code that Mr. Wiseman had pointed me to *R401.2(1)* under letter *B*, the frost line depth may require deeper footings than indicated, in figure *R403.1(1)*, the jurisdiction shall fill in the frost line depth column with a minimal depth of footing below the finish grade. This section is only stating for each locality to fill in your frost depth requirements for your area, which has been indicated to me is 24 inches and does not state anything about how or where to measure the footing. For our images we only have two run of cinderblock under the finished grade which is 16 total inches. You, Mr. Wiseman stated, we should. Please take note again we have 22 other items not noted here that do not comply with the code, so I used the word term, should, very loosely as the inspectors failed my project at every avenue of inspection so I would assume this part would be no different. Mr. Wiseman stated we should have eight inches of footing below that. Simple math will show that only totals 24 inches. So from this investigation we have determined that none of our footings even extend below the frost depth line as required in *R403.1.4.1,* at much less protected in any way.

Let's go one step further and provide with you some food for thought. We tell our children you must be 24 inches away from the white line on the road bus stop. It is the only way to ensure their safety. We don't tell them that 12 is okay, or 16 inches is okay, we tell them 24 inches, being clear that anything in between them and 24 inches is unsafe. It’s the only sure fire way to be 100% sure that they are safe. That may be a strange way to explain it for sure, but we are parents and we take the role that we have one job every day that we are to do and that is to protect them and make sure that we do everything in our power to make sure that they are safe. That is why we set before you today, because we are not sure that we have them in a safe environment.

Moving on, our attached garage on the house has a half bath in the garage. The inspector already has the door has to be replaced with a fire rated door but our concern is the statement(?) that the door does not need to be sealed to the floor to prevent fumes entering the ventilation system through the duct work that is in that room. *R302.5.2 Duct Penetration*, Ducts in the garage penetrating walls or ceiling separating the dwelling from the garage shall be constructed of a minimal of number 26 gauge sheet steel or other approved material and shall have no openings in the garage. When the HVAC

system is not running the air is not being forced out of a vent. If a car would happen to be running those ignitions fumes could easily enter the vent and enter the home.

Last but not least, looking at the front porch application of what Mr. Wiseman has called shoe block. Another name I've found is full cut header block. The purpose of this block is to be used where concrete will be poured to tie the concrete and fill the void of the locality. Our images will show that the porch opening was filled with rock and not concrete. Our concern is that the block that is in this location has the exterior walls resting in the location of the steel plate that has nothing to bear the load other than the rock that is in the hole. The particular block in this application has 3 5/8" of floor joist resting on it, which I'm aware only needs three. The concern is not with the floor joist, but with the load bearing wall resting on the part of the sill plate that has nothing below it to carry the load all the way through and distribute it to the block and the footing below.

In my opinion, through this conference I have provided the Board with all required data, documentation and images needed to make a decision based on our concern and indeed that they do not comply with the code. In light of the facts, we request that the Board reconsider the decision made by Mr. Wiseman. In closing, I would like to add that myself and husband have spent many nights lying awake wondering how our local Building Officials here in Augusta County failed us and failed to do the job that we paid them to do when we paid the required building permit fees back on June of 2019. We will never be provided with those answers to those questions but you can provide us with support when you review the requests that are before you today. Thank you for the time and the opportunity to appeal the issues at hand. I would like to provide this documentation for you guys just to review with the codes and stuff on it at the end. Thank you.

Bob Seaman:
Okay, thank you.

Monica Davis:
Okay.

Bob Seaman:
G.W?

G.W. Wiseman:
The items addressed for appeal are items number one and three on my report.

Bob Seaman:
Yes.

G.W. Wiseman:
One was the landing on the front stairs, three was the garage door in the detached garage and then she added the other items on the bottom, which is completely up to you all. The attached garage door is not listed on her application for appeal at all but I did address it. We have been out to the site five times since the CO, which for a house that if the owner is having concerns, that is what we do. I did write up everything that I felt was a code violation on the structure. The items that she is appealing I did not feel were code violations and I will explain why. In my handout to you, in the Building Official Documents, I show you the length of the steel bar with the level on it. The reason that I use the steel bar is that a digital level is not a standard level. And then I also show you the length of the level alone in the picture below. It really doesn't affect much on this report because it's only really used on the stairs. The stairs, I did write up for exceeding the 2% code violation for code slope.

When you go to the next set of pictures you will see the lower stair landing level and the slope. You see the slope at 1.1% and then you see the slope side to side and it's at .6% so it was well within the 2% allowance. On the upper landing I actually have checked these twice. I did not take pictures the first time. Mr. Wilkinson was with me the first time and I actually took these pictures the second time. I checked the slope six places on the top part. To the best of my recollection, let me leaf through real quick, none of those slopes exceeded even 1%. Ms. Davis does have pictures, where she provided to you, where she does show areas where she says the slope exceeds that level. However, I would ask you to please also note that when she does that in lots of places she picks the highest spot in the concrete and we all know concrete is not a level surface and in some instances you can actually see her hand on the level to hold it down to get it to read off.

Monica Davis:

May I say something? That's not to read off, that's just to show that the level cannot hit it across rather you're using the level or you're using the, um…

Michael Davis:

Barstock.

Monica Davis:

The barstock, it can't even hit like it's supposed to because that's how out of level it is.

Bob Seaman:

Mr. Wiseman is talking right now so let's--

Monica Davis:

Sorry, sorry.

G.W. Wiseman:

As we all know, building materials regardless of their type are not always perfectly straight, floor joist crown, OSB and plywood can bow, OSB and plywood can curl. So if I did the same test with a level on any of those substances I could get the same result if I wanted to have it swing over the top.

The next picture is the doorframe in question. In that particular instance they were requesting that be treated lumber. They said that it was in violation of *R311.17.1 Requiring Treated Lumber*. They were using *Item Number Two, Sills and Sleepers* all wood framing members that rest on concrete or masonry exterior foundation walls and are less than eight inches from exposed ground--

John Earhart:

Are you on picture eighteen now?

G.W. Wiseman:

I'm on picture eighteen. As you can see, that is the door frame for the garage door. It is not a sill. It is not in contact with an exterior foundation wall. So I did not see any reason that was required to be treated.

Opening protection regarding the door, I did note there was a duct put into the bathroom. That half bath opened only to the garage. It does not open to the house. And I did turn it down because the door is incorrect because it does have a duct in it. Therefore, you can't have a duct in the garage. I did note that the door had to be changed. The Davis's would like that door to be an exterior rated sealed door. However, the building code says openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and a residence shall be equipped with solid wood doors not less than 1 3/8 inch thick, solid or hollow honeycomb steel core doors, not

less than 1 3/8 inches thick or 20 minute fire rated door. Building Code does not specify that a door has to be an exterior steel door. The Building Code Commentary states that the reason that a door cannot open directly into a sleeping room is because of the risk of carbon monoxide or smoke. So the building code is aware that those doors do not completely seal. Most fire doors do not seal. Commercial fire doors generally do not seal. I informed the Davis's when I was out and they asked, Mr. Wilkinson was with me that day, about that door sealing that they were free to install a threshold at the bottom of that door if they wanted or a door seal but the Building Code did not require the door to seal, therefore; I could not write it up as a Building Code violation.

Regarding the footing depth, the next sheet you will see a detail which is actually from the 2015 Code. I put it on here because I had this discussion with Mrs. Davis numerous times. The Building Code does say that footings shall be protected from frost. The maximum frost depth in August County is 24 inches. Actually about 20 years ago it was 18. We actually lowered it. We never had a problem with it at 18 but that's irrelevant, but 24 inches, that's the maximum the ground can freeze. So if your bottom of your concrete is at 24 inches below finished grade, the concrete is not going to freeze and the ground below the concrete is below the depth that can freeze. Therefore, the footing is protected from frost heave. If the ground below it can't freeze, it can't heave.

Regarding the shoe block, shoe block was used on the front porch. And was used somewhere else which I wasn't sure of, I couldn't tell based on the pictures. Based on the pictures that Ms. Davis provided, I could not tell how much stone was pushed into the shoe block so I looked at both scenarios. The slab of the landing is setting on a completely filled area with stone. It's sitting on gravel. It did not need the shoe block for support. A shoe block is basically an eight inch block with one quadrant removed. So it's an eight inch block and as Mrs. Davis has stated, she has 3 5/8" of bearing on basically an eight inch block.

John Earhart:
Does it say anywhere that the shoe block has to be filled?

G.W. Wiseman:
It does not.

John Earhart:
That's what I thought.

G.W. Wiseman:
It does not say that. She has three inches bearing on the shoe block, so she had three inches bearing basically on an eight inch block. It's going all the way down to the footer.

Pictures 19, 20, 21 and 22 are actually pictures of the garage floor. When Mr. Wilkinson and I were there I actually checked the garage floor all over. I only checked it two places on this picture. It has less than 1% slope towards the door in the majority places I checked it. It is concrete. And it's like every other building material, it is not perfect. Most of the pictures Mrs. Davis shows with exception of one, in many instances she's around the edges of the wall where there's more likely to be humps and so forth in the slab. But in any case no building material is perfect. The Building Code is trying to get any fluid that is in the garage to flow out. And with the slope that's on the floor I do not see any reason why that fluid is not going to go out.

Regarding the rain blowing in under the garage door, I actually have an apartment building that has ADA doors in it and the threshold on those doors is 2%, which is quarter inch to a foot and when the wind is blowing the wind is blowing rain in under the doors. The builder is trying to solve that problem now. But on a garage, we've all seen wind blow rain under a garage door with a garage. It doesn't seal. It has no seal. You can put a seal under a garage door if you want but it will still very likely leak.

Therefore, that is my explanation for the issues that I did not turn down because I did not feel they were code violations, I was therefore not authorized to turn them down.

Michael Davis:
If I may?
Bob Seaman:
Okay.
Michael Davis:
To address Mr. G.W.'s concerns about the garage door framing on image number 18, that is in my garage, the detached garage. That wood comes all the way to the floor, okay. The front wall of my garage, the left front corner is wood framing and OSB board and it's buried in the dirt. It's currently rotting after five months. It's black inside where it's starting to rot. Because the door, when you're facing the outside of my garage, the door on the right side from this side of the door to this side of the door, has an inch drop this way. And it's such a sorry excuse for concrete work you can see under the door with it shut and locked. And my builder filled my door seal with spray foam to try to alleviate it and make it come down to the ground and seal. So now GW made the builder and some of his associates come out and redo the drain tile. Well they dug a horrendous ditch on that side which now directs the water right around the front of the garage and in under the door and if the garage floor was sloped the correct way then the water wouldn't go in the door and go all the way to the back wall. And where he said that he checked the attached garage with Mr. Wilkinson there, he never checked the attached garage that day. He checked the attached garage when he came back the next time. And when it rains, yes, it runs to the back wall of that garage as well. Now that being said, the attached garage faces southwest. The detached garage faces southeast, so you can't tell me that both rain is what's causing it to come up under the door because the doors don't face the same direction.
Monica Davis:
If you could pass that down that's the image. The water actually ran, if the door was, if the concrete was sloped like it was supposed to, that water ran five feet off of my back wall that is 21 feet by 21. That's how close.
Michael Davis:
Now with that wood framing touching the floor and all the water intrusion. If you look in that image at the very bottom you can already see the rot starting on that wood frame.
Monica Davis:
Image 18
Michael Davis:
Image 18
Bob Seaman:
Well it looks like I'm seeing a treated sill plate and the studs are setting on the plate.

Michael Davis:
Yeah, but the wood framing the door frame is touching—
Monica Davis:
It's not on it.
Michael Davis:
--goes all the way to the floor, it's not on the sill plate.
John Earhart:
Well, where the rubber on the garage door hits?
Michael Davis:
Yes sir.
John Earhart:
Where the rubber comes across?
Micheal Davis:
Where the seal gasket on the bottom. Yes sir.
John Earhart:
The seal gasket coming across the garage door?
Michael Davis:
Yes sir.
John Earhart:
There's going to be a void from the end of that rubber to where you get to the jam.
Michael Davis:
Okay.
John Earhart:
Am I correct? It's got to be. It's got to be an opening there—
Michael Davis:
Right, but the door doesn't touch the floor.
John Earhart:
--there is no way to prevent that.
Michael Davis:
But the door doesn't touch the floor.
G.W. Wiseman:
If I may, they are bringing up the detached garage. If you look on *Item Number Two* of the Certified Mail List, the Corrections List, I noted the floor in the detached garage was not sloping to the doors in accordance with section *309.1*, it's on the corrections list to be repaired it does not--
Michael Davis:
Exactly, but it's a prime example of what is on the house as well. It's the same wood framing in the house. When water's coming under the door, the wood framing is touching the concrete wicking it right up off the floor.
G.W. Wiseman:
No door frame of any type is treated whether it be a 3/0 personnel door or a garage door.
Michael Davis:
Okay, I'm not going to sit here and argue with you about it. Now, with the shoe block that you're talking about. Shoe block is designed to tie together with concrete. So if it wasn't necessary to have that shoe block in there to tie the wood framing, or the concrete and the foundation together, then we should

have used regular block because now my load bearing wall on the front side is sitting on the portion of the block that is not even there, it's cut out. So the load bearing wall is hanging over the edge of the block with the floor joist setting on the block.

G.W. Wiseman:

You actually have a picture showing your sill plate over top of your entire shoe block.

Michael Davis:

You're right. I'm showing the sill plate hanging over the blocks. So if the sill plate is hanging over the block and the load bearing wall is sitting on the front of the sill plate that has nothing under it, then it's going to lean forward.

G.W. Wiseman:

The load bearing wall is sitting on the back of the block that is facing the crawl space.

Michael Davis: No.

John Earhart:

What picture are you on now G.W.?

G.W. Wiseman:

That's in her pictures.

John Earhart:

Oh, their documents?

G.W. Wiseman:

That's in their documents. There is no real clear picture of that.

Monica Davis:

I have a clear picture of it. I'm just going to move my things around here. I'm going to put a tab on it just so they stay together. But we're talking about this locality here. It's filled with, so this is where your concrete should have gone up underneath of this block, see here, instead we've got rock in there, our walls are resting on this outside, so if this is your block, this is where your floor joists come here, the wall is resting out here. There's nothing underneath of here other than rock. There's nothing to distribute the weight all the way through like it's supposed to be. If you look at the application in the, for that full header block that's cut like that, it's in the location. It would have been proper, had he installed it proper. The concretes purpose is to fill the void and that's not what took place. We have rock there. We already have problems with the front door. Our door will actually not close. The front door will not close, because the weight is not being distributed properly there. So, we don't even use that door because we're not certain how safe it is to be honest.

Michael Davis:

In regards to--

Monica Davis:

Let them look. Give them the opportunity please.

Michael Davis:

I can still talk while they look. In regards to the landing on the front where Mr. Wiseman says he checked six different spots where he says that it's below the 2% allowance, if you look in our pictures to show you how bad the landing is, there is a white board, kickboard, under the front door. From left to right when you're standing in front of the house, the left side of that board is four inches, the right side of that board is five inches so it goes downhill. It all goes back to the far right corner. When it rains, Mr. Wiseman stated to me, an I quote, "it's a covered porch, it will be fine." However, when the storms

come from the southwest and blow in my porch all the water ponds back in the right corner of the foundation and runs down the foundation wall, therefore; keeping my crawlspace wet.

David Kirby:

Are you addressing any of these issues with your contractor or builder?

Michael Davis:

That's a lost cause. There's no communication whatsoever.

Jay Hendricks:

I'm sorry, I'm the contractor. I'm Jay Hendricks. If I may interject just briefly. The front porch shoe block, there's also a beam that runs across the front of the house that's an inset porch, the trusses in that particular area are in the neighborhood of 44 feet long, they rest on the back wall. The front porch is around I think eight feet wide so they rest on eight feet of a 2x4 structural wall which sits on 2x10 floor joist which sits on the shoe block which have 12 or 18 inch anchor bolts that have been grouted in the shoe block. The front part of the trusses also set on the beam that runs from sidewall to sidewall. So they have bearing, as far as structural bearing goes, in accordance with the drawings that were approved by the County. The shoe block were put in by mistake with the understanding that the front porch would be held by the shoe block, the concrete would. Upon floor framing, we realized that you couldn't have a 10 inch step or 11 inch step out the front porch. So, the foundation, the framing on the foundation, was flashed from the sheathing on the wall, down over top of the block. Then concrete was poured at five inches thick to within four inches of the bottom of the door, so that you had a four inch set up inside the house. So that was the situation with the shoe block.

The depth of the foundation is 48 inches to the top of the footer with a 24 or with an eight inch footer below it. The finish of crawlspace is 40 inches tall. Underneath the front garage, the attached garage of the house is a double footer. It was dug down and it was not blocked off or stepped. So that footer is actually 16 inches thick of concrete with two rows of block at the door and then two rows of block above that backfilled which gives you more than 24 inches of depth to the bottom of the footer.

The garage doors were framed like most builders frame the garage doors 2x6's all the way around for the tracks and for the garage door openers to attach to. So from my explanations we passed all building inspections throughout the process. We had two final inspections. First final inspection found three electrical issues and one framing issue which were taken care of within four days. The subsequent final inspections were passed, a Certificate of Occupancy was issued, and the owners took possession of the home. We have been, my company have been informed of a myriad of code violations that were performed by the County on five subsequent inspections, of which the certified letter I received on July the 27th that was dated June the 10th.

G.W. Wiseman:

That was my error.

Jay Hendricks:

So that was my first indication that there were code violations and that there had been five subsequent inspections after an approved final inspection. I've been in contact with Mr. Wiseman on numerous occasions. We are trying to determine if the list of things happened to be more of an aesthetic grievance than they are a code violation. If they are truly code violations we are willing to return to take care of the problems. We have a couple of subcontractors that also received the letter that have been shown a willingness to return to take care of code violations if they are truly code violations. So no one is trying

to get out of their responsibilities to perform their work to current code. However, in our defense we feel like we followed the proper County protocol for inspections throughout the process and now we are being hit with a myriad of code violations to be taken care of. So, you know, in our understanding we performed this work, to the best of our abilities and to Augusta County code protocol.

John Earhart:

Have you been paid for your contract?

Jay Hendricks:

I think that is part of the reason why we are here today, there were issues concerning money. The final draw was held by the homeowners for 90 plus days and they were forced to pay that money to a subcontractor because that subcontractor filed for a mechanic's lien. All bills have been paid on the project. There were overages that were not paid by the homeowners but all bills were paid to date. So there is no debt owed on the project.

Michael Davis:

That being said, we were not forced to pay the subcontractors. It was an agreement drawn up between the attorneys that Mr. Hendricks states that the house is built within industry standards and structurally sound which clearly it is not because we have 22 code violations and we agree to pay the subcontractors who basically have no bones in this situation so that it would close the contract.

Jay Hendricks:

To clarify that, the agreement between the attorneys representing myself and the Davis's stated that the Davis's would pay the mechanic's lien and in return we would hire a third party, Class A, unbiased contractor to do a walkthrough with myself and Mr. Davis, to determine their grievances and whether or not their grievances were justified. In the meantime, the Davis's then began their dealings with Mr. Wiseman at the County. I believe they tried to attach code violations to their aesthetic grievances in an effort to force us to return.

Michael Davis:

I think the footing missing from a garage is not really attaching anything—

[cross talk]

Jay Hendricks:

That garage was built on a monolithic slab.

Bob Seaman:

If one person could talk at a time right now.

Jay Hendricks:

Sorry.

Bob Seaman:

We're here for number one. And number three right now.

Jay Hendricks:

Understood, sorry, yes sir.

Bob Seaman:

We are going through the rest of this. Okay.

Monica Davis:

It’s irrelevant and we want to address what we’re here for today, legal counsel has nothing to do with this. One of the verbiages that Mr. Hendricks did use is concerning to me, I would just like to note. When he indicates that we pulled the code violations in to tie with issues that we're having. That's not the scenario. I would like everyone to know that we have problems yes, we have things that don't look

pretty but, and this might be strange guys and I've said it a million times it might be strange to be grateful that my walls look bad, that I have lights falling off the wall because if I went into that home, and it looked pretty like yours, I would never have started to look. I would have never crawled in the attic to realize that we have missing trusses, that we have beams in the wrong location. So as silly as it sounds to everybody, to Mr. Hendricks to GW, it's silly to say I'm grateful that my stuff looks bad because I would not know how unsafe the dwelling that my family currently occupies is. So, I'm grateful that it looks bad so that I could look and I'm not sitting here saying that I know that code book because I don't but I have taken the time to understand the things that look bad to me. I don't know how to read truss design. I do now. I contacted MFP Mid Atlantic East Coast regional salesman. I climbed in my attic, had a conference call with that man for him to tell me, Mrs. Davis are you sitting on A3? I am. Look to your right, there should be an LVL which is one of the things in the report, there should be. Put your hand on the right one--

John Earhart:

Ma'am, let me stop you just for a minute. I really don't care about one through twenty-two. I care about one, two, and three.

Monica Davis

I do understand that.

John Earhart:

The rest of this doesn't matter.

Bob Seaman:

We're not here for that.

John Earhart:

That's between your attorneys--

Monica Davis:

But what I'm saying is--

John Earhart:

--I'm talking now, that's between your attorneys or it needs to come back here or however you want to handle, it doesn't matter--

Monica Davis:

Right, but--

John Earhart:

--Right now our only concern, our only concern is one, two, and three. That's why we were called here, we weren't called here for one through twenty two—

Michael Davis:

Okay.

Monica Davis:

Right. I was just saying--

John Earhart:

--Okay, we need to stay with one, two, and three.

Monica Davis:

Right, well I'm just simply stating that bringing these things to have Mr. Wiseman, our Official, come out had nothing to do with grievances for what we had. We just want our project right. We want it to comply. It has nothing to do with, right?

Michael Davis:

Well, so for one, two, and three I mean, the pictures speak for themselves. The landing on the front stairs are no good. The attached garage is leaking water all the way to the back wall, and the garage doorframe is wicking water off the floor. It is on the floor. The code says anything eight inches from the ground is supposed to be pressure treated. That thing is touching the concrete. When the water comes in the door, it's wicking it up the wall.

John Earhart:

It's always been my understanding that door frame does not have to be pressure treated--

Michael Davis:

Not only is it going to ruin the framing, it's going to ruin the drywall--

John Earhart:

I have never used pressure treated. I've been in this business for 35 years, and I've never used pressure treated on a door yet.

Michael Davis:

Okay.

G.W. Wiseman:

Building Code Number Two says all wood framing members that rest on concrete or masonry exterior foundation walls and are less than eight inches--

Michael Davis:

Okay, so it's the framing member that's holding the garage door.

G.W. Wiseman:

The framing member is the wall studs.

Michael Davis:

Okay. Okay, that's fine.

John Earhart:

It is. I mean it is.

Michael Davis:

That's fine.

David Kirby:

What about Number 3, Anchor Bolts? Number 3, are we dealing with that as well?

G.W. Wiseman:

Number 3 on what?

David Kirby:

On the certified mail.

[Inaudible] (43:15)

Speaker:

No sir.

Michael Davis:

What the fact that the anchor bolts weren't put in the monolithic slab?

G.W. Wiseman:

One through twenty-two are items that have to be corrected. They are not part of the appeal.

David Kirby:

They're appealing one and three?

Michael Davis:

One, two, and three.

G.W. Wiseman:
They are appealing one and three, of Page 2 *In Addition to the above items you also expressed concerns with the following items.*
Michael Davis:
We are appealing one, two, and three, not just two and three.
[inaudible]
I mean if I got garage doors facing in two different directions and both of them have got water coming in, it's not just because of rain. Each one of you are more than welcome to come to my house and view what I have. You can go in my garage and shut the door and see daylight.
G.W. Wiseman:
And that is on the detached garage.
Michael Davis:
I don't care.
G.W. Wiseman:
The garage has already been noted that it has to be repaired. It is not relevant.
Michael Davis:
So when Mr. Wiseman comes to my garage--
Bob Seaman:
That's the end of that right there. What he just said. What G.W. just said.
Monica Davis:
That's not what we're here for.
Michael Davis:
It's just the same for the attached garage. The attached garage is leaking water just as well.
Bob Seaman:
Well, I think we've heard everything we need to hear because we're not going through this one through twenty-two.
Monica Davis:
Right. And we don't expect that.
Michael Davis:
I'm not looking to go through one through twenty two.
Bob Seaman:
We are here for these other things.
Michael Davis:
One through twenty-two basically shows you what we have to deal with and still have three more issues that nobody agrees with.
Bill Dudley:
Have the other items been repaired?
Michael Davis:
No sir, nothing's been repaired on my property.
Bill Dudley:
They haven't taken care of none of the other one through twenty-two?

Michael Davis:
No sir.
Monica Davis:
As instructed by Mr. Wiseman, he needs to hire an engineer. It's my understanding that he has yet to do that. And we received a letter on the 14th of June is when we picked up our certified letter. And when I requested the documentation from Mr. Wiseman. The letters, each because every party has received a separate certified letter in reference to what they needed to their code of compliance. The last statement on that says that he has 14 days to provide a timeline to Mr. Wiseman about how to do repairs. We're six weeks in and we've received nothing sir.
G.W. Wiseman:
If I may, Mr. Chairman?
Bob Seaman:
Yes.
G.W. Wiseman:
The date on the letter June 10th , 2020, that is an error. It was July 10, 2020.
Monica Davis:
It was July.
G.W. Wiseman:
If you look at below it says on 6/10/20, 6/25/20, and 7/8/20 our office visited site. We didn't send the letter before we were there.
Bob Seaman:
Okay.
Monica Davis:
It was July the 10th.
G.W. Wiseman:
That date was an error.
Monica Davis:
But we still received ours the 14th.
G.W. Wiseman:
They did receive theirs. The contractors have all been in contact with me and they are willing to fix it. Mr. Hendricks does need to hire an engineer, which he does need to get an engineer willing to go to the site and he has to arrange that and then the engineer has to go. That has to happen before anything else can happen. There were some other issues that have been going on regarding scheduling with those contractors but that's not relevant for this meeting and I will not bother the Board with it.
Bob Seaman:
Okay. Well, we've heard testimony and I think it's time to get on with it. Because we're not dealing with this page at all, matters concluded. We've got to come up with some answers. Appeals Board will come up with answers. What do y'all--
Bill Dudley:
If I might speak, to me the main issue, if any that I'm seeing here is aesthetics to the concrete work. It's not a guaranteed perfect building material but there might be some problems with what I'm seeing of the levelness maybe of the concrete. But again, if it's in compliance--

Bob Seaman:
Well, yeah. And the footer depth, it is 24 inches to the bottom of the footer. That's the way we've been doing it.
John Earhart:
Forever.
Bob Seaman:
Forever. So I don't see how you can change that.
John Earhart:
If you got 16 inches of block, you still got to add the footer depth.
Bob Seaman:
Yeah, you got to add the footer depth.
Bill Dudley:
You've got the floor and steps and stuff.
[cross talk] (48:19)
Bob Seaman:
So you've got 24 inches to the bottom of the footer. And Mr. Hendricks said that he had a double pour of concrete which was 16 inches. So now we're down to 32.
Monica Davis:
May I state something, I actually dug the footer up on the corner of the house, and it's not there—
Bob Seaman:
Ma'am--
Monica Davis:
Sorry sir, I was just wondering.
Bob Seaman:
--I'm sorry--
Monica Davis:
Sorry sir.
Bob Seaman:
--But I said we were done.
Monica Davis:
Okay-
Bob Seaman:
I'm here for these other things. If you got two courses of block and an eight inch footer, you've got 24 inches. Right?
John Earhart:
Yes.
Pat Katz:
Yes.
Bob Seaman:
Is there a problem?
Bill Dudley:
No, I see a problem as far as the levelness of the concrete was all I was speaking of.
Bob Seaman:
Yes, I mean the footer depth--

John Earhart:
That's not our concern how pretty it is. I mean, it needs to be pretty but that's not our concern.
Bob Seaman:
No we're not in the--
Pat Katz:
Aesthestics.
Bob Seaman:
--aesthetics part of this.
John Earhart:
We're in the code. Is the ground sloping away from, have you got positive--
Jay Hendricks:
Six inches in 10 feet.
John Earhart:
Everywhere?
Jay Hendricks:
As matter of fact, we were, we were brought back--
John Earhart:
I mean where these problems are?
Jay Hendricks:
Yes. The house sits on a hill. The back of the foundation is nearly ground level. The front of the foundation is nearly 40 inches out of the ground. So, there's a slope that the code states that the slope has to be six inches in 10 feet. David Crummett did the excavation and he had to come back and re-swell around behind the house and around the side of the detached garage, which there is Mr. Davis's ditch that he's referring to. So he ended up cutting a swell in there about four feet deep. And six inches in 10 feet off the detached garage so yes, there's proper slope to answer your question.
John Earhart:
Does the dirt go above the second block?
Jay Hendricks:
Yes sir.
John Earhart:
That answers that question, to me.
Bob Seaman:
It is 24 inches to the bottom of the footer?
Jay Hendricks:
Yes sir, and under the detached garage, I don't know if this is relevant or not but that's a monolithic slab. So, the footers are 24 inches deep, 24 inches wide, and the ground comes up on the low side to within the bottom of the start at the top of the slab. So it's 29 inches deep basically with the soil.
John Earhart:
You did pour footers under the monolithic?
Jay Hendricks:
Yes sir, I have pictures of it.
G.W. Wiseman:
There is an issue that needs to be cleared up on the detached garage. I'm not sure yet what the issue is. An engineer--

John Earhart:
But that's not part of our business?
G.W. Wiseman:
That's not part of your business.
[inaudible] (51:28)
Bob Seaman:
The framing in the garage door.
John Earhart:
You're back on picture 18, Bob?
Bob Seaman:
Yeah.
John Earhart:
Those studs are clearly setting on the pressure treated plate.
Bob Seaman:
Yeah.
John Earhart:
The jam, the garage door jam on the inside is not, but it doesn't. I mean, it wouldn't, that's not bearing what so ever.
Bob Seaman:
That's not bearing so that.
G.W. Wiseman:
I mean they have a personnel door that's between the two garage doors, a standard exterior personnel door. The door jams on the personnel door are not treated lumber. I mean, door jams are not treated lumber.
John Earhart:
Where that wicking is coming on that jam, that's probably that crack from the edge of the garage door to the jam. I mean, I don't know how you possibly seal that crack. I mean I know mine's got that. Every house I've ever built has it.
G.W. Wiseman:
Mine's got it.
John Earhart:
You can stick your finger through there.
G.W. Wiseman:
My garage door has wicking on the sides that have that jam.
John Earhart:
Absolutely. I don't know how you'd go about sealing that.
Bill Dudley:
I don't know how you'd frame it to not do that?
John Earhart:
That's right, I don't know how that would be, I don't know how you would do that. I've only framed 500 hundred of these. I mean, I just don't know how you would do that.
Bill Dudley:
Water is going to sit beside your framing.

John Earhart:
Yeah, there's no way. You're going to have a hole there.
Michael Davis:
But if you use pressure treated lumber it won't wick it up.
John Earhart:
But that's not the code. That's the problem.
Michael Davis:
Okay.
John Earhart:
I mean that's not the code.
Michael Davis:
I'm not going to argue.
John Earhart:
If they revise that, I'll use pressure treated. Just simple as that.
Bill Dudley:
You can always exceed the code.
Pat Katz:
Mh-Hmm
John Earhart:
And I do from time to time, as we all do.
Pat Katz:
Yeah, the code is just the minimum.
John Earhart:
Minimum standards.
Jay Hendricks:
Can you saw an inch, inch and a half of the bottom of that 2x6 off from the concrete?
John Earhart:
Excuse me?
Jay Hendricks:
Could you saw an inch, inch and a half off each one of those 2x6's off from the concrete?
John Earhart:
For sure you could.
Jay Hendricks:
I mean--
John Earhart:
But you're going to have a gap.
Jay Hendricks:
Correct.
John Earhart:
It's probably going to make it worse. You know he's still going to have water that could potentially seep through there. Yeah, absolutely. I mean, couldn't you?
Pat Katz:
Yeah.

John Earhart:
There's no reason not to.
Bill Dudley:
Couldn't you potentially slide a piece of treated under there? Cut it off.
Michael Davis:
May I ask a question?
Bob Seaman:
Okay.
Michael Davis:
I'm not trying to backtrack but we're talking about the footers, right. This man told my wife, that she was more than welcome to call any surrounding county and ask questions. So we contacted Rockingham County who has the same frost depth that we do and they said the top of the footer has to be below the 24 inches. The top. That's what Rockingham has said as well.
Bob Seaman:
I work Augusta and Rockbridge--
Michael Davis:
Okay.
Bob Seaman:
--and it is 24 inches to the bottom of the footer--
G.W. Wiseman:
And I have worked with architects and engineers from all over Virginia.
Bob Seaman:
--good Standing with Waynesboro, Staunton, Augusta, and Rockbridge and it is all 24 inches to the bottom of the footer.
Monica Davis:
Well we don't even have, one of the statements that you said is we have two run of block. That is not true. At the garage opening for the garage, there's only one run a block below it--
Michael Davis:
Just stop now.
Monica Davis:
--and then the footer. So it's not 16 inches of block there. There's only one run of block and then your footer lays on top of the ground.
Bob Seaman:
But he said he had 16 inches of concrete.
Monica Davis:
He doesn't--
Jay Hendricks:
And two rows of block.
Michael Davis:
Either way.
Bob Seaman:
So we're 24 inches to the bottom of the footer.
Monica Davis:
But it says it needs to extend below the frostline.

Michael Davis:
Please stop so I can finish.
Monica Davis:
Okay.
Michael Davis:
Please. So, with that being said for the footer on the house, Mr. Hendricks made a comment about the monolithic slab, which has a 20 foot. A monolithic slab is supposed to carry a 24 inch footer around the perimeter. 24 deep 24 wide--
G.W. Wiseman:
It does not have to be 24 wide, it actually only has to be--
Michael Davis:
Either way, I'm not arguing about that with you. Okay. So, 24 deep all the way around the perimeter. So if I can dig the corner of my building up right here--
G.W. Wiseman:
We have already--
Michael Davis:
Please stop and let me finish. Okay, if I can dig the corner of my building up right here and this load bearing wall has nothing under that slab for that far back then something's not right. That's why the corners of my slab are breaking off and the gaps are opening up all the way around the building because the footer is not around the perimeter of the building.
G.W. Wiseman:
Mr. Chairman?
Bob Seaman:
Yes?
G.W. Wiseman:
If you look under number one of the items to correct.
Michael Davis:
But it’s footers.
Jay Hendricks:
I have pictures proving there are footers there.
[cross talk]
G.W. Wiseman:
It's been addressed. It's got to be addressed. It’s going to have to be addressed by an engineer.
Bob Seaman:
That’s fine.
Michael Davis:
You dropped a paper sir. Right there in front of you. I guess we’re done now.
Monica Davis:
My husband is just trying to clearly state--
Bob Seaman:
According to code--
Michael Davis:
Doesn’t matter.

Bob Seaman:
--there's nothing we can do.
Michael Davis:
Okay.
John Earhart:
Doesn’t look like it to me.
Bob Seaman:
I don’t see how.
[cross talk]58:00
Now these others that G.W. has written up--
G.W. Wiseman:
The twenty-two issues are not part of this.
Bob Seaman:
--that’s not part of this appeal. But these as far as we're concerned, it's code. Correct?
Bill Dudley:
I move that we resolve this.
Bob Seaman:
Thank you. We have a motion.
John Earhart:
Second.
Bob Seaman:
Thank you. Okay. All those in favor of the code, say aye.

The Motion Passed Unanimously.

The Meeting Was Adjourned.

Additional Documents Submitted by Augusta County

(Page left blank intentionally)

December 30, 2020

Office of the State Technical Review Board
600 East Main Street, Suite 300
Richmond VA, 23219

Members of the Board:

I am submitting some additional information for the Davis appeal hearing, appeal number 20-03. I am submitting this information as it has come to me since my original submittal and it is relevant to the appeal.

You will find the complete Schnitzhofer Structural Engineer's report attached to this document. Mr. Schnitzhofer was hired by the contractor, Jay Hendricks to evaluate some of the items in my corrections report to him dated July 16, 2020. While on site he evaluated the Foyer Foundation which is item #6 of the Davis appeal. That is why I have attached it here. Mr. Schnitzhofer's response is below relating to this item:

1. Foyer Foundation

S&A Response: The front foyer framing appears to bear directly onto the CMU foundation wall. It is our understanding that this condition was inspected by, and approved by, the building inspector. Given the visible framing conditions present at the site, it is the opinion that this foundation system has been installed in general conformance with standard construction practice for this region.

Mr. Schnitzhofer came to the same conclution that I came to when I was presented with the situation.

Again, I have attached the complete report which includes all of his findings as well as his seal.

I have also attached a copy of a letter sent to Mr. and Mrs. Davis from Schnitzhofer and Associates with his full conscent and encouragement for your information.

I have previously sent you a copy of the transcript from our Local Appeals Board hearing and wanted to bring you up to date with a comment made by Mr. Davis in that appeal. I have copied that statement below so that you would not have to read the whole transcript to find it.

Michael Davis:
I'm not trying to backtrack but we're talking about the footers, right. This man told my wife, that she was more than welcome to call any surrounding county and ask questions. So we contacted Rockingham County who has the same frost depth that we do and they said the top of the footer has to be below the 24 inches. The top. That's what Rockingham has said as well.

As I was surprised by this statement, I contacted the Building Official, Joe Shifflett by email and ask him what was his frostline and where he measured it to. My email and his response is below:

From: Joe Shifflett [mailto:jshifflett@rockinghamcountyva.gov]
Sent: Thursday, October 22, 2020 3:03 PM
To: G.W. Wiseman <gwiseman@co.augusta.va.us>
Subject: [EXTERNAL] Re: Frost line

Good afternoon GW,

Footing is measured from bottom, minimum of 24" as long as there's minimum bearing capacity. So starting from good bearing soil 24" up.

Apologies for the late response, our email system is not returning messages, so I figured I'd send it on my cellphone.

Best regards,

Joe

Sent from my iPhone

On Oct 20, 2020, at 4:00 PM, G.W. Wiseman <gwiseman@co.augusta.va.us> wrote:

Hello Joe,

Can you tell me the frost line in your locality please? Also, are you measuring it from the bottom of the footing. I know it is an unusual question, but I have an owner who is telling me that your jurisdiction is measuring the frost line to the top of the footing.

Thank you for the information.

GW

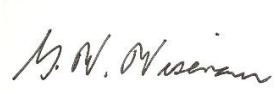
G.W. Wiseman
Building Official
County of Augusta
540-245-5717
540-245-5066 (Fax)
gwiseman@co.augusta.va.us

Rockbridge, City of Waynesboro, City of Staunton, Augusta and Rockingham county all have the same frostline and measure it to the same location.

Thank you for your time with this additional documentation and you will find copies of the engineers report, letter from Schnitzhofer and Associates and copy of my email.

Please feel free to contact me if I can be of any further assistance.

Sincerely,



G.W. Wiseman
Building Official

300 EAST WATER STREET CHARLOTTESVILLE, VA 22902
SCHNITZHOFER
STRUCTURAL | ENGINEERS
434.220.1035 SCHNITZHOFERANDASSOC.COM

NOVEMBER 03, 2020

SCHNITZHOFER & ASSOCIATES, LLC.
300 E WATER STREET
CHARLOTTESVILLE, VA 22902

9 N. NEW STREET
STAUNTON, VA 24401

REPORT ISSUE DATE:	11.03.2020
PROJECT NAME:	1002 ROUNDHILL SCHOOL RD
S&A PROJECT ID:	20-081

REGARDING: **STRUCTURAL ASSESSMENT**

Dear Jay:

A licensed structural engineer (P.E.) from Schnitzhofer & Associates, LLC (S&A) visited the residence located at the above listed location on September 29, 2020. The purpose of the site visit was to document the condition of the exposed, visible, in-place structural elements related to the following:

Primary House

- **Foyer Foundation**
- **Simpson Hanger Connection**
- **Roof Beam**
- **Overbuilt Trusses**
- **Roof Sheathing Plane**
- **Drywall**
- **Roof Truss at Front Bedroom**
- **Crawlspace Pier Location**
- **Joist Blocking at Crawlspace Plumbing**
- **Crawlspace Ventilation**
- **Anchor Bolt Spacing**

Detached Garage

- **Garage Portal Frame**
- **Concrete at Corner of Foundation**

300 EAST WATER STREET CHARLOTTESVILLE, VA 22902
SCHNITZHOFER
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Dear Jay,

A licensed structural engineer for Schnitzhofer & Associates, LLC, further referred to as S&A, has visited the project jobsite, in the interest of addressing the potential framing issues presented to us. The purpose of our site visit and subsequent report is to provide our opinion regarding the acceptability of the visible structural foundation and framing element conditions present in the field.

Introduction

James R. Schnitzhofer, P.E. visited the home on September 29th 2020. Mr. Schnitzhofer was accompanied by Nate McConaughey, a licensed structural engineer from our Staunton branch. The owners of the property were also present. Mr. Schnitzhofer is an expert in structural consulting and has overseen 1500 structural engineering design projects throughout Virginia, and the "Valley". During his tenure at the head of Schnitzhofer & Associates, he has become intimately familiar with all aspects of local construction norms, standards of practice, standard of care, and construction craftsmanship. During the site visit completed recently, Mr. Schnitzhofer immediately noticed the high caliber construction that was in place. Generally, the quality of detail with regards to craftsmanship, and overall quality installation of the in place primary house framing and foundation systems, all appeared to be exceptional, compared to many counterpart contractors within this area.

Findings and Recommendations (Primary Residence)

1. Foyer Foundation

   S&A Response: The front foyer framing appears to bear directly onto the CMU foundation wall. It is our understanding that this condition was inspected by, and approved by, the building inspector. Given the visible framing conditions present at the site, it is the opinion that this foundation system has been installed in general conformance with standard construction practice for this region.

2. Simpson Connections/Hangers At Floor Joists

   S&A Response: The floor joists appear to adequately bear into the joist hanger seat. It is our understanding that this condition was inspected by, and approved by, the building inspector. The shear nails appear to be attached through the shear hanger fasteners holes, and potentially fall short of penetrating the supporting beam. In the interest of making a final determination regarding the adequacy of this connection, a licensed structural engineer from our firm contacted the technical/engineering division of Simpson Strong Tie. We discussed in detail the condition present at this location. Based upon the outcome of that conversation, it is our opinion that the connection is acceptable for safe and continued occupancy. For further clarification regarding this matter, we suggest that the owner contact a licensed structural engineer, in the interest of having them explain the material behavior and stress dynamics that Simpson uses for their load tables.

3. Roof Beam

S&A Response: The roof beam in question appears to be installed in general conformance with industry standards. It is our understanding that this condition was inspected by, and approved by, the building inspector. From a structural standpoint, we have determined that though a structural analysis of the subject beam, the beam is adequate to safely support the gravity loads at this location. From a construction standpoint, it is the opinion of S&A that the beam is installed in general conformance with the standard of care of this region.

4. Overbuilt Trusses

S&A Response: The overbuilt trusses in question appear to be installed in general conformance with industry standards. It is our understanding that this condition was inspected by, and approved by, the building inspector. From a structural standpoint, it is the opinion of S&A that the overbuilt trusses are installed in conformance with standard construction practice. In fact, the method in which the overbuilt trusses have been installed, is the method our firm recommends. In light of this, it is our opinion that this is not a structural issue.

5. Roof sheathing Plane at Overbuilt Trusses

S&A Response: The sheathing over the overbuilt trusses in question appear to be installed in general conformance with industry standards. It is our understanding that this condition was inspected by, and approved by, the building inspector. From a structural standpoint, it is the opinion of S&A that the sheathing at this area is installed in conformance with standard construction practice. It is very common that minor fluctuations within the roof sheathing plane occur with a complicated roof truss system such as the one present at this home. More specifically, it is our opinion that the roof sheathing installation is within generally acceptable tolerable limits for a framing project of this type.

6. Drywall – Bonus Room

S&A Response: It is our understanding that a majority of the drywall hanging installation at this area was completed by the homeowner – not the contractor. Generally speaking, drywall installation within pre-engineered bonus room truss web members is more complicated than installation onto a standard stick framed structure. As a result of the variations in roof truss profiles and anticipated movement/expansion/contraction of the truss web and chord members, it is generally understood that the anticipated likelihood of a perfect "finish plane" is very low. In light of this, it is the opinion of S&A that the drywall at this area is in a condition that one would expect for installation at the interior of the pre-engineered wood truss web members. The drywall within the primary structure, however, appears to have been installed in an exceptionally well manner, and appears to have a very high quality "finish plane" overall.

7. Roof Truss at Front Bedroom:

S&A Response:

While at the site, the homeowner indicated to our engineer that there was a potential problem with the truss bearing over the front bedroom. It is our understanding that this condition was inspected by, and approved by, the building inspector. However, it is our pinion that the homeowner misunderstood the behavior of pre-engineered trusses, and appears to have applied a faulty understanding of this condition. It is our opinion that the truss bearing does not occur as the homeowner suggested, and that the trusses within his area appear to have been installed correctly, and in accordance with generally accepted practice. Overall, we found that the roof system framing is in very good condition, and was installed in conformance with generally accepted construction practices for this area.

8. Crawlspace Pier

S&A Response: Based upon the assessment of the piers within the crawlspace, we found that the piers have been installed in conformance with generally accepted construction practices. It is our understanding that this condition was inspected by, and approved by, the building inspector. Additionally, based upon our assessment of the adjusted loading condition as a result of the 2" offset mentioned by the owner, it is our opinion that this condition is acceptable and is not in need of structural reinforcements.

9. Joist Blocking at Crawlspace Plumbing

S&A Response: It is common that alternate framing configurations are used in construction of this type. These are commonly referred to as "field adjustments". In this case it appears that the contractor supported the plumbing supporting joists with a standard "bulkhead" framing adjustment. It is our understanding that this condition was inspected by, and approved by, the building inspector. However, this minor framing adjustment could easily be strengthened by the installation of one new joist, immediately adjacent to the compromised joist. Given the circumstances, this repair would entail about $50 in materials, and about 20 minutes to complete. A new Simpson face mount joist hanger could then support the cross member(s), 'bulkhead". Finally, this issue is extremely minor and, under no circumstances would this rise to the level of a legal dispute, or the idea that the contractor has provided work that is not in conformance with the standard of care of this area. Additionally, this does not indicate that the structure is "unsafe".

10. Crawlspace Ventilation

S&A Response: Based upon our calculations, Schnitzhofer and Associates, LLC found that the crawl space ventilation area provided does exceed the required area. We recommend review by the building official, in the interest of approving the removal of the vent adjacent to the dryer vent. Specifically, the building official will need to approve the removal of a vent within 3 feet of a building corner.

11. Anchor Rods

S&A Response: Based upon our assessment, Schnitzhofer and Associates, LLC found that the anchor rods are spaced as needed to satisfy the spacing requirements within the building code. However, there may be the need for additional anchors to be installed at the locations where the sill terminates. This operation is relatively easy and cost effective to accomplish. It is our understanding that this condition was inspected and approved by the building department. However, if you are in need of this reinforcement design, please contact S&A and we will prepare a quote for the retro-fit anchor installation specifications.

Findings and Recommendations (Detached Garage)

12. Braced Frame/Portal Frame at Garage Doors

S&A Response: It is the understanding of S&A that the garage portal frames have been installed as directed by the building inspector, have been inspected, and ultimately approved by the County. However, we understand that the inspector now believes the framing is inadequate. In light of this, we believe that, by the introduction of additional shear wall length (Approximately 4 feet) , new hold down anchors, and minor foundation reinforcement, the portal wall can be reinforced to adequately support the anticipated lateral loads. Specifically, we suggest the removal of the 10 ft x 10 ft doors, installation of two new, 2 foot braced walls in each bay, removing and infilling the man door, then replace the existing garage doors with new doors to fit the adjusted openings. This work would be completed in conjunction with foundation reinforcements as needed to provide adequate anchorage for load path to foundation continuity, in the interest of resisting overturning forces present in the shear walls. Contact S&A for a design of the final braced wall and foundation reinforcement specifications, if needed.

13. Concrete at Corner of Foundation

S&A Response: It is the understanding of S&A that the corner of the garage foundation has been exposed to reveal the slab edge. During the time of the site visit, approximately 2-3 feet of the turn down slab foundation was exposed. If the frost depth needs to be met at this location, we suggest pouring additional concrete at this area, to comply with the local building department frost depth requirements. This is a very easy solution to this condition. We have not reviewed or commented on any foundations that were not exposed during the time of the site visit.

Executive Summary

A licensed structural engineer from Schnitzhofer & Associates, LLC visited the home and completed a visual assessment of the in-place framing within the interior of the primary home, including the bonus room and the attic framing area. Based upon our many years of review of residential construction in this area, other than the minor recommendations for framing adjustments listed above, we have found that the overall framing we were asked to review within the primary home is in conformance with generally accepted construction practices for this area. Additionally, we believe that workmanship represents an appreciation for the standard of care one would expect under the conditions present of this home.

LIMITATIONS

While Schnitzhofer & Associates, LLC has completed a visual assessment of the above listed items, we were not provided the photographs shown to our staff during the site visit. A review of these photographs would be beneficial to resolving the framing questions posed by the owner. If you would like us to comment on the framing that is covered up, we suggest providing our engineers with the photographs showing the areas in question. Otherwise, it may be useful for the home occupants to demo the interior finishes where they believe a structural framing issue exists, and have their engineer review these framing elements. If their engineer then believes that there is a framing deficiency, then they could forward those findings to you for additional review. Overall, it is our understanding that neither the building official, our engineer, nor any other engineer, has found a framing issue within the roof framing viewed by our staff while inspecting the attic framing during the site visit, and, as such, it is logical to assume that demolishing the drywall is not warranted at this time. Generally, there would need to be significantly more damage to the interior finishes, for an engineer to believe there is a structural defect in the overall framing system. Currently, the evidence of a framing deficiency is not visible. We have only completed an assessment of the items in question listed above. We are happy to provide a full structural analysis of the home. However, based upon our assessment while at the site, we don't feel this is necessary. Should you be in need in of a full analysis of the home, please contact us and we will prepare a proposal for services.

Schnitzhofer & Associates, LLC are happy to provide this structural assessment report with regards to the project located in Crimora, VA. Please feel free to contact us at 540-448-8321 at any time to discuss this structural report.

COMMONWEALTH OF VIRGINIA
11.03.2020
JAMES R. SCHNITZHOFER
Lic. No. 43910
PROFESSIONAL ENGINEER

Sincerely,

James Ray Schnitzhofer P.E.
President

Cc: file

300 EAST WATER STREET CHARLOTTESVILLE, VA 22902
SCHNITZHOFER
STRUCTURAL | ENGINEERS
434.220.1035 SCHNITZHOFERANDASSOC.COM

300 EAST WATER STREET CHARLOTTESVILLE, VA 22902
SCHNITZHOFER
STRUCTURAL | ENGINEERS
434.220.1035 SCHNITZHOFERANDASSOC.COM

DECEMBER 15, 2020

Michael and Monica Davis
1002 Round Hill School Road
Crimora, VA 24431

RE: DEFAMATION

CERIFIED US MAIL

Hello Michael and Monica,

Please allow this letter to convey our serious concerns with regards to your statements regarding our firm.

It has been brought to the attention of Schnitzhofer & Associates, LLC, the following:

1. Michael and Monica have stated that "Schnitzhofer And Associates, LLC is not licensed".

2. Michael and Monica have stated that, "Schnitzhofer And Associates, LLC is not insured".

Be advised that your statements are untrue now, and were untrue at the time they were uttered.

In addition to potentially defaming Schnitzhofer & Associates, LLC, you unnecessarily and improperly communicated these statements to multiple third parties. Schnitzhofer & Associates, LLC has a good working relationship with these third parties and, as such, your statement could potentially damage the long-standing positive reputation within the community in which we operate. We have obtained the names of those third parties and plan to notify them of your false statements.

If you continue to make such statements, we will consider legal actions and remedies that are available to Schnitzhofer & Associates, LLC, due to your knowingly defaming comments.

Sincerely,

James Ray Schnitzhofer P.E.
President

300 EAST WATER STREET CHARLOTTESVILLE, VA 22902
SCHNITZHOFER
STRUCTURAL | ENGINEERS
434.220.1035 SCHNITZHOFERANDASSOC.COM

G.W. Wiseman

From: Joe Shifflett <jshifflett@rockinghamcountyva.gov>
Sent: Thursday, October 22, 2020 3:03 PM
To: G.W. Wiseman
Subject: [EXTERNAL] Re: Frost line

Good afternoon GW,

Footing is measured from bottom, minimum of 24" as long as there's minimum bearing capacity. So starting from good bearing soil 24" up.

Apologies for the late response, our email system is not returning messages, so I figured I'd send it on my cellphone.

Best regards,

Joe

Sent from my iPhone

> On Oct 20, 2020, at 4:00 PM, G.W. Wiseman <gwiseman@co.augusta.va.us> wrote:
>
> Hello Joe,
>
> Can you tell me the frost line in your locality please? Also, are you measuring it from the bottom of the footing. I know it is an unusual question, but I have an owner who is telling me that your jurisdiction is measuring the frost line to the top of the footing.
>
> Thank you for the information.
>
> GW

G.W. Wiseman
Building Official
County of Augusta
540-245-5717
540-245-5066 (Fax)
gwiseman@co.augusta.va.us

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Patrick and Jean Sartori
Appeal No. 20-04

CONTENTS

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Patrick and Jean Sartori
Appeal No. 20-04

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On August 20, 2020, the Culpeper County Building Department (County building official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a Notice of Violation (NOV) to Patrick Sartori (Sartori), owner of a single-family dwelling located at 9408 Breezewood Lane in Culpeper County. The NOV was issued due to the presence of expansive soils at the footing level in two locations citing a violation of VCC Section R403.1.8 (Foundations on expansive soils). The NOV further required Sartori to submit and engineered evaluation of the current footing design with expansive soil conditions and repair if necessary.

2. In September of 2020, Sartori filed an appeal to the Joint Board of Building Code Appeals of the Town and County of Culpeper (local appeals board). The local appeals board upheld the decision of the County building official finding that as an underlined responsible party, the County Building Department is permitted to issue a code violation to the property owner.

3. On October 22, 2020, Sartori, further appealed to the Review Board.

4. 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

(Page left blank intentionally)

staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the appeal hearing before the Review Board.

Suggested Issue for Resolution by the Review Board

1. Whether to uphold the decision of the County building official and local appeals board that, a code violation of VCC Section R403.1.8 (Foundations on expansive soils) can be issued to the property owner when the structure was permitted by the County and constructed by a Class A licensed contractor.

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Basic Documents

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Culpeper County
Building Department
302 N. Main Street • Culpeper, VA 22701
P:(540) 727-3405 • F:(540) 727-3461

August 21, 2020

Mr. and Mrs. Sartori
9408 Breezewood Lane
Culpeper, Virginia 22701

Re: Violations of the 2012 Uniform Statewide Building Code (USBC)

Dear Mr. and Mrs. Sartori,

As you may recall, a formal complaint was filed with my office on December 7, 2018, alleging building code deficiencies that were discovered by you to exist at your single-family dwelling located at 9408 Breezewood Lane, Culpeper, Virginia 22701. The structure is registered under Permit #1090-2016 and is subject to the 2012 Virginia Residential Code. In light of the complaint and my review of the matter, I issued a Code Deficiency Notice. For quite some time now, we have tried to work through the building code issues identified at the site. While some issues have been resolved, many significant problems remain unresolved to date. Please see the attached Notices of Violation and Correction Orders (NOVs).

In light of the situation and my duty to enforce the Uniform Statewide Building Code (USBC), at this time, I issue the attached NOVs. Please know that I am inclined to permit reasonable time, namely sixty (60) days to correct the violations.

I do share that my office will not have the ability to enforce corrective action after the statute of limitations found at the Code of Virginia (1950), as amended, Sec. 19.2-8 has expired. If the violations are not abated before the statute of limitations expires, I would have to consider revoking or suspending the existing Certificate of Occupancy (CO) under USBC 116.3.

I encourage and direct for the violations to be cured, and hope this impasse will be resolved and compliance with the USBC achieved swiftly without necessity of court involvement, or revocation or suspension of the CO. Thank you for your time and swift attention to this matter.

Sincerely,

Robert P. Orr, CBO
Building Official

cc: Bobbi J. Alexis, County Attorney

Culpeper County Building Department
302 N Main St
Culpeper, Virginia 22701

Phone: (540) 727-3405
Fax: (540) 727-3461
Web: www.CulpeperCounty.gov

VIOLATION NOTICE AND CORRECTION ORDER

Issued to: Patrick A. Sartori ET UX

OWNER'S NAME:	Patrick A Sartori ET UX
OWNER'S ADDRESS:	9408 Breezewood Lane, Culpeper VA 22701
DATE OF INSPECTION(S):	
DATE OF OFFENSE(S):	Soils 8/2/19 Code Deficiency Notices
ADDRESS OF OFFENSE:	9408 Breezewood Lane, Culpeper VA 22701
DATE(S) OF NOTICE:	08/20/20
TAX ID. NUMBER:	21 6D4
INSPECTOR:	Robert P. Orr, CBO
TENANT'S NAME:	
PERMIT NUMBER:	1090-2016

Issued for: Violation of the VA Uniform Statewide Building Code (2012)

Code Section	Nature of Violation	Corrective Action Required
R403.1.8	Expansive soils at footing level in (2) locations (see DEA evaluation dated 3/27/20)	Provide engineered evaluation of current footing design with expansive soil condition. Provide repair if needed.

An inspection of the above-referenced premises and research of County documents has disclosed violations of the Virginia Uniform Statewide Building Code as shown above. For assistance or more information, contact the Building Department.

Please read the important information on the back of this document.

Issued by:

Building Official: _____

IT IS IMPORTANT THAT YOU READ THE FOLLOWING INSTRUCTIONS CAREFULLY:

The Virginia Uniform Statewide Building Code (USBC) is applicable in accordance with §36-99 of the Code of Virginia, and enforced in accordance with §36-105 of the Code of Virginia.

Violations of the USBC are enforced in accordance with §115.1 of the USBC. Penalties and abatement shall be in accordance with USBC §115.4 and §36-106 of the Code of Virginia.

§36-106: *It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such 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. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense.*

§119.5 USBC: *You have the right to appeal this decision. The appeal shall be submitted to the Local Board of Building Code Appeals. It shall be in writing and submitted within 30 calendar days of the receipt of the decision being appealed.*

Immediate action is required to resolve all violations. Staff is available to discuss this matter with you in detail and to assist you in finding the best corrective action necessary for compliance. In some cases, approval may be obtainable.

Compliance procedures are as follows:
60 days to abate the violation.

DEADLINE FOR INITIATING COMPLIANCE PROCEDURES:

60 DAYS
Beginning from the date you receive this letter

Failure to resolve the violation(s), or make arrangements for compliance by the date shown above will compel Staff to seek compliance by available legal means, and may result in a summons issued to appear in the Culpeper County General District Court.

ADDITIONAL NOTES:

METHOD OF DELIVERY:	YES / NO
CERTIFIED MAIL	Yes
FIRST CLASS MAIL	Yes
HAND DELIVERED	
RECIPIENT'S NAME: ADDRESS: CC:	

Culpeper Town and County Board of Building Code Appeals

302 N. Main Street, Culpeper, Virginia 22701

Application for Appeal

I (we) pat and jean sartori (Name) of 9408 breezewood lane culpeper va 22701 (Mailing Address)

Respectfully request that the Board of Building Code Appeals review the decision made on 8/21/2020 (Date) by the Code Official.

Description of Decision Being Appealed: assignment of the responsibility for remediating the expansive soil at footer level two locations

Location of Property Involved: 9408 breezewood lane culpeper va 22701

What is the applicant's interest in the property?

☒ Owner ☐ Contractor ☐ Owner's Agent ☐ Other (explain) _____

Relief Sought: withdraw violation from owners.

Attach the decision of the Code Official and any other pertinent documents. Mail this application and $250.00 filing fee to Chairman of the Board of Building Code Appeals C/O Secretary of the Board, 302 N. Main Street, Culpeper, VA 22701.

Signature of Applicant: _____

Date of Application: 9/8/2020

Administrative Use:

Date Appeal Received: 9/14/2020

Appeal Number: 18-0005-01

Culpeper Town and County Board of Building Code Appeals

302 N. Main Street, Culpeper, Virginia 22701

Written Decision

Appeal Number: V18-0005-01

IN RE: Sartori, Pat & Jean v. Culpeper County Building Department

The appeal is hereby Upheld for the reasons set out below:

As an underlined responsible party, the County Building Department is permitted to issue a code violation to the property owner.

Date: 10/09/2020

Signature: _____
Chairman of Local Appeals Board (Acting)

Note: Any person who was a party to the appeal may 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 if the State Review Board, 600 East Main Street, Richmond, Virginia 232.19, (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 ADMINISTRATATIVE 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

RECEIVED
OCT 22 2020
OFFICE OF THE REVIEW BOARD

Appealing Party Information (name, address, telephone number and email address):
PAT & JEAN SANTORI 540 937 5362 Hm
9408 Breezewood LN 318 348 1739 MB
CULPEPER VA 22701 PatSantori@MSN.com

Opposing Party Information (name, address, telephone number and email address of all other parties):
Culpeper County 540 727 3405
CBO/BOA ORR BOAR@CulpeperCounty.gov
302 N. MAIN ST
CULPEPER VA 22701

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 22 day of October, 2020, 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: Patrick Santori
(please print or type)

Thursday, October 22, 2020

Patrick and Jean Sartori
9408 Breezewood Ln.
Culpeper, VA 22701

Commonwealth of Virginia,
Dept. of Housing and Community Development
State Building Codes Office and Office of the State Technical Review Board
% Travis Luter
Main Street Centre, 600 E main Street , Sutie 300
Richmond, VA 23219

Sir,

Please accept my application for appeal.

Culpeper County levied a code violation upon us for constructing my house on expansive soil. We appealed to the local board; who upheld the county's decision.

We did not construct the house or acquire the permit to do so. In accordance with the Virginia Building Code, the county's permit application, and pursuant to § 54.1-1111, We are not the responsible party for constructing the house on expansive soil.

The builder, Graystone Homes, Inc: CEO/ Anthony Clatterbuck, 1202 Orange St. Culpeper Va 22701, anthonyc@graystonehomes.com; 540-825-1600: is solely the responsible party for violating the Uniform States Building Code (USBC) for failing to identify questionable soil during the foundation construction process.

Relief sought; Withdraw the code violation against us and affirm the builder as the responsible party to remediate the violation.

Thank you,
Patrick and Jean Sartori

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Documents Submitted
by
Patrick and Jean Sartori

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Culpeper County
Building Department
302 N. Main Street • Culpeper, VA 22701
P:(540) 727-3405 • F:(540) 727-3461

Revised 02/03/16

The following information must be included with all residential permit applications:

- ☑ A copy of the health permit issued by the Health Department
- ☐ A copy of the zoning permit issued from the Zoning Office including (2) approved site plans.
- ☐ A completed Land Disturbance permit application where land disturbance exceeds 10,000 square feet
- ☑ Completed permit application in entirety.
- ☑ Three copies of plans and specifications drawn to scale with sufficient clarity and detailed dimensions to show the nature and character of work to be performed. Scale shall be a minimum of ¼" per foot. Minimum paper size accepted – 11x17.
- ☐ Culpeper County Design criteria and the building code designed to must be included on plans.
- ☐ Registered Designer Professional's (state licensed architect or engineer) **original** seal and signature with date if applicable. Two sets of submittal plans may be photocopies. (Information to include name, address, phone number, occupation & VA State License number.) Digital seal may be submitted in lieu of original signature. If plans are not designed by a VA licensed architect or engineer, the preparer of plans must include name, address, phone number and occupation on plans.
- ☐ **Single or Double-wide Homes** are Manufactured Homes. 3 Sets of the Manufactures' Installation Manual is required with submission of application for a permit. All options applicable to exact unit must be marked in installation manual. Exact floor plan of unit and A foundation plan are to be submitted. Must provide serial number and installer's VA contractor's license. *See page 3.

Construction Document Specifications:

BASEMENT AND FOUNDATION PLAN

1. This plan must show necessary dimensions of basement or foundation layout and show all thickness and location of walls to include all reinforcement specifications.
2. Indicate conditioned or unconditioned, finished or unfinished basement.
3. Indicate required egress from basement.
4. Show size of bedroom windows in regard to emergency egress openings and locations.
5. Indicate all footing dimensions including reinforcement.
6. For masonry fireplaces, show footing size, depth and locations.
7. Indicate size and spacing for piers.

8. Indicate size and materials of any beams or girders used. Steel beams require engineer's design with seal.
9. Indicate joists direction, type, size, species and locations. Provide two copies of engineered wood product (floor, roof, beams, LVL) plans provided by the supplier. May be submitted without original stamps.
10. Show height of backfill on basement walls.
11. Show all windows sizes and locations.
12. Show all door sizes and locations; access door for crawl space.
13. Show foundations and framing for exterior decks or porches; this includes the following information: Size of joist, band (doubled), height of guardrail, size of posts, footings, indicate that all wood will be pressure treated or equal, galvanized nails, picket spacing (less than 4" between pickets), detail the method the deck is to be attached to house.
14. Show location of crawl space vents.

FLOOR PLANS

1. The plans must include all necessary room dimensions, halls and stairs, and each area must be labeled as to use.
2. Window and door schedule. Show all windows and door sizes and types of windows- double hung, casement, etc., show U factors of windows and doors.
3. Indicate size and material of any structural beams and headers.
4. Indicate joist or truss direction, size and spacing. Provide two copies of engineered roof truss design and layout. Unstamped copies may be submitted, but original stamped copy must be onsite for framing inspection.
5. Locate fireplaces showing flue size, fireplace opening and hearth.
6. Show framing for exterior decks or porches; this includes the following information: Size of joist, band (doubled), height of guardrail, size of posts, footings, indicate that all wood will be pressure treated or equal, galvanized nails, picket spacing (less than 4" between pickets), detail the method the deck is to be attached to house.
7. Show stairs, width, rise & tread dimensions, handrails, guardrails, and railing heights.
8. Show location and size of access to attic areas and all enclosed areas.
9. Locate the smoke detectors and carbon monoxide detectors.
10. Safety glazed windows must be identified.
11. Plans must clearly identify the method of compliance with the **wall bracing** provisions of the section 602.10 of the USBC. Braced wall lines and braced wall panels clearly identified on plans.
12. Plans must clearly identify the method of compliance with the **tall unsupported** wall provisions of the IRC.
13. If applicable, plans must clearly identify compliance of Interior Passage provisions of section R311.2.1 of the 2012 Virginia Residential Code.

WALL SECTIONS

1. A wall section is required for each different type of construction.
2. Size of footings and depth below grade.
3. Show foundation drainage.
4. Size of foundation wall, show waterproofing and/ or parging of basement walls.
5. Anchor bolt or strap size and spacing.
6. Framing member sizing, species, and spacing.

7. Sub-floor and finished floor size and material.
8. All exterior coverings and materials.
9. Roof slope(s).
10. Insulation resistance factors:
    R-_____ Floors R-_____ Walls
    R-_____ Ceiling R-_____ Attic
    R- _____Crawl Spaces R-_____ Slab
11. Show location of attic vents and square footage.
12. Identify ice shield requirements.
13. Identify wall height of each floor.

ELEVATIONS

1. Identify proposed final grading level around all exterior elevations.
2. Show locations of windows, doors and access panel to crawl space.
3. Indicate roof slope(s).
4. Show steps, landings, and height and spacing of guardrails and handrails.
5. Show chimney location and compliant height.
6. Identify overall height from bottom plate to top of ridge.

ENGINEERING

Engineering is required for special construction features not covered by the prescriptive requirements of the USBC/IRC. I have reviewed the list above and hereby verify that the plans I am submitting include the required Construction Document Specifications.

_____ 11/9/16

Building permit applicant Date

Manufactured Homes (Required):

Year: _____

Make: _____

Model: _____

Serial #: _____

Installer license #: _____

Plans 11.7.16 email 1140

CULPEPER COUNTY, VIRGINIA - BUILDING PERMIT APPLICATION Residential 2012 VRC

Building Department • 302 N. Main St., Culpeper VA 22701 • 540-727-3405 www.culpepercounty.gov

JOB (SITE) LOCATION Before submission you must acquire a Zoning Permit from the jurisdiction in which you are building.

SITE ADDRESS LOCATED IN ☐ TOWN ☑ COUNTY

STREET ADDRESS Bizarewood LN

Permit # 109016

CITY/TOWN Rivayville VA. ZIP CODE

Tax Map # 21- 6D4

OWNER INFORMATION

NAME PATRICK SARTORI

ADDRESS 2135 Blue Spruce Drive Culpeper VA 22701
City/Town State Zip Code

PHONE NUMBER 540-937-5362 EMAIL:

CONTRACTOR INFORMATION ☐ OWNER/ LESSEE if owner is the contractor Date of birth ____/____/____

BUSINESS NAME Graystone Homes.

ADDRESS 1202 Orange RD. Culpeper VA 22701
City/Town State Zip Code

PHONE 540-825-1600 EMAIL TONY@GRAYSTONEHOMES.COM.

VA STATE CONTRACTOR'S LICENSE # 2701034887 CLASS A. EXPIRATION 7-31-17

VA STATE CONTRACTOR'S LICENSE FOR INSTALL OF MANUFACTURED HOME: EXP:

CB 11.17.16

CONTACT PERSON: Person to answer Plan Review Questions & Pickup Permit

NAME TONY DAY PHONE # 540-717-3035

E-MAIL TONY@GRAYSTONEHOMES.COM CELL PHONE #

DESIGNATED MECHANICS LIEN AGENT

NAME: RAPIDAN TITLE AGENCY LC. ☐ NONE DESIGNATED

ADDRESS 138 N MAIN Street Suite 102 Culpeper VA 22701
City/Town State Zip Code

PHONE NUMBER 540-825-2908 EMAIL

DESCRIPTION OF WORK: ☑SINGLE FAMILY DWELLING ☐TOWNHOUSE ☐DUPLEX ☐MFG. HOME (SINGLE/DOUBLE WIDE) HUD ☐INDUSTRIALIZED MODULAR HOME ☐ADDITION TO EXISTING BLDG ☐GARAGE ☐STORAGE BLDG ☐REPAIR/ REPLACEMENT ☐REMODEL

DESCRIBE IN DETAIL THE WORK TO BE PERFORMED: (REQUIRED)

Construct new one story home w/ garage.

AFTER HOURS PLAN REVIEW REQUESTED – YES OR NO (ADDITIONAL FEES WILL APPLY)

ESTIMATED COST $ 295,000 **MASTER NAME** **MASTER #**

UTILITY INFORMATION

Water:
☑ Private
☐ Public ____
Name of Provider

Septic/ Sewer:
☑ Private
☐ Public ____
Name of Provider

Electrical Service:
Provider: REC.
Amps: 200.

CULPEPER COUNTY BUILDING DEPARTMENT
NOV 16 2016
REVIEWED FOR CODE COMPLIANCE

Application reviewed & accepted by: ____

Revised 02/03/16

AFFIDAVIT OF CONTRACTOR INFORMATION

PROPERTY OWNER & ADDRESS: PATRICK SARTORI.

BUILDING(S) PERMIT SITE ADDRESS: 235 BLUE SPRUCE DRIVE CULPEPER VA 22701

The County may only issue a building permit to properly licensed contractors or to those that are exempt from the Commonwealth's requirements for contractors. Certain exceptions to licensing requirements are available under Section 54.1-1101 of the Code of Virginia. Property owners are eligible for exceptions under specific circumstances, including building their primary residence and related accessory structures.

The Code requires that a contractor be properly licensed before he may bid or undertake contracting work of $1,000 or more. Specifically, a:

Class A contractor's license is required for any job valued at more than $120,000; a
Class B contractor's license is required for any job valued at $10,000 or more but less than $120,000; and
Class C contractor's license is required for any job valued at more than $1,000 but less than $10,000.
Tradesmen/ Master license is not to exceed any job valued at $1,000 or more without a VA contractor's license.

If a property owner secures a building permit under the exception, and subsequently hires contractors to work on the project, those contractors must meet the requirements listed above and the property owner is legally responsible for assuring the licensing requirements are met. Failure to do so constitutes the commission of a Class 1 misdemeanor by both the property owner and the contractor, and may expose the property owner to prosecution as well as other legal risks, particularly if problems with construction occur. Also, in such cases the County cannot hold individual contractors responsible for issues identified during ongoing inspections; rather it is the property owner, as permit holder, who is responsible.

Title 54.1-1101 (Exemptions) – The provisions of this chapter shall not apply to: (Please check the appropriate box)

- ☐ Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owner by him and for his own use during any 24 month period.
- ☐ Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For the purpose of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law.
- ☐ Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use.
- ☐ Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.).

Fill out this section if the Building Permit Applicant is:

PROPERTY OWNER/OWNER'S AGENT:

☐ I am the property owner. I affirm that I have read and understand the above and that by securing this permit under my own name I have accepted responsibility for assuring proper licensing of any contractors hired for jobs under this building permit.

☐ I am the agent for the property owner. I affirm that I have read and understand the above, have informed the property owner of the above, and that the property owner has accepted responsibility for Assuring proper licensing of any contractors hired for jobs under his Building permit.

Signature: _____ Date_____

Print Name: _____

Fill out this section if the Building Permit Applicant is:

CONTRACTOR/ CONTRACTOR'S AGENT:

☑ I am the contractor for this permit. I affirm that I have read understand the above.

☐ I am the sub-contractor for this permit. I affirm that I have read and understand the above.

☐ I am the agent for the contractor. I affirm that I have read and understand the above.

☐ I affirm that I am duly licensed under the terms of Title 54.1, chapter 11, Code of Virginia to carry on or superintend this work.

☐ I affirm that I am not subject to licensure as a contractor, Subcontractor, or owner-developer under the terms of 54.1, Chapter 11, Code of Virginia.

Signature of Contractor: _____ Date 11/9/16

Contractor Name (Printed): TOMY SWIFT.

Revised 02/03/16

This Building application is designed to cover various construction projects. Please √ below what applies to your project.

FOR INDUSTRIALIZED & MANUFACTURED HOMES – By law, there must be a minimum 3' x 3' landing at the door or not less than the width of the door being served. Drawing for this landing must accompany the plans for industrialized and manufactured homes. The application must list the size of the landing on page 3. The Deck Package is acceptable for a freestanding deck.

TYPE OF FOUNDATION
- ☐ Masonry
- ☑ Formed Cement
- ☐ Pre-cast Concrete
- ☐ Pressure Treated Wood

MODULAR ☐ On Frame ☐ Off Frame

TYPE WALL CONSTRUCTION
- ☑ 2x4
- ☐ 2x6
- ☐ Structural Steel
- ☐ Reinforced Concrete
- ☐ Masonry Bearing
- ☐ Type of Siding vinyl

TYPE WALL HEATING
- ☐ Gas
- ☐ Oil
- ☐ Electric Furnace
- ☑ Heat Pump
- ☐ Other _____

TYPE OF MECHANICAL
- ☑ Air Conditioning
- ☑ Gas Line
- ☐ Elevator
- ☐ Other _____

TYPE OF CONSTRUCTION

☑ Manufactured Trusses 1 No. of Stories 1 No. of Dwelling Unit ☑ 40 Floor Load ☑ 30 Roof Load ☑ Basement

# of bedrooms 3 full bathrooms 2 half baths _____ # of garage bays 2 garage orientation: side

APPLICANT INFORMATION AND CERTIFICATION:

Applicant is: ☐ Owner ☐ Lessee ☑ Contractor ☐ Sub-Contractor ☐ Agent ☐ Other _____

I hereby certify that:

☑ I have the authority to make this application.

☐ The information provided is complete & correct.

☐ I acknowledge that the granting of a permit does not presume to give authority to violate or cancel the provisions of any local or state law regulating construction or the performance of construction, and by applying for this permit; I hereby agree to adhere to all County and State laws.

☐ I acknowledge that an application for a permit for any proposed work shall be deemed abandoned six months after the date of filing unless such application has been pursued in good faith or a permit has been issued.

☐ I acknowledge that the Building Official shall be permitted to revoke a permit if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the permit is issued.

☐ I acknowledge that the permit holder is responsible to call for an inspection when construction reaches a stage of completion that requires an inspection per Section 113.1.2 of the USBC. Inspections will be required at six month intervals as proof of continuance of construction and shall extend the permit six months from that date. If no inspections are performed within the six month interval a request for an extension of the permits may be made, with additional fees charged.

☐ I acknowledge that I am responsible to provide any ladder, scaffolding or test equipment necessary to conduct or witness a requested inspection per Section 113.1.1 of the USBC.

☐ I acknowledge that the Building Official shall be permitted to require a three year time limit to complete construction of new detached single-family dwellings, additions to detached single-family dwellings and residential accessory structures. The time limit shall begin from the issuance date of the permit.

☐ I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as their agent. A-S Agent's Initials

Tony Swift / _____ / 11/9/16

Name of Applicant: Print | Signature | Date

Revised 02/03/16

FEE SCHEDULE TO BE COMPLETED BY ADMINISTRATIVE STAFF

Permit Fee Schedule	√	Fee Schedule	Actual Sq. Ft. Provided by Plan Review	Actual Permit Fee	Comments
Finished Basement		$.15 / SF			
Unfinished Basement	✓	$.15 / SF	1552	232.80	
1st Floor	✓	$.15 / SF	1552	232.80	
2nd Floor		$.15 / SF			
3rd Floor		$.15 / SF			
Attached Garage	✓	$.15 / SF	576	86.40	
Detached Garage		$.10 / SF			
Basement Garage		$.15 / SF			
Deck #1		$.10 / SF			
Deck #2		$.10 / SF			
Porch FRONT	✓	$.10 / SF	132	13.20	
Stoop		$.10 / SF		1	
Sun Room		$.15 / SF			
Accessory Building		$.10 / SF			
Carport		$.15 / SF			
Chimney		$ 25.00 ea.			
# of Masonry Fire Places (Gas Req.'s Mechanical Permit) 8" stove	✓	$ 25.00 ea.	1	25.00	
# of Flues THIMBLE	3 ✓	$ 25.00 ea.	3	75.00	
Retaining Walls		$.10/ SF			
Retaining Walls – minimum		$ 50.00			
Minimum Building Permit		$50.00			
Administrative Fee Schedule				665.20	
Working without Permit		**$125.00**			
Certificate of Occupancy	✓	**$10.00**		10.00	
Site Work	✓	**$15.00**		15.00	
Setback	✓	**$15.00**		15.00	
Review Plan	✓	**$75.00**		75.00	
After-hours Plan Review		**$80(1 hr. min)/ $20 – 30 mins.**			
SUBTOTAL Building Fees				780.20	
State Levy per USBC		**2%**		15.61	
TOTAL Building Fees				$ 795.81	
Culpeper County Zoning Permit	✓	**$50.00**		50.00	
Agreement in Lieu of Plan	✓	**$100.00**		100.00	
Culpeper County Site Plan	✓	**$40.00**		40.00	
TOTAL ALL FEES				$ 985.81	
LESS ADMINISTRATIVE FEE If applicable				$ 75 Pd	11/09/16
TOTAL PERMIT FEE				$ 910.81	

51.00 SLE
51.00 PCPS
1,063.81

CULPEPER COUNTY BUILDING DEPARTMENT
NOV 16 2016
REVIEWED FOR CODE COMPLIANCE

Revised 02/03/16

Culpeper County
Third Party Inspection Results

OWNER	Patrick Sartori				PH #	N/A		E-MAIL	N/A
3RD PARTY	SCE				PH #	703-366-3000		E-MAIL	candace.garay@soilconsultants.net
LOT #	6D4	TAX MAP #	21-6-D4	DATE REQ	1/13/2017		SCHEDULED BY	Candi	PERMIT NUMBER
SET-BACKS	FRONT	N/A	REAR	N/A	SIDE	N/A	BACK	N/A	1090-16

INSPECTIONS

ITEM	INSPECTION TYPE	RESULTS	DT INSP	INSPECTION COMMENTS
1	FOOTING	PASS	M.I	8" X 18" Footing 3 Piers 28" X 28" X 12" 2000 Psf No Rebar According to Plan 1/13/2017 11:30 AM 52F
2				
3				
4				
5				

COMMONWEALTH OF VIRGINIA
MARWAN SALEH IFTAIHA
Lic. No. 036287
PROFESSIONAL ENGINEER

Seal

M. I I certify that I have personally reviewed the Culpeper County approved set of plans and work performed is in compliance with the approved construction documents.

M.I Approved set of plans are on job site & permit/ permit card posted.

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Rev 06/13

Culpeper County
Third Party Inspection Results

OWNER	Patrick Sartori				PH #	N/A		E-MAIL	N/A
3RD PARTY	SCE				PH #	703-366-3000		E-MAIL	candace.garay@soilconsultants.net
LOT #	6D4	TAX MAP #	21-6-D4	DATE REQ	1/16/2017		SCHEDULED BY	Candi	PERMIT NUMBER
SET-BACKS	FRONT	N/A	REAR	N/A	SIDE	N/A	BACK	N/A	1090-16

INSPECTIONS

ITEM	INSPECTION TYPE	RESULTS	DT INSP	INSPECTION COMMENTS
1	WALL	PASS	M.I	#4 @ 20' Vertical #4 @ 24' Horizontal 8" Thick 8 Ft. Height 6 Ft Backfill Line Approved According to Plan
2				
3				
4				
5				

COMMONWEALTH OF VIRGINIA
MARWAN SALEH IFTAIHA
Lic. No. 036287
PROFESSIONAL ENGINEER
Seal

M. I I certify that I have personally reviewed the Culpeper County approved set of plans and work performed is in compliance with the approved construction documents.

M.I Approved set of plans are on job site & permit/ permit card posted.

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Rev 06/13

Culpeper County
Third Party Inspection Results

OWNER	PATRICK SATORI				PH #	N/A		E-MAIL	N/A
3RD PARTY	SOIL CONSULTANTS ENGINEERING				PH #	N/A		E-MAIL	N/A
LOT #	CD4	TAX MAP #	21-6-D4	DATE REQ	1/27/2017	SCHEDULED BY	CANDI	PERMIT NUMBER	
SET-BACKS	FRONT	—	REAR	—	SIDE	—	BACK	—	1090-16

INSPECTIONS — JOE BARBEAU RBI/15-0375

ITEM	INSPECTION TYPE	RESULTS	DT INSP	INSPECTION COMMENTS
1	BASEMENT SLAB	PASS	1/30/17	INSPECTED PREPARATIONS TO PLACE GROUND SUPPORTED, RE-INFORCED BASEMENT AND GARAGE SLABS. ALSO, INSPECTED
2	GARAGE SLAB	PASS	1/30/17	INSTALLATION OF WATER PROOFING, DRAIN TILE, FABRIC, AND GRAVEL MATERIALS. THIS GRAVITY SYSTEM WAS DAYLIGHTED
3	BACKFILL	PASS	1/30/17	AT LEFT REAR CORNER OF FOUNDATION. ALL WORK CONFORMED TO APPROVED PLANS & ALL APPLICABLE CODES.
4				JEBF ON 1/30/17
5				

COMMONWEALTH OF VIRGINIA
MARWAN SALEH IFTAIHA
Lic. No. 036287
PROFESSIONAL ENGINEER
Seal
3/27/17

JEBF
JEBF

I certify that I have personally reviewed the Culpeper County approved set of plans and work performed is in compliance with the approved construction documents.
Approved set of plans are on job site & permit/ permit card posted.

CULPEPER COUNTY VIRGINIA

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Rev 06/13

Culpeper County
Third Party Inspection Results

OWNER	Patrick Satori				PH #	N/A	E-MAIL	N/A
3RD PARTY	SCE				PH #	703-366-3000	E-MAIL	candace.garay@soilconsultants.net
LOT #	6D4	TAX MAP #	21-6-D4	DATE REQ	3/7/2017	SCHEDULED BY	Candi	PERMIT NUMBER
SET-BACKS	FRONT		REAR		SIDE		BACK	1090-16

INSPECTIONS — Joe Barbeau RB1/15-0375

ITEM	INSPECTION TYPE	RESULTS	DT INSP	INSPECTION COMMENTS
1	PORCH	PASS	3/7/2017	Inspected Preperations to place reinforced concrete slab. All worked has passed and has been confirmed to the approved plans and all applicable codes. JEBJ ok 03/07/2017
2				
3				
4				
5				

COMMONWEALTH OF VIRGINIA
ESSAM E. ELMESIRY
NO. 037721
5/9/17
PROFESSIONAL ENGINEER
Seal

JEBJ I certify that I have personally reviewed the Culpeper County approved set of plans and work performed is in compliance with the approved construction documents.

JEBJ Approved set of plans are on job site & permit/ permit card posted.

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Rev 06/13

COUNTY OF CULPEPER
CULPEPER VA 22701
USBC: 2012

PERMIT NUMBER: 1090-2016

BI201KA

LOCATION: 9408 BREEZEWOOD LN

CONTRACTOR NAME/ADDR: GRAYSTONE HOMES INC
1202 Orange Road
Culpeper, Va
22701

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	* * C o m m e n t s * *
	2016/12/20	BUILD	SOIL EROSION	KYLE SETTLE	*S	
	2016/12/20	BUILD	SOIL EROSION	KYLE SETTLE	*P	
	2017/01/13	BUILD	FOOTING	SOIL CONSULTANTS INC	*S	
	2017/01/13	BUILD	FOOTING	SOIL CONSULTANTS INC	*P	8"X18" FOOTING 3PIERS 28"X28"X12". 2000 PSF NO REBAR ACCORDING T O PLAN 01/13/17 11:30AM 52F -MI/ SCI
	2017/01/16	BUILD	WALL	SOIL CONSULTANTS INC	*S	
	2017/01/16	BUILD	WALL	SOIL CONSULTANTS INC	*P	#4 @ 20' VERTICAL #4 @ 24' HORIZONATL 8"THICK FT HEIGHT 6FT BACKFILL LINE APPROVED ACCORDING TO PLAN - MI/ SCI
	2017/01/17	BUILD	SETBACK	KYLE SETTLE	*S	
	2017/01/17	BUILD	SETBACK	KYLE SETTLE	*P	SETBACK MEETS REQUIREMENTS
	2017/01/20	PLB	GROUND PLUMBING	BRUCE CORNWALL	*S	TONY 540-717-3035 - RH
	2017/01/20	PLB	GROUND PLUMBING	BRUCE CORNWALL	*P	10' head - ok to cover
	2017/01/30	BUILD	BACKFILL	SOIL CONSULTANTS INC	*S	CANDI GARAY 703/366-300 CB
	2017/01/30	BUILD	BACKFILL	SOIL CONSULTANTS INC	*F	INSPECTED INSTALLATION OF DRAINTILE & WATERPROOFING MATERIALS CONTRACTOR WILL NOT BACKFILL ABOVE THE FOUR FOOT MARK ALL WORK IS IN CONFORMANCE W/APPROVED PLANS & APPLICABLE CODES JOE BARBEAU SCI
	2017/01/30	BUILD	BASEMENT SLAB	SOIL CONSULTANTS INC	*S	
	2017/01/30	BUILD	BASEMENT SLAB	SOIL CONSULTANTS INC	*P	INSPECTED PREPARATIONS TO PLACE GROUND SUPPORTED RE-INFORCED CONCRETE SLAB AT BASEMENT ALL WORK IS IN CNFORMANCE W/APPROVED PLANS & APPLICABLE CODES JOE BARBEAU SCI
	2017/01/30	BUILD	GARAGE SLAB	SOIL CONSULTANTS INC	*S	CB
	2017/01/30	BUILD	GARAGE SLAB	SOIL CONSULTANTS INC	*P	INSPECTED PREPARATIONS TO PLACE GROUND SUPPORTED RE-INFORCED CONCRETE SLAB @ BASEMENT ALL WORK IS IN CONFORMANCE W/APPROVED PLANS & APPLICABLE CODES JOE BARBEAU SCI
	2017/02/21	BUILD	BACKFILL	BRUCE CORNWALL	*S	TONY AC
	2017/02/21	BUILD	BACKFILL	BRUCE CORNWALL	*X	
	2017/02/21	ELEC	PERMANENT SERV	BRUCE CORNWALL	*S	TONY 540 717 3035 AC
	2017/02/21	ELEC	PERMANENT SERV	BRUCE CORNWALL	*X	

COUNTY OF CULPEPER
CULPEPER VA 22701
USBC: 2012

PERMIT NUMBER: 1090-2016

BI201KA

LOCATION: 9408 BREEZEWOOD LN

CONTRACTOR NAME/ADDR: GRAYSTONE HOMES INC
1202 Orange Road
Culpeper, Va
22701

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	* * C o m m e n t s * *
	2017/02/24	BUILD	BACKFILL	KEITH KENDALL	*S	TONY 540 717 3035 AC
	2017/02/24	BUILD	BACKFILL	KEITH KENDALL	*P	
	2017/02/24	ELEC	PERMANENT SERV	KEITH KENDALL	*S	TONY 540 717 3035 AC
	2017/02/24	ELEC	PERMANENT SERV	KEITH KENDALL	*P	OK FOR POWER. KK
	2017/03/01	BUILD	FRAMING	BRUCE CORNWALL	*S	TONY 540 717 3035 AC
	2017/03/01	BUILD	FRAMING	BRUCE CORNWALL	*P	ISSUES RESOLVED.
	2017/03/01	PLB	GAS LINES	BRUCE CORNWALL	*S	
	2017/03/01	PLB	GAS LINES	BRUCE CORNWALL	*P	
	2017/03/01	ELEC	ROUGH -IN	BRUCE CORNWALL	*S	
	2017/03/01	ELEC	ROUGH -IN	BRUCE CORNWALL	*P	
	2017/03/01	MECH.	ROUGH MECHANIC.	BRUCE CORNWALL	*S	
	2017/03/01	MECH.	ROUGH MECHANIC.	BRUCE CORNWALL	*P	
	2017/03/01	PLB	ROUGH/DWV	BRUCE CORNWALL	*S	
	2017/03/01	PLB	ROUGH/DWV	BRUCE CORNWALL	*P	water to roof
	2017/03/01	PLB	ROUGH/SUPPLY	BRUCE CORNWALL	*S	
	2017/03/01	PLB	ROUGH/SUPPLY	BRUCE CORNWALL	*P	100 lb test
	2017/03/06	BUILD	INSULATION	KEITH KENDALL	*S	TONY 540-717-3035 - RH
	2017/03/06	BUILD	INSULATION	BRUCE CORNWALL	*R	
	2017/03/06	BUILD	INSULATION	BRUCE CORNWALL	*P	ok to drywall
	2017/03/07	BUILD	SLAB	SOIL CONSULTANTS INC	*S	CANDI GARAY 703/366-3000 CB PORCH SLAB
	2017/03/07	BUILD	SLAB	SOIL CONSULTANTS INC	*P	INSPECTED PREPARATIONS TO PLACE REINFORCED CONCRETE SLAB. ALL WORK HAS PASSED AND HAS BEEN CONFIRMED TO THE APPROVED PLANS AND ALL APPLICABLE CODES. JEB
	2017/03/23	MECH2	GAS LINES	BRUCE CORNWALL	*S	EXTERIOR GAS LINES KGUNTER@BLOSSMANGAS.COM 540/832-0090 CB
	2017/03/23	MECH2	GAS LINES	BRUCE CORNWALL	*P	15 lb test
	2017/03/23	MECH2	UNDERGR. TANK	BRUCE CORNWALL	*S	AM PLEASE
	2017/03/23	MECH2	UNDERGR. TANK	BRUCE CORNWALL	*P	

COUNTY OF CULPEPER
CULPEPER VA 22701
USBC: 2012

PERMIT NUMBER: 1090-2016

BI201KA

LOCATION: 9408 BREEZEWOOD LN

CONTRACTOR NAME/ADDR: GRAYSTONE HOMES INC
1202 Orange Road
Culpeper, Va
22701

Building Inspection History Of Inspections

STS	DATE	Permit Type	Inspection Type	Inspector	RSLT	* * C o m m e n t s * *
						ok to cover
	2017/05/12	ELEC	FINAL	BRUCE CORNWALL	*S	
						540-717-3035 TONY - RH
	2017/05/12	MECH.	FINAL	BRUCE CORNWALL	*S	
	2017/05/12	MECH2	FINAL	BRUCE CORNWALL	*S	
	2017/05/12	PLB	FINAL	BRUCE CORNWALL	*S	
	2017/05/12	BUILD	FINAL	BRUCE CORNWALL	*S	
	2017/05/12	BUILD	FINAL	BRUCE CORNWALL	*P	
						ok for CO
						PERMIT COMPLETE, PULL FILE
						DWELLING READY FOR CERTIFICATE OF OCCUPANCY
	2017/05/12	ELEC	FINAL	BRUCE CORNWALL	*P	
	2017/05/12	MECH.	FINAL	BRUCE CORNWALL	*P	
	2017/05/12	MECH2	FINAL	BRUCE CORNWALL	*P	
	2017/05/12	PLB	FINAL	BRUCE CORNWALL	*P	

Documents Submitted by Culpeper County

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EXHIBIT 1

Culpeper County Building Department
302 N Main St
Culpeper, Virginia 22701

Phone: (540) 727-3405
Fax: (540) 727-3461
Web: www.CulpeperCounty.gov

VIOLATION NOTICE AND CORRECTION ORDER

Issued to: Patrick A. Sartori ET UX

OWNER'S NAME:	Patrick A Sartori ET UX
OWNER'S ADDRESS:	9408 Breezewood Lane, Culpeper VA 22701
DATE OF INSPECTION(S):	
DATE OF OFFENSE(S):	Soils 8/2/19 Code Deficiency Notices
ADDRESS OF OFFENSE:	9408 Breezewood Lane, Culpeper VA 22701
DATE(S) OF NOTICE:	08/20/20
TAX ID. NUMBER:	21 6D4
INSPECTOR:	Robert P. Orr, CBO
TENANT'S NAME:	
PERMIT NUMBER:	1090-2016

Issued for: Violation of the VA Uniform Statewide Building Code (2012)

Code Section	Nature of Violation	Corrective Action Required
R403.1.8	Expansive soils at footing level in (2) locations (see DEA evaluation dated 3/27/20)	Provide engineered evaluation of current footing design with expansive soil condition. Provide repair if needed.

An inspection of the above-referenced premises and research of County documents has disclosed violations of the Virginia Uniform Statewide Building Code as shown above. For assistance or more information, contact the Building Department.

Please read the important information on the back of this document.

Issued by:

Building Official: Robert P. Orr

IT IS IMPORTANT THAT YOU READ THE FOLLOWING INSTRUCTIONS CAREFULLY:

The Virginia Uniform Statewide Building Code (USBC) is applicable in accordance with §36-99 of the Code of Virginia, and enforced in accordance with §36-105 of the Code of Virginia.

Violations of the USBC are enforced in accordance with §115.1 of the USBC. Penalties and abatement shall be in accordance with USBC §115.4 and §36-106 of the Code of Virginia.

§36-106: *It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such 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. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense.*

§119.5 USBC: *You have the right to appeal this decision. The appeal shall be submitted to the Local Board of Building Code Appeals. It shall be in writing and submitted within 30 calendar days of the receipt of the decision being appealed.*

Immediate action is required to resolve all violations. Staff is available to discuss this matter with you in detail and to assist you in finding the best corrective action necessary for compliance. In some cases, approval may be obtainable.

Compliance procedures are as follows:
60 days to abate the violation.

DEADLINE FOR INITIATING COMPLIANCE PROCEDURES:

60 DAYS
Beginning from the date you receive this letter

Failure to resolve the violation(s), or make arrangements for compliance by the date shown above will compel Staff to seek compliance by available legal means, and may result in a summons issued to appear in the Culpeper County General District Court.

ADDITIONAL NOTES:

METHOD OF DELIVERY:	YES / NO
CERTIFIED MAIL	Yes
FIRST CLASS MAIL	Yes
HAND DELIVERED	
RECIPIENT'S NAME: ADDRESS: CC:	

EXHIBIT 2

Culpeper County Building Department
302 N Main St
Culpeper, Virginia 22701

Phone: (540) 727-3405
Fax: (540) 727-3461
Web: www.CulpeperCounty.gov

VIOLATION NOTICE AND CORRECTION ORDER

Issued to: Graystone Homes

OWNER'S NAME:	Patrick A Sartori ET UX
OWNER'S ADDRESS:	9408 Breezewood Lane, Culpeper VA 22701
DATE OF INSPECTION(S):	
DATE OF OFFENSE(S):	Slabs 1/22/19, Soils 8/2/19 Code Deficiency Notices
ADDRESS OF OFFENSE:	9408 Breezewood Lane, Culpeper VA 22701
DATE(S) OF NOTICE:	08/20/20
TAX ID. NUMBER:	21 6D4
INSPECTOR:	Robert P. Orr, CBO
TENANT'S NAME:	
PERMIT NUMBER:	1090-2016

Issued for: Violation of the VA Uniform Statewide Building Code (2012)

Code Section	Nature of Violation	Corrective Action Required
R506.1	Minimum thickness of 3.5 inches not achieved in core testing area.	Remove and replace slab to compliant minimum thickness if 3.5" consistently throughout basement area.
Table R402.2	Garage slab concrete mix design is 3000 psi.	Remove and Replace Slab with compliant concrete strength of 3,500 psi.
R403.1.8	Expansive soils at footing level in (2) locations (see DEA evaluation dated 3/27/20)	Provide engineered evaluation of current footing design with expansive soil condition. Provide repair if needed.

An inspection of the above-referenced premises and research of County documents has disclosed violations of the Virginia Uniform Statewide Building Code as shown above. For assistance or more information, contact the Building Department.

Please read the important information on the back of this document.

Issued by:

Building Official: _____

IT IS IMPORTANT THAT YOU READ THE FOLLOWING INSTRUCTIONS CAREFULLY:

The Virginia Uniform Statewide Building Code (USBC) is applicable in accordance with §36-99 of the Code of Virginia, and enforced in accordance with §36-105 of the Code of Virginia.

Violations of the USBC are enforced in accordance with §115.1 of the USBC. Penalties and abatement shall be in accordance with USBC §115.4 and §36-106 of the Code of Virginia.

§36-106: *It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such 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. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense.*

§119.5 USBC: *You have the right to appeal this decision. The appeal shall be submitted to the Local Board of Building Code Appeals. It shall be in writing and submitted within 30 calendar days of the receipt of the decision being appealed.*

Immediate action is required to resolve all violations. Staff is available to discuss this matter with you in detail and to assist you in finding the best corrective action necessary for compliance. In some cases, approval may be obtainable.

Compliance procedures are as follows:
60 days to abate the violation.

DEADLINE FOR INITIATING COMPLIANCE PROCEDURES:

60 DAYS
Beginning from the date you receive this letter

Failure to resolve the violation(s), or make arrangements for compliance by the date shown above will compel Staff to seek compliance by available legal means, and may result in a summons issued to appear in the Culpeper County General District Court.

ADDITIONAL NOTES:

METHOD OF DELIVERY:	YES / NO
CERTIFIED MAIL	Yes
FIRST CLASS MAIL	Yes
HAND DELIVERED	

EXHIBIT 3

CONTRACT AGREEMENT

Date: August 30, 2016

Owner:
Patrick & Jean Sartori
2135 Blue Spruce Drive
Culpeper, Virginia 22701
(540) 937-5362

Contractor:
Graystone Homes, Inc.
1202 Orange Road
Culpeper, Virginia 22701
(540) 825-1600
FAX: (540) 825-8338

1. This agreement is made this date between the **Owner** (identified above) and **Contractor** for the purpose of erecting a new home. Refer to Attachment #1 for plan and locality information.

2. The **Contractor** agrees to supply all material, equipment and labor to erect a new structure in accordance with Specifications (attached as Attachment #1) and building code requirements in the locality where the work is to be performed for the contract sum outlined herein. Unless **Owner** will provide its own plan as provided in Paragraph 24, **Contractor** shall provide all appropriate plans for the construction in accordance with the Specifications.

3. The **Contractor** shall not begin the permit procurement process and thereafter construction until it has received written notification from an institution providing construction financing and/or private funding that funds are available for disbursement from the **Owner**. The **Contractor**, in its sole discretion, may cancel this Contract if the **Owner** is unable to obtain financing within sixty (60) days from Contract execution.

4. The **Contractor** shall carry the work forward expeditiously and shall achieve completion 140 working days from the later of (i) receipt by the **Contractor** of all necessary permits and approvals, or (ii) the date on which **Owner** closes on the lot, provided that **Owner** complies in a timely fashion with its other obligations hereunder. Working days are defined as Monday through Friday and exclude Holidays and weekends. For each day the weather does not permit **Contractor** to work on the new structure, as determined by **Contractor**, there will be an extra day added in the construction period.

5. **Contractor** has calculated the Contract Sum based on the **Contractor's** layout and siting of the structure and the assumption that the lot is a balanced site and no soil will be imported or exported within the base contract amount and that the existing subsoils are suitable for use as back-fill.

6. **Contractor** has calculated the Contract Sum based on that there are no unusual subsurface conditions on the Lot, that there is no rock which requires blasting or unusual excavation procedures, that there is no condition which inhibits the installation of foundation footings, utilities and plumbing groundworks, etc. and that the existing subsoils are suitable for placement of normal foundation footings, utilities, plumbing groundworks and septic. If adverse conditions are encountered prior to placing foundation, **Contractor** will notify **Owner**, and **Owner** and **Contractor** will make the determination whether to continue on the surveyed location or to move to an acceptable location. If subsoil conditions are discovered after placement of footings, **Contractor** will coordinate all activities to modify or reinforce the foundation as deemed necessary per engineering requirements. In either event, if any of these conditions exist, **Owner** agrees to pay for:

OWNER INITIAL OWNER INITIAL CONTRACTOR INITIAL

(Para. 6, cont'd)

A. All soil testing required by local governing authorities to verify suitability of soils for placement of foundation.

B. All costs pertaining to blasting and/or hydraulic hammer and removal of rock or any unsuitable soil materials, unusual footing excavation, oversize footings, sub-walls, shoring, reinforcement, extra stone and concrete, and importation and placement of suitable soils and for all the cost of any testing, engineering certifications, labor and additional materials required for construction, as determined by the **Contractor**, due to these conditions.

C. All percolation testing, soils tests, system design, supervision and certifications by soil scientist and/or engineers to install septic system is presumed to be complete. No costs are provided for in this Contract. Fees for these services will be applied to the Septic Allowance if applicable

Note: The schedule for construction will reflect the additional time it takes to accomplish this additional task. Completion date shall be defined as the date of issuance of a residential use permit by the County for the new home.

7. All retaining walls not identified on the plans and/or specifications, required due to house features or natural grading will be the responsibility of the **Owner**. If it is determined by the **Contractor** that any conditions exist that require the construction of a retaining wall, **Contractor** will notify **Owner** of additional cost and issue a Change Order to reflect the change (per Paragraph 6).

8. Change Orders will show additional costs and any additional building time required. Change Orders will reflect any and all changes to the Contract and will reestablish the Contract Sum, except to the extent that a Change Order may reflect a clerical error. In any event, the **Contractor's** records, as maintained in good faith, shall be determinative as to the amount owing hereunder. All requests for changes (Cost Requests) will be made in writing by **Owner**. **Contractor** will accept or reject Cost Requests based on the timeliness of the request. **Contractor** shall promptly estimate the cost or savings of any Changes, but shall have no obligation to make any Changes until agreement regarding the value of the Change and time extension have been reached. Change Orders regarding selection items are hereby mutually agreed to be accepted upon Owner's written acceptance on Vendor or Sales correspondence. Change Orders regarding Well, Drainfield and Porch railing allowances are automatically accepted, based on costs to acquire. All credit Change Orders will be issued at the actual cost to acquire the subject goods or services. All Change Orders reflecting non-allowance additions will include **Contractor** fee for overhead and profit. All Change Orders must be paid by **Owner** at the time of Request. **Contractor** will make every reasonable effort to accommodate **Owner's** changes, however, all decisions regarding Cost Requests, Change Orders, costs, and scheduling will be at the **Contractor's** sole discretion. **Contractor** will not be obligated to make changes hereunder.

9. The **Owner** shall make all selections within the parameters outlined in each selection letter. Any selections not made within this timeframe will delay the building schedule. It is the Contract's intent that all products and services shall be purchased from the **Contractor's** authorized vendors. Products and services that **Contractor** authorizes to be provided by **Owner** selected vendors is considered a contract with "other" and will adhere to the stipulations outlined in Paragraph 12. B.

10. **Contractor** shall have the right to make variations from the Specifications, with **Owners** consent, provided substitutions of materials or proprietary or brand names are in general conformity with Specifications and equal in quality and performance.

11. **Contractor** must give required notices to the proper public authorities, obtain official inspections, permits and licenses made necessary by the work in its changes and pay proper and appropriate legal fees for the inspections, permits and licenses, except as noted.

12. **Contractor** warrants all **Subcontractors** will be paid by **Contractor** excepting where **Owner** has made prior provisions, in writing, to directly pay a **Subcontractor,** or where **Owner** has failed to make timely and correct payments to the **Contractor** hereunder.

    A. **Owner** will not directly solicit or contract with **Contractor's** contracted **Subcontractors,** or their employees, without prior written consent of the **Contractor. Owner** will not perform or contract for other work during the course of construction without notification to and authorization from the **Contractor** so as not to impede, obstruct or otherwise prevent **Contractor** from completing the scheduled work.

    B. If **Owner** subsequently provides materials, performs and/or contracts with "others", either outside, or within the purview of this Contract, **Contractor** will not be held responsible/liable for defective work, or loss or damage, whether to **Owner's** materials and/or work, ro **Contractor's** work, or enforcing safety by "others" except where it directly affects the condition under which **Contractor** and his employees must work. The **Owner's** supplied material, performed or "other" contracted work must be installed to manufacturer's specifications, and meet all applicable local governing codes. **Owner's** supplied material, performed or "other" contracted work will not be coordinated by **Contractor** or covered under **Contractor's** expressed or implied warranty. In addition, the **Owner's** supplied material, performed or "other" contracted work must adhere to the **Contractor's** schedule, or additional time may be added to the construction schedule at the **Contractor's** sole discretion.

13. Safety Precautions and Programs: The **Contractor** shall be responsible for initiating, maintaining and supervising all necessary safety precautions and programs normal and customary in connection with the work.

    A. The **Contractor** shall take all necessary precautions for the safety of all employees on the job and shall comply with all applicable provisions of applicable federal, state and county safety laws, and building codes to prevent accidents or injuries to **Contractor's** employees, **Contractor's** Subcontractors, or **Contractor's** visitors on, about or adjacent to the lot.

    B. **Contractor's** obligations under this paragraph do not extend to the general public or to **Owner(s),** their family and/or to visitors brought on-site by the **Owner.**

    C. The **Contractor** assumes no liability for any accidents or injuries to the general public, **Owner(s),** their family and/or to visitors.

    D. Keys will be provided to **Owner** upon receipt of final payment.

14. **Contractor** shall supervise and direct the work. He shall be responsible for all construction means, methods, techniques, sequence and procedure and for coordination of all portions of the work under the contract.

(Para. 14, cont'd)

A. The **Contractor** shall keep the premises reasonably free from accumulation of waste materials or rubbish caused by his operation. At the completion of the work, the **Contractor** shall remove his tools, construction equipment, machinery and surplus materials. All surplus materials are the property of the **Contractor**.

B. All construction debris which cannot be properly disposed of on site will be collected and delivered to proper disposal facility.

15. The **Contractor** warrants to the **Owner** that all work will be of good quality in conformance with the National Association of Home Builders publication "Residential Construction Performance Guidelines", and performed in a workmanlike manner. All work not conforming to these parameters may be considered defective.

A. A punchlist will be created at the **Owners** walkthrough and those items will be corrected within a reasonable time frame. These punchlist items do not constitute an incomplete final draw. **Payments will not be withheld for punchlist or backordered items. Owner**, with reasonable notice, will provide access to **Contractor** to perform corrective punchout work. All corrective work will be performed utilizing means and techniques selected at the **Contractors** sole discretion. Burned-out light bulbs are excluded from the warranty upon completion of final walk-through.

B. If within one year after completion date, any of the work is found not to be in accordance with the terms of this agreement, the **Contractor** shall correct it promptly upon receipt of a written notice from **Owner**. Such notice must be received by **Contractor** within such one year period.

C. **Contractor's** Warranty related to well and septic provides for associated equipment, materials and installation; **Contractor** will install all well and septic system(s) under applicable codes per local governing authorities. **Contractor** does not warrant performance of well and septic system(s) beyond manufacturer's warranty on mechanical systems, nor does **Contractor** warrant problems due to use, abuse and naturally occurring conditions, etc. Well and Septic Allowances, in any case, survive past settlement.

D. **Contractor** does not warrant that the home will be free of mold upon completion and occupation by the **Owner**, and disclaims any and all implied warranty(ies) as such. **Owner** understands and acknowledges that mold growth is a natural occurring event, and it and it's spores cannot be completely eliminated from the home. Further, the **Owner** understands and acknowledges that mold growth, and thus, the control of mold growth in, on, or at the home, is directly related to the environment maintained in, on, or at the home, and that the **Owner** accepts responsibility upon occupation of the home for maintaining it's environment, so as not to promote mold growth. **Owner** hereby agrees that he/she will accept the home from **Contractor** "As Is" as it pertains to mold, subject to any mold in, on, or at the home, and shall not hold the **Contractor** liable for, and hereby waives and forever releases and discharges the **Contractor** of any and all liabilities, claims, demands, obligations, debts, causes of action and/or suits of any and every nature, for damages or injury, including, but not limited to, property damage, bodily injury, loss of income, emotional distress, loss of use, death, or loss of value, at any time the **Owner** may have or claim, arising out of, incident to, or by reason of any mold in, on or at the home.

(Para. 15, cont'd)

E. **Owner** will review the sample warranty book administered by Residential Warranty Company, LLC. (RWC), and other than the warranty information contained herein, the RWC book will be the controlling document that pertains to warranty and warranty service. The Owner may review the warranty information by visiting www.graystonehomes.inc.net/warranty/newhome.pdf. Validation of the Warranty is not guaranteed, but is conditioned on the satisfactory completion of any required inspections, upon **Contractor's** compliance with all of RWC's enrollment procedures, and upon **Contractor** remaining in good standing in the RWC Program. **Owner** understands and agrees that if the above Warranty is validated, it is provided by the **Contractor** in lieu of all other warranties, verbal agreements or representations to the extent permitted by law; and **Contractor** makes no warranty, expressed or implied, as to quality, fitness for a particular purpose, merchantability, habitability or otherwise, except as in expressly set forth in the Program or as required by law. **Owner** understands and agrees the warranties of all appliances and other consumer products installed in the home are those of the manufacturer or supplier and same are assigned to **Owner**, effective on the date of closing. In any event, **Contractor** shall not be liable for any personal injury or other consequential or secondary damages and/or losses which may arise from or out of any and all defects. Except for purchases of FHA or VA financed homes, **Owner** acknowledges and understands that the Warranty includes a provision requiring all disputes that arise under the Warranty to be submitted to binding arbitration.

16. At all times during the Contract, the **Owner** shall maintain at his/her cost, property and general liability insurance upon the entire work at the site to the full insurance value thereof. Such contract of insurance shall include a construction rider provision. Such **Owner's** property insurance shall not be considered a construction cost.

17. The **Contractor** shall purchase and maintain the following such insurance as will protect him from claims set forth below which may arise out of or result from the **Contractor's** operations, under the contract, whether such operations be by himself or by any of his **Subcontractors**: **Contractor** will provide certificate insurance for said policy upon written request by **Owner**.

A. Claims under Workmen's Compensation
B. Claims for damages because of bodily injury due to **Contractor's** operations
C. Claims for damage of property due to **Contractor's** operations

18. The **Owner** agrees that during construction, with appropriate notice and consent of the **Owner**, **Contractor** shall have the right to show the Work to its potential customers, and bring potential customers onto the site. **Owner** further agrees that **Contractor** may, at any time, use photos and testimonials of the Work in its promotional materials.

19. **Contractor** has no responsibility for and makes no representation with respect to compliance with Architectural Covenants; or to the type, style, size, price or location of any improvements built or to be built on any other lot in the neighborhood; or for any improvements on common areas or preservation of any natural areas in the neighborhood. **Contractor** does not guarantee the survival of any trees, shrubs or vegetation existing or planted, but reserves the right to remove or trim existing trees and shrubs as necessary.

20. Compensation:

A. **Base Contract Amount:** **$ 240,890.00**
Contract Options:
No Options Provided

Contract Sum: $ 240,890.00

B. **Billing:**

1.	Plan Deposit[1] (1%)[3]	$	2,410.00
2.	Construction Deposit[2] (2%)[3]	$	4,815.00
3.	Installation of foundation (20%)[3]	$	48,180.00
4.	Installation of roof sheathing (ready for trades) (20%)[3]	$	48,180.00
5.	Rough trades complete (ready for drywall) (20%)[3]	$	48,180.00
6.	Drywall and trim complete (ready for paint) (20%)[3]	$	48,180.00
7.	Final[3] (Final inspection complete) (17%)[3]	$	40,945.00
	Total:	**$**	**240,890.00**

[1]The Plan Deposit is non-refundable upon receipt; the Plan Deposits are not required at Contract signing and, at the **Owner's** discretion, can be delayed, however, **Contractor** will not initiate development of the plans until the Plan Deposit has been received
[2]The Construction Deposit is non-refundable upon receipt; the Construction Deposit is not required at Contract signing and, at the **Owner's** discretion, can be delayed until financing (qualification letter) is obtained, however, **Contractor** will not initiate construction until the Construction Deposit has been received
[3]Percentage of Contract Sum less Land Acquisition Draw
[4]Occupancy permit in hand, temporary or permanent

Note: These Contract values and draw schedule payments reflect and require funds be wired directly from lender and/or **Owner** to **Contractor**; refer to **Paragraph 21** for further information on terms of payment

C. **Allowances**: (L= Labor; M= Material)

1.	Drainfield (L&M)	$	6,700.00
2.	Well & Water Connection (L&M)	$	6,640.00
3.	Electrical Fixtures (M)	$	1,020.00

NOTICE: **All allowances stated herein are included in the base contract amount** and are the "estimated" amount of expenditure by the **Contractor** to acquire the subject item. **Allowance estimates are not guaranteed.** Allowance items are subject to change due to availability, product variations, interim cost increases, plan changes, field (as built) measurements, **Owner's** selections and site conditions. Any cost to the **Contractor** in excess of the allowance stated as to any item shall be billed to **Owner**, and the **Owner** shall pay the **Contractor** the amount of such excess at the time of **Owner's** selection of an item costing more than the stated allowance. Any savings from the allowance stated on any item shall be credited to **Owner** at final billing. **Options are not included in the base contract price. Option Allowances shown are not included in the base contract unless that option is selected and added to the contract sum.**

D. The Contract Amount may be increased as provided in Paragraph 25.

21. TERMS OF PAYMENT: **Contractor** shall bill for work completed and shall be paid through draws wired directly to the **Contractor**, in accordance with Paragraph 20, or as provided in Paragraph 8. **Contractor** shall provide lending institution all necessary documentation for release of payment, provided that lien waivers may be conditional on payment.
NOTICE: Payment for any Contract Work, Change Orders and/or Options will be made by **Owner** to **Contractor** pursuant to previously outlined terms and/or presentation of invoice. Should payments for Contract Work, Change Orders and/or Options become 15 days overdue, **Owner** agrees to pay 1-1/2 percent (1.5%) per month interest from date due until paid, plus any collection costs, court costs and attorney fees. For every day payments are overdue, an extra day will be added to the contract period. **Owner** is responsible for any settlement costs, rate lock extension costs and interest with respect to any indebtedness it incurs to pay for the contract work. Warranty service may be suspended at the **Contractor's** discretion if overdue payment(s) exist.

22. This Contract constitutes the entire understanding between the parties and binds them, their successors or heirs and assigns, any alteration or modification shall be in writing and signed by the parties. The forbearance of any right hereunder in the instance of any one or more violation of any provision herein contained shall not constitute a waiver of any other terms and conditions of this Contract on that occasion or in the future. If one or more of the provisions of this contract or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provision hereof and any application thereof shall in no way be affected or impaired. The Contract Documents, in an ascending order of precedence, consist of the following: Approved Drawings, Contract Agreement, Finish Schedules, Specifications, Selection Confirmations and Change Orders. By this definition, Change Orders take precedence over all other Contract documents.

23. **Owner** will be in breach of its obligations under the Contract if it fails to make any payment required by this Contract, or fails to perform any other obligation of **Owner** under this Contract. **Owner** will also be in breach of its obligations under this Contract if it attempts to cancel or renounce this Contract at any time when **Owner** cannot otherwise cancel this Contract under Paragraph 1. If **Owner** breaches its obligations under this Contract, **Contractor** may stop work and terminate this Contract. In the event **Contractor** terminates this Contract due to breach of **Owner**, **Owner** shall pay to **Contractor** all sums which are then due and owing under this Contract, plus an amount sufficient to compensate **Contractor** for its labor, expenditures, overhead and profit margin under this Contract at the date of termination, which is not otherwise included in the amounts then due and owing under this Contract.

24. Plans provided by the **Contractor** remain the property of the **Contractor** and may be revised and/or reused by **Contractor** at any time. The **Owner** agrees that, if this Contract provides for the use of **Owner**-supplied plans, the **Contractor** does not accept responsibility, or imply otherwise, for the accuracy of the plans.

A. The **Owner** represents and warrants to the **Contractor** that the **Owner** has full legal right and authority and permission to use the **Owner** supplied plans and/or designs for the purposes of construction of the improvements contemplated by this contract and that the use of such plans and/or designs for such purposes will not infringe upon or violate the rights of any person in or to such plans and/or designs. **Owner** agrees to indemnify and hold **Contractor** harmless from and against loss, damage or expense, including reasonable attorney's fees, that may arise from any claim that may be asserted by any third party with respect to such **Owner** supplied plans and/or designs.

(Para. 24, cont'd)

B. The **Owner** agrees, in the case of **Owner**-supplied plans, that if the supplied plans are deemed unacceptable for construction by the local governing authority, that (i) the **Owner**, or **Owner's** Architect, is responsible for all revisions, redrafting, engineering and/or architectural fees as they apply, or (ii) the **Owner** agrees to reimburse the **Contractor** to make the required corrections. Further, the **Owner** agrees to reimburse the **Contractor** for additional construction costs associated with the corrections, plan errors and/or omissions. In any event, the Contract Specifications (Attachment #1) will be the determinative in any discrepancies that may arise in regard to the plans.

25. The **Owner** agrees that the **Contractor** may adjust the Contract Amount to reflect increases in construction costs if construction does not commence within sixty (60) days from the date the plans prepared pursuant to Paragraph 2 are ready for signature by **Owner**. In the event **Owner** supplies plans, the Contract Amount may be adjusted if construction does not commence within sixty (60) days of the date **Contractor** accepts **Owner's** plans as being appropriate. Delays in commencing construction caused by **Contractor** will not be charged against the sixty (60) day period provided for herein.

26. One signature will be required for **Contractor** and for the **Owners**. Either representative will have full signature authority for this Contract, and for any other documents related to this Contract.

27. This Contract may expire without further notice at the **Contractor's** election if the Contract is not executed within 30 days of the Contract date.

OWNER:

Patrick & Jean Sartori

Accepted this 30 day of Aug 2016

By: _____

By: _____

CONTRACTOR:

Graystone Homes, Inc.

Accepted this 30 day of August 2016

By: _____
Contractor Representative

Title: President

Inclusions:

Attachment #1: Specifications, dated August 30, 2016; pages 1 thru 11
Attachment #2: Finish Schedule, dated August 30, 2016; page 1

Additions:

Signed plans, once complete

Attachment #1: **Dated:** August 30, 2016

Specifications for:
Patrick & Jean Sartori
2135 Blue Spruce Drive
Culpeper, Virginia 22701
(540) 937-5362

Plan and Locality Information:
House Type: Custom
Plans Dated: N/A
Prepared By: Graystone Homes, Inc.
Location: Private Lot,
Culpeper County, Virginia

I. General Requirements

A. **Utility lines:**
1. Electrical connection costs will be paid for by **Owner**
2. Telephone connection costs will be paid for by **Owner**
3. Liquid propane (gas) buried 500 gallon tank, first fill and exterior lines will be provided by **Vendor** to **Owner** through an executed usage contract or purchase agreement (as determined by **Owner**); gas tank and installation by **Vendor**
4. First fill paid by **Owner**; tank refilled by **Contractor** at delivery
Note: tanks are only filled to 80% +/-

B. **Permits:**
1. Building and Health permits by **Contractor** (as required)
2. VDOT entrance letter by **Owner**, coordinated by **Contractor**

C. **Blueprints:**
1. All architectural plans, permit sets and construction copies will be the responsibility of the **Contractor**
2. **Contractor's** modified Plan #15050 single story house type constructed on a full unfinished walk-out Basement foundation with the following modifications:
   a. Reverse plan (Master Bedroom right)
   b. Add 24' x 24' 2-car front load Garage (Garage right); deletes window above Master Bath tub
   c. Delete island at Kitchen and add 5' peninsula adjacent to Dining Room with 12" flush Breakfast Bar extension
   d. Convert 2840 DH Kitchen window to 2836 DH
   e. Relocate refrigerator to Utility Room wall adjacent to Master Bath
   f. Delete Pantry and coat closet at Utility Room
   g. Convert Master Bath vanity to single bowl sink
   h. Reduce Master Bath shower to 42" in width; increases tub deck to 66"

II. Sitework

A. **Surveys:**
1. Non-surveyed site plan, house stakeout/BRL's, and wall check by **Contractor**
2. Final survey costs by **Owner** (if applicable)

Note: If soil work is not complete and surveyed topography for Health Department approval of septic system is required, work will be coordinated by **Contractor**, costs will be **Owner** responsibility

OWNER INITIAL OWNER INITIAL CONTRACTOR INITIAL

Attachment #1: **Dated:** August 30, 2016

(Para. I. **General Requirements**, cont'd)

B. **Site Preparation:**
1. **Clearing:**
2. a. Heavily wooded lot conditions; clearing as required for house, drainfield and driveway locations
Note: Timber taken down during clearing becomes the property of the **Owner**, to be removed and/or disposed by the **Owner** unless otherwise agreed to prior to clearing; Contractor to push timber agreed to location on site

b. Stump and brush disposal by **Owner**; **Contractor** to push stump and brush to agreed to location on site
c. Rough grade as required for house, drainfield, and driveway locations

C. **Earthwork:**
1. **Excavate Foundation:**
a. Excavate Basement, Garage and Front Porch foundations to accept footers, walls and slabs
2. **Excavate Driveway:**
a. Excavate driveway for crushed stone covering from existing drive to house (approximately 10' in width and 200' in length) including 15"x 30' culvert and 30'x 40' turnaround
Note: Turnaround dimensions may vary pending grade conditions and final house siting

D. **Site Earthwork:**
1. **Backfill:**
a. Backfill to grade by **Contractor**
2. **Final Grade:**
a. Finished grade sloped away from house for proper drainage by **Contractor**

E. **Soil Poison:**
1. **Protection:**
a. Pre-treatment for termite protection

F. **Driveway Surface:**
1. **Stone:**
a. Crushed stone paving of driveway from existing drive to house including turnaround

G. **Well and Water Connection:**
1. Well and water connection shall be an **Allowance (A; L&M)** item, included in the base Contract
a. Drilled well with casing, grout and cap to State regulations; pump, water line, pressure tank and electrical line with disconnect

Attachment #1: **Dated:** August 30, 2016

(Para. II. **Sitework**, cont'd)

H. **Draintile:**
1. **Exterior Draintile:**
a. Exterior draintile at foundation wall, where required

I. **Drainfield/Septic:**
1. Drainfield shall be an **Allowance (A; L&M)** item included in the base Contract
a. Hung gravity fed conventional septic system, initiating under 1st floor framing (field verify outlet location); tank, distribution box and drainfield to State specifications; three (3) Bedroom installation
b. Design and AOSE inspection are part of the Drainfield **Allowance**

J. **Landscape:**
1. **Seeding/Ground Cover:**
a. Seeding, ground cover and fine raking to be done by **Contractor**
b. All disturbed areas within 50 feet of new home to be graded, raked and seeded; all other disturbed areas not specifically identified to be graded (only) and overcast seeded with minimal ground cover; these areas are not considered yard area
Note: Post-settlement yard maintenance including re-grading and re-seeding of yard and non-yard areas due to erosion and washouts will be the **Owner's** responsibility.

III. **Concrete**

A. **Footers:**
1. Continuous concrete footings as per code

B. **Foundation Walls:**
1. Poured concrete Basement walls at 8'- 0" +/-; Basement walkout condition; provide 8" sleeve for future 8" wood stove flue at foundation wall (location TBD)
2. Poured concrete Front Porch and Garage walls at 4'- 0" +

C. **Cast in Place Concrete:**
1. Poured concrete slab at Basement and Garage
2. Poured concrete slab on at Front Porch and concrete steps to grade as required
3. Poured concrete walkways (approximately 3'- 6" in width) from Front Porch to nearest point of driveway
4. 6'x 7' poured concrete pad at Basement walk-out door
Note: all interior concrete flatwork will be trowel finished and all exterior flatwork will be broom finished unless otherwise specified
Note: Basement and Garage slabs to be wet spray sealed as finished

Attachment #1: **Dated:** August 30, 2016

IV. **Masonry/Block/Brick/Stone**

Masonry, block, brick and/or stonework is not provided for in this Contract Agreement

V. **Metals**

A. **Structural Steel:**
1. Size and span per engineered requirements
2. Steel columns size and location per engineered requirements

VI. **Wood and Plastics**

A. **Rough Carpentry:**
1. All exterior and interior walls to be framed with 2x4 and 2x6 studs (as required) at 16" on center
2. All exterior wall sheathing to be standard 7/16" OSB
3. All exterior roof sheathing to be reflective coated 7/16" OSB, LP "TechShield" (or equal)
4. 3/4" Tongue and Groove "Huber" Advantech (OSB) subfloor, glued and nailed
5. 1st floor walls to be framed at 8'- 0" +/- ceiling height; Garage walls to be framed at 9'- 0" +/- ceiling height
6. Kitchen cabinet bulkheads are not included in this Contract

Note: special pull down stair assembly for Garage attic access to be supplied by **Owner** and installed by **Contractor**

B. **Floor Joists:**
1. Conventionally framed 2x10 floor system

C. **Engineered Roof Trusses:**
1. Engineered roof trusses (overhang), designed by roof truss manufacturer, with conventional framed rafters and overbuilds as necessary to complete roof system
2. Vaulted and/or cathedral ceilings are not provided for in this Contract Agreement

D. **Exterior Cornice:**
1. Exterior cornice will consist of wrapped 2x6 flush rakes (1-1/2"), 2x6 fascias with 12" vinyl soffits; 12" overhang rakes at Front Elevation gable (only)
2. 10" wrapped frieze (6" exposed) at Front Elevation (only)
3. Three (3) 6" square white synthetic column with cap and base at Front Porch
4. Rails at Porches, Stoops and/or steps are not provided for unless specifically identified. If required by final grade, pursuant to code, the costs to provide rails will be added in a Contract Change Order; standard field-built pressure treated barricades and secondary entrances where required
4. All other exterior cornice to be low maintenance unless otherwise specified; all exterior cornice finishes and cornice wrap to be white unless otherwise specified

E. **Trim Carpentry - Materials:**
1. All flat trims will be paint grade unless otherwise noted
2. See Finish Schedule (**Attachment #2**, dated August 30, 2016) for specific trim materials

Attachment #1: **Dated:** August 30, 2016

VII. **Thermal/Moisture Protection**

A. **Waterproofing:**
1. "Deco 20" (or equal) bituminous coating on foundation wall

B. **Building Insulation:**
1. "Tyvek" or equal house wrap at exterior framed walls
2. R-13.8 blown-in cellulose insulation at all exterior framed walls (excluding Garage) and Garage shared walls to living space; R-11 "Kraft" (FSK) Flame Spread (or equal) at unfinished areas of Basement, per code
3. R-38 blown-in cellulose insulation at attic areas (excluding Garage); R-38 fiberglass batt insulation at vaulted ceilings and/or rafters as required
4. Garage exterior perimeter walls and attic to remain un-insulated
5. Building insulation includes air stop package

C. **Roofing:**
1. All roofs will be sheathed with CertainTeed XT30IR (or equal) asphalt/fiberglass shingles with 30 year warranty, over 30# felt paper with Winter Guard and continuous ridge vent; roofing color to be selected by **Owner**

D. **Siding - Vinyl:**
1. Mastic "Ovation" (or equal) DL4.5 (double 4.5") "Dutch Lap" style vinyl siding with simulated wood grain texture and vinyl corners, from foundation to bottom of eave and/or top of gable at all elevations; siding color selected by **Owner**

E. **Cornice Wrap:**
1. Low maintenance white standard vented and non-vented soffits
2. Low maintenance white metal/pvc wrapped fascias, rakes and frieze
3. Low-maintenance synthetic trimmed Garage OHD door bucks
4. Low maintenance white beaded vinyl ceiling at Front Porch

F. **Shutters:**
1. Three (3) sets of fixed polymer paneled (two panel) shutters at front elevation; color to be selected by **Owner**

G. **Gutters/Downspouts:**
1. 5" seamless aluminum gutters with 3" downspouts and concrete splash blocks at all downspout terminations

Note: Buried gutter downspouts are not provided for in this Contract

Attachment #1: **Dated:** August 30, 2016

VIII. **Windows and Doors**

A. **Doors:**

1. **Exterior Doors:**
   a. 3068 raised 6-panel painted metal insulated front door
   b. 2868 raised 6-panel metal insulated 20-min fire rated door at Garage
   c. 6068 1-lite (full-view; no grilles) composite sliding glass door (SGD) at Dining Room; includes sliding screen
   d. 2868 1/2-lite (half-view; no grilles) metal insulated door at Garage service entry
   e. 6068 1-lite (full-view; no grilles) metal insulated "French" style door at Basement walkout

   Note: Exterior doors are provided with low-E insulated glass inserts, synthetic brick mould, "no-rot" type door jambs (at all exterior perimeter doors), adjustable sills and color coordinated hinges

   Note: Exterior door screens are not provided unless specified

2. **Interior Doors:**
   a. Pre-hung, 6-panel, painted hollow-core masonite interior doors with factory applied casing and color coordinated hinges

3. **Garage Doors:**
   a. Two (2) 9'- 0" x 7'- 0" "Amaar" 2000 Series Straford (or equal), raised panel insulated metal OHD Garage door (no glass); two (2) 1/2 hp Garage door openers with one (1) keypad

   Note: Double width single Garage doors equipped with openers are provided with two (2) remotes; single width Garage doors equipped with openers are provided with one (1) remote each

4. **Door Hardware:**
   a. All exterior and interior door hardware to be "Schlage" brand F-Series "Plymouth" 609 (antique brass) door knobs; front door to receive Schlage "Plymouth" handle set
   b. All exterior perimeter swinging doors to receive deadbolts

   Note: Door hinges (interior and exterior) to coordinate with hardware finish but may not be "Schlage" brand

B. **Exterior Windows:**

1. **Windows:**
   a. "Andersen" 200 Series white vinyl clad tilt double hung windows with white factory finished interiors, Low-E glass, no grilles, and full screens per plan and including:
      i. One (1) 2856 DH twin window at walk-out Basement
      ii. Convert 2840 DH Kitchen window to a 2836 DH

   Note: all windows will be converted to standard "Andersen" 200 Series sizing

   Note: Specialty windows may not be "Andersen" brand

Attachment #1: **Dated:** August 30, 2016

IX. **Finishes**

A. **Drywall:**
1. 1/2" drywall hung and finished at 1st floor walls, ceilings, to bottom of stairs at Basement
2. Type "X" drywall (per code) at Garage shared walls and ceiling, hung and finished, and ready for paint; all other Garage walls to do not receive drywall
3. Smooth finish at drywall ceilings (excluding Garage); ceiling drywall to be glued and screwed
4. Wall drywall to be glued and nailed with standard square corners (unless otherwise identified)

B. **Flooring/Tile:**
1. Flooring and tile work as specified in the Finish Schedule is included in the base Contract
   a. See Finish Schedule (**Attachment #2**, dated August 30, 2016)

C. **Painting:**
1. **Exterior:**
   a. One (1) prime coat and one (1) finish coat of white exterior latex paint on exterior cornice and features (as required)
   b. One (1) prime coat and one (1) finish coat of exterior latex paint on exterior doors (one color); second color at front door
2. **Interior:** Two-tone interior paint: shaded white* walls and ceilings (same color) with white millwork
   * "Sherwin Williams" standard color selection by **Owner**
   a. Kitchen and Bath walls at wet areas will be painted with one (1) prime coat and one (1) finish coat of shaded white, latex paint (one color); finish coat to be "eggshell"
   b. All other walls and ceilings (excluding Garage), will be painted with one (1) prime coat and one (1) finish coat of shaded white flat latex paint (same color)
   c. Interior millwork will be painted with one (1) prime coat and one (1) finish coat of white latex paint (one color); finish coat to be semi-gloss
   d. Garage to remain unpainted
   e. "Sherwin Williams" Painter's Edge finish coat at interior walls

   Note: Custom interior paint colors (if desired) must be selected, listed by room number and provided to **Contractor** no later than electrical walk in order to be considered and priced prior to first paint; white ceilings and/or custom colors will incur additional cost

X. **Specialties**

A. **Stairs:**
1. Carpet grade pine tread and pine rise box stairs at unfinished Basement

B. **Stair Rails:**
1. Fir oval handrail at Basement stairs

Attachment #1: **Dated:** August 30, 2016

(Para. X. **Specialties**, cont'd)

C. **Toilet and Bath Hardware:**
1. Plate glass mirrors to be 42" tall and the width of the each Bath vanity
2. "Moen" brand Chateau (or equal) chrome finished paper holder and two (2) 24" towel bars and curtain rod at Hall Bath; paper holder and three (3) towel bars and curtain rod at Master Bath

Note: medicine cabinets are not provided for in this Contract Agreement

XI. Equipment

A. **Residential Appliances**: "GE" brand appliances
1. Residential Appliances included in the base Contract:

a.	25.4 cu ft SxS Refrigerator w/ice & water	Model # GSS25GGHWW
b.	30" Gas Range	Model # JB645DKWW
c.	30" "Spacesaver" Microwave	Model # JVM6172DFWW
d.	Dishwasher	Model # GDF650SGJWW

Note: Appliance color is white; "GE" brand products can be viewed at www.geapplainces.com

XII. Furnishings

A. **Cabinets and Vanities:**
1. Cabinets and Vanities included in the base Contract:
   a. "Legacy" Advantage Liberty Oak raised panel (or equal), cabinets in standard finish at Kitchen and Bath vanities, per **Contractor's** layout
   b. Kitchen cabinet layout includes 5' peninsula with matching skin on exposed back
   c. Kitchen wall cabinets to be 30" tall, mounted with no bulkheads above
   d. Kitchen and Bath cabinet hardware is included
   e. VSB standard height vanity at Hall Bath; VDB/VSB/VDB standard height vanity configuration at Master Bath

   Note: VSB = vanity sink base; VDB = vanity drawer base

B. **Tops:**
1. Countertops and Kitchen sink included in the base Contract:
   a. Custom laminate countertops with square edges, 4" backsplashes and 8" deep double bowl self-rimming stainless steel sink at Kitchen; 12" flush extension at Breakfast Bar

      Note: laminate color and edge profile selection by **Owner**
   b. One-piece cultured marble tops with integral recessed oval sinks at Bath vanities

Attachment #1: **Dated:** August 30, 2016

XIII. **Mechanical**

A. **Plumbing:**

1. CPVC "Flowguard Gold" water supply lines with PVC waste, vent and drain lines
2. Three (3) gas lines; one (1) each at hot water heater, furnace and future grille
3. 50 gallon gas hot water heater at Basement
4. Sump pump including pump; drain to sump crock at HVAC location
5. Rough-in for future tub/shower Bath in Basement
6. Basement floor drain (to sump crock) adjacent to hot water heater
7. Two (2) frost-free hose bibs: one (1) each at Garage and Basement walk-out door
   Note: Hose bibs are not plumbed through silt filter
8. "Aker" 60"x 33" 1-piece fiberglass tub/shower unit, ceramic tile look and white in color, at Hall Bath
9. "Aker" 42"x 36" 1-piece fiberglass shower unit, ceramic tile look and white in color, at Master Bath
10. "Aker" Exhibit 6636 66"x 36" soaking tub, white in color, with integral skirt
11. "American Standard" Cadet elongated toilets, white in color, with matching painted "Church" seats at each Bath
12. "Moen" Chateau #4621 (or equal) chrome finish faucets at each Bath with matching Bath and shower components
13. Connect Kitchen sink
14. "Moen" Arbor #7594 chrome faucet with pull-out sprayer at Kitchen
15. Laundry connections, including 2-ply washer emergency overflow pan with 2" drain at Laundry Room
16. Standard white fiberglass free-standing double Laundry sink at Utility Room with "Moen" #74998 min-blade chrome faucet
17. Water filtration/purification system not in Contract; standard silt filter is provided
18. Icemaker water line box at refrigerator

B. **Heating and Air Conditioning:**

1. Single-zone mechanical configuration; "Trane" high efficiency XL16i heat pump with variable speed fan and gas back-up; programmable thermostat
2. Ventilating equipment:
   a. supply and install two (2) ducted 50 cfm Bathroom exhaust fans
   b. supply and install ducting for one (1) Kitchen exhaust fan
   c. one (1) dryer vent
   d. "Aprilaire" 8126A (or equal) intermittent whole house ventilation system
3. Flue vent the water heater
4. Return vent accessible filters

XIV. **Electrical**

A. **General Wiring Specifications:**

1. All 15 and 20 ampere circuits to be wired using copper romex. Entrance cable to be wired using aluminum SEU or SER cable

Attachment #1: **Dated:** August 30, 2016

(Para. XIV. **Electrical.** A, cont'd)

2. All outlet boxes to be non-metallic
3. All switches to be standard toggle type, white in color
4. All receptacle plates to be standard type, white in color
5. All wiring to comply with current Virginia Electrical Code

B. **Wiring Schedule:**

1. 200-amp service and installation of underground type meter can, supplied by others
2. Outlets as required by the current Virginia Electrical Code
3. Wiring for one (1) gas range
4. Wiring for one (1) built-in microwave
5. Wiring for one (1) refrigerator
6. Wiring for one (1) dishwasher
7. Wiring for one (1) clothes washer
8. Wiring for two (2) freezer circuits; one (1) each at Garage and Basement
9. Wiring for one (1) 220-volt circuit and one (1) 110-volt circuit at washer location
10. Wiring for one (1) heat pump (gas back-up)
11. Wiring for one (1) air handler
12. Wiring for one (1) gas hot water heater
13. Wiring for one (1) well pump
14. Wiring for one (1) sump pump; pump included
15. Wiring for four (4) exterior outlets; one (1) each at Front Porch, Garage (side), rear Deck level and Basement walkout
16. Wiring for four (4) GFCI Garage outlets at 48" AFF
17. Wiring for two (2) GFCI Basement outlets
18. Pre-wiring for two (2) Bath fans and one (1) Kitchen exhaust fan
19. Pre-wiring for three (3) TV antenna outlets (RG6) [1]; one (1) each at Master Bedroom, Living Room, and future LL Rec Room (no wall mount TV's provided)
20. Pre-wiring for one (1) telephone jack (CAT5); Kitchen
21. Pre-wiring for four (4) paddle fans[2]; one (1) at each Bedroom and Living Room
22. Pre-wire, supply and install one (1) surface mount wall fixture at each exterior entrance (excluding front door) (A); two (2) at OHD Garage Door wall
23. Pre-wire, supply and install surface mount wall fixtures at each Bath vanity (A)
24. Pre-wire, supply and install seven (7) surface mount ceiling fixtures (A); one (1) each at Master WIC, Basement stairs, Foyer, Master Hall, rear Hall and two (2) at Front Porch
25. Pre-wire, supply and install one (1) hanging fixture (A); Dining Room
26. Pre-wire, supply and install one (1) "puff" fluorescent light fixtures (A); Utility Room
27. Pre-wire, supply and install three (3) double flood fixtures on two (2) 3-way system
28. Pre-wire, supply and install one (1) chime system
29. Pre-wire, supply and install five (5) recessed light fixtures; Kitchen
30. Pre-wire, supply and install one (1) wet area recessed light fixture; Master Bath shower
31. Pre-wire, supply and install of carbon monoxide and smoke detectors per code
32. Pre-wire, supply and install keyless lights at Basement and Garage
33. Pre-wire, supply and install pull-chain fixtures at Attic space

FINISH SCHEDULE

RM #	Description	Floors	Base	Shoe	Walls	Crown	Chair	Shelving and Miscellaneous
101	FOYER	SHW1	W1	SO	PT2			
103	KITCHEN	SHW1	W1	SO	PT2			
104	DINING ROOM	SHW1	W1	SO	PT2			
106	LIVING ROOM	SHW1	W1	SO	PT2			
108	UTILITY ROOM	RES2	W1	SO	PT2			
111A	MASTER HALL	SHW1	W1	SO	PT2			1S1R @ COAT CLOSET
121	MASTER BEDROOM	CAR2	W1		PT2			
121A	MASTER BEDROOM WIC	CAR2	W1		PT2			2S2R ON WALLS A, B & C
141	MASTER BATH	RES2	W1	SO	PT2			12" TALL TILE (CER1) SPLASH AT TUB WALL
111B	REAR HALL	SHW1	W1	SO	PT2			5S @ LINEN CLOSET
122	BEDROOM #2	CAR2	W1		PT2			1S1R @ CLOSET
123	BEDROOM #3	CAR2	W1		PT2			1S1R @ CLOSET
146	HALL BATH	RES2	W1	SO	PT2			
110	BASEMENT STAIRS	O/P	OG		PT2			FINISHED TO BOTTOM OF STAIRS
030	UNFINISHED BASEMENT	CON2						D/W HUNG AND FINISHED TO BOTTOM OF STAIRS
115	GARAGE	CON2						CODE D/W (ONLY); UNFINISHED

LEGEND

Base/Shoe:
W1 = WM623
W2 = PT 2X6
OG = WM167 where stringer meets drywall
SO = Stained Oak LWM127
PL = Prefinished Luaun

Walls:
P1 = Prime coat (only)
PT2 = Two-tone interior paint; shaded white walls & ceilings (same color) and white millwork,
PT3 = Three-tone interior paint; shaded white walls (one color), white millwork and ceilings

Windows & Doors:
Window and Door casing to be WM376

Crown & Chair:
N/A

Stairs:
O/P = Box stained oak tread and painted pine rise stairs
P/P = Box pine tread and riser stairs

Shelving: All closet shelving to be painted bull nosed composite wood
1S1R = 1 Shelf and 1 Rod at 66" off subfloor
2S1R = 2 Shelves with 1 Rod at 66" and 80" off subfloor
2S2R = 1 Shelf at 40" off subfloor with 1 Rod directly below and 1 Shelf at 80" off subfloor with 1 Rod directly below
5S = Five (5) Shelves ; depth as identified

CON = Concrete
1 = Unfinished Concrete
2 = Sealed Concrete

Floor Coverings: All carpet will have 7/16" 6# pad unless otherwise noted.
CAR = Carpet
1 = Level 1 Shaw carpet selection
2 = Level 2 Shaw carpet selection
3 = Level 3 Shaw carpet selection
RES = Resilient (all vinyl selections include std 1/4" luan; * denotes 1/2" underlayment to match Hardwood)
1 = Level 1 Armstrong Canyon Creek or Station Square vinyl
2 = Level 2 Armstrong Memories vinyl
3 = Level 3 Armstrong vinyl
LAM = Laminate Flooring
1 = "Shaw" High Country (8") w/Sound Mat
2 = "Shaw" Majestic Grandeur w/Sound Mat
PHW = Prefinished Hardwood
1 = Level 1 Bruce prefinished 2-1/4" x 3/4" strip
2 = Level 2 Selection; 3" x 3/4" Hickory
3 = Level 3 Selection
4 = Level 4 Bruce prefinished 4" oak
SHW = Sand & Stain Hardwood
1 = Level 1 Sand & stain 2-1/4" x 3/4" #1 Select Oak
2 = Level 2 Selection
3 = Level 3 Selection
4 = Level 4 Selection
5 = Level 5 Selection
**Contractor does not warrant the use of HWD in Kitchens, Baths or other wet areas
CTB = Ceramic tile Bath package selection
1 = Level 1 Package
2 = Level 2 Package
3 = Level 3 Package
4 = Level 4 Package
CTF = Ceramic Tile Floors
1 = Level 1 Selection
2 = Level 2 Selection
3 = Level 3 Selection

PSC OWNER INITIAL — OWNER INITIAL — CONTRACTOR INITIAL

1978-79 Va. Op. Atty. Gen. 292 (Va.A.G.), 1978-79 Va. Rep. Atty. Gen. 292, 1978 WL 25496

Office of the Attorney General

Commonwealth of Virginia
December 14, 1978

***1 UNIFORM STATEWIDE BUILDING CODE. PENALTY FOR VIOLATION OF PROVISIONS. PENALTIES MAY BE ASSESSED AGAINST CONTRACTORS AND SUBCONTRACTORS AS WELL AS OWNERS OF BUILDINGS UNDER CONSTRUCTION.**

The Honorable Henry Lee Carter
Commonwealth's Attorney for Orange County

You ask whether the penalty provided in § 36-106 of the Code of Virginia (1950), as amended, for violation of the Uniform Statewide Building Code is applicable to contractors or subcontractors as well as to the owenrs of buildings under construction. Section 36-106 provides that:
"It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such 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 one thousand dollars." (Emphasis added.)

It is possible for either an owner or a contractor or subcontractor to violate a Building Code provision. Under the provisions of §§ 121.0 and 122.0 of the Uniform Statewide Building Code, for example, a notice of violation or stopwork order may be issued to a contractor as well as an owner. The notice is directed to the person "responsible for the...construction.,,,use or occupancy" in violation of the Building Code. The stopwork order may be directed to "the person doing the work," and failure to heed the order is unlawful. It is therefore my opinion that the penalty in § 36-106 may be assessed against any person responsible for a violation, which might include contractors and subcontractors as well as owners.

John Marshall Coleman
Attorney General

1978-79 Va. Op. Atty. Gen. 292 (Va.A.G.), 1978-79 Va. Rep. Atty. Gen. 292, 1978 WL 25496

Commonwealth of Virginia

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

Building Official Submission in Supplement: Appeal to the Review Board for Patrick and Jean Sartori (Appeal No. 20-04)

BOBBI JO ALEXIS <BJALEXIS@culpepercounty.gov> Thu, Dec 31, 2020 at 3:04 PM
To: "travis.luter@dhcd.virginia.gov" <travis.luter@dhcd.virginia.gov>
Cc: Patrick S <patsartori@msn.com>, BOB ORR <BOrr@culpepercounty.gov>, Paul Messplay IV <paul.messplayiv@dhcd.virginia.gov>, Florin Moldovan <florin.moldovan@dhcd.virginia.gov>, LEGAL SUPPORT <LEGALSUPPORT@culpepercounty.gov>, "Cc: Potts, Richard" <richard.potts@dhcd.virginia.gov>

EXHIBIT 5

Dear Mr. Luter,

I hope this email finds you well.

Please find attached Exhibits 1 through 4 submitted on behalf of the Building Official that we respectfully request be added to the record of appeal, which will be given to the Review Board members.

At this time, I do not share a lengthy written argument, and reserve the right to make oral argument during the hearing on January 22, 2020.

I do share by this email a brief summary of the Building Official's position, and ask for it too to be included in the record as our Exhibit 5:

The owner the property is ultimately always a responsible party. Moreover, in the instant case, there are individual facts and circumstances specific to this case that support that the owner is a responsible party, in addition to the contractor. Some of those facts to which Mr. Orr will be able to provide testimony are as follows:

1. At the time of issuance of the notices of violation and at present, it is staff's observations that the owner and contractor were/are experiencing significant communication problems and were/have been in a lingering state of disagreement over several important issues.

2. There has been some instances of communication shared with staff that have indicated a back and forth whether the owner would allow the contractor on the property and/or under what circumstances to remedy the violation.

3. The contract between the owner and the contractor, and the parties disagreement over it and, in particular, their disagreement as to the remedy of the violation.

4. The permit application indicates, and as is otherwise the plain nature of the relationship, the contractor is the agent of the owner, and the owner is the principal.

We have included as Exhibit 4, an opinion of the Attorney General, which we understand speaks to the issue that an owner can be a responsible party.

If you could confirm receipt of my email, I would be grateful.

Thank you for your time and consideration, always. I hope you have an enjoyable and Happy New Year.

Sincerest regards,

Bobbi Jo Alexis

Bobbi Jo Alexis (VSB No. 67902)

Culpeper County Attorney

306 N. Main Street

Culpeper, Virginia 22701

Tele: (540)727-3407

From: Luter, William <travis.luter@dhcd.virginia.gov<mailto:travis.luter@dhcd.virginia.gov>>
Sent: Friday, December 4, 2020 3:09 PM
To: Patrick S <patsartori@msn.com<mailto:patsartori@msn.com>>; BOB ORR <BOrr@CULPEPERCOUNTY.GOV<mailto:BOrr@CULPEPERCOUNTY.GOV>>; BOBBI JO ALEXIS <BJALEXIS@CULPEPERCOUNTY.GOV<mailto:BJALEXIS@CULPEPERCOUNTY.GOV>>
Cc: Potts, Richard <richard.potts@dhcd.virginia.gov<mailto:richard.potts@dhcd.virginia.gov>>; Paul Messplay IV <paul.messplayiv@dhcd.virginia.gov<mailto:paul.messplayiv@dhcd.virginia.gov>>; Florin Moldovan <florin.moldovan@dhcd.virginia.gov<mailto:florin.moldovan@dhcd.virginia.gov>>
Subject: Appeal to the Review Board for Patrick and Jean Sartori (Appeal No. 20-04)

Parties and counsel:

Attached are two documents created by Review Board staff for the above referenced appeal. The first is the Review Board staff summary which is done for the benefit of the parties and the Review Board members in accordance with established policy. The second document is the record of the appeal containing what is suggested to be given to the Review Board members along with the staff summary.

You may submit additions, corrections or objections to the staff summary, additional documents, and written arguments to be included with the information going to the Review Board members for the appeal. They must be received on or before Friday January 1, 2021 to be included in the board package.

The appeal hearing before the Review Board is scheduled for January 22, 2021. We will be sending out a notice of hearing and excerpts from the Review Board's agenda package with all information for this appeal to you prior to the hearing as well as additional information about the meeting.

Should you have any questions or concerns, please do not hesitate to contact me.

Regards,

Travis Luter

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov<mailto:travis.luter@dhcd.virginia.gov>

If you or someone you know is having difficulty in making rent or mortgage payments due to the COVID-19 pandemic, you may be eligible for the Virginia Rent and Mortgage Relief Program (RMRP). To find out if you may be eligible, visit www.dhcd.virginia.gov/eligibility<http://www.dhcd.virginia.gov/eligibility>. If you have additional questions, please contact 2-1-1 VIRGINIA by dialing 2-1-1 on your phone or by visiting www.211virginia.org<http://www.211virginia.org>.

Exhibits 1 through 4.pdf
4571K

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Additional Documents
Submitted by
Patrick and Jean Sartori

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Saturday, December 26, 2020

Virginia Building Code Technical Review Board Submission

The county attorney, (CA) has opined the USBC does not identify who the responsible party is. (see recorded minutes) I believe the section(s) below clearly identifies the responsible party.

115.1 Violation a misdemeanor; civil penalty. In accordance with Section 36-106 of the Code of Virginia, it shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any code provisions, to violate any such provisions. Any locality may adopt an ordinance that establishes a uniform schedule of civil penalties for violations of specified provisions of the code that are not abated or remedied promptly after receipt of a notice of violation from the local enforcement officer.

TITLE 54.1-1111. Prerequisites to obtaining building, etc., permit: Any person applying to the code official or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such code official or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same, or (ii) file a written statement, supported by affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

The Sartoris filled out no such application for permit, filed no such statement or affidavit for any portion of the construction of their house.

The county asserts they will try to work with the contractor to ensure the building code is followed. However, the county maintains it's the responsibility of the homeowner to ensure the building code is followed. Every Virginia State publication I can find advises the homeowner/ property owner to have the contractor purchase the building permit. Then the contractor has the responsibility to ensure all building codes are met, not the homeowner. see DPOR publication "What You Should Know Before You Hire A Contractor"

The same publication is also a link on the Culpeper County website. Additionally, this is on a county publication:

Who should apply for the permit?

You may obtain permits in your own name if you are doing the work yourself. However, it is strongly recommended your properly licensed contractor pull the permit as the responsible party so the county can better assist you in gaining compliance for defective work if using a contractor.

The information submitted for this appeal reflects the applicant for the permit and permit holder is the contractor, Graystone Homes. Graystone Homes conducted the work and failed to follow the provisions set forth within the USBC. Therefore, the contractor violated such provisions and is solely responsible to correct the issue(s).

It is the responsibility of the building department to enforce the code, not force the homeowner to work it out with the contractor. However, I have tried many times with no success.

In accordance with the Virginia Uniformed Statewide Building Code and the Code of Virginia, the Sartoris are not the responsible party.

Sincerely,

The Sartoris

SHRINK SWELL SOILS
Culpeper County, Virginia

N
W E
S

RAPPAHANNOCK COUNTY

FAUQUIER COUNTY

MADISON COUNTY

ORANGE COUNTY

STAFFORD COUNTY

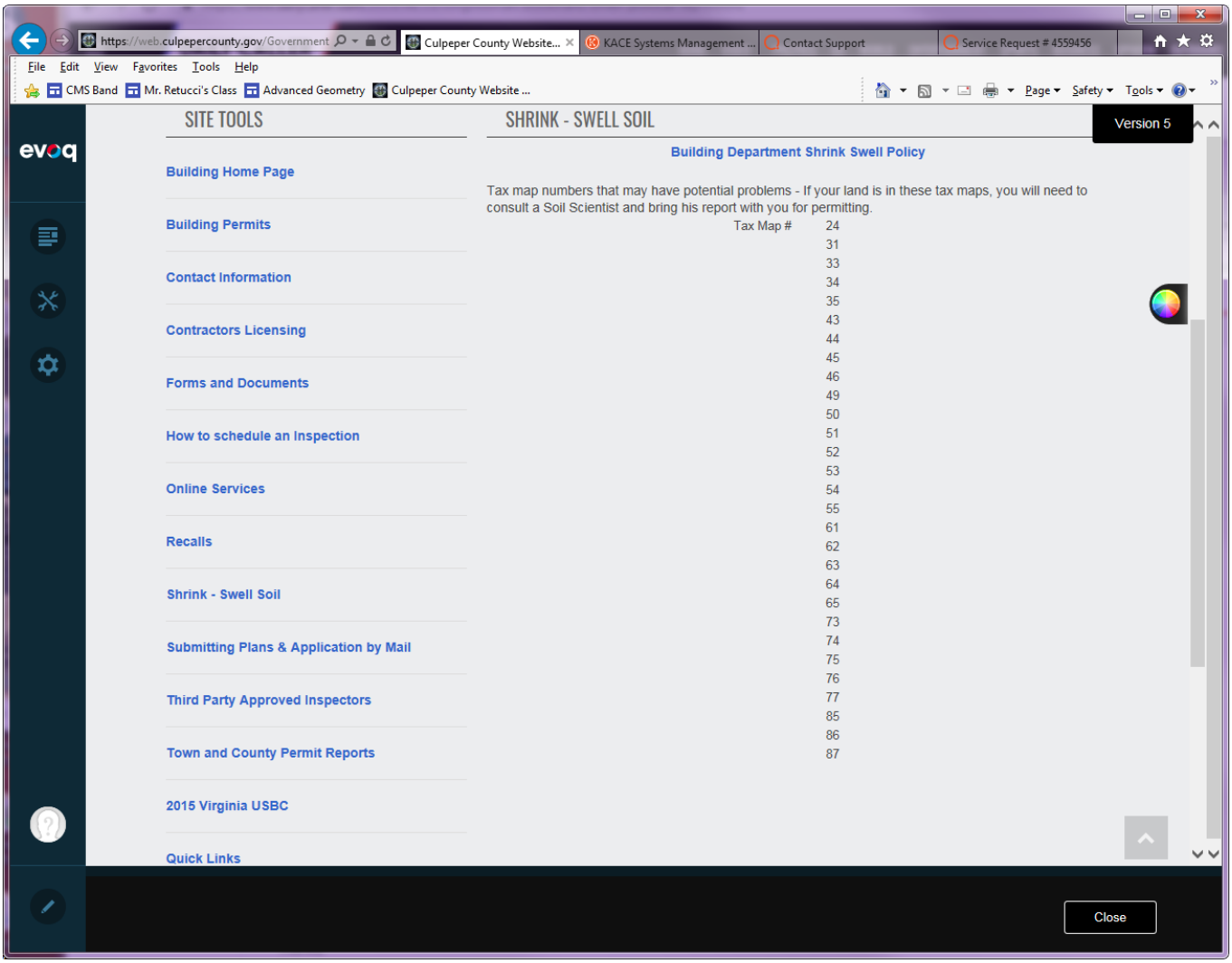
SPOTSYLVANIA COUNTY

SHRINK SWELL LEGEND

- tax_index
- LOW
- MODERATE
- HIGH

1 0.5 0 1 2 3 4 Miles

PREPARD BY
CULPEPER COUNTY PLANNING DEPARTMENT


https://web.culpepercounty.gov/Government
Culpeper County Website...
KACE Systems Management ...
Contact Support
Service Request # 4559456
File Edit View Favorites Tools Help
CMS Band
Mr. Retucci's Class
Advanced Geometry
Culpeper County Website ...
Page
Safety
Tools
evoq
SITE TOOLS
Building Home Page
Building Permits
Contact Information
Contractors Licensing
Forms and Documents
How to schedule an Inspection
Online Services
Recalls
Shrink - Swell Soil
Submitting Plans & Application by Mail
Third Party Approved Inspectors
Town and County Permit Reports
2015 Virginia USBC
Quick Links
SHRINK - SWELL SOIL
Version 5
Building Department Shrink Swell Policy
Tax map numbers that may have potential problems - If your land is in these tax maps, you will need to consult a Soil Scientist and bring his report with you for permitting.
Tax Map #
24
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Close

Departmental Policy – Building Department
Policy 98-06

Effective date: 06-02-1998
Subject: Expansive Soil Test Requirement

In accordance with the *Virginia Uniform Statewide Building Code* (USBC) which became effective April 15, 1997, Section 310.6.1 Amendments to the CABO Code: the County of Culpeper, Virginia adopts the following Expansive Soil Test Policy:

CABO (1995 edition) Section 401.4 Soils Test,
"Localities having 20% and greater moderate and high shrink/swell potential of the jurisdiction land area shall implement an expansive soil test policy. Localities having less than 20% moderate and high shrink/swell potential of the jurisdictional land area may adopt a soil test policy. The policy shall establish minimum criteria to determine the circumstances which require testing for expansive soils and the minimum testing requirements. The policy shall be established in a manner selected by the local government having jurisdiction. All localities shall obtain and retain as a reference guide a copy of the applicable National Cooperative Soil Survey produced cooperatively by the Natural Resources Conservation Service and the Virginia Polytechnic Institute and State University, where the survey is available. Figures 401.4a and 401.4b shall be used to determine the percentage of jurisdictional land area which has moderate or high shrink/swell potential."

CULPEPER COUNTY EXPANSIVE SOIL TEST POLICY
EFFECTIVE JULY 1, 1998

Building Permit Applications must include Soil test data for all construction sites requiring footings, proposed to be built on soil types referenced by the U.S. Natural resources Conservation Service Map for Culpeper County as having Very High or High shrink/swell potential to include a 1200 foot radius of such construction site to allow for variations in mapping scale interpretation. Such radius shall be measured from the approximate center of the proposed building/structure. In areas designated as Moderate shrink/swell potential, an inspection of the footing trench by an authorized

representative of the Culpeper County Building Inspection Department Staff will determine the need for a soil test. If the determination of the inspector is that the soil is suspect, no concrete shall be placed in the trench until a soil test is performed and the report is reviewed and approval given to continue by the Culpeper County building official or his/her designee.

Exceptions:

Detached incidental spaces such as garages under 400 square feet, storage shed, etc. only occupied for brief periods on an occasional basis are exempt from testing

When the preliminary site plan required by the Zoning Ordinance (County of Culpeper, Article 20: Town of Culpeper, Article 10) has sufficient detail showing that no additional testing is necessary

When a Virginia licensed design professional has assumed the presence of expansive or other problem soils and has designed accordingly. A signed and sealed statement by the design professional, attesting to the design criteria must accompany the permit application.

Authorized Persons to perform soil test: Soil test may be performed in Culpeper County by any accredited professional who is licensed and qualified to perform said testing in accordance with the rules and regulations of the State of Virginia governing their profession.

Soil Test/Report Requirements:

Required soil testing must be site specific and the testing report submitted to the Building Official prior to the issuance of the Building Permit or as authorized by the Building Official.

A minimum of two borings shall be provided at diagonal corners of the footprint of the planned construction to a sufficient depth to determine soil suitability for the proposed project or as required by the design professional.

The report shall contain sufficient information to allow adequate review of the logic and assumptions underlying any conclusions reached or recommendations made. Information should be provided concerning the relative compactness of non-cohesive soils, or the

relative consistency of cohesive soils and include approximate bearing capacity at the recommended footing depth.

The report shall contain recommendations concerning foundation placement and should contain recommendations for footing design if appropriate. (See Note below)

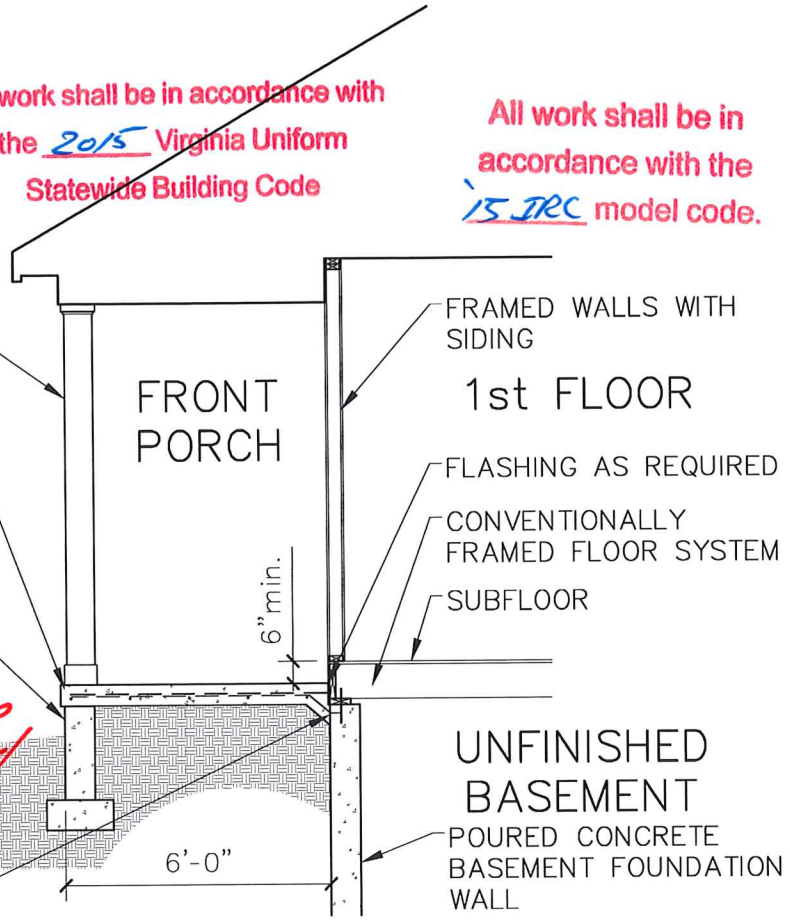
The stamp or seal and signature of the qualified professional providing the soils test information including full address must be placed on all required reports. (NOTE: Recommendations for footings, foundations or other building related work is design and as a matter of law, must be provided by a qualified Virginia licensed architect or engineer.)

THE U.S. NATURAL RESOURCES CONSERVATION SERVICE MAP FOR CULPEPER COUNTY IS ON DISPLAY AT THE FRONT COUNTER OF THE BUILDING OFFICIAL'S OFFICE, IN THE BASEMENT AT 302 NORTH MAIN STREET. THE PERMIT HOLDER ASSUMES ALL RESPONSIBILITY FOR THE CORRECT LOCATION OF THE PROPOSED BUILDING SITE AND THE PROPER DEISGN AND CONSTRUCTION METHODS APPROPRIATE FOR THE SITE SOIL CONDITIONS.

CULPEPER COUNTY
BUILDING DEPARTMENT
DEC 26 2019
REVIEWED FOR CODE COMPLIANCE

All work shall be in accordance with the 2015 Virginia Uniform Statewide Building Code

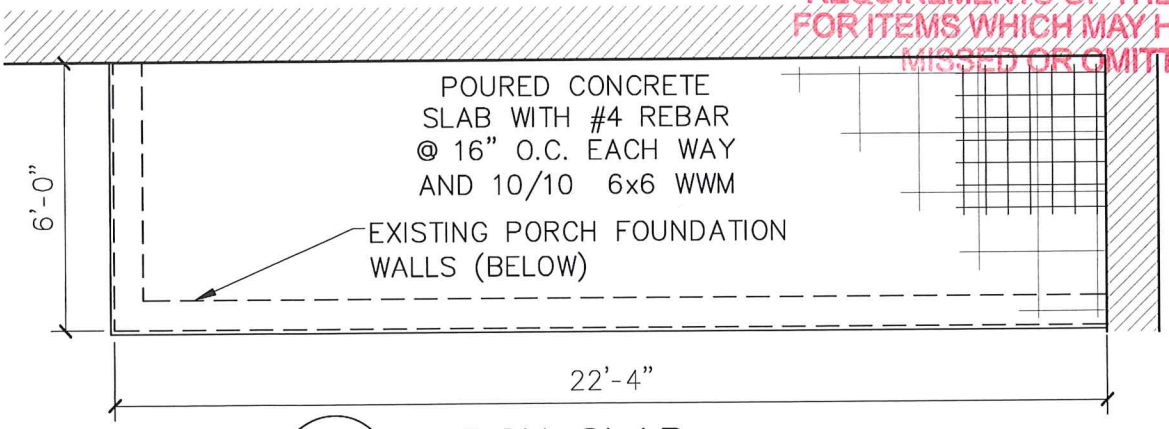
All work shall be in accordance with the '15 IRC model code.



Name: Sartori
Permit #: 19-2194
Tax Map #: 21 6D4
Date: 12/20/19

1 PORCH SECTION
SCALE: 1/4" = 1'-0"

APPROVAL OF THESE PLANS DOES NOT RELIEVE THE BUILDER OF RESPONSIBILITY TO PERFORM THE WORK IN ACCORDANCE WITH THE REQUIREMENTS OF THE VA USBC FOR ITEMS WHICH MAY HAVE BEEN MISSED OR OMITTED



2 PORCH SLAB
SCALE: 1/4" = 1'-0"

Cadre Design & Development
123 Leverington Avenue
The Mill, Suite 300
Philadelphia, PA 19127
PH. 215.482.6200
info@cadredevelopment.com
DE - 6442 MD - 11057 NJ - AI 13577 PA - RA-015412-B VA - 0401 014870

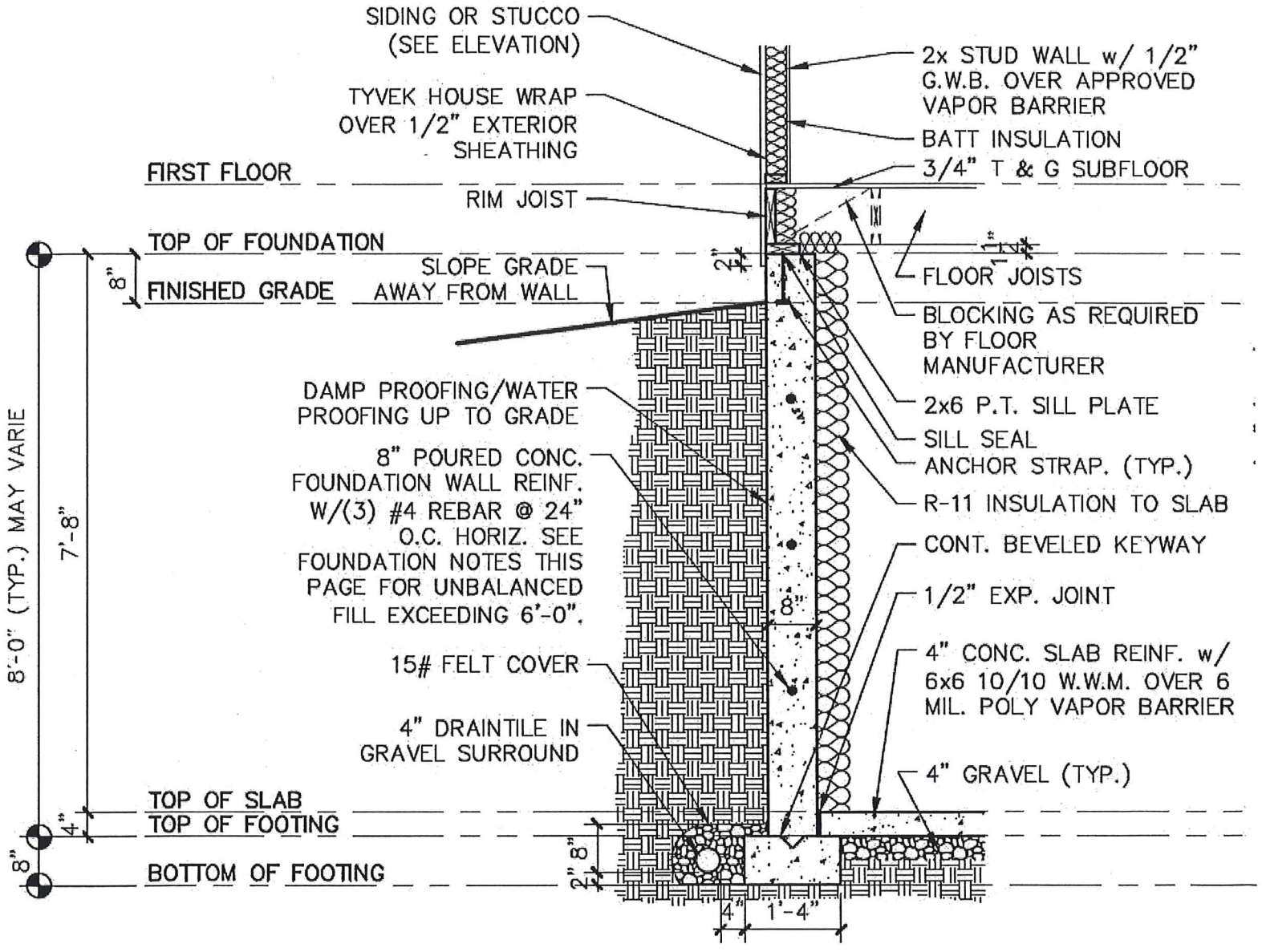
COMMONWEALTH OF VIRGINIA
LONNY H. ROSSMAN
No. 011480
ARCHITECT
Lonny H. Rossman, AIA

PROJECT:
The Sartori Residence
15050.01-16
Culpeper, VA

DRAWN BY: h.a.s.
DATE: 12-10-19
FILE NAME: graystone

AD1

THESE PLANS MUST REMAIN ON JOBSITE



1 8" BASEMENT WALL

SCALE: 1/2" = 1'-0" NTS

THIS DETAIL PERTAINS TO BASEMENT SLAB ONLY
REMOVE AND REPLACE EXISTING BASEMENT SLAB
WITH 3000 PSI MIX CONCRETE.

Additional Information

Mr. Chairman and Members of the Board:

Early on during the discovery period, it was recognized there was an issue with the house moving. When the builder refused to address the issue, I turned to the county building department.

The building official, (BO) guided me through the requirements of the USBC. That investigation, by the BO, led to the discovery of expansive soil, as confirmed in the July 2020 State Technical Review Board meeting.

Once the expansive soil was discovered the county attorney (CA) became involved at the request of the BO.

At first, we were assured by the CA if the soil was expansive another code deficiency would be issued to the contractor. Subsequently, she changed her position and levied the violation against myself, my wife and the contractor.

The contractor has refused all invitations to collaborate and attend mediation to reach a resolution and the soil issue and refuses to provide a scope of work on removing and replacing the basement and garage slabs.

Additionally, the CA identified who the responsible party is, in one of her emails included in my submission. She has changed her position claiming the USBC does not identify who the responsible party is, in her verbal testimony as recorded in the minutes of the local building board review meeting.

During her recorded testimony, the CA appears to relieve the contractor of all requirements to construct within the provisions of the code and levy the burden on the homeowner. She asserts there are several jurisdictions and case law that support this.

The CA testified there may be expansive soil at the property. The CA was present at the July State Technical Review Board meeting, when it was confirmed expansive soil is present at the properly.

She also stated she knows there is a factual contractual relationship were soil is mentioned in the contract to construct the house. In prudence this is a situation where the BO just can't issue the NOV to the contractor because of the contract and it wouldn't be fair.

Six code violations(grading, slab too thin, wrong PSI for garage slab, drain tile install on soil, backfill too high, expansive soil) exists against the contractor's work done at my property. The soil and slabs are remaining.

If it is industry standard to always issue a notice to the homeowner, then why did I not receive notices for all of the violations/deficiencies?

I cannot find a law, rule or regulation that holds me responsible for constructing on soils that will not support the foundation.

Thank you
The Sartoris

EMAIL THREAD
it starts at the bottom……4/17/2019-5/6/2019

Dear Mr. Sartori,

As I stated in my far below email, as highlighted in green:
Soil that cannot support the foundation that would be a another code deficiency.
It is certainly an enforceable violation.
Again, if it is determined that the soil cannot support the foundation that would be a another code deficiency. If that were in fact to be the case, your contractor would receive further notice as to this code deficiency. Again, it would be a matter of your preference as to how you decide you would resolve the soil/foundation issue as to whom would remedy it……but it would have to be remedied…whether (i) you have your previous builder/contractor to remedy the defect or (ii) you contract with a new builder/contractor to remedy the defect. If this newly alleged code deficiency is sufficiently established, the Building Official's role is to issue the notice and make certain its remedied. If it is not remedied by your contractor (the precious one or a new one) … then it would be likely that the certificate of occupancy would have to be pulled until the problem is remedied.

Sincerely,
Bobbi Jo Alexis

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone
(540)727-3462 facsimile
bjalexis@culpepercounty.gov

From: Patrick S [mailto:patsartori@msn.com]
Sent: Monday, May 06, 2019 5:32 PM
To: BOB ORR; BOBBI JO ALEXIS
Subject: questions

Now that we are moving, if the soil is expansive, is that an enforceable code violation? If so, which code.

because if you cannot compel the repairs, there is no need for anymore tests.

pat

Gentlemen,

Thank you all for continuing to move forward, in a manner consistent with the pertinent sections of my email far below, as highlighted in yellow.
I look forward to our meeting in a couple of weeks.
Until then, take care.

Sincerely,
Bobbi Jo

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone
Intra-County extension 407
(540)718-2879 mobile phone
(540)727-3462 facsimile
bjalexis@culpepercounty.gov

From: BOB ORR
Sent: Monday, May 06, 2019 4:55 PM
To: Patrick S
Subject: RE: soil testing

Pat,
Attached is a diagram indicating the locations I would like to have the new borings done. They will have to be deep enough to reach bottom of footing depth. Please forward me the name of the engineering firm and contact information prior to the sampling for approval.
Regarding the boat port, minimum pitch for metal roofing, unsealed is 3" of rise per 12" of run.
Let me know if you have any questions.

Respectfully,

Robert P. Orr, CBO
Building Official
Culpeper County
540-727-3405 Ext. 184

From: BOBBI JO ALEXIS
Sent: Friday, May 03, 2019 3:58 PM
To: 'Patrick S'
Cc: BOB ORR
Subject: status

Dear Mr. Sartori,

My investigation into the several matters you have raised to the Building Official (as to his Office's actions) in your various exchanges with him should not (i) be an impediment as to how you decide you will resolve the issues you have with your builder/contractor to remedy any defects you identify with your home or (ii) be an impediment to your contracting with a new builder/contractor to remedy any defects you identify with your home. That is a private civil matter.

At present, the pressing issue for the Building Official is that a code deficiency has been identified by you, which has in turn been affirmed by him, related to concrete work and grading (in limited part). The Building Official has notified your contractor of the code deficiency. That code deficiency must be remedied by your contractor or you in the timeframe the Building Official has stated. You all should be receiving letters within the next couple of workdays from the Building Official. It is a matter of your preference whether you let the previous builder/ contractor remedy the concrete and grading issues, or hire a new business to do so.

I understand that aside from the concrete and grading issues, you have now identified what you believe to be another deficiency, namely suspect soil. I appreciate that you have taken a sample near your foundation, submitted it for testing, and that an engineer's report indicates that the sample is classified as expansive soil. In light of this discovery, at this point, the Building Official will need further independent confirmation by a certified engineer that multiple samples from various points at the house location confirm the severity of the shrink-swell condition present in the area of the footing. You and/or your contractor are responsible for that engineering, depending on your contract with each other.

If it is determined that the soil cannot support the foundation that would be a another code deficiency. If that were in fact to be the case, your contractor would receive further notice as to this code deficiency. Again, it would be a matter of your preference as to how you decide you would resolve the soil/foundation issue …whether you have your builder/contractor to remedy the defect or you contracting with a new builder/contractor to remedy the defect. If this newly alleged code deficiency is sufficiently established, the Building Official's role is to issue the notice and make certain its remedied – or pull the certificate of occupancy. Aside from the Building Official's role, you might maintain a private right of action against your builder.

I do at this time want to try to address the issues you raise with regard to inspections. With regard to the pre-pour concrete inspection, your contractor chose for it to be performed by a

certified and approved third party inspector, instead of the Building Department staff. This is the industry norm and is permitted and facilitated under the Uniform Statewide Building Code (USBC). As for the grading, no grading defects were initially identified by the Building Department, which did perform that review. As you know, after time to compact, there can be changes in the grading immediately next to the house soon after construction. When a grading issue was later reported, the Building Department inspected and at its follow up inspection (after the contractor attempted to fix it) the Building Department identified a small area at the rear of the home that still does need re-grading.

Lastly, with regard to your allegation of suspect soil, please know that your lot is not located in a shrink-swell soil designated area indicated on the Commonwealth's soil map, as used by Building Department staff during plan review. As such, no heightened scrutiny or process through the Building Official's Office is triggered under the USBC and/or other state law at the time of plan review. Otherwise, shrink-swell soil as you know cannot be identified by mere visual inspection. It is only at this time that you bring forth some evidence (contrary to the map indicators) that is may be present at your location that it becomes a matter for the Building Official to look into...again, in light of this discovery, at this point, the Building Official will need further independent confirmation by a certified engineer that multiple samples from various points at the house location confirm the severity of the shrink-swell condition present in the area of the footing. You and/or your contractor are responsible for that engineering, depending on your contract with each other.

In sum, I fully support and stand behind the actions of the Building Department.

I hope this email provides clarity. I hope you are able to work things out with your previous contractor or otherwise find a new team that is a better fit for you. Thanks and take care.

Sincerest regards,
Bobbi Jo

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone
(540)727-3462 facsimile

From: BOBBI JO ALEXIS <BJALEXIS@CULPEPERCOUNTY.GOV>
Sent: Wednesday, April 17, 2019 1:45 PM
To: Patrick S
Cc: BOB ORR
Subject: RE: status

Hi Mr. Sartori,

I am considering all the information in your emails in my review.
I want to very candidly share that it may take until Monday to provide response.
I have a few legal matters already in queue.
Please know your issues are very important to me, and I will be in touch in follow up.

Sincerest regards,
Bobbi Jo

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone
(540)727-3462 facsimile
bjalexis@culpepercounty.gov

From: Patrick S [mailto:patsartori@msn.com]
Sent: Wednesday, April 17, 2019 9:20 AM
To: BOB ORR; BOBBI JO ALEXIS
Subject: status

Good Morning,

Just so we are clear, I am not raising concerns so to speak. I have provided the county with factual scientific test results that exceed the tests a county approved company performed, (SCE) during the construction of my home.

The tests performed are extensive, detailed and contradict the testing done by SCE.

My intent: to get my house fixed, correctly the first time.

The builder has proven repeatedly getting it right the first time is not a priority. You know of this first hand.

The builder, according to contractual obligations, is solely responsible for all work performed.

From my chair the complexity of this issue is no greater than the issues listed in the correction letter, the builder failed to perform.

The matter at hand is:

1. Does the county accept the test results? If not, is the county going to perform a detailed test of the soil?

2. What size footer would have been engineered, if any, had the expansive soil been discovered initially?

3. If a different footer would be needed, when is the corrections letter going to be sent out?

Communication is paramount at this point.

Thank you
pat sartori

Email Thread Two
8/6/2019–-8/13/2019
it starts from the bottom…

Dear Mr. Sartori,

As your first sentence is in essence a question, and does not request a document identified with reasonable specificity, VFOIA does not apply.
Nonetheless, I provide the following response to your question:
Responsible parties generally under the USBC are owners, owner-agent applicants, such as contractors or subcontractors, and also may include tenants and other individuals/entities, etc.
In the instant case, with regard to the recent information you provided to the County with regard to the presence of shrink swell soil at your property located at 9408 Breezewood Lane, the responsible parties are the owners and the owner-agent applicant.
I want to clarify, there may be no culpability with anyone, owner or contractor, as to identifying shrink swell soil. It was an unknown for which testing was not mandated by law.
Nonetheless, in light of its discovery, an engineer must be secured to give his/her evaluation of the effects of the soil versus the structure that is presently in place.
An engineer will share whether curative action, if any, is required to address any engineering concerns.
As you know, in the instant case as to the shrink swell soil issue, the deficiency alert was shared with you, the owner, and your agent/contractor applicant, Graystone.
Depending on the circumstances of any failure to cure in response to the deficiency notice would determine to whom any notice of violation issued.

In response to your second sentence, please find the attached (present) policy.
It is the only policy, past or present, that we possess.

Sincerely,
Bobbi Jo

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone

8/9/2019
Dear Mr. Sartori,

A Deficiency Notice is a Culpeper County Building Official term.
It is generally the method of first communication for Mr. Orr for the sharing of his identifiable USBC concern.
If his concern is not remedied following communication of the deficiency, thereafter, a Notice of Violation would follow, as then would be appropriate under the USBC.

For the previous deficiencies that were identified and were directly attributable to the contractor's (or any subcontractor's) work, yes, a deficiency notice was sent out in the usual course as I have described in this email.

I do share with you that under the USBC your contractor is in essence your agent for the purposes of the application for permit.

Sincerest regards,
Bobbi Jo Alexis

_____

From: Patrick S <patsartori@msn.com>
Sent: Thursday, August 8, 2019 8:19:23 PM
To: BOBBI JO ALEXIS
Cc: BOB ORR
Subject: Re: discretionary and courtesy deficiency letter ; for notices of violation - responsible parties, includes the owner ; and other information

It is undeniably a result from work, or lack thereof, performed by a contractor that has led to the deficiency. Someone quantified the soil as acceptable and approved the foundation design, those were errors.

The only person who can receive a corrections letter, in this case, is the person who performed the work. Code Deficiency Notice is the same language that is on the first corrections letter issued to Mr. Clatterbuck. Maybe I am just confused the same language is meaning something else in this Code Deficiency Notice.

R401.2Requirements.

Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil.

The soil does not support the load of the house/foundation due to its design, according to the engineering information I have and information contained at the building department.

Dear Mr. Sartori,

As I stated in my far below email, as highlighted in green:

Soil that cannot support the foundation that would be a another code deficiency.

It is certainly an enforceable violation.

Again, if it is determined that the soil cannot support the foundation that would be a another code deficiency. If that were in fact to be the case, your contractor would receive further notice as to this code deficiency.

I guess my wife and I are confused by the above statement you sent in a previous email. This is the action we were expecting since it is so appropriate. Expansive soil is a serious matter and it is time to start working, so please expedite whatever you have to get our code violations remedied so we can move on with our lives.

Thank you
pat and jean sartori

Dear Mr. Sartori,

I share that a notice of deficiency was sent out, not a notice of violation.
They are two different communications.
A notice of deficiency is a courtesy discretionary communication of the Building Official to make the owner, contractor, tenant, or any combination thereof, etc., as may be appropriate, aware of the facts and circumstances that he suspects implicate a violation.
It is particularly legally appropriate to send a courtesy notice of deficiency to an owner, when the deficiency does not result from the construction work of a contractor, but results from after-discovered soil issues by the owner.
You and your contractor were sent the notice of deficiency to insure the deficiency is cured, and that so that hopefully a notice of violation does not have to be issued at all.
Of important significance in the instant case is that because you (i) have shared that you are currently engaged in a dispute with your contractor and (ii) have explicitly expressed that you may not want the contractor to do any further work on your property, the deficiency notice was very prudently directed - not solely to the contractor - but in fact respectfully included you.
Any deficiency that were to remain uncured and progresses to the issuance of a notice violation as to the discovery of the expansive soil, for all intents and purposes, runs with the property, and may under certain circumstances prompt issuance of a notice of violation to the owner.
A notice of violation is appropriately and lawfully sent to all responsible parties under the USBC, which absolutely may include the owner.
It is our hope and intention informally to afford good faith time and notice to an owner to attend to the cure of the deficiency, before issuing any formal notice of violation against an owner.
Thus, it was imperative to send the courtesy deficiency notice directed to you, the owner of the property.
Our goal and focus is for the deficiency to be remedied (*and altruistically without the need for issuance of a notice of violation to anyone*).
Thank you for your time and consideration, always.

Sincerest regards,
Bobbi Jo

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone

From: Patrick S [mailto:patsartori@msn.com]
Sent: Thursday, August 08, 2019 4:00 PM
To: BOB ORR; BOBBI JO ALEXIS
Subject: accountability

Good Afternoon,

The latest data I received states my wife and I are not responsible for the code violations. I am assuming you put our names on the document not realizing the code requirement or just as a habit.

We respectfully request the violation be amended and resent with the appropriate person's name who is responsible for the violation and the remedial action.

Since there is a timeline associated with this proceed, it would be most beneficial for all party's if this was done expeditiously.

Sincerely,

Pat Sartori

From: Patrick S [mailto:patsartori@msn.com]
Sent: Tuesday, August 06, 2019 8:29 AM
To: BOBBI JO ALEXIS
Cc: BOB ORR
Subject: FOIA request

Good Morning,

Please provide me with the **person** responsible for the code violation with regard to the expansive soil located at my property, 9408 Breezewood Lane, Culpeper Va.

Please provide me with the current and past shrink swell soil policy(s) for Culpeper County.

Thank you

Patrick Sartori

Dear Mr. Sartori,

I provide supplemented response as follows:

You seek: Please provide me the document containing the Culpeper County's requirement for conducting a soil bearing capacity probe test. Like the probe test executed on my property. Not the USBC or VRC requirement, specifically the county's requirement.
Response: Please see the attached.

You seek: Please provide the document that describes how a probe test is conducted.
Response: There is no responsive document, as the County possesses. These are matters of industry/professional practices and standards.

You seek: Please provide the document that identifies what a probe (tool or instrument used to conduct a probe test) is.
Response: There is no responsive document, as the County possesses. These are matters of industry/professional practices and standards.

You seek: Please provide the Culpeper County document that describes how the bearing capacity is determined.
Response: Please see the attached. There is no more specific responsive record. These are matters of industry/professional practices and standards.

Again , I share the following:
The USBC and County Policy do not command a particular type of testing technique be utilized for many of those things that must be tested or inspected under the USBC.
The various professionals, including staff and third party contractors, that play a role in satisfying the USBC mandates are required to be currently certified and appropriately educated, trained, and licensed.
The various professionals, including staff and third party contractors, that play a role in satisfying the USBC mandates are expected to perform their duties consistent with industry standard, which at any given may time may permit them various methods in their toolboxes to accomplish tests, inspections, or other tasks.

I will check with Mr. Orr to see if he has any industry journals, periodicals, or magazines that may provide insight on the subject matter of probe testing.

Mr. Orr did share with me, as follows: "… that we generally use a metal probe with a 1 inch x 1 inch disc on the tip, applying 11-13 lbs. of pressure the disc cannot sink lower than 1 inch. This confirms 2000 pounds per square foot." Third party contractors may use different equipment that is utilized and accepted in the industry.

Sincerest regards,

Bobbi Jo

Bobbi Jo Alexis, VSB#67902
County Attorney
Office of the County Attorney
for Culpeper County
306 N. Main Street
Culpeper, Virginia 22701
(540)727-3407 telephone

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

RECEIVED
DEC 8 2020
OFFICE OF THE REVIEW BOARD

From: James Carter

Phone Number : 757-890-3566

Email Address: James.Carter@yorkcounty.gov

Applicable Code: 2015 Virginia Residential Code

Code Section(s): R302.7 Under-stair protection

Submitted by (signature): James Carter Date: 12/7/2020

QUESTION(S):

I would like an interpretation of this section.

"Enclosed accessible space under stairs shall have walls, under-stair surface, and any soffits protected on the enclosed side with 1/2- inch gypsum board".

The common situation our inspectors encounter is an unfinished basement stairway with open studs in walls framed beneath the stairway. These walls are usually under a landing and sometimes the stringers. Does this require protection? Some say the open studs makes the area "accessible" and protection is required. The commentary seems to suggest that "enclosed" would mean that drywall is installed on the walls and an access is provided into the space.

So the question is: Is the area considered "enclosed" and "accessible" if there are walls framed but open studs- no drywall? What does "enclosed" mean and what does "accessible" mean?

Thank you,
James Carter

(Page left blank intentionally)

CHAPTER 3 BUILDING PLANNING

R302.7 Under-stair protection.

Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with $^1/_2$-inch (12.7 mm) gypsum board.

(Page left blank intentionally)

State Building Code Technical Review Board Policy #25

Title:	State Building Code Technical Review Board witness and/or participant list submittal and deadline requirements for an appeal.
Authority:	Section 36-108 et seq. of the Code of Virginia
Policy Statement:	It shall be the policy of the State Building Code Technical Review Board (Board) that a witness and/or participant list, for each party to an appeal, be submitted to Review Board staff prior to the meeting in which the their appeal will be heard. It shall further be the policy of the Board that the State Building Code Technical Review Board Secretary (Secretary) shall establish the deadline for the submittal of all witness and/or participant lists.
Approval and Review:	This Board policy was reviewed and approved on 01/22/2021.
Supersession:	This Board policy is new.
Board Chair at Last Review:	James R. Dawson
DHCD Director:	Erik Johnston

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State Building Code Technical Review Board Policy #26

Title:	State Building Code Technical Review Board witness and participant required virtual meeting training and scheduling of the training.
Authority:	Section 36-108 et seq. of the Code of Virginia
Policy Statement:	It shall be the policy of the State Building Code Technical Review Board (Board) that all witnesses and participants, for each party to an appeal, shall attend virtual meeting training, provided by the State Building Code Technical Review Board Secretary (Secretary), prior to the meeting in which their appeal will be heard. It shall further be the policy of the Board that the Secretary shall establish the schedule for the virtual meeting training.
Approval and Review:	This Board policy was reviewed and approved on 01/22/2021.
Supersession:	This Board policy is new.
Board Chair at Last Review:	James R. Dawson
DHCD Director:	Erik Johnston

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