

AGENDA
STATE BUILDING CODE TECHNICAL REVIEW BOARD
Friday, August 21, 2015 – 10:00 a.m.
Virginia Housing Center 4224 Cox Road – Glen Allen, Virginia

- I. Roll Call **(Tab 1)**
- II. Approval of June 19, 2015 Minutes **(Tab 2)**
- III. Public Comment
- IV. Approval of Final Order **(Tab 3)**
In Re: Appeal of Leslie Carper
Appeal No. 15-7
- V. Approval of Final Order **(Tab 4)**
In Re: Appeal of Jonathan and Carolyn Clark
Appeal No. 14-13
- VI. Approval of Final Order **(Tab 5)**
In Re: Appeal of Mark L. Riley
Appeal No. 14-14
- VII. Approval of Final Order **(Tab 6)**
In Re: Appeal of Edward J. Taborek
Appeal No. 15-3
- VIII. Appeal Hearing **(Tab 7)**
In Re: Appeal of John Thulin
Appeal No. 15-2
- IX. Appeal Hearing **(Tab 8)**
In Re: Appeal of Joseph E. Ellis
Appeal No. 15-4
- X. Appeal Hearing **(Tab 9)**
In Re: Appeal of Milari Madison
Appeal No. 15-5
- XI. Appeal Hearing **(Tab 10)**
In Re: Justin Verville
Appeal No. 15-11
- XII. Secretary's Report

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Updated April 6, 2015

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DRAFT MINUTES

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
June 19, 2015

VIRGINIA HOUSING CENTER
GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. James R. Dawson, Vice-Chairman
Mr. W. Keith Brower, Jr.
Mr. Vince Butler
Mr. J. Daniel Crigler
Mr. John H. Epperson
Mr. Alan D. Givens
Mr. Joseph A. Kessler, III
Mr. John A. Knepper, Jr.
Mr. Eric Mays
Ms. Joanne D. Monday
Mr. W. Shaun Pharr

Members Absent

Mr. Matthew Arnold
Ms. Patricia S. O'Bannon

Call to Order

The meeting of the State Building Code Technical Review Board (Review Board) was called to order by the Chairman at approximately 10:00 a.m. and Mr. Alan Givens, a newly-appointed board member, was welcomed by the Chairman. Mr. Givens spoke briefly concerning his background and qualifications.

Roll Call

The attendance was established by the Secretary, Mr. Vernon W. Hodge, and constituted a quorum. Mr. Justin Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

After consideration, Mr. Dawson moved to approve the minutes of the March 20, 2015 meeting as presented in the agenda package. The motion was seconded by Ms. Monday and passed unanimously with Messrs. Epperson, Knepper and Mays abstaining from the vote.

Public Comment

The Chairman opened the floor for public comment. The Secretary reported that no one was preregistered. The Chairman closed the public comment period.

Final Orders

Appeal of T. Chester Baker; Appeal No. 14-8(B):

Mr. Crigler moved to approve the final order as presented in the agenda package. The motion was seconded by Mr. Kessler and passed unanimously with Messrs. Epperson, Knepper and Mays abstaining from the vote.

Appeal of T. Chester Baker; Appeal No. 14-8(A):

Mr. Crigler moved to approve the final order as presented in the agenda package. The motion was seconded by Mr. Butler and passed unanimously with Messrs. Epperson, Knepper and Mays abstaining from the vote.

Appeal of Mary Ann Capp; Appeal Nos. 14-1 and 14-10:

Mr. Crigler moved to approve the final order as presented in the agenda package. The motion was seconded by Ms. Monday and passed unanimously with Messrs. Epperson, Knepper and Mays abstaining from the vote.

New Business

The Secretary informed board members that Appeal No. 13-4 (The Islander, LLC) had been withdrawn by the appellant subsequent to the agenda package being distributed. Mr. Dawson moved to place the appeal among the ended causes of the board. The motion was seconded by Ms. Monday and passed unanimously.

Appeal of Leslie Carper; Appeal No. 15-7:

An appeal hearing convened with the Chairman serving as the presiding officer. Ms. Carper was requesting action to be taken on a prior appeal filed by the Fairfax County Department of Code Compliance (Appeal No. 14-5) involving a condominium at 8626 Beekman Place. Ms. Carper was a party to the prior appeal as the registered agent for the condominium owner. The prior appeal had been withdrawn by the County prior to being heard by the Review Board since violations cited by the County under Part III of the Virginia Uniform Statewide Building Code, the Virginia Maintenance Code, had been corrected.

New Business

Appeal of Leslie Carper; Appeal No. 15-7 (continued):

The following person was sworn in and given an opportunity to present testimony:

Elizabeth Perry, Fairfax County building maintenance official

Also present was:

Cherie Halyard, Esq., legal counsel for Fairfax County

The Chairman noted that Ms. Carper submitted written arguments in lieu of attending the hearing and asked the County representatives whether they objected to the distribution of submittals that came in past the established deadline. With no objection from the County, the documents were distributed.

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

Decision – Appeal of Leslie Carper; Appeal No. 15-7:

After deliberation, Mr. Mays moved to dismiss the appeal as invalid as the prior appeal had been withdrawn and there had been no new application of the Virginia Maintenance Code by the County to appeal. The motion was seconded by Mr. Knepper and passed unanimously.

Appeal of Jonathan and Carolyn Clark; Appeal No. 14-13:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal involved citations issued under the Virginia Maintenance Code by the Fairfax County Department of Code Compliance for conditions at the Clarks' residence at 7227 Auburn Street, in Annandale. The Fairfax County Board of Building Code Appeals upheld the County's enforcement action.

New Business

Appeal of Jonathan and Carolyn Clark; Appeal No. 14-13 (continued):

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

Jon Clark
Elizabeth Perry, Fairfax County building maintenance official
Charles Forshee, Fairfax County inspector
Al Sanchez, Fairfax County inspector

Also present were:

Craig Blakeley, Esq., legal counsel for Mr. Clark
Cherie Halyard, Esq., legal counsel for Fairfax County

No exhibits were submitted to supplement the documents in the agenda package. The Chairman noted that a Virginia Court of Appeals decision from a prior Review Board case addressed issues relating to the jurisdiction of the local government appeals board and the Review Board. The Secretary distributed copies of the Court of Appeals decision.

After testimony concluded, the Chairman closed the hearing. Prior to deliberation of the appeal, Mr. Dawson moved to recess the meeting and reconvene in executive closed session as authorized by § 2.2-3711(A)(7) of the Code of Virginia. The motion was seconded by Mr. Brower and passed unanimously.

(Executive closed session duration was approximately fifteen minutes.)

The Chairman stated that the board would reconvene in open session. The Secretary called the roll and each board members responded with "yes" to certify that to the best of their knowledge only public business matters lawfully exempted from open meeting requirements were discussed or considered and that only such public business matters as were identified in the motion by which the executive closed meeting was convened were heard, discussed or considered in the closed meeting.

New Business

Decision - Appeal of Jonathan and Carolyn Clark; Appeal No. 14-13:

The right of entry issues were deliberated. Mr. Epperson moved to uphold the County's enforcement action as proper. The motion was seconded by Mr. Dawson and passed unanimously with Mr. Pharr abstaining from the vote.

The merits of the County's enforcement action was then deliberated. Mr. Dawson moved to uphold the citations issued by the County. After discussion, Mr. Dawson clarified the motion to uphold the citations issued by the County as delineated in the Review Board staff document in the agenda package for the appeal. The motion was seconded by Mr. Givens and passed unanimously.

The issue of timeframes for the correction of the cited violations was then deliberated. Mr. Pharr moved to uphold the 30-day time frame for correction of the violations. The motion was seconded by Ms. Monday. After discussion, Mr. Kessler offered a friendly amendment to the motion to have the timeframe for correction of the violation to begin upon the day of entry of the final order. Ms. Monday agreed to the amendment and the amended motion passed unanimously.

Appeal of Mark L. Riley; Appeal No. 14-14:

The Chairman recused himself due to being employed by the locality involved in the appeal. The Vice-Chairman convened a hearing for the matter and served as the presiding officer in the absence of the Chairman. The appeal concerned citations issued by the Henrico County building inspections department under the Virginia Maintenance Code for a unlicensed group home owned by Mr. Riley and located at 5400 Nine Mile Road. Mr. Riley had previously filed an appeal to the Henrico County Local Board of Building Code Appeals which, after conducting a hearing, dismissed Mr. Riley's appeal, ruling that no appeal for the cited violations was made.

New Business

Appeal of Mark L. Riley; Appeal No. 14-14 (continued):

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

Mark Riley
Lori Tillis, witness for Mr. Riley
Gregory Revels, Henrico County building official
Jerry Buresh, Henrico County inspector
Paul A. Johnson, Henrico County inspector

Also present was:

Denise Letendre, Esq., legal counsel for Henrico County

No exhibits were submitted to supplement the documents in the agenda package.

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

Decision – Appeal of Mark L. Riley; Appeal No. 14-14:

After deliberation, Mr. Mays moved to rule on the full appeal and to uphold the October 8, 2014 notice of violation issued by the County. The motion was seconded by Ms. Monday and passed unanimously.

Appeal of Edward J. Taborek; Appeal No. 15-3:

A hearing convened with the Chairman serving as the presiding officer. The appeal was of a citation under the Virginia Maintenance Code by the Fairfax County Department of Code Compliance for the lack of maintenance of an exterior stairway at Mr. Taborek's home, located at 6200 Wayles Street, in Springfield. The appeal was first heard by the Fairfax County Board of Building Code Appeals, which upheld the citation.

New Business

Appeal of Edward J. Taborek; Appeal No. 15-3 (continued):

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

Edward Taborek
Elizabeth Perry, Fairfax County building maintenance official
F. Sidy Charley, Fairfax County inspector

Also present was:

Cherie Halyard, Esq., legal counsel for Fairfax County

No exhibits were submitted to supplement the documents in the agenda package.

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

Decision – Appeal of Edward J. Taborek; Appeal No. 15-3:

After deliberation, Mr. Mays moved to uphold the citation issued by the County. The motion was seconded by Mr. Kessler and passed unanimously.

Interpretations

A request from the Town of Farmville was considered. The Secretary noted that the building/fire official for the town stated he used the form to ask for staff assistance because he found it online and no official interpretation was necessary, but since the Review Board's policy is to bring any submitted requests to the Board, it was included in the agenda package. Mr. Ed Altizer, the State Fire Marshal, was present and given an opportunity to comment on the request as it involved a provision in state law directing the State Fire Marshal's Office to do inspections.

Interpretations

A request from the City of Lynchburg was considered. The Secretary advised that the request stemmed from an active appeal where the issue of whether the appeal was proper was present. The building official agreed to submit the request in an attempt to resolve the appeal situation at an informal fact-finding conference for the appeal conducted by Review Board staff. The appellee was advised at the conference of the Review Board's policy for not considering interpretation requests while there was a pending appeal and the appellant was given an opportunity to decide whether to withdraw the appeal. Review Board staff contacted the appellant's attorney the day before this meeting and were informed that the appellant elected not to withdraw the appeal. After discussion, Mr. Dawson noted that it would be difficult to issue an interpretation having general application as each situation the request was attempting to address would likely be different. Mr. Dawson then moved to postpone consideration of the interpretation request pending the outcome of the appeal. The motion was seconded by Mr. Crigler and passed unanimously.

Secretary's Report

The Board's function of recommending changes to the codes was discussed and Ms. Monday raised the issue of notification of owners of permits taken out by others. After discussion, it was decided that it would be difficult to craft a proposal which would not cause problems for the local building departments.

The Secretary discussed other agency activities and projected future meetings.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Epperson at approximately 4:00 p.m.

Approved: August 21, 2015

Chairman, State Building Code Technical Review Board

Secretary, State Building Code Technical Review Board

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Leslie Carper
Appeal No. 15-7

Hearing Date: June 19, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

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

II. CASE HISTORY

Ms. Carper seeks to have the Review Board hear an appeal which was withdrawn by the appealing party.

In February of 2014, the Fairfax County Department of Code Compliance issued a notice of violation to Ms. Carper, the registered agent of Mycondo2rent, LLC, and the person in control

of Unit D of The Clusters at Woodlawn, a condominium at Beekman Place in Fairfax County. The notice cited violations of Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code, or VMC.

Ms. Carper appealed the issuance of the notice to the Fairfax County Board of Building Code Appeals (local board), which heard her appeal in May of 2014 and ruled to uphold the County's citation for the lack of maintenance of a glass sliding door, and overturned the citations for lack of maintenance of the floor area adjacent to the sliding glass door, ruling that the violations were the responsibility of the condominium association and not Ms. Carper.

The Department of Code Compliance appealed the local board's ruling to the Review Board in June of 2014. The appeal to the Review Board was designated as Appeal No. 14-5. In November of 2014, the Department of Code Compliance corresponded with Review Board staff to withdraw the appeal as repairs had been made by the condominium association and the violations had been corrected. Review Board staff notified all parties of the withdrawal of the appeal.

In May of 2015, Ms. Carper, prompted by receiving a bill for the repairs to the condominium unit from the condominium association, requested Review Board staff to schedule an appeal hearing for Appeal No. 14-5, stating that she had the right to

further the County's appeal since correspondence from the Review Board staff concerning continuances stated that either party could contact the Review Board staff should they wish to move forward on an appeal.

Review Board staff informed Ms. Carper that the County's appeal had been withdrawn, so there was no appeal which could be moved forward. Ms. Carper then filed an appeal application with the Review Board and again requested that an appeal hearing be scheduled concerning the County's February 2014 notice of violation. Ms. Carper's appeal was designated as Appeal No. 15-7 and she was advised that since no new application of the VMC had been made by the County and the County's appeal had been withdrawn, the issue of whether her appeal was proper would need to be considered by the Review Board. A hearing was then scheduled for the June 2015 meeting of the Review Board for that purpose.

III. FINDINGS OF THE REVIEW BOARD

Ms. Carper did not attend the hearing before the Review Board due to transportation issues and relied on her filings as arguments concerning her right of appeal. The condominium association filed written arguments, but also did not attend the hearing. Legal counsel for the County was present and argued that Ms. Carper did not have a right of appeal as the prior appeal was

no longer active and there was no new decision by the County for her to appeal.

The Review Board agrees. The informational material distributed by Review Board staff to the parties in all appeals is only specific to continuances, not to the withdrawal of appeals. Therefore, Ms. Carper misconstrued the statement in that material indicating that either party had the right to move an appeal forward. Furthermore, Review Board staff does not have the authority to decide when an appeal is proper. Those determinations are solely within the jurisdiction of the Review Board.

For an appeal to be proper with respect to the VMC, under § 106.5, an appeal of an application of the code must be made to the local board within 14 calendar days of the receipt of the decision being appealed. Then, under § 106.8, an appeal must be filed with the Review Board within 21 calendar days of the receipt of the decision of the local board.

There is no local board decision within 21 days prior to the date of Ms. Carper's filing her application for appeal to the Review Board; therefore, the appeal is invalid.

Ms. Carper also does not have the right to a hearing before the Review Board on the appeal that the County filed (Appeal No. 14-5), as the County withdrew its appeal. That a withdrawn appeal is an ended cause with no further action being able to be taken is

a well established principle. The Review Board and its staff have had many appeals withdrawn prior to hearing and routinely correspond with the parties in such cases stating that no further action will be taken.

Further, Ms. Carper did have the right to appeal the local board's June 2014 decision to the Review Board independent of the County's appeal, but chose not to exercise that right. Therefore, Ms. Carper gave up any independent right of appeal and could participate in the County's appeal only to the extent that it moved forward and was not withdrawn.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders Ms. Carper's appeal to be, and hereby is, dismissed as invalid.

Chairman, State Technical Review Board

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you,

whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period. .

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jonathan and Carolyn Clark
Appeal No. 14-13

Hearing Date: June 19, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

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

II. CASE HISTORY

Mr. and Mrs. Clark appeal the validity of citations under Part III of the Virginia Uniform Statewide Building Code (also known as the Virginia Maintenance Code, or VMC) concerning their home at 7227 Auburn Street, in the Annandale area of Fairfax County.

In April of 2014, acting on a complaint, County inspectors entered the Clarks' property by walking up the driveway past the side of the house to an area in front of the garage. Shortly thereafter, Mr. Clark came out of the house and talked to the inspectors.

The inspection resulted in the issuance of a notice of violation under the VMC.

The Clarks, through counsel, appealed to the Fairfax County Board of Building Code Appeals (local board), which conducted a hearing in October of 2014 and ruled to uphold the citations.

The Clarks then, again through counsel, further appealed to the Review Board.

Review Board staff conducted an informal fact-finding conference in March of 2015, attended by Mr. Clark, his legal counsel, County inspectors and the County's legal counsel.

The Clarks, through counsel, advanced three arguments concerning the validity of the citations; first, that the inspectors did not ask for permission to do the inspection; second, that the citations were overly broad; and third, that the 30 day period for correction of the violations on the notice was not a reasonable time limit.

Review Board staff set a briefing schedule with the parties' legal counsel for submitting written arguments concerning the lack of permission to conduct the inspection. In addition, Review

Board asked the County inspectors for clarification on each citation listed.

Subsequent to the conference, a staff summary was drafted and distributed to the parties and opportunity given to submit objections, corrections or additions to the staff summary. All documents, written arguments and other correspondence was then compiled as part of an agenda package for a meeting of the Review Board and a hearing was conducted concerning the appeal. Mr. Clark, his legal counsel, the County inspectors and their legal counsel were present at the hearing.

III. FINDINGS OF THE REVIEW BOARD

The Clarks first argue that the enforcement action by the County under the VMC is invalid due to the illegal entry of the inspectors on the property in violation of the Fourth Amendment of the U.S. Constitution.

The County argues that accessing the property on the driveway to the area where cars are normally parked in front of the garage is not a violation of either the Virginia Constitution or the U.S. Constitution and the violations were plainly visible from the public right-of-way.

The Review Board finds that § 104.1 of the VMC, which contains verbatim language from § 36-105(C)(3) of the Code of Virginia, addresses the circumstances where a search warrant is

necessary for inspections under the VMC and limits it to only where entry is refused. In the case at hand, Mr. Clark met the inspectors in the driveway, acquiesced to their presence and conducted a conversation with them about the lack of maintenance of the property. Further, the Review Board finds that the inspectors were in an area of the property where visitors would normally be expected to go. In addition, the Review Board finds that even if any potential right of entry issues were present, it is harmless error since the violation cited by the County were visible from the public right-of-way.

Concerning the cited violations themselves, the Clarks argue that the citations should be invalidated since they were overly broad and did not clearly identify the aspects of the house and garage held in violation of the VMC. The Review Board disagrees and finds that the County's notice of violation cited the appropriate VMC sections violated and indicated on the notice what work needed to be done to remedy the violations. In addition, at the informal fact-finding conference conducted by Review Board staff prior to the hearing before the Review Board, each cited violation was discussed and any confusion on the part of the Clarks concerning the nature of each violation was eliminated. Further, the Clarks did not provide any substantive arguments at the hearing before the Review Board that the violations did not exist. Therefore, the Review Board finds that the violations as

cited by the County, and as further identified through the Review Board staff summary of the informal fact-finding conference, do in fact exist.

Finally, the Clarks ask if violations are determined to be valid, that additional time be allowed for their correction. The Review Board finds that the 30-day timeframe for repairs stipulated by the County is reasonable. In addition, the County acknowledged at the hearing before the Review Board that the timeframe is flexible as long as the Clarks were making progress on repairs. Therefore, the Review Board orders the 30-day timeframe for completion of repairs to begin upon the entry of this final order.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the notice of violation issued by the Fairfax County Department of Code Compliance to the Clarks, and the ratification of that decision by the local board, to be, and hereby is, upheld with the nature of the violations as clarified in the Review Board staff summary of the informal fact-finding conference.

Chairman, State Technical Review Board

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Mark L. Riley
Appeal No. 14-14

Hearing Date: June 19, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

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

II. CASE HISTORY

Mr. Riley seeks the overturning of a notice of violation/unsafe structure under Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code or VMC, issued by the Henrico County building department concerning his house, located at 5400 Nine Mile Road.

In September and October of 2014, County inspectors conducted several inspections at the house, which Mr. Riley rents to multiple tenants in a group home setting. Mr. Riley objected to the inspectors entry into the house by telephone on the September inspection; however, the inspectors obtained permission from one of the tenants and limited their inspection to that tenants area and common areas. Mr. Riley was present for the October inspection.

The County issued the September 26, 2014 notice of violation/unsafe structure based on the September inspection and then issued a new notice on October 8, 2014 based on the October inspection. The October notice stated that it superseded the September notice.

Mr. Riley filed an appeal to the Henrico County Local Board of Building Code Appeals (local board) by letter dated October 12, 2014. The local board heard the appeal in November of 2014 and ruled to dismiss the appeal. Mr. Riley further appealed to the Review Board.

III. FINDINGS OF THE REVIEW BOARD

Mr. Riley argues that the notices are invalid since the County inspectors entered his house without his permission. The Review Board finds that is incorrect. The October 8, 2014 notice is the only active notice since the County rescinded the September

26, 2014 notice. Mr. Riley was present for the October 3, 2014 inspection which resulted in the October 8, 2014 notice.

Therefore, there are no right of entry issues present.

Mr. Riley provided no substantive arguments concerning the merits of the violations cited in the County's notice at the hearing before the Review Board and according to the testimony provided by the County, Mr. Riley told the local board he was only challenging the validity of the notice due to the right of entry issue. Therefore, and also based on the testimony and evidence provided by the County concerning the condition of the house, the cited violations are valid and correct.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the County's issuance of the notice of violation/unsafe structure to be, and hereby is, upheld.

Chairman, State Technical Review Board

Date Entered

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

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Edward J. Taborek
Appeal No. 15-3

Hearing Date: June 19, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

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

II. CASE HISTORY

Mr. Taborek appeals a citation under Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code (VMC), asserting that the partial demolition of the side and top of the concrete, cinder block and brick front porch of his home is still structurally sound and not in need of maintenance.

In November of 2014, acting on a complaint, the Fairfax County Department of Code Compliance conducted a site visit at Taborek's home, located at 6200 Wayles Street, in Springfield, Virginia, within Fairfax County. The visit resulted in the issuance of a notice of violation under the VMC, dated November 17, 2014. The notice cited sections of the code which had been violated and directed Taborek to take certain actions to correct the violations.

Taborek filed an appeal of the notice to the Fairfax County Board of Building Code Appeals (local appeals board), which conducted a hearing in December of 2014 and ruled to uphold the citation concerning the porch.¹ Taborek further appealed the local appeals board's decision to the Review Board.

III. FINDINGS OF THE REVIEW BOARD

Taborek testified that he deconstructed the side of the porch using a sledge hammer a number of years ago to be able to see underneath the poured concrete porch top and to be able to check the portion of the foundation of his home behind the porch. He did not fill in the hole in the side of the porch or repair the edge of the porch top as he believed the porch was still structurally sound.

¹Two additional violations were in question before the local appeals board, which ruled to uphold one and overturn the other, but Taborek only appeals the citation concerning the front porch to the Review Board.

The pictures of the porch provided by the County and the testimony of the County inspectors clearly show and evidence exposed, rusted reinforcement in the exposed broken edge of the concrete porch top. The edge of the top is also crumbling. The support for the concrete top on the edge is also missing due to the hole created by Taborek.

Taborek argues that it is the burden of the County to provide an engineering evaluation to show that the porch is not structurally sound. The Review Board disagrees. The plain wording of the VMC, in § 103.2 requires buildings to be maintained and kept in good repair. In addition, § 304.10 of the International Property Maintenance Code, the nationally recognized model code incorporated into the VMC, and the section of the VMC cited by the County, states as follows:

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

In this case, there is a lack of repair and maintenance of the porch at the very least, and the deteriorated reinforcing in the exposed broken edge of the concrete porch top and the lack of support under the top caused by the hole Taborek created raises a question of whether it may collapse on that side.

In lieu of restoring the porch to its original condition, Taborek could have it analyzed by a professional engineer to

determine whether it has been structurally compromised, but even if determined to be capable of supporting the imposed loads, the porch still lacks the necessary maintenance to comply with the VMC.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the County's issuance of the notice of violation for Taborek's front porch, and the local appeals board's ratification of the citation, to be, and hereby are, upheld.

Chairman, State Technical Review Board

Date Entered

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

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of John Thulin
Appeal No. 15-2

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VIRGINIA:

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

IN RE: Appeal of John S. Thulin
Appeal No. 15-2

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. Subsequent to a fire at his home at 206 Springvale Drive, in Lynchburg, Thulin contacted the City building department concerning repairs. The City building official met with Thulin and a contractor for an insurance company at the home in October of 2014. Thulin then sent a letter to the building official dated November 21, 2014 asking the building official for rulings concerning how the Virginia Uniform Statewide Building Code (USBC) applied to repairs. The main concern expressed centered around the insurance company only being willing to pay for the use of a shellac-type sealant to coat the wood studs and inside face of the sheathing supporting the brick veneer to kill the burnt odor and not being willing to pay for the removal of the brick veneer and the installation of a vapor barrier on the outside of the sheathing supporting the brick veneer.

2. The building official responded by letter dated December 9, 2014 indicating that if the repairs to the home included the use of shellac, it would not be viewed as a violation of the USBC.

3. Thulin filed an appeal to the City of Lynchburg Board of Building Code Appeals (City appeals board) in December of 2014 and a hearing before the board was held in February

of 2015. The City appeals board, by a decision dated February 19, 2015, ruled to deny Thulin's appeal. The minutes of the appeal hearing accompanying the decision of the City appeals board indicated that the board denied the appeal due to it not falling within what there is a right to appeal under the applicable law and the USBC.

4. Thulin further appealed to the Review Board in March of 2015.

5. Review Board staff conducted an informal fact-finding conference in June of 2015, attended by Thulin, his legal counsel and the building official. Staff provided copies of two final orders from previous Review Board cases (95-2: Appeal of Stephen Seldon and Others and 02-11: Appeal of Jeff Ligon) where the appeals were dismissed by the Review Board due to there being no application of the code made by the local building official and advised Thulin that the issue of whether there was a right of appeal in his situation would be identified as a preliminary issue in the hearing before the Review Board; and that if the Review Board determined there was a right of appeal, then it would need to decide whether to remand the appeal to the City appeals board for a decision on the merits of the appeal or whether the Review Board would hear the merits of the appeal.

Review Board staff also discussed the Review Board's interpretation function as a possible alternative course to resolve Thulin's dispute with the insurance company and the building official indicated that he was willing to submit an interpretation request to the Review Board. Review Board staff advised Thulin that he would need to decide whether to withdraw the appeal to the Review Board as there being a pending appeal could affect the willingness of the Review Board to issue an interpretation given their established policy of when to issue interpretations.

An interpretation request was submitted by the building official and presented to the Review Board at the June 2015 Review Board meeting. Review Board members were informed by staff that Thulin elected not to withdraw the appeal. The Review Board declined to issue an interpretation with the discussion indicating that the issue presented may vary from situation to situation so to issue an general interpretation would be difficult but that the Review Board may be willing to reconsider issuing an interpretation depending on the outcome of Thulin's appeal.

It was also noted and discussed at the informal fact-finding conference that Thulin had submitted an application for a building permit in March of 2015 to meet a local requirement that permits be obtained within a year after fire damage, but the permit application did not involve the use of a shellac-type sealant as Thulin did not want to use that method of repair.

Review Board staff drafted this document outlining the appeal and distributed it to the parties and provided an opportunity for the submittal of objections, additions or corrections to it and the opportunity for the submittal of additional documents and written arguments. An appeal hearing was then scheduled.

Suggested Issues for Resolution by the Review Board

1. Whether Thulin's appeal is proper, and if so, whether to remand the appeal to the City appeals board for a decision on its merits.
2. If Tulin's appeal is determined to be proper and the Review Board accepts jurisdiction of the appeal, whether to overturn the building official's determination that it would not be a violation of the USBC to the use of the shellac-type sealant to coat the wood studs and inside face of the sheathing supporting the brick veneer without removing the brick veneer and installing a vapor barrier on the outside face of the sheathing.

COMBINED DOCUMENTS

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: alan.mcmahan@dhd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

434-237-4654 HM
 Appealing Party Information (name, address, telephone number and email address):
 JOHN S. THULLIN 434-907-5831 CELL
 7212 RICHLAND PR, LYNCHBURG, VA 24502

Opposing Party Information (name, address, telephone number and email address of all other parties):
 LIBERTY MUTUAL INS. CO. HAS ABANDONED
 PRIVILEGE TO BE A "PARTY OF INTEREST" PER

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed ATTACHED
- Copy of record and decision of local government appeals board (if applicable and available) EMAIL.
- Statement of specific relief sought
- REBUTTAL OF HEARING MINUTES

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of MAR. 2015, 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: John S. Thullin

Name of Applicant: JOHN S. THULLIN
 (please print or type)

APPEAL –

STATE BUILDING CODE TECHNICAL REVIEW BOARD

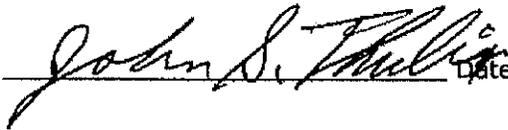
STATEMENT OF SPECIFIC RELIEF SOUGHT

1. My right to appeal was discredited by the Lynchburg City Appeals Board who inaccurately stated 'nothing had been submitted for review or approval' (per meeting minutes); and also relied upon the fact that I had not yet applied for a Building Permit (implying I had no standing to seek resolution to overturn the Inspector's approval of shellac type products since specific data about the products was not given to them. This is disproven by contents of their records which contain the "Addendum to Appeal of 12-23-2014" included herein and the fact that the Inspector met with me and the Insurer's Adjuster at the house where he made decisions contrary to his prior written ruling. **I seek validation of both my right to obtain any applicable reversal of the Inspector's conflicting decisions and acceptance of my communications with the City Inspector prior to the date of our Building Permit as applicable to a final ruling, allowed per SEC. 119.5 of the USBC.**
2. **We request that an interpretation of the statement in SEC 103.4 "Further, this code shall not require changes to the design or construction of any portions of the building or structure not altered or affected by an addition, unless the addition has the effect of lowering the current level of safety" and that the interpretation list "building systems" (such as affected building envelope components) as an exception when the alterations constitute a design change that may adversely affect pre-existing performance of the materials installed as part of a Building System.** When part of a system is altered without consideration of its impact on the performance of the system, Building Performance them must come into question. Unwanted moisture condensation may eventually degrade exterior structural sheathing making the building less safe over time as wood deteriorates. When this sheathing has a drainage plane sealed onto its surface facing the interior of the house, we simply insist that the sheathing itself has been altered producing unknown effects. Deterioration from moisture damage cannot be prevented if design changes are allowed to existing house envelopes without scrutinizing the actual effects of those products, even when effects remain hidden behind brick veneer.
3. **We are seeking a directive to us as the property owners to comply with the building codes particularly, to specifically indicate to us the required procedure in our case, as relates to what extent repairs or renovation is required, namely to include air or moisture barrier be required to be added to the exterior surfaces of all existing framing sheathing.**
4. **Plus we seek a reversal of the Inspector to now deny all sealer products inside the exterior walls until such are included in a Registered Design Professional's building envelope design- when also fully supported by the product approval process per SEC. 12.1; 12.2; 12.3; 12.3.1 and sec 1403.1; 1403.2 (and 1404.2 Water Resistant Barriers).** This is necessary as the

Inspector improperly applied "SEC 103.1.1 Use of performance code" and SEC 106.3 by excluding consideration of vapor permeability rating information from his product approval and then failed to apply any requirements applicable to "Water Resistive Barriers"- Process for approval. The shellac materials are water resistive even when not intended for this use and by allowing it inside the building envelope without this unintended effect is not justified without first reviewing all the data needed. We are not seeking flexibility to ignore those regulations.

5. The ruling sought for will disclose the lack of compliance we have been forced into by the Inspector improperly allowing our insurer to ignore the codes pertaining to sealer / barriers and their placement as part of the alteration of the building envelope. This is the effect of his own reversal of his first written ruling to us (included herein). **We ask the second ruling of the Inspector dated December 09, 2014 be overturned regarding the shellac sealer;**
6. **And also seek reversal of the Inspectors decision that odor abatement of fire by products is not included in the codes, particularly the intent of the codes referencing "Building Performance".**

Signed: John S. Thulin

 Dated: 3/17/15

Thulin, John (DBHDS)

From: Thulin, John (DBHDS)
Sent: Monday, March 16, 2015 4:37 PM
To: 'gregory.boots@libertymutual.com'
Cc: 'Robbins, Gordon'
Subject: FW: Thulin Claim # HD000-027581864-03 / FW: UPDATE / RE: Fire Claim @ 206 Springvale Dr Lyn. VA

Importance: High

Please advise ASAP.

From: Thulin, John (DBHDS)
Sent: Monday, March 16, 2015 4:34 PM
To: 'Robbins, Gordon'
Subject: RE: Thulin Claim # HD000-027581864-03 / FW: UPDATE / RE: Fire Claim @ 206 Springvale Dr Lyn. VA
Importance: High

Mr. Robbins,

Thank you for responding to my email of last Friday regarding my two requests listed as item: (1) and item: (2) in my previous email dated February 24th, 2015. But in your reply there is no answer to the question I listed as our first priority- item (1). By way of clarification, I am asking if Liberty Mutual is a "Party Of Interest" to the "Appeal" application I am submitting to the State of Virginia Technical Review Board to overturn the Building Inspector's decisions (as already discussed)?

If I continue to get neither a positive nor negative reply on this question I will assume you have abandoned any defense against our Appeal. Please advise immediately.

Thank you,

John S. Thulin

From: Robbins, Gordon [<mailto:GORDON.ROBBINS@LibertyMutual.com>]
Sent: Friday, March 13, 2015 4:59 PM
To: Thulin, John (DBHDS)
Subject: RE: Thulin Claim # HD000-027581864-03 / FW: UPDATE / RE: Fire Claim @ 206 Springvale Dr Lyn. VA

I have spoken with my manager regarding your request. Attached is a letter outlining our response.

Gordon Robbins, AIC, SCLA
Senior Property Loss Specialist III

Liberty Mutual Insurance
P.O. Box 1053
Montgomeryville, PA 18936-1053
Cell: (804) 400-3591

Thulin, John (DBHDS)

From: Thulin, John (DBHDS)
Sent: Friday, October 10, 2014 3:27 PM
To: 'John Thulin'
Subject: FW: Codes affecting fire restoration at 206 Springvale Dr

From: Doug.Saunders@lynchburgva.gov [mailto:Doug.Saunders@lynchburgva.gov]
Sent: Tuesday, September 09, 2014 7:36 AM
To: Thulin, John (DBHDS)
Subject: RE: Codes affecting fire restoration at 206 Springvale Dr

Mr. Thulin,

Yes you have the right to choose between the VRC and the VCC.
Yes, All house wrap will need to be in place to meet current code
Yes again all house wrap will need to be in place to meet code, how that is achieved is between you and an engineer or design professional.

Doug Saunders, CBO
Building Official
City of Lynchburg, Inspections Division
doug.saunders@lynchburgva.gov
ph: 434-455-3925
fax: 434-845-7630

From: "Thulin, John (DBHDS)" <john.thulin@dbhds.virginia.gov>
To: "Doug.Saunders@lynchburgva.gov" <Doug.Saunders@lynchburgva.gov>
Cc: John Thulin <21JST@verizon.net>
Date: 09/03/2014 10:41 AM
Subject: RE: Codes affecting fire restoration at 206 Springvale Dr

Mr. Saunders, CBO
Building Official, City Of Lynchburg VA

1. I believe I understand your response shown below to mean that I as the property Owner I have the right and am free to choose either the VRC or the VCC; Is this correct?
2. By choosing the VCC as applicable Code I am assured that air barrier / house wrap requirements for new construction will also apply as a Code requirement to the entire structure of the house. Is that correct?
3. I understand that new house wrap / air barrier cannot be installed between existing rain screen (brick veneer) and existing framing sheathing, without temporarily removing and reinstalling brick and new brick ties, but this is considered the only practical process to essentially bring the house up to the current Code when VCC is chosen. Is this, in your judgment as the Local Code Official correct?

Mr. Doug Saunders, CBO
Inspections Office City Of Lynchburg, Virginia

RE- Request for Four Rulings

November 21, 2014

Mr. Saunders,

I appreciate that you are aware of the existing conditions at our burnt home on 206 Springvale Drive and have been there to advise regarding building code requirements on October 29th. This letter is to request only four Rulings on the code requirements pertaining to items discussed at that meeting.

On that day I referred to the concept mentioned in the code as- 'the approval process for Alternative Materials And Methods' (or essentially similar terminology in the code). I then indicated that if the shellac type sealants recommended (BIN & Parker Brands) by the Contractor who was there, and intended for use by Mr. Gordon Robbins Insurance Adjuster, were not to be found as one of the product types 'specified for use' within the 'building exterior envelope' by the codes—Then the product in question would be subject to approval by your department based on criteria defined by the codes. And thankfully, your reaction to this discussion acknowledged this provision of the code as referred to.

The Insurance Adjuster has designed a change to the building 'envelope' by prescribing use of a product to seal smoke damage odors, but these products were not used in the original design of the existing exterior wall or subfloor components. Your comments at the time supported the idea that bringing the exterior walls up to current code by placing an "Air Barrier" typically required on the exterior of the framing would not be required because no structural work was being done on those particular walls and you would not ask the brick to be removed for this purpose. If there are provisions in the code that address this issue more fully and with opposite conclusions evident in the code language, I am hopeful you will re-evaluate your prior decision. Please see specific code references listed below for this purpose.

I am constrained to use the shellac type product because the Adjuster includes it in his items of costs the insurer is willing to pay for. Without this sealant there is no plan and no design to do anything about the significant smoke damage as provided for in the cost estimates of the insurer's Adjuster. If these sealants were to be disqualified for any reason I would not be allowed by code to proceed with renovation and also obtain a Certificate Of Occupancy without addressing the smoke damage by repair or replacement materials. If we leave this aspect of the damage unrepaired, the house would be left in a deteriorated condition which the building codes would not allow. Is that correct? [-QU. #1]

I agreed at this meeting at the house to find out if the manufacturers of the products suggested could provide any Test Reports or Code Evaluation Analysis

NO!

documentation that could be submitted to you for consideration for use in the exterior wall envelope. Both Brand names turned out to be owned and sold by Rust-Oleum Corporation. I contacted their Product Support Supervisor who in turn contacted their Chemist at their Research and Development Dept to discover if the relevant code evaluations or tests or documentation was available. I was then informed that these have not been done. I have notified Mr. Robbins and offered to provide him the contact information and copy of the email answer sent to me by Rust-Oleum. His reaction was only to suggest even more similar products but he provides no documentation for these either.

Naturally, we cannot expect your office to approve nor disapprove of any product documentation which has not been submitted for your review. It would have saved time if we had asked for your Ruling at the site on these two questions:

- **Do the applicable Building Codes prescribe or specify the appropriate use of shellac type sealants within the building envelope of exterior walls and / or sub-floor sheathing-- If yes, where can I find those instructions for proper use? [-QU. #2]** _____ ?
- **If their proper use is not prescribed or specified by codes and no Testing documentation or Code Evaluation Reports or Analysis get submitted for review to the City Inspections Dept, then the suggested changes to existing building design cannot be Approved, nor can they be allowed to be added to existing building components-- Correct? [-QU. #3]** NO ?

The next point is the last one I hope you will re-evaluate by code. Listed below the dashed line are quotes from codes that bear on the question of repairing smoke damage in any way that would fit the intention of these regulations. From these references I seek your Ruling on the following conclusions as requirements that must be complied with (summarized in question #4 at end of the references):

- **SEC 103.5 Reconstruction, alteration or repair.** Also applies to repairs which are for "less than substantial structural damage". So all repairs done must "not adversely affect the performance of the building" including arbitrary changes by Contractors to the existing building envelope by adding building materials which are not "like materials" compared to existing building components (per **301.2.2** New and replacement materials).
- **SEC 103.5** Any renovation's overall design that overtly excludes repairs necessary to address substantial smoke damage, violates through neglect the provision stating: "repairs shall not adversely affect the performance of the building or structure" (per 103.5).
- **3412.2.4 Alterations and repairs; and Chapter 14, SEC 1404.1**
"Materials not prescribed herein shall be permitted, provided that any such alternative has been approved." And other provisions of IBC SEC **1403.2** gives minimum performance requirements stating exterior walls: "shall be designed and constructed...to prevent the accumulation of water within the

wall assembly... and a means of draining water that enters the assembly to the exterior." This provision is applicable to this project because over fifty percent [50%] of the "wall assembly" is being repaired as a "Level 3 Alteration" (per IEBC SEC 101 & IBC Chapter 34).

- **2009 VA REHAB CODE. SEC 506.2.1** The use of unapproved sealants and any other changes to the design of the existing building components cannot be permitted because they do not measure up to the current codes and also fail to restore the wall assembly to their predamage condition- "For damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition."
- The above references indicate some specifics and intent of the codes. These and attached quotes below are provided for Mr. Robbin's benefit and also to show why I believe these indicate that any 'change' to existing building envelope (wall assembly) must then include requiring those "Alterations" to also fully comply with all the current provisions of the 2009 VCC. If so then the Alterations of the exterior walls also require the inclusion of House Wrap or Air Barrier even if the brick veneer has to be removed to accommodate— Correct? [-QU. #4]. ,

Mr. Saunders, please provide your written Rulings on these four questions numbered above inside brackets- [], and provide any information or insight you desire to bring out. I greatly appreciate your time and attention to bring some closure to these four problems.

Most sincerely,

John S. Thulin 206 Springvale Dr. Lynchburg, VA / 434-907-5831

CODE DEFINITIONS- EXTERIOR WALL ENVELOPE. A system or assembly of exterior wall components, including exterior wall finish materials, that provides protection of the building structural members, including framing and sheathing materials, and conditioned interior space, from the detrimental effects of the exterior environment.

"2009 VA CONSTRUCTION CODE / ADMIN / SECTION 103.5 "

Reconstruction, alteration or repair. The following criteria is applicable to reconstruction, alteration or repair of buildings or structures:

1. Any reconstruction, alteration or repair shall not adversely affect the performance of the building or structure, or cause the building or structure to become unsafe or lower the existing levels of health and safety.

3412.2.4 Alterations and repairs. An existing building or portion thereof, which does not comply with the requirements of this code for new construction, shall not be altered or repaired in such a manner that results in the building being less safe or sanitary than such building is currently [JST: its condition prior to the fire and smoke damage]. If, in the

alteration or repair, the current level of safety or sanitation is to be reduced, the portion altered or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

CHAPTER 14. SECTION 1404 MATERIALS

1404.1 General. Materials used for the construction of exterior walls shall comply with the provisions of this section. Materials not prescribed herein shall be permitted, provided that any such alternative has been approved.

2009 VA REHAB CODE:

301.2.2 New and replacement materials. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided no hazard to life, health or property is created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

2009 VA REHAB CODE:

506.2 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section. **506.2.1** Repairs for less than substantial structural damage. For damage less than substantial structural damage, the damaged elements shall be permitted to be restored to their predamage condition.

END.



Inspections Division • Community Development

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-3910 • F 434-845-7630

John S. Thulin
206 Springvale Dr.
Lynchburg, Va. 24502

Re: Ruling Requests

Mr. Thulin,

December 9, 2014

After reviewing your ruling request, dated November 21, 2014, I wanted to take this opportunity to explain our position regarding the repairs and/or renovations to your home. Section 103.5 of the 2009 Virginia Uniform Statewide Building Code addresses the "Reconstruction, alteration, or repair" of an existing structure. As you have pointed out, no repair can be made that adversely affects the buildings performance. As we have interpreted your e-mail, your main concern centers around the use of "shellac" as a means to help eliminate the odors associated with smoke. It is our opinion that the use of the "shellac" on the interior surface of the wall cavity does not adversely affect the performance of the wall. Our experience indicates this method has been used repeatedly and is a widely accepted means to address smoke odors in situations similar to yours. Should your pending repairs include the use of the "shellac", we would NOT view its use as a violation of the applicable codes. That said, the building codes do not require you to address the odors and, should you disagree with this interpretation, you would be free to eliminate the application of the "shellac" at your discretion. Although your e-mail details numerous points and includes four ruling requests, we feel the information we have provided should suffice as our official ruling on the issues in question. Thank you for your requests and we look forward to receiving your Construction Permit Application.

Should you need anything further please feel free to contact me

Sincerely

Doug Saunders, CBO
Building Official
City of Lynchburg, Inspections Division



THE CITY OF LYNCHBURG, VIRGINIA

Inspections Division

City Hall, 900 Church Street
Lynchburg, Virginia 24504 • (434) 455-3910
FAX • (434) 845-7630

PETITION FOR APPEAL

TO THE BOARD OF BUILDING CODE APPEALS OF THE CITY OF LYNCHBURG, VA

The undersigned respectfully petitions you to consider this appeal from the decision of the Inspections Division on the basis of the following:

BACKGROUND INFORMATION:

1. Building Use Group Classification/Type of Construction:

Classification R-3 / Type 5B

2. Address:

206 SPRINGVALE DRIVE, LYNCHBURG, VIRGINIA 24502

3. Relief Sought:

A. We are seeking a fully accurate application of all relevant Codes and Statutes, relating to specific questions previously submitted for the restoration of our single story brick and wood frame home listed above. Our purpose is to correct a misguided and outdated design method of the fire insurance company which excludes some corrective actions (such as removing contaminants) and incorrectly limits certain aspects of the fire restoration project-- contrary to certain Code requirements. To validate or confirm our position on this in detail, we asked Mr. Saunders as Code Official to provide four [4] specific Rulings on the applicable Codes. His reply was less specific to Code provisions than we needed by offering a generalized opinion that references Section 103.5.

Mr. Saunders states that this requirement that "repairs shall not adversely affect the performance of the building" does NOT mean that smoke odors (which are contaminants extensive throughout the building envelope) have to be corrected; I quote his letter of Dec 9th: "...the building codes do not require you to address the odors...". He has answered our first question [#1] by arbitrarily excluding severe smoke damage and fire byproducts now within the exterior walls from being considered as a critical impairment of the "building performance". Could anyone living in such a building consider that the building was "performing" adequately? Would such a flawed renovation also fail the test of being "repaired in such a manner that results in the building being less safe or Sanitary..." per 3412.2.4?

A.1 We request that ALL effects of fire damage be required to be fully removed or fully repaired or replaced in full compliance with new construction requirements of the 2009 Virginia Construction Code [VCC] OR- to be completely restored to pre-fire condition one hundred-percent [100%] in compliance with the 2009 Virginia Rehabilitation Code.

It appears from his letter that "building performance" must be limited only to rebuilding structural components of the house, thus eliminating any need to consider code compliance applicable to NEW "design changes" added to the building envelope, particularly ignoring "IBC R703.1.1. Water Resistance". This is an additional issue that we will ask to be over ruled in the last item more fully discussed later in this appeal discussing House Wrap / Air Barrier requirements.

Our second question [#2] was to discover if there were any Code references governing the proper application of materials and methods of sealing odors as required by the insurer, namely: the use of impermeable shellac type sealant within the interior side of the exterior wall envelope that possibly may create an unwanted drainage plain and barrier for increased condensation problems? This question he did not answer so we can only assume there are no such instructions or regulations for proper use of shellac sealant for this purpose within the Code.

But this in turn opens the door to our third [3] question about the other Code regulations that are still applicable which have been interpreted contrary to our interests as the property owners-- We did not expect the Code Official to "Approve" materials or methods for use which have not been studied nor tested nor documented by research results (either independent or otherwise), and which have not been officially submitted in writing for Review to the Inspections Dept of Lynchburg; But that appears to be what has happened. And this is contrary to Code regulations outlined for possible "approval" pertaining to products not precisely specified for use by any Building Code (per our previous question #2). The 2003 International Building Code (IBC) refers to this process as "Alternative materials, design and methods of construction and equipment." The International Code Council's (ICC) 1997 Uniform Building Code (UBC), refers to the same provision as "Alternate materials, alternate design and methods of construction."

These stipulate what an acceptable and reasonable process would be for considering any alternatives for approval when the Codes themselves do not provide instructions for proper use within the building system. Our question was to verify that since the "shellac type products" required by the insurer provided no such documentation from the Manufacturers that had been suggested, that these products by default fail to meet established criteria for the approval process and must be disqualified and not allowed to be used. But that is the opposite of Mr. Saunders' opinion, which is a ruling without documentation to support his conclusions: "...Our experience indicates this method has been used repeatedly and is a widely accepted means to address smoke odors...". So because they have been repeatedly and widely used in the past (without verifying their effect on the building envelope over time), that this is sufficient reason to approve them now. In other words he is speculating on the effect of these products without evidence. We know that "Past Performance" of the products within the building systems examined would be a basis of such approval-- but no such examination or follow-up to previously installed products has ever been done by Mr. Saunders or the Inspections Dept. Neither has the effectiveness of these sealants to entirely hold out odors without causing increased condensation has never been scrutinized by shellac Manufacturers, Code Officials or Engineers, to our knowledge.

A.2 We request that the past practice of automatically approving these type of sealants based on speculation (benefitting fire insurance companies over and property owners) not be allowed to continue, and that a Policy Decision will be made that will require submittal of in depth documentation that substantiates the lack of harmful effects (pertaining to moisture dispersal) when sealant type products are proposed for use within the building envelope; Clearly and definitely requiring useful documentation submittals prior to obtaining any "approval" for use.

Our fourth question [#4] related to House Wrap or required Air Barrier to be used on the exterior framing system of the exterior wall envelope. Mr. Saunders has indicated in a prior email to me that such would be required but at a subsequent meeting at the burnt house he changed that to mean only required where the structural components of the wall were also being replaced. Our position is that even when shellac type products properly obtain approval for use by submitting adequate documentation, this is still definitely a NEW change in the design of building envelope and is an additional installation of a NEW COMPONENT at these remaining exterior wall system. This should trigger the automatic requirement that all new construction design must include and comply with requirements of the VCC, just as a single room addition would have to in every respect. Once we change any wall (by substantially changing its design and how it functions) it must comply with the VCC by adding the Air Barrier on the exterior side of the sheathing.

A.3 We request this judgment to require an Air Barrier to substantiate the value of the VCC and thus clarify that changing structural components is not the only criteria for this compliance requirement.

We also note that there is a City statute, "Section 11-103 Repair of Existing Buildings Item b." that could be included in this interpretation to the effect that because "...over fifty-percent [50%+] of our existing building was damaged by fire..." then the entire building should be made to comply with the VCC and/or the VRC as we have particularly asked for in this Appeal per each item above.

In summary we request relief to the decisions by Mr. Saunders to have them over ruled pertaining to four items we have numbered above as:

A. We are seeking a fully accurate application of all relevant Codes and Statutes, relating to specific questions previously submitted for the restoration of our single story brick and wood frame home listed above. Our purpose is to correct a misguided and outdated design method of the fire insurance company which excludes some corrective actions (such as removing contaminants) and incorrectly limits certain aspects of the fire restoration project-- contrary to certain Code requirements;

A.1- Incorrectly allowing fire byproducts and odors to remain within the building envelope without abatement;

A.2- Incorrectly allowing "approval" of sealant products of unknown effects (either short or long term) to be used which may possibly block moisture vapor transmission through the walls, possibly causing unwanted condensation;

A.3- Wrongly allowing renovation plans to include a major and substantial design change from existing construction components of the exterior wall envelope system while at the same time excluding compliance requirements to bring these same walls fully up to current codes of the 2009 VCC and VRC that call for appropriate Air Barrier to be included on the outside of the sheathing.

Thank you for careful consideration and evaluation of these regulatory concerns.

BASIS FOR FILING BEFORE LOCAL BOARD OF BUILDING CODE APPEALS IN ACCORDANCE WITH THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE 2009 PART 1; CHAPTER 1 SECTION 119.5 AND SECTION 36-105 OF THE CODE OF VIRGINIA.

1. **Building Official** ___ **Code Official** ___ **Fire Official** ___
Refused to grant modification. (Check one)

2. **True intent of the Code or rules legally adopted there under have been incorrectly interpreted.**

~~3. Provision of Code do not fully apply.~~

~~4. Equally good or better form of construction can be used.~~

Signature: John S. Thulin Date: 12/23/14

* Signature: _____ Date: _____

Name: JOHN S. THULIN and ESTHER F. THULIN

Address: 7212 RICHLAND DRIVE, LYNCHBURG, VIRGINIA 24502

Phone: 434-237-4654 HM. / 437-907-5831 WK.

STAFF ACTION:

Date Application Received: 12-23-2014 JST

* Scheduled Date & Time of Hearing: _____

Date Notice Mailed: _____

Date Decision Mailed: _____

At time of submission a \$200.00 fee must be paid before appeal can be processed.

* THIS DOCUMENT IS A REPRINT OF ORIGINAL APPLICATION & SO DOES NOT HAVE BLANK ITEMS. OUR APPL. WAS NOT COPIED FOR US FROM FILE "RECORD" AS WE REQUESTED, FOR INCLUSION HERE. JST

Addenda to Code Ruling Appeal (previously submitted 12-23-2014)

John & Esther Thulin-
206 Springvale Drive, Lynchburg

1-21-2015

Attachments:

- Exhibit 1. Mr. Ron Geren's: "The Code Corner"- Alternative Methods and Materials [approval process defined];
- Exh. 2. Zinsser: "Disaster Restoration"- products guide from Rustoleum Corp; [Evaluation Reports or Code Compliance Tests have not been done- per email from their R&D Dept repr: Nicole Walden, Prod. Supp. Sup]
- Exh. 3. KILZ MAX- Technical Data Sheet [no perm rating info etc...];
- Exh. 4. Virginia Corcoran, Adm. Coord. III @ ECC-ES: Email about Kilz brand sealer [no ECC Report on file];
- Exh. 5. B-I-N Shellac Technical Data Sheet [no perm rating info, nor performance guarantee...];
- Exh. 6. ICC-ES News Release [Informs about Evaluation and code compliance Reports...];
- Exh. 7. ICC-ES Evaluation Report- Tremco Barrier Solutions Inc. [sample case file, indicates vapor barrier to be placed only on exterior side of exterior wall sheathing...expressly stipulating correct purpose and use of product as apposed to denying "use for any particular purpose" as found on Kilz-Max info.];
- Exh. 8. Georgia-Pacific: GP- Plytanium Plywood [sample product specifications by manufacturer citing applicable Code standards complied with; shows necessary documentation is simple and easy to get for almost any construction material...];
- Exh. 9. Mr. Ron Geren's emails to me [regarding Vapor Barrier...likely problem...only determined by test to evaluate...; also recommends Building Science Corp as experts to test the moisture impact of sealer used on interior of wall cavity];
- Exh. 10. Building Science Corp (www.building science.com) Digest, Article 106 "Understanding Vapor Barriers" [four page excerpt. Full article available online. Bottom of page one: "**Vapor barriers installed on the interior of assemblies prevent assemblies from drying inward...**"];
- Exh. 11. Picture from our house [will be presented at hearing] showing that smoke was pressurized from the attic into the eaves and down into the air space behind the brick veneer and between brick and wall sheathing materials.

→ [SUBMITTED AT HEARING BUT NOT INCLUDED IN RECORD]
JST

INSPECTIONS DIV
JAN 21 2015
RECEIVED

Brief Discussion and Conclusions

As you can see from the few items presented as attachments, a great deal of work has been done to ascertain whether or not changing the design of the existing building envelope by using the shellac sealer will cause more harm than good, and to find where in the Building Code any provision defines what would be acceptable, and if none are there what then is required to validate how the exterior walls are proposed to be modified- per the dictates of the Fire Insurance Adjuster (who is not a building design professional). Those dictates adversely limit what is being paid for. We need not delve into details of the policy provisions at all to resolve the issue, which is that the Inspector for the City has officially approved use of the type of products which (without Evaluation Reports or independent Tests) pose an unknown level of genuine risk to us as the homeowners.

This is obvious if you follow the money and also see who it is that creates all the barriers that defeat any possible remediation by means of the Court system. Specifically and just for your information, I am referring to a clause in my policy and I believe each of you will find it in yours- That **water, moisture, mold, odors, are excluded from coverage when the event is gradual or construction related.** Well that's fine for a new house but when the Insurer steps in and dictates a material and a product that saves them many thousands of dollars which also creates or greatly contributes to the gradual accumulations of these damaging problems, then they get off Scot-free. The Contractor will claim the the property owners hired them to do what had been agreed upon with the Insurer and they did not design the faulty remedy.

Further, anyone who has ever investigated water problems in existing buildings knows how difficult it can be to diagnose with certainty how the moisture got there. Was it a roof leak, walls leaking, defective windows leaking, condensation? (see exhibit 10 above). Building Science Corp is a full service architectural firm that specializes in building envelope issues. They charge a minimum of \$4,000.00 to visit a site and investigate the causes of water damage. In the real world of everyday consumers it is just too expensive to pay for the analysis and pay for all the damage to be repaired. No Lawyer in his right mind would try to prove a case like that. Does that mean the homeowner should be blamed for the damage? Perhaps so if they are foolish enough to accept all the risk in the first place.

The designer (aka Ins. Adjuster) who specified the shellac is easily escaping all responsibility for the design change only because he is not being expected (by the Inspector) to provide the usual and customary documentation for "Alternative Materials and Methods" called for by the

Code. But is it not extraordinary to ask for such documents on non-fire damaged residential renovation projects? Yes. Because typically all those products are being used in the way specified by the Codes. The huge difference here is that the product is not so specified by Code and neither have the manufacturers bothered to document the particular use of their product and its measured effects as any property owner would expect them to.

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INFORMED

And in addition to this sealer issue is the overall question of the intent of the Building Codes. Intent is to be included in the application of Codes if I understand that correctly. When I quote provisions from the Va Rehab Code it seems obvious what normal is and what a change is, and how alternatives should be scrutinized by independent testing before being approved.

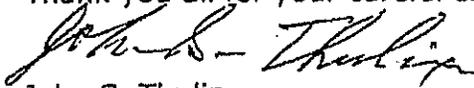
See Section 301.2.2 "like kind materials shall be allowed to be used...";

Section 506.2.1 "For damage less than substantial structural damage- the damaged elements shall be permitted to be restored to their predamage condition" (not sealed behind the wall to hide it and hope the odors do not come back in with moisture vapor; I have a friend in Lynchburg whose home was supposedly restored in this manner and she still gets smoke odors on rainy days);

Chapter 1404.1 "Materials not prescribed herein shall be permitted, provided that any such alternative has been approved." [see exhibit #1 for the correct approval process].

Yes I firmly believe there is plenty of reason to put a defensive value on the intent of these Codes to protect property owners from unnecessary risks and to free us from having to always go to the last resort- the courts.

Thank you all for your careful consideration of this problem.


John S. Thulin

Ex. #1

Alternate Materials and Methods

By Ronald L. Geren, AIA, CSI, CCS, CCCA, SCIP

I'm sure many of you have gone car shopping looking for that perfect set of wheels that has every feature and extra you want. But, as you look, you notice that Model No. 1 has some of the features you want, and you can get all the extras; Model No. 2 has the other features you want, but only a few of the extras; and Model No. 3 has all the features, but none of the extras. Why can't you get what you want?

Well, the same situation occurs in all model building codes. Most of the provisions contained in building codes are "prescriptive," or explicitly spelled out as to what's required in order to be approved. But in this day and age of new technologies, creative use of materials, and development of new materials, it is very difficult to publish a prescriptive building code that addresses every conceivable material and method possible. Understanding this, the model code organizations have established within their building codes provisions for allowing alternate materials and methods (AMM).

The phrase "alternate materials and methods" is generic in its meaning as each of the building codes, as well as some jurisdictions, have their own terminology. For example, the 2003 *International Building Code (IBC)* refers to it as "Alternative materials, design and methods of construction and equipment." One of the International Code Council's (ICC) legacy publications, the 1997 *Uniform Building Code (UBC)*, refers to the same provision as "Alternate materials, alternate design and methods of construction." The bottom line is this: if you can't find what you need in the code, there is another way for you to get what you want.

Now, this doesn't mean that every time you develop something unique which is not specifically addressed by the code, all you have to do is call it an "Alternate Material" or "Alternate Method" and be done with it. The building official, in accordance with the building code, must approve the AMM. Building codes don't provide specific criteria that must be followed in order to get an AMM approved; that responsibility lies with the jurisdiction. Most, if not all, jurisdictions will have in place a policy or procedure for submitting and evaluating AMMs. The City of Phoenix and City of Tucson, both have procedures for submitting what they term "code modifications."

In car buying, you could probably get everything you want in a custom-built vehicle; however, you're probably not going to like the price. In some cases this applies to alternate materials and methods. In order to approve the alternate material or method, the building official may require reports, tests, or both. Sometimes, these reports and tests could cost several thousand dollars to accomplish. Some manufacturers will have this done as a part of their product development, knowing their product doesn't meet the prescriptive requirements of the code. ICC's Evaluation Services (ICC-ES) performs many of these tests for compliance with the IBC. Underwriters Laboratories (UL), Factory Mutual (FM), and Intertek Testing Services (ITS), are some of the other well known testing laboratories. If you decide to have a testing lab perform a test, it is recommended that you utilize a lab that's been accredited through the International Accreditation Services (IAS). The IAS maintains a list of all accredited labs on their website.

Another method utilized to get AMMs approved is hiring a consultant experienced in code development and application. This is best used when the AMM applies to a specific project within a single jurisdiction. A code consultant will prepare a report that draws on their experience from previously

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No. 1 — August 2004

obtained approvals, or by using engineering concepts based on similar models and applying them to the unique conditions of the project. In some cases, unfortunately, testing may still be required in addition to the consultant's report. Like testing, hiring a consultant will add cost to the project beyond the normal design fees.

Finally, another process that has started to make its way onto the building code scene is the performance-based method. This method focuses on what the building should do rather than stating how to do it. It's very similar to a performance specification when compared to a descriptive specification. The ICC has published the *ICC Performance Code for Buildings and Facilities*, and the National Fire Protection Association (NFPA) has included a performance-based option in Chapter 5 of their *NFPA 5000*. These performance-based codes are intended for entire buildings and not just a single material, component, or system. However, the concepts could be utilized when evaluating an individual AMM as a part of the submission to the building official.

The items below are recommendations for when and how a request for an AMM should be used.

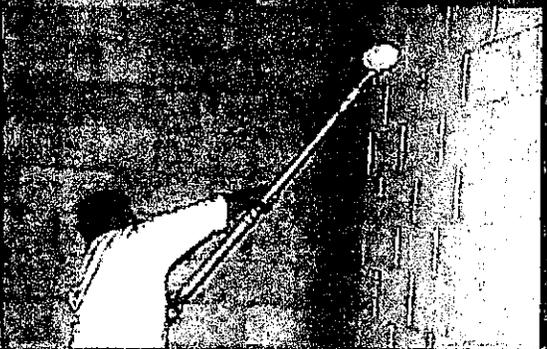
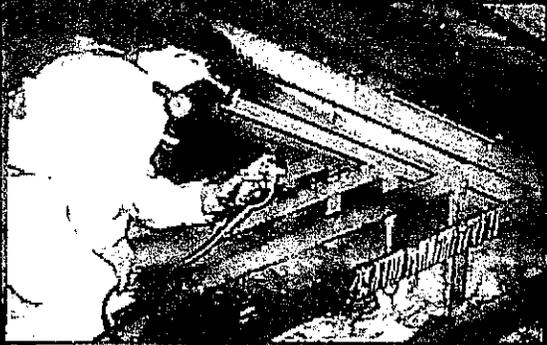
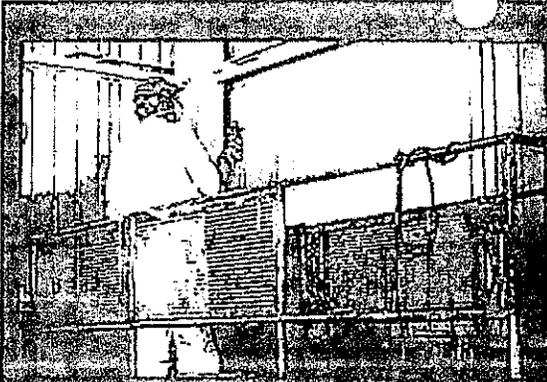
- If the project is time and cost driven, then use the prescriptive requirements in the code. If not entirely possible, use materials or systems that have already been tested by an approved testing laboratory.
- If the project is cost driven, but time is flexible, then you could try to develop the AMM submission in-house. This works even better if you have a good, established relationship with the building official and staff. However, before getting too far down the road on preparing the request, make sure that the building official will even consider an AMM for your situation.
- If the project is time driven, but cost is not critical, then hiring a consultant to prepare the request would be your best alternative. If you have a good relationship with the building official, and you have some experience in preparing AMM requests, then you might consider keeping the effort in-house.
- For any of the situations above, if the AMM is complex, or requires some level of engineering to prepare, or both, then hire a consultant. In the long run, it will save you time and money.

Alternate materials and methods give architects, engineers, and product manufacturers the ability to explore new ways of providing different and exciting buildings for our environment without sacrificing safety or quality. But you have to be prepared for possible setbacks and the associated frustration that could come with it. The key, in my opinion, to getting an AMM approved is communication: communication within the design team, communication with product representatives, and especially, communication with your building official. And, the communication needs to start as early as possible in the design process.

To comment on this article, suggest other topics, or submit a question regarding codes, contact the author at roni@specsandcodes.com.

About the Author: Ronald L. Geren, AIA, CSI, CCS, CCCA, SCIP, is an ICC Certified Building Plans Examiner, and is the principal of RLG Technical Services located in Scottsdale, Arizona, which provides specifications and code consulting services to architects, engineers, owners, and product manufacturers. A 1984 graduate of the University of Arizona, Ron has over 23 years of experience with military, public, and private agencies.

PL #2



DISASTER RESTORATION

products guide

for fire, smoke, or water damage
mold and mildew prevention



HIGH PERFORMANCE PRIMERS & SEALERS



Shellac-Base Primer Ultimate Stain Blocker

- The ultimate stain blocker: blocks stains from water, fire, smoke and mold & mildew
- The ultimate odor sealer: Seals in smoke and fire odors permanently and completely
- Ultimate adhesion without sanding
- Dries in 15 minutes; Recoat in 45 minutes; Cold temperature application (0° F)

GENERIC TYPE:

Pigmented, shellac-base primer-sealer

SURFACES:

Interior

New and previously painted drywall, cured plaster/cement based coatings, wood (pine, fir, cedar, redwood, plywood), metal (aluminum, steel, stainless steel, copper), vinyl, fiberglass, cured masonry (stucco, concrete block, poured concrete, brick).

Blocks stains and odors resulting from water & fire damage, seals stains from dark colors, grease, rust, creosote, asphalt, crayon, lipstick, graffiti, markers, knots, sap streaks, tannin bleed, etc.

Exterior

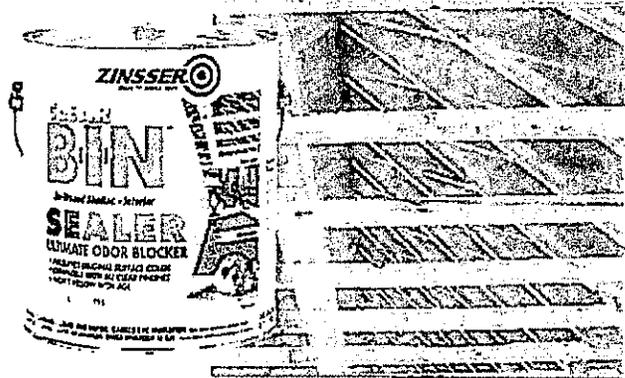
Spot prime persistent bleed from knots and sap streaks before full-surface priming with water or oil base primer.

APPLICATION DATA:

- Brush, roller or pad: Natural bristle or lambskin
- Airless Spray: .011" - .013" tip @ 800 - 1200 psi
- Conventional Spray: Spray @ 45 - 55 psi
- Practical Spread Rate: 450 - 500 sq. ft. per gallon
- Application Conditions: 0° - 90° F / 10% - 85% RH
- Dry Time (75° F / 50% RH)
- Touch: 15 - 20 min. Recoat: 45 min.
- Stain sealing: 45 min. Full scrape cure: 1 day
- Tinting: Up to 2 oz. universal colorant

CLEANUP:

Ammonia and water solution or denatured alcohol. If dried on tools let soak overnight in 1:4 ammonia and water solution.



Dewaxed Shellac Sealer Ultimate Odor Blocker

- Seals in odors from fire, smoke and mold & mildew
- Great clear sealer for attic rafters, wood cabinets and furniture
- Preserves original surface appearance and won't yellow with age
- Dries in 15 minutes; Recoat in 45 minutes; Cold temperature application (0° F)
- Tintable to wood tones

GENERIC TYPE:

Dewaxed shellac in denatured alcohol

SURFACES:

Interior

Residential, commercial, industrial and institutional woodwork including paneling, doors, trim, cabinets, floors and related wood surfaces. One or two coats will form a well-sealed, odor-proof barrier that may be coated with any clear finish, including polyurethanes and lacquers. May also be used as a prefinish bond coat over existing clear finishes to promote adhesion of new finish.

APPLICATION DATA:

- Brush, roller or pad: Natural bristle or lambskin
- Airless Spray: .011"-.013" tip @ 800 - 1200 psi
- Conventional Spray: Spray @ 45 - 55 psi
- Practical Spread Rate: 400 - 500 sq. ft. per gallon
- Application Conditions: 0° - 90° F / 10% - 85% RH
- Dry Time (75° F / 50% RH)
- Touch: 15 - 20 min.
- Recoat: 45 min.
- Full scrape cure: 1 day
- Tinting: Up to 2 oz. universal colorant

CLEANUP:

Ammonia and water solution or denatured alcohol. If dried on tools let soak overnight in 1:4 ammonia and water solution.

MOLD & MILD



JOMAX Virus and Mold Killer

- EPA registered for fast acting mold & mildew control
- Broad spectrum efficiency – Disinfectant, Fungicide, Virucide*, Bactericide, Mildewcide and Mildewstat
- Unique Cryocide™ brand disinfectant is a DuPont formulated technology exclusive to Zinsser
- Exceptional disinfectant, cleaning and deodorizing properties
- Does not interfere with coating's adhesion
- Economical concentrate or convenient ready-to-use formula

GENERIC TYPE:

Cryocide™ disinfectant technology – a combination of chlorine dioxide, quaternary ammonia and surfactant that produces a highly potent broad spectrum biocide concentrate EPA DATA – EPA Reg. No. 9150-11-69587

Note: IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING. (NOT AVAILABLE FOR SALE IN CALIFORNIA)

SURFACES:

Interior

Walls, floors, basins, bathroom fixtures, sinks, bathtubs, chairs, counter-tops, tables, sinks, toilets, urinals and other hard, non-porous surfaces. JOMAX Virus & Mold Killer can be topcoated with any latex, alkyd, shellac-base clear or pigmented paint or coating. It will not damage (cured) paint films making it excellent for maintenance. (Follow label dilution directions. Pretest painted surfaces for color retention.)

APPLICATION DATA:

Use a commercial low-pressure sprayer 6 to 8 inches from the surface or use a mop, sponge, wipe or other suitable device.

To Treat Surfaces Contaminated with Mold & Mildew:

Mix 1 part Jomax Virus & Mold Killer Concentrate with 3 parts water.

Dwell Time: Make sure the treated area is thoroughly wet for at least 10 minutes and allow to air dry. Remove any mold debris remnants.

Application Conditions: 50° – 90° F / 10% – 80% RH

Repeat application every 7 days or more frequently if growth reoccurs.

Cryocide is a registered trademark of International Dioxide Inc. a DuPont company.

*See label for special instructions on cleaning and decontaminating against HIV or surfaces/objects soiled with blood or body fluids.



Mold and Mildew Proof* Interior Paint

- More than a decade of proven performance backed by a 5-year Mold & Mildew-Proof* Paint Film Guarantee
- Contains EPA registered mildewcides, Passes ASTM D5590 and D3273 testing
- Antimicrobial, Inhibits growth of odor-causing microbes on the paint film**
- Self-priming, high hiding, 2-coat system; Great adhesion without sanding
- Great for use as a finish coat or in interior wall cavities

GENERIC TYPE:

Water-base, acrylic latex mold & mildew-proof interior paint

SURFACES:

Interior

New or previously painted interior gypsum board drywall, wood (including plywood, T1-11, particleboard, etc), cured plaster and masonry (including stucco, concrete block, poured concrete and brick); primed or previously painted metal (including aluminum, steel and galvanized metal); rigid, paintable plastics; glossy surfaces (tile, Formica®, glass)

APPLICATION DATA:

Brush, roller or pad: Synthetic bristle or fabric

Airless Spray: 015 – 017" tip @ 2000 – 2250 psi

Practical Spread Rate: 400 sq ft per gallon

Application Conditions: 50° – 90° F / 10% – 80% RH

Dry Time (75°F / 50% RH)

Touch: 30 min

Recoat: 2 hrs

Full scrape cure: 7 days

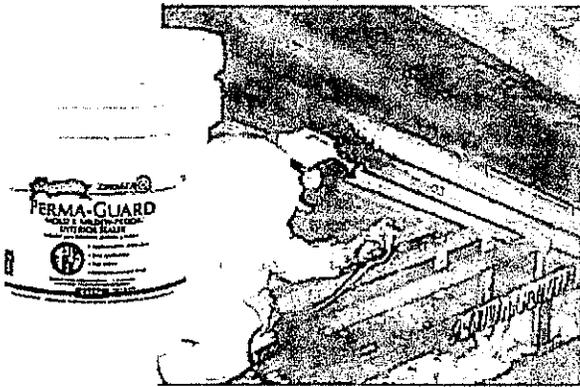
CLEANUP:

Water and detergent

*This product contains a mildewcide to prevent the growth of mold & mildew on the paint film only

**Does not protect against food-borne or disease-causing bacteria

W SOLUTIONS



Mold & Mildew-Proof* Interior Sealer

- Guaranteed to prevent the growth of mold & mildew for 5 years*
- Contains EPA registered mildewcides, Passes ASTM D5590 and D3273 testing
- Antimicrobial, Inhibits growth of odor-causing microbes on the paint film**
- Effective even when film rewets: Non-corrosive, improves the water resistance of wood, concrete and drywall
- Applies white, dries clear. Great for: interior wall cavities, trusses, frame and interior side OSB lumber, crawl spaces

GENERIC TYPE:

100% latex acrylic resin, water-base, interior sealer

SURFACES:

Interior

Use on new or previously painted gypsum drywall, wood, cured plaster, cement, poured concrete and stucco, concrete block, ceramic tile, and metal

APPLICATION DATA:

Brush or roller Synthetic bristle or fabric

Airless Spray 0.15 tip @ 900 - 1500 psi

Practical Spread Rate 300 - 400 sq ft per gallon

Application Conditions 50° - 90°F / 10% - 80% RH

Dry Time (75° F / 50% RH)

Touch 30 min

Recoat 2 hrs

Full Scrape cure 7 days

CLEANUP:

Water and detergent

* This product contains a mildewcide to prevent the growth of mold & mildew on the paint film only

** Does not protect against food-borne or disease-causing bacteria



Mold & Mildew-Proof* Waterproofing Paint

- Guaranteed to prevent the growth of mold & mildew for 5 years*
- Lifetime Waterproofing Guarantee; Stops up to 34 psi
- Great for wet or dry walls
- Ultra low odor oil-base formula has even less odor than latex paint
- Great for interior or exterior concrete or masonry including concrete floors prior to sub-flooring
- Bright white, smooth finish

GENERIC TYPE:

Solvent-base acrylic concrete/masonry waterproofing paint

SURFACES:

WATERTITE forms a mold & mildew-proof* impermeable barrier to water when properly applied to interior or exterior, vertical or horizontal, concrete-block, cast-in-place concrete and cementitious stucco. When applied to basement or cellar walls it stops moisture from entering and when applied to canals or holding basins it stops water from exiting into the substrate.

APPLICATION DATA:

Apply one or two coats to meet the surface condition and the job requirements. WATERTITE is a high-solids, high-viscosity coating that should be applied without thinning using a brush or roller (3/4" nap). For protection against hydrostatic pressure, if the first coat is rolled it must be back brushed. It is more important to work the first coat into the surface than to make the first coat totally hide the substrate. On very porous or rough surfaces a third coat may be required if pinholes are evident.

Practical Spread Rate: 75 - 100 sq ft

Application Conditions: 50° - 90° F / 10% - 80% RH

Dry Time (70° F / 50% RH)

Touch 1 hr.

Recoat 4 hrs.

CLEANUP:

Clean hands and tools with paint thinner followed by soapy water. Drips and runs that have dried may be removed using a strong solvent.

* This product contains a mildewcide to prevent the growth of mold & mildew on the paint film only.



Water-Base Multi Purpose Interior Primer & Sealer

- Dries fast & dead flat
- Sands easily after just 1 hour
- Ultra low odor for interior work
- Flash rust resistant
- Great adhesion without sanding
- Easy soap & water clean up

GENERIC TYPE:

Acrylic resin, water-based, interior primer and sealer

SURFACES:

New or remodeled areas, drywall and bare wood. Walls, ceilings, doors, trim, railings, and related interior paintable surfaces. Bonds to glossy enamels and clear finishes, hardboard, glass and tile. Provides flash rust resistance in its 'wet state' when coating iron railings, steel frames, piping, etc. Evens porosity on previously painted surfaces. Seals porous drywall and masonry. Resists grain raise on new woods and sands easily to a powder in one hour making it a great enamel undercoater.

APPLICATION DATA:

Brush, roller or pad: Use synthetic (nylon, polyester or blend)
 Airless Spray: .015 - .017 tip @ 2000 - 2500 psi
 Practical Spread Rate: 400 - 500 sq. ft. per gallon
 Application Conditions: 50° - 90° F / 0% - 85% RH
 Dry Time (75° F / 50% RH)
 Touch: 35 min. Recoat: 1 hr.
 Stain Sealing: 2 hrs. Full scrape cure: 5 - 7 days
 Tinting: Up to 2 oz. universal colorant

CLEANUP:

Water and detergent



Oil-Base Stain Blocker

- Oil-base performance without the oil-base odor
- High hiding stain blocker: seals stains from water, fire damage and nicotine
- Bright white, non-yellowing; Dries to a dead flat finish
- Sprayable 350 VOC formula
- Great for content fires and furnace puff backs

GENERIC TYPE:

Acrylic, solvent base, very low odor, interior primer-sealer stain killer

SURFACES:

Interior

Previously painted drywall, plaster, masonry (stucco, concrete block, poured concrete, brick) and under high pH (up to 12.5) texture coatings and drywall compounds, wood (pine, fir, cedar, redwood, plywood), metal (aluminum, steel, stainless steel, copper), rigid plastics, glossy laminates & fiberglass. Blocks stains resulting from water & fire damage, seals stains from nicotine, tannin bleed, dark colors, graffiti, most markers, pencil, crayon, lipstick, etc.

APPLICATION DATA:

Brush, roller or pad: Natural bristle or lambskin
 Airless Spray (3/4 GPM pump or larger): .017" tip @ 2500 psi
 Conventional Spray: Spray @ 50 - 70 psi
 Practical Spread Rate: 350 - 450 sq ft per gallon
 Application Conditions: 40° - 90° F / 10% - 85% RH
 Dry Time (75° F / 50% RH)
 Touch: 1 hr. Recoat: 2 hrs
 Stain sealing: 2 hrs. Full scrape cure: 7 days
 Tinting: Up to 1 oz. universal colorant

CLEANUP:

Mineral Spirits

OTHER ZINSSER PROBLEM SOLVERS



Water-Base Problem Surface Sealer

- Penetrates and seals down damaged drywall; prevents bubbles
- Seals builder's flat, skimcoat and spackling
- Completely seals in residual wallpaper adhesive
- Seals textured walls and popcorn ceilings

GENERIC TYPE:

Clear, water-base acrylic sealer for porous and water-sensitive surfaces

SURFACES:

Interior

Commercial, institutional, residential walls and ceilings; new and damaged drywall, plaster and masonry; joint compound and spackling repairs and skimcoats; texture paint and texture finishes; uncoated wallpaper and wallpaper adhesive residue

Pre-Wallcovering Primer - GARDZ penetrates and seals drywall facing, paper and skim coat, providing a fully sealed surface for new wallcovering. At redecorating time, the drywall is protected from damage when the old wallcovering is removed.

Builder's Flat Paint Sealer - GARDZ penetrates chalky, builder's flat paint and binds it to the wall, providing water-resistant protection from paint, wallcovering and texture finishes.

APPLICATION DATA:

Brush, roller or pad; Synthetic or metal

Airless Spray: 0.11 - 0.13 tip @ 1000 - 1400 psi

Practical Spread Rate: 350 - 400 sq. ft. per gallon

Application Conditions: 50° - 90° F / 10% - 85% RH

Dry Time (75°/60%RH)

Touch: 30 min

Recoat: 3 hrs

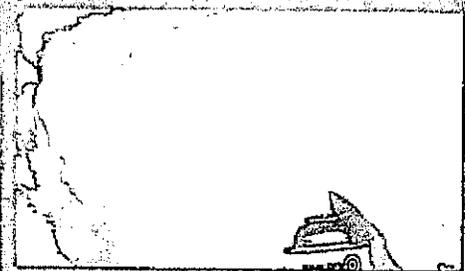
CLEANUP:

Water and detergent



Exterior Mold & Mildew Killer

- Unique formula contains an EPA-registered mildewcide that kills mold & mildew fast on non-porous exterior surfaces
- Removes tough dirt and stains without scrubbing or power washing
- Economical; one gallon makes 20 gallons of solution
- Great for use on aluminum and vinyl siding, painted wood siding, doors & trim, painted brick, concrete, cement block & stucco and more.



Stain Sealing Ceiling Paint & Primer

- Stain blocking primer, sealer and finish - all in one!
- Great for blocking common overhead stains
- Matches most ceiling tiles
- Great hide, won't yellow
- 18 ounce vertical aerosol

RUST-OLEUM

CORPORATION
1414 North Elm, Vernon Hills, IL 60061
2002 Rust-Oleum Corporation
1-888-835-4774
www.zinsser.com www.rustoleum.com

an RPM COMPANY

A #3

TECHNICAL DATA SHEET



KILZ MAX™ INTERIOR WATER-BASED PRIMER

KILZ MAX™ is a water-based primer, sealer and stainblocker developed with new technology that's formulated to perform like an oil-based product. It tackles tough stains including medium to heavy water damage, rust, smoke, nicotine, grease, tannin, ink, pencil, felt marker, pet stains and more. KILZ MAX also seals pet and smoke odors. Topcoat with latex or oil-based paint

AS OF 6/1 2011 COMPLIES OR IS CERTIFIED WITH			
SCAQM	Yes	MPI #	N/A
CARB	Yes	MPI X-GREEN	N/A
OTC	Yes	GREENGUARD	N/A
LADCO	Yes	GREEN SEAL™	N/A
AIM	Yes	CHPS	N/A
LEED®	Yes*	NAHB/ICC NGBS	N/A

*Product may help projects qualify for LEED credits. Please see www.usgbc.org/LEED for additional details.

WHERE TO USE

Use on properly prepared interior surfaces, such as:

- Brick
- Glass
- Plaster
- Ceramic Tile
- Masonry
- Stucco
- Drywall
- Painted Metal
- Wood

FILL / MAX TINT

No. L2002
Gallon - 128oz / 2oz**
5 Gallon - 640oz / 10oz**

**Tinting is not recommended for stainblocking applications.

FINISH

85° = < 20 0

Sheen levels depend on porosity and various surface irregularities.

COMPOSITION

Vehicle: Epoxy Resin
Weight Solids: 54.0% (+/-) 2%
Volume Solids: 37.5% (+/-) 2%
Weight / Gallon (lbs): 11.6 (+/-) 0.2
Viscosity: 90 - 100 KU

VOC: 75 g/L

The addition of colorants may add VOCs

FLASHPOINT

N/A

COVERAGE RATE

Coverage: 300 - 400 sq. ft. (28 - 37 m²) per gallon, depending on the surface texture, porosity and application method. Does not include the loss of material from spraying.

RECOMMENDED FILM THICKNESS

At 300 sq. ft. per gallon:
• Wet: 5.3 mils; Dry: 2.0 mils

At 400 sq. ft. per gallon:
• Wet: 4.0 mils; Dry: 1.5 mils

PREMIUM APPLICATION TOOLS

Airless Spray:

Tip: .015" - .021"

Filter: 60 mesh

PSI: Fluid pressure of 2,500 - 3,200

Roller:

Smooth Surfaces: 3/8" - 1/2" nap
Rough / Porous Surfaces: 1/2" - 3/4" nap

Brush: Nylon / Polyester Blend

Clean all tools before and after use.

SURFACE PREPARATION†

- The surface must be clean, free of dust, grease, wax, peeling paint, mold, mildew and wallpaper paste. If washing is necessary, use a non-soapy detergent or a TSP substitute. Rinse well and allow to dry.
- Peeling or Checked Paint: Scrape off loose paint and sand to a smooth surface. Sanding or removal of paint containing lead is hazardous.†
- Mold or Mildew Covered Surfaces: Wash the area with a mildew remover, rinse with water and allow to dry before priming.
- Masonry, Brick, Stucco and Plaster: KILZ MAX primer may be used on clean, dry, aged masonry surfaces. New masonry must be allowed to cure (dry) at least 30 days before applying KILZ MAX primer.
- Fire Restoration: It is critical to clean smoke damaged surfaces thoroughly before priming.

APPLICATION

- Eye protection is recommended.
- Apply as supplied using a brush, roller or sprayer.
- Do not thin for stainblocking applications. A small amount of water may be added for other spray applications.
- Only apply if surface, air and product temperatures are between 50°-90°F (10°-32°C).
- Stir thoroughly before and occasionally during use.
- Prime the entire surface to ensure a uniform appearance of the topcoat.

- Stainblocking: After priming, test for stain bleed-through by applying the topcoat to a small section. If the stain bleeds through the topcoat, apply a second coat of primer and test again before topcoating the entire area. If bleeding continues, a longer dry time is needed before topcoating.
- Sealing odors: For persistent odors, apply a second coat of primer before topcoating. If odor continues, a longer dry time is needed before topcoating.
- Tinting: Not recommended for stainblocking applications. KILZ MAX primer may be tinted with up to 2 ounces of universal colorant per gallon for non-stainblocking projects. Tinting to a lighter shade than the topcoat is recommended.

DRY TIME at 77°F (25°C), 50% RH:

- To Touch: 30 Minutes
- To Recoat / Topcoat: 1 Hour

Application at lower temperatures, high humidity or poor ventilation will affect dry time.



Masterchem Industries LLC

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1-800-PRIMER-1 • www.kilz.com
A Masco Company

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TECHNICAL DATA SHEET

KILZ MAX™ INTERIOR WATER-BASED PRIMER

CLEAN UP & DISPOSAL

- Clean equipment and paint splatters with warm, soapy water.
- If spilled, contain material and remove with an inert absorbent. Dispose of contaminated absorbent, container and unused product in accordance with all current federal, state and local regulations.
- Do not dispose of this product down a drain.
- Please consider donating any unused product.
- For recycling or disposal information, contact your local household refuse collection service.

LIMITED WARRANTY

If this product is found to be defective upon inspection by its representative, Masterchem Industries LLC will, at its option, either furnish an equivalent amount of new product or refund the purchase price to the original consumer purchaser of this product upon proof of purchase. Masterchem Industries will not be liable for any representations or warranties made by any retail seller or applicator of this product. This warranty excludes (1) labor or cost of labor for the removal of this product or any other product, the repair or replacement of substrates to which this product is applied or the application of replacement product and (2) any incidental or consequential damages. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. This warranty gives you specific rights and you may also have other rights which vary from state to state. This warranty is not transferable. To make a warranty claim, write to Technical Service, Masterchem Industries LLC, 3135 Old Highway M, Imperial, MD 63052-2834, or email Technical Service at techservice@masterchem.com.

†WARNING! If you scrape, sand or remove old paint, you may release lead dust. LEAD IS TOXIC. EXPOSURE TO LEAD DUST CAN CAUSE SERIOUS ILLNESS, SUCH AS BRAIN DAMAGE. ESPECIALLY IN CHILDREN. PREGNANT WOMEN SHOULD ALSO AVOID EXPOSURE. Wear a NIOSH-approved respirator to control lead exposure. Clean up carefully with a HEPA vacuum and a wet mop. Before you start, find out how to protect yourself and your family by contacting the National Lead Information Hotline at 1-800-424-LEAD or log on to www.epa.gov/lead.

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects, or other reproductive harm.

WARNING! IRRITANT! HARMFUL OR FATAL IF SWALLOWED. Avoid contact with eyes. May cause eye, nose and throat irritation. Avoid breathing of dust, vapors or spray mist. Open windows and doors or use other means to ensure fresh air entry during application and drying. If you experience eye watering, headache, or dizziness, or if air monitoring demonstrates vapor / mist levels are above applicable limits, wear an appropriate, properly fitted respirator (NIOSH / MSHA TC 23C or equivalent) during and after application. Follow respirator manufacturer's direction for respirator use. Close container after each use. Wash thoroughly after handling and before smoking and eating.

FIRST AID

- If swallowed, do not induce vomiting. Get medical attention immediately.
- If you experience difficulty in breathing, leave the area to obtain fresh air. If continued difficulty is experienced, get medical attention immediately.
- In case of eye contact, flush eyes immediately with plenty of water for at least 15 minutes and get medical attention.

KEEP FROM FREEZING

KEEP OUT OF REACH OF CHILDREN

DO NOT TAKE INTERNALLY



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A Marco Company

This information is provided "as is" and no representations or warranties, either express or implied, of merchantability, fitness for a particular purpose or of any other nature are made with respect to this information or to any product referred to in this information.
For MSDS or to consult with a technical service representative, call 1-866-PRIMER 1

EX #4

Thulin, John (DBHDS)

From: Virginia Corcoran [vcorcoran@icc-es.org] on behalf of es [es@icc-es.org]
Sent: Monday, October 27, 2014 5:36 PM
To: Thulin, John (DBHDS)
Subject: RE: KILZ Brand Sealant

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Thulin,

Thank you for your e-mail below. I do not find a report under the product name of "KILZ" or under that manufacturer. They do not have an ESR report with ICC-ES.

Kind Regards,

Virginia Corcoran
Administrative Coordinator III

ICC Evaluation Service, LLC
Western Regional Office
3060 Saturn Street, Suite 100
Brea, CA 92821
Tel: 562.699.0543, x3399 | 562.695.4694
Email: vcorcoran@icc-es.org | Web: www.icc-es.org



From: Thulin, John (DBHDS) [<mailto:john.thulin@dbhds.virginia.gov>]
Sent: Monday, October 27, 2014 1:09 PM
To: ICC-ES Help
Subject: KILZ Brand Sealant



I am trying to locate any evaluation or report on "KILZ" paint, sealant, or shellac. It may licenced to be made by more than one manufacturer, but I know that Masterchem

Industries LLC is one that does. I have been looking through some of your listings but I do not see the product. Can you help?

Thank you,
John S. Thulin
434-947-2363 Office
434-907-5831 Cell

Notice: This message is intended only for the individual or entity to which it is addressed and may be confidential and/or privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

EX. #5



11 Hawthorn Parkway
Vernon Hills, IL 60061

Technical Data Bulletin

B-I-N®

Shellac-Base Primer-Sealer/Stain Killer/Bond Coat

Product No.

00900

00901

00904

00908



Performance Characteristics

- Dries in minutes, can be recoated in 45 minutes
- Superior adhesion to glossy surfaces without scuff sanding
- High-hiding formula blocks stubborn and persistent stains
- Seals porous surfaces with excellent enamel holdout
- Can be applied in freezing temperatures
- Permanently blocks every kind of odor
- Seals bleeding knots and sap streaks
- Dried film is non-toxic and hypo-allergenic

Recommended Uses – Recommended for application to interior ceilings, walls, doors, trim, cabinets, furniture, and related paintable surfaces. Exterior uses are limited to spot priming only. May be used to block water, grease, rust, smoke, asphalt, graffiti, and many other types of stains.

• **Interior** - New and previously painted drywall, cured plaster/cement based coatings, wood (pine, fir, cedar, redwood, plywood), metal (aluminum, steel, stainless steel, copper), vinyl, PVC, fiberglass, cured masonry (stucco, concrete block, poured concrete, brick). Blocks stains and odors resulting from water & fire damage, seals stains from dark colors, grease, rust, creosote, asphalt, crayon, lipstick, graffiti, markers, knots, sap streaks, tannin bleed, etc.

• **Exterior** - Spot prime persistent bleed from knots and sap streaks before full-surface priming with water or oil base primer.

• **Sealing** – B-I-N seals unpainted or porous surfaces so topcoat paints have better coverage. It fills and binds wood fibers to create a smooth, sealed surface with "enamel holdout" so fewer coats of paint are needed. Note that very porous surfaces may require two coats and may reduce square foot coverage of the product.

• **Mold & Mildew Resistance** – Resists the growth of mold and mildew on the primer film.

• **Stain Blocking** – Can B-I-N is the ultimate interior stain killing primer. One coat will effectively block stains, including water, nicotine, ink, graffiti, crayon, marker, rust and smoke stains so they won't bleed into the topcoat. Some stains require a second coat. Recommended for permanently sealing heavy fire and water stains B-I-N seals in smoke stains and odors caused by fires. It also seals in urine and other animal odors from smelling. B-I-N may be used in areas where incidental contact to food items occurs. B-I-N is also recommended for sealing nicotine stains or odors from tobacco.

• **Over Wallcovering** – B-I-N may be used to prime existing, soundly adhered, non-porous wallcoverings to hide patterns/dark colors prior to painting.

Glossy Surfaces – Glossy enamel paint and clear finishes, ceramic tile, paneling, cabinets and metal surfaces can be primed without sanding or deglossing.

Surface Preparation - Surfaces should be clean, dry, sound and free of dust, dirt, excessive chalky material, grime, grease, oil, wax, mildew, wallpaper adhesive or any contamination that may interfere with adhesion. If unsure, always wash surface with a household ammonia and water solution, appropriate cleaning solution, or solvent (Do not use TSP as a cleaner). Remove any unsoundly adhered coatings. Sand any remaining paint film edges smooth with the surface. Lightly sand exposed exterior wood with 80 to 100 grit sandpaper to remove loose or weathered wood fibers. Attempt to remove existing stains by washing, sanding, scraping, etc. Kill exterior mildew with Zinsser JOMAX® House Cleaner and Mildew Killer. Bare wood that has been exposed for more than 4 weeks should be lightly sanded or abraded to remove weathered wood fibers. Countersink exposed nailheads and fill all nailholes and gouges with Ready Patch®. Remove interior mold and mildew before painting with a solution of one cup household bleach per gallon of water or a quality biocidal wash. Rinse well. Always wear protective clothing and goggles to prevent eye and skin contact with bleach. Do not mix ammonia or any other chemical with bleach solution. If you are concerned about mold and mildew behind walls, underneath flooring, in ventilation systems or other unseen areas, contact a professional who specializes in mold and mildew remediation. For commercial buildings and schools follow appropriate guidelines for mold removal. Remove rust and wipe metal with a cloth dampened in alcohol then apply a rust-inhibitive primer. **WARNING!** If you scrape, sand or remove old paint, you may release lead dust. **LEAD IS TOXIC. EXPOSURE TO LEAD DUST CAN CAUSE SERIOUS ILLNESS, SUCH AS BRAIN DAMAGE, ESPECIALLY IN CHILDREN. PREGNANT WOMEN SHOULD ALSO AVOID EXPOSURE.** Wear a NIOSH-Approved respirator to control lead exposure. Clean up carefully with a HEPA vacuum and a wet mop. Before you start, find out how to protect yourself and your family by contacting the National Lead Information Hotline at 1-800-424-LEAD or log on to www.epa.gov/lead

Application Conditions - Apply when air and surface temperature is between 0° and 90° F (-18° and 32° C) and relative humidity is less than 70%. Do not apply B-I-N if surface temperature is within 15% of the dew point. Substrate moisture content should not exceed 12%.

Application Methods - Shake or stir before using. Eliminate all sources of ignition. In most cases only one coat is necessary to prime most surfaces. If excessive absorption occurs over very porous substrates a second coat may be necessary. Spot priming

is recommended only under high-hiding topcoat paints. For best results prime entire surface before painting. Keep container closed when not in use. **Do not thin this product.**

- Brush, Roller or Pad - Use natural or synthetic (nylon, polyester or blend)
- Airless Sprayer - Use .011" - .013" tip @ 800-1,200 PSI
- Conventional Sprayer - Spray at 45 - 55 PSI

Tinting - Add up to 2 oz. (59 ml) universal colorant per gallon. Tinting the primer toward the color of the topcoat helps the paint hide in one coat. (Note that the addition of universal colorant may prolong the dry time of this product)

Dry Time - In most cases B-I-N will dry to the touch in 20 minutes and can be recoated in 45 minutes. The dry primer film develops full adhesion after it cures in 1 to 3 days. Lower temperatures, higher humidity and the addition of tint will prolong dry and cure time.

Coverage - - Approx. 500 sq. ft. (46 m²) per gallon on smooth, painted, non-porous surfaces; 400 sq. ft. (37 m²) per gallon on rough, unpainted, porous surfaces. Application losses may vary according to the porosity and texture of the substrate and the method of application and should be taken into account when estimating the quantity of product needed.

Cleanup - Clean up spills and drips with denatured alcohol or ammoniated detergent. If spills or drips have dried use denatured alcohol or ammoniated detergent to soften and remove primer. Wash application tools in a solution of 1 part ammonia and 3 parts water immediately after use. If product has dried on application tool soak the tool overnight in a solution of equal parts ammonia and water. Scrub clean with a stiff brush. Follow manufacturer's instructions when cleaning spray equipment.

WARNING:

Flammable liquid and vapor. Contains ethanol. Keep away from heat, sparks, and open flame. Use with adequate ventilation. Do not smoke while using. Do not get in eyes. In case of eye contact, flush eyes with plenty of water for at least 15 minutes. Do not breathe vapors. If you experience difficulty in breathing, eye watering, headache or dizziness, increase fresh air or leave the area to obtain fresh air. If symptoms persist get medical attention. If spraying use explosion-proof equipment and wear a NIOSH-approved respirator. Do not take internally. If swallowed, contact a physician or Poison Control Center. Avoid skin contact. Keep container closed when not in use. **KEEP OUT OF REACH OF CHILDREN.**

Warranty – B-I-N is guaranteed to perform as indicated when applied according to label directions to a properly prepared surface. Directions are as complete as possible but cannot encompass all conditions, applications, and/or surfaces beyond manufacturer's control. The contents of the container are warranted to be free from any other defect for 2 years from the date of manufacture. All warranties and guarantees are limited to refund or replacement of product used with proof of purchase. No other warranty or guarantee is expressed or implied.

Typical Physical Properties

Percent Solids, Weight: 51%
Percent Solids, Volume: 29%
Density: 9.8 lb. (4.4 kg)/gal
Viscosity Range: 53 – 65 KU
Theoretical Spread Rate
@
1 mill DFT: 464 sq. ft gal

Dry Time @75° F / 50% RH: 464 sq. ft gal
Touch: 20 min
Recoat: 45 min
Stain Sealing @ 75° F/ 50% RH: 45 min

Adhesion Cure @ 75° F/50% RH: 1 – 3 days
Cured Gloss @ 60°: 5 – 10 % (flat)
Cured Enamel Holdout: 98% gloss maintained

Flame Spread (ASTM-84-97A):

Smoke Contrib. (ASTM-84-97A): 0, Class 1
Flash Point (ASTM D3278): 54° F (12° C)
VOC: Max VOC 550 g/l
MPI Certified: #36 and 46

Freeze/Thaw Stable: Yes
Shelf Life: 36 mo @ 75° F (24° C)
Storage/Handling: Store indoors
40° - 80° F
(4° - 27° C)

Disposal – Dispose of unused or unwanted product in accordance with local laws regulating solvent-based coatings.
Limitations – Not recommended for whole surface exterior application or for application to floors or decks or surfaces subject to immersion or prolonged contact with water. These limitations are not to be construed as all-inclusive.
Technical Assistance Available through local authorized Rust-Oleum dealers. For the dealer nearest you call (888) 855-1774 or visit our website at www.zinsser.com.

Packaging

Unit Size	Unit Code	Case Pack	Case Weight	Pallet Pack
5 gallon	00900	1	51 lbs.	36 ea.
1 gallon	00901	4	42 lbs.	45 cs.
1 quart	00904	6	16 lbs.	112 cs.
1 pint	00908	6	8 lbs.	196 cs.

CAUTION: Read and carefully follow all information on this Technical Data Bulletin, on the product label and the material safety data sheet for this product. To the best of our knowledge, the data contained herein are true and accurate at the date of issuance and are subject to change without prior notice. User must contact Rust-Oleum to verify correctness before specifying or ordering. No guarantee of accuracy is given or implied. We guarantee our products to conform to Rust-Oleum's quality control and assume no responsibility for coverage, performance or injuries from use. Visit Zinsser.com for our most up-to-date technical data bulletins.

Rust-Oleum Corporation, 11 Hawthorn Parkway, Vernon Hills, IL 60061
An RPM Company
Phone: 847•367•7700
www.rustoleum.com

EX. #6



For Immediate Release
Sept. 22, 2014
www.icc-es.org

For more information, contact:
Melanie Edwards
Tel: 1-800-423-6587 x5688
medwards@icc-es.org

ICC-ES Introduces Connect+ Customer Care Service

Manufacturers who apply to the ICC Evaluation Service for an ICC-ES evaluation report (ESR) or listing will receive enhanced, best-in-class customer care under the new Connect+ service. This valuable service will benefit new and existing ICC-ES report holders by offering a dedicated service team committed to customer satisfaction with answers to any questions applicants may have.

“Based on customer feedback, ICC-ES continues to implement new ways to simplify the application process,” said ICC-ES President, Shahin Moinian, P.E. “We’re listening to our clients and constantly improving our processes to meet their needs.”

The dedicated ICC-ES Connect+ Customer Care representatives and technical staff in each of ICC-ES’ regional offices will guide applicants through the application and documentation process and provide them immediate access to professionals when assistance is needed. Applicants can be confident that the dedicated ICC-ES Connect+ Customer Care team will provide the highest level of individual attention to each applicant. ICC-ES is supporting the Connect+ service by providing ICC-ES representatives with on-going, advanced customer service training to further meet the needs of clients and facilitate the code-compliance report process from beginning-to-end.

“We appreciate the professional service offered by ICC-ES knowing that it is recognized industry-wide as well as by the building code officials,” said Craig Snyder, P.E., Technical Director, CH Machine, Inc.

Applicants may contact the staff members on the ICC-ES Connect+ Customer Care Team at 1-800-423-6587 ext. 33814.

About ICC-ES

A nonprofit, limited liability company, ICC-ES is the United States’ leading evaluation service for innovative building materials, components and systems. ICC-ES Evaluation Reports (ESRs), Building Product Listings and PMG Listings provide evidence that products and systems meet requirements of codes and technical standards. The ICC-ES Environmental Programs issue VAR environmental reports that verify a product meets specific sustainability targets defined by today’s codes, standards, green rating systems and ICC-ES environmental criteria. The Environmental Programs now offer Environmental Product Declarations (EPDs), to meet global market demand for science-based, transparent, quality-assured information about a product’s environmental performance. ICC-ES is a subsidiary of the International Code Council® (ICC®). For more information, please visit www.icc-es.org.

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EX. #7



ICC-ES Evaluation Report

ESR-2843*

Reissued July 1, 2012

This report is subject to renewal July 1, 2013.

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DIVISION: 07 00 00—THERMAL AND MOISTURE PROTECTION
Section: 07 25 00—Water-Resistive Barriers/Weather Barriers

REPORT HOLDER:

TREMCO BARRIER SOLUTIONS, INC.
6402 EAST MAIN STREET
REYNOLDS, OHIO 43068
(614) 322-4447
www.quaranteeddrybasements.com

EVALUATION SUBJECT:

ENVIRO-DRI™ WEATHER-RESISTANT BARRIER (WRB) SYSTEM

1.0 EVALUATION SCOPE

- Compliance with the following codes:
- 2012 and 2009 International Building Code® (IBC)
- 2012 and 2009 International Residential Code® (IRC)

Property evaluated:
Water-resistive barrier

2.0 USES

The Enviro-Dri Weather-Resistant Barrier System is used as an alternative to the water-resistive barrier specified in IBC Section 1404.2 and IRC Section R703.2. The system complies with ASTM E2570 as indicated in IBC Section 1408.4.1.1 and IRC Section R703.9.2.1. The system may be installed over plywood, oriented strand board (OSB) and 1/2-inch-thick structural fiberboard wall sheathing on exterior walls of Type V-B (IBC) construction or structures constructed in accordance with the IRC.

3.0 DESCRIPTION

3.1 General:

The Enviro-Dri Weather-Resistant Barrier System consists of Enviro-Dri Field Membrane, Enviro-Dri Joint Sealant and Enviro-Dri Joint Fabric.

3.1.1 Enviro-Dri Field Membrane: Enviro-Dri Field Membrane is a single-component, flexible, polymer-modified asphalt emulsion coating material. Enviro-Dri Field Membrane is packaged in 52-gallon (197 L) and 330-gallon (1249 L) drums. It has one-year shelf life when stored at temperatures between 40°F and 100°F (4°C and 38°C) and out of direct sunlight.

3.1.2 Enviro-Dri Joint Sealant: Enviro-Dri Joint Sealant is a single-component, flexible, polymer-modified asphalt emulsion joint sealant material. Enviro-Dri Joint Sealant is packaged in 52-gallon (197 L) drums. Enviro-Dri Joint Sealant has one-year shelf life when stored at temperatures between 40°F and 100°F (4°C and 38°C) and out of direct sunlight

3.1.3 Enviro-Dri Joint Fabric: Enviro-Dri Joint Fabric is a spun polyester fabric with a minimum weight of 1.4 oz/yd².

3.2 Water Vapor Transmission:

The water vapor transmission value of Enviro-Dri (Tremco Barrier Solutions product numbers TBS730, TBS731, and TBS732), tested at an average of 0.030 inch (30 mils) in accordance with ASTM E96 (Water Method), is less than 35 g/m² per 24 hours but greater than 6 g/m² per 24 hours.

The water vapor transmission value of Enviro-Dri (Tremco Barrier Solutions product numbers TBS730A, TBS731A, and TBS732A), tested at an average of 0.012 inch (12 mils) in accordance with ASTM E96 (Water Method), is greater than 35 g/m² per 24 hours.

3.3 Sheathing:

The use of the Enviro-Dri Weather-Resistant Barrier System is limited to applications over the following sheathing materials:

- Plywood, Exposure 1, complying with U.S. DOC PS-1
- Oriented strand board, Exposure 1, complying with U.S. DOC PS-2
- 1/2-inch, Type IV, Grade 2 Structural Fiberboard complying with ASTM C208

4.0 INSTALLATION

4.1 General:

The installation of the Enviro-Dri Weather-Resistant Barrier System must comply with this report and the manufacturer's published installation instructions. The manufacturer's published installation instructions must be available at the jobsite at all times during installation.

4.2 Substrate Preparation:

The Enviro-Dri Weather-Resistant Barrier System must be installed on the exterior side of vertical exterior walls over the exterior sheathing. The sheathing type must be one of those listed in Section 3.3 of this report. Sheathing must be installed as required by the applicable code. The sheathing surfaces must be free of all bond-inhibiting materials, including dirt, oil and other foreign matter. The Enviro-Dri

*Revised February 2013

Weather-Resistant Barrier System must not be installed on wet surfaces, below-grade surfaces, or on surfaces subject to water immersion. The substrate must be sufficiently dry to ensure bonding (adhesion) of the membrane and joint sealant. Damaged sheathing must be removed and replaced.

4.3 Enviro-Dri Weather-Resistant Barrier System Application:

Enviro-Dri Field Membrane and Joint Sealant can be applied using a brush, trowel, manual roller, power roller or spray equipment. Both Enviro-Dri Field Membrane and Joint Sealant are ready for application as supplied. The substrate must be prepared as described in Section 4.2 of this report.

4.3.1 Weather: The air and surface temperatures at the time of application are permitted to be between 0°F (-17°C) and 130°F (54°C). Temperature during the application must not exceed 130°F (54°C). The Enviro-Dri System must not be installed during rain or impending rain or mist, or on wet surfaces that might damage the system before it can sufficiently dry and cure.

4.3.2 Enviro-Dri Joint Sealant Application: Joints between sheathing panels or between sheathing panels and framing must be sealed either using Enviro-Dri Joint Sealant or Enviro-Dri Joint Fabric and coating, per section 4.3.4. When using Enviro-Dri Joint Sealant, the joints must not exceed $\frac{1}{8}$ inch (3.2 mm) in thickness. The full depth of the joint must be filled with the Enviro-Dri Joint Sealant material. For joints between tightly butted sheathing panels, the joint must be sealed by application of a continuous layer of Enviro-Dri Joint Sealant to the exterior surface of the adjoining sheathing and across the joint. The Enviro-Dri Joint Sealant must extend a minimum of $\frac{1}{2}$ inch (12.7 mm) onto each adjoining sheathing panel and have a minimum wet thickness of 12 mils (0.012 inch (0.3 mm)). For joints wider than $\frac{1}{8}$ inch (3.2 mm) that are backed with framing, the joint between the interior edge of the sheathing panel and the framing must be sealed with Enviro-Dri Joint Sealant at a minimum of $\frac{1}{4}$ inch (6.4 mm) wet thickness, measured as a radius from the joint.

4.3.3 Enviro-Dri Field Membrane Application: The sheathing area must be fully and evenly coated with Enviro-Dri Field Membrane applied at a minimum wet thickness of 12 mils (0.012 inch (0.3 mm)).

4.3.4 Enviro-Dri Fabric Application: Enviro-Dri Joint Fabric must be fully coated and adhered to the exterior surface of the sheathing on both sides of joints and gaps with either Enviro-Dri Field Membrane or Enviro-Dri Joint Sealant.

4.3.5 Cure Time: At 70°F (21°C) and 50 percent relative humidity, both Enviro-Dri Field Membrane and Enviro-Dri Joint Sealant are dry to the touch within two to four hours. Drying time varies depending on temperature/humidity and surface conditions; cool or damp conditions may slow drying, while hot or dry conditions may accelerate drying. Enviro-Dri Joint Sealant normally takes longer to dry than Enviro-Dri Field Membrane, because it is applied in a

thicker application. Drying time may vary with substrate and individual job conditions. Surfaces must be protected from rain until completely dry.

5.0 CONDITIONS OF USE

The Enviro-Dri Weather-Resistant Barrier System described in this report complies with, or is a suitable alternative to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

- 5.1 Installation must comply with this report, the manufacturer's published installation instructions, and the applicable code. In the event of a conflict between this report and the manufacturer's published installation instructions, this report governs.
- 5.2 For water-resistive coatings used in EIFS applications special inspections are required at the jobsite in accordance with 2012 IBC Section 1705.15.1 and 2009 IBC Section 1704.14.1. For other applications, special inspections are not required at the jobsite if installation is done by an installer or contractor trained by the manufacturer, and a certificate of installation is presented to the code official at the completion of each project; otherwise, special inspections are required at the jobsite in accordance with 2012 IBC Section 1705.15.1 and 2009 IBC Section 1704.15. Duties of the inspector include verifying field preparation of materials, expiration dates, installation of components, curing of components, installation of joints and sealants, applied dry-film thickness and interface of coating material with flashings.
- 5.3 The Enviro-Dri Weather-Resistant Barrier System is limited to installations on vertical walls and must not be used on parapets or on sloped or horizontal surfaces.
- 5.4 The Enviro-Dri Weather-Resistant Barrier System must be covered with an exterior wall covering complying with the applicable code or a current ICC-ES evaluation report.
- 5.5 The Enviro-Dri Weather-Resistant Barrier System must not be used for repairing moving cracks or joints.

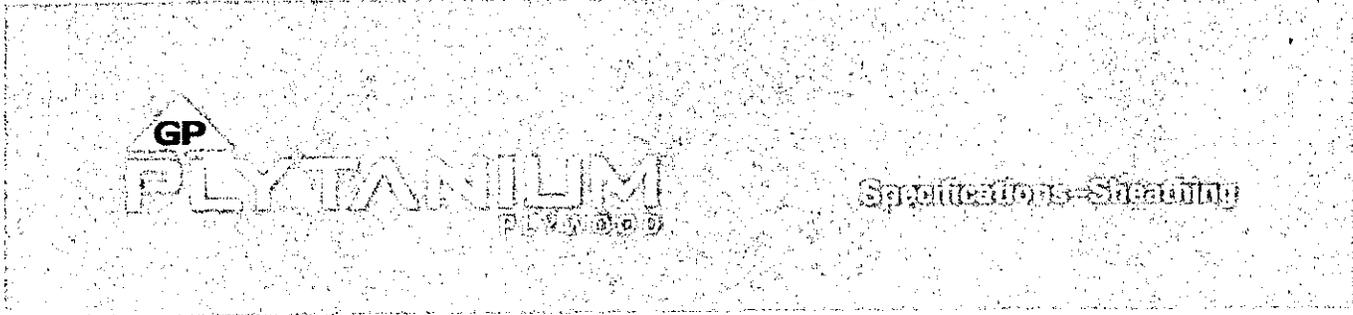
6.0 EVIDENCE SUBMITTED

Data in accordance with the ICC-ES Acceptance Criteria for Water-resistive Coatings Used as Weather-resistive Barriers over Exterior Sheathing (AC212), dated November 2012.

7.0 IDENTIFICATION

Packages of the Enviro-Dri Weather-Resistant Barrier System products described in this report must be identified by a label bearing the manufacturer's name (Tremco Barrier Solutions) and address, product name and product number, identification of components, lot or batch number, quantity of material in packaged mix, storage instructions and shelf life, and the ICC-ES evaluation report number (ESR-2843).

C. #8



Plytanium® plywood sheathing is ideal for residential and light commercial construction, and provides outstanding performance for walls and roofs. It adds proven performance and durability to new homes, room additions and renovations.

Available Sizes (Sized for 4' x 8')

Square Edge 3'-11 1/8" (1.216 m) x 7'-11 1/8" (2.435 m)

Building Code Performance Categories, Panel Thickness

- 3/8 CAT, 0.354" (8.99 mm)
- 15/32 CAT (3-ply), 0.451" (11.45 mm)
- 15/32 CAT (4-ply), 0.451" (11.45 mm)
- 19/32 CAT, 0.576" (14.68 mm)
- 23/32 CAT, 0.703" (17.85 mm)

Specifications

Length/Width Tolerance +0, -1/8" (+0, -1.6 mm)

Straightness Tolerance ±1/8" (±1.6 mm)

Squareness Tolerance ±1/8" (±3.2 mm)

Primary Species Southern Yellow Pine

Testing Agency APA®-The Engineered Wood Association

Classifications **Exposure 1** – Plywood suitable for uses not permanently exposed to the weather. Panels classified as Exposure 1 are intended to resist the effects of moisture on structural performance as may occur due to construction delays, or other conditions of similar severity.
Exterior – Plywood suitable for repeated wetting and redrying or long-term exposure to weather and other conditions of similar severity.

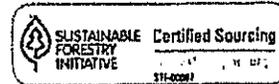
Code Fire Classification Class III or C

Flame Spread Rating 76-200, smoke-developed index <450

Building Code Compliance PS 1-09 or PS 2-10

Other Information

Forestry Certification Plytanium plywood panels are made from wood sourced through a system that is third-party certified to the Sustainable Forestry Initiative® procurement standard.



Green Building Programs See our Plytanium plywood *Sustainability Fact Sheet* available at www.builditbetter.com for more information on potential point contributions towards specific green building programs.



NGBS Green Certified Plytanium plywood is Home Innovation NGBS Green Certified for Resource Efficiency and Indoor Environmental Quality. Please visit Homeinnovation.com/Green for more information.

Home Innovation
 GREEN BUILDING SYSTEMS



Specifications - Sheathing

Product Warranty

Plytanium® plywood is covered by a Lifetime Limited Warranty. For terms and conditions, please refer to our Lifetime Limited Warranty available at www.builditbetter.com.

International Shipping

To prevent the introduction and spread of plant pests, *ISPM 15: International Standards for Phytosanitary Measures*, requires that internationally shipped solid wood pallets be debarked, treated with heat or fumigated with methyl bromide, and marked with a seal of compliance. **Pallets made with engineered wood, including Plytanium plywood, are exempt from ISPM 15 regulations.** This is because the process of manufacturing engineered wood destroys any live organisms in the wood. (Source: "Boxes, Crate and Reel Manufacturing," www.PerformancePanels.com)

Formaldehyde Emissions

Plytanium plywood contains no added urea formaldehyde resins. PS 1 and PS 2 structural panels are exempt from testing by the California Air Resources Board (CARB) in the *Composite Wood Air Toxic Control Measure (ATCM)* and phenolic bonded structural panels are exempt from testing or monitoring by HUD in the *Manufactured Home Construction and Safety Standards*

Manufacturing Locations

Location	APA Mill Number	Zip Code	Harvest Radius
Camden, TX	515	75934	90 miles
Corrigan, TX	516	75939	90 miles
Dudley, NC	348	28333	80 miles
Emporia, VA	230	23847	40 miles
Gurdon, AR	517	71743	60 miles
Madison, GA	404	30650	100 miles
Prosperity, SC	329	29127	80 miles
Taylorville, MS	282	39168	50 miles
Warm Springs, GA	324	31830	450 miles



Georgia-Pacific

Georgia-Pacific Wood Products
 133 Peachtree St., N.E.
 Atlanta, GA 30303
 800-284-5347 www.builditbetter.com

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 ©2013 Georgia-Pacific Wood Products LLC. All rights reserved. Rev. 0/13 GP-TM Lit. Item #621494.

Wood Standards

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ASTM's wood standards are instrumental in the evaluation and testing of the physical and chemical properties of a wide range of wood and wood-based products. Wooden materials covered here include timber, lumber, wood-base fibers, commercial softwoods and hardwoods, wood preservatives, laminated timber, and composite lumber to name a few. These materials are notably used in the fabrication of construction materials such as structural panels and members, construction poles, and log buildings. These wood standards are helpful in guiding wooden material and product manufacturers and end-users in their proper testing and fabrication procedures to ensure acceptable quality towards safe and satisfactory use.

List of wood standards developed by ASTM:

Jump to:

[Fire Performance of Wood](#)

[GO](#)

Fire Performance of Wood

Designation	Title
D2898 - 10	Standard Practice for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing
D3201 / D3201M - 13	Standard Test Method for Hygroscopic Properties of Fire-Retardant Wood and Wood-Based Products
D5516 - 09	Standard Test Method for Evaluating the Flexural Properties of Fire-Retardant Treated Softwood Plywood Exposed to Elevated Temperatures
D5664 - 10	Standard Test Method for Evaluating the Effects of Fire-Retardant Treatments and Elevated Temperatures on Strength Properties of Fire-Retardant Treated Lumber
D6305 - 08	Standard Practice for Calculating Bending Strength Design Adjustment Factors for Fire-Retardant-Treated Plywood Roof Sheathing
D6841 - 08	Standard Practice for Calculating Design Value Treatment Adjustment Factors for Fire-Retardant-Treated Lumber
E69 - 02(2007)	Standard Test Method for Combustible Properties of Treated Wood by the Fire-Tube Apparatus

EX. #9

Thulin, John (DBHDS)

From: Thulin, John (DBHDS)
Sent: Wednesday, January 21, 2015 10:28 AM
To: 'John Thulin'
Subject: FW: Alternate Mat. & Meth. / Fire Restor.

FYI:

From: Ron Geren [mailto:ron@specsandcodes.com]
Sent: Wednesday, November 05, 2014 4:17 PM
To: Thulin, John (DBHDS)
Subject: RE: Alternate Mat. & Meth. / Fire Restor.

John:

I don't perform energy or moisture vapor transmission analysis—that's a little beyond my capabilities. However, there are some building envelop consultants that specialize in that type of service. The one firm that is most prominent in the industry is Building Science Corporation located in Westford, MA. Its founder, Joe Lstiburek, has written many articles on residential moisture vapor transmission.

Ronald L. Geren, FCSI, AIA, CCS, CCCA, SCIP
RLGA Technical Services
P: 602.569.9645
F: 602.569.9642
www.specsandcodes.com

From: Thulin, John (DBHDS) [mailto:john.thulin@dbhds.virginia.gov]
Sent: Wednesday, November 5, 2014 1:37 PM
To: Ron Geren
Subject: RE: Alternate Mat. & Meth. / Fire Restor.

What would you recommend to "conduct an analysis"? Does RLGA Technical provide that service and what price range are we talking about to get it done?

John

From: Ron Geren [mailto:ron@specsandcodes.com]
Sent: Wednesday, November 05, 2014 3:14 PM
To: Thulin, John (DBHDS)
Subject: RE: Alternate Mat. & Meth. / Fire Restor.

John:

If the coating is applied to the back side and is not vapor permeable, then I believe you will likely have a problem. As moisture vapor passes through the wall assembly, and hits the vapor retarder coating (which will be cold in the winter), the water will condense and the insulation will be damaged, thus reducing its effectiveness. Vapor retarders are required per the IRC in Climate Zones 5, 6, 7, 8, and Marine 4. Virginia is considered a Climate Zone 4, so a vapor retarder is not specifically required, but you might still want to conduct an analysis to determine if one is not required for the specific location, or if the introduction of a vapor retarder in the proposed location would "adversely affect the performance" of the wall. Without a real analysis, everything mentioned is just pure speculation.

Ronald L. Geren, FCSI, AIA, CCS, CCCA, SCIP

RLGA Technical Services
P: 602.569.9645
F: 602.569.9642
www.specsandcodes.com

From: Thulin, John (DBHDS) [<mailto:john.thulin@dbhds.virginia.gov>]
Sent: Wednesday, November 5, 2014 11:25 AM
To: Ron Geren
Subject: RE: Alternate Mat. & Meth. / Fire Restor.

Ron,

Thanks for the input. Good to know. One last look might help me conclude. Yes the brick and the sheathing are both existing, and of course there is no way to put an air barrier on the outer surface of the sheathing as expected due to the brick veneer. This is the dilemma in that sealing only the opposite side of the sheathing may make it impermeable to the point of causing an impermeable dam where moisture can condense within the outer thickness of the sheathing. The other components of the wall will be new- unfaced fiberglass batt insulation, 1/2" gyp bd, with permeable latex primer and paint. So the intended use of shellac is to cote the wood stud framing **and** the side of existing sheathing that faces towards the interior of the house. As this is a design change to the existing structure's building envelope- I was assuming that a code reference would require the brick veneer to be removed in order to comply by installing an air barrier on outside of the sheathing. The existing walls do not have an air barrier already there. Naturally the brick would then have to be replaced with new afterward the new air barrier goes on. Is this conception a definitely better solution that is code required?

If not, should the sealant product be required to provide Code Evaluation Report or at least Test Reports that demonstrate their use inside the interior cavity of the exterior walls cannot compromise or violate the intention of the codes?

Thank you,
John S. Thulin

From: Ron Geren [<mailto:ron@specsandcodes.com>]
Sent: Wednesday, November 05, 2014 12:26 PM
To: Thulin, John (DBHDS)
Subject: RE: Alternate Mat. & Meth. / Fire Restor.

John:

I'm having a little difficulty understanding the actual wall assembly. Is the brick and sheathing new or existing? If existing, how do they plan on coating the sheathing?

If the material is a true vapor retarder, then the assembly will need to be analyzed to determine the vapor drive direction and where is the best location of a vapor retarder. If there is also a vapor retarder behind the interior side wall surface (i.e. gypsum board), then there will be a double vapor retarder condition that will compound the moisture

problem. Typically, a vapor retarder is placed on the warm side of an exterior wall—in Virginia, this is probably the interior side.

If the interior gypsum board is new, why not install the vapor barrier over the studs before installing the gypsum board? If the brick and sheathing is new, then an air barrier will probably provide better protection against moisture migration than a vapor retarder. More moisture is carried in the air than through moisture vapor transmission, so blocking the air movement (but keeping it vapor permeable), will probably provide a better solution.

I hope this helps.

Ronald L. Geren, FCSI, AIA, CCS, CCCA, SCIP

RLGA Technical Services
P: 602.569.9645
F: 602.569.9642
www.specsandcodes.com

From: Thulin, John (DBHDS) [<mailto:john.thulin@dbhds.virginia.gov>]
Sent: Monday, October 27, 2014 11:29 AM
To: ron@specsandcodes.com
Subject: Alternate Mat. & Meth. / Fire Restor.



Mr. Ron Geren,

I have a case of an existing single occupancy, residential building (constructed in 1972), with significant fire damage at two rooms, the attic and roof, plus a lot of soot and smoke contamination throughout. To ascertain what is required to restore the fire damaged areas is simple enough. But there is a potential problem to make sure the overall renovation design does not compromise the remaining structure by creating an ongoing moisture deterioration.

Specifically, the pre-existing building envelope is a "flow through system" design that allows moisture vapor to pass through and dry out behind the brick rainscreen. This occurs in cycles as the weather changes with the seasons. But new materials proposed change the basic design by introducing a vapor barrier on interior side of the exterior walls.

The point of concern is a non-permeable shellac type sealant, proposed to be used only on the inside surfaces of the exterior wood studwall cavity (where wiring, plumbing and insulation typically install); This appears to create a "drainage plain" behind the structural sheathing and fiberboard sheathing. This barrier type product is intended to seal out odors coming from fire by-products which were forced into the one inch dead air space between the brick rain screen and the sheathing materials. These areas were soaked with pressurized steam and soot when firefighters applied a hose stream to the fire in the attic.

The intended materials and methods can cause moisture condensation within the existing sheathing materials because ninety-nine percent of the sheathing thickness

itself is on the outside of the drainage plain, which is exposed on the cold side of the wall. This condensate moisture of course could be expected to deteriorate the wall sheathings over time.

Here in Virginia the VCC- renovation construction code offers two requirements that *in this case* appear to be in conflict with each other (where underlined):

E. Reconstruction, alteration or repair. Section 103.5 Reconstruction, alteration or repair in Group R-5 occupancies. The following criteria are applicable to reconstruction, alteration or repair of Group R-5 buildings or structures: 1. Any reconstruction, alteration or repair shall not adversely affect the performance of the building or structure, or cause the building or structure to become unsafe or lower existing levels of health and safety. 2. Parts of the building or structure not being reconstructed, altered or repaired shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.

My explanation above explains why the interior sealant must be rejected as I must assume it "adversely affects... the structure..." listed under item #1. But item #2 is appealed to on the basis that no work is being proposed on the outside rainscreen or outside surfaces of the sheathing materials and so they are "Parts of the... structure not being altered or repaired".

I do not want to be arbitrary in my decision as I want to be absolutely accurate. It seems plain enough from these facts that the sheathing is being "altered" by adding the sealant to the interior surface where none existed before.

The same dilemma is presented regarding all the subfloor sheathing which is proposed to be "sealed" in the same manner on the interior surface of the sheathing, located above a cold crawl space.

What are your views? And can you also suggest another Code approach that will clarify how best to handle this situation?

Please advise.

Thank you,
John S. Thulin
434-947-2363 Office
434-907-5831 Cell

EX. #10

Building Science Digest 106

Understanding Vapor Barriers

2006-10-24 (rev. April 2011)

by Joseph Lstiburek

Abstract:

The function of a vapor barrier is to retard the migration of water vapor. Where it is located in an assembly and its permeability is a function of climate, the characteristics of the materials that comprise the assembly and the interior conditions. Vapor barriers are not typically intended to retard the migration of air. That is the function of air barriers.

Confusion on the issue of vapor barriers and air barriers is common. The confusion arises because air often holds a great deal of moisture in the vapor form. When this air moves from location to location due to an air pressure difference, the vapor moves with it. This is a type of migration of water vapor. In the strictest sense air barriers are also vapor barriers when they control the transport of moisture-laden air.

An excellent discussion about the differences between vapor barriers and air barriers can be found in Quirouette (1985).

Vapor barriers are also a cold climate artifact that have diffused into other climates more from ignorance than need. The history of cold climate vapor barriers itself is a story based more on personalities than physics. Rose (1997) regales readers of this history. It is frightening indeed that construction practices can be so dramatically influenced by so little research and reassuring indeed that the inherent robustness of most building assemblies has been able to tolerate such foolishness.

So What is The Problem?

Incorrect use of vapor barriers is leading to an increase in moisture related problems. Vapor barriers were originally intended to prevent assemblies from getting wet. However, they often prevent assemblies from drying. Vapor barriers installed on the interior of assemblies prevent assemblies from drying inward. This can be a problem in any air-conditioned enclosure. This can be a problem in any below grade space.

This can be a problem when there is also a vapor barrier on the exterior. This can be a problem where brick is installed over building paper and vapor permeable sheathing.

What Do We Really Want to Do?

Two seemingly simple requirements for building enclosures bedevil engineers and architects almost endlessly:

- keep water out
- let water out if it gets in

Water can come in several phases: liquid, solid, vapor and adsorbed. The liquid phase as rain and ground water has driven everyone crazy for hundreds of years but can be readily understood - drain everything and remember the humble flashing. The solid phase also drives everyone crazy when we have to shovel it or melt it, but at least most professionals understand the related building problems (ice damming, frost heave, freeze-thaw damage). But the vapor phase is in a class of craziness all by itself. We will conveniently ignore the adsorbed phase and leave it for someone else to deal with. Note that adsorbed water is different than absorbed water (see Kumaran, Mitalas & Bomberg, 1994).

The fundamental principle of control of water in the liquid form is to drain it out if it gets in -- and let us make it perfectly clear -- it will get in if you build where it rains or if you put your building in the ground where there is water in the ground. This is easy to understand, logical, with a long historical basis.

The fundamental principle of control of water in the solid form is to not let it get solid and if it does -- give it space or if it is solid not let it get liquid and if it does drain it away before it can get solid again. This is a little more difficult to understand, but logical and based on solid research. Examples of this principle include the use of air entrained concrete to control freeze-thaw damage and the use of attic venting to provide cold roof decks to control ice damming.

The fundamental principle of control of water in the vapor form is to keep it out and to let it out if it gets in. Simple right? No chance. It gets complicated because sometimes the best strategies to keep water vapor out also trap water vapor in. This can be a real problem if the assemblies start out wet because of rain or the use of wet materials.

It gets even more complicated because of climate. In general water vapor moves from the warm side of building assemblies to the cold side of building assemblies. This is simple to understand, except we have trouble deciding what side of a wall is the cold or warm side. Logically, this means we need different strategies for different climates. We also have to take into account differences between summer and winter.

Finally, complications arise when materials can store water. This can be both good and bad. A cladding system such as a brick veneer can act as a reservoir after a

rainstorm and significantly complicate wall design. Alternatively, wood framing or masonry can act as a hygric buffer absorbing water lessening moisture shocks.

What is required is to define vapor control measures on a more regional climatic basis and to define the vapor control measures more precisely.

Part of the problem is that we struggle with names and terms. We have vapor retarders, we have vapor barriers, we have vapor permeable we have vapor impermeable, etc. What do these terms mean? It depends on whom you ask and whether they are selling something or arguing with a building official. In an attempt to clear up some of the confusion the following definitions are proposed:

Vapor Retarder*: The element that is designed and installed in an assembly to retard the movement of water by vapor diffusion.

* taken somewhat from ASHRAE Fundamentals 2001, Chapter 23.

The unit of measurement typically used in characterizing the water vapor permeance of materials is the "perm". It is further proposed here that there should be several classes of vapor retarders (this is nothing new – it is an extension and modification of the Canadian General Standards Board approach that specifies Type I and Type II vapor retarders – the numbers here are a little different however):

Class I Vapor Retarder:	0.1 perm or less
Class II Vapor Retarder:	1.0 perm or less and greater than 0.1 perm
Class III Vapor Retarder:	10 perm or less and greater than 1.0 perm

Test Procedure for vapor retarders:	ASTM E-96 Test Method A (the desiccant method or dry cup method)
-------------------------------------	--

Finally, a vapor barrier is defined as:

Vapor Barrier: A Class I vapor retarder.

The current International Building Code (and its derivative codes) defines a vapor retarder as 1.0 perm or less (using the same test procedure). In other words the current code definition of a vapor retarder is equivalent to the definition of a Class II Vapor Retarder proposed by the author.

Continuing in the spirit of finally defining terms that are tossed around in the enclosure business. It is also proposed that materials be separated into four general classes based on their permeance (again nothing new, this is an extension of the discussion in ASHRAE Journal, February 02 – Moisture Control for Buildings):

Vapor impermeable:	0.1 perm or less
Vapor semi-impermeable:	1.0 perm or less and greater than 0.1 perm
Vapor semi-permeable:	10 perms or less and greater than 1.0 perm
Vapor permeable:	greater than 10 perms

Recommendations for Building Enclosures

The following building assembly recommendations are climatically based (see SIDE BAR 1) and are sensitive to cladding type (brick or stone veneer, stucco) and structure (concrete block, steel or wood frame, precast concrete).

The recommendations apply to residential, business, assembly, and educational and mercantile occupancies. The recommendations do not apply to special use enclosures such as spas, pool buildings, museums, hospitals, data processing centers or other engineered enclosures such as factory, storage or utility enclosures.

The recommendations are based on the following principles:

- Avoidance of using vapor barriers where vapor retarders will provide satisfactory performance. Avoidance of using vapor retarders where vapor permeable materials will provide satisfactory performance. Thereby encouraging drying mechanisms over wetting prevention mechanisms.
- Avoidance of the installation of vapor barriers on both sides of assemblies – i.e. “double vapor barriers” in order to facilitate assembly drying in at least one direction.
- Avoidance of the installation of vapor barriers such as polyethylene vapor barriers, foil faced batt insulation and reflective radiant barrier foil insulation on the interior of air-conditioned assemblies – a practice that has been linked with moldy buildings (Lstiburek, 2002).
- Avoidance of the installation of vinyl wall coverings on the inside of air-conditioned assemblies – a practice that has been linked with moldy buildings (Lstiburek, 1993).
- Enclosures are ventilated meeting ASHRAE Standard 62.2 or 62.1.

Each of the recommended building assemblies were evaluated using dynamic hygrothermal modeling. The moisture content of building materials that comprise the building assemblies all remained below the equilibrium moisture content of the materials as specified in ASHRAE 160 P under this evaluation approach. Interior air conditions and exterior air conditions as specified by ASHRAE 160 P were used. WUFI was used as the modeling program (Kunzel, 1999).



Inspections Division • Community Development

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-3910 • F 434-845-7630

February 19, 2015

Mr. John Thulin
206 Springvale
Lynchburg, VA 24502

Re: Petition for Appeal BCA15-0001

Dear Mr. Thulin:

The Lynchburg Board of Building Code Appeals convened on Tuesday, February 10, 2015 to hear your Petition for Appeal dated December 26, 2014. The decision of the Board resulted in a denial of your appeal. Enclosed are the meeting minutes for your records.

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

Please let me know if you have questions or need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Saunders".

Doug Saunders
Building Official

Enclosure

Cc: Mark Smith, Chair, Lynchburg Board of Building Code Appeals

CITY OF LYNCHBURG BOARD OF BUILDING CODE APPEALS
Meeting Notes

Tuesday, February 10, 2015

1:30 p.m.

Economic Development Conference Room, City Hall

Members Present: Mark Smith, Chair, Jennipher Lucado, Walter Miles, Otto Schonfelder, Tom Sparhawk

Staff Present: Doug Saunders, Mike McKinney, Starlette Early

Others Present: John Thulin (206 Spring Drive)

Call to Order:

Mr. Smith called this meeting of the Board of Building Code Appeals for the City of Lynchburg to order and noted there was one petition for appeal.

General Business:

1. *Petition for Appeal—Reference: BCA1501-0001; John S. Thulin and Esther F. Thulin; 206 Springvale Drive; Petition dated December 23, 2014. (Document incorporated as part of these minutes.)*

Mr. Smith noted the Petition document was lengthy and for purposes of the minutes he would refer to the Petition dated December 23, 2014. The appeal, in summary, is questioning the use of a shellac type sealant on the interior wood structure of a burnt building owned by Mr. Thulin. Mr. Smith invited Mr. Thulin to provide the board with any details he would like on behalf of his petition.

Mr. Thulin is seeking to rely upon a section of the building code that, in his opinion, is not being enforced. The building code provides for an approach to dealing with the use of alternative methods or products that have not been validated and he is requesting enforcement of that code. He believes if the code is enforced, it will allow him to then move to the next stage with his insurance company.

Mr. Thulin detailed his objections with using the shellac product as proposed by his insurer. He contends if the shellac is used the design of the wall is now changed. And because the design of the building envelope would be changed, he would like it to be brought up to current code compliance. Mr. Thulin expressed concern that independent tests or evaluation reports are not available for these shellac products to validate their use. It is his hope the Board will enforce the code for use of alternative methods and products, and require some type of test report or evaluation that can substantiate their use for the intended repair. If this documentation is required and the insurance company refuses to negotiate, then he would not be hindered from suing the insurance company for poor performance.

Mr. Thulin presented photos of the condition of the house. He explained the building envelope was adversely affected from the fire. Emergency response efforts resulted in soot being forced out of all the eaves and into the dead air space between the brick and the house. Mr. Thulin believes use of the sealant is a "short-cut" repair, sealing the interior of the sheathing inside the wall cavity and leaving the outside contaminants between the brick and the wood frame. He indicated his willingness to use the

sealant if the insurance company can provide product information that assures the sealant will not cause future problems with mold, mildew or moisture within the wall.

There was discussion related to how the shellac is used to achieve the desired repair. Mr. Thulin noted the insurance company is proposing that he use the shellac rather than the more expensive method of cleaning the outside of the wall. While his insurance is enough to cover the more expensive method of removing the contaminants and cleaning the wall, the sealant method is the most economical for the insurance company. He believes independent tests for these shellac products are not available because they are designed to meet the needs of the insurers and not the customer.

Mr. Thulin was asked if the Building Official had denied or rejected the use of any of the materials he proposed to use. Mr. Thulin confirmed nothing had been denied by the Building Official and, as the owner, it was his responsibility to determine what products would be used. This responsibility led to his research on the shellac sealant and his concerns related to using this product without the availability of independent tests to validate its performance. He remarked he had prior discussions with the Building Official indicating if evaluation reports were unavailable for this product, he should not be expected to use it. However, since this was the only product the insurance company was willing to pay for, he was being required to use an untested product. Mr. Smith inquired whether Mr. Thulin had required independent evaluation reports for any other products he planned to use (i.e. paint, drywall, flooring, cabinets, etc.). Mr. Thulin responded, as the owner, he did not have to require the reports. However, he also noted he could be selective on these other products and seek additional information as desired.

There was further discussion about the plans for finishing the walls and Ms. Lucado inquired whether the wall wrap and vapor barrier was the only component Mr. Thulin was seeking to be brought up to code. Mr. Thulin stated he believed the changes in the wall design triggered the need to bring all walls up to code. He confirmed there was no previous air barrier prior to the fire, but it would now be needed to meet current code compliance.

Mr. Saunders was asked to provide the board with details related to Mr. Thulin's appeal. Mr. Saunders noted he had met with Mr. Thulin and the insurance company's restoration contractor at the home and he subsequently has responded to various emails since that meeting related to the restoration process. He clarified the section of the house walls the insurance company was planning to replace due to the fire damage. In preparing a response to the questions submitted by Mr. Thulin in this appeal, City staff had conducted research with the state and found that smoke odor is not covered by the building code. He also noted that Mr. Thulin was free to choose any product(s) he wanted to use in his restoration.

Mr. Saunders indicated the City has never received any product information to approve or disapprove. He stated it was his belief Mr. Thulin would like the City to require all brick to be removed from the house and a vapor barrier installed. Mr. Thulin suggested that the envelope design modification should warrant that specific code compliance requirement. Mr. Thulin also stated the City should require the insurance company to comply with the approval process for using alternative methods or products, requiring documentation to be submitted regarding the use of the shellac.

Mr. McKinney briefed the Board on his contact with the Virginia Department of Housing and Community Development to seek clarity on several of the questions submitted by Mr. Thulin. He confirmed there was no requirement in Virginia's building code to address the smoke odor; however, he understood the reasons a homeowner would want this abated. He felt the City's response provided Mr. Thulin the most flexible and best possible scenario. While the City could not render an opinion to the effectiveness of the shellac, he had learned it was a "tried and true" method used frequently in similar situations. Mr. Thulin would be permitted to use another product if he still was not receptive to using the shellac given

the undocumented performance. Mr. McKinney felt the City was allowing Mr. Thulin the option to proceed as he wished by not requiring any product documentation. Mr. McKinney reiterated the City has not mandated use of a specific product in this restoration.

Mr. Miles commented regarding insulation systems, importance of location of impervious barriers within an insulation system, and the potential effects of using shellac as an impervious barrier. Mr. Smith confirmed a perm rating was not available for evaluation since a product has not yet been submitted to the City. Mr. Smith confirmed the City permitted the use of spray foam insulation that contains a vapor barrier but noted there is no requirement for a vapor barrier in Zone 4.

Mr. Smith suggested that, because the City had not received product data or a design for the wall, there had been no actual ruling on the matter. Mr. Thulin disagreed, stating the product data was provided as an addendum to the appeal and it is the only product he can use that the insurance company is willing to pay for in the restoration. There was further discussion on vapor barrier products and the wall system. Ms. Lucado asked for clarification about when the requirements for rebuilding a structure to current code come into effect. Mr. Saunders explained that anything requiring a complete rebuild triggers the code compliance and elaborated on the specific areas of Mr. Thulin's restoration that would need to be rebuilt to current code.

Mr. Miles inquired if the Board was being asked to disapprove the shellac product. Mr. Thulin stated he was not asking for the board's approval or disapproval of the shellac, rather he was seeking enforcement of the approval process outlined in the code to validate alternative materials and methods. He suggested this was a process being denied him. By not requiring the insurance company to provide documentation, the city was "in effect" approving the product. If the insurer could not abide by that process, then they would not be following proper procedure by telling him to use that product.

Mr. Smith provided an explanation of the purpose this Board serves in a building code appeals process. He suggested the charge of this Board is not to deny or approve any particular product or design. The Board's powers are expressed in the language of Chapter 1, Section 119.5 of the Virginia Uniform Statewide Building Code. Mr. Saunders read the language to the group and Mr. Smith reasoned the conditions had not been met. Ms. Lucado suggested the applicant's position is that the USBC has not been applied or enforced in this situation and Mr. Thulin concurred.

Mr. McKinney referenced a section of the USBC (Section 103.5) and suggested it eliminated some of the City's requirements regarding the use of the shellac product. He read the language of the code and noted the City was neither requiring nor denying the use of the product in the restoration. Therefore, based on this section of the code, the USBC did not apply to the use of the shellac product.

Mr. Smith closed the public hearing portion of the meeting and called for a motion. Mr. Smith motioned to deny approval of the items stated in the Petition for Appeal dated December 23, 2014 due to not being applicable to VUSBC 2009 Part 1 Chapter 1 Section 119.5 and Section 36-105 of the Code of Virginia and letter from Code Official to owner dated December 9, 2014. Mr. Miles seconded the motion and, with no further discussion of the motion, the Board unanimously voted 5-0 to approve.

With no further business, Mr. Smith adjourned the meeting.

Mark W. Smith

Mark W. Smith, Chairman

Douglas Saunders

Douglas Saunders, Building Official

APPEAL - STATE BUILDING CODE TECHNICAL REVIEW BOARD

REBUTTAL OF CITY OF LYNCHBURG APPEAL HEARING NOTES

1. The minutes or notes typed regarding the Appeal hearing are not accurate. The typed minutes of the Appeal are not a complete record of the discussions or questions asked, but are only a narrative which omits critical information.
2. The Appeal application was not read by four of the five members, and the points listed in the Appeal were not read into the record for their consideration. The City Board naturally failed to answer or rule on the four particular points of our original application for Appeal.
3. Contrary to the minutes pg 3- Several days prior to the hearing we submitted an "addendum" of documentation providing all available product data for sealers intended for fire restoration (which were previously given blanket approval verbally by the City Inspector at the burnt house meeting- without first asking for product data information for review, which he then subsequently approved by letter- still without asking for data); Neither the specific product information we submitted nor the supporting documents attached in the addenda were ever read by any member of the Appeals Board! This is evidenced by Mr. Smith's statements. This unfortunate fact bears directly on vapor barrier questions Mr. Miles asked. The conclusions reached were resulted as Mr. Smith said: 'because we lack information related to vapor impermeability and perm ratings of this product'. **The Addenda previously submitted to that Board showed ALL data that the manufacturer offers- in which they conspicuously omit perm rating data; My Addenda also references an email response to me from the manufacturer's R&D Dept. stating they had no independent testing or evaluations done regarding its use as part of the building envelope design. The maker's lack of demonstrating code compliance for use in building envelopes should not work to our detriment by being allowed by the Inspector whose decision was upheld by the Board.**
4. We appealed to the City Building Code Review Board because the Inspector had given me written rulings which were very clear but that were subsequently totally reversed by him. He also failed to provide us the answer to a critical question we asked about code provisions: "Are there any regulations for the proper use of adding an impermeable sealer within the interior side of an existing building envelope when the outer side of the sheathing is not fully protected by an air or moisture barrier?" Neither did he indicate what should be expected of products for design approval when they are likely to create an unwanted drainage plane inside the exterior wall structure; instead he has resisted application of codes intended to govern "alternative methods and materials". Mr. McKinney of the city Inspections Department claimed at the hearing that these shellac products were: "...a tried and true method or system...". Accuracy of that comment depends on whether he is referring to them as a stain barrier, an air barrier, or moisture vapor barrier (and how it is located in the building's envelope), or only as an odor barrier (which then depends on how many layers or coatings are applied- according to the manufacturer's suggestion, which in turn necessarily increases vapor impermeability?). **Our position is that in our case its use is not part of any "building system" and that is the main flaw. It is just a**

product that has not been included in any building envelope design by design professionals, nor by the manufacturers in any of their product literature as a part of the building envelope components.

5. Comparatively speaking: If it is the experience of code officials that moisture vapor intrusion from the outside of 'roof assemblies' is minimal (as my research indicates is true in some regions), that does not satisfy our need for adequate supporting data to show that the same is true for brick veneer over unprotected wood frame/ sheathing. The effect of the brick as a moisture bank / buffer and the ability of the sheathing to absorb moisture condensation before drying- only to the outside and no longer drying- to the inside as previously designed is critical. This relates to whether or not adding a drainage plane on the interior of the sheathing will be detrimental to the structure over time because of condensation. *This is a condition which is hidden from view behind the brick veneer and so the effects must be accurately pre-determined before it is accepted as- "tried and true" in this respect. Otherwise do we not perpetuate a continuation of this deterioration in every project that uses these sealers in this manner?*
6. Mr. McKinney at the hearing agreed that adding the sealer: "...is an alteration and design change of the existing building envelope". He then quoted some reference that: **"...changes are to be approved except when safety is an issue"**. We have no problem with the products in question being "approved" properly, but we find no code references that suggest automatic approval or say there are NO procedures nor steps to confirm appropriateness of design changes. This design change approved by the Inspector without written evidence supporting it should be over-ruled in this case. We also have reason to expect that renovations that are "alterations" of the existing building envelope components be required further to meet current code regulations such as adding an air barrier at all affected exterior walls regardless of whether it is a VCC or VRC project.
7. Reference was made by a Mr. Miles of the Board about possibility of sealing the walls with closed cell foam which is accepted widely and as such it would not likely be permeable but acceptable! The city has no questions about allowing its use as part of the exterior walls. This view may have helped the Board take a shortcut through the facts. *They decided by rule of thumb that any sealer in the walls must also be approved without scrutiny. The Inspector will not require the ICC-EV (independent evaluation tests or reports) be submitted for approval of closed cell foam in our exterior walls. If these ICC-EV reports contribute nothing why ever use them? But if these reports state limits or installation restrictions to also require use of an exterior air barrier in connection with their foam spray at the interior side, how then can the city approve its use in older homes where the air or moisture barrier does not exist, without making a serious error? I found an example that DOW Chemical Company insists on restrictions with their closed cell spray foam per ICC-EV report. As this closed cell foam is also a sealant within the building envelope, does not the example of the DOW company inform us of what is needed? Can this same level of professionalism through ICC-EV, supported also by professional designer be acknowledged as a requisite for us and all Virginia home owners per code when making changes to the envelope?*

SIGNED: JOHN S. THULIN

 DATED 3/17/15

RESIS-00112

City of Lynchburg - Inspections Division
City Hall, Second Floor, 900 Church Street, Lynchburg, VA (434) 455-3910 Fax (434) 845-7630
Construction Permit Application

CONTACT INFORMATION:

Date 3-6-15 Permit Requested By: ESTHER F. THULIN
Mailing Address: 7212 RICHLAND DR
City LYNCHBURG State VA Zip 24502 Phone 434-237-4654
Email Address: Z1ET@MSN.COM (Home) 909-5831

PROPERTY INFORMATION:

Parcel ID # (PIN) 25-001001 Location of Property 206 SPRINGVALE DR
Legal Owner of Property ESTHER F. THULIN

PERMIT REQUEST:

Type Work to Be Done: New construction Addition Renovation Repair

Will Exterior be Affected: Yes No HUD: Yes No
(If yes, see Historic Preservation Committee -HPC)

Description of Work ~~REPAIR~~ REPAIR FROM FIRE - ON 7-31-13

Total Cost of Construction: \$ 100,000 Est. Date of Completion: 1 1

BUILDING DATA:

Building Area 1661 Sq. Ft. Stories 1
Use SINGLE FAMILY Type Construction _____
Additional Proposed: Floor Area _____ Height _____ Ft Stories _____ # Units _____

ZONING INFORMATION:

Zoning: R1 Lot Dimensions (front, left side, right side, rear) 1 1 1 Ft.
TRC Approval?: Yes Date: 1 1 Disturbed Area: _____ acres
Land Disturbing Permit Required: Yes No Permit #: _____ Date Issued: 1 1

CONTRACTOR INFORMATION: (see reverse side for owner builder information if applicable)

Contractor Name: JOHN S. THULIN Phone: _____
Mechanics Lien Agent: _____ Address _____ Phone: _____

SUBCONTRACTOR INFORMATION:

Framing Contractor: JOHN S. THULIN Phone: _____
Electrical Contractor: JOHN S. THULIN Phone: _____
Plumbing Contractor: JOHN S. THULIN Phone: _____
Mechanical Contractor: JOHN S. THULIN Phone: _____

Owner Builder

I intend to carry out the work described in this permit application as an owner/ builder: Yes No

If you answered yes above, you must complete and sign an owner/builder affidavit. Attach a copy to this application.

§ 54.1-1103. Necessity for license

No person shall engage in or offer to engage in contracting work in the commonwealth unless he has been licensed under the provisions of this chapter. The Board may waive any provision of this chapter for Habitat for Humanity, its local affiliates or subsidiaries, and any other nonprofit organization exempt from taxation under

§ 501 (c) (3) in the Internal Revenue Code (28 U.S.C. § 501 (c) (3) for the purpose of construction single-family dwellings that will be given to or sold below the appraised value to low-income persons. Prior to a joint venture engaging in or offering to engage in contracting work in the Commonwealth (i) each contracting party of the joint venture shall be licensed under the provisions of this chapter or (ii) a license shall be obtained in the name of the joint venture under the provisions of this chapter.

A Class C license is required when the total value referred to in a single contract or project is no more than \$10,000 or the total value of all such water, well, or landscape irrigation contracts undertaken within any twelve-month period is no more than \$120,000;

A Class B license is required when the total value referred to in a single contract is \$10,000 or more, but less than \$120,000, or the total value of all such water, well, or landscape irrigation contracts undertaken within any twelve-month period is \$150,000 or more, but less than \$750,000; and

A Class A license is required when the total value referred to in a single contract or project is \$120,000 or more, or when the total value of all such water, well, or landscape irrigation contracts undertaken within any twelve-month period is \$750,000 or more.

I, (print name) ESTHER F. THURMAN, hereby certify and acknowledge that I understand and will comply with the requirements of chapter 11, Article 1, Section 54.1-1103 of the Code of Virginia, shown above. I do understand that any changes to this application or to a permit issued from these applications must be reported to the Building Official within two (2) working days of the change. Any acts prohibited by Section 54.1-1115 shall constitute the commission of a Class 1 Misdemeanor.

Signature: Esther F. Thurman Date: 3-6-15

§ 54.1-1115. Prohibited Acts

A. The following acts are prohibited and shall constitute the commission of a Class 1 Misdemeanor

1. Contracting for, or bidding upon the construction, removal, repair or improvements to or upon real property owned, controlled or leased by another person without a license or certificate.
2. Attempting to practice contracting in the Commonwealth except as provided for in this chapter.
3. Presenting or attempting to use the license or certificate of another.
4. Giving false or forged evidence of any kind to the Board or any member thereof in an application for the issuance or renewal of a license or certificate.
5. Impersonating another or using an expired or revoked license or certificate.
6. Receiving or considering as the awarding authority a bid from anyone not properly licensed or certified under this chapter. The awarding authority shall require a bidder to submit his license or certificate number prior to considering a bid.

- B. Any person who undertakes work without any valid Virginia contractor's license or certificate when a license or certificate is required by this chapter shall be fined an amount not to exceed \$500 per day for each day that such person is in violation, in addition to the authorized penalties for the commission of a Class 1 Misdemeanor.
- C. No person shall be entitled to assert the lack of licensure or certification as required by this chapter as a defense to any action at a law or suit in equity if the party who seeks to recover from such person gives substantial performance within the terms of the contract in good faith and without actual knowledge of the licensure or certification requirements of this chapter.

Failure to renew a license or certificate issued in accordance with this chapter shall create a rebuttable presumption of actual knowledge of such licensing or certification requirements.



THE CITY OF LYNCHBURG, VIRGINIA

CITY HALL, LYNCHBURG, VIRGINIA 24504
434-455-3910
434-845-7630 (FAX)

INSPECTIONS DIVISION

OWNER EXEMPTION AND
AFFIDAVIT OF ACKNOWLEDGEMENT

RE PROPERTY: 206 SPRINGVILLE DR LYNCHBURG, 24502
7212 RICHLAND DR LYNCHBURG VA
I, ESTHER F. THULEN, of 206 SPRINGVILLE DR 24502
(Address)

affirm that I am the owner of the tract or parcel of land located at
206 SPRINGVILLE DR LYNCHBURG, VA 24502

I have applied for Building, Electrical, Mechanical, Plumbing permit as required under the Virginia Uniform Statewide Building Code. I certify I am doing all said work alone, without assistance from any outside source. I am familiar with the prerequisites of Section 54.1-11.11 of the Code of Virginia and I am not subject to licensure as a contractor or subcontractor.

I understand all work done under this permit must be done in accordance with all applicable provisions of the Virginia Uniform Statewide Building Code, and in compliance with Zoning and City Ordinances.

I further understand all work must be inspected and approved, prior to concealment, by the City of Lynchburg's Inspections Division. I understand I am responsible for requesting and arranging inspections for all work completed, and the referenced property may not be occupied until inspections are made and a Certificate of Occupancy issued.

In the event of additional inspections, due to failure or compliance with the Codes, or when requests for inspections are made before the work to be inspected has been completed to the degree required, or the inspector cannot obtain reasonable access to the work, a reinspection fee will be assessed for each subsequent inspection. Violation of provisions of the Virginia Uniform Statewide Building Code (Building, Electrical, Mechanical, and Plumbing) or any requirements made by the inspectors under the powers of the City Code shall be liable to a fine up to 2,500. Every day of failure to conform to such provisions or requirement shall constitute a separate offense.

Signed and acknowledged by Esther F. Thulen in the City of
Lynchburg, Virginia on the 6 day of March, 2015, in the presence
of undersigned witness. Shirley D. Goyette (Witness)

INSPECTIONS DIV
MAR 06 2015
RECEIVED

RES15-00112

PERMIT ATTACHMENT #1: SCOPE OF WORK (Page 1 of 2)

BUILDING PERMIT APPLICATION DATED: MARCH 06, 2015

PERMIT SITE: 206 SPRINGVALE DRIVE LYNCHBURG

PERMIT TO BE ISSUED BY LYNCHBURG CITY, VIRGINIA

WORK SHALL COMPLY WITH THE VIRGINIA RENOVATION
REHABILITATION CODES.

INSPECTIONS DIV
MAR 06 2015
RECEIVED

INSTRUCTION / NOTES- FOR DEMOLITION AND CONSTRUCTION:

1. THIS PERMIT IS TO DEMO AND REPLACE PARTS OF STRUCTURAL AND INTERNAL BUILDING COMPONENTS DAMAGED BY FIRE AND SMOKE DAMAGE. ALL WORK SHALL COMPLY WITH APPLICABLE BUILDING CODES AND CITY ORDINANCES, AND AS FOLLOWS-
2. RESTORATION OF ALL REFERENCED ITEMS WITH LIKE KIND MATERIALS AND METHODS SHALL BE SAME AS EXISTING, EXCEPT THAT PRE-ENGINEERED ROOF TRUSSES SHALL BE USED AND SHOP DRAWINGS SHALL BE PROVIDED FOR APPROVAL REVIEW BY LYNCHBURG CITY INSPECTIONS DEPARTMENT PRIOR TO ORDERING AND INSTALLING. ANY STRUCTURAL FRAMING, WIRING, PLUMBING, HVAC SYSTEMS REPLACED, OR ANY SUCH ITEMS REPAIRED SHALL FIRST BE INSPECTED BY THE CITY INSPECTOR. NO FINISHES ARE TO BE INSTALLED WITHOUT THE VARIOUS INSPECTIONS REQUIRED BY THE INSPECTOR.
3. LIST OF DAMAGED COMPONENTS BEING DEMOLISHED AND REPLACED WITH NEW UNDER THIS PERMIT SHALL INCLUDE:
 - a. ALL STRUCTURAL ROOFING (INCLUDING SHINGLES)- RAFTERS, COLLAR TIES, AND CEILING JOISTS OF THE MAIN HOUSE AND ALSO THE FRONT PORCH, AND REMOVAL OF ENTIRE ATTIC FLOOR SHEATHING. EXISTING REMAINING EXTERIOR WALLS WHICH ARE NOT LISTED HEREIN TO BE REPLACED SHALL BE SHORED AND SUPPORTED AS NECESSARY TO LIMIT ANY MOVMENT DAMAGE WHILE ROOFING IS BEING REPLACED.
 - b. APPROXIMATELY ONE THIRD OF THE ENTIRE BRICK VENEER, LOCATED AT THE LEFT SIDE AND REAR OF THE HOUSE ARE TO BE REMOVED / REPLACED. THIS COMPRISES THE SIDE WALL OF THE LEFT BEDROOM AND BOTH EXTERIOR WALLS OF THE REAR UTILITY ROOM (AREAS BURNED THROUGH WITH FIRE) PLUS ALL THE WAY OVER TO THE LEFT SIDE OF THE SLIDING GLASS DOOR OPENING OF THE REAR DINING ROOM ARE TO BE REPLACED WITH NEW (PER INSURANCE COMPANY ESTIMATE).
 - c. ALL WALL FRAMING OF THE AREAS WHERE BRICK IS REMOVED SHALL ALSO BE DEMOLITSHED AND REPLACED WITH NEW 2X4 WOOD FRAMING 16" ON CENTER, 1/2" SHEATHING, AIR BARRIER TYPE HOUSE WRAP (TYVEC OR EQUAL BRAND), AND NEW BRICK TIES, ETC AS REQUIRED PER V.R.C. THIS SHALL INCLUDE REPLACING DAMAGED 3/4" SUBFLOOR AND 2X10 FLOOR JOISTS AT 16" ON CENTER IN PART OF EACH OF THESE THREE ROOMS (BEDROOM, UTILITY ROOM AND DINING ROOM).
 - d. ALL EXISTING PLUMBING AND WIRING WITHIN THE FOOTPRINT OF THE ENTIRE HOUSE SHALL BE DISPOSED OF AND REPLACED WITH NEW, INCLUDING ELECTRICAL SERVICE PANEL, DISCONNECTS, AND ALL FIXTURES OF THE PLUMBING AND ELECTRICAL SYSTEMS.

THIS SHALL INCLUDE NEW SMOKE ALARMS AT THE KITCHEN, THE BEDROOMS, HALLWAYS, AND UTILITY/ LAUNDRY ROOM AND AS REQUIRED BY CODES.

- e. ALL EXISTING METAL DUCTWORK WITHIN THE CRAWL SPACE AND SUBFLOOR SHALL BE REMOVED AND REPLACED WITH NEW.
- f. REMOVAL AND DISPOSAL OF ALL ABOVE CEILING AND WALL CAVITY INSULATION, PLUS ALL INTERIOR GYPSUM WALLBOARD AND CEILING FINISHES. ALL THESE SHALL BE RESTORED WITH NEW MATERIALS THROUGH-OUT THE HOUSE.
- g. INTERIOR WALL CAVITIES SHALL BE THOROUGHLY CLEANED AND/OR TREATED FOR SMOKE AND SOOT CONTAMINATION PRIOR TO INSTALLING WIRING, PLUMBING AND INSULATION SYSTEMS.
- h. ALL INTERIOR FLOORING SYSTEMS (ABOVE THE SUBFLOOR), AS WELL AS ALL DOORS, WINDOWS, WOOD TRIM FINISHES AT THE SURFACE OF ALL WALLS AND FLOORS SHALL BE DISPOSED OF AND REPLACED WITH NEW. ALL SUBFLOORS SHALL BE THOROUGHLY CLEANED AND/OR TREATED FOR SMOKE AND SOOT CONTAMINATION PRIOR TO INSTALLING NEW MATERIALS.
- i. ALL WOODEN MATERIALS OF THE EXISTING FRONT PORCH ARE TO BE REMOVED.
- j. ALL TRASH AND DEBRIS OF BURNED PERSONAL PROPERTY (CONTENTS OF THE HOUSE) AND ALL DEMOLISHED MATERIALS FROM THE HOUSE SHALL BE DISPOSED OF BY DUMP TRUCKS AND DUMPSTERS, UNTIL ALL OF IT IS REMOVED FROM THE PROPERTY. DUMP TRUCKS AND TRASH BINS SHALL BE COVERED BEFORE HAULING DEBRIS FROM THE SITE.
- k. NO UNSAFE STRUCTURES SHALL BE ALLOWED TO REMAIN OR PERSIST AND A PLASTIC SAFETY FENCE WITH WARNING SIGNS SHALL ENCIRCLE THE PERIMETER OF THE DEMOLITION AREA.
- l. THE EXTERIOR WATER MAIN PIPING AND EXISTING FOUNDATIONS, PLUS EXISTING TERRANE AND SITE DRAINAGE SURROUNDING THE HOUSE SHALL NOT BE ALTERED. ANY AREAS SUBJECT TO WATER RUNNOFF WHEN SOILS ARE SUBJECT TO BEING DISTURBED BY THE WORK SHALL BE PROTECTED BY TEMPORARY SILT FENCE INSTALLATIONS TO MITIGATE MOVEMENT OF TOPSOIL AND SILT.
- m. THIS PERMIT SHALL BE REQUESTED TO BE MODIFIED WITH DRAWINGS AND SPECIFICATIONS, TO BE SUBMITTED IF REQUIRED PER CODE FOR THE INSPECTIONS DEPARTMENT REVIEW AND APPROVAL PRIOR TO ANY SUBSTANTIAL CHANGE TO THE ABOVE LISTED SCOPE OF WORK.

SIGNED BY APPLICANTS: Esther F. Thulin DATED 3-6-15
ESTHER F. THULIN

John S. Thulin DATED 3-6-15
JOHN S. THULIN
(PERMIT APPLIC. - 206 SPRINGVAL DRIVE - SCOPE OF WORK - Pg 2 of 2)

The City of Lynchburg	
These Plans Have Been Reviewed for Code Compliance	
This plan review does not relieve the contractor of his responsibility to comply with all applicable codes.	
The issuance of a permit based on these plans shall not prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the code.	
This copy of the plans must be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative.	
<u>MLC</u> Plan Reviewer	<u>3/10/15</u> Date



BUILDING Permit

City of Lynchburg
Community Development
Inspections Division
900 Church Street
Lynchburg, VA 24504
(434) 455-3910
Fax 845-7630

Permit #: RES15-00112

Date Issued: 3/13/15

Expiration Date: 9/9/15

Site Address: 206 SPRINGVALE DR

PIN #: 25001001

Type Work To Be Done: BUILDING REPAIR

Description of Work: Repairs due to House Fire

Applicant THULIN, ESTHER F 206 SPRINGVALE DR LYNCHBURG VA 24502-4149	Contractor THULIN, JOHN 206 SPRINGVALE DR LYNCHBURG VA 24502-4149	Mechanics Lien Information: Mechanics Lien NONE IDENTIFIED Agent: Address: Phone:
Owner THULIN, JOHN S & ESTHER F 206 SPRINGVALE DR LYNCHBURG VA 24502-4149	Contractor Licenses VA License #: OL:DTF_00888043 Class: Expiration: Lynchburg License #:	Primary Subcontractors (attach list if needed) Electrical: THULIN, JOHN Plumbing: THULIN, JOHN HVAC: THULIN, JOHN Gas: Sprinkler:

Type Construction: VB

Occupancy Type: R-5 Residential

Use of Building: Single Family

Bldg Area (sqft): 1,661

Stories: 1

#Units: 1

Unfinished Basement Area (sqft): 0

Deck (sqft): 0

Garage/Accy Bldg (sqft): 0

Sprinklered: NO

Elevators: 0

Zoning: R1

City Water: YES

City Sewer: YES

Total Cost of Construction: \$100,000.00

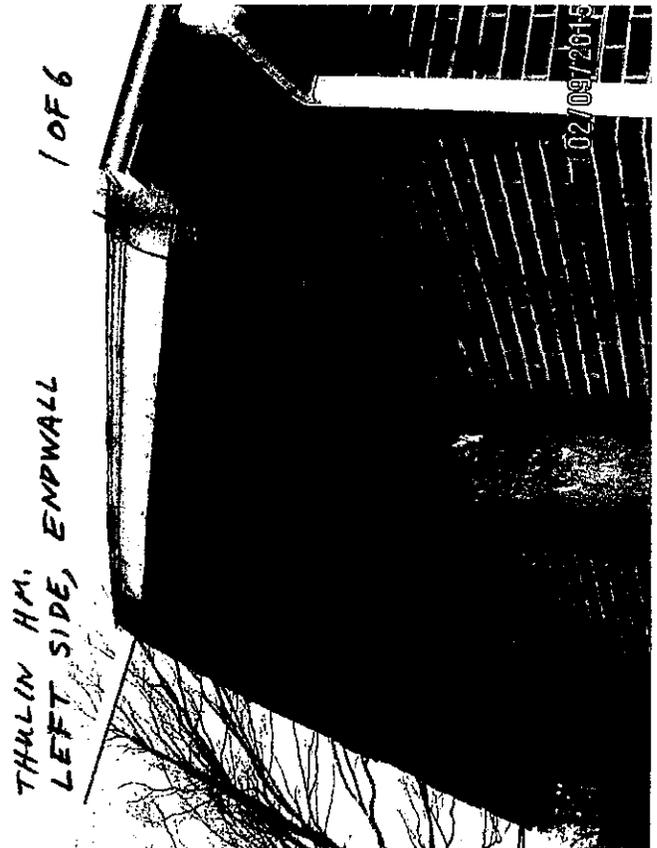
PERMIT FEE SUMMARY			
TYPE	AMOUNT	PAID	RECEIPT #
Building Permit Fee	BLDG 485.00	485.00	PM038005
Building Plan Review Fee	BPRW 48.50	48.50	PM038005
Building State Levy	LEVY 9.70	9.70	PM038005
Totals		\$543.20	\$543.20
			Balance Due: \$0.00

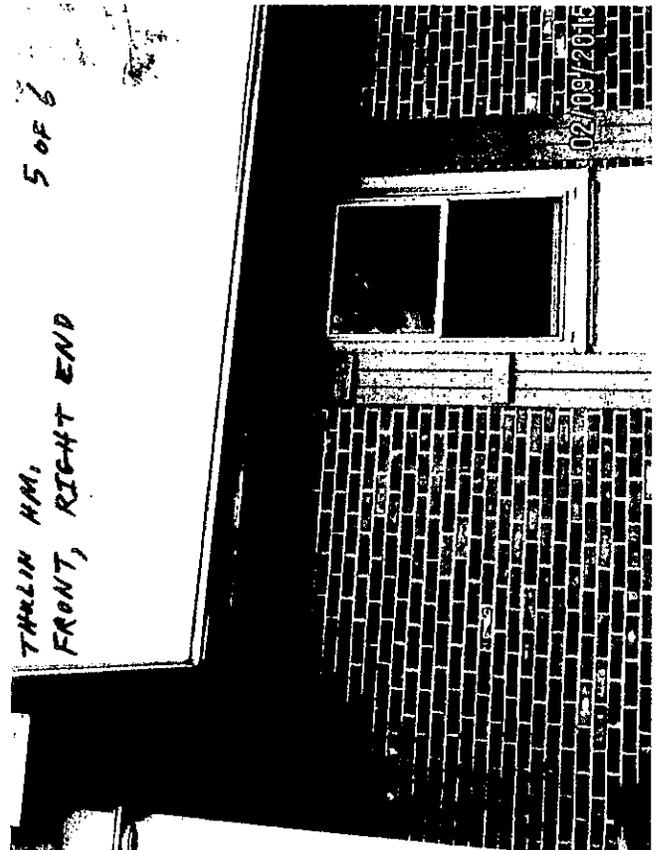
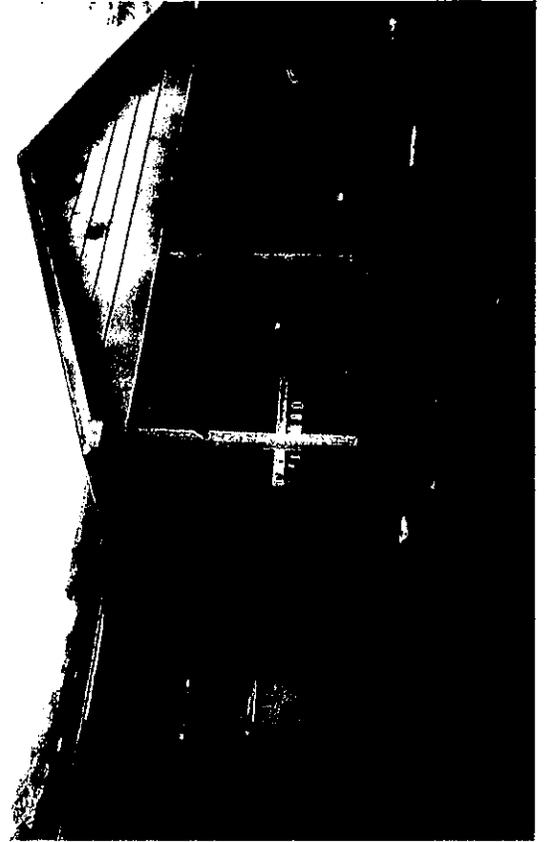
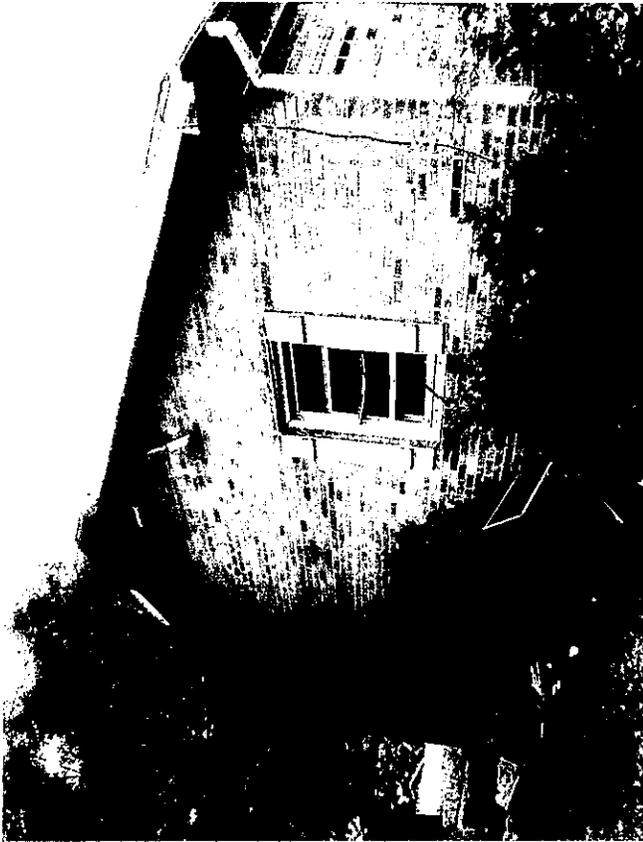
THE PERMIT PLACARD ISSUED WITH THIS PERMIT MUST BE DISPLAYED SO THAT IT IS VISIBLE FROM THE STREET DURING CONSTRUCTION.
APPROVED PLANS MUST BE KEPT ON SITE AND AVAILABLE TO THE INSPECTOR AT ALL TIMES.

This permit is issued as a result of an enforcement order and expires on the date shown above. Requests for extensions must be made in writing and be approved prior to the expiration of this permit. I understand that all work must be done in accordance with all applicable provisions of the Virginia Uniform Statewide Building Code and in compliance with Zoning and all other City Ordinances.
I further understand all work must be inspected and approved prior to concealment by the City of Lynchburg Inspections Division. I understand I am responsible for requesting and arranging inspections for all work completed and that this property cannot be occupied until all inspections are made and approved and a Certificate of Occupancy is issued."

Signed: _____ Date: _____

Print Name: _____







VIRGINIA:

COPY

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

In RE: Appeal of Stephen Seldon and Others.
Appeal No. 95-2

Decided FEB 17 1995

STATEMENT OF THE APPEAL

Mr. Stephen Seldon and five other homeowners in Chesterfield County bring this appeal to the State Building Code Technical Review Board ("Review Board"). The issues are stated in a December 5, 1994 letter from the homeowners to Mr. Robert Olsen, Chairman of the Chesterfield Board of Building Code Appeals ("local appeals board") and concern the certification of the building official and policies of the Chesterfield County building department.

The local appeals board met on January 4, 1995 and denied the appeal for reasons stated in a letter from Mr. Olsen to the homeowners dated January 9, 1995.

The Review Board conducted a hearing on February 17, 1995 to decide whether authority exists to hear the appeal. Chesterfield County submitted a "Motion to Dismiss" to the Review Board. Mr. Seldon, along with documents submitted with the application for appeal to the Review Board, submitted a letter dated February 11, 1995 which presented argument and statements concerning the appeal.

FINDINGS OF THE REVIEW BOARD

The jurisdictional issue raised by this appeal concerns § 116.5 of the Virginia Uniform Statewide Building Code, Volume I,

New Construction Code and § 106.5 of the Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code (referred to collectively as the "USBC"). These sections determine what may be appealed under the USBC and are set out in pertinent part below:

§ 116.5. Application for Appeal. The owner of a building or structure, the owner's agent or any other person involved in the design or construction of the building or structure may appeal a decision of the building official concerning the application of the USBC or his refusal to grant a modification to the provisions of the USBC covering the manner of construction or materials to be used in the erection, alteration or repair of that building or structure.

§ 106.5. Application for appeal. The owner of a building or structure or the owner's agent may appeal a decision of the code official concerning the application of the [USBC] or his refusal to grant a modification to the provisions of the [USBC] covering the manner of maintenance or use or the materials to be used in the maintenance or repair of that building or structure.

The pertinent wording of these sections of the USBC are similar in that an application of the USBC must first be made by the building or code official as a prerequisite for a right to appeal.

The appeal presented was general in nature and did not involve the application of the USBC to a specific building or structure owned by Mr. Seldon or the other homeowners.

The Review Board has no jurisdiction to determine the competency of a building official. That authority lies with the Board of Housing and Community Development under § 3.4 of Part III of the Virginia Certification Standards.

FINAL ORDER

The appeal having been given due regard and in consideration of the "Findings of the Review Board" set out above, the Review

Board hereby rules that no valid appeal exists. The appeal is denied.


Chairman, State Technical Review Board

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jeff Ligon
Appeal No. 02-11

Decided: January 24, 2003

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

In June of 2002, the Pulaski County office responsible for the enforcement of the USBC notified two residential concrete foundation installers of a policy dictating how long formwork had to be left in place after the pouring of concrete foundation walls.

Mr. Jeffery E. Ligon ("Ligon"), one of the installers, filed an appeal to the Pulaski County Building Board of Appeals ("County USBC board"), which heard the appeal and ruled that the County was correct in its determinations.

Ligon then appealed to the Review Board.

In consideration that the action by the County officials appeared to be a general policy directive and did not appear to be the enforcement of the USBC for a particular project or under an issued USBC permit, Review Board staff scheduled a preliminary hearing to determine whether a valid USBC appeal existed. Ligon and County officials were given opportunity to submit written arguments concerning the preliminary issue and were notified of the time and place of the preliminary hearing. No written arguments were submitted; however, Ligon was present and testified at the preliminary hearing.

III. FINDINGS OF THE REVIEW BOARD

The Pulaski County directive concerning how long to leave the formwork on concrete foundation walls stems from a dispute between Ligon and the County on a particular project. However, Ligon agrees that he was never cited for a USBC violation for that particular job.

The purpose of the directive issued by the County officials appears to be to put Ligon and any other concrete foundation installers operating in the County on notice of what criteria will be used to approve future concrete foundations. Since this directive was not issued pursuant to any USBC permit or referencing any specific construction project currently underway, the Review Board finds that no application of the USBC has taken place.

Under § 112.5 of the USBC, an appeal may be filed of "the code official's decision concerning application of the USBC ...". In this case, there has been no application of the USBC, therefore, there is no valid appeal.

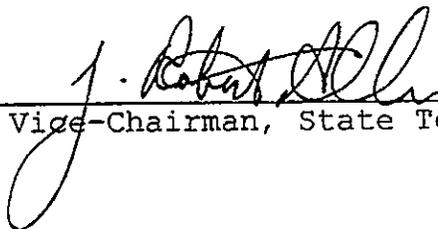
Concern was raised by Ligon that for a valid appeal to occur, foundation walls would have to be deliberately constructed in conflict with the County's directive in order to receive a notice of noncompliance so that an appeal may be filed.

While not affecting the determination that no valid appeal exists in the situation presented, the Review Board notes that plans and specifications are generally required for any USBC

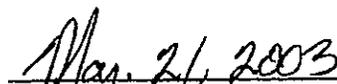
project. When such plans are submitted for the construction of foundation walls, the specifications may indicate the time period for curing prior to stripping the formwork. Should a USBC official or enforcing agency reject such plans, requiring instead a longer time period, the permit holder or other person involved in the construction project would have a right to appeal such rejection under § 122.5 of the USBC. Therefore, no actual work would have to be deliberately constructed in conflict with a directive of a USBC enforcement agency to enable a valid appeal to be filed.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the County USBC board to be, and hereby is, overturned and vacated since no valid appeal existed before it. Further, the Review Board orders Ligon's appeal to the Review Board to be, and hereby is, dismissed as invalid.



Vice-Chairman, State Technical Review Board



Date Entered

**ADDITIONAL DOCUMENTS SUBMITTED
BY THULIN**

Potts, Richard (DHCD)

From: Thulin, John (DBHDS)
Sent: Wednesday, August 05, 2015 4:46 PM
To: Potts, Richard (DHCD)
Cc: John Thulin; Esther Thulin; doug.saunders@lynchburgva.gov
Subject: SBCTRB / APPEAL OF JOHN S. THULIN / APPEAL NO. 15-2 / CORRECTION TO STAFF DOC.

Importance: High

STATE BUILDING CODE TECHNICAL REVIEW BOARD

AUG. 5, 2015

RE: CHANGES TO STAFF DOCUMENT NEEDED TO ADDRESS SPECIFIC CODE REFERENCES AS ALREADY LISTED AND REFERENCED IN "SPECIFIC REMEDY SOUGHT" APPLICATION FOR APPEAL

A. PROBLEMS IN THE STAFF DOCUMENT

Substantial work has been invested to present relevant documentation of codes and resource information (from a design expert- BSC, and a code expert- Mr. Ron Geren) to clearly lay a track for resolution of certain issues bearing on the meaning and intent of the building codes that are applicable to fire restoration work on my house.

My premise being that the applicable regulations are a protection and are safeguards of the public interest. Thus far in this process of appeals, first to the City of Lynchburg and then to the State Board, I fear has only produced an exercise of bureaucratic "loop-hole in the regs" type discussions by officials aimed at dismissing all responsibility for these issues. Issues that impact many fire victims throughout this State. If the stated underlying premise is not justified by a careful and full answer to apply the specific codes I have already listed for you in a beneficial manner, I suggest we are then straying from the highest and best objectives of your Board to the detriment of the citizens of Virginia.

I acknowledge that each point must be scrutinized. But I also see that by not addressing the specific codes I have listed and the applicable wording of them thus allows for a change of direction and oversimplification. I have no grudge against bureaucracy as necessary organization to implement the benefits of laws and regulations. I too am a State employee and I have undertaken this Appeals process to help others in like situations, as well as my own family. The problems faced here are repeated in every major fire restoration as regards the dilemma of creating a moisture drainage plane (unintentionally?) within the exterior building envelope system-- simply because no code officials nor design professionals are directly involved in that key decision.

If my appeal documentation already submitted is actually read by the Board rather than relying upon the limited assumptions in the Staff Document alone, then I trust those codes referenced will be addressed in a particular manner such that the added meaning most needed will be the result- to the great credit of the Board.

The requests for rulings I have submitted from the beginning until this time carry the weight of logical common sense being rooted in the regulations—These surely deserve your professional attention in every particular point I have there listed. May I respectfully redirect you to those documents to see what I mean by this?

My greatest concern and my appeal specifically is for proper and best application of those codes for my property restoration, not how can the code be twisted for a financial gain as implied or assumed by the Staff Document. If this tainted view cannot be erased from their minds then all subsequent deliberation is prejudiced by it and will fail the test of justice (if courts become the final answer).

B. APPROPRIATENESS OF THIS APPEAL

- (1) The City Board denied the original appeal because there was no Building Permit at the time rulings were made by the Inspector which were contradictory flip-flop decisions. I made every attempt from the beginning to determine what the Inspections dept of the city would require. I even requested an on site meeting as part of the pre-permit disclosure required before a building permit with accurate scope of work could be applied for. Since this is authorized by USBC 119.5, this step definitely includes decisions made by the Inspector at that meeting an integral and essential part of the Permit later applied for. The Permit was later applied for and all reference to shellac was omitted as the Inspector had already (improperly) denied me the benefit of code provisions for the proper approval process defined by code as "Alternative Materials and Methods"; This subject being central to my appeal so that a true application of these requirements would remedy the deficiency in the Scope/Permit. By approving the permit as written the city has basically acknowledged that they are enforcing the Inspectors previous decisions by means of that permit (requiring appeal as remedy). If the code holds out refuge for those who need direction prior to applying for a permit and the City Inspections Dept pretends to provide such code guidance and then denies all responsibility for the outcome, has not the building code been improperly applied?
- (2) Staff Document refers to two Final Orders of two cases where the State Board denied appeals. Having read these I am impressed with the reasoning and common sense approach and in fact agree with both of those rulings. I only mention them here to show that my case is clearly not a reflection of the identical reasons for a denial. In Appeal No. 02-11 there was no specific permit and no particular project, and no part of the USBC was in dispute. None of these faulty conditions can accurately be attributed to my case. In Appeal No. 95-2 the Order states: "...concern the certification of the Building Official and policies of... the County building department." Again, none of

that is applicable to the case I have asked an Appeal for. My Appeal bears directly on the impact to my property which was the subject of the conflicting rulings from the Inspector and his refusal to allow me the benefit of the codes as written. I need not ask for an exception to be included as an appropriate appeal on these basis. To simply deny an appeal because others had been denied, due to superficial comparison, is to paint with a brush much bigger than can be lifted with both hands.

C. A SYSTEM THAT WORKS

Again I invest my trust in your Board and ask your renewed efforts to bring this case to a final resolution. Much time has elapsed and soo much could yet be accomplished for all facing the same problem.

PS- Mr. Potts, please reply to advise you received this document/ email today.

Thank you,

John S. Thulin
434-947-2363 Office
434-907-5831 Cell

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Joseph E. Ellis
Appeal No. 15-4

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VIRGINIA:

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

IN RE: Appeal of Joseph E. Ellis
 Appeal No. 15-4

REVIEW BOARD STAFF DOCUMENT

1. The City of Danville Department of Community Development (DCD), the agency responsible for the enforcement of Part III of the Virginia Uniform Statewide Building Code, the Virginia Maintenance Code, issued notices of demolition dated June 24, 2014 for buildings at 208 and 233 Jefferson Avenue, both owned by Joseph E. Ellis (Ellis).

2. The notices of demolition issued by DCD were mailed to Ellis' mailing address by certified and regular mail, but were not signed for. The notices were also posted on the buildings and copies were published in a Danville newspaper on July 5, 2014.

3. Ellis filed an appeal of the notices to the City of Danville Local Board of Building Code Appeals (City appeals board) on November 17, 2014.

4. The City appeals board conducted a hearing on Ellis' appeal and limited the hearing to only a consideration of whether the appeal was timely. After deliberation, the City appeals board ruled to dismiss Ellis' appeal as untimely.

5. Ellis further appealed to the Review Board.

6. This staff document was drafted and distributed to the parties and timeframes were established for the submittal of objections; corrections or additions to the staff document;

the submittal of additional documents for the record; and written arguments to be included in the record of the appeal prepared for the hearing before the Review Board.

Suggested Issue for Resolution by the Review Board

1. Whether Ellis' appeal to the City appeals board was timely; and if ruling in the affirmative, whether to remand the appeal to the City appeals board for a hearing on the merits of the demolition orders, or whether to accept jurisdiction of the appeal concerning the merits of the demolition orders.

COMBINED DOCUMENTS

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: alan.mcmahan@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

Appealing Party Information (name, address, telephone number and email address): PROPERTY'S IN QUESTION
JOSEPH E. ELLIS - 208 JEFFERSON AVE
245 JEFFERSON AVE #1 / 233 JEFFERSON AVE
DANVILLE, VA 24541 PH # 240-472-1080

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

CITY of DANVILLE VA - Dept. of Community Dev.
427 PATTON ST P.O. Box 3300
DANVILLE, VA 24543 PH # 434-799-5263

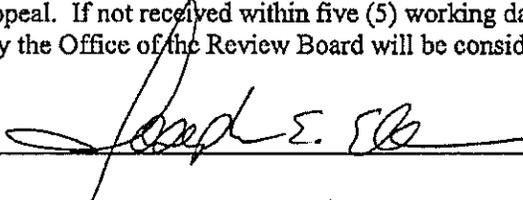
Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of MARCH, 2013, 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: JOSEPH E. ELLIS
(please print or type)

Case I Statement:

Section 106.5 of the Virginia Maintenance Code (USBC Part III, 2009) provides the right to appeal building code official decisions and the appeal deadline. Section 106.5 states, "The applicant shall submit a written request for appeal to the LBBA within 14 calendar days of the receipt of the decision being appealed."

Joseph and Cassandra Ellis were sent a Notice of Demolition citing 208 Jefferson Avenue, Parcel ID 50289, on June 24, 2014, by certified and regular mail to the address provided to Real Estate for the City of Danville and on a title search performed by Attorney Robert Whitt. The address of record, 245 Jefferson Avenue, was vacant at the time. The mail returned with no signature and unable to forward.

The property, 208 Jefferson Avenue, was posted with a Notice of Unsafe Structure/Demolition on June 25, 2014. Newspaper notification was circulated for two consecutive weeks in local newspapers of general circulation, including the Register and Bee on July 5, 2014 and July 7, 2014.

The City of Danville Inspections Department received the appeal of 208 Jefferson Avenue on November 17, 2014, 145 days over the 14 calendar days to appeal.

This local board and the State Building Code Technical Review Board have both held that timeframes for appeal in the USBC are mandatory. Consistently, ruled that the timeframes for appeal in the USBC are mandatory. The Inspections Division went to the address of record, which was vacant at the time, sent certified and regular mail, posted the property, and circulated the posting in the newspaper of two weeks.

The only exception is if the local enforcing agency agrees to waive the timeframes. In this case, the City did not agree to waive the timeframe, therefore the Ellis' appeal for 208 Jefferson Avenue should not be heard for lack of timeliness.

Case II Statement:

Section 106.5 of the Virginia Maintenance Code (USBC Part III, 2009) provides the right to appeal building code official decisions and the appeal deadline. Section 106.5 states, "The applicant shall submit a written request for appeal to the LBBA within 14 calendar days of the receipt of the decision being appealed."

Joseph and Cassandra Ellis were sent a Notice of Demolition citing 233 Jefferson Avenue, on June 24, 2014, by certified and regular mail to the address provided to Real Estate for the City of Danville and on a title search performed by Attorney Robert Whitt. The address of record, 245 Jefferson Avenue, was vacant at the time. The mail returned with no signature and unable to forward.

The property, 208 Jefferson Avenue, was posted with a Notice of Unsafe Structure/Demolition on June 25, 2014. Newspaper notification was circulated for two consecutive weeks in local newspapers of general circulation, including the Register and Bee on July 5, 2014 and July 12, 2014.

The City of Danville Inspections Department received the appeal of 233 Jefferson Avenue on November 17, 2014, 145 days over the 14 calendar days to appeal.

This local board and the State Building Code Technical Review Board have both held that timeframes for appeal in the USBC are mandatory. Consistently, ruled that the timeframes for appeal in the USBC are mandatory. The Inspections Division went to the address of record, which was vacant at the time, sent certified and regular mail, posted the property, and circulated the posting in the newspaper of two weeks.

The only exception is if the local enforcing agency agrees to waive the timeframes. In this case, the City did not agree to waive the timeframe, therefore the Ellis' appeal for 233 Jefferson Avenue should not be heard for lack of timeliness.

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gilie, Jr.
Division Director of Planning

Jerry D. Rigney
Division Director of Inspections

John L. Moody, J.D.
Division Director of Social Services



427 Patton Street
P. O. Box 2300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 778-8142
Fax: (434) 797-8919
www.danville-va.gov

INSPECTIONS DIVISION

NOTICE OF DEMOLITION

6/24/2014

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

RE: 208 JEFFERSON AVE
Parcel ID: 21232
Application Number: 128141

Dear Property Owner(s) and/or Occupant,

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an **UNSAFE STRUCTURE**, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of receipt of this notice.

The specific violations, which exist, that cause the building to be declared unsafe, unfit for human occupancy or unlawful and a dangerous structure are as follows:

- 105 Unsafe structures: VMC Section 105 Unsafe and/or unfit for habitation.
- 301.3 Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety
- 304.1 Exterior of Structure: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary.
- 304.2 Protective treatment: Exterior wood and/or metal surfaces have peeling, flaking and/or chipped paint.
- 304.4 Exterior Structural Members: Structural members shall be maintained free from deterioration and capable of supporting imposed loads.

304.6 Exterior walls: All exterior walls shall be free from holes, breaks, and loose or rotting materials: and maintained weatherproof and properly surface coated where required to prevent deterioration
304.7 Roofs and drainage: Roof and flashing shall be sound, tight and not have defects that admit rain.
304.8 Decorative features: All cornices, belt courses, corbel, terra cotta trim, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
304.10 Stairways, decks, porches and balconies: Exterior stairway, deck, porch and balcony maintained structurally sound, in good repair, properly anchored and able to support imposed loads.
304.13 Window, skylight and door frames: Windows, skylight, doors and frames shall be kept in sound condition, good repair and weather tight.
305.3 Interior surfaces: All interior surfaces including windows and doors shall be maintained in good and sanitary condition.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

Right of Appeal

You have the right to appeal this decision of the Building Maintenance Official to the local Board of Building Code Appeals as provided for in Section 106.0 of the Virginia Maintenance Code, and in Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended. A written request for such an appeal shall be made on forms provided by the Building Maintenance Official, and filed with this office within 14 calendar days from receipt of this notice. At the time of filing, a fee of Two Hundred dollars (\$200.00) shall accompany the appeal request. Applications for appeal may be obtained in the Inspections Office located in Room 208 of the Municipal Building on Patton Street, Monday through Friday, 8:00 AM until 5:00 PM.

Compliance with this order may require a building permit from this office. Failure to obtain the proper permit(s) as required by the USBC shall constitute a separate violation. Should you have any questions or wish to discuss this matter, please contact me at (434) 799-5261. Thank you for your cooperation in promptly eliminating these violations.

Sincerely,



JACOB W WALKER
Property Maintenance Inspector



JERRY D RIGNEY
Division Director of Inspections

CC: File
Post on Property

Enclosed:

DOROTHY A. NESBITT
1621 WYNDHAM WAY
EL DORADO HILLS, CA 95762

INSTRUMENT # 06-2405

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

INSTRUMENT # 11-5496
11-5497

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gilie, Jr.
Division Director of Planning

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INSPECTIONS DIVISION NOTICE OF DEMOLITION

6/24/2014

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

RE: 233 JEFFERSON AVE
Parcel ID: 24234
Application Number: 128147

Dear Property Owner(s) and/or Occupant,

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an **UNSAFE STRUCTURE**, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of receipt of this notice.

The specific violations, which exist, that cause the building to be declared unsafe, unfit for human occupancy or unlawful and a dangerous structure are as follows:

105 Unsafe structures: VMC Section 105 Unsafe and/or unfit for habitation.

301.3 Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety

304.1 Exterior of Structure: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary.

304.2 Protective treatment: Exterior wood and/or metal surfaces have peeling, flaking and/or chipped paint.

304.4 Exterior Structural Members: Structural members shall be maintained free from deterioration and capable of supporting imposed loads.

304.5 Foundation walls: Foundation walls either not plumb or free of open cracks and breaks.

304.6 Exterior walls: All exterior walls shall be free from holes, breaks, and loose or rotting materials: and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage: Roof and flashing shall be sound, tight and not have defects that admit rain.

304.8 Decorative features: All cornices, belt courses, corbel, terra cotta trim, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.10 Stairways, decks, porches and balconies: Exterior stairway, deck, porch and balcony maintained structurally sound, in good repair, properly anchored and able to support imposed loads.

304.13 Window, skylight and door frames: Windows, skylight, doors and frames shall be kept in sound condition, good repair and weather tight.

304.15 Doors: All exterior doors, door assemblies and hardware shall be maintained in good condition.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

Right of Appeal

You have the right to appeal this decision of the Building Maintenance Official to the local Board of Building Code Appeals as provided for in Section 106.0 of the Virginia Maintenance Code, and in Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended. A written request for such an appeal shall be made on forms provided by the Building Maintenance Official, and filed with this office within 14 calendar days from receipt of this notice. At the time of filing, a fee of Two Hundred dollars (\$200.00) shall accompany the appeal request. Applications for appeal may be obtained in the Inspections Office located in Room 208 of the Municipal Building on Patton Street, Monday through Friday, 8:00 AM until 5:00 PM.

Compliance with this order may require a building permit from this office. Failure to obtain the proper permit(s) as required by the USBC shall constitute a separate violation. Should you have any questions or wish to discuss this matter, please contact me at (434) 799-5261. Thank you for your cooperation in promptly eliminating these violations.

Sincerely,



JACOB W WALKER
Property Maintenance Inspector



JERRY D RIGNEY
Division Director of Inspections

CC: File
Post on Property

Enclosed

MADWELL LLC
234 JEFFERSON AVE
DANVILLE, VA 24541

INSTRUMENT # 06-1967

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

INSTRUMENT # 11-5496
11-5497



INSPECTIONS
 RECEIVED
 NOV 17 2014
 REGISTERED
 Answered _____

**LOCAL BOARD OF BUILDING CODE APPEALS
 CITY OF DANVILLE, VIRGINIA**

APPLICATION FOR APPEAL

Pursuant to Section 119 of the Virginia Uniform Statewide Building Code, or Section F-112.0 of the Virginia Fire Prevention Code, or Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended, a request for an appeal is hereby made this 17 day of November, 2014 to the Board of Building Code Appeals, relative to the following:

Appellant – (Applicant)	v.	Appellate (Building Official, Building Maintenance Official or Fire Official)
Name <u>JOSEPH E. ELLIS</u>		<u>Building Maintenance</u>
Address <u>245 JEFFERSON AVE</u> <u>DANVILLE, VA 24541</u>		<u>OFFICIAL</u>
Firm/Company _____		_____
Phone <u>240-472-1080</u>		_____

If building is owned by other than Appellant, show owner's name and address:

Name _____
 Address _____

**Please include \$200.00 with this application, with checks made payable to the *City of Danville*.

CODE BEING

APPEALED:

- VIRGINIA UNIFORM STATEWIDE BUILDING CODE (USBC)
- VIRGINIA STATEWIDE FIRE PREVENTION CODE (SFPC)
- SECTION 9-3, CODE OF THE CITY OF DANVILLE, VIRGINIA

BASIS FOR APPEAL:

- The Building/Building Maintenance Official/Fire Official has denied the granting of a modification which complies with the intent of the applicable code.
- The true intent of the applicable code has been incorrectly interpreted.
- The provisions of the applicable code do not fully apply in this situation.

The proposal to use an equivalent form of construction or compliance has been denied.

- The decision of the code official regarding an order to abate an unsafe or dangerous structure is being challenged.

BACKGROUND INFORMATION:

Location of building for which this appeal is filed: 208 JEFFERSON AVE

Current or proposed use of building or structure: dwelling. The building WAS USED AS A dwelling and is proposed to be used AS A dwelling in the future.

Specific action or decision you are requesting of the Board: Delay demolition ORDER in order to work with interested investors of the property.

Justification for this request: I thought had deal with city to purchase property. when that fell through looked for other ways to save building and need more time to work with individuals that have shown interest in working with me to save the structure.

(ATTACH SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED)

Please complete the following estimate of the cost of repairs:

Type of work:	Amount
Demolition/ removal of damaged materials. ✓	\$ 10,000
Footing/ foundation/ chimney repair or installation. ✓	\$ 5,000
Structural floor, wall or roof framing repair or installation. ✓	\$ 5,000
Exterior roofing / flashing repair or installation. ✓	\$ 10,000
Exterior stair / porch / deck repair or installation. ✓	\$ 5,000
Exterior siding / trim repair or installation. ✓	\$ 5,000
Exterior door / window repair or installation. ✓	\$ 10,000
Interior wall / ceiling / flooring repair or installation. ✓	\$ 10,000
Interior trim / millwork / cabinet repair or installation.	\$ 5,000
Plumbing fixture / appliance / piping repair or installation.	\$ 5,000
Electrical fixture / device / wiring repair or installation.	\$ 10,000
Heating & cooling system repair or installation.	\$ 10,000
Hardware repair or installation.	\$
Insulation. ✓	\$ 5,000
Painting. ✓	\$ 5,000
Miscellaneous items or other.	\$
Total cost of work: \$100,000	

Please answer the following questions:

What portion of this work, if any, do you intend on performing yourself? NONE
The intention is to demolish the rear section which is an addition. This will lessen square footage and make the project less costly. Repair the shell and have
 Have you received any cost estimates from contractors to perform any of the above work, and if so, please attach copies of written estimates? Verbal estimate a clean interior with new dry wall, but no cat hole tray.

What is the time frame that you propose to start this work, and to have this work fully completed? 6 months

Do you intend on borrowing money to finance any portion of this work? No

If so, have you contacted any lending agents to determine your monthly payments? _____

208 JEFFERSON AVE
 Address of Property

JOSEPH E. ELLIS
 Name

NOV 17, 2014
 Date

[Signature]
 Signature



INSPECTIONS
RECEIVED
 NOV 18 2014
 Answered _____

**LOCAL BOARD OF BUILDING CODE APPEALS
 CITY OF DANVILLE, VIRGINIA**

APPLICATION FOR APPEAL

Pursuant to Section 119 of the Virginia Uniform Statewide Building Code, or Section F-112.0 of the Virginia Fire Prevention Code, or Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended, a request for an appeal is hereby made this 17 day of November, 2014 to the Board of Building Code Appeals, relative to the following:

Appellant – (Applicant)	v.	Appellate (Building Official, Building Maintenance Official or Fire Official)
Name <u>JOSEPH E. ELLIS</u>		<u>Building Maintenance</u>
Address <u>245 JEFFERSON AVE</u> <u>DANVILLE, VA 24541</u>		<u>Official</u>
Firm/Company _____		_____
Phone <u>240-472-1080</u>		_____

If building is owned by other than Appellant, show owner's name and address:

Name _____
 Address / _____

**Please include \$200.00 with this application, with checks made payable to the *City of Danville*.

CODE BEING

VIRGINIA UNIFORM STATEWIDE BUILDING CODE (USBC)

APPEALED:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (SFPC)

SECTION 9-3, CODE OF THE CITY OF DANVILLE, VIRGINIA

BASIS FOR APPEAL:

- The Building/Building Maintenance Official/Fire Official has denied the granting of a modification which complies with the intent of the applicable code.
- The true intent of the applicable code has been incorrectly interpreted.
- The provisions of the applicable code do not fully apply in this situation.
- The proposal to use an equivalent form of construction or compliance has been denied.
- The decision of the code official regarding an order to abate an unsafe or dangerous structure is being challenged.

BACKGROUND INFORMATION:

Location of building for which this appeal is filed: 233 Jefferson Ave

Current or proposed use of building or structure: Dwelling The Building was and will be returned to The Dwelling status

Specific action or decision you are requesting of the Board: DELAY Demolition order to provide time to work with potential Investors of Property

Justification for this request: Thought had deal with city to purchase said property when that fell through looked for other ways to save building and need more time to work with individuals that have shown interest in working with me to save the structure.

(ATTACH SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED)

Please complete the following estimate of the cost of repairs:

Type of work:	Amount
Demolition/ removal of damaged materials.	\$ 2500
Footing/ foundation/ chimney repair or installation.	\$ 1000
Structural floor, wall or roof framing repair or installation.	\$ 6000
Exterior roofing / flashing repair or installation.	\$ 8000
Exterior stair / porch / deck repair or installation.	\$ 4000
Exterior siding / trim repair or installation.	\$ 8000
Exterior door / window repair or installation.	\$ 7500
Interior wall / ceiling / flooring repair or installation.	\$ 8000
Interior trim / millwork / cabinet repair or installation.	\$ 1000
Plumbing fixture / appliance / piping repair or installation.	\$ 5000
Electrical fixture / device / wiring repair or installation.	\$ 3000
Heating & cooling system repair or installation.	\$ 4000
Hardware repair or installation.	\$ 0
Insulation.	\$ 4000
Painting.	\$ 4000
Miscellaneous items or other.	\$ 0
Total cost of work:	
	\$ 60,000

Please answer the following questions:

What portion of this work, if any, do you intend on performing yourself? NONE

Have you received any cost estimates from contractors to perform any of the above work, and if so, please attach copies of written estimates? VERBAL ESTIMATES

What is the time frame that you propose to start this work, and to have this work fully completed? 10 Months

Do you intend on borrowing money to finance any portion of this work? NO

If so, have you contacted any lending agents to determine your monthly payments? ---

233 JEFFERSON AVE
Address of Property

JOSEPH E. ELLIS
Name

Nov. 17 2014
Date

Joseph E. Ellis
Signature

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Division Director of Planning

Jerry D. Rigney
Division Director of Inspections

John L. Moody, J.D.
Division Director of Social Services



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville-va.gov

CERTIFIED MAIL

March 26, 2015

Joseph E. Ellis
245 Jefferson Ave. #1
Danville, VA 24541

Joseph E. Ellis
911 Benson Ter
Silver Spring, MD 20901

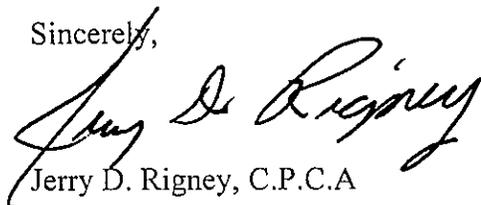
Re: RESOLUTION – 208 JEFFERSON AVE, DANVILLE VA 24541

Mr. Ellis:

Please see the attached Local Board of Building Code Appeals Resolution that pertains to the above mentioned address, adopted on March 19, 2015.

If you have any questions, please contact my office at (434) 799-5263.

Sincerely,



Jerry D. Rigney, C.P.C.A

Attachment
JDR/wbh



LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

RESOLUTION

WHEREAS, The Local Board of Building Code Appeals (LBBCA) of the City of Danville, Virginia met on March 19, 2015 to consider an appeal request from Joseph E. Ellis, the appellant, for the building(s) or structure(s) located at 208 Jefferson Ave., Danville, VA 24541; and WHEREAS, the LBBCA, upon consideration of the facts and issues presented in this appeal, agrees (agrees/disagrees) with the Building Official (Building/Code Official) in this matter, for the following reasons:

- The Board agreed that the appeal was not filed within the 14 day appeal period required by the 2009 Virginia Maintenance Code §106.5.

THEREFORE, BE IT RESOLVED by the LBBCA, that the decision of the Building Official (Building/Code Official) in this matter is hereby upheld (upheld/reversed/modified), which results in the appellant having to take the following action(s): of the Notice of Demolition date.
with the following stipulations and/or conditions (if any): none applicable.

ADOPTED:

3-19-15

Date



Chairman

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

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Division Director of Planning

Jerry D. Rigney
Division Director of Inspections

John L. Moody, J.D.
Division Director of Social Services



427 Patton Street
P. O. Box 3800
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8112
Fax: (434) 797-8919
www.danville-va.gov

CERTIFIED MAIL

March 26, 2015

Joseph E. Ellis
245 Jefferson Ave. #1
Danville, VA 24541

Joseph E. Ellis
911 Benson Ter
Silver Spring, MD 20901

Re: RESOLUTION – 233 JEFFERSON AVE, DANVILLE VA 24541

Mr. Ellis:

Please see the attached Local Board of Building Code Appeals Resolution that pertains to the above mentioned address, adopted on March 19, 2015.

If you have any questions, please contact my office at (434) 799-5263.

Sincerely,

Jerry D. Rigney, C.P.C.A.

Attachment
JDR/wbh



LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

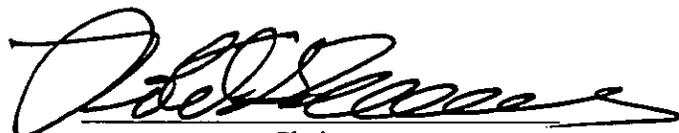
RESOLUTION

WHEREAS, The Local Board of Building Code Appeals (LBBCA) of the City of Danville, Virginia met on March 19, 2015 to consider an appeal request from Joseph E. Ellis, the appellant, for the building(s) or structure(s) located at 233 Jefferson Ave. Danville, VA 24541; and WHEREAS, the LBBCA, upon consideration of the facts and issues presented in this appeal, agrees (agrees/disagrees) with the Building Official (Building/Code Official) in this matter, for the following reasons:

- The Board agreed that the appeal was not filed within the 14 day appeal period required by the 2009 Virginia Maintenance Code §106.5.

THEREFORE, BE IT RESOLVED by the LBBCA, that the decision of the Building Official (Building/Code Official) in this matter is hereby upheld (upheld/reversed/modified), which results in the appellant having to take the following action(s): of the Notice of Demolition dated June 24, 2014.
with the following stipulations and/or conditions (if any): none applicable.

ADOPTED: 3-19-15
Date


Chairman

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



208 Jefferson Ave

U.S. POSTAL SERVICE
REGISTERED MAIL RECEIPT
Postage & Fees Paid
Permit No. 1000
Danville, VA 24541

7012 1010 0002 6816 3156

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

To: *Jake Walker*
208 Jeff. Ave. - Demo

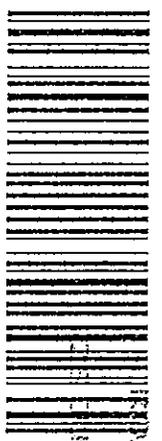
Postmark Here
CITY OF DANVILLE VA

Sent
Via
City
Ellis Joseph E & Cassandra E
245 JEFFERSON AVE
DANVILLE VA 24541

REGISTERED MAIL

DANVILLE VA 240

NOV 20 14 PM 12:17



7012 1010 0002 6816 3156

Inspection Division
Department of Community Development
P.O. Box 3300
Danville, Virginia 24543

Notified 47

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

7-2

2454 JEFFERSON AVE

NOV 20 14 08:09 2007 21/14
RETURN TO SENDER
UNCLAIMED
MAIL TO FORWARD
7012 1010 0002 6816 3156

THIS STRUCTURE HAS BEEN DECLARED BY THE CODE OFFICIAL TO BE UNSAFE, UNFIT FOR HUMAN OCCUPANCY OR UNLAWFUL PURSUANT TO THE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE, AND IS HEREBY AN

UNSAFE STRUCTURE

ANY USE OR OCCUPANCY OF THIS STRUCTURE IS UNLAWFUL, AND PROHIBITED BY THE CODE OFFICIAL. ANY PERSON USING OR OCCUPYING THIS STRUCTURE, OR REMOVING THIS PLACARD, WILL BE PROSECUTED AND SUBJECT TO THE PENALTIES AS PRESCRIBED IN §36-106 OF THE CODE OF VIRGINIA. DO NOT REMOVE.

208 Jefferson Ave.
ADDRESS

72-6-35
TAX MAP NO.

6-25-14
DATE


CODE OFFICIAL

COMMENTS: DEMOLITION

FOR ANY QUESTIONS CONCERNING THIS UNSAFE STRUCTURE, CONTACT THE CITY OF DANVILLE INSPECTIONS DIVISION AT 799-5263

NO TRESPASSING

14-4114
INSTRUMENT NO.
CITY OF DANVILLE, VA

PIN: 21232

Attachment 1

Return to:
City of Danville
Inspections Division
P.O. Box 330
Danville, VA 24543

NOTICE OF DEMOLITION OF STRUCTURE

KNOW ALL MEN BY THESE PRESENTS, that the Building Code Official for the City of Danville, Virginia has given notice to **JOSEPH E. ELLIS AND CASSANDRA E. ELLIS**, who is the owner of a certain structure located within the Danville City limits at **208 JEFFERSON AVENUE**, Tax Parcel Number 21232, that structure is unsafe and must be repaired or demolished and brought into compliance with the standards of the Virginia Uniform Statewide Building Code on or before July 26, 2014. If the structure is not fully repaired or demolished by the owner by the aforesaid date, the structure will be demolished by the City of Danville in accordance with the provisions of the Virginia Statewide Building Code and the provisions of the Danville City Code and a lien will be placed on the above-described property for the amount of the demolition costs.

This Notice of Demolition of Structure will serve as notice to all prospective purchasers, assigns, and successors in interest to the above-described property that if the structure located on the aforesaid property is not fully repaired to the standards of the Virginia Uniform Statewide Building Code or demolished by the aforesaid date, the structure will be demolished, by the City of Danville in accordance with the Notice of the Building Code Official. The transfer of title or the sale of the above-described property to the new owner will not affect the deadline set forth in this Notice of Demolition of Structure. The deadline set by the Code Official for the repair or demolition of the structure will remain in full force and effect unless modified by future action of the Building Code Official.

Dated this 12th day of November, 2014.

2-28-2018

CITY OF DANVILLE, VIRGINIA

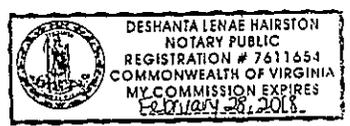
By: Jerry Rigney
Jerry Rigney, Building Code Official

COMMONWEALTH OF VIRGINIA
CITY OF DANVILLE, to wit:

Acknowledged before me on this 12th day of November, 2014 by Jerry D. Rigney,
Building Code Official for the City of Danville, Virginia

Deshanta L. Hairston
Notary Public

My commission expires: February 28, 2018



Inspections
City of Danville
434-799-5263

DATE 11-17-14

RECEIPT 281586

RECEIVED FROM Joseph E. Ellis

Address

Two hundred 90/100
FOR 208 Jefferson Ave. Danville, VA 24041
INSPECTIONS
\$200.00
NOV 17 2014

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	200.00
AMOUNT PAID		CHECK	
END BALANCE		MONEY ORDER	

BY Beth Johnston
ANSWERED

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Director of Planning

Jerry D. Rigney
Director of Inspections

John L. Moody, J.D.
Director of Social Services



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville-va.gov

TIMELINE FOR 208 JEFFERSON AVE, DANVILLE VA 24541

- **SEPTEMBER 23, 2003-** NOTICE OF VIOLATION WAS SENT TO OWNER, DOROTHY A. NESBITT (CERTIFIED MAIL WAS UNCLAIMED, REGULAR MAIL NOT RETURNED)
- **AUGUST 26, 2004-** A FINAL NOTICE WAS SENT TO OWNER. (CERTIFIED MAIL WAS SIGNED ON 9/10/04, REGULAR MAIL WAS NOT RETURNED) NO REPAIRS OR IMPROVEMENTS WERE EVER COMPLETED BY MS. NESBITT
- **MAY 24, 2006-** JOSEPH AND CASSANDRA ELLIS PURCHASED THE PROPERTY
- **NOVEMBER 7, 2007-** NOTICE OF VIOLATION WAS SENT TO OWNER (CERTIFIED MAIL WAS SIGNED BY AGENT ON 11/7/07, REGULAR MAIL WAS NOT RETURNED)
- **SEPTEMBER 3, 2008-** A FINAL NOTICE WAS SENT TO OWNER DUE TO NONCOMPLIANCE (CERTIFIED MAIL WAS UNCLAIMED, REGULAR MAIL WAS NOT RETURNED)
- **SEPTEMBER 26, 2008-** CITY RECEIVED A LETTER FROM JOSEPH ELLIS REGARDING THE VIOLATIONS AND HIS INABILITY TO FIND A CONTRACTOR
- **SEPTEMBER 26, 2008-** 60 DAY TIME EXTENSION NOTICE WAS GRANTED AND MAILED TO THE OWNER TO COMPLETE REPAIRS. (CERTIFIED MAIL WAS UNCLAIMED, REGULAR MAIL WAS NOT RETURNED) REINSPECTION WAS SCHEDULED FOR 11/26/08. NO REPAIRS OR IMPROVEMENTS WERE MADE TOWARD CORRECTING THE VIOLATIONS
- **APRIL 17, 2014-** TITLE SEARCH WAS COMPLETED BY ROBERT H. WHITT
- **JUNE 24, 2014-** NOTICE OF DEMOLITION WAS SENT TO OWNERS AND ALL LIENHOLDERS AND TRUSTEES (CERTIFIED MAIL TO OWNER WAS UNCLAIMED AND REGULAR MAIL WAS NOT RETURNED)

- **JUNE 25, 2014-** DEMOLITION PLACARD WAS POSTED ON THE PROPERTY
- **JULY 5 & JULY 12, 2014-** NOTICE OF DEMOLITION WAS ADVERTISED IN THE DANVILLE REGISTER & BEE
- **SEPTEMBER 17, 2014-** UTILITIES WERE DISCONNECTED IN PREPERATION FOR DEMOLITION
- **SEPTEMBER 18, 2014-** ASBESTOS SURVEY WAS PERFORMED TO IDENTIFY ANY ASBESTOS-CONTAINING MATERIAL
- **NOVEMBER 17, 2014-** APPLICATION AND PAYMENT FOR APPEAL WAS RECEIVED
- **PICTURES-** WERE TAKEN THE FOLLOWING DAYS AND ARE ATTACHED FOR VIEWING:
 - **NOVEMBER 5, 2007**
 - **JUNE 10, 2014**
 - **NOVEMBER 6, 2014**



LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

December 12, 2014

TO: Members of the City of Danville Local Board of Building Code Appeals
FROM:  Jerry D. Rigney, C.P.C.A Director of Inspections
SUBJECT: *208 Jefferson Ave, Parcel # 21232, Map #1716-002-000026.000 and 233
Jefferson Ave, Parcel # 24234, Map #2713-027-000013.000*

Case I: *208 Jefferson Ave, Parcel # 21232, Map #1716-002-000026.000*

The City is requesting denial of the appeal based on the timeliness of the appeal. Part III of Virginia Uniform Statewide Building Code, (VUSBC) Section 106.5 states that *"The owner of a building or structure, the owner's agent or any other person involved in the use of a building or structure may appeal a decision of the code official concerning the application of the USBC this code to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of this code pertaining to such building or structure. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision".*

The time between the June 24, 2014 Notice of Demolition and the filing of the Appeal date of November 18, 2014 is 148 days, not the allocated 14 days permitted by Section 106.5 of Part III, Virginia Uniform Statewide Building Code (VUSBC). Therefore, the City contends the application was not filed in a timely matter and the owners accepted the code official's decision per Section 106.5 ...*Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the code official's decision.*

Case II: *233 Jefferson Ave, Parcel # 24234, Map #2713-027-000013.000*

The City is requesting denial of the appeal based on the timeliness of the appeal. Part III of Virginia Uniform Statewide Building Code, (VUSBC) Section 106.5 states that *"The owner of a building or structure, the owner's agent or any other person involved in the use of a building or structure may appeal a decision of the code official concerning the application of the USBC this code to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of this code pertaining to such*

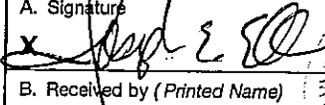
building or structure. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision".

The time between the June 24, 2014 Notice of Demolition and the filing of the Appeal date of November 17, 2014 is 147 days, not the allocated 14 days permitted by Section 106.5 of Part III, Virginia Uniform Statewide Building Code (VUSBC). Therefore, the City contends the application was not filed in a timely matter and the owners accepted the code official's decision per Section 106.5 ...*Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the code official's decision.*

Please see attached documents

Attachments

JDR/wbh

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p>B. Received by (Printed Name) [Blank]</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No JOSEPH E. ELLIS</p>
<p>1. Article Addressed to:</p> <p>Joseph E. Ellis 245 Jefferson Ave #1 Danville VA 24541</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7010 0290 0002 7873 1207</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

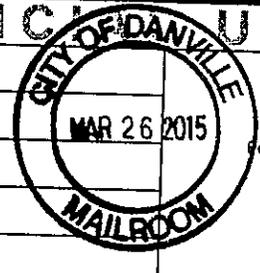
7010 0290 0002 7873 1207

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	



Postmark Here

Sent To	Joseph E. Ellis
Street, Apt. No. or PO Box	245 Jefferson Ave #1
City, State, ZIP+4	Danville VA 24541

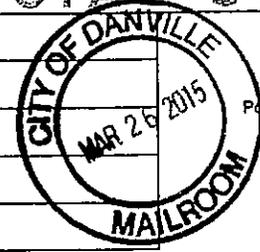
PS Form 3800, August 2006 See Reverse for Instructions.

7010 0290 0002 7873 1214

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		

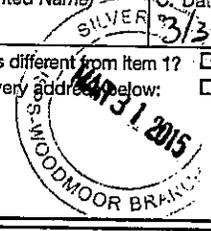
Sent To Joseph E Ellis

Street, Apt. No.,
or PO Box No. 211 Benson Terrace

City, State, ZIP+4 Silver Spring MD 20901

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ 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. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Joseph E. Ellis 911 Benson Terrace Silver Spring, MD 20901	B. Received by (Printed Name)	C. Date of Delivery 3/31/15
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Article Number: 7010 0290 0002 7873 1214		



PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

233 Jefferson Ave



THIS STRUCTURE HAS BEEN DECLARED BY THE CODE OFFICIAL TO BE UNSAFE, UNFIT FOR HUMAN OCCUPANCY OR UNLAWFUL PURSUANT TO THE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE, AND IS HEREBY AN

UNSAFE STRUCTURE

ANY USE OR OCCUPANCY OF THIS STRUCTURE IS UNLAWFUL, AND PROHIBITED BY THE CODE OFFICIAL. ANY PERSON USING OR OCCUPYING THIS STRUCTURE, OR REMOVING THIS PLACARD, WILL BE PROSECUTED AND SUBJECT TO THE PENALTIES AS PRESCRIBED IN §36-106 OF THE CODE OF VIRGINIA. DO NOT REMOVE.

233 Jefferson Ave.
ADDRESS

72-5-19
TAX MAP NO.

6-25-14
DATE


CODE OFFICIAL

COMMENTS: DEMOLITION

FOR ANY QUESTIONS CONCERNING THIS UNSAFE STRUCTURE,
CONTACT THE CITY OF DANVILLE INSPECTIONS DIVISION AT 799-
5263

NO TRESPASSING

SECTION 1: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* Agent
- B. Received by (Printed Name) Addressee
M. Morrison
- C. Date of Delivery Yes No
1/12/04
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Certified Mail
 - Registered
 - Insured Mail
 - Express Mail
 - Return Receipt for Merchandise
 - C.O.D.
4. Restricted Delivery? (Extra Fee) Yes No

2. AR Number **7012 1010 0002 6816 3200**

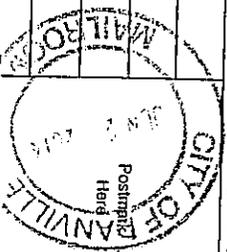
(Number from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



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

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	



233 Jeff. -Dems

COLLECTION ADVISORY GROUP
 400 N. 8 ST. ROOM 898
 MAIL BOX 75
 RICHMOND, VA 23219

0002 6816 3200 0002 1010 7012

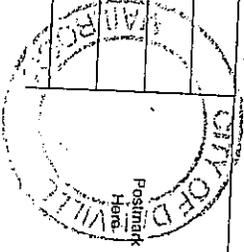
U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
Certified Mail Only, No Insurance Coverage Provided

For delivery information visit our Website at www.usps.com

7575 3194 6816 0002 1010 2012

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Sent To: MADWELL LLC
 Street: 234 JEFFERSON AVE
 or P.O. #: DANVILLE, VA 24541
 City, St:



Vake Walker
 233 Jeff Ave

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

MADWELL LLC
 234 JEFFERSON AVE
 DANVILLE, VA 24541

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Vake Walker* Agent

B. Received by (Printed Name) *Vake Walker* Addressee

C. Date of Delivery _____

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

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

2. Article Number *7012 1010 0002 6816 3194*

7012 1010 0002 6816 3194

PS Form 3811, February 2004 Domestic Return Receipt

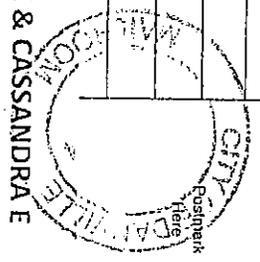
U.S. Postal Service
CERTIFIED MAIL RECEIPT
Insure Mail, Only. No Insurance Coverage Provided.

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

7012 1010 0002 6816 3217

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total P	6

Sent To: **ELLIS JOSEPH E & CASSANDRA E**
 Street / or PO B: **245 JEFFERSON AVE**
 City, St: **DANVILLE VA 24541**



233 Jeff. - Demo
 Jake Walker

CERTIFIED MAIL



7012 1010 0002 6816 3217

DANVILLE VA 24541
 JUN 2 2014 PM 11



Inspection Division
 Department of Community Development
 P.O. Box 3300
 Danville, Virginia 24543

*Notified
 47
 R*

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

7-Y

JUN 2 6 2014

NIXIE 274 SE 1009 0007/22/14
 RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD
 OCT 2454330000 *0771-22659-25-20
 2454155293500

INSPECTIONS
City of Danville
434-799-5363

DATE 11-18-14 RECEIPT 281589

RECEIVED FROM Sonya Ingram for Joseph Ellis

Address Two hundred & 09/100 INSPECTIONS 1 300.00

FOR 233 Jefferson Ave - DEPT PERMITS

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH
AMOUNT PAID	CHECK
BALANCE DUE	MONEY ORDER

NOV 18 2014

INSPECTIONS

ADMITTED

BY Debra Thompson

PIN: 24234

Attachment I

Return to:
City of Danville
Inspections Division
P.O. Box 3300
Danville, VA 24543

NOTICE OF DEMOLITION OF STRUCTURE

KNOW ALL MEN BY THESE PRESENTS, that the Building Code Official for the City of Danville, Virginia has given notice to JOSEPH E. ELLIS AND CASSANDRA E. ELLIS, who is the owner of a certain structure located within the Danville City limits at 233 JEFFERSON AVENUE, Tax Parcel Number 24234, that structure is unsafe and must be repaired or demolished and brought into compliance with the standards of the Virginia Uniform Statewide Building Code on or before July 26, 2014. If the structure is not fully repaired or demolished by the owner by the aforesaid date, the structure will be demolished by the City of Danville in accordance with the provisions of the Virginia Statewide Building Code and the provisions of the Danville City Code and a lien will be placed on the above-described property for the amount of the demolition costs.

This Notice of Demolition of Structure will serve as notice to all prospective purchasers, assigns, and successors in interest to the above-described property that if the structure located on the aforesaid property is not fully repaired to the standards of the Virginia Uniform Statewide Building Code or demolished by the aforesaid date, the structure will be demolished, by the City of Danville in accordance with the Notice of the Building Code Official. The transfer of title or the sale of the above-described property to the new owner will not affect the deadline set forth in this Notice of Demolition of Structure. The deadline set by the Code Official for the repair or demolition of the structure will remain in full force and effect unless modified by future action of the Building Code Official.

Dated this 12th day of November, 2014.

CITY OF DANVILLE, VIRGINIA

By: Jerry Rigney
Jerry Rigney, Building Code Official

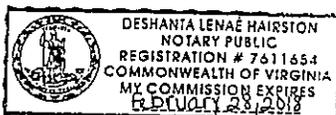
2-28-2018

COMMONWEALTH OF VIRGINIA
CITY OF DANVILLE, to wit:

Acknowledged before me on this 12th day of November, 2014 by Jerry D. Rigney,
Building Code Official for the City of Danville, Virginia

Deshanta L. Hairston
Notary Public

My commission expires: February 28, 2018

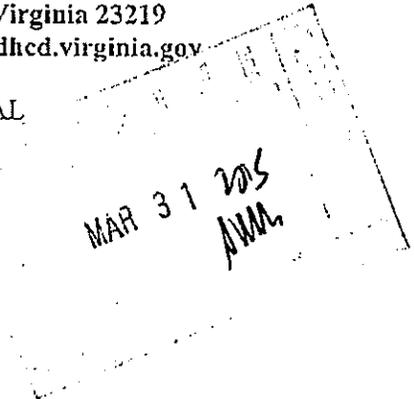


COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: alan.mcmahan@dhed.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



Appealing Party Information (name, address, telephone number and email address): PROPERTY'S in Question

JOSEPH E. ELLIS - 208 JEFFERSON AVE
245 JEFFERSON AVE #1 / 233 JEFFERSON AVE
DANVILLE, VA 24541 PH # 240-472-1080

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

CITY of DANVILLE VA - Dept of Community Dev.
427 PATTON ST PO. Box 3300
DANVILLE, VA 24543 PH # 434-799-5263

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of MARCH, 2015, 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: JOSEPH E. ELLIS
(please print or type)

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Director of Planning

Jerry D. Rigney
Director of Inspections



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville.va.gov

INSPECTIONS DIVISION

June 26, 2013

Robert H. Whitt Jr.
217 Lynn St
Danville, VA 24541

Dear Robert H. Whitt Jr.,

We are hereby requesting that your office perform the necessary title examination to identify all current owners and lienholders of record, along with mailing addresses of said owners and lien holders, for the following properties within the City of Danville:

Property Address	Parcel #	Map #
233 JEFFERSON AVE, DANVILLE, VA 24541	24234	72-5-19

Should you have any questions or need additional information, please let me know.

Sincerely,

Jerry D. Rigney, CPCA
Building Maintenance Official

Cc: File

ROBERT H. WHITT, JR.
ATTORNEY AT LAW
217 LYNN STREET, SUITE 110
DANVILLE, VIRGINIA 24541
434-792-2350
FAX 434-799-4149
e-mail: whittlaw@comcast.net

July 3, 2013

Mr. Jerry D. Rigney
Department of Community Development
427 Patton Street
P. O. Box 3300
Danville, VA 24543

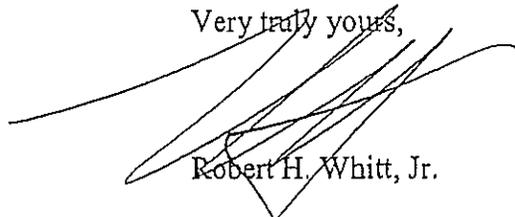
Re: Title examination to 233 Jefferson Ave.

Dear Jerry:

This is to certify that I have carefully examined the records in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, and find below the listed owners and lien holders of the above described property.

1. The owners of the property of record are Joseph E. Ellis and Cassandra E. Ellis, 245 Jefferson Ave., Danville, Virginia 24541.
2. Deed of Trust dated May 1, 2006, from Joseph E. Ellis and Cassandra E. Ellis to Samuel A. Kushner and Stephen G. Bass, Trustees, recorded in the aforesaid Clerk's Office as Instrument #06-1967 to secure the original principal sum of \$20,000, payable to Madwell, LLC, 234 Jefferson Ave., Danville, Virginia, 24541.
3. Federal tax lien docketed as Instrument #11-5496 against Joseph E. Ellis in the amount of \$40,266.06.
4. Federal tax lien against Joseph E. and Cassandra E. Ellis docketed as Instrument #11-5497 in the amount of \$39,544.36.
5. Real estate taxes are delinquent in the amount of \$31.03, plus penalty of \$10 and interest of \$00.34.

Very truly yours,



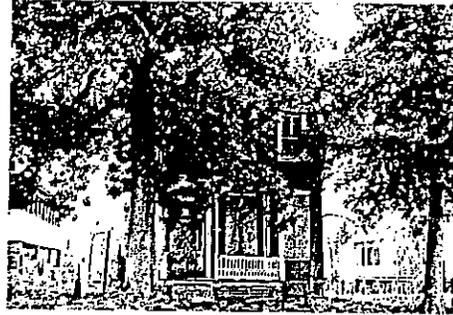
Robert H. Whitt, Jr.

/thm

Parcel ID: 24234
Address: 233 JEFFERSON AVE

Owner: ELLIS JOSEPH E &
CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

Mail-To: ELLIS JOSEPH E &
CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541



Value Information	
Land / Use:	\$2,500
Improvement:	\$6,000
Total:	\$8,500.00

Building Information	
Year Built:	1920
Total Rooms:	8
Bedrooms:	4
Full Bathrooms:	2
Half Bathrooms:	0
Finished Square Feet:	2,328

Additional Information			
State Code:	1101 Single Fam Res-1 Dwlng	Approx Acres:	0.17
Land Use:	Residential	Legal Description:	30 FT PT NO 10 JEFFERSON AVE
Tax Map:	2713-027-000013.000	Zone:	OTR Old Town Residential
Notes:	Card 01: Avg Lot: 50.0 X 151.0 (Map 72-5-19)		

Building

Building Information - 1

Property Class:	Residential	Finished Square Feet:	2,328
Style:	No Data	Basement Square Feet:	0
Year Built:	1920	Total Rooms:	8
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	Two Story		
Bedrooms:	4		
Dining Rooms:	1		
Family Rooms:	0		
Living Rooms:	1		
Full Bath:	2		
Half Bath:	0		
Features:	Size:		
Foundation - Cinder Block	0		
Frame, Siding, Wood	100 %		
Metal, Formed Seams	100 %		
Raised Enclosed Porch , Screened Walls	216 SF		
Raised Slab Porch with Roof	88 SF		

Improvements

Bldg #:	Improvement:	Size:
1	Utility Room Frame, Avg	143

Land

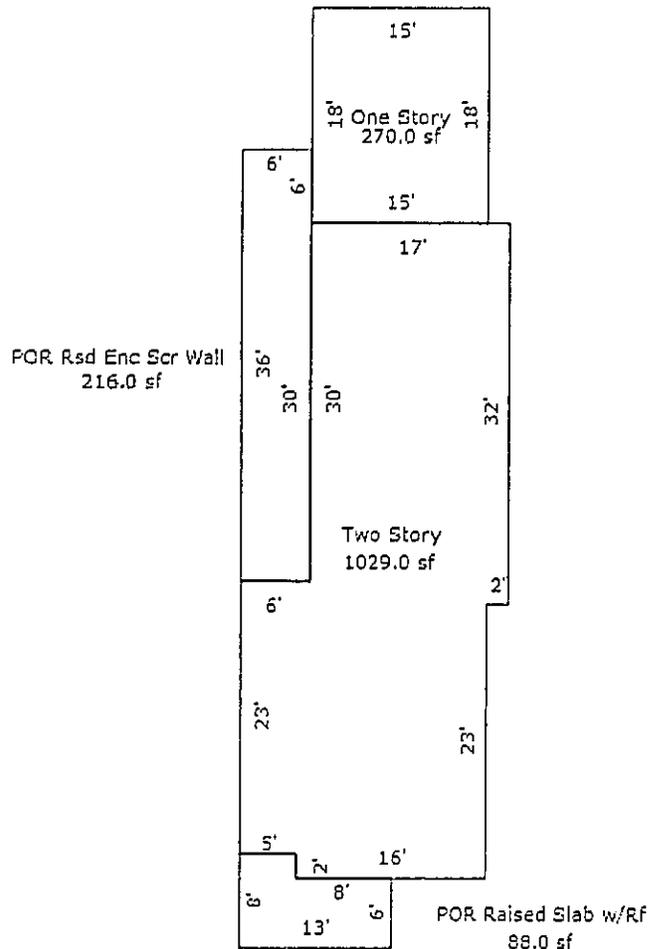
Land Code:	R06 Res FF (50)	Rate:	\$50
Acres:	0.17	Adj. Rate:	\$51
Sq. Ft.:	7,550	Base Value:	\$2,530
Front:	50	Adj. Amount:	\$10
Effective Front:	50	Value:	\$2,530
Depth:	151		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 06	1966	\$26,900	5/2/2006	MADWELL LLC	ELLIS JOSEPH E & CASSANDRA E
D 05	2180	\$0	5/5/2005	WELLBANK WILLIAM J	MADWELL LLC
D 04	1108	\$16,500	3/4/2004	POWELL WILLIAM K	WELLBANK WILLIAM J
W 78	304	\$0	2/18/1993	No Data	No Data
D 404	238	\$0	9/8/1964	No Data	No Data

Assessments

Year	Land	Use	Improvements	Total
2013	\$2,500	\$0	\$6,000	\$8,500
2012	\$2,500	\$0	\$6,000	\$8,500
2011	\$2,500	\$0	\$6,700	\$9,200
2010	\$2,500	\$0	\$6,700	\$9,200
2009	\$2,500	\$0	\$17,100	\$19,600
2008	\$2,500	\$0	\$17,100	\$19,600
2007	\$2,500	\$0	\$16,100	\$18,600
2006	\$2,500	\$0	\$16,600	\$19,100
2005	\$2,500	\$0	\$17,000	\$19,500
2004	\$2,500	\$0	\$17,000	\$19,500
2003	\$2,500	\$0	\$17,200	\$19,700
2002	\$2,500	\$0	\$17,200	\$19,700
2001	\$2,500	\$0	\$23,900	\$26,400
2000	\$2,500	\$0	\$23,900	\$26,400



Sketch by Apex Nadira™

Central Virginia Newspapers Review Order Confirmation for Ad #0003301039-01

Client: INSPECTIONS JERRY RIGNEY
 Client Phone: 434-799-5263
 Account#: 3299549
 Address: PO BOX 3300 DANVILLE VA 24543 USA
 Payor Customer: INSPECTIONS JERRY RIGNEY
 Payor Phone: 434-799-5263
 Payor Account: 3299549
 Payor Address: PO BOX 3300 DANVILLE VA 24543
 Acct. Exec: dhubbardDAN
 Ordered By: Jacob Walker
 EMail: moorema@ci.danville.va.us

Total Amount: \$365.20
 Payment Amt: \$0.00
 Amount Due: \$365.20
 Payment Method: Blind Box

Text: 233 Jefferson Ave
 Order Notes:

Ad Number	Ad Type	Color	Production Color
0003301039-01	CLP Legal Liner	<NONE>	
Pick Up Number	Ad Size	Production Method	Production Notes
0003301038	1.0 X 74 Li	AdBooker (liner)	
Product	Placement/Class	Position	# Inserts
Run Schedule Invoice Text			
Run Dates	Tag Line		

DAN Register Bee CLP:: Legal Ads - CLP Legal Notices-Legal-CLP 2
 7/5/2014, 7/12/2014
 233 JEFFERSON AVENUE
 DAN TN FeatCLP.com:Onl Any: Legal Ads - CLP Legal Notices-Legal-CLP 7
 7/5/2014, 7/16/2014, 7/17/2014, 7/18/2014, 7/19/2014, 7/10/2014, 7/11/2014
 233 JEFFERSON AVENUE

CIP
 7-22-14
 MB

ROBERT H. WHITT, JR.
ATTORNEY AT LAW
217 LYNN STREET, SUITE 110
DANVILLE, VIRGINIA 24541
434-792-2350
FAX 434-799-4149
e-mail: whittlaw@comcast.net

July 3, 2013

Mr. Jerry D. Rigney
Department of Community Development
427 Patton Street
P. O. Box 3300
Danville, VA 24543

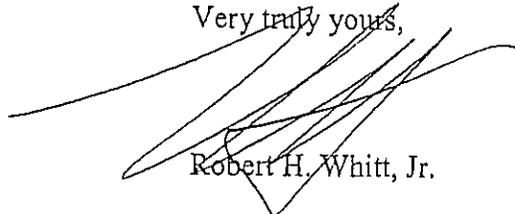
Re: Title examination to 233 Jefferson Ave.

Dear Jerry:

This is to certify that I have carefully examined the records in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, and find below the listed owners and lien holders of the above described property.

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5. Real estate taxes are delinquent in the amount of \$31.03, plus penalty of \$10 and interest of \$00.34.

Very truly yours,



Robert H. Whitt, Jr.

/thm

Parcel ID: 24234
Address: 233 JEFFERSON AVE

Owner: ELLIS JOSEPH E &
CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

Mail-To: ELLIS JOSEPH E &
CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541



Value Information	
Land / Use:	\$2,500
Improvement:	\$6,000
Total:	\$8,500.00

Building Information	
Year Built:	1920
Total Rooms:	8
Bedrooms:	4
Full Bathrooms:	2
Half Bathrooms:	0
Finished Square Feet:	2,328

Additional Information			
State Code:	1101 Single Fam Res-1 Dwlng	Approx Acres:	0.17
Land Use:	Residential	Legal Description:	30 FT PT NO 10 JEFFERSON AVE
Tax Map:	2713-027-000013.000	Zone:	OTR Old Town Residential
Notes:	Card 01: Avg Lot: 50.0 X 151.0 (Map 72-5-19)		

Building

Building Information - 1

Property Class:	Residential	Finished Square Feet:	2,328
Style:	No Data	Basement Square Feet:	0
Year Built:	1920	Total Rooms:	8
Condition:	No Data	<i>* Bathrooms are not included in total room count</i>	
Story Height:	Two Story		
Bedrooms:	4		
Dining Rooms:	1		
Family Rooms:	0		
Living Rooms:	1		
Full Bath:	2		
Half Bath:	0		
Features:		Size:	
Foundation - Cinder Block		0	
Frame, Siding, Wood		100 %	
Metal, Formed Seams		100 %	
Raised Enclosed Porch , Screened Walls		216 SF	
Raised Slab Porch with Roof		88 SF	

Improvements

Bldg #:	Improvement:	Size:
1	Utility Room Frame, Avg	143

Land

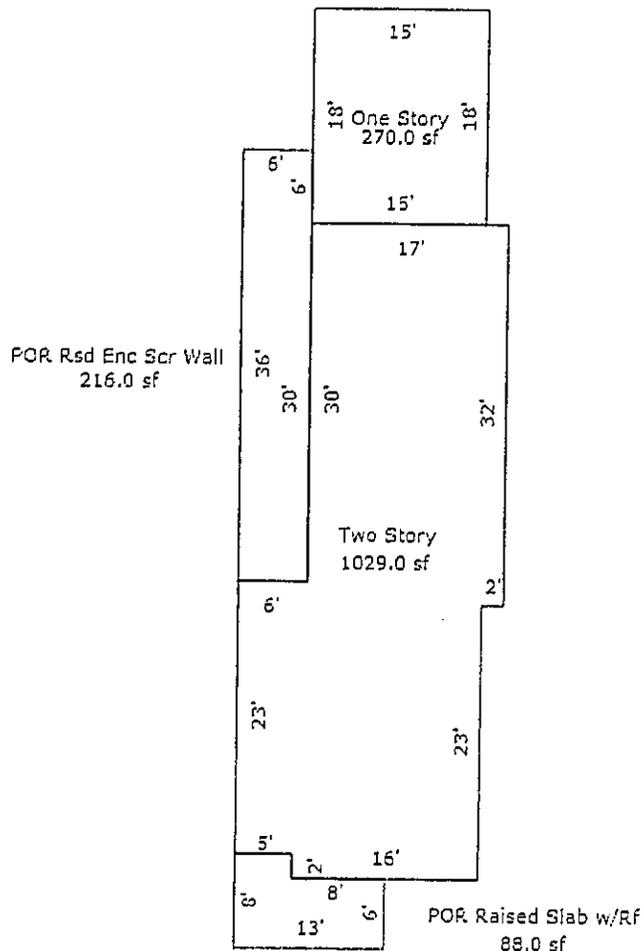
Land Code:	R06 Res FF (50)	Rate:	\$50
Acres:	0.17	Adj. Rate:	\$51
Sq. Ft.:	7,550	Base Value:	\$2,530
Front:	50	Adj. Amount:	\$10
Effective Front:	50	Value:	\$2,530
Depth:	151		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
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D 04	1108	\$16,500	3/4/2004	POWELL WILLIAM K	WELLBANK WILLIAM J
W 78	304	\$0	2/18/1993	No Data	No Data
D 404	238	\$0	9/8/1964	No Data	No Data

Assessments

Year	Land	Use	Improvements	Total
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2011	\$2,500	\$0	\$6,700	\$9,200
2010	\$2,500	\$0	\$6,700	\$9,200
2009	\$2,500	\$0	\$17,100	\$19,600
2008	\$2,500	\$0	\$17,100	\$19,600
2007	\$2,500	\$0	\$16,100	\$18,600
2006	\$2,500	\$0	\$16,600	\$19,100
2005	\$2,500	\$0	\$17,000	\$19,500
2004	\$2,500	\$0	\$17,000	\$19,500
2003	\$2,500	\$0	\$17,200	\$19,700
2002	\$2,500	\$0	\$17,200	\$19,700
2001	\$2,500	\$0	\$23,900	\$26,400
2000	\$2,500	\$0	\$23,900	\$26,400

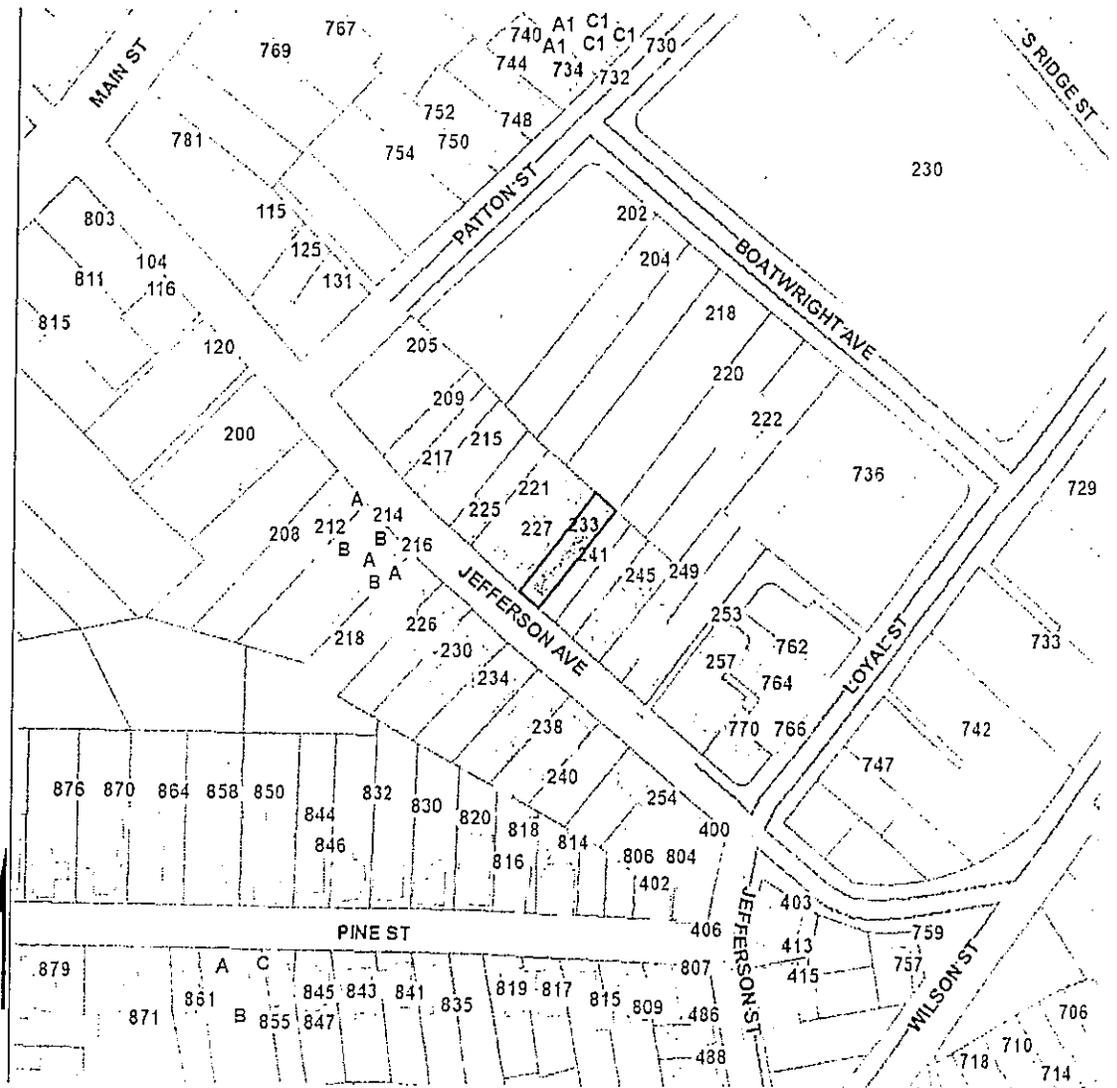


Sketch by Apex Madras™



- Buildings
- Parcels
- Historic_Districts
- Downtown
- Holbrook Ross
- North Danville
- Old West End
- Tobacco Warehouse
- Street Names
- House Numbers

Parcel ID: 24234



Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 6/5/2014

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Postage Paid by Addressee
Postage Paid by Addressee

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

7012 1010 0002 6816 3217

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total P		

Postmark Here
 CITY DANVILLE
 JUN 2 2014

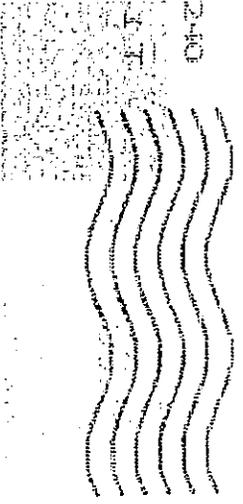
233 Jeff - Demo
 Jake Walker

Sent To
 Street, or P.O. Box
 City, St.
ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

CERTIFIED MAIL



7012 1010 0002 6816 3217



Inspection Division
 Department of Community Development

P.O. Box 3300
 Danville, Virginia 24543

Notified
47
R

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

7-Y

24541 523 300

MIXIE 274 SE 1009 0907/22/14
 RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD
 24545330000 *0771-22899-75-40

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Postage and Insurance Coverage Provided

For delivery information visit our Website at www.usps.com

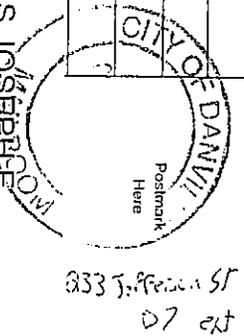
7012 3050 0001 9345 7902

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage &	

Sent To

Street, Apt. No.,
 or PO Box No.
 City, State, Zip+4

ELLIS JOSEPH E
 & CASSANDRA E
 245 JEFFERSON ST
 DANVILLE, VA 24541



CERTIFIED MAIL



7012 3050 0001 9345 7902

Inspection Division
 Department of Community Development
 P.O. Box 3300
 Danville, Virginia 24543

*Notified
 10/30/17
 R*

ELLIS JOSEPH E
 & CASSANDRA E
 245 JEFFERSON ST
 DANVILLE, VA 24541

2454161923 0002

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 UNDELIVERED
 DANVILLE, VA 24541
 11/5/13

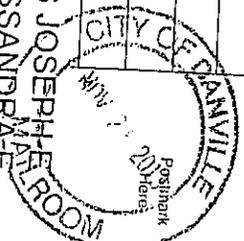
10-30

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

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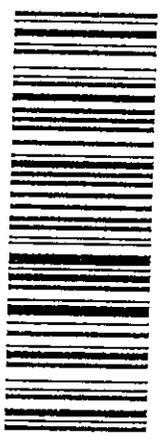
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	



ELLIS JOSEPH
& CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

Sent To
Street, Apt. No.,
or PO Box No.
City, State, Zip

CERTIFIED MAIL



7012 3050 0001 9345 8350

ELLIS JOSEPH
& CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

Inspection Division
Department of Community Development
P.O. Box 3300
Danville, Virginia 24543

*Notified
4/7
R*

5 3 5

245 JEFFERSON AVE

NOV 26 2013
RETURN TO SENDER
UNCLAIMED
OR ABLE TO FORWARD
7012 3050 0001 9345 8350

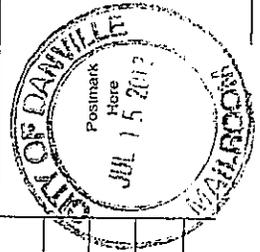
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 Domestic Mail Only. No Insurance Coverage Provided.
 For delivery information, visit our website at www.usps.com

7012 1010 0002 6814 7040

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Sent To: MADWELL LLC
 Street, or PO: 234 JEFFERSON AVE
 City, S: DANVILLE, VA 24541

233 JEFFERSON AVE



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

MADWELL LLC
 234 JEFFERSON AVE
 DANVILLE, VA 24541

2. Article (Tra

7012 1010 0002 6814 7040

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) MADWELL LLC

C. Date of Delivery 7/16/12

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Central Virginia Newspapers Review Order Confirmation for Ad #0003045770-01

Ad Content Proof Actual Size

NOTICE OF DERELICT BUILDING

ELLIS JOSEPH E
& CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

MADWELL LLC
234 JEFFERSON AVE
DANVILLE, VA 24541

RE: 233 JEFFERSON AVE, DANVILLE, VA 24541
PARCEL ID: 24234

Dear Property Owner(s),

The City of Danville's Inspections Division has inspected the building at the above referenced property. This correspondence will serve as official notification that the structure referenced above has been declared a derelict building in accordance with Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended.

A notice has been posted on the building declaring the building to be derelict in accordance with Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended. As a result of this declaration, the owner(s) are hereby required to submit a written plan to the Building Maintenance Official at 427 Patton Street, Danville VA 24543, to renovate or demolish the within 90 days of this notice.

If you fail to submit your plan by the aforementioned date the city will exercise all remedies as provided by Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended, to include administrative and legal action deemed necessary to abate or remove a nuisance and charge the costs or expense thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

FOR INFORMATION CONTACT:
Jerry D. Rigney, CPCA, Building Maintenance
Official, (434) 799-5263

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Director of Planning

Jerry D. Rigney
Director of Inspections

John L. Moody, J.D.
Director of Social Services



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville-va.gov

October 25, 2013

ELLIS JOSEPH E
& CASSANDRA E
245 JEFFERSON ST *Ave*
DANVILLE, VA 24541

RE: 233 JEFFERSON ST *Ave*, DANVILLE, VA 24541
Application Number: CEDER20130000151

Dear Property Owner,

This letter is in response to your submitted Derelict Building Plan. In an attempt to work with you, we are able to approve your submittal form. The work will be started around **NOVEMBER 15, 2013** per your submitted Derelict Building Plan Form. A re-inspection has now been scheduled for **APRIL 15, 2014**; at that time all repairs and improvements are to be completed. Failure to complete all repairs and improvements by the aforementioned date the city will exercise all remedies as provided by Section 9-126 of the Danville City Code, to include administrative and legal action deemed necessary to abate or remove the nuisance

Compliance with this notice may require a building permit from this office. Failure to obtain the proper permit(s) as required by the USBC shall constitute a separate violation. Thank you for your cooperation in promptly eliminating these violations. If you have any further questions, please call me at (434) 799-5263 Monday-Friday, 8:00-5:00.

Sincerely,

Dennis J Bisson
Maintenance Code Inspector

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
Postage, Mail Only, No Insurance Coverage Provided

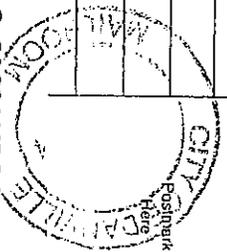
For delivery information visit our Website at www.usps.com

7012 1010 0002 6816 3217

Postage	\$	
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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
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ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

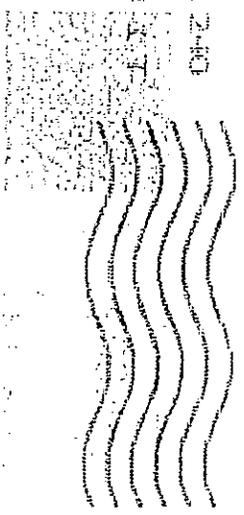


233 Jeff. - Demo
 Jake Walker

CERTIFIED MAIL



7012 1010 0002 6816 3217



Inspection Division
 Department of Community Development
 P.O. Box 3300
 Danville, Virginia 24543

*Notified
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ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

7-V

MIXIE 274 5E 1009 0907/22/1A
 RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD
 EC: 24545330000 *8771-22859-25-46
 2454161520300

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 B. Received by (Printed Name) Addressee
M. Morrison
 C. Date of Delivery *1/24*
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number *7012 1010 0002 6816 3200*

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
Domestic Mail Only; No Insurance Coverage Provided

For delivery information visit our Website at www.usps.com

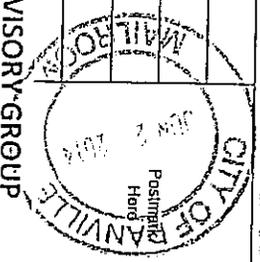
OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Sent To
 Street or PO
 City, St

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

7012 1010 0002 6816 3200



U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our Website at www.usps.com

7012 1010 0002 6816 3194

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Sent To: MADWELL LLC
 Street: 234 JEFFERSON AVE
 or PO: DANVILLE, VA 24541
 City, St:

Postmark Here:
 VAKE Walker
 233 Jeff Ave

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

MADWELL LLC
 234 JEFFERSON AVE
 DANVILLE, VA 24541

COMPLETE THIS SECTION ON DELIVERY

- A. Signature X *[Signature]* Agent
- B. Received by (Printed Name) *[Signature]* Addressee
- C. Date of Delivery *[Signature]*
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number *01* *jr from service label* 7012 1010 0002 6816 3194

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Director of Planning

Jerry D. Rigney
Director of Inspections



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville-va.gov

Inspections Division

NOTICE OF DERELICT BUILDING

July 12, 2013

ELLIS JOSEPH E
& CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

RE: 233 JEFFERSON AVE, DANVILLE, VA 24541

Application Number: CEDER20130000151

Dear Property Owner(s),

You are hereby notified that the City of Danville's Inspections Division has inspected the building at the above referenced property. This correspondence will serve as official notification that the structure referenced above has been declared a derelict building in accordance with Section 9-126 of the Danville City Code.

The Danville City Code, in Section 9-126, defines "derelict building" to mean;

a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

A notice has been posted on the building declaring the building to be derelict in accordance with Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended.

As a result of this declaration, you are hereby required to submit a written plan to the Building Maintenance Official to renovate or demolish the above listed building within 90 days of this notice. Your written plan should include specific dates the project will be commenced and completed to make it habitable. A guide and check list to assist you in developing your plan is enclosed. Please note that compliance with the Derelict Buildings Program carries significant financial incentives while failure to comply with this notice carries legal and financial liabilities.

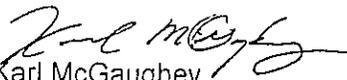
Estimated timelines for completion of a renovation should not exceed 6 months. Timelines for demolition should not exceed 90 days. Extensions beyond these timeframes may be limited at the discretion of the Building Maintenance Official.

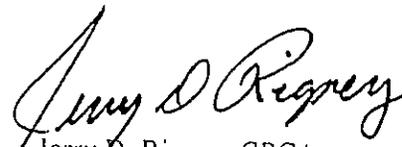
If you complete your renovation or demolition within the specified timeframe, you may be eligible for a refund of permit fees. Please submit your request for refund to this office in writing so it can be processed. The City Assessor's Office will take the steps necessary to ensure the tax abatement incentives are provided for, in accordance with City Code, after final inspection has been performed and approved.

If you fail to submit your plan by the aforementioned date the city will exercise all remedies as provided by Section 9-126 of the Danville City Code, to include administrative and legal action deemed necessary to abate or remove a nuisance.

Compliance with this notice may require a building permit from this office. Failure to obtain the proper permit(s) as required by the USBC shall constitute a separate violation. Please submit your plan to Jerry D. Rigney, CPCA, Building Maintenance Official, 427 Patton Street, Danville VA 24543. Should you have any questions or wish to discuss this matter, please contact me at (434) 799-5263. Thank you for your cooperation in promptly eliminating these violations.

Sincerely,


Karl McGaughey
Maintenance Code Inspector


Jerry D. Rigney, CPCA
Building Maintenance Official

Cc: W. Clarke Whitfield, Jr., City Attorney
Christopher J. Lovell, Director of Real Estate
File
Post on Property

Enclosed

MADWELL LLC
234 JEFFERSON AVE
DANVILLE, VA 24541

Central Virginia Newspapers Review Order Confirmation for Ad #0003045770-01

Client: INSPECTIONS JERRY RIGNEY Payor Customer: INSPECTIONS JERRY RIGNEY Acct. Exec: dhubbardDAN
 Client Phone: 434-799-5263 Payor Phone: 434-799-5263
 Account#: 3299549 Payor Account: 3299549
 Address: PO BOX 3300 PO BOX 3300 Ordered By: Karl McGaughy
 DANVILLE VA 24543 USA DANVILLE VA 24543

Notice of Derelict

Total Amount: \$254.80 Status: Materials
 Payment Amt: \$0.00
 Amount Due: \$254.80 Tear Sheets: 0 Proofs: 0 Affidavits: 1 PO Number: Blind Box:
 Payment Method:

Text: 233 Jefferson Avenue

Order Notes:

Ad Number: 0003045770-01 Ad Type: CLP Legal Liner Color: <NONE> Production Color:
 Pick Up Number: 0003045769 Ad Size: 1.0 X 51 Li Production Method: AdBooker (liner) Production Notes: City
 Product: Placement/Class: Position: # Inserts: 7-18-13 MB

DAN Register Bee CLP: _Legal Ads - CLP _Legal Notices-Legal-CLP 2
 NOTICE OF DERELICT BUILDING ELLIS JOSEPH E & CASSANDRA E 245 JEFFERSON AVE DANVILLE, VA 24541 MADWELL LLC 23
 7/20/2013, 7/27/2013
 NOTICE OF DERELICT BUILDING ELLIS JOSEPH E & CASSANDRA E 245 JEFFERSON AVE DANVILLE, VA 24541 MADWELL LLC 234 JEFFERSON
 DAN TN Feat CLP.com: Onl Any: _Legal Ads - CLP _Legal Notices-Legal-CLP 7
 NOTICE OF DERELICT BUILDING ELLIS JOSEPH E & CASSANDRA E 245 JEFFERSON AVE DANVILLE, VA 24541 MADWELL LLC 23
 7/20/2013, 7/21/2013, 7/22/2013, 7/23/2013, 7/24/2013, 7/25/2013, 7/26/2013
 NOTICE OF DERELICT BUILDING ELLIS JOSEPH E & CASSANDRA E 245 JEFFERSON AVE DANVILLE, VA 24541 MADWELL LLC 234 JEFFERSON

Danville Register & Bee

Advertising Affidavit

Account Number

3299549

700 Monument Street
Danville, Virginia 24541
(434) 793-2311

Date

July 27, 2013

INSPECTIONS JERRY RIGNEY
PO BOX 3300
DANVILLE, VA 24543

Date	Category	Description	Ad Size	Total Cost
07/27/2013	Legal Notices	NOTICE OF DERELICT BUILDING ELLIS JOSEP	1 x 51 L	254.80

NOTICE OF DERELICT BUILDING

ELLIS JOSEPH E
& CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

MADWELL LLC
234 JEFFERSON AVE
DANVILLE, VA 24541

RE: 234 JEFFERSON AVE, DANVILLE, VA 24541
PARCEL ID: 24334

Dear Property Owner(s),

The City of Danville's Inspections Division has inspected the building at the above referenced property. This correspondence will serve as official notification that the structure referenced above has been declared a derelict building in accordance with Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended.

A notice has been posted on the building declaring the building to be derelict in accordance with Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended. As a result of this declaration, the owner(s) are hereby required to submit a written plan to the Building Maintenance Official at 427 Patton Street, Danville VA 24541, to renovate or demolish the within 90 days of this notice.

If you fail to submit your plan by the aforementioned date the city will exercise all remedies as provided by Section 9-126 of the Code of the City of Danville, Virginia, 1986, as amended, to include administrative and legal action deemed necessary to abate or remove a nuisance and charge the costs or expenses thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

FOR INFORMATION CONTACT:
Jerry D. Rigney, CPCA, Building Maintenance Official, (434) 793-5203

Publisher of the Register & Bee

This is to certify that the attached NOTICE OF DERELICT BUILDING was published by the Register & Bee in the City of Danville, State of Virginia, on the following dates:

07/20, 07/27/2013

The First insertion being given ... 07/20/2013

Newspaper reference: 0003045770

Sworn to and subscribed before me this

July 29, 2013

Sarah D. Gentry Notary Public
Jeffrey A. Rigney Supervisor



State of Virginia
My Commission expires _____

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

7012 1010 0002 6814 6982

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
Domestic Mail Only. No Insurance Coverage Provided.

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

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To **ELLIS JOSEPH E**
 Street, A & CASSANDRA E
 or PO Box 245 JEFFERSON AVE
 City, State DANVILLE, VA 24541

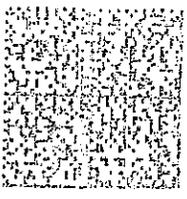
PS Form 3800, April 2012

Inspection Division
Department of Community Development
P.O. Box 3300
Danville, Virginia 24543

CERTIFIED MAIL™



7012 1010 0002 6814 6982



943162080000
\$06.310
07-15-2013
Mailed From: 24543
US POSTAGE

ELLIS JOSEPH E
& CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

*Notified
per
7/16/13*

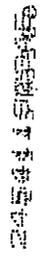
NAME

JUL 16 2013

NIXIE 231 SE 1009 0008/09/13

UNCLAIMED
UNABLE TO FORWARD

BC: 2454330000 *2750-03755-15-42



ROBERT H. WHITT, JR.
ATTORNEY AT LAW
217 LYNN STREET, SUITE 110
DANVILLE, VIRGINIA 24541
434-792-2350
FAX 434-799-4149
e-mail: whittlaw@comcast.net

April 17, 2014

Mr. Jerry D. Rigney
Department of Community Development
427 Patton Street
P. O. Box 3300
Danville, VA 24543

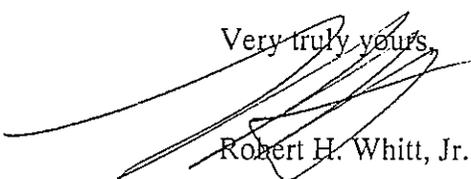
Re: Title examination to 208 Jefferson Avenue

Dear Jerry:

This is to certify that I have carefully examined the records in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, and find below the listed owner and lien holders of the above described property.

1. The owners of the property of record are Joseph E. & Cassandra E. Ellis, 245 Jefferson Avenue, Danville, VA 24541.
2. Deed of Trust dated May 23, 2006, from Joseph E. Ellis and Cassandra E. Ellis to Samuel A. Kushner and Stephen G. Bass, Trustees, recorded in the aforesaid Clerk's Office as Instrument #06-2405, to secure the original principal sum of \$27,000, payable to Dorothy a. Nesbitt, 1621 Wyndham Way, El Dorado Hills, CA 95762.
3. Notice of Tax Lien dated October 21, 2011, recorded in the aforesaid Clerk's Office as Instrument #11-5497, in the amount of \$39,574.36.
4. Notice of Tax Lien dated October 21, 2011, recorded in the aforesaid Clerk's Office as Instrument #11-5496, in the amount of \$40,266.06.
5. Real estate taxes are delinquent in the amount of \$10.99, plus interest of \$0.37, as of April 15, 2014.

Very truly yours,


Robert H. Whitt, Jr.

/shw

Danville Register & Bee

Advertising Affidavit

Account Number
3299549

700 Monument Street
Danville, Virginia 24541
(434) 793-2311

Date
July 12, 2014

INSPECTIONS JERRY RIGNEY
PO BOX 3300
DANVILLE, VA 24543

Date	Category	Description	Ad Size	Total Cost
07/12/2014	Legal Notices	208 JEFFERSON	1 x 76 L	374.80

NOTICE OF DEMOLITION

6/24/2014

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

DOROTHY A. NESBITT
INSTRUMENT # 06-2405
1621 WYNDHAM WAY
EL DORADO HILLS, CA 95762

COLLECTION ADVISORY GROUP
INSTRUMENT # 11-5496
400 N. 8 ST. ROOM 898
11-5497

MAIL BOX 75
RICHMOND, VA 23219

RE: 208 JEFFERSON AVE
PARCEL ID# 21232

Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an **UNSAFE STRUCTURE**, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of this notice dated June 24, 2014.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which

Publisher of the Register & Bee

This is to certify that the attached 208 JEFFERSON was published by the Register & Bee in the City of Danville, State of Virginia, on the following dates:

07/05, 07/12/2014

The First insertion being given ... 07/05/2014

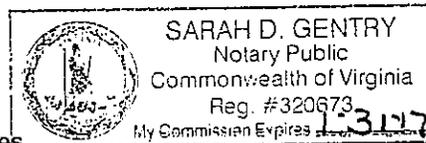
Newspaper reference: 0003301038

Sworn to and subscribed before me this

July 15, 2014

Sarah D. Gentry
Notary Public

Susan Aleskie
Supervisor



State of Virginia
My Commission expires

IT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

Central Virginia Newspapers Review Order Confirmation for Ad #0003301038-01

Client: INSPECTIONS JERRY RIGNEY Payor Customer: INSPECTIONS JERRY RIGNEY Acct. Exec: dhubbardDAN
 Client Phone: 434-799-5263 Payor Phone: 434-799-5263
 Account#: 3299549 Payor Account: 3299549
 Address: PO BOX 3300 PO BOX 3300 Ordered By: Jacob Walker
 DANVILLE VA 24543 USA DANVILLE VA 24543

Total Amount: \$374.80 Status: Materials
 Payment Amt: \$0.00
 Amount Due: \$374.80 Tear Sheets: 0 Proofs: 0 Affidavits: 1 PO Number: Blind Box
 Payment Method: Blind Box

Text: 208 Jefferson Ave

Order Notes:
 Ad Number: 0003301038-01 Ad Type: CLP Legal Liner Color: <NONE> Production Color:
 Pick Up Number: 0003292616 Ad Size: 1.0 X 76 Li Production Method: AdBooker (liner) Production Notes:
 Product: Placement/Class: Position: # Inserts:
 Run Schedule Invoice Text:
 Run Dates:
 Tag Line:

DAN Register Bee CLP:: _Legal Ads - CLP _Legal Notices-Legal-CLP 2
 7/5/2014, 7/12/2014 \$-1-14 MS
 208 JEFFERSON
 DAN TN FeatCLP.com:Onl Any: _Legal Ads - CLP _Legal Notices-Legal-CLP 7

CIP

7/5/2014, 7/6/2014, 7/7/2014, 7/8/2014, 7/9/2014, 7/10/2014, 7/11/2014
 208 JEFFERSON AVE.

Central Virginia Newspapers Review Order Confirmation for Ad #0003301038-01

Client: INSPECTIONS JERRY RIGNEY Payor Customer: INSPECTIONS JERRY RIGNEY Acct. Exec: dhubbardDAN
 Client Phone: 434-799-5263 Payor Phone: 434-799-5263
 Account#: 3299549 Payor Account: 3299549
 Address: PO BOX 3300 PO BOX 3300 Ordered By: Jacob Walker
 DANVILLE VA 24543 USA DANVILLE VA 24543

Fax: moorema@ci.danville.va.us
 EMail: moorema@ci.danville.va.us

Total Amount	\$374.80	Status		Materials
Payment Amt	\$0.00	Tear Sheets	0	Proofs
Amount Due	\$374.80		0	Affidavits
Payment Method			1	PO Number
				Blind Box

Text:
 Order Notes:
 Ad Number: 0003301038-01 Ad Type: CLP Legal Liner Color: <NONE> Production Color:
 Pick Up Number: 0003292616 Ad Size: 1.0 X 76 Li Production Method: AdBooker (liner) Production Notes:
 Product: Placement/Class: Position: # Inserts:
 Run Schedule Invoice Text:
 Run Dates:
 Tag Line:

DAN GoDanRiv CLP.com:Onl Any: _Legal Ads - CLP _Legal Notices-Legal-CLP 7
 7/5/2014, 7/6/2014, 7/7/2014, 7/8/2014, 7/9/2014, 7/10/2014, 7/11/2014
 208 JEFFERSON



Central Virginia Newspapers Review Order Confirmation for Ad #0003301038-01

Ad Content Proof Actual Size

NOTICE OF DEMOLITION

6/24/2014

ELLIS JOSEPHIE & CASSANDRA E
245 JEFFERSON AVE
DANVILLE VA 24541

DOROTHY A. NESBITT
INSTRUMENT # 06-2405
1621 WYNDHAM WAY
EL DORADO HILLS, CA 95762

COLLECTION ADVISORY GROUP
INSTRUMENT # 11-5496
400 N. 8 ST. ROOM 898
11-5497

MAIL BOX 75
RICHMOND, VA 23219

RE: 208 JEFFERSON AVE
PARCEL ID# 21232

Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMAC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an UNSAFE STRUCTURE, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of this notice dated June 24, 2014.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including, that building owner and contractor of the

building? charge the costs or expense
thereof to Any charges assessed, which
are unpaid, shall constitute a lien in that
amount against the property.

FOR INFORMATION CONTACT:
JERRY D. RIGNEY, CPCA, BUILDING
MAINTENANCE OFFICIAL, (434) 799-5263

Central Virginia Newspapers Review Order Confirmation for Ad #0003301039-01

Client: INSPECTIONS JERRY RIGNEY Payor Customer: INSPECTIONS JERRY RIGNEY Acct. Exec: dhubbardDAN
 Client Phone: 434-799-5263 Payor Phone: 434-799-5263
 Account#: 3299549 Payor Account: 3299549
 Address: PO BOX 3300 PO BOX 3300 Ordered By: Jacob Walker
 DANVILLE VA 24543 USA DANVILLE VA 24543
 Fax: moorema@ci.danville.va.us

Total Amount: \$365.20 Status: Materials:
 Payment Amt: \$0.00
 Amount Due: \$365.20 Tear Sheets: 0 Proofs: 0 Affidavits: 1 PO Number: Blind Box:
 Payment Method:

Text: 233 Jefferson Ave
 Order Notes:

Ad Number: 0003301039-01 Ad Type: CLP Legal Liner Color: <NONE> Production Color:
 Pick Up Number: 0003301038 Ad Size: 1.0 X 74 Li Production Method: AdBooker (liner) Production Notes:
 Product: Placement/Class: Position: # Inserts:
 Run Schedule Invoice Text:
 Run Dates:
 Tag Line:

DAN Register Bee CLP:: _Legal Ads - CLP 2 _Legal Notices-Legal-CLP 7
 7/5/2014, 7/12/2014 CIP 7-2-14 MB
 233 JEFFERSON AVENUE
 DAN TN FeatCLP.com:Onl Any: _Legal Ads - CLP 7 _Legal Notices-Legal-CLP 7

7/5/2014, 7/6/2014, 7/7/2014, 7/8/2014, 7/10/2014, 7/11/2014
 233 JEFFERSON AVENUE

Central Virginia Newspapers Review Order Confirmation for Ad #0003301039-01

Ad Content Proof Actual Size

NOTICE OF DEMOLITION

ELLIS, JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

MADWELL, LLC
INSTRUMENT # 06-1987
234 JEFFERSON AVE
DANVILLE, VA 24541

COLLECTION ADVISORY GROUP
INSTRUMENT # 11-5496
400 N. 8 ST. ROOM 898
11-5497

MAIL BOX 75
RICHMOND, VA 23219

RE: 233 JEFFERSON AVE
PARCEL ID# 24234

Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMAC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an UNSAFE STRUCTURE, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of this notice dated June 24, 2014.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-806 and the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs of expense therefor to you. All appropriate arrested which

are unpaid, would constitute a lien in that amount against the property.
FOR INFORMATION CONTACT:
JERRY D. RIGNEY, CPCA, BUILDING
MAINTENANCE OFFICIAL, (434) 799-5263

SENDER TO COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p> <p><i>M. Morrison</i> <i>6/27</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">COLLECTION ADVISORY GROUP 400 N. 8 ST. ROOM 898 MAIL BOX 75 RICHMOND, VA 23219</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>

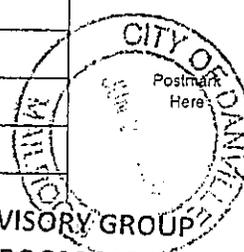
2. Article Number (1. Number from service label) 7012 1010 0002 6816 3187

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Domestic Mail Only. No Insurance Coverage Provided.

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

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total P	



VA KC Walker
2008 Jeff. -Dems

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

Sent To _____
Street, or PO Box _____
City, State _____

7012 1010 0002 6816 3187

Danville Register & Bee

Advertising Affidavit

Account Number

3299549

700 Monument Street
 Danville, Virginia 24541
 (434) 793-2311

Date

July 12, 2014

INSPECTIONS JERRY RIGNEY
 PO BOX 3300
 DANVILLE, VA 24543

Date	Category	Description	Ad Size	Total Cost
07/12/2014	Legal Notices	208 JEFFERSON	1 x 76 L	374.80

NOTICE OF DEMOLITION

6/24/2014

ELLIS JOSEPH E & CASSANDRA E
 245 JEFFERSON AVE
 DANVILLE VA 24541

DOROTHY A. NESBITT
 INSTRUMENT # 06-2405
 1621 WYNDHAM WAY
 EL DORADO HILLS, CA 95762

COLLECTION ADVISORY GROUP
 INSTRUMENT # 11-5496
 400 N. 8 ST. ROOM 898
 # 11-5497

MAIL BOX 75
 RICHMOND, VA 23219

RE: 208 JEFFERSON AVE
 PARCEL ID# 21232

Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an UNSAFE STRUCTURE, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of this notice dated June 24, 2014.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-905 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which

Publisher of the Register & Bee

This is to certify that the attached 208 JEFFERSON was published by the Register & Bee in the City of Danville, State of Virginia, on the following dates:

07/05, 07/12/2014

The First insertion being given ... 07/05/2014

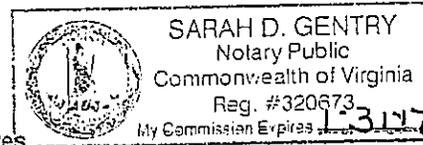
Newspaper reference: 0003301038

Sworn to and subscribed before me this

July 15, 2014

Sarah D. Gentry
 Notary Public

Susan Hendrix
 Supervisor



State of Virginia
 My Commission expires

IF A BILL. PLEASE PAY FROM INVOICE. THANK YOU

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

**COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219**

2. A. Number
(Transfer from service label)

7012 1010 0002 6816 3187

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

M. Morrison

C. Date of Delivery

6/27

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

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
Domestic Mail Only. No Insurance Coverage Provided.

For Delivery Information, visit our website at www.usps.com

7012 1010 0002 6816 3187

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total P	

CITY OF RICHMOND
Postmark Here
John Walker
2008 Jeff. - Dem

COLLECTION ADVISORY GROUP
400 N. 8 ST. ROOM 898
MAIL BOX 75
RICHMOND, VA 23219

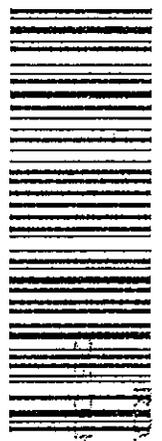
Sent To
Street, Apt. or P.O. Box
City, State

U.S. Postal Service
REGISTERED MAIL RECEIPT
 Registered Mail™ (Registered Mail™) is a service of the U.S. Postal Service.

7012 1010 0002 6816 3156

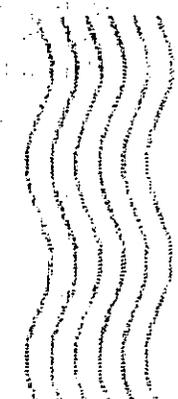
Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Postmark Here		
<i>Jake Walker</i> <i>208 Jeff. Ave. - Demo</i>		
From	ELLIS JOSEPH E & CASSANDRA E 245 JEFFERSON AVE DANVILLE VA 24541	
To		

REGISTERED MAIL



7012 1010 0002 6816 3156

DANVILLE VA 240
 JUN 20 14 PM 3:15



Inspection Division
 Department of Community Development

P.O. Box 3300
 Danville, Virginia 24543

Notified
47
ee

ELLIS JOSEPH E & CASSANDRA E
 245 JEFFERSON AVE
 DANVILLE VA 24541

7-2

2454 JEFFERSON AVE

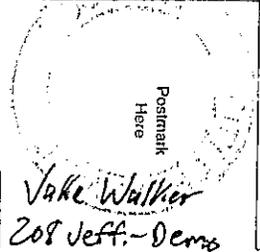
POSTAGE WILL BE PAID BY ADDRESSEE
 PERMIT TO SEND
 3RD CLASS
 DANVILLE VA 24541
 7012 1010 0002 6816 3156

Inspection Division

U.S. POSTAL SERVICE
 RECEIPT
 POSTAGE INSPECTION
 RECEIVED
 JUN 14 2014 PM 11
 2012 1010 0002 6816 3163

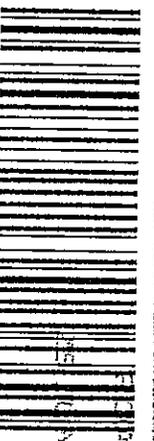
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Sent 1
 Street or PO
 Office
 DOROTHY A. NESBITT
 1621 WYNDHAM WAY
 EL DORADO HILLS, CA 95762



Inspection Division
 Department of Community Development
 P.O. Box 3300
 Danville, Virginia 24543

CERTIFIED MAIL



2012 1010 0002 6816 3163

DOROTHY A. NESBITT
 1621 WYNDHAM WAY
 EL DORADO HILLS, CA 95762

WTL

ROANOKE VA 240
 JUN 14 2014 PM 11
 2012 1010 0002 6816 3163
 0771-27541-25-00
 RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

DOROTHY A. NESBITT
 1621 WYNDHAM WAY
 EL DORADO HILLS, CA 95762

ROANOKE VA 240
 JUN 14 2014 PM 11



557 62 1009 6208/30/14

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

24543300000 42071-00500-25-11

Danville Register & Bee

Advertising Affidavit

Account Number

3299549

700 Monument Street
 Danville, Virginia 24541
 (434) 793-2311

Date

July 12, 2014

INSPECTIONS JERRY RIGNEY
 PO BOX 3300
 DANVILLE, VA 24543

Date	Category	Description	Ad Size	Total Cost
07/12/2014	Legal Notices	233 JEFFERSON AVENUE	1 x 74 L	365.20

NOTICE OF DEMOLITION

ELLIS JOSEPH E & CASSANDRA E
 245 JEFFERSON AVE
 DANVILLE VA 24541

MADWELL LLC
 INSTRUMENT # 06-1967
 234 JEFFERSON AVE.
 DANVILLE, VA 24541

COLLECTION ADVISORY GROUP
 INSTRUMENT # 11-5496
 400 N. 8 ST. ROOM 898
 # 11-5497

MAIL BOX 75
 RICHMOND, VA 23219

RE: 233 JEFFERSON AVE
 PARCEL ID# 24234

Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an **UNSAFE STRUCTURE**, and the Building Maintenance Official prohibits any use or occupancy.

ORDER

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Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

FOR INFORMATION CONTACT:
 JERRY D. RIGNEY, CPCA, BUILDING

Publisher of the Register & Bee

This is to certify that the attached 233 JEFFERSON AVENUE was published by the Register & Bee in the City of Danville, State of Virginia, on the following dates:

07/05, 07/12/2014

The First insertion being given ... 07/05/2014

Newspaper reference: 0003301039

Sworn to and subscribed before me this

July 15, 2014

Local D. Roney
 Notary Public

Susan Hendrix
 Supervisor



SARAH D. GENTRY
 Notary Public
 Commonwealth of Virginia
 Reg. #320673
 My Commission Expires 1-31-17

State of Virginia
 My Commission expires

A BILL. PLEASE PAY FROM INVOICE. THANK YOU

Central Virginia Newspapers Review Order Confirmation for Ad #0003301038-01

Ad Content Proof Actual Size

NOTICE OF DEMOLITION

6/24/2014

ELLIS JOSEPH E & CASSANDRA E
245 JEFFERSON AVE
DANVILLE, VA 24541

DOROTHY A. NESBITT
INSTRUMENT # 06-2405
1621 WYNDHAM WAY
EL DORADO HILLS, CA 95762

COLLECTION ADVISORY GROUP
INSTRUMENT # 11-5496
400 N. 8 ST. ROOM 898
11-5497

MAIL BOX 75
RICHMOND, VA 23219

RE: 208 JEFFERSON AVE
PARCEL ID# 21232

Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the Virginia Maintenance Code (PART III of the USBC-2009) for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the VMCC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

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ORDER

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Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions. This order is issued pursuant to the Virginia Code, Section 15-2-906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of this

104

building, and charge the costs or expense
incurred to you. Any charges assessed, which
are unpaid, would constitute a lien in that
amount against the property.

FOR INFORMATION CONTACT:
JERRY D. RIGNEY, CPCA, BUILDING
MAINTENANCE OFFICIAL, (434) 799-5263

Central Virginia Newspapers Review Order Confirmation for Ad #0003301038-01

Client: INSPECTIONS JERRY RIGNEY Payor Customer: INSPECTIONS JERRY RIGNEY Acct. Exec: dhubbardDAN
 Client Phone: 434-799-5263 Payor Phone: 434-799-5263
 Account#: 3299549 Payor Account: 3299549
 Address: PO BOX 3300 PO BOX 3300 Ordered By: Jacob Walker
 DANVILLE VA 24543 USA DANVILLE VA 24543

Total Amount: \$374.80 Status: Materials
 Payment Amt: \$0.00
 Amount Due: \$374.80 Tear Sheets: 0 Proofs: 0 Affidavits: 1 PO Number: Blind Box
 Payment Method: 1

Text: 208 Jefferson Ave
 Order Notes:

Ad Number: 0003301038-01 Ad Type: CLP Legal Liner Color: <NONE> Production Color:
 Pick Up Number: 0003292616 Ad Size: 1.0 X 76 Li Production Method: AdBooker (liner) Production Notes:
 Product: Placement/Class: Position: # Inserts:
 Run Schedule Invoice Text: Tag Line:

DAN Register Bee CLP:: _Legal Ads - CLP _Legal Notices-Legal-CLP 2 CIP 8-1-14 MB
 7/5/2014, 7/12/2014
 208 JEFFERSON
 DAN TN FeatCLP.com:Onl Any: _Legal Ads - CLP _Legal Notices-Legal-CLP 7

7/5/2014, 7/6/2014, 7/7/2014, 7/8/2014, 7/9/2014, 7/10/2014, 7/11/2014
 208 JEFFERSON AVE.

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Division Director of Planning

Jerry D. Rigney
Division Director of Inspections

John L. Moody, J.D.
Division Director of Social Services



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville-va.gov

INSPECTIONS DIVISION
DEMOLITION AUTHORIZATION FORM

I (Name) Mike Burton Date 9-17-14

(Owner, Agent, Contractor), authorize the City of Danville, Inspections Division to disconnect the necessary utilities in order to obtain a building permit to demolish the structure located at the following address:

Address: 208 Jefferson Ave (PIN#) 21232

City Demolition Private Demolition

NUMBER OF UTILITIES TO BE DISCONNECTED

1 Utility (Water or Gas) \$200.00		2 Utilities (Water & Gas) \$300.00	
Electric	\$0 _____	Cable	\$0 _____
Gas	\$200 _____	Telephone	\$0 _____
Water	\$200 _____	Sewer	\$0 _____

Utility Disconnection Fee Total: \$ _____

- I would like to request that the above mentioned utilities be reconnected at a later date for future construction. (Temporary Disconnect)

Signed: _____

- OR -

- I understand that when the above mentioned utilities are disconnected that it will be my responsible to have them re-connected. (Permanent Disconnect)

Signed: Mike Burton

(*UTILITY DEPARTMENT USE)

CityWorks WO# 129146

Utility Service Name: _____ Authorized Signature: _____

*PLEASE FAX AUTHORIZED COPY TO THE INSPECTIONS OFFICE AT:
(434) 797-8919 OR BY EMAIL TO harriwb@ci.danville.va.us

*NEEDED BY: _____, 2014

RECEIPT 281536

DATE 11-17-14

RECEIVED FROM Joseph E. Ellis

Address Two hundred 900100
808 Jefferson Ave
Ann Arbor MI 48106

INSPECTIONS

RECEIVED DOLLARS \$200.00
Nov 17 2014

ACCOUNT		HOW PAID		
BEGINNING BALANCE		CASH	CHECK	MONEY ORDER
AMOUNT PAID				
BALANCE DUE				

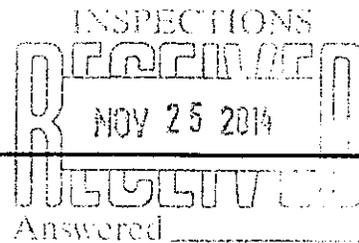
ATSWICD

BY Beth Hamington

INSPECTIONS
City of Ann Arbor
1314-799-5263

Joseph E. Ellis

245 Jefferson Ave #1, Danville, VA 24541 240-472-1080



11/24/2014

Jerry Rigney
Division Director of Inspections
427 Patton
PO Box 3300
Danville, VA 24543

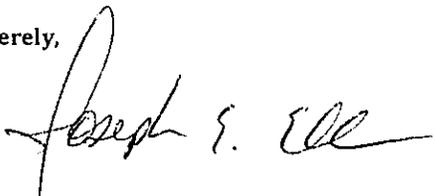
Dear Mr. Rigney:

I received your message of the appeal date of December 12, 2014. However due to medical reasons and the impending holiday season. I respectfully request that we pus back the Appeal date to just after the first of the year.

I have a set of Pre-OP appointments the week of the 12th and a Surgery date of the 16th. after which, I will have a 6-8 week recovery time. This added time will also allow me to work on administrative type things to hopefully find a way to sell the properties in question. (208 JEFFERSON AVE / 233 JEFFERSON AVE)

Your attention and help in this matter is greatly appreciated

Sincerely,



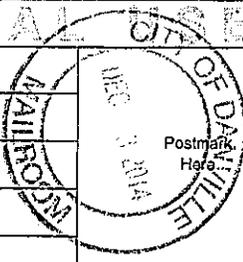
Joseph E. Ellis

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



**BOARD OF BUILDING CODE APPEALS
 CITY OF DANVILLE, VIRGINIA**

November 24, 2014

Sent To: Joseph E Ellis
 Street, Apt., No. or P.O. #: 245 Jefferson Ave
 City, State, ZIP+4: Danville VA 24541

PS Form 3800, August 2006 See Reverse for Instructions

Danville Local Board of Building Code Appeals

FROM:  Jerry D. Rigney, C.P.C.A: Division Director of Inspections

SUBJECT: Notice of Meeting to hear an Appeal on December 12, 2014 at 2:00 P.M.,
City of Danville 4th Floor Conference Room, from Joseph E. Ellis, for
 properties located at:

- 208 Jefferson Ave, Parcel # 21232, Map #1716-002-000026.000**
- 233 Jefferson Ave, Parcel #24234, Map #2713-027-000013.000**

Hello Board Members. Thank you for serving on the Local Board of Building Code Appeals (LBBCA) for the City of Danville, Virginia.

The LBBCA serves the City by hearing appeals concerning the application of the Virginia Uniform Statewide Building Code (VUSBC), Part I, Part II and Part III. This appeal is based on Part III of the Virginia Uniform Statewide Building Code "The Virginia Maintenance Code", 2009 Edition.

In accordance with Section 106 of the Virginia Uniform Statewide Building Code, Part III "The Virginia Maintenance Code", 2009 Edition, the City of Danville has received written request for an Appeal to the Local Board of Building Code Appeals (LLBCA). The Appeal has been made by Joseph E. & Cassandra E. Ellis.

On **Friday, December 12, 2014 at 2:00 P.M. (in the Conference Room located at 427 Patton Street on the 4th Floor of the Municipal Building)** the LBBCA will be hearing the appeal concerning the Demolition Orders issued by the City of Danville Inspections Division on the above subject properties, according to the Virginia Uniform Statewide Building Code, 2009 Edition. Attached is a package with the Agenda, copy of the Appeal Application and other general information.

Request for Appeal

Joseph E. Ellis filed an Appeal regarding:

208 Jefferson Ave, Parcel # 21232, Map #1716-002-000026.000

233 Jefferson Ave, Parcel #24234, Map #2713-027-000013.000

The Appeal seeks to overturn the Code Officials decision that the structures listed above must be taken down and removed in order to abate the unsafe and dangerous condition on these properties.

Again, thank you for serving and we will see you on **December 12, 2014 at 2:00 P.M.** in the 4th Floor Conference Room in the Municipal Building located at 427 Patton St.

Attachments

JDR/wbh

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Director of Planning

Jerry D. Rigney
Director of Inspections

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TIMELINE FOR 233 JEFFERSON AVE, DANVILLE VA 24541

- **FEBRUARY 17, 1988-** NOTICE OF UNSAFE STRUCTURE WAS SENT TO OWNER, WILLIAM K. POWELL (CERTIFIED MAIL WAS SIGNED ON 2/22/88, REGULAR MAIL WAS NOT RETURNED)
- **NOVEMBER 30, 1988-** NOTICE OF COMPLIANCE WAS SENT TO OWNER. UNSAFE VIOLATIONS WERE CORRECTED
- **JULY 15, 1994-** NOTICE OF VIOLATION WAS SENT TO OWNER AND TENANTS
- **JULY 29, 1999-** NOTICE OF UNSAFE STRUCTURE WAS SENT TO OWNER (MUST BE VACATED AND SECURED AGAINST PUBLIC ENTRY) WILLIAM K. POWELL RECEIVED NOTICE ON 8/4/99
- **MARCH 4, 2004-** WILLIAM J. WELLBANK PURCHASED THE PROPERTY
- **MAY 5, 2005-** MADWELL LLC PURCHASED THE PROPERTY
- **MAY 2, 2006-** JOSEPH AND CASSANDRA ELLIS PURCHASED THE PROPERTY
- **JULY 3, 2013-** TITLE SEARCH WAS COMPLETED BY ROBERT H. WHITT
- **JULY 12, 2013-** NOTICE OF DERELICT BUILDING WAS SENT TO OWNER AND TRUSTEES (CERTIFIED MAIL TO OWNER WAS UNCLAIMED AND REGULAR MAIL NOT RETURNED)
- **JULY 20 & JULY 27, 2013-** NOTICE OF DERELICT BUILDING WAS ADVERTISED IN DANVILLE REGISTER & BEE
- **OCTOBER 25, 2013-** 6 MONTH BUILDING PLAN WAS SUBMITTED BY THE OWNER AND APPROVED BY INSPECTIONS DEPARTMENT. VIOLATIONS WERE TO BE CORRECTED BY APRIL 15, 2014. APPROVAL NOTICE WAS SENT TO OWNER (CERTIFIED MAILED WAS UNCLAIMED, REGULAR MAIL WAS NOT RETURNED)



- **APRIL 15, 2014-** NO PERMITS WERE EVER PULLED, NO VIOLATIONS WERE CORRECTED BY THIS TIME
- **JUNE 24, 2014-** NOTICE OF DEMOLITION WAS SENT TO OWNER AND ALL LIENHOLDERS AND TRUSTEES (CERTIFIED MAIL TO OWNER WAS UNCLAIMED AND REGULAR MAIL WAS NOT RETURNED)
- **JUNE 25, 2014-** DEMOLITION PLACARD WAS POSTED ON THE PROPERTY
- **JULY 5 & JULY 12, 2014-** NOTICE OF DEMOLITION WAS ADVERTISED IN THE DANVILLE REGISTER & BEE
- **SEPTEMBER 17, 2014-** UTILITIES WERE DISCONNECTED IN PREPERATION FOR DEMOLITION
- **SEPTEMBER 18, 2014-** ASBESTOS SURVEY WAS PERFORMED TO IDENTIFY ANY ASBESTOS-CONTAINING MATERIAL
- **NOVEMBER 18, 2014-** APPLICATION AND PAYMENT FOR APPEAL WAS RECEIVED
- **PICTURES-** WERE TAKEN THE FOLLOWING DAYS AND ARE ATTACHED FOR VIEWING:
 - **JULY 29, 1999**
 - **JUNE 24, 2014**
 - **NOVEMBER 6, 2014**



LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

December 3, 2014

TO: Members of the City of Danville Local Board of Building Code Appeals
FROM:  Jerry D Rigney, C.P.C.A.: Division Director of Inspections
SUBJECT: Extension of meeting date from December 12, 2014 to **March 19, 2015 at 2:00 P.M.** to hear appeals from Joseph E. Ellis for the properties located at 208 Jefferson Ave., and 233 Jefferson Ave.

Hello Board Members. Thank you for serving on the Local Board of Building Code Appeals (LBBCA) for the City of Danville, Virginia.

On November 25, 2014, the Inspections Division received a request from Mr. Joseph E. Ellis, owner of 208 and 233 Jefferson Avenue, located in Danville, Virginia. In the attached letter from Mr. Ellis, he is requesting an extension of the appeal date of December 12, 2014 for which he had filed an appeal to the LBBCA. In his letter he stated that he was having surgery on the December 16, 2014 and would have a 6-8 week recovery time.

After consulting with Mr. Bob Newnam, Chairman of LBBCA, Mr. Newnam agreed to the extension and a new appeal date and meeting is scheduled for **March 19, 2015 at 2:00 p.m. in the 4th Floor Conference Room** located at 427 Patton St. Danville, Virginia. Please make note of the date change.

Attachment

JDR/wbh

cc: Joseph E. Ellis
Michael A. Nicholas, Esq.

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 70121010000268145985

Updated Delivery Day: Thursday, December 4, 2014

Product & Tracking Information

Postal Product:

Extra Svc:
Certified Mail™

Available Actions

Return Receipt After Mailing

DATE & TIME	STATUS OF ITEM	LOCATION
December 4, 2014 , 10:05 am	Delivered	DANVILLE, VA 24541

Your item was delivered at 10:05 am on December 4, 2014 in DANVILLE, VA 24541

December 4, 2014 , 9:08 am	Out for Delivery	DANVILLE, VA 24541
December 4, 2014 , 8:58 am	Sorting Complete	DANVILLE, VA 24541
December 4, 2014 , 8:30 am	Arrived at Unit	DANVILLE, VA 24541
December 4, 2014 , 5:26 am	Departed USPS Facility	ROANOKE, VA 24022
December 3, 2014 , 10:08 pm	Arrived at USPS Facility	ROANOKE, VA 24022

Track Another Package

Tracking (or receipt) number

Track It

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- FAQs

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LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

AGENDA

LOCAL BOARD OF BUILDING CODE APPEALS

December 12, 2014

2:00 P.M.

1. CALL TO ORDER
2. APPROVAL OF MINUTES OF JUNE 26, 2014 MEETING
3. CONSIDERATION OF ANY PRELIMINARY ISSUES:
 - A. REFUSAL OF BOARD MEMBER GUS DYER W. DYER III
IN ACORDANCE TO SECTION 106.4 VIRGINIA MAINTENANCE
CODE
 - B. TIMELINESS OF THE APPEALS IN ACORDANCE TO SECTION
106.5 VIRGINIA MAINTENANCE CODE
4. CONSIDERATION OF APPEAL FILED BY JOSEPH E ELLIS, OWNER OF 208
JEFFERSON AVE, PARCEL ID 21231, MAPS # 1716-002-000026.000
DANVILLE, VIRGINIA.
5. CONSIDERATION OF APPEAL FILED BY JOSEPH E ELLIS, OWNER OF 233
JEFFERSON AVE, PARCEL ID 24234, MAPS # 2713-027-000013.000
DANVILLE, VIRGINIA.
6. OTHER BUSINESS
7. ADJOURNMENT



LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

March 3, 2015

TO: Members of the City of Danville Local Board of Building Code Appeals

FROM:  Jerry D. Rigney, C.P.C.A: Division Director of Inspections

SUBJECT: **Reminder:** Notice of Meeting to hear an Appeal on March 19, 2015 at 2:00 P.M., City of Danville 4th Floor Conference Room, from Joseph E. Ellis, for properties located at:

208 Jefferson Ave, Parcel # 21232, Map #1716-002-000026.000

233 Jefferson Ave, Parcel #24234, Map #2713-027-000013.000

Hello Board Members. Thank you for serving on the Local Board of Building Code Appeals (LBBCA) for the City of Danville, Virginia.

The LBBCA serves the City by hearing appeals concerning the application of the Virginia Uniform Statewide Building Code (VUSBC), Part I, Part II and Part III. This appeal is based on Part III of the Virginia Uniform Statewide Building Code "The Virginia Maintenance Code", 2009 Edition.

In accordance with Section 106 of the Virginia Uniform Statewide Building Code, Part III "The Virginia Maintenance Code", 2009 Edition, the City of Danville has received written request for an Appeal to the Local Board of Building Code Appeals (LLBCA). The Appeal has been made by Joseph E. & Cassandra E. Ellis.

On Thursday March 19, 2015 at 2:00 P.M. (in the Conference Room located at 427 Patton Street on the 4th Floor of the Municipal Building) the LBBCA will be hearing the appeal concerning the Demolition Orders issued by the City of Danville Inspections Division on the above subject properties, according to the Virginia Uniform Statewide Building Code, 2009 Edition. Attached is a package with the Agenda, copy of the Appeal Application and other general information.

Request for Appeal

Joseph E. Ellis filed an Appeal regarding:

208 Jefferson Ave, Parcel # 21232, Map #1716-002-000026.000

233 Jefferson Ave, Parcel #24234, Map #2713-027-000013.000

The Appeal seeks to overturn the Code Officials decision that the structures listed above must be taken down and removed in order to abate the unsafe and dangerous condition on these properties.

Again, thank you for serving and we will see you on March 19, 2015 at 2:00 P.M. in the 4th Floor Conference Room in the Municipal Building located at 427 Patton St.

Attachments

JDR/wbh

Hand Delivered to Joseph E Ellis
245 Jefferson Ave #1
Danville VA 24541

Received by *Miss Carley*
Date: *3-3-15*

Ellis Notified of Hearing:

-After filing for the appeal on November 17, 2014, City of Danville Inspections Division sent Mr. Ellis notice of the hearing on December 12, 2014 to the address of record- 245 Jefferson Avenue.

-Mr. Ellis acknowledged receipt of this letter by writing his own, received by Inspections on November 25, 2014. The letter requested additional time

-A new notice dated December 3, 2014 which granted time extension and set the new date for the hearing, March 19, 2015 was sent to the same address of record.

-A tenant, Alicia Courtney, signed for the mail on December 4, 2014.

-A reminder notice and hearing packet was hand delivered to 245 Jefferson Avenue on March 3, 2015 and signed by tenant Alicia Courtney and one was fedexed to another address in Maryland discovered by City of Danville Senior Planner Renee Burton.

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- Startup
- Main Menu
- Customer Account Inquiry

Customer Account Inquiry *** READ ONLY USER ***

03103594 0011056518 ALICIA COURTNEY

Customer: 03103594	Balance: \$336.15	Active	Overdue Notice	00034
Account: 0011056518	Deposit: \$400.00CR	Tenant	No Tasks to be completed on file	
ALICIA COURTNEY	Last Bill: \$336.15 Due 04/07/2015	Residential	No Service Orders to be completed on file	
245 JEFFERSON AVE APT 1	Plan None	Move In 01/09/2015	(None)	
DARVILLE, VA 24541	Next	Cycle 11/Book 003		

Meter Reading | Contact | Equipment | Supplier | Leas/POS | Collections | >>>

Customer | Service Address | Customer/Account | Services | Addresses | Reading History | Transaction History | Bills | Comments | Move In/Out | ACH | Deposits

Move In/Out Information Move In Date 01/09/2015

Moves Into/Out of Account: 0011056518 - 245 JEFFERSON AVE APT 1

Moves Since 03/19/2014

Customer #	Name	Move In Date	Move Out Date	Account Status	Auto Move In	Owner/Tenant
00990374	JOSEPH ELLIS	08/14/2006	01/09/2015	Finald	<input type="checkbox"/>	Owner
03103594	ALICIA COURTNEY	01/09/2015	//	Active	<input type="checkbox"/>	Tenant

Moves by Customer: 03103594 - ALICIA COURTNEY

Account #	Service Address	Move In Date	Move Out Date	Account Status	Auto Move In	Owner/Tenant
0011056518	245 JEFFERSON AVE APT 1	01/09/2015	//	Active	<input type="checkbox"/>	Tenant

www.myosinifinity.com



LOCAL BOARD OF BUILDING CODE APPEALS
CITY OF DANVILLE, VIRGINIA

AGENDA

LOCAL BOARD OF BUILDING CODE APPEALS

March 19, 2015

2:00 P.M.

1. CALL TO ORDER
2. CONSIDERATION OF ANY PRELIMINARY ISSUES:
 - A. *TIMELINESS OF THE APPEALS IN ACORDANCE TO SECTION 106.5 VIRGINIA MAINTENANCE CODE*
3. CONSIDERATION OF APPEAL FILED BY JOSEPH E ELLIS, OWNER OF 208 JEFFERSON AVE, PARCEL ID 21231, MAPS # 1716-002-000026.000 DANVILLE, VIRGINIA.
4. CONSIDERATION OF APPEAL FILED BY JOSEPH E ELLIS, OWNER OF 233 JEFFERSON AVE, PARCEL ID 24234, MAPS # 2713-027-000013.000 DANVILLE, VIRGINIA.
5. APPROVAL OF MINUTES OF JUNE 26, 2014 MEETING
6. ADJOURNMENT

Local Board of Building Code Appeals

March 19, 2015

Members Present

Bob Newnam
Jeffrey L. Bond
Samuel S Thomas
Charles D Lampley
Arthur Craft

Members Absent

Marcia-Lee Rich
Gus Dyer

Staff

Jerry Rigney
Beth Harrington
Jeannise Galloway
Michael A Nicholas

Bob Newnam: I'd like to call the Local Board of Building Code Appeals for the City of Danville to Order, its two o'clock and we are going to start. I got here a consideration of any preliminary issues. I think what I want to do first is let everybody that is here just give your name and basically your occupation or something like that and we'll go around, okay, cause some of us are new on the Board.

Michael Nicholas: Before we do that have her call the roll.

Bob Newnam: Let's call the roll first.

Beth Harrington: Bob Newnam.

Bob Newnam: Here.

Beth Harrington: Marcia-Lee Rich

Beth Harrington: Gus Dyer.

Beth Harrington: Jeffrey Bond.

Jeffrey Bond: Here.

Beth Harrington: Arthur Craft.

Arthur Craft: Here.

Beth Harrington: Samuel Thomas

Samuel Thomas: Here

Beth Harrington: Charles Lampley

Joseph and Cassandra Ellis were sent a Notice of Demolition siting 208 Jefferson Avenue and 233 Jefferson Avenue on June 24, 2014. This is by certified and regular mail to the address provided by the City of Danville real estate records and a title search performed by Attorney Robert Whitt. The property sited the address sited was 245 Jefferson Avenue. Inspectors went to that address and it was vacant at that time. Also the Inspections Division posted a Notice of Unsafe Structure siting the demolition on both 208 Jefferson and 233 Jefferson the next day, June 25, 2014. Also the Inspections Division ran newspaper circulations of the Notices on July 5, 2014, July 7, 2014 and July 12, 2014. Two separate ones for 233, 208 and they were both ran for two consecutive weeks.

The City of Danville Inspections Department received an appeal for 208 and 233 Jefferson Avenue on November 17, 2014. This is a hundred and forty-five days after the date of the appeal and of course well over the fourteen days as required by the USBC. This Local Board and the State Technical Building Code of Review have both held that the timeframe from the USBC are mandatory and should be upheld. The Inspections Division went to the address property of record, which was vacant at the time. They sent certified and regular mail to this address, posted the property and circulated the posting in the newspaper for two weeks. The only exception to this timeframe is if the City will allow a waiver of it and at this time the City does not. We hope that the Board will uphold this rule and find that both 208 and 233 Jefferson were not appealed in a timely fashion.

That's it for the preliminary issue.

Bob Newnam:

Okay.

Arthur Craft:

I make a motion to accept it as read.

Bob Newnam:

You'll do what?

Arthur Craft:

Accept...

Michael Nicholas:

Before you do that you have to hold a public hearing on the preliminary issues....

Bob Newnam:

Okay, okay.

Michael Nicholas:

...if there is anyone who wants to speak...

Bob Newnam:

Exactly.

Bob Newnam: It was a hundred days pass the legal time limit to appeal. In other words, if you don't appeal the understanding is that you have accepted whatever the City is ruled for the property. You have to do it in a timely matter and they're saying they did not meet that requirement and therefore this appeal, if the Board votes not to.. to agree with the City in this then we won't hear the appeal and the demolition will go forward.

Sonja Ingram: Right.

Bob Newnam: That's my understanding, is that correct everybody? Both attorneys agree on that?

Okay.

I think I tried to clarify it for you. Go ahead.

Sonja Ingram: So it was one hundred days after the appeal was made that the....(unable to clearly hear what was being said)

Joseph Ellis: I had no idea (unable to clearly hear what was being said).....transpired as being the date that I supposedly received the demolition notice because I do not have record of receiving any of this...I talked to Jerry....

Bob Newnam: Excuse me, lets let her speak and I will take more. Yes, go ahead.

Sonja Ingram: Yes, I'm trying to clarify because this is coming to me as a very big surprise, because when... I am representing the Danville Preservation League and when we were informed of this, you know maybe a few days later Jerry had told us that we should go ahead and file the appeal. We were not under any....I did not know that this was like one hundred days later at all.

Jeannise Galloway: Can I respond?

If there is ever a request to make an appeal the Building Code Official cannot deny them. It's up to the Board to decide whether or not they want to hear the appeal. So if anyone says I want to make an appeal no matter what timeframe it is the City has to allow it so it can come before this Board.

Bob Newnam: I see. Okay, thank you.

Okay?

is working with me now and we are making great headway on the residences that actually have people living in them.

Bob Newnam: Okay, I want to hold it to the timeliness cause that is the issue before us.

Joseph Ellis: Right.

Bob Newnam: Okay? Anything else on the timeliness that you want to tell us?

If I could ask a question that could help clarify it for the Board. You say you have two address?

Joseph Ellis: Yes, I have two address.

Bob Newnam: Okay. You gave us 245 Jefferson, is that your legal address for the City of Danville?

Joseph Ellis: Yes.

Bob Newnam: Okay. What is your other address?

Joseph Ellis: My other address is 911 Benson Terrace, Silver Spring, Maryland.

Bob Newnam: Uh huh.

Joseph Ellis: Zipcode 20901.

Bob Newnam: Okay.

Joseph Ellis: That is my other address up in Maryland that I reside at part time.

Bob Newnam: Okay. Alright. Anything else you want to say about the timeliness?

Joseph Ellis: I don't know what else I could say other than I've done my best. I'm probably not, I'm very nieave to the policies in Danville and rely on your guys and the city officials that I work with, attempt to work with, here in Danville to tell me what my rights are as well. I had at no time heard that I had the right to appeal, it took somebody from Virginia Conservation come to me and inform me that I had this right and now we are hearing that is a day late, a hundred days late plus the _____.

Bob Newnam: Alright, anybody else want to speak to the timeliness issue?

Yes sir.

places people have one primary address and that is the address they send the legal notifications to. So, as you heard the testimony was had to be within two weeks and it was a hundred days or more.

Jeannise Galloway: Yes and if I may? If it was found that he received it at a later date, we would use the date that he received it and go from there. But evidence we had at the time was the only address he had was 245. The City did learn that he had another address from our Senior Planner, Renee Burton, but that wasn't until months after it. After the notices went out and that process started.

Bob Newnam: Okay. Alright, any discussion from the board members?

Joseph Ellis: Can I comment on that last statement?

Bob Newnam: Yes because she made a comment after the closing so I will allow it, sure go ahead.

Joseph Ellis: She just admitted that Renee, seem like it was, Renee never sent a notice to that address in that regard so that fourteen day top has not started yet. If you were aware as what time that there's another address involved you're obligated to pursue.

Jeannise Galloway: We are obligated to give it to the property address of record...

Joseph Ellis: But...

Jeannise Galloway: This new address...

Joseph Ellis: But...

Jeannise Galloway: Can I finish? The new address was not updated in the City records. It was not otherwise update. The only reason why it came up was because Mrs. Burton was working on a financial deal with Mr. Ellis. Again his property was also posted, both properties were posted bright orange. They were also circulated through the newspaper. These are all things that are required by the USBC. It's not really the responsibility of the City to try to track people down. We do everything that we can to find people and as soon as we exhaust all those avenues, that is the cutoff date.

Bob Newnam: Thank you. We will shut it down again. Okay?

Does anybody want to make any comment on this before we ask to agree or disagree with the Building Official on this? If we agree with the Building Official the job it's done. If we don't agree with the

Beth Harrington: Marcia-Lee Rich.

Beth Harrington: Gus Dyer.

Beth Harrington: Jeffrey Bond.

Jeffrey Bond: Yes.

Beth Harrington: Arthur Craft.

Arthur Craft: Yes.

Beth Harrington: Samuel Thomas

Samuel Thomas: Yes.

Beth Harrington: Charles Lampley.

Charles Lampley: Yes.

Bob Newnam: Okay.

Beth Harrington: Unanimus.

Bob Newnam: What's the vote?

Beth Harrington: Unanimus.

Bob Newnam: Unaminus to side with the City that timeliness was not done and so we will not hear this appeal.

Michael Nicholas: You move down the agenda to number five.

Bob Newnam: Alright. At this point we are not going to hear is on your schedule items three and four but we will approve the minutes of the June 26, 2014 meeting. Any discussion on that or do I have a motion to accept the minutes as provided?

Charles Lampley: I move that we accept the minutes as provided.

Bob Newnam: Do I have a second?

Samuel Thomas: I second.

There is actually an addition on the back of the house that is realitively new that could be demolished. That entire addtion could go away and that's what we have been working toward actually. If we did that the main part of the house, the original part of the house, would be much less expensive to rehab that.

Bob Newnam: If I can make a just a comment. If you are representing the Preservation League I think it would behoove you to talk to the Building Official and say if there is something in the historic zone that is going to come under condemnation would you please notify us or... and they might be willing to notify you when they got something and at least you would have a working relationship as opposed to being behind the eight ball legally on it after a hundred and some days pass when the notice said you only have fourteen days to do it in.

Sonja Ingram: Right. That's right. That has been something that we've been struggling with for about five years now or probably longer than that, is how we can get, you know, in front of these issues. So many times you have, you know it's land owner and that is why in this particular instance we would like to acquire this property. Like I say we have been working on the federal lein involved and I think we can be successful in saving this.

Bob Newnam: Well I think from the standpoint of you working with the City in general you can make some kind of arrangment so that you can be upfront on it even if the homeowners not. That would help you on the next time if you come before the Board and say we ask to be and we don't know what was going on and weren't notified or whatever. I feel confident that they would be willing to work with you at least to keep you informed as to what is going on in the historic zone. Plus, if you're an employee of the Preservation you should keep up with that yourself.

Sonja Ingram: Well we did, I have a list that Jeannise sent me last year but its all the houses, all these houses that on a list it seems to me it's always in flucks. Some of them seem to be in imminent danger of being demolished, other times, you know, we'll come back to the list and the house has been there for a couple years. That's a big problem that we've had is this communication problem. We never really know what house is going to be demolished next. The only reason that I found out about this is I get the updates from the City and I saw that there was a

Michael Nicholas: No sir, the demolition does not extinguish the leins. The leins remain on record until released or terminated by operation of law. Demolition does not extinguish the leins.

Bob Newnam: That is two different issues I think.
Okay, thank you for your comments.

Joseph Ellis: My question at this point is what are my rights?

Bob Newnam: Well, from this Board we're agreeing with the Building Official that there was no timeliness and therefore I'm assuming that the demolition order will go forward.

Jerry Rigney: He will get a notice in the mail with the decision and with any rights he has on that.

Bob Newnam: Well thank you sir.

Joseph Ellis: Thank you.

Bob Newnam: Okay. Is there any other items to come before the Board? I don't have any on my agenda? If not I'll entertain a motion that we adjourn.

Arthur Craft: I make a motion that we adjourn.

Charles Lampley: Second.

Bob Newnam: Second. Okay. All that's in favor say I.
(All members say I)

Bob Newnam: Any opposed?
Meeting adjourned.

Meeting was adjourned at 2:30.

Rigney, Jerry

From: Joseph's Email <josephellis@verizon.net>
Sent: Tuesday, March 31, 2015 3:57 PM
To: Sonja Ingram; Rigney, Jerry
Cc: Reynolds, Earl B.; Gus Dyer; Stephen R Wilson; dan latham
Subject: Re: State Appeal- 208 Jefferson Avenue

I received it today. Any help would be appreciated.

Joseph E. Ellis
240-472-1080

From: Sonja Ingram
Sent: Tuesday, March 31, 2015 3:46 PM
To: Rigney, Jerry
Cc: Reynolds, Earl B. ; Gus Dyer ; Stephen R Wilson ; dan latham ; Joseph Ellis
Subject: Re: State Appeal- 208 Jefferson Avenue

Jerry ,

Has Mr. Ellis official resolution been mailed?

Thank you,
Sonja

On Tue, Mar 24, 2015 at 12:43 PM, Rigney, Jerry <RigneJD@danvilleva.gov> wrote:

Hello Sonya,

Mr. Ellis will receive the official Resolution from the Local Board of Building Code Appeals, signed by the Chairman. Upon receipt of this resolution, " Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this resolution.

Application forms are available from the Office of the State Review Board, 600 Main St, Richmond, Virginia 23219, and (804) 371 7150.

Hope this helps.

Jerry D. Rigney, CPCA ,CBO

Director of Inspection Division

rignejd@danvilleva.gov

Take the Pledge to Make Danville Shine!

www.makedanvilleshine.com



From: Sonja Ingram [mailto:singram@preservationvirginia.org]

Sent: Tuesday, March 24, 2015 10:09 AM

To: Rigney, Jerry; Reynolds, Earl B.; Gus Dyer; Stephen R Wilson; dan latham; Joseph Ellis

Subject: State Appeal- 208 Jefferson Avenue

Mr. Rigney:

I am requesting that you send me the time frame to appeal to the Virginia Building Code of Board of Appeals for the decision made by the Danville Building Code of Board of Appeals on March 19, 2015 concerning the house at 208 Jefferson Avenue.

Thank you,

Sonja Ingram

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

Joseph E. Ellis
245 Jefferson Ave.
Danville, VA 24541

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X. [Signature] Addressee
B. Received by (Printed Name) Date of Delivery
MICHA [Signature]

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

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article # (Transit) 7012 1010 0002 6814 5985

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

RECEIPT 281589

DATE 11-18-14

RECEIVED FROM Sandra Ingram for Joseph Ellis

Address

Two hundred & 04/100
for 233 Jefferson Ave

INSPECTIONS

NOV 18 2014

NOV 18 2014

ACCOUNT		HOW PAID		
BEGINNING BALANCE		CASH	200.00	
AMOUNT PAID		CHECK		
BALANCE DUE		MONEY ORDER		

Approved

BY Beth Warrington

INSPECTIONS
 4944 799-5363
 11/18/14

**ADDITIONAL DOCUMENTS SUBMITTED
BY CITY OF DANVILLE**

Earl B. Reynolds, Jr.
Director of
Community Development

Kenneth C. Gillie, Jr.
Director of Planning

Jerry D. Rigney
Director of Inspections

John L. Moody, J.D.
Director of Social Services



427 Patton Street
P. O. Box 3300
Danville, Virginia 24543
Phone: (434) 799-5261
TTY: (434) 773-8142
Fax: (434) 797-8919
www.danville-va.gov

August 5, 2015

Richard Potts II, CBO
Senior Construction Inspector II and
Staff, State Building Code Technical Review Board
Department of Housing & Community Development (DHCD)
600 E. Main Street, Suite 300
Richmond, VA 23219

RE: Appeal No. 15-4

Dear Mr. Potts,

Attached is a copy of the revised structural report. The City of Danville is requesting this report replace the one recently submitted on Monday, July 27, 2015. If you have any questions or comments feel free to contact me.

Sincerely

Jay Thornton
Property Maintenance Inspector
City of Danville
434-799-5263 ext 233

Cc.

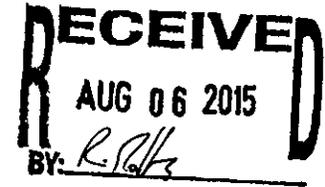
Spencer, Alan B.
Whitfield, Clarke
Rigney, Jerry
Reynolds, Earl B.
Ellis, Joseph
McMahan, Alan
Hodge, Vernon

1109 Brookdale Street, Suite B
Martinsville, Virginia 24112
www.edenandassociates.com



EDEN & ASSOCIATES
Engineering • Architecture • Development

Phone: 276-632-6231
Fax: 276-632-3648
jamie@edenandassociates.com



June 19, 2015

City of Danville
Inspections Division Director
Mr. Jerry D. Rigney
P.O. Box 3300
Danville, Virginia 24542-3300

Re: Building at 208 Jefferson Ave. – Danville, VA

Dear Mr. Rigney:

This letter report details results of our work related to the above referenced property in Danville, VA.

SCOPE:

Our scope of work was to inspect the property for structural deficiencies and to report our findings.

ACTIVITIES:

Eden & Associates inspected the building on May 29, 2015. Pictures were taken of areas of the building where deficiencies were observed. We walked the interior and exterior of the building to the extent safety permitted.

OBSERVATIONS:

The rear porch is partially dilapidated and not well supported. Drywall and plaster were peeling and crumbling. Significant portions of the floors were deteriorated or completely failing. There was extensive water damage throughout. Large portions of the ceilings were sagging, caving in, broken, and/or missing. Exposed roof beams looked to be rotting from water damage. The house is exposed to the elements in many areas. Portions of the walls and roof are open. There were areas we could not walk through because the floors had previously fallen through. There were cracks in walls and ceilings. One wall was separated by its adjoining wall by almost an inch. Another wall was cracked through the entire height of the wall, exposing sunlight through the ½ to 1 inch sized crack. There was outdated and exposed electrical on the outer walls. There was cracking in the outer brick walls.

CONCLUSIONS:

It is evident the building remain unstable due to age, exposure to the elements, and water damage. The building remains structurally unsafe in many areas. Unsafe conditions include the following:

1. Roof failure and deteriorated rafters, joists, and beams

2. Structural movement
3. Ceiling failures
4. Failing floors
5. Failing porches and entryways

In some areas, the extent of hazardous areas is so extensive that construction workers making repairs would be in danger from trying to do so.

RECOMMENDATIONS:

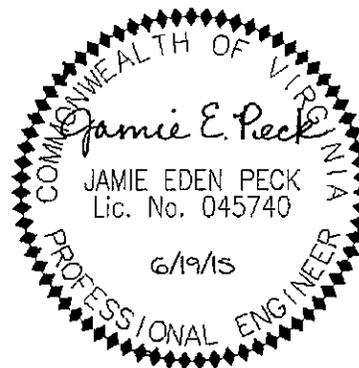
In my opinion, it is evident the building is an unsafe structure not fit for human occupancy. In its present condition, repairs would be costly and dangerous. The building should be demolished in the interest of safety to the public. Trespassers or homeless persons are at risk for injury. Persons exploring or attempting to repair the building could be at risk of injury or death from unexpected falling ceilings, roof damage, floor failures, or other debris from failure of the building structure.

Yours truly,

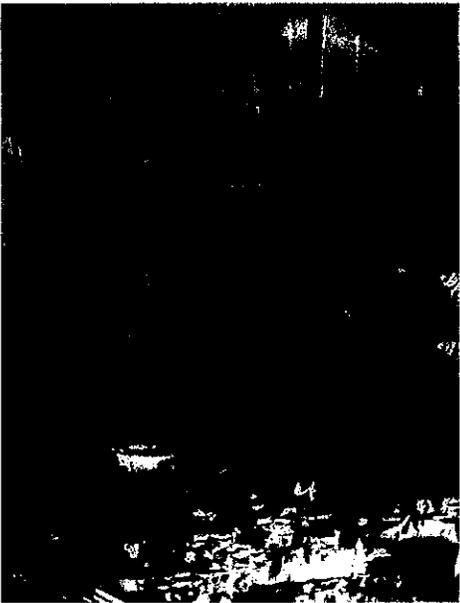
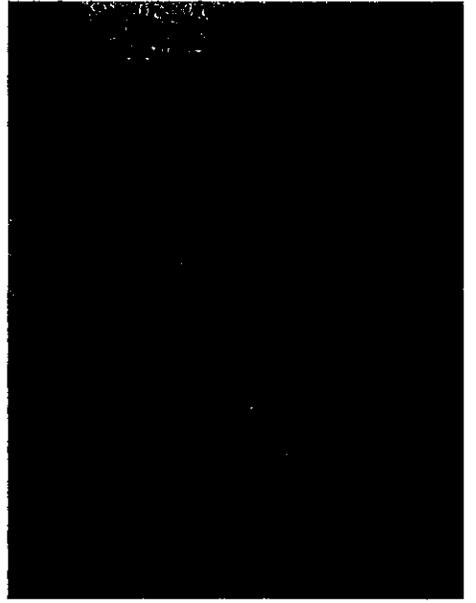
EDEN & ASSOCIATES, P.C.

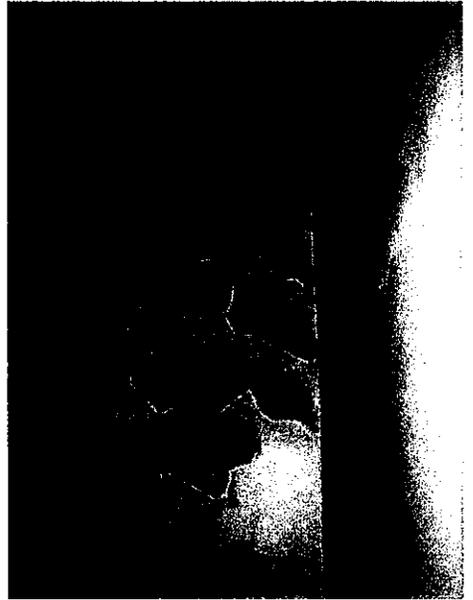
Jamie E. Peck

Jamie Eden Peck, P.E.
President



Attachments: Inspection photos (8 pages)

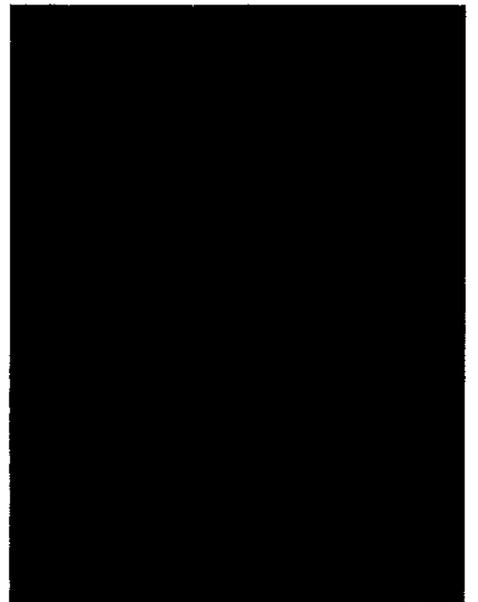
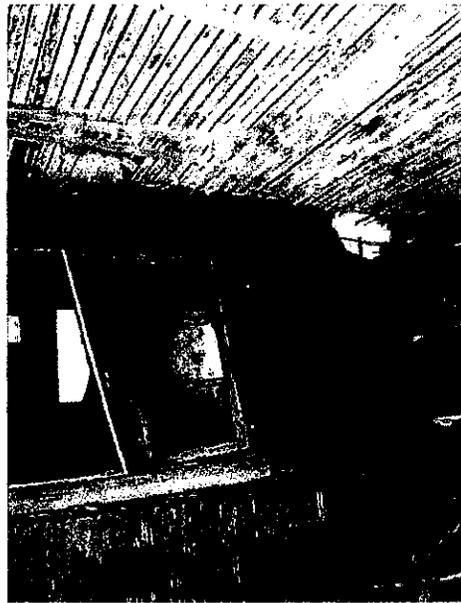
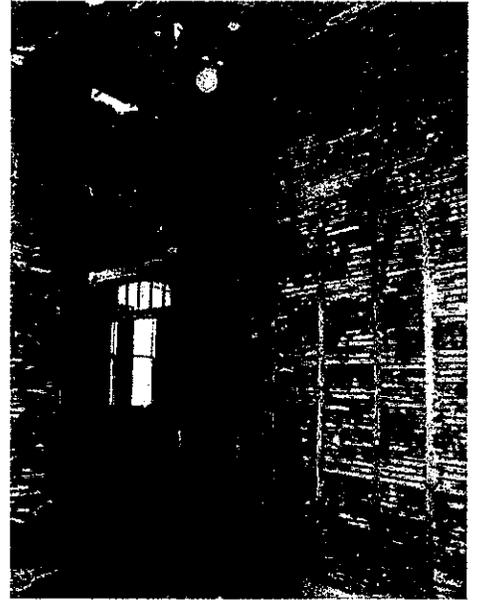


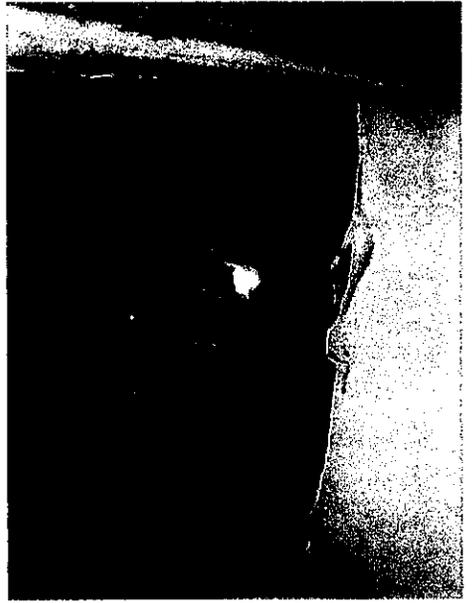
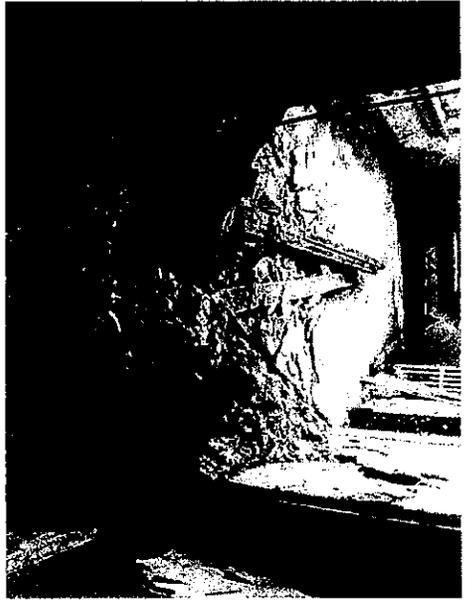
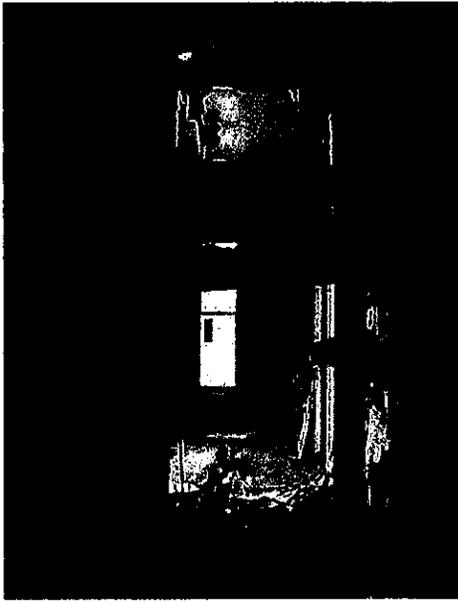


208 Jefferson



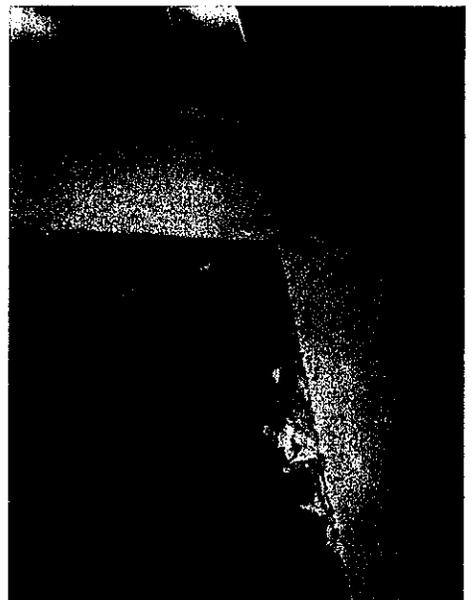
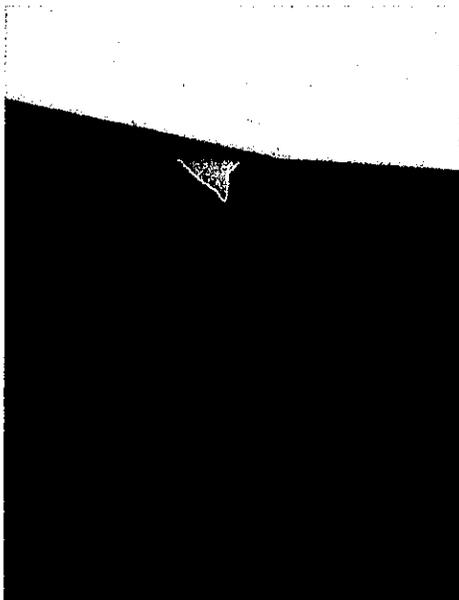
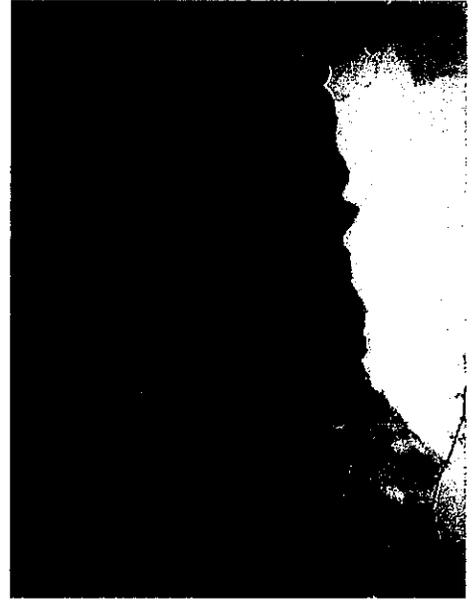
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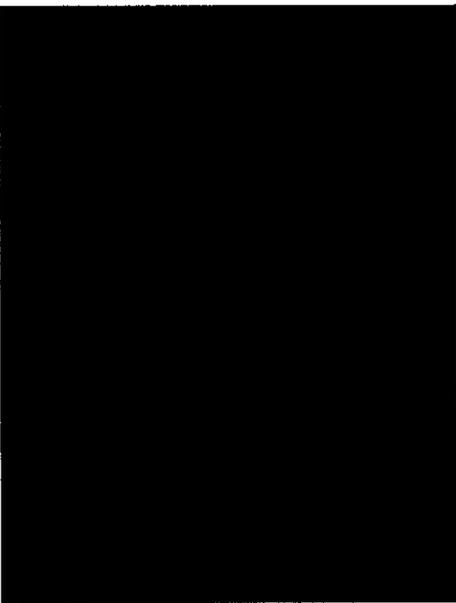
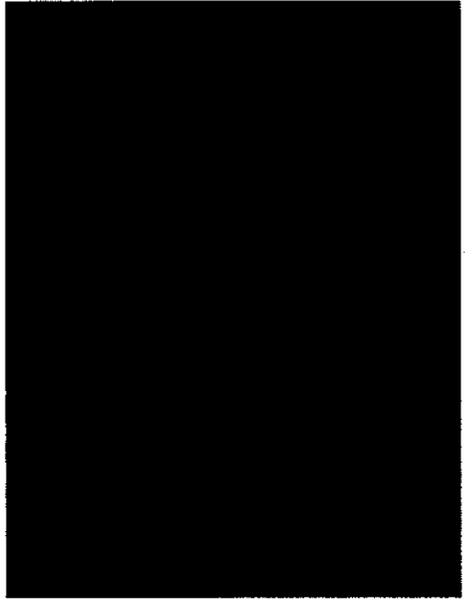
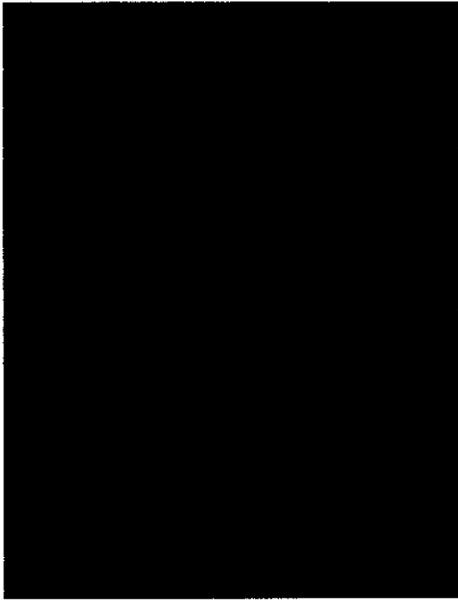
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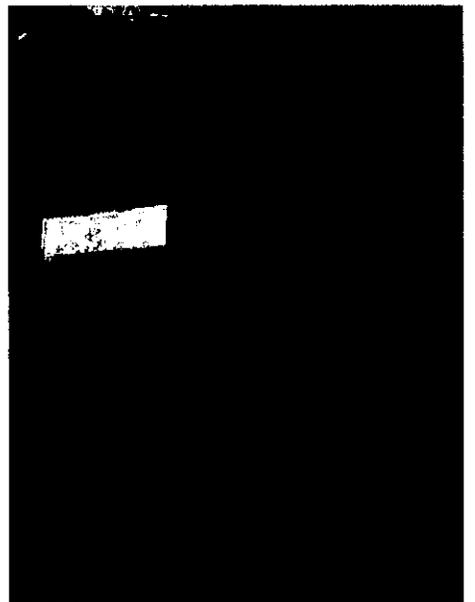
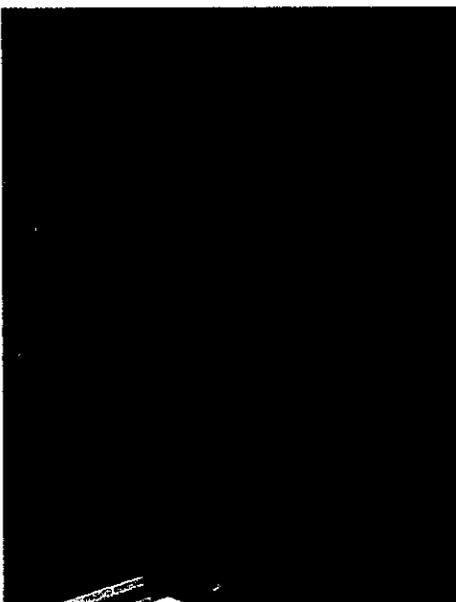


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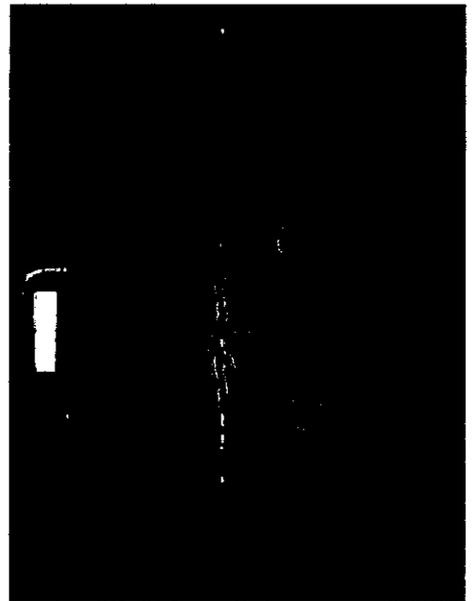
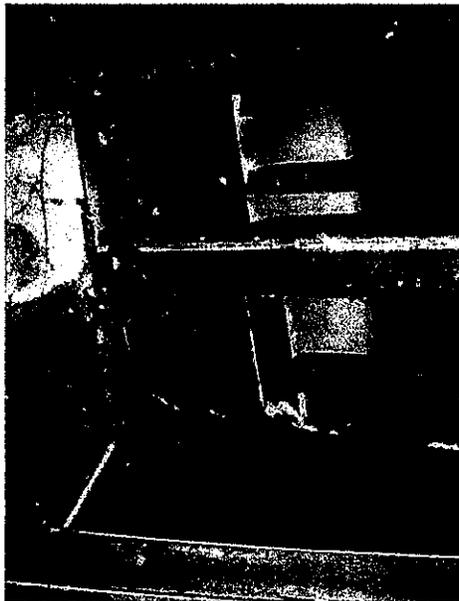
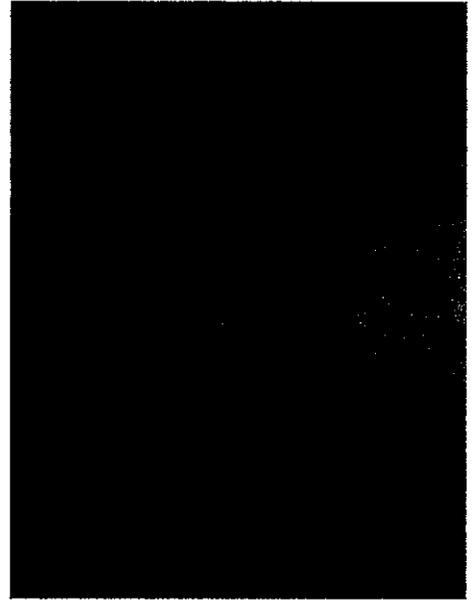
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208 Jefferson



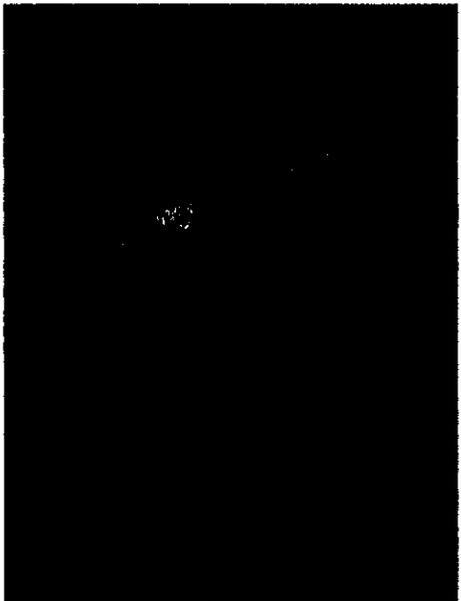
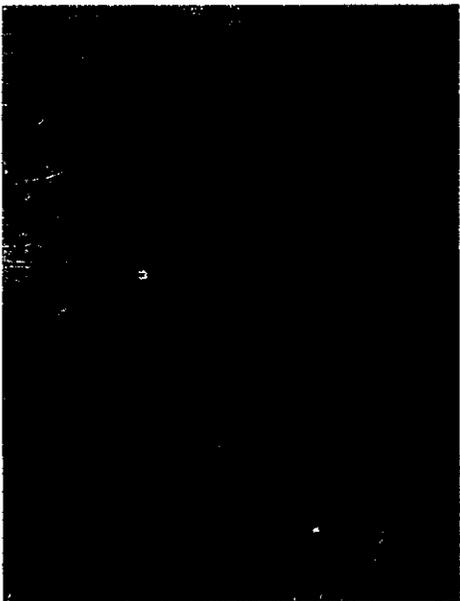
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208 Jefferson



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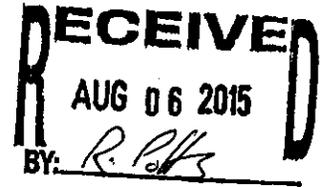
1109 Brookdale Street, Suite B
Martinsville, Virginia 24112
www.edenandassociates.com



Phone: 276-632-6231
Fax: 276-632-3648
jamie@edenandassociates.com

June 19, 2015

City of Danville
Inspections Division Director
Mr. Jerry D. Rigney
P.O. Box 3300
Danville, Virginia 24542-3300



Re: Building at 233 Jefferson Ave – Danville, VA

Dear Mr. Rigney:

This letter report details results of our work related to the above referenced property in Danville, VA.

SCOPE:

Our scope of work was to inspect the property for structural deficiencies and to report our findings.

ACTIVITIES:

Eden & Associates inspected the building on May 29, 2015. Pictures were taken of areas of the building where deficiencies were observed. We walked the interior and exterior of the building to the extent safety permitted.

OBSERVATIONS:

The front porch is significantly dilapidated. We had to enter through the rear of the house. Significant portions of the floors were deteriorated. There was extensive water damage throughout. Large portions of the ceilings were sagging, caving in, broken, and/or missing. There was signs of possible termite damage. Exposed roof beams looked to be rotting from water damage. Drywall and plaster are crumbling. Windows are broken. The back porch was failing as well and was too dangerous to walk on. The house is exposed to the elements, as portions of the roof are open. When viewing the crawl space beneath the house, there were stacked cinder blocks supporting some areas, and beams that were broken and failing.

CONCLUSIONS:

It is evident the building remain unstable due to age, exposure to the elements, and water damage. The building remains structurally unsafe in many areas. Unsafe conditions include the following:

1. Roof failure and deteriorated rafters, joists, and beams
2. Structural movement
3. Ceiling failures

4. Failing floors
5. Failing porches and entryways
6. Broken windows

In some areas, the extent of hazardous areas is so extensive that construction workers making repairs would be in danger from trying to do so.

RECOMMENDATIONS:

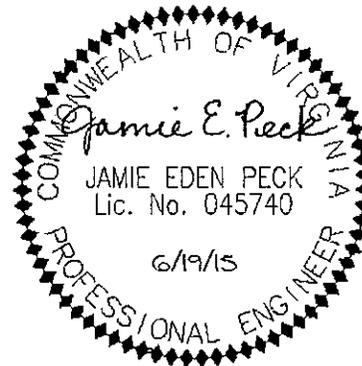
In my opinion, it is evident the building is an unsafe structure not fit for human occupancy. In its present condition, repairs would be costly and dangerous. The building should be demolished in the interest of safety to the public. Trespassers or homeless persons are at risk for injury. Persons exploring or attempting to repair the building could be at risk of injury or death from unexpected falling ceilings, roof damage, floor failures, or other debris from failure of the building structure.

Yours truly,

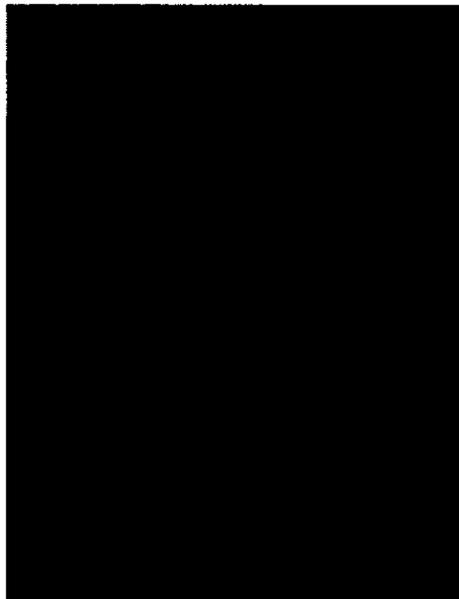
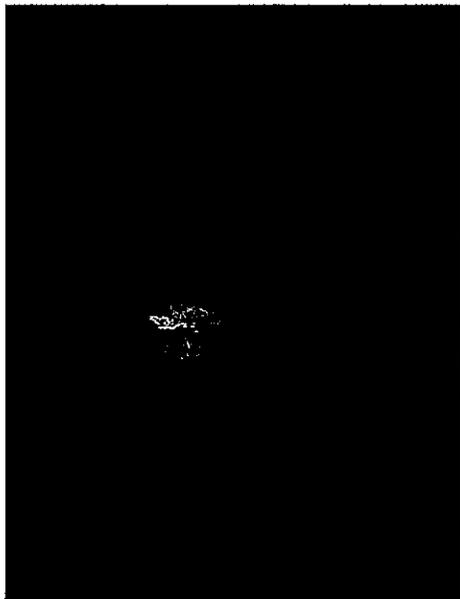
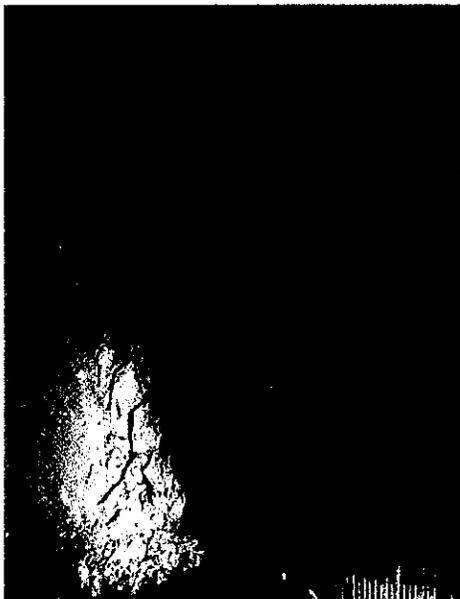
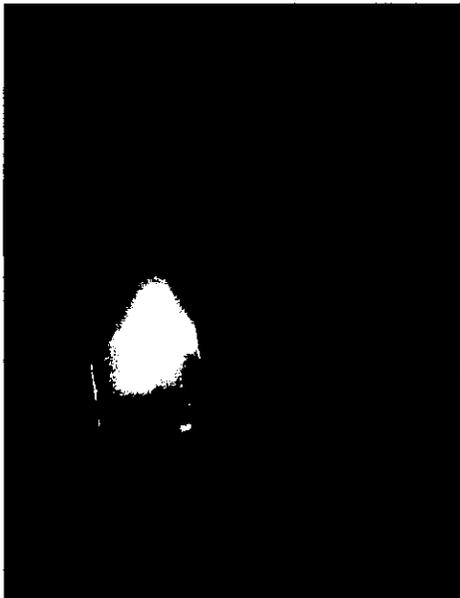
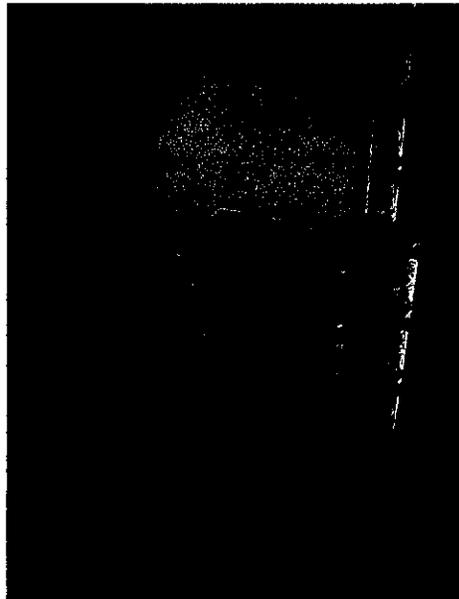
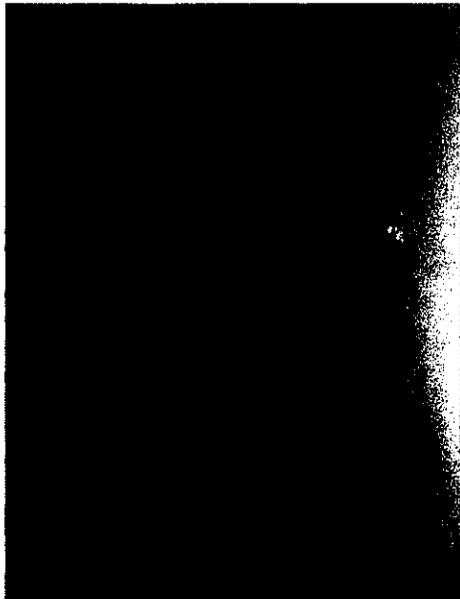
EDEN & ASSOCIATES, P.C.

Jamie E. Peck

Jamie Eden Peck, P.E.
President

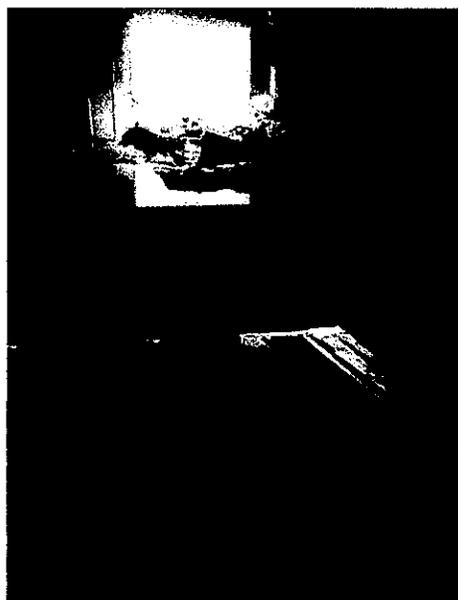
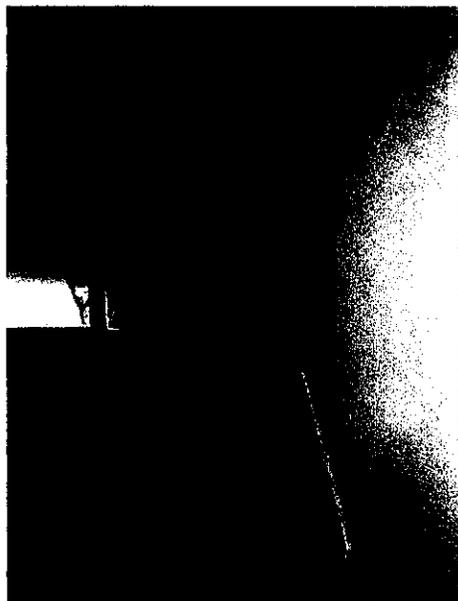
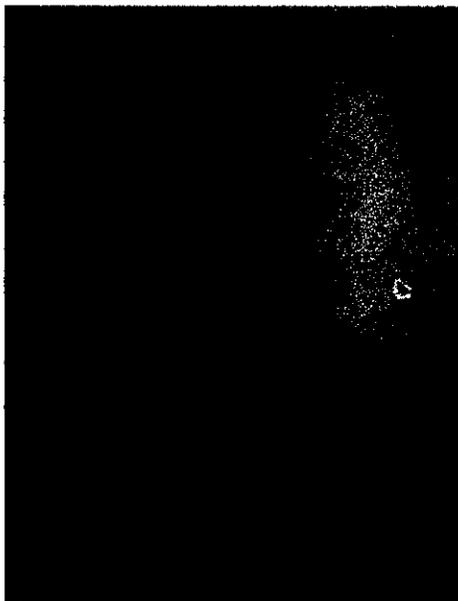
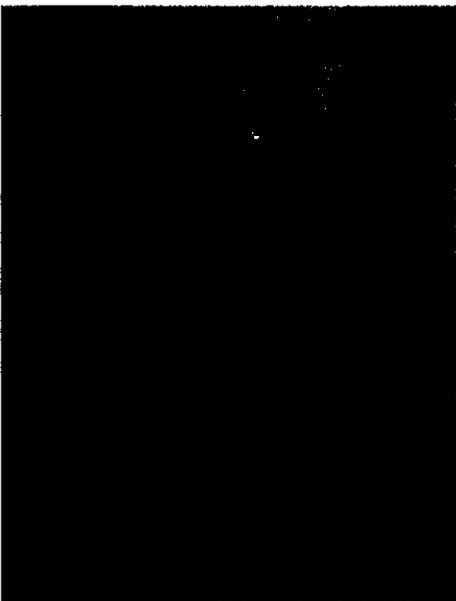


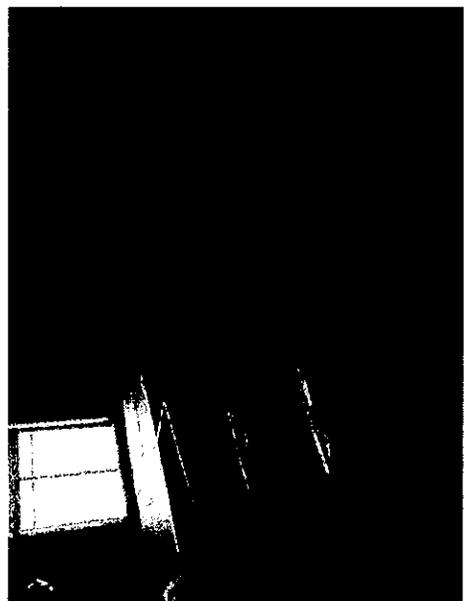
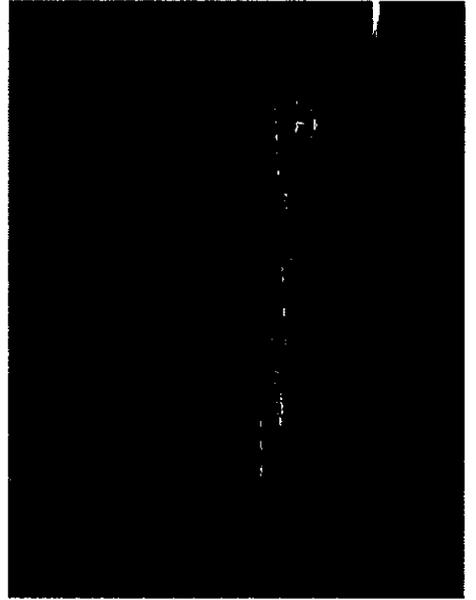
Attachments: Inspection photos (8 pages)



233 Jefferson

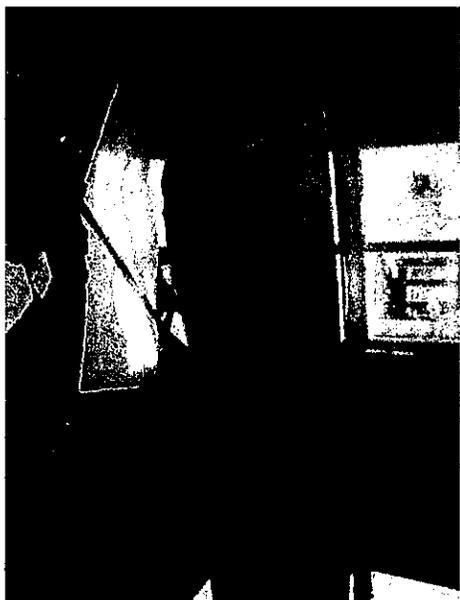
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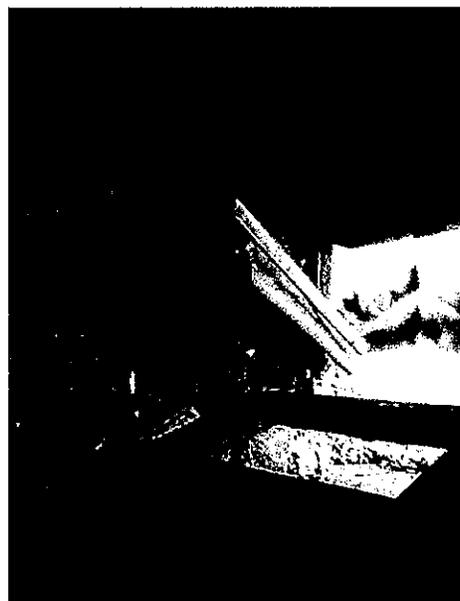
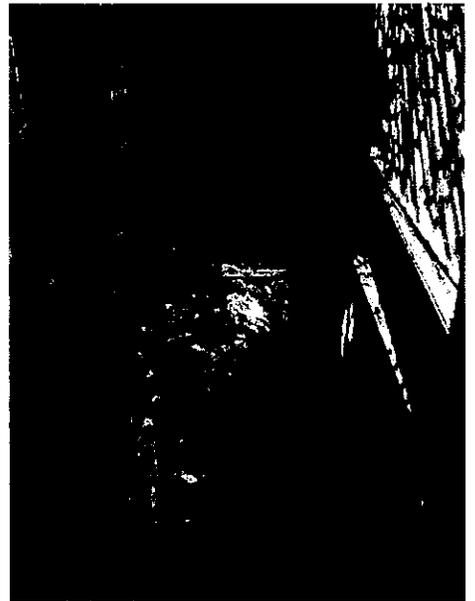
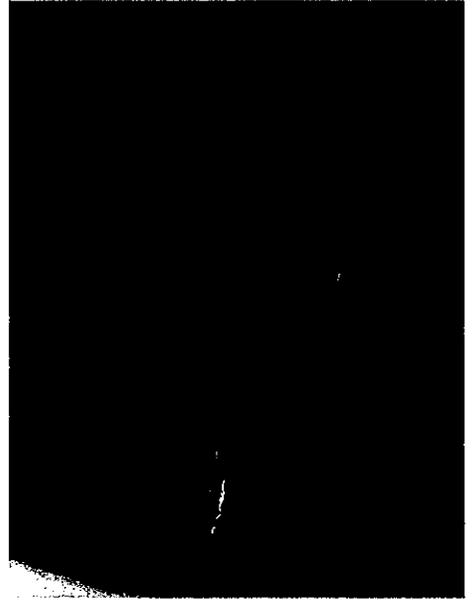
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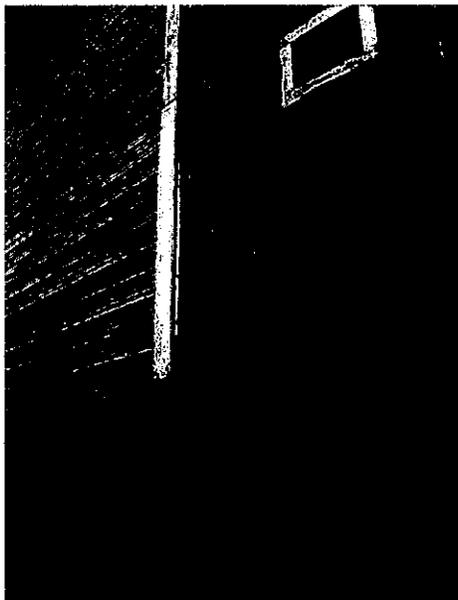
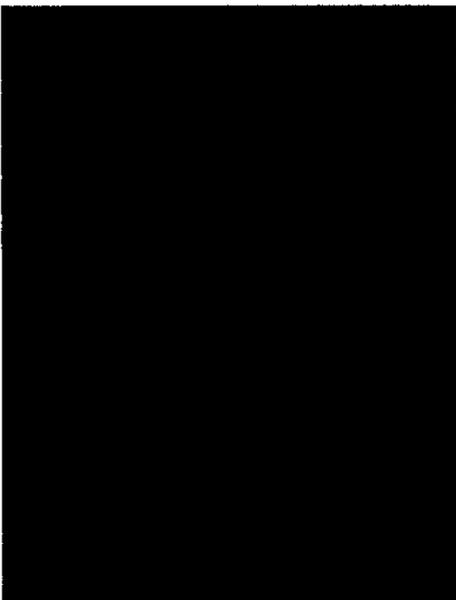
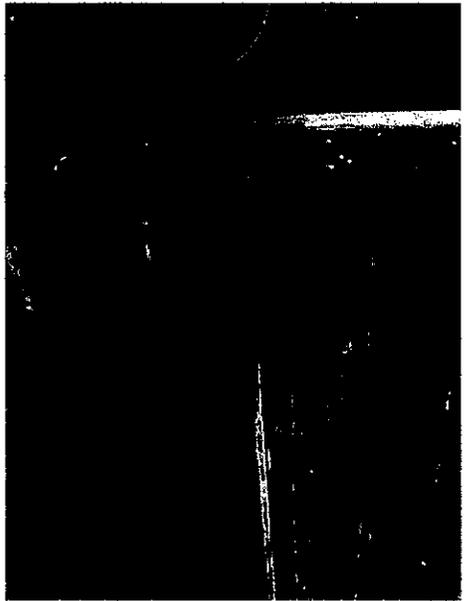
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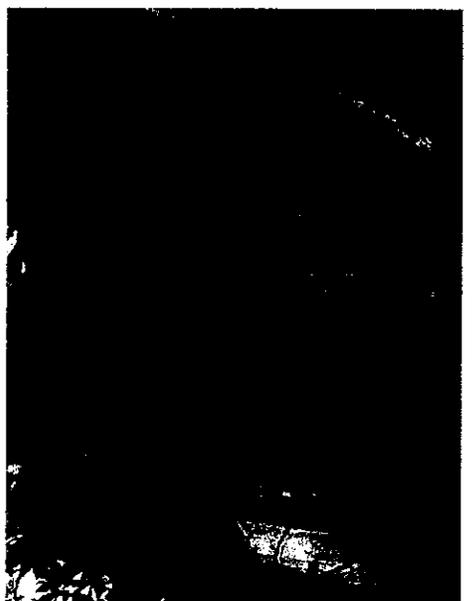
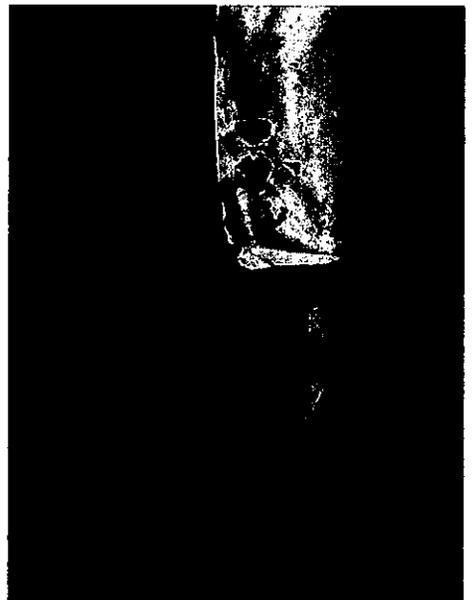
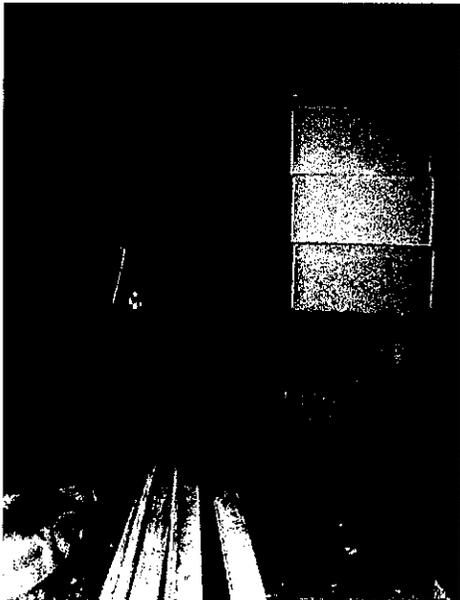


233 Jefferson

Page 4 of 8









VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Milari Madison
Appeal No. 15-5

CONTENTS

<u>Section</u>	<u>Page No.</u>
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Combined Documents	249

VIRGINIA:

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

IN RE: Appeal of Milari Madison
Appeal No. 15-5

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. In February of 2015, Madison filed a complaint with the Department of Housing and Community Development's State Building Codes Office (SBCO), the administrator of the Virginia industrialized building safety program.

2. The complaint concerned a modular home, located at 40153 Janney Street, in Loudoun County, purchased by Madison in May of 2011 and set up on her property in July of 2011. The specific issues in the complaint were alleged violations of the Virginia Industrialized Building Safety Regulations (IBSR) for unsecured and improperly terminated electrical wires in a number of closets in the home. The wires were projecting through the drywall of the closets without being terminated in an electrical box or fixture. A second complaint was that the label for the home was incorrect in specifying a 200 amp electrical service when the home has a 400 amp electrical service.

3. SBCO staff conducted a site visit in March of 2015 and issued a letter dated March 19, 2015 stating that the unsecured wires did not constitute a violation of the IBSR since the home was ordered without light fixtures in the closets and they were to be provided by the owner or installer on site. The letter also stated the alleged violation for the size of the electrical

service on the data plate was the subject of a previous appeal to the Review Board by Madison, so no action needed to be taken on that issue.

4. Madison appealed the SBCO letter to the Review Board. The statement of specific relief sought included with Madison's appeal to the Review Board only addressed the unsecured wires and not the electrical service/label/data plate issue.

5. This staff document was drafted and sent to the parties along with all pertinent documents which had been submitted to the Review Board by the parties and an opportunity was given for the submittal of objections, corrections or additions to the staff document; or the submittal of additional documents or arguments prior to scheduling a hearing before the Review Board.

Suggested Issue for Resolution by the Review Board

1. Whether to overturn the SBCO decision that no violations of the IBSR exist relative to the unsecured electrical wires in the closets.

COMBINED DOCUMENTS

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: alan.mcmahan@dhed.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

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

Madison Meadows, 2000, ...
York Road, VA, 23067
401 St. ...

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

DBE ...

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April, 2011, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed

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

Signature of Applicant: [Signature]

Name of Applicant: Madison Meadows
(please print or type)

Madison Appeal, Letter Dated March 19, 2015

1. The Complaint has been filed against "IBS Realty" and NTA, Inc. as dated February 17, 2015.
2. Madison states that the code sections that require a box (as already conquered to by Mr. Leatherby) are: 2008 Nec 300.15 and 2009 IRC section 3905.1. There is no record of a "presumption" that Madison agreed to purchase a house with hot dangling electric wires in the closets as inspected and passed as being in a state of code compliance by NTA Inc. and labeled as meeting the code per the Leatherby letter. Madison stated that the wires hanging loose and hot, in spite of factory applied paint interrupting the electricity flow, constitute a supplier caused code violation created on site.
3. Madison never agreed to or approved of a plan or agreement to purchase a modular house from the companies referenced in the March 19, 2015 letter.
4. Madison states that a dangling electric wire in the closet (photo provided) that did register as "hot" per the March 19 letter, because the end is encrusted in paint, is a violation of the code.

300.15 Where the wiring method is conduit, tubing, Type AC cable, Type MC cable, Type MI cable, nonmetallic-sheathed cable, or other cables, **a box** or conduit body complying with Article 314 **shall be installed at each** conductor splice point, outlet point, switch point, junction point, **termination point**, or pull point.

E3905.1 Box, conduit body or fitting-where required. A box or conduit body shall be installed at each conductor splice point, outlet, switch point, junction point and pull point except as otherwise permitted in Sections E3905.1.1 through E3905.1.6.

See also General Requirement Chapter 34

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

From: "Leatherby, Eric (DHCD)" <Eric.Leatherby@dhcd.virginia.gov>
To: Hunter Madison <huntermadison2002@yahoo.com>
Cc: "Davis, Cindy (DHCD)" <Cindy.Davis@dhcd.virginia.gov>; "Harper, Skip(DHCD)" <Skip.Harper@dhcd.virginia.gov>
Sent: Friday, March 13, 2015 8:33 AM
Subject: RE: Code sections

Thank you Ms. Madison, **I concur.**

From: Hunter Madison [mailto:huntermadison2002@yahoo.com]
Sent: Thursday, March 12, 2015 3:41 PM
To: Leatherby, Eric (DHCD)
Subject: Fw: Code sections

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

From: "Legard, Joe" <Joe.Legard@loudoun.gov>
To: "huntermadison2002@yahoo.com" <huntermadison2002@yahoo.com>
Sent: Thursday, March 12, 2015 1:37 PM
Subject: Code sections

The **code sections that require a box are.**

2008 Nec 300.15 or 2009 IRC section 3905.1

Joe Legard

Statement of Relief

That the SBCO or TRB find that NTA Inc. misapplied the labels to the units when they did not meet applicable code (no box or conduit body for loose electric wires hanging in certain closets as seen by inspectors and no wire nut for the termination of electric wire in certain closet (as seen in photo)).

That the SBCO or TRB direct the party to install box, conduit body, and box covers, and to install wire nut over electric.



Terence R. McAuliffe
Governor

Maurice A. Jones
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

William C. Shelton
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 19, 2015

Ms. Milari Madison
40153 Janney Street
Waterford, VA 20197

RE: Consumer complaint - Milari Madison vs Integrity Building Systems, Inc.
Industrialized Building Serial number – 01-0611 A thru I

Dear Ms. Madison,

The Virginia State Building Codes Office (SBCO) has been designated by the Department of Housing and Community Development (DHCD) to enforce the Virginia Industrialized Building Safety Regulations (IBSR). The SBCO acts as the building official for Virginia registered industrialized buildings and has the authority to require the correction of IBSR violations caused by the manufacturer in the plant. Pursuant to 13 VAC 5-91-100(B) all site work associated with the installation or erection of an industrialized building is subject to the Uniform Statewide Building Code which is enforced by the local building official.

The above referenced home was manufactured by Integrity Building Systems, Inc., Milton Pennsylvania on July 14, 2011. The home was site installed by Convenient Installations of Ranson, West Virginia on July 20, 2011.

You have filed a complaint with the SBCO, dated February 17, 2015, against Integrity Building Systems Realty (formerly Integrity Building Systems, Inc.) and their former compliance assurance agency, NTA.

The complaint consists of the following two items:

1. "A number of the boxes have loose and dangling electrical wires hanging in the closets without a box".
2. The complaint also states that the data plate in the home is incorrect in that it states that the home was supplied with a 200 amp service by the manufacturer but the home currently has a 400 amp service.

An inspection of the home was conducted on March 12, 2015 by representatives of the SBCO.

Partners for Better Communities



www.dhcd.virginia.gov

Present during the inspection:

Milari Madison – Homeowner
Skip Harper, SBCO
Eric Leatherby – SBCO

Observations

1. Observed one NM cable (14-2) on the inside of closets located in bedrooms #2, #3, and #4, a closet in the den and a second floor hallway closet. A light switch was installed on the exterior of each closet, (Note - Lights and light switches are not shown on the floor plans for the den and hallway closets). The cable in the bedroom #4 closet was enclosed in a junction box installed by Ms. Madison. Bedroom #2 was occupied and not inspected, Ms. Madison said that she had also installed a junction box in that closet. The cables in the remaining closets were tested with an electrical tester and it was determined the cables were energized. Wire nuts had been installed on all of the cables except for bedroom #3, (the electrical tester did not detect current from the bedroom #3 cable as the cable had dried paint on the conductors).

Note: The “Electrical/Utility” section of the attached Quote sheet for the home dated 5/5/2011 states “Wire & Switch for closet lights (10). Locations: Br2 Closet/ Br3 Closet/ Br4 Closet & Utility”. It is therefore the opinion of the SBCO that the home had been ordered without light fixtures in the above referenced closets. Presumably, light fixtures were to be site installed. The site installation of a light fixture with intergral enclosure is permitted to be fastened to walls or ceilings in lieu of a box per Section E3905.1.3 of the 2009 Virginia Residential Code.

2. Data plate: This issue has previously been heard by the State Building Code Technical Review Board and is pending an appeal. No further comment will be made.

As a result of the inspection the SBCO finds no violations to the IBSR. The site installation of the light fixtures is under the jurisdiction of the local building department. This complaint is therefore being administratively closed.

Any person aggrieved by DHCD’s application of this chapter shall be heard by the State Technical Review Board established by 36-108 of the Code of Virginia. Such appeal shall be submitted within 21 calendar days of receipt of DHCD’s decision. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by the section shall constitute acceptance of the DHCD decision.

I can be reached at 804-371-7165 or by e-mail at eric.leatherby@dhcd.virginia.gov should you have any questions

Sincerely,

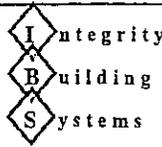


Eric Leatherby
Sr. Construction Inspector II
State Building Codes Office

cc: Gina Schaecher David Tompos, Sr.
James Flaherty Steven Rodgers
Emory Rodgers Cindy Davis

INTEGRA SERIES - VIRGINIA

Date Typed: _____
 Serial No.: _____ Quote No.: MS-01236
 Builder: Convenient Installation/ Darren Mcnuff
 Address: 351 Thistle Ridge Lane
 City & State: Ranson, WV
 Zip: 25438
 Phone No.: 304-279-6028
 FAX No.: 304-728-0656
 Salesman: M. Sickle



Integrity Building Systems

2435 HouseIs Run Road
 Milton Pa 17847
 Phone #: (570) 522-3600 Fax #: (570) 522-0089

Revised 4/19/2011

Date of Quote: 5/5/2011
 Ordered by: Darren
 Retail Customer Name: Madison
 Site Address: 40153 Janney St
 City: Waterford VA 20197
 VA
 County: _____
 Requested Delivery Date: _____

COLOR SECTION		
Type	Color	OMIT
Siding: <input type="checkbox"/> 4/4 <input type="checkbox"/> 4/4 DL <input type="checkbox"/> Main St.		
Shutters: <input type="checkbox"/> Louvered <input type="checkbox"/> Panelled		
Arch. Shingles: <input type="checkbox"/> Duration 30 Yr.		
Floor		
Foyer	OMIT - Raise 3/4" Onsite HW	-
Living Room	OMIT - Raise 3/4" Onsite HW	-
Dining Room	OMIT - Raise 3/4" Onsite HW	-
Family Room	OMIT - Raise 3/4" Onsite HW	-
Den / Study	OMIT - Raise 3/4" Onsite HW	-
Kitchen	OMIT - Raise 3/4" Onsite HW	OMIT
Utility	OMIT - Raise 3/4" Onsite HW	-
Hall First Floor	OMIT - Raise 3/4" Onsite HW	-
Hall Second Floor	OMIT - Raise 3/4" Onsite HW	-
Stairs	OMIT - Raise 3/4" Onsite HW	-
BR #1	OMIT - Raise 3/4" Onsite HW	-
BR #2	OMIT - Raise 3/4" Onsite HW	-
BR #3	OMIT - Raise 3/4" Onsite HW	-
BR #4	OMIT - Raise 3/4" Onsite HW	-
Bath #1	OMIT - Raise 3/4" Onsite HW	OMIT
Bath #2	OMIT - Raise 3/4" Onsite HW	OMIT
Bath #3	OMIT - Raise 3/4" Onsite HW	OMIT

Option #	Description	Price
X	Roof Sheathing: 1/2" Zip Board IPO Std.	1363
X	Wall Sheathing: <input checked="" type="checkbox"/> 7/16" OSB <input type="checkbox"/> 1/2" Plywood	Std.
X	Fascia & Drip Edge <input checked="" type="checkbox"/> White <input type="checkbox"/> Oak	Std.
	Shutters: <input type="checkbox"/> Front <input type="checkbox"/> All Around	
OMIT	Stingles: <input checked="" type="checkbox"/> Duration	-1140
X	Windows: <input checked="" type="checkbox"/> Marvin Integrity Fiberglass w/ Simulated Divided Lites IPO Std.	11920
OMIT	Mainstreet Siding T/O	-2404
X	(1) Fg 15-Lite Drs IPO (1) 9-Lite Drs	500
X	Oil Rubbed Bronze Ext. Door Hardware	58
X	3/0X68 Wood exterior door (84lumber)	359
X	2-15lite wood doors (84 lumber)	2758
X	Transom Over 3/0 Front Door	500
OMIT	Exterior Lights:	-78
X	House Wrap	Std.
X	Ice/Water Barrier Per Code	Std.
X	Battery Operated Door Chimes	Std.
X	Oil Rub Bronze Ext. door knobs	Std.
X	C-board Den, bath 1,2,3 Sunroom	1314

Option #	Description	Price
X	BATH #1 (@ Den) <input checked="" type="checkbox"/> 3/4" Std.	
	Fixture Color:	
OMIT	Cabinet: Plumb Only	-225
	Color:	
OMIT	Countertop: <input type="checkbox"/> Laminite <input type="checkbox"/> Cultured Marble	Incl.
OMIT	Vanity Striplights - Wire Only	-29
OMIT	Mirrors:	-20
	<input type="checkbox"/> 60" Tub/ Shower <input type="checkbox"/> 60" Shower	
X	36" Shower Pan w/ C-Board Surround	
X	plumb only no faucet	-40
NOTE	Drywall To Be Installed To Ceiling	
OMIT	Watercloset	-111
X	BATH #2 (@ 2nd Flr Ofc) <input checked="" type="checkbox"/> Full Std.	
	Fixture Color:	
OMIT	Cabinet: Plumb Only	-328
	Color:	
OMIT	Countertop: <input type="checkbox"/> Laminite <input type="checkbox"/> Cultured Marble	Incl.
OMIT	Vanity Striplights - Wire Only	-29
OMIT	Mirrors:	-20
X	34"X48" Shower Area w/ C-Board Surround	
X	Rubber Membrane & plumb only no faucet	-140
	<input type="checkbox"/> 39" Angle Shower w/Door	
OMIT	60" Low Garden Tub - Plumb Only	-335
OMIT	Watercloset	-111
X	BATH #3 (2nd Flr Hall) <input checked="" type="checkbox"/> 3/4" Std.	
	Fixture Color:	
OMIT	Cabinet: Plumb Only	-328
X	Color:	Std.
OMIT	Countertop: <input type="checkbox"/> Laminite <input type="checkbox"/> Cultured Marble	Std.
OMIT	Vanity Striplights - Wire Only	-29
OMIT	Mirrors:	-20
X	30"X50" Shower Area w/ C-Board Srnd,	
X	Rubber Membrane & plumb only no faucet	-140
	<input type="checkbox"/> 39" Angle Shower w/Door	
OMIT	Watercloset	-111

Option #	Description	Price
	GENERAL SECTION	
X	Model #: Custom 2-Story	170393
X	Size: 48'-1" / 29'-6" x 58'-6"	
X	<input checked="" type="checkbox"/> Basement <input type="checkbox"/> Walk It <input type="checkbox"/> Crawl Space	Std.
X	Roof Pitch: <input type="checkbox"/> 7/12 <input checked="" type="checkbox"/> 9/12 <input type="checkbox"/> 12/12	7590
	<input type="checkbox"/> 7/12 Storage Trusses <input type="checkbox"/> Hip Roof	
X	<input type="checkbox"/> 24" o.c. <input checked="" type="checkbox"/> 16" o.c.	Std.
NOTE	Front Stoop Onsite By Other	
X	Roof Overhangs: <input checked="" type="checkbox"/> 14" Gable Ends	480
X	Eaves: <input checked="" type="checkbox"/> 2" Hinged <input type="checkbox"/> 14" Hinged	600
X	Treated Lumber	810
X	Floor Joists: <input type="checkbox"/> 8" <input checked="" type="checkbox"/> 10" <input type="checkbox"/> 2000	Std.
X	Steel Beam - Lrf Foyer/ Dr/ Fr	750
X	1st Flr Girders@Mate Wall Triple M	Std.
X	2 x 8 Perimeter-1st Flr Ceiling	Std.
	Additional Length ft.	
X	2x6 Walls: <input type="checkbox"/> 24" o.c. <input checked="" type="checkbox"/> 16" o.c.	Std.
X	Decking: <input checked="" type="checkbox"/> 3/4" T&G Plywood	Std.
	<input type="checkbox"/> 3/4" T&G OSB <input type="checkbox"/> Luan In Vinyl Areas	
X	Ceiling: <input checked="" type="checkbox"/> 9" 1st Floor	1535
X	Ceiling: <input checked="" type="checkbox"/> 8'-5" 2nd Floor	1054
X	Interior Walls: <input checked="" type="checkbox"/> 1/2" o.c. IPO Std.	560
	Cape Shed Dormer	
X	Cape Dormers: <input checked="" type="checkbox"/> 0-1 <input type="checkbox"/> 0-2	3 4005
	Pull Down Stairs:	

Option #	Description	Price
	INTERIOR SECTION	
OMIT	Carpet Pad: <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Upgrade	Incl.
OMIT	Carpet: <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Upgrade <input type="checkbox"/> Other	-2747
OMIT	Floor/Floor Covering: <input checked="" type="checkbox"/> Vinyl <input type="checkbox"/> Stained	-1296
NOTE	R.O. @ SR/Library On Interior Wall For Onsite Wndw	
X	Custom 4-Panel Paint Grade Wood Int.	
X	Doors IPO Std. (T/O)	2730
X	Molding: <input checked="" type="checkbox"/> White MDF	Incl.
X	Omit all base molding	-310
X	Omit all windo and door casing	-445
X	White Cove Molding:	1600
X	Location: Dr/Lr/Foyl/Fr/KiV/Library	
X	<input type="checkbox"/> Mahhm Knrl <input type="checkbox"/> Lever Lcks <input type="checkbox"/> Oil Rubbed Bronze	520
X	48" Straight Run OAK Stairs w/ Standard Spindles IPO Std.	4100
NOTE	Stair Railing ONSITE By Other	
NOTE	Raise All Base Cabs/ Moldings 3/4" For Onsite HW	
X	Fireplace: <input checked="" type="checkbox"/> 42" <input checked="" type="checkbox"/> wood	2330
X	No Mantel, Raised Hearth & Remote	
X	Location: Brl	
X	Fireplace: <input checked="" type="checkbox"/> 42" <input checked="" type="checkbox"/> wood	2330
X	w/ Flue Pipe, Chase, No Mantle & Raised Hearth	
X	Location: FR	
X	NO. Per Interior Rooms Br1,2,3,4 bnd	200
X	Venless fire place raise hearth & mantel	1780

Option #	Description	Price
	SHIPLOOSE SECTION	
X	2-42" Wood Fireplace	Incl.
X	Panelized Sunroom	Incl.
X	42" Gas Fireplace	Incl.
X	3-IAWN3716 w/SDI grids	1413
X	3 #1 Dormers	Incl.
X	5-IAWN2523Marvin window/grids	1575
X	Prepay discount	-6770
NOTE	Primer Paint ONLY T/O Interior	
	LABELS & SEALS SECTION	
X	Inspection: <input type="checkbox"/> NY <input type="checkbox"/> PA <input type="checkbox"/> VA <input type="checkbox"/> OH	810
omit	NTA plans (finals)	-4500
X	Third Party Label	1080
X	IBS Engineering Fee	600
X	PE Sealed Calcs/Prints	1920
X	Wind Zone:	Incl.
X	Snow Load:	Incl.
X	NTA Stamped Plans	400

Option #	Description	Price
	INSULATION SECTION	
X	Ceiling: <input checked="" type="checkbox"/> R-30 <input type="checkbox"/> R-38	Std.
X	Wall: <input checked="" type="checkbox"/> R-19	Std.
X	Interior Partition Walls: R-11	1869
	ELECTRICAL / UTILITY SECTION I of II	
Optional	<input type="checkbox"/> Electric BS Heat <input type="checkbox"/> Hot Water BS	TBD
Note	Water Heater: <input checked="" type="checkbox"/> 80 gal <input type="checkbox"/> Elec <input type="checkbox"/> Shiploose	310
X	Wire & Plumb for Washer <input checked="" type="checkbox"/> w/ Pat	125
X	Wire for Dryer	90
X	TV Jacks: 2 are Std <input checked="" type="checkbox"/> Add 2	70
X	Location: Den/ (2) Fr/ Br1	
X	Phone Jacks: 2 are Std	Incl.
X	Location: Den/ Library	
X	Wire, switch & supports for 14 drum lights	Incl.
X	Ethernet Jacks	480
X	Locations: Library/ (2) Fr/ Den/ Br1/ Br2/ Br3/ Br4	
X	Wire/ Switch For (3) Future Pendants	105
	Locations	
omit	All interior light fixtures	-163
X	"PEX" Plumbing T/O	Std.
X	(3) C. O. Detectors	165
X	Wire Shelf Over Washer/Dryer	Std.
X	3" PVC Pipe w/J-Box for Radon Vent	Std.
X	Panel Box: under bath #1	Std.

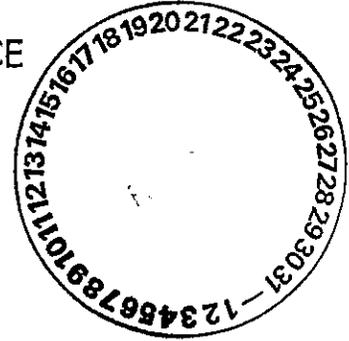
Option #	Description	Price
	KITCHEN SECTION	
OMIT	Cabinets:	-2025
	Cabinet Color:	
	Additional Cabinets:	
	<input type="checkbox"/> Cove Molding <input type="checkbox"/> 15" Soffit <input type="checkbox"/> 24" Soffit	
OMIT	Countertop: <input checked="" type="checkbox"/> Laminite <input type="checkbox"/> Corian	-125
OMIT	Kitchen Sink & Faucet	-105
	Appliance Color:	
OMIT	Wire only For Onsite Rangehood no vent	-25
X	Range: <input checked="" type="checkbox"/> Wire Only <input checked="" type="checkbox"/> Elect <input type="checkbox"/> Gas	Std.
	<input type="checkbox"/> Elect Self-Clean <input type="checkbox"/> Gas Self-Clean	
	<input type="checkbox"/> Smooth Top <input type="checkbox"/> Enamel Top	
	ELECTRICAL / UTILITY SECTION II of II	
X	Wire & Switch For closet lights(10)	350
X	Locations: Br2 Closet/ Br3 Closet/ Br4 Closet & Utility	
X	Wire & Switch For (3) Ext. Lights	105
X	Attic Fan -wire only	35
X	Omit door chimes	-15
Note	Outlet for refer	inc
Note	Outlet for freezer	inc

Option Charges	38,684
Base Price	170393
Subtotal	209077
Other	6272
Freight Allowance (7) Loads + Parts	20705
Set-up Allowance	7695
Carrier Usage	600
Subtotal	254349
Less Deposit	
Total Due	254349

15% minimum deposit is required to accompany this order.

VIRGINIA STATE BUILDING CODES OFFICE
INDUSTRIALIZED BUILDING

CONSUMER COMPLAINT FORM



Print Name of person submitting complaint: M. Lar. Madison
Signature: M. Lar. Madison Date: Feb 17 2015

Building Owner Information:

Owner: M. Lar. Madison
Site Location-Street address: 40153 Sweeney St
City: Wakefield State: VA Zip code: 20197
Daytime phone: 540-882-3160 Evening or weekend phone: _____
E-mail address: lvnkimadison2002@yahoo.com
Date Certificate of Occupancy issued: don't think so Date purchased: May 2011
Date delivered to site location: July 2011

Additional Information - Mailing Address if Different from Site Address:

Name: _____
Street Address: _____
City: _____ State: _____ Zip code: _____
Daytime phone: _____ Evening or weekend phone: _____
E-mail address: _____

Manufacturer of Building:

Name of manufacturer: Alpha "IBS Realty"
Name of contact person at plant (if known): Clara Schaeber
Street address: 1900 Gallows Rd
City: Tysons Corner State: VA Zip code: 22182
Telephone: 703-893-3914

Data Plate Information:

Serial number: 01-0611 1991 A B C D E F G H I
Virginia certification seal No.: _____
Date manufactured: 7-14-2011

Building Purchased From:

Name: HBS " Integrity Building Systems "
 Name of contact person: Darren McWitt and Marty Sickle
 Street address: _____
 City: _____ State: _____ Zip code: _____
 Telephone: _____
 E-mail address: _____

Have you contacted the (manufacturer, retailer or installer) regarding your complaint? Yes No

If Yes please specify below:

Person/firm contacted: Dave Tompaz and Gina Schaecher
 Date(s) Contacted: _____
 In writing or by phone: _____

[Please attach additional pages as necessary]

Description of Concerns:

Complaint against NTA Inc and IBS Realty.
 A number of the boxes have loose and
 dangling electric wires hanging in the
 closets without a ~~junction~~ box. The house
 (units) were inspected and labelled as
 meeting code but there are no boxes
 holding the wires, or protecting the wire.
 The wires are loose and simply extend
 from the drywall attached to a switch
 on the wall they are hot and unprotected.

As attached, the electric company confirm
 I have a 400 amp service. The label
 states I have 200 which remains incorrect.

I argued in court that my contract was with "Integrity Building Systems" and that "Milton" was a shell put in place to seek to defend the suit, not a real company. Upon settlement, a check was issued by "IBS Realty," the successor of "Milton Home Systems Inc" - therefore, the complaint is against IBS Realty and NTA, Inc.

[Please attach additional pages as necessary]

Attach copies of all written correspondence to or from the manufacturer, retailer, installer, or owner. Also, attach copies of any other documentation to support your dispute.

Please note these documents will not be returned.

Return this form and attachment documents to:

Department of Housing and Community Development
 State Building Code Administrative Office
 600 East Main Street
 Suite 300
 Richmond, VA 23219-1321
 (804) 371-7160

From: Glenn S Rowan (VirginiaPower - 1) <glenn.s.rowan@dom.com>
To: 'Hunter Madison' <huntermadison2002@yahoo.com>
Sent: Monday, July 28, 2014 9:00 AM
Subject: RE: RE: Dominion Work Request #7381098 New Service/Residential

Milari,

 You have a 400 amp service size. Service size is also indicated on the load letter below.

I hope this helps.

Glenn

From: Hunter Madison [mailto:huntermadison2002@yahoo.com]
Sent: Sunday, July 27, 2014 1:57 PM
To: Glenn S Rowan (VirginiaPower - 1)
Subject: Re: RE: Dominion Work Request #7381098 New Service/Residential

Glenn,

Can you tell me what type of electric service I have as provided by VA Power? The modular company stated they were building the house with 2 200 amp service panel boxes. It was my understanding that I have a 400 amp service but the data plate says it is 200 even though they shipped the house with 2 200 amp panel boxes. The state has asked me where would the power company get that I needed a 400 amp service.

Thank you.

Milari Madison
40153 Janney Street
Waterford VA

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

From: Martin Sickle <MartyS@integritybuild.com>
To: Hunter Madison <huntermadison2002@yahoo.com>
Sent: Wednesday, June 22, 2011 8:15 AM
Subject: RE: Mtr base sizing, two 200 amp panels

We are building the house with 2-200 amp service panels

Martin Sickle
V.P.Sales & Marketing

Integrity Building Systems, Inc.
2435 Housels Run Road
Milton, PA 17847
Phone (800) 553-4402 Ext. 3629
Cell Phone (570) 274-3031
Fax: (570) 522-0089
msickle@integritybuild.com
www.integritybuild.com

Success is not what you get; it is what you become

From: Hunter Madison [mailto:huntermadison2002@yahoo.com]
Sent: Wed 6/22/2011 7:48 AM
To: Martin Sickle
Subject: Fw: Mtr base sizing, two 200 amp panels

Marty,

The power company maintains that I need two 200 amp panel boxes (see below). Darren said I need 400 amp service too.

Please confirm that this is done as I am having the power company bring in the line ASAP.

Milari

--- On Tue, 6/14/11, Hunter Madison <huntermadison2002@yahoo.com> wrote:

From: Hunter Madison <huntermadison2002@yahoo.com>
Subject: Fw: Mtr base sizing
To: MartyS@integritybuild.com
Date: Tuesday, June 14, 2011, 2:05 PM

Marty, VA Power says I need 400 amp service

--- On Tue, 6/14/11, Glenn S Rowan <glenn.s.rowan@dom.com> wrote:

From: Glenn S Rowan <glenn.s.rowan@dom.com>
Subject: Mtr base sizing
To: "Hunter Madison" <huntermadison2002@yahoo.com>
Date: Tuesday, June 14, 2011, 8:01 AM

Milari,

You will need a 400 amp service if you are planning on having the house panel be a 200 amp panel and a 100 amp sub panel. If the house panel is maxed out and you are then adding a sub panel, overloading will be an issue and you will not have enough current to run multiple circuits at the same time without tripping the breakers. I hope this helps. Let me know if you need anything else.

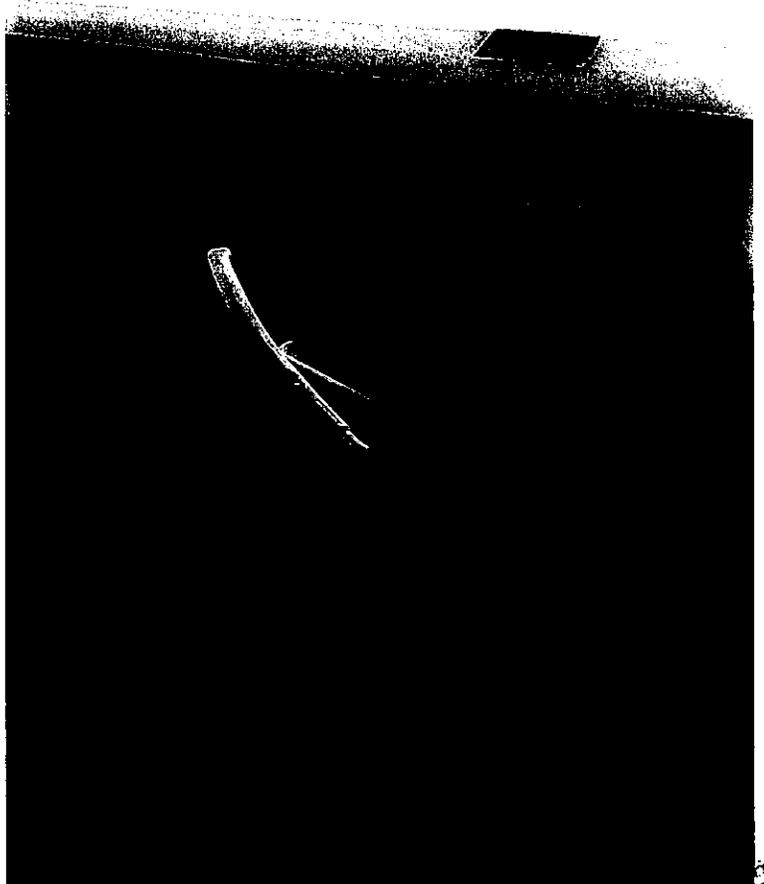
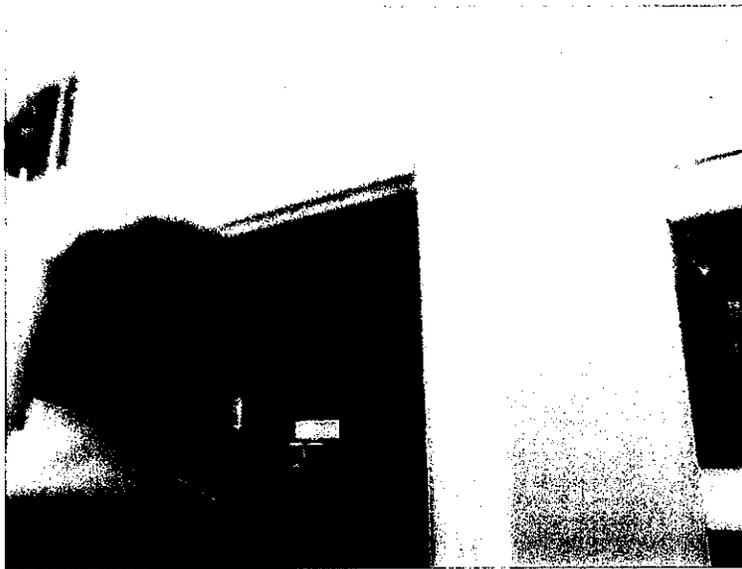
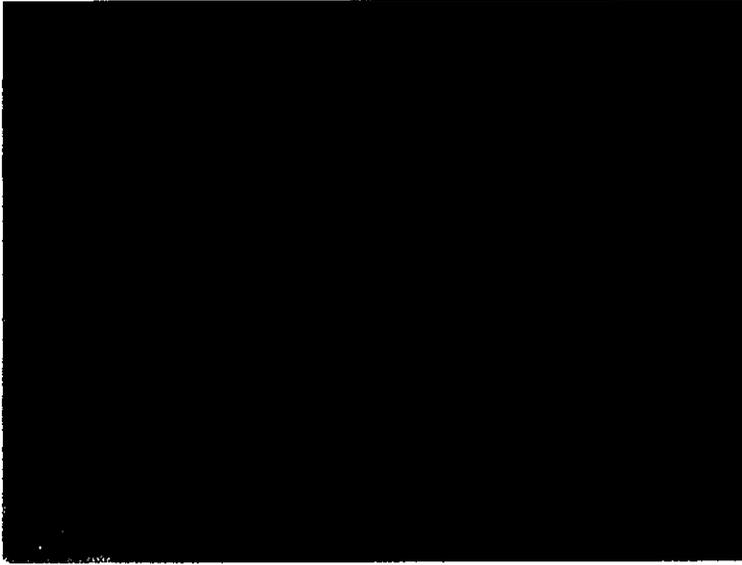
Glenn S. Rowan
Dominion Virginia Power
Customer Projects Designer II

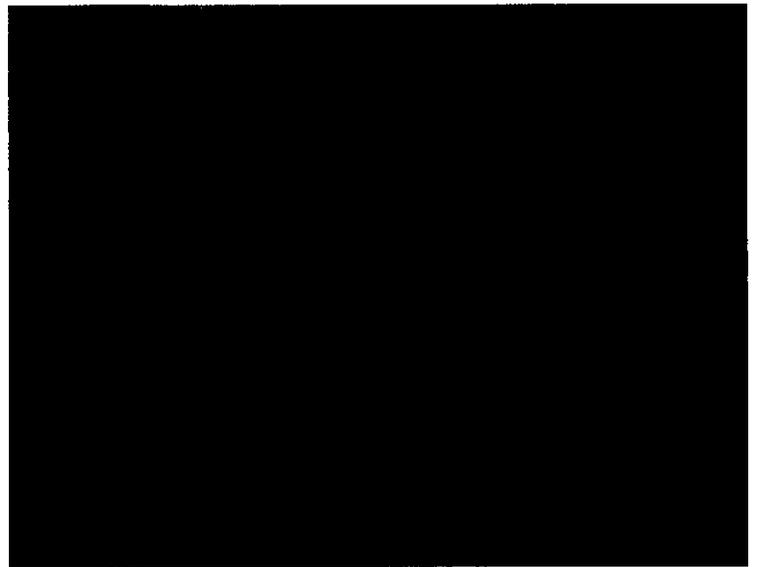
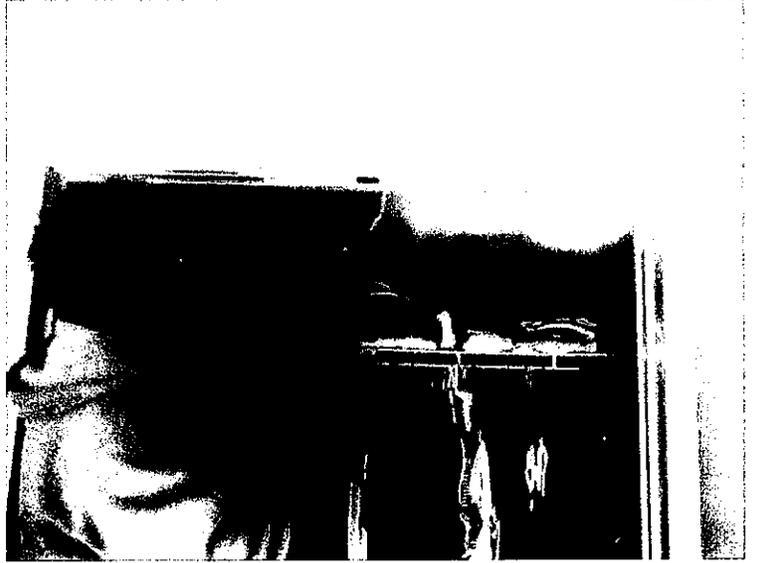
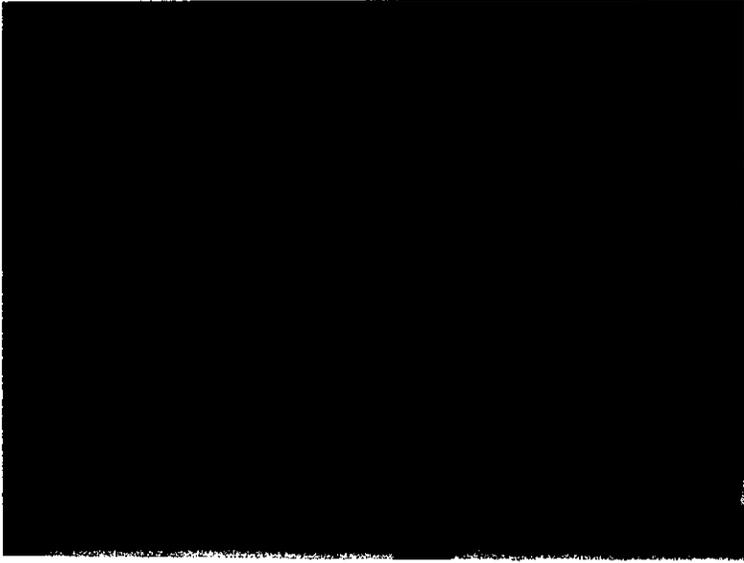
Customer Solutions Design - Leesburg
Work 703/779/5166
Tie-Line 877/48/5166
Fax 703/779/5142
Glenn.S.Rowan@dom.com

All electric services must comply with Dominion's 2007 Blue Book: Information and Requirements for Electrical Service

<http://www.dom.com/dominion-virginia-power/customer-service/for-businesses/pdf/bluebook.pdf>

CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and/or privileged and does not in any case represent a firm ENERGY COMMODITY bid or offer relating thereto which binds the sender without an additional express written confirmation to that effect. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.





McMahan, Alan (DHCD)

From: Hunter Madison [huntermadison2002@yahoo.com]
Sent: Monday, July 20, 2015 5:02 PM
To: McMahan, Alan (DHCD); Davis, Cindy (DHCD); Thompson, Chris; Steve Rodgers
Cc: Leatherby, Eric (DHCD); Potts, Richard (DHCD); Hodge, Vernon (DHCD)
Subject: Re: Milari Madison appeal to the Review Board (Appeal No. 15-5)
Attachments: CAM00094.jpg; CAM00095.jpg; M. Madison Staff Document (No. 15-5).pdf; M. Madison Appeal Docs. (No. 15-5.).pdf

Dear Mr. McMahan,

In addition to my appeal to the Leatherby letter and for the TRB to consider at the August 21, 2015 hearing, I submit code section:

300.11 Securing and Supporting.

(A) Secured in Place. Raceways, cable assemblies, boxes, cabinets, and fittings shall be securely fastened in place.

Does a loose dangling wire, that is not secure, not in a covered box, without a wire connector, and merely terminated by paint, pose an unsafe condition that constitutes a violation of the intent of electric code? And, if so, has NTA Inc. violated the IBSR affixing labels to the house indicating that it meets code when it does not?

The sales quote that is provided by DHCD has NOT BEEN SIGNED BY ME nor is it relevant to the appeal. It appears to be a transaction between Integrity Building Systems (not an identified party to this complaint by me) and Darren McNutt (deceased), also unsigned.

See and include pictures attached.

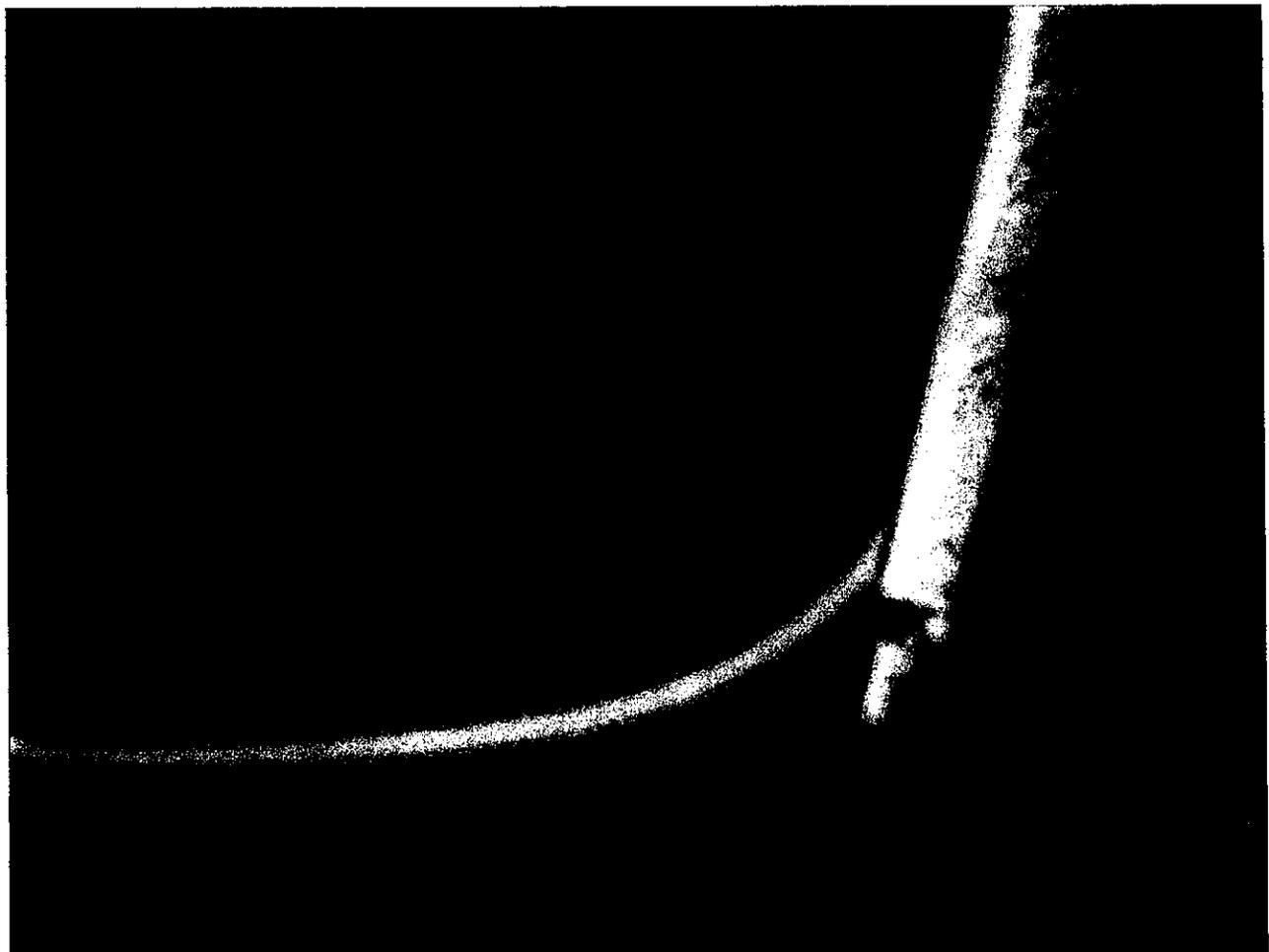
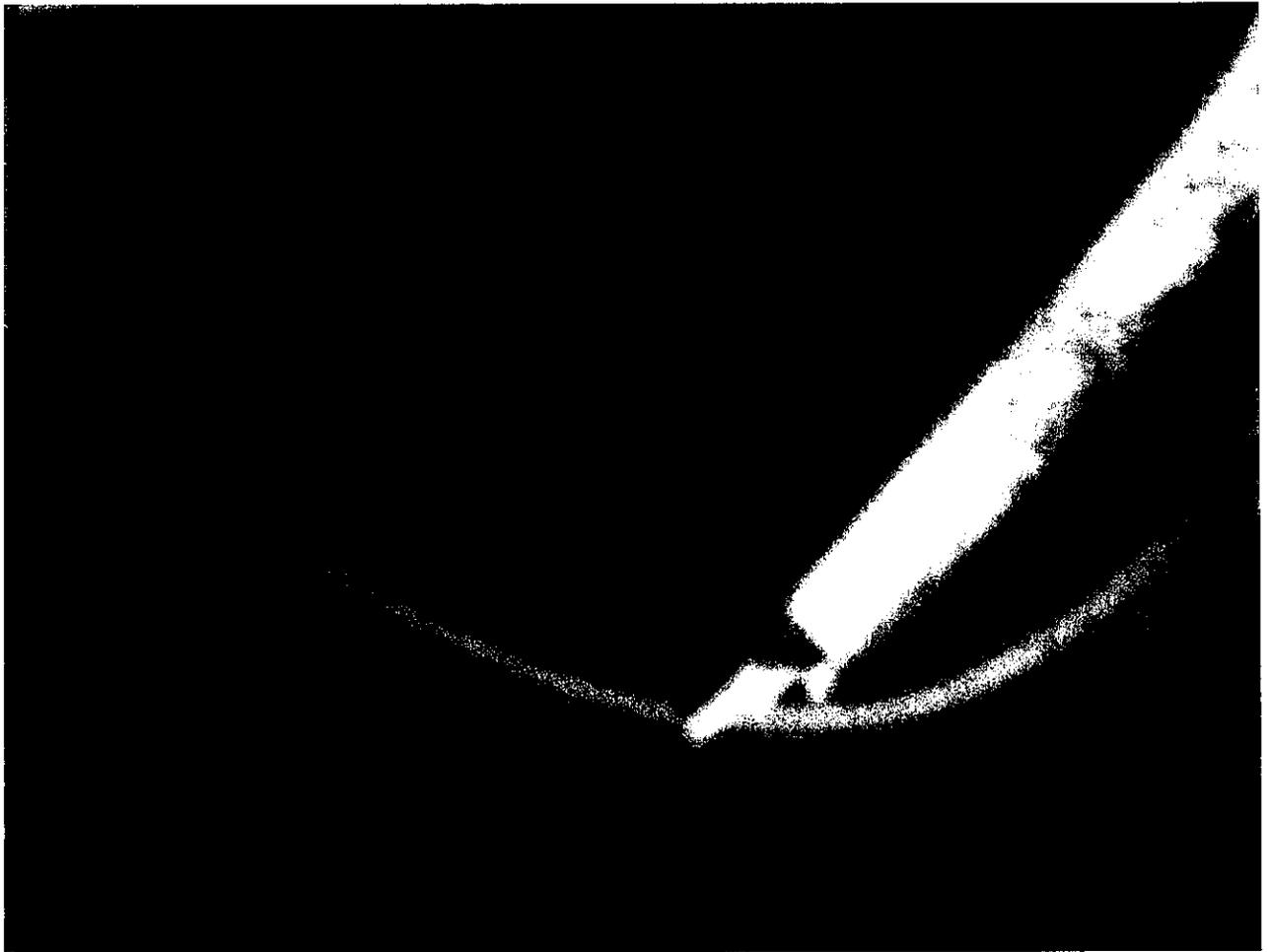
Milari Madison

From: "McMahan, Alan (DHCD)" <Alan.McMahan@dhcd.virginia.gov>
To: Hunter Madison <huntermadison2002@yahoo.com>; "Davis, Cindy (DHCD)" <Cindy.Davis@dhcd.virginia.gov>; "Thompson, Chris" <Chris.Thompson@loudoun.gov>; Gina L. Schaecher <GSchaecher@reesbroome.com>; "tompos@ntainc.com" <tompos@ntainc.com>
Cc: "Leatherby, Eric (DHCD)" <Eric.Leatherby@dhcd.virginia.gov>; "Potts, Richard (DHCD)" <Richard.Potts@dhcd.virginia.gov>; "Hodge, Vernon (DHCD)" <Vernon.Hodge@dhcd.virginia.gov>
Sent: Monday, July 20, 2015 1:58 PM
Subject: Milari Madison appeal to the Review Board (Appeal No. 15-5)

Parties in the subject appeal:

Please find attached a PDF of a staff write-up on the Milari Madison appeal to the Review Board (Appeal No. 15-5), as well as, a PDF of all of the documents submitted thus far by the parties on the appeal.

The hearing on this appeal is scheduled for the Review Board meeting on Friday, August 21, 2015. You may submit additions, corrections or objections to the staff write-up, you may submit additional



From: Hunter Madison [mailto:huntermadison2002@yahoo.com]
Sent: Friday, July 24, 2015 5:49 AM
To: Justin I. Bell; Davis, Cindy (DHCD); Hodge, Vernon (DHCD); McMahan, Alan (DHCD)
Subject: Objection to hearing Aug 21 and Praecipe/Notice Aug 3 @9:00

Dear Mr. Hodge and Mr. McMahan,

I am writing to state my objection to the TRB taking up the review scheduled for August 21, 2015. As you are aware, both the TRB and the SBCO are named defendants in ongoing litigation. NTA, Inc. is also a defendant in a companion matter. The appearance of and actual prejudice would seem contradictory from the beginning.

Milari Madison

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Justin Verville
Appeal No. 15-11

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VIRGINIA:

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

IN RE: Appeal of Justin Verville (Operation Restore Dreams)
Appeal No. 15-11

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. In mid to late 2014, Justin Verville, on behalf of Monument United Methodist Church, located at 450 Dinwiddie Street, in Portsmouth, and a program or ministry known as Operation Restore Dreams, began discussions with the City's building official to obtain approval for the use of the educational wing of the church as a school and daycare for approximately 24 preschool-aged children. The City's zoning clearance and business license process requires the building official to sign off of the approval from the standpoint of compliance with the Virginia Uniform Statewide Building Code (USBC).

2. The education wing of the church is two-story and located behind the church and connected to the church on each end forming an overall "U" shaped building. The building official determined that the use of the educational wing for caring for more than five children under the age of two and a half constituted a change of occupancy under the USBC and would have to comply with the USBC's change of occupancy requirements for the Group I-4 classification.

3. Verville provided historic information to the building official concerning the use of the educational wing of the church as evidence that no change of occupancy was occurring.

The educational wing of the building was built in the mid-1950s and although the City purportedly had its own building code at the time, the City does not have a certificate of occupancy on file for the building.

4. In early 2015, Verville and the church enlisted an architect to assist in obtaining approval to use the facility. After further correspondence with the building official did not result in the approval to use the facility, the architect filed an appeal of the building official's decision that the use of the facility constituted a change of occupancy under the USBC.¹ The appeal was heard by the City of Portsmouth Board of Building Code Appeals (City appeals board) in May of 2015 and the building official's decision was upheld. Verville further appealed the City appeals board's decision to the Review Board.

5. A complete record of the proceedings below was provided by the building official and Verville and this staff document was drafted and distributed to the parties and opportunity for the submittal of objections, corrections or additions to the staff document; or the submittal of additional documents or arguments was provided prior to scheduling the hearing before the Review Board.

Suggested Issue for Resolution by the Review Board

1. Whether to overturn the building official's decision, and the upholding of that decision by the City appeals board, that the planned use of the educational wing of the church constitutes a change of occupancy.

¹ Verville and the architect also argued that the change of occupancy provisions did not apply due to the church being a historic building; however, there does not appear to be a ruling by the building official or the City appeals board concerning that issue.

COMBINED DOCUMENTS

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: alan.mcmahan@dhed.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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

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

Justin Verville
Operation Restore Dreams, 450 Dinwiddie Street, Portsmouth, VA 23704
(757)332-0537
justin@vervilleventures.com

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

Doug Smith, Building Official, City of Portsmouth
801 Crawford Street, Portsmouth, VA 23704
(757)393-8531
doug.smith@portsmouthva.gov

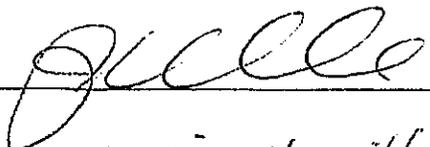
Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2015, 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: Justin Verville
(please print or type)

THE CITY OF
PORTSMOUTH

PORTSMOUTH BOARD OF BUILDING CODE APPEALS

RESOLUTION

IN RE: MONUMENT UNITED METHODIST CHURCH v. CITY OF PORTSMOUTH

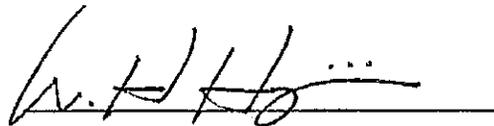
WHEREAS, the Portsmouth Board of Building Code Appeals (the "Board") is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code ; and

WHEREAS, an appeal was filed and brought to the attention of the Board; and

WHEREAS, a hearing was held on May 21, 2015, to consider the aforementioned appeal; and

WHEREAS, the Board carefully and fully deliberated this matter at that hearing;

NOW THEREFORE, BE IT RESOLVED, that in the above captioned matter, the appeal is hereby denied because the contemplated use of part of the facility as a Child Day Care Center is a Change of Occupancy from Group E, Educational, to Group I-4 as described in the Virginia Construction Code.



William H. Hargrove, III, Chairman

Date 6.3.15

Note: Any person who was a party to this appeal may appeal this decision 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.

June 17, 2015

From: Justin Verville
Operation Restore Dreams
450 Dinwiddie Street
Portsmouth, VA 23704

To whom it may concern:

We are seeking to appeal the decision made on May 21st, 2015 by the Portsmouth Board of Building Code Appeals, which upheld the decision of Mr. Douglas Smith, Building Official, City of Portsmouth, requiring modifications to the facility located at 450 Dinwiddie Street prior to more than 5 children being provided free early childhood education for the most at-risk children in Portsmouth by Operation Restore Dreams.

The basis for the appeal is two-fold. First, we believe we have shown that the building, which was built in 1952, was built for a purpose similar to ours and in accordance with all existing code in 1952. Furthermore, it has continually been used for a purpose similar to ours since that time.

In the 2012 Virginia Rehabilitation Code, Section 202 defines a change of occupancy as:

- A change in the purpose or level of activity within a building that **involves a change in application of the requirements of this code**

Using the 2012 Virginia Construction Code, we believe that the building was built with the intent and purpose of what today is considered Group I-4. This Group is defined as follows:

- **308.6 Institutional Group I-4, day care facilities.**

This group shall include buildings and structures occupied by more than five persons of any age **who receive custodial care** for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Child day care

- **308.6.1 Classification as Group E.**

A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

- **308.6.2 Within a place of religious worship.**

Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy.

Section 308.6.1 is not applicable, since there are rooms that were designated for childcare without doors directly to the exterior.

Custodial care is defined as follows in Section 202 of the 2012 Virginia Construction Code:

- **CUSTODIAL CARE.** Assistance with day-to-day living tasks, such as assistance with cooking, taking medication, bathing, using toilet facilities, and other tasks of daily living. In other than in hospice facilities, custodial care includes occupants that have the ability to respond to emergency situations and evacuate at a slower rate or who have mental and psychiatric complications, or both.

450 Dinwiddie Street is a wonderfully constructed and spacious educational building that has provided custodial care for many children throughout its history – and continues to do so to this day. This custodial care has not and is not merely provided during religious functions. There are numerous examples of recurring events, such as Vacation Bible School, that provide such care.

Certainly, if the exact building were built today, the Building Official would deem this structure as being in Group I-4.

Furthermore, in addition to the argument that Operation Restore Dreams use is not a “change of occupancy”, there is another provision in the 2012 Virginia Rehabilitation Code that exempts 450 Dinwiddie Street from a “change of occupancy.” This provision can be found in Section 408.1:

- The provisions of this code relating to the construction, *repair, alteration, addition*, restoration and movement of structures, and *change of occupancy* shall not be mandatory for *historic buildings* where such buildings are judged by the building official to not constitute a distinct life safety hazard.

We are confident there is not a distinct life safety hazard, as the Building Official allows greater than 100 people to worship in the facility each Sunday.

We appreciate your attention to this matter. Should additional information be needed, please do not hesitate to contact me.

Sincerely,



Justin Verville

June 28, 2015

From: Justin Verville
Operation Restore Dreams
450 Dinwiddie Street
Portsmouth, VA 23704

To whom it may concern:

We have attached the letter and supporting documents that we presented to the City of Portsmouth Building Official in September, 2014. This document contains information about the church and its construction.

However, the following should provide the necessary information for your decision.

Approval based on Pre-USBC Building:

- The building was built in 1954, prior to the USBC being established.
- The building was built in accordance with all existing codes, which even Mr. Smith contends.
- The building was built to care for children of all ages, with no limit to such care only occurring during worship times.
 - In order to be considered Group E, as Mr. Smith contends, the care would need to be for children greater than the age of 2 ½. In fact, the attached proposed floor plan shows multiple rooms being designated as "Nursery" – which implies care for children under the age of 2 ½.
 - The church has cared for children, outside of religious functions – children of all ages – throughout its existence. This care continues to this day.
- **GROUP I-4:** This group shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care

Exception:

Family day homes under Section 310.9.

- This group accurately describes the use of 450 Dinwiddie Street.
 - Custodial care is defined as: Assistance with day-to-day living tasks, such as assistance with cooking, taking medication, bathing, using toilet facilities, and other tasks of daily living. In other than in hospice facilities, custodial care includes occupants that have the ability to respond to emergency situations and evacuate at a slower rate or who have mental and psychiatric complications, or both.

- Custodial care for 5 or more children outside of religious functions was intended, and has occurred continually since the construction of the facility.
 - Vacation Bible School
 - Day camps
- If 450 Dinwiddie Street were constructed today, it most certainly would fall into the category of Group I-4, due specifically to its desire to have the ability to care for children outside of religious functions.

Approval based on Historic Building:

- 450 Dinwiddie Street is on the National Register for Historic Places (see attached document).
- The 2012 Virginia Rehabilitation Code exempts historic structures from a “change of occupancy”.
 - The provisions of this code relating to the construction, *repair, alteration, addition, restoration* and movement of structures, and *change of occupancy* shall not be mandatory for *historic buildings* where such buildings are judged by the building official to not constitute a distinct life safety hazard.
 - A life safety hazard does not exist as the Building Official currently permits greater than 100 adults and children to worship at 450 Dinwiddie Street each Sunday.
- Even without the Pre-USBC argument, with this clause, we believe approval for the use of 450 Dinwiddie Street by Operation Restore Dreams should be granted.

Should you have any further questions or need additional information, please do not hesitate to contact me at (757)332-0537.

Sincerely,



Justin Verville

BOARD OF APPEALS

PBBCA

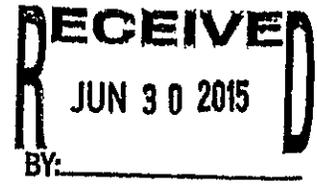


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PART 1
INTRODUCTION

Introduction

This appeal involves a case where the appellant wants to use the education wing of a building, Monument United Methodist Church, as a child day care center that will care for more than five children 2 ½ years of age or less on a day to day basis.

The facts that do not appear to be in dispute are that the building was built in the mid 1950's and appears to be in compliance with the Portsmouth Building Code under which it was built. Information provided by the appellant indicates the building was built of fire resistive construction.

Information provided by the appellant indicates the building was to comply with group E, Educational, formerly known as group C- Schools under the Portsmouth Building Code in the 1950's. The building was used as a church Sunday school and has been used consistently for Educational purposes. No sprinkler system was required or installed. There is no evidence that the educational wing was ever used to care for infants, other than during religious services. There is no evidence that the educational wing was ever used or intended to be used as a child day care center for infants on a regular basis.

What is in dispute is whether or not the building is "grandfathered" for use as a child day care facility allowing for the care of more than five children 2 ½ years of age or less. The appellant is of the opinion that Operation Restore Dreams should be allowed to operate the child day care facility in the church without making any modifications. The Building Official believes the proposal represents a "Change in Occupancy" which would require a greater degree of life safety for the occupants.

Attached herein for your consideration is all the correspondence between Mr. Smith and the appellants; the description of Operation Restore Dreams provided by Mr. Verville; all information about the church provided by Mr. Verville; various current code sections and commentaries; code sections from the Portsmouth Building Codes from the 1950's; and portions of the Virginia Fire Safety Regulations.

THE CITY OF
PORTSMOUTH

May 26, 2015

Jeff Neighbors, AIA, LEED AP
Bondurant Associates
444 Crawford Street
Portsmouth, Virginia 23704

Dear Mr. Neighbors:

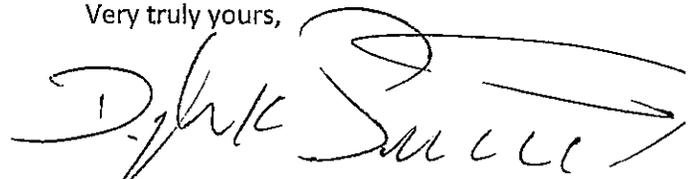
Please find enclosed the Resolution of the Portsmouth Board of Building Code Appeals (the "Board") in connection with the appeal that you filed on behalf of Monument United Methodist Church.

As you know, the Board denied the appeal. As is noted at the bottom of the Resolution, any party to the appeal may appeal the decision to the State Building Code Technical Review Board by submitting an application to that board within 21 calendar days from your receipt of the resolution by certified mail. The application forms are available from the Offices of the State Review Board, 600 East Main Street, Richmond, Va. 23219. The phone number is (804)371-7150.

As I have stated in the past, I believe there are ways to address this issue short of providing an automatic fire sprinkler system throughout the building and I stand ready to assist you in that regard. I believe we agree that the safety of the infants is the most important consideration.

Thank you.

Very truly yours,



Douglas K. Smith, MCP, Building Official
Director of Permits and Inspections

Cc: Justin M. Verville

THE CITY OF
PORTSMOUTH

PORTSMOUTH BOARD OF BUILDING CODE APPEALS

RESOLUTION

IN RE: MONUMENT UNITED METHODIST CHURCH v. CITY OF PORTSMOUTH

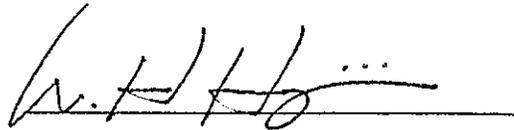
WHEREAS, the Portsmouth Board of Building Code Appeals (the "Board") is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code ; and

WHEREAS, an appeal was filed and brought to the attention of the Board; and

WHEREAS, a hearing was held on May 21, 2015, to consider the aforementioned appeal; and

WHEREAS, the Board carefully and fully deliberated this matter at that hearing;

NOW THEREFORE, BE IT RESOLVED, that in the above captioned matter, the appeal is hereby denied because the contemplated use of part of the facility as a Child Day Care Center is a Change of Occupancy from Group E, Educational, to Group I-4 as described in the Virginia Construction Code.



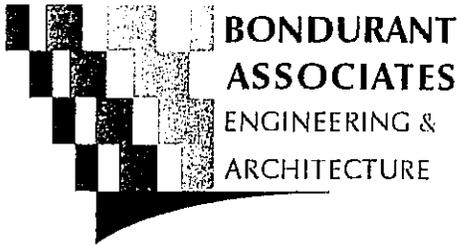
William H. Hargrove, III, Chairman

Date 6.3.15

Note: Any person who was a party to this appeal may appeal this decision 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.

PART 2
APPELLANT

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Herbert L. Bondurant III, P.E.
Calvin E. Sherrill, P.E.
Denis E. Grillo, AIA

April 28, 2015

Mr. Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections
The City of Portsmouth
801 Crawford Street, Fourth Floor
Portsmouth, Virginia 23704

Re: Monument United Methodist Church-Operation Restore Dreams-Request for LBBCA review

Mr. Smith:

I have reviewed your letter dated March 18, 2015 in which you maintain that the ORD program will constitute a "Change of Occupancy from Educational to I-4 Child Care" and therefore will require structural modifications to the space prior to implementation of the program. I believe all of the information that I previously reviewed to make my decision is the same that you reviewed in making your decision, so I have no further information to share that might alter your decision. I have a different interpretation of the matter and disagree with your conclusions that there exists a Change of Occupancy to utilize this space for the purposes described.

Therefore, I am requesting on behalf of my client, the Monument United Methodist Church, that this matter be reviewed by the Portsmouth Board of Building Code Appeals ("PBBCA") at the first opportune date for a meeting to be called. In support of this request, I have attached the following:

- Copy Application Form-Portsmouth Board of Building Code Appeals
- Copy Letter dated February 24, 2015 from Jeff Neighbors, AIA to Douglas K. Smith, Director of Permits and Inspections, City of Portsmouth
- Copy Letter dated March 18, 2015 from Douglas K. Smith, Director of Permits and Inspections, City of Portsmouth to Jeff Neighbors, AIA
- Check in the amount of \$100.00 made payable to The City of Portsmouth-Permits and Inspections

The address of the Monument United Methodist Church is:

Monument United Methodist Church
450 Dinwiddie Street
Portsmouth, Virginia 23704
Phone: 757.397.1297

Thank you for your help in resolving this matter. I believe the City of Portsmouth would greatly benefit from the implementation of this vital ministry. If you have any questions or would like to discuss this further, please contact me at (757)398-0683 or jeff@bondurant.org.

Sincerely,

Jeff Neighbors, AIA, LEED AP

cc: Calvin Sherrill, P.E.
File 1502

*See 5/11/15
JCS*

THE CITY OF
PORTSMOUTH

PORTSMOUTH BOARD OF BUILDING CODE APPEALS
APPLICATION

Appeal Fee: Non-refundable \$100.00
Fee must be paid at the time of application for appeal

The owner of a building or structure, the owner's agent or any other person involved in the design or construction of a structure may appeal a decision of the building official concerning the application of the USBC to such structure and may also appeal a refusal by the building official to grant a modification to the provisions of the USBC pertaining to such structure. The applicant may submit a written request for appeal to the Portsmouth Board of Building Code Appeals within 30 calendar days of the receipt of the decision being appealed for appeals involving the Va. Construction Code or 14 days for appeals involving Va. Maintenance Code. A copy of the code official's decision shall be submitted with the application for appeal and maintained as part of the record.

Date April 20, 2015 Permit # _____

Relationship of applicant to this permit (IE: owner, contractor etc.) Architect

Applicants name Jeff Neighbors AIA LEED AP Phone # 757.398.0683

Applicants mailing address 444 Crawford St, Portsmouth, VA. 23704

Applicants Telephone Number: 757.398.0683 Applicants email address: jeff@bandurant.org

(Briefly describe the decision being appealed or the modification that was not granted as the reason you are appealing to the PBBCA - if necessary you may attach additional information to this form)

In accordance with the Virginia Uniform Statewide Building Code, I am requesting that a determination be made by the Portsmouth Board of Building Code Appeals. The basis for the appeal is that: see attached letter from Jeff Neighbors to Douglas K. Smith dated February 24, 2015.

This appeal involves code section (s) USBC 308.5.2; USBC Chapter 2 of the

Uniform Statewide Building Code (Admin.) Va. Construction Code Va. Maintenance Code

Va. Res. Code Va. Plumbing Code Va. Mechanical Code National Electrical Code

Other _____ Code Year: _____

Applicants Signature: Jeffrey W. Neighbors

Date: 04.20.2015

Date Received by the Code Official: 5/1/15

Code Official's Signature: [Signature]

Official Use
<input type="checkbox"/> Grant <input type="checkbox"/> Deny <input type="checkbox"/> Table <input type="checkbox"/> Withdraw
Chairman: _____
Date: _____
Notice sent to applicant by certified mail: Date: _____ Sent By: _____

OPERATION RESTORE DREAMS

0002

DATE 4/29/15

68-7497
2560

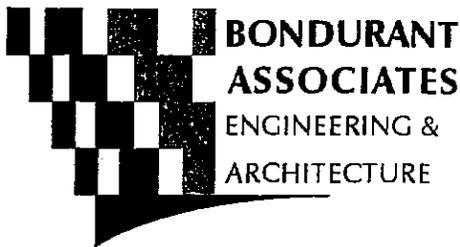
PAY TO THE ORDER OF City of Portsmouth - Permits & Insp. \$ 100.00
one hundred and no/100 DOLLARS

NAVY
FEDERAL
CREDIT UNION
www.navyfcu.org

FOR Apparel

[Signature]

⑆ 256074974⑆0002⑆7028265564⑆00⑆



Herbert L. Bondurant III, P.E.
Calvin E. Sherrill, P.E.
Denis E. Grillo, AIA

March 4, 2015

Mr. Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections
The City of Portsmouth
801 Crawford Street, Fourth Floor
Portsmouth, Virginia 23704

Re: Monument United Methodist Church-Operation Restore Dreams

Mr. Smith:

I have been retained by the Monument United Methodist Church to review the proposed use of their building to house a ministry program called Operation Restore Dreams ("ORD"). Without going into the positive impact this program has for the community, its implementation requires space to provide care for infants under 2 ½ years of age. The spaces proposed for this use are the same as those currently used by the church for nursery service. The facility was designed in 1952 and from information provided by the church, appears to be in compliance with the applicable building codes existing at that time. The original plans indicate spaces for nursery and child care and it appears from various information provided by the church that these spaces have been used for that same purpose since the building was constructed. I believe the first question that must be answered is whether this use is reasonably consistent with the description of child care facilities presented in the current applicable building codes. The Virginia Uniform Statewide Building Code 2009 ("USBC") describes "Child Care Facilities" as those that provide "... supervision and personal care on less than a 24-hour basis for more than five children 2 ½ years of age or less..." (USBC 308.5.2). Based on information received from the church, it seems reasonable to conclude that the church's use of the spaces in question currently meet the above definition and have done so consistently since the building was constructed in the 1950's.

Another, and perhaps more important, question is whether the proposed use of these spaces to implement the ORD program constitutes a change in the occupancy classification as already established. The technical term "Change of Occupancy" is defined by the USBC in Chapter 2 and states:

"CHANGE OF OCCUPANCY. A change in the use or occupancy of any building or structure which would place the building or structure in a different division of the same group of occupancies or in a different group of occupancies; or a change in the purpose or level of activity within a building or structure that involves a change in application of the requirements of this code."

My position is that the use proposed does not place the building in a different division of the same group or in a different group since it is being used for providing child care as originally intended and in accordance with the use described in USBC 308.5.2. Furthermore it appears from information provided by the church that neither the purpose (care of infants under 2 ½ years of age) nor the levels of activity (more than five children) are being altered by the implementation of this program. The argument that the frequency of use (Monday-Friday use instead of Sunday only) required by the ORD program creates

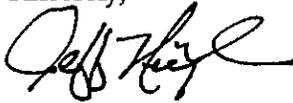
Mr. Douglas K. Smith, MCP; Building Official
March 4, 2015
Page 2 of 2

a condition for requiring a Change of Use is not valid since there is no such frequency condition in the description of what constitutes a Child Care Facility.

My understanding of the code's intent is that the church's use of these spaces has fully complied with the description of Child Care Facilities since this building was constructed and that the implementation of the ORD program does not trigger a "Change of Use". I am asking that you consider this matter and approve the Monument United Methodist Church, as currently constructed, to proceed with the implementation of the ORD program, using the spaces discussed above.

I would appreciate your review of my interpretation of the code issues and send a response at your first opportunity. If you have any questions or would like to discuss this further, please contact me.

Sincerely,



Jeff Neighbors, AIA, LEED AP
Bondurant Associates
444 Crawford Street
Portsmouth, Virginia 23704
757.398.0683
jeff@bondurant.org

cc: Calvin Sherrill, P.E.
File 1502

THE CITY OF
PORTSMOUTH

March 18, 2015

RECEIVED

Jeff Neighbors, AIA, LEED AP
Bondurant Associates
444 Crawford Street
Portsmouth, VA 23704

MAR 20 2015
3A1502
BONDURANT ASSOCIATES
Jobb

Re: Monumental United Methodist Church- Operation Restore Dreams

Dear Mr. Neighbors:

I am in receipt of your letter dated March 4, 2015 regarding the above referenced matter. Please forgive the tardiness of this response, but your letter was inexplicably delivered to Permits and Inspections in Virginia Beach prior to them forwarding it to me.

I have reviewed your letter with interest. I agree that the program appears worthwhile and do not debate its merits. I have painstakingly reviewed a great deal of information provided by Justin Verville and the church regarding the historic use of the educational wing of the facility.

Your letter states it is reasonable to conclude, based on information provided by the church, that the church's use of the spaces in question meet the criteria for Child Care facilities as described in USBC section 308.5.2. The letter states your position that you do not think a change of occupancy is proposed, nor is the frequency of proposed use valid since the proposed use is essentially "grandfathered". You state that your position is based on information provided by the church. This can only mean you are in possession of information not provided me. The information submitted to me includes no evidence that more than five children 2 ½ years of age or less were ever cared for in the building, except during worship services, at any time over the last 60 years.

To be clear, 308.5.2, which is a subsection of 308.5 Group I-4, states: *A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2 ½ years of age or less shall be classified as group I-4.* Accordingly, 308.5 Group I-4, day care facilities makes it clear that child day care activities in places of worship during religious functions are not included in the I-4 requirements.

March 18, 2015
Mr. Neighbors

The last sentence in section 308.5 provides an important and salient distinction. The information previously provided me indicates that the church provided a "*registered nurse in the new facility during both church school and worship hours to care for the babies of the congregation*". This is and has been a common practice in churches throughout history. The code recognizes this and makes allowances accordingly. But because of the limited timeframe in which the childcare occurred (1-2 hours a day, once or twice a week) and the fact that the parents or guardians are generally on premises during worship services, it **does not** qualify the building as a child care facility.

During my research of the facility, I reviewed the building codes from the 1950's. Information provided to me indicates the building was to comply with group E, Educational, formerly known as Group C- Schools in the 1950's. It appears the building has historically been used as a church school. No sprinkler system was required or installed. In accordance with the researched codes of the 1950's, children in lower grades were to be located in the classrooms nearest the exits. This appears consistent with the design in place.

I cannot support the idea that the building is "grandfathered" and can be used as proposed without modification. It is my interpretation that the proposal represents a Change of Occupancy from Educational use to I-4 Child Care Facility.

If there is information available that can serve as evidence that I am incorrect in my interpretation, I will be happy to modify my position. In such a case, please again prepare a letter detailing your opinion and justifications, seal the document as required, and submit it to me along with the relevant supporting documentation.

If you have any questions, please do not hesitate to contact me at 757-393-8531.

Sincerely,



Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections

PART 3
OPERATION RESTORE DREAMS
MONUMENT UNITED METHODIST CHURCH

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Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

September 19, 2014

From: Justin M. Verville
Operation Restore Dreams
450 Dinwiddie Street
Portsmouth, VA 23704

To: Mr. Douglas Smith
Building Official
City of Portsmouth
801 Crawford Street
Portsmouth, VA 23704

Mr. Smith,

I sincerely appreciate you taking the time to meet with me last week. Enclosed is the package of material that you requested. Our hope is that this information will permit you to approve the facility at 450 Dinwiddie Street for use by Operation Restore Dreams.

The church's belief is that it should be exempt from being strictly held to the current building codes, due to its construction occurring prior to the establishment of these building codes. As you can see in Exhibit A, care for children from ages 0-18 has always been a primary purpose of Monumental United Methodist Church. Due to increasing demands for child education, in 1954, construction began on a child education building. This building was built for the purpose of the education and care for children of all ages – from birth through adulthood. This use has continued through present day, as shown in the documents included in Exhibit B.

We understand that to help you prove that childcare has been an ongoing activity at 450 Dinwiddie Street, it would be helpful to have documentation showing that a childcare license had been obtained. Unfortunately, as we mentioned during our meeting, this license does not presently exist. The reason for this is because, as with the building codes, the church was of the belief that they were grandfathered from being held to the more recent childcare licensing standards. The history of childcare licensure standards is shown in Exhibit C. As you can see, licensure requirements were not introduced until 1974.

We believe there is a huge need for programs like Operation Restore Dreams. As you can see in Exhibit D, there is a shortage of childcare facilities – particularly in Portsmouth. For low income families, who often need the most help, their options are virtually non-existent. Operation Restore Dreams is a free program for these families and is considered a ministry of Monumental United Methodist Church.



Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

We wish in no way to avoid any necessary regulations. We are not asking for special treatment. In fact, we are in the process of obtaining the necessary childcare licensure with the State of Virginia. And, we meet all building codes... with the exception of the fire suppression system.

We believe that our use should be approved by 450 Dinwiddie Street being viewed as a pre-USBC building – as the attached documents support. To further provide support for this option, Appendix A includes documents that show the care that was taken in making a safe, fire-proof structure with large corridors and multiple exits. Our contention is that forcing us to adhere to the current regulation that requires a fire suppression system does not reduce any risk that would be imposed on the occupants of the building in an appreciable way. Instead we believe it would only create a burden that ultimately would prevent the use from occurring altogether – and hinder the church from using its building for its intended purpose.

Once again, I am very appreciative of your consideration in this matter. Should you have any additional questions or need more information, please do not hesitate to contact me. I hope you have a great day.

Sincerely,

Justin M. Verville

PORTSMOUTH

Zoning Clearance Application
Business License

City of Portsmouth
Department of Planning and Economic Development
1000 ...
PO Box 2275

Address: 450 Dinwiddie Street, Portsmouth, VA 23704
Business Name: 501(c)(3) Operation Restore Dreams
Principal: Operation Restore Dreams / Laura M. Verville
Address: PO Box 2275, Chesapeake VA 23327
Telephone: 757-685-5450 ; 757-332-0534
Type of Business: 501(c)(3) Non-profit Organization - Educational Purposes
City and State: Laura M. Verville, Executive Director 7124114
County and State: Charles L. Armon, Ch. Trustee 7-24-14

"Operation Restore Dreams is a non-profit organization specializing in early childhood education for at-risk and disadvantaged children, with emphasis in the ages 0 to 3 years, with newborn babies and infants.

The program provides curriculum based education for the children. Retained research will be conducted to prove the organization's effectiveness to facilitate future funding and growth.

Operation Restore Dreams will attempt to accomplish its mission by providing a rich environment starting during the mother's pregnancy and continuing until the child completes an initial education intervention of three years.

Operation Restore Dreams, location and proposed summary

Zoning Commission Application for ...
Last updated March 23, 2015
24 children
20 adults
(Aerial photo attached)

9 PKG spaces on-site
Additional Church PKG across the street
295

Commercial Use Only

How many striped parking spaces are currently at the least on? 50
What is the primary function of the proposed space you will be applying for? 2,268.64 sq ft (Ind. on 4 axel outdoor - incl. dirt)
Will there be extensive use or use of platforms or stages in the building? NO

THE FOLLOWING MUST BE SUBMITTED IN ORDER TO OBTAIN A ZONING CLEARANCE FOR A BUSINESS LOCATED IN A COMMERCIAL ZONING

SUBMIT A ZONING CLEARANCE APPLICATION

- Provide the name, address and phone number of the applicant and the property owner.
- Explain all other uses or details for the property to the jurisdiction.
- The application must be signed and dated by applicant and property owner.
- If there are existing businesses located on the same lot, please provide the type of business and details.

PROVIDE A FLOOR PLAN OF THE PROPOSED BUILDING

- Provide a drawing of the dimensions of the building you will be applying including details of floor space, both interior and exterior.
- Provide a description and floor plan to the local Planning and Zoning Department.

PROVIDE A FULL SCALE SITE PLAN OF PARKING SPACES ON THE LOT

- Provide a detailed site plan showing the layout of the lot, including the location of the building, parking spaces, and other features.
- Provide a detailed site plan showing the layout of the lot, including the location of the building, parking spaces, and other features.
- Provide a detailed site plan showing the layout of the lot, including the location of the building, parking spaces, and other features.

NOTE: The jurisdiction may require that you provide a professional assessment of parking on the lot. This assessment can be any type of assessment involving the lot, provided that it is related to the project.

COMMERCIAL USE ONLY

Project Name: HLC Form No. 1017 Date: 8/7/14 Yes/No: Yes

Project Reference Number: 9

Project Status: Reserved by C.S. Date: 8/7/14 Submitted

Applicant Signature/Name: _____

Applying To: Commercial Use Only

Page 2 of 2

Revised: 01/11/10



Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

Exhibit A

History of
Monumental United Methodist Church
and
450 Dinwiddie Street

HISTORY
OF
MONUMENTAL UNITED METHODIST CHURCH

1772 - 1984

Dorothy Fleet Monroe
Catherine B. Hatcher
Historians

"We must take care of history as well as make it." --- from a letter written to the pastor of Monumental in 1876.

Bishop H. N. McTyeire

In 1951, Mr. George R. Fink of Detroit, Michigan, presented a Quonset hut as a personal gift of appreciation to Mr. L. W. Hudgins for his kindness to Mr. Fink's son, Lt. George R. Fink, Jr., in World War II. This was given to the church through Mr. Hudgins and erected on the Glasgow Street lot for the use of the Boy Scout troop sponsored by Monumental for many years.

Another honor came to one of the older church members. John Deans was honored at a testimonial dinner for his work with Navy personnel. Three Navy chaplains attended, one of whom credited his entry into the ministry to the influence of Mr. Deans. This was the same "little John Deans" who sang a solo when the church was dedicated in 1876.

A reception was held that same year to honor the church members who had been on the rolls of the church for fifty years or more. Fifty-one of the eighty-one eligible attended.

In 1954, the Court Street parsonage was sold, and a modern brick residence was erected in Pinehurst. Dr. and Mrs. Cromer were the first to occupy the residence. It was during his pastorate that Mrs. Audie Wooten was so active in educational work.

The time had also arrived for the construction of a new educational building. The old chapel was torn down. A campaign had netted \$138,000 in pledges, and the contract had been signed after 15 years of planning.

Dr. R. O. Bryant, District Superintendent, officiated at the laying of the cornerstone on March 20, 1955. Dr. William Archer Wright, during whose ministry preliminary plans were made, preached at the 11:00 a.m. service. At the conclusion of the service, Dr. Bryant, The Reverend Walter G. Bates, oldest living member of the Virginia Conference, Dr. Wright and Dr.

Cromer processed out of the church followed by Margaret Hargroves and Richard Bartlett carrying the Christian and American flags. Next came L. W. Hudgins, the general superintendent of the Sunday School, bearing the copper box to be inserted in the cornerstone. Two young people carried the 1828 Bible that had been rescued from the church fire of 1864. The children's, youth, and chancel choirs came next, with the members of the Board, the Sunday School teachers, and the congregation completing the procession. The copper box contained Bibles, hymnals, a discipline, church and paper accounts, a medal and a piece of wood from the old chapel. Dr. Bryant, Mr. Bates, Dr. Cromer, V. B. Murden, Jr., chairman of the building committee, John E. Scott, Chairman of the Board, L. W. Hudgins, and a few others came in the order named and laid some mortar on the cornerstone. The box was then covered by the contractor.

While the educational building was being constructed, the Sunday School classes were held in the Briggs School on Washington Street. Completion of the building was followed by its dedication on January 22, 1956. The public was invited to inspect it during the next two days, as a modern church plant.

Dr. and Mrs. Cromer held a reception at the new parsonage for Bishop and Mrs. Garber and the Board members and their wives. Dr. Cromer's work here had been fruitful and the official board commended him highly for his accomplishments.

The Reverend J. Eugene White was sent to Monumental at the June conference in 1956. In the two and one-half years he served, the church moved forward under his energetic direction. Neighborhood study groups were held in the evening throughout the city. These were well-attended and resulted in spiritual growth.

Special Education Committee Report; 1973

After an in depth study The Special Education Committee appointed by Mr. Joseph Hill (Chairman of the Administration Board of the United Methodist Church) recommends that the use of special classrooms in the Church school section of our Church be determined by a group headed by Mr. Ann M. Moore for a group (not to exceed 40) children with special training needs. The committee feels that there is a definite need for this type of special Education which is not available for in our public schools (that school will in no way be in competition with our public schools.)

It is the unanimous opinion of the committee that the agreement worked out by Bernard Whitwell will protect the church from any jurisdiction that may arise.

It is felt that another school should be located in the community in which it is located, and that the outwork given by this type of school will greatly benefit the community.

Respectfully submitted,
William E. Moore, Director

1973

religious + create persons a

Special Education

1973

19

3



Bishop Garber Consecrates Educational Building at Monumental Methodist

By CHRIS T. GWYNN

"To Jesus Christ our Lord to all those who walk in company we open these and God grant that they never closed, save by war, welcome and the strenuous ministering in the Methodist name."

With these words, the new educational building of Monumental Methodist Church in Portsmouth was consecrated Sunday night by Bishop Paul Neff, presiding bishop of the Episcopal Area of the Methodist church.

Before an estimated crowd of 750, the service of consecration was held—and a dream 10 years became a reality.

Dr. Horace E. Cromer, pastor of the church, stressed that presentation is not to Memorial Church, nor to Memorial alone, but is to all of Portsmouth with special attention to needs of the downtown community.

THE KEYS TO the building were submitted by Wyatt resident architect for the building of Rudolph, Cooke and Vandenweu, which concern construction of the building.

J B JONES — 12 — J B

The key passed first to Bishop Garber, who in turn passed them to Dr. R. Orman, superintendent of the Portsmouth District, who passed them to Cromer.

In turn they were passed to B. Murden, Jr., chairman of the building committee; O. J. Stridger, chairman of the trustees; A. C. Bartlett, chairman of the official board; F. M. Scott, immediate past chairman of the official board; F. M. Jr., chairman of building grounds; and L. Waverly Hudgins, general superintendent of the Church School.

In accepting the keys Bishop, Dr. Bryant noted the important part played by Monumental Methodist in the construction and spreading of the kingdom of God.

DR. CROMER pledged that keys would be worthily used in the building of "our Kingdom."

"Our Heavenly Father wrought many great things through Monumental Church," Bishop Garber said to the near-capacity crowd in the sanctuary at the consecration at 11 a. m.

Speaking on "Our Church," the bishop read a text from Numbers 23 according to this time it said of Jacob and of Israel that God wrought.

(Continued on Page 301)

New Monumental Chapel Packed for First Vespers

The new chapel of Monumental Methodist Church in Portsmouth was jammed to capacity for the first vesper service held in the building at 5 p. m. Sunday.

Chairs were set up in every available space but even so a large number of persons had to sit in the fellowship hall and hear the service on the public address system.

Dr. Horace E. Cromer, pastor, read the scripture from the historic old Bible—the only article saved from the fire of 1863. This Bible was procured in 1826. It was saved from the flames in 1863 by Robert Daniel Cuthrel.

"GOD GRANT THAT we may never fail to realize that the greatest value is God's word," the minister said as the old Bible was placed in its permanent position in the cabinet in the vestibule of the new educational building. The Bible will remain in this cabinet where it will be preserved.

The minister also read from the new Bible which has been placed on the lectern in the chapel in honor of Virginus B. Murden, Jr., treasurer of Monumental Church since 1917 and who served as chairman of the building committee for the educational building. The new Bible was presented by the family of the man honored.

"You and I tonight," Dr. Cromer said, "are launching on a great adventure. It could not have been accomplished except for God's will." The speaker was referring to the new chapel in which the first service was being held.

"WE HAVE THE vessel," he said. "We have the tools. This is our privilege. It also becomes our responsibility," the minister concluded.

Vespers will be held in the new chapel each Sunday at 5 p. m. until June.

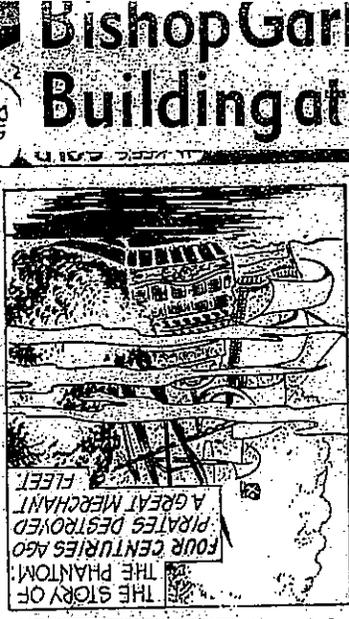
Tonight at 8, Dr. Orman Bryant, superintendent of the Portsmouth District, Virginia Methodist Conference, will preside over an open house at the new educational building.

Mrs. W. O. Culpepper and Mrs. Carrie Johnston Sykes, who were present at the dedication of Monumental in 1876, are slated to speak at tonight's ceremony.

OTHERS ON THE program are L. Waverly Hudgins, church school superintendent; Joseph Sumner Bell, II, Nancy Carroll Early, Robert Middleton Hill, Nancy Joyce Lorber and Ellen Brooks Wilder.

Prof. A. J. Lancaster, director of music, will present the Monumental Choir and the Wilson girls' sextet in special selections.

Tuesday night, the concluding celebration will be held with the



THE PHANTOM BOOTS AND BUDDI

FOLLOW ME
MY SONS
PRAY AND
THE DESTRU
-DEVOTE MY
SKULL - THE
HE SWORE

ELLIE

THE SOLE SURVIVOR WAS WASHED AWAY ON A REMOTE BEACH, WHERE FRIENDLY PYGMIES FOUND HIM.

THE STORY OF THE PHANTOM, FOUR CENTURIES AGO A GREAT MERCHANT FLEET WAS DESTROYED ON A REMOTE BEACH, WHERE FRIENDLY PYGMIES FOUND HIM.

SEE YOU!
WITH YOUR PETS
A MAN

OH, THANK YOU!
MISS ELLIE, A MAN
WITH YOUR PETS
SEE YOU!



At Monumental, Sunday

Bishop Garber Will Speak As New Building Opens

NEW CHAPEL OPEN:
new educational building
the vesper service at 5
tion service at 11 a. m.

Bishop Paul Adolf Garber, of the Diocese of Washington, will deliver the consecration service tomorrow at 11 a. m. at Monumental Methodist Church in Portsmouth when the new educational building is dedicated. The building, valued at \$320,000, will be used for the church's offices and open house will be held so that members and friends of the church may inspect the new building. At 5 p. m. Sunday vesper service will be conducted in the new building by the pastor of the church, Dr. Horace E. Cromer.

The church is located on A Street in Portsmouth, Virginia.

THE GIRLS' SEXTET

"I Heard the Voice of Jesus Say" (Hawker). Members of the sextet are Paula Bradley, Emily Sawyer, Arlene Putnam, Jeanette Hoggard, Sharlene Putnam and Betty Justice. The anthem by the youth choir will be "Eternal Father Strong to Save" by Whitford.

The music will be directed by Prof. A. J. Lancaster.

Monday at 8 p. m. Dr. Robert Bryant, superintendent of Portsmouth District, Virginia Conference, will preside over the house.

Mrs. W. A. Ketchum, and Mrs. Carrie Johnston, wives of the members who attended the dedication of the present sanctuary in 1876, will give a review of that service.

The 2036 history will be read by Joseph Samuel, Pres. III, Nancy Carol, Edith, Middle of Hill, and John, Barber and Mrs. Frank Wilson.

L. W. HUDGINS, superintendent, will speak on the church school. The music will be by the Wesley Choir under the direction of Professor Lancaster.

Tuesday night at 8 p. m. Church School superintendent will preside with Dr. Cromer, giving the address of dedication. Social music by the Wood Wilson High School Band directed by Paul Brown.

Both Monday and Tuesday nights, a tour of the building will be conducted with refreshments served at the conclusion.

Educational Building Opens At Monumental Methodist

By CHRIS T. GWYN

Sunday will be a memorable day for members of historic Monumental Methodist Church in Portsmouth. It will be the day when the new \$320,000 educational building becomes alive with activity.

This is the day when the structure becomes a living thing and not just a mass of steel and concrete.

Since the old Lecture Room was razed back in the Summer of 1954 to make way for this new and much needed facility, Ports-

mouth people have watched with interest progress on the new building.

They have seen the building take shape, step by step. Persons from the various denominations rejoiced along with Monumental members when the cornerstone was laid.

THE LADIES' PARLOR adjoining, looks out on a lovely little landscaped courtyard with a fountain in the center. This room is furnished in period furniture, most of the pieces priceless antiques only recently restored to their original beauty. A rich green carpet covers the floor.

The kitchen is an efficient home-maker's dream come true. The equipment is all stainless steel—refrigerator, range, warming table—everything. The warming table is electric instead of steam and each compartment works independently. The refrigerator is hotel type with a large freezing compartment that works separately.

The dish-washing section is "out of this world." Dishes are not scraped but showered over the garbage disposal then whisked into the washer. Here they are washed in 200-degree water then sent on to a drying rack. From the time they are showered to the time the dishes are on the rack and dry is supposed to be one minute. The process is known as assembly-line dish washing.

DISHES, 300 complete services, are stored in cabinets just outside the kitchen door in an adjacent room. In this manner people setting tables in the banquet hall do not interfere with workers in the kitchen.

Thirty folding tables which seat 10 each are stored on trucks which can be wheeled into the hall, set up and ready for use within a matter of minutes. The chairs also are folding and easily stored.

Two doors lead from this fellowship-recreation-banquet hall into the kitchen. With the warming table at one end of the kitchen, a line can file in one door, past the warming table to be served, and out the other door cafeteria style.

Upstairs the various departments are designed in suites of three communicating rooms to each department. The adult classrooms are separate.

(Continued on Page 17)

THIS NEW FACILITY leaves nothing to be desired. It is designed for all age groups from infants on up.

A registered nurse will be on duty during both Church School and worship hours to care for the babies of the congregation. This room will be equipped completely with cribs and play pens. A dressing room adjoining has both hot and cold running water and a regulation hospital stainless steel dressing table.

The nursery department next door is designed strictly for convenience of two and three-year olds. Cupboards line one wall with open sections for toys within easy reach of tots. Coat racks are "child size" as are toilet facilities adjacent.

THE KINDERGARTEN department is a large 40 by 20-foot room with six large windows. A folding partition makes it possible to divide the room whenever necessary. A cork tackboard, fixed at child height at each end of the room, is convenient for teaching pictures and the children's work. This room too, is equipped with child-size coat racks and adjoining toilet.

Also on the ground floor are the chapel, ladies' parlor, pastor's study, Church School office, combination recreation-banquet-fellowship hall, kitchen, office of assistant to the pastor, sacristy, men and women's vesting rooms, ladies' lounge, and work room.

The work room is conveniently located within easy access of the Church School office and assistant to the pastor's office. This is where all the mimeographing and other such work will be done.

The ladies' lounge has a hospital cot for use in emergencies. It also is equipped with first-aid materials.

Bishop Speaks At Dedication Of Building

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Included in the building is a small chapel with a seating capacity of 100 which will be used for children's church services, small weddings and vesper services every Sunday evening.

There also is a fellowship hall where the Sunday School general assembly will be held each Sunday morning. This hall also will serve as a place for fellowship meetings. It has a modern kitchen in which meals will be prepared and served cafeteria style.

The building is two stories high and has 30,000 square feet of floor space. It was constructed at the cost of \$310,000.

Dr. Horace E. Cromer, pastor, said this building is a part of the long-range improvement program at the church.

Other projects, which are expected to be completed by July 1, include renovations of the sanctuary, redecoration throughout, restoration of the original stained-glass window and installation of air conditioning.

General superintendent of the Sunday School is L. W. Hudgins. Members of the building com-

Educational

(Continued from Page 15)

THE YOUNG PEOPLE'S department, designed for the 18 to 24-year-olds, as are the teenage and junior high departments, are for seven-day-a-week use. These various units or suites can be maintained independently. They can be heated or air conditioned individually without interfering with the rest of the building.

The young people's and teenagers' units are equipped with a "secret closet" each. Just open a closet door and there is a complete kitchenette—a cooking unit, refrigerator, sink and cabinets. All in a closet.

Through this commodity, refreshments may be had right at hand and prepared by the young people themselves without having to "traipse" through the building down to the kitchen.

Strangely enough, the heating system is located upstairs. This may seem rather odd today but it is the modern trend. Some of the new buildings, according to

the architects, Rudolph, Cooke and Van Leeuwen, have the heating plants up on the roof.

Anyway, this heating plant seems to have everything. There are six separate circulating pumps, each of which can be turned on independent of the others.

ALL HEATING units are in the floors. There are no visible radiators or hot air ducts. The floors are heated and the heat radiates from there.

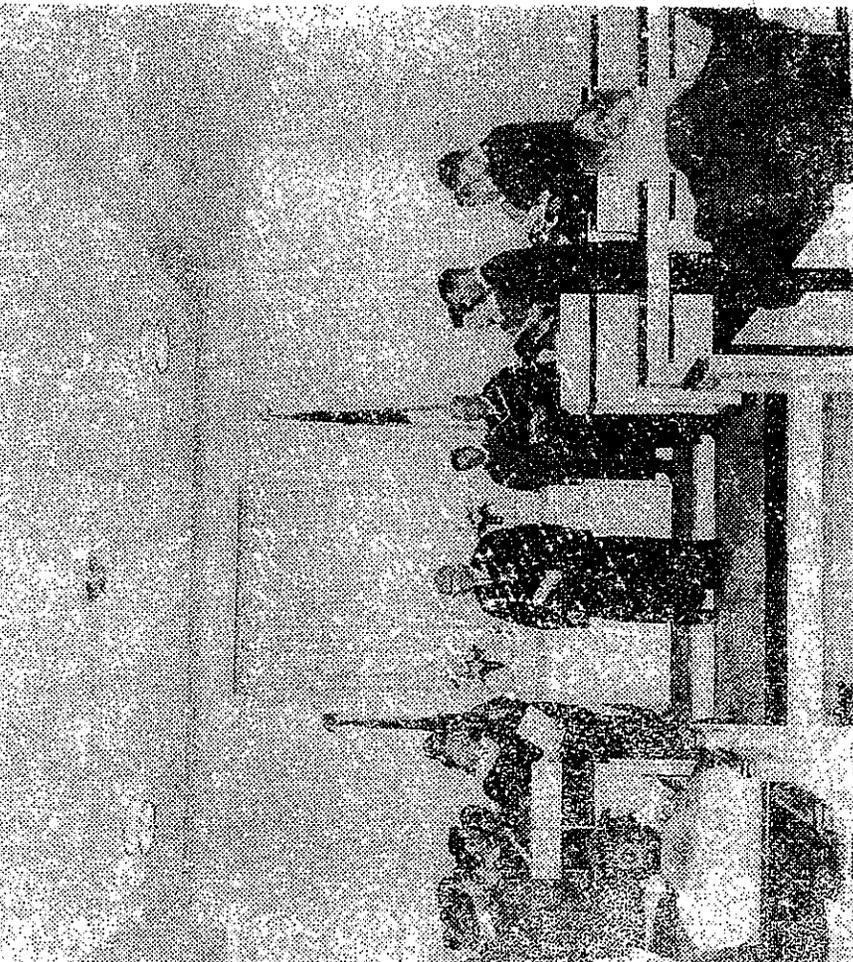
This seems to be the new way of heating buildings. In a church or other facility frequently by small children, this is especially desirable. Most activities of little tots are on the floor. They play on the floor, sit on the floor, and even sleep on the floor.

The chapel, conveniently located near the Queen Street entrance, is a room which will have many uses. It is here that vespers will be held. It is in this small and intimate chapel that small weddings will be celebrated and where private funerals will be held—where the pastor will come and kneel in prayer with tortured souls.

The chapel also will be used for the Children's Church. This is a new activity at Monumental. The children will arrange and hold their own worship services patterned after the traditional Methodist worship.

mittee for the new education building are:

V. B. Murden, Jr., chairman; T. H. Bradley, R. P. Britt, H. E. Cromer, R. S. Gibbs, E. M. Hanbury, R. E. Hawks, L. W. Hudgins, T. K. Lewis, Jr., W. P. Lissey, J. C. Mintz, E. S. Monroe, Sr., J. E. Scott, C. E. Spencer, J. W. West, S. M. Wilder, Jr., and C. E. Wise.



APPEL AT MONUMENTAL METHODIST BLESSED—Bishop Paul Neff Garber consecrates new chapel at Monumental Methodist Church. Assisting in the service are Dr. Horace E. Cromer, center, pastor of the church, and Dr. R. Orman Bryant, superintendent of the District. (Photo by Hardin.)



MONUMENTAL'S NEW BUILDING IS CONSECRATED—Bishop Paul Neff Garber, in pulpit presiding bishop of the Richmond area of the Methodist Conference, delivers the sermon of consecration as the new \$320,000 structure was activated Sunday. Dr. Horace E. Cromer, pastor of the church, is at left. Dr. R. Orman Bryant, superintendent of the Portsmouth District, stands at the right. (Photo by Hardin.)

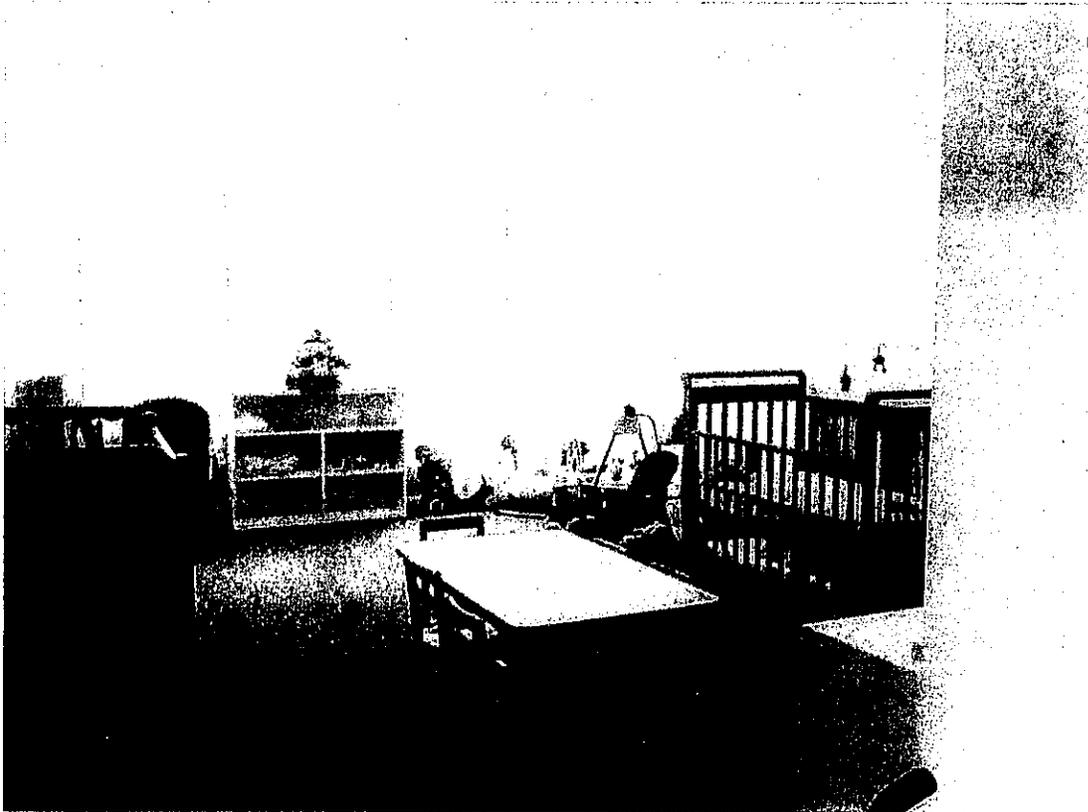
Bishop Garber Consecrates Educational Building at Monumental Methodist



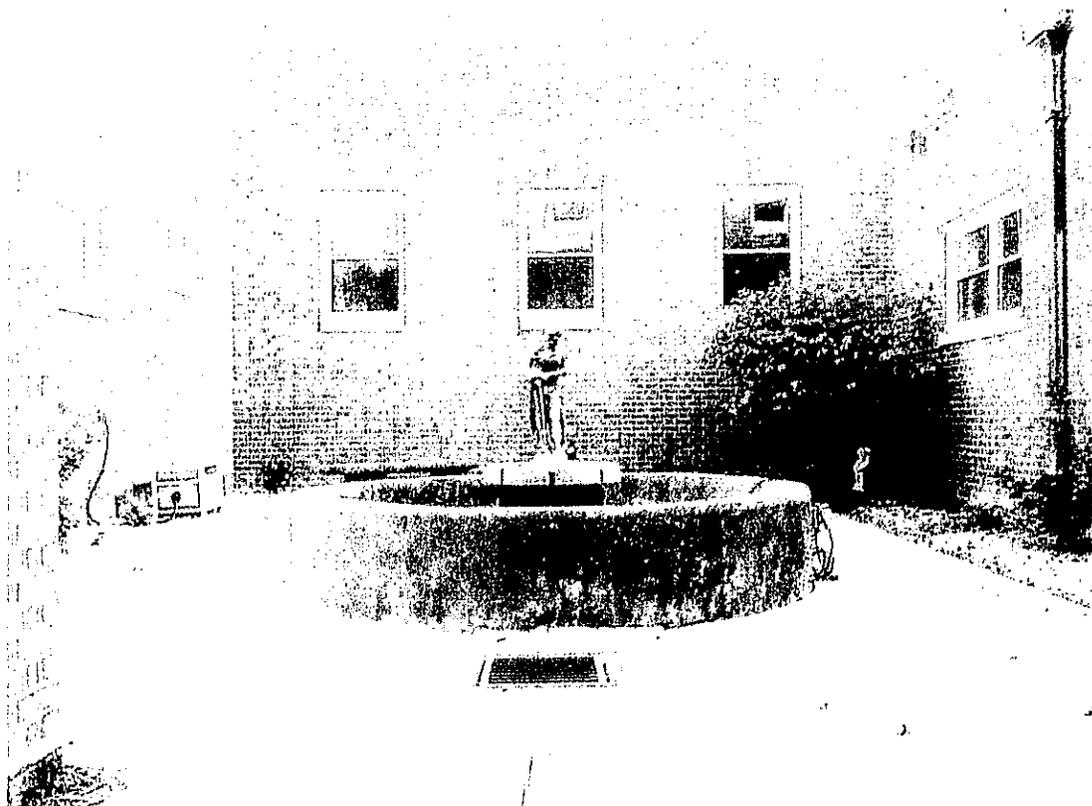
Nursery and kindergarten Department at Monumental,
450 Dinwiddie St. Sept. 2014



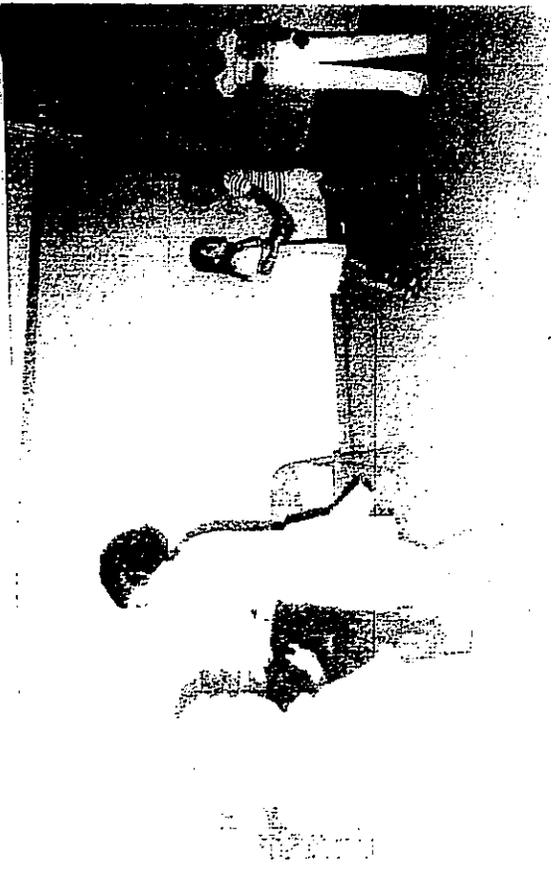
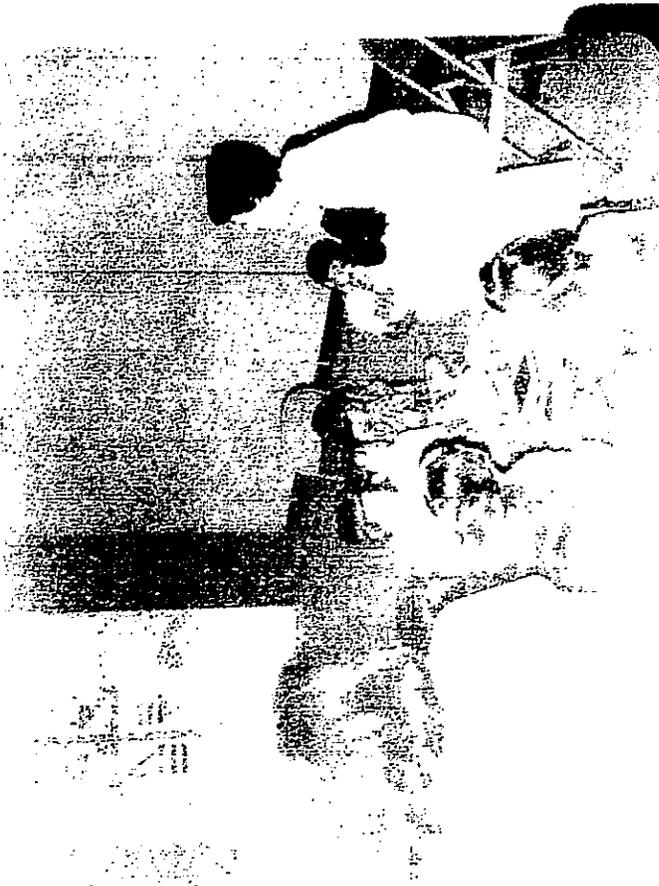
Nursery and kindergarten Department at Monumental,
450 Dinwiddie St. sept 2014



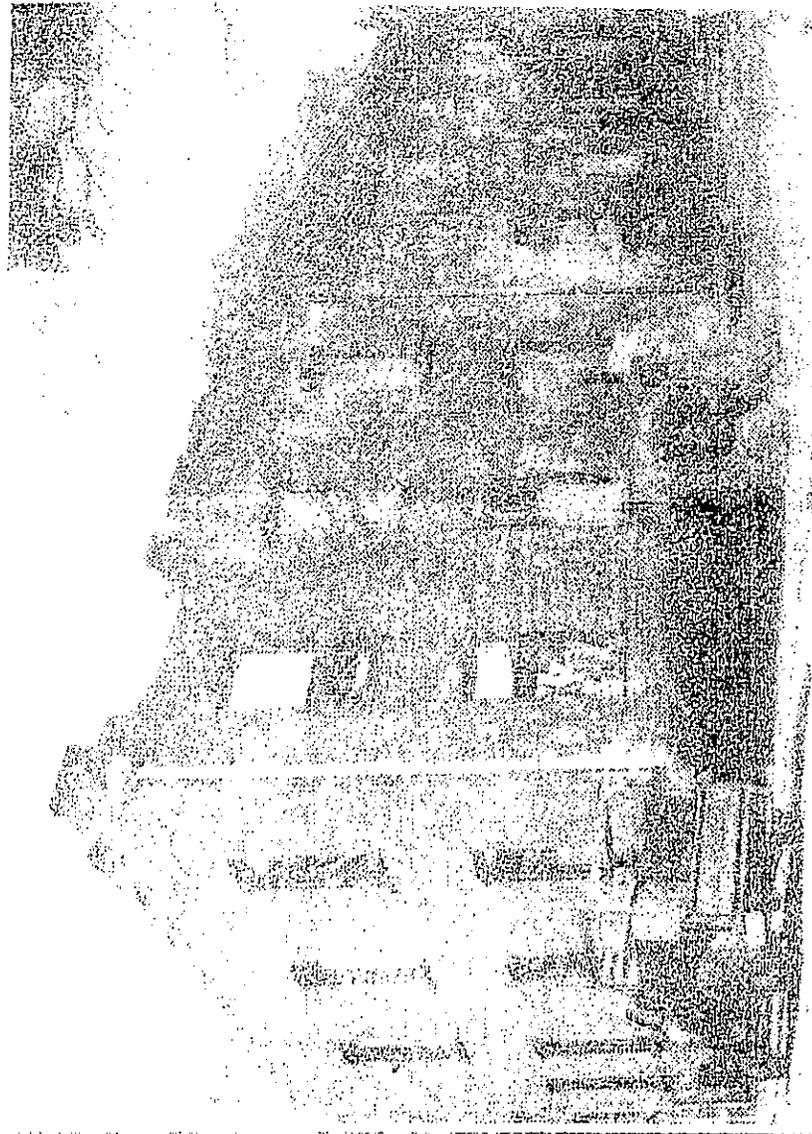
Nursery Room at Monumental. 450 Dinwiddie St.
Sept. 2014



Courtyard, Monumental. 450 Dinwiddie st.
Sept. 2014







OLD LANDMARK COMES DOWN—The old lecture room of Monumental Methodist Church, erected "at great sacrifice" at an approximate cost of \$10,000 in 1866, is being razed to be replaced by a new one never before \$282,870 structure.—Staff Photo by Williams.

CLIPPER OF RECORDS—L. W. Tidwell, president of the Old People's Association, said that the old lecture room of the Monumental Methodist Church, which was built in 1866, is being razed to make way for a new one. The old building was razed in the year 1954. It is being razed to make way for a new one. The old building was razed in the year 1954. It is being razed to make way for a new one. The old building was razed in the year 1954. It is being razed to make way for a new one.

Lecture Room of Monumental Church.

Built in 1866. Passes for Progress

By CHRIS T. GYAN—It is necessary to the old people's society by means of a new building. Another old building at Point... After this year as many of the those members who are ready to much in standing... for some members... and the victory through a kind of... as Monumental... and the victory through a kind of... been lost... this makes... hear...

Bishop Speaks At Dedication Of Building

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of an area wanted for annexation by a city to vote on the question will be conducted Thursday at 2:30 p. m. in the Old Senate Chambers. Senator Gordon F. Marsh and Delegates W. T. Leary and Charles E. Cross, Jr., all of Norfolk County, who presented simultaneous bills in the House and Senate, said yesterday that they hope the county will be well represented at the hearing.

"We invite any interested party in the county to be heard," Senator Marsh said.

As to the fate of the bills, Marsh's only reply was: "We are not without friends."

Leary said that the county delegation will do "all we can to get it passed."

The hearing will be conducted jointly by the Senate and House Committees on Counties, Cities and Towns.

BH Provision

The legislation would allow 20 per cent of the qualified voters in an area to be annexed to stop proceedings until a popular vote were held. An approving vote would allow the suit to continue, while a disapproving vote would kill the city's hopes for new territory.

Meanwhile, the three legislators are expected to have an informal conference with members of the County Board of Supervisors and other county officials this week-end. Purpose of the meeting is to obtain the views of county officials on a proposed amendment to the Elizabeth River Tunnel Act.

The proposed amendment would make way for the payment of \$2,000,000, originally promised after 1980 as compensation for loss of revenue when the Portsmouth-Norfolk County ferry service was ended.

New Stipulation

Renegotiation of the original agreement that the county receive this money will stipulate that the money can be paid as part of refinancing construction of a second tunnel under the Elizabeth River.

On another matter, Cross said that he is watching "with interest" the interposition bill which at last report was facing "new troubles."

Cross expects the bill to go to the House from the Senate this week.

Committee for the new education building are:

- V. B. Murden, Jr., chairman;
- T. H. Bradley, R. P. Britti, H. E. Cromer, R. S. Gibbs, E. M. Hanbury, R. E. Hawks, L. W. Hudgins, T. K. Lewis, Jr., W. P. Lissay, J. C. Mintz, E. S. Monroe, Sr., J. E. Scott, C. B. Spencer, J. W. West, S. M. Wilder, Jr., and C. E. Wise.

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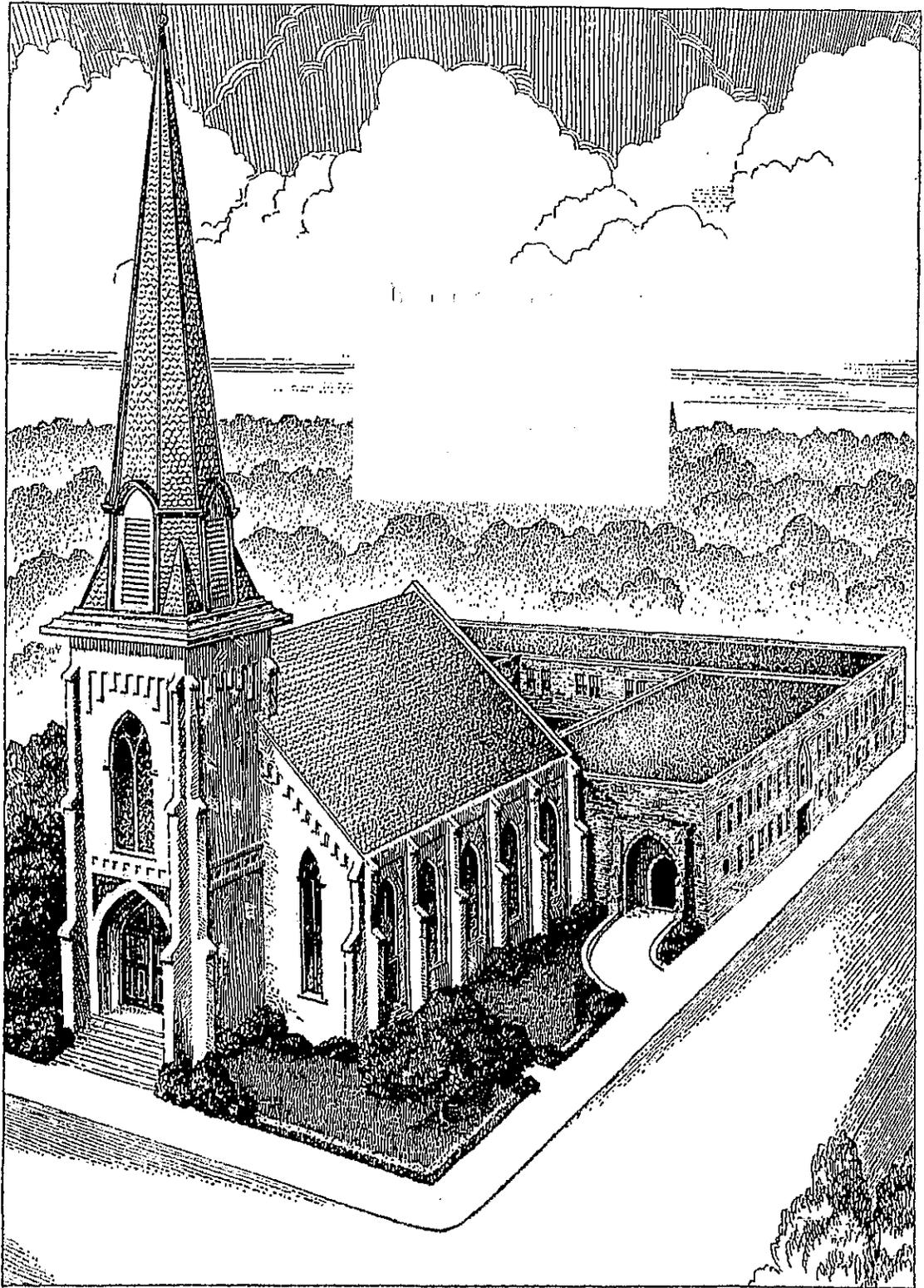
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Monumental Methodist Church

Consecration Sunday

January 22, 1956

OUR PURPOSE

In consecrating and placing in use this new Educational Building the Official Board and the Congregation of Monumental Church have a broad concept of its proper use.

It is felt that the presentation is not to Monumental Church, nor to Methodists alone, but is to all of Portsmouth, with special attention to over-all needs of our downtown community.

It is our sincere wish and desire that the building be accepted in this spirit, and that it may prove useful to all who recognize the Church of God as a necessary part of any worthwhile community progress.

A Program For

The Day of Consecration Service

of the

Educational Building

of

Monumental Methodist Church

in

Portsmouth, Virginia

January 22nd at Eleven A.M.

and

January 23rd and 24th at Eight P.M.

1956

Sunday, January 22, 1956

The Consecration Service

The Organ Prelude.....Prof. A. J. Lancaster

The Processional Hymn No. 381—"The Church's One Foundation"—*Stone*

The Invocation with Choral Response

The Anthem—"Bless This House".....*Boosey*

The Responsive Reading—

To the glory of God our Father, to the service of our dear Master and his Church, and to the abiding presence of the Holy Spirit,

We do consecrate this Educational Building.

For a building of which Jesus Christ is the chief cornerstone, the pillar and ground of the truth,

We do consecrate our Educational Building.

For a building that shall stand as a symbol of the Church Universal, the cornerstone of which is truth, the creed of which is love, and its towers eternal hope,

We do consecrate our Educational Building.

For a church that shall exalt not a religion of creed or of authority, but a religion of saving grace, of personal experience, and of spiritual power,

We do consecrate our Educational Building.

For a church that shall exalt the ministry of the open Bible, with its faithful record of human life, its unfolding of the redeeming grace of God through Jesus Christ, its message of warning, inspiration, comfort, and hope,

We do consecrate our Educational Building.

For a church that shall teach and incarnate the doctrine of the fatherhood of God and the brotherhood of man,

We do consecrate our Educational Building.

For a church that shall fulfill a ministry of social service and be a blessing unto men,

We do consecrate our Educational Building.

For a church that shall be a renewing and cleansing power in the community and that loves every other communion that exalts Christ in the service of man,

We do consecrate our Educational Building.

For a church with an open door for all people, rich or poor, homeless or desolate, who need the help of God through us,

We do consecrate our Educational Building.

For a church that shall gather the children in its arms and hold them close to Christ, that they may grow up in the Church and never be lost from the fold,

We do consecrate our Educational Building.

For a church which stands for the sacramental truth; "It is more blessed to give than to receive,"

We do consecrate our Educational Building.

For a church which takes hold on two worlds, and stands for the unseen and eternal, and which offers to men the abundant life which now is and which is to come,

We do consecrate our Educational Building.

In loving memory of those who have gone from us whose hearts and hands have served this church, with gratitude for all those whose faith and consecrated gifts make this house possible, for all who may share this spiritual adventure; and with hope for all who shall worship in this house in years to come,

We do consecrate this Educational Building in the name of Almighty God, Father, Son, and Holy Spirit, unto the ages of ages, world without end. Amen

Doxology

Scripture Reading..... Dr. Bryant

Pastoral Prayer..... Dr. Bryant

Presentation of the Building

Offertory — "Reverie"..... *Launcester*

The Consecration Sermon..... Bishop Paul Neff Garber

The Consecration Processional—"Onward Christian Soldiers"..... *Waring*

The Act of Consecration

The Chapel

For the worship of God, for the preaching of his word, for the serving of the sacraments, for the comforting of anxious hearts, for the hallowing of the living of life,

We consecrate this Chapel.

The Classrooms

For building the knowledge of God, for the learning of the love of God, for the molding of life after the will of God, for the mastering of the art of Christian living,

We consecrate this work of our hands.

Fellowship Hall

For the joy of living together, for the joy of working and walking with God, for the joy of serving our Lord and in His name ministering to our community,

We consecrate this building.

To Jesus Christ our Lord and to all those who walk in His company we open these doors and God grant that they be never closed, *save by warmth of welcome* and the strength of ministering in the Master's name.

Hymn No. 287—"A Charge To Keep I Have"..... *Wesley*

Benediction

Postlude

Evening Vesper Service
in the Chapel
5:00 P.M.

The Organ Prelude.....	Prof. A. J. Lancaster
The Call to Worship	
The Hymn No. 2—"Come Thou Almighty King".....	<i>Giardini</i>
The Invocation with Choral Response	
The Special Music—"I Heard The Voice of Jesus Say".....	<i>Rawls</i>
Girls Sextet—Misses Paula Bradley, Emily Sue Way, Arlene Putnam, Joanne Hoggard, Sharlene Putnam, Betty Justice.	
The Reading from the Holy Scripture.....	Phil. 4:1-8
The Evening Prayer.....	Dr. Cromer
The Organ Offertory—"Evening".....	<i>Nevin</i>
The Evening Anthem—"Eternal Fathers Strong to Save".....	<i>Whiting</i>
Youth Choir	
The Sermon—"Father We Thank Thee".....	Dr. Cromer
The Invitation to Christian Discipleship	
The Hymn No. 111—"Fairest Lord Jesus".....	<i>Willis</i>
The Benediction	
The Organ Postlude.....	Prof. A. J. Lancaster

+ + +

4:15 P.M.

Youth Choir Rehearsal

6:40 P.M.

First Snack Supper in the Fellowship Hall

7:00 P.M.

Youth Fellowship Devotional
Intermediate Fellowship Devotional

Monday Night — 8:00 P.M.
Dr. R. Orman Bryant, Presiding
District Superintendent
Portsmouth District Methodist Church

In gratitude for the labors of all who built toward this day.

Music.....By Monumental Choir
Hymn No. 287—"A Charge to Keep I Have".....*Wesley*

Prayer

Presentation of Building

1876—Mrs. W. O. Culpepper, and Mrs. Carrie Johnston Sykes

1956—Mr. L. W. Hudgins

2036—Joseph Sumner Bell, III, Nancy Carroll Early, Robert Middleton Hill, Nancy Joyce Lorber, Ellen Brooks Wilder

Music—Woodrow Wilson Girl's Sextet—Prof. A. J. Lancaster, Director

Tour of the Building

Refreshments

Good Night

+ + +

Tuesday Night—8:00 P.M.
Mr. L. W. Hudgins, Presiding
General Superintendent
Monumental Church School

With assurance and hope we welcome the years to come and commit ourselves and the work of our hands to God.

Music.....by Monumental Choir
Hymn No. 496—"God of Our Fathers".....*Roberts*

Prayer.....*Dr. Cromer*

The Dedication

Music—Woodrow Wilson High School Band—Under the direction of Paul E. Brown

Tour of the Building

Refreshments

Good Night

A BRIEF HISTORY

To look through the pages that record past events at Monumental Methodist Church, is to look at the record of Methodism in America;

Through the struggle for freedom that began in 1776 when a new born nation was presented to the world; A nation unafraid to have its Godfearing statesmen declare "... all men ... are endowed by their Creator ... the Rights to Life, Liberty, and the pursuit of Happiness ...;"

Through the growth of this infant nation, through other military contests and economic crisis, through low valley and over high peak, the christian church was the foundation upon which this nation builded and the Methodist Church in Portsmouth, through Monumental Church, took its proper place in strengthening and undergirding the nation as it builded.

In 1954 a great step forward was taken when the Corner Stone was laid for the Educational Building that we consecrate today.

One hundred thirty by one hundred six feet over all dimensions, the two story building contains all modern facilities for a complete departmental church school.

The Chapel will seat approximately one hundred persons and will be equipped with an organ. Twenty-eight classrooms will serve well into the future as room for growth is provided. Modern kitchen facilities will serve three hundred guests at dinner. Assembly halls are provided for all departments.

It is the sincere desire of this congregation that this building today consecrated to the service of God, will strengthen the Christian Church by its service and be acceptable for the purposes to which it is consecrated this day.

This Sunday School dates from 1818, only two years after the organization of the worlds first Sunday School. With clear vision now it looks unto the decades ahead. It teaches the truths of God and builds the will of God in life.

We remember most humbly the years of those who gave full measure of devotion to our church. We would fully acknowledge that devotion and service and highly honor those who rendered it by today dedicating ourselves to the unfinished tasks that lie ahead. May this church, if God whom it adores and serves be willing, fail neither God nor man.

THE BUILDING COMMITTEE
FOR THE EDUCATIONAL BUILDING
OF
MONUMENTAL METHODIST CHURCH



V. B. Murden, Jr., *Chairman*

T. H. Bradley

R. P. Britt

H. E. Cromer

R. S. Gibbs

E. M. Hanbury

R. E. Hawks

L. W. Hudgins

T. K. Lewis, Jr.

W. P. Lifsey

J. C. Mintz

E. S. Monroe, Sr.

J. E. Scott

C. B. Spencer

J. W. West

F. M. Wilder, Jr.

C. E. Wise

**THE OFFICIAL BOARD
OF
MONUMENTAL METHODIST CHURCH**

R. B. Ames	William Lorber, Sr.
M. O. Barbour	T. V. Mays
W. E. Barnes	L. W. McAlpine
A. C. Bartlett	J. W. MacDonald
T. H. Bradley	B. K. McEachern
E. L. Britt	J. C. Mintz
R. P. Britt	E. S. Monroe, Sr.
Dr. S. E. Buxton, Jr.	V. B. Murden, Jr.
S. E. Buxton, Sr.	X. D. Murden
S. T. Byrd	F. S. Negley
R. W. Chapman	J. T. Nix
C. W. Cooper	C. R. Owen
Dr. H. E. Cromer	R. M. Parker
F. W. Culpepper, Sr.	M. B. Payne
H. L. Dale, Jr.	B. P. Pettus
E. L. Davis	G. P. Porter
E. S. Early, Jr.	G. C. Reddick
R. A. Fletcher	R. H. Renn
R. S. Gibbs	B. R. Richardson
A. B. Greene	Junius Richardson
Jobe Harrell	John E. Scott
E. B. Hawks	A. L. Shackleton
R. E. Hawks	L. C. Shaughnessy
Dr. G. M. Hill	H. B. Spear, Jr.
E. L. Hoggard	W. B. Spong, Jr.
W. A. Hoggard	C. F. Smith, Jr.
A. T. Hudgins	R. E. B. Stewart, Jr.
L. W. Hudgins	B. F. Vincent
H. M. Jones	W. A. Warner, Jr.
A. J. Lancaster, Jr.	E. M. White
T. K. Lewis, Jr.	J. E. White
W. P. Lifsey	F. M. Wilder, Jr.
L. D. Lindauer	B. E. Wiggins
L. David Lindauer	C. E. Wise
O. P. Lively	K. B. Woodhouse
William Lorber, Jr.	O. B. Woodriddle, Sr.

A. J. Lancaster, *Director of Music*

V. B. Murden, Jr., *Treasurer*

R. P. Britt, *Financial Secretary*

A. C. Bartlett, *Chairman Official Board*

John E. Scott, *Chairman Commission on Finance*

L. W. Hudgins, *Superintendent Church School*

**THE SUNDAY SCHOOL
STAFF
MONUMENTAL METHODIST CHURCH**

GENERAL OFFICERS

L. W. Hudgins, General Superintendent
William Lorber, Jr., Secretary
E. S. Monroe, Asst. Secretary
V. B. Murden, Jr., Asst. Secretary
V. D. Proctor, Asst. Secretary
V. C. Randall, Jr., Treasurer
J. E. Scott, Sr., Asst. Treasurer

CHILDRENS DIVISION

NURSERY DEPARTMENT

Mrs. V. C. Randall, Jr., Superintendent

Workers:

Mrs. W. T. Bunting
Mrs. R. T. Hewitt
Mrs. C. V. Hrushka, Jr.

KINDERGARTEN

Mrs. F. M. Wilder, Jr., Superintendent

Workers:

Mrs. S. M. Davenport
Mrs. B. S. Summerell
Miss Barbara Ann Ames
Mrs. T. K. Lewis, Jr., Pianist

PRIMARY DEPARTMENT

Mrs. C. N. Carroll, Superintendent

Teachers:

Mrs. R. P. Britt
Mrs. R. C. Esleck
Mrs. J. E. White
Mrs. F. R. Roberts, Substitute
Mrs. L. N. Arthur, Substitute
Miss Margaret Ann Foreman

JUNIOR DEPARTMENT

Mrs. L. W. Hudgins, Superintendent

Teachers:

Mrs. N. W. Failes
Mrs. C. V. Lake
Mrs. L. W. Hudgins
Mrs. M. P. Carhart, Secy. and Pianist
Mrs. Mary Carter, Substitute
Mrs. B. K. McEachern, Substitute

YOUTH DIVISION

Mrs. A. C. Bartlett, Superintendent

INTERMEDIATE DEPARTMENT:

Mr. and Mrs. R. H. Way, Counselors
Miss Elizabeth Kirkland, MYF Counselor

Teachers:

Mrs. C. J. Bradley
Mrs. William Lorber, Jr.
Mr. R. H. Way

SENIOR DEPARTMENT

Mrs. S. Q. Keatts, Counselor

Teachers:

Mrs. O. W. French
Dr. S. E. Buxton, Jr., Assistant Teacher
Cmdr. R. M. Jones, Assistant Teacher

OLDER YOUTH DEPARTMENT

Mr. X. D. Murden, Counselor
Mr. L. David Lindauer, Area Counselor
Mr. W. H. Harrell, Sr., Area Counselor
Mrs. W. H. Harrell, Sr., Teacher
Mr. L. David Lindauer, Asst. Teacher

ADULT DIVISION

Mr. J. C. Mintz, Superintendent
Mrs. J. J. Shea, Supt. Home Department

ROUND TABLE YOUNG ADULT CLASS

Co-Teachers:

Mr. G. H. Gray
Mr. O. E. Pinion
Mr. S. T. Byrd
Mr. R. S. Davenport

ADAMS YOUNG ADULT CLASS

Mrs. R. M. Howard, Teacher

WALTER GUM CLASS

Co-Teachers:

Mr. T. H. Bradley
Mr. L. David Lindauer
Miss Grace M. Smith
Dr. H. E. Cromer

CLARK CLASS

Mrs. G. E. Parker, Teacher
Mrs. O. B. Wooldridge, Sr., Asst. Teacher

NELLIE NEVILLE CLASS

Miss Nellie J. Simmons, Teacher

TOOMER CLASS

Mrs. W. W. Perkins, Teacher

WEST BIBLE CLASS

Mr. A. C. Bartlett, Teacher
Mr. B. Frank Vincent, Asst. Teacher

David the king stood up upon his feet, and said, "Hear me, my brethren, and my people: As for me, I had in mine heart to build an house of rest for the ark of the covenant of the Lord, and for the footstool of our God.

Give unto the Lord the glory due unto his name: and come before him: worship the Lord in the beauty of holiness.

Let the heavens be glad, and let the earth rejoice: and let men say among the nations, The Lord reigneth. (I Chronicles)

Suffer the little children, and forbid them not, to come unto me: for of such is the kingdom of heaven. (Matthew)

I bring you good tidings of great joy which shall be to all people . . . For unto you is born . . . a Saviour which is Christ the Lord. And there . . . was a multitude . . . praising God and saying,

"Glory to God in the highest and on
earth peace good will toward men."

epimeric. Isotopy of ref. and activity apply

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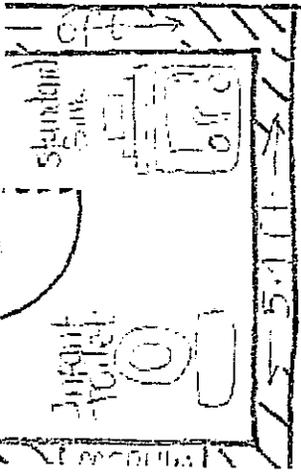
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crib



Outside Hall

Sanctuary Hall

Secondary Emergency Exit
To Queen St

Emergency Exit door

To High St

Ramp out to Dinwiddie St

SANCTUARY

open - large and display up to 1/2 and activity supply

open - large and display up to 1/2 and activity supply

Activity
Supply

Activity
Supply

Activity
Supply

Activity
Supply

Activity
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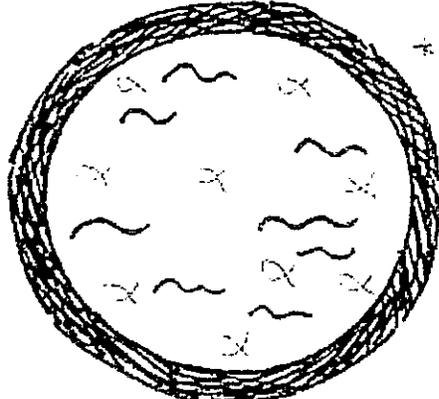
Activity
Supply

Activity
Supply

Activity
Supply

Covered Bench

Covered Bench



Ornamental Fountain

24 in tall container (concrete)
1 ft water depth at all times
9.5 ft Diameter



← 6.4 ft →

↑ 1.5 ft ↓

closet, Room

UNPAVED

1004

331

High

High

High

5.4 ft

Vertical hatching on the left side of the diagram, possibly representing a wall or boundary.

Horizontal hatching at the bottom left corner of the diagram.

Horizontal hatching at the bottom right corner of the diagram.

Justin,

I have reviewed your proposal for Operation Restore Dreams along with the supporting documentation and exhibits you provided this week. I also toured the building and inspected several aspects of the as built construction in relation to the proposed plan that was included in the exhibits you provided. Based on this information, it appears that Operation Restore Dreams is proposed for the educational wing of the Monumental United Methodist Church which was constructed in 1956. This wing of the church was constructed of fire proof materials and appears to have been designed and constructed to meet the Portsmouth Building Code in effect during that time frame. The building is a pre-USBC constructed church that appears to have had educational programs for youth since it was constructed. According to the description of the Operation Restore Dreams program you have provided, there will be as many as 20 children under the age of 2.5 years of age being cared for at any one time. The program will care for the children from 7 a.m. until 3 p.m.; or for less than 24 hours a day.

Current building code defines several different uses for similar programs with significant differences. These uses include Institutional, Educational, and Residential groups and subgroups. For the purposes of this interpretation I have determined that the Operation Restore Dreams program falls under the Institutional subgroup of I-4. According to the Uniform Statewide Building Code, I-4:

308.5 Group I-4, day care facilities. *This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. Places of worship during religious functions are not included.*

308.5.2 Child care facility. *A facility that provides supervision and personal care on less than a 24-hour basis is for more than five children 2 ½ years of age or less shall be classified as group I-4.*

Exception: *A child day care facility that provides care for more than five but no more than 100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a level of exiting discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.*

Therefore, the central question is: with the exception of normal worship services when the parents were on the premises, was the educational wing of Monumental United Methodist Church, which was constructed in 1956, legally used for child day care purposes for more than five children under the age of 2.5 years of age? The information sent to me specifically discusses nursery school children, kindergarten, etc; but it does not define the specific number and ages of those children or the number and ages of children under the age of three. There are a number of pictures that show young children in the building. However, with the exception of one picture showing two cribs with one child being assisted in a crib, there is nothing that would lead me to believe that more than four or five (if that many) were cared for at any one time.

The information you provided indicates that the church provided a "registered nurse in the new facility during both church school and worship hours to care for the babies of the congregation". This is and has been a common practice in churches throughout history. But because of the limited timeframe of occurrence and the fact that the parents are generally on premises during worship services, it does not qualify the building as a child care facility.

The Department of Social Services began licensing child care facilities in 1974. If the church had obtained a license between then and now that indicated there were more than five children 2.5 years of age or less being cared for, certainly it would serve as evidence for "grandfathering" the child care requirements. Unfortunately there is no evidence that a license was applied for or issued.

Due to the analogy above, I have determined that the current use of the educational wing of the church is indeed Group Category E, Educational. As such, I have no choice but to deny your request. You may note the exception to the I-4 condition above where children 2.5 years of age or less are cared for in a grade floor room with direct exit access to the exterior of the building may be included in Group Category E, Educational. This option may take only a minor alteration.

A child care facility in which the number of occupants is greater than five but not more than 100 is permitted to be classified as group E, provided the children are all located in rooms on the level of exit discharge that serve such rooms and all of the rooms have exit doors directly to the exterior. Many day care facilities primarily catering to those under primary school age tend to divide the children into three general categories based upon state laws and regulations. These include infant, toddler, and preschool.

Some variations do occur in that larger day care facilities will have transition rooms for mobile infants or pre-K oriented rooms for those entering kindergarten. But basically there is a mixture of children 2 ½ years or less and older children. The older children can automatically be in a facility classified as a group E occupancy, but for the younger children the exception as discussed above would need to be applied to classify the entire occupancy as group E. the total number of children can exceed 100 and the Group E classification is retained, provided that the number of children 2 ½ years or less is limited to 100 or fewer. The infant and toddler rooms would need to have exits directly to the outside on the level of exit discharge. If the exception is not applied, the entire facility would need to be classified as group I-4 or a mixed occupancy classification would be necessary.

By permitting the facility to be classified as Group E, the building would not be required to be sprinklered because it is "grandfathered". A Group I-4 facility would be required to be sprinklered regardless of the area.

Please note that you have the right to appeal my decision not to grant a modification to the code per section 119.5 of the 2012 Virginia Uniform Statewide Building Code. A copy of the appeals form is attached. The fee for the appeal is \$100.00. The appeal must be filed within 30 days of receipt of this E-mail.

If you have any questions, please do not hesitate to call me at 393-8531.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Douglas K. Smith". The signature is fluid and cursive, with a large loop at the end.

Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections

From: Justin Verville [<mailto:justin@vervilleventures.com>]

Sent: Tuesday, November 11, 2014 7:55 AM

To: Smith, Doug

Cc: barrettr@rnrlawfirm.com; dvamon@aol.com; Joseph Cailles; laura.verville@operationrestoredreams.com; Godfrey, Brannon

Subject: 450 Dinwiddie Street

Good morning Mr. Smith,

Attached please find a letter regarding Operation Restore Dreams' desired use of 450 Dinwiddie Street. I appreciate your help in this matter.

Justin Verville
(757)332-0537



Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

November 10, 2014

From: Justin M. Verville
Operation Restore Dreams
450 Dinwiddie Street
Portsmouth, VA 23704

To: Mr. Douglas Smith
Building Official
City of Portsmouth
801 Crawford Street
Portsmouth, VA 23704

Mr. Smith,

First, I want to thank you for the time that you have spent assisting us with our desire to use the facility at 450 Dinwiddie Street. Second, I ask that you not perceive any disrespect in my unwillingness to accept no for an answer. My persistence is merely a byproduct of the care that I have for the City of Portsmouth, Monumental United Methodist Church, Operation Restore Dreams, but most of all, the children who so desperately need our help. This matter is of crucial importance and I would be remiss if I did not pursue this until there is absolutely nothing left to pursue – or until we have success.

In the near future, you will receive a letter from me asking for clarification on a few items, with the hope of still achieving “grandfather” status – which would allow us to use the entire childcare facility at 450 Dinwiddie Street. In the meantime, in this correspondence, I will be presenting information that I believe should allow you to grant immediate approval for use of the first floor spaces.

We both agree that if we were building a new facility, without a doubt, we would fall in Group I-4 of the Virginia USBC, as clearly stated in section 308.6. For the purposes of our present argument, assuming we were held to the standard of I-4 at 450 Dinwiddie Street, the only area of code that we do not meet is the fire suppression system. You mentioned in the letter denying approval that another option for us would be to create exits directly to the outside in each of the rooms on the first floor. This would allow for our use to be considered Group E, per section 308.6.1. While this is an option from the Building Official perspective, I believe it would be very difficult for us to gain approval for those egress doors from the Department of Planning, since 450 Dinwiddie Street is located in the heart of the Olde Towne Historic District.



Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

However, after reading through the USBC more thoroughly, I found an even better option. Section 903.2.6 delineates specific exceptions to when a fire suppression system is required for Group I. The second such exception is directly applicable to our case. It reads as follows:

An automatic sprinkler system is not required where Group I-4 day care facilities are at the level of exit discharge and where every room where care is provided has at least one exit door.

The definition of "exit door" can be found in the USBC, Chapter 2, and includes the passageway that is connected to the "exit doors" of the two first floor nursery rooms at 450 Dinwiddie Street.

EXIT. That portion of a *means of egress* system between the *exit access* and the *exit discharge* or *public way*. Exit components include exterior exit doors at the *level of exit discharge*, *interior exit stairways*, *interior exit ramps*, *exit passageways*, *exterior exit stairways* and *exterior exit ramps and horizontal exits*.

Invoking this exception, it seems clear that the two first floor nursery rooms meet current code for Group I-4. As such, I believe Operation Restore Dreams and Monumental United Methodist Church should be granted immediate approval for use of the first floor nursery rooms. If there is something I am missing, please provide clarification. However, if you determine this is a viable option for us, we ask that you grant us approval and necessary documentation by the end of this current week. Time is of the essence for us, and much time has already been spent with this issue.

Once again, I sincerely thank you for your time. Should you have any further questions, please do not hesitate to contact me. I hope you have a great day.

Sincerely,

Justin M. Verville

Smith, Doug

From: Smith, Doug
Sent: Wednesday, November 12, 2014 10:00 AM
To: 'Justin Verville'
Cc: barrettr@rnrlawfirm.com; dvamon@aol.com; Joseph Cailles; laura.verville@operationrestoredreams.com; Godfrey, Brannon; Brinkley, Bruce
Subject: RE: 450 Dinwiddie Street
Attachments: ORD Building Official Letter 11.11.14.pdf

Justin,

Thank you for your request for clarification or further explanation. As you can see the code has many parts too it and it is often quit confusing. I do not take it as a sign of disrespect that you wish to proceed further, as my goal is to often find a way to help a client through the red tape so they can accomplish their goal. That said, I take a very conservative view of the minimum child care requirements provided in the Building Code. I have looked at your proposal and see that, to the layman it may make sense. However, it does not meet the intent or letter of the code exception. Let me explain

A child care facility in which the number of occupants is greater than five but not more than 100 is permitted to be classified as group E, provided the children are all located in rooms on the level of exist discharge that serve such rooms and all of the rooms have exit doors directly to the exterior.

Some variations do occur in that larger day care facilities will have transition rooms for mobile infants or pre-K oriented rooms for those entering kindergarten. But basically there is a mixture of children 2 ½ years or less and older children. The older children can automatically be in a facility classified as a group E occupancy, but for the younger children the exception as discussed above would need to be applied to classify the entire occupancy as group E. The total number of children can exceed 100 and the Group E classification is retained, provided that the number of children 2 ½ years or less is limited to 100 or fewer. The infant and toddler rooms would need to have exits directly to the outside on the level of exit discharge. If the exception is not applied, the entire facility would need to be classified as group I-4 or a mixed occupancy classification would be necessary.

By permitting the facility to be classified as Group E, the building would not be required to be sprinklered unless the fire area was greater than 12,000 square feet or the Educational use was grandfathered.

I hope this provides you with a better understanding.

Very Respectfully,

Douglas K Smith

Douglas K. Smith, MCP; Building Official
 Director of Permits and Inspections
 801 Crawford Street, Fourth Floor
 Portsmouth, VA. 23704
 757-393-8531

From: Justin Verville [mailto:justin@vervilleventures.com]

Sent: Wednesday, November 12, 2014 1:50 PM

To: Smith, Doug

Cc: barrett@rnrlawfirm.com; dvamon@aol.com; 'Joseph Cailles'; laura.verville@operationrestoredreams.com; Godfrey, Brannon; Brinkley, Bruce

Subject: RE: 450 Dinwiddie Street

Doug,

We are not asking to be considered as Group E, in this case. I agree, the exception you are referring to again in your email does not apply... we do not meet the criteria since we do not have doors that exit directly outside. In my letter, I specifically mentioned another exception... Section 903.2.6, exception 2... this is clearly applicable to our case and does not require doors exiting directly to the outside... see definitions in Chapter 2.

Please address this particular exception. I have already spoken with the officials up in Richmond and they agree with our interpretation... my hope is that you will too. If you have questions and feel it would be quicker, feel free to give me a call... 332-0537. We are hoping to have some resolution before the week is out.

Thanks again,
Justin

Smith, Doug

From: Smith, Doug
Sent: Thursday, November 13, 2014 4:21 PM
To: 'Justin Verville'
Cc: Brinkley, Bruce; Godfrey, Brannon
Subject: RE: 450 Dinwiddie Street

Justin,

The reason I did not address the specific exception you mentioned in section 903.2.6 is because, to me in this case, it basically reads the same as section 308.6.1. In fact, in my discussions with Vernon Hodge, technical advisor to the State Technical Review Board, he explained the way exception 2 of section 903.2.6 reads now is a scrivener's error and was supposed to read as follows:

An automatic sprinkler system is not required where day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.

However, I don't think it really matters. Allow me to explain. First, there is no definition for exit door in the USBC. There is a definition of Exit Access Door, which is a different component in the means of egress. At the church, an exit access door from the rooms allows an occupant to enter an exit access corridor and the corridor provides a path of travel to the exterior exit door at the level of exit discharge. Once passing through the exterior exit door (exit discharge) the occupant continues down any steps (part of the exit discharge) across the property (again part of the exit discharge) to the public way. This configuration does not comply with either exception.

Exit doors provide discharge from an exit. Exits take the form of stairways, passageways, ramps, exterior exit doors, etc. Generally these components in a means of egress are located within a protected enclosure. In this case the exit access door would be one that is a fire resistance rated door that enters a protected exit passageway or there would be an exterior exit door. By protected exit passageway I mean a passageway that is separated from other interior spaces of the building by fire-resistance-rated construction and opening protectives, and provides for a protected path of egress travel in a horizontal direction to the exterior exit door, exit discharge or the public way. This scenario is not in place and is therefore moot.

Given your limited resources it does not seem that creating this scenario is a viable option. However, I believe a relatively simple alteration could be made to the corridor and nursery that would take advantage of the existing exterior exit door near the nursery and open up the two nursery rooms for infant care. This would allow interior alterations only and not affect the exterior.

In my further discussion with Mr. Hodge, we talked about the possibility of grandfathering the building for day care use if it was constructed to meet the applicable standards of the Virginia Fire Safety Regulations. These regulations were a general guide to building construction throughout the state in areas that did not enforce a building code prior to the advent of the USBC in 1973. However this is a moot point as well since the City of Portsmouth has had a Building Code dating back to the early 1900's. I will research to see if there is any relief for you in those codes, but it will take some time.

Douglas K Smith

To: Smith, Doug

PART 3 - Section 11

Cc: barrett@rnrlawfirm.com; Joseph Cailles; dvamon@aol.com; Godfrey, Brannon

Subject: RE: 450 Dinwiddie Street

Doug,

Thank-you for taking the time to review our case. We feel very strongly that we should be granted approval for the whole building – especially after my conversations with the officials in Richmond. We also feel that these options you outlined below should have been presented to us back in August when we first approached your department regarding this matter. Most specifically, 13VAC5-63-160. Section 116 specifically addresses how pre-USBC buildings are to be treated. I understand that “building codes” did exist in Portsmouth when this structure was built, but I am beyond extremely confident that those codes were met – thus allowing us to use the space for our purposes. My request is that you or your staff make that determination as soon as feasible. This matter has caused us to slip way behind our timeline. There are many, many children that need this program. This program is 100% free... and, we are self-funded. I believe the City of Portsmouth and its schools will benefit from this program – which is why I do not believe it is unreasonable to ask that the question of whether this structure meets codes that existed in 1952 be answered by Wednesday of next week. Is that possible?

Again, thank you for your time.

Justin

332-0537

Smith, Doug

From: Smith, Doug
Sent: Friday, November 14, 2014 3:24 PM
To: 'Justin Verville'
Cc: Brinkley, Bruce; Godfrey, Brannon
Subject: RE: 450 Dinwiddie Street

Justin,

I understand your frustration in this matter. However, it is incumbent upon the applicant to present the building official's office with a plan to proceed that will meet the code. We have worked diligently and answered every question you have asked and addressed every scenario you have proposed, logically explaining through use of the code why your proposals have not been approved. Regarding issuance of a C.O. for a pre-USBC building:

13VAC5-63-160:

Section 116.4 Issuance of certificate for pre-USBC buildings or structures. When a building or structure was constructed prior to being subject to the initial edition of the USBC and the local building department does not have a certificate of occupancy for the building or structure, the owner or owner's agent may submit a written request for a certificate to be created. The building official, after receipt of the request, shall issue a certificate provided a determination is made that there are no current violations of the VMC or the Virginia Statewide Fire Prevention Code (13VAC5-51) and the occupancy classification of the building or structure has not changed. Such buildings and structures shall not be prevented from continued use.

Exception: When no certificate exists, but the local building department has records indicating that a certificate did exist, then the building official may either verify in writing that a certificate did exist or issue a certificate based upon the records.

I have not been asked by the owner for a C.O. for the building. If the responsible person in charge of the building requests one in writing or designates you as his agent and you request one in writing, I will be happy to create one. I have already requested records form the Fire Marshal's office as well as the Code Official.

Regards,

Douglas K Smith

Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections
801 Crawford Street, Fourth Floor
Portsmouth, VA. 23704
757-393-8531

From: Justin Verville [mailto:justin@vervilleventures.com]
Sent: Tuesday, November 18, 2014 7:40 AM
To: Smith, Doug
Cc: Brinkley, Bruce; Godfrey, Brannon
Subject: RE: 450 Dinwiddie Street

Thank-you Doug,

Yes, I am frustrated. However, please do not perceive my frustration is directed specifically at you or your office. We have just been trying to start a program that has long been needed in our city with our own, limited resources. During this process, certain things have been much more difficult than we think they should be ~ this included. That being said, we also understand the world isn't perfect, and things aren't always as easy as we would like them to be.

First, we do not need a certificate of occupancy. The only things we need from your office is the single page form that we provided several weeks ago, and whatever "thumbs up" zoning needs from you so they can provide us a zoning clearance.

Your office has been helpful and you personally have dedicated much time in our case. My hope however, is that you can find a way to approve our request to be considered a pre-USBC building. That was our request back in August. I believe there is a clear way for you to make that determination ~ one that does not compromise the integrity of your position nor places anyone in any undue risk. We have provided evidence that the intent of the Educational wing at Monumental United Methodist Church was to provide care and education of children of all ages. In 1952, this put them in a category where certain "codes" were required to be met. It is my understanding, based on my conversations with Richmond and reading your emails, that the only hurdle we must meet is to show that Monumental met those codes when it was constructed. Is that correct? Is your request with the Fire Marshall and the Code Official to help answer this question? Is there anything we can do to help in this determination?

Again, I appreciate your help and hope you have a great day,
Justin

Smith, Doug

From: Smith, Doug
Sent: Tuesday, November 18, 2014 11:17 AM
To: 'Justin Verville'
Cc: Brinkley, Bruce; Godfrey, Brannon
Subject: RE: 450 Dinwiddie Street

Justin,

I cannot sign off on the zoning clearance form you submitted. As I have previously stated, you have provided me no evidence that more than five children 2 ½ years of age or less were ever cared for in the building, except during worship services, at any time over the last 60 years.

I can state with certainty that the building is a pre-USBC building. It appears to be in compliance with the Portsmouth Building Code under which it was built. Information provided indicates the building was built of fire resistive construction. Information provided indicates the building was to comply with group E, Educational, formerly known as group C- Schools in the 1950's. The building was used and has been used as a church school. No sprinkler system was required or installed. After checking with both the Fire Marshal's office and the Maintenance Code Official, there are no known violations of the Virginia Statewide Fire Prevention Code or the Virginia Maintenance Code.

In accordance with the Portsmouth Building codes of the 1950's, children in lower grades shall be located in the classrooms nearest the exits.

It is my interpretation that what you are requesting is considered a Change of Occupancy, which is defined as:

A change in the use or occupancy of any building or structure that would place the building or structure in a different division of the same group of occupancies or in a different group of occupancies; or a change in the purpose or level of activity within a building or structure that involves a change in application of the requirements of this code.

That change of occupancy is to an I-4 child care facility. As I have previously stated, I believe a relatively minor alteration could solve the problem and bring the building into compliance for your purposes.

Please note you have the right of appeal this interpretation as previously informed. Also note that unless there is additional pertinent information that indicates a change in the facts presented, you should consider this my final word on the subject.

Kindest regards,

Douglas K Smith

Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections
801 Crawford Street, Fourth Floor
Portsmouth, VA. 23704
757-393-8531

Smith, Doug

From: Justin Verville <justin@vervilleventures.com>
Sent: Tuesday, November 18, 2014 5:59 PM
To: Smith, Doug
Cc: Brinkley, Bruce; Godfrey, Brannon
Subject: RE: 450 Dinwiddie Street
Attachments: Proposed floor plan.pdf; StandardsforLicensedChildDayCenters.pdf; ORD Enlargement and specific measurements.pdf

Doug,

Thank-you for your further clarification.

We have provided written statements from the church's Pastor, Trustee's chairman, and church historian. In addition, we have provided documents which show that part of the reason the building was built was to provide care for children under the ages of 2 ½ years of age. These documents include articles specifically mentioning the need for more space for infants. One such article mentioned the demand being greater than 27 such children of "nursery" age.

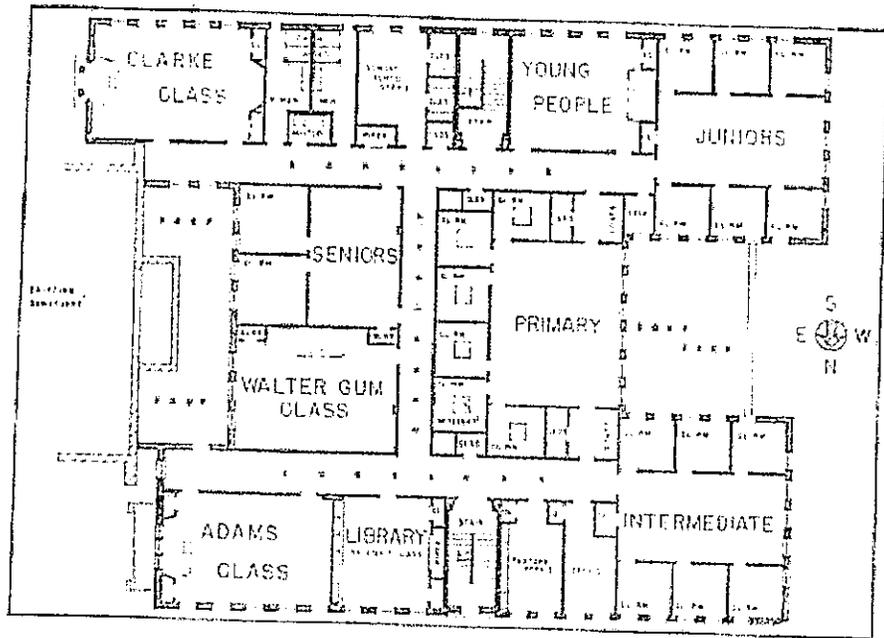
That being said, I believe the evidence we need to provide is that which shows the building was intended to care for 5 or more children under the age of 2 ½ years of age when it was built. This can easily be accomplished, as follows:

Attached is the current floor plan of 450 Dinwiddie Street... as well as a document depicting the intended use immediately prior to construction. These documents were included in the initial package I submitted to you. As you can see, several of the rooms are labeled nursery – both in the current floor plan, as well as the intended plans from the early 50s. Being labeled as a nursery, I believe it is safe to assume they are referring to the care of children below the age of 2 ½ years. Further, using the square footage of these rooms, which is greater than 1000 sq. ft., and the current Standards for Licensed Child Day Care Centers (also attached) which specifies that each infant must be allotted 25 sq. ft. of space, the space far exceeds the 5 child threshold you are requiring. As such, I believe we have demonstrated that the building actually would have fallen into the Group specifically for nurseries (Group B, I think) in the code from the 1950s.

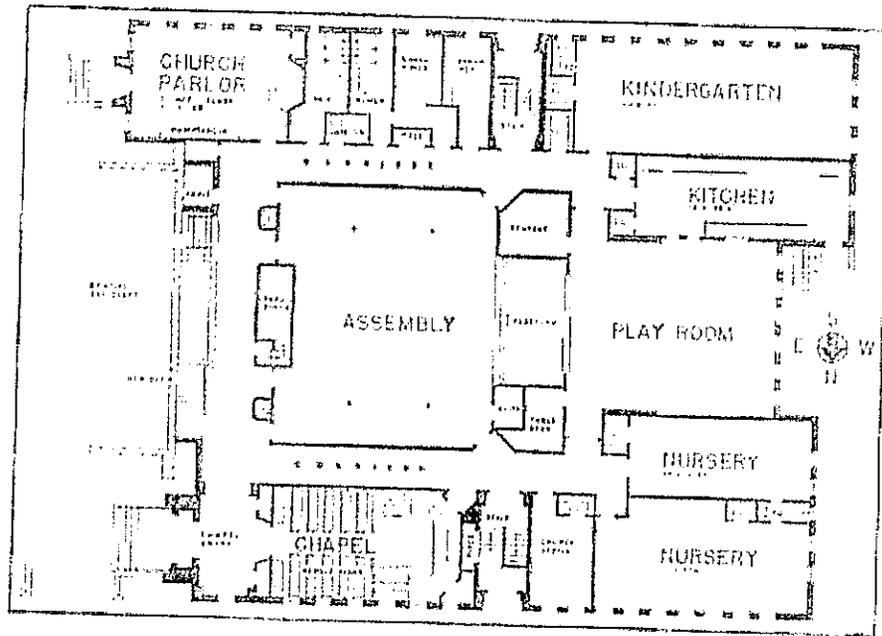
I also believe the building easily met all required code at the time for this Group. I have spoken with Vernon Hodge in Richmond, as I know you have as well. He believes that this is the only hurdle we are required to meet and that this does, in fact, clear the hurdle. If this is still insufficient for you, would you be opposed to scheduling a conference call between at least the three of us?

I know that you must be becoming as frustrated with me as I am with the process. Please know, though, that I know you are only being diligent in performing your job. And, I appreciate that. I hope you understand that, I too, am only being diligent in performing my job as well. My hope is that we can eventually come to an agreement regarding this matter.

I hope you have a great day,
 Justin



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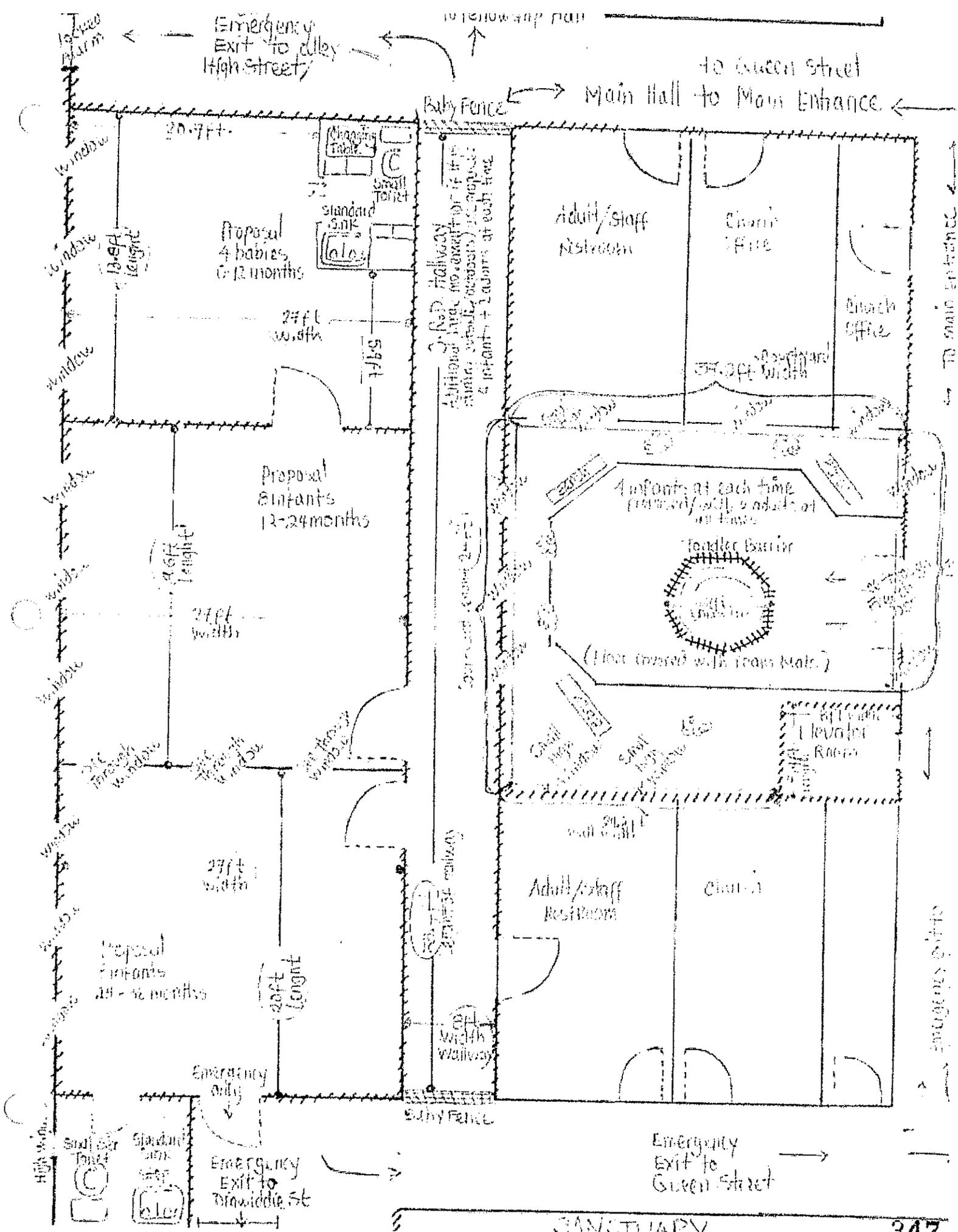
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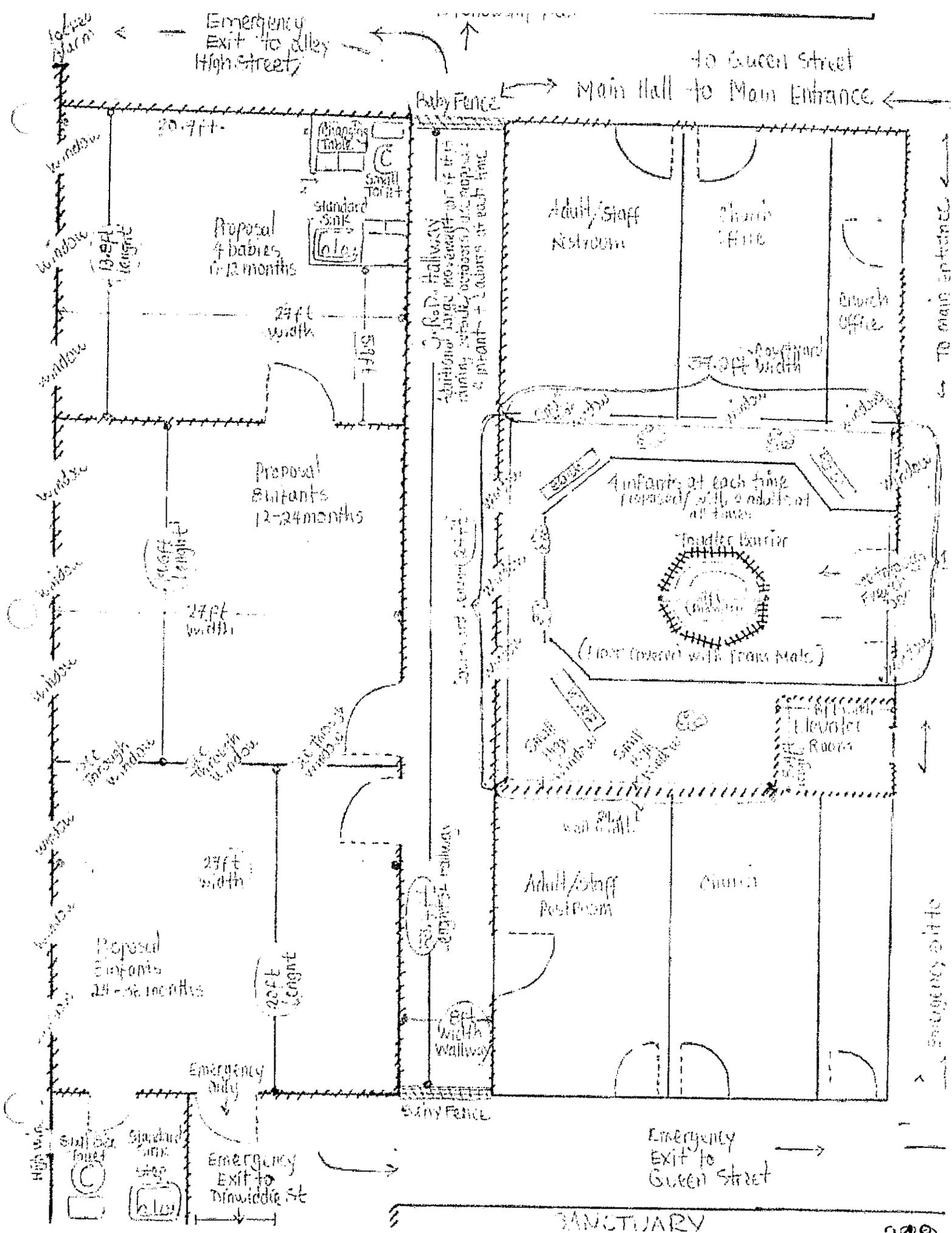
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(Handwritten note in cursive script, partially illegible)



SANCTUARY



THE CITY OF
PORTSMOUTH

December 17, 2014

Justin Verville
Operation Restore Dreams
PO Box 2275
Chesapeake, VA 23327

Re: 450 Dinwiddie Street

Dear Justin:

It is my understanding that you are in the process of seeking a use permit for the Operation Restore Dreams program we have discussed so often. I want you to know that I agree the program appears worthwhile and do not debate its merits. While I cannot support the idea that the building is grandfathered and can be used as is, I again want to point out that I believe that it would take only a relatively minor alteration/modification to the building to create an acceptable, code compliant environment which would not require the building to be sprinklered. I offer three suggestions below:

Option 1: Perform a minor interior alteration that extends your infant care nursery room to the existing exterior door. Open up the two proposed infant care rooms so that they are one. In this way, interior modifications are made that will not trigger any Historic District review.

Option 2: Add an exterior door to the proposed infant care room and open up the two proposed infant care rooms so that they are one. This option will trigger a Historic District review for the new single exterior door.

Option 3: Add an exterior door to both proposed infant care rooms, thereby avoiding removal of any portion of the dividing wall separating the two proposed infant care rooms. This option will trigger a Historic District review for the two new exterior doors.

Obviously these are ideas only, and plans would have to be created to refine them. As you know, I take a conservative approach to life safety, especially when the most vulnerable among us, non-ambulatory infants, are at stake. Modifications of the USBC should take equivalency, the spirit, and functional intent of the code into account and assure public health, safety, and welfare are observed.

December 17, 2014
Mr. Verville

If you wish to use this building for the program, a Virginia Registered Design Professional such as an architect will have to prepare plans that will show compliance for your proposal. I will then review the plans for compliance so that a permit can be issued and inspections performed. Once complete, a Certificate of Occupancy can be issued. I will be glad to meet with the designer to discuss my thoughts regarding these relatively simple modifications that may resolve the issue.

If there are any questions, please do not hesitate to contact me at (757) 393-8531

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas K. Smith". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections

PART 4
CODE SECTIONS AND COMMENTARY/EXPLANATION

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ured Home Safety Regulations (13VAC5-95); except as provided for in Section 425.

6. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.
7. Federally owned buildings and structures unless federal law specifically requires a permit from the locality. Underground storage tank installations, modifications and removals shall comply with this code in accordance with federal law.
- * 8. Off-site manufactured intermodal freight containers, moving containers and storage containers placed on site temporarily or permanently for use as a storage container.
- * 9. Automotive lifts.

SECTION 103 APPLICATION OF CODE

103.1 General. In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein.

103.2 When applicable to new construction. Construction for which a permit application is submitted to the local building department on or after the effective date of the 2012 edition of the code shall comply with the provisions of this code, except for permit applications submitted during a one-year period beginning on the effective date of the 2012 edition of the code. The applicant for a permit during such one-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the edition of the code in effect immediately prior to the 2012 edition. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.

103.3 Change of occupancy. No change of occupancy shall be made in any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation. When such a greater degree is required, the owner or the owner's agent shall comply with the following:

1. When involving Group I-2 or I-3, written application shall be made to the local building department for a new certificate of occupancy and the new certificate of occupancy shall be obtained prior to the new use of the

structure. When impractical to achieve compliance with this code for the new occupancy classification, the building official shall consider modifications upon application and as provided for in Section 106.3. In addition, the applicable accessibility provisions of Section 1012.8 of Part II of the *Virginia Uniform Statewide Building Code*, also known as the "*Virginia Rehabilitation Code*," or the "VRC" shall be met.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

2. In other than Group I-2 or I-3, the provisions of the VRC for change of occupancy shall be met.

103.4 Additions. Additions to buildings and structures shall comply with the requirements of this code for new construction or shall comply with the VRC. An existing building or structure plus additions shall comply with the height and area provisions of Chapter 5 and the applicable provisions of Chapter 9. Further, this code shall not require changes to the design or construction of any portions of the building or structure not altered or affected by an addition, unless the addition has the effect of lowering the current level of safety.

Exceptions:

1. This section shall not be construed to permit non-compliance with any applicable flood load or flood-resistant construction requirements of this code.
2. When this code is used for compliance, existing structural elements carrying gravity loads shall be permitted to comply with Section 1103 of the *International Existing Building Code*.

103.5 Reconstruction, alteration or repair in Group R-5 occupancies. The following criteria is applicable to reconstruction, alteration or repair of Group R-5 buildings or structures:

1. Any reconstruction, alteration or repair shall not adversely affect the performance of the building or structure, or cause the building or structure to become unsafe or lower existing levels of health and safety.
2. Parts of the building or structure not being reconstructed, altered or repaired shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.
3. The installation of material or equipment, or both, that is neither required nor prohibited shall only be required to comply with the provisions of this code relating to the safe installation of such material or equipment.
4. Material or equipment, or both, may be replaced in the same location with material or equipment of a similar kind or capacity.

Exceptions:

1. This section shall not be construed to permit non-compliance with any applicable flood load or flood-resistant construction requirements of this code.

CHANGE OF OCCUPANCY. A change in the use or occupancy of any building or structure that would place the building or structure in a different division of the same group of occupancies or in a different group of occupancies; or a change in the purpose or level of activity within a building or structure that involves a change in application of the requirements of this code.

[M] CHIMNEY. A primarily vertical enclosure containing one or more passageways for conveying flue gases to the outside atmosphere.

CHIMNEY TYPES.

High-heat appliance type. An approved chimney for removing the products of combustion from fuel-burning, high-heat appliances producing combustion gases in excess of 2000°F (1093°C) measured at the appliance flue outlet (see Section 2113.11.3).

Low-heat appliance type. An approved chimney for removing the products of combustion from fuel-burning, low-heat appliances producing combustion gases not in excess of 1000°F (538°C) under normal operating conditions, but capable of producing combustion gases of 1400°F (760°C) during intermittent forces firing for periods up to 1 hour. Temperatures shall be measured at the appliance flue outlet.

Masonry type. A field-constructed chimney of solid masonry units or stones.

Medium-heat appliance type. An approved chimney for removing the products of combustion from fuel-burning, medium-heat appliances producing combustion gases not exceeding 2000°F (1093°C) measured at the appliance flue outlet (see Section 2113.11.2).

CIRCULATION PATH. An exterior or interior way of passage from one place to another for pedestrians.

[F] CLEAN AGENT. Electrically nonconducting, volatile or gaseous fire extinguishant that does not leave a residue upon vaporation.

CLEANOUT. An opening to the bottom of a grout space of sufficient size and spacing to allow the removal of debris.

CLINIC, OUTPATIENT. Buildings or portions thereof used to provide medical care on less than a 24-hour basis to persons who are not rendered incapable of self-preservation by the services provided.

[F] CLOSED SYSTEM. The use of a solid or liquid hazardous material involving a closed vessel or system that remains closed during normal operations where vapors emitted by the product are not liberated outside of the vessel or system and the product is not exposed to the atmosphere during normal operations; and all uses of compressed gases. Examples of closed systems for solids and liquids include product conveyed through a piping system into a closed vessel, system or piece of equipment.

COLLAR JOINT. Vertical longitudinal space between wythes of masonry or between masonry wythe and backup

construction that is permitted to be filled with mortar or grout.

COLLECTOR. A horizontal diaphragm element parallel and in line with the applied force that collects and transfers diaphragm shear forces to the vertical elements of the lateral-force-resisting system and/or distributes forces within the diaphragm.

COMBINATION FIRE/SMOKE DAMPER. A list 1 device installed in ducts and air transfer openings designed to close automatically upon the detection of heat and resist the passage of flame and smoke. The device is installed to operate automatically, controlled by a smoke detection system, and where required, is capable of being positioned from a fire command center.

[F] COMBUSTIBLE DUST. Finely divided solid material that is 420 microns or less in diameter and which, when dispersed in air in the proper proportions, could be ignited by a flame, spark or other source of ignition. Combustible dust will pass through a U.S. No. 40 standard sieve.

[F] COMBUSTIBLE FIBERS. Readily ignitable and free-burning materials in a fibrous or shredded form, such as cocoa fiber, cloth, cotton, excelsior, hay, hemp, henequen, istle, jute, kapok, oakum, rags, sisal, Spanish moss, straw, tow, wastepaper, certain synthetic fibers or other like materials. This definition does not include densely packed baled cotton.

[F] COMBUSTIBLE LIQUID. A liquid having a closed cup flash point at or above 100°F (38°C). Combustible liquids shall be subdivided as follows:

Class II. Liquids having a closed cup flash point at or above 100°F (38°C) and below 140°F (60°C).

Class IIIA. Liquids having a closed cup flash point at or above 140°F (60°C) and below 200°F (93°C).

Class IIIB. Liquids having a closed cup flash point at or above 200°F (93°C).

The category of combustible liquids does not include compressed gases or cryogenic fluids.

COMMON PATH OF EGRESS TRAVEL. That portion of exit access which the occupants are required to traverse before two separate and distinct paths of egress travel to two exits are available. Paths that merge are common paths of travel. Common paths of egress travel shall be included within the permitted travel distance.

COMMON USE. Interior or exterior circulation paths, rooms, spaces or elements that are not for public use and are made available for the shared use of two or more people.

[F] COMPRESSED GAS. A material, or mixture of materials, that:

1. Is a gas at 68°F (20°C) or less at 14.7 pounds per square inch atmosphere (psia) (101 kPa) of pressure; and
2. Has a boiling point of 68°F (20°C) or less at 14.7 psia (101 kPa) which is either liquefied, nonliquefied or in

- Museums
- Places of religious worship
- Pool and billiard parlors
- Waiting areas in transportation terminals

303.5 Assembly Group A-4. Assembly uses intended for viewing of indoor sporting events and activities with spectator seating including, but not limited to:

- Arenas
- Skating rinks
- Swimming pools
- Tennis courts

303.6 Assembly Group A-5. Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:

- Amusement park structures
- Bleachers
- Grandstands
- Stadiums
- Swimming pools

SECTION 304 BUSINESS GROUP B

304.1 Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

- Airport traffic control towers
- Ambulatory care facilities
- Animal hospitals, kennels and pounds
- Banks
- Barber and beauty shops
- Car wash
- Civic administration
- Clinic, outpatient
- Dry cleaning and laundries; pick-up and delivery stations and self-service
- Educational occupancies for students above the 12th grade
- Electronic data processing
- Laboratories; testing and research
- Motor vehicle showrooms
- Post offices
- Print shops
- Professional services (architects, attorneys, dentists, physicians, engineers, etc.)
- Radio and television stations
- Telephone exchanges
- Training and skill development not within a school or academic program

304.2 Definitions. The following terms are defined in Chapter 2:

AMBULATORY CARE FACILITY.

CLINIC, OUTPATIENT.

SECTION 305 EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

305.1.1 Accessory to places of religious worship. Religious educational rooms and religious auditoriums, which are accessory to places of religious worship in accordance with Section 303.1.4 and have occupant loads of less than 100, shall be classified as Group A-3 occupancies.

305.2 Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than five children older than 2 1/2 years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

305.2.1 Within places of religious worship. Rooms and spaces within places of religious worship providing Sunday care during religious functions shall be classified as part of the primary occupancy.

305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 Five or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

SECTION 306 FACTORY GROUP F

306.1 Factory Industrial Group F. Factory Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group S hazardous or Group S storage occupancy.

306.2 Moderate-hazard factory industrial, Group F-1. Factory industrial uses which are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

- Aircraft (manufacturing, not to include repair)
- Appliances
- Athletic equipment
- Automobiles and other motor vehicles
- Bakeries
- Beverages: over 16-percent alcohol content
- Bicycles
- Boats
- Brooms or brushes
- Business machines
- Cameras and photo equipment
- Canvas or similar fabric
- Carpets and rugs (includes cleaning)
- Clothing

mally occupied only during the daytime and, with some exceptions, are usually occupied for a set number of hours. The occupants, because of the nature of the use, are typically alert, ambulatory, conscious, aware of their surroundings and generally familiar with the building's features, particularly the means of egress. Historically, this occupancy has one of the better fire safety records for the protection of life and property.

This section identifies the general characteristics and lists examples of occupancies that are classified in Group B. Note that the description recognizes the need for limited storage spaces that are incidental to office occupancies. Classrooms and laboratories that are located in colleges, universities and academies for educating students above the 12th grade and that have an occupant load of less than 50 are classified in Group B. Classrooms with an occupant load of 50 or more are classified in Group A-3 (see Section 303.4). When lecture facilities for large groups (i.e., occupant load of 50 or more) are located within the same building where classrooms with an occupant load less than 50 are found, the building is a mixed occupancy (Groups A-3 and B) and is subject to the provisions of Section 508.

While civic administration covers a broad range of state and local government buildings, many such buildings will have a variety of uses and need to be considered under mixed occupancy provisions. Frequently police stations will include jails or holding cells. Fire stations will be a mix of offices, parking and maintenance facilities for the fire engines and living spaces for the fire fighters. Often a meeting room that is open to the public is also included. This type of facility is a mix of Group A, B, R and S occupancies.

Ambulatory care facilities are those used to provide medical, or similar care, on less than a 24-hour basis to patients who are rendered incapable of self-preservation (see Section 202). Frequently called "day surgery centers" or "ambulatory surgical centers," ambulatory care facilities perform procedures that render care recipients (patients) temporarily incapable of self-preservation due to the use of nerve blocks, sedation or anesthesia. Because of the condition of the care recipients, the need for medical staff to stabilize the patients before evacuation and the use of medical gases such as oxygen and nitrous oxide, these types of facilities pose greater fire and life safety hazards than other business occupancies. Accordingly, additional fire protection and means of egress requirements specific to ambulatory care are provided in Section 422.

Facilities that provide medical services for inpatient care where the care recipients (patients) stay for more than 24 hours would be classified as Group I-2. Buildings used as sleep clinics would be classified as Group B since these spaces are not typical dwelling or sleeping units where people live, the occupants are assumed to be capable of self-preservation and the occupants are not living in a supervised environ-

ment. Although the patients in a sleep clinic may be sleeping, they can be easily awakened and alerted to an emergency as compared to the patients at an ambulatory care facility.

Training and skill development is classified as a B occupancy due to the similarity in use of spaces to education above the 12th grade and with professional consultation. Often unions provide training facilities for their members so they can keep up with new materials and updates of regulations. Other facilities can provide one-on-one tutoring such as remedial reading or math skills for students. Where those receiving the training or skill development are of the ages typically associated with grades 12 or earlier, the determination of the appropriate classification requires the building official to consider whether the training is given to larger groups in a classroom setting or part of a traditional educational program. The presence of children does not automatically mean a classification as a Group E.

304.2 Definitions. The following terms are defined in Chapter 2:

AMBULATORY CARE FACILITY.

CLINIC, OUTPATIENT.

- ❖ This section lists terms that are specifically associated with the subject matter of this section. It is important to emphasize that these terms are not exclusively related to this section but may or may not also be applicable where the term is used elsewhere in the code.

Definitions of terms can help in the understanding and application of the code requirements. The purpose for including a list within this chapter is to provide more convenient access to terms which may have a specific or limited application within this chapter. For the complete definition and associated commentary, refer back to Chapter 2. Terms that are italicized provide a visual identification throughout the code that a definition exists for that term. The use and application of all defined terms are set forth in Section 201.

**SECTION 305
EDUCATIONAL GROUP E**

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

- ❖ The risks to life safety in this occupancy vary with the composition of the facilities and also with the ages of the occupants. In general, children require more safeguards than do older, more mature persons.

This section identifies the criteria for classification of a building in Group E. The two fundamental characteristics of a Group E facility are as follows:

1. The facility is occupied by more than five persons (excluding the instructor); and

2. The purpose of the facility is for educating persons at the 12th-grade level and below, but not including more than five occupants 2½ years of age or less.

Occupancies used for the education of persons above the 12th grade level are not included in Group E. These facilities are occupied by adults who are not expected to require special supervision, direction or instruction in a fire or other emergency. By the same measure; however, they also are not closely supervised. Therefore, classrooms and laboratories located in colleges, universities and academies for students above the 12th grade are classified in Group B, because the occupancy characteristics and potential hazards to life safety present in these facilities more nearly resemble those of a business occupancy than educational occupancy. Please note, lecture halls for students above the 12th grade with an occupant load of 50 or more are classified in Group A-3 (see Section 303.4).

It is common for a school to also have gymnasiums (Group A-3), auditoriums (Group A-1), libraries (Group A-3), offices (Group B) and storage rooms (Group S-1). When this occurs, the building is considered as a mixed occupancy condition and is subject to the provisions of Section 508. In accordance with Section 303.1.3, assembly spaces, such as the gymnasium, auditorium, library and cafeteria, do not have to be considered separate occupancies if used for school purposes (see commentary, Section 303.1.3). For such assembly functions to be considered part of the primary Group E occupancy, the assembly functions must be ancillary and supportive to the educational operation of the building.

305.1.1 Accessory to places of religious worship. Religious educational rooms and religious auditoriums, which are accessory to *places of religious worship* in accordance with Section 303.1.4 and have *occupant loads* of less than 100, shall be classified as Group A-3 occupancies.

- ❖ In places of religious worship, worship halls, religious educational rooms and religious auditoriums are often all provided in the same building complex. Such religious educational rooms and auditoriums are not to be considered separate occupancies (i.e., Group E) (see commentary, Section 303.1.4).

305.2 Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than five children older than 2½ years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

- ❖ Group E day care occupancies include facilities intended to be used for the care and supervision of more than five children older than 2½ years of age where individual care is for a period of less than 24 hours per day. Day care centers are a special concern since they are generally occupied by preschool children who are less capable of responding to an emergency. The hazards found in a day care center

are far greater than in normal educational facilities, not so much because of the occupant or fuel load, but because of the inability of the occupants to respond. Per Section 1015.6 these day care facilities with more than 10 children must be provided with two means of egress.

Children 2½ years of age or less usually are not able to recognize an emergency situation, may not respond appropriately or simply may not be able to egress without assistance; thus, facilities that have more than five children 2½ years of age or less are classified as child care facilities and considered to be Group I-4 (see Section 308.6) unless the provisions of Sections 308.6.1 through 308.6.4 allow for a different classification.

305.2.1 Within places of religious worship. Rooms and spaces within *places of religious worship* providing such day care during religious functions shall be classified as part of the primary occupancy.

- ❖ Cry rooms and other types of child care areas within places of worship need not be classified as Group E day care facilities. Such rooms and spaces may take on the classification of the primary occupancy, which in most cases would be Group A-3. The limited occupant load makes the need for classification as a Group E occupancy unnecessary.

305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.

- ❖ Where a child care facility has no more than five children receiving care at any one time, the classification of the main occupancy may extend to the child care use. The limited number of occupants requiring care services does not warrant classification as a separate and distinct occupancy from that of the major use.

305.2.3 Five or fewer children in a dwelling unit. A facility such as the above within a *dwelling unit* and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

- ❖ Where the child care services are performed within a single-family dwelling or within a dwelling unit of a two-family dwelling, residential provisions are applicable provided the number of children receiving care does not exceed five. The facility may be classified under the code as a Group R-3 occupancy or may be regulated under the provisions of the *International Residential Code*® (IRC®). Where this use occurs within a dwelling unit of a Group R-2 multi-family building, it is expected that the child care facility be considered as an extension of the Group R-2 classification as addressed in Section 305.2.2.

SECTION 306 FACTORY GROUP F

306.1 Factory Industrial Group F. Factory Industrial Group F occupancy includes, among others, the use of a building or

installed in accordance with Section 903.3.1.3 or with Section P2904 of the IRC.

308.4 Group I-2. This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

- Convalescent facilities
- Detoxification facilities
- Foster care facilities
- Hospice facilities
- Hospitals
- Nursing homes
- Psychiatric hospitals

Exception: Hospice facilities occupied by 16 or less occupants, excluding staff, are permitted to be classified as Group R-4.

308.4.1 Five or fewer persons receiving care. A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

308.5 Institutional Group I-3. This occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. An I-3 facility is occupied by persons who are generally *incapable of self-preservation* due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

- Correctional centers
- Detention centers
- Jails
- Prerelease centers
- Prisons
- Reformatories

Buildings of Group I-3 shall be classified as one of the occupancy conditions indicated in Sections 308.5.1 through 308.5.5 (see Section 408.1).

308.5.1 Condition 1. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

308.5.2 Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied *smoke compartment* to one or more other *smoke compartments*. Egress to the exterior is impeded by locked *exits*.

308.5.3 Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual *smoke compartments*, such as within a residential unit comprised of individual *sleeping units* and group activity spaces, where egress is impeded by remote-controlled release of *means of egress* from such a *smoke compartment* to another *smoke compartment*.

308.5.4 Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

308.5.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

308.6 Institutional Group I-4, day care facilities. This group shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parent or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

Exception: Family day homes under Section 310.9.

308.6.1 Classification as Group E. A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

308.6.2 Within a place of religious worship. Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

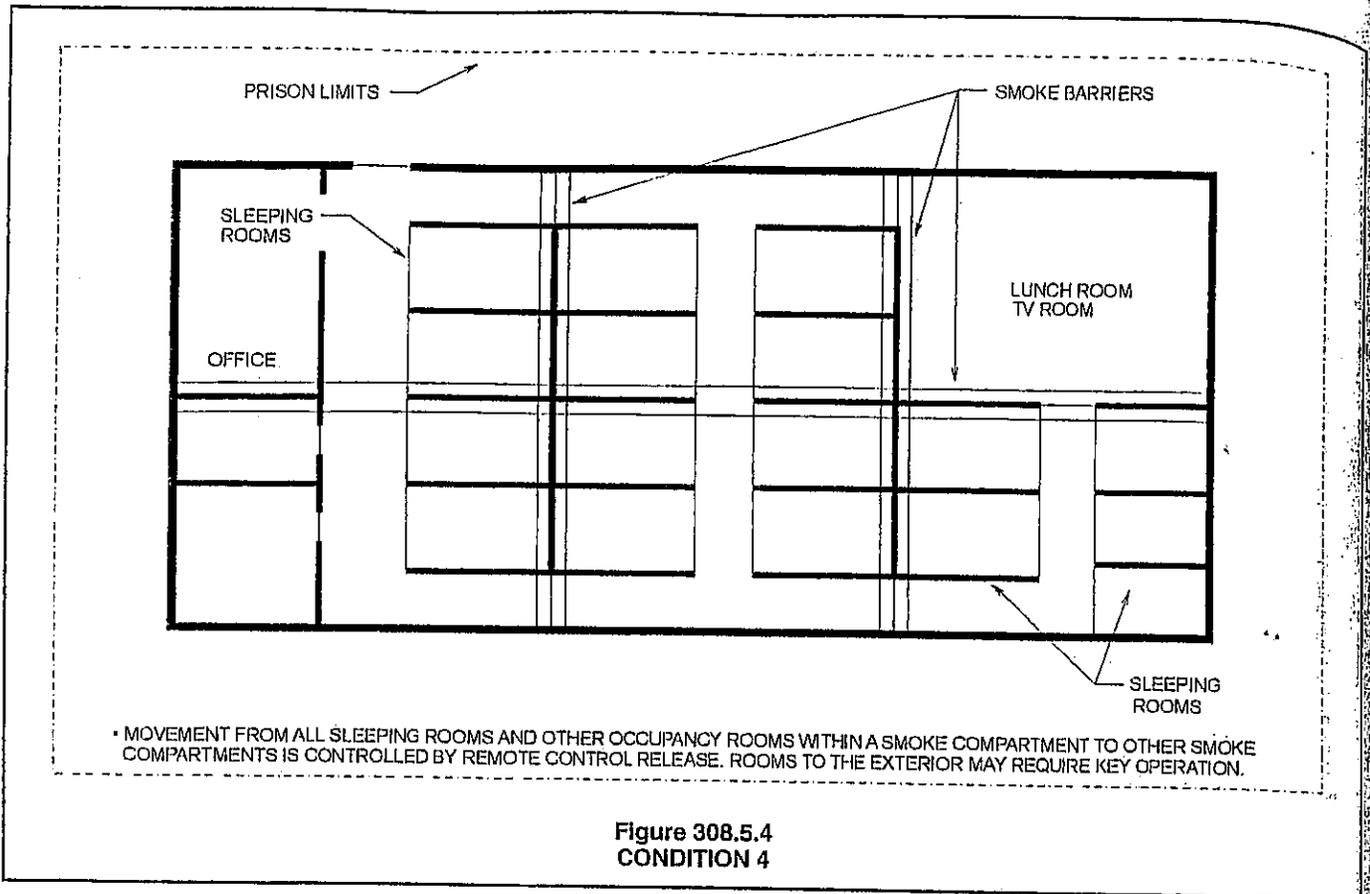
308.6.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

308.6.4 Five or fewer persons receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

SECTION 309 MERCANTILE GROUP M

309.1 Mercantile Group M. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms



308.5.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

❖ Condition 5 areas are those in which the persons being secured or restrained are not allowed free movement to any other room or space within a smoke compartment (as created by smoke barriers) to another smoke compartment or to the exterior (exit discharge) unless the locking device controlling their area of confinement is manually released by a staff member. Once released from an individual space, a staff member is responsible for unlocking all doors from that location to the next smoke compartment. This is the most restrictive occupancy condition, as each secured person must be released on an individual basis and escorted to other areas.

Condition 5 facilities are most often used for maximum security or solitary confinement areas where the persons are considered to be dangerous to others, including staff members, and cannot safely be handled in large groups (see Figure 308.5.5).

308.6 Institutional Group I-4, day care facilities. This group shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents

or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

❖ Facilities that contain provisions for the custodial care of more than five persons of any age are classified as Group I-4. Group I-4 facilities are less restrictive in some of the requirements (e.g., height and area) than the other Group I occupancies. Group I-4 facilities are intended to be used for less than 24 hours and are not intended to provide medical supervision. Day care facilities are not intended to be a residence for the people receiving care. The staff members are assumed not to be related to the individuals in the day care facilities. The premise of the provisions is that the numbers receiving care are exclusive of staff. The care recipients in a Group I-4 occupancy are not expected to respond to an emergency without physical assistance from others. Group I-4 occupancies include both adult day care and child day care.

Adult care facilities are assumed to be for people other than children that require some type of personal care (i.e., nonmedical). A facility where adults gather for social activities such as a community center or a YMCA is not an adult care facility (Group I) and would be regulated under other provisions of the code (Group A-3 or B). In addition, there must be more

than five adults accommodated in the facility and they must not be related in any manner. The classification of Group I-4 for an adult day care facility does not apply to facilities that provide services for adults who are capable of responding to an emergency unassisted. In that case, the facility is simply classified into the occupancy group it most resembles. A facility providing a similar degree of custodial care for children on a less than a 24-hour-per-day basis would be considered as a Group I-4 day care facility.

308.6.1 Classification as Group E. A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

- ❖ Children 2½ years of age or less are not typically capable of independently responding to an emergency and must be led or carried to safety. Under such circumstances, the children are considered non-ambulatory. Therefore, a Group I-4 classification is given to those facilities where six or more toddlers and/or infants receive custodial care for less than 24 hours per day. A similar condition is found in Group I-2 occupancies where the young children stay for extended periods of time. The distinguishing factor between the two occupancies is the amount of time the facility provides care for each individual. Group I-2 facilities provide care on a 24-hour basis while in Group I-4 facilities, individual care must be less than

24 hours. It is also assumed that medical supervision is not present in Group I-4 facilities.

A child care facility in which the number of children whose age does not exceed 2½ years is greater than five but not more than 100 is permitted to be classified as Group E, provided the children are all located in rooms on the level of exit discharge that serve such rooms and all of the rooms have exit doors directly to the exterior. This exception is only applicable to rooms and spaces used for child care and is not intended to apply to accessory spaces such as restrooms, offices and kitchens. Many day care facilities primarily catering to those under primary school age tend to divide the children into three general categories based on state laws and regulations. These include infant, toddler and preschool.

Some variations do occur in that larger day care facilities will have transition rooms for mobile infants or pre-K oriented rooms for those entering kindergarten. But basically there is a mixture of children 2½ years or less and older children. The older children can automatically be in a facility classified as a Group E occupancy, but for the younger children the exception as discussed above would need to be applied to classify the entire occupancy as Group E. The total number of children can exceed 100 and the Group E classification is retained, provided that the number of children 2½ years or less is limited to 100 or fewer. The infant and toddler rooms would need to have exits directly to the outside on the level of exit discharge. If the exception is not applied, the entire facility would need to be classified as Group I-4 or a

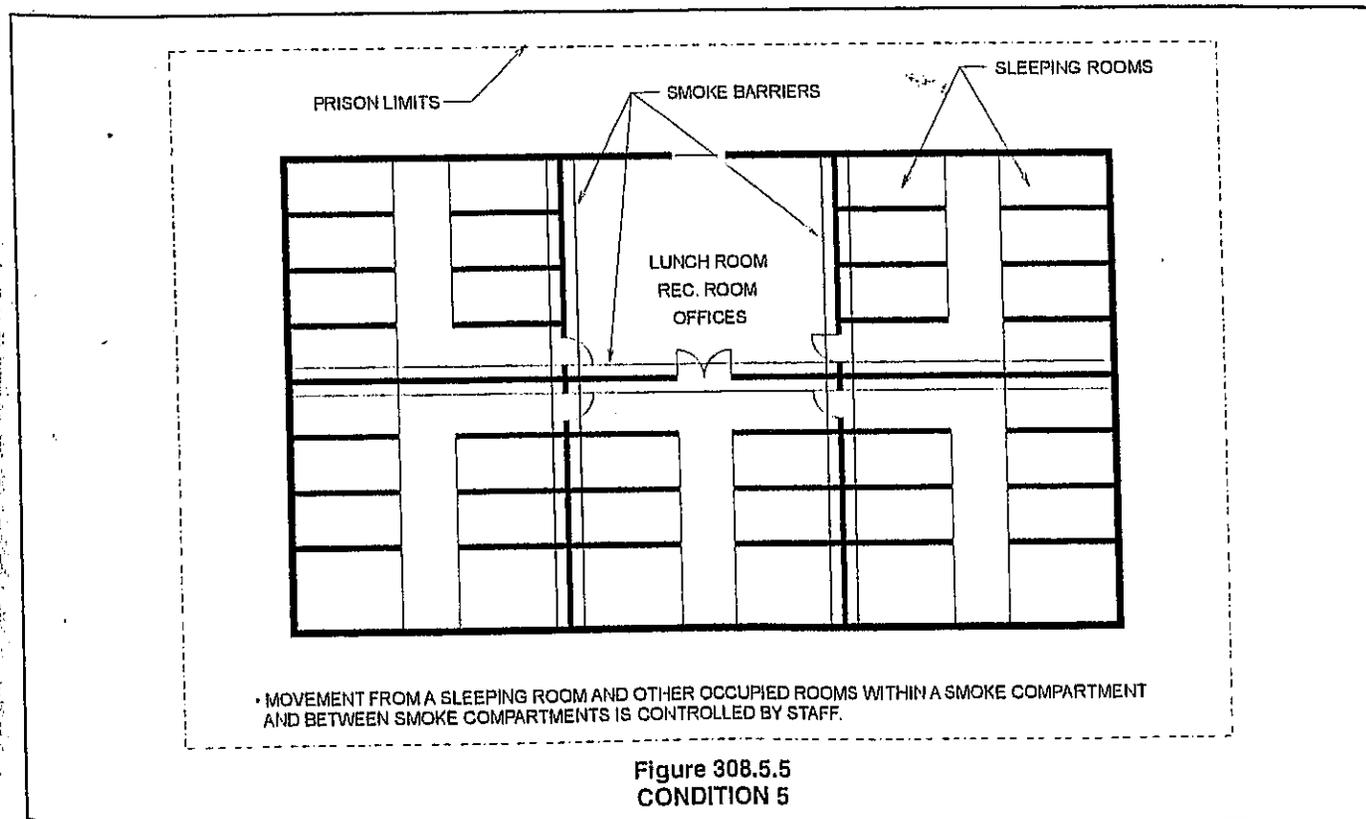


Figure 308.5.5
CONDITION 5

mixed occupancy classification would be necessary.

By permitting the facility to be classified as Group E, the building would not be required to be sprinklered unless the fire area was greater than 12,000 square feet (115 m²). A Group I-4 facility would be required to be sprinklered regardless of the area. But as a Group E occupancy, panic hardware would be required in rooms and spaces exceeding 50 occupants.

308.6.2 Within a place of religious worship. Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

- ❖ The Group I-4 provisions do not apply to places of religious worship simply providing care services during worship and related religious functions. If the space is used at other times simply as a day care facility, then it would be classified as Group I-4 or E as applicable.

308.6.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

- ❖ Where five or fewer persons receive custodial care in a facility other than a dwelling unit, the classification of the care area is to be consistent with that of the primary occupancy. The limited number of care recipients reduces the hazard level to the point that classification as a Group I-4 occupancy is not warranted.

308.6.4 Five or fewer persons receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

- ❖ Buildings that have five or fewer persons receiving custodial care within a dwelling unit are to be classified as Group R-3, or shall be constructed in accordance with the IRC. The assumption is that this type of activity is possible in a residential environment where one or more family members require the high level of care regulated by Section 308.6. Please note similar provisions for Group E occupancies as well as Groups I-1 and I-2.

SECTION 309 MERCANTILE GROUP M

309.1 Mercantile Group M. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities

Retail or wholesale stores
Sales rooms

- ❖ The characteristics of occupancies classified in Group M are contained in this section. Because mercantile occupancies normally involve the display and sale of large quantities of combustible merchandise, the fuel load in such facilities can be relatively high, potentially exposing the occupants (customers and sales personnel) to a high degree of fire hazard. Mercantile operations often attract large crowds (particularly in large department stores and covered and open malls and especially during weekends and holidays). There are two factors that alleviate the risks to life safety: the occupant load normally has a low to moderate density and the occupants are alert, mobile, and able to respond in an emergency situation. The degree of openness and the organization of the retail display found in most mercantile occupancies are generally orderly and do not present an unusual difficulty for occupant evacuation.

Listed here are general descriptions of the kinds of occupancies that are classified in Group M. Mercantile buildings most often have both a moderate occupant load and a high fuel load, which is in the form of furnishings and the goods being displayed, stored, and sold [see Figure 309.1(1)].

The key characteristics that differentiate occupancies classified in Group M from those classified in Group B (see Section 304) are the larger quantity of goods or merchandise available for sale and the lack of familiarity of the occupants with the building, particularly its means of egress. To be classified in Group M, the goods that are on display must be accessible to the public. If a patron sees an item for sale, then that item is generally available for purchase at that time (i.e., there is a large stock of goods). If a store allows people to see the merchandise but it is not available on the premises, such as an automobile showroom, then the occupancy classification of business (Group B) should be considered. A mercantile building is open to the public, many of whom may not be regular visitors. A business building, however, is primarily occupied by regular employees who are familiar with the building arrangement and, most importantly, the exits. This awareness of the building and the exits can be an important factor in a fire emergency.

Automotive, fleet-vehicle, marine and self-service fuel-dispensing facilities, as defined in the IFC, are classified in the mercantile occupancy, as are the convenience stores often associated with such occupancies [see Figure 309.1(2)]. Quick-lube, tune-up, muffler and tire shops are not included in this classification. Those facilities that typically conduct automotive service and repair work are treated as a repair garage (Group S-1, also defined in the IFC).

Simply because a building containing a mercantile-type occupancy has a dense occupant load does not necessitate the need to classify the building as an

tics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

[F] TABLE 903.2.5.2
GROUP H-5 SPRINKLER DESIGN CRITERIA

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

[F] 903.2.6 Group I. An automatic sprinkler system shall be provided throughout all buildings with a Group I fire area.

Exceptions:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 Condition 1 facilities.
2. An automatic sprinkler system is not required where Group I-4 day care facilities are at the level of exit discharge and where every room where care is provided has at least one exit door.
3. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided and all floors between the level of care and the level of exit discharge, other than areas classified as an open parking garage.
4. An automatic sprinkler system shall not be required for open-sided or chain link-sided buildings and overhangs over exercise yards 200 square feet (18.58 m²) or less in Group I-3 facilities, provided such buildings and overhangs are of noncombustible construction.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

[F] 903.2.7.1 High-piled storage. An automatic sprinkler system shall be provided in accordance with the International Fire Code in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

903.2.8 Group R. An automatic sprinkler system in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area for Group R-2 occupancies listed in the exception section when the necessary water pressure or volume for the system is not available:

Exceptions:

1. Group R-2 occupancies that do not exceed three stories, including basements that are not counted as a story above grade, and with a maximum of 16 dwelling units per fire area. Each dwelling unit shall have at least one door opening to the exterior exit access that leads directly to the exterior required to serve that dwelling unit.
2. Group R-2 occupancies where all dwelling units are not more than two stories above the level of exit discharge and not more than two stories below the highest level of exit discharge exits serving the dwelling unit and a two-hour fire barrier is provided between each fire area and dwelling units. Each bedroom of a dormitory or boarding house shall be considered a dwelling unit under this exception.

903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3.

903.2.8.2 Group R-4 Condition 1. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-4 Condition 1.

903.2.8.3 Group R-4 Condition 2. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group R-4 Condition 2. Attics shall be protected in accordance with Section 903.2.8.3.1 or 903.2.8.3.2.

903.2.8.3.1 Attics used for living purposes, storage or fuel fired equipment. Attics used for living purposes, storage or fuel fired equipment shall be protected throughout with automatic sprinkler system installed in accordance with Section 903.3.

903.2.8.3.2 Attics not used for living purposes, storage, or fuel fired equipment. Attics not used for living purposes, storage, or fuel fired equipment shall be protected in accordance with one of the following:

1. Attics protected throughout by a heat detection system arranged to activate the building alarm system in accordance with Section 907.2.10.
2. Attics constructed of noncombustible materials.
3. Attics constructed of fire-retardant-treated wood framing complying with Section 231

paper when they burn, pyroxylin plastics burn at a rate as much as 15 times greater than comparable common combustibles. When burning, these materials release highly flammable and toxic combustion byproducts. Consequently, cellulose nitrate fires are very difficult to control. Although this section specifies a sprinkler threshold quantity of 100 pounds, the need for additional fire protection should be considered for pyroxylin plastics in any amount.

Although the code includes cellulose nitrate "film" in its requirements, cellulose nitrate motion picture film has not been used in the United States since the 1950s. All motion picture film produced since that time is what is typically called "safety film." Consequently, the only application for this section relative to motion picture film is where it may be used in laboratories or storage vaults that are dedicated to film restoration and archives. The protection of these facilities is addressed in Sections 306.2 and 6504.2, both in the IFC.

F] 903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exceptions:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 facilities.
 2. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be allowed in Group I-1 facilities when in compliance with all of the following:
 - 2.1. A hydraulic design information sign is located on the system riser;
 - 2.2. Exception 1 of Section 903.4 is not applied; and
 - 2.3. Systems shall be maintained in accordance with the requirements of Section 903.3.1.2.
 3. An automatic sprinkler system is not required where day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.
 4. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided and all floors between the level of care and the level of exit discharge, all floors below the level of exit discharge, other than areas classified as an open parking garage.
- ❖ The Group I occupancy is divided into four individual occupancy classifications based on the degree of detention, supervision and physical mobility of the occupants. The evacuation difficulties associated with the building occupants creates the need to incorporate a defend-in-place philosophy of fire protection in occupancies of Group I. For this reason, all such occupancies are to be protected with an automatic sprinkler system.

Of particular note, this Section encompasses all Group I-3 occupancies where more than five persons are detained. There has been considerable controversy concerning the use of automatic sprinklers in detention and correctional occupancies. Special design considerations can be taken into account to alleviate the perceived problems with sprinklers in sleeping units. Sprinklers that reduce the likelihood of vandalism as well as the potential to hang oneself are commercially available. Knowledgeable designers can incorporate certain design features to increase reliability and decrease the likelihood of damage to the system.

Group I-4 occupancies would include either adult-only care facilities or occupancies that provide personal care for more than five children 2½ years of age or less on a less than 24-hour basis. Because the degree of assistance and the time needed for egress cannot be gauged, an automatic sprinkler system is required.

There are four exceptions to this section. Exception 1 permits Group I-1 occupancies to be protected throughout with an NFPA 13R system instead of an NFPA 13 system.

Exception 2 allows the use of an NFPA 13D sprinkler system instead of a standard NFPA 13 sprinkler system, but with several conditions specified. The conditions noted basically relate the system more closely to an NFPA 13R system with requirements for monitoring and maintenance and availability documents describing the hydraulic design for the system. The exception recognizes the perceived mobility of the occupants in a Group I-1 facility as well as the basic life-safety intent to protect the main occupiable areas. However, use of this exception would result in the building not qualifying as a fully sprinklered building in accordance with NFPA 13 for any applicable code alternatives.

Exception 3 exempts sprinkler systems completely if the day care center is at the level of exit discharge and every room has at least one exterior exit door. Note that day cares to which this section applies are considered by Section 308.6.1 to be Group E occupancies. An automatic sprinkler system would not be required unless dictated by the requirements in Section 903.2.2 (see the commentary for Section 308.6.1).

Exception 4 is also related to day cares that are still classified as Group I-4 by nature of the location in the building. In that case, an NFPA 13 system would be required on the floor where the center is located and all floors between and including the level of exit discharge. This is less stringent than the main requirement in Section 903.2.6 that requires the entire building to be sprinklered. As defined in Section 202, a Group I-4 child care facility located at the level of exit discharge and accommodating no more than 100 children, with each child care room having an exit directly to the exterior, would be classified as a Group E occupancy.

SECTION 406—GROUP "C"—SCHOOLS

406.1 — SCOPE

Buildings in which people come together for education or instructional purposes shall be classified in Group "C" — School Occupancy.

Group C — School Occupancy shall include, among others, the following:

- | | |
|----------|--------------|
| Schools | Universities |
| Colleges | Academies |

406.2 — EXCEPTION

Parts of buildings used for the congregating or gathering of 75 or more persons in one room shall be classified as in Group E — Assembly Occupancy—(see Section 408), regardless of whether such gathering is of an educational or instructional nature or not.

Schools for business or vocational training shall be classified in the same occupancies and conform to the same requirements as the trade, vocation or business taught.

406.3 — PROTECTIVE REQUIREMENTS, GROUP "C" OCCUPANCY

	SECTION	
1. Allowable Height and Area	406.5	
Heights and Areas are based upon type of construction used.		
2. Types of Construction	601 to 609, inclusive	
3. Exit Requirements	1101 to 1120, inclusive	
4. Protection of Vertical Openings	701 to 701.4, inclusive	
5. Protection of Wall Openings	703 to 703.7, inclusive	
6. Sprinklers and Standpipes Required	901 to 902, inclusive	
7. Mixed Occupancy Separations	412	
8. Light, Ventilation and Sanitation	2001 to 2002, inclusive	
9. Heating Requirements	Chapter VIII	

406.4 — SPECIAL REQUIREMENTS, GROUP "C" OCCUPANCY

	SECTION
1. Separation of Boiler or Furnace Rooms	801.2
2. Non-combustible Stairways Required	1108
3. Corridors	1111
4. Not less than Unilateral Light shall be required	2001.5
5. No classroom shall occupy basement room fifty (50) percent below ground level.	
6. Every heating appliance which produces an unprotected open flame shall be prohibited.	
7. Gas Feed Lines, Protection Required	809
8. Storage and handling of flammable liquids shall be prohibited.	
9. Where permanent motion picture projectors are used, booths shall be provided, as set forth in Section 512.25.	
10. Small children shall be on first floor.	

In buildings of other than Type I and II construction, children below the fifth grade shall not occupy any classroom above the first floor. The lower grades shall be located in the classrooms nearest the exits.

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406.5. GROUP "C" SCHOOL OCCUPANCY—HEIGHT AND AREA RESTRICTIONS

Type Construction Used**	ALLOWABLE HEIGHTS				ALLOWABLE AREAS				
	Story Height	No Limit	One Story	Two Stories	Over Two Stories	Area Per Floor (sq. ft.)	No Limit	No Limit	No Limit
Type I—Fireproof	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit
Type II—Fire-Resistive	80 ft.	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit
Type III—Heavy Timber*	Two	Two	10,000	8,000	8,000	8,000	8,000	8,000	Not Permitted
Type IV—Non-Combustible*	Two	Two	10,000	8,000	8,000	8,000	8,000	8,000	Not Permitted
Type V—Ordinary*	Two	Two	10,000	8,000	8,000	8,000	8,000	8,000	Not Permitted
Type VI—Wood Frame*	Two	Two	6,500	5,000	5,000	5,000	5,000	5,000	Not Permitted

*Basement shall count as story if used for any other purpose other than heating. (See Section 402.5.)

**At least one-hour interior fire-resistive construction shall be used throughout in all Group "C" (schools), two or more stories in height.

SECTION 406—GROUP "C"—SCHOOLS

406.1 — SCOPE

Buildings in which people come together for education or instructional purposes shall be classified in Group "C" — School Occupancy.

Group C— School Occupancy shall include, among others, the following:

- | | |
|----------|--------------|
| Schools | Universities |
| Colleges | Academies |

406.2 — EXCEPTION

Parts of buildings used for the congregating or gathering of 75 or more persons in one room shall be classified as in Group E — Assembly Occupancy—(see Section 408), regardless of whether such gathering is of an educational or instructional nature or not.

Schools for business or vocational training shall be classified in the same occupancies and conform to the same requirements as the trade, vocation or business taught.

406.3 — PROTECTIVE REQUIREMENTS, GROUP "C" OCCUPANCY SECTION

- 1. Allowable Height and Area 406.5
Heights and Areas are based upon type of construction used.
- 2. Types of Construction 601 to 609, inclusive
- 3. Exit Requirements 1101 to 1119, inclusive
- 4. Protection of Vertical Openings 701 to 701.4, inclusive
- 5. Protection of Wall Openings 703 to 703.7, inclusive
- 6. Sprinklers and Standpipes Required 901 to 902, inclusive
- 7. Mixed Occupancy Separations 412
- 8. Light, Ventilation and Sanitation 2001 to 2002, inclusive
- 9. Heating Requirements Chapter VIII

406.4 — SPECIAL REQUIREMENTS, GROUP "C" OCCUPANCY SECTION

- 1. Separation of Boiler or Furnace Rooms 801.2
- 2. Non-combustible Stairways Required 1108
- 3. Corridors 1111
- 4. Not less than Unilateral Light shall be required 2001.5
- 5. No classroom shall occupy basement room fifty (50) percent below ground level.
- 6. Every heating appliance which produces an unprotected open flame shall be prohibited.
- 7. Gas Feed Lines, Protection Required 809
- 8. Storage and handling of flammable liquids shall be prohibited.
- 9. Where permanent motion picture projectors are used, booths shall be provided, as set forth in Section 512.25.
- 10. Small children shall be on first floor.
In buildings of other than Type I and II construction, children below the fifth grade shall not occupy any classroom above the first floor. The lower grades shall be located in the classrooms nearest the exits.

406.5. GROUP "C" SCHOOL OCCUPANCY—HEIGHT AND AREA RESTRICTIONS

	ALLOWABLE HEIGHTS		ALLOWABLE AREAS		
	Type Construction Used**	Story Height	One Story	Two Stories	Over Two Stories
			Area Per Floor (sq. ft.)		
Type I—Fireproof	No Limit	No Limit	No Limit	No Limit	No Limit
Type II—Fire-Resistive	80 ft.	No Limit	No Limit	No Limit	No Limit
Type III—Heavy Timber*	Two	12,000	8,000	8,000	Not Permitted
Type IV—Non-Combustible*	Two	12,000	8,000	8,000	Not Permitted
Type V—Ordinary*	Two	12,000	8,000	8,000	Not Permitted
Type VI—Wood Frame*	Two	8,000	5,000	5,000	Not Permitted

*Basement shall count as story if used for any other purpose other than heating. (See Section 402.5.)

**At least one-hour interior fire-resistive construction shall be used throughout in all Group "C" (schools), two or more stories in height.



VIRGINIA FIRE SAFETY REGULATIONS

Adopted April 12, 1949
by the
STATE CORPORATION COMMISSION

Adopting agency amended 1981:

*Adopted by the State
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
Effective July 16, 1982*

INTRODUCTION

Maintenance Requirements for Existing Buildings

According to Virginia's building and fire codes, an existing building is required to be maintained in accordance with the building code that was in effect at the time the building was constructed and with the requirements of any applicable maintenance provisions of Virginia's fire code. This means that many conditions identified in an older building that may not be in full compliance with today's codes are acceptable because these conditions were okay at the time the building was constructed. As long as the use of the building is not changed, the building owner is not legally required to retrofit the building to meet the current code.

For example, a room used for spray application of flammable finishes that has been in use since before 1973 is not sprinklered. Because the code that was in effect at the time the building was built did not require a paint spray room to be sprinklered, the condition is allowed to continue even though the currently applicable fire prevention code requires sprinklers in this situation (F1504.6). Yet the room is still required to meet other fire prevention code requirements. For example, the space must be kept free of accumulated residues and solvent soaked rags must be disposed of in metal cans (F1503.4).

Determination of Maintenance Requirements

Many buildings in the State are required by law to be inspected by a fire marshal on an annual basis. In order for the inspection to be performed properly, the inspector should know the applicable codes. While the maintenance requirements are readily available in the current edition of the Virginia Statewide Fire Prevention Code, it is not quite as easy to find the requirements that were in effect at the time the building was built. Only through research of the history of Virginia's building codes can that information be gathered. In attempt to facilitate this research procedure, the following printing of the first building code enforced in Virginia is provided.

Research begins with the determination of the year the building was built and what the building was used for at that time. This information is provided on the Certificate of Occupancy (CO) of the building in question. The Office of the Building Official in the county, town or city that the building is located should have copy of the Certificate of Occupancy (CO) available upon request. If a CO is not available, one must use other means to determine the year of construction, its original use and any change of use that may have occurred over the years. Once the year is known, the exact code requirements can be determined by researching the history of Virginia's building codes.

If the building was built before 1973, a locally enforced building code may also be applicable. This information should be available at the local code enforcement office.

If the building is used as a hotel, nursing home, adult care facility, or a state owned dorm, retrofit requirements for fire sprinkler or smoke detection may also apply. Retrofit requirements adopted by Virginia can be found in the current edition of the Uniform Statewide Building Code, Part I, Article 3.

History of Virginia's Building and Maintenance Codes

The Virginia Fire Safety Regulations is the first statewide applied building code to be adopted in Virginia. It was adopted April 12, 1949. The enabling law was the Virginia Fire Hazards Law (see Appendix A of this printing). This law was renamed in 1981 the Virginia Public Building Safety Law, thus the Regulations were also renamed the Virginia Public Building Safety Regulations (VPBSR). Therefore the proper legal title for these regulations is the VPBSR.

When originally adopted, these regulations listed retrofit requirements applicable to buildings built prior to the code's adoption in 1949 and requirements for new construction. Between 1949 and 1981, the VPBSR was the applicable maintenance code (fire prevention code) used during fire marshal inspections.

In 1973, § 36-98 Code of Virginia became effective directing the promulgation of the Uniform Statewide Building Code (USBC). The USBC superseded the VPBSR as applicable to new construction. At that time, the VPBSR became a maintenance code only. In 1981, the law was amended to require buildings built after USBC was in effect to be maintained in accordance with the fire safety requirements listed in the USBC. This means the VPBSR is now used only as a maintenance code for buildings built before 1973.

When the Fire Hazards Law was repealed in 1986 and replaced with § 27-30 through 27-101, the Virginia Statewide Fire Prevention Code (VSFPC) was adopted. The new fire prevention code replaced the VPBSR as the applicable maintenance code for all buildings in the State. At that point on, the VPBSR is used only to clarify the construction requirements in effect at the time a building is constructed.

A summary of the history of the Virginia Public Building Safety Regulations is provided in Addendum E.

The following reprints of the Prefaces included in various printings of the Regulations provide additional documentation of the history of the code's application and the changes that took place over the years.

1953 Printing;

INFORMATION FOR USERS OF THIS CODE

THIS CODE IS ARRANGED in two parts. Part One consists of Articles 1 through 7 and applies to buildings erected after April 12, 1949. Part Two applies to buildings erected before April 12, 1949, and consists of Articles 11 through 17.

June 1977 Printing;

INFORMATION FOR USERS OF THIS CODE

THIS CODE IS ARRANGED in two parts. Part One consists of Articles 1 through 7 and applies to buildings erected after April 12, 1949, and prior to the effective date of the Uniform Statewide Building Code. In general, buildings for which plans were completed and the building permit issued after September 1, 1973, are subject to the requirements of the Uniform Statewide Building Code. Part Two applies to buildings erected before April 12, 1949, and consists of Articles 11 through 17.

1981 Edition (effective JULY 16, 1982);

PREFACE

Changes in the 1981 Edition

The 1981 Edition reflects certain changes: (1) because the Virginia Fire Safety Law was renamed the Virginia Public Building Safety Law, the name of the Virginia Fire Safety Regulations was changed to the Virginia Public Building Safety Regulations; (2) PART THREE has been added to cover the duties assigned by law to the State Fire Marshal for maintenance of fire safety in public buildings constructed under the Uniform Statewide Building Code (USBC). For such buildings the fire safety requirements of the USBC are adopted by reference.

Coordination with Local Building Officials

Plans Review: When requested by the local building official, the State Fire Marshal will review plans for construction or alteration of public buildings. An advisory report of any items that do not meet the applicable fire safety

requirements will be reported to the building official. The State Fire Marshal also reviews all plans for State-owned buildings.

Inspections: Possible violations of the fire safety requirements of the USBC that are discovered during routine inspections by the State Fire Marshal are discussed with the local building official to make certain that both agencies agree on the proper application of the code. The items on which both agree will be cited in Fire Marshal's report.

Correction of Violations: When construction work is needed to correct fire safety violations, the person responsible is advised that a building permit must be obtained from the local building official. Also, such changes must be done in a manner that does not create violations of the USBC.

Future Amendments

The Board of Housing and Community Development is responsible for keeping the Public Building Safety Regulations up to date. Comments or suggestions for amendments should be addressed to the Board of Housing and Community Development.

GUIDE TO MAJOR DIVISIONS OF THE 1981 EDITION VIRGINIA PUBLIC BUILDING SAFETY REGULATIONS

<i>PART ONE</i>	<i>Buildings Constructed Between April 12, 1949 and September 1, 1973</i>
<i>PART TWO</i>	<i>Buildings Constructed Before April 12, 1949</i>
<i>PART THREE</i>	<i>Buildings Subject to the Uniform Statewide Building Code, Beginning September 1, 1973</i>

2006 Printing

This printing is a reproduction of the 1953 text. The amendments are included in italicized text below the amended section headed with the date of the amendment. The original 1953 printing included Appendix A "Virginia Fire Hazards Law" and Appendix B "Fire Resistance Ratings". These two items were omitted in later printings. Appendix D "History of Virginia Public Building Safety Regulations" and Appendix E "Previous Adoptions and Amendments to USBC" were added in this printing.

History of the USBC

The USBC continues today as the new construction regulation for Virginia. The USBC incorporates by reference a model building code. At first, BOCA Building Code was the model code and later the International Building Code was referenced. The USBC has been revised approximately every three years since its original adoption in 1973 to incorporate the newest edition of the model code.

When establishing required maintenance provisions for an existing building built after 1973, one must determine the specific edition of the USBC and the incorporated model code edition based on the date of plans approval. This information can be taken from a list included in Addendum F.

1987 Edition of the Virginia Statewide Fire Prevention Code, Addendum 2

In the first edition of the Virginia Statewide Fire Prevention Code, printed in 1987, a reprint of the VPBSR was included in Addendum 2. In that printing, portions of the document were edited in a sincere attempt to clarify some of the more difficult concepts for the reader. Unfortunately, these changes were not processed through the legal channels. This means the information contained in the 1987 edition is not legally binding. Therefore, it is best not to refer to that printing for research purposes.

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PART ONE

New Buildings

Revision 1981 Edition;

***Buildings Constructed Between
April 12, 1949 and September 1, 1973***

ARTICLE 1 - ADMINISTRATION

SECTION 100. SCOPE

100-1. Short Title

These regulations shall be known and may be cited as the "Virginia Fire Safety Regulations". Except as otherwise indicated, "Regulations" used herein shall mean "Virginia Fire Safety Regulations", "Law" used herein shall mean Chapter 493, Acts of Assembly, 1943, entitled "Virginia Fire Hazards Law," and "Commissions" shall mean "State Corporation Commission."

100-2. Application

- (a) These Regulations shall apply to all public buildings as defined by Chapter 493, Acts of Assembly, 1948, as amended by Chapter 605, Acts of Assembly, 1952, in which the term "public building" means and includes any building or structure, permanent or temporary, which is used or occupied, or to be used or occupied, by ten or more persons who are employed, lodged, housed, assembled, served, entertained or instructed therein and, without limiting the foregoing, includes hotels, schools and colleges, hospitals of all kinds, asylums, mercantile establishments, office buildings, apartment houses, theaters, restaurants, auditoriums, stadiums, gymnasiums, armories, dance halls, factories, work shops, lodges, meeting rooms, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use; including buildings owned and occupied by the State or by any of its political subdivisions; provided however, that in any city having a population according to the last official census of more than 200,000 people, no building or structure as aforesaid shall be included in the term "public building" as aforesaid, unless such building or structure as aforesaid is so used or occupied by 20 or more persons as aforesaid. Unless specifically noted, these Regulations shall not apply to 1, 2, or 3 family dwellings.
- (b) Unless otherwise noted, Articles 1, 2, 3, 4, 5, 6, and 7 (Part One) of these Regulations shall apply only to buildings hereafter erected or equipment hereafter installed, and Articles 11, 12, 13, 14, 15, 16, and 17 (Part Two) shall apply only to buildings heretofore erected or equipment heretofore installed.
- (c) Nothing in these Regulations shall be construed to lower in any way existing or future requirements of any political subdivision of the State respecting fire safety in public buildings.
- (d) Where a requirement of these Regulations is more restrictive than the corresponding requirement of any political subdivision, the requirement of these Regulations shall govern.
- (e) Any table of contents, index, appendix, or explanatory reference not accompanying or appearing in these Regulations shall not be considered a part of the Regulations.

100-3. Effective Dates

- (a) The effective date of any provision of these Regulations shall be 90 days from the date of its adoption in the case of buildings hereafter erected or equipment hereafter installed.

ARTICLE 3 - CLASSIFICATION AND RESTRICTIONS

SECTION 300. CLASSIFICATION OF OCCUPANCIES

300-1. Classes Designated

- (a) For the purpose of these Regulations, buildings are classified, with respect to occupancy and use, as Group A, Group B, Group C, Group D and Group E.
- (b) "GROUP A BUILDING" means a building in which persons congregate for civic, political, educational, religious, social or recreational purposes; including among others,

armories	court houses	museums
assembly halls	dance halls	passenger stations
auditoriums	exhibition buildings	recreation piers
bath houses	grandstands	restaurants
bowling alleys	gymnasiums	schools
churches	lecture halls	skating rinks
city halls	libraries	stadiums
club rooms	lodge rooms	theaters
colleges	motion picture theaters	

- (c) "GROUP B BUILDING" means a building in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes; including among others,

asylums	jails	school, orphanage, and
homes for the aged	nurseries	other dormitory for
hospitals	penal institutions	children below high
houses of correction	reformatories	school age
infirmaries	sanitariums	

- (d) "GROUP C BUILDING", except when classed as a Group B building, means a building in which sleeping accommodations are provided; including among others,

apartments	hotels	school, orphanage, and
club houses	lodging houses	other dormitories for
convents	multifamily houses	children of high
	tenements	school age or older

- (e) "GROUP D BUILDING" means a building occupied for the transaction of business, for the rendering of professional services, for the display or sale of goods, wares or merchandise, or for the performance of work or labor; including among others,

bakeries	laboratories	stores
banks	laundries	telephone exchanges
factories	markets	work shops
ice plants	office buildings	

- (f) "GROUP E BUILDING" means a building for the housing, except for purely display purposes, of airplanes, automobiles, railway cars or other vehicles of transportation, for the sheltering of horses, live stock or other animals, or exclusively for the storage of

goods, wares or merchandise, not excluding in any case offices incidental to such uses; including among others,

freight depots
garages

grain elevators
hangars

storage warehouses

300-2. Mixed Occupancy

In case a building is occupied for two or more purposes not included in one class, the provisions of these Regulations applying to each class of occupancy shall apply to such parts of the building as come within that class; and if there should be conflicting provisions, the requirements securing the greater safety shall apply.

300-3. Doubtful Classification

In case a building is not specifically provided for, or where there is any uncertainty as to its classification, its status shall be fixed by the State Corporation Commission, giving due regard to safety.

SECTION 301. CLASSIFICATION OF CONSTRUCTION

301-1. Type Designated

- (a) For the purposes of these Regulations, construction as used in buildings shall be classified as follows. The order of classification is from most restrictive to least restrictive.
- (1) Fireproof
 - (2) Semi-fireproof
 - (3) Heavy Timber
 - (4) Ordinary
 - (5) Noncombustible
 - (6) Frame
 - (7) Unprotected Metal
- (b) "FIREPROOF" construction, as applied to a building, means that in which the structural members, including interior and exterior bearing walls and exterior non-bearing walls, are of approved incombustible construction having the necessary strength and stability and having a fire resistance rating of not less than shown in Table 1. A combustible roof may be used when it is protected by an approved automatic sprinkler system and the ceiling of the top story is of Fireproof construction.
- (c) "SEMI-FIREPROOF" construction, as applied to a building, means that in which the structural members, including interior and exterior bearing walls and exterior non-bearing walls, are of approved incombustible construction having the necessary strength and stability and having a fire resistance rating of not less than shown in Table 1. A combustible roof may be used when it is protected by an approved automatic sprinkler system and the ceiling of the top story is of Semi-fireproof construction.
- (d) "HEAVY TIMBER" construction, as applied to a building, means that in which the exterior walls and bearing walls are of approved masonry or reinforced concrete and in which the interior structural elements, including columns, floors, and roof construction,

Part 5
Social Services Child Care Regulation

(Review Board staff note: The DSS regulations are not copied herein as they are a matter of public record.)



TO SERVE THE PRESENT AGE



Highlights from a 180-year old History

The name "Monumental" refers to the intention of the congregation to make this church a "monument" to the memory of the Rev. Robert Williams who was commissioned by John Wesley himself to come to America, and whose first lasting success was the formation of a Methodist Society in Portsmouth in 1772.

Co-founder of our Church was Isaac Luke, a merchant, who heard Williams preach to a jeering crowd on a Norfolk street corner on the day of his arrival, and who went bail for Williams when he was arrested as "a disturber of the peace."

Robert Williams, on the invitation of Luke, rowed across to Portsmouth on the next day and, under two persimmon trees near what is now the corner of Effingham and South streets, preached the first Methodist sermon ever heard in this town.

When young Francis Asbury, who was later to become a sainted apostle of early Methodism, came as pastor of this church in 1775, he said that Portsmouth "gave me more hope and comfort than any other place!"

During the American Revolution, members of the Methodist Society had to meet secretly to keep the band together.

In 1792, "a certain half lott" on "Glasgow Street, W-109 Back Creek square joining Richard Barrs" was purchased for "sixteen pounds current money of Virginia" for an edifice.

In 1818, only two years after the first Sunday School was established in America, this church began one.

The great Revival of 1827 pervaded the whole city, with meetings overflowing the Church. Meetings were held in homes at all hours of day and night. More than 100 joined the Methodist Church.

When the courage of the congregation faltered at the task of building a new Dinwiddie Street edifice, the offer of the Bain family to supply the bricks touched off a concerted outpouring of effort and money which resulted in our present house of worship.

The fame of this magnificent new edifice spread afar. Plans were loaned to the Edenton Street Methodist Church in Raleigh, where a replica stands today.

This has been a Mother Church of Methodism in Portsmouth. At different times, members have left with its blessing to found Wright Memorial, Central, Owens Memorial, Park View, Broad Street, and Cottage Place churches.

TO SERVE THE PRESENT AGE

*To serve the present age, my calling to fulfill,
O may it all my powers engage, to do my Master's will!*

—CHARLES WESLEY

OF ALL the 175,000 Protestant churches in the United States, only a few can trace their history back to the days of the Colonies. One of this select company is the Monumental Methodist Church of Portsmouth, Virginia.

Yet, in 1772 the purpose of Rev. Robert Williams and Isaac Luke was not to found an "historic" church; they were not thinking of future centuries; they only knew the dire need for a revival of religious convictions and Christian living then and there; they were kindled by a call to *serve the present age*.

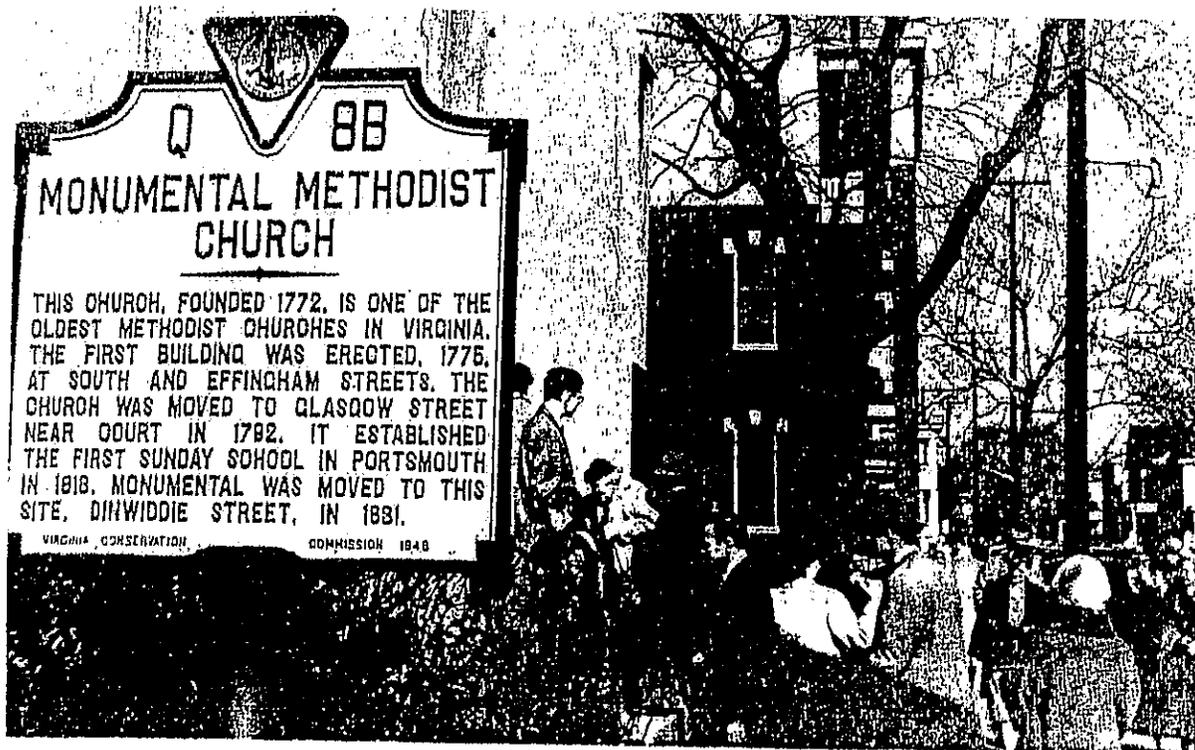
Today, 180 years later, the impetus of that "Methodist Society" still pervades a noble church encompassing some 1,700 members. In 1952, moreover, there is a clear call for this great Church, as never before, to rally to *serve the present age*.

No church member can feel complacent in 1952! From Washington scandals to high school narcotic rings, there is much that is

deeply disturbing — much that only renewed spiritual vigor can cure. Especially are we concerned about our youth. For, unless we can win for Christ the forthcoming leaders and influential citizens, what kind of a city, a state, a nation will we have in future decades?

The problem is America-wide in scope, but the solution lies not in any national organization or movement; it lies in the hands of a multitude of local churches, each undertaking a program of religious education and character building which will be *better than ever before*.

Monumental Church, as one of the oldest and strongest in the Methodist denomination, has a responsibility as a leader and a pace setter. The eyes of the Virginia Conference are upon Monumental as it stands now on the threshold of another great forward step in its service: a step which will enormously enhance its facilities for Christian education — facilities to *serve the present age*.



HOW WELL ARE WE NOW SERVING?

MONUMENTAL CHURCH, over the years, has set high standards of quality for its Christian ministry. It has been known across the Conference as a great preaching church. Its leadership in music has long been recognized. It has a magnificent record of missionary benevolence. And now it is turning its attention to another major aspect of its program: religious education.

Our Church School deserves the commendation of every member in respect to its organization, its officers, its teachers, and its purposes. But, in respect to its physical facilities, it is sub standard.

For years, there has been a growing insistence on the part of the officers and teachers of the Church School, and the parents of its pupils that something be done to modernize and enlarge the educational plant. To them there is no question about the present inadequacies. However, to other members, who are not so close to the Sunday School, the facts of the situation will be revealing.

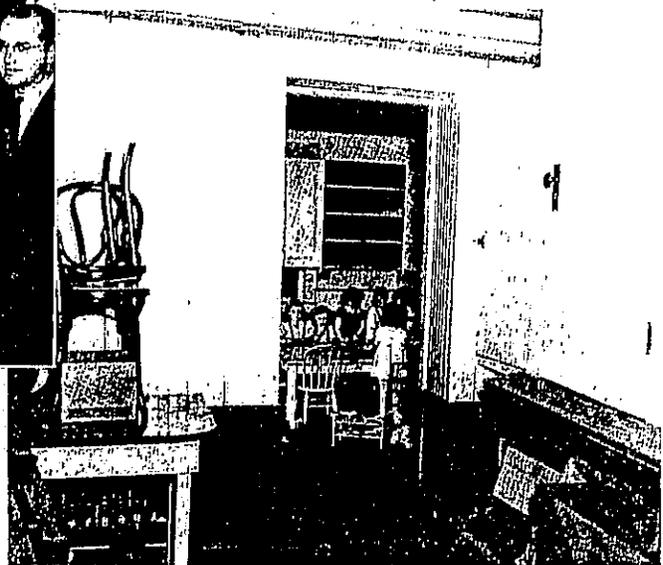
The sheer lack of space to accommodate our growing Church School enrollment is presented in a statistical manner on the opposite page. Added to this is the general obsolescence of the present building. It has been added to, patched up, and remodeled for generations — and shows it! It can not go much longer without a new roof, new heating plant, and other very expensive repairs.

Every possibility of saving part of the old and incorporating it into the new structure was explored by the Building Committee and found to be impracticable. Both for long run economy, and as the way to obtain a really good and full-functioning Church School plant, the only satisfactory course is to rebuild from the ground up.

To an increasing degree, Monumental Church has been suffering from this lack of modern Sunday School facilities. Sometimes we know, but more often are probably unaware, of newcomers with children who visit our church, like the service, like the people,



TWO OF THE MANY REASONS why Monumental Church is seeking a new educational building are shown here. At left is a picture of the congestion in the narrow hall and stairway at the close of the Sunday School hour when most of the 400 children and adults try to leave by this exit. Below: the only entrance to this nursery room is through the kitchen. The new building will eliminate these bad situations and many others, as well.



and then look at our educational building and decide to seek some other church home.

Those of us who are comfortable in our beloved church, but who may not have had occasion to inspect the educational plants of some of our fine sister churches, can scarcely realize how ours appears to the eye of a stranger.

It is to the everlasting credit of these good folk that they have the loyalty and vision to accept the findings of their Board of Stewards and to cast their vote in favor of building an educational plant which shall be commensurate with Monumental's traditional high standards.

WHERE THE PINCH IS FELT

Examples of the overcrowding in our present Church School are seen in the following tabulation of the six classes where the pressure is greatest:

Class	Capacity of Present Room	Present Enrollment
Nursery	13	27
Kindergarten	17	53
Primary	41	86
Adams Class	13	50
Walter Gunn Class	40	97
Clarke Class	33	71
	<hr/> 167	<hr/> 384

In other words, classes with enrollments totaling 384 have to use rooms which can accommodate only 167, according to the space requirements at various age levels prescribed by religious education authorities. The normal annual increase of our Church School will make this overcrowding grow in severity. Furthermore, within a few years the big enrollments in the Children's Division will travel up to the Youth's Division and overtax the facilities for those classes, too, unless a new and adequate Church School building is constructed.



THE YOUNG PEOPLE, through their own initiative, fixed up this room for their worship services. A Chapel expressly designed for this and many another use is a pressing need.



THE JUNIOR DEPARTMENT will be overcrowded when the large Primary Classes move up.

THE ADAMS CLASS exhibits the situation when 40 people are crowded into a room built for 13 persons.



A BUILDING TO MEET OUR NEEDS

THE PLANS developed by our Building Committee for a new educational plant, while still subject to further study and change, hold exciting promise for the future service of Monumental Church.

The new structure will cover the area occupied by the present building, plus most of the empty ground at the rear of our property. It will be two stories in height and of brick, steel, and concrete construction. The use of modern, durable materials will keep the future expense of upkeep and repairs to a minimum. One major improvement will be the heating system. Since gas is to be used as fuel, it is feasible to install the heater on the roof, thus avoiding the heavy cost of a chimney and a waterproof basement. The hot water will be pumped through radiant heating coils in the floors. This system will also be used to heat the church auditorium, making it possible at last to remove the present furnace (with the attendant fire hazard) from beneath our historic edifice.

The new educational building will provide almost twice as much classroom and office space as we now possess: 16,409 square feet of floor area, as compared to 8,910. According to the standards of per-capita space recommended by the Methodist Board of Education, this will not only give sufficient room for the present enrollment of our Church School, but also allows a reasonable margin for the future growth which is sure to occur as soon as the new building is put into use.

A central feature of the ground floor is the large auditorium with a capacity of nearly 300 seats, and another hall, almost as large, for fellowship and recreational purposes. Between the two is a platform uniquely designed so that, by opening one curtain and closing the other, the stage may be used for either hall. The fellowship hall has doors and a serving window into a fine, modern kitchen. Convenient storage space for chairs and tables is provided. This hall will serve a variety of week-

day purposes, as well as on Sunday, and will be ideal if, in the future, the Church wishes to run a Teen-Age or Serviceman's Center for downtown Portsmouth.

To many, the most appealing feature of the new building will be the lovely small chapel. More and more churches are installing intimate places of worship and are finding them invaluable in many ways. Ours will be easily accessible from Queen Street for private medi-



CHRISTIAN EDUCATION is a vital part of Monumental's program.

tation and prayer. It will be a hallowed place for family weddings, group devotions, and other events which would lose much of their meaning in the large auditorium. For children it will offer an opportunity to learn about and participate in worship in a spot full of reverence and beauty.

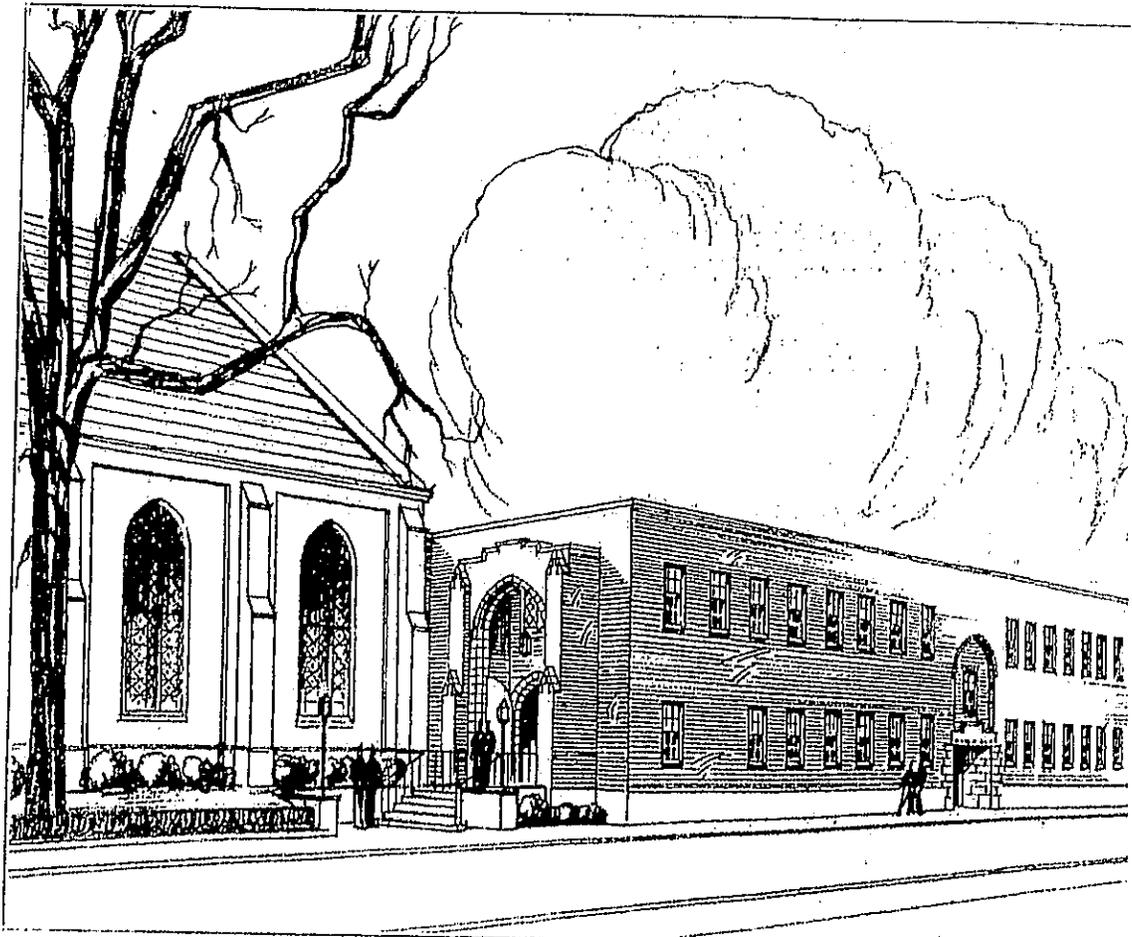
The three pillars of an effective church program are said to be: "worship, education, fellowship." Each of these activities will be notably enhanced by the new building. It will be truly an instrument of Divine use! Only with this addition can Monumental feel that it is fully meeting its present responsibilities and assuring its future.

MONUMENTAL CHURCH

- A new educational building of fire-proof construction TO REPLACE *the existing wooden, tinder-box structure.*
- ✓ A building intelligently planned for logical, functional use of space TO REPLACE *the inefficient, improvised arrangement of rooms which renders impossible a well-functioning church school.*
- A building which is modern in construction and materials, is durable, easily kept up, and attractive to the eye TO REPLACE *one which is deteriorating, always in need of expensive repairs, impossible to keep spic-and-span, and far from pleasing in appearance.*
- A building which will utilize modern developments in heating, lighting, ventilation, acoustical treatment, floor coverings, and so on TO REPLACE *a structure which is obsolete in these respects to an extent which few of us would permit in our own homes or places of business.*
- A building with corridors and stairways planned for convenience and safety, and scaled to the demands of both normal and emergency situations TO REPLACE *the present awkward and constricted passageways, and the dangerous stairways and exits.*
- A building which will give to every class the space it needs, with allowances for future growth TO REPLACE *the present quarters which are critically crowded in many departments, lowering the effectiveness of our teaching, and putting a ceiling upon our future growth.*
- A building which shall provide our splendid Church School teachers with the right kind of classrooms to perform an effective and satisfying job of teaching God's word TO REPLACE *our present classrooms which, too often, are crowded, noisy, unlovely, and, to a good teacher, discouraging and frustrating.*
- A building which shall also contain a chapel, fellowship hall, parlor, office space, choir rooms, up-to-date kitchen, and other needed facilities TO REPLACE *our present building which makes inadequate or no provision at all for these essential activities of a full-functioning church.*

IN THE FUTURE:

a building in which the members of Monumental Church can take pride; a building which will lift to a new level of effectiveness the service rendered by this Church in winning for Christ the hearts and minds of children, youth, and adults.

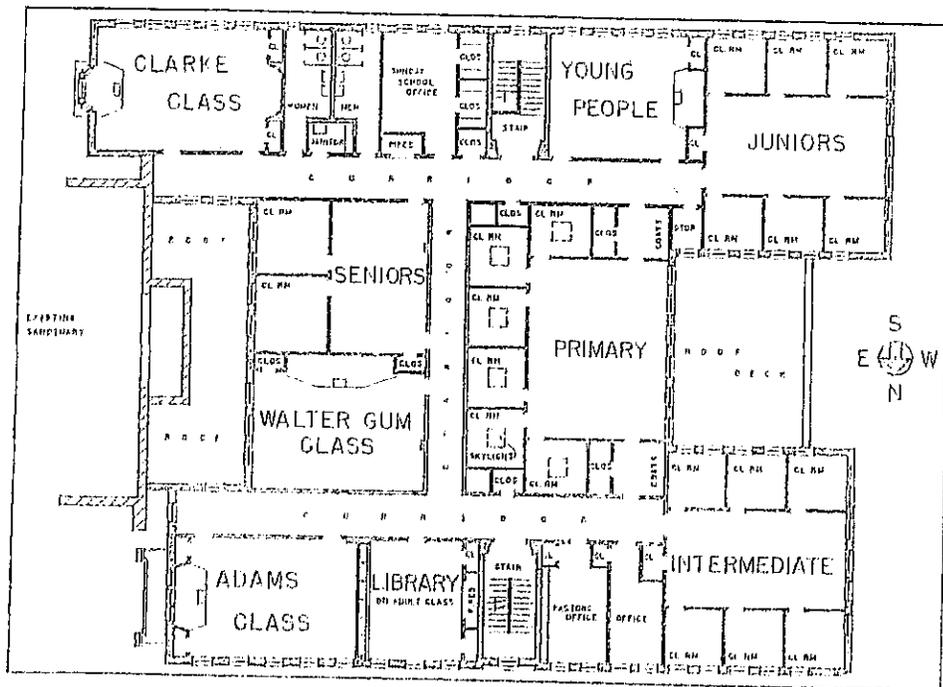


Architect - Foubler, Van

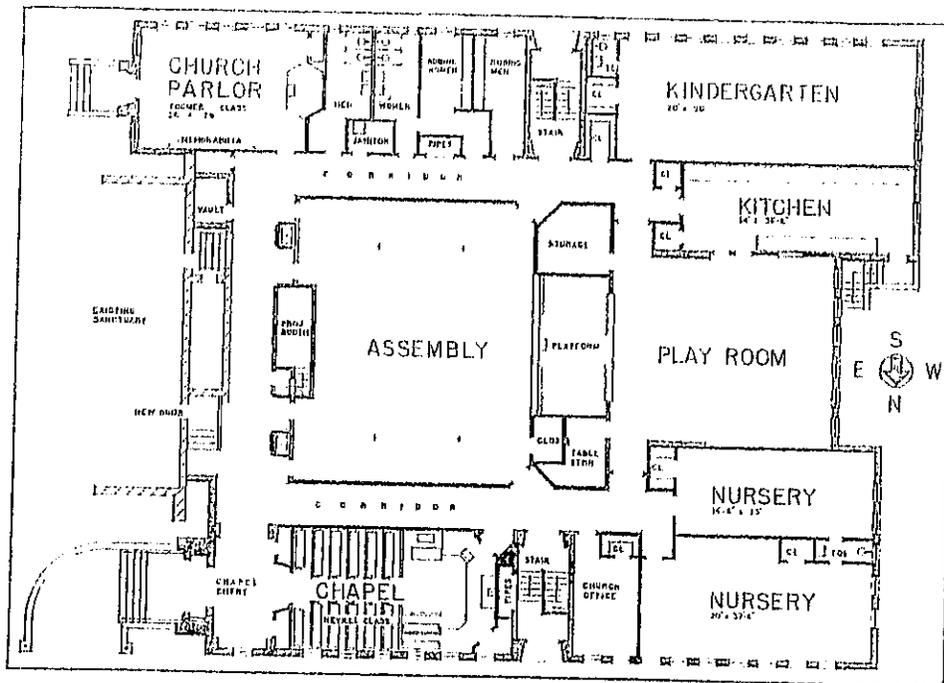
*DESIGNED TO SERVE THE PRESENT AGE,
AND FUTURE GENERATIONS AS WELL*

A thoughtful study of the accompanying plans will reveal how well-suited to our purposes the new building will be. Particular note should be taken of the following features:

- ▶ Four public entrances, two of them on Queen Street.
- ▶ Ample Corridors.
- ▶ Two broad, enclosed, fireproof stairways.
- ▶ A distinctive small Chapel.
- ▶ A 300-seat auditorium, stage and projection booth.
- ▶ A large fellowship, recreation and banquet hall.
- ▶ Storage rooms for folding tables and chairs.
- ▶ A church parlor with exhibition cases for historical memorabilia.
- ▶ Platforms and worship centers in several classrooms.
- ▶ Closets for each department for storing ^{and} teaching materials.
- ▶ Outside windows for almost every large ^{classroom}.
- ▶ For the Clarke Class room, a distinctive ^{and} treatment.
- ▶ Washrooms on each floor, and children's ⁱⁿ the nursery and kindergarten departments.
- ▶ A large kitchen with its own delivery entrance.
- ▶ Robing rooms for the choir.
- ▶ Proper provision for administrative offices.



SECOND FLOOR



FIRST FLOOR



LL.

and
in
down
for

WE CAN DO IT!

ALL MUST AGREE that the foregoing plans and description represent a thrilling proposal, but some may say: can we do it?

This question has been before the Board of Stewards and others during all the years when the plans and program were being formulated. They are convinced that it is possible — not easily, but through an outpouring of individual generosity such as has not been experienced at Monumental Church for at least a generation.

The cost of the proposed building cannot be accurately known until the final working drawings are put up for bids, but a rough estimate, based on the size and type of the structure, indicates that it will exceed \$200,000. Against this we have previous gifts to the building fund amounting to \$50,000. If we can raise the sum of \$150,000 in pledges paid over two and one-half years' time, the new building will be within reach.

A careful appraisal of the giving potential of the members and other friends of Monu-

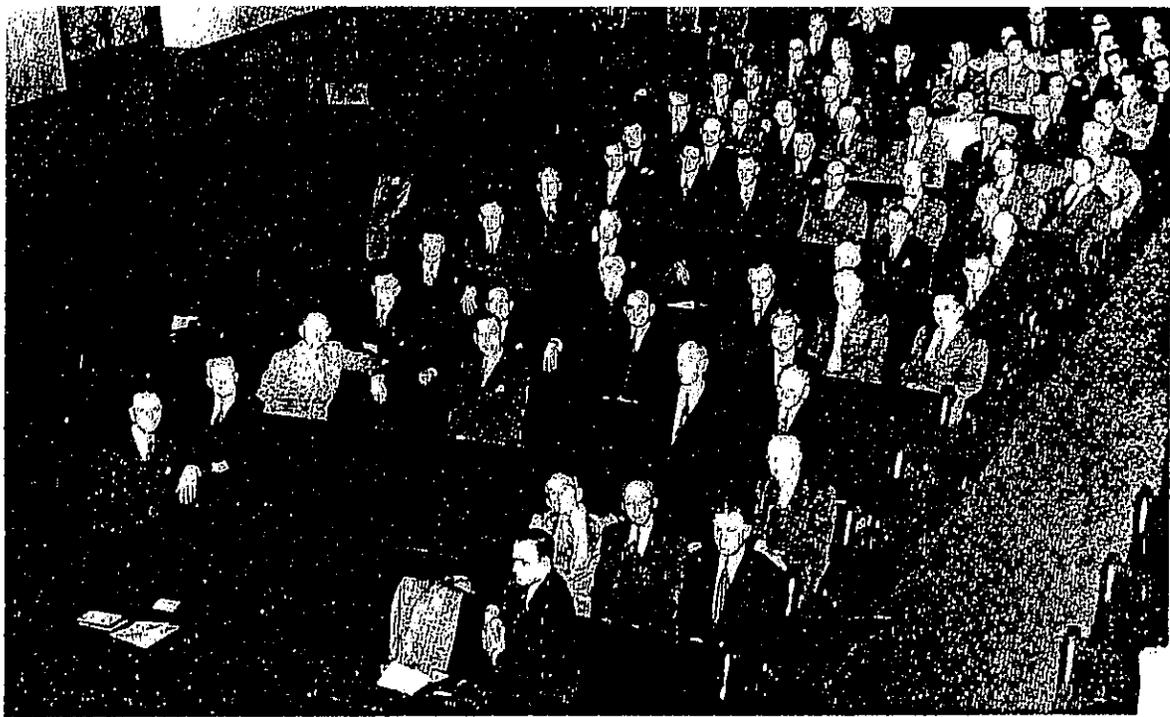
mental Church indicates that, together, *we can* give a sum of this magnitude. But, no statistics can prove that *we will* do it. The answer to that lies in the hearts of those who read these words. Do we really *want* this building strongly enough to put it ahead of some other things? If so, the funds will be forthcoming and Monumental's new Church School building will become a reality.

WE MUST RAISE OUR SIGHTS

A construction project such as this represents a *capital investment*, and calls for a *once-in-a-generation* scale of giving. Such amounts as we casually give to worthy causes on their annual appeals, or amounts which we can dispense easily without a second thought will never bring us a new building! Rather, we must think in terms of capital giving, and of subscriptions continuing over a period of time. For many of us, this means the most generous pledges we have yet made in our

LITTLE TOTS need more room than others, if we are to provide an interesting and varied program to lead them into a love of Jesus.





THE WEST CLASS, and all the other men of the Church as well, have it in their power to put Monumental's educational program on a modern and effective basis.

lives. But -- that is how churches are built! Other congregations all over Portsmouth have been doing this in recent years; today, it is our turn!

TWO KINDS OF GIVING

The experiences of other churches prove that two kinds of response are necessary for success. The first is a number of substantial "leadership" or "memorial" gifts from a relatively small proportion of the membership, but which will add up to the major portion of the total goal. The second requirement is that virtually everyone else shall make gifts to the project, usually in terms of "shares," as described on the last page.

To bring our project properly to the attention of every member and friend, committees have been organized so that someone will call on every household. It is confidently hoped and expected that everyone will have thought and prayed about this project and will be ready to respond "as the Lord hath prospered him." When it comes to God's work, no gift will be too small, but neither can it be too large!

MEMORIALS THAT LIVE

As are few other churches, Monumental is rich in memorials. The names of families and individuals who greatly loved their church are preserved by tablets in many sections of this historic church. There now comes an opportunity for a new generation of Monumental Methodists to add to this revered roster.

Our project offers many opportunities for members to make gifts designated for special rooms or other sections of the new building. Each contribution of this order will be recognized by a suitable marker which will record for future generations the name of the donor, or, if desired, the name of someone in whose beloved memory this contribution to God's work has been made. A list of such opportunities is given on the last page.

To each who is privileged to provide one of the rooms in the new building there will come the overflowing satisfaction of watching that particular room function week after week in constructive Christian service. Truly, these are memorials that live!

ANOTHER HISTORIC MILESTONE

THIS IS another milestone in the long and honored history of Monumental Church. Looking back, we can perceive how each of its forward steps was rewarded by the attainment of a new and greater dimension of service to our Lord and Master. Each new step was a venture of faith. But each time the people were aroused to outdo their own expectations; each time, the venture succeeded. Our church has a potential which has not really been challenged for a generation. But it is challenged now!

We are challenged by the need to provide the right tools for doing a better job in religious education than ever before. We are challenged by the desire to keep Monumental Church in the forefront of Virginia Methodism—a spearhead, a pace-setter in Christian faith and action. And we are challenged by memories of our forefathers who, in their day, labored and sacrificed to create the buildings

which we have inherited and used. As they served their day and generation, so must we, in our turn, *serve the present age!*

The attainment of our great goal calls for an unstinted outpouring of effort and the consecrated giving of money over a period of time. There are moments of private soul-searching at hand for each of us. But, when you who read these words have made your decision to participate with prayer, with work, and with your money to an extent which satisfies your innermost conscience, then this endeavor will be looked back upon as one of the shining experiences of your life.

As Monumental Church approaches this important milestone in its history, let us follow in the tradition of those devout people of Nehemiah's day, who cried:

The God of Heaven, He will prosper us; therefore we His servants will arise and build!



This children's future is far too precious to permit their religious upbringing to be handicapped by overcrowding. This is the challenge facing Monumental Methodist Church today.

INFORMATION - To Help You Make Your Gift

LEADERSHIP GIVING

A campaign for building funds rarely succeeds without the impetus of a number of substantial gifts. If made early in the campaign, such subscriptions are doubly important, for they also serve to encourage and raise the sights of the whole congregation. An analysis of the fund-raising success of other churches indicates that if we are to reach our maximum goal of \$150,000, "Leadership Gifts" (payable over three tax years) must be received about as follows:

1 gift of \$25,000
1 gift of \$15,000
2 gifts of \$10,000
4 gifts of \$ 5,000
15 gifts of \$ 2,500
25 gifts of \$ 1,000

MEMORIAL OR NAMED GIFTS

You may want to consider a gift not in dollars but in terms of a specific room in the new building. Every designated gift of this kind will be represented by a suitable plaque inscribed with the name of the donor or of the person or persons whom the donor wishes to memorialize through his subscription. Below is a suggested list of memorial or named gift opportunities:

Naming the Chapel.....	\$25,000
Assembly Hall.....	15,000
Fellowship and Recreational Hall.....	10,000
Church Pastor.....	5,000
Kindergarten Room.....	3,000
Nursery (large room).....	2,500
Clarke Room.....	2,500
Kitchen.....	2,500
Walter Gunn Room.....	2,000
Young People's Room.....	2,000
4 Department Assembly Rooms, each.....	1,750
Adams Class.....	1,750
Nursery (smaller room).....	1,500
Library.....	1,500
Pastor's Study.....	1,250
Church School Office.....	1,250
Church Office.....	1,250
Office (unassigned).....	1,000
18 Small Classrooms.....each	1,000
2 Choir Rooms.....each	500
Projection Booth.....	500

BUDGETING YOUR GIFT

The figure adopted as our goal was arrived at through an analysis of the giving capacity of our members spread over two and one-half years. Hence, any one-time cash gifts made in lieu of pledges will diminish our chance of success. The schedule for payments is optional; envelopes will be supplied for weekly, monthly, or quarterly payments. Or, annual or semi-

annual payments may be made if you prefer. The suggested two and one-half year (10 quarters, 30 months, or 130 weeks) period of payments will enable you to take income tax deductions in three annual tax returns.

THE SHARE IDEA

Those who cannot make Leadership or Memorial Gifts are asked to consider a subscription in terms of "shares." These are suggested units of giving, and are in two classes, as follows:

Class	Per Week	Per Month	Per Quarter	Total Pledge
Sponsor's Share	\$4.61	\$20	\$60	\$600
Builder's Share	\$2.31	\$10	\$30	\$300

Some may find that the gift of a half or other fraction of a Share will represent their utmost ability at this time, and such subscriptions will be equally appreciated.

That our children and young people shall have the character-forming experience of "sharing" in this undertaking, they are invited to find ways of earning money for one or more of the following shares which are open to boys and girls of school age:

Class	Per Week	Per Month	Per Quarter	Total Pledge
Youth's Share	.50	\$2	\$6	\$60
Children's Shares	.25c	\$1	\$3	\$30

GIFTS OF PROPERTY

Those who wish to give stocks or bonds (including U. S. Defense Bonds except Series F) rather than cash (and thus be relieved of a capital gains tax, if applicable) may transfer such securities to the Monumental Methodist Church Building Fund. Such gifts will be counted at their present market value, and this figure can be properly entered as a deduction in computing your income tax.

ENDURING RECOGNITION

To recognize those whose gifts played the major part in making possible the new educational building, it is proposed to place in a prominent location a plaque inscribed for perpetuity with the names of those who contributed to the project in terms of Memorials, Leadership Gifts, Sponsor's or Builder's Shares. Also, a Book of Remembrance will be compiled, listing the names of everyone, young and old, who made any financial contribution whatsoever. The opportunity will be enabled to read the names of all the people who in 1952, a club and gave together to build Monumental Methodist Church, and to read the names of all those who have since then contributed to the building fund. It may better serve the purpose if it may better serve the present.

Published March, 1952
Promoted Press, Inc.

MONUMENTAL METHODIST CHURCH

PORTSMOUTH, VIRGINIA

A. E. ACEY, *Pastor*

Committees:

CHURCH SCHOOL

L. W. HUGGINS, *Superintendent*

JAMES MINTZ, *Adult Division*

MRS. W. R. HARRIS, *Youth Division*

MRS. L. W. HUGGINS, *Children's Division*

BOARD OF CHRISTIAN EDUCATION

C. E. WISE, *Chairman*

DR. A. E. ACEY

L. W. HUGGINS

MRS. L. W. HUGGINS

E. S. MONROE

X. D. MURDEN

WILLIAM PEELE

MRS. W. R. HARRIS

WILLIAM H. HARRELL

J. REGINALD CARTER

MRS. J. E. SCOTT

JAMES MINTZ

MISS ANNE BRYANT

R. L. WYANT

MISS SALLY MAY HARDISON

J. PAUL HANBURY

BUILDING EXECUTIVE COMMITTEE

V. B. MURDEN, JR., *Chairman*

DR. A. E. ACEY

THOMAS K. LEWIS, SR.

R. STEVENS GIBBS

THOMAS H. BRADLEY

L. WAVERLY HUGGINS

ELMER S. MONROE

ROBERT P. BRITT

WM. P. LITSEY

CLARENCE E. WISE

R. E. HAWKS

JOHN E. SCOTT, SR.

OSCAR B. WOOLDRIDGE

CAMPAIGN ORGANIZATION

O. B. WOOLDRIDGE, *General Chairman*

ADVANCE GIFTS DIVISION

R. EDWARD HAWKS — HERMAN M. JONES
Co-Chairmen

GENERAL DIVISION

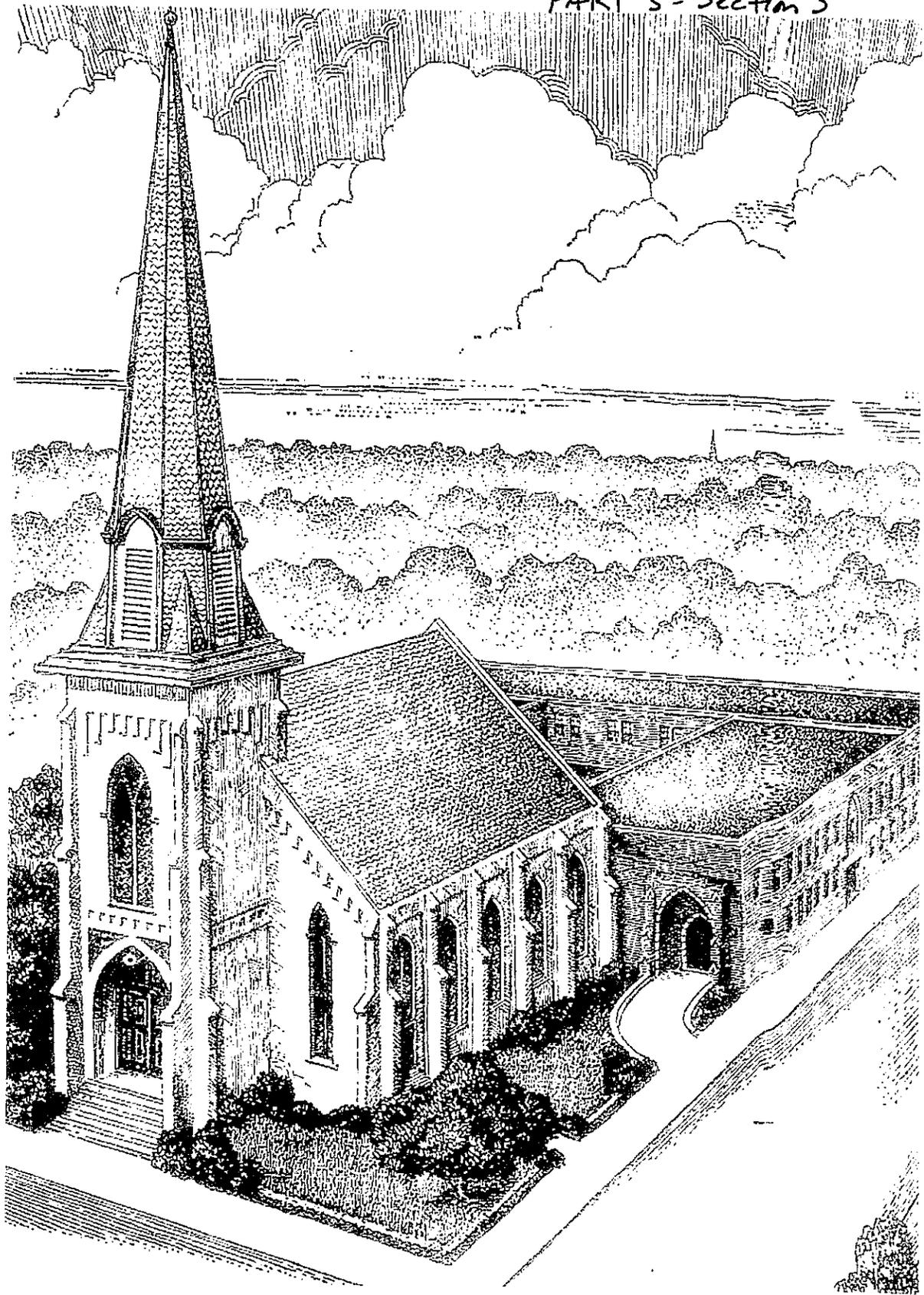
ALBERT C. BARTLETT — THOMAS H. BRADLEY
Co-Chairmen

(Other members of the Campaign organization now being recruited)



And all the people answered together, and said:
"All that the Lord hath spoken, we will do!"

Exodus 19:8.



Monumental United Methodist Church

Dedication Service

April 6, 1975

Program of Celebration

THE NOTE BURNING SERVICE

THE EDUCATIONAL BUILDING

April 6, 1975

THE ORGAN PRELUDE.....	Mr. Richard E. Barnes
THE CALL TO WORSHIP.....	The Pastor
THE HYMN—"The Church's One Foundation".....	No. 297
THE APOSTLE'S CREED.....	No. 738
THE WELCOME.....	Mr. Henry Bereck, Chairman, Council on Ministries
THE PASTORAL PRAYER.....	Dr. Carl W. Haley, District Superintendent
THE ANTHEM—"Let My Soul Rise in Song".....	Rhea
THE LESSON FROM THE HOLY SCRIPTURES.....	II Timothy 1:2-12
THE ORGAN OFFERTORY—Verne.....	Lynn
THE ANTHEM—"Gloria in Excelsis".....	Farmer
THE RECOGNITION OF GUESTS.....	Mrs. W. B. Spang, Sr., Chairperson, Missions
THE INTRODUCTION OF THE SPEAKER.....	Mr. X. D. Murden, Chairman, Administrative Board
THE SERMON—"Affirming Our Faith".....	Dr. Archie G. Acey
THE HYMN—"Onward Christian Soldiers".....	No. 305
THE FAREWELL MESSAGE FROM THE MORTGAGE	
THE BURNING OF THE CHURCH MORTGAGE.....	Leader: Dr. R. Orman Bryant

Leader: Blessed be the Lord God who does wondrous things.

People: Blessed be his glorious name forever and ever. Being graciously prospered by the hand of our God in lifting the burden of debt from this Church, we now, with joy in our hearts, are about to transform these cancelled mortgages, the symbol of our completed task, into the incense of prayer and thanksgiving.

Leader: In love for Monumental Church, and in reverent memory of all those who by their services and sacrifices down through the years have bequeathed to us such valuable and beautiful properties,

People: We enter into this service.

Leader: With grateful appreciation of the generosity of members and friends, of the earnest and fruitful labors of organizations, and of the untiring services and prayers of the officers and ministers of this church,

People: We gratefully share in this experience.

Leader: With a prayer that God shall continue to guide us with wisdom, bless us with a spirit of loyal unity, and inspire us to use our precious heritage to draw men unto himself,

People: We acknowledge that apart from Him we can do nothing.

Leader: Dedicating ourselves anew to the work and support of Monumental Church, and through it to the extension of the Kingdom of our Lord and Savior, Jesus Christ, throughout this our community, our city, our nation and our world,

People: We now burn these mortgages in the name of the Father, and of the Son, and of the Holy Spirit. Amen.

(While the photostat of the canceled mortgages burn, the congregation rises to join in the Doxology)

THE NOTE BURNING PARTICIPANTS

FOR THE DISTRICT.....	Dr. Orman Bryant, Dr. Carl Haley, The Rev. Dabney Wallers
FOR THE CHURCH.....	Mrs. X. D. Murden
FOR THE ADMINISTRATIVE BOARD.....	Mr. John E. Scott
FOR THE CHURCH SCHOOL.....	Mrs. G. G. Burroughs, Mrs. Blanche Sadler
FOR THE BUILDING COMMITTEE.....	Mr. V. B. Murden, Jr.
FOR THE FINANCE COMMITTEE.....	Mrs. O. B. Woolbridge
FOR THE YOUTH.....	Miss Sharon Hard

THE HYMN—"Breathe on Me Breathe of God"..... No. 133

THE BENEDICTION..... The Pastor

THE POSTLUDE..... Mr. Richard E. Barnes

Greeting you this morning: Mrs. E. S. Monroe, Mrs. W. B. Spang, Sr., Mr. V. B. Murden, Jr.

Ushers today: Team No. 1 Warren Failes, Head Usher; Mack Barbour, Art Coberly, Jr., Jobe Harrell, Bill Harrell, Sr., Bob Keirn, Larry Lowe, Jim Mosley, John Nix, John Williams.

Acolyte today: Miss Sherrie Lorber.

Appreciation is extended to Mr. and Mrs. A. T. Harvey, Jr., Chair Persons and the ladies who assisted them in preparing the lunch.

Appreciation is extended to VIRGINIA FEDERAL SAVINGS AND LOAN ASSOCIATION for this printed program. Virginia Federal, through its Chairman of the Board, Mr. R. Edward Hawks, congratulates Monumental on this momentous occasion. The confidence and faith of Virginia Federal in the Monumental congregation, then and now, has been fulfilled by the termination of the deed of trust.



OUR PURPOSE

In placing in use the new educational building, it was stated at the Consecration Service, that the presentation of the building was not to Monumental Church, or to Methodists alone, but to all of Portsmouth, with special attention to the over all needs of the downtown community. In the twenty years since that statement was written, the educational unit has been a center of downtown activity and has proven useful to all who recognize the Church of God as a necessary part of any worthwhile community progress. With praise and gratitude to those who have gone before us, with prayerful joy for those who now serve with us, and with faith in those who come after us, Monumental United Methodist Church celebrates a NOTE BURNING and dedicates itself to the unfinished tasks that lie ahead.

WELCOME

It is a real joy to welcome members, friends, former members and former pastors to our NOTE-burning celebration today. The completion of a twenty year indebtedness on our educational building and parsonage is a milestone in the life of the church, and a tribute to a great many. It has become a reality through the loyalty, love and sacrifice of a people called MONUMENTAL, some of whom did not live to realize this dream, but the fruits of their work we dedicate today.

We extend a cordial greeting to three former pastors: Dr. Archie Acey (1948-52), our guest preacher, Dr. and Mrs. George Lightner (1952-64), and Dr. and Mrs. John Owens (1964-67). Special guests also include Dr. and Mrs. R. Orman Bryant, District Superintendent twenty years ago, our present District Superintendent, Dr. Carl W. Haley and Mrs. Haley, and several members and former members who were active on committees twenty years ago.

A brief history spot-lighting committees and the planning of the educational unit, has been compiled by Mrs. E. S. Monroe, church historian and is included with your bulletin. It is hoped that you will enjoy reading it and the copy of the CORNER STONE service of March 20, 1955, from which our Worship Service today has been adapted.

The congregation is invited to LUNCH immediately following the morning service as guests of the church. Following lunch, there will be an informal sharing of reminiscences by the visiting former pastors, a brief history by Mrs. E. S. Monroe, and an audio-visual presentation by Mr. Frank Culpepper, Jr.

TO OUR GUESTS:

The participants in the Note-Burning Service are asked to sit on the front center pew. All other special guests returning are asked to sit on the three pews immediately behind the first pew.

OUR CHURCH FAMILY

Portsmouth General Hospital: Mr. Lloyd Vincent, Mr. E. C. Allen, S. Maryview Hospital: Mr. Carl George, Mr. James Mizzell

OUR OPPORTUNITIES

Sunday

- 9:30—Church School
- 10:35—Fellowship Hour
- 11:00—Morning Worship, Lunch, Program

Monday

- 10:30—UMW Executive Committee meets
- 7:30—Commission on Education meets

Tuesday

- 2:00—Ruth Mayhall Circle with Mrs. E. E. Woodhead

Wednesday

- 7:30—Betty Whitehurst Circle with Mrs. A. J. Lancaster, Jr.
- 8:00—Miriam Gruber Circle with Mrs. Frank Roberts

Thursday

- 7:30—Chancel Choir rehearsal

Friday

- 2:00—World War I Veterans and Auxiliary

A BRIEF HISTORICAL GLANCE

To look through the pages that record past events at Monum United Methodist Church, is to look at a church meeting one great challenge after another. During the pastorate of Dr. W. O. Wright (1940-44) a discussion about a much needed educational building came up. Comm were appointed to see about the feasibility of such an undertaking, a venture of faith. However, the plan did not materialize until the past of Dr. Archie E. Acey (1948-52) because of the outbreak of World War II. With the cession of the conflict, the question was again raised.

The records show that on January 9, 1950 Mr. L. W. Hudgins reported that progress was being made on securing plans for a new Sunday S

Building. In May, Mr. Elihu White, chairman of the board, was asked appoint a committee to be in charge of the project. This was done and the September minutes the following committee was listed:

Chairman: V. B. Murden	W. P. Lifsey
R. P. Britt	E. S. Monroe
L. W. Hudgins	O. B. Wooldridge
A. L. Jameson	Dr. Acey

The following June, after much preliminary work, Mr. Murden reported progress. In September, 1951, it was decided to hold a drive for funds, and O. B. Wooldridge was made chairman of the drive. In January, 1952, after research, it was decided to employ a firm that specialized in such work to spearhead the drive. O. B. Wooldridge appointed two committees to ask for gifts, an advance gifts committee headed by R. Edward Hawks and Herman Jones, and a general committee led by Al Bartlett and Tom Bradley. After a kick-off dinner in April the two groups reported \$129,175.60 had been pledged by May 5th.

About this time John West and Euclid Hanbury were named to the building committee at the request of the chairman, V. B. Murden. Dr. Horace Cromer was now the pastor. The first of the next year plans were drawn up, which after some revisions, were accepted and a contract was authorized in September, 1953 with the stipulation that the edited plan should be completed by December 1st.

In April of 1954, bids were sent out and the R. R. Richardson Co. submitted the lowest bid, \$263,870, which was accepted. The architects Rudolph, Cooke and Van Leeuwen received a fee of over \$10,000.

Work was begun at once. The old building was torn down, the building which housed the members after the War Between the States until the present church was built, and which was then used for the Sunday School.

By March of the next year, work had progressed enough for the cornerstone to be laid. Dr. Acey was serving another pastorate and Dr. Cromer had been at Monumental since November, 1952. On that Sunday, March 20, 1955, Dr. W. A. Wright preached the sermon at the morning services. Dr. Orman Bryant, the District Superintendent, represented Bishop Garber who was unable to attend and the Rev. W. G. Bates, our own superannuated member, had a part in the laying of the cornerstone.

After the sermon a procession was formed which marched from the front of the church around on Queen Street to where the ceremony took place. Peggy Hargroves and Richard Bartlett carried the American flag and the church flag. Judy Greene and Sarah Dill Hudgins carried memorabilia to be placed in the stone. The ministers, church school officers, church stewards and other workers followed, along with members of the church to see the objects placed in the stone by L. W. Hudgins. The crowd watched and listened in reverent attention as the services were concluded.

According to the brief history printed in the March 1955 program, it was the desire of the congregation that the new building would strengthen the Christian Church by its service. Such has been the case across the intervening years. Today, April 6, 1975, we commend the earlier congregation and honor those who participated in the Corner Stone service on March 20, 1955, by using the same service of worship used on that occasion. In dedicating our \$300,000 educational building and \$50,000 parsonage, we commend the faith and vision of the people called MONUMENTAL, and dedicate ourselves to the unfinished tasks that lie ahead.



No. ~~400~~ **450** *Winnadie* St.

Owner or Occupant *Monumental Methodist Church*

Located on *Green* Side, Near *Green* St.

Class of Building *Church & Sunday School.*

Service ~~100-AMP 3-Phase~~ *New HOOP- 3 Meters*

CONTRACTOR	Date	Permit	Wiring	Outlets	Sockets	Circuits	Motors H. P.	Range K. W.	W. Heat K. W.
<i>Make inspection of</i>									
<i>Mech. Eng. Corp.</i>	<i>9-14-55</i>	<i>6641</i>	<i>Cond.</i>	<i>300</i>	<i>210</i>	<i>42</i>	<i>9HP</i>	<i>Newcastle</i>	
<i>James O. Storer Co.</i>	<i>8/31/60</i>	<i>3905B</i>	<i>Ext.</i>				<i>86HP</i>	<i>fractional</i>	
<i>Roane W. A.</i>	<i>8-4-75</i>	<i>5714E</i>	<i>CHOR LOFT</i>	<i>6</i>					
<i>Nelson & Smith</i>	<i>9-15-81</i>	<i>13317</i>	<i>Heat</i>			<i>17</i>			
<i>Donald O'Hawkin</i>	<i>10-25-81</i>	<i>13678</i>	<i>Elevator</i>						
									<i>400</i>
									<i>See ref. both inst</i>



Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

Exhibit B

Evidence of Continued Use
As a Childcare Facility



Monumental United Methodist Church

450 DINWIDDIE STREET
MonumetnalUMC.office@gmail.com

PORTSMOUTH, VIRGINIA 23704
757-397-1297

September 9, 2014

Director Douglas Smith
Department of Permits and Inspections
City Hall Building
801 Crawford Street, 4th floor
Portsmouth, Virginia, 23704

Dear Mr. Smith,

The purpose of this letter is to provide some clarification about the use of our church building located at 450 Dinwiddie Street. The educational wing of our church, which Operation Restore Dreams would occupy, was built in 1958 and was designed for the care of children from birth through young adulthood. Since that time, we have continually used that portion of the building to provide safe care for children.

Recently, we have developed a partnership with Operation Restore Dreams and consider their project an integral part of our ministry. While we respect the importance of current building codes, we believe we would be "grandfathered" from the strict application of the current codes due to the fact that this facility was built, and has continually been used, for the same purpose that Operation Restore Dreams has. If Operation Restore Dreams is unable to use this space, we would consider that a terrible setback of our current ministry.

We appreciate your consideration in this matter. Please do not hesitate to contact me should you have additional questions.

Sincerely,

Joe Cailles, pastor
Monumental United Methodist Church

Testimonial

September 8, 2014

To whom it may concern,

I confirm that at MONUMENTAL UNITED METHODIST CHURCH, the Fellowship Hall and Instructional Building have been used for educational purposes since their construction back in 1955. Nursery services, art and music school, home schooling programs, academic support, GED, Special Education programs, summer school programs, etc. have taken place on weekends and week days. These are open to the public from ages from birth throughout adulthood, as a response to the needs of church members and the community.

I confirm that the program OPERATION RESTORE DREAMS, located in the church's classrooms, under the same premises, is an extension of the ministry at this church, and it has the objective to continue with the same educational use and goal that has been in place.

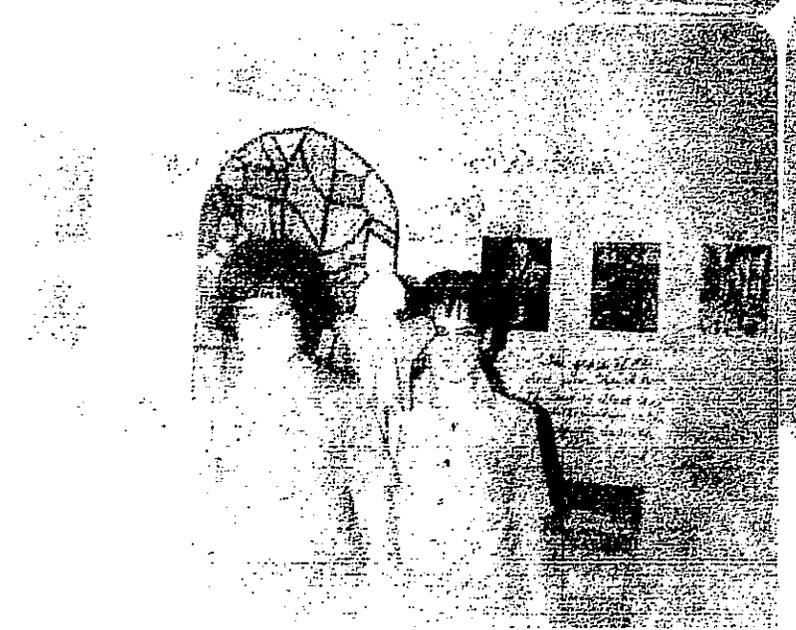
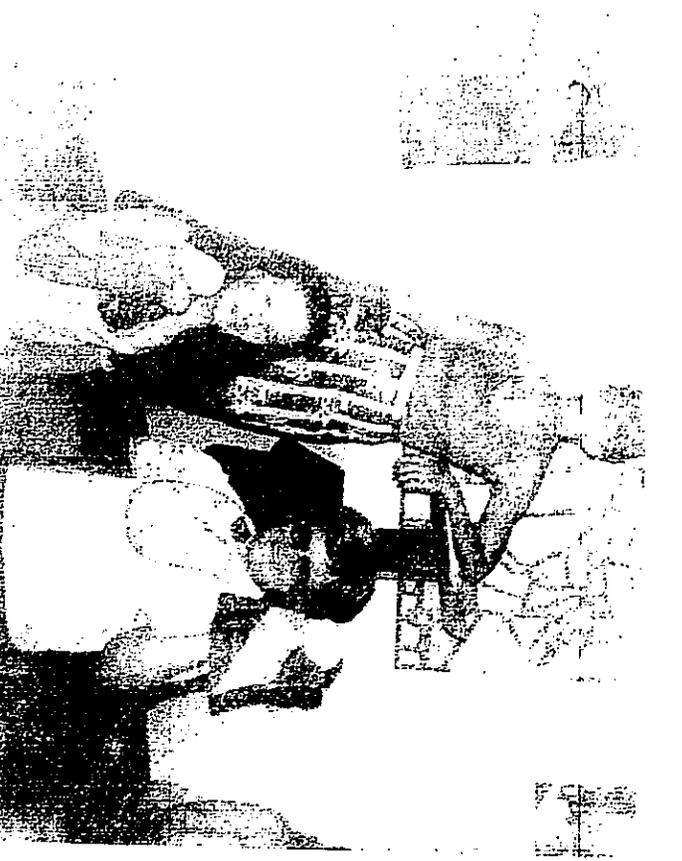
Please, do not hesitate to contact me for additional information.

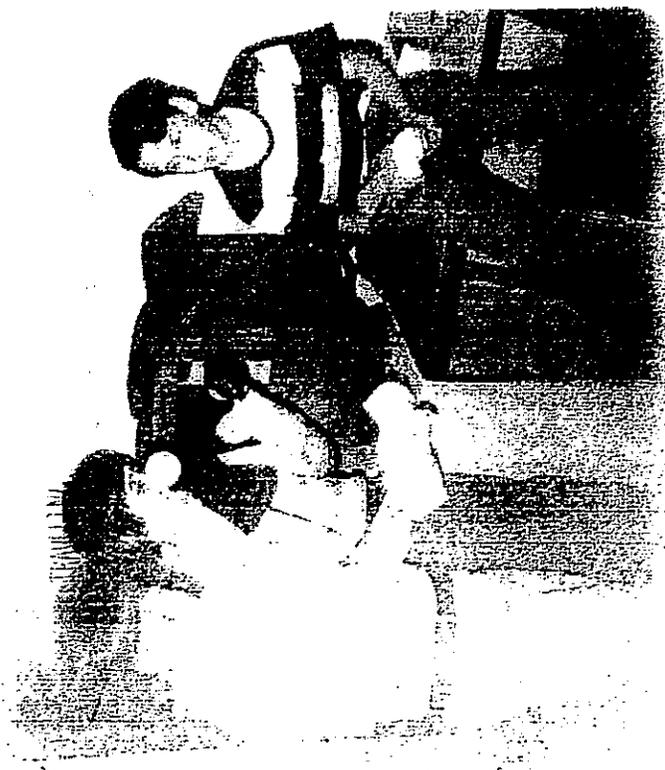
Yours faithfully,

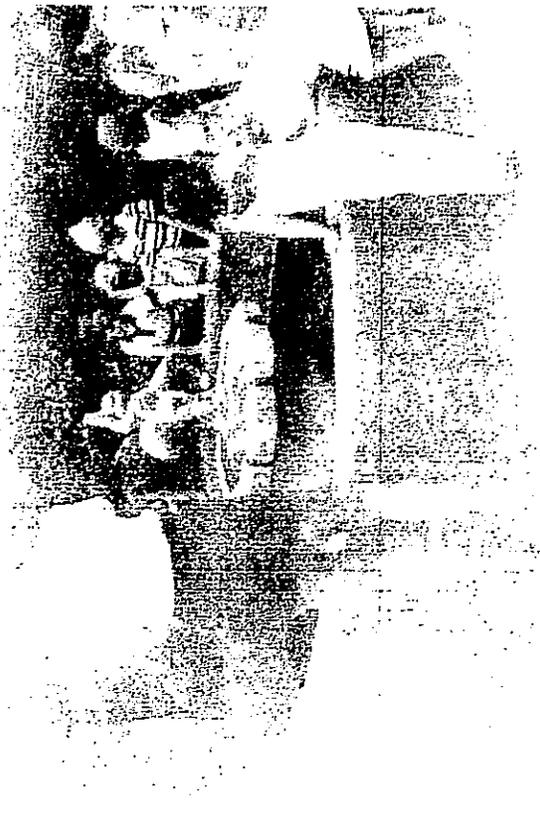


MARGARET WINDLEY
MUMC HISTORIAN

Phone: 757-393-1534
e-mail: mw777@verizon.net











Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

Exhibit C

History of
Childcare Licensure Requirements
In the State of Virginia

COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES



LOCAL BOARD MEMBER HANDBOOK

March 2012

INTRODUCTION

HISTORY AND PURPOSE OF SOCIAL SERVICES IN VIRGINIA

In contrast to the popular image of public welfare as a phenomenon of the last fifty years, the Commonwealth of Virginia has wrestled with the issue of the disadvantaged for more than three centuries. Early efforts included an Act in 1646 to establish a workhouse for the care and vocational education of poor children and a governmental child welfare program in 1661. Generally, Virginia followed the English almshouse system in dealing with its poor and dependent citizens. Almshouses were found in most Virginia parishes and counties in 1760.

In 1908, the State Board of Charities and Corrections was created by the Virginia General Assembly. Subsequent statutes ascribed more executive power to this board. In 1922, it was further strengthened and was renamed the State Board of Public Welfare. The position of the Commissioner of Public Welfare was established at this time. The Reorganization Act of 1922 also:

Provided for local welfare units, where they are deemed expedient, each consisting of a juvenile and domestic relations court, a board of interested citizens, and a full-time, trained social worker or superintendent of public welfare.

With the 1929 stock market crash and its tragic aftermath came increased recognition of the necessity of government involvement to help individuals who were in need. The landmark Social Security Act was passed by the federal government in 1935. It established three categorical assistance programs: Aid to Families with Dependent Children, Old Age Assistance and Aid to the Blind. Subsequently, two other categories were added: Aid to the Permanently and Totally Disabled, in 1950 (since dismantled) and Medical Assistance for the Aged (now under Medicaid), in 1960.

As federal involvement and funding grew, state involvement and organization increased. The state began to provide matching funds to reimburse part of the local costs. While the establishment of local agencies had been optional before, the Virginia Public Assistance Act of 1938 required every political jurisdiction to have local departments of public welfare, offering relatively uniform services. The beginning of our present system of a state supervised, locally administered welfare program was set in motion. In 1948, the State Department of Welfare and Institutions was created ("Institutions" meant the correctional system and its facilities).

* MUMC *

The 1960s saw the declaration of a "War on Poverty" by Presidents Kennedy and Johnson which increased the complexity of requirements and regulations and required the development of monitoring and reporting procedures.

To better keep up with these increasingly complex issues, the State Department of Welfare and Institutions created regional offices to assist the localities. In July 1974, a separate Department of Welfare was established (Code of Virginia, § 63.2-200) and a nine member State Board of Welfare also was established to advise the

History of the Virginia building codes.
Call the local code enforcement Office.
www.vafire.com/state_fire_marshall/1997 - Virginia public building -

~~Commissioner and to make such rules and regulations necessary to carry out the purposes of Virginia's social services legislation.~~

Since its designation by the Governor to be the single state agency for administering federal welfare programs, VDSS is subject to pertinent federal regulations. The state is held responsible and accountable to assure that the required programs and guidance documents are performed as required by the applicable regulations.

In 1982, the General Assembly changed the name from the State Department of Welfare and Institutions to the Virginia Department of Social Services (VDSS).

SIGNIFICANT YEARS IN THE DEVELOPMENT OF SOCIAL SERVICES

- 1908 The State Board of Charities and Corrections was created.
- 1922 The state board was changed and renamed State Board of Public Welfare.
- The state created the Commissioner of Public Welfare.
- Units of public welfare were created with Directors, Social Workers, Domestic Relations Court and Welfare Board.
- 1935 As a result of the 1929 stock market crash, the government became more involved in welfare.
- The landmark Social Security Act was passed and it established programs for Aid to Families with Dependent Children, Old Age Assistance and Aid to the Blind.
- 1938 The Virginia Public Assistance Act was passed that required every political jurisdiction to have a local Department of Welfare.
- 1948 The State Department of Welfare and Institutions was created.
- 1950 A program called Aid to the Permanently and Totally Disabled was added, but later dropped.
- 1960 Medical Assistance for the Aged was added to the list of programs being administered by the Department of Welfare.
- 1964 A Medicaid Program was created and President Johnson made a declaration of the War on Poverty.
- 1974 The Department of Welfare separated from institutions and a nine member State Board of Welfare was created.

- 1982 The General Assembly changed the name from Department of Welfare to Department of Social Services.
- 1988 The first attempt at welfare reform was signed into law as the "Family Support Act." The Act was created to move people off welfare by providing transportation, child care, medical care and education. The idea was that education and training would prepare those on welfare to move into the work force.
- 1995 The U.S. General Accounting Office reported that only 11% of the 4.6 million people receiving Aid to Families with Dependent Children (AFDC) were participating monthly in any of the education, training or job search programs set up by the 1988 Act. Efforts began to let states develop their own welfare reform programs with a "work first" requirement. Virginia began its welfare reform program in July 1995 and subsequently recommended further changes in welfare reform.
- 1996 Federal legislation was signed into law as the Welfare Reform Bill that requires work for benefits with a five year lifetime limit.

VDSS is designated as the single state agency for administering federal welfare programs and is held accountable for such programs. Virginia is one of a few states that allow localities to administer federally assisted programs under the state's supervision. There are 119 local departments, five regional offices and the VDSS Home Office in Richmond established for the administration of social services in the state of Virginia.

Welfare Reform

The federal Family Support Act of 1988 introduced significant changes in major social services programs. The Family Support Act consists of seven titles:

Title I	Child Support and Establishment of Paternity
Title II	Job Opportunities and Basic Skills Training Program
Title III	Supportive Services for Families
Title IV	Related TANF Amendments
Title V	Demonstration Projects
Title VI	Miscellaneous Provisions
Title VII	Funding Provisions

Virginia Initiative for Employment not Welfare (VIEW)

In 1994 the Virginia General Assembly passed legislation that provided comprehensive welfare reform. The Virginia Independence Program (VIP) began on July 1, 1995. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) that required all states to begin Welfare Reform in 1996. Virginia began requiring TANF clients to be involved in a work activity in July



Operation Restore Dreams

A PROGRAM FOR EARLY CHILDHOOD EDUCATION

Exhibit D

Evidence of Need for Childcare
Organizations in Portsmouth

PilotOnline.com

Day care for babies - it's costly, if you can find it

By Amy Jeter
 The Virginian-Pilot
 © March 31, 2008

They might start with flattery, then offer cash. They sometimes drop social connections and pull out photos of their adorable babies.

Some couples even get their names on a child care waiting list before they're pregnant.

Parents-to-be in South Hampton Roads will try almost anything to land the right day care for their infant. But in a market where demand for quality child care far exceeds the supply, nothing is guaranteed.

"The truth of the matter," said Katharine Kersey, director of the Old Dominion University Child Study Center, "is you may never get here."

Finding infant care is a problem around the country, and competition for coveted slots in local facilities is just as fierce.

About 28 percent of child care programs in South Hampton Roads offer care for babies younger than 12 months, according to a 2006 study commissioned by Smart Beginnings South Hampton Roads, the latest year for which statistics are available. About 1,050 programs operate in the five cities.

That added up to about 3,400 spaces on the Southside, where more than 16,400 babies were born in 2006.

Since the early 2000s, the number of local births has been on an upswing, as it has been statewide. Suffolk saw an increase of nearly 25 percent from 2001 to 2006.

Day care providers have witnessed the boom firsthand.

"There's just a huge, huge need for quality infant care," said Krista Riddick, the director of Main Street Day Care in Suffolk, where the next available infant spot is in July 2009.

Not all babies will compete for slots; some will stay at home with their mothers or relatives. Others will spend months on a waiting list. If their parents are

INFANT CARE IN SOUTH HAMPTON ROADS

Local birth rates are on the rise, but local day care providers have room for only a fraction of the region's infants.

	2006 BIRTHS	2006 CHILD CARE SPACES	PERCENTAGE OF BIRTHS SERVED
Chesapeake	2,920	700	23.9%
Norfolk	4,036	774	19.2%
Portsmouth	1,744	337	19.3%

lucky, most of that	Suffolk	1,190	197	
time will pass before	Virginia Beach	6,567	1,433	
the newborn arrives.	South Hampton Roads	16,457	3,441	

"I have on two occasions found out the mom was pregnant before the dad did," said Jean Rockwell, director of Norfolk's Mustard Seed Child Care Center, where the infant room's waiting list exceeds 90.

Directors say infants are harder to place because the state requires at least one adult for every four children younger than 16 months old. That means infant classes tend to be smaller than other preschool rooms, where the required ratio is 1 to 10.

Because of the stricter standards, infant rooms often lose money, said Toni Cacace-Beshears, chief executive officer of Places and Programs for Children, which operates four Children's Harbor child care centers in South Hampton Roads.

The going rate for full-time infant care in South Hampton Roads ranges from \$87 to \$165 a week on average, depending on the city and the type of provider, according to another Smart Beginnings report from 2006.

That covers only a fraction of the true expense of providing the care, Cacace-Beshears said.

"In a perfect world, we would be getting paid what it costs, so we're not losing money on infants," she said. "That's looking at parents being able to pay \$300 to \$500 a week for an infant. How reasonable is that in this market?"

Even parents who are able to pay top dollar say the search is frustrating. Some centers

offer space only on a first-come, first-served basis. Others give preference to siblings of children already attending or to congregation members if the center is affiliated with a church.

Even parents with connections are sometimes shut out.

Leslie Crocker thought her status as an Old Dominion graduate and an alumnus of the university's child care center would work in her favor when she sought care for her daughter during her maternity leave in fall 2006. Also, her uncle is an adjunct professor at ODU.

It didn't matter.

Ultimately, Crocker decided to stay home and care for her daughter and to serve as a nanny for another infant because she couldn't find another option she liked more.

Smith, Doug

From: Smith, Doug
Sent: Wednesday, October 22, 2014 2:59 PM
To: 'Justin Verville'
Cc: Brinkley, Bruce; Godfrey, Brannon
Subject: RE: 450 Dinwiddie Street

Justine,

Please write a detailed explanation of exactly what you are requesting from the information you have provided, including what type of program you propose and the number and ages of the children involved. Include supervision and licensure requirements or proposals. In that way I can answer your request specifically and use the information provided to rationally explain my decision. The cover letter you provided does not provide me with enough detail of the program to accomplish this.

Operation Restore Dreams

Portsmouth Location : 450 Dinwiddie Street- Monumental United Methodist Church

Operation Restore Dreams is a non-profit early childhood education program that focuses 100% on the most at-risk infants in Portsmouth. (www.operationrestoredreams.com) Specifically, we start with pregnant school-age girls in the Portsmouth school system. The program starts with mentoring... followed by pre-natal education... with a strong emphasis on nutrition. We then provide an opportunity for these girls to stay in school (presently, 90+% of pregnant girls in Portsmouth schools dropout... because of no child care opportunities), while we care for their infants after child birth – we then continue to care for their babies through age 3. The program for the babies is what will occur at 450 Dinwiddie Street. We are a 100% free program for these girls. We will be a licensed Child Day Center and/or a certified Nursery School or Preschool. The babies are to be with us from 7 am until 3 pm, M-F. Based on state licensure restrictions (size of outside play area, specifically), 24 babies will be our limit. Of the 24, probably 20 will be < 2.5 years of age. Of course, state child care code requires a staff to baby ratio of 1:4.

What we need for licensure:

We have our state license application complete except for the following items...

- Zoning clearance: Zoning is saying we need a certificate of occupancy first... there is no CO on record with the city for 450 Dinwiddie Street. They also say we need approval from you first
- Asbestos management plan: Ready to go... testing complete... just need to spend the \$750 – waiting on your approval first
- Fire marshal inspection: Fire marshal has visited and is happy with the space... just says a zoning clearance is required before he can perform an official inspection
- Health Department inspection: Want zoning clearance done first
- Building Official form: Will include VUSBC Group Classification, Maximum Occupancy Load (including staff)

Looking at all codes, the only limitation right now is fire suppression system. Again, we believe the church should be grandfathered since it was built for a purpose similar to ours, has been used for purposes similar to ours since it was built, and was built before these codes were established. Most importantly, we do not believe we are assuming ANY undue risk. Let's be honest... the building was built with asbestos... for the exact purpose of making it virtually fire proof. The asbestos is not a problem. Everything is in very good shape... and, we have been inspected and a management plan will be in place (as required for state licensure).

Attached is a copy of our zoning clearance application, floor plans, as well as the Building Official evaluation/inspection form.

Please let me know if you need additional information. Again, I really appreciate all of your help! I hope you have a great day. Exhibits and evidence attached.

Smith, Doug

From: Smith, Doug
Sent: Monday, October 27, 2014 6:00 PM
To: 'Justin Verville'
Cc: Merhige, Bob; Stromberg, Burle; Brinkley, Bruce; Godfrey, Brannon
Subject: Operation Restore Dreams
Attachments: PORTSMOUTH BOARD OF BUILDING CODE APPEALS.doc; Operation Restore Dreams.PDF

Justin,

Please see attached PDF with an explanation of my decision and the attached Appeals application

Douglas K Smith

**Douglas K. Smith, MCP; Building Official
Director of Permits and Inspections
801 Crawford Street, Fourth Floor
Portsmouth, VA. 23704
757-393-8531**