

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 20, 2020 - 10:00am (Virtual Meeting)

<https://vadhcd.adobeconnect.com/lbbca/>

- I. Roll Call **(TAB 1)**
- II. Approval of September 18, 2020 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
  - In Re: Timothy Dolan  
Appeal No 20-01
- IV. Public Comment
- V. Appeal Hearing **(TAB 4)**
  - In Re: Sidney Harris  
Appeal No 20-02
- VI. Interpretation **(TAB 5)**
  - In Re: Modification for elevator, escalators, or similar conveyances
- VII. Secretary's Report
  - a. Consideration of the 2021 Meeting Calendar **(TAB 6)**
  - b. January 2021 meeting update

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

**James R. Dawson, Chair**  
(Virginia Fire Chiefs Association)

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

**Vince Butler**  
(Virginia Home Builders Association)

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

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

**Christina Jackson**  
(Commonwealth at large)

**Joseph A. Kessler, III**  
(Associated General Contractors)

**Eric Mays**  
(Virginia Building and Code Officials Association)

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

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

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

**Aaron Zdinak, PE**  
(Virginia Society of Professional Engineers)

**Vacant**  
(Commonwealth at large)

**Vacant**  
(Electrical Contractor)

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1                                   **STATE BUILDING CODE TECHNICAL REVIEW BOARD**  
2                                   **MEETING MINUTES**  
3                                   **September 18, 2020**  
4                                   **Virtual Meeting**

5                                   <https://vadhcd.adobeconnect.com/lbbca/>  
6

Members Present

Members Absent

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

Mr. Vince Butler

7 Call to Order

The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Secretary Travis Luter.

11 Roll Call

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

15 Approval of Minutes

The draft minutes of the July 17, 2020 meeting in the Review Board members’ agenda package were considered. Mr. Payne moved to approve the minutes as presented. The motion was seconded by Mr. Pharr and passed unanimously.

20 Final Orders

Appeal of Kristie Sours Atwood and Buracker Construction  
Appeal Nos. 19-05; 19-06; and 19-07:

After review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Monday moved to approve the final order with the suggested editorial change to strike the word “the” in line 193 of page 33 of the agenda package. The motion was seconded by Ms. Jackson and passed with Messrs. Kessler and Payne abstaining.

Culpeper County; Appeal No. 19-09:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve

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34 the final order as presented. The motion was seconded by Mr. Zdinak  
35 and passed with Messrs. Witt and Pharr abstaining.

36  
37 Appeal of ZAAKI Restaurant and Cafe; Appeal No. 19-11:

38  
39 After review and consideration of the final order presented in the  
40 Review Board members' agenda package, Ms. Jackson moved to  
41 approve the final order with the suggested editorial change to add "ed"  
42 to the word enter in line 69 and to add the letter "d" to the word issue  
43 on line 77 both on page 55 of the agenda package. The motion was  
44 seconded by Ms. Monday and passed with Mr. Pharr abstaining.

45  
46 Public Comment Chair Dawson opened the meeting for public comment. Mr. Luter  
47 advised that no one had contacted him to speak. With no one requesting  
48 to speak, requesting to be acknowledged to speak by use the raised hand  
49 feature of the Adobe Connect meeting platform, or requesting to speak  
50 in the chat box section of the Adobe Connect meeting platform, Chair  
51 Dawson closed the public comment period.

52  
53 New Business Timothy Dolan; Appeal No. 20-01:

54  
55 A hearing convened with Chair Dawson serving as the presiding  
56 officer. The hearing was related to the 15.3-acre property owned by  
57 Timothy Dolan, located on Hobbs Hole Drive, within the town of  
58 Tappahannock in Essex County.

59  
60 The following persons were sworn in and given an opportunity to  
61 present testimony:

- 62  
63 Timothy Dolan, Owner  
64 Brenda Dolan, Owner  
65 Jeff Howeth, P.E., Project Engineer  
66 Jimmy Snyder, Tappahannock Town Manager  
67 Craig Thompson, P.E., Fire Protection Engineer for Rhino Fire  
68 Protection Engineering, PLLC.  
69 Steven Selinger  
70 Joe Blackburn  
71 Alwyn Davis, Essex County Building Official  
72 Wayne Verlander, Essex County Building Inspector

73  
74 Also present was:

- 75  
76 Bill Bayliss, Esq., legal counsel for Timothy Dolan  
77 Chris Mackenzie, Esq., legal counsel for Essex County

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79 After testimony concluded, Chair Dawson closed the preliminary  
80 hearing and stated a decision from the Review Board members would

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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: Timothy Dolan; Appeal No. 20-01:

After deliberations, Mr. Mays moved to uphold the local appeals board that a decision or an application of the code had not occurred at the time the application for appeal was submitted; therefore, there was nothing to appeal. The motion was seconded by Mr. Witt and passed with Ms. Monday, Messrs. Pharr, and Payne voting in opposition.

*Note: Ms. Monday left the meeting after the vote was taken for the Timothy Dolan Appeal (No. 20-01).*

Interpretation Request

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

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

After deliberations, Mr. Payne moved to table the request until the November 20, 2020 meeting with the direction for Review Board staff to work with the requester to formulate a more specific question(s). The Board also advised staff to have Messrs. Witt and Mays, and Ms. Jackson review the new request prior to the November meeting. The motion was seconded by Ms. Jackson and passed unanimously.

Secretary's Report

Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for November 20, 2020.

Attorney Bell provided legal updates to the Board.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:15 p.m.

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129 Approved: November 20, 2020

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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1 VIRGINIA:  
2

3 BEFORE THE  
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD  
5

6 IN RE: Appeal of Timothy Dolan  
7 Appeal No. 20-01  
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9 DECISION OF THE REVIEW BOARD  
10

11 I. Procedural Background  
12

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

19 II. Case History

20 On April 10, 2020, Timothy Dolan, of Riverstone Development LLC (Dolan), filed an  
21 appeal to the Essex County Local Board of Building Code Appeals (local appeals board), for lack  
22 of action by the County Building Official (County), related to his application for permit for his  
23 15.3 acre property located on Hobbs Hole Drive, in the town of Tappahannock. Dolan proposed  
24 to construct approximately 153 units, in multiples of 16-unit two story buildings, using the  
25 exception in VCC Section 903.2.8.

26 On May 12, 2020, Dolan appealed to the Review Board. After review of Dolan's  
27 application for appeal, Review Board staff contacted Essex County to discuss the appeal;  
28 subsequently, a local appeals board hearing was scheduled for June 3, 2020. Due to insufficient  
29 notice, the hearing was rescheduled for June 17, 2020 where the appeal was dismissed because  
30 there was no decision made to appeal. Dolan further appealed to the Review Board, after receiving  
the decision of the local appeals board, on July 13, 2020.

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A virtual Review Board hearing was held September 18, 2020. Appearing at the Review Board hearing for Essex County were Alwyn Davis, Wayne Verlander, Craig Thompson, and Chris Mackenzie, legal counsel. Timothy Dolan, Brenda Dolan, Jeff Howeth, Steven Selinger, Joe Blackburn, Jimmy Synder, and Bill Bayliss, legal counsel, attended the hearing on behalf of Timothy Dolan.

III. Findings of the Review Board

A. Whether to uphold the decision of the local appeals board, that there was no decision made to appeal, based on the lack of a decision by the County Building Official on the applicability of VCC Section 903.2.8 (Group R).

Timothy Dolan, through legal counsel, argued that on several occasions he asked the county to determine whether sufficient water flow and volume existed for the proposed project and if not, whether VCC Section 903.2.8 applied to the proposed project. Dolan further argued that the county refused to answer those questions; thus, the county refused to make a decision. Dolan, through a witness, also argued that the Town of Tappahannock municipal water system could not provide sufficient water flow or volume for the proposed project.

The County, through legal counsel, argued that there was no decision by the building official to appeal. The County further argued that the assertion of inactivity by the County was disproven by the sheer volume of the record presented to the Board, particularly the timeline provided by the County in its supplemental submission, which clearly showed that there had not been inactivity by either party; rather, that both parties had been very active since the beginning of December 2019. The County, though a witness, also argued that the Town of Tappahannock municipal water system can provide sufficient water flow and volume for the proposed project.

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55 The Review Board agrees with the local appeals board that at the time of the application  
56 for appeal was submitted a decision by the building official had not occurred; therefore, there was  
57 nothing to appeal.

58 IV. Final Order

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

61 A. Whether to uphold the decision of the local appeals board, that there was no decision  
62 made to appeal, based on the lack of a decision by the County Building Official on the  
63 applicability of VCC Section 903.2.8 (Group R).

64 The decision by the local appeals board that no decision had been made by the building  
65 official to appeal is upheld.

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68 \_\_\_\_\_  
69 Chair, State Building Code Technical Review Board

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74 Date entered \_\_\_\_\_November 20, 2020\_\_\_\_\_

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

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

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

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

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

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

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

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

#### Suggested Issues for Resolution by the Review Board

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

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

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

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# Basic Documents

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# County of Fairfax, Virginia

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

## LEGAL NOTICE

### STOP WORK ORDER-Correction

**DATE OF ISSUANCE:**

March 5, 2020

**STOP WORK ORDER ISSUED TO:**

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

**PROPERTY OWNER:**

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

**PROJECT ADDRESS:** 5615 Hope Park Road

**TAX MAP NUMBER:** 67-1 ((01)) 0012

**PERMIT APPLICATION NUMBER:** n/a

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

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

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

**CORRECTIVE ACTION:**

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

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

Brian Foley, P.E.  
Building Official

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

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





# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION Virginia Construction Code

**DATE OF ISSUANCE:** May 15, 2020

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

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

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

**TAX MAP REF:** 0671 01 0072

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

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

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

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

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

---

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

Sidney Tobias Harris or his heirs

May 15, 2020

SR 170161

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

Please be aware that:

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

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

Note:

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

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

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

Stoney Tobias Harris or his heirs

May 15, 2020

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

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

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

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

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

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

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

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

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

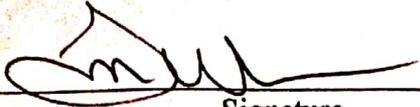
Stoney Tobias Harris or his heirs

May 15, 2020

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Notice Issued By:



Signature

Gary M. Wallace

(703) 324-9324

[Gary.Wallace@fairfaxcounty.gov](mailto:Gary.Wallace@fairfaxcounty.gov)

Master Combination Inspector

Technical Assistant to the Building Official

Code Compliance Investigator III

Department of Code Compliance

CC: Case File

Jim Canter, Inspections Branch Chief



Please type or  
Print in Black Ink

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
APPLICATION FOR APPEAL

APPLICATION NO. \_\_\_\_\_  
(Assigned by Staff)

NAME OF APPELLANT: SIDNEY HARRIS

**NATURE OF THE APPEAL:**

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

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

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:  
OWNER

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

POSTAL ADDRESS OF PROPERTY: 5615 HOPE PARK ROAD

TAX MAP DESCRIPTION: 0671 01 0072

SIDNEY HARRIS

Type or Print Name of Appellant or Agent

Signature of Appellant or Agent

PO BOX 220271 CHANTILLY, VA 20153

Address

202-425-4718

Telephone No: Home Work Cell

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

**DO NOT WRITE IN THIS SPACE**

Subdivision Name: \_\_\_\_\_

Total Area (Acres/Square Feet): \_\_\_\_\_

Present Zoning: \_\_\_\_\_

Supervisor District: \_\_\_\_\_

Date application received: \_\_\_\_\_ Application Fee Paid: \$ \_\_\_\_\_

Date application accepted: \_\_\_\_\_



# Building Code Appeal Request

## PROJECT INFORMATION

Project Name: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
Permit or case number: \_\_\_\_\_ Tax map number: \_\_\_\_\_

## APPLICANT INFORMATION

Applicant Name: \_\_\_\_\_  Owner  Owner's agent  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## OWNER INFORMATION

See applicant information  
Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## APPEAL INFORMATION

Appealing decision made on the date of by  Building Official  Fire Official  Property Maintenance Official  
rendered on the following date: \_\_\_\_\_  
Code(s) (IBC, IMC, IPMC, etc.) and year-edition: \_\_\_\_\_  
Section(s): \_\_\_\_\_

## REQUEST/SOLUTION

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

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

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

**RESOLUTION**

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

and

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

**RESOLVED**, that the matter of

**Appeal No.** 200617.0AP

**In RE:** Fairfax County, VA Department of Code Compliance v. Sydney Harris (Owner)

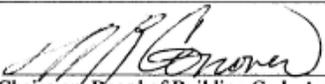
The appeal is hereby denied for the reasons set out below.

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

**FURTHER**, be it known that:

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

**Date:** July 8, 2020

**Signature:**   
Chairman, Board of Building Code Appeals

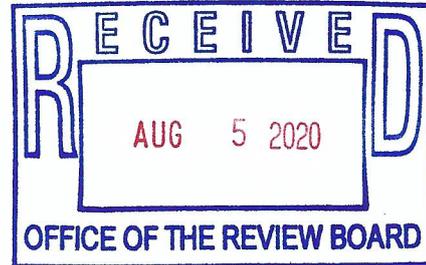
**Note:** Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development,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

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



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

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

Opposing Party Information (name, address, telephone number and email address of all other parties):  
FAIRFAX COUNTY, VA DEPARTMENT OF CODE COMPLIANCE.

12055 Government Center Parkway, Suite 334 Fairfax, VA 22035  
703-324-5175 Carla.Guerra-Moran@fairfaxcounty.gov

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of AUGUST, 2020, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "SH" or "Sidney Harris", written over a horizontal line.

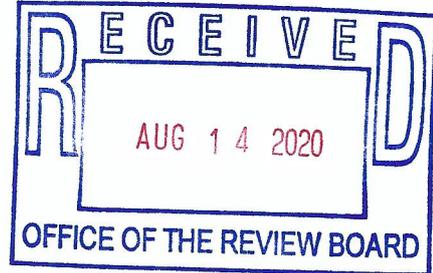
Name of Applicant: SIDNEY HARRIS  
(please print or type)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
State Building Codes Office and Office of the State Technical Review Board  
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- Virginia Construction Code
  - Virginia Existing Building Code
  - Virginia Maintenance Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



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

SIDNEY HARRIS, 5615 HOPE PARK ROAD FAIRFAX VA 220  
202-425-4718  
Harris.sidney34@yahoo.com

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

GARY WALLACE, FAIRFAX COUNTY VA, DEPARTMENT OF CODE COMPLIANCE, 12055 GOVERNOR  
PARKWAY SUITE 334 FAIRFAX VA, 703-324-9324, gary.wallace@fairfaxcounty.gov

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of AUGUST, 201<sup>20</sup>, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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Signature of Applicant: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Sidney Harris", written over a horizontal line.

SIDNEY HARRIS

Name of Applicant: \_\_\_\_\_

(please print or type)

August 3, 2020

Relief sought by appellant:

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

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

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

Respectfully Requested,

Sidney Harris

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# Documents Submitted By Sidney Harris

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# County of Fairfax, Virginia

## MEMORANDUM

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

**HEARING DATE:** July 1, 2020

**APPELLANT:** Sidney Tobias Harris

**PROPERTY:** 5615 Hope Park Road  
Fairfax, VA 22030

**CODE:** 2015 Construction Code

**INVESTIGATOR:** Gary M. Wallace  
Department of Code Compliance

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

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

#### **Staff Position**

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

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

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

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

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

VCC § 113.3 states:

**113.3 Minimum inspections.** The following minimum inspections shall be conducted by the building official when applicable to the *construction* or permit:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of *construction* necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.
4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, *equipment* and systems prior to concealment.
6. Inspection of energy conservation material prior to concealment.
7. Final inspection.

VCC § 113.8 states:

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

VCC § 116.1 states:

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

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

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

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

### **Appellant Position**

Harris's appeal application is attached.

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# Documents Submitted By Fairfax County

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# County of Fairfax, Virginia

## MEMORANDUM

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**HEARING DATE:** July 1, 2020

**APPELLANT:** Sidney Tobias Harris

**PROPERTY:** 5615 Hope Park Road  
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### **Appellant Position**

Harris's appeal application is attached.

**View Plan Status By**

Permit # \_\_\_\_\_  
 Applicant Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Project Name \_\_\_\_\_  
 View Review Comments \_\_\_\_\_  
 Mechanical Certification Status \_\_\_\_\_

**View Inspection Status By**

Permit # \_\_\_\_\_  
 Applicant Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Project Name \_\_\_\_\_

**View Permits By**

Permit # \_\_\_\_\_  
 Applicant Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Project Name \_\_\_\_\_  
**Elevators**

**Permit Status by Address**

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

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

▶ **Required**

Number  Street Name  Suffix  Apt/No/Suite

Permit Between Dates :  
 From:    To:

**Search**

Check Elevator Plan Status  
 Schedule, Modify or Cancel an Inspection





### Permit Status by Address

Lookup by Address Search Results For: 5615 HOPE PARK

To view Permit Status:

1. Select the Permit # from the list.
2. Click the Permit #.

Permit #	Type	Status	Address	Applicant	Description
80907484	HEALTH SEPTIC PERMIT	COMPLETED	5615 HOPE PARK RD, FAIRFAX	LAURA GREEN FRED	

#### View Plan Status By

Permit #

Applicant Name

Address

Project Name

View Review Comments

Mechanical Certification Status

#### View Inspection Status By

Permit #

Applicant Name

Address

Project Name

#### View Permits By

Permit #

Applicant Name

Address

Project Name

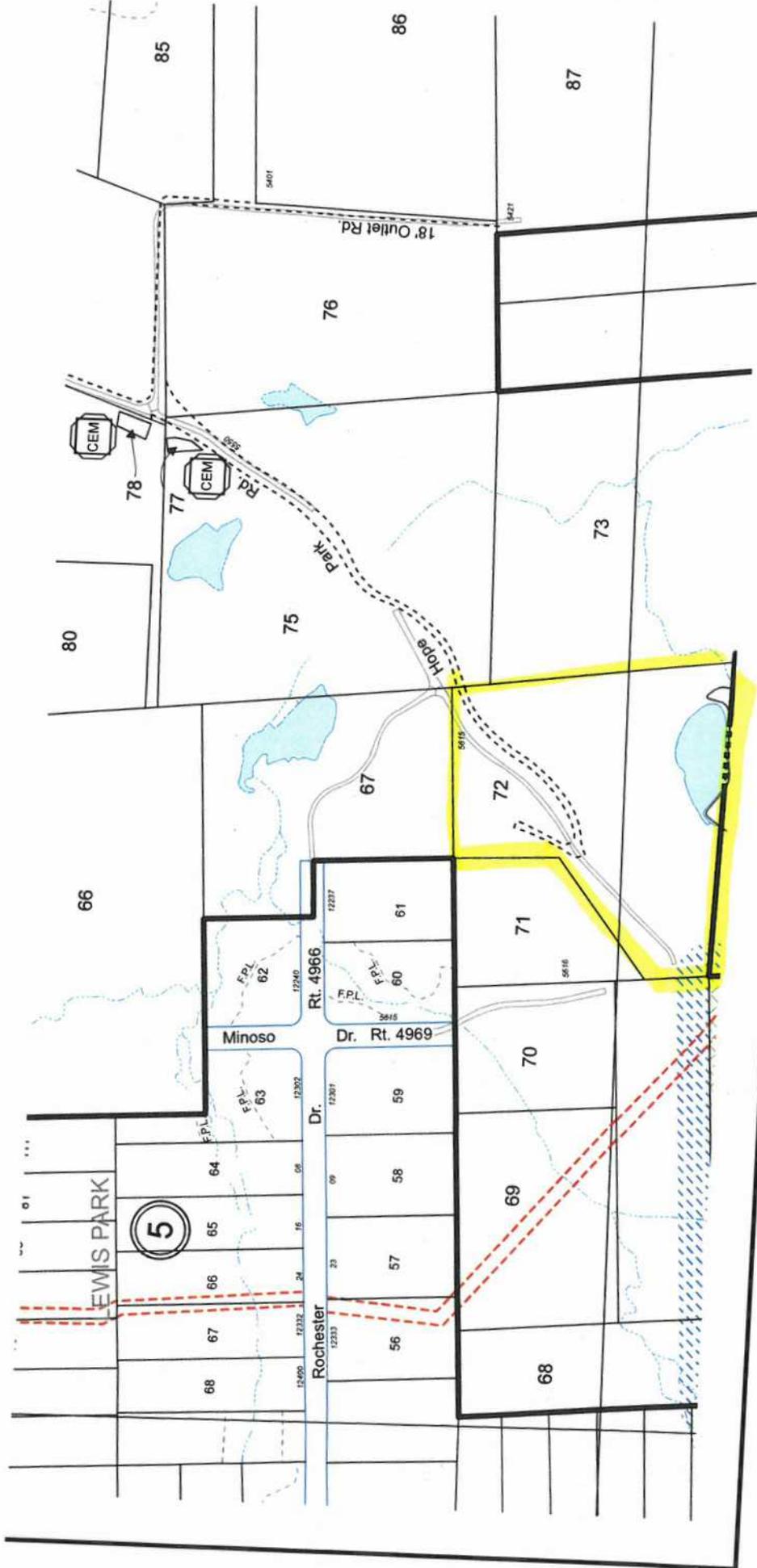
#### Elevators

Check Elevator Plan Status

Schedule, Modify or Cancel an Inspection

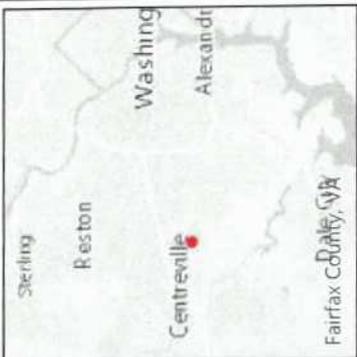




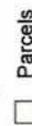




Map Title



Legend



Parcels



Parcels (for imagery)

Notes:

5615 Hope Park Rd.  
 Tax Map #0671 01 0072

Map produced: 6/29/2020

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

0.1 Miles

0.07

0



**DCC Inspection Report**

( Inspection # : 8660774 )

**CASE # : 201900211****Service Request # : 170161****Date Rcvd : 03/05/2020****Problem Code : CUOTH: Unpermitted Other****Assigned To : WALLACE****Res.Code : OPEN****Location: 5615 Hope Park Rd, Fairfax VA 22030-6321**

<u>Inspection Date</u>	<u>Inspection #</u>	<u>Inspection Status</u>	<u>Insp Sqnce #</u>	<u>INSPBY</u>
03/02/20 12:30	8660774	FAILED	1	GWALLA
<p>At the request of Suzanne Gilbert, I obtained permission from neighbor Will McAteer to have access to his back yard to obtain photographs of the adjoining property 5615 Hope Park. I observed 3 new structures being built, 2 of which would require a building permit and the 3rd would not be allowed under the zoning ordinance due, to the fact that it appears to be an accessory storage shed and there is no primary use for the property so, no accessory use would be allowed. A SWO will be issued for the 2 structures that require a permit. I will open an unpermitted case for these 2 structures and have it assigned to me. I have made multiple attempts to access the property as Mr. Harris stated that he would allow me to do, to no avail.</p> <p>I had an unpermitted case opened for the 2 structures that I observed. I was issued case on 3/6/20 and this is my first chance that I had to write report. A NOV was drafted. It was reviewed by the OCA and issued on 5/15/20 along with a Zoning NOV for use not permitted.</p>				
<u>CODE</u>	<u>Code Violation</u>	<u>Status</u>		
CERC FINAL	ENTER RESOLUTION CODE			
VCC15 108.1	FAILURE TO OBTAIN REQUIRED PER			
VCC15 113.3	MINIMUM INSPECTIONS			

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

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

**CASE # : 201900211**

**Service Request # : 170161**

**Problem Code : CUOTH: Unpermitted Other**

**Date Rcvd : 03/05/2020**

**Assigned To : WALLACE**

**Res.Code : OPEN**

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

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

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

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

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



**CASE # : 201900211**

**Service Request # : 170161**

**Date Rcvd : 03/05/2020**

**Problem Code : CUOTH: Unpermitted Other**

**Assigned To : WALLACE**

**Res.Code : OPEN**



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

**CASE # : 201900211**

**Service Request # : 170161**

**Date Rcvd : 03/05/2020**

**Problem Code : CUOTH: Unpermitted Other**

**Assigned To : WALLACE**

**Res.Code : OPEN**

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



Photograph by Deputy Sheriff Sureyya Kanli on March 12, 2020 63





Photograph by Deputy Sheriff Sureyya Kanli on March 12, 2020



Photograph taken by  
Investigator Gary Wallace



03/02/2020 11:43

Photograph taken by  
Investigator Gary  
Wallace



Photograph taken by  
Investigator Gary Wallace

03/02/2020 11:42

Parcel ID:

HARRIS SIDNEY TOBIAS

5615 HOPE PARK RD FAIRFAX VA 22030 2020

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

General Dwellings Additions OB Land Permits Entrances Notes Values Sales Asmt Legal

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

MAP #: 0671 01 0072  
HARRIS SIDNEY TOBIAS

5615 HOPE PARK RD

### Owner

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

### Co-Owners

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JACKSON DAVID LEE  
JACKSON-WILKERSON ADIA  
JACKSON JESSICA  
GREENE JEREMY

### Parcel

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

### Legal Description

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

## General Information

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### Last Refresh

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Date

Data last refreshed: 25/Aug/2020 DB:PORA34CUR

Source: Fairfax County Department  
of Tax Administration, Real Estate Division.

**In The Matter Of:**

*IN RE: APPEAL OF SIDNEY HARRIS*

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*July 8, 2020*

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*Anita B. Glover and Associates, Ltd.  
10521 West Drive  
Fairfax, Virginia 22030  
(703)591-3004  
[www.AnitaGlover.com](http://www.AnitaGlover.com)*

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([www.adobe.com](http://www.adobe.com)).

**In The Matter Of:**  
*IN RE: APPEAL OF SIDNEY HARRIS*

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*July 8, 2020*

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V I R G I N I A:

VIRTUAL HEARING BEFORE THE  
FAIRFAX COUNTY BOARD OF BUILDING AND FIRE CODE APPEALS

RICHARD GRACE, LIAISON AND MODERATOR

July 8, 2020

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

BOARD MEMBERS:

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

WZ20-002

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**APPEARANCES:**

On behalf of the Appellant:

SIDNEY HARRIS, PRO SE

On behalf of Fairfax County:

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

Also present:

GARY WALLACE, INVESTIGATOR, DCC

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C O N T E N T S

PAGE

Proceedings

4

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## P R O C E E D I N G S

1  
2 CHAIRMAN CONOVER: Okay. This is Dave  
3 Conover, again, and I am going to call the meeting back  
4 to order.

5 And we are going to take our second appeal  
6 which is regarding Hope Park Road. This is Appeal Number  
7 200617.0AP.

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

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

15 CHAIRMAN CONOVER: Good morning.

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

23 The first objection would be the fact that

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

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

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

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

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

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

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

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

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

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1 here prior and, from 1896, modified since then.

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

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

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

14 I will yield there.

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

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

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

21 CHAIRMAN CONOVER: Go ahead, George.

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

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

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

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

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

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

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

23 The one picture with the smokestack and

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

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

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

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

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

21 MR. HARRIS: That is correct.

22 MR. PAGE: All right. And what is the  
23 250-square-foot issue?

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

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

14           MR. PAGE: All right.

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

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

22           CHAIRMAN CONOVER: Any other Board Member  
23 questions?

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1 [No response.]

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

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

6 CHAIRMAN CONOVER: Daren.

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

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

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

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

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

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

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

8 MR. HARRIS: Correct.

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

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

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

14 MR. HARRIS: Correct, correct.

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

17 MR. HARRIS: I m sorry.

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

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

23 MR. SHUMATE: And that original structure,

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

3 MR. HARRIS: That s correct.

4 MR. SHUMATE: It was?

5 MR. HARRIS: Yes, sir.

6 MR. SHUMATE: Okay.

7 CHAIRMAN CONOVER: Other questions from  
8 the Board?

9 [No response.]

10 CHAIRMAN CONOVER: I have one, Mr. Harris.

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

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

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

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

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

7 MR. HARRIS: No, sir.

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

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

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

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

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

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1 blocked up, wasn't working, et cetera, et cetera. It  
2 used to be a wood stove in there.

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

5 MR. HARRIS: I apologize for the  
6 confusion.

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

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

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

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

22 CHAIRMAN CONOVER: Thank you.

23 Okay, any other questions?

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1 [No response.]

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

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

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

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

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

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

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1                   CHAIRMAN CONOVER: Thank you.

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

5                   CHAIRMAN CONOVER: Yes, go ahead. Sorry.

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

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

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

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

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

4 I then returned to the office, opened an  
5 unpermitted case, had it assigned to me. I sent a notice  
6 of violation that clearly identified the subject property  
7 on 5-15-20. It was posted on the property by the sheriff  
8 on 5-15-20. A copy of the NOV was also sent to Mr.  
9 Harris via certified mail. It was marked delivered on 5-  
10 18-20. It was sent to his P.O. Box address in Chantilly.

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

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

17 CHAIRMAN CONOVER: Go ahead, Sara.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 CHAIRMAN CONOVER: Go ahead.

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

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

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

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

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1                   CHAIRMAN CONOVER: Go ahead, George.

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

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

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

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

19                   MR. PAGE: Okay. I have another question.  
20 Let s say it is under -- let s say a structure is under  
21 256 square feet. If it s got electrical service or a  
22 chimney, does that make a difference?

23                   MS. SILVERMAN: I will defer back to Mr.

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

3 MR. PAGE: Go ahead, Mr. Wallace.

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

7 CHAIRMAN CONOVER: Go ahead.

8 INVESTIGATOR WALLACE: Okay.

9 CHAIRMAN CONOVER: Thank you.

10 INVESTIGATOR WALLACE: Yeah, if he ran  
11 plumbing, electrical, mechanical. Even if it was a shed  
12 that didn't require a permit, it would still require a  
13 permit for the electrical, mechanical and plumbing.

14 The other issues we have is there's no  
15 primary use. So even if it was under 256 square feet, it  
16 still wouldn't be allowed on the property.

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

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

23 MS. SILVERMAN: He would need to submit

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

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

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

12 CHAIRMAN CONOVER: Okay. Other Board  
13 Members, questions?

14 [No response.]

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

17 I m looking at the building code appeal  
18 request form.

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

21 CHAIRMAN CONOVER: Go ahead.

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

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

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

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

8 MS. SILVERMAN: Yes, correct.

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

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

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

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

23 I didn t see anything filled out. Am I

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1 reading the wrong appeal request or, in fact, this appeal  
2 request doesn't provide a request or a solution if that  
3 section is left blank?

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

7 Mr. Harris initially filed an appeal  
8 request for -- that had this notice of violation attached  
9 on the form for a zoning appeal. That form doesn't have  
10 all of the required information for a building code  
11 appeal. But we provided him the form -- the correct  
12 form. He filled that out, but he left blank the  
13 description of his appeal.

14 We just didn't want to be unreasonable in  
15 that there was a description provided on the form he  
16 initially filled out and, clearly, was sort of the  
17 confusion, so I didn't read that here. Yes, that is  
18 missing from the form. You'll see that it's really a  
19 very brief description.

20 We didn't really know what we were going  
21 to be hearing from Mr. Harris today, but he did have, at  
22 least, some modicum of a description on the initial form.  
23 I believe that is part of the package, but you may need

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1 to scroll down until you see it.

2 CHAIRMAN CONOVER: Thank you.

3 Okay, I didn't hear any other Board  
4 Members prior to my asking that question. Thank you.

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

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

9 CHAIRMAN CONOVER: Yes.

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

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

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

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1 agricultural purposes.

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

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

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

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

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

8 CHAIRMAN CONOVER: Go ahead, Mr. Harris.

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

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

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

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

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

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

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

15                   CHAIRMAN CONOVER: Do the Board Members  
16 have any questions?

17                   [No response.]

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

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

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

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

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

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

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

21 CHAIRMAN CONOVER: Go ahead, Daren.

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

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

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

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

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

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

6           So if the notice of violation didn't put a  
7 block on my account at the address, then, yes, I could  
8 have -- once we get the geotechnical report back, we  
9 could then follow up with the county and proceed through  
10 the county with the next steps, with the building plan,  
11 the permits that are required, that that builder will be  
12 doing all of that. He's the one that's a professional in  
13 those particular areas. But I have hired someone to do  
14 that for me.

15           MR. SHUMATE: And your contention, in  
16 general, the appeal is that the one structure is under  
17 256 square feet and I don't believe in the photographs I  
18 saw that it had any sort of mechanical or plumbing in it.

19           MR. HARRIS: That's correct.

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

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1                   And I m actually sitting here in front of  
2 my computer at home and if a permit is not required for  
3 -- a permit is required for a shed or a playhouse over  
4 256 square feet. So you re contending that you re in the  
5 not -- a permit not being required for that structure.

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

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

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

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

23                   The existing building with the chimney is,

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

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

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

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

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

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1 MR. SHUMATE: I m sorry.

2 MR. HARRIS: No, go ahead. Go ahead.

3 MR. SHUMATE: This is Daren, again.

4 You re saying that neither of these structures have  
5 electricity to them?

6 MR. HARRIS: There is no -- other than a  
7 generator that is operating the electrical that was  
8 already in it, none of these -- the two small -- the two  
9 units with no -- I m going to see how I can describe it.  
10 Without the chimneys, they have no electrical. There s  
11 no electrical in them at all.

12 The existing unit that was there, there s  
13 no new electrical in any of it, and it was being powered  
14 by a generator. And the generator still is being used to  
15 power the -- any electrical appliance we charge, like  
16 tools, screw guns, anything, to recharge batteries.

17 MR. SHUMATE: David, while I ve got the  
18 floor, can I ask a question to the County?

19 CHAIRMAN CONOVER: No.

20 MR. SHUMATE: You said I can t?

21 CHAIRMAN CONOVER: No. When the County  
22 gets the floor, then we ll direct questioning to the  
23 County.

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1 MR. SHUMATE: Okay, got you.

2 CHAIRMAN CONOVER: Are there any questions  
3 for Mr. Harris?

4 MR. FISHER: Dave Conover, this is Rob  
5 Fisher.

6 MR. CONOVER: Yes, Rob.

7 MR. FISHER: And I m sorry I m having a  
8 little bit of difficulty with this whole thing. But, Mr.  
9 Harris, just to be clear, there s a structure there  
10 that s partially sided. Is that intended to be a  
11 residential dwelling?

12 MR. HARRIS: No, sir.

13 MR. FISHER: Has it ever been?

14 MR. HARRIS: At one time -- sorry.

15 MR. FISHER: Go ahead. Has that ever been  
16 a residential dwelling?

17 MR. HARRIS: Yes. At one point, it was a  
18 residential dwelling and that was some time ago.

19 There was a fire -- where it was located,  
20 there was a fire in the particular area of the unit and  
21 at that time it was never repaired, it was never  
22 addressed or dealt with.

23 We relocated the building. When they keep

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

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

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

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

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

23 MR. HARRIS: Yes, sir. What wasn t

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

4 This entire issue was raised by County.  
5 It has nothing to do with a civil concern from another  
6 person. The County thought that we were illegally  
7 dumping dirt and the inspector was allowed, Mr. Jesus.  
8 This is why we had the meeting. Mr. Jesus was allowed to  
9 come on the property, see that we weren't illegally  
10 dumping. It was allowed by me and that was dealt with,  
11 addressed and closed out.

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

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

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

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

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1 necessarily stay.

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

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

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

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

22                   MR. FISHER: Okay.

23                   CHAIRMAN CONOVER: Any other questions

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1 from the Board?

2 [No response.]

3 CHAIRMAN CONOVER: Okay. I have one.

4 I guess, Mr. Harris, on the bottom of the  
5 appeal request that I assume you filled out and  
6 submitted, isn't there a note that gives you direction of  
7 where to submit your form and supporting documentation?  
8 Isn't there an address and an email address, as well?

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

11 CHAIRMAN CONOVER: The appeal request form  
12 that you filled out, doesn't it at the bottom of that  
13 form tell you specifically where to send all your  
14 documentation, forms, photographs, plans, whatever it may  
15 be?

16 You had stated earlier you weren't told  
17 where to send things, so you didn't send them. But  
18 doesn't the form that you filled out at the bottom give  
19 you that direction?

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

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1 guess I didn't -- it was already at the deadline, so I  
2 was directed to then resubmit the -- I guess I did it  
3 incorrectly and I took the --

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

6 At the bottom, there's a golden-colored  
7 appeal request that I'm presuming you submitted as a  
8 basis for this appeal, because we're here, and you're  
9 appealing the county notice of violation that you just  
10 hadn't gotten the necessary permits, submitted  
11 documentation and got the necessary inspections.

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

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

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1 your producings.

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

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

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

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

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

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

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1 I m sorry, you can t submit a permit.

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

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

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

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

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

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

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

13                   Maybe I misunderstood that. Maybe I  
14 misinterpreted that.

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

21                   Why wouldn t you have just done a sketch  
22 of the footprint of these two buildings and say they re  
23 255 square feet; therefore, they re not subject to a

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1 permit and that s the basis for my appeal.

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

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

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

15 CHAIRMAN CONOVER: I --

16 MR. HARRIS: Okay, you got it.

17 CHAIRMAN CONOVER: I understand that.

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

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

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

10 [No response.]

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

13 MR. FERNANDEZ: One second. David?

14 CHAIRMAN CONOVER: Yes.

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

17 CHAIRMAN CONOVER: Go ahead.

18 MR. FERNANDEZ: Mr. Harris --

19 MR. HARRIS: Yes, sir.

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

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

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

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

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

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

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

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

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

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

12 I would also note that the notice of --  
13 well, first, that there was a stop work order issued  
14 before the notice of violation was issued. He has had  
15 ample time to have a conversation with the County about  
16 the size of the structures, his use of the structures,  
17 really raising the -- whether -- I think he's talking  
18 about conversations with the Department of Tax  
19 Administration or Land Development Services -- or, excuse  
20 me, Department of Public Works and Environmental  
21 Services, if he's talking about RPA violations. So he  
22 hasn't come to the people who are addressing this issue  
23 to have a conversation and document that he's in

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1 compliance.

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

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

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

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

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

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

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

16                   That s all I have to say.

17                   CHAIRMAN CONOVER: Anything else from the  
18 County?

19                   [No response.]

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

22                   [No response.]

23                   CHAIRMAN CONOVER: I ll ask one.

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

14 Isn't all you're looking for is this  
15 information so that you can make a determination, either  
16 (a), one or more structures are exempt, or (b), no,  
17 they're under the scope of the code and to make them  
18 safe, you need to do X, Y and Z, and you can make an  
19 assessment of that based on the information that the  
20 applicant has provided?

21 Isn't that basically where we are?

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

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

3 I mean, a stop work order was issued  
4 initially and we didn't have those conversations, nor was  
5 that evidence presented with this appeal.

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

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

14 CHAIRMAN CONOVER: Okay.

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

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

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

3 CHAIRMAN CONOVER: Understood. Thank you.

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

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

15 MR. PAGE: Are you ready, David?

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

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

20 Look, I'm going to make a motion to uphold  
21 the County and to deny the appeal, and this is why.  
22 There's a lot of confusion here. I don't blame the  
23 County or Mr. Harris for any of it. It just happened.

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

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

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

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

14                   CHAIRMAN CONOVER: Is there a second?

15                   MR. FERNANDEZ: So this Amado --

16                   MR. SHUMATE: I m sorry. Go ahead.

17                   CHAIRMAN CONOVER: Go ahead.

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

20                   CHAIRMAN CONOVER: Okay. Any discussion?

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

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1 [No response.]

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

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

6 CHAIRMAN CONOVER: George?

7 MR. PAGE: Deny the appeal.

8 CHAIRMAN CONOVER: Amado?

9 MR. FERNANDEZ: Deny the appeal.

10 CHAIRMAN CONOVER: Wayne?

11 MR. BRYAN: Deny the appeal.

12 CHAIRMAN CONOVER: Daren? Daren?

13 MR. PAGE: We ve lost Daren.

14 CHAIRMAN CONOVER: Daren?

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

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

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

22 [Whereupon, the public hearing concluded.]

23

Anita B. Glover & Associates, Ltd.  
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CERTIFICATE OF TRANSCRIPTIONIST

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

(e) Wanda L. Zapata

WANDA L. ZAPATA, CVR-M

Notary Public in and for the  
Commonwealth of Virginia  
Reporter Number 122358

My commission expires:  
February 29, 2024.

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**REQUEST FOR INTERPRETATION**

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD  
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT  
Main Street Centre  
600 E. Main Street, Suite 300  
Richmond, Virginia 23219-1321  
Tel: (804) 371-7150 Fax: (804) 371-7092  
Email: sbco@dhcd.virginia.gov

From: \_\_\_\_\_

Phone Number : \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicable Code: \_\_\_\_\_

Code Section(s): \_\_\_\_\_

Submitted by (signature): Paula Johnson with assistance from Date: \_\_\_\_\_  
Board Secretary as directed by the Board

QUESTION(S):

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## CHAPTER 1 ADMINISTRATION

**104.5.2 Issuance of modifications.**

Upon written application by an owner or an owner's agent, the code official may approve a modification of any provision of this code provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the code official concerning a modification shall be made in writing and the application for a modification and the decision of the code official concerning such modification shall be retained in the permanent records of the local enforcing agency.

**104.5.2.1 Substantiation of modification.**

The code official may require or may consider a statement from a professional engineer, architect or other person competent in the subject area of the application as to the equivalency of the proposed modification.

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## CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

**606.1 General.**

Elevators, dumbwaiters, and escalators shall be *maintained* in compliance with [ASME A17.1](#). The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or be available for public inspection in the office of the building operator; or be posted in a publicly conspicuous location approved by the code official. Where not displayed in the elevator or attached on the escalator or dumbwaiter, there shall be a notice where the certificate of inspection is available for inspection. An annual periodic inspection and test is required of elevators and escalators. A locality shall be permitted to require a 6-month periodic inspection and test. All periodic inspections shall be performed in accordance with Section 8.11 of [ASME A17.1](#). The code official may also provide for such inspection by an approved agency or through agreement with other local certified elevator inspectors. An approved agency includes any individual, partnership, or corporation who has met the certification requirements established by the VCS.

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## CHAPTER 1 ADMINISTRATION

### SECTION 105 LOCAL BUILDING DEPARTMENT

#### 105.1 Appointment of building official.

Every *local building department* shall have a building official as the executive official in charge of the department. The building official shall be appointed in a manner selected by the *local governing body*. After permanent appointment, the building official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting building official.

**Note:** Building officials are subject to sanctions in accordance with the VCS.

##### 105.1.1 Qualifications of building official.

The building official shall have at least 5 years of *building* experience as a licensed professional engineer or architect, *building*, fire or trade inspector, contractor, housing inspector or superintendent of *building*, fire or trade *construction* or at least 5 years of *building* experience after obtaining a degree in architecture or engineering, with at least 3 years in responsible charge of work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The building official shall have general knowledge of sound engineering practice in respect to the design and *construction* of *structures*, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other *service equipment* necessary for the health, safety and general welfare of the occupants and the public. The *local governing body* may establish additional qualification requirements.

##### 105.1.2 Certification of building official.

An acting or permanent building official shall be certified as a building official in accordance with the VCS within 1 year after being appointed as acting or permanent building official.

**Exception:** A building official in place prior to April 1, 1983, shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same *locality*.

##### 105.1.3 Noncertified building official.

Except for a building official exempt from certification under the exception to [Section 105.1.2](#), any acting or permanent building official who is not certified as a building official in accordance with the VCS shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in [Section 105.1.2](#).

**Note:** Continuing education and periodic training requirements for DHCD certifications are set out in the VCS.

#### 105.2 Technical assistants.

The building official, subject to any limitations imposed by the *locality*, shall be permitted to utilize *technical assistants* to assist the building official in the enforcement of the USBC. DHCD shall be notified by the building official within 60 days of the employment of, contracting with or termination of all *technical assistants*.

**Note:** *Technical assistants* are subject to sanctions in accordance with the VCS.

##### 105.2.1 Qualifications of technical assistants.

A *technical assistant* shall have at least 3 years of experience and general knowledge in at least one of the following areas: *building construction*; *building construction* conceptual and administrative processes; *building*, fire or housing inspections; plumbing, electrical or mechanical trades; or fire protection, elevator or property maintenance work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The *locality* may establish additional qualification requirements.

##### 105.2.2 Certification of technical assistants.

A *technical assistant* shall be certified in the appropriate subject area within 18 months after becoming a *technical assistant*. When required by local policy to have two or more certifications, a *technical assistant* shall obtain the additional certifications within 3 years from the date of such requirement.

##### Exceptions:

1. A *technical assistant* in place prior to March 1, 1988, shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same *locality*.

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2. A permit technician in place prior to the effective date of the 2015 edition of the code shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same *locality*.

**Note:** Continuing education and periodic training requirements for DHCD certifications are set out in the VCS.

#### **105.3 Conflict of interest.**

The standards of conduct for building officials and *technical assistants* shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (Section 2.2-3100 et seq.) of [Title 2.2](#) of the Code of Virginia.

#### **105.4 Records.**

The *local building department* shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspection in accordance with The Library of Virginia's General Schedule Number Six.

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## CHAPTER 1 ADMINISTRATION

### 113.7 Approved inspection agencies.

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

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

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

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