

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, July 17, 2026 – 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

- I. Roll Call **(TAB 1)**
- II. Election of Officers
- III. Approval of April 17, 2026 Minutes **(TAB 2)**
- IV. Approval of Interpretation 02/2026 **(TAB 3)**
 - In Re: Daniel (Phil) Winslow (City of Norfolk)
Interpretation Request No 01-26
- V. Approval of Interpretation 03/2026 **(TAB 4)**
 - In Re: Corian Carney (York County)
Interpretation Request Nos 02-26 & 05-26
- VI. Approval of Interpretation 04/2026 **(TAB 5)**
 - In Re: Corian Carney (York County)
Interpretation Request No 03-26
- VII. Approval of Interpretation 05/2026 **(TAB 6)**
 - In Re: Corian Carney (York County)
Interpretation Request No 04-26
- VIII. Public Comment
- IX. Preliminary Hearing **(TAB 7)**
 - In Re: Cory Kruse
Appeal No. 26-01
- X. Appeal Hearing **(TAB 8)**
 - In Re: William Laffoon
Appeal No. 26-02
- XI. Appeal Hearing **(TAB 9)**
 - In Re: Todd Ferguson
Appeal No. 26-03

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XII. Secretary's Report

- a. Review Board Policy #30 (Annual readoption in accordance with §2.2-3708.3) **(TAB 10)**
- b. Review Board Policy #31 (Annual readoption in accordance with §2.2-3708.3) **(TAB 11)**
- c. August 21, 2026 meeting update
- d. Legal updates from Board Counsel

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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)

R. Jonah Margarella, AIA, NCARB, LEED AP

(American Institute of Architects Virginia)

Eric Mays

(Virginia Building and Code Officials Association)

Joanne D. Monday

(Virginia Building Owners and Managers Association)

James S. Moss

(Virginia Building and Code Officials Association)

Elizabeth C. White

(Commonwealth at large)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

Vacant

(Electrical Contractor)

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1 **STATE BUILDING CODE TECHNICAL REVIEW BOARD**
2 **MEETING MINUTES**
3 **April 17, 2026**
4 **Virginia Housing Center**
5 **4224 Cox Road Glen Allen, Virginia 23060**
6

Members Present

Mr. James R. Dawson, Chair
Mr. Daniel Crigler
Mr. Joseph Kessler
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chair (arrived
after approval of the February 19, 2026 minutes)
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler
Ms. Christina Jackson
Ms. Joanne Monday
Ms. Elizabeth White

7
8 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
Chair Dawson.

11
12 Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin
I. Bell, legal counsel for the Review Board from the Attorney General's
Office, was also present, arriving during the discussion of Request for
Interpretation 02-26.

16
17 Approval of Minutes

The draft minutes of the February 19, 2026 meeting in the Review
Board members' agenda package were considered. Mr. Mays moved to
approve the minutes as presented. The motion was seconded by Mr.
Moss and passed unanimously.

21
22 Interpretation

Approval of Interpretation 01/2026:

23
24 After review and consideration of Interpretation 01/2026, presented in
25 the Review Board members' agenda package, Mr. Pharr moved to
26 approve Interpretation 01/2026 with an editorial change adding "*and*
27 *complies with the Virginia Construction Code definition for farm*
28 *building or structure*" at the ending of the answer. The motion was
29 seconded by Mr. Mays and passed unanimously.

30
31 After review and consideration of a letter from the Review Board Chair
32 to the BHCD Chair, presented in the Review Board members' agenda
33 package, Mr. Pharr moved to approve the letter as presented. He
34 further moved to direct the Review Board Secretary to add all historical
35 documents of the Review Board related to farm buildings or structures

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as attachments to the letter to the BHCD Chair. The motion was seconded by Mr. Mays and passed unanimously.

Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak; however, Kenney Payne was present and expressed interest in speaking. Mr. Payne came forward to speak. Chair Dawson closed the public comment period.

New Business

Request for Interpretation of Daniel (Phil) Winslow (City of Norfolk): Interpretation Request No. 01-26:

An interpretation request from Phil Winslow of the City of Norfolk was considered concerning the following:

Question:

How many custodial care recipients in assisted living facilities are allowed to reside in a single family detached dwelling Use Group R5 non-sprinklered, where all care recipients are capable of self-preservation and responding to an emergency situation, with 24-hour live-in supervision/care provider regulated by Virginia Department of Social Services?

Mr. Mays moved that the answer is “Eight (8)”. The motion was seconded by Mr. Margarella and passed unanimously.

Request for Interpretation of Corian Carney (York County): Interpretation Request No. 02-26 and 05-26:

Two interpretation requests from Corian Carney of York County were considered concerning the following:

Question #1:

Mr. Mays moved to combine Question 1 of Interpretation Request No. 02-26 and Question #1 of Interpretation Request No. 05-26 to read as follows:

Is the replacement of moisture or rodent damaged insulation considered a repair in accordance with VEBC 501.1 or considered an alteration in accordance with VEBC 601.2.1?

The motion was second by Mr. Pharr and passed unanimously.

Mr. Mays moved that the answer is “Because the insulation is damaged it is considered a repair in accordance with VEBC 501.1”. The motion was seconded by Mr. Kessler and passed unanimously.

Question #2:

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83 Would removal without replacement of moisture or rodent damaged
84 insulation be considered abatement of wear due to normal service
85 conditions in accordance with VEBC 501.1 and therefore be exempt
86 from Chapter 5 requirements?
87

88 Mr. Mays moved that the answer is “No, because moisture and rodent
89 damage is not normal”. The motion was seconded by Mr. Moss and
90 passed unanimously.
91

92 Question #3:

93 Would permanent air sealing of the required foundation crawlspace
94 venting be considered an alteration in accordance with VEBC 601.2.1?
95

96 Mr. Mays moved that the answer is “No, because the air sealing of the
97 required foundation crawlspace venting would be considered an
98 alteration in accordance with VEBC 601.2.2”. The motion was
99 seconded by Mr. Moss and passed unanimously.
100

101 Request for Interpretation of Corian Carney (York County):
102 Interpretation Request No. 03-26:
103

104 An interpretation request from Corian Carney of York County was
105 considered concerning the following:
106

107 Question #1:

108 Would installation of a new vapor barrier in an underfloor space be
109 considered an alteration in accordance with VEBC 601.2.2?
110

111 Mr. Mays moved that the answer is “Yes”. The motion was seconded
112 by Mr. Moss and passed unanimously.
113

114 Question #2:

115 Would installation of new dehumidification equipment in an underfloor
116 space be considered an alteration in accordance with VEBC 601.2.2?
117

118 Mr. Mays moved that the answer is “Yes”. The motion was seconded
119 by Mr. Moss and passed unanimously.
120

121 Request for Interpretation of Corian Carney (York County):
122 Interpretation Request No. 04-26:
123

124 An interpretation request from Corian Carney of York County was
125 considered concerning the following:
126

127 Question #1:

128 Would replacement or removal of floor or ceiling insulation require
129 application for permit in accordance with VCC 108.1?

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130		Mr. Moss moved to set aside the question and not provide an answer to
131		the question. The motion was seconded by Mr. Mays and passed
132		unanimously.
133		
134		<u>Question #2:</u>
135		Would alterations to existing underfloor spaces such as sealing of vents
136		and application of vapor retardant materials require application for
137		permit in accordance with VCC 108.1?
138		
139		Mr. Mays moved that the answer is “Yes, because you are changing the
140		original ventilation system for the crawlspace”. The motion was
141		seconded by Mr. Zdinak and passed unanimously.
142		
143	Secretary’s Report	Mr. Luter informed the Review Board of the current caseload and that
144		there would be no meeting on May 15, 2026 and the next scheduled
145		meeting was June 12, 2026.
146		
147		Mr. Bell provided legal updates to the Review Board members.
148		
149	Adjournment	There being no further business, the meeting was adjourned by proper
150		motion at approximately 1:30 p.m.
151		
152		
153	Approved: June 12, 2026	
154		
155		
156		_____ Chair, State Building Code Technical Review Board
157		
158		
159		
160		_____ Secretary, State Building Code Technical Review Board
161		

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 2/2026

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

Section No: Section 313.2.6

313.2.6 Groups R-2, R-3, and R-5.

Facilities with no more than eight persons receiving care, with one or more resident counselors, and all persons are capable of responding to an emergency situation without physical assistance from staff, may be classified as Group R-2, R-3, or R-5. Up to five of the persons may require physical assistance from staff to respond to an emergency situation when in compliance with the following:

1. All residents that require physical assistance from staff reside on a level of exit discharge and the path of egress to the exit does not include steps.
2. The building is protected by an automatic sprinkler system installed in accordance with Section 903.3 of this code or Section P2904 of the IRC.

QUESTION #1: How many custodial care recipients in assisted living facilities are allowed to reside in a single family detached dwelling Use Group R5 non-sprinklered, where all care recipients are capable of self-preservation and responding to an emergency situation, with 24-hour live-in supervision/care provider regulated by Virginia Department of Social Services?

ANSWER: Eight (8).

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of April 17, 2026.

Chair, State Building Code Technical Review Board

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 3/2026

Code: USBC, Part II, Virginia Existing Building Code/2021

Section No: Section 501.1 and 601.2.1

501.1 Scope.

Repairs, including the patching, restoration or replacement of damaged materials, elements, equipment or fixtures shall comply with the requirements of this chapter. Repairs to historic buildings need only comply with Chapter 9. Portions of the existing building or structure not being repaired shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures. Work on nondamaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the provisions of Chapter 6. Routine maintenance required by Section 302, ordinary repairs exempt from permit in accordance with Section 108.2 of the Virginia Construction Code (VCC), and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs in this section.

601.2.1 Level 1.

Level 1 alterations include the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose, or the removal without replacement of materials, elements, equipment, or fixtures. Level 1 alterations shall comply with the applicable provisions of Section 602.

QUESTION #1: Is the replacement of moisture or rodent damaged insulation considered a repair in accordance with VEBC 501.1 or considered an alteration in accordance with VEBC 601.2.1?

ANSWER: Because the insulation is damaged it is considered a repair in accordance with VEBC 501.1.

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QUESTION #2: Would removal without replacement of moisture or rodent damaged insulation be considered abatement of wear due to normal service conditions in accordance with VEBC 501.1 and therefore be exempt from Chapter 5 requirements?

ANSWER: No, because moisture and rodent damage is not normal.

QUESTION #3: Would permanent air sealing of the required foundation crawlspace venting be considered an alteration in accordance with VEBC 601.2.1?

ANSWER: No, because the air sealing of the required foundation crawlspace venting would be considered an alteration in accordance with VEBC 601.2.2.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of April 17, 2026.

Chair, State Building Code Technical Review Board

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 4/2026

Code: USBC, Part I, Virginia Existing Building Code/2021

Section No: 601.2.2

601.2.2 Level 2.

Level 2 alterations shall comply with the applicable provisions of Sections 602 and 603 and shall include the following:

1. The addition or elimination of any door or window.
2. The addition or elimination of any wall, floor, or ceiling assembly.
3. The reconfiguration or extension of any system.
4. The installation of any additional equipment, materials, elements, or fixtures.

QUESTION #1: Would installation of a new vapor barrier in an underfloor space be considered an alteration in accordance with VEBC 601.2.2?

ANSWER: Yes.

QUESTION #2: Would installation of new dehumidification equipment in an underfloor space be considered an alteration in accordance with VEBC 601.2.2?

ANSWER: Yes.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of April 17, 2026.

Chair, State Building Code Technical Review Board

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 5/2026

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

Section No: Section 108.1

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.

1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, including the addition or removal of emergency supplemental hardware, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment regulated by the USBC.

2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required by the VEBC.

3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.

4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

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QUESTION #1: Would alterations to existing underfloor spaces such as sealing of vents and application of vapor retardant materials require application for permit in accordance with VCC 108.1?

ANSWER: Yes, because you are changing the original ventilation system for the crawlspace.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of April 17, 2026.

Chair, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Cory Kruse
 Appeal No. 26-01

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD
[Preliminary Hearing for Timeliness]

IN RE: Appeal of Cory Kruse
 Appeal No. 26-01

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On July 15, 2025, the City of Martinsville Fire and EMS Inspections (Fire/EMS) posted a CONDEMNED placard on the structure located at 722 Oneida Street, in the City of Martinsville.

2. According to the City of Martinsville Department of Community Development (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), the City issued a Notice of Unsafe Structure (Notice) on July 15, 2025 to Richard Dale Hankins and Lottie H. Weatherman (Owners) for the structure located at 722 Oneida Street, in the City of Martinsville, citing the following:

- a) *“PM-106 – Unsafe and unfit structure, extensive damage due to neglect.*
- b) *PM-402.1 – Occupied without proper utilities, lacks proper lighting*
- c) *PM-403.1 – Occupied without proper utilities, lacks proper ventilation*
- d) *PM-504.2 – Occupied without proper utilities, lacks proper working plumbing fixtures”*

According to the submittal by the City, the Notice was posted on the property and mailed to the property; however, the mailed Notice was returned on July 24, 2025.

3. On December 17, 2025, Cory Kruse (Kruse) and McKenzie Spencer (Spencer), father and daughter and tenants of the property, filed appeals to the City of Martinsville Local Board of Building Code Appeals (local appeals board). The local appeals board heard both appeals

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together and denied both appeals stating *“Appeal was filed outside the 14 day requirement as set forth in §107 of the 2021 Virginia Maintenance Code and failure to pay the appeal fee. Appeal application was made on December 17, 2025 for a notice of unsafe structure posted on July 15, 2025, appeal fee has not been paid as of today for either application.”*

4. On February 2, 2026, Kruse initiated submittal of an appeal application to the Review Board. Kruse completed submittal of the appeal application to the Review Board on March 11, 2026, further appealing the matter to the Review Board.

5. While initially processing the appeal application, Review Board staff found that the appeal application to the local appeals board may have been untimely based on the date the Notice and appeal filing to the local appeals board, verification of receipt of the Notice by Kruse and/or Spencer could not be verified, required appeal fee had not been paid, and proper notice for the hearing may not have been provided to Kruse or Spencer; therefore, in accordance with Review Board Policy #9, Review Board staff prepared the case for a preliminary hearing as to whether the appeal was untimely to the local appeals board, whether the Notice was received by Kruse and Spencer, whether payment of the appeal fee is required for filing the appeal, and whether proper notice for the appeal hearing was provided to Kruse and Spencer.

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

Suggested Issues for Resolution by the Review Board

1. Whether the appeal was untimely to the local appeals board.

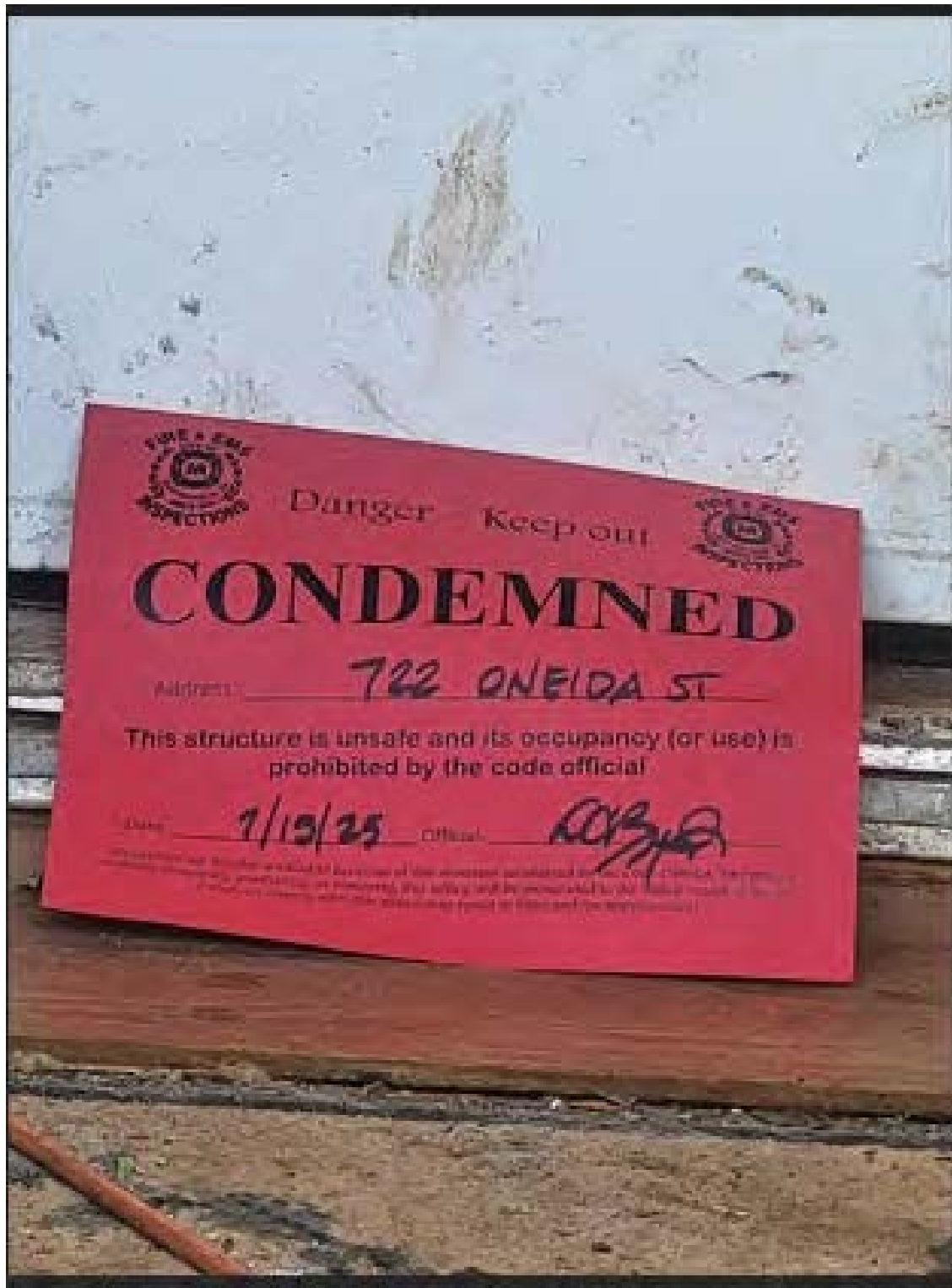
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2. Whether Kruse and Spencer received the Notice.
3. Whether the appeal fee is required to be paid in order for the appeal to be considered as filed, processed, and heard by the local appeals board.
4. Whether the City provided the required 14-day notice for the hearing at the local appeals board to Kruse and Spencer.

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Basic Documents

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Martinsville
A CITY WITHOUT LIMITS

Community Development

Cory Kruse
722 Oneida St.
Martinsville, VA 24112

McKenzie Spencer
722 Oneida St.
Martinsville, VA 24112

Richard D. Hankins & Lottie Weatherman
722 Oneida St.
Martinsville, VA 24112

Board of Appeals Written Decision
Appeal # **2026-01**

IN RE: Cory Kruse and McKenzie Spencer vs. City of Martinsville Building Official

The appeal is hereby denied, for the following reasons set out below:

Appeal was filed outside the 14-day requirement as set forth in §107 of the Virginia Maintenance Code and failure to pay the appeal fee. Appeal application was made on December 17, 2025 for a notice of unsafe structure posted on July 15, 2025, appeal fee has not been paid as of today for either application.

Date: January 8, 2026

Board of Appeals Chairman

Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by registered mail of resolution. Application forms are available from the Office of State Review Board, 600 East Main St, Richmond VA, 23219, (804)371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docs/sberb/file-appealapplication-may-19.pdf>.

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@dhed.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

RECEIVED

February 2, 2026 WTZ

OFFICE OF THE REVIEW BOARD

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

Cory Kruse 276-403-2921 Kruse.C.24171@gmail.com
722 Onida St
Martinsville VA ~~Kruse.C.24171~~

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

Kris Bridges
55 West Church Street 276-403-5000
Martinsville VA 24112 kbridges@ci.martinsville.va.us

Additional Information (required by the applicable code to be submitted with this application)

- ☐ Copy of enforcement decision being appealed
- ☐ Copy of the decision of local government appeals board (if applicable)

Additional Information (to be submitted with this application)

- ☐ Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of January, 2026, 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: Cory Kruse

Name of Applicant: Cory Kruse
(please print or type)

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

RECEIVED

March 11, 2026 WTZ

OFFICE OF THE REVIEW BOARD

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

Cory Kruse 276-403-2921 Kruse.C.24171@gmail.com
722 Onida St
Martinsville VA ~~Kruse.C.24171~~

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

Kris Bridges
55 West Church Street 276-403-5000
Martinsville VA 24112 kbridges@ci.martinsville.va.us

Additional Information (required by the applicable code to be submitted with this application)

- ☐ Copy of enforcement decision being appealed
- ☐ Copy of the decision of local government appeals board (if applicable)

Additional Information (to be submitted with this application)

- ☐ Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of January, 2026, 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: Cory Kruse

Name of Applicant: Cory Kruse
(please print or type)

I cannot say what the code violation (s) as I never received any papers just a red tag on the door and when I contacted the building inspection I was told not enough natural light so I went there to argue the fact that the windows covered 22% of floor space but then they switched to using a generator as permanent power and then was given permission to work in the home not sleep and never got a list of things to fix

The bords decision being appealed that it wasn't filed in a timely manner

And unable to provide a copy of application as I wasn't given a copy

Haven't received the board decision but was present for hearing but wasn't allowed to address the bord and they said I was to late because I was givin permission to work on the property then on December 19 they claimed to be reposting the notice from July 15 and using the police to throw me out and trespassed I filed the appeal within the 14 days of receiving the December notice but it was backdated to prevent my appeal

And the relief i seek is the is simply to know the violations and a time to fix to get back into the house and to know if this is proper procedure for removing someone from there house or what the proper guidelines are for 24 hour removal and an forthwith removal for a lockout and if not an imminent danger what the time to fix should be

From: [Cory Kruse](#)
To: [Luter, Travis \(DHCD\)](#)
Subject: 722 Oneida Street Martinsville va
Date: Friday, March 13, 2026 8:43:56 AM
Attachments: [gmail_images20260313_084005.png](#)

TO: Virginia State Building Code Technical Review Board **FROM:** Cory Kruse **RE:**
Rebuttal of Local Board Dismissal – Property: 722 Oneida Street, Martinsville, VA

**FORMAL NOTICE OF PROCEDURAL ERROR, JUDICIAL FEE WAIVER, AND
PHOTOGRAPHIC EVIDENCE**

I, Cory Kruse, am writing to the State Board to contest the dismissal of my appeal by the Martinsville Local Board of Building Code Appeals (LBBCA). I am requesting that the State Board vacate the dismissal based on the following facts:

1. Revocation of Permission and Timeliness (Photographic Proof) The Local Board cites a July 15, 2025, notice as the basis for a 14-day appeal window. However, this notice was legally stayed because City officials granted me explicit permission to remain on the property at **722 Oneida Street** to perform repairs following that date.

- **Evidence of Service:** I have attached a photograph to this appeal taken on **December 16, 2025**. This photo clearly shows the Fire Marshal holding the condemnation notice as it was being served for the first time in an enforcement capacity.
- The "appealable event" did not actually occur until this moment on **December 16, 2025**, when my previous permission to work was revoked and the Fire Marshal enforced a lockdown.
- My appeal, filed on **December 17, 2025**, was submitted within 24 hours of this actual service, making it timely under the law.

2. Violation of Judicial Finding of Indigency The Local Board's dismissal for "failure to pay the appeal fee" is a direct violation of a court determination.

- On **December 17, 2025**, a Judge reviewed my financial status and **signed my Affidavit of Indigency (In Forma Pauperis)** specifically regarding my legal filings for this property.
- A local board does not have the legal authority to override a Judge's signature on a fee waiver to prevent a citizen from accessing the appeals process. Denying my appeal based on a fee that a Judge has already waived is a violation of my 14th Amendment Due Process rights.



Respectfully submitted,

Documents Submitted
by
Cory Kruse

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Documents Submitted By City of Martinsville

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Martinsville
A CITY WITHOUT LIMITS

NOTICE

Nº 0200

In reference to this property located at 722 ONEIDA ST within the City of Martinsville, the following violations of the City's nuisance ordinances 15.5-21 through 15.5-25 were observed on 8/28/18;

Debris, refuse, rubbish, trash

Disease or breeding of insects or vermin

Elevated vehicle

Junk vehicle

Noxious or offensive odors

Pools of water

Unlicensed vehicle

Public nuisance tree

Open storage of inoperative vehicle

☒ Maintenance of property-weeds and rank growth CUT ALL GRASS

RECEIVED

SEP 14 2018

12

This property will be re-inspected on 8/27/18 (C). Any of the noted above violations remaining on this date will be abated at the owner's expense. Please contact the following nuisance compliance officer with any questions. Thank you.

MARIL PRICE

403-5174

8/21/18

Name

Phone

Date

#1525750

sent to
finance on
5/3/2023

#225.00 fine

Richard Dale Harkins
+ Lottie Harks Weatherman, Heirs
1722 Oneida Street
Martinsville, VA 24112



Martinsville

A CITY WITHOUT LIMITS

NOTICE

No. 5645

#12(02)00/03

On 4/17/23 the property located at 722 Oneida St within the City of Martinsville has at least one of the following nuisance ordinance violations as described in §13.36, §15.5-21 through §15.5-23 and §15.5-29 and/or the parking portion of the Zoning Ordinance, XXIII.H.1

- ☐ Debris, refuse, rubbish, trash
- ☐ Harborage or breeding ground for insects or pests
- ☐ Open storage of inoperative vehicle
- ☐ Improperly parked vehicle, surfaces unapproved
- ☐ Noxious or offensive odors
- ☐ Pooling and/or ponding water
- ☐ Dead, diseased or dying, public nuisance tree
- ☒ Maintenance of property-weeds and rank growth cut all grass

RECEIVED
APR 20 2023

This property will be re-inspected on 4/20/23. Any of the above noted violations that remain on this date will be abated at the owner's expense. Please contact the following nuisance compliance officer with any questions or to request an extension.

L. Rogers

Name

403-5979

Phone





Martinsville
A CITY WITHOUT LIMITS

NOTICE

Nº 7025

On 12/14/25 the property located at 724 ONEIDA within the City of Martinsville has at least one of the following nuisance ordinance violations as described in §13.36, §15.5-21 through §15.5-23 and §15.5-29 and/or the parking portion of the Zoning Ordinance, XXIII.H.1

- ☒ Debris, refuse, rubbish, trash GET TRASH OFF PORCH AND YARD
- ☐ Harborage or breeding ground for insects or pests _____
- ☐ Open storage of inoperative vehicle _____
- ☐ Improperly parked vehicle, surfaces unapproved _____
- ☐ Noxious or offensive odors _____
- ☐ Pooling and/or ponding water _____
- ☐ Dead, diseased or dying, public nuisance tree _____
- ☐ Maintenance of property-weeds and rank growth _____

This property will be re-inspected on 12/15/25. Any of the above noted violations that remain on this date will be abated at the owner's expense. Please contact the following nuisance compliance officer with any questions or to request an extension.

James Harker

Name

276-403-1117

Phone



posted and
mailed on
7/15/2025

Department of Community Development
Notice of Unsafe Structure

July 15, 2025

Richard Dale Hankins & Lottie H. Weatherman, Heirs
722 Oneida St.
Martinsville, VA 24112

Re: 722 Oneida St.
Map# 12 (02)00 /03



Dear Property Owners, Tenants and/or Agents,

The City of Martinsville's Inspections Division inspected the above-mentioned property and found it to be in violation of the Virginia Uniform Statewide Building Code (USBC) for the maintenance of existing structures.

You are hereby notified that this building is CONDEMNED; the Code Official prohibits any further use or occupancy and vacated by 12pm noon Wednesday, July 16, 2025. And secured against public entry.

The specific violations which exist, that cause this building to be declared unsafe, unfit for human occupancy or unlawful are listed below

- PM-106 – Unsafe and unfit structure, extensive damage due to neglect.
- PM-402.1 – Occupied without proper utilities, lacks proper lighting
- PM-403.1 – Occupied without proper utilities, lacks proper ventilation
- PM-504.2 – Occupied without proper utilities, lacks proper working plumbing fixtures

ORDER

The Building Code Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be vacated and secured against public entry. Prior to re-occupancy, all violations of the Virginia Maintenance Code must be corrected. Until such time as the structure is brought into compliance, it will remain Condemned, and occupancy prohibited.

Failure to comply with this order to abate the unsafe and dangerous conditions on this property will result in the City of Martinsville taking action as to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and or the USBC, as the Building Code Official deems appropriate. This may result in legal action which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of this building and charge the costs or expenses thereof to you. Any charges assessed that are unpaid would constitute a lien in that amount against the property.

Right of Appeal

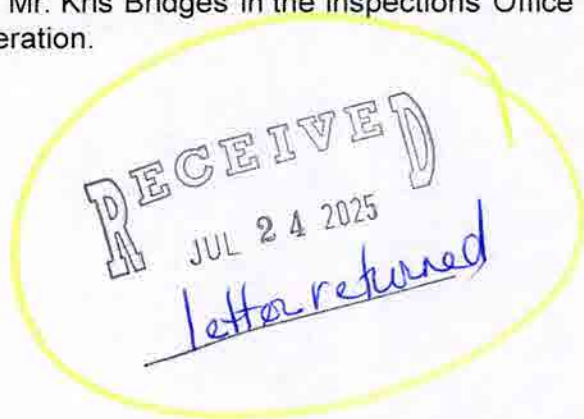
You have the right to appeal this decision of the Building Code Official to the local Board of Building Code Appeals as provided for in Section 107 of the USBC. A written request for such an appeal shall be made on forms provided by the Code Official, and filed with this office within 14 calendar days from receipt of this notice and accompanied by a fee of \$100.00. Applications for appeal may be obtained in the Inspections Office located in Room 217 of the Municipal Building on W. Church St., Monday through Friday, 8:30 am until 5:00 pm.

I encourage you to contact the Building Code Official, Mr. Kris Bridges in the inspections Office to discuss this matter further. Thank you for your time and cooperation.

Sincerely,



Kris Bridges
Building Official
(276) 403-5171



INSPECTION FIELD SHEET
Printed by ASHLEE TURNER03/19/26
13:38:18

INSPECTION: 23417 Condemn Notice Posted on Prop

LOC: 722 ONEIDA ST
MARTINSVILLE

PROPERTY ID: 000037900

OWNER: HANKINS RICHARD DALE &
276-224-7426

CONTRACTOR: _____

REQUEST BY: _____

WORK ORDER:

INSPECTOR:	mp	RESULT:	PASS
REQUESTED:	07/15/25 1000	PRIORITY:	
SCHEDULED:	07/15/25 1015	COMPLETED:	07/15/25 1118
UNPAID FEES:	.00		Date Time

MILEAGE: .00 TIME: TRAVEL ONSITE

COMMENTS:

NOTICE OF UNSAFE STRUCTURE AND ORDER TO VACATE POSTED ON PROPERTY
CITY OF MARTINSVILLE FIRE MARSHAL: ANDY POWERS
CITY OF MARTINSVILLE DEPUTY CODE OFFICIAL: MARK PRICE II

INSPECTION FIELD SHEET
Printed by ASHLEE TURNER03/19/26
13:35:06

INSPECTION: 23418 Condemn Notice RE-POSTED

LOC: 722 ONEIDA ST
MARTINSVILLE

PROPERTY ID: 000037900

OWNER: HANKINS RICHARD DALE &
276-224-7426

CONTRACTOR: _____

REQUEST BY: _____

WORK ORDER:

INSPECTOR:	mp	RESULT:	PASS
REQUESTED:	12/16/25 1300	PRIORITY:	
SCHEDULED:	12/16/25 1300	COMPLETED:	12/16/25 13:37
UNPAID FEES:	.00		Date Time

MILEAGE: .00 TIME: TRAVEL ONSITE

COMMENTS:

CONDEMNATION NOTICED RE-POSTED ON STRUCTURE
CITY OF MARTINSVILLE FIRE MARSHAL: ANDY POWERS
CITY OF MARTINSVILLE DEPUTY CODE OFFICIAL: MARK PRICE II



Martinsville
A CITY WITHOUT LIMITS

Kris Bridges
Building Official
(276) 403-5171

Ashlee Turner
Permit Technician
(276) 403-5173

Mark Price II
Code Compliance
Inspector
(276) 403-5174

USBC Appeal Form

A \$100 nonrefundable appeal fee must be included at the time of submittal

The Owner, the owner's agent, or any other person involved in the design or construction of a building or structure may appeal the decision of the code official concerning the application of the USBC to such building or structure. They may also appeal a refusal by the code official to grant a modification to the provisions of the USBC pertaining to such building or structure. The applicant shall submit a written request for appeal to the Local Board of Building Code Appeals within the below listed time frames. Indicate the code appealed.

- ☐ Virginia Construction Code - Within 30 days of receipt of the Code Official's decision
- ☐ Virginia Maintenance Code - Within 14 days of receipt of the Code Official's decision
- ☐ Virginia Amusement Device Regulations - Within 14 days of receipt of the Code Official's decision
- ☐ USBC - Within 30 days of the denial of a modification

Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the code official's decision.

Applicant Name Mckenzie Spencer
Relationship ☐ Owner ☐ Owner's agent
Applicant Address 722 Oneida Street
City Martinsville State VA Zip 24078
Phone 276-732-3332 email mckenzie35@gmail.com

Owner Richard Dale Hankins
Owner Address Stuarts RD
City Martinsville State VA Zip 24112
Phone _____ email _____

Address of subject property 722 Oneida Street
Date of Code Official's decision 12-16-25

Description of Appeal I am appealing the verbal and physical order to vacate issued on December 16th executed by Martinsville Police and Brandon Oreal, James Hopkins, Mark Price II, under purported authority of the Virginia uniform statewide
grounds for appeal

Received by [Signature] Appeal Fee Improper service Date 12/17/25
None paid at this time 58

Document 1: Notice of Appeal to the LBBCA

TO: Local Board of Building Code Appeals (LBBCA)

ATTN: Kris Bridges, Building Official

CITY: Martinsville, Virginia

DATE: December 17, 2025

RE: EMERGENCY NOTICE OF APPEAL – 722 Oneida street Martinsville VA 24112

1. THE PARTIES:

This appeal is filed by McKenzie N Campbell Spencer, an aggrieved party and occupant of the property located at 722 Oneida street Martinsville VA 24112

2. THE DECISION BEING APPEALED:

I am appealing the verbal and physical order to vacate issued on December 16, 2025, executed by Martinsville Police and Brandon Oreal, James Hopkins, Mark Price II, under the purported authority of the Virginia Uniform Statewide Building Code (USBC).

3. GROUNDS FOR APPEAL (USBC § 119.5):

* IMPROPER SERVICE: No written "Notice of Violation" or "Order to Vacate" was served on the occupant prior to physical removal.

* FAILURE TO PLACARD: Contrary to USBC § 106.5, the City failed to post "Unsafe" placards at each of the four (4) entrances prior to removal. Video evidence shows officials in possession of placards after the lockout occurred.

* INCORRECT INTERPRETATION: The City is using a nuisance/trash ordinance as a pretext for a structural condemnation without following structural due process.

4. RELIEF SOUGHT:

I request an immediate Stay of Enforcement as required by law. I demand the Board reverse the decision to exclude me from the property and allow immediate restoration of my residency.

5. URGENT REQUEST:

Because this action has resulted in immediate homelessness, I request an expedited hearing within the timeframes allowed by the USBC.

Respectfully Submitted,

McKenzie N Campbell Spencer

Phone: 276-732=3352

Email: McKenziie38@Gmail.com



Martinsville
A CITY WITHOUT LIMITS

Kris Bridges
Building Official
(276) 403-5171

Ashlee Turner
Permit Technician
(276) 403-5173

Mark Price II
Code Compliance
Inspector
(276) 403-5174

USBC Appeal Form

A \$100 nonrefundable appeal fee must be included at the time of submittal

The Owner, the owner's agent, or any other person involved in the design or construction of a building or structure may appeal the decision of the code official concerning the application of the USBC to such building or structure. They may also appeal a refusal by the code official to grant a modification to the provisions of the USBC pertaining to such building or structure. The applicant shall submit a written request for appeal to the Local Board of Building Code Appeals within the below listed time frames. Indicate the code appealed.

- ☐ Virginia Construction Code - Within 30 days of receipt of the Code Official's decision
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- ☐ Virginia Amusement Device Regulations - Within 14 days of receipt of the Code Official's decision
- ☐ USBC - Within 30 days of the denial of a modification

Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the code official's decision.

Applicant Name Cory Kruse
Relationship ☐ Owner ☐ Owner's agent Tenant
Applicant Address 722 Oneida Street
City Martinsville State VA Zip 24112
Phone 276 403 2921 email Kruse.C24171@gmail.com

Owner ~~Tenant~~ Richard Dale Hawkins
Owner Address Stults Rd
City Martinsville State VA Zip 24171
Phone _____ email _____

Address of subject property 722 Oneida
Date of Code Official's decision 12-16-2025

Description of Appeal I am appealing the Verbal and physical
order to vacate on December 16-2025 Executed by
Martinsville Police and Brandon Oyrall James Hopkins
Mark Price II under purported authority of
Virginia Uniform state wide Building Code USBC
Grounds for appeal improper service failure to place

Received by [Signature] Appeal Fee NOT PAID AT THIS TIME Date 12/17/23



Department of Community Development

January 5, 2026

Richard Dale Hankins
722 Oneida St.
Martinsville, VA 24112

Cory Kruse
722 Oneida St.
Martinsville, VA 24112

Mckenzie S.
722 Oneida St.
Martinsville, VA 24112

RE: Notice of Board Appeals Hearing

Dear Property Owners and/or Agents,

This letter serves as formal notification that an appeal has been submitted to the Board for review.

Please be advised that the Board of Appeals has scheduled a hearing with the following date and time:

Date: January 8, 2026

Time: 2:00 p.m.

Location: 55 W. Church St., Martinsville, VA 24112 (Council Chambers)

You are hereby notified of this hearing and are entitled to attend and present any relevant information, documentation, or testimony for consideration by the Board. Should you be unable to attend, written statements or supporting materials may be submitted prior to the hearing date.

If you have any questions, please contact:

Kris Bridges @ 276.403.5171 or kbridges@martinsvilleva.gov.

Thank you for attention to this matter.

Sincerely,

Kris Bridges



Martinsville
A CITY WITHOUT LIMITS

Board of Appeals Written Decision

Appeal # 2026-01

IN RE: Cory Kruse and McKenzie Spencer vs. City of Martinsville Building Official

The appeal is hereby denied, for the following reasons set out below:

Appeal was filed outside the 14 day requirement as set forth in §107 of the 2021 Virginia Maintenance Code and failure to pay the appeal fee. Appeal application was made on December 17, 2025 for a notice of unsafe structure posted on July 15, 2025, appeal fee has not been paid as of today for either application.

Date: January 8, 2025

Signature: 
Chairman

Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by registered mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main St, Richmond VA, 23219, (804)371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docs/sbcrb/file-appeal/appeal-application-may-19.pdf>.

Community Development

Cory Kruse
722 Oneida St.
Martinsville, VA 24112

McKenzie Spencer
722 Oneida St.
Martinsville, VA 24112

Richard D. Hankins & Lottie Weatherman
722 Oneida St.
Martinsville, VA 24112

Board of Appeals Written Decision
Appeal # **2026-01**

IN RE: Cory Kruse and McKenzie Spencer vs. City of Martinsville Building Official

The appeal is hereby denied, for the following reasons set out below:

Appeal was filed outside the 14-day requirement as set forth in §107 of the Virginia Maintenance Code and failure to pay the appeal fee. Appeal application was made on December 17, 2025 for a notice of unsafe structure posted on July 15, 2025, appeal fee has not been paid as of today for either application.

Date: January 8, 2026

Board of Appeals Chairman

Note: Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by registered mail of this resolution. Application forms are available from the Office of State Review Board, 600 East Main St, Richmond VA, 23219, (804)371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docs/sbcrb/file-appealapplication-may-19.pdf>.

City of Martinsville

Board of Building Code Appeals

Meeting Minutes

Date: January 8, 2026

Location: Municipal Building, Room 217

Meeting Called to Order: 2:01 PM

Subject: Appeal of Notice of Condemnation and Order to Vacate dated July 15, 2025

Board Member Present: Wayne Draper(Chairman), Tonya Scales, Genecarelli Clark

Appellants: Cory Kruse & McKenzie Spencer

Summary of Proceedings:

The Board reviewed an appeal filed by Cory Kruse and McKenzie Spencer concerning a Notice of Unsafe Building and Order to Vacate that was posted on the subject property on July 15, 2025. The Chair first addressed whether the appeal was valid and timely under the Uniform Statewide Building Code (USBC).

Staff cited Section 107 of the USBC (Property Maintenance), which require that an appeal be filed within the prescribed time period (14 calendar days) and be accompanied by the required appeal fee prior to being heard.

It was stated that the Notice of Condemnation was legally served by posting on the property, and that posting constitutes proper legal service. The appellants did not submit the appeal within the required time frame and did not pay the required appeal fee.

Appellants' Comments:

The appellants asserted that the condemnation was not based on an imminent safety hazard, claimed procedural deficiencies in the condemnation process, and alleged that due process was not afforded. The appellants disputed the findings related to the use of a generator and stated that permission had been given to enter the property to perform work.

City staff responded that the property was deemed unsafe due to occupancy without required utilities and the continuous use of a generator while the dwelling was occupied. Staff stated that repairs were allowed, and that the property was reposted in December following additional complaints.

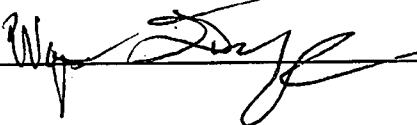
Board Action:

A motion was made and seconded to deny the appeal filed by Cory Kruse and McKenzie Spencer based on failure to file the appeal within the required time period and failure to submit the required

appeal fee. The motion carried by consensus of the Board.

The Chair advised the appellants of their right to further appeal the decision to the State Technical Review Board. The meeting was adjourned.

Meeting Adjourned: 2:17 PM

Chairperson Signature:  Date: 1/13/26

COMMONWEALTH OF VIRGINIA



MARTINSVILLE CIRCUIT COURT
Civil Division
55 W. CHURCH ST., BOX 1206
MARTINSVILLE VA
(276) 403-5106

Virginia:

In the MARTINSVILLE CIRCUIT COURT

Case number: 690CL26000006-00
Service number: 001
Service filed: January 12, 2026
Judge:

Served by: MARTINSVILLE CITY

Style of case: CORY KRUSE vs CITY OF MARTINSVILLE

Service on: ROBERT FINCHER
MARTINSVILLE CITY MANAGER
55 W CHURCH STREET
MARTINSVILLE VA 24112

Attorney:

Instructions: ATTACHED: PETITION FOR EMERGENCY INJUNCTION AND STAY OF ADMINISTRATIVE ORDER

Hearing date :

Service issued: Wednesday, January 14, 2026

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

CORY KRUSE, Plaintiff,

v.

CITY OF MARTINSVILLE BUILDING BOARD OF APPEALS, Defendant.

PETITION FOR EMERGENCY INJUNCTION AND STAY OF ADMINISTRATIVE ORDER

Comes now the Plaintiff, **Cory Kruse**, appearing Pro Se, and respectfully moves this Court for an Emergency Injunction and Stay of the Building Official's "Vacate Order" regarding the property at **722 Oneida Street, Martinsville, VA**. In support of this Petition, Plaintiff states as follows:

1. **Admission of No Imminent Danger:** In a hearing on January 8, 2026, the Building Official admitted on the record that the property **does not** pose an "imminent danger."
2. **Violation of State Law (VA Code § 15.2-906):** Despite admitting no imminent danger existed, the Official executed a 24-hour emergency ouster. Under Virginia Law, a non-emergency requires a **30-day notice and right to cure**. The City deliberately bypassed this statutory requirement.
3. **Procedural Fraud:** The City backdated a December 19, 2025, notice to **July 19, 2025**. The Building Official admitted today this was a "reposting," confirming a five-month delay in enforcement which further proves no emergency existed.
4. **Denial of Due Process:** The Local Board refused to hear evidence of this fraud today and had me removed by police, claiming my appeal was "untimely" based on their backdated July date.
5. **Irreparable Harm (Parental Rights):** This fraudulent administrative record is the primary evidence being used in a **Termination of Parental Rights (TPR)** case in J&DR Court. If this Court does not stay the order, my family will be permanently severed based on an admitted non-emergency and a falsified government record.

PRAYER FOR RELIEF:

Plaintiff seeks an immediate **Stay of Execution** of the ouster order and an Injunction preventing the City from enforcing the vacate notice until this matter is heard on its merits.

Respectfully Submitted,

Cory Kruse

Phone: 276-403-2921

Address: 722 Oneida Street, Martinsville, VA 24112

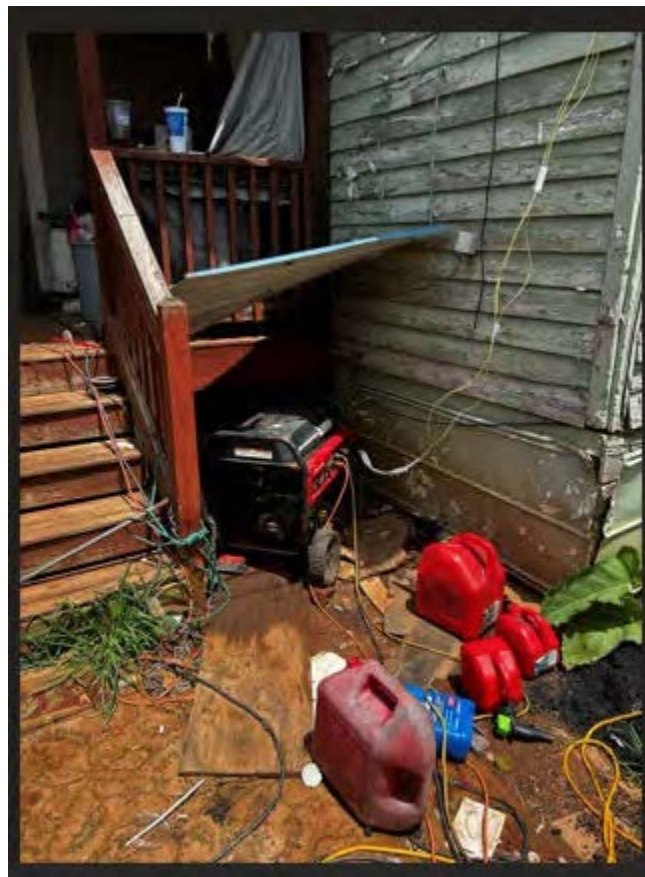
*Do order
quitting section
to proceed
is for me
paupers and
File.
Done on
City.
1/12/26*













Martinsville
A CITY WITHOUT LIMITS

Community Development

P.O. Box 1112
Martinsville, VA 24114-1112

RETURN SERVICE REQUESTED

GREENSBORO NC 270

17 JUL 2025 PM 3:11

FIRST-CLASS



US POSTAGE
MILITARY BOWES
ZIP 24112
02 7H
0006121348 JUL 15 2025
\$ 000.74

RECEIVED
JUL 24 2025

Returned

Richard D. Hankins & Lottie H. Weatherman
722 Oneida St.
Martinsville, VA 24112

NIXIE 274 FEB 1 0007/23/25

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 24114111212 *0380-00074-17-29

24113-1112

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Additional Documents
Submitted by
Cory Kruse

(Page left blank intentionally)

From: [Cory Kruse](#)
To: [Luter, Travis \(DHCD\)](#)
Cc: [Kris Bridges](#); [Rou, Brandon \(DHCD\)](#); [Scott, Christopher \(DHCD\)](#)
Subject: Re: Appeal to the Review Board for Cory Kruse (Appeal No. 26-01)
Date: Tuesday, April 14, 2026 1:36:36 AM
Attachments: [image001.png](#)
[image001.png](#)

Subject: Acknowledgment of Documentation Provided to the State Technical Review Board – 722 Oneida st

To the Building Official's Office,

I am writing to sincerely thank you for the photographs and documentation recently submitted to the State Technical Review Board regarding my property.

I truly appreciate the transparency in providing these specific records, as they clarify several critical points for the upcoming review:

The Returned Mail: Thank you for providing the photograph of the returned, unopened envelope. This is a vital piece of evidence confirming that the initial notice was not successfully served via mail and that the City was aware of this failure of delivery.

The December Documentation: I am especially grateful for the photograph of the Fire Marshal holding the notice during the police intervention in December. This photo is an excellent record of the fact that the notice was still in the official's possession—and had not yet been posted on the structure—at the time the removal process was initiated.

The Condition of Records: Thank you for providing the clean, crisp copies of the notices. Having these pristine versions helps me compare them against the actual service history and physical conditions of the property during that timeline.

Your decision to share these photographs with the State Technical Review Board has been incredibly helpful. It ensures that the Board has a clear, visual record of the exact sequence of events regarding service and enforcement.

I look forward to our hearing before the State Technical Review Board, where these documents will undoubtedly help everyone reach a fair and legally sound conclusion.

Sincerely,

Cory Kruse

(276) 403-2921

Dated: April 14, 2026

On Mon, Apr 13, 2026, 1:40 PM Luter, Travis (DHCD) <Travis.Luter@dhcd.virginia.gov> wrote:

Review Board staff received this submittal.

W. Travis Luter, Sr., CBO

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov



From: Kris Bridges <KBRIDGES@martinsvilleva.gov>

Sent: Thursday, April 9, 2026 10:17 AM

To: Luter, Travis (DHCD) <Travis.Luter@dhcd.virginia.gov>; KRUSE.C24171
<kruse.c24171@gmail.com>

Cc: Rou, Brandon (DHCD) <Brandon.Rou@dhcd.virginia.gov>; Scott, Christopher (DHCD)
<Christopher.Scott@dhcd.virginia.gov>

Subject: RE: Appeal to the Review Board for Cory Kruse (Appeal No. 26-01)

Thank you Mr. Luter,

In light of Mr. Kruse's statement concerning the original notice being returned, I have attached the envelope with the USPS information. At this time I agree with the time line outlined in the Staff Document for the appeal 26-0. I have nothing further to add at this time and appreciate your work thus far.

Kris Bridges, MCP, CBO, CZA

Building Official & Zoning Administrator

Dept of Community Development

55 W Church St

PO Box 1112

Martinsville, VA 24112

kbridges@martinsvilleva.gov

(276)403-5171

From: Luter, Travis (DHCD) <Travis.Luter@dhcd.virginia.gov>

Sent: Thursday, April 9, 2026 9:56 AM

To: KRUSE.C24171 <kruse.c24171@gmail.com>; Kris Bridges <KBRIDGES@martinsvilleva.gov>

Cc: Rou, Brandon (DHCD) <Brandon.Rou@dhcd.virginia.gov>; Scott, Christopher (DHCD) <Christopher.Scott@dhcd.virginia.gov>

Subject: Appeal to the Review Board for Cory Kruse (Appeal No. 26-01)

CAUTION: This email originated outside the City of Martinsville's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parties,

Attached are two documents created by Review Board staff for the above referenced appeal. The first is the Review Board staff summary which is done for the benefit of the parties and the Review Board members in accordance with established policy. The second document is the record of the appeal containing what is suggested to be given to the Review Board members along with the staff summary.

You may submit additions, corrections or objections to the staff summary, additional documents, and written arguments to be included with the information going to the Review Board members for the appeal. They must be received on or before Friday May 8, 2026, to

be included in the board package. Be reminded that your entire submittal cannot exceed the allowable 100 pages; when it does you must submit a request to the Secretary for consideration by the Chair.

The appeal hearing before the Review Board is scheduled for June 12, 2026. We will be sending out a notice of hearing and excerpts from the Review Board agenda package with all information for this appeal to you prior to the hearing as well as additional information about the meeting.

Review Board staff has sent a copy of this email and its attachments, via UPS Overnight, to property owner Richard Dale Hankins because he does not have an email address.

Should you have any questions or concerns, please do not hesitate to contact me.

W. Travis Luter, Sr., CBO

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov



From: [Cory Kruse](#)
To: [Luter, Travis \(DHCD\)](#)
Date: Friday, May 8, 2026 12:36:15 PM

APPELLANT'S REBUTTAL: EVIDENCE OF TARGETED PROCEDURAL INTERFERENCE

Appeal No. 26-01

Date of Submittal: May 8, 2026

I. THE JULY "GHOST NOTICE": SABOTAGE OF AUGUST 5TH PARENTAL RIGHTS HEARING

The City's record includes a July 15, 2025, notice that was returned as undelivered. The City sat on this "failed service" for 157 days, choosing only to act when it could cause maximum damage.

The Violation: USBC § 105.2 (Mandatory Service).

The Impact: The City initiated this "unfit" cloud over my life precisely as I was preparing for an August 5th termination of parental rights hearing. By generating a notice but failing to ensure I received it, the City created a "ticking time bomb" in my administrative record. This was not a safety measure; it was a calculated attempt to destabilize my residency status during the most sensitive window of my daughter's legal case.

II. THE DECEMBER 16TH "AMBUSH": INTERFERENCE WITH THE JANUARY 5TH APPEAL

The most egregious violation occurred on December 16, 2025. On the exact same day the City's own inspector documented that the property PASSED inspection, the Building Official executed a physical lockdown.

The Violation: USBC § 107.2 (Abuse of Emergency Measures).

The Impact: This lockdown was performed 17 days before my January 5th final appeal for my daughter. By ignoring their own "Passed" report to rush an illegal eviction, the City intentionally rendered me homeless and separated me from my \$25,000 in professional tools during my final weeks of court preparation. This was a direct strike at my "familial life"—using the Building Code as a tool of harassment to ensure I entered a court of law in a state of crisis and displacement.

III. THE JANUARY 8TH "SHAM": ADMINISTRATIVE EXHAUSTION

Following the conclusion of my parental rights appeal on January 6th, the City immediately forced a local board hearing on January 8th, providing only 6 days of notice.

The Violation: USBC § 121.2 (Failure of 14-Day Notice).

The Impact: Providing only 6 days of notice—while the City knew I was physically and emotionally exhausted from a 48-hour-old parental rights battle—is the definition of Bad Faith. The City weaponized the clock, ignoring the mandatory 14-day window to ensure I had no "meaningful opportunity to be heard." They timed this hearing to kick a man while he was down, ensuring the local board could "rubber-stamp" an illegal lockdown without a proper defense.

IV. CONCLUSION: THE PRETEXT OF SAFETY

The City of Martinsville's own evidence reveals a "perfect synchronization" between Building Code enforcement and the destruction of my family unit.

July Notice \rightarrow Targeted at August 5 Court.

December Lockout \rightarrow Targeted at January 5 Court.

6-Day Hearing Notice \rightarrow Targeted at January 6 Exhaustion.

The City's actions were not motivated by the USBC, but by a desire to hinder my familial association and legal standing. Because the City's own records prove the building PASSED on the day of the lockdown, and because they violated Notice and Service mandates, this

enforcement action must be vacated in its entirety.

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of William Laffoon
 Appeal No. 26-02

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of William Laffoon
 Appeal No. 26-02

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On November 3, 2025 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part I of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VCC), rejected the plan review on the basement and first floor of the structures located at 5 E. and 7 E. Broad St in the City of Richmond submitted by William Laffoon (Laffoon) for his request for two new certificates of occupancy (CO) required by the City of Richmond Finance Office for a business license for the three businesses. The current CO, issued August 9, 2022, is for the existing tenant, a nightclub, that currently occupies the entire first floor and basement of the structures located at 5 E. and 7 E. Broad St will remain in the entire basement only of 5 E. Broad St. and 7 E. Broad St.; therefore, the current CO will be required to be amended to reflect the proposed use. The other two CO requests were for two new tenants, also both nightclubs, that will occupy half of the first floor each, one located at 5 E. Broad St. and the other located at 7 E. Broad St. In the City plan review rejection, the City requested in part the following clarification and/or submittal via email from the plans examiner:

- Clarify use of the basement
- Submit sealed, unlocked drawing set for each new tenant space

(Page left blank intentionally)

- Indicate in the drawing if the goal is to reestablish 5 E. Broad Street address or create two suites under the 7 E. Broad Street address; if two suites are proposed, provide the suite numbers
- Provide plumbing calculations coordinated with the occupancy load
- Show where wall openings are being filled and indicate what materials are proposed for the new walls
- Call out rated assemblies
- Drawing should include code summary specifying the building code, construction type, use classification, occupant load calculations, sprinkler information, etc.
- Basement separation and access, if applicable
- Requiring permits

Note: The City required the plan review pursuant to VCC Section 108.1 When applications are required Item #2 and Virginia Existing Building Code, (VEBC) Section 202, definition of Change of Occupancy Item #2, due to the subdivision of the first-floor tenant space which changed the level of activity in the building.

2. Laffoon filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on January 16, 2026. On February 18, 2026, the local appeals board “Upheld” the appeal finding that *“the intent of the code was applied and enforced properly by the code official.”* On February 23, 2026, Laffoon further appealed to the Review Board seeking to overturn the decision of the city and local appeals board.

3. Review Board staff conducted an informal fact-finding conference (IFFC) on May 5, 2026 for the Laffoon appeal (Appeal No. 26-02), which was attended by William Laffoon, Daniel Mouer, and Michelle Dickson. The first issue addressed during the IFFC was for staff to gain clarity on the structure subject to the appeal and scope of the proposed project related to the appeal.

4. The second issue addressed during the IFFC was clarifying the issues for resolution for the appeal. While processing the appeal Review Board staff found that the appeal to the local appeals board may have been untimely. Laffoon had not identified the potential jurisdictional

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issue of timeliness in his statement of relief sought in his appeal application to the Review Board. Staff pointed out the potential jurisdictional issue and described the process for the potential jurisdictional issue to the parties present should Laffoon wish to have the potential jurisdictional issue considered by the Review Board. After a brief discussion Laffoon indicated that he did not wish to have this matter considered by the Review Board at a preliminary hearing.

Note: Review Board staff contacted the City local appeals board Secretary to determine whether the City had regularly scheduled local appeals board meetings. The City confirmed that it does have regularly scheduled local appeals board meetings: therefore, in accordance with VCC Section 119.6, the City had 45 days to hear the case. The appeal was timely to the local appeals board.

Once the remaining issues for resolution were identified, Review Board staff reviewed the record of the appeal with the parties whereby duplicate pages as well as all pages not related to the identified potential violations being appealed and/or issues for resolution were eliminated.

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 hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to overturn the decision of the City and the local appeals board that building permits are required for a change of tenant when the building *Use and Occupancy Classification* remains the same.

2. Whether to overturn the decision of the City and local appeals board that Laffoon must provide the City with information for plan review when the City possesses files showing the requisite information.

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3. Whether to overturn the decision of the City and local appeals board requiring information be submitted to the City beyond what the code requires.

4. Whether to overturn the decision of the City and local appeals board that the occupant load of a building or space cannot be reduced, by owner request, to be lower than the calculated occupant load in accordance with VCC Section 1004.5 *Area without fixed seating*.

5. Whether to overturn the decision of the City and local appeals board that all tenants in a building/structure shall have ready access to the overcurrent device pursuant to National Electrical Code Article 240.24 *Location in or on premises*.

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Basic Documents

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TRB appeal at 7 East Broad Street, Richmond

List of additional information:





3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

January 15, 2026

Ms. Michelle Dickson, Buildings Plan Examiner
City Hall, Room 110,
900 East Broad Street
Richmond, VA 23219

via email and uploaded to the permit portal

REF: FOIA Request H Permits for tenant changes at 7 East Broad Street first floor

Dear Michelle,

Your review letter and your mark up notes on the plan submitted are attached. This is a FOIA request. For items 1 through 7 highlighted in green, please provide the building code section/or other document that you rely on to require for tenant change indicated on the application/drawing.

With kindest regards,

A handwritten signature in red ink, appearing to read "Bill Laffoon", is written over a faint, larger red signature.

Bill Laffoon RA

Copy to: David Alley, Daniel Mouer, Rick Paul, Susan Harold

Attachments: your 7 e broad review comments with items in question noted

FOIA 12-17-2026

The Diner 2, Inc.: A new tenant will occupy a portion of the first floor of 7 E Broad Street. The tenant will occupy the first floor of 7 E Broad Street. The basement is not included in the newly delineated night club. The Diner 2.0 will share first floor bathrooms with a new tenant located on the first floor and mezzanine off E Broad Street. No construction is proposed.

Building Code: 2021 Virginia Existing Building Code

Construction Type: IIB?

Use Classification: A-2

Occupant Load: 817

Sprinkler: Full Protected?

For the 11/25 overall, please provide a code summary specific to building code, construction type, use classification, and sprinkler information.

Please clarify in the provided description if The Diner 2.0 is a restaurant or a nightclub.

CERTIFICATE OF OCCUPANCY

OCCUPANCY

ISSUE DATE: 6/9/2022

BLDC-060914-2019

OFFICE ADDRESS: 7 E Broad St, 23219

PROJECT DESCRIPTION: New Night Club Information Services Center with Current Building Code.

OCCUPANT INFORMATION: Basement & 1st

NO. OF PARTICIPANTS: 817

INSPECTION TYPE: Nightclub

INSPECTION DATE: 06/09/2022

INSPECTION TIME: 10:00 AM

INSPECTION LOCATION: 7 E Broad St

INSPECTION OFFICIAL: [Signature]

INSPECTION OFFICIAL TITLE: [Title]

INSPECTION OFFICIAL SIGNATURE: [Signature]

INSPECTION OFFICIAL EXPIRATION DATE: 06/09/2025

INSPECTION OFFICIAL CONTACT INFORMATION: [Contact Info]

INSPECTION OFFICIAL PHONE: [Phone]

INSPECTION OFFICIAL EMAIL: [Email]

INSPECTION OFFICIAL WEBSITE: [Website]

INSPECTION OFFICIAL SOCIAL MEDIA: [Social Media]

INSPECTION OFFICIAL ADDRESS: [Address]

INSPECTION OFFICIAL CITY: [City]

INSPECTION OFFICIAL STATE: [State]

INSPECTION OFFICIAL ZIP: [ZIP]

INSPECTION OFFICIAL COUNTRY: [Country]

INSPECTION OFFICIAL TAX ID: [Tax ID]

INSPECTION OFFICIAL EIN: [EIN]

INSPECTION OFFICIAL DUNS: [DUNS]

INSPECTION OFFICIAL VENDOR ID: [Vendor ID]

INSPECTION OFFICIAL ACCOUNT ID: [Account ID]

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INSPECTION OFFICIAL PAYMENT TERMS: [Payment Terms]

INSPECTION OFFICIAL DELIVERY TERMS: [Delivery Terms]

INSPECTION OFFICIAL RETURN POLICY: [Return Policy]

INSPECTION OFFICIAL WARRANTY: [Warranty]

INSPECTION OFFICIAL SUPPORT: [Support]

INSPECTION OFFICIAL TRAINING: [Training]

INSPECTION OFFICIAL DOCUMENTATION: [Documentation]

INSPECTION OFFICIAL COMPLIANCE: [Compliance]

INSPECTION OFFICIAL SECURITY: [Security]

INSPECTION OFFICIAL PRIVACY: [Privacy]

INSPECTION OFFICIAL TERMS OF SERVICE: [Terms of Service]

INSPECTION OFFICIAL AGREEMENT: [Agreement]

INSPECTION OFFICIAL RELEASE: [Release]

INSPECTION OFFICIAL DISCLOSURE: [Disclosure]

INSPECTION OFFICIAL NOTICE: [Notice]

INSPECTION OFFICIAL WARNING: [Warning]

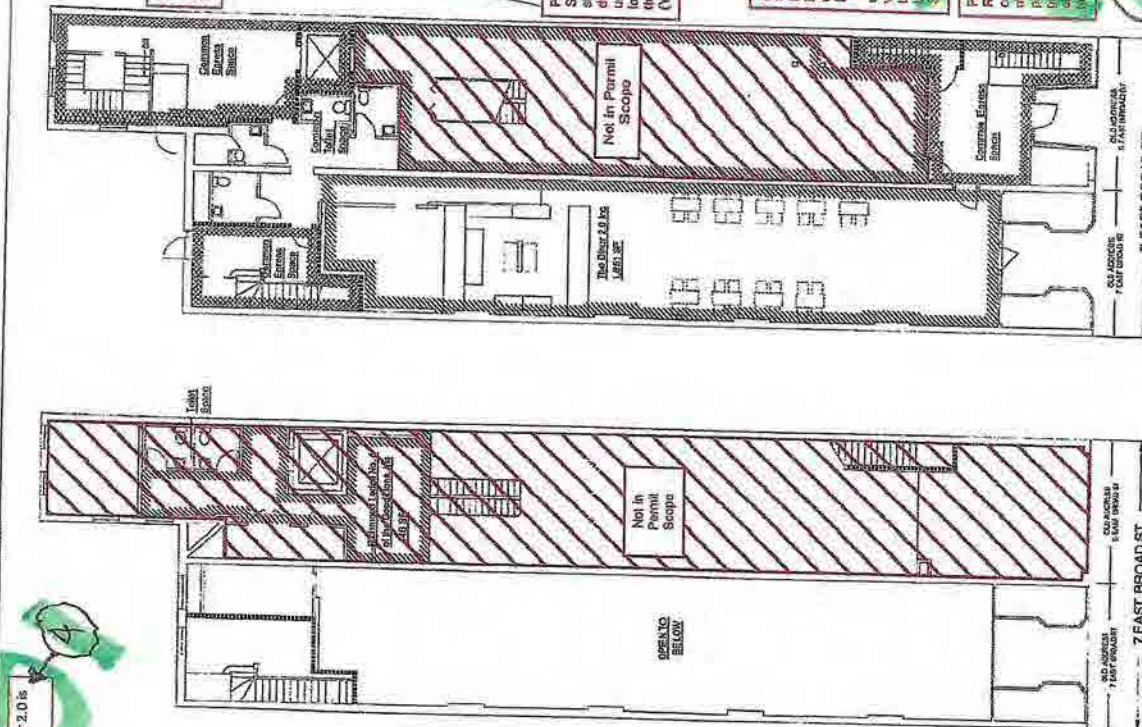
INSPECTION OFFICIAL DISCLAIMER: [Disclaimer]

INSPECTION OFFICIAL LIMITATION OF REMEDY: [Limitation of Remedy]

INSPECTION OFFICIAL ASSIGNMENT: [Assignment]

INSPECTION OFFICIAL DELEGATION: [Delegation]

INSPECTION OFFICIAL SUBROGATION: [Subrogation]



1st Floor Plan
A1
SCALE: 1/8" = 1'-0"

Mezzanine Plan
A1
SCALE: 1/8" = 1'-0"

New Tenants at Floor-1
7 East Broad Street
RICHMOND, VA 23219
CONTACT: 2022
mni architecture pllc
3746 moss side rva
richmond 23222
mni@siget.com

Per Virginia Construction Code Section, 1004.5 the occupant load shall be not less than that number determined by dividing the floor area under consideration by the occupant load factor assigned to the function of the space as set forth in Table 1004.5.3 (You must round up.)

As indicated in the 11/17/22 meeting, the drawings are required due to this A-2 use classification and a three building permit application is required to reduce the occupant load of the basement tenant space. The application will be applied for under 5 East Broad Street. The CO will clearly state the basement tenant space considers the occupant load of both 5 and 7 E Broad Street.

Please note per the 11/17/22 meeting, the drawings are required due to this A-2 use classification and a three building permit application is required to reduce the occupant load of the basement tenant space. The application will be applied for under 5 East Broad Street. The CO will clearly state the basement tenant space considers the occupant load of both 5 and 7 E Broad Street.

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Dickson, Michelle L. - PDR

From: Dickson, Michelle L. - PDR
Sent: Monday, November 3, 2025 4:14 PM
To: 'RML303@aol.com'
Subject: 7 E Broad Street
Attachments: Application_ForAmendment_noplans.pdf

4

Good afternoon:

I was assigned two building applications submitted for 7 E Broad Street. I see the Certificate of Occupancy issued on 8/9/22 combining tenant spaces located at both 5 and 7 E Broad Street. Per the drawing set that generated the CO the combined tenant space occupied the first floor, the basement, and a mezzanine level. My understanding is the goal is to split the combined space into either two or three tenant spaces. The two applications submitted last month include the same drawing. The drawing shows two tenant spaces each occupying the first floor and a mezzanine. The basement is not represented. I am unclear if the basement is a third tenant space or if the combined basement is tied to what was previously known as 5 E Broad Street. I am also unclear if the goal is to reestablish both the 5 E Broad Street and 7 E Broad Street addresses.

6 Please submit a sealed, unlocked drawing set for each new tenant space. Drawings for A2 buildings must be sealed per the Code of Virginia. Please indicate on the drawings if the goal is to reestablish the 5 E Broad Street address or create two suites under the 7 E Broad Street address. If two suites are proposed, please provide the suite numbers or letters.

7 Please include plumbing calculations coordinated with the proposed occupant load. Please show where wall openings are being infilled and clearly indicate what materials are proposed for the new walls. Please call out all rated assemblies. Each drawing set should include a code summary specifying the building code, construction type, use classification, occupant load calculations, sprinkler information, etc. If the basement is not associated with either tenant space, please clarify how it will be separated from what was 5 E Broad Street and how it will be accessed once separated.

Please notify me once drawings are uploaded so I know to route them for review. If you have any questions or concerns, let me know. Please note, because construction is required to physically split up the two tenant spaces, contractor information is required. You can submit contractor information by e-mailing the attached completed form to PDR.Permits@rva.gov.

Respectfully,
Michelle



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

Michelle Dickson
Building Plans Examiner
804-646-3604
michelle.dickson@rva.gov
rva.gov/planning-development-review
900 E. Broad St., Room 110, Richmond, Va. 23219-1907



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

CITY OF RICHMOND
LOCAL BOARD OF BUILDING CODE
APPEALS (LBBCA)

Appeal No. _____

Application for Appeal

City of Richmond

Locality

I (we) William Laffoon of 3716 Moss Side Ave, Richmond VA 23222
(Name) (Mailing address)

Contact Number: 804-269-1174 Email: rml303@aol.com

Respectfully request that the Local Board of Building Code Appeals review the decision made on
12-17-2025 _____, 20____ by the code official.

Description of Decision Being Appealed: _____

Building Code Sections 108, 109 & 1004.5, NEC 240.24 and other conditions stated in the plan reviews

Location of Property Involved: 7 East Broad Street

What is the applicant's interest in the property?

☐ Owner

☐ Contractor

☐ Owner's Agent

☒ Other (explain) Architect

Relief Sought: _____

Have the new tenants occupancy confirmed so that they can get a business license. Sanction the city for \$1,000 for the architect's fees to resolve this matter.

Attach the Decision of the Code Official and any other pertinent documents.

William Laffoon
Signature of Applicant

See attachments

Filed at RICHMOND, Virginia, the 16 day of JAN, 2026

VIA THE LBS PORTAL & EMAIL

Note: In order for this appeal to be processed a Non-refundable fee of \$184.00 must be paid.

TRB appeal at 7 East Broad Street, Richmond

List of additional information:



Search your mail or the web

24/7 Help



Home

Compose



RE: LBBCA 7 e broad

Aol/Inbox ☆

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Inbox 465

Unread

Starred

Drafts

Sent

▼ More

Views Hide

Contacts

Photos

Documents

Unsubscribe

Receipts

Credits

Travel

Folders Hide

+ New Folder

Saved Mail

aol-junk

Archive

Notes

SCS

**Felton, Keisha L - PDR****From:** keisha.felton@rva.gov**To:** rml303@aol.com

Fri, Feb 20 at 4:05 PM ☆

Good Afternoon,

I have sent the written decision to the Chairman of the LBBCA for review and his signature of approval. As soon as I receive the signed document, I am going to email it to you and send it to you via certified mail as well. You will have 21 calendar days upon receipt by certified mail to appeal to the State Building Code Technical Review Board. If there is anything further that I can assist you with please let me know.

Thank you,

Keisha S. Felton

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary



City of Richmond
Department of Planning and Development Review
Division of Property Maintenance Code Enforcement

Desk- 804.646.5898
Cell- 804.963.2288
Office-804.646.6398
Fax- 804.646.0798

**keisha.felton@rva.gov** 🔍

keisha.felton@rva.gov

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Local Board of Building Code Appeals Written Decision

The Local Board of Building Code Appeals (LBBCA) is duly appointed to hear and resolve disputes arising out of enforcement under the Virginia Statewide Building Code (USBC), § 36-105 of the Code of Virginia.

Appeal No. B-01-2026-173897-2025 Date of Hearing: Feb 18, 2026

IN RE: 7 East Broad Street v. City of Richmond

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

The Local Board of Building Code Appeals finds that the intent of the code was applied
and enforced properly by the code official.

The vote was: Uphold 4 Reverse 0 Modify 0

Signature: 

(Chair of Local Board of Building Code Appeals)

Date: 2-23-2026

Note: Any person who was party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution.

Application forms are available from the Office of the State Review Board.

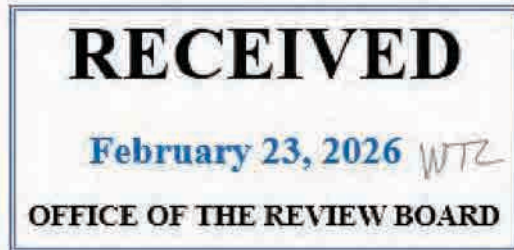
<https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may.pdf>. Or call (804) 371-7150 for more information.

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):
William Laffoon, RA
3716 Moss Side Avenue
Richmond, Virginia 23222
804-269-1174 rml303@aol.com

Opposing Party Information (name, address, telephone):
City of Richmond, David Alley, Building Commissioner
Room 110, City Hall, 900 East Broad Street
Richmond, Virginia 23219
804-513-6939 David.Alley@RVA.gov

Additional Information (required by the applicable code to be submitted with this application)

- ☒ Copy of enforcement decision being appealed
☐ Copy of the decision of local government appeals board (if applicable)

See attachment for additional information

Additional Information (to be submitted with this application)

- ☐ Statement of specific relief sought
- See attachment for additional information

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of February, 2026, 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: William Laffoon

Name of Applicant: William Laffoon
(please print or type)

TRB appeal at 7 East Broad Street, Richmond

List of additional information:



To: SBCO@dhcd.virginia.gov

From: William Laffoon

REF: TRB appeal 7 E Broad Street Amend Relief Requested

May 20, 2026

RELIEF REQUESTED

Preface

The applicant/appealing party made application to the code official for confirmation of building occupancy use for 2 new tenants to take over existing occupied space at the first floor to get a business license (leaving the existing tenant with a CO to remain in the basement) where:

- (1) there is no change of use
- (2) there is no increase of intensity of the use
- (3) there is no increase in hazard, and safety is improved with reduced occupancy
- (4) there is no work called for
- (5) no work is required

The code official rejected the 2 CO applications for reasons that include:

- (1) VCC 1004.5 says the occupant load shall not be less than the occupant load calculation from Table 1004.5
- (2) says a building permit is required for the existing tenant with a CO to remain in the basement with no valid VCC code reference
- (3) says a building permit is required for the 2 new tenants with no valid VCC code reference
- (4) says a design professional seal is required with no valid VCC code reference

For the **ERRORS** made by the code official and reasons below, Bill Laffoon, the appealing party asks that the Virginia Building Technical Review Board:

REVERSE the rejection above of (1) occupancy load question as:

- (a) the existing basement tenant has an existing CO with reduced occupancy that was required and approved by the building official and permitted by 2015 VCC 1004.1.2 exception and by 2021 VCC 1004.5 exception.
- (b) the existing tenant to remain in the basement, if the first floor is vacated, will have an occupancy load of 232 occupants as evidenced by the approved building permit for the building.
- (c) the proposed tenant "Good Lion" has a calculated occupancy load of 129 which is the same as the proposed 129 occupants. There is no decrease.
- (d) the proposed tenant "Diner 2.0" has a calculated occupancy load of 81 which is the same as the proposed 81 occupants. There is no decrease.
- (e) the foundation/purpose of the existing building code at 2015 VCC 101.3 Intent saysas the intent of the code is to provide flexibility to permit use.... to safeguard the public health, safety and welfare. To reduce the allowable occupancy improves safety so there would be no reason for the building official to refuse reduced occupancy in this project. That would improve public health, safety and welfare.

REVERSE the rejection above of (2) a building permit requirement for an existing tenant with a valid CO to remain in the basement as:

- (a) there is no work required
- (b) there is no work intended
- (c) there is no change of occupancy
- (d) there is no increase in intensity of the use
- (e) the occupancy load for the basement is the same as on the permit approved under the 2015 existing building code.
- (f) there is no code provision that prevents a tenant from reducing their rental area that would cause a building permit to be required.

REVERSE the rejection above of (3) a building permit requirement for 2 new tenants at the first floor as:

- (a) there is no work required
- (b) there is no work intended
- (c) there is no change of occupancy
- (d) there is no increase in intensity of the use
- (e) there is a reduction in the occupancy load for the first floor that improves the public health, safety and welfare

REVERSE the rejection above of (4) a design professional seal for permits as:

- (a) there is no building permit required that would require a design professional seal.

REVERSE the rejection above of (2) (3) (4) for building permit requirements and a design professional seal for permits as:

See Code of Virginia 36-119.1 Existing buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § 27-97, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

The code official is imposing a requirement more restrictive than the Building Code, and Virginia law prohibits that.

REVERSE the rejection above of (2) (3) (4) for building permit requirements and a design professional seal for permits as:

§ 36-99.01. Provisions related to rehabilitation of existing buildings.

A. The General Assembly hereby declares that (i) there is an urgent need to improve the housing conditions of low and moderate income individuals and families, many of whom live in substandard housing, particularly in the older cities of the Commonwealth; (ii) there are large numbers of older residential buildings in the Commonwealth, both occupied and vacant, which are in urgent need of rehabilitation and which must be rehabilitated if the State's citizens are to be housed in decent, sound, and sanitary conditions; and (iii) the application of those building code requirements currently in force to housing rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

B. The General Assembly further declares that (i) there is an urgent need to improve the existing condition of many of the Commonwealth's stock of commercial properties, particularly in older cities; (ii) there are large numbers of older commercial buildings in the Commonwealth, both occupied and vacant, that are in urgent need of rehabilitation and that must be rehabilitated if the citizens of the Commonwealth are to be provided with decent, sound and sanitary work spaces; and (iii) the application of the existing building code to such rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

C. The Board is hereby directed and empowered to make such changes as are necessary to fulfill the intent of the General Assembly as expressed in subsections A and B, including, but not limited to amendments to the Building Code and adequate training of building officials, enforcement personnel, contractors, and design professionals throughout the Commonwealth.

The code official is imposing a requirement that is contrary to the Building Code, and Virginia law prohibits that.

REVERSE the rejection above of (1) (2) (3) (4) for occupancy, building permit requirements and a design professional seal for permits as:

- (a) The code official's review references the 2021 building code and that is in error as the 2015 building code is the proper applicable permit.
- (b) This is an existing building and occupancy was approved and permitted under the 2015 existing building code.
- (c) See 2015 existing building code 101.4.2 **commentary attached** if a permit was required
- (d) See 2021 existing building code 501.2 and 601, if a permit was required
- (e) Both are clear that if work/a permit was required the work/permit would have to comply with the building code used to comply when the building was constructed/rehabilitated.

DECLARE that the city process the applications for new tenants occupancy without the requirement for a building permit or design professional seal, and without further imposition of costly and time consuming requirements that the city is not authorized to enforce.

GRANT such and other relief as justice and equity may require, including delays in loss of rent for tenants and the cost to appeal arbitrary code enforcement.

Thank you for your consideration, Bill Laffoon, Appealing Party

Staff Note

During the May 5, 2026 Informal Fact-Finding Conference (IFFC), Review Board staff (staff) inquired whether either party knew what the LBBCA meant by its February 18, 2026 written decision because as written the LBBCA decision was not clear. Neither party was able to offer clarification on the LBBCA decision. After the IFFC, City of Richmond Building Commissioner, David Alley, copied staff in an email to LBBCA Secretary, Keisha Felton, requesting clarification of the LBBCA written decision be provided to staff. Ms. Felton contacted staff seeking guidance on Mr. Alley's request. Staff advised Ms. Felton that it had not requested clarification of the LBBCA decision merely asked if the parties could clarify the LBBCA decision; however, if the City wished to submit a clarification statement that it should come from the LBBCA Chair not LBBCA staff.

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City of Richmond

Local Board of Building Code Appeals

Appeal # B-01-2026-173897-2025

Date of Hearing: February 18th, 2026

This is a clarification of the written decision dated February 23rd, 2026. This decision upheld that the intent of the code was properly applied and enforced by the Code Official.

The Appellant provided 7 points in their appeal documents which were responded to by the Department of Planning and Development:

Appellant Items

- 1-Building permits (3) were required for review.
- 2-No work was called for and no work was needed.
- 3-The reviewer improperly interpreted the code section for occupancy load requirements re; means of egress.
- 4-The reviewer asked for information already on the drawings/included in the permit application.
- 5-The reviewer does not reference code sections.
- 6-The code official is imposing more restrictive requirements.
- 7-The conditions being required contradict the purpose of the building code.

After review of the documents submitted, per the Board's bylaws. Statements were heard from the Appellant and Appellee, clarifying questions were asked by all parties, and the Board deliberated the information gathered. The base question was related to the requirement for building permits (1 for each proposed tenant (3)) in order to obtain a Certificate of Occupancy. The current occupancy allowed for a single Nightclub tenant.

The Appellant was requesting Certificates of Occupancy for an additional two (2) Nightclub tenants, with Planning and Development requiring the permit applications.

Responses to the Appellant's Items:

1-Section 26-876 from the 2020 Code was noted to require a Certificate of Occupancy or a Certificate of Zoning Compliance to obtain a business license. The Board determined that the request for a building permit was valid such that verification of compliance with building codes were met as relates to possible changes in occupancy; specifically related to (but not limited to) means of egress, fire protection, and adequate facilities.

2-Section 108.1, item 2 of the 2021 Virginia Construction Code: "For changes in occupancy, application for permit shall be made when a new certificate of occupancy is required by the VEBC". This change in tenant quantity could affect the level of activity/ overall occupancy and would create three (3) separate businesses operating in the same space. Therefore, permits would be required, with drawings, to verify the impact of this change. Specifically related to fire protection, means of egress, and sanitation (adequate facilities). Not an administrative "name change".

3-The Appellant relied on a prior Certificate of Occupancy in the filing. This prior Certificate of Occupancy was issued under a prior permit for a single tenant. This prior Certificate of Occupancy does not apply to the current, requested, change in occupancy. As such, the Appellant should submit a permit application, with drawings, for each proposed tenant to allow for review and confirmation of compliance to the Code.

4-The Appellant asserted that the information requested was already noted on the drawings and permit application. Each proposed tenant would need this information included on a separate permit application, and drawing set, to obtain their individual Certificate of Occupancy. Without this submission it is not feasible for the reviewer to verify the specific areas each tenant will occupy and confirm that Code minimums are met.

5-240.24 of the 2020 NFPA 70 Code Section requires each tenant to have ready access to all overcurrent devices protecting the conductors supplying that occupant, with exceptions noted in the Appellee's response. The Appellant has not provided the required letter confirming that Owner Management Personnel would be available to maintain and service equipment. This would be part of the permitting process being requested.

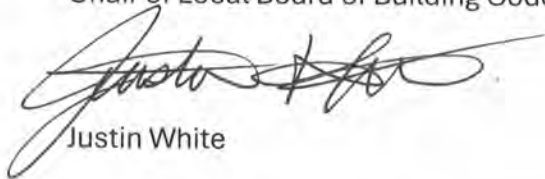
6-This item was not submitted to the LBBC in the submission package. This was based on a meeting with City Officials, outside the LBBC's purview. This points to the requirement for sealed construction documents which have been shown to be required.

7- This item was not submitted to the LBBC in the submission package. This was based on a meeting with City Officials, outside the LBBC's purview. This questions the related to a post permit question from 2019 which would have no application to the current

request for additional tenants. Prior permits have no relevance to the current request for Certificates of Occupancy.

The Appellant requested fines be levied against the Department of Planning and Development. This is outside the LBBC's authority and would be a civil matter. As such this was not included in the determination.

Chair of Local Board of Building Code Appeals

A handwritten signature in black ink, appearing to read "Justin White", with a long horizontal flourish extending to the right.

Justin White

(Page left blank intentionally)

Documents Submitted
by
William Laffoon

(Page left blank intentionally)

TRB appeal at 7 East Broad Street, Richmond

List of additional information:

- 1- Plans submitted to city for confirmation of building occupancy for business license
CO Application for new tenants (plans are colorized with H permit application)
- 2- Copy of enforcement decision being appealed
- 3- Copy of appeal made to City Richmond LBBCA
- 4- Copy of additional Information for appeal to Richmond LBBCA
- 5- Copy of statement read at Richmond LBBCA hearing
- 6- Copy of the decision of Richmond LBBCA
- 7- Statement of specific relief sought

TRB appeal at 7 East Broad Street, Richmond

List of additional information:

1- Plans submitted to city for confirmation of building occupancy for business license
CO Application for new tenants (plans are colorized with H permit application)

TRB appeal at 7 East Broad Street, Richmond

List of additional information:

3- Copy of appeal made to City Richmond LBBCA



3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

January 16, 2026

Ms. Keisha Felton, Secretary
City of Richmond, Local Board of Building Code Appeals LBBCA
900 East Broad Street
Richmond, VA 23219 via email and online portal

REF: Application for Appeal to get tenant changes at 7 East Broad Street

Dear Ms. Felton,

I, William Laffoon, of 3716 Moss Side Avenue, Richmond, VA 23222 respectfully request that the Local Board of Building Code Appeals review the decision laid out in the attached December 17, 2025 review comments from the city. This letter and application for appeal has been uploaded to the city online portal. Please upload the invoice so that the fee can be paid.

Background: I am an architect working for the owner, BAP LLC, of the building at 7 E Broad Street. The owner has 2 potential tenants for the first floor. The owner asked me to get documentation that the proposed tenants could get occupancy certificates for business licenses to replace the existing first floor tenant. The first floor has a CO for a nightclub. The existing tenant and the proposed tenants are nightclub use. There is no change in occupancy.

I was directed over the phone by the city building inspector Rick Paul to apply for an H permit (Certificate of Occupancy Application).

The H permit application for each tenant was applied for. See Attachment 1.

The intake review requested revision to verify names/addresses/suite designation. Revised drawings were provided. See Attachment 2.

The intake review advised that the revised drawings provided clarity and were acceptable. Further the reviewer stated that applications would be processed as building permits, per Rick Paul. See Attachment 3.

There was plan review confusion with a meeting for clarification, meeting notes and finally the plans were marked up and noted by the plan reviewer. See Attachment 4.

Items numbered on the review plan:

Error Item-1. The reviewer says a building permit is required. (three permits, one for each of the 2 new tenants, and one for the tenant remaining that occupies the basement).

No code section is referenced. Section 109.4 requires the code official to notify in writing the reasons for adverse determinations. The reviewer does not say why, does not reference the code section to support the review comment. A FOIA request has been made to see the code/documents the reviewer relies on.

Error Item-2. There is no work called for and no work needed for tenant changes with no change in occupancy. Section 108 lists conditions where building permits are required. There is no condition here that requires one or more building permits.

Error Item-3. The reviewer says 1004.5 means that the occupant load cannot be less than the floor area divided by the occupant load factor, without exception, referring to number of toilets. The reviewer's interpretation is wrong. The code is clear that 1004 is for "determining the means of egress requirements".

In this existing building, plans approved by the city show that the egress capacity for each of the tenants exceeds what the allowable area requires for each tenant. This is a benefit of excess capacity for the number of occupants. There is no reason why the occupant load cannot be reduced further. There are city records showing this is an approved condition.

Error Item-4. The reviewer asks for information that is already shown on the drawings and/or included in the permit application.

Error Item-5. The reviewer does not reference a code section but based on comments from Rick Paul saying that each occupant shall have access to overcurrent devices. I assume the reference is to NEC 240.24. This is a multiple-occupancy building under the owners building management personnel, and this is the exception to "each occupant" requirement.

Other Error Item-6

See Code of Virginia 36-119.1 Existing buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § 27-97, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

The code official is imposing a requirement more restrictive than the Building Code, and Virginia law prohibits that.

Other Error Item-7

See Section 102 Existing Building Code, Purpose and Code of Virginia 36-99.01

The conditions that the code official requires contradict the purpose of the building code and Code of Virginia.

Please upload the invoice so it can be paid.

With kindest regards,

A handwritten signature in red ink that reads "Bill Laffoon". The signature is written in a cursive, slightly slanted style.

Bill Laffoon RA

Copy to: David Alley, Daniel Mouer, Rick Paul, Susan Harold

Attachments: 1,2,3,4



DEPARTMENT OF PLANNING AND DEVELOPMENT REVIEW
BUREAU OF PERMITS AND INSPECTION
ROOM 110 CITY HALL
800 E. BROAD STREET
RICHMOND, VIRGINIA 23219
PHONE (804) 646-4169

CERTIFICATE OF OCCUPANCY APPLICATION

<https://www.rva.gov/planning-development-review/permits-and-inspections>

PERMIT NO.

H

BUILDING PERMIT NO.

B

TRACK 4 TRACK 2

THIS IS AN APPLICATION ONLY. IT IS NOT AUTHORIZATION TO START ANY WORK.
NO WORK SHALL START UNTIL A PERMIT IS POSTED ON THE JOB SITE.

OWNERS INFORMATION	1. JOB/PROPERTY ADDRESS (STREET & NUMBER) 7 e broad street		2. FLOOR/ROOM NUMBER floor 1 east side see attached floor plan		
	3. PROPERTY OWNER'S NAME (PRINT CLEARLY) bap llc				
	4. PROPERTY OWNER'S ADDRESS/ZIP CODE 3300 norfolk st, rva 23230				
	5. PROPERTY OWNER'S DAYTIME TELEPHONE NUMBER 804-218-2204				
	6. DESCRIBE CURRENT STRUCTURE USE (IN DETAIL) IF CURRENTLY VACANT, INDICATE LAST USE & YEAR IS WAS LAST USED. existing A2A nightclub CO in name od owner = bap llc				
7. DESCRIBE PROPOSED STRUCTURE USE (IN DETAIL) same use with new tenant A2A nightclub new tenant = The Diner 2.0 Inc.					
OFFICE USE ONLY (CHECK ONE)	8. OWNERSHIP CHANGE ☐	9. TENANT CHANGE ☐	10. PARTIAL C.O. ☐	11. TEMP C.O. ☐	12. OTHER ☐
	RESIDENTIAL USES				
	COMMERCIAL INDUSTRIAL USES				
ARE FLOOR PLANS ATTACHED? ☐ YES ☐ NO					
NO. OF ON-SITE PARKING SPACES PARKING SPACES					
ARE PARKING SPACES LEASED OFF-SITE? ☐ YES ☐ NO					
IF YES, ATTACH LEASE & SITE PLAN					
13. APPLICANT'S NAME (PRINT CLEARLY) William Pyliaris					
14. APPLICANT'S ADDRESS 3300 norfolk st, rva					
15. APPLICANT'S DAYTIME PHONE NUMBER 804-218-2204					
16. APPLICANT'S SIGNATURE 					
17. CONTACT PERSON (IF DIFFERENT THAN APPLICANT) CONTACT PERSON DAYTIME PHONE NUMBER					
18. CONTACT PERSON ADDRESS 3300 norfolk st, rva					
19. DO YOU WANT TO BE CALLED TO PICK UP PERMIT WHEN ISSUED? ☒ YES ☐ NO					
ARTS DISTRICT ☐ YES ☐ NO					
HISTORICAL DISTRICT ☐ YES ☐ NO					
VIOLATION ON PROPERTY ☐ YES ☐ NO					
VIOLATION NUMBER					
CORRESPONDING CODE					
DELINQUENT TAXES DUE? ☐ YES ☐ NO					
AMOUNT OWED \$					
DATE PAID					
EXISTING USE GROUP					
PROPOSED USE GROUP					
PERMIT FEE					
FEE RECEIVED					
RECEIPT NO.					
☐ CASH ☐ CHECK ☐ CREDIT CARD					
CHESAPEAKE BAY PROTECTION AREA? ☐ YES ☐ NO					
CHESAPEAKE BAY MANAGEMENT AREA? ☐ YES ☐ NO					
APPLICATION APPROVED BY					
DATE					
APPLICATION DISAPPROVED BY					
DATE					
CONDITIONS					
REASON FOR DENIAL					

CERTIFICATE OF OCCUPANCY

ISSUE DATE: 4/9/2022

BLDC-060914-2019

INACEL NUMBER: W000004027

SITE ADDRESS: 7 East St
Richmond, VA 23215

PERMIT DESCRIPTION: Finish Work Begin Under Previous Permit to Classify with Current Building Code -
NAC 2015 revisions included 7/20/2021.

OCCUPANCY (LOAD) RISKER: Structural & 1st

VALUATION TYPE: Type III (Non-Contributory/Contributory)

SUSPECTOR PHONE: 804-389-9907

OWNER PHONE: 804-389-9907

CONTRACTOR PHONE: 804-389-9907

PERMIT CONTACT INFORMATION

CONTACT NAME: [Redacted]

CONTACT PHONE: 425.56

CONTACT EMAIL: [Redacted]

CONTACT ADDRESS: [Redacted]

CONTACT CITY: [Redacted]

CONTACT STATE: [Redacted]

CONTACT ZIP: [Redacted]

CONTACT FAX: [Redacted]

CONTACT MOBILE: [Redacted]

CONTACT OTHER: [Redacted]

CONTACT COMMENTS: [Redacted]

CONTACT SIGNATURE: [Redacted]

CONTACT DATE: [Redacted]

CONTACT TIME: [Redacted]

CONTACT LOCATION: [Redacted]

CONTACT WEATHER: [Redacted]

CONTACT NOTES: [Redacted]

CONTACT REMARKS: [Redacted]

CONTACT ACTION: [Redacted]

CONTACT STATUS: [Redacted]

CONTACT COMMENTS: [Redacted]

CONTACT SIGNATURE: [Redacted]

CONTACT DATE: [Redacted]

CONTACT TIME: [Redacted]

CONTACT LOCATION: [Redacted]

CONTACT WEATHER: [Redacted]

CONTACT NOTES: [Redacted]

CONTACT REMARKS: [Redacted]

CONTACT ACTION: [Redacted]

CONTACT STATUS: [Redacted]

CONTACT COMMENTS: [Redacted]

CONTACT SIGNATURE: [Redacted]

CONTACT DATE: [Redacted]

CONTACT TIME: [Redacted]

CONTACT LOCATION: [Redacted]

CONTACT WEATHER: [Redacted]

CONTACT NOTES: [Redacted]

CONTACT REMARKS: [Redacted]

CONTACT ACTION: [Redacted]

CONTACT STATUS: [Redacted]

CONTACT COMMENTS: [Redacted]

CONTACT SIGNATURE: [Redacted]

CONTACT DATE: [Redacted]

CONTACT TIME: [Redacted]

CONTACT LOCATION: [Redacted]

CONTACT WEATHER: [Redacted]

CONTACT NOTES: [Redacted]

CONTACT REMARKS: [Redacted]

CONTACT ACTION: [Redacted]

CONTACT STATUS: [Redacted]

CONTACT COMMENTS: [Redacted]

CONTACT SIGNATURE: [Redacted]

CONTACT DATE: [Redacted]

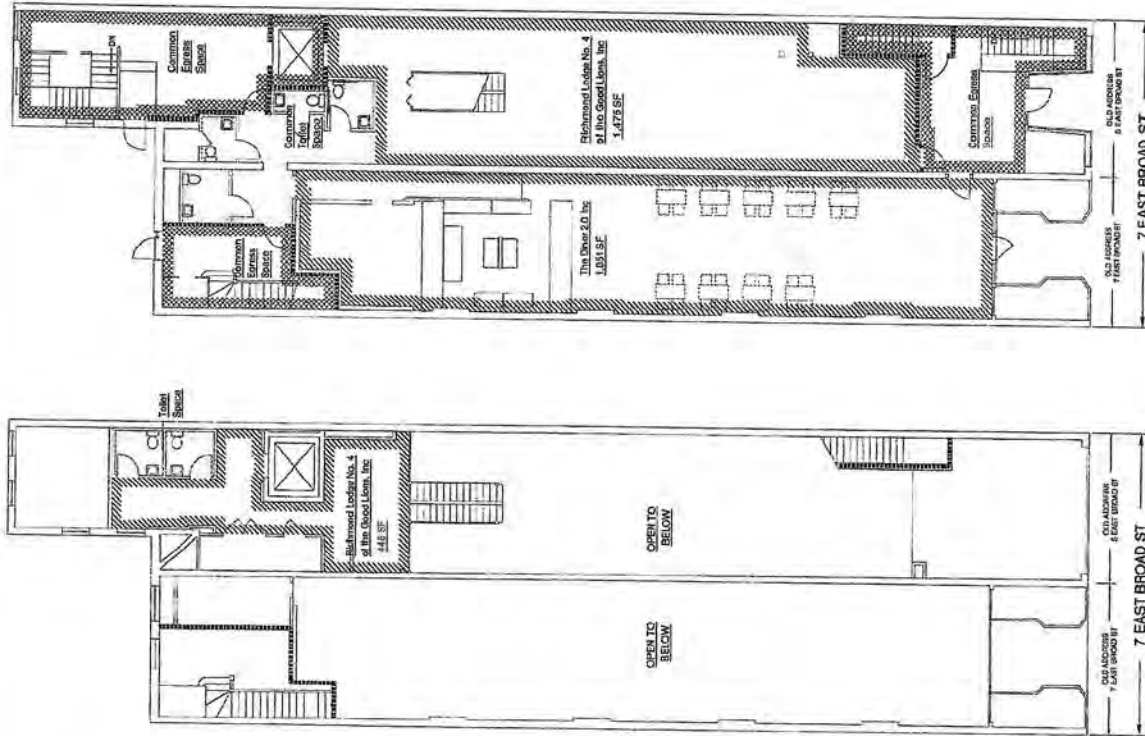
CONTACT TIME: [Redacted]

CONTACT LOCATION: [Redacted]

CONTACT WEATHER: [Redacted]

CONTACT NOTES: [Redacted]

CONTACT REMARKS: [Redacted]



1st Floor Plan
SCALE: 1/8" = 1'-0"

2 Mezzanine Plan
SCALE: 1/8" = 1'-0"

A1

New Tenants at Floor-1
7 East Broad Street
RICHMOND, VA 23215
CORRECTION: 2. 2023

rm1 architecture pllc
3716 moss side ave
richmond 23222
289-1174
rm130303@rm1.com



DEPARTMENT OF PLANNING AND DEVELOPMENT REVIEW
BUREAU OF PERMITS AND INSPECTION
ROOM 110 CITY HALL
900 E. BROAD STREET
RICHMOND, VIRGINIA 23219
PHONE (804) 646-4169

CERTIFICATE OF OCCUPANCY APPLICATION

FORM 103

H

BUILDING PERMIT NO.

B

CHECK TRACK 2

1-3

<https://www.rva.gov/planning-development-review/permits-and-inspections>

THIS IS AN APPLICATION ONLY. IT IS NOT AUTHORIZATION TO START ANY WORK.
NO WORK SHALL START UNTIL A PERMIT IS POSTED ON THE JOB SITE.

1. JOB/PROPERTY ADDRESS (STREET & NUMBER) 7 e broad street		2. FLOOR/ROOM NUMBER floor 1 west side (old 5 e broad st address)
3. PROPERTY OWNER'S NAME (PRINT CLEARLY) bap llc		
4. PROPERTY OWNER'S ADDRESS/ZIP CODE 3300 norfolk st, rva 23230		
5. PROPERTY OWNER'S DAYTIME TELEPHONE NUMBER 804-218-2204		
6. DESCRIBE CURRENT STRUCTURE USE (IN DETAIL) IF CURRENTLY VACANT, INDICATE LAST USE & YEAR IS WAS LAST USED. existing A2A nightclub CO in name of the owner = bap llc		
7. DESCRIBE PROPOSED STRUCTURE USE (IN DETAIL) same use A2A nightclub new tenant = Richmond Lodge No. 4 of the Good Lions, Inc.		

OFFICE USE ONLY (CHECK ONE)	OWNERSHIP CHANGE ☐	TENANT CHANGE ☐	PARTIAL C.O. ☐	TEMP C.O. ☐	OTHER ☐
RESIDENTIAL USES					
☐ ONE FAMILY ☐ TWO FAMILY ☐ THREE OR MORE FAMILY NO. OF UNITS _____ ☐ LODGING HOUSE NO. OF ROOMS _____ NO. OF PERSONS _____ ☐ NURSING HOME NO. OF BEDS _____ ☐ ADULT CARE RESIDENCE NO. OF ROOMS _____ NO. OF PERSONS _____ ☐ GROUP HOMES NO. OF PERSONS _____ NO. OF COUNSELORS _____ ☐ OTHER (SPECIFY): _____					
COMMERCIAL/INDUSTRIAL USES					
☐ RESTAURANT, SIT-DOWN ☐ RESTAURANT, DRIVE-THRU/TAKE-OUT ☒ NIGHT CLUB ☐ RETAIL STORE ☐ GROCERY/CONVENIENCE STORE ☐ FURNITURE STORE ☐ HARDWARE OR APPLIANCE STORE ☐ SHOPPING CENTER ☐ CLINIC (MEDICAL/DENTAL) ☐ BANK ☐ BEAUTY/BARBER SHOP ☐ LAUNDRY/DRY CLEANER/LAUNDROMAT ☐ REPAIR SHOP WHAT TYPE _____ ☐ OFFICE ☐ CHURCH NO. OF SEATS _____					
☐ DAY NURSERY NO. OF CHILDREN _____ NO. OF STAFF _____ ☐ ADULT DAY CARE ☐ SHELTER/SOCIAL SERVICE DELIVERY NO. OF ROOMS _____ NO. OF PERSONS _____ ☐ SCHOOL ☐ SERVICE STATION ☐ MOTOR VEHICLE REPAIR/SALES ☐ MANUFACTURING FACILITY NO. OF EMPLOYEES _____ ☐ WAREHOUSE/STORAGE FACILITY NO. OF EMPLOYEES _____ NO. OF COMPANY VEHICLES _____ ☐ OTHER (SPECIFY): _____					

8. SQUARE FOOTAGE TO BE USED 1,923 SQUARE FEET	9. DESIRED OCCUPANT LOAD PER FLOOR 128	10. ARE FLOOR PLANS ATTACHED? ☒ YES ☐ NO	11. NO. OF ON-SITE PARKING SPACES 0 PARKING SPACES	12. ARE PARKING SPACES LEASED OFF-SITE? ☐ YES ☐ NO IF YES, ATTACH LEASE & SITE PLAN PARKING SPACES
---	---	--	---	--

13. APPLICANT'S NAME (PRINT CLEARLY) Troy Poteet		14. BUSINESS AND/OR TRADE NAME Richmond Lodge No. 4 of the Good Lions, Inc.	
15. APPLICANT'S ADDRESS 5 e broad st, richmond 23219		16. ZIP CODE 23230	
17. APPLICANT'S DAYTIME PHONE NUMBER 314-941-3923		18. APPLICANT'S FAX NUMBER	
19. APPLICANT'S SIGNATURE 		20. APPLICANT'S EMAIL troypurepleasureclub@gmail.com	
21. CONTACT PERSON (IF DIFFERENT THAN APPLICANT)			

22. CONTACT PERSON ADDRESS 5 e broad st, richmond 23219		23. CONTACT PERSON DAYTIME PHONE NUMBER 314-941-3923	
24. DO YOU WANT TO BE CALLED TO PICK UP PERMIT WHEN ISSUED? ☒ YES ☐ NO		NAME PHONE NUMBER	

25. ARTO DISTRICT ☐ YES ☐ NO	26. HISTORICAL DISTRICT ☐ YES ☐ NO	27. VIOLATION ON PROPERTY ☐ YES ☐ NO	28. VIOLATION NUMBER	29. CORRESPONDING CODE
30. DELINQUENT TAXES OWED ☐ YES ☐ NO		AMOUNT OWED \$		DATE PAID
31. EXISTING USE GROUP		PROPOSED USE GROUP		PERMIT FEE FEE RECEIVED RECEIPT NO.
32. CHESAPEAKE BAY PROTECTION AREA ☐ YES ☐ NO		33. CHESAPEAKE BAY MANAGEMENT AREA ☐ YES ☐ NO		

34. APPLICATION APPROVED BY DATE		35. APPLICATION DISAPPROVED BY DATE	
36. CONDITIONS		37. REASON FOR DENIAL	
38. CODE ENFORCEMENT ADMINISTRATION		39. CODE ENFORCEMENT ADMINISTRATION	

~~10/21~~

Eric T. - PDR Martin Add keywords

24/7 Help

rml303

Home

3

Compose

Back Forward Move Delete Spam More

AOL

Today on AOL

Inbox 594

Unread

Starred

Drafts 4

Sent

Spam

Trash

Less

Views Hide

Contacts

Photos

Documents

Unsubscribe

Receipts

Credits

Travel

Folders Hide

+ New Folder

Saved Mail

aol-junk

Archive

Notes

SCS

Re: 7 E Broad St Richmond, VA 23219 -
Two CO requests REVISED DWGS
UPLOADED

Aol/Sent ☆



rml303@aol.com

From: rml303@aol.com

To: Martin, Eric T. - PDR

Cc: Paquette, Karen - PDR

, IV. Rick F. - PDR Paul



Tue, Oct 21 at 12:01 PM ☆

Good morning
revised dwgs are attached and have been uploaded to the
portal
to show suite 101 and suite 102 for clarity
let me know if there are any questions
thanks, bill

On Friday, October 10, 2025 at 11:33:22 AM EDT, Martin, Eric T. - PDR
<eric.martin@rva.gov> wrote:

Good morning Bill,

We are going to process your applications as Tenant Fitup Building
Permits to obtain the CO's, per Rick Paul. I will set up the applications in
your portal account for you.

I need to know:

-Is there construction being done?

-Do both sides have access to the electrical panel/shutoff even if
the other side is closed?

-Can the sides be labelled as "Suite 1/Suite2" rather than
"east/vs west" for clarity?

Please address these questions.



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TRB appeal at 7 East Broad Street, Richmond

List of additional information:

4- Copy of additional Information for appeal to Richmond LBBCA



3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

February 4, 2026

Ms. Keisha Felton, Secretary
City of Richmond, Local Board of Building Code Appeals LBBCA
900 East Broad Street
Richmond, VA 23219 via email

REF: Additional Information in the Application for Appeal at 7 East Broad Street

Dear Ms. Felton,

Please include this additional information to be considered in the appeal.

In 2017, a building permit was issued for remodeling of an existing A2 nightclub at 7 East Broad Street. See ATTACHMENT A – Permit BLDC-020000-2017.

That permit expired before the work was completed. As the code cycle had changed, the code official required a new permit, and it was applied for. The plumbing plan reviewer found an insufficient number of plumbing fixtures for the egress occupancy. See ATTACHMENT B – Means of Egress Occupancy
See ATTACHMENT C – Plumbing Fixture Counts

Means of Egress was for 521 occupants.
Plumbing Fixtures were good for 520 occupants.

Significant plumbing work had been completed. The plumbing reviewer offered an option to reduce the occupant load to 480 for the basement and first floor as a tradeoff to adding more plumbing fixtures. The owner agreed to that option.

See ATTACHMENT D – 3 pages emails between Owens/Ostergren/Laffoon/Woodall

A building permit was issued 10-18-2019 to finish the A2 nightclub work under the previous permit with the occupancy load of 480 for the basement and first floor.

See ATTACHMENT E – Permit BLDC-060914-2019.

The work was completed and a certificate of occupancy was issued 8-9-2022. The A2 nightclub had an occupancy load of 480 for the basement and first floor.

See ATTACHMENT F – Certificate of Occupancy BLDC-060914-2019.

A building permit was issued 1-23-2023 for a kitchen at the first floor to serve the A2 nightclub. See ATTACHMENT G – Permit BLDC-113523-2023.

A building permit was issued 5-20-2025 for beverage area cabinets and equipment adjacent to the kitchen. See ATTACHMENT H – Permit BLDC-149247-2025.

The owner has 2 new potential A2 nightclub tenants to occupy the first floor, while the current tenant will remain in the basement and give up the first floor. The owner asked about the proposed tenants getting confirmation of nightclub use for business licenses.

I was directed by the code official to apply for H permits with a drawing of the tenant areas.

See ATTACHMENT I – The H permits and drawings showing tenant areas. The egress occupancy information is shown on the drawings.

First Floor Diner tenant Means of Egress is for 80 occupants
First Floor Good Lions tenant Means of Egress is for 128 occupants
First Floor Total means of egress is for 208 occupants

See ATTACHMENT J – Means of Egress Occupancy Floor 1 showing sufficient capacity for the 208 occupants.

Shared toilets for First Floor tenants $6 \text{ WC} \times 40 = 240$ occupants

There is sufficient egress capacity and toilets for the 2 proposed tenants and there is no reason to deny the A2 nightclub use.

While I was directed to the H permit, in hindsight, I am now told that the proper document was a CZC, certificate of zoning conformance document.

The reviewer and code officials say building permits/inspections/etc. are required.

The building code does not say a building permit is required when you have a tenant change with no change of occupancy, and no work to be done. The Code Official has no authority to require a building permit (including the other things) for that.

See Code Of Virginia 36-119.1 Existing buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § 27-97, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

The Code Official is imposing a requirement more restrictive than the Building Code, and Virginia law prohibits that.

See ATTACHMENT K – VEBC Section 102

The conditions that the code official requires contradict the purpose of the building code and the code of Virginia.

See ATTACHMENT L – 3 pages FOIA request dated 1-15-2026 for the documents showing code sections or other valid requirements to support the mark up notes and requirements you state for a new tenant to occupy space when there is no change in occupancy classification. There has been no reply to the foia.

The code officials failure to reply is a violation of Virginia FOIA. Section 109.4 of the building code says if the plans do not comply with the provisions of the code, the applicant shall be notified in writing the reasons. The code official/reviewer fails to identify the code provisions not met.

With kindest regards,



Bill Laffoon RA

Attachments: noted above



CITY OF RICHMOND
DEPARTMENT OF PLANNING
& DEVELOPMENT REVIEW
BUREAU OF PERMITS
& INSPECTIONS

BUILDING (C) PERMIT

PDRPermitsAndInspections@Richmondgov.com
To Request an inspection, call 311

ISSUE DATE: 6/28/2017

BLDC-020000-2017

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: HEAVY REMODEL OF NIGHTCLUB - EXTERIOR REPAIR-INTERIOR ALTERATIONS AT BASEMENT & 1ST FL & roof (Permit originally issued 11/12/2009)-scope from B09020519- this permit to replace B09020519- Phase 1.

TYPE OF IMPROVEMENT: Alter/Remodel Heavy
USE GROUP: A2A - Nightclub

COST OF WORK: \$368,449.00
CONSTRUCTION TYPE: Type IIIB
(Noncombustible/Combustible)

INSPECTOR NAME: David Alley
INSPECTOR EMAIL ADDRESS: David.Alley@richmondgov.com

INSPECTOR PHONE: 804-513-6939

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC
CONTRACTOR NAME: owner - contractor
CONTRACTOR LICENSE NUMBER: 9999999911

OWNER PHONE:
CONTRACTOR PHONE: 0000000000000000

FEE INFORMATION

Permit Fee	\$2,762.92	Plan Review	\$325.05
Administrative Handling	\$162.53	State Levy	\$65.01

TOTAL FEES \$3,315.51

SPECIAL TERMS AND CONDITIONS

Building Complete Interior Rehabilitation of Basement and 1st Floor as Nightclub per Attached Architect's Plans... Work Begun Under B09020519... IEBC 2012 Performance Compliance Method

DPW/RW:

WISP required to barricade sidewalk on East Broad Street at front of building and alley at rear of building to perform exterior repairs.

Planning: Approved per CAR review on 5/23/17.

NOTICE

This approval does not include any review of the mechanical, electrical, plumbing or other trade plans. This approval does not authorize any MEP work to begin.

Douglas H. Murrow, AIA, CBO, CBMO
Commissioner of Buildings
Approved By:

PERMIT BLDG - 020000-2017

2012

OCCUPANT NEEDS (Chapters 10, 11, 12)

MEANS OF EGRESS (Chapter 10)

B

OCCUPANT LOAD (1004.3, 1004.5 and Table 1004.5, 1004.6)

CAPACITY OF EGRESS COMPONENTS
(1005.3.1, 1005.3.2)

Location	Floor ÷ Area	Sq. ft./ person	=	Occ. load	Other occ. loads	Total
----------	--------------	-----------------	---	-----------	------------------	-------

Egress width (inch/occupant)

Stairways .2 w/SPRINK
Other egress components .15 w/SPRINK

BSMT	A2					
	5 SIDE =	1,974				
	7 SIDE =	1,519				
	T =	3,493/15				232

Location	Stairways	Other egress components
----------	-----------	-------------------------

BSMT	S. STAIR 44"	220
	N. STAIR 44"	220
	S DOOR 34"	226
	N DOOR 39"	260

FIRST FLR	A2					
	5 SIDE =	1,392				
	5 MEZ =	604				
	7 SIDE =	1,654				
	T =	3,671/15			241	

FIRST	S DOOR 36"	240
FLOOR	N DOOR 39"	260
	N DOOR 36"	240

5 SIDE ALLEY						
ENTRY =	244/15			48		
T =					289	

NUMBER OF EXITS/EXIT ACCESS (1006)

BSMT + FIRST	521
--------------	-----

Location	Required	Shown
BSMT	2	2
FIRST	2	3

C

TOILET COUNT

A2 requires WC per 40

Basement

men 3

women 3

solo 1

First Floor-Mez

solo 6

total 13

x 40 allows 520

egress occupancy 521

-----Original Message-----

From: Owens, Ricky A. - PDR <Ricky.Owens@richmondgov.com>
To: rml303@aol.com <rml303@aol.com>
Sent: Mon, Oct 14, 2019 9:12 am
Subject: FW: plumbing review comments for 7 E. Broad Street

From: Owens, Ricky A. - PDR
Sent: Friday, October 11, 2019 1:44 PM
To: 'rml303@aol.com'; 'osterpc@opcva.com'
Cc: Woodall, George A. - PDR
Subject: plumbing review comments for 7 E. Broad Street

Rick Owens
Engineer Senior
Plumbing & Gas Plan Review



City of Richmond
Planning and Development Review
Bureau of Permits and Inspections
900 E. Broad Street Room 110
Richmond, Virginia 23219
804.646-6979- Office
804.646-1569-Fax
ricky.owens@richmondgov.com
www.richmondgov.com

To check on the status of a plan or permit follow the link listed below

http://energov.richmondgov.com/EnerGov_Prod/CitizenAccess/Site/Public/Main

D-2

From: **Ricky A. - PDR Owens** Ricky.Owens@richmondgov.com
Subject: RE: plumbing review comments for 7 E. Broad Street OCCUPANCY NUMBER CHANGE
Date: Yesterday at 2:01 PM
To: rml303@aol.com

I will forward this to Mr. Woodall for his review of the building plans.

All I will need from Mr. Ostergren is a letter for the occupant count that I can attach to the plans.

From: rml303@aol.com [<mailto:rml303@aol.com>]
Sent: Tuesday, October 15, 2019 1:22 PM
To: Owens, Ricky A. - PDR; Woodall, George A. - PDR
Cc: wpylaris@comcast.net; osterpc@opcva.com
Subject: Re: plumbing review comments for 7 E. Broad Street OCCUPANCY NUMBER CHANGE

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

hi mr Owens,

the owner would like to go with the option in your paragraph 4
so that the total reduced plumbing fixture occupant load is for 480 occupants at the basement and first floor combined
and there would be no need to do any re-configuration/addition to the plumbing fixtures

at dwg 1-P1.2, Basement Toilet Plan, Mens Toilet B4
urinal screens/privacy partitions are show on the drawings but not labeled
they will be provided.

please let me know if this response to your comments is satisfactory

thanks, bill laffoon

Rml architecture
303 cedar st
Richmond 23223
269-1174

Owens, Ricky A. - PDR

D-3

From: John W Ostergren Jr <osterpc@opcva.com>
Sent: Wednesday, October 16, 2019 2:33 PM
To: Owens, Ricky A. - PDR
Cc: Bill Laffoon
Subject: RE: plumbing review comments for 7 E. Broad Street

Categories: Red Category

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Rick,

In our opinion the plumbing fixtures on the Basement and First floor will handle the 480 occupants you mention in your comments for this project.

Please add a note to the drawings that the Basement and First Floor will provide the proper fixtures for the 480 proposed occupancy.

John O.

John W. Ostergren, Jr., P.E., LEED AP
Ostergren, P.C.
10503 Malboro Road
Mechanicsville, VA 23116-3142
Tel: (804) 730-0465
osterpc@opcva.com

Caution!!

The Department of Public Utilities may have additional backflow prevention and cross connection requirements that are above and beyond those required by the Virginia Uniform Statewide Building Code. It is the permit holder's responsibility to coordination with the Department of Public Utilities, as this approval plans does not waive any of their requirements.

From: Owens, Ricky A. - PDR [mailto:Ricky.Owens@richmondgov.com]
Sent: Friday, October 11, 2019 1:44 PM
To: rml303@aol.com; osterpc@opcva.com
Cc: Woodall, George A. - PDR <George.Woodall@richmondgov.com>
Subject: plumbing review comments for 7 E. Broad Street

Rick Owens
Engineer Senior
Plumbing & Gas Plan Review

APPROVED  APPROVED AS NOTED

The approval of the plumbing drawings does not relieve the applicant from complying with all requirements of the Virginia Uniform Statewide Building Code, International Plumbing Code and the International Building Code as well as all other applicable codes and ordinances of the City of Richmond.

THIS STAMP ONLY APPLIES TO PLUMBING INSTALLATIONS

Approved by RAO Date [Nov 25, 2019]



City of Richmond
Department of Planning
& Development Review

Bureau Of Permits
& Inspections

BUILDING (C) PERMIT

PDRPermitsAndInspections@Richmondgov.com

To Request an inspection, call (804) 646-0770

ISSUE DATE: 10/18/2019

BLDC-060914-2019

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Finish Work Begun Under Previous Permit to Comply with Current Building Code -
VEBC 2015

OCCUPANCY LOAD/FLOOR: Basement & 1st Floor=480, 2nd Fl=63, 3rd Fl=75

TYPE OF IMPROVEMENT: Alter/Remodel Light

USE GROUP: A2A - Nightclub

COST OF WORK: \$480,630.00

CONSTRUCTION TYPE: Type IIIB

(Noncombustible/Combustible)

INSPECTOR NAME: Donald Drummond

INSPECTOR PHONE: 804-646-6973

INSPECTOR EMAIL ADDRESS: Donald.Drummond@richmondgov.com

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

OWNER PHONE:

CONTRACTOR NAME: Owner - contractor

CONTRACTOR PHONE: 00000000000000

CONTRACTOR LICENSE NUMBER: 999999911

FEE INFORMATION

Permit Fee	\$3,572.12	Plan Review	\$420.25
Administrative Handling	\$210.13	State Levy	\$84.05

TOTAL FEES \$4,286.55

SPECIAL TERMS AND CONDITIONS:

PLANNING: approved per CAR review on 5/23/2017. The work must be performed in conformance with the Part II Tax Credit application approval and conditions and any additional conditions subsequently imposed by DHR or the National Park Service must be provided to staff for administrative review and approval.

Work In Street Permit will be required for any work done in the right of way

A Certificate of Occupancy is required to complete/final this project.

Building: Complete Work Begun Under Previous Permits for Renovations for Nightclub on Basement & 1st Floors and Artist Studios on 2nd & 3rd Floors per Attached Architect's Plans... Code Edition Updated to VEBC 2015 Compliance Alternative Method... Work Begun Under B09020519 & BLDC-020000-2017 for Basement ; 1st Floor and BLDC-008783-2016 for 2nd & 3rd Floors

Zoning: Interior renovations to nightclub to complete work of previous building permit (BLDC-016221-2017) as per submitted plans. Continuation of nonconforming use. No parking required for use in the B-4 zoning district.



F

CERTIFICATE OF OCCUPANCY

CITY OF RICHMOND
DEPARTMENT OF PLANNING
& DEVELOPMENT REVIEW

BUREAU OF PERMITS
& INSPECTIONS

PDRPermitsAndInspections@Richmondgov.com
To Request an inspection, call 311

ISSUE DATE: 8/9/2022

BLDC-060914-2019

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Finish Work Begun Under Previous Permit to Comply with Current Building Code -
VEBC 2015. Revisions received 7/20/2021.

OCCUPANCY LOAD/FLOOR: Basement & 1st
Floor=480

NO. OF PARKING SPACES:
VALUATION GROUP: A2A - Nightclub

VALUATION TYPE: Type IIIB
(Noncombustible/Combustible)
INSPECTOR PHONE: 804-389-3967

INSPECTOR NAME: Donald Drummond
INSPECTOR EMAIL ADDRESS: Donald.Drummond@rva.gov

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC
CONTRACTOR NAME: owner - contractor

OWNER PHONE:
CONTRACTOR PHONE: 0000000000

FEE INFORMATION

Revised Permit Fee	\$428.66	Plan Review	\$420.25
State Levy	\$84.05	Permit Fee	\$3,572.12
Administrative Handling	\$210.13		
TOTAL FEES	\$4,715.21		

SPECIAL TERMS AND CONDITIONS

Building: Nightclub, continuation of nonconforming use on Basement & 1st Floors.
VEBC 2015 Compliance Alternative

Zoning: Nightclub, continuation of nonconforming use. No parking required for use in the B-4 zoning district.

David L. Alley III
Commissioner of Buildings



City of Richmond
Department of Planning
& Development Review

Bureau Of Permits
& Inspections

PDRPermitsAndInspections@Richmondgov.com

To Request an inspection, call (804) 646-0770

BUILDING (C) PERMIT

ISSUE DATE: 1/23/2023

BLDC-113523-2023

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: FIRST FLOOR - Provide a 225 SF kitchen in existing space at the first floor , with a kitchen hood as shown on the drawings .

OCCUPANCY LOAD/FLOOR:

TYPE OF IMPROVEMENT: Alter/Remodel Heavy

USE GROUP: A2A - Nightclub

COST OF WORK: \$43,000.00

CONSTRUCTION TYPE: Type IIIB

(Noncombustible/Combustible)

INSPECTOR NAME: Donald Drummond

INSPECTOR PHONE: 804-389-3967

INSPECTOR EMAIL ADDRESS: Donald.Drummond@rva.gov

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

OWNER PHONE:

CONTRACTOR NAME: owner - contractor

CONTRACTOR PHONE: 0000000000

CONTRACTOR LICENSE NUMBER: 9999999911

FEE INFORMATION

Permit Fee	\$406.55	Plan Review	\$47.95
Administrative Handling	\$25.00	State Levy	\$9.59

TOTAL FEES \$489.09

SPECIAL TERMS AND CONDITIONS

PLANNING: Approved for interior work only.

Cross Connection reviews to be conducted under corresponding PLBC, SPKC, and WSC permitting as may be applicable

It is the applicant's/owner's responsibility to be familiar with the DPU's Standards and requirements

Back-flow protection must be installed if not already in place.

The Department of Public Utilities requires a service line backflow preventer on each commercial service (domestic [RPZ], fire [RPZ or DCVA dependent upon "hazard" as defined in DPU Cross Connection Manual] and irrigation [RPZ] meters) supplying water to the building/structure prior to any takeoffs.

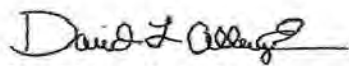
Confirmation of appropriate installation in accordance with applicable DPU Cross Connection requirements is required prior to water service activation.

For questions or concerns contact the DPU Cross Connection office at 804.646.8510 or 804.646.5962

Zoning: Interior work per scope and plans. Add small kitchen area. No other changes authorized

FINAL 12-18-24

G-2



David L. Alley III
Commissioner of Buildings
Approved By:



City of Richmond
Department of Planning
& Development Review

Bureau Of Permits
& Inspections

PDRPermitsAndInspections@rva.gov

To Request an inspection, call (804) 646-0770

BUILDING (C) PERMIT

ISSUE DATE: 5/20/2025

BLDC-149247-2025

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Nightclub A2- Floor 1- Interior alterations- New Cabinets and equipment as shown on Drawing A1 in existing space.

OCCUPANCY LOAD/FLOOR: No change.

TYPE OF IMPROVEMENT: Alter/Remodel Light

USE GROUP: A2A - Nightclub

COST OF WORK: \$800.00

CONSTRUCTION TYPE: Type IIIB
(Noncombustible/Combustible)

INSPECTOR NAME: Zachary Snyder

INSPECTOR EMAIL ADDRESS: zachary.snyder@rva.gov

INSPECTOR PHONE: 804-658-6447

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

CONTRACTOR NAME: owner - contractor

CONTRACTOR LICENSE NUMBER: 9999999911

OWNER PHONE:

CONTRACTOR PHONE: 0000000000

FEE INFORMATION

Permit Fee	\$91.00	Administrative Handling	\$25.00
Plan Review	\$15.00	State Levy	\$2.62

TOTAL FEES \$133.62

SPECIAL TERMS AND CONDITIONS

Zoning: Interior alterations per scope and plans (New Cabinets and equipment). No other work authorized by this permit.

CAR Approved for interior work.

DPW:

No work or construction staging (including dumpsters, Construction Entrances, DRIVEWAYS etc) may occur within or come in contact with, the public right of way until the appropriate WISPs have been acquired.

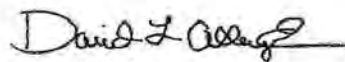
Building Department: The submitted documents reviewed per the 2021 Virginia Uniform Statewide Building Code.

DPU: No work will be performed that will involve excavation in or around DPU utilities requiring a review of work plans

If any DPU infrastructure is damaged as a result of this work, the Permit Holder will be liable for the cost of any necessary repairs.

FINAL 6-26-2025

H-2



David L. Alley III
Commissioner of Buildings
Approved By:

MADE FOR CZC - H PERMIT

OCCUPANT NEEDS (Chapters 10, 11, 12)

MEANS OF EGRESS (Chapter 10)

J

OCCUPANT LOAD (1004.3, 1004.5 and Table 1004.5, 1004.6)

Location	Floor Area	Sq. ft./ person	Occt. load	Other occt. loads	Total
----------	------------	-----------------	------------	-------------------	-------

FIRST FLOOR A2

5 SIDE = 1,475

5 MEZ = 448

T = 1,923/15 = 128

7 SIDE SEATING = 1,147/15 = 76

7 SIDE KIT = 704/200 = 4

T = 80

CAPACITY OF EGRESS COMPONENTS (1005.3.1, 1005.3.2)

Egress width (inch/occupant)

Stairways

Other egress components 15 W/SPRINK

Location	Stairways	Other egress components
----------	-----------	-------------------------

5 SIDE

N DOOR 39" 260

S DOOR 34" 226

S DOOR 36" 240

7 SIDE

N. DOOR 36" 240

S DOOR 34" 226

S DOOR 36" 240

NUMBER OF EXITS/EXIT ACCESS (1006)

Location	Required	Shown
----------	----------	-------

5 SIDE 2 2

7 SIDE 2 2

K

requirements contained in the state amendments to the IEBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2–16 of the IEBC or of the codes and standards referenced in the IEBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IEBC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

SECTION 102 PURPOSE AND SCOPE

102.1 Purpose. In accordance with § 36-99.01 of the Code of Virginia, the General Assembly of Virginia has declared that (i) there is an urgent need to improve the housing conditions of low and moderate income individuals and families, many of whom live in substandard housing, particularly in the older cities of the Commonwealth; (ii) there are large numbers of older residential *buildings* in the Commonwealth, both occupied and vacant, which are in urgent need of *rehabilitation* and must be rehabilitated if the state's citizens are to be housed in decent, sound, and sanitary conditions; and (iii) the application of those building code requirements currently in force to housing *rehabilitation* has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of *rehabilitation* activity taking place.

The General Assembly further declares that (i) there is an urgent need to improve the existing condition of many of the Commonwealth's stock of commercial properties, particularly in older cities; (ii) there are large numbers of older commercial *buildings* in the Commonwealth, both occupied and vacant, that are in urgent need of *rehabilitation* and that must be rehabilitated if the citizens of the Commonwealth are to be provided with decent, sound and sanitary work spaces; and (iii) the application of the *existing building* code to such *rehabilitation* has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of *rehabilitation* activity taking place.

102.2 Scope. The provisions of this code shall govern construction and *rehabilitation* activities in *existing buildings* and *structures*.

102.2.1 Change of occupancy to Group I-2 or I-3. A *change of occupancy* to Group I-2 or I-3 from another occupancy classification shall comply with the provisions of the VCC as required for new construction, not Chapter 7 of this code. All other provisions of the VEBC, includ-

ing *change of occupancy* within an existing *Group I-2 or I-3* classification, are applicable to Group I-2 or I-3.

102.2.2 Reconstruction, alteration, or repair in Group R-5 occupancies. Compliance with this section shall be an acceptable alternative to compliance with this code at the discretion of the owner or owner's agent. The VCC may be used for the reconstruction, *alteration*, or *repair* of Group R-5 *buildings* or *structures* subject to the following criteria:

1. Any reconstruction, *alteration* or *repair* shall not adversely affect the performance of the *building* or *structure*, or cause the *building* or *structure* to become unsafe or lower existing levels of health and safety.
2. Parts of the *building* or *structure* not being reconstructed, altered, or repaired shall not be required to comply with the requirements of the VCC applicable to newly constructed *buildings* or *structures*.
3. The installation of material or *equipment*, or both, that is neither required nor prohibited shall only be required to comply with the provisions of the VCC relating to the safe installation of such material or *equipment*.
4. Material or *equipment*, or both, may be replaced in the same location with material or *equipment* of a similar kind or capacity.
5. In accordance with § 36-99.2 of the Code of Virginia, installation or replacement of glass shall comply with Section R308 or Chapter 24 of the VCC.

Exceptions:

1. This section shall not be construed to permit non-compliance with any applicable flood load or flood-resistant construction requirements of the VCC.
2. Reconstructed decks, balconies, porches, and similar *structures* located 30 inches (762 mm) or more above grade shall meet the current code provisions for structural loading capacity, connections, and structural attachment. This requirement excludes the configuration and height of handrails and guardrails.
3. Repair or replacement of smoke alarms shall be with devices listed in accordance with UL217 and that are no more than 10 years from the date of manufacture. Battery-only powered devices shall be powered by a 10-year sealed battery.

102.2.3 Additions. Where one or more newly constructed fire walls that comply with Section 706 of the VCC is provided between an addition and the *existing building* or *structure* or portions thereof, the addition shall be considered a separate *building*, and therefore, not an addition within the scope of this code. Such separate *building*, including the fire wall, shall be constructed in accordance with the VCC and shall not place the *existing building* or *structure* in nonconformance with the building code under which the *existing building* or *structure* or the affected portions thereof was built, or as previously approved.

rml

L-1

3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

January 15, 2026

Ms. Michelle Dickson, Buildings Plan Examiner
City Hall, Room 110,
900 East Broad Street
Richmond, VA 23219

via email and uploaded to the permit portal

REF: FOIA Request H Permits for tenant changes at 7 East Broad Street first floor

Dear Michelle,

Your review letter and your mark up notes on the plan submitted are attached. This is a FOIA request. For items 1 through 7 highlighted in green, please provide the building code section/or other document that you rely on to require for tenant change indicated on the application/drawing.

With kindest regards,

Bill Laffoon

Bill Laffoon RA

Copy to: David Alley, Daniel Mouer, Rick Paul, Susan Harold

Attachments: your 7 e broad review comments with items in question noted

TRB appeal at 7 East Broad Street, Richmond

List of additional information:

5- Copy of statement read at Richmond LBBCA hearing

7 East Broad Street has a CO for a nightclub at the first floor and basement. The building also has a CO on floors 2 and 3 for business use.

The ODC is the nightclub tenant at the basement and first floor. The ODC wants to vacate the first floor and remain in the basement. The owner has 2 potential nightclub tenants to occupy the first floor. The potential tenants need confirmation of nightclub use to get a business license. The building owner asked me to help with this. I was sent to Mr. Paul and was then told to apply for H permits.

This was done. See the plans submitted. They were accepted with the fee paid.

I was told that the plans submitted were to be processed as building permits.

There was plan review confusion followed by a meeting for clarification. Meeting notes and plans were marked up by the plan reviewer.

For context (from additional information 2-4-2026):

In 2017, a building permit was issued for remodeling of an existing A2 nightclub at 7 East Broad Street. See ATTACHMENT A – Permit BLDC-020000-2017.

That permit expired before the work was completed. As the code cycle had changed, the code official required a new permit, and it was applied for. The plumbing plan reviewer found an insufficient number of plumbing fixtures for the egress occupancy. See ATTACHMENT B – Means of Egress Occupancy
See ATTACHMENT C – Plumbing Fixture Counts

Means of Egress was for 521 occupants.
Plumbing Fixtures were good for 520 occupants.

Significant plumbing work had been completed. The plumbing reviewer offered an option to reduce the occupant load to 480 for the basement and first floor as a tradeoff to adding more plumbing fixtures. The owner agreed to that option.

See ATTACHMENT D – 3 pages emails between Owens/Ostergren/Laffoon/Woodall

A building permit was issued 10-18-2019 to finish the A2 nightclub work under the previous permit with the occupancy load of 480 for the basement and first floor.

See ATTACHMENT E – Permit BLDC-060914-2019.

The work was completed and a certificate of occupancy was issued 8-9-2022. The A2 nightclub had an occupancy load of 480 for the basement and first floor.

See ATTACHMENT F – Certificate of Occupancy BLDC-060914-2019.

A building permit was issued 1-23-2023 for a kitchen at the first floor to serve the A2 nightclub. See ATTACHMENT G – Permit BLDC-113523-2023.

A building permit was issued 5-20-2025 for beverage area cabinets and equipment adjacent to the kitchen. See ATTACHMENT H – Permit BLDC-149247-2025.

The owner has 2 new potential A2 nightclub tenants to occupy the first floor, while the current tenant will remain in the basement and give up the first floor.

I was directed by a code official to apply for H permits with a drawing of the tenant areas.

See ATTACHMENT I – The H permits and drawings showing tenant areas and the egress occupancy information is shown on the drawings.

First Floor Diner tenant Means of Egress is for 80 occupants
First Floor Good Lions tenant Means of Egress is for 128 occupants
First Floor Total means of egress is for 208 occupants

See ATTACHMENT J – Means of Egress Occupancy Floor 1 showing sufficient capacity for the 208 occupants.

Shared toilets for First Floor tenants 6 WC X 40 = 240 occupants

There is sufficient egress capacity and toilets for the 2 proposed tenants and there is no reason to deny the A2 nightclub use.

See ATTACHMENT K – VEBC Section 102

The conditions that the code official requires contradict the purpose of the building code and the code of Virginia.

See ATTACHMENT L – 3 pages FOIA request dated 1-15-2026 for the documents showing code sections or other valid requirements to support the mark up notes and requirements you state for a new tenant to occupy space when there is no change in occupancy classification. There has been no reply to the FOIA.

The code officials failure to reply is a violation of Virginia FOIA. Section 109.4 of the building code says if the plans do not comply with the provisions of the code, the applicant shall be notified in writing the reasons. The code official/reviewer fails to identify the code provisions not met.

See the submitted plans and the plan reviewer comments:

See Plan for 7 side tenant Diner 2.0 and 5 side tenant Good Lions.

See Plan review comments.

Error Item-1. The reviewer says a building permit is required. (three permits, one for each of the 2 new tenants, and one for the tenant remaining that occupies the basement).

No code section is referenced. Section 109.4 requires the code official to notify in writing the reasons for adverse determinations. The reviewer does not say why, does not reference the code section to support the review comment. A FOIA request has been made to see the code/documents the reviewer relies on.

Error Item-2. There is no work called for and no work needed for tenant changes with no change in occupancy. Section 108 lists conditions where building permits are required. There is no condition here that requires one or more building permits.

Error Item-3. The reviewer says 1004.5 means that the occupant load cannot be less than the floor area divided by the occupant load factor, without exception, referring to number of toilets. The reviewer's interpretation is wrong. The code is clear that 1004 is for "determining the means of egress requirements".

In this existing building, plans approved by the city show that the egress capacity for each of the tenants exceeds what the allowable area requires for each tenant. This is a benefit of excess capacity for the number of occupants. There is no reason why the occupant load cannot be reduced further. There are city records showing this is an approved condition.

Error Item-4. The reviewer asks for information that is already shown on the drawings and/or included in the permit application.

Error Item-5. The reviewer does not reference a code section but based on comments from Mr. Paul saying that occupants shall have access to overcurrent devices. I assume the reference is to NEC 240.24. This is a multiple-occupancy building under the owners building management personnel, and this is the exception to "each occupant" requirement.

Other Error Item-6

See Code of Virginia 36-119.1 Existing buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § 27-97, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

The code official is imposing a requirement more restrictive than the Building Code, and Virginia law prohibits that.

Other Error Item-7

See Section 102 Existing Building Code, Purpose and Code of Virginia 36-99.01

The conditions that the code official requires contradict the purpose of the building code and Code of Virginia.

Relief: Written confirmation for tenant's occupancy for business license plus \$1,000 sanction for efforts to resolve this matter.

Introduction to Code Enforcement in Virginia

The Virginia Way

What is the Virginia Way?

- A philosophical approach to code enforcement
- The approach of taking position of partnership with our stakeholders
- Find a way to say 'yes' within the spirit and intent of the code

Challenge to you, the student: throughout this class, point out any part of the code that you feel does not live up to The Virginia Way

What Are Codes?

Codes are bodies of regulations, adopted by law, that govern the construction, maintenance, and operations of the built environment. The body of codes is made up of individual codes, or code 'books'.



Let's take a look at a video from the International Code Council, on the importance of codes and code enforcement

Video: Introducing ICC

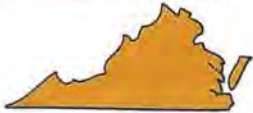
Class discussion: Why do we need building codes?

Administration and Enforcement of the Virginia Uniform Statewide Building Code & Statewide Fire Prevention Codes

The presentation associated with this module uses several icons to indicate specific code areas being discussed. These icons are as follows:



VCC: The Virginia Construction Code |



VEBC: The Virginia Existing Building Code ||



VMC: The Virginia Maintenance Code |||



SFPC: The Virginia Statewide Fire Prevention Code



Legal Aspects of Code Enforcement

The Virginia Way



*We always recommend approaching code enforcement using
The Virginia Way*

What is the Virginia Way?

VEBC Permits Required

All administrative provisions of the VCC, including but not limited to, requirements for permits, inspections, and approvals by the local building department, ...are applicable to the use of this code, except where this code sets out differing requirements.

- When new occupancy requires greater degree of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation



VMC Permits Required

- There are no provisions for permits under the Maintenance Code.
- Maintenance Code cannot require alterations to a structure unless it is “unsafe” or “unfit for human occupancy.”
- If alterations are required, it kicks the structure over to VCC or VEBC for permitting and inspection.

VSFPC Permits Required

- Remember that the VSFPC is a maintenance and operations code
- The Fire Official is authorized to require permits under the VSFPC
- Permits may be required for on –site operations, processing, storage, and use of materials.
- An operational permit may be required to conduct a carnival or fair.



Plan Review – Approval

Once reviewed for compliance...

- Stamp “APPROVED” or equivalent
OR
- Written rejection with statement of deficiencies

VSFPC Plan Review – Special Requirements

VSFPC is largely silent on plan procedures, except to say that plans approved by the fire official are approved with the intent that they comply with all aspects of the VSFPC.

- In other words, omissions or errors do not relieve applicants from code compliance

Inspections

Inspections and the Fourth Amendment

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

- Inspections performed under the USBC or the SFPC seek to determine if code violations exist
- Code Officials must comply with Constitutional prohibitions against unreasonable or illegal searches

What is a “search”?

- “To look over or through for the purpose of finding something; to explore; to examine by inspection...”
–U.S. Supreme Court



- The approved final inspection may serve as the certificate of occupancy for an addition or alteration to a Single-Family Dwelling for which a certificated has already been issued.
- As of 2018, a new Certificate of Occupancy must be issued for commercial additions and change of occupancy.
- A temporary certificate of occupancy may be issued prior to completion of the entire work covered by a permit, provided that portion can be occupied safely.
- A certificate of occupancy for an existing structure shall be issued upon the request of the owner.
 - No change in the occupancy classification.
 - No violations of the Maintenance or Fire Prevention Codes.

Certificate of Occupancy - Revocation

- The building official may, in writing, suspend or revoke a certificate of occupancy whenever...
 - It was issued in error.
 - It was issued on the basis of incorrect information.
 - When the structure is in repeated violation of the USBC.
 - When the Maintenance Code Official requests under USBC III – 105.7.

CERTIFICATE OF USE AND OCCUPANCY	
THIS CERTIFICATE IS ISSUED TO THE OWNER OF THE FOLLOWING PROPERTY: Address: _____ City: _____ State: _____ Zip: _____ Owner: _____ Building Official: _____ Issued: _____ Expiry: _____	RECEIVED DATE: _____ BY: _____ 1575.00

The Virginia Way



Some will read the code and say, “If it doesn’t say yes, it must mean no.”



Some will read the code and say, “If it doesn’t say no, it must mean yes.”



Saying “No”

- When you say ‘no’, your job becomes easy because the process, along with progress, is stopped.
- When you say ‘no’, all opportunities for mutual respect, understanding and learning diminish substantially.

Saying “Yes”

- When you say ‘yes’, your job becomes tougher because saying ‘yes’ means that you’ve taken the time to learn enough to be confident in your advice and decisions.
- When you say ‘yes’, all opportunities for mutual respect, understanding and learning increase substantially.



Addition Information - Permits & Drawings at 7 E Broad Street			
Drawing Mark	7 East Broad Street		
1	Basement & First Floor	Certificate of Occupancy	
2	Basement & First Floor	Dwg T1	Title
3	Basement & First Floor	Dwg 1-A1	Floor Plans
4	Basement & First Floor	Dwg 1-A7	Building Section
5	Building Sprinkler System	Permit Placard	
6	Building Sprinkler System	Sprinkler Permit Dwg	
7	Kitchen Floor 1	Permit Placard	
8	Kitchen Floor 1	Dwg A1a	Floor Plans
9	Beverage Area Floor 1	Permit Placard	
10	Beverage Area Floor 1	Dwg A1	Floor Plans
11	Floor 2 & 3	Certificate of Occupancy	
12	Floor 2 & 3	Dwg T1	Title
13	Floor 2 & 3	Dwg T2	Building Section
14	Floor 2 & 3	Dwg A2	Plan Floor 2
15	Floor 2 & 3	Dwg A3	Plan Floor 3



CERTIFICATE OF

CITY OF RICHMOND
DEPARTMENT OF PLANNING
& DEVELOPMENT REVIEW

OCCUPANCY

BUREAU OF PERMITS
& INSPECTIONS

PDRPermitsAndInspections@Richmondgov.com
To Request an inspection, call 311

ISSUE DATE: 8/9/2022

BLDC-060914-2019

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Finish Work Begun Under Previous Permit to Comply with Current Building Code -
VEBC 2015. Revisions received 7/20/2021.

OCCUPANCY LOAD/FLOOR: Basement & 1st
Floor=480

NO. OF PARKING SPACES:

VALUATION GROUP: A2A - Nightclub

VALUATION TYPE: Type IIIB

(Noncombustible/Combustible)

INSPECTOR NAME: Donald Drummond

INSPECTOR PHONE: 804-389-3967

INSPECTOR EMAIL ADDRESS: Donald.Drummond@rva.gov

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

OWNER PHONE:

CONTRACTOR NAME: owner - contractor

CONTRACTOR PHONE: 0000000000

FEE INFORMATION

Revised Permit Fee

\$428.66

Plan Review

\$420.25

State Levy

\$84.05

Permit Fee

\$3,572.12

Administrative Handling

\$210.13

TOTAL FEES

\$4,715.21

SPECIAL TERMS AND CONDITIONS

Building: Nightclub, continuation of nonconforming use on Basement & 1st Floors.

VEBC 2015 Compliance Alternative

Zoning : Nightclub, continuation of nonconforming use. No parking required for use in the B-4 zoning district.

David L. Alley III
Commissioner of Buildings

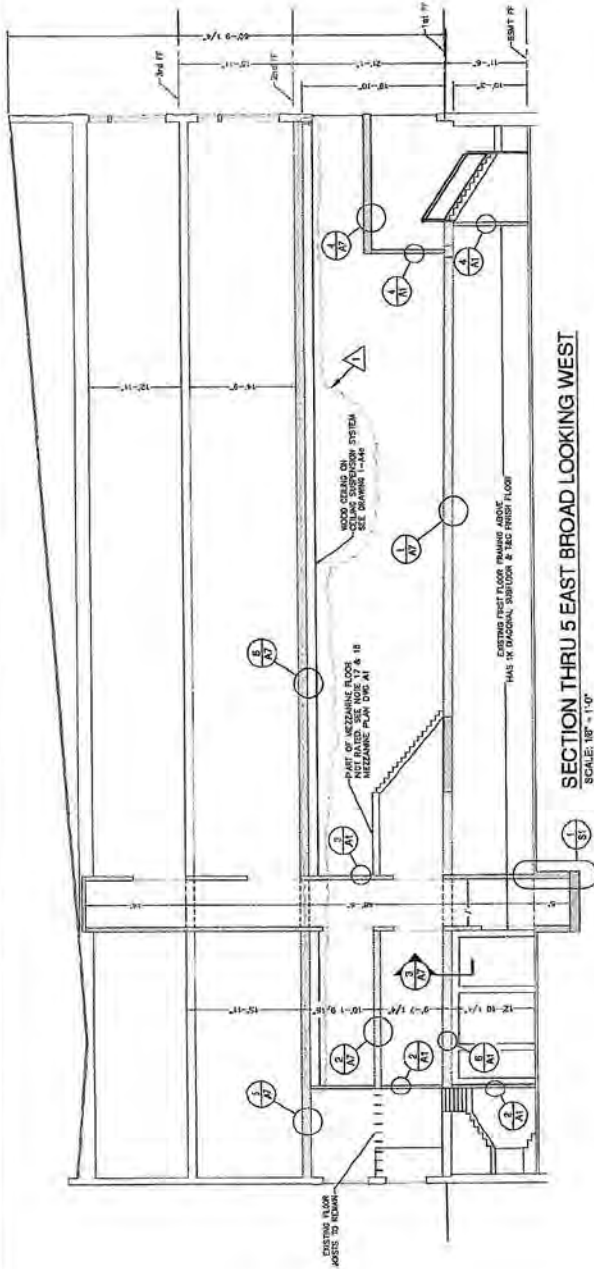
LEGEND

EXISTING CONSTRUCTION TO REMAIN
NEW CONSTRUCTION
REMOVE EXISTING CONSTRUCTION

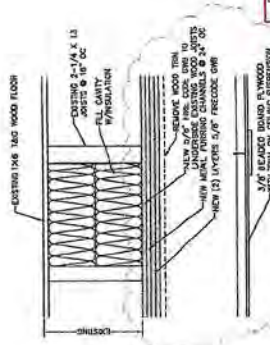
NEW CONSTRUCTION
WALLS & FLOOR/CEILING
ASSEMBLY 2 HOUR RATED
EXISTING CONSTRUCTION
WALLS & FLOOR/CEILING
ASSEMBLY 2 HOUR RATED

SECTION NOTES

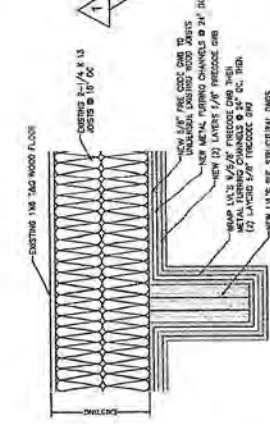
1. TOP OF EXISTING CONCRETE S.L.B.
2. NEW SKEWLET AT ORIGINAL FRAMED OPENING.



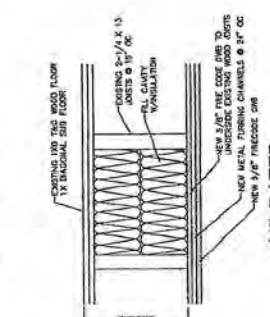
SECTION THRU 5 EAST BROAD LOOKING WEST
SCALE: 1/8\" = 1'-0"



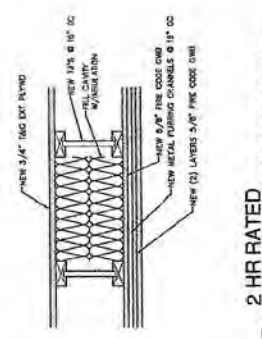
2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING SIMILAR TO
UL DESIGN NO L 538



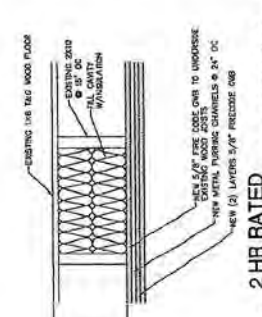
2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING SIMILAR TO
UL DESIGN NO L 538



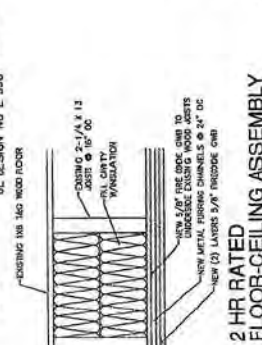
2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING SIMILAR TO
UL DESIGN NO L 505



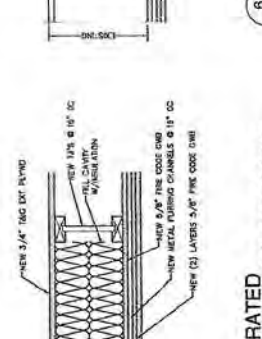
2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING
UL DESIGN NO L 538



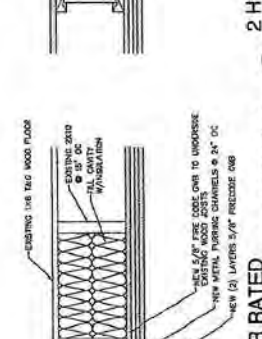
2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING
UL DESIGN NO L 538



2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
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A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING
UL DESIGN NO L 538



2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING
UL DESIGN NO L 538



1-A7
Alterations
5 & 7 East Broad Street
RICHMOND, VA 23219
SEPTEMBER 18, 2019
rmi architecture
303 cedar street
richmond 23223
280-1174
REVISED 7-8-2021



2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING SIMILAR TO
UL DESIGN NO L 538

2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING
UL DESIGN NO L 538

2 HR RATED
FLOOR-CEILING ASSEMBLY
A7 1-1/2\" = 1'-0"
*** 2 HOUR RATING
UL DESIGN NO L 538



City of Richmond
Department of Planning
& Development Review

Bureau Of Permits
& Inspections

SPRINKLER (C) PERMIT

PDRPermitsAndInspections@Richmondgov.com

To Request an inspection, call (804) 646-0770

ISSUE DATE: 10/8/2021

SPKC-091668-2021

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Retrofit a complete wet pipe sprinkler system.

TYPE OF IMPROVEMENT: Addition

USE GROUP: A2A - Nightclub

INSPECTOR NAME: Dale Windom

INSPECTOR EMAIL ADDRESS: Dale.Windom@richmondgov.com

COST OF WORK: \$30,000.00

CONSTRUCTION TYPE:

INSPECTOR PHONE: 804-658-7395

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

CONTRACTOR NAME: OCEAN FIRE PROTECTION LLC

CONTRACTOR LICENSE NUMBER: 2705089076

OWNER PHONE:

CONTRACTOR PHONE: 8046271997

FEE INFORMATION

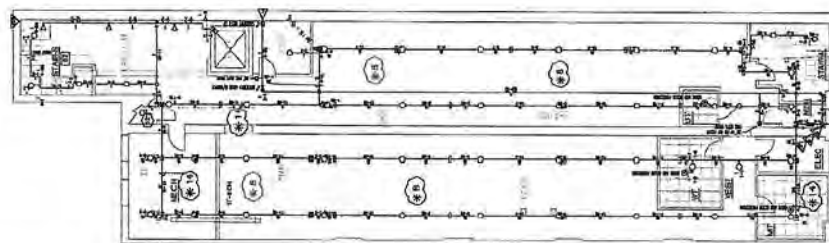
Permit Fee	\$329.00	Administrative Handling	\$25.00
Plan Review	\$15.00	State Levy	\$7.38

TOTAL FEES \$376.38

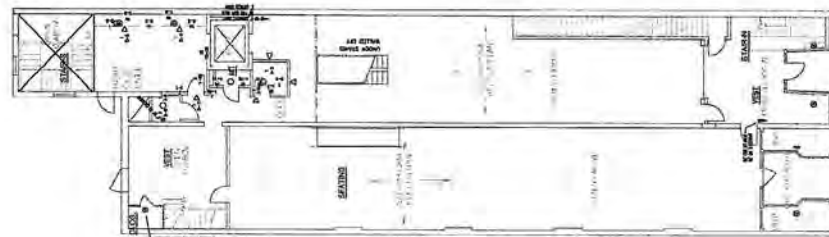
David L. Alley III
Commissioner of Buildings
Approved By:

GENERAL NOTE: SYMBOLS:

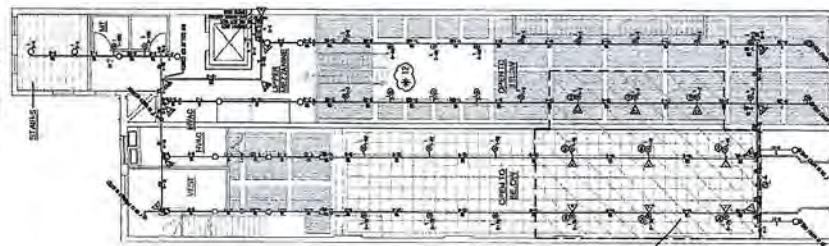
- [illegible]



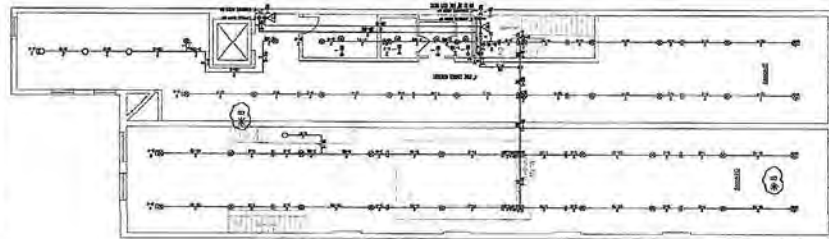
BASEMENT
SCALE: 1/8" = 1'-0"
USE GROUP: A2 NIGHTCLUB-RESTAURANT



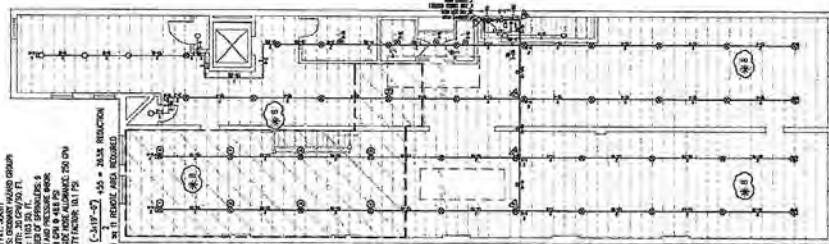
UNDER MEZZANINE
SCALE: 1/8" = 1'-0"
USE GROUP: A2 HIGH-CLUB-RESTAURANT



1st FLOOR
SCALE 1/4" = 1'-0"
USE GROUP: A2 NIGHTCLUB-RESTAURANT
FUTURE KITCHEN TO BE ORD HAZ GR 1



ART GALLERY-STUDIOS
2nd FLOOR
SCALE: 1/8" = 1'-0"
USE GROUP: A3



ART GALLERY STUDIOS
3rd FLOOR
SCALE: 1/8" = 1'-0"
USE GROUP: A3

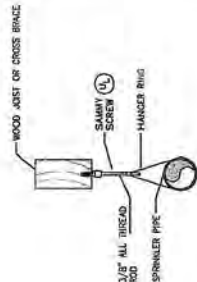


SECTION THRU 5 EAST BROAD LOOKING WEST

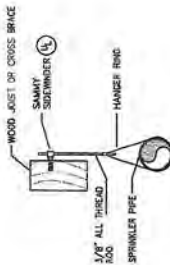
SCALE: 1/8" = 1'-0"

REMOTE AREA #1

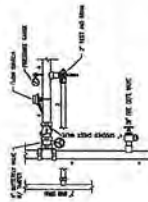
MARCH 1961 - 5/2/63



HANGER DETAILS



TYPICAL ZCA / HOSE VALVE DETAIL



Approved for the following will require a compliance with all requirements of the Virginia Uniform Statewide Building Code as well as all other applicable codes and ordinances of the City of Richmond. This compliance applies to a building in accordance with the following:

[illegible]



City of Richmond
Department of Planning
& Development Review

Bureau Of Permits
& Inspections

PDRPermitsAndInspections@Richmondgov.com

To Request an inspection, call (804) 646-0770

BUILDING (C) PERMIT

ISSUE DATE: 1/23/2023

BLDC-113523-2023

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: FIRST FLOOR - Provide a 225 SF kitchen in existing space at the first floor , with a kitchen hood as shown on the drawings .

OCCUPANCY LOAD/FLOOR:

TYPE OF IMPROVEMENT: Alter/Remodel Heavy

USE GROUP: A2A - Nightclub

COST OF WORK: \$43,000.00

CONSTRUCTION TYPE: Type IIIB
(Noncombustible/Combustible)

INSPECTOR NAME: Donald Drummond

INSPECTOR PHONE: 804-389-3967

INSPECTOR EMAIL ADDRESS: Donald.Drummond@rva.gov

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

CONTRACTOR NAME: owner - contractor

CONTRACTOR LICENSE NUMBER: 9999999911

OWNER PHONE:

CONTRACTOR PHONE: 0000000000

FEE INFORMATION

Permit Fee	\$406.55	Plan Review	\$47.95
Administrative Handling	\$25.00	State Levy	\$9.59

TOTAL FEES \$489.09

SPECIAL TERMS AND CONDITIONS

PLANNING: Approved for interior work only.

Cross Connection reviews to be conducted under corresponding PLBC, SPKC, and WSC permitting as may be applicable

It is the applicant's/owner's responsibility to be familiar with the DPU's Standards and requirements

Back-flow protection must be installed if not already in place.

The Department of Public Utilities requires a service line backflow preventer on each commercial service (domestic [RPZ], fire [RPZ or DCVA dependent upon "hazard" as defined in DPU Cross Connection Manual] and irrigation [RPZ] meters) supplying water to the building/structure prior to any takeoffs.

Confirmation of appropriate installation in accordance with applicable DPU Cross Connection requirements is required prior to water service activation.

For questions or concerns contact the DPU Cross Connection office at 804.646.8510 or 804.646.5962

Zoning: Interior work per scope and plans. Add small kitchen area. No other changes authorized



City of Richmond
Department of Planning
& Development Review

Bureau Of Permits
& Inspections

PDRPermitsAndInspections@rva.gov
To Request an inspection, call (804) 646-0770

BUILDING (C) PERMIT

ISSUE DATE: 5/20/2025

BLDC-149247-2025

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Nightclub A2- Floor 1- Interior alterations- New Cabinets and equipment as shown on Drawing A1 in existing space.

OCCUPANCY LOAD/FLOOR: No change.
TYPE OF IMPROVEMENT: Alter/Remodel Light
USE GROUP: A2A - Nightclub

COST OF WORK: \$800.00
CONSTRUCTION TYPE: Type IIIB
(Noncombustible/Combustible)

INSPECTOR NAME: Zachary Snyder
INSPECTOR EMAIL ADDRESS: zachary.snyder@rva.gov

INSPECTOR PHONE: 804-658-6447

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC
CONTRACTOR NAME: owner - contractor
CONTRACTOR LICENSE NUMBER: 9999999911

OWNER PHONE:
CONTRACTOR PHONE: 0000000000

FEE INFORMATION

Permit Fee	\$91.00	Administrative Handling	\$25.00
Plan Review	\$15.00	State Levy	\$2.62

TOTAL FEES \$133.62

SPECIAL TERMS AND CONDITIONS

Zoning: Interior alterations per scope and plans (New Cabinets and equipment). No other work authorized by this permit.

CAR Approved for interior work.

DPW:

No work or construction staging (including dumpsters, Construction Entrances, DRIVEWAYS etc) may occur within or come in contact with, the public right of way until the appropriate WISPs have been acquired.

Building Department: The submitted documents reviewed per the 2021 Virginia Uniform Statewide Building Code.

DPU: No work will be performed that will involve excavation in or around DPU utilities requiring a review of work plans

If any DPU infrastructure is damaged as a result of this work, the Permit Holder will be liable for the cost of any necessary repairs.



2-3

11

CERTIFICATE OF

CITY OF RICHMOND
DEPARTMENT OF PLANNING
& DEVELOPMENT REVIEW

OCCUPANCY

BUREAU OF PERMITS
& INSPECTIONS

PDRPermitsAndInspections@Richmondgov.com
To Request an inspection, call 311

ISSUE DATE: 12/29/2022

BLDC-103988-2022

SITE ADDRESS: 7 E Broad St
Richmond, VA 23219

PARCEL NUMBER: W0000084002

PERMIT DESCRIPTION: Second and Third Floors: Tenant Fitup for Art Studios. New drywall and finishes as shown on the drawings.

OCCUPANCY LOAD/FLOOR:

NO. OF PARKING SPACES:

VALUATION GROUP: B10 - Business (Other)

VALUATION TYPE: Type IIIB
(Noncombustible/Combustible)

INSPECTOR NAME: David Alley

INSPECTOR PHONE: 804-513-6939

INSPECTOR EMAIL ADDRESS: David.Alley@rva.gov

PERMIT CONTACT INFORMATION

OWNER NAME: Bap LLC

OWNER PHONE:

CONTRACTOR NAME: POWERS & WHITE INC

CONTRACTOR PHONE: 8042160361

FEE INFORMATION

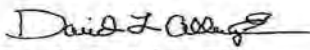
Plan Review	\$198.40
Permit Fee	\$1,686.40
TOTAL FEES	\$2,023.68

Administrative Handling	\$99.20
State Levy	\$39.68

SPECIAL TERMS AND CONDITIONS

Building: The submitted plans were reviewed per the 2015 Virginia Existing Building Code.

ZONING: Tenant fitup on 2nd and 3rd floors for art studios.


David L. Alley III
Commissioner of Buildings

Summary Sheet - Building Code

[illegible]

Parameter Evaluation

Separated Mixed Use with B use at Floors 2 and 3

[illegible]

Scores

[illegible]

OCCUPANT LOAD

[illegible]

DRAWINGS FOR
WORK AT
THIS AREA ONLY

LEGEND

Boundary of Design Occupancy Area
A2 Assembly at Basement & 1st Floor
B Business at 2nd & 3rd Floor

Gallery Occupancy Area
B Business at 2nd & 3rd Floor

21 Hour Rated Fire Separation Wall

Boundary of Fire Separation Compartment

COMPARTMENT
VALUES 1401.6.3

COMPARTMENT-1
Floor A2 Use
area 5,190 sf Value = 10

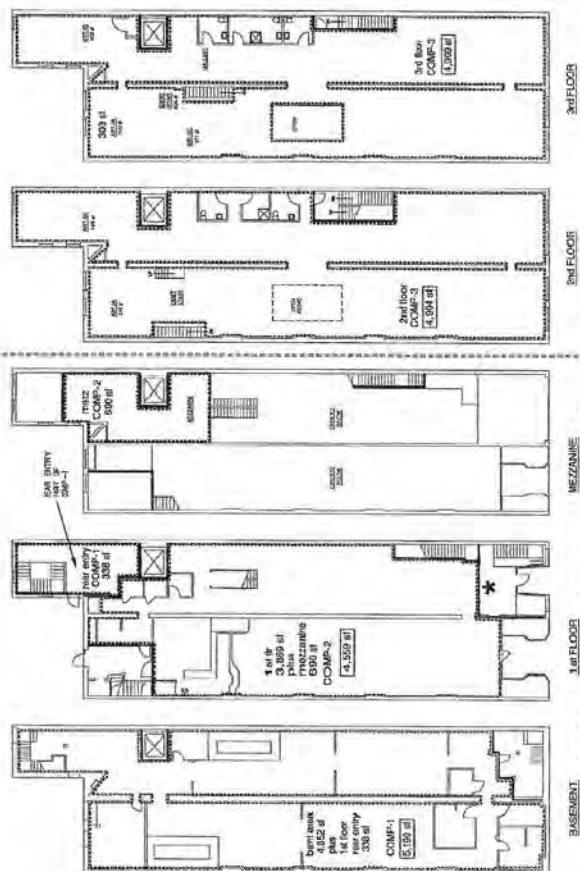
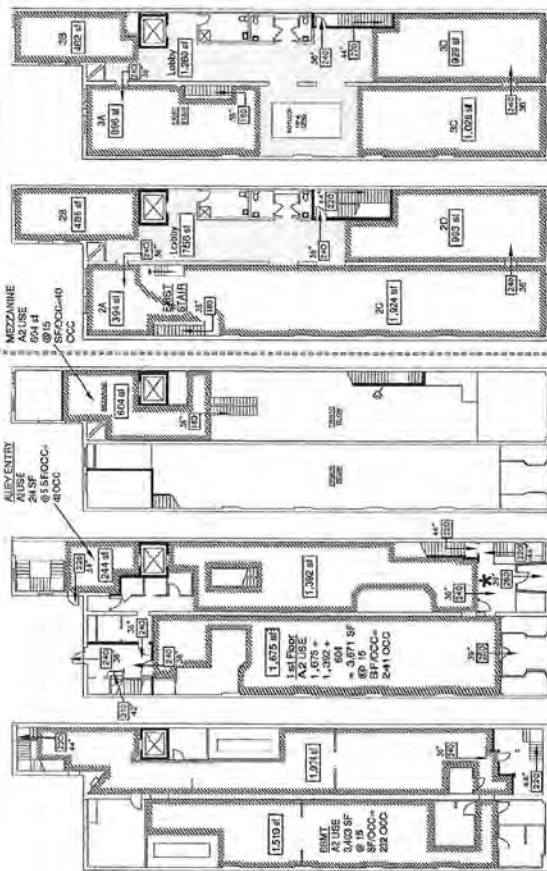
COMPARTMENT-2
Floor A2 Use
Floor 1,550 sf Value = 14

COMPARTMENT-3
Floor B Use area 4,594 sf
Third Floor B Use area 4,595 sf
Total area 9,203 sf Value = 5

Total Compartment Value = 29

DESIGN OCCUPANCY-MEANS OF EGRESS-CAPACITY

SCALE: 1/16" = 1'-0"



LIST of DRAWINGS

T1	TITLE SHEET - BUILDING CODE DATA
T2	Section Thru Building - NEW DRAWING
A1	1st FLOOR PLAN
A2	2nd FLOOR PLAN
A3	3rd FLOOR PLAN
A4	DOOR & FINISH SCHEDULES
A5	BUILDING SECTIONS

1
REVISED 6-7-2022
T1

Tenant Uplift
Artist Studios Floor 2 and 3

East Broad Street
RICHMOND, VA 23219
MARCH 16, 2022

rml architecture
303 cedar street
richmond 23223
269-1174

12

Architectural floor plan of the first floor of a building. The plan includes the following details:

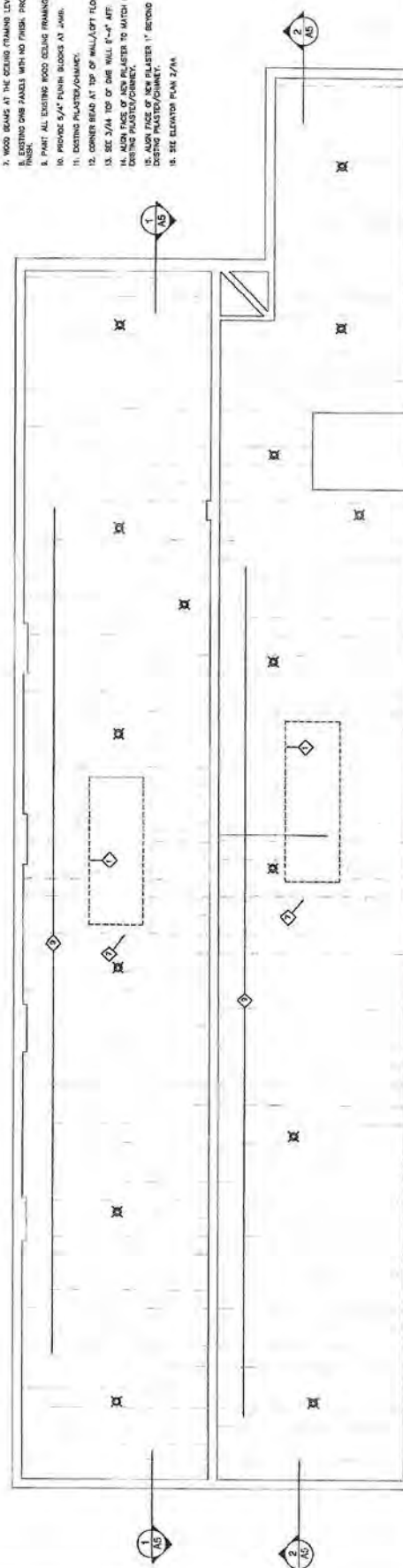
- Art Spaces:**
 - Art Space-2A: 585 sf, 9 occupants
 - Art Space-2B: 412 sf, 4 occupants
 - Art Space-2C: 1,128 sf, 10 occupants
 - Art Space-2D: 993 sf, 9 occupants
- Lobby/Gallery:** 250 sf, 4 occupants
- Vestibule:** 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782

1. LAYOUT ALL OF THE WORK BEFORE ANY DEMOLITION OR NEW CONSTRUCTION.
2. SEE DEMOLITION DRAWINGS AND STRUCTURAL DRAWINGS AND VERIFY EXTENT OF DEMOLITION AND STRUCTURAL WORK. VERIFY EXTENT OF WOOD FLOOR REMOVAL. WHEN THE WOOD FLOOR IS DEMOLISHED, PHONE NEW WOOD FLOOR TAG TO MATCH EXISTING WOOD FLOOR.

1. EXISTING SKETCH
2. SPRING TO THE FLOOR BELOW
3. REMOVE EXISTING STAIRS AND REPLACE WITH NEW STAIRS AND STAIRS TO MATCH EXISTING
4. CLEAN POSTS, RAILS AND ROCKETS
5. PAINT SPRINDERS
6. CLEAN, SEPARATE AND PAINT THE METAL DOOR
7. WOOD BEAMS AT THE CEILING FINISH LEVEL
8. REMOVE ONE PANEL WITH AN IRON HINGED PLATE AND FINISH
9. PAINT ALL EXISTING WOOD CEILING FINISHING
10. PROVIDE 5/4" PLANT GROUND IN JAWB
11. EXISTING PLASTER FINISH
12. CORNER HEAD AT TOP OF WALL/UPPER FLOOR
13. SEC. 3/4" TOP OF ONE WALL 5'-4" AFF.
14. ALUM. FACES OF AND PLASTER TO MATCH FACE OF
15. EXISTING PLASTER
16. ALUM. FACES OF THE PLASTER
17. SECOND FLOOR OF EXISTING PLASTER/STAIRWAY
18. SEC. ELEVATOR PLANT 2/4"

3rd FLOOR-HVAC Loft

- 11007 1 1110



Documents Submitted
By
City of Richmond

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Table of Contents

Address: 7 E. Broad Street

Appeal # B-01-2026-173897-2025

Summary

- See Case Summary document dated 2/02/2026

Appeal Response Document

- Appeal Response dated 2/02/2026

Plan/Permit

- BLDC-173897-2025

Plans: none

Plan Review Comments

- Exhibit 5 – Review Comments dated 12/17/2025

Supporting Documents

- Exhibit 2 – Certificate of Occupancy issued 8/9/2022
- Exhibit 3 – Meeting Minutes dated 11/07/2025
- Exhibit 4 – Letter from Bill Laffoon dated 12/03/2025
- Exhibit 6 – Letter from Bill Laffoon dated 1/15/2026
- Exhibit 7 – Appeal letter from Bill Laffoon dated 1/16/2026
- Exhibit 8 – Fee Schedule dated 7/01/2024
- Exhibit 9 – Seal Requirements USBC 2021

Emails

- Exhibit 1 - Clarification email dated 11/03/2025



Case Summary

February 2, 2026

Address: 7 E. Broad Street

Appeal # B-01-2026-173897-2025

Plan Number BLDC-173897-2025 for 7 E Broad Street was entered in the City of Richmond permitting system on 10/10/25. The submitted application requested a Certificate of Occupancy for The Diner 2.0 Inc., a new nightclub taking over the previously approved nightclub space located at 7 E Broad Street. A second application was submitted for the same address requesting a Certificate of Occupancy for Richmond Lodge No. 4 of the Good Lions, Inc, a new tenant taking over the previously approved nightclub space. The same drawing was submitted under the two applications showing The Diner 2.0 Inc occupying the first floor of 7 E Broad Street and The Richmond Lodge No. 4 of the Good Lions, Inc occupying the first floor and mezzanine of 5 E Broad Street.

An e-mail was sent to the Applicant on 11/3/25 requesting clarification concerning the provided addresses and the proposed use of the basement not represented on the drawings but part of the previously issued Certificate of Occupancy. Refer to Attached Exhibit 1 for a copy of the referenced e-mail and Exhibit 2 for a copy of the previously issued Certificate of Occupancy.

A meeting was held in the permitting office on 11/7/25 to clarify the scope and project addresses. Refer to Exhibit 3 for a meeting minutes summary.

The application scope was updated in the system based on the meeting. It currently reads:

The Diner 2.0 Inc: A new tenant will occupy a portion of the nightclub established by Certificate of Occupancy BLDC-060914-2019 issued on 8/9/22 for the basement and first floor of both 5 and 7 E Broad Street. The Diner 2.0 Inc. will occupy the first floor of 7 E Broad Street. The first floor of 5 E Broad Street and the basement of both 5 and 7 E Broad Street will be under control of other tenants. The Diner 2.0 will share first floor bathrooms with a new tenant located on the first floor and mezzanine of 5 E Broad Street. No Construction is proposed.

A letter was received dated 12/3/25 in response to the meeting minutes. Refer to Exhibit 4.

Review comments for the submission and subsequent response letter were issued on 12/17/25. Refer to Exhibit 5.

A written letter was e-mailed to the City by the Applicant on 1/15/26 in response to the review comments, refer to Exhibit 6. An appeal letter was e-mailed to Ms. Felton at the City of Richmond on 1/16/26, refer to Exhibit 7.



Appeal Response

February 2, 2026

Address: 7 E. Broad Street

Appeal # B-01-2026-173897-2025

Commercial Building Application: BLDC-173897-2025

Appellant's Item 1: The reviewer says a building permit is required. (three permits, one for each of the 2 new tenants, and one for the tenant remaining that occupies the basement).

No code section is referenced. Section 109.4 requires the code official to notify in writing the reasons for adverse determinations. The reviewer does not say why, does not reference the code section to support the review comment. A FOIA request has been made to see the code/documents the reviewer relies on.

City Staff's Response:

Section 26-876 from the 2020 Code of the City of Richmond Virginia requires a Certificate of Occupancy or a Certificate of Zoning Compliance to obtain a business license. This Section is regulated by the Finance Department not the Department of Planning & Development Review. The Department of Planning & Development Review will issue one or more Certificates of Occupancy once requested, the preestablished fees are paid, and if necessary, a review is done to ensure the requested Certificate(s) of Occupancy is/are accurate.

Sec. 26-876. - Certificate of occupancy or of zoning compliance to engage in business or occupation in building, structure or upon premises.

Every person desiring to obtain a license to engage in any business or profession, if such business or profession shall be conducted or engaged in within any building or structure or upon any premises or portion thereof, shall first obtain a certificate of occupancy, as required by the Virginia Uniform Statewide Building Code, or a certificate of zoning compliance, as required in Section 30-1020, in order to obtain any license to engage in a business or profession pursuant to this article.

(Code 1993, § 27-320; Code 2004, § 98-639; Code 2015, § 26-876)

Note: *See subsection D of § 36-105 of the Code of Virginia for rules for permit fees involving property with easements or liens.*

Appellant's Item 2: There is no work called for and no work needed for tenant changes with no change in occupancy. Section 108 lists conditions where building permits are required. There is no condition here that requires one or more building permits.

City Staff's Response:

2021 Virginia Construction Code Section 108.1, item 2 indicates, "For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required by the VEBC".

Subdividing the existing nightclub only meets the definition of Change of Occupancy if a greater degree of fire protection, means of egress or sanitation is required. Refer to the definition of Change of Occupancy below.

CHANGE OF OCCUPANCY. *Either of the following shall be considered a change of occupancy where the current VCC requires a greater degree of structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:*

- 1. Any change in the occupancy classification of a building or structure.*
- 2. Any change in the purpose of, or a change in the level of activity within, a building or structure.*

Note: *The use and occupancy classification of a building or structure, shall be determined in accordance with Chapter 3 of the VCC.*

The applicant's request to subdivide the space potentially changes the level of activity. The City must evaluate the request to determine if item 2 in the definition of Change of Occupancy is applicable to the project by affecting the means of egress or sanitation requirements. Anytime a tenant space is subdivided the City must determine the new tenant spaces is no less conforming to the USBC than it was prior to the change. Below are examples of fire protection, egress, and sanitation requirements specified in the Uniform Statewide Building Code that could be applicable when a tenant space is subdivided.

Fire Protection: Virginia Construction Code Section 402.4.2.1 requires tenant spaces in a mall to be separated from other tenant spaces with a fire partition complying with Section 708.

Means of Egress: Virginia Construction Code Section 1016.2.1 states where more than one tenant occupies any one floor of a building, each tenant space shall be provided with access to the required exits without passing through adjacent tenant spaces unless the exception is met.

Sanitation: Subdividing a tenant space could limit access to the number of plumbing fixtures each tenant is required to provide as specified in Virginia Plumbing Code Table 403.1.

The Department of Planning and Development Review will evaluate the proposed change to ensure USBC requirements are being met related to the change. Virginia Construction Code Section 107.1, below, allows fees to be collected associated with the cost of enforcing the USBC.

107.1 Authority for charging fees.

In accordance with § 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement of the USBC. With the exception of the levy collected pursuant to Section 107.2, fees levied pursuant to this section shall be used only to support the functions of the local building department.

The City of Richmond has three fees established for the issuance of a Certificate of Occupancy, (refer to Exhibit 8). A previously issued Certificate of Occupancy can be reprinted for \$32.00. If the Certificate of Occupancy request requires review for code compliance, the fee is \$131.00 provided no construction is proposed. The third type of Certificate of Occupancy request is for a temporary or partial Certificate of Occupancy. This type of CO request is also sometimes used for an administrative name change. For example, if a single new tenant were taking over the first floor and basement of both 5 and 7 E Broad Street, the change would be an administrative name change only and would not require review for compliance. The fee for this type of CO request is \$263.00. Refer to Exhibit 8 for the fee schedule.

Appellant's Item 3: The reviewer says 1004.5 means that the occupant load cannot be less than the floor area divided by the occupant load factor, without exception, referring to number of toilets. The reviewer's interpretation is wrong. The code is clear that 1004 is for "determining the means of egress requirements".

In this existing building, plans approved by the city show that the egress capacity for each of the tenants exceeds what the allowable area requires for each tenant. This is a benefit of excess capacity for the number of occupants. There is no reason why the occupant load cannot be reduced further. There are city records showing this is an approved condition.

City Staff's Response:

Occupant load is used to determine more than means of egress requirements. Table 403.1 in the 2021 Virginia Plumbing Code uses the occupant load to calculate the number of fixtures required. The calculated occupant loads will be compared to the number of plumbing fixtures each new tenant has access to.

The new reduced occupant load will appear on each Certificate of Occupancy requested. The previously issued Certificate of Occupancy for a single tenant occupying the entire first floor and basement, with an occupant load of 480, will no longer be accurate. It must be revised to represent the reduced area and occupant load.

In addition to appearing on the CO, both the Virginia Construction Code and Virginia Statewide Fire Prevention Code require the occupant load be posted in rooms or spaces with over 50 occupants. Refer to the code sections below. It is important the number posted is correct.

VCC 1004.9 Posting of occupant load.

Every room or space that is an assembly occupancy and where the occupant load of that room or space is 50 or more shall have the occupant load of the room or space posted for the intended configurations in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent.

VSFPC 1004.9 Posting of occupant load.

Every room or space that is an assembly occupancy and where the occupant load of that room or space is 50 or more shall have the occupant load of the room or space posted in a conspicuous place near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent.

Section 1004.5 of the 2021 Virginia Construction Code clearly states the occupant load shall not be less than the number determined by dividing the floor area under consideration by the occupant load factor assigned to the function of the space. There is an exception that can be granted by the building official. Refer to the code section below.

1004.5 Areas without fixed seating.

The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.5. For areas without fixed seating, the occupant load shall be not less than that number determined by dividing the floor area under consideration by the occupant load factor assigned to the function of the space as set forth in Table 1004.5. Where an intended function is not listed in Table 1004.5, the building official shall establish a function based on a listed function that most nearly resembles the intended function.

Exception: Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although

less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.

Appellant's Item 4: The reviewer asks for information that is already on the drawings and/or included in the permit application.

City Staff's Response:

Virginia Construction Code Section 116.2 of the 2021 Virginia Construction Code specifies information that must appear on a Certificate of Occupancy. Several listed items do not appear on the drawing submitted for review. For example, the submitted drawing does not indicate the edition of the USBC or if the space is protected by an automatic sprinkler system. The new Certificate of Occupancy must include this information.

116.2 Contents of certificate, 2021 VCC

A certificate of occupancy shall specify the following:

- 1. The edition of the USBC under which the permit is issued.*
- 2. The group classification and occupancy in accordance with the provisions of Chapter 3*
- 3. The type of construction as defined in Chapter 6.*
- 4. If an automatic sprinkler system is provided and whether or not such system was required.*
- 5. Any special stipulations and conditions of the building permit and if any modifications were issued under the permit, there shall be a notation on the certificate that modifications were issued.*
- 6. Group R-5 occupancies complying with Section R320.3 of the VRC shall have a notation of compliance with that section on the certificate.*

Appellant's Item 5: The reviewer does not reference a code section based on comments from Rick Paul saying that each occupant shall have access to overcurrent devices. I assume the reference is to NEC 240.24. This is a multiple-occupancy building under the owners building management personnel, and this is the exception to "each occupant" requirement.

City Staff's Response: Below is Section 240.24 from the 2020 NFPA 70

240.24 Locations in or on Premises.

(B) Occupancy. Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy, unless otherwise permitted in 240.24(B)(1) and (B)(2).

(1) Service and Feeder Overcurrent Devices. Where electric service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service overcurrent devices and feeder overcurrent devices supplying more than one occupancy shall be permitted to be accessible only to authorized management personnel in the following:

(1) Multiple-occupancy buildings

(2) Guest rooms or guest suites

(2) Branch-Circuit Overcurrent Devices. Where electric service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the branch-circuit overcurrent devices supplying any guest rooms or guest suites without permanent provisions for cooking shall be permitted to be accessible only to authorized management personnel.

If the intent of the applicant is to claim an exception under 240.24 then the owner/applicant needs only provide a letter to the City confirming management personnel will be on site to maintain or service the equipment 24 hours a day, seven days a week.

If building management does not provide 24/7 continuous maintenance and service, please provide a written response on how the applicant will comply with 2020 NFPA 70 Section 240.24.

City Staff's Comments: Item 6 and 7 Clarification:

The drawing submitted with the City of Richmond Local Board of Building Code Appeals package does not include items 6 and 7, (see Exhibit 7). It is unclear what comment or comments are considered more restrictive than the building code requires. A separate letter was received from Mr. Laffoon dated 1/15/26 (see Exhibit 6). The 1/15/26

correspondence included a marked up copy of the review comments with the 1 through 5 numbers tagged to different review notes. The 1/15/26 correspondence also included a marked up copy of an e-mail summarizing the meeting held at City Hall on 11/3/25. The meeting minutes are marked with items 6 and 7. Our assumption is items 6 and 7 referenced in the 1/16/26 letter this document responds to refer to items 6 and 7 marked on the meeting minutes tied to the 1/15/26 letter. If this is incorrect, please clarify. Below are responses to items 6 and 7 as we understand them.

Appellant's Item 6: See Code of Virginia 36-119.1 Existing Buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § 27-97, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

The code official is imposing a requirement more restrictive than the Building Code, and law prohibits that.

City Staff's Response:

Refer to Exhibit 9 taken from the 2021 Virginia Building and Fire Code Related Regulations document stating when construction documents require a seal. Please refer to the 2021 Virginia Construction Code definition of Construction Documents below.

CONSTRUCTION DOCUMENTS. Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit.

Appellant's Item 7: See Section 102 Existing Building Code, Purpose and Code of Virginia 36-99.01

The conditions that the code official requires contradict the purpose of the building code and Code of Virginia.

City Staff's Response:

The e-mail (Exhibit 7) this item questions is dated 11/3/25. It predates the review comments issued on 12/17/25. After the 11/3/25 e-mail was sent it was made clear a door opening in the wall that separates 5 and 7 East Broad Streets that appears in the approved drawings tied to Permit BLDC-060914-2019 was enclosed as part of a post

permit revision and therefore does not need to be included in the pending application. The rating of this wall is irrelevant since the wall opening is existing.

As stated previously the code summary must include the information required on the requested Certificate of Occupancy.

The meeting held on 11/7/25 clarified the basement is not part of the first-floor tenant spaces and instead is a third tenant space. The meeting also clarified "The Diner 2.0, Inc." and "Richmond Lodge No. 4 of the Good Lions, Inc." will share the restrooms on the first level. It was discussed at the meeting that locked doors cannot be added between the tenant spaces without permit approval. Refer to Exhibit 3 attached for the 11/7/25 meeting summary.

Exhibit 1

Clarification e-mail dated
11/3/25

Exhibit 2

Certificate of Occupancy
issued 8/9/22

Exhibit 3

Meeting Minutes

11/7/25

Dickson, Michelle L. - PDR

From: Dickson, Michelle L. - PDR
Sent: Friday, November 7, 2025 12:29 PM
To: 'rml303@aol.com'
Cc: Alley, David L. - PDR; Mouer, Daniel K. - PDR; Paul, IV. Rick F. - PDR; Harold, Susan A. - PDR
Subject: 5 and 7 E Broad Street Meeting Summary

Good afternoon Mr. Laffoon:

Thank you for coming in this morning. Below is the requested meeting summary. Please let me know if any adjustments are required.

- Plan BLDC-174038-2025 was changed to 5 East Broad Street in the City permitting software to match the City's property database.
- The City of Richmond requires Building Permit applications and not "H Permit" applications for the new Certificates of Occupancy. A plan reviewer needs to confirm splitting the single tenant space into three is code compliant.
- A third building permit application is required to reduce the occupant load of the basement tenant space. The application will be applied for under 5 East Broad Street. The CO will clearly state the basement tenant space combines the basements of both 5 and 7 E Broad Street.
- The Certificate of Occupancies generated for "The Diner 2.0, Inc." and "Richmond Lodge No. 4 of the Good Lions, Inc." will clearly state the shared restrooms and means of egress shall always be available to both tenants. Locked doors can not be added between the tenant spaces and the shared areas without permit approval.
- The combined bathroom plumbing calculations will include the restrooms on the mezzanine of 5 East Broad Street.
- The stair represented on the 7 East Broad Street mezzanine floor plan represents the stair from the first floor to the second floor. The only mezzanine space accessible to the patrons is located on the 5 East Broad Street side. The HVAC room illustrated will be accessed by ladder.
- The occupant load calculations of the two first floor/mezzanine tenant spaces will be specific to the individual addresses even though the restrooms are shared.
- Sealed drawings are required due to the A-2 use classification.
- David Alley and Rick Paul will contact Wiliam at 804-218-2204 to meet on site to look at the electrical panels. They will follow up with the group clarifying if the basement electrical room must be accessible to all tenants in the building.

Please notify me once documents are uploaded for review, so I am aware the project is awaiting my attention. Thank you and have a good weekend.

Respectfully,

Michelle

Exhibit 4

Letter from Bill Laffoon

12/3/25



3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

December 3, 2025

Ms. Michelle Dickson, Buildings Plan Examiner
City Hall, Room 110,
900 East Broad Street
Richmond, VA 23219 via email and uspo

REF: H Permits for tenant changes at 7 East Broad Street first floor

Dear Michelle,

Sorry for the late reply to your February 7 email. I am wondering why you and the others in the meeting November 7 have confusion about multiple tenants on the first floor. My comments from 6-7-2022 in reply to your plan review and the 6-21-2022 plans that you approved for floors 2 and 3 where there are multiple (not separated) tenants on both floors, are attached. I do not recall confusion then.

The H permit drawings have been revised as a reviewer has determined that the individual tenant spaces must be designated as suites. That has been done.

My notes from the Nov 7 meeting and other correspondence show that I have asked multiple times for the reviewer to "provide the building code section(s) that prohibits a change in tenants as shown on the drawings". That has not been done.

Please provide me with the building code section(s) that the city is relying on in the refusal to issue the H permits, or other sufficient documentation, for a new tenant to get a business license where there is an existing certificate of occupancy and there is no change in the occupancy group or classification.

With kindest regards,

Bill Laffoon RA

Copy to: David Alley, Daniel Mouer, Rick Paul, Susan Harold

Attachments: 7 e broad review comments with reply and approved permit drawings
Emails from Michelle Dickson Feb 3-5-7

Exhibit 5

Review Comments

12/17/25



3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

December 3, 2025

Ms. Michelle Dickson, Buildings Plan Examiner
City Hall, Room 110,
900 East Broad Street
Richmond, VA 23219 via email and uspo

REF: H Permits for tenant changes at 7 East Broad Street first floor

Dear Michelle,

Sorry for the late reply to your February 7 email. I am wondering why you and the others in the meeting November 7 have confusion about multiple tenants on the first floor. My comments from 6-7-2022 in reply to your plan review and the 6-21-2022 plans that you approved for floors 2 and 3 where there are multiple (not separated) tenants on both floors, are attached. I do not recall confusion then.

The H permit drawings have been revised as a reviewer has determined that the individual tenant spaces must be designated as suites. That has been done.

My notes from the Nov 7 meeting and other correspondence show that I have asked multiple times for the reviewer to "provide the building code section(s) that prohibits a change in tenants as shown on the drawings". That has not been done.

Changing tenants is not prohibited. Once the requested information is received, a permit for the requested change of tenants will be issued.

Please provide me with the building code section(s) that the city is relying on in the refusal to issue the H permits, or other sufficient documentation, for a new tenant to get a business license where there is an existing certificate of occupancy and there is no change in the occupancy group or classification.

With kindest regards,

Bill Laffoon RA

The building code does not reference "H Permits". This City of Richmond created application type would be applicable if a new nightclub tenant was moving into the first floor and basement tenant space defined by the Certificate of Occupancy issued on 8/9/22. Because the space is being split into three tenant spaces with reduced occupant loads a building permit is required. Each CO will list the name of the new business. This will assist the business in obtaining the desired business license.

As discussed in the 11/7/25 meeting, the address for Diner 2.0 Inc is 7 East Broad Street. The address for Richmond Lodge No.4 of the Good Lions, Inc is 5 East Broad Street. The third tenant space in the basement occupies both addresses.

Copy to: David Alley, Daniel Mouer, Rick Paul, Susan Harold

Attachments: 7 e broad review comments with reply and approved permit drawings
Emails from Michelle Dickson Feb 3-5-7

Exhibit 6

Letter from Bill Laffoon

1/15/26

Exhibit 7

Appeal Letter from Bill Laffoon

1/16/26

Exhibit 8

Fee Schedule

7/1/24



City of Richmond Fee Schedule

Department of Planning & Development Review, Bureau of Permits and Inspections
900 East Broad Street, Room 108
Richmond, Virginia 23219
Office: (804) 646-4169

<https://www.rva.gov/planning-development-review/permits-and-inspections>

EFFECTIVE 07/01/2024

The minimum administrative fee for permits which have been either withdrawn or rejected shall be five percent (5%) of the initial permit fee but in no case less than twenty five dollars (\$25.00).

The minimum plans review for permits which have been either withdrawn (where the subject review has been undertaken) or rejected shall be ten percent (10%) of the initial permit fee, but in no case less than twenty five dollars (\$25.00).

Any minimum revised plan fee once a permit has been issued shall be ten percent (10%) of the initial permit fee, but in no case less than thirty dollars (\$30.00).

Any excess fee greater than two dollars (\$2.00) shall be returned to the permit holder upon written request.

A building, mechanical, sign, electrical, security, plumbing, gas-piping, tank, fire alarm, sprinkler, hood/fire suppression, civil/storm water, demolition, or elevator permit to erect, construct, reconstruct, enlarge, extend, repair, structurally alter or move a building or structure shall be calculated as follows:

NOTE: For all permits, a 2.0% state surcharge is added to the final calculated fee. Value of work equals the higher of either the Contractor estimate or RS Means price.

Residential only – 1 & 2 Family

Value of Work	Permit Fee
\$0 – \$2,000	\$63.00
Over \$2,000	\$63.00*

* Add \$6.07 per thousand or fraction thereof for residential construction.

Commercial only

Value of Work	Permit Fee
\$0 – \$2,000	\$131.00
Over \$2,000	\$131.00**

** Add \$8.50 per thousand or fraction thereof for commercial construction.

Demolition:

Residential **\$184.00** Commercial **\$368.00*****

***For commercial structures up to 10,000 feet of floor area; add an additional \$.01 per square foot floor area above 10,000 square feet, not to exceed a maximum of \$1,000.00.

Inspection Fees:

Re-inspection or Failure to Appear for an on-site inspection other than a required inspection or Special Inspection during normal working hours (request for an on-site inspection not required at the time of the request).

Residential **\$32.00** Commercial **\$63.00**

After Hours Inspection: \$110.00 per hour
(Weekdays 5:00 PM to 8:00 AM; Weekends; Holidays)

Egress Lighting Test Changes:

Initial	\$95.00 per hour
Retests Due Failure	\$184.00 per hour anytime
(Weekdays 5:00 PM to 8:00 AM; Weekends; Holidays)	

Board of Appeals:	\$184.00
(Building, Electrical, Mechanical, or Plumbing Board of Appeals)	

Building Maintenance Code:

Certificate of Occupancy	\$263.00
(Includes temporary and partial)	
Reprinting of Certificate of Occupancy	\$32.00

Code Modification Request:

Code Modification Fee	\$125.00*
(*per code section modified, maximum fee \$375.00, per submission)	

Small Business Permits:

Permit Fee	\$300.00
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Sidewalk Café Permits:

Permit Fee	\$150.00
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Dance Hall Applications:

1 st time and renewing application fee	\$100.00
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Working Without a Permit Investigation:

Investigation of “Stop Work” order	\$400.00 (per permit)
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Electrical Certification for Change in Use:

Inspection and write up of report	\$60.00 per hour
Fee for after hours inspection	\$90.00 per hour
(Weekdays 5:00 PM to 8:00 AM; Weekends; Holidays)	

Elevator Processing Fees:

Final Acceptance of New Elevators or Elevator Modernizations	\$230.00
Elevator Accidents, complaints and Emergencies	\$63.00 per hour
Billing of Administrative Support Time	\$50.00 per hour

Annual Elevator Inspection with Test:

Elevator Type	Fee	Elevator Type	Fee
Cable Elevators		Hydraulic	\$150.00
1 – 4 Floors/Openings	\$150.00	Escalator	\$150.00
5 – 10 Floors/Openings	\$175.00	Miscellaneous units not listed above	\$100.00
> 10 Floors/Openings	\$200.00	Certification Processing Fee	\$40.00 each
Cable Hydraulic	\$150.00	Re-inspections	\$50.00 per visit

Mid-Year Inspection Without Test:

Annual Inspection	\$125.00
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Total Fee for Annual Elevator Inspection with Test consists of Certification Processing Fee plus the fee for the Elevator Type

New Work (including re-inspections after lock out) refer to the permit application fees.

Charge for re-stamping of approved plans (per set):

Residential	\$32.00 per set	Commercial	\$55.00 per set
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Charge for permit extensions: \$25.00

Charge for Reprinting of a Certificate of Occupancy \$32.00

Exhibit 9

Seal Requirements

USBC 2021

2021 Virginia Building and Fire Code Related Regulations**LICENSED ARCHITECT OR PROFESSIONAL ENGINEER (A/E) SEAL ON CONSTRUCTION DOCUMENTS****CHART A - GENERAL DESIGN**

Construction documents for buildings or structures require A/E design as indicated below. Electrical installations and plumbing and mechanical systems are addressed separately in Charts B and C.

GROUP CLASSIFICATION	DESCRIPTION	FLOOR AREA IN SQUARE FEET			HEIGHT	
		Total net not exceeding 5,000	Total net not exceeding 5,000, but not exceeding 15,000	Total net not exceeding 15,000	Not exceeding three stories	Exceeding three stories
A	Assembly (all except churches)	Yes	Yes	Yes	Yes	Yes
A-3	Churches only	No if occupant load of 100 or less	Yes	Yes	No if occupant load of 100 or less	Yes
B	Business	No	Yes	Yes	No	Yes
E	Educational	Yes	Yes	Yes	Yes	Yes
F	Factory and Industrial	No	No	Yes	No	Yes
H	High Hazard	Yes	Yes	Yes	Yes	Yes
I	Institutional	Yes	Yes	Yes	Yes	Yes
M	Mercantile	No	Yes	Yes	No	Yes
R-1	Hotels, motels, etc.	Yes	Yes	Yes	Yes	Yes
R-2, R-3, R-4 and R-5	Residential housing, etc.	No	No	No	No	Yes
S	Storage	No	No	Yes	No	Yes
U	Utility and Miscellaneous	See Note 6				

Notes:

1. In accordance with § 54.1-410(A) of the Code of Virginia, officials of local building departments may require A/E design even if not required by state law.
2. Exempt construction documents must bear the name and address of the author and his or her occupation.
3. In accordance with § 54.1-402(B)(1) of the Code of Virginia, construction documents for any unique design of structural elements for floors, walls, roofs or foundations are required to have A/E design.
4. In accordance with § 54.1-402(A)(9) of the Code of Virginia, building or structures which are not otherwise exempted but which are of standard design are not required to have A/E design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and for conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia.
5. In accordance with § 54.1-402(A)(5) of the Code of Virginia, additions, remodeling or interior design without a change in occupancy or occupancy load and without modification to the structural system or a change in access or exit patterns or increase in fire hazard are not required to have A/E design.
6. Group U includes agricultural (farm) buildings and structures which are exempt

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from the Uniform Statewide Building Code (USBC). In addition, Group U retaining walls with less than three feet of unbalanced fill and fences do not require permits under the USBC. Other Group U structures such as bridges, towers, private garages, tanks, etc., may require A/E design at the discretion of the local building official.

Exhibit No. 9
Page 2 of 2

Additional Documents
Submitted By
William Laffoon

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All photos taken by Bill Laffoon

Photo 21 taken April 30, 2026. Photo 23 taken May 25, 2023
All other photos taken May 5, 2026



Photo-1 Front entrance building 7 E Broad Street. Formerly 5 and 7 E. Broad St.



Photo-2 Rear of building 7 E Broad show exit doors from 5 and 7 side



Photo-3 Interior Basement 7 side looking to rear alley



Photo-4 Interior Basement 7 side looking to front Broad St

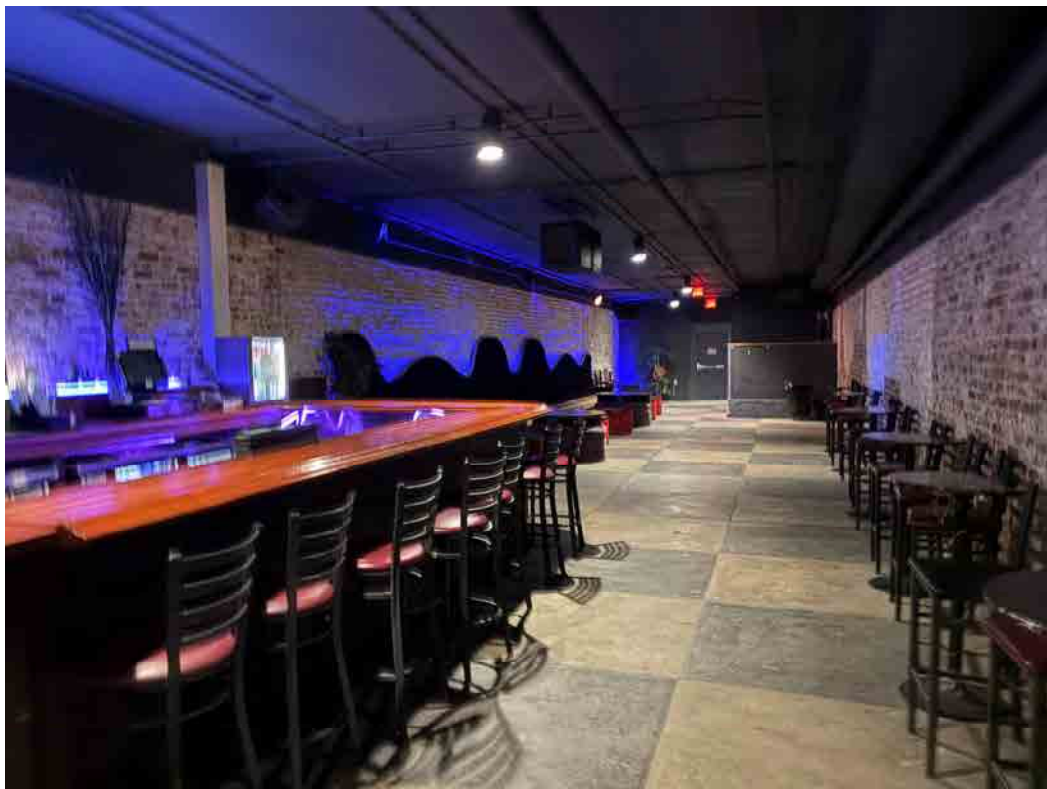


Photo-5 Interior Basement 5 side looking to the front Broad St

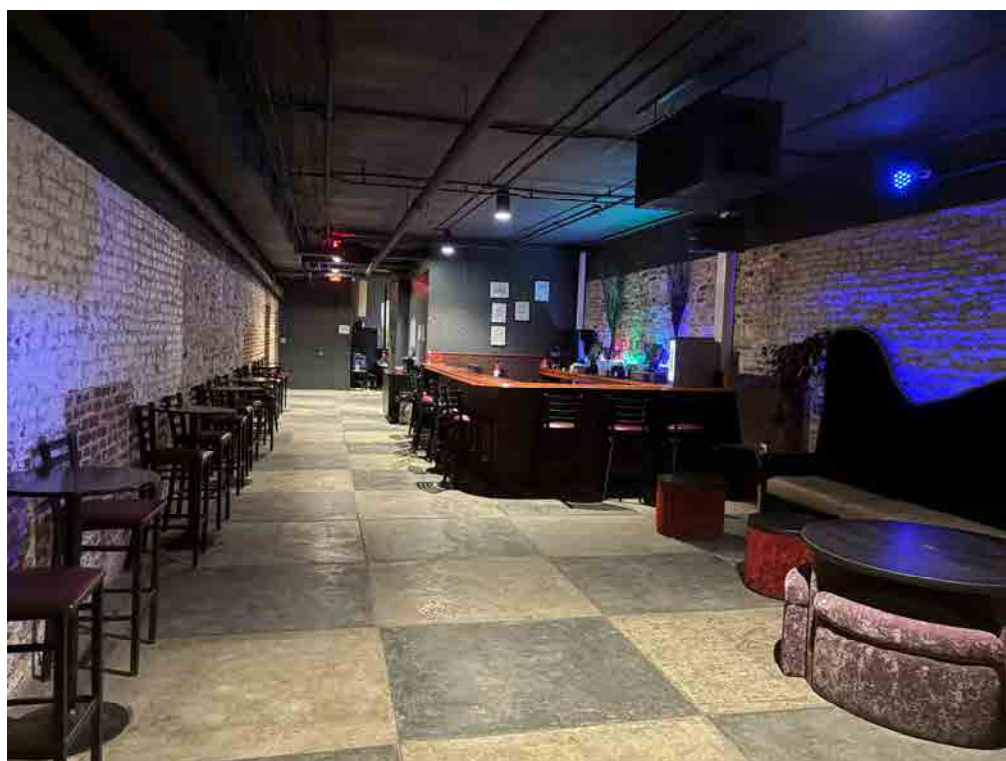


Photo-6 Interior Basement 5 side looking to the front Broad St

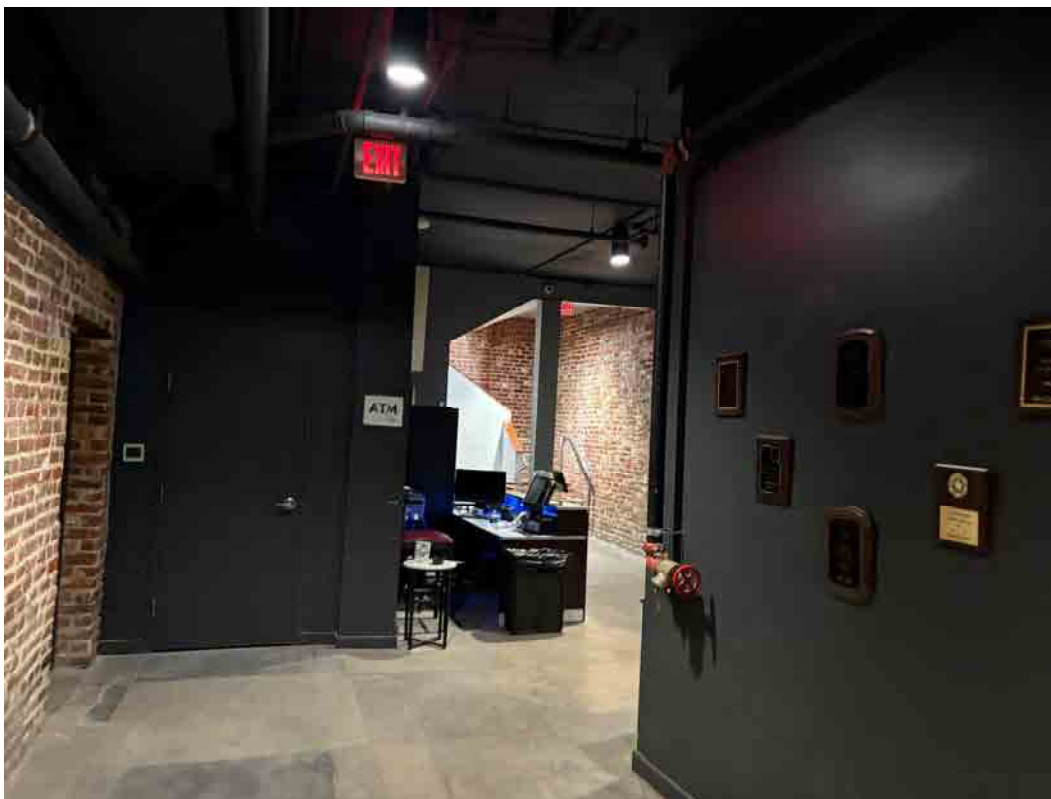


Photo-7 Interior Basement 5 side looking to rear exit stair



Photo-8 Interior Basement 5 side looking to rear exit stair

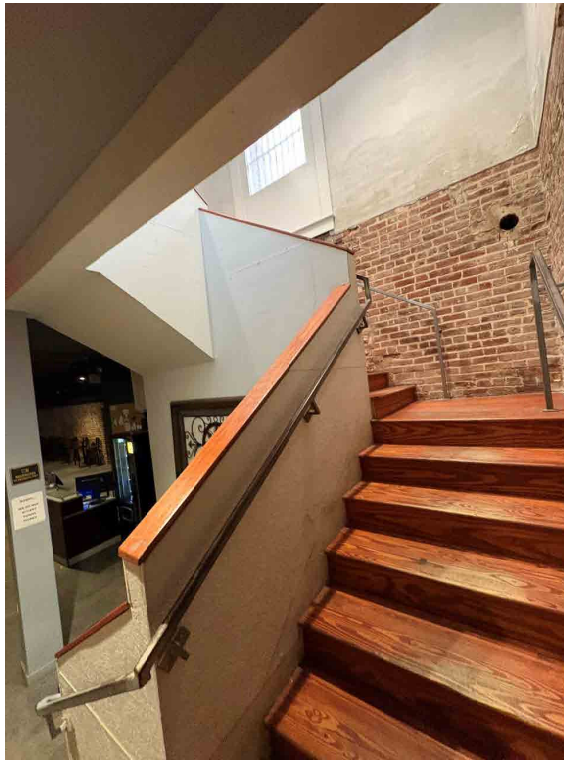


Photo-9 Interior 5 side rear exit stair from basement

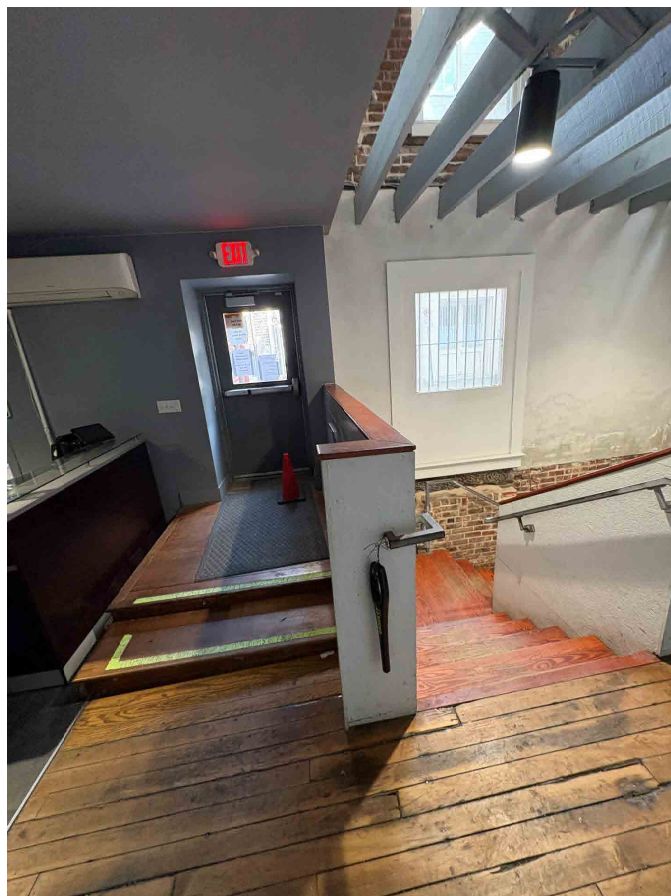


Photo-10 Interior 5 side rear exit stair from basement

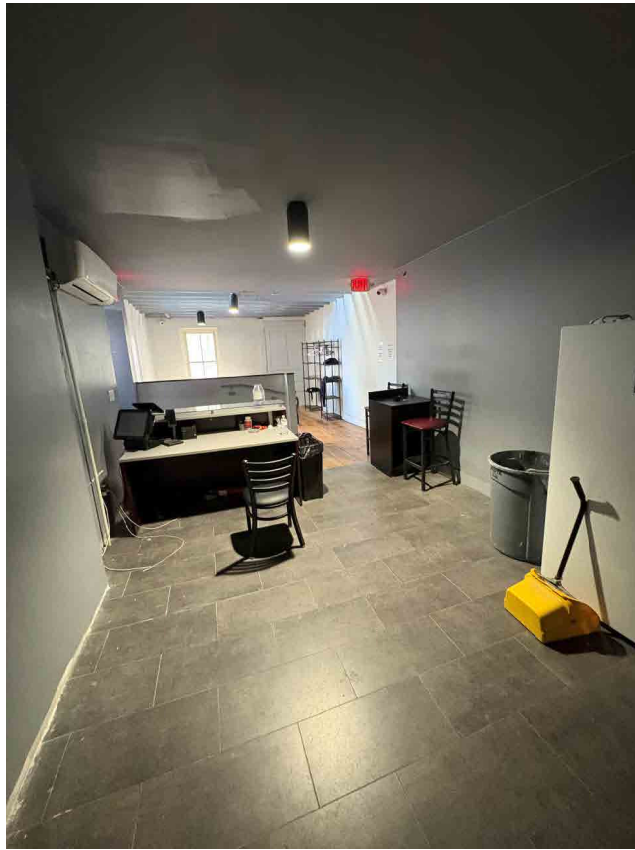


Photo-11 Interior 5 side Floor 1 rear exit to alley

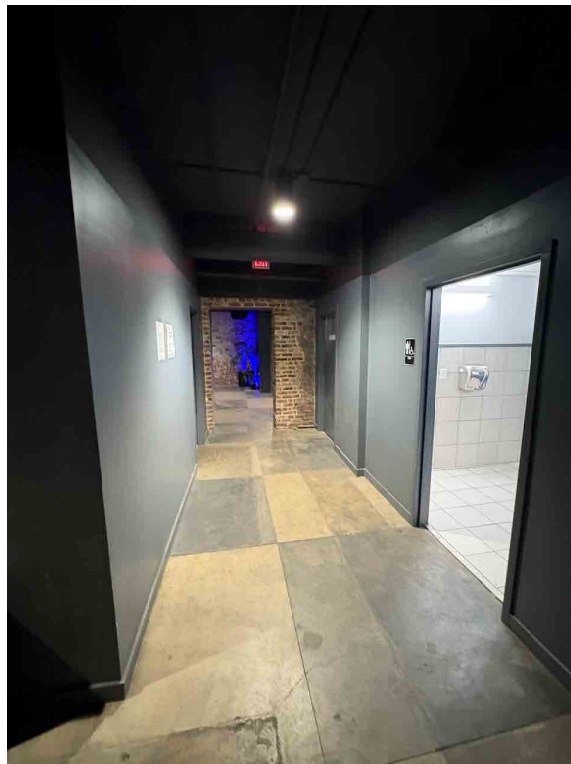


Photo-12 Interior Basement 7 side looking to exit to front at Broad St.

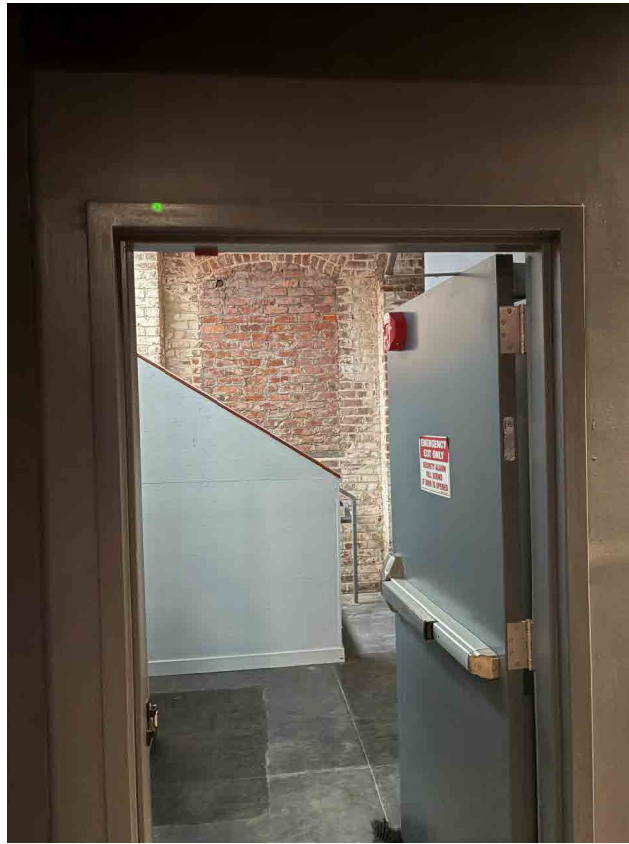


Photo-13 Interior Basement 5 side looking to front exit stair at Broad St

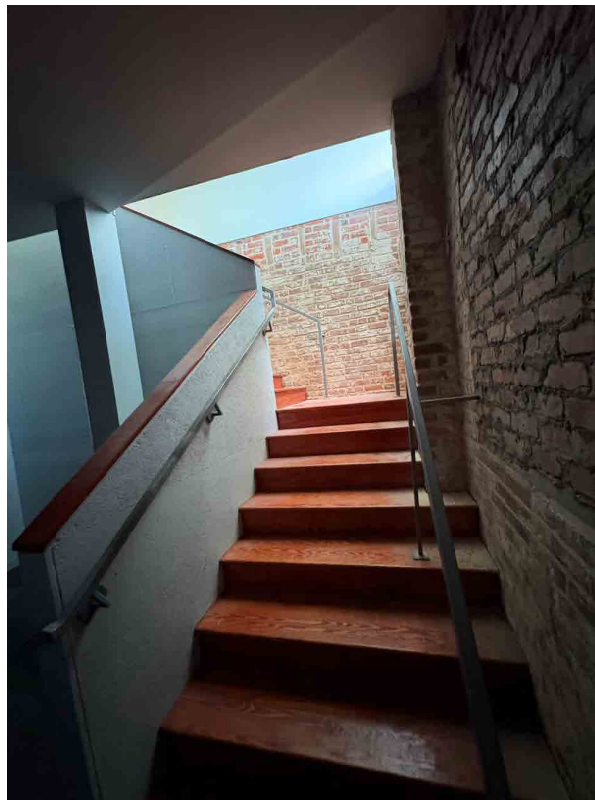


Photo-14 Interior Basement 5 side looking at exit stair to Broad St

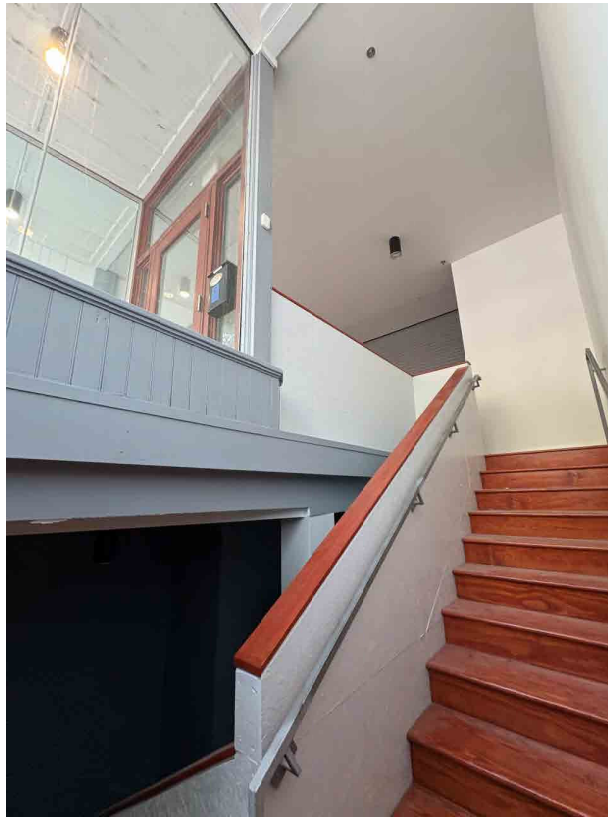


Photo-15 from Interior Basement 5 side looking at exit stair to Broad St



Photo-16 from Interior Basement 5 side looking at exit stair to Broad St

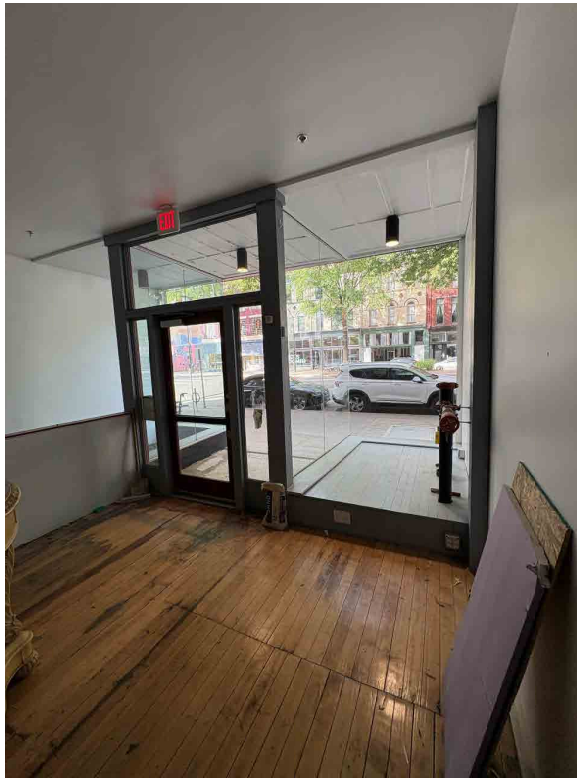


Photo-17 Interior 5 side floor 1 exit to Broad St



Photo-18 Interior basement fire sprinkler controls

DASMA
DASMA ROLLING STEEL FIRE DOOR DROP TEST FORM

WARNING
Door could close rapidly and could result in death or serious injury.
Perform drop test and reset per manufacturer's instructions.

The drop tests, must, repairs and/or maintenance should be performed by a trained door system technician with complete knowledge of this type of fire door and the manufacturer's instructions. Repair parts must be obtained from the original door manufacturer. After repairs are completed, the door must be tested to ensure proper door operation and automatic closing capability. The fire door must be in the fully open position before the drop test. Reset the door following the drop test and test again.

Project: _____ Company: Julius & Granger
Phone: _____ Address: 1111 N. 1st St.
E-Mail: info@juliusandgranger.com

Door Location	Opening Size	Door Mfr.	Door Mfr. Serial No.	Visual Inspection		Operational Check		Drop Test #1		Drop Test #2	
				Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
East Lobby	10' x 7'	Granger	31121191	✓	✓	✓	✓	✓	✓	✓	✓

Comments: _____

Tested By: Ego Suarez Witnessed By: R.P.
Company: Granger Overhead Doors Representing: 10-15-00
Address: 101 East 10th St. Omaha, NE 68102 Title: Manager
Phone #: 402-441-9911 Phone #: 402-312-9329
Signature: [Signature] Signature: [Signature]

For more information, visit us on www.dasma.com for more details.

Service Ticket

Photo-19 Interior 5 side floor 1 rolling fire door drop test.



Photo-20 Interior 5 side floor 1 RPZ backflow preventer.



Photo-21 Interior 7 side floor 1 looking to rear.

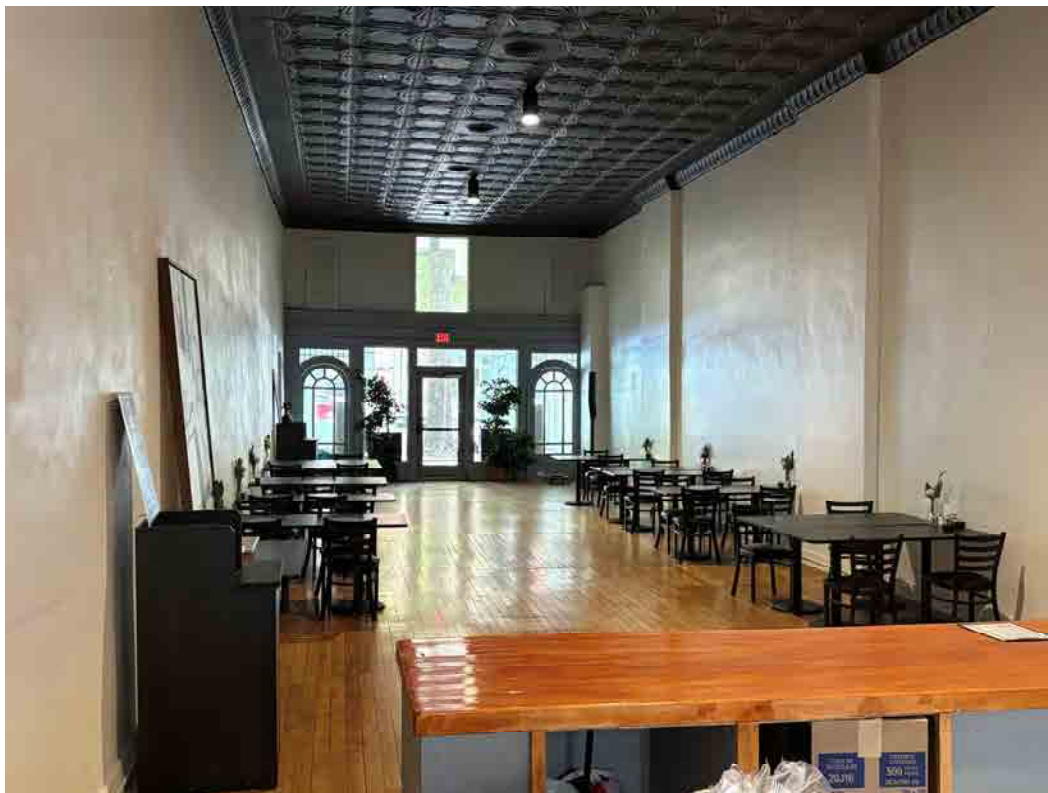


Photo-22 Interior 7 side floor 1 looking to front at Broad St.



Photo-23 Interior 5 side floor 1-mezzanine looking to front at Broad St.

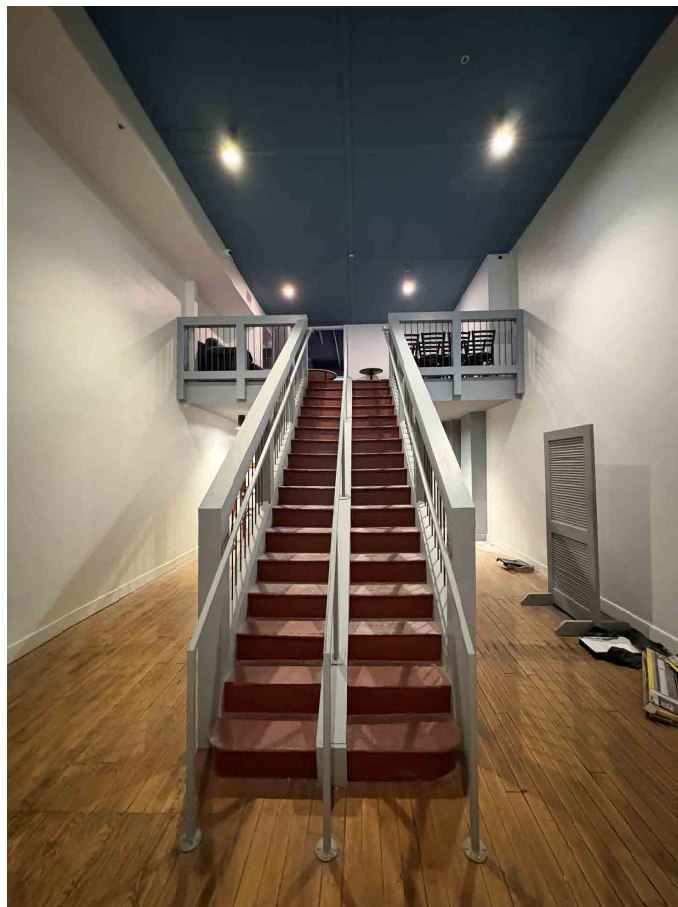


Photo-24 Interior 5 side floor 1-mezzanine looking at mezzanine stair.

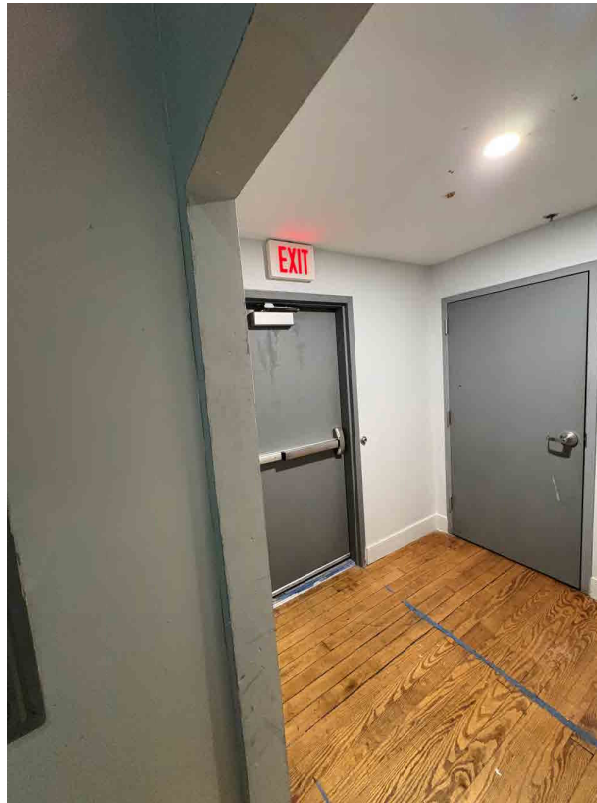


Photo-25 Interior 7 side floor 1 exit to rear.

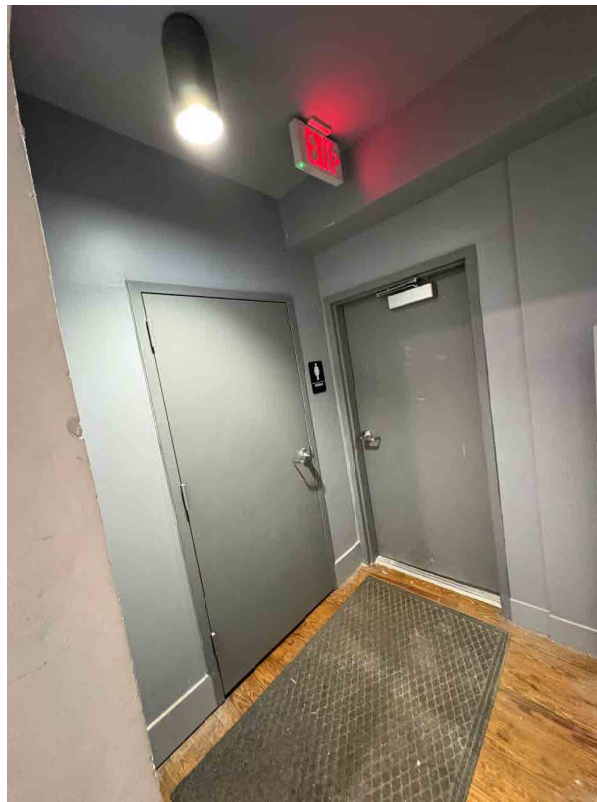


Photo-25 Interior 7 side floor 1 exit to rear.

Summary Sheet - Building Code

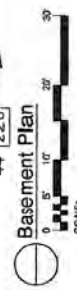
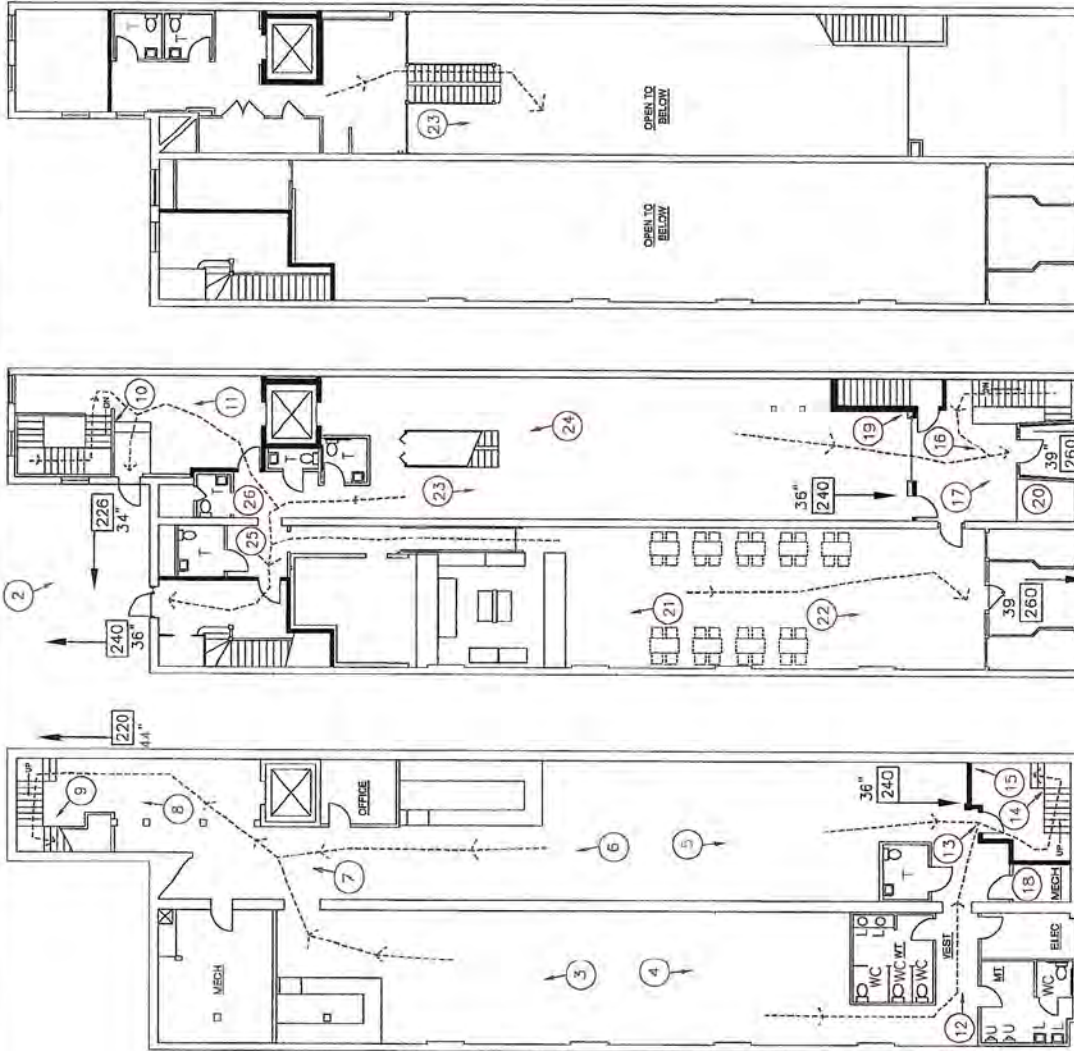
Applicable Code: Virginia Residential Code, 2012
 Approved by: [Signature]
 Project Name: [Name]
 Project Address: [Address]
 Project City/State: [City/State]
 Project Date: [Date]
 Project Owner: [Owner]
 Project Architect: [Architect]
 Project Engineer: [Engineer]
 Project Designer: [Designer]
 Project Drafter: [Drafter]
 Project Checker: [Checker]
 Project Approver: [Approver]

Parameter Evaluation-Phase 2-B Use

1405.1.1 Building Height. All-Building Height = 15'-0" (15'-0" / 12" = 1.25) = 1.25
 1405.1.2 Building Area. All-Building Area = 15,000 sq ft (15,000 sq ft / 1,000 sq ft = 15) = 15
 1405.1.3 Building Use. All-Building Use = 1 (1 / 1 = 1) = 1
 1405.1.4 Building Type. All-Building Type = 1 (1 / 1 = 1) = 1
 1405.1.5 Building Occupancy. All-Building Occupancy = 1 (1 / 1 = 1) = 1
 1405.1.6 Building Fire Protection. All-Building Fire Protection = 1 (1 / 1 = 1) = 1
 1405.1.7 Building Fire Alarm. All-Building Fire Alarm = 1 (1 / 1 = 1) = 1
 1405.1.8 Building Fire Detection. All-Building Fire Detection = 1 (1 / 1 = 1) = 1
 1405.1.9 Building Fire Sprinkler. All-Building Fire Sprinkler = 1 (1 / 1 = 1) = 1
 1405.1.10 Building Fire Extinguisher. All-Building Fire Extinguisher = 1 (1 / 1 = 1) = 1
 1405.1.11 Building Fire Escape. All-Building Fire Escape = 1 (1 / 1 = 1) = 1
 1405.1.12 Building Fire Exit. All-Building Fire Exit = 1 (1 / 1 = 1) = 1
 1405.1.13 Building Fire Staircase. All-Building Fire Staircase = 1 (1 / 1 = 1) = 1
 1405.1.14 Building Fire Elevator. All-Building Fire Elevator = 1 (1 / 1 = 1) = 1
 1405.1.15 Building Fire Lift. All-Building Fire Lift = 1 (1 / 1 = 1) = 1
 1405.1.16 Building Fire Ramp. All-Building Fire Ramp = 1 (1 / 1 = 1) = 1
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 1405.1.94 Building Fire Trestle. All-Building Fire Trestle = 1 (1 / 1 = 1) = 1
 1405.1.95 Building Fire Arch. All-Building Fire Arch = 1 (1 / 1 = 1) = 1
 1405.1.96 Building Fire Viaduct. All-Building Fire Viaduct = 1 (1 / 1 = 1) = 1
 1405.1.97 Building Fire Trestle. All-Building Fire Trestle = 1 (1 / 1 = 1) = 1
 1405.1.98 Building Fire Arch. All-Building Fire Arch = 1 (1 / 1 = 1) = 1
 1405.1.99 Building Fire Viaduct. All-Building Fire Viaduct = 1 (1 / 1 = 1) = 1
 1405.1.100 Building Fire Trestle. All-Building Fire Trestle = 1 (1 / 1 = 1) = 1

Scores

PARAMETER	SCORE	WEIGHT	WEIGHTED SCORE
1405.1.1 Building Height	1	1	1
1405.1.2 Building Area	15	15	225
1405.1.3 Building Use	1	1	1
1405.1.4 Building Type	1	1	1
1405.1.5 Building Occupancy	1	1	1
1405.1.6 Building Fire Protection	1	1	1
1405.1.7 Building Fire Alarm	1	1	1
1405.1.8 Building Fire Detection	1	1	1
1405.1.9 Building Fire Sprinkler	1	1	1
1405.1.10 Building Fire Extinguisher	1	1	1
1405.1.11 Building Fire Escape	1	1	1
1405.1.12 Building Fire Exit	1	1	1
1405.1.13 Building Fire Staircase	1	1	1
1405.1.14 Building Fire Elevator	1	1	1
1405.1.15 Building Fire Lift	1	1	1
1405.1.16 Building Fire Ramp	1	1	1
1405.1.17 Building Fire Bridge	1	1	1
1405.1.18 Building Fire Tunnel	1	1	1
1405.1.19 Building Fire Underpass	1	1	1
1405.1.20 Building Fire Overpass	1	1	1
1405.1.21 Building Fire Viaduct	1	1	1
1405.1.22 Building Fire Trestle	1	1	1
1405.1.23 Building Fire Arch	1	1	1
1405.1.24 Building Fire Viaduct	1	1	1
1405.1.25 Building Fire Trestle	1	1	1
1405.1.26 Building Fire Arch	1	1	1
1405.1.27 Building Fire Viaduct	1	1	1
1405.1.28 Building Fire Trestle	1	1	1
1405.1.29 Building Fire Arch	1	1	1
1405.1.30 Building Fire Viaduct	1	1	1
1405.1.31 Building Fire Trestle	1	1	1
1405.1.32 Building Fire Arch	1	1	1
1405.1.33 Building Fire Viaduct	1	1	1
1405.1.34 Building Fire Trestle	1	1	1
1405.1.35 Building Fire Arch	1	1	1
1405.1.36 Building Fire Viaduct	1	1	1
1405.1.37 Building Fire Trestle	1	1	1
1405.1.38 Building Fire Arch	1	1	1
1405.1.39 Building Fire Viaduct	1	1	1
1405.1.40 Building Fire Trestle	1	1	1
1405.1.41 Building Fire Arch	1	1	1
1405.1.42 Building Fire Viaduct	1	1	1
1405.1.43 Building Fire Trestle	1	1	1
1405.1.44 Building Fire Arch	1	1	1
1405.1.45 Building Fire Viaduct	1	1	1
1405.1.46 Building Fire Trestle	1	1	1
1405.1.47 Building Fire Arch	1	1	1
1405.1.48 Building Fire Viaduct	1	1	1
1405.1.49 Building Fire Trestle	1	1	1
1405.1.50 Building Fire Arch	1	1	1
1405.1.51 Building Fire Viaduct	1	1	1
1405.1.52 Building Fire Trestle	1	1	1
1405.1.53 Building Fire Arch	1	1	1
1405.1.54 Building Fire Viaduct	1	1	1
1405.1.55 Building Fire Trestle	1	1	1
1405.1.56 Building Fire Arch	1	1	1
1405.1.57 Building Fire Viaduct	1	1	1
1405.1.58 Building Fire Trestle	1	1	1
1405.1.59 Building Fire Arch	1	1	1
1405.1.60 Building Fire Viaduct	1	1	1
1405.1.61 Building Fire Trestle	1	1	1
1405.1.62 Building Fire Arch	1	1	1
1405.1.63 Building Fire Viaduct	1	1	1
1405.1.64 Building Fire Trestle	1	1	1
1405.1.65 Building Fire Arch	1	1	1
1405.1.66 Building Fire Viaduct	1	1	1
1405.1.67 Building Fire Trestle	1	1	1
1405.1.68 Building Fire Arch	1	1	1
1405.1.69 Building Fire Viaduct	1	1	1
1405.1.70 Building Fire Trestle	1	1	1
1405.1.71 Building Fire Arch	1	1	1
1405.1.72 Building Fire Viaduct	1	1	1
1405.1.73 Building Fire Trestle	1	1	1
1405.1.74 Building Fire Arch	1	1	1
1405.1.75 Building Fire Viaduct	1	1	1
1405.1.76 Building Fire Trestle	1	1	1
1405.1.77 Building Fire Arch	1	1	1
1405.1.78 Building Fire Viaduct	1	1	1
1405.1.79 Building Fire Trestle	1	1	1
1405.1.80 Building Fire Arch	1	1	1
1405.1.81 Building Fire Viaduct	1	1	1
1405.1.82 Building Fire Trestle	1	1	1
1405.1.83 Building Fire Arch	1	1	1
1405.1.84 Building Fire Viaduct	1	1	1
1405.1.85 Building Fire Trestle	1	1	1
1405.1.86 Building Fire Arch	1	1	1
1405.1.87 Building Fire Viaduct	1	1	1
1405.1.88 Building Fire Trestle	1	1	1
1405.1.89 Building Fire Arch	1	1	1
1405.1.90 Building Fire Viaduct	1	1	1
1405.1.91 Building Fire Trestle	1	1	1
1405.1.92 Building Fire Arch	1	1	1
1405.1.93 Building Fire Viaduct	1	1	1
1405.1.94 Building Fire Trestle	1	1	1
1405.1.95 Building Fire Arch	1	1	1
1405.1.96 Building Fire Viaduct	1	1	1
1405.1.97 Building Fire Trestle	1	1	1
1405.1.98 Building Fire Arch	1	1	1
1405.1.99 Building Fire Viaduct	1	1	1
1405.1.100 Building Fire Trestle	1	1	1



Occupant Load

Basement at A2 use group
 No. 2 Shop
 Total
 1,974 sf
 1,974 sf
 3,488 sf
 222 occupants

First Floor at A2 use group
 No. 2 Shop
 No. 2 Mezzanine
 Total
 1,392 sf
 1,392 sf
 3,871 sf
 241 occupants

A2 use/15 ft per code =
 244 sf
 244 sf
 289 occupants

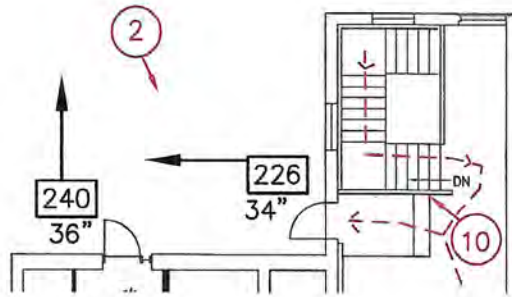
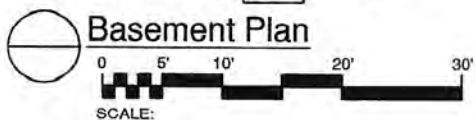
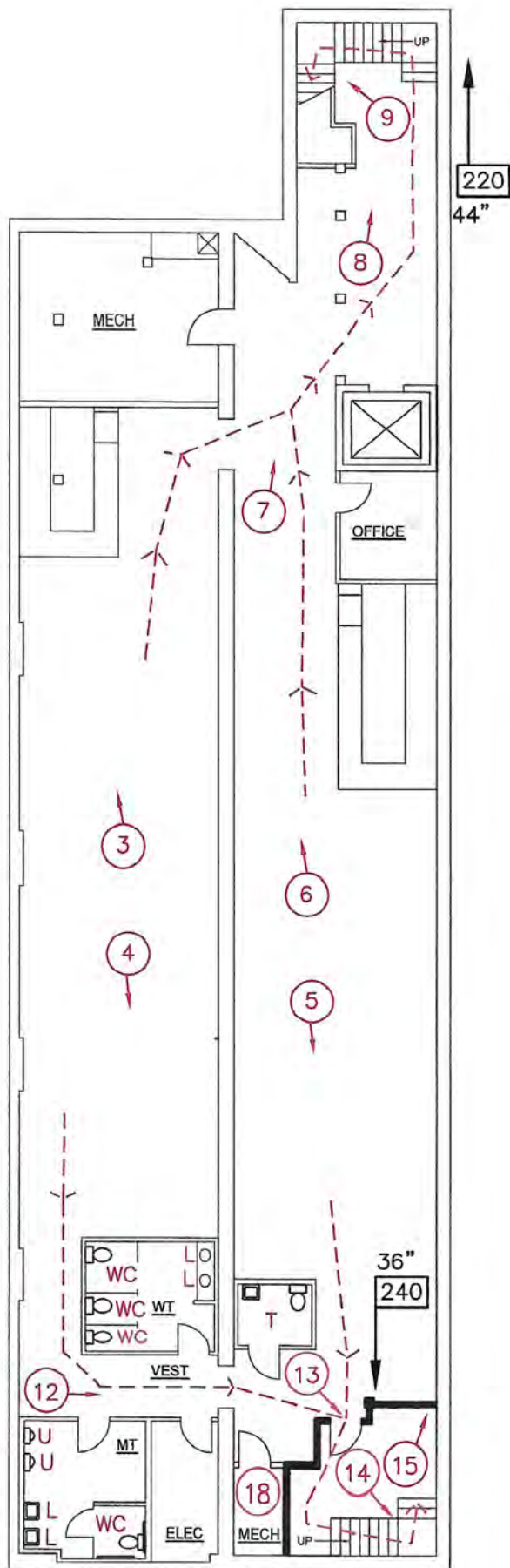
Total Occupants this floor = 289 occupants

Note: Total Maximum Occupant Load at Basement & 1st Floor = 480 (based on plumbing fixture count)

Legend

Photo #
 Path of Egress
 Exit Dimension/Capacity
 44' x 220'
 WC
 U
 L
 Y
 Total Water Closet
 Urinal
 Lavatory
 Sink Toilet with Water Closet and Lavatory

combined dwgs
 A1-A2-A3-A4-A5
 5-6-2026
 7 E Broad St



Occupant Load

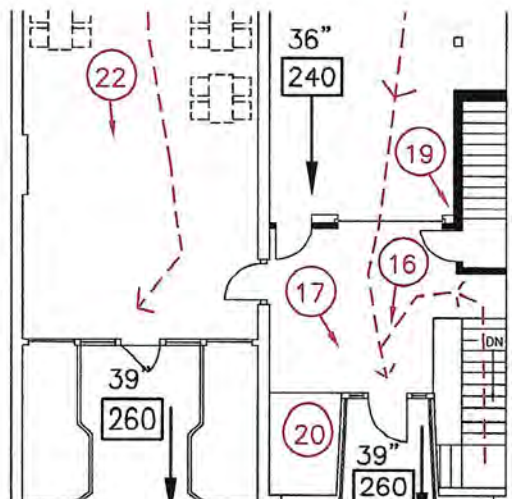
Basement all A2 use group
 No. 5 Side 1,974 sf
 No. 7 Side 1,519 sf
 Total 3,493 sf
 A2 use/15 sf per occ = 232 occupants

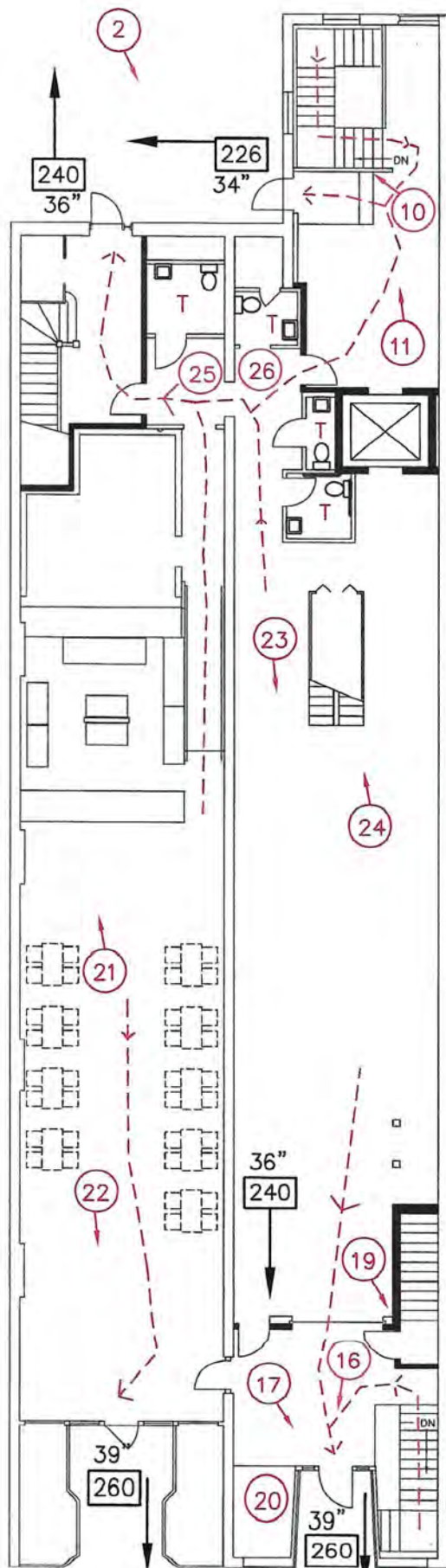
First Floor all A2 use group
 No. 5 Side 1,392 sf
 No. 5 Mezzanine 604 sf
 No. 7 Side 1,654 sf
 Total 3,671 sf
 A2 use/15 sf per occ = 241 occupants
 No. 5 Alley Entry 244 sf
 A2 use/5 sf per occ = 48 occupants
 Total Occupants this floor = 289 occupants

Note: Total Maximum Occupant Load at Basement & 1st Floor = 480 (based on plumbing fixture count)

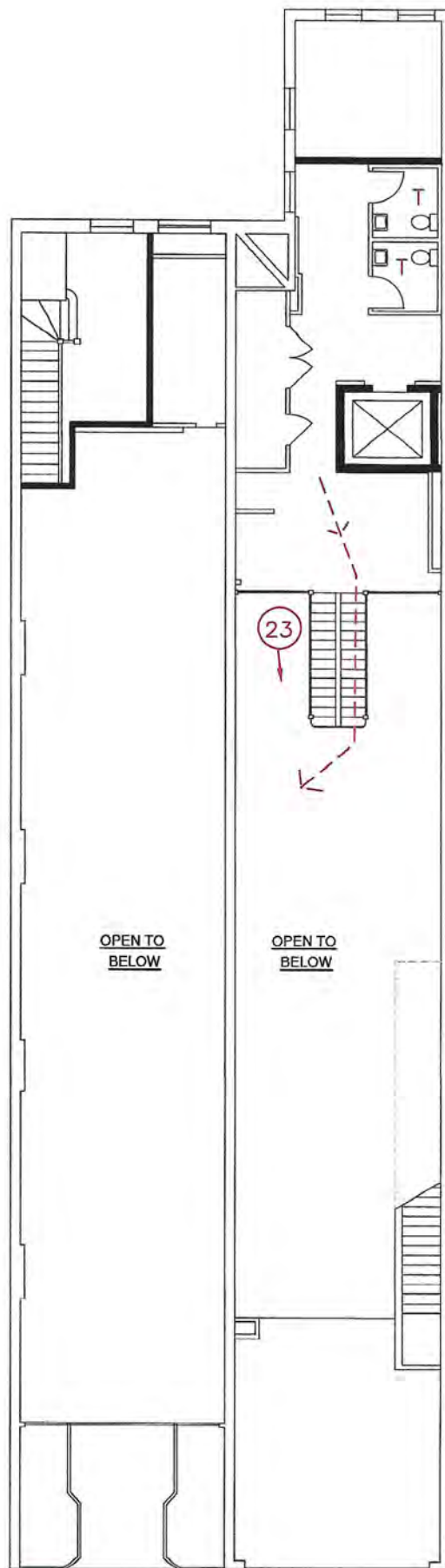
Legend

- Photo #
- Path of Egress
- Exit Dimension/Capacity
- WC** Toilet Water Closet
- U** Urinal
- L** Lavatory
- T** Solo Toilet with Water Closet and Lavatory





1st Floor Plan
 0 5' 10' 20' 30'
 SCALE:



Mezzanine Plan
 0 5' 10' 20' 30'
 SCALE:

Summary Sheet - Building Code

Applicable Code:	Virginia Existing Building Code 2015 Chapter 14 Performance Compliance Methods
Existing Occupancy:	A2 no co & vacant
Proposed Occupancy:	A2 basement/first floor phase 1 previous approved permit B second & third floor phase 2 previous approved permit
Year Built:	1893
Number Stories:	3 story
Building Height:	Less than 58 feet
Construction Type:	IIIB
Area per floor:	5,837 square feet
Percent Open:	27 %
Completely suppressed:	YES
Corridor wall rating:	No corridors
Compartment:	Yes. 4 compartments. See Schedule.
Door closers:	Yes
Vertical Opening:	Vertical enclosures 2 hour rated
HVAC system:	Multiple heat pump/AHUs contained in each floor/compartment with 1 AHU serving 1 floor only All floors have HVAC Yes in new HVAC system
Auto Fire Detection:	None
Fire Alarm System:	None
Smoke Control:	None
Adequate Exit Routes:	Yes
Dead Ends:	None
Max. travel distance:	150 lin ft
Elevator Controls:	YES, IFC recall
Means of Egress Light:	Yes. Section 2702 IBC
Mixed Occupancies:	YES. A2 basement & first floor (phase 1 previous approved permit) and B use second & third floor (phase 2 previous approved permit)

Parameter Evaluation

Phase 1-A2 Use and Phase 2-B Use

Allowable Height Table 504.3 = 75 feet high

Allowable Stories Table 504.4 = 3 stories

Allowable Area Table 506.2 for A2 use = 28,500 sf and B use = 57,000 square feet

1401.6.1 Building Height. $AH-EBH/12.5 \times CF = 75-58/12.5 \times (1) = 1.36$

Building Story $AS-EBS \times CF = 4-3 \times 1 = 1$

Use smaller value, $V=1$

1401.6.2 Building Area (A2-Use most restrictive) $28,500 \text{ sf}/1200 \text{ sf} = 32.75$

Use 50% of fire safety score, Value = 15

1401.6.3 Compartments. See Schedule = Value = 29

1401.6.4 Tenant and Dwelling Separations. A2 has 2 hr fire separation cat e = 3

B has no fire separation cat a = -4

1401.6.5 Corridor Walls. None required use Cat C = Value = 0

1401.6.6 Vertical Openings. no VO at A2 use. $VO = PV \times CF$, $VO = -2 \times 3.5 = -7$, Value = -7

1401.6.7 HVAC Systems. Multiple System with 1 HVAC unit serving 1 story only use Cat E = Value = 5

1401.6.8 Automatic Fire Detection. Smoke detectors in HVAC Systems use Cat C = Value = 0

1401.6.9 Fire Alarm Systems. None use Cat A = Value = -10

1401.6.10 Smoke Control. None use Cat A = Value = 0

1401.6.11 Means of Egress Capacity & Number. Complies with 1004 IBC use Cat B = Value = 0

1401.6.12 Dead Ends. None use Cat C = Value = 2

1401.6.13 Maximum Travel Distance. 300 feet allowed, 75 feet actual. Value = $20 \times 300-75/300 = 15$

1401.6.14 Elevator Control. Cat C = Value = 0

1401.6.15 Means of Egress Lighting. New system Section 2702 IBC use Cat B = Value = 0

1401.6.16 Mixed Occupancies. A2 and B Occupancies separated Section 508.4 use Cat B = Value = 0

1401.6.17 Automatic Sprinklers. YES Throughout Cat E = Value = 6

1401.6.18 Standpipes. YES use Cat C = Value = 6

1401.6.19 Incidental Uses. None use Value = 0

Scores

SAFETY PARAMETERS	FIRE SAFETY	MEANS OF EGRESS	GENERAL SAFETY
1401.6.1 Building Height	1	1	1
1401.6.2 Building Area	15	15	15
1401.6.3 Compartments	29	29	29
1401.6.4 Tenant and Dwelling Separations	-4	-4	-4
1401.6.5 Corridor Walls	0	0	0
1401.6.6 Vertical Openings	-7	-7	-7
1401.6.7 HVAC Systems	5	5	5
1401.6.8 Automatic Fire Detection	0	0	0
1401.6.9 Fire Alarm Systems	-10	-10	-10
1401.6.10 Smoke Control	****	0	0
1401.6.11 Means of Egress Capacity & Number	****	0	0
1401.6.12 Dead Ends	****	2	2
1401.6.13 Maximum Travel Distance	****	15	15
1401.6.14 Elevator Control	0	0	0
1401.6.15 Means of Egress Lighting	****	0	0
1401.6.16 Mixed Occupancies	0	****	0
1401.6.17 Automatic Sprinklers	2	2	2
1401.6.18 Standpipes	2	2	2
1401.6.19 Incidental Uses	0	0	0
BUILDING SCORE	33	50	50
MANDATORY SCORE	30	40	40
	PASS	PASS	PASS
EVALUATION SCORE	3	10	10

NEC 240.24

Service and Feeder Overcurrent Devices

(B) Occupancy

Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy, unless otherwise permitted in 240.24(B)(1) and (B)(2).

(1) Service and Feeder Overcurrent Devices

Where electric service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service overcurrent devices and feeder overcurrent devices supplying more than one occupancy shall be permitted to be accessible only to authorized management personnel in the following:

- (1) Multiple-occupancy buildings
- (2) Guest rooms or guest suites

Code of Virginia
Title 36. Housing
Chapter 6. Uniform Statewide Building Code

§ 36-119.1. Existing buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § [27-97](#), that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

1986, c. 429; 1988, c. 199; 2002, c. [555](#); 2003, c. [650](#).

Code of Virginia
Title 36. Housing
Chapter 6. Uniform Statewide Building Code

§ 36-99.01. Provisions related to rehabilitation of existing buildings.

A. The General Assembly hereby declares that (i) there is an urgent need to improve the housing conditions of low and moderate income individuals and families, many of whom live in substandard housing, particularly in the older cities of the Commonwealth; (ii) there are large numbers of older residential buildings in the Commonwealth, both occupied and vacant, which are in urgent need of rehabilitation and which must be rehabilitated if the State's citizens are to be housed in decent, sound, and sanitary conditions; and (iii) the application of those building code requirements currently in force to housing rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

B. The General Assembly further declares that (i) there is an urgent need to improve the existing condition of many of the Commonwealth's stock of commercial properties, particularly in older cities; (ii) there are large numbers of older commercial buildings in the Commonwealth, both occupied and vacant, that are in urgent need of rehabilitation and that must be rehabilitated if the citizens of the Commonwealth are to be provided with decent, sound and sanitary work spaces; and (iii) the application of the existing building code to such rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

C. The Board is hereby directed and empowered to make such changes as are necessary to fulfill the intent of the General Assembly as expressed in subsections A and B, including, but not limited to amendments to the Building Code and adequate training of building officials, enforcement personnel, contractors, and design professionals throughout the Commonwealth.

2000, c. [35](#); 2002, c. [555](#).

(1) Building Codes — Uniform Statewide Building Code — Purpose. — The dominant purpose of the Uniform Statewide Building Code is to provide comprehensive protection of the public health and safety.

(2) Local Government — Ordinances — Conflict With State Law. — Code Sec. 1-13.17 precludes a local governing body from enacting ordinances inconsistent with the Constitution and laws of the United States or of the Commonwealth; a local ordinance, however, may prohibit an act upon which state law is silent, or proscribe conduct already proscribed by state law where the ordinance is not inconsistent with state law.

(3) Local Government — Ordinances — Conflict With State Law. — If both the state law and the local ordinance can stand together, courts are obligated to harmonize them, rather than nullifying the ordinance; nevertheless, an ordinance may not conflict with state law.

SUMMARY

Appellant was convicted of five Class 4 misdemeanors under a Town ordinance for violations of the provisions of the Uniform Statewide Building Code. The trial court held that the violations were continuing ones and imposed fines for each day of the violations. Appellant contended that the sanctions imposed under the Town ordinance were in conflict with the provisions of state law. Appellant also contended that the trial court erroneously construed the provisions of the Building Code and that the prosecution was barred by the statute of limitations (Circuit Court of Prince William County, H. Selwyn Smith, Judge).

The Court of Appeals affirmed in part, and reversed and remanded for sentencing. The Court held that the provisions of the Town ordinance, which make violations of the Building Code continuing ones, are in conflict with state law and must yield to it. The Court also held that the trial court correctly construed the provisions of state law relating to the nature of the violations and that the prosecution was not barred by the statute of limitations.

Affirmed in part, reversed in part, and remanded.

OPINION

DUFF, J.

Granny's Cottage, Inc., a construction company, was convicted of five Class 4 misdemeanors under Sec. 4-5 of the Code of the Town of Occoquan for

violations of Sec. 119.2 of the Uniform Statewide Building Code (U.S.B.C.). The convictions were based upon the Town of Occoquan's contention that from August 1, 1983, units 1, 2, 4, 5, and 6 of 116 Washington Street, Occoquan, Virginia were occupied without a final inspection or Certificate of Use and Occupancy. The trial court held that the violations of the U.S.B.C. were continuing and, pursuant to the Town ordinance, imposed a fine of \$20 per day for each violation until July 23, 1985, for a total fine of \$11,640.

Buildings hereafter altered: A building or structure hereafter enlarged, extended or altered to change from one use group to another or to a different use within the same use group, in whole or in part, and a building or structure hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall not be occupied or used until the certificate shall have been issued by the building official, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the building official.

For the reasons hereinafter set forth, we find that the sanctions provided by the ordinance of the Town of Occoquan are in conflict with the sanctions provided in the U.S.B.C. and must yield to it. This issue, together with the other issues argued on appeal, will be addressed in the order presented.

The record shows that in 1981, a building permit was issued to Granny's Cottage, Inc. for work on a building at 116 Washington Street in Occoquan. Later, in 1981, the permit was amended to include extensive changes to the building, including the removal of exterior stairways, the addition of interior stairways, the installment of electric conduits and plumbing, and the placement of fire walls between new apartments. The permit was again amended in 1982. The building design was changed to a condominium and an allowance was requested for further renovation, including the conversion of eight apartment units into six condominiums, the addition of three brick fireplaces, and a two-story porch, and extension of the building by thirty-one feet.

I. VIOLATION OF SEC. 119.2 OF THE UNIFORM STATEWIDE BUILDING CODE

On October 16, 1984, the Town of Occoquan issued five misdemeanor charges, asserting violations of the Uniform Statewide Building Code. There is a conflict between the parties as to the proper interpretation and application of Sec. 119.2 of the U.S.B.C. The crux of the dispute involves the definition of the word "building" as set forth in Code Sec. 36-97(12) and

whether or not the Washington Street structure was occupied during the period of alteration. Granny's Cottage, Inc. maintains that the building was continuously occupied during alteration, and thus that under the U.S.B.C., no occupancy permit was required. The Town contends that the issue is not whether a part of the building was occupied during the work but whether each of the individual dwelling units was occupied. The evidence in the record indicates that one or more of the individual units was occupied at all times, but all of the units were never occupied at the same time.

"Building" means a combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property; provided, however, that farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from the provision of the Uniform Statewide Building Code, but such buildings lying within flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

The Town relies on the definitions of "building" and "structure" contained in Code Sections 36-97 (12) and (18), respectively, and, in particular, the language stating that these terms "are to be construed as though followed by the words `or part or parts thereof.'" Thus, the Town argues that under the Code, whenever a part of a building is enlarged, extended or altered, it shall not be occupied until a Certificate of Use and Occupancy has been issued. It is also the Town's position that the exception contained in Sec. 119.2, pertaining to occupancy during renovation, is not applicable because the units had been sold and there was no evidence that Granny's Cottage, Inc. was actively performing any work on the units. The Town further contends that as each condominium unit was completed, a certificate was required before occupancy. The record demonstrates, however, that no such certificates were obtained.

"Structure" means an assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature; provided, however, that farm structures not used for residential purposes shall be exempt from the provisions of the Uniform Statewide Building Code, but such structures lying within a flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. The word "structure" shall be construed as though

followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

Granny's Cottage, Inc. interprets the language of Code Sec. 119.2 to mean that a preexisting building was being altered; that each of the condominiums units created by the alteration was a "structure;" that the "building" was occupied during the renovation; and that under the statute, it had 30 days after completion to secure the Certificate of Use and Occupancy or to terminate the occupancy. Based upon the trial court's finding that there was work that had not been completed on the building by the date of trial, Granny's Cottage, Inc. argues that the 30-day period had not begun to run, and no occupancy permit was required.

(1) If the appellant's argument is carried to its logical conclusion, there would be no need for an occupancy permit as long as any part of the entire building (regardless of how many separate residential units were being constructed) was occupied during renovation and there was any work yet to be accomplished on any part of the building. Thus, all but one of the condominium units could have been completed, sold, and occupied without the necessity of use and occupancy permits. We do not believe that the General Assembly intended this result. The dominant purpose of the U.S.B.C. is to provide comprehensive protection of the public health and safety. *VEPCO v. Savoy Construction Co.*, 224 Va. 36, 44, 294 S.E.2d 811, 817 (1982). The Town's interpretation of the definition of a "building" as contained in Code Sec. 36-97(12) would further this purpose. Therefore, we hold that under the facts in this record, the court properly found that Granny's Cottage, Inc. was guilty of violations of U.S.B.C. Sec. 119.2.

II. ALLEGED CONFLICT BETWEEN STATUTE AND ORDINANCE

Granny's Cottage, Inc. argues that the trial court erred in finding five separate offenses, one for each unit in the building. This argument is based on the contention that there was only one building, 116 Washington Street, with six parts (condominiums). For the reasons set forth above, we hold that the correct interpretation of the definition of a "building" makes the Code applicable to each condominium unit constructed within the building. Accordingly, we find no merit to this argument.

Granny's Cottage, Inc. also contends that the trial court erred by applying the Town ordinance, which makes a violation of the U.S.B.C. a continuing one, and enables the Town to impose sanction far in excess of the penalty permitted by the state statute. We agree.

Granny's Cottage, Inc. received a fine of \$11,640 for violations of the U.S.B.C. pursuant to Town ordinance Sec. 4-14, which provides:

Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five (\$25.00), nor more than one-hundred dollars (\$100.00). Each day during which erection, alteration, repair or demolition shall occur in violation of the provisions of this chapter shall constitute a separate offense.

This ordinance is inconsistent with the penalty provision set forth in Code Sec. 36-106, which provides:

It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$1,000.

The state statute does not provide that each day of violation constitutes a separate offense. Moreover, the statute prescribes a maximum fine of \$1,000 for a violation.

(2-3) Code Sec. 1-13.17 precludes a local governing body from enacting ordinances "inconsistent with the Constitution and laws of the United States or of *this State*." (emphasis added). The Supreme Court has recognized, however, that an ordinance may prohibit an act upon which state law is silent, *Kisley v. City of Falls Church*, 212 Va. 693, 695, 187 S.E.2d 168, 170 (1972), or proscribe conduct already proscribed by state law where the ordinance is not inconsistent with state law. *Wayside Restaurant v. City of Virginia Beach*, 215 Va. 231, 233, 208 S.E.2d 51, 53 (1974). Likewise, if both the statute and the ordinance can stand together, courts are obligated to harmonize them, rather than nullifying the ordinance. *King v. County of Arlington*, 195 Va. 1084, 1091, 81 S.E.2d 587, 591 (1954). Nevertheless, an ordinance may not conflict with state law. *Loudoun County v. Pumphrey*, 221 Va. 205, 207, 269 S.E.2d 361, 362 (1980); *Hanbury v. Commonwealth*, 203 Va. 182, 185, 122 S.E.2d 911, 913 (1961); *Allen v. City of Norfolk*, 196 Va. 177, 180, 83 S.E.2d 397, 399 (1954).

The penalty provision of Town ordinance Sec. 4-14 is inconsistent with existing state law, and as mandated by Code Sec. 1-13.17, cannot stand. This position is also supported by Code Sec. 36-98, which expressly provides that the U.S.B.C. "shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies." (emphasis added).

We perceive from these statutes a legislative intent to insure a statewide uniform building code that would apply and be enforced in the same manner

and with equal results in all of the State's political subdivisions. The penalty provision set forth in Code Sec. 36-106 is an integral part of the U.S.B.C. Thus, we believe that the legislature intended to preclude inconsistent penalty provisions in local ordinances. Also relevant to our inquiry is Sec. 4-5 contained in chapter 4 of the Town ordinance entitled "Buildings, Generally." That section provides that "the Virginia Uniform Statewide Building Code . . . is hereby adopted and incorporated as a part hereof as fully as if set out at length herein." By incorporating the U.S.B.C., chapter 4 provides two internally inconsistent penalty provisions, one contained in Sec. 4-5, (the U.S.B.C. provision providing for a fine of not more than \$1,000), and the other set forth in Sec. 4-14 (providing for a fine of not less than \$25, nor more than \$100, and continuing daily). These inconsistent penalty provisions cannot be harmonized.

Accordingly, we hold that the sanctions imposed pursuant to Sec. 4-14 of the Town ordinance are invalid.

III. STATUTE OF LIMITATIONS

Finally, Granny's Cottage asserts that all of the warrants should have been dismissed because the prosecution was not commenced within one year of the alleged offense as provided in Code Sec. 19.2-8. That statute provides in pertinent part:

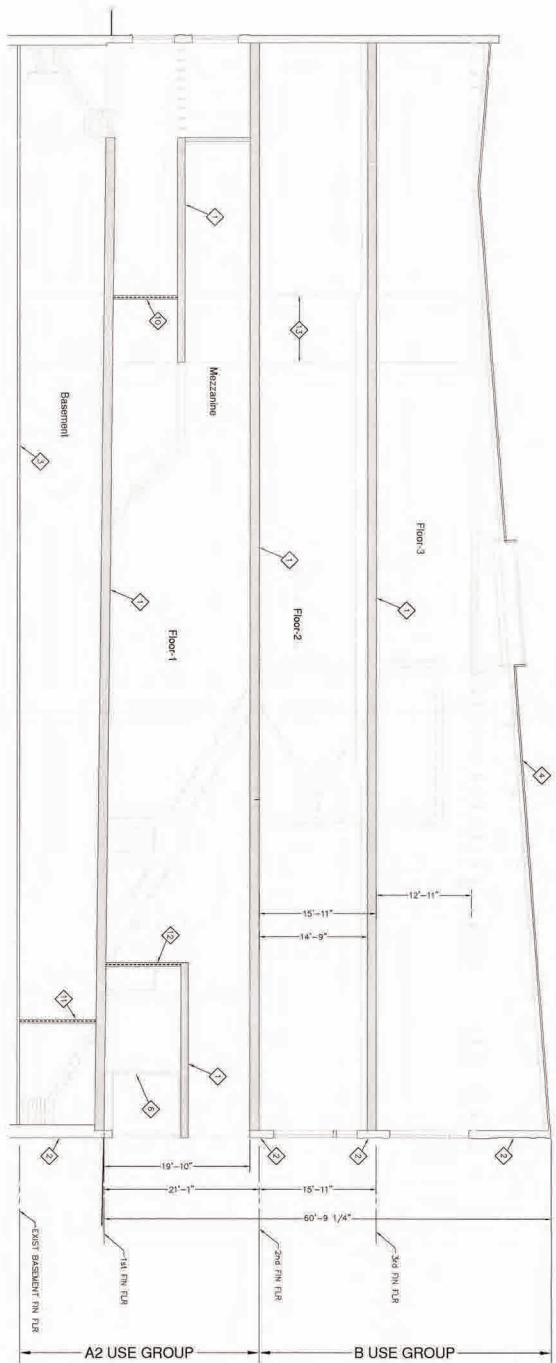
Prosecution of Building Code violations under Code Sec. 36-105 shall commence within one year of either commission of the offense or discovery of the offense by the owner or by the building official.

The trial court held that the statute of limitations had not run because each day of violation constituted a separate offense. For the reasons set forth above, we hold that violations of Sec. 119.2 of the U.S.B.C. are not continuing ones. Nevertheless, we further hold that prosecution commenced within the applicable limitation period. The record shows that Rufus Sidney Bradbury, the building inspector, did not "discover" the violations until January of 1984 when he concluded his investigation and then notified Granny's Cottage of the offenses. Prosecution began on October 16, 1984, within one year of discovery of the statutory violations. Accordingly, we find that the action was not barred by the statute of limitations.

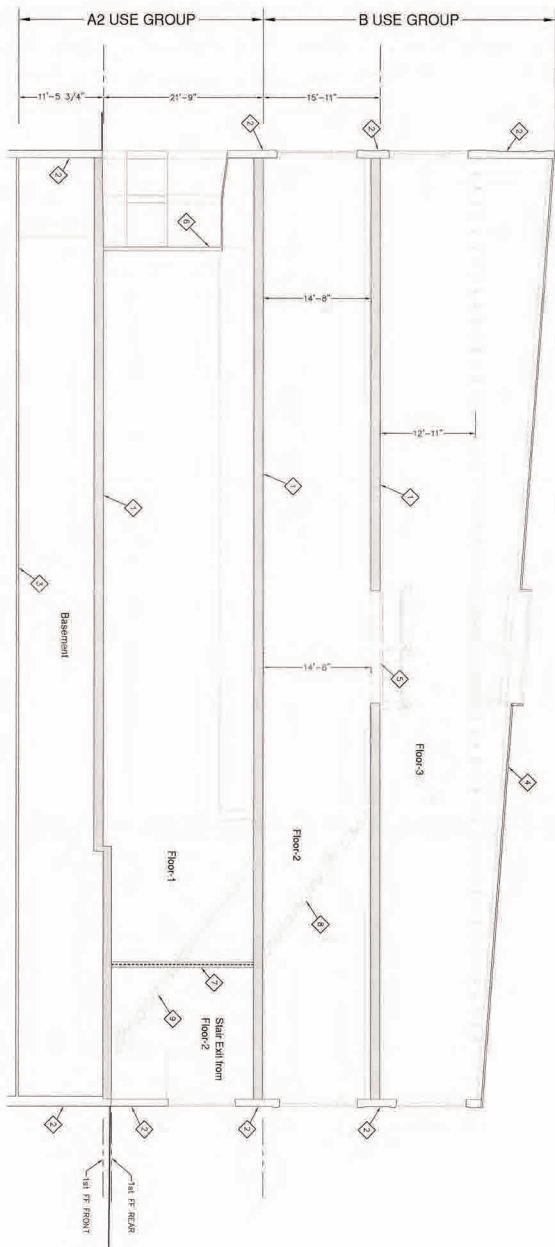
For the foregoing reasons, the final judgment is reversed to the extent of the sanctions imposed by the court. The case is remanded for sentencing in accordance with the provisions of the U.S.B.C.

Affirmed in part, reversed in part, and remanded.

Keenan, J., and Moon, J., concurred



2 SECTION THRU 5 EAST BROAD LOOKING WEST-FIRE RATED SEPARATIONS
A2 SCALE: 1/8" = 1'-0"

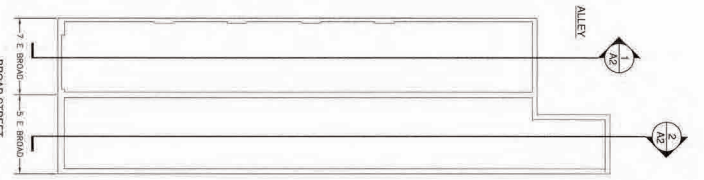


1 SECTION THRU 7 EAST BROAD LOOKING EAST-FIRE RATED SEPARATIONS
A2 SCALE: 1/8" = 1'-0"

Section Notes

1. THIS EXISTING FLOOR CEILING ASSEMBLY CONSTRUCTION IS TWO (2) HOUR RATED. SEE APPROVED BUILDING PERMIT BROAD STREET 2019 FOR ALTERATIONS AT 5 & 7 EAST BROAD STREET.
2. EXISTING EXTERIOR MATCHING (BRICK) WALL.
3. EXISTING CONCRETE SLAB ON THE EXISTING.
4. THIS EXISTING WALL IS TWO (2) HOUR RATED TO SEPARATE FLOOR 2 FROM FLOOR 1. SEE APPROVED BUILDING PERMIT BROAD STREET 2019 FOR ALTERATIONS AT 5 & 7 EAST BROAD STREET.
5. EXISTING LIGHT WELL OPENING BETWEEN FLOORS 2 & 3.
6. EXISTING STAIRWELL AT: SIDEWALK/STREET LEVEL.
7. THIS EXISTING WALL IS TWO (2) HOUR RATED TO SEPARATE FLOOR 2 FROM FLOOR 1. SEE APPROVED BUILDING PERMIT BROAD STREET 2019 FOR ALTERATIONS AT 5 & 7 EAST BROAD STREET.
8. EXISTING OPEN STAIR BETWEEN FLOORS 2 & 3.
9. EXISTING STAIR FROM FLOOR 1 TO EXIT AT ALLEY.
10. THIS EXISTING WALL IS TWO (2) HOUR RATED TO SEPARATE BASEMENT STAIR FROM FLOOR 1. SEE APPROVED BUILDING PERMIT BROAD STREET 2019 FOR ALTERATIONS AT 5 & 7 EAST BROAD STREET.
11. THIS EXISTING WALL IS TWO (2) HOUR RATED TO SEPARATE BASEMENT STAIR FROM FLOOR 1. SEE APPROVED BUILDING PERMIT BROAD STREET 2019 FOR ALTERATIONS AT 5 & 7 EAST BROAD STREET.
12. THIS EXISTING WALL (INCLUDING RATED ROUL ROOM ROOM WITH FLOOR) IS TWO (2) HOUR RATED TO SEPARATE BASEMENT STAIR FROM FLOOR 1. SEE APPROVED BUILDING PERMIT BROAD STREET 2019 FOR ALTERATIONS AT 5 & 7 EAST BROAD STREET.
13. LOCATION OF ELEVATOR SHAFT TWO (2) HOUR RATED BASEMENT TO FLOOR 2.

Building Footprint
SCALE: 1/16" = 1'-0"



[A] **101.4.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

❖ This section allows for buildings that were legally occupied in part or in whole at the time the code was adopted to continue. There is a maintenance concern that is addressed by the requirement that the building comply with either the IFC or the *International Property Maintenance Code*® (IPMC®). These codes ensure that life safety systems, such as means of egress pathways and fire protection systems, are kept in place and able to protect the life and safety of the inhabitants of these existing structures.

[A] **101.5 Safeguards during construction.** Construction work covered in this code, including any related demolition, shall comply with the requirements of Chapter 15.

❖ The fundamental rationale behind this section is to establish reasonable safety precautions, in accordance with Chapter 15, during all phases of construction and demolition. Chapter 15 also covers the protection of adjacent public and private properties.

[A] **101.6 Appendices.** The code official is authorized to require rehabilitation and retrofit of buildings, structures or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted.

❖ This section describes a unique aspect of the code whereby any appendix referenced in the code becomes a part of the code without the jurisdiction having to specifically adopt it. For example, in Chapter 7, voluntary alterations to lateral-force-resisting systems are allowed when conducted in accordance with Appendix A. Therefore, Appendix A, having been specifically referenced, is enforceable without having to be specifically adopted by the local jurisdiction. Any appendices not specifically referenced in the code must be individually adopted to be legally enforced.

[A] **101.7 Correction of violations of other codes.** Repairs or alterations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this code unless the code requiring such repair or alteration so provides.

❖ This section is intended to keep the requirements of other codes or ordinances intact and separate from the requirements of the code.

SECTION 102 APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

❖ In cases where the code establishes a specific requirement for a certain condition, that requirement is applicable even if it is less restrictive than a general requirement elsewhere in the code. Also, the most restrictive code requirement is to apply where there may be different requirements in the code for a specific installation.

[A] **102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

❖ In some cases, other laws enacted by the jurisdiction, or the state or federal government may be applicable to a condition that is also governed by a requirement in the code. In such circumstances, the requirements of the code are in addition to that other law that is still in effect, although the code official may not be responsible for its enforcement.

[A] **102.3 Application of references.** References to chapter or section numbers or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

❖ In a situation where the code may make reference to a chapter or section number or to another code provision without specifically identifying its location in the code, assume that the referenced section, chapter or provision is in the code and not in a referenced code or standard.

[A] **102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

❖ A referenced code, standard or portion thereof is an enforceable extension of the code as if the content of the standard were included in the body of the code. For example, Section 301.1.4 references ASCE 41 in its entirety for the seismic evaluation and design of an existing building. In those cases where the code references only portions of a standard, the use and application of the referenced standard is limited to those portions that are specifically identified. For



ent foundation, when
nditioning, and

.63 *Manufactured home park* means a lot on which are located or which is arranged or equipped for the accommodation of two or more manufactured homes with spaces for such available for rent or lease for periods of not less than one month.

.64 *Marina* means any facility for the mooring, berthing, storing or securing of watercraft, including community piers and other boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marina equipment sales or promotional events, boat and jet ski rentals and other uses clearly incidental to watercraft activities.

.65 *Mean grade level* means the average of the lowest and highest finished elevations of the ground adjacent to the exterior walls of a building.

.66 *Microwave relay facility* means a facility for the transmission and/or reception of radio frequency (RF) signals, typically consisting of an equipment enclosure or cabinet and one or more dish antennas (discs) which transmit point to point, mounted on an antenna support structure or alternative antenna support structure. Such a facility may be an accessory component of a wireless communications facility.

.67 *Microwave relay facility alternative support structure* means a building or structure designed, arranged and constructed for purposes permitted by the applicable underlying zoning, in or on which a microwave relay facility is installed. Structures which may qualify for consideration as an alternative support structure shall include, but not be limited to, water towers, smokestacks, ornamental towers, and mechanical enclosures which are otherwise permitted principal or accessory uses, provided that signs and billboards shall not be considered as alternative support structures.

.68 *Microwave relay facility support structure* means a structure designed and constructed specifically to support a microwave relay antenna, which may include a self-supporting monopole, a self-supporting tower (lattice), a guy wire supported tower, and other similar structures.

.69 *Nightclub* means any establishment in which all of the following features are made available at any time from 12:00 midnight until 6:00 a.m.:

- (1) Alcoholic beverages served or consumed on the premises;
- (2) Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity, provided that floor space utilized for patrons to view television or similar media shall not be construed to constitute floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity; and
- (3) Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:

.69 *Nightclub* means any establishment in which all of the following features are made available at any time from 12:00 midnight until 6:00 a.m.:

(1)

Alcoholic beverages served or consumed on the premises;

(2)

Floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity, provided that floor space utilized for patrons to view television or similar media shall not be construed to constitute floor space provided for dancing or standing or both for patrons in conjunction with an entertainment activity; and

(3)

Music or other sound that is amplified through speakers for the purpose of entertaining patrons, except for the following:

a.

Sound associated with television or similar media being viewed by patrons; and

b.

Music provided exclusively as background entertainment for dining patrons.

In any case where the above features are only incidental to a private event not open to the general public such as a wedding reception, banquet, nonprofit event or similar function, such features shall not be construed to constitute a nightclub.

[BE] MULTILEVEL ASSEMBLY SEATING. Seating that is arranged in distinct levels where each level is composed of either multiple rows, or a single row of box seats accessed from a separate level.

[BE] MULTIPLE-STATION ALARM DEVICE. Two or more single-station alarm devices that can be interconnected such that actuation of one causes all integral or separate audible alarms to operate. A multiple-station alarm device can consist of one single-station alarm device having connections to other detectors or to a *manual fire alarm box*.

[BE] MULTIPLE-STATION SMOKE ALARM. Two or more single-station alarm devices that are capable of interconnection such that actuation of one causes the appropriate alarm signal to operate in all interconnected alarms.

[BE] MULTISTORY UNIT. A *dwelling unit* or *sleeping unit* with *habitable space* located on more than one story.

[BE] NAILABLE SUBSTRATE. A product or material such as framing, sheathing or furring, composed of wood, wood-based materials or other materials providing equivalent *lateral withdrawal resistance*.

[BS] NAILING, BOUNDARY. A special nailing pattern required by design at the boundaries of *diaphragms*.

[BS] NAILING, EDGE. A special nailing pattern required by design at the edges of each panel within the assembly of a *diaphragm* or *shear wall*.

[BS] NAILING, FIELD. Nailing required between the *sheathing panels* and framing members at locations other than *boundary nailing* and *edge nailing*.

[BS] NATURALLY DURABLE WOOD. The heartwood of the following species except for the occasional piece with *clear sapwood*, provided 90 percent or more of the width of each side on which it occurs is heartwood.

Decay resistant. Redwood, cedar, black locust and black walnut.

Termite resistant. Redwood, Alaska yellow cedar, Eastern red cedar and Western red cedar.

NIGHT CLUB. Any *building* in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.

NOMINAL LOADS. The magnitudes of the loads specified in Chapter 16 (dead, live, soil, wind, tornado, snow, rain, flood, and earthquake).

[BS] NOMINAL SIZE (LUMBER). The commercial size designation of width and depth, in standard sawn lumber and glued-laminated lumber *grades*; somewhat larger than the standard net size of dressed lumber, in accordance with DOCPS 20 for sawn lumber and with the ANSI/AWC NDS for glued-laminated lumber.

[BG] NONCOMBUSTIBLE MEMBRANE STRUCTURE. A membrane structure in which the membrane and all component parts of the structure are noncombustible.

[BF] NONCOMBUSTIBLE PROTECTION (FOR MASS TIMBER). Noncombustible material, in accordance with Section 703.6, designed to increase the *fire-resistance rating* and delay the combustion of *mass timber*.

[BS] NONSTRUCTURAL CONCRETE. Any element made of plain or reinforced concrete that is not part of a structural system required to transfer either gravity or lateral loads to the ground.

[F] NORMAL TEMPERATURE AND PRESSURE (NTP). A temperature of 70°F (21°C) and a pressure of 1 atmosphere [14.7 psia (101 kPa)].

[BE] NOSING. The leading edge of treads of *stairs* and of landings at the top of *stairway flights*.

NOTIFICATION ZONE. See "*Zone, notification*."

[F] NUISANCE ALARM. An alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.

[BG] NURSING HOMES. Facilities that provide care, including both intermediate care facilities and skilled nursing facilities where any of the persons are *incapable of self-preservation*.

[BE] OCCUPANT LOAD. The number of persons for which the *means of egress* of a building or portion thereof is designed.

[BG] OCCUPIABLE SPACE. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with *means of egress* and light and *ventilation* facilities meeting the requirements of this code.

[BG] OPEN PARKING GARAGE. A structure or portion of a structure with the openings as described in Section 406.5.2 on two or more sides that is used for the parking or storage of private motor vehicles as described in Section 406.5.3.

[F] OPEN SYSTEM. The use of a *solid* or *liquid hazardous material* involving a vessel or system that is continuously open to the atmosphere during normal operations and where vapors are liberated, or the product is exposed to the atmosphere during normal operations. Examples of open systems for *solids* and *liquids* include dispensing from or into open beakers or containers, dip tank and plating tank operations.

[BE] OPEN-AIR ASSEMBLY SEATING. Seating served by *means of egress* that is not subject to smoke accumulation within or under a structure and is open to the atmosphere.

[BE] OPEN-ENDED CORRIDOR. An interior *corridor* that is open on each end and connects to an exterior *stairway* or *ramp* at each end with no intervening doors or separation from the *corridor*.

[BF] OPENING PROTECTIVE. A *fire door assembly*, *fire shutter assembly*, *fire window assembly* or glass-block assembly in a fire-resistance-rated wall or partition.

[BS] NATURALLY DURABLE WOOD. The heartwood of the following species except for the occasional piece with corner sapwood, provided 90 percent or more of the width of each side on which it occurs is heartwood.

Decay resistant. Redwood, cedar, black locust and black walnut.

Termite resistant. Redwood, Alaska yellow cedar, Eastern red cedar and Western red cedar.

NIGHT CLUB. Any *building* in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.

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[BS] NOMINAL SIZE (LUMBER). The commercial size designation of width and depth, in standard sawn lumber and glued-laminated lumber *grades*; somewhat larger than the standard net size of dressed lumber, in accordance with DOCPS 20 for sawn lumber and with the ANSI/AWC NDS for glued-laminated lumber.

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NOSING. The leading edge of treads of *stairs* and of landings at the top of *stairway flights*.

NOTIFICATION ZONE. See "Zone, notification."

[F] NUISANCE ALARM. An alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.

NURSING HOMES. Facilities that provide care, including both intermediate care facilities and skilled nursing facilities where any of the persons are *incapable of self-preservation*.

OCCUPANT LOAD. The number of persons for which the *means of egress* of a *building* or portion thereof is designed.

OCCUPIABLE SPACE. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with *means of egress* and light and *ventilation* facilities meeting the requirements of this code.

OPEN-ENDED CORRIDOR. An interior corridor that is open on each end and connects to an exterior *stairway* or *ramp* at each end with no intervening doors or separation from the corridor.

OPEN PARKING GARAGE. A *structure* or portion of a *structure* with the openings as described in Section 406.5.2 on two or more sides that is used for the parking or storage of private motor vehicles as described in Section 406.5.3.

[F] OPEN SYSTEM. The *use* of a *solid* or *liquid hazardous material* involving a vessel or system that is continuously open to the atmosphere during normal operations and where vapors are liberated, or the product is exposed to the atmosphere during normal operations. Examples of open systems for *solids* and *liquids* include dispensing from or into open beakers or containers, dip tank and plating tank operations.

[F] OPERATING BUILDING. A *building* occupied in conjunction with the manufacture, transportation or *use* of explosive materials. Operating *buildings* are separated from one another with the use of intraplant or intraline distances.

[BS] ORDINARY PRECAST STRUCTURAL WALL. See Section 1905.1.1.

[BS] ORDINARY REINFORCED CONCRETE STRUCTURAL WALL. See Section 1905.1.1.

[BS] ORDINARY STRUCTURAL PLAIN CONCRETE WALL. See Section 1905.1.1.

[F] ORGANIC PEROXIDE. An organic compound that contains the bivalent -O-O- *structure* and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms have been replaced by an organic radical. Organic peroxides can pose an *explosion* hazard (*detonation* or *deflagration*) or they can be shock sensitive. They can also decompose into various unstable compounds over an extended period of time.

Class I. Those formulations that are capable of *deflagration* but not *detonation*.

Class II. Those formulations that burn very rapidly and that pose a moderate reactivity hazard.

Class III. Those formulations that burn rapidly and that pose a moderate reactivity hazard.

Class IV. Those formulations that burn in the same manner as ordinary combustibles and that pose a minimal reactivity hazard.

Class V. Those formulations that burn with less intensity than ordinary combustibles or do not sustain combustion and that pose no reactivity hazard.

Unclassified detonable. Organic peroxides that are capable of *detonation*. These peroxides pose an extremely high *explosion* hazard through rapid explosive decomposition.

[BS] ORTHOGONAL. To be in two horizontal directions, at 90 degrees (1.57 rad) to each other.

[BS] OTHER STRUCTURES (for Chapters 16-23). *Structures*, other than *buildings*, for which *loads* are specified in Chapter 16.

OUTPATIENT CLINIC. See "Clinic, outpatient."

OWNER. The *owner* or *owners* of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee or lessee in control of a *building* or *structure*.



***A Certificate of Occupancy is a document that establishes
classification of a structure or portion of a structure with respect to
its occupancy and use.***

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1. Final Building Permit Certificates of Occupancy (CO)

Per the Virginia Construction Code, establishing or changing the use of a structure or portion thereof requires a Building Permit. At the end of the inspection process on that permit, a Certificate of Occupancy is issued.

Most commonly a Final Building Permit CO is used for new buildings, tenant upfits, and change of use.

There is no separate fee to obtain this CO.

Request Form

Navigate to the form:

Go to <https://rva.gov/planning-development-review/forms>

Click on "Construction, Demolition and Occupancy"

Choose "Final Building Permit CO Request"

Information Required:

- Online Permit Portal account email of the Requestor
- Permit address
- Permit number
- Projected occupancy date
- Requestor name
- Requestor phone number

How to submit the Request for a Final Building Permit CO

Complete the [Final Building Permit CO Request](#) and email it to PDR.Permits@rva.gov.

Items required to receive a Final Building Permit CO

For a new building, you need:

- Passed final inspections on all associated Trade Permits
- On the Building Permit, passed final inspections from:
 - Building
 - Zoning
 - Land Disturbing
 - Works

The request form gives specific instructions for each of those final types.

In addition:

- You may need a passed final for Special Inspections
- You may need a passed final for Audit

For a tenant fitup, you need:

- Passed final inspections on all associated Trade Permits
- On the Building Permit, passed final inspections from:
 - Building
 - Zoning

The request form gives specific instructions for each of those final types.

In addition:

- You may need a passed final for Special Inspections
- You may need a passed final for Audit

CO Issuance

A Final Building CO request is considered an expedited request.

A Permit Technician will review the permits associated with the project.

If all required Final Inspections have been passed, the Permit Technician will issue the CO.

The CO will be posted as a publicly available document on the Permit in the Online Permit Portal. It will also be emailed to the Requestor.

2. Partial, Temporary, Owner/Tenant/dba Change COs (HCOs)

Types of HCOs

There are types of CO requests/requirements that are handled by an “HCO” application process.

These requests can only be made when the USE of the building or space is unchanged.

Per the Virginia Construction Code, a CHANGE OF USE requires a Building Permit. At the end of the inspection process on that permit, a Certificate of Occupancy is issued. See Section 1 of this document.

HCOs are usually only applicable for Commercial projects. We have rare exceptions in the Residential world, but these are done on an exception basis and will not be addressed here.

Here are the Types of HCOs:

Partial Certificate of Occupancy

These are typically requested when a large building is under construction and part of the building can be occupied.

Temporary Certificate of Occupancy

Usually these are requested for an event or when a large project is complete, but a Final CO cannot be issued yet for non-construction reasons (audits, site work, etc.)

Owner or Tenant Changes requiring a Certificate of Occupancy

These may be requested when a Business has to present a CO.

Often for Business or Retail Use this can be done with a Certificate of Zoning Compliance (CZC). A CZC can be applied for in the Online Permit Portal.

However, for Assembly, Education, and Institutional Uses, the CO must be obtained via the HCO process, outlined here.

The Process

Application

You can apply for a Partial/Temporary/Change of Owner CO in our Online Permit Portal. In addition, the Portal is used for invoicing and paying. The Applicant will be able to view information about the Application and retrieve a copy of their issued CO.

You can access the Online Permit Port here:

https://energov.richmondgov.com/energov_prod/selfservice#/home

There is a User Guide available under "Supporting Documentation."

Information Required:

- Address of the Business
- Property Owner per the Assessor's Record
- Business Owner
 - This should be the legal name of the business – this will be needed for their Business License and potentially other legal documents.
 - For Partial and Temporary HCOs, this is often the GC or Owner
 - If the record for the Business Owner does not exist, use your own Contact information and add the Business Owner information in the Description.
- What kind of CO you are requesting
 - Partial or Temporary
 - What is the governing Building Permit number?
 - Include this in the description
 - Include where in the building/what parts of the building the CO covers.
 - Floor plans should be provided.
 - Owner or Tenant Change
 - Verify legal name of the Business so it prints correctly on the CO. You can state this information in the Description.

Application Intake

A Permit Technician will review it for completeness and contact you with any questions.

Once everything is in order, they will invoice you for the fees in the Online Permit Portal.

Fees

The application fee for an HCO is \$263. It requires a building and zoning inspection. The Building Inspector or Manager normally issues the CO for these.

Inspections

Once the fees are paid, the Permit Technician will route the application for review. At the time of this writing, you should contact the following people to schedule your inspections:

Building: Rick.Paul@rva.gov

Zoning: PDRZoningAdministration@rva.gov

Here are some items the Building Inspector/Manager will be looking at:

1. EXIT lights – operational under test
2. Egress lights – operational under test
3. Fire extinguisher service dates (tags indicating less than 12 months since last service)
4. Fire suppression hood equipment service dates. (tags indicating less than 6 months since last service)
5. All Smoke/Carbon monoxide detectors operational
6. Make sure all means of egress are clear of all obstacles/debris – If it has an EXIT sign above the door it must be operational/clear.
7. Check to make sure any fire alarm panels indicate "SAFE" or "CLEAR."
8. Bathroom signage installed and with Braille components, 5 feet to the top of the signs.
9. No extension cords used. Extension cords are for temporary use.
10. No gross building code violations.

CO Issuance

Once Zoning and Building have approved the application, the Building Inspector Supervisor or Manager will issue the CO.



3716 moss side ave **richmond** virginia 23222 rml303@aol.com 269-1174
architecture pllc

May 18, 2026

Ms. Michelle Dickson, Buildings Plan Examiner
City Hall, Room 110,
900 East Broad Street
Richmond, VA 23219

via email and uploaded to the permit portal

REF: FOIA Request

Dear Michelle,

I am requesting to view in your office all records/documents/digital documents/etc that:

1. show the number of tenant changes that were made/approved when there was no change in occupancy use/classification over the last 3 years.
2. show the number of tenant changes that were made/approved when there was no change in occupancy use/classification over the last 3 years and a building permit was required for the tenant change.
3. show the number of tenants that reduced their area used/occupant load without change of occupancy that were made/approved over the last 3 years.
4. show the number of tenants that reduced their area used/occupant load without change of occupancy that were made/approved over the last 3 years and a building permit was required to get the reduced occupancy.

Please let me know the day/time/place to inspect the requested documents.

With kindest regards,

A handwritten signature in red ink that reads 'Bill Laffoon'.

Bill Laffoon RA

Additional Documents
Submitted
By City of Richmond

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of William Laffoon
Appeal No. 26-02

The City did not reject the application, but instead requested additional information so the proposed change could be understood and approved. Information was requested in the November 3rd e-mail and again on 12/17/25 once it was clear there would be three nightclubs.

CO requests were made for the two new first floor tenants only. A meeting was held on 11/7/25 at Richmond City Hall to clarify the scope of the applications. At this meeting, it was made clear an existing nightclub was being split into three night clubs, not two. The existing nightclub would continue to operate in the basement of both 5 and 7 E Broad Street. At this meeting, the City indicated a third application was needed to reduce the occupant load on the previously issued CO.

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On November 3, 2025 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part I of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VCC), ~~rejected~~ the plan review on the ~~basement and~~ first floor of the structures located at 5 E. and 7 E. Broad St in the City of Richmond submitted by William Laffoon (Laffoon) for his request for ~~three~~ ^{Two} new certificates of occupancy (CO) required by the City of Richmond Finance Office for a business license for the three businesses. ~~The first CO request was for the existing tenant, a nightclub, that currently occupies the entire first floor and basement of the structures located at 5 E. and 7 E. Broad St who will remain in the entire basement only of 5 E. Broad St. and 7 E. Broad St. The other two CO requests were for two new tenants, also both nightclubs, that will occupy half of the first floor each, one located at 5 E. Broad St. and the other located at 7 E. Broad St. In the City plan review rejection, the City requested in part the following clarification and/or submittal via email from the plans examiner:~~

- Clarify use of the basement
- Submit sealed, unlocked drawing set for each new tenant space
- Indicate in the drawing if the goal is to reestablish 5 E. Broad Street address or create two suites under the 7 E. Broad Street address; if two suites are proposed, provide the suite numbers
- Provide plumbing calculations coordinated with the occupancy load

Use of basement made clear at 11/7/25 meeting

Address issue resolved at the 11/7/25 Meeting

The original CO for the nightclub was issued on 8/19/2022

The most recent applications were submitted on 10/10/2025

This information was requested in an e-mail sent on 11/3/25. At the 11/7/25 meeting it was made clear a door opening in the wall that separates 5 and 7 East Broad Street was closed in as part of a previously completed permit. The wall ratings therefore are irrelevant to the current application scope. No additional information is needed as it relates to these line items.

For each tenant

- Show where wall openings are being filled and indicate what materials are proposed for the new walls
- Call out rated assemblies
- Drawing should include code summary specifying the building code, construction type, use classification, occupant load calculations, sprinkler information, etc.
- Basement separation and access, if applicable
- Requiring permits

The intent of the 11/3/25 e-mail was to understand the proposed change. The previous CO included the basement which was not referenced in the two submitted applications. It was unclear how the basement would be used moving forward or if anything was preventing the first floor nightclub occupants from spreading into what might be a large unused basement space.

Note: The City required the plan review pursuant to VCC Section 108.1 When applications are required Item #2 and Virginia Existing Building Code, (VEBC) Section 202, definition of Change of Occupancy Item #2, due to the subdivision of the first-floor tenant space which changed the level of activity in the building.

2. Laffoon filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on January 16, 2026. On February 18, 2026, the local appeals board “Upheld” the appeal finding that *“the intent of the code was applied and enforced properly by the code official.”* On February 23, 2026, Laffoon further appealed to the Review Board seeking to overturn the decision of the city and local appeals board.

3. Review Board staff conducted an informal fact-finding conference (IFFC) on May 5, 2026 for the Laffoon appeal (Appeal No. 26-02), which was attended by William Laffoon, Daniel Mouer, and Michelle Dickson. The first issue addressed during the IFFC was for staff to gain clarity on the structure subject to the appeal and scope of the proposed project related to the appeal.

4. The second issue addressed during the IFFC was clarifying the issues for resolution for the appeal. While processing the appeal Review Board staff found that the appeal to the local appeals board may have been untimely. Laffoon had not identified the potential jurisdictional issue of timeliness in his statement of relief sought in his appeal application to the Review Board. Staff pointed out the potential jurisdictional issue and described the process for the potential

jurisdictional issue to the parties present should Laffoon wish to have the potential jurisdictional issue considered by the Review Board. After a brief discussion Laffoon indicated that he did not wish to have this matter considered by the Review Board at a preliminary hearing.

Note: Review Board staff contacted the City local appeals board Secretary to determine whether the City had regularly scheduled local appeals board meetings. The City confirmed that it does have regularly scheduled local appeals board meetings: therefore, in accordance with VCC Section 119.6, the City had 45 days to hear the case. The appeal was timely to the local appeals board.

Once the remaining issues for resolution were identified, Review Board staff reviewed the record of the appeal with the parties whereby duplicate pages as well as all pages not related to the identified potential violations being appealed and/or issues for resolution were eliminated.

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 hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to overturn the decision of the City and the local appeals board that building permits are required for a change of tenant when the building *Use and Occupancy Classification* remains the same.

2. Whether to overturn the decision of the City and local appeals board that Laffoon must provide the City with information for plan review when the City possesses files showing the requisite information.

3. Whether to overturn the decision of the City and local appeals board requiring information be submitted to the City beyond what the code requires.

What information requested is generating item 3?

We requested the drawing include a description describing the proposed change. This may not be a code requirement but allows us to accurately classify a building. For example, at the May 5 meeting we learned electronic gaming is proposed in at least one of the first floor tenant spaces. Had this information been provided on the submitted drawing, a review comment would have been generated referencing VCC Section 508.2.3. It is unclear if the A-3 use will be less than 10% of the story allowing it to be accessory to the A-2 use.

4. Whether to overturn the decision of the City and local appeals board that the occupant load of a building or space cannot be reduced, by owner request, to be lower than the calculated occupant load in accordance with VCC Section 1004.5 *Area without fixed seating*.

5. Whether to overturn the decision of the City and local appeals board that all tenants in a building/structure shall have ready access to the overcurrent device pursuant to National Electrical Code Article 240.24 *Location in or on premises*.

VCC Section 1004.5 states, "the occupant load shall be not less than that number determined by dividing the floor area under consideration by the occupant load factor assigned to the function of the space as set forth in Table 1004.5." This section includes an exception that that, "Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load." The applicant can round up or submit a formal request to the building official requesting an occupant load lower than the calculated occupant load number.

Numbered exhibits were removed from the Documents submitted by the City of Richmond in an effort to eliminate duplicate information. The title pages for the exhibits were left in. Should something be added on the title pages indicating where the referenced exhibits can be located?

Exhibit 1 - Now Page 7 (minus the green marks)

Exhibit 2 - Now Page 44

Exhibit 6, 1 of 3 - Now Page 5

Exhibit 6, 2 of 3 - Now Page 6

Exhibit 6, 3 of 3 - Now Page 7

Exhibit 7, 1 of 4 - Now Page 23

Exhibit 7, 2 of 4 - Now Page 24

Exhibit 7, 3 of 4 - Now Page 25

Exhibit 7, 4 of 4 - Now Page 4

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Todd Ferguson
 Appeal No. 26-03

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Todd Ferguson
Appeal No. 26-03

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On April 3, 2024, Todd Ferguson (Ferguson) applied for a building permit to install a used manufactured home on the property located at 5405 Whitmill School Road, in Pittsylvania County (County), to replace the manufactured home that burned on December 17, 2023. The County denied his application for building permit citing excavation of the septic system distribution box, submittal of a Safe, Adequate, and Proper (SAP) Report from the Virginia Department of Health (VDH), and payment of all delinquent property taxes.

2. Ferguson requested an appeal to the local appeals board for the inaction of the County to issue his requisite building permit in May of 2024. The appeal was administratively denied by the County based on the requirements listed in Item #1 above and payment of the \$200 local appeals fee. Ferguson informed the County that he was indigent and could not afford the fee. Ferguson requested an indigent waiver or good cause exception for the local appeals fee which was denied by County.

3. On May 15, 2026, after “*the 25-month delay, shifting county demands, and arbitrary enforcement barriers*” Ferguson further appealed to the Review Board.

4. This staff document, along with a copy of all documents submitted, will be sent to the parties and opportunity given for the submittal of additions, corrections, or objections to the

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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 appeals hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether the appeal fee is required to be paid in order for the appeal to be considered as filed, processed, and heard by the local appeals board.
2. Whether excavation of the septic system distribution box and submittal of a SAP Report from the Virginia Department of Health (VDH) is required to issue the requisite permit.
3. Whether a building permit can be denied due to delinquent property taxes.

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Basic Documents

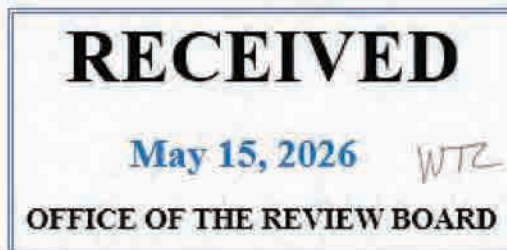
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- ☒ Uniform Statewide Building Code
- ☒ 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):

Todd Ferguson (See Attachment ¹)

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

Pittsylvania County (See Attachment ²)

Additional Information (required by the applicable code to be submitted with this application)

- Copy of enforcement decision being appealed See Exhibit A and B
- Copy of the decision of local government appeals board (if applicable) N/A

Additional Information (to be submitted with this application)

- Statement of specific relief sought (Attachment ³) (See Attachment ⁴)

Statement of Facts ⁴ CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of MAY, 2026 a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

Signature of Applicant: _____

Name of Applicant: _____

Todd Ferguson

(please print or type)

TYPED ATTACHMENTS

- **ATTACHMENT 1: APPEALING PARTY INFORMATION**
 - *Contains Appellant contact details and pro se status.*
- **ATTACHMENT 2: OPPOSING PARTY INFORMATION**
 - *Lists current and former Pittsylvania County building officials and legal counsel.*
- **ATTACHMENT 3: STATEMENT OF SPECIFIC RELIEF SOUGHT**
 - *Outlines the 5 formal orders requested from the State Technical Review Board.*
- **ATTACHMENT 4: COMPREHENSIVE STATEMENT OF FACTS & ADMINISTRATIVE ABUSE**
 - *Chronological narrative detailing the 25-month delay, shifting county demands, and arbitrary enforcement barriers.*

ATTACHMENT 1: APPEALING PARTY INFORMATION**1. Appellant Details**

- **Full Name:** Todd Ferguson
- **Legal Status:** Pro Se Litigant / Property Owner
- **Subject Property Address:** 5405 Whitmill School Road, Dry Fork, VA 24549
- **Mailing Address:** 5405 Whitmill School Road, Dry Fork, VA 24549
- **Primary Telephone:** 540-355-9770
- **Email Address:** twferguson11@gmail.com

2. Designated Representative

- **Representative Name:** N/A (Appellant is proceeding *pro se*)

ATTACHMENT 2: OPPOSING PARTY INFORMATION

1. Local Government Agency

- **Agency Name:** Pittsylvania County Department of Community Development & Building Inspections
- **Physical Address:** 11 Court Place, Chatham, VA 24531
- **Mailing Address:** P.O. Box 426, Chatham, VA 24531
- **Main Office Telephone:** 434-432-7755

2. Named Local Officials (Current & Former)

- **Current Building Official:** Otis Vaughan, Building Official
(Responsible for current administration, continued enforcement of unauthorized septic triggers, and ongoing failure to act from mid-2025 to present.)
- **Former Building Official:** Jason Inman, Former Building Official
(Responsible for initial application obstruction, shifting requirements, and interception/denial of the May 2024 local appeal.)
- **Former Community Development Director:** Emily Ragsdale, Former Director
(Responsible for oversight and administrative obstruction during the initial 2024 appeal attempts.)

3. Local Legal Counsel

- **Agency Entity:** Office of the County Attorney, Pittsylvania County
(Served as the continuous legal entity responsible for advising the department during the 25-month administrative delay.)
- **Former County Attorney:** Vaden Hunt, Esq.
(County Attorney of record during the initial 2024–2025 permit actions and appeal blockage.)
- **Mailing Address for Service:** P.O. Box 426, Chatham, VA 24531
- **Telephone:** 434-432-7755

From: [todd ferguson](#)
To: [Luter, Travis \(DHCD\)](#)
Date: Friday, May 15, 2026 1:54:04 PM
Attachments: [Jason's first letter to me iune.pdf](#)
[Second letter from Jason Inum.pdf](#)

[Preview attachment Mr. Todd Ferguson 5-1-2026.pdf](#)[Preview attachment Mr. Todd Ferguson 5-1-2026.pdf](#)



[Mr. Todd Ferguson 5-1-2026.pdf](#)
81 KB

Dear Mr. Luter,

I am Todd Ferguson, a pro se litigant, formally requesting that the State Building Code Technical Review Board (SBCTRB) assume jurisdiction over my building permit application for 5405 Whitmill School Road. This request is based on a 25-month "Failure to Act" by Pittsylvania County and the imposition of unauthorized financial barriers to my due process.

1. Timeline of Administrative Failure to Act The local building department has maintained a state of "incomplete" status on my permit for over two years, spanning two different administrations:

- **April 3, 2024:** Permit application initiated with **Jason Inman** for a like-for-like mobile home replacement following a December 2023 fire.
- **May 2024:** I hand-delivered a formal appeal to the local office. Under **Jason Inman's** watch, this appeal was intercepted and ignored.
- **Mid-2025:** **Otis Vaughan** assumed the role of Building Official and has continued the policy of inaction and obstruction regarding the original appeal and permit.
- **May 2026:** The permit remains unissued, and no local board hearing has been convened.

2. Misapplication of Septic "Triggers" The county is withholding my permit by demanding a destructive "Safe, Adequate, and Proper" (SAP) report. However, my project does not pull any legal "trigger" for Health Department intervention:

- **Vested Rights (Va. Code § 15.2-2307):** As a fire victim, I have a vested right to rebuild on my existing footprint.
- **No Nexus:** There is no increase in sewage flow and no change in the building footprint. Under the USBC, a building official lacks the authority to demand septic excavation for purely structural replacements (similar to replacing rafters or windows).
- **Standard of Inspection (12 VAC 5-610-350):** The county is demanding excavation of a distribution box without evidence of failure, violating the "visual" inspection standard for existing systems.

3. Constitutional Barrier to Appeal The county has blocked my access to the Local Board of Building Code Appeals by demanding a \$200 fee. As a fire victim with documented losses of

\$47,500, the refusal to provide an indigent waiver or a "good cause" exception is a **Constitutional Procedural Due Process violation**. A local fee schedule cannot be used to extinguish a state-mandated right to appeal.

4. Documented Financial Waste The county's failure to act has caused significant financial injury:

- **Alternative Housing (Rent):** \$7,500 (\$00/ mo x 25).
- **Land Carrying Costs:** \$7,500 (\$00/ mo x 25).
- **Mobile Home Storage:** \$2,500 (\$00/ mo x 25).

My home is currently deteriorating in storage while the local office refuses to perform a simple site visit. [REDACTED]

Sincerely,

Todd Ferguson 540-355-9770

Documents Submitted
by
Todd Ferguson

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ATTACHMENT 4: COMPREHENSIVE STATEMENT OF FACTS & ADMINISTRATIVE ABUSE

1. The Triggering Event and Vested Property Rights In December 2023, the residential structure located at 5405 Whitmill School Road was destroyed by an accidental fire. Under **Va. Code § 15.2-2307(F)**, this disaster established the Appellant's immediate vested right to replace the structure with a like-for-like mobile home on the exact same footprint.

2. Chronology of Arbitrary and Capricious Hurdles ("Moving the Goalposts")

Rather than processing a routine structural replacement permit for a displaced citizen, the Pittsylvania County Department of Building Inspections initiated a 25-month campaign of shifting, unauthorized administrative requirements:

- **The Contractor/Affidavit Barrier:** Upon the initial application on **April 3, 2024**, the building official (Jason Inman) arbitrarily halted the process. The department claimed the Appellant could not pull the permit as a *pro se* owner-developer, forcing unnecessary delays regarding licensing and specialized affidavits.
- **The Septic Overreach:** Once the Appellant met the initial structural demands, the county completely changed its requirements. The building department refused to review the application further until the Health Department intervened, demanding a destructive and invasive "Safe, Adequate, and Proper" (SAP) septic evaluation (**See Exhibit A: June 2024 County Letter, and Exhibit B: August 2024 County Letter**).
- **Exemption from Septic Triggers:** The county's demand for septic excavation lacks any legal basis or nexus under **12 VAC 5-610-350**. The replacement structure features an identical footprint and zero increase in sewage flow or occupancy. The existing system is fully functional with documented pump-out records. The county treated a structural replacement like a brand-new development, imposing an unnecessary financial and physical burden on a fire victim.

3. The Interception of Due Process and the \$200 Fee Barrier In May 2024, seeking to halt these moving targets, the Appellant hand-delivered a formal local administrative appeal to Emily Ragsdale and the building department staff. The county handled this appeal in an entirely capricious manner:

- The agency failed to log, process, or forward the paperwork to convene a Local Board of Building Code Appeals (LBBCA) hearing.
- The county conditioned the Appellant's statutory right to an appeal on a \$200 local fee, while simultaneously failing to provide a standard indigent waiver process—effectively creating a "pay-to-play" barrier to due process (**See Exhibit C: May 2024 Local Appeal Declaration**).

4. Documented Pattern of Clerical Incompetence The county's defense that the Appellant "failed to follow procedures" or that internal records are missing is completely dismantled by their own administrative chaos. Recently, when a structural permit was processed for a garage on this exact parcel of land, the county issued the legal permit under the name '**Vance Burnett**' instead of the actual deed-holder and applicant, Todd Ferguson (**See Exhibit D: Garage Permit**). This severe clerical error proves that the Department of Building Inspections does not maintain accurate ownership, application, or administrative records.

5. 2026 Administration Shifting Targets and Unauthorized Denials In early 2026, the Appellant contacted current Building Official Otis Vaughan to request the issuance of the building permit and a temporary electrical power connection hookup (**See Exhibit E: 2026 Appellant Request**). In response, Official Vaughan created entirely new, extra-statutory barriers to avoid issuing the permit (**See Exhibit F: 2026 Vaughan Denial**):

- **The Timeliness Pretext:** Official Vaughan claimed the Appellant was barred because "two years" had passed since the fire. This assertion ignores the fact that the application has been pending since April 3, 2024, and the 25-month delay is a direct result of the county's own failure to act and illegal fee barriers.
- **The Tax Pretext:** Official Vaughan further claimed the permit could not be reviewed due to alleged delinquent property taxes. Under the Virginia

USBC, a building official has no legal authority to enforce local tax collection or condition a safety/structural permit on tax status.

6. Continuous Failure to Act In mid-2025, Otis Vaughan assumed the role of Building Official and inherited this unfinalized permit and blocked appeal. Rather than correcting the file, the department maintained its policy of inaction. Internal personnel turnover does not absolve the agency of its continuous liability. For 25 months, the county has used unauthorized, shifting demands to freeze the Appellant's application, resulting in a textbook **Failure to Act** under **USBC § 119.5**.

MASTER LIST OF SUPPORTING EXHIBITS

- **EXHIBIT A:** County Department of Building Inspections Demand Letter (Dated June 2024).
- **EXHIBIT B:** County Department / Health Department Joint Demand Letter (Dated August 2024).
- **EXHIBIT C:** Sworn Written Declaration of May 2024 Hand-Delivered Local Appeal Attempt.
- **EXHIBIT D:** Certified Copy of Structural Garage Permit #XXXX erroneously issued to Vance Burnett for Parcel ID #XXXX.
- **EXHIBIT E:** Copy of 2026 Written Request to Official Otis Vaughan for Permit Issuance and Temporary Power Hookup.
- **EXHIBIT F:** Copy of 2026 Written Denial Letter from Official Otis Vaughan citing tax delinquency and timeliness pretexts.

June 4, 2024

Todd Ferguson
749 F C Beverly Road
Dry Fork, VA 24549

Sent Certified: 7022 2410 0003 0316 0768, also by USPS.

RE: Property GPIN # 1480-73-2976
5405 Whitmell School Road
Dry Fork, VA 24549

To Whom It May Concern:

This letter is to serve as notice that building permit number S24-04-31820 will be approved for a temporary source of power as stated in the 2018 International Residential Code (IRC) Section R107.3. A 100-amp temporary power supply shall be constructed to 2017 National Electrical Code (NEC) Article 590 and its use shall comply with 2017 NEC Article 590.3 (A)(D). This temporary power supply shall be active for the 180 days the building permit is valid per International Residential Code (IRC) Section R105.5. This permit was obtained on April 08, 2024, and will expire on Saturday October 5, 2024. Because temporary wiring installations may not meet all the requirements for a permanent installation due to the modifications permitted by Article 590, all temporary wiring not only must be disconnected but also removed from the building, structure, or other location on or before October 5, 2024. This permit may be suspended or revoked per 2018 International Residential Code (IRC) Section R105.6 if there exists any violation of any ordinance or regulation or any of the provisions of the building code. This shall also extend to the disconnection of temporary power if it is used for any other purpose than what is intended per 2017 NEC Article 590.3(A). Please also be aware that per the Pittsylvania County Code § 35-74. Accessory and Temporary Buildings, accessory structures are only allowed as an accessory to a principle use in residential districts.

An application was also submitted on April 03, 2024, for the installation of a 1991 singlewide manufactured home. Per International Residential Code (IRC) Section R105.3.2, the application will expire on September 30, 2024. If you would like to pursue this application, please recheck the VIN# you provided (NCFLM41A22054VO). This VIN number does not show as valid with the Department of Motor Vehicles. If this number is correct, please provide this office with the title stating this. You will also need to provide this office with a copy of the permit for a safe, adequate, and proper (SAP) to ensure that sewage treatment is available per Code of Virginia (COV) Title 32.1. Health, Chapter 6. Environmental Health Services. The SAP can be obtained from the Virginia Department of Environmental Health located at located at 200 H.G. McGhee Drive, Chatham, VA 24543. You may also contact them at (434) 433-3544.

BUSINESS SAVVY. PEOPLE FRIENDLY.

Jason Inman, Code Official
jason.inman@pittgov.org



COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7754

Dr. Scott Spillmann and Wesley Marshall with the Virginia Department of Health are willing to make the following concessions regarding the SAP:

1. Waive the \$150.00 application fee for the Safe, Adequate, and Proper (SAP) septic system inspection.
2. They will allow you to have your septic tank open for inspection, without having to have it pumped, and uncover and open the Distribution Box for inspection. This would allow them to examine the Tank to determine the likelihood of there being a leak. If it is leaking for any reason, the effluent level would be low, or the effluent would be gone from the tank leaving only sludge and solids in the bottom. Effluent standing in the Distribution Box would be an indication of a failing septic field or a blockage, either of which would require correction.

If there is no indication of failure or damaged components to the septic system, they would issue the SAP report, thus allowing for the county to issue your building permit.

Once you have obtained this building permit, the inspection schedule is listed below and has been modified to accommodate your request for permanent electrical service at the location.

1. This first inspection will consist of footings, blocking and anchors of the dwelling and permanent electrical service.
2. Plumbing installation. This shall consist of waste line connections from the dwelling to the approved waste collection system. Water lines can also be inspected at this time if completed.
3. Deck footings. Deck framing can also be inspected at this time if construction has begun.
4. Any other inspection that may be required by code.
5. Final
 - a. Driveway installation must meet Pittsylvania County Ordinance.
 - b. All disturbed areas of soil must be covered in seed and straw.
 - c. All construction debris must be removed from the property.
 - d. Structure must be ready of occupancy.
 - i. All lights and receptacles will be inspected to ensure they are working properly.
 - ii. All smoke detectors will be checked.
 - iii. All plumbing connections, drains, and water lines will be checked to ensure there are no leaks.
 - iv. The heating system will be inspected.
 - v. The structural integrity of the dwelling will be checked.
 - vi. Decks will be checked for structural integrity.
 - vii. Any other inspection that may be required by code.

2018 IRC SECTION R105.3.2 TIME LIMITATION OF APPLICATION. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

BUSINESS SAVVY. PEOPLE FRIENDLY.

Jason Inman, Code Official
jason.inman@pittgov.org

2018 IRC SECTION R105.5 EXPIRATION. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

2018 IRC SECTION R105.6 SUSPENSION OR REVOCATION. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

2018 IRC SECTION R107.3 TEMPORARY POWER. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

2017 NEC ARTICLE 590.3 (A) DURING THE PERIOD OF CONSTRUCTION. Temporary electric power and lighting installations shall be permitted during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities. **(D) REMOVAL.** Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

PITTSYLVANIA COUNTY CODE CHAPTER 35 SECTION 35-74. ACCESSORY AND TEMPORARY BUILDINGS. (1) Intent. Special requirements are designed for accessory and temporary buildings to ensure ample access for emergency vehicles, maintain the effectiveness of rear and side yard requirements and insure accessory structures remain secondary in function to the main building. (2) Accessory Buildings. The location of accessory buildings and uses in residential districts must meet the following restrictions: a. Where an accessory building is attached to the main building, a substantial part of one (1) wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof; and therefore, such attached accessory building shall comply in all respects with the requirements applicable to the main building. b. A detached accessory building shall not be closer than fifteen (15) feet to the main building or rear lot line. Accessory building shall not be closer to a lot line than the setback Line for side yards for the district in which the lot is located. Additionally, no building housing livestock shall be placed within two hundred (200) feet of a lot line located within or abutting any institutional, residential, or business district. c. A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard and not to exceed maximum lot coverage (by percent) per the district involved. d. No detached accessory building may be located in the front yard or a lot.

PITTSYLVANIA COUNTY CODE CHAPTER 35 SECTION 35-81. SITE REQUIREMENTS FOR OFF-STREET PARKING. All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements: (4) Access to off-street parking facilities from public streets shall meet requirements of Section 33.1-198 of the Code of Virginia, 1950, as amended, and the Minimum Standards of Entrances to State Highways and be approved by the Resident Engineer of the Virginia Department of Transportation.

PITTSYLVANIA COUNTY CODE CHAPTER 35 SECTION 35-184. MINIMUM OFF-STREET PARKING SPACES. PARKING REQUIREMENTS FOR ALL DISTRICTS. Two (2) off-street parking spaces shall be required on each building lot. Parking space shall be rectangular with one (1) dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet length and/or a total of two hundred (200) square feet.

BUSINESS SAVVY. PEOPLE FRIENDLY.

Jason Inman, Code Official
jason.inman@pittgov.org

A



COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7754

If you have any questions, please contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Jason Inman", is written over the word "Respectfully,".

Jason Inman
Code Official

c: Dave Arnold, Assistant County Administrator
Emily S. Ragsdale, Director of Community Development
Dr. Scott Spillmann, Director VDH
Jessica Pearce, Environmental Health Supervisor
Wesley Marshall, Environmental Health Manager Sr, VDH
Kelly Waller, Environmental Health Supervisor

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Jason Inman, Code Official
jason.inman@pittgov.org

August 23, 2024

Todd Ferguson
749 F C Beverly Road
Dry Fork, VA 24549

Sent Certified: 7022 2410 0003 0316 0874, also by USPS.

RE: Property GPIN # 1480-73-2976
5405 Whitmell School Road
Dry Fork, VA 24549

Mr. Ferguson:

This letter is to serve as notice that building permit number S24-04-31820 will be approved for a temporary source of power as stated in the 2018 International Residential Code (IRC) Section R107.3. A 100-amp temporary power supply shall be constructed to 2017 National Electrical Code (NEC) Article 590 and its use shall comply with 2017 NEC Article 590.3 (A)(D). This temporary power supply shall be active for the 180 days the building permit is valid per International Residential Code (IRC) Section R105.5. This permit was obtained on April 08, 2024, and will expire on Saturday October 5, 2024. Because temporary wiring installations may not meet all the requirements for a permanent installation due to the modifications permitted by Article 590, all temporary wiring not only must be disconnected but also removed from the building, structure, or other location on or before October 5, 2024. This permit may be suspended or revoked per 2018 International Residential Code (IRC) Section R105.6 if there exists any violation of any ordinance or regulation or any of the provisions of the building code. This shall also extend to the disconnection of temporary power if it is used for any other purpose than what is intended per 2017 NEC Article 590.3(A). Please also be aware that per the Pittsylvania County Code § 35-74. Accessory and Temporary Buildings, accessory structures are only allowed as an accessory to a principle use in residential districts.

An application was also submitted on April 03, 2024, for the installation of a 1991 singlewide manufactured home. Per International Residential Code (IRC) Section R105.3.2, the application will expire on September 30, 2024. If you would like to pursue this application, please recheck the VIN# you provided (NCFLM41A22054VO). This VIN number does not show as valid with the Department of Motor Vehicles. If this number is correct, please provide this office with the title stating this. You will also need to provide this office with a copy of the permit for a safe, adequate, and proper (SAP) to ensure that sewage treatment is available per Code of Virginia (COV) Title 32.1. Health, Chapter 6. Environmental Health Services. The SAP can be obtained from the Virginia Department of Environmental Health located at 200 H.G. McGhee Drive, Chatham, VA 24543. You may also contact them at (434) 433-3544.

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Jason Inman, Code Official
jason.inman@pittgov.org

You have the right to appeal this Building Official's decision to the Local Board of Building Code Appeals as provided for in Section 119 of the Virginia Construction Code, and in Chapter 4, Article 3, of the Pittsylvania County Code. A written request for such an appeal shall be made to the County Building Official (address contained in the letterhead) and filed with this Office within thirty (30) calendar days from the date of this notice. At the time of filing, a fee of two hundred dollars (\$200.00) shall accompany the appeal request. The decision of the Building Official shall be final and unappealable if not appealed within 30 (thirty) days.

Dr. Scott Spillmann and Wesley Marshall with the Virginia Department of Health are willing to make the following concessions regarding the SAP:

1. Waive the \$150.00 application fee for the Safe, Adequate, and Proper (SAP) septic system inspection.
2. They will allow you to have your septic tank open for inspection, without having to have it pumped, and uncover and open the Distribution Box for inspection. This would allow them to examine the Tank to determine the likelihood of there being a leak. If it is leaking for any reason, the effluent level would be low, or the effluent would be gone from the tank leaving only sludge and solids in the bottom. Effluent standing in the Distribution Box would be an indication of a failing septic field or a blockage, either of which would require correction.

If there is no indication of failure or damaged components to the septic system, they would issue the SAP report, thus allowing for the county to issue your building permit.

Once you have obtained this building permit, the inspection schedule is listed below and has been modified to accommodate your request for permanent electrical service at the location.

1. This first inspection will consist of footings, blocking and anchors of the dwelling and permanent electrical service.
2. Plumbing installation. This shall consist of waste line connections from the dwelling to the approved waste collection system. Water lines can also be inspected at this time if completed.
3. Deck footings. Deck framing can also be inspected at this time if construction has begun.
4. Any other inspection that may be required by code.
5. Final
 - a. Driveway installation must meet Pittsylvania County Ordinance.
 - b. All disturbed areas of soil must be covered in seed and straw.
 - c. All construction debris must be removed from the property.
 - d. Structure must be ready of occupancy.
 - i. All lights and receptacles will be inspected to ensure they are working properly.
 - ii. All smoke detectors will be checked.
 - iii. All plumbing connections, drains, and water lines will be checked to ensure there are no leaks.
 - iv. The heating system will be inspected.
 - v. The structural integrity of the dwelling will be checked.
 - vi. Decks will be checked for structural integrity.
 - vii. Any other inspection that may be required by code.

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Jason Inman, Code Official
jason.inman@pittgov.org

2018 IRC SECTION R105.3.2 TIME LIMITATION OF APPLICATION. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

2018 IRC SECTION R105.5 EXPIRATION. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

2018 IRC SECTION R105.6 SUSPENSION OR REVOCATION. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

2018 IRC SECTION R107.3 TEMPORARY POWER. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

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CODE OF VIRGINIA § 32.1-165. Prior approval required before issuance of building permit; approved sewage system or nonconforming system.

A. No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of such permit has been approved by the Review Board. "Safe, adequate, and proper" means a treatment works that complies with applicable regulations of the Board of Health that are in effect at the time of application.

PITTSYLVANIA COUNTY CODE CHAPTER 35 SECTION 35-74. ACCESSORY AND TEMPORARY BUILDINGS. (1) Intent. Special requirements are designed for accessory and temporary buildings to ensure ample access for emergency vehicles, maintain the effectiveness of rear and side yard requirements and insure accessory structures remain secondary in function to the main building. (2) Accessory Buildings. The location of accessory buildings and uses in residential districts must meet the following restrictions: a. Where an accessory building is attached to the main building, a substantial part of one (1) wall of the accessory building shall be an integral part of the main building

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Jason Inman, Code Official
jason.inman@pittgov.org

or such accessory building shall be attached to the main building in a substantial manner by a roof; and therefore, such attached accessory building shall comply in all respects with the requirements applicable to the main building. b. A detached accessory building shall not be closer than fifteen (15) feet to the main building or rear lot line. Accessory building shall not be closer to a lot line than the setback line for side yards for the district in which the lot is located. Additionally, no building housing livestock shall be placed within two hundred (200) feet of a lot line located within or abutting any institutional, residential, or business district. c. A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard and not to exceed maximum lot coverage (by percent) per the district involved. d. No detached accessory building may be located in the front yard or a lot.

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If you have any questions, please contact me.

Respectfully,

Jason Inman
Code Official

c: Dave Arnold, Assistant County Administrator
Emily S. Ragsdale, Director of Community Development
Dr. Scott Spillmann, Director VDH
Jessica Pearce, Environmental Health Supervisor
Wesley Marshall, Environmental Health Manager Sr, VDH
Kelly Waller, Environmental Health Supervisor

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Jason Inman, Code Official
jason.inman@pittgov.org

DECLARATION OF MAY 2024 LOCAL APPEAL SUBMISSION

I, Todd Ferguson, do hereby declare and state as follows:

1. I am the owner of the real property located at 5405 Whitmill School Road, Dry Fork, VA 24549, and I am the applicant for the like-for-like residential structure replacement building permit filed on April 3, 2024.
2. In May 2024, following continuous verbal delays, conflicting directions, and shifting requirements from local building officials, I executed a formal local administrative appeal to challenge these arbitrary enforcement hurdles before the Local Board of Building Code Appeals (LBBCA).
3. In May 2024, I physically walked into the Pittsylvania County Department of Community Development & Building Inspections office located at 11 Court Place, Chatham, VA 24531.
4. I hand-delivered the completed physical copy of my local administrative appeal directly to Emily Ragsdale and the building department staff on duty.
5. Upon delivery, the department staff refused to log, process, or forward my paperwork to convene an LBBCA hearing. Instead, the agency intercepted my due process by demanding a \$200 local processing fee while failing to provide any administrative path or form for an indigent waiver, effectively freezing my statutory right to an appeal.
6. The 25-month delay in this matter is a direct result of the local agency's failure to process this hand-delivered appeal and their ongoing failure to act on the underlying application.

I declare under penalty of perjury under the laws of the Commonwealth of Virginia that the foregoing statement is true and correct to the best of my knowledge, information, and belief.

Executed on this _____ day of May, 2026.

Todd Ferguson, Appellant Pro Se

Todd Ferguson
749 f c Beverly
Dry fork, Virginia
Fergusont844@gmail.com
(540)-355-9770
Friday September 27 2024

Building and Zoning Department
Pittsylvania County, Virginia
53 Banks St.
Chatham Virginia 24531

Re: Appeal for Denial of Building Permit and Request for Fee Waiver

To Whom It May Concern,

I am writing to formally appeal the denial of my building permit application and to request a waiver of the \$200 appeal fee. This letter also serves to express my deep concern regarding violations of my due process rights under the law.

Despite submitting the necessary corrections for my building permit application on multiple occasions, I have been denied approval for the following reasons:

1. Initially, a contractor to move the modular home was required.
2. Second, I was asked to provide an affidavit for electrical and plumbing connections.
3. Third, it was stated that a 'Safe, Adequate, and Proper' approval from the health department was required, although I am replacing a three-bedroom mobile home with another three-bedroom mobile home on the same site, causing no increase in flow or signs of septic system failure.

This process has been ongoing for over six months, significantly impacting my financial stability. During this period, I have incurred the following costs:

- \$700 per month in rent.
- \$700 per month on the property mortgage.
- \$500 per month in storage costs for the mobile home.

Currently, the accumulated extra expenses total approximately \$7,200, severely straining the budget initially allocated for setting up the mobile home. The delay in issuing the building permit has exacerbated these costs, highlighting the urgency and necessity of resolving this matter promptly.

Further, when I inquired about filing an appeal and requested an indigent form, I was informed that no such form existed, and I would need to pay the \$200 fee to proceed. As I understand my right to an administrative appeal, this fee should not be a barrier, especially given my current financial hardship.

Therefore, I am requesting the following:

1. Immediate processing of my appeal without the \$200 fee due to financial hardship.
2. A thorough review and expedited resolution of my building permit application.

I firmly believe that the requirement to pay the \$200 fee for exercising my right to an appeal constitutes a denial of due process, thus directly affecting my rights under the law.

Thank you for your prompt attention to this urgent matter. I look forward to a favorable resolution and the opportunity to move forward with my housing project.

Sincerely,

Todd Ferguson



PITTSYLVANIA COUNTY BUILDING PERMIT

D

Chatham, VA

Telephone: (434) 432-7755

THIS PERMIT EXPIRES 180 DAYS AFTER ISSUANCE

Issuance Date: 04/17/2024

Permit Number:

S24-04-31820

Permit Type: Structure Permit - Residential
Remodel

Zoning Permit:
Health Permit:

Applicant:
Address: GEORGE V BURNETTE
716 CONSTELLATION DR
AXTON, VA 24054
Telephone: () -

Owner:
Address: GEORGE V BURNETTE
716 CONSTELLATION DR
AXTON, VA 24054
Telephone: () -

Applicant Signature: _____

Authorized Signature: Jason Immanilli

Property No: 1480-73-2976
Location of Job: 5405 WHITMELL SCHOOL RD
DRY, FORK VA
CHATHAM, VA 24531

Scope of Work:
Property Type: Not Defined
Cost of Job (Estimated): \$2000

Directions:

Description of Job: REPAIR BLOCK WALL AND BOXING AND REPLACE WINDOWS AND DOORS ON GARAGE ONE

Remarks: DOUBLE ENTRANCE AND THE END WALL WHICH I MAY CLOSE IT BACK OFF IT WAS THAT

Building Size:	W 20 W	L 30 L	H 30 H	Total Sq Ft.	Cost of Structure:	2000
Sign Size:	W	L	Total Sq Ft.		Fireplaces:	
Porch, Patio, Deck:	W	L	Size:		Bdrn Window Size:	
Finished Basement Size:			Carport Size:		Floor Joist Size:	
Unfinished Basement Size:			Garage Size:	600	Rafter Size or Trusses:	
No. of Amps:	Phase:		Volts		Cost of Electrical:	
Type of Heat:		Size of Heating:			Cost of Heat:	
Type of A/C:		Size of Cooling:			Cost of A/C:	
No. of Bathrooms:		Plb. Fixtures:		0 Public Water: N	Public Sewer: N	
No. of Bedrooms:		Plb. Fixtures - Basement:			Cost of Plumbing:	
- Tanks -		- Manufactured/Modular Homes -			Pool Size:	
Inground/Above Ground:		Wind Zone/Thermal Zone:			Fire Sprinkler System:	
Type of Fuel:		Year/Model			Cost of Fire Suppression:	
Tank Size:		Type of Exterior:			Permit Fee:	\$56.00
Approvals:					Levy:	\$1.12
					Total:	\$57.12

POST THIS CARD SO THAT IT IS VISIBLE AT THE JOBSITE



todd ferguson <fergusont844@gmail.com>

Notice of Housing Displacement and Request for Written Determination Regarding Electrical Service

todd ferguson <fergusont844@gmail.com>

Fri, Apr 10, 2026 at 10:52 AM

To: vincent.shorter@pittgov.org, otis.vaughan@pittgov.org

Mr. Vaughn,

I am following up on my previous email and our prior conversation regarding my property and the status of restoring electrical service.

When we spoke, you indicated you would look into the situation. Since that time, I have not received any response, and my follow-up email has also gone unanswered.

As of now, I am still residing on my property without electrical service and relying on generator power, which is not a safe or sustainable condition.

I am again requesting clear guidance on what is required to restore power to the existing meter base. I am willing to obtain any necessary electrical permit, schedule inspections, and make any required corrections to bring the system into compliance.

At this stage, I am not requesting approval of the full building permit. I am specifically asking for a path forward to safely re-energize electrical service. If there is a reason this cannot be done, I ask that you provide that determination in writing.

Please respond at your earliest convenience so this matter can be addressed.

Sincerely,

Todd Ferguson

[Quoted text hidden]

May 1, 2026

Mr. Todd Ferguson
5405 Whitmell School Road
Dry Fork, VA 24549

Re: Power Connection
5405 Whitmell School Road
Dry Fork, VA 24549

Mr. Todd Ferguson,

Concerning your email and the power to 5405 Whitmell School Road, we cannot connect the power to this property. There is no official dwelling on this site for power to be connected to.

There was a fire on this property that destroyed the existing single-wide mobile home on December 17, 2023. At the time of the fire, you were not the owner of the property. By the deed recorded, you recorded this property in your name on February 27, 2024.

On April 8, 2024, you applied for a permit to move a mobile home to the above property to replace the previously destroyed mobile home. At the time of the application, NO SAP was provided from the VA Health Department. Pursuant to the Code of Virginia § 32.1-165, prior approval is required before issuance of building permit; approved sewage system or nonconforming system. Without a SAP, the permit could not be approved. The fees for the permit were never received also due to this. This property also has delinquent taxes owed to the Treasurer Office. No permits can be issued with taxes owed on a parcel.

With regards to providing power to run the camper, that is not permitted. Pursuant to Pittsylvania County Zoning Code, Sec.35-87, section B, subsection 2) Such temporary residential use shall be allowed for a period not to exceed six (6) months with an active building permit issued to make the necessary repairs to the permanent residential structure damaged beyond the control of the owner. Unfortunately, this does not apply in this situation as you were not the owner at the time of the fire per the timeline.

The only path that I see to legally remedy this issue is:

- * Obtain a SAP permit from the Health Department providing proof of a functional sewer system and the capacity of the system for bedrooms.
- * Pay all delinquent taxes or fees owed to Pittsylvania County.
- * Submit a new complete application for the single-wide that you intend to place on the property and include all contractors that shall be performing the work.

Otis Vaughan Chief Building Official
Otis.vaughan@pittgov.org

11

PITTSYLVANIA

COUNTY, VIRGINIA

53 Main St.
Chatham, Virginia 24531
Phone (434) 432-7754

- * Submit a zoning application showing the location of the home on the property.
- * Pay all fees associated with the building permit and zoning permit
- * Complete the work and pass all inspections for set-up of the mobile home
- * Power can be connected at that time

In addition, I need to inform you of the nonconformities of this situation. The parcel of land located at 5405 Whitmell School Road (GPIN # 1480-73-2976), is zoned R-1. The previous existing single-wide mobile home was there and had no Special Use Permit provided for it. Pittsylvania County Zoning Code Sec. 35-223 requires a Special Use Permit for the placement of a single-wide manufactured/mobile home in a R-1 zoned area. Due to this being nonconforming, Pittsylvania County Zoning Code Sec. 35-161 states that: Any such use, activity or structure which is discontinued for more than two (2) years shall be deemed abandoned and shall thereafter conform to the provisions of this Ordinance relating to the district in which the same is situated.

Please provide the County with the process that you intend to move forward with.

Should you have any questions or wish to discuss this matter, please contact me at the following email:

Sincerely,



Otis Vaughan, CBO-Chief Building Official, Pittsylvania County, VA

AMENDMENT TO COMPLAINT

Virginia Judicial Inquiry and Review Commission
P.O. Box 367, Richmond, Virginia 23218

Complainant: Todd Ferguson, Pro Se
Property Address: 5405 Whitmills School Road, Dry Fork, Virginia 24549
Original Complaint Filed: May 18 2026

NOTICE OF AMENDMENT AND SUPPLEMENTAL STATEMENT

Complainant Todd Ferguson hereby amends his previously filed complaint with the Virginia Judicial Inquiry and Review Commission to include additional evidence and to clarify the procedural history of the building permit matter at 5405 Whitmills School Road, Dry Fork, Virginia 24549.

This amendment is submitted to provide the Commission with a complete and accurate record of the conduct complained of, including newly identified evidence of a functioning septic system predating the permit denial, and the dispositive procedural history of Complainant's Writ of Mandamus proceeding in Pittsylvania County Circuit Court.

Regarding the Health Department: The Virginia Department of Health was named as a respondent in Complainant's Writ of Mandamus proceeding. Prior to resolution of that matter, the Health Department filed an order with the Circuit Court withdrawing from the proceeding entirely. It is Complainant's position that the Health Department's withdrawal reflects its recognition that its involvement in the permit denial lacked legal authority and exposed it to significant liability. Having seen the weight of the evidence and the legal exposure, the Health Department wanted no further part in this matter.

Regarding Pittsylvania County: Unlike the Health Department, Pittsylvania County refused to acknowledge the impropriety of its conduct. Despite the Health Department's withdrawal removing the sole predicate for the permit denial, the County continued to obstruct Complainant's right to a building permit. The Circuit

Court thereafter dismissed Complainant's Writ of Mandamus against the County with prejudice — an outcome that, on these facts, served to shield the County from accountability rather than resolve the matter on its merits. A dismissal with prejudice, following the Health Department's own retreat from this matter, is not a neutral procedural outcome. It is a substantive ruling that permanently bars Complainant from pursuing mandamus relief against the County — relief to which Complainant was entitled.

This amendment attaches the following exhibits in support:

Exhibit 1 — Declaration of Todd Ferguson (signed and dated)

Exhibit 2 — Receipt, George Burnett, Septic System Service (2022)

Exhibit 3 — Receipt, Septic System Pumped (2024)

Exhibit 4 — Circuit Court Order, Withdrawal of Health Department from Writ of Mandamus Proceeding

Exhibit 5 — Circuit Court Order, Dismissal with Prejudice of Writ of Mandamus Against Pittsylvania County

DECLARATION OF MAY 2024 LOCAL APPEAL SUBMISSION

I, Todd Ferguson, do hereby declare and state as follows:

1. I am the owner of the real property located at 5405 Whitmill School Road, Dry Fork, VA 24549, and I am the applicant for the like-for-like residential structure replacement building permit filed on April 3, 2024.
2. In May 2024, following continuous verbal delays, conflicting directions, and shifting requirements from local building officials, I executed a formal local administrative appeal to challenge these arbitrary enforcement hurdles before the Local Board of Building Code Appeals (LBBCA).
3. In May 2024, I physically walked into the Pittsylvania County Department of Community Development & Building Inspections office located at 11 Court Place, Chatham, VA 24531.
4. I hand-delivered the completed physical copy of my local administrative appeal directly to Emily Ragsdale and the building department staff on duty.
5. Upon delivery, the department staff refused to log, process, or forward my paperwork to convene an LBBCA hearing. Instead, the agency intercepted my due process by demanding a \$200 local processing fee while failing to provide any administrative path or form for an indigent waiver, effectively freezing my statutory right to an appeal.
6. The 25-month delay in this matter is a direct result of the local agency's failure to process this hand-delivered appeal and their ongoing failure to act on the underlying application.

I declare under penalty of perjury under the laws of the Commonwealth of Virginia that the foregoing statement is true and correct to the best of my knowledge, information, and belief.

Executed on this 18th day of May, 2026.

Todd Ferguson, Appellant Pro Se



Matthews Sanitation Services, LLC.1226 Hudson Rd
Virginia, VA 24598

Phone: 434-575-1535 or 434-572-6098

INVOICE

Invoice #: 8505

Page Number: 1

Date: 02/28/22

Customer ID: Burnett

Bill to:Vance Burnett
5405 Whitnell Rd
Dry Fork, VA 24549**Ship to:**

Vance Burnett

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

Shipped Via	Terms	Due Date	P.O. Number
	Net 30	03/30/22	

Quantity	Description	Unit Price	Amount
1.00	Pump Septic Tank Fee	200.00	200.00
Total Sales Amount:			200.00
Shipping Amount:			0.00
Sales Tax Amount:			0.00
Invoice Total:			200.00
Less Discount Honored:			0.00
Less Payments Received:			-200.00
Total Due:			\$ 0.00

*** 5% Finance Charge will be added to all accounts not paid in full by the 28th of each month. **DAMAGE OR LOST UNITS:** Customer agrees to pay for any damage to or loss of the goods as an insurer regardless of the cause except reasonable wear and tear while the units are in his possession. The cost of the repair will be borne by the customer, whether performed by the contractor or at the contractor's option by others. Customer agrees to accept contractor's decision as to whether damage is repairable. Please note that on any insufficient funds payment, there will be a \$75.00 charge to your account.

HOLD HARMLESS: Customer agrees to assume the risk of and hold harmless for property damage and personal injuries caused by the units or arising out of a customer's negligence. ***Matthews Sanitation Services, LLC reserves the right to remove any units with past due amounts or more than 30 day without notice.***

Matthews Sanitation
 1226 Hudson Rd.
 Virgilina, VA 24598
 (434) 572-6098
 matthews_sanitation03@gmail.com

Receipt

Date May 29, 2024
 Paid \$250.00
 Payment Method Visa *2128
 Confirmation # 150710039033

Billing Address

Todd Ferguson
 5405 Whitmell School Rd
 Dry Fork, VA 24549

#	Invoice	Invoice Date	P.O.	Clerk	Payments	Outstanding Balance
1	12297	May 29, 2024		MF	\$250.00	\$0.00

Site: S918, 5405 Whitmell School Rd , Dry Fork , VA 24549

#	Item	Qty	Description	Rate	Amount	Tax	Amount w/ Tax
1	Pumped Septic Tank Fee	1	Pumped Septic Tank Fee	\$250.00	\$250.00	\$0.00	\$250.00
						Subtotal	\$250.00
						Tax	\$0.00
						Total	\$250.00

From

Todd Ferguson
 5405 Whitmell School Rd
 Dry Fork, VA 24549

To

Matthews Sanitation
 1226 Hudson Rd.
 Virgilina, VA 24598

Subtotal \$250.00
 Tax \$0.00
Payments \$250.00

Remaining Payment Balance \$0.00

VIRGINIA:

IN THE CIRCUIT COURT OF PITTSYLVANIA COUNTY, VIRGINIA

TODD FERGUSON,

Petitioner,

v.

PITTSYLVANIA COUNTY VIRGINIA,
Et al.

Respondents.

Case No.: CL24000802-00

MOTION AND CONSENT ORDER OF DISMISSAL WITHOUT PREJUDICE

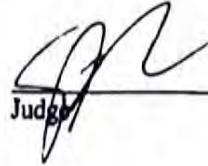
COMES NOW, Petitioner, Todd Ferguson and Respondents, Virginia Department of Health ("VDH") and Wesley Marshall, in his official capacity as an employee of VDH, and advise the Court that these parties have come to a resolution and therefore wish to voluntarily dismiss this matter against VDH and Wesley Marshall. Accordingly, Petitioner, Todd Ferguson and respondents VDH and Wesley Marshall move this Honorable Court to dismiss this action with regard to VDH and Wesley Marshall *without prejudice*.

UPON CONSIDERATION WHEREOF AND FOR GOOD CAUSE SHOWN, the Court is of the opinion that the motion should be granted.

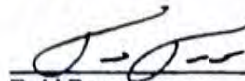
WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that any and all claims raised or contemplated in the above-captioned matter against respondents, Virginia Department of Health and Wesley Marshall, in his official capacity as an employee of VDH, are hereby DISMISSED WITHOUT PREJUDICE.

This matter shall remain active with regard to the remaining Respondents. Each party shall be responsible for payment of its own attorney's fees generated as part of the entry of this Order. The Clerk is further Ordered to provide a copy hereof to all counsel of record.

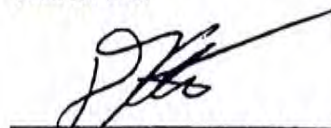
IT IS SO ORDERED:

 12-23-24
Judge

I ask for this:

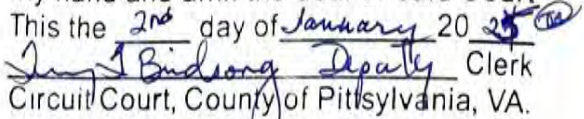

Todd Ferguson
749 FC Beverly Road
Dry Fork, Virginia 24549
(540) 355-9770
Fergusont844@gmail.com
Pro se - Petitioner

I ask for this:

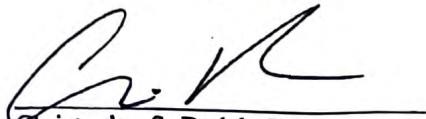

Darrell W. Kuntz, III (VSB: 95491)
Office of Attorney General
202 North 9th Street
Richmond, VA 23219
(804) 371-5207
dkuntz@oag.state.va.us

IN TESTIMONY, that the foregoing is a true copy taken from the records of said Court,

I, Angie R. Harris, Clerk thereof set my hand and affix the Seal of said Court

This the 2nd day of January 2025
 Clerk
Circuit Court, County of Pittsylvania, VA.

Seen and No objection :



Christopher S. Dadak, Esq.

Guynn Waddell, P.C.

415 S. College Avenue

Salem, VA 24153

(540) 387-2320

chrisopherd@guynnwaddell.com

*Counsel for Pittsylvania County Board of
Supervisors, Emily Ragsdale, Jason Inman,
J. Vaden Hunt, Esq., Vincent Shorter, and
Dave Arnold*

VIRGINIA:
IN THE CIRCUIT COURT OF PITTSYLVANIA COUNTY, VIRGINIA

TODD FERGUSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CL24000802-00
	)	
PITTSYLVANIA COUNTY	)	
BOARD OF SUPERVISORS, et al.	)	
	)	
Respondents.	)	

ORDER

On February 5, 2025, the parties to this action appeared to be heard on the demurrer and motion craving oyer filed on behalf of the respondents.

Having reviewed the pleadings, considered the authorities cited to the Court by counsel, considered the argument presented to the court at the hearing, and it appearing proper so to do, the Court is of the opinion and concludes that the respondents' demurrer should be sustained.

Accordingly, the Court does hereby ADJUDGE and ORDER that:

1. The respondents' motion craving oyer shall be and it hereby is GRANTED, and exhibits A and B to the motion are incorporated into the petition for a writ of mandamus;
2. The respondents' demurrer shall be, and it hereby is, SUSTAINED; and
3. The petition for a writ of mandamus shall be and hereby is DISMISSED WITH PREJUDICE.

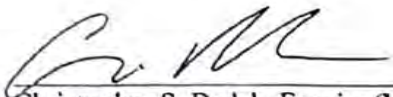
The petitioner's objections are noted and preserved. The Clerk is directed to furnish a certified copy of this Order to the pro se petitioner and to counsel of record for the respondents and shall strike this action from the active docket.

Enter this 7th day of February 2025.



Judge

We request the entry of this Order:



Christopher S. Dadak, Esquire (VSB No. 83789)
GUYNN WADDELL, P.C.
415 S. College Ave.
Salem, Virginia 24153
Telephone: 540-387-2320
Facsimile: 540-389-2530
ChristopherD@guynnwaddell.com

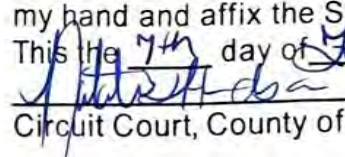
Counsel for Respondents

Seen and objected:

_____/signature waived pursuant to Rule 1:13_____

Todd Ferguson
749 FC Beverly Road
Dry Fork, Virginia 24549
Phone: 540-355-9770
Email: Ferguson844@gmail.com

Pro se

IN TESTIMONY, that the foregoing is a true
copy taken from the records of said Court,
I, Angie R. Harris, Clerk thereof set
my hand and affix the Seal of said Court
This the 7th day of Feb 2025
 Clerk
Circuit Court, County of Pittsylvania, VA.

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Documents Submitted
By
Pittsylvania County

(Page left blank intentionally)

W. Travis Luter, Sr., CBO

Secretary to the State Building Code Technical Review Board

Code and Regulation Specialist

Virginia Department of Housing and Community Development (DHCD)

804-371-7163

travis.luter@dhcd.virginia.gov

RE: Appeal No. 26-03(Ferguson)

To: State Building Code Technical Review Board

Mr. Travis Luter, Sr.

This letter is in response to Appeal No. 26-03 that was filed on May 15, 2026, by Mr. Todd Ferguson. Mr. Ferguson filed an appeal with the State Board for denial of a building permit, and he states that he was denied an appeal on the local level with the Board of Building Appeals.

I am currently the Chief Building Official for Pittsylvania County, VA. I, however, was not employed with the County at the time of the building permit process for Mr. Ferguson. I have gathered information concerning this case and I am providing such information as found not to duplicate existing materials that are currently provided to the Review Board.

Mr. Ferguson states that he was separated from his home and has not been allowed to move forward with a replacement. I have put together the timeline and information that is available to me concerning this process.

Mr. Ferguson filed an application on April 3, 2024, for the replacement of a mobile home destroyed by fire. A permit was started in the system, permit no. S24-04-31770. Mr. Ferguson was asked to provide a Virginia Health Department SAP (Safe, Adequate, and Proper) Permit verifying the septic system capacity and the functionality of the system. It is my understanding, also identified on June 4, 2024, letter from Jason Inman, that the local Health Department agreed to waive the \$150.00 fee for the SAP permit (**Exhibit A in Ferguson documents**). Mr. Ferguson refused to obtain a SAP permit. **Code of Virginia Section 32.1-165 requires prior approval before issuance of a building permit for a building designed for human occupancy.** The previous home was destroyed by a fire on December 17, 2023. A copy of that fire report is included in this documentation (**Exhibit I**). Per the fire report, the home was owned by Mr. Vance Burnette at the time and was occupied by Mr. Charles Powell, wife, and two children. This report does not reference Mr. Ferguson or give cause that he was displaced from his home due to the fire. Due to the total loss of the home and the response of fire department, there is no way to determine the number of bedrooms in the dwelling at the time and if there was any damage to the septic system. A SAP permit would verify this requirement.

BUSINESS SAVVY. PEOPLE FRIENDLY.

Otis Vaughan Chief Building Official
Otis.vaughan@pittgov.org

Mr. Ferguson references being displaced from his home due to the fire and not obtaining a building permit. I have attached a copy of the deed (**Exhibit II**) made on February 27, 2024, in which Mr. Ferguson did take ownership of the property located at 5405 Whitmell School Road, Dry Fork, VA 24549. The fire report and the deed appear to clearly show Mr. Ferguson was not the owner of the property on December 17, 2023, at the time of the fire. All records point to Mr. Ferguson, residing at 749 F C Beverly Road, Dry Fork, VA 24549 at the time.

In the Appeal package was a copy of a Declaration of May 2024 Local Appeal Submission (**Exhibit C in Ferguson documents**). The declaration was dated May 2026. The declaration states that Mr. Ferguson hand delivered an appeal request to the Pittsylvania County Department of Community Development, specifically to Emily Ragsdale, the Director at the time. A copy of the appeal letter (**Exhibit C-1 in Ferguson documents**) was presented to the State by Mr. Ferguson. Careful examination of the letter shows the origination date of Friday, September 27, 2024, as to the letter being written. This would be four (4) months after the time that Mr. Ferguson allegedly stated he delivered this letter to the Community Development Department. It should be noted that Mr. Ferguson's September 27, 2024 letter would have been more than thirty (30) days after the August 23, 2024 letter sent to him from then Code Official, Jason Inman.

Mr. Ferguson chose not to avail himself of the appeal process within the appropriate timeframe. Since that time, Mr. Ferguson has continued to not avail himself of the appeal process. However, Mr. Ferguson did file a Petition for Writ of Mandamus in the Pittsylvania County Circuit Court relating to this issue (which was eventually dismissed with prejudice – Exhibit IV).

More recently, Mr. Ferguson reached out again to see if I would move forward in a different direction. I provided the legal path that I see as the only way to move forward:

1. Obtain a SAP permit from the Health Department
2. Submit a new application with the correct information including contractors performing the work
3. Submit a zoning permit providing the location of the proposed new dwelling
4. Pay all delinquent taxes or fees that are owed the County. Code of Virginia 15.2-2286 Section B: Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer. County requires proof of payment before issuing permits.
5. Pay all fees associated with the building and zoning permits
6. Complete the work and pass all inspections
7. Power can be connected
8. Certificate of Occupancy can be obtained

Mr. Ferguson has also served as a notice of intent to file Federal Civil Action against the County (**Exhibit III**) if his demands were not met:

1. \$1,000,000.00 Cash
2. Immediate Electrical Release & Building Permit Issued
3. Permanent clearance of all tax and tag blocks

BUSINESS SAVVY. PEOPLE FRIENDLY.

Otis Vaughan Chief Building Official
Otis.vaughan@pittgov.org

This entire process could have been avoided simply by providing the proper, required documentation to obtain a building permit. As stated earlier, the Health Department had agreed to waive the fee for the SAP permit. The tank would have needed to be opened for inspection and upon approval, a SAP permit would have been provided. Along with the approved SAP and an approved building permit, this process could be completed by now. I was not an employee at the time of this process for Pittsylvania County, but I have assumed the role of Chief Building Official effective July 15, 2025.

The facts that I have included are to the best of my knowledge including documents and statements.

Respectfully,



Otis Vaughan

Chief Building Official

Pittsylvania County, VA

C: Vincent Shorter, County Administrator

Dave Arnold, Deputy County Administrator

Matt Evans, County Attorney

Pittsylvania County Fire Marshal Incident / Fire Report

Location of Incident	5405 Whitmell School Rd, Dry Fork Va 24549
Incident / CAD number	2023-047964
Date and Time of Incident	12/17/2023 08:56:54
Type of Incident	Structure Fire involving a mobile home
Investigator	Scott Hutcherson, PS2
Date & Time of Investigation	12/17/2023 10:32:16
Initial Fire Dept on scene & time	Tunstall Fire and Rescue 09:04:39
Officer in Charge	Chief Troy Talley

Firefighter Observations

The first firefighters arrived at 09:04:39 and reported a single wide mobile home fully involved in fire with exposures to a building and an automobile. Chief Troy Talley of the Tunstall Volunteer Fire and Rescue was in command of the scene. All occupants were out of the home and safe. The home was occupied by two adults and two children.

Owner Information

Vance Burnette

Address:

716 Constellation Dr, Axton Va 24054

Phone Number 434-836-2174

Insurance information:

Loudoun Mutual Insurance Co

Occupant Information

Charles Powell, wife and two Children

Address: Same as above

No renter's insurance

General Observations

When the firefighters arrived, they noted a fully involved single wide mobile home with two exposures, a garage building and an automobile. The occupant of the home was Charles Powell, he stated him, and his wife were asleep in the living room when they woke up to one of the chairs on fire. He stated that he and his wife got the children and escaped the home. He then stated that he had to run to one of the neighbor's homes to call 911. By the time he got back to his home it was fully involved in fire.

BUSINESS SAVVY. PEOPLE FRIENDLY.

EXHIBIT I

1 of 2
302

Causation Observations

We as the Fire Marshal's office completed our investigation on 12/17/2023. After interviewing the occupants getting their account of the events, we feel confident the fire started in one of the living room chairs. By their account they were asleep in the living room and woke up to one of the chairs being heavily involved in fire. The occupant stated that he was very concerned that one of the children could have been playing with a cigarette lighter causing the fire. The fire marshal's office sees this as a possible cause and origin, but we cannot scientifically prove it. The extreme damage to the home prevents us from pinpointing an exact cause or area of origin. Judging by the mass loss and damage we do feel strongly that the origin of the fire was in the living room area. There is no way of doing any arc mapping or electrical circuit tracing due to the damage. This fire is being ruled undetermined and unintentional.

Evidence Collected

We took numerous photos to document the scene and the evidence noted above during our investigation, but no physical evidence was taken.

Report Completed by

Scott Hutcherson, Deputy Director/ Fire Marshal

Pittsylvania County Public Safety

Phone 434-713-8777

Scott.hutcherson@pittgov.org

BUSINESS SAVVY. PEOPLE FRIENDLY.

- EXHIBIT I

2 of 2
303

CLR240000815

R. E. Tax Prcl Nos. 1480-73-2976 & 1480-74-4175 \$40,000.00 consid;
\$41,000.00 assd

Prepared by: Jeffrey S. Smith, Attorney-at-Law VSB #28096

Given to: Jeffrey S. Smith

Mail tax bills to: 5405 Whitmell School Road, Dry Fork, VA 24549

The existence of title insurance as to this property is unknown to
the draftsman. TITLE NOT EXAMINED BY DRAFTSMAN.

THIS DEED, made this 27th day of February, 2024, between George
Vance Burnette, married (Grantor), and Todd W. Ferguson, un married
(Grantee),

-WITNESSETH-

That for and in consideration of TEN DOLLARS (\$10.00) cash paid
by Grantee to Grantor, and other good and valuable consideration,
the receipt of which is hereby acknowledged, Grantor does hereby
bargain, sell, grant and convey, with GENERAL WARRANTY and ENGLISH
COVENANTS of Title, except as hereinafter set forth, unto Grantee,
all those certain lots or parcels of land, with improvements
thereon, lying and being in Pittsylvania County, Virginia, and more
particularly described as follows (the Property):

PARCEL NO. 1: LOT NO. 1A, CONTAINING 1.15
ACRES, more or less, fronting 200 feet, more or
less, on the northeastern margin of Whitmell
School Road (State Road No. 750), and more
particularly described as follows: BEGINNING
at a point on the northeastern margin of
Whitmell School Road (State Road No. 750) at a
point designated old iron, as shown on Plat
Showing Property of A. M. Perkins to be
conveyed to W. H. Gibson, dated June 7, 1972,

made by E. L. Moore, C.L.S., thence a line N. 41 degrees 06' E. 258 feet, more or less, to a point in the rear; thence a new line S. 51 degrees 27' E. 200 feet to a point; thence a new line S. 41 degrees 06' W. 250 feet to a point on the northeastern margin of Whitmell School Road (State Road No. 750); thence a new line along the northeastern margin of Whitmell School Road (State Road No. 750) N. 52 degrees 38' W. 27.18 feet to a point, thence continuing along the northeastern margin of Whitmell School Road (State Road No. 750) N. 51 degrees 16' W. 172.82 feet to a point, the point and place of beginning, and being substantially as shown as Lot No. 1A on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia (the "Clerk's Office"), in Deed Book 586, at page 728, to all of which reference is hereby made for a more specific description;

PARCEL NO. 2: LOT NO. 1B, containing 2.10 acres, fronting 30 feet on the northeastern margin of Whitmell School Road (State Road No. 750), as shown on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office in Deed Book 586, at page 728, to which reference is hereby made for a more specific description.

Parcels No. 1 and 2 BEING the same property conveyed to George Vance Burnette from Keith James Flinchum, unmarried, by deed dated April 9, 2021, recorded in the Clerk's Office on April 9, 2021, at page 0121, as instrument no. 21-02273.

This conveyance is made subject to all easements, conditions, restrictions and reservations appearing of record, or apparent on the ground, which affect the Property, and any judgments against Keith J. Flinchum.

This conveyance is being made to a Bona Fide Purchaser as defined in Virginia Code Section 64.2-100 et seq. and the Property is not to be included in any augmented estate of the Grantor.

WITNESS the following signature and seal:

 (SEAL)
GEORGE VANCE BURNETTE

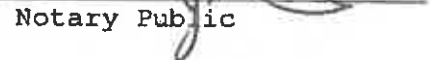
COMMONWEALTH/STATE OF VIRGINIA:

COUNTY OF PITTSYLVANIA:

The foregoing instrument was acknowledged before me this 27th day of February, 2024, by George Vance Burnette, married, Grantor.

My commission expires: September, 30, 2027.

Notary Registration No.: 158408


Notary Public

JEFFREY S. SMITH
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #158408
My Commission Expires 09/30/2027

INSTRUMENT 240000815
RECORDED IN THE CLERK'S OFFICE OF
PITTSYLVANIA COUNTY CIRCUIT ON
FEBRUARY 27, 2024 AT 03:49 PM
\$41.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$20.50 LOCAL: \$20.50
ANGIE R. HARRIS, CLERK
RECORDED BY: JCR

3

EXHIBIT II

3 of 3

306

Subject: URGENT: NOTICE OF INTENT TO FILE FEDERAL CIVIL ACTION - PRE-FILING SETTLEMENT OFFER

To: vince.shorter@pittgov.org CC: kaylyn.mccluster@pittgov.org, christopherd@guynnwaddell.com, contact@fiskgregorylaw.com, coby@warrenlawva.com, michael.taylor@pittgov.org, robin.goard@pittgov.org

Ms. McCluster: As Clerk to the Board, please ensure this formal notice is distributed to Chairman Robert Tucker and all Board members immediately.

Mr. Shorter:

Since you are new to your position, you need to understand the history of the legal and financial liability you have inherited. This letter is formal notice of my intent to file a Federal Lawsuit (42 U.S.C. §§ 1983, 1985, 1988) in the Danville Division this Monday morning, January 19, 2026.

I am fully aware of the Special Performance Review meeting and the subsequent departures of Vaden Hunt and others. While I accept these resignations as a necessary step for the County, they do not settle the damages I have suffered. The record of these events speaks for itself.

The Facts of the Case:

- **Void Orders & Color of Law: My rights were stripped using Void Orders from the General District Court. Mary Scott Swyers and James Osborne were the attorneys for Elkhorn who initiated these void orders and continued to have them enforced under the Color of Law, despite a clear lack of jurisdiction.**
- **False Imprisonment: I was illegally detained and imprisoned without lawful justification, a direct violation of my Fourth and Fourteenth Amendment rights.**

- EXHIBIT III

*1 OF 3
307*

- **Illegal Eviction & \$40,000 Loss (2021):** These jurisdictional violations and the actions of Swyers and Osborne resulted in the theft of \$40,000 in personal property and 40 days of forced homelessness. These events were not a mistake.
- **Attorney Misconduct:** My former counsel, Coby Warren, sat by and allowed these void orders to be used against me. Furthermore, Nancy Gregory and her firm (Frisk & Gregory) participated in these violations of due process.
- **Property Tax & Tag Harassment:** Commissioner of Revenue Robin Goard and the County continue to ignore standing judicial orders regarding my tax debt. By maintaining incorrect records and placing illegal blocks on my vehicle tags, the County is in ongoing defiance of the court.
- **Permit Harassment:** For 20 months, the County has illegally blocked my building permit at 5405 Whitmell School Road. This block is preventing me from having heat as I move into my residence.
- **Sheriff Non-Enforcement:** The Sheriff's Office has failed to enforce valid court orders in my favor while actively enforcing documentation issued without jurisdiction.

Settlement Demand: To avoid a public federal trial and the full exposure of these records, I will settle all claims for:

1. \$1,000,000 cash.
2. Immediate Electrical Release & Building Permit Issued.
3. Permanent clearance of all tax and tag blocks.

The Deadline: To "stop the clock" on this filing, you must contact me by the close of business Friday, January 16, 2026. I am open to a logical discussion and a mutual understanding if you wish to work out an agreement before this hits the Federal Court system. If I do not hear from you by Friday at 5:00 PM, the offer is withdrawn and I will file Monday morning.

Sincerely,

EXHIBIT III

Todd Ferguson

**749 fc beverly rd
Dry fork va. 24549
540 355 9770**

EXHIBIT III

3 OF 3

VIRGINIA:
IN THE CIRCUIT COURT OF PITTSYLVANIA COUNTY, VIRGINIA

TODD FERGUSON,

Petitioner, _____

V.

Case No. CL24000802-00

PITTSYLVANIA COUNTY

BOARD OF SUPERVISORS, et al.

Respondents.

ORDER

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Accordingly, the Court does hereby ADJUDGE and ORDER that:

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2. The respondents' demurrer shall be, and it hereby is, SUSTAINED; and
3. The petition for a writ of mandamus shall be and hereby is DISMISSED WITH PREJUDICE.

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Enter this 7th day of February 2025.



Judge

We request the entry of this Order:

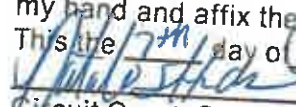

Christopher S. Dadak, Esquire (VSB No. 83789)
GUYNN WADDELL, P.C.
415 S. College Ave.
Salem, Virginia 24153
Telephone: 540-387-2320
Facsimile: 540-389-2530
ChristopherD@guynnwaddell.com

Counsel for Respondents

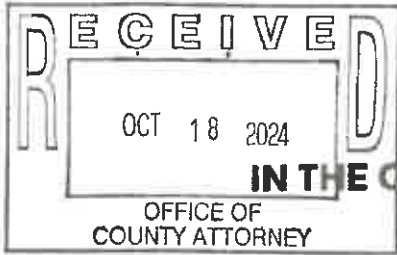
Seen and objected:

_____/signature waived pursuant to Rule 1:13_____
Todd Ferguson
749 FC Beverly Road
Dry Fork, Virginia 24549
Phone: 540-355-9770
Email: Ferguson844@gmail.com

Pro se

IN TESTIMONY, that the foregoing is a true
copy taken from the records of said Court,
I, Angie R. Harris, Clerk thereof set
my hand and affix the Seal of said Court
This the 7th day of Feb. 2025


Clerk
Circuit Court, County of Pittsylvania, VA.



IN THE CIRCUIT COURT OF PITTSYLVANIA COUNTY, VIRGINIA

TODD FERGUSON,

Petitioner,

v.

PITTSYLVANIA COUNTY VIRGINIA,

**Re: Community Development, Emily Ragsdale, Building Inspections, Jason Inman,
Health Department, Wesley Marshall County Attorney, Vaden hunt County
Administrator, Vincent Shorter Assistant administrator, Dave Arnold**

Respondent(s).

Case No. 12460080200

PETITION FOR WRIT OF MANDAMUS

COMES NOW the Petitioner, Todd Ferguson, by and through himself (pro se) and petitions this Honorable Court for a Writ of Mandamus to be issued against the Respondent(s), and in support thereof states as follows:

1. **PARTIES**

- Petitioner: Todd Ferguson, residing at 749 FC Beverly Road, Dry Fork, Virginia 24549.
- Respondent: Pittsylvania County,

re: Community development, Building inspections, Health department

Filed in the Clerk's Office of the Circuit
Court of Pittsylvania County 2:05
the 18 day of October 2024 at am/pm.
By: Angie R. Harris Clerk
Angie R. Harris Deputy Clerk

EXHIBIT IV

2. **JURISDICTION AND VENUE**

- This Court has jurisdiction to issue a Writ of Mandamus pursuant to Va. Code § 17.1-513.

- Venue is proper in this Court as the Respondent is located and the acts in question occurred in Pittsylvania County, Virginia.

3. **FACTUAL BACKGROUND**

- On or about the 3rd day of April 2024 Petitioner submitted a building permit application to place a three-bedroom mobile home on his property located at 5405 Whitmillschool Rd. Dr. Ford VA 24549

- The new mobile home would replace an existing three-bedroom mobile home, resulting in no increase in bedroom count or expected sewage flow.

- The existing mobile home has been removed due to a fire in December of 2023

- There are no signs of failure in the existing sewage disposal system on the property.

- Petitioner is not proposing any change to the location of the existing sewage disposal system.

- Respondent denied the building permit application, citing a need for a "safe, adequate, and proper" certification from the Health Department under Virginia Code § 35.1-165.

- Petitioner contends this requirement is misapplied based on the provisions of Va. Code § 35.1-165(C), which explicitly exempts his situation from requiring a SAP (safe adequate and proper) (**Exabit A**)

- Petitioner has made multiple attempts over [6-7] months to resolve this issue through meetings and a formal appeal letter. (**Exabit B**)

- Respondent failed to issue a formal denial in writing within the statutorily required timeframe, which is usually within 30 to 60 days, thus should have resulted in an automatic approval of the permit. (**Exabit C**)

- Respondent has threatened Petitioner with fines if he proceeds with the work.

- As a result of the denial, Petitioner has incurred significant financial hardship, including approximately \$700 per month in additional rent and \$500 per month in storage fees for the new mobile home, 20 hours of time @80 per hr., travel expenses at \$100 totaling approximately \$10,100.00 to date.

EXHIBIT IV

4 OF 9

4. **GROUNDS FOR MANDAMUS**

- Respondent has a clear legal duty to issue building permits that comply with applicable laws and regulations, including Va. Code § 35.1-165.

- Petitioner has a clear legal right to the issuance of the building permit because:

a. The permit application complies with all applicable laws and regulations.

b. Under Va. Code § 35.1-165(C), no safe adequate and proper is required for the replacement of a dwelling when:

i. There is no increase in flow,

ii. There is no change in the location of the existing sewage disposal system, and you are not building anything that would encroach upon the septic system.

iii. There are no signs of failure of the existing sewage disposal system.

c. Petitioner's replacement of a three-bedroom mobile home with another three-bedroom mobile home does not result in an increase in flow.

d. Petitioner is not changing the location of the existing sewage disposal system.

e. There are no signs of failure in the existing sewage disposal system on the property.

f. The existing mobile home was burned and has been removed from the property.

g. Respondent failed to deny the permit within the required timeframe, which should result in automatic approval.

- Petitioner has no other adequate remedy at law, as administrative appeals have been exhausted or made impossible due to financial constraints.

- The issuance of the permit is a ministerial act, not a discretionary one, once all legal requirements are met.

5. **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

a. Issue a Writ of Mandamus ordering the Respondent to immediately issue the requested building permit for the placement of the new three-bedroom mobile home;

EXHIBIT IV

5 0519

b. Declare that, pursuant to Va. Code § 35.1-165(C), no additional sewage disposal system permit or certification is required in this case, as there is no increase in flow, no change in system location, and no signs of system failure;

c. Order Respondent to cease any threats of fines or penalties related to this matter;

d. Award Petitioner damages in the amount of \$10,100 Dollars to compensate for the additional costs incurred due to the improper permit denial;

e. Award Petitioner costs and fees associated with bringing this action;

f. Grant such other relief as the Court deems just and proper.

LEGAL AUTHORITIES

The following authorities support this Court's power to issue a Writ of Mandamus and to provide the relief requested by the Petitioner:

1. **Jurisdiction and Power to Issue Writ of Mandamus**

a. Va. Code § 17.1-513 - Jurisdiction of circuit courts

- Provides circuit courts with authority to issue writs of mandamus

b. Gannon v. State Corp. Comm'n, 243 Va. 480, 416 S.E.2d 446 (1992)

- Establishes that mandamus is the proper remedy to compel performance of a ministerial act

2. **Building Permit Issuance**

a. Va. Code § 36-105 - Enforcement of Building Code; appeals from decisions of local department

- Outlines the process for building permit issuance and appeals

EXHIBIT IV

*6 OF 9
315*

- b. Va. Code § 35.1-165 - Permits for septic tanks and other sewage disposal systems
 - Specifically, subsection (C), which exempts certain dwelling replacements from requiring new permits

3. **Due Process in Administrative Proceedings**

- a. U.S. Const. amend. XIV, § 1 - Due Process Clause
 - Guarantees due process in state actions

- b. Va. Const. art. I, § 11 - Due process of law; obligation of contracts; taking or damaging of private property
 - Ensures due process rights under Virginia law

- c. Goldberg v. Kelly, 397 U.S. 254 (1970)
 - Establishes the right to a hearing before deprivation of certain property interests

4. **Access to Courts and Appeals**

- a. Boddie v. Connecticut, 401 U.S. 371 (1971)
 - Holds that due process prohibits a state from denying access to its courts solely because of inability to pay court fees

- b. M.L.B. v. S.L.J., 519 U.S. 102 (1996)
 - Reaffirms that access to judicial processes cannot be limited by ability to pay in certain fundamental rights cases

5. **Ministerial Duties of Government Officials**

- a. Richlands Medical Ass'n v. Commonwealth, 230 Va. 384, 337 S.E.2d 737 (1985)

- Defines ministerial acts as those which officials are required to perform in a prescribed manner without regard to his own judgment

6. **Damages in Mandamus Actions**

a. Va. Code § 8.01-644 - How judgment awarded in mandamus proceedings

- Allows for damages to be awarded in mandamus proceedings

These authorities collectively establish this Court's power to issue a Writ of Mandamus, compel the issuance of a building permit, address due process violations, and award damages in this case.

Respectfully submitted,



Todd Ferguson

749 FC Beverly Road

Dry Fork, Virginia 24549

5403559770

Fergusont844@gmail.com

Date:10/17/2024

EXHIBIT IV

VERIFICATION

I, Todd Ferguson, hereby state under oath that I have read the foregoing Petition for Writ of Mandamus and that the factual allegations contained therein are true and correct to the best of my knowledge, information, and belief.



Todd Ferguson

Sworn to and subscribed before me this 17 day of October, 2024.

Clifford B. Meadows / 301420

Notary Public

EXHIBIT IV

Documents Submitted
by
Todd Ferguson

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From: [todd ferguson](#)
To: [Luter, Travis \(DHCD\)](#)
Cc: [Otis C. Vaughan](#); [Rou, Brandon \(DHCD\)](#); [Scott, Christopher \(DHCD\)](#); [Vincent.Shorter@pittgov.org](#); [Dave.Arnold@pittgov.org](#); [matt@gravittlaw.com](#); [Heidi L. Jones](#)
Subject: Appeal No. 26-03 (Ferguson) — Petitioner's Written Objection to Evidence
Date: Tuesday, June 23, 2026 12:35:54 PM

Mr. Luter,

Please see Petitioner's Written Objection to Irrelevant and Unauthenticated Evidence Submitted by Respondent, below, regarding Appeal No. 26-03.

PETITIONER'S WRITTEN OBJECTION TO IRRELEVANT AND UNAUTHENTICATED EVIDENCE SUBMITTED BY RESPONDENT

VIRGINIA: BEFORE THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
IN RE: Appeal of Todd Ferguson — Appeal No. 26-03

Todd W. Ferguson, Pro Se
5405 Whitmell School Road
Dry Fork, Virginia 24549
Phone: 540-355-9770
Email: Fergusont844@gmail.com

Date: June 23, 2026

To: W. Travis Luter, Sr., CBO
Secretary to the State Building Code Technical Review Board
Virginia Department of Housing and Community Development (DHCD)

INTRODUCTION

Petitioner Todd Ferguson respectfully submits this written objection to certain evidence submitted by Respondent Pittsylvania County in connection with Appeal No. 26-03. The Staff Document identifies three specific issues for resolution by this Board: (1) whether the local appeal fee was required; (2) whether excavation of the septic distribution box and a SAP report were required; and (3) whether a building permit may be denied for delinquent property taxes. Petitioner objects to portions of Respondent's submitted exhibits as irrelevant to these three issues, and separately objects to the authenticity of one exhibit Respondent has relied upon.

OBJECTION 1: IRRELEVANT EVIDENCE NOT PERTAINING TO THE THREE ISSUES FOR RESOLUTION

Respondent's Response includes attached materials, including the Writ of Mandamus petition filed by Petitioner in the Circuit Court of Pittsylvania County (Case No. CL24000802-00) and the subsequent order dismissing that petition with prejudice. Petitioner does not object to the Board's awareness that this prior proceeding occurred, as it is part of the relevant procedural history. However, Petitioner objects to the extent Respondent offers this material, or argues

from it, for any purpose beyond establishing that the proceeding occurred and concluded as reflected in the order itself. The substantive merits of the building permit denial were never adjudicated in that proceeding, as set forth in Petitioner's Reply, and the circuit court's procedural ruling on a discretionary writ of mandamus is not evidence relevant to whether Respondent properly applied Virginia Code Section 32.1-165 or the Virginia Uniform Statewide Building Code to Petitioner's permit application. To the extent Respondent intends for this material to suggest that the substance of Petitioner's claims has already been judicially rejected, Petitioner objects, as that is not an accurate characterization of what the circuit court actually decided.

Petitioner further notes that Respondent's submission of the dismissal order, without including the related motion and order reflecting the Virginia Department of Health's withdrawal from that same proceeding, presents an incomplete procedural record. The Health Department was a named respondent in the Writ of Mandamus. An Assistant Attorney General of Virginia raised the prospect of withdrawing the Health Department from the proceeding, prepared the motion to do so, and sent it to Petitioner. Petitioner signed that motion, and the Assistant Attorney General filed it with the court. The Health Department was withdrawn without prejudice as a result. Petitioner is including that motion and order in his own update to the factual record before this Board, so that the Board has the complete procedural sequence: the Health Department's withdrawal without prejudice, initiated by the Commonwealth's own counsel, followed by the dismissal of the remaining claim against the county with prejudice. Petitioner objects to any reliance on the dismissal order in isolation, without the context of how and why the Health Department came to be withdrawn from that same case.

OBJECTION 2: UNAUTHENTICATED DOCUMENT REPRESENTED AS THE OFFICIAL FIRE MARSHAL INCIDENT REPORT

Respondent's Response identifies an attached document as the official Pittsylvania County Fire Marshal Incident Report concerning the fire at Petitioner's property on December 17, 2023, labeling it as Exhibit I. Petitioner objects to the authenticity of this document. The document bears no signature line for the investigating officer, the Fire Marshal, or any other county official, and does not bear any certification indicating it is a true and complete copy of an official record.

Petitioner has submitted a formal public records request to the county specifically requesting a certified copy of this report. Petitioner respectfully requests that this Board decline to rely on the document submitted as Exhibit I for any factual finding regarding the circumstances of the fire, the prior ownership or occupancy of the property, or Petitioner's standing to pursue this appeal, until and unless Respondent produces a properly authenticated, certified copy of this record.

RELEVANCE TO THE THREE ISSUES FOR RESOLUTION

None of the material addressed in this objection bears on the three issues the Staff Document has identified for the Board's resolution: the appeal fee waiver, the SAP and excavation requirement, and the delinquent tax basis for denial. Petitioner respectfully requests that the Board's consideration of this appeal be confined to evidence that is both authenticated and relevant to those three issues, and that the Board disregard or give no weight to the materials addressed above unless and until the deficiencies identified in this objection are cured.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Board:

1. Decline to give weight to Respondent's dismissal order from Case No. CL24000802-00 as evidence bearing on the merits of the permit denial, in light of the incomplete procedural record presented;
2. Decline to rely on the document submitted as Exhibit I as an authenticated Fire Marshal Incident Report until Respondent produces a certified copy; and
3. Limit its consideration of the evidentiary record to matters relevant to the three issues identified in the Staff Document.

Respectfully submitted,

Todd W. Ferguson, Pro Se
5405 Whitmell School Road
Dry Fork, Virginia 24549
Phone: 540-355-9770
Email: Fergusont844@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Written Objection has been served upon the following parties via electronic mail (email) on the date indicated above:

- Otis Vaughan, Chief Building Official, Pittsylvania County Community Development — Otis.vaughan@pittgov.org
- W. Travis Luter, Sr., CBO, Secretary, State Building Code Technical Review Board, Virginia Department of Housing and Community Development — travis.luter@dhcd.virginia.gov
- Brandon Rou, Virginia Department of Housing and Community Development — Brandon.Rou@dhcd.virginia.gov
- Christopher Scott, Virginia Department of Housing and Community Development — Christopher.Scott@dhcd.virginia.gov
- Vincent Shorter, County Administrator, Pittsylvania County — Vincent.Shorter@pittgov.org
- Dave Arnold, Deputy County Administrator, Pittsylvania County — Dave.Arnold@pittgov.org
- Matt Evans, County Attorney — matt@gravittlaw.com
- Heidi Jones, Pittsylvania County — Heidi.jones@pittgov.org

Todd W. Ferguson, Pro Se



COMMONWEALTH of VIRGINIA

Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

September 1, 2017

MEMORANDUM

TO: District Health Directors
Environmental Health Managers
Office of Environmental Health Services Staff
Onsite Soil Evaluators
Professional Engineers
Onsite System Operators and Installers
GMP #2017-03

THROUGH: Marissa J. Levine, MD, MPH, FAAFP
State Health Commissioner
for S.H. Mullins

THROUGH: Allen Knapp, Director
Office of Environmental Health Services
Allen L. Knapp

FROM: Dwayne Roadcap, Director
Division of Onsite Sewage and Water Services, Environmental Engineering
and Marina Programs
Dwayne Roadcap

SUBJECT: GUIDANCE MEMORANDA AND POLICY (GMP) 2017-03
Safe, Adequate, and Proper Reviews

PURPOSE: This policy establishes the procedure for processing a building official request for safe, adequate, and proper determination pursuant to Va. Code § 32.1-165.

SCOPE:

This policy identifies the minimum review and paperwork needed to process a request from a local building official pursuant to Va. Code § 32.1-165. The referenced Code section requires building officials to seek and obtain authorization from local health departments prior to issuing a building permit. Authorization to issue those permits rests upon a health department determination the existing or proposed onsite sewage system is safe, adequate, and proper for the subject building designed for human occupancy. Exceptions to this policy will require approval and consultation with the Office of Environmental Health Services (OEHS).

The Virginia Department of Health (VDH) receives numerous types of requests for onsite sewage inspections and some situations fall outside the scope of this policy. For example, this policy would not apply to multiple requests from a building official for a community-wide need, perhaps because of a natural disaster (flooding, tornado, or hurricane). Another possible example could be when multiple sewage systems are located close together as found in a mobile home park and there is a long history of failing sewage systems at the location. In these types of situations, processing an individual request from the building official may not protect public health or groundwater supplies unless historical failures were addressed on a community-wide scale. This policy also does not address evaluation procedures for a sewage system being sold through a real estate transfer or a sewage system being evaluated as part of a revised subdivision plat.

For pools, decks, garages, pole barns, sidewalk installations, and other structures not designed for human occupancy, the local building official may ask VDH to determine whether proposed construction will interfere with the existing sewage system's function. For these situations, VDH lacks authority to determine whether the sewage system is safe, adequate, and proper as contemplated by the Code. However, as a courtesy to the building official, and by request (see attachments 2a and 2b), VDH may process the request (see attachment 3b).

AUTHORITY:

Va. Code § 32.1-165, as amended and effective as of July 1, 2016, provides authority for the procedures outlined in this policy (see attachment 4). Va. Code § 32.1-165 states, "No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent." "Safe, adequate, and proper" means a treatment works that complies with the Board of Health's currently effective regulations. VDH may approve an older sewage system that does not comply with current regulations provided the sewage system (1) complies with the regulatory requirements in effect at the time of its installation, (2) is not failing, and (3) can be expected to function properly given its design and construction for the sewage flow and strength.

Additionally, Va. Code § 32.1-165 allows VDH to accept a certified evaluation from qualified private sector professionals. VDH may perform an inspection of the private sector professional's work, but is not required to do so. The law also allows an owner to voluntarily upgrade an existing onsite sewage system.

In accordance with Va. Code §§ 36-98 et seq., 32.1-12, and 32.1-163, VDH and the Virginia Department of Housing and Community Development (VDHCD) agreed to coordinate respective jurisdictional responsibilities through a memorandum of agreement (MOA). The current MOA states when a local building official asks VDH for a determination of "safe, adequate, and proper," VDH will apply the standards required by current regulations to evaluate the request (see Attachment 8). Current regulations represent the minimum standards necessary to adequately protect public health, the environment, and groundwater supplies.

Va. Code § 32.1-164.1:1 allows owners with failing sewage systems, or those who want to voluntarily upgrade their sewage system the option to request a waiver from

additional treatment and/or pressure dosing. The Commissioner shall grant any request for such waiver, unless the Commissioner finds the failing system was installed illegally without a permit. Any such waivers shall be recorded in the land records of the clerk of the circuit court in the jurisdiction in which the property on which the relevant onsite sewage system is located.

BACKGROUND:

When a property owner wants to construct a building for human occupancy, such as replace a mobile home, construct an addition to an existing dwelling, or replace a damaged or destroyed home, the owner must first obtain a building permit from the local building official. The local building official will ask VDH whether the existing sewage system is acceptable (or “safe, adequate, and proper”). In many cases, the sewage system does not comply with current health department regulations as the sewage system installation was completed under prior, less stringent requirements.

As a result, some property owners could spend considerable money to upgrade the existing sewage system to comply with current regulations, even though the owner could continue using the old sewage system (without change) but for the request for a new building permit. The amendments to Va. Code § 32.1-165 provide VDH discretion to approve an older sewage system as nonconforming to the current regulatory standards, provided the status quo remains the same (i.e., there is no change in sewage flow or strength; the sewage system was installed in accordance with regulations in effect at the time of installation; the sewage system is not failing; and the sewage system can be expected to function properly).

PROCEDURAL OUTLINE:

Staff is encouraged to work with respective local building departments to ensure excellent customer service and proper implementation of the Code and this policy. See attachment 1 for a business flow path for processing requests pursuant to Va. Code § 32.1-165; requests are expected to be processed within 15 business days of receipt as follows:

1. The local health department (LHD) receives a request from the local building official for a review pursuant to Va. Code § 32.1-165. See attachment 2a.
 - a. Upon receipt of the request, if unaccompanied by an application from the property owner, LHD must contact the property owner to obtain the owner’s permission for review. See attachment 2b.
2. LHD receives an application from the property owner for a review pursuant to Va. Code § 32.1-165. See attachment 2b.
 - a. The request from the building official and the application from the property owner (or agent) provides authority for review pursuant to Va. Code § 32.1-165 and grants permission for staff to enter the property and perform required evaluation.

- b. If the application is incomplete, staff must deny the application by notifying the owner in writing. The denial must explain the reasons why the application is incomplete and provide an opportunity to appeal. The owner can resubmit a new application at any time. See attachment 5.
 - c. If the request and application indicates a subject structure is not designed for human occupancy, staff should contact the local building official. In the event the building official confirms the proposed structure is not designed for human occupancy, staff can use attachment 3b for the response.
- 3. After receiving the request from the building official and the property owner (or agent), staff should complete a review of paper and electronic records within two business days of receiving a complete application. Staff must also request copies of septic tank pumping records or operation and maintenance (O&M) records for the onsite sewage system, if available.
 - a. If the application is complete and does not contain supporting work from a licensed private sector professional, staff must schedule a site visit at a date and time acceptable to the property owner (or agent). As best practice, office support staff should schedule the site visit when the property owner (or agent) submits the completed application to the local health department.
 - b. If the application is complete and contains a certified private sector evaluation as authorized by the Code¹, VDH may perform a field inspection of the private sector work before issuing an approval, but an inspection is not required. Review of private sector work should be consistent with guidelines established in GMP #2017-01 or successor policy, meaning at least 10% of each licensee's work will be evaluated by completing a Level 2 (field) review. Staff is expected to process requests and complete applications within 5 business days of receipt when accompanied by a supporting private sector certified evaluation, unless the property owner (or agent) agrees to a different timeframe. Completion of attachment 3a constitutes a certified evaluation.

For commercial and multi-family dwellings greater than 1,000 gallons per day in design flow, the property owner must submit a certified evaluation from a private sector professional; otherwise, the application is incomplete.

- c. For conventional onsite sewage system requests without supporting work from the private sector, at a minimum, the property owner must uncover the septic tank and

¹ In accordance with Va. Code § 32.1-165, staff may accept certified evaluations from (i) a professional engineer licensed pursuant to Chapter 4 of Title 54.1; (ii) an onsite soil evaluator, onsite sewage system operator, or onsite sewage system installer licensed pursuant to Chapter 23 of Title 54.1; (iii) or other individual with an appropriate certification from the National Sanitation Foundation, or equivalent for "safe, adequate and proper."

distribution box for inspection, unless the property owner requests and receives a waiver from this policy expectation using the application provided in Attachment 2b. If the owner believes uncovering the septic tank and distribution box would create a financial or other hardship, the property owner may request an exemption. If the owner has a licensed private sector professional assist with locating and uncovering the system they can submit a private sector evaluation as previously mentioned and a VDH site visit may not be needed.

The EH Manager, Supervisor, Technical Consultant or EHS Senior may grant a waiver from uncovering components on a case-by-case basis. Staff may consider an exemption for the following reasons:

1. The owner has O&M records within the past 5 years of the request for a building permit.
2. The owner reports uncovering system components would likely cause damage to system components or would be too costly.
3. The owner has accurate field measurements for the location of the septic tank and distribution box.
4. Other hardships outweigh the benefit of an inspection of the system components.
5. Other facts indicate an inspection of the system components is not necessary (e.g., the sewage system is less than 5 years old; the tank was recently pumped; accurate records exist, etc.).

Prior to the site visit, staff should make reasonable efforts to locate and obtain any previous records for the sewage system. Staff should provide any records found to help the owner locate system components. When a record of approval exists for the sewage system, that approval and permit remains effective until the system fails or there is a change in effluent flow or strength.

Lack of records does not automatically indicate the sewage system was installed without a permit and should not be used as the sole reason for denying a request pursuant to Va. Code § 32.1-165.

If the sewage system is more than five years old and the owner has no inspection or septic tank pumping records, staff should recommend the owner pump the septic tank, unless other facts dictate pumping is unnecessary.

4. If the owner uncovers the septic tank and distribution box for inspection, staff shall observe the septic tank and distribution box's condition and require repairs or recommend voluntary upgrades using best practices and professional judgment. Staff must notify the owner in writing if a repair is required (see attachment 6).
 - a. During the site visit, staff must create an accurate field sketch with "triangulated" measurements to locate system components (see attachments 3a and 3b) to the extent possible. Staff may, but is not required to, perform a site and soil evaluation to

determine the depth to soil-limiting features. All field measurements, soil evaluation observations, and site sketches shall be provided to the owner with the agency's case decision to approve or deny the request.

Using attachment 3a or 3b, depending whether the request is associated with a structure designed for human occupancy, staff must estimate the number and length of percolation trenches and update electronic records in the Virginia Environmental Information System (VENIS) database for the property (see attachment 7).

- b. If prior records document compliance with current regulations for dispersal of septic tank effluent and staff determines (1) the sewage system is not failing,² (2) was installed in accordance with the regulation in effect at the time of its installation, (3) there is no increase in effluent strength or flow, and (4) the sewage system can be expected function properly, then staff shall approve the request as "safe, adequate and proper" (complies with current regulations) using Attachment 3a (for requests associated with human occupancy) or Attachment 3b (for requests not associated with human occupancy).
- c. If sufficient information to determine whether the sewage system complies with current regulations is unavailable (i.e., unknown depth to limiting features, unknown depth of system installation, etc.), or where staff determines the sewage system does not comply with current regulations, then staff must approve the request as "non-conforming," provided (1) the sewage system is not failing, (2) was installed in accordance with the regulation in effect at the time of its installation, (3) there is no increase in effluent strength or flow, and (4) the sewage system can be expected function properly. Approval should be documented by using Attachment 3a (for requests associated with human occupancy) or Attachment 3b (for requests not associated with human occupancy).
 - i. With respect to horizontal separation distances to structures already installed at the time of the site visit (shed, gazebo, sidewalk, playground set, or other landscaping feature over the footprint of the dispersal field), staff must note whether those structures could potentially have a negative impact on the proper function or ability to perform O&M. However, these features would not normally result in a denial (see paragraph 4.d below), and staff could approve the sewage system as "nonconforming" to the current regulations.

² 12VAC5-610-350. Failure of a sewage disposal system. For the purpose of requiring correction of a malfunctioning sewage disposal system the presence of raw or partially treated sewage on the ground's surface or in adjacent ditches or waterways or exposure to insects, animals or humans is prima facie evidence of such system failure and is deemed a violation of these regulations. Pollution of the groundwater or backup of sewage into plumbing fixtures may also indicate system failure.

- ii. If staff finds an existing (unpermitted, prior to 1990) well is insufficiently offset from the existing sewage system, staff should note the horizontal separation, and make appropriate recommendations with respect to testing or relocating the drinking water source. Unless a regulatory violation exists (see paragraph 4.d below), then staff may approve the use as nonconforming.
- iii. A property owner may voluntarily upgrade the sewage system if desired.
- d. If staff determines facts warrant denial of the request for “safe, adequate and proper,” staff must issue a Notice of Alleged Violation (NOAV) accurately describing and explaining why observations indicate the property owner may be violating applicable regulation and law, and provide the property owner with a right to appeal. The owner may file a new application to repair or replace the existing sewage system, or appeal the adverse decision, in accordance with the NOAV and denial for safe, adequate and proper pursuant to Va. Code § 32.1-165.

Upon approval of a repair, staff may provide a copy of the construction permit to the local building official and issue an approval using Attachment 3a or 3b. The property owner may also request the system be evaluated according to current regulations. For systems without documentation, this requires a new site and soil evaluation.

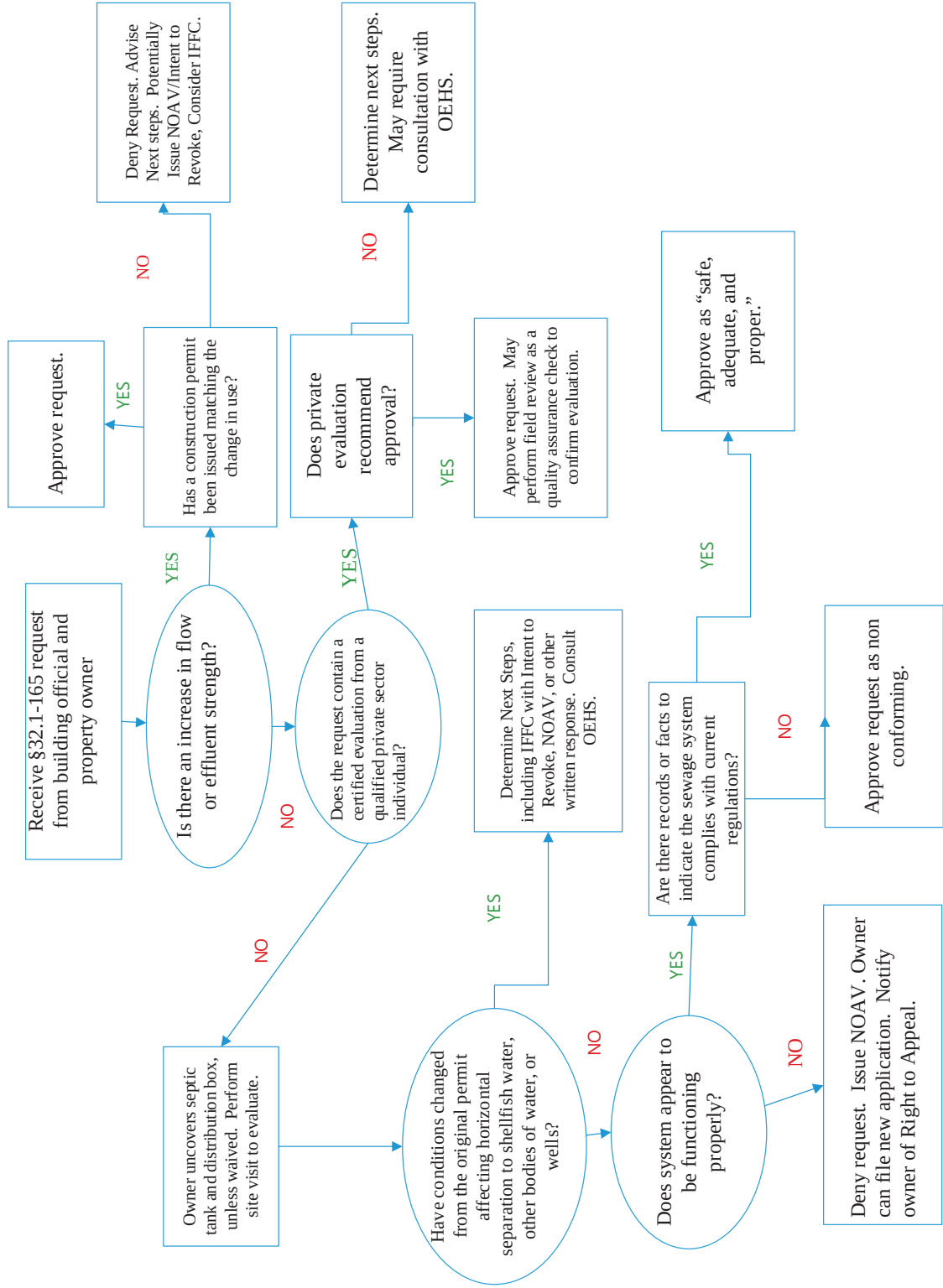
- 5. For an alternative discharging sewage system or an alternative onsite sewage system (AOSS), the owner should supply the most recent O&M records. If the request is within 12 months of the most recent operator report indicating the system is functioning properly, a site visit by VDH staff is not necessary. Staff should perform a site visit in accordance with guidelines established in GMP #2017-01 or successor policy, meaning at least 10% of each licensee’s work will be evaluated by completing a Level 2 (field) review. Upon review, staff may approve the system, either as “non-conforming,” or meeting current regulations, depending on the facts gathered from the files.

If no current operator report for the alternative discharging system or alternative onsite sewage system is available, staff must deny the request and provide the owner with a NOAV.

- Attachment 1 - Flow Chart: SAP Review of an Existing System
- Attachment 2a - Request from local building official
- Attachment 2b - Application from property owner
- Attachment 3a - Evaluation Form (designed for human occupancy)
- Attachment 3b – Evaluation Form (not designed for human occupancy)
- Attachment 4 - Virginia Code § 32.1-165
- Attachment 5 - Denial letter
- Attachment 6 - NOAV letter
- Attachment 7 - Screenshot of data entry requirements for VENIS
- Attachment 8 - MOA between VDHCD and VDH

Attachment 1

Flow Chart: Review of Existing Systems



Attachment 2a: **Application for Health Department Review from Building Official**



Request for Health Department Review

Building/Zoning Department Use Only:

The _____ (County/City) Building and/or Zoning Department hereby requests that the Virginia Department of Health evaluate the onsite sewage system and/or water supply on the property described below to determine whether:

The existing onsite sewage disposal system is safe, adequate and proper (SAP) for the proposed use (see §32.1-165 of the *Code of Virginia*). Note: This block can only be marked if the structure is designed for human occupancy.

The proposed use will encroach upon the existing onsite sewage disposal system and/or water supply.

Other or Comments:

Attachments (sketch, building plans, plat)

Building/Zoning Official Signature: _____

Date: _____

Note: This written application is not required if an electronic process is already in place for the local building official to request a SAP evaluation from the local health department.

Attachment 2b: Request for Health Department Review
To Be Completed By Property Owner Or Agent:

Owner Name: _____ Home Telephone: _____
Mailing Address: _____ Office Telephone: _____
e-mail address: _____ Cell Phone: _____

Agent Name: _____ Home Telephone: _____
Mailing Address: _____ Office Telephone: _____
e-mail address: _____ Cell Phone: _____

Property Location (provide directions from local health department):

Tax Map: _____ PIN # _____
Subdivision Name (if applicable): _____ Lot # _____

Current Use (include # of Bedrooms): _____
Proposed Use (include # of Bedrooms): _____

Please attach any recent records of onsite system (Pump-outs, or Operation and Maintenance Reports).

Has property been occupied during previous 30 day period: Y or N

The septic tank and distribution box are uncovered for inspection: Y or N Components will be uncovered by _____ (date).
(To prevent potential damage to the system VDH recommends homeowners first contact Miss Utility for marking any underground utilities. The septic tank and distribution box should be carefully excavated by hand.)

Uncovering the septic tank and distribution box would cause an undue hardship: Y or N If Y reasons for hardship:

(Examples of hardship: system is relatively new, recently pumped, accurate records exist, or excavation would likely damage components.)

Related Building Permit #: _____ Health Department I.D.#: _____

PLEASE READ CAREFULLY:

This report is only intended to address the above referenced request and does not address evaluation procedures for sewage systems being sold through real estate transfers, or systems and water supplies being re-used as part of a subdivision process. This document specifically addresses VDH's implementation of § 32.1-165 of the Code of Virginia and is not to be used for any unauthorized use.

The property boundaries and building locations are clearly marked or identified at the property. I give permission to the Virginia Department of Health to enter the property described, if necessary, for the purpose of processing this application. An accurate sketch of the property, existing structures, wells, sewage disposal systems, and proposed structure(s) is attached.

Owner/Agent Signature: _____ Date: _____

Attachment 3a:

Findings:
Review pursuant to Va. Code § 32.1-165

Name: _____

Phone Number: _____

Subdivision: (If Applicable) _____ **Section:** _____ **Lot:** _____

Physical Address: _____

Is the existing onsite sewage system safe, adequate and proper or approvable as nonconforming for the proposed use?

☐ **(YES)** Comments: _____

☐ **(NO)** Comments: _____

Other Comments:

Please note that each evaluation is based on a case by case basis and may or may not include a Department site visit. There is no guarantee given or implied that this sewage disposal system will continue to function properly in the future. In the event of a sewage disposal malfunction, the owner will be responsible for any repairs or other actions deemed necessary by the Department to correct the situation.

Turn Document Over for Site Sketch and Signature.

Site Sketch:

SIGNATURE: _____
DATE: _____

An owner may challenge a denial by requesting an Informal Fact-Finding Conference (IFFC) within 30 days of receipt of a decision. All requests for an IFFC must be sent in writing to the District Health Director and cite the reason or reasons for the request.

Attachment 3b: **Findings and Worksheet for a Courtesy Review of Building Plans not designed for Human Occupancy**

Name: _____

Phone Number: _____

Subdivision: (If Applicable) _____ Section: _____ Lot: _____

Physical Address: _____

Section 1 Courtesy Review:

For pools, decks, garages, pole barns, sidewalk installations, and other structures not designed for human occupancy, the local building official may ask VDH to consider whether proposed construction could impact the existing sewage system's function. For these situations, VDH lacks authority to determine whether the sewage system is safe, adequate, and proper as contemplated by the Code. However, as a courtesy to the building official, and by request (see attachments 2a and 2b), VDH may process the request.

Comments: _____

There is no guarantee given or implied that the proposed construction will not interfere with any components of the sewage disposal system and/or water supply. The Department is simply performing a courtesy review for the locality to try and identify any potential conflicts based on information available. In the event of damage to a sewage disposal system or well during construction, the owner will be responsible for any repairs or other actions deemed necessary by the Department to correct the situation.

Turn Document Over for Site Sketch and Signature.

Site Sketch:

Health Department Official Signature:

NAME: _____ SIGNATURE: _____

DATE: _____

Attachment 4: **Copy of Va. Code § 32.1-165**

“§ **32.1-165**. Prior approval required before issuance of building permit; approved sewage system or nonconforming system.

- A. No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of such permit has been approved by the Review Board. "Safe, adequate, and proper" means a treatment works that complies with applicable regulations of the Board of Health that are in effect at the time of application.
- B. The Commissioner shall develop an application and procedure for evaluating an installed treatment works and to determine whether to authorize issuance of a permit for a building designed for human occupancy.
- C. Nothing in this section shall be construed to prevent the Commissioner or his agent from approving the use of a nonconforming treatment works, provided the treatment works was installed in accordance with the Board of Health's applicable regulations in effect at the time of its installation, is not failing, and is designed and constructed for the sewage flow and strength expected from the building.
- D. Nothing in this section shall be construed to prevent an owner of real property from receiving a voluntary upgrade pursuant to § **32.1-164.1:3**, or other permit, as a condition of approval as a nonconforming treatment works.
- E. The Board, Commissioner, and Department may accept a certified evaluation from (i) a professional engineer licensed pursuant to Chapter 4 of Title 54.1; (ii) an onsite soil evaluator, onsite sewage system operator, or onsite sewage system installer licensed pursuant to Chapter 23 of Title 54.1; (iii) or other individual with an appropriate certification from the National Sanitation Foundation, or equivalent. The Department may perform an inspection of the certified evaluation but shall not be required to perform a field check prior to the issuance of the written authorization in subsection A.”

Attachment 5:

Denial Letter

Page 1 of 2

<LHD address>

<Date>

<owner>

<owner address>

Certified Mail _____

RE: <property address>

Dear <owner>:

This letter is to inform you that _____ has evaluated your request for a Safe, Adequate, and Proper (SAP) review pursuant to Va. Code § 32.1-165 filed on _____. Unfortunately, we are not able to approve the request for the following reason(s):

{INSERT REASONS, i.e.,

The onsite system is not designed for the expected flows.
The proposed building plan does not meet setback requirements for the septic system.
The existing onsite system appears to be failing.}

This decision is based on the information filed with your application and the request from the local building official. You have the right to appeal this decision. If you wish to appeal, you can submit your request to _____ at _____ within **thirty (30) days** from the date you receive this letter. Please include any facts or other data that would support your appeal.

If you have any questions or if this office may be of further service, please let us know.

Sincerely,

Environmental Health Specialist

CC: Building Official

Attachment 6: **Draft NOAV Letter**

**COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF HEALTH**

<LHD address>

<Today>

NOTICE OF ALLEGED VIOLATION

<OwnerName>

<OwnerMailingAddress>

<OwnerMailingCity>, <OwnerMailingState> <OwnerMailingZip>

Re: (Physical Address, Location, Lot#, Tax Map #, ect)

Certified Mail

Dear <OwnerName>:

This Notice is to inform you that the <FacilityLocationCounty> County Health Department ("local health department") has observed certain conditions on your property that may constitute threats to public health and the environment. The following observations form the basis for the issuance of this notice:

On (**insert date**), _____, Environmental Health Specialist with the local health department conducted an inspection of your sewage treatment system ("system") _____. The inspection revealed:

- The system appeared to discharge untreated or partially treated sewage effluent into the waters of the Commonwealth and not operating in accordance with the effluent limitation set forth in your general permit.
- Aerator appeared to not be functioning properly.
- Aerator missing.
- No disinfectant tablets were provided in the chlorinator.
- etc.
- Your current operation permit appears to have expired on _____.
- It appears that a valid monitoring contract is not provided.
- It appears that a valid maintenance contract is not provided.
- The local health department has not received required monitoring and maintenance reports.

These observations, if verified, constitute real or potential threats to public health and to the ground and surface waters of the Commonwealth.

This notice is to remind you that it is your responsibility, as owner of your property, to operate the facilities in accordance with the applicable laws and regulations of the State Board of Health

("Board"). The Sewage Handling and Disposal Regulations (12 VAC 5-610-20 et seq., the "Regulations") and the Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings Regulations (12 VAC 5-640-20 et seq., "Discharging Regulations") which contain the following provisions:

12 VAC 5-610-80. Sewerage systems and/or treatment works required.

A. The discharge of untreated sewage onto the land or into the waters of the Commonwealth is prohibited.

B. No owner, person, or occupant shall discharge treated or untreated sewage onto the land, into the soil or into the waters of the Commonwealth without a valid permit from the commissioner or, as appropriate, a certificate issued by the Department of Environmental Quality in accordance with Title 62.1 of the Code of Virginia.

C. All buildings, residences, and structures designed for human occupancy, employment or habitation and other places where humans congregate shall be served by an approved sewerage system and/or treatment works. An approved sewerage system or treatment works is a system for which a certificate to operate has been issued jointly by the department and the Department of Environmental Quality or a system which has been issued a separate permit by the commissioner.

12 VAC 5-610-350. Failure of a sewage disposal system. *For the purpose of requiring correction of a malfunctioning sewage disposal system the presence of raw or partially treated sewage on the ground's surface or in the adjacent ditches or waterways or exposure to insects, animals or humans is prima facie evidence of such system failure and is deemed a violation of these regulations. pollution of the groundwater or backup of sewage into plumbing fixtures may also indicate system failure.*

12 VAC 5-640-430.A. Performance requirements. Discharge limits. *All systems operated under this chapter shall meet the effluent limitations set forth by the State Water Control Board in the General Permit.*

12 VAC 5-640-220.B. Permits; general. *Operation permit required. Except as provided in 12 VAC 5-640-310, no person shall place a discharging system in operation, or cause or allow a discharging system to be placed in operation, without obtaining a written operation permit.*

12 VAC 5-640-220.D. Permits; general. *Operation permit validity. Except as provided for in 12 VAC 5-640-280, operation permits shall be valid for a period of time not longer than the General Permit and the maintenance contract required pursuant to 12 VAC 5-640-500 B or the monitoring contract required pursuant to 12 VAC 5-640-490 F, whichever expires first. The operation permit may be renewed upon written proof of a new or renewed maintenance contract or monitoring contract provided they are all valid for not less than 24 months. The period of renewal shall coincide with the expiration date of the document with the shortest period of validity.*

12 VAC 5-640-490.A. Monitoring. General. *Discharging systems that discharge improperly treated effluent can endanger public health and threaten environmental resources. All discharging*

systems shall be routinely inspected and the effluent sampled to determine compliance with the effluent limitations set forth by the State Water Control Board in the General Permit. All testing requirements contained in this chapter are the responsibility of the system owner to have collected, analyzed, and reported to the department.

12 VAC 5-640-490.F. Monitoring. *Monitoring contract. In order to assure monitoring is performed in a timely and competent fashion, the owner of each system shall have a contract for the performance of all mandated sampling with a person capable of performing the sampling and analysis of the samples. This requirement may be met by including the performance of all testing and monitoring as part of the maintenance contract in accordance with 12 VAC 5-640-500 C 1. Failure to obtain or renew a monitoring contract shall result in the suspension or revocation of the operation permit as described in 12 VAC 5-640-280. When the district health director or the sanitarian manager find that the homeowner is capable of collecting and transporting samples to an approved laboratory in compliance with this chapter, the requirement for having a valid monitoring contract may be waived. Waiving of this requirement shall be done only on an individual basis and shall reflect the competency of the individual based on professional, training, or other educational experience. In the event the individual for whom this section is waived fails to collect three or more of any of the required samples in any five-year period, the district sanitarian or the health director may reinstate the requirement for a monitoring contract.*

12 VAC 5-640-500.A. Maintenance. *General. Due to the potential for degrading surface water and ground water quality or jeopardizing the public health, or both, routine maintenance of discharging systems is required. In order to assure maintenance is performed in a timely manner a maintenance contract between the permit holder and a person capable of performing maintenance is required.*

12 VAC 5-640-500.B. Maintenance. *Maintenance contract. A maintenance contract shall be kept in force at all times. Failure to obtain or renew a maintenance contract shall result in the suspension or revocation of the operation permit as described in 12 VAC 5-640-280. The operation permit holder shall be responsible for ensuring that the local health department has a current copy of a valid maintenance agreement. When a maintenance contract expires or is canceled or voided, by any party to the contract, the owner shall report the occurrence to the local health department within 10 work days.*

12 VAC 5-640-510. Information to be reported.

A. Who is responsible for reporting. All owners issued an operation permit for a discharging system are responsible for reporting the results of all mandated testing to the department.

B. What must be reported. All formal compliance testing, informal testing, repairs, modifications, alterations, expansions and routine maintenance must be reported.

C. When reports are due. All reports and test results must be submitted within 15 working days of the sample collection.

D. Where to report results. All reports and test results shall be submitted to the local or district office of the health department. When formal testing indicates a discharge limit established in the General Permit is being exceeded or when informal testing indicates a discharging system may be in violation of the General Permit requirements, the maintenance provider shall be notified by the owner within 24 hours.

12 VAC 5-640-520. Failure to submit information. *Failure to conduct mandatory monitoring or to report monitoring results as required in 12 VAC 5-640-490 and 12 VAC 5-640-510 may result in the suspension or revocation of the owner's operation permit.*

Violations of the Regulations and Discharging Regulations may result in enforcement actions provided under Title 32.1 of the ***Code of Virginia***.

The local health department recommends that you take the following steps within the timeframes described to mitigate the effects of potential sewage discharge:

Immediately cease discharging untreated or partially treated sewage onto the ground or water of the Commonwealth.

Immediately contract with an individual who holds a valid Sewage Handling Permit from the Virginia Department of Health to pump and haul out the sewage system and dispose of the contents on an emergency basis in accordance with section 12 VAC 5-610-599.1 of the *Regulations*.

Immediately treat the ground surface that has been exposed to raw or partially treated sewage with a layer of lime in order to destroy any remaining pathogenic microorganisms and to reduce odors.

I should advise you that, while the Virginia Department of Health ("VDH") and the State Health Commissioner ("Commissioner") has not made a decision on whether to initiate enforcement action against you at this time, your failure to institute the recommendations above may affect further investigation and potential enforcement by the Commissioner and VDH.

This notice sets forth the local health department's observations and recommendations, but it is not a case decision as defined in §2.2-4001 of the *Code of Virginia*. If you have additional facts that you believe bear on this situation and you would like to schedule an informal-fact finding conference pursuant to §2.2-4019 of the *Code of Virginia*, please contact <manager>, Environmental Health Manager at <phone number> within fifteen (15) days of the receipt of this notice. Bear in mind should you fail to attend any scheduled IFFC absent good cause, the Health Director may issue an adverse case decision.

Sincerely,

<EHS>

Environmental Health Specialist

CC: <FacilityLocationCounty> County Commonwealth Attorney

<Director>Director Health District

Attachment 7: Data entry requirements for VENIS.

For entry of SAP request where no system information is currently in VENIS, complete all the steps below. For entry of SAP request with current information in VENIS, skip to number 3.

1. Create a physical location for the onsite sewage system. Use the same process as creating a new physical location for a construction permit application.

Physical Location - IBM Notes

File Edit View Create Actions Text Tools Help

Welcome Menu | B Manager | OEHS EHS Live - Main | Physical Location - X

New Create Update Facilities Save Done Cancel

Identification

Common Name	District	Sewage System Jurisdiction ☐ Private ☐ Public ☐ None	Health Office
Water System Jurisdiction ☐ Private ☐ Public ☐ None			

Legal Description

Property Identifier	Block	Tax Map #	Lot
Subdivision	GPW #	Section	Census Tract
Parcel #	District		

Global Position

Latitude	Degrees	Minutes	Seconds
	Decimal		
Longitude	Degrees	Minutes	Seconds
	Decimal		
Altitude			
ISO6709		☐ Verified	Open in Google Earth

License/Owner

New Choose Existing

*Choose from the existing Licensees/Owners first. If not listed create a new Licensee/Owner.
Please choose an existing Licensee/Owner or create a new Licensee/Owner.

Contact Information for Physical Location

2. Create a new sewage system. Enter available information for the existing onsite sewage system based on the permit on file, if available. The data entry must include the number of bedrooms for which the existing system was sized, as this information transfers to the existing system evaluation page.

New Sewage Treatment System - IBM Notes

File Edit View Create Actions Text Tools Help

Welcome Menu E Manager OEHS EHS Live - Main Physical Location - 9876543210... New Sewage Treatment System

New Create Save Done Cancel

Sewage Treatment System

Administrative | Design | Installed | Documents | Drawing | Maintenance

Facility Information

Name 98765432100000	EHS Lance Gregory	Administrative Status Active	File Active Date 16-Aug-2017
Facility ID LGRY-AQAKD3	Hide From web ☐ Yes ☒ No	Facility Operation Hours Open Closed	Under enforcement or probation ☒ No

Licensee/Owner

New Choose Existing

*Choose from the existing Licensees/Owners first. If not listed create a new Licensee/Owner.

Name John Doe	ID LGRY-AQAKC8
------------------	-------------------

Application Details

Application Type	Permit/Letter Status	Health Department ID	Application Status Active
Conditional Construction Permit No	Voluntary Upgrade		
Construction Permit Number			
Application Dates			
Application Date	Calculated Application Date Due		
Null and Void Date	Rescinded Date	Withdrawn Date	

Connected to server Dogwood/HealthSpace

10:52 AM 8/15/2017

3. Create an existing system evaluation.

The screenshot shows the 'Existing System Evaluation' form in the IBM Notes application. The form is titled 'Existing System Evaluation' and is divided into three main sections: 'Evaluation Information', 'Site and Building Information', and 'Sewage System Information'. The 'Evaluation Information' section includes fields for 'System Name' (98765432100000), 'Evaluation Requested Date' (16), 'Evaluation Date' (16-Aug-2017), 'Next Visit Date' (16), and 'Reason for Evaluation' (Lance Gregory). The 'Site and Building Information' section includes fields for 'Designed Building Use' (Residential), 'Observed Building Use', 'Designed Number of Bedrooms', 'Record of System on File', 'Drawing', 'System Installed Legally', 'Is Property currently occupied?', 'Structure Designed for Human Occupancy', 'Lot Size', 'Owner Affidavit Provided', and 'Completes with Current Regulations'. The 'Sewage System Information' section includes fields for 'Installed Date' (16), 'Last Pumpout', 'Sewage System Permit Number', and 'Septic Type'. The form also has buttons for 'Add Canned Comment' and 'Import Drawing'.

When filling out the existing system evaluations:

- Evaluation Requested Date = Date request for HD review is received from building official.
- Evaluation Date = Date LHD staff perform their review (site visit date for bare applications, Level I/Level II review for private sector applications).
- Reason for Evaluation = Building Permit.
- Observed Building Use = Residential or Non-residential as appropriate.
- Is Property Currently occupied? = Yes, if owner noted that property has been occupied during previous 30 day period. No, if owner noted that property has not been occupied during previous 30 day period.
- Structure Designed for Human Occupancy = Yes, if the application was submitted pursuant to 32.1-165. No, if the application is for a courtesy review for a structure not designed for human occupancy.
- Owner Affidavit Provided = Yes, if an application was also received from the owner. No, if an application was not received from the owner.

- Record of System on File = as applicable.
- System Installed Legally = Yes, unless a NOAV will be issued for illegal installation.
- Complies with Current Regulations = Yes, if system will be approved as SAP. No, if system will be approved as non-conforming. Leave blank if system was installed illegally and NOAV will be issued.
- Drawing = Insert a scanned copy of the site sketch for the SAP review.
- For the “Sewage System Information” fields, enter information as applicable from records review and site visit. For “System properly functional?” enter “Yes” unless an NOAV will be issued for a failing system. For “Sewage Evaluation Results” only enter “Denied” when an NOAV will be issued for the existing system because: 1) the system does not comply with the regulatory requirements in effect at the time of its installation; 2) the system is failing; or 3) the system is not expected to function properly given its design and construction for the sewage flow and strength.
- For “Evaluation Conclusion”, under the “Summary” section, only enter “Denied” when an NOAV will be issued for the existing system because: 1) the system does not comply with the regulatory requirements in effect at the time of its installation; 2) the system is failing; or 3) the system is not expected to function properly given its design and construction for the sewage flow and strength.

Attachment 8:

MEMORANDUM OF AGREEMENT

June 27, 2013

Between the Virginia Department of Housing and Community Development (VDHCD)
and the Virginia Department of Health (VDH)

In accordance with Va. Code §§ 36-98 et seq., 32.1-12, and 32.1-163 et seq., the VDH and the VDHCD agree to coordinate their jurisdictional responsibilities set forth in the Virginia Uniform Statewide Building Code (13 VAC 5-62, the "building code") and applicable VDH regulations ("VDH regulations")¹ as follows:

Codes and Regulations: Adoption and Enforcement

1. VDHCD adopts and promulgates the building code. The local jurisdiction's building department enforces the building code.
2. The Board of Health adopts and promulgates VDH regulations. The Board of Health and VDH jointly enforce VDH regulations.

Definitions:

"Alternative Discharging System" means a treatment works that requires a permit from VDH pursuant to 12 VAC5-640.

"Onsite Sewage System" means a conventional or alternative onsite sewage system as defined in Va. Code § 32.1-163, which requires a permit from VDH pursuant to 12 VAC5-610 or 12 VAC5-613.

"Treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

"Graywater system" means a treatment works that disperses untreated wastewater from bathtubs, showers, lavatory fixtures, wash basins, washing machines, and laundry tubs. A graywater system does not include wastewater from toilets, urinals, kitchen sinks, dishwashers, or laundry water from soiled diapers.

¹ VDH implements the Sewage Handling and Disposal Regulations (12 VAC 5-610); Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12 VAC 5-640); Regulations for Alternative Onsite Sewage systems (12 VAC5-613); and Private Well Regulations (12 VAC5-630).

Treatment works applicability

1. The VDHCD and VDH agree on the following interpretation of their relevant regulations: The building code will apply to all internal service plumbing components of a treatment works up to the point of connection of the building drain to the building sewer.
2. The building code will apply to electrical and structural components of a treatment works, except as provided below.
 - a. The VDH regulations will apply to control panels for the treatment works and its functional treatment components, including electrical devices for pump stations, master disconnect switches, manual override switches, motor control panels, and separate motor control centers when specified by the designer or required by VDH.
 - b. VDH regulations and policies do not consider cord and plug connections associated with a treatment works. If allowed by the building code, cord and plug connections for the treatment works must be located in a weather proof box when outside of the wet well to prevent exposure to weather conditions.
3. The VDH regulations will apply to the treatment and functional components of a treatment works regardless of location (inside or outside of the building or structure), except as provided below.
 - a. The building code will apply to graywater systems not regulated by VDH, such as buildings or structures connected to a public sewer system.
4. The VDH regulations will apply to components of a treatment works that are external to the building or structure. External components include the septic tank, pump station, distribution box or mechanism, piping, or additional treatment devices such as blowers and associated electrical devices.

Reviews pursuant to Va. Code § 32.1-165

The VDHCD and VDH commit to ensure no county, city, town or employee thereof shall issue a building permit for the construction of a new building designed for human occupancy without the prior written notification of the State Health Commissioner or the Commissioner's designated agent that safe, adequate, and proper sewage treatment is or will be made available to such building.

1. VDH approves a treatment works three ways; by issuing: (1) a certification letter that recognizes a treatment works can be designed sometime in the future, which does not expire; (2) a subdivision letter that describes future treatment works for each subdivision lot, which also does not expire; or (3) a construction permit,

which describes the actual construction of the treatment works and is valid for 18 months with one 18 month renewal under certain conditions.

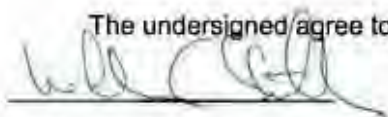
2. **Pursuant to Va. Code § 32.1-165**, the local building official may use the certification letter, subdivision letter, or construction permit to issue a building permit. The local building official understands that a treatment works cannot be constructed until the local health department issues a construction permit. The footprint of the building or structure cannot interfere with the setbacks required by the VDH regulations.
3. **Pursuant to Va. Code § 32.1-165**, the local building official will contact the local health department as provided by local and routine processes, which might differ in various jurisdictions, upon finding that issuance of the building permit might have an impact on the function of an existing treatment works already installed. If VDH requests an application for review of the installed treatment works, then the application must be completed before VDH can determine whether the treatment works is acceptable.
 - a. If the wastewater flow, capacity, or effluent strength increases for the existing treatment works, then **pursuant to Va. Code § 32.1-165**, the building official must rely on a valid construction permit from VDH before issuing the building permit. A certification letter or subdivision approval will not be sufficient.
4. VDH will only approve a treatment works if it complies with VDH regulations and associated policies. VDH will notify the local building official as soon as practical whether a treatment works was installed correctly, by issuance of an operation permit. **Pursuant to Va. Code § 32.1-165**, the local building official will not issue a certificate of occupancy until after VDH has issued the operation permit.

Conflict Resolution

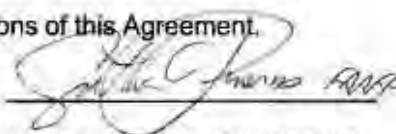
Both VDH and VDHCD will cooperate in resolving any technical conflicts between VDH regulations and the building code. The agencies will develop and implement procedures as needed to ensure collaboration between local building officials and local health departments. Appropriate amendments, edits, additions, or deletions will be made to the VDH regulations and the building code when necessary. This MOA is a statement of the intentions of VDHCD and VDH to coordinate their efforts in order to carry out their statutory duties. It is not a contract and it is not enforceable in any judicial or administrative forum: it does not create any rights or duties of any third party. It does not purport to modify the statutory duty of either signatory agency.

This Agreement is effective as of the date written above and is in effect until terminated either by mutual written consent of the parties or by one signatory party with 60 days' written notice to the other party. This Agreement may be amended by mutual written consent of the parties.

The undersigned agree to the Conditions of this Agreement.



William, C. Shelton, Director
Department of Housing and
Community Development



Cynthia Romero, MD, FAAFP
State Health Commissioner
Department of Health

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
COMMONWEALTH OF VIRGINIA**

**IN RE: Appeal of Todd Ferguson — Appeal No. 26-03
PETITIONER'S REPLY TO RESPONDENT'S RESPONSE AND
RESPONSE TO STAFF DOCUMENT ISSUES FOR RESOLUTION**

Todd W. Ferguson, Pro Se | 5405 Whitmell School Road, Dry Fork, Virginia 24549
Phone: 540-355-9770 | Email: Fergusont844@gmail.com

I. INTRODUCTION

Petitioner Todd Ferguson respectfully submits this Reply to the Response filed by Pittsylvania County Chief Building Official Otis Vaughan on behalf of Respondent Pittsylvania County, Virginia, and further responds to the three Issues for Resolution identified in the Review Board Staff Document. The Staff Document correctly frames the central questions before this Board. Petitioner addresses each issue directly and in turn, and further responds to the mischaracterizations of law and fact contained in Respondent's Response.

II. PRELIMINARY OBSERVATION: THE RESPONDING OFFICIAL WAS NOT PRESENT DURING THE EVENTS AT ISSUE

Mr. Vaughan states that he was not employed by Pittsylvania County at the time of the building permit process and that he gathered information concerning this case. His response is not based on firsthand knowledge of the events giving rise to this appeal. It is a reconstruction from secondhand records whose accuracy and completeness are in dispute. The Board should weigh his representations accordingly.

III. PETITIONER'S RIGHT TO REBUILD THE FIRE-DESTROYED HOME VESTED WITH THE PROPERTY UNDER VA. CODE SECTION 15.2-2307 AND PASSED TO PETITIONER UPON CONVEYANCE

Respondent's Response attempts to undermine Petitioner's standing by noting that the Pittsylvania County Fire Marshal's Incident Report does not reference Petitioner and that Petitioner did not take title to the property until February 27, 2024, more than two months after the December 17, 2023 fire. This argument misunderstands Virginia law governing vested rights and nonconforming uses.

Virginia Code Section 15.2-2307 governs the right to rebuild a structure damaged or destroyed by fire. The statute provides that owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Where a residential building is damaged or destroyed by an act of God and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so, subject to applying for a building permit and complying with the Uniform Statewide Building Code.

Critically, the statute speaks in terms of “the owner” — it does not require that the owner seeking to exercise the right to rebuild be the same person who owned the property at the moment the fire occurred. The right to rebuild a nonconforming structure attaches to the property itself and passes to whoever holds title at the time the right is exercised. This is consistent with the established principle that a deed conveying land includes all the estate, right, title, and interest of the grantor in the land, and with the long-recognized rule that benefits and burdens attached to real property pass to successive owners upon conveyance.

This principle is further confirmed by Section 15.2-2307's treatment of nonconforming manufactured homes specifically: the owner of a valid nonconforming manufactured home may replace that home with a newer manufactured home meeting current HUD code, and any such replacement home retains the valid nonconforming status of the prior home. The statute does not extinguish or reset this right upon a transfer of ownership. The nonconforming status, and the right to rebuild that accompanies it, is a property right that runs with the land.

Petitioner took title to 5405 Whitmell School Road by deed from George Vance Burnette dated February 27, 2024, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County as Instrument No. 240000B15 (Exhibit B). Upon recordation of that deed, Petitioner became the owner of the property and stepped into all rights appurtenant to it, including the statutory right under Section 15.2-2307 to rebuild the fire-destroyed manufactured home in its prior nonconforming configuration. The fact that Petitioner did not personally own the property on the date of the fire is legally immaterial. The right to rebuild is a property right, not a personal right limited to whoever happened to hold title at the moment of the casualty loss.

Respondent's suggestion that the fire report's silence as to Petitioner, or the timing of Petitioner's acquisition of title, somehow defeats Petitioner's right to a building permit is contrary to the plain language of Section 15.2-2307 and the underlying purpose of the vested rights doctrine in Virginia, which the Court of Appeals of Virginia recently reaffirmed carries broad protective scope for property owners. See *Board of Supervisors of Prince Edward County v. Bowman* (Va. Ct. App., April 8, 2025).

Petitioner further notes that Respondent, in his own Response (Exhibit M), affirmatively represents to this Board that the document attached as Respondent's Exhibit I (reproduced and addressed herein as Exhibit N) is "that fire report," identifying it specifically as the official Pittsylvania County Fire Marshal Incident Report concerning the December 17, 2023 fire. Having made that representation to a state administrative board, Respondent bears responsibility for the reliability of the document he submitted. Yet the document so identified bears no signature line for the investigating officer, the Fire Marshal, or any other official, and does not appear on its face to be a certified copy of an official record. Petitioner has been unable to obtain a signed, certified copy of the original incident report despite contacting the relevant fire department. Respondent cannot represent a document to this Board as the official fire report and rely upon it to challenge Petitioner's standing, while that same document lacks the basic indicia of authenticity that would be expected of the record Respondent claims it to be. Petitioner reserves the right to request that the Board require production of the original, signed incident report from Pittsylvania County Public Safety to confirm the authenticity and completeness of the record relied upon.

IV. RESPONDENT MISCHARACTERIZES TWO SEPARATE AND UNRELATED DOCUMENTS AS INCONSISTENT

Respondent's Response points to a letter bearing an origination date of September 27, 2024, and suggests that this date undermines Petitioner's account of having hand-delivered a local appeal to Emily Ragsdale, then Director of Community Development, in May 2024. This argument rests on a mischaracterization of the record. The May 2024 submission to Emily Ragsdale was Petitioner's local appeal, hand-delivered on the county's own official appeal form, the same form that was at that time available on the county's website and has since been removed. The September 27, 2024 letter is a separate and unrelated document: a letter Petitioner drafted independently, on his own paper, addressed to the State rather than to the county, for a distinct purpose at a later stage of this matter.

These two documents were sent to two different recipients, for two different purposes, four months apart. The existence of the September letter to the State says nothing about whether the May appeal to Emily Ragsdale occurred, and does not contradict it. Respondent's attempt to use the later document to cast doubt on the earlier one is not a sound basis for questioning whether Petitioner's May 2024 local appeal took place.

Petitioner further notes that the official local appeal form referenced above, which was available on the county's website at the time Petitioner submitted his May 2024 appeal, is no longer published on the county's website. Petitioner has submitted a formal public records request seeking a copy of that form as it existed in 2024. The county's removal of the very form Petitioner used to submit his appeal does not erase the fact that the appeal was submitted on that form, in the manner the county itself required at the time.

V. STAFF ISSUE NO. 1 — WHETHER THE \$200 LOCAL APPEAL FEE WAS REQUIRED: THE DENIAL OF PETITIONER'S INDIGENT FEE WAIVER VIOLATED DUE PROCESS

The Staff Document identifies as Issue No. 1 whether the local appeal fee is required to be paid in order for the appeal to be considered as filed, processed, and heard by the local appeals board. On this issue, the undisputed facts are as follows:

- Petitioner requested an appeal to the local Board of Building Appeals in May 2024 following the county's inaction on his permit application.
- The county administratively denied the appeal based on the permit requirements and the \$200 local appeal fee.
- Petitioner informed the county that he was indigent and could not afford the fee.
- Petitioner requested an indigent waiver or good cause exception to the fee requirement.
- The county denied that request.

The county's denial of Petitioner's indigent fee waiver request violated his constitutional right of access to the administrative appeal process. The United States Supreme Court held in *Boddie v. Connecticut*, 401 U.S. 371 (1971), that due process prohibits a state from denying access to its processes solely because a person cannot pay the required fee when a fundamental interest is at stake. Petitioner's ability to rebuild and occupy his primary residence on his own property following a fire is precisely such a fundamental interest.

Furthermore, the county's denial of the fee waiver effectively foreclosed Petitioner's ability to exhaust local administrative remedies. A party cannot be faulted for failure to exhaust administrative remedies when the government's own fee demand made exhaustion financially impossible. The 25-month delay in this matter is attributable in substantial part to the county's improper denial of Petitioner's indigent waiver request, which blocked the local appeal process entirely.

This point bears directly on the constitutional analysis. The Department of Housing and Community Development, which administers this Board, has described the governing appeal scheme as follows: an appeal must generally first be made to a local government appeals board, and only thereafter to this Review Board if relief is not granted at the local level. Local board review is therefore not one option among several; it is the mandatory gateway through which a permit applicant must pass before any further appeal, including the appeal now before this Board, may proceed. The Department of Housing and Community Development's own Local Building or Fire Prevention Code Boards of Appeals Manual describes the local board of appeals as a quasi-judicial board providing a first tier due process right of adjudication of decisions of

local government building officials under the USBC. The local board is therefore not merely a first administrative step; it is expressly characterized by the agency that oversees this Board as the first tier of due process itself. A \$200 fee that blocks an indigent applicant from accessing that first tier due process right does not merely foreclose one administrative option. It forecloses the entire avenue of review, including this very proceeding and any judicial review that might follow it. This is precisely the kind of fee-based barrier to a required process that *Boddie v. Connecticut* found constitutionally impermissible: a party cannot be required to exhaust a remedy as a precondition to further relief while simultaneously being denied any means of accessing that remedy due to inability to pay.

VI. STAFF ISSUE NO. 2 — WHETHER EXCAVATION OF THE SEPTIC DISTRIBUTION BOX AND SAP REPORT ARE REQUIRED: THEY ARE NOT

The Staff Document identifies as Issue No. 2 whether excavation of the septic system distribution box and submittal of a SAP Report from the Virginia Department of Health is required to issue the requisite permit. The answer is no, for the following reasons.

A. Virginia Code Section 32.1-165(C) Authorizes Approval Without a SAP Permit

Virginia Code Section 32.1-165(A) requires prior Health Department approval before a building permit issues for a structure designed for human occupancy. However, Section 32.1-165(C) provides that nothing in that section shall be construed to prevent the Commissioner or his agent from approving the use of a nonconforming treatment works, provided: (1) the treatment works was installed in accordance with the Board of Health's applicable regulations in effect at the time of its installation; (2) it is not failing; and (3) it is designed and constructed for the sewage flow and strength expected from the building.

Petitioner's system satisfies all three conditions. The existing septic system was installed under applicable Board of Health regulations, served the home for years without recorded objection, and was functioning as recently as 2024. The replacement home is a three-bedroom manufactured home identical in bedroom count and sewage flow to the home destroyed by fire. The Commissioner had full statutory authority under Section 32.1-165(C) to approve the existing nonconforming system without requiring a new SAP permit. The county applied Section 32.1-165(A) as though Section 32.1-165(C) did not exist.

B. The County Had No Factual Basis to Invoke Health Department Involvement

The county's invocation of Section 32.1-165(A) as a blanket requirement was made without any site visit, without any documented findings, and without any factual determination that the conditions requiring Health Department involvement were

present. No county official ever inspected the property at 5405 Whitmell School Road. No sign of septic system failure was ever documented by any authority. The system was serviced in 2022 and pumped in 2024 (Exhibits C and D).

The county's interpretation of Section 32.1-165(A) would require Health Department approval for every building permit issued for human occupancy regardless of the nature of the work — replacing windows, installing handrails, building a deck — none of which implicate sewage disposal in any way. That is not what the statute requires and it is not what the legislature intended.

C. The County Cannot Rely on Its Own Recordkeeping Failures

To the extent the county contends that records of the existing septic permit cannot be located, that institutional failure cannot be converted into a burden on Petitioner. Petitioner provided affirmative evidence that the system was functioning: service records from 2022 and a pump receipt from 2024. The county conducted no inspection and produced no evidence of failure. The burden of establishing a basis for invoking the Health Department rested with the county. It did not meet that burden. It is a violation of due process under the Fourteenth Amendment to the United States Constitution and Article I, Section 11 of the Virginia Constitution to require a citizen to reprove compliance with requirements the government failed to document.

D. Neither Party Ever Filed a SAP Application With the Health Department, and the County Improperly Shifted Its Own Administrative Burden Onto Petitioner

Neither Petitioner nor the county ever filed a SAP application or referral with the Virginia Department of Health concerning this property. No such filing exists in the record because none was ever made. If Pittsylvania County Building Inspections genuinely believed a SAP evaluation was warranted under Section 32.1-165(A), the proper administrative procedure was for Building Inspections itself to submit the referral or request directly to the Health Department, identifying the specific concern that triggered the need for evaluation.

Instead, the county instructed Petitioner to obtain the SAP application himself and deliver it to Building Inspections. This procedure improperly shifted the county's own administrative burden onto Petitioner and mischaracterized the nature of the request. Under this approach, any SAP evaluation would appear in the Health Department's records as having been requested by Petitioner, rather than as a referral initiated by Building Inspections based on a specific, documented concern. The Health Department never contacted Petitioner directly to request access to the property for purposes of conducting a site evaluation, which is the procedure that would be expected if Building Inspections had properly referred the matter and the Health Department had independently determined that a site visit was warranted.

This matters because the absence of any actual filing by either party confirms that the SAP requirement was never substantiated through the proper administrative channel.

The county cannot impose a Health Department requirement as a condition of permit issuance while simultaneously failing to follow the administrative procedure necessary to invoke that requirement in the first place.

E. The Health Department's Withdrawal Is Dispositive

Petitioner filed a Petition for Writ of Mandamus in the Circuit Court of Pittsylvania County (Case No. CL24000802-00) naming both Pittsylvania County and the Virginia Department of Health as respondents. An Assistant Attorney General of Virginia contacted Petitioner by telephone, explained the doctrine of sovereign immunity, and asked whether Petitioner wished to withdraw the Health Department from the proceeding. Petitioner was advised that withdrawing the Health Department would not affect the mandamus proceeding against the county. The Health Department was subsequently withdrawn without prejudice (Exhibit E).

The Health Department's withdrawal from active litigation is a substantive concession. The agency whose authority the county invoked to block Petitioner's permit examined the record, evaluated its legal exposure under Section 32.1-165(C), and chose to remove itself from the case. The county now stands alone defending a requirement that the responsible agency itself abandoned. The Board should give this fact substantial weight.

F. The Health Department Was Subject to Its Own Deemed Approval Obligation

Virginia Code Section 32.1-163.5 requires the Health Department to act on a site evaluation submission within 15 working days. Virginia Code Section 32.1-163.6 requires the Department to either issue approval or provide written reasons for denial within 21 calendar days for treatment works sized at 1,000 gallons per day or smaller, which includes a standard residential septic system serving a three-bedroom manufactured home. Both statutes provide that failure to act within the specified timeframe results in deemed approval by operation of law. The Health Department never issued a formal written denial of any application by Petitioner with specific findings. Its obligation under these statutes was never fulfilled.

G. The Department's Own Guidance Memorandum and Policy 2017-03 Confirms No Excavation or New Application Was Required

The Virginia Department of Health's own Guidance Memoranda and Policy 2017-03, "Safe, Adequate, and Proper Reviews," issued September 1, 2017, establishes the procedure governing exactly this situation and confirms that Petitioner was never required to excavate his septic system or submit a new SAP application.

First, GMP 2017-03 expressly states that "lack of records does not automatically indicate the sewage system was installed without a permit and should not be used as the sole reason for denying a request pursuant to Va. Code § 32.1-165." (Exhibit O, p.

5). The county's inability to produce installation records for Petitioner's septic system is therefore not a lawful basis to deny approval.

Second, GMP 2017-03 establishes a mandatory hardship exemption from the requirement to excavate the septic tank and distribution box. The policy provides that "if the owner believes uncovering the septic tank and distribution box would create a financial or other hardship, the property owner may request an exemption," and identifies as a qualifying basis for exemption that "the sewage system is less than 5 years old; the tank was recently pumped." Petitioner had his septic tank pumped in 2024 (Exhibit E). Petitioner was never informed of this exemption or given the opportunity to request it before excavation was demanded (Exhibit O, GMP 2017-03, p. 5).

Third, the policy's own flow chart (Exhibit O, Attachment 1, p. 9) confirms that where there is no increase in flow or effluent strength and the system shows no signs of changed conditions, the result is approval, either as compliant with current regulations or as nonconforming. Nothing in the flow chart leads to a requirement that a functioning, non-failing system be excavated as a precondition to approval. This is consistent with the Memorandum of Agreement between the Virginia Department of Housing and Community Development and the Virginia Department of Health (Exhibit O, Attachment 8, p. 26), which provides that a building official must rely on a valid VDH construction permit before issuing a building permit only "if the wastewater flow, capacity, or effluent strength increases for the existing treatment works." Petitioner's proposed replacement dwelling does not increase flow; if anything, Petitioner informed Vaden Hunt in October 2024 of his intent to reduce the dwelling from three bedrooms to two (Exhibit A), which would further reduce expected flow below what the destroyed structure produced.

Fourth, GMP 2017-03 (Exhibit O, Attachment 2a, p. 10) requires that any request for Health Department review be initiated by the local building official through a written or electronic application identifying the specific basis for the request, signed and dated by the building official. No such application was ever submitted by Pittsylvania County Building Inspections in this case. The absence of that threshold application means the SAP review process required by the county's own governing policy was never properly invoked in the first place.

VII. STAFF ISSUE NO. 3 — WHETHER A BUILDING PERMIT CAN BE DENIED FOR DELINQUENT PROPERTY TAXES: NOT UNDER THE FACTS OF THIS CASE

The Staff Document identifies as Issue No. 3 whether a building permit can be denied due to delinquent property taxes. The county invokes Virginia Code Section 15.2-2286, which permits a locality to require satisfactory evidence of payment of delinquent real estate taxes before issuing certain permits. This provision does not support the county's position for two independent reasons.

First, Petitioner was current on all property taxes at the time of his permit application on April 3, 2024 and at the time of the formal denial on June 4, 2024.

The county's own tax records will confirm this fact. No valid tax delinquency existed at the time the permit was denied. The delinquent tax requirement was therefore not a valid basis for denial at the time it was imposed.

Second, any tax delinquency that may exist was caused by an improper assessment by Commissioner of Revenue Robin Goard. The manufactured home at 5405 Whitmell School Road was destroyed by fire on December 17, 2023, as documented in Pittsylvania County Fire Marshal Incident Report No. 2023-047964. Despite the total loss of that structure, the county has continued to assess real estate taxes that include an approximately \$11,000 valuation for the destroyed manufactured home, a structure that no longer exists and that Petitioner is attempting to replace through the very permit application at issue in this appeal. Virginia Code Section 58.1-3360 requires that when an improvement is destroyed, the locality shall provide prorated tax relief for the portion of the tax year during which the improvement no longer existed. No real estate tax assessment may lawfully include the value of a structure that has been destroyed and no longer exists on the property. Commissioner Goard has continued to assess taxes against this non-existent structure in violation of Section 58.1-3360. To be direct: at no point relevant to this appeal, including the date of application and the date of denial, did a lawful tax delinquency exist on this property. A tax delinquency arising from an unlawful assessment cannot serve as a valid basis for withholding a building permit.

VIII. THE CIRCUIT COURT'S DISMISSAL WITH PREJUDICE DOES NOT BAR THIS APPEAL AND DOES NOT CONSTITUTE AN ADJUDICATION ON THE MERITS OF THE PERMIT DENIAL

The Circuit Court of Pittsylvania County dismissed Petitioner's Writ of Mandamus with prejudice on February 14, 2025 (Case No. CL24000802-00) (Exhibit F) after sustaining the county's demurrer. When Petitioner appeared in court and raised the substance of the permit denial, the court stated that the Writ of Mandamus was not the appropriate procedural vehicle — without identifying what the correct vehicle was or directing Petitioner to the appropriate forum.

This Board is that forum. The State Building Code Technical Review Board has independent statutory authority to review local building permit decisions and to direct a locality to issue a permit when the denial is found to be contrary to applicable law or the Virginia Uniform Statewide Building Code. That authority is separate from and independent of the circuit court's jurisdiction over writs of mandamus.

The circuit court's ruling on a discretionary writ of mandamus does not constitute an adjudication on the merits of whether Pittsylvania County correctly applied the building code. The demurrer was sustained on procedural grounds. No court has ever examined and ruled on the substantive question of whether the county properly applied Virginia

Code Section 32.1-165 to Petitioner's permit application. That is precisely the question before this Board.

IX. SUMMARY OF UNDISPUTED FACTS

The following material facts are not in dispute:

- The manufactured home at 5405 Whitmell School Road was destroyed by fire on December 17, 2023 (Fire Marshal Incident Report No. 2023-047964).
- Petitioner is the owner of record, having received title from George Vance Burnette by deed recorded February 27, 2024 (Instrument No. 240000B15, Pittsylvania County Circuit Court).
- Petitioner's right to rebuild the fire-destroyed structure vested in the property under Va. Code Section 15.2-2307 and passed to Petitioner upon conveyance of title.
- Petitioner filed a building permit application on April 3, 2024 (Permit No. S24-04-31770) to place a three-bedroom manufactured home on the same property.
- The replacement home has the same bedroom count as the destroyed home and results in no increase in sewage flow.
- Petitioner proposed no change to the location of the existing septic system.
- No county official, Health Department representative, or other authority ever inspected the property or documented any sign of failure in the existing septic system.
- The septic system was serviced in 2022 and pumped in 2024.
- Petitioner was current on all property taxes at the time of the permit application and the formal denial.
- Petitioner informed the county he was indigent and requested a fee waiver for the local appeal. The county denied that request.
- The Virginia Department of Health withdrew from the related mandamus proceeding without prejudice following contact by an Assistant Attorney General of Virginia.
- The Circuit Court dismissed the Writ of Mandamus with prejudice on February 14, 2025, on procedural grounds, without adjudicating the merits of the permit denial.
- As of the date of this filing, more than 25 months after Petitioner's application, the county has not issued the building permit. Petitioner has been living on his property without power or basic utilities as a direct result.

X. PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that the State Building Code Technical Review Board:

1. Find that Petitioner's right to rebuild the fire-destroyed manufactured home vested in the property under Va. Code Section 15.2-2307 and passed to Petitioner upon his acquisition of title, regardless of whether he owned the property at the time of the fire;
2. Find that Petitioner's indigent fee waiver request for the local appeal was improperly denied in violation of due process, and that this appeal is properly before the Board;
3. Find that Virginia Code Section 32.1-165(C) authorizes the Commissioner to approve Petitioner's existing nonconforming treatment works without a new SAP certification, and that the county's SAP requirement and excavation demand were not lawfully imposed;
4. Find that the Health Department's withdrawal from the mandamus proceeding constitutes a substantive concession that the SAP requirement was improperly applied;
5. Find that no valid tax delinquency existed at the time of the permit denial on June 4, 2024, and that any current delinquency arising from an improper assessment of a destroyed structure cannot serve as a valid basis for withholding the building permit;
6. Find that Pittsylvania County's denial of the building permit was contrary to applicable Virginia law and the Virginia Uniform Statewide Building Code;
7. Direct Pittsylvania County to immediately issue the requested building permit for placement of a three-bedroom manufactured home at 5405 Whitmell School Road, Dry Fork, Virginia 24549; and
8. Grant such other and further relief as the Board deems appropriate and just.

Respectfully submitted,



Todd W. Ferguson, Pro Se

5405 Whitmell School Road

Dry Fork, Virginia 24549

Phone: 540-355-9770

Email: Fergusont844@gmail.com

Date: June 23 2024



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petitioner's Reply has been served upon the following parties via electronic mail (email) on the date indicated above:

- Otis Vaughan, Chief Building Official, Pittsylvania County Community Development, 53 Main St., Chatham, Virginia 24531 —
Otis.vaughan@pittgov.org
- W. Travis Luter, Sr., CBO, Secretary, State Building Code Technical Review Board, Virginia Department of Housing and Community Development —
travis.luter@dhcd.virginia.gov
- Matt Evans, County Attorney, Pittsylvania County — contact@pittgov.org

Todd W. Ferguson, Pro Se



DECLARATION OF TODD W. FERGUSON

In Support of Petitioner's Reply, Appeal No. 26-03

Before the State Building Code Technical Review Board, Commonwealth of Virginia

I, Todd W. Ferguson, declare as follows:

OWNERSHIP AND BACKGROUND

1. I am the Petitioner in Appeal No. 26-03 before the State Building Code Technical Review Board. I am the owner of record of the property located at 5405 Whitmell School Road, Dry Fork, Virginia 24549, having received title by deed from George Vance Burnette dated February 27, 2024, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County as Instrument No. 240000B15 (Exhibit C).
2. The manufactured home previously located on this property was destroyed by fire on December 17, 2023. I did not own the property at that time, but I became the owner approximately five weeks before submitting my building permit application, and I am informed and believe that the right to rebuild a fire-damaged structure attaches to the property and passed to me upon my acquisition of title.

THE PERMIT APPLICATION AND LOCAL APPEAL

3. On or about April 3, 2024, I submitted a building permit application (Permit No. S24-04-31770) to Pittsylvania County to replace the manufactured home destroyed by fire.
4. In May 2024, I traveled to the Pittsylvania County building and attended an in-person meeting with county officials regarding my permit application. During that visit, I also hand-delivered a local appeal, on the county's own official appeal form then available on its website, to Emily Ragsdale, who was at that time the Director of Community Development (Exhibit B).
5. During that May 2024 meeting and in subsequent communications, I informed county representatives that I was indigent and could not afford the \$200 local appeal fee. I requested that the fee be waived. No written fee waiver process was offered or provided to me, and I never received a written decision explaining the denial of my request. I do not have a written copy of my verbal request or of any written denial, because none was ever provided to me despite my repeated requests.
6. On or about June 4, 2024, the county issued a formal written denial of my building permit application, citing the need for a Safe, Adequate, and Proper

(SAP) certification from the Virginia Department of Health and excavation of the septic distribution box.

COMMUNICATIONS WITH COUNTY OFFICIALS

7. In June 2024, I had a telephone conversation with the county attorney regarding my application and the denial (Exhibit K).
8. In September 2024, I had a second telephone conversation with the county attorney regarding the same matter. During that same month, I personally visited Pittsylvania County Building Inspections and the Health Department to attempt to resolve the matter directly. On September 27, 2024, I drafted and submitted my own appeal letter, on my own paper, to the State, separate and apart from the local appeal form I had hand-delivered to Emily Ragsdale in May 2024.
9. In October 2024, during a telephone call, the county attorney terminated the call without resolving the matter. On October 18, 2024, I filed a Petition for Writ of Mandamus in the Circuit Court of Pittsylvania County (Case No. CL24000802-00), naming Pittsylvania County and the Virginia Department of Health as respondents.
10. In October 2024, I also informed Vaden Hunt that I intended to change the configuration of the replacement dwelling from three bedrooms to two bedrooms, so that the third room could be used as an office rather than a bedroom (Exhibit J). A two-bedroom configuration results in less expected sewage flow than the three-bedroom home that was destroyed by the fire, not more, further confirming that no increase in flow would result from the replacement structure.
11. I have separate written correspondence addressing constitutional issues related to this matter with Daryl Dalton (Exhibit I), and separate communications with Wesley Marshall, County Attorney, regarding the permit matter (Exhibit L). I also corresponded with the State Building Code Technical Review Board in May 2024 (Exhibit M).

THE WRIT OF MANDAMUS AND ITS DISPOSITION

12. In late 2024, an Assistant Attorney General of Virginia contacted me by telephone regarding the Writ of Mandamus. He explained the doctrine of sovereign immunity, asked whether I intended to pursue claims against the Commonwealth, and offered to prepare a motion to withdraw the Virginia Department of Health from the proceeding, advising me that doing so would not affect the remainder of my case against the county. I signed that motion, and the Health Department was withdrawn from the case without prejudice (Exhibit F).
13. On February 14, 2025, the Circuit Court of Pittsylvania County dismissed my Writ of Mandamus with prejudice after sustaining the county's demurrer (Exhibit G).

made by E. L. Moore, C.L.S., thence a line N. 41 degrees 06' E. 258 feet, more or less, to a point in the rear; thence a new line S. 51 degrees 27' E. 200 feet to a point; thence a new line S. 41 degrees 06' W. 250 feet to a point on the northeastern margin of Whitmell School Road (State Road No. 750); thence a new line along the northeastern margin of Whitmell School Road (State Road No. 750) N. 52 degrees 38' W. 27.18 feet to a point, thence continuing along the northeastern margin of Whitmell School Road (State Road No. 750) N. 51 degrees 16' W. 172.82 feet to a point, the point and place of beginning, and being substantially as shown as Lot No. 1A on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia (the "Clerk's Office"), in Deed Book 586, at page 728, to all of which reference is hereby made for a more specific description;

PARCEL NO. 2: LOT NO. 1B, containing 2.10 acres, fronting 30 feet on the northeastern margin of Whitmell School Road (State Road No. 750), as shown on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office in Deed Book 586, at page 728, to which reference is hereby made for a more specific description.

Parcels No. 1 and 2 BEING the same property conveyed to George Vance Burnette from Keith James Flinchum, unmarried, by deed dated April 9, 2021, recorded in the Clerk's Office on April 9, 2021, at page 0121, as instrument no. 21-02273.

This conveyance is made subject to all easements, conditions, restrictions and reservations appearing of record, or apparent on the ground, which affect the Property, and any judgments against Keith J. Flinchum.

This conveyance is being made to a Bona Fide Purchaser as defined in Virginia Code Section 64.2-100 et seq. and the Property is not to be included in any augmented estate of the Grantor.

WITNESS the following signature and seal:

 (SEAL)
GEORGE VANCE BURNETTE

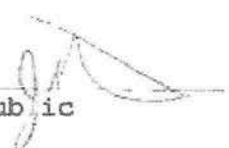
COMMONWEALTH/STATE OF VIRGINIA:

COUNTY OF PITTSYLVANIA:

The foregoing instrument was acknowledged before me this 27th day of February, 2024, by George Vance Burnette, married, Grantor.

My commission expires: September, 30, 2027.

Notary Registration No.: 158408


Notary Public

JEFFREY S. SMITH
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #158408
M. Commission Expires 09/30/2027

INSTRUMENT 240000815
RECORDED IN THE CLERK'S OFFICE OF
PITTSYLVANIA COUNTY CIRCUIT ON
FEBRUARY 27, 2024 AT 03:49 PM
\$41.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$20.50 LOCAL: \$20.50
ANGIE R. HARRIS, CLERK
RECORDED BY: JCR

3

B 3

~~EXHIBIT~~

Matthews Sanitation Services, LLC.

1226 Hudson Rd
 Virgilina, VA 24598
 Phone: 434-575-1535 or 434-572-6098

Invoice #: 8505
 Page Number: 1
 Date: 02/28/22
 Customer ID: Burnett

INVOICE**Bill to:**

Vance Burnett
 5405 Whitwell Rd.
 Dry Fork, VA 24549

Ship to:

Vance Burnett

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

Shipped Via	Terms	Due Date	P.O. Number
	Net 30	03/30/22	

Quantity	Description	Unit Price	Amount
1.00	Pump Septic Tank Fee	200.00	200.00
Total Sales Amount:			200.00
Shipping Amount:			0.00
Sales Tax Amount:			0.00
Invoice Total:			200.00
Less Discount Honored:			0.00
Less Payments Received:			-200.00
Total Due:			\$ 0.00

*** 2% Finance Charge will be added to all accounts not paid in full by the 28th of each month. **DAMAGE OR LOST**
 GNRS: Customer agrees to pay for any damage to or loss of the goods, as an insurer regardless of the cause except
 reasonable wear and tear, while the units are in his possession. The cost of the repair will be borne by the customer,
 whether performed by the contractor or at the contractor's option by others. Customer agrees to accept contractors
 decision as to whether damage is repairable.
 Please note that on any insufficient funds payment, there will be a \$75.00 charge to your account.

HOLD HARMLESS: Customer agrees to assume the risk of and hold harmless for property damage and personal
 injuries caused by the units or arising out of a customer's negligence. ***Matthews Sanitation Services, LLC reserves
 the right to remove any units with past due amounts or more than 30 day without notice.***

Matthews Sanitation
1226 Hudson Rd.
Virgilina, VA 24598
(434) 572-6098
matthews.sanitation03@gmail.com

Receipt

Date	May 29, 2024
Paid	\$250.00
Payment Method	Visa *2128
Confirmation #	150710039033

Billing Address

Todd Ferguson
5405 Whitmell School Rd
Dry Fork, VA 24549

#	Invoice	Invoice Date	P.O.	Clerk	Payments	Outstanding Balance
1	12297	May 29, 2024		MF	\$250.00	\$0.00

Site: S918, 5405 Whitmell School Rd , Dry Fork , VA 24549

#	Item	Qty	Description	Rate	Amount	Tax	Amount w/ Tax
1	Pumped Septic Tank Fee	1	Pumped Septic Tank Fee	\$250.00	\$250.00	\$0.00	\$250.00
						Subtotal	\$250.00
						Tax	\$0.00
						Total	\$250.00

From

Todd Ferguson
5405 Whitmell School Rd
Dry Fork, VA 24549

To

Matthews Sanitation
1226 Hudson Rd.
Virgilina, VA 24598

Subtotal	\$250.00
Tax	\$0.00
Payments	\$250.00

Remaining Payment Balance	\$0.00
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Additional Documents
Submitted
By Pittsylvania County

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VIRGINIA:

**BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD**

**IN RE: Appeal of Todd Ferguson
 Appeal No. 26-03**

**MEMORANDUM OF ARGUMENT
REGARDING ISSUES FOR RESOLUTION**

I. APPEALS OF DECISIONS OF LOCAL DEPARTMENT

a. NO FINAL DETERMINATION BY THE LOCAL BOARD

Enforcement of the provisions of the Building Code for construction and rehabilitation are expressly the responsibility of the local building department. **(VA Code § 36-105A)**. As required by the Code of Virginia, Pittsylvania County has established “a local board of Building Code appeals” whose express purpose is to hear appeals of “[a]ny person aggrieved by the local building department's application of the Building Code.” **Id.** “No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals.” **Id.** In this matter, no final determination has been made by the local board of Building Code appeals. Consequently, Mr. Ferguson’s appeal to this Board is premature and not ripe for determination by this Board.

b. NO TIMELY APPEAL

The local department of Pittsylvania County issued multiple, relevant decisions to Mr. Ferguson regarding his property and his request for a building permit: on June 4, 2024, and August 23, 2024. Mr. Ferguson appealed neither of them. Any person aggrieved by the local building department's application of the USBC may appeal to the local board of Building Code. **(USBC §119.5)**. USBC §119.5 requires that:

“[T]he applicant shall submit a written request for appeal to the LBBCA *within 30 calendar days of the receipt of the decision being appealed...A copy of the building official's decision* shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. *Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.*” *(emphasis added)*.

Mr. Ferguson maintains that he attempted to appeal some determination of the local department in-person during May 2024, before any actual decisions were issued by the local department. Mr. Ferguson's sworn "Declaration of May 2024 Local Appeal Submission" is suspect on its face and does not actually articulate the specific date of that "attempted" appeal or what decision he was even attempting to appeal.

Mr. Ferguson's assertions after the fact regarding his attempted appeal are even more suspect, given his timeline and summary of facts submitted to this Board. He erroneously states that there was an original denial (possibly in April 2024) because he was applying "pro se," of which there is no evidence provided. He also implies that there was no disagreement regarding the VDH until at least June 2024, after he supposedly already tried to appeal a decision of the local department.

The June 4, 2024, letter from the Code Official Jason Inman clearly articulates the local department's decision and determinations regarding the permit application and is the first instance of the local department doing so. Thus, submitting an application for appeal, or attempting to do so, in May 2024 would have been nonsensical and would have had no effect.

Mr. Ferguson's letter referencing a potential appeal of the denial of the permit is dated September 27, 2024. In this letter, Mr. Ferguson makes no mention of already delivering an application for appeal back in May 2024, or any other time, and states that he has only "inquired about filing an appeal." (**Ferguson Ex. C-1**). In the September 27, 2024 letter, Mr. Ferguson does request a waiver of the fee but makes no mention of having his application rejected previously.

Mr. Ferguson has, at best, shown that he made attempts to appeal the local department decisions in May 2024 and September 27, 2024. The May 2024 attempt was prior to the determinations of the local department issued in June and August 2024. The September 27, 2024, attempt was beyond the appeal timeline as set forth in the USBC.

Mr. Ferguson has refused and continues to refuse to meet the requirements to appeal any of the decisions of the local department. Since his appeal has been pending before this Board, Mr. Ferguson has rejected Pittsylvania County's attempts to assist him in getting before the local board of Building Code appeals. His failure to comply with appeal timelines should be grounds for the dismissal of this appeal, as "[f]ailure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision." (**USBC §119.5**).

II. APPEAL FEE

The Code of Virginia authorizes the levying of fees by “the local governing body in order to defray the cost of such enforcement and appeals.” (**VA Code § 36-105C.7.**) The Pittsylvania County Board of Supervisors has established fees as anticipated by the Code of Virginia and as referenced by Mr. Ferguson in his documents provided to this Board.

Mr. Ferguson has not provided any information to support his claim of indigency (other than alleging he is a “fire victim” as a result of a fire that occurred prior to his purchasing the property at issue) or the need for a waiver to be considered. Nonetheless, there is no provision in Pittsylvania County Code regarding a waiver of said fees. There is no express authority granted to the State Building Code Review Board to determine whether a waiver of fees should be granted.

III. SAP REPORT REQUIREMENT

The Code of Virginia requires “prior written authorization” by the Virginia Department of Health (VDH) for the issuance of a building permit for a building designed for human occupancy. (**VA Code § 32.1-165A.**) Said written authorization requires a “finding that safe, adequate, and proper sewage treatment is or will be made available to such building.” **Id.** The local department has determined that such written authorization is needed prior to the issuance of a building permit for Mr. Ferguson.

VDH administers the process and requirements of the issuance of Safe, Adequate and Proper (SAP) Reports. To the extent the VDH has communicated to Mr. Ferguson that excavation of the septic system distribution box is required as part of the SAP assessment process, neither Pittsylvania County nor this Board has the authority to overturn that requirement or to address that issue on appeal.¹

As to the necessity of a SAP Report generally, it is not in contention that the property owned by Mr. Ferguson that is the subject of this appeal experienced a structure fire involving a mobile home in December 2023, prior to the transfer of the property to Mr. Ferguson in February 2024. The nature of the fire as described in the Incident/Fire Report was significant. The home on the property at the time was “fully involved in fire”, with “exposure to [another] building and an automobile.”

Given the extent of the fire and the destruction of the home, there is no reasonable argument against the requirement for the requested SAP Report as anticipated by the Code of

¹ It should be noted, and is extremely telling, that during his involvement, previous Pittsylvania County Code Official Jason Inman offered to go out himself on a Saturday to excavate the distribution box for Mr. Ferguson. Mr. Ferguson refused. It should also be noted that Mr. Inman also negotiated a waiver of the VDH fee for Mr. Ferguson and a simplification of the process. Mr. Ferguson refused to proceed with the SAP.

Virginia. Both the local department and the VDH have gone above and beyond to assist Mr. Ferguson in moving the SAP assessment process forward.

IV. DELINQUENT TAXES

The Code of Virginia expressly grants authority to the local authorizing body to require a property owner “to produce satisfactory evidence that any delinquent real estate taxes...that are owed to the locality and have been properly assessed against the subject property, have been paid” prior to “the initiation of an application by the owner” for a building permit. **(VA Code § 15.2-2286B)**. No exception to the payment of real estate taxes has been granted to Mr. Ferguson. No authorization for non-payment has been granted by the treasurer. Although the matter of delinquent taxes was not initially at issue in the denial of the requested permit, Mr. Ferguson’s failure to pay real estate taxes since obtaining the property would constitute a separate bar to his permit application, until he produces evidence that said delinquent taxes have been paid.

V. NUISANCE

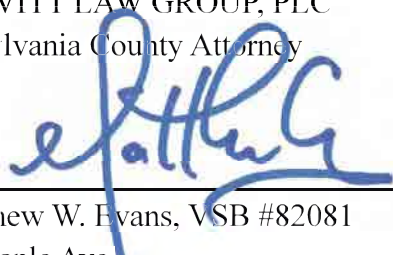
Mr. Ferguson’s appeal before this Board represents a continued pattern of actions taken by Mr. Ferguson which are not well grounded in fact, warranted by existing law, or constituting good faith arguments. The local department has tried repeatedly to assist and work with Mr. Ferguson to resolve any legitimate concerns. In response, Mr. Ferguson has filed frivolous matters in Circuit Court against Pittsylvania County and VDH (which have all been dismissed), filed vexatious motions and appeals with no legal merit, filed numerous and duplicative FOIA requests, and sent a number of threats and demands for millions of dollars to Pittsylvania County.

VI. CONCLUSION

The local department is committed to continuing to assist Mr. Ferguson to secure the requested permit, within the bounds of law. Nevertheless, Mr. Ferguson’s appeal before this Board should be dismissed for the reasons stated herein.

PITTSYLVANIA COUNTY
By Counsel

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State Building Code Technical Review Board Policy #30

Title: Remote Participation of State Building Code Technical Review Board Members

Authority: Section 2.2-3708.3 of the Code of Virginia and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Code of Virginia Section 2.2-3700—3715.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

Policy Statement: **DEFINITIONS**

- a. **“BOARD”** means the State Building Code Technical Review Board or any committee, subcommittee, or other entity of the State Building Code Technical Review Board.
- b. **“Member”** means any member of the State Building Code Technical Review Board.
- c. **“Remote participation”** means participation by an individual member of the State Building Code Technical Review Board by electronic communication means in a public meeting where a quorum of the Board is physically assembled, as defined by Va. Code § 2.2-3701.
- d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.
- e. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

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a. A quorum of the Board must be physically assembled at the primary or central meeting location; and

b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely. When the remotely participating member cannot hear all persons at the primary or central meeting location, the remotely participating member will abstain from all discussions and votes.

PROCESS TO REQUEST REMOTE PARTICIPATION

a. A minimum of 10 business days before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the Board Secretary of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i)—(iii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

e. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

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**PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM
A REMOTE LOCATION**

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

- a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
- b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

RECORDING IN MINUTES:

- a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes (1) the Board's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.
- b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.
- c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

CLOSED SESSION

If the Board goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

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The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

**Approval
and Review:**

This Board policy was reviewed and approved on 03/17/2023.

Supersession:

This Board policy was revised and approved on 07/17/2026.

**Board Chair
at Last Review:**

James R. Dawson

DHCD Director:

Dr. Tamarah Holmes

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State Building Code Technical Review Board Policy #31

Title: All Virtual Public Meeting of the State Building Code Technical Review Board

Authority: Section 2.2-3708.3 of the Code of Virginia and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Code of Virginia Section 2.2-3700—3715.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

Policy Statement: **DEFINITIONS**

a. **“BOARD”** means the State Building Code Technical Review Board or any committee, subcommittee, or other entity of the State Building Code Technical Review Board.

b. **“Member”** means any member of the State Building Code Technical Review Board.

c. **“All-virtual public meeting”** means a public meeting conducted by the Board using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.

d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.

e. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED

An all-virtual public meeting may be held under the following circumstances:

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- a. It is impracticable or unsafe to assemble a quorum of the Board in a single location, but a state of emergency has not been declared by the Governor; or
- b. Other circumstances warrant the holding of an all-virtual public meeting as determined by the Chair or Vice-Chair in the absence of the Chair, including, but not limited to, the convenience of an all-virtual meeting; and
- c. The Board has not had more than two all-virtual public meetings, or more than 50 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
- d. The Board's last meeting was not an all-virtual public meeting.
- e. Virtual meetings may only be utilized for administrative matters.

PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING

- a. The Board may schedule its all-virtual public meetings at the same time and using the same procedures used by the Board to set its meetings calendar for the calendar year; or
- b. If the Board wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS

The following applies to any all-virtual public meeting of the Board that is scheduled in conformance with this Policy:

- a. The meeting notice indicates that the public meeting will be all-virtual and the Board will not change the method by which the Board chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Board;
- c. Audio-visual technology, if available, is used to allow the public to see the members of the Board;
- d. A phone number, email address, or other live contact information is provided to the public to alert the Board if electronic transmission of the meeting fails for

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the public, and if such transmission fails, the Board takes a recess until public access is restored;

e. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Board;

f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and

g. There are no more than two members of the Board together in one physical location.

RECORDING IN MINUTES:

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

CLOSED SESSION

If the Board goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

Approval and Review:

This Board policy was reviewed and approved on 03/17/2023.

Supersession:

This Board policy was revised and approved on 07/17/2026.

Board Chair at Last Review:

James R. Dawson

DHCD Director:

Dr. Tamarah Holmes

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