

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, July 18, 2025 - 10:00am

Virginia Housing Center  
4224 Cox Road Glen Allen, Virginia 23260

- I. Roll Call **(TAB 1)**
- II. Approval of May 16, 2025 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
  - In Re: Victor Valdez  
Appeal No. 25-03
- IV. Public Comment
  - a. Jamie Wilks, Madison County Building Official
- V. Preliminary Hearing **(TAB 4)**
  - In Re: Andrew Suddarth (David Williams)  
Appeal No. 25-04
- VI. Preliminary Hearing **(TAB 5)**
  - In Re: 1321 Porter St. LLC  
Appeal No. 25-07
- VII. Preliminary Hearing **(TAB 6)**
  - In Re: 1321 Porter St. LLC (Emily Pinchbeck)  
Appeal No. 25-08
- VIII. Appeal Hearing **(TAB 7)**
  - In Re: Khaleen Monaro  
Appeal No. 24-06
- IX. Secretary's Report
  - a. Copy of §2.2-3708.3 **(TAB 8)**
  - b. Readoption of Review Board Policy #30 **(TAB 9)**
  - c. Readoption of Review Board Policy #31 **(TAB 10)**
  - d. August 15, 2025 meeting update
  - e. 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)

**David V. Hutchins**

(Electrical Contractor)

**Christina Jackson**

(Commonwealth at large)

**Joseph A. Kessler, III**

(Associated General Contractors)

**R. Jonah Margarella, AIA, NCARB, LEED AP**

(American Institute of Architects Virginia)

**Eric Mays**

(Virginia Building and Code Officials Association)

**Joanne D. Monday**

(Virginia Building Owners and Managers Association)

**James S. Moss**

(Virginia Building and Code Officials Association)

**Elizabeth C. White**

(Commonwealth at large)

**Aaron Zdinak, PE**

(Virginia Society of Professional Engineers)

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**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES  
May 16, 2025  
Virginia Housing Center  
4224 Cox Road Glen Allen, Virginia 23060**

Members Present

Mr. James R. Dawson, Chairman  
Mr. Vince Butler  
Mr. Daniel Crigler  
Mr. Joseph Kessler  
Mr. R. Jonah Margarella  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. James S. Moss  
Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Aaron Zdinak, PE

Members Absent

Mr. Alan D. Givens  
Mr. David V. Hutchins  
Ms. Christina Jackson  
Ms. Elizabeth White

- 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.
- 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, arrived after approval of Interpretation 01/2025.
- Approval of Minutes              The draft minutes of the April 18, 2025 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes with the editorial change adding “s” to the word footing in line 129 of page 11. The motion was seconded by Mr. Pharr and passed with Mr. Butler abstaining.
- Final Order                          Bruce Henry: Appeal No. 25-02:
- After review and consideration of the final order presented in the Review Board members’ agenda package, Ms. Monday moved to approve the final order as presented. The motion was seconded by Mr. Crigler and passed with Mr. Butler abstaining.
- George Karsadi: Appeal No. 24-09:
- After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order with the following editorial change to the first sentence in the next to last paragraph on page 29 to read as follows:

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Cruttenden argued that she did not sign or receive a contract for the project.

The motion was seconded by Mr. Zdinak and passed with Mr. Butler abstaining.

Interpretation

Approval of Interpretation 01/2025:

After review and consideration of Interpretation 01/2025, presented in the Review Board members' agenda package, Mr. Crigler moved to approve Interpretation 01/2025 with an editorial change deleting the letter "d" from the word *sided* and adding the letter "s" to create the word *sides* in the second question of the interpretation. The motion was seconded by Mr. Moss and passed with Ms. Monday and Mr. Butler abstaining.

Public Comment

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

New Business

Victor Valdez: Appeal No. 25-03:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to Mr. Valdez being removed as the Fire Official for the City of Virginia Beach by the Fire Chief, by department transfer, without cause and without being afforded an opportunity to be heard on any specific or relative charges by and before the appointing authority in accordance with VSFPC section 105.1.1 Appointment.

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

Victor Valdez, Former Virginia Beach Fire Official  
Kenneth Pravetz, Virginia Beach Fire Chief

Also present was:

Dana Harmeyer, Attorney for Virginia Beach

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

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State Building Code Technical Review Board  
May 16, 2025 Minutes - Page 3

Decision: Victor Valdez: Appeal No. 25-03:

After deliberations, Mr. Pharr made a motion that did not receive a second. After further deliberations Mr. Mays made a motion that was seconded by Mr. Pharr. After a brief discussion the motion and second were withdrawn.

After further deliberations, Mr. Mays moved to uphold the denial of the local appeals board and modify the decision because the case was properly before the Review Board, the Review Board did have jurisdiction to hear the case, and according to VSFPC Section 112.5 *Application for appeal*, Mr. Valdez lacked standing to file the appeal. The motion was seconded by Mr. Pharr and passed unanimously.

Chair Appointment

Chair Dawson appointed a sub-committee to review the VCC, VPMC, and VSFPC for the purpose of drafting code change proposals for each of the three codes to address the issues that arose from Appeal No.25-03 related to the appointment of code officials. The members appointed to the sub-committee were Mr. Dawson, Mr. Mays, Mr. Moss, and Mr. Pharr.

Secretary's Report

Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for July 18, 2025.

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

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 12:15 p.m.

Approved: July 18, 2025

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Vice-Chair, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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1 VIRGINIA:

2  
3 BEFORE THE  
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD  
5

6  
7 IN RE: Appeal of Victor Valdez  
8 Appeal No. 25-03  
9

10 DECISION OF THE REVIEW BOARD  
11

12 I. Procedural Background  
13

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

19 II. Case History

20 On December 11, 2024, the Fire Chief for the Virginia Beach Fire Department (City), the  
21 agency responsible for the enforcement of the 2021 Virginia Statewide Fire Prevention Code  
22 (VSFPC), distributed a transfer memo to the department announcing that Victor Valdez (Valdez)  
23 would no longer be serving as the City Fire Official, effective January 14, 2025. Valdez was  
24 appointed City Fire Official effective April 6, 2023. Valdez asserts that he was removed as the  
25 City Fire Official without cause or being afforded an opportunity to be heard on any specific and  
26 relevant charges by and before the appointing authority in accordance with VSFPC Section 105.1.1  
27 Appointment. Valdez wishes to remain the City Fire Official.

28 Valdez filed an appeal to the City of Virginia Beach Building Code Board of Appeals (local  
29 appeals board). The local appeals board denied the appeal "*Based on jurisdiction*". No other

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30 explanation was provided in the written decision of the local appeals board. On March 14, 2025,  
31 Valdez further appealed to the Review Board.

32 Appearing at the Review Board meeting for Valdez was Victor Valdez. Appearing at the  
33 Review Board meeting for the City of Virginia Beach were Kenneth Pravetz, Fire Chief and Dana  
34 Harmeyer, legal counsel.

### 35 III. Findings of the Review Board

36 A. Whether to overturn the Fire Chief and local appeals board on the transfer of Victor  
37 Valdez and removing him as the City Fire Official without cause or being afforded an opportunity  
38 to be heard on any specific and relevant charges by and before the appointing authority in  
39 accordance with VSFPC Section 105.1.1 Appointment.

40 Valdez argued that he was removed as the City Fire Official without cause or being  
41 afforded an opportunity to be heard on any specific and relevant charges by and before the  
42 appointing authority in accordance with VSFPC Section 105.1.1 Appointment.

43 The City argued what it believed was the scope of authority of the Review Board. The  
44 City also argued that Valdez lacked standing to file the appeal in accordance with VSFPC  
45 Section 112.5 *Application for appeal* because Valdez was not “the *owner* of a structure, the  
46 owner’s agent or any other person involved in the maintenance of the structure, or activity.”

47 Valdez argued what he believed to be the cause of his removal. The City argued that  
48 Valdez was removed from the position of City Fire Official for just cause and was given the  
49 opportunity to be heard by and before the appointing authority which is the City Fire Chief. The  
50 Review Board did not rule on whether just cause existed or whether Valdez was afforded an  
51 opportunity to be heard.

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The Review Board found that the case was properly before the Review Board, the Review Board did have jurisdiction to hear the case, and according to VSFPC Section 112.5 *Application for appeal*, Valdez lacked standing to file the appeal.

#### IV. Conclusion

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

A. Whether to overturn the Fire Chief and local appeals board on the transfer of Victor Valdez and removing him as the City Fire Official without cause or being afforded an opportunity to be heard on any specific and relevant charges by and before the appointing authority in accordance with VSFPC Section 105.1.1 Appointment.

The Review Board upholds the decision of the local appeals board while modifying the decision because the appeal is properly before the Review Board and the Review Board does have jurisdiction to hear the case. According to VSFPC Section 112.5 *Application for appeal*, Valdez lacks standing to file the appeal; therefore, the appeal is dismissed.

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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_ July 18, 2025 \_\_\_\_

As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.”

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80           As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision  
81 shall file with the agency secretary, within 30 days after adoption of the regulation or after service  
82 of the final order in the case decision, a notice of appeal signed by the appealing party or that  
83 party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall  
84 be the date of publication in the Register of Regulations. In the event that a case decision is  
85 required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days  
86 shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent  
87 by registered or certified mail to the party's last address known to the agency.” See Rule 2A:2(A)  
88 of the Rules of the Supreme Court of Virginia.

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE:       Appeal of Andrew Suddarth (David Williams)  
              Appeal No. 25-04

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Andrew Suddarth (David Williams)  
Appeal No. 25-04

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On October 28, 2024 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), inspected the structure located at 1201 Porter Street in the City of Richmond and subsequently issued a Notice of Violation – Unsafe Structure (NOV) on November 18, 2024 to David Williams (Williams), citing the following VMC Section:

- “Report of Unsafe Conditions

*106.1 US - Unsafe Structure*

*This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code. An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because of, but not limited to, any of the following conditions:*

- 1. The structure contains unsafe equipment;*
- 2. The structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty*

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*construction or unstable foundation that partial or complete collapse is likely;*

*3. The structure is unsecured or opened;*

*4. The degree to which the structure is in disrepair or lacks maintenance, ventilation,*

*illumination, sanitary or heating facilities or other essential equipment;*

*5. The required plumbing and sanitary facilities are inoperable.”*

2. Williams filed an appeal to the City of Richmond Local Board of Building Code Appeals (local appeals board). On March 19, 2025, the local appeals board upheld the decision of the code official stating that *“The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the Code Official properly”*. On April 8, 2025, Williams, through Andrew Suddarth, legal counsel, further appealed to the Review Board seeking to have the NOV overturned.

3. While initially processing the appeal application, Review Board staff learned that on March 24, 2025 the structure located at 1201 Porter Street had been razed and removed; therefore, in accordance with Review Board Policy #9, Review Board staff prepared the case for a preliminary hearing as to whether the appeal is properly before the 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 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 is properly before the Board.

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# Basic Documents

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## **NOTICE OF VIOLATION - UNSAFE STRUCTURE**

**City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219  
November 18, 2024**

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta una apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

David B Williams  
5270 Sheridan Lane  
Richmond, Va. 23225

Tracking #: 071590-2024  
Inspector: Michael Jackson  
Phone: (804) 310-3737  
Parcel #: 1084499\_S0000087011

Property located at: 1201 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 10/28/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 12/16/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 310-3737.

### **Report of Unsafe Conditions**

#### **106.1 US - Unsafe Structure**

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code. An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because of, but not limited to, any of the following conditions:

1. The structure contains unsafe equipment;
2. The structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely;
3. The structure is unsecured or opened;
4. The degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment;
5. The required plumbing and sanitary facilities are inoperable.

**It has been determined by the Building Commissioner that this building is unsafe and in danger of collapsing. (see attachment letters) The following conditions exist rendering the structure to be unsafe. The roofing assembly in the main portion of the building is in the state of collapsing and sections of the roof is missing. The interior of the building has been gutted out completely and all the floor joists, floors, ceiling joist, wall framing members and lateral structural supports have been removed. The continuous rainwater from the opened roof is exposing the brick foundation, causing a trench to form around the interior of the outer walls. The interior floor surface is now exposed ground, that will be affected by freezing conditions and water exposure which has created a structural failure of the outer brick walls. The foundation has been damaged due to the continuous water exposure on the interior from the opened roof. This exposure has caused the leaning of the chimneys toward interior and public way. The parapet bricks are loose and are being dislodged at the top of the walls that faces the public sidewalk. The walls at the side near the adjacent neighbor's home are bulging outward ready to collapse. The overall structural condition of the building is extremely unstable and in an imminent state of collapse due to neglect and lack of significant maintenance or repairs in the last 6-10 years. This building is located several feet from an occupied property and public sidewalk. Therefore, this structure is ordered to be demolished. The structure must be demolished 12/16/24 and failure to comply will result in the City of Richmond demolishing the structure and placing a lien against the property for all cost associated with the demolition. A permit will be needed in order to demolish the structure.**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

*A Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Michael Jackson

(804) 310-3737

Property Maintenance Inspector



LBBCA

Appeal No: \_\_\_\_\_

In order for this appeal to be processed the appropriate fee according to the fee schedule must be paid prior to submittal. Appeal fee is non-refundable.

Application for Appeal

I (we) David Williams, of Clarence Williams  
(name) (mailing address) 5270 Snead Lane  
Richmond, VA 23224

respectfully request that the Local Board of Building Code Appeal review the decision made on 11-18-24 by the Code Official.  
(date)

I am appealing the following code section(s): 5-1/106.1

Description of Decision Being Appealed: To demolish the  
building located at 1201 Porter Street  
Richmond, VA 23224

Location of Property Involved: 1201 Porter Street, Richmond,  
VA 23224

What is the applicant's interest in the property?

☐ owner  
☐ contractor  
☐ owner's agent  
☒ other (explain) Brother

Relief Sought: owner seeks City's Approval  
of owner's remediation plan  
beginning with demolition of the  
part of which owner contractor attempted  
to submit an application for a permit

Attach the decision of the Code Official and any other pertinent documents that will be needed to support your position in the appeal. No additional information will be accepted within 14 days of the scheduled hearing. All documentation must be submitted in sets of nine (9).

David Williams by Clarence  
Signature of Applicant Williams

Filed at Richmond, Virginia, the 13th day of December 2024 (Brother Prot)



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

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

## 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. H02-24-07590

IN RE: Clarence Williams -1201 Porter St v. City of Richmond

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

The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the

Code Official properly.

The vote was: Uphold 2-0. Reverse \_\_\_\_\_. Modify \_\_\_\_\_.

Date: March 19th, 2025

Signature: Tommy Davis  
Chair of Local Board of Building Code Appeals

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

**RECEIVED**

April 10, 2025

WTZ

**OFFICE OF THE REVIEW BOARD**

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

Andrew Suddarth, Esq. on behalf of Appellant, David Williams.  
(703) 865-6100 asuddarth@pjilaw.com 3900 Jermantown Rd Ste 220  
Fairfax, VA 22030

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

David Alley, Richmond Commissioner of buildings  
(804) 513-6939 david.alley@rva.gov 900 E Broad St Rm. 110  
Richmond, VA 23219

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

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

see Attached

Additional Information (to be submitted with this application)

- o Statement of specific relief sought

See Attached

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of April, 2025 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: \_\_\_\_\_

(please print or type)



3900 Jermantown Road Suite 220 Fairfax, VA 22030  
Tel: (703) 865-6100 Fax: (703) 865-6125

April 8, 2025

**Via: E-Mail**

State Technical Review Board  
600 E. Main Street, Suite 300  
Richmond, VA 23219  
[sbco@dhcd.virginia.gov](mailto:sbco@dhcd.virginia.gov)

**RE: David Williams**  
**Subject Property: 1201 Porter Street Richmond, VA 23224**  
**PJI Case Number: 22682**

**Statement of Relief Requested**

Dear State Technical Review Board:

This firm continues to represent the interests of Mr. David Williams, owner of the above-referenced property. Please accept this correspondence as the Appellant's statement of relief sought in conjunction with his appeal of the March 19, 2025 decision by the Richmond Local Board of Building Code Appeals ("RLBBCA"). At the March 19 hearing, the RLBBCA upheld a decision to demolish the Appellant's property at 1201 Porter Street ("the Subject Property") on the grounds that the structure thereon was allegedly unsafe. The Appellant disputes the determination regarding the safety of the structure. He additionally objects to the RLBBCA's and Building Commissioner's denial of Appellant's due process rights on numerous grounds, including but not limited to the Commissioner's refusal to consider a compliant building permit application, the RLBBCA's action lacking a quorum, and the Commissioner's denial of Appellant's appeal rights. The Appellant seeks reversal of the decision by the RLBBCA and of the demolition determination.

If you have any questions about this matter, please do not hesitate to contact me by phone at 703-865-6100 or by email at [asuddarth@pjilaw.com](mailto:asuddarth@pjilaw.com).

Sincerely,

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

cc:

David Williams

Andrew Suddarth, Esq.

PJI Law, PLC  
3900 Jermantown Road, Suite 220  
Fairfax, Virginia 22030  
T (703) 865-6100  
F (703) 865-6125

**PJI Law, PLC**

Documents Submitted  
by  
Andrew Suddarth for  
David Williams

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April 25, 2025

**Via: E-Mail**

W. Travis Luter, Sr. CBO  
Secretary to the State Building Code Technical Review Board  
Virginia Department of Housing and Community Development  
[travis.luter@dchcd.virginia.gov](mailto:travis.luter@dchcd.virginia.gov)

**RE: David Williams**  
**Subject Property: 1201 Porter Street**  
**PJI Case Number: 22682**

**Supplemental Appeal Documents**

Dear Mr. Luter:

This firm continues to represent the interests of Mr. David Williams, owner of the above-referenced property. Enclosed, please see the following documents in support of Mr. Williams' appeal of the March 19, 2025 decision of the Richmond Local Board of Building Code Appeals;

- January 8, 2018 Stabilization Plan
- May 9, 2024 Inspection Worksheet
- June 26, 2024 Stabilization Plan
- Written Decision of Richmond LBBCA received via email on April 1, 2025

If you have any questions about this matter, please do not hesitate to contact me by phone at 703-865-6100 or by email at [asuddarth@pjilaw.com](mailto:asuddarth@pjilaw.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Suddarth", with a stylized flourish at the end.

cc: David Alley

Andrew Suddarth, Esq.  
PJI Law, PLC  
3900 Jermantown Road, Suite 220  
Fairfax, Virginia 22030  
T (703) 865-6100  
F (703) 865-6125

# **January 8, 2018**

## **Stabilization Plan**

# 1201 Porter Street

## Stabilization Plan

### Owner

David & Elma Williams  
5270 Sheridan Lane  
Richmond, VA 23227

### Scope of Work

Scope of work will generally consist of the temporary stabilization of a deteriorating existing structure in accordance with these plans and the IRC, 2012.

The work will include:

1. Removal of debris.
2. Bracing and stabilization according to these plans.
3. Removal of rotted or failed structural elements.

Proposed stabilization should be adequate for (2) two years.

### Engineer

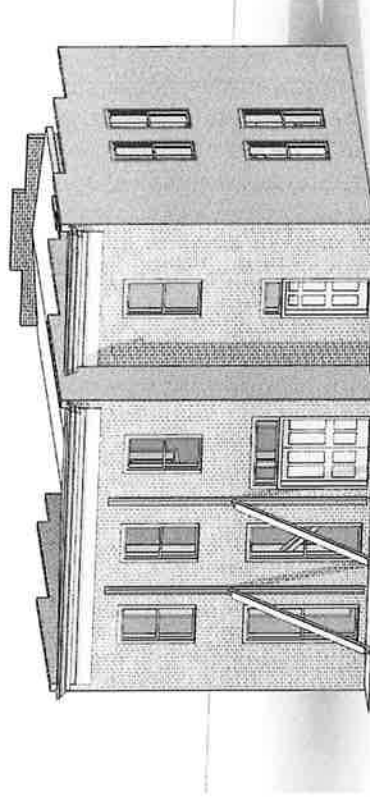
Obsidian, Inc.  
Charles R. Field, P.E.  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianrva@gmail.com

### Property Information

Parcel ID S0000087011  
Zoning R-8  
Use Residential  
Setbacks Front Yard = >10 feet and <18 feet  
Side Yard = 3 feet  
Rear Yard = 5 feet  
Lot Coverage 65%

### General Notes

1. The structure will be braced in accordance with the 2012 edition of the "International Residential Code", the Statewide Uniform Building Code and the applicable City of Richmond ordinances.
2. The contractor is responsible for compliance with City, State and Federal job site safety requirements.
3. The contractor shall verify all dimensions and conditions prior to start of work, and any discrepancies will immediately be brought to the attention of the engineer.
4. All elements of the building that were intended to be plumb and vertical must be plumb and vertical.
5. The interior renovation will be completed under a separate building permit.

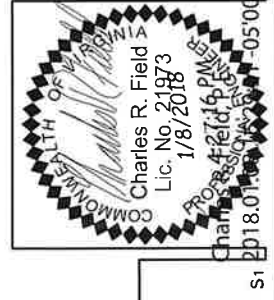


Obsidian, Inc.  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianrva@gmail.com

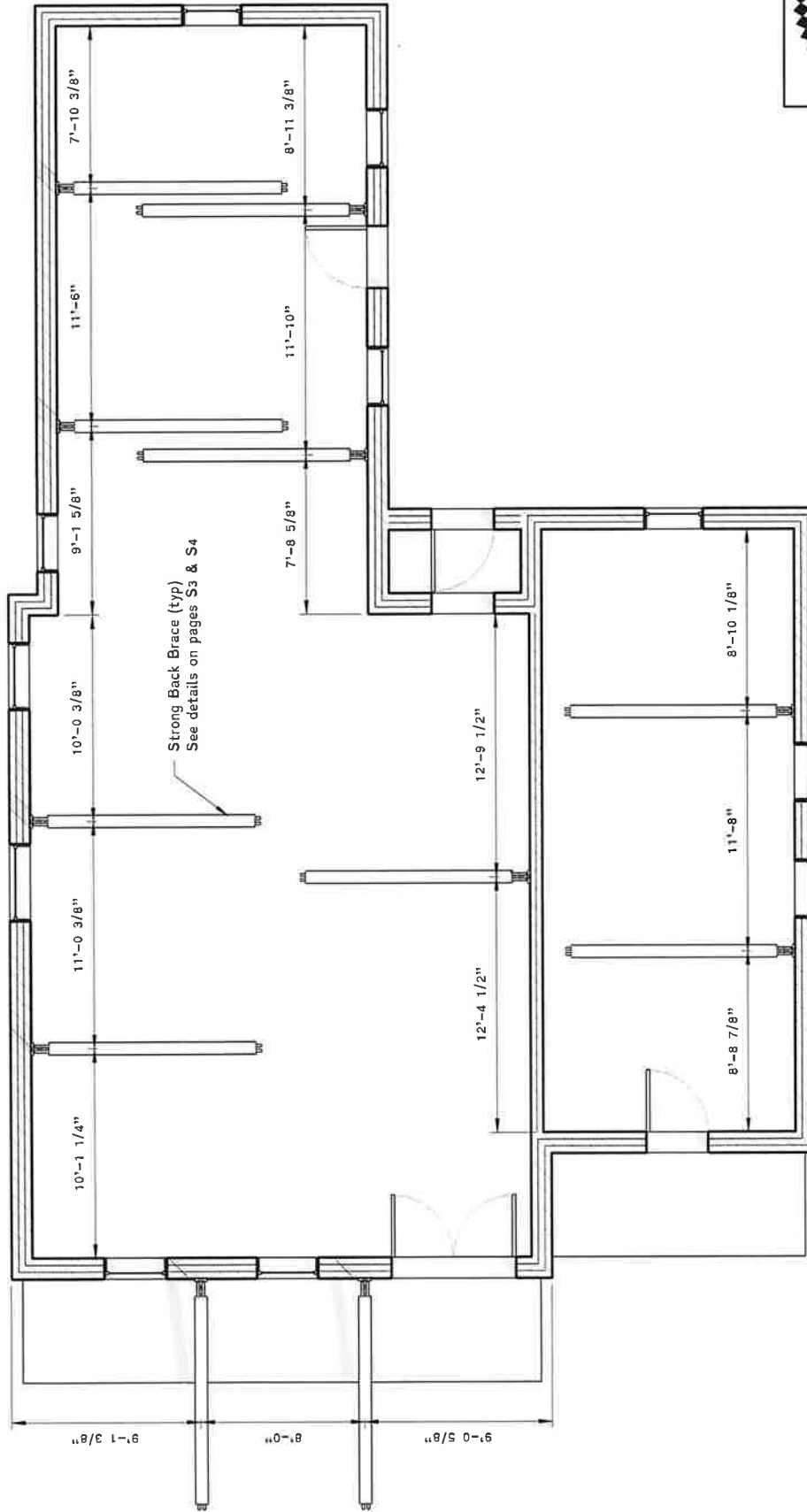
Title Sheet  
1201 Porter Street  
David B & Elma G Williams

| Rev. | Date | Description |
|------|------|-------------|
|------|------|-------------|

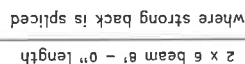
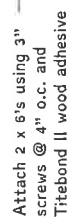
January 8, 2018



Charles R. Field  
Lic. No. 21873  
1/8/2018  
Charles R. Field, P.E.  
2018.01.08 15:00 - 05:00  
S1

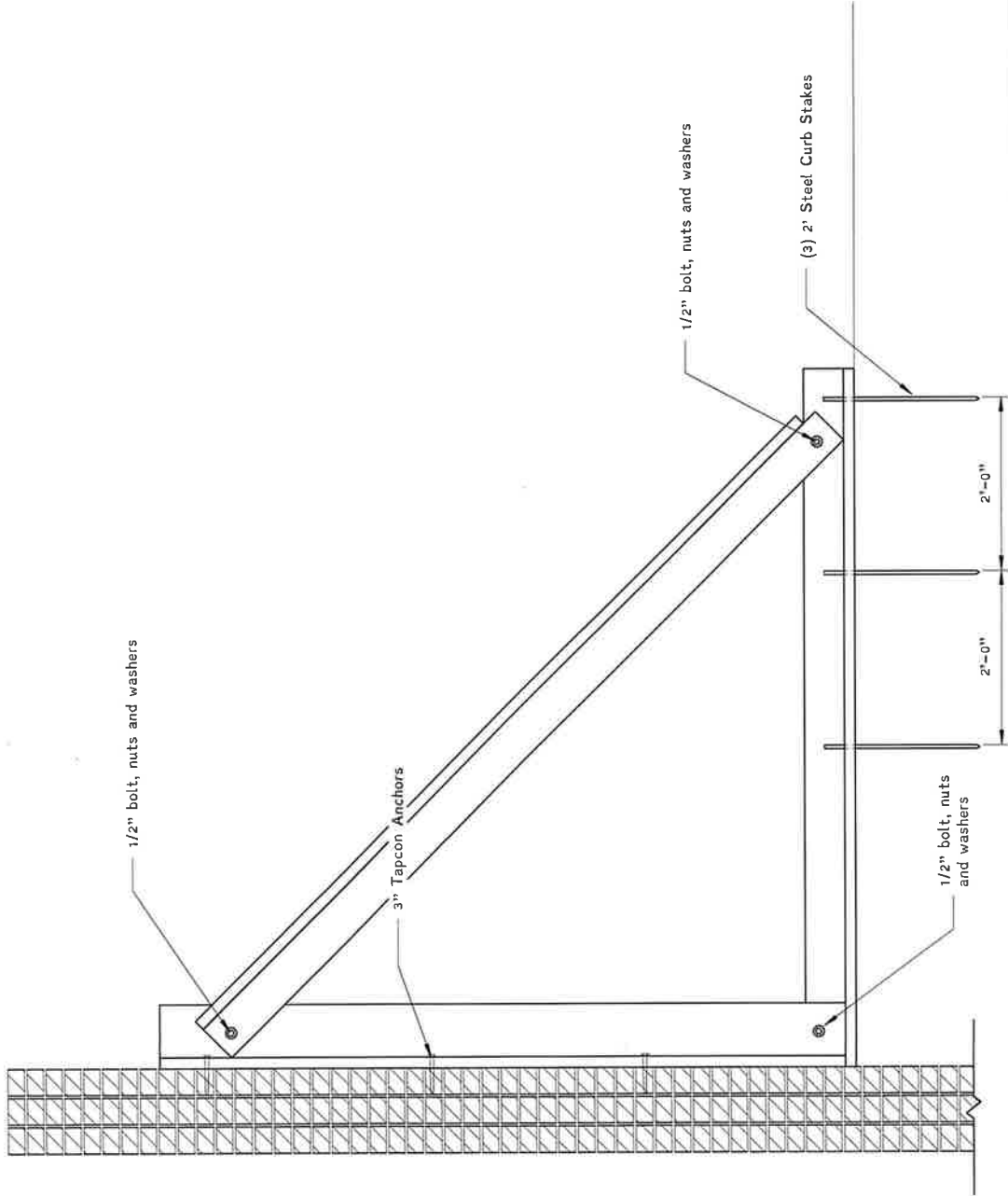


Description

 $1\frac{1}{2}'' = 1'-0''$ Description $1\frac{1}{2}" = 1'-0"$ 

January 8, 2018

**Obsidian, Inc.**  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianrva@gmail.com



1 Strongback Section View

**Obsidian, Inc.**  
 515 North 22nd Street  
 Richmond, VA 23223  
 804.647.1589  
 obsidianrva@gmail.com

**Strongback Details 2**  
 1201 Porter Street  
 David B & Elma G Williams

January 8, 2018

S4



| Rev. | Date | Description |
|------|------|-------------|
|------|------|-------------|

**May 9, 2024**  
**Inspection Worksheet**

# INSPECTION WORKSHEET (632916-2024)

City of Richmond, VA

Phone: 311 | Address: 900 E Broad Street, Richmond, VA 23219

**Case Number:** BLDR-131524-2024

**Inspection Date:** Thu May 9, 2024

**Inspector:** Snyder, Zachary

**Case Module:** Permit

**Inspection Status:** Partial Pass

**Inspection Type:** Other/Consultation (B)

**Job Address:** 1201 Porter St  
Richmond, VA, 23224

**Parcel Number:** 1084499\_S0000087011

| Contact Type   | Company Name                                     | Name             |
|----------------|--|------------------|
| Owner          |  | Williams , David |
| Contractor     | BRUCE JOHNSON dba B & J<br>CONSTRUCTION SERVICES | Johnson, Bruce   |
| Contact Person | Williams David B & Elma G                        |                  |
| Applicant      | BRUCE JOHNSON dba B & J<br>CONSTRUCTION SERVICES | Johnson, Bruce   |

## Checklist Item

## Status

General Comments - General Comments

Passed

Inspected by Zachary Snyder  
Shoring installed per plans

  
Snyder, Zachary



# **June 26, 2024 Stabilization Plan**

# 1201 Porter Street

## Building Renovation Plans

### Owner

David B & Elma Williams  
1201 Porter Street  
Richmond, VA 23227  
804.647.1589  
dwilliams@comcast.net

### Engineer

Obsidian, Inc.  
Professional Engineering Practice  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianeng.com

### Table of Contents

|        |                         |
|--------|-------------------------|
| A-1.1  | Drawings                |
| A-1.2  | Title Sheet             |
| A-1.3  | Notes                   |
| A-1.4  | First Floor Layout      |
| A-1.5  | Second Floor Layout     |
| A-1.6  | North & East Elevations |
| A-1.7  | South & West Elevations |
| A-1.8  | Sections                |
| A-1.9  | Details                 |
| A-1.10 | First Floor Layout      |
| A-1.11 | Structure               |
| A-1.12 | Calculations            |
| A-1.13 | Calculations            |



V1.1

| Rev. | Date     | Description    |
|------|----------|----------------|
| 1    | 01/20/24 | Initial Design |
| 2    | 01/20/24 | Revised Design |
| 3    | 01/20/24 | Final Design   |

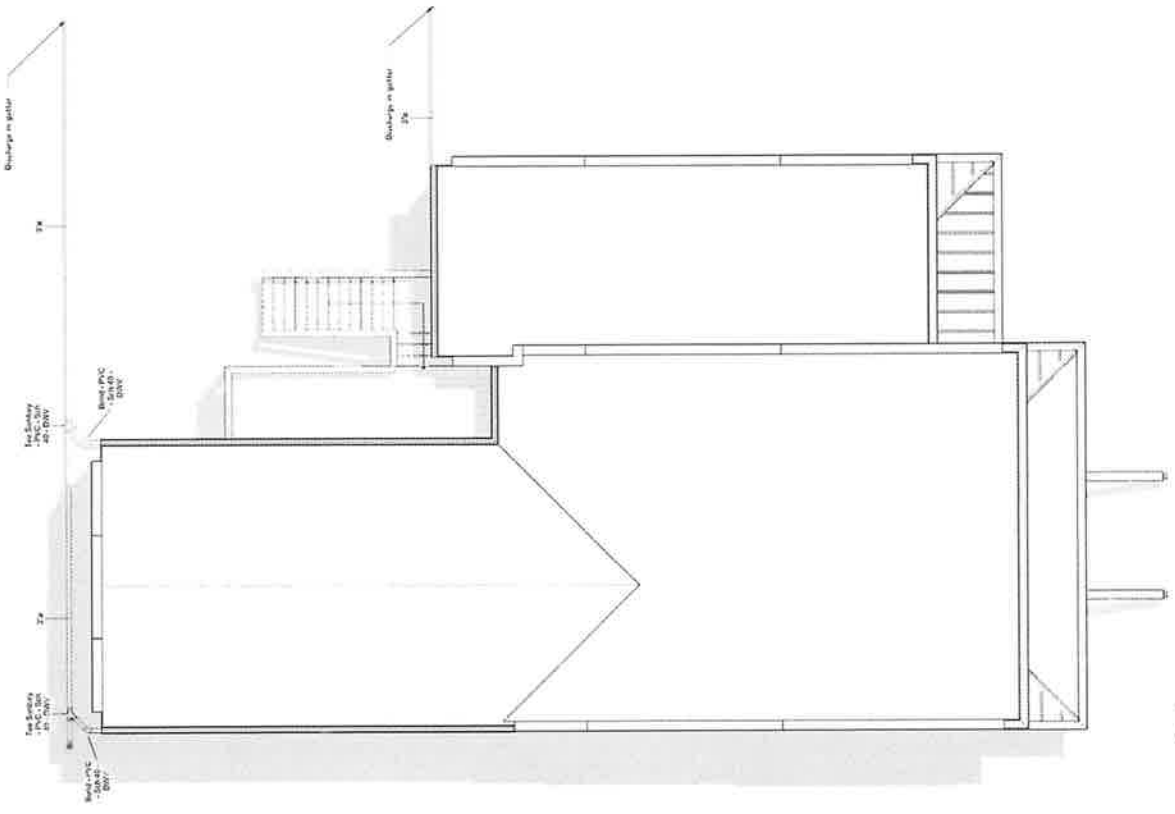
rev. 01/20/24  
January 8, 2024

**Drainage Plan**  
1201 Porter Street  
David B & Elma G Williams

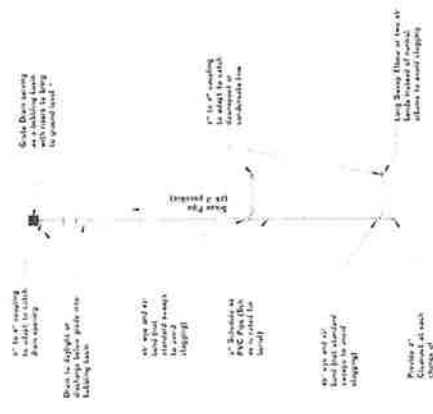
City of Richmond, VA



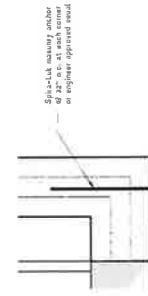
**Obsidian**  
A Professional Engineering Practice  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589



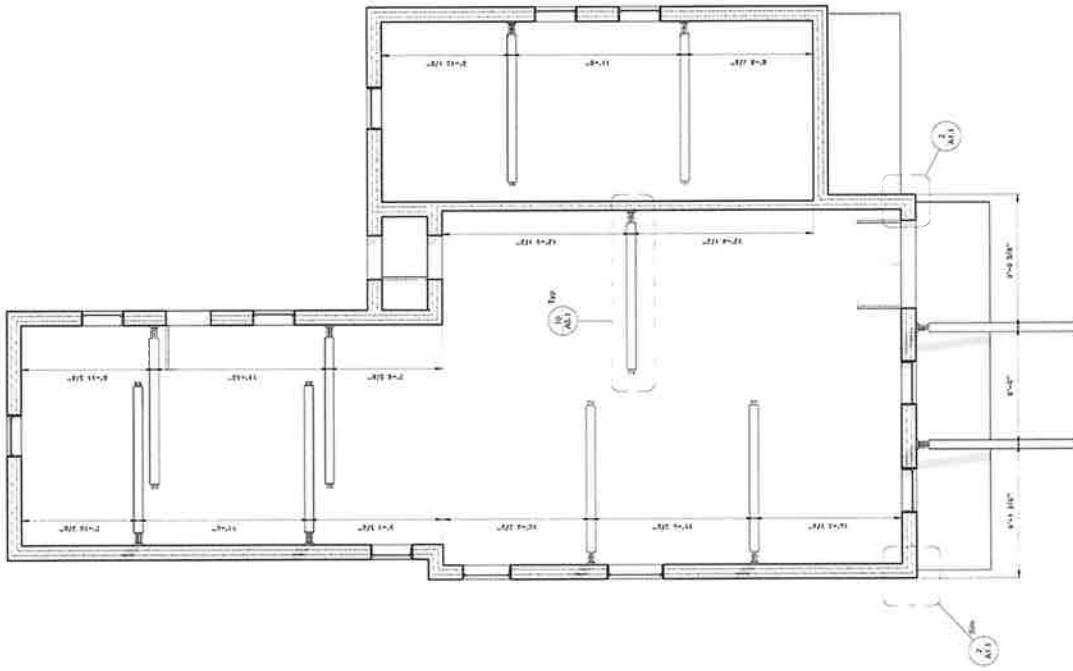
Site Plan  
1/8" = 1'-0"



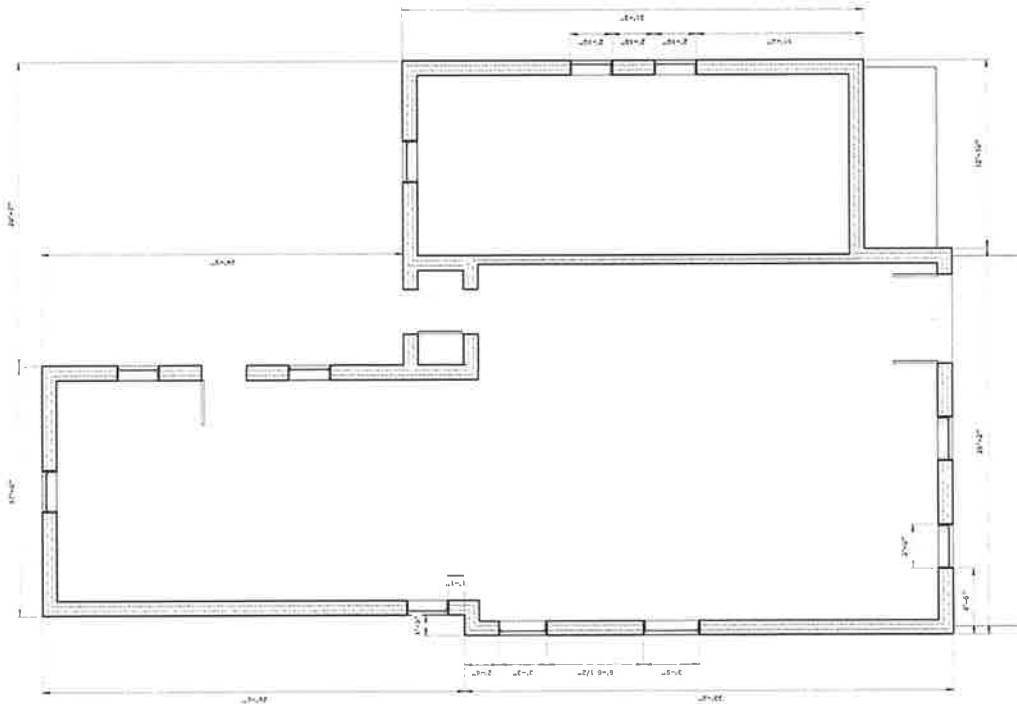
Drainage Schematic  
1/8" = 1'-0"



② Front Wall Stabilization  
1" w 1'-0"



⑥ 1st Floor - Stabilization



① 1st Floor - Existing



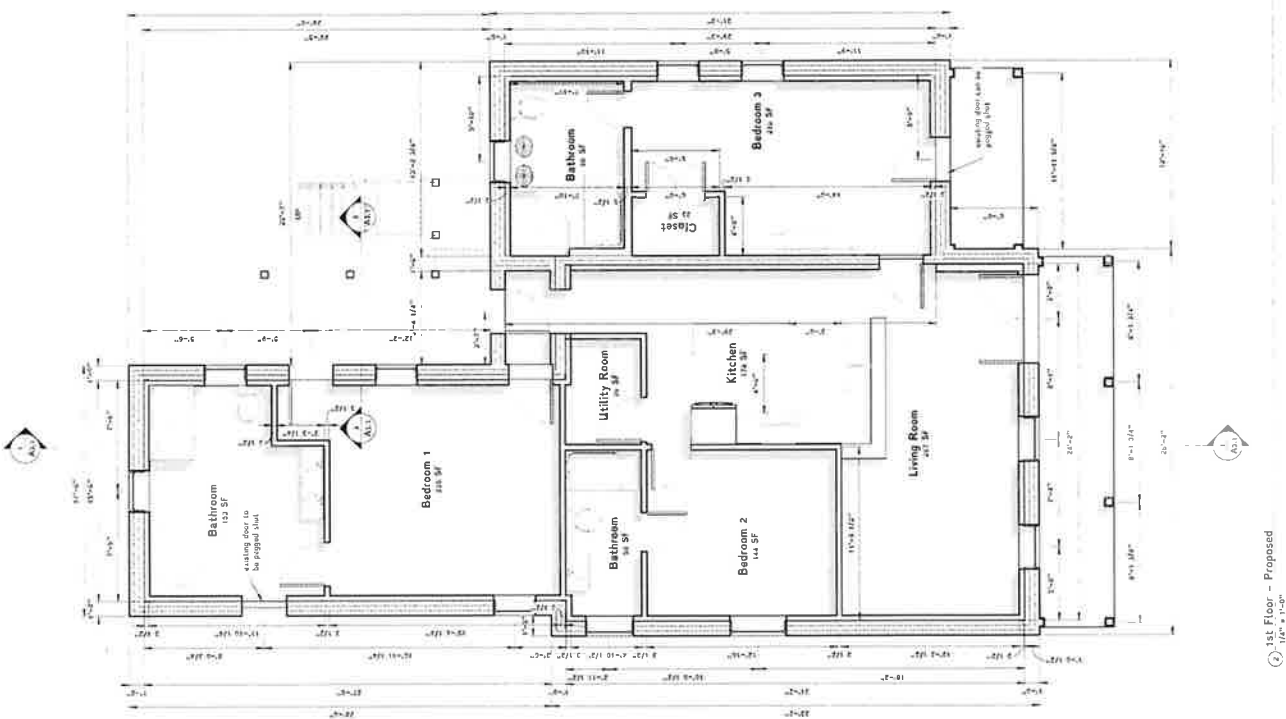
City of Richmond, VA

**First Floor Layout**  
1201 Porter Street  
David B & Elma G Williams

rev: 6/26/24  
January 8, 2024

[illegible]

## A1.2



2 - 1st Floor - Proposed  
1/4" = 1'-0"

Print plans at 24" x 36", Arch



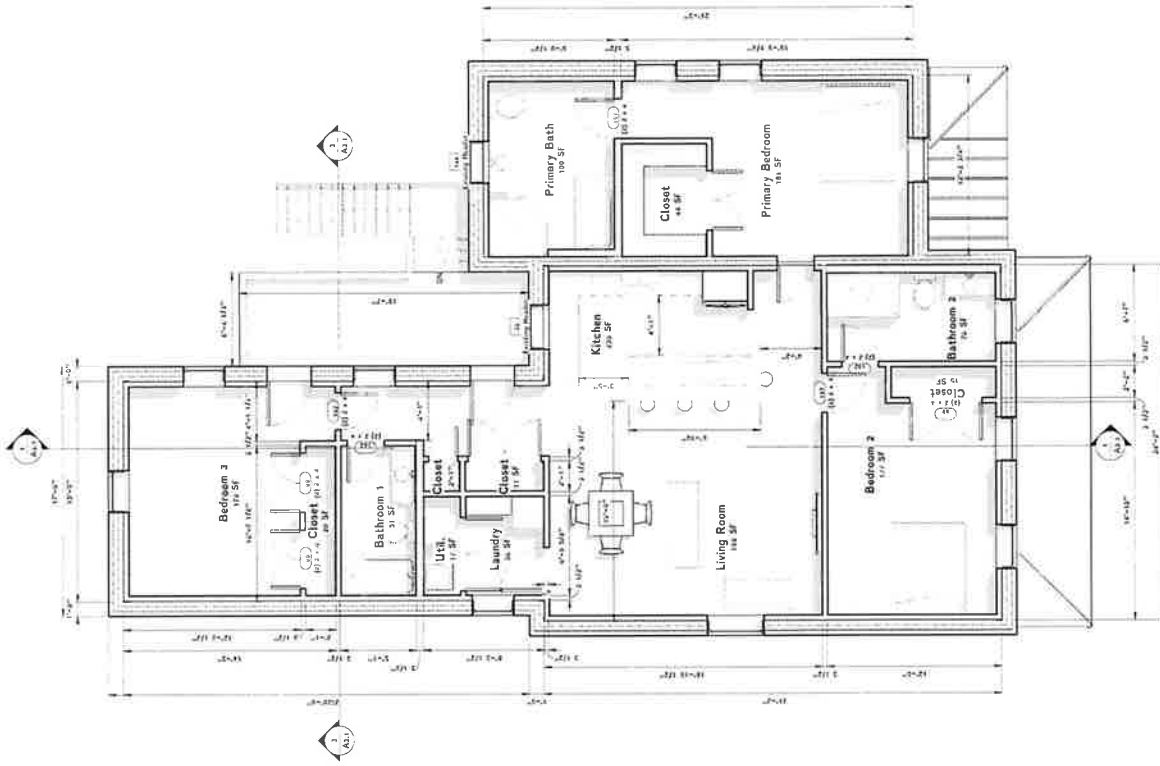
City of Richmond, VA  
David B & Elma G Williams  
1201 Porter Street  
Second Floor Layout

Rev. 0/26/24  
January 6, 2024

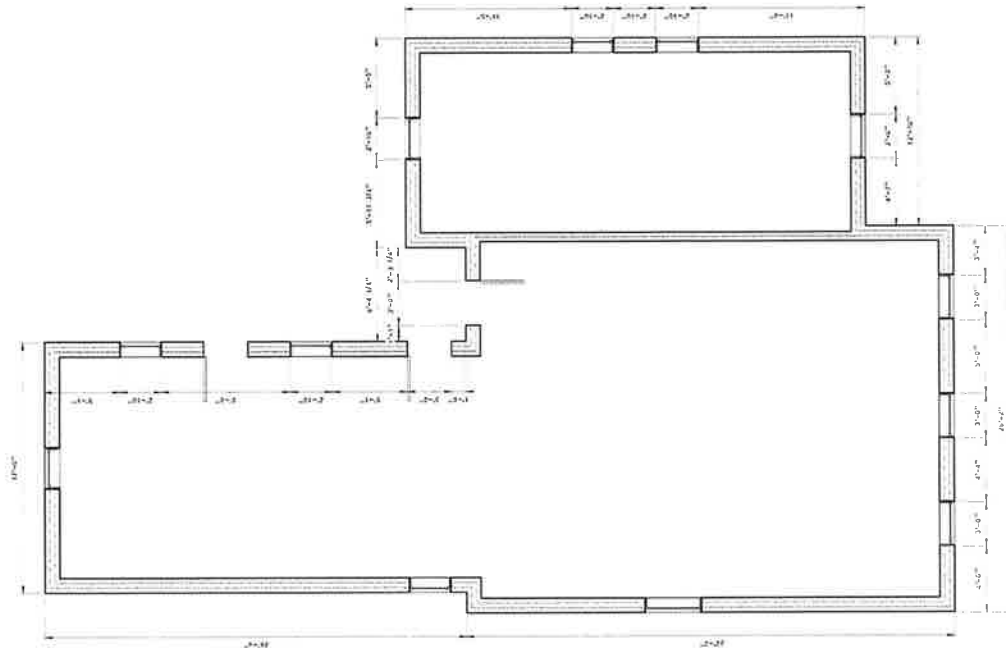
Date

Revision

A1.3



2nd Floor - Proposed  
1/2" = 1'-0"



2nd Floor - Existing  
1/2" = 1'-0"





# South & West Elevations

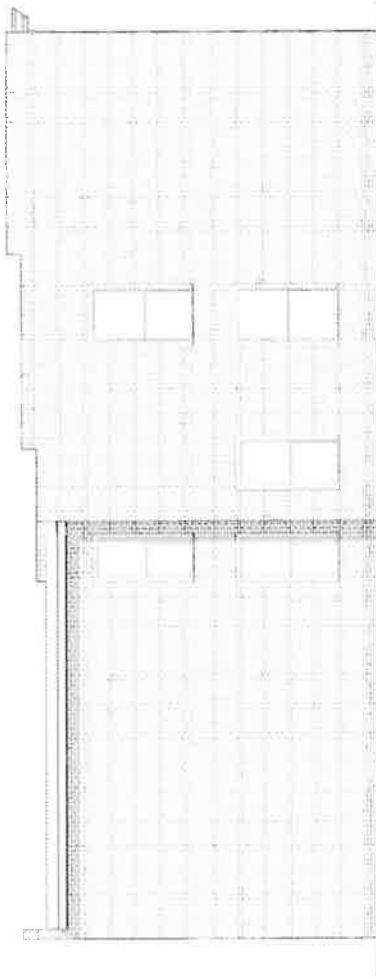
rev. 6/26/24  
January 8, 2024

1201 Porter Street  
David B & Elma G Williams

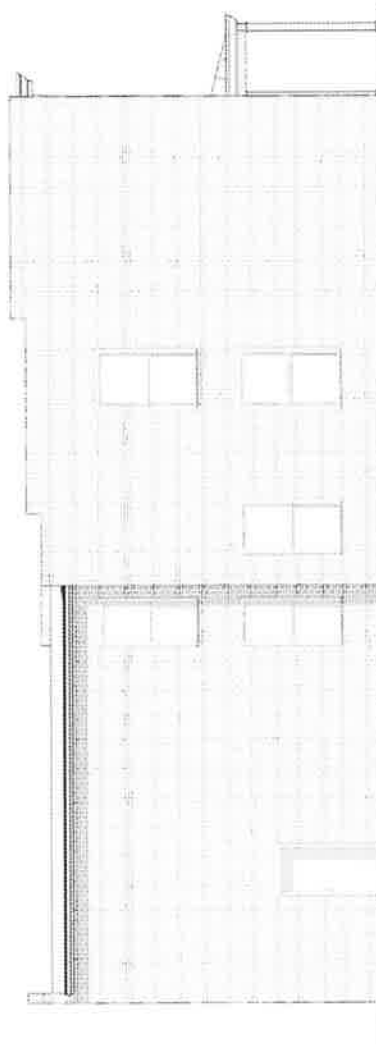
City of Richmond, VA



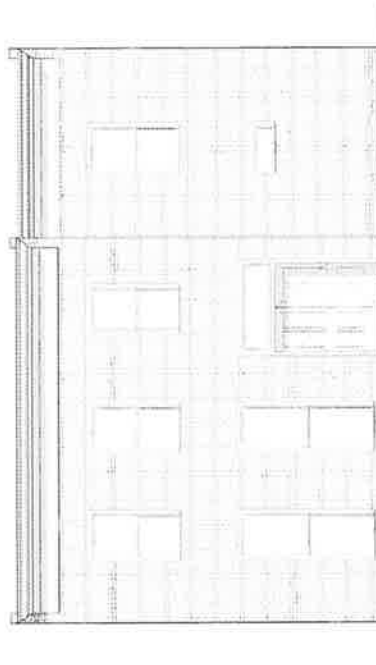
**Obsidian**  
A Professional Engineering Practice  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589



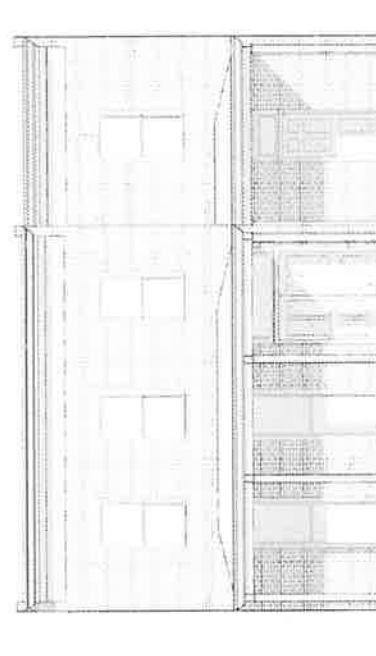
2 Existing West  
1/8" = 1'-0"



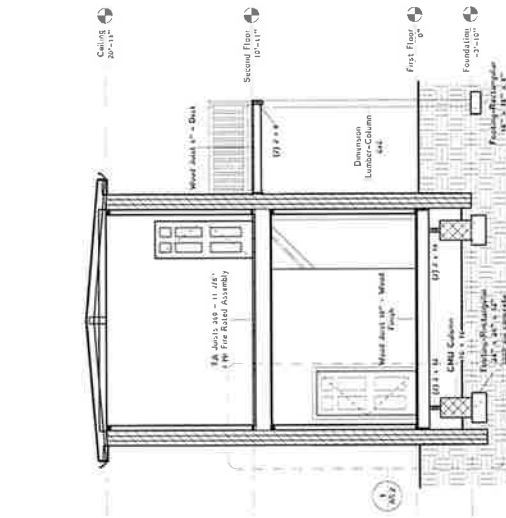
4 Proposed West  
1/8" = 1'-0"



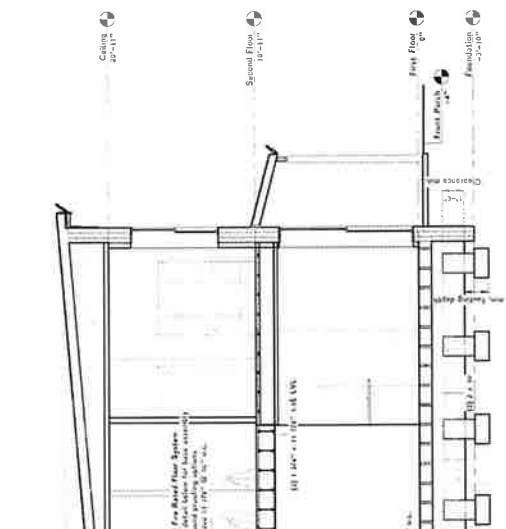
1 Existing South  
1/8" = 1'-0"



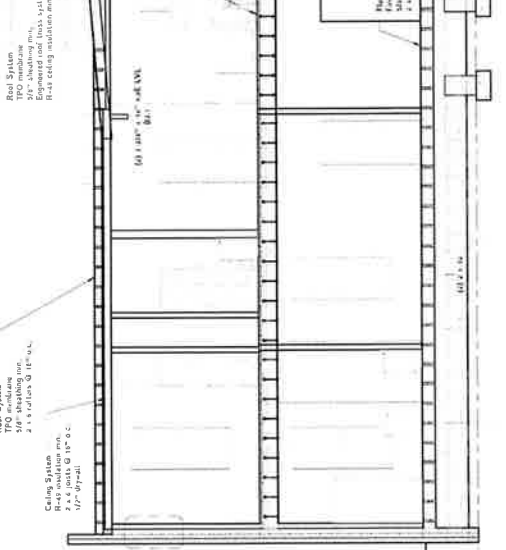
3 Proposed South  
1/8" = 1'-0"



Section 1  
16' x 16'

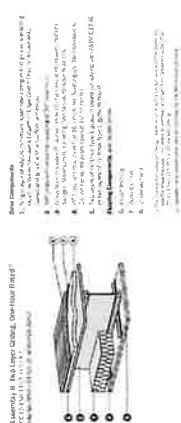


Section 2  
16' x 16'



Section 3  
16' x 16'

### BASE ASSEMBLY B



Notes:

1. All materials shall be as specified in the drawings.
2. All materials shall be installed in accordance with the manufacturer's instructions.
3. All materials shall be installed in accordance with the applicable building codes.
4. All materials shall be installed in accordance with the applicable fire codes.
5. All materials shall be installed in accordance with the applicable safety codes.
6. All materials shall be installed in accordance with the applicable health codes.
7. All materials shall be installed in accordance with the applicable environmental codes.
8. All materials shall be installed in accordance with the applicable accessibility codes.
9. All materials shall be installed in accordance with the applicable energy codes.
10. All materials shall be installed in accordance with the applicable sustainability codes.

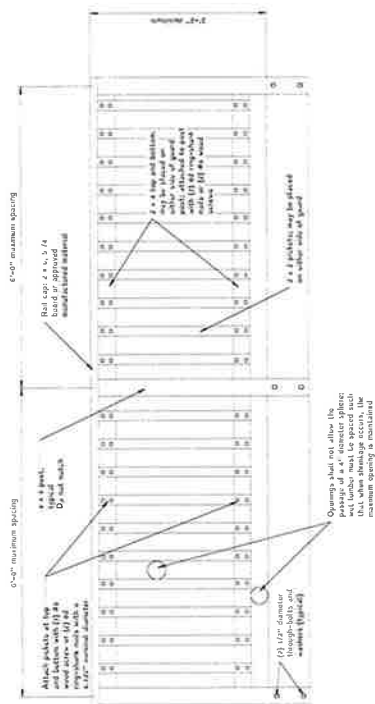
Notes:

1. All materials shall be as specified in the drawings.
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3. All materials shall be installed in accordance with the applicable building codes.
4. All materials shall be installed in accordance with the applicable fire codes.
5. All materials shall be installed in accordance with the applicable safety codes.
6. All materials shall be installed in accordance with the applicable health codes.
7. All materials shall be installed in accordance with the applicable environmental codes.
8. All materials shall be installed in accordance with the applicable accessibility codes.
9. All materials shall be installed in accordance with the applicable energy codes.
10. All materials shall be installed in accordance with the applicable sustainability codes.

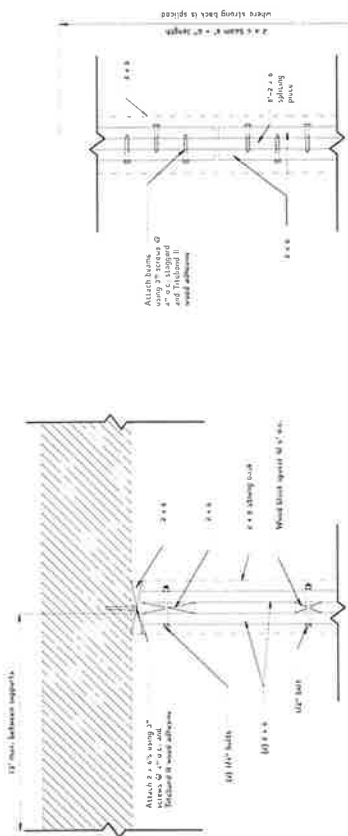
Notes:

1. All materials shall be as specified in the drawings.
2. All materials shall be installed in accordance with the manufacturer's instructions.
3. All materials shall be installed in accordance with the applicable building codes.
4. All materials shall be installed in accordance with the applicable fire codes.
5. All materials shall be installed in accordance with the applicable safety codes.
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7. All materials shall be installed in accordance with the applicable environmental codes.
8. All materials shall be installed in accordance with the applicable accessibility codes.
9. All materials shall be installed in accordance with the applicable energy codes.
10. All materials shall be installed in accordance with the applicable sustainability codes.



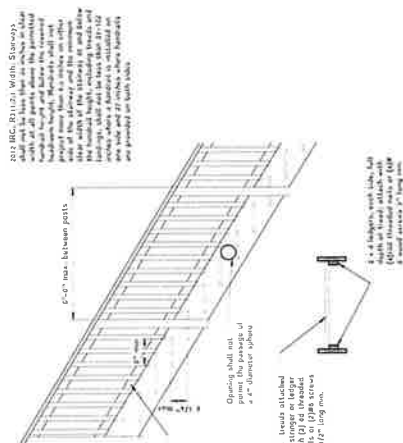


1 Deck Railing Detail  
1 1/2" x 1-3/4"

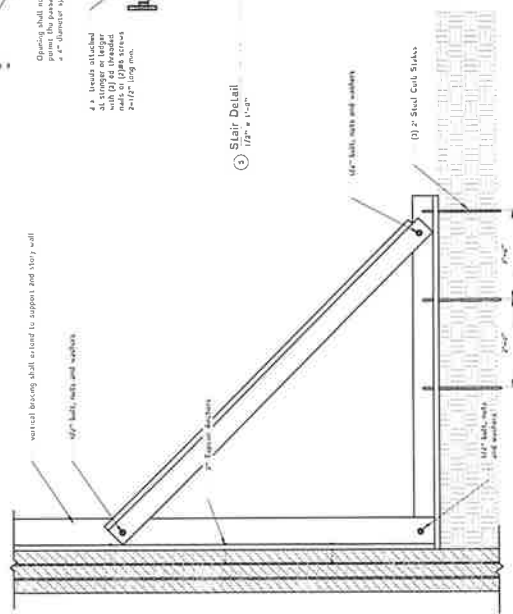


2 Strongback Bracing Plan View  
1 1/2" x 1-3/4"

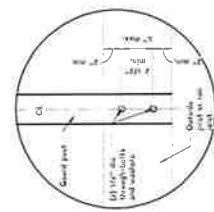
3 Strongback Brace Splice Detail  
1 1/2" x 1-3/4"



4 Stair Detail  
1 1/2" x 1-3/4"

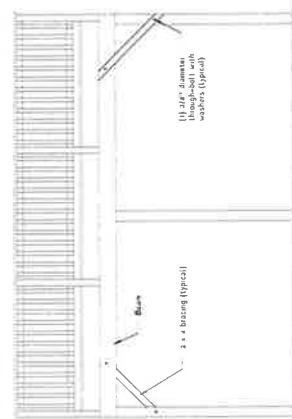


5 Strongback Section View  
3/4" x 1-3/4"

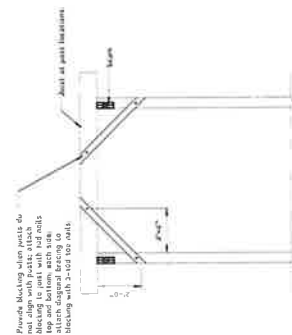


6 Guard Post Attachment  
1 1/2" x 1-3/4"

7 Joist to Beam Connection  
1 1/2" x 1-3/4"



8 Diagonal Bracing Requirements  
3/8" x 1-3/4"



9 Bracing Perpendicular to  
1 1/2" x 1-3/4"

10 Bracing Parallel to  
1 1/2" x 1-3/4"

# Details

1201 Porter Street  
David B & Elma C Williams

January 8, 2024  
REV: 01/20/24

City of Richmond, VA



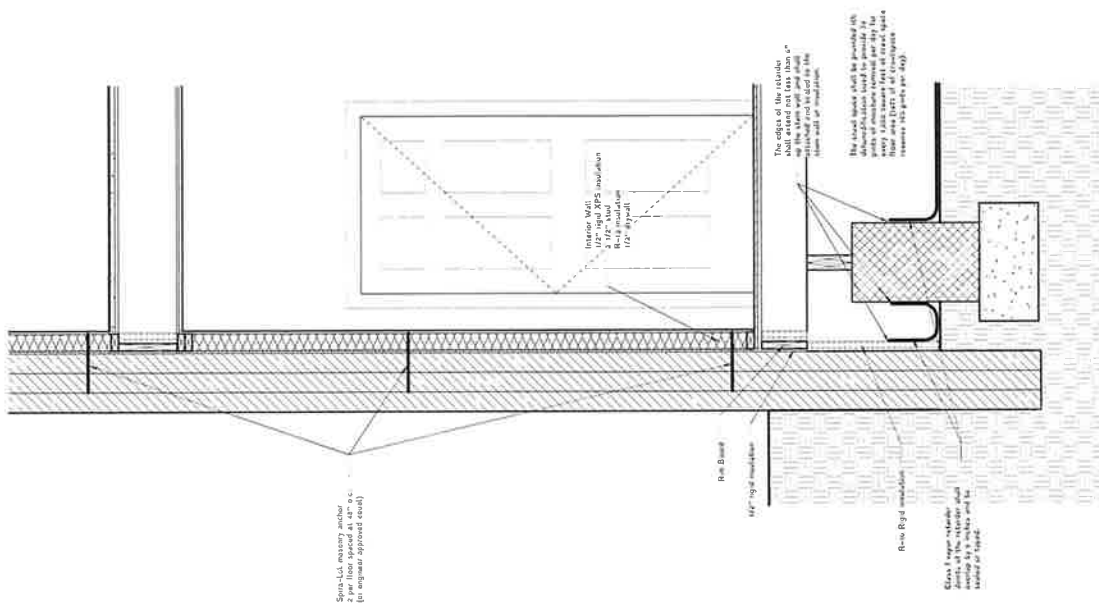
A Professional Engineering Practice  
Obsidian  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589



**Details**  
1201 Porter Street  
David B & Elma G Williams  
City of Richmond, VA

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## A5.2



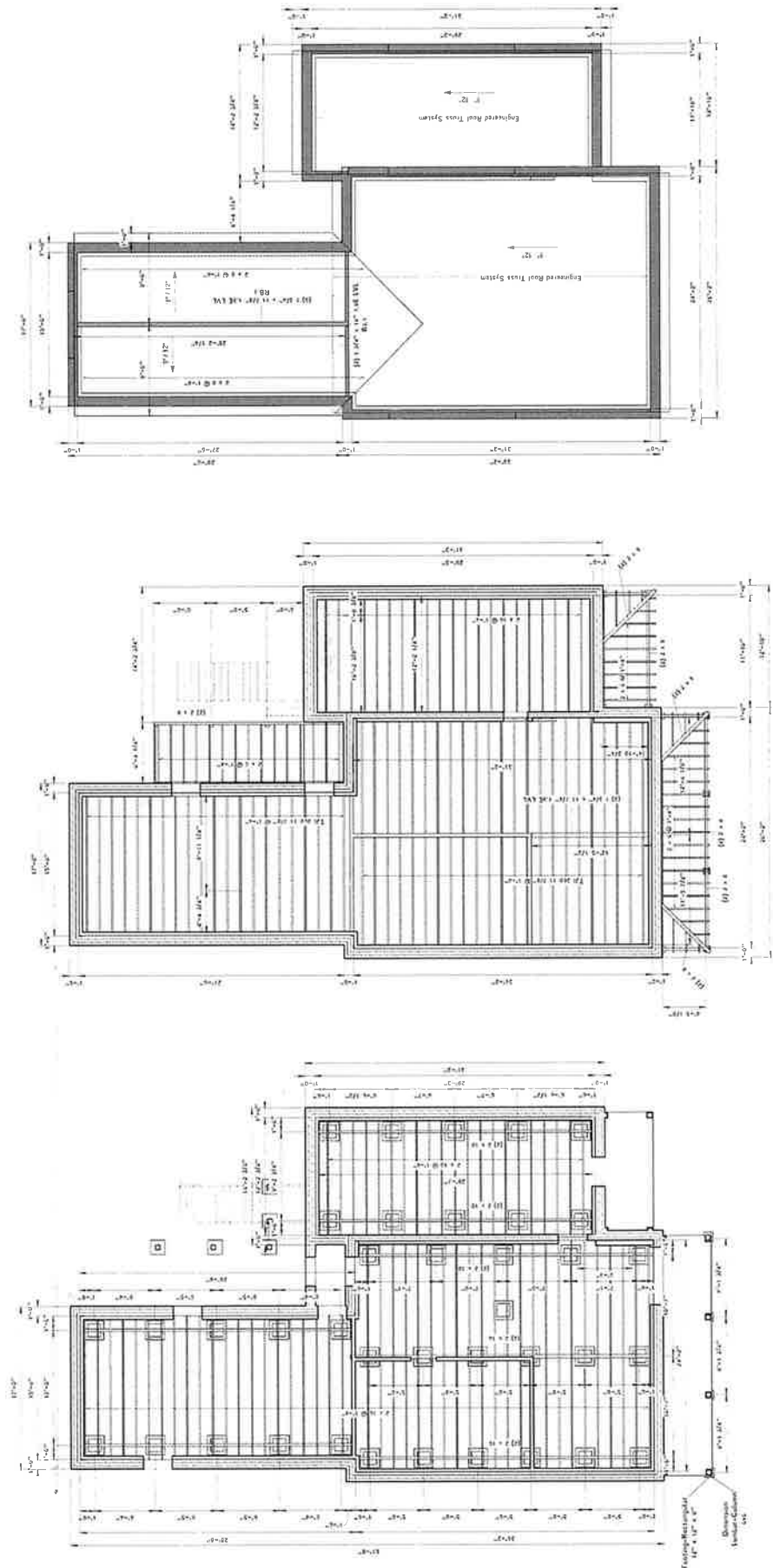
① Section Details  
1" = 1'-0"



City of Richmond, VA  
David B & Elma G Williams  
1201 Porter Street  
rev. 6/26/24  
January 8, 2024

| Rev. | Date | Description |
|------|------|-------------|
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|      |      |             |

**S1.1**



③ Roof - Proposed  
3/16" = 1'-0"

② 2nd Floor - Proposed  
3/16" = 1'-0"

① 1st Floor - Proposed  
3/16" = 1'-0"





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Documents Submitted  
By  
City of Richmond

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## **1201 Porter St Summary**

### **Previous History**

- An existing single-family dwelling-Built in 1876 per the assessors record.
- The structure has been boarded and vacant since 2007.
- The property located at 1201 Porter St has been an ongoing issue for the community and the adjacent property owners since early 2016.
- The Property Maintenance Code Enforcement Division has investigated 25 public complaints to date, including Spot blight-1, open/vacant-3, unsafe-3, derelict building-1, and weeds/grass-17 and conducted 109 inspections to date.
- A building permit BLDR-030200-2018 was submitted to the permits office on 2/1/2018 for the temporary stabilization of the structure for significant safety concerns. However, the stabilization efforts were never fully inspected and/or approved. The permit expired on 8/7/2019
- On 10/25/2023 an inspection warrant was obtained through the Magistrates office to gain access to the interior of the structure to evaluate the current conditions. On 10/26/2023 the inspection was conducted, and the structure was determined to be unsafe and dangerous to the health, safety and welfare of the public due to the degree to which the structure has continued to deteriorate from the lack of regular maintenance and neglect.
- On 10/26/2023 a Unsafe Structure-Notice of Violation was issued for 1201 Porter St. Issued by the building official for an unsafe structure that is in a state of imminent collapse. Therefore, the structure shall be demolished by 12/15/2023. (See attached NOV)
- The NOV was appealed to the Local Board of Building Code Appeals. However, it was decided before the case was heard by the Permits and Inspections Bureau to allow the owner another opportunity to renovate the structure and bring the building into compliance.
- On 4/5/2024 a building BLDR-131524-2024 was issued to renovate the structure. The general contractor (Bruce Johnson) was required to provide a reasonable

work schedule to the permits and inspections bureau prior to the permit being issued. (See attachment work schedule).

- On 7/12/2024 the general contractor Bruce Johnson filed an application to cancel his permit because as he stated on the cancellation application: *After reviewing the plans and specs we no longer feel comfortable moving forward on this project. This decision comes after talking with Mr. Fields about our concerns of missing important details.* (See attached cancellation)
- On 10/28/2024 a Unsafe Structure-Notice of Violation was issued for 1201 Porter St. Issued by the building official for an Unsafe structure that is in a state of imminent collapse. Therefore, the structure shall be demolished by 12/16/2024. The owner received the notice on 12/2/2024. (See attached NOV)
- No effort was made by the owner or his brother to contact the Permits and Inspections Bureau after his contractor abandoned the project. Only after receiving the latest unsafe notice did the owner reach out to Michael Jackson the property maintenance Code Enforcement Inspector-5 months later.
- On 12/13/2024 an appeal was filed by Clarence Williams- brother to the owner David Williams. Appeal scheduled to be heard on 1/15/2025. City is holding off on demolition until the appeal is heard.



DEPARTMENT OF

# PLANNING AND DEVELOPMENT REVIEW

PERMITS AND INSPECTIONS BUREAU

## **Table of Contents for 1201 Porter St Appeal No.**

Summary

Parcel Information

Inspection Pictures

Building Official Inspection report

Engineer Letter of Opinion (Timmons Group)

Notice of Violation-Posted at Address: 5720 Sheridan Ln Richmond VA, 23225

Pictures of NOV posted

Certified Mail Documentation

Notice of Violation-sent to 4744 MLK Drive Grimesland, NC 27837

Certified Mail Documentation

Notice of Violation-Posted at Address: 1201 Porter St Richmond VA, 23225

Pictures of NOV posted

Response received by owner on 12/2/2024 (Email document)

Follow-up pictures on 12/16/2024 (Non-compliance)

Building Permit application submitted on 12/12/2024

Appeal application submitted on 12/13/2024

Previous Notice of Violation issued on 11/12/2023

Applicant Info

Issued Building Permit

Work Schedule

Emails

Permit Cancellation Form by Contractor-permit killed.

[Print Entire Report](#)
[Print This Page](#)

Property: 1201 Porter St Parcel ID: S0000087011

**Parcel**

**Street Address:** 1201 Porter St Richmond, VA 23224-  
**Owner:** WILLIAMS DAVID B & ELMA G  
**Mailing Address:** 5270 SHERIDAN LN, RICHMOND, VA 23225  
**Subdivision Name :** NONE  
**Parent Parcel ID:**  
**Assessment Area:** 352 - Bainbridge/Manchester/Blackwell North  
**Property Class:** 109 - R Single Family Shell  
**Zoning District:** R-8 -  
**Exemption Code:** -

**Current Assessment**

**Effective Date:** 01/01/2024  
**Land Value:** \$136,000  
**Improvement Value:** \$70,000  
**Total Value:** \$206,000  
**Area Tax:** \$0  
**Special Assessment District:** None

**Land Description**

**Parcel Square Feet:** 7095  
**Acreage:** 0.163  
**Property Description 1:** 0043.00X0165.00 0000.000  
**State Plane Coords( ?):** X= 11788538.125156 Y= 3715631.859142  
**Latitude:** 37.52269901 , **Longitude:** -77.44600174

**Description**

**Land Type:** Residential Lot A  
**Topology:** Level  
**Front Size:** 43  
**Rear Size:** 165  
**Parcel Square Feet:** 7095  
**Acreage:** 0.163  
**Property Description 1:** 0043.00X0165.00 0000.000  
**Subdivision Name :** NONE  
**State Plane Coords( ?):** X= 11788538.125156 Y= 3715631.859142  
**Latitude:** 37.52269901 , **Longitude:** -77.44600174

**Other**

**Street improvement:** Paved  
**Sidewalk:** Yes

## Assessments

| Assessment Year | Land Value | Improvement Value | Total Value | Reason        |
|-----------------|------------|-------------------|-------------|---------------|
| 2025            | \$136,000  | \$71,000          | \$207,000   | Reassessment  |
| 2024            | \$136,000  | \$70,000          | \$206,000   | Reassessment  |
| 2023            | \$116,000  | \$69,000          | \$185,000   | Reassessment  |
| 2022            | \$116,000  | \$64,000          | \$180,000   | Reassessment  |
| 2021            | \$64,000   | \$68,000          | \$132,000   | Reassessment  |
| 2020            | \$46,000   | \$76,000          | \$122,000   | Reassessment  |
| 2019            | \$46,000   | \$62,000          | \$108,000   | Reassessment  |
| 2018            | \$37,000   | \$62,000          | \$99,000    | Reassessment  |
| 2017            | \$37,000   | \$59,000          | \$96,000    | Reassessment  |
| 2016            | \$37,000   | \$25,000          | \$62,000    | Reassessment  |
| 2015            | \$37,000   | \$25,000          | \$62,000    | Reassessment  |
| 2014            | \$37,000   | \$25,000          | \$62,000    | Reassessment  |
| 2013            | \$37,000   | \$25,000          | \$62,000    | Reassessment  |
| 2012            | \$37,000   | \$59,000          | \$96,000    | OfficeReview  |
| 2011            | \$37,000   | \$136,000         | \$173,000   | CarryOver     |
| 2010            | \$37,000   | \$136,000         | \$173,000   | Reassessment  |
| 2009            | \$37,000   | \$136,000         | \$173,000   | Reassessment  |
| 2008            | \$37,000   | \$136,000         | \$173,000   | Reassessment  |
| 2007            | \$27,000   | \$25,100          | \$52,100    | Reassessment  |
| 2006            | \$14,400   | \$25,100          | \$39,500    | Reassessment  |
| 2005            | \$12,500   | \$23,800          | \$36,300    | Reassessment  |
| 2004            | \$10,500   | \$20,000          | \$30,500    | Reassessment  |
| 2003            | \$10,500   | \$23,600          | \$34,100    | Reassessment  |
| 2002            | \$10,400   | \$23,400          | \$33,800    | Reassessment  |
| 1998            | \$10,000   | \$22,500          | \$32,500    | Not Available |

## Transfers

| Transfer Date | Consideration Amount | Grantor Name                  | Deed Reference | Verified Market Sale Description |
|---------------|----------------------|-------------------------------|----------------|----------------------------------|
| 05/23/2002    | \$29,000             | MCCLARIN RONALD P JR &        | ID2002-16053   |                                  |
| 11/05/1999    | \$21,000             | ASSOCIATES FINANCIAL SERVICES | ID9900-30606   |                                  |
| 05/12/1999    | \$80,781             | Not Available                 | 09900-13415    |                                  |

**Planning**

**Master Plan Future Land Use:** NH-MU  
**Zoning District:** R-8 -  
**Planning District:** Old South  
**Traffic Zone:** 1153  
**City Neighborhood Code:** MNCH  
**City Neighborhood Name:** Manchester  
**Civic Code:** 3009  
**Civic Association Name:** Manchester Alliance  
**Subdivision Name:** NONE  
**City Old and Historic District:**  
**National historic District:** Manchester Residential and Commercial  
**Neighborhoods in Bloom:**  
**Redevelopment Conservation Area:** Old Manchester (Southern Gateway)

**Economic Development**

**Care Area:** -  
**Enterprise Zone:**

**Environment**

**100 YEAR Flood Plain Flag:** Contact the Water Resources Division at 646-7586.  
**500 YEAR Flood Plain Flag:** N  
**Resource Protection Flag:** Contact the Water Resources Division at 646-7586.  
**Wetland Flag:** N

**Census**

| Census Year | Block | Block Group | Tract  |
|-------------|-------|-------------|--------|
| 2000        | 1023  | 0601001     | 060100 |
| 1990        | 122   | 0601001     | 060100 |

**Schools**

**Elementary School:** Blackwell  
**Middle School:** River City  
**High School:** Armstrong

**Public Safety**

**Police Precinct:** 1  
**Police Sector:** 112  
**Fire District:** 13  
**Dispatch Zone:** 157A

**Public Works Schedules**

**Street Sweep:** TBD  
**Leaf Collection:** TBD  
**Refuse Collection:** Tuesday  
**Bulk Collection:** TBD



Government Districts

Council District: 6  
Council District for 2025 (Current Election): 6  
Voter Precinct: 611  
State House District: 79  
State Senate District: 14  
Congressional District: 4

**Extension 1 Details**

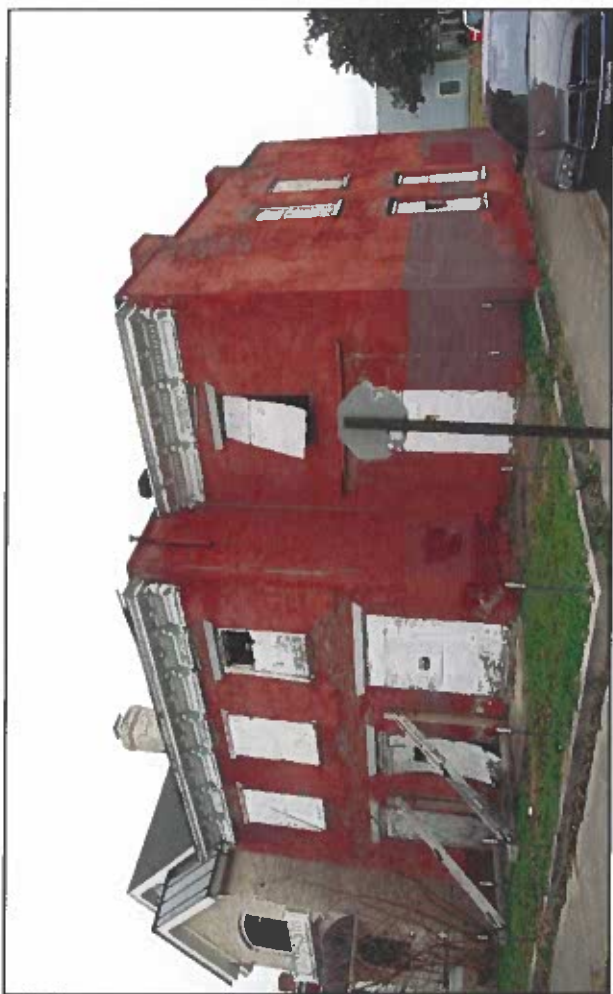
Extension Name: R01 - Residential record #01  
Year Built: 1876  
Stories: 2  
Units: 0  
Number Of Rooms: 0  
Number Of Bed Rooms: 0  
Number Of Full Baths: 0  
Number Of Half Baths: 0  
Condition: very poor for age  
Foundation Type: None  
1st Predominant Exterior: Brick  
2nd Predominant Exterior: N/A  
Roof Style: Flat or Shed  
Roof Material: Metal  
Interior Wall:  
Floor Finish: Softwood-standard  
Heating Type: No Heat  
Central Air: N  
Basement Garage Car #: 0  
Fireplace: Y  
Building Description (Out Building and Yard Items) :

**Extension 1 Dimensions**

Finished Living Area: 3456 Sqft  
Attic: 0 Sqft  
Finished Attic: 0 Sqft  
Basement: 0 Sqft  
Finished Basement: 0 Sqft  
Attached Garage: 0 Sqft  
Detached Garage: 0 Sqft  
Attached Carport: 0 Sqft  
Enclosed Porch: 32 Sqft  
Open Porch: 0 Sqft  
Deck: 0 Sqft

Property Images

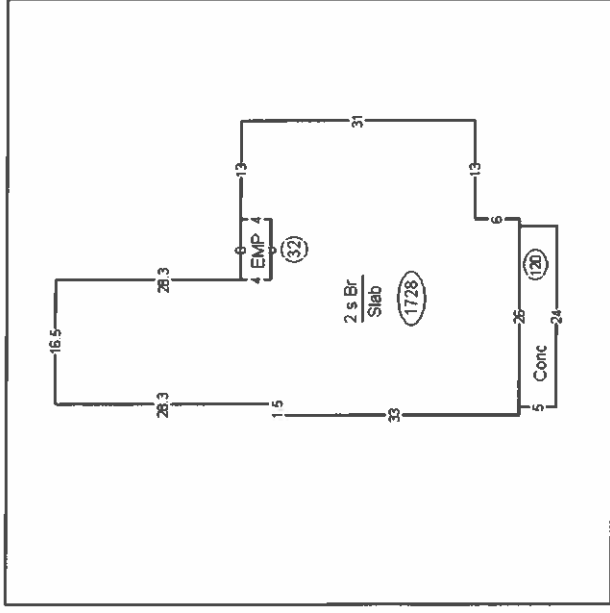
Name: S0000087011 Desc: R01



[Click here for Larger Image](#)

Sketch Images

Name: S0000087011 Desc: R01





**Commissioner of Buildings  
Official Inspection Report**

**Date:** 10/28/2024

**Location:** 1201 Porter St

**Owner:** William David B & Elma G

**Address:** 5720 Sheridan Ln Richmond VA, 23225

**Property Information**

Parcel ID: S0000087011

Classification: R5 SFD, two stories, brick, 3456 sq ft.

Built: 1876

Zoning: R8

Setbacks: Side Yard-3 feet, Front yard- 10 feet, Rear Yard 5 feet

**Observation of Unsafe Conditions**

Structural collapse of roof assembly in main portion of building.

Foundation damage from continuous water exposure on interior from open roof.

North chimney is leaning outward towards public way.

South chimney is leaning inward of structure.

South brick wall is bulging outwards towards adjacent neighbor's home.

Parapet bricks are loose and dislodged at the top of the east and north walls, north wall faces public sidewalk.

Continued next page

**Conclusion**

The interior of the building has been completely gutted, all floor joists, floors, ceiling joists, wall framing members and lateral structural supports have been removed. The structure is open from exposed ground to the roof peak. Continuous rainwater from the open roof is exposing the brick foundation causing a trench around the interior outer walls. The interior floor surface is exposed ground that will be affected by freezing

conditions and water exposure eventually creating a structural failure of the outer brick walls.

The overall structural condition of the building is extremely unstable and is in an imminent state of collapse due to neglect and the lack of significant maintenance or repairs in the last 6-10 years. The building is located several feet from an occupied adjacent neighbor to the south and several feet to the public sidewalk to the north. The north chimney is already leaning towards the public sidewalk and the north wall is bulging out towards the occupied adjacent neighbor. Parapet bricks are observed to be loose and dislodged on the east and north walls facing the public sidewalk.

## **2021 Virginia Property Maintenance Code Definitions**

**UNSAFE STRUCTURE.** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because of, **but not limited to**, any of the following conditions:

1. The structure contains unsafe equipment.
2. The structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.
3. The structure is unsecured or open.
4. The degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment.
5. The required plumbing and sanitary facilities are inoperable.

## **Special Orders**

I have determined the structure to be Unsafe per the 2021 Virginia Property Maintenance Code (VPMC) code section 106.1 Unsafe Structures.

I hereby order the owner to have the building demolished by 12/15/2024. Failure to comply with this order shall result in the City of Richmond demolishing the building and placing a lien against the owner for all cost associated with the demolition.

David L Alley III  
Commissioner of Buildings  
City of Richmond  
Permits and Inspections Bureau  
(804) 646-3439

October 29, 2024

David L. Alley, III  
Commissioner of Buildings  
Department of Planning Development Review  
[David.alley@rva.gov](mailto:David.alley@rva.gov)

City of Richmond  
900 E. Broad Street, Room 110  
Richmond, Virginia 23219

RE: Structural Professional Letter of Opinion - 1201 Porter St.

To whom it may concern:

On October 28<sup>th</sup>, 2024, Victor Torres from Timmons Group met David L. Alley and Michael Jackson from the City of Richmond to assess the existing building conditions regarding the structure located at 1201 Porter St. Richmond VA 23224.

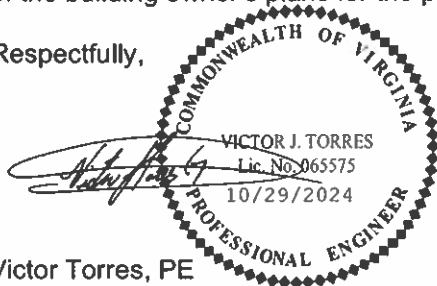
From inspection of the site, the structure was previously intended to serve as a two-story building with unreinforced brick masonry bearing walls. Currently, all the crawl space and suspended second floor is absent, leaving the structure permanently unbraced for two stories. In addition, more than 50% of the roof is absent.

From exposure to the elements, water intrusion, and lack of proper permanent bracing by structural members, the brick walls have become deteriorated exhibiting significant cracking and damaged joints that would require extensive replacement, repointing, and reconstruction. Overall, this permanent retrofit effort would require that walls would have to be deconstructed and rebuilt from the foundation to the roof with proper brick mortar, plumbness, floor framing and roof framing anchored diaphragms.

The existing bracing consists of light wood framing members. From inspection, this bracing is considered temporary and non-permanent. Furthermore, the bracing does not provide any protection for pedestrians using the right adjacent sidewalk to the building, located on 12<sup>th</sup> street. The parapet also shows signs of leaning towards 12<sup>th</sup> street. Similarly, the bracing does not provide permanent bracing to the adjacent residence, located on 1205 Porter St.

In conclusion, due to the observed unsafe structural conditions, it is recommended the building is demolished for the safety of the public and the residents within the vicinity of the structure. It is our understanding that permanent code compliant conditions are needed for overall safety. Finally, regardless of the building owner's plans for the property, demolition is necessary to ensure safety of the public.

Respectfully,



VICTOR J. TORRES  
Lic. No. 065575  
10/29/2024  
PROFESSIONAL ENGINEER

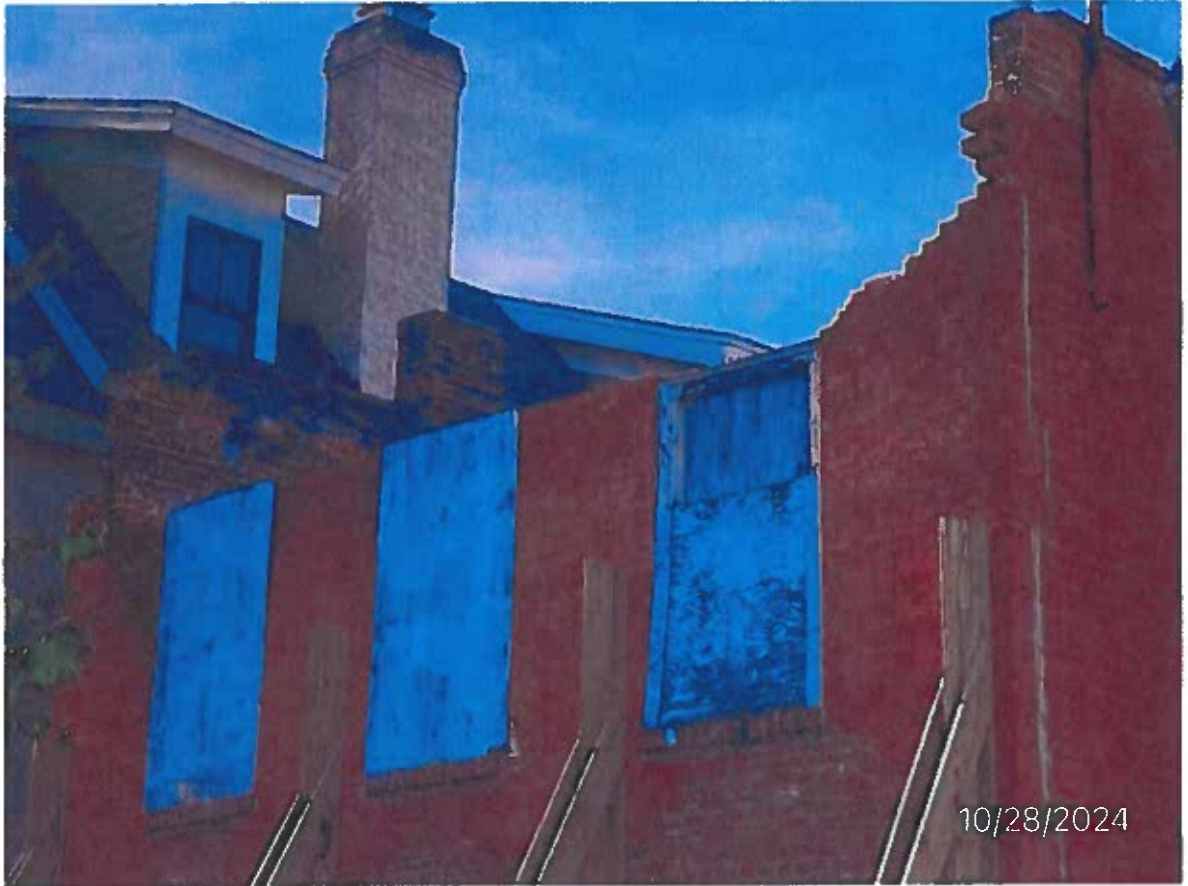
Victor Torres, PE  
Project Engineer III

## 1201 Porter Street- Exterior View

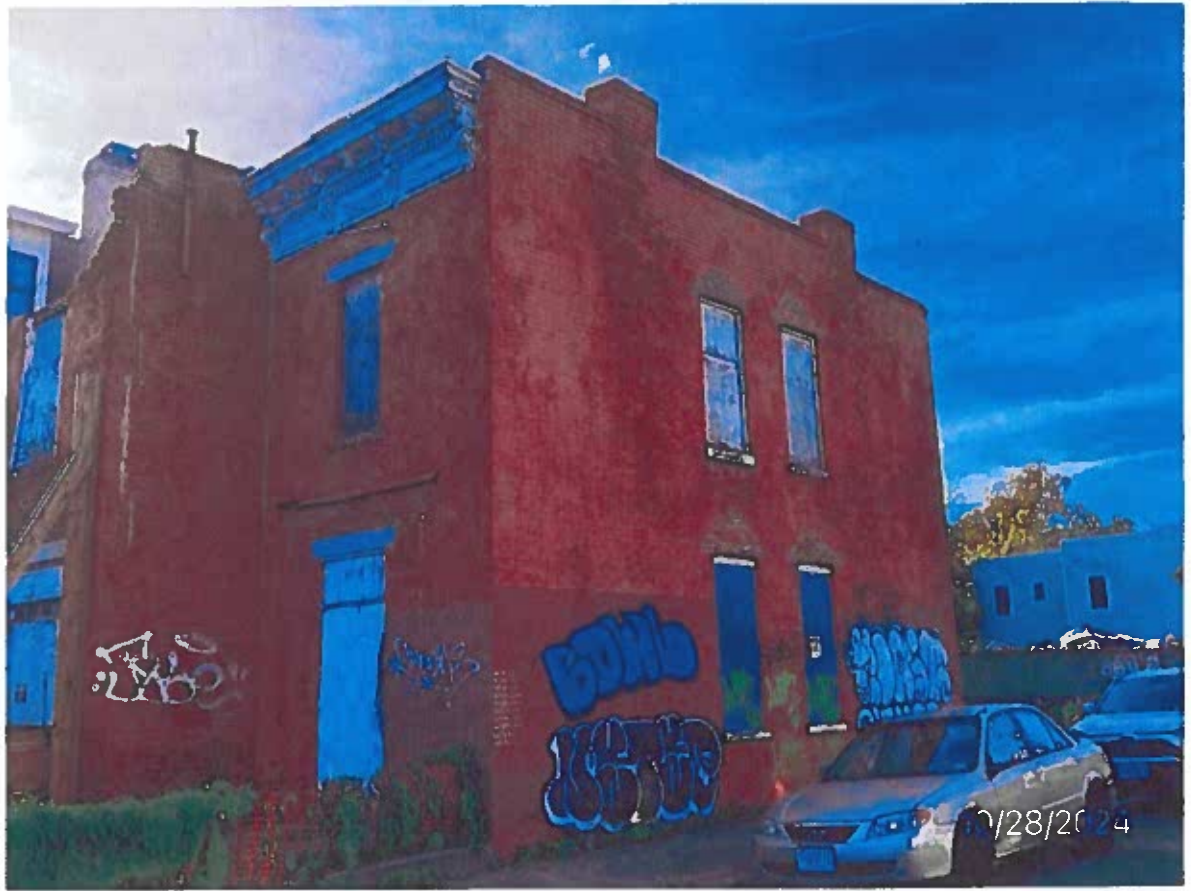




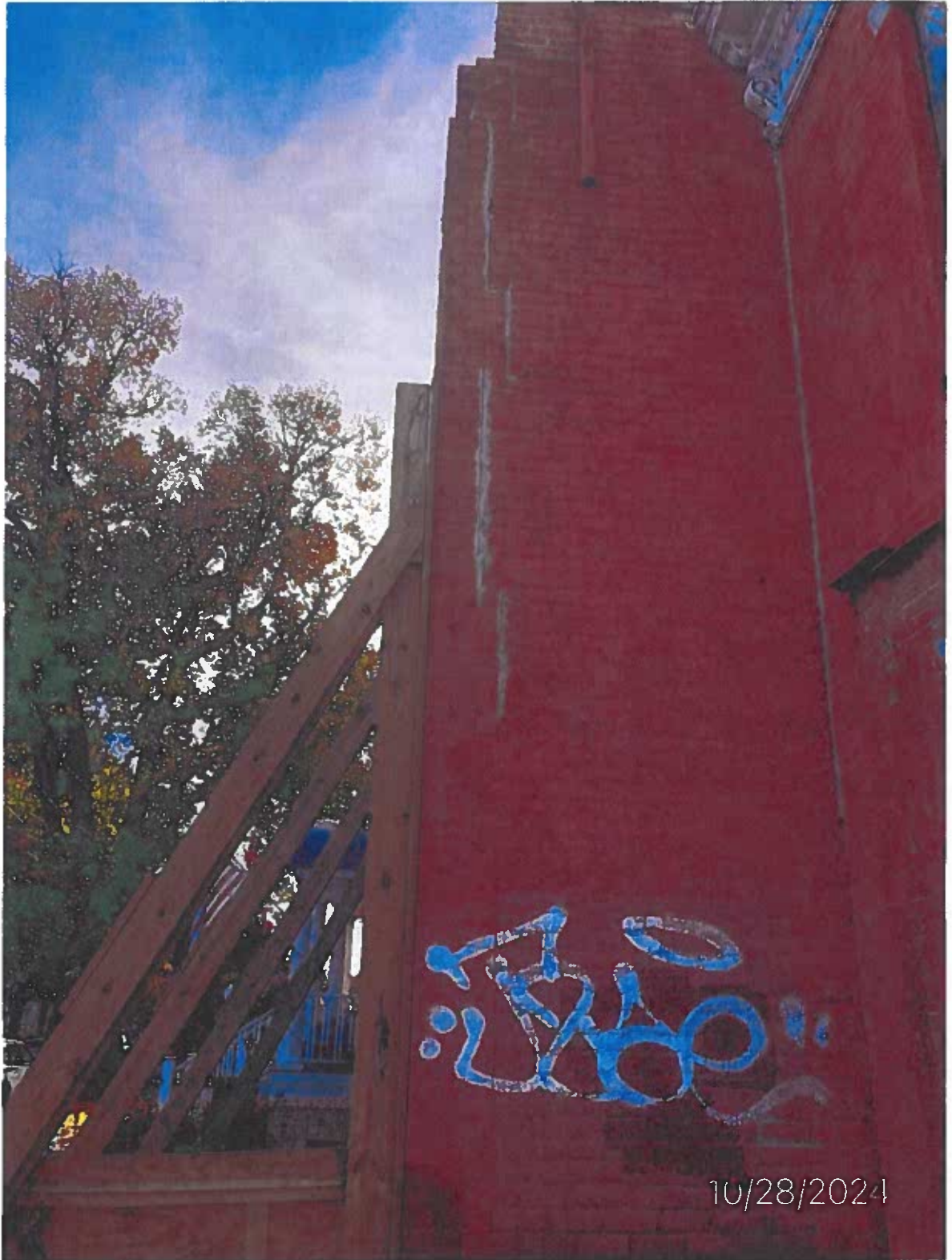
## 1201 Porter Street- Exterior View



## 1201 Porter Street- Exterior View

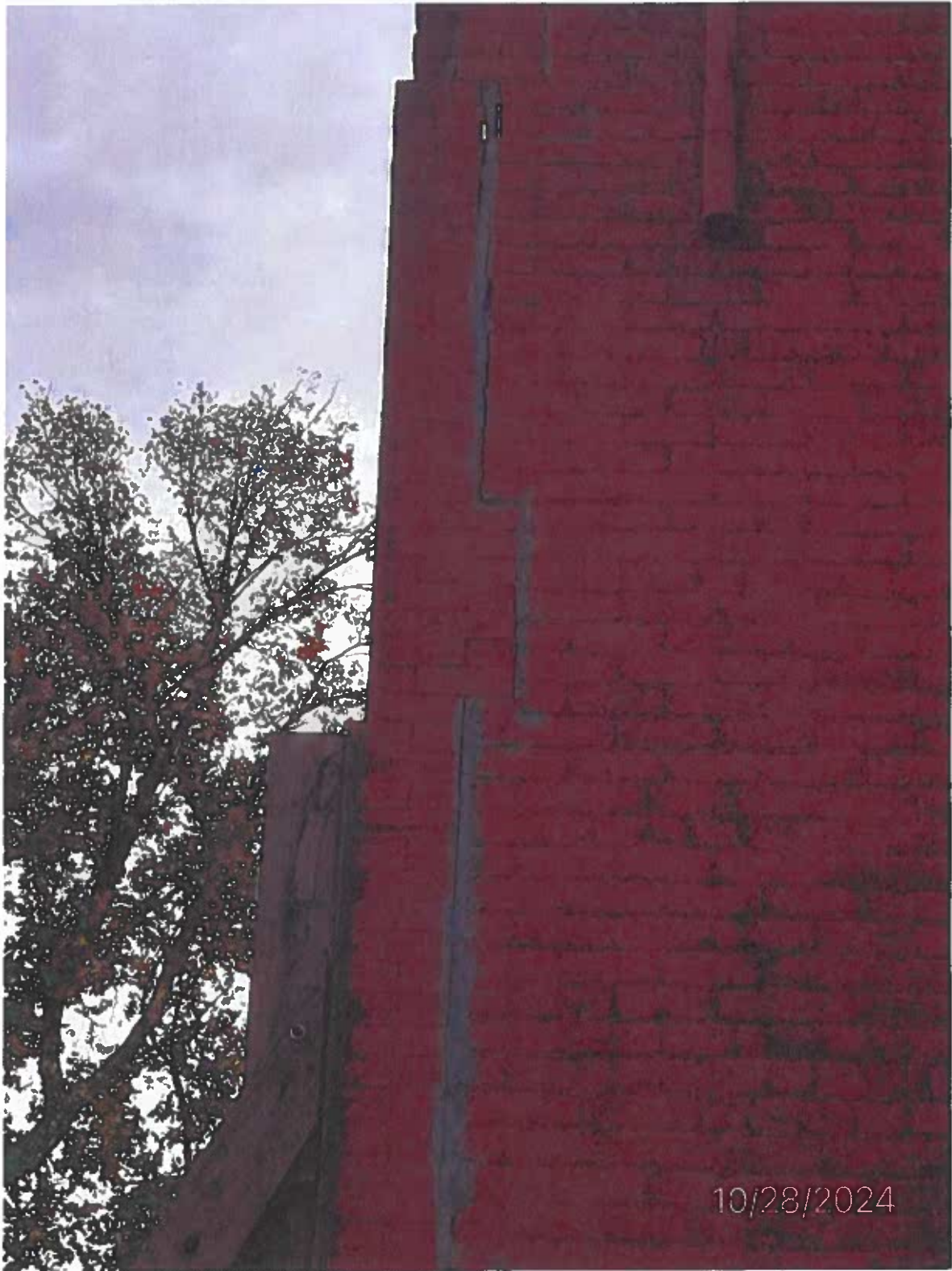


## 1201 Porter Street- Exterior View





## 1201 Porter Street- Exterior View



## 1201 Porter Street- Exterior View

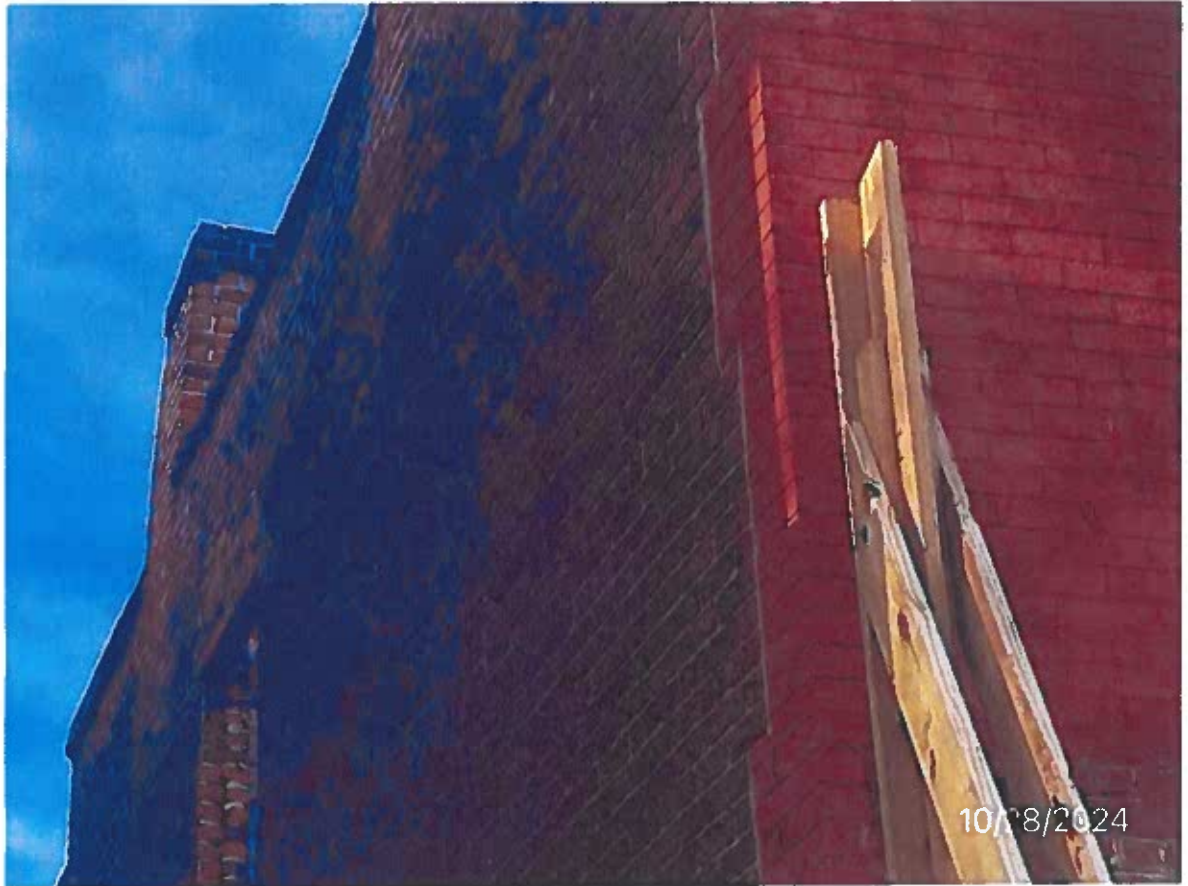


## 1201 Porter Street- Exterior View





## 1201 Porter Street- Exterior View



## 1201 Porter Street- Exterior View





## 1201 Porter Street- Exterior View



## 1201 Porter Street- Exterior View



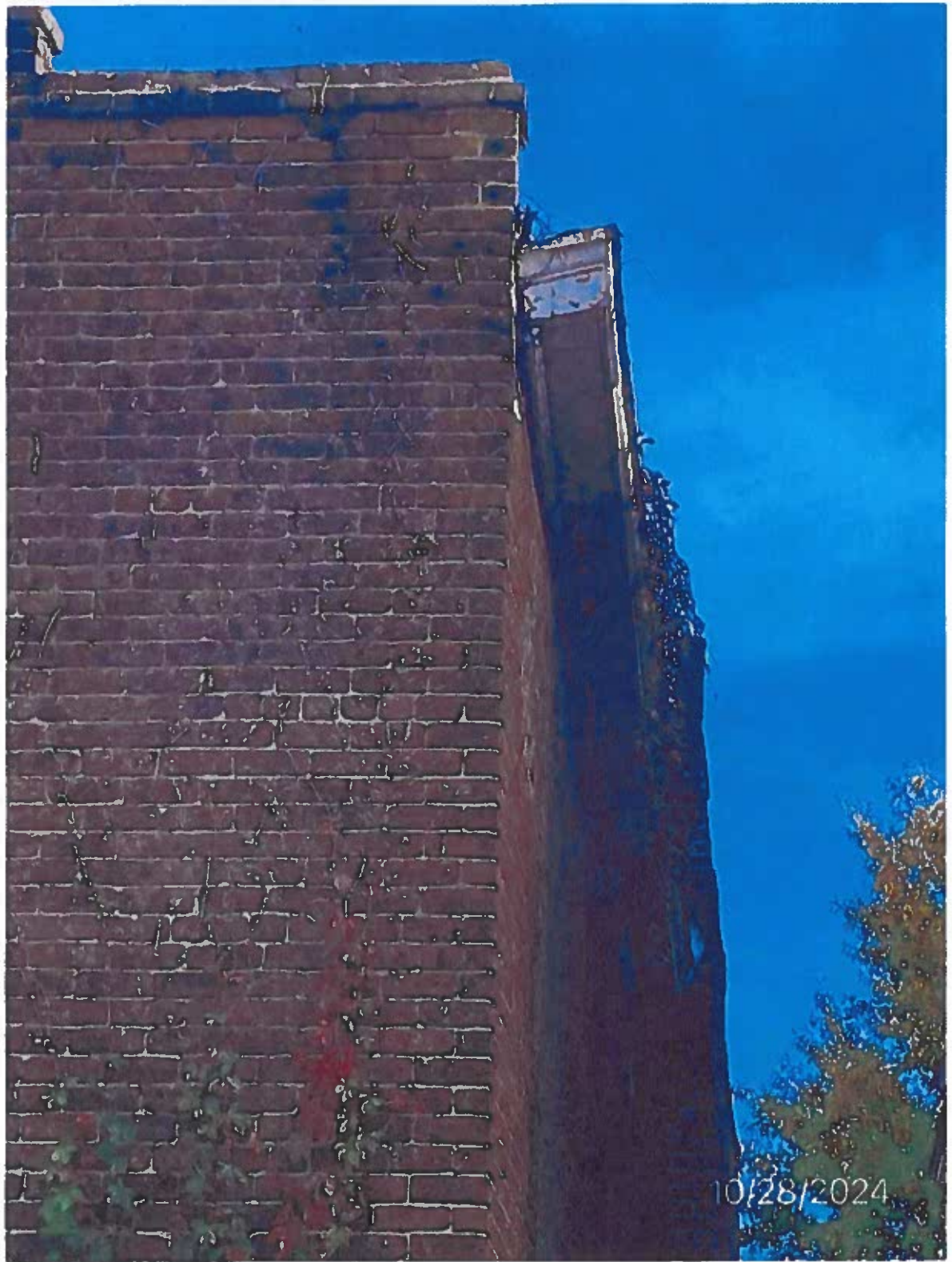


## 1201 Porter Street- Exterior View



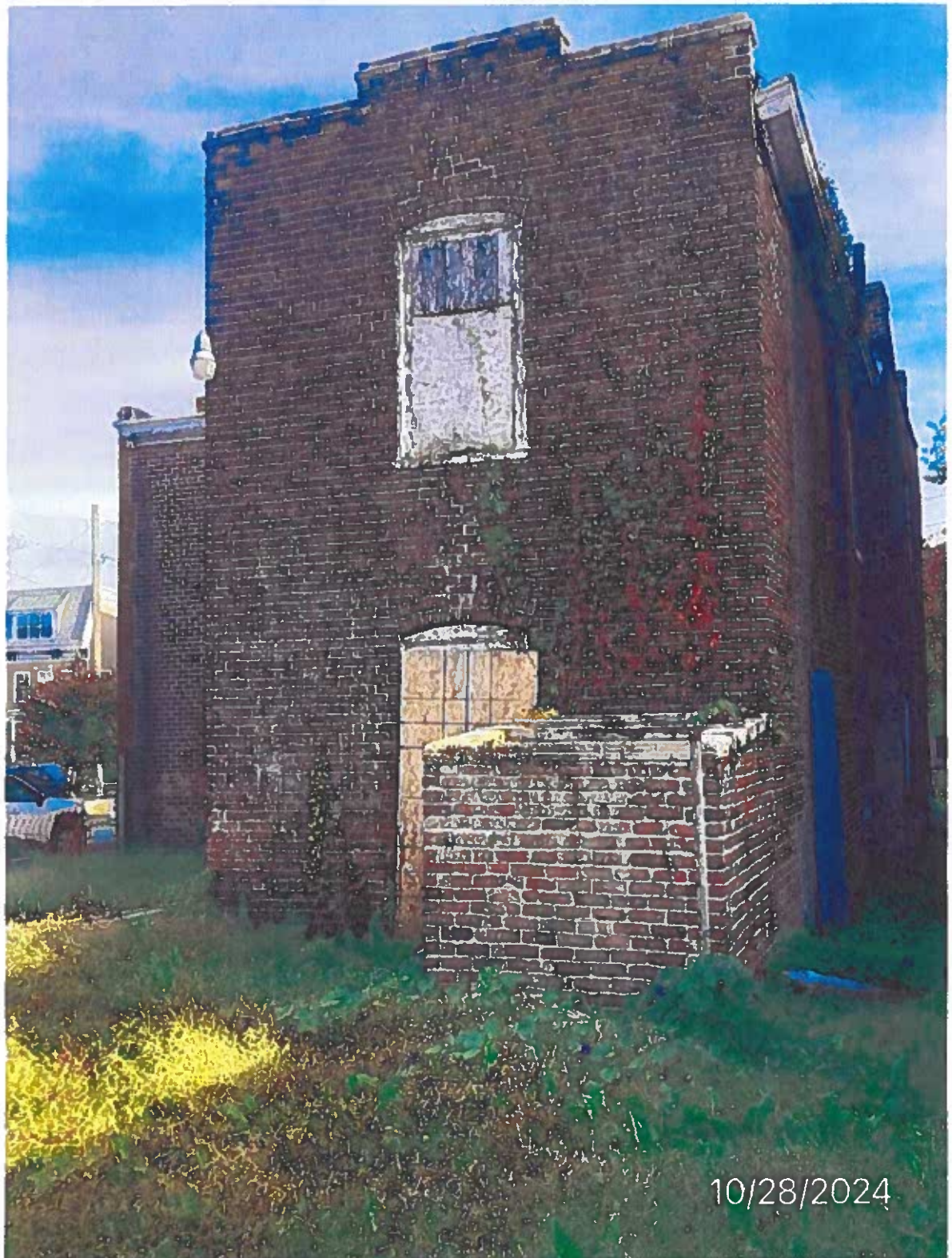


## 1201 Porter Street- Exterior View





## 1201 Porter Street- Exterior View

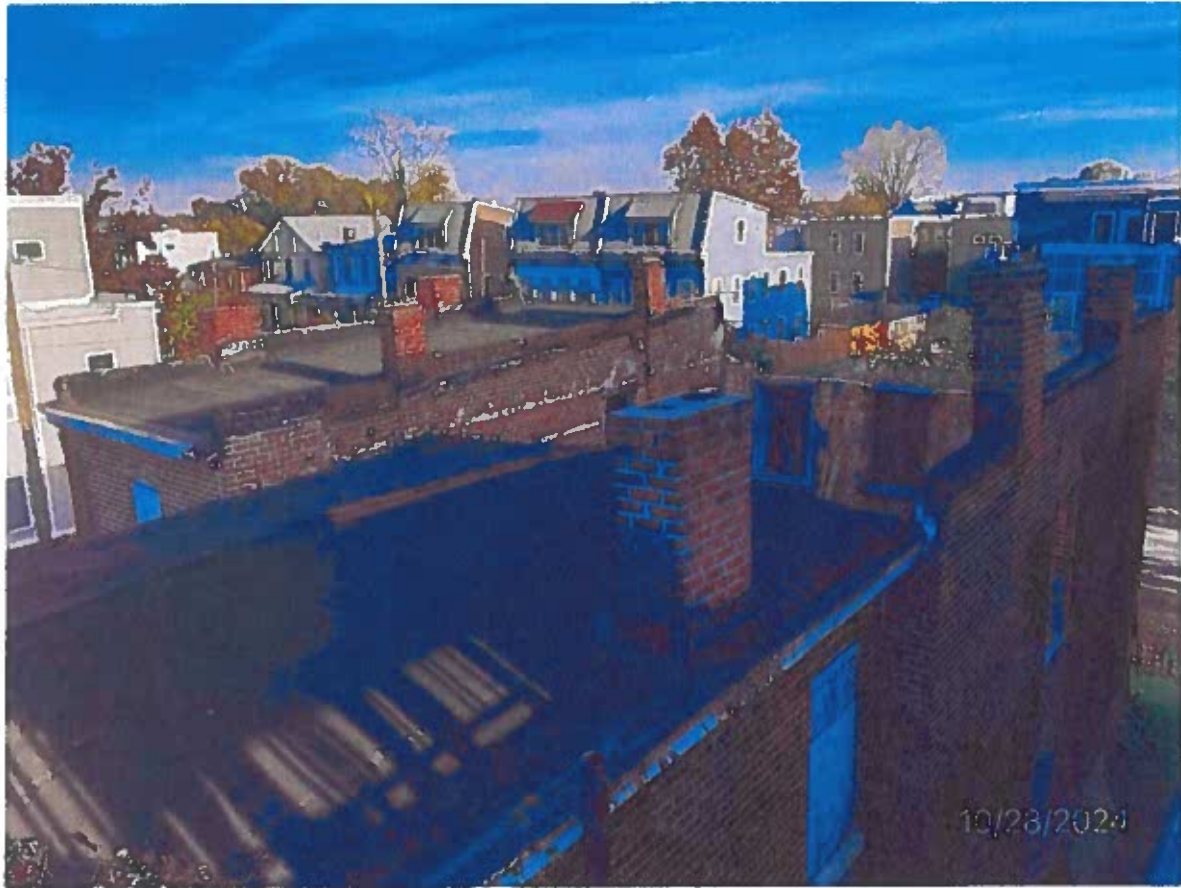


## 1201 Porter Street- Missing & Collapsing Roof





## 1201 Porter Street- Missing & Collapsing Roof



## 1201 Porter Street- Missing & Collapsing Roof



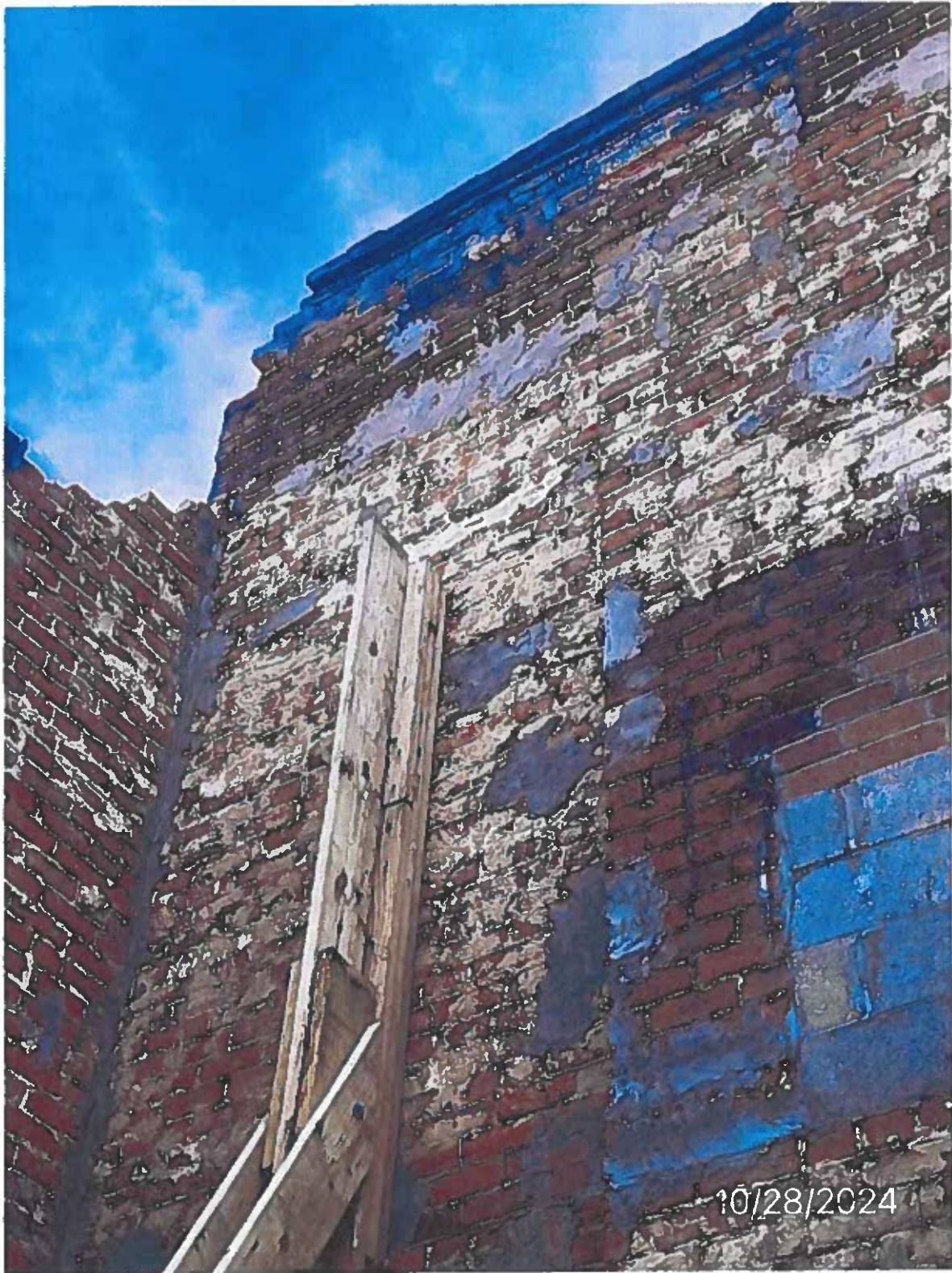


## 1201 Porter Street- Interior View



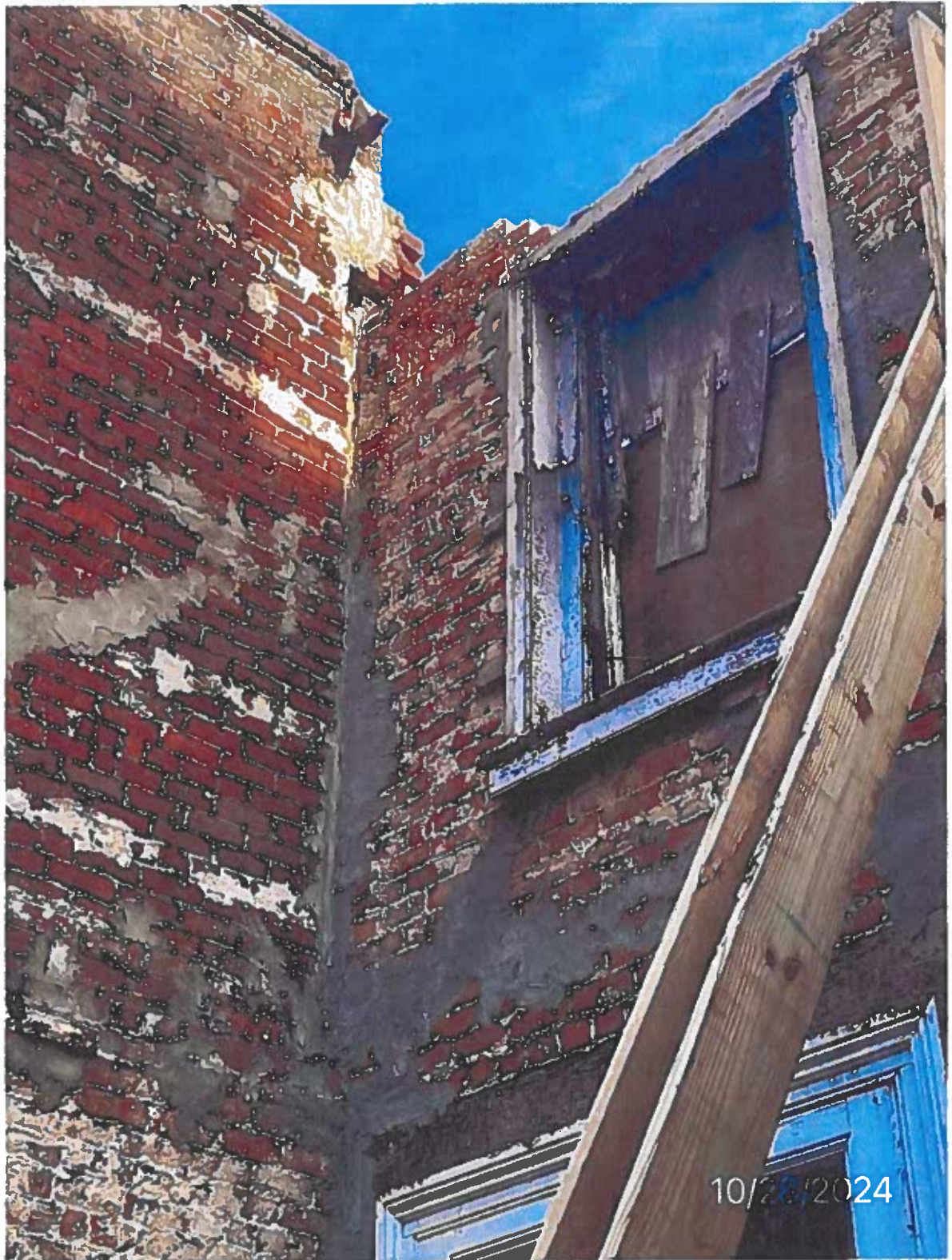


## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View



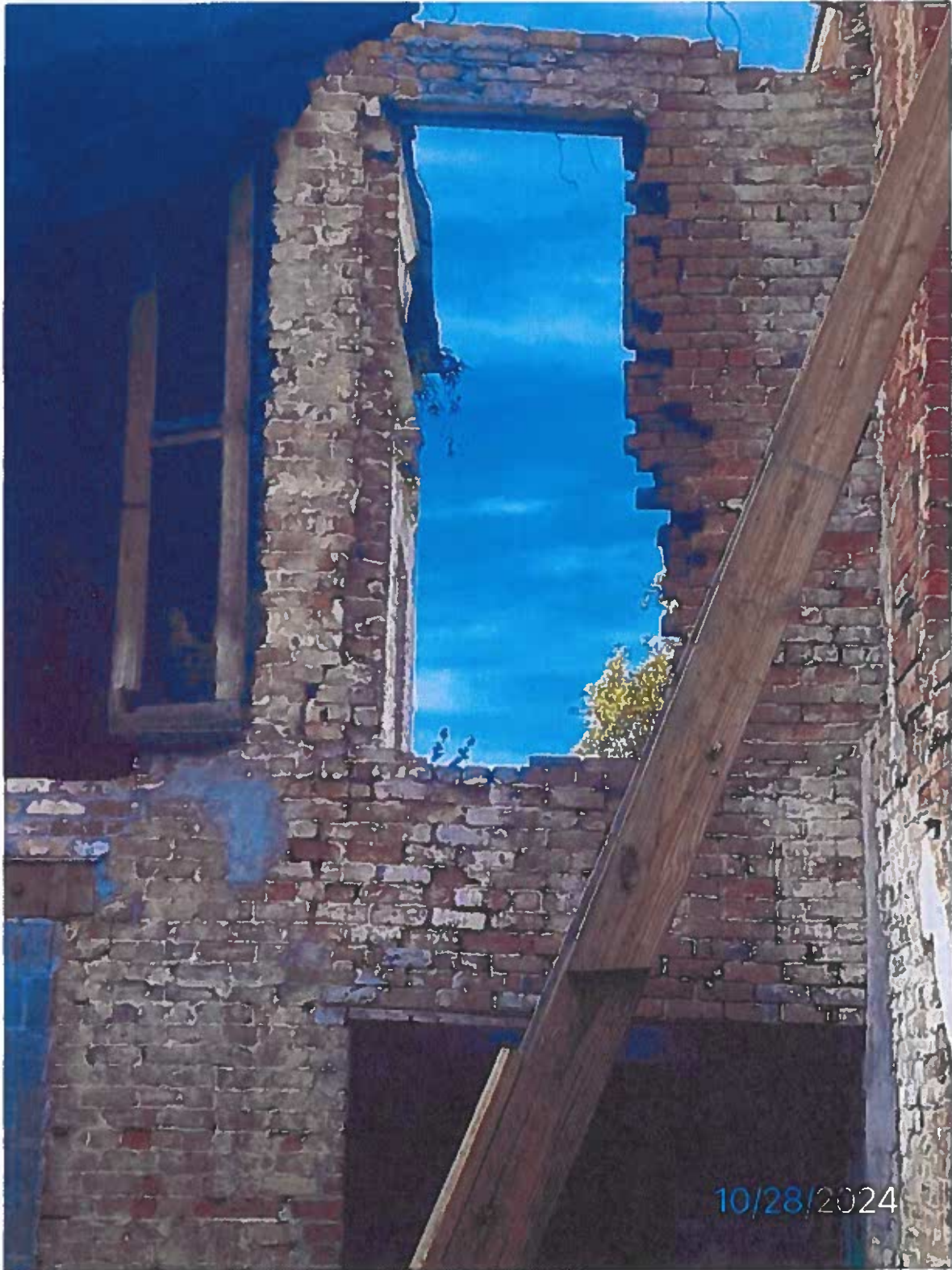


## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View



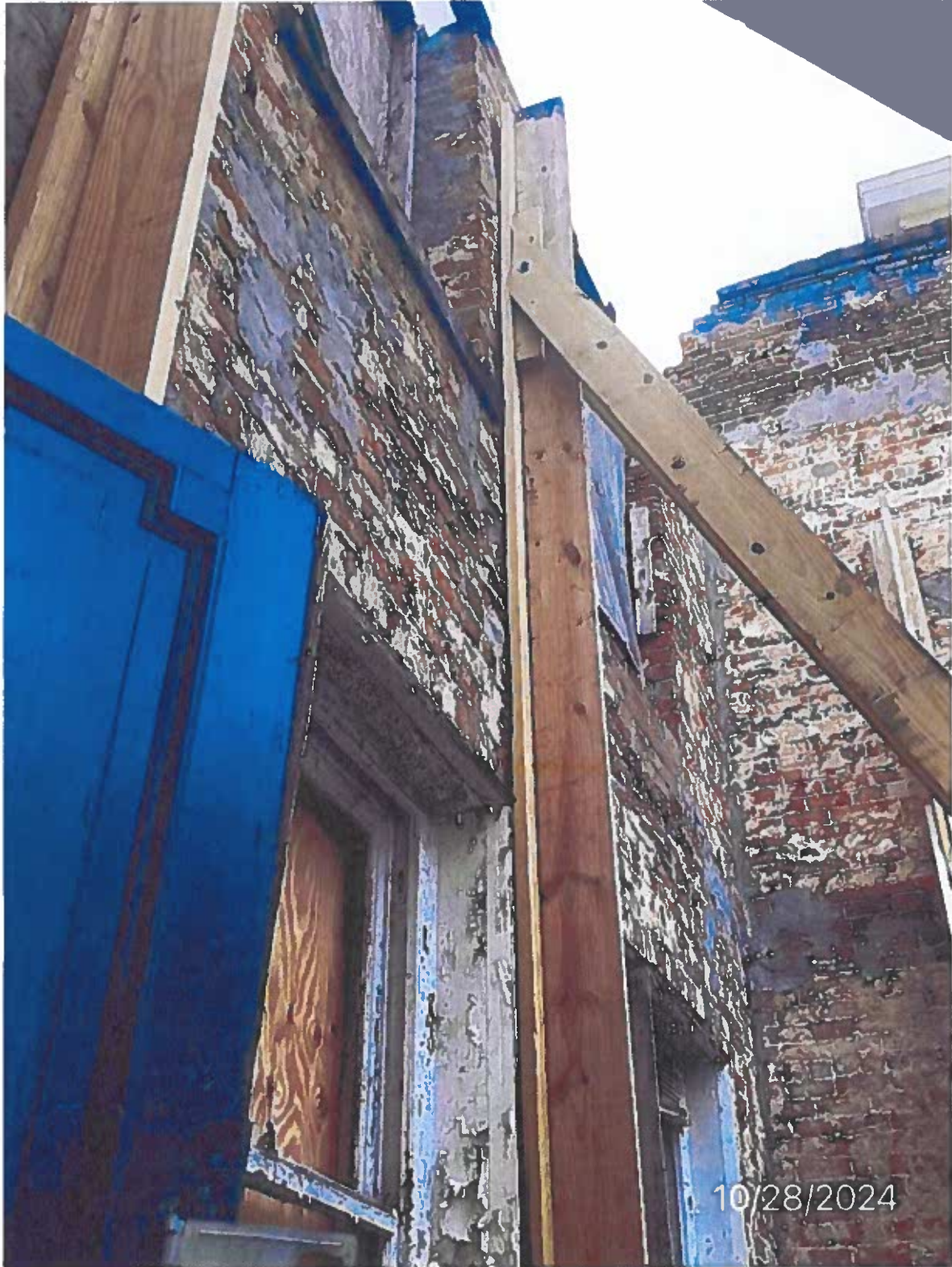
10/28/2024

## 1201 Porter Street- Interior View





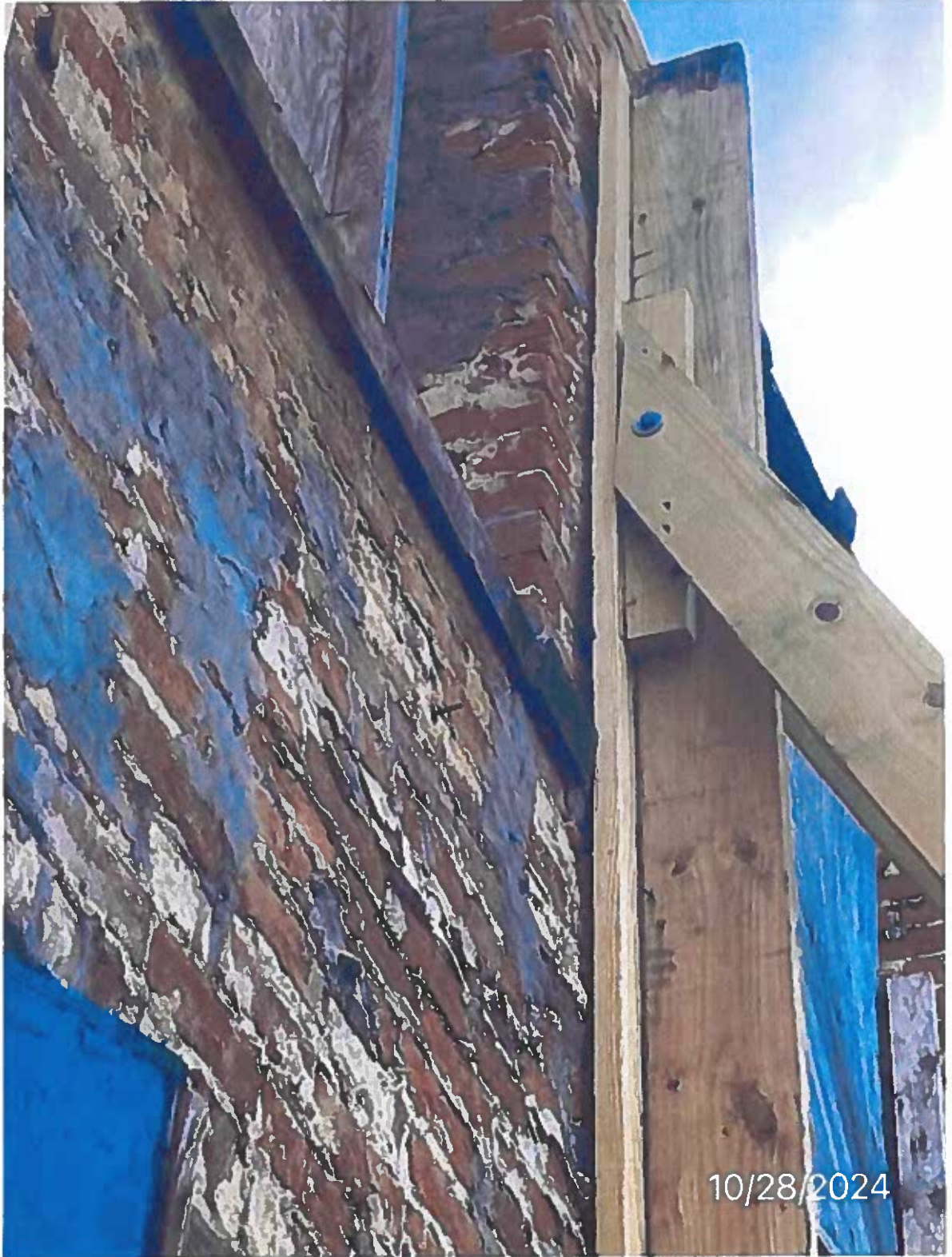
## 1201 Porter Street- Interior View



10/28/2024



## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View

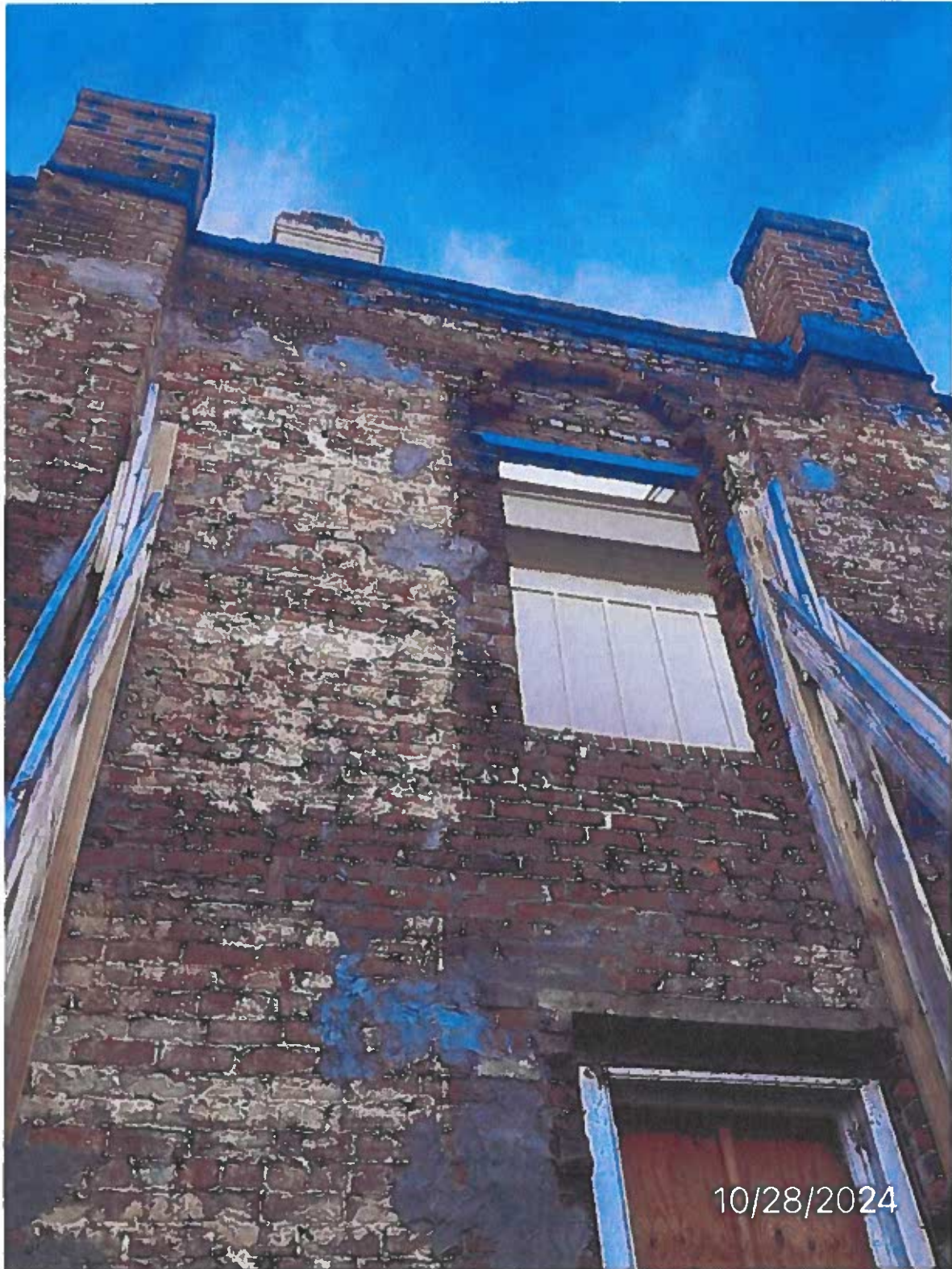


## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View





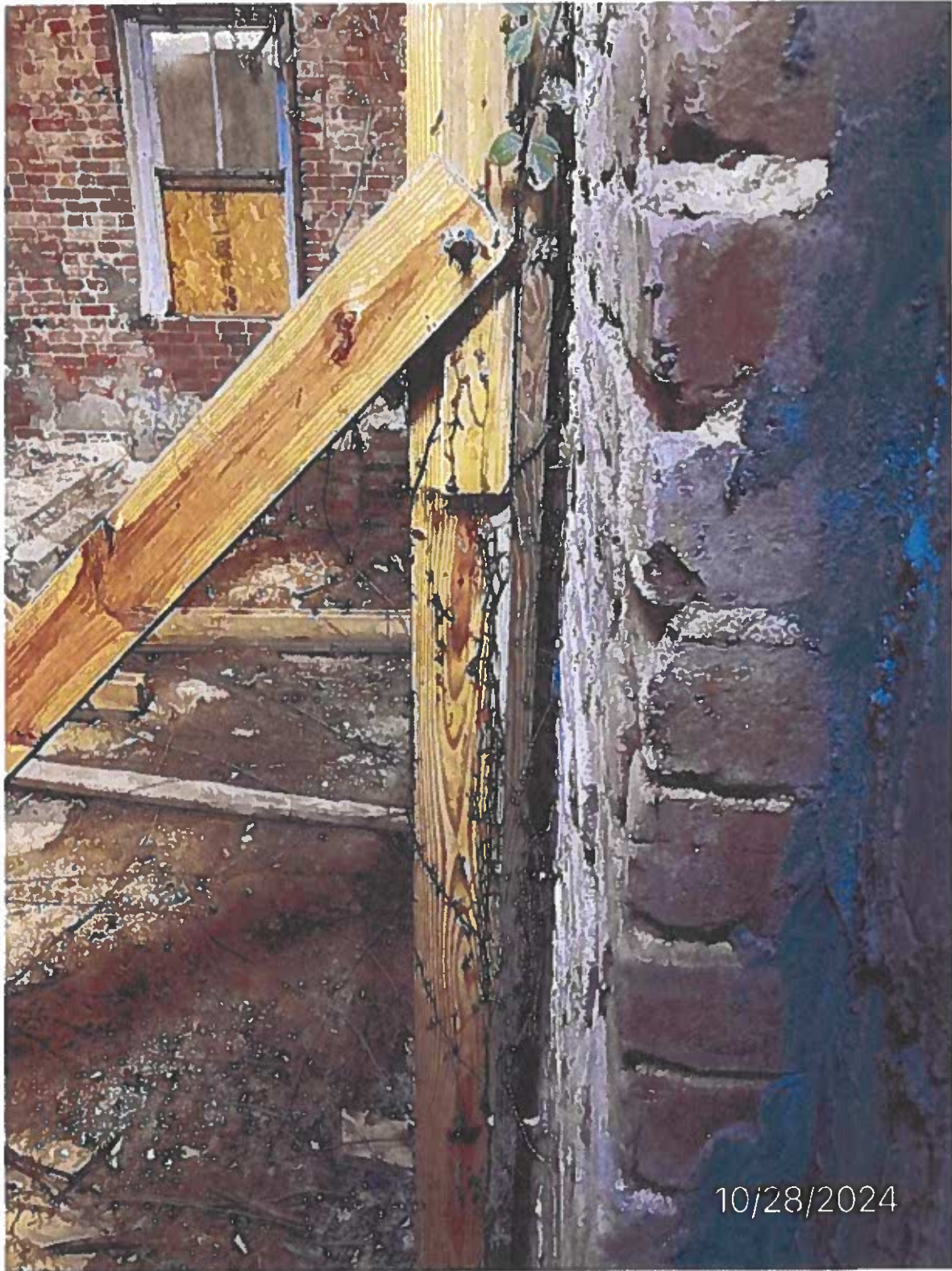
## 1201 Porter Street- Interior View



10/28/2024

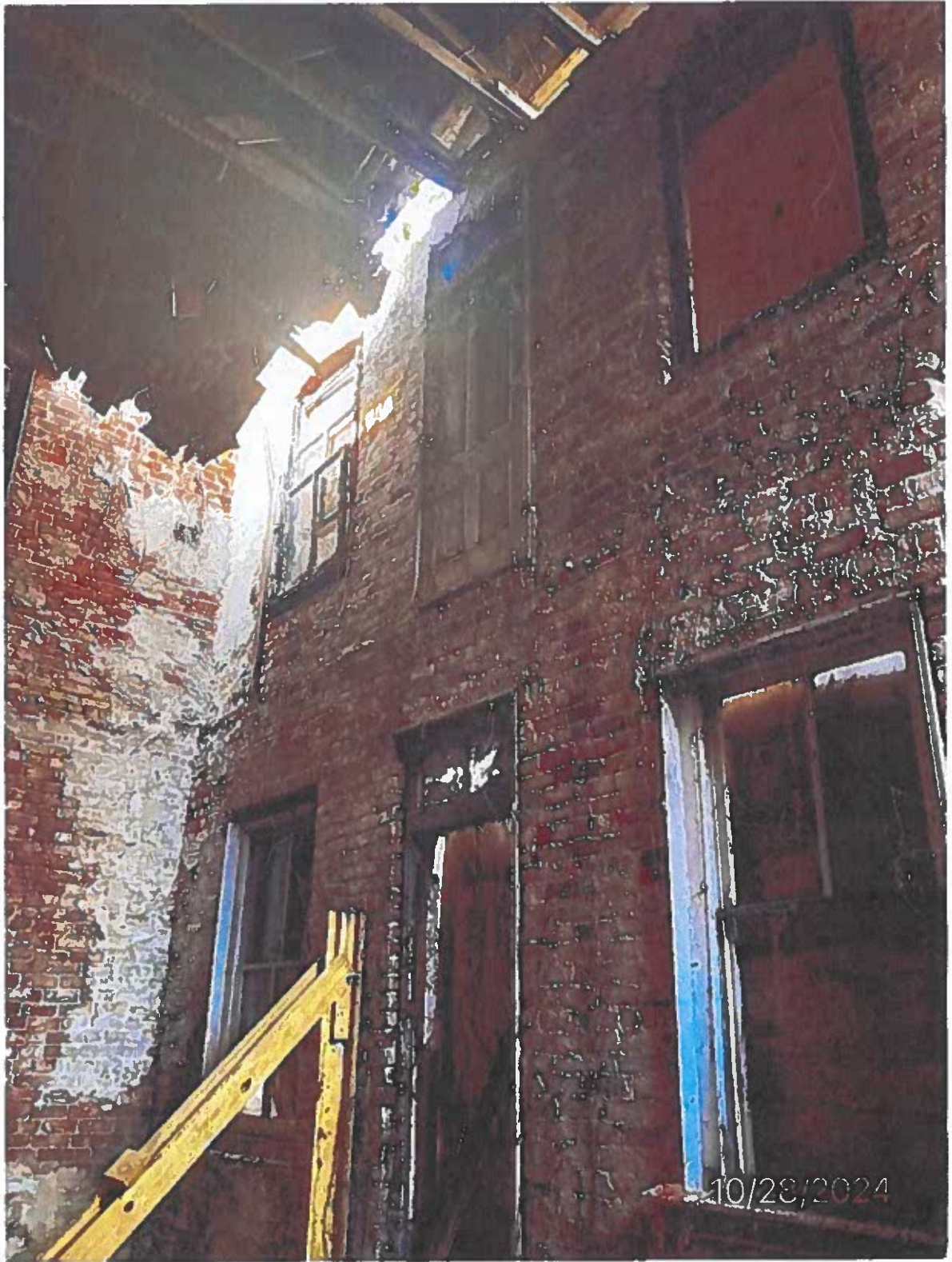


## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View





## 1201 Porter Street- Interior View



## 1201 Porter Street- Interior View





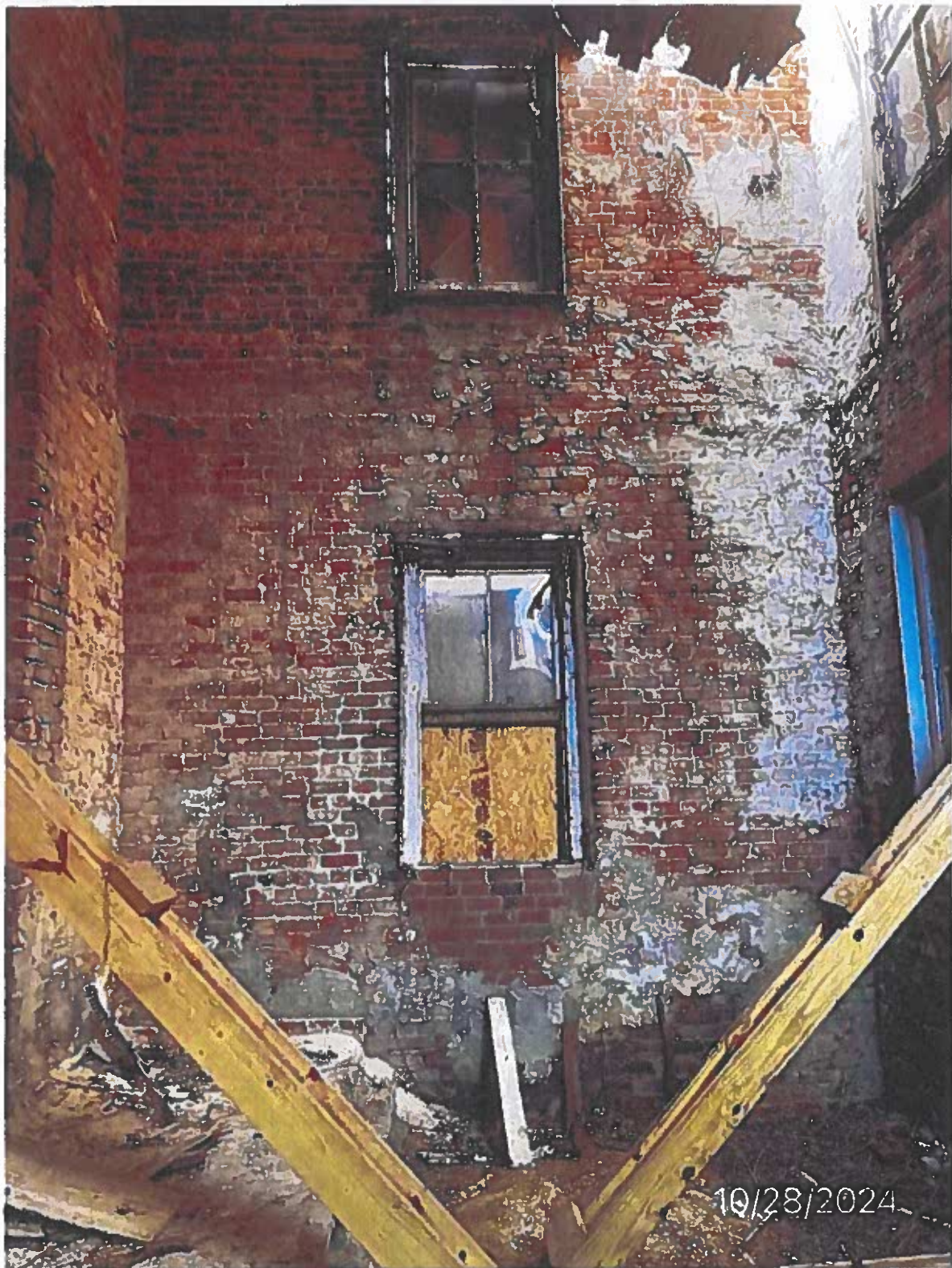
## 1201 Porter Street- Interior View



10/28/2024



## 1201 Porter Street- Interior View





## **NOTICE OF VIOLATION - UNSAFE STRUCTURE**

City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219  
November 18, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

David B Williams  
5270 Sheridan Lane  
Richmond, Va. 23225

Tracking #: 071590-2024  
Inspector: Michael Jackson  
Phone: (804) 310-3737  
Parcel #: 1084499\_S0000087011

Property located at: 1201 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 10/28/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 12/16/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 310-3737.

### **Report of Unsafe Conditions**

#### **106.1 US - Unsafe Structure**

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code. An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because of, but not limited to, any of the following conditions:

1. The structure contains unsafe equipment;
2. The structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely;
3. The structure is unsecured or opened;
4. The degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment;
5. The required plumbing and sanitary facilities are inoperable.

**It has been determined by the Building Commissioner that this building is unsafe and in danger of collapsing. (see attachment letters) The following conditions exist rendering the structure to be unsafe. The roofing assembly in the main portion of the building is in the state of collapsing and sections of the roof is missing. The interior of the building has been gutted out completely and all the floor joists, floors, ceiling joist, wall framing members and lateral structural supports have been removed. The continuous rainwater from the opened roof is exposing the brick foundation, causing a trench to form around the interior of the outer walls. The interior floor surface is now exposed ground, that will be affected by freezing conditions and water exposure which has created a structural failure of the outer brick walls. The foundation has been damaged due to the continuous water exposure on the interior from the opened roof. This exposure has caused the leaning of the chimneys toward interior and public way. The parapet bricks are loose and are being dislodged at the top of the walls that faces the public sidewalk. The walls at the side near the adjacent neighbor's home are bulging outward ready to collapse. The overall structural condition of the building is extremely unstable and in an imminent state of collapse due to neglect and lack of significant maintenance or repairs in the last 6-10 years. This building is located several feet from an occupied property and public sidewalk. Therefore, this structure is ordered to be demolished. The structure must be demolished 12/16/24 and failure to comply will result in the City of Richmond demolishing the structure and placing a lien against the property for all cost associated with the demolition. A permit will be needed in order to demolish the structure.**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Michael Jackson  
(804) 310-3737

Property Maintenance Inspector



## Jackson, Michael A. - PDR

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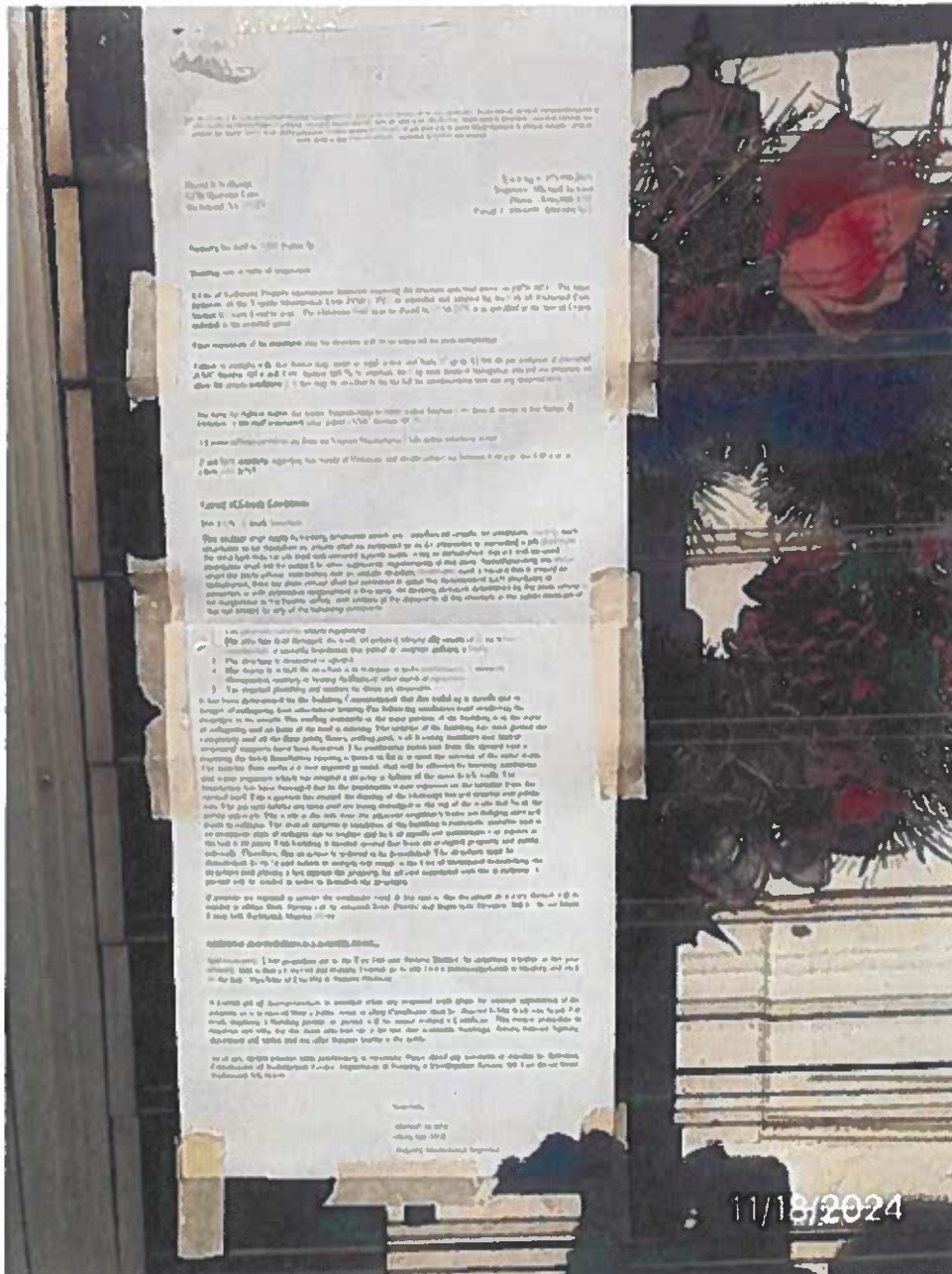
**From:** Jackson, Michael A. - PDR  
**Sent:** Monday, November 18, 2024 2:49 PM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 5270 Sheridan Lane- Front view w/ Unsafe NOV Posting



Sent from my iPhone

## Jackson, Michael A. - PDR

**From:** Jackson, Michael A. - PDR  
**Sent:** Monday, November 18, 2024 2:51 PM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 5270 Sheridan Lane- Close view of Unsafe NOV







Sent from my iPhone

**Jackson, Michael A. - PDR**

---

**From:** Jackson, Michael A. - PDR  
**Sent:** Monday, November 18, 2024 2:53 PM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 5270 Sheridan Lane- Rear view



Sent from my iPhone

ATTACH TO THE FRONT OF THE MAIL OR THE RETURN ADDRESS LABEL TO THE RIGHT

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

David B. Williams  
5270 Sheridan Lane  
Richmond, Va. 23225



9590 9402 6525 0346 7069 67

2. Article Number (Transfer from service label)

7010 0290 0001 0749 1814

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type
- ☐ Adult Signature
  - ☐ Adult Signature Restricted Delivery
  - ☐ Certified Mail
  - ☐ Certified Mail Restricted Delivery
  - ☐ Collect on Delivery
  - ☐ Collect on Delivery Restricted Delivery
  - ☐ Registered Mail
  - ☐ Registered Mail Restricted Delivery
  - ☐ Signature Confirmation
  - ☐ Signature Confirmation Restricted Delivery
  - ☐ Priority Mail Express
  - ☐ Registered Mail
  - ☐ Registered Mail Restricted Delivery
  - ☐ Signature Confirmation
  - ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

MJ



**CITY OF RICHMOND**  
DEPARTMENT OF PLANNING & DEVELOPMENTAL REVIEW  
PROPERTY MAINTENANCE DIVISION  
900 EAST BROAD STREET, ROOM G-12  
RICHMOND, VIRGINIA 23219

*ANK*

dentro de los 14 días, entonces perder.

David B Williams  
5270 Sheridan Lane  
Richmond Va 23275

**CERTIFIED MAIL**



US POSTAGE - PATNEY BOWES



ZIP 23219 \$ 009.64<sup>0</sup>  
02 7th  
0008029158 NOV 19 2024

7010 0290 0001 0249 1814

**RECEIVED**

**DEC 12 2024**

Property Maintenance  
Code Enforcement

NIXIE 231 FE 1 0012/09/24

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

8C: 23219190700 \*1250-00008-20-01

2622586240 CANK  
23219>1907





## **NOTICE OF VIOLATION - UNSAFE STRUCTURE**

City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219  
November 18, 2024

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David B Williams  
4744 Milk Drive  
Grimesland, NC 27837

Tracking #: 071590-2024  
Inspector: Michael Jackson  
Phone: (804) 310-3737  
Parcel #: 1084499 S0000087011

Property located at: 1201 Porter St

Building use at time of inspection:

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Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 310-3737.

### **Report of Unsafe Conditions**

#### **106.1 US - Unsafe Structure**

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code. An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because of, but not limited to, any of the following conditions:

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3. The structure is unsecured or opened;
4. The degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment;
5. The required plumbing and sanitary facilities are inoperable.

**It has been determined by the Building Commissioner that this building is unsafe and in danger of collapsing. (see attachment letters) The following conditions exist rendering the structure to be unsafe. The roofing assembly in the main portion of the building is in the state of collapsing and sections of the roof is missing. The interior of the building has been gutted out completely and all the floor joists, floors, ceiling joist, wall framing members and lateral structural supports have been removed. The continuous rainwater from the opened roof is exposing the brick foundation, causing a trench to form around the interior of the outer walls. The interior floor surface is now exposed ground, that will be affected by freezing conditions and water exposure which has created a structural failure of the outer brick walls. The foundation has been damaged due to the continuous water exposure on the interior from the opened roof. This exposure has caused the leaning of the chimneys toward interior and public way. The parapet bricks are loose and are being dislodged at the top of the walls that faces the public sidewalk. The walls at the side near the adjacent neighbor's home are bulging outward ready to collapse. The overall structural condition of the building is extremely unstable and in an imminent state of collapse due to neglect and lack of significant maintenance or repairs in the last 6-10 years. This building is located several feet from an occupied property and public sidewalk. Therefore, this structure is ordered to be demolished. The structure must be demolished 12/16/24 and failure to comply will result in the City of Richmond demolishing the structure and placing a lien against the property for all cost associated with the demolition. A permit will be needed in order to demolish the structure.**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Michael Jackson  
(804) 310-3737

Property Maintenance Inspector

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:  
**David B. Williams**  
**4744 MTK Drive**  
**Grimesland, NC 27837**



9590 9402 6525 0346 7069 50

2. Article Number (Transfer from service label)

7010 0290 0001 0749 1753

PS Form 3811, July 2020 PSN 7530-02-000-8053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** Agent ☐  
 Addressee ☐

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type
- ☐ Adult Signature
  - ☐ Adult Signature Restricted Delivery
  - ☐ Certified Mail
  - ☐ Certified Mail Restricted Delivery
  - ☐ Collect on Delivery
  - ☐ Collect on Delivery Restricted Delivery
  - ☐ Insured ☐ Registered Mail
  - ☐ Registered Mail Restricted Delivery
  - ☐ Signature Confirmation
  - ☐ Signature Confirmation Restricted Delivery
  - ☐ Priority Mail Express
  - ☐ Registered Mail
  - ☐ Registered Mail Restricted Delivery
  - ☐ Signature Confirmation
  - ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

MJ



**CITY OF RICHMOND**  
DEPARTMENT OF PLANNING & DEVELOPMENTAL REVIEW  
PROPERTY MAINTENANCE DIVISION  
900 EAST BROAD STREET, ROOM G-12  
RICHMOND, VIRGINIA 23219

**CERTIFIED MAIL**



US POSTAGE - PRIMEY BOWES



ZIP 23219 \$ 009.64<sup>0</sup>  
02 7W  
0008029158 NOV 19 2024

7010 0290 0001 0749 1753

**RECEIVED**

DEC 05 2024

276 55 1 9211/26/24

RETURN TO: Property Maintenance  
UNABLE TO FORWARD

David B Williams  
4744 Milk Drive  
Grimesland, NC 27837

SC: 23219190700 71250-000009-20-01

2783735537 R001



## Jackson, Michael A. - PDR

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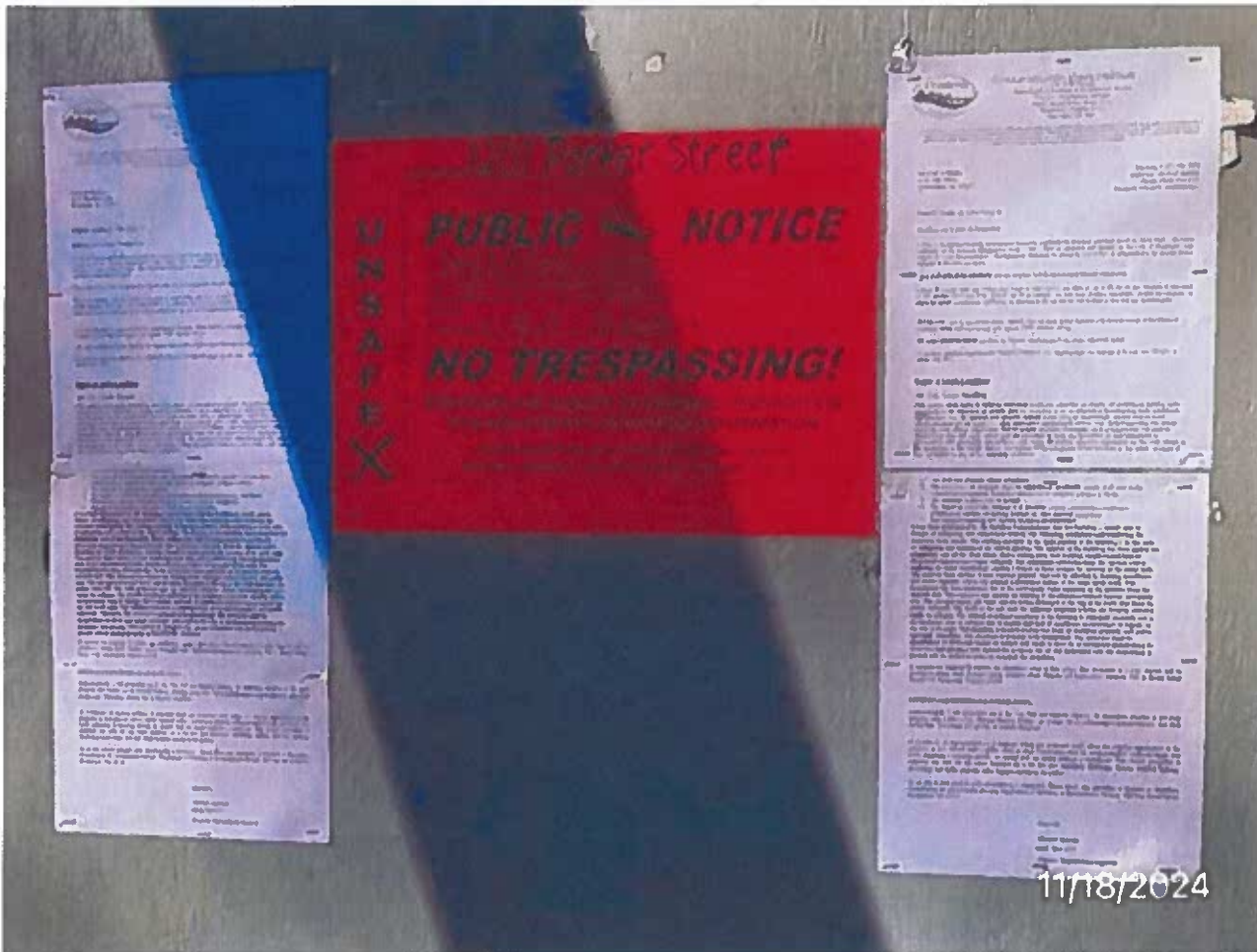
**From:** Jackson, Michael A. - PDR  
**Sent:** Monday, November 18, 2024 2:44 PM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 1201 Porter Street- Full Front View w/ postings



Sent from my iPhone

## Jackson, Michael A. - PDR

**From:** Jackson, Michael A. - PDR  
**Sent:** Monday, November 18, 2024 2:41 PM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 1201 Porter Street- Initial posting Unsafe Placard & Unsafe NOV



Sent from my iPhone

## Jackson, Michael A. - PDR

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**From:** Jackson, Michael A. - PDR  
**Sent:** Monday, November 18, 2024 2:44 PM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 1201 Porter Street- Rear view



Sent from my iPhone





DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

David L Alley III  
Commissioner of Buildings  
804-513-6939  
[david.alley@rva.gov](mailto:david.alley@rva.gov)  
900 E. Broad St., Room 110, Richmond, Va. 23219-1907

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

**From:** Jackson, Michael A. - PDR <[Michael.Jackson2@rva.gov](mailto:Michael.Jackson2@rva.gov)>  
**Sent:** Monday, December 2, 2024 3:00 PM  
**To:** Alley, David L. - PDR <[David.Alley@rva.gov](mailto:David.Alley@rva.gov)>  
**Cc:** Pruden, Jasmine S. - PDR <[Jasmine.Pruden@rva.gov](mailto:Jasmine.Pruden@rva.gov)>; Williams, Russell L. - PDR <[Russell.Williams@rva.gov](mailto:Russell.Williams@rva.gov)>;  
Coward, Michelle Y. - PDR <[Michelle.Coward@rva.gov](mailto:Michelle.Coward@rva.gov)>  
**Subject:** 1201 Porter Street

Good afternoon, I received a call from Mr. Williams today and he stated that he received the Unsafe NOV and wants to rehab. I informed him that he needed to speak with you and Mr. Williams said that he will be available tomorrow morning between 8-10am at that same number we have listed.

*Michael A. Jackson*

Property Maintenance Code Enforcement Inspector 2  
City of Richmond | Planning and Development Review  
Division of Property Maintenance Code Enforcement  
900 E. Broad Street | Room G12  
Richmond, VA 23219  
Office: 804.646.7446 | Cell: 804.310.3737 | Fax: 804.646.0798  
[michael.jackson2@rva.gov](mailto:michael.jackson2@rva.gov)



**Jackson, Michael A. - PDR**

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**From:** Jackson, Michael A. - PDR  
**Sent:** Tuesday, December 17, 2024 9:19 AM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 1201 Porter Street- Follow-up



Sent from my iPhone



## Jackson, Michael A. - PDR

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**From:** Jackson, Michael A. - PDR  
**Sent:** Tuesday, December 17, 2024 9:18 AM  
**To:** Jackson, Michael A. - PDR  
**Subject:** 1201 Porter Street- Follow-up



Sent from my iPhone

NEW PLAN

All Contacts

|                     |  |   |                            |
|---------------------|--|---|----------------------------|
| <div>Summary</div>  | <div>BJ</div> <div>Johnson, Bruce</div> <div>BRUCE JOHNSON db...</div> <div>ID-000084503</div> | <div>Applicant</div> <div>Contract ...</div> <div>Mobile Phone</div> <div>(804) 943-8735</div> <div>Email</div> <div>brucejohnson1217@gmail.com</div> <div>Main address</div> <div>7493 East Danube Loop New Kent, VA 23124</div> <div>7493 East Danube Loop New Kent, VA 23124</div> | <div>Billing Contact</div> |
| <div>Details</div>  | <div>DW</div> <div>Williams, David</div> <div>ID-000005517</div>                               | <div>Owner</div> <div>Mobile Phone</div> <div>(804) 503-0000</div> <div>Email</div> <div>db075williams@gmail.com</div> <div>Main address</div> <div>5270 Sheridan Lane Richmond, VA 23227</div> <div>5270 Sheridan Lane Richmond, VA 23227</div>                                      | <div>Billing Contact</div> |
| <div>Location</div> | <div>Williams David B...</div> <div>CO-S0000087011</div>                                       | <div>Contact ...</div> <div>Phone</div> <div>Email</div> <div>Main address</div> <div>5270 Sheridan Ln Richmond, VA 23227</div> <div>Title</div>  | <div>Billing Contact</div> |

Additional Info

Workflow

Linked Records

Holds (3)

Contacts (3)

Fees (4)

Plan Clock

Bonds

Activities

Files (4)

Print Documents

Conditions (3)

Tasks

Internal Notes (2)

Inspection Cases

Communication



City of Richmond  
Department of Planning  
& Development Review

Bureau Of Permits  
& Inspections

# BUILDING (R) PERMIT

[PDRPermitsAndInspections@rva.gov](mailto:PDRPermitsAndInspections@rva.gov)

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

ISSUE DATE: 4/5/2024

## BLDR-131524-2024

**SITE ADDRESS:** 1201 Porter St  
Richmond, VA 23224

PARCEL NUMBER: S0000087011

**PERMIT DESCRIPTION:** Change of Use to 2 family dwelling. Stabilization and renovation of existing structure, including roof.

OCCUPANCY LOAD/FLOOR:

TYPE OF IMPROVEMENT: Alter/Remodel Light  
USE GROUP: R5D - Two Family Detached (Under 4  
Stories)

COST OF WORK: \$113,011.58  
CONSTRUCTION TYPE:

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

INSPECTOR PHONE: 804-658-6447

### PERMIT CONTACT INFORMATION

OWNER NAME: David B Williams  
CONTRACTOR NAME: Bruce Johnson  
CONTRACTOR LICENSE NUMBER: 2705112405

OWNER PHONE: 8045030000  
CONTRACTOR PHONE: (804) 943-8735

### FEE INFORMATION

|                         |          |             |         |
|-------------------------|----------|-------------|---------|
| Permit Fee              | \$631.40 | Plan Review | \$74.29 |
| Administrative Handling | \$37.15  | State Levy  | \$14.86 |

**TOTAL FEES** \$757.70

### SPECIAL TERMS AND CONDITIONS

DPW:  
No work or construction staging (including dumpsters, CE, DRIVEWAYS etc) may occur within the public right of way until the appropriate WISPs have been acquired.

**BUILDING:** Change of Use to 2 family dwelling. Stabilization and renovation of existing structure, including roof.

**Zoning:** Renovate existing shell and establish a two-family dwelling use per plans. Existing doors oriented towards the street frontage existed prior to this conversion.

### MECHANICS LIEN AGENT INFORMATION

NAME: ADDRESS:  
PHONE:

**B&J CONSTRUCTION SERVICES**

**7493 EAST DANUBE LOOP**

**NEW KENT, VA 23124**

**804-943-8735**

**TO: David L Alley III**

**Commissioner of Building**

**900 E Broad Street, Room 110**

**[David.alley@rva.gov](mailto:David.alley@rva.gov)**

**804-513-6939**

**1201 Porter Street Proposed timeline**

- **Site prep, portable john, fencing -4/22 to 5/56**
- **Stabilization -5/6 to 5/21**
- **Demo- 5/21 to 6/8**
- **Framing/roofing/windows – 6/8 to 6/24**
- **Inspections 6/24 to 7/8**
- **Electrical 7/8 to 7/12**
- **Rough in inspection 7/12 to 7/19**
- **HVAC 7/19 to 7/26**
- **Rough in inspection 7/26 to 7/29**
- **Insulation 8/2 to 8/5**
- **Inspection 8/5 to 8/9**
- **Drywall installed 8/8 to 8/16**
- **Carpentry 8/16 to 8/28**
- **Fixtures 8/28 to 9/6**
- **Floors 9/9 to 9/20**
- **Painting 9/23 to 10/4**
- **Final inspection for C/O 10/7 TO 10/11**

**P.S. The above abbreviated schedule is not accurate time, its servers only as an estimation timeline. I have not been able to inspect the interior of the property.**

**Bruce Johnson**

**B&J Construction Services**

**2705112405**



## Alley, David L. - PDR

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**From:** Bruce Johnson <brucejohnson1217@gmail.com>  
**Sent:** Tuesday, June 11, 2024 6:25 PM  
**To:** Alley, David L. - PDR; db075williams@gmail.com  
**Subject:** Follow up on 1201 Porter Street

**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.

Hello Mr. Alley

Today I received a call from Mr. Fields. We were able to discuss the questions concerning 1201 Porter Street.

Mr. Fields is aware that we need his revised plans/drawing in order to resubmit them so that your department can amend the originals.

We are already 30 days behind because of this delay, I have requested an estimated time from Mr. Fields that we can expect to have the revised drawing/plans. The drawing will have to be submitted for approval from your department. This time spent waiting for revised drawings and your approval will affect my proposed timeline.

Bruce Johnson  
877-267-2126 fax  
[brucejohnson1217@gmail.com](mailto:brucejohnson1217@gmail.com)

## Alley, David L. - PDR

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**From:** Bruce Johnson <brucejohnson1217@gmail.com>  
**Sent:** Monday, June 3, 2024 3:19 PM  
**To:** db075williams@gmail.com; Alley, David L. - PDR

**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.

Good Morning Sir

I am the GC for the property located on 1201 Porter street. We have discovered some items on the approved plans and specs that need addressing by Charles Fields. Mr. Fields has been given the questions and we are awaiting his response on how to proceed. Depending on his response on how to proceed I will provide you with the new timeline.

Bruce Johnson  
877-267-2126 fax  
[brucejohnson1217@gmail.com](mailto:brucejohnson1217@gmail.com)

## Alley, David L. - PDR

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**From:** Bruce Johnson <brucejohnson1217@gmail.com>  
**Sent:** Tuesday, June 4, 2024 12:47 PM  
**To:** Alley, David L. - PDR  
**Subject:** Fwd: 1201 Porter st

**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.

----- Forwarded message -----

**From:** Alec Eberle <[aleceberle@gmail.com](mailto:aleceberle@gmail.com)>  
**Date:** Tue, May 14, 2024, 9:04 PM  
**Subject:** 1201 Porter st  
**To:** <[Obsidianrva@gmail.com](mailto:Obsidianrva@gmail.com)>

Good evening Mr. fields here is the list we spoke about today . Just wanted to follow up with this list to keep us all on the same page. I also wanted to add that we do appreciate you meeting us out there today. These are the most important things via the plans that we need addressed in order for us to confidently proceed with the project. Primary focus right now is getting the foundation and floor framing plan down so that we can continue to work. please let me know if you have any questions for me , also if you were able to get any information from the inspector we spoke about that would be great to know as well

Thank you sir , Alec Eberle

### Plans mention basement

- Need clarification on water proofing / drainage / how to put drainage in around piers
- Do we need a pump
- Do we need to add ventilation
- Need to add utility room down stairs and crawl access
- Relocation of door way for rear bedroom downstairs
- No porch detail for either porch
- How you want us to fasten brick and reinforce structure to framing
- Insulation sheathing or zip board
- How do you want us to re enforce existing brick structure



## Application for Permit Cancellation or Refund

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>

This document will need to be submitted through PDR's shared OneDrive. See link below for instructions:

<https://www.rva.gov/planning-development-review/one-drive>

Permit Number: 131524-2024  
Project Address: 1201 Porter Street, Richmond, VA 23224  
Contact Name: Bruce Johnson  
Phone Number: 804 943 8735 Date: 7/12/24  
Portal Account Email: brucejohnson1217@gmail.com

### To Whom It May Concern:

I am requesting a cancellation to the above permit due to the following reason(s):

After reviewing the plans & specs we no longer feel comfortable moving forward on this project. This decision comes after talking with Mr. Fields about our concerns of missing important details.

Has any work been completed without having an inspection? ☐ Yes ☒ No

If you are requesting a refund, please complete the information below.

Name the refund should be issued to: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**VUSBC §107.1.2 Refunds.** When requested in writing by a permit holder, the locality shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed. **Refunds can only be issued to payee.**

### BUREAU OF PERMITS AND INSPECTIONS USE ONLY

Have inspections been performed on the permit?

☐ Yes: Contact the customer. Permit can be cancelled but is not eligible to be refunded. Cancel or give to the manager.

☒ No: Initiate refund process

Reviewed by: Sara Shrieves

Check one: ☐ Commercial ☒ Residential

Date Reviewed: 7/12/2024



## **NOTICE OF VIOLATION - UNSAFE STRUCTURE – AMENDED 11/14/2023**

**City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219  
November 12, 2023**

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelacion por escrito, dentro de los 14 dias posteriores a la fecha de este aviso, en caso de que usted crea que la nota es incorrecta. Si usted no presenta la apelacion dentro de los 14 dias, entonces perderá la posibilidad de disputar esta violacion.

Williams David B & Elma G  
5270 Sheridan Lane  
Richmond Va 23225

Tracking #: 064241-2023  
Inspector: Michael Jackson  
Phone: (804) 310-3737  
Parcel #: 1084499\_S0000087011

Property located at: 1201 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 10/26/2023. The listed violations of the Virginia Maintenance Code (VMC) 2018 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 12/15/2023 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 310-3737.

### **Report of Unsafe Conditions**

#### **106.1 US – Unsafe Structure**

An existing structure determined by the code official to be dangerous to health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary, or heating facilities or other essential equipment, or



- (ii) the required plumbing and sanitary facilities are inoperable.

**It has been determined by the Building Commissioner that this building is unsafe and in a state of imminent collapse. The following conditions exist rendering the structure unsafe. The interior of the building has been completely gutted, all floor joists, floors, ceilings joists, wall framing members and lateral structural supports have been removed. The temporary stabilization installed in 2018 has become deteriorated and is no longer providing adequate support for the structure. The interior bracing is not constructed or supported properly and is imminent to fail if not removed and designed by a professional. A single 2x6 member is wedged below the roof line and is expanding to the top of the west outer wall, the 2x6 member is extremely bowed and the main area roof will totally collapse when the 2x6 fails. The overall structural condition of the building is extremely unstable and is in an imminent state of collapse due to neglect and the lack of significant maintenance. This building is located several feet from an occupied adjacent building and several feet from a public sidewalk. The north wall is bulging out towards the occupied adjacent property. Parapet bricks are observed to be loose and dislodging on the east and north walls facing the public sidewalk. Therefore, this structure is order demolished. This structure must be demolished by 12/15/2023. Failure to comply with this order could result in the City of Richmond demolishing the structure and placing a lien against the property for all cost associated with the demolition. A permit will be needed in order to demolish this structure.**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Michael Jackson  
(804) 310-3737  
Property Maintenance Inspector

Additional Documents  
Submitted  
By City of Richmond

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DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

**PERMITS AND INSPECTIONS BUREAU**

**Additional Documents and Written Argument:  
Appeal No. 25-04**

- The appellant disputes the determination regarding the safety of the structure.
- The appellant disputes The Building Commissioners denial of the appellants due process rights on numerous grounds, including but not limited to the building official's refusal to consider a compliant building permit application, the LBBCA action lacking a quorum, and the Commissioners denial of appellants appeal rights.

**New Documents:**

- **Letter from Adjacent Property Owner**
- **Letter from P.E. Charles R Field (Stabilization Plan/Temporary Shoring)**
- **Letter from Demolition Contractor (Dwight Snead)**

**City's Argument:**

The structure has been vacant and boarded since 2007. The property has been an ongoing concern for the City, community and the adjacent property owner since early 2016. The structure has been seriously neglected by the absentee owner and the structure has continued to deteriorate of the years. The City has investigated over (25) public complaints, including issuing notices of (17) violations for weeds/grass, (3) Violations for open & vacant, (3) Violations for unsafe conditions, (1) derelict building code case, (1) and Spot blight code case, and conducted more than 109 inspections to date.

The Permits and Inspections Bureau has provided the owner several opportunities to bring the structure into code compliance as documented. The owner obtained several building permits to address the unsafe conditions. However, their failed attempts just made the structure even worse.

The Permits and Inspections Bureau has provided sufficient supporting documentation that the structure was in a state of imminent collapse and that the temporary shoring was compromised by the current soil conditions associated with the open structure. Note: Reference both engineer letters provided. The appellant has failed to provide any supporting documentation that the structure was safe.

- Pictures.
- Professional engineers letter of opinion form (Timmons Group)
- Letter from the structural engineer Charles R Field in reference to the temporary shoring plan.
- Letter from the adjacent property owner
- Letter from the demolition contractor (Dwight Snead)

#### **Updated Summary/Chronology:**

- A building permit BLDR-030200-2018 was submitted to the permits office on 2/1/2018 for the temporary stabilization of the structure for significant safety concerns. However, the stabilization efforts were never fully inspected and/or approved. The permit expired on 8/7/2019
- On 10/25/2023 an inspection warrant was obtained through the Magistrates office to gain access to the interior of the structure to evaluate the current conditions. On 10/26/2023 the inspection was conducted, and the structure was determined to be unsafe and dangerous to the health, safety and welfare of the public due to the degree to which the structure has continued to deteriorate from the lack of regular maintenance and neglect.
- On 10/26/2023 a Unsafe Structure-Notice of Violation was issued for 1201 Porter St. Issued by the building official for an unsafe structure that is in a state of imminent collapse. Therefore, the structure shall be demolished by 12/15/2023. (See attached NOV)
- The Unsafe Structure NOV was appealed to the Local Board of Building Code Appeals. However, it was decided before the case was heard by the Permits and Inspections Bureau to allow the owner another opportunity to renovate the structure and bring the building into code compliance.
- On 4/5/2024 a building BLDR-131524-2024 was issued to renovate the structure. The general contractor (Bruce Johnson) was required to provide a reasonable



work schedule to the permits and inspections bureau prior to the permit being issued. (See attachment work schedule).

- On 7/12/2024 the general contractor Bruce Johnson filed an application to cancel his permit because as he stated on the cancellation application: After reviewing the plans and specs we no longer feel comfortable moving forward on this project. This decision comes after talking with Mr. Fields about our concerns of missing important details. Note: Mr. Johnson was a class A contractor, licensed, insured and had no complaints filed with DPOR. The appellant will say he was a bad contractor. I disagree-I believe he was afraid of the structure collapsing on him.
- On 10/28/2024 another Unsafe Structure-Notice of Violation was issued for 1201 Porter St. Unsafe structure that is in a state of imminent collapse. Therefore, the structure shall be demolished by 12/16/2024. The owner received the notice on 12/2/2024. (See attached NOV)
- No prior effort was made by the owner or his brother to contact the Permits and Inspections Bureau after his contractor abandoned the project. Until (5) months later the owner contacted Michael Jackson (Property Maintenance Code Enforcement Inspector (PMCE)).
- On 12/13/2024 an appeal was filed by Clarence Williams- brother to the owner David Williams. Appeal hearing to be held on 1/15/2025.
- On 3/19/2025 the LBBCA upheld the Building Official and determined that the provisions of the code were enforced by the Code Official properly.
- On 3/19/2025 after the LBBCA hearing the Code Official spoke directly with legal counsel for (David Williams) and informed him that the City could no longer delay the demolition in fear for the safety of the public and my intent was to raze and remove the structure no later than 3/24/2025 depending on the availability of our contractor. It was mentioned that he could file an emergency court injunction.
- The structure was razed and removed on 3/24/2025.
- A Cease-and-Desist email on was received on 3/26/2025 from their attorney.



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

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

## 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. H02-24-07590

IN RE: Clarence Williams -1201 Porter St v. City of Richmond

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

The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the

Code Official properly.

The vote was: Uphold 2-0. Reverse \_\_\_\_\_. Modify \_\_\_\_\_.

Date: March 19th, 2025

Signed by:  
Signature: Tommy Davis

C53E7450E89F498  
Chair of Local Board of Building Code Appeals

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.

# 1201 Porter Street Stabilization Plan

## Owner

David & Elma Williams  
5270 Sheridan Lane  
Richmond, VA 23227

## Scope of Work

Scope of work will generally consist of the temporary stabilization of a deteriorating existing structure in accordance with these plans and the IRC, 2012.

The work will include:

1. Removal of debris.
2. Bracing and stabilization according to these plans.
3. Removal of rotted or failed structural elements.

Proposed stabilization should be adequate for (2) two years.

## Engineer

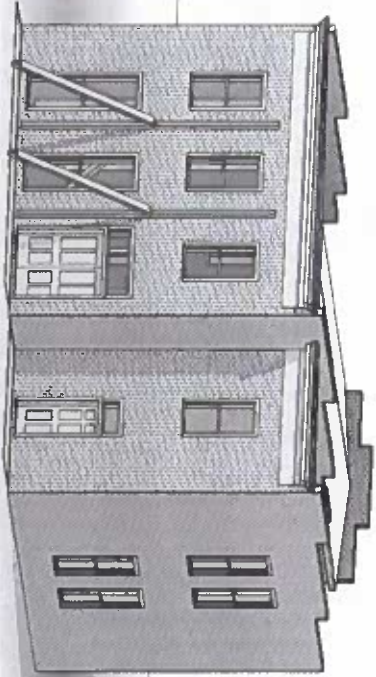
Obsidian, Inc.  
Charles R. Field, P.E.  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianva@gmail.com

## Property Information

Parcel ID S0000087011  
Zoning R-8  
Use Residential  
Setbacks Front Yard = 310 feet and 118 feet  
Side Yard = 3 feet  
Rear Yard = 5 feet  
Lot Coverage 65%

## General Notes

1. The structure will be braced in accordance with the 2012 edition of the "International Residential Code", the Statewide Uniform Building Code and the applicable City of Richmond ordinances.
2. The contractor is responsible for compliance with City, State and Federal job site safety requirements.
3. The contractor shall verify all dimensions and conditions prior to start of work, and any discrepancies will immediately be brought to the attention of the engineer.
4. All elements of the building that were intended to be plumb and vertical must be plumb and vertical.
5. The interior renovation will be completed under a separate building permit.

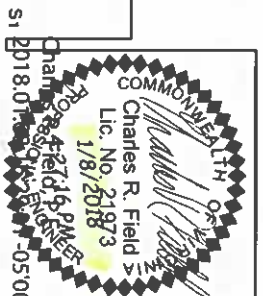


**Building Permit - Approved Construction Documents**  
Under general authority of the Building Code, this approved set of construction documents shall be kept on the job site at all times and shall not be altered without approval from the Building Department. This approval does not constitute any guarantee or warranty of the accuracy or completeness of the information contained herein. The Building Department is not responsible for any errors or omissions. Violation of the Building Code and City of Richmond regulations without proper notice, implied or written.  
02/01/2018 11:25:37 AM  
Permit: 20180201 1201Porter-BLDR 000000-2018a  
D#162

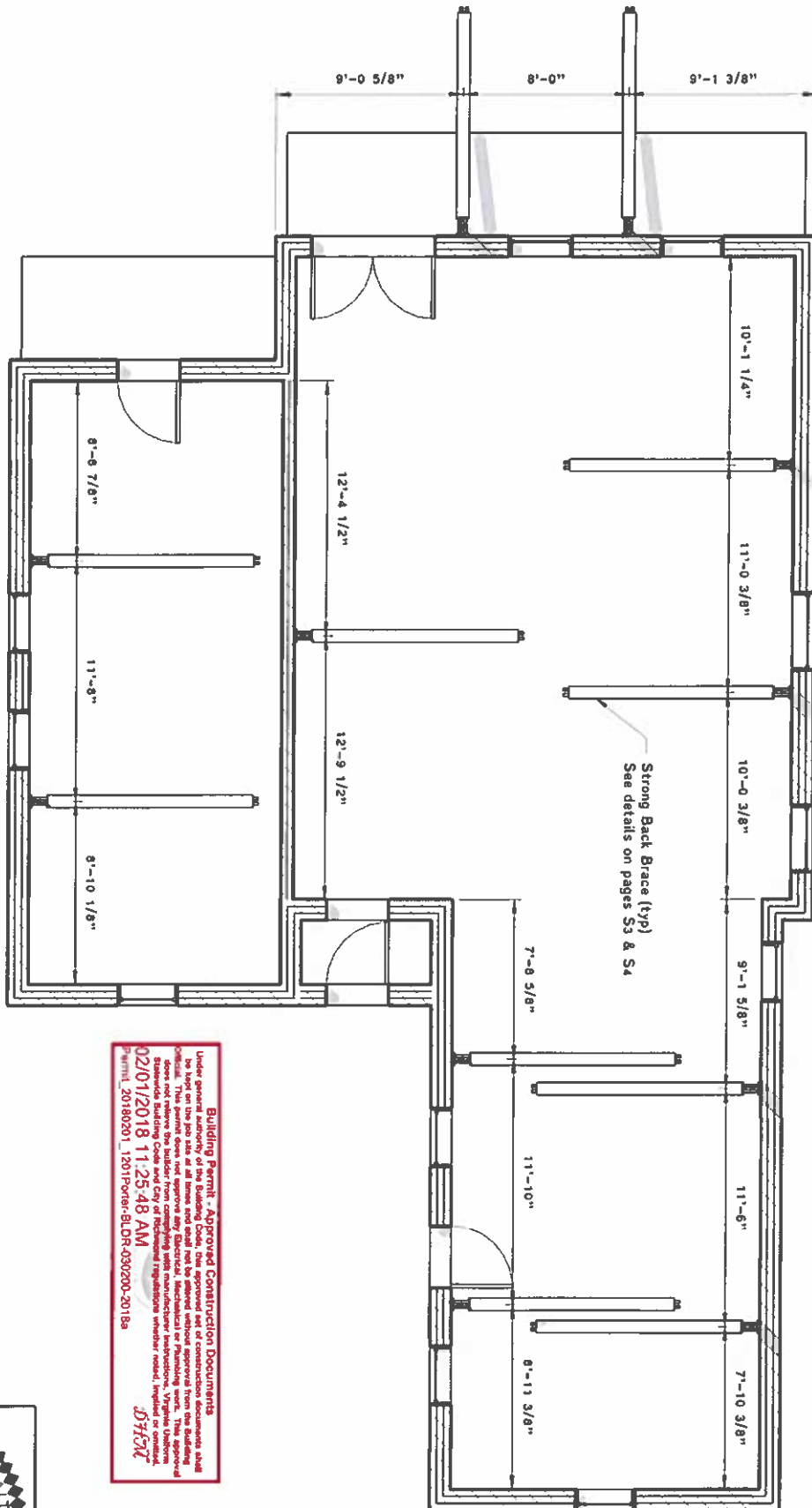
| Rev. | Date | Description |
|------|------|-------------|
|------|------|-------------|

**Obsidian, Inc.**  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianva@gmail.com

**Title Sheet**  
1201 Porter Street  
David B & Elma G Williams  
January 8, 2018



| Rev. | Date | Description |
|------|------|-------------|
|------|------|-------------|



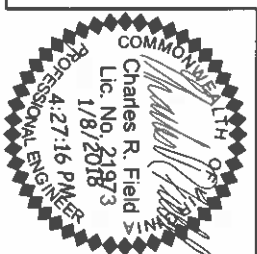
**Building Permit - Approved Construction Documents**  
 Under general authority of the Building Code, this document is approved for construction. This permit does not approve any electrical, mechanical or plumbing work. This approval is based on the information provided and does not constitute a warranty of the accuracy of the information provided. This approval is valid for the period of 180 days from the date of issuance. If the work is not completed within this period, a new permit must be obtained. This approval is subject to the terms and conditions of the Building Code and the rules and regulations of the Department of Building Inspection. This approval is not valid for any work that is not in accordance with the approved documents. This approval is not valid for any work that is not in accordance with the approved documents. This approval is not valid for any work that is not in accordance with the approved documents.

02/01/2018 11:25:48 AM  
 Permit: 20180201\_1201Porter-BLD-030200-2018a  
 JH/STC

**Obsidian, Inc.**  
 515 North 2nd Street  
 Richmond, VA 23223  
 804.647.1589  
 obsidianrva@gmail.com

**Stabilization Layout**  
 1201 Porter Street  
 David B & Elma G Williams

S2

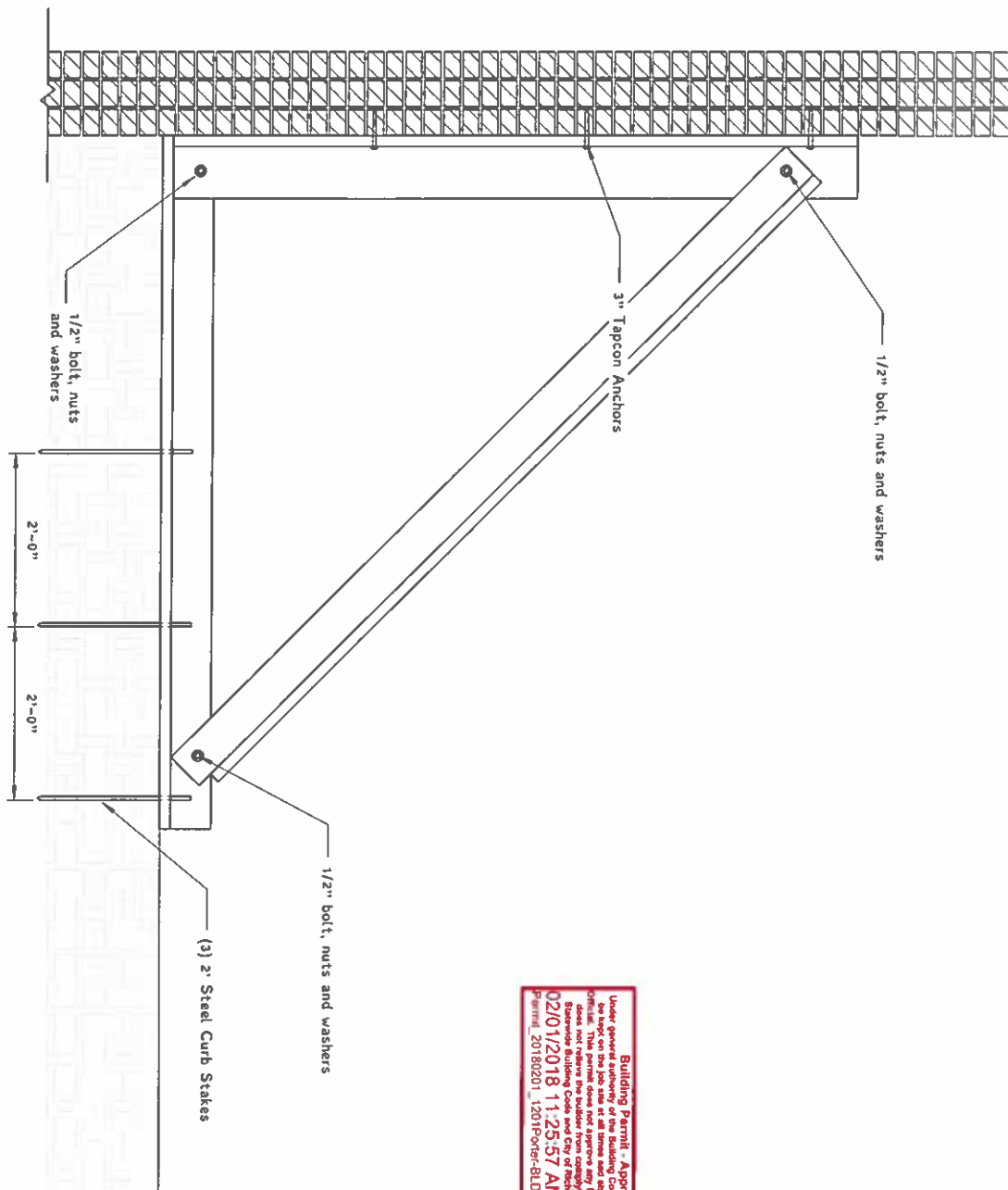






| Rev. | Date | Description |
|------|------|-------------|
|------|------|-------------|

1 Strongback Section View  
3/4" = 1'-0"



**Obsidian, Inc.**  
515 North 22nd Street  
Richmond, VA 23223  
804.647.1589  
obsidianrva@gmail.com

**Strongback Details 2**  
1201 Porter Street  
David B & Elma G. Williams  
January 8, 2018

S4

**Building Permit - Approved Construction Documents**  
Under general authority of the Building Code, this approved set of construction documents shall be kept on the job site at all times and shall not be altered without approval from the Building Official. The permit does not approve any Electrical, Mechanical or Plumbing work. This approval is limited to the construction of the building structure only. The approval does not constitute an endorsement of the Building Code and City of Richmond regulations whether noted, implied or omitted.  
02/01/2018 11:25:57 AM  
Permit: 20180201\_1201Porter-BLD-030200-2018a  
JDF



May 8, 2025

David L Alley III  
Commissioner of Buildings  
900 E. Broad St.,  
Room 110  
Richmond, Va. 23219-1907

Reference: **Temporary Stabilization Plan**  
**Permit BLDR-029800-2018 & BLDR-141190-2024**

Dear Mr. Alley,

This letter is provided in response to a request for clarification regarding the temporary stabilization plan originally prepared by our office and submitted under permit number BLDR-029800-2018, dated January 8, 2018.

At the time of the original design, the stabilization plan was developed based on the observed conditions of the structure in early 2018. These conditions formed the basis for the engineering assumptions used in determining the temporary bracing and stabilization requirements. Our office did not receive a subsequent request to re-evaluate the structural conditions of the building prior to the reuse of this stabilization plan in support of permit BLDR-141190-2024. No site visit or updated engineering assessment was performed by our firm in relation to the permit submittal in 2024.

In the intervening six years, the building experienced further deterioration due to prolonged exposure to the elements, including water intrusion from an open roof system. Such conditions may have significantly compromised the performance of the temporary stabilization elements, particularly where connections such as rebar were embedded in saturated or unstable soils within the building footprint. These environmental factors were not accounted for in the original design, as they developed after the original evaluation and without our firm's knowledge or involvement.

To be clear, the original temporary stabilization plan was appropriate for the structural conditions observed in 2018. However, any reuse of the plan after a significant passage of time — especially in the absence of a professional re-evaluation — should have been preceded by a

current site assessment to determine the present condition of the structure and surrounding soils.

Please feel free to contact me if further clarification is needed.

**Obsidian, Inc.**

A handwritten signature in black ink, reading "Charles R. Field". The signature is written in a cursive, flowing style with a large, prominent "C" and "F".

Charles R. Field, P.E.  
Partner

**C. Samuel McDonald**  
**1205 Porter Street, Richmond, VA 23224**

Mr. David Alley  
Commissioner of Buildings  
City of Richmond  
900 E. Broad St., Room 110  
Richmond, Va. 23219-1907

May 20, 2025

Re: 1201 Porter Street Neighbor Concerns

Dear Mr. Alley:

As the next-door neighbor to 1201 Porter Street, I am compelled to write about current and previous issues that I have encountered with this property, its impact on my property, and the owner who has neglected to maintain this property.

In 2016 when I bought the 1205 Porter lot, I wrote a letter to the owner of 1201 to introduce myself and tell him about my building plans and ask about his plans. I hoped to establish contact and that we could be neighbors. I sent that letter to the mailing address listed on City records for the 1201 property but never got an answer. I located 2 other possible mailing addresses in North Carolina and a couple phone numbers. Over the past nine years, despite numerous attempts, I have never heard from the owner or been successful in reaching him at any address or any phone number.

Since 2016, here are some of the issues, observations, and attempts at resolution:

1. I wrote the owner explaining that I was concerned about a chimney leaning toward my property while we were under construction and an above ground oil tank that had fallen over the shared property line. No response. The chimney eventually fell and my contractor removed the bricks from my property. Luckily, no one was harmed. My contractor also dragged the oil tank back onto the 1201 property.
2. I sent a certified letter asking permission for my contractor to temporarily use a foot or two of 1201's property since we each have 3' of setback and the contractor wanted to use a movable scaffolding section. No response and the certified letter came back unaccepted.
3. Bricks or portions of deteriorated bricks continually fell every year from the elevation facing my property and ended up on my property. I restricted my children from playing

in a section of our yard that adjoins 1201 so that they would not be severely injured by debris. That side of my property was no longer usable and I continually stressed about 1201 collapsing, damage to my property, and injury or worse.

4. Over the years window and door plywood coverings would fall off, leaving the structure open to animals and trespassers.
5. Every summer, without fail or any regular maintenance attempt, the grass and weeds would grow to 2' or 3' between cuts. I believe many of those were after City citations.
6. I decided that if the owner would not maintain the blighted property, maybe he would sell it to someone that would put it back into productive use. I sent him approximately 6 signed offers over the years by certified mail, to the local mailing address and NC, regular mail, dropping off contract offers at the local address, and posting envelopes with offers on the 1201 property. I never received a response and any certified mail I sent was returned unaccepted.
7. The City posted notices on the property continually over the years citing grass code violations, spot blight, orders to correct or demolish, and as a derelict property.
8. At one point in 2018 (?), the owner did selective demolition under a permit to "stabilize" the property. He removed all of the 2<sup>nd</sup> floor joists and flooring and stopped, which actually weakened the exterior structure. After that, the outward bow of the brick wall facing my property increased. Under that same permit he added bracing at the front, and I watched as the worker "epoxied" the bolts through the wooden braces into the brick using only Elmers wood glue. Those braces separated from the building the next week. This work appeared to be a token attempt by the owner to appease the City, but it increased my fear and concern about the structure collapsing.
9. The roof, visible from my terrace, continued to sag more and develop new holes as the wood deteriorated from weather. This neglect to maintain the roof increased the chance of collapse.
10. About a year ago he posted another permit to improve the property after being cited for blight. He hired a contractor, who removed about 40% of the failing roof. The front wall above the 2<sup>nd</sup> floor windows also collapsed. The contractor stopped at that point and eventually pulled his permit. No more work was completed. This made the structure even more unstable and prone to collapse than before.
11. In my opinion the City did the right thing by removing this blighted, unsafe, and eminently failing structure before someone was seriously injured. Even now, after demolition, the owner neglects to maintain the property as the grass and weeds on the front and rear of the lot are approaching 3' tall.



In summary, it appears to me as the neighbor most impacted by 1201 Porter that the owner has not been responsible and has never cared about how his property impacts the neighborhood that it is a part of. His inactions have had a negative impact on a community in the midst of organic growth and improvement, and his negligence in maintenance and basic property care created a safety concern to this community.

Property owners have rights and there is nothing that says an owner has to interact with his neighbors. That is not the issue here. The real issue is that his absentee approach and decision to not maintain his prime corner property over many, many years created a highly visible, blighted, decaying, and graffitied property that neighbors have had to endure.

Not only that, but worse it became an unsafe hazard that could throw off a brick or collapse at any moment. It got exponentially worse due to his neglect and even worse by the stutter steps he took when forced to do something. That was the ongoing and increasing threat to this entire Manchester neighborhood and City, but because of the proximity, especially threatening to my property and family. A property owner's rights should not override or conflict with a neighborhood's right to safety.

In my opinion and development experience, this level of neglect and indifference to the community, coupled with maintenance inactions, failed promises to the City, and lack of follow-through over the long period of ownership indicates that this owner will never produce anything of quality on this site. Even if he builds here, there is no track record of responsive maintenance.

My hope is that after all these years of ignoring this property, the owner decides it is time for someone else to take over and finally build a quality project.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Samuel McDonald', written in a cursive style.

C. Samuel McDonald

## Dwight Snead Construction Company

---

Minority Business Enterprise, DOT Certified  
11255 Washington Highway  
Glen Allen, Virginia 23059

Telephone 804-798-1611  
Fax 804-798-8224

May 22, 2025

Re: 1201 Porter St. Demolition Report

Dwight Snead Construction Company has completed the demolition project located at 1201 Porter St. Upon inspection of the building during bid time, DSCC noticed that the walls that were still standing were in a very precarious position. There was no stabilization of the western wall and that wall had the potential of falling onto 1205 Porter St. The project had limited access to the site. The access could only be accessed off of E. 12<sup>th</sup> St.

The building itself was only 36 inches away from 1205 Porter St. Due to it's close proximity to 1205 Porter St. and how unstable the western wall was, the method of taking down the structure went much longer than the usual demolition time. The building was meticulously taken down, in order to not cause any damage to 1205 Porter St.

Thank you,



Dwight Snead Jr.  
Vice President  
Dwight Snead Construction Company

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE:       Appeal of 1321 Porter St. LLC  
              Appeal No. 25-07

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VIRGINIA:

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

IN RE:       Appeal of 1321 Porter Street LLC  
              Appeal No. 25-07

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1.       On April 26, 2024 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), inspected the structure located at 1321 Porter Street, (Apartment C) in the City of Richmond owned by 1321 Porter Street LLC (1321 Porter St.) and subsequently issued a Notice of Violation – Unsafe Structure (NOV). The NOV was amended on August 28, 2024, citing the following VMC Sections:

- “Report of Unsafe Conditions  
      106.1 US - Unsafe Structure

*This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with the applicable requirements of this code.*

*This property has been inspected and found to be unsafe due to the following conditions:*



(Page left blank intentionally)

1. **Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
2. **Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
3. **Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
4. **Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
5. **Wall Separation Issues:** Wall separation issues have been identified with the third-floor addition.
6. **Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
7. **Non-Code Complaint Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
8. **Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
9. **Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
10. **Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4X4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.
11. **Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes)."

1321 Porter St. acknowledged receiving the NOV on December 13, 2024 from a tenant of the property.

(Page left blank intentionally)

2. 1321 Porter St. filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on December 23, 2024; however, did not pay the required appeal application fee until February 3, 2025. On March 19, 2025, the local appeals board “Upheld” the appeal finding that *“The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the Code Official properly.”* The local appeals board decision was received by 1321 Porter St. on April 10, 2025. On May 1, 2025, 1321 Porter St. further appealed to the Review Board seeking to have the NOV rescinded.

3. 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 NOV was received and when the appeal application was submitted and required fee paid; 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 not the local appeals 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 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 the appeal was untimely to the local appeals board.

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# Basic Documents

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## **NOTICE OF VIOLATION - UNSAFE STRUCTURE**

### **Amended**

City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219

August 28, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelacion por escrito, dentro de los 14 dias posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelacion dentro de los 14 dias, entonces perderá la posibilidad de disputar esta violacion.

1321 Porter St, LLC & Sophia Oliveri  
1321 Porter St Apt C  
Richmond Va 23224

Tracking #: 067279-2024  
Inspector: Walter Jackson  
Phone: (804) 385-0703  
Parcel #: 0084539\_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 04/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 10/1/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

### **Report of Unsafe Conditions**

106.1 US - Unsafe Structures

This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**This property has been inspected and found to be unsafe due to the following conditions:**

- 1. Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
- 2. Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
- 3. Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
- 4. Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
- 5. Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.
- 6. Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
- 7. Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
- 8. Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
- 9. Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
- 10. Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

**11. Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes).

**Required Actions to Abate Violation:**

These issues pose a significant safety risk to the inhabitants, neighboring structures, and the public at large.

**To Rectify These Violations:**

1. Follow the "City of Richmond Permit Process" to obtain all necessary approvals, including building, electrical, plumbing, and mechanical permits for the third-floor addition.
2. Ensure that all required inspections are completed by the Permits and Inspections Bureau.
3. Submit a revised and accurate engineering report that meets code requirements.
4. Correct all structural issues and ensure that all alterations comply with building codes.
5. Revert the unauthorized change of use or obtain the necessary approvals for the multi-family conversion.

Failure to comply with this notice by the abatement date may result in criminal court action.



If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson  
(804) 385-0703  
Property Maintenance Inspector



Appeal No: P01-25-067279

*In order for this appeal to be processed the appropriate fee according to the fee schedule must be paid prior to submittal. Appeal fee is non-refundable.*

### Application for Appeal

I (we) 1321 Porter St. LLC of 9169 W/State St #652 Garden State  
(name) (mailing address) ID 83714

respectfully request that the Local Board of Building Code Appeal review the decision made on 8/28/2024 by the Code Official.  
(date)

I am appealing the following code section(s): 106.1

Description of Decision Being Appealed: unsafe structure

Location of Property Involved: 1321 Porter St. Richmond VA, 23224

What is the applicant's interest in the property?

☐

owner

☐

contractor

☐

owner's agent

☒

other (explain) manager

Relief Sought: Rescind Notice of Violation

Attach the decision of the Code Official and any other pertinent documents that will be needed to support your position in the appeal. No additional information will be accepted within 14 days of the scheduled hearing. All documentation must be submitted in sets of nine (9).

Emily H. [Signature] mgr.  
Signature of Applicant

Filed at Richmond, Virginia, the 23 day of December, 2024.  
3<sup>rd</sup> February 25



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

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

## 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. P01-25-067279

IN RE: 1321 Porter St - Emily Henchbeck v. City of Richmond

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

The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the

Code Official properly.

The vote was: Uphold 2-0. Reverse \_\_\_\_\_. Modify \_\_\_\_\_.

Date: March 19th, 2025

Signed by:  
Signature: Tommy Davis  
C53E74F5B5B9F498  
Chair of Local Board of Building Code Appeals

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.

Aug.

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



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

• 1321 Porter St LLC • 804-912-3115 • 1321PorterStLLC@Gmail.com  
• Emily Pinchbeck mgr  
• 916 9 W. State St. #652 Garden State ID, 83714

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

• David Alley • 804-646-3439 • David.Alley@RVA.gov  
• 900 East Broad St. Room 110 Richmond, VA 23219

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 • Rescind notice of violation

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of April, 2025, 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: Emily Pinchbeck, mgr.

Name of Applicant: Emily Pinchbeck, mgr.  
(please print or type)

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Documents Submitted  
By  
1321 Porter St. LLC  
(Emily Pinchbeck)

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me Apr 10

to Keisha ▾



Ms. Felton,

I am disappointed to see that this took place without confirmation of a quorum. I was told that you have advised if there would be a quorum the day before in the past. When I asked if there was a confirmed quorum on March 18, 2025, I did not receive a response.

Thank you for providing the decisions.

Best,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

...

↩ Reply

➦ Forward



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Documents Submitted  
By  
City of Richmond



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DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

**PERMITS AND INSPECTIONS BUREAU**

**Table of Contents for 1321 Porter St** (Emily Pinchbeck)  
**Appeal # 25-07**

Summary

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Appeal Invoice

Email from Emily Pinchbeck

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Notice of Violation/Stop Work Order-2024 (3<sup>rd</sup> floor addition)

**Pictures**

Engineer Report Original (Carl Duncan)

Engineer Report Revision 1 (Carl Duncan)

Engineer Report Revision 2 (Carl Duncan)

Engineer Report (Robert Nelson)

Appeals Board Decision

Appeals Board Minutes

Notice of Violation-2024 (Root Cellar)

Notice of Violation-2021 (3<sup>rd</sup> floor addition)

Building Inspectors Statement

Signed Owner Affidavit (Sophia Oliver)

2021 Submitted Building Permit Review- (killed-no action)

Parcel Information

Assessor's Record

Circuit Court Records

**Decision by the State Building Code Technical Review Board**

**Rescinded Notification of original Unsafe NOV**

# INVOICE (00181881)

**BILLING CONTACT**

Emily Pinchbeck, manager  
1321 Porter St, LLC  
1321 Porter St., C  
Richmond, Va 23224



| INVOICE NUMBER | INVOICE DATE | INVOICE DUE DATE | INVOICE STATUS | INVOICE DESCRIPTION   |
|----------------|--------------|------------------|----------------|---|
| 00181881       | 02/03/2025   | 08/02/2025       | Due            | LOCAL BOARD OF BUILDING CODE<br>APPEALS (LBBCA) FEE - PROPERTY<br>MAINTENANCE 106.1 UNSAFE<br>STRUCTURE |

| REFERENCE NUMBER | FEE NAME         | TOTAL    |
|------------------|------------------|----------|
| Misc Fee         | Board of Appeals | \$184.00 |
| SUB TOTAL        |                  | \$184.00 |

**TOTAL** **\$184.00**

## Felton, Keisha L - PDR

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**From:** Felton, Keisha L - PDR  
**Sent:** Tuesday, January 28, 2025 4:32 PM  
**To:** 1321PorterStLLC  
**Subject:** RE: Payment Process Through Portal

Hello,

Please give me a call at your earliest convenience. I really need to speak to you in regards to your request. I do not have a phone number on file to speak to you but again if you could call me at 804-646-5898 that would be great.

Thank you,

*Keisha L. 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](mailto:Keisha.Felton@rva.gov)  
[www.rva.gov](http://www.rva.gov)

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Tuesday, January 14, 2025 7:32 AM  
**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>  
**Subject:** Re: Payment Process Through Portal

**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.

Good Morning Keisha,

Welcome back, I hope you enjoyed your winter vacation!

The notice of violation from Walter Jackson from August 28, 2024, I received by a prior tenant on December 13, 2024. The case number attached to that is 067279-2024.

I received the notice of violation from Rick Paul from November 21, 2024, via email from David Alley, but I don't see a case number attached with the written notice, the way the other clearly had it shown and the format of this notice does not seem consistent with the other. If you could provide me with clarification on where that is located I have both attached below.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

On Mon, Jan 13, 2025 at 4:08 PM Felton, Keisha L - PDR <[Keisha.Felton@rva.gov](mailto:Keisha.Felton@rva.gov)> wrote:

Hello,

If you are able to give a call to further discuss, I would greatly appreciate it.

*Keisha L. Felton*

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary



City of Richmond



## **NOTICE OF VIOLATION - UNSAFE STRUCTURE**

### **Amended**

**City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219**

**August 28, 2024**

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelacion por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelacion dentro de los 14 días, entonces perderá la posibilidad de disputar esta violacion.

1321 Porter St, LLC & Sophia Oliveri  
1321 Porter St Apt C  
Richmond Va 23224

Tracking #: 067279-2024  
Inspector: Walter Jackson  
Phone: (804) 385-0703  
Parcel #: 0084539\_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 04/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 10/1/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

### **Report of Unsafe Conditions**

106.1 US - Unsafe Structures



This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**This property has been inspected and found to be unsafe due to the following conditions:**

- 1. Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
- 2. Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
- 3. Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
- 4. Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
- 5. Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.
- 6. Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
- 7. Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
- 8. Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
- 9. Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
- 10. Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

**11. Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes).

**Required Actions to Abate Violation:**

**These issues pose a significant safety risk to the inhabitants, neighboring structures, and the public at large.**

**To Rectify These Violations:**

- 1. Follow the "City of Richmond Permit Process" to obtain all necessary approvals, including building, electrical, plumbing, and mechanical permits for the third-floor addition.**
- 2. Ensure that all required inspections are completed by the Permits and Inspections Bureau.**
- 3. Submit a revised and accurate engineering report that meets code requirements.**
- 4. Correct all structural issues and ensure that all alterations comply with building codes.**
- 5. Revert the unauthorized change of use or obtain the necessary approvals for the multi-family conversion.**

**Failure to comply with this notice by the abatement date may result in criminal court action.**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson  
(804) 385-0703  
Property Maintenance Inspector

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](mailto:Keisha.Felton@rva.gov)

[www.rva.gov](http://www.rva.gov)

**From:** 1321PorterStLLC <[1321porterstllc@gmail.com](mailto:1321porterstllc@gmail.com)>

**Sent:** Monday, December 30, 2024 11:19 AM

**To:** Felton, Keisha L - PDR <[Keisha.Felton@rva.gov](mailto:Keisha.Felton@rva.gov)>

**Subject:** Re: Payment Process Through Portal

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.

Hello Keisha,

I am following up on the appeals I sent you on the 23rd of this month. I called Sherri Bowman, and she said you will be reaching back out after you've sorted it out on your end and are ready for my payment.

No rush, I know it is still the holiday season. If you could just email me when you're ready on your end.

Thank You,

Emily Pinchbeck, Mgr

1321 Porter St. LLC.

On Mon, Dec 23, 2024 at 12:17 PM 1321PorterStLLC <1321porterstllc@gmail.com> wrote:

Hello Keisha,

I hope you are doing well.

I am going through with doing two appeals (attached), and need to know how I can pay through the Permit Portal.

If you could get back to me today so everything is able to be in before Christmas I would greatly appreciate that!

Thank you,

Emily Pinchbeck, Mgr

1321 Porter St. LLC

## Alley, David L. - PDR

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**From:** Alley, David L. - PDR  
**Sent:** Wednesday, August 21, 2024 2:27 PM  
**To:** 1321PorterStLLC  
**Cc:** Jackson, Walter E. - PDR  
**Subject:** RE: 1321 Porter St.

*Emily Pinchbeck,*

*Good Afternoon! I hope today finds you well. Let's clear a few things up before we move forward-I have a couple of questions.*

*Do you also go by the name of Sophia Oliveri?*

*If you are not Sophia Oliveri-what is her involvement with this property?*

*Who are the officers or agents for 1321 Porter St LLC that you are the manager for?*

*Thanks!  
Best Regards,*



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

David L Alley III  
Commissioner of Buildings  
804-513-6939

[david.alley@rva.gov](mailto:david.alley@rva.gov)

900 E. Broad St., Room 110, Richmond, Va. 23219-1907

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

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**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Wednesday, August 21, 2024 1:32 PM  
**To:** Alley, David L. - PDR <David.Alley@rva.gov>  
**Subject:** 1321 Porter St.

You don't often get email from [1321porterstllc@gmail.com](mailto:1321porterstllc@gmail.com). [Learn why this is important](#)

**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.

Hello David!

I am emailing because there seems to be possible confusion about the continuation of the process for 1321 Porter St. I want to clarify that nothing has changed, I have a copy of your email from May 28, 2024 and I am continuing with the process in reference to Rick Paul's email on May 22, 2024. I have been working on the SUP for 3 months now and am



coming to a close with the process. Once I have finished that I will address plans and any necessary permits needed for the building.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

---

# Previous Case Record



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

PERMITS AND INSPECTIONS BUREAU

**Table of Contents for 1321 Porter St**  
**Appeal No. 24-08**

**Summary**

Notice of Violation-Unsafe-2024 (3<sup>rd</sup> floor addition) Appeal

Notice of Violation/Stop Work Order-2024 (3<sup>rd</sup> floor addition)

**Pictures**

Engineer Report Original (Carl Duncan)

Engineer Report Revision 1 (Carl Duncan)

Engineer Report Revision 2 (Carl Duncan)

Engineer Report (Robert Nelson)

Appeals Board Decision

Appeals Board Minutes

Notice of Violation-2024 (Root Cellar)

Notice of Violation-2021 (3<sup>rd</sup> floor addition)

Building Inspectors Statement

Signed Owner Affidavit (Sophia Oliver)

2021 Submitted Building Permit Review- (killed-no action)

**Parcel Information**

Assessor's Record

Circuit Court Records



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

PERMITS AND INSPECTIONS BUREAU

## **1321 Porter St Summary**

### **Previous History**

- An existing two-family dwelling-Built in 1921 per the assessors record
- The Permits and Inspections Bureau received a complaint of working without a valid permit on 1/7/2021. Building Inspector Zachary Snyder investigated the complaint and issued a Notice of Violation/Stop Work Order for the construction of a new 3<sup>rd</sup> story addition without permits
- The NOV/SWO was directly handed to the admitted person in charge Sophia Oliveri, building Inspector statement
- A building permit BLDR-084675-2021 was submitted to the permits office on 1/8/2021-description- Add/replace roof plywood, TPO, shingles, windows and rebuild stairs. The submittal didn't address the 3<sup>rd</sup> floor addition. Comments were sent via email to the applicant without response. The submittal was killed after 6 months for no action
- The applicant was Sophia Oliveri, supporting documents available for review. Including owner affidavit signed by Sophia Oliveri as agent

### **Case History**

- The Permits and Inspections Bureau received another complaint of working without a valid permit on 4/18/2024. Building Inspector Zachary Snyder investigated the complaint and issued a Notice of Violation/Stop Work Order for the construction of a new root cellar in the back yard
- While at the site building inspector Zachary Snyder remembered issuing a previous NOV/SWO for the 3<sup>rd</sup> story addition and wondered if permits were ever issued for the work. City records show that the building permit was not issued
- A follow-up site inspection was scheduled with Sophia Oliveri and conducted on Friday 4/26/2024 by Rick Paul (Program and Operations Manager for Inspections), Walter Jackson (PMCE), Rashad Gresham (Zoning) and Donald Drummond (Field Building Supervisor) I was currently out of the office on vacation. A NOV was issued, and 19 pictures taken

- On the following Monday 4/29/2024 I was informed by Rick Paul (Program and Operations Manager for Inspections) of the situation. I was provided with an engineer report from Carl Duncan dated 2/2/2021. The address on the report was incorrect and the report itself was lacking content.
- I decided to contact Mr. Carl Duncan directly to discuss the report. He was very cooperative-however could not remember much about the project. Since the inspection was conducted back in 2021. I specifically questioned if he evaluated the existing footing and foundations for the additional loads being transferred and/or draft stopping, fire blocking and fire separation, he responded no. I also asked him if any permit and/or approved plans had been provided to him to conduct the inspection or did he obtain any authorization from the Permits and Inspections Bureau prior to conducting the inspection and his response was no! He stated he thought it was a renovation-not new work.

**Based on the previous history and the following facts: I determined the structure to be unsafe for occupancy and ordered the tenants to be relocated immediately for their own safety.**

- New construction of the 3<sup>rd</sup> floor addition
- No approved Building permit and/or plans authorized for the new 3<sup>rd</sup> floor addition.
- No approved trade permits were ever authorized for electrical, plumbing, mechanical work for the new 3<sup>rd</sup> floor addition.
- No inspections were ever conducted by the Permits and Inspections Bureau for the new 3<sup>rd</sup> floor addition for building, electrical, plumbing or mechanical. Including fire blocking, draft stopping, fire separation, insulation and building and zoning finals.
- All interior structural work is concealed
- Wall and ceiling separation problems identified within 3<sup>rd</sup> floor new addition
- Incorrect and Insufficient information provided on the (Carl Duncan) engineer's report, additional information was added to the original report twice.
- Non-code compliant alterations to existing exterior egress stairs and decks
- Non-code compliant new egress stairs to 3<sup>rd</sup> floor addition
- Non-compliant structural load points bearing on roof above the occupied unit on the 1<sup>st</sup> floor

- Non-compliant structural load points bearing on 4x4 post above the occupied unit on the 2nd floor porch area
- Changing the Use without authorization. 2 family to Multifamily. 3 residents, 4 mailboxes  
SUP and Certificate of Occupancy required.

### **Other concerns**

- What other alterations have been conducted in the existing units without permits?
- Why would I believe the work concealed was done any better than the work I can see?
- Why is the owner stalling to apply for the permits, she obviously new about it since 2001 when she was the applicant for the previous owner Aly Hawash. She has been involved with the last 3 transfers of the property from 1321 Porter St LLC (she is agent) to Sophia Oliveri then back to 1321 Porter St LLC.

### **Final Summary**

This case is a prime example of why Permits and Inspections Bureau's exist. To protect the health, safety and welfare of the residents of Virginia from owners like Sophia Oliveri who apparently by her actions-believes she can build whatever she wants with total disregard for her tenants safety, building codes regulations and Zoning Ordinances.

The decision to relocate occupants from their home is never taken lightly, as the building official for the City of Richmond I will always air on the side of caution as necessary.

Note: A second engineer report from Engineer Design Associates (Robert F Nelson) was submitted to me on May 21<sup>st</sup>, I found the report to be sufficient and I have allowed the tenants to reoccupy the 1<sup>st</sup> and 2<sup>nd</sup> floor units only. No occupancy of the 3<sup>rd</sup> floor.

Note: A summons was issued and served for failure to comply, this case is currently active within the courts.

Members of the Board-thank you for your time and consideration.





## **NOTICE OF VIOLATION - UNSAFE STRUCTURE**

City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219  
April 26, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea que la nota es incorrecta. Si usted no presenta una apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

Rva Home Llc  
1321 Porter St Apt C  
Richmond Va 23224

Tracking #: 067279 2024  
Inspector: Walter Jackson  
Phone: (804) 385-0703  
Parcel #: 0084539\_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 4/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 4/29/202 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

### **Report of Unsafe Conditions**

#### **106.1 US - Unsafe Structure**

A Existing structure is determined to be unsafe if it (i) determined to by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.

**This property has been inspected and found to be unsafe due to the following conditions:  
The third-floor addition was constructed without plans, permits, or inspections.**

**These issues pose a safety risk to inhabitants, neighboring structures, and the public at large if not repaired immediately. Consequently, the building is hereby placarded as unsafe.**

**As a result of being placarded as unsafe, the property shall remain so until all necessary plans, permits, engineering reports, and inspections have been received, approved, and performed.**

**All occupants are required to vacate the premises immediately, and entry to the structure, including by the owner, tenants, contractors, etc., is prohibited until a Right to Enter Letter has been generated by the inspector. Any person(s) entering the premises without the Right to Enter Letter risk arrest for trespassing by the Richmond Police Department.**

**To rectify these violations, follow the "City of Richmond Permit Process" to completion.**

**Failure to comply with this notice by the abatement date may result in criminal court action**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

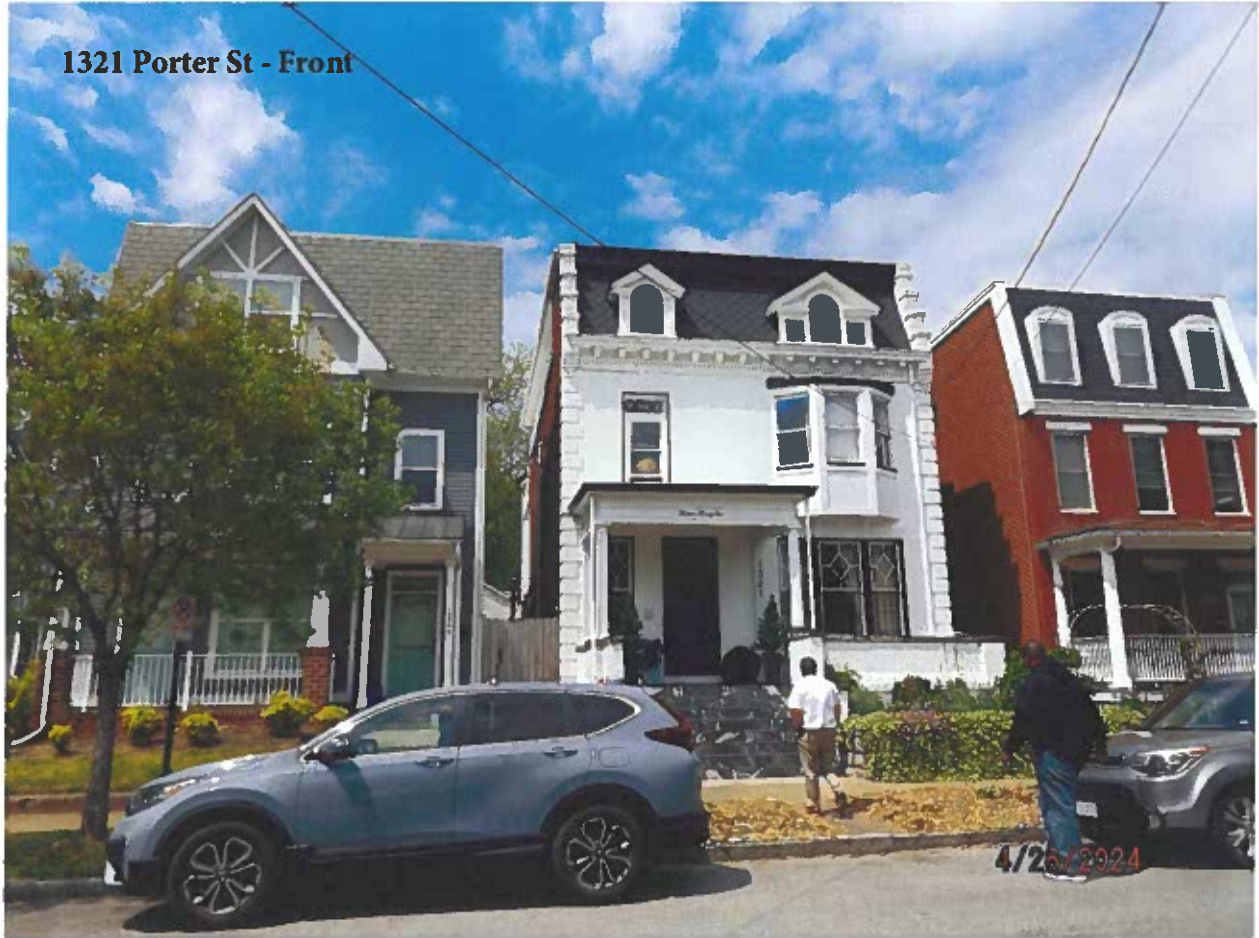
Sincerely,

Walter Jackson

(804) 385-0703

Property Maintenance Inspector

1321 Porter St - Front



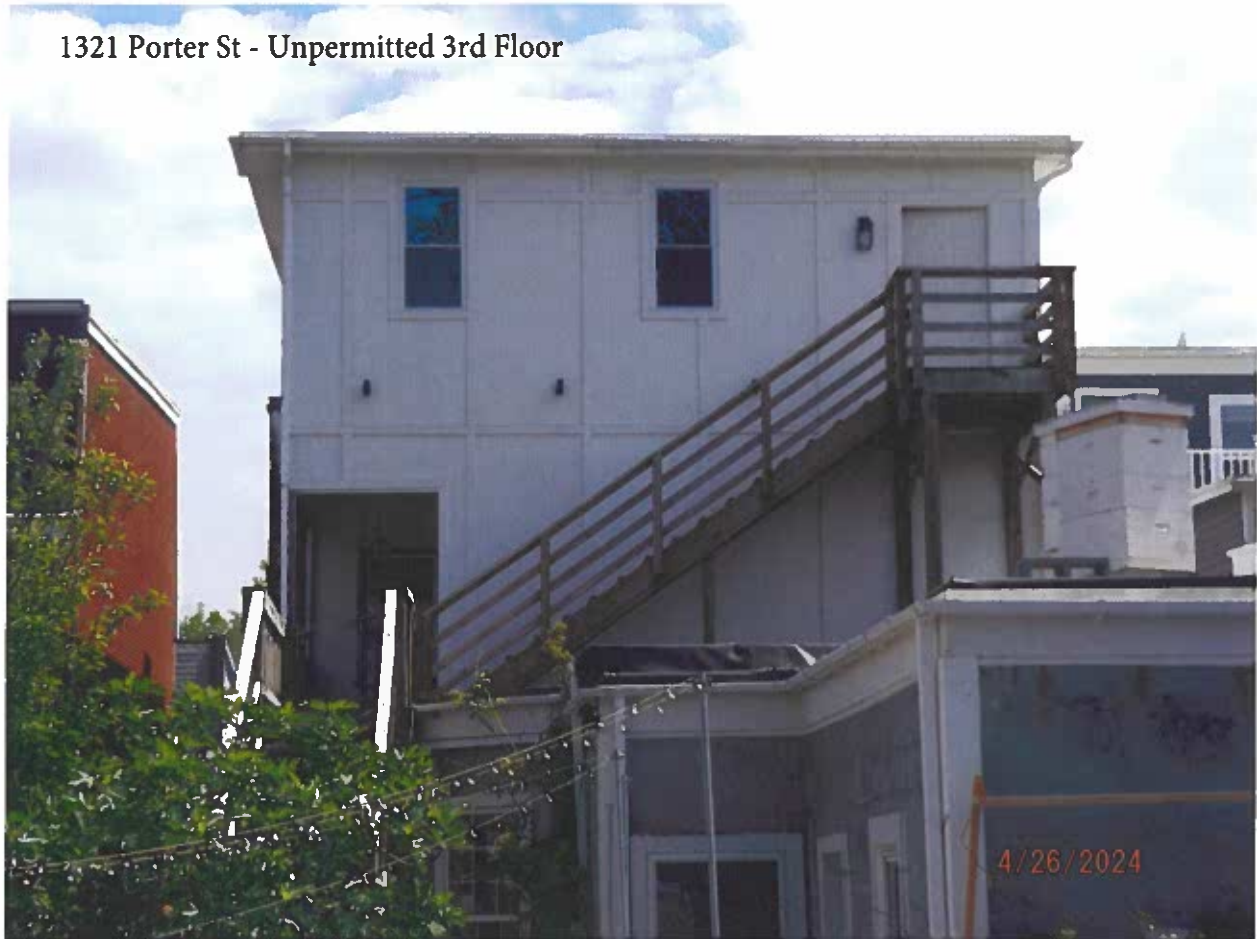




1321 Porter - Unpermitted 3rd Floor (2)

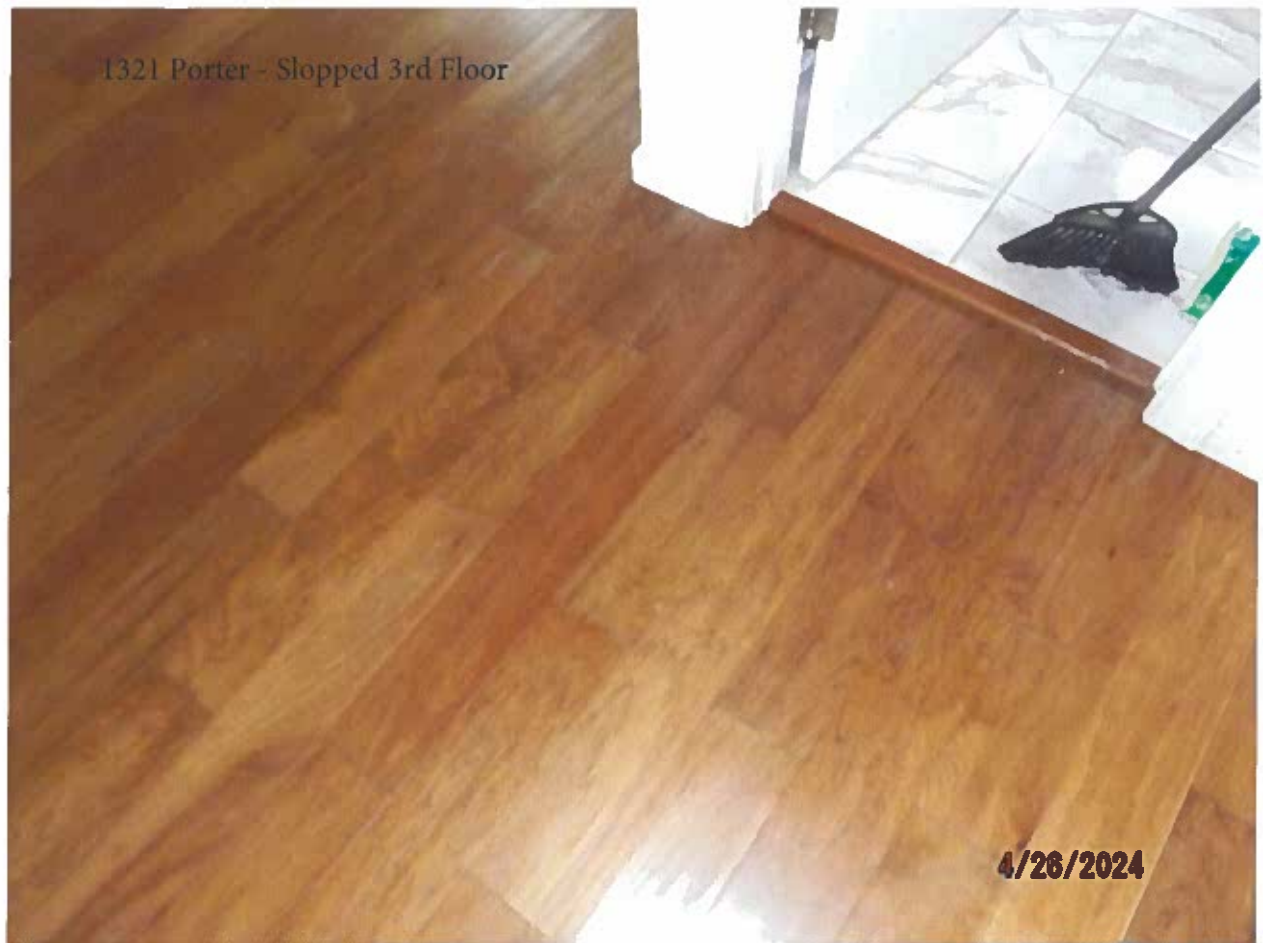


1321 Porter St - Unpermitted 3rd Floor



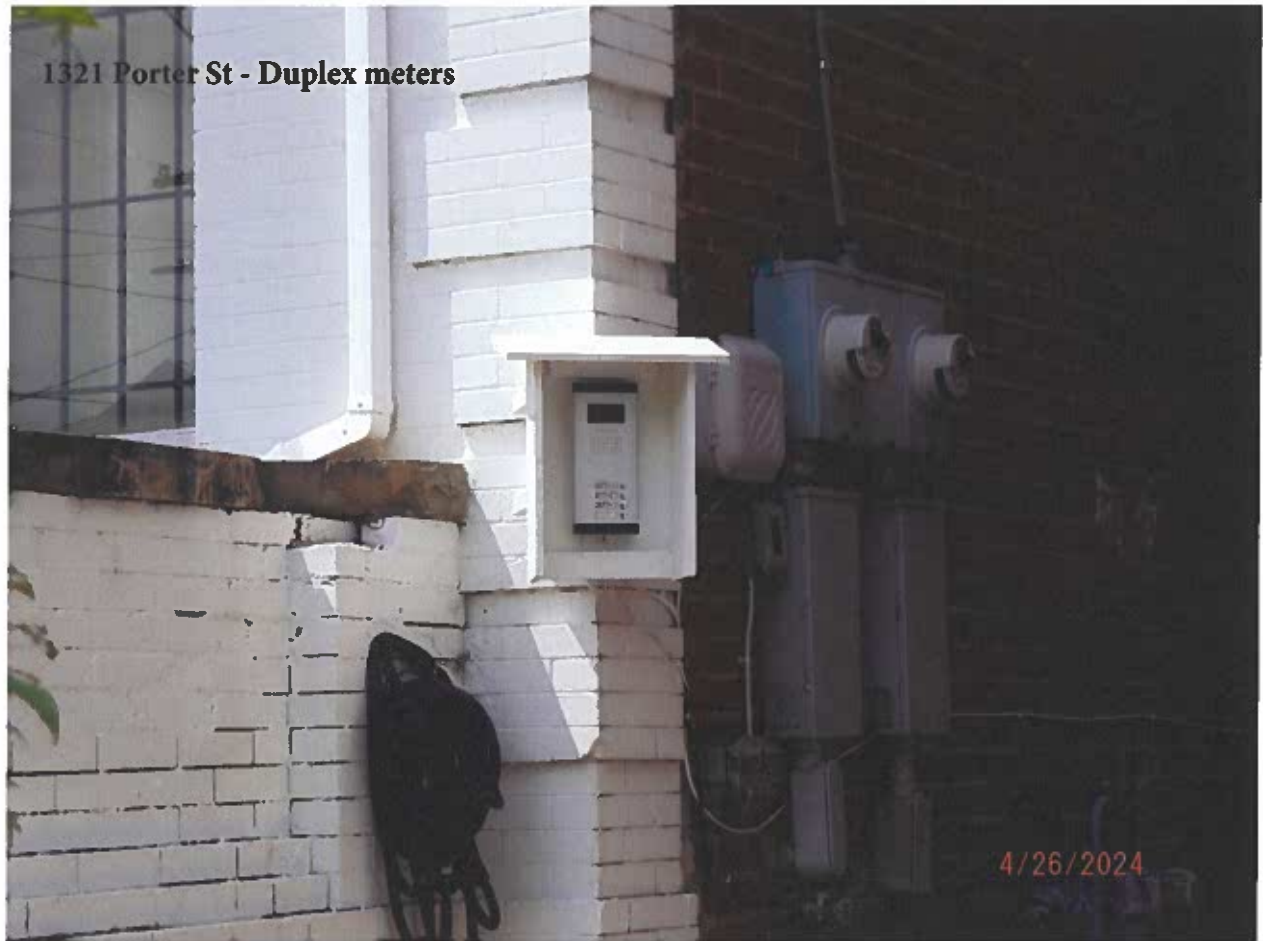






**1321 Porter St - First Floor Addition**











1321 Porter St - Improperly installed vertical and horizontal support (1)

4/29/2024







**1321 Porter St - Improperly installed vertical support (5)**

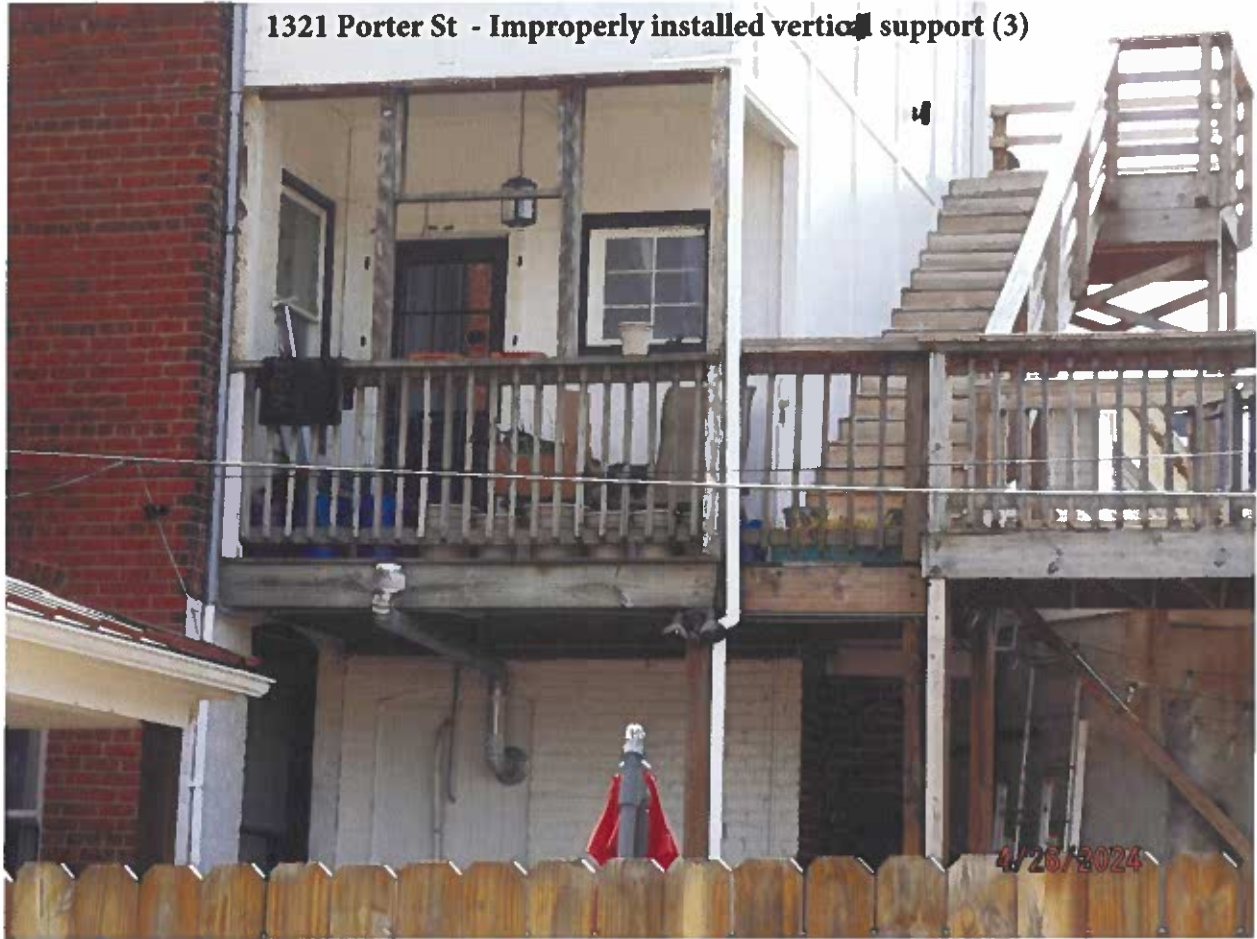
**4/26/2024**



**1321 Porter St - Improperly installed vertical support (4)**

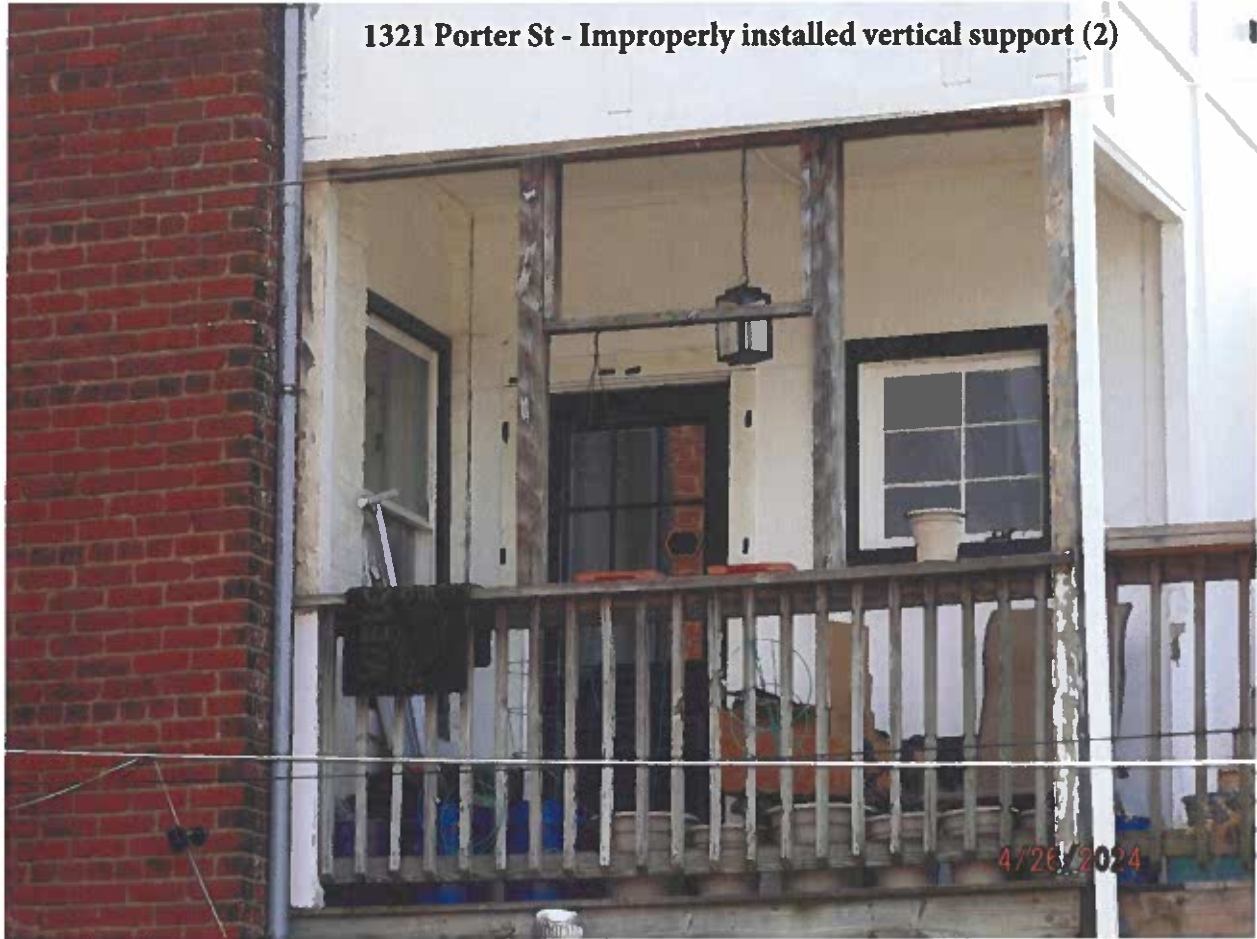
**4/26/2024**

1321 Porter St - Improperly installed vertical support (3)





1321 Porter St - Improperly installed vertical support (2)





1321 Porter St - Improperly installed vertical support (1)

4/29/2024





**CITY OF RICHMOND**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUREAU OF PERMITS AND INSPECTIONS  
900 EAST BROAD STREET, ROOM 110  
RICHMOND, VA 23219 (804) 646-6955

☒ **Notice of Violation**☐ **Stop Work Order**

Issue Date: 4/24/2024 Date of Inspection: 4/4/2024

Location: 1721 PORTER ST

Owner: 1721 PORTER ST LLC

Responsible Party: SOPHIA OLIVERI

Contractor's Name: -

Permit Holder: NO ACTIVE PERMITS

Specific Work Being Cited: AFTER 3RD STORY NEW CONSTRUCTION STOP WORK ORDER ISSUED

ON 1/1/2021, PERMIT WAS APPLIED FOR BUT KILLED AFTER NO ACTION TAKEN. 3RD STORY

CONSTRUCTION CONTINUED AND IS NOW COMPLETED WITHOUT ANY ACTIVE PERMITS OR INSPECTIONS

BUILDING IS OCCUPIED BY FOUR SEPARATE TENANTS/UNITS MAKING IT A COMMERCIAL WHILE PERMITS ARE

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code - Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code - Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of the Code of Ordinances of the City of Richmond: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinances of the City of Richmond: Certificate of Appropriateness
- ☐ Other: \_\_\_\_\_

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 5/8/2024. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☒ Obtain an Electrical Permit
- ☒ Obtain a Mechanical Permit
- ☒ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☒ Post valid permit on site
- ☒ Keep approved plans on site and available for inspectors
- ☐ Obtain C.A.R. Approval
- ☐ Other: \_\_\_\_\_

Inspector: ZACHARY SWYDER Telephone No.: 804 658 6447

A fee payment of \$200 is required before you may return to work on any permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, (804) 646-6955, if you wish to appeal this decision.

1321 Porter St - Hand delivered Unsafe Notice of Violation



# C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road  
Powhatan, Virginia 23139  
(804) 598-8240

---

February 2, 2021

Sophia Blystone  
1321 Porter Street, Apt A  
Richmond, VA. 23224

RE: Third floor addition

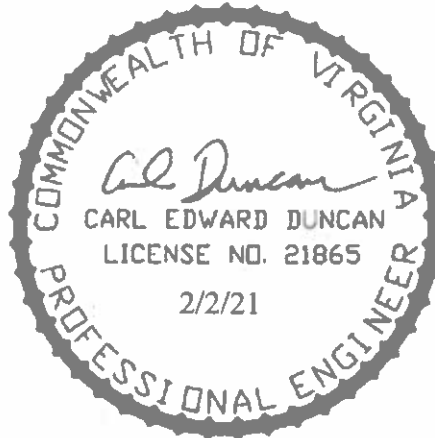
Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner.

Sincerely,



Carl E. Duncan, P.E., L.S.



# C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road  
Powhatan, Virginia 23139  
(804) 598-8240

---

February 2, 2021

Sophia Blystone  
1321 Porter Street, Apt A  
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors.

Sincerely,



Carl E. Duncan, P.E., L.S.



# C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road  
Powhatan, Virginia 23139  
(804) 598-8240

---

April 26, 2024

Sophia Blystone  
1321 Porter Street, Apt A  
Richmond, VA. 23224

RE: Third floor addition

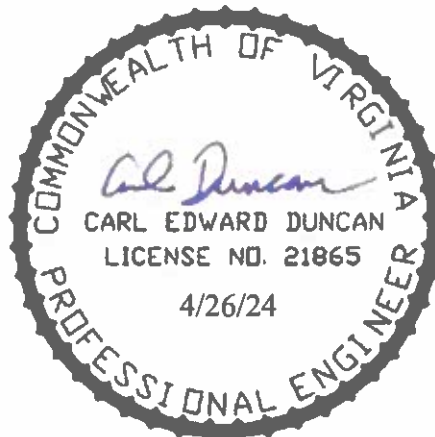
Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1321 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors. We inspected all the lower levels and into the crawlspace to verify that the third floor modification and framing did not affect the structural integrity of the structure. No exceptions or concerns were noted during our inspection.

Sincerely,



Carl E. Duncan, P.E., L.S.





# ENGINEERING DESIGN ASSOCIATES

5625 S Laburnum Ave  
Richmond, Virginia 23231  
(804) 236-0190  
FAX (804) 236-0194

P. O. Box 515  
Wicomico Church, Virginia 22579  
(804) 580-2227  
FAX (804) 580-3334

May 21, 2024

Sophia Oliveri  
1321 Porter St  
Richmond, VA 23224

RE: 1321 Porter St  
Rear Deck – Structural Review

Dear Sophia:

At your request, I met you at the residence referenced above on May 17, 2024 to complete a structural review of the existing deck off the rear of the building. The deck has been inspected by a city official who raised concerns about its structural integrity and if it is safe for use. It is my understanding they requested you have it reviewed by a structural engineer, specifically where the third floor of the main building cantilevers and is supported by a 4x4 corner post at the second level and 6x6 below at the first level. The 4x4 post supports the ends of one beam that carries approximately 5' of floor load and another beam that carries a portion of roof load. Given the applied loading, the 4x4 post supports a total load of approximately 2.6 kips. The 4x4 and 6x6 are adequate to support this load.

Upon my review of the entire deck structure, I do have several concerns such as adequate size of girders and lateral stability which should be addressed in a timely manner. I did not observe any conditions that I feel require immediate attention or deem the deck unsafe for continued limited use. You have asked us to review it in its entirety and provide plans for repair and reinforcing of the existing structure as needed. For the immediate future, until our plans are provided and suggested repairs can be completed, I feel the deck is suitable for continued use by the few residents as an entry/exit to/from the second and third floors.

Thank you for consulting with us regarding this matter. Please let me know if you have any questions in these regards.

Sincerely,



Taylor Cole, EIT  
Engineering Design Associates





## Resolution

WHEREAS, the Local Board of Building Code Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code and the BOCA National Property Maintenance Code/1996.

WHEREAS, an appeal has been filed and submitted to board of appeals  
and

WHEREAS, a hearing has been held to consider the aforementioned  
appeal; and

WHEREAS, the board has fully deliberated on this matter; now, therefore,  
be it

RESOLVED, that in the matter of

Appeal No. **HO1-24-067279**

In RE: 1321 Porter St, LLC  
Property Located: 1321 Porter St  
Richmond, VA 23224

The decision of the code official 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- 3 Reverse- 0 Modify- 0**

Date: 8/21/2024

Signature of Chairman of the Board:

*"Upon receipt of this resolution, 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."*



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

LOCAL BOARD OF  
BUILDING CODE APPEALS

**MEETING MINUTES**

**Date of Meeting:** August 21, 2024

**Meeting Time:** 10:00am

**Meeting Location:** City of Richmond City Hall 5<sup>th</sup> Floor Conference Room

**Board Members Present-** Tommy Davis (Chairman), Robert Easter, and Jeremy Davis

**LBBCA Secretary:** Keisha Felton

**APPEAL INFORMATION**

**Appeal No.-** H01-24-067279

**Code Section Being Appealed:** 106.1

**Property Address with Citation Being Appealed:** 1321 Porter Street

**Appellant:** Sophia Oliveri

**City of Richmond Code Official-** David Alley

**MEETING**

Chairman opened the meeting.

Secretary Read the Application of Appeal to start the meeting.

The Appellant presented her case and had an exchange in dialogue with the City of Richmond's Code Official David Alley, and members of the Board.

The Code Official was also given time to present his case and was questioned by the members of the board.

The floor was then closed for deliberation, and the members of the board began to further discuss the issues of the case in open forum.

The Board voted 3 to 0 in favor of the Code Officials decision, and upheld the violation issued.

The Case was closed at 10:27am.



**CITY OF RICHMOND**  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUREAU OF PERMITS AND INSPECTIONS  
900 EAST BROAD STREET, ROOM 110  
RICHMOND, VA 23219 (804) 646-6955

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 4/18/2024 Date of Inspection: 4/18/2024

Location: 1321 PORTER ST

Owner: 1321 PORTER ST LLC

Responsible Party: OWNER

Contractor's Name: -

Permit Holder: NO ACTIVE PERMITS

Specific Work Being Cited: CONSTRUCTION OF NEW UNDERGROUND STRUCTURE IN THE  
REAR OF PROPERTY. STRUCTURE IS APPROXIMATELY 7-8 FEET IN DEPTH BELOW  
GRADE WITH CMU WALLS FULLY GROUTED AND IS ABOUT 12 FT X 12 FT IN SIZE.

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code - Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code - Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of the Code of Ordinances of the City of Richmond: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinances of the City of Richmond: Certificate of Appropriateness
- ☐ Other: \_\_\_\_\_

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 5/3/2024. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical Permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☒ Post valid permit on site
- ☒ Keep approved plans on site and available for inspectors
- ☐ Obtain C.A.R. Approval
- ☐ Other: \_\_\_\_\_

Inspector: ZACHARY SNYDER Telephone No.: 804 658 6447

A fee payment of \$200 is required **before** you may return to work on any permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, (804) 646-6955, if you wish to appeal this decision.

**City of Richmond**  
**Department of Planning and Development Review**  
**Bureau of Permits and Inspections**  
**900 East Broad Street Room 110**  
**Richmond, VA 23219 (804) 646-4169**

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 1/7/2021 Date of Inspection: 1/7/2021

Location: 1321 PORTER ST

Owner: —

Responsible Party: OWNER

Contractor's Name: —

Permit Holder: NONE

Specific Work Being Cited: CONSTRUCTION OF NEW 3<sup>RD</sup> STORY ADDITION

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code- Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code- Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of Chapter 14 - City of Richmond Ordinances: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinance of the City of Richmond: Certificate of Appropriateness
- ☐ Other —

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 1/15/2021. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☐ Post valid permit on site
- ☐ Keep approved plans on site and available for inspectors
- ☐ Obtain C. A. R. (Commission of Architectural Review) approval
- ☐ Other —

Inspector: ZACHARY SNYDER Telephone No. 804 658 6447

A fee payment of \$200 is required before you may return to work on each permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, 804 646-4169, if you wish to appeal this decision.

## **Alley, David L. - PDR**

---

**From:** Snyder, Zachary C. - PDR  
**Sent:** Wednesday, June 12, 2024 8:21 AM  
**To:** Alley, David L. - PDR  
**Subject:** 1321 Porter St

To who it may concern,

I; Zachary Snyder City of Richmond Building Inspector, issued a NOV/SWO to Sofia Oliveri on January 7<sup>th</sup> 2021. The NOV/SWO was handed directly to Sofia Oliveri on the side of the Residence while Contractors were still working on the addition to the 3<sup>rd</sup> Floor.

Zachary Snyder  
Building Code Enforcement Inspector 1



City of Richmond  
Department of Planning and Development Review  
900 East Broad Street, Room 110  
Richmond, Virginia 23219  
Cell: 804-658-6447  
[Zachary.Snyder@RichmondGov.com](mailto:Zachary.Snyder@RichmondGov.com)  
[Zachary.Snyder@RVAGov.com](mailto:Zachary.Snyder@RVAGov.com)





## Owner Affidavit

### **City of Richmond**

Department of Planning & Development Review  
Permits & Inspections

Signing this affidavit acknowledges that you, as the owner or lessee of the property, are familiar with the licensure requirements of §54.1-1111 of the Code of Virginia and that you are not conducting activities as a contractor, subcontractor or owner developer.

I hereby affirm that under the provisions of Title 54.1-1101 of the Code of Virginia, I am not subject to licensure as a contractor or subcontractor. By this affidavit I assume full responsibility for completion of the proposed work in accordance with all applicable building codes and law. I also understand it is a violation of State Law to knowingly hire an unlicensed contractor.

Printed Name Sophia Oliveri, manager, agent Date 1.8.21

Signature Sophia Oliveri, manager, agent

NEW PLAN

Summary

Details

Location

Additional info

Workflow

Linked Records

Holes (7)

Contacts (4)

\$ Fees (4)

Plan Clock

Bids

|   |   |  |  |
|---|---|--|--|
| <div><div>AH</div><div>Hawesh, Aly</div><div>ID-000061244</div></div> <div><div>Owner</div><div>Phone</div><div>Email</div><div>Main address<br/>1321 Porter St Richmond, VA 23224</div><div>Title</div></div> <div>Billing Contact</div> | <div><div>None Designated</div><div>ID-000006509</div></div> <div><div>Mediator</div><div>Phone</div><div>Email</div><div>Main address<br/>Per §103.5 - 2021 VA Residential Code</div><div>Title</div></div> <div>Billing Contact</div> | <div><div>S0</div><div>Oliveri, Sophia</div><div>ID-000041825</div></div> <div><div>Applicant</div><div>Mobile phone<br/>(804) 437-3227</div><div>Email<br/>sophia.l.oliveri@gmail.com</div><div>Main address<br/>1321 Porter St Richmond, VA 23224</div><div>Title</div></div> <div>Billing Contact</div> | <div><div>owner - contractor</div><div>9999999911-114</div></div> <div><div>Contractor</div><div>Other Phone<br/>(000) 000-0000</div><div>Email</div><div>Main address</div><div>Title<br/>DO NOT CHANGE THIS CONTACT - KA...</div></div> <div>Billing Contact</div> |
|---|---|--|--|

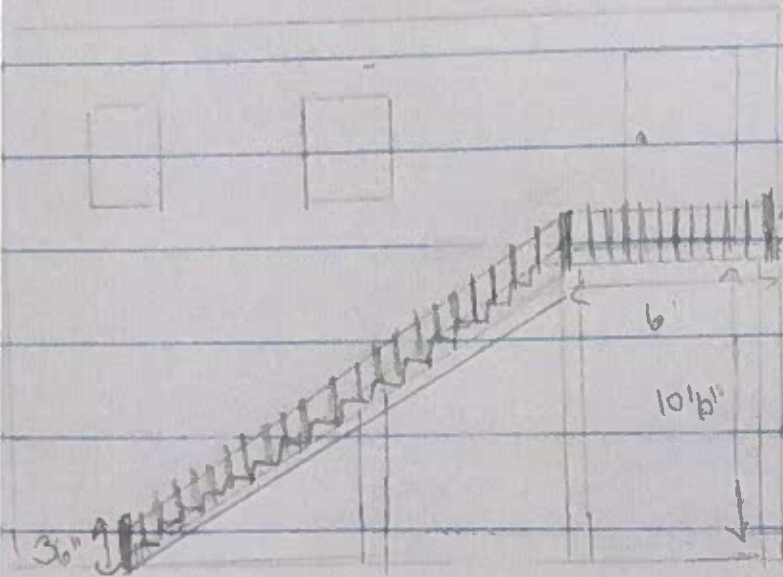


owner

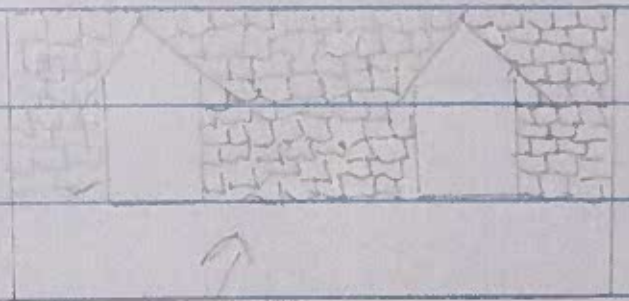


Applicant

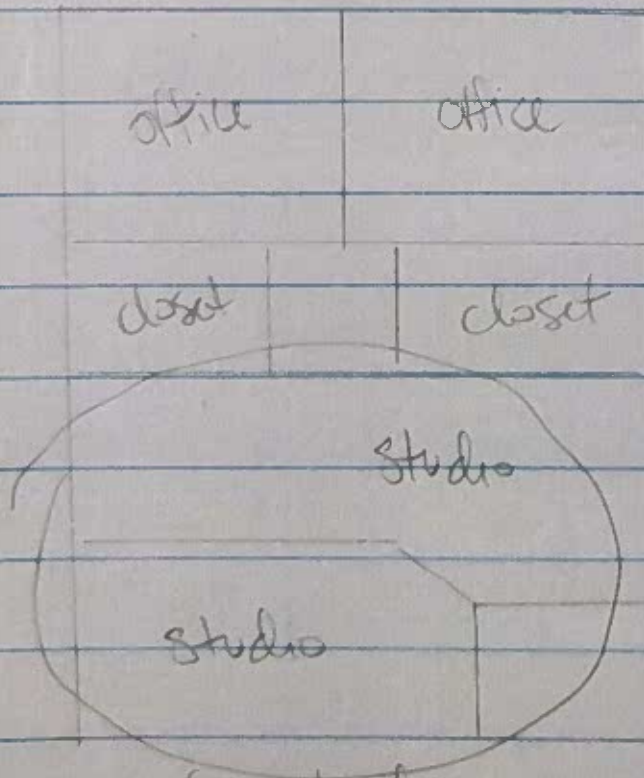
Stairs



16 steps run- 10" rise 7.65"



front facade- replace  
slate with shingles



Please submit a construction details for the proposed stairs, landing footing.

Please submit dimensions for the proposed-roof area, is this a replacement of an existing roof? or are you proposing new walls, an addition? vertical expansion?

Please submit pictures of existing conditions.

Property: 1321 Porter St Parcel ID: S0000121019

**Parcel**

**Street Address:** 1321 Porter St Richmond, VA 23224-  
**Owner:** 1321 PORTER ST LLC  
**Mailing Address:** 9169 W STATE ST # 652, GARDEN CITY, ID 83714  
**Subdivision Name :** NONE  
**Parent Parcel ID:**  
**Assessment Area:** 352 - Bainbridge/Manchester/Blackwell North  
**Property Class:** 161 - R Two Family Converted  
**Zoning District:** R-8 -  
**Exemption Code:** -

**Current Assessment**

**Effective Date:** 01/01/2024  
**Land Value:** \$108,000  
**Improvement Value:** \$382,000  
**Total Value:** \$490,000  
**Area Tax:** \$0  
**Special Assessment District:** None

**Land Description**

**Parcel Square Feet:** 4693.2  
**Acreage:** 0.108  
**Property Description 1:** 0030.00X0156.44 0000.000  
**State Plane Coords( ?):** X= 11788158.000003 Y= 3715314.513148  
**Latitude:** 37.52184448 , **Longitude:** -77.44733661

**Description**

**Land Type:** Residential Lot A  
**Topology:** Level  
**Front Size:** 30  
**Rear Size:** 156  
**Parcel Square Feet:** 4693.2  
**Acreage:** 0.108  
**Property Description 1:** 0030.00X0156.44 0000.000  
**Subdivision Name :** NONE  
**State Plane Coords( ?):** X= 11788158.000003 Y= 3715314.513148  
**Latitude:** 37.52184448 , **Longitude:** -77.44733661

**Other**

**Street improvement:** Paved  
**Sidewalk:** Yes

**Planning**

**Master Plan Future Land Use:** NH-MU  
**Zoning District:** R-8 -  
**Planning District:** Old South  
**Traffic Zone:** 1172  
**City Neighborhood Code:** MNCH  
**City Neighborhood Name:** Manchester  
**Civic Code:** 3009  
**Civic Association Name:** Manchester Alliance  
**Subdivision Name:** NONE  
**City Old and Historic District:**  
**National historic District:** Manchester Residential and Commercial  
**Neighborhoods in Bloom:**  
**Redevelopment Conservation Area:** Old Manchester (Southern Gateway)

**Economic Development**

**Care Area:** -  
**Enterprise Zone:**

**Environment**

**100 YEAR Flood Plain Flag:** Contact the Water Resources Division at 646-7586.  
**500 YEAR Flood Plain Flag:** N  
**Resource Protection Flag:** Contact the Water Resources Division at 646-7586.  
**Wetland Flag:** N

**Census**

| Census Year | Block | Block Group | Tract  |
|-------------|-------|-------------|--------|
| 2000        | 1001  | 0603001     | 060300 |
| 1990        | 217   | 0603002     | 060300 |

**Schools**

**Elementary School:** Blackwell  
**Middle School:** River City  
**High School:** Armstrong

**Public Safety**

**Police Precinct:** 1  
**Police Sector:** 112  
**Fire District:** 13  
**Dispatch Zone:** 160A

**Public Works Schedules**

**Street Sweep:** TBD  
**Leaf Collection:** TBD  
**Refuse Collection:** Tuesday  
**Bulk Collection:** TBD

**Government Districts**

**Council District:** 6  
**Voter Precinct:** 611  
**State House District:** 79  
**State Senate District:** 14  
**Congressional District:** 4

**Extension 1 Details**

**Extension Name:** R01 - Residential record #01  
**Year Built:** 1921  
**Stories:** 3  
**Units:** 0  
**Number Of Rooms:** 9  
**Number Of Bed Rooms:** 2  
**Number Of Full Baths:** 2  
**Number Of Half Baths:** 0  
**Condition:** normal for age  
**Foundation Type:** Full Crawl  
**1st Predominant Exterior:** Brick  
**2nd Predominant Exterior:** N/A  
**Roof Style:** Flat or Shed  
**Roof Material:** Comp sh to 235#  
**Interior Wall:** Drywall  
**Floor Finish:** Softwood-standard  
**Heating Type:** Forced hot air  
**Central Air:** Y  
**Basement Garage Car #:** 0  
**Fireplace:** N  
**Building Description (Out Building and Yard Items) :**

**Extension 1 Dimensions**

**Finished Living Area:** 4515 Sqft  
**Attic:** 0 Sqft  
**Finished Attic:** 0 Sqft  
**Basement:** 0 Sqft  
**Finished Basement:** 0 Sqft  
**Attached Garage:** 0 Sqft  
**Detached Garage:** 0 Sqft  
**Attached Carport:** 0 Sqft  
**Enclosed Porch:** 0 Sqft  
**Open Porch:** 212 Sqft  
**Deck:** 0 Sqft



**Property Images**

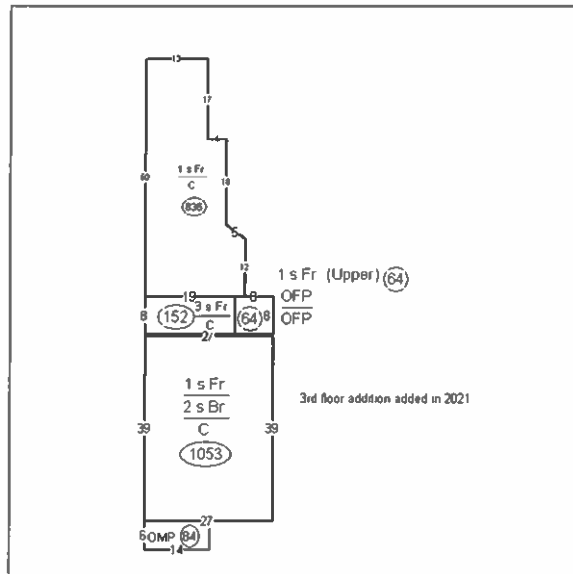
Name:S0000121019 Desc:R01



[Click here for Larger Image](#)

# Sketch Images

Name:S0000121019 Desc:R01



**Assessments**

| Assessment Year | Land Value | Improvement Value | Total Value | Reason        |
|-----------------|------------|-------------------|-------------|---------------|
| 2024            | \$108,000  | \$382,000         | \$490,000   | Reassessment  |
| 2023            | \$88,000   | \$374,000         | \$462,000   | Reassessment  |
| 2022            | \$88,000   | \$347,000         | \$435,000   | Reassessment  |
| 2021            | \$49,000   | \$253,000         | \$302,000   | Reassessment  |
| 2020            | \$35,000   | \$260,000         | \$295,000   | AdminCorrect  |
| 2019            | \$35,000   | \$176,000         | \$211,000   | Reassessment  |
| 2018            | \$28,000   | \$170,000         | \$198,000   | Reassessment  |
| 2017            | \$28,000   | \$159,000         | \$187,000   | Reassessment  |
| 2016            | \$28,000   | \$86,000          | \$114,000   | Reassessment  |
| 2015            | \$28,000   | \$86,000          | \$114,000   | Reassessment  |
| 2014            | \$28,000   | \$86,000          | \$114,000   | Reassessment  |
| 2013            | \$28,000   | \$86,000          | \$114,000   | Reassessment  |
| 2012            | \$28,000   | \$101,000         | \$129,000   | Reassessment  |
| 2011            | \$28,000   | \$105,000         | \$133,000   | CarryOver     |
| 2010            | \$28,000   | \$105,000         | \$133,000   | Reassessment  |
| 2009            | \$28,000   | \$104,500         | \$132,500   | Reassessment  |
| 2008            | \$28,000   | \$104,500         | \$132,500   | OfficeReview  |
| 2007            | \$24,000   | \$63,200          | \$87,200    | Reassessment  |
| 2006            | \$15,000   | \$63,200          | \$78,200    | Reassessment  |
| 2005            | \$13,000   | \$31,300          | \$44,300    | Reassessment  |
| 2004            | \$10,000   | \$24,100          | \$34,100    | Reassessment  |
| 2003            | \$7,400    | \$24,100          | \$31,500    | Reassessment  |
| 2002            | \$7,300    | \$23,900          | \$31,200    | Reassessment  |
| 1998            | \$7,000    | \$23,000          | \$30,000    | Not Available |

**Transfers**

| Transfer Date | Consideration Amount | Grantor Name       | Deed Reference | Verified Market Sale Description               |
|---------------|----------------------|--------------------|----------------|--|
| 06/14/2022    | \$0                  | OLIVERI SOPHIA     | ID2022-13993   | 2 - INVALID SALE-Relation Between Buyer/Seller |
| 05/16/2022    | \$0                  | 1321 PORTER ST LLC | ID2022-11608   | 2 - INVALID SALE-Relation Between Buyer/Seller |
| 03/10/2021    | \$198,000            | HAWASH ALY         | ID2021-6907    | 2 - INVALID SALE-Relation Between Buyer/Seller |
| 01/24/1989    | \$15,000             | Not Available      | 00191-1380     |  |
| 07/26/1982    | \$10,000             | Not Available      | 000585-02010   |  |
| 11/02/1977    | \$8,000              | Not Available      | 000522-00466   |  |

## Limited Liability Company - Articles of Organization

### Entity Information

Entity Name: 1321 Porter St, LLC

Entity Type: Limited Liability Company

### Business Type

Industry Code: 0 - General

### Duration

Perpetual(forever)

### Registered Agent Information

RA Type: An Individual who is a resident of Virginia

Locality: RICHMOND CITY

RA Qualification: Member of the Virginia State Bar

Name: Richard J Knapp

Email Address: N/A

The company's initial registered office address, including the street and number, if any, which is identical to the business office of the initial registered agent, is:

Registered Office Address: 1910 Byrd Ave Ste 5,  
Richmond, VA, 23230 -  
3034, USA

Contact Number: N/A

### Principal Office Address

Address: 1910 Byrd Ave Ste 5, Richmond, VA, 23230 - 3034, USA

### Principal Information

Management Structure: Manager-Managed

### Signature Information

Date Signed: 01/06/2021

Executed in the name of the limited liability company by:

| Printed Name   | Signature      | Title     |
|----------------|----------------|-----------|
| Sophia Oliveri | Sophia Oliveri | Organizer |

CLR210006907

GPIN: S0000121019

Consideration: \$198,000.00

Assessment: \$302,000.00

Prepared by: Jean Ritchie Tatum, VSB #18509  
 Richard J. Knapp & Associates, P.C.  
 1910 Byrd Avenue, Suite 5  
 Richmond, VA 23230

Title insurer: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THIS DEED, made this 9<sup>th</sup> day of March, 2021, by and between ALY HAWASH, Grantor, and 1321 PORTER ST, LLC, a Virginia limited liability company, Grantee.

**WITNESSETH**

THAT for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, in FEE SIMPLE, the following described real estate, to-wit:

**ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:**

**BEGINNING on the north line of Porter Street 33 feet east of W. 14<sup>th</sup> Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on plat of survey made by Phillip H. Brooks, Certified Land Surveyor, dated December 12, 1969, a copy of which is attached to and made a part of the Deed of Trust recorded July 26, 1982, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 585, page 2012, reference to which plat is hereby made for a more particular description of the real estate hereby conveyed.**

**BEING the same real estate conveyed to Aly Hawash, by Deed of Assumption from Edward L. Christian and Marie T. Christian, husband and wife, dated January 24, 1989, recorded January 24, 1989 in the Clerk's Office, Circuit Court, City of Richmond, Virginia in Deed Book 191, page 1380.**

This conveyance is also made subject to such other conditions, restrictions and easements of record which may lawfully apply.

WITNESS the following signatures and seals:

ALY HAWASH (SEAL)  
ALY HAWASH

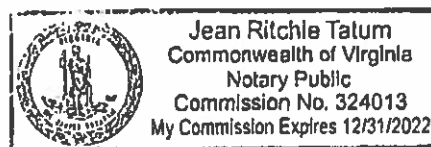
COMMONWEALTH OF VIRGINIA;  
CITY/COUNTY OF Henrico, to-wit:

I, the undersigned Notary Public in and for my jurisdiction aforesaid, do hereby certify that Aly Hawash, whose name is signed to the foregoing Deed dated the 9<sup>th</sup> day of March, 2021, has acknowledged the same before me in my jurisdiction aforesaid.

Jean Ritchie Tatum  
NOTARY PUBLIC

My commission expires:

12-31-22



Grantee's Address:

1321 Porter St.  
Richmond, VA 23224

INSTRUMENT 210006907  
RECORDED IN THE CLERK'S OFFICE OF  
RICHMOND CITY CIRCUIT COURT ON  
MARCH 10, 2021 AT 11:19 AM  
\$302.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$151.00 LOCAL: \$151.00  
EDWARD F. JEWETT, CLERK  
RECORDED BY: TMG



*Document prepared by:*  
*Richard J. Knapp & Associates, P.C.*  
*Jean Ritchie Tatum, VSB #18509*  
*1910 Byrd Avenue, Suite 5*  
*Richmond, Virginia 23230*

*After recording, return to:*  
*Richard J. Knapp & Associates, P.C.*  
*1910 Byrd Avenue, Suite 5*  
*Richmond, VA 23230*

*Map Ref. No. S0000121019*

THIS PURCHASE MONEY DEED OF TRUST, dated the 9<sup>th</sup> day of March, 2018, by and between **1321 PORTER ST, LLC**, herein called Grantor, and **RICHARD J. KNAPP**, a resident of the Commonwealth of Virginia, whose business address is 1910 Byrd Avenue, Suite 5, Richmond, Virginia, 23230, Trustee;

WITNESSETH:

That the Grantor hereby grant and convey, with general warranty of title, to the Trustee, the following property:

SEE SCHEDULE "A" ATTACHED

IN TRUST to secure the holder thereof the payment of all sums owing hereunder and under a certain Promissory Note (sometimes hereafter call the "Note") of even date herewith in the principal sum of Fourteen Thousand Five Hundred Eighty and no/100 Dollars (\$14,580.00), made by the Grantor, and payable to the order of Aly Hawash at 2900 Calloway Road, Henrico, VA 23228, or such other place as the holder may designate in writing. The entire principal balance shall be due and payable on or before December 9, 2021 ("Maturity Date").

The Grantor agrees to pay a late charge of Five Percent (5.000%) of any installment, which is paid more than Ten (10) calendar days after its due date.

The privilege is reserved to prepay at any time, without premium or fee.

This deed of trust is also given to secure the reimbursement to the holder of said Note and to Trustee, and any purchaser or purchasers under any sale or sales as provided by this Trust, for any and all costs and expenses incurred in respect thereto, including, but not limited to, reasonable counsel fees incurred or paid on account of any litigation at law or in equity which may arise in respect to this Trust, or to indebtedness on the property heretofore mentioned, or in obtaining possession of the premises after any sale which may be made as hereinafter provided for.

This deed is made under the provisions of Sections 55-59, and 55-59.1, 55-59.2, 55-59.3, 55-59.4 and 55-60 of the Code of Virginia and shall be construed to impose and confer upon the parties hereto and the beneficiary hereunder all of the duties, rights and obligations prescribed in said code sections and in short form provided in Section 55-60, the following provisions:

Subject to all upon default.  
 Exemptions Waived.  
 Any Trustee may act.  
 Advertisement required:  
 Three (3) times in a newspaper of  
 general circulation in the  
 City/County where the property is located.  
 Renewal or extension permitted.

The Grantor shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage" and any other hazards for which the holder of the Note requires insurance. This insurance shall be maintained in amounts and for the periods that the holder of the Note requires. The insurance carrier providing insurance shall be chosen by the Grantor subject to the approval of the holder of the Note. The policy shall include a standard mortgagee clause.

Unless the Grantor and the holder of the Note otherwise agree in writing, insurance proceeds shall be applied to restoration or repair of the Property damaged if the restoration or repair is economically feasible and the noteholder's security is not lessened. If such restoration or repair is not economically feasible or the security of the holder of the Note would be lessened, the insurance proceeds shall be applied to the sums secured by this deed of trust, with any excess being paid to the Grantor. The application of insurance proceeds to principal shall not postpone or change the amount of any installments due under the Note unless agreed in writing by the holder of the Note.

The Grantor shall pay all costs incident to release of the lien of this Deed of Trust.

No failure of the Trustee or noteholder upon any occasion to exercise any option hereunder shall be deemed a waiver of the right to do so upon any other occasion.

In the event of a foreclosure sale of the Property by or at the direction of the Trustee, the Trustee shall be entitled to receive directly from the Grantor and via the Grantor's proceeds of such sale a reimbursement of all actual expenses incurred by such Trustee in such sale and a reasonable commission to Trustee not to exceed five percent (5%) of the gross proceeds of such sale. If the real estate is advertised for sale at foreclosure by reason of any act or default on the part of the Grantor but not sold pursuant to such advertisement, the Grantor shall pay to the Trustee(s) the actual expense incurred plus a reasonable commission for the Trustee's or Trustees' services, not to exceed five percent (5%) of the unpaid balance of the Note secured by this deed of trust.

In the event of the resignation, death, incapacity, disability, removal or absence from the State of Virginia of any Trustee hereunder, or if for any other reason whatsoever and with or without cause, the holder of the Note deems it advisable that any Trustee hereunder be replaced, the holder of the Note may, by instrument executed and acknowledged and filed for recordation in the Office of the Clerk wherein this deed of trust is recorded, appoint one or more substitute Trustees in the place of such Trustee, and such substitute Trustee or Trustees shall, together with any other Trustee hereunder whose status shall not have been so terminated, thereupon be vested with all the powers, rights and authority and duties vested in the Trustees hereunder. Pending such appointment, the remaining Trustee or Trustees hereunder shall be vested with all the powers, rights and authority and duties vested in the Trustees hereunder.

If any lien upon the property hereby conveyed superior to or inferior to or on equal footing with the lien of this deed of trust be in default, then the entire debt hereby secured shall, at the option of the holder of the Note, become immediately due and payable.

The holder of the Note is authorized, for the account of Grantor, to make any required payments under any lien prior to or inferior to or on equal footing with the lien of this deed of trust, or under this deed of trust, the nonpayment of which would constitute a default, including but not limited to principal, interest, taxes and fire insurance premiums. All sums so advanced shall accrue interest thereon at the same rate as the Note secured hereby from the date of the advancement to the date of repayment, unless payment of interest at such rate would be contrary to applicable law, in which event such amount shall bear interest at the highest rate permissible by applicable law, shall attach to and become part of the lien created hereunder, shall become payable at any time on demand thereof, and the failure to pay the same on demand shall, at the holder's option, constitute a default hereunder giving rise to all of the remedies herein provided in the event of other defaults.

The Grantor further irrevocably assigns to the holder of the Note, as additional security, all leases and any rents, income and profits which may now or hereafter be due upon the Property, it being understood that if, by reason of default under any of the terms hereof, the holder of the Note collects said rents, such holder shall have the right of employing agents for that purpose and paying a percentage of the rents collected for such collection. And, the Grantor hereby appoints the holder of the Note as his/her/its attorney-in-fact to do all things which the Grantor might otherwise do with respect to the Property and leases thereon. So long as there is no default under the Note and this Deed of Trust, the Grantor shall remain in quiet use, possession and management of the Property and the enjoyment of the rents, income and profits therefrom.

If Grantor, his heirs, administrators or assigns, shall directly or indirectly, by transfer, sale, or sale of stock or partnership or beneficiary's interest, permit, do or suffer the assignment, transfer, or sale of the Property or any part thereof or any interest therein, the holder of the Note secured hereby may, at his sole option, declare all sums secured by this Deed of Trust to be immediately due and payable. In addition, the holder of the Note reserves the absolute option and right, among other things, to: (a) require the agreement by Grantor and Grantor's transferee to any terms and

conditions that the holder of the Note may, in his sole discretion, deem necessary; (b) increase the rate of interest upon transfer; and (c) charge an assumption fee.

NOTICE: THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS HEREOF BEING MODIFIED IN THE EVENT OF SALE OR CONVEYANCE OF THE PROPERTY CONVEYED (see paragraph immediately above).

WITNESS the following signatures and seals:

1321 PORTER ST, LLC

By: Sophia Oliveri, mgr. (SEAL)  
SOPHIA OLIVERI, MANAGER

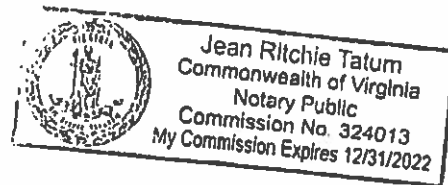
COMMONWEALTH OF VIRGINIA;  
~~CITY~~ / COUNTY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2021, by Sophia Oliveri, Manager of 1321 Porter St, LLC.

Jean Ritchie Tatum  
NOTARY PUBLIC

My commission expires:

12.31.22



**SCHEDULE "A"**

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14<sup>th</sup> Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on plat of survey made by Phillip H. Brooks, Certified Land Surveyor, dated December 12, 1969, a copy of which is attached to and made a part of the Deed of Trust recorded July 26, 1982, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 585, page 2012, reference to which plat is hereby made for a more particular description of the real estate hereby conveyed.

INSTRUMENT 210006908  
RECORDED IN THE CLERK'S OFFICE OF  
RICHMOND CITY CIRCUIT COURT ON  
MARCH 10, 2021 AT 11:20 AM  
EDWARD F. JEWETT, CLERK  
RECORDED BY: TMG

CLR220011608

Prepared by and return to:  
Sophia Oliveri  
1321 Porter St, C  
Richmond, VA 23224

Tax Map Reference No:  
S0000121019  
Title Underwriter:  
Prepared without the benefit of title search

ADV-11:34

**This Deed is tax exempt pursuant to Code Section 58.1-811(D) for the 1950 Tax Code of Virginia, as amended.**

THIS DEED OF GIFT, made the 15<sup>th</sup> of May, 2022, by and between **1321 PORTER ST, LLC**, a Virginia limited liability company, herein called "Grantor", and **SOPHIA OLIVERI**, herein called "Grantee";

WITNESSETH

That for and in consideration of love and other affection the parties have for one another, and for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors do hereby grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, unto the Grantee, IN FEE SIMPLE, the property, described on Schedule "A" attached hereto, made a part hereof, and herein incorporated by this reference.

This conveyance is subject to such recorded easements, restrictions, conditions, and covenants as may lawfully apply to the property hereby conveyed.

Words of any gender used in this instrument shall be held to include any other gender and words in the singular shall be held to include any other gender and words in the singular shall be held to include the plural when the sense requires.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.  
SIGNATURE PAGE FOLLOWS



WITNESS the following signatures and seals:

*Sophia Oliveri* (SEAL)  
SOPHIA OLIVERI

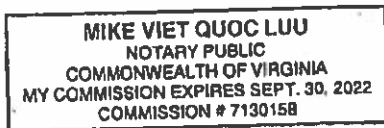
COMMONWEALTH OF VIRGINIA;

CITY/COUNTY OF Henrico, to-wit:

The foregoing document was acknowledged before me this 16<sup>th</sup> day of May, 2022, by Sophia Oliveri.

*Mike Viet Quoc Luu*  
NOTARY PUBLIC

My commission expires: 9/30/2022



Grantee's address:  
1321 PORTER STREET, APT. C  
RICHMOND, VA 23224

**Schedule "A"**

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14<sup>th</sup> Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on a plat of survey made by Phillip H. Brooks, Certified Land Surveyor, Dated December 12, 1969, a copy of which is attached to and recorded with the Deed of Trust recorded in Deed Book 585, page 2012, and reference to which is hereby made for a more particular description of the property.

BEING the same real estate conveyed to 1321 Porter St, LLC, by Deed from Aly Hawash dated March 9, 2021, recorded March 10, 2021 in the Clerks' Office, City of Richmond, Virginia as Instrument No. 210006907.

INSTRUMENT 220011608  
RECORDED IN THE CLERK'S OFFICE OF  
RICHMOND CITY CIRCUIT COURT ON  
MAY 16, 2022 AT 11:34 AM  
EDWARD F. JEWETT, CLERK  
RECORDED BY: DGS

Prepared By:  
Richard J. Knapp & Associates, P.C.  
1910 Byrd Avenue, Suite 5  
Richmond, VA 23230  
Tax Map Ref Nos. S0000121019

### CERTIFICATE OF SATISFACTION

Place of Record: Clerk's Office, Circuit Court, City of Richmond, Virginia  
Date of Deed of Trust: March 19, 2018  
Instrument Number: 210006908  
Names(s) of Grantor(s)/Maker(s): 1321 Porter Street, LLC  
Names(s) of Trustee(s): Richard J. Knapp  
Face Amount of Note: \$14,580.00

I/We CERTIFY that the Note(s) secured by the Deed of Trust, Mortgage or other lien described above, has/have been paid in full to the person entitled and authorized to receive the same, and the lien therein created and retained is hereby released.

GIVEN UNDER MY/OUR HAND(S) THIS 8<sup>th</sup> DAY OF June, 2022.

Noteholder: Aly Hawash

By: [Signature] (SEAL)  
RICHARD J. KNAPP, TRUSTEE

STATE / COMMONWEALTH OF VIRGINIA;  
CITY / COUNTY OF HENRICO, to-wit:

Subscribed, sworn to and acknowledged before me by ALY HAWASH  
As Trustee  
this 8<sup>th</sup> day of JUNE, 2022.

[Signature]  
NOTARY PUBLIC

My Commission expires: 11/30/2023



VIRGINIA

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF

\_\_\_\_\_. This Certificate was presented, and with  
the Certificate annexed, admitted to record on \_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Clerk's Fee \$ \_\_\_\_\_ has been paid.

ATTEST: \_\_\_\_\_, Clerk

INSTRUMENT 220013657  
RECORDED IN THE CLERK'S OFFICE OF  
RICHMOND CITY CIRCUIT COURT ON  
JUNE 8, 2022 AT 01:01 PM  
EDWARD F. JEWETT, CLERK  
RECORDED BY: DGS

CLR220013993

Prepared by and return to:  
 Sophia Oliveri  
 1321 Porter St, C  
 Richmond, VA 23224

Tax Map Reference No:  
 S0000121019  
 Title Underwriter:  
 Prepared without the benefit of title search

ADV - 9:38

**This Deed is tax exempt pursuant to Code Section 58.1-811(D) for the 1950  
 Tax Code of Virginia, as amended.**

THIS DEED OF GIFT, made the 13<sup>th</sup> of June, 2022, by and between  
**SOPHIA OLIVERI**, herein called "Grantor", and **1321 PORTER ST, LLC**, a  
 Virginia limited liability company, herein called "Grantee";

# WITNESSETH

That for and in consideration of love and other affection the parties have for  
 one another, and for good and valuable consideration, the receipt of which is  
 hereby acknowledged, the Grantors do hereby grant and convey, with GENERAL  
 WARRANTY and ENGLISH COVENANTS OF TITLE, unto the Grantee, IN  
**FEE SIMPLE**, the property, described on Schedule "A" attached hereto, made a  
 part hereof, and herein incorporated by this reference.

This conveyance is subject to such recorded easements, restrictions,  
 conditions, and covenants as may lawfully apply to the property hereby conveyed.

Words of any gender used in this instrument shall be held to include any  
 other gender and words in the singular shall be held to include any other gender  
 and words in the singular shall be held to include the plural when the sense  
 requires.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK  
 SIGNATURE PAGE FOLLOWS

WITNESS the following signatures and seals:

Sophia Oliveri 6.14.22 (SEAL)  
SOPHIA OLIVERI

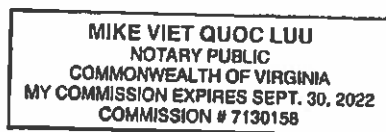
COMMONWEALTH OF VIRGINIA;

CITY/COUNTY OF Henrico, to-wit:

The foregoing document was acknowledged before me this 14<sup>th</sup> day of June  
May, 2022, by Sophia Oliveri. 2022

[Signature]  
NOTARY PUBLIC

My commission expires: 9/30/2022



Grantee's address:  
1321 PORTER STREET, APT. C  
RICHMOND, VA 23224

**Schedule "A"**

ALL that certain lot of land in the City of Richmond, Virginia, with improvements thereon No. 1321 Porter Street, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14<sup>th</sup> Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on a plat of survey made by Phillip H. Brooks, Certified Land Surveyor, Dated December 12, 1969, a copy of which is attached to and recorded with the Deed of Trust recorded in Deed Book 585, page 2012, and reference to which is hereby made for a more particular description of the property.

BEING the same real estate conveyed to 1321 Porter St, LLC, by Deed from Aly Hawashi dated March 9, 2021, recorded March 10, 2021 in the Clerks' Office, City of Richmond, Virginia as Instrument No. 210006907.

INSTRUMENT 220013993  
RECORDED IN THE CLERK'S OFFICE OF  
RICHMOND CITY CIRCUIT COURT ON  
JUNE 14, 2022 AT 09:38 AM  
EDWARD F. JEWETT, CLERK  
RECORDED BY: DGS



**Parcel Number:** S0000121019  
**Amount of Consideration:** \$400,000.00  
**Return To (Name and Address):**  
 First Bank  
 112 W. King St.  
 Strasburg, VA 22657

**Prepared by (Name of Person or Entity):**  
 First Bank  
 112 W. King St.  
 Strasburg, VA 22657

## This is a Credit Line Deed of Trust

(With Future Advance Clause)

1. **Date and Parties.** The date of this Credit Line Deed of Trust (Security Instrument) is 6/13/2022, and the parties and their addresses are as follows:

**Grantor:**  
 SOPHIA S OLIVERI (AKA SOPHIA OLIVERI)

- ☐ If checked, refer to the attached Addendum incorporated herein, for additional Grantors, their signatures and acknowledgments.

**Trustee:**  
 MICHAEL L. BRYAN                      SAMUEL J. CROW, JR.  
 116 S. Braddock Street              112 W. King St.  
 Winchester, VA 22601                  Strasburg, VA 22657

**Lender:**  
 First Bank  
 112 W. King St.  
 Strasburg, VA 22657

- ☐ This is a refinance of a Deed of Trust recorded in the clerk's office, circuit court of \_\_\_\_\_, Virginia, in deed book \_\_\_\_\_, page \_\_\_\_\_, for which the tax has been paid. Pursuant to Section \_\_\_\_\_ of the Code of Virginia.
- ☐ This is a refinance of a Deed of Trust recorded in the clerk's office, circuit court of \_\_\_\_\_, Virginia, in deed book \_\_\_\_\_, page \_\_\_\_\_, in the original principal amount of \$ \_\_\_\_\_, and with the outstanding principal balance which is \$ \_\_\_\_\_. Pursuant to Section \_\_\_\_\_ of the Code of Virginia.

2. **Credit Line Deed of Trust.** This is a credit line Deed of Trust within the meaning of Section 55.1-318 of the Code of Virginia, as amended. For purposes of such section, (i) the name of the noteholder secured by this Security Instrument is First Bank, (ii) the address at which communications may be mailed or delivered to the noteholder is 112 W. King St., Strasburg, VA 22657 and (iii) the maximum aggregate principal amount to be secured is \$ \$400,000.00. This limitation of amount does not include interest and other fees and charges validly made pursuant to this Security Instrument. Also, this limitation does not apply to advances made under the terms of this Security Instrument to protect Lender's security and to perform any of the covenants contained in this Security Instrument.
3. **Conveyance.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (defined below) and Grantor's performance under this Security Instrument, Grantor irrevocably grants, conveys and sells to Trustee, in trust for the benefit of Lender, with power of sale, the following described property:  
See SCHEDULE A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The property is located in CITY OF RICHMOND at  
(County (or City))  
1321 PORTER ST, RICHMOND, Virginia 23224-0000  
(Address) (City) (ZIP Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, ditches, and water stock and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

4. **Secured Debt and Future Advances.** The term "Secured Debt" is defined as follows:
- (A) Debt incurred under the terms of all promissory note(s), contract(s), guaranty(ies) or other evidence of debt described below and all their extensions, renewals, modifications or substitutions. *(You must specifically identify the debt(s) secured and you should include the final maturity date of such debt(s).)*

- (B) All future advances from Lender to Grantor or other future obligations of Grantor to Lender under any promissory note, contract, guaranty, or other evidence of debt executed by Grantor in favor of Lender after this Security Instrument whether or not this Security Instrument is specifically referenced. If more than one person signs this Security Instrument, each Grantor agrees that this Security Instrument will secure all future advances and future obligations that are given to or incurred by any one or more Grantor, or any one or more Grantor and others. All future advances and other future obligations are secured by this Security Instrument even though all or part may not yet be advanced. All future advances and other future obligations are secured as if made on the date of this Security Instrument. Nothing in this Security Instrument shall constitute a commitment to make additional or future loans or advances in any amount. Any such commitment must be agreed to in a separate writing.
- (C) All other obligations Grantor owes to Lender, which may later arise, to the extent not prohibited by law, including, but not limited to, liabilities for overdrafts relating to any deposit account agreement between Grantor and Lender.
- (D) All additional sums advanced and expenses incurred by Lender for insuring, preserving or otherwise protecting the Property and its value and any other sums advanced and expenses incurred by Lender under the terms of this Security Instrument.

In the event that Lender fails to provide any required notice of the right of rescission, Lender waives any subsequent security interest in the Grantor's principal dwelling that is created by this Security Instrument.

5. **Deed of Trust Covenants.** Grantor agrees that the covenants in this section are material obligations under the Secured Debt and this Security Instrument. If Grantor breaches any covenant in this section, Lender may refuse to make additional extensions of credit and reduce the credit limit. By not exercising either remedy on Grantor's breach, Lender does not waive Lender's right to later consider the event a breach if it happens again.

**Payments.** Grantor agrees that all payments under the Secured Debt will be paid when due and in accordance with the terms of the Secured Debt and this Security Instrument.

**Prior Security Interests.** With regard to any other mortgage, deed of trust, security agreement or other lien document that created a prior security interest or encumbrance on the Property, Grantor agrees to make all payments when due and to perform or comply with all covenants. Grantor also agrees not to allow any modification or extension of, nor to request any future advances under any note or agreement secured by the lien document without Lender's prior written approval.

**Claims Against Title.** Grantor will pay all taxes, assessments, liens, encumbrances, lease payments, ground rents, utilities, and other charges relating to the Property when due. Lender may require Grantor to provide to Lender copies of all notices that such amounts are due and the receipts evidencing Grantor's payment. Grantor will defend title to the Property against any claims that would impair the lien of this Security Instrument. Grantor agrees to assign to Lender, as requested by Lender, any rights, claims or defenses Grantor may have against parties who supply labor or materials to maintain or improve the Property.

**Property Condition, Alterations and Inspection.** Grantor will keep the Property in good condition and make all repairs that are reasonably necessary. Grantor shall not commit or allow any waste, impairment, or deterioration of the Property. Grantor agrees that the nature of the occupancy and use will not substantially change without Lender's prior written consent. Grantor will not permit any change in any license, restrictive covenant or easement without Lender's prior written consent. Grantor will notify Lender of all demands, proceedings, claims, and actions against Grantor, and of any loss or damage to the Property.

Lender or Lender's agents may, at Lender's option, enter the Property at any reasonable time for the purpose of inspecting the Property. Lender shall give Grantor notice at the time of or before an inspection specifying a reasonable purpose for the inspection. Any inspection of the Property shall be entirely for Lender's benefit and Grantor will in no way rely on Lender's inspection.

**Authority to Perform.** If Grantor fails to perform any duty or any of the covenants contained in this Security Instrument, Lender may, without notice, perform or cause them to be performed. Grantor appoints Lender as attorney in fact to sign Grantor's name or pay any amount necessary for performance. Lender's right to perform for Grantor shall not create an obligation to perform, and Lender's failure to perform will not preclude Lender from exercising any of Lender's other rights under the law or this Security Instrument.

**Leaseholds; Condominiums; Planned Unit Developments.** Grantor agrees to comply with the provisions of any lease if this Security Instrument is on a leasehold. If the Property includes a unit in a condominium or a planned unit development, Grantor will perform all of Grantor's duties under the covenants, by-laws, or regulations of the condominium or planned unit development.

**Condemnation.** Grantor will give Lender prompt notice of any pending or threatened action, by private or public entities to purchase or take any or all of the Property through condemnation, eminent domain, or any other means. Grantor authorizes Lender to intervene in Grantor's name in any of the above described actions or claims. Grantor assigns to Lender the proceeds of any award or claim for damages connected with a condemnation or other taking of all or any part of the Property. Such proceeds shall be considered payments and will be applied as provided in this Security Instrument. This assignment of proceeds is subject to the terms of any prior mortgage, deed of trust, security agreement or other lien document.

**Insurance.** Grantor shall keep Property insured against loss by fire, flood, theft and other hazards and risks reasonably associated with the Property due to its type and location. This insurance shall be maintained in the amounts and for the periods that Lender requires. What Lender requires pursuant to the preceding two sentences can change during the term of the Secured Debt. The insurance carrier providing the insurance shall be chosen by Grantor subject to Lender's approval, which shall not be unreasonably withheld. If Grantor fails to maintain the coverage described above, Lender may, at Lender's option, obtain coverage to protect Lender's rights in the Property according to the terms of this Security Instrument.

All insurance policies and renewals shall be acceptable to Lender and shall include a standard "mortgage clause" and, where applicable, "loss payee clause." Grantor shall immediately notify Lender of cancellation or termination of the insurance. Lender shall have the right to hold the policies and renewals. If Lender requires, Grantor shall immediately give to Lender all receipts

of paid premiums and renewal notices. Upon loss, Grantor shall give immediate notice to the insurance carrier and Lender. Lender may make proof of loss if not made immediately by Grantor.

Unless otherwise agreed in writing, all insurance proceeds shall be applied to the restoration or repair of the Property or to the Secured Debt, whether or not then due, at Lender's option. Any application of proceeds to principal shall not extend or postpone the due date of the scheduled payment nor change the amount of any payment. Any excess will be paid to the Grantor. If the Property is acquired by Lender, Grantor's right to any insurance policies and proceeds resulting from damage to the Property before the acquisition shall pass to Lender to the extent of the Secured Debt immediately before the acquisition.

**Financial Reports and Additional Documents.** Grantor will provide to Lender upon request, any financial statement or information Lender may deem reasonably necessary. Grantor agrees to sign, deliver, and file any additional documents or certifications that Lender may consider necessary to perfect, continue, and preserve Grantor's obligations under this Security Instrument and Lender's lien status on the Property.

6. **Warranty of Title.** Grantor warrants that Grantor is or will be lawfully seized of the estate conveyed by this Security Instrument and has the right to irrevocably grant, convey and sell the Property to Trustee, in trust, with power of sale. Grantor also warrants that the Property is unencumbered, except for encumbrances of record.
7. **Due on Sale.** Lender may, at its option, declare the entire balance of the Secured Debt to be immediately due and payable upon the creation of, or contract for the creation of, a transfer or sale of all or any part of the Property. This right is subject to the restrictions imposed by federal law, as applicable.

**NOTICE - THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS THEREOF BEING MODIFIED IN THE EVENT OF SALE OR CONVEYANCE OF THE PROPERTY CONVEYED.**

8. **Default.** Grantor will be in default if any of the following occur:

**Fraud.** Any Consumer Borrower engages in fraud or material misrepresentation in connection with the Secured Debt that is an open end home equity plan.

**Payments.** Any Consumer Borrower on any Secured Debt that is an open end home equity plan fails to make a payment when due.

**Property.** Any action or inaction by the Borrower or Grantor occurs that adversely affects the Property or Lender's rights in the Property. This includes, but is not limited to, the following: (a) Grantor fails to maintain required insurance on the Property; (b) Grantor transfers the Property; (c) Grantor commits waste or otherwise destructively uses or fails to maintain the Property such that the action or inaction adversely affects Lender's security; (d) Grantor fails to pay taxes on the Property or otherwise fails to act and thereby causes a lien to be filed against the Property that is senior to the lien of this Security Instrument; (e) a sole Grantor dies; (f) if more than one Grantor, any Grantor dies and Lender's security is adversely affected; (g) the Property is taken through

eminent domain; (h) a judgment is filed against Grantor and subjects Grantor and the Property to action that adversely affect Lender's interest; or (i) a prior lienholder forecloses on the Property and as a result, Lender's interest is adversely affected.

9. **Remedies on Default.** In addition to any other remedy available under the terms of this Security Instrument, Lender may accelerate the Secured Debt and foreclose this Security Instrument in a manner provided by law if Grantor is in default. In some instances, federal and state law will require Lender to provide Grantor with notice of the right to cure, or other notices and may establish time schedules for foreclosure actions.

At the option of Lender, all or any part of the agreed fees and charges, accrued interest and principal shall become immediately due and payable, after giving notice if required by law, upon the occurrence of a default or anytime thereafter. Lender shall be entitled to, without limitation, the power to direct the Trustee to execute the trust created hereby and in so doing exercise all of the powers as set forth in Va. Code Section 55.1-320 and 55.1-321 through 55.1-324, as in effect on the date of this Security Instrument.

If there is a default, Trustee shall at the request of the Lender, advertise and sell the Property as a whole or in separate parcels at public auction to the highest bidder for cash at such time and place as Trustee designates. Trustee shall give notice of sale including the time, terms and place of sale and a description of the Property to be sold as required by the applicable law in effect at the time of the proposed sale. Advertisement required: Advertisement shall be sufficient if published in a newspaper having a general circulation in the County or City where the Property or some part thereof is located either (a) once a week for two weeks, or (b) once a day for three days, which may be consecutive days.

Upon any sale of the Property, Trustee will make and deliver a special or limited warranty deed that conveys the property sold to the purchaser or purchasers. Under this special or limited warranty deed, Trustee will covenant that Trustee has not caused or allowed a lien or an encumbrance to burden the Property and that Trustee will specially warrant and defend the Property's title of the purchaser or purchasers at the sale against all lawful claims and demand of all persons claiming by, through or under Trustee. The recitals in any deed of conveyance will be prima facie evidence of the facts set forth herein.

Upon sale of the Property, Trustee shall apply the proceeds in the order prescribed by law. Lender may purchase the Property.

The acceptance by Lender of any sum in payment or partial payment on the Secured Debt after the balance is due or is accelerated or after foreclosure proceedings are filed shall not constitute a waiver of Lender's right to require complete cure of any existing default. By not exercising any remedy on Grantor's default, Lender does not waive Lender's right to later consider the event a default if it happens again.

10. **Section 55.1-325 of the Code of Virginia.** This Security Instrument shall be construed to impose and confer upon the parties hereto, and the beneficiaries hereunder, all duties, rights and obligations prescribed in Section 55.1-325 of the Code of Virginia, as amended, and in effect on



the date of this Security Instrument, and the following provisions of that section are incorporated in this Security Instrument by short form reference:

- (A) Exemptions waived.
- (B) Subject to all upon default.
- (C) Renewal, extension or reinstatement permitted.
- (D) Any Trustee may act.
- (E) Substitution of Trustees permitted.

11. **Expenses; Advances on Covenants; Attorneys' Fees; Collection Costs.** If Grantor breaches any covenant in this Security Instrument, Grantor agrees to pay all expenses Lender incurs in performing such covenants or protecting its security interest in the Property. Such expenses include, but are not limited to, fees incurred for inspecting, preserving, or otherwise protecting the Property and Lender's security interest. These expenses are payable on demand and will bear interest from the date of payment until paid in full at the highest rate of interest in effect as provided in the terms of the Secured Debt. Grantor agrees to pay all costs and expenses incurred by Lender in collecting, enforcing or protecting Lender's rights and remedies under this Security Instrument. This amount may include, but is not limited to, attorneys' fees, court costs, and other legal expenses. To the extent permitted by the United States Bankruptcy Code, Grantor agrees to pay the reasonable attorneys' fees Lender incurs to collect the Secured Debt as awarded by any court exercising jurisdiction under the Bankruptcy Code. This Security Instrument shall remain in effect until released. Grantor agrees to pay for any recordation costs of such release.
12. **Environmental Laws and Hazardous Substances.** As used in this section, (1) Environmental Law means, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, 42 U.S.C. 9601 et seq.), and all other federal, state and local laws, regulations, ordinances, court orders, attorney general opinions or interpretive letters concerning the public health, safety, welfare, environment or a hazardous substance; and (2) Hazardous Substance means any toxic, radioactive or hazardous material, waste, pollutant or contaminant which has characteristics which render the substance dangerous or potentially dangerous to the public health, safety, welfare or environment. The term includes, without limitation, any substances defined as "hazardous material," "toxic substances," "hazardous waste," "hazardous substance," or "regulated substance" under any Environmental Law.

Grantor represents, warrants and agrees that:

- (A) Except as previously disclosed and acknowledged in writing to Lender, no Hazardous Substance is or will be located, stored or released on or in the Property. This restriction does not apply to small quantities of Hazardous Substances that are generally recognized to be appropriate for the normal use and maintenance of the Property.
- (B) Except as previously disclosed and acknowledged in writing to Lender, Grantor and every tenant have been, are, and shall remain in full compliance with any applicable Environmental Law.
- (C) Grantor shall immediately notify Lender if a release or threatened release of a Hazardous Substance occurs on, under or about the Property or there is a violation of any Environmental Law concerning the Property. In such an event, Grantor shall take all necessary remedial action in accordance with any Environmental Law.

- (D) Grantor shall immediately notify Lender in writing as soon as Grantor has reason to believe there is any pending or threatened investigation, claim, or proceeding relating to the release or threatened release of any Hazardous Substance or the violation of any Environmental Law.
13. **Escrow for Taxes and Insurance.** Unless otherwise provided in a separate agreement, Grantor will not be required to pay to Lender funds for taxes and insurance in escrow.
14. **Joint and Individual Liability; Co-Signers; Successors and Assigns Bound.** All duties under this Security Instrument are joint and individual. If Grantor signs this Security Instrument but does not sign an evidence of debt, Grantor does so only to mortgage Grantor's interest in the Property to secure payment of the Secured Debt and Grantor does not agree to be personally liable on the Secured Debt. If this Security Instrument secures a guaranty between Lender and Grantor, Grantor agrees to waive any rights that may prevent Lender from bringing any action or claim against Grantor or any party indebted under the obligation. These rights may include, but are not limited to, any anti-deficiency or one-action laws. The duties and benefits of this Security Instrument shall bind and benefit the successors and assigns of Grantor and Lender.
15. **Severability; Interpretation.** This Security Instrument is complete and fully integrated. This Security Instrument may not be amended or modified by oral agreement. Any section in this Security Instrument, attachments, or any agreement related to the Secured Debt that conflicts with applicable law will not be effective, unless that law expressly or impliedly permits the variations by written agreement. If any section of this Security Instrument cannot be enforced according to its terms, that section will be severed and will not affect the enforceability of the remainder of this Security Instrument. Whenever used, the singular shall include the plural and the plural the singular. The captions and headings of the sections of this Security Instrument are for convenience only and are not to be used to interpret or define the terms of this Security Instrument. Time is of the essence in this Security Instrument.
16. **Successor Trustee.** Lender, at Lender's option, may from time to time remove Trustee and appoint a successor or successors to any trustee without any other formality than the designation in writing. The successor or any successors to any trustee, without conveyance of the Property, shall succeed to all the title, power and duties conferred upon Trustee by this Security Instrument and applicable law.
17. **Notice.** Unless otherwise required by law, any notice shall be given by delivering it or by mailing it by first class mail to the appropriate party's address on page 1 of this Security Instrument, or to any other address designated in writing. Notice to one grantor will be deemed to be notice to all grantors.
18. **Waivers.** Except to the extent prohibited by law, Grantor waives the benefit of the homestead exemption as to this obligation and any rights of appraisal and reinstatement.

GRANTOR HEREBY EXPRESSLY WAIVES AND RELEASES ANY REQUIREMENT OR OBLIGATION THAT THE LENDER OR THE TRUSTEE PRESENT EVIDENCE OR OTHERWISE PROCEED BEFORE ANY COURT, CLERK, OR OTHER JUDICIAL OR QUASI-JUDICIAL BODY BEFORE EXERCISE OF THE POWERS OF SALE CONTAINED IN THIS SECURITY INSTRUMENT AND IN SECTION 55.1-320 AND SECTIONS 55.1-321 THROUGH 55.1-324 OF THE CODE OF VIRGINIA, AS AMENDED.

19. **Line of Credit.** The Secured Debt includes a revolving line of credit. Although the Secured Debt may be reduced to a zero balance, this Security Instrument will remain in effect until released.
20. **Applicable Law.** This Security Instrument is governed by the laws as agreed to in the Secured Debt, except to the extent required by the laws of the jurisdiction where the Property is located, and applicable federal laws and regulations.
21. **Riders.** The covenants and agreements of each of the riders checked below are incorporated into and supplement and amend the terms of this Security Instrument. [Check all applicable boxes]
- ☐ Assignment of Leases and Rents    ☐ Other
22. ☐ **Attorneys' Fees.** If checked, the following are reasonable attorneys' fees in the event of default:
23. ☐ **Additional Terms.**

**Signatures.** By signing below, Grantor agrees to the terms and covenants contained in this Security Instrument and in any attachments. Grantor also acknowledges receipt of a copy of this Security Instrument on the date stated on page 1.

Witness the following signatures.

**Grantor**

  
SOPHIA S OLIVERI  
6.13.22  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

☐ Refer to the attached *Signature Addendum* for additional parties and signatures.

Acknowledgment (Individual)  
Commonwealth of Virginia  
County (or City) of Henrico

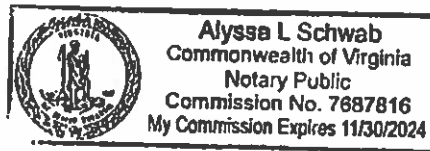
This instrument was acknowledged before me this 13 day of June 2022  
Sophia S. Oliveri

by

My commission expires: 11.30.2024

(Seal)

Alyssa L Schwab  
(Notary Public)



Notary Registration Number: 7687816

Acknowledgment (Representative Capacity)  
Commonwealth of  
County (or City) of

The foregoing instrument was acknowledged before me this

, by

as

, on behalf of

My commission expires:

(Seal)

\_\_\_\_\_  
(Notary Public)

Notary Registration Number:

**Schedule A**

ALL that certain lot or parcel of land in the City of Richmond, Virginia, with improvements thereon, and bounded and described as follows:

BEGINNING on the north line of Porter Street 33 feet east of W. 14th Street and running thence eastwardly along and fronting 30 feet on the north line of Porter Street and running back thence from said front northwardly and between parallel lines 156.42 feet on the west line and 156.44 feet on the east line to an alley 14 feet wide, all as shown on plat of survey made by H. Brooks, Certified Land Surveyor, Dated December 12, 1969.

INSTRUMENT 220014940  
RECORDED IN THE CLERK'S OFFICE OF  
RICHMOND CITY CIRCUIT COURT ON  
JUNE 24, 2022 AT 08:33 AM  
EDWARD F. JEWETT, CLERK  
RECORDED BY: JRO



VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of RVA Home LLC  
Appeal No. 24-08

DECISION OF THE REVIEW BOARD

I. Procedural Background

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

II. Case History

On April 26, 2024 the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), inspected the structure located at 1321 Porter Street in the City of Richmond and subsequently issued a Notice of Violation – Unsafe Structure (NOV) to RVA Home LLC (RVA), for the third-floor addition, citing the following VMC Sections:

- Report of Unsafe Conditions  
*106.1 US - Unsafe Structure*

*A Existing structure is determined to be unsafe if it (i) determined to by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.*

*This property has been inspected and found to be unsafe due to the following conditions:*

*The third-floor addition was constructed without plans, permits, or inspections.*

*These issues pose a safety risk to inhabitants, neighboring structures, and the public at large if not repaired immediately. Consequently, the building is hereby placarded as unsafe. As a result of being placarded as unsafe, the property shall remain so until all necessary plans, permits, engineering reports, and inspections have been received, approved, and performed. All occupants are required to vacate the premises immediately, and entry to the structure, including by the owner, tenants, contractors, etc., is prohibited until a Right to Enter Letter has been generated by the inspector. Any person(s) entering the premises without the Right to Enter Letter risk arrest for trespassing by the Richmond Police Department.*

*To rectify these violations, follow the "City of Richmond Permit Process" to completion. Failure to comply with this notice by the abatement date may result in criminal court action*

RVA filed an appeal to the City of Richmond Local Board of Building Code Appeals (local appeals board). On August 21, 2024, the local appeals board upheld the decision of the code official. On September 12, 2024, RVA further appealed to the Review Board seeking to have the NOV overturned.

At the Review Board hearing on November 15, 2024, the City raised questions as to the ownership of the property at 1321 Porter Street, whether RVA was aggrieved, and whether RVA had standing to file the appeal; therefore, the Review Board heard those arguments and ruled accordingly.

Appearing at the Review Board meeting for RVA Home LLC was Sophia Oliveri. Appearing at the Review Board meeting for the City of Richmond were Attorney Greg Lukanuski, City Building Commissioner David Alley, and City of Richmond Building Commissioner staff Rick Paul.

### III. Findings of the Review Board

#### A. Whether the appeal was properly before the Board.

RVA argued the merits of the case related to the NOV issued to RVA Home LLC on April 26, 2024 during opening statement and testimony. During testimony RVA confirmed that RVA had no ownership in 1321 Porter Street, was the property manager at the time of the April 26, 2024 NOV for 1321 Porter Street, and as of May 29, 2024 was no longer the property manager for 1321 Porter Street.

The City argued that the appeal should be dismissed while raising questions of ownership of 1321 Porter Street, whether RVA was aggrieved, and RVA's standing for the appeal.

The Review Board found that the April 26, 2024 NOV was moot and the appeal was not properly before the board because, although RVA was the property manager of 1321 Porter Street, and was properly issued an NOV on April 26, 2024 (which was properly appealed to the LBBCA as she was aggrieved by the NOV at the time, and was a party to the LBBCA hearing, which then properly brought the appeal before the Review Board). Based on the testimony at the hearing and evidence provided as of May 29, 2024, RVA was no longer the property manager for 1321 Porter Street and as of the Review Board hearing, RVA was no longer a responsible party. Additionally, the Review Board directed the City to rescind the April 26, 2024 RVA Home LLC NOV to create an official record that the April 26, 2024 RVA Home LLC NOV no longer exists.

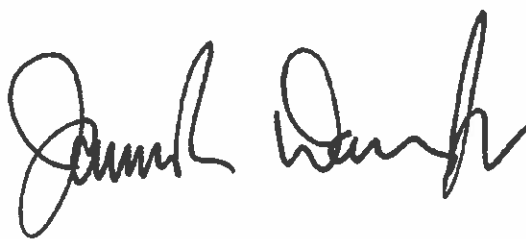
### IV. Conclusion

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

#### B. Whether the appeal was properly before the Board.

The NOV is moot and the appeal is dismissed as not properly before the Board because, although RVA was the property manager of 1321 Porter Street, and was properly issued an NOV

on April 26, 2024 (which was properly appealed to the LBBCA as she was aggrieved by the NOV at the time, and was a party to the LBBCA hearing, which then properly brought the appeal before the Review Board). Based on the testimony at the hearing and evidence provided as of May 29, 2024 RVA was no longer the property manager for 1321 Porter Street and as of the Review Board hearing, RVA was no longer a responsible party. Additionally, the Review Board directs the City to rescind the April 26, 2024 RVA Home LLC NOV to create an official record that the April 26, 2024 RVA Home LLC NOV no longer exists.



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Chair, State Building Code Technical Review Board

Date entered January 17, 2025

As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period”.

As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall

be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency". See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

PERMITS AND INSPECTIONS BUREAU

***Rescind Notification***

*IN RE: Appeal of RVA Home LLC  
Appeal No. 24-08*

Ms. Sophia Oliveri,

The Permits and Inspections Bureau has rescinded the April 26<sup>th</sup>, 2024, RVA Home LLC NOV in compliance with the attached conclusion from the State Building Code Technical Review Board and as stated below:

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

*Conclusion*

*The NOV is moot, and the appeal is dismissed as not properly before the Board because, although RVA was the property manager of 1321 Porter St, and was properly issued an NOV on April 26, 2024 (which was properly appealed to the LBBCA as she was aggrieved by the NOV at the time, and was a party to the LBBCA hearing, which then properly brought the appeal before the Review Board). Based on the testimony at the hearing and evidence provided as of May 29, 2024, RVA was no longer a responsible party. Additionally, the Review Board directs the City to rescind the April 26<sup>th</sup>, 2024 RVA Home LLC NOV to create an official record the April 26, 2024 RVA Home LLC NOV no longer exists.*

This document and the State Building Code Technical Review Board conclusion will serve as the official record.

Best Regards,

David L Alley III  
Commissioner of Buildings  
Permits and Inspections Bureau  
900 E Broad St, Room 110  
(804) 646-3439 or 513-6939 Cell



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Additional Documents  
Submitted By  
1321 Porter St. LLC  
(Emily Pinchbeck)

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VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

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RE:

Appeal by 1321 Porter St., LLC and Sophia Oliveri from  
the Notice of Unsafe Structure issued on August 28, 2024  
By the Property maintenance Division of The  
City of Richmond to 1321 Porter St., LLC and Sophia Oliveri.

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CASE NUMBER: 25-07

**Submission By 1321 Porter St., LLC and Sophia Oliveri.**

**Background Information**  
**1321 Porter Street**

**History of Ownership**

1321 Porter Street is a three (3) story multifamily building. The street view of the building is as follows:



The building was built in 1921. According to the City of Richmond real estate records, the building has the following transfers of title:

| <b>Date of Transfer</b> | <b>Deed Reference</b> |
|-------------------------|-----------------------|
| June 14, 2022           | ID2022-13993          |
| May 16, 2022            | ID2022-11608          |
| March 10, 2021          | ID2021-6907           |
| January 24, 1989        | 00191-1380            |
| July 26, 1982           | 000585-02010          |
| November 2, 1977        | 000522-00466          |

The Current owner, 1321 Porter St, LLC acquired the building in March 2021. At the time 1321 Porter St, LLC acquired the building in 2021, the building and its four apartments had been renovated and updated by the previous owner(s).

**Issue with Zoning:**

Unbeknownst to the current owner, 1321 Porter St, LLC, the Building was only zoned for two apartment units when 1321 Porter St, LLC purchased the building. Upon learning of that issue, 1321 Porter St, LLC applied to the City of Richmond for a special use permit for up to four (4) apartment units. On December 9, 2024, the City of Richmond adopted an ordinance (Ordinance No. 2024-282) that allows up to four (4) apartments at 1321 Porter St.

**History of Notices of Violations Issued by City of Richmond, Department of Planning & Development Review.****A. January 7, 2021 (Bureau of Permits and Inspections):**

A *Stop Work Order* was issued regarding work on the 3<sup>rd</sup> Story addition without a permit. (See **Exhibit A**).

Outcome: Unknown since 1321 Porter St, LLC was not the owner at the time.

Based on an email from Rick Paul, CBO dated February 18, 2025, nothing was done about this 2021 Stop Work Order.

**B. April 29, 2024 (Property Maintenance Division):**

A *Notice of Violation* was issued to RVA Home, LLC by Walter Jackson, Property Maintenance Inspector, that stated that under PMC 106.1 the existing structure was deemed unsafe, because the 3<sup>rd</sup> floor was constructed without plans, permits or inspections. The Inspectors required that all apartments be vacated, and no one is to enter the building until a ‘Right to Enter letter’ is issued by the Inspector.

Facts: Mr. David Alley admitted in an email to 1321 Porter St, LLC dated May 2, 2025, that the Richmond Real estate Assessor noted in 2021 that a 3<sup>rd</sup> floor was added in 2021.

**NOTE: See Exhibit B attached**

**Notwithstanding the Stop Work Order in 2021 and the Notice of Violation on April 29, 2024, both stating work on the third floor was being done without a permit, the City of Richmond building permit portal shows that:**

- A. A permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (city documented 700 sq. ft) area of the house ---which is the 3<sup>rd</sup> floor.**
- B. On February 23, 2021, the electrical inspection was passed by the City of Richmond.**



## **PREFACE**

The NOV being appealed in this case was issued by the Maintenance Code Official. As will be discussed below, the NOV centers around the allegation that work was performed on the third story of 1321 Porter St without permits plans or inspections.

Failure to get a permit for new construction is a violation of the Building Code. In this case, while it is disputed that a permit and/or inspections were made when the third-floor apartment was being renovated/constructed, the issue is that the current owner did not own the building in 2021 when that work was done. USBC §112.1 requires the “person performing the work” covered by the USBC to “perform the work and complete the work” so as to secure the results intended by the code.

In this case, as will be shown below, the Richmond Building Official found out in 2021 that the third-floor apartment had been constructed in apparent violation of the USBC because a Notice of Violation and to Stop Work was issued. Apparently, nothing was done to follow up on that action.

In 2024 the City of Richmond decided to take action regarding that alleged violation. There were two issues with enforcement: (1) the statute of limitations had run on the violation and (2) the ownership of the building had changed hands with the new owner not knowing about the past history of enforcement.

Since there were impediments to enforce the Building Code in 2024, the City of Richmond decided to take what appears to be a “end run around” the two issues by having the Maintenance Code Official cite the building under PMC § 106.1 by declaring the structure unsafe for human habitation. The basis for this declaration by the Property Maintenance

Code Official is the allegation that the building (the third-floor apartment) was constructed without plans, a permit or inspections. All of which are violations of the VCC/Building Code.

There have been multiple NOV's issued by the Maintenance Code Official and the ability of the parties cooperating in "The Virginia Way" has now been totally eroded.

The new owner, 1321 Porter St, LLC is faced with the unenviable task of trying to comply with the NOV and rectifying the apparent violations of the previous owner.

The only way that 1321 Porter St, LLC could possibly accomplish the task of proving the building was safe was to engage third-party inspectors to inspect the building and report on their findings. The issue is that the Maintenance Code Official has arbitrarily decided that he will not accept third-party inspections. The impasse is obvious.

**August 28, 2024**  
**Notice of Violation Being Appealed**

On August 28, 2024, Walter Jackson in the Property Maintenance Division issued the latest New Notice of Violation to 1321 Porter St, LLC (See **Exhibit A**). In his Notice of Violation, Mr. Jackson deems 1321 Porter St to be unsafe due to eleven (11) conditions. Those conditions and 1321 Porter St, LLC's response are as follows:

1. **Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.

**1321 Porter St, LLC's Response:**

A. These grounds are not always a predicate for declaring an unsafe structure. As pointed out above, 1321 Porter St, LLC asserts that the Maintenance Official is seeking

to enforce provisions of the VCC that cannot be enforced because of the statute of limitations and change in ownership.

B. It appears that a permit was issued to the manager of the building in 2021. The City of Richmond building permit portal shows that a permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (700 sq. ft recorded by city) area of the house ---which is the 3rd floor and on February 23, 2021, the electrical passed inspection. (See **Exhibit D**).

C. It is irrefutable that the City of Richmond knew on January 7, 2021, that work on the 3<sup>rd</sup> floor by the prior owner was occurring allegedly without permits. A Notice of Violation was issued then. (See **Exhibit A**).

D. The Statute of Limitations Applies to this Citation. Virginia Code 19.2-8 requires prosecution for a building code violation be commenced within one year after discovery. The discovery occurred at least on or before January 7, 2021, when the notice of Violation was issued. (See **Exhibit A**). The statute of limitations has run.

2. **Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.

**1321 Porter St, LLC's Response:**

A. These grounds are not always a predicate for declaring an unsafe structure. As pointed out above, 1321 Porter St, LLC asserts that the Maintenance Official is seeking to enforce provisions of the VCC that cannot be enforced because of the statute of limitations and change in ownership.

B. It appears that a permit was issued to the manager of the building in 2021. The City of Richmond building permit portal shows that a permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (700 sq. ft recorded by city) area of the house ---which is the 3rd floor and on February 23, 2021, the electrical passed inspection. (See **Exhibit D**).

C. It is irrefutable that the City of Richmond knew on January 7, 2021, that work on the 3rd floor by the prior owner was occurring allegedly without permits. A Notice of Violation was issued then. (See **Exhibit A**).

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E. 1321 Porter St, LLC has submitted third party inspection reports from qualified, licensed professionals that the third-floor apartment is safe and complies with the USBC. (See **Exhibit E**)

3. **Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation and insulation.

**1321 Porter St, LLC's Response:**

A. These grounds are not always a predicate for declaring an unsafe structure. As pointed out above, 1321 Porter St, LLC asserts that the Maintenance Official is seeking

to enforce provisions of the VCC that cannot be enforced because of the statute of limitations and change in ownership.

B. It appears that a permit was issued to the manager of the building in 2021. The City of Richmond building permit portal shows that a permit was issued on January 28, 2021, for electrical work on the 1222 sq. ft (700 sq. ft recorded by city) area of the house ---which is the 3rd floor and on February 23, 2021, the electrical passed inspection. (See **Exhibit D**).

C. It is irrefutable that the City of Richmond knew on January 7, 2021, that work on the 3rd floor by the prior owner was occurring allegedly without permits. A Notice of Violation was issued then. (See **Exhibit A**).

D. The Statute of Limitations Applies to this Citation. Virginia Code 19.2-8 requires prosecution for a building code violation be commenced within one year after discovery. The discovery occurred at least on or before January 7, 2021, when the notice of Violation was issued. (See **Exhibit A**). The statute of limitations has run.

E. 1321 Porter St, LLC has submitted third party inspection reports from qualified, licensed professionals that the third-floor apartment is safe and complies with the USBC. (See **Exhibit E**)

4. **Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.

**1321 Porter St, LLC's Response:**

A. 1321 Porter St, LLC has submitted third party inspection reports from qualified, licensed professionals that the third-floor apartment is safe and complies with the

USBC. (See **Exhibit E**) The Maintenance Official should accept these reports and rely on them.

B. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

5. **Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.

**1321 Porter St, LLC’s Response:**

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. Third-party inspection reports submitted to the City verify that the wall construction meets the VCC.

6. **Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.

**1321 Porter St, LLC’s Response:**

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section



numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. There is no way that 1321 Porter St LLC can determine how to fix this alleged issue without the PMC Official detailing what he considers to be “... incorrect and insufficient information, failing to meet the required standards for safety and code compliance.”

7. **Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.

**1321 Porter St, LLC’s Response:**

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

8. **Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.

**1321 Porter St, LLC’s Response:**

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure “...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code...” The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

9. **Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.

**1321 Porter St, LLC's Response:**

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure "...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code..." The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

10. **Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

**1321 Porter St, LLC's Response:**

A. This citation is defective under PMC §106.3, assuming that the PMC applies. PMC § 106.3 states in part that the Notice of Unsafe Structure "...shall specify the section numbers for any code provisions cited, the corrections necessary to comply with this code..." The Notice violates this requirement.

B. The third-party inspection report submitted (See **Exhibit E**) to the PMC Official refutes this broad and ambiguous allegation in the Notice.

11. **Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with four units without proper authorization or approval (see attached photos of mailboxes).

**1321 Porter St, LLC's Response:**

It is irrefutable that the City of Richmond knew there were multiple units in 2021 and Special Use authorization has been obtained by 1321 Porter St, LLC. (See **Exhibit F**).

**REQUEST FOR RELIEF**

1321 Porter St, LLC respectfully requests that this Review Board take one of the following actions to grant it relief:

1. Find that the Maintenance Code Official's Notice of Unsafe Building is an attempt to enforce the VCC which cannot be done because of change of ownership and And the statute of limitations and the Notice of Violation must be vacated; or
2. That the Maintenance Code Official's refusal to accept third-party inspection reports is an abuse of his discretion and find that those reports clearly show that the building is safe and in compliance and the Notice of Violation must be rescinded.

Respectfully Submitted,

**1321 Porter St., LLC and  
Sophia Oliveri**

By: \_\_\_\_\_  
counsel

Bruce E. Arkema (VSB No. 18625)  
Durette, Arkema, Gerson & Gill, PC  
1111 East Main Street, 16th Floor  
Richmond, Virginia 23219  
Telephone: 804-775-6900  
Facsimile: 804-775-6911  
Email: barkema@dagglaw.com

**City of Richmond**  
**Department of Planning and Development Review**  
**Bureau of Permits and Inspections**  
900 East Broad Street Room 110  
Richmond, VA 23219 (804) 646-4169

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 1/7/2021 Date of Inspection: 1/7/2021

Location: 1321 PORTER ST

Owner: -

Responsible Party: OWNER

Contractor's Name: -

Permit Holder: NONE

Specific Work Being Cited: CONSTRUCTION OF NEW 3<sup>RD</sup> STORY ADDITION

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code- Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code- Working prior to the issuance of a building permit
- ☒ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☒ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of Chapter 14 - City of Richmond Ordinances: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinance of the City of Richmond: Certificate of Appropriateness
- ☐ Other \_\_\_\_\_

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 1/15/2021. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☐ Post valid permit on site
- ☐ Keep approved plans on site and available for inspectors
- ☐ Obtain C. A. R. (Commission of Architectural Review) approval
- ☐ Other \_\_\_\_\_

Inspector: ZACHARY SNYDER Telephone No. 804 658 6447



A fee payment of \$200 is required before you may return to work on each permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, 804 646-4169, if you wish to appeal this decision.



## NOTICE OF VIOLATION - UNSAFE STRUCTURE

City of Richmond  
Department of Planning & Development Review  
Property Maintenance Division  
900 E. Broad Street, Room G-12  
Richmond, Virginia 23219  
April 26, 2024

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelación por escrito, dentro de los 14 días posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelación dentro de los 14 días, entonces perderá la posibilidad de disputar esta violación.

Rva Home Llc  
1321 Porter St Apt C  
Richmond Va 23224

Tracking #: 067279 2024  
Inspector: Walter Jackson  
Phone: (804) 385-0703  
Parcel #: 0084539\_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 4/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 4/29/202 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

### Report of Unsafe Conditions

#### 106.1 US - Unsafe Structure

A Existing structure is determined to be unsafe if it (i) determined to by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely.



**This property has been inspected and found to be unsafe due to the following conditions:  
The third-floor addition was constructed without plans, permits, or inspections.**

**These issues pose a safety risk to inhabitants, neighboring structures, and the public at large if not repaired immediately. Consequently, the building is hereby placarded as unsafe. As a result of being placarded as unsafe, the property shall remain so until all necessary plans, permits, engineering reports, and inspections have been received, approved, and performed. All occupants are required to vacate the premises immediately, and entry to the structure, including by the owner, tenants, contractors, etc., is prohibited until a Right to Enter Letter has been generated by the inspector. Any person(s) entering the premises without the Right to Enter Letter risk arrest for trespassing by the Richmond Police Department.**

**To rectify these violations, follow the "City of Richmond Permit Process" to completion. Failure to comply with this notice by the abatement date may result in criminal court action**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

*A Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For ~~work requiring a building permit~~, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson  
(804) 385-0703  
Property Maintenance Inspector





**NOTICE OF VIOLATION - UNSAFE STRUCTURE**

**Amended**

**City of Richmond**

**Department of Planning & Development Review**

**Property Maintenance Division**

**900 E. Broad Street, Room G-12**

**Richmond, Virginia 23219**

**August 28, 2024**

Este documento es un aviso de la Ciudad Richmond notificandole que usted tiene un problema con su casa o propiedad, el cual debe ser corregido a la brevedad posible. Si usted necesita ayuda para traducir o entender este documento en español, llame por favor al 804-646-6314 tan pronto como le sea posible. Usted debe presentar una apelacion por escrito, dentro de los 14 dias posteriores a la fecha de este aviso, en caso de que usted crea de que la nota es incorrecta. Si usted no presenta la apelacion dentro de los 14 dias, entonces perderá la posibilidad de disputar esta violacion.

1321 Porter St, LLC & Sophia Oliveri  
1321 Porter St Apt C  
Richmond Va 23224

Tracking #: 067279-2024  
Inspector: Walter Jackson  
Phone: (804) 385-0703  
Parcel #: 0084539\_S0000121019

Property located at: 1321 Porter St

Building use at time of inspection:

A City of Richmond Property Maintenance Inspector inspected the structure specified above on 04/26/2024. The listed violations of the Virginia Maintenance Code (VMC) 2021 as amended and adopted by the City of Richmond Code Section 5-1 were found to exist. The violations cited must be abated by 10/1/2024 or as specified in the Special Orders included in the attached report.

Upon expiration of the abatement date the structure will be re-inspected for code compliance.

Failure to comply with this Notice may result in legal action and fines of up to \$2,500.00 per violation if convicted (VMC Section 105.6 and VMC Section 105.7). In addition, the City may disallow occupancy, placard the structure, or abate the unsafe condition(s). A lien may be attached to the tax bill for administrative fees and any incurred costs.

You have the right to appeal this notice. Appeals must be made within fourteen (14) days of receipt of this Notice of Violation. A fee shall accompany your appeal. (VMC Section 107.5).

All codes referenced herein are from the Virginia Maintenance Code unless otherwise stated.

If you have questions regarding this Notice of Violation, you should contact me between 8:00 a.m. and 5:00 p.m. at (804) 385-0703.

**Report of Unsafe Conditions**

106.1 US - Unsafe Structures



This section shall apply to existing structures which are classified as unsafe. All conditions causing such structures to be classified as unsafe shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or demolished. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure constitutes such a hazard that it should be demolished, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**This property has been inspected and found to be unsafe due to the following conditions:**

- 1. Lack of Approved Building Permits and Plans:** No approved building permits or plans were ever authorized for the new third-floor addition.
- 2. Lack of Trade Permits:** No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.
- 3. Absence of Inspections:** No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.
- 4. Concealed Interior Work:** All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.
- 5. Wall Separation Issues:** Wall separation problems have been identified within the third-floor addition.
- 6. Deficient Engineering Report:** The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.
- 7. Non-Code Compliant Alterations to Existing Structures:** Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.
- 8. Non-Code Compliant New Egress Stairs:** The new egress stairs to the third-floor addition are not compliant with safety standards.
- 9. Structural Load Issues (First Floor):** Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.
- 10. Structural Load Issues (Second Floor):** Non-compliant structural load points are bearing on 4x4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.

**11. Unauthorized Change of Use:** The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes).

**Required Actions to Abate Violation:**

**These issues pose a significant safety risk to the inhabitants, neighboring structures, and the public at large.**

**To Rectify These Violations:**

- 1. Follow the "City of Richmond Permit Process" to obtain all necessary approvals, including building, electrical, plumbing, and mechanical permits for the third-floor addition.**
- 2. Ensure that all required inspections are completed by the Permits and Inspections Bureau.**
- 3. Submit a revised and accurate engineering report that meets code requirements.**
- 4. Correct all structural issues and ensure that all alterations comply with building codes.**
- 5. Revert the unauthorized change of use or obtain the necessary approvals for the multi-family conversion.**

**Failure to comply with this notice by the abatement date may result in criminal court action.**

If permits are required to correct the conditions cited in this notice, this document or a copy thereof will be needed to obtain them. Permits can be obtained from: Permits and Inspections Division, 900 E. Broad Street, Room 110, Richmond, Virginia 23219

**Additional responsibilities as a property owner:**

Approximately 3,300 properties are in the City Old and Historic District. To determine whether or not your property falls within a City Old and Historic District, go to <http://www.richmondgov.com/richhistory> and click on the link "ViewMap of City Old & Historic Districts".

A *Certificate of Appropriateness* is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. This review procedure is required not only for the main structure on a lot but also accessory buildings, fences, exterior lighting, driveways and walks, and any other features visible to the public.

As in any review process some preplanning is necessary. Please direct any questions or requests to: Secretary, Commission of Architectural Review, Department of Planning & Development Review, 900 East Broad Street, Richmond, VA 23219.

Sincerely,

Walter Jackson  
(804) 385-0703  
Property Maintenance Inspector

Type: Electrical (R) - Alter/Remodel Heavy

IVR Number: 1061775

District: OS-1

Square Feet: 0.00

Description: Add 100 amp subpanel and lights, switches, and receptacles to 700 sq ft area of house.

Project Name:

Inspector who physically owned out named Chris

Applied Date: 01/28/2021

Assigned To: Howard, James

Valuation: \$0.00

Status: Expired

Issue Date: 01/28/2021

Expire Date: 08/23/2021

Finalized Date:

Summary

Locations Fees Inspections Attachments Contacts Sub-Records Holds More Info

Progress

Workflow

Available Actions

15% Completed  
Completed  
In Progress  
Not Started

- Issue Electrical (R) Permit - Passed
- Wall and Ceiling Rough In - Failed; Re-Inspection Required - No Fee : 02/01/2021
- Ceiling Rough In (E) - Failed; Re-Inspection Required - No Fee : 02/02/2021
- Wall and Ceiling Rough In - Failed; Re-Inspection Required - No Fee : 02/04/2021
- Wall and Ceiling Rough In - Failed; Re-Inspection Required - No Fee : 02/10/2021
- Wall and Ceiling Rough In - Passed : 02/23/2021
- Ditch/Trench (E) -

Fees

\$0.00

No Actions





## Final Third-Party Inspections Report

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>

Permit Number: \_\_\_\_\_ Date: November 14, 2024 Time: 12:35pm  
Address: 1321 Porter St. Richmond VA, 23224  
Inspection Type: Final

### Location:

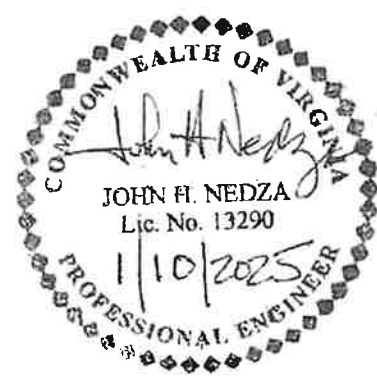
1321 Porter St. Richmond VA, 23224

☒ Inspection Approved

☐ Inspection Rejected

**Comments:** No work was done by the owner, inspection only. The property at 1321 Porter St has undergone a thorough review of the structural elements, opening walls and ceilings and digging out the foundation. The structure, framing, insulation, fire stopping and separation, footings, and foundation have been found to be structurally sound and appear to meet building code requirements.

As a structural engineer licensed to do business in Virginia, I also believe, after the aforesaid investigation, that the building as a whole is a safe structure and that there are no unsafe issues dangerous to the health safety and welfare of occupants.

| Third Party Inspector's Information   |                                 |
|---|---------------------------------|
| Engineer's Firm:  | <u>LOUISA ENGINEERING, LLC.</u> |
| Inspector:  | <u>John H. Nedza PE.</u>        |
| Date of Report:   | <u>November 14, 2024</u>        |
|  |                                 |
| Seal and Signature  |                                 |

### CITY OF RICHMOND - FOR OFFICIAL USE ONLY

Received By: \_\_\_\_\_

Date: \_\_\_\_\_





**DAVIS & GREEN**  
WHOLE HOME HANDLED

**Location: 1321 Porter St #D; Richmond VA 23224**

### **Plumbing Comfort Check**

- ☒ Annual inspection of home's plumbing system
- ☒ Check for leaks and proper drainage on bath and kitchen sinks
- ☒ Check all toilets for leaks or failing parts
- ☒ Check water heaters for proper, safe operation
- ☒ Check incoming water pressure
- ☒ Visual inspection of piping under the home for leaks, support issues or insulation problems
- ☒ Check outdoor spigots for leaks or freeze issues
- ☒ Provide suggestions on preventative measures

### **Findings/Comments:**

Performed a Whole home/residence comfort check.

Visually checked the plumbing piping system for leaks and proper drainage with no issues found. Pipes that were visible upon inspection appear to be sound and properly insulated. All toilets were operating correctly with no leaks or evidence of parts failing. Water heater was operating properly and in good condition. Bath and Kitchen sinks drained properly with no indication of leaks. Faucets in the residence operated properly with no evidence of damage or undue wear. Outside spigots operated properly with no evidence of leaks or freeze issues. Water pressure in the home is within normal operational standards. At this time there were no issues found. Upon completion of our visible inspection everything appears to be code compliant and safe.

Per customers request please note that in the shutoff access panel it is evident that firestop spray foam was used to properly seal any penetrations through wood members in the wall.

|              |                                 |      |            |
|--------------|---------------------------------|------|------------|
| Service Pro: | Masjede Azizi/Certified Plumber | Date | 12/30/2024 |
|--------------|---------------------------------|------|------------|

### **Davis & Green Bio:**

A staple in the community, Davis & Green has been the most trusted name in heating and cooling in Richmond, VA, and the surrounding areas since 1984. We provide a full suite of home comfort services, from our top-rated HVAC offerings to our expert electrical and plumbing services in the area. We're committed to improving lives one home at a time! Our team is proudly Christian-owned, and we focus on honesty and incredible customer service in all that we do.



At FH Furr our electrical inspections are intended to provide information to our customers helping improve the safety of the home. The goal is to provide peace of mind for the customer knowing that the electrical system in the home is functioning properly. Also to provide options to correct any issues or make changes to bring the home closer to the current National Electric Code. The inspection provided by FH Furr is solely provided to our customers.

While performing inspections our technicians follow a comprehensive "Electrical Inspection Form" to ensure a thorough inspection experience for our customer. This form guides the technician to inspect for current code compliance, common faults in residential electrical and to document discoveries during the inspection. This form is then provided to the customer with a list of options and or recommendations to improve the home.

Our technicians start with an inspection of the main panel box and service entrance cable entering the home from the municipal utility provider. The inspection of the panel includes confirming wire size, breaker ampacity, overall functionality and code compliance are met. This also includes taking photos and documentation for the customers record.

The technicians then inspect all areas of the home for functionality and code compliance of receptacles, lights, switches, smoke detectors, bath fans and any electrical component that is part of the permanent electrical system of the home.

1321 Porter St. Unit D  
Richmond, VA 23224

1321 Porter St. Unit C  
Richmond, VA 23224

Upon inspection of 1321 Porter St. Units D and C the technician followed the required "Electrical Inspection Form" used during FH Furr inspection process.

Inspection of the main panel revealed there is no surge protection device in use. The technician did not discover anything out of compliance or unsafe with the main panel.

While inspecting of other areas in the property including the kitchen, bedrooms, bathrooms, laundry room, all other living areas and heating / cooling equipment the technician did not find anything out of compliance or unsafe at this property.

FH Furr is a licensed and insured company operating in Virginia. The technician performing the inspection has 25 plus years in the electrical field.

Signature: Daniel Walker Date: 03/13/24

Address: 1321 Porter St **Parcel ID:** S0000121019

[Land](#) [Assessments](#) [Transfers](#) [Planning](#) [Services](#) [Governance](#)

### Property Images

Parcel ID: S0000121019 Desc: R01



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Richmond City Assessor's Office | 900 E. Broad St, Rm 500 | Fax: (804) 646-5686

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# ENGINEERING REPORTS

# C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road  
Powhatan, Virginia 23139  
(804) 598-8240

---

February 2, 2021

Sophia Blystone  
1321 Porter Street, Apt A  
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner.

Sincerely,



Carl E. Duncan, P.E., L.S.



# C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road  
Powhatan, Virginia 23139  
(804) 598-8240

---

February 2, 2021

Sophia Blystone  
1321 Porter Street, Apt A  
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1312 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors.

Sincerely,



Carl E. Duncan, P.E., L.S.



# C. E. Duncan & Associates, Inc.

2609 Rocky Oak Road  
Powhatan, Virginia 23139  
(804) 598-8240

---

April 26, 2024

Sophia Blystone  
1321 Porter Street, Apt A  
Richmond, VA. 23224

RE: Third floor addition

Dear Sophia,

This letter is to confirm that we inspected the framing for the third floor addition at 1321 Porter Street. No exceptions were noted with the framing. The work was performed in a good workmanship manner. The work has no structural effect upon the lower 2 floors. We inspected all the lower levels and into the crawlspace to verify that the third floor modification and framing did not affect the structural integrity of the structure. No exceptions or concerns were noted during our inspection.

Sincerely,



Carl E. Duncan, P.E., L.S.





# ENGINEERING DESIGN ASSOCIATES

5625 S Laburnum Ave  
Richmond, Virginia 23231  
(804) 236-0190  
FAX (804) 236-0194

P. O. Box 515  
Wicomico Church, Virginia 22579  
(804) 580-2227  
FAX (804) 580-3334

May 21, 2024

Sophia Oliveri  
1321 Porter St  
Richmond, VA 23224

RE: 1321 Porter St  
Rear Deck – Structural Review

Dear Sophia:

At your request, I met you at the residence referenced above on May 17, 2024 to complete a structural review of the existing deck off the rear of the building. The deck has been inspected by a city official who raised concerns about its structural integrity and if it is safe for use. It is my understanding they requested you have it reviewed by a structural engineer, specifically where the third floor of the main building cantilevers and is supported by a 4x4 corner post at the second level and 6x6 below at the first level. The 4x4 post supports the ends of one beam that carries approximately 5' of floor load and another beam that carries a portion of roof load. Given the applied loading, the 4x4 post supports a total load of approximately 2.6 kips. The 4x4 and 6x6 are adequate to support this load.

Upon my review of the entire deck structure, I do have several concerns such as adequate size of girders and lateral stability which should be addressed in a timely manner. I did not observe any conditions that I feel require immediate attention or deem the deck unsafe for continued limited use. You have asked us to review it in its entirety and provide plans for repair and reinforcing of the existing structure as needed. For the immediate future, until our plans are provided and suggested repairs can be completed, I feel the deck is suitable for continued use by the few residents as an entry/exit to/from the second and third floors.

Thank you for consulting with us regarding this matter. Please let me know if you have any questions in these regards.

Sincerely,



Taylor Cole, EIT  
Engineering Design Associates



September 27, 2024

1321 Porter St LLC  
1321 Porter St  
Richmond, VA  
Attention: Emily Pinchbeck

Reference: Structural Observations  
1321 Porter St; Richmond, VA  
Blue Nest Project #: R24.125

Dear Emily:

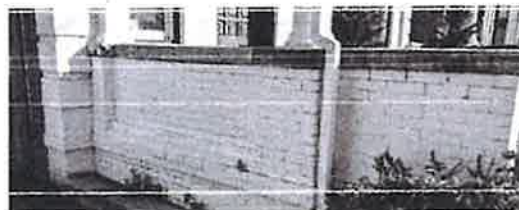
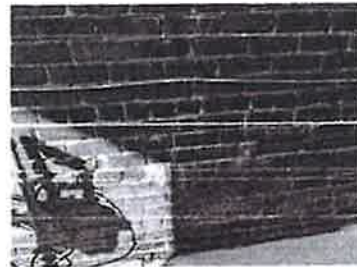
At your request, I provided a structural observation of the third floor and the exterior of the house at 1321 Porter St on September 3<sup>rd</sup> at 8:30a. Based on online records, the original house was constructed around 1921 and the third floor was an addition with an unknown constructed date. The exterior finishes, however, indicate it likely occurred in the last 25 years. The third-floor addition appears to be constructed of wood roof and floor framing supported by wood stud walls. The original house below appears to be wood roof and floor framing supported by brick masonry bearing walls.

Most of the interior walls, roof and floor structure was covered in finishes, however, we can often see signs of cracking or deterioration that indicates structural concerns. Overall, the house was in good condition with isolated and generally minor deficiencies. The following are deficiencies we observed:

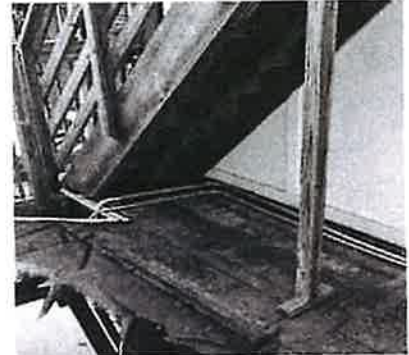


Overall View of House

1. **Deteriorated mortar:** At the base of the northeast exterior wall, we observed soft and deteriorated mortar. This is likely due to repeated cycles of wetting and drying of the mortar. It could also be indicative of a poor batch of mortar at this location at the time of installation. We recommend engaging a mason to remove the deteriorated mortar and repoint it with new mortar. This does not appear to be a structural concern currently, but continued deterioration could become a structural issue.
2. **Missing and deteriorated mortar:** At the screen wall at the front entrance we observed missing and deteriorated mortar. We recommend the mortar be repointed in this area.



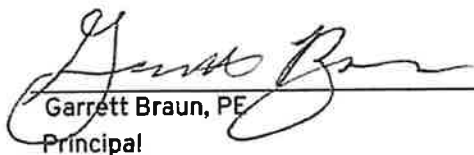
3. **Insufficient Post Connection:** The posts for the stairs at the rear of the building that leads from the 2<sup>nd</sup> to the 3<sup>rd</sup> floor addition do not have mechanical connections to their support, they are currently sitting on top of a wood plat that is resting on the roof membrane. The posts have twisted at a couple of location, which is common for wood members. We understand a typical mechanical fastener to the roof framing below would increase the chance of a leak. As an alternative we recommend providing horizontal 2x6 or greater members that connect to the baser of each post and to the base of the stair stringer in the direction parallel to the posts. Additional 2x6 members should be connected to each post base in the perpendicular direction and fastened to the wall of the house. These members are intended to stabilize the base of the post and keep if from moving.

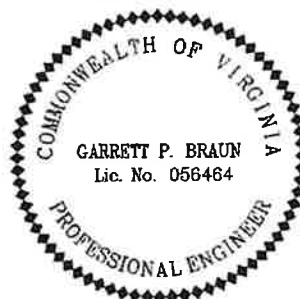


4. **Crack in Shower:** A crack was observed in the corner of the shower at the ceiling level. This appears to be caused by natural expansion and shrinkage of materials due to changes in moisture and temperature.



No finishes were removed and no testing or analysis was provided as part of this report. The deficiencies observed were limited and isolated in nature. Overall, the portions of the house observed appear to be in good structural condition and I did not observe any structural deficiencies that would indicate safety concerns for future tenants.

  
Garrett Braun, PE  
Principal





**John Nedza**  
to me ▾

Hey Emily -- Here is the letter saying that the third floor is structurally sound.

...

One attachment • Scanned by Gmail ⓘ



📧 Oct 18, 2024, 2:35 PM (7 days ago)



**Louisa Engineering, Inc.**  
**1065 Jouett School Road**  
**Mineral, Virginia 23117**

Cell: 804.512.4865

Email: [john@louisaengineering.com](mailto:john@louisaengineering.com)

November 14, 2024

Emily Pinchbeck, Mgr.  
1321 Porter St. LLC.  
Phone (804)-912-3115

**RE: 1321 Porter Street**

At your request I made a site visit to the above property to see if the third story addition was structural sound. The reason for the review is due to the fact that a building permit was not acquired from the City of Richmond for the construction of the third floor. Therefore, the city requested that a VA Professional engineer review the building and the decks/ staircases for structural integrity.

This house was originally a 2 -story wood frame structure over a crawl space. The age is approximately 100 years. A third story was added approximately 5 years ago. See photo #1

Reasonable care was taken to make observations and offer recommendations which are based on visual observations only. We did not test the soil. However, we did do some soil excavations to observe footings. Also, we used a borescope and removed dry wall in a few places to observe the third-floor ceiling joists.

**Observations and Discussion**

**Crawl Space and Footings**

We checked on the footings to see if they were competent to bear the additional weight of the third story. We observed that the foundation walls are 3 wythes of brick, approximately 11.5" wide. In addition, to the exterior walls there is a longitudinal center foundation wall. The bottom of the foundation wall is corbelled as follows: the wall goes down 5 bricks, steps out one and down 2, out 1, down 2 more, out another. The total width of the corbelled footing is approximately 30" which is adequate. See photo's #1,2,3.

**Exterior Staircases and Decks**

We made a number of upgrades on the exterior decks. See photos 4-7. A summary of upgrades can be seen from the photos. We scabbed 2x PT (pressure treated) wood to the side of the columns. We also added a new column. Also, a new beam was added to support the deck above and we anchored the posts to the base material.

However, additional upgrades need to be implemented on the staircases and third floor deck support columns. On the staircase the existing newel posts will need to be replaced with 4 x 4 PT posts at 4' OC max. See the attached drawing S1 of 1. Also, we need to add additional 2 posts and a beam at the center line of the uppermost staircase as shown on the drawing. And lastly, we need to brace the 2 columns supporting the uppermost third floor landing. Also see drawing S1 of 1.

#### Exterior Ceiling/Roof of the third floor

We removed some sheet rock and also used a borescope to observe the rafters of the third floor. The rafters are 2 x 8's at 16" on center spanning less than the code allowable of 17'-1". Therefore, the ceiling joists / rafters appear to be adequate. See photo's 8 & 9.

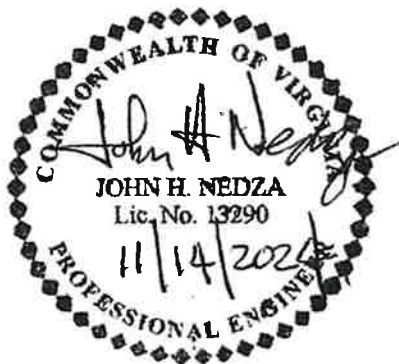
Also, we looked at the lateral load resisting capability of the building and determined that the existing shear walls are adequate to resist wind and seismic loading.

#### Conclusion

After performing a reasonable due diligence effort to determine the as-built construction of the building I believe that the third-floor structure is structurally sound and appears to meet building code requirements.

I also believe, after the aforesaid investigation, that the building "as a whole" is a safe structure and to the best of my belief there are no unsafe issues dangerous to the health safety and welfare of occupants. I believe that the foundation is stable and that complete collapse is not likely.

As of the writing of this letter, the structural issues on the rear stairs and decks have been remediated as recommended by this letter and drawing S1.



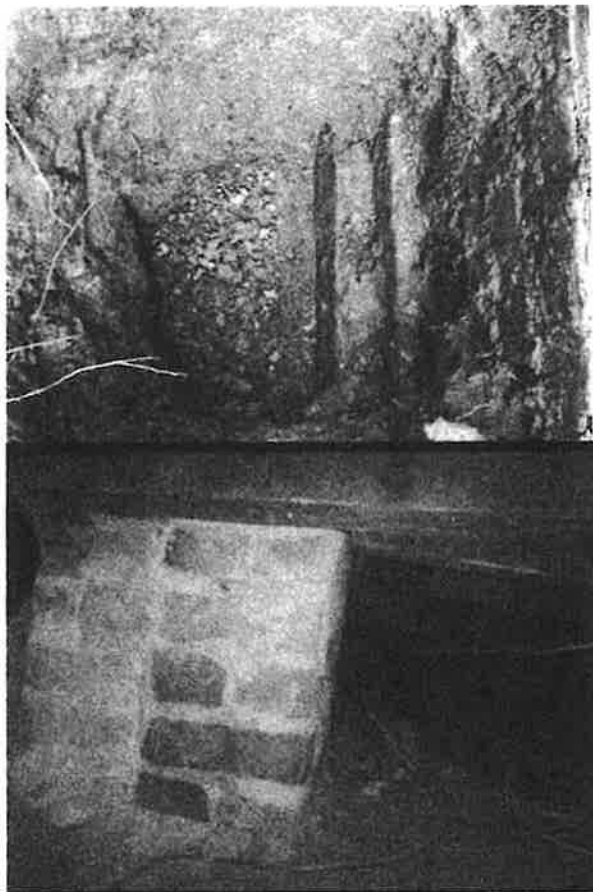
Sincerely,

John H. Nedza, PE  
Structural Engineer





**Photo #1 Front of house approximately 100 years old**



**Photo #2 – Corbelled foundation.** These are all taken below the house. The 2x10's are almost 2x11. The foundation wall is 3 courses thick around the perimeter, with another wall from front to back in the center of the house (photo 1). Pillars are 18x18. There are also (4) 4 brick by 4 brick thick pillars between the foundation walls & the center wall floor.

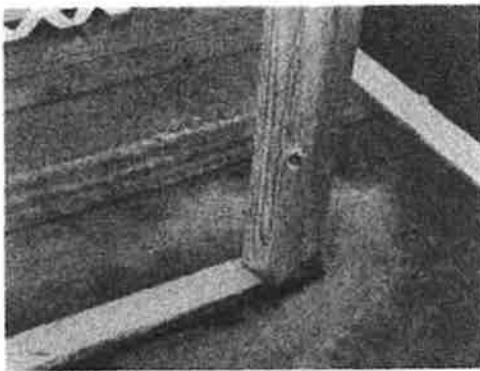
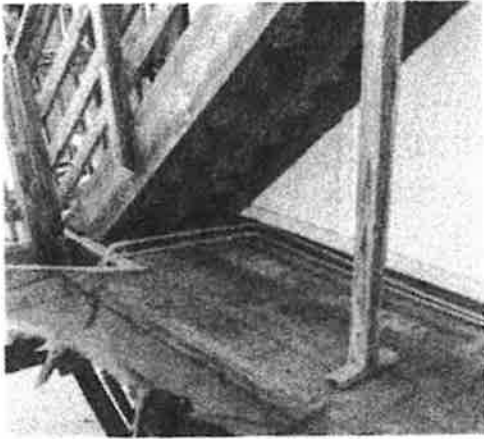




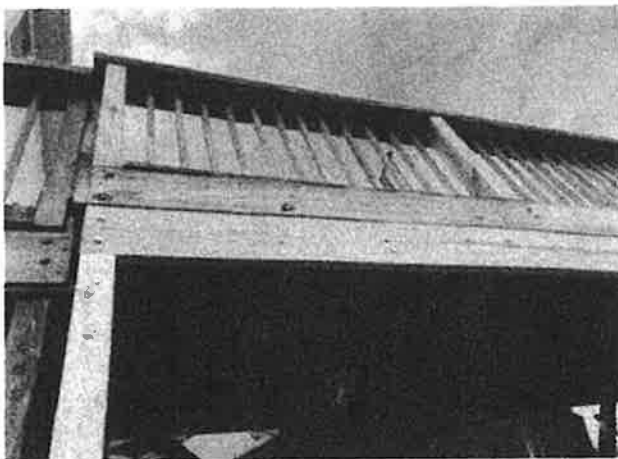
Photo #3 Center foundation wall- long direction of house



Photo #4 – Additional stringers and treads added. Newel post to be replaced with 4 x 4 posts per attached drawing.



**Photo #5 – Add posts and beam at center of star stringer per drawings Also Add bracing to (2) existing posts supporting the third story deck per S1 of 1 drawing.**



**Photo #6 – Additional beam already added.**

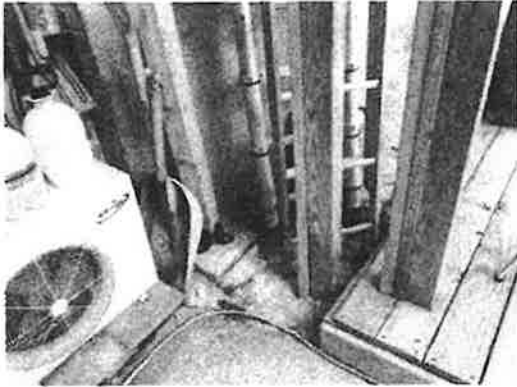


Photo #7 - Additional posts added post base anchorage added. Additional 2x's added to existing posts. Screw 2x's better to posts with 2-7/8" head lock screws at 16" on center.

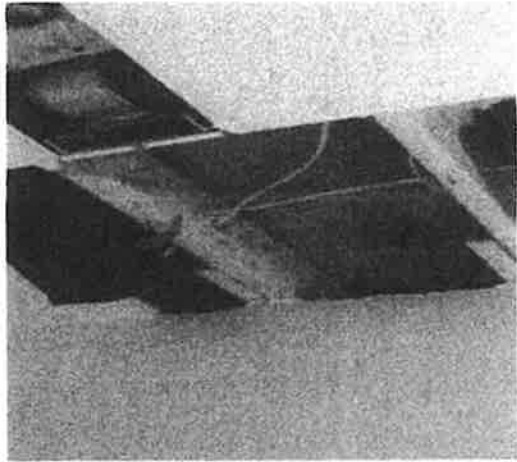


Photo #8 – Ceiling/Roof joists 2 x 8" at 16" OC - Third Floor



Photo #9 – Third floor ceiling rafters with borescope- Third Floor

VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

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In Re: Timeliness of Appeal by 1321 Porter St,  
from the Notice of Violation and Stop Work Order  
issued on November 21, 2024, and August 28, 2024

Case No. 25-07, 08

By the Bureau of Permits and Inspections  
of The City of Richmond

to

1321 Porter St, LLC

---

**Submission By 1321 Porter St, LLC**



**THE NOVEMBER 21, 2024 and August 28, 2024, NOTICE OF VIOLATION  
AND STOP WORK ORDER**

The Notice of Violation (“NOV”) and Stop Work Orders in this case were issued by the Building/Maintenance Code Official on November 21, 2024, and August 28, 2024.

Request was made to the Code Official on December 13, 2024, for the NOV and SWO to be rescinded. The Code Official denied the request on December 23, 2024, and the denial was also appealed on December 23, 2024. (See **Exhibit A**).

On May 15, 2025, the City of Richmond claimed that the appeals were not filed in a timely manner.

**1321 Porter St, LLC’s Response:**

1321 Porter St, LLC inquired to the Secretary of the Local Board of Building Code Appeals (LBBCA), Keisha Felton about the appeal process and payment options on December 20, 2024 and Mrs. Keisha Felton stated that payment made through the permit portal was the only option to pay with a card, which is the only payment method 1321 Porter St, LLC has. (See **Exhibit B**)

On December 23, 2024, 1321 Porter St LLC submitted the two appeals and called Ms. Sherri Bowman per Mrs. Felton’s instruction. Ms. Bowman advised to wait for Mrs. Felton to make the appeal payment available in the portal. A request was also made to Mrs. Felton to advise when payment is available in the portal. (See **Exhibit C**).

On December 27, 2024, 1321 Porter St, LLC called Ms. Bowman again to request the payment option be added to the portal.

On December 30th, 1321 Porter St, LLC emailed Mrs. Felton again to request the payment option be added to the portal.

On December 31, 2024, 1321 Porter St, LLC called Ms. Bowman again to request the payment option be made available in the 1321 Porter St, LLC permit portal.

On January 10, 2025, Mrs. Felton apologized for the delay, acknowledged 1321 Porter St, LLC's requests for the payment to be made available, but did not provide the requested portal payment option.

On February 2, 2025, 1321 Porter St, LLC addressed the City's lack of timeliness, and made a fourth (4) written request for the payment option to be made available in the permit portal.

On February 3, 2025, 1321 Porter St, LLC emailed Ms. Bowman and Mrs. Felton for the fifth (5) time to make a written request for payment through the permit portal.

On February 3, 2025, Ms. Felton addressed the initial request made on December 23, 2024, and informed 1321 Porter St, LLC that the payment was available in the portal.

Also on February 3, 2024, 1321 Porter St, LLC paid the appeal fees through the permit portal within 24 hours of it being made available.

#### **REQUIREMENT TO PAY FEES AS A CONDITION FOR AN APPEAL**

There are no provisions in Section 107 or Section 119 of the USBC that state that an appeal is not timely filed because of failure to pay fees. An appeal to the LBBCA is governed by USBC 119.5, which states:

**Right of appeal;** filing of appeal application. Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the

LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. 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.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the VADR.

In addition, while Virginia Code § 36-105 (7) permits a locality to establish a fee schedule for appeals there is nothing in the authorizations that states that failure to pay an appeal fee within a certain time causes the appeal to be dismissed and not heard.

#### **REQUEST FOR RELIEF**

1321 Porter St, LLC respectfully requests that this Review Board find the City of Richmond untimely and their behavior outside of the scope of the Spirit and text of the Code as it applies to appeals. We request that 1321 Porter St, LLC's right to have their appeals heard by the TRB be upheld.

**1321 Porter St, LLC**

By:   
Counsel



Bruce E. Arkema (VSB No. 18625)  
Durette, Arkema, Gerson & Gill, PC  
1111 East Main Street, 16th Floor  
Richmond, Virginia 23219  
Telephone: 804-775-6900  
Facsimile: 804-775-6911  
Email: barkema@dagglaw.com

**N.O.V. Request**

9 messages

1321PorterStLLC <1321porterstllc@gmail.com>  
To: "Alley, David L. - PDR" <david.alley@rva.gov>

Fri, Dec 13, 2024 at 1:56 PM

Mr. Alley,

To address the 2 most time sensitive matters which are the notice of violation from Rick Paul from November 21, 2024, as well as, the notice of violation from Walter Jackson from August 28, 2024 which I just received I am requesting that both of these notices of violation please be rescinded so that I can promptly move on to addressing the next item.

I am coming to you in hopes that we are able to sort this out between ourselves so we can move forward.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

Alley, David L. - PDR <David.Alley@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>  
Cc: "Vonck, Kevin J. - PDR" <Kevin.Vonck@rva.gov>, "Lukanuski, Greg A. - City Attorney" <Greg.Lukanuski@rva.gov>

Fri, Dec 13, 2024 at 4:11 PM

Emily Pinchbeck,

Good Afternoon! I hope today finds you well. I'm certainly open to consider your request. However, can you provide me an explanation of why you believe the Permits and Inspections Bureau should rescind both these Notices of Violation. Please provide me an explanation for each NOV. I look forward to your response.

Thanks and Best Regards,



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

David L Alley III  
Commissioner of Buildings  
804-513-6939  
david.alley@rva.gov

900 E. Broad St., Room 110, Richmond, Va. 23219-1907



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

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Friday, December 13, 2024 1:57 PM  
**To:** Alley, David L. - PDR <David.Alley@rva.gov>  
**Subject:** N.O.V. Request

**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.

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DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

image001.png  
261K

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Alley, David L. - PDR" <David.Alley@rva.gov>

Mon, Dec 16, 2024 at 10:46 AM

Good Morning Mr. Alley,

To put it simply, I do not believe these to be justifiable notices of violation.

When the August 28, 2024 notice was written by an employee of yours, it had already been determined in May by you that the property was safe for residents and I had already begun the permitting process.

The November 21, 2024 notice is inaccurate and the 4 boards have been removed. I have included the email to you from myself, December 3, 2024 as well.

I would like to avoid tying either of our time up with the notices and if that can be at all avoided I would greatly appreciate it. I am working to rectify what I came into management of, but I feel this extra step is not beneficial to either of us. I am requesting you please rescind these 2 notices.

Thank you for your consideration,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

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## 2 attachments



**NOV response to David Alley Email Dec 3 2024.png**  
88K

I look forward to your response and to working together so we can complete your project as soon possible. Please feel free to contact me directly should you have any further questions or concerns.

Best Regards

[Quoted text hidden]



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

image001.png  
261K

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Alley, David L. - PDR" <David.Alley@rva.gov>

Sat, Dec 21, 2024 at 11:23 AM

Mr. Alley,

Adding 4 boards to the stairs that we have already known since May 17, 2024 are safe for continued use according to a structural engineer, did not occupy, construct, alter, extend, repair, remove, demolish anything on the stairs and the fact that they remained exactly as they were in May after the 4 boards were removed proves that they did not have a structural effect on what was existed and were "more aesthetically pleasing to the eye" according to the structural engineer who recommended adding them in the first place.

36-99 says "at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation." and "Such regulations shall be reasonable and appropriate to the objectives of this chapter." The 4 boards could be beneficial but there was no change to the original stairs that have been and continue to be safe for use by tenants. That is why I stated on December 3 that I was comfortable removing them and then I did. The stairs are still safe for use.

This notice of violation has cost us both time and money, and the 4 are not there any more I am again asking you to revoke this NOV because you have the May 17, 2024 structural engineers letter and you are aware of the safety of the stairs and I think we will both benefit from moving forward reasonably and appropriately.

For the August 28, 2024 notice all of the reasons that you give in your first 2 references do not apply for the reason that I did not build anything without a permit, I did not occupy the space when I discovered that I was out of compliance and I have been working diligently to try to address retroactive permitting for 7 months even though I have faced many unproductive obstacles.

I am certain that the building is not unsafe for the reasons your employee listed in the notice and I have engineer reports to prove it. Another notice of violation for unsafe structure would be in bad faith because I have informed you that multiple qualified design professionals have found it to be safe and especially because it will show that you are stopping me from moving onto permitting and providing you with the engineer reports during the permitting process that is now required by law due to my SUP.

In the audio recording from the security cameras on May 13, 2024, you stated "I'm not worried about the 3rd floor. It's just a stick build. What I am worried about is the bottom 2 floors." You then let tenants back into the bottom 2 floors on May 28, 2024 because you were no longer worried about the bottom 2 floors either.

You have the power for "evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured." I am asking you again to please reconsider the spirit of the code and I am asking you to rescind both of these notices in order to move forward at the least possible cost to both of us with the process.

I do not want to spend my holidays dealing with this and I can not imagine that you do either. If we are both trying to move on to permitting, these notices are holding us both up and are not in the spirit of the code. I am put in the position of spending unnecessary time on having to deal with NOVs instead of getting what I need together to apply for the permit. I am asking you to please move this situation in a direction that helps us both instead of costing us both.

Thank you again for your time and consideration.

---

**N.O.V. Request**

---

**Alley, David L. - PDR** <David.Alley@rva.gov>

Mon, Dec 23, 2024 at 10:39 AM

To: 1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

Cc: "Lukanuski, Greg A. - City Attorney" &lt;Greg.Lukanuski@rva.gov&gt;, "Vonck, Kevin J. - PDR" &lt;Kevin.Vonck@rva.gov&gt;

Emily Pinchbeck,

*Good Morning! After much consideration- Your request to rescind the Notices of Violations as related to 1321 Porter St has been denied. The SUP has been approved and we look forward to the permits being submitted asap. I have included Karen Paquette (Program and Operations Manager for Permits) on this email to assist you with the permit process.*

*Thanks-*

[Quoted text hidden]



DEPARTMENT OF

**PLANNING AND  
DEVELOPMENT  
REVIEW****image001.png**  
261K



1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

**Payment Process Through Portal**

6 messages

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Mon, Dec 23, 2024 at 12:17 PM

Hello Keisha,

I hope you are doing well.


I am going through with doing two appeals (attached), and need to know how I can pay through the Permit Portal.


If you could get back to me today so everything is able to be in before Christmas I would greatly appreciate that!

Thank you,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC

**2 attachments**

 **08-28-2024 NOV.pdf**  
331K

 **11-21-2024 NOV.pdf**  
380K

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Mon, Dec 30, 2024 at 11:18 AM

Hello Keisha,

I am following up on the appeals I sent you on the 23rd of this month. I called Sherri Bowman, and she said you will be reaching back out after you've sorted it out on your end and are ready for my payment.

No rush, I know it is still the holiday season. If you could just email me when you're ready on your end.

Thank You,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]



**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Fri, Jan 10, 2025 at 3:42 PM

Good Afternoon,

I hope you are doing well, I apologize for the delay in my response as though I have been out office since Dec 19<sup>th</sup> and today is my first day back to work. I know we spoke via email on the methods to make payment briefly while I was out, but I need a little bit more information to move forward.

First, I see that you want to file 2 different appeals.

Can you provide me with the date that you received both Notice of Violations and the case numbers associated with each of them?

This will be very helpful as I need to verify the eligibility for your request to appeal.

Thanks,

*Keisha L. 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](mailto:Keisha.Felton@rva.gov)

[www.rva.gov](http://www.rva.gov)

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>

**Sent:** Monday, December 23, 2024 12:18 PM

**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

**Subject:** Payment Process Through Portal



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.

[Quoted text hidden]

**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Mon, Jan 13, 2025 at 4:08 PM

Hello,

If you are able to give a call to further discuss, I would greatly appreciate it.

*Keisha L. 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

www.rva.gov

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Monday, December 30, 2024 11:19 AM

**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

**Subject:** Re: Payment Process Through Portal

**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.

Hello Keisha,

[Quoted text hidden]

[Quoted text hidden]

---

**1321PorterStLLC** <1321porterstllc@gmail.com>

Tue, Jan 14, 2025 at 7:32 AM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Good Morning Keisha,

Welcome back, I hope you enjoyed your winter vacation!

The notice of violation from Walter Jackson from August 28, 2024, I received by a prior tenant on December 13, 2024. The case number attached to that is 067279-2024.

I received the notice of violation from Rick Paul from November 21, 2024, via email from David Alley, but I don't see a case number attached with the written notice, the way the other clearly had it shown and the format of this notice does not seem consistent with the other. If you could provide me with clarification on where that is located I have both attached below.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

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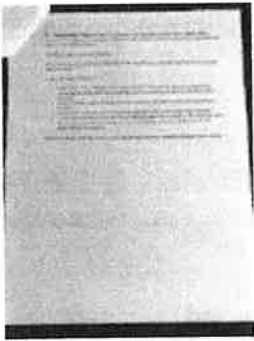
**6 attachments**



**IMG\_8391 (3).jpg**  
3539K



**IMG\_8394 (4).jpg**  
3350K



**IMG\_8393 (3).jpg**  
3339K



**IMG\_8392 (3).jpg**  
3284K



**IMG\_8395 (4).jpg**  
2949K



**1321 Porter St NOV SWO 11-21-2024 (2).pdf**  
38K

**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Tue, Jan 28, 2025 at 4:31 PM

Hello,

Please give me a call at your earliest convenience. I really need to speak to you in regards to your request. I do not have a phone number on file to speak to you but again if you could call me at 804-646-5898 that would be great.

Thank you,

[Quoted text hidden]



1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

**Payment Through Portal**

13 messages

1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

Sun, Feb 2, 2025 at 10:42 AM

To: "Felton, Keisha L - PDR" &lt;Keisha.Felton@rva.gov&gt;

Hello Keisha,

Email is going to be best for me. I have attached the final decision from the code official from December 23, 2024 at 10:40 AM as well as the email that I sent to you on December 23, 2024 at 12:17 PM that did include my appeal applications and a request for payment to be posted in the payment portal. I called Sherri Bowman in Permits and Inspections also on December 23, 2024 for assistance when I initially sent this to you and she informed me to wait till you send the payment process.

I am still patiently waiting for you to let me know that those are available for me to pay. I also have a job outside of this one property and I know you also have a life and full time job outside of these appeals so I truly understand the need for vacation time and you having to focus on other things first. Please let me know when you have added those to the portal so that I can pay them.

Thank you,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

**2 attachments**

**IMG\_3576.png**  
335K



**IMG\_3577.png**  
261K



Felton, Keisha L - PDR &lt;Keisha.Felton@rva.gov&gt;

Mon, Feb 3, 2025 at 11:58 AM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Good Morning,

I was really hoping to have spoken to you via telephone to provide you with a clear overview of the LBBCA process so there is no confusion and to provide you with a briefing of what information is needed for the meeting and so forth. Unfortunately, I do not have any involvement with the payment or portal process and there cannot be an official appeal filed until the payment and the application is received. I can only process paid applications for the Local Board of Building code appeals to hear. I provided you with as much information as I could regarding the payment process, and I also asked for you to contact Sherri Bowman as it relates to payment in the portal process. There is nothing further for me ( as the secretary) to do until both the application and payment is given to me. However, moving forward, it is your right to file an appeal and if you would like to file please submit payment and provide me with a receipt of payment. Lastly, once all has been received I will need a phone number to contact you on. This is needed in the event there are requested cancellations or postponements to occur and immediate contact is needed. Please feel free to give me a call to further discuss if you have any questions or concerns.

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

www.rva.gov

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>**Sent:** Sunday, February 2, 2025 10:43 AM**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>**Subject:** Payment Through Portal

**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.

[Quoted text hidden]

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**1321PorterStLLC** <1321porterstllc@gmail.com>

Mon, Feb 3, 2025 at 2:26 PM

To: "Felton, Keisha L - PDR" &lt;Keisha.Felton@rva.gov&gt;, Sherri.bowman@rva.gov

Hello Keisha and Sherri,

I am going to have all parties present so there is no further confusion.

I submitted the appeal application to Keisha's email, and followed up with Sherri about payment on December 23, 2024. Sherri informed me if I am paying through the portal, Keisha would be the individual that is in charge of the process for payment, and to await her response.

I am now receiving conflicting information after weeks of patiently waiting. So to make it simple I will just make the request from you both.

I need the payment of the Appeals be made accessible to me through the Permit Portal. Please let me know when they have been uploaded so I am able to make payment.

Thank you,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

---

**1321PorterStLLC** <1321porterstllc@gmail.com>

Wed, Feb 5, 2025 at 6:57 AM

To: "Felton, Keisha L - PDR" &lt;Keisha.Felton@rva.gov&gt;, Sherri.bowman@rva.gov

Hello,

Thank you for collaborating to get this into the portal. This is the receipt for the paid appeals.

Please let me know if you need me to re-send any of the documents.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.



Monday, February 3, 2025

**Congratulations! Your order has been processed successfully!**

*Please print this page for your records.*

Agency Name

City of Richmond, VA

Order Number

69234

| Invoice #       | Item Description   | Quantity | Unit Price | Total Price         |
|-----------------|--|----------|------------|---------------------|
| <u>00181861</u> | LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 106.1 UNSAFE STRUCTURE       | 1        | \$184.00   | \$184.00            |
| <u>00181862</u> | LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 108.1 APPLICATION FOR PERMIT | 1        | \$184.00   | <del>\$184.00</del> |

Item Total:

\$368.00

Service Fee:

\$0.00

Tax:

\$0.00

Order Total:

\$368.00

[Return to Citizen Portal](#)

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[Quoted text hidden]

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**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>

Thu, Feb 6, 2025 at 4:36 PM

To: 1321PorterStLLC <1321porterstllc@gmail.com>, "Bowman, Sherri M. - PDR" <Sherri.Bowman@rva.gov>

Thank you so much! At this time if you could send me one email with all of the documents that you would like to present to the LBBCA.

Thanks again,

[Quoted text hidden]

---

**1321PorterStLLC** <1321porterstllc@gmail.com>

Fri, Feb 7, 2025 at 8:31 PM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Hello Keisha,

Thank you for confirming that my appeals and payments have been received and that the appeals will be presented to the LBBCA.

When will you need for me to have those documents collected by? I can have them to you by February 24, 2024.

Can you also tell me when you think you will know about the appeal presentation date?

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

---

**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>

Mon, Feb 10, 2025 at 3:12 PM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Ms. Pinchbeck,

The Local Board of Building Code Appeals is scheduled to meet on **March 19, 2025**. The meeting will take place at **City Hall at 10am on the 5<sup>th</sup> Floor in the conference room in the Department of Planning and Development Review**. Please provide me with emailed copies of any documents, pictures, correspondences, or etc. that you would like to present to the LBBCA for review by **February 5th, 2025**. However, if more time is needed please contact me as soon as possible to further discuss. No documents will be excepted on the day of the hearing unless otherwise approved by the

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE:       Appeal of 1321 Porter St. LLC  
              Appeal No. 25-08

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| Documents Submitted by the City of Richmond           | 351             |
| Additional Documents Submitted by 1321 Porter St. LLC | 363             |

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VIRGINIA:

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

IN RE:       Appeal of 1321 Porter Street LLC  
              Appeal No. 25-08

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1.       On November 21, 2024 the City of Richmond Department of Community Development Bureau of Permits and Inspection (City), the agency responsible for the enforcement of Part I of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VCC), issued a Notice of Violation (NOV) Stop Work Order (SWO) to 1321 Porter Street LLC - Emily Pinchbeck (Pinchbeck) for the property located at 1321 Porter Street. The NOV/SWO cited the following:

- *“Specific Work Being Cited: Structural framing to 2<sup>nd</sup> floor rear stairs to 3<sup>rd</sup> floor, adding addition bracing prior to an approved building permit.*
  - *Section 110.5 of the Virginia Uniform Statewide Building Code – Working without a valid permit posted*
  - *Section 108.1 of the Virginia Uniform Statewide Building Code – Working prior to the issuance of a building permit”*

Pinchbeck acknowledged receiving the NOV/ SWO on December 3, 2024 via email response from the City.

2.       Pinchbeck filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on December 23, 2024; however, did not pay the required appeal application fee until February 3, 2025. On March 19, 2025, the local appeals board “Upheld” the appeal finding that *“The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the Code Official properly.”* On May 1, 2025, Pinchbeck

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further appealed to the Review Board seeking to have the NOV/Stop Work Order (SWO) rescinded.

3. 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 NOV/SWO was received and when the appeal application was submitted and required fee paid; 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 not the local appeals 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 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 the appeal was untimely to the local appeals board.



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# Basic Documents

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**CITY OF RICHMOND**  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUREAU OF PERMITS AND INSPECTIONS  
900 EAST BROAD STREET, ROOM 110  
RICHMOND, VA 23219 (804) 646-4169

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 11/21/2024 Date of Inspection: 11/21/2024

Location: 1321 Porter St

Owner: 1321 Porter St LLC (Emily Pinchbeck)

Responsible Party: OWNER

Contractor's Name: NA

Permit Holder: NOT ACTIVE PERMITS

Specific Work Being Cited: STRUCTURAL FRAMING TO 2ND FLOOR REAR STAIRS TO 3RD FLOOR, ADDING ADDITIONAL BRACING PRIOR TO AN APPROVED BUILDING PERMIT

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code - Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code - Working prior to the issuance of a building permit
- ☐ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☐ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of the Code of Ordinances of the City of Richmond: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinances of the City of Richmond: Certificate of Appropriateness
- ☐ Other: \_\_\_\_\_

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 12/10/2024. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical Permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☒ Post valid permit on site
- ☒ Keep approved plans on site and available for inspectors
- ☐ Obtain C.A.R. Approval
- ☐ Other: \_\_\_\_\_

Inspector: Rick Paul Telephone No.: 804-646-6694

A fee payment of \$400 is required before you may return to work on any permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, (804) 646-4169, if you wish to appeal this decision.

**From:** [Alley, David L. - PDR](#)  
**To:** [Luter, Travis \(DHCD\)](#)  
**Subject:** FW: Stop Work Order -Notice of Violation  
**Date:** Wednesday, May 28, 2025 12:59:08 PM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image005.png](#)  
[image008.png](#)

---

Travis,  
Good Afternoon! I hope today finds you well. Please read below-I highlighted the email dates.  
Best Regards,

David L Alley III  
Commissioner of Buildings  
804-513-6939  
[david.alley@rva.gov](mailto:david.alley@rva.gov)  
900 E. Broad St., Room 110, Richmond, Va. 23219-1907

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

---

**From:** Alley, David L. - PDR  
**Sent:** Wednesday, December 4, 2024 10:24 AM  
**To:** Lukanuski, Greg A. - City Attorney <Greg.Lukanuski@rva.gov>  
**Cc:** Paul, IV. Rick F. - PDR <Rick.Paul@rva.gov>  
**Subject:** RE: Stop Work Order -Notice of Violation

Greg,  
Good Morning! The boards she refers are actually structural cross bracing members. Rick has some great pics.  
Best Regards,

David L Alley III  
Commissioner of Buildings  
804-513-6939  
[david.alley@rva.gov](mailto:david.alley@rva.gov)  
900 E. Broad St., Room 110, Richmond, Va. 23219-1907

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

---

**From:** Lukanuski, Greg A. - City Attorney <[Greg.Lukanuski@rva.gov](mailto:Greg.Lukanuski@rva.gov)>

**Sent:** Wednesday, December 4, 2024 10:21 AM

**To:** Alley, David L. - PDR <[David.Alley@rva.gov](mailto:David.Alley@rva.gov)>

**Subject:** RE: Stop Work Order -Notice of Violation

David –

Thanks for sending me Ms. Pinchbeck's email about 1321 Porter Street. So she is saying her belief is that the only violation is for some deck boards, and not the entire construction of the third floor? Wow...these folks are interesting.

I added a note about this email to my trial docket for our 12 March 2025 court date, since from my point of view nothing about 1321 Porter Street is relevant until then. But glad you sent anyway so that I have some idea what these folks are claiming.

Luke

Greg Lukanuski  
Deputy City Attorney  
900 East Broad Street, Room 400  
Richmond, Virginia 23219  
(804) 646-7949

---

**From:** Alley, David L. - PDR <[David.Alley@rva.gov](mailto:David.Alley@rva.gov)>

**Sent:** Tuesday, December 3, 2024 3:46 PM

**To:** Vonck, Kevin J. - PDR <[Kevin.Vonck@rva.gov](mailto:Kevin.Vonck@rva.gov)>; Lukanuski, Greg A. - City Attorney <[Greg.Lukanuski@rva.gov](mailto:Greg.Lukanuski@rva.gov)>

**Subject:** FW: Stop Work Order -Notice of Violation

*Kevin/Greg,  
Good Afternoon! FYI below!*

David L Alley III  
Commissioner of Buildings  
804-513-6939  
[david.alley@rva.gov](mailto:david.alley@rva.gov)  
900 E. Broad St., Room 110, Richmond, Va. 23219-1907

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

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**From:** 1321PorterStLLC <[1321porterstllc@gmail.com](mailto:1321porterstllc@gmail.com)>

**Sent:** Tuesday, December 3, 2024 3:33 PM

**To:** Alley, David L. - PDR <[David.Alley@rva.gov](mailto:David.Alley@rva.gov)>

**Subject:** Re: Stop Work Order -Notice of Violation

**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.

Mr. Alley,

No construction has been done to the existing rear stairs to the 3rd floor unit. No changes were made to the existing stairs and no existing framing or structural elements or egress were impacted by screwing a few boards to the stair posts.

I do have a copy of the structural engineer's report from Robert Nelson from May 21, 2024 stating "I did not observe any conditions that I feel require immediate attention or deem the deck unsafe." and "I feel the deck is suitable for the continued use by the few residents as an entry/exit to/from the second and third floors" so I do understand that the deck and stairs were determined to be safe for use before the 4 boards were added.

For that reason I have had someone take 5 minutes to remove the few non-essential boards in question in order to avoid any further confusion and potential spread of misinformation. The stairs are exactly as they have been for 4 years. Please confirm that Rick Paul has rescinded his notice of violation since no construction was done and the boards that he incorrectly referred to as "structural framing" have been removed and in no way affected the structural framing or the stairs at all. Following the SUP we can get on the same page regarding what constitutes construction and I will incorporate whatever is needed when we get to permitting.



Also I was outside and I watched the inspector in the City of Richmond car ignore every other property and slowly go around my house and then drive at a normal speed again toward Cowardin. It makes me very uncomfortable and it feels very much like I am being targeted when he is making a special trip just to my property. This notice of violation seems retaliatory and not based in the spirit of the building code.

Best,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

On Thu, Nov 21, 2024 at 4:14 PM Alley, David L. - PDR <[David.Alley@rva.gov](mailto:David.Alley@rva.gov)> wrote:

*Emily Pinchbeck,  
Good Afternoon! I hope today finds you well. It was brought to my attention today that work has continued on the rear stairs to the 3<sup>rd</sup> floor unit. Please see the attached Notice of violation and Stop work order. All construction work requiring a permit shall cease immediately until you have received a valid permit. Your cooperation in this matter is greatly appreciated.  
Best Regards,*

David L Alley III  
Commissioner of Buildings  
804-513-6939  
[david.alley@rva.gov](mailto:david.alley@rva.gov)  
900 E. Broad St., Room 110, Richmond, Va. 23219-1907

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



Appeal No. B02-25-SW0-NOV

In order for this appeal to be processed the appropriate fee according to the fee schedule must be paid prior to submittal. Appeal fee is non-refundable.

### Application for Appeal

I (we) 1321 Porter St LLC of 9109 W State St #652 Garden State  
(name) (mailing address) ID 83714

respectfully request that the Local Board of Building Code Appeal review the decision made on 11/21/2024 by the Code Official.  
(date)

I am appealing the following code section(s): 110.5, 108.1

Description of Decision Being Appealed: - Working without valid permit posted  
- working prior to the insurance of a building permit

Location of Property Involved: 1321 Porter St Richmond VA 23224

What is the applicant's interest in the property?

☐  
☐  
☐  
☒

owner

contractor

owner's agent

other (explain) manager

Relief Sought: Rescind Notice of Violation

Attach the decision of the Code Official and any other pertinent documents that will be needed to support your position in the appeal. No additional information will be accepted within 14 days of the scheduled hearing. All documentation must be submitted in sets of nine (9).

Emil G. G. mgr  
Signature of Applicant

Filed at Richmond, Virginia, the 23 day of December, 20 24.

2/3/25



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

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

## 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. B02-25-SWO-NOV

IN RE: 1321 Porter St - Emily Henchbeck v. City of Richmond

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

The Local Board of Building Code Appeals determined that the provisions of the code were enforced by the

Code Official properly.

The vote was: Uphold 2-0. Reverse \_\_\_\_\_. Modify \_\_\_\_\_.

Date: March 19th, 2025

Signed by: Tommy Davis  
Signature: \_\_\_\_\_  
Chair of Local Board of Building Code Appeals

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@dhd.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**

May 1 2025

WTZ

OFFICE OF THE REVIEW BOARD

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

- 1321 Porter St LLC • 804-912-3115 • 1321PorterStLLC@Gmail.com  
 • Emily Pinchbeck mgr.  
 • 9169 W State Sf # 652 Garden State ID, 83714

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

- David Alley • 804-646-3439 • David.Alley@RVA.gov  
 • 900 East Broad St. Room 110 Richmond, VA 23219

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 • Rescind notice of Violation and rescind stop work order

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of April, 2025, 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:

*Emily Pinchbeck, mgr.*

Name of Applicant:

Emily Pinchbeck, mgr.  
 (please print or type)

Documents Submitted  
By  
1321 Porter St. LLC  
(Emily Pinchbeck)

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me Apr 10

to Keisha ▾



Ms. Felton,

I am disappointed to see that this took place without confirmation of a quorum. I was told that you have advised if there would be a quorum the day before in the past. When I asked if there was a confirmed quorum on March 18, 2025, I did not receive a response.

Thank you for providing the decisions.

Best,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

...

↩ Reply

➦ Forward





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Documents Submitted  
By  
City of Richmond

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DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

**PERMITS AND INSPECTIONS BUREAU**

**Table of Contents for 1321 Porter St** (Emily Pinchbeck)

**Appeal # 25-08**

Stop Work Order/Notice of Violation-11/21/2024  
Engineer Stamped Plan  
Pictures  
Email to LBBCA Secretary from Emily Pinchbeck  
Application of Appeal  
Invoice

# INVOICE (00181882)

## BILLING CONTACT

Emily Pinchbeck, manager  
1321 Porter St, LLC  
1321 Porter St., C  
Richmond, Va 23224



| INVOICE NUMBER | INVOICE DATE | INVOICE DUE DATE | INVOICE STATUS | INVOICE DESCRIPTION  |
|----------------|--------------|------------------|----------------|--|
| 00181882       | 02/03/2025   | 08/02/2025       | Due            | LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 108.1 APPLICATION FOR PERMIT |

| REFERENCE NUMBER | FEE NAME         | TOTAL    |
|------------------|------------------|----------|
| Misc Fee         | Board of Appeals | \$184.00 |
| SUB TOTAL        |                  | \$184.00 |

TOTAL **\$184.00**

## Felton, Keisha L - PDR

---

**From:** Felton, Keisha L - PDR  
**Sent:** Tuesday, January 28, 2025 4:32 PM  
**To:** 1321PorterStLLC  
**Subject:** RE: Payment Process Through Portal

Hello,

Please give me a call at your earliest convenience. I really need to speak to you in regards to your request. I do not have a phone number on file to speak to you but again if you could call me at 804-646-5898 that would be great.

Thank you,

*Keisha L. 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](mailto:Keisha.Felton@rva.gov)  
[www.rva.gov](http://www.rva.gov)

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Tuesday, January 14, 2025 7:32 AM  
**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>  
**Subject:** Re: Payment Process Through Portal

**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.

Good Morning Keisha,

Welcome back, I hope you enjoyed your winter vacation!

The notice of violation from Walter Jackson from August 28, 2024, I received by a prior tenant on December 13, 2024. The case number attached to that is 067279-2024.

I received the notice of violation from Rick Paul from November 21, 2024, via email from David Alley, but I don't see a case number attached with the written notice, the way the other clearly had it shown and the format of this notice does not seem consistent with the other. If you could provide me with clarification on where that is located I have both attached below.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

On Mon, Jan 13, 2025 at 4:08 PM Felton, Keisha L - PDR <[Keisha.Felton@rva.gov](mailto:Keisha.Felton@rva.gov)> wrote:

Hello,

If you are able to give a call to further discuss, I would greatly appreciate it.

*Keisha L. Felton*

Program & Operations Supervisor

Local Board of Building Code Appeals Secretary

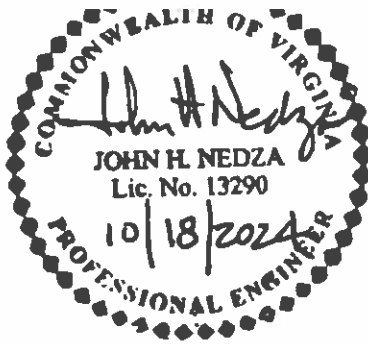


City of Richmond

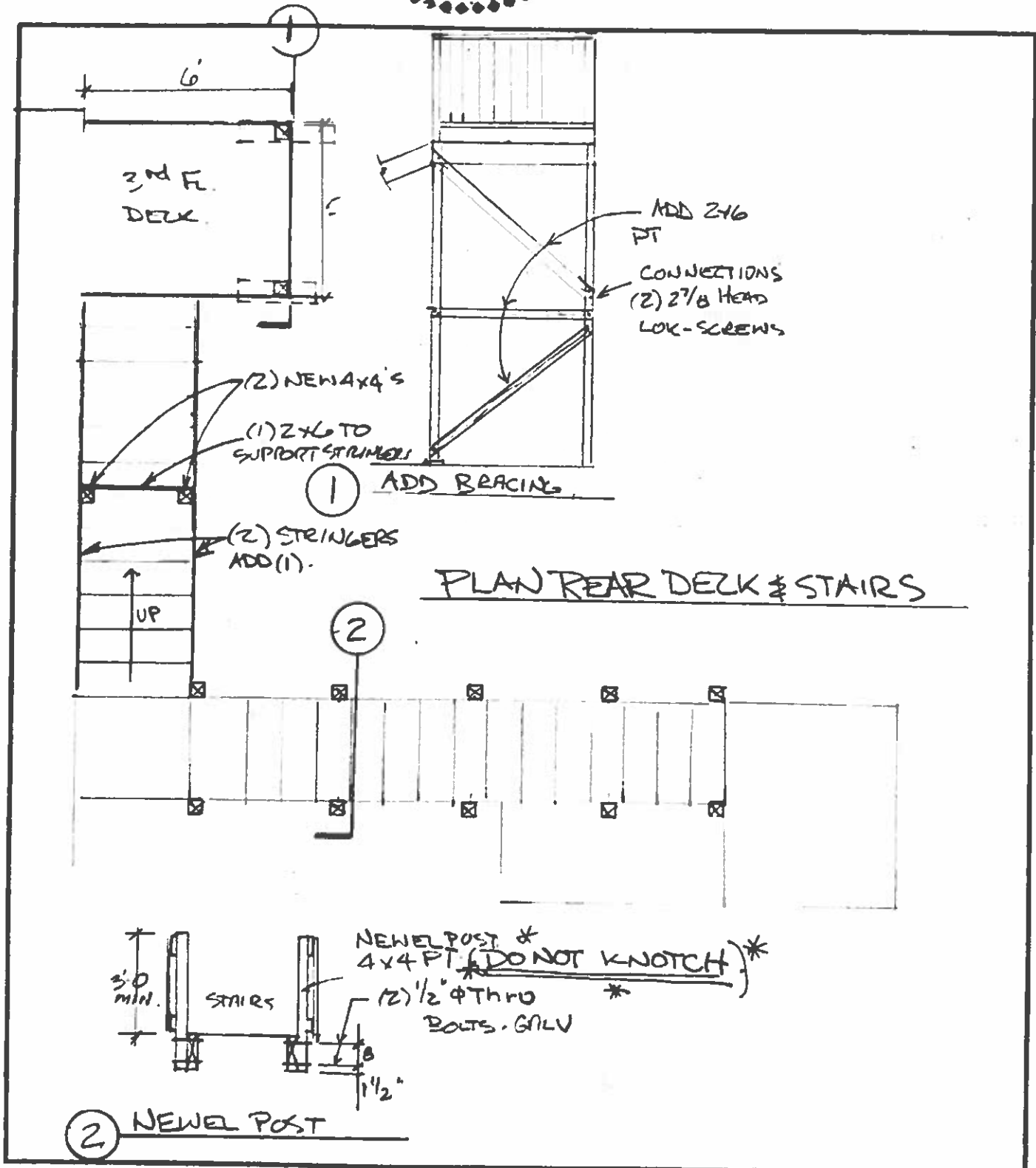


**LOUISA ENGINEERING, INC.**  
Structural Engineers

2800 N. Parham Road  
Henrico, Virginia 23294  
Phone (804) 512-4865  
Email john@louisaengineering.com



PROJECT 1221 PORTER ST.  
SUBJECT STAIR BRACING & NEWEL POST  
CALCULATED BY J. Nedza DATE 10/17/24  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SHEET NO. 51 OF 1

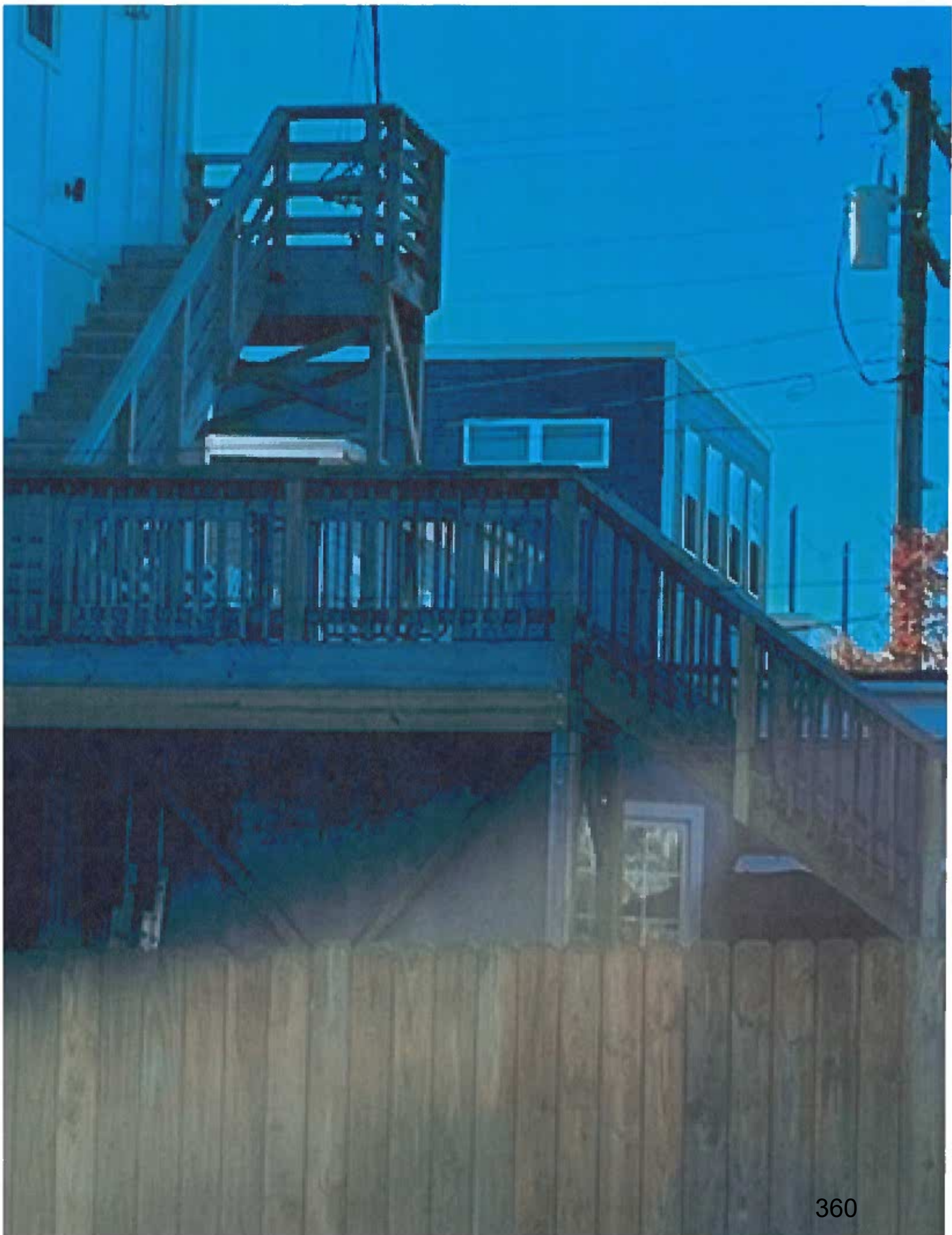




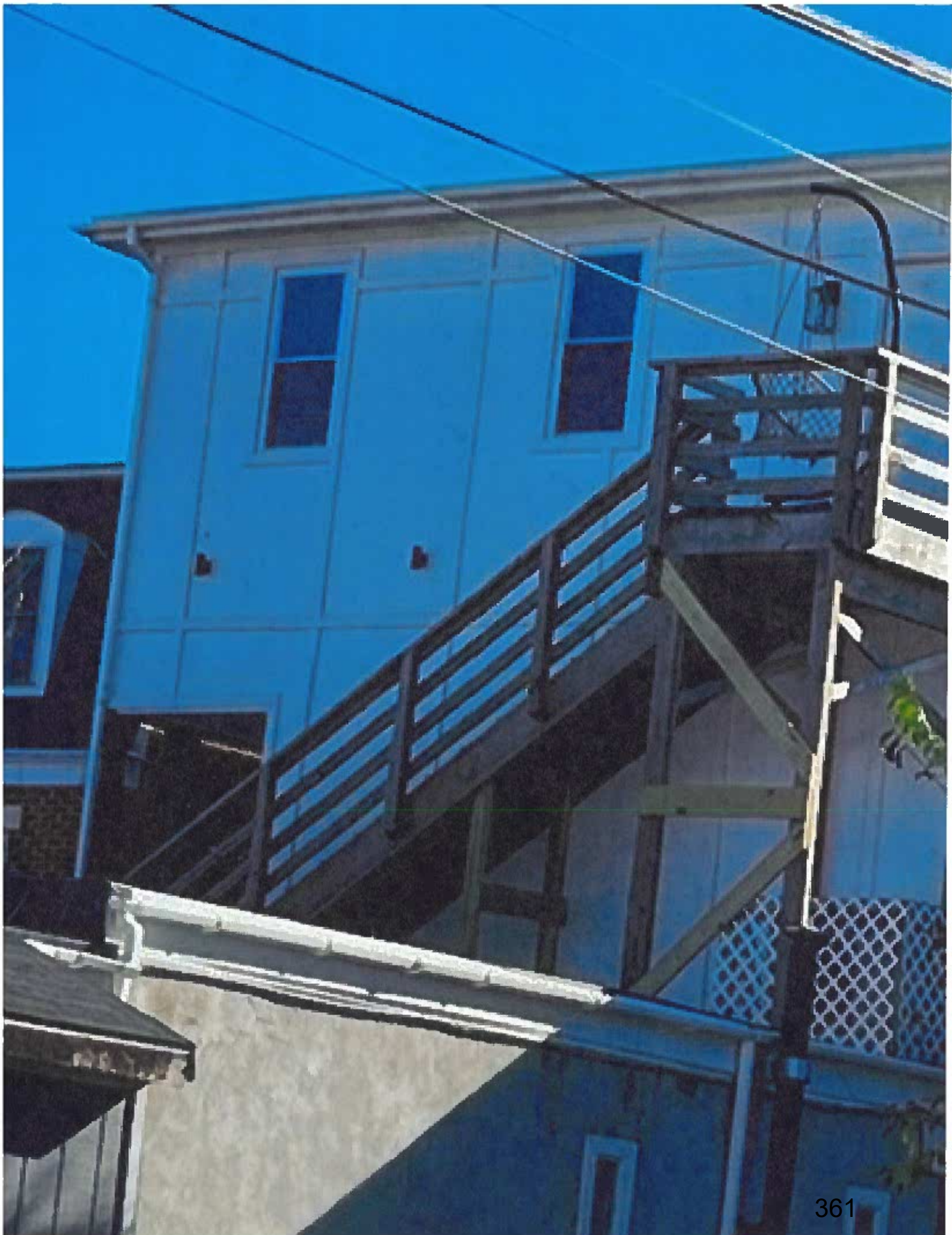
November 21, 2024  
Taken by: Rick Paul  
1321 Porter St back stairs to 3rd floor



November 21, 2024  
taken by Rick Paul  
1321 Porter St back deck







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Additional Documents  
Submitted By  
1321 Porter St. LLC  
(Emily Pinchbeck)



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VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

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In Re: Appeal by 1321 Porter St,  
from the Notice of Violation and Stop Work Order  
issued on November 21, 2024,  
By the Bureau of Permits and Inspections  
of The City of Richmond  
to  
1321 Porter St, LLC

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Case No. 25-08

**Submission By 1321 Porter St, LLC**

**Background Information**  
**1321 Porter St, LLC**

**History of Ownership**

1321 Porter Street is a three (3) story multifamily building. The street view of the building is as follows:



**THE NOVEMBER 21, 2024, NOTICE OF VIOLATION  
AND STOP WORK ORDER**

The Notice of Violation (“NOV”) and Stop Work being appealed in this case was issued by the Building Code Official on November 21, 2024. (See **Tab A**).

The violation cited that “Structural Framing to the 2<sup>nd</sup> Floor rear stairs to the 3<sup>rd</sup> floor, adding additional bracing prior to an approved building permit”.

Facts: Mr. David Alley admitted in an email to 1321 Porter St, LLC dated December 20, 2024, that the scope of the NOV was the 4 boards that were removed.

**1321 Porter St, LLC's Response:**

In response to the NOV and Stop Work Order, 1321 Porter St, LLC removed the four (4) boards that were the subject of the enforcement action and thereby abated the violation.

1321 Porter St, LLC requested that the building official rescind the SWO/NOV after the alleged violation was abated and the building official refused. The Building Official's December 23, 2024, decision is being appealed.

The stairs, prior to the boards being added and then removed had been inspected by a structural engineer who opined on May 21, 2024, that "I feel that the deck is suitable for the continued use by the few residents as an entry/ exit to/from the second and third floors" (See **Tab B**).

The four boards are not "structural" as stated in the NOV. They were non-structural in nature. USBC § 108 only requires a permit if the work involves the "construction or demolition of a building or structure ... any structural component.... The four (4) boards that were originally attached were not structural components and were not necessary to make the stairs structurally sound.

Accordingly, the installation of the boards did not require a building permit, and the alleged violation is abated by their removal.

## REQUEST FOR RELIEF

1321 Porter St, LLC respectfully requests that this Review Board take one of the following action to grant it relief: Find that the Building Code Official's decision not to rescind the NOV after the alleged violation was abated is contrary to the USBC and should be rescinded.

Respectfully Submitted,

**1321 Porter St, LLC**

By: \_\_\_\_\_



Counsel

Bruce E. Arkema (VSB No. 18625)  
Durrette, Arkema, Gerson & Gill, PC  
1111 East Main Street, 16th Floor  
Richmond, Virginia 23219  
Telephone: 804-775-6900  
Facsimile: 804-775-6911  
Email: barkema@dagglaw.com



**CITY OF RICHMOND**  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUREAU OF PERMITS AND INSPECTIONS  
900 EAST BROAD STREET, ROOM 110  
RICHMOND, VA 23219 (804) 646-4169

☒ **Notice of Violation**

☒ **Stop Work Order**

Issue Date: 11/21/2024 Date of Inspection: 11/21/2024

Location: 1321 Porter St

Owner: 1321 Porter St LLC (Emily Pinchbeck)

Responsible Party: OWNER

Contractor's Name: NA

Permit Holder: NOT ACTIVE PERMITS

Specific Work Being Cited: STRUCTURAL FRAMING to 2ND FLOOR REAR STAIRS to 3rd Floor, adding additional BRACING PRIOR to AN Approved building permit

This building has been inspected and the following violations of the Code of Virginia, Title 36, The Virginia Uniform Statewide Building Code and the Code of the City of Richmond have been found:

- ☒ Section 110.5 of the Virginia Uniform Statewide Building Code - Working without a valid permit posted
- ☒ Section 108.1 of the Virginia Uniform Statewide Building Code - Working prior to the issuance of a building permit
- ☐ Section 109.5 of the Virginia Uniform Statewide Building Code - Failure to have approved construction plans available on site
- ☐ Section 113.3 of the Virginia Uniform Statewide Building Code - Failure to obtain inspections
- ☐ Section 14-81 of the Code of Ordinances of the City of Richmond: Working without a contractor's license
- ☐ Section 114-930.6 of the Code of Ordinances of the City of Richmond: Certificate of Appropriateness
- ☐ Other: \_\_\_\_\_

All activities involved in the work cited above must cease immediately. Permitted activities not involved in the cited work above may continue as long as they do not conceal or otherwise affect the work cited above. Correction of all of the above conditions shall be made by 12/10/2024. If the notice is not complied with, the property owner, his agent, permit holder and/or contractor shall be subject to the penalties prescribed in the Code of Virginia, Title 36-Section 106; Section 105 of the Virginia Uniform Statewide Building Code and Ordinances of the City of Richmond. The following action shall be taken before any work resumes:

- ☒ Obtain a Building Permit
- ☐ Obtain an Electrical Permit
- ☐ Obtain a Mechanical Permit
- ☐ Obtain a Plumbing Permit
- ☐ Obtain a Plumbing/Gas Permit
- ☐ Obtain a report by a registered Virginia professional engineer
- ☒ Post valid permit on site
- ☒ Keep approved plans on site and available for inspectors
- ☐ Obtain C.A.R. Approval
- ☐ Other: \_\_\_\_\_



Inspector: Rick Paul Telephone No.: 804-646-6694

A fee payment of \$400 is required before you may return to work on any permit for which a Stop Work Order has been issued. You have the right to appeal this notice under Section 119 of the Virginia Uniform Statewide Building Code. Please contact us, (804) 646-4169, if you wish to appeal this decision.

# ENGINEERING DESIGN ASSOCIATES

5625 S Laburnum Ave  
Richmond, Virginia 23231  
(804) 236-0190  
FAX (804) 236-0194

P. O. Box 515  
Wicomico Church, Virginia 22579  
(804) 580-2227  
FAX (804) 580-3334

May 21, 2024

Sophia Oliveri  
1321 Porter St  
Richmond, VA 23224

RE: 1321 Porter St  
Rear Deck – Structural Review

Dear Sophia:

At your request, I met you at the residence referenced above on May 17, 2024 to complete a structural review of the existing deck off the rear of the building. The deck has been inspected by a city official who raised concerns about its structural integrity and if it is safe for use. It is my understanding they requested you have it reviewed by a structural engineer, specifically where the third floor of the main building cantilevers and is supported by a 4x4 corner post at the second level and 6x6 below at the first level. The 4x4 post supports the ends of one beam that carries approximately 5' of floor load and another beam that carries a portion of roof load. Given the applied loading, the 4x4 post supports a total load of approximately 2.6 kips. The 4x4 and 6x6 are adequate to support this load.

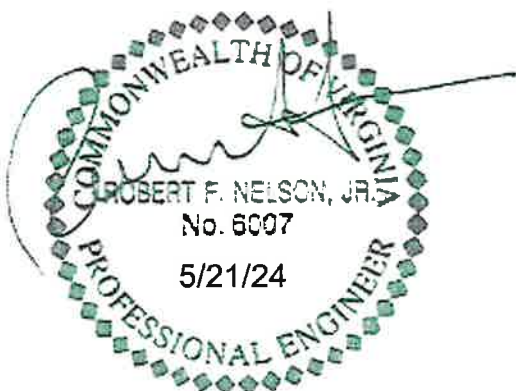
Upon my review of the entire deck structure, I do have several concerns such as adequate size of girders and lateral stability which should be addressed in a timely manner. I did not observe any conditions that I feel require immediate attention or deem the deck unsafe for continued limited use. You have asked us to review it in its entirety and provide plans for repair and reinforcing of the existing structure as needed. For the immediate future, until our plans are provided and suggested repairs can be completed, I feel the deck is suitable for continued use by the few residents as an entry/exit to/from the second and third floors.

Thank you for consulting with us regarding this matter. Please let me know if you have any questions in these regards.

Sincerely,



Taylor Cole, EIT  
Engineering Design Associates





VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

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In Re: Timeliness of Appeal by 1321 Porter St,  
from the Notice of Violation and Stop Work Order  
issued on November 21, 2024, and August 28, 2024

Case No. 25-07, 08

By the Bureau of Permits and Inspections  
of The City of Richmond

to

1321 Porter St, LLC

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**Submission By 1321 Porter St, LLC**



**THE NOVEMBER 21, 2024 and August 28, 2024, NOTICE OF VIOLATION  
AND STOP WORK ORDER**

The Notice of Violation (“NOV”) and Stop Work Orders in this case were issued by the Building/Maintenance Code Official on November 21, 2024, and August 28, 2024.

Request was made to the Code Official on December 13, 2024, for the NOV and SWO to be rescinded. The Code Official denied the request on December 23, 2024, and the denial was also appealed on December 23, 2024. (See **Exhibit A**).

On May 15, 2025, the City of Richmond claimed that the appeals were not filed in a timely manner.

**1321 Porter St, LLC’s Response:**

1321 Porter St, LLC inquired to the Secretary of the Local Board of Building Code Appeals (LBBCA), Keisha Felton about the appeal process and payment options on December 20, 2024 and Mrs. Keisha Felton stated that payment made through the permit portal was the only option to pay with a card, which is the only payment method 1321 Porter St, LLC has. (See **Exhibit B**)

On December 23, 2024, 1321 Porter St LLC submitted the two appeals and called Ms. Sherri Bowman per Mrs. Felton’s instruction. Ms. Bowman advised to wait for Mrs. Felton to make the appeal payment available in the portal. A request was also made to Mrs. Felton to advise when payment is available in the portal. (See **Exhibit C**).

On December 27, 2024, 1321 Porter St, LLC called Ms. Bowman again to request the payment option be added to the portal.

On December 30th, 1321 Porter St, LLC emailed Mrs. Felton again to request the payment option be added to the portal.

On December 31, 2024, 1321 Porter St, LLC called Ms. Bowman again to request the payment option be made available in the 1321 Porter St, LLC permit portal.

On January 10, 2025, Mrs. Felton apologized for the delay, acknowledged 1321 Porter St, LLC's requests for the payment to be made available, but did not provide the requested portal payment option.

On February 2, 2025, 1321 Porter St. LLC addressed the City's lack of timeliness, and made a fourth (4) written request for the payment option to be made available in the permit portal.

On February 3, 2025, 1321 Porter St, LLC emailed Ms. Bowman and Mrs. Felton for the fifth (5) time to make a written request for payment through the permit portal.

On February 3, 2025, Ms. Felton addressed the initial request made on December 23, 2024, and informed 1321 Porter St, LLC that the payment was available in the portal.

Also on February 3, 2024, 1321 Porter St, LLC paid the appeal fees through the permit portal within 24 hours of it being made available.

### **REQUIREMENT TO PAY FEES AS A CONDITION FOR AN APPEAL**

There are no provisions in Section 107 or Section 119 of the USBC that state that an appeal is not timely filed because of failure to pay fees. An appeal to the LBBCA is governed by USBC 119.5, which states:

**Right of appeal;** filing of appeal application. Any person aggrieved by the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the

LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. 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.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the VADR.

In addition, while Virginia Code § 36-105 (7) permits a locality to establish a fee schedule for appeals there is nothing in the authorizations that states that failure to pay an appeal fee within a certain time causes the appeal to be dismissed and not heard.

#### **REQUEST FOR RELIEF**

1321 Porter St, LLC respectfully requests that this Review Board find the City of Richmond untimely and their behavior outside of the scope of the Spirit and text of the Code as it applies to appeals. We request that 1321 Porter St, LLC's right to have their appeals heard by the TRB be upheld.

**1321 Porter St, LLC**

By:   
Counsel

Bruce E. Arkema (VSB No. 18625)  
Durette, Arkema, Gerson & Gill, PC  
1111 East Main Street, 16th Floor  
Richmond, Virginia 23219  
Telephone: 804-775-6900  
Facsimile: 804-775-6911  
Email: barkema@dagglaw.com

---

**N.O.V. Request**

9 messages

---

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Alley, David L. - PDR" <david.alley@rva.gov>

Fri, Dec 13, 2024 at 1:56 PM

Mr. Alley,

To address the 2 most time sensitive matters which are the notice of violation from Rick Paul from November 21, 2024, as well as, the notice of violation from Walter Jackson from August 28, 2024 which I just received I am requesting that both of these notices of violation please be rescinded so that I can promptly move on to addressing the next item.

I am coming to you in hopes that we are able to sort this out between ourselves so we can move forward.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

---

**Alley, David L. - PDR** <David.Alley@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>  
Cc: "Vonck, Kevin J. - PDR" <Kevin.Vonck@rva.gov>, "Lukanuski, Greg A. - City Attorney" <Greg.Lukanuski@rva.gov>

Fri, Dec 13, 2024 at 4:11 PM

Emily Pinchbeck,

Good Afternoon! I hope today finds you well. I'm certainly open to consider your request. However, can you provide me an explanation of why you believe the Permits and Inspections Bureau should rescind both these Notices of Violation. Please provide me an explanation for each NOV. I look forward to your response.

Thanks and Best Regards,



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

David L Alley III  
Commissioner of Buildings  
804-513-6939  
david.alley@rva.gov

900 E. Broad St., Room 110, Richmond, Va. 23219-1907



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

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Friday, December 13, 2024 1:57 PM  
**To:** Alley, David L. - PDR <David.Alley@rva.gov>  
**Subject:** N.O.V. Request

**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.

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DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

image001.png  
261K

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Alley, David L. - PDR" <David.Alley@rva.gov>

Mon, Dec 16, 2024 at 10:46 AM

Good Morning Mr. Alley,

To put it simply, I do not believe these to be justifiable notices of violation.

When the August 28, 2024 notice was written by an employee of yours, it had already been determined in May by you that the property was safe for residents and I had already begun the permitting process.

The November 21, 2024 notice is inaccurate and the 4 boards have been removed. I have included the email to you from myself, December 3, 2024 as well.

I would like to avoid tying either of our time up with the notices and if that can be at all avoided I would greatly appreciate it. I am working to rectify what I came into management of, but I feel this extra step is not beneficial to either of us. I am requesting you please rescind these 2 notices.

Thank you for your consideration,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

## 2 attachments



**NOV response to David Alley Email Dec 3 2024.png**  
88K



I look forward to your response and to working together so we can complete your project as soon possible. Please feel free to contact me directly should you have any further questions or concerns.

Best Regards

[Quoted text hidden]



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

image001.png  
261K

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Alley, David L. - PDR" <David.Alley@rva.gov>

Sat, Dec 21, 2024 at 11:23 AM

Mr. Alley,

Adding 4 boards to the stairs that we have already known since May 17, 2024 are safe for continued use according to a structural engineer, did not occupy, construct, alter, extend, repair, remove, demolish anything on the stairs and the fact that they remained exactly as they were in May after the 4 boards were removed proves that they did not have a structural effect on what was existed and were "more aesthetically pleasing to the eye" according to the structural engineer who recommended adding them in the first place.

36-99 says "at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation." and "Such regulations shall be reasonable and appropriate to the objectives of this chapter." The 4 boards could be beneficial but there was no change to the original stairs that have been and continue to be safe for use by tenants. That is why I stated on December 3 that I was comfortable removing them and then I did. The stairs are still safe for use.

This notice of violation has cost us both time and money, and the 4 are not there any more I am again asking you to revoke this NOV because you have the May 17, 2024 structural engineers letter and you are aware of the safety of the stairs and I think we will both benefit from moving forward reasonably and appropriately.

For the August 28, 2024 notice all of the reasons that you give in your first 2 references do not apply for the reason that I did not build anything without a permit, I did not occupy the space when I discovered that I was out of compliance and I have been working diligently to try to address retroactive permitting for 7 months even though I have faced many unproductive obstacles.

I am certain that the building is not unsafe for the reasons your employee listed in the notice and I have engineer reports to prove it. Another notice of violation for unsafe structure would be in bad faith because I have informed you that multiple qualified design professionals have found it to be safe and especially because it will show that you are stopping me from moving onto permitting and providing you with the engineer reports during the permitting process that is now required by law due to my SUP.

In the audio recording from the security cameras on May 13, 2024, you stated "I'm not worried about the 3rd floor. It's just a stick build. What I am worried about is the bottom 2 floors." You then let tenants back into the bottom 2 floors on May 28, 2024 because you were no longer worried about the bottom 2 floors either.

You have the power for "evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured." I am asking you again to please reconsider the spirit of the code and I am asking you to rescind both of these notices in order to move forward at the least possible cost to both of us with the process.

I do not want to spend my holidays dealing with this and I can not imagine that you do either. If we are both trying to move on to permitting, these notices are holding us both up and are not in the spirit of the code. I am put in the position of spending unnecessary time on having to deal with NOVs instead of getting what I need together to apply for the permit. I am asking you to please move this situation in a direction that helps us both instead of costing us both.

Thank you again for your time and consideration.

---

**N.O.V. Request**

---

**Alley, David L. - PDR** <David.Alley@rva.gov>

Mon, Dec 23, 2024 at 10:39 AM

To: 1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

Cc: "Lukanuski, Greg A. - City Attorney" &lt;Greg.Lukanuski@rva.gov&gt;, "Vonck, Kevin J. - PDR" &lt;Kevin.Vonck@rva.gov&gt;

Emily Pinchbeck,

*Good Morning! After much consideration- Your request to rescind the Notices of Violations as related to 1321 Porter St has been denied. The SUP has been approved and we look forward to the permits being submitted asap. I have included Karen Paquette (Program and Operations Manager for Permits) on this email to assist you with the permit process.*

*Thanks-*

[Quoted text hidden]



DEPARTMENT OF

**PLANNING AND  
DEVELOPMENT  
REVIEW****image001.png**  
261K



1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

**Payment Process Through Portal**

6 messages

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Mon, Dec 23, 2024 at 12:17 PM

Hello Keisha,

I hope you are doing well.


I am going through with doing two appeals (attached), and need to know how I can pay through the Permit Portal.


If you could get back to me today so everything is able to be in before Christmas I would greatly appreciate that!

Thank you,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC

**2 attachments**

 **08-28-2024 NOV.pdf**  
331K

 **11-21-2024 NOV.pdf**  
380K

**1321PorterStLLC** <1321porterstllc@gmail.com>  
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Mon, Dec 30, 2024 at 11:18 AM

Hello Keisha,

I am following up on the appeals I sent you on the 23rd of this month. I called Sherri Bowman, and she said you will be reaching back out after you've sorted it out on your end and are ready for my payment.

No rush, I know it is still the holiday season. If you could just email me when you're ready on your end.

Thank You,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]



**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Fri, Jan 10, 2025 at 3:42 PM

Good Afternoon,

I hope you are doing well, I apologize for the delay in my response as though I have been out office since Dec 19<sup>th</sup> and today is my first day back to work. I know we spoke via email on the methods to make payment briefly while I was out, but I need a little bit more information to move forward.

First, I see that you want to file 2 different appeals.

Can you provide me with the date that you received both Notice of Violations and the case numbers associated with each of them?

This will be very helpful as I need to verify the eligibility for your request to appeal.

Thanks,

*Keisha L. 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](mailto:Keisha.Felton@rva.gov)

[www.rva.gov](http://www.rva.gov)

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>

**Sent:** Monday, December 23, 2024 12:18 PM

**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

**Subject:** Payment Process Through Portal

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.

[Quoted text hidden]

**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Mon, Jan 13, 2025 at 4:08 PM

Hello,

If you are able to give a call to further discuss, I would greatly appreciate it.

*Keisha L. 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

www.rva.gov

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>  
**Sent:** Monday, December 30, 2024 11:19 AM

**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>

**Subject:** Re: Payment Process Through Portal

**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.

Hello Keisha,

[Quoted text hidden]

[Quoted text hidden]

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**1321PorterStLLC** <1321porterstllc@gmail.com>

Tue, Jan 14, 2025 at 7:32 AM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Good Morning Keisha,

Welcome back, I hope you enjoyed your winter vacation!

The notice of violation from Walter Jackson from August 28, 2024, I received by a prior tenant on December 13, 2024. The case number attached to that is 067279-2024.

I received the notice of violation from Rick Paul from November 21, 2024, via email from David Alley, but I don't see a case number attached with the written notice, the way the other clearly had it shown and the format of this notice does not seem consistent with the other. If you could provide me with clarification on where that is located I have both attached below.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

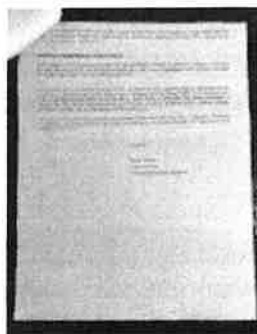
[Quoted text hidden]

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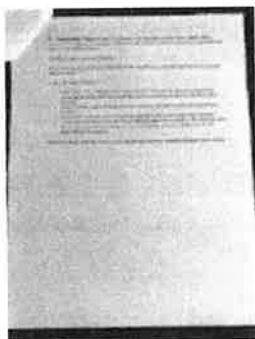
**6 attachments**



**IMG\_8391 (3).jpg**  
3539K



**IMG\_8394 (4).jpg**  
3350K



**IMG\_8393 (3).jpg**  
3339K



**IMG\_8392 (3).jpg**  
3284K



**IMG\_8395 (4).jpg**  
2949K



**1321 Porter St NOV SWO 11-21-2024 (2).pdf**  
38K

**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>  
To: 1321PorterStLLC <1321porterstllc@gmail.com>

Tue, Jan 28, 2025 at 4:31 PM

Hello,

Please give me a call at your earliest convenience. I really need to speak to you in regards to your request. I do not have a phone number on file to speak to you but again if you could call me at 804-646-5898 that would be great.

Thank you,

[Quoted text hidden]





1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

**Payment Through Portal**

13 messages

1321PorterStLLC &lt;1321porterstllc@gmail.com&gt;

Sun, Feb 2, 2025 at 10:42 AM

To: "Felton, Keisha L - PDR" &lt;Keisha.Felton@rva.gov&gt;

Hello Keisha,

Email is going to be best for me. I have attached the final decision from the code official from December 23, 2024 at 10:40 AM as well as the email that I sent to you on December 23, 2024 at 12:17 PM that did include my appeal applications and a request for payment to be posted in the payment portal. I called Sherri Bowman in Permits and Inspections also on December 23, 2024 for assistance when I initially sent this to you and she informed me to wait till you send the payment process.

I am still patiently waiting for you to let me know that those are available for me to pay. I also have a job outside of this one property and I know you also have a life and full time job outside of these appeals so I truly understand the need for vacation time and you having to focus on other things first. Please let me know when you have added those to the portal so that I can pay them.

Thank you,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

**2 attachments**

**IMG\_3576.png**  
335K



**IMG\_3577.png**  
261K



Felton, Keisha L - PDR &lt;Keisha.Felton@rva.gov&gt;

Mon, Feb 3, 2025 at 11:58 AM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Good Morning,

I was really hoping to have spoken to you via telephone to provide you with a clear overview of the LBBCA process so there is no confusion and to provide you with a briefing of what information is needed for the meeting and so forth. Unfortunately, I do not have any involvement with the payment or portal process and there cannot be an official appeal filed until the payment and the application is received. I can only process paid applications for the Local Board of Building code appeals to hear. I provided you with as much information as I could regarding the payment process, and I also asked for you to contact Sherri Bowman as it relates to payment in the portal process. There is nothing further for me ( as the secretary) to do until both the application and payment is given to me. However, moving forward, it is your right to file an appeal and if you would like to file please submit payment and provide me with a receipt of payment. Lastly, once all has been received I will need a phone number to contact you on. This is needed in the event there are requested cancellations or postponements to occur and immediate contact is needed. Please feel free to give me a call to further discuss if you have any questions or concerns.

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

www.rva.gov

**From:** 1321PorterStLLC <1321porterstllc@gmail.com>**Sent:** Sunday, February 2, 2025 10:43 AM**To:** Felton, Keisha L - PDR <Keisha.Felton@rva.gov>**Subject:** Payment Through Portal

**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.

[Quoted text hidden]

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**1321PorterStLLC** <1321porterstllc@gmail.com>

Mon, Feb 3, 2025 at 2:26 PM

To: "Felton, Keisha L - PDR" &lt;Keisha.Felton@rva.gov&gt;, Sherri.bowman@rva.gov

Hello Keisha and Sherri,

I am going to have all parties present so there is no further confusion.

I submitted the appeal application to Keisha's email, and followed up with Sherri about payment on December 23, 2024. Sherri informed me if I am paying through the portal, Keisha would be the individual that is in charge of the process for payment, and to await her response.

I am now receiving conflicting information after weeks of patiently waiting. So to make it simple I will just make the request from you both.

I need the payment of the Appeals be made accessible to me through the Permit Portal. Please let me know when they have been uploaded so I am able to make payment.

Thank you,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

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**1321PorterStLLC** <1321porterstllc@gmail.com>

Wed, Feb 5, 2025 at 6:57 AM

To: "Felton, Keisha L - PDR" &lt;Keisha.Felton@rva.gov&gt;, Sherri.bowman@rva.gov

Hello,

Thank you for collaborating to get this into the portal. This is the receipt for the paid appeals.

Please let me know if you need me to re-send any of the documents.

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.



Monday, February 3, 2025

**Congratulations! Your order has been processed successfully!***Please print this page for your records.*

Agency Name: City of Richmond, VA  
Order Number: 69234

| Invoice #       | Item Description  | Quantity | Unit Price | Total Price |
|-----------------|---|----------|------------|-------------|
| <u>00181861</u> | LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE -<br>PROPERTY MAINTENANCE 106.1 UNSAFE STRUCTURE       | 1        | \$184.00   | \$184.00    |
| <u>00181862</u> | LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA) FEE -<br>PROPERTY MAINTENANCE 108.1 APPLICATION FOR PERMIT | 1        | \$184.00   | \$184.00    |
| Item Total:     |   |          |            | \$368.00    |
| Service Fee:    |   |          |            | \$0.00      |
| Tax:            |   |          |            | \$0.00      |
| Order Total:    |   |          |            | \$368.00    |

[Return to Citizen Portal](#)

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[Quoted text hidden]

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**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>

Thu, Feb 6, 2025 at 4:36 PM

To: 1321PorterStLLC <1321porterstllc@gmail.com>, "Bowman, Sherri M. - PDR" <Sherri.Bowman@rva.gov>

Thank you so much! At this time if you could send me one email with all of the documents that you would like to present to the LBBCA.

Thanks again,

[Quoted text hidden]

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**1321PorterStLLC** <1321porterstllc@gmail.com>

Fri, Feb 7, 2025 at 8:31 PM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Hello Keisha,

Thank you for confirming that my appeals and payments have been received and that the appeals will be presented to the LBBCA.

When will you need for me to have those documents collected by? I can have them to you by February 24, 2024.

Can you also tell me when you think you will know about the appeal presentation date?

Sincerely,

Emily Pinchbeck, Mgr  
1321 Porter St. LLC.

[Quoted text hidden]

---

**Felton, Keisha L - PDR** <Keisha.Felton@rva.gov>

Mon, Feb 10, 2025 at 3:12 PM

To: 1321PorterStLLC <1321porterstllc@gmail.com>

Ms. Pinchbeck,

The Local Board of Building Code Appeals is scheduled to meet on **March 19, 2025**. The meeting will take place at **City Hall at 10am on the 5<sup>th</sup> Floor in the conference room in the Department of Planning and Development Review**. Please provide me with emailed copies of any documents, pictures, correspondences, or etc. that you would like to present to the LBBCA for review by **February 5th, 2025**. However, if more time is needed please contact me as soon as possible to further discuss. No documents will be excepted on the day of the hearing unless otherwise approved by the

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE:       Appeal of Khaleen Monaro  
              Appeal No. 25-09

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| Local Board of Building Code Appeals Meeting Minutes        | 481             |



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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Khaleen Monaro  
Appeal No. 25-06

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On January 23, 2025, the Prince William County Department of Development Services, Building Development Division (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice of Violation (NOV) to Khaleen Monaro (Monaro), for a deck on the property located at 13959 Oleander Ct., in Prince William County, for construction without the required permits citing VUSBC Section 108.1.1 *When applications are required* and providing the following description:

*“Construction Without Permit – work done to deck without permits including but not limited to stairs.”*

2. Monaro filed an appeal to the Prince William County Building Code Board of Appeals (local appeals board). The local appeals board found that:

*“Based on the testimony, Notice of Violation BCE2025-00357 was properly issued and enforceable, and the Board upholds the Building Officials Notice of Violation.”*

3. On April 15, 2025, Monaro 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 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.

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Suggested Issues for Resolution by the Review Board

1. Whether to overturn the decision of the County and the local appeals board that a violation of VUSBC Section 108.1.1 *When applications are required* exists.

2. Whether to overturn Notice of Violation BCE2025-00357 issued by the County and upheld by the local appeals board.

3. Whether the Review Board has the authority to rescind and direct removal from public record a document created by a local building official.

If so, then:

4. Whether to rescind and direct removal from public record the Department of Development Services, Building Development Division letter dated January 22, 2025.

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# Basic Documents

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## VIOLATION NOTICE

**PREMISE IN VIOLATION:** 13959 OLEANDER CT  
**OWNER:** KHALEEN ALETHIA MONARO  
13959 OLEANDER CT  
WOODBIDGE VA 22193

**CASE # :** BCE2025-00357  
**VIOLATION DATE:** January 23, 2025  
**NOTICE DATE:** January 23, 2025  
**PRINT DATE:** January 23, 2025

**INSPECTOR:** Nagy Bishay

**CONTACT # / EMAIL:** 703-792-5658 /  
nbishay@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

| VUSBC<br>Code<br>Year | VUSBC<br>Code<br>Section | VIOLATION  | CORRECTIVE ACTION NECESSARY   | Compliance<br>Date |
|-----------------------|--------------------------|--|---|--------------------|
| 2018                  | 108.1.1 No Permit        | Construction Without Permit - work done to deck without permits including but not limited to stairs. | Obtain All Required Permits and Inspections including but not limited to building permit. | 2/23/25            |

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/departments/building-development-division/unpermitted-work>.

/S/Nagy Bishay

BUILDING CODE ENFORCEMENT INSPECTOR



January 22, 2025

Ms. Khaleen Monaro  
13959 Oleander Court  
Woodbridge, VA 22193

Dear Ms. Monaro,

Thank you for bringing forward your concerns regarding Building Code Enforcement Case BCE2025-00357 and the associated Notice of Violation (NOV). Per your request to cancel the NOV issued on December 16, 2024, a thorough background investigation was conducted on your residence at 13959 Oleander Court, Woodbridge, VA. Upon completion, I have determined that you are correct in your assessment that the county did not follow through in 2016, ensuring all work was completed with final approved inspections. As a result, the following code violations will not be prosecuted.

- Basement bedrooms added without an approved final inspection (BLD2014-05744 and ELE2014-03997).
- Modify existing windows (2) vertically and replacement of window wells (BLD2014-04938).
- Finishing basement (BLD2005-04778, ELE2005-02885, PLB2005-02108)

In addition, the violations identified in the NOV regarding finishing the basement and window well modification will be rescinded.

The violation regarding the Limited Permit (LTD2024-02403) for the lawn irrigation system was abated with the permit's reinstatement. However, a final approved inspection must be obtained within six months of reinstatement, or a new NOV will be issued.

A new violation was identified during the investigation, and a new NOV issued.

- Deck/deck stair modification. A permit is required to alter stairs, change decking from wood to synthetic, remove/install new railing, and make structural changes.

It is important to note that the Building Official and Building Code Enforcement are now aware of the unpermitted work in your basement and have significant concerns. If you choose to complete the required inspections, the fees to reinstate or take over (whichever is required) and inspect the permit will be waived as we work to ensure your basement is made safe and legal.

This letter is a permanent record and will be attached to the building permits and BCE case listed above. As a permanent record, it will be subject to FOIA requests, including any real estate requests or insurance-related claims that may stem from issues in the area(s) of concern that did not receive an approved final inspection. This letter serves as notice to you and any future buyers, tenants, or residents that your building is non-compliant.

Sincerely,

*Kristin Alexander*

Kristin Alexander CBO, CBMO, CZA  
Building Code Enforcement Branch Manager

Cc: Building Official  
Deputy Building Official

PRINCE WILLIAM COUNTY  
BUILDING CODE BOARD OF APPEALS  
**Resolution**

**WHEREAS**, the Prince William County Building Code Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code; and

**WHEREAS**, an appeal has been filed and brought to the attention of the Board of Appeals; and

**WHEREAS**, the Notice of Violation was issued on January 23, 2025, and the Appeal was submitted to the Board on January 23, 2025; and

**WHEREAS**, a hearing was held on April 2, 2025, to consider the aforementioned appeal; and

**WHEREAS**, the board has fully deliberated this matter; and

**NOW THEREFORE BE IT RESOLVED**, That in the matter of

Appeal No. APL2025-00012

IN RE: Khaleen Monaro v. Prince William County Building Official

The decision of the Building Official is hereby ***upheld***, for the reason set out below:

1. Based on the testimony, Notice of Violation BCE2025-00357 was properly issued and enforceable, and the Board upholds the Building Officials Notice of Violation.

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

**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):

Khaleen Monaro  
13959 Oleander Court, Woodbridge, VA, 22193  
561-900-5611  
kgrant20@hotmail.com

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

Eric Mays  
5 County Complex Court, Suite 120, Prince William, Virginia, 22192  
Phone: 703-792-6873  
emays@pwcgov.org

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 11th day of April, 2025, 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: Khaleen Monaro  
(please print or type)

Relief sought:

1. Overturn notice of violation BCE2025-00357. The Code Enforcement Division issued zoning and building permits (ZNA2022-03554), conducted 13 inspections of the project, and attested to DPOR that all work performed by the contractor was permitted, and that there were no pending violations. Issuing a new violation after final inspection approval (BLD2022-04227) retroactively changes the terms of the approval, violating Virginia Administrative Code (VAC) 13VAC5-63-130 (P), which states that a final inspection approval signifies all work complies with applicable codes at the time and the permit is complete.

2. Rescind, and direct the removal from public record, of the Code Enforcement Division's defamatory letter, dated 22 January 2025. The letter contains several false statements and is intended to circumvent the limitation of prosecution pursuant to VA Code 19.2-8.

13VAC5-63-150 (C) further states, "when compliance can no longer be compelled by prosecution under 36-106 of the Code of Virginia, the building official, when requested by the building owner, shall document in writing the existence of the violation noting the edition of the USBC the violation is under." I am the sole owner of the building, and I made no such request. The Building Official is therefore acting outside her authority.

(Page left blank intentionally)

Documents Submitted  
by  
Khaleen Monaro



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## VIOLATION NOTICE

**PREMISE IN VIOLATION:** 13959 OLEANDER CT  
**OWNER:** KHALEEN ALETHIA MONARO  
13959 OLEANDER CT  
WOODBIDGE VA 22193

**CASE # :** BCE2025-00357  
**VIOLATION DATE:** December 16, 2024  
**NOTICE DATE:** December 16, 2024  
**PRINT DATE:** December 17, 2024

**INSPECTOR:** Jeremy Boudreau

**CONTACT # / EMAIL:** 703-792-4171 /  
Jboudreau@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

| VUSBC<br>Code<br>Year | VUSBC<br>Code<br>Section       | VIOLATION   | CORRECTIVE ACTION NECESSARY              | Compliance<br>Date |
|-----------------------|--------------------------------|---|--|--------------------|
| 2018                  | 113.3 Req Insp<br>Not Obtained | Required Inspection Not Obtained -<br>Including but not limited to required<br>inspections not obtained for permits<br>LTD2024-02403, BLD2014-05744,<br>ELE2014-03997, BLD2014-04938,<br>PLB2005-02108, ELE2005-02885,<br>BLD2005-04778 Irrigation and basement<br>permits. | Obtain All Required Approved Inspections |                    |

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/departments/building-development-division/unpermitted-work>.

/S/Jeremy Boudreau

BUILDING CODE ENFORCEMENT INSPECTOR



# COUNTY OF PRINCE WILLIAM, VA

## ZONING APPROVAL FOR BUILDING PERMIT

### APPROVED

PERMIT NO: ZNA2022-03554

ISSUE DATE: January 6, 2022

#### APPLICANT INFORMATION

**NAME:** NACHMAN CONSTRUCTION  
ATTN: NACHMAN CONSTRUCTION  
**ADDRESS:** 7918 JONES BRANCH DR 4TH FLOOR  
MCLEAN VA 22102

**PHONE:****BUSINESS NAME:**

#### OWNER INFORMATION

**NAME:** KHALEEN ALETHIA MONARO  
**ADDRESS:** 13959 OLEANDER CT  
WOODBIDGE VA 22193

#### SITE INFORMATION

**SITE ADDRESS:** 13959 OLEANDER CT  
WOODBIDGE VA 22193

**GPIN:** 8192-71-5186  
**MAGISTERIAL DISTRICT:** 27 - Neabsco

**DEVELOPMENT:** 8192-72-3351**ZONING:** R-2

**USE/COND:** BPA - 15'5" X 30' INGROUND POOL AND 56 SQ.FT. SPA WITH 1,357 SQ. FT. CONCRETE DECKING INCLUDING TWO (2) 3' X 3' X 5'3" PILLARS THAT SUPPORT WATER FEATURE AND STAIRS BUILT TO GRADE - - AND - - 124' LONG RETAINING WALL - POOL HAS AUTOMATIC COVER - POOL DECKING AND PUMP EQUIPMENT MUST MAINTAIN 5' FROM PROPERTY LINES - RETAINING WALL MAX HEIGHT 3' AND SUBJECT TO ISSUANCE OF BUILDING PERMIT (IF REQUIRED) BY BUILDING OFFICIAL - NO RPA - SEE ATTACHED HOUSE LOCATION SURVEY PLAT

Note to Property Owner: Prior to beginning construction, please determine the existence of any applicable restrictive covenants and/or deed restrictions governing property improvements. In some cases, such covenants may be more restrictive than the Prince William County Code, and the issuance of this permit will not relieve you of complying with any applicable private restrictions that affect you. We recommend that you contact your Homeowner's or Property Owner's Association to determine the existence and applicability of any such covenants.

I CERTIFY THAT ALL INFORMATION PROVIDED FOR THIS SITE IS TRUE & ACCURATE (I.E. PROPOSED/EXISTING USES & STRUCTURES; SETBACKS; EASEMENTS). IF INFORMATION PROVIDED IS INACCURATE OR INCOMPLETE, THIS APPROVAL WILL BECOME NULL & VOID. APPL. INITIAL: \_\_\_\_\_

Applicant/Owner is responsible for any off-site impacts related to this approval. Appl Initials: \_\_\_\_\_

IT IS MY RESPONSIBILITY TO OBTAIN PERMISSION FROM ALL EASEMENT HOLDERS BEFORE PLACING ANY STRUCTURE WITHIN AN ESTABLISHED EASEMENT. APPL. INITIAL: \_\_\_\_\_

RETAINING WALL MAXIMUM HEIGHT NOT TO EXCEED 3.0 FEET.

NOT IN RESOURCE PROTECTION AREA

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
APPLICANT PRINT NAME

**Katelyn Hirmer**

ISSUING AGENT

*Lisa Fink-Butler*

LISA FINK-BUTLER, CZA, CTM  
ZONING ADMINISTRATOR

RECEIPT NO: RCPT20220106195031



## INSPECTION REPORT

|                       |   |  |                          |
|-----------------------|---|--|--------------------------|
| Case Number:          | BLD2022-04227                             |  |                          |
| Inspection Scheduled: | 09/29/2023                                | Inspection Status:                     | Approved                 |
| Inspection Date:      | 09/29/2023 10:55 am                       |  |                          |
| Inspector:            | Charles Midgette - Main Inspector         | Inspection Type:                       | 121R Swimming Pool Final |
| Job Address:          | 13959 Oleander Ct<br>Woodbridge, VA 22193 | Parcel Number:                         | 8192-71-5186             |
| Contact Type          | Company Name                              | Name                                   | Phone                    |
| Authorized Agent      | NACHMAN CONSTRUCTION                      | NACHMAN CONSTRUCTION<br>KHALEEN MONARO | 7038322686               |
| Owner                 |   | KHALEEN MONARO                         | 5619005611               |
|                       |   | Results                                | Comments                 |

/s/Charles Midgette

Charles Midgette  
DS BUILDING DEVELOPMENT  
703-792-5657  
cmidgette@pwcgov.org

September 29, 2023

Date

In accordance with the Virginia Uniform Statewide Building Code (VUSBC), **§108.8 Time Limitation of application**, a building official shall be permitted to revoke a permit if authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six (6) months after the permit is issued.

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Documents Submitted  
By  
Prince William County

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April 25, 2025

State Building Code Technical Review Board  
c/o Mr. W. Travis Luter, Sr.  
Secretary to the State Building Code Technical Review Board  
Code and Regulation Specialist  
Virginia Department of Housing and Community Development (DHCD)

RE: Appeal to the Review Board for Khaleen Monaro (Appeal No. 25-06)

Dear Mr. Luter,

This letter is in response to Appeal No. 25-06 submitted by Khaleen Monaro.

1. The Prince William Building Code Appeals Board conducted the Appeal Hearing APL2025-00012 on April 2, 2025. The following attachments are incorporated as part of this letter:
  - A. The Prince William Building Code Appeals Board hearing documents
  - B. The Prince William Building Code Appeals Board resolution
  - C. Prince William Building Code Appeals Board meeting minutes
2. Ms. Monaro is appealing two items.
  - A. Overtake Notice of Violation BCE2025-00357.

Ms. Monaro admitted during the local appeal hearing that the stairs from the demolished lower deck to the remaining upper deck had been replaced. However, Ms. Monaro contends that the new deck stair construction was part of Building Permit BLD2022-04227 Residential Swimming Pool. Contrary to Ms. Monaro's assertions, the Zoning Approval ZNA2022-03554 for the Swimming Pool and Building Permit BLD2022-04227 Residential Swimming Pool do not include any alterations or replacement of the existing deck stairs. In summary, a Zoning Approval, a Building Permit, and an approved Building Final Inspection are required.
  - B. Rescind, and direct the removal from public record, of the Code Enforcement Division's letter, dated 22 January 2025.

The State Technical Review Board (STRB) does not have standing to direct the destruction of public records. Furthermore, the letter is factually accurate. In reference to Building Permit BLD2014-04938, the Code violations that were documented during the Residential Close-Inspection were never reinspected, and a Building Final Inspection has never been conducted/approved. Additionally, Ms. Monaro is mistaken in her assertion that a Building Official can only issue a letter when requested by a homeowner. I would offer that a Building Official has a ministerial duty to inform a homeowner of unapproved and potentially unsafe construction in their home.



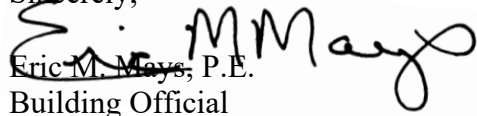
Appeal to the Review Board for Khaleen Monaro (Appeal No. 25-06)

April 25, 2025

Page 2 of 2

In summary, the Notice of Violation BCE2025-00357 for the new deck stairs is valid and enforceable. Additionally, the Code Enforcement letter, dated January 22, 2025, is factually accurate, and there is no justification to destroy public documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric M. Mays", is written over a light blue rectangular background.

Eric M. Mays, P.E.

Building Official

Prince William County

Attachments

Prince William County, Virginia

BEFORE THE  
PRINCE WILLIAM COUNTY BUILDING CODE APPEALS BOARD

IN RE:           Appeal No. APL2025-00012 - Appeal of Khaleen Monaro

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BEFORE THE PRINCE WILLIAM COUNTY BUILDING CODE APPEALS BOARD

IN RE: Appeal No. APL2025-00012 - Appeal of Khaleen Monaro

BUILDING OFFICIAL'S DOCUMENT

Summary Of Case History And Pertinent Facts

1. On December 10, 2024, the Virginia Department of Professional and Occupational Regulation (DPOR), on behalf of the Virginia Board of Contractors, requested information related to the construction of a swimming pool at 13959 Oleander Court. DPOR provided a copy of the contract between Ms. Monaro and Nachman Construction.
2. In response to the DPOR Request, the Building Code Enforcement Branch initiated a review of the permit history for 13959 Oleander Court. The review resulted in the following findings:
  - A. Building Permit BLD2022-04227 Residential Swimming Pool was properly issued and received the final inspection approval on September 29, 2023.
  - B. Seven (7) permits not associated with the swimming pool construction were canceled or abandoned.

| Permit Number | Permit Type | Issue Date | Permit Description   |
|---------------|-------------|------------|--|
| BLD2005-04778 | BLD         | 9/29/2004  | BASEMENT, Abandonment of Work - Closed Without Required Inspections  |
| PLB2005-02108 | PLB         | 9/29/2004  | BASEMENT, Abandonment of Work - Closed Without Required Inspections  |
| ELE2005-02885 | ELE         | 9/29/2004  | BASEMENT, Abandonment of Work - Closed Without Required Inspections  |
| BLD2014-05744 | BLD         | 4/21/2014  | FINISHING BASEMENT - ADDING TWO BEDROOMS (WINDOW WELLS BEING INSTALLED UNDER BLD2014-04938) - NO KITCHEN NO WET BAR                              |
| ELE2014-03997 | ELE         | 4/21/2014  | FINISHING ROOMS IN BASEMENT  |
| BLD2014-04938 | BLD         | 3/14/2014  | MODIFY EXISTING WINDOWS (2) VERTICALLY ONLY AND REPLACE WINDOW WELLS W/ICC APPROVED WELLS TO FULFILL IRC 2009 REQUIREMENTS SUBJECT TO INSPECTION |
| LTD2024-02403 | LTD         | 12/30/2024 | IRRIGATION INSTALL   |

3. On December 16, 2024, Building Code Violation BCE2025-00357 (2024\_1216) was issued to the owner, Ms. Monaro, for failing to obtain the required inspections. Subsequently, Ms. Monaro asserted that the Notice of Violation related to the basement permits was not enforceable because the Statute of Limitations for Prosecution had expired. Ms. Monaro ensured her contractor obtained the Limited Permit for the irrigation installation.
4. On January 22, 2025, Ms. Alexander, Building Code Compliance Manager, concurred with Ms. Monaro via letter (Attachment A)

5. On January 23, 2025, a new Building Code Violation BCE2025-00357 (2025\_0123) was issued for “Construction Without Permit - work done to deck without permits including but not limited to stairs.” (Attachments B to I).
6. On January 23, 2025, Ms. Monaro submitted the Application for Appeal.
7. The following is in response to Ms. Monaro’s request:

A. *“Relief sought: that Board either mark as closed and remove from the publicly searchable records in the Department’s database BCE2025-00357 issued under my name.”*

Response: Two violation notices have been issued under Building Code Enforcement Case BCE2025-00357. The first violation pertained to the seven abandoned permits, which the County has concurred that the Statute of Limitations precludes prosecution of six abandoned permits related to the basement. However, this does not address the potentially unsafe conditions by failing to obtain the required inspections. Ms. Monaro obtained the seventh required permit for the irrigation system. Ms. Monaro’s request that the County purge its files of official government documents is illegal and outside the purview of the Building Code Appeals Board.

B. *“Relief sought: that the Board remove or direct the removal of the letter containing allegations from the public record.”*

Ms. Monaro’s request that the County purge its files of official government documents is illegal and outside the purview of the Building Code Appeals Board.

C. *“Relief sought: that the Board close and remove from the publicly searchable records in the Department’s database this latest violation notice for the deck/stairs modification.”*

When the unpermitted work on the deck and stairs is abated, the Building Code Case will be closed. Ms. Monaro’s request that the County purge its files of official government documents is illegal and outside the purview of the Building Code Appeals Board.

D. *“Review the Department and its representative’s conduct for retaliatory acts, and direct the Department to cease acts of retaliation.”*

I have reviewed the allegation of retaliatory acts, and the allegation is unfounded. Although the allegations are outside the purview of the Building Code Appeals Board, the following are the facts:

- Contrary to Ms. Monaro’s statements, the County has no record of Mr. Boudreau, Building Code Enforcement Inspector, being served a subpoena by Ms. Monaro or her attorney in November 2024.

- The alterations to the deck/stairs are not referenced in the swimming pool contract, the County Zoning Approval, the County Building Permit, or the Swimming Pool Final Inspection conducted on May 25, 2023. In summary, permits were not issued, and inspections were not conducted for the alterations to the deck/stairs.
- Six abandoned permits concerning alterations to the basement exist. There are no inspection records for the 2005 permits. A review of the inspection results for the 2014 permits indicates that the Residential Close-In Inspection was limited to the two window wells, and a Residential Combination Final Inspection was never conducted (Attachment J).
- Ms. Monaro declined the County's request to conduct a safety inspection of the basement construction. Based on the expired Statute of Limitations, the County has approved waiving the permit fees for any related Takeover Permits. However, Ms. Monaro has not obtained the Takeover Permits.

January 22, 2025

Ms. Khaleen Monaro  
13959 Oleander Court  
Woodbridge, VA 22193

Dear Ms. Monaro,

Thank you for bringing forward your concerns regarding Building Code Enforcement Case BCE2025-00357 and the associated Notice of Violation (NOV). Per your request to cancel the NOV issued on December 16, 2024, a thorough background investigation was conducted on your residence at 13959 Oleander Court, Woodbridge, VA. Upon completion, I have determined that you are correct in your assessment that the county did not follow through in 2016, ensuring all work was completed with final approved inspections. As a result, the following code violations will not be prosecuted.

- Basement bedrooms added without an approved final inspection (BLD2014-05744 and ELE2014-03997).
- Modify existing windows (2) vertically and replacement of window wells (BLD2014-04938).
- Finishing basement (BLD2005-04778, ELE2005-02885, PLB2005-02108)

In addition, the violations identified in the NOV regarding finishing the basement and window well modification will be rescinded.

The violation regarding the Limited Permit (LTD2024-02403) for the lawn irrigation system was abated with the permit's reinstatement. However, a final approved inspection must be obtained within six months of reinstatement, or a new NOV will be issued.

A new violation was identified during the investigation, and a new NOV issued.

- Deck/deck stair modification. A permit is required to alter stairs, change decking from wood to synthetic, remove/install new railing, and make structural changes.

It is important to note that the Building Official and Building Code Enforcement are now aware of the unpermitted work in your basement and have significant concerns. If you choose to complete the required inspections, the fees to reinstate or take over (whichever is required) and inspect the permit will be waived as we work to ensure your basement is made safe and legal.

This letter is a permanent record and will be attached to the building permits and BCE case listed above. As a permanent record, it will be subject to FOIA requests, including any real estate requests or insurance-related claims that may stem from issues in the area(s) of concern that did not receive an approved final inspection. This letter serves as notice to you and any future buyers, tenants, or residents that your building is non-compliant.

Sincerely,



Kristin Alexander CBO, CBMO, CZA  
Building Code Enforcement Branch Manager

Cc: Building Official  
Deputy Building Official

Attachment A



## VIOLATION NOTICE

**PREMISE IN VIOLATION:** 13959 OLEANDER CT  
**OWNER:** KHALEEN ALETHIA MONARO  
13959 OLEANDER CT  
WOODBIDGE VA 22193

**CASE # :** BCE2025-00357  
**VIOLATION DATE:** January 23, 2025  
**NOTICE DATE:** January 23, 2025  
**PRINT DATE:** January 23, 2025

**INSPECTOR:** Nagy Bishay

**CONTACT # / EMAIL:** 703-792-5658 /  
nbishay@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

| VUSBC<br>Code<br>Year | VUSBC<br>Code<br>Section | VIOLATION  | CORRECTIVE ACTION NECESSARY   | Compliance<br>Date |
|-----------------------|--------------------------|--|---|--------------------|
| 2018                  | 108.1.1 No Permit        | Construction Without Permit - work done to deck without permits including but not limited to stairs. | Obtain All Required Permits and Inspections including but not limited to building permit. | 2/23/25            |

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/departments/building-development-division/unpermitted-work>.

/S/Nagy Bishay

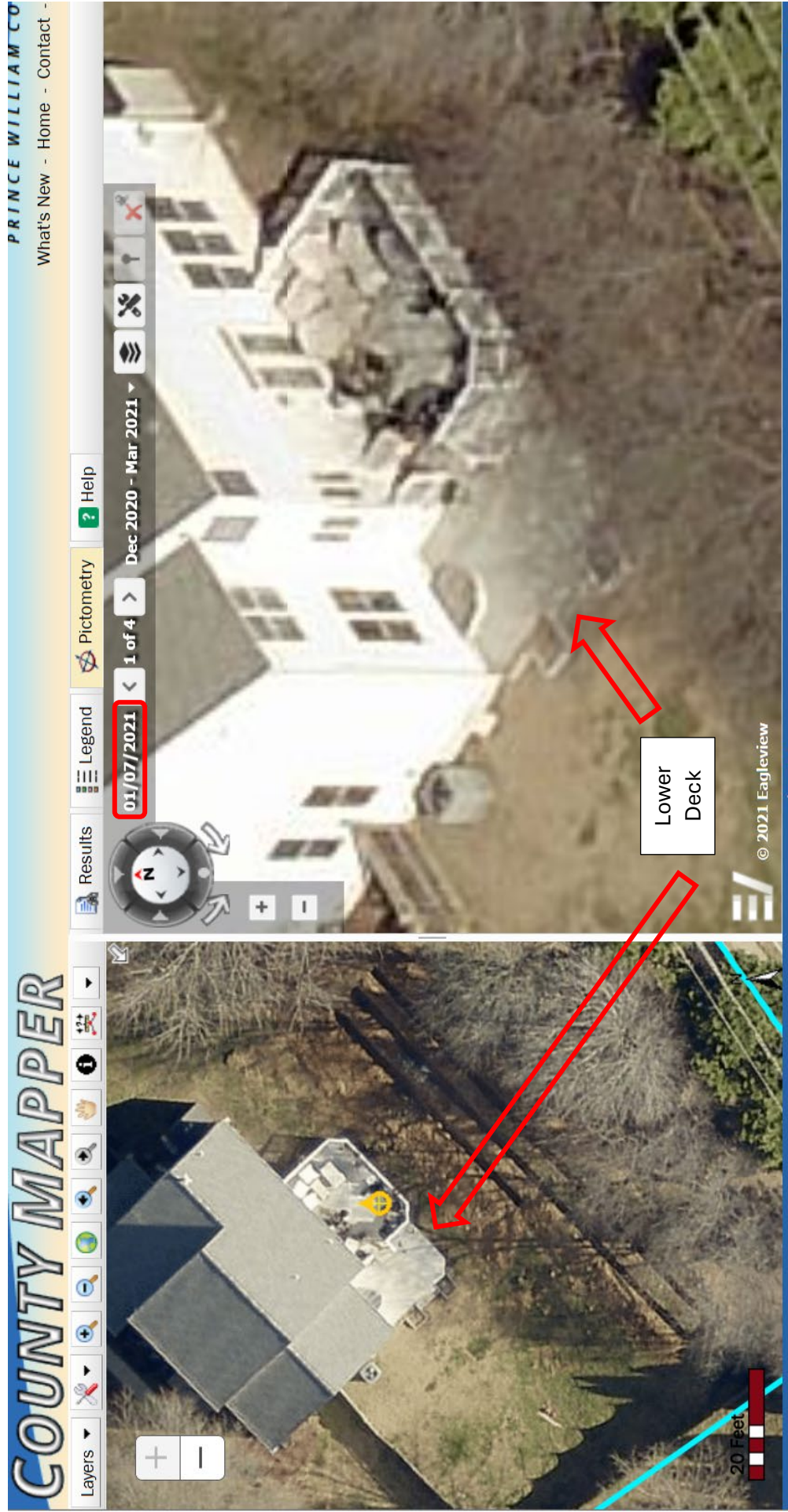
BUILDING CODE ENFORCEMENT INSPECTOR

Attachment B

420

13959 Oleander Court – Evidence of Demolition of Lower Deck and Installation of New Stairs to Upper Deck

Aerial Photography January 2021





CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBIDGE VA 22193  
PHONE: 561-900-5611

---

**NACHMAN POOLS - POOL INSTALLATION SERVICES CONTRACT**

This agreement ("Agreement") is valid for your acceptance for up to **15 days** after the date signed by **Nachman Construction, LLC dba Nachman Pools** below.

Salesperson: \_\_\_\_\_ License Number: \_\_\_\_\_  
Appointment Number: 408 Job Number: 408

Estimated Start Date: Estimated date will be known once pool is ordered

Location where services are to be performed ("Premises"):

13959 Oleander Ct Woodbridge, VA 22193

Description of services to be completed (including the materials to be used) (the "Services"):

**Pool Style: Ultimate 30**

**Pool Color: Sapphire Blue**

Package Includes the Following:

- |                                      |   |
|--------------------------------------|---|
| • Hayward Tristar VS 950             | • Labor to install                      |
| • Hayward Swim Clear Cartridge       | • Backfill entire job                   |
| • Hayward HeatPro 140K Heat Pump     | • Electric hook up within 20 ft         |
| • Hayward Colorlogic Lights          | • Initial Cleaning and Chemical Balance |
| • Hayward Aquarite System Cell       | • 1 Skimmer                             |
| • Hayward Tigershark Quick Clean     | • 2 Returns                             |
| • Excavation (Rock excavation extra) | • Leisure Pool Starter Kit              |
| • Haul-off                           | • 11K Electric Spa Heater               |
| • Delivery                           | • Permits (within city limits)          |

Deck and Coping Description: Coping around pool and spa cost will be dependent on materials

---

Number of Lights in Pool: 3

Water feature: Custom

Cleaners: Hayward Tigershark

Chlorinators: Salt System

\*Heater: Hayward HeatPro 140K Heat Pump

Tile: \_\_\_\_\_

Jets: Hayward Spa Blower

Spa Description: \_\_\_\_\_

---

Notes: Hayward valve Actuator Kit, Automatic Pool Cover, Grading work for patio area, Retaining Walls Labor Only(customer to supply all material needed), Steps, Patio Area, Electric Trench work \$37LF to Be billed, Water to be billed at cost per supplier, Hayward Valve Actuator

\*Pricing is based on access around house to pool location, level ground, and electrical within 20'

\*Nachman Pools are NOT responsible for any gas hookups (natural or propane). Customer will contact gas company directly (not included with heater purchase)

**IN MARYLAND, ALL HOME IMPROVEMENT CONTRACTORS MUST BE LICENSED BY THE HOME IMPROVEMENT COMMISSION. YOU CAN INQUIRE ABOUT ANY CONTRACTOR BY CALLING THE HOME IMPROVEMENT COMMISSION AT (410) 333-6310**

**IN VIRGINIA, ALL HOME IMPROVEMENT CONTRACTORS MUST BE LICENSED BY THE VIRGINIA BOARD OF CONTRACTORS. THE DEPARTMENT OF PROF. AND OCC. REG, AND VIRGINIA CONTRACTOR TRANSACTION RECOVERY FUND CAN BE CONTACTED AT 804-367-8504**

---

CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBIDGE VA 22193  
PHONE: 561-900-5611

**COST OF SERVICES:**

Total Contract Price: \$133,964.30  
Initial Deposit: \$2,500.00 to begin permit application  
Payment Due: \$65,732.15 prior to pool being ordered  
Payment Due: \$52,335.72 prior to excavation work  
Balance Due at Completion: \$13,396.43 upon completion

***Full payment is due via cashier's check or wire transfer upon completion of the Services.***

If the Balance Due is not paid within ten (10) days after Completion of the Services, Nachman may charge you (a) a late fee not to exceed 5% of the Balance Due, or (b) the maximum amount allowed by law, which is, along with the Balance Due, immediately due and payable to Nachman Pools.

**Any modification to this Agreement which changes the cost, materials, Services to be performed, or the estimated completion date must be made in writing and signed by all parties.**

**RIGHT TO CANCELLATION:**

If this is a home solicitation sale, you, the customer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached Notice of Cancellation form for an explanation of this right.

---

**CUSTOMER SIGNATURE:**

Your signature below acknowledges that you are either the owner or an authorized agent of the owner of the subject property, that you have had the opportunity to read and understand this Agreement, that you understand and accept the terms of this Agreement, including the **Terms and Conditions provided with this Agreement**, and that you acknowledge receiving a copy of this Agreement and the Notice of Cancellation form. **Unless otherwise agreed, all owners of the subject property must sign this Agreement. If only one owner signs this Agreement, that owner represents and warrants that he/she is authorized to sign on behalf of the other owner(s) as his/her/its agent and that he/she is signing on behalf of the other owners.**

Signature:   
Print Name: Khal Monaro

Date: 11/05/2021

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

---

**CONTRACTOR SIGNATURE:**

Signed on behalf of Nachman Construction, LLC dba Nachman Pools.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

Date: \_\_\_\_\_  
Title: \_\_\_\_\_



CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBIDGE VA 22193  
PHONE: 561-900-5611

**COST OF SERVICES:**

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Signature:   
Print Name: Khal Monaro

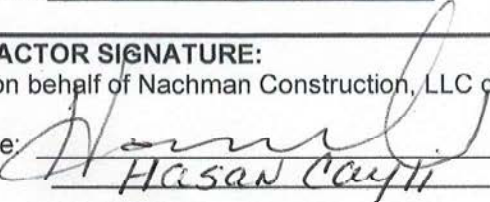
Date: 11/05/2021

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**CONTRACTOR SIGNATURE:**

Signed on behalf of Nachman Construction, LLC dba Nachman Pools.

Signature:   
Name: Hasan Cayli

Date: 11-5-2021  
Title: OWNER

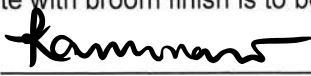


CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBIDGE VA 22193  
PHONE: 561-900-5611

### **TERMS AND CONDITIONS**

1. **SCOPE OF WORK:** For retail/turnkey projects Contractor will deliver necessary materials to jobsite, set, level and plumb pool to filter. Backfill, grade Ready for decking. Electric from pump to electric panel (up to 20' included).

**Exclusions from Scope of Work:** Electrical. Nachman Pools is not responsible for customer's existing electrical supply. Any necessary upgrades to customers electrical supply will be at the customer's expense. Concrete Decking. In the event that Nachman Pools shall include placement of 3 feet of decking around pool perimeter, the concrete with broom finish is to be completed by a separate contractor and separate warranty.

Customer Signature: 

**WARNING:** Never drain pool without Nachman Pool's approval. This will void your pool warranty.

### **2. DISCLAIMERS AND WARRANTIES:**

- a. All material is guaranteed to be as specified; one year manufacturer warranty on equipment and lights, 35 year structural warranty on pool shell (as long as original purchaser owns pool) and 10-year surface warranty\* *see warranty*. However, all fiberglass pools are made by hand from molds. Minor imperfections, blemishes and minor variation of walls and finish are normal and are deemed acceptable. This warranty does not cover damages caused by or contributed by accident, abuse, misuse, exposure to fire or hazards of nature, including floods, ground faults, or shifting and settling of soil. This includes any other type of act of GOD, or occurrence that Nachman Pools does not control. This warranty does not cover the cost of removal or installation or a replacement pool. Gel coat repairs (covered by warranty) may not match perfectly due to chemicals used to balance water and gradual fading due to UV sunlight. Nachman Pools will use the best readily available products and materials to provide the best match possible. When performing repairs, if it is necessary to drain a portion or all of the water, Nachman Pools is not responsible for any water cost or chemicals needed to rebalance water when pool is re-filled.
- b. Neither Nachman Pools nor any of its affiliates will be liable for any concrete or paver issues; nor do they imply or express any warranty for concrete or paver decking or patios. Concrete will be installed to the best of the contractor's ability; however, concrete will crack under the best circumstances. Decking (concrete or pavers) warranty is issued directly from the concrete/paver subcontractor.
- c. All targeted and scheduled installation and completion dates are estimates, and are subject to change, as we cannot control weather and other unforeseen circumstances.
- d. A 2-year warranty on equipment is available from manufacturer.
- e. All plumbing is warranted for 1 year. Leaking pipes caused by freezing pipes, abuse, ground shifting, or any type of act of GOD will not be covered under warranty.
- f. All work to be completed in a workmanlike manner in accordance with standard practices. All agreements and schedules are contingent upon strikes, accidents, or delays beyond our control, including, but not limited to subcontractor and supplier delays.
- g. Customer to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance and General Liability insurance. Customer is fully responsible for maintaining proper chemistry (balancing chemicals) to prevent any pool deposits which can cause discoloration.
- h. Any alterations or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. Additional cost will be charged for unusually tight quarters, over the house or other additional crane charges, and any required additional electrical work. Customer must have electric available: 220v, 4 wire setup (30 amps) minimal requirement for standard equipment, more may be required with equipment upgrade.
- i. **FENCES.** *Please note some municipalities have fencing ordinances. It is the specific responsibility of the customer to ascertain if such an ordinance applies in your area,*



CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBIDGE VA 22193  
PHONE: 561-900-5611

**and provide for appropriate fencing, self-closing gate, alarm etc. Nachman Pools is not responsible for compliance with any such fence ordinance or advice regarding same.**

- j. Customer is responsible for the cost of having utilities brought to within 20' of the pump. Electric power must be 240 volts.
- k. It is normal to expect a level variation in the finished deck and/or level of the pool up to 1 inch on a smaller pool and proportionately more on larger pools; this is deemed an acceptable industry tolerance in the process of getting a pre-cast pool set, leveled, and the deck put in place.
- l. Nachman Pools does not take responsibility for any of the following: fence removal or replacement, replacement of grass, sod, landscape materials, sprinkler system repair or replacement, septic removal, relocation or replacement. This is solely the customer's responsibility. Nachman Pools will provide final finish grade using materials on site or will utilize other topsoil materials as customer may provide at their expense.

Customer Signature: \_\_\_\_\_

3. **PERMITS.** On a turnkey installation, Nachman Pools will pull all standard (any additional permitting required can cause additional charges) permits. On all DIY installations, the customer is responsible for pulling necessary permits.

4. **VARIATIONS IN MATERIALS/LOCATIONS.** One piece fiberglass swimming pools are manufactured from pre-cast molds; consequently, pool sizes vary and end up being approximate. They may vary up to 5% on inside measurements. All swimming pool sizes in our literature refer to the outside dimensions which are also approximate and will vary as noted above. Color options may have a slight variation. If customer decides to relocate pool or pool elevation after yard check is complete and pricing is complete based on designated area, other charges will incur. Pricing is based on location and elevation that is designated during site/yard check.

5. **ADDITIONAL EQUIPMENT OR SERVICES.** Additional equipment or services desired by Customer (i.e., decking, tile, cover, heater, etc.) will be provided for separately on the CONTRACT ADDENDUM or CHANGE ORDER. All additional written agreements signed by both parties will be a valid part of this agreement. However, no oral agreements or discussions may modify or change the terms of this agreement.

6. **COSTS AND ATTORNEY FEES.** To the extent allowable under the laws of the jurisdiction where this contract was entered into. Contractor shall be entitled to recover from customer all costs and expenses including reasonable attorney's fees in enforcing any term or provision of this contract and in collecting any judgment entered.

7. **WAIVER OF JURY.** Customer agrees that in the event of any litigation initiated by the customer incident to this contract, the customer hereby waives all rights to a jury trial pertaining to such claim(s).

8. **SOLE CONTRACT.** Customer hereby warrants to contractor that it is not presently bound by contract with any other company for the performance of all or any part of the work.

9. **SERVICE ISSUES.** Any concerns, complaints, etc. should be sent directly to our SERVICE DEPARTMENT in writing either by fax or email. Someone in our service department will respond within 72 hours. An appointment will be made at that time to evaluate your concerns.

Service address: 7918 Jones Branch Dr McLean VA 22102

10. **ACCEPTANCE OF PROPOSAL.** The above prices, specifications and conditions are satisfactory and are hereby accepted. Nachman Pools is authorized to do the work as specified. Payment will be made as outlined above. This proposal serves as a lien notification to allow Nachman Pools to place a lien on your home in the event of non-payment.



CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBIDGE VA 22193  
PHONE: 561-900-5611

**11. HAZARDOUS SUBSTANCES.** You represent and warrant to Nachman Pools that the Premises will not contain and hazardous substances and wastes during the period when Services are rendered. Should any hazardous substances or wastes be discovered in the Premises after the date hereof, you shall give prompt written notice to Nachman Pools. Should Nachman Pools become aware, or have a good faith reason to believe, that hazardous substances or wastes exist in the Premises, Nachman Pools shall cease work, notify you of the findings, and at its sole option: (a) suspend further work until such time you have dealt with such hazardous substances or wastes by a lawful, appropriate course of action acceptable to Nachman Pools; or (b) terminate this Agreement. Nothing contained in this Agreement shall be construed or interpreted as requiring Nachman Pools to assume the status of an owner, operator, generator, person who arranges for disposal, transporter, storage, treatment, or disposal facility as those terms appear within any federal or state statute governing the treatment, storage and disposal of hazardous substances or wastes. You shall be solely responsible for notifying appropriate federal, state, municipal or other governmental agencies of the existences of any hazardous, toxic or dangerous materials located on or in the Premises or discovered during the performances of the Services. You shall be responsible for making and paying for all necessary arrangements to lawfully store, treat, recycle, dispose of, or otherwise handle hazardous substances or wastes. In any event, Nachman Pools shall be compensated for all costs and expenses incurred prior to the cessation of work and Nachman Pools shall have no liability whatsoever to you or any third party as a result of the suspension or termination of work. If a claim(s) against Nachman Pools results from the existence of such hazardous substances or wastes, you agree to indemnify, defend, and hold Nachman Pools, its officers, owners, employees, successors, and assigns, harmless, including reasonable attorney fees, therefrom. The terms and conditions of this paragraph shall survive the termination of this Agreement.

**12. CONCEALED CONDITIONS.** If conditions are encountered at the Premises which are concealed physical conditions or unknown physical conditions of an unusual nature which differ materially from those ordinarily found, then Nachman Pools shall promptly notify you. If Nachman Pools and you cannot agree on an adjustment in the sum to be paid by you for the Services to reflect any increase in Nachman Pools cost of, or time required for performing such Services (due to such concealed/unknown physical conditions), either party may terminate this Agreement and you shall pay Nachman Pools that portion on the sum to be paid by you for the Services equal to the portion of the Services performed.

**13. LIMITED WARRANTY/REMEDY.** Nachman Pools warrants, for twelve months from the date of substantial completion of the Scope of Work as indicated in this Agreement, that its workmanship shall be free from material defects. To assert a warranty claim, you must notify Nachman Pools first in writing for the workmanship defect during such twelve-month period. If a defect in workmanship has occurred, Nachman Pools will, at its sole option, either: (a) correct or repair the defect or (b) refund the amount paid for the portion of the Services in question. **THIS IS YOUR SOLE AND EXCLUSIVE REMEDY FROM NACHMAN POOLS.** Nachman Pools will provide you with and, to the extent permitted, assign any warranty given by a manufacturer or any products or materials purchased by Nachman Pools and installed as part of the Services. **EXCEPT AS SPECIFICALLY PROVIDED ABOVE, NACHMAN POOLS MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION ANY WARRANTY OR MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR USE, OR OTHERWISE, AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ARE EXCLUDED FROM THIS AGREEMENT. THIS WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH VARY FROM STATE TO STATE.**

**14. GOVERNING LAW.** This Agreement shall be governed by the laws of the jurisdiction at which the Premises is located. Any claim arising out of this Agreement which cannot be resolved by good faith negotiations between the parties, will be subject to litigation in the appropriate state and federal courts. Nachman Pools may be entitled to a lien on the customer's home/jobsite in the event that Nachman Pools is not paid in full for the services rendered and materials provided.

**15. LIMITATION OF LIABILITY.** A. Nachman Pools' maximum liability to you or any other person arising at any time from any cause or claim whatsoever shall not exceed the amount paid by you to Nachman Pools under this Agreement. In the event of tender by Nachman Pools of a refund of the costs for Services paid by

CUSTOMER: Khal Monaro  
ADDRESS: 13959 OLEANDER CT  
WOODBRIDGE VA 22193  
PHONE: 561-900-5611

you, such refund shall be full and final settlement of all present and future claims and causes of action and Nachman Pools shall be thereupon generally and fully released. B. NEITHER NACHMAN POOLS NOR YOU WILL BE LIABLE FOR INDIRECT, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL OR PUNITIVE DAMAGES REGARDLESS OF THE FORM OF ACTION OR LEGAL THEORY ARISING OUT OF THIS AGREEMENT. SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU.

Customer Signature: \_\_\_\_\_





Nachman Pools

7918 Jones Branch Dr.  
4th Floor  
McLean, VA, 22102

# Estimate

| Date      | Estimate # |
|-----------|------------|
| 11/4/2021 | 409        |

| Name / Address  |
|-----------------|
| Khal Monaro - 2 |

|   |     |              | Project      |
|---|-----|--------------|--------------|
|   |     |              |              |
| Description   | Qty | Rate         | Total        |
| Ultimate 30   | 1   | 27,148.25    | 27,148.25    |
| Delivery  | 1   | 6,374.61     | 6,374.61     |
| Hayward Pump Tristar VS 950 #202323   | 1   | 1,768.45     | 1,768.45     |
| Hayward Swim Clear Cartridge #402313  | 1   | 1,316.45     | 1,316.45     |
| Hayward Heatpro 140K Heat Pump #522314  | 1   | 5,525.70     | 5,525.70     |
| Hayward 11KW Electric Spa Heater #522310  | 1   | 889.87       | 889.87       |
| Hayward Colorlogic 320 Accent Lights #5422401   | 3   | 490.13       | 1,470.39     |
| Hayward Spa Blower #203100  | 1   | 244.36       | 244.36       |
| Hayward Aquarite System #302334   | 1   | 1,634.26     | 1,634.26     |
| Hayward Valve Actuator #894311  | 1   | 245.77       | 245.77       |
| Hayward Tigershark Quick Clean #512305  | 1   | 1,156.83     | 1,156.83     |
| Leisure Pool Starter Kit #844317  | 1   | 433.63       | 433.63       |
| Automatic Pool Cover  | 1   | 17,750.00    | 17,750.00    |
| Coping Around Pool and Spa Area (cost will be dependent on material and availability)   | 1   | 2,984.64     | 2,984.64     |
| Grading work for patio area/columns placement and insertion (concrete rebar)  | 1   | 2,500.00     | 2,500.00     |
| Retaining Walls Labor Only  | 1   | 15,290.00    | 15,290.00    |
| Steps   | 1   | 3,341.00     | 3,341.00     |
| Patio Area  | 1   | 7,566.00     | 7,566.00     |
| Water Feature   | 1   | 8,824.09     | 8,824.09     |
| Labor & Material  | 1   | 27,500.00    | 27,500.00    |
| Electrical trench to dig \$37 LF additional electrical needs from panel to pad not covered, also material cost can effect pricing dependent on choice and availability.<br>** Water will be billed at cost per supplier |     |              |              |
|   |     | <b>Total</b> | \$133,964.30 |



| Project Info     |                      |
|------------------|----------------------|
| Project Name:    | Monaro Project       |
| Client Name:     | Khal Monaro          |
| Client Email:    | kgrant20@hotmail.com |
| Client Phone:    | 561-900-5611         |
| Address:         | 13959 Oleander Court |
| City:            | Woodbridge           |
| State/Province:  | VA                   |
| Zip/Postal Code: | 22193                |

| Pool      |                        |
|-----------|------------------------|
| Envelope: | 30' x 15' 5"           |
| Area:     | 462.83 ft <sup>2</sup> |

| New Patio         |                       |
|-------------------|-----------------------|
| Total Area:       | 1,137 ft <sup>2</sup> |
| Surface Material: | Concrete              |

| Staircase       |          |
|-----------------|----------|
| Total Run:      | 3'       |
| Total Rise:     | 16"      |
| Step Count:     | 2        |
| Riser Material: | Concrete |

| Retaining Walls |                        |
|-----------------|------------------------|
| Linear Ft:      | 278'                   |
| Total Area:     | 559.13 ft <sup>2</sup> |
| Height:         | 36"                    |

| Plumbing   |         |
|------------|---------|
| Linear Ft: | 12' 11" |

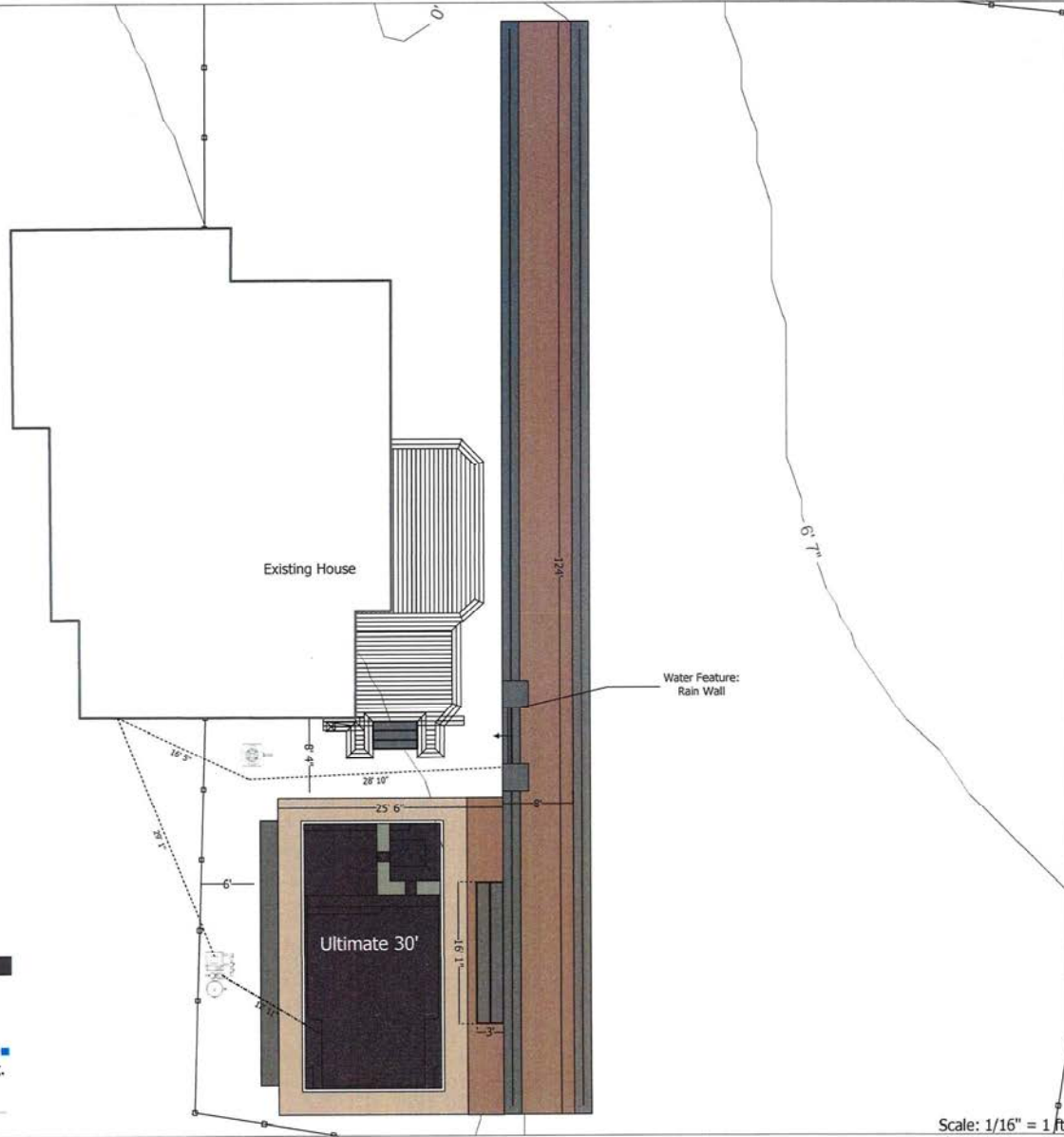
| Electrical |        |
|------------|--------|
| Linear Ft: | 74' 4" |

| Water Features     |         |
|--------------------|---------|
| Rain Descent:      | 6'      |
| Pillar Base:       | 3' x 3' |
| Pillar Height:     | 5' 6"   |
| Pillar Separation: | 6' 4"   |

| Pool Depth Profile  |            |
|---------------------|------------|
| 3ft.                | 3ft.       |
| 4ft. 3in.           | 7ft.       |
| 4ft. 6in. 2ft. 3in. | 23ft. 3in. |





**COUNTY OF PRINCE WILLIAM, VA**  
**ZONING APPROVAL FOR BUILDING PERMIT**

**APPROVED**

PERMIT NO: ZNA2022-03554

ISSUE DATE: January 6, 2022

**APPLICANT INFORMATION**

**NAME:** NACHMAN CONSTRUCTION  
ATTN: NACHMAN CONSTRUCTION  
**ADDRESS:** 7918 JONES BRANCH DR. 4TH FLOOR  
MCLEAN VA 22102

**PHONE:**

**BUSINESS NAME:**

**OWNER INFORMATION**

**NAME:** KHALEEN ALETHIA MONARO  
**ADDRESS:** 13959 OLEANDER CT  
WOODBIDGE VA 22193

**SITE INFORMATION**

**SITE ADDRESS:** 13959 OLEANDER CT  
WOODBIDGE VA 22193

**GPIN:** 8192-71-5186  
**MAGISTERIAL DISTRICT:** 27 - Neabsco

**DEVELOPMENT:** 8192-72-3351

**ZONING:** R-2

USE/COND: BPA - 15'5" X 30' INGROUND POOL AND 56 SQ.FT. SPA WITH 1,357 SQ. FT. CONCRETE DECKING INCLUDING TWO (2) 3' X 3' X 5'3" PILLARS THAT SUPPORT WATER FEATURE AND STAIRS BUILT TO GRADE - - AND - - 124' LONG RETAINING WALL - POOL HAS AUTOMATIC COVER - POOL DECKING AND PUMP EQUIPMENT MUST MAINTAIN 5' FROM PROPERTY LINES - RETAINING WALL MAX HEIGHT 3' AND SUBJECT TO ISSUANCE OF BUILDING PERMIT (IF REQUIRED) BY BUILDING OFFICAL - NO RPA - SEE ATTACHED HOUSE LOCATION SURVEY PLAT

Note to Property Owner: Prior to beginning construction, please determine the existence of any applicable restrictive covenants and/or deed restrictions governing property improvements. In some cases, such covenants may be more restrictive than the Prince William County Code, and the issuance of this permit will not relieve you of complying with any applicable private restrictions that affect you. We recommend that you contact your Homeowner's or Property Owner's Association to determine the existence and applicability of any such covenants.

I CERTIFY THAT ALL INFORMATION PROVIDED FOR THIS SITE IS TRUE & ACCURATE (I.E. PROPOSED/EXISTING USES & STRUCTURES; SETBACKS; EASEMENTS). IF INFORMATION PROVIDED IS INACCURATE OR INCOMPLETE, THIS APPROVAL WILL BECOME NULL & VOID. APPL. INITIAL: \_\_\_\_\_

Applicant/Owner is responsible for any off-site impacts related to this approval. Appl Initials: \_\_\_\_\_

IT IS MY RESPONSIBILITY TO OBTAIN PERMISSION FROM ALL EASEMENT HOLDERS BEFORE PLACING ANY STRUCTURE WITHIN AN ESTABLISHED EASEMENT. APPL. INITIAL: \_\_\_\_\_

RETAINING WALL MAXIMUM HEIGHT NOT TO EXCEED 3.0 FEET.

NOT IN RESOURCE PROTECTION AREA

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
APPLICANT PRINT NAME

**Katelyn Hirmer**

ISSUING AGENT

*Lisa Fink-Butler*

LISA FINK-BUTLER, CZA, CTM  
ZONING ADMINISTRATOR

RECEIPT NO: RCPT20220106195031

E. PLUMB



APPROVED BY  
Zoning Administrator  
Date 1-6-22  
By KH  
ZNA# 2022-03354

HOUSE LOCATION SURVEY  
LOT 53 - SECTION 1  
**MEADOWS OF MINNIE**  
NEABSCO DISTRICT  
PRINCE WILLIAM COUNTY, VIRGINIA  
SCALE: 1"=20' DATE: 6-7-20

SURVEYOR'S CERTIFICATE



# 13959 Oleander Court – Evidence of Demolition of Lower Deck and Installation of New Stairs to Upper Deck

## Building Permit Application (BLD2022-04227) – Residential Swimming Pool



### PRINCE WILLIAM COUNTY Department of Development Services – Building Development Division

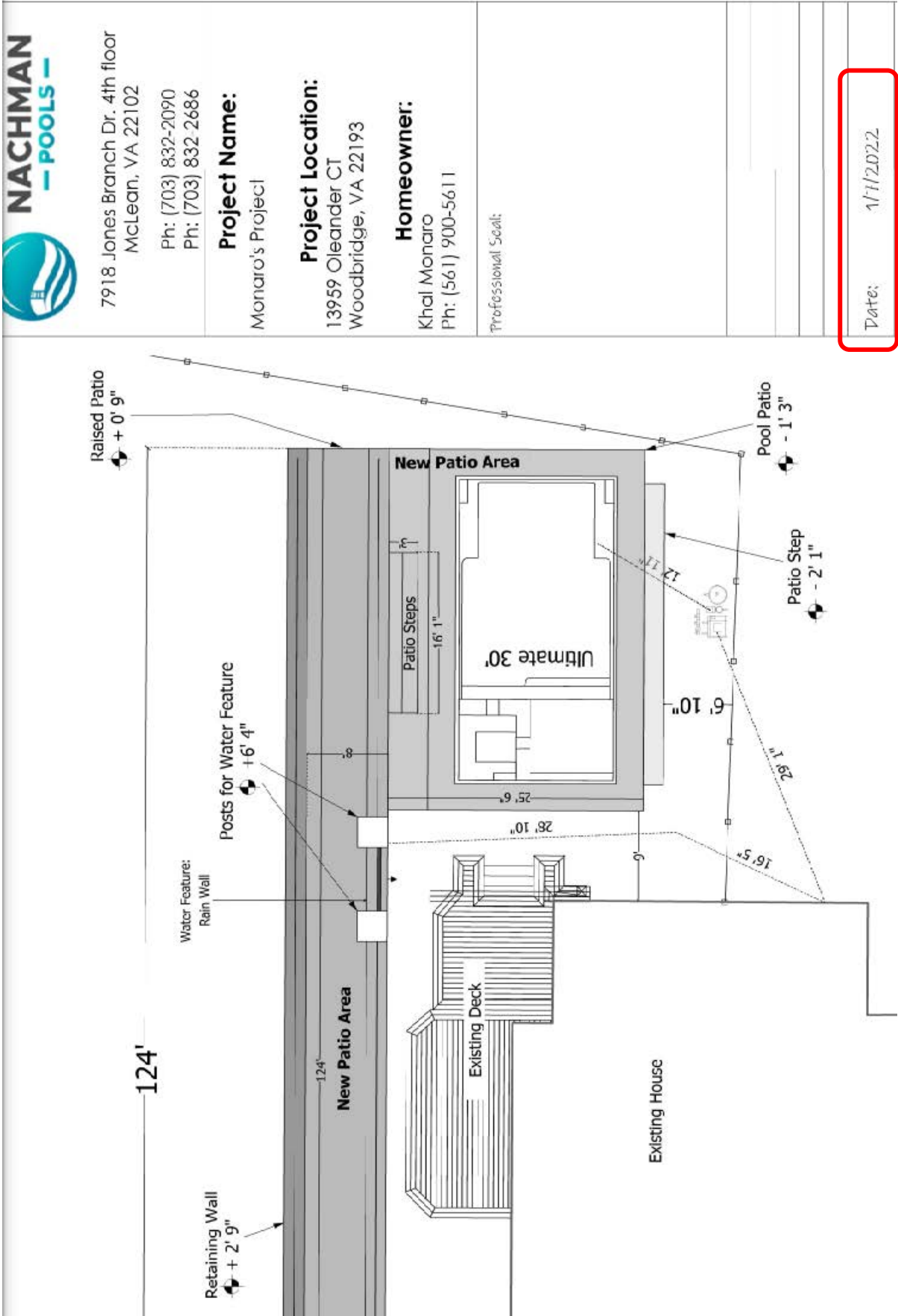
#### BUILDING PERMIT APPLICATION Version 2021-0907

| Master Plan/Shell #  |  | Staff Use Only                                |                        |
|--|--|---|------------------------|
| Plan # <b>BPR</b>  | Permit # <b>BLD</b>  |   |                        |
| Approved By:   | Date Approved:   | IVR PIN #                                     |                        |
| Use Group:   | Type Const:  | Work Code:                                    |                        |
| VCC-IBC  | VEBC-IEBC  | VRC-IRC                                       | Code Year:             |
| Suppression Req'd: <input checked="" type="checkbox"/> / <input type="checkbox"/>  | Provided: <input checked="" type="checkbox"/> / <input type="checkbox"/> | Date Issued:                                  | Issued By:             |
| <b>LOCATION OF PROPERTY</b>  |  |   |                        |
| Subdivision Meadows of Minnieville   | Section 1  | Block   | Landbay Phase Lot 0053 |
| Property Address 13959 Oleander Court  |  |   |                        |
| Name of Property Owner Khaleen Monaro  |  | Phone # 561-900-5611                          |                        |
| <b>APPLICANT: CHECK BOX TO IDENTIFY PERMIT HOLDER ** For an online ePortal account, please submit a <a href="#">Contact Information Form</a> for each contact **</b>   |  |   |                        |
| <input type="checkbox"/> Owner/Lessee Khaleen Monaro   | Email Address kgrant20@hotmail.com                                       |   |                        |
| <input checked="" type="checkbox"/> Contractor Nachman Construction  | Address 7918 Jones Branch Dr, 4th Fl. Mclean VA 22102                    |   |                        |
| Phone # 703-832-2090   | Email Address info@nachmanconstruction.com                               |   |                        |
| State Registration # 2705172860  | Class A  | Prince William County License # 10908230-2021 |                        |
| Master Name  | Cert #   | Home Improvement Contractor's License #       |                        |
| <b>FOR ALL RESIDENTIAL CONSTRUCTION, EXCEPT MULTI-FAMILY RENTAL, IT IS OPTIONAL TO PROVIDE THE NAME, ADDRESS AND TELEPHONE OF THE OWNER'S DESIGNATED LIEN AGENT. NO RESPONSE WILL BE MARKED AS "NONE DESIGNATED".</b> Lien Agent   |  |   |                        |
| Address  |  | Phone   |                        |
| TYPE OF CONSTRUCTION: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Comm/Office <input type="checkbox"/> Comm/Mercantile <input type="checkbox"/> Industrial <input type="checkbox"/> Public/Institutional <input type="checkbox"/> Other   |  |   |                        |
| TYPE OF IMPROVEMENT: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Swimming Pool <input type="checkbox"/> Alteration/Repair <input type="checkbox"/> Finished Basement <input type="checkbox"/> Tenant Layout   |  |   |                        |
| <input type="checkbox"/> Solar/PV <input type="checkbox"/> Other / Project Scope   |  |   |                        |
| <b>** VALUE OF WORK OR CONTRACT COST: \$ 27148.25 **</b>   |  |   |                        |
| TYPE OF UNIT: <input type="checkbox"/> Single Family <input type="checkbox"/> Townhouse <input type="checkbox"/> Townhouse (Condo) <input type="checkbox"/> Duplex <input type="checkbox"/> Multi-Family <input type="checkbox"/> Condo <input type="checkbox"/> Other   |  |   |                        |
| NUMBER OF DWELLING UNITS:  | WATER SUPPLY:  | LOT IN FLOOD PLAIN:                           |                        |
| NUMBER OF STORIES: 3   | SEWER DISP:  | BASEMENT:                                     |                        |
| NUMBER OF BEDROOMS:  | MASONRY CHIMNEY:   | FOOD PREP AREA:                               |                        |
| NUMBER OF BATHROOMS: Full: Half:   | GARAGE:  | EGRESS EXISTING:                              |                        |
| FINISHED BASEMENT: %   |  |   |                        |
| <b>I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO MAKE THE FOREGOING APPLICATION, THAT THE INFORMATION GIVEN IS CORRECT, AND THAT ALL CONSTRUCTION WILL COMPLY WITH THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND APPLICABLE ORDINANCES. THE PERMIT HOLDER IS THE RESPONSIBLE PARTY FOR COMPLIANCE WITH THE VUSBC AND OTHER ORDINANCES. I REQUEST THAT A CERTIFICATE OF USE AND OCCUPANCY BE ISSUED UPON COMPLETION OF THE WORK AUTHORIZED BY THE PERMIT, PROVIDED ALL OTHER REQUIREMENTS HAVE BEEN SATISFIED.</b> |  |   |                        |
| PRINT NAME Nachman Construction  |  |   |                        |
| <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> CONTRACTOR <input type="checkbox"/> AUTHORIZED AGENT  |  |   |                        |
| TELEPHONE NUMBER 703-832-2090  |  |   |                        |
| DATE 11/17/2021  |  |   |                        |
| SIGNATURE Nachman Construction   |  |   |                        |
| <input checked="" type="checkbox"/> By checking this box, I agree to electronically signing this form.   |  |   |                        |
| <b>NOTICE FOR NEW CONSTRUCTION: DETACHED GARAGES, DECKS AND SWIMMING POOLS REQUIRE A SEPARATE BUILDING PERMIT APPLICATION. THIS PERMIT DOES NOT INCLUDE ELECTRICAL, GAS, MECHANICAL OR PLUMBING INSTALLATIONS.</b>   |  |   |                        |

| Staff Use Only        |               |                     |
|-----------------------|---------------|---------------------|
| Health Dept Approval: | # Bedrooms:   |                     |
| Square Feet or Value: | Rate:         |                     |
| Filing Fee Paid \$    | Rcpt. #       |                     |
| Permit Fee \$         |               |                     |
| Resub Fee \$          | FMO Fee \$    | Spec Insp Fee \$    |
| OP Fee \$             | Lot Escrow \$ | Lot Grading Insp \$ |
| Remaining Fee Due \$  |               | Rcpt. #             |

13959 Oleander Court – Evidence of Demolition of Lower Deck and Installation of New Stairs to Upper Deck

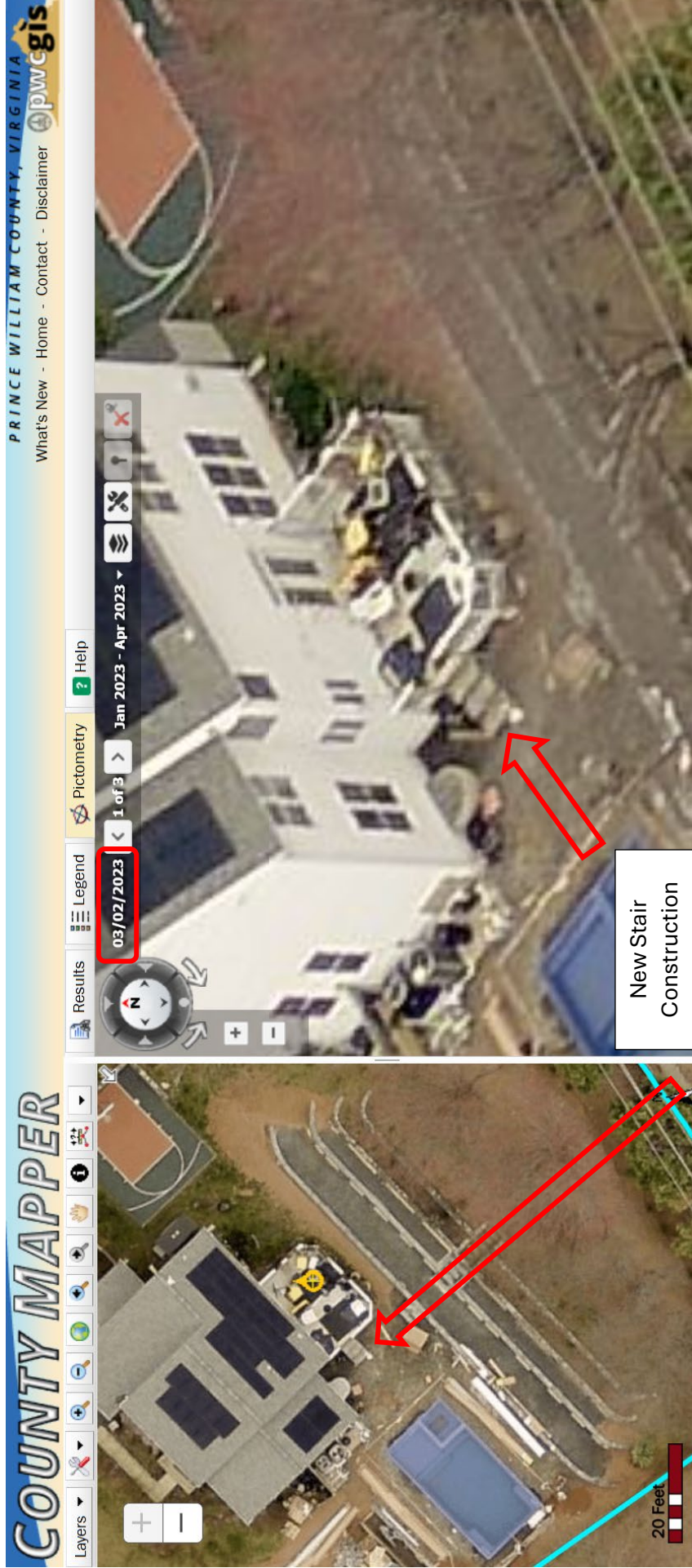
Building Permit Application (BLD2022-04227) – Residential Swimming Pool Plans





13959 Oleander Court – Evidence of Demolition of Lower Deck and Installation of New Stairs to Upper Deck

Aerial Photography March 2023



## INSPECTION WORKSHEET (IBU2023-082322)

Prince William County, 5 County Complex Court, Prince William, Virginia 22192-5308

Customer Service: 703-792-6930; To Schedule Inspections: IVR 1-866-457-5280 or ePortal [www.pwcgov.org/eportal](http://www.pwcgov.org/eportal)

**Case Number:** BLD2022-04227

**Inspection Date:** Thu May 25, 2023

**Inspector:** Beegle, Robert

**Case Module:** Permit

**Inspection Status:** Rejected


**Inspection Type:** 121R Swimming Pool Final

**Job Address:** 13959 OLEANDER CT  
WOODBIDGE, VA, 22193




**Parcel Number:** 8192-71-5186




| Contact Type     | Company Name         | Name                  |
|------------------|----------------------|-----------------------|
| Owner            |                      | MONARO, KHALEEN       |
| Contractor       | NACHMAN CONSTRUCTION |                       |
| Authorized Agent |                      | MONARO, KHALEEN       |
| Authorized Agent | NACHMAN CONSTRUCTION | CONSTRUCTION, NACHMAN |




| Checklist Item  | Status |
|---|--------|
| A: Documents/Incomplete Construction - Incomplete Construction Documents  | Failed |
| Manufacturer literature required for compliance to ASTM F 1346 for the powered safety cover and to verify operation of the cover. |        |




  
Beegle, Robert

## **BLD2014-04938 (13959 OLEANDER CT) - Inspection History**

|   |                    |               |                   |
|---|--------------------|---------------|-------------------|
|  <b>198 Residential Combo Cncl</b>   |                    |               |                   |
| Location  | Requested Date     | Schedule Date | Actual Date       |
| 13959 OLEANDER CT   | 04/11/2014         | 04/15/2014    | 04/15/2014        |
| Parcel Number   | Inspection Number  | Contact Name  | Inspection Status |
|   | 201404111557140000 |               | Rejected          |
| Most Recent Note<br>System Administrator (04/15/2014): Done By: JXB3 Comment: Contractor Phone: 7034960752 IVR Confirmation #:276563-01 Work incomplete(all framing and electrical wiring needs to be complete)<br>No further inspection made/too many rejected items                       |                    |               |                   |

|  |                    |               |                   |
|--|--------------------|---------------|-------------------|
|  <b>198 Residential Combo Cncl</b>    |                    |               |                   |
| Location   | Requested Date     | Schedule Date | Actual Date       |
| 13959 OLEANDER CT  | 04/15/2014         | 04/16/2014    | 04/16/2014        |
| Parcel Number  | Inspection Number  | Contact Name  | Inspection Status |
|  | 201404151145020000 |               | Rejected          |
| Most Recent Note<br>System Administrator (04/16/2014): Done By: JXB3 Comment: Contractor Phone: 7034960752 IVR Confirmation #:276724-01 No further inspection made/too many rejected items<br>Unpermitted work on site(Need to modify building permit for finishing basement with 2 bedrooms also need electrical permit)<br>Receptacle spacing not per code.(Needs to be a rec. within 6' of openings(doors) and every 12' in between rec. using tape measurer along the wall)<br>Smoke detector[SMOKE] not per code/installation instructions(Need smoke detectors installed in both new bedrooms)<br>ADD: Need to remove drywall on one side of all new walls<br>ADD: Need to drywall below stairs before final<br>Arc fault breakers required in the 2 new bedrooms<br>new work consist of add 2 bed, one bonus room between them and another room near stairs |                    |               |                   |

|   |                    |               |                   |
|---|--------------------|---------------|-------------------|
|  <b>198 Residential Combo Cncl</b>   |                    |               |                   |
| Location  | Requested Date     | Schedule Date | Actual Date       |
| 13959 OLEANDER CT   | 04/23/2014         | 04/24/2014    | 04/24/2014        |
| Parcel Number   | Inspection Number  | Contact Name  | Inspection Status |
|   | 201404231019550000 |               | Approved          |
| Most Recent Note<br>System Administrator (04/24/2014): Done By: JXB3 Comment: Contractor Phone: 7034960752 IVR Confirmation #:277254-01 This is for the 2 window wells only, ok to drywall at window locations  |                    |               |                   |

|   |                    |               |                   |
|---|--------------------|---------------|-------------------|
|  <b>114 Building Concealment</b>   |                    |               |                   |
| Location  | Requested Date     | Schedule Date | Actual Date       |
| 13959 OLEANDER CT   | 04/24/2014         | 04/24/2014    | 04/24/2014        |
| Parcel Number   | Inspection Number  | Contact Name  | Inspection Status |
|   | 20140424134748JXB3 |               | Approved          |
| Most Recent Note<br>System Administrator (04/24/2014): Done By: JXB3  |                    |               |                   |





PRINCE WILLIAM  
BUILDING CODE APPEALS BOARD

County Staff Use Only

Appeal Number #20\_\_ - \_\_\_\_\_

**Application for Appeal**

I (we) Khaleen Monaro of 13959 Oleander Ct, Woodbridge, VA, 22193  
(Name) (Mailing address)

respectfully request that the Prince William Building Code Appeals Board review the decision made on 22 January, 2025 by the Code Official.

Description of Decision Being Appealed:  
Please see continuation sheet (7 pages).

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Address of Property Involved: 13959 Oleander Ct, Woodbridge, VA, 22193

What is the applicant's interest in the property?

- ☒ Owner  
☐ Contractor  
☐ Owner's agent  
☐ Other (explain)

Relief Sought:

Requested relief specified in continuation sheets.

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

Signature of Applicant

By checking this box, I agree to electronically signing this form

Date: 23 January 2025

On December 16, 2024 the Prince William County Department of Development Services (“the Department”), under the signature of Mr. Jeremy Boudreau, issued a notice of violation (BCE2025-00357) for my property located at 13959 Oleander Court in Woodbridge Virginia. The stated violation was “113.3 Req Insp Not Obtained.” The listed permits were as follows:

- BLD2005-04778
- BLD2014-05744
- LTD2024-0240
- ELE2005-02885
- BLD2014-04938
- PLB2005-02108
- ELE2014-03997

I purchased the property in June 2020, and so had no record of the permits, which were dated from 2005 and 2014. The sole exception was LTD2024-02403 (outdoor irrigation system), for which a final inspection is pending spring weather since irrigation pipes cannot be operated in winter when the ground is covered in snow and ice.

I therefore submitted several requests for documentation, including architectural plans, drawings, inspection reports, and any other supporting material that described the scope and progress of work of all referenced permits (excluding LTD2024-02403) from the Department. This was assigned FOIA-9330 case reference number. A summary of the findings follows:

- There have been ninety-seven (97) permits for the referenced property since construction.
- BLD2014-05774 and ELE2014-03997: due to the age of the permits, office has no copies of any plans associated with these. There are no documents within the file to recreate and send.”
- BLD2014-04938 inspection report indicated approval of 198R with note: “OK to drywall around window.”
- BLD2005-04778, PLB2005-02108, and ELE2005-02885: no inspection history to provide; due to the age, no copies of plans, permit documents

In good faith, I contacted the previous owners of the property named on the permits, Mr. Nassar Mahmood and his designated representative Mr. Zaryab Mahmood regarding the permits, and was informed BLD2014-05774 and ELE2014-03997 were abandoned because they chose not to pursue the work. I also repeatedly contacted code enforcement officials and extended an invitation to inspect the property to verify the stated work was not completed if they could provide some documentation or detail explaining what is the stated work (i.e., walls, electrical fixtures, pipes, etc.) being inspected, and proof through prior permits that the work they intend to inspect had not already been approved under one of the remaining ninety-five (95) permits recorded. As of January 17, 2025, no such information has been provided.

Therefore, on January 17, 2025, I requested that the Department cancel the notice of violation on the following grounds:

- Permit LTD2024-02403 is open/active and pending appropriate weather conditions to complete the final inspection; and
- VA Code 19.2-8 limits prosecution under §36-106 to one (1) year after the issuance of a notice of violation." A notice of violation BCE2016-00394 was issued on June 14, 2016 for construction without permit and required inspection not obtained. Permits BLD2014-

05774 and ELE2014-03997 were subsequently issued, partially abating violation BCE2016-00394, but final inspections were not conducted. Issuing a new notice of violation (BCE2025-00357) for the same issue in 2024 exceeds the limitation of prosecution under §36-106 by at least 7 years.

- Code enforcement officials have failed to provide a description of the elements to be inspected to verify work.

On January 23, 2025, I received a final determination from the Department advising that the inspections will not be prosecuted, but that notice of violation BCE2025-00357 and accompanying letter will remain publicly available. However, there are no provisions under §36-106 that allows a notice of violation that was improperly issued (in this case, in contravention of §19.2-8) to remain open.

I am therefore requesting that the Board either mark as closed and/or remove from the publicly searchable records in the Department's database BCE2025-00357 issued under my name, particularly since the original notice of violation BCE2016-00394, issued under the name of the previous owners who were responsible for the permits, is marked "Closed - Abated" in 2016.

I am also requesting that the Board approve the removal from the permanent record, the Department's letter, dated 22 January 2025 on the grounds that it contains unverified allegations that are being presented as fact. In particular, the Department states in this letter, *"the Building Official and Building Code Enforcement are now aware of the unpermitted work in your basement and have significant concerns."* This allegation is not supported by any inspection on record or documentary evidence provided by the Department.

The Department raised another issue in its 22 January final determination, which is hereby submitted to the board for appeal, namely that a new violation was identified during their investigation, and a new notice of violation has been issued. This violation is for "deck/stairs modification. A permit is required to alter stairs, change decking from wood to synthetic, remove/install new railing, and make structural changes."

However, the Department is/should be aware that the stated work was covered by building permit BLD2022-04227, which was approved and closed on September 29, 2023. The description provided in the approved permit application (attached Exhibit 1) is: "BPA – 15'5" x 30' Inground pool and 56 sq ft spa with 1,357 sq. ft. concrete decking including two (2) 3'x3'x5'3" pillars that support water feature and stairs built to grade."

During the course of my pool installation, which began in December 2022 and was completed in September 2023, the lower of my two (2) decks was demolished by the contractor, Nachman Construction, and replaced with concrete decking and stairs, as described in the approved plan. On May 5, 2025, Inspector Robert Beagle failed the final inspection, and advised me in person that in addition to the missing safety rails (on the handrails between the pre-existing deck and the new concrete decking), there was no manufacturer literature available to verify the operation of the automatic pool cover (the latter of which was added to the inspection notes). Repairs were subsequently made to add safety rails to the handrails, and the final building inspection was approved on September 29, 2023.

That the Department should now deny that the changes made and approved during the pool project and under that building permit are not covered, is retaliatory. I am therefore requesting that the Board close and remove from the publicly searchable records in the Department's database, this new notice of violation for deck/stairs modification.

The final issue submitted to the Board for appeal concerns the Department's retaliatory actions.

On January 16, 2025, I also reported to the Department that I believed the 2024 notice of violation was issued by Mr. Boudreau, notwithstanding the absence of supporting records, in retaliation for being served a subpoena (submitted to the Prince William County clerk of the court and the sheriff's department for service on November 4, 2024) to appear for testimony in an unrelated matter.

To date the Department has not acknowledged or addressed to me this complaint, which would be a violation of Title 2.2 of the Code of Virginia State and Local Government Conflict of Interests Act §2.2-3103 Prohibited conduct, namely, [No officer or employee of a state or local governmental or advisory agency shall:] 10. Use his public position to retaliate or threaten to retaliate against any person for [...] exercising any right that is otherwise protected by law..."

I would like the Board to review or direct a review of the complaint made against Mr. Boudreau, as well as the Department's latest notice of violation for unpermitted modification to deck/stair.

In summary, I am appealing the following decisions of the Department and seeking the stated relief:

1. Final determination from the Department advising that the inspections will not be prosecuted, but that notice of violation BCE2025-00357 will remain publicly available. The original notice of violation BCE2016-00394, issued under the name of the previous owners who were responsible for the permits, is marked "Closed - Abated" in 2016, and the failure to prosecute this violation eight (8) years ago precludes the issuing of a new violation notice for the same issues.
  - a. Relief sought: that the Board either mark as closed and remove from the publicly searchable records in the Department's database BCE2025-00357 issued under my name.
2. Final determination from the Department advising that the letter dated 22 January 2025 will remain publicly available. The letter contains unverified allegations that are being presented as fact.
  - a. Relief sought: that the Board remove or direct the removal of the letter containing the allegations from the public record.
3. Final determination from the Department advising that notice of violation is issued for deck/stairs modification. The work was described in the application for permit (ZNA2022-03554) and approved under BLD2022-04227.
  - a. Relief sought: that the Board close and remove from the publicly searchable records in the Department's database this latest violation notice for deck/stairs modification.

4. Review the Department and its representative's conduct for retaliatory acts, and direct the Department to cease further acts of retaliation.

Respectfully submitted,

Khaleen Monaro



# COUNTY OF PRINCE WILLIAM, VA

## ZONING APPROVAL FOR BUILDING PERMIT

### APPROVED

PERMIT NO: ZNA2022-03554

ISSUE DATE: January 6, 2022

#### APPLICANT INFORMATION

**NAME:** NACHMAN CONSTRUCTION  
ATTN: NACHMAN CONSTRUCTION  
**ADDRESS:** 7918 JONES BRANCH DR 4TH FLOOR  
MCLEAN VA 22102

**PHONE:****BUSINESS NAME:**

#### OWNER INFORMATION

**NAME:** KHALEEN ALETHIA MONARO  
**ADDRESS:** 13959 OLEANDER CT  
WOODBIDGE VA 22193

#### SITE INFORMATION

**SITE ADDRESS:** 13959 OLEANDER CT  
WOODBIDGE VA 22193

**GPIN:** 8192-71-5186  
**MAGISTERIAL DISTRICT:** 27 - Neabsco

**DEVELOPMENT:** 8192-72-3351**ZONING:** R-2

**USE/COND:** BPA - 15'5" X 30' INGROUND POOL AND 56 SQ.FT. SPA WITH 1,357 SQ. FT. CONCRETE DECKING INCLUDING TWO (2) 3' X 3' X 5'3" PILLARS THAT SUPPORT WATER FEATURE AND STAIRS BUILT TO GRADE - - AND - - 124' LONG RETAINING WALL - POOL HAS AUTOMATIC COVER - POOL DECKING AND PUMP EQUIPMENT MUST MAINTAIN 5' FROM PROPERTY LINES - RETAINING WALL MAX HEIGHT 3' AND SUBJECT TO ISSUANCE OF BUILDING PERMIT (IF REQUIRED) BY BUILDING OFFICAL - NO RPA - SEE ATTACHED HOUSE LOCATION SURVEY PLAT

Note to Property Owner: Prior to beginning construction, please determine the existence of any applicable restrictive covenants and/or deed restrictions governing property improvements. In some cases, such covenants may be more restrictive than the Prince William County Code, and the issuance of this permit will not relieve you of complying with any applicable private restrictions that affect you. We recommend that you contact your Homeowner's or Property Owner's Association to determine the existence and applicability of any such covenants.

I CERTIFY THAT ALL INFORMATION PROVIDED FOR THIS SITE IS TRUE & ACCURATE (I.E. PROPOSED/EXISTING USES & STRUCTURES; SETBACKS; EASEMENTS). IF INFORMATION PROVIDED IS INACCURATE OR INCOMPLETE, THIS APPROVAL WILL BECOME NULL & VOID. APPL. INITIAL: \_\_\_\_\_

Applicant/Owner is responsible for any off-site impacts related to this approval. Appl Initials: \_\_\_\_\_

IT IS MY RESPONSIBILITY TO OBTAIN PERMISSION FROM ALL EASEMENT HOLDERS BEFORE PLACING ANY STRUCTURE WITHIN AN ESTABLISHED EASEMENT. APPL. INITIAL: \_\_\_\_\_

RETAINING WALL MAXIMUM HEIGHT NOT TO EXCEED 3.0 FEET.

NOT IN RESOURCE PROTECTION AREA

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
APPLICANT PRINT NAME

**Katelyn Hirmer**

ISSUING AGENT

*Lisa Fink-Butler*

LISA FINK-BUTLER, CZA, CTM  
ZONING ADMINISTRATOR

RECEIPT NO: RCPT20220106195031



## INSPECTION REPORT

|                       |   |  |                          |
|-----------------------|---|--|--------------------------|
| Case Number:          | BLD2022-04227                             |  |                          |
| Inspection Scheduled: | 09/29/2023                                | Inspection Status:                     | Approved                 |
| Inspection Date:      | 09/29/2023 10:55 am                       |  |                          |
| Inspector:            | Charles Midgette - Main Inspector         | Inspection Type:                       | 121R Swimming Pool Final |
| Job Address:          | 13959 Oleander Ct<br>Woodbridge, VA 22193 | Parcel Number:                         | 8192-71-5186             |
| Contact Type          | Company Name                              | Name                                   | Phone                    |
| Authorized Agent      | NACHMAN CONSTRUCTION                      | NACHMAN CONSTRUCTION<br>KHALEEN MONARO | 7038322686               |
| Owner                 |   | KHALEEN MONARO                         | 5619005611               |
|                       | Results                                   | Comments                               |                          |

/s/Charles Midgette

Charles Midgette  
DS BUILDING DEVELOPMENT  
703-792-5657  
cmidgette@pwcgov.org

September 29, 2023

Date

In accordance with the Virginia Uniform Statewide Building Code (VUSBC), **§108.8 Time Limitation of application**, a building official shall be permitted to revoke a permit if authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six (6) months after the permit is issued.

Attachment K





January 22, 2025

Ms. Khaleen Monaro  
13959 Oleander Court  
Woodbridge, VA 22193

Dear Ms. Monaro,

Thank you for bringing forward your concerns regarding Building Code Enforcement Case BCE2025-00357 and the associated Notice of Violation (NOV). Per your request to cancel the NOV issued on December 16, 2024, a thorough background investigation was conducted on your residence at 13959 Oleander Court, Woodbridge, VA. Upon completion, I have determined that you are correct in your assessment that the county did not follow through in 2016, ensuring all work was completed with final approved inspections. As a result, the following code violations will not be prosecuted.

- Basement bedrooms added without an approved final inspection (BLD2014-05744 and ELE2014-03997).
- Modify existing windows (2) vertically and replacement of window wells (BLD2014-04938).
- Finishing basement (BLD2005-04778, ELE2005-02885, PLB2005-02108)

In addition, the violations identified in the NOV regarding finishing the basement and window well modification will be rescinded.

The violation regarding the Limited Permit (LTD2024-02403) for the lawn irrigation system was abated with the permit's reinstatement. However, a final approved inspection must be obtained within six months of reinstatement, or a new NOV will be issued.

A new violation was identified during the investigation, and a new NOV issued.

- Deck/deck stair modification. A permit is required to alter stairs, change decking from wood to synthetic, remove/install new railing, and make structural changes.

It is important to note that the Building Official and Building Code Enforcement are now aware of the unpermitted work in your basement and have significant concerns. If you choose to complete the required inspections, the fees to reinstate or take over (whichever is required) and inspect the permit will be waived as we work to ensure your basement is made safe and legal.

This letter is a permanent record and will be attached to the building permits and BCE case listed above. As a permanent record, it will be subject to FOIA requests, including any real estate requests or insurance-related claims that may stem from issues in the area(s) of concern that did not receive an approved final inspection. This letter serves as notice to you and any future buyers, tenants, or residents that your building is non-compliant.

Sincerely,

*Kristin Alexander*

Kristin Alexander CBO, CBMO, CZA  
Building Code Enforcement Branch Manager

Cc: Building Official  
Deputy Building Official



Code Case Number: BCE2016-00394

Code Case Details () | Tab Elements () | Main Menu ()

Code Case Type:

Building Code Enforcement

Opened:

06/13/2016

Closed:

08/25/2016

Status:

Closed - Abated

District:

27 - Neabsco

Assigned To:

Farrell, Sean

Locations Fees Contacts Violations

Violations () | First Tab () | Code Case Details () | Main Menu ()

Violations

Sort

Code

▼

| Code                        | Description                      | Status       | Priority | Citation Issue Date | Compliance Date | Resolved Date |
|-----------------------------|----------------------------------|--------------|----------|---------------------|-----------------|---------------|
| 108.1.1 No Permit           | Construction Without Permit      | In Violation | Low      | 06/14/2016          | 07/14/2016      |               |
| 113.3 Req Insp Not Obtained | Required Inspection Not Obtained | In Violation | Low      | 06/14/2016          | 07/14/2016      |               |

Results per page 10 1 - 2 of 2 << < 1 > >>



Code Case Number: BCE2025-00357

Code Case Details () | Tab Elements () | Main Menu ()

Code Case Type:

Building Code Enforcement

Opened:

12/10/2024

Closed:

Status:

Violation Issued

District:

27 - Neabsco

Assigned To:

Bishay, Nagy

Locations    Fees    Contacts    Violations

Violations () | First Tab () | Code Case Details () | Main Menu ()

Violations

Sort

Code

▼

| Code                        | Description                      | Status       | Priority | Citation Issue Date | Compliance Date | Resolved Date |
|-----------------------------|----------------------------------|--------------|----------|---------------------|-----------------|---------------|
| 108.1.1 No Permit           | Construction Without Permit      | In Violation | Low      | 01/23/2025          | 02/23/2025      |               |
| 113.3 Req Insp Not Obtained | Required Inspection Not Obtained | Void         | Low      | 12/16/2024          | 01/23/2025      | 01/23/2025    |

Results per page 10 1 - 2 of 2 << < 1 > >>



## VIOLATION NOTICE

**PREMISE IN VIOLATION:** 13959 OLEANDER CT  
**OWNER:** KHALEEN ALETHIA MONARO  
13959 OLEANDER CT  
WOODBIDGE VA 22193

**CASE # :** BCE2025-00357  
**VIOLATION DATE:** January 23, 2025  
**NOTICE DATE:** January 23, 2025  
**PRINT DATE:** January 23, 2025

**INSPECTOR:** Nagy Bishay

**CONTACT # / EMAIL:** 703-792-5658 /  
nbishay@pwcgov.org

An investigation of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

| VUSBC<br>Code<br>Year | VUSBC<br>Code<br>Section | VIOLATION  | CORRECTIVE ACTION NECESSARY   | Compliance<br>Date |
|-----------------------|--------------------------|--|---|--------------------|
| 2018                  | 108.1.1 No Permit        | Construction Without Permit - work done to deck without permits including but not limited to stairs. | Obtain All Required Permits and Inspections including but not limited to building permit. | 2/23/25            |

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC. Helpful information and guidance on how to correct violations may be found at <https://www.pwcva.gov/departments/building-development-division/unpermitted-work>.

/S/Nagy Bishay

BUILDING CODE ENFORCEMENT INSPECTOR



# COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

## Code Enforcement Inspections and Permits Request

Prince William County  
5 County Complex, Suite 120  
Prince William Virginia 22192

We are conducting an investigation of a complaint (File No. 2024-02463) on behalf of the Board for Contractors involving a construction project in your jurisdiction. As part of the process, we are requesting information from your office relative to permits and inspections for the address listed below. You can assist us by completing this form and returning it at your earliest convenience. Please contact me if you have any questions.

Thank you for your assistance,

Kyndall Tweedy-Campbell, Investigator  
Department of Professional and Occupational Regulation  
9960 Mayland Drive  
Richmond, VA 23233  
Phone: (571) 208-8732 Fax: 877-588-6450

**PLEASE RETURN BY MAIL, FAX, or EMAIL to:** Kyndall.Tweedy-Campbell@dpor.virginia.gov

|                                     |   |
|-------------------------------------|---|
| Property Owner:                     | Khaleen Monaro                                  |
| Project Address:                    | 13959 Oleander Court Woodbridge, Virginia 22193 |
| Contractor:                         | Nachman Construction                            |
| Date(s) and type of work performed: | November 2021-May 2023 (See attached contract)  |

### **BUILDING OFFICIAL:**

Permit(s) required? ☒ Yes ☐ No

Permit(s) obtained? ☒ Yes ☐ No

|  |   |  |                          |
|--|---|--|--------------------------|
| If a permit was not obtained, what type of permit(s) is required?      |   |  |                          |
| If no permit was obtained, what section of the USBC does this violate? |   |  |                          |
| Permit Number:   | BLD2022 04227   | Date Issued:   | 3/15/2022                |
| Permit Holder:   | Nachman Construction  | Final Inspection/Approval Date:  | 9/29/2023                |
| Certificate of Occupancy Issued?                                       | <input type="checkbox"/> Yes <input type="checkbox"/> No            | Date Issued:   |                          |
| Any pending code violations?   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | If yes, briefly explain below, cite USBC section, & attach copy of Notice of Violation, rejected inspection ticket, etc.:  |                          |
| (Brief explanation)  |   |  |                          |
| Contractor abated the code violation(s)?                               |   | <input type="checkbox"/> Yes If yes, date complied: <input type="text"/><br><input type="checkbox"/> No If no, are you prosecuting? <input type="checkbox"/> Yes <input type="checkbox"/> No |                          |
| Comments/Other Information   |   |  |                          |
| Signature:   | Amanda Spittle  | Digitally signed by Amanda Spittle<br>Date: 2024.12.11 15:07:37 -05'00'  | Date:                    |
| Print Name:  |   |  | Title: Construction Serv |
| Best contact phone #/email:<br>(if more information is needed)         |   | 703-792-7421/aspittle@pwcgov.org   |                          |



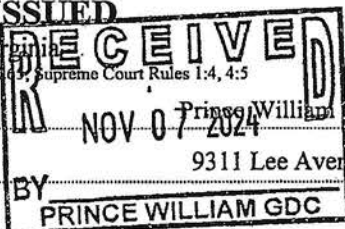
**SUBPOENA FOR WITNESS (CIVIL) –  
ATTORNEY ISSUED**

Commonwealth of Virginia  
VA. CODE §§ 8.01-407; 16.1-403, Supreme Court Rules 1:4, 4:5

Case No. GV24005544-00

November 21, 2024 1:30 am

HEARING DATE AND TIME



Prince William County General District

Court

9311 Lee Avenue, Manassas, Virginia 20110

ADDRESS OF COURT

KHALEEN MONARO

v./In re: NACHMAN CONSTRUCTION, LLC

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon:

Prince William County Inspector Gary Bailey

NAME

5 County Complex Ct, Suite 120

STREET ADDRESS

Woodbridge

CITY

Virginia

STATE

22192

ZIP

**TO the person summoned: You are commanded to appear**

☒ in the Prince William General District Court

☐ at \_\_\_\_\_

ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY).

on November 21, 2024 at 1:30 am to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

Khaleen Monaro

PARTY NAME

Christopher M. Day

NAME OF ATTORNEY

10521 Judicial Drive, Suite 200

OFFICE ADDRESS

Fairfax, VA 22030

OFFICE ADDRESS

November 1, 2024

DATE ISSUED

37470

VIRGINIA STATE BAR NUMBER

(703) 268-5600

TELEPHONE NUMBER OF ATTORNEY

(703) 268-5602

FACSIMILE NUMBER OF ATTORNEY

SIGNATURE OF ATTORNEY

**Notice to Recipient: See page two for further information.**

**RETURN OF SERVICE (see page two of this form)**

**TO the person summoned:**

If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

☐ This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

|  |  |
|--|--|
| NAME: Prince William County Inspector Gary Bailey DS Building Development  |  |
| ADDRESS: 5 County Complex Ct, Suite 120<br>Woodbridge, Virginia 22192  |  |
| <input type="checkbox"/> PERSONAL SERVICE  | Tel. No. (703) 792-7102                    |
| Being unable to make personal service, a copy was delivered in the following manner:   |  |
| <input checked="" type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.  |  |
| <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:<br><i>Santay, isa</i><br><i>540-203-703-792-6830</i> |  |
| <input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)   |  |
| <input type="checkbox"/> not found   | <b>GLENDELL HILL</b> , Sheriff             |
| <i>11/25/2024</i><br>DATE  | By <i>R. Savage #6780</i> , Deputy Sheriff |

**CERTIFICATE OF COUNSEL**

I, Christopher M. Day, counsel for Plaintiff, hereby certify that a copy of the foregoing subpoena for witness was emailed DELIVERY METHOD to J. Garrett Kizer, counsel of record for Defendant, on the 1st day of November, 2024.

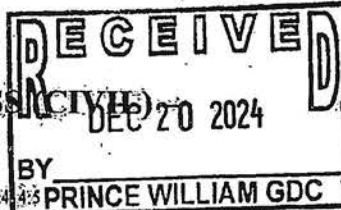
GARY BAILEY

11/19/2024 1:36 pm



SIGNATURE OF ATTORNEY





**SUBPOENA FOR WITNESS  
ATTORNEY ISSUED**

Commonwealth of Virginia  
VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1.4, 4.5

Case No. GV24005544-00

February 14, 2025 9:00 am

HEARING DATE AND TIME

Prince William County General District

Court

9311 Lee Avenue, Manassas, Virginia 20110

ADDRESS OF COURT

KHALEEN MONARO

v. In re:

NACHMAN CONSTRUCTION, LLC

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

You are commanded to summon

Prince William County Inspector Robert Beagle

NAME

5 County Complex Ct, Suite 120

STREET ADDRESS

Woodbridge

Virginia

22192

city

STATE

ZIP

**TO the person summoned:** You are commanded to appear

☒ in the Prince William General District

Court

☐ at

ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on February 14, 2025 at 9:00 am to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

Khaleen Monaro

PARTY NAME

Christopher M. Day

NAME OF ATTORNEY

37470

VIRGINIA STATE BAR NUMBER

10521 Judicial Drive, Suite 200

OFFICE ADDRESS

(703) 268-5600

TELEPHONE NUMBER OF ATTORNEY

Fairfax, VA 22030

OFFICE ADDRESS

(703) 268-5602

FACSIMILE NUMBER OF ATTORNEY

December 17, 2024

DATE ISSUED

SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

Issued  
DEC 23 2024  
D. P. C. R. B. W.

COURT COPY

**TO the person summoned:**

If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

☐ This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

|   |  |
|---|--|
| NAME: Prince William County Inspector Robert Beegle DS Building Development   |  |
| ADDRESS: 5 County Complex Ct, Suite 120<br>Woodbridge, Virginia 22192   |  |
| <input type="checkbox"/> PERSONAL SERVICE   | Tel. No. (703) 792-6694                        |
| Being unable to make personal service, a copy was delivered in the following manner:  |  |
| <input checked="" type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. <i>Kris Sessie</i>  |  |
| <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: |  |
| <input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)  |  |
| <input type="checkbox"/> not found  | Sheriff <b>GLENDELL HILL</b><br><b>SHERIFF</b> |
| 12/30/2020<br>DATE  | By <i>R. SANCHEZ #6780</i> , Deputy Sheriff    |

**CERTIFICATE OF COUNSEL**

I, Christopher M. Day, counsel for Plaintiff, hereby certify that a copy of the foregoing subpoena for witness was emailed to J. Garrett Kizer, counsel of record for Defendant on the 17th day of December, 2024.

PWC INSPECTOR ROBERT BEEGLE 12/23/2024 3:06 pm



\* 2 4 0 5 9 6 4 0 \*

SIGNATURE OF ATTORNEY



**SUBPOENA DUCES TECUM (CIVIL) –**  
**ATTORNEY ISSUED** VA CODE §§ 8.01-413, 16.1-89, 16.1-265;  
Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: GV24005544-00

February 14, 2025 9:00 am

HEARING DATE AND TIME

Prince William General District Court

Court

9311 Lee Avenue, Manassas, Virginia 20110

COURT ADDRESS

Khaleen Monaro

v./In re:

Nachman Construction, LLC

**TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:**

DEC 20 2024

You are commanded to summon

Amanda Spittle, Custodian of Records for PWC DS Building Development

NAME

5 County Complex Ct, Suite 120

STREET ADDRESS

Woodbridge

CITY

Virginia

STATE

22192

ZIP

**TO the person summoned:** You are commanded to make available the documents and tangible things designated and described below:

All inspections, reports, notes, pictures, for the installation of the pool and spa installed at 13959 Oleander Court, Woodbridge, Virginia 22193 from December 28, 2022–October 31, 2024.

at Prince William General District Court

LOCATION

at

February 14, 2025, 9:00 am

DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Khaleen Monaro

PARTY NAME

Christopher M. Day

NAME OF ATTORNEY

10521 Judicial Drive, Suite 200

OFFICE ADDRESS

Fairfax, Virginia 22030

OFFICE ADDRESS

December 17, 2024

DATE ISSUED

37470

VIRGINIA STATE BAR NUMBER

703-268-5600

TELEPHONE NUMBER OF ATTORNEY

703-268-5602

FACSIMILE NUMBER OF ATTORNEY

SIGNATURE OF ATTORNEY

**Notice to Recipient:** See page two for further information.

**RETURN OF SERVICE** (see page two of this form)

**COURT COPY**  
454

**TO the person summoned:**

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

☐ This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

**TO the person authorized to serve this process:** Upon execution, the return of this process shall be made to the clerk of court.

|  |           |  |  |
|--|-----------|--|--|
| NAME: .....  |           | Amanda Spittle, Custodian of Records for PWC DS Building Development |  |
| ADDRESS: .....   |           | 5 County Complex Ct, Suite 120                                       |  |
| Woodbridge, VA 22192   |           |  |  |
| <input type="checkbox"/> PERSONAL SERVICE  | Tel. .... | 703-792-6930   |  |
| No. ....   |           |  |  |
| Being unable to make personal service, a copy was delivered in the following manner:   |           |  |  |
| <input checked="" type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above: |           |  |  |
| Kris Jessie  |           |  |  |
| <input type="checkbox"/> Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)  |           |  |  |
| <input type="checkbox"/> NOT FOUND   |           |  |  |
|  |           | , Sheriff <b>GLENDELL HILL</b>                                       |  |
| 12/30/2024   |           | by <b>R. JAVAS#GT8C</b>  |  |
| DATE   |           | Deputy Sheriff   |  |

**CERTIFICATE OF COUNSEL**

I, Christopher M. Day, counsel for Plaintiff, hereby certify that a copy of the foregoing subpoena duces tecum was emailed to J. Garrett Kizer, counsel of record for Defendant on the 17th day of December, 2024.

  
SIGNATURE OF ATTORNEY

**NOTICE:** Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

AMANDA SPITTLE

12/23/2024 3:06 pm



\* 2 4 0 5 9 6 4 1 \*

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Additional Documents  
Submitted by  
Khaleen Monaro

(Page left blank intentionally)



---


**NACHMAN CONSTRUCTION/ 3D VIEW POOL AND PATIO**

---

**From** Nachman Construction <info@nachmanconstruction.com>

**Date** Wed 1/11/2023 5:10 PM

**To** Khaleen Monaro <kgrant20@hotmail.com>

 3 attachments (1 MB)

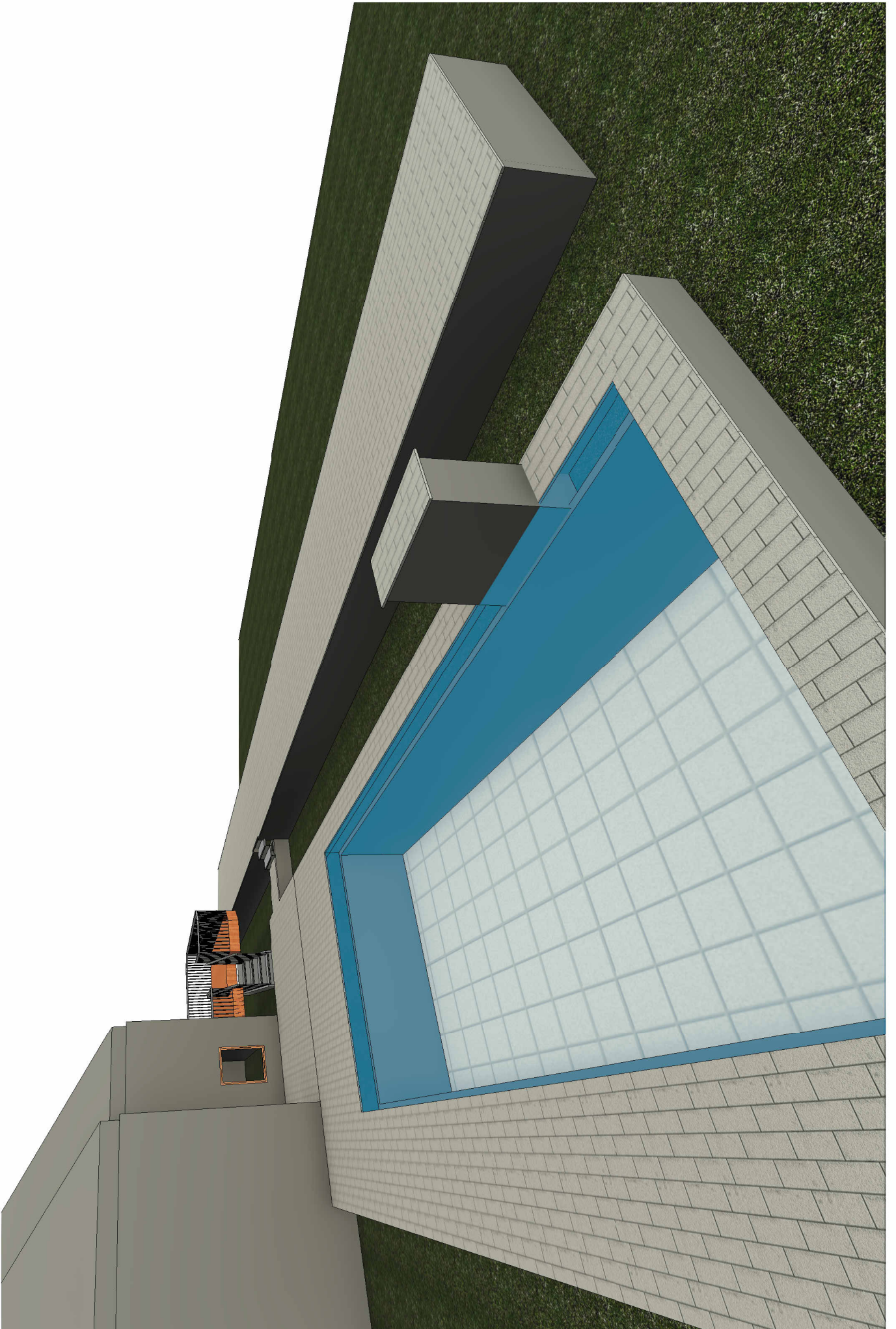
1ST VIEW.pdf; 2ND VIEW.pdf; MONARO'S 3D DRAWING.pdf;

Good afternoon,

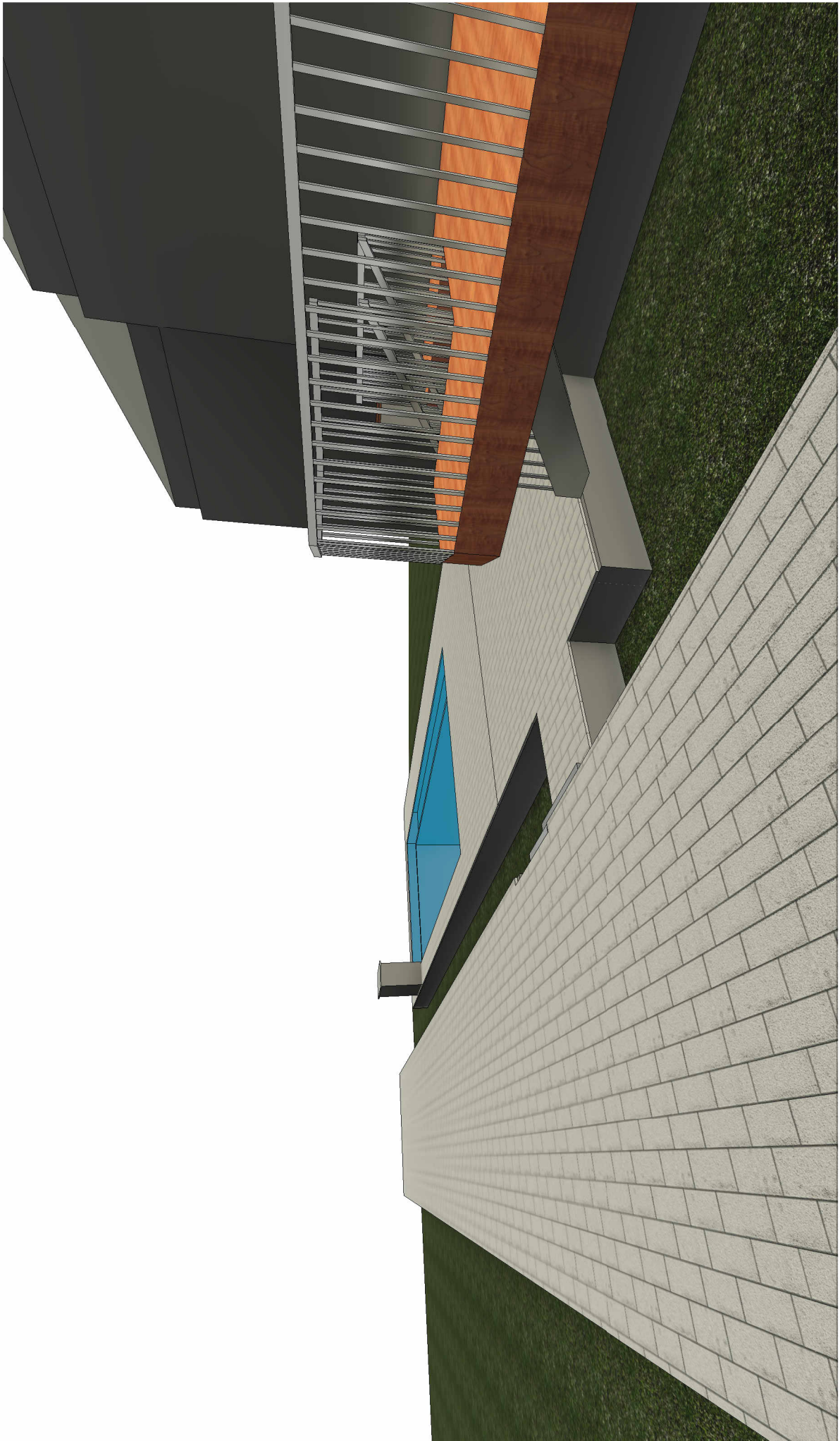
Please see attached drawing of the projects. If you have any questions please let me know.

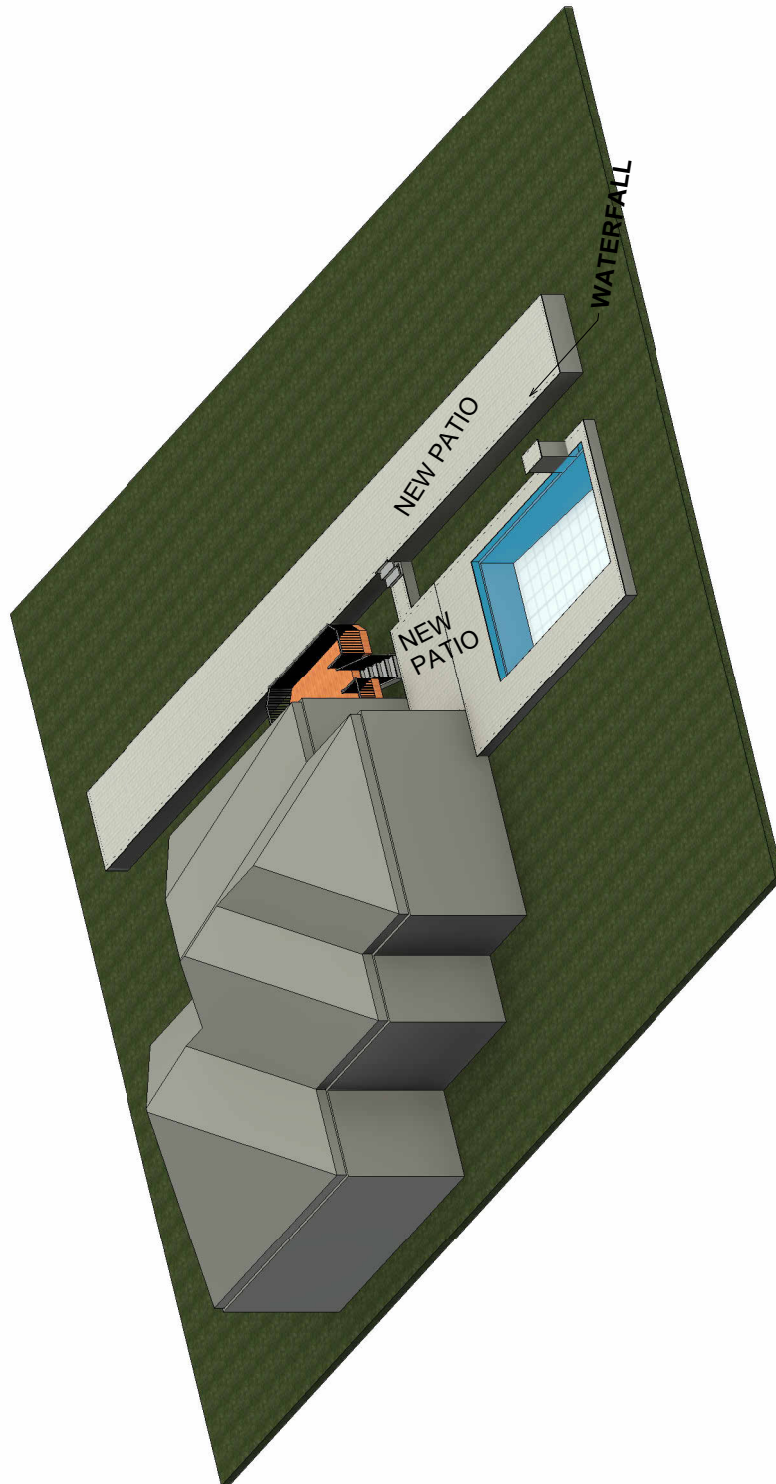
Best Regards,

703-832-2090  
Adrian Gutierrez  
Nachman Construction









Code Case Number: BCE2016-00394

Code Case Details ()
Tab Elements ()
Main Menu ()

Code Case Type:

Building Code Enforcement

Opened:

06/13/2016

Closed:

08/25/2016

Status:

Closed - Abated

District:

27 - Neabsco

Assigned To:

Farrell, Sean

Locations
Fees
Contacts
Violations

Violations ()
First Tab ()
Code Case Details ()
Main Menu ()

Violations

Sort

Code

|                     |                             |
|---------------------|-----------------------------|
| Code                | 108.1.1 No Permit           |
| Description         | Construction Without Permit |
| Status              | In Violation                |
| Priority            | Low                         |
| Citation Issue Date | 06/14/2016                  |
| Compliance Date     | 07/14/2016                  |
| Resolved Date       |                             |

|                     |                                  |
|---------------------|----------------------------------|
| Code                | 113.3 Req Insp Not Obtained      |
| Description         | Required Inspection Not Obtained |
| Status              | In Violation                     |
| Priority            | Low                              |
| Citation Issue Date | 06/14/2016                       |
| Compliance Date     | 07/14/2016                       |
| Resolved Date       |                                  |

<<
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 1
 >
 >>

Results per page
10
1 - 2 of 2

RE: (FOIA-9330) RE: Violation Notice Case BCE2025-00357 - Request for Records

From DDS FOIA <DDSFOIA@pwcgov.org>  
 Date Wed 1/15/2025 10:52 AM  
 To DDS FOIA <DDSFOIA@pwcgov.org>; Khaleen Monaro <kgrant20@hotmail.com>; Boudreau, Jeremy <JBoudreau@pwcgov.org>; Bates, Amanda <ABates@pwcgov.org>

2 attachments (102 KB)  
 BLD2014-04938 inspection report.pdf; 97101106B00 Inspection Report.pdf;

Good morning,

This email is being sent in response to FOIA-9330.

With regards to documents/plans associated with BLD2014-05774 and ELE2014-03997, due to the age of the permits, our office no longer has copies of any plans associated with these. These permits were both listed as abandoned due to lack of final inspections. Also, due to their age, there are no documents within the file to recreate and send to you.

BLD2014-04938 was a permit issued in 2014 to modify existing windows (2) vertically only and replace window wells with ICC approved wells to fulfill IRC 2009 requirements. I have attached the inspection report above for these permits as requested for 201404231019550000 (198R Residential Combo Concealment) and 20140424134748JXB3 (114R Building Concealment).

Attached is the inspection report for the 97 permits for your residence when it was first constructed.

Lastly, you had asked for any and all information including plans related to the 2005 permits for the basement work done in your home. These permit numbers are BLD2005-04778, PLB2005-02108, and ELE2005-02885. There were no inspections done on these permits, therefore there is no inspection history to provide. Also, due to the age, our office no longer has any copies of plans, permit documents for any of these permits.

Thank you,

**Amanda Bates**  
 Senior HR & Administration Analyst I Department of Development Services  
 5 County Complex Ct. Suite 120 I Prince William, VA 22192  
 703-792-5267 (direct) | [Abates@pwcgov.org](mailto:Abates@pwcgov.org)

From: DDS FOIA <DDSFOIA@pwcgov.org>  
 Sent: Wednesday, January 8, 2025 8:51 AM  
 To: Khaleen Monaro <kgrant20@hotmail.com>; Construction Services <constructionservices@pwcgov.org>; Boudreau, Jeremy <JBoudreau@pwcgov.org>; DDS FOIA <DDSFOIA@pwcgov.org>; Bates, Amanda <ABates@pwcgov.org>  
 Subject: (FOIA-9330) RE: Violation Notice Case BCE2025-00357 - Request for Records

Good morning,

The Department of Development Services is in receipt of your request. Your case number for reference is, FOIA-9330 with a due date for response by 1/15 due to County offices being closed on 1/6 and 1/7.

Thank you,

**Amanda Bates**  
 Senior HR & Administration Analyst I Department of Development Services  
 5 County Complex Ct. Suite 120 I Prince William, VA 22192  
 703-792-5267 (direct) | [Abates@pwcgov.org](mailto:Abates@pwcgov.org)

From: Khaleen Monaro <kgrant20@hotmail.com>  
 Sent: Friday, January 3, 2025 12:54 PM  
 To: Construction Services <constructionservices@pwcgov.org>; Boudreau, Jeremy <JBoudreau@pwcgov.org>; DDS FOIA <DDSFOIA@pwcgov.org>; Bates, Amanda <ABates@pwcgov.org>  
 Subject: Re: Violation Notice Case BCE2025-00357 - Request for Records

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Good morning,

Reference is made to my email above "Violation Notice Case BCE2025-00357."

I contacted the owner listed on the abandoned permits, Mr. Nasar Mahmood, who in turn connected me with Mr. Zaryab Mahmood.

Mr. Mahmood informed me that the work planned under permits BLD2014-05744 and ELE2014-03997 was never started. Additional information is needed to identify where the 2 bedrooms referenced in the permit were to be located.

Additional information is also needed for permit BLD-2014-05744, namely 201404231019550000 (198R Residential Combo Concealment) and 20140424134748JXB3 (114R Building Concealment).

I am therefore requesting the following:

1. Architectural plans, drawings, or other material submitted with BLD2014-05744 and ELE2014-03997, showing where the additional bedrooms were to be located.
2. Architectural plans, drawings, or other material submitted with BLD-2014-05744 showing the existing and proposed changes to the windows.
3. Complete inspection reports for 201404231019550000 (198R Residential Combo Concealment) and 20140424134748JXB3 (114R Building Concealment).

Thank you for your assistance.

Very best regards,  
 Khal Monaro

"I am the unstoppable force that has never met an immovable object"

From: Khaleen Monaro <kgrant20@hotmail.com>  
 Sent: Friday, December 20, 2024 2:32 PM  
 To: [constructionservices@pwcgov.org](mailto:constructionservices@pwcgov.org) <[constructionservices@pwcgov.org](mailto:constructionservices@pwcgov.org)>; [jboudreau@pwcgov.org](mailto:jboudreau@pwcgov.org) <[jboudreau@pwcgov.org](mailto:jboudreau@pwcgov.org)>  
 Subject: Violation Notice Case BCE2025-00357 - Request for Records

Good afternoon,

I am in receipt of violation notice BCE2025-00357, required permits for which it is alleged were not obtained. The listed permits are:

- BLD2005-04778
- ELE2005-02885
- PLB2005-02108

- BLD2014-05744

- BLD2014-04938

- ELE2014-03997

- LTD2024-02403

In order to respond to the violation notice, I need the complete records associated with the address.

I have owned the property for the past four (4) years, but it is noted some of these permits are nearly twenty (20) years old.

It is not uncommon for homeowners to open permits, defer their projects, and resume later under new permits. I cannot tell from the publicly available information whether any of the approved permits or abated code cases address the permits cited in the violation letter. I would therefore appreciate if you would link my ePortal email ([kgrant20@hotmail.com](mailto:kgrant20@hotmail.com)) to all eighty-two (82) records associated with the account.

Should you have any questions, please do not hesitate to contact me by email.

Very best regards,  
Khal Monaro

"I am the unstoppable force that has never met an immovable object"



SUMMONS FOR HEARING  
Commonwealth of Virginia

SDT

PRINCE WILLIAM GENERAL DISTRICT - CIVIL

CITY OR COUNTY

General District Court

BILL OF PARTICULARS ATTACHED

9311 LEE AVENUE, MANASSAS, VA 20110

STREET ADDRESS

COPIES OF DEFENSE ATTACHED

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon the Defendant(s) to appear on

7/23/2024 11:00 am

DATE AND TIME

COMPLAINT

Before this court to this document to which  
THIS AUTHENTICATION IS AFFIXED IS A TRUE  
COPY OF A RECORD IN THE PRINCE WILLIAM  
GENERAL DISTRICT COURT AND THAT I AM  
CUSTODIAN OF THAT RECORD.

DATE

CLERK DEPUTY CLERK

[ ] the attached Sewage Handling and Disposal Ticket.

5/14/2024

DATE ISSUED

Dep

CLERK [ ] MAGISTRATE

CLAIM FOR VIOLATION OF SEWAGE HANDLING AND DISPOSAL REGULATION

Plaintiff, Virginia Department of Health, claims that defendant is in violation of Virginia law as specified on the attached ticket.

DATE ISSUED

REPRESENTATIVE, VIRGINIA DEPARTMENT OF HEALTH

CASE-DISPOSITION

Judgment:

[ ] Plaintiff(s)

\$

10,647.17

[ ] Defendant(s)

\$

\$ Costs awarded to [ ] Plaintiff(s) [ ] Defendant(s)

Sewage Handling and Disposal Offense: \$ Penalty assessed.

[ ] NON-SUIT

[ ] DISMISSED

Defendant(s) present? [ ] Yes [ ] No

DATE ENTERED

JUDGE

CASE NO. GV24005544-00

KHALEEN MONARO

PLAINTIFF(S)

V. S15CC

NACHMAN CONSTRUCTION LLC

DEFENDANT(S)

5937 BARON KENT LANE

CENTREVILLE, VA 20120

SUMMONS FOR HEARING

RECEIPT NO.

DATE FEE RECEIVED

\*\*\*

TO DEFENDANT: You are not required to appear, however, if you fail to appear, judgment may be entered against you. See the additional notice on page two about requesting a change of trial location.

[ ] To dispute this claim, you must appear on the return date to try this case.

[ ] To dispute this case, you must appear on the return date for the judge to set another date for trial. See additional notice on page two.

\*\*\*

Bill of Particulars

7-23-24

ORDERED

8-23-24

DUE

Grounds of Defense

7-23-24

ORDERED

9-23-24

DUE

ATTORNEY FOR PLAINTIFF(S)

JURIS DAY PLLC

ATTORNEY FOR DEFENDANT(S)

PJI Law PLC

**VIRGINIA:**

**IN THE GENERAL DISTRICT COURT FOR PRINCE WILLIAM COUNTY**

|                            |   |                         |
|----------------------------|---|-------------------------|
| KHALEEN MONARO             | ) |                         |
| <i>Plaintiff,</i>          | ) |                         |
|                            | ) |                         |
| v.                         | ) | Case No.: GV24005544-00 |
|                            | ) |                         |
| NACHMAN CONSTRUCTION, LLC, | ) |                         |
| <i>Defendant.</i>          | ) |                         |

**BILL OF PARTICULARS**

1. Plaintiff Khaleen Monaro is an individual who resides in Prince William County, Virginia.
2. Defendant Nachman Construction, LLC, dba Nachman Pools, is a Virginia Limited Liability Company, conducting business at 5937 Baron Kent Lane, Centreville, Virginia 20120.
3. The contract and events which gave rise to this lawsuit occurred in Prince William County, Virginia in and around the city of Woodbridge.

**FACTS**

4. On November 5, 2021, Plaintiff and Defendant signed a contract, requiring Ms. Monaro to pay Nachman to construct and install a pool and spa at her home at 13959 Oleander Court, Woodbridge, Virginia 22193.
5. On December 28, 2022, Nachman broke ground for the pool and spa. Nachman changed the pool location without updating the plans or notifying Ms. Monaro.
6. There was no specific timeline for the completion of the pool project. However, Nachman told Ms. Monaro that the pool would take a week, with other work taking another week. Industry practice shows that fiberglass pool and spa installation projects normally take an average of two to six weeks. Most jobs are completed in three weeks.

7. Nachman did not complete the pool and spa within six weeks. In fact, Nachman never completed the project, and Ms. Monaro terminated the contract for non-performance after 4 ½ months.

8. The construction performed was substandard. To wit, Defendant:

- a. Unilaterally relocated the pool and retaining wall without notice, which required the demolition of Ms. Monaro's lower deck and the purchase of additional pavers to match the current deck. These pavers cost Plaintiff approximately an additional \$20,000.00, outside the scope of the contract;
- b. Could not source selected steps, coping, and patio stone in a timely manner and asked Plaintiff to purchase those products for Defendant. Plaintiff had already paid for these materials in the contract, and Defendant did not reimburse her for them;
- c. Did not provide options for contracted water feature (water falling over boulders) and tried to substitute the agreed feature with one it had ordered for another job that did not meet the contract requirements. Ms. Monaro removed the water feature from the contract as Nachman would not provide the feature that had been contracted for;
- d. Failed multiple county inspections, including, but not limited to, the light bonding inspection, the swim pool structural steel inspection, poured concrete inspection, pool perimeter bonding inspection (three times);
- e. Filled pool with water 3.5 months before electricity was connected. The pool was not circulating and did not have chlorine, leading to algae and animals living in the brackish water. Industry practice is to circulate and chlorinate the water soon (days) after filling;

- f. Failed to order the pool cover Ms. Monaro chose on February 14, 2023. The cover was not ordered until April 14, 2023, leading to further delays;
- g. Installed the pool cover and the railings incorrectly;
- h. Incorrectly installed the salt cell equipment;
- i. Installed the spa heater incorrectly, and it leaked;
- j. Failed to provide accurate measurements and plans, and changed the plans without notice;
- k. Broke the existing safety handrails during the deck demolition. Replacement handrails did not meet the building codes and had to be replaced by Ms. Monaro;
- l. Employed workers who cleaned large amounts of wet concrete from their tools in the yard along the fence. The concrete hardened and blocked the drainage. Ms. Monaro notified Nachman and it did not fix the flooding issue. The concrete had to be manually removed and proper drainage installed under the fence to stop the flooding caused by Defendant.

9. Ms. Monaro regularly brought the substandard construction to Nachman's attention, but Nachman did not correct it.

10. Ms. Monaro requested updates from Nachman regarding project completion starting on March 10, 2023, with the last request made on May 7, 2023. No response was provided.

11. On May 8, 2023, Ms. Monaro sent Nachman a Cure Notice, reminding it that Nachman had abandoned the project. She requested completion of the project by May 19, 2023, and return of payments for items not delivered and reimbursement for items she provided.

12. Nachman failed to meet the deadline, despite an extension. Nachman appeared incapable of completing the contracted work.

13. Ms. Monaro made her contractually required payments to Nachman. On November 5, 2021, she paid the deposit due of \$2,500.00, via Zelle. For the deposit of \$65,732.15 requested on August 30, 2022, she made payments via Zelle on September 6, 2022 (\$25,000.00) September 7, 2022, (\$25,000.00) and September 9, 2022, (\$15,732.15). The next payment of \$52,335.72 was requested on December 27, 2022, and Ms. Monaro gave a check to Defendant the same day.

14. Ms. Monaro withheld the last payment due of \$13,396.43 which was due upon completion. Nachman owed her over that amount for items that she had provided, that Nachman had failed to provide as required under the contract.

15. On August 24, 2023, Plaintiff sent a demand letter to Defendant.

16. Defendant's attorney responded to the demand with a counter letter dated September 15, 2023.

17. Plaintiff sent a letter and all requested information on October 18, 2023.

18. There has been no further response from Defendant or its attorney.

19. Defendant never completed the installation of a pool and spa in good working order for Plaintiff's full use and enjoyment. Plaintiff has also suffered aggravation, loss of enjoyment, and related injuries as a result of being forced to waste her hard-earned time and money on persuading Defendant to do what he was already contractually required to do, and then sign other contracts with other parties to complete the substandard work done by Defendant.

20. As a result of Defendant's breaches, Plaintiffs spent an additional \$14,620.04 to correct Defendant's deficiencies, and was billed \$22,715.73 for items she provided or did not receive. This added an extra 7 weeks to the project, which had already taken 20 weeks, during which Plaintiff did not have access to a working pool and spa. Defendant's faulty construction also

forced Plaintiff to spend time and money dealing with these injuries, which resulted in aggravation, loss of enjoyment, and related injuries.

### **COUNT I: BREACH OF CONTRACT**

21. Paragraphs 1-20 are incorporated by reference.

22. Defendant breached the contract in multiple ways (see above) by never completing the installation of a pool and spa in good working order for Plaintiff's full use and enjoyment.

Plaintiff has also suffered aggravation, loss of enjoyment, and related injuries as a result of being forced to waste her hard-earned time and money on persuading Defendant to do what he was already contractually required to do, and then sign other contracts with other parties to complete the substandard work done by Defendant.

23. As a result, Plaintiff sustained damages as a direct result of Defendant's breach of their contractual duty because of the incomplete and substandard installation.

### **COUNT II: BREACH OF THE IMPLIED WARRANTY OF MERCHANTABILITY**

24. Paragraphs 1-23 are incorporated by reference.

25. According to VA Code § 8.2-314 (1), there is a warranty that the goods shall be merchantable that is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind.

26. Defendant is a merchant seller of the goods in question, the installation of a pool and spa, because it deals in pools/spas and the installation of pools/spas.

27. Defendant's pool and spa were not merchantable.

28. Plaintiff has been injured by the Defendant in the amount of \$23,436.19.

In consideration of the allegations outlined above, Plaintiff respectfully requests this court enter judgment of \$23,436.19 against Defendant Nachman Construction LLC, as well as costs and fees and any other relief this Court deems proper.

Respectfully Submitted,

Khaleen Monaro

By Counsel

JURIS DAY, PLLC

---

Christopher M. Day, VSB # 37470  
10521 Judicial Drive, Suite 200  
Fairfax, Virginia 22030  
(703) 268-5600  
Fax: (703) 268-5602  
cmday@jurisday.com  
*Counsel for Plaintiff*



## Nachman

---

**From:** Nachman Construction

[info@nachmanconstruction.com](mailto:info@nachmanconstruction.com)

**To:** Khaleen Monaro [kgrant20@hotmail.com](mailto:kgrant20@hotmail.com)

**Sent:** Monday, January 9, 2023 at 8:55 PM

Hi,

They are on their way to meet with you. Hasan wanted me to send you this as well, I believe he spoke to you about the lower wooden deck. Having this you can get any questions answered while he is there.

Nachman Construction, LLC

January 9, 2023

21750 Red Rum Dr #102

Ashburn, VA 20147

RE: Change order Khaleen Monaro

13959 Oleander Ct

Woodbridge, VA 22193

Removal of existing Wooden deck \$500, plus the cost of the dumpster.

12 x 16 lower deck replacement with concrete \$3038.00

Please print and sign and date return to us for work to be authorized and done.

Additional Documents  
Submitted By  
Prince William County

(Page left blank intentionally)

**From:** Nachman Construction <info@nachmanconstruction.com>  
**Sent:** Friday, May 23, 2025 7:33 AM  
**To:** Mays, Eric M. <emays@pwcgov.org>  
**Subject:** Re: FW: BLD2022-04227 (13959 OLEANDER CT ) - Swimming Pool

**This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.**

---

Dear Mr. Mays,

Thank you for your email. I would like to provide clarification regarding building permit BLD2022-04227 for the property located at 13959 Oleander Court.

As you are aware, Nachman Construction secured the necessary permit for the swimming pool installation. However, our contractual agreement with the homeowner was terminated prior to the complete finalization of the project. It is important to emphasize that Nachman Construction bears no responsibility for any work or modifications performed following the termination of our contract.

During the period in which Nachman Construction was under contract, we successfully completed the structural components of the swimming pool installation. This phase of work underwent inspection by the relevant authorities and received approval without any recorded concerns or discrepancies at that time. Given that the homeowner elected to terminate our services subsequent to this structural inspection, we cannot be held accountable for any alterations carried out thereafter, including those concerning the existing deck.

With regard to the document furnished by the homeowner, which seemingly implies that the deck alterations were included within our proposal, this assertion is incorrect. Our proposal and subsequent contract exclusively pertained to the swimming pool installation, consistent with the details outlined in the building permit application. Any assertions indicating our responsibility for the deck are therefore inaccurate.

To reiterate, Nachman Construction's services were terminated by the homeowner following the successful structural inspection of the pool. Consequently, we are not the responsible party for any work undertaken subsequent to this termination, encompassing any modifications or demolition of the existing deck.

We hope this explanation clearly delineates our position on this matter.

Sincerely,  
Hasan  
Nachman Construction

---

Nachman Construction  
21750 Red Rum Dr #102 Ashburn VA 20147  
703 832 2686  
[www.nachmanconstruction.com](http://www.nachmanconstruction.com)

On Fri, May 23, 2025 at 7:06 AM Mays, Eric M. <[emays@pwcgov.org](mailto:emays@pwcgov.org)> wrote:

Dear Mr. Nachman,

Contrary to our phone conversation in February 2025, the homeowner is asserting you are the responsible party for the demolition of the lower deck and the construction of new stairs to the remaining upper deck.

Please see the attached document (your email) provided by the homeowner that is being used as evidence in the Building Code Appeal Hearing scheduled for July. The document indicates that the alteration of the deck/stairs was included in your proposal/contract.

Can you please explain the conflict between our phone conversation and the homeowner's assertions?

Sincerely,  
*Eric M. Mays*, P.E.  
Building Official  
Prince William County  
703-792-6873  
[emays@pwcgov.org](mailto:emays@pwcgov.org)

**From:** Mays, Eric M.  
**Sent:** Wednesday, February 5, 2025 4:34 PM  
**To:** [INFO@NACHMANCONSTRUCTION.COM](mailto:INFO@NACHMANCONSTRUCTION.COM)  
**Cc:** Alexander, Kristin O. <[KAlexander@pwcgov.org](mailto:KAlexander@pwcgov.org)>  
**Subject:** BLD2022-04227 (13959 OLEANDER CT ) - Swimming Pool

Thank you for talking with me this afternoon. I wanted to follow up on our conversation:

1. Can you please confirm if your contract included any alterations to the existing wood deck adjacent to the house? The homeowner implied that the existing lower deck had to be removed during the swimming pool installation. However, your Building Permit Application (attached) does not indicate any alterations to the existing deck.

2. Can you please confirm the date the homeowner terminated your contract? Can you provide written evidence of the termination?
3. Was your company still under contract and the responsible party when the Final Inspections were conducted? I have attached a summary of the project's inspection history.
4. Was ALPHA ELECTRIC LLC still under contract directly to the homeowner after the contract termination? Or did ALPHA ELECTRIC LLC remain as your subcontractor and, by extension, was terminated?

I appreciate your assistance in determining who is the responsible party for the alterations to the existing deck.

Sincerely,  
***Eric M. Mays***, P.E.  
Building Official  
Prince William County  
703-792-6873  
[emays@pwcgov.org](mailto:emays@pwcgov.org)



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Prince William County  
Local Appeals Board  
April 2, 2025  
Meeting Minutes

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## **Prince William Building Code Appeals Board**

**APL2025-00012- Khaleen Monero**

**April 2, 2025**

### **Meeting Minutes**

1. Mr. John Heltzel, Chairman of the Board of Appeals, called the meeting to order.
2. Secretary took roll call- quorum established
  - a. Mr. John Heltzel-Present
  - b. Mr. Michael Kitchen-Absent
  - c. Mr. Steve Daves-Present
  - d. Mr. Michael Sawyers-Present
  - e. Mr. Roy Pavone-Present
3. Chair called APL2025-00012 to order. The Board of Appeals conducted the hearing.
  - a. Mr. Daves moved to uphold the Building Official based on the evidence and testimony given and that BCE2025-00357 was properly issued and enforceable.
  - b. Mr Daves further moved that the local building code appeals board does not have the authority to remove records.
  - c. Mr. Pavone seconded the motion.
  - d. The motion passed, and the vote was unanimous.
4. Meeting adjourned

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# VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

## CHAPTER 129

*An Act to amend and reenact § 2.2-3708.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; electronic meetings.*

[S 734]

Approved March 20, 2024

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-3708.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.**

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. *When audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;*

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

**D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall ~~first~~ *at least once annually* adopt a policy, by recorded vote at a public meeting, that 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. The policy shall:**

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.



## State Building Code Technical Review Board Policy #30

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**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:

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.

### **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.

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 is new.

**Board Chair  
at Last Review:**

James R. Dawson

**DHCD Director:**

Bryan Horn

## State Building Code Technical Review Board Policy #31

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**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:

- 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 25 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

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 is new.

#### **Board Chair at Last Review:**

James R. Dawson

#### **DHCD Director:**

Bryan Horn



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