

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, September 19, 2025 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

- I. Roll Call **(TAB 1)**
- II. Approval of August 15, 2025 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
 - In Re: Campbell Code Consulting (Chris Campbell)
Appeal No. 25-09
- IV. Public Comment
- V. Preliminary Hearing **(TAB 4)**
 - In Re: 1321 Porter St. LLC
Appeal No. 25-07
- VI. Sub-Committee - Code Change Proposal Update/Discussion **(TAB 5)**
 - In Re: Appointment of Code Officials in VCC, VPMC, and SFPC
- VII. Secretary's Report
 - a. October 17, 2025 meeting update
 - b. 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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1 **STATE BUILDING CODE TECHNICAL REVIEW BOARD**
2 **MEETING MINUTES**
3 **August 15, 2025**
4 **Virginia Housing Center**
5 **4224 Cox Road Glen Allen, Virginia 23060**
6

Members Present

Mr. Daniel Crigler
Mr. David V. Hutchins
Mr. Joseph Kessler
Mr. R. Jonah Margarella
Ms. Joanne Monday
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Elizabeth White
Mr. Aaron Zdinak, PE

Members Absent

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Ms. Christina Jackson
Mr. Eric Mays, PE

7
8 Call to Order

The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Vice-Chair Pharr.

11
12 Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, was not present.

15
16 Approval of Minutes

The draft minutes of the July 18, 2025 meeting in the Review Board members’ agenda package were considered. Mr. Moss moved to approve the minutes as presented. The motion was seconded by Ms. Monday and passed with Mses. Monday and White and Messrs. Crigler, Margarella, and Zdinak abstaining.

21
22 Final Order

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

23
24 After review and consideration of the final order presented in the
25 Review Board members’ agenda package, Mr. Moss moved to approve
26 the final order with an editorial change adding the letter “s” to the word
27 “William” to create “Williams” correcting the last name of the
28 appellant on page 15 line 64 of the final order. The motion was
29 seconded by Ms. Monday and passed with Mses. Monday and White
30 and Messrs. Crigler, Margarella, and Zdinak abstaining.

31
32 Final Order

Khaleen Monaro: Appeal No. 25-06:

33
34 After review and consideration of the final order presented in the
35 Review Board members’ agenda package, Mr. Moss moved to approve
36 the final order with an editorial change adding the letter “ed” to the

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State Building Code Technical Review Board
August 15, 2025 Minutes - Page 2

word “*abandon*” to create “*abandoned*” on page 26 line 86 of the final order. The motion was seconded by Ms. Monday and passed with Mses. Monday and White and Messrs. Crigler, Margarella, and Zdinak abstaining.

Public Comment

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

New Business

George Karsadi: Letter to the Secretary:

Mr. Karsadi submitted a letter to the Review Board Secretary dated July 22, 2025, presented in the Review Board member’s agenda package. The Vice-Chair outlined to the Board the law related to reconsideration requests and that, if this was intended to be a reconsideration request from Mr. Karsadi, that his time to file had passed both the prescribed timeframe and the timeframe allotted to the Board to reconsider the matter on its own accord under the law. No action was taken

Fairfax County (Jay Riat): Appeal No. 25-09:

A hearing convened with Vice-Chair Pharr serving as the presiding officer. The hearing was related to the denial of a permit/plan review pertaining to the design of the project known as Eastgate Mixed Use submitted by Campbell Code Consulting in Fairfax County.

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

Jay Riat, Building Official for Fairfax County
Dan Willham, Deputy Building Official for Fairfax County
Chris Campbell, Campbell Code Consulting
Kacey Huntington, Project Designer

Also present was:

Patrick Foltz, Attorney for Fairfax County

After testimony concluded, Vice-Chair Pharr 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
August 15, 2025 Minutes - Page 3

Decision: Fairfax County (Jay Riat): Appeal No. 25-09:

After deliberations, Ms. Monday moved to uphold the decision of the local appeals board because a single exit for the project is code compliant. The motion was seconded by Mr. Moss and passed with Messrs. Margarella and Zdinak voting in opposition.

Secretary's Report

Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for September 19, 2025.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 12:00 p.m.

Approved: September 19, 2025

Chair, State Building Code Technical Review Board

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 Fairfax County
8 Appeal No. 25-09
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 1. On February 14, 2025, the Fairfax County Department of Land Development
21 Services (County), the agency responsible for the enforcement of Part 1 of the 2021 Virginia
22 Uniform Statewide Building Code (VUSBC), denied a permit/plan review for BLDC-2024-00163
23 pertaining to the design of the project known as Eastgate Mixed Use submitted by Campbell Code
24 Consulting (Campbell) which had only one exit. The determination of the County was that two
25 exits were required due exit remoteness pursuant to VCC Section 1007.1.1 Two exits or exit access
26 doorways. Campbell filed an appeal to the Fairfax County Building Code Board of Appeals (local
27 appeals board). The local appeals board "approved" the appeal finding that:

- 28 a. *"The floor plan associated with the subject proposed apartment building*
29 *satisfies the requirements of the subject code as to required means of egress*
30 *afforded to the occupants of each dwelling unit.*
31 b. *The specific provisions of the subject code include a number of prescriptive*
32 *provisions that are subject to interpretation and subsequently their application*

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to the subject building will result in differences of opinion as to a code-compliant means of egress arrangement on each floor of the building.

c. *The interpretation of those provisions by the appellant and their application to the subject apartment building was shown to be consistent with similar structures previously permitted and approved by Land Development Services.”*

On May 6, 2025, the County further appealed to the Review Board asking the Review Board to vacate the local appeals board decision and uphold the decision of the County.

Appearing at the Review Board meeting for the County were Building Official Jay Riat, Deputy Building Official Dan Willham, and Assistant Attorney County Patrick Foltz. Appearing at the Review Board meeting for Campbell were Chris Campbell and Project Designer Kacey Huntington.

III. Findings of the Review Board

A. Whether to uphold the decision of the County and overturn the decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use.

The County argued that the VCC required two remote means of egress with provisions for a single means of egress for spaces with an occupant load of 20 or less and a shorter common path of travel for egress. The County further argued that in order to have a single means of egress the area serving the single means of egress was limited to 4,000 square feet. The County argued that the project design exceeded those limitations. The County argued that the design of the Eastgate Mixed Use project required two remote means of egress due to the occupant load and area size requirements; the County conceded that the project design met the requirement for the common path of egress distance. The County argued that the requirement for remoteness of the two means of egress was required to ensure that, if one means of egress is compromised, there is an alternative means of egress available for occupants to exit the space that is sufficiently separated from the

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primary means of egress to ensure it is not affected by the fire event affecting the primary means of egress.

Campbell argued that a single means of egress was allowed by the VCC and that the project design for Eastgate Mixed Use met the requirements of the VCC for a single means of egress. Campbell also argued that he requested and received three ICC staff opinions that the project design was code compliant. Campbell further argued that the County had no other code professional opinion that supported its opinion that the project design was not code compliant. Campbell argued that based on the County's interpretation of the VCC, it would be virtually impossible to design a project with a dead-end corridor; the code specifically allows a 50' dead-end corridor.

The Review Board found that no violation existed in the design of the Eastgate Mixed Use project as submitted by Campbell because a single means of egress for the project was code compliant.

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 uphold the decision of the County and overturn the decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use.

The decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* does not exist in the design of Eastgate Mixed Use is upheld and the decision of the County that a violation of VUSBC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use is overturned because a single exit for the project is code compliant.

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Date entered _____ September 19, 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.

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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:

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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.

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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.
3rd 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)

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

Additional Information (to be submitted with this application)

- o 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

Table of Contents

Amended Notice of Violation-Unsafe-August 28th, 2024

Appeal Application

Appeal Invoice

Email from Emily Pinchbeck

Previous Case Record (Sophia Oliveri)

Summary

Table of Contents

Notice of Violation-Unsafe-2024 (3rd floor addition) Appeal

Notice of Violation/Stop Work Order-2024 (3rd 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 (3rd 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 APPEALS (LBBCA) FEE - PROPERTY MAINTENANCE 106.1 UNSAFE STRUCTURE

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
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> 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

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,

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

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

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: 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. [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

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Notice of Violation-Unsafe-2024 (3rd floor addition) Appeal

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

Pictures

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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 (3rd 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



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 3rd 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 3rd 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 3rd 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 3rd floor addition
- No approved Building permit and/or plans authorized for the new 3rd floor addition.
- No approved trade permits were ever authorized for electrical, plumbing, mechanical work for the new 3rd floor addition.
- No inspections were ever conducted by the Permits and Inspections Bureau for the new 3rd 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 3rd 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 3rd floor addition
- Non-compliant structural load points bearing on roof above the occupied unit on the 1st 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 21st, I found the report to be sufficient and I have allowed the tenants to reoccupy the 1st and 2nd floor units only. No occupancy of the 3rd 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".

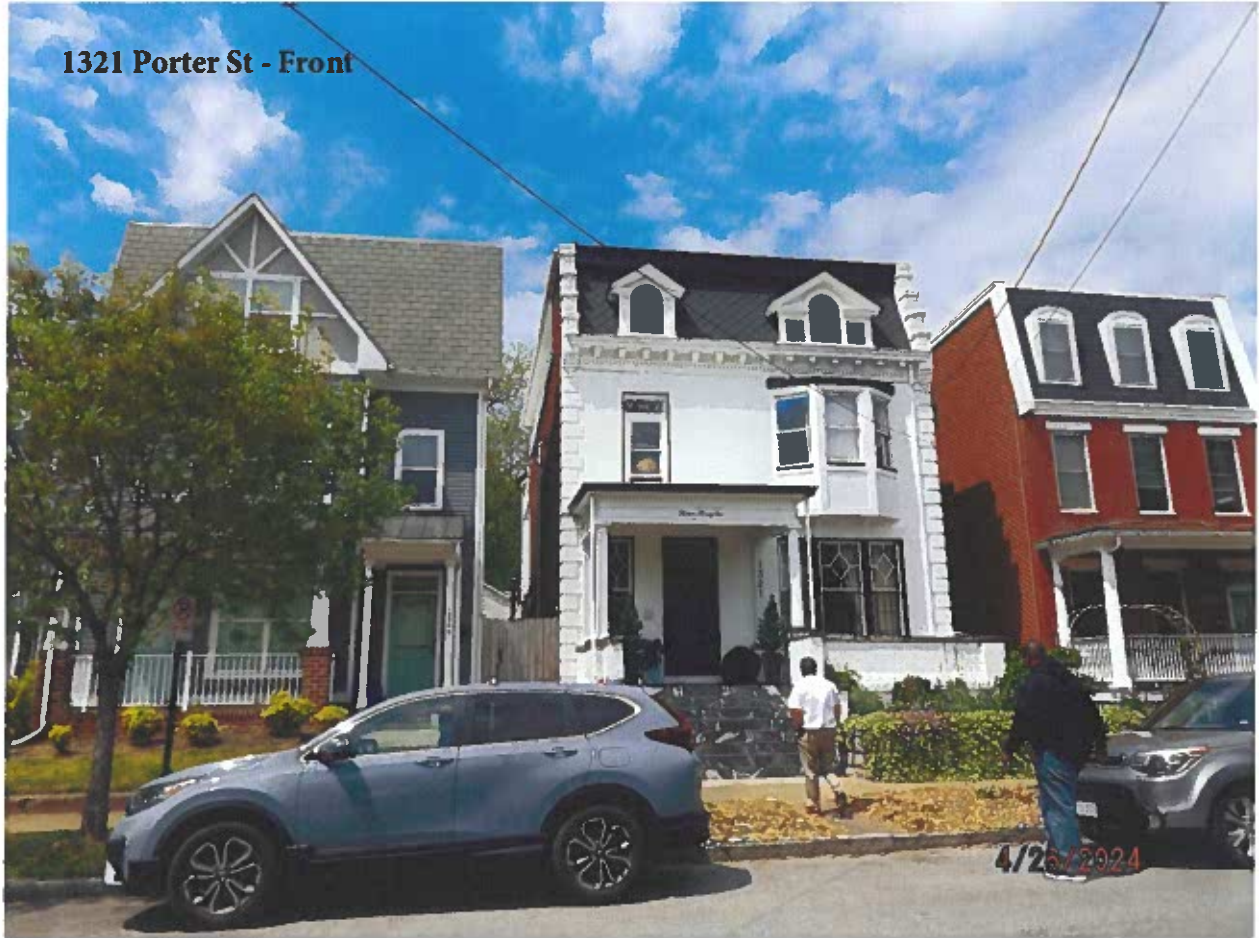
A Certificate of Appropriateness is required when any proposed work alters the exterior appearance of the property as it is viewed from a public street or alley. Certificates must be obtained before work can begin. For work requiring a building permit, no permit will be issued without a Certificate. 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

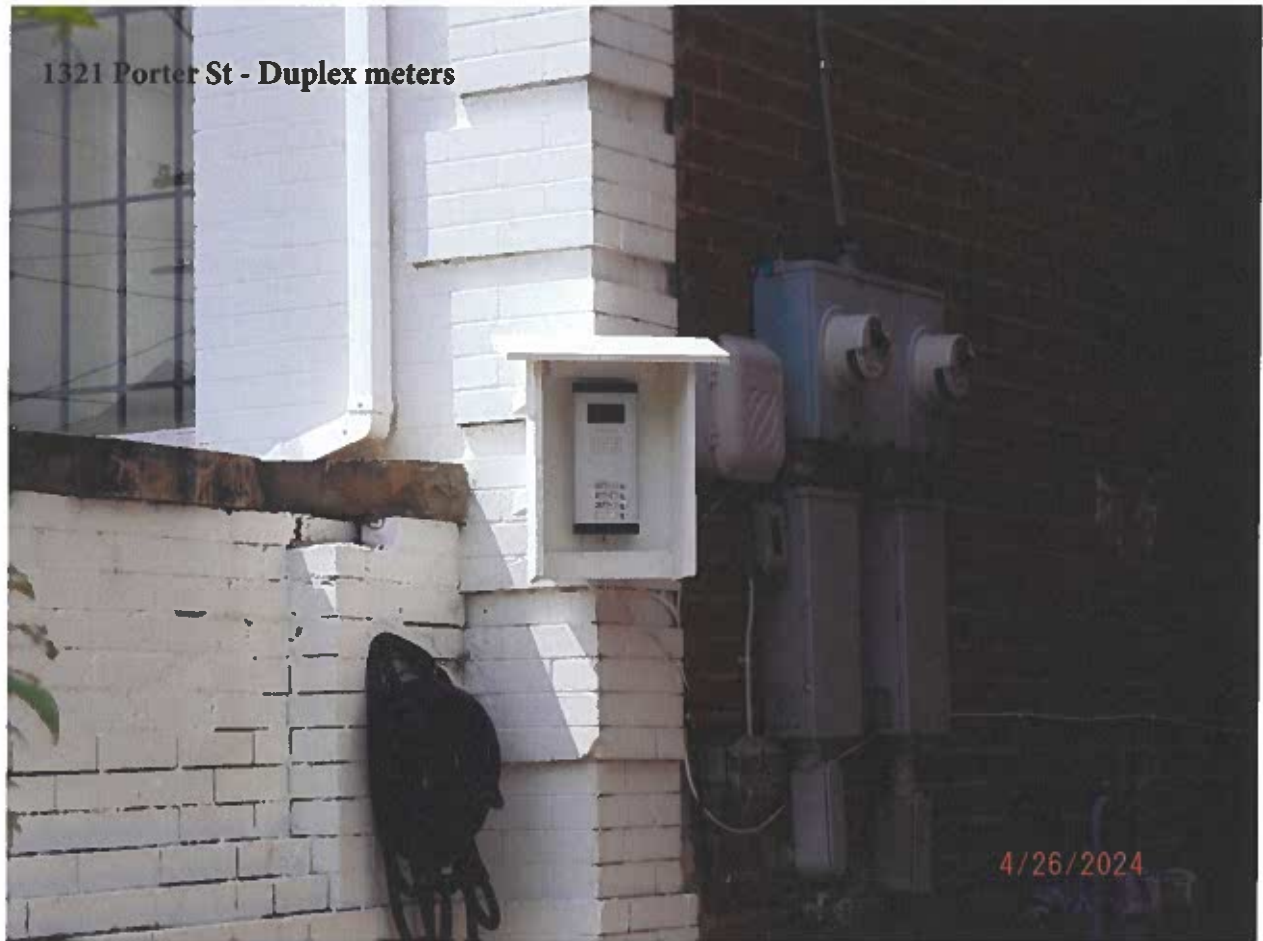






1321 Porter St - First Floor Addition







1321 Porter St - Improperly installed vertical and horizontal support



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

4/29/2024



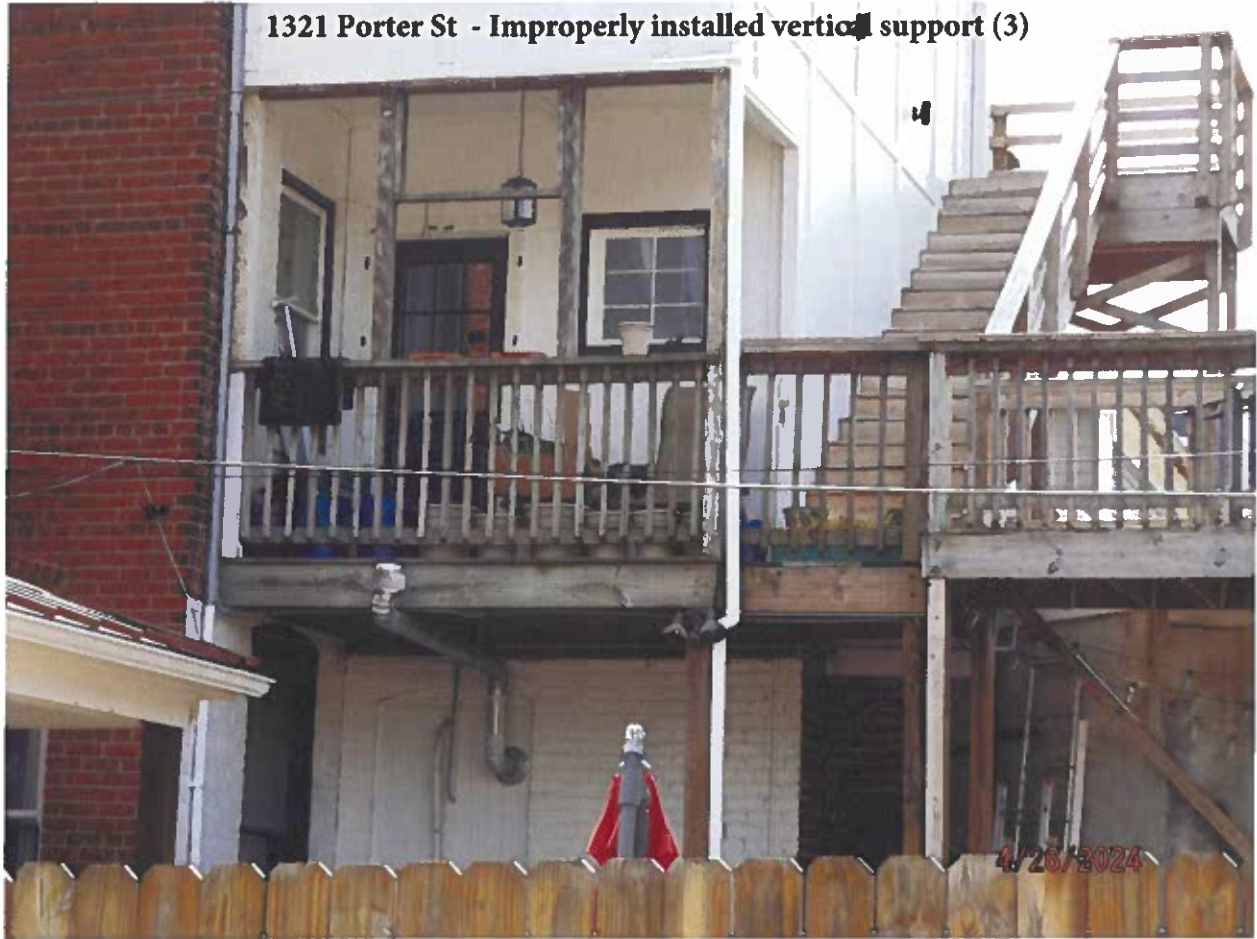




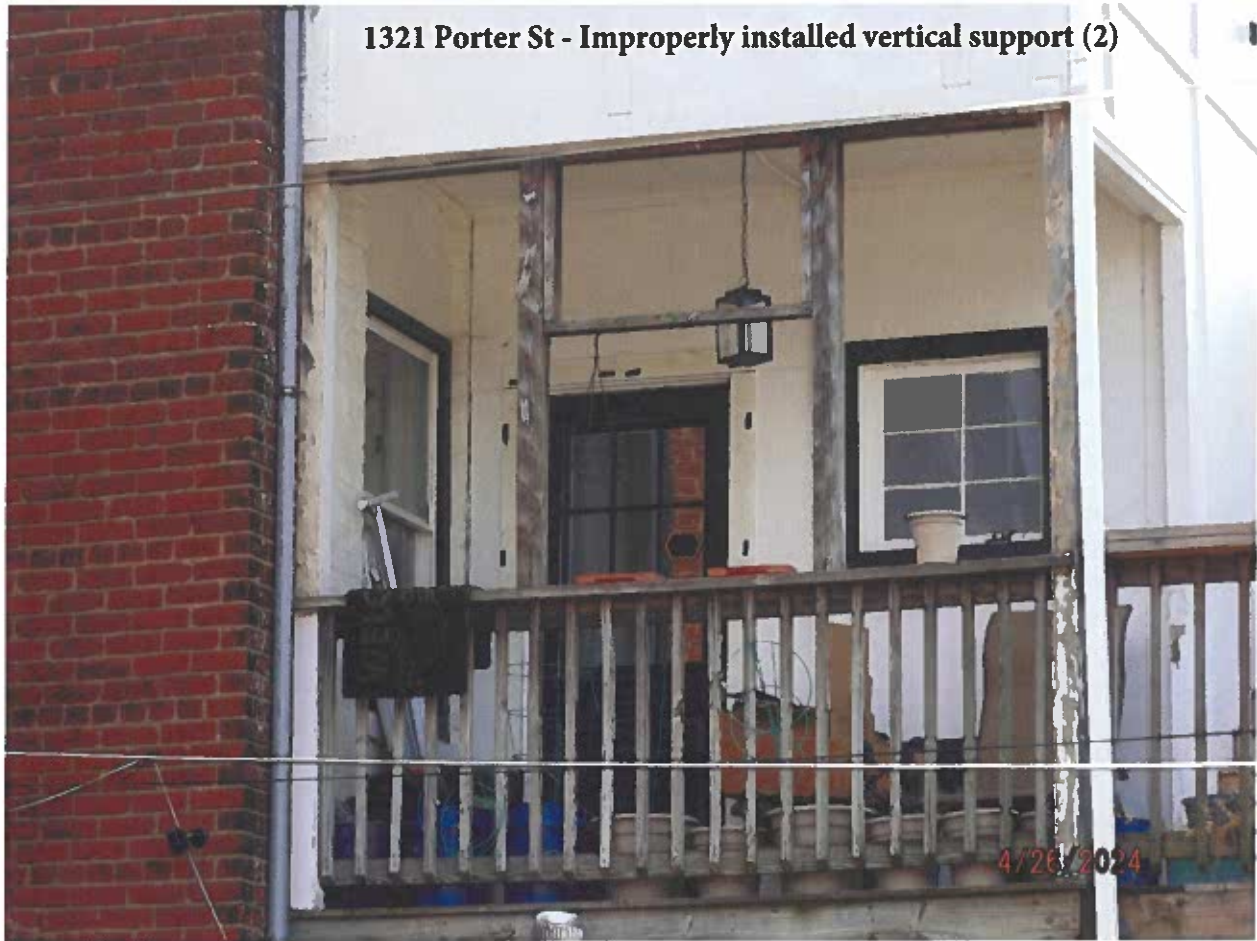
1321 Porter St - Improperly installed vertical support (4)

4/26/2024

1321 Porter St - Improperly installed vertical support (3)



1321 Porter St - Improperly installed vertical support (2)







**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 1/7/2021, 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 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.

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

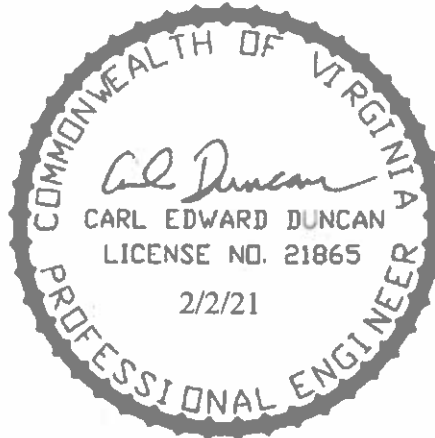
Dear Sophia,

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

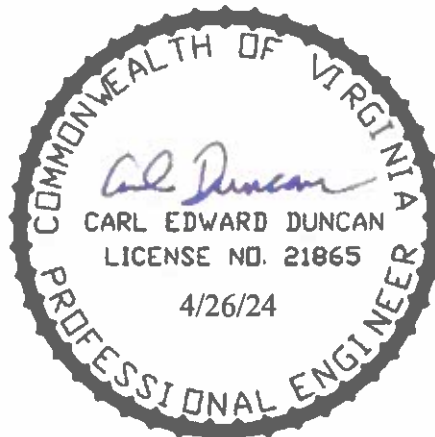
Dear Sophia,

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 5th 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 3RD 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 7th 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 3rd 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
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

Notes (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 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 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 (804) 437-3227</div><div>Email sophia.l.oliveri@gmail.com</div><div>Main address 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 (000) 000-0000</div><div>Email</div><div>Main address</div><div>Title DO NOT CHANGE THIS CONTACT - KA...</div></div> <div>Billing Contact</div>
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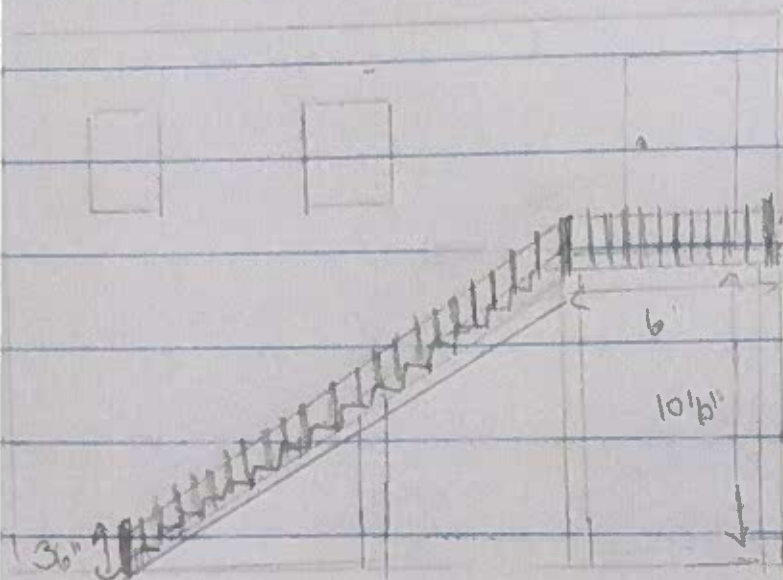


owner

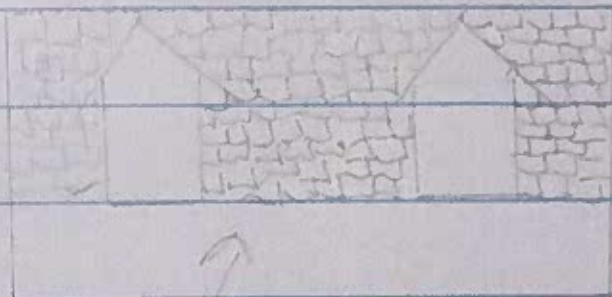


Applicant

Stairs



16 steps run- 10" rise 7.65"

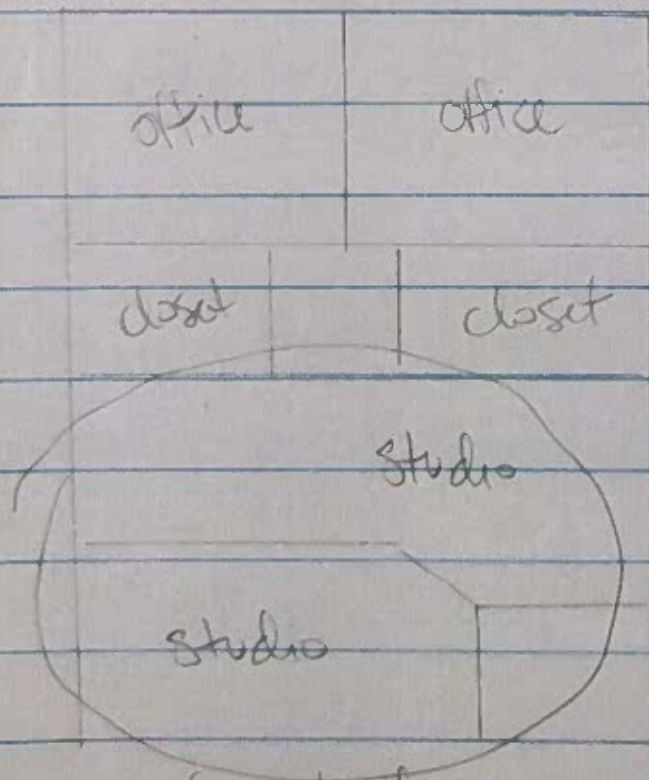


front facade- replace
slate with shingles

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.



roof extending over
this space - covered
with tpo

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

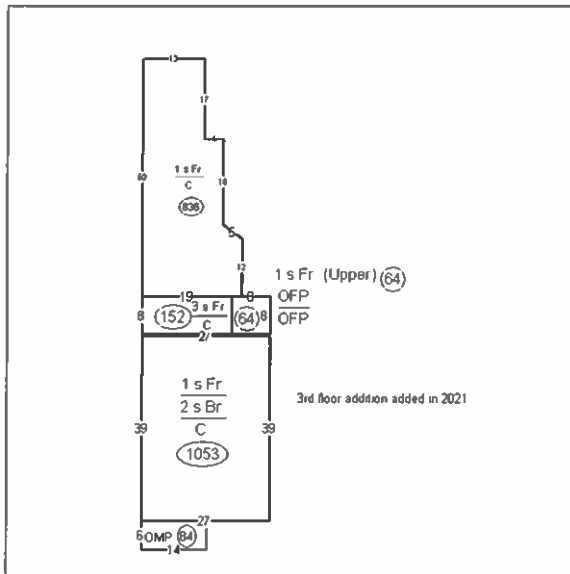
Name:S0000121019 Desc:R01



[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 9th 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. 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 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

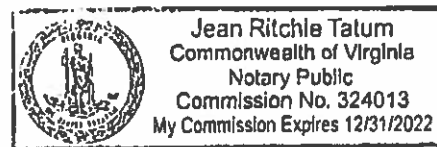
COMMONWEALTH OF VIRGINIA;
~~CITY~~ COUNTY OF Henrico, to-wit:

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 9th 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 9th 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;

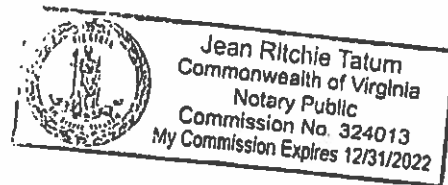
~~CITY~~ / COUNTY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 9th 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. 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 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 15th 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

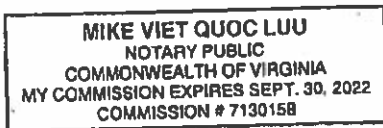
COMMONWEALTH OF VIRGINIA;

CITY/COUNTY OF Henrico, to-wit:

The foregoing document was acknowledged before me this 16th 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. 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 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 8th 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 Richard J. Knapp
this 8th 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 13th 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

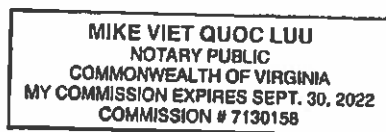
COMMONWEALTH OF VIRGINIA;

CITY/COUNTY OF Henrico, to-wit:

The foregoing document was acknowledged before me this 14th 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. 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 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

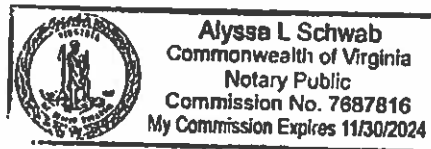
This instrument was acknowledged before me this 13 day of June 2022
Sophia S. Oliveri

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.

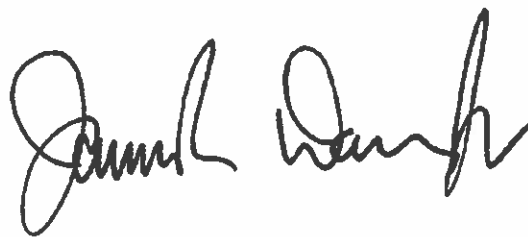
IV. Conclusion

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.



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 26th, 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 26th, 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

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.

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:

Date of Transfer	Deed Reference
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 3rd 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 3rd 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 3rd 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 3rd 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 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.

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**).

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**)

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**).

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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**)

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 3RD 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 4/29/2022 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 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.

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".

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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

🔍

Summary

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

Status:

Expired

Applied Date:

01/28/2021

Issue Date:

01/28/2021

Assigned To:

Howard, James

Expire Date:

08/23/2021

Valuation:

\$0.00

Finalized Date:

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:

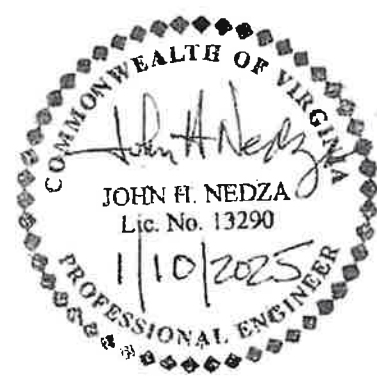
1321 Porter St. Richmond VA, 23224

☒ 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
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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: S0000121019 Desc: R01



[Previous](#)

[Next](#)

[Click](#)

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:

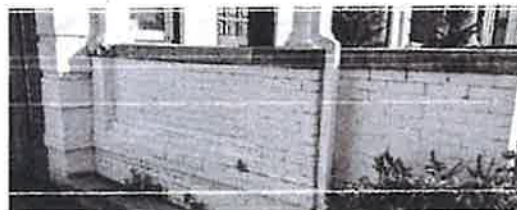
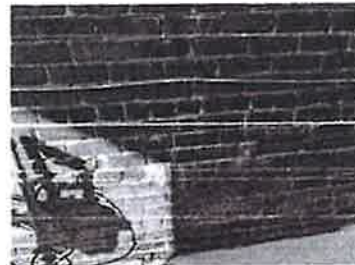
At your request, I provided a structural observation of the third floor and the exterior of the house at 1321 Porter St on September 3rd at 8:30a. Based on online records, the original house was constructed around 1921 and the third floor was an addition with an unknown constructed date. The exterior 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:



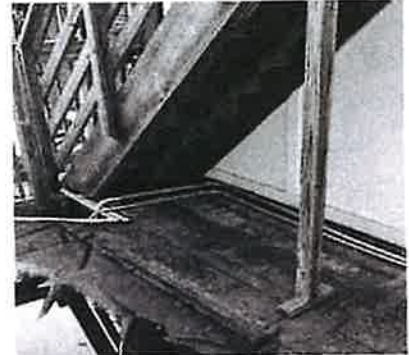
Overall View of House

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.





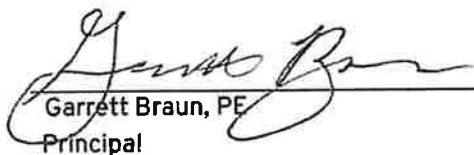
3. **Insufficient Post Connection:** The posts for the stairs at the rear of the building that leads from the 2nd to the 3rd floor addition do not have mechanical connections to their support, they are currently sitting on top of a wood plat that is resting on the roof membrane. The posts have twisted 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.

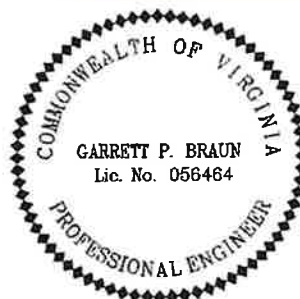


4. **Crack in Shower:** A crack was observed in the corner of the shower at the ceiling level. This appears to caused by natural expansion and shrinkage of materials due to changes in moisture and temperature.



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

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.

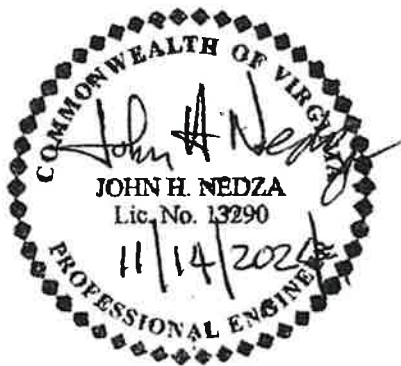
Also, we looked at the lateral load resisting capability of the building and determined that the existing shear walls are adequate to resist wind and seismic loading.

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

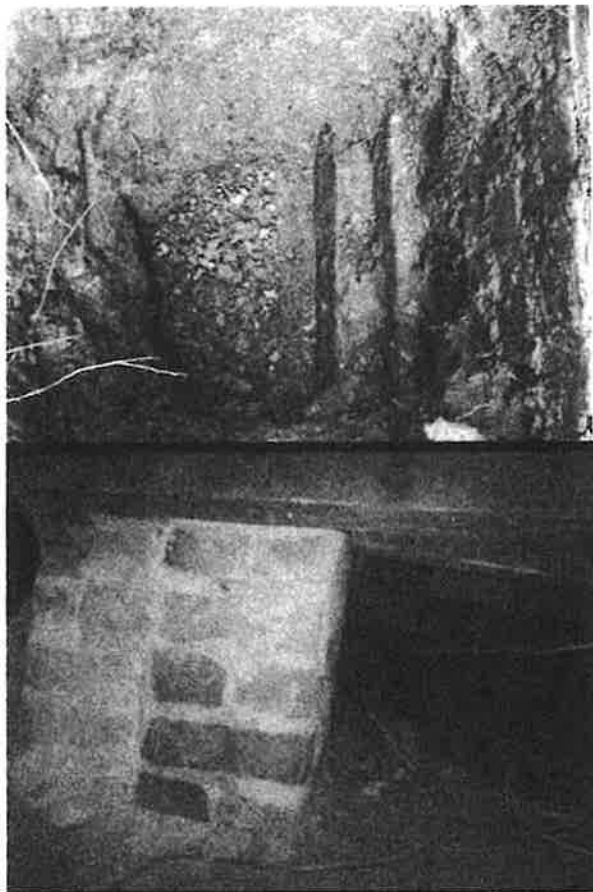


Photo #2 – Corbelled foundation. These are all taken below the house. The 2x10's are almost 2x11. The foundation wall is 3 courses thick around the perimeter, with another wall from front to back in the center of the house (photo 1). Pillars are 18x18. There are also (4) 4 brick by 4 brick thick pillars 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.

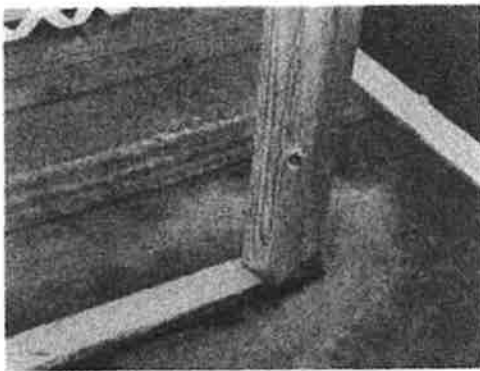
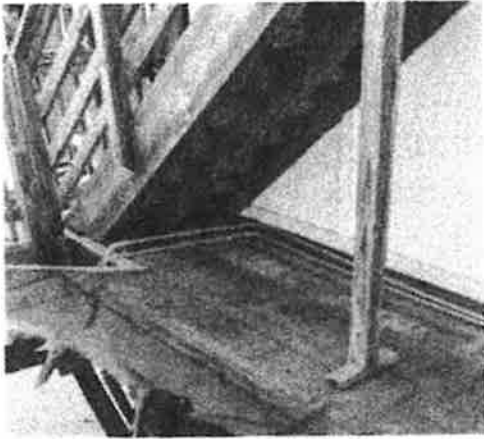


Photo #5 – Add posts and beam at center of star stringer per drawings Also Add bracing to (2) existing posts supporting the third story deck per S1 of 1 drawing.

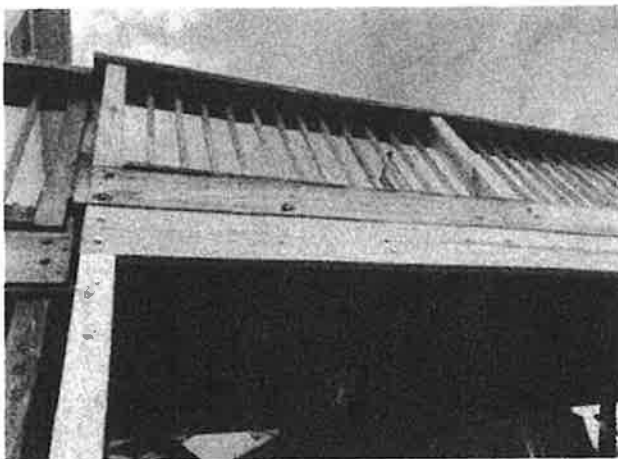


Photo #6 – Additional beam already added.

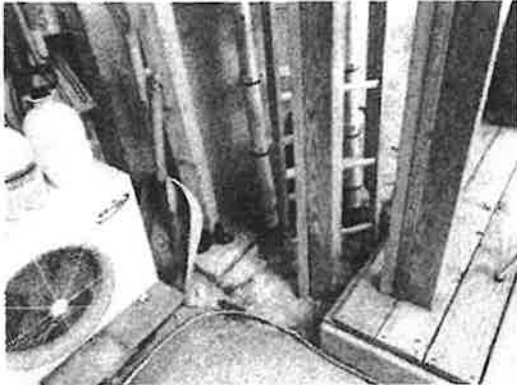


Photo #7 - Additional posts added post base anchorage added. Additional 2x's added to existing posts. Screw 2x's better to posts with 2-7/8" head lock screws at 16" on center.

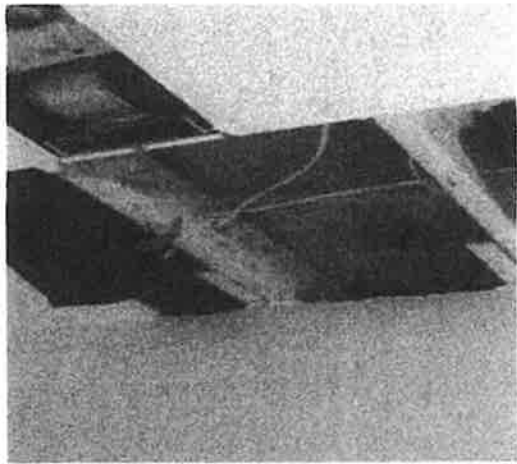


Photo #8 – Ceiling/Roof joists 2 x 8" at 16" OC - Third Floor



Photo #9 – Third floor ceiling rafters with borescope- Third Floor

VIRGINIA:

BEFORE THE VIRGINIA STATE REVIEW BOARD

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]

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

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DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

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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 <1321porterstllc@gmail.com>

Cc: "Lukanuski, Greg A. - City Attorney" <Greg.Lukanuski@rva.gov>, "Vonck, Kevin J. - PDR" <Kevin.Vonck@rva.gov>

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-

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DEPARTMENT OF

**PLANNING AND
DEVELOPMENT
REVIEW****image001.png**
261K



1321PorterStLLC <1321porterstllc@gmail.com>

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 19th 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

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

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[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

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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,

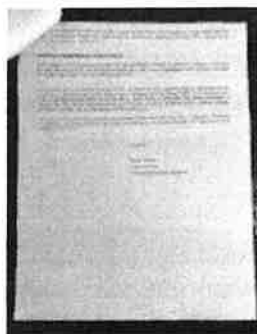
Emily Pinchbeck, Mgr
1321 Porter St. LLC.

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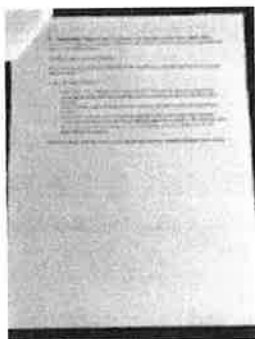
6 attachments



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 <1321porterstllc@gmail.com>

Payment Through Portal

13 messages

1321PorterStLLC <1321porterstllc@gmail.com>
To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>

Sun, Feb 2, 2025 at 10:42 AM

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 <Keisha.Felton@rva.gov>

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

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1321PorterStLLC <1321porterstllc@gmail.com>

Mon, Feb 3, 2025 at 2:26 PM

To: "Felton, Keisha L - PDR" <Keisha.Felton@rva.gov>, 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" <Keisha.Felton@rva.gov>, 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	\$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]

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 5th 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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Code of Virginia § 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants; inspection of elevators; issuance of permits. (EXTRACT)

Any person aggrieved by the local building department's application of the Building Code or refusal to grant a modification to the provisions of the Building Code may appeal to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals.

Virginia Uniform Statewide Building Code

Virginia Uniform Statewide Building Code, Part I, Construction

Virginia Uniform Statewide Building Code, Part II, Existing Buildings

119.5 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.

Virginia Uniform Statewide Building Code

Virginia Uniform Statewide Building Code, Part III, the Virginia Maintenance Code

107.5 Right of appeal; filing of appeal application.

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall 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 *code official's* decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a *code official's* decision.

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Code of Virginia § 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings. (EXTRACT)

Appeals concerning the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board.

Statewide Fire Prevention Code

112.5 Application for appeal.

The owner of a structure, the owner's agent or any other person involved in the maintenance of the structure, or activity, may appeal a decision of the fire official concerning the application of the SFPC or the fire official's refusal to grant modification under [Section 106.5](#) to the provisions of the SFPC. The appeal shall first lie to the LBFPCA and then to the State Review Board except that appeals concerning the application of the SFPC or refusal to grant modifications by the State Fire Marshal shall be made directly to the State Review Board. The appeal shall be submitted to the LBFPCA within 14 calendar days of the application of the SFPC. The application shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be stamped or otherwise marked by the LBFPCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the fire official's decision.

- Note: In accordance with § 27-98 of the Code of Virginia, any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the State Review Board shall hear appeals of any local fire code violation.

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112.5 Application for appeal.

~~The *owner* of a structure, the owner's agent or any other person involved in the maintenance of the structure, or activity, may appeal a decision of the fire official concerning the application of the SFPC or the fire official's refusal to grant modification under Section 106.5 to the provisions of the SFPC. Any person aggrieved by the local enforcing agency's application of the SFPC or the refusal to grant a modification to the provisions of the SFPC may appeal to the LBFPCA.~~ The appeal shall first lie to the *LBFPCA* and then to the State Review Board except that appeals concerning the application of the SFPC or refusal to grant modifications by the *State Fire Marshal* shall be made directly to the State Review Board. The appeal shall be submitted to the *LBFPCA* within 14 calendar days of the application of the SFPC. The application shall contain the name and address of the *owner* of the structure and the person appealing if not the *owner*. A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be stamped or otherwise marked by the *LBFPCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the fire official's decision.

Exception: Any summons issued in accordance with 111.5 of this code are not eligible for appeal.

Note: In accordance with § 27-98 of the Code of Virginia, any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the State Review Board shall hear appeals of any local fire code violation.

RD Notes: The change in Eric's original makes it clear that the State TRB doesn't hear appeals of local ordinances/amendments to the SFPC. The addition of the exception is consistent with the NOV notice of appeal in 111.5.

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