

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, January 19, 2024 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia

- I. Roll Call **(TAB 1)**
- II. Approval of November 17, 2023 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
 - In Re: Robert Hale Jr.
Appeal No. 23-05
- IV. Approval of Final Order **(TAB 4)**
 - In Re: Junjing (Jim) Song
Appeal No. 23-07
- V. Public Comment
- VI. Appeal Hearing **(TAB 5)**
 - In Re: Gifford R. Hampshire (Alive Church)
Appeal No. 23-08
- VII. Appeal Hearing **(TAB 6)**
 - In Re: Gregory Black
Appeal No. 22-09
- VIII. Interpretation Request No. 04.23 **(TAB 7)**
 - In Re: John Card (City of Newport News)

The requirements for anchor bolts in masonry walls.

Question 1: Does a single-family dwelling (R5) that is used as a family day home per VCC 2018 Section 313.3 with more than 5 children remain a R5 use group under VCC 2018 Section 310.06 #3?

Question 2: If the answer to Question 1 is no, then would 2018 VCC Section 310.6 #3 require a change of use for family day home with more than 5 children to an R-3 pursuant to 2018 VCC Section 310.4?
- IX. Secretary's Report
 - a. March 15, 2024 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 **November 17, 2023**
4 **Virginia Housing Center**
5 **4224 Cox Road Glen Allen, Virginia 23860**
6

Members Present

Members Absent

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Mr. David V. Hutchins
Mr. Joseph Kessler (arrived after approval of the
Consent Order for Appeal No. 23-01)
Ms. Christina Jackson
Mr. R. Jonah Margarella
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. James S. Moss
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Aaron Zdinak, PE

Mr. Daniel Crigler
Ms. Elizabeth White

- 7
8 Call to Order The meeting of the State Building Code Technical Review Board
9 ("Review Board") was called to order at approximately 10:00 a.m. by
10 Chair Dawson.
11
12 Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin
13 I. Bell, legal counsel for the Review Board from the Attorney General's
14 Office, was not present.
15
16 Approval of Minutes The draft minutes of the September 22, 2023 meeting in the Review
17 Board members' agenda package were considered. Ms. Monday moved
18 to approve the minutes as presented. The motion was seconded by Mr.
19 Givens and passed with Messrs. Butler, Mays, and Zdinak abstaining.
20
21 Consent Order William Bock: Appeal No. 23-01:
22
23 After review and consideration of the consent order presented in the
24 Review Board members' agenda package, Ms. Monday moved to
25 approve the consent order as presented. The motion was seconded by
26 Ms. Jackson and passed with Messrs. Butler and Zdinak abstaining.
27
28 Final Order Mazzei Construction Group LLC: Appeal No. 23-02:
29
30 After review and consideration of the final order presented in the
31 Review Board members' agenda package, Ms. Jackson moved to

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32 approve the final order as presented. The motion was seconded by Ms.
33 Monday and passed with Messrs. Butler, Mays, and Zdinak abstaining.

34
35 Fairfax County: Appeal No. 23-03:
36

37 After review and consideration of the final order presented in the
38 Review Board members' agenda package, Mr. Mays moved to approve
39 the final order as presented. The motion was seconded by Ms. Jackson
40 and passed with Messrs. Butler and Zdinak abstaining.

41
42 Public Comment Chair Dawson opened the meeting for public comment. Mr. Luter
43 advised that no one had signed up to speak. With no one coming
44 forward, Chair Dawson closed the public comment period.

45
46 New Business Robert Hale Jr.: Appeal No. 23-05:
47

48 A hearing convened with Chair Dawson serving as the presiding
49 officer. The hearing was related to the property located at 1820 Charles
50 Street, in the City of Fredericksburg.

51
52 The following persons were sworn in and given an opportunity to
53 present testimony:

- 54
55 Robert F. Hale Jr., Property Owner
56 John Schaffer, City of Fredericksburg Building Official
57

58 Also present was:
59 Donald R. Skinker, Attorney for Robert F. Hale Jr.
60

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

67
68 Decision: Robert Hale Jr.: Appeal No. 23-05:
69

70 After deliberations, Ms. Monday moved to overturn the local appeals
71 board and building official finding that the required test for a building
72 sewer, pursuant to 2018 VCC Section P2503.4, which requires the
73 insertion of a test plug at the point of connection with the public sewer,
74 filling the building sewer with water, and pressurizing the sewer to not
75 less than a 10-foot (3048 mm) head of water, was not properly
76 performed. The motion was seconded by Mr. Givens and passed
77 unanimously.
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79 Junjing (Jim) Song: Appeal No. 23-07:

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81 A hearing convened with Chair Dawson serving as the presiding
82 officer. The hearing was related to the property located at 9089
83 McClellan Common, in the City of Manassas.

84
85 The following persons were sworn in and given an opportunity to
86 present testimony:

- 87
88 Junjing Song, Property Owner
89 Karen Song, Property Owner
90 Eric Lowe, City of Manassas Building and Property
91 Maintenance Official
92 Carlos Perez, City of Manassas Code Enforcement Inspector
93 and Supervisor
94

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

101
102 Decision: Junjing (Jim) Song: Appeal No. 23-07:

103
104 After deliberations, Mr. Mays moved to uphold the local appeals board
105 and property maintenance official finding that the violations cited on
106 page 129 of the agenda package and listed below exist.

- 107
 - *Broken fence (VMC Section 302.7)*
 - *Screen in the window (VMC Section 304.13)*
 - *Peeling and chipping paint, the siding of the rear of the house (VMC Section 304.2)*

110 The motion was seconded by Mr. Margarella and passed unanimously.

111
112
113 Secretary's Report

114 Mr. Luter presented the Board with the proposed 2024 Review Board
115 meeting calendar, which was reviewed, considered, and approved by
116 the Board.

117 Mr. Luter informed the Review Board of the current caseload for the
118 upcoming meeting scheduled for January 19, 2024.

119
120 Mr. Bell provided legal updates to the Review Board members via
121 telephone call.

122
123 Adjournment

124 There being no further business, the meeting was adjourned by proper
125 motion at approximately 2:00 p.m.

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127 Approved: January 19, 2024

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Chair, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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1 VIRGINIA:
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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
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7 IN RE: Appeal of Robert Hale Jr.
8 Appeal No. 23-05
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

20 II. Case History

21 On April 11, 2023, the City of Fredericksburg Building Services Division (City), the
22 agency responsible for the enforcement of the 2018 Virginia Uniform Statewide Building Code
23 (Virginia Construction Code or VCC), approved a building sewer test for the residential structure,
24 located at 1820 Charles Street, in the City of Fredericksburg, owned by Robert Hale Jr. (Hale).
25 Hale challenged the approval of the building sewer test stating that the required test, pursuant to
26 VCC Section P2503.4 Building sewer testing, was not properly performed because the required
27 pressurizing of the building sewer to not less than a 10-foot head of water was not performed.

28 Hale filed an appeal to the City of Fredericksburg Board of Building Code Appeals (local
29 appeals board) which was denied June 15, 2023. Hale further appealed to the Review Board on
July 11, 2023.

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30 Appearing at the Review Board meeting for Hale was Robert F. Hale Jr. and his legal
31 counsel, Donald R. Skinker. Appearing at the Review Board meeting for the City was John
32 Schaffer.

33 III. Findings of the Review Board

34 A. Whether to overturn the City and local appeals board that the building sewer was
35 properly tested in accordance with VCC Section P2503.4 Building sewer testing.

36 Hale argued that the City approved the building sewer test where the contractor
37 pressurized the building sewer with a five-foot head of water rather than the required
38 pressurizing of the building sewer with a 10-foot head of water in accordance with VCC Section
39 P2503.4 Building sewer testing.

40 The City argued that due to the site conditions, potential safety issues, and time of day
41 they allowed and approved pressurizing the building sewer with a five-foot head of water in lieu
42 of the required pressurizing the building sewer with a 10-foot head of water.

43 The Review Board found that the building sewer test conducted and approved by the City,
44 pressurizing the building sewer with a five-foot head of water, did not meet the minimum testing
45 requirement because the required test for a building sewer, pursuant to 2018 VCC Section P2503.4,
46 requires pressurizing the building sewer to not less than a 10-foot head of water.

47

48 IV. Final Order

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

51 B. Whether to overturn the City and local appeals board that the building sewer was
52 properly tested in accordance with VCC Section P2503.4 Building sewer testing.

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53 The decision of the City and local appeals board that a proper building sewer test was
54 conducted and approved pressurizing the building sewer with a five-foot head of water, is
55 overturned, because the required test for a building sewer, pursuant to 2018 VCC Section P2503.4,
56 requires the insertion of a test plug at the point of connection with the public sewer, filling the
57 building sewer with water, and pressurizing the sewer to not less than a 10-foot (3048 mm) head
58 of water; therefore, the test conducted and approved by the City did not meet the minimum testing
59 requirements of the VCC.

60
61 _____
62 Chair, State Building Code Technical Review Board
63

64
65 Date entered _____ November 17, 2023 _____
66

67
68
69 As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days
70 from the date of service (the date you actually received this decision or the date it was mailed to
71 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal
72 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served
73 on you by mail, three (3) days are added to that period.

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1 VIRGINIA:

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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
5

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7 IN RE: Appeal of Junjing (Jim) Song
8 Appeal No. 23-07
9

10 DECISION OF THE REVIEW BOARD
11

12 I. Procedural Background
13

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

19 II. Case History

20 On April 26, 2023, the City of Manassas Community Development Department (City), the
21 agency responsible for the enforcement of Part III of the 2018 Virginia Uniform Statewide
22 Building Code (VUSBC or VMC) issued a Corrective Work Order (CWO) to Junjing (Jim) Song
23 (Song) citing several violations of the VMC. On June 20, 2023, the City issued a Notice of
24 Violation (NOV) citing the following violations:

- 25 a. VMC 3-302.7 – Accessory Structures/Estructuras Accesorias: *Accessory*
26 *structures including garages, fences, walls, sheds, etc., shall be maintained*
27 *structurally sound and in good repair.*
28 b. VMC 3-304.13 – Window, skylight, and door frames/Ventanas, tragaluces y
29 *marcos de puertas:* *1. Every window, skylight, door, and frame shall be kept*
30 *in sound conditions, good repair, and weather tight. 2. Glazing materials shall*
31 *be maintained free from cracks and holes. 3. Every window, other than a fixed*
32 *window, shall be easily openable and capable of being held in position by*
33 *window hardware.*
34 c. VMC 3-304.2 – Exterior Protective Treatment/Tratamiento Protectorio
35 *Exterior:* *Exterior structures including, including but not limited to, doors,*
36 *door and window frames, cornices, porches, trim, balconies, decks, fence, and*

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37 *siding shall be maintained in good condition. Exterior wood surfaces, other*
38 *than decay-resistant woods, shall be protected from the elements and decay by*
39 *paint or other treatments. Deteriorated paint shall be removed and surfaces*
40 *repainted.*

41
42 Song filed an appeal to the City of Manassas Building Code Board of Appeals (local
43 appeals board) which was denied on July 31, 2023. On August 28, 2023, Song attempted to further
44 appeal to the Review Board. Review Board staff was never able to acquire a completed Review
45 Board appeals application; therefore, staff processed the application as submitted.

46 Appearing at the Review Board meeting for Song was Junjing Song and Karen Song.
47 Appearing at the Review Board meeting for the City was Eric Lowe and Carlos Perez.

48 III. Findings of the Review Board

49 A. Whether to uphold the decision of the City and the local appeals board that a
50 violation of VMC Section 302.7 – Accessory Structures/Estructuras Accesorias exists.

51 B. Whether to uphold the decision of the City and the local appeals board that a
52 violation of VMC Section 304.13 – Window, skylight, and door frames/Ventanas, tragaluces y
53 marcos de puertas exists.

54 C. Whether to uphold the decision of the City and the local appeals board that a
55 violation of VMC Section 304.2 – Exterior Protective Treatment/Tratamiento Protectorio Exterior
56 exists.

57 Song argued that the NOV and cited violations should have referenced §36-105 C.2 & 3
58 and the Virginia Existing Building Code (VEBC). Song also argued that the NOV and cited
59 violations should not have referenced the VMC.

60 The City argued that the tenant of the structure filed a complaint with the City for potential
61 violations of the VMC. The City argued that there was a broken fence on the property, a violation
62 of VMC Section 302.7. The City further argued that the structure had windows without the

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63 required screens, a violation of VMC Section 304.13. The City also argued that the structure had
64 chipping and peeling paint on the exterior siding on the rear of the structure, a violation of VMC
65 Section 304.2. Lastly, the City argued that the NOV did not reference §36-105 C.2 & 3 or the
66 VEBC and only referenced the VMC for the violations found and cited.

67 The Review Board found that violations of VMC Section 302.7, 304.13, and 304.2 exist.

68 IV. Final Order

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

71 A. Whether to uphold the decision of the City and the local appeals board that a
72 violation of VMC Section 302.7 – Accessory Structures/Estructuras Accesorias exists.

73 The decision of the City and local appeals board that a violation of VMC Section 302.7
74 Accessory Structures exists is upheld.

75 B. Whether to uphold the decision of the City and the local appeals board that a
76 violation of VMC Section 304.13 – Window, skylight, and door frames/Ventanas, tragaluces y
77 marcos de puertas exists.

78 The decision of the City and local appeals board that a violation of VMC Section 304.13
79 Window, skylight, and door frames exists is upheld.

80 C. Whether to uphold the decision of the City and the local appeals board that a
81 violation of VMC Section 304.2 – Exterior Protective Treatment/Tratamiento Protectorio Exterior
82 exists.

83 The decision of the City and local appeals board that a violation of VMC Section 304.2
84 exists is upheld.

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Chair, State Building Code Technical Review Board

Date entered _____ January 19, 2024 _____

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

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Gifford R. Hampshire
Appeal No. 23-08

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Gifford R. Hampshire (Alive Church of the Nazarene)
Appeal No. 23-08

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On June 5, 2023, the Prince William County Department of Development Services, Building Development Division (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), performed a building safety inspection (inspection) on five of the six buildings located at 12805 Vint Hill Road in Prince William County which are owned by Alive Church of the Nazarene (Alive Church).

2. On June 12, 2023, the County issued a letter of Findings and Final Determination to Alive Church as a result of the June 5, 2023 inspection, the following findings were cited related to each building:

a) Building 1 Wood Framed Building with Blue Metal Siding:

- i. *Analysis: The Alive Church asserts the building is a Farm Building, which is supported by the Zoning Administrator's issuance of the bone fide agricultural use verification and Zoning Approval. However, the Alive Church's claim is contradicted by the multi-year religious use real estate tax exemption applications. Furthermore, the Building Safety Inspection revealed that the building is used as a non-separated use building with Assembly, Educational (Alive Kids Ministry), potentially Institutional (Nursery), and Storage Uses (Lawnmower, Golf Cart, and Lawn Maintenance Equipment).*

The most significant building safety concerns are:

- *Building – Illegal use of a farm building for a building code non-separated mixed-use building. Although the Area of Assembly only had approximately 88 chairs, the room could*

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easily accommodate over 300 chairs. Additionally, the existence of a Children's Nursery, which may require State Child Care Licensing, is a significant safety concern.

- *Structural Assessment – The county could not conduct a structural assessment of the balloon wood frame construction, and the wall framing is approximately 18 to 30 feet in height. The potential safety risk with balloon wood frame construction is adequate fire blocking and imposed loads (e.g., wind, snow, and seismic loading). A detailed structural assessment is essential.*
 - *Mezzanine – Two means of egress are required from the mezzanine, and only one means of egress is provided. The inadequate egress presents a life-safety hazard for the children and teaches attending the Alive Kids Ministry.*
 - *Equipment Room – The insulation exposed paper is a fire hazard.*
 - *Exterior Electrical Work – The unpermitted site electrical meter and service are not code compliant. Additionally, there are several violations of the National Electrical Code on the exterior of the building.*
- ii. Final Determination – The building is not a farm building and is regulated by the Uniform Statewide Building Code. A Notice of Violation will be issued for work without a permit. Furthermore, the building is unsafe for occupancy and will be posted as an Unsafe Structure.*
- b) Building 2 Residential Storage Shed with Porch:*
- i. Analysis – The shed is a residential accessory structure that requires building electrical permits and inspections. The fire safety distance to other buildings must be evaluated to determine if exterior fire-rated walls are required.*
 - ii. Final Determination – The building is not a farm building and is regulated by the Uniform Statewide Building Code. A Notice of Violation will be issued for work without a permit.*
- c) Building 3 Residential Dwelling: Not applicable.*
- d) Building 4 Commercial Industrialized Building:*
- i. Analysis – The Industrialized Building does not have the required state Industrialized Building label and was installed without the required building, electrical, and plumbing permits and inspections. The fire Safety distance to other buildings must be evaluated to determine if exterior fire-rated walls are required.*
 - ii. Final Determination – The building is not a farm building and is regulated by the Uniform Statewide Building Code. A Notice of Violation will be issued for work without permit.*
- e) Building 5 Commercial Industrialized Building:*

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- i. *Analysis – The Industrialized Building does not have the required state Industrialized Building label and was installed without the required building and electrical permits and inspections. The fire Safety distance to other buildings must be evaluated to determine if exterior fire-rated walls are required.*
 - ii. *Final Determination – The building is not a farm building and is regulated by the Uniform Statewide Building Code. A Notice of Violation will be issued for work without permit.*
- f) Building 6 Residential Storage Shed: Not Applicable

3. Alive Church filed an appeal to the Prince William County Building Code Board of Appeals (local appeals board). The local appeals board found that buildings 1 was not a farm structure and upheld the determination of the County.

4. On August 29, 2023, Alive Church, through legal counsel Gifford R. Hampshire, further appealed to the Review Board.

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

Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County and the local appeals board that Building 1, 2, 4, and 5 are not farm buildings and are regulated by the USBC.

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Basic Documents

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ENFORCEMENT DECISION APPEALED

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June 12, 2023

Mr. Gifford R. Hampshire
Partner
Blankingship & Keith, PC
4020 University Drive, Suite 300
Fairfax, Virginia 22030

RE: Alive Church (12805 Vint Hill Road) – Findings and Final Determination

Dear Mr. Hampshire,

Thank you for facilitating the Right-of-Entry for the County to conduct the Building Safety Inspections at the Alive Church located at 12805 Vint Hill Road on June 5, 2023. This letter provides the findings and my final determination.

Overview

Alive Church of the Nazarene, Inc. (Alive Church) purchased the property (17.56 acres) at 12805 Vint Hill Road in November 2018. The Alive Church has interacted with the County multiple times over the last 5 years concerning the use of the property (Attachment 1).

Six buildings are located at 12805 Vint Hill Road, which is this letter's focus. Please refer to the aerial photograph (Attachment 2) with each building labeled as follows:

1. **Building 1** Wood Framed Building with Blue Metal Siding
(approximately 4800 SF with 1031 SF Mezzanine)
2. **Building 2** Residential Storage Shed with Porch (approximately 748 SF)
3. **Building 3** Residential Dwelling
4. **Building 4** Commercial Industrialized Building (Approximately 483 SF)
5. **Building 5** Commercial Industrialized Building (Approximately 600 SF)
6. **Building 6** Residential Storage Shed (approximately 230 SF)

Findings

The findings summarize the facts related to the property and each building.

1. Property

- A. The property is in the Zoning District A-1, Agriculture.
- B. Special Use Permit PLN2012-00366 was approved on September 10, 2013, to allow religious use on the property. However, religious use cannot commence until all the Special Use Conditions are satisfied.

- C. The Zoning Administrator issued Zoning Verification ZNR2021-00138 (Attachment 3) verifying the property as a bona fide agricultural use on February 26, 2021. The Zoning Verification states in part, "All existing and proposed buildings/structures require the necessary County permits and approvals, such as but not limited to zoning approval and building permits/approvals (if applicable.) Furthermore, with the exception of the existing single-family residential dwelling constructed in 1987, no existing or proposed buildings/structures on the property may be used for residential or housekeeping purposes and cannot contain any housekeeping elements (i.e.; kitchen appliances, sink, laundry facilities, and full bathroom)."

The Zoning Verification further states in part, "The bona fide agricultural use would not allow any other use of the Property, and would not allow any structures that are not associated with the permitted bona fide agricultural use to be located on the Property."

- D. On behalf of the Alive Church, Reverend Allen Perdue submitted multiple requests for the religious use real estate tax exemption to the County Finance Department for the property and buildings located at 12805 Vint Hill Road starting in 2019. Based on Reverend Perdue's assertion that the property and the buildings were used for various Alive Church religious activities (Attachment 4 to 6), the tax exemption has been granted from 2019 to 2023 with the total exemption amount to date of \$23,041.56.

2. Building 1 Wood Framed Building with Blue Metal Siding

On behalf of the Alive Church, Reverend Perdue submitted a Zoning Application, and the Zoning Approval ZNA2023-02465 (Attachment 7) was issued on November 16, 2022, for a *50' x 96' one-story detached accessory structure (agricultural building)*. Reverend Perdue then submitted a Farm Building and Structure – Building Code Exemption Worksheet BGPA2023-00038 (Attachment 8) on October 14, 2022, to the Building Development Division, which was approved on November 18, 2022. Reverend Perdue attested that the building "is primarily used for any uses or combination of uses specified by the Virginia Uniform Statewide Building Code definition for Farm Building and Structure."

In violation of Farm Building and Structure – Building Code Exemption Worksheet BGPA2023-00038, the Alive Church held 14 church services in Building 1 from approximately February 5, 2023, to April 30, 2023 (Attachment 9). The Alive Church continues to announce other Church events occurring on the property.

The Building Safety Inspection (Attachment 10) documented the following:

- A. An exterior sign has been mounted on the building that says "Alive Church."

Alive Church (12805 Vint Hill Road)
Findings and Final Determination
June 12, 2023
Page 3 of 6

- B. Violations of the National Electrical Code were identified on the exterior of the building.
 - C. The building's structural members were not visible for inspection. However, referring to the Alive Church's website (Attachment 11), the structure is constructed of wood-framed balloon construction. The building height is approximately 18 feet at the roof eaves and 30 feet at the roof peak.
 - D. The Main Double Door Entry goes into the main entry corridor. The Men's and Women's Restrooms and the Children's Nursery are adjacent to the corridor before entering the Area of Assembly.
 - E. The Area of Assembly is approximately 3625 SF and includes a seating area (approximately 88 chairs were arranged in rows), a stage, and storage areas on each side of the stage. Large sound speakers are mounted on the interior walls.
 - F. The stage storage area has additional stacked chairs, and one of the stage storage areas has an access ladder into an attic equipment room. One of the unfinished walls in the attic equipment room has insulation with exposed paper, a fire hazard.
 - G. A lawnmower, golf cart, and lawn maintenance equipment were stored in approximately 300 SF within the entry corridor and the back of the Area of Assembly.
 - H. A stairwell between the Nursery and the Area of Assembly provides the only access to the mezzanine (1031 SF). The Alive Kids Ministry, Audio-Visual Room, and Storage/Equipment Rooms are on the mezzanine. The Alive Kids Ministry area includes a table, 20 to 30 chairs, two game tables, and a puppet theatre. The Audio-Visual Room has an opening through the wall into the Area of Assembly.
3. Building 2 Residential Storage Shed with Porch (approximately 748 SF)
The shed was issued Zoning Approval ZPA1995-04874 for a 488 SF residential accessory structure, and the shed has been expanded beyond the Zoning Approval. The shed appears to have electrical service. The required Building Permit and Electrical Permit were never obtained.
4. Building 3 Residential Dwelling
The County issued a Certificate of Occupancy for the single-family dwelling on August 27, 1987. The County rescinded its request for Right-of-Entry, and a Building Safety Inspection was not conducted.

5. Building 4 Commercial Industrialized Building (Approximately 483 SF)
The required Virginia Industrialized Building Code Label was not located. There are two offices, a restroom, and a small closet. Based on the wall opening, the electrical panel may have been replaced. The electrical panel indicates there is a septic pump serving the building. The required Zoning Approval, Building Permit, and Electrical Permit were never obtained.

6. Building 5 Commercial Industrialized Building (Approximately 600 SF)
The required Virginia Industrialized Building Code Label was not located. The office area appears to be only used for storage. The required Zoning Approval, Building Permit, and Electrical Permit were never obtained.

7. Building 6 Residential Storage Shed (approximately 230 SF)
The County performed an exterior inspection only. No unsafe conditions were identified. The Virginia Uniform Statewide Building Code/2018, Section 108.2 Exemptions from Application for Permit states that storage sheds do not require a permit when it is a "One-story detached *structure* used as tool and storage sheds, playhouses or similar uses, provided the *building area* does not exceed 256 square feet (23.78 m²) and the *structures* are not classified as a Group F-1 or H occupancy."

8. Unpermitted Electrical Meter and Service for the Site
Bull Run Remodeling and Construction submitted an Electrical Permit Application ELE2022-05905 to install a temporary electrical service on the property. However, the Electrical Permit Application was abandoned. The installed electrical meter and service have numerous violations of the National Electrical Code. Based on conversations with Bull Run Remodeling and Construction, the County believes the unsafe electrical installation may serve Buildings 1, 4, and 5; however, verification is required.

Analysis and Final Determination

1. Building 1 Wood Framed Building with Blue Metal Siding
 - A. Analysis: The Alive Church asserts the building is a Farm Building, which is supported by the Zoning Administrator's issuance of the bone fide agricultural use verification and Zoning Approval. However, the Alive Church's claim is contradicted by the multi-year religious use real estate tax exemption applications. Furthermore, the Building Safety Inspection revealed that the building is used as a non-separated mixed-use building with Assembly, Educational (Alive Kids Ministry), potentially Institutional (Nursery), and Storage Uses (Lawnmower, Golf Cart, and Lawn Maintenance Equipment).

The most significant building safety concerns are:

- Building - Illegal Use of a Farm Building for a Building Code non-separated mixed-use building. Although the Area of Assembly only had approximately 88 chairs, the room could easily accommodate over 300 chairs. Additionally, the existence of a Children’s Nursery, which may require State Child Care Licensing, is a significant safety issue.
- Structural Assessment – The County could not conduct a structural assessment of the balloon wood frame construction, and the wall framing is approximately 18 to 30 feet in height. The potential safety risk with balloon wood frame construction is adequate fire blocking and imposed loads (e.g., wind, snow, and seismic loading). A detailed structural assessment is essential.
- Mezzanine – Two means of egress are required from the mezzanine, and only one means of egress is provided. The inadequate egress presents a life-safety hazard for the children and teachers attending the Alive Kids Ministry.
- Equipment Room – The insulation exposed paper is a fire hazard.
- Exterior Electrical Work – The unpermitted site electrical meter and service are not Code compliant. Additionally, there are several violations of the National Electrical Code on the exterior of the building.

B. Final Determination: The building is not a Farm Building and is regulated by the Virginia Uniform Statewide Building Code. A Notice of Violation will be issued for work without a permit. Furthermore, the building is unsafe for occupancy and will be posted as an Unsafe Structure.

2. Building 2 Residential Storage Shed with Porch

A. Analysis: The storage shed is a residential accessory structure that requires Building and Electrical Permits and inspections. The Fire Safety Distance to other buildings must be evaluated to determine if exterior fire-rated walls are required.

B. Final Determination: The building is not a Farm Building and is regulated by the Virginia Uniform Statewide Building Code. A Notice of Violation will be issued for work without a permit.

3. Building 3 Residential Dwelling: Not applicable.

4. Building 4 Commercial Industrialized Building

A. Analysis: The Industrialized Building does not have the required State Industrialized Building Label and was installed without the required Building, Electrical, and Plumbing Permits and inspections. The Fire Safety Distance to other buildings must be evaluated to determine if exterior fire-rated walls are required.

B. Final Determination: The building is not a Farm Building and is regulated by the Virginia Uniform Statewide Building Code. A Notice of Violation will be issued for work without a permit.

5. Building 5 Commercial Industrialized Building

A. Analysis: The Industrialized Building does not have the required State Industrialized Building Label and was installed without the required Building and Electrical Permits and inspections. The Fire Safety Distance to other buildings must be evaluated to determine if exterior fire-rated walls are required.

B. Final Determination: The building is not a Farm Building and is regulated by the Virginia Uniform Statewide Building Code. A Notice of Violation will be issued for work without a permit.

6. Building 6 Residential Storage Shed: Not Applicable.

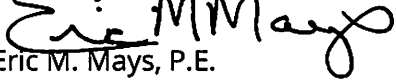
In accordance with the 2018 Virginia Uniform Statewide Building Code, Section 119 Appeals, any aggrieved party may submit an appeal to the Prince William Building Code Appeals Board within 30 calendar days.

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.

If you would like to meet to discuss the final determinations, I am available on the following dates: June 15th, Wednesday, 11 AM to 4 PM; June 16th, Thursday, 10 AM to 2 PM.

Sincerely,


Eric M. Mays, P.E.
Building Official

Attachments

Cc: Acting Director of Development Services

**Alive Church - Final Determination
Attachment 1**

Alive Church – 12805 Vint Hill Road

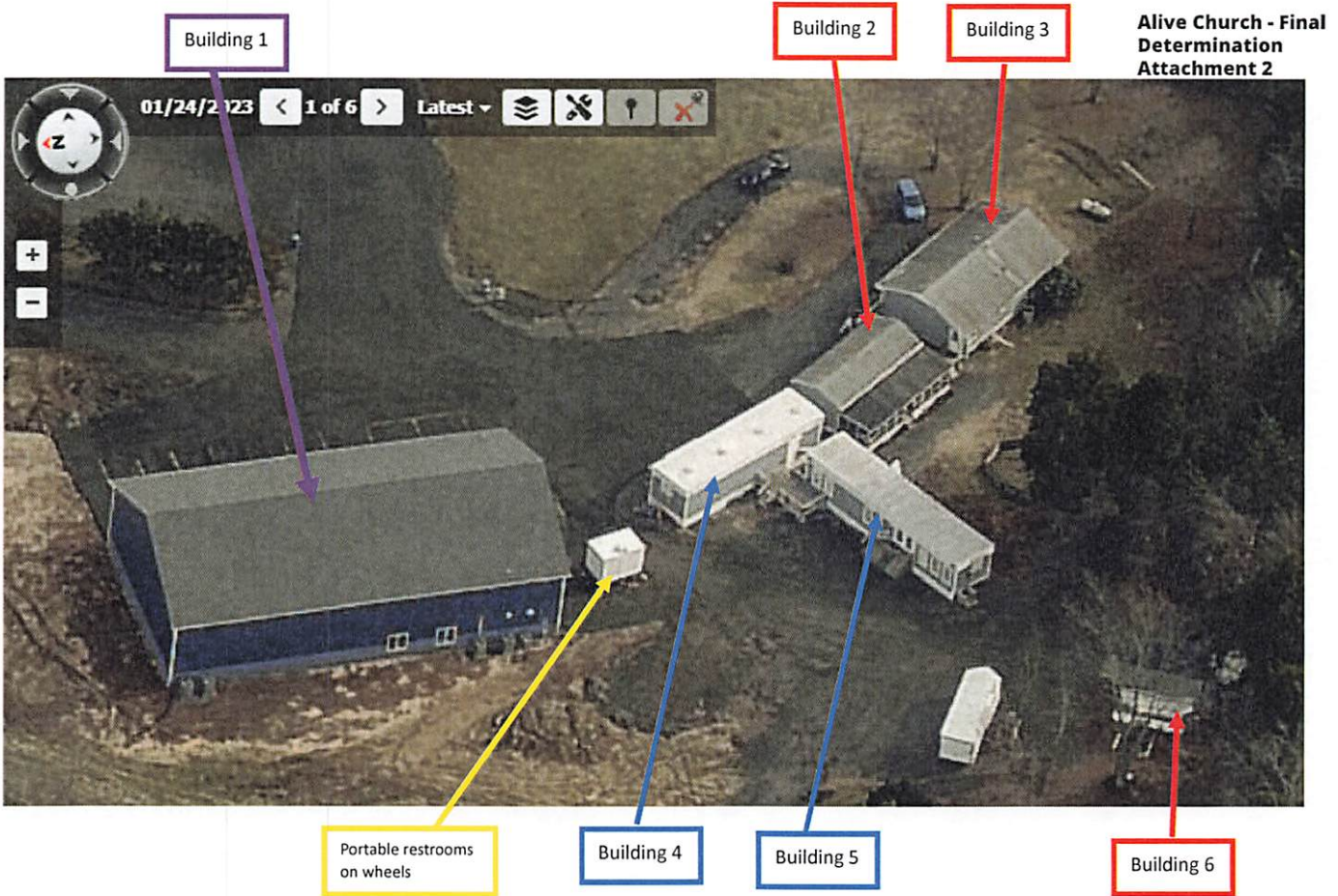
Timeline Overview

June 12, 2023

#	Date	Action
1.	Sep 2013	Victory's Crossing obtains Special Use Permit approval of PLN2012-00366 to allow religious use on the property. However, religious use cannot commence on the property until all the Special Use Permit Conditions are satisfied.
2.	Nov 2018	Alive Church of the Nazarene purchases the property.
3.	Dec 2019	Alive Church submits its first application to the County Finance Department for the religious use real estate tax exemption.
4.	Sep 2020	Alive Church meets with County Building Development staff to discuss the Virginia Uniform Statewide Building Code and the Code's Farm Building Exemption. Alive Church indicated that the goal was to raise funding by operating a Cidery for future Church construction.
5.	Feb 2021	Alive Church requests a Zoning Verification for the property. The Zoning Administrator issued Zoning Verification ZNR2021-00138 verifying the property as a bona fide agricultural use. However, except for the existing house, only agricultural use is allowed, and other uses (e.g., religious use) are not allowed on the property or in the buildings.
6.	Aug 2021	Alive Church initiated a lawsuit in the Federal Court, Eastern District of Virginia, related to Zoning Verification ZNR2021-00138.
7.	Nov 2021	The Federal Court, Eastern District of Virginia, dismissed the lawsuit.
8.	Sep 2022	The County received a complaint regarding construction without a permit for Building 1, Wood Framed Building with Blue Metal Siding. Alive Church asserted the building was an agricultural building not requiring permits. Based on those assertions, the County closed the Building Code Enforcement Case.
9.	Oct 2022	Alive Church filed an appeal in the United States Court of Appeals, Fourth Circuit.
10.	Nov 2022	Zoning Approval ZNA2023-02465 was issued for Building 1 Wood Framed Building with Blue Metal Siding on November 16, 2022.
11.	Nov 2022	Farm Building and Structure – Building Code Exemption Worksheet BGPA2023-00038 was submitted for Building 1 Wood Framed Building with Blue Metal Siding on October 14, 2022, to the Building Development Division, which was approved on November 18, 2022
12.	Jan 2023	The United States Court of Appeals, Fourth Circuit, affirmed the lower court's decision to dismiss the case.
13.	Feb 2023	Alive Church started to hold religious services and other Church events in Building 1 Wood Framed Building with Blue Metal Siding.
14.	May 2023	The County Building Development Division received a complaint that the agricultural building was being used for Church services. Upon confirmation, a Notice of Unsafe Structure was issued, and Building 1 Wood Framed Building with Blue Metal Siding was posted with Unsafe Structure Placards.

12805 Vint Hill Road (Alive Church)

updated: 2023_05_16





CERTIFIED MAIL

February 26, 2021

**Alive Church - Final Determination
Attachment 3**

Reverend Allen Perdue
c/o Alive Church
PO Box 534
Bristow, VA 20136

Re: Zoning Verification: #ZNR2021-00138 (Bona Fide Agricultural Use)
Property Address: 12805 Vint Hill Road; **GPIN:** 7495-50-9279
Zoning District: A-1, Agricultural; **Acreage:** 17.5658 acres

Dear Property Owner:

This is in response to your submission received on February 5, 2021 requesting a zoning determination for the above referenced property ("Property"). The Property contains 17.5658 acres and is zoned A-1, Agricultural. The Property is currently developed with a principal residential use, consisting of one single-family residential dwelling unit (constructed in 1987) and several detached accessory structures. County records reflect that some of the several detached accessory structures may not have been issued the required County approvals and that following issuance of this determination letter, you will be requesting the required approvals for those structures.

The Property is subject to the conditions of approval associated with special use permit ("SUP") #PLN2012-00366, approved by the Prince William County Board of Supervisors on September 10, 2013. However, it is my understanding that you intend to use the Property for bona fide agricultural use in the interim, until the use associated with the approved SUP, or any amendment of such SUP, is implemented and commenced with the required site plan approval, completion of site plan improvements and the subsequent issuance of an occupancy permit for the SUP use. You have stated in your request letter that such principal agricultural use of the Property would consist of agricultural products that are grown and harvested on the Property and the on-site retail sale of those products from the Property (i.e.; Christmas trees, fruit trees, and pumpkins). This outlined use, as described above, would be deemed permitted by right principal bona fide agricultural use of the Property. Information submitted with your application confirms that the above referenced Property has been issued Farm #1108/Tract #2607 by the U.S. Department of Agriculture Farm Service Agency. Since A-1 zoned Property cannot have two principal uses, once commenced the identified bona fide agricultural use of the Property will be deemed the principal use of the Property and the existing residential use will then be considered accessory to the identified bona fide agricultural use of the Property.

All existing and proposed buildings/structures require the necessary County permits and approvals, such as but not limited to zoning approval and building permits/approvals (if applicable). Furthermore, with the exception of the existing single-family residential dwelling constructed in 1987, no existing or proposed buildings/structures on the property may be used for residential or housekeeping purposes and cannot contain any housekeeping elements (i.e.; kitchen appliances, sink, laundry facilities, and full bathroom). Health Department approval is required for any well and septic use, pursuant to well and septic regulations.

Alive Church - Final Determination Attachment 3

Page Two

RE: ZNR2021-00138 (Bona Fide Agricultural Use - 12805 Vint Hill Road)

February 26, 2021

The bona fide agricultural use would not allow any other use of the Property, and would not allow any structures that are not associated with the permitted bona fide agricultural use to be located on the Property. However, you may apply for temporary activity permits for certain qualifying events, pursuant to Section 32-210.01 of the Zoning Ordinance. Pursuant to Section 32-300.07(10)(b)(ii) of the Zoning Ordinance, events such as weddings, wedding receptions, corporate parties/meetings, conferences banquets, dinners, and private parties would not be permitted to occur on the Property or in any building/structure until the required farm winery or brewery license is issued for the Property by the Virginia Alcoholic Beverage Control (ABC) Board or in accordance with an issued temporary activity permit, as described above.

Based on the application submission information submitted with ZNR2021-00138, you may now pursue County permits and approvals for the existing and any proposed principal agricultural buildings/structures to support the proposed deemed bona fide agricultural use outlined in this letter, and you may apply for temporary activity permits pursuant to Section 32-210.01 of the Zoning Ordinance. This determination is subject to the specific provisions and conditions contained within this letter, and subject to all relevant County and state laws, ordinances, regulations, requirements, and permits/approvals required for the proposed bona fide agricultural use. If you have any questions regarding required permits/approvals, please contact the Development Services Department at 703-792-6830 for further assistance. If you propose to do land disturbance of 2500 square feet or more, please contact the Environmental Services Division of Public Works at 703-792-7070 to discuss those details and any associated permitting requirements.

The Zoning Ordinance allows that anyone aggrieved by a zoning determination of the Zoning Administrator may appeal the decision to the Board of Zoning Appeals. An appeal must be filed within thirty (30) days of receipt of this letter. The Board of Zoning Appeals will schedule and advertise a public hearing to consider an appeal within 90 days of the filing. The determination contained within this letter shall be final if an appeal is not filed within 30 days of receipt of this letter. The application fee for an appeal is \$698.00 and appeal application forms are available on our web page at the following link:

<http://www.pwcgov.org/government/dept/planning/Documents/Fillable%20BZA%20Appeal.pdf>

This information contained within this letter is based on regulations that are in effect on the date of this letter, which are subject to change. Should you have any questions regarding this determination letter, please feel free to contact me at 703-792-6839.

Sincerely,


Lisa Fink-Butler, CZA, CTM
Zoning Administrator

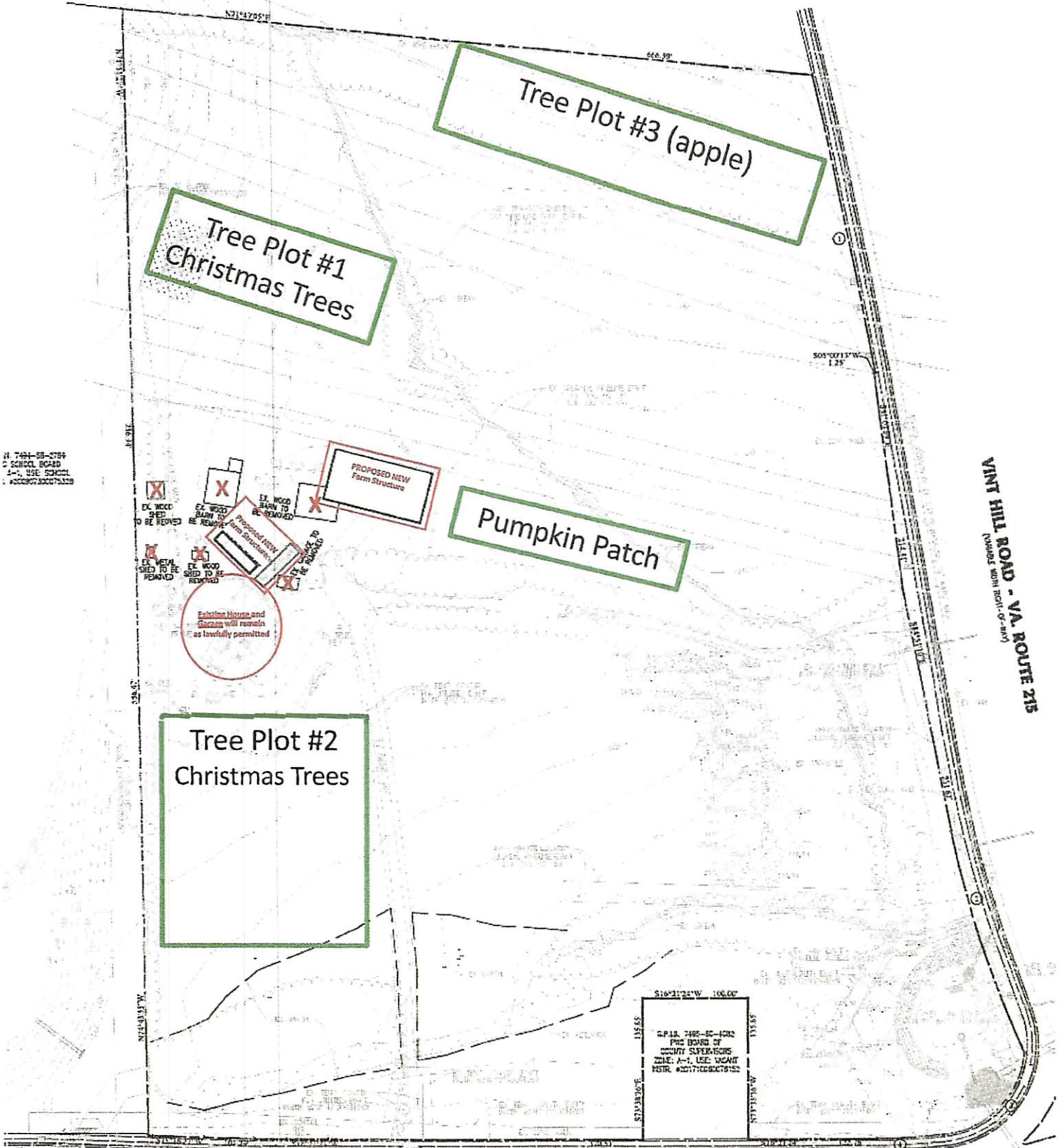
Attachment

cc: Marc Aveni, Public Works, Environmental Services Division Chief
Eric Mays, County Building Official
Joyce Fadeley, Development Services Zoning Counter Manager
Paul Lynch, Neighborhood Services Division Chief

LFB/ZNR2021-00138

**Alive Church - Final Determination
Attachment 3**

G.P.L.N. 7494-59-0036
RICHARD C. & BERENICA H. WALSH
ZONE: A-1, USE: AGRICULTURAL SERVICES WITH HOUSE
D.E. 2247, P.C. 611



N. 7494-59-5784
SCHOOL BOARD
A-1, USE: SCHOOL
#200907300074329

Tree Plot #2
Christmas Trees

Pumpkin Patch

Tree Plot #3 (apple)

Tree Plot #1
Christmas Trees

PROPOSED NEW
Farm Structure

Existing House and
Garage will remain
as lawfully permitted

G.P.L.N. 7494-59-0036
PWD BOARD OF
COUNTY SUPERVISORS
ZONE: A-1, USE: AGRICULTURAL
SERVICES WITH HOUSE
D.E. 2247, P.C. 611

KETTKE RUN ROAD - VA. ROUTE 656
(VARIABLE WIDTH RIGHT-OF-WAY)

CURVE TABLE

STATION	TANGENT	PIVA	ARC	TANGENT	CHORD	CHORD BEARING
C1	5.997201	0247.43'	299.87'	145.48'	299.87'	S89°58'46" E
C2	5.005071	1324.35'	227.49'	114.74'	227.50'	S89°37'49" W
C3	86.50	7876.35'	118.23'	70.43'	109.24'	S29°03'51" E
C4	587.53	0974.24'	143.75'	31.89'	143.75'	S13°15'44" W

**Alive Church - Final Determination
Attachment 4**

From: Pastor Allen <pastor@aliveva.org>
Sent: Thursday, January 16, 2020 1:56 PM
To: Lindner, Allison C. <alindner@pwcgov.org>
Subject: Re: Tax Exempt Request

Allison,

I'm very sorry for my late response. This message was caught up in the junk folder.

Answers to your questions:

- 1) NO
- 2) The current use of the house, barns, and grassy areas
 - a. House: Alive Church Weekly Prayer and Worship Meetings for leaders and Youth. Alive Church Monthly Board Meetings, Alive Church Weekly youth bible study, game nights, worship nights, various church leadership meetings, Alive church office space, Alive church storage space.
 - b. Barns: Prayer and Worship for Alive Vacation Bible School, Game Night, regular gathering place for prayer and fellowship. Church storage and Religious Event preparations.
 - c. Grassy areas: Play area for games and game nights. We utilized all the grassy area we can for our children's ministry, youth ministry, and family ministry. We have football fields, volley ball, gaga pit, and soccer activities associated with our church.
 - d. There is not person living in the house. We are only allowed to use this for a religious parsonage or rectory, and if so, we could only place a Licensed Staff Minister or Pastor of our Church in residence. (currently this is not the case).
- 3) Main Worship Location: Cedar Point Elementary School; 12601 Braemar Pkwy, Bristow, Va 20136

Also, please see attached the complete engineered wetlands study completed and submitted to PWC (by Victory's Crossing, which now we own all rights to) during the SUP phase, the SUP is now approved. NOTE: I have also included a document 'Wetlands Impacts' with READ depicting areas PWC restrictions keep us from utilizing for our religious purposes and GREEN for the usable spaces.

Thank you for your help!

God is Working!
Pastor Allen

From: "Lindner, Allison C." <alindner@pwcgov.org>
Date: Tuesday, December 10, 2019 at 12:20 PM
To: Pastor Allen <pastor@aliveva.org>
Subject: Tax Exempt Request

Good afternoon,

We received your request for real estate tax exemption for the property located at 12805 Vint Hill Road.

**Alive Church - Final Determination
Attachment 4**

Please provide the following information so we may process your application:

1. Is any of the property rented or leased? If yes, please attach a copy of all active rental and/or lease contracts.
2. The current use of the house including the name and position in the church of the person living in the house.
3. The address of the "main" church for Alive Church of the Nazarene.

Thank you,

allison

**Alive Church - Final Determination
Attachment 5**

From: Pastor Allen <pastor@aliveva.org>
Sent: Monday, November 23, 2020 11:17 AM
To: Lindner, Allison <alindner@pwcgov.org>
Subject: Re: Tax Exempt Request

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Understood.

During these COVID times, many things have changed, but for ALIVE, that means we are very busy, properly utilizing our property even more..

We are regularly unitizing our property for COVID-related community outreach, and we have had to creatively and compliantly utilize our property even more during 2020.

Also, during this time, we have become an approved VA Farm, obtained our Federal TTB, and are in the final stages of receiving our ABC. PWC zoning admin is also in the final stages of preparing a "zoning determination letter" for us allowing us to conduct Agritourism on our property. Even more of our land will fall under this, as we are planting Christmas Trees, apple trees, and more.... Turns out, according to our Zoning Administrator, ALIVE can be a FARM CIDERY/winery and receive many benefits from this. This is awesome for us, as you can imagine.

****Note, all gatherings have been in compliance with the VA Gov Executive orders.... Socially distant, responsible, with a digitally gathered option, also.**

The current use of the 1) house, 2) barns/buildings and 3) grassy areas are as follows:

- a. Mobile Food Pantry (Daily, as needed): We are utilizing our property as a headhunters for people to drop food off and also as a location to distribute food to the hurting and needy at this time.
- b. Daily Zoom meetings, classes, and digital production hours
- c. Alive Church Weekly Prayer and Worship Meetings for leaders, Youth and Young Adults (all separate and compliant).
- d. Alive Church Monthly Board Meetings
- e. Alive Church Weekly youth bible study, game nights, worship nights, various church leadership meetings.
- f. Alive Church office space, Alive church storage space.
- g. Prayer and Worship for Alive Vacation Bible School, Game Night, regular gathering place for prayer and fellowship. Church storage and Religious Outreach Event preparations.
- h. Grassy areas: **Drive In Church** (VA Gov Approved / COVID Compliant Necessity); Play areas for games and game nights.
 1. Drive In Church events, when facilities were either closed or could not provide a Covid compliant setting.
 2. We utilize all the grassy area we can for our children's ministry, youth ministry, and family ministry. (capture the flag, groups games, football, soccer)
 3. We have football fields, volley ball, gaga pit, and soccer activities associated with our church activities.
 4. COVID HELP for local teams (Religious Outreach to our community): We are currently partnering with local sports teams to utilize or fields for practice and

**Alive Church - Final Determination
Attachment 5**

conditioning, at NO CHARGE, as many of their regular locations were unavailable/closed... so long as they are also committed to our COVID policies regarding personal health, personal responsibility, personal hygiene, etc...

Please Note: Our 'new' main worship location is the Renaissance Montessori School located at 12625 Fitzwater Dr, Nokesville, VA 20181.

Thank you,
Pastor Allen
Lead Pastor



(571) 535-4788
www.AliveVa.org

From: "Lindner, Allison" <alindner@pwcgov.org>
Date: Monday, November 23, 2020 at 10:48 AM
To: Pastor Allen <pastor@aliveva.org>
Subject: RE: Tax Exempt Request

No form needed. you can just send me an email letting me know the current use and average.

allison

From: Pastor Allen <pastor@aliveva.org>
Sent: Monday, November 23, 2020 10:35 AM
To: Lindner, Allison <alindner@pwcgov.org>
Subject: Re: Tax Exempt Request

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Can you please send me the forms necessary to file for 2020. I thought we were making adjustments for this year, not the previous one. Thank you for your help with this.

God is working!
Pastor Allen

From: Lindner, Allison <alindner@pwcgov.org>
Sent: Monday, November 23, 2020 10:33:14 AM
To: Pastor Allen <pastor@aliveva.org>
Subject: RE: Tax Exempt Request

Alive Church - Final Determination
Attachment 5

Good morning,

All the correspondence I see from early in 2020 pertained to the 2019 tax status. I have no request on file from you certifying the continued religious use of the property for tax year 2020.

allison

From: Pastor Allen <pastor@aliveva.org>
Sent: Friday, November 20, 2020 3:33 PM
To: Lindner, Allison <alindner@pwcgov.org>
Subject: Re: Tax Exempt Request

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Yes, we did in early 2020.
But it looks like the amount does not reflect it.

How do we resubmit in 2021?

God is working!
Pastor Allen

From: Lindner, Allison <alindner@pwcgov.org>
Sent: Friday, November 20, 2020 3:30:58 PM
To: Pastor Allen <pastor@aliveva.org>
Subject: RE: Tax Exempt Request

Good afternoon,

Did you send me a request for exemption for tax year 2020? If not, please send the request confirming the current use of the property.

Also, PWC extended the due date for the second half real estate taxes from December 7, 2020 to February 3, 2021.

allison

From: Pastor Allen <pastor@aliveva.org>
Sent: Thursday, November 19, 2020 1:10 PM
To: Lindner, Allison <alindner@pwcgov.org>
Cc: Heather Perdue <heather@aliveva.org>; Jim Eckert <treasurer@AliveVa.org>
Subject: Re: Tax Exempt Request

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Sorry, please see attached...

Alive Church - Final Determination
Attachment 5

Thank you,
Pastor Allen
Lead Pastor



(571) 535-4788
www.AliveVa.org

From: "Lindner, Allison C." <alindner@pwcgov.org>
Date: Tuesday, December 10, 2019 at 12:20 PM
To: Pastor Allen <pastor@aliveva.org>
Subject: Tax Exempt Request

Good afternoon,

We received your request for real estate tax exemption for the property located at 12805 Vint Hill Road.

Please provide the following information so we may process your application:

1. Is any of the property rented or leased? If yes, please attach a copy of all active rental and/or lease contracts.
2. The current use of the house including the name and position in the church of the person living in the house.
3. The address of the "main" church for Alive Church of the Nazarene.

Thank you,

allison

Alive Church - Final Determination
Attachment 6

From: Pastor Allen <pastor@aliveva.org>
Sent: Thursday, April 20, 2023 11:42 AM
To: Lindner, Allison <alindner@pwcgov.org>
Cc: Heather Perdue <heather@aliveva.org>
Subject: Alive Church

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Hi Allison, I hope all is well with you.

Heather from the office asked me to email about our tax exempt status. Please see attached a picture. Read shows easements for gas line in Prince William County, but I did not outline all the Prince William County easements along each road. Blue stands for the county/state delineated wetlands areas, Green are the buyer right areas of land we are using for Worship, Bible Study, Prayer, community outreach etc..

Also, please note that we are an VA Farm tract, and have a PWC Determination letter and verification letter delineating us as an A1, agritourism property. We have planted over 200 Christmas trees, an this weekend are adding a pumpkin patch and sunflower garden... we will also be adding a community garden very soon. I've attached all the relevant documents.

Please let me know if you have any questions: 703-408-5615.





ZONING APPROVAL FOR BUILDING PERMIT

APPROVED

PERMIT NO: ZNA2023-02465

ISSUE DATE: November 16, 2022

APPLICANT INFORMATION

NAME: ALIVE CHURCH OF THE NAZARENE
ADDRESS: P.O. BOX 534
BRISTOW VA 20136

PHONE:

BUSINESS NAME:

OWNER INFORMATION

NAME: ALIVE CHURCH OF THE NAZARENE
ADDRESS: P.O. BOX 534
BRISTOW VA 20136

SITE INFORMATION

SITE ADDRESS: 12805 VINT HILL RD
NOKESVILLE VA 20181

GPIN: 7495-50-9279
MAGISTERIAL DISTRICT: 05 - Brentsville

DEVELOPMENT:

ZONING: A-1

USE/COND: BPA - OVERALL 50' X 96' ONE-STORY DETACHED ACCESSORY STRUCTURE (AGRICULTURE BUILDING) - SUBJECT TO ISSUANCE OF BUILDING PERMIT (IF REQUIRED) BY BUILDING OFFICIAL - SUBJECT TO WATERSHED APPROVAL AND REGULATIONS - MAX HEIGHT 35' - SUBJECT TO CONDITIONS OF ZNR2021-00067 AND ZNA2021-00138 - THE DETACHED ACCESSORY STRUCTURE SHALL NOT BE USED FOR RESIDENTIAL/HOUSEKEEPING PURPOSES NOR CONTAIN ANY RESIDENTIAL OR HOUSEKEEPING ELEMENTS - ONLY AGRICULTURAL PRODUCTS GROWN ON THE PROPERTY MAY BE PROCESSED AND SOLD FROM THE PROPERTY PURSUANT TO SEC. 32-300.07.10 - NO RPA - SEE ATTACHED AGRICULTURAL EXHIBIT

Note to Property Owner: Prior to beginning construction, please determine the existence of any applicable restrictive covenants and/or deed restrictions governing property improvements. In some cases, such covenants may be more restrictive than the Prince William County Code, and the issuance of this permit will not relieve you of complying with any applicable private restrictions that affect you. We recommend that you contact your Homeowner's or Property Owner's Association to determine the existence and applicability of any such covenants.

Applicant/Owner is responsible for any off-site impacts related to this approval.

It is my responsibility to obtain permission from all easement holders before placing any structure within an established easement.

DETACHED ACCESSORY STRUCTURES NOT FOR RESIDENTIAL/HOUSEKEEPING PURPOSES

Accessory Building/Structure Maximum height not to exceed 35.0 FEET.

Not in Resource Protection Area

I certify that all information provided for this site is true and accurate (i.e. proposed/existing uses and structures; setbacks; easements). If information provided is inaccurate or incomplete, this approval will become null and void.

APPLICANT SIGNATURE

APPLICANT PRINTED NAME

RECEIPT NO: RCPT20221116236394

Elizabeth Larkin

ISSUING AGENT

Lisa Fink-Butler

LISA FINK-BUTLER, CZA, CTM
ZONING ADMINISTRATOR

**Alive Church - Final Determination
Attachment 8**



**PRINCE WILLIAM COUNTY
Department of Development Services – Building Development Division**

**FARM BUILDING AND STRUCTURE
BUILDING CODE EXEMPTION WORKSHEET**

Staff Use Only
BGPA2023-00038

Version 2019-08-12

Project Name: Alive Church - 12805 Vint Hill Rd., Nokesville VA 20181
Property Owner: Alive Church, c/o Rev. Allen Perdue **Phone Number:** (703) 408-5615
Project Address: 12805 Vint Hill Rd., Nokesville VA 20181 **Email:** pastor@aliveva.org

The purpose of this worksheet is to determine if a proposed project is a farm building and structure that is exempt from the Virginia Uniform Statewide Building Code (VUSBC):

FARM BUILDING OR STRUCTURE. A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

The proposed building or structure:

- | | | |
|--|---|--|
| 1. Is located on a property where farming operations take place? ¹ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Is used for residential purposes? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is located within a flood plain or in a mudslide-prone area? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is primarily used for any of the uses or combination of uses specified by the VUSBC definition of Farm Building and Structure (see above). ² | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

¹ All buildings, to include farm buildings, are required to have a County Zoning Approval. For purposes of applying the VUSBC, the County Zoning Approval will serve as evidence that the property is an agricultural use operating as a farm.

² The farm building and structure must be used for farming operations ninety-five percent (95%) of the year. The farm building and structure may be used for non-agricultural uses up to eighteen (18) days per year.

Property Owner's Signature Rev. Allen J. Perdue **Date** 10/14/2022

By checking this box, I agree to digitally signing this document.

Staff Use Only

Is the proposed project a farm building and structure that is exempt from the VUSBC?

Yes No






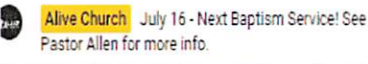
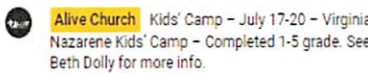
Reviewed/Approved by Signature Amanda Spittle

Date 11/18/2022


**Alive Church - Final Determination
Attachment 9**




Alive Church events from February 5, 2023 - future			
Worship / church service			
Date of Service	event	location	Notes
2/5/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
2/12/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
2/19/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
2/26/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
3/5/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
3/12/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
3/19/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
3/22/2023	Going Gainesville Interview	12805 Vint Hill Road (blue building)	completed in blue building
3/26/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
4/2/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
4/9/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
4/16/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
4/23/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
4/30/2023	Sunday worship/church service	12805 Vint Hill Road (blue building)	completed in blue building
5/7/2023	Sunday worship/church service	Two silos (Farm Live Brewery)	completed at 2 Silos
5/14/2023	Sunday worship/church service & Baptism Service	Cedar Point Elementary School	completed at Cedar Point
5/21/2023	Sunday worship/church service	Cedar Point Elementary School	completed at Cedar Point
5/28/2023	Sunday worship/church service	Cedar Point Elementary School	completed at Cedar Point
6/4/2023	Sunday worship/church service	Cedar Point Elementary School	Alive Church Youth Group June 4th @ 6 pm at the church property - 12805 Vint Hill Road, Nokesville

**Alive Church - Final Determination
Attachment 9**

Other church related events			
Date	event	location	Notes
6/4/2023	Come Together in Prayer	12805 Vint Hill Road (church property)	 Come together in PRAYER June 4 th @ 6pm Church Property
6/11/2023	Alive Youth	6-8:00 PM Church Property	 Alive Youth Ministries June 11 th & 25 th at 6pm Location: Church Property!
6/25/2023	Family Fun Day	1:00 PM Church Property	 Family Fun Day June 17 th 1pm • Fellowship • Food (light lunch) • Moon Bounce • Games & More! • RSVP by June 11 th <small>*Rain Date: June 24th</small>
6/25/2023	Alive Youth	6-8:00 PM Church Property	 Alive Youth Ministries June 11 th & 25 th at 6pm Location: Church Property!
7/9/2023	Alive Youth	6-8:00 PM Church Property	 Alive Youth July 9, 2023 from 6:00 - 8:00pm Join us for a great time of worship, fun, bible, games & more!
7/16/2023	Sunday service and baptism	unknown	 Alive Church July 16 - Next Baptism Service! See Pastor Allen for more info.
7/17 - 7/20, 2023	Alive Nazarene Kids Camp	District camp buckingham, va	 Alive Church Kids' Camp - July 17-20 - Virginia Nazarene Kids' Camp - Completed 1-5 grade. See Beth Dolly for more info.

Alive Church - Final Determination Attachment 9

7/23/2023	Alive Youth	6-8:00 PM Church Property	<p>Title: Alive Youth</p> <p>Start time: Sun 7/23/2023 7:00 PM</p> <p>End time: Sun 7/23/2023 9:00 PM</p> <p>Location: 12055 Live Hill Rd, Jacksonville, VA 22101</p>
7/24 - 27, 2023	Alive Youth Ultracamp	Unknown	<p> Alive Church Youth Camp – Ultra Camp July 24-27, 2023. Cost \$200 - See Lauren Perdue for more info.</p>

Other events			
Date	event	location	Notes
every Wednesday at 4 am	Mens sacrificial time of prayer	unknown location	<p> Alive Church The men of Alive Church are invited to a brief time of sacrificial prayer together every Wednesday morning at 4 a.m.</p>
Sunday's beginning at 9:45 am	Adult & Youth Sunday School	unknown location	<p> Alive Church Adult & Youth Sunday School is offered every Sunday beginning at 9:45 a.m. Come join for a time of learning and growing deeper in God's Word.</p>
Sunday's at 11:00 am	Alive Kids	unknown location	<p> Alive Church Alive Kids meet every Sunday @ 11:00 am - Nursery-5th grade – A fun and interactive place where kids will experience the life-changing love of Jesus!</p>

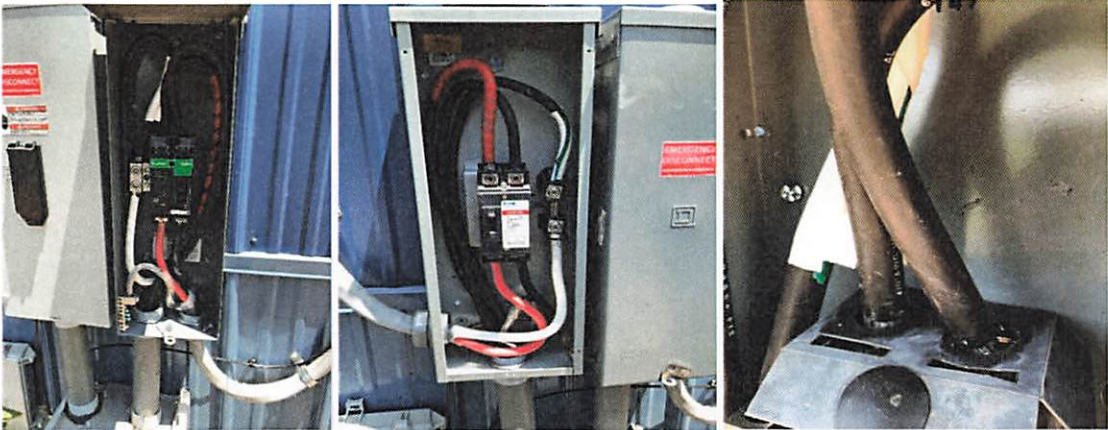
BUILDING 1 (Blue Building)



Exterior light not installed properly.



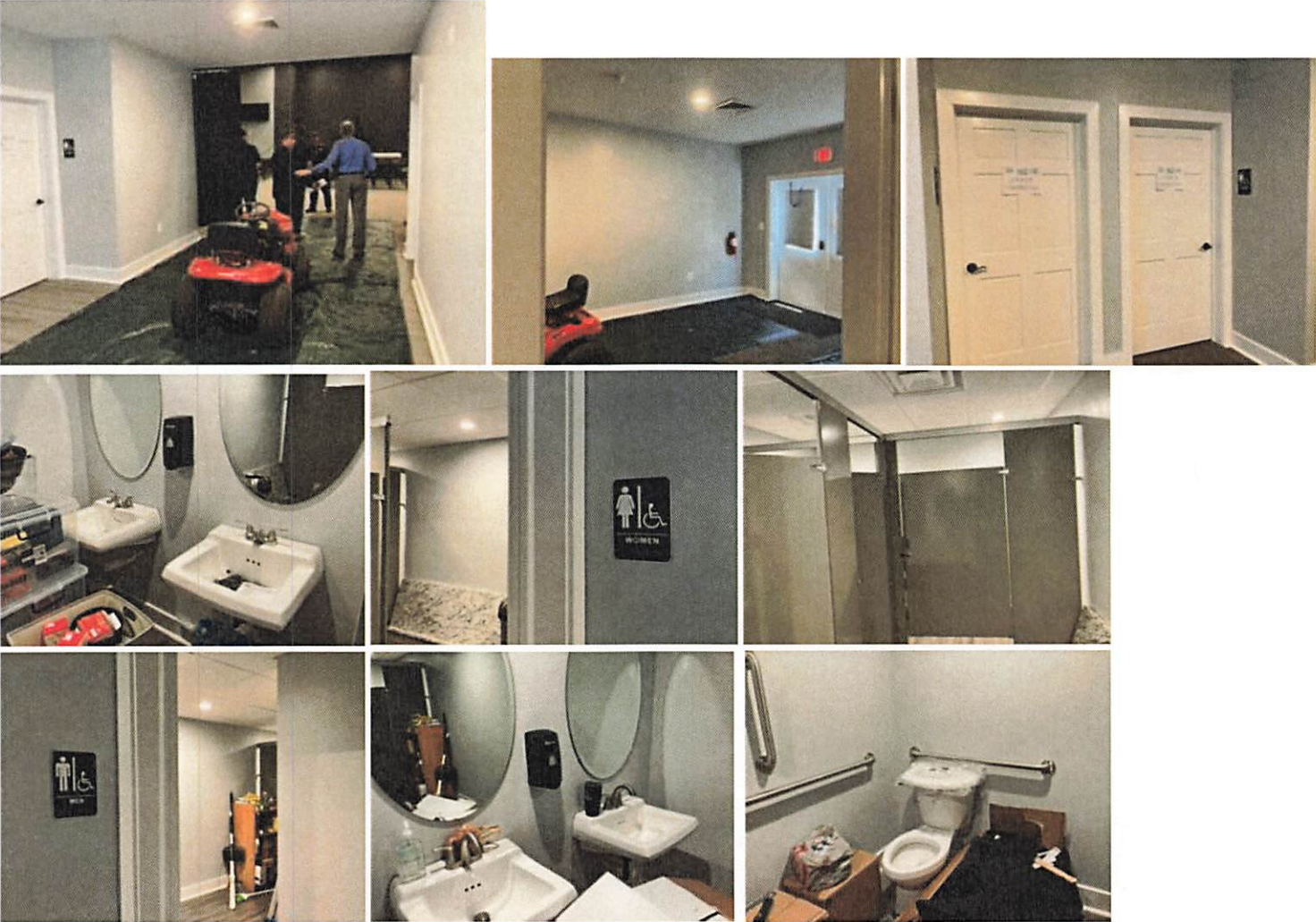
4/0AL cable, probably sized adequately but is only rated for 180 amps. Residential structures allow for exception with out load calculations.



Dead front for disconnect not able to close all the way due to installation of ground bar, grounding electrode does not extended to the neutral bar. Potential hazard if a fault occurs.

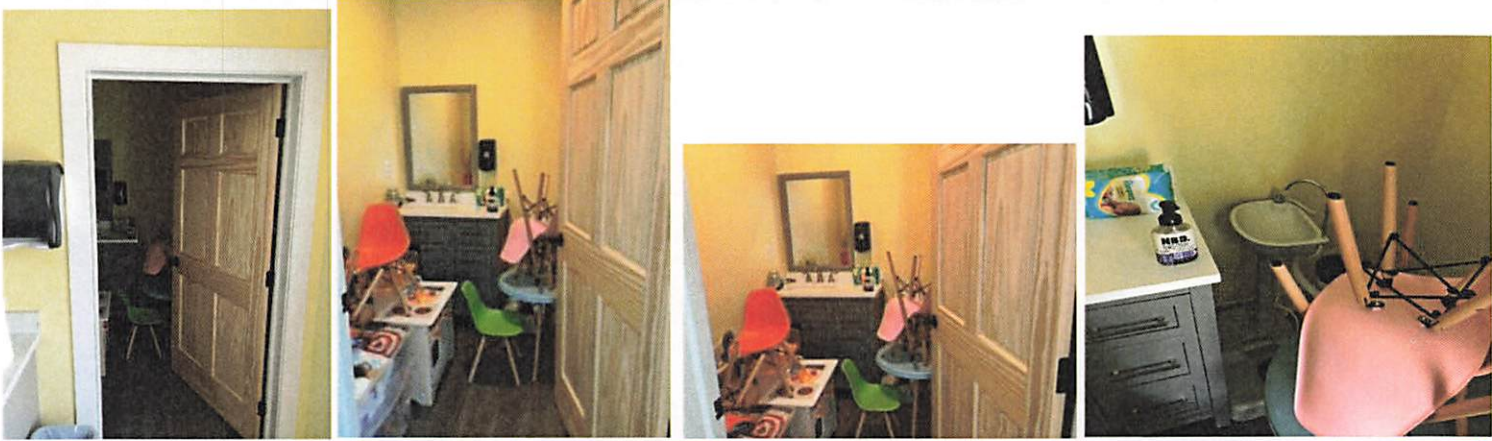


Interior – from main entrance



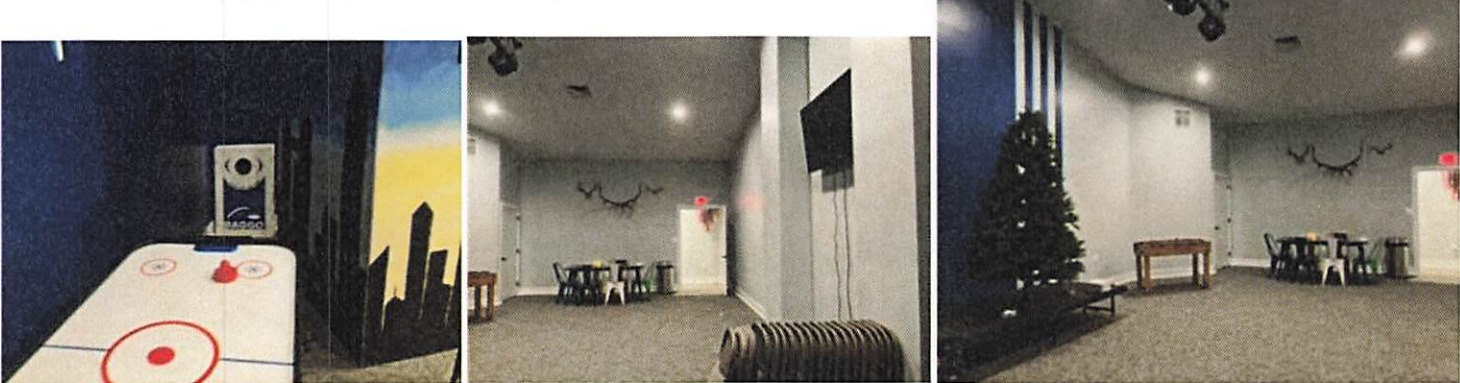
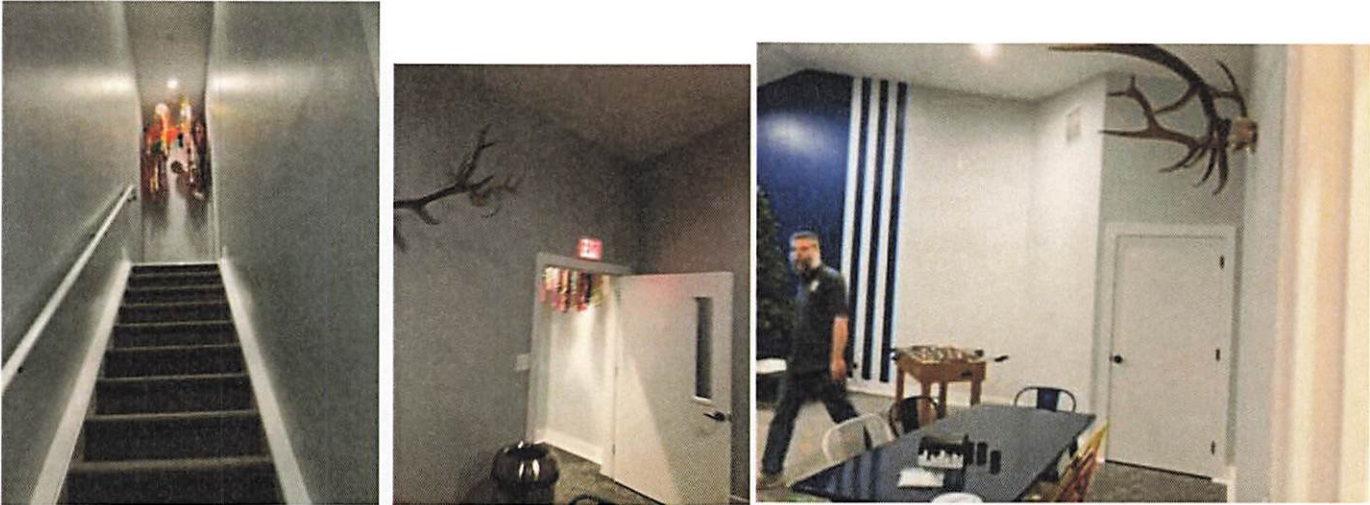


Nursery Room to right of interior entry door

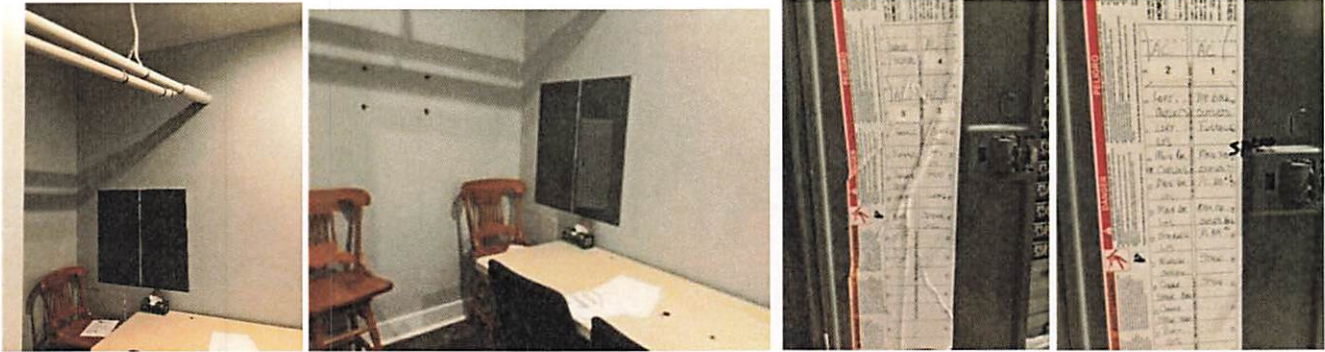


NM cable installed without physical protection, under. Stair protection not installed.

Stairs to 2nd level above children's room.



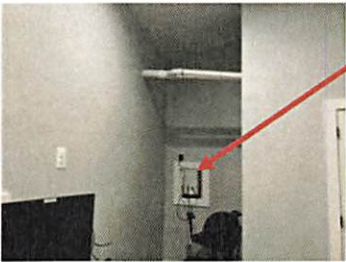
Audio/visual/lighting room behind white door next to Alive Kids Ministries Sign.



Left side of room from door.



Right side of room through door



View from small window on 2nd floor into main area of building



2 furnaces installed on 2nd level above kids room

MAIN HALL into building past children's room



Storage closet with black out curtain, left side of stage. Pull down access to attic and photos in attic



NM cable installed throughout if assembly may not be allowed.

supports needed for flue vents



Insulation exposed paper

Storage closet with black out curtain, right side of stage. Pull down access to attic inaccessible.



BUILDING 2 (Shed next to SFD)



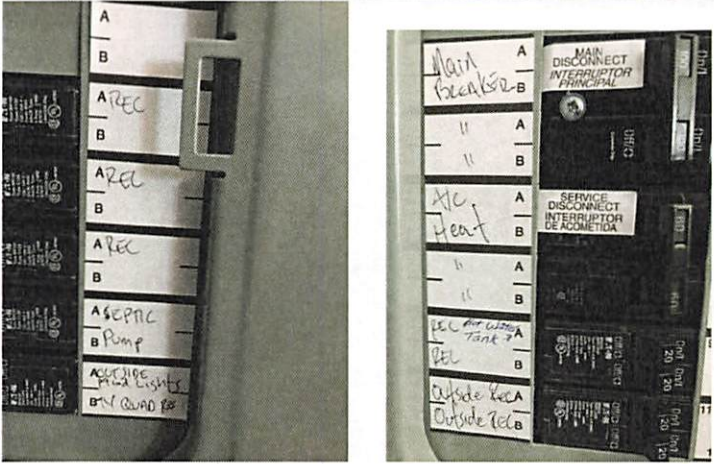
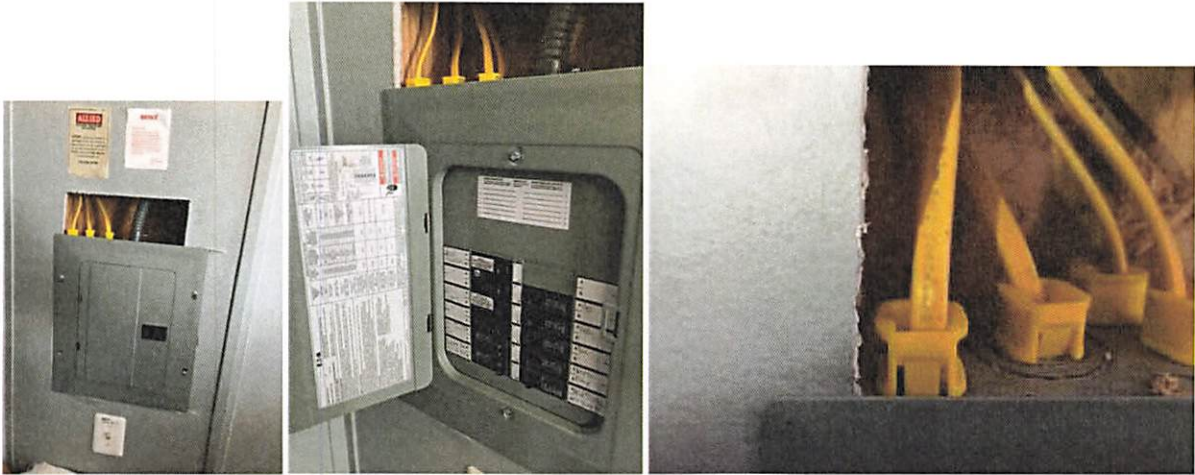
BUILDING 3 – No Access Single Family Dwelling with tenant

BUILDING 4 (Modular Building)



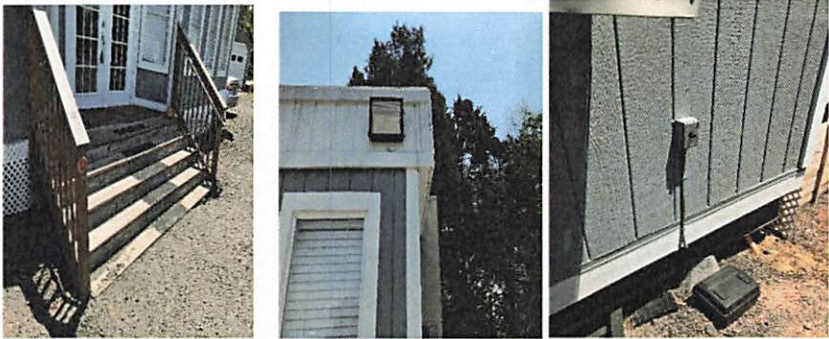
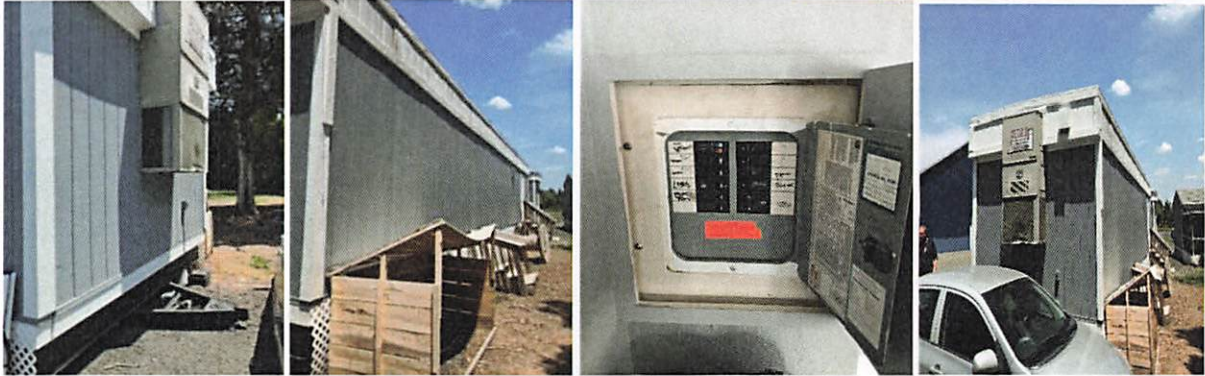
Alive Church - Final Determination
Attachment 10



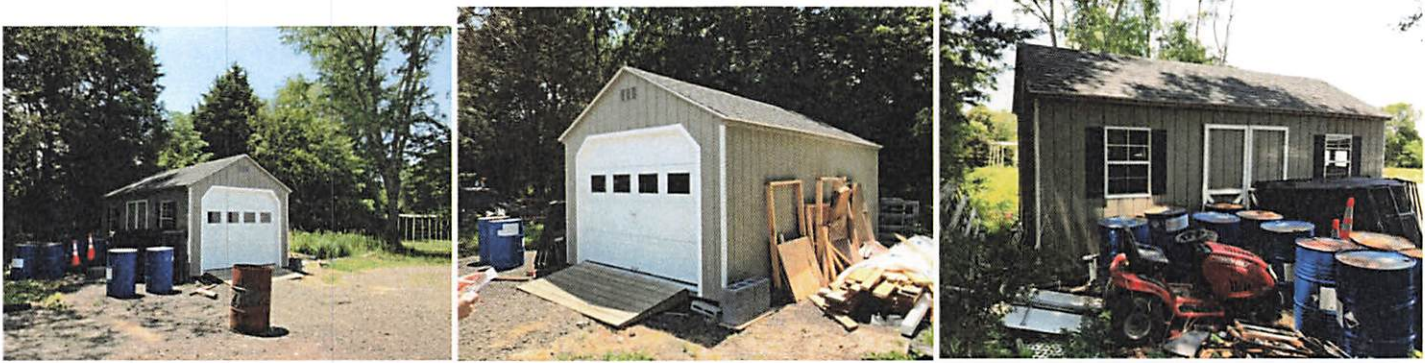


BUILDING 5 (Modular Building)





Stair treads are not level, sloping back to structure; Physical protection not provided.
BUILDING 6 (Shed)



UNPERMITTED METER FEEDING BLUE BUILDING AND POSSIBLY OTHERS



Meter enclosure only not service disconnect, unfused cable

Conduit to where?

Extending to the structure, ok if marking tape was used in trenches and proper depth

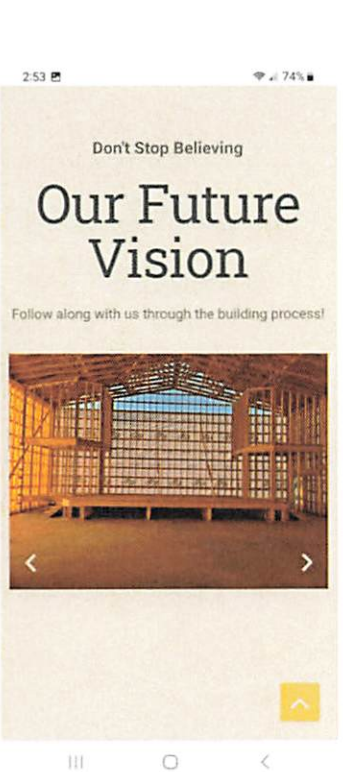
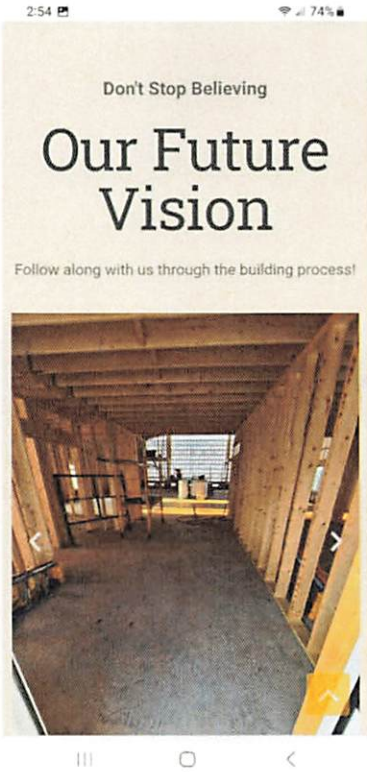
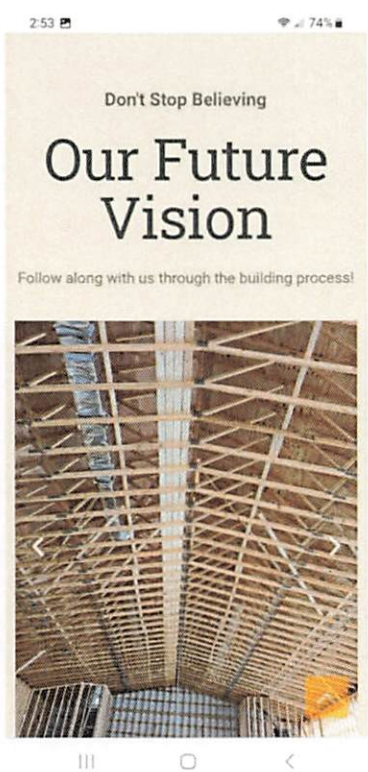
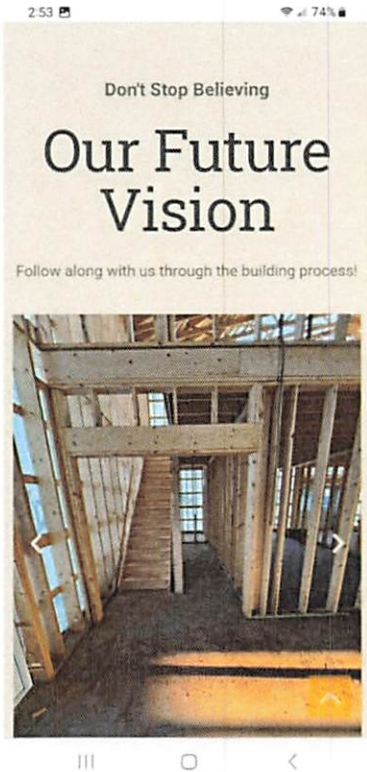


Trough at meter enclosure, this has a ground rod attached to the trough, but it is not bonded to the grounded conductor, code requires the grounded conductor to be attached to all service equipment or through line side bonding. Could not completely remove the cover, not sure about what type of connections have been used, conductor size may not be adequate could not verify sizes. Next photo shows the ground lug has been installed using a self-tapping screw which does not give an adequate amount of thread contacts under with enclosure.

In my opinion this is a potential hazard due to not being properly bonded.

12805 Vint Hill Road (Alive Church)

👉 Alive Friends & Family: Check out this amazing progress! The concrete slab has been poured at the site of our new building & we couldn't be more excited 🙌🙌🙌
We are just so fortunate to be on this journey with you all ✅
We can't wait to worship in our new church, together. Stay tuned for construction updates on our BRAND NEW HOME 🏠👉
#Alivechurch #ThankGod #MakeRoom #MyJesus #serve #together #home #community #Godisgood #love





DECISION OF LOCAL APPEALS BOARD

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CERTIFIED MAIL

August 9, 2023

Mr. Gifford R. Hampshire
Partner
Blankingship & Keith, PC
4020 University Drive, Suite 300
Fairfax, Virginia 22030


Received 8/11/2023

RE: Building Code Appeals Board Resolution
Appeal APL2024-00001 Alive Church (12805 Vint Hill Road)

Dear Mr. Hampshire,

The Building Code Appeals Board's Secretary is out of the office. Therefore, I am transmitting a copy of the Board's resolution regarding Appeal APL2024-00001. The resolution includes information regarding appealing further to the State Building Code Technical Review Board.

Sincerely,


Eric M. Mays, P.E.
Building Official

Attachment

Building Code Appeals Board Resolution - Appeal APL2024-00001 Alive Church

Cc: Alive Church of the Nazarene
PO BOX 534
Bristow, Virginia 20136

Prince William County Building Code Board of Appeals **Resolution**

WHEREAS, the Prince William County Building Code Board of Appeals is duly appointed to resolve disputes arising out of enforcement of the Virginia Uniform Statewide Building Code; and

WHEREAS, the Building Official issued a Final Determination to the Alive Church of the Nazarene (Alive Church) located at 12805 Vint Hill Road on June 12, 2023; and

WHEREAS, the Building Official determined that buildings located on the property were not used primarily as farm buildings or structures and are subject to the Virginia Uniform Statewide Building Code; and

WHEREAS, the Alive Church filed an appeal of the Building Official's Final Determination on July 7, 2023, with the Prince William County Building Code Board of Appeals; and

WHEREAS, a hearing was held on August 2, 2023, to consider the aforementioned appeal; and

WHEREAS, the Alive Church submitted a County Religious Use Real Estate Tax Exemption Application to the County in 2019 continuing through 2023, documenting the religious use of the property and all of its buildings; and

WHEREAS, the Alive Church was issued a Zoning Verification for the property as a Bona Fide Agricultural Use on February 26, 2021, that included Christmas Trees, Fruit Trees, and Pumpkins on a portion of the property; and

WHEREAS, the Alive Church constructed Building 1 Wood Framed Building with Blue Metal Siding (4800 square feet with a 1031 square feet mezzanine) from approximately September 2022 to January 2023; and

WHEREAS, the Alive Church started holding Church Services, events, and meetings in Building 1 Wood Framed Building on February 5, 2023, and only ceased those activities after the Building Official posted the structure as an Unsafe Structure on May 4, 2023; and

WHEREAS, the Alive Church installed an exterior sign with their logo and name on Building 1 Wood Framed Building facing the public right of way, which serves as a public invitation to attend Church Services, events, and meetings; and

WHEREAS, the Alive Church granted the Building Official permission to conduct a limited building safety inspection on June 5, 2023; and

WHEREAS, based on the facts and the evidence, the Building Official determined that:

- Building 1 Wood Framed Building's primary use is Assembly (A-3) Use Group;
- Building 2 Residential Storage Shed's primary use is Residential (R-5) Use Group Accessory Structure;
- Building 4 Commercial Industrialized Building's primary use is Business (B) Use Group;
- Building 5 Commercial Industrialized Building's primary use is Storage (S-1) Use Group; and

WHEREAS, the Board of Appeals has fully deliberated this matter;

NOW, THEREFORE, BE IT RESOLVED that in the matter of:

Appeal No: APL2024-00001

IN RE: Alive Church v. Prince William County Building Official

The Board upholds the Building Official's final determination.

Date: August 2, 2023

John Heltzel AIA Digitally signed by John Heltzel AIA
Date: 2023.08.08 13:22:37 -04'00'

Signature: _____

Chairman of Local Board of Appeals

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

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



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

Alive Church of the Nazarene

c/o Gifford R. Hampshire, Esq.
Blankingship & Keith, P.C.
4020 University Drive
Suite 300
Fairfax, VA 22020
(703) 691-1235--Telephone
ghampshire@bklawva.com

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

Eric M. Mays, P.E.
Building Official
Department of Development Services
Building Development Division
5 County Complex Court
Suite 120
Prince William, Virginia 22192
(703) 792-6873
emays@pwcgov.org

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)
- Statement of specific relief sought
- Transcript of 2 August 2023 hearing

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2023, 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: _____



By: Gifford R. Hampshire, counsel for Applicant

Name of Applicant: _____

Alive Church of the Nazarene
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STATEMENT OF SPECIFIC RELIEF SOUGHT

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STATEMENT OF RELIEF SOUGHT

Alive Church of the Nazarene (“Alive Church”) requests that the State Building Code Technical Review Board reverse the decision of Prince William County Building Code Board of Appeals (the “PWC Board”) as set forth in the Resolution signed by John Heltzel, AIA on 8 August 2023 (the “Resolution”). The Resolution followed a hearing before the Board on 2 August 2023, and a transcript prepared by a professional court reporter has been made part of the record and is included as part of this appeal (the “Transcript”).

The Transcript will reveal that the PWC Board did not make the findings in the Resolution. The PWC Board, rather, upheld the Determination based on speculation about the irrelevant factor of how one of the buildings might appear to the public; it did not make the findings of fact set forth in sixth through twelfth “Whereas” clauses of the Resolution, including the final determinations that:

- Building 1 Wood Frame Building’s primary use is Assembly (A-3) Use Group;
- Building 2 Residential Storage Shed’s Primary use is Residential (R-5) Use Group Accessory Structure;
- Building 4 Commercial Industrialized Building’s primary use is Business (B) use Group;
- Building 5 Commercial Industrialized Building’s primary use is Storage (S-1) Use Group.

The 12 June 2023 Building Code Official Determination at issue (the “Determination”) also did not make these use group determinations. Some of these assertions were part of colloquies between the Building Code Official and members of the PWC Board after both sides had finished their presentations. See Transcript at pp 88, 106-107. Some were also referenced in the Building Code Official’s Opening Statement and Closing argument. See *Id.* at pp. 13, 118-119. But they were neither part of the Determination nor the subject of testimony or other evidence by the Building Code Official at the hearing. Alive Church thus had no opportunity to rebut these nonexistent determinations at the hearing.

The uncontradicted evidence was that the primary use of the buildings was for farm purposes and that religious services had not been held on the property for approximately a month prior to the 5 June 2023 safety inspection that supported the Determination. The PWC Board’s decision upholding the 12 June 2023 determination was, thus, not based on the evidence of record but, rather, on speculation about an irrelevant factor: whether the improvements inside Building 1 gave “people the impression that this is a building that is meant for assembly use and I’m going to assume it is safe”. Transcript, pp. 125-126. Speculation about the thoughts of unidentified persons visiting the property was not relevant to dispositive issue at the hearing: whether the primary use of the buildings

rendered them farm structures such that they are exempt from regulation under the USBC and the Prince William County provisions implementing the USBC.

All evidence of record was that each of the buildings was being used primarily as a farm structure. The decision of the PWC Board purportedly set forth in the Resolution should be reversed because the PWC Board did not make the critical findings and determinations set forth therein. The ruling that the PWC Board did make should be reversed because it was based on unsupported speculation about an irrelevant factor: how one of the buildings might appear to the public in the face of uncontradicted evidence on the record about that all buildings were primarily used for as farm structures under the USBC and Prince William County code guidelines implementing the USBC. See Transcript a pp. 125-26.

Documents Submitted
by
Gifford R. Hampshire, Esq.

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August 29, 2023

Via electronic mail (sbco@dhcd.virginia.gov)

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

Re: Application for Administrative Appeal to Office of the State Technical Review Board
Appealing Party: Alive Church of the Nazarene

To Whom It May Concern:

Attached please find the following on behalf of my client, Alive Church of the Nazarene:

1. Application for Administrative Appeal
2. Copy of Enforcement Decision being appealed
3. Copy of the decision of local appeals board
4. Statement of specific relief sought
5. Transcript of 2 August 2023 hearing.

We trust we have included everything that is necessary for the filing of this Administrative Appeal. However, if you need anything else, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,



Gifford R. Hampshire

GRH: cf
cc: Eric M. Mays, P.E. (emays@pwcgov.org)
Pastor Allen Perdue

Enclosures

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Documents Submitted
By Prince William
County

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September 14, 2023

State Building Code Technical Review Board
c/o Mr. W. Travis Luter, Sr.
Secretary to the State Building Code Technical Review Board
Code and Regulation Specialist
Virginia Department of Housing and Community Development (DHCD)

RE: Appeal to the Review Board for Gifford R. Hampshire (Appeal No. 23-08)

Dear Mr. Luter,

This letter is in response to Appeal No. 23-08 submitted by Mr. Gifford R. Hampshire on behalf of Alive Church of the Nazarene, Incorporated. Prince William County is requesting the following documents and information be included in the record:

1. County of Prince William, Property Tax Exemption Request, submitted by Alive Church, November 18, 2019
2. Summary of Alive Church events from February 5 to June 4, 2023, date September 14, 2023
3. Videos of Seven Church Services from February 5 to March 19, 2023

Therefore, I respectfully request that the Board uphold the Prince William Building Code Appeals Board's decision regarding Alive Church of the Nazarene (Appeal Number 23-08)

Sincerely,

Eric M. Mays, P.E.
Building Official
Prince William County

Attachments



FINANCE DEPARTMENT

COUNTY OF PRINCE WILLIAM

4379 Ridgewood Center Drive, Suite #203. Prince William, Virginia 22192-5308
Real Estate Assessments Office (703)792-7417. FAX: (703) 792-6775.

www.pwcgov.org/finance



PROPERTY TAX EXEMPTION REQUEST

Virginia law authorizes tax exemption on real and personal property owned by churches or religious bodies and exclusively occupied or used for religious worship or for the residence of its minister and such additional adjacent land reasonably necessary for the exempt use.

GENERAL INFORMATION form with fields for organization name, address, contact person, and email.

PROPERTY INFORMATION form with questions about incorporation, rental status, and non-exempt tax purposes.

- In order for your application to be considered, please attach the following:
- A detailed chronological description of the organization's religious activities on this property.
- A copy of the application and supporting documents submitted by the organization to the Internal Revenue Service ("IRS") for 501(c) tax-exempt status...

I, Rev. Allen J. Perdue, on behalf of the above-named organization/applicant, hereby certify that I am authorized to sign and submit this application, and that the information and documents submitted herewith are true and correct to the best of my knowledge and belief.

Signature and Date fields with handwritten signature and date 11/13/19.

Rev: 20171025



November 12, 2019

To Whom It May Concern,

My name is Rev. Allen Perdue. I am the lead pastor of Alive Church and the chairman of the board.

I am writing to confirm that Alive Church of the Nazarene operates religious activities on our property located at 12805 Vint Hill Rd, Nokesville, VA 20181 on a regular basis.

In Chronological order:

- Jan: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Feb: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Mar: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Apr: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- May: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Jun: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Jul: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Aug: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Sep: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Oct: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Nov: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship
- Dec: Wk1&2: Youth, Wk2: Board Meeting, Wk4 Prayer and Worship

We also do special, permitted, community events, by way of a TAP (Temporary Activities Permit) on site in **April**, for **Prayer Walk and Easter Sunrise**, in **June** for **Vacation Bible School**, **October** for **Harvest Festival**, and **December** for **Christmas Advent Night Lights**.

If I can be of any assistance, or if you have any questions for me, I can be reached any time via email (pastor@alivea.org) or by phone, (703) 408-5615.

Sincerely,

Rev. Allen Perdue (authorized agent)
Lead Pastor
Alive Church

Make, Motivate, and Multiply Followers of Jesus

Summary of Alive Church events from February 5 to June 4, 2023 (Updated September 14, 2023)

Date & Location of Service	Upcoming events advertised before service and/or announced during service	Notes
<p>2/5/23 12805 Vint Hill Rd (blue building)</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property - Alive Kids Every Sunday @ 11 A.M. Nursery – 5th grade - Ladies Bible Study every 2nd & 4th Thursday. Location: Church Property - Men's Bible Study Series (33 the Series. Authentic Manhood). Every 1st & 3rd Thursday, 7pm at the church property! - Super Bowl Party. Alive Youth. Feb 12th @ 6PM. Church Property 	<p>2:05 Pastor Allen says, "welcome to our new structure." 2:23 Pastor Allen says, "we are here to worship; we are here to lift him on high." 13:46 Pastor Perdue says, "by the way I am pastor Allen here at Alive Church." 14:43 "everyone has done their small part to get us into our facility today." 14:56 Pastor Perdue says, "Upstairs taking care of making sure we are online, all the way up in the production room." 15:31 Pastor Perdue says, "I have had this day in mind for a long time now." 17:13 Pastor Perdue says, "As we go into our Prayer time, go into our communion time, these alters man, they are always open." 20:04 & 20:26 show a camera shot of the congregation. 1:10:25 Pastor Allen says, "listen, you didn't come to a church today that looks like a big building, you came to a group of people, you came to a family, we are the church, and this is just a farm structure, we're the church." 1:18:42 "here in our church" 1:18:48 Pastor Perdue says, "since this is our first time in this building, we are going to get a selfie." 14:25 "be able to come to our own place to worship." 15:54 "February 26th we are going to have a membership class, this time it's going to be here, on church property." 16:50 "super bowl party tonight, here at our church" 33:34 Pastor Allen says, "isn't it great to be in the house of god, with gods people." 34:07 Pastor Allen thanks all the people involved "thank you so much for being the church & for allowing us this</p>
<p>2/12/23 12805 Vint Hill Rd (blue building)</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Men's Bible Study Series (33 the Series. Authentic Manhood). Every 1st & 3rd Thursday, 7pm at the church property! - Super Bowl Party. Alive Youth. Feb 12th @ 6PM. Church Property - March 12th Baptism Sunday, during morning worship service. - March 19th Pizza with the Pastor. March 19th @ 6 PM @ Church Property! 	<p>14:25 "be able to come to our own place to worship." 15:54 "February 26th we are going to have a membership class, this time it's going to be here, on church property." 16:50 "super bowl party tonight, here at our church" 33:34 Pastor Allen says, "isn't it great to be in the house of god, with gods people." 34:07 Pastor Allen thanks all the people involved "thank you so much for being the church & for allowing us this</p>

	<ul style="list-style-type: none"> - Alive Youth Ministries February 26th at 6 PM. Location: Church Property 	<p>opportunity in this space, to be here” & “in this space, to be here “on gods property, in gods community.”</p> <p>1:13:06 Pastor Allen says “Parents, do me a favor today, you don’t need to go up the steps, just give them your name and they will bring your child to you”</p>
<p>2/19/23 12805 Vint Hill Rd (blue building)</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Kids Every Sunday @ 11 A.M. Nursery – 5th grade - Ladies Bible Study every 2nd & 4th Thursday. Location: Church Property - Men’s Bible Study Series (33 the Series. Authentic Manhood). Every 1st & 3rd Thursday, 7pm at the church property! - Vacation Bible School (Stellar Shine Jesus’ light) Save the date! June 19 – 22nd more info to come. - March 12th Baptism Sunday, during morning worship service. There will be a brief meeting for all those being baptized next Sunday, Feb. 26th following the morning worship service up by the stage. - Pizza with the Pastor. March 19th @ 6 PM @ Church Property! - Alive Youth Ministries February 26th at 6 PM. Location: Church Property 	<p>13:10 Don Olden “baptism service coming up on March 12th.”</p> <p>14:39 Don Olden “what you are giving for and towards is where we are meeting, right now, this is because of your faithfulness and gods direction in our life as a church and what god uses to those that are faithful to him.”</p> <p>15:05 Don Olden “our bathrooms are being worked on and that’s gonna be taken care of sooner rather than later.”</p> <p>31:12 Pastor Perdue says, “here at our church.”</p> <p>1:11:45 Pastor Perdue says, “open up these alters; these alter rails are for prayer and surrender.”</p>
<p>2/26/23 12805 Vint Hill Rd (blue building)</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 26th at 6 PM. Location: Church Property - Alive Kids Every Sunday @ 11 A.M. Nursery – 5th grade. - Ladies Bible Study every 2nd & 4th Thursday. Location: Church Property - Church Elections March 12th. If you are a member, please come ready to cast your vote, before or after service. - Membership Class. February 26th @ 6pm. If you are interested, in joining or learning more about Alive Church, plan to attend our next Membership class at the Church Property! - Men’s Bible Study Series (33 the Series. Authentic Manhood). Every 1st & 3rd Thursday, 7pm at the church property! - Vacation Bible School (Stellar Shine Jesus’ light) Save the date! June 19 – 22nd more info to come. - March 12th Baptism Sunday, during morning worship service. There will be a brief meeting for all those being baptized next Sunday, Feb. 26th following the morning worship service up by the stage. 	<p>14:30 “I’m Don Olden, the assistant pastor here at Alive Church.”</p> <p>16:24 Don Olden “if you’re wanting to be baptized or have some questions about that, I want to ask you to stick around in here, after the service.”</p> <p>16:48 “Don Halco is going to have a greeters meeting over in the Youth building.”</p> <p>31:05 Pastor Perdue “these alters, this is your place.”</p> <p>1:19:45 Pastor Perdue “this is a safe place of prayer today, we’re gonna just let these alters remain open as the piano plays.”</p> <p>1:19:5 Pastor Perdue “thank you so much for worshipping here with us today.”</p>

<p>3/5/23 12805 Vint Hill Rd (blue building)</p>	<ul style="list-style-type: none"> - Pizza with the Pastor. March 19th @ 6 PM @ Church Property! <p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Men's Bible Study Series (33 the Series. Authentic Manhood). Every 1st & 3rd Thursday, 7pm at the church property! - March 12th Baptism Sunday, during morning worship service. There will be a brief meeting for all those being baptized next Sunday, Feb. 26th following the morning worship service up by the stage. - Pizza with the Pastor. March 19th @ 6 PM @ Church Property! - Alive Youth Ministries March 12th & 26th at 6 PM. Location: Church Property - Alive Kids Every Sunday @ 11 A.M. Nursery – 5th grade. - Ladies Bible Study every 2nd & 4th Thursday. Location: Church Property - Easter Sunday 9:30 & 11:00 a.m. - Vacation Bible School (Stellar Shine Jesus' light) Save the date! June 19 – 22nd more info to come. - Alive Kids Easter Egg Hunt April 2nd @ 10 AM! All are welcome! 	<p>13:57 Pastor Perdue “number 1, everybody needs to be here next Sunday, lets celebrate those who are being baptized.”</p> <p>14:57 Pastor Perdue “..and our production team, our kids team, our youth team all the folks in the greeting and all that they do, the band and the worship. I am thankful for everybody that they allow us to be who we are as a church.”</p> <p>15:51 Pastor Perdue “On Easter, we are going to have 2 services, ok, praise god, we need the parking right. So please plan now to be here 9:30 or 11.” 16:08 “we will have children’s ministry and nursery for both times and then beyond that, we’re going to continue opening up more services so we can have more parking.”</p>
<p>3/12/2023</p>	<p>Sunday worship/church service & Baptism Service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Kids Every Sunday @ 11 A.M. Nursery – 5th grade. - Ladies Bible Study every 2nd & 4th Thursday. Location: Church Property - Easter Sunday 9:30 & 11:00 a.m. - Alive Youth Ministries March 5th & 26th at 6 PM. Location: Church Property - Pizza with the Pastor. March 19th @ 6 PM @ Church Property! - Vacation Bible School (Stellar Shine Jesus' light) Save the date! June 19 – 22nd more info to come. - Alive Kids Easter Egg Hunt April 2nd @ 10 AM! All are welcome! - March 12th Baptism occurred after this service and baptism prop is observed set up on the stage throughout the video and spoken about throughout the service. 	<p>11:45 Pastor Perdue “good morning, do you like going to church in a barn? What do you think? Isn't it awesome? Man, I don't care where gods people are if we are there in the name of Jesus, he loves showing up with us and I love being in here worshipping with you.”</p> <p>12:12 Pastor Perdues extends a thanks “all the people who serve and make church happen for us.”</p> <p>13:55 “as you are exiting, you are going to see a board and we have 4 primary areas of ministry where we need folks we have in our tech area, we got in our children’s area, in our greeting area and we have more but there are 4 primary areas there that we can really use some folks to help us out.”</p> <p>14:26 “just like you are getting to enjoy worship here today and singing and hearing the word of God and just enjoying your comfortable chair.”</p> <p>16:36 Pastor Perdue “as we worship right now.”</p> <p>33:54 video played before sermon says and displays the words “welcome to our church.”</p>

		<p>51:32 Pastor Perdue “we do water baptism here at our church.”</p> <p>59:34 baptism event begins. Using a metal trough, full of water, on the stage surrounded by unpermitted electrical.</p> <p>1:11:37 “as we leave this door, as we leave this barn...”</p> <p>20:38 Heather Perdue talking about the Easter Egg Hunt “so its Palm Sunday, here at the church at 10 am.”</p> <p>25:28 Pastor Perdue “for those who may visit a church for the very 1st time cause its in a barn it seems a little unconventional.”</p>
<p>3/19/2023</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Pizza with the Pastor. March 19th @ 6 PM @ Church Property! - Alive Youth Ministries March 26th at 6 PM. Location: Church Property - Alive Kids Every Sunday @ 11 A.M. Nursery – 5th grade. - Women’s Bible Study every 2nd & 4th Thursday. Location: Church Property 12805 Vint Hill Road, Nokesville - Alive Church Easter Sunday 9:30 & 11:00 a.m. Free Easter Family Pics! - Alive Kids Easter Egg Hunt April 2nd @ 10 AM! All are welcome! - Vacation Bible School (Stellar Shine Jesus’ light), we need lots of Volunteers. Sign up today @ table in back or use QR Code! June 19 – 22nd, 6:30 – 8:30 PM - Men’s bible study. Every 1st & 3rd Thursday @ 7 pm @ church property 	<p>completed in blue building</p>
<p>3/22/2023</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	<p>completed in blue building</p>
<p>3/26/2023</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	<p>completed in blue building</p>
<p>4/2/2023</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	<p>completed in blue building</p>
<p>4/9/2023</p>	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	<p>completed in blue building</p>

4/16/2023	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	completed in blue building
4/23/2023	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	completed in blue building
4/30/2023	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	completed in blue building
5/7/2023	<p>Sunday worship/church service</p> <ul style="list-style-type: none"> • Events announced prior to or during service: <ul style="list-style-type: none"> - Alive Youth Ministries February 5th & 26th at 6 PM. Location: Church Property 	completed in blue building
5/14/2023	Sunday worship/church service & Baptism Service	completed at Cedar Point
5/21/2023	Sunday worship/church service	completed at Cedar Point
5/28/2023	Sunday worship/church service	completed at Cedar Point
6/4/2023	Sunday worship/church service	Completed at Cedar Point

Additional Documents
Submitted by
Gifford R. Hampshire, Esq.

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October 11, 2023

*Via Electronic Mail Travis.Luter@dhcd.virginia.gov
and Federal Express*

State Building Technical Review Board
c/o W. Travis Luter, Sr.
Secretary to the State Building Code Technical Review Board

Re: Appeal to Review Board for Gifford R. Hampshire (Appeal No. 23-08)

Dear Members of the State Building Technical Review Board:

This responds to Mr. Luter's 29 September 2023 email to the parties advising that they may submit additions, corrections or objections to the staff summary, additional documents, and written arguments to be included with the information going to Review Board members for the appeal and advising that same must be received by 20 October 2023.

Alive Church of the Nazarene takes issue with Suggested Issues for Resolution by the Review Board Nos. 2 through 5. As stated in the Statement of Relief Sought, the Transcript of the Prince William County Building Code Board of Appeals (the "PWC Board") hearing demonstrates that the PWC Board did not make the findings or decisions set forth in Suggested Issues 2 through 5. The 12 June 2023 Building Code Determination (the "Determination") that was the subject of that hearing also did not make those determinations. While some of the use group use issues were referenced in the Building Code Official's Opening Statement and Closing Argument, none were the subject of testimony or other evidence by the Building Code Official at the hearing. Thus, it would be a deprivation of substantive and procedural due process for the instant proceeding to review determinations that were not made, and evidence that was not presented. It should not be the role of the State Building Code Technical Review Board to pass on these issues in the first instance, as Alive Church had no opportunity to rebut the non-existent determinations below.

The only issues that are ripe for review are those that were considered by the PWC Board below, to wit: whether the various structures qualified as exempt farm structures as of the date of the 5 June 2025 consensual inspection upon which the appealed Determination was based. All of the evidence presented below was that each of the buildings was primarily used as a farm structure on that date. The decision the Transcript shows that the PWC Board did make (as

State Building Technical Review Board
October 11, 2023
Page 2

opposed to the non-existent decisions set forth in the resolution) should be reversed because it was based on an irrelevant and speculative premise of how the buildings might appear to the public, as opposed to how the evidence showed they were primarily used as the 5 June 2023 inspection supporting Determination appealed.

Sincerely



Gifford R. Hampshire

cc:

Pastor Allen Perdue (by email)
Eric M. Mays, P.E., Building Code Official (by email)

Additional Documents
Submitted
By Prince William
County

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October 17, 2023

State Building Code Technical Review Board
c/o Mr. W. Travis Luter, Sr.
Secretary to the State Building Code Technical Review Board
Code and Regulation Specialist
Virginia Department of Housing and Community Development (DHCD)

RE: Appeal to the Review Board for Gifford R. Hampshire (Appeal No. 23-08)
Response to Draft Staff Document

Dear Mr. Luter,

This letter provides comments on the draft documents dated September 29, 2023, and on Mr. Hampshire’s response letter dated October 11, 2023.

1. Draft Staff Document, page 1, paragraph 2 states in part: “On June 12, 2023, the County issued a Notice of Violation (NOV) to Alive Church as a result of the June 5, 2023 inspection, the following were cited related to each building:”

This statement is in error. The County issued a letter titled “Alive Church (12805 Vint Hill Road) Findings and Final Determination.” The letter references the issuance of Notices of Violation (NOVs). However, the NOVs were issued separately, and the Alive Church only appealed the Findings and Final Determination, not the NOVs. Therefore, the NOVs are not part of the appeal.

Please correct the sentence as follows:

“On June 12, 2023, the County issued a ~~Notice of Violation (NOV)~~[letter with Findings and Final Determination](#) to Alive Church as a result of the June 5, 2023 inspection, the following [findings](#) were cited related to each building:”

2. Draft Staff Document, page 1, paragraph 2, subparagraph 1 has been edited/revised and misrepresents the Final Determination with regard to Building 1. Please note for Buildings 2, 3, 4, 5, and 6, the Draft Staff Document is verbatim from the Final Determination, which is correct. Please revise and correct subparagraph 1 to be identical to the Final Determination.
3. The County takes exception to Mr. Hampshire’s assertion that the evidence and testimony during the local appeal did not support the Prince William Building Code Appeal Board’s decision. A quick search of the transcripts quickly provides an accurate representation of the evidence and testimony. However, to avoid any confusion during the upcoming hearing, I will concur with Mr. Hampshire’s recommendation under “Issues for Resolution” that paragraphs 2 through 5 be deleted.

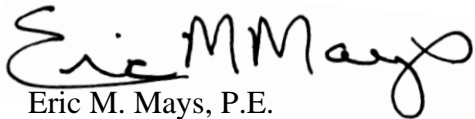
Appeal to the Review Board for Gifford R. Hampshire (Appeal No. 23-08)

October 17, 2023

2 of 2

Please let me know if any additional information is needed.

Sincerely,

A handwritten signature in black ink that reads "Eric M. Mays". The signature is written in a cursive style with a large, looping "E" and "M".

Eric M. Mays, P.E.
Building Official
Prince William County

Prince William County
Local Appeals Board
August 2, 2023
Hearing Transcript
provided by
Gifford R. Hampshire

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TRANSCRIPT OF 2 AUGUST 2023 HEARING

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In the Matter of:

**Alive Church of the Nazarene-Application
for Appeal of 12 June 2023
Code Official**

Building Code of Appeals Hearing

August 2, 2023

Casamo

**Court Reporting
Videography
Videoconferencing**

Phone: 703-837-0076
Fax: 703-837-8118
Toll Free: 877-837-0077

1010 Cameron Street
Alexandria, VA 22310
transcript@casamo.com

1 IN THE MATTER OF)
2 ALIVE CHURCH OF THE NAZARENE) Appeal No.: APL2024-00001
3 APPLICATION FOR APPEAL)

4
5
6 Wednesday, August 2, 2023

7 Prince William, Virginia

8
9
10 The hearing in the above-styled matter came
11 before the Building Code Appeals Board for Prince William
12 County, taken at the offices of the Prince William County
13 Development Services Building, 5 County Complex Court,
14 Conference Room 107A & B, Prince William, Virginia 22192,
15 beginning at 2:02 o'clock p.m., when there were present on
16 behalf of the parties:

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APPEARANCES:

On Behalf of the Appellant:

Gifford R. Hampshire, Esquire

BLANKINGSHIP & KEITH, P.C.

4020 University Drive, Suite 300

Fairfax, Virginia 22030

Phone: (703) 691-1235

On Behalf of Prince William County:

Eric M. Mays

County Building Official

Department of Development Services

5 County Complex Court, Suite 120

Prince William, Virginia 22912

Phone: (703) 792-6873

Email: emays@pwcgov.org

1	On Behalf of the Building Code of Appeals
2	Board:
3	John F. Heltzel, Chairman
4	Roy Pavone, Member
5	J. Michael Sawyers, Member
6	Steve Daves, Member
7	Kris Jessie, Secretary
8	ALSO PRESENT:
9	Chad Roop
10	Deputy Building Official
11	Kyle Croushorn
12	Building Development
13	Allison Lindner
14	Assistant Director of Finance for
15	Real Estate Assessments
16	Kristin Alexander
17	Building Code Enforcement for Real
18	Estate Assessment
19	Pastor Allen Perdue
20	Alive Church, Lead Pastor
21	Justin Hamacher
22	Alive Church, Associate Pastor

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

2 MR. HELTZEL: My name is John Heltzel,
3 Chairman, and I call this Prince William Building Code of
4 Appeals Board Meeting to order.

5 Will the secretary take that roll, please?

6 MS. JESSIE: John Heltzel.

7 MR. HELTZEL: Here.

8 MS. JESSIE: Steve Daves.

9 MR. DAVES: Here.

10 MS. JESSIE: Michael Sawyers.

11 MR. SAWYERS: Here.

12 MS. JESSIE: Mr. Pavone.

13 MR. PAVONE: Here.

14 SECRETARY: Mr. Chair, we have a forum.

15 MR. HELTZEL: Thank you. Before we get into
16 the details of the hearing, there is a concern of
17 potential real or perceived conflict of interest with a
18 board member. So I'm going to ask Mr. Sawyers to address
19 what might be considered, or what that relationship might
20 be and what your thoughts are on that.

21 MR. SAWYERS: Yeah, my employer, DCS Mid
22 Atlantic, our Chief Financial Officer Jim Eckert, is

1 presumably a member of the congregation and I think maybe
2 on the Board of Trustees. Yeah, I think it's important to
3 note that.

4 MR. HELTZEL: Would you consider that, or do
5 you feel like that influences you, and would you consider
6 that a --

7 MR. SAWYERS: Noting influences my decision,
8 but because I see it as a -- except for the information
9 presented today and that we've been provided. However,
10 you know, there is a concern, you know, if I were to cast
11 a vote, you know.

12 Again, my decision isn't influenced by that
13 perceived conflict or connection. But Mr. Eckert is a
14 member of our C suite (Ph.).

15 MR. HELTZEL: I appreciate that disclosure.
16 My understanding is that the two parties could have a
17 conversation about it and decide is that something you
18 want to discuss further, or be willing to let Mr. Sawyers
19 attend, be active in the meeting, and potentially even
20 case a vote at the end.

21 MR. HAMPSHIRE: This is Gifford Hampshire,
22 counsel for the Appellant, and we understand Mr. Sawyers

1 to say that he can fairly and objectively hear the
2 evidence and make a decision without any bias with respect
3 to the connection between your company and the church and
4 Pastor Perdue doesn't have a problem with that as well.

5 MR. HAMPSHIRE: Mr. Mays?

6 MR. MAYS: Mr. Chairman, I'm happy to report
7 Mr. Hampshire I agree on something. So, I appreciate Mr.
8 Sawyer's public comments and what he decides to do at
9 voting time I would not object if he voted or if he
10 abstained. I think that's his call as a board member, not
11 mine.

12 MR. HELTZEL: Very good. So we've gotten that
13 our of the way. I appreciate it.

14 So, with that, I will call the Appeal Number
15 APL2024-00001. So, I changed our schedule just slightly
16 today considering the complexity of this one, compared to
17 some of our others.

18 So, what I'm hoping to do is start out with
19 brief opening statements from both parties, just to set
20 the scene for us so we know what we're about to get into.

21 So, with that, I would ask you to provide an
22 opening statement, several minutes, up to five minutes so

1 we stay on schedule.

2 MR. HAMPSHIRE: Thank you, Mr. Chairman,
3 Members of the Board of Appeals. My name is Gifford
4 Hampshire. I'm with the law firm of Blankingship and
5 Keith, and I represent the Appellant, Alive Church of the
6 Nazarene. And with me here is Pastor Perdue from the
7 church, and also the executive pastor, Justin Hamacher
8 here to my right.

9 We are here to appeal the June 12
10 determination which is set forth starting on page six of
11 your package.

12 We note, and as was noted in that package,
13 that determination followed a consensual building safety
14 inspection on June 5 on the property. I say it was
15 consensual. It was consensual in the sense after Mr. Mays
16 and I spoke, it was clear that Mr. Mays would get a
17 warrant for the entry onto the property. But the
18 consensual entry was under that threat, if you will, but
19 it was a professional and a courtesy review at that time.

20 We consented to that entry precisely because
21 as your package states, all events, assembly events, had
22 been moved off the property, almost a month earlier. It's

1 undisputed in these proceedings that the assembly or
2 gathering of persons on the property had stopped as of May
3 7, 2023. That's a significant fact.

4 It is also undisputed in your package that as
5 of the June 5 building safety visit upon which this June
6 12th determination is based, that the building had
7 received, the property had received a zoning verification
8 letter from the zoning administrator, three of them in
9 fact, which are at the end of your package, but also in
10 November of 2022, just the previously fall, the blue
11 building had received both the zoning approval and the
12 approval of the building code official, and that's on page
13 four, for the building code exemption for a farm building
14 structure.

15 Pastor Allen is going to testify about the
16 submission of that building code exemption, which by the
17 way is found on page 25 of your package, and securing
18 approval of that approximately a month later.

19 He will testify how the new building and the
20 other buildings have been primarily used for farming
21 operations, at least 95 percent of the time as represented
22 in that worksheet when it was approved and continuing up

1 until the posting of the unsafe structure notice.

2 He will say, in fact, because of the posting
3 of the unsafe structure notice, he has not been able to
4 attend to the Christmas tree crop and they are dying as we
5 speak because they're being choked by weeds.

6 He will also testify consistent with the
7 undisputed facts in your package that no more than 14
8 events/gatherings have ever occurred on the property since
9 it was purchased more than almost three and a half, four
10 years ago, and certainly no more than 14 events in a given
11 year, consistent with the requirements on the building
12 code worksheet that 18 of such events can be had in a farm
13 structure per year. I'll get into that a little more
14 later.

15 He will testify, in fact, that he regarded the
16 worship assemblies, excuse me, the gatherings or the
17 events, to be part of the agricultural operations on the
18 property.

19 But the main point the evidence will show is
20 that even if one assumes that a two-and-a-half-hour
21 assembly takes up a whole day as contemplated by the
22 building code worksheet, and even if you assume that those

1 assemblies are not part of the agricultural operation as
2 contrary to what Pastor Perdue assumed, there were only 14
3 of them, well under four under the amount that are allowed
4 in a given year.

5 The evidence is going to show that the
6 property has been primarily used for the very same
7 bonafide agricultural operations that were both verified
8 by the zoning administrator and the building code official
9 by certifying the building code worksheet.

10 And you'll see the County's argument on page
11 three of the package supporting their determination of
12 June 12, and I ask you to think about that as the evidence
13 comes in and before you rule.

14 The evidence on page three of the package is
15 primarily, if you look down there under building number
16 one, is based upon the intent, speculation I would say,
17 about the intent of the church building, an intent of
18 constructing the blue building in the first place.

19 And we say to you that first of all, a current
20 violation, a violation based upon a June 5 inspection,
21 cannot be based on speculation about a past intent. But
22 beyond that, there will be no evidence of that past

1 intent, to build that church, excuse me, build that
2 building for a church.

3 The evidence will show that the intent all
4 along in constructing that building consistent with the
5 building code worksheet was a part of the bonafide
6 agricultural operations.

7 And so you will hear Pastor Perdue testify
8 about the continuous, bonafide, primary use of that
9 building for bonafide agricultural operations.

10 The code official will also rely upon
11 observation on June 5 that the building remains, outfitted
12 as stated on page three, outfitted for the primary use of
13 building code assembly, the A-3 uses.

14 And we submit to you that the internal
15 configuration and characteristics of a building cannot be
16 determinative of how that building is primarily used.
17 It's okay, in other words, for a building to be overbuilt
18 for the use.

19 What the Board needs to look at is how was the
20 property used, primarily used, as of June 5, 2023 upon
21 which the determination is based.

22 So, I also direct you, as you hear the

1 evidence come in, to page five of the package, and you
2 will see their definition of a farm building or structure.
3 And you will see, and that's in Section 202 of the
4 definitions of the Building Code, and you will see
5 critical language there that, "A farm building or
6 structure is not used for residential purposes and located
7 on property where farming operations take place and used
8 primarily for any," note the word any, "of the following
9 uses, or, any combination thereof."

10 And then it goes one through six on page five,
11 Section 202, to tell you that the storage handling
12 production display and sale of agricultural, et cetera,
13 product on the farm, business offices related to that use
14 of farm machinery, equipment or maintenance, storage
15 supplies and implementation of best management practice.
16 Any one of those or any combination of those qualifies as
17 a farm building or structure.

18 And the evidence is going to show that that's
19 exactly what has happened on this property with respect to
20 this building, and the other buildings that are there.

21 Please note that the definition of primarily
22 has both a plain language definition and also one in the

1 Code as I'm going to speak about in a minute.

2 The definition in the American Heritage
3 Dictionary is chiefly, or mainly, Webster's Merriam
4 Dictionary, it's for the most part on dictionary.com, it's
5 essentially mostly, chiefly or principally.

6 And if you look at the code official summary
7 of cases, summary of the case on page two of the package,
8 and also the timeline overview on page 12 of the package,
9 when you read together, you will see only a very brief
10 period of time, as I indicated a little while ago, between
11 February of 2023 and May of 2023, when there's even a
12 basis to say that the building was used for anything but
13 bonafide agricultural operations.

14 But more fundamentally, Prince William County
15 has provided its own definition of what primarily is.

16 If you look on page 25, you will see there,
17 and Pastor Purdue will talk about this, on page 25 you
18 will see the farm building structure, building code
19 exemption worksheet, and you will see here that this is
20 Prince William County's implementation, or codification if
21 you will, of the farm exemption, and attached to it,
22 excuse me, actually I want to direct your attention not to

1 25 but to page 53.

2 This is the Building and Development Policy
3 and Procedures, Section 1.07, Building Code Exemption farm
4 buildings, and this is the County's implementation of the
5 exemption. You will see that it has the same five
6 categories and also it has two footnotes.

7 Footnote one says, first of all, that you have
8 to have zoning approval. The undisputed facts in this
9 case are that in November of 2022 there was such zoning
10 approval; and number two, and this is what I was getting
11 to a little while ago, the farm buildings must be used for
12 farming 95 percent of the year. And it can, in fact, be
13 used for non agricultural events up to 18 days per year.

14 And I reference what I just said about the
15 evidence is going to show that no more than 14 events had
16 occurred during a year, actually ever, on the property,
17 making it well under what is defined as allowed, even if
18 those are considered not part of the agricultural
19 operation, which we dispute.

20 Attached to that, the implementation, is the
21 opinion, starting on page 54 of your package is the
22 Attorney General's opinion to Kevin Burke, Fauquier County

1 Attorney, dated August 23, 2010, which one would presume
2 provides the basis for the policy.

3 And I direct your attention to page 55, where
4 the same six categories are discussed and the attorney
5 general says in the next paragraph, "So long as the
6 building is, one, not used for residential purposes,
7 located on property where farming operations take place,
8 and three, is used primarily in one of the uses provided."

9 That's exactly what the evidence is going to
10 show here for the reasons I've already stated.

11 So, again, if you look at the 14 days and you
12 do the math, and if I were good at math I could be an
13 architect or I could be a doctor, so my math is always
14 suspect, but 14 days comes, in my math, comes to 3.86 of
15 365 days, or 95 percent of the year.

16 In other words, the building has been used
17 primarily for agricultural activity, even if you assume,
18 contrary to what we think, that those assemblies were not
19 part of the farm operation.

20 My message to you will be at the closing, my
21 closing statement as well, is that the County needs to
22 follow its own policies, its own regulations, set forth in

1 the Building Code for how a building structure is
2 primarily used.

3 The building code official cannot look at
4 speculation about past intent. The building code official
5 cannot look at the fact that there are bathrooms, stages,
6 speakers and that sort of thing, because that does not
7 negate a primary agricultural use that Pastor Perdue will
8 further elaborate on.

9 We, in other words, I don't quite understand
10 why we're here because we think we comply with the Code as
11 it's written. And the bottom line is that even if you
12 consider those events, those assemblies, as not of the
13 agricultural use, we fall under the number allowed. And
14 beyond that, they've been off the property for, they've
15 been off the property for over a month since May 7th when
16 the June 5 inspection took place.

17 Thank you very much.

18 MR. HELTZEL: Okay. Thank you.

19 Being sensitive to time and our rough schedule
20 here, Mr. Mays, I afford you the same amount of time in
21 opening statement, but I would also ask that we try to, in
22 lieu of a five-minute orientation, a little bit longer one

1 if you can take into consideration when you're presenting
2 because we do have a schedule.

3 Mr. Mays?

4 MR. MAYS: Thank you, Mr. Chair.

5 So, I think for an opening statement, this
6 case before you represents something that started at the
7 state level approximately 23 years ago. So I think having
8 some historical context is important in your
9 deliberations.

10 So, first I would like to go to page five.
11 Mr. Hampshire did refer to this. So, what I want to share
12 with you is this Code language came out in the early
13 2000's, and why it came up, and also just to share with
14 you my participation in that at the state level.

15 So, there was a winery that was built in
16 Charlottesville. It went to the state technical review
17 board. The building official said, hey, this is an
18 assembly use. It was built without permits.

19 The TRB upheld that local decision that the
20 winery, which had a large serving area with food, looked
21 kind of like a restaurant.

22 So, in the appeal process, the building

1 official was upheld, and immediately following that
2 general assembly is when introduction of new laws and
3 changes to the existing law which would further define.

4 So what you see on page five, which is
5 directly from the Building Code, is what came out of the
6 early 2000's, and it has not changed in the intervening
7 twenty years.

8 So, I think Mr. Hampshire highlighted the most
9 important part on this and it's highlighted on page five,
10 "Used primarily." And so I think where you're going to be
11 challenged by both parties is to understand what primarily
12 means, and more importantly, how do you apply it. Because
13 unfortunately, when you go to page 54 and 55, Fauquier
14 County clearly had a case before them, or a project before
15 them, and so they went to the Attorney General saying what
16 does primarily mean. And what the Attorney General added
17 was infrequent, occasional and several times.

18 So what you are left with from the General
19 Assembly, what you are left from the Attorney General, is
20 what is primarily, what is infrequent, what is occasional
21 and what is several times. And that same burden rests
22 with the Church. That same burden rests on every code

1 official in the state, that there is not greater
2 specificity to what and how you implement that.

3 Now, it was because of that, that the County
4 developed the policy and the county developed the form to
5 try and figure out what does this mean and how do you
6 apply it.

7 And the way I landed on 95 percent, or 18 days
8 a year, well, 51 percent means majority, in legal terms.
9 A super majority I think is usually 67 percent, or 66
10 percent, two-thirds. So I'm thinking it's less than 100
11 percent, it's more than 67 percent.

12 Now, let me think of my house, and let me
13 think if I put a bunch of stuff in my house that doesn't
14 belong in a house, how long is it okay for it to be there?

15 I also took into effect that a lot of farm
16 structures are being used for weddings and, you know,
17 that's part of them raising revenue if the farm is not
18 doing well. So I certainly understood that as well.

19 So, that's how I landed on 95 percent. That's
20 how I landed on 18. And Mr. Hampshire in his opening
21 argument doesn't seem to be disputing the 18, he's
22 disputing that it wasn't 18, which I think is going to be

1 important for you to consider.

2 Probably the other thing I guess I want to say
3 as part of an opening statement, the only reason the
4 Church ceased to occupy and use it for church services was
5 because we posted it unsafe, and they relocated to 2 Silos
6 that particular weekend, and then they have since
7 relocated to one of the public schools.

8 As a code official, I guess I could have held
9 my cards and waited for number 18. But as a code
10 official, I in good conscious couldn't do that.

11 In addition to what Mr. Hampshire did not
12 mention in his opening statement, if you take the time to
13 watch the 14 videos of all the church services, which I
14 did not submit as evidence because they're about an hour
15 and twenty minutes each, but I will testify, in each one
16 of those church services they talk about multiple meetings
17 and multiple classes that are going to occur on the site
18 at the building.

19 So, yes, we have clear evidence of the 14
20 church services. We have video evidence the church
21 provided online. We have evidence within those, which I
22 have not presented specifically, of all the additional

1 meetings they're having on site. They were using the site
2 full time for religious use.

3 Now, in terms of testimony, I'll go over part
4 of the testimony that pertains to me and my decision
5 making. I'll ask Ms. Allison Lindner, who is with the
6 finance department, to talk about the current assessment
7 process and the current exemption that the Church has
8 received for religious use of the property which is
9 contrary to the statement that it's an agricultural
10 property only used for farming.

11 And I'll ask Ms. Alexander from building code
12 enforcement to talk about the building safety inspection
13 and the conduct of that and what was reported.

14 And that concludes my opening statement.

15 MR. HELTZEL: Thank you.

16 All right. Well, then I will turn it back to
17 you, Mr. Hampshire.

18 MR. HAMPSHIRE: Thank you very much, sir.

19 My first, and I think only witness, is going
20 to be Pastor Perdue who is seated to my left. And we will
21 be relying upon the materials in the package.

22 And we also have some affidavits which we will

1 ask at the conclusion to submit. And I understand Mr.
2 Mays may have some materials as well in his case, but
3 we'll get to that.

4 Whereupon,

5 ALLEN PERDUE

6 Appellant, called for examination by counsel on his own
7 behalf, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. HAMPSHIRE:

10 Q Sir, would you state your name for the record?

11 A Yes. Hi, everybody. My name is Reverend
12 Allen Perdue and I'm the lead pastor of Alive Church.

13 Q And were you the pastor in 2018?

14 A Yes, sir.

15 Q Did there come a time when the church
16 purchased the property at 12805 Vint Hill Road?

17 A Yes, we did.

18 Q And did the property come with a special use
19 permit for a church use?

20 A Yes, it did.

21 Q And did the church, I'm talking about Alive
22 church, the entity, intend to conduct gatherings on the

1 property on the existing SUP at the time of the purchase?

2 A At the time we weren't. We had no building,
3 we had no church. So at the time, no.

4 Q Did there come a time in September of 2020
5 when you had a Webex virtual meeting with Mr. Mays,
6 building code official?

7 A Yes.

8 Q And who directed you to Mr. Mays?

9 A Lisa Fink-Butler.

10 Q All right. And what is your recollection of
11 why she did that?

12 A If I may just take a moment, the genesis of
13 why we're here, it started in the building. With Ms.
14 Fink-Butler, we came to ask her about the use of the
15 property during a very difficult time and so we went
16 through our process with her and she said our next step
17 would be to talk to Mr. Mays.

18 Q And what did you tell Ms. Fink-Butler your
19 plans were for the church? How did you describe those to
20 her?

21 A Actually, it started with a question. I asked
22 Lisa, and I'm also the president of the Haymarket and

1 Gainesville Business Association, president of the
2 Nokesville Business Association and a member of the Prince
3 William County Chamber of Commerce and I'm very active in
4 our local community, local business community.

5 On a weekly basis, sometimes multiple times a
6 week, we inhabit breweries, wineries and you name it.
7 Those who are agriculturally considered to be bonafide
8 agricultural buildings, not commercial buildings such as
9 my friend owns at 2 Silos, Marcus Silva.

10 I went to Lisa and simply said, "I go to these
11 meetings week after week with hundreds of people gathered
12 in buildings. We as a church can rent those buildings to
13 have church in those buildings. What do we need to do to
14 do that on our property?" So it really started with a
15 question.

16 Then she helped to formulate kind of the path
17 that we're on. We're here because of her answer to that
18 question.

19 Q All right. And did the topic of farm cidery
20 use come up at all in the conversation with Ms. Fink-
21 Butler?

22 A Yeah. We were pursuing that as a possibility.

1 A We did. We pursued it. We actually obtained
2 a TTB, which is a federal license to produce alcohol, and
3 then we actually obtained a Virginia ABC license. Our
4 intent was to produce apple juice, not hard cider, because
5 that is within the allowance, and we pursued it.

6 And then there were some complaints from the
7 community that there was a group with a ABC license as
8 happens sometimes, ironically from people who probably use
9 those establishments nonetheless, and we then turned away
10 to go a different direction.

11 Q All right.

12 A Still agriculturally based and agritourism
13 based.

14 Q And can you summarize for the Board what you
15 represented to Mr. Mays in September of 2020 about what it
16 is you wanted to do?

17 A Actually, yes, I can. I can do it. I have an
18 email here. Mr. Mays emailed me on September 16th that he
19 would send a Webex meeting. And in preparation for that
20 in the same email, actually it was a previous email of
21 September 14, Mr. Mays sent me the Building Code Exemption
22 for farm structures. That's in his record and that's in

1 mine. That's not in dispute that I'm aware of.

2 What I did, is I codified my recollection to
3 our attorney at the time, and I'll just read for you what
4 I said to our attorney. I said, "Please see below the
5 email chain from Mr. Eric Mays. Note the link to the
6 documents he provided to us as Prince William County
7 documents.

8 "My take away. Number one, he was very kind
9 and helpful. Two, we could build our farm structure
10 agricultural, agritourism building without inspections and
11 permits upon receiving a zoning determination letter and
12 obtaining a zoning verification letter based on the
13 determination letter. He confirmed and provided the
14 Prince William County Code for us for our meeting.

15 "Number three, we asked Mr. Mays for
16 inspections and a letter of occupancy regardless of the
17 fact that we were agricultural. He outright said no, that
18 they do not do this for agricultural and farm structures.

19 "Number four, my recollection, it was Mr. Mays
20 committed to me that he would think about it and consider
21 our request for inspection and occupancy permit and get
22 back to me, which he did not."

1 So, that was my recollection of our
2 conversation.

3 Q Okay. And did there come a time when you
4 filled out a farm building and structure building code
5 worksheet?

6 A Yes.

7 Q And I direct your attention to page 25 of the
8 package, and he board to that page. Is that the worksheet
9 that you filled out?

10 A Yes, it is.

11 Q And is that your digital signature at the
12 bottom?

13 A Yes, it is.

14 Q All right. And what structure did you submit
15 that worksheet?

16 A That was for the blue farm barn structure that
17 we were building.

18 Q All right. And you did that on October 14 of
19 2022, correct?

20 A Correct.

21 Q And now, Reverend Purdue, looking at this form
22 you'll see that boxes are checked in numbers one through

1 five, correct?

2 A Correct.

3 Q And you also checked your name to include your
4 digital signature as you stated a second ago. Was there
5 anything incorrect about the representations on this form,
6 boxes that were checked, when you signed and submitted it
7 on October 14, 2022?

8 A No.

9 Q Are the representations on this form true or
10 false today as we sit here?

11 A These are true.

12 Q You will see that you submitted it on October
13 14, 2022 and it was approved, correct, more than a month
14 later on November 18, 2022?

15 A Correct.

16 Q Did you in any way dissuade or discourage the
17 County from investigating the truth of what you
18 represented on the form in that over a month period?

19 A No.

20 Q Can you say whether or not the blue building
21 was located on the property where the farming operations
22 take place as of the date the building safety inspection,

1 as of the building safety inspection on June 5?

2 A The building was on site.

3 Q Can you say whether or not the blue building
4 is currently located on property where farming operations
5 take place as of now?

6 A Correct. It is.

7 Q Is there a problem with getting to your trees
8 as we --

9 A Yeah. There are farm bushes out in those
10 fields and where they are, you can't just go and pick
11 weeds like you do in your flower bed. So, our staff, we
12 have paid staff to care for all of the operations, the
13 farming, the grass, trees, pumpkins, sunflowers and the
14 sunflowers even are dead. They have been choked out.

15 Q All right. Can you just describe for the
16 Appeals Board, what is the nature of your farming
17 operations on site, both on June 5, 2023 and currently?

18 A Currently, other than the 24/7, hopefully
19 something is still growing. That's all that's currently
20 going on because we're not allowed access to those pieces
21 of equipment.

22 And prior to, well, as of June 5, we first

1 planted Christmas trees over a year and a half prior to
2 that. So we have had Christmas trees growing in the
3 ground.

4 Mr. Jim Gehlsen is the number one, and I think
5 only Christmas tree farmer, left in Prince William County.
6 If you want to go cut a tree down locally, it's at Mr.
7 Jim's farm right there in our town in Nokesville.

8 He mentored our team. He showed us how to
9 plant the trees. We purchased our first 600 from him. I
10 have the receipts for that. I have them from our
11 treasurer who provided them to me today on April 2nd of
12 2021 is when we made that payment to him. And it was that
13 same week that we put those first trees in the ground.
14 And then we have also done so every year since to replace
15 those that have died or to expand into a new area of
16 trees.

17 Q Okay.

18 A And those were growing and those things were
19 going on. Up until June 5, just to be honest, it was
20 still a little fuzzy because they had already come onto
21 our property and posted before.

22 Q Right.

1 A And so we -- they were there and we were not
2 caring for them as they should have been.

3 Q All right. Let's just go through that. There
4 were two sets of postings on the property, correct?

5 A Correct.

6 Q And there was a first posting, and is it
7 correct, you heard Mr. Mays talk in his opening statement,
8 is it correct that you relocated the church, excuse me,
9 the events to offsite to first 2 Silos, and then second to
10 Cedar Point in response to that posting? Is that correct?

11 A Yes. Essentially, we were threatened to not
12 be there. We didn't agree with the violation. We still
13 do not today. We do not agree with the premise. But, you
14 know, we're God's people. We want to try to represent
15 Jesus and we're supposed to live at peace with all men.

16 I don't like being in this room to be honest
17 with you. I'm surprised we're here. I'm confused as to
18 why we're here.

19 But in an effort to be at peace, and to try to
20 be cooperative moving forward, a conversation which did
21 not materialize at all, we did. We immediately moved back
22 to the school that had hosted us and will continue to host

1 us until we resolve this. And we just did that to be at
2 peace and to try to calm the situation which we don't
3 feel, I feel, our team did not feel was reciprocated from
4 the other side.

5 Q So you relocated the gatherings to offsite,
6 correct?

7 A Yes.

8 Q And what happened after that?

9 A After that we agreed to a cooperative meeting.

10 Q On June 5?

11 A Correct.

12 Q Okay.

13 A And after we relocated we received the first -
14 - Mr. Mays finally called me I think on the 21st or 23rd
15 of April, somewhere in there, and then we received the
16 emails. They came on the site, posted our site. The day
17 that they showed up on the 5th, to be very clear, the
18 postings were still up to which Ms. Kristin Alexander
19 informed me that those should have been taken down. That
20 that was negated. That those were not -- as we were never
21 communicated with they had withdrawn the initial
22 violations

1 So, as of the beginning of April, or May, we
2 went over to 2 Silos, my friend Marcus hosted us because
3 they essentially did this to us Thursday/Friday, we had no
4 where to go except that we know people and God blessed us
5 with amazing connections in this great community that we
6 love.

7 Q So did anything change about the use of the
8 property between the time that you relocated the events
9 offsite and the June 5 inspection?

10 A No.

11 Q Were any sort of events or gatherings
12 occurring on the property as of June 5?

13 A I'll have to go back to my calendar. We've
14 had outdoor events often. Our youth will gather there to
15 play. We have volleyball. We have nine square. We have
16 actually quite a few things that they can do outside and
17 they do regularly.

18 MR. HAMPSHIRE: And you all will see in the
19 package, Members of the Board, references to Alive youth
20 and summer camp and that sort of thing on the property.

21 BY MR. HAMPSHIRE:

22 Q Can you tell the Board a little bit about the

1 nature of those activities?

2 A Well, first off, there are no camps that have
3 ever been held on our property. The package alleges that
4 Alive has operated a children's camp and a youth camp.
5 I'm glad they're watching our services. I hope they're
6 very encouraging to you. That's what we try to do all the
7 time with people. But if they had paid attention to them
8 while they were stalking us, I'm sorry, watching us, they
9 would have seen that those were at a different address in
10 southern Virginia at a camp that our district owns and is
11 a bonafide, well, not to use that word, it is a camp,
12 that's what it's for, and our students go there every
13 year, children and teens.

14 So I want to speak to that to be very plain.
15 That's just another example in the packet of an erroneous
16 claim by the building official in this violation.

17 The other events that happen are simply
18 gatherings that we're allowed to have onsite and none of
19 which happened in that blue barn structure after the
20 postings by Mr. Mays and his staff.

21 Q Were those completely outside?

22 A Correct.

1 Q Can you say whether the blue building is
2 currently being used for residential purposes?

3 A No, it is not being used for residential
4 purposes.

5 Q What about the other buildings? We know there
6 is one residential building, but what about the other ones
7 that are at issue here? Are they being used for
8 residential purposes?

9 A The only building being used for residential
10 purposes is the home which is allowed to be, which we've
11 already established.

12 Q And for the record, that one is not at issue
13 here.

14 I direct your attention then to footnote two
15 on page 25 of the package. I'm directing your attention
16 here (indicating). Will you read that for the Board?

17 A Number two?

18 Q Yes.

19 A "The farm building and structure must be used
20 for farming operations 95 percent of the year. The farm
21 building and structure may be used for non-agricultural
22 uses up to 18 days per year."

1 Q All right.

2 A And if I could, I just want to state the
3 obvious. You can go to an agriculture structure that's
4 just like ours and see signs for axe throwing. For kids
5 playgrounds that you play on at your own risk. Rocks you
6 can climb on, your kids, at their own risk. It doesn't
7 mean that they have changed their primary use to axe
8 throwing or that they have changed their primary use to
9 kids climbing on rocks.

10 So I think it's important to point that out.

11 Mr. Mays also said in his opening statement
12 that we represented that we are only used and that is not
13 what we have said. We have said that it is primarily
14 used, that we meet the 95 percentage that I just read on
15 the paper, the 95 percent of the time. We meet that
16 requirement.

17 We primarily use it for agriculture. We did
18 not say that it is only. We have never represented to Mr.
19 Mays or his staff, to Lisa Fink in zoning, to those who
20 are in our assessment offices, we've never said it is only
21 used, as is also stated just above on that same document,
22 that there are other purposes that it's used for

1 Q All right. Let me direct your attention to
2 something else that I'd like to give you an opportunity to
3 clarify for the record on page 42 of the package. I have
4 it right here.

5 A Yes, sir.

6 Q If you would just read this little paragraph
7 up in the upper left-hand corner.

8 A It says, "Alive friends and family, check out
9 the progress. The concrete has been poured on the site of
10 our new building. We're fortunate to be on this journey
11 with you and we can't wait to worship in our new church
12 together. Stay tuned for construction updates."

13 Q All right. And then you'll see some pictures
14 there. What reaction if any did you have to this when you
15 saw it in the package?

16 A So, when I saw it in the package we had just
17 changed websites so we had a new website manager. We had
18 two distinct sections on our website, one for our future
19 church building and one for our farm structure. And they
20 took, if you go on the website right now today, and if you
21 click on that, we've not changed anything since this, we
22 haven't asked the web master to do it, you will see a

1 mixture of pictures which are the future pictures and the
2 future church building that we want to build, along with
3 the farm structure.

4 And I didn't know it because I don't get in
5 the weeds. This is a very, this is a staff level thing
6 and a third-party person that develops our website, they
7 have taken two sections of the website and put them
8 together and that's why you see that language. They
9 blended language from the sections of our two sections on
10 our old website.

11 But they didn't show you all the pictures
12 here. They have only chosen to show the pictures of the
13 barn build. They did not show you the pictures of the new
14 church and the first phase which has been approved to be
15 built by Prince William. We have an approved site plan
16 for our church and for our SUP. They don't show you those
17 pictures. They only show you the selected pictures they
18 chose.

19 Q Thank you.

20 MR. HAMPSHIRE: And I just have a couple more
21 questions, Mr. Chairman and then I'll be done.

22 BY MR. HAMPSHIRE:

1 Q Pastor Perdue, let me just ask you a wrap-up
2 question here. How has the blue barn building and all the
3 other -- excuse me. How have all the buildings that are
4 the subject of this proceeding been primarily used since
5 2018 when you purchased the property?

6 A They've primarily been used in what we call
7 agritourism and agricultural uses. Storage, meetings,
8 promotion, recruitment, training and education and office
9 space which we're allowed to have.

10 MR. HAMPSHIRE: Mr. Chairman, those are all my
11 questions.

12 MR. HELTZEL: Thank you very much. Let's see,
13 so I'll turn to Mr. Mays. Do you have any questions?

14 MR. MAYS: Yes, I do.

15 Mr. Hampshire, if it's okay I'll direct my
16 questions to Reverend Perdue.

17 MR. HAMPSHIRE: I'm sorry?

18 MR. MAYS: I'm just going to direct my
19 questions to Reverend Perdue if that's okay with you.

20 MR. HAMPSHIRE: Of course.

21 CROSS-EXAMINATION

22 BY MR. MAY:

1 Q Has the Alive Church ever used the property,
2 12805 Vint Hill Road, or its buildings for religious use?

3 A No.

4 Q I believe you just contradicted yourself.

5 A What we do is not religion. It's
6 relationship. We have had gatherings and that's what we
7 do, we gather.

8 Q Okay. I guess I'm confused by your earlier
9 testimony. Your testimony was you have not used it more
10 than 18 times for other uses.

11 So, your testimony is, this property and its
12 buildings have not been used for religious use.

13 So then my secondary question is, have you
14 applied and received a Prince William County real estate
15 exemption for religious use for the past five years?

16 A Not for religious use. Because we are a non
17 profit who owns property, we are afforded tax benefits,
18 and we have filed for those. Nowhere did we stipulate
19 religious use.

20 Q So the next question, I'd like to go back to
21 page 42, which Mr. Hampshire referred to you earlier.

22 So, it's your testimony that your Facebook

1 page has confused the future new building with this
2 construction?

3 A The pictures that I see at the bottom of this
4 page are not from our Facebook page. These are from our
5 website.

6 Q Yes. I'm talking about the top pictures. The
7 top posting with those top pictures I believe are from
8 your Facebook page.

9 A Yeah, I don't do anything with the Alive
10 Church Facebook page.

11 Q Well, --

12 A And it's a third party, yeah. They have
13 confused -- I did not write that post.

14 Q Well, they're your agent, they're an extension
15 of you and it clearly says, "We can't wait to worship in
16 our new church together."

17 A Correct.

18 Q "Stay tuned for construction updates on our
19 brand new home."

20 A Yeah.

21 Q So, I think a reasonable person would infer
22 that your new home is what's under construction and it's a

1 new church. Would you agree or disagree with that?

2 A I would agree that someone could read that and
3 assume that, yes.

4 Q If you'll turn to page 43. This is part of
5 the same Attachment 11. At the bottom of page 43 there is
6 a picture, and it appears the date is, it's dated I
7 believe, January 29th, 2023.

8 Can you please describe what's happening in
9 that picture and the significance of why it's posted on
10 your website or your Facebook page?

11 A This picture looks like it's taken from our
12 YouTube channel.

13 Q Okay.

14 A And someone put a video up of the construction
15 of the building.

16 Q And what's happening in this picture at the
17 bottom?

18 A They are putting our logo there.

19 Q So you have a big blue building that on the
20 previous page makes it sound like everybody's excited,
21 which is understandable, and then you put the name of your
22 church on the side of that building?

1 A Yeah, the name of our organization, correct.
2 That's our name.

3 Q So your organization is Alive Church and you
4 post this sign on the building, So isn't it reasonable to
5 infer that's a church by your own admission and your own
6 sign?

7 A I think it's reasonable to assume that that is
8 the building that Alive Church owns and that we can use it
9 in according with the Building Code that you provided us,
10 yes.

11 Q Does that sign face the public way?

12 A Yes. Partially, yes.

13 Q So, it can be seen from a public way so it's
14 an announcement to the public, Alive Church. So, somebody
15 driving down the road could come to one of your services
16 and they think they're going to church?

17 A Someone could see that from a road, yes.

18 Q Are you aware that under state law that farm
19 structures and farm buildings actually have to have
20 postings that warn people that these are unpermitted,
21 unregulated buildings and do you have such a sign on your
22 property?

1 A We do have no trespassing signs for that
2 reason.

3 Q No, that's not my question. There is a very
4 specific sign in state law to warn the public that they
5 are entering an unregulated building so they're going in
6 with foreknowledge.

7 A Yeah, we were not aware of that, nor were we
8 made aware of it when we submitted the documents that Giff
9 referenced earlier.

10 Q Now, in direct response to one of your
11 comments that your Christmas trees are dying because you
12 can't get access to your equipment, have you ever made a
13 request of the County to enter the building to remove that
14 equipment so you can do what you need to do for your farm?

15 A We have not made any request to enter the
16 building.

17 Q Well, it's common practice, and in fact, I'm
18 pretty sure I gave pretty thorough instructions in an
19 email that you're not to enter the building without
20 permission, which means if you get permission you can
21 enter.

22 So, going forward, while all this is still

1 going on at whatever level, if you need to get your
2 equipment out we can certainly work with you on that.

3 A And I would appreciate you providing how we
4 should make that official contact to you to our attorney.

5 Q Okay. The next place I would like you to turn
6 in the package is page 12.

7 So, this is a timeline of the interactions,
8 some of the interactions, between you and the County.
9 Certainly, I'm not privy to all of them. Would you agree
10 with this chronology here or are there things you would
11 take exception to as being factually correct?

12 MR. HAMPSHIRE: Mr. Chairman, I know we're not
13 in court, but I think that the question, it's not fair of
14 the witness to have him read a form as we sit here and
15 then pick out something he doesn't think is correct.

16 If there's a specific question about a
17 particular item then that's fair game. But just to ask
18 Pastor Perdue to summarize a form and then pick out
19 something he doesn't think is correct is not a fair
20 question.

21 MR. MAYS: I'll withdraw that question. Since
22 under direct testimony no exception was taken to this

1 document, I'll just proceed with it's factually correct as
2 the County's represented it.

3 BY MR. MAYS:

4 Q Pastor Perdue, why have you all not built your
5 final church that's part of the SUP approval?

6 A We have not built our church that we have
7 approval for because, one, it costs a lot of money; two,
8 we just came through a pandemic and so everybody was
9 hurting through that time.

10 And so we have done our very best since
11 purchasing the property so that everyone is aware, the SUP
12 was about to expire when we purchased this property. We
13 have spent hundreds of thousands of dollars, which I will
14 be glad to provide for you on the record, with attorneys,
15 with staff engineers, to complete the deadline that was
16 required of us to get our site plan submitted. And then
17 we have gone all the way through the County comments and
18 we have an approved site plan.

19 But now, before us is a growing number. What
20 would have been on one day a \$3.8 million dollar project
21 could be a \$5 million, who knows, with things the way they
22 are now. So we do need time. And the pandemic stifled us

1 from that.

2 But we are not only spending money on that, we
3 are raising money. We have a building fund to raise money
4 specifically and only for that church structure.

5 Q Okay. So you're in a position that you have
6 the need to meet and your working on your vision?

7 A Correct.

8 Q I would now like to direct you to page 27.
9 And on page 27, this is a document the County prepared.
10 And if you look about three lines down it says, "Family
11 fun day."

12 A Uh-huh.

13 Q The column that says date says June 25th.
14 That is actually an error. So I would like to verbally
15 correct that error here. It actually should have been
16 June 17th. And if you look at the far right side where it
17 says notes, could you please read what this says?

18 And again, this is from the Alive Church
19 website.

20 A "Family fun day, June 17th, 1:00 p.m."

21 Q Did that event occur?

22 A Yes, it did.

1 Q It was your testimony earlier that no events
2 had occurred.

3 A That wasn't my testimony. You asked for
4 religious use. I've testified earlier with my attorney we
5 have been on the property. There have been outdoor events
6 there.

7 Q So it's your testimony that Alive Church had a
8 family fun day event on the 17th and it was not associated
9 with any religious use?

10 A We had an outdoor family fun day. That is
11 correct.

12 Q Okay.

13 A I did not -- I'm not testifying to anything
14 using the words religious use. We had a family fun day,
15 period.

16 Q Did you have a temporary activity permit
17 approved by zoning for that event?

18 A No.

19 Q So you committed a zoning violation?

20 A I do not believe so. It wasn't a very large
21 group of people.

22 Q So it's your belief that an agricultural use

1 is permitted to have such an event without a temporary
2 activity permit?

3 A Under a certain number of people, yes.

4 Q And based on that answer, can you go to page
5 14?

6 A Uh-huh.

7 Q Page 14 is the bonafide agricultural use that
8 was issued by the zoning administrator on February 26th,
9 2021. If you go to page 15, in the top second paragraph,
10 I apologize for asking you to do this, but I will ask you,
11 can you please read that paragraph to the Board in its
12 entirety?

13 A "Based on the application," that paragraph?

14 Q I'm looking at page 15, which is --

15 A You said second paragraph. Second full
16 paragraph.

17 Q No, first paragraph.

18 A Okay. "The bonafide agricultural use would
19 not allow any other use of the property and would not
20 allow any structures that are not associated with the
21 permitted bonafide agricultural use to be located on the
22 property. However, you may apply for temporary activity

1 permits for certain qualifying events pursuant to Section
2 3221.01 of the Zoning Ordinance.

3 "Pursuant to Section 32-300.0(10)(B)(ii) of
4 the Zoning Ordinance, events such as weddings, wedding
5 receptions, corporate parties, meetings, conferences,
6 banquets, dinners and private parties would not be
7 permitted to occur on the property or any other building
8 structure until the required farm, winery or brewery
9 license is issued for the property by Virginia Alcohol
10 Beverage Control Board in accordance with the issued
11 temporary activity permit as described above."

12 Q So these events that you describe as non
13 religious use and only a non profit doing something, do
14 you think that happens to fit any of those, aka private
15 party?

16 MR. HAMPSHIRE: Mr. Chairman, I need to lodge
17 an objection. Again, I know we're not in a court, but the
18 issue before the Board is whether the buildings --

19 MR. MAYS: I'm willing to withdraw. This goes
20 to credibility of the witness and that's why I'm asking
21 the question, but I'll withdraw it because I think the
22 answer is obvious. And I understand Mr. Hampshire's

1 objection so it's just easier to withdraw it and move on.

2 That's all I have, Mr. Chairman under cross
3 examination.

4 MR. HELTZEL: All right. Thank you, Mr. Mays.

5 Okay, at this time we'll turn it over to Mr.
6 Mays, the building official to present his case.

7 MR. MAYS: Mr. Chairman, I want to apologize.
8 I probably should have done this first part in the opening
9 for the orientation. If you can turn first to page six of
10 the document, and under the overview there's a listing of
11 the six buildings that were in question. So there's a
12 narrative summary of each of the buildings and their
13 approximate square footage.

14 If you will now turn to page 13, I think this
15 backs up to some of Mr. Hampshire's comments that I think
16 this orientation will help correlate his comments and our
17 testimony as well.

18 So, when you look at aerial photograph and
19 cross reference it to page six, and this numbering is
20 arbitrary on the County's part. It doesn't mean anything
21 other than we had to call it something.

22 So building one is, I would say, the 800 pound

1 gorilla in the room, that's the main subject of the
2 appeal. But I want to be clear, there are multiple final
3 determinations made in my letter and they are all under
4 appeal although there was no testimony really about those
5 other buildings on behalf of the Appellant.

6 So, looking at the aerial photograph, building
7 one, 4,800 square foot building with 1,031 square foot
8 mezzanine. So we actually do have stairs that are going
9 to an upper level that is occupied, and we'll talk a
10 little bit more about what's present.

11 If you then go to building two, three and six,
12 now the reason buildings two, three and six are in red is
13 the County's information is those buildings were
14 originally built by a previous owner. They were not built
15 by the church. However, the church is the owner and
16 there's a subject question of how is it being used.

17 So, building number two was approved as a
18 residential accessory building. It was not approved as an
19 agricultural farm building.

20 So, for the Appellant to say everything is
21 used for agricultural 95 percent of the time, well, they
22 don't even have a zoning approval that's consistent with

1 that fact on building number two.

2 In addition, when you're looking at building
3 number two, you'll see kind of a gable roof and then
4 you'll see what looks like an addition on the back. That
5 addition is not addressed in the current zoning approval.
6 So, this is not a zoning case. I just bring that to your
7 attention.

8 I believe the building also has an air
9 conditioner in it. I'm not really sure why an
10 agricultural building would have an air conditioner in it,
11 but nothing says you can't.

12 Building number three, as Mr. Hampshire
13 related, that is not a subject of the appeal. Under the
14 building official records it was properly approved as a
15 single family detached house in the eighties. It has a
16 valid certificate of occupancy. Mr. Hampshire did produce
17 on behalf of his client a copy of their contract or lease
18 agreement for that building.

19 So from a building code perspective, there's
20 nothing there. I would think there is going to be
21 something there as it might pertain to paying county taxes
22 because I don't think single family dwellings are exempt.

1 But again, that's not a matter before you. I just bring
2 that to your attention.

3 So, building three is not a subject of this.

4 Building six is small enough that it actually
5 is exempt from permit under the Building Code. It's just
6 a small storage building.

7 So the ones we are focused on is building one,
8 building two and then building four and five are
9 industrialized buildings. In addition to the blue
10 building, the two industrialized buildings were installed
11 by the Church according to the assessment records and
12 aerial photographs. They were there by the previous
13 owner.

14 So, I just wanted to give that orientation as
15 we walk through the different issues.

16 Next I would like to just state for the
17 record, hopefully I've made it obvious by not asking, I
18 absolutely accept the facts this is an A-1 property. This
19 does have a bonafide agriculture use from the zoning
20 office. And the question isn't whether farming operations
21 are happening on the property for me, the question is how
22 are the buildings being used. I think that's consistent

1 with the presentation of the Appellant.

2 So I don't think you have to answer that
3 question is it a farm or not. I think it goes down to
4 each building, is each building primarily used for farming
5 or not. So I think when we get to the end, I think that's
6 the discussion you all will have to have.

7 I would now like to call Ms. Allison Lindner.
8 She's the assistant director of finance for real estate
9 assessments. And the reason I thought it was important
10 to ask Ms. Lindner to be present is from a simple point of
11 view of an engineer and building official.

12 I understand they're exempt from real estate
13 taxes because of the religious use which is contrary to
14 Reverend Perdue's statement.

15 So, on one hand, they're claiming a religious
16 use exemption, but in your presence they're claiming
17 they're a farm, which if they are a farm they should, I
18 think, be paying taxes.

19 But I figured instead of me trying to figure
20 out what I'm not good at and don't have expertise on, I
21 would ask the expert to come before you.

22 Whereupon,

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ALLISON LINDNER

a witness, called for examination by Mr. Mays, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MAYS:

Q Ms. Lindner, the first thing I would like to do is direct you to page seven of the document. Do you see paragraph D?

I just want to confirm that this information is accurate in what you provided to me, and really it's the fact that the Church has applied and received what I thought was a religious use exemption.

Maybe you can educate the Board on non profit versus religious use. And they have not had to pay real estate taxes, a little over \$23,000. So is this accurate, what you shared with me?

A It's accurate. We've been giving this property real estate tax exemption, a portion of this property real estate tax exemption, since 2011. So when it changed ownership in 2018, we received an application in November of '19, it's very clear that it's an exemption request based on religious worship or use of the property.

1 That's how the application is written. It was
2 signed by Reverend Perdue and included a letter from him
3 that basically says, "I'm writing to confirm that Alive
4 Church of the Nazarene operates religious activities on
5 our property located at 12805 Vint Hill Road, Nokesville,
6 Virginia 20181 on a regular basis."

7 This is part of what I based my decision on.

8 Q Ms. Lindner, I apologize, I should have done
9 this first.

10 MR. MAYS: So, Mr. Chair, Ms. Lindner provided
11 the document she was reading to me just this morning. So
12 I would ask if the Board would accept it.

13 The normal process is I would give this to you
14 to decide whether if it's out of order or not, you would
15 ask Mr. Hampshire whether or not he objects to it being
16 accepted. Whether he objects or not, it's still your
17 decision of whether to accept this into the record.

18 I won't show it to anybody else. I'll just
19 bring it up to you. And I did share it with Mr. Hampshire
20 before the meeting.

21 MR. HELTZEL: Okay.

22 MR. MAYS: So this is just to validate or

1 substantiate what Ms. Lindner just stated. It's a County
2 document and I think it's a fact, non disputed, but we'll
3 wait for your ruling.

4 MR. HELTZEL: Mr. Mays, this is probably
5 public record as well? It's not just exclusive --

6 MR. MAYS: As far as I know it's public
7 record.

8 MS. LINDNER: It is not confidential.

9 MR. HELTZEL: Okay. Well, I have no problem
10 with receiving it at this point of the meeting.

11 MR. MAYS: Could you please pass these to the
12 Board members?

13 (Copies of the documents were provided to the
14 Board members.)

15 BY MR. MAYS:

16 Q All right, Ms. Lindner. You can go ahead and
17 proceed. Thank you.

18 A So, those documents are part of what I based
19 my decision on. We went back and forth with many emails,
20 my asking what are they specifically being used for, are
21 they being rented, and we determined that we would give
22 the exemption on the buildings and seven acres of land

1 that surround the buildings.

2 The rest of it we determined was not being
3 used for religious purposes and therefore could not be
4 granted exemption.

5 As far as non profits, the County has not
6 issued a non profit exemption for properties since 2011
7 when they put a moratorium on giving exemptions by
8 designation.

9 But as I said, this is specifically a request
10 for exemption for a religious operation. It's on the
11 application on the website under church exemption
12 application. So, as far as we're concerned, my office is
13 concerned, this was a religious operation and that's why
14 we granted the exemption.

15 It's been getting exemption on, like I said, a
16 portion of the property since 2011. Since 2018, I think
17 the total is about \$23,000 that we have given.

18 Q Ms. Lindner, just a clarifying question for
19 you. So, on page 17 through 23, there's Attachments 4, 5
20 and 6. If you could just explain what those are to the
21 Board and how that interplays with what you just said.

22 A What pages?

1 Q Page 17 through 23.

2 A So this was the followup conversation that I
3 had with the pastor. Every time they request exemption I
4 try to get as much information as I need to, to be able to
5 make the determination of whether or not a property
6 qualifies for exemption. These were my followup
7 questions.

8 What is the specific use of the property,
9 because they're supposed to include a detailed
10 chronological description, and although he had a
11 description, it wasn't really specific. It was just kind
12 of like the same thing every month.

13 So I went back and asked for more information
14 about what they were using the property for.

15 Q And specifically, the exemptions, because you
16 noted the exemption was only for a portion of the
17 property, not all of it, --

18 A Right.

19 Q -- did it include all of the six buildings
20 that I showed earlier on the aerial photograph?

21 A It includes all of the buildings and seven
22 acres of land surrounding the buildings. It does not

1 include the remaining ten acres.

2 Q And based on the testimony you've heard from
3 Reverend Perdue today, do you think that exemption would
4 still be granted today based on his testimony here?

5 A Not only would it not be granted today, I
6 think I would do what I needed to do to take it away for
7 the past few years as well.

8 I mean, I did this under the premise that this
9 was being used, and the Code says, "Exclusive use for
10 religious purposes." He stated that it was being used for
11 religious purposes. So, no, going forward I will not give
12 it, give the exemption.

13 MR. MAYS: Now, I'll keep this short because
14 it will somewhat duplicate some of Mr. Hampshire's. So,
15 we're going to come back to me now, Ms. Lindner. Thank
16 you for your testimony.

17 If you will all go back to page 25, which was
18 referenced earlier. Now, the first thing that I really
19 want to say is this was submitted after they started
20 construction on the blue building. In fact, when I call
21 Ms. Alexander she can talk about the first complaint we
22 got of work without permit and what happened out of that.

1 This does show a submittal. This does show an
2 approval. The thing that I want to make clear, my final
3 determination is for all four buildings, not just the blue
4 building. This submission is about the blue building
5 only.

6 We have never received any similar worksheet
7 or form for the two industrialized buildings or the
8 residential accessory structure.

9 So, I just wanted to clarify that so you did
10 not think that was an all-encompassing submission and
11 approval that the County issued on November 18th.

12 Now, as I talked about earlier, this was our
13 attempt to communicate with the public on what the
14 expectations were. And here is the challenge that's
15 before you. I think it's obvious, but I'll still say it
16 out loud. I build a school, I close it for ten weeks in
17 the summer, is it still a school? That's getting to
18 what's its primary use and primary intent.

19 Also, when you're talking about the 95
20 percent, so, we do have people that have farm structures
21 that are exempt and they build an adjacent residential
22 unit that is non exempt. So, they put fire walls in. So

1 that's one way you can have your farm-exempt building in
2 this.

3 Well, now, if I take that same residential
4 dwelling and I put it inside that agricultural structure,
5 is it still exempt? And the answer is, the residential
6 portion isn't, and now you have to regulate egress.

7 So, if you keep the farm building separate
8 from the non-farm building, it's very easy to communicate
9 what the requirements are.

10 When you start doing non separated mixed use,
11 which is what I believe has happened in the blue building,
12 and non separated mixed use acknowledges, do they have
13 some gardening tools in there that they claim are farming
14 equipment? Yes. It takes up a whole 300 square feet in a
15 4,800 square foot building with a 1,000 square foot
16 mezzanine. Is that 95 percent? How many days a year is
17 it there?

18 So the state gives us very little guidance.
19 And at some point, I don't think this is an engineer or
20 code official, this is what would a reasonable person
21 conclude.

22 And with that, I would like to lead that into

1 Ms. Alexander. She is the building code enforcement
2 manager. She oversees the building code enforcement
3 group.

4 Whereupon

5 KRISTIN ALEXANDER

6 a witness, called for examination by Mr. Mays, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MAYS:

10 Q So, Ms. Alexander, if you would turn to
11 Attachment 9, which is located at page 26 through 28.

12 Did you prepare this document for this
13 package?

14 A I did.

15 Q Could you please walk the Board through what
16 it represents and why you feel it's important to this
17 case?

18 A Sure. The chronological on page 26 was just
19 to show you the dates that we knew that they had provided
20 service within the Church, within the blue building. And
21 then it's to show you when they stopped and where they
22 went. So these are the dates that we are familiar with

1 that happened within that blue building.

2 And all of this is taken from their Facebook
3 page, their website and their YouTube channel. These are
4 screen shots that were captured from that information they
5 provided.

6 And 27 through 28 are all the events that they
7 themselves advertised as occurring. The date, the event
8 name, the location that they have said on their websites
9 and then just I took a screen shot for a visual to show
10 you what they had produced through that. Some are
11 YouTube, some are during their services and some are just
12 narratives from their Facebook page or their website.

13 Q Thank you. Ms. Alexander, if you would now go
14 to Attachment 11, which is page 42 and 43.

15 This was a subject of discussion earlier, but
16 since you've prepared this page I would like you to walk
17 through where you obtained it, if you copied and pasted
18 stuff together, just to make sure the Board has a clear
19 understanding of what you were representing and what you
20 saw.

21 A Yes. So, I did prepare this page. The first
22 one was taken from their website, or their Facebook page,

1 and I apologize, which is that top section on page 42 with
2 the narrative and everything, whole picture. The rest of
3 them were taken from either their website or the Facebook
4 page because it was on both.

5 I took all the pictures. There were none left
6 out on this instance when I took these from them. They're
7 all the pictures that they had scrolling through.

8 And then the other one, as Pastor alluded to,
9 the other one on the bottom is taken from a video that
10 they did on YouTube where someone was driving by.

11 Q All right, Ms. Alexander, now for the biggest
12 attachment, Attachment 10, which is from page 29 to 41.
13 This represents the County's building safety inspection.

14 If you could discuss the team that did the
15 inspection, the process you followed and then walk us
16 through each page. And obviously don't go picture by
17 picture or we'll be here forever. But if you can testify
18 as to what this represents and the implications relative
19 to building safety.

20 A Yes. So, these pictures, this whole packet
21 here, is put together from our safety inspection
22 conducted. My team is here. Senior Inspector Chett

1 Reynolds, Fire Marshal Burkart, Stephen Steiner is my
2 supervisor and then Jeremy Boudreau. All of them were
3 with us and present for the inspection.

4 We split into two teams and some of us went
5 into the blue building and some of us went to other
6 locations. We were forbidden from going into the single
7 family dwelling, which we honored, and the residential
8 accessory structure next to it, which we honored as well.

9 So the first part is just the blue building.
10 Some of the narrative at the bottom I will have to defer
11 to my colleague who wrote it. He's an electrician, and he
12 made some of the notes under here.

13 So the first one is the blue building. We
14 walked around the exterior of it and we identified what
15 had been installed, from the exterior. We also went into
16 the interior and mapped out the interior where the
17 restrooms were, where the mezzanine is and just what
18 everything was and where it was located.

19 Do you have any specific questions on any of
20 those before I continue?

21 Q No, go ahead.

22 A So then we went up into the mezzanine of the

1 blue building, which is this one staircase on page 32.
2 That is the only access to the mezzanine. And then
3 everything you see on that page is what was in the
4 mezzanine where it says, "Alive Kids Ministry," the puppet
5 show little thing.

6 And then behind that was a little room. It
7 looked like an audiovisual room.

8 In the bottom pictures it shows you the
9 electrical panels that were there and there's a little
10 window and you can look through that window and down onto
11 the big room, I guess I should say, and on page 33,
12 through that window, this is the view with the chair set
13 up just so you can see into the building.

14 Q Just make sure you refer to each page.

15 A Thirty-three.

16 Q Okay.

17 A That's where this is. The little window has a
18 little red arrow to it and then this is the view that you
19 can see from the window on page 33.

20 It shows you the HVAC units that were
21 installed. There's gas piping. Now, we can't see it
22 because the building was already completed. So we can't

1 see if it was installed properly. We can't see if the gas
2 piping was properly done or safe.

3 The venting, I mean, we can't see any of that.
4 The electrical behind the walls, it was already done.

5 So then we came downstairs and went into the
6 big room, and that's on page 34. You can see what it
7 looked like when we walked into from the entry level into
8 the big room.

9 And then on page 35 are the two little rooms
10 on each side of the stage.

11 And then 36 is just the very ending of that
12 portion. At the bottom of 36 is when we went outside to
13 look at the mod unit.

14 Q So, if you'll pause there.

15 A Sure.

16 Q I do want to double back to a couple of
17 things. So, when you go back to page 32, you've indicated
18 this was the stairs that went up to the mezzanine. Can
19 you please identify what the sign says in that room and
20 some of the different furnishings?

21 A Page 32?

22 Q Yeah, 32.

1 A All right. Yes. So that was the stairs that
2 go up to the mezzanine and what we saw was a small table
3 with little chairs around it. We saw the "Alive
4 Ministries" up on the wall, painted on the wall. There's
5 a little puppet show arena right next to the right of that
6 sign or painting on the wall.

7 As you can see in here there's Christmas
8 trees, there's an air hockey table, a bunch of chairs
9 stacked against the wall.

10 Q And again, this room at the bottom, is that
11 like an audiovisual room or could you tell what it was?

12 A It looked like, I mean, I don't know what it
13 was labeled, but there were computer equipment and a bunch
14 of equipment, audiovisual-type equipment in that room that
15 are on page 33 at the top. It can show you the big
16 monitor screen. It can show you the stuff that's there.

17 And then of course the closet with the furnace
18 in it.

19 Q And can you go to page 34, please?

20 Approximately how many chairs were located at the
21 time in the facility in the open area?

22 A I counted them. I don't have that written

1 down.

2 Q I believe it was 88.

3 A It was in the eighties.

4 Q Okay. Also, I'd like you to go back to page

5 31. You labeled this yellow room a nursery room?

6 A Yes.

7 Q How did you conclude this was a nursery room?

8 A On the panel in the upstairs level it says
9 nursery. And then based on what you can see in here with
10 the small toilets and the chairs and the paintings and
11 murals, it looked and appeared to be a nursery. But
12 mainly it was because the panel itself was labeled as a
13 nursery.

14 MR. HAMPSHIRE: I'm sorry, what page are we
15 on?

16 MR. MAYS: Thirty-one.

17 THE WITNESS: Thirty-one.

18 BY MR. MAYS:

19 Q Throughout our correspondence and
20 communication with the church, did they ever provide
21 evidence that they were licensed as a childcare facility?

22 A No.

1 MR. MAYS: And under licensing, I'll just make
2 this a statement for the Board, so if you are a church and
3 you are taking care of children in association with a
4 church service, you are exempt from licensing.

5 If you are taking care of children for any
6 other reason that's not affiliated with a religious
7 service, then daycare licensing is required.

8 And the fact there is no licensing and the
9 fact they're saying they're just having meetings and
10 they're not having a religious use, again, that's not an
11 issue before you. That's a complaint I would submit to
12 the State Licensing Board maybe sometime in the future,
13 but certainly not today. I just want to bring that to
14 your attention.

15 BY MR. MAYS:

16 Q All right. If you can go ahead and proceed
17 back at page 36 and discuss the other buildings.

18 A So, I will have to defer to two of my
19 colleagues who did the inspection for one of the modular
20 units and the accessory structure residential use with the
21 porch on the front on page 36. Chett and Stephen did
22 those inspections.

1 Whereupon,

2 CHETT REYNOLDS

3 a witness, called for examination by Mr. Mays, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MAYS:

7 Q So, when you stand up, identify yourself
8 clearly so the court reporter can get your information and
9 then just go ahead and walk us through. Sorry we don't
10 have a chair for you at the table, so you'll need to stand
11 and speak loudly, please.

12 A Chett Reynolds. So we're starting at building
13 two. That's the accessory structure for the dwelling. If
14 you look at the second picture, that's the porch on the
15 backside of the structure.

16 And then if you see the zoomed in picture,
17 that's the subpanel with an extension cord there. Some
18 more pictures of the back porch.

19 On page 37, this is the modular we were
20 talking about earlier, building four.

21 Q And when you're looking at building four,
22 there's a picture at the bottom right-hand corner. Were

1 you able to identify what that is?

2 A It appeared to be a sub crock (Ph.), or a
3 sewer ejector pump rather. And if you go to page 39, the
4 electrical panel, you'll see that there's a septic pump
5 breaker.

6 And going back to page 38, this is inside the
7 modular. If you look at the far picture to the right,
8 that's entering what appears to be an office. A lot of
9 religious material in there, books and whatnot. I think
10 there were Bibles and just a lot of religious
11 paraphernalia.

12 That's the back exit door going onto the rear
13 deck. And then the bottom row is just the room on the far
14 side of the trailer with the electrical panel.

15 Going to page 39, building five, --

16 MS. ALEXANDER: So building five, I did fail.
17 Would it be okay with you if I have Brian Burkart, he was
18 in the blue building with us doing his fire-related
19 inspection separate from us, to walk you through what he
20 found?

21 (Direct examination resumed of Ms. Alexander.)

22 BY MR. MAYS:

1 Q At this point let's go ahead and finish
2 through the buildings and then I can double back.

3 A Okay. So on the modular building five, this
4 one we went into. It was locked. It was storage only.
5 As you can see in the pictures on 39 on the bottom, it was
6 storage only. There wasn't really anything in there.

7 We saw the subpanel. There's no stickers on
8 there other than what you see. And then there was some
9 electric in there, the lights, exterior.

10 And the shed building six, as we said, it's on
11 the bottom of page 40. That shed was -- we all saw it
12 when we were out there doing the walk around but Stephen
13 and Chett did that one as well. So they would have to
14 speak about it. I'll defer to them about that.

15 Q Well, if we're talking about the lower shed
16 I'm not concerned about that.

17 A Okay. Then we went to the exterior, supposed
18 to be a temp pole. I'm going to defer to my coworker
19 Jeremy who did the complete inspection of this electrical
20 panel out here and his expertise. He made these notes.

21

22 Whereupon,

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JEREMY BOUDREAU

a witness, called for examination by Mr. Mays and testified as follows:

DIRECT EXAMINATION

BY MR. MAYS:

Q Mr. Boudreau, if you can stand up and identify yourself, please.

A Jeremy Boudreau. So we did the inspection there on the meter area. So, upon it you can see that there's only one ground rod we were able to find. The Code may allow one ground rod, but it does allow two. So this is really going to the safety of this.

Coming into the trough here, it's not bonded correctly, it's not grounded correctly or anything like that. That's the picture there at the bottom left on page 41.

The conductor sizes are not -- I could not verify them. They do have two sets of 4 AWG coming down. Two sets of 4 AWG is only good for 360 AMPS. Go inside breakers. They're breakered at 400. May or may not be a problem. I don't know the actual load on the entire structure for the blue building or if this is feeding any

1 other building on the property.

2 And off of this, this screw coming in there.

3 It's a self tapping screw. So, this is not grounded

4 correctly. That could present a potential hazard for

5 anybody coming near here or touching it or anything like

6 that.

7 Q Thank you.

8 MR. MAYS: I would like to now call Inspector

9 Burkart.

10 Whereupon,

11 BRIAN BURKART

12 a witness, called for examination by Mr. Mays and

13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MAYS:

16 Q Can you share your observations during the

17 inspection?

18 A Good afternoon. My name is Brian Burkart.

19 The only thing I can tell you more about building five was

20 the egress was not easily accessible due to the storage.

21 The back exit door, you couldn't -- it was marked exit

22 over that particular door.

1 That's pretty much all I have to add.

2 Q All right. Thank you.

3 MR. MAYS: One other picture I want to draw to
4 the Board's attention is back in building number five, and
5 specifically, I apologize.

6 MS. ALEXANDER: Which one are you looking for?

7 MR. MAYS: I'm looking for the one that shows
8 the garden equipment.

9 We have two pictures, one that's from the
10 hallway and then one that's from the open area. So if
11 you'll go to page 34. There is a golf cart, a trash can,
12 some shovels hanging on the wall. The remaining of the
13 area is an open meeting hall.

14 If you'll then go back into the hallway
15 itself, you'll see there's a riding lawn mower with a tarp
16 spread out, and that's on page 30.

17 So, when the team came back with this
18 information, I'm fully willing to accept you can have a
19 mixed use building. I'm fully willing to accept 95
20 percent of the time it's used in agriculture use. What I
21 couldn't accept is the fact before me.

22 We have an assembly building that has been

1 used for church. We have an assembly building that was
2 intended to be used as a church based on the Church's own
3 information posted on web and Facebook. And we walk into
4 it and we find a nursery. That really set me back in
5 terms of my safety concerns.

6 We have 88 chairs set up, ready for a meeting.
7 Then we have some garden equipment, or as Reverend Perdue
8 referred to it as his farm equipment, taking up about 300
9 square feet.

10 It clearly gave the appearance that it was
11 thrown in right before the safety inspection and suddenly
12 we're going to take 300 square feet and claim that a 4,800
13 square foot building is now an agricultural farm building
14 that's exempt from the building code.

15 Based on the reasonableness test as a code
16 official, I just couldn't get there.

17 Additionally, the electric service was
18 installed unpermitted. The gas service was installed
19 unpermitted. The building was built unpermitted. The
20 mezzanine, I'm pretty confident the mezzanine requires two
21 means of egress, not one.

22 Now here's the good news/bad news. If you

1 determine all these buildings are exempt farm buildings,
2 then the building official has no authority, and the fact
3 that they're unsafe or not, I have no legal authority or
4 responsibility.

5 So, if you do find they're farm buildings
6 based on the testimony given, my office is absolved from
7 anybody get hurt, injured or dying.

8 Based on the information we've presented, I
9 think I have full responsibility to do the right thing for
10 the public.

11 And I so sympathize with the Church. I know
12 they want a church home. I know they don't have the
13 money. I know they're trying to figure out every which
14 way they can, but they've gone too far.

15 I am often set back by Reverend Perdue's
16 willingness to advocate, "Well if a winery is exempt from
17 the code so should a church." So he's advocating his
18 congregation and any public to visit should be as unsafe
19 as anywhere else that has a farming operation. I'm just
20 astounded that he's willing to put his congregation in
21 that setting.

22 So, that concludes my testimony and I guess

1 it's to cross examination.

2 MR. HELTZEL: Okay. Well, with that, Reverend
3 Purdue or Mr. Hampshire, would you like to ask some
4 questions of Mr. Mays or the witnesses?

5 MR. HAMPSHIRE: Sure. Thank you very much. I
6 don't have many.

7 CROSS EXAMINATION

8 BY MR. HAMPSHIRE:

9 Q I guess, first off, Ms. Lindner, since we
10 started with you and I'm referring to the form, Ms.
11 Lindner, that's dated November 13, 2019. That's the one
12 we were discussing earlier. Also we were also discussing
13 pages 17, I believe, through 25, I believe. Maybe 23 I
14 think.

15 So, the date of this form first of all is
16 November 18, 2019, correct?

17 A Yes.

18 Q The date on the form on page 17 is January 16,
19 2020, correct?

20 A Yes.

21 Q And the date of the email on page 19 is
22 November 23, 2020, correct?

1 A Yes, sir.

2 Q And the date of the email on page 21 is
3 November 20, 2020, correct?

4 A Yes.

5 Q And the date on the email on page 22 is
6 December 10, 2019, correct?

7 A I'm sorry, what was your last question?

8 Q The date of the email on page 22 is December
9 10, 2019, correct?

10 A Yes.

11 Q And the date of the email on page 23 is April
12 20, 2023, correct?

13 A Yes.

14 Q And for Ms. Alexander, and I'm referring to
15 your testimony about our visit on June 5 and I was there,
16 you were there, everybody was there.

17 On that date, it's true is it not, that there
18 was no assembly on the property at that time aside from
19 your team and our team, correct?

20 A Yes.

21 Q And is it fair to say that all the photos that
22 you referred to, it's a fair summary of those that those

1 don't show any assembly, do they? They don't show any
2 assembly, persons other than your team and my team on that
3 date?

4 A They don't show an assembly.

5 Q They're not showing any religious or other
6 assembly on any of those photos?

7 A They are showing no persons.

8 Q There's no assembly of persons other than your
9 team and my team, correct?

10 A Correct.

11 MR. HAMPSHIRE: Those are all the questions I
12 have.

13 MR. HELTZEL: Okay. This leaves us to
14 questions of the Board. So, I do have a handful but I'll
15 save mine until the end because I think some of you will
16 probably ask the same ones.

17 You want to work our way down the line?
18 Steve?

19 MR. DAVES: I don't have any questions.

20 MR. SAWYERS: Just a question regarding
21 Attachment 11. These photos were captured from the
22 Facebook page and/or website and I wanted to ask Mr.

1 Hampshire or Reverend Perdue to tell me what that caption
2 is referring to.

3 Is it referring to what we see in the photos
4 there, the concrete slab and the wood framing going up for
5 what looks like it turned out to be the blue building?

6 REVEREND PERDUE: I think it's fair to say
7 that the person who posted this was advertising that our
8 farm structure was finalizing, and that we felt within the
9 law we were going to be able to use it.

10 MR. SAWYERS: Okay. Thank you.

11 REVEREND PERDUE: And, if I can, just to point
12 out, the County admitted in Federal Court that it can have
13 religious services as a part of religious activities.
14 It's on the record. And it's in briefing before the
15 Federal Court the County stated, quote, this is from the
16 county attorney, "The County has not attempted to sensor
17 religious or spiritual content from any activities that
18 constitute agritourism."

19 So we were doing so based on the County's own
20 admission of our ability to use the facility for
21 gatherings, whether Mr. Mays wants to call them religious
22 use. That's what we take exception with. Those two words

1 together.

2 We have completely complied and the person
3 writing that post wrote that with that understanding of
4 what we received and what the County themselves has stated
5 in Federal Court and it's on record.

6 MR. MAYS: Mr. Chairman, if I may be
7 permitted, since that was kind of new testimony.

8 MR. HELTZEL: Sure. Go ahead and respond to
9 that.

10 MR. MAYS: At first the County Attorney said
11 that because that's what the zoning ordinance says. And
12 the zoning administrator has told you that you can apply
13 for a temporary activity permit to hold those uses six
14 times a year, and I forget what the limit is on each of
15 the six times. I think it's something like 21 days or 20
16 days.

17 So, yes, you just stated the facts and nothing
18 is in disagreement. The fact is, you didn't get a special
19 use permit to hold those 14 religious services. So again,
20 you violated the zoning ordinance, which isn't an issue
21 before this board, but it still placed your credibility.

22 MR. DAVES: I have a followup. Are uses under

1 the Zoning Code considered in the same vein as uses under
2 the Building Code?

3 MR. MAYS: So, legally they are two totally
4 separate uses. However, the General Assembly and the
5 Attorney General's Office has mixed the mud, because
6 within the Building Code there is no definition of farm,
7 there is a definition for farm building and structures and
8 farm use is a parcel property use issue.

9 So as a building official, I'm going to say I
10 don't have the expertise to tell you it's a farm or not.
11 I've already stipulated I believe a portion of it is a
12 farm based on evidence and testimony. That's not in
13 dispute.

14 But now we get into the building, that's where
15 you're tied to the primary use. Based on what we saw,
16 each of those four buildings are regulated by the Building
17 Code and each has its own use.

18 The blue building is an A-3 use. The two
19 industrialized buildings are, one's a B, one's probably an
20 S-1 use. And the other unit that we didn't get into,
21 while it's a residential accessory shed under its zoning
22 approval, if the Church is using it for church purposes or

1 agricultural purposes, it probably needs a new zoning
2 approval and it needs a building permit.

3 So, the direct answer is, zoning uses and
4 building code uses do not always crosswalk well between
5 each other, and this is where the mud was created because
6 the General Assembly has pulled them together at the state
7 level.

8 MR. HAMPSHIRE: Mr. Chairman, if I might be
9 permitted, as Mr. Mays was allowed to pontificate or
10 educate on the law. We are here today on a building code
11 issue. We're not here on a zoning issue. We're here on
12 whether or not these buildings fall under Virginia Uniform
13 Statewide Building Code or not. Period. The end.

14 The Zoning Ordinance is useful background only
15 to say that Reverend Perdue, Alive Church, did make the
16 effort to secure zoning verifications as you see in your
17 package. That this property is agricultural and it can be
18 used for bonafide agricultural purposes.

19 MR. HELTZEL: I think that's pretty clear.

20 Mike, anything else?

21 MR. SAWYERS: No, sir.

22 MR. HAMPSHIRE: Roy?

1 MR. PAVONE: Yeah, one thing. On page six,
2 the special use permit that was approved with purchase of
3 the property, that's the one you referenced for a new
4 church?

5 REVEREND PERDUE: Correct.

6 MR. PAVONE: So it's the site plan you have,
7 and it's not the blue building, it's a new church you plan
8 on building?

9 REVEREND PERDUE: That is correct.

10 MR. PAVONE: And the violations, and this is
11 for Mr. Mays, are just on the structure? They have
12 nothing to do with the property?

13 MR. MAYS: That's correct.

14 MR. PAVONE: That's all I have, John.

15 MR. HELTZEL: Okay.

16 REVEREND PERDUE: And just to be clear, Roy,
17 it's just a portion of the SUP allows us to develop up to
18 40,000 square feet. We've only gotten permission to build
19 the initial, forgive me, I think it's 10,000 square feet.

20 So the SUP is a much more all encompassing
21 document including that we may have temporary modular
22 units on site.

1 MR. MAYS: Mr. Chair, if I can comment?

2 MR. HELTZEL: Yes.

3 MR. MAYS: Yes, they have permission under
4 zoning to have those two industrialized buildings, they
5 don't have permission that they're exempt from the code.
6 They still require permits.

7 MR. HELTZEL: Sure.

8 MR. MAYS: It is an issue before you.

9 MR. HELTZEL: Thank you. Let's see. Let me
10 look through my notes. Bear with me one second.

11 The documentation refers frequently to SUP
12 conditions once they're all satisfied. We haven't seen
13 the special use permit application, special use permit
14 plat, anything like that, though presumably that's
15 something that looks completely different than what we've
16 been looking at. Is that correct?

17 MR. MAYS: Correct.

18 MR. HELTZEL: It's a different building
19 design. It's a different orientation. It's got parking
20 and it's got --

21 REVEREND PERDUE: A different location.

22 MR. HELTZEL: Everything?

1 REVEREND PERDUE: Yes.

2 MR. HELTZEL: Okay. So this isn't, what's
3 currently physically there, really isn't part of the
4 master plan that's included in the SUP?

5 REVEREND PERDUE: Correct.

6 MR. MAYS: The current SUP.

7 MR. HELTZEL: I'm sorry?

8 MR. MAYS: The current SUP.

9 MR. HELTZEL: It's been approved, right?

10 REVEREND PERDUE: Yes.

11 MR. HELTZEL: With building plans reviewed and
12 approved or just the zoning SUP?

13 REVEREND PERDUE: Our SUP's approved. We are
14 in compliance with that. We just received last year, at
15 the end of last year, the next building -- they approved
16 our building. You have so many years to get to approval
17 of your plan, a site plan approval. We do have that. And
18 that five-year clock has begun ticking.

19 MR. HELTZEL: Sure. And that's in the works?
20 The site plan, development of the site plan?

21 REVEREND PERDUE: We have to raise the money.
22 There's nothing in the works until you have the money.

1 MR. HELTZEL: Okay. So, understanding where
2 Mr. Mays is coming from, your appealing, well, you
3 consider it a violation, what is holding you back from
4 saying, you know what, let's go ahead and just get a
5 building permit for whether these are perceived uses or
6 actual uses? Why not go ahead and get a building permit?

7 REVEREND PERDUE: Yes. To be very clear, I
8 want to remind the committee we're here because Prince
9 William County put us on this path. We did not get in a
10 room and try to look for loopholes. Lisa Fink put us on
11 this path.

12 In addition to that, I spoke to Eric Mays who
13 sent to us the Building Code exemptions that we have
14 already exempted. It's not in question.

15 The County has stated we can have mixed use on
16 the property and we have done that and we have done it
17 with absolute integrity. And we will continue to ask for
18 the exemptions that a non profit can have and to operate a
19 farm and to operate a church.

20 The confusion isn't ours. Mr. Mays has
21 already said it himself. He has stated to me his
22 discontent with the Virginia State Legislature in that he

1 wants them to deal with it more. Likely, as more of these
2 things come up they will. But they haven't.

3 And someone's opinion, or concern, I
4 appreciate his concern for safety. I love my church.
5 That's my family. But his consternation doesn't go to
6 Effingham Winery. There's no wine being drank in this
7 picture. There's no agritourism overtly being done.
8 There's about 80 chairs here with people sitting with
9 someone up front with a screen.

10 In addition, the same location. I could do
11 this all day long at venue after venue. There's tv
12 screens up front. There's audio equipment.

13 MR. HELTZEL: I'm sorry to interrupt. What
14 are these pictures of?

15 REVEREND PERDUE: These are pictures of
16 Effingham Winery of people gathered. If we're worried
17 about large rooms with lots of chairs in them, this is an
18 agricultural building with no building permit.

19 MR. MAYS: Mr. Chair, can I object. This
20 isn't relevant.

21 REVEREND PERDUE: It's relevant because he
22 said that he was concerned that we were putting our people

1 in danger by putting them in an agritourism structure
2 without a building permit.

3 When I asked him for in 2021, is my
4 recollection of our conversation, and one, that there's no
5 consternation over these types of events happening in like
6 structures all over Prince William County without building
7 permits and today are not posted including two churches.

8 MR. MAYS: With all due respect, I speak for
9 me. Personally I'm offended right now, and
10 professionally.

11 MR. HELTZEL: I understand where you're going
12 with this. Mr. Mays, I understand your reaction. I think
13 this group is smart enough and educated and experienced
14 enough to know what's going on here.

15 REVEREND PERDUE: So if I can just, Mr.
16 Chairman, Mr. Mays spoke to our credibility, number one.
17 He has also spoken to his concern that we would put our
18 congregation in danger. Those were almost his exact words
19 as the record will show.

20 So he did indeed speak ill of us and our
21 intent and I don't appreciate that. I didn't call him out
22 for it. I let him say his peace. But I'm equally stating

1 Mr. Mays' consternation does not equally apply to all non
2 permitted farm structures. It's apparent in other
3 Facebook pages that the staff could research and study.

4 MR. MAYS: Mr. Chairman, even though it has
5 nothing to do with this, may I make a comment now for the
6 public record?

7 MR. HELTZEL: Briefly because I think we get
8 this. I think it's about time to move on.

9 MR. MAYS: As a building official of 27 years
10 in the Commonwealth of Virginia and as a participant and
11 member of the Virginia Building Code Association, I have
12 actively engaged the General Assembly that these
13 structures should be regulated because it simply is the
14 greatest risk of public safety there is.

15 The fact the General Assembly has made a
16 different decision is their decision. And as a Government
17 official, I'm required to follow the laws they make
18 whether I agree with them or not.

19 So I take extreme exception to Pastor Perdue's
20 characterization. Thank you.

21 MR. HELTZEL: I understand and again, we have
22 a Board of four members who are in this industry and we

1 all have an obligation, an ethical obligation, to safety
2 and welfare. So we are certainly tuned in to your
3 concerns.

4 Whether it's being applied across the board to
5 every possible violation out there or you're being singled
6 out, we still share the same responsibility.

7 Let's see, question for Mr. Mays. When a
8 building is exempt, does that mean it's exempt from
9 requiring a building permit or does it mean it's exempt
10 from any code?

11 So does it mean you don't need to get a
12 building permit but you still need to build it in
13 accordance with the code, or does it mean anything goes?

14 MR. MAYS: So, the Uniform Statewide Building
15 Code actually has two different sections to address that
16 entire question.

17 So, the very first section, which is up in the
18 front of chapter one identifies all those buildings and
19 structures that are exempt from the code. And exempt
20 means totally exempt. I have no legal authority to be
21 able to accept a permit for an exempt building. I have no
22 authority to go in and inspect it even if they ask me to.

1 So, in this case, farm structures and
2 buildings are fully exempt. That means they can be built
3 to any standard that the owner wants it to be. They could
4 build it two times more than what the Code requires or
5 they could build it so it could fall over tomorrow, and as
6 a building official I would have no say.

7 There is a second layer in the Building Code
8 which doesn't apply here and that is an exception to a
9 permit. A simple example of that is actually building
10 number six. It's a storage shed under 256 square feet.
11 It does have to comply with the building code. It does
12 not require a permit.

13 Based on our exterior safety section of
14 building six, there was no apparent code violations.
15 That's why it's not subject to my final determination.

16 MR. HELTZEL: Okay. So when it's exempt it's
17 exempt.

18 MR. MAYS: There's no standard that they're
19 required to follow. Which goes back to my earlier
20 statement, if you do uphold for the Appellant and overturn
21 my final determination, those conditions remain and I have
22 no authority or legal responsibility.

1 MR. HELTZEL: Okay. Very good. Thank you.

2 For Pastor. Hypothetically, if we were to
3 overturn Mr. Mays' violation, is that the correct term?

4 MR. MAYS: Final determination.

5 MR. HELTZEL: Final determination, --

6 MR. MAYS: Because that's all that's been
7 appealed.

8 MR. HELTZEL: -- would you do something
9 differently than what you've already been doing? Does
10 that somehow change things?

11 Are you going to increase, are you going to
12 decrease activities, the way things are being done, or are
13 you going to continue with what you're describing as non
14 religious, mostly outdoor activities that are generally
15 more farm related or associated, or just family events,
16 things like that, that have only occurred less than 14
17 times, or 14 times a year?

18 Would you foresee doing that same thing until
19 you build your new building, 14 times a year?

20 REVEREND PERDUE: I want to be clear. We've
21 never said that we're doing non religious stuff in every
22 event in all we do. We're a church. That's who we are.

1 I mean, we're all smart people in the room today.

2 What we have taken issue with is this term
3 religious use. That's what we take issue with because
4 that's not what we've done. We've not applied for that.
5 We've not asked for that.

6 MR. HELTZEL: Right.

7 REVEREND PERDUE: So just to be very clear, we
8 also did not, well, I think I said it earlier. I won't
9 say it again.

10 So, our intent is what we have already shown
11 by our character, we want to be in compliance. Along with
12 this fight taking this unfortunate time away from everyone
13 to do this, we are tracking with the planning office.
14 We've already been assigned a planner. Mr. Gifford
15 Hampshire is representing us. We are looking to do a
16 special amendment, a special use amendment, which will
17 allow this building.

18 So, the short answer is, our desire is to be
19 in compliance. We don't want any office upset with us.
20 We don't want to harm anyone or put our constituents in
21 harm's way as has been stated here.

22 We want to be in compliance. We want to

1 continue to love our community. We want to continue to be
2 the church of Jesus, that's who we are, and we want to do
3 it in a compliant way and a way that is being done all
4 across the county.

5 Specifically, I have not contemplated. I
6 can't tell you exactly what that would look like, but we
7 want to be in compliance. We want to continue to have
8 favor. We do have favor in our county, but we want that
9 favor even with the staff and the folks here in this
10 building too.

11 MR. HELTZEL: Okay. So, if I may bloviate for
12 a moment. We talk about, and I suspect it's going to come
13 down to this, is we're counting days. I think the
14 religion part of it, it gets plugged into because of the
15 zoning and potentially tax issues to help define terms
16 here, but let's skip that for a second.

17 Just activities that are exceptions to farm,
18 direct farm functions, 14, 18, there's this low number
19 that I believe you're saying we're only doing that many
20 activities, non farm-related activities that you're
21 actually having.

22 REVEREND PERDUE: We did go through the ABC

1 process. And so one thing that is pertinent to your
2 question is, for instance, when you get an ABC license,
3 Virginia ABC does not require you to make a gallon of
4 anything. They just want you to report that you did
5 something.

6 It's the same thing here. When it comes to
7 farm compliance with the arts and agricultural overlay
8 district, which is a new document we were subjected to
9 after our determination letter, our determination letters
10 and what we have for agritourism, there is no codified,
11 other than the percentages we've stated, the 95 percent,
12 you know, all of those things.

13 There is no codified amount of time that a
14 person needs to do an agricultural thing when they're
15 having an event.

16 So, for instance, you can go to a brewery and
17 watch a concert. You can go to a brewery at Cedar Point
18 and watch a drag show. You can go to a brewery and listen
19 to a politician bloviate. And as long as they're, you
20 know, in our minds, if there's wine available, if there's
21 some percentage of it, it's an agricultural activity.

22 But here in Prince William County nor in the

1 state is there codified percentage.

2 Let's just say I'm having a two-hour event.

3 If we promote our farm activities, if we recruit people to

4 be a part of those farm activities, if we tell people

5 we're having farm activities, in our view that event

6 qualifies as an event where we have promoted the

7 agricultural use of our property while doing worship or

8 prayer, just like other people do trivia or whatever.

9 MR. HAMPSHIRE: Well, I think if I understand

10 what you're saying in answer to the Chairman's question,

11 is that you do not regard the assembly uses as not part of

12 farming.

13 REVEREND PERDUE: Correct.

14 MR. HAMPSHIRE: You regard it as part of

15 farming, correct?

16 REVEREND PERDUE: Because if they watch the

17 entire YouTube video of all the services in question that

18 they've watched, there was always an announcement. We

19 welcomed people to our farm structure. That was my

20 directive.

21 We always promoted to come plant, to purchase

22 trees, to be a part of that. The sunflowers, the

1 pumpkins. We have people that want to plant tomatoes. We
2 have people that want to do all kinds of things. Of
3 course all of that has stopped.

4 So we made sure every event we had, we had
5 some portion, so since the YouTube videos have been
6 referenced by staff, go watch them. You'll see for
7 yourself, we always referenced those and we prayed to the
8 very one who creates all of those things to grow.

9 MR. HELTZEL: So those 14 or 18 or whatever
10 events, they are specifically associated with farming?

11 REVEREND PERDUE: We always tried in every
12 event to make sure there was a component to comply with.

13 MR. HELTZEL: Okay.

14 MR. MAYS: Mr. Chairman, 120 minutes and a
15 five-minute mention of agricultural is just an attempt to
16 create a mis -- I'm going to stop. I'm sorry.

17 MR. HELTZEL: So, actually what I was really
18 getting at though is okay, 14 days, 18 days, I don't know
19 if you're promoting Christmas trees or having a drag show,
20 --

21 REVEREND PERDUE: We'll never have a drag
22 show. I promise you that.

1 MR. HELTZEL: It might be good for
2 fundraising. But the other days of the year, what's
3 happening on those others, not the 18 or 14 days, what's
4 happening actively all those other days of the year?

5 REVEREND PERDUE: 24/7 plants and trees and
6 pumpkins are growing. We've not contemplated anything
7 beyond this meeting.

8 MR. HELTZEL: Sure. When the winds blowing
9 and the sun's shining --

10 REVEREND PERDUE: We were able to be on the
11 property for a few months, you know, using it as we felt
12 was appropriate. We have not contemplated all we can or
13 would be able to do in the context of that.

14 MR. HELTZEL: What I'm trying to really
15 establish is if we're describing six days, 14, 18 days,
16 it's an accessory, it's an exception to a much higher use,
17 but is that other higher use actually happening? Not
18 trees growing, but is it an active farm? Fourteen days
19 compared to 365, what's happening on those other days?

20 REVEREND PERDUE: We have staff caring for the
21 trees. We have staff, well, we did.

22 MR. HELTZEL: It's manned every day year

1 round?

2 REVEREND PERDUE: He's on site at least four
3 days a week. Absolutely.

4 MR. HELTZEL: Okay.

5 REVEREND PERDUE: Paid staff.

6 MR. HELTZEL: Okay.

7 REVEREND PERDUE: And volunteers. A whole
8 army of volunteers who have spent hours on that site
9 planting and helping and making plants.

10 MR. MAYS: Mr. Chairman, if I can reorient.
11 The majority of the focus is on the use of the land and
12 the religious use. If we can bring it back to the
13 Building Code and the buildings. I mean, an A-3 use is an
14 assembly use building, industrial building is a B use.

15 MR. HELTZEL: But the issue is it may be
16 exempt but those number of days a year anything goes,
17 right?

18 So what we're trying to do is establish how
19 many days does it actually happen, right, because if it is
20 only five days a year, it doesn't matter what we're doing
21 in those buildings.

22 MR. MAYS: If you go back to page 27 and 28 I

1 actually think the total is 14 church services and six
2 other activities that are non church related. So I think
3 the total is 20.

4 MR. HELTZEL: Okay. So on the application for
5 an appeal, the appeal specifically states that you, let's
6 see, you appealed the determination that the large blue
7 building is not a farm building, building two, four, five
8 are not farm buildings.

9 Mr. Mays, your determination isn't simply that
10 they're not farm buildings, I think, if I may, you're
11 acknowledging they are farm buildings to an extent, but
12 there's a bunch of other things that they are as well.
13 They're A-3, maybe B.

14 MR. MAYS: The blue building, that is an A-3
15 building. They put some maintenance equipment in it for
16 the farm, they call it farm equipment, it's still not a
17 primary use. The primary use of that building is A-3.

18 MR. HELTZEL: Okay.

19 MR. MAYS: And industrialized building, which
20 I believe houses Reverend Perdue's office, I pretty much
21 think that he's a full time minister. He might do a
22 little bit on the farming but I'm pretty convinced his

1 office is a B use and not a farm office use or primary
2 use.

3 MR. HELTZEL: Right. I think your
4 determination letter, yeah. I got it.

5 So, that was it on the questions. So, time-
6 wise, I mean, I don't know if we're close at this point.
7 I have two thoughts. We need some time to discuss. This
8 was a tricky one. I'm telling you, this is the hardest
9 most complex one I think we've had. It may take a little
10 more time. So I want to address that. How is the Board
11 doing? How is everybody doing for time?

12 And the second thing is, I feel like this was
13 an incredibly powerful discussion and a lot of information
14 being thrown around. I think we've all gotten more
15 educated and enlightened.

16 Do you want to consider revisiting your appeal
17 based on everything that's come up today and reconsider
18 either withdrawal and recraft it, or withdrawal and
19 regroup and maybe further consideration? Because I think
20 that, I'm concerned that maybe the application doesn't
21 accurately represent exactly what you're trying to say and
22 we're going to be at a point where it's a go or no-go.

1 I know there's a time sensitive thing to it,
2 getting access to the building, trees are dying, but
3 there's a way to contend with that.

4 So that's my other thought, is do you want to
5 stick with this or do you want to withdrawal and recraft
6 at all?

7 MR. MAYS: Mr. Chair, I know you addressed the
8 question to Mr. Hampshire, but I think what you introduced
9 is more complexity to the current ambiguity. Because if
10 they withdraw, I'm going to take the position the 30 days,
11 they met the time requirement for the first 30 days, and
12 if they withdraw we're out of the 30 days.

13 MR. HELTZEL: Could they defer --

14 MR. MAYS: I think you as a Board can defer
15 your decision. We've never had a hearing go that way, not
16 even at the state -- no, we did it once at the state. You
17 could defer your deliberations and your decision to a
18 future meeting. You could do that.

19 I don't think it's appropriate to ask whether
20 they want to withdraw or not because I actually think that
21 creates more confusion. But Mr. Hampshire can speak for
22 his client on what his preference is.

1 MR. HELTZEL: I understand what you mean, and
2 certainly I don't want to over complicate it.

3 MR. HAMPSHIRE: I can tell you, Mr. Chairman,
4 that other bodies do this all the time and that is they
5 take cases under advisement and consider it and come back
6 at a future date or issue a written decision later or
7 whatever they might want to do.

8 I think that Mr. Mays is probably correct that
9 if we would withdraw our appeal then we'd probably forfeit
10 our rights and we don't want to do that.

11 I don't know that you're prohibited from
12 continuing it to another date and allowing supplementation
13 of the application in some way, shape or form. I'd like
14 to know what it is that you're looking for though in terms
15 of supplementation. If the application doesn't answer
16 certain questions, I'd certainly welcome a chance to
17 address those.

18 MR. HELTZEL: I think it's because I'm
19 concerned about the time frame because we need to discuss
20 it more and whether we can reach an agreement or
21 conclusion on it may take some time and are we at a point
22 where we just can't do that and we have to defer this.

1 MR. MAYS: A suggestion. Only a suggestion.
2 Go ahead and take closing arguments, close the hearing and
3 move to deliberations. The first thing you talk about
4 under deliberations is should we defer this to a future
5 meeting.

6 Now, your next normal meeting is September,
7 it's the first Wednesday in September. So the two parts
8 of this, are you deferring this to the September meeting
9 or are you going to defer and schedule a special meeting.

10 MR. HELTZEL: September 6.

11 MR. MAYS: September 6. So I suggest going to
12 closing statements first and then just close the hearing
13 and then you all decide how you want to proceed today.

14 MR. HELTZEL: Is everybody so far so good with
15 that?

16 So why don't we do the closing statements. We
17 may defer, we may not. We may be the four of us are on
18 the same page and 30 seconds we're all out of here.

19 So, Mr. Mays, I'll take your advice and move
20 to closing statements.

21 Mr. Hampshire.

22 MR. HAMPSHIRE: Thank you very much.

1 First of all, on behalf of Alive Church and
2 Reverend Perdue and Executive Pastor Mr. Hamacher, I'd
3 like to thank you for your time and attention.

4 I don't think my closing statement is going to
5 be much different from my opening, which is the way it
6 should be because I believe the evidence came out as I
7 represented to you that I thought it would at the
8 beginning.

9 What we have seen through the evidence is that
10 we have, according to the testimony here, not speculation,
11 not evidence of intent, but the evidence before you today,
12 based upon the June 5 inspection, that the property is
13 primarily used for agricultural farm purposes and was so
14 certified on November of 2022.

15 And aside from the evidence of the 14
16 assemblies that took place between February and May, all
17 the evidence before you is that the property is primarily
18 used for farming activities consistent with the
19 certification in November of 2022. Really not all that
20 long ago, just last fall.

21 There was a brief period of time where events
22 were held on the property, but after all we see from the

1 evidence, and it's undisputed that 14 of those events can
2 occur on the property without it converting the building
3 to another use group, the issue before the Board is not
4 whether there is a mezzanine, not whether there are
5 bathrooms, not whether there is electrical units and that
6 sort of thing because all those are technicalities that
7 presuppose that the Building Code applies.

8 The issue before the Board is whether the
9 Building Code applies. And as Mr. Mays said, it simply
10 does not if the primary use of the property is farming.

11 And in making that determination, I direct the
12 Board back to page 53 and the Attorney General's opinion
13 on page 54. And I will be the first one to grant you that
14 there is a lot of gray area in the law about what is a
15 bonafide agricultural use.

16 But if you look at page 55, the Attorney
17 General who wrote the opinion, set forth some broad
18 categories that really quite neatly simplify the whole
19 question before you.

20 “So long as the building is not used for
21 residential purposes.” There's no evidence of that. In
22 fact, all the evidence is the building, except for the one

1 that's not at issue, has not been used for residential
2 purposes.

3 "Located on property where farming operations
4 take place." All the evidence is that farming operations
5 take place. It might not be the most robust farming
6 operations as compared to a lot of farms, but there's
7 still farming operations.

8 And number three is, "Primarily used in one of
9 the uses provided," those five up there. We've heard
10 evidence about the growing of trees and businesses they
11 use in connection with that. "Then the requirements of the
12 building code do not apply."

13 So I urge the Board to look at that pretty
14 simple and concise statement of the law that is further
15 illustrated on page 53 of the Building Development
16 Policies and Procedures and apply that to the evidence
17 that's come out in this case. And the evidence in this
18 case is that aside from the events that occurred between
19 February and May, all the activity was in furtherance of
20 the farming operation, namely the trees.

21 The evidence that came out from the building
22 code official through the testimony of Ms. Alexander and

1 Ms. Lindner, with respect to Ms. Alexander, the
2 photographs are interesting, but I think they're not
3 relevant because you heard the response on cross-
4 examination that regardless of those photographs, there
5 was no assembly of persons on the property on the date of
6 June 5.

7 Mr. Mays asked you a question, if you have a
8 school and you close it, is it still a school. Well, I
9 suggest to you that it's not, not necessarily, because
10 what you have to deal with is how is that structure being
11 used.

12 It could have all the trappings of a higher
13 use. It could have all the trappings of better air
14 conditioning, better insulation, better plumbing, better
15 electrical, but that doesn't establish it as a different
16 use group.

17 What establishes it as a different use group,
18 an A-3 use group, is the assembly of people as a primary
19 use and we've heard from the evidence that that is not the
20 case.

21 So, I urge you in closing just to review the
22 evidence in light of that legal framework, To understand

1 that farming operations are required, they don't have to
2 be corporate farming operations and they don't have to be
3 big tractors. They don't have to be large fields that are
4 in cultivation, just simply farming operations. And
5 clearly, that's what the evidence has showed and the
6 Attorney General's opinion supports that construction.

7 And with that I think I'll stop. Thank you
8 again for your attention.

9 MR. HELTZEL: Okay. Mr. Mays.

10 MR. MAYS: Some days you just don't know what
11 to say. I think a rose is a rose. A church is a church.
12 A place of worship is a place of worship.

13 If you refer back to the timeline, which was
14 on page 12, here's my view of what's really happening.
15 You have a very passionate church, a deeply committed
16 reverend who wants to do what he was called to do. And I
17 have so much respect for that calling. And they want
18 their own home and I totally get that.

19 Unfortunately, this appears to be the third
20 creative solution for avoiding the site development cost
21 that are a result of the special use permit conditions
22 that they can't afford.

1 So, the first round was, let's make ourselves
2 a cidery. Let's get an ABC license so we can be just like
3 all those other exempt things the General Assembly has
4 agreed to. Reverend Perdue stated that they did pursue
5 that, but then they dropped it for their own reasons.

6 The next round is when the zoning
7 administrator issued the bonafide agricultural use. In
8 that paragraph that I asked Reverend Purdue to read, there
9 were some sentences about well, if you get an ABC license
10 as a winery, cidery, one of those, brewery, you can use
11 that.

12 Well, the church saw fit to sue the County in
13 Federal Court stating, "Hey, we're being treated
14 differently than all these ABC license things. How can
15 that be right?" I think that's a totally legitimate
16 question on his part because I don't know how that could
17 be right either.

18 Now, I advocate that the cideries, breweries
19 and wineries should be regulated. People drinking and
20 dancing, isn't that a nightclub and isn't that where
21 people usually get hurt and die?

22 However, Reverend Purdue falls on the other

1 side and says, "Well, if they can do it and my church
2 can't afford all this development cost, why can't we get
3 that same treatment."

4 It doesn't matter what my opinion is or yours,
5 that is the General Assembly's call. Right, wrong or
6 indifferent, it's their call, not ours.

7 But the fact is, they went the cidery route to
8 avoid the site development cost so they could get an
9 exempt building. They abandoned that.

10 They went to Federal Court to attempt to get
11 the same thing, to say they were equal too, and I believe
12 the Federal District Court indicated the Zoning Ordinance
13 is consistent with the state law. You will need to go to
14 the General Assembly.

15 And then this is the third attempt. Let's
16 plant some apples. Let's plant some pumpkins. Let's
17 plant some sunflowers and let's call it a day. Oh, and
18 I'm sorry, two or three minutes into the service we'll
19 make a vague reference to how this is an agricultural farm
20 church.

21 So, I respect and appreciate what the Church
22 is trying to do. I understand their motivation for doing

1 it. But a rose is a rose and that blue building is an A-3
2 use despite what I believe the assertions are of the
3 Appellant.

4 The industrialized building is a B use, the
5 other industrialized building is a storage use and the
6 other is a residential accessory structure. All four are
7 regulated by the Building Code. They are not primarily
8 used for the farm.

9 I've already accepted there's a farm there,
10 but those buildings are not primarily used for that. And
11 that concludes my closing statement. Thank you.

12 MR. HELTZEL: Okay. Thank you. Let's see, so
13 I think that closes the book on further comments. So, now
14 to deliberation amongst the Board.

15 Mr. Mays, a quick procedural question. I
16 can't think of a heavier subject for one of these
17 meetings, it'll take some discussion. Do those typically
18 happen amongst everybody in here including the court
19 reporter?

20 MR. MAYS: Yeah. Well, let me think. So at
21 the state level when we go to discussion I think they turn
22 off the recorder but the discussion is still in public. I

1 believe.

2 Mr. Hampshire, I don't know if you have any
3 different experiences.

4 MR. HAMPSHIRE: I don't know what they do, but
5 I would have an objection to turning off the recorder.

6 MR. MAYS: I'm okay with the recorder
7 continuing.

8 MR. HAMPSHIRE: I think that's an essential
9 element to the record, is to hear the discussion and have
10 it recorded.

11 MR. MAYS: And if your decision were to go to
12 the state TRB, that would probably be valuable for them to
13 understand what you based your decision on. So, I, like
14 Mr. Hampshire, would urge you to continue with the
15 recorder.

16 MR. HELTZEL: All right, another thing you
17 agree with. That's two things.

18 Okay, so deliberation and we're being recorded
19 so we have to weigh our words.

20 I have a few initial thoughts, or high level
21 thoughts, but do you guys want to start with anything?

22 MR. PAVONE: Farm use property. The question

1 is regarding the four buildings and do they support that.
2 Is their primary use in support of farming activities.

3 MR. HELTZEL: Well, not necessarily because I
4 think you can have a farm and you can have 18, 16 drag
5 shows. They don't have to be -- you can have a certain
6 number of completely unrelated functions.

7 MR. SAWYERS: But is the primary use for the
8 purposes of farming activities, and I go to the Building
9 Code which, and I think was even part of the Appellate's
10 opening statement, you know the six items, the criteria
11 that are met. Storage, handling, processing, yada, yada
12 yada.

13 Let's just talk about the blue building. Does
14 the blue building fit in to that use?

15 MR. HELTZEL: All right.

16 MR. DAVES: As the primary use.

17 MR. SAWYERS: As the primary use.

18 MR. HELTZEL: Primary use. And we've heard
19 both sides of that from a building standpoint. But again,
20 it doesn't necessarily have to be that primary use. Up to
21 a certain number they can do whatever they want inside
22 that building, but there's a limit to how many times that

1 can happen.

2 I guess the point is, the appeal is
3 specifically pressing that issue saying we're not just
4 talking about these exceptions, but we're truly saying
5 this is a farm building. We take exception to the claim
6 that this is not a farm building.

7 So, I guess that is what they're stating, is
8 this is a farm building and do we agree with that or not.

9 I think something to consider from a Building
10 Code standpoint when we talk about a building, you know,
11 is it a, someone here said is a school a school if you
12 don't hold a function within that school, and if you're
13 not holding a school activity in there it's not a school.

14 Well, I think part of the Building Code, the
15 intent of the Building Code says, or it tries to set up,
16 that somebody who walks off the street doesn't understand
17 any of this stuff we're talking about. They're going to a
18 brewery or a drag show or a preschool, they don't
19 understand all the rules.

20 So when they walk into that building and it
21 looks like a preschool, I'm thinking my kids are going to
22 be safe in this building because I think it's a preschool,

1 I don't know all the back story of, well, it looks like
2 one, it feels like one and 18 days of the year we can be a
3 preschool, but the person off the street looks at that
4 building and thinks it's probably a safe building.

5 But if you go to a farm and you have, a
6 wedding's a terrible example, right, because that whole
7 thing is just off the rails, but if you go to a 4-H
8 activity that they do 14 times a year and you go see and
9 there's machinery and there's cows and all, you're in a
10 different frame of mind as a pedestrian walking into that
11 building of I better watch my step.

12 Or when I go to Kings Dominion, you know,
13 you're in an amusement park so your mindset is a little
14 more, "I better be careful. I'm not assuming that
15 somebody else has made sure this building is safe for me."

16 So, I think that's the, for me, the bigger
17 issue is, you call it want you want, but if it gives the
18 perception to somebody who doesn't understand all the
19 rules that this is this type of building and I am going to
20 assume that me and my family are going to be safe in here.
21 That may be, and I don't want to say it's misleading, but
22 you're not affording the public the benefit of the Code.

1 Does that make sense?

2 MR. DAVES: Yeah, I agree. One of the things
3 that I'm struggling with is the facility was used, is how
4 the facility was used leading up to June 5th. It was used
5 as a church prior to June 5th.

6 And the evidence that was presented, a list of
7 activities that were going on in the facility, and the
8 fact that they vacated when they found out that they
9 couldn't use it as a church, so the intent was to use it
10 as a church.

11 So to all of a sudden say, "Oh, no, it's an
12 agricultural building," simply so it won't be classified
13 as a church, is really where I'm struggling.

14 And exactly what you just said. I'm going to
15 walk into a facility like that presuming that it's been
16 constructed according to safety regulations. I'm going to
17 presume safety when I walk in. And without the benefit of
18 the Code, that's non existent.

19 MR. HELTZEL: Right. Here's a small analogy
20 to that. If you were to build a handrail on a building
21 and the handrail wasn't required, a guardrail, if you were
22 actually at a level that you didn't really need one but

1 you put one there, the handrail has to be compliant with
2 the Code because it's giving you, the human, the
3 impression that it's going to be okay if I sit on it or
4 lean up against it.

5 So, this goes really to the time that it's
6 being used, right, days in a year. And what Steve just
7 hit on was the date that they stopped. But what if they
8 didn't stop? That would be 52 days, just on a weekly
9 basis based on the schedule. That would clearly violate
10 the allowable use of the structure. So, that's where I
11 struggle with this.

12 I look at it and go okay, and I don't know who
13 prepared Attachment A, but it shows basically weekly until
14 they moved the service. And without the violation and the
15 determination and all that, would this have continued to
16 go beyond the 18 days? That's my question.

17 So my opinion is, as best I can tell from
18 what's been presented, it gives the impression to someone
19 who doesn't know anything about the Building Code, that
20 this is a church, or an assembly, religious or not. It's
21 got a preschool kind of feel. It's got chairs set up.
22 It's got AV systems. It's got the whole setup. It's

1 giving people the impression this is a building that is
2 meant for an assembly use and I'm going to assume that
3 it's safe.

4 So, my opinion is that in its current state,
5 the way it appears to the general public, it's not a farm
6 use building.

7 MR. PAVONE: I agree with you.

8 MR. DAVES: Yes, that's where I land. So I
9 move that we uphold the building official's determination.

10 MR. PAVONE: And I'll second it.

11 MR. HELTZEL: All right. So there's a motion
12 made by Mr. Daves, seconded by Mr. Pavone. Any further
13 discussion?

14 (No responses.)

15 MR. HELTZEL: So I think we take a vote.

16 So, Kris, I think you take us to a vote.

17 MS. JESSIE: Mr. Daves?

18 MR. DAVES: Yes.

19 MS. JESSIE: Mr. Sawyer?

20 MR. SAWYERS: Abstain.

21 MR. PAVONE: Yes.

22 MR. HELTZEL: And I have the privilege of not

1 having to vote unless there's a tie, but I think you know
2 where I'm going.

3 With that, I believe that concludes this
4 meeting. I thank everybody for your time. I appreciate
5 the position and the perspective. I recognize you've got
6 a lot of work in this.

7 There's a big, higher-level concern of what
8 we're talking about. It's not just about this building
9 and this property, it's something much bigger. So, I
10 appreciate everybody's time. Thank you.

11 MR. HAMPSHIRE: Thank you for your time and
12 attention.

13 MR. MAYS: Thank you.

14 (Whereupon, at approximately 4:35 o'clock
15 p.m., the hearing in this matter was concluded.)
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* * * * *

CERTIFICATE OF REPORTER

I, SUSAN MARIE MAROUSE, the Verbatim Reporter who was duly sworn to well and truly report the foregoing proceedings, do hereby certify that they are true and correct to the best of my ability; and that I have no interest in said proceedings, financial or otherwise, nor through relationship with any of the parties in interest of their counsel.

Susan M. Marouse

SUSAN MARIE MAROUSE

Verbatim Reporter

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Gregory Black
Appeal No. 23-09

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Gregory Black
Appeal No. 23-09

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On October 11, 2023, the Office of the Building Official for George Mason University (Building Official), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), denied a modification request from Gregory Black, Director of Emergency Management and Fire Safety for George Mason University (Black), submitted on July 26, 2023, for the sequence of events for smoke alarm activation in George Mason University (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at Potomac Heights located at 10350 York River Road Fairfax, Virginia 22030¹.

2. On October 26, 2023, Black filed an appeal to the Review Board.

3. 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.

¹ Potomac Heights at 10350 York River Road Fairfax, Virginia 22030 is located on the GMU campus.

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Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the Building Official denying the request for modification from Black for the sequence of events for smoke alarm activation in George Mason University (GMU) owned R1/R2 occupancies, specifically the fire alarm replacement project at Potomac Heights located at 10350 York River Road Fairfax, Virginia 22030.

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Basic Documents

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Request for Modification
from Gregg Black, GMU
Director of Emergency
Management and Fire
Safety

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MEMORANDUM

TO: David Kidd, University Building Official

FROM: Gregory Black, Director of Emergency Management and Fire Safety

RE: Code Modification for VCC 907.2.10.7

DATE: 07/26/2023- Updated 8/28/2023

It is the request of George Mason University (Mason) to seek a code modification from the Virginia Construction Code section 907.2.10.7 (3). The intent of this modification is to approve the below sequence of events for smoke alarm activation in Mason owned R1/R2 occupancies.

Sequence of Events

The activation of one smoke detector in a dwelling unit or sleeping unit shall initiate an audible notification in the dwelling unit (visual notification in ADA rooms), a supervisory signal shown on the fire alarm control panel and notification of said signal to the supervising station. If a second smoke detector in the same dwelling or sleeping unit is activated while the first detector is still in supervisory, all alarm notification devices throughout the building shall be activated (general fire alarm), the fire alarm panel shall signal an alarm, and a fire alarm signal shall be transmitted to the supervising station.

Rational for Code Modification

According to the interpretation of VCC 907.2.10.7 (3) by the OUBO, any smoke detection in a sleeping unit or dwelling unit should not signal a building wide fire alarm. This modification is being sought because it is the opinion of the Director of Fire Safety and Emergency Management, and Safety, Emergency, & Enterprise Risk Management that this interpretation is lowering the safety standard¹ that has already been set in R1/R2 occupancies. Mason is seeking the above sequence of events for sleeping units / dwelling units due to the following reasons:

1. The aforementioned sequence of events is how all multi device (more than one device in a single sleeping/dwelling unit) R1/R2 sleeping unit / dwelling units are currently programmed. (See Table 2) Having all R1/R2 occupancies programmed the same way allows for simple blanket training of occupants and staff in all of the buildings. Having some buildings programmed one way and others another leads occupants to determine

¹ OUBO Comment; see Table 1

that the system is 'broken' and that confusion² leads to lack of confidence in the system working correctly. Once students / staff have lack of confidence in the system they tend to react slower to general fire alarms assuming that they are due to the system not working properly.

2. Utilizing a second smoke detector to activate a general fire alarm will happen sooner than waiting for the situation to get worse and activate a sprinkler head.³
3. This sequence of events allows for faster response from the fire department due to the earlier activation of a general fire alarm, and summoning of the fire department. It also means that the University Police are not going to be relied upon to respond to a scene so smoky that multiple smoke heads have activated. University Police are not trained fire fighters, nor have the appropriate PPE or tools to properly address this situation. This proposal not being accepted will drastically change the response requirements of University Police to include situations that they are not trained for.
4. This sequence of events will allow for quicker notification of occupants, and allow occupants to start evacuation earlier. In a building where occupants are in various states of alertness throughout the day, early notification allows for the maximum amount of time for occupants to evacuate. Early notification also allows for occupants to evacuate before fire conditions in the building become even more severe. If this is not approved, the fire will have to grow large enough to activate a sprinkler head⁴ to notify the occupants of the building. Anytime a sprinkler head activates due to fire, the situation in the building is very unsafe for occupants.
5. The intent of VCC 907.2.10.7(3) is to reduce false alarms and needlessly summoning the fire department to campus. Since the proposed sequence of events is already in use in R1/R2 occupancies at Mason, the historical fire department requests for service does not show that the configuration creates an issue with false alarms⁵.
6. The requested configuration is not anticipated to increase any cost of a fire alarm system.

This code modification request is supported by the State Fire Marshal's office (see attached letter), the Vice President, Facilities and the Associate Vice President of Safety, Emergency, & Enterprise Risk Management.



Frank Strike
Vice President, Facilities



Julie Zobel
Associate Vice President Safety, Emergency, & Enterprise Risk Management

² OUBO Comment; see Table 1

³ OUBO Comment; see Table 1

⁴ OUBO Comment; see Table 1

⁵ OUBO Comment; see Table 1

Table 1: Comments from OUBO on 8/22/2023 & Mason’s Response

Comment Number	OUBO Comment	Response
1	This statement is an opinion with limited evidence of support. This approach is not advised by VCC section 106.3.1 for substantiation of code modification.	This statement is the opinion of a safety professional with years of experience at a Higher Education institution. It is backed by years of looking into fires and fire events in residence halls and understanding how the unique population in R2 dormitories react to fire alarms. VCC 106.3.1 allows for “...other person competent in the subject matter area of application...” to submit a proposed modification. Please specify where in VCC the AHJ has authority to advise an approach for a code modification.
2	Provide a RDP study for verification of all R1/R2 building installations. This approach is conflicting with current GMU Design Standards section 3.3.2.5.	The OUBO office advised that an RDP would not be needed for this modification. As prior discussions have covered, the 2013 Design manual has many faults and often contradicts itself. In the design manual section 28 31 11 (3), Table 7.3(2) clearly outlines what this modification is attempting to attain. See Table 2 for summary of current FACP programming sequence of events.
3	Please indicate what dormitories do not have quick response (QR) sprinklers where system is programmed in this fashion. QR sprinklers (ordinary temperature 135-55 rated) in a typical 8 - 9 foot ceiling height would have a comparable or even lesser response time to initiating a second smoke detector in an adjacent compartment of the same dwelling/sleeping unit.	Most dormitories with kitchen facilities have smoke detectors in the kitchen area, hallway, and living room space. None of those three areas are separated by doors or walls. While your statement about QR sprinklers might be true, the assumption about the layout and only having smoke detectors in separate compartments is not true. Additionally, historical situations on campus have been cooking fires with more smoke than heat/flame. In these instances QR sprinklers would not be comparable to smoke detectors.
4	<p>(1) The approach in the Virginia-adopted code is intended for resident/occupant to evacuate from the dwelling/sleeping unit when single smoke alarm activates.</p> <p>(2) It does not intend to evacuate building for activation in single dwelling/sleeping unit in an effort to reduce unwanted/unintentional alarms caused by detection systems (refer to NFPA study for additional information: https://www.nfpa.org/News-and-Research/Data-research-and-tools/Emergency-Responders/False-alarm-activity-in-the-US).</p> <p>(3) Further, statement is primarily conjecture, as it depends on where fire origin is located within a dwelling/sleeping unit - if in a sleeping room/compartment, it is feasible that the sprinkler would</p>	<p>I have portioned out your statement so I can appropriately respond.</p> <p>(1) I Agree with this approach when talking about a single smoke detector activation.</p> <p>(2) The effort to reduce unwanted alarms is noted. The study referenced here is 10 years old, and relies on national data from all types of building systems and fire alarm types. After review of this study, it provides no conclusion that is specific enough to Higher Education dormitories to inform this modification proposal.</p> <p>(3) Based on my experience as a safety professional, and many years at George Mason University overseeing the Fire Safety program, nothing in my statement is conjecture.</p>

	<p>actually activate prior to the initiation of a second smoke alarm in another location in the unit. There is no justification established for this need,</p> <p>(4) however I would not object to the following which would meet the intent of VCC 907.2.10.7.1. System smoke detectors to provide supervisory signal upon activation (this would also meet requirement of VCC 907.2.9.3) and be equipped with sounder base (providing 520 Hz low frequency sound wave required by NFPA 72:18.4.6.3) and all sounder bases in individual dwelling unit to be interconnected to meet VCC 907.2.10.5.2.</p> <p>(5) If desired by GMU SEERM AND GMU Facilities (to be verified by VP of both departments), cross-zoning system detectors in separate, individual and adjacent dwelling/sleeping units on a floor could transmit an alarm signal, and would meet the intent of VCC 907.2.10.7.3. Activation of system detectors outside dwelling/sleeping units shall transmit alarm signal, consistent with VCC 907.2.9.3.4. Activation of flow switch/pressure switch shall transmit alarm signal, consistent with VCC 903.4.2.</p>	<p>(4) This is already the case. If there are 7 smoke detectors in a suite, all of the sounder bases will activate upon one smoke detector sensing smoke. We are not looking to change this configuration.</p> <p>(5) I don't understand the rationale behind allowing cross zoning among multiple units on the same floor and not allowing it within a single unit. Practically what this means is that a general fire alarm will be triggered when two cups of easy-mac are cooked without water at the same time in separate areas within the building. Why would two low hazard events need to equal a building evacuation, yet a growing situation with multiple detector activation within one suite should only be a supervisory alarm? Please clarify.</p>
5	<p>Submit data over the last 5 years, as available to justify this statement, per VCC section 106.3.1.</p>	<p>I am inquiring if this data exists, however it would require a clear definition of when the fire department shouldn't respond to a building. I would assert that any situation in which multiple code required smoke detectors (meaning that Mason has not needless added detectors) should elicit a response from the fire department. Per my definition above the numbers would be zero. In addition, SEERM keeps a close relationship with the fire department, and as of today there are no complaints about false alarms.</p>

Table 2: Current R1/R2 Sequence of Operations review

Building	Building Number	Notes
Amherst Hall	0060	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes
Brunswick Hall	0061	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes

Carroll Hall	0062	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes
Dickenson Hall	0063	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes
Essex Hall	0064	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes
Franklin Hall	0065	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes
Grayson Hall	0066	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 3 minutes
Blue Ridge Hall	0106	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Commonwealth Hall	0051	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Dominion Hall	0052	Smoke Detectors only send Supervisory Alarms (On the short list for replacement)
Eastern Shore	0118	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Hampton Roads	0119	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Northern Neck	0110	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Piedmont Hall	0108	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Sandridge Hall	0107	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Tidewater Hall	0109	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Adams Hall	0086	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Harrison Hall	0084	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Jackson Hall	0090	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Jefferson Hall	0082	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Kennedy Hall	0088	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Lincoln Hall	0089	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Madison Hall	0081	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Monroe Hall	0083	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Roosevelt Hall	0091	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Taylor Hall	0125	One smoke detector = supervisory signal; upgrades to general fire alarm if not cleared in 2 minutes

Truman Hall	0087	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Washington Hall	0080	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Wilson Hall	0085	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Liberty Square	0094-0098	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Mason Global Center	0103	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Potomac Heights	0099	Smoke Detectors only send Supervisory Alarms (On the short list for replacement)
Rogers Hall	0123	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Whitetip Hall	0124	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated
Beacon Hall	0512	Has 120V smoke detectors; no integration with fire alarm system
SMSC Dorm	0800	One smoke detector = supervisory signal; upgrades to general fire alarm when adjacent smoke detector is activated

MEMORANDUM

TO: Travis Luter, State Building Code Technical Review Board

FROM: Gregg Black, Director of Emergency Management and Fire Safety

RE: SBCTRB Appeal 23-09

DATE: 11/28/2023

Mr. Luter-

Per our conversation today, the request for relief in appeal 23-09 is specifically in reference to a fire alarm replacement project at Potomac Heights (10350 York River Road, Fairfax VA 22030). The project number for the replacement is 247-221549.

The code modification that was submitted to the George Mason University OUBO, was specifically left generic so that it could be applied to future projects without having to repeat the same code modification process. We have many fire alarm systems at Mason in R2 occupancies and are constantly upgrading systems to keep them in working order.

Please let me know if you have any further questions.

Gregg Black
751-220-2487
Gblack2@gmu.edu

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Decision of the
David Kidd, GMU
Building Official

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Gregg Black

From: David M Kidd
Sent: Wednesday, October 11, 2023 1:36 PM
To: Gregg Black
Cc: David A Farris; Justin Biller; Megan Healy; Kenneth D Walsh; Frank Strike; Shannon N Jordan; Julie Zobel; Carl Rowan
Subject: RE: Code Modification request
Attachments: NFPA - osdorms.pdf; Code Modification- Residential Fire Alarms-Signed.pdf

Folks,

I met with Dr. Jordan to review and discuss the code modification request. A code modification under the USBC is a means to demonstrate equivalent level of safety be provided to meet the spirit and functional intent of the code, per VCC 106.3. After further review and discussion with peers from Va Tech OUBO and DHCD, I will not consider the request for modification based on insufficient relevant information justifying the code modification request. The primary intent of the VCC requirements in this regard are to prevent occupants from unnecessary evacuation therefore becoming complacent of fire events not affecting them whether due to nuisance/unwanted alarms or legitimate alarms that were confined to individual dwelling spaces. Refer to attached NFPA data (2023) on dorm fires wherein 9 out of 10 fires (88 percent) were confined to the area of origin. Rated separation construction along with sprinkler protection are the primary means of protecting occupants during the initial fire development, and their introduction into R occupancies have drastically reduced fire deaths over the last few decades. **If you feel this decision is in error, please consider taking the matter to DHCD TRB for review. I have copied multiple folks as notification.**

Thank you,

David

David M. Kidd P.E., MCP, CBO

University Building Official
Office of University Building Official
George Mason University
www.oubo.gmu.edu | 703.993.6070



From: Gregg Black <gblack2@gmu.edu>
Sent: Friday, October 6, 2023 12:50 PM
To: David M Kidd <dkidd7@gmu.edu>
Cc: David A Farris <dfarris@gmu.edu>; Justin Biller <jbiller@gmu.edu>
Subject: RE: Code Modification request

David-

I am a little confused on your request. Table 2 in the modification request has a total summary of all fire alarm system programming in R2. Do you need me to count what is in that table?

I am also not sure about which fire alarm notification devices you are referencing.

If you are free for a call, Please give me one.

Thanks.

Gregg Black
Director of Emergency Management and Fire Safety
Emergency Management
Safety, Emergency, & Enterprise Risk Management
George Mason University
P: (703) 993-2795
C: (571) 220-2487
<https://Ready.gmu.edu>
CliftonStrengths: Strategic, Achiever, Deliberative, Relator, Adaptability

From: David M Kidd <dkidd7@gmu.edu>
Sent: Thursday, October 5, 2023 10:02 AM
To: Gregg Black <gblack2@gmu.edu>
Cc: David A Farris <dfarris@gmu.edu>; Justin Biller <jbiller@gmu.edu>
Subject: RE: Code Modification request

Gregg,

Can you provide the number of building fire alarms on a newer dorm bldg with the sequence you are requesting approval for? Can you also provide the number of building fire alarms on a dorm bldg that does NOT have the sequence?

Can you show the type of alarm notification device? Smoke det, smoke alarm, pull station, duct det, water flow, etc...?

This information will help support my decision to show no increased nuisance calls due to the sequence that is suggested and recommended by the SFMO and CFFD for early response time improvements.

Sorry for this late request.

Thank you,

David

David M. Kidd P.E., MCP, CBO

University Building Official
Office of University Building Official
George Mason University
www.oubo.gmu.edu | 703.993.6070



From: Gregg Black <gblack2@gmu.edu>
Sent: Tuesday, August 22, 2023 5:54 AM
To: David M Kidd <dkidd7@gmu.edu>
Subject: RE: Code Modification request

Hi David-

Just wanted to follow up on this and see if you or Justin have any questions.

Thanks.

Gregg Black
Director of Emergency Management and Fire Safety
Emergency Management
Safety, Emergency, & Enterprise Risk Management
George Mason University
P: (703) 993-2795
C: (571) 220-2487
<https://Ready.gmu.edu>
CliftonStrengths: Strategic, Achiever, Deliberative, Relator, Adaptability

From: Gregg Black
Sent: Thursday, August 3, 2023 12:43 PM
To: David M Kidd <dkidd7@GMU.EDU>
Subject: Code Modification request

David-

Please see attached for the code modification request for the sequence of operations for smoke detectors in dwelling units in R2 occupancies. Please let me know if there are any questions or any clarification is needed.

Gregg Black
Director of Emergency Management and Fire Safety
Emergency Management
Safety, Emergency, & Enterprise Risk Management
George Mason University
P: (703) 993-2795
C: (571) 220-2487
<https://Ready.gmu.edu>
CliftonStrengths: Strategic, Achiever, Deliberative, Relator, Adaptability

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



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

Gregory Black, 571-220-2487; gblack2@gmu.edu
4400 University Drive MS:5E2
Fairfax, VA 22030

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

David Kidd, 276-698-6070, dkidd7@gmu.edu
4400 University Dr MS: 1E4
Fairfax, VA 22030

Additional Information (to be submitted with this application)

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

CERTIFICATE OF SERVICE

I hereby certify that on the 25 day of October, 2023, 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: Gregory Black

Name of Applicant: Gregory Black
(please print or type)

MEMORANDUM

TO: State Building Code Technical Review Board

FROM: Gregory Black, Director of Emergency Management and Fire Safety

RE: Statement of Relief

DATE: 10/25/2023

I am respectfully asking the review board to review George Mason University's Building Code Official's rejection on October 11th of the code modification that was submitted on July 26th and updates on August 28th, and deem the modification request to be compliant with the USBC.

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Documents Submitted by
Gregg Black, GMU Director of
Emergency Management and
Fire Safety

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COMMONWEALTH of VIRGINIA

Brad Creasy
EXECUTIVE DIRECTOR

Nicholas Nanna
DEPUTY DIRECTOR

Virginia Department of Fire Programs

William "Billy" Hux
CHIEF STATE FIRE MARSHAL

August 28, 2023

Mr. Gregg Black
Director of Emergency Management and Fire Safety
George Mason University
4400 University Drive
Fairfax, VA 22030

Dear Mr. Black,

I am in receipt of your code modification response. My interpretation of VCC section 907.2.10.7 (3) addresses activation of (a) smoke detector, not multiple smoke detectors, therefore the future applied interpretation would not be applying the intent of the code and would not create the utmost safety of occupants within George Mason University Dorms. Furthermore, this does not align with other University dorms fire alarm system programming across the Commonwealth.

The current programming (smoke detector monitoring process) is more in line with the intent of the code and provides **faster** notification to residents within the building, which provides a safer and faster evacuation of the building.

Referencing past incidents; The fatal fire at the Seton Hall dorm, which started with a fire on a wall mounted display board that spread to furniture in a corridor. Delay in the fire alarm and in response from the residents gave the fire time to block the corridor and there by resulting in a fatal fire for residents within.

The Virginia State Fire Marshal's Office does not enforce the Virginia Construction Code and therefore is not in the position to grant a code modification. With that said, the position of the Virginia State Fire Marshal's Office is not in a position to grant a code modification. Our stance would be to remain with the current smoke detector monitoring and building notification for the safety of early notification of residents and the building.

Regards,



William "Billy" Hux
Chief State Fire Marshal
Commonwealth of Virginia

CC:

Joshua Davis – Assistant Chief State Fire Marshal – Field Operations
Troy Bower – Assistant Chief State Fire Marshal – Special Operations
Steven Sites – Chief Fire Marshal – Fairfax City Fire Marshals Office



CITY OF FAIRFAX FIRE DEPARTMENT FIRE MARSHAL'S OFFICE

10455 ARMSTRONG STREET, FAIRFAX, VA 22030



September 6, 2023

Gregory Black, Director of Emergency Management and Fire Safety
George Mason University
4400 University Drive, MS 5E2
Fairfax, Virginia 22030

Ref: Fire Alarm System Signal Disposition in George Mason University Residence Halls

Mr. Black:

In response to your inquiry about the City of Fairfax Fire Department's (CFFD) stance on notification of in-building fire alarm system – alarm signals at George Mason University (GMU), I offer the following.

- CFFD understands that the current sequence of operation for residence hall individual dwelling unit / sleeping unit smoke detector(s) (in lieu of single- and multiple-station smoke alarms, as permitted by the Virginia Uniform Statewide Building Code (USBC)) is:
 1. A (single) smoke detector activation creates a supervisory signal on the Fire Alarm Control Panel (FACP).
 2. The supervisory signal is immediately transmitted to the supervising station.
 3. A GMU Police Officer is dispatched to investigate the signal.
 4. If at anytime a second smoke detector within the same dwelling unit / sleeping unit activates; or activation of manual fire alarm box, automatic fire detector (outside original unit), waterflow from automatic sprinkler system, or activation of other fire suppression system a fire alarm signal is created on the FACP and the building wide occupant notification/evacuation system is initiated.
 5. The fire alarm signal is immediately transmitted to the supervising station.
 6. The supervising station immediately notifies the Fairfax County Department of Public Safety Communications Center (DPSCC)
- The above-described sequence of operation, better described as Alarm Signal Verification, for a (single) smoke detector activation includes 180 second of delay prior to supervising station's requirement to notify the DPSCC. This delay is permitted by NFPA 72.

Given the construction type and fire protection structures and systems of GMU's residence halls, coupled with adequate water supply and proximity of fire department response assets the 180 second delay is acceptable.



**CITY OF FAIRFAX
FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE**

10455 ARMSTRONG STREET, FAIRFAX, VA 22030



The City of Fairfax Fire Department does not support any change to residence hall fire alarm system sequence of operation, or the alarm signal verification algorithm that would create a longer delay in notification of an alarm signal to the Fairfax County Department of Public Safety Communication Center. Additional delay to dispatching fire department assets can be detrimental to the safety of building occupants.

Furthermore, it is vitally important to life safety and property conservation that any two smoke detectors activation create a fire alarm signal. The alarm signal verification process requires a human response – in GMUs case from personnel with primary obligation to respond to an act of violence.

Thank you for the opportunity to comment on this subject. Please contact me with any questions or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "S. Sites".

Steven Sites, Assistant Chief

Chief Fire Marshal / Building Official

Documents Submitted
By David Kidd, GMU
Building Official

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Office of University Building Official

4400 University Drive, MS 1E4; Fairfax, VA 22030

Telephone: (703) 993-6070

Dormitory Fire Alarm System: VCC 2018 Requirements

Pertinent code requirements related to requirements for fire alarm systems in Residential Dormitories, designed to meet R-1 and R-2 requirements (CPSM section 4.1.2.1, as excerpted below) are provided for reference in this document with comments from the VCC and NFPA 72.

It is our stance (George Mason University, Office of the University Building Official – GMU OUBO) that dwelling/sleeping unit fire alarm system detectors used as an alternate to single- or multiple-station smoke alarms shall be used **solely for notification within individual units** and shall send a supervisory signal only to the building fire alarm control unit (FACU), per VCC, 2018 section 907.2.10.7 and NFPA 72, 2016 sections 29.5, 29.5.2.1.1, and 29.5.2.2. Building fire alarm system alarm signaling shall also extend to notification equipment (notification appliances, sounder bases, etc.) within individual units to sound, per VCC section 907.2.9.3. Alternatively, single- or multiple-station smoke alarms (NFPA 72 chapter 29) would be required to be interconnected with fire alarm system to send supervisory signal upon activation within the dwelling/sleeping unit or to activate upon building fire alarm system activation (FACU alarm signal), as also prescribed in this VCC section (907.2.9.3) and NFPA 72 section 29.8.2.1.

We understand and appreciate the desire of GMU Safety, Emergency, and Enterprise Risk Management (SEERM) to provide an enhanced level of safety for the student population. However, as the Building Official for the University, we believe the proposed approach under the code modification request by SEERM could actually result in the opposite overall effect – potentially decreasing the level of safety by introducing the opportunity for additional nuisance/unwanted alarms in the building that can further contribute to student apathy/alarm fatigue of fire alarm conditions (refer to NFPA 72 advisory language in Annex A - A.29.5.2.2 excerpted below for additional information). This was indicated to SEERM, first by providing previous NFPA Research report on the Foundation’s ongoing research efforts to reduce unwanted alarms that resulted in changes to NFPA 72 that are included in the currently adopted editions of NFPA 72 and the VCC. Further, evidence was provided to SEERM that NFPA Research (attached) on “Fires in Dormitory-Type Properties” established that data of fires in these type of occupancies (2017 – 2021) resulted in conclusion that “*approximately 9 out of 10 fires (88 percent) were confined fires that did not extend beyond the object of origin.*” Based on this evidence, we believe the approach in the currently adopted edition of the VCC for

dormitories, which includes a fire sprinkler system with quick-response sprinklers and fire resistance-rated construction between units, affords an appropriate level of safety to confine fires to individual dwelling units. When coupled with the additional fire detection required outside of individual units (i.e., VCC 907.9.3 requires detection in corridors, common areas, laundry, mechanical and storage rooms), a high-level of overall safety is provided in a dormitory building, under the VCC.

The detection/alarm equipment within the individual unit then, is **intended primarily to facilitate awakening sleeping residents** when smoke is detected within that that individual dwelling or sleeping unit. Additionally, with proper training, student(s) within the individual unit would more readily evacuate – staff, in-turn, would be alerted to the supervisory signal to further investigate the condition. This would eliminate the need to evacuate the building from a fire confined to individual dwelling/sleeping unit, and prevent fire department unnecessary emergency response.

As presented to SEERM initially, it is probable that quick-response sprinklers within the dwelling unit would likely activate in the event where a fire grew in intensity large enough to activate a second alarm device, thereby initiating an alarm signal to evacuate the building and notify emergency responders, which provides the level of protection sought by SEERM in the modification request. Additional information was requested to substantiate a varying position, but the subsequent submission did not address further.

Summary: The OUBO denied the code modification due to insufficient evidence to support the requested code modification. I requested an official opinion from Travis Lutter via email on 10-26-23 of which he indicated someone from DHCD would reach out to me with support. I did NOT receive any outreach from DHCD.

It is my hope the TRB will rule in my favor of not being required to grant the code modification, yet still provide an opinion of the subject matter herein for clarification.



David M. Kidd P.E., MCP, VCCO, CBO
University Building Official
Office of University Building Official
4400 University Drive MS 1E4, Fairfax, VA 22030
Office: (703) 993-6070 | oubo.gmu.edu
OUBO Team Contact Information

Code Excerpts

Construction and Professional Services Manual (CPSM) – Dept. of General Services (DGS), Division of Engineering and Buildings (DEB)

4.1.2 Code Clarifications

Code clarification requests should be made in writing to the DEB Director. The following are code clarifications that shall be applied to state-owned buildings and structures.

“4.1.2.1 Buildings at Colleges and Universities

...4. Dormitories, Fraternity and Sorority Houses and similar dwelling units with sleeping accommodations – provide one of the following:

- a. Written University Policy which prohibits the use of these residences as housing for persons / groups / occupants for periods of less than 30 days, or
- b. Design that complies with the most stringent requirements of both Group R-1 (Hotels) and Group R-2 (Dormitory)...”

Virginia Construction Code (VCC)

907.2.9.3 Group R-2 college and university buildings.

An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies operated by a college or university for student or staff housing in all of the following locations:

1. Common spaces outside of dwelling units and sleeping units.
2. Laundry rooms, mechanical equipment rooms and storage rooms.
3. All interior corridors serving sleeping units or dwelling units.

Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units or dwelling units and where each sleeping unit or dwelling unit either has a means of egress door opening directly to an exterior exit access that leads directly to an exit or a means of egress door opening directly to an exit.

Required smoke alarms in dwelling units and sleeping units in Group R-2 occupancies operated by a college or university for student or staff housing shall be interconnected with the fire alarm system in accordance with NFPA 72.

ICC Volume I Commentary: “This section requires an automatic smoke detection system be provided in Group R-2 occupancies operated by a college or university for student or staff housing. It also requires the smoke alarms in individual units to be interconnected with the fire alarm system. This interconnection is only for the purpose of making occupants within each unit aware of the fire alarm activation in the building. The intent is not to activate the building fire alarm system by smoke alarms in each unit. This is more restrictive than a Group R-2 occupancy in general, as typically the requirements are limited to a manual fire alarm system and smoke alarms in the individual sleeping or dwelling units.”

907.2.10 Single- and multiple-station smoke alarms.

Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.10.1 through 907.2.10.7 and NFPA 72.

907.2.10.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

907.2.10.2 Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

907.2.10.7 Smoke detection system.

Smoke detectors listed in accordance with UL 268 and provided as part of the building fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907.
2. Activation of a smoke detector in a dwelling unit or sleeping unit shall initiate alarm notification in the dwelling unit or sleeping unit in accordance with Section 907.5.2.
3. Activation of a smoke detector in a dwelling unit or sleeping unit shall not activate alarm notification appliances outside of the dwelling unit or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6.

ICC Volume I Commentary: "This section specifically allows the use of an automatic smoke detection system as an alternative to smoke alarms. In the past, when this concept was proposed, it was only allowed through an alternative method and materials approach (see Section 104.11 of this code), even though, in concept, it provided the same level of protection. Such systems provide the same safety features necessary for occupants but are simply part of a fire alarm system. Note that if a detector activates within a sleeping or dwelling unit, the occupant notification system is not intended to activate. This is consistent with the operation of smoke alarms. Item 3 specifically requires the notification to be only to occupants of the sleeping unit or dwelling unit."

NFPA 72, National Fire Alarm and Signaling Code, 2016

29.5 Detection and Notification.

The use of fire alarm system smoke detectors and notification appliances shall be permitted to meet the fire-warning requirements for smoke alarms specified in 29.5.1.

29.5.2.1 Fire-warning equipment used to provide required or optional detection shall produce audible fire alarm signals that comply with 29.5.2.1.1 or 29.5.2.1.2.

29.5.2.1.1* Smoke and Heat Alarms.

Unless exempted by applicable laws, codes, or standards, smoke or heat alarms used to provide a fire-warning function, and when two or more alarms are installed within a dwelling unit,

suite of rooms, or similar area, shall be arranged so that the operation of any smoke or heat alarm causes all alarms within these locations to sound.

29.5.2.2* Unless otherwise permitted by the authority having jurisdiction, audible fire alarm signals shall sound only in an individual dwelling unit, suite of rooms, or similar area and shall not be arranged to operate fire-warning equipment or fire alarm systems outside these locations. Remote annunciation shall be permitted.

A.29.5.2.2 One of the common problems associated with smoke alarms and detectors is the nuisance alarms that are usually triggered by products of combustion from cooking, smoking, or other household particulates. While an alarm for such a condition is anticipated and tolerated by the occupant of a dwelling unit through routine living experience, the alarm is not permitted where it also sounds alarms in other dwelling units or in common use spaces. Nuisance alarms caused by cooking are a very common occurrence, and inspection authorities should be aware of the possible ramifications where the coverage is extended beyond the limits of the dwelling unit.

29.5.2.1.2 Household Fire Alarm System.

Where a household fire alarm system is used to provide a fire-warning function, notification appliances shall be installed to meet the performance requirements of 29.3.6.

29.8.2.1* The interconnection of smoke or heat alarms shall comply with the following:

- (1) Smoke or heat alarms shall not be interconnected in numbers that exceed the manufacturer's published instructions.
- (2) In no case shall more than 18 initiating devices be interconnected (of which 12 can be smoke alarms) where the interconnecting means is not supervised.
- (3) In no case shall more than 64 initiating devices be interconnected (of which 42 can be smoke alarms) where the interconnecting means is supervised.
- (4) Smoke or heat alarms shall not be interconnected with alarms from other manufacturers unless listed as being compatible with the specific model.
- (5) When alarms of different types are interconnected, all interconnected alarms shall produce the appropriate audible response for the phenomena being detected or remain silent.



RESEARCH



Fires in Dormitory-Type Properties

Tucker McGree
July 2023

Key Findings

- United States fire departments responded to an estimated average of 3,379 structure fires in dormitories, fraternity houses, sorority houses, and barracks each year during 2017–2021.
- Fires in dormitory-type properties caused an annual average of 23 civilian injuries and \$12 million in direct property damage during that period.
- There was an average of two civilian fatalities per year over the five-year period.
- Most of these fires occurred in unclassified dormitory-type occupancies, with smaller shares of the fires occurring in barracks, dormitory properties, and sorority or fraternity houses.
- Approximately three out of four fires in these properties began in the kitchen or cooking area. Cooking equipment was involved in nearly 9 out of 10 fires.
- Unattended equipment was the most common factor contributing to the ignition of these fires.
- Approximately 9 out of 10 fires (88 percent) were classified as confined fires that did not extend beyond the object of origin.
- Saturday and Sunday were the peak days for these fires. However, fires that occurred on weekdays accounted for larger shares of injuries.
- The peak time of day for fires in dormitory-type properties was between 4 p.m. and midnight when over half of the fires occurred.
- Fires were least likely to occur between midnight and 8 a.m., but these fires accounted for a greater share of the injuries and direct property damage.
- February, September, and October were the peak months for fires in dormitory-type properties, while the fewest number of fires were recorded in June and July.

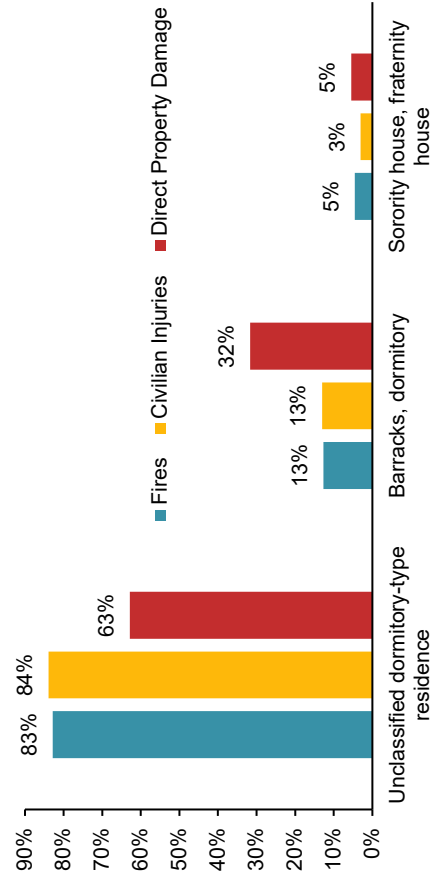
Structure Fires in Dormitory-Type Properties

This report includes information about structure fires in dormitories, fraternity and sorority houses, monasteries, bunkhouses, barracks, and nurses' quarters or related properties reported to local fire departments. In the National Fire Incident Reporting System (NFIRS), these are identified with property use codes 460–469. For convenience, they are collectively referred to in this report as dormitory-type properties. Estimates in this report were derived from NFIRS and the NFPA fire experience survey. For more information on the methodology used, see *How NFPA's National Estimates Are Calculated for Fires*. Additional details can be found in the companion supporting tables.

During the five-year period of 2017–2021, US fire departments responded to an estimated average of 3,379 structure fires in dormitories, fraternity houses, sorority houses, and barracks each year. These fires caused an annual average of 23 civilian injuries and \$12 million in direct property damage. There was an average of two civilian fatalities per year over the five-year period. Due to low numbers, civilian deaths are not included in any further analysis.

Most fires occurred in unclassified dormitory-type occupancies (83 percent), while 13 percent of the fires occurred in barracks or dormitory properties and 5 percent occurred in sorority or fraternity houses. (See Figure 1 and Table 12 in the supporting tables. Totals do not equal 100 percent due to rounding.)

Figure 1. Structure Fires in Dormitory-Type Properties by Property Use: 2017–2021 Annual Averages

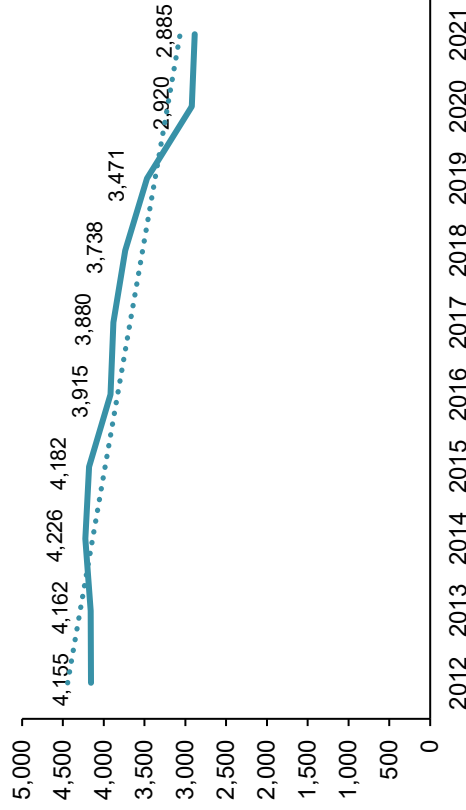


Fires in Dormitory-Type Properties by Year

As shown in Figure 2, the number of structure fires that occur annually in dormitory-type properties has steadily declined since 2012. The sharp drop in the 2020 and 2021 numbers can most likely be attributed to a large percentage of colleges and universities operating remotely.

Table 1 in the tables accompanying this report shows the annual fires and losses caused by fires in dormitory-type properties since 1999. The data indicates that the number of annual fires was at its peak in 2014 (4,226). The annual number of fires in these properties has steadily declined since that year with the sharp drop-off occurring in 2020.

Figure 2. Structure Fires in Dormitory-Type Properties by Year: 2012–2021



Timing of Fires in Dormitory-Type Properties

Fires in dormitory-type property structures were somewhat more common on weekends than during the week. As shown in Figure 3, Saturday and Sunday were the peak days for these fires (15 percent and 16 percent, respectively). However, the fires that occurred on weekdays generally accounted for larger shares of injuries. This may potentially be because some occupants are away from these residences on weekends and a greater occupancy of residences during the week.

Figure 3. Structure Fires in Dormitory-Type Properties by Day of Week: 2017–2021 Annual Averages

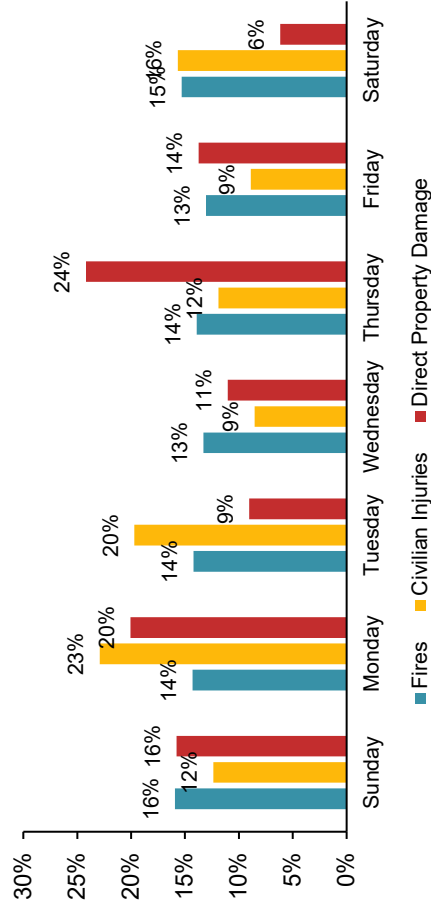
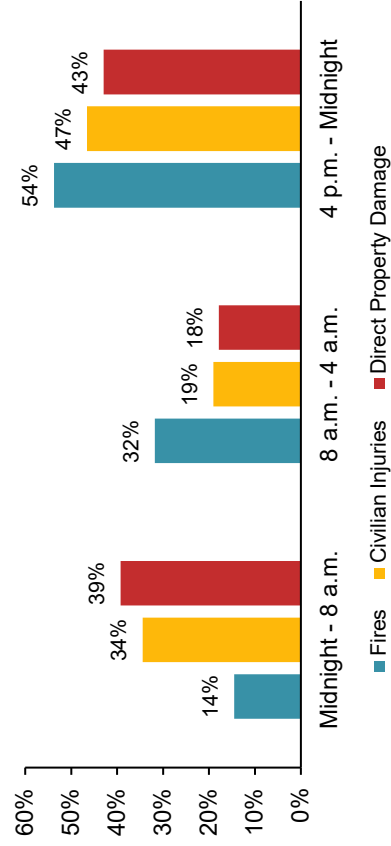


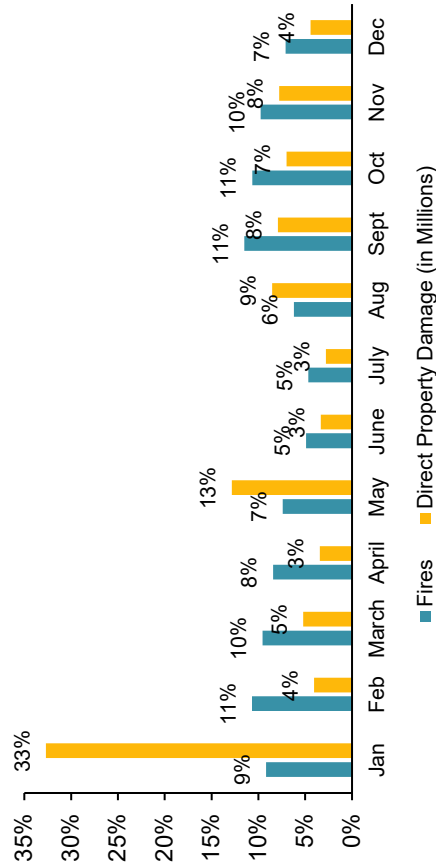
Figure 4 shows that the peak time of day for fires in dormitory-type properties was between 4 p.m. and midnight; over half of the fires occurred during this time (54 percent). Fires were least likely to occur between midnight and 8 a.m., but these fires accounted for disproportionate shares of the injuries and direct property damage. Occupants are more likely to be asleep during fires in the overnight hours, providing more time for fires to spread and become more destructive.

Figure 4. Structure Fires in Dormitory-Type Properties by Time of Day: 2017–2021 Annual Averages



February, September, and October were the peak months for fires in dormitory-type properties, and the lowest number of fires was recorded in June and July. As indicated in Figure 5, direct property damage was disproportionately high relative to the share of fires in January, May, and August when dormitory-type properties have lower occupancy. This was not true, however, for July, which saw the fewest fires. See Table 2 for additional details.

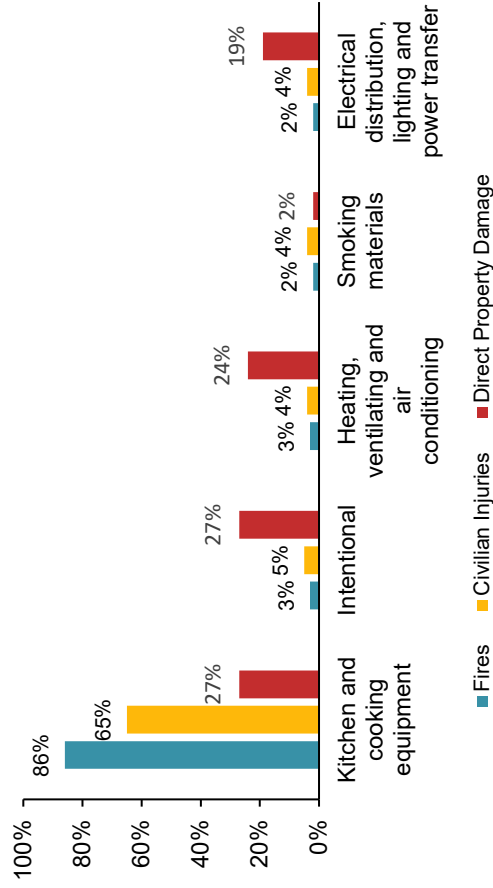
Figure 5. Structure Fires in Dormitory-Type Properties by Month: 2017–2021 Annual Averages



Leading Causes of Fires in Dormitory-Type Properties

Cooking equipment was involved in nearly 9 out of 10 reported fires in dormitory-type properties (86 percent). Although cooking equipment was involved in most of the fires, fires with other causes were responsible for disproportionately larger shares of the direct property damage. Intentionally set fires accounted for 27 percent of the property damage. Fires involving heating, ventilating, and air conditioning equipment and those involving electrical distribution, lighting, and power transfer equipment accounted for 24 percent and 19 percent of the fires, respectively. See Figure 6.

Figure 6. Structure Fires in Dormitory-Type Properties by Leading Cause: 2017–2021 Annual Averages

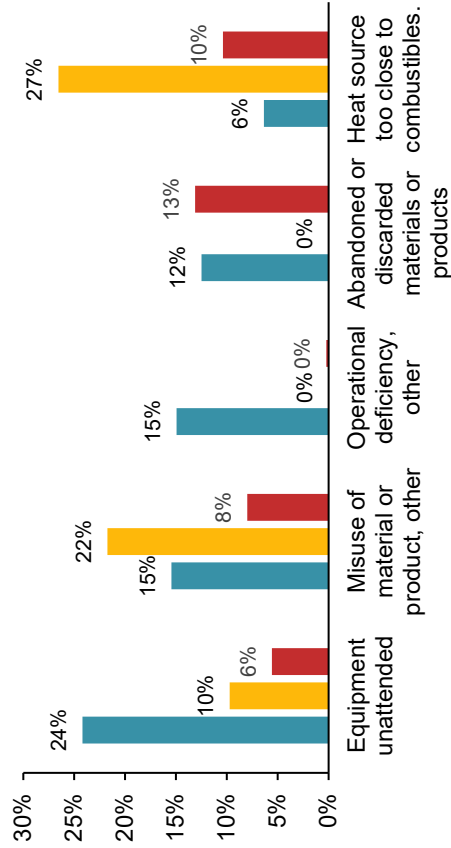


Factors Contributing to Fires in Dormitory-Type Properties

Unattended equipment was the most common factor that contributed to the ignition of these fires. Figure 7 shows that unattended equipment was a factor in roughly one quarter (24 percent) of all the fires, and these fires accounted for 1 in 10 (10 percent) of the civilian injuries and 6 percent of the property damage.

Unclassified misuse of a material or product was a factor in 15 percent of the fires and accounted for more than a fifth (22 percent) of the civilian injuries. Abandoned or discarded materials were a factor in 12 percent of the fires but none of the civilian injuries. A heat source that was too close to combustible materials was a factor in 7 percent of these fires but was responsible for 27 percent of the injuries.

Figure 7. Structure Fires in Dormitory-Type Properties by Factor Contributing to Ignition: 2017–2021 Annual Averages



Heat Sources of Fires in Dormitory-Type Properties

Radiated heat from operating equipment and unclassified heat from powered equipment were the leading heat sources in these fires. Radiated or conducted heat from operating equipment provided the heat source for approximately one-third (33 percent) of the fires, while approximately 3 in 10 fires (31 percent) were started by unclassified heat from powered equipment and 1 in 10 (11 percent) by an unclassified heat source, as indicated in Figure 8.

Area of Origin for Fires in Dormitory-Type Properties

Approximately three out of four (76 percent) fires in these properties began in the kitchen or cooking area, accounting for 60 percent of the civilian injuries and 17 percent of the direct property damage, as shown in Figure 9. Bedrooms (3 percent) and other sleeping areas (2 percent) together accounted for 5 percent of the fires. These fires were associated with just over one-fourth (26 percent) of the civilian injuries and 16 percent of the direct property damage. Smaller shares of the fires originated in lavatories or bathrooms, assembly areas, and storage areas (Figure 9 and Table 10).

Figure 8. Structure Fires in Dormitory-Type Properties by Heat Source: 2017–2021 Annual Averages

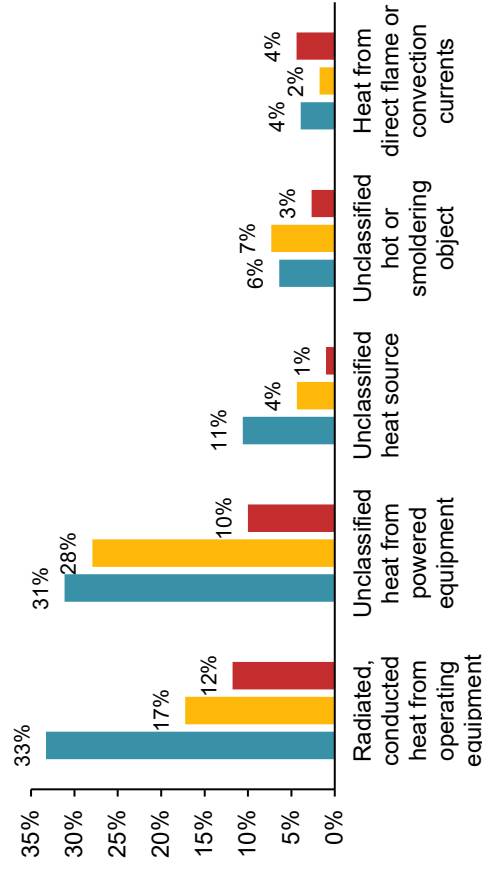
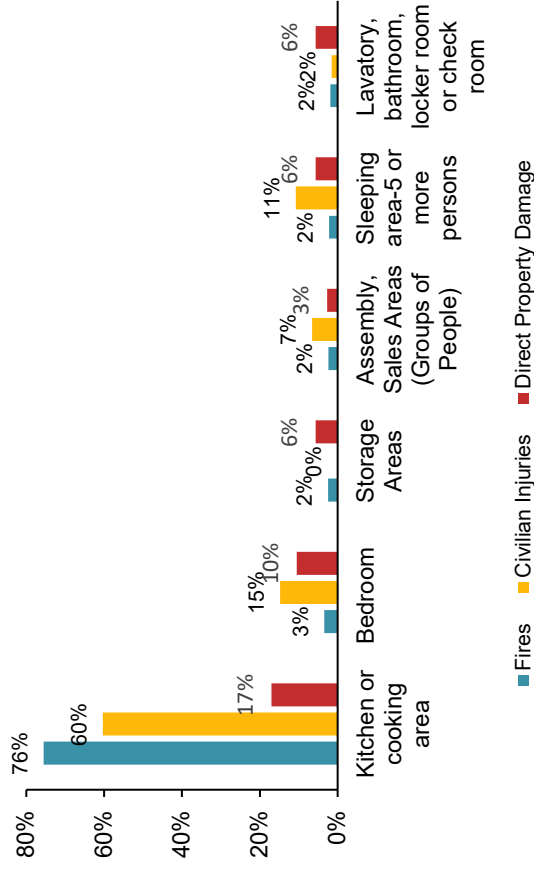


Figure 9. Structure Fires in Dormitory-Type Properties by Area of Origin: 2017–2021 Annual Averages



Additional information

NFPA has additional resources available for those interested in safety issues in these properties. Combined information about fire incidents, safety tips, related articles, and links to other organizations can be found at www.nfpa.org/campusafety.

Acknowledgments

The National Fire Protection Association thanks all the fire departments and state fire authorities who participate in the National Fire Incident Reporting System (NFIRS) and the annual NFPA fire experience survey. These firefighters are the original sources of the detailed data that makes this analysis possible. Their contributions allow us to estimate the size of the fire problem.

We are also grateful to the US Fire Administration for its work in developing, coordinating, and maintaining NFIRS.

To learn more about research at NFPA visit nfpa.org/research.

Email: research@nfpa.org.

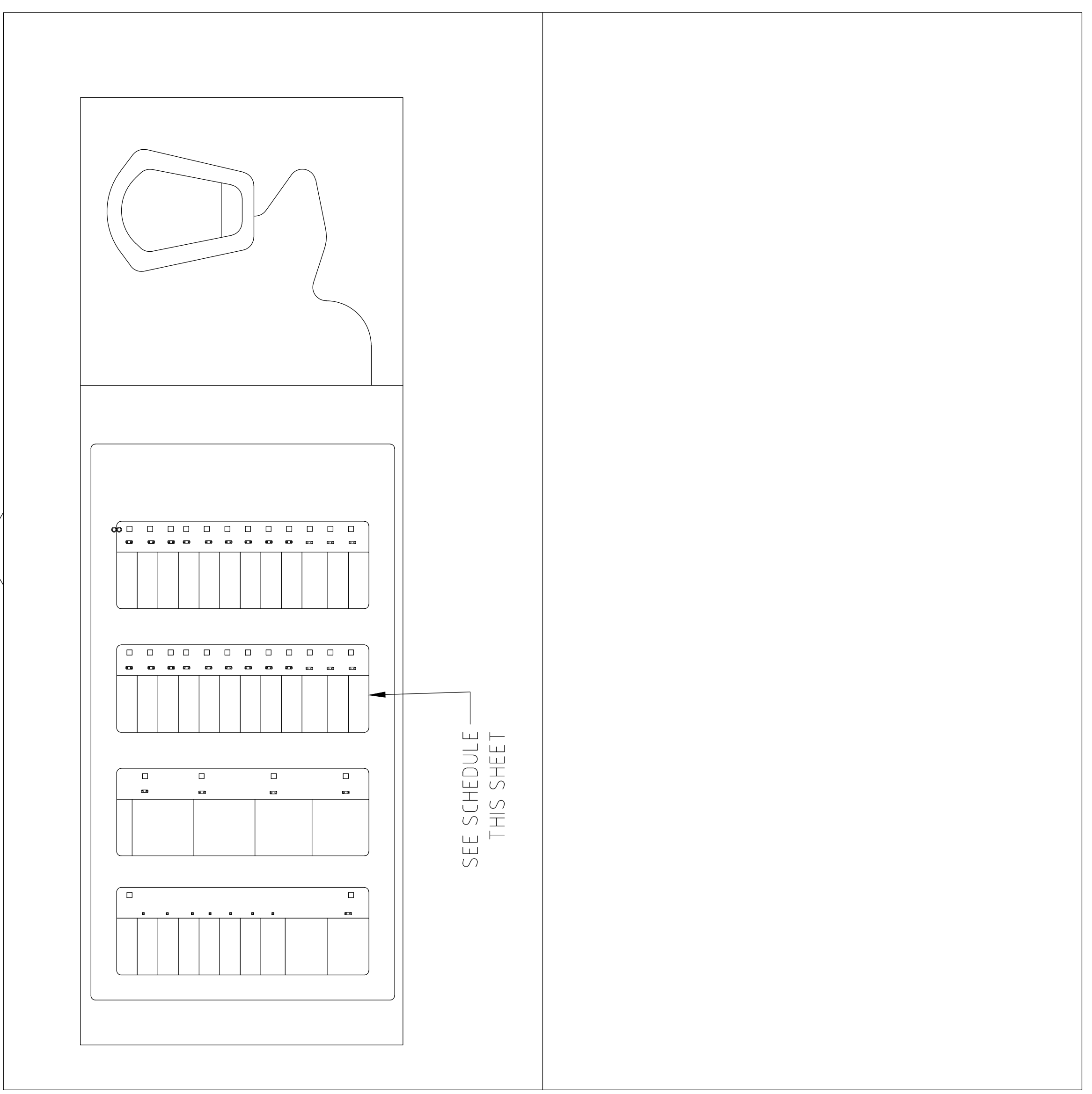
NFPA No. PKG04

**Additional Documents
Submitted by Gregg Black,
GMU Director of Emergency
Management and Fire Safety**

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System Inputs	System Outputs																								
	Control Unit						Notification						Annunciation												
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U				
1 Manual Pull Station	X			X	X																X				
2 Smoke Detector - Outside Sleeping Unit	X			X	X																X				
3 Smoke Detector - Within Sleeping Unit	X			X	X																X				
4 Smoke Detector - Two Detectors in Same Sleeping Unit	X			X	X																				
5 Smoke Detector - Elevator 1 Lobby - Ground Floor	X			X	X																X				
6 Smoke Detector - Elevator 1 Lobby - First Floor	X			X	X								X								X				
7 Smoke Detector - Elevators 2 and 3 Lobby - First Floor	X			X	X									X							X				
8 Smoke Detector - Elevators 2 and 3 Lobby - Second Floor	X			X	X									X							X				
9 Heat Detector - Elevator Machine RoomPH	X			X	X																X				
11 Duct Detector - AHU	X			X	X																X				
12 Duct Detector - Smoke Damper	X			X	X																X				
13 Sprinkler Water Flow Switch	X			X	X																X				
14 Sprinkler Valve Tamper Switch	X			X	X																X				
15 Fire Alarm Panel Trouble	X			X	X																X				
16 Fire Alarm System Low Battery	X			X	X																X				
17 Open Circuit	X			X	X																X				
18 Ground Fault	X			X	X																X				
19 Notification Appliance Circuit Short	X			X	X																X				
20 Fire Pump Running	X			X	X																X				
21 Fire Pump Loss of Power	X			X	X																X				
22 Fire Pump Phase Reversal	X			X	X																X				
23 Elevator Shunt Trip Loss of AC Power	X			X	X																X				

1 FIRE ALARM OPERATION MATRIX
NOT TO SCALE



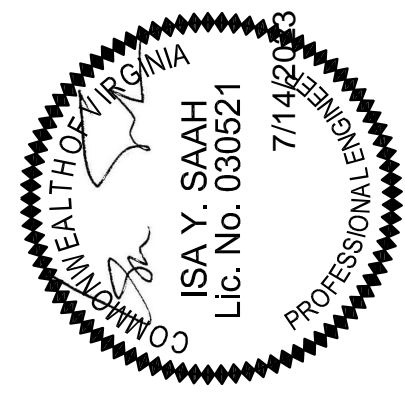
2 LOCAL OPERATING CONSOLE (LOC)
NOT TO SCALE

FIRE ALARM SYSTEM CIRCUIT SCHEDULE												
LOCATION	ZONE	CONTROL EQUIPMENT	SLC	NAP	NAP CIRCUIT	AMP	AMP CIRCUIT	NAP/AMP LOCATION				
OUTSIDE	N/A	FACP	N/A	N/A	Bell Circuit(FACP)	N/A	N/A	MECHANICAL F039				
GROUND FLOOR	1	NAP-1	1	1	1-1	1	1-1	MECHANICAL F039				
1ST FLOOR	2	NAP-2	2	2	1-2 2-1 2-2 2-3	1	1-2 1-3 1-4	TELECOM F125B				
2ND FLOOR	3	NAP-3	3	3	3-1 3-2 3-3 3-4	2	2-1 2-2 2-3	TELECOM F219				
3RD FLOOR	4	NAP	4, 5	4, 5	4-1 4-2 4-3 4-4 4-5 5-1 5-2	3	3-1 3-2 3-3	TELECOM F319				
4TH FLOOR	5	NAP	6, 7	6, 7	6-1 6-2 6-3 6-4 6-5 6-6 6-7	4	4-1 4-2 4-3	TELECOM F419				
5TH FLOOR	6	NAP	8	8	8-1 8-2 8-3 8-4	5	5-1 5-2 5-3	TELECOM F519A				
STAIR 1	NA	FACU	N/A	N/A	N/A	6	6-1	MECHANICAL F039				
STAIR 2	NA	FACU	N/A	N/A	N/A	6	6-2	MECHANICAL F039				
STAIR 3	NA	FACU	N/A	N/A	N/A	6	6-3	MECHANICAL F039				
STAIR 4	NA	FACU	N/A	N/A	N/A	6	6-4	MECHANICAL F039				
STAIR 5	NA	FACU	N/A	N/A	N/A	6	6-5	MECHANICAL F039				
STAIR 6	NA	FACU	N/A	N/A	N/A	6	6-6	MECHANICAL F039				
ELEVATORS	NA	NAP	N/A	N/A	N/A	6	6-7	MECHANICAL F039				

3 FIRE ALARM CIRCUIT SCHEDULE
NOT TO SCALE

SELECTOR SWITCH SCHEDULE		
SELECTOR SWITCH	AREA CONTROLLED	FIRE ALARM ZONES
1	Ground Floor	1
2	First Floor	2
3	Second Floor	3
4	Third Floor	4
5	Fourth Floor	5
6	Fifth Floor	6
7	Stairwells	Stair 1, 2, 3, 4, 5, & 6
8	Elevators	Elevators 1, 2, & 3
9	All Call	All Zones

4 NOTIFICATION ZONES
NOT TO SCALE



1	WORKING DRAWINGS	MP	NS	07/14/2023
No.	Issue	Checked	Approved	Date
Author	N. SAAH	Project Manager	I. SAAH	
Designer	C. BARNES	Design Check	M. WHITELEY	
		Project Director	M. POLLEY	

Bar is one inch on original size sheet



GHD Inc.
1450 George Center Way, Suite 102
Charlottesville, VA 22904
T 703.488.9999 F 703.488.9994 W www.ghd.com

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Client: GEORGE MASON UNIVERSITY
Project: POTOMAC HEIGHTS FIRE ALARM REPLACEMENT
Project No.: 12602761
Project Code: 247-221549
Date: 2023-06-09
AS SHOWN

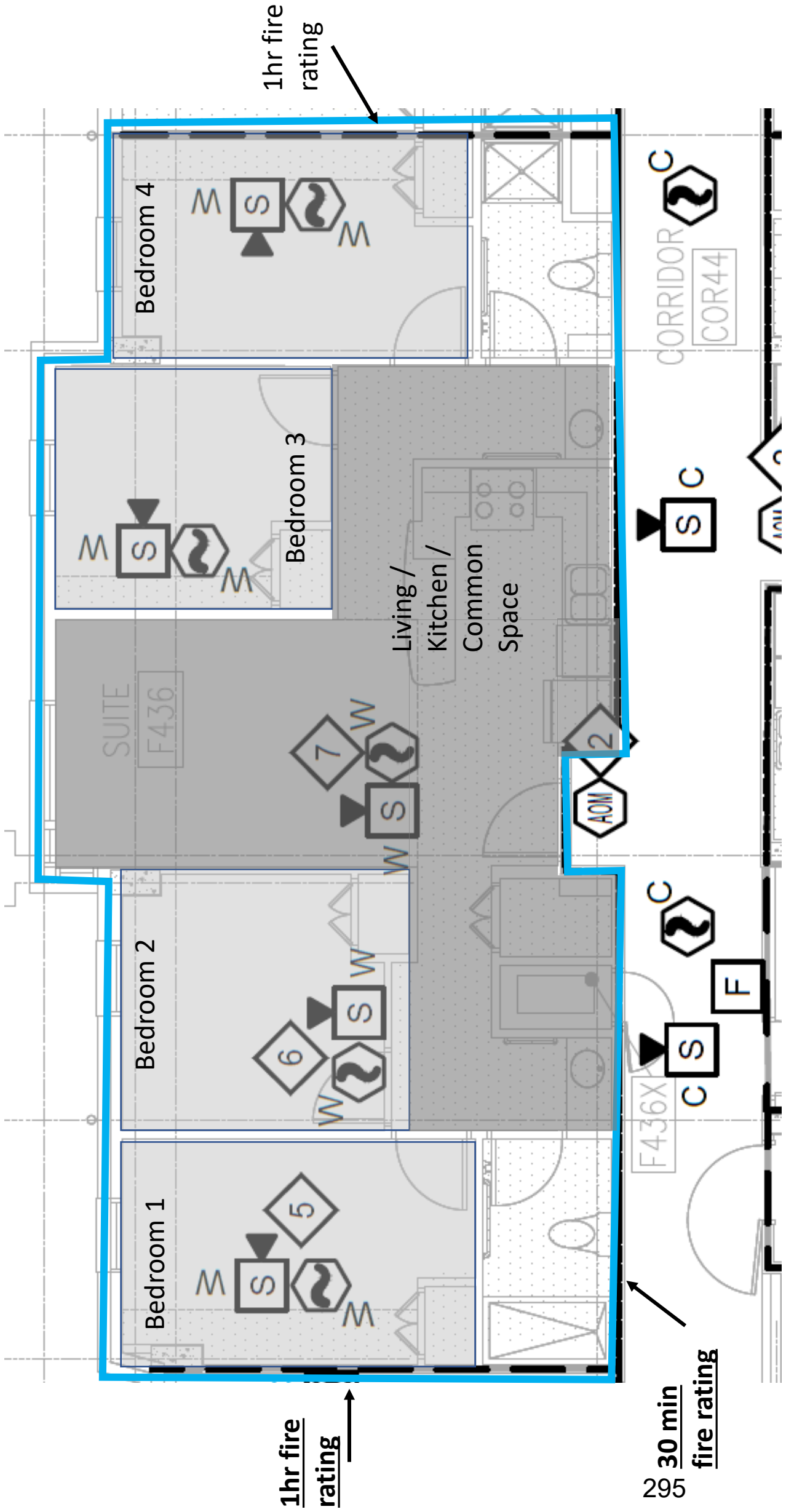
Title: MATRIX AND SCHEDULES

WORKING DRAWINGS

Typical Floor Arrangement, Full sprinkler coverage



Typical Suite Arrangement, Full sprinkler coverage



Mason Fire Alarm Response in R2

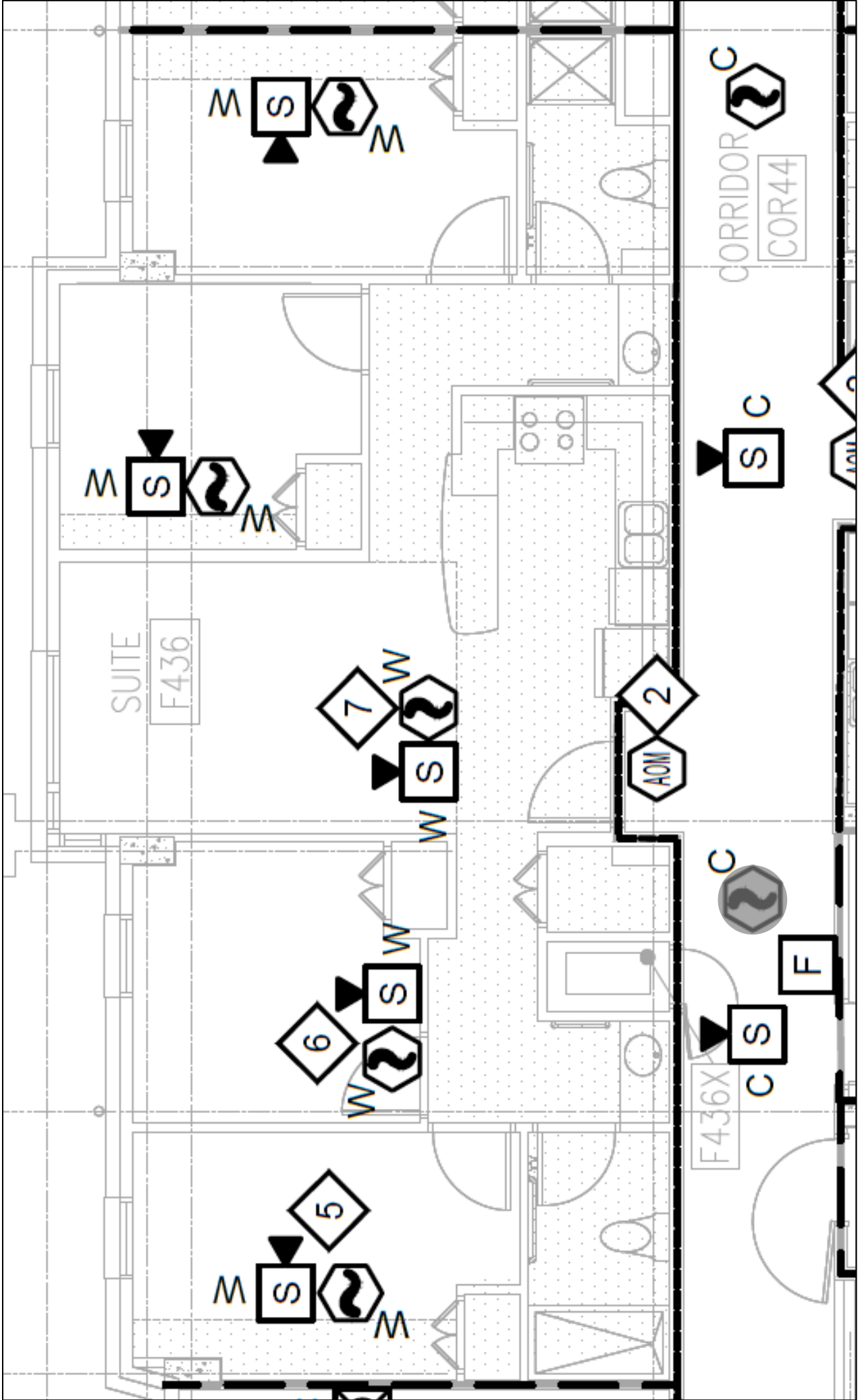
Supervisory Alarm

- Signal received by University Police
- Police Officer dispatched to the building

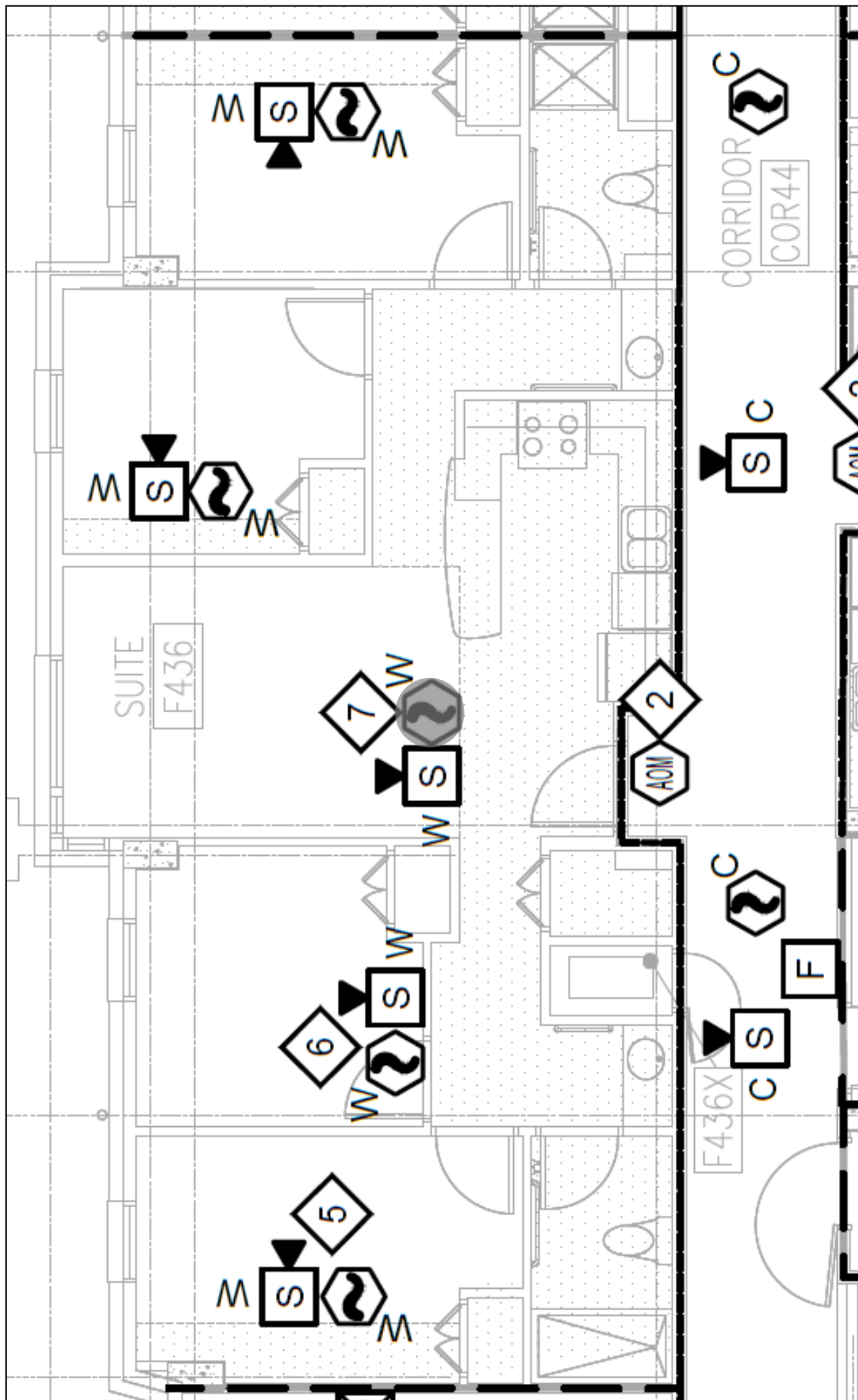
General Building Fire Alarm

- Signal received by University Police
- Fire Department dispatched
- Police Officer dispatched to building

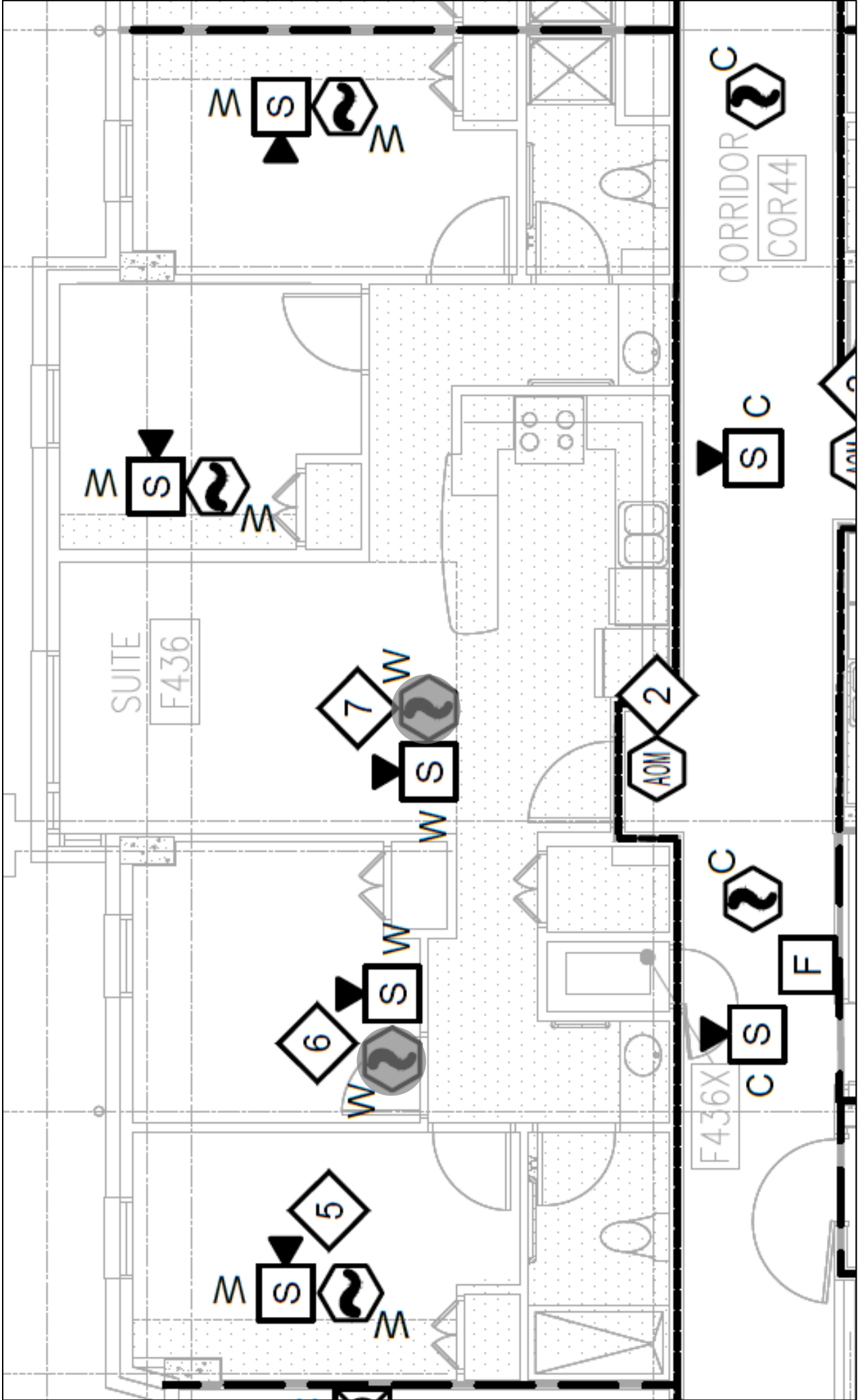
If one smoke detector in the common area is activated



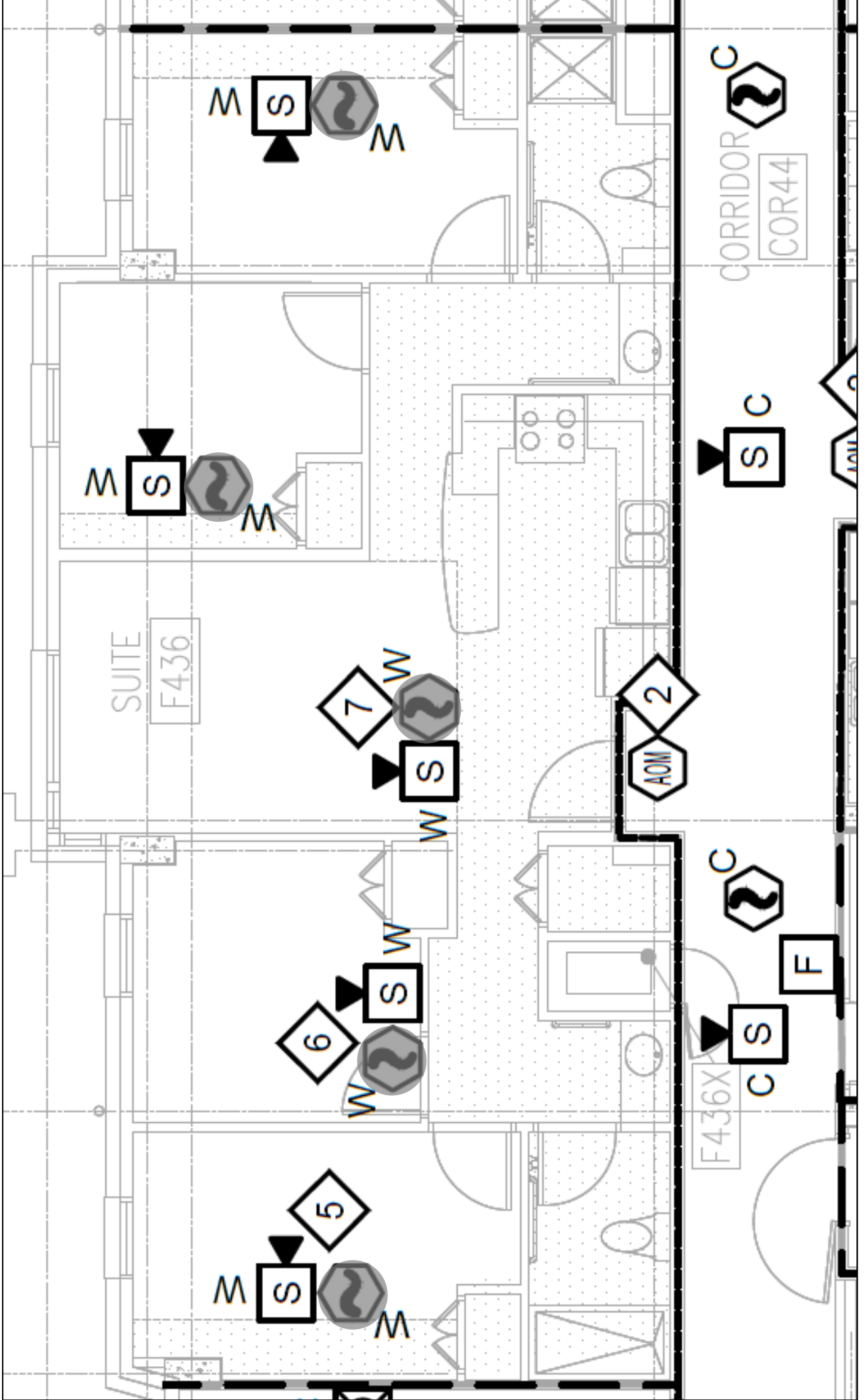
If one smoke detector in the suite is activated



If two or more smoke detectors in a suite are activated



Without the Code Modification, If two or more smoke detectors in a suite are activated



Residential Buildings: Fire Alarm Systems

Commons
Rappahannock Neighborhood
Presidents Park
Shenandoah Neighborhood
Regional

The Commons, including Hanover Hall

FIRE ALARM INPUT OUTPUT MATRIX

FIRE ALARM SYSTEM INPUTS	FIRE ALARM SYSTEM OUTPUTS														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	RESIDENT BLDG AREA SMOKE DETECTOR	X				X	X	X				X			
RESIDENT BLDG DUCT SMOKE DETECTOR	X				X	X	X				X				
RESIDENT ROOM SMOKE DETECTOR		X													
HANOVER BUILDING AREA SMOKE DETECTOR			X		X	X	X				X				
HANOVER BLDG DUCT SMOKE DETECTOR			X		X	X	X				X				
HANOVER BLDG APARTMENT SMOKE DETECTOR				X											
ELEVATOR LOBBY SMOKE DETECTOR ON PRIMARY FLOOR			X		X	X	X		X						
ELEVATOR LOBBY SMOKE DETECTOR NOT ON PRIMARY FLOOR			X		X	X	X		X						
ELEVATOR SHFT SMOKE DETECTORS (TOP AND PIT)			X		X	X	X		X						
ELEVATOR CONTROL ROOM SMOKE DETECTOR			X		X	X	X		X						
ELEVATOR SHFT HEAT DETECTORS (TOP AND PIT)			X		X	X	X		X						
ELEVATOR CONTROL ROOM HEAT DETECTOR			X		X	X	X		X						
RESIDENT BLDG MANUAL PULL STATION	X				X	X	X		X						
HANOVER BLDG MANUAL PULL STATION			X		X	X	X		X						
RESIDENT BLDG WATER FLOW SWITCH	X				X	X	X		X						
HANOVER BLDG WATER FLOW SWITCH			X		X	X	X		X						
RESIDENT BLDG TAMPER SWITCH		X													
HANOVER BLDG TAMPER SWITCH				X											
RESIDENT BLDG PIV TAMPER SWITCH		X								X					
HANOVER BLDG PIV TAMPER SWITCH				X						X					
RESIDENT BLDG DRY-PIPE AIR PRESSURE SWITCH		X													
HANOVER BLDG DRY-PIPE AIR PRESSURE SWITCH				X											
RESIDENT BLDG FA SYSTEM GENERAL TROUBLE (POWER FAILURE, OPEN CIRCUIT, LOW BATTERY, ETC.)		X													
HANOVER BLDG FA SYSTEM GENERAL TROUBLE (POWER FAILURE, OPEN CIRCUIT, LOW BATTERY, ETC.)				X											

FIRE ALARM SYSTEM OUTPUT CONTROL NUMBER

1. ANNUNCIATE "ALARM" AT RESPECTIVE RESIDENTIAL BUILDING FACU
2. INITIATE "TROUBLE" SIGNAL AT RESPECTIVE RESIDENTIAL BUILDING FACU AND SOUND A LOCAL ALARM IN THE ROOM. A GENERAL ALARM SHALL SOUND IF DET IS NOT CLEARED WITHIN 3 MINUTES
3. ANNUNCIATE "ALARM" AT BUILDING FACU
4. INITIATE "TROUBLE" SIGNAL AT RESPECTIVE RESIDENTIAL BUILDING FACU AND SOUND A LOCAL ALARM IN THE ROOM. A GENERAL ALARM SHALL SOUND IF DET IS NOT CLEARED WITHIN 3 MINUTES
5. ACTIVATE NOTIFICATION APPLIANCE
6. TRANSMIT "ALARM" SIGNAL TO SUPERVISING STATION
7. TRANSMIT "SUPERVISORY" SIGNAL TO SUPERVISING STATION
8. INITIATE ELEVATOR RECALL TO PRIMARY FLOOR
9. INITIATE ELEVATOR RECALL TO ALTERNATE FLOOR
10. ELEVATOR LOWER SHUNT TRIP
11. CLOSE SMOKE DAMPERS

Blue Ridge Hall & Sandbridge Hall

ACTION TAKEN	INITIATING DEVICES	TRANSMIT SIGNAL TO CAMPUS REMOTE STATION RECEIVING STATION	TRANSMIT FAN SHUTDOWN SIGNAL TO BMS	GENERAL ALARM ON ALL FLOORS	ACTIVATE EXPIROR STROBE AT F.D RESPONSE POINT.	RECORD EVENT OF SYSTEM PRINTER.	ALARM PANEL TO FIRE REPORT INCIDENT TO SECURITY SYSTEM.	CARD ACCESS DOOR RELEASE	(RELEASE ALL SMOKE DOORS (10 SECOND DELAY).	TRANSMIT RECALL SIGNAL TO ELEVATOR CONTROLLERS.	ACTIVATE ELEVATOR SHUNT TRIP. REFER TO SPECS FOR DETAILS.	TURN ON LIGHTING CONTROLLED BY DINING AND RELAY PANELS.	OPEN ELECTRICALLY OPERATED BLINDS.	SOUND LOCAL STUDENT BEDROOM ALARM. AS OUTLINED IN VUSBC 2000 SECTION 907.2.10.3
<u>FIRE ALARM INITIATING DEVICES</u>														
	MANUAL FIRE ALARM STATIONS	X	X	X	X	X	X	X	X	X	X	X	X	X
	ELEVATOR LOBBY DETECTORS	X	X	X	X	X	X	X	X	X	X	X	X	X
	SMOKE DETECTORS	X	X	X	X	X	X	X	X	X	X	X	X	X
	DUCT MOUNTED SMOKE DETECTORS		X			X								
	SPRINKLER WATER FLOW SWITCHES	X	X	X	X	X	X	X	X	X	X	X	X	X
	DETECTORS IN ELEVATOR SHAFT AND M/C RM.	X	X	X	X	X	X	X	X	X	X	X	X	X
	STUDENT ROOM DETECTORS SMOKES					X								X
	SECOND ADJACENT STUDENT ROOM DETECTOR	X	X	X	X	X	X	X	X	X	X	X	X	X
<u>TROUBLE AND SUPERVISORY ALARM DEVICES</u>														
	SPRINKLER TAMPER SWITCH					X	X							
	DRY SPRINKLER SYSTEM LOW AIR PRESSURE CONTACT					X	X							
	FIRE PUMP LOW WATER PRESSURE CONTACT					X	X							
	FIRE PUMP PHASE LOSS					X	X							
	FIRE PUMP RUNNING CONTACT					X	X							
	FIRE PUMP PHASE REVERSAL CONTACT					X	X							
	CONTROLLER CONNECTED TO ALTERNATE SOURCE					X	X							
	FIRE ALARM LOSS OF POWER.					X	X							
	EMERGENCY GENERATOR MALFUNCTION CONTACT					X	X							
	EMERGENCY GENERATOR RUNNING CONTACT					X	X							
	EMERGENCY GENERATOR HIGH GAS PRESSURE					X	X							
	EMERGENCY GENERATOR LOW GAS PRESSURE					X	X							
	EMERGENCY GENERATOR BATTERY SYSTEM LEVEL CONTACT					X	X							
	EMERGENCY GENERATOR BATTERY SYSTEM LOSS OF AC POWER CONTACT					X	X							
	ATS NORMAL POSITION STATUS CONTACT					X	X							
	ATS EMERGENCY POSITION STATUS CONTACT					X	X							

2 FIRE ALARM SEQUENCE OF OPERATION

NTS

Commonwealth Hall

		System Outputs																			
		Control Unit Annunciation							Notification						Required Fire Safety Control						
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
		Actuate common alarm signal indicator	Actuate audible alarm signal	Actuate common supervisory signal indicator	Actuate audible supervisory signal	Actuate common trouble signal indicator	Actuate audible common trouble signal	Actuate Associated Indicator on Graphic Annunciator	Actuate General Evacuation Signals Throughout Building	Actuate All Affected Dwelling Unit Speakers	Transmit supervisory signal to campus police station	Transmit trouble signal to campus police station	Transmit fire alarm signal to campus police station	Display/Print change of status	Release magnetically held doors	Recall elevators to primary recall floor (1st Floor)	Recall elevators to alternate recall floor (2nd Floor)	Shunt Trip Power to Associated Elevator Bank	Shutdown Associated Air Handling Unit	Open vent at top of hotway	
1	Manual Fire Alarm Boxes	X	X					X	X			X	X	X							1
2	Smoke Detectors - Outside Dwelling Unit	X	X					X	X	X			X	X							2
3	Smoke Detector - Dwelling Unit			X	X			X	X												3
4	Smoke Detector - Two or More Dwelling Unit Smoke Detectors in Alarm	X	X					X	X	X			X	X							4
5	Smoke Detectors - 1st Floor Elevator Lobby	X	X					X	X			X	X	X	X	X					5
6	Smoke Detectors - Elevator Lobby Other Than 1st Floor	X	X					X	X			X	X	X	X	X					6
7	Smoke Detectors - Elevator Machine Room	X	X					X	X			X	X	X	X	X					7
8	Heat Detectors - Elevator Machine Room/Pit	X	X					X	X			X	X	X	X		X				8
9	Duct smoke detector - AHU Return Ducts			X	X			X	X			X	X	X				X			9
10	Sprinkler Water Flow Switch	X	X					X	X			X	X	X	X						10
11	Sprinkler Valve Tamper			X	X			X	X			X	X	X			X				11
12	Fire Alarm AC Power Failure			X	X							X	X	X							12
13	Fire Alarm System Low Battery					X	X					X	X	X							13
14	Open circuit					X	X					X	X	X							14
15	Ground fault					X	X					X	X	X							15
16	Notification Appliance Circuit Short					X	X					X	X	X							16
17	Fire Pump Running			X	X			X	X			X	X	X							17

BUILDING FIRE ALARM CONTROL PANEL MATRIX	ANNUNCIATION	NOTIFICATION	CONTROL
INITIATING DEVICES	Alarm Annunciation FACP, Remote Annunciator & Send status to Central Station	Supervisory Annunciation FACP, Printer, Graphic Annunciator & Send status to Central Station	Sound Audible Bases Throughout Associated Dwelling Unit (Also Activate Strobes in Dwelling Unit if ADA or HI Unit)
	X	X	X
Manual Station	X	X	X
General Area / Corridor Smoke Sensor			
First Dwelling Unit Smoke Sensor	X	X	X
Second Dwelling Unit Smoke Sensor	X	X	X
Elev Lobby Smoke Sensor (all except First Floor)	X	X	X
First Floor Elevator Lobby Smoke Sensor	X	X	X
Elevator Machine Room Smoke Sensor	X	X	X
Elevator Machine Room Heat Sensor	X	X	X
Sprinkler Flow (Top of Hoistway/Elevator Closet)	X	X	X
Duct Smoke Sensor for AHU	X	X	X
Sprinkler Flow (Floor)			
Sprinkler Tamper Switch			
Fire Purrrp Running	X	X	
Fire Purrrp Phase Reversal	X	X	
Fire Purrrp Phase Loss	X	X	
Fire Purrrp on Emergency Power	X	X	
Fire Alarm AC Power Fail			
Fire Alarm System Low Battery			
Fire Alarm Panel Open Circuit			
Fire Alarm Panel Ground Fault			
Fire Alarm Panel Circuit Short			

Northern Neck

INITIATING DEVICES	ACTION TAKEN	FIRE ALARM SEQUENCE OF OPERATION															
		TRANSMIT SIGNAL TO CAMPUS REMOTE STATION RECEIVING STATION	TRANSMIT FAN SHUTDOWN SIGNAL TO BMS	GENERAL ALARM ON ALL FLOORS	ACTIVATE EXPIROR STROBE AT F.D RESPONSE POINT.	RECORD EVENT OF SYSTEM PRINTER.	ALARM PANEL TO FIRE REPORT INCIDENT	REPORT INCIDENT TO SECURITY SYSTEM.	CARD ACCESS DOOR RELEASE	(RELEASE ALL SMOKE DOORS (10 SECOND DELAY).	TRANSMIT RECALL SIGNAL TO ELEVATOR CONTROLLERS.	ACTIVATE ELEVATOR SHUNT TRIP. REFER TO SPECS FOR DETAILS.	TURN ON LIGHTING CONTROLLED BY DIMMING AND RELAY PANELS.	OPEN ELECTRICALLY OPERATED BLINDS.	SOUND LOCAL STUDENT BEDROOM ALARM, AS OUTLINED IN VUSBC 2000 SECTION 907.2.10.3		
FIRE ALARM INITIATING DEVICES																	
MANUAL FIRE ALARM STATIONS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
ELEVATOR LOBBY DETECTORS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SMOKE DETECTORS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
DUCT MOUNTED SMOKE DETECTORS	-	X	-	-	X	-	-	-	-	-	-	-	-	-	-	-	-
SPRINKLER WATER FLOW SWITCHES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
DETECTORS IN ELEVATOR SHAFT AND M/C RM.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
STUDENT ROOM DETECTORS SMOKES	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SECOND ADJACENT STUDENT ROOM DETECTOR	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
TROUBLE AND SUPERVISORY ALARM DEVICES																	
SPRINKLER TAMPER SWITCH	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DRY SPRINKLER SYSTEM LOW AIR PRESSURE CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FIRE PUMP LOW WATER PRESSURE CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FIRE PUMP PHASE LOSS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FIRE PUMP RUNNING CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FIRE PUMP PHASE REVERSAL CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CONTROLLER CONNECTED TO ALTERNATE SOURCE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FIRE ALARM LOSS OF POWER.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR MALFUNCTION CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR RUNNING CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR HIGH GAS PRESSURE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR LOW GAS PRESSURE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR BATTERY SYSTEM LEVEL CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR BATTERY SYSTEM LOSS OF AC POWER CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ATS NORMAL POSITION STATUS CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ATS EMERGENCY POSITION STATUS CONTACT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Piedmont Hall & Tidewater Hall

INITIATING DEVICES	ACTION TAKEN	FIRE ALARM SEQUENCE OF OPERATION													
		TRANSMIT SIGNAL TO CAMPUS REMOTE STATION RECEIVING STATION	TRANSMIT FAN SHUTDOWN SIGNAL TO BMS	GENERAL ALARM ON ALL FLOORS	ACTIVATE EXPIROR STROBE AT F.D RESPONSE POINT.	RECORD EVENT OF SYSTEM PRINTER.	ALARM PANEL REPORT INCIDENT TO FIRE ALARM PANEL	REPORT INCIDENT TO SECURITY SYSTEM	CARD ACCESS DOOR RELEASE	(RELEASE ALL SMOKE DOORS (10 SECOND DELAY).	TRANSMIT RECALL SIGNAL TO ELEVATOR CONTROLLERS	ACTIVATE ELEVATOR SHUNT TRIP. REFER TO SPECS FOR DETAILS.	TURN ON LIGHTING CONTROLLED BY DIMMING AND RELAY PANELS.	OPEN ELECTRICALLY OPERATED BLINDS.	SOUND LOCAL STUDENT BEDROOM ALARM, AS OUTLINED IN VUSBC 2000 SECTION 907.2.10.3
FIRE ALARM INITIATING DEVICES															
MANUAL FIRE ALARM STATIONS		X	X	X	X	X	X	X	X	X	X	X	X	X	X
ELEVATOR LOBBY DETECTORS		X	X	X	X	X	X	X	X	X	X	X	X	X	X
SMOKE DETECTORS		X	X	X	X	X	X	X	X	X	X	X	X	X	X
DUCT MOUNTED SMOKE DETECTORS		-	X	-	-	X	-	-	-	-	-	-	-	-	-
SPRINKLER WATER FLOW SWITCHES		X	X	X	X	X	X	X	X	X	X	X	X	X	X
DETECTORS IN ELEVATOR SHAFT AND M/C RM.		X	X	X	X	X	X	X	X	X	X	X	X	X	X
STUDENT ROOM DETECTORS SMOKES		-	-	-	-	X	-	-	-	-	-	-	-	-	X
SECOND ADJACENT STUDENT ROOM DETECTOR		X	X	X	X	X	X	X	X	X	X	X	X	X	X
TROUBLE AND SUPERVISORY ALARM DEVICES															
SPRINKLER TAMPER SWITCH		-	-	-	-	X	X	-	-	-	-	-	-	-	-
DRY SPRINKLER SYSTEM LOW AIR PRESSURE CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
FIRE PUMP LOW WATER PRESSURE CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
FIRE PUMP PHASE LOSS		-	-	-	-	X	X	-	-	-	-	-	-	-	-
FIRE PUMP RUNNING CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
FIRE PUMP PHASE REVERSAL CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
CONTROLLER CONNECTED TO ALTERNATE SOURCE		-	-	-	-	X	X	-	-	-	-	-	-	-	-
FIRE ALARM LOSS OF POWER.		-	-	-	-	X	X	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR MALFUNCTION CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR RUNNING CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR HIGH GAS PRESSURE		-	-	-	-	X	X	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR LOW GAS PRESSURE		-	-	-	-	X	X	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR BATTERY SYSTEM LEVEL CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
EMERGENCY GENERATOR BATTERY SYSTEM LOSS OF AC POWER CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
ATS NORMAL POSITION STATUS CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-
ATS EMERGENCY POSITION STATUS CONTACT		-	-	-	-	X	X	-	-	-	-	-	-	-	-

Adams Hall

FIRE ALARM SYSTEM CONTROL MATRIX

NOTE 1: FIRST ACTIVATION IS A SUPERVISORY AND SHOULD TRANSMIT SUPERVISORY TO THE SUPERVISING STATION. SECOND ACTIVATION IS AN ALARM CONDITION.

SYSTEM INPUTS

MANUAL FIRE ALARM STATIONS ALL FLOORS
 SMOKE DETECTORS ALL FLOORS
 DUCT SMOKE DETECTOR
 SPRINKLER FLOW SWITCH
 SPRINKLER TAMPER SWITCH
 SPRINKLER POST INDICATOR VALVE
 CONTROL PANEL AC POWER FAILURE
 CONTROL PANEL LOW BATTERY
 OPEN CIRCUIT
 GROUND FAULT
 NOTIFICATION APPLIANCE CIRCUIT FAULT
 SMOKE DETECTOR WITH SOUNDER BASE - NOTE 1

SYSTEM OUTPUTS

CONTROL UNIT ANNUNCIATION	SYSTEM OUTPUTS												
	NOTIFICATION	REQUIRED FIRE SAFETY CONTROL	SUPPLEMENTARY										
ACTUATE COMMON ALARM SIGNAL INDICATOR													
ACTUATE AUDIBLE ALARM SIGNAL													
ACTUATE COMMON SUPERVISORY SIGNAL INDICATOR													
ACTUATE AUDIBLE SUPERVISORY SIGNAL													
ACTUATE COMMON TROUBLE SIGNAL INDICATOR													
ACTUATE AUDIBLE TROUBLE SIGNAL													
ACTUATE ALARM INDICATOR													
	ACTUATE EVACUATION SIGNALS (AUDIO & VISUAL)												
	DISPLAY CHANGE OF STATUS												
	TRANSMIT FIRE ALARM SIGNAL TO SUPERVISING STATION (1)												
	TRANSMIT SUPERVISORY SIGNAL TO SUPERVISING STATION (1)												
	TRANSMIT TROUBLE SIGNAL TO SUPERVISING STATION (1)												
	CLOSE SMOKE DAMPERS IN RATED WALLS												
	CLOSE/RELEASE DOORS IN SMOKE BARRIERS												
	CLOSE/RELEASE FIRE DOORS												
	UNLOCK EXITS												
	SHUTDOWN HVAC UNITS												

NOTE: (1) CONTRACTOR SHALL CONNECT TO CAMPUS WIDE KELTRON SYSTEM

FIRE ALARM CONTROL PANEL SEQUENCE OF OPERATIONS	ANNUNCIATION			NOTIFICATION					CONTROL			
	Alarm Annunciation FACP & Graphic Annunciator, Send Status to Campus Police Station via DACT	Supervisory Annunciation FACP & Graphic Annunciator, Send Status to Campus Police Station via DACT	Trouble Annunciation FACP & Graphic Annunciator, Send Status to Campus Police Station via DACT	Sound Speakers and Strobes Throughout Building Except Stairwell Speaker	Sound Sleeping Unit Speaker/Strobe (if Applicable) ONLY via Unit Addressable Outout Module and Main Amplifier	Sound Speakers Throughout the Building Including the Stairwell Speaker	Override Fire Alarm	Activate Exterior Electric Bell Appliance	Shutdown Applicable Air Handling Unit	Close Applicable Fire/Smoke Dampers	Unlock All Controlled Access Doors.	
INITIATING DEVICES												
Manual Station	X			X								
Smoke Detector - Outside Sleeping Unit	X			X								
Smoke Detector - Sleeping Unit	X			X								
Smoke Detector - Two or more Sleeping Unit Smoke Detectors in ALARM	X			X								
Heat Detector	X			X								
Duct Smoke Detector - Fire/Smoke Damper	X			X								
Duct Smoke Detector - AHU Supply Duct	X			X								
Sprinkler Flow Switch	X			X								
Sprinkler Tamper												
Live Voice Message												
Notification Appliance Booster Panel Trouble												
Fire Alarm AC Power Fail												
Fire Alarm System Low Battery												
Fire alarm panel open circuit												
Fire alarm panel ground fault												
Notification Appliance Circuit Short												
SLC/Initiating Device Circuit Short												

1 FIRE ALARM OPERATIONAL MATRIX

SCALE: NOT TO SCALE



FIRE ALARM CONTROL PANEL SEQUENCE OF OPERATIONS	ANNUNCIATION			NOTIFICATION					CONTROL		
	Alarm Annunciation FACP & Graphic Annunciator, Send Status to Campus Police Station via DACT	Supervisory Annunciation FACP & Graphic Annunciator, Send Status to Campus Police Station via DACT	Trouble Annunciation FACP & Graphic Annunciator, Send Status to Campus Police Station via DACT	Sound Speakers and Strobes Throughout Building Except Stairwell Speaker	Sound Sleeping Unit Speaker/Strobe (if Applicable) ONLY via Unit Addressable Outout Module and Main Amplifier	Sound Speakers Throughout the Building Including the Stairwell Speaker	Override Fire Alarm	Activate Exterior Electric Bell Appliance	Shutdown Applicable Air Handling Unit	Close Applicable Fire/Smoke Dampers	Unlock All Controlled Access Doors.
INITIATING DEVICES											
Manual Station	X			X							X
Smoke Detector - Outside Sleeping Unit				X							X
Smoke Detector - Sleeping Unit				X	X						X
Smoke Detector - Two or more Sleeping Unit Smoke Detectors in ALARM	X			X							X
Heat Detector	X			X							X
Duct Smoke Detector - Fire/Smoke Damper				X						X	
Duct Smoke Detector - AHU Supply Duct				X							
Sprinkler Flow Switch	X			X							X
Sprinkler Tamper											
Live Voice Message				X							
Notification Appliance Booster Panel Trouble				X							
Fire Alarm AC Power Fail				X							
Fire Alarm System Low Battery				X							
Fire alarm panel open circuit				X							
Fire alarm panel ground fault				X							
Notification Appliance Circuit Short				X							
SLC/Initiating Device Circuit Short				X							

Kennedy Hall & Truman Hall

FIRE ALARM SYSTEM CONTROL MATRIX

NOTE 1: FIRST ACTIVATION IS A SUPERVISORY AND SHOULD TRANSMIT SUPERVISORY TO THE SUPERVISING STATION. SECOND ACTIVATION IS AN ALARM CONDITION.

SYSTEM INPUTS

MANUAL FIRE ALARM STATIONS ALL FLOORS	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	
SMOKE DETECTORS ALL FLOORS	X	X																							
DUCT SMOKE DETECTOR	X																								
SPRINKLER FLOW SWITCH	X	X																							
SPRINKLER TAMPER SWITCH	X	X																							
SPRINKLER POST INDICATOR VALVE	X	X																							
CONTROL PANEL AC POWER FAILURE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
CONTROL PANEL LOW BATTERY	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
OPEN CIRCUIT																									
GROUND FAULT																									
NOTIFICATION APPLIANCE CIRCUIT FAULT																									
SMOKE DETECTOR WITH SOUNDER BASE – NOTE 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
HEAT DETECTOR	X	X																							

		SYSTEM OUTPUTS																																																							
		CONTROL UNIT ANNUNCIATION					NOTIFICATION					REQUIRED FIRE SAFETY CONTROL					SUPPLEMENTARY																																								
	ACTUATE COMMON ALARM SIGNAL INDICATOR	X	X				X	X	X	X	X	X	X	X	X	X	X	X	X	X																																					
	ACTUATE AUDIBLE ALARM SIGNAL																																																								
	ACTUATE COMMON SUPERVISORY SIGNAL INDICATOR	X																																																							
	ACTUATE AUDIBLE SUPERVISORY SIGNAL																																																								
	ACTUATE COMMON TROUBLE SIGNAL INDICATOR																																																								
	ACTUATE AUDIBLE TROUBLE SIGNAL																																																								
	ACTUATE ALARM INDICATOR																																																								
	ACTUATE EVACUATION SIGNALS (AUDIO & VISUAL)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	DISPLAY CHANGE OF STATUS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	TRANSMIT FIRE ALARM SIGNAL TO SUPERVISING STATION (1)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	TRANSMIT SUPERVISORY SIGNAL TO SUPERVISING STATION (1)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	TRANSMIT TROUBLE SIGNAL TO SUPERVISING STATION (1)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	CLOSE SMOKE DAMPERS IN RATED WALLS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	CLOSE/RELEASE DOORS IN SMOKE BARRIERS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	CLOSE/RELEASE FIRE DOORS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	CLOSE/RELEASE FIRE DOORS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	UNLOCK EXITS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	SHUTDOWN HVAC UNITS																																																								
	PROVIDE RELAY AT DDC PANEL TO INDICATE AHU DUCT DETECTOR IN ALARM																																																								

NOTE: ① CONTRACTOR SHALL CONNECT TO CAMPUS WIDE KELTRON SYSTEM

Madison Hall & Washington Hall

FIRE ALARM SYSTEM CONTROL MATRIX	SYSTEM OUTPUTS																																																					
	CONTROL UNIT ANNUNCIATION					NOTIFICATION					REQUIRED FIRE SAFETY CONTROL			SUPPLEMENTARY																																								
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X																														
ACTIVATE COMMON ALARM SIGNAL INDICATOR	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																																			
ACTIVATE COMMON ALARM SIGNAL																																																						
ACTIVATE COMMON SUPERVISORY SIGNAL INDICATOR																																																						
ACTIVATE AUDIBLE SUPERVISORY SIGNAL																																																						
ACTIVATE AUDIBLE SUPERVISORY SIGNAL																																																						
ACTIVATE COMMON TROUBLE SIGNAL INDICATOR																																																						
ACTIVATE AUDIBLE TROUBLE SIGNAL																																																						
ACTIVATE AUDIBLE TROUBLE SIGNAL																																																						
ACTIVATE ALARM INDICATOR																																																						
ACTIVATE EVACUATION SIGNALS (AUDIO & VISUAL)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					
DISPLAY CHANGE OF STATUS																																																						
TRANSMIT FIRE ALARM SIGNAL TO SUPERVISING STATION ①																																																						
TRANSMIT SUPERVISORY SIGNAL TO SUPERVISING STATION ①																																																						
TRANSMIT TROUBLE SIGNAL TO SUPERVISING STATION ①																																																						
CLOSE SMOKE DAMPERS IN RATED WALLS																																																						
CLOSE/RELEASE DOORS IN SMOKE BARRIERS																																																						
CLOSE/RELEASE FIRE DOORS																																																						
CLOSE/RELEASE DOORS IN SMOKE BARRIERS																																																						
CLOSE/RELEASE FIRE DOORS																																																						
UNLOCK EXITS																																																						
SHUTDOWN HVAC UNITS																																																						
MANUAL FIRE ALARM STATIONS ALL FLOORS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
SMOKE DETECTORS ALL FLOORS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
DUCT SMOKE DETECTOR					X	X																																																
SPRINKLER FLOW SWITCH																																																						
SPRINKLER TAMPER SWITCH																																																						
SPRINKLER POST INDICATOR VALVE																																																						
CONTROL PANEL AC POWER FAILURE																																																						
CONTROL PANEL LOW BATTERY																																																						
OPEN CIRCUIT																																																						
GROUND FAULT																																																						
NOTIFICATION APPLIANCE CIRCUIT FAULT																																																						
SMOKE DETECTOR WITH SOUNDER BASE - NOTE 1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					

NOTE: ① CONTRACTOR SHALL CONNECT TO CAMPUS WIDE KELTRON SYSTEM

Liberty Square

		System Outputs																		
		Control Unit Annunciation								Notification				Required Fire Safety Control						
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
		Actuate common alarm signal indicator	Actuate audible alarm signal	Actuate common supervisory signal indicator	Actuate audible supervisory signal	Actuate common trouble signal indicator	Actuate audible common trouble signal	Actuate Associated Indicator on Graphic Annunciator	Actuate General Evacuation Signals Throughout Building	Sound Speakers in Affected Dwelling Unit	Transmit supervisory signal to campus police station	Transmit trouble signal to campus police station	Transmit fire alarm signal to campus police station	Display/Print change of status	Release magnetically held doors	Recall elevators to primary recall floor (Lower Level)	Recall elevators to alternate recall floor (1st Floor)	Shunt Trip Power to Associated Elevator Bank	Shutdown Associated Air Handling Unit	Open vent at top of hoistway
1	Manual Fire Alarm Boxes	X	X					X	X			X	X	X						
2	Smoke Detectors - Outside Dwelling Unit	X	X					X	X			X	X							
3	Smoke Detector - Dwelling Unit			X	X			X	X				X							
4	Smoke Detector - Two Smoke Detectors in Same Dwelling Unit	X	X					X	X			X	X							
5	Smoke Detectors - Lower Level Elevator Lobby	X	X					X	X			X	X			X				
6	Smoke Detectors - Elevator Lobby Except Lower Level	X	X					X	X			X	X			X			X	X
7	Smoke Detectors - Elevator Machine Room	X	X					X	X			X	X			X			X	X
8	Heat Detectors - Elevator Machine Room/Pit	X	X					X	X			X	X							
9	Duct Smoke Detector - AHU Return Ducts			X	X			X	X				X					X		
10	Sprinkler Water Flow Switch	X	X					X	X			X	X							
11	Sprinkler Valve Tamper			X	X			X	X				X							
12	Fire Alarm AC Power Failure			X	X			X	X				X							
13	Fire Alarm System Low Battery					X	X						X							
14	Open Circuit					X	X													
15	Ground Fault					X	X													
16	Notification Appliance Circuit Short					X	X													
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S

Mason Global Center

*TIME-DELAY ACTIVATION OF ELEVATOR SHUNT TRIP AND PRE-ACTION SYSTEM ACTIVATION IN ACCORDANCE WITH CPISM SECTION 701.9.15 SHALL BE ACHIEVED BY A LISTED MODULE OR PROGRAMMING WHICH IS INCORPORATED WITHIN THE LISTING AND MANUFACTURER'S INSTALLATION INSTRUCTIONS FOR AN APPROVED NFPA 72-2007 COMPLIANT CONTROL PANEL.

FIRE ALARM MATRIX OF OPERATIONS

	NOTIFICATION											AUXILIARY						
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P		
ALARM SIGNAL TO FIRE CONTROL ROOM AND REMOTE ANNUNCIATOR	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
SUPERVISORY SIGNAL TO FIRE CONTROL ROOM AND REMOTE ANNUNCIATOR	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
SOUND LOCAL SOUNDER BASE																		
TRouble SIGNAL FIRE CONTROL ROOM AND REMOTE ANNUNCIATOR																		
EVAcUATION MESSAGE TO ALL FLOORS (GENERAL EVAcUATION ALARM)																		
STROBE ACTIVATION (GENERAL EVAcUATION ALARM)																		
ALARM SIGNAL TO PROPRIETARY SUPERVISING STATION AT THE GMU CAMPUS POLICE STATION																		
TRouble SIGNAL TO PROPRIETARY SUPERVISING STATION AT THE GMU CAMPUS POLICE STATION																		
TRouble SIGNAL TO PROPRIETARY SUPERVISING STATION AT THE GMU CAMPUS POLICE STATION																		
SUPERVISORY SIGNAL TO PROPRIETARY SUPERVISING STATION AT THE GMU CAMPUS POLICE STATION																		
RECALL ELEVATOR TO ALTERNATE FLOOR												•						
RECALL ELEVATOR TO PRIMARY FLOOR											•							
ELEVATOR SHUNT TRIP AND PRE-ACTION SYS. ACTIVATION IN ACCORDANCE WITH CPISM SECTION 701.9.15																		
AHU SHUTDOWN FOR THIS HVAC ZONE																		
RELEASE MAGNETIC DOOR HOLD-OPENS																		
SHUTDOWN CONFERENCE/MTG. ROOM AUDIO SYSTEMS																		
RECORD EVENT ON PRINTER AND IN FIRE ALARM MEMORY																		
MANUAL PULL STATION	1	•																
AREA SMOKE DETECTOR	2	•																
ELEVATOR LOBBY SMOKE DETECTOR - PRIMARY RECALL FLOOR	3	•																
ELEVATOR LOBBY SMOKE DETECTOR - NOT PRIMARY RECALL FLOOR	4	•																
ELEVATOR SMOKE DETECTOR-ELEVATOR MACHINE ROOM	5	•																
ELEVATOR SHAFT OR MACHINE ROOM HEAT DETECTOR	6	•																
ONE (1) GUEST ROOM SMOKE DETECTOR	7	•																
TWO (2) GUEST ROOM SMOKE DETECTORS ON THE SAME FLOOR	8	•																
DUCT SMOKE DETECTOR	9	•																
SPRINKLER WATERFLOW	10	•																
STANDPIPE WATERFLOW	11	•																
SPRINKLER VALVE TAMPER	12	•																
EMERGENCY GENERATOR RUN	13	•																
EMERGENCY GENERATOR LOSS OF PHASE	14	•																
EMERGENCY GENERATOR PHASE REVERSAL	15	•																
EMERGENCY GENERATOR TRANSFER SWITCH OPERATION	16	•																
FIRE PUMP RUN	17	•																
FIRE PUMP LOSS OF PHASE	18	•																
FIRE PUMP PHASE REVERSAL	19	•																
FIRE PUMP ALTERNATE POWER SOURCE	20	•																
SYSTEM TROUBLE CONDITION	21	•																
OPEN CIRCUIT	22	•																
GROUND FAULT	23	•																
AC POWER FAILURE	24	•																
SYSTEM LOW BATTERY	25	•																
NOTIFICATION APPLIANCE CIRCUIT SHORT	26	•																
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P		

Potomac Heights

	Control Unit		Notification				Annunc										
	Activate Common Audible Alarm and Visual Alarm Signal Indicator via LCD Display Indicating Device, Type and Location with Unique Custom Descriptor	Activate Common Audible Supervisory and Visual Supervisory Signal Indicator via LCD Display Indicating Device, Type and Location with Unique Custom Descriptor	Activate All Audio Notification Appliances	Transmit Alarm Signal via Dialer to Monitoring Station (Provided by Others)	Transmit Supervisory Signal via Dialer to Monitoring Station (Provided by Others)	Transmit Trouble Signal via Dialer to Monitoring Station (Provided by Others)	Activate LED's and Audible Tone on Graphic Annunciator displaying Device, Floor & Zone	Activate LED's and Audible Tone on Graphic Annunciator displaying Trouble	Recall Elevator to Pri Floor	Recall Elevator to Alt Floor	Shut Down Associated AHU	Elevator Shunt Trip	Activate Sounder Bases(s) In Room Of Origin Only	Energize Pre-Action Sprinkler System - After Time Out	Send Smoke Damper Closure Signal To B A C S	Activate Coiling Door Closure	Unlock Electric Doors
Manual Station	X		X	X			X			X				X		X	
Smoke Det	X		X	X			X			X				X		X	
Heat Det	X		X	X			X			X				X		X	
Flow Switch	X		X	X			X			X				X		X	
Duct Smoke Detector	X		X	X			X			X				X		X	
Tamper Switch					X		X							X			
Heat Det Elev Pit/ EMR														X			
Elevator Lobby Smk Det Primary	X		X	X			X			X				X		X	
Elevator Lobby & Smk Det Alt	X		X	X			X			X				X		X	
Coiling Door Smoke Det	X		X	X			X			X				X		X	
Room Smoke Detector(s)				X			X							X			
Panel Trouble																	X

Note
 Suite smoke detectors with sounder base shall be interlocked within suites. The activation of a single detector within a particular suite shall initiate audible alarm signals within that suite. This shall be accomplished via programming.

In addition to an audible alarm signal with a particular suite, the activation of a single suite smoke detector with sounder base s also provide supervisory signal at the fire control panel

Rogers Hall Whitetop Hall

FIRE ALARM SYSTEM MATRIX - SEQUENCE OF OPERATIONS

SYSTEM INPUT	CONTROL UNIT ANNUNCIATOR / REMOTE DISPLAY										NOTIFICATION										REQUIRED SAFETY CONTROL						SUPPLEMENTARY	REMARKS							
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA		BB	CC	DD	EE	FF	GG	
1																																			
2																																			
3																																			
4																																			
4A																																			
5																																			
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19																																			
20																																			
21																																			

Beacon Hall

GMU UPPER LEVEL HOUSING SEQUENCE OF OPERATIONS

FIRE ALARM SYSTEM OUTPUTS

FIRE ALARM SYSTEM INPUTS	ANNUNCIATE "ALARM" AT FACP	ANNUNCIATE "SUPERVISORY" AT FACP	ANNUNCIATE "TROUBLE" AT FACP	SEND "ALARM" TO RECEIVING STATION	SEND "SUPERVISORY" TO RECEIVING STATION	SEND "TROUBLE" TO RECEIVING STATION	ACTIVATE BUILDING GENERAL ALARM	ACTIVATE GENERAL ALARM AFTER 3 MINS IF NOT CLEARED	ACTIVATE GENERAL ALARM WITHIN ADA SUITE ONLY	LOCAL DEVICE AUDIBLE ALARM	INITIATE ELEVATOR RECALL TO PRIMARY FLOOR	INITIATE ELEVATOR RECALL TO ALTERNATE FLOOR	ELEVATOR POWER SHUNT TRIP	OPEN ELEVATOR TOP OF SHAFT SMOKE DAMPERS	SHUT DOWN AIR HANDLING UNIT	ACCESS/SECURITY FAIL SAFE ALL DOORS UNLOCK
BLDG CORRIDOR & COMMON AREA SMOKE DETECTOR	●			●			●			●						●
BLDG CORRIDOR & COMMON AREA CO DETECTOR		●		●					●					●		
BLDG DUCT SMOKE DETECTOR		●		●					●					●		
NON ADA ROOM SMOKE & CO DETECTOR		●		●					●					●		
ADA ROOM ROOM SMOKE DETECTOR		●		●					●					●		
ADA ROOM CO DETECTOR		●		●					●					●		
ELEVATOR LOBBY SMOKE DETECTOR ON PRIMARY FLOOR	●			●			●			●				●		
ELEVATOR LOBBY SMOKE DETECTOR NOT ON PRIMARY FLOOR	●			●			●			●				●		
ELEVATOR SHAFT SMOKE DETECTORS (TOP AND PIT)	●			●			●			●				●		
ELEVATOR SHAFT HEAT DETECTORS (TOP AND PIT)	●			●			●			●				●		
ELEVATOR SHAFT & MACHINE ROOM FLOW SWITCH	●			●			●			●				●		
ELEVATOR CONTROL ROOM SMOKE DETECTOR	●			●			●			●				●		
ELEVATOR CONTROL ROOM HEAT DETECTOR	●			●			●			●				●		
BLDG MANUAL PULL STATION	●			●			●			●				●		
BLDG WATER FLOW SWITCH	●			●			●			●				●		
BLDG TAMPER SWITCH		●														
BLDG PIV TAMPER SWITCH		●														
FIRE ALARM SYSTEM, BATTERY, WIRING, DEVICE ISSUES		●														

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Additional Documents
Submitted By
David Kidd, GMU
Building Official

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The following data was initially requested by the Office of the University Building Official (OUBO) from the GMU office of Safety, Emergency, and Enterprise Risk Management (SEERM) during the review of the code modification request. While this information was not available during this review, the following information was recently provided from the Housing & Residency Life (HRL) department at George Mason University (GMU). The table below (**table 1**) is a list of the reports that GMU Dispatch tracked for 2018-2022 (last 5 years) with the top 3 buildings highlighted – also provided in this correspondence is the full report from GMU Dispatch. Of the number of alarms that GMU PD, the only actual fires in 2018-2022 indicated by GMU HRL in an analysis of the university’s annual report were on 1/13/18 in Northern Neck (intentionally set), 5/26/18 in Hampton Roads (unknown), 2/7/19 in Dominion (repair work); 11/24/19 in Liberty Square (cooking), 4/20/21 in Kennedy Hall (electrical), and 4/22/22 in Potomac Heights (improper cigarette disposal). So only six incidents of actual fire and all were listed as \$0-99 in actual damages. From this data provided, the remaining alarms could be considered “unwanted” or “nuisance” alarms. What this data does not indicate is how many of these fires resulted in a full building evacuation, as that is not a data entry point.

Based on this additional data, it remains OUBO’s contention that unwanted/nuisance alarms can be detrimental to the health and safety of the student population, by eroding confidence in a fire alarm system. Smoke alarm strategy within individual dwellings is the proper approach for dormitory fire safety in awakening sleeping residents. While smoke detection technology continues to advance, and newer regulations in the VCC/NFPA codes and standards work at reducing “alarm fatigue,” the OUBO does not agree that GMU SEERM’s requested approach will increase fire and life safety in these buildings, and there is insufficient data to establish that SEERM’s concerns presented in code modification request are warranted.

Building	2018	2019	2020	2021	2022	Totals
Adams	0	0	0	0	1	1
Amherst	3	1	0	0	0	4
ACGC	8	5	3	1	9	26
Carroll	6	6	0	0	5	17
Commonwealth	3	0	2	1	1	7
Dominion	5	4	2	7	12	30
Eastern Shore	0	1	0	1	0	2
Eisenhower *No residents live	0	1	0	0	0	1
Franklin	0	1	0	0	0	1
Grayson	0	0	3	0	1	4
Hampton Roads	3	0	1	0	0	4
Hanover (no residents)	0	1	5	1	1	8
Harrison	0	0	1	0	0	1
Jackson	0	0	1	0	0	1
Jefferson	0	2	0	0	0	2
Liberty Square	15	12	16	16	24	83
Lincoln	2	0	0	1	1	4
Madison	0	0	1	0	0	1
Northern Neck	8	11	5	6	9	39
Piedmont	6	2	1	2	4	15
Potomac Heights	7	37	25	17	19	105
Rogers	0	0	8	5	12	25
Roosevelt	0	2	0	0	0	2
Sandbridge/Blueridge	4	8	10	12	14	48
Taylor	7	6	4	5	4	26
Whitetop	2	4	1	1	2	10
Wilson	0	1	1	0	1	3
Totals	79	105	90	76	120	

Table 1 – Alarm Totals for GMU Residence Halls (2018 – 2022)

RECEIVED

November 16,
2023

WTZ

OFFICE OF THE REVIEW BOARD

REQUEST FOR INTERPRETATION

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

From: John Card, MCP, CBO , City of Newport News Codes Enforcement Administrator

Phone Number : 757-926-8895

Email Address: 2400 Washington Ave. Newport News VA 23607

Applicable Code: VCC2018

Code Section(s): 310.6 #3 and 313.3

Submitted by (signature):

Digitally signed by John W. Card
Jr, Building Official
DN: C=US, E=cardjw@nnva.gov,
O=City of NN, Dept of Codes
Compliance *, CN=John W.
Card Jr, Building Official
Date: 2023.11.16 09:58:38-05'00'

Date: 11/16/2023

QUESTION(S):

Does a single-family dwelling (R5) that is used as a family day home per VCC2018 section 313.3 with more than 5 children remain a R5 use group under VCC 2018 Section 310.6 #3?

If the answer to Question 1 is no, then would 2018 VCC Section 310.6 #3 require a change of use for family day home with more than 5 children to an R-3 pursuant to 2018 VCC Section 310.4?

The codes section in question are VCC 2018 sections 313, 313.3, 310.6 #3, and 310.4

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CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

SECTION 310 RESIDENTIAL GROUP R

310.1 Residential Group R.

Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the [International Residential Code](#).

310.2 Residential Group R-1.

Residential occupancies containing *sleeping units* or more than two *dwelling units*, and:

1. The occupants are primarily transient, and
2. There are more than 10 occupants.

310.3 Residential Group R-2.

Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are not primarily transient.

310.4 Residential Group R-3.

Residential occupancies containing no more than two *dwelling units* and where the occupancy is not classified as Group R-1, R-2, R-4, R-5, or I, and:

1. The occupants are not primarily transient, or
2. There are no more than 10 transient occupants per *dwelling unit*.

310.4.1 Radon-resistant construction.

Group R-3 *buildings* and *structures* shall be subject to the radon-resistant *construction* requirements in Appendix F of the International Residential Code (IRC) in localities enforcing such requirements pursuant to Section R328 of the IRC.

310.4.2 Lodging houses.

Owner-occupied or proprietor-occupied lodging houses and other transient boarding facilities not more than three stories above grade plane in height, with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be classified as either Group R-3 or R-5, provided that smoke alarms are installed in compliance with Section 907.2.10.2 for Group R-3, or Section R314 of the IRC for Group R-5.

310.5 Residential Group R-4.

Residential occupancies with more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive *custodial care*. *Buildings* of Group R-4, other than assisted living facilities licensed by the Virginia Department of Social Services, shall be classified as the occupancy condition indicated in Section 310.5. Assisted living facilities licensed by the Virginia Department of Social Services shall be classified as one of the occupancy conditions indicated in Section 310.5.1 or 310.5.2.

310.5.1 Condition 1.

This occupancy condition shall include *buildings* in which all persons receiving *custodial care* who, without any assistance, are capable of responding to an emergency situation to complete *building* evacuation or, in which not more than five of the residents may require physical assistance from staff to respond to an emergency situation when all residents who may require the physical assistance from staff reside on a level of exit discharge and the path of egress to the exit does not include steps.

310.5.2 Condition 2.

This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

310.5.3 Radon-resistant construction.

Group R-4 *buildings* and *structures* shall be subject to the radon-resistant *construction* requirements in Appendix F of the VRC in localities enforcing such requirements pursuant to Section R328 of the VRC.

310.6 Residential Group R-5.

Residential occupancies within the scope of the VRC, other occupancies specifically permitted in this code to be classified as Group R-5, and *manufactured homes* in accordance with the Virginia Manufactured Home Safety Regulations (23VAC5-91).

The provisions of the IRC for one- and two-family dwellings shall apply to the *construction*, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of the following when classified as Group R-5:

1. Detached single-family and two-family dwellings
2. Townhouses
3. Care facilities for five or fewer people
4. Owner- or proprietor-occupied lodging houses with no more than five guest rooms and 10 or fewer total occupants.
5. Accessory structures of Group R-5 occupancies.

The amendments to the IRC set out in Section 310.8 shall be made to the IRC for its use as part of this code. In addition, all references to the IRC and the International Building Code (IBC) shall be considered to be references to this section.

310.6.1 Additional requirements.

Methods of *construction*, materials, systems, *equipment* or components for Group R-5 structures not addressed by prescriptive or performance provisions of the IRC shall comply with applicable IBC requirements.

310.7 Radon-resistant construction in Groups R-3 and R-4 structures.

Groups R-3 and R-4 *structures* shall be subject to the radon-resistant *construction* requirements in Appendix F of the IRC in localities enforcing such requirements pursuant to Section R328 of the IRC.

310.8 Amendments to the IRC.

The following changes shall be made to the IRC for its use as part of this code:

(DHCD Note: The changes to the IRC are available in the *Virginia Residential Code* published by the ICC, or the pamphlet form of the VCC published by the DHCD. They are not included in the printing of the VCC.)

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

SECTION 313 STATE REGULATED CARE FACILITIES (SRCF)

313.1 General.

Notwithstanding any other requirements of this code, this section applies to the use and occupancy classification of state regulated care facilities addressed in this section.

313.2 Assisted living facilities.

Assisted living facilities licensed by the Virginia Department of Social Services shall be classified as one of the occupancies specified in Sections 313.2.1 through 313.2.6.

313.2.1 Group I-1 Condition 1.

Facilities with more than sixteen persons receiving care, in which all persons receiving care, without any assistance, are capable of responding to an emergency situation to complete *building* evacuation, shall be classified as Group I-1 Condition 1. Not more than five of the persons may require physical assistance from staff to respond to an emergency, provided all persons requiring assistance reside on a level of exit discharge and the path of egress to the exit does not include steps.

313.2.2 Group I-1 Condition 2.

Facilities with more than sixteen persons receiving care, in which there are persons who require assistance by not more than one staff member while responding to an emergency situation to complete *building* evacuation, shall be classified as Group I-1 Condition 2. Not more than five of the persons may require physical assistance from more than one staff member to respond to an emergency situation.

313.2.3 Group I-2 Condition 1.

Facilities with more than five persons receiving care who require assistance by more than one staff member when responding to an emergency situation to complete *building* evacuation, shall be classified as Group I-2 Condition 1.

313.2.4 Group R-4 Condition 1.

Facilities with nine to sixteen persons receiving care, where all persons receiving care, without any assistance, are capable of responding to an emergency situation to complete building evacuation shall be classified as Group R-4 Condition 1. Not more than five of the persons may require physical assistance from staff to respond to an emergency, provided all persons requiring assistance reside on a level of exit discharge and the path of egress to the exit does not include steps.

313.2.5 Group R-4 Condition 2.

Buildings with nine to sixteen persons receiving care, who may require assistance by not more than one staff member when responding to an emergency situation to complete *building* evacuation, shall be classified as Group R-4 Condition 2. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

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

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

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

313.3 Family day homes.

Family day homes registered or licensed by the Virginia Department of Social Services shall be classified as Group R-2, R-3 or R-5.

313.4 Group homes.

Group Homes licensed by the Virginia Department of Behavioral Health and Developmental Services shall be classified as one of the occupancies specified in Sections 313.4.1 through 313.4.3.

313.4.1 Groups R-2, R-3, R-4 Condition 1 or 2 or R-5.

Facilities with no more than eight persons receiving care, with one or more resident counselors, shall be classified as Group R-2, R-3, R-4 (Condition 1 or 2) or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

313.4.2 Group R-4 Condition 1.

Facilities with eight to sixteen persons receiving care, where all persons, without any assistance, are capable of responding to an emergency situation to complete *building* evacuation shall be classified as Group R-4 Condition 1. Not more than five of the persons may require physical assistance from staff to respond to an emergency, provided all persons requiring assistance reside on a level of exit discharge and the path of egress to the exit does not include steps.

313.4.3 Group R-4 Condition 2.

Facilities with eight to sixteen persons receiving care or facilities with more than five persons requiring physical assistance from staff to respond to an emergency situation shall be classified as Group R-4 Condition 2.

313.5 Hospice facilities.

Hospice facilities licensed by the Virginia Department of Health shall be classified as one of the occupancies specified in Sections 313.5.1 through 313.5.3.

313.5.1 Group I-2.

Facilities with sixteen or more persons receiving care shall be classified as Group I-2.

313.5.2 Group R-4 Condition 1.

Facilities with less than sixteen persons receiving care shall be classified as Group R-4 Condition 1.

313.5.3 Group R-5.

Facilities with five or fewer persons receiving care are permitted to be classified as Group R-5.

Card, John W

From: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Sent: Tuesday, November 14, 2023 1:26 PM
To: Card, John W
Cc: Prisco, Jr., Philip; Brown, Jeff (DHCD)
Subject: RE: codes question
Attachments: proposal_269.pdf

CAUTION: This email originated from **outside** your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thanks John, there was a residential uses subworkgroup for the 2018 cycle that worked on the attached proposal. The intent was primarily to clarify and clean up.

Take care,
Richard

From: Card, John W <cardjw@nnva.gov>
Sent: Tuesday, November 14, 2023 1:17 PM
To: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Cc: Prisco, Jr., Philip <peprisco@hampton.gov>
Subject: RE: codes question

Richard, thanks for all your hard work. The issues VCC2018 took out the number of kids in section 313.3 and added #3 to section 310.6 which only allows 5 or fewer care facilities as an R-5. So as per DHCD opinion, the intent was to allow family day home to stay as R-5 use and not to cause a change in use to an R-3. The code is always so gray. Thanks for your help and time again.

John W. Card Jr.
Codes Enforcement Administrator
(Building Code Official)
City of Newport News
Department of Codes Compliance
3rd Floor
2400 Washington Ave.
Newport News, VA. 23607
757-926-8895 office 757-926-8311 fax
www.nnva.gov



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From: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Sent: Tuesday, November 14, 2023 12:51 PM
To: Card, John W <cardjw@nnva.gov>
Cc: Prisco, Jr., Philip <peprisco@hampton.gov>; Brown, Jeff (DHCD) <Jeff.Brown@dhcd.virginia.gov>
Subject: RE: codes question

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Hi John,
The short answer would be yes, my opinion is the USBC would allow up to 12 children and still be an R-5 as a family day home. The 12 number is a DOE limitation based on the definition they provide. The section for family day homes (313.3) does not provide a cap on the number of children.

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As we discussed in the call, the section in 2015 prior to being moved and reworded had a note that said these homes may generally care for up to 12 children. Notes are not part of the USBC, but are usually provided to clue the reader in on a related requirement or info (reg, law, etc.) outside of the USBC. I don't remember the exact reason it was taken out, but it can be a correlation nightmare crosschecking numbers like this and frankly, it's unnecessary since the USBC isn't enforcing that number. All you need to know is that it's "registered or licensed" by DOE (previously DSS).

Again, these are my opinions are you are responsible for making the decision, but hopefully this helps.

Take care,
Richard

Richard Potts, CBO
Code Development and Technical Support Administrator
Virginia Department of Housing and Community Development (DHCD)
(804) 786-1157
richard.potts@dhcd.virginia.gov

From: Card, John W <cardjw@nnva.gov>
Sent: Tuesday, November 14, 2023 11:03 AM
To: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Cc: Prisco, Jr., Philip <peprisco@hampton.gov>
Subject: RE: codes question

Richard, would the family day home be allowed up to 12 children as an R5 based on the VA Dept of Ed definition?
Thanks again,

John W. Card Jr.
Codes Enforcement Administrator

(Building Code Official)
City of Newport News
Department of Codes Compliance
3rd Floor
2400 Washington Ave.
Newport News, VA. 23607
757-926-8895 office 757-926-8311 fax
www.nnva.gov



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From: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Sent: Tuesday, November 14, 2023 10:55 AM
To: Card, John W <cardjw@nnva.gov>
Subject: RE: codes question

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Hi John, thanks for the follow up and great to speak with you. Section 302.1 item 8. says to see section **313** for state regulated care facilities. My opinion is that if it's a registered or licensed family day home under 313.3 it could be classified as an R-5.

Take care,
Richard

Richard Potts, CBO
Code Development and Technical Support Administrator
Virginia Department of Housing and Community Development (DHCD)
(804) 786-1157
richard.potts@dhcd.virginia.gov

From: Card, John W <cardjw@nnva.gov>
Sent: Tuesday, November 14, 2023 9:06 AM
To: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Subject: RE: codes question

Richard, thanks. I still have this issue with 310.6 #3, if they are providing daycare as a family day home would the 5 or more as a care facility or are family day homes exempt from this section?

Thanks again,

John W. Card Jr.
Codes Enforcement Administrator
(Building Code Official)
City of Newport News
Department of Codes Compliance
3rd Floor
2400 Washington Ave.
Newport News, VA. 23607
757-926-8895 office 757-926-8311 fax
www.nnva.gov



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From: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Sent: Tuesday, November 14, 2023 8:57 AM
To: Card, John W <cardjw@nnva.gov>
Subject: RE: codes question

CAUTION: This email originated from **outside** your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi John, good to hear from you and thanks for contacting me with your question. Family day homes are (now) regulated by the Virginia Department of Education. I've provided their definition below. The USBC doesn't list a maximum under section 313.3, but it looks like their definition says up to 12 children under the age of 13. However, if this is a state regulated care facility (SRCF) or licensed assisted living facility (DSS), my opinion is that section 313.2.6 would apply and limits those receiving care to 8 with up to 5 requiring physical assistance to still be able to have an R-5 use. There aren't many details to go by, so let me know if you have any follow up questions.

“Family day home” means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two,

including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

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

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

Take care,

Richard

From: Card, John W <cardjw@nnva.gov>
Sent: Monday, November 13, 2023 9:03 AM
To: Potts, Richard (DHCD) <richard.potts@dhcd.virginia.gov>
Subject: codes question

Richard Potts,

I have a code question to walk through and need your help. VCC2018 313.3 Family day homes (can be R-2, R-3, or R-5), R-5 use with more than 5 under care. Would this make the use of an R-3 as per VCC2018 310.6 and 310.4?
Thanks

John W. Card Jr.
Codes Enforcement Administrator
(Building Code Official)
City of Newport News
Department of Codes Compliance
3rd Floor
2400 Washington Ave.
Newport News, VA. 23607
757-926-8895 office 757-926-8311 fax
www.nnva.gov



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