

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, May 12, 2023 - 10:00am

Virginia Housing Center  
4224 Cox Road Glen Allen, Virginia

- I. Roll Call **(TAB 1)**
- II. Approval of March 17, 2023 Minutes **(TAB 2)**
- III. Approval of April 21, 2023 Retreat Minutes **(TAB 3)**
- IV. Approval of Final Order **(TAB 4)**  
In Re: Monica and Michael Davis  
Appeal Nos. 22-18 and 22-19
- V. Approval of Final Order **(TAB 5)**  
In Re: Black Wolf Services  
Appeal No. 22-05
- VI. Public Comment
- VII. Appeal Hearing **(TAB 6)**  
In Re: Fairfax County  
Appeal No. 22-16
- VIII. Interpretation Request No. 01-23 **(TAB 7)**  
In Re: Greg Revels (Henrico County)  
  
The requirements for grounding of interconnected electric power production sources.  
  
**Question 1:** Is equipment connected via taps ahead of the main for PV systems required to comply with 2017 National Electrical Code (NEC) Section 250.24?
- IX. Interpretation Request No. 02-23 **(TAB 8)**  
In Re: Paul Koll (Gloucester County)

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The requirements for anchor bolts in masonry walls.

**Question 1:** Since cells is plural, does embedded not less than 7" (178mm) into grouted cells of concrete masonry units mean only the top one or two concrete masonry units or grouted down to the footing?

**Question 2:** If only the top one or two concrete masonry units are required to be grouted then how is the grout pour stopped at that level?

**Question 3:** Would grouting only one or two masonry units be adequate to prevent the house from sliding or uplift in our 115 mph wind zone?

X. Secretary's Report

- a. Approval of Policy #14 (Revision 01) **(TAB 9)**
- b. Approval of Policy #14 (Revision 02) **(TAB 10)**
- c. July 21, 2023 meeting update - location VHC
- d. Legal updates from Board Counsel

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

**James R. Dawson, Chair**

(Virginia Fire Chiefs Association)

**W. Shaun Pharr, Esq., Vice-Chair**

(The Apartment and Office Building Association of Metropolitan Washington)

**Vince Butler**

(Virginia Home Builders Association)

**J. Daniel Crigler**

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

**Alan D. Givens**

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

**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                                   **March 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. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Vince Butler  
Mr. David V. Hutchins  
Ms. Christina Jackson  
Mr. Joseph Kessler  
Mr. R. Jonah Margarella  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. James S. Moss  
Ms. Elizabeth White  
Mr. Aaron Zdinak, PE

Mr. Daniel Crigler  
Mr. Alan D. Givens

7  
8 Call to Order

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

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10  
11  
12 Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, arrived during the hearing for Monica and Michael Davis.

13  
14  
15  
16 Approval of Minutes

The draft minutes of the February 17, 2023 meeting in the Review Board members’ agenda package were considered. Mr. Butler moved to approve the minutes as presented. The motion was seconded by Ms. Jackson and passed with Mses. Monday and White and Mr. Mays abstaining.

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19  
20  
21  
22 Final Order

Fei Zhang: Appeal No. 22-15:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Pharr moved to approve the final order as presented. The motion was seconded by Mr. Moss and passed with Mses. Monday and White and Mr. Mays abstaining.

Park Crescent Owners LLC: Appeal No. 22-14:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Pharr moved to approve the final order with the editorial change removing the words:

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34  
35 *The decision of the City and local appeals board is overturned;*  
36 *furthermore,*  
37

38 and adding in its place the following words:

39  
40 *Without having reached the merits of the decision of the City*  
41 *and local appeals board*  
42

43 The motion was seconded by Mr. Butler and passed with Mses.  
44 Monday and White and Mr. Mays abstaining.

45  
46  
47 Public Comment Chair Dawson opened the meeting for public comment. Mr. Luter  
48 advised that no one had signed up to speak. With no one coming  
49 forward, Chair Dawson closed the public comment period.

50  
51 New Business Monica and Michael Davis: Appeal Nos. 22-18 and 22-19:  
52  
53 A preliminary hearing convened with Chair Dawson serving as the  
54 presiding officer. The hearing was related to the property located at  
55 1002 Round Hill School Road, in Augusta County.

56  
57 The following persons were sworn in and given an opportunity to  
58 present testimony:

59  
60 Monica Davis, property owner  
61 Michael Davis, property owner  
62 G. W. Wiseman, Building Official for Augusta County  
63

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

70  
71 Decision: Monica and Michael Davis: Appeal Nos. 22-18 and 22-19:  
72

73 Motion Item #1:  
74 After deliberations, Mr. Mays moved that the Review Board can rule  
75 on jurisdictional issues or merits of a case that the Review Board has  
76 previously heard, ruled on, and issued a final order. The motion was  
77 seconded by Ms. Jackson and passed unanimously.  
78  
79  
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81 Motion Item #1A:

82 After deliberations, Mr. Pharr moved that this case did not warrant  
83 being re-visited in regard to any violation which was previously  
84 considered and ruled upon by the Board in prior cases or violations that  
85 were not appealed and therefore remain valid as the time to challenge  
86 has passed. The motion was seconded by Mr. Mays and passed  
87 unanimously.  
88

89  
90 Motion Item #2:

91 After deliberations, Mr. Pharr moved to overturn the County and local  
92 appeals board that the statute of limitations has expired. Mr. Pharr  
93 further moved that the violations were discovered less than two years  
94 after the certificate of occupancy was issued and their issuance is not  
95 invalidated by the provisions in the VCC Section 115.2.1. Mr. Pharr  
96 also moved that the County shall issue a written Notice of Violation for  
97 all directives or orders that have not been corrected or complied with  
98 here. The motion was seconded by Ms. Monday and passed  
99 unanimously.  
100

101 *Note: The written NOV shall include all 36 violations listed on*  
102 *pages 47-51 of the agenda package which are the four*  
103 *violations listed in the Augusta County NOV dated August 31,*  
104 *2022 and the 32 violations listed in the County of Augusta*  
105 *Building Inspections; List of Items for Correction on Davis*  
106 *Structures.*

107  
108 *Note: The local appeals board appears to have erred by making*  
109 *a decision contrary to the Review Board.*  
110

111 Black Wolf Services LLC: Appeal No. 22-05:

112  
113 *Note: Mr. Mays recused himself from participation as a Board member*  
114 *in this hearing due to his being the building official for Prince William*  
115 *County and a party to this appeal.*  
116

117 A hearing convened with Chair Dawson serving as the presiding  
118 officer. The hearing was related to the property located at 1316 Profit  
119 Court, in Prince William County.  
120

121 The following persons were sworn in and given an opportunity to  
122 present testimony:  
123

124 Chris Berry, property owner  
125 Pete Cartright, witness for the property owner  
126 Eric Mays, Building Official for Prince William County

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127 Chad Roop, Deputy Building Official for Prince William  
128 County  
129 Thomas Jarman, Battalion Chief, Prince William County Fire  
130 Marshal's Office  
131

132 After testimony concluded, Chair Dawson closed the hearing and stated  
133 a decision from the Review Board members would be forthcoming and  
134 the deliberations would be conducted in open session. It was further  
135 noted that a final order reflecting the decision would be considered at a  
136 subsequent meeting and, when approved, would be distributed to the  
137 parties, and would contain a statement of further right of appeal.  
138

139 Decision: Black Wolf Services LLC: Appeal No. 22-05:  
140

141 After deliberations, Mr. Margarella moved to uphold the County and  
142 local appeals board that the area in question is being used as a  
143 mezzanine and violations of the 1987 VUSBC/BOCA Sections 605.3  
144 Egress, 803.6 Open-sided floor area, and 824.1 General exist. The  
145 motion was seconded by Ms. Jackson and passed unanimously.  
146

147 Secretary's Report Mr. Luter pointed the Review Board members to the revised copy of  
148 Review Board Policy #30 presented in the Review Board members'  
149 agenda package. After a brief discussion, Mr. Butler moved to approve  
150 Policy #30 as presented. The motion was seconded by Ms. White and  
151 passed unanimously.  
152

153 Mr. Luter pointed the Review Board members to the revised copy of  
154 Review Board Policy #31 presented in the Review Board members'  
155 agenda package. After a brief discussion, Mr. Moss moved to approve  
156 Policy #31 as presented. The motion was seconded by Ms. Jackson and  
157 passed unanimously.  
158

159 Mr. Luter led a discussion on the need for a policy to limit submittals  
160 by parties to an appeal. The Review Board directed Mr. Luter to draft  
161 a policy for discussion at the upcoming retreat.  
162

163 Mr. Luter informed the Review Board of the retreat scheduled for April  
164 21, 2023 along with a brief description of the agenda and discussion  
165 topics.  
166

167 Mr. Luter informed the Review Board of the current caseload for the  
168 upcoming meeting scheduled for May 12, 2023.  
169

170 Attorney Bell offered no legal updates to the Board.  
171

172 Adjournment There being no further business, the meeting was adjourned by proper  
173 motion at approximately 4:00 p.m.

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176 Approved: May 12, 2023  
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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                                   **STATE BUILDING CODE TECHNICAL REVIEW BOARD**  
2                                   **RETREAT MINUTES**  
3                                   **April 21, 2023**  
4                                   **Glen Allen, Virginia**  
5

Members Present

Members Absent

Mr. James R. Dawson, Chairman  
Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Vince Butler  
Mr. J. Daniel Crigler  
Mr. Alan D. Givens  
Mr. David V. Hutchins  
Ms. Christina Jackson  
Mr. Joseph A. Kessler III  
Mr. Eric Mays, PE  
Mr. James S. Moss  
Ms. Joanne D. Monday

Mr. R. Jonah Margarella  
Ms. Elizabeth C. White  
Mr. Aaron Zdinak, PE

- 6
- Call to Order                   The retreat of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Chair Dawson.
- Roll Call                        The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was also present (arrived at 12:50pm).
- Staff Attendance             Cindy Davis, Deputy Director of Building and Fire Regulations, Jeff Brown, Director of the State Building Codes Office, Richard Potts, Code Development and Technical Support Administrator, and Christopher Scott, Florin Moldovan, and Paul Messplay Code and Regulation Specialists were also present.
- State Fire Marshall         Billy Hux, State Fire Marshal, was invited but did not attend the retreat.
- Updates Provided            The Secretary provided an update to the Review Board members on local appeals board and code enforcement personnel trainings provided the past two years.
- The Secretary provided the Review Board members a copy of suggested revisions to Review Board Policy 14 for the Review Board to review. A discussion was held and additional suggestions were given to the Secretary with direction to bring the final revised policy to the May 12, 2023 for review and consideration.

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Paul Messplay provided training and updates to the Review Board members related to significant changes in the 2018 USBC.

Florin Moldovan provided training and insight to the Review Board members related to the significant changes in the 2021 USBC, SFPC, IBSR, and VADR.

Richard Potts provided training and updates to the Review Board members related to Energy Systems.

Mr. Mays and Mr. Pharr provide training to the Review Board members related to the statute of limitations related to the Notice of Violation provisions.

Jeff Brown provided training to the Review Board members related to the Code Development Process. Mr. Brown also provided an overview of the VBCA.

Board counsel, Justin Bell, provided training to the Review Board members related to on COIA and FOIA.

Public Comment

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

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:45 p.m.

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Approved: May 12, 2023

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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1 VIRGINIA:  
2

3 BEFORE THE  
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD  
5

6 IN RE: Appeal of Monica and Michael Davis  
7 Appeal Nos. 22-18 and 22-19  
8

9 DECISION OF THE REVIEW BOARD  
10

11 I. Procedural Background  
12

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

19 II. Case History

20 On March 27, 2020, the County of Augusta Department of Community Development  
21 (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012  
22 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the  
23 Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling  
24 located at 1002 Round Hill School Road, in Augusta County.

25 Shortly after moving into their new home, Davis contacted the County Building Official  
26 requesting he come inspect a variety of issues and concerns they had with their home, attached  
27 garage, and detached garage.

28 In June and July of 2020, the County Building Official visited the Davis property several  
29 times investigating the issues brought forth by Davis. During one or more of these inspections the  
30 County Building Official found several violations. On June 10, 2020, the County Building Official  
issued a letter to Davis citing twenty-two (22) code violations. In the letter, the County Building

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31 Official also addressed three additional issues presented by Davis, explaining why those three (3)  
32 issues were not code violations. On July 16, 2020, the County Building Official issued a letter to  
33 Hendricks and Son General Contractor, LLC citing only seventeen (17) code violations.

34 Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local  
35 appeals board) for items numbered one (1) and three (3) under the other sections portion of the  
36 June 10, 2020 letter from the County Building Official. Davis also asked the local appeals board  
37 to consider the potential code violation related to the bathroom door in the half bath in the garage,  
38 which was not sealed to prevent garage odors, such as exhaust fumes, from entering the HVAC  
39 system for the home. The local appeals board upheld the decisions of the County Building Official.

40 On October 15, 2020, Davis further appealed to the Review Board. These six (6) potential  
41 violations were presented to the Review Board for consideration at the January 22, 2021 Review  
42 Board meeting in Appeal No. 20-03. The Review Board considered and approved the final order  
43 for Appeal No. 20-03 on March 19, 2021 finding four (4) violations did exist, one (1) potential  
44 violation did not exist, and remanded one (1) potential violation back to the County Building  
45 Official for further determination. Based on testimony of the parties during the hearing, the  
46 Review Board found two (2) new potential violations that may exist and remanded those two (2)  
47 potential violations back to the County Building Official for further determination.

48 In September of 2020, Schnitzhofer Structural Engineers visited the Davis home to  
49 evaluate the residence with attached garage and detached garage related to the cited violations in  
50 the July 16, 2020 letter from the County Building Official. Schnitzhofer Structural Engineers  
51 drafted a letter dated November 3, 2020, which was received by Augusta County on November 9,  
52 2020. The Schnitzhofer Structural Engineers letter was reviewed and accepted by the County  
53 Building Official.

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54           Davis filed a timely appeal to the local appeals board for the acceptance and approval of  
55 the Schnitzhofer Structural Engineers letter. Davis also appealed to the local appeals board to  
56 consider the proposal report from Engineering Solutions and require the builder to approach the  
57 cited violations with the suggested analysis process set forth in that report. The local appeals board  
58 upheld the decisions of the County Building Official finding that the Schnitzhofer Structural  
59 Engineers report was a valid engineering report for the Davis' structure. On February 1, 2021,  
60 Davis further appealed to the Review Board. These issues were presented to the Review Board  
61 for consideration at the May 21, 2021 Review Board meeting in Appeal No. 21-02. The Review  
62 Board considered and approved the final order for Appeal No. 21-02 on September 17, 2021  
63 finding that the Schnitzhofer Structural Engineers report was a valid report but did not resolve any  
64 of the issues outlined in the July 16, 2020 letter from the County Building Official. The Review  
65 Board further found that the Engineering Solutions report, provided by Davis, was also a valid  
66 report.

67           Pursuant to the local appeals board decision, as a result of a conversation by the legal  
68 counsels for the Davis', builder, and County Building Official a letter by the Davis' attorney, dated  
69 August 5, 2021, was sent to the parties requesting a way forward to correct the issues with the  
70 project. Item #2 of the letter proposed the County Building Official visit the site and make a  
71 determination for compliance of 14 potential code violations. The inspection was performed on  
72 September 2, 2021. The County Building Official provided the findings to all legal counsels via  
73 a report dated September 7, 2021.

74           Davis filed a timely appeal to the local appeals board for the following nine (9) potential  
75 violations:

76           *Note: The alphabetical identification of the cited violations listed below is not in sequential*  
77 *order, rather is given the same alphabetical identification listed in the County Building*  
78 *Official report dated September 7, 2021 (report). The report cited 14 potential violations*

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79 *lettered a-n; however, six of the cited violations listed in the report were not appealed. The*  
80 *remaining nine cited violations in the report that were appealed create the non-sequential*  
81 *list found below.*

- 82
- 83 a) Air barrier behind the tub/shower; owner cited potential code sections VCC  
84 N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2)  
85 Installation
  - 86 c) Sill plate and floor joist cut for plumbing; owner cited potential code sections VCC  
87 R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber
  - 88 f) Interior receptacles have locations that exceed code requirements for receptacle  
89 placement; owner cited potential code section VCC E3901.2 General purpose  
90 receptacle distribution
  - 91 g) HVAC return duct too small; owner cited potential code section VCC M1401.1  
92 Installation
  - 93 h) HVAC air handler hung from the floor joist; load values not taken into account for  
94 additional weight on the joists; owner cited potential code section VCC R502.8  
95 Cutting, drilling, notching and VCC M1401.1 Installation
  - 96 i) Refrigerant piping not sleeved; owner cited potential code section VCC  
97 N1103.3.1(R403.3.1) Protection of piping insulation
  - 98 j) Mini split drain leaking in the attic; owner cited potential code section VCC  
99 M1412.3 Insulation of piping
  - 100 k) Electrical HVAC disconnect not mounted above the average snow level; owner  
101 cited potential code section VCC M1401.1 Installation
  - 102 m) HVAC mini split does not meet heating and cooling requirements for the bonus  
103 room space; owner cited potential code section VCC N1101.11(R302.1) Interior  
104 design conditions

105

106 The local appeals board denied the appeal on January 10, 2022. Davis further appealed to  
107 the Review Board on January 24, 2022. A Review Board hearing was held May 20, 2022. These  
108 issues were presented to the Review Board for consideration at the May 22, 2022 Review Board  
109 meeting in Appeal No. 22-02. The Review Board considered and approved the final order for  
110 Appeal No. 22-02 on July 15, 2022 finding that seven (7) potential violations did not exist, four  
111 (4) violations did exist, and one (1) potential violation was remanded back to the County Building  
112 Official for additional investigation and inspection contingent on the Davis providing the  
113 necessary access to the space for inspection. On September 12, 2022, the County filed a petition  
114 for appeal to Circuit Court for the Review Board Final Order for Appeal No. 22-02.

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115 On December 20, 2021, Augusta County Director of Community Development, John  
116 Wilkinson, emailed Davis with an attached document titled “List of Items for Corrections on Davis  
117 Structures” outlining 32 cited violations that had either been cited by the County Building Official  
118 or the Review Board in Final Order Nos. 20-03 and 21-02 as items needing to be corrected.

119 *Note: Davis’ third appeal to the local appeals board was denied January 10, 2022 which*  
120 *was 21 days after the email from Augusta County Director of Community Development,*  
121 *John Wilkinson. Davis’ third appeal was further appealed to the Review Board (Appeal*  
122 *No. 22-02) which resulted in another Review Board Final Order. The Final Order for*  
123 *Review Board Appeal No. 22-02 cited four (4) violations and remanded one (1) potential*  
124 *violation back to the County Building Official for additional investigation and inspection*  
125 *contingent on the Davis’ providing the necessary access to the space for inspection;*  
126 *therefore, the findings cited in Review Board Final Order for Appeal No. 22-02 are not*  
127 *part of the “List of Items for Corrections on Davis Structures” from Augusta County*  
128 *Director of Community Development, John Wilkinson’s email dated December 20, 2021*  
129 *and are, in fact, additional violations and directives in addition to the 32 cited violations*  
130 *outlined in the list by the County and/or the Review Board.*  
131

132 On August 31, 2022, the County Building Official issued the first Notice of Violation  
133 (NOV) and cited only the following four (4) violations from the 32 cited violations listed in the  
134 “List of Items for Corrections on Davis Structures” from Augusta County Director of Community  
135 Development, John Wilkinson dated December 20, 2021 which were:

- 136 1. *“The landing at the man door on the attached and detached side of the garage do*  
137 *not meet the minimum code standards set forth by section R311.3 as amended by*  
138 *the Uniform Statewide Building Code.”*
- 139 2. *“The grade on the man door side of the attached garage needs to be brought into*  
140 *compliance with section R401.3 as amended by the Uniform Statewide Building*  
141 *Code to obtain proper drainage away from the foundation.”*
- 142 3. *“Both of the outside heat pump units need to be elevated after completing Number*  
143 *2 above so they have the required clearance of not less than 3 inches in accordance*  
144 *with section M1305.1.4.1.”*
- 145 4. *“Need to construct a minimum of 30 inch by 30 inch platform under the indoor mini*  
146 *split unit to comply to section M1305.1 for service.”*

147  
148 Davis filed a timely appeal to the local appeals board for the 28 cited violations that were  
149 not listed in the NOV. The local appeals board denied the appeal on October 11, 2022. In the  
150 written decision of the local appeals board, clarification was provided as to why the County

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151 Building Official did not include the other 28 cited violations in the NOV. The written decision  
152 of the local appeals board read as follows:

153 *“The Building Official acting upon advice from the County Attorney had not included those*  
154 *items as the Statute of Limitations has expired and a Notice of Violation could not be issued*  
155 *in accordance with section 115.2.1 of the Uniform Statewide Building Code.”*

156  
157 The findings of the local appeals board in the written decision read as follow:

158  
159 *“The Board upheld the Building Official’s decision that to include those items as the*  
160 *Statute of Limitations had expired and the County could not prosecute.”*<sup>1</sup>

161  
162 Davis further appealed to the Review Board on November 21, 2022 which was labeled Review  
163 Board Appeal No. 22-18.

164 During the same local appeals board meeting and prior to the Davis local appeal hearing,  
165 the local appeals board heard an appeal filed by Hendricks and Sons General Contracting, LLC  
166 (Hendricks), the contractor that built Davis home, related to the August 31, 2022 NOV. The local  
167 appeals board found the following in the Hendricks appeal:<sup>2</sup>

- 168 1. *“Item was withdrawn by the Building Official as Statute of Limitations had*  
169 *expired.”*  
170 2. *“The Board overturns the Building Official’s decision on items 2 and 3 as the*  
171 *Davis’s did not maintain the grass which they felt caused the condition to*  
172 *develop.”*  
173 3. *“The Board overturns the Building Official’s decision on item 4 as a temporary*  
174 *platform can be set on top of the 2 stairway walls to service the unit if necessary*  
175 *and a permanent platform could even cause a safety hazard.”*

176  
177 Davis further appealed this decision to the Review Board on November 30, 2022 as the  
178 decision eliminated all four cited violations in the NOV making all 32 cited violations from the  
179 “List of Items for Corrections on Davis Structures” no longer valid according to the two decisions

<sup>1</sup> Review Board staff acknowledges that the findings in the local appeals board written decision reads awkwardly and likely includes a clerical error (...Building Official’s decision not to...) based on the local appeal board findings; however, Review Board staff is providing the findings herein exactly as written in the local appeals board written decision.

<sup>2</sup> It may be the case that the local appeals board may have erred by making a decision contrary to the Review Board but that was outside the scope of the appeal.

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180 of the local appeals board during the October 11, 2022 meeting. This appeal was labeled Review  
181 Board Appeal No. 22-19.

182 Due to the nature of Appeal Nos. 22-18 and 22-19 and to somewhat simplify the two  
183 appeals, Review Board staff combined Appeal Nos. 22-18 and 22-19 into one hearing as they are  
184 about the same set of facts.

185 Appearing at all four hearings before the Review Board for Davis were Monica and  
186 Michael Davis. Appearing at all four hearings before the Review Board for Augusta County was  
187 G. W. Wiseman.

### 188 III. Findings of the Review Board

189  
190 A. Whether the Review Board can rule on the jurisdictional issues or merits of a case  
191 that it has previously heard, ruled on, and issued a Final Order.

192 B. Whether the Review Board should re-visit the findings of any violations for any of the  
193 Davis cases which were previously considered and ruled upon by the Review Board or  
194 violations that were not appealed to the Review Board and therefore remain valid as the time  
195 to challenge has passed.

196 C. Whether to uphold the decision of the County Building Official and the local appeals  
197 board that the statute of limitation has expired on the 28 cited violations listed in the “List of  
198 Items for Corrections on Davis Structures” and not listed in the NOV as well as Item 1 of the  
199 NOV, all of which were previously cited violations by the County Building Official or by the  
200 Review Board in Final Order Nos. 20-03 and 21-02.

201 Davis argued that the NOV, issued by the County Building Official on August 31, 2022,  
202 should have included all 32 previously cited violations by the County Building Official and  
203 Review Board in final orders for Appeal Nos. 20-03 and 21-02; however, the NOV only included  
204 four (4) of the previously cited violations leaving the remaining 28 previously cited violations to  
205 that point unaddressed. Davis further argued that all previously cited violations were discovered  
206 within the two-year timeframe, referenced in VCC Section 115.2.1, necessary for the County  
207 Building Official to issue the NOV. Davis also argued that the statute of limitation had not  
208 expired. Davis further argued that the County Building Official had taken no action to neither

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209 enforce its previously cited violations nor those previously cited by the Review Board in the final  
210 orders for Appeal Nos. 20-03, 21-02, and 22-02. Davis also argued that they have never  
211 obstructed any contractor from entering their property to make repairs related to the previously  
212 cited violations. Davis further argued that no contractor had ever reached out to them to correct  
213 any of the previously cited violations only to correct unrelated workmanship and/or cosmetic  
214 issues.

215 The County Building Official argued that all the previously cited violations were  
216 included in the letters the County Building Official sent to the contractor and sub-contractors.  
217 The County Building Official further argued that the statute of limitation had expired to issue a  
218 NOV. The County Building Official also argued that Davis had obstructed the contractors from  
219 entering the property to make the needed repairs based on the previously cited violations;  
220 therefore, the County Building Official had not previously issued a NOV to the contractors.

221 The Review Board finds that it can rule on jurisdictional issues or merits of a case that the  
222 Review Board has previously heard, ruled on, and issued a final order under certain circumstances.

223 The Review Board finds that this case does not warrant being re-visited in regard to any  
224 violation which was previously considered and ruled upon by the Board in prior cases or violations  
225 that were not appealed and therefore remain valid as the time to challenge has passed.

226 The Review Board agrees with Davis and finds that the statute of limitations has not  
227 expired as all 32 violations were discovered and cited less than two years after the certificate of  
228 occupancy was issued and their issuance is not invalidated by the provisions in the VCC Section  
229 115.2.1. The Review Board further finds that the County Building Official shall issue a written  
230 Notice of Violation for all directives or orders that have not been corrected or complied with here.

231 IV. Final Order

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

234 A. Whether the Review Board can rule on the jurisdictional issues or merits of a case  
235 that it has previously heard, ruled on, and issued a Final Order.

236 The Board finds that it can rule on jurisdictional issues or merits of a case that the  
237 Review Board has previously heard, ruled on, and issued a final order.

238 B. Whether the Review Board should re-visit the findings of any violations for any of the  
239 Davis cases which were previously considered and ruled upon by the Review Board or  
240 violations that were not appealed to the Review Board and therefore remain valid as the time  
241 to challenge has passed.

242 The Board finds that this case does not warrant being re-visited in regard to any violation  
243 which was previously considered and ruled upon by the Board in prior cases or violations that  
244 were not appealed and therefore remain valid as the time to challenge has passed.

245 C. Whether to uphold the decision of the County Building Official and the local appeals  
246 board that the statute of limitation has expired on the 28 cited violations listed in the “List of  
247 Items for Corrections on Davis Structures” and not listed in the NOV as well as Item 1 of the  
248 NOV, all of which were previously cited violations by the County Building Official or by the  
249 Review Board in Final Order Nos. 20-03 and 21-02.

250 The decision by the County Building Official and local appeals board that the statute of  
251 limitations have expired on the 28 cited violations listed in the “List of Items for Corrections on  
252 Davis Structures” and not listed in the NOV as well as Item 1 of the NOV is overturned;  
253 furthermore, the County Building Official shall issue a written Notice of Violation for all  
254 directives or orders that have not been corrected or complied with here.<sup>3 4</sup>

255  
256  
257 

---

Chair, State Building Code Technical Review Board  
258  
259

<sup>3</sup> See attachment A for the cited violations in the “List of Items for Corrections on Davis Structures” and August 31, 2022 NOV.

<sup>4</sup> See attachment B for prior Review Board Final Order Nos. 20-03, 21-02, and 22-02

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260  
261 Date entered \_\_\_\_\_ May 12, 2023 \_\_\_\_\_  
262

263  
264  
265           As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days  
266 from the date of service (the date you actually received this decision or the date it was mailed to  
267 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal  
268 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served  
269 on you by mail, three (3) days are added to that period.

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# ATTACHMENT A

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## Exhibit 6



### County of Augusta Building Inspections

#### List of Items for Corrections on Davis Structures

##### Building

1. The foundation on the detached garage does not comply with code sections R403.1.1 and R403.1.4.1. In addition, the house foundation will also need to be checked by an engineer for proper depth for frostline protection and if it is not not, design a repair to correct the condition.
2. Floor in detached garage and attached garage not sloping to the doors in accordance with section R309.1.
3. Sill plates in detached garage and house need anchor bolts within 12 inches or each sill plate splice in accordance with section R403.1.6. Need to correct to code or provide an engineered design and approval in accordance with section R301.3.
4. Fascia trim on detached garage does not extend up behind drip edge on the detached garage and the fascia is not protected per section R703.
5. Vinyl siding on house and detached garage not installed in accordance with the manufacturer's installation instructions.
6. An engineer will need to provide approval for any trusses not installed to manufacturer's specifications or provide any necessary repair designs to bring them into code compliance.
7. Back porch floor beams not properly anchored with appropriate hangers to band board of house. Second option is to provide post with proper connector to beam to an approved foundation. Third option is to provide engineered design and approval in accordance with section R301.1.3.
8. Floor joist are not installed in the joist hangers to manufacture's specifications. Need to correct to manufacture's requirements or provide engineered design and approval in accordance with section R301.1.3.
9. Need an engineer to evaluate, design and approve the walls of the attached and detached garage that they meet shear wall requirements and loading requirements of code. In addition, the engineer will need to verify that the walls in the attached garage are fireblocked in accordance with the building code.
10. Front stairs exceed allowed slope of 2 percent and need to be repaired or replaced.
11. Provide manufacturer's installation instructions that PVC trim boards are installed in accordance with manufacture's specifications.

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12. Engineer will need to verify that drywall is secured to code or provide documentation that it complies to code in accordance with section R301.1.3.
13. Header at master bath toilet where floor joist was cut needs to be corrected in accordance with code or provide engineer's design and approval in accordance with section R301.1.3.
14. Door in half bath in garage needs to be replaced with 1 3/8" solid core wood door, steel door, or 20 minute fire door. The door also has to be weather stripped in accordance with energy code.
15. Grade to left of front stair needs to have proper grade to code so that water will not pond behind sidewalk.
16. Dryer vent is installed within 3 feet of a foundation vent in violation of code. It needs to be relocated and installed complying with all code requirements.
17. Need to correct attic access size to code of minimum 22" X 30".
18. Grade around the house has settled and no longer meets code for required fall away from structure. The grade needs to be corrected to code and kept at least 6 inches from sheathing in accordance with code.
19. The foundation walls need to be evaluated to determine if the foundation meets code and any repairs necessary need to be designed by an engineer.
20. The block walls at interconnections with the foyer and garage need to be evaluated by an engineer, with any required repairs designed by an engineer.
21. The front porch landing needs to drain towards the steps in accordance with section R301.3.1.
22. The landing at the bottom of the front steps needs to be as wide as the stairs in accordance with code.
23. The landings at the attached and detached garage doors does not meet minimum size. They need to be corrected to code.
24. Seal openings around drain piping at tubs.
25. Provide access platform for mini split unit inside to code.
26. When correcting grade around house, correct grade at mini split outside unit so that it meets required clearance by code.

All of the above items will need to be inspected and approved by a professional engineer.

#### Plumbing and Mechanical

1. Need to properly caulk outside refrigerant lines.
2. Flex duct and flex duct insulation not connected to take offs with proper tape or mastic in accordance with manufacturer's instructions.
3. Need to seal HVAC boots to subfloor or drywall in accordance with energy code.
4. Condensate pump discharge needs to be relocated to front of rear porch or outside of porch area for proper drainage away from structure.
5. Toilet in Master Bath does not meet minimum spacing requirements.

#### Electrical

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1. Master bath light over vanity not installed to manufacturer's instructions.

EMAIL FROM JOHN WILKINSON

On Dec 20, 2021, at 3:56 PM, John Wilkinson <jwilkinson@co.augusta.va.us> wrote:

Mrs. Davis,

Augusta County is in agreement with you in that we would like to see all Building Code issues resolved.

It is our understanding that the DPOR complaints have recently been closed and all appeals have been finalized.

Homeowners are the party responsible for scheduling contractor repairs. Please contact your general contractor

Mr. Hendricks, as soon as possible, to arrange dates suitable to you for the work to be completed. If you are not

successful in reaching Mr. Hendricks, please contact his attorney Jacob Penrod at (540) 433-2444 to arrange

appointments for corrective action of the listed building code issues.

As a reminder, issues identified by Mr. Wiseman and the Building Board of Appeals as "workmanship issues"

must be resolved by you and your contractor.

Please notify us when all Building Code Issues listed on the attached master list have been completed so that

we can finalize our files.

Sincerely,

John Wilkinson

Director of Community Development, Augusta County

(540) 245-5700

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# Exhibit 7



COUNTY OF AUGUSTA  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 590  
COUNTY GOVERNMENT CENTER  
VERONA, VA 24482-0590



## Notice of Violation

22-733

August 31, 2022

*Via Overnight Mail and Email*

Hendricks & Son General Contractor, LLC  
50 Lee Street  
Verona, VA 24482

Dear Mr. Hendricks,

On September 2, 2021, our office visited the Davis house located at 1002 Round Hill School Road to inspect issues they had with the house you constructed under permit #718-2019. The house was constructed under the 2012 edition of the International Code as amended by the Uniform Statewide Building Code.

After a review of the issues, we found the following items which were not in compliance with the building code:

1. The landing at the man door on the attached and detached side of the garage do not meet the minimum code standards set forth by section R311.3 as amended by the Uniform Statewide Building Code.
2. The grade on the man door side of the attached garage needs to be brought into compliance with section R401.3 as amended by the Uniform Statewide Building Code to obtain proper drainage away from the foundation.
3. Both of the outside heat pump units need to be elevated after completing Number 2 above so that they have the required clearance of not less than 3 inches in accordance with section M1305.1.4.1.
4. Need to construct a minimum of 30 inch by 30 inch platform under the indoor mini split unit to comply to section M1305.1 for service.

These items need to be completed within 120 days from receipt of this notice.

It is up to you and Mr. and Mrs. Davis to work out the scheduling for the work and not to do anything which can be construed as obstructing the completion of the work.

Staunton (540) 245-5700

TOLL FREE NUMBERS  
From Deerfield (540) 939-4111  
FAX (540) 245-5066

Waynesboro (540) 942-5113

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After the work has been completed, it is up to you to call our office to inspect the work that has been performed for code compliance.

As always, you have the right to appeal in accordance with section 119 of the Uniform Statewide Building Code.

Sincerely,

A handwritten signature in cursive script, appearing to read "G.W. Wiseman".

G.W. Wiseman  
Building Official

cc: Monica and Michael Davis  
James Benkahla Esquire  
Jacob Penrod Esquire

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# ATTACHMENT B

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# Exhibit 2

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Monica and Michael Davis  
Appeal No. 20-03

DECISION OF THE REVIEW BOARD

I. Procedural Background

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

II. Case History

On March 27, 2020, the County of Augusta Department of Community Development (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling located at 1002 Round Hill School Road, in Augusta County.

Shortly after moving into their new home, Davis contacted the County Building Official requesting he come inspect a variety of issues and concerns they had with their home, attached garage, and detached garage.

In June and July of 2020, the County Building Official visited the Davis property, investigated their issues and concerns, and identified twenty-two (22) code violations, which he cited in a letter (report) to Davis. In the report, the County Building Official also addressed three of the issues presented by Davis, explaining why those three issues were not code violations.

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Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local appeals board). The local appeals board upheld the decisions of the County Building Official. On October 15, 2020, Davis further appealed to the Review Board.

A virtual Review Board hearing was held January 22, 2021. Appearing at the Review Board hearing for Augusta County was G. W. Wiseman. Monica and Michael Davis attended the hearing on their behalf.

### III. Findings of the Review Board

- A. Whether to uphold the decision of the County Building Official and the local appeals board that violations of the VCC Sections 311.3 (Floors and landings at exterior doors) and R311.7.6 (Landings for stairways) do not exist.

Davis argued that the landing at the top of the stairway, at the front door, sloped towards the structure causing water to pond near the structure rather than being sloped away from the structure to facilitate the movement of water away from the structure and off the porch. Davis also argued that the landing at the bottom of the stairway was sloped towards the handrail rather than away from the stairway. Davis further argued that the landing, a concrete sidewalk, was not as wide as the stairway as required by the code. Lastly, Davis argued that adjusting the grade to make the bottom landing code compliant would create a new code violation related to the slope of the grade away from the foundation, which requires six inches (6") of fall in the first 10 feet (10').

The County argued that the slope of the landings at the top and bottom of the stairway, at the front door, were within the 2% allowance in the code requirements with typical high and low areas, which is typical with concrete. The County concurred that the landing at the bottom of the stairway, a concrete sidewalk, was not as wide as the stairway and that the County has instructed the contractor to bring the grade up on each side of the sidewalk to make the landing the same

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width as the stairway and bring it into compliance. The County argued that the code did not require the landing to be constructed entirely of the same material and that the concrete sidewalk and corrected grade was code compliant.

The Review Board agrees with Davis that violations of VCC Sections 311.3 (Floors and landings at exterior doors) and R311.7.6 (Landings for stairways) exist on the top and bottom landings at the front door.

B. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist.

Davis argued that the slope of the attached garage floor was not properly sloped to facilitate the movement of water to the main vehicle entry doorway. She further argued that the garage floor sloped inward. Davis also argued that the garage door seals were unable to properly seal, allowing water to enter the garage along the entire width of the garage door.

The County argued that the floor in the attached garage sloped towards the door. The Review Board agrees with Davis that a violation of VCC Section R309.1 (Floor surfaces) exists on the attached garage floor.

C. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist.

Davis argued that the entire front of the structure and 25% of each side of the structure was not protected from frost. Davis clarified the method required to protect the foundation wall from frost, based on the construction of the structure, was for the foundation wall to extend below the frost depth identified for Augusta County. Davis further argued that in order for the foundation wall to extend below the required frost depth, the entire footing needed to be below the required frost depth, which was not the case for a large percentage of the building foundation wall.

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The County argued that the frost line in Augusta County was 24” and was measured from the finished grade to the bottom of the footing. The County argued that concrete could not freeze and the ground could not freeze below the 24” frost line; therefore, the ground could not heave; thus, the foundation was protected. The County argued that, pursuant to contractor verification and testimony at the local appeals board hearing, the footing under the attached garage was a double footing. The County concurred with Davis that the footing under the detached garage was not code compliant due to lack of frost protection. The County stated that the footing for the detached garage was addressed in his report and the engineering report from Schnitzhofer Structural Engineers, which included how to correct the code violation.

The Review Board finds that, additional evaluation of the foundation is needed to determine whether a violation of VCC Section R403.1.4.1 (Frost protection) exists; therefore, remands the matter back to the County Building Official for further determination.

D. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist.

Davis argued that the door to the half bathroom, located in the attached garage, should be sealed to prevent exhaust fumes from entering the half bathroom. Davis further argued that because the HVAC duct system in the half bathroom was connected to the HVAC duct system that supplied the entire structure exhaust fumes that enter the half bathroom, due to the unsealed door, could travel through the HVAC duct system and contaminate the entire structure with carbon monoxide.

The County concurred that the door to the half bathroom, located in the attached garage, must be replaced with a fire rated door, per item #14 of the County Building Official’s report, due to the presence of the duct in the half bathroom. The County argued that the code does not require the door to be smoke or vapor tight.

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The Review Board agrees with the County Building Official that a violation of VCC R302.5.2 does not exist. However, the Board finds that, based on the evidence provided and the testimony of the parties, violations of VCC Section N1102.4 and M1601.6 may exist; therefore, remands the matter back to the County Building Official for further determination.

E. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist.

Davis argued that, on the detached garage, the wood framing members around the garage door and along several walls of the structure, rest on masonry or concrete and are located less than eight (8”) inches from grade, and in some areas below grade; therefore, are required to be treated lumber.

The County argued that it had not been made aware of this issue. The County further argued that the framing for the garage door was not a part of the wall framing and not fastened to the foundation wall; therefore, VCC Section R317.1 did not apply to the garage door framing. The County also argued that a treated frame under the wood foundation wall, as required by VCC Section R317.1, was present in the evidence provided.

The Review Board agrees with the County Building Official that a violation of VCC Section R317.1 does not exist.

F. Whether to uphold the decision of the County Building Official and the local appeals board that a violation related to the shoe block or full cut header block installation does not exist.

Davis argued that the installation of full cut header blocks in the foundation wall should not have been used. Davis further argued that full cut header blocks should only be used where concrete is poured; thus, filling the open voids in the blocks. She also argued that the blocks in the foundation wall were filled with stone rather than concrete.

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The County argued that the only evidence of the installation that he saw were the images in the agenda package and from those images he could not make a solid determination whether concrete went into the header blocks. The County further argued that the concrete slab was supported on a gravel base; therefore, was code compliant. The County also argued that the block was adequate for support as it was an 8” block and it provided the minimum bearing requirement for the floor joist; therefore, was code compliant.

The Review Board agrees with the County Building Official that a violation related to the shoe block or full cut header block installation does not exist.

#### IV. Final Order

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

- A. Whether to uphold the decision of the County Building Official and the local appeals board that violations of the VCC Sections 311.3 (Floors and landings at exterior doors) and R311.7.6 (Landings for stairways) do not exist.

The decision by the County Building Official and local appeals board that violations of VCC Sections 311.3 (Floors and landings at exterior doors) and R3117.6 (Landings for stairways) do not exist is overturned.

- B. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist in the attached garage.

The decision by the County Building Official and local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist in the attached garage is overturned.

- C. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist.

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The decision by the County Building Official and local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist is remanded back to the County Building Official for further determination as to whether the violation exists.

- D. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist.

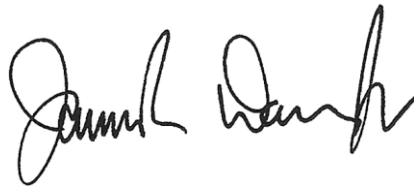
The decision by the County Building Official and local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist is upheld but potential violations of VCC Sections N1102.4 and M1601.6 may exist; therefore, remanded the matter back to the County Building Official to determine whether violations of N1102.4 and M1601.6 exist.

- E. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist is upheld.

- F. Whether to uphold the decision of the County Building Official and the local appeals board that a violation related to the shoe block or full cut header block installation does not exist.

The decision by the County Building Official and local appeals board that a violation related to the shoe block or full cut header block installation does not exist is upheld.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ March 19, 2021 \_\_\_\_\_

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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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# Exhibit 3

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Monica and Michael Davis  
Appeal No. 21-02

DECISION OF THE REVIEW BOARD

I. Procedural Background

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

II. Case History

On March 27, 2020, the County of Augusta Department of Community Development (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling located at 1002 Round Hill School Road, in Augusta County.

Shortly after moving into their new home, Davis contacted the County Building Official requesting he come inspect a variety of issues and concerns they had with their home, attached garage, and detached garage.

In June and July of 2020, the County Building Official visited the Davis property several times investigating the issues brought forth by Davis. During one or more of these inspections, the County Building Official found several violations. On July 16, 2020, the County Building

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Official issued a letter to Hendricks and Son General Contractor, LLC citing seventeen (17) code violations.

In September of 2020, Schnitzhofer Structural Engineers visited the Davis home to evaluate the residence with attached garage and detached garage related to the cited violations in the July 16, 2020 letter from the County Building Official. Schnitzhofer Structural Engineers drafted a letter dated November 3, 2020, which was received by Augusta County on November 9, 2020. The Schnitzhofer Structural Engineers letter was reviewed and accepted by the County Building Official.

Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local appeals board) for the acceptance and approval of the Schnitzhofer Structural Engineers letter. Davis further appealed to the local appeals board to consider the proposal report from Engineer Solutions and require the builder to approach the cited violations with the suggested analysis process set forth in that report. The local appeals board upheld the decisions of the County Building Official finding that the Schnitzhofer Structural Engineers report was a valid engineering report for the Davis' structure. On February 1, 2021, Davis further appealed to the Review Board.

A virtual Review Board hearing was held May 21, 2021. Appearing at the Review Board hearing for Augusta County was G. W. Wiseman. Monica and Michael Davis attended the hearing on their behalf.

### III. Findings of the Review Board

- A. Whether to uphold the decision of the County Building Official and the local appeals board that the Schnitzhofer Structural Engineers report is a valid report for the Davis structure.

Davis argued that Schnitzhofer Structural Engineers were unable to provide an accurate report as many of the violations cited in the letter from the County Building Official dated July

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16, 2020. were in locations that were covered with drywall. Davis further argued that because the drywall was not removed, the cited violations had not been properly investigated; therefore, the report could not satisfy the issues as indicated in the County Building Official's letter dated March 31, 2021. Davis further argued that without proper investigation the report could not provide the required engineer evaluation and design necessary for the repairs pursuant to the letter from the building official dated July 16, 2020. Davis also argued that the Engineer Solutions report provided a "clear-cut flawless" report as it was performed in conjunction with the removal of drywall for proper investigation, and provided the design for repair as required in the letter from the County Building Official dated July 16, 2020. Davis argued each individual violation cited in the letter from the County Building Official dated July 16, 2020.

The County argued that the Schnitzhofer Structural Engineers report was a valid report for the letter from the County Building Official dated July 16, 2020. The County further argued that the Schnitzhofer Structural Engineers report fully resolved items #8 and #12 of the letter from the building official dated July 16, 2020. The County argued that the remaining items from the letter from the County Building Official dated July 16, 2020 could be resolved if the repairs were done in accordance with the instructions in the Schnitzhofer Structural Engineers report which the building official approved by approval of the report.

The Review Board agrees with the County and local appeals board that the Schnitzhofer Structural Engineers report is a valid report, but does not resolve any of the issues outlined in the July 16, 2020 letter from the County Building Official. The Review Board further finds that the Engineering Solutions report is also a valid report.

#### IV. Final Order

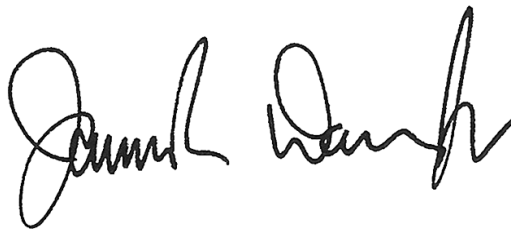
The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

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A. Whether to uphold the decision of the County Building Official and the local appeals board that the Schnitzhofer Structural Engineers report is a valid report for the Davis structure.

The decision by the County Building Official and local appeals board that the Schnitzhofer Structural Engineers report is a valid report is upheld noting that the Engineering Solutions report, provided by the Davis', is also a valid report.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_September 17, 2021\_\_\_\_

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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# Exhibit 5

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Monica and Michael Davis  
Appeal No. 22-02

DECISION OF THE REVIEW BOARD

I. Procedural Background

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

II. Case History

On March 27, 2020, the County of Augusta Department of Community Development (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling located at 1002 Round Hill School Road, in Augusta County.

Shortly after moving into their new home, Davis contacted the County Building Official requesting he come inspect a variety of issues and concerns they had with their home, attached garage, and detached garage.

In June and July of 2020, the County Building Official visited the Davis property several times investigating the issues brought forth by Davis. During one or more of these inspections, the County Building Official found several violations. On July 16, 2020, the County Building

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Official issued a letter to Hendricks and Son General Contractor, LLC citing seventeen (17) code violations.

In September of 2020, Schnitzhofer Structural Engineers visited the Davis home to evaluate the residence with attached garage and detached garage related to the cited violations in the July 16, 2020 letter from the County Building Official. Schnitzhofer Structural Engineers drafted a letter dated November 3, 2020, which was received by Augusta County on November 9, 2020. The Schnitzhofer Structural Engineers letter was reviewed and accepted by the County Building Official.

Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local appeals board) for the acceptance and approval of the Schnitzhofer Structural Engineers letter. Davis further appealed to the local appeals board to consider the proposal report from Engineer Solutions and require the builder to approach the cited violations with the suggested analysis process set forth in that report. The local appeals board upheld the decisions of the County Building Official finding that the Schnitzhofer Structural Engineers report was a valid engineering report for the Davis' structure. On February 1, 2021, Davis further appealed to the Review Board. These issues were presented to the Review Board for consideration at the May 21, 2021 Review Board meeting in Appeal No. 21-02. The Review Board considered and approved the final order for Appeal No. 21-02 on September 17, 2021.

Pursuant to the local appeals board decision, as a result of a conversation by the legal counsels for the Davis', builder, and County Building Official a letter by the Davis' attorney, dated August 5, 2021, was sent to the parties requesting a way forward to correct the issues with the project. Item #2 of the letter proposed the County Building Official visit the site and make a determination for compliance of 14 potential code violations. The inspection was performed on

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September 2, 2021. The County Building Official provided the findings to all legal counsels via a report dated September 7, 2021.

Davis filed a timely appeal to the local appeals board for the following nine (9) potential violations:

*Note: The alphabetical identification of the cited violations listed below is not in sequential order, rather is given the same alphabetical identification listed in the County Building Official report dated September 7, 2021 (report). The report cited 14 potential violations lettered a-n; however six of the cited violations listed in the report were not appealed. The remaining nine cited violations in the report that were appealed create the non-sequential list found below.*

- a) Air barrier behind the tub/shower; owner cited potential code sections VCC N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2) Installation
- c) Sill plate and floor joist cut for plumbing; owner cited potential code sections VCC R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber
- f) Interior receptacles have locations that exceed code requirements for receptacle placement; owner cited potential code section VCC E3901.2 General purpose receptacle distribution
- g) HVAC return duct too small; owner cited potential code section VCC M1401.1 Installation
- h) HVAC air handler hung from the floor joist; load values not taken into account for additional weight on the joists; owner cited potential code section VCC R502.8 Cutting, drilling, notching and VCC M1401.1 Installation
- i) Refrigerant piping not sleeved; owner cited potential code section VCC N1103.3.1(R403.3.1) Protection of piping insulation
- j) Mini split drain leaking in the attic; owner cited potential code section VCC M1412.3 Insulation of piping
- k) Electrical HVAC disconnect not mounted above the average snow level; owner cited potential code section VCC M1401.1 Installation
- m) HVAC mini split does not meet heating and cooling requirements for the bonus room space; owner cited potential code section VCC N1101.11(R302.1) Interior design conditions

The local appeals board denied the appeal on January 10, 2022. Davis further appealed to the Review Board on January 24, 2022.

A Review Board hearing was held May 20, 2022. Appearing at the Review Board hearing for Augusta County was G. W. Wiseman. Monica and Michael Davis attended the hearing on their behalf.

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### III. Findings of the Review Board

*Note: The correlation of the alphabetical identification assigned in the potential violations listed above, which are in accordance with the County Building Official's letter dated September 7, 2021, and the alphabetical identification assigned in the Findings of the Review Board and Final Order sections of this written decision, which are in accordance with typical formatting procedures for Review Board Final Orders, are shown in the chart below:*

Potential Violations in accordance with the County Building Official's letter dated September 7, 2021 as listed above	Findings of the Review Board and Final Order sections in accordance with typical formatting procedures for Review Board Final Orders as listed below
a)	A
c)	B
f)	C
g)	D
h)	E
i)	F
j)	G
k)	H
m)	I

- A. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2) Installation does not exist.

Davis argued that the kraft faced batt insulation installed behind the shower was not code compliant as the required air barrier.

The County argued that the 2012 VCC was silent on what constituted an air barrier. The County further argued that the determination of what constituted an air barrier was subject to the opinion of the building official and the County deemed the installation of kraft faced batt insulation, installed in accordance with the manufacturer's installation instructions, to be an

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adequate air barrier. The County also argued that based on the timeline of the Davis' inquiry and his response, he believed the appeal of this potential violation to be untimely.

The Review Board agrees with the County Building Official and local appeals board and finds that a violation of VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2) Installation does not exist.

B. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber does not exist.

Davis argued that structural floor joists were drilled within 2" of the edge of the joist for plumbing lines. Davis also argued that structural floor joist was gouged vertically in excess of ¾ of the way through the joist for plumbing drain line.

The County argued that the gouged joist for the plumbing drain line, described by Davis, was a fully supported band joist and not in violation. The County also argued that the drilling of the floor joist was not addressed during the inspection and was first presented at the local appeals board.

The Review Board agrees with the County Building Official and local appeals board and finds that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber does not exist as the gouging, described by Davis, was on a fully supported band joist and the drilling within 2" of the edge of the joist for plumbing lines was not properly before the Board.

C. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section E3901.2 General purpose receptacle distribution does not exist.

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Davis argued that the code required a wall receptacle be installed within 6' of a doorway in the bonus room over the garage. Davis also argued that they had several walls that were over two feet in length in their bathrooms with no receptacles installed.

The County argued that the wall receptacle spacing requirement was not 6' as argued by Davis in the local appeals board hearing. The County argued that the required spacing in the code for wall receptacles was 12' and that all receptacles in the Davis home more than met the 12' spacing requirement. The County also argued that receptacles in bathrooms were not required to meet the 12' spacing requirement and that the receptacles installed in the bathrooms were compliant.

During testimony the County acknowledged that if the evidence provided by Davis in the agenda package on page 264 was accurate, a receptacle may be required in the bonus room over the garage to meet the 6' from the doorway requirement.

The Review Board disagrees with the County Building Official and local appeals board and finds that a violation of the VCC Section E3901.2 General purpose receptacle distribution does exist in the bonus room over the garage. The Review Board agrees with the County Building Official and local appeals board and finds that a violation of the VCC Section E3901.2 General purpose receptacle distribution does not exist in the bathrooms.

D. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section M1401.1 Installation does not exist.

Davis argued that the Manual J calculations were provided to the County approximately 15 months after the issuance of the CO which clearly showed that the County did not have the needed documentation for the HVAC system when it was approved. Davis also argued that the Manual J calculations contained several errors and/or misrepresentations related to the construction and/or installation of the system. Davis further argued that the HVAC system failed

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the static pressure test as well as the performance test for required air exchanges per hour. Finally, Davis argued that the size of the duct system was inadequate as the return grill was approximately 21" X 21" while the return duct was only 8" X 8".

The County argued that the HVAC Manual S and J indicated that the system was sized properly which included the duct system. The County further argued that return grills are always larger than the return duct due to the restrictions imposed by the louvers in the grill.

The Review Board disagrees with the County Building Official and local appeals board and finds that a violation of the VCC Section M1401.1 Installation does exist.

E. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC M1401.1 Installation does not exist.

Davis argued that structural floor joists were drilled within 2" of the edge of the joist for support braces for the HVAC unit suspended from the joists in the crawlspace. Davis further argued that the drilling occurred in the center third of the joist which was also non-compliant. Davis also argued that the code required all HVAC systems must be installed pursuant to the code and the manufacturer's installation instructions. Davis further argued that in accordance with the manufacturer's installation instructions an HVAC unit suspended from joists in a crawlspace required three supports and their unit only contained two supports.

The County argued that the weight of the HVAC unit suspended in the crawlspace was included in the dead load design of the structure. The County also argued that the date provided for the photographic evidence related to this potential violation was inaccurate. The County also questioned how anyone could be certain the other photographic evidence was properly dated?

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Davis acknowledged the error in the date on the photographic evidence related to this potential violation which indicated 2022 rather than 2021. Davis stated that the dates on all other photographic evidence was accurate.

The Review Board agrees with the County Building Official and local appeals board and finds that a violation of the VCC Sections R502.8 Cutting, drilling, notching does not exist. The Review Board also agrees with the County Building Official and local appeals board and finds that a violation of the VCC M1401.1 Installation does not exist because Figure 5 in the manufacturers installation guide showing three supports for the HVAC unit suspended by joists in the crawlspace is not a requirement rather a typical installation illustration.

F. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping insulation does not exist.

Davis argued that the proper protection through the foundation wall (sleeving) for the mini split HVAC piping was not installed properly.

The County argued that the mechanical code does not require protection of piping because the insulation on a HVAC line set is larger than the 3/8" and 1/4" lines inside the insulation and that the insulation provides the space needed should the foundation settle. The County also argued that the sleeve was partially through the wall when originally inspected and appeared to have been pulled out of the foundation wall, under the crawlspace. The County also argued that the item was not part of the Davis appeal to the local appeals board, rather was brought up by Davis during the local appeals board hearing. The County further argued that the local appeals board made no decision on the item.

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The Review Board disagrees with the County Building Official and local appeals board and finds that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping insulation does exist.

G. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section M1412.3 Insulation of piping does not exist.

Davis argued that condensation piping for the mini split HVAC unit was leaking in the attic. Davis further argued that the County did not properly investigate the potential violation due to the lack of access to the attic because the County did not bring a ladder for the inspection. Davis also argued that the condensation line was not connected to the drain plug on the back of the unit.

The County argued that the HVAC line set insulation met the required R3 insulation value and was UV and tear resistant. The County further argued that he saw condensation on the line set both in the attic and in the crawlspace, noting it was a hot and humid day when the inspection was performed. The County also argued that they could not access the attic area and that the code does not require the County to provide a ladder to access spaces needing to be inspected. The County further clarified that the responsibility to provide access (ladder) is that of the contractor or property owner.

The Review Board finds that the potential violation of VCC Section M1412.3 Insulation of piping be remanded to the County Building Official for additional investigation and inspection contingent on the Davis' providing the necessary access to the space for inspection.

H. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section M1401.1 Installation does not exist.

Davis argued that the HVAC disconnects were not installed above the average snow load for their area. Davis also argued that the code required all HVAC systems must be installed

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pursuant to code and the manufacturer's installation instructions. Davis further argued that the manufacturer's installation instructions required disconnects to be installed at least 16" above grade.

The County argued that the code was silent on the installation height requirement for HVAC disconnects. The County also argued that the manufacturer's installation instructions do not specify a height requirement for the installation of the HVAC disconnect. The County also argued that based on the timeline of the Davis' inquiry and his response, he believed the appeal of this potential violation to be untimely.

The Review Board agrees with the County Building Official and local appeals board and finds that a violation of the VCC Section M1401.1 Installation does not exist because the figure in the manufacturers installation guide showing two courses of 8" block for the installation of the HVAC disconnect is not a requirement rather a typical installation illustration.

- I. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions does not exist.

Davis argued that the mini split HVAC system for the bonus room over the garage was not designed properly. Davis further argued that the Manual J calculations contained several errors and/or misrepresentations related to the construction and/or installation of the system. Davis also argued that the system was sized too small for the space to be served.

The County argued that the Manual S and J indicated that the units were sized properly. The County also argued that based on the timeline of the Davis' inquiry and his response, he believed the appeal of this potential violation to be untimely.

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The Review Board disagrees with the County Building Official and local appeals board and finds that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions does exist.

#### IV. Final Order

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

- A. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2) Installation does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Sections N1102.4.1.1 (R402.4.1.1) Installation (Mandatory) and VCC N1101.13 (R303.2) Installation does not exist is upheld.

- B. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC R502.8.1 Sawn lumber does not exist is upheld.

- C. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section E3901.2 General purpose receptacle distribution does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section E3901.2 General purpose receptacle distribution does not exist is overturned related to the bonus room over the garage. The decision by the County Building Official and

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local appeals board that a violation of the VCC Section E3901.2 General purpose receptacle distribution does not exist is upheld related to the bathrooms.

- D. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section M1401.1 Installation does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section M1401.1 Installation does not exist is overturned.

- E. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC M1401.1 Installation does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Sections R502.8 Cutting, drilling, notching and VCC M1401.1 Installation does not exist is upheld.

- F. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping insulation does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section N1103.3.1 (R403.3.1) Protection of piping insulation does not exist is overturned.

- G. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section M1412.3 Insulation of piping does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section M1412.3 Insulation of piping does not exist is remanded to the County Building Official for additional investigation and inspection contingent on the Davis' providing the necessary access to the space for inspection.

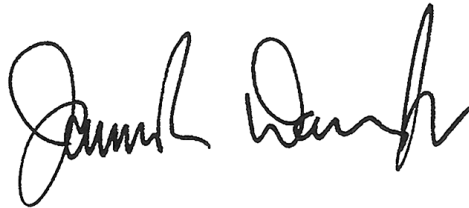
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H. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section M1401.1 Installation does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section M1401.1 Installation does not exist is upheld.

I. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section N1101.11 (R302.1) Interior design conditions does not exist is overturned.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ July 15, 2022 \_\_\_\_\_

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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1 VIRGINIA:

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

6  
7 IN RE: Appeal of Black Wolf Services LLC  
8 Appeal No. 22-05  
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 II. Case History

20 On September 8, 2021, the Prince William County Department of Development Services,  
21 Building Development Division (County), the agency responsible for the enforcement of Part 1 of  
22 the 1987 Virginia Uniform Statewide Building Code (VUSBC), performed an inspection of the  
23 structure located at 1316 Profit Court, in Prince William County, owned by Brightleaf Industrial  
24 Holdings LLC (Brightleaf) and occupied by Black Wolf Automotive Specialties (Black Wolf)  
25 following a complaint of possible work performed without permits and lack of sprinkler coverage.

26 The inspection resulted in the issuance of a Notice of Violation (NOV) dated September 8,  
27 2021 which cited the following two code violations:

- 28 a. *“Occupying Structure w/o Certificate of Occupancy – Obtain an issued*  
29 *certificate of occupancy for the current tenant (Black Wolf Automotive*  
30 *Specialties).” Pursuant to “VUSBC Section 116.1”.*  
31 b. *“Construction Without Permits – Obtain all appropriate permits to resolve the*  
32 *sprinkler coverage issues.” Pursuant to “VUSBC Section 108.1.1”.*

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33 Note: Item b. was resolved on October 1, 2021 by the removal of an illegally  
34 constructed wall.

35  
36 On September 30, 2021, Black Wolf completed the Prince William County Joint  
37 Occupancy Evaluation (JOE) permit application (Commercial) which was reviewed on October  
38 12, 2021 and rejected. In the final determination letter, the County determined the storage space  
39 over the office was a mezzanine and cited the following minimum life safety requirements they  
40 needed to comply with in order for the JOE to be approved:

- 41 a. *Means of Egress for Mezzanines (Stairway) per VUSBC/BOCA 605.3*
- 42 b. *Open-sided floor areas more than 30 inches above the floor or grade below*  
43 *(guardrails) per VUSBC/BOCA 803.6*
- 44 c. *Guardrail systems are required on the open sides of elevated walking surfaces*  
45 *to minimize a fall from the walking surface to the lower level below per*  
46 *VUSBC/BOCA 824.1*

47  
48 Black Wolf filed a timely appeal to the Prince William County Building Code Board of  
49 Appeals (local appeals board) which was denied. Black Wolf further appealed to the Review  
50 Board on May 2, 2022.

51 Appearing at the Review Board meeting for Black Wolf were Chris Berry and Pete  
52 Cartright. Appearing at the Review Board meeting for the County were Eric Mays, Chad Roop,  
53 and Thomas Jarman.

### 54 III. Findings of the Review Board

55 A. Whether to uphold the decision of the County and the local appeals board that a  
56 violation of 1987 VUSBC/BOCA Section 605.3 Egress exists.

57 B. Whether to uphold the decision of the County and the local appeals board that a  
58 violation of 1987 VUSBC/BOCA Section 803.6 Open-sided floor areas exists.

59 C. Whether to uphold the decision of the County and the local appeals board that a  
60 violation of 1987 VUSBC/BOCA Section 824.1 General exists.

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61 Black Wolf argued that the storage area was originally approved by the County without  
62 stairs pursuant to the approved plans provided by the County. Black Wolf further argued that the  
63 storage area was only accessed by the two business owners; the employees were not allowed to  
64 access the area. Black Wolf also argued that the County initially cited violations to the incorrect  
65 building/unit and the incorrect edition of the code.

66 The County argued that Black Wolf lacked the clear understanding of the following:

- 67 a. Differences between the roles, duties, and responsibilities of the fire code  
68 official/inspector and the building code official/inspector
- 69 b. Differences between the fire code requirements enforced during a routine fire  
70 code inspection and the building code requirements enforced during the  
71 construction of a building
- 72 c. Effects of changing the use of a building or space to that which does not  
73 comply with the applicable building code enforced during construction
- 74 d. Differences between building construction and fire suppression plan  
75 submission and approval

76  
77 The County further argued that the approved plans referenced by Black Wolf were not the  
78 approved building construction plans, rather were the County fire protection plans from the  
79 County fire marshal's office. The County further argued that the sprinkler contractor  
80 erroneously labeled the area above the office as a mezzanine on those plans. The County also  
81 argued that the area above the office was neither constructed nor approved as a mezzanine and  
82 concurred that stairs never existed to the area. The County further argued that Black Wolf had  
83 changed the use of the area over the office by using it for storage, resulting in the area becoming  
84 a mezzanine rather than non-usable space. The County concurred Black Wolf's assertions that  
85 the incorrect building/unit and edition of the code were initially cited. The County argued that  
86 the 1990 and 1987 editions of the VUSBC/BOCA read the same and have the same code  
87 requirements for a building constructed under each code; therefore, the County's determination  
88 is unchanged regardless of this error. The County argued that the cited violation did, in fact,  
89 exist in Black Wolf's building/unit regardless of the initial error in identifying the building/unit.

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90 Lastly the County argued that the incorrect building/unit and edition of the code initial citations  
91 were irrelevant to the final decision of the board for the case.

92 The Review Board found many of the arguments offered by Black Wolf were irrelevant as  
93 they were unrelated to the cited violations and/or building code. The Review Board agrees with  
94 the County and local appeals board and finds that the area over the office is a mezzanine and the  
95 cited violations of 1987 VUSBC/BOCA Sections 605.3 (Egress), 803.6 (Open-sided floor areas),  
96 and 824.1 (General) exist.

97 IV. Final Order

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

100 A. Whether to uphold the decision of the County and the local appeals board that a  
101 violation of 1987 VUSBC/BOCA Section 605.3 Egress exists.

102 B. Whether to uphold the decision of the County and the local appeals board that a  
103 violation of 1987 VUSBC/BOCA Section 803.6 Open-sided floor areas exists.

104 C. Whether to uphold the decision of the County and the local appeals board that a  
105 violation of 1987 VUSBC/BOCA Section 824.1 General exists.

106 The decision of the County and local appeals board that the area over the office is a  
107 mezzanine and violations of the 1987 VUSBC/BOCA Sections 602.3, 803.6, and 824.1 exist is  
108 upheld.

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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ May 12, 2023 \_\_\_\_\_

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117  
118           As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days  
119 from the date of service (the date you actually received this decision or the date it was mailed to  
120 you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal  
121 with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served  
122 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 Fairfax County  
Appeal No. 22-16

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County  
Appeal No. 22-16

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On July 14th and 15th of 2021 the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of the 1970 BOCA Basic Building Code, 1972 BOCA Basic Building Code Accumulative Supplement, 1975 BOCA Basic Building Code, 1971 One and Two Family Dwelling Code, 1975 One and Two Family Dwelling Code, 1972 BOCA Mechanical Code, 1975 BOCA Mechanical Code, 1975 BOCA Plumbing Code, and 2018 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), performed an inspection for the residential structure, located at 244 Old Court House Road NE, in the town of Vienna in Fairfax County, owned by Barrett Kashdan (Kashdan). As a result of the inspections a Corrective Work Order (CWO) was issued on August 3, 2021 citing violations of VCC Sections 108.1 and 113.3 related to the following:

- a. Construction of a one story attached addition with a front porch, rear deck with stairs, and an attached storage shed. The addition is comprised of a full kitchen, full bathroom, living area, and bedroom. The addition has no access to the main dwelling and electric is supplied by a sub panel in the kitchen.
- b. Replacement of the service panel. The replacement of the panel was permitted under electrical permit #70120145 but never finalized and has since expired.
- c. Replacement of the gas water heater and gas furnace in the main dwelling

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On December 7, 2021 the County confirmed the above listed issues resulting in the cited violations to VCC Section 108.1 and 113.3 still existed and subsequently issued a Notice of Violation (NOV) on December 8, 2021.

2. David Whitting, legal counsel for Kashdan, filed an appeal to the Fairfax County Board of Building Code Appeals (local appeals board) which was upheld on September 14, 2022.

3. The County further appealed to the Review Board on October 4, 2022; however, it took until October 17, 2022 to acquire an accurately completed application.

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

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

1. Whether to overturn the building official and uphold the local appeals board that violations of VCC Sections 108.1 and 113.3 do not exist because the records associated with construction, permitting, and inspections on the subject property, originally constructed in 1960 and then modified prior to 1988 (when the current owner purchased the property) to convert a carport/garage to an enclosed living space are not available to determine the acceptability of the property to the codes in effect during that period. In addition the prior use of that living space as a separate dwelling unit, which was the basis for a complaint to the County, has been terminated. In upholding the appeal it was noted that the Notice of Violation also included the lack of a final

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inspection and approval of an electrical panel and replacement gas furnace and water heater in the subject property, which are separate issues but were combined with the enclosed living space issue.

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# Basic Documents

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# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION Virginia Construction Code

**DATE OF ISSUANCE:** December 8, 2021

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Barrett H. Kashdan  
Geoffrey Kashdan

**ADDRESS:** 244 Old Courthouse Road NE  
Vienna, VA 22180

**LOCATION OF VIOLATION:** 244 Old Court House Road NE  
Vienna, VA 22180-0000

**TAX MAP REF:** 0391 12 0050

**CASE #:** 202103164 **SR#:** 184364

**ISSUING INVESTIGATOR:** Austin Sanchez, (703)324-1388

<b>POTENTIAL CIVIL PENALTIES UNDER FAIRFAX COUNTY CODE § 61-7-1(B):</b>	<b>Building Code Violation(s)</b>	<b>First Offense</b>	<b>Each Subsequent Offense</b>
	VCC § 108.1	\$100	\$350
	VCC § 113.3	\$100	\$350
	<b>TOTAL</b>	<b>\$400</b>	<b>\$1,400</b>

You were issued a Corrective Work Order on August 3, 2021, for violations of the Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2018 Edition, effective July 1, 2021. Staff confirmed on December 7, 2021, that the violations itemized below remain.

On July 14, and July 15, 2021, County staff inspected the interior and exterior of the above referenced residential property and discovered that construction, alterations, and installations has been performed without the required permit(s), inspection(s), and approvals. The construction, alteration, and installation include, but is not necessarily limited to, the following:

---

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

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 2

- Construction of a one story attached addition with a front porch, rear deck with stairs, and an attached storage shed. The addition is comprised of a full kitchen, full bathroom, living area and bedroom. The addition has no access to the main dwelling and electric is supplied by a sub panel installed in the kitchen.
- Replacement of the service panel. The replacement of the panel was permitted under electrical permit #70120145 but never finalized and has since expired.
- Replacement of the gas water heater and gas furnace in the main dwelling.

**Order:** Pursuant to the USBC, *Section(s) 108.1 When applications are required; and Section 113.3 Minimum Inspections*, you are hereby directed to apply for and obtain the required permit(s), inspections, and approvals for the work described above or for its demolition. The application is to be submitted at the Permit Application Center, referenced below.

Apply for and obtain all necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. No requirement to meet with DCC Investigator.

Contact Investigator Austin Sanchez prior to the submission of permit application documents. This is to ensure all cited violations are addressed in your permit application and/or construction documents and is requirement for the acceptance of your permit by the Permit Application Center. Apply for and obtain the necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. In accordance with these directives:

- Contact me at (703)324-1388, TTY 711 within the timeframe established to confirm the violations(s) have been abated.
- A copy of the notice must be submitted as part of your construction documents.
- A plan identifying all cited violations must receive the DCC stamp from your investigator before submission when it will be submitted as part of your construction documents.
- For e-plans, you must email all your permit documents to your investigator to verify that all the cited violations are addressed before submitting online.
- A stop-work hold has been placed on your address preventing any permits documents from being submitted. That hold can only be removed with approval from your DCC investigator.

Once any permit is issued, call 703-631-5101, TTY 711 to schedule all related building inspections. Please reference Case 202103164. This notice must be available at the property for County field staff

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 3

throughout the inspection process. Failure to call for the required inspections within 60 days will result in the initiation of the legal process

Note:

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

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

\*To schedule a virtual appointment with an LDS permit technician:

<https://app.smartsheet.com/b/form/48c3ca9f93c440fc89b8479844894eb6>

\*When work described above involves the removal of any unpermitted features (including appliances and, plumbing and /gas fixtures) a demolition permit will be required. Be advised that any violations identified in a separate Zoning Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit.

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

You are directed to notify Austin Sanchez in writing at 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or by telephone (703)324-1388 within three (3) working days from the date you receive this Notice of Violation.

**RIGHT TO APPEAL THIS NOTICE:** Per Sect. 119 of the Virginia Construction Code, any person aggrieved by the local building department's application of the code or refusal to grant a modification to the provisions of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 30 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application for appeal within the time limit established constitutes acceptance of the Code Official's decision.

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 4

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

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

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

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

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-1388 or the main office at (703)324-1300.

Notice Issued By:



---

Signature

Austin Sanchez  
(703)324-1388  
Austin.sanchez@fairfaxcounty.gov  
Technical Assistant to the Building Official  
Department of Code Compliance

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

\_\_\_\_\_

\_\_\_\_\_

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth

Not found.

MRS F GAVNER OSM  
SERVING OFFICER

12/8/21 Stacey A. Kincaid, Sheriff  
DATE Fairfax County, VA

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

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\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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Served on a Secretary of the Commonwealth

Not found.

\_\_\_\_\_

SERVING OFFICER  
for \_\_\_\_\_

DATE

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\_\_\_\_\_

\_\_\_\_\_

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Served on a Secretary of the Commonwealth

Not found.

\_\_\_\_\_

SERVING OFFICER  
for \_\_\_\_\_

DATE



## Building Code Appeal Request

### PROJECT INFORMATION

Project Name: Residential Home  
Project Address: 244 Old Courthouse Road, NE, Vienna, Virginia, 22180  
Permit or case number: Case # 202103164 Tax map number: 0391 12 0050

### APPLICANT INFORMATION

Applicant Name: David Whiting, Esq., on behalf of Barrett Kashdan, Owner  Owner  Owner's agent  
Address: 205 Van Buren St #120  
City: Herndon State: VA ZIP: 20170  
Phone: 703-544-9187 Email: david@oakhilllawgroup.com

### OWNER INFORMATION

See applicant information

Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### APPEAL INFORMATION

Appealing decision made on the date of by  Building Official  Fire Official  Property Maintenance Official  
rendered on the following date: December 8, 2021  
Code(s) (IBC, IMC, IPMC, etc.) and year-edition: VCC 108.1, VCC 113.3  
Section(s): VCC 108.1, VCC 113.3

### REQUEST/SOLUTION

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

Please see attached documents.

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

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

Re: Notice of Violation Case # 202103164, 244 Old Courthouse Road NE, Vienna, VA 22180

Owner: Barrett Kashdan

This matter was brought in bad faith by a former tenant whose complaints have been dismissed by Vienna zoning.

Mr. Kashdan, the owner, purchased this house over 20 years ago, and has not made modifications to the property. We are not in possession of any relevant permitting information as it apparently pre-dates what's accessible to the public online.

In early to mid december, my assistant called Mr. Austin Sanchez, the signatory on the notice of violation, to discuss in hopes of some productive resolution. Mr. Sanchez was rude, dismissive, and unprofessional in this call, scolding my assistant and telling her that she'd have to file a FOIA if she wanted further information.

Subsequently, I have emailed Mr. Sanchez on December 15, 2021 as well as twice on December 17, 2021, in order to discuss. None of my correspondence has been returned. I have also, in my correspondence, requested a conversation as to a potential grant of modification from any violated ordinance. Again, I have received no response.

This house is relatively isolated, and I don't see any good reason to allow a disgruntled ex-tenant to continue her tirade of harassment against Mr. Kashdan, who is a well-meaning elderly owner who has already worked through these issues with Vienna zoning.

A modification should be appropriate given the duration of Mr. Kashdan's ownership, his good-faith actions, and his total unawareness of any violation for decades until the allegations are made and acted upon in December 2021.

Given the apparent intention of non-response by Mr. Sanchez, I'm requesting an appeal to resolve this matter in a way that doesn't take unfair advantage of Mr. Kashdan. Fines and fees aren't the appropriate method given the totality of the circumstances. A modification makes much more sense in this case.

On Jan 4, 2021, I'm attempting to contact the secretary of the LBBCA as per the appeal instructions in the letter, but that office may or may not be open given the inclement weather. As such, please pardon any irregularities in the appeal paperwork.

Respectfully,

  
David L. Whiting, Esq.

**RESOLUTION**

**WHEREAS** the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Virginia Construction Code (VCC) 2018 Edition;

and

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

**RESOLVED**, that the matter of

**Appeal No. CDAPPL-2022-00001**

**In RE:** Fairfax County Department of Land Development Services (LDS) v. Barrett Kashdan (represented by David Whiting, Esq.)

**The appeal is upheld (3-1-0 CNV)**

The rationale given for upholding the appeal was that records associated with construction, permitting, and inspections on the subject property, originally constructed in 1960 and then modified prior to 1988 (when the current owner purchased the property) to convert a carport/garage to an enclosed living space are not available to determine the acceptability of the property to the codes in effect during that period. In addition the prior use of that living space as a separate dwelling unit, which was the basis for a complaint to the County, has been terminated. In upholding the appeal it was noted that the Notice of Violation also included the lack of a final inspection and approval of an electrical panel and replacement gas furnace and water heater in the subject property, which are separate issues but were combined with the enclosed living space issue.

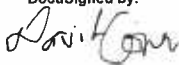
**FURTHER**, be it known that:

1. This decision is solely for this case and its surrounding circumstances.
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear.

09/16/2022 | 10:23:30 EDT

**Date:** September 14, 2022

**Signature:**

DocuSigned by:  
  
 6DEFDB519E374A1

Chairman, Board of Building Code Appeals

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



I Carla Guerra-Moran hereby certify that this is a true copy of a Fairfax County Department of a  
CUSTODIAN 09/16/2022 | 10:26:31 EDT

Land Development Services record of which I am a custodian

DocuSigned by:  
Carla Guerra-Moran  
5893E93DC704402  
CUSTODIAN

I Jay Riat hereby certify that this is a true copy of a Fairfax County  
SUPERVISOR OF CUSTODIAN

Department of a Land Development Services record of which Carla Guerra-Moran is the

CUSTODIAN 09/16/2022 | 11:08:00 EDT

custodian and that Carla Guerra-Moran reports to me

CUSTODIAN

DocuSigned by:  
Jay Riat  
FCDAF24AB9964114  
SUPERVISOR OF CUSTODIAN

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## Staff Note:

Multiple Review Board applications submitted by Fairfax County are included in the agenda package to show the timeline from original submittal to when staff was able to acquire the accurately completed application and minimally required documents from Fairfax County

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

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

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



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

Jay Riat, Building Official and Fairfax County - Department of Code Compliance  
c/o Patrick V. Foltz, Assistant County Attorney 12000 Government Center  
Parkway

Fairfax, VA 22035 703 324 2421 Patrick.foltz@fairfaxcounty.gov

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

Barrett Kashdan, c/o David Whiting, Esq.

Oak Hill Law Group, PLLC

2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171

703 544 9187 david@oakhilllawgroup.com

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 4th day of October, 2022, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

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

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

A handwritten signature in black ink, appearing to read "Patrick V. Foltz", written over a horizontal line.

Name of Applicant: Patrick V. Foltz, #76736

(please print or type)



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

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- 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):

Jay Riat, Building Official and Fairfax County - Department of Code Compliance  
1055 Government Center Pkwy Fairfax, VA 22035 703 222-0801 jay.riat@fairfaxcounty.gov  
c/o Patrick V. Foltz, Assistant County Attorney 12000 Government Center Parkway  
Fairfax, VA 22035 703 324-2421 Patrick.foltz@fairfaxcounty.gov

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

Barrett Kashdan, 501 Glyndon St. SE Vienna, VA 22180 703 407-2685  
c/o David Whiting, Esq. Oak Hill Law Group, PLLC  
2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171 703 544-9187  
david@oakhilllawgroup.com

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

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Name of Applicant: Patrick V. Foltz, #76736  
(please print or type)



# County of Fairfax, Virginia

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

Office of the County Attorney  
Suite 549, 12000 Government Center Parkway  
Fairfax, Virginia 22035-0064  
Phone: (703) 324-2421; Fax: (703) 324-2665  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)

October 3, 2022

**BY EMAIL AND FEDEX**

Virginia Technical Review Board  
c/o Travis Luter, Secretary  
Main Street Centre  
600 E. Main Street  
Suite 300  
Richmond, VA 23219

**RE: Appeal No. CDAPPL-2022-00001**  
**Fairfax County Board of Building Code Appeals**  
**Hearing Date: September 14, 2022**

Mr. Luter,

My name is Patrick Foltz and my office represents the Building Official for Fairfax County and the Fairfax County Department of Code Compliance. On December 8, 2021, Mr. Austin Sanchez, Technical Assistant to the Fairfax County Building Official, issued a Notice of Violation to Barrett Kashdan and Geoffrey Kashdan, the owners of the property and improvements located at 244 Old Courthouse Road in Vienna, Virginia. Mr. Sanchez cited the owners for violations of Sections §§ 108.1 and 113.3 of the Construction Code, as follows:

- Construction of a one story attached addition with a front porch, a rear deck with stairs, and an attached storage shed. The addition is comprised of a full kitchen, full bathroom, living area and bedroom. The addition has no access to the main dwelling and electric service is supplied by a sub panel installed in the kitchen.
- Replacement of the service panel. The replacement of the panel was permitted under electrical permit #70120145 but never finalized and the permit has since expired.
- Replacement of the gas water heater and gas furnace in the main dwelling.

Mr. Barrett Kashdan appealed this determination to the Fairfax County Local Board of Building Code Appeals (“LBBCA”).

After hearing testimony and argument from the parties, the LBBCA upheld the appeal. In its resolution, the LBBCA found that records associated with the construction, permitting, and inspections on the subject property were not available to determine the acceptability of the property to the codes in effect at the time of construction. The LBBCA also found that the use

of the property as living space is terminated. The LBBCA further found that the violations relating to the electrical panel and replacement gas furnace and water heater were separate issues but combined with the enclosed living space issue.

The Building Official and Department of Code Compliance appeals on the following grounds:

1. The unavailability of records associated with construction, permitting, and inspections on the subject property support dismissing, rather than upholding, the appeal. The appellant has the burden on appeal to prove whether the addition required a permit at the time of its construction. The appellant never presented any evidence that a permit existed for the addition. Nor did the appellant present evidence that the addition was constructed prior to the adoption of the Building Code or that it was constructed at such a time when permits and inspections were not required. As a result, the LBBCA erred when it adopted a rational upholding the appeal based on its inability to determine the acceptability of the property to the codes in effect during that period. Since the appellant presented no proof of when the building was built, or whether it was inspected, the appellant failed to carry its burden and the LBBCA should have denied the appeal.
2. The attached aerial photography and tax information documents show that the addition was completed between 1972 and 1977. Since Fairfax County adopted the Virginia USBC in 1972, and since versions of the USBC since that time have required building permits and inspections, the applicable building code can be identified and applied to the addition.
3. The prior use of the addition as a second dwelling unit is not relevant to whether the structure, appliances, and fittings required permits and inspections. The appellant's voluntary decision to stop renting the addition does not resolve the need for permits and inspections of the addition. Further, the appellant's voluntary decision to stop renting the addition does not prevent a subsequent owner from resuming that use. Additionally, the alleged work undertaken by the appellant, specifically removal of the kitchen unit, was completed without permits and inspections.
4. That the LBBCA should not have upheld the appeal by dismissing the separate issues concerning the gas furnace and water heater. By combining those issues with the enclosed living space issue, the LBBCA allowed the gas furnace and water heater to remain unpermitted and uninspected.

Thank you for your attention to this matter.



Very Truly Yours,

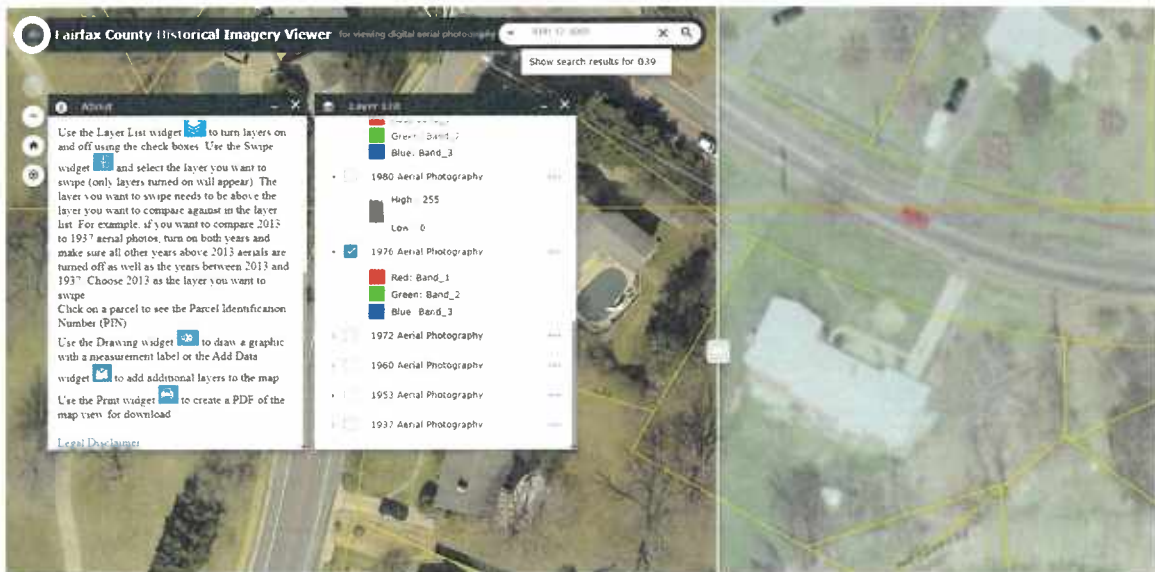
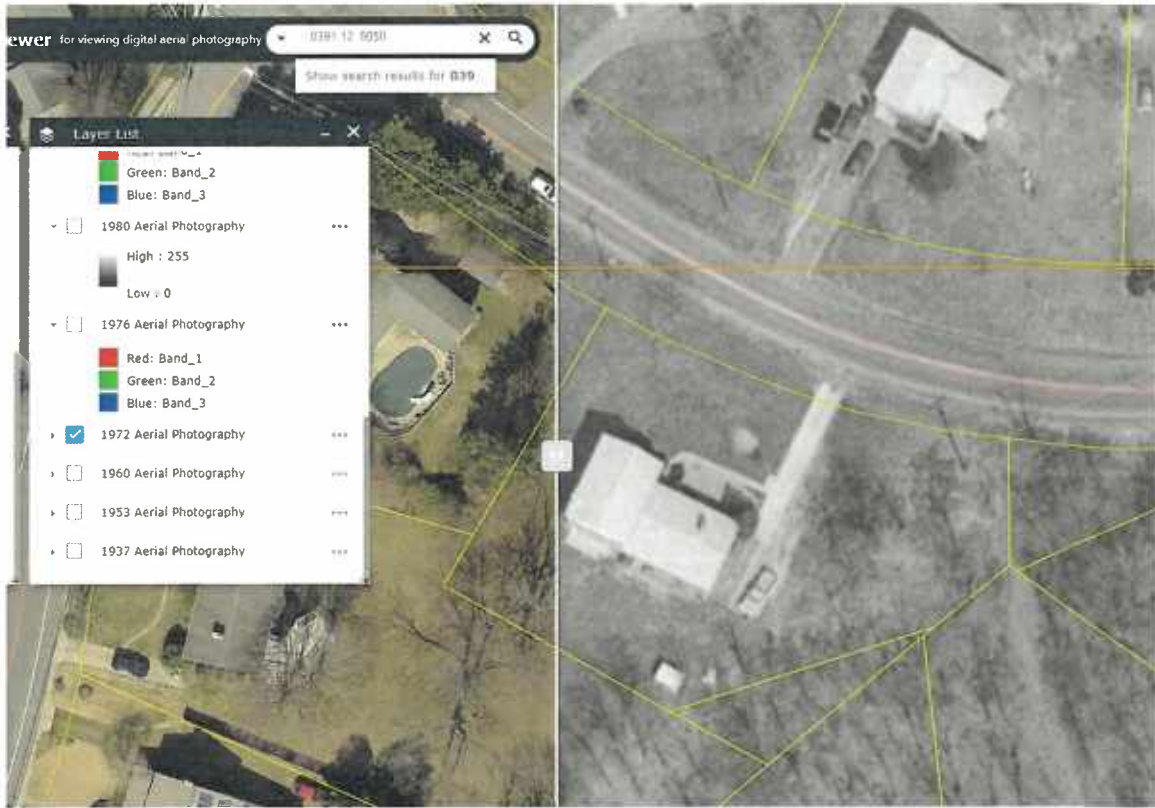
A handwritten signature in black ink, appearing to read 'Patrick V. Foltz', with a long horizontal stroke extending to the right.

Patrick V. Foltz

Cc: David Whiting, Esq.

Attachments

# 244 Old Courthouse Road – Aerial Photos from 1972, 1976



MAP #: 0391 12 0050  
 KASHDAN BARRETT H

244 OLD COURT HOUSE RD NE

**Owner**

Name KASHDAN BARRETT H,  
 Mailing Address 244 OLD COURTHOUSE RD NE VIENNA VA 22180  
 Book 18815  
 Page 0555

**Parcel**

Property Location 244 OLD COURT HOUSE RD NE VIENNA VA 22180  
 Map # 0391 12 0050  
 Tax District V0000  
 District Name HUNTER MILL TOWN OF VIENNA  
 Land Use Code Single-family, Detached  
 Land Area (acreage)  
 Land Area (SQFT) 18,900  
 Zoning Description RS-16(16000 2 DU/AC)  
 Utilities WATER CONNECTED  
 SEWER CONNECTED  
 GAS CONNECTED  
 County Inventory of Historic Sites NO  
 County Historic Overlay District NO  
 For further information about the Fairfax County  
 Historic Overlay Districts, [CLICK HERE](#)  
 For properties within the towns of Herndon, Vienna  
 or Clifton please contact the town to determine if the  
 property is within a town historic district.  
 Street/Road PAVED  
 Site Description BUILDABLE-POOR PARK LAND

**Legal Description**

Legal Description WESTBRIAR COUNTRY CLUB ESTATES  
 SEC 1  
 LT 50

**Sales History**

Date	Amount	Seller	Buyer
10/05/2006	\$0	KASHDAN BARRETT H	KASHDAN BARRETT H
12/17/1991	\$0		KASHDAN BARRETT H
11/07/1988	\$0		

**Sales**

1 of 3

Date	10/05/2006
Amount	\$0
Seller	KASHDAN BARRETT H
Buyer	KASHDAN BARRETT H
Notes	No consideration
Deed Book and Page	18815-0555
Additional Notes	

**Values**

Tax Year	2022
Current Land	\$429,000
Current Building	\$506,790
Current Assessed Total	\$935,790
Tax Exempt	NO
Note	

**Values History**

Tax Year	Land	Building	Assessed Total	Tax Exempt
2021	\$369,000	\$492,030	\$861,030	NO
2020	\$359,000	\$482,380	\$841,380	NO
2019	\$349,000	\$468,330	\$817,330	NO
2018	\$319,000	\$468,330	\$787,330	NO
2017	\$304,000	\$454,690	\$758,690	NO
2016	\$304,000	\$454,690	\$758,690	NO
2015	\$304,000	\$433,040	\$737,040	NO
2014	\$304,000	\$433,040	\$737,040	NO
2013	\$284,000	\$393,670	\$677,670	NO
2012	\$264,000	\$377,080	\$641,080	NO
2011	\$264,000	\$377,080	\$641,080	NO
2010	\$264,000	\$349,150	\$613,150	NO
2009	\$274,000	\$371,440	\$645,440	NO
2008	\$303,000	\$365,680	\$668,680	NO
2007	\$254,000	\$459,480	\$713,480	NO
2006	\$254,000	\$442,220	\$696,220	NO
2005	\$179,000	\$411,220	\$590,220	NO
2004	\$147,000	\$331,625	\$478,625	NO
2003	\$134,000	\$300,480	\$434,480	NO
2002	\$103,000	\$300,480	\$403,480	NO
2001	\$86,200	\$236,585	\$322,785	NO
2000	\$86,200	\$212,675	\$298,875	NO

**Primary Building**

Building Use	Single Dwelling or Patio House
Style	Split Level 2-Levels
Exterior Wall Material	Half wood/half brick
Roof	Composition Shingle
Basement	FULL
Total Basement Area	1,911
Basement Type	Daylight/English
Basement Rec Room Size (sq.ft)	438
Dormers	
Year Built	1960
Effective Year Built	
Year Addition	1977
Year House Remodeled	
Model Name	
Bedrooms	4
Full Baths	4
Half Baths	
Number of Fireplaces	2
# Basement Bedrooms/Dens	1
Heating	Central A/C
Construction Quality/Grade	A10-AVERAGE 10
Physical Condition/CDU	AV-Average

**Structure Size**

Above Grade Living Area Total Sq. 2,535  
 Ft  
 Basement Garage # Cars

**Attached Accessory Structures**

Structure	Size	% Complete
Open Porch or Portico	120 SQ. FT.	100%
Wood Deck	95 SQ. FT.	100%

**Additional Details**

Card	Line	Structure (Lower)	Structure (First)	Structure (Second)	Structure (Third)	Year Built	Area
1	1	BASEMENT FULL	Frame/Brick				1036
1	4		Open Porch or Portico				120
1	5		Wood Deck				95
1	6		Frame/Brick				624

**General Information**

**Need Help?**

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If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at [Real Estate Division](#) or by phone at (703) 222-8234.

While Fairfax County has attempted to ensure that the data contained in this file is accurate and reflects the property's characteristics, Fairfax County makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Fairfax County does not assume any liability associated with the use or misuse of this data.

**Last Refresh**

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Date

Data last refreshed: 28/Sep/2022 DB:PORA34CUR

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

# Documents Submitted By Fairfax County

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## Colleen

---

**From:** Jung, Francis <Francis.Jung@viennava.gov>  
**Sent:** Monday, June 13, 2022 4:39 PM  
**To:** David Whiting; Colleen  
**Subject:** RE: 244 Old Courthouse Rd follow up  
**Attachments:** IMG\_1851.JPG

Hello Davide,

I've tried to email this to you several times. See below.

To whom it may concern,

The Town of Vienna has inspected the property located at 244 Old Court House Rd NE, Vienna, VA 22180.

Case number 21-102, a violation of Section 18-9 "Uses," has was closed on 5/17/2022 after Mr. Kashdan provided evidence that there is only one cooking facility at the subject property.

The subject property is not being used and/or does not show a design for any purpose other than is permitted in the zone in which this building and/or land is located.

There is no "overcrowding;" nor is there more than one cooking facility located inside the structure on this property. The attached photo shows the removal of a cooking facility, resolving the violation.

Best regards,

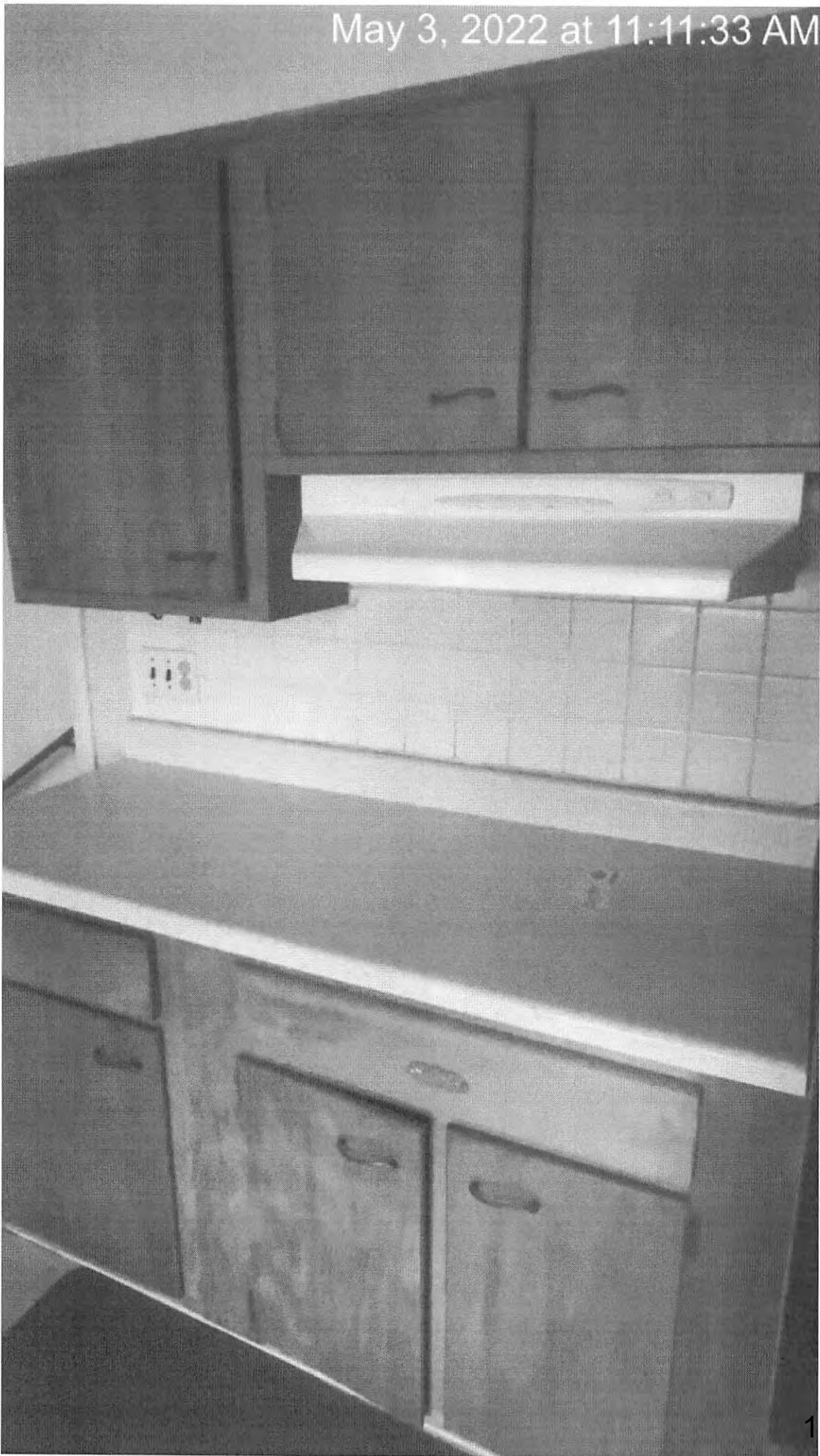
**Francis L. Jung, Jr.**  
**Zoning Compliance Officer**



**TOWN OF**  
**VIENNA**  
since 1890

**Town of Vienna Planning and Zoning**  
127 Center Street, South  
Vienna, VA 22180  
(703) 255-5754 (Voice)  
571-382-8426 (Cell)  
[Francis.Jung@viennava.gov](mailto:Francis.Jung@viennava.gov)  
[www.viennava.gov](http://www.viennava.gov)

May 3, 2022 at 11:11:33 AM



Divider

**From:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 12:33:47 PM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Mr. Whiting,

I am uncomfortable with rescheduling this matter to September as this is a matter of life safety. This violation is for a separate dwelling that was constructed to the side of the original house without any permits or approvals from either the county or the Town of Vienna. This dwelling is being occupied by a tenant and we have no way of knowing what kind of building code issues are present. I do not want to schedule this matter any further out than July.

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



**DCC Mission** - To promote, protect and maintain a healthy and desirable living environment in Fairfax County.

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 9:47 AM  
**To:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

I respectfully disagree. I still need to review the material that Carla recently sent, I need to get Mr. Kashdan recovered from a serious car accident, and I need to have sufficient time to determine the cost to Mr. Kashdan of the proposed repairs. I can't reasonably accomplish that by the June date.

**From:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 9:04 AM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

## Colleen

---

**From:** David Whiting  
**Sent:** Wednesday, August 31, 2022 5:36 PM  
**To:** Foltz, Patrick; Guerra-Moran, Carla C.; Sanchez, Austin; Colleen  
**Cc:** Epstein, Susan  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Thanks for getting back to me, Patrick! The Vienna issue is resolved and closed and has been for some time – Colleen, can you please forward those emails to Patrick at your earliest convenience? If more corroboration is needed, I can try to facilitate that. I believe Vienna eventually determined that this complaints were little more than mudslinging from a bad faith potential-litigant as an attempt to threaten and harass Mr. Kashdan. Nevertheless, Mr. Kashdan took all necessary steps to resolve the situation, and we've been trying to do the same with Fairfax but were stymied for reasons I can go into at the hearing.

Since the Vienna thing indeed seems to be a threshold issue, would you be available to discuss tomorrow afternoon once you've had a chance to consider your position now that you're aware that Vienna is resolved?

I have thoughts regarding Austin's letter as well – I'm honestly not sure how to proceed with remediating outstanding issues, but I've always had the idea that this is an easily resolvable situation with a conversation and some action steps. We've had an electrician out to the house, but we're told that only the county can authorize the permit, so it takes cooperation from the county's side in order to assess what's needed. Austin's letter essentially requires us to fix everything that's wrong, not piecemeal but all at once, and without specifying any deficiencies, which is pretty difficult to do with a 40 year old construction that's multiple owners ago. There are no existing drawings that we know of..it was 1977. I've been asking a number of contractors, but the consensus is that I need to go through you first. We've tried. No private contractors seem willing to go on the record stating what needs to be repaired to bring everything into compliance with multiple code sections from years ago.

I've always been ready and willing to help facilitate a resolution, but there are exigent circumstances here, and all that's needed is a little reasonableness on both sides.

Please let me know if you'd like to discuss further – if tomorrow afternoon isn't good for you, I'm sure we can find a time this weekend or next week.

Also, just as a heads up, I got the email from Carla this morning (or possibly yesterday) but I haven't been able to address it or prepare our exhibits prior to the 9/1 deadline. I'm sitting as a special justice this week and with that and several ongoing trials, I won't be able to get that documentation in to the system until the first part of next week. I'll attempt it this weekend, but I'm already completely booked with client work through the holiday.

Looks like a lot of this is misunderstanding, and I feel that we've been ready and willing to work towards a solution for some time now. Would much rather resolve this with a discussion rather than hearings and formalities.

---

**From:** Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Sent:** Wednesday, August 31, 2022 1:05 PM  
**To:** David Whiting <david@oakhilllawgroup.com>; Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>; Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>  
**Cc:** Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd



Mr. Whiting,

I apologize in advance for the length of this email responding to your email of August 30.

Your first question regards how to arrange a code inspector to come out and identify the issues that need to be resolved. That answer to that question is somewhat complex. According to our records, your client needs to deal with both the Town of Vienna and Fairfax County. The Town of Vienna issued notice of zoning violations to your client on June 28, 2021 and September 30, 2021. To our understanding, these notices of zoning violations concerned your client's use of his property to have two dwelling units. We are also aware of a Notice of Civil Penalty violation issued by the Town of Vienna to your client on March 10, 2022.

As for arranging a code inspector, Mr. Sanchez visited the property on two occasions to inspect. Based on those inspections, Mr. Sanchez subsequently issued the notice of violation from which your client appeals. That notice of violation is Mr. Sanchez's statement as to what must be done to bring the property into compliance.

The presence of the unresolved Town of Vienna notices of zoning violation complicates the situation. Fairfax County does not decide whether a dual residence use fits in the Town's zoning - that threshold decision belongs to the Town. In this instance, Mr. Sanchez cannot approve any permit plans for building violation until such time as the Town of Vienna approves the use. As you would agree, until the Town of Vienna decides whether your client may use his property for a dual residence use, Fairfax County would be premature if it issued permits cover the components of the building constituting the use.

I spoke with staff this morning and staff reports that they have heard nothing from the Town of Vienna approving the dual residence use, and our permit records show that Mr. Kashdan has not applied for any permits. Therefore, under the circumstances, there really is no reason to send Mr. Sanchez or another inspector back to your client's property. The County stands on its notice of violation issued for violations of the building code. Mr. Sanchez cannot, in his role as a Technical Assistant to the Building Official, provide your client with any specific advice as to how to remedy the existing violations. A private contractor would be better able to provide that kind of advice. And again, the threshold issue for your client to resolve is the zoning issue with the Town of Vienna.

As for bringing the property into compliance prior a hearing of the appeal, neither staff nor I see any good reason to wait further. This matter was continued from May 11 to September 14 – in that intervening time, we have seen no progress. If permit plans had been submitted, or if the Town of Vienna had approved your client's existing dual residence use of the property, staff might see the situation differently. However, given the circumstances, I think we move forward with the hearing.

As for the information, staff informs me that you have been delivered a full copy of Mr. Sanchez's file. At this time staff does not anticipate any other documents being made part of the hearing. If staff or I become aware of any other materials that we will intend to introduce, I will immediately forward them to you.

I apologize again for the length of this email. It is our sincere wish that your client will find an efficient and agreeable way through the issues he is currently experiencing. Please call me if I can be of any further help.

Thank you,

Patrick V. Foltz, #76736  
Assistant County Attorney  
Office of the County Attorney  
12000 Government Center Pkwy Suite 549  
Fairfax, VA 22035  
Phone: 703-324-2672

Fax: 703-324-2665

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 Please consider the environment before printing this email.

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Wednesday, August 31, 2022 11:58 AM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

I'm not necessarily seeking an extension. I've been trying to resolve this all along and will continue to do so.

In the meantime, I'm requesting all information on which the county intends to rely during the hearing.

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, August 31, 2022 11:55 AM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Dear Mr. Whiting,

I understand that you are trying to resolve the permitting issue. If you need to postpone the hearing until the issue is resolved, we need to hear from county staff first to know if they agree. In the meantime, I still need to schedule this hearing.

Thank you,  
Carla

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Tuesday, August 30, 2022 12:41 PM  
**To:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Hi Austin,

Regarding the Kashdan property, can you please help me understand how to arrange a code inspector to come out and identify the issues that need to be addressed in order to resolve the permitting issue? The addition was apparently made in 1977, so we're about 45 years after construction, multiple owners, and I don't have original drawings such that I can comply with the county's demands for a permit.

Essentially, if we can figure out what needs to be fixed in order to qualify for a permit, we can then sort out some action steps.

Additionally, would you please be so kind as to send me any and all information upon which you intend to rely during the appeal? You directed Colleen to the FOIA process but no documents were available to us.

Thanks,  
-dw

---

**From:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 12:42 PM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Just because something hasn't happen in 31 years doesn't mean that something couldn't happen tomorrow that could have been avoided if it was properly permitting and inspected at the time of its construction. I am not comfortable rescheduling this hearing out any further than July.

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



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---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 12:36 PM  
**To:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** Re: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Hi Austin, we've got a Plat from 1991 showing the "addition" your referring to. That's 31 years. Another month isn't going to hurt anything.

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I would prefer not to move the hearing out that far. I recommend moving the hearing to the June 8<sup>th</sup> date or keeping the original hearing date of May 11.

Mr. Whiting – What is yours and Mr. Kashdans plan/intentions between now and the next hearing?

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



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---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 8:51 AM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Perfect. If I can't resolve it prior, I'm buying us all Starbucks for the hearing.

---

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 8:43 AM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Our next meeting is September 14. Al, would this be ok?

---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 8:35 AM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

I'm adjudicating in Loudoun on July 13 – that's why I requested August. Respectfully recommend we move to September, then.

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 7:53 AM  
**To:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Good morning,  
I will change the date of the hearing to July 13 after I receive an email from the appellant agreeing with this change.  
Thank you,  
Carla

**From:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 7:17 AM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Carla,

I just realized that I will not be available that week in August. Can we change the date to July 13? This should be plenty of time for both parties.

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



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**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, May 4, 2022 2:37 PM  
**To:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

You're welcome. I have updated the information in PLUS.

**From:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Sent:** Wednesday, May 4, 2022 2:03 PM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Thank you!

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225

**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170

**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171

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

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\*\*\*\*\*

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, May 4, 2022 1:57 PM  
**To:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Good afternoon,  
I have moved this appeal to August 10, 2022 at 10am.  
Thank you,  
Carla

**From:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Sent:** Wednesday, May 4, 2022 1:52 PM  
**To:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

All,  
Yes, we received the packet yesterday –Thank you, Carla.  
Let's go with August 10 if that's ok with everyone else.  
Thank you so much,  
Colleen

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225

**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170

**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171

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

\*\*\*\*\*

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\*\*\*\*\*

**From:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>

**Sent:** Wednesday, May 4, 2022 1:51 PM

**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>

**Cc:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>

**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Carla,

Any of those dates works for Code Compliance.

It is my understanding that you have emailed the BBCA staff report to Mr. Whiting.

**Susan Epstein, Code Compliance Supervisor**  
**Fairfax County Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main 703-324-1300  
Direct 703-324-1321  
Cell 571-373-1622  
Fax 703-653-9459  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

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**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>

**Sent:** Tuesday, May 3, 2022 2:18 PM

**To:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>

**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>

**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Our next hearing dates are: June 8, July 13, and August 10. If everybody agrees, we could postponed this meeting.

**From:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>

**Sent:** Tuesday, May 3, 2022 2:15 PM

**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>

**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry,

Elizabeth <Elizabeth.Perry@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>

**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Hello, Carla et al,

I have checked PLUS and my email for the package you referenced below, and having not found it, I am still unable to access the county position letter and violation specifics beyond the perceived need for a permit.

In light of this, and in light of a relatively recent car accident in which our client's neck was broken, and which considerably limited his ability to schedule anything until this past week, we ask for a continuance on this matter.

We may very well benefit greatly from a new county inspector on site in order to get clarity on what is in violation, thereby helping us to determine the best path forward.

We realize this is another request for continuance, but due the above mentioned issues, as well as the lack of specifics of the violation itself, we respectfully request the hearing be postponed until June or August.

Thank you so much,  
Colleen

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225

**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170

**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171

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

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\*\*\*\*\*

---

**From:** Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>

**Sent:** Thursday, April 28, 2022 3:56 PM

**To:** David Whiting <david@oakhilllawgroup.com>

**Cc:** Colleen <colleen@oakhilllawgroup.com>; Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Perry, Elizabeth <Elizabeth.Perry@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>

**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Dear Mr. Whiting,

For every appeal, I prepare a package that includes information that the appellant uploads in PLUS (appeal form, documents, pictures, etc.), and the county position letter, and I send it to everyone involved (appellant, county staff, and the board members attending the hearing).

If you have more documents to add to your application in PLUS, please let me know and I will include them in the package.

I will send the package for this appeal by COB Monday, May 2, 2022.

Best Regards,  
Carla  
Carla Guerra-Moran  
Secretary to the Board of Building Code Appeals  
[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)  
12055 Government Center Parkway, Suite 334  
Fairfax, VA 22035  
571-585-4698

---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, April 28, 2022 1:29 PM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Also, I'd like to request that the county share any and all discovery, evidence, photographs, or anything you intend to rely on or utilize in the hearing so that I can review.

---

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, April 20, 2022 2:02 PM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Dear Mr. Whiting,  
The hearing has been scheduled for Wednesday, May 11 at 10am. This will be a virtual meeting. I will send you the MS Teams link sometime next week.

Best Regards,  
Carla  
Carla Guerra-Moran  
Secretary to the Board of Building Code Appeals  
[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)  
12055 Government Center Parkway, Suite 334  
Fairfax, VA 22035  
571-585-4698

---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Monday, March 21, 2022 12:56 PM  
**To:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Subject:** Regarding Complaint # 184364. 244 Old Courthouse Road, NE, Vienna VA 22180, Case # 202103164

Good afternoon, Susan.

My name is David Whiting, with the Oak Hill Law Group, and I'm representing Mr. Barrett Kashdan, owner of the property at 244 Old Courthouse Road NE, Vienna, VA 22180.

Barrett has received a notice of violation (Complaint #184364) for "failure to obtain required permit, minimum inspections." Case # 202103164, SR# 184364.

I'm writing today for a number of reasons. First, I see that we have an appeal scheduled for April 13, 2022. I know this has been continued once already but I'd like to request one more continuance into May or June. My firm has struggled with illness this year, and I haven't been as timely in my responsiveness as I'd like, and what I'm hoping for is a chance to have a conversation in order to determine exactly what's needed to bring the property into compliance and then have an opportunity to get it there.

Second, or possibly concurrently, I'd like to discuss an individualized modification for Mr. Kashdan. Mr. Kashdan has owned the home for approximately 20 years, and it seems that anything that's being objected to, to the extent it was done, was done prior to his ownership. The house is somewhat isolated and disassociated from neighboring homes (I understand that a park or some sort of natural space borders it).

Third, I feel I should let you know that I've spent some time trying to resolve this matter with Mr. Austin Sanchez. My assistant, Colleen Danner, complained about an incredibly rude and unprofessional response from him over the telephone back in December, whereupon he took a very scolding, accusatory, and angry tone with her. He wasn't open to any discussion or respectful Q&A, and instead was short and insulting towards her.

Unamused, I emailed Mr. Sanchez several times in December in order to request a conversation so I could better understand the issues at work, and facilitate some sort of resolution. I never received the courtesy of a response. And all of this matches Mr. Kashdan's recounting of unpleasant negative interactions with Mr. Sanchez, all of which were aggressive and disrespectful.

That being the case, I made inquiries with Mr. Richard Grace a couple of months ago (prior to the health issues at my firm) and he suggested I contact you in order to figure out how to resolve this matter short of a formal hearing, and in some way that bypasses Mr. Sanchez' unacceptable unprofessionalism.

And so that being the case, would you be open to a meeting in the coming weeks to discuss action steps that will satisfy the county, and to allow a continuance of the April hearing?

I don't necessarily agree with the county's position here, but I think in the interest of moving forward in a win-win way, there must be some reasonable middle that we can work toward. I'm very happy to do my part to find a solution.

Respectfully,  
-dw

Divider



## Colleen

---

**From:** David Whiting  
**Sent:** Tuesday, August 30, 2022 12:41 PM  
**To:** Sanchez, Austin; Guerra-Moran, Carla C.; Colleen  
**Cc:** Epstein, Susan; Foltz, Patrick  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Hi Austin,

Regarding the Kashdan property, can you please help me understand how to arrange a code inspector to come out and identify the issues that need to be addressed in order to resolve the permitting issue? The addition was apparently made in 1977, so we're about 45 years after construction, multiple owners, and I don't have original drawings such that I can comply with the county's demands for a permit.

Essentially, if we can figure out what needs to be fixed in order to qualify for a permit, we can then sort out some action steps.

Additionally, would you please be so kind as to send me any and all information upon which you intend to rely during the appeal? You directed Colleen to the FOIA process but no documents were available to us.

Thanks,  
-dw

---

**From:** Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>  
**Sent:** Thursday, May 5, 2022 12:42 PM  
**To:** David Whiting <david@oakhilllawgroup.com>; Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>  
**Cc:** Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Just because something hasn't happen in 31 years doesn't mean that something couldn't happen tomorrow that could have been avoided if it was properly permitting and inspected at the time of its construction. I am not comfortable rescheduling this hearing out any further than July.

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



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---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 12:36 PM  
**To:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** Re: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Hi Austin, we've got a Plat from 1991 showing the "addition" your referring to. That's 31 years. Another month isn't going to hurt anything.

[Get Outlook for Android](#)

---

**From:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 12:33:47 PM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Mr. Whiting,

I am uncomfortable with rescheduling this matter to September as this is a matter of life safety. This violation is for a separate dwelling that was constructed to the side of the original house without any permits or approvals from either the county or the Town of Vienna. This dwelling is being occupied by a tenant and we have no way of knowing what kind of building code issues are present. I do not want to schedule this matter any further out than July.

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



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---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 9:47 AM  
**To:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

I respectfully disagree. I still need to review the material that Carla recently sent, I need to get Mr. Kashdan recovered from a serious car accident, and I need to have sufficient time to determine the cost to Mr. Kashdan of the proposed repairs. I can't reasonably accomplish that by the June date.

---

**From:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>  
**Sent:** Thursday, May 5, 2022 9:04 AM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

I would prefer not to move the hearing out that far. I recommend moving the hearing to the June 8<sup>th</sup> date or keeping the original hearing date of May 11.

Mr. Whiting – What is yours and Mr. Kashdans plan/intentions between now and the next hearing?

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496  
Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



**DCC Mission** - To promote, protect and maintain a healthy and desirable living environment in Fairfax County.

---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, May 5, 2022 8:51 AM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Perfect. If I can't resolve it prior, I'm buying us all Starbucks for the hearing.

---

**From:** Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>  
**Sent:** Thursday, May 5, 2022 8:43 AM  
**To:** David Whiting <david@oakhilllawgroup.com>; Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>  
**Cc:** Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Our next meeting is September 14. Al, would this be ok?

---

**From:** David Whiting <david@oakhilllawgroup.com>  
**Sent:** Thursday, May 5, 2022 8:35 AM  
**To:** Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>; Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>  
**Cc:** Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

I'm adjudicating in Loudoun on July 13 – that's why I requested August. Respectfully recommend we move to September, then.

---

**From:** Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>  
**Sent:** Thursday, May 5, 2022 7:53 AM  
**To:** Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>  
**Cc:** David Whiting <david@oakhilllawgroup.com>; Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Good morning,

I will change the date of the hearing to July 13 after I receive an email from the appellant agreeing with this change.  
Thank you,  
Carla

---

**From:** Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>  
**Sent:** Thursday, May 5, 2022 7:17 AM  
**To:** Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>  
**Cc:** David Whiting <david@oakhilllawgroup.com>; Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Carla,

I just realized that I will not be available that week in August. Can we change the date to July 13? This should be plenty of time for both parties.

Thank you,

**Austin Sanchez, Code Compliance Investigator**  
**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main: 703-324-1300  
Direct: 703-223-2496

Fax: 703-653-9459  
[Austin.sanchez@fairfaxcounty.gov](mailto:Austin.sanchez@fairfaxcounty.gov)  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)



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**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, May 4, 2022 2:37 PM  
**To:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Cc:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** BBCA - August 10, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

You're welcome. I have updated the information in PLUS.

---

**From:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Sent:** Wednesday, May 4, 2022 2:03 PM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Thank you!

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225  
**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170  
**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171  
[www.OakHillLawGroup.com](http://www.OakHillLawGroup.com)

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**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, May 4, 2022 1:57 PM  
**To:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>; Foltz, Patrick <[Patrick.Foltz@fairfaxcounty.gov](mailto:Patrick.Foltz@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Good afternoon,  
I have moved this appeal to August 10, 2022 at 10am.  
Thank you,

Carla

**From:** Colleen <colleen@oakhilllawgroup.com>  
**Sent:** Wednesday, May 4, 2022 1:52 PM  
**To:** Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>; Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>; David Whiting <david@oakhilllawgroup.com>  
**Cc:** Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Perry, Elizabeth <Elizabeth.Perry@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

All,  
Yes, we received the packet yesterday –Thank you, Carla.  
Let’s go with August 10 if that’s ok with everyone else.  
Thank you so much,  
Colleen

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225  
**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170  
**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171  
[www.OakHillLawGroup.com](http://www.OakHillLawGroup.com)

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\*\*\*\*\*

**From:** Epstein, Susan <Susan.Epstein@fairfaxcounty.gov>  
**Sent:** Wednesday, May 4, 2022 1:51 PM  
**To:** Guerra-Moran, Carla C. <Carla.Guerra-Moran@fairfaxcounty.gov>; Colleen <colleen@oakhilllawgroup.com>; David Whiting <david@oakhilllawgroup.com>  
**Cc:** Sanchez, Austin <Austin.Sanchez@fairfaxcounty.gov>; Perry, Elizabeth <Elizabeth.Perry@fairfaxcounty.gov>; Riat, Jay <Jay.Riat@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>; Foltz, Patrick <Patrick.Foltz@fairfaxcounty.gov>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Carla,  
Any of those dates works for Code Compliance.  
It is my understanding that you have emailed the BBCA staff report to Mr. Whiting.

**Susan Epstein, Code Compliance Supervisor**  
**Fairfax County Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035-5500  
Main 703-324-1300  
Direct 703-324-1321

Cell 571-373-1622  
Fax 703-653-9459  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

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**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Tuesday, May 3, 2022 2:18 PM  
**To:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Our next hearing dates are: June 8, July 13, and August 10. If everybody agrees, we could postponed this meeting.

---

**From:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>  
**Sent:** Tuesday, May 3, 2022 2:15 PM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>; David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Hello, Carla et al,

I have checked PLUS and my email for the package you referenced below, and having not found it, I am still unable to access the county position letter and violation specifics beyond the perceived need for a permit.

In light of this, and in light of a relatively recent car accident in which our client's neck was broken, and which considerably limited his ability to schedule anything until this past week, we ask for a continuance on this matter.

We may very well benefit greatly from a new county inspector on site in order to get clarity on what is in violation, thereby helping us to determine the best path forward.

We realize this is another request for continuance, but due the above mentioned issues, as well as the lack of specifics of the violation itself, we respectfully request the hearing be postponed until June or August.

Thank you so much,  
Colleen

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225  
**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170  
**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171  
[www.OakHillLawGroup.com](http://www.OakHillLawGroup.com)

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\*\*\*\*\*

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Thursday, April 28, 2022 3:56 PM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Dear Mr. Whiting,

For every appeal, I prepare a package that includes information that the appellant uploads in PLUS (appeal form, documents, pictures, etc.), and the county position letter, and I send it to everyone involved (appellant, county staff, and the board members attending the hearing).

If you have more documents to add to your application in PLUS, please let me know and I will include them in the package.

I will send the package for this appeal by COB Monday, May 2, 2022.

Best Regards,  
Carla  
Carla Guerra-Moran  
Secretary to the Board of Building Code Appeals  
[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)  
12055 Government Center Parkway, Suite 334  
Fairfax, VA 22035  
571-585-4698

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Sent:** Thursday, April 28, 2022 1:29 PM  
**To:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** RE: BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Also, I'd like to request that the county share any and all discovery, evidence, photographs, or anything you intend to rely on or utilize in the hearing so that I can review.

**From:** Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>  
**Sent:** Wednesday, April 20, 2022 2:02 PM  
**To:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>  
**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>; Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Sanchez, Austin <[Austin.Sanchez@fairfaxcounty.gov](mailto:Austin.Sanchez@fairfaxcounty.gov)>; Perry, Elizabeth <[Elizabeth.Perry@fairfaxcounty.gov](mailto:Elizabeth.Perry@fairfaxcounty.gov)>; Riat, Jay <[Jay.Riat@fairfaxcounty.gov](mailto:Jay.Riat@fairfaxcounty.gov)>; Willham, Dan <[Daniel.Willham@fairfaxcounty.gov](mailto:Daniel.Willham@fairfaxcounty.gov)>  
**Subject:** BBCA - May 11, 2022 - CDAPPL-2022-00001 - 244 Old Court House Rd

Dear Mr. Whiting,



The hearing has been scheduled for Wednesday, May 11 at 10am. This will be a virtual meeting. I will send you the MS Teams link sometime next week.

Best Regards,

Carla

Carla Guerra-Moran

Secretary to the Board of Building Code Appeals

[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)

12055 Government Center Parkway, Suite 334

Fairfax, VA 22035

571-585-4698

---

**From:** David Whiting <[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)>

**Sent:** Monday, March 21, 2022 12:56 PM

**To:** Epstein, Susan <[Susan.Epstein@fairfaxcounty.gov](mailto:Susan.Epstein@fairfaxcounty.gov)>; Guerra-Moran, Carla C. <[Carla.Guerra-Moran@fairfaxcounty.gov](mailto:Carla.Guerra-Moran@fairfaxcounty.gov)>

**Cc:** Colleen <[colleen@oakhilllawgroup.com](mailto:colleen@oakhilllawgroup.com)>

**Subject:** Regarding Complaint # 184364. 244 Old Courthouse Road, NE, Vienna VA 22180, Case # 202103164

Good afternoon, Susan.

My name is David Whiting, with the Oak Hill Law Group, and I'm representing Mr. Barrett Kashdan, owner of the property at 244 Old Courthouse Road NE, Vienna, VA 22180.

Barrett has received a notice of violation (Complaint #184364) for "failure to obtain required permit, minimum inspections." Case # 202103164, SR# 184364.

I'm writing today for a number of reasons. First, I see that we have an appeal scheduled for April 13, 2022. I know this has been continued once already but I'd like to request one more continuance into May or June. My firm has struggled with illness this year, and I haven't been as timely in my responsiveness as I'd like, and what I'm hoping for is a chance to have a conversation in order to determine exactly what's needed to bring the property into compliance and then have an opportunity to get it there.

Second, or possibly concurrently, I'd like to discuss an individualized modification for Mr. Kashdan. Mr. Kashdan has owned the home for approximately 20 years, and it seems that anything that's being objected to, to the extent it was done, was done prior to his ownership. The house is somewhat isolated and disassociated from neighboring homes (I understand that a park or some sort of natural space borders it).

Third, I feel I should let you know that I've spent some time trying to resolve this matter with Mr. Austin Sanchez. My assistant, Colleen Danner, complained about an incredibly rude and unprofessional response from him over the telephone back in December, whereupon he took a very scolding, accusatory, and angry tone with her. He wasn't open to any discussion or respectful Q&A, and instead was short and insulting towards her.

Unamused, I emailed Mr. Sanchez several times in December in order to request a conversation so I could better understand the issues at work, and facilitate some sort of resolution. I never received the courtesy of a response. And all of this matches Mr. Kashdan's recounting of unpleasant negative interactions with Mr. Sanchez, all of which were aggressive and disrespectful.

That being the case, I made inquiries with Mr. Richard Grace a couple of months ago (prior to the health issues at my firm) and he suggested I contact you in order to figure out how to resolve this matter short of a formal hearing, and in some way that bypasses Mr. Sanchez' unacceptable unprofessionalism.

And so that being the case, would you be open to a meeting in the coming weeks to discuss action steps that will satisfy the county, and to allow a continuance of the April hearing?

I don't necessarily agree with the county's position here, but I think in the interest of moving forward in a win-win way, there must be some reasonable middle that we can work toward. I'm very happy to do my part to find a solution.

Respectfully,  
-dw

Divider



# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION Virginia Construction Code

**DATE OF ISSUANCE:** December 8, 2021

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Barrett H. Kashdan  
Geoffrey Kashdan

**ADDRESS:** 244 Old Courthouse Road NE  
Vienna, VA 22180

**LOCATION OF VIOLATION:** 244 Old Court House Road NE  
Vienna, VA 22180-0000

**TAX MAP REF:** 0391 12 0050

**CASE #:** 202103164 **SR#:** 184364

**ISSUING INVESTIGATOR:** Austin Sanchez, (703)324-1388

<b>POTENTIAL CIVIL PENALTIES UNDER FAIRFAX COUNTY CODE § 61-7-1(B):</b>	<b>Building Code Violation(s)</b>	<b>First Offense</b>	<b>Each Subsequent Offense</b>
	VCC § 108.1	\$100	\$350
	VCC § 113.3	\$100	\$350
	<b>TOTAL</b>	<b>\$400</b>	<b>\$1,400</b>

You were issued a Corrective Work Order on August 3, 2021, for violations of the Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2018 Edition, effective July 1, 2021. Staff confirmed on December 7, 2021, that the violations itemized below remain.

On July 14, and July 15, 2021, County staff inspected the interior and exterior of the above referenced residential property and discovered that construction, alterations, and installations has been performed without the required permit(s), inspection(s), and approvals. The construction, alteration, and installation include, but is not necessarily limited to, the following:

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

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 2

- Construction of a one story attached addition with a front porch, rear deck with stairs, and an attached storage shed. The addition is comprised of a full kitchen, full bathroom, living area and bedroom. The addition has no access to the main dwelling and electric is supplied by a sub panel installed in the kitchen.
- Replacement of the service panel. The replacement of the panel was permitted under electrical permit #70120145 but never finalized and has since expired.
- Replacement of the gas water heater and gas furnace in the main dwelling.

**Order:** Pursuant to the USBC, *Section(s) 108.1 When applications are required; and Section 113.3 Minimum Inspections*, you are hereby directed to apply for and obtain the required permit(s), inspections, and approvals for the work described above or for its demolition. The application is to be submitted at the Permit Application Center, referenced below.

Apply for and obtain all necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. No requirement to meet with DCC Investigator.

Contact Investigator Austin Sanchez prior to the submission of permit application documents. This is to ensure all cited violations are addressed in your permit application and/or construction documents and is requirement for the acceptance of your permit by the Permit Application Center. Apply for and obtain the necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. In accordance with these directives:

- Contact me at (703)324-1388, TTY 711 within the timeframe established to confirm the violations(s) have been abated.
- A copy of the notice must be submitted as part of your construction documents.
- A plan identifying all cited violations must receive the DCC stamp from your investigator before submission when it will be submitted as part of your construction documents.
- For e-plans, you must email all your permit documents to your investigator to verify that all the cited violations are addressed before submitting online.
- A stop-work hold has been placed on your address preventing any permits documents from being submitted. That hold can only be removed with approval from your DCC investigator.

Once any permit is issued, call 703-631-5101, TTY 711 to schedule all related building inspections. Please reference Case 202103164. This notice must be available at the property for County field staff

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 3

throughout the inspection process. Failure to call for the required inspections within 60 days will result in the initiation of the legal process

**Note:**

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

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

**\*To schedule a virtual appointment with an LDS permit technician:**

<https://app.smartsheet.com/b/form/48c3ca9f93c440fc89b8479844894eb6>

**\*When work described above involves the removal of any unpermitted features (including appliances and, plumbing and /gas fixtures) a demolition permit will be required. Be advised that any violations identified in a separate Zoning Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit.**

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

You are directed to notify Austin Sanchez in writing at 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or by telephone (703)324-1388 within three (3) working days from the date you receive this Notice of Violation.

**RIGHT TO APPEAL THIS NOTICE:** Per Sect. 119 of the Virginia Construction Code, any person aggrieved by the local building department's application of the code or refusal to grant a modification to the provisions of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 30 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application for appeal within the time limit established constitutes acceptance of the Code Official's decision.

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 4

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

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

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

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

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-1388 or the main office at (703)324-1300.

Notice Issued By:



---

Signature

Austin Sanchez  
(703)324-1388  
Austin.sanchez@fairfaxcounty.gov  
Technical Assistant to the Building Official  
Department of Code Compliance

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

\_\_\_\_\_

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

\_\_\_\_\_

MRS F GAVNOR OIM  
SERVING OFFICER

12/8/21 Stacey A Kincaid, Sheriff  
DATE Fairfax County, VA

PERSONAL SERVICE

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SERVING OFFICER  
for \_\_\_\_\_

DATE \_\_\_\_\_

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Served on a Secretary of the Commonwealth.

Not found.

\_\_\_\_\_

SERVING OFFICER  
for \_\_\_\_\_

DATE \_\_\_\_\_



## Colleen

---

**From:** LDS Building Permits <LDSBuildingPermits@fairfaxcounty.gov>  
**Sent:** Tuesday, May 3, 2022 2:49 PM  
**To:** Colleen  
**Subject:** RE: Inquiry re: old permits on 244 Old Courthouse Road, Vienna

Please forward your request to [LDSRecords@fairfaxcounty.gov](mailto:LDSRecords@fairfaxcounty.gov), this would be a FOIA request for any archived records on that address. Please submit a formal request to our records department.

**Permit # 70120145** Electric Residential (Install/replace/Convert Service) was never finalized and still is an open permit, the inspection done on 1/25/2007 failed for "missing bonding jumper", the only way to close this one out is to apply for a new permit and reference the old permit number.

or a more timely response please email directly to [LDSBuildingPermits@fairfaxcounty.gov](mailto:LDSBuildingPermits@fairfaxcounty.gov). If appropriate, staff may also forward responses from their direct inboxes to the general LDS Building Permits. If you would like to speak with staff, please contact the Customer Experience Team (CET) at 703-222-0801 option 2 and they will direct your call appropriately.

Thanks,  
LDS Building Permits/Alissa Toro

LDS Counter Operations:  
<https://www.fairfaxcounty.gov/plan2build/interim-counters>

For more information on PLUS (Our new permitting software):  
<https://www.fairfaxcounty.gov/plan2build/plus>

**From:** Colleen <colleen@oakhilllawgroup.com>  
**Sent:** Monday, May 2, 2022 11:50 AM  
**To:** LDS Building Permits <LDSBuildingPermits@fairfaxcounty.gov>  
**Cc:** Stephanie <stephanie@oakhilllawgroup.com>  
**Subject:** Inquiry re: old permits on 244 Old Courthouse Road, Vienna

Hello!

I visited the Government Building Complex last Friday and was directed to write you an email regarding copies of a permit that is not stored digitally.

In a nutshell, Oak Hill Law Group is representing the owner of 244 Old Courthouse Road NE in Vienna. A ...disgruntled former tenant... lodged a series of community complaints regarding the property, both with the Town of Vienna and with the County of Fairfax. Our client purchased the house "around 20 years ago" and has since had the hot water heater and furnace (and electrical panel in the process of one of those) replaced, but claims no other substantial work has been done.

**I was able to pull up the attached Permits associated with this address:**

- #70120145 Electric R - has a pass date of 2007-01-30, which sounds promising considering his above replacement of the main electrical panel, but I might not be interpreting the page correctly.
- #94138B1360 Building Permit – has a pass date of 1994-06-24, which also sounds promising, but does not go into any detail as to what was built AND was from before our client purchased the house, so he's not helpful on

the matter. The permit information states “the original electronic copy of this permit no longer exists,” and a copy of the plat from 1991 shows a stoop instead of a back deck on the left/east side of the building, but again, I can’t determine what this building permit refers to.

I have never seen a full copy of the complaint, so I don’t even know what I’m looking for, honestly, but FIDO lists the description for complaint #184364 as “Unpermitted Construction” with the corrective work being “obtain require per, minimum inspections.” Carla Guerra-Moran, in Building Code Appeals, is planning on sending a copy of the complaint today, which will be helpful, but it won’t tell me if it’s related to the permits we have.

Could you please check your records and see if there is any further information (I have attached copies of my cited information) which could help me? The appeal hearing is the 11th of this month, and I need to know if it’s even feasible to know the missing information. Ideally I would love copies of the permits, and will write to FOIA, but the gentleman at the front desk of the Herrity Building advised that I use this email address and let you know about the legwork I had already done, in hopes you could at least shed light on the types of permits they are.

Thank you so much for your time!  
Colleen

Cell: 703-350-1412  
Main office line: 703-544-9187

**Colleen Danner, RA | Legal Assistant, Account Manager**  
**Oak Hill Law Group, PLLC**

**fax:** 1-703-827-1225  
**NEW physical address for 2022:** 555 Grove Street, Suite 106 | Herndon, VA 20170  
**mailing address:** 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171  
[www.OakHillLawGroup.com](http://www.OakHillLawGroup.com)

\*\*\*\*\*  
This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.  
\*\*\*\*\*

Divider

## Colleen

---

**From:** LDS FOIA <LDSFOIA@fairfaxcounty.gov>  
**Sent:** Wednesday, May 4, 2022 4:26 PM  
**To:** Colleen  
**Subject:** LDS FOIA 60626 / 244 Old Courthouse Road

Good Afternoon,

Thank you for your inquiry regarding 244 Old Courthouse Road.

We have used both '244 Old Court House Road' and '244 Old Court House N E Road' to search for permits, as they seem to refer to the same lot on Old Courthouse Road NE, tax map number 0391 12 0050.

Please be aware, the retention schedule set by the State of Virginia requires building plans be retained for 3 years from the date of final inspection. The permits you are requesting are from 2007. We no longer have these building plans or permits on file.

Please note, the public land development database (LDIH): <https://ldip.fairfaxcounty.gov/> contains information on all recorded permits for a property; the permit numbers you have provided appear to be all that have been recorded for the requested address.

Please let us know should you require any further assistance or if there are any further records you seek.

Sincerely,

Keyona Green  
Administrative Assistant III  
LDS FOIA  
Land Development Services



---

**From:** Colleen <colleen@oakhilllawgroup.com>  
**Sent:** Monday, May 2, 2022 12:02 PM  
**To:** LDS FOIA <LDSFOIA@fairfaxcounty.gov>  
**Subject:** 244 Old Courthouse Road - copies of permits

Hello!

Could I please have copies of the permits listed below, and any other permits issued since 1990 for the property of 244 Old Courthouse Road NE, Vienna VA? I have limited information (attached) which I was able to find online

- #70120145 Electric R - has a pass date of 2007-01-30 ... but I have no idea what work was done electrically (panel replacement?)
- #94138B1360 Building Permit – has a pass date of 1994-06-24. The Land Development Information site states “the original electronic copy of this permit no longer exists,” and a copy of the plat from 1991 shows a stoop instead of a back deck on the left/east side of the building, but again, I can’t determine what this building permit refers to.

An aggrieved former tenant at this address has lodged a series of complaints against the owner of the house (both with the Town of Vienna and with Fairfax County), a few of which were denied/rejected, and a couple of which were opened for investigation. I have attached the open ones, and the Vienna one is in the process of being resolved, but I have never seen a full copy of the Fairfax County complaint. The Fairfax Inspections FIDO site lists, within the he description for complaint #184364 as “Unpermitted Construction” with the corrective work being “obtain require per, minimum inspections.” Carla Guerra-Moran, in Building Code Appeals, is planning on sending a copy of the complaint today, which will be helpful, but it won’t tell me if it’s related to the permits we have.

Could you please check your records and see if there is any further information (I have attached copies of my cited information) which could help me? We have an appeal hearing on the 11th of this month, and I need to know if it’s even feasible to aquire the missing information (even after the 11<sup>th</sup>). Ideally, I would love copies of the permits, and have also written to Land Development, but the website seems clear that I should contact this email address.

Thank you so much for your time!  
Colleen

Cell: 703-350-1412  
Main office line: 703-544-9187

Colleen Danner, RA | Legal Assistant, Account Manager  
Oak Hill Law Group, PLLC

fax: 1-703-827-1225  
NEW physical address for 2022: 555 Grove Street, Suite 106 | Herndon, VA 20170  
mailing address: 2465 Centreville Road, Suite J17 Box 702 | Herndon, VA 20171  
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\*\*\*\*\*  
This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.  
\*\*\*\*\*



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**COPY**

## Land Development Information History: ISIS - Building Permit - 94138B1360

### Permit Information

Permit Id:

94138B1360

Job Address:

000244 OLD COURT HOUSE N E RD

Application Date:

Time:

Tax Map:

039-1 ((12)) 0050

### Permit Status Summary

Permit Status:

Final Inspection:

1994-06-01 RSLT: R BY: HVJ

Final Inspection:

1994-06-24 RSLT: A BY: MWM

#### Note

The original electronic copy of this permit no longer exists. The above permit details are presented for the purpose of displaying the following inspection information.

### Inspections

#### Inspection - FTGD - 999998

Req Taken:

1994-05-20

Time:

09:56:47

Sched For:

1994-05-23

Assigned To:

A45

Branch:

4

Requested By:

TOM

Phone:

Floor:

NA

Suite/Area:

NA

Comments:

Req Taken By:

MM

Ovrd:

MM

Rpt Br:

4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGD		1994-05-23	HVJ	C	A	N				00:00:00	00:00:00	00:00:00	1

**Inspection - FINB - 999997**

Req Taken:  
1994-05-31  
Time:  
08:26:49  
Sched For:  
1994-06-01  
Assigned To:  
A45  
Branch:  
4  
Requested By:  
BARRY

Phone:  
Floor:  
NA  
Suite/Area:  
NA  
Comments:  
Req Taken By:  
MB  
Ovrd:  
Rpt Br:  
4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-06-01	HVJ	C	R	N				00:00:00	00:00:00	00:00:00	1

**Inspection - FINB - 999996**

Req Taken:  
1994-06-22  
Time:  
08:09:29  
Sched For:  
1994-06-23  
Assigned To:  
A45  
Branch:  
4  
Requested By:  
BRAD

Phone:  
Floor:  
NA  
Suite/Area:  
NA  
Comments:  
Req Taken By:  
MM  
Ovrd:  
Rpt Br:  
4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-06-24	MWM	C	A	N				00:00:00	00:00:00	00:00:00	1



# FAIRFAX COUNTY

VIRGINIA

## Land Development Information History: ISIS - Building Permit - 94138B1360

### Permit Information

Permit Id: 94138B1360  
 Job Address: 000244 OLD COURT HOUSE N E RD  
 Application Date: 1994-06-01  
 Tax Map: 039-1 ((12)) 0050  
 Time: 039-1 ((12)) 0050  
 PERMIT STATUS SUMMARY  
 Permit Status: Final Inspection: 1994-06-01 RSLT: R BY: HVJ  
 Final Inspection: 1994-06-24 RSLT: A BY: MWM

**Note**  
 The original electronic copy of this permit no longer exists. The above permit details are presented for the purpose of displaying the following inspection information.

### Inspections

INSPECTION - FTGD - 9999998  
 Req Taken: 1994-05-20  
 Time: 09:56:47  
 Sched For: 1994-05-23  
 Assigned To: A45  
 Branch: 4  
 Requested By: TOM  
 Phone: NA  
 Floor: NA  
 Suite/Area: NA  
 Comments: MM  
 Req Taken By: MM  
 Ovrdr: MM  
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGD		1994-05-23	HVJ	C	A	N					00:00:00	00:00:00	00:00:00	1

### INSPECTION - FINB - 9999997

Req Taken: 1994-05-31  
 Time: 08:26:49  
 Phone: NA  
 Floor: NA

**COPY**

Sched For: 1994-06-01  
 Assigned To: A45  
 Branch: 4  
 Requested By: BARRY

Suite/Area: NA  
 Comments:  
 Req Taken By: MB  
 Ovrdr:  
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru Type	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-06-01	HVJ	C	R	N					00:00:00	00:00:00	00:00:00	1

INSPECTION - FINB - 999996

Req Taken: 1994-06-22  
 Time: 08:09:29  
 Sched For: 1994-06-23  
 Assigned To: A45  
 Branch: 4  
 Requested By: BRAD

Phone:  
 Floor: NA  
 Suite/Area: NA  
 Comments:  
 Req Taken By: MM  
 Ovrdr:  
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru Type	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-06-24	MWM	C	A	N					00:00:00	00:00:00	00:00:00	1



Divider

**COPY**

# Land Development Information History: FIDO - **ELECTRIC R - 70120145**

## Permit Information

Permit Number:  
70120145  
 Permit Type:  
ELECTRIC RESIDENTIAL  
 Job Address:  
000244 OLD COURT HOUSE RD  
VIENNA , VA 22180-0000  
 Location:  
 Subdivision:  
WESTBRIAR COUNTRY CLUB ESTATES  
 Magisterial District:  
TOWN OF VIENNA  
 Subcensus Tract:  
 AP (Tenant) Name:  
  
 Application Date:  
 Tax Map:  
039-1 ((12)) 0050  
 Permit Stage:  
Permit Issued  
 Bldg:  
 Floor: Suite:  
 Permit Fee:

Work Description:  
INSTALL/REPLACE/CONVERT SERVICE  
 Type of Work:  
NEW INSTALLATION  
 Building Use:  
SFD - SINGLE FAMILY DWELLING  
 Standard:  
IR03 - IRC 2003

Plan Number:

Parent Permit:  
ISIS Permit:

Type of Const:  
Use Group:

Comments:

Link to FIDO record :  
[70120145](#)

### Owner Information

Owner:  
 KASHDAN BARRETT H  
 Address:  
 224 OLD COURTHOUSE RD NE  
 City:  
 VIENNA State: VA Zip: 22180

### Contractor Information

Name:  
 ALL FIRST INC  
 Address:  
 14210 B SULLYFIELD CIRCLE  
 City:  
 CHANTILLY State: VA Zip: 20151-0000  
 Trade Name:  
  
 BPOL License:  
 State License:  
 Trade Reg.:

### Applicant Information

Applicant:  
 BERRY  
 Address:  
 15088 WOODLAND CHURCH RD  
 City:  
 CULPEPER State: VA Zip: 22701-0000

### Other Contact Information

Contact:  
 Address:  
 City:  
 State: Zip:

### Inspections

#### Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 3158339

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC	2007-01-25	JOHNNY VANNOY N		Failed	NO	MISSING BONDING JUMPER

#### Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 3167356

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC			N	None	NO	

#### Inspection - R FINAL - FINAL INSPECTION - 4713206

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL				None	NO	

**Inspection - R TEMPPERM - TEMPORARY FOR PERMANENT INSPECTION - 3168638**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R TEMPPERM	2007-01-30	JOHNNY VANNOY N		Passed	NO	

**Reviews**

There were no reviews.

Lds buildingpermits@

fairfaxcounty.  
gov



Divider



## Colleen

---

**From:** DCC Code Compliance E-mail <DCCCodeComplianceE-mail@fairfaxcounty.gov>  
**Sent:** Thursday, May 5, 2022 3:08 PM  
**To:** David Whiting  
**Cc:** DCC Code Compliance E-mail  
**Subject:** FOIA response  
**Attachments:** VFOIA #60691- 244 Old Courthouse Rd (David Whiting).pdf; VFOIA # 60691 - 244 Old Courthouse Rd NW(David Whiting)- Redacted.pdf

Good afternoon Mr. Whiting,

Thank you for contacting the Department of Code Compliance. Please see the attached response to your FOIA request.

Regards,

**Fairfax County Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, VA 22035  
Main Number 703-324-1300  
Fax Number 703-653-9459  
[www.FairfaxCounty.gov/code](http://www.FairfaxCounty.gov/code)

**DCC Mission** - To promote, protect and maintain a healthy and desirable living environment in Fairfax County



# County of Fairfax, Virginia

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

May 5, 2022

David Whiting  
[david@oakhilllawgroup.com](mailto:david@oakhilllawgroup.com)

Reference: VFOIA Request for 244 Old Courthouse Road

Dear Mr. Whiting,

This letter is in response to your Virginia Freedom of Information Act ("VFOIA") request dated April 28, 2022, received on April 28, 2022. In your request you seek:

*"Also, I'd like to request that the county share any and all discovery, evidence, photographs, or anything you intend to rely on or utilize in the hearing so that I can review."*

The following record has been identified as responsive to your request and is provided to you.

- DCC Case File

The identity of the individual(s) filing the complaint(s) has/have been withheld under Va. Code Ann. § 2.2-3705.3(8).

You may search the status of an existing Code Compliance case by visiting this link:  
[https://www.fairfaxcounty.gov/fido/complaints/comp\\_search.aspx](https://www.fairfaxcounty.gov/fido/complaints/comp_search.aspx).

Pursuant to Va. Code Ann. § 2.2-3704(F), the County "may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records", The fee for actual costs in this instance includes \$11.00 to locate potentially responsive records and \$11.00 to review those records to determine responsiveness and conduct an exclusionary review. The total fee for supplying the public records included with this response is \$22.00. As a courtesy, fees are waived in this instance (suggested if the aggregate fee for responding to the particular request is less than \$200.00).

Regards,

Ana L. Guerra  
Intake Supervisor/Records Manager  
Department of Code Compliance

**DCC Inspection Report**

( Inspection # : 9309100 )

**CASE # : 202103164**

**Service Request # : 184364**

**Date Rcvd : 06/24/2021**

**Problem Code : CUINT: Unpermitted Interior Renovations**

**Assigned To : SANCHEZ**

**Res.Code : OPEN**

**Location: 244 Old Court House Rd, Vienna VA 22180-0000**

<u>Inspection Date</u>	<u>Inspection #</u>	<u>Inspection Status</u>	<u>Insp Sgnce #</u>	<u>INSPBY</u>
12/07/21 13:50	9309100	FAILED	4	ASANC8

Conducted research into FIDO records which revealed that no permits have been applied for to address the unpermitted violations. a Notice of Violation will be issued at this time.

<u>CODE</u>	<u>Code Violation</u>	<u>Status</u>
CERC FINAL	ENTER RESOLUTION CODE	
VCC18 108.1	FAILURE TO OBTAIN REQUIRED PER	
VCC18 113.3	MINIMUM INSPECTIONS	

<u>LOG ACTION</u>		
<u>Date</u>	<u>LOG TYPE</u>	<u>Comments</u>
10/01/21	Phone Contact	Yin (tenant) (571)232-7056
08/03/21	Notice Of Violation Sent	
08/05/21	Notice Of Viol Receipt Rcvd	
07/08/21	Violator Called	Barrett Kashdan (703)407-2885
08/25/21	Assigned Case To Inspector	CUNPERINT #1 ASSIGNED TO: AUSTIN SANCHEZ
08/09/21	Assigned Case To Inspector	CZONE #1 ASSIGNED TO: REBECCA PARSONS

**DCC Inspection Report**

( Inspection # : 9309057 )

**CASE # : 202103164**

**Service Request # : 184364**

**Date Rcvd : 06/24/2021**

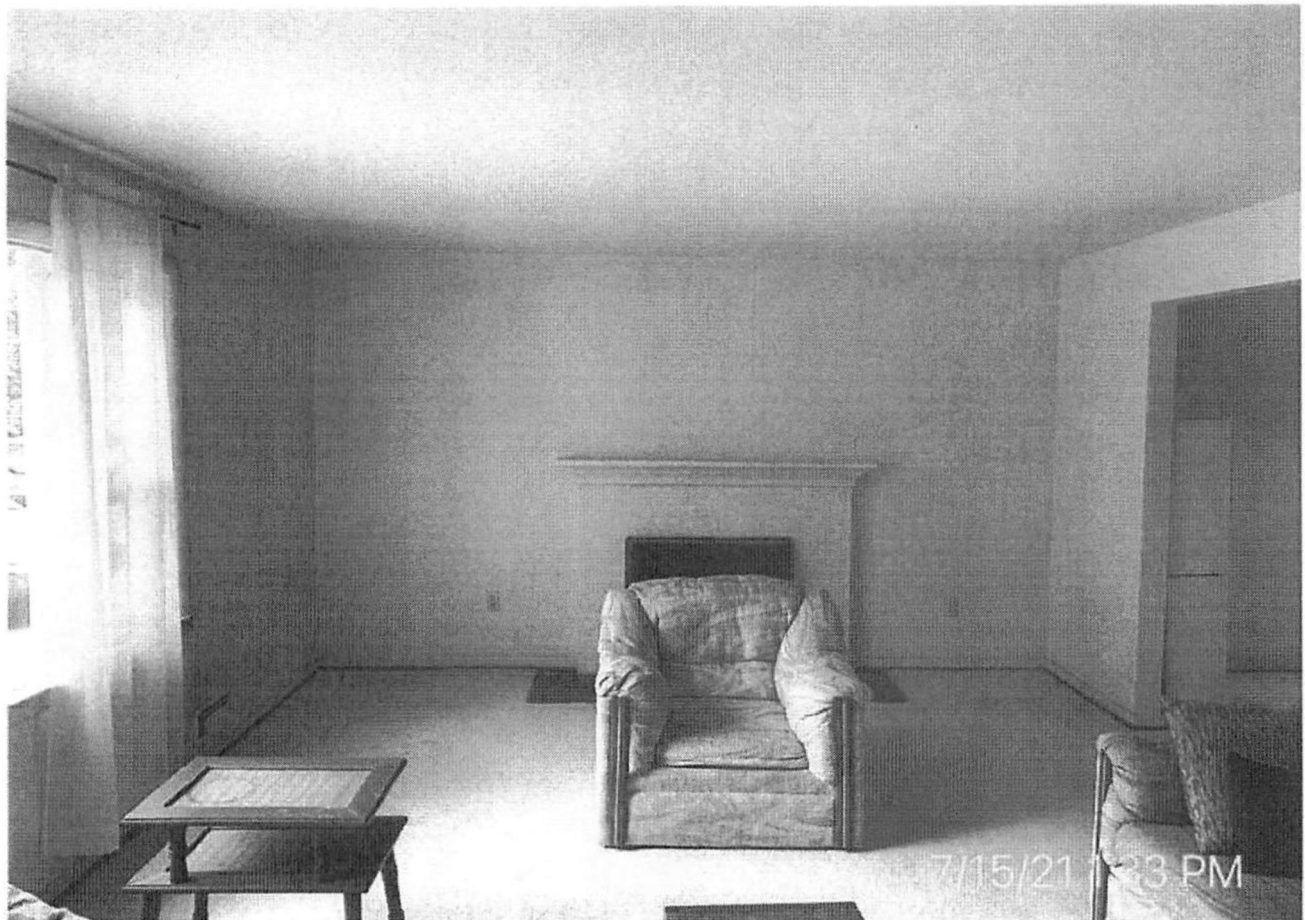
**Problem Code : CUINT: Unpermitted Interior Renovations**

**Assigned To : SANCHEZ**

**Res.Code : OPEN**

**Location: 244 Old Court House Rd, Vienna VA 22180-0000**

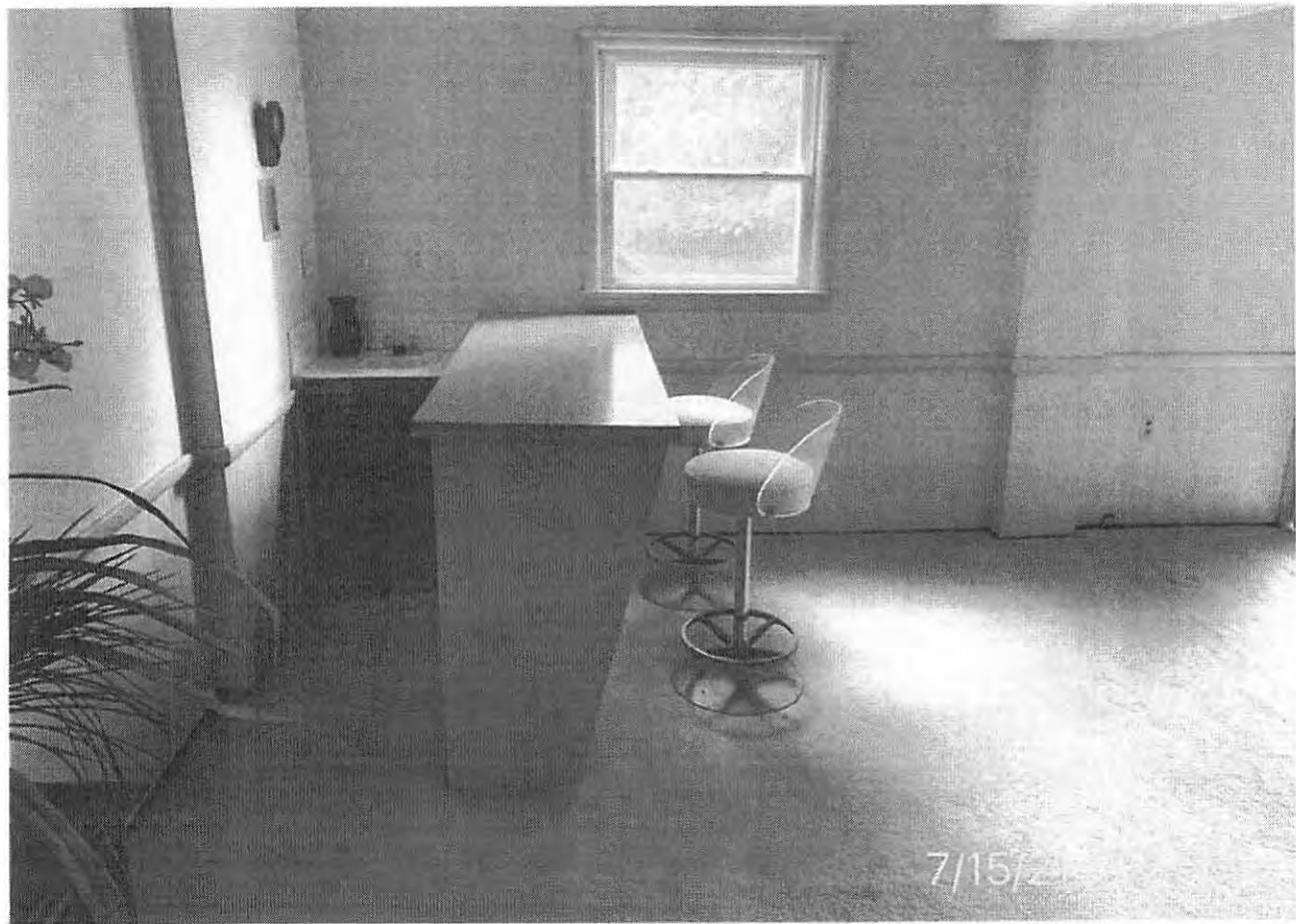
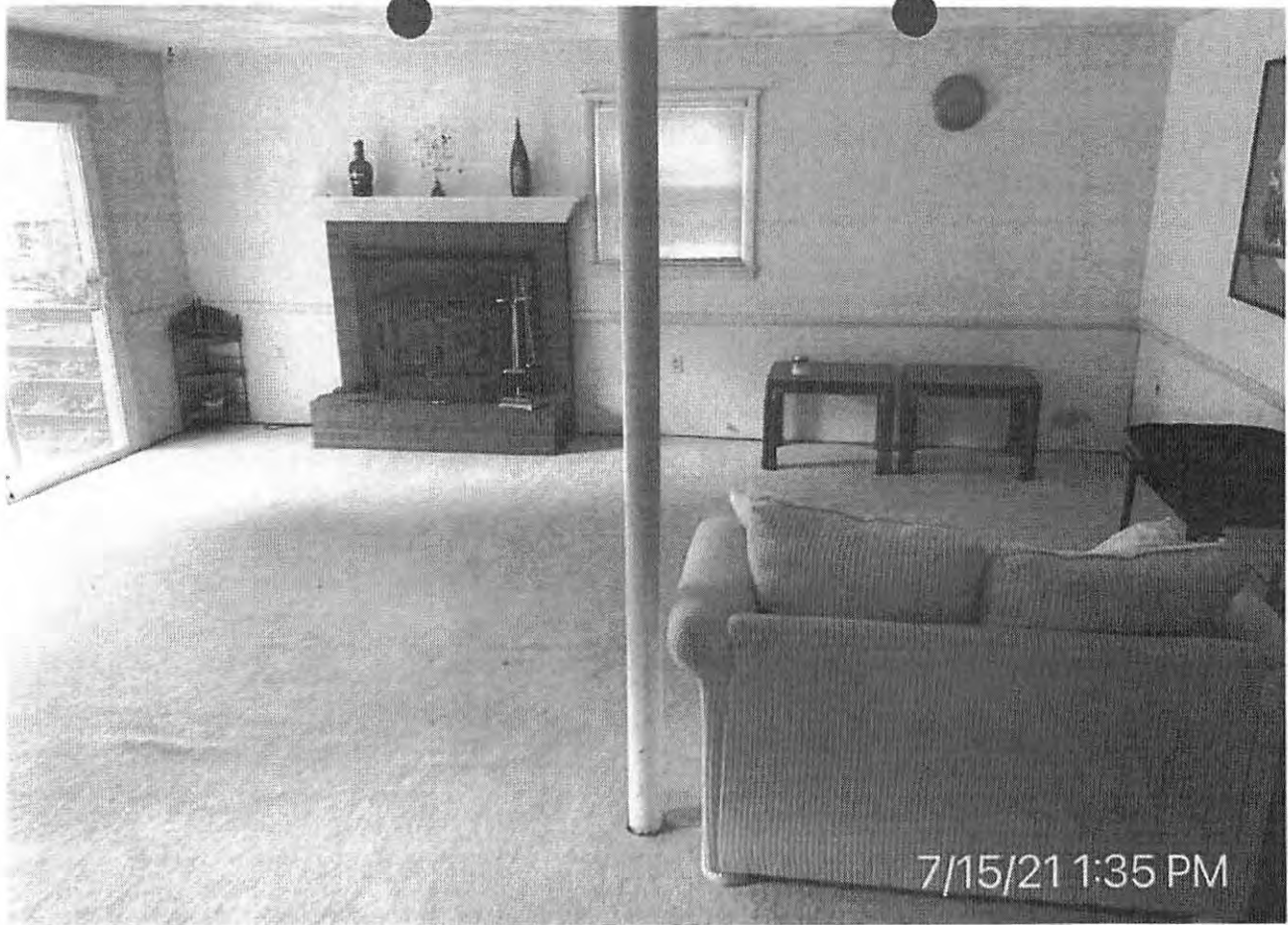
<u>Inspection Date</u>	<u>Inspection #</u>	<u>Inspection Status</u>	<u>Insp Sqnce #</u>	<u>INSPBY</u>
07/15/21 13:33	9309057	FAILED	3	ASANC8
<p>Performed an inspection at the subject property and met with the owner. The inspection was performed in the main dwelling only. The inspection revealed that there were no interior alterations performed in the main dwelling as everything appeared to be original. The only work that was found to require a permit is the replacement of a gas water heater, a gas furnace and the replacement of the electrical panel. There was work performed on the rear deck but research found that this work was permitted under permit #94138B1360.</p> <p>After the inspection, additional research was conducted and found that the addition on the left of the main dwelling was constructed sometime between 1972 and 1976. I reached out to the Town of Vienna for any documentation on the property but there appears to be none. Permit records revealed that there was no approved permit at the time of the construction of the addition. According to the 1971 CABO One- and Two- Family Dwelling Code, section 109, a permit would have been required for the construction of the addition. With the adoption of the 1973 Uniform Statewide Building Code, a permit would have been required.</p> <p>A CWO will be issued for the construction of the addition and the replacement of the appliances and service.</p>				
<u>CODE</u>	<u>Code Violation</u>	<u>Status</u>		
CERC FINAL	ENTER RESOLUTION CODE			
VCC18 108.1	FAILURE TO OBTAIN REQUIRED PER			
VCC18 113.3	MINIMUM INSPECTIONS			
<u>LOG ACTION</u>				
<u>Date</u>	<u>LOG TYPE</u>	<u>Comments</u>		
07/08/21	Violator Called	Barrett Kashdan (703)407-2685		
06/25/21	Assigned Case To Inspector	CUNPERINT #1 ASSIGNED TO: AUSTIN SANCHEZ		
06/09/21	Assigned Case To Inspector	CZONE #1 ASSIGNED TO: REBECCA PARSONS		



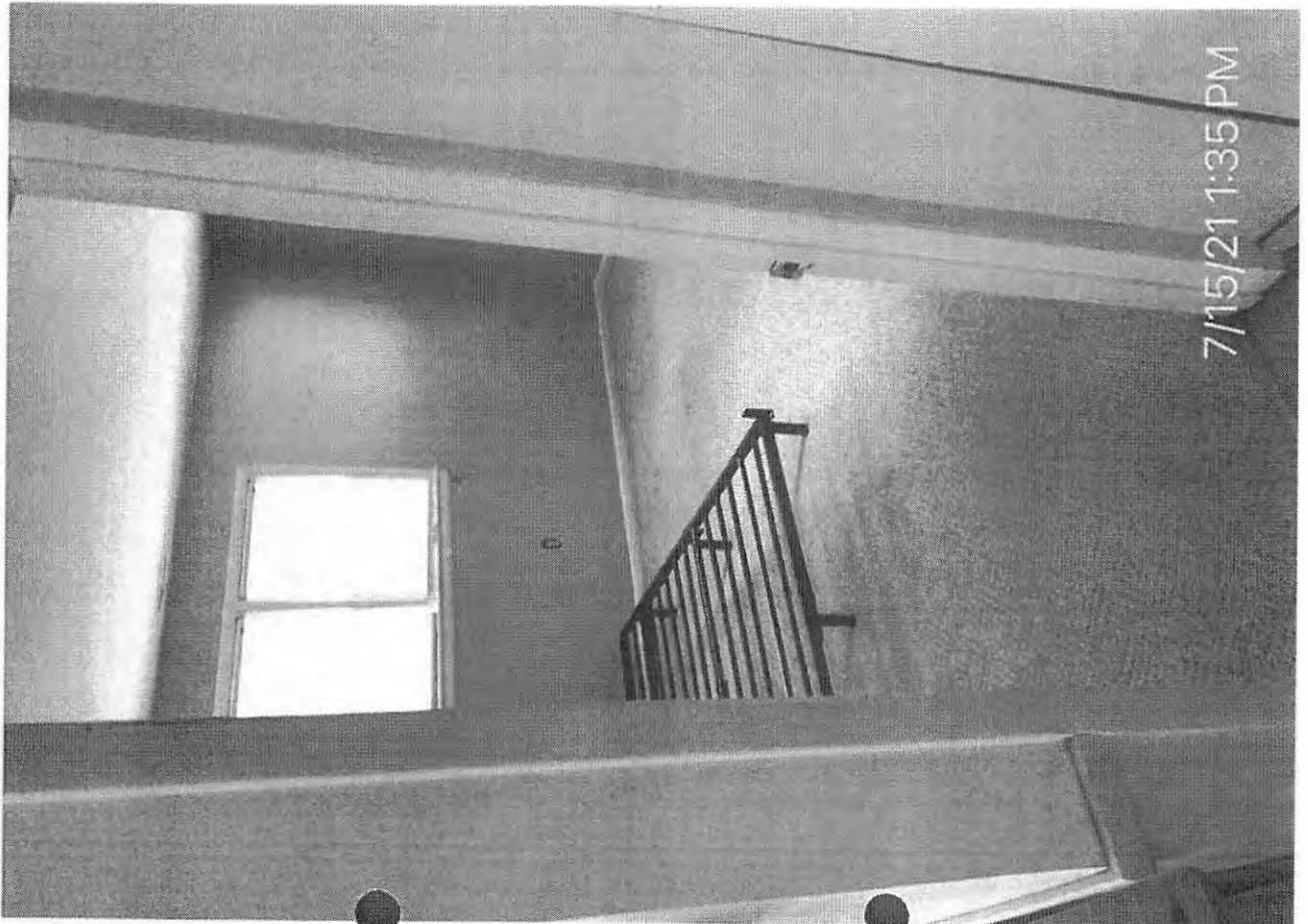
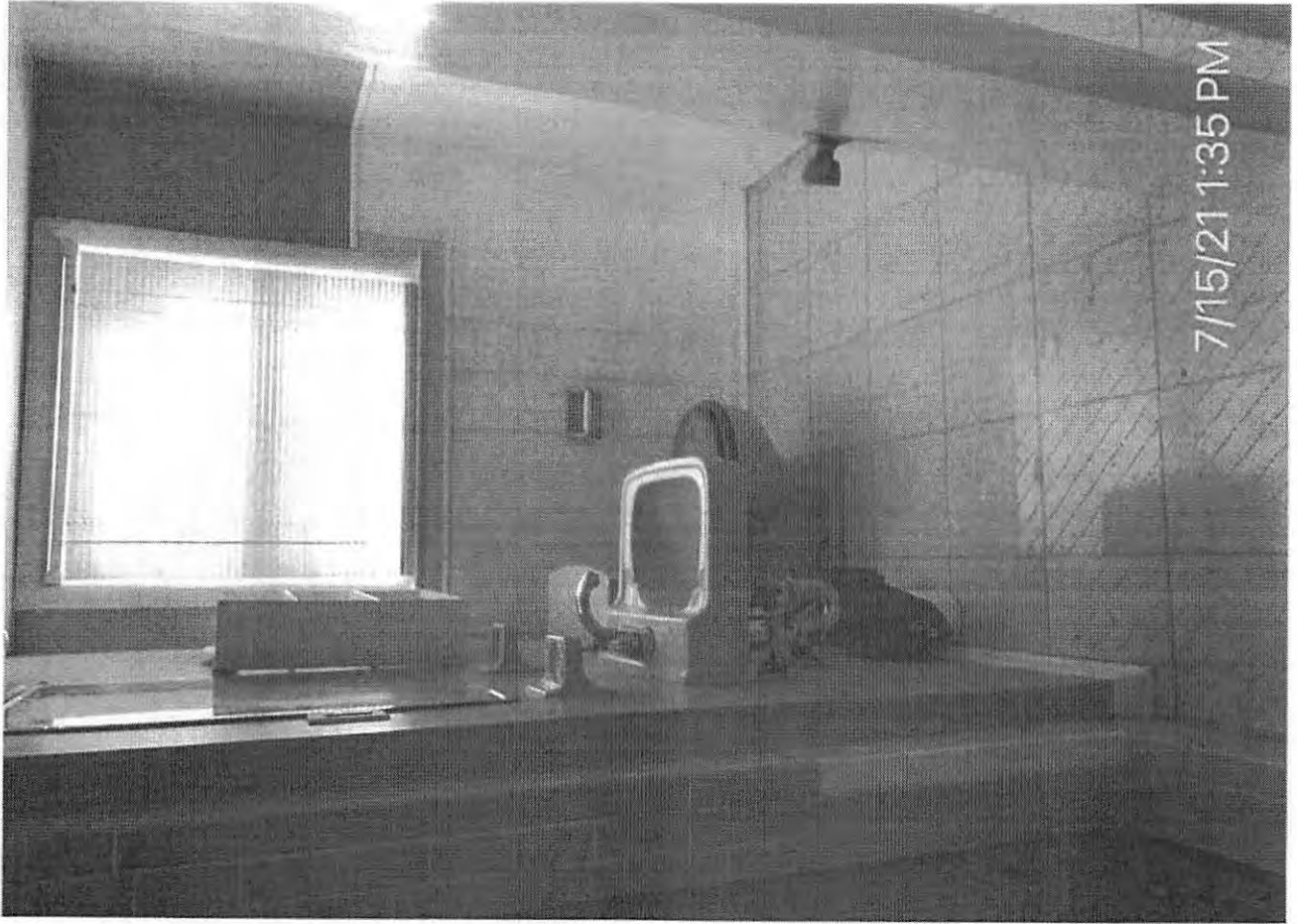


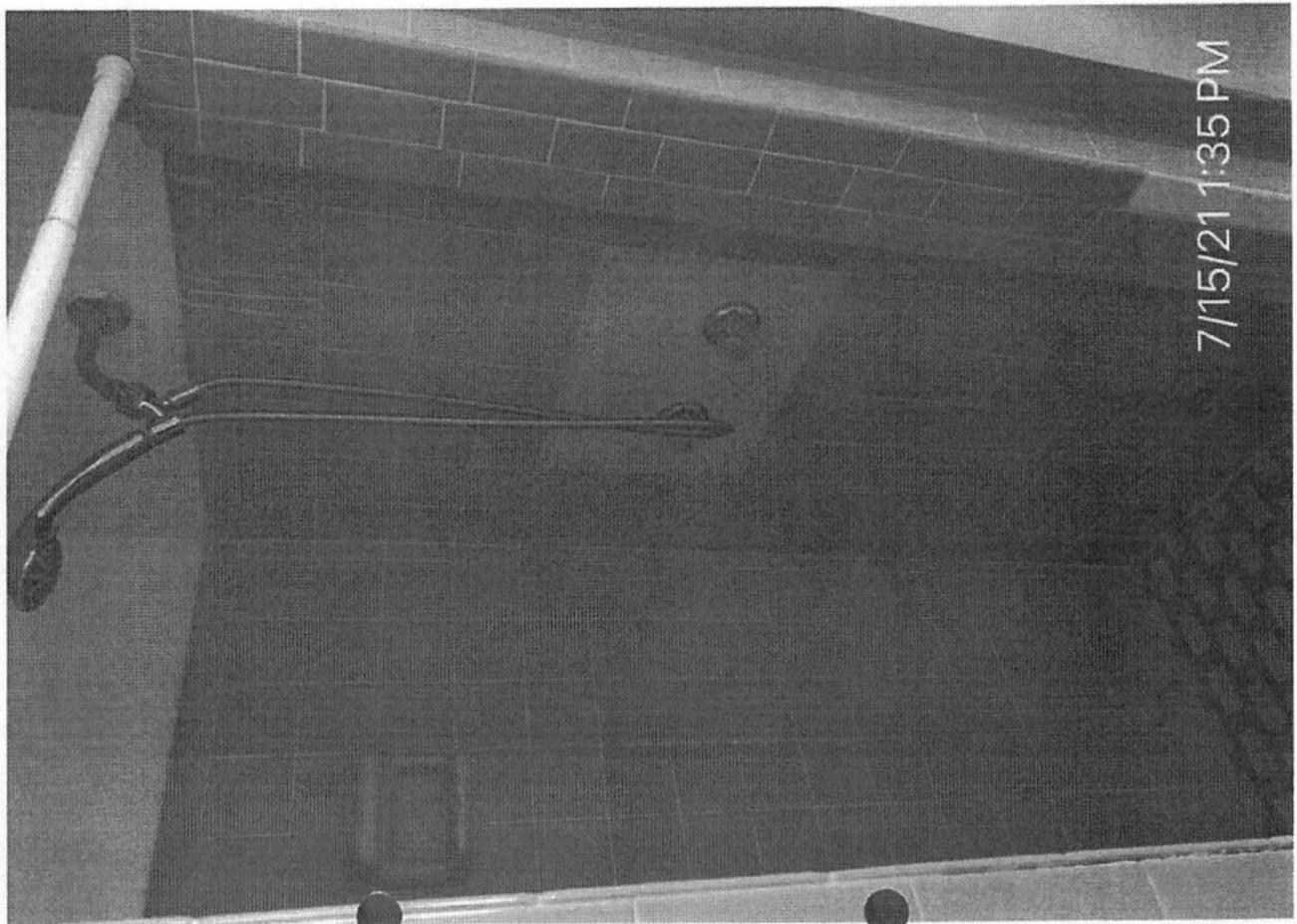
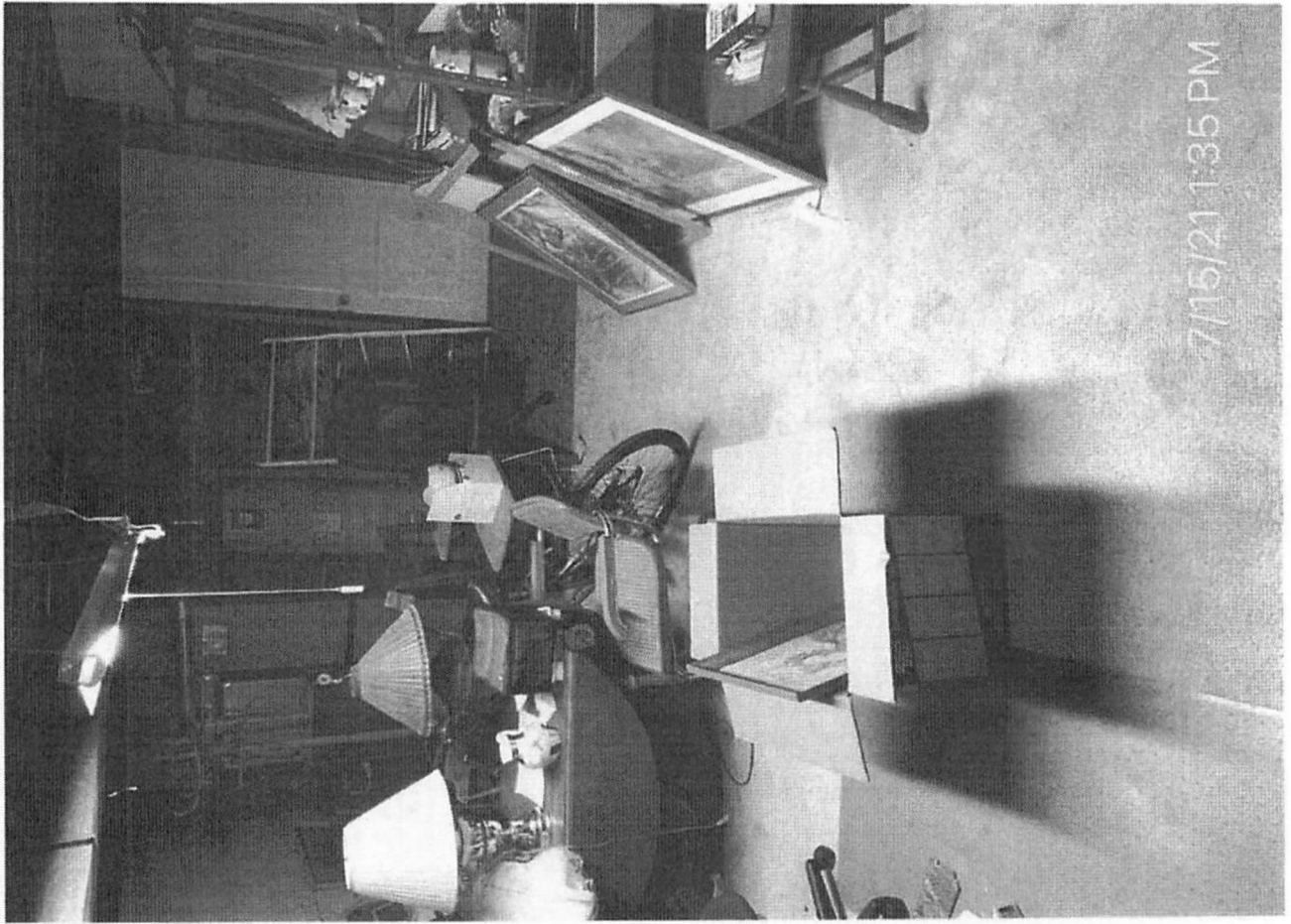




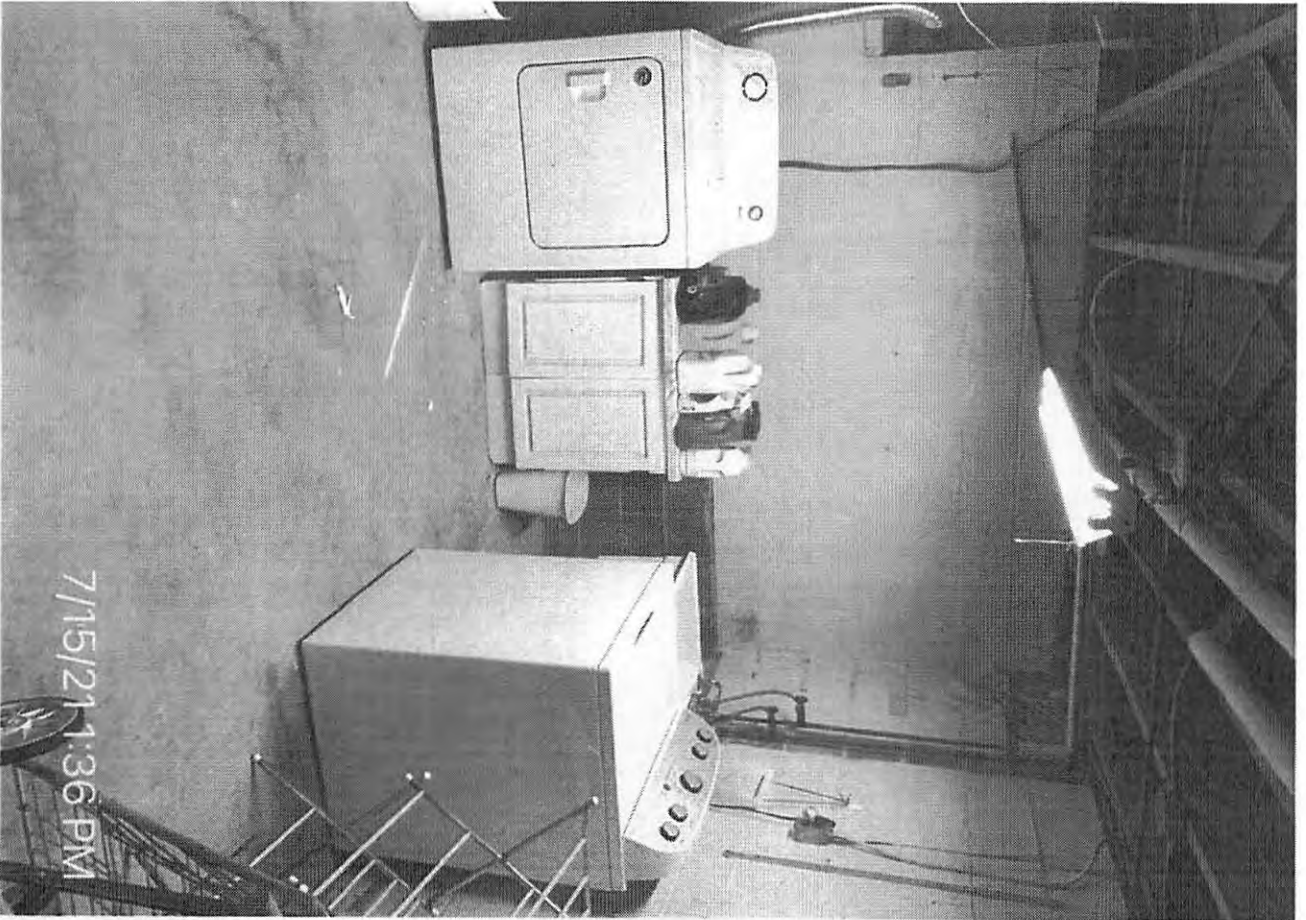
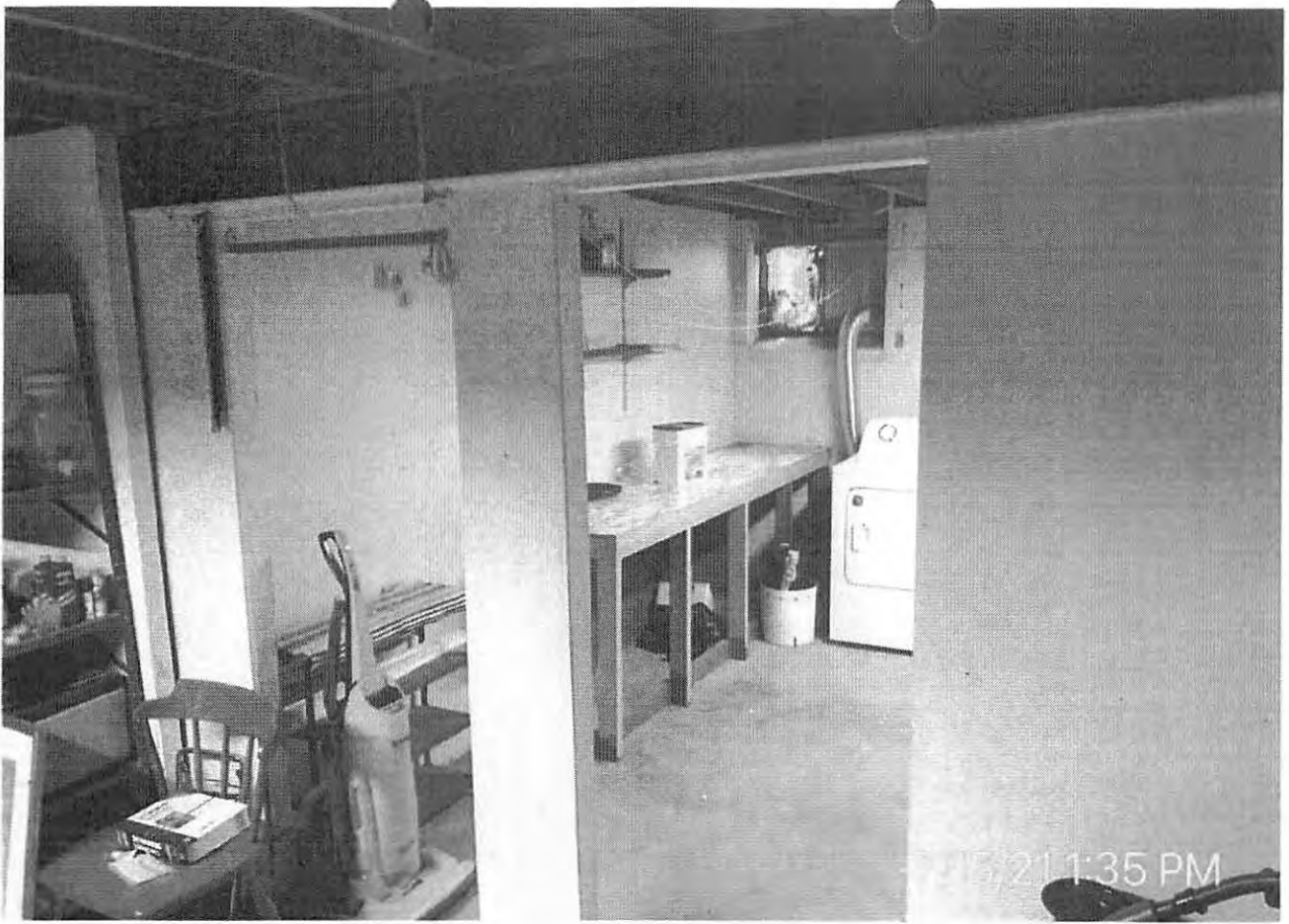


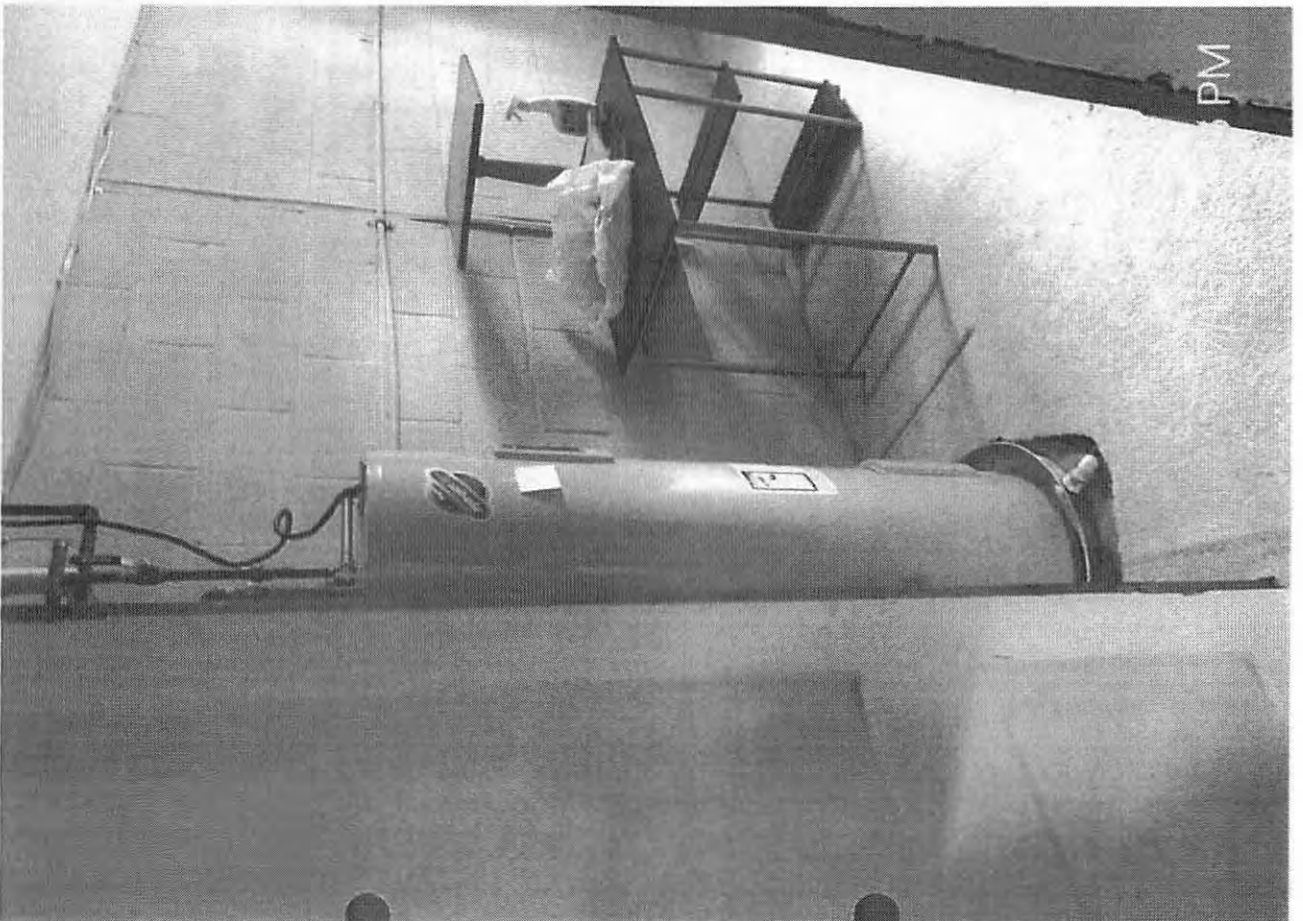
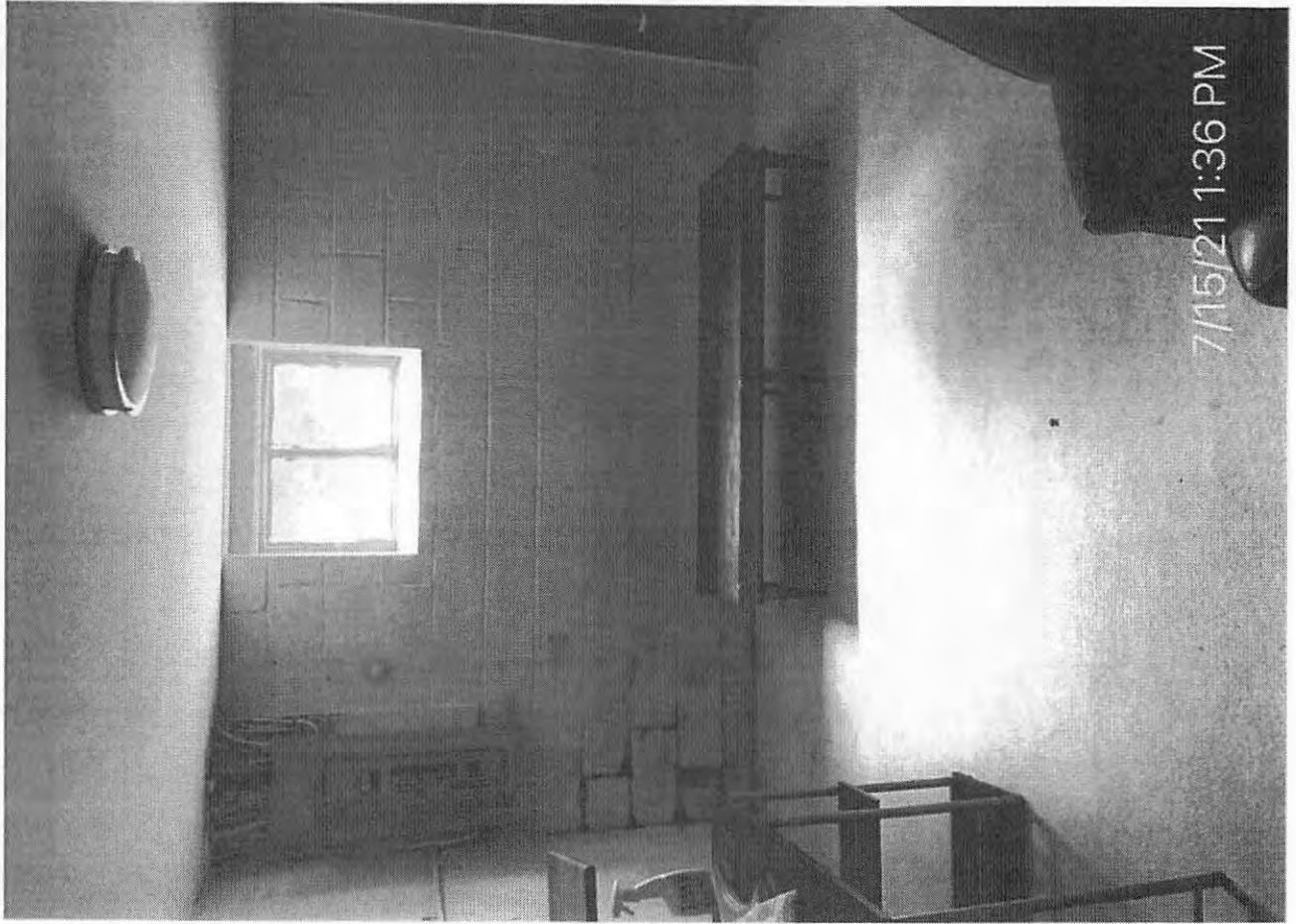




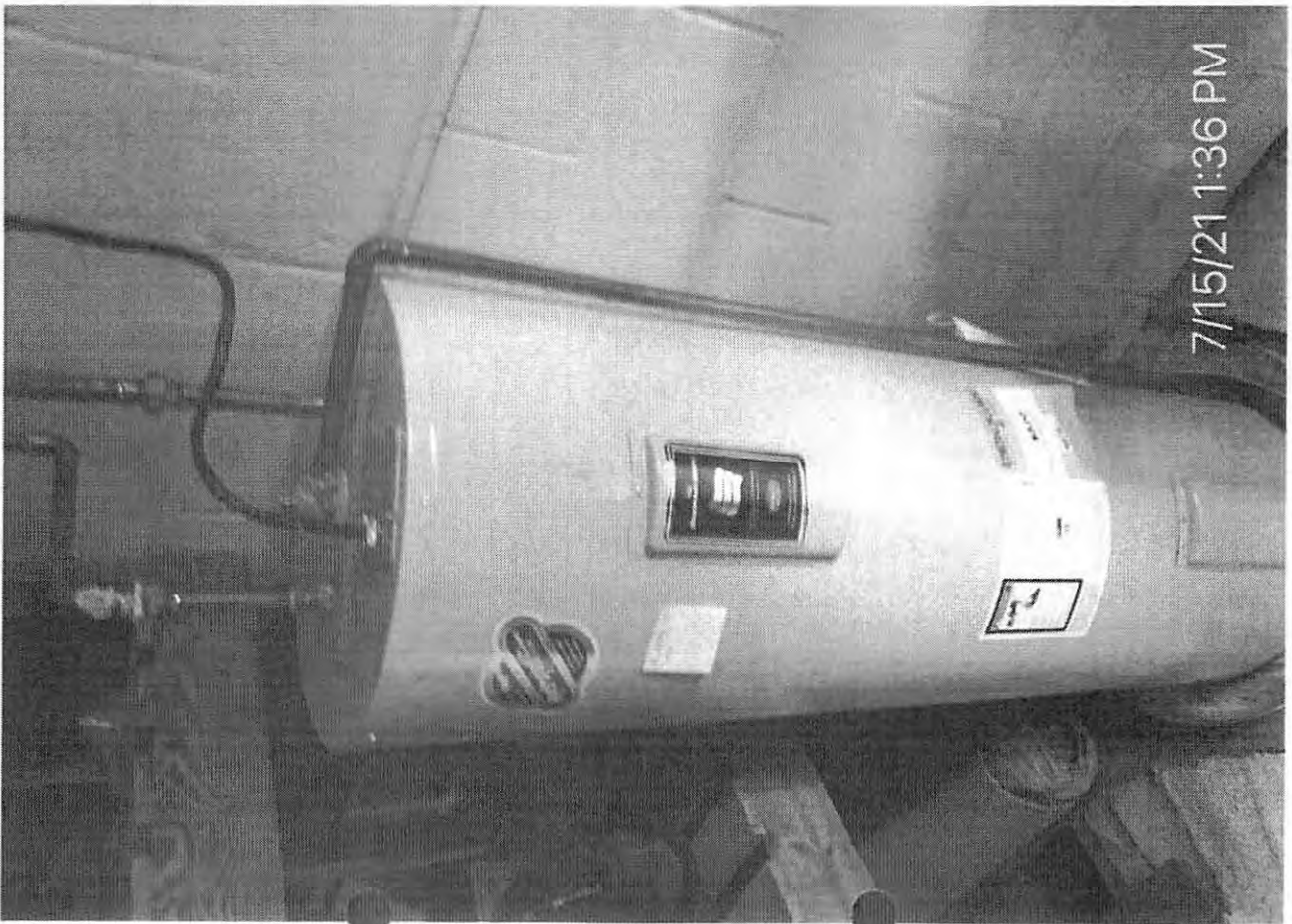
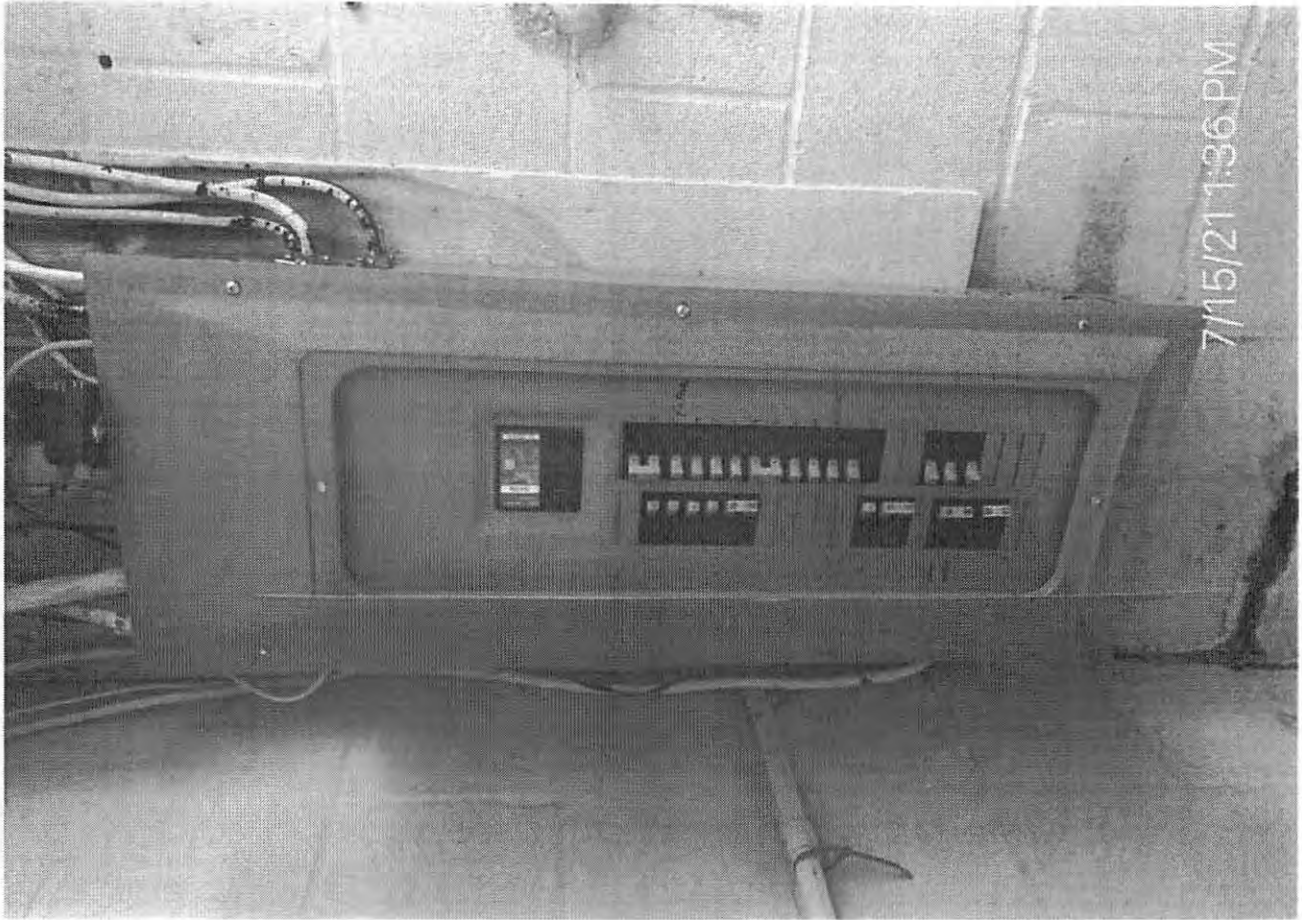


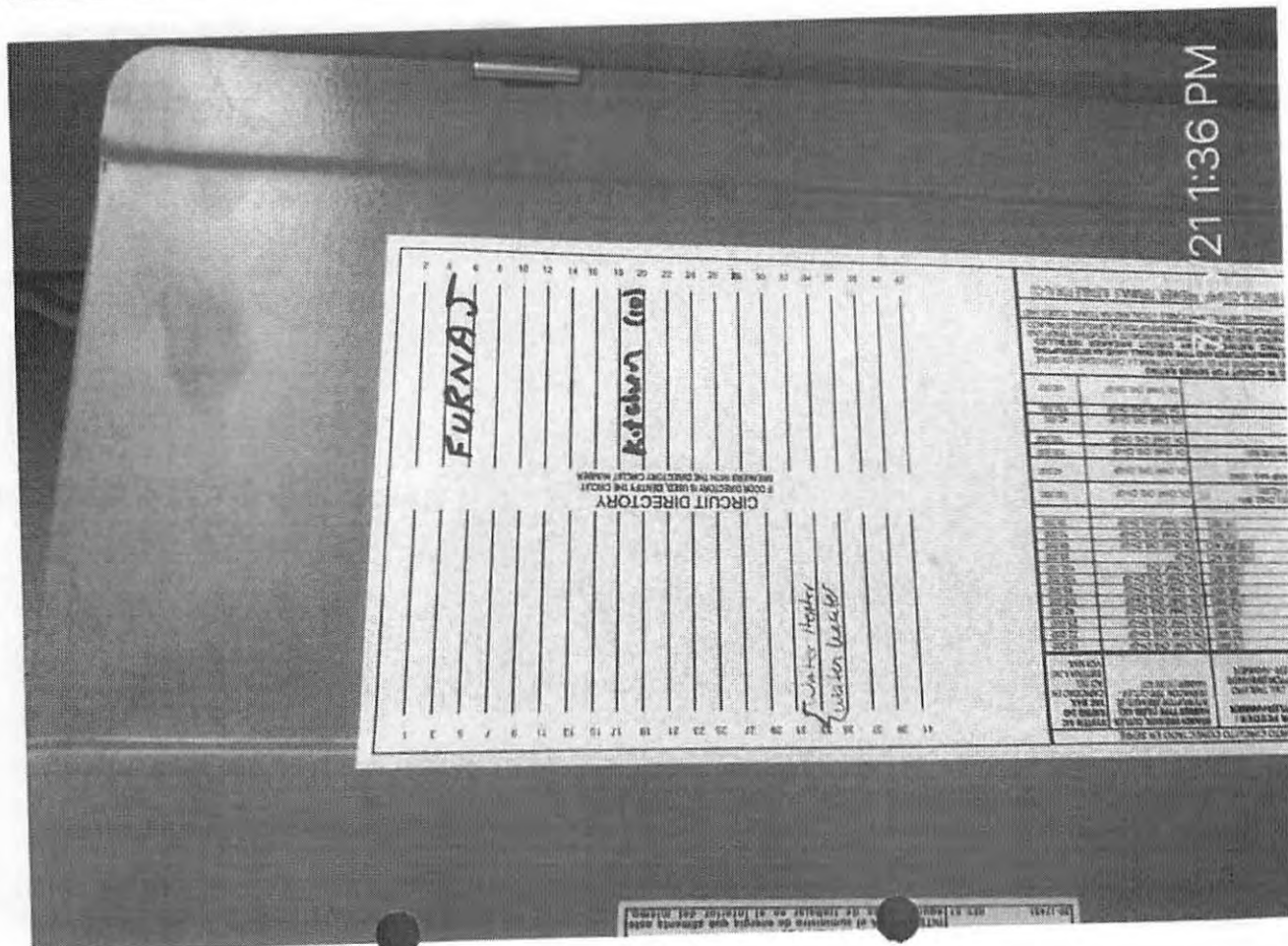
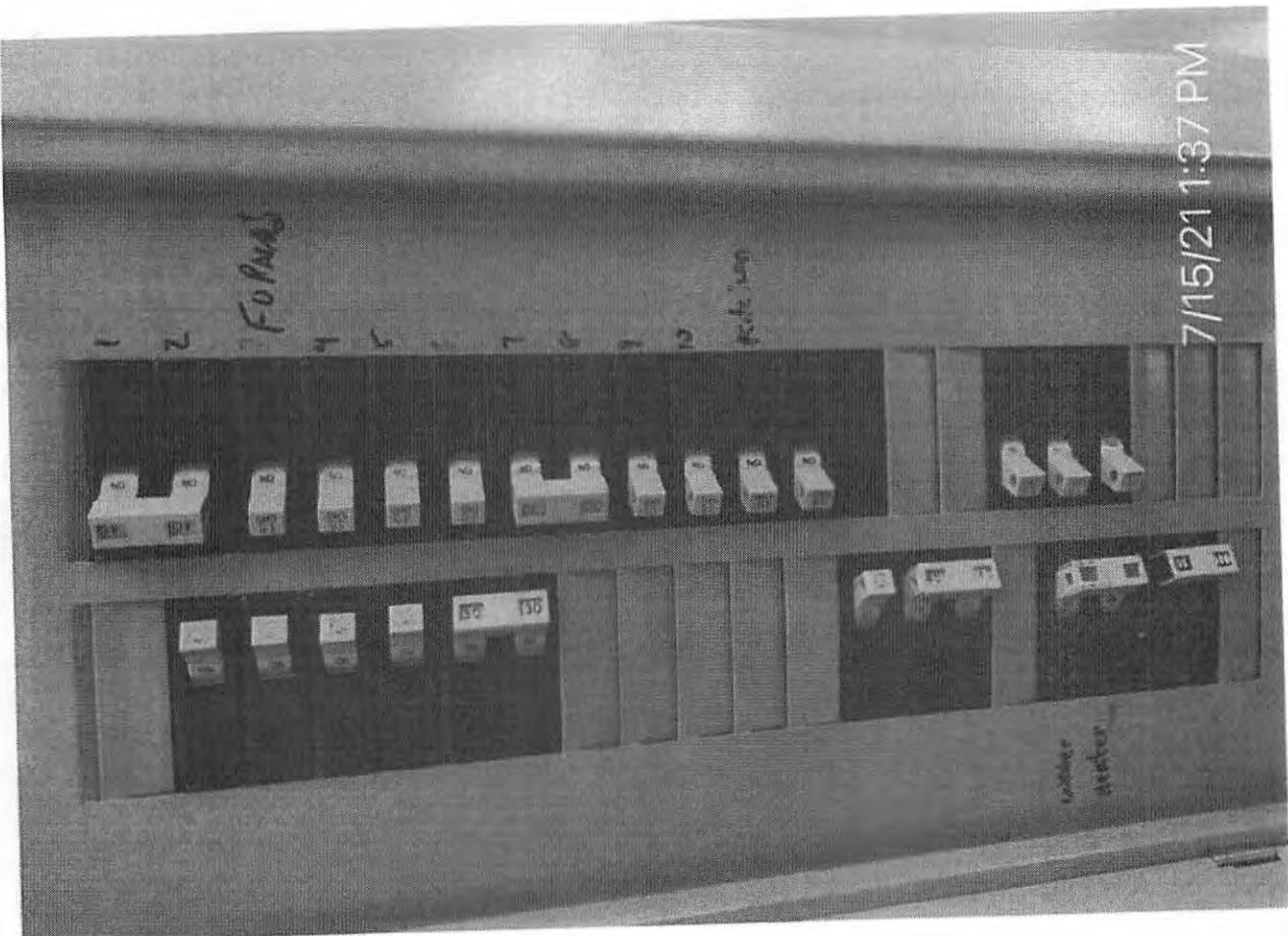




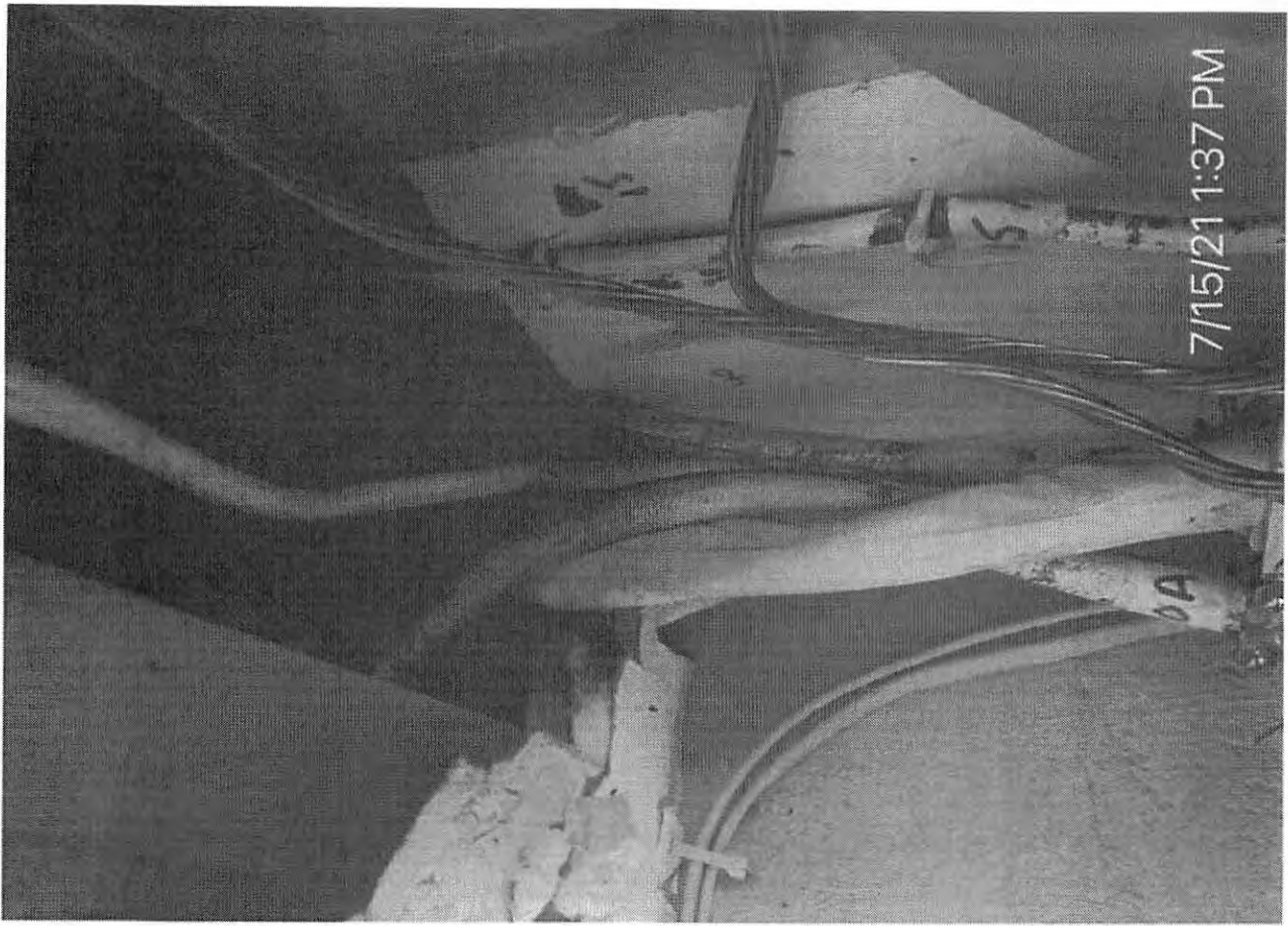




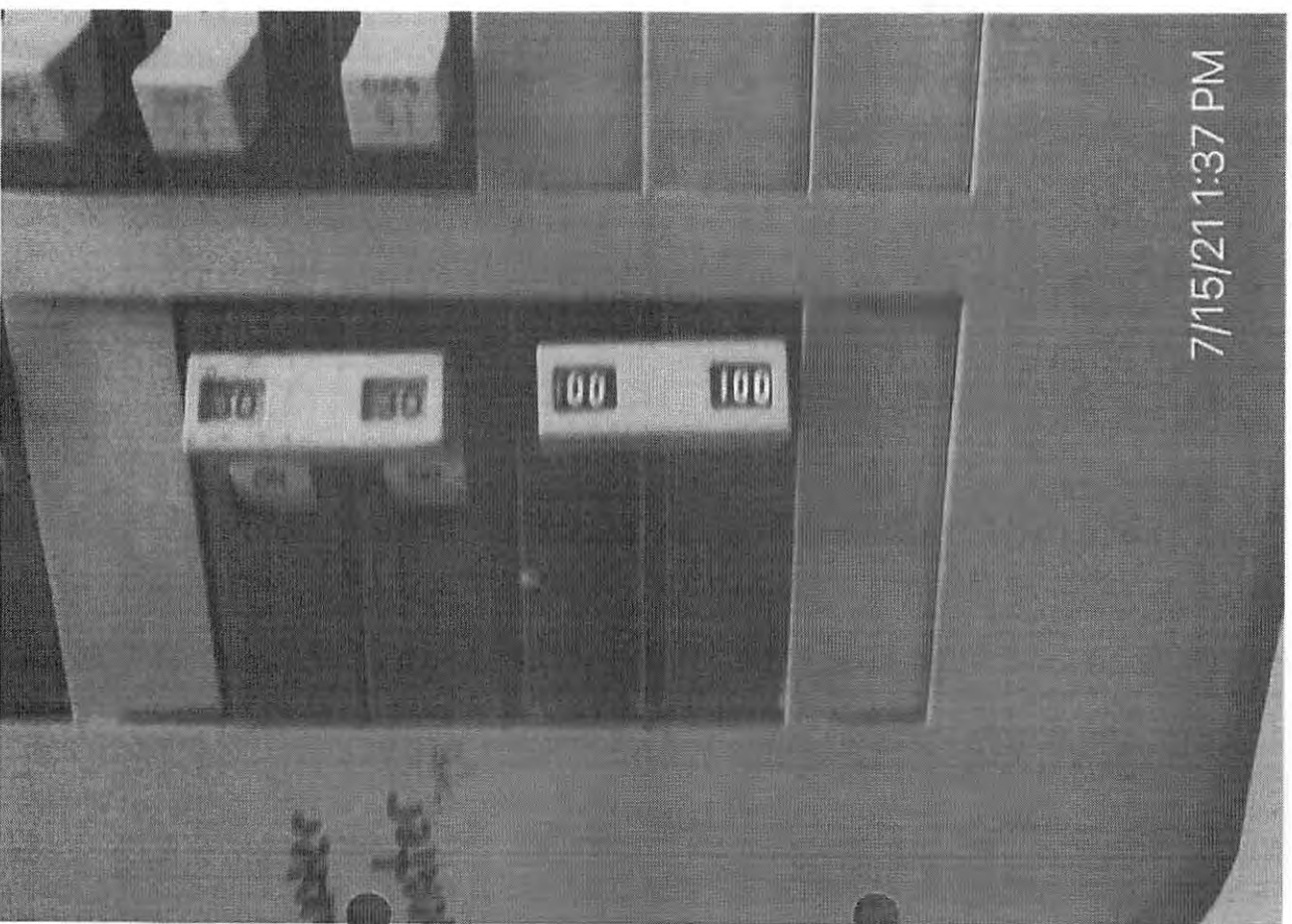




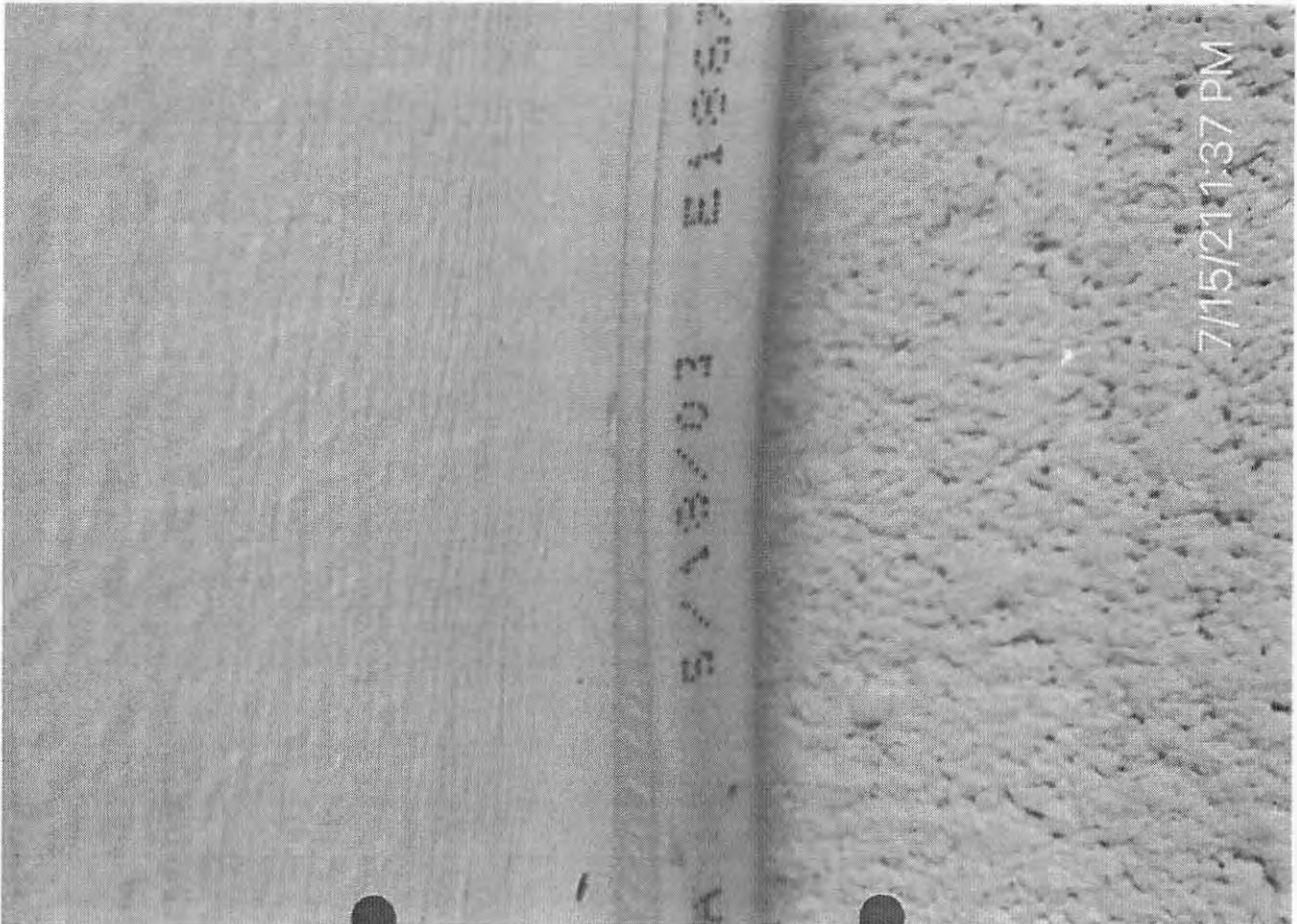




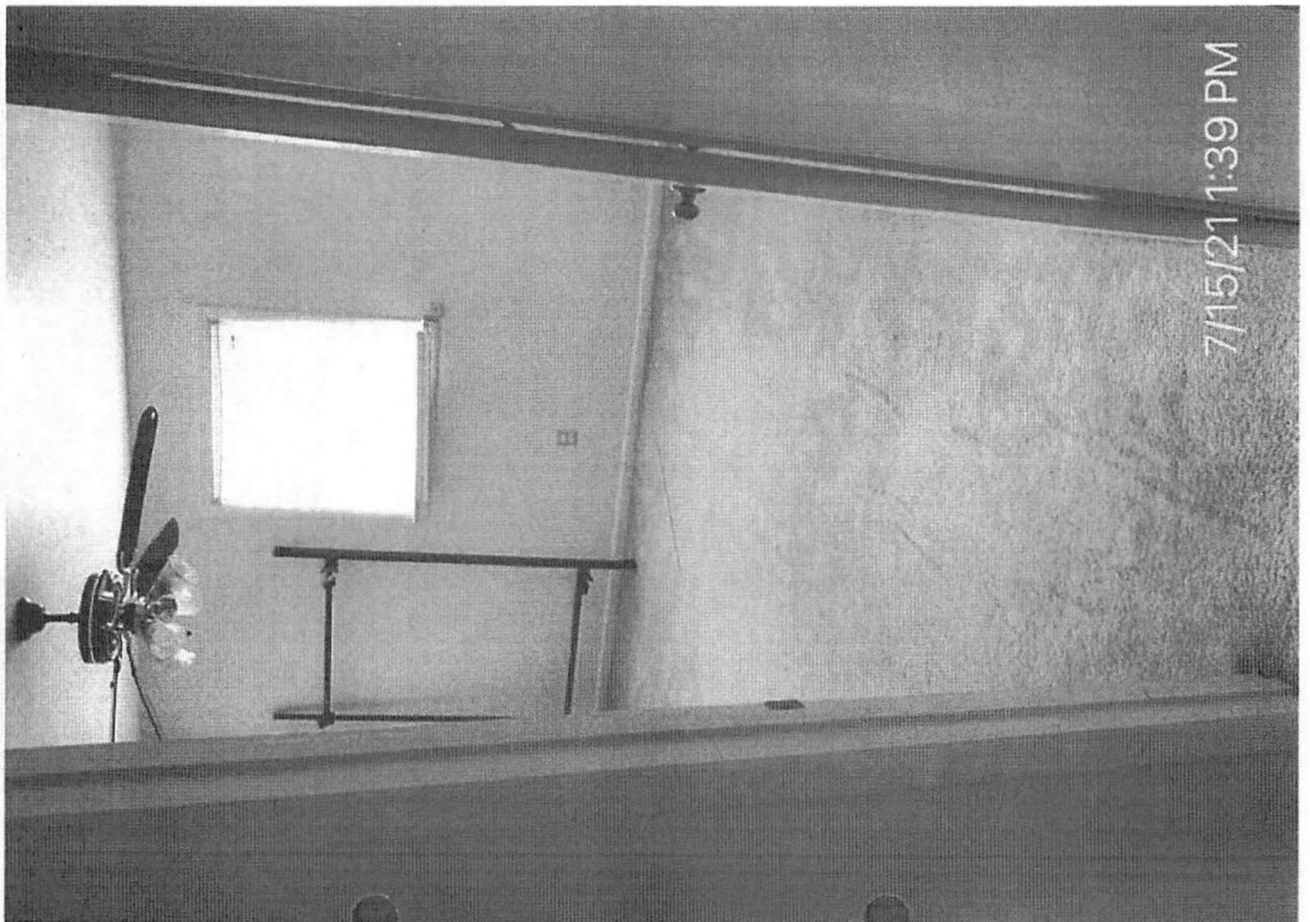
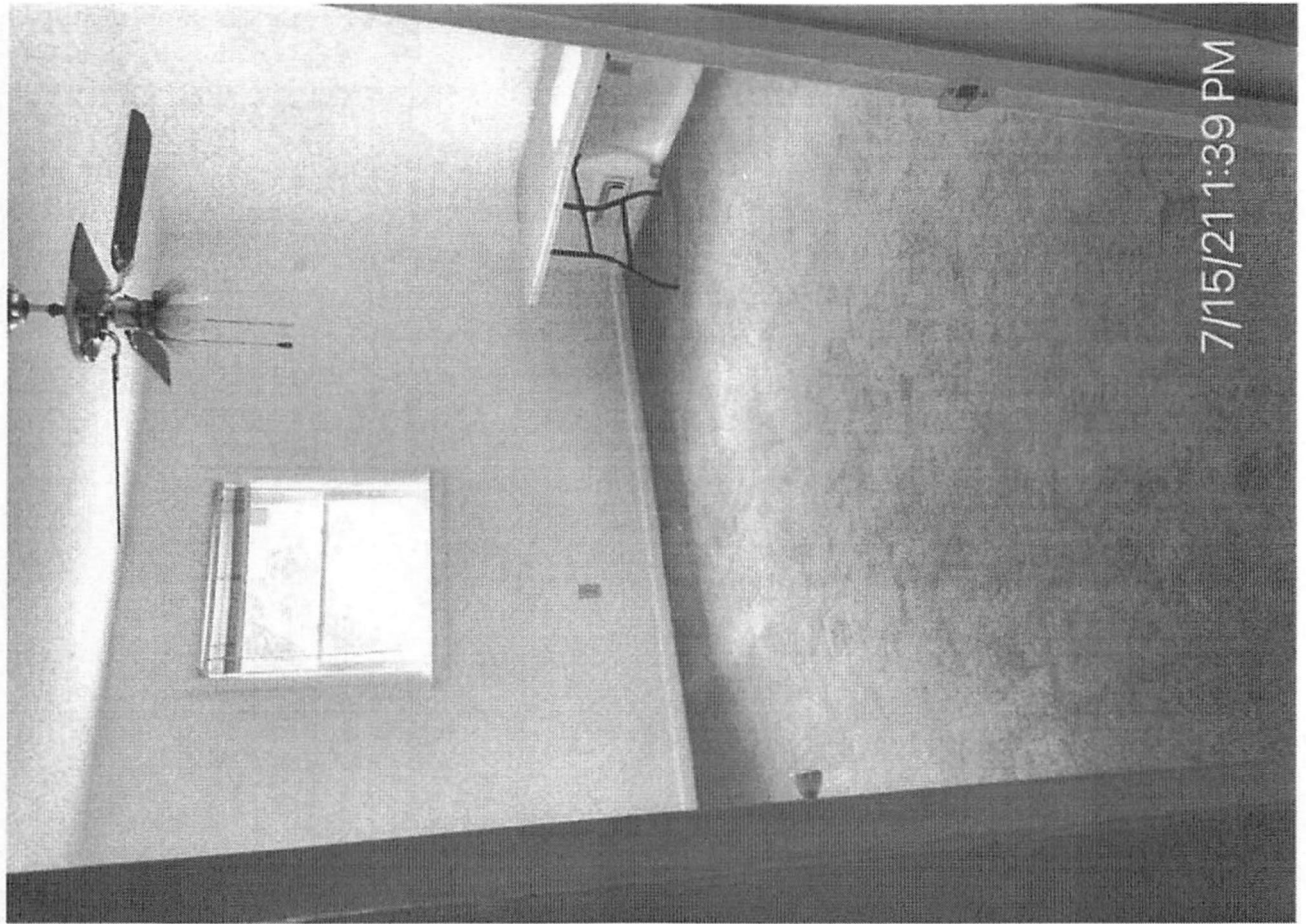
7/15/21 1:37 PM

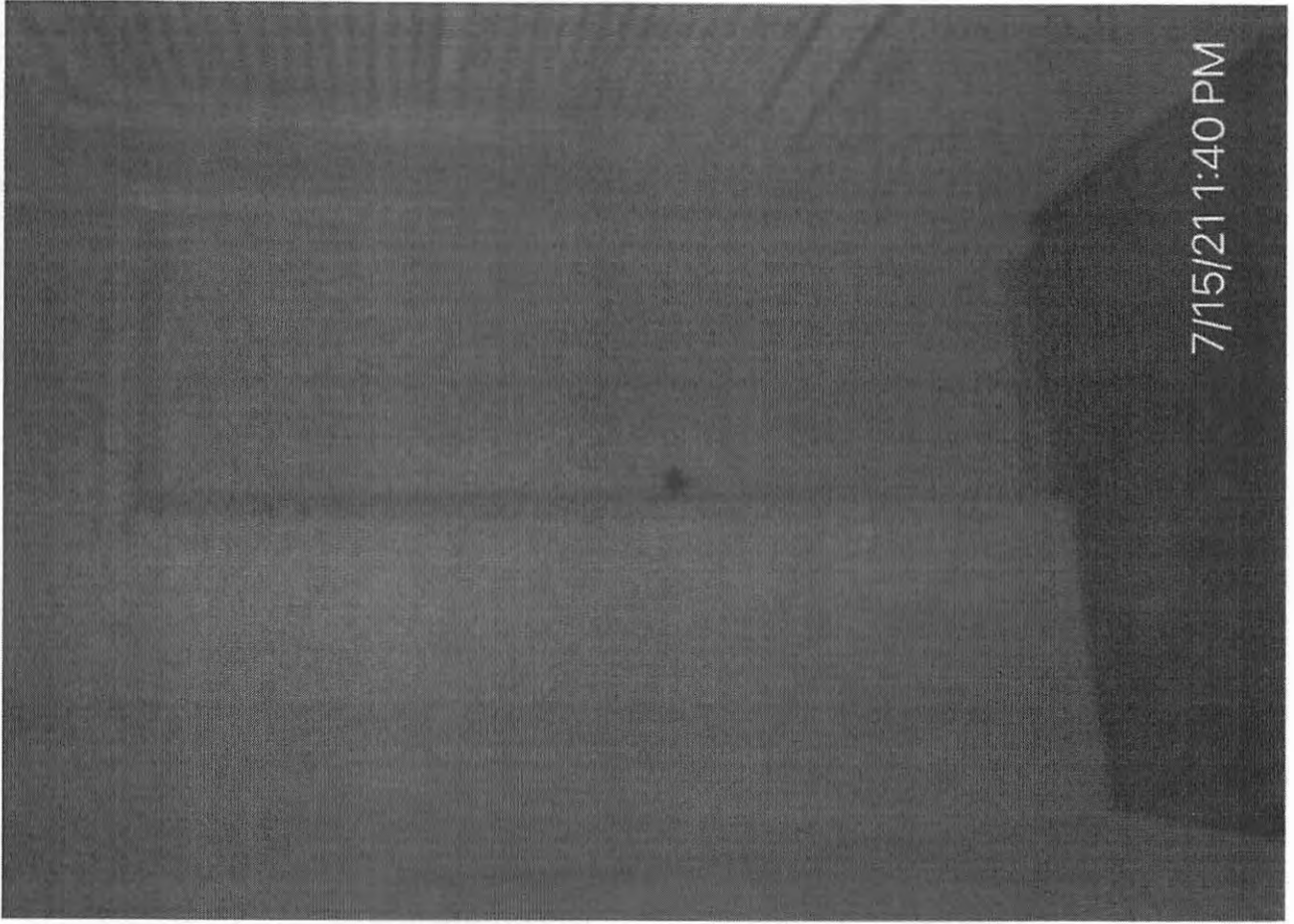


7/15/21 1:37 PM

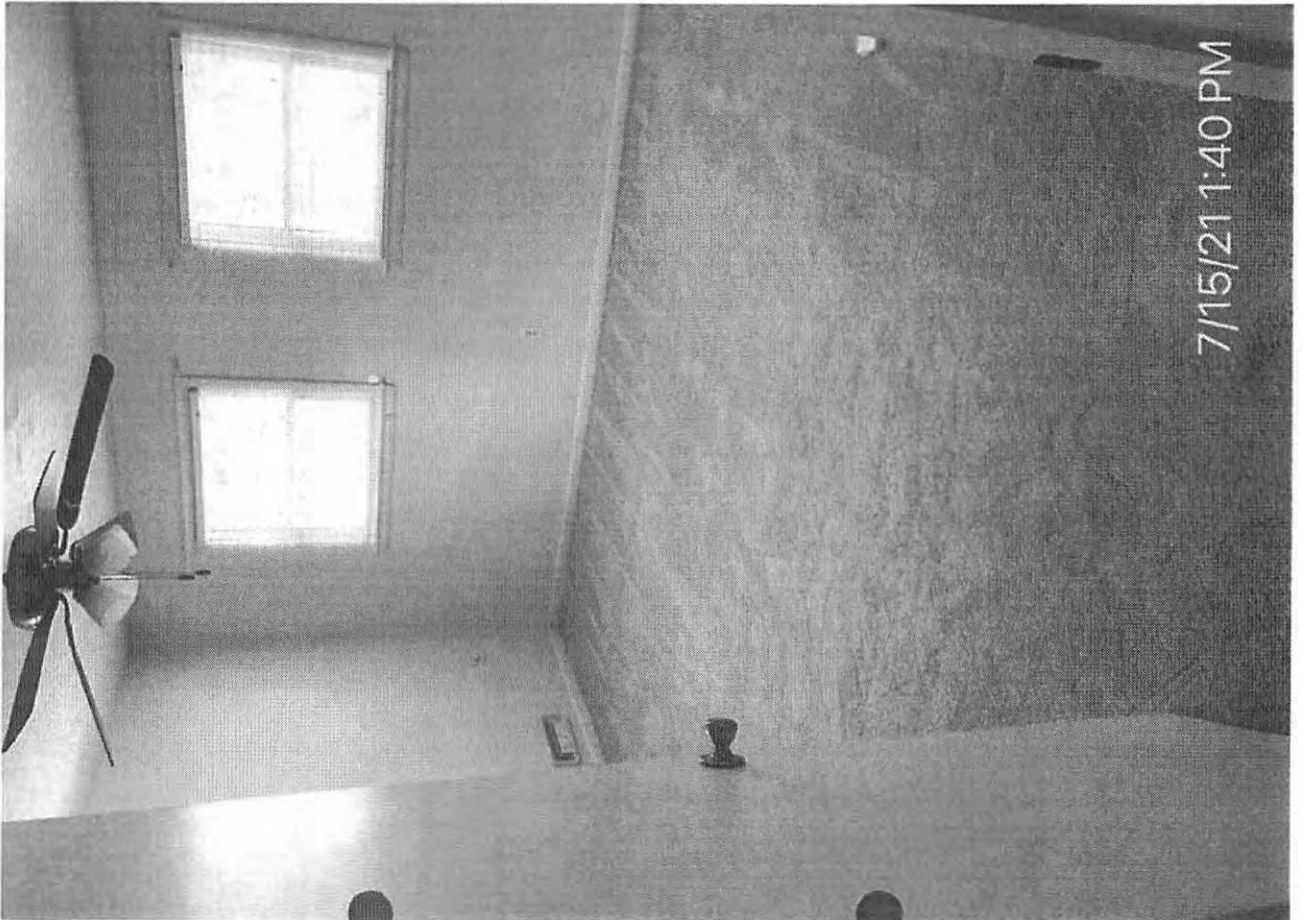






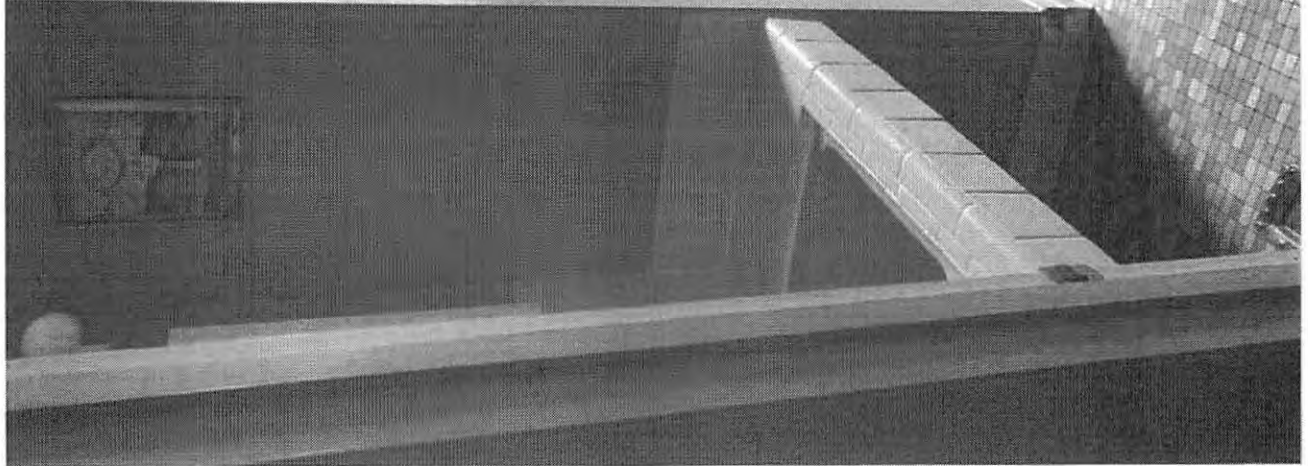
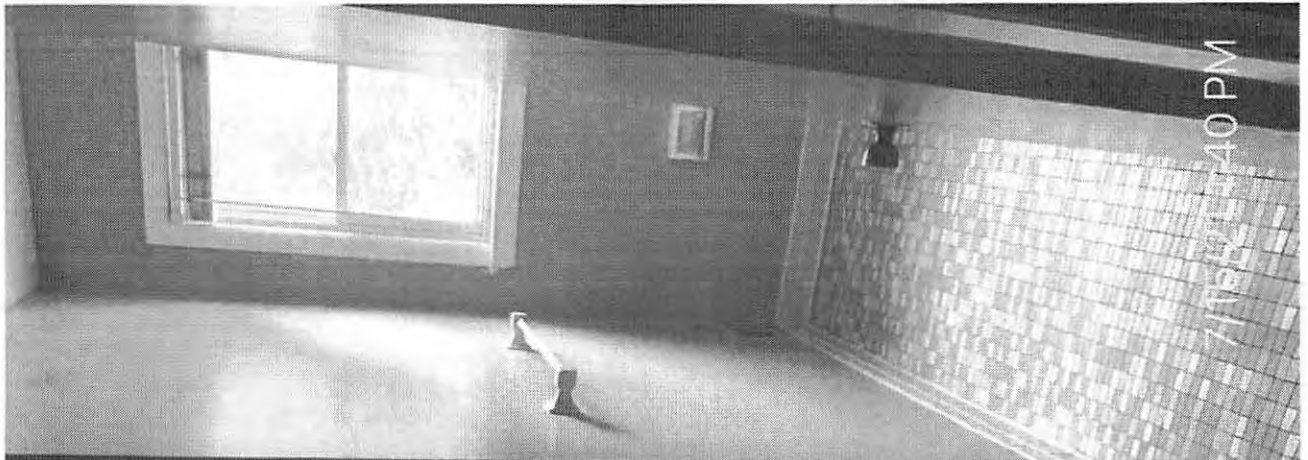


7/15/21 1:40 PM



7/15/21 1:40 PM







**DCC Inspection Report**

( Inspection # : 9286217 )

**CASE # : 202103164**

**Service Request # : 184364**

**Date Rcvd : 06/24/2021**

**Problem Code : CUINT: Unpermitted Interior Renovations**

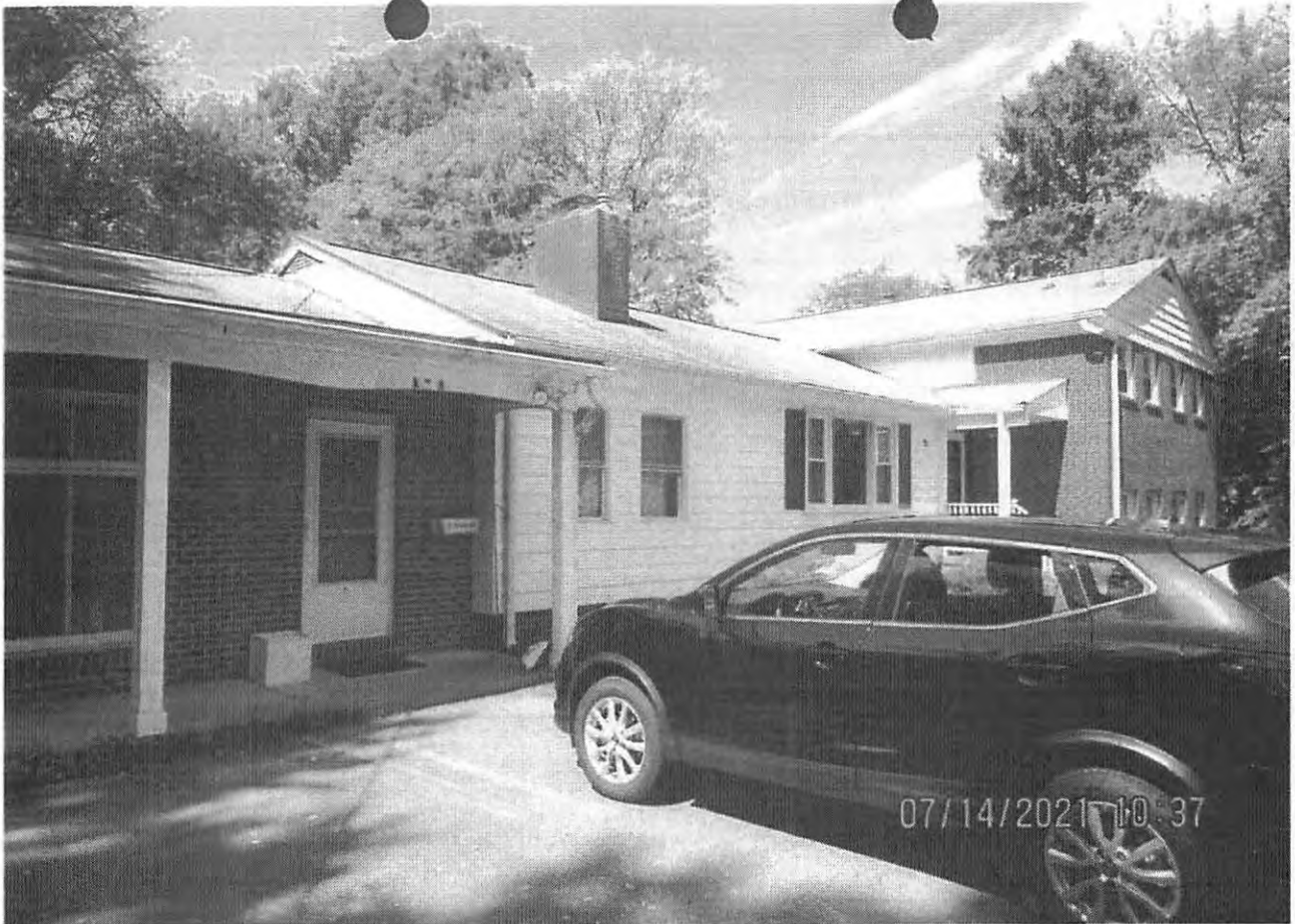
**Assigned To : SANCHEZ**

**Res.Code : OPEN**

**Location: 244 Old Court House Rd, Vienna VA 22180-0000**

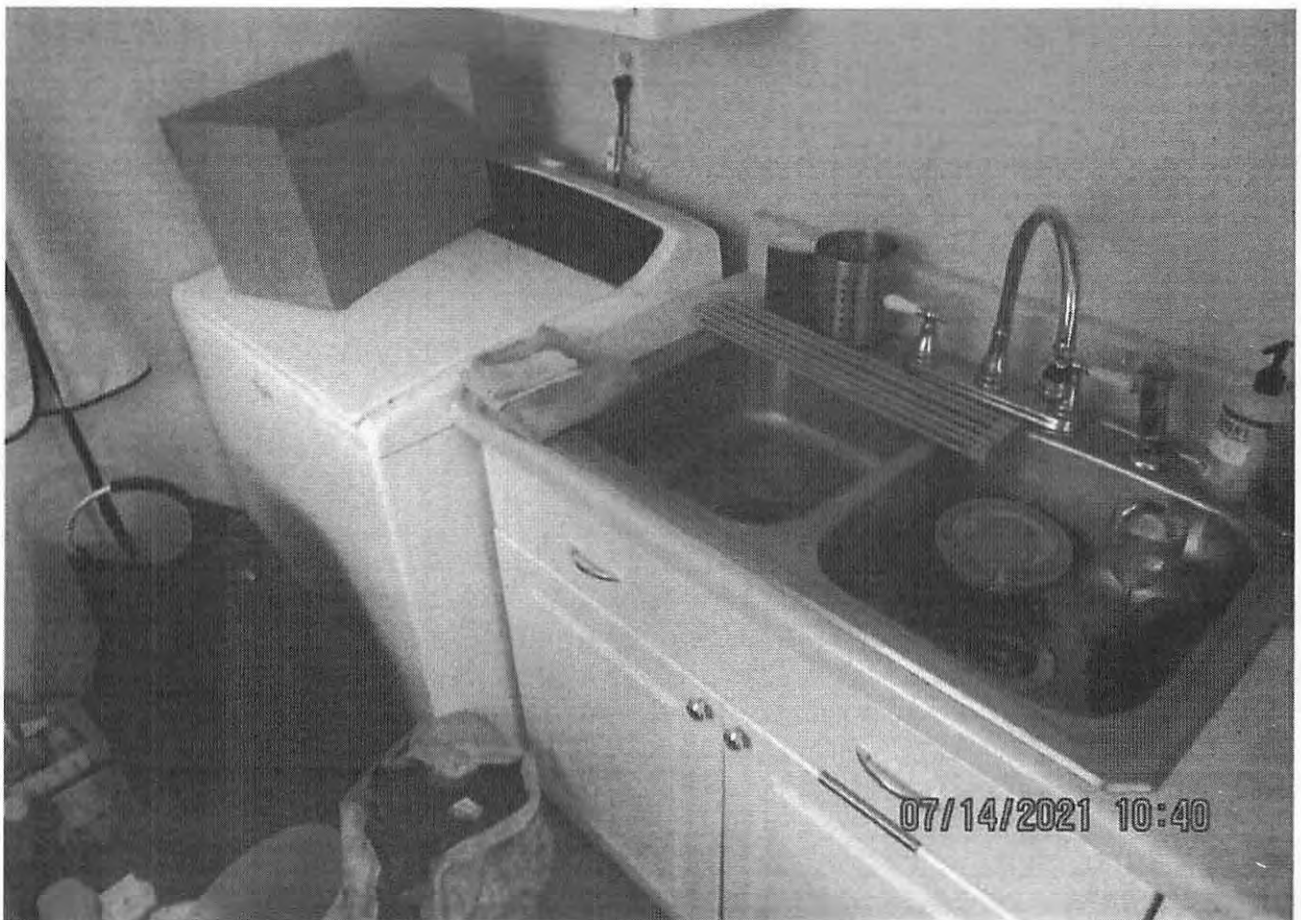
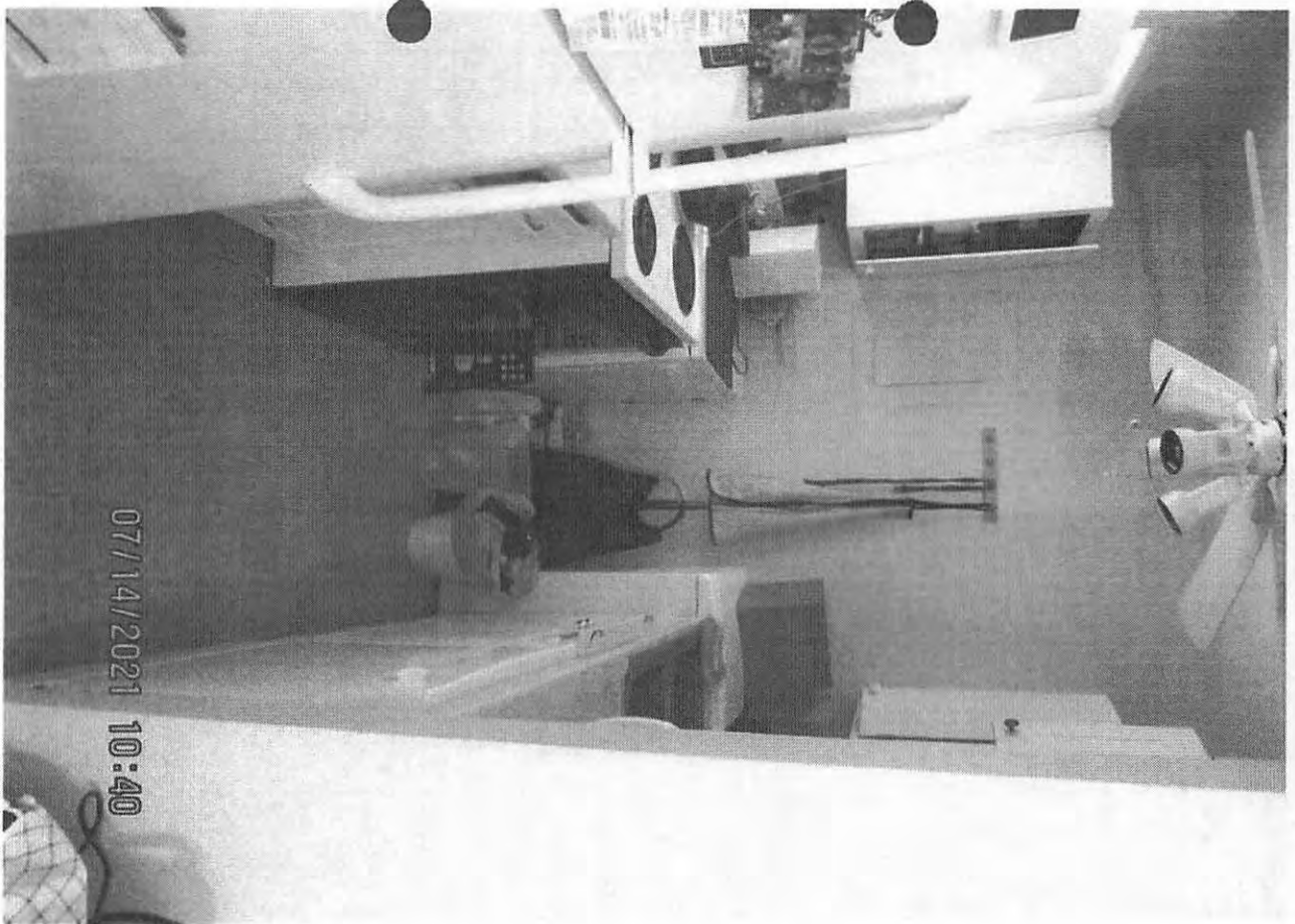
<u>Inspection Date</u>	<u>Inspection #</u>	<u>Inspection Status</u>	<u>Insp Sance #</u>	<u>INSPBY</u>
07/14/21 10:37	9286217	FAILED	2	ASANC8
<p>Performed an inspection at the subject property and met the property owner the property owner. The inspection was performed on the addition (244A) only. The tenant was present for the inspection and allowed access into the space and pictures to be taken.</p> <p>The inspection revealed that the addition on the left side of the dwelling is a separate living unit. It is provided with a full kitchen, living area, full bathroom, bedroom and common area. The washer and dryer are located in the kitchen area, along with the sub panel supplying power to the addition. There is a front porch on the front of the addition and a deck located on the rear of the addition. There is NO access between the addition and the main dwelling. Additional research will need to be conducted to determine a permit was issued and approved for this addition.</p> <p>An inspection was not performed on the main dwelling at this time as the owner did not have the key. An inspection of the main dwelling will be performed tomorrow.</p>				
<u>CODE</u>	<u>Code Violation</u>	<u>Status</u>		
CERC FINAL	ENTER RESOLUTION CODE			
VCC18 108.1	FAILURE TO OBTAIN REQUIRED PER			
VCC18 113.3	MINIMUM INSPECTIONS			
<u>LOG ACTION</u>				
<u>Date</u>	<u>LOG TYPE</u>	<u>Comments</u>		
07/08/21	Violator Called	Barrett Kashdan (703)407-2885		
08/25/21	Assigned Case To Inspector	CUNPERINT #1 ASSIGNED TO: AUSTIN SANCHEZ		
08/09/21	Assigned Case To Inspector	CZONE #1 ASSIGNED TO: REBECCA PARSONS		









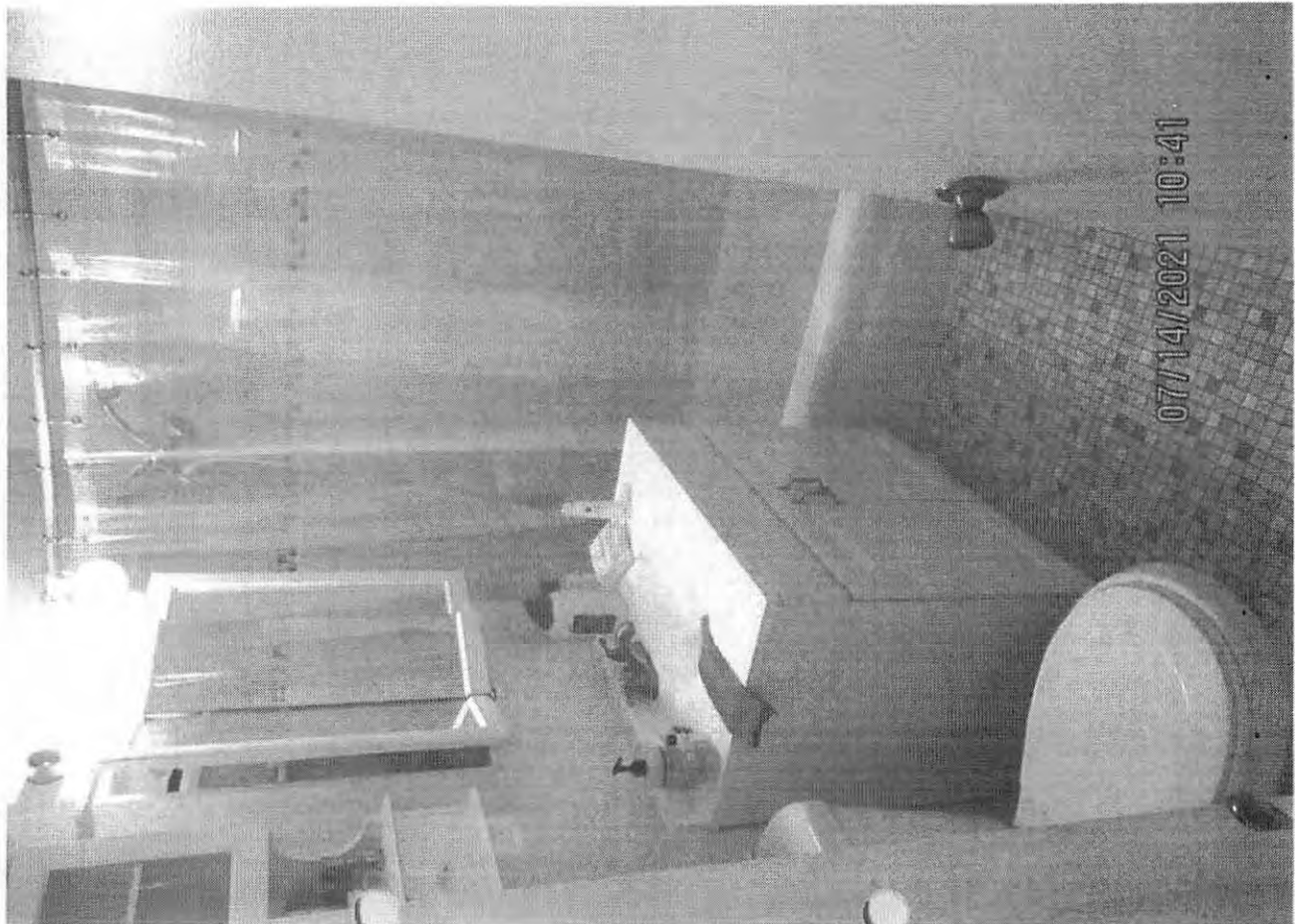
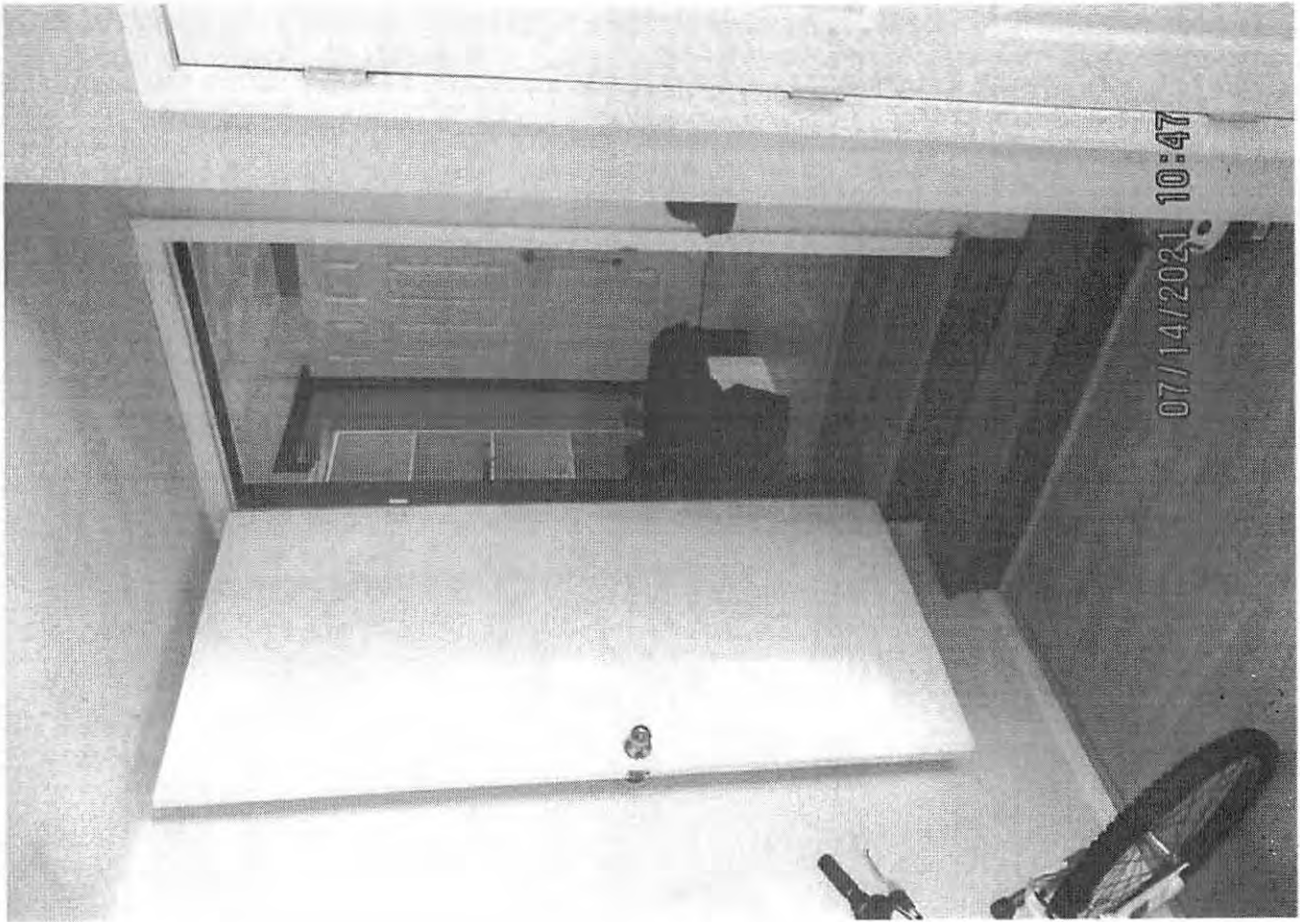


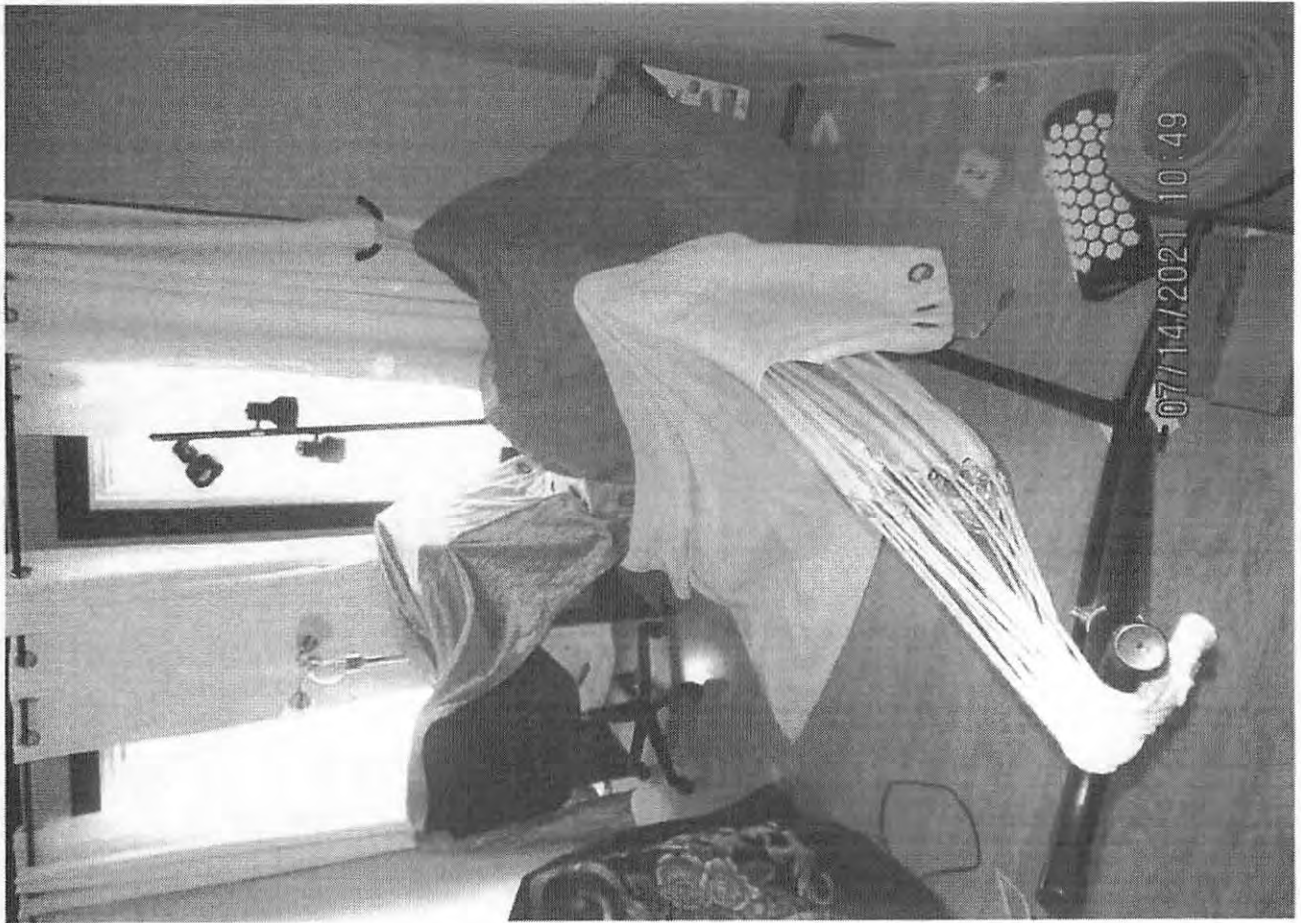




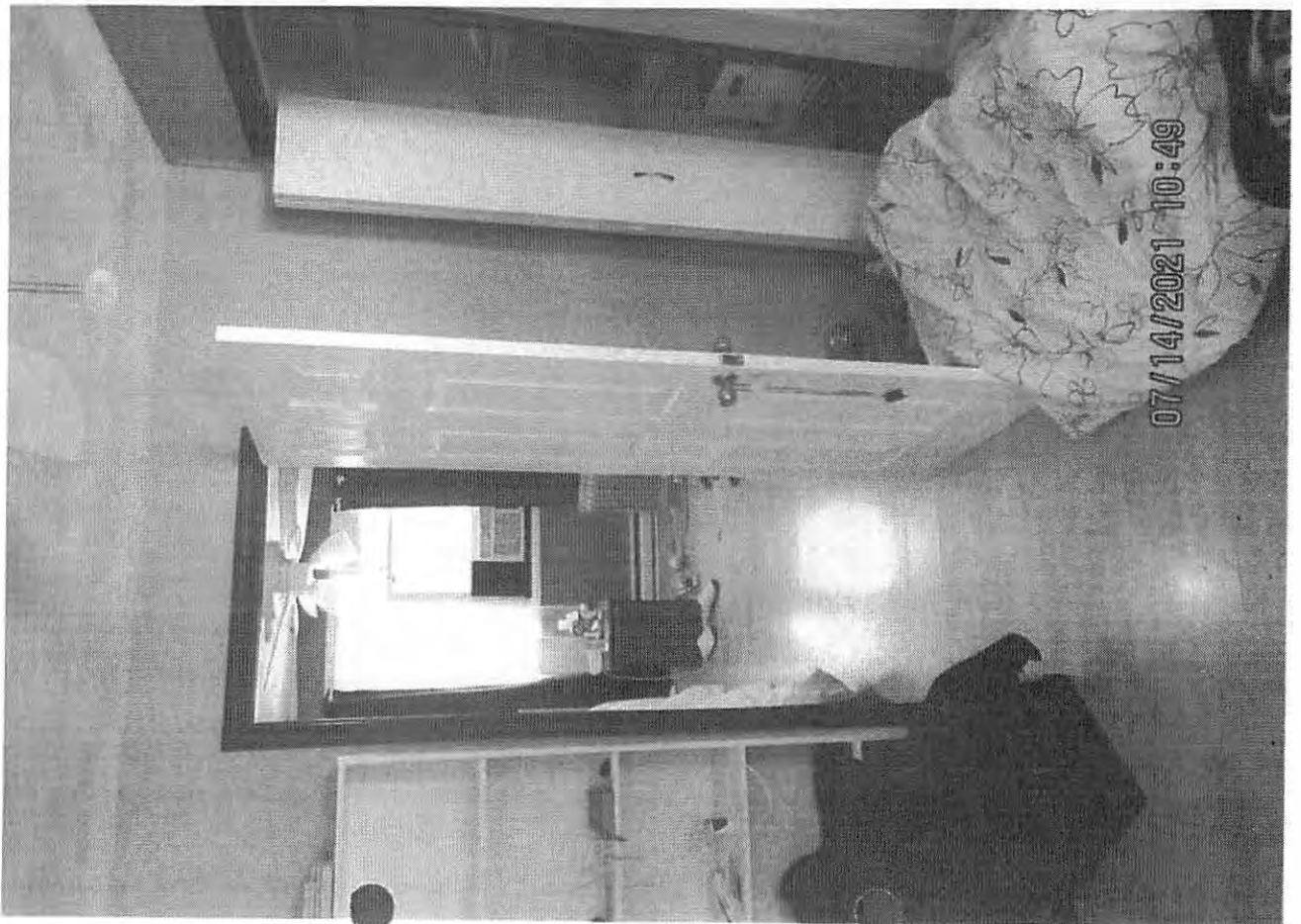


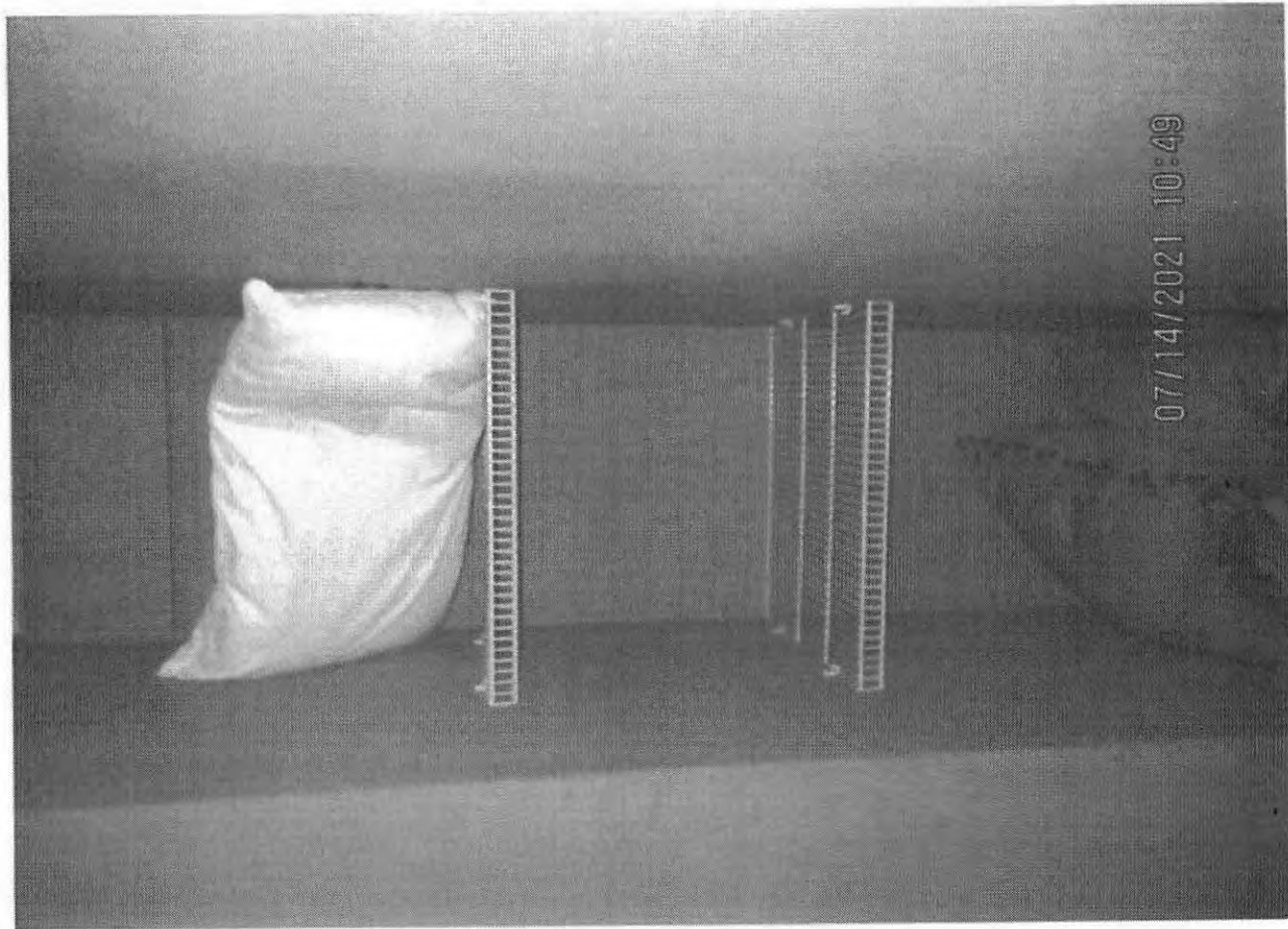
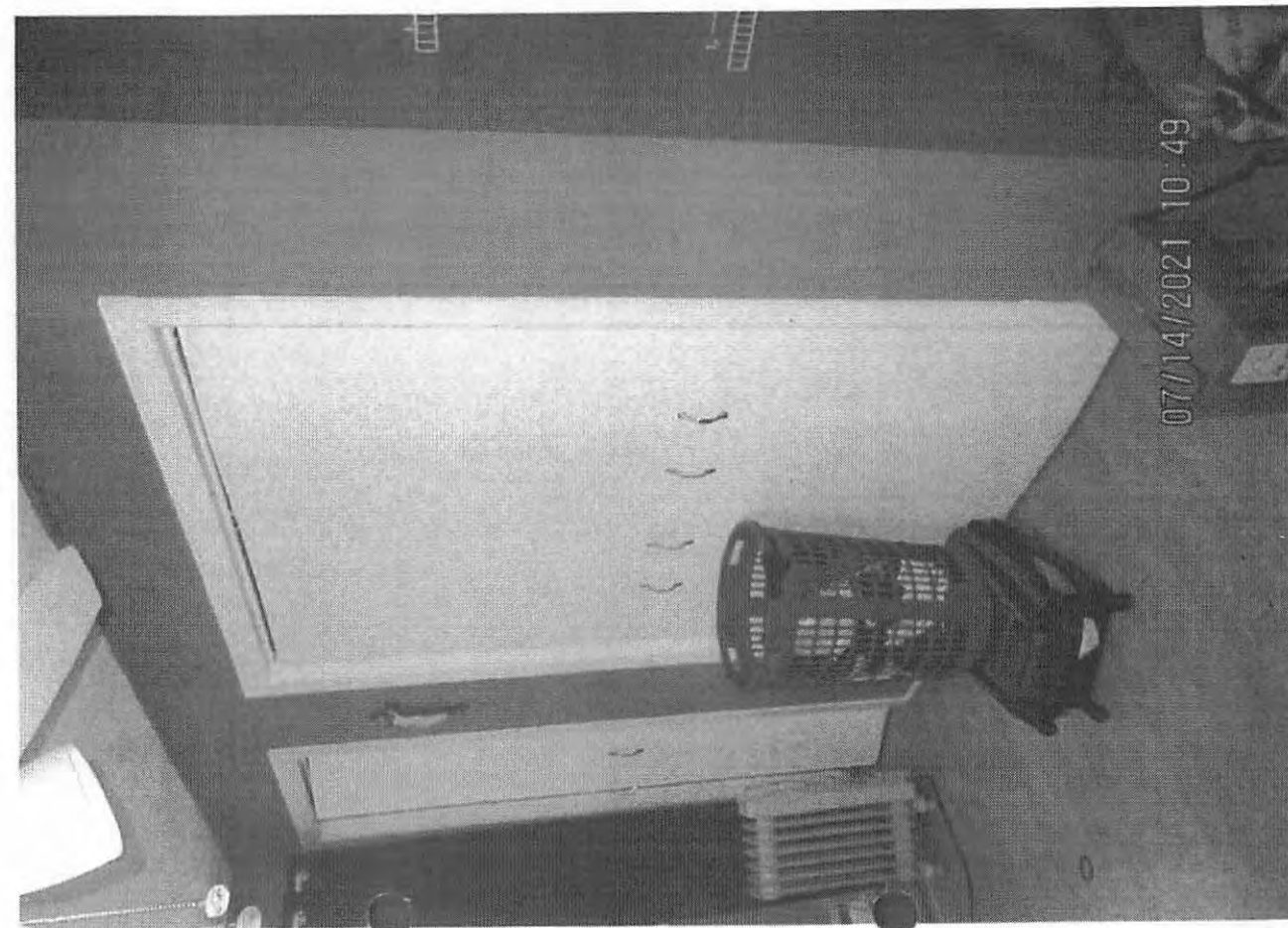




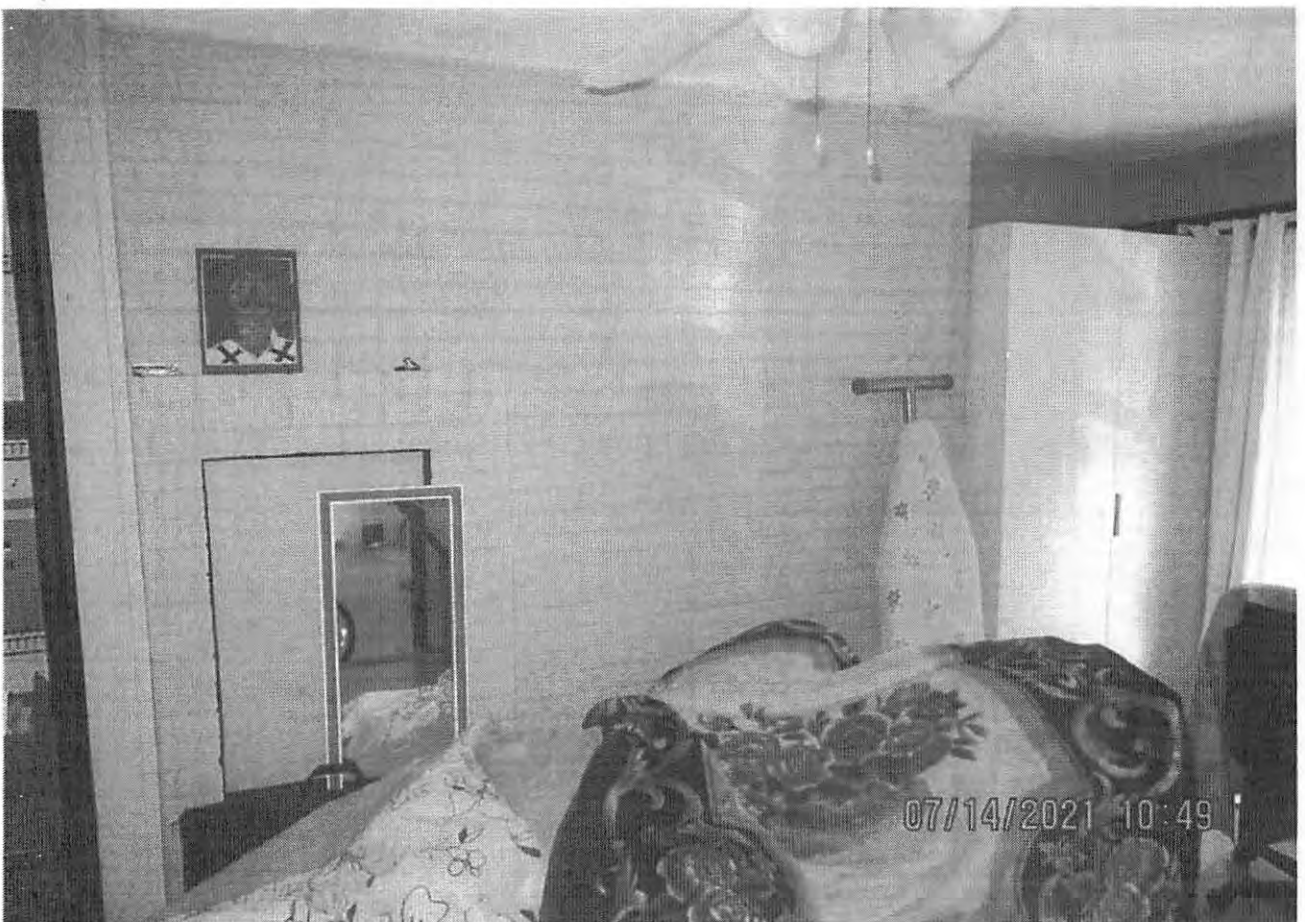


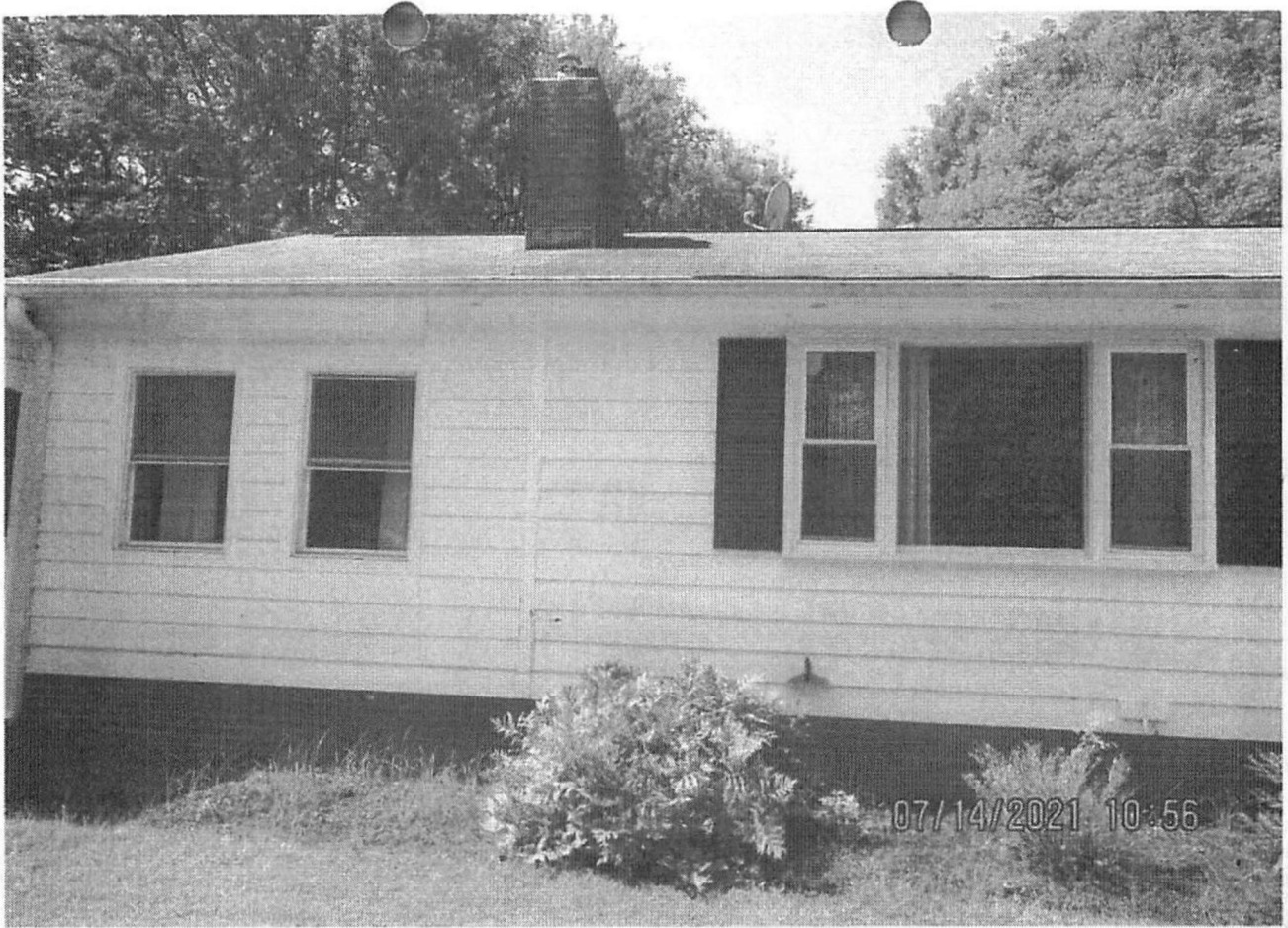












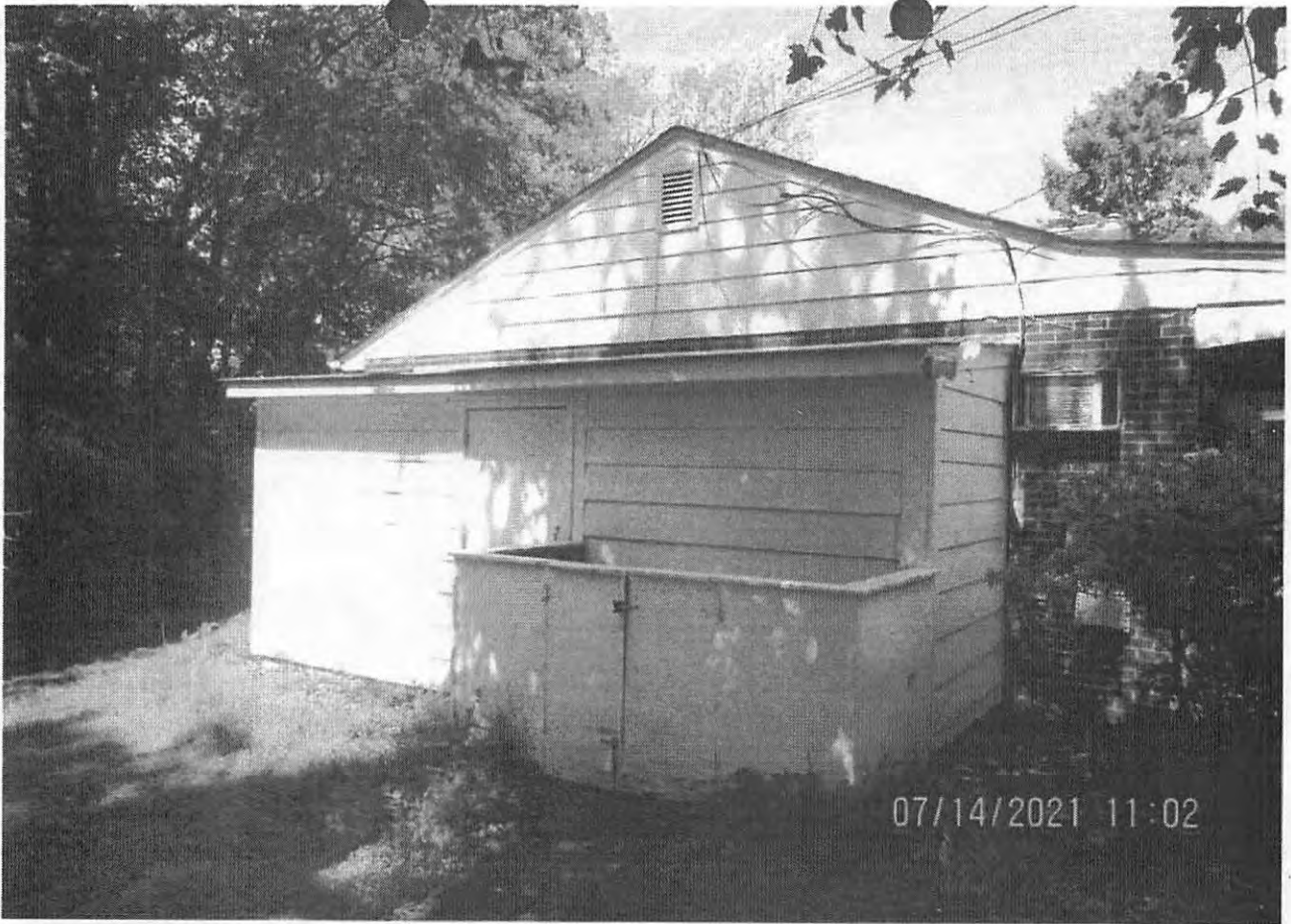












**DCC Inspection Report**

( Inspection # : 9272279 )

**CASE # : 202103164**

**Service Request # : 184364**

**Date Rcvd : 06/24/2021**

**Problem Code : CUINT: Unpermitted Interior Renovations**

**Assigned To : SANCHEZ**

**Res.Code : OPEN**

**Location: 244 Old Court House Rd, Vienna VA 22180-0000**

<u>Inspection Date</u>	<u>Inspection #</u>	<u>Inspection Status</u>	<u>Insp Sance #</u>	<u>INSPBY</u>
07/08/21 9:45	9272279	FAILED	1	ASANC8
<p>Performed an inspection at the subject property for a complaint that the dwelling was split up into two separate units. Upon arriving to the property, I noticed that the driveway had designated parking spots. The right side of the dwelling was addressed as Unit A. I knocked on the door of Unit A and the door to the main dwelling, but did not get a response. I left a door hanger with a business card attached on both doors.</p> <p>7/8/21 @ 12:30PM - The property owner, Mr. Barrett Kashdan, contacted me explaining that he does not live at the property, but he does have renters occupying Unit A. He also explained that Unit A use to be an in-law suite before he purchased the property and that he is currently working with the Zoning Department in the Town of Vienna to address a zoning violation. I explained that I am addressing any unpermitted violations on the property and would need to perform an inspection of the interior. He is going to contact the occupants and get back to me. Investigation is ongoing.</p> <p>7/8/21 @ 1:39PM - The owner called back and scheduled an inspection on 7/14/21 @ 10:30AM. The occupant will be present at the time of inspection.</p>				

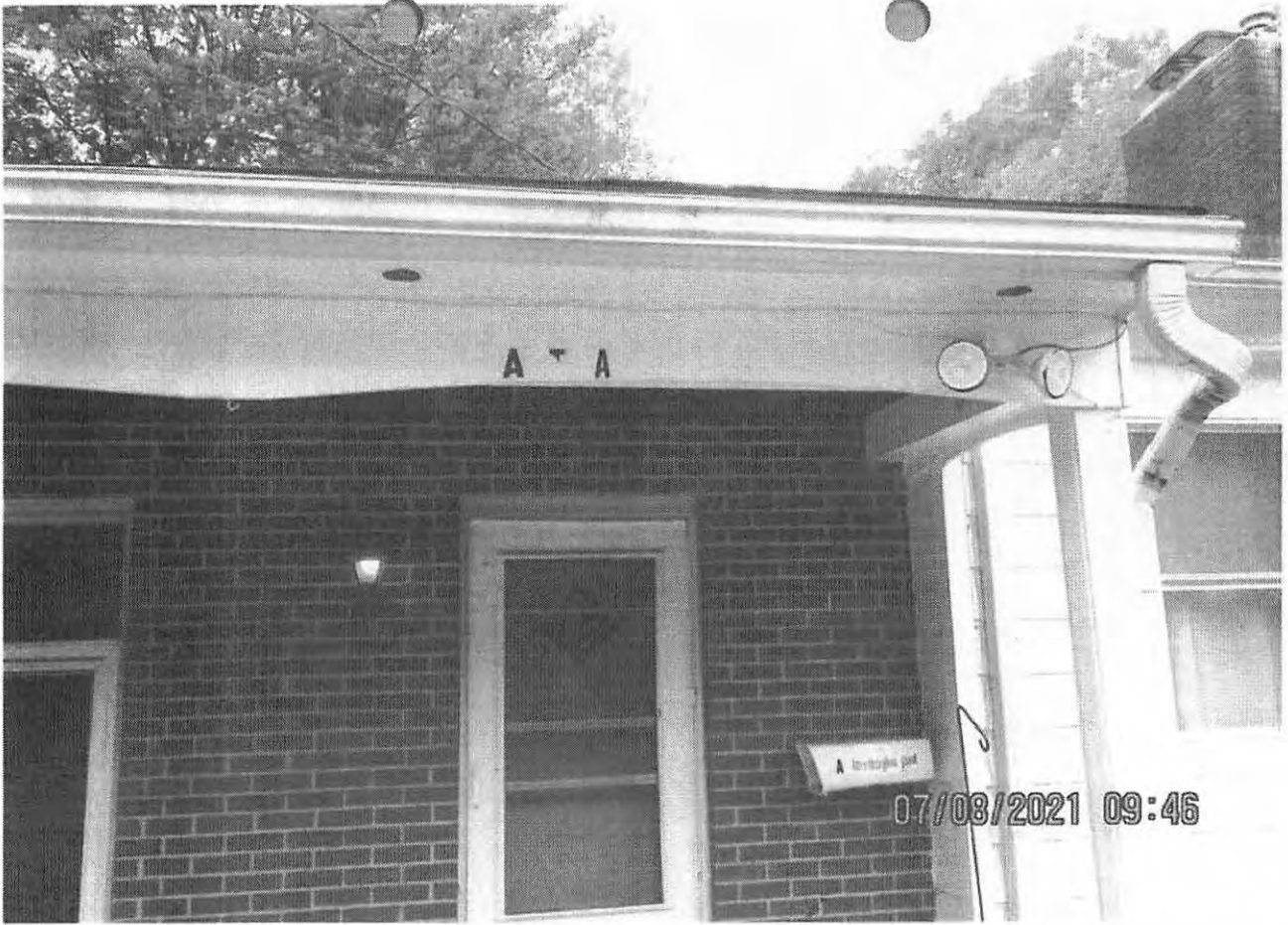
<u>CODE</u>	<u>Code Violation</u>	<u>Status</u>
CERC FINAL	ENTER RESOLUTION CODE	
VCC18 108.1	FAILURE TO OBTAIN REQUIRED PER	
VCC18 113.3	MINIMUM INSPECTIONS	

<u>LOG ACTION</u>		
<u>Date</u>	<u>LOG TYPE</u>	<u>Comments</u>
07/08/21	Violator Called	Barrett Kashdan (703)407-2685
08/25/21	Assigned Case To Inspector	CUNPERINT #1 ASSIGNED TO: AUSTIN SANCHEZ
08/09/21	Assigned Case To Inspector	CZONE #1 ASSIGNED TO: REBECCA PARSONS

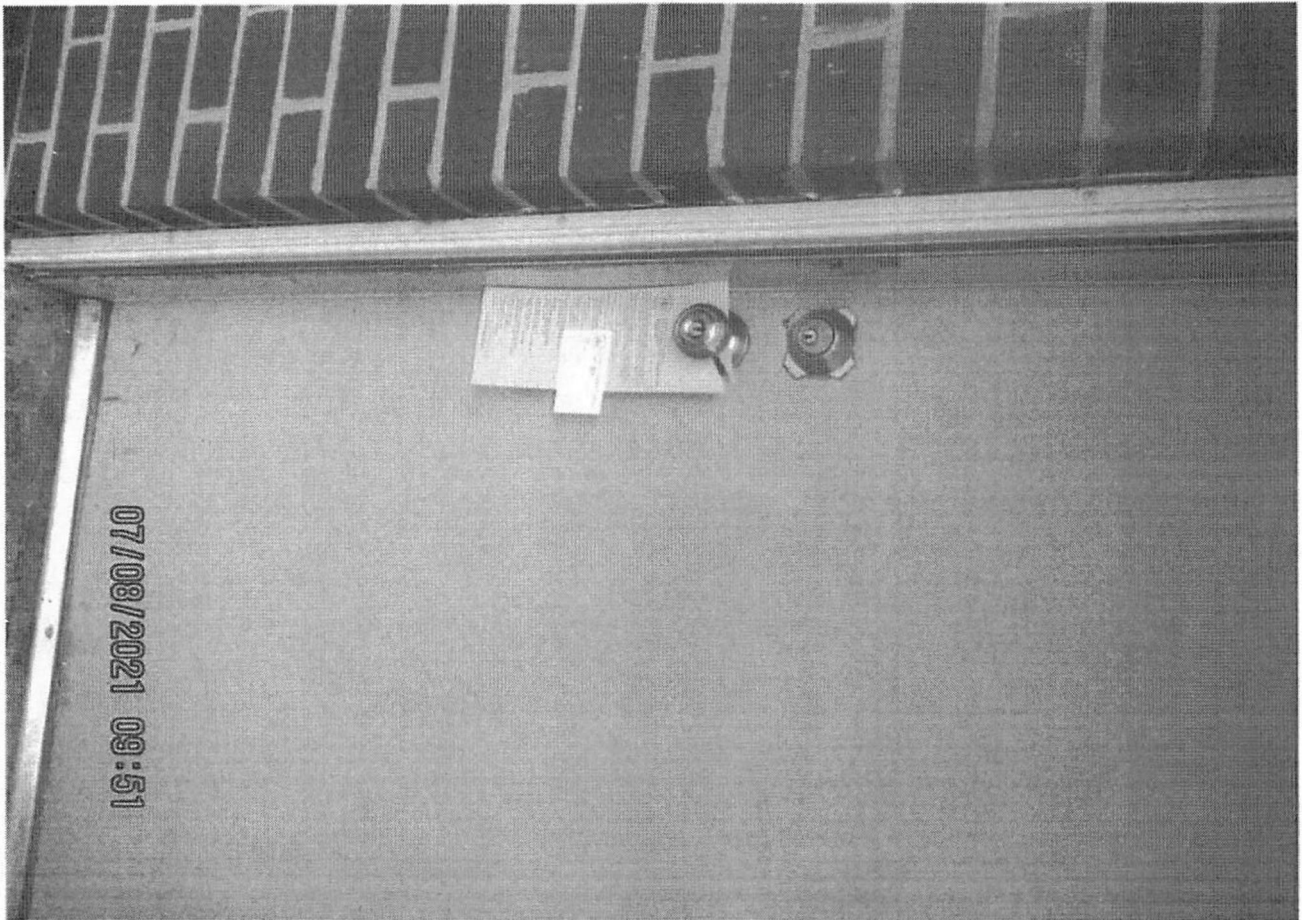
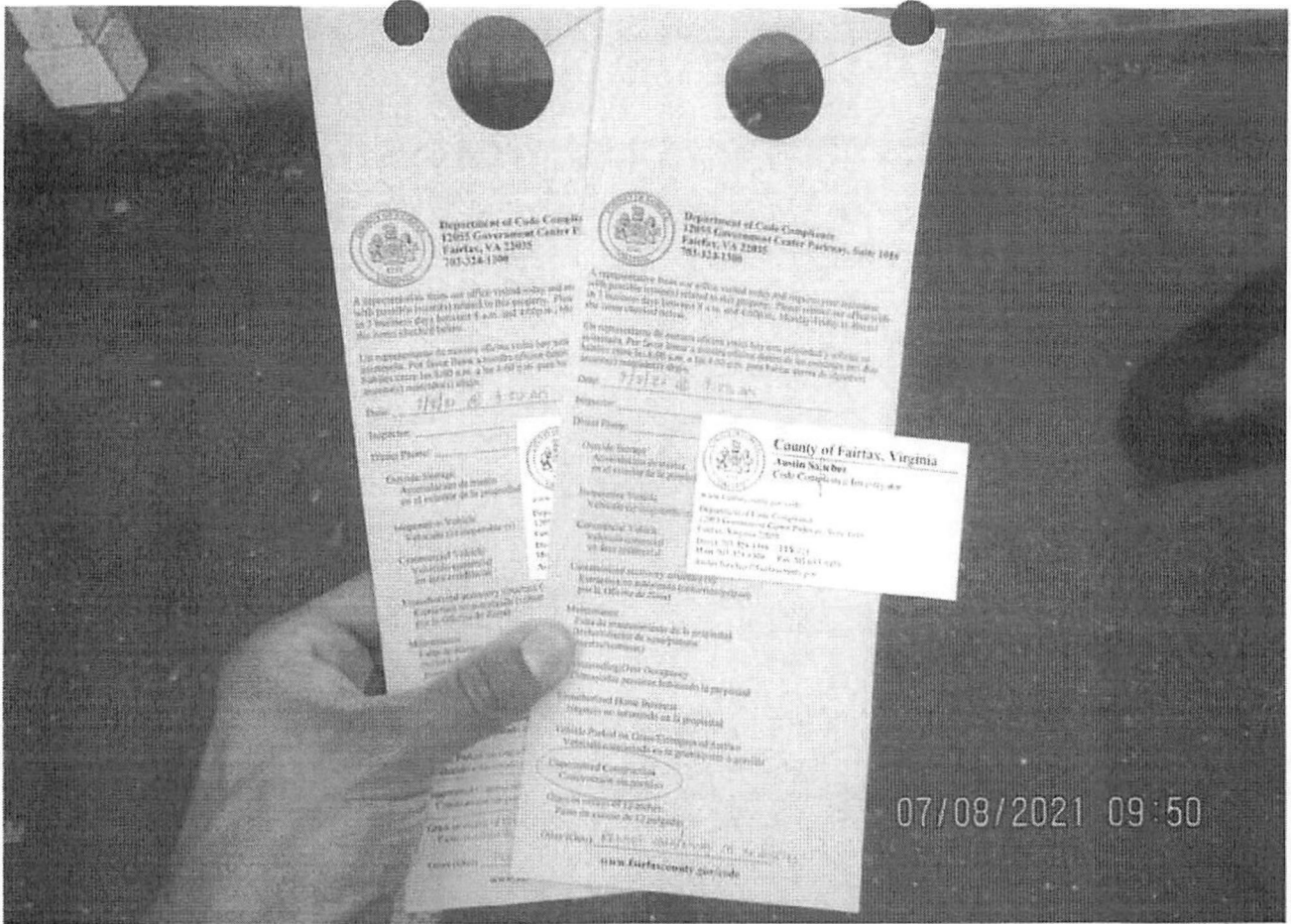


















**DCC Service Request**

( Service Request # : 184364 )

**CASE # :** 202103164

**Service Request # :** 184364

**Problem Code :** CUINT: Unpermitted Interior Renovations

**Date Rcvd :** 06/24/2021

**Source :** DCCINT

**Assigned To :** DIV1

**Address:** 244 Old Court House Rd NE Vienna VA 22180-0000

**Location Desc:**

**Subdiv :** Westbriar Country Club Estates Sec 1 Lt 50

**SubCensus :** 609.01

**Lot Size :** 18,900.00

**Tax Map :** 0391 12 0050

**Zone Dist :** VIEN R

**Mag. Dist :** TV

**Deed Book :** 18815, **Page Number:** 0555

**Dept :** DIV1

**Owner:** Kashdan Barrett H

**Caller's Info**

**Name :** Anonymous §2.2-3705.3(8)

**Call Date :** 06/24/2021

**Address :** Anonymous, Anonymous Anonymous Anonymous

**Day Phone :** (000)000-0000 x

**Evening Phone :** (000)000-0000 x

**Email :**

**Caller's Comments:**

This dwelling has been divided into two (2) separate units: main dwelling and Apartment A. Basement level of the has mold and houses an electric and gas water heater. There is a yellow electrical cord that is connected to the fuse panel and that wire runs up the wall, across the ceiling, up into the floor, and then along the floor joists towards the front of the dwelling. Electrical cord is dated May 19, 2003. Permit #70120145 issued January 12, 2007 has no final and no plumbing/gas permit.

**Historical Data**

SR #	Case #	Rcvd	Problem Code	Inspector	Agency	Res. Code	Res. Date	LIT?
184364	202103164	06/24/21	Unpermitted Interior Renovations		DCC	OPEN		N
183819	202103164	06/08/21	Multiple Dwelling	PARSONS	DCC	REFER	06/24/21	N



# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION Virginia Construction Code

**DATE OF ISSUANCE:** December 8, 2021

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Barrett H. Kashdan  
Geoffrey Kashdan

**ADDRESS:** 244 Old Courthouse Road NE  
Vienna, VA 22180

**LOCATION OF VIOLATION:** 244 Old Court House Road NE  
Vienna, VA 22180-0000

**TAX MAP REF:** 0391 12 0050

**CASE #:** 202103164 **SR#:** 184364

**ISSUING INVESTIGATOR:** Austin Sanchez, (703)324-1388

<b>POTENTIAL CIVIL PENALTIES UNDER FAIRFAX COUNTY CODE § 61-7-1(B):</b>	<b>Building Code Violation(s)</b>	<b>First Offense</b>	<b>Each Subsequent Offense</b>
	VCC § 108.1	\$100	\$350
	VCC § 113.3	\$100	\$350
	<b>TOTAL</b>	<b>\$400</b>	<b>\$1,400</b>

You were issued a Corrective Work Order on August 3, 2021, for violations of the Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2018 Edition, effective July 1, 2021. Staff confirmed on December 7, 2021, that the violations itemized below remain.

On July 14, and July 15, 2021, County staff inspected the interior and exterior of the above referenced residential property and discovered that construction, alterations, and installations has been performed without the required permit(s), inspection(s), and approvals. The construction, alteration, and installation include, but is not necessarily limited to, the following:

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

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 2

- Construction of a one story attached addition with a front porch, rear deck with stairs, and an attached storage shed. The addition is comprised of a full kitchen, full bathroom, living area and bedroom. The addition has no access to the main dwelling and electric is supplied by a sub panel installed in the kitchen.
- Replacement of the service panel. The replacement of the panel was permitted under electrical permit #70120145 but never finalized and has since expired.
- Replacement of the gas water heater and gas furnace in the main dwelling.

**Order:** Pursuant to the USBC, *Section(s) 108.1 When applications are required; and Section 113.3 Minimum Inspections*, you are hereby directed to apply for and obtain the required permit(s), inspections, and approvals for the work described above or for its demolition. The application is to be submitted at the Permit Application Center, referenced below.

Apply for and obtain all necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. No requirement to meet with DCC Investigator.

Contact Investigator Austin Sanchez prior to the submission of permit application documents. This is to ensure all cited violations are addressed in your permit application and/or construction documents and is requirement for the acceptance of your permit by the Permit Application Center. Apply for and obtain the necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. In accordance with these directives:

- Contact me at (703)324-1388, TTY 711 within the timeframe established to confirm the violations(s) have been abated.
- A copy of the notice must be submitted as part of your construction documents.
- A plan identifying all cited violations must receive the DCC stamp from your investigator before submission when it will be submitted as part of your construction documents.
- For e-plans, you must email all your permit documents to your investigator to verify that all the cited violations are addressed before submitting online.
- A stop-work hold has been placed on your address preventing any permits documents from being submitted. That hold can only be removed with approval from your DCC investigator.

Once any permit is issued, call 703-631-5101, TTY 711 to schedule all related building inspections. Please reference Case 202103164. This notice must be available at the property for County field staff

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 3

throughout the inspection process. Failure to call for the required inspections within 60 days will result in the initiation of the legal process

**Note:**

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

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

**\*To schedule a virtual appointment with an LDS permit technician:**

<https://app.smartsheet.com/b/form/48c3ca9f93c440fc89b8479844894eb6>

**\*When work described above involves the removal of any unpermitted features (including appliances and, plumbing and /gas fixtures) a demolition permit will be required. Be advised that any violations identified in a separate Zoning Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit.**

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

You are directed to notify Austin Sanchez in writing at 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or by telephone (703)324-1388 within three (3) working days from the date you receive this Notice of Violation.

**RIGHT TO APPEAL THIS NOTICE:** Per Sect. 119 of the Virginia Construction Code, any person aggrieved by the local building department's application of the code or refusal to grant a modification to the provisions of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 30 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application for appeal within the time limit established constitutes acceptance of the Code Official's decision.

Barrett H. Kashdan  
Geoffrey Kashdan  
December 8, 2021  
SR 184364  
Page 4

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

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

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

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

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-1388 or the main office at (703)324-1300.

Notice Issued By:



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Signature

Austin Sanchez  
(703)324-1388  
Austin.sanchez@fairfaxcounty.gov  
Technical Assistant to the Building Official  
Department of Code Compliance



PERSONAL SERVICE \_\_\_\_\_

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

\_\_\_\_\_

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

\_\_\_\_\_

MRS F GUNWAL OIM  
SERVING OFFICER

12/8/21 \_\_\_\_\_  
DATE Stacey A. Kincaid, Sheriff  
Fairfax County, VA

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MRS F. GUNWAL OIM  
SERVING OFFICER

12/8/21 \_\_\_\_\_  
DATE Stacey A. Kincaid, Sheriff  
Fairfax County, VA

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\_\_\_\_\_

SERVING OFFICER  
for \_\_\_\_\_

DATE \_\_\_\_\_

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- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

\_\_\_\_\_

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

\_\_\_\_\_

SERVING OFFICER  
for \_\_\_\_\_

DATE \_\_\_\_\_



# County of Fairfax, Virginia

DCC RETURN COPY

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

## **CORRECTIVE WORK ORDER** **Virginia Construction Code**

**DATE OF ISSUANCE:** August 3, 2021

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Barrett H. Kashdan  
Geoffrey Kashdan

**ADDRESS:** 244 Old Courthouse Road NE  
Vienna, VA 22180

**LOCATION OF VIOLATION:** 244 Old Court House Road NE  
Vienna, VA 22180-0000

**TAX MAP REF:** 0391 12 0050

**CASE #:** 202103164 **SR#:** 184364

**ISSUING INVESTIGATOR:** Austin Sanchez, (703)324-1388

In accordance with the Virginia Construction Code (VCC), Part I of the Virginia Uniform Statewide Building Code (USBC), 2018 Edition, effective July 1, 2021, an inspection on July 14, 2021, and July 15, 2021, revealed a violation or violations as listed below at the referenced residential location. The cited violation(s) must be corrected within 60 calendar days from receipt of this notice unless otherwise indicated.

On July 14, 2021, and July 15, 2021, County staff inspected the interior and exterior of the above referenced residential property and discovered that construction, alterations and installations has been performed without the required permit(s), inspection(s), and approvals. The construction, alteration, and installation include, but is not necessarily limited to, the following:

- Construction of a one story attached addition with a front porch, rear deck with stairs, and an attached storage shed. The addition is comprised of a full kitchen, full bathroom, living area and bedroom. The addition has no access to the main dwelling and electric is supplied by a sub panel installed in the kitchen.
- Replacement of the service panel. The replacement of the panel was permitted under electrical permit #70120145 but never finalized and has since expired.
- Replacement of the gas water heater and gas furnace in the main dwelling.

---

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

Barrett H. Kashdan  
Geoffrey Kashdan  
August 3, 2021  
SR 184364  
Page 2

**Order:** Pursuant to the USBC, *Section(s) 108.1 When applications are required; and Section 113.3 Minimum Inspections*, you are hereby directed to apply for and obtain the required permit(s), inspections, and approvals for the work described above or for its demolition. The application is to be submitted at the Permit Application Center, referenced below.

Apply for and obtain all necessary County permits for the work described above within 60 calendar days from the date you receive this Corrective Work Order or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. No requirement to meet with DCC Investigator.

Contact Investigator Austin Sanchez prior to the submission of permit application documents. This is to ensure all cited violations are addressed in your permit application and/or construction documents and is requirement for the acceptance of your permit by the Permit Application Center. Apply for and obtain the necessary County permits for the work described above within 60 calendar days from the date you receive this notice or obtain a County permit to demolish the work and complete the permitted demolition within the same timeframe. In accordance with these directives:

- Contact me at (703)324-1388, TTY 711 within the timeframe established to confirm the violations(s) have been abated.
- A copy of the notice must be submitted as part of your construction documents.
- A plan identifying all cited violations must receive the DCC stamp from your investigator before submission when it will be submitted as part of your construction documents.
- For e-plans, you must email all your permit documents to your investigator to verify that all the cited violations are addressed before submitting online.
- A stop-work hold has been placed on your address preventing any permits documents from being submitted. That hold can only be removed with approval from your DCC investigator.

Once any permit is issued, call 703-631-5101, TTY 711 to schedule all related building inspections. Please reference Case 202103164. This notice must be available at the property for County field staff throughout the inspection process. Failure to call for the required inspections within 60 days will result in the issuance of a Notice of Violation.

**Note:**

\*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures, including the distance to the respective lot lines. This plat must be

Barrett H. Kashdan  
Geoffrey Kashdan  
August 3, 2021  
SR 184364  
Page 3

prepared, sealed and signed by a professional licensed by the Commonwealth of Virginia.  
Permit application must be made submitted to:

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

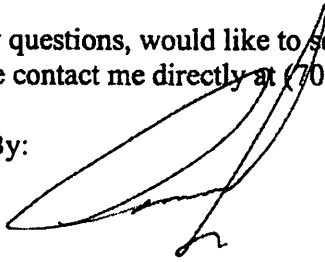
**\*When work described above involves the removal of any unpermitted features (including appliances and, plumbing and /gas fixtures) a demolition permit will be required. Be advised that any violations identified in a separate Zoning Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit.**

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

You are directed to notify Austin Sanchez by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035, or telephone call to (703)324-1388, TTY 711 within three (3) working days from the date you receive this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-1388 or the main office at (703)324-1300, TTY 711.

Notice Issued By:



Signature

Austin Sanchez  
(703)324-1388  
Austin.sanchez@fairfaxcounty.gov  
Technical Assistant to the Building Official  
Department of Code Compliance

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

\_\_\_\_\_

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

MDS F. Guevarra OIM  
SERVING OFFICER  
8/4/21 \_\_\_\_\_  
DATE for \_\_\_\_\_  
Fairfax County, VA

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SERVING OFFICER  
for \_\_\_\_\_

DATE



Zoning Compliance | Department of Planning and Zoning  
Town of Vienna  
127 Center Street, South  
Vienna, Virginia 22180-5719  
p: (703) 255-6341  
e: DPZ@viennava.gov

## NOTICE OF CIVIL PENALTY CITATION *ACTION REQUIRED*

**Property Owner:**  
BARRETT H. KASHIDAN  
501 Glyndon St SE  
Vienna, VA 22180

**Subject Address:** 244 Old Courthouse Rd NE  
**Case No.:** 21-102  
**Zoning District:** RS-16  
**Tax/Map ID #:** 0391 12 0050

March 10, 2022

Dear Property Owner.

The purpose of this letter is to inform you that a civil penalty has been issued due to the lack of resolution outstanding zoning violation of Section 18-9, "Uses," in which it states that *"no land or building shall be used or designed to be used for any purpose other than is permitted in the zone in which such a building or land is located."*

**Pursuant to the Code of the Town of Vienna, Section 18-281.1, "Civil penalties," the Zoning Administrator shall issue a \$100.00 penalty every 10-days, up to \$3,000.00, until the violation has been abated.**

The first letter of violation was sent by the Town of Vienna on June 28, 2021 when Town was made aware of a second cooking facility within the home within a portion of the structure being utilized as an accessory dwelling unit. Within the RS-16 zoning district, *Sec. 18-12. - Permitted uses.*, only *"Single-family detached dwellings"* are permitted. All occupants must share the same cooking facilities, however, wetbars with a refrigerator, dishwasher, and sink are permitted.

### Next Steps:

Payment of the civil penalty alone does not abate any violation of Chapter 18 of the Town Code. To avoid additional fines, you must complete the abatement using the steps provided by staff and complete any required inspections or surveys. Failure to pay civil penalties and abate the violation may result in tax liens and/or court summons.

To avoid additional penalties as stated above, you must take the following steps:

- Within 10 days of receipt of this notice, pay the civil penalty at Town Hall,
- Notify staff of the removal of the second stove/cooking facilities, and arrange an inspection with the Zoning Compliance Officer. Wetbars with a refrigerator, dishwasher, and sink are permitted by zoning in the Town of Vienna.

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127 Center Street, South • Vienna, Virginia 22180-5719  
p: (703) 255-6341 • f: (703) 255-5722 • TTY711  
www.viennava.gov

Department of Planning and Zoning  
Town of Vienna  
127 Center Street, South  
Vienna, Virginia 22180-5719

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- Complete any resolution of building code issues with Fairfax County related to the structure and wetbar. A building permit approval letter may be required from the Town of Vienna.

If you have additional questions about the work which was permitted, or the process for resolving violations, please reach out the Department of Planning and Zoning directly.

Sincerely,



**Francis L. Jung, Jr.**  
Zoning Compliance Officer







September 30<sup>th</sup>, 2021

KASHDAN BARRETT II,  
501 Glyndon St SE  
VIENNA VA 22180

## NOTICE OF VIOLATION

Subject Address: 244 Old Courthouse Rd NE  
Zoning District: RS-16  
Tax Map/Parcel ID: 0391 12 0050

Dear Property Owner:

On June 24<sup>th</sup>, 2021, it came to the Town's attention that 244 Old Courthouse Road N.E., Vienna, VA 22180 has been operating as a multi-family dwelling unit. This address is located in an RS-16 single-family dwelling zone, a zone in which dwelling units are designed and used exclusively for occupancy by **one family (or family equivalent).** Your home has two separate cooking facilities, causing your property to be a violation of Section 18-9 of the Code of the Town of Vienna, which states:

*"No land or building shall be used or designed to be used for any purpose other than is permitted in the zone in which such a building or land is located..."*

Currently, this property is located in an RS-12 Single-Family dwelling zone.

This property **IS NOT** located in a Two-Family dwelling or Multiple-Family dwelling Zone

**Pursuant to Section 18-217 of the Code of The Town of Vienna, you are herewith issued a Notice of Violation of Section 18-9 'Uses.'**

Any Violation to use or design to use land or a building for any purpose other than permitted in the zone in which such a building or land is located shall be deemed an infraction and shall be punishable by a civil penalty of \$100.00. Each day during which any violation of this section is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \$3,000.00.

The designation of this infraction under this section shall preclude the prosecution of such as a criminal misdemeanor, except for any violation resulting in injury to any person, which may be so prosecuted as well.

*Please bring this property into compliance within two weeks in order to prevent the Town from taking further action.*

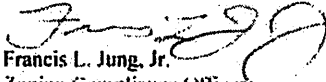


Department of Planning & Zoning  
Zoning Compliance

You have a right to appeal this notice of zoning violation to the Board of Zoning Appeals within 30 days. The appeal fee is \$1000.00 and further information can be found at <https://www.viennava.gov/index.aspx?NID=745>.

If you feel this letter is inaccurate or you need assistance in correcting the violations, please feel free to contact us on 703-255-5754 or 703-255-6341.

Sincerely,

  
Francis L. Jung, Jr.  
Zoning Compliance Officer

127 Center Street, South • Vienna, Virginia 22180-5719  
p: (703) 255-6341 • f: (703) 255-3722 • TTY711  
[www.viennava.gov](http://www.viennava.gov)



June 28<sup>th</sup>, 2021

KASHDAN BARRETT H.  
244 OLD COURTHOUSE RD NE  
VIENNA VA 22180

## NOTICE OF VIOLATION

Subject Address: 244 Old Courthouse Rd NE  
Zoning District: RS-16  
Tax Map/Parcel ID: 0391 12 0050

Dear Property Owner:

It has come to the Town's attention that 244 Old Courthouse Road N.E., Vienna, VA 22180 is operating as a dwelling unit other than a single-family dwelling, which is defined as "a detached building designed or used exclusively for occupancy by one family (or family equivalent)" and there may unknowingly be a violation of Section 18-9 of the Code of the Town of Vienna, which states:

*"No land or building shall be used or designed to be used for any purpose other than is permitted in the zone in which such a building or land is located..."*

Currently, this property is located in an RS-12 Single-Family dwelling zone.

This property IS NOT located in a Two-Family dwelling or Multiple-Family dwelling Zone

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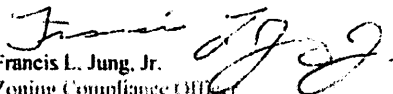
TOWN OF  
**VIENNA**  
1820

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Zoning Compliance

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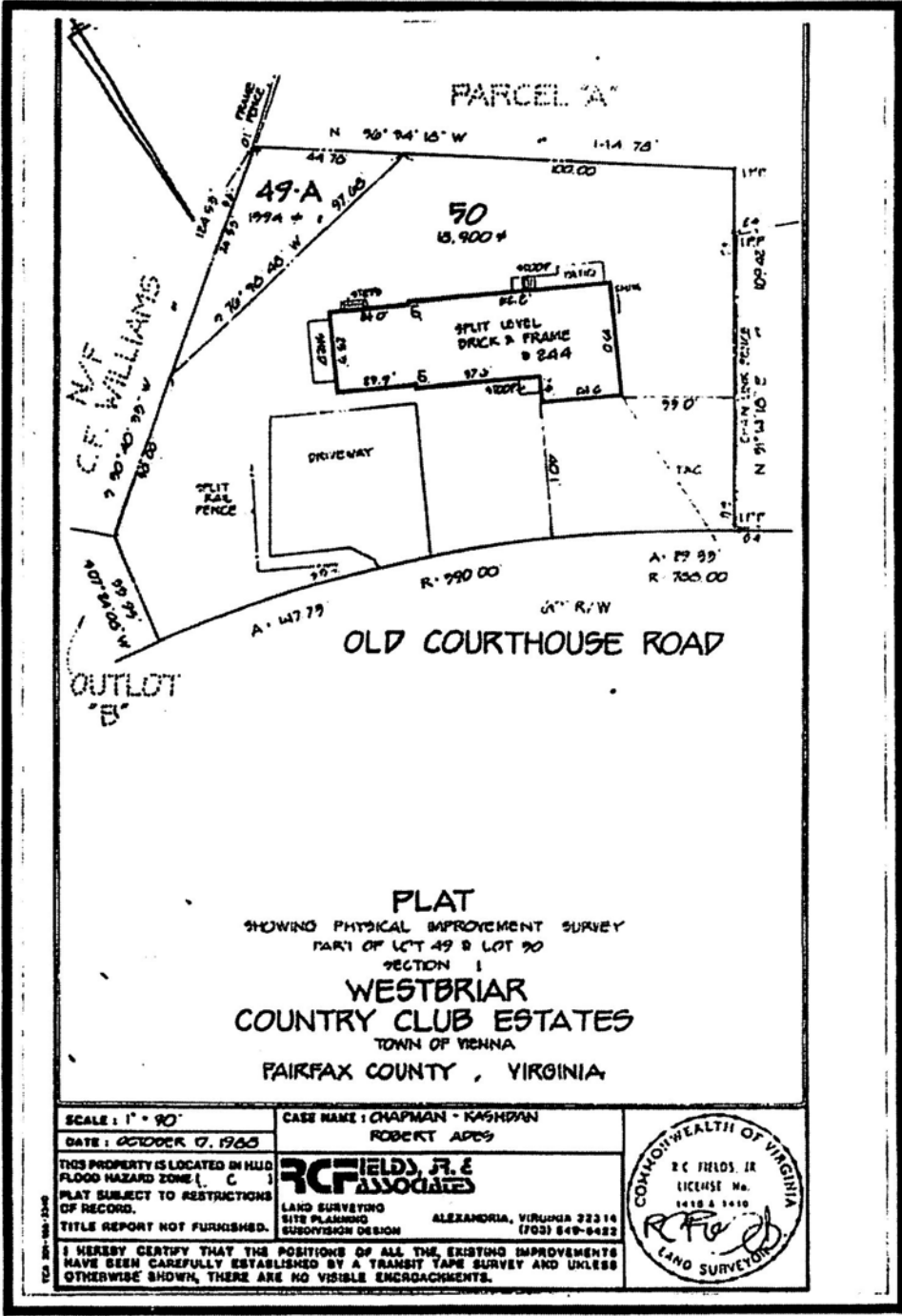
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Francis L. Jung, Jr.  
Zoning Compliance Officer

127 Center Street, South • Vienna, Virginia 22180-5719  
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[www.viennava.gov](http://www.viennava.gov)

# Plat Map



**Settlement Statement**

U.S. Department of Housing and Urban Development

CMB NO. 2502-0265

<b>B. TYPE OF LOAN</b>		<b>6. Tax Map Number</b> T305V3110	<b>7. Loan Number</b>	<b>8. Mortgage Insurance Case Number</b>
1 <input type="checkbox"/> FHA	2 <input type="checkbox"/> Fannie Mae	3 <input checked="" type="checkbox"/> 30-year Amort		
4 <input type="checkbox"/> VA	5 <input type="checkbox"/> Conventional			
<b>C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.</b>				
<b>D. NAME OF BORROWER:</b> BARRETT H. KASHDAN ROBIN J. BERMAN		<b>E. NAME OF SELLER:</b> VAL L. CHAPMAN ARLENE P. CHAPMAN		<b>F. NAME OF LENDER:</b> CENTRUST MORTGAGE CORPORATION  6001 MONTROSE ROAD # 1000 ROCKVILLE, MD 20852
<b>G. PROPERTY LOCATION:</b> 244 OLD COURTHOUSE ROAD VIENNA, VA 22180 LOT 49A & 50, SEC 1, WESTBRIAR TAX MAP #039-1-12-0050		<b>H. SETTLEMENT AGENT:</b> ROBERT A ADES & ASSOCIATES, PC T-5072  <b>PLACE OF SETTLEMENT:</b> 5419B BACKLICK ROAD SPRINGFIELD, VIRGINIA 22151		<b>I. SETTLEMENT DATE:</b>  November 4, 1988
<b>J. SUMMARY OF BORROWER'S TRANSACTION</b>			<b>K. SUMMARY OF SELLER'S TRANSACTION</b>	
<b>100. GROSS AMOUNT DUE FROM BORROWER:</b>			<b>400. GROSS AMOUNT DUE TO SELLER:</b>	
101. Contract sales price	230,000.00	401. Contract sales price	230,000.00	
102. Personal property		402. Personal property		
103. Settlement charges to borrower (line 1400)	6,806.73	403.		
104.		404.		
105.		405.		
Adjustments for items paid by seller in advance			Adjustments for items paid by seller in advance	
106. City/town taxes 11/04/88 to 01/01/89	106.88	406. City/town taxes 11/04/88 to 01/01/89	106.88	
107. County taxes 11/04/88 to 01/01/89	465.02	407. County taxes 11/04/88 to 01/01/89	465.02	
108. Assessments		408. Assessments		
109.		409.		
110.		410.		
111.		411.		
112.		412.		
<b>120. GROSS AMOUNT DUE FROM BORROWER</b>	<b>237,378.63</b>	<b>420. GROSS AMOUNT DUE TO SELLER</b>	<b>230,571.50</b>	
<b>200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:</b>			<b>500. REDUCTIONS IN AMOUNT DUE TO SELLER:</b>	
201. Deposit or earnest money	2,000.00	501. Excess deposit (see instructions)		
202. Principal amount of new loan(s)	184,000.00	502. Settlement charges to seller (line 1400)	4,560.00	
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to		
204.		504. Payoff of first mortgage loan	138,864.50	
205.		505. Payoff of second mortgage loan		
206.		506.		
207.		507.		
208.		508.		
209.		509. DEPOSIT OR EARNEST MONEY	2,000.00	
Adjustments for items unpaid by seller			Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes		
211. County taxes		511. County taxes		
212. Assessments		512. Assessments		
213.		513.		
214.		514.		
215.		515.		
216.		516.		
217.		517.		
218.		518.		
219.		519.		
<b>220. TOTAL PAID BY/FOR BORROWER</b>	<b>186,000.00</b>	<b>520. TOTAL REDUCTION AMOUNT DUE SELLER</b>	<b>145,424.50</b>	
<b>300. CASH AT SETTLEMENT FROM/TO BORROWER</b>			<b>600. CASH AT SETTLEMENT TO/FROM SELLER</b>	
301. Gross amount due from borrower (line 120)	237,378.63	601. Gross amount due to seller (line 420)	230,571.50	
302. Less amounts paid by for borrower (line 220)	186,000.00	602. Less reductions in amount due seller (line 520)	145,424.50	
<b>303. CASH ( <input checked="" type="checkbox"/> FROM ( <input type="checkbox"/> TO) BORROWER</b>	<b>51,378.63</b>	<b>603. CASH ( <input checked="" type="checkbox"/> TO) ( <input type="checkbox"/> FROM) SELLER</b>	<b>85,147.00</b>	

Property to be Appraised is to estimate Market Value for the Determination & Statement of Limiting Conditions

PUBLIC/INTERNAL SKETCH (SHOW GROSS LIVING AREA) GRADE

24.5	35.1	2	1,719.90
27.6	39.9	1	1,101.24
23.8	25.6	1	609.28
			3,430

ESTIMATED REPAIRS (NEW OR IMPROVEMENTS)

Dwelling	3,430	Sq Ft @ \$65.00	= \$ 222,950
662		Sq Ft @ \$15.00	= 9,930
Extras	Kitchen Equipment, 2-FPs		= 6,000
Special Energy Efficient Items	Storms		= 2,500
Porches, Patios, etc.	Patio		= 500
Garage/Carport		Sq Ft @ \$	=
Total Estimated Cost New			= \$ 241,880

Less 7% Depreciation 16,932 3,000 = \$ -19,932

Depreciated Value of Improvements = \$ 221,948

Site Imp. "as is" (driveway, landscaping, etc.) = \$ 5,000

ESTIMATED SITE VALUE = \$ 70,000

(if leasehold, show only leasehold value)

INDICATED VALUE BY COST APPROACH SAY: = \$ 297,000

(Not Required by Freddie Mac and Fannie Mae)

Does property conform to applicable HUD/VA property standards?  Yes  No

If No, explain:

Construction Warranty  Yes  No

Name of Warranty Program

Warranty Coverage Expires

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	244 Old Courthouse Road	1863 Foxstone Drive	1879 Foxstone Drive	521 Creek Crossing Road
Proximity to Subject		6 Blocks West	6 Blocks West	3 Blocks Southwest
Sales Price	\$	\$268,500	\$270,000	\$283,000
Price/Gross Liv Area	\$83.09	\$100.19	\$98.83	\$100.57
Data Source	Inspection	MLS# B20789/County	MLS# B00469/County	MLS# 715381/County
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sales or Financing Concessions		Conventional	Conventional	Owner
Date of Sale/Time		06/88 - 08/88 1,500	02/88 - 03/88 8,000	04/87 - 11/87 21,000
Location	Interior/Avg	Interior/Sup -5,000	Corner/Sup -5,000	Interior/Sup -5,000
Site/View	20,494/Avg	11,289/Avg 1,500	11,594/Avg 1,500	12,285/Avg 1,500
Design and Appeal	Split-Lvl/Avg	Split-Lvl/Avg	Split-Lvl/Avg	Split-Lvl/Avg
Quality of Construction	Brck-Frm/Avg	Brck-Frm/Avg	Brck-Frm/Avg	Brck-Frm/Avg
Age	28 Years	18 Years	16 Years	15 Years
Condition	Average	Average	Average	Average
Above Grade	Total + Boms + Bats	Total + Boms + Bats	Total + Boms + Bats	Total + Boms + Bats
Room Count	10 '4 '4	9 '4 '2.5 1,500	9 '4 '2.5 1,500	5 '3 1,000
Gross Living Area	3430 Sq Ft	2680 Sq Ft 15,000	2732 Sq Ft 14,000	2814 Sq Ft 12,000
Basement & Finished Rooms Below Grade	662/None	None 3,500	None 3,500	None 3,500
Functional Utility	Average	Superior -3,000	Superior -3,000	Superior -3,000
Heating/Cooling	FWA/Central	FWA/Central	FWA/Central	FWA/Central
Garage/Carport	None	2 Car Garage -4,500	2 Car Garage -4,500	2 Car Garage -4,500
Porches, Patio, Pools, etc.	Small Patio and Shed	Deck -2,000	Deck -2,000	2 Porches -3,500
Special Energy Efficient Items	Partial Storms	Storms -500	Storms -500	Storms -500
Fireplaces	2-Fireplaces	2-Fireplaces 2,000	2-Fireplaces 2,000	1-Fireplace 2,000
Other (eg kitchen equip., remodeling)	Kitchen Equip	Kitchen Equip	Kitchen Equip	Kitchen Equip
Net Adj (total)		8,000	13,500	24,500
Indicated Value of Subject		\$ 276,500	\$ 283,500	\$ 307,500

Comments on Sales Comparison: (See Attached.) Non-realty items are not included in the final value. The subject is located on a busy street with all comps in nearby subdivision. Functional utility of addition diminished by separate heating/cooling and no direct entry to house.

INDICATED VALUE BY SALES COMPARISON APPROACH \$ 285,000

INDICATED VALUE BY INCOME APPROACH (If Applicable) Estimated Market Rent \$ N/A /Mo x Gross Rent Multiplier N/A = \$ N/A

This appraisal is made  "as is"  subject to the repairs, alterations, inspections or conditions listed below  completion per plans and specifications.

Comments and Conditions of Appraisal: Zoning will allow use of addition as an office with a special use permit.

Final Reconciliation: Both the cost approach and market data approach tend to support the final estimate of value, however, the most consideration has been given to the market data approach to value.

This appraisal is based upon the above requirements, the certification, contingent and limiting conditions, and Market Value definition that are stated in

FmHA, HUD &/or VA instructions

Freddie Mac Form 439 (Rev. 7/86)/Fannie Mae Form 1004B (Rev 7/86) filed with client 19  attached

WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF August 10, 1988 to be \$ 285,000

I certify that to the best of my (our) knowledge and belief the facts and data used herein are true and correct, that I (we) personally inspected the subject property, inside and out, and have made an exterior inspection of all comparable sales cited in this report, and that I (we) have no undisclosed interest, present or prospective.

(15) SIGNATURE: *James W. Nellis* Review Appraiser SIGNATURE: *Richard A. Potter* (if applicable) NAME: RHPotter, ASA, FIRMAR107-4603 Inspect Property  Did  Did Not

1170 10 88 -12ch Forms and Worms Inc. 315 Whitney Ave. New Haven, CT 06511 18001 243-4545 Form No. 1014 10-88

Property Address: \_\_\_\_\_ City: Warrenton County: Fairfax State: VA Zip Code: 97146

Legal Description: Westbrier Country Club Estates, Lot 49A and 50B, Section 1 Map Reference: 39-1-12-50

Owner/Occupant: CHAPMAN Sale Price: \$ \_\_\_\_\_ Date: \_\_\_\_\_

Mortgage Amount: \$ \_\_\_\_\_ Mortgage Type: \_\_\_\_\_

Discount Points and Other Concessions Paid by Seller: \$ \_\_\_\_\_

Source: \_\_\_\_\_

**LOCATION**  Urban  Suburban  Rural

**BUILT UP**  Over 75%  25-75%  Under 25%

**GROWTH RATE**  Rapid  Stable  Slow

**PROPERTY VALUES**  Increasing  Stable  Declining

**DEMAND/SUPPLY**  Shortage  In Balance  Over Supply

**MARKETING TIME**  Under 3 Mos  3-6 Mos  Over 6 Mos

**NEIGHBORHOOD ANALYSIS**

	Good	Avg	Fair	Poor
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection from Detrimental Cond.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police & Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Race or the racial composition of the neighborhood are not considered reliable appraisal factors.

**COMMENTS:** The subject property is located in Westbrier Country Club Estates which offers a convenient location to schools, shopping and recreational facilities. The geographic location of the subject in relation to the central business core of Washington, D.C. is considered to be within an acceptable commuting range to the majority of the market.

**Dimensions** Irregular

**Site Area** 20,494 Square Feet **Corner Lot** No

**Zoning Classification** RS-12.5 - Residential **Zoning Compliance** Yes

**HIGHEST & BEST USE** Present Use: Yes Other Use: N/A

**UTILITIES** Public Other **SITE IMPROVEMENTS** Type Public Private

Electricity	<input checked="" type="checkbox"/>		Street	Macadam	<input checked="" type="checkbox"/>	
Gas	<input checked="" type="checkbox"/>		Curb/Gutter	None		
Water	<input checked="" type="checkbox"/>		Sidewalk	None		
Sanitary Sewer	<input checked="" type="checkbox"/>		Street Lights	None		
Storm Sewer	<input type="checkbox"/>		Alley	None		

**Topography** Gently sloping.

**Size** Typ for Neighborhood

**Shape** Irregular

**Drainage** Adequate

**View** Average

**Landscaping** Adequate

**Driveway** Asphalt

**Apparent Easements** None noted.

**FEMA Flood Hazard** Yes No

**FEMA Map/Zone**

**COMMENTS** (Apparent adverse easements, encroachments, special assessments, slide areas, etc.) None noted, however no title report has been furnished.

GENERAL DESCRIPTION	EXTERIOR DESCRIPTION	FOUNDATION	BASEMENT	INSULATION
Units: 1	Foundation: 8" Block	Slab: No	Area Sq. Ft. 662	Roof: <input type="checkbox"/>
Stores: 2 Bi-Lvl	Exterior Walls: Brk & Fr	Crawl Space: No	% Finished: -0-	Ceiling: <input checked="" type="checkbox"/>
Type (Det./Apt): 1 Fam Det	Roof Surface: Asph Shg	Basement: Yes	Ceiling: N/A	Walls: <input checked="" type="checkbox"/>
Design (Style): Split Lvl	Gutters & Downsp. Aluminum	Sump Pump: No	Walls: N/A	Floor: <input type="checkbox"/>
Existing: Yes	Window Type: Wood D/H	Dampness: None noted	Floor: N/A	None: <input type="checkbox"/>
Proposed: No	Storm Sash: Some	Settlement: None noted	Outside Entry: None	Adequacy*: <input checked="" type="checkbox"/>
Under Construction: No	Screens: Yes	Infestation: None noted	*Appraiser unable to visibly inspect.	Energy Efficient Items: Some Storms
Age (Yrs): 20	Manufactured House: No			
Effective Age (Yrs): 13				

ROOMS	Foyer	Living	Dining	Kitchen	Den	Family Rm	Rec. Rm	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement												662
Level 1							X	1	2			660
Level 2	X	X	X	X				3	2			710
												660

Finished area above grade contains 10 Rooms, 4 Bedrooms, 4 Baths, 3430 Square Feet of Gross Living Area

SURFACES	HEATING	KITCHEN EQUIP.	ATTIC	IMPROVEMENT ANALYSIS
Floors: Wood-Crct/Avg	Type: Forced	Refrigerator: <input checked="" type="checkbox"/>	None: <input type="checkbox"/>	Quality of Construction: <input type="checkbox"/>
Walls: Drywall/Avg	Fuel: Elec	Range/Oven: <input checked="" type="checkbox"/>	Stars: <input type="checkbox"/>	Condition of Improvements: <input type="checkbox"/>
Trim/Finish: Wood/Avg	Condition: Avg	Disposal: <input checked="" type="checkbox"/>	Drop Stair: <input checked="" type="checkbox"/>	Room Sizes/Layout: <input type="checkbox"/>
Bam Floor: Ceramic/Avg	Adequacy: Ade	Dishwasher: <input checked="" type="checkbox"/>	Scuttle: <input checked="" type="checkbox"/>	Closets and Storage: <input type="checkbox"/>
Bath Wainscot: Ceramic/Avg	COOLING: Central Yes	Fan/Hood: <input checked="" type="checkbox"/>	Floor: <input type="checkbox"/>	Energy Efficiency: <input type="checkbox"/>
Doors: Wood/Avg	Other: Avg	Compactor: <input type="checkbox"/>	Heated: <input type="checkbox"/>	Plumbing-Adequacy & Condition: <input type="checkbox"/>
	Condition: Avg	Washer/Dryer: <input checked="" type="checkbox"/>	Finished: <input type="checkbox"/>	Electrical-Adequacy & Condition: <input type="checkbox"/>
Face/ceiling Woodburning # 2	Adequacy: Ade	Microwave: <input type="checkbox"/>		Kitchen Cabinets-Adequacy & Cond.: <input type="checkbox"/>
		intercom: <input checked="" type="checkbox"/>		Compatibility to Neighborhood: <input type="checkbox"/>
				Appeal & Marketability: <input type="checkbox"/>
				Estimated Remaining Economic Life: 45 Yrs.
				Estimated Remaining Physical Life: 60 Yrs.

Additional features: 509 S.F. addition with small kitchen, bath, electric heat and window air condition unit. Patio, Shed and Smoke Detector(s)

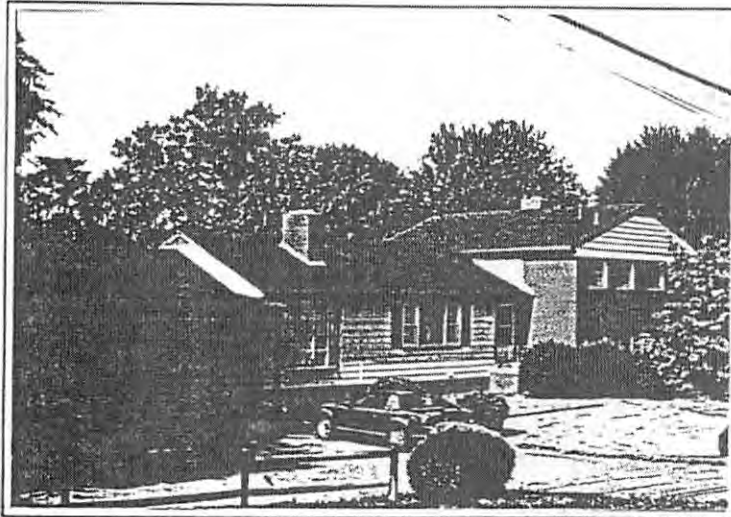
**DEPRECIATION** (Physical, functional and external inadequacies, repairs needed, modernization, etc.) The subject was found to be in overall average condition, floor plan offers good traffic flow, is functionally designed, and shows no abnormal wear.

**GENERAL MARKET CONDITIONS** and prevalence and impact in subject/market area regarding loan discounts, interest buydowns and concessions: General market conditions show conventional loans at market rates with typical points. VA and FHA financing are also available and typical. Interest buydowns and financing concessions are not common.

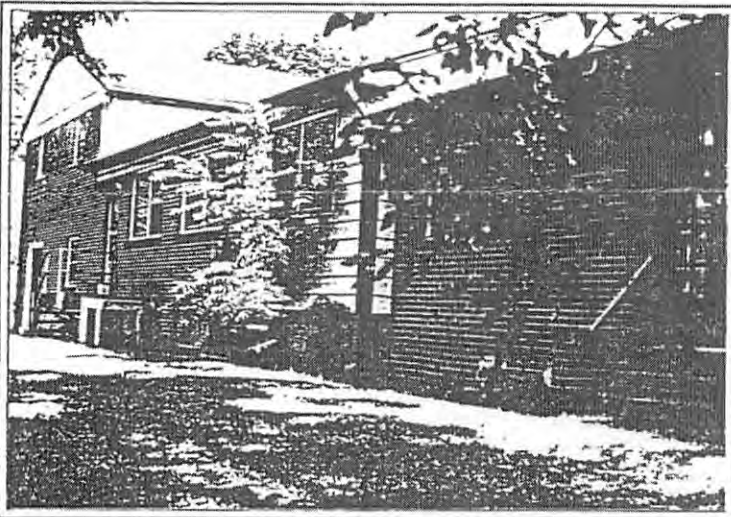


PHOTOGRAPH ADDENDUM

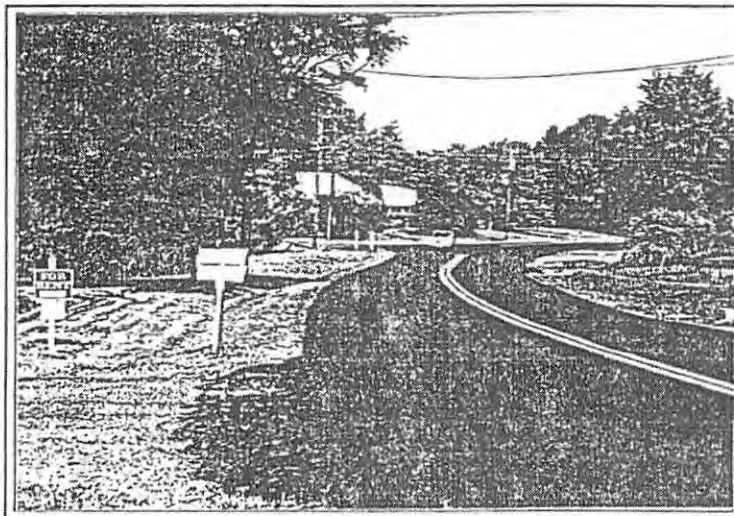
Borrower/Client	CHAPMAN						
Property Address	244 Old Court House Road, N.E.						
City	Vienna	County	Fairfax	State	Virginia	Zip Code	22180
Lender							



FRONT OF  
SUBJECT PROPERTY



REAR OF  
SUBJECT PROPERTY

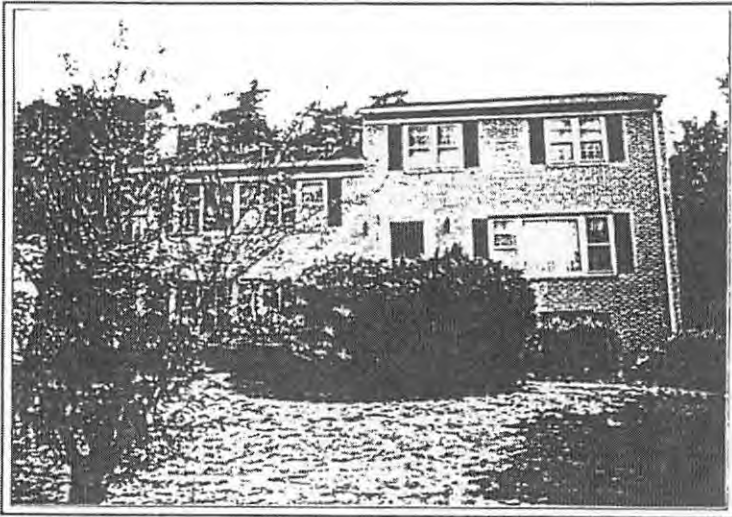


STREET SCENE

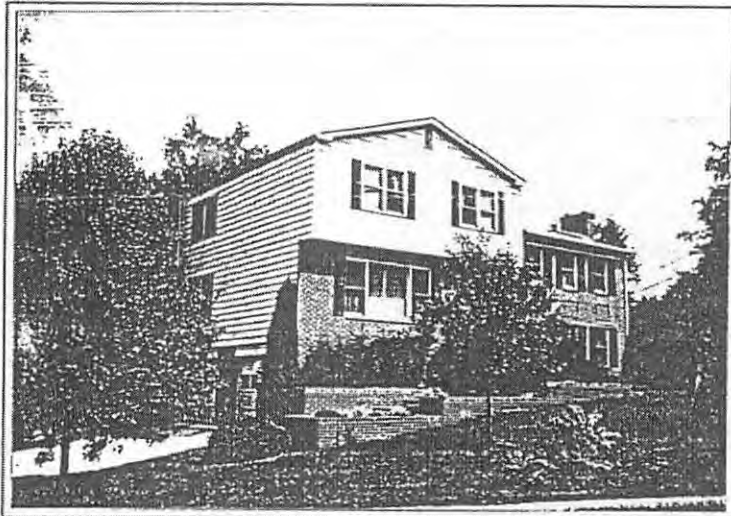
□ ADDITIONAL PHOTOGRAPHS ON REVERSE SIDE

PHOTOGRAPH ADDENDUM

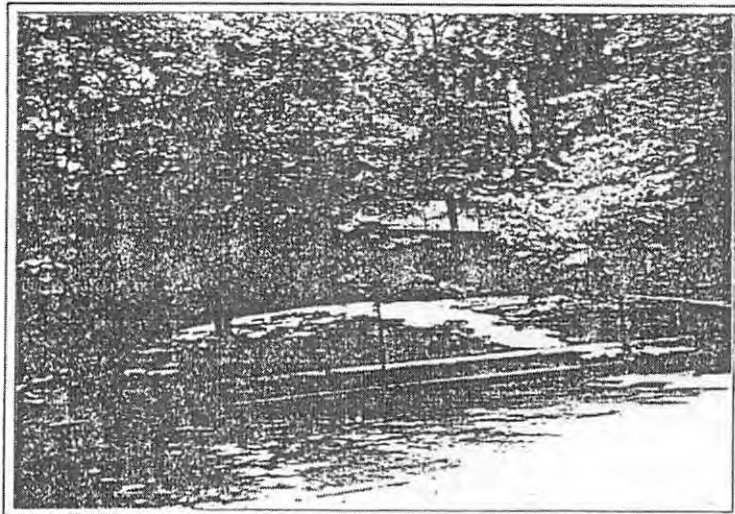
Borrower Client	CHAPMAN				
Property Address	244 Old Court House Road, N.E.				
City	Vienna	County	Fairfax	State	Virginia
				Zip Code	22180
Lender					



COMPARABLE SALE #1



COMPARABLE SALE #2



COMPARABLE SALE #3

ADDITIONAL PHOTOGRAPHS ON REVERSE SIDE

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unassisted by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**CERTIFICATION AND STATEMENT OF LIMITING CONDITIONS**

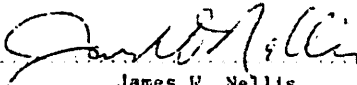
**CERTIFICATION:** The Appraiser certifies and agrees that:

1. The Appraiser has no present or contemplated future interest in the property appraised; and neither the employment to make the appraisal, nor the compensation for it, is contingent upon the appraised value of the property.
2. The Appraiser has no personal interest in or bias with respect to the subject matter of the appraisal report or the participants in the sale. The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color, or national origin of the prospective owners or occupants of the property appraised, or upon the race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.
3. The Appraiser has personally inspected the property, both inside and out, and has made an exterior inspection of all comparable sales listed in the report. To the best of the Appraiser's knowledge and belief, all statements and information in this report are true and correct, and the Appraiser has not knowingly withheld any significant information.
4. All contingent and limiting conditions are contained herein (imposed by the terms of the assignment or by the undersigned affecting the analyses, opinions, and conclusions contained in the report).
5. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the appraisal organizations with which the Appraiser is affiliated.
6. All conclusions and opinions concerning the real estate that are set forth in the appraisal report were prepared by the Appraiser whose signature appears on the appraisal report, unless indicated as "Review Appraiser." No change of any item in the appraisal report shall be made by anyone other than the Appraiser, and the Appraiser shall have no responsibility for any such unauthorized change.

**CONTINGENT AND LIMITING CONDITIONS:** The certification of the Appraiser appearing in the appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the Appraiser in the report.

1. The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereon, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefor.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the Appraiser can be assumed by the Appraiser.
7. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the Appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the Appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the Appraiser, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the Appraiser.
9. On all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusion are contingent upon completion of the improvements in a workmanlike manner.

  
 Bennie H. Potter, ASA, Review Appraiser

Date: August 10, 1988. Appraiser(s): 

Freddie Mac Form 426 JUL 86 James W. Nellis, Appraiser, 215 Wilshire, Ave. (1st Floor) Los Angeles, CA 90057-1100 (213) 243-4545 Form 1004B JUL 86

MARKET DISCUSSION AND VALUE CONCLUSION

Each of the sales outlined in the market analysis section of this appraisal report required adjustments for various inferior as well as superior features. The unadjusted value range was from a low of \$268,500 to a high of \$283,000; however, after making the necessary adjustments, a more meaningful indication of value was found to be \$285,000.

It is of this appraiser's opinion that each of the sales tends to support the final estimate of value and all three comparables have been given equal consideration.

Therefore, after a thorough investigation and careful consideration of the facts presented at the time of this appraisal, it is of my opinion that the fair market value of the subject property as of August 10, 1988, is, say,

(\$285,000)

ADDENDUM

This addendum is designed to simplify the reporting of comments most typically required by lenders to clarify aspects of the appraisal process. An "X" in the box next to a particular phrase indicates this applies to the individual appraisal being performed. Phrases not checked do not apply to this individual appraisal.

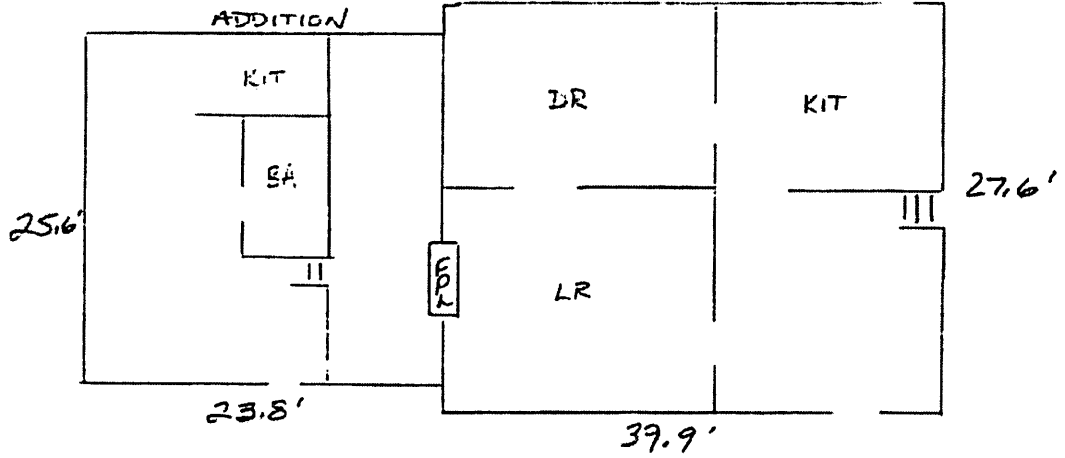
- ( ) Homeowners dues are \$ \_\_\_\_\_ per month, which is typical of the area, and has no impact on the valuation.
- ( ) Condo fees are \$ \_\_\_\_\_ per month, which is typical of the area, and has no impact on the valuation.
- ( ) The seller is paying some of the purchaser's closing costs, which is a typical practice in the area and has no effect on the valuation.
- ( ) The seller is paying some of the purchaser's closing costs, which is not a typical practice in the area and has no effect on the valuation.
- ( ) It is noted that the seller is granting the purchaser a \$ \_\_\_\_\_ decorator's allowance which is typical for this type of property, and has no effect on the valuation.
- (X) It is noted that comparable sale(s) no.(s) 3 occurred over six months prior to the appraisal date, but is/are considered the best available.
- (X) It is noted that comparable sale(s) no.(s) 3 are located more than six blocks from the subject, but is/are considered the best available.
- ( ) It is noted that the price per living area for comparable sale(s) no.(s) \_\_\_\_\_ varies by more than \$10 per square foot compared to the subject, but the sale(s) chosen is/are considered the best available.
- ( ) It is noted that all three comparables are located in the subject subdivision, but it is our opinion that these were the best sales available.
- ( ) It is noted that the purchaser is receiving a rental credit which has no effect on the valuation.
- ( ) It is noted that the estimated land value exceeds 30% of the appraisal value. The land to value ratio is typical of the neighborhood and is in line with the assessed values and comparable land sales in the market area. The higher than typical land to value ratio is due to positive locational factors and does not have any adverse impact on the subject property's marketability.
- ( ) It is noted the subject's appraised value is greater than the predominant neighborhood value range. The subject is not considered an over improvement and the predominant neighborhood value range has no impact on the subject's marketability.
- ( ) The subject is an overimprovement for the neighborhood and will be impacted by the predominant neighborhood value range. The value has been adjusted for this factor.
- ( ) It is noted that the net adjustment for comparable sale(s) no.(s) \_\_\_\_\_ exceeds 15%. This adjustment is larger than normal but the sale(s) chosen is/are considered the best available. Other sales analyzed would have required less desirable adjustments and were not used for that reason.
- ( ) It is noted about \_\_\_\_\_ % of the adjacent land is vacant. The area is in a master land use plan for conforming development and no adverse condition is anticipated.
- (X) Comparable sale(s) no.(s) 3 sold with VA, FHA, Private or Assumption financing. An analysis of the sale(s) indicates the sale price(s) was/were not influenced by the financing, thus financing adjustments were not considered appropriate.
- (X) Recently, residential properties throughout the Northern Virginia area have been appreciating, therefore a/an 6 % time adjustment was given to the comparable sales.

  
James W. Nellis

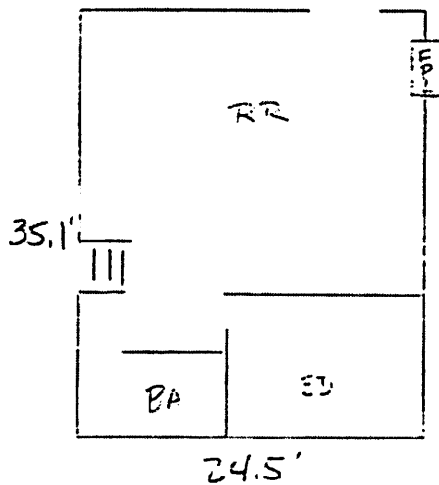
SKETCH ADDENDUM

Client	LHAPLAN						
Property Address	244 Old Court House Road, N.E.						
City	Vienna	County	Fairfax	State	Virginia	Zip Code	22180
Lender							

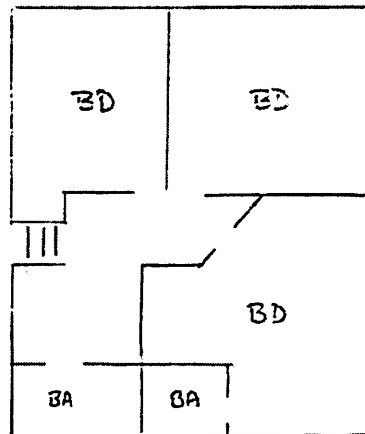
LEVEL 2

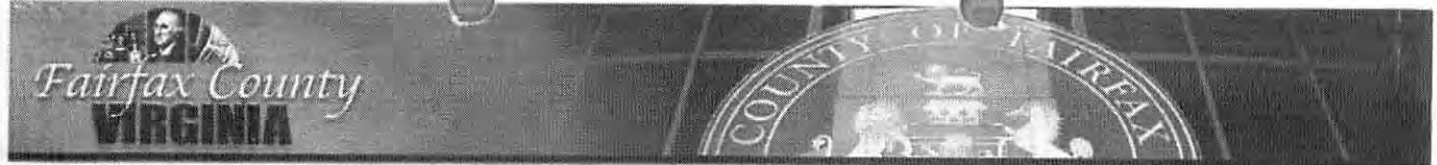


LEVEL 1



LEVEL 3





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homepage > land development information history > search

Search Filters

Record Source

FIDO [3]
ISIS [1]

Record Type

Complaint [2]
Permit [2]

Project

WESTBRIAR COUNTRY CLUB
... [3]

Magisterial District

No results.

Planning District

No results.

Land Development Information History: Search

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Search Form

Search form fields: All text, All lds, After Date, Address, Project Name, Before Date, Grid, Quad, Subdivision, Block, Lot, Suffix

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Real Estate Assessment

Would you like to expand your search with Tax Map? : 039-1 ((12)) 0050

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Table with 3 columns: # Record, Status, Date. Contains 4 rows of search results for FIDO and ISIS records.

Showing from 1 to 4 of about 4 results

Pages: 1



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Links

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Life Cycle

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- Permit Status Summary
- Inspections
  - Inspection - FINB - 999997
  - Inspection - FINB - 999996
  - Inspection - FTGD - 999998

Land Development Information History: ISIS - Building Permit - 94138B1360

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Permit Information

Permit Id: 94138B1360 Application Date: Time:  
 Job Address: 000244 OLD COURT HOUSE N E Tax Map: 039-1 ((12)) 0050  
 RD

Permit Status Summary

Permit Status: Final Inspection: 1994-06-01 RSLT: R BY: HVJ  
 Final Inspection: 1994-06-24 RSLT: A BY: MWM

Note

The original electronic copy of this permit no longer exists. The above permit details are presented for the purpose of displaying the following inspection information.

Inspections

Inspection - FTGD - 999998

Req Taken: 1994-05-20 Phone: 7039386827  
 Time: 09:56:47 Floor: NA  
 Sched For: 1994-05-23 Suite/Area: NA  
 Assigned To: A45 Comments:  
 Branch: 4 Req Taken By: MM  
 Requested By: TOM Qvrd: MM  
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGD		1994-05-23	HVJ	C	A	N				00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999997

Req Taken: 1994-05-31 Phone: 7039386827  
 Time: 08:26:49 Floor: NA  
 Sched For: 1994-06-01 Suite/Area: NA  
 Assigned To: A45 Comments:  
 Branch: 4 Req Taken By: MB  
 Requested By: BARRY Qvrd: MM  
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-06-01	HVJ	C	R	N				00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999996

Req Taken: 1994-06-22 Phone: 7039386827  
 Time: 08:09:29 Floor: NA  
 Sched For: 1994-06-23 Suite/Area: NA  
 Assigned To: A45 Comments:  
 Branch: 4 Req Taken By: MM  
 Requested By: BRAD Qvrd: MM  
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-06-24	MWM	C	A	N				00:00:00	00:00:00	00:00:00	1



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 Related Records:  
 70120145

**Life Cycle**

Processed: 2007-01-12  
 Issued: 2007-01-12

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- Inspections
  - Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 3158339
  - Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 3167356
  - Inspection - R FINAL - FINAL INSPECTION - 4713206
  - Inspection - R TEMPPERM - TEMPORARY FOR PERMANENT INSPECTION - 3168638
- Reviews

**Land Development Information History: FIDO - ELECTRIC R - 70120145**

Welcome ASANC8 | logout

Printer Friendly A A A Text Size Text Only

**Permit Information**

Permit Number: 70120145  
 Permit Type: ELECTRIC RESIDENTIAL  
 Job Address: 000244 OLD COURT HOUSE RD VIENNA, VA 22180-0000  
 Application Date:  
 Tax Map: 039-1 ((12)) 0050  
 Permit Stage: Permit Issued  
 Bldg: Floor Suite  
 Permit Fee:

Location:  
 Subdivision: WESTBRIAR COUNTRY CLUB ESTATES  
 Magisterial District: TOWN OF VIENNA  
 Subcensus Tract:  
 AP (Tenant) Name:

Work Description: INSTALL/REPLACE/CONVERT SERVICE  
 Type of Work: NEW INSTALLATION  
 Building Use: SFD - SINGLE FAMILY DWELLING  
 Standard: IR03 - IRC 2003

Plan Number:

Parent Permit  
 ISIS Permit

Type of Const  
 Use Group:

Comments:

Link to FIDO record 70120145

**Owner Information**

Owner: KASHDAN BARRETT H  
 Address: 224 OLD COURTHOUSE RD NE  
 City: VIENNA State VA Zip: 22180  
 Phone: (703) - x

**Contractor Information**

Name: ALL FIRST INC  
 Address: 14210 B SULLYFIELD CIRCLE  
 City: CHANTILLY State VA  
 Zip: 20151-0000  
 Phone: (703)961-0500 x  
 Trade Name:  
 BPOI License  
 State License  
 Trade Reg

**Applicant Information**

Applicant: BERRY  
 Address: 15088 WOODLAND CHURCH RD  
 City: CULPEPER State VA Zip: 22701-0000  
 Phone: (703)961-0500 x

**Other Contact Information**

Contact:  
 Address:  
 City: State Zip  
 Phone:

**Inspections**

**Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 3158339**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
-----------	-----------	-----------	----------	-------------	--------	----------

Fairfax County - Land Development Information History

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC	2007-01-25	JOHNNY VANNOY	N	Failed	NO	MISSING BONDING JUMPER

Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 3167356

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC			N	None	NO	

Inspection - R FINAL - FINAL INSPECTION - 4713206


Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL				None	NO	

Inspection - R TEMPPERM - TEMPORARY FOR PERMANENT INSPECTION - 3168638

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R TEMPPERM	2007-01-30	JOHNNY VANNOY	N	Passed	NO	

Reviews

There were no reviews.



Center for Digital Government


Contact Fairfax County: [Phone](#), [Email](#) or [Twitter](#) | Main Address: 12000 Government Center Parkway, Fairfax, VA 22035

Technical Questions: [Web Administrator](#)

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BEST OF THE WEB



1972



Section

Reston

Washington

Alexandria

Centreville

Fairfax County, VA

Legend

Parcels

Fairfax County Border

Notes:

Map produced: 7/27/2021

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

0.0 Miles

0.02

0



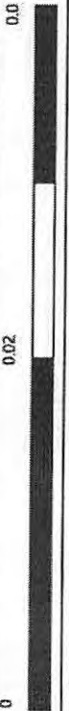
1976



0

0.02

0.0 Miles



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

Notes:

Map produced: 7/27/2021

Setting

Feston

Centreville

Washington

Alexandria

Fairfax County, VA

Legend

□ Parcels

□ Fairfax County Border



Town of Vienna, Virginia

ZONING ADMINISTRATION

No: 3681

CERTIFICATE OF OCCUPANCY

This Certificate Shall be Conspicuously Posted at all Times

Permission is hereby granted to Mary Ann C. Rogers 773 Rogers Court Co Vienna, Va. 5 24 19 83

to use the 1 floor of the building located on Lot 80-50 Block

Section RT-1 Subdivision Northwood Country Club Estates

Premises 244 Cold Spring Lane, Ed. M. E. Home Occupations for the following purposes:  
in accordance with the Zoning Ordinance and regulations of the Town of Vienna, Virginia.

This certificate does not take the place of any license required by law, nor does it authorize the use of boilers, motors, machinery, or any signs. Any change in the use or occupancy of this building or land shall require a new certificate.

[Signature]  
Zoning Administrator

TOWN OF VIENNA, VA

- White - P & Z
- Yellow - Customer
- Pink - Finance

Secured by:

Address:

LOCATION - Name:

Address:

*Timothy Byland / Rock Const.*  
*244 Old Counthouse Rd NE*

*10-31303*

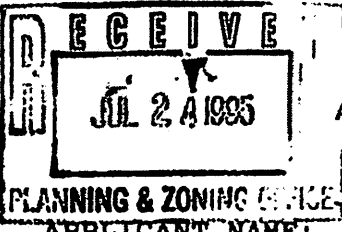
TYPE OF PERMIT:

TOTAL COST OF PERMIT:

*Accessory (X)*  
*\$135.00*

AUG 4 1995  
TOWN OF VIENNA

NO. PZ - 3319



TOWN OF VIENNA, VIRGINIA

APPLICATION FOR CERTIFICATE OF OCCUPANCY

(HOME OCCUPATION)

APPLICANT NAME: Timothy J. Byland / Synergy

STREET ADDRESS: 244 Old Courthouse Rd. NE. Vienna Va. 22180 TELEPHONE: (703) 242-2714

PROPOSED FIRM NAME (IF ANY): Rock Construction

PROPOSED USE: OFFICE:  DAY CARE:  WORKSHOP:  STORAGE:

BRIEF DESCRIPTION OF PROPOSED BUSINESS: Home improvement

TOTAL GROSS LIVABLE FLOOR AREA OF DWELLING (INCLUDING BASEMENT): 2800

AREA TO BE USED FOR HOME OCCUPATION (INCLUDING STORAGE): 200 HOURS

OF OPERATION: 9-5 TOTAL HORSEPOWER USED (MOTORS): none

NUMBER CLIENT/CUSTOMER VISITS: 0 NUMBER DAILY DELIVERIES/PICKUPS: 0

LIST ALL EMPLOYEES AND THEIR RELATION TO YOU: 0

DO YOU OWN THE DWELLING? YES:  NO:

IF YOU DO NOT OWN THE DWELLING, YOU ARE REQUIRED TO SUBMIT WITH THIS APPLICATION A LETTER FROM THE HOMEOWNER STATING THAT THEY HAVE NO OBJECTIONS TO SAID BUSINESS BEING CONDUCTED. LIST OWNER NAME, ADDRESS AND PHONE NUMBER:

OWNER NAME: Barratt Kashdan TELEPHONE: (703) 938-6827

OWNER ADDRESS: Vienna

(Continued on back--Please do not write below line)

\*\*\*\*\*  
ZONING DISTRICT: RS-16 SINGLE-FAMILY DETACHED LOT #: 50 BLOCK.:           
SECTION: 12 SUBDIVISION: WESTBRIAR COUNTRY CLUB ESTATES  
OCCUPANCY PERMIT NUMBER: 7067 RECEIPT NUMBER:           
\*\*\*\*\*

APPROVED: [Signature] DATE: July 24, 1995  
(Director of Planning and Zoning)

APPROVED: [Signature] DATE: 7/31/95  
(Town Manager)

10-93

The Town of Vienna does not discriminate on the basis of disability in the administration or access to, or treatment or employment in, its programs or activities. The Director of Human Resources, 127 Cedar Street, South, Vienna, Va 22180 has been designated to coordinate compliance with non-discrimination requirements. This document will be made available in large print or on audio cassette upon request. Call 245-6300 (voice) or TDD users dial 245-5730 (Police Department), 245-4714 (Town Hall) or 245-4770 (Public and Recreation).

SECTION 18-4 AND 18-173: HOME OCCUPATION RESTRICTIONS:

A Home Occupation is defined as any accessory use of a dwelling unit in addition to occupancy. A boarding house, tourist home, or principal office of a real estate business shall not be deemed a home occupation.

In any residential zone a home occupation is permitted including the use of the home as an office, provided that the occupation complies with all the following:

- A. Is entirely operated within the single dwelling unit and only by the residents maintaining a dwelling therein.
- B. Creates no external evidence of the home occupation, including any advertisement other than a dwelling name plate no larger than 1.5 square feet in area.
- C. Does not utilize more than 25% of the gross livable floor area including the basement.
- D. No person may be employed in conjunction with the Home Occupation Permit other than a member of the immediate family residing on the premises.
- E. Does not use any internal combustion engine as a power source and does not use more than a total of three horsepower in fractional horsepower electric motors (other than normally used for domestic use).
- F. Will not involve the emission of any sounds, odors, or smoke beyond the property in excess of normal single family dwelling use.
- G. No commodity or good may be sold on the premises.
- H. Customers or Clients may come to the premises only by appointment.
- I. Will not constitute a nuisance due to sidewalk or street traffic.
- J. Will not tend to adversely affect the use and development of adjoining properties in the immediate neighborhood.
- K. All equipment and/or merchandise may only be stored inside the principal residential structure.
- L. All commercial deliveries, either to or from the premises, may only be made between 8:00 AM to 6:00 PM.

\*\*\*\*\*

I, Timothy J. Byland, CERTIFY THAT I UNDERSTAND THE HOME OCCUPATION RESTRICTIONS AND ORDINANCE, SECTIONS 18-4 AND 18-173 OF THE TOWN CODE, AND A VIOLATION OF SUCH RESTRICTIONS MAY RESULT IN THE REVOCATION OF MY HOME OCCUPATION PERMIT. I ALSO UNDERSTAND THAT THIS CERTIFICATE DOES NOT TAKE THE PLACE OF ANY OTHER LICENSES THAT MAY BE REQUIRED.

SIGNATURE: [Signature]  
DATE: 7-29-95



7/14/85

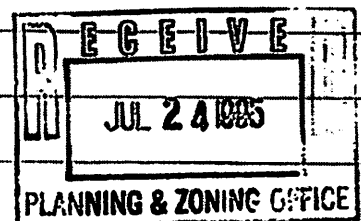
To: Town of Vienna  
From: Barrett & Keshel - Oxford Properties.  
landlord - property - 244 Old Courthouse Rd. (NE)

Vienna, VA 22180

Re: operation of business ~~Barrett~~ (office) from  
244 Old Courthouse Rd. (NE)

We give our permission for Tim Byland  
to operate an office out of the ~~premises~~ premises  
of 244 Old Courthouse Rd. (NE). It is understood  
that equipment and merchandise cannot be  
stored or kept on premises.

Barrett Keshel  
representing Oxford Properties.



TOWN OF VIENNA, VIRGINIA  
 CERTIFICATE OF OCCUPANCY

ARTICLE 22, CHAPTER 18, TOWN CODE

NUMBER: 7067

A Certificate of Occupancy is hereby granted for the following firm, business, establishment, or individual in accordance with Article 22, Chapter 18, of the Code of the Town of Vienna, Virginia:

ZONING DISTRICT: RS-16, Single Family Residential  
 NAME: TIMOTHY J. BYLAND/ROCK CONSTRUCTION STREET ADDRESS: 244 Old Courthouse Road, NE

SUITE NUMBER: LEGAL DESCRIPTION: IF PLATTED: LOT: 50 BLOCK:

SECTION: 1? SUBDIVISION: Westbriar Country Club FLOOR: PERMITTED USES:

Home office for construction business. No employees other than a family member residing on premises. All equipment and/or merchandise may only be stored inside the principal residential structure.

\* \* \* \* \*  
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 \* \* \* \* \*

APPROVED FOR ISSUANCE OF CERTIFICATE:

*[Signature]*  
 DIRECTOR OF PLANNING AND ZONING

DATE: *[Signature]* 7/1/99

This certificate does not take the place of any license required by law, nor does it authorize the use of boilers, motors, machinery, or any signs. Any change in the use or occupancy of this structure or upon the subject property shall require a new certificate of occupancy.

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES

The Town of Vienna does not discriminate on the basis of disability in the administration or access to, or treatment or employment in, its programs or activities.  
 The Director of Human Resources, 137 Carter Street, South, Vienna, Va 22180 has been designated to coordinate compliance with non-discrimination requirements.  
 This document will be made available in large print or on audio cassette upon request.  
 Call 255-6300 (voice) or TTSB users dial 255-5730 (Relay Department).

TOWN OF VIENNA, VIRGINIA

CERTIFICATE OF OCCUPANCY

ARTICLE 22, CHAPTER 18, TOWN CODE

NUMBER: 7067

A Certificate of Occupancy is hereby granted for the following firm, business, establishment, or individual in accordance with Article 22, Chapter 18, of the Code of the Town of Vienna, Virginia:

ZONING DISTRICT: RS-16, Single Family Residential

NAME: TIMOTHY J. BYLAND/SYNERGY STREET ADDRESS: 244 Old Courthouse Road, NE

SUITE NUMBER: LEGAL DESCRIPTION: IF PLATTED: LOT: 50 BLOCK:

SECTION: 1? SUBDIVISION: Westbriar Country Club FLOOR: PERMITTED USES:

Home office for construction business. No employees other than a family member residing on

premises. All equipment and/or merchandise may only be stored inside the principal residential structure.

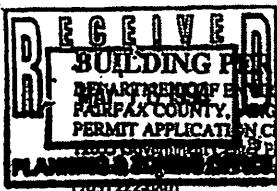
\* \* \* \* \* APPROVED FOR ISSUANCE OF CERTIFICATE: DATE: July 11, 1997

DIRECTOR OF PLANNING AND ZONING

This certificate does not take the place of any license required by law, nor does it authorize the use of boilers, motors, machinery, or any signs. Any change in the use or occupancy of this structure or upon the subject property shall require a new certificate of occupancy.

THIS CERTIFICATE SHALL BE CONSPICUOUSLY POSTED AT ALL TIMES

The Town of Vienna does not discriminate on the basis of disability in the administration or access to, or treatment or employment in, its programs or activities. The Director of Human Resources, 127 Center Street, South, Vienna, Va 22180 has been designated to coordinate compliance with non-discrimination requirements. This document will be made available in large print or on audio cassette upon request. Call 255-6300 (voice) or TDD users dial 255-5730 (Relco Department). 255-5733 (Town Hall) or 255-5739 (Parks and Recreation).



**BUILDING PERMIT APPLICATION**  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
FAIRFAX COUNTY, VIRGINIA  
PERMIT APPLICATION CENTER  
12500 Greenway, 2nd Floor  
PLANNING & ZONING DEPARTMENT  
(703) 222-0001

APR 25 1994  
PLANNING & ZONING DEPARTMENT

**PERMIT #** \_\_\_\_\_  
FOR INSPECTIONS CALL: (703) 222-0455

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN #		
TAX MAP #		
ROUTING	DATE	APPROVED BY
ZONING		
SITE PERMITS		
SANITATION		
HEALTH DEPT.		
FIRE MARSHAL		
BUILDING REVIEW		
LICENSING		
ASBESTOS		
FEE	\$	
FILING FEE	\$	
AMOUNT DUE	\$	
BUILDING PLAN REVIEW		
REVIEWER		# OF HOURS
REVISION FEES	\$	
FIRE MARSHAL FEES	\$	
FIXTURE UNITS		PLAN LOC. <input type="checkbox"/> R <input type="checkbox"/>
APPROVED FOR ISSUANCE OF BUILDING PERMIT		
BY		DATE

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN (PLEASE PRINT OR TYPE)

**JOB LOCATION:**  
ADDRESS 244 OLD COURTHOUSE Rd. (NE)  
LOT # 50 BUILDING DECK  
FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
SUBDIVISION \_\_\_\_\_  
TENANT'S NAME \_\_\_\_\_

**OWNER INFORMATION: OWNER  TENANT**   
NAME TARRET KASHDHAJ  
ADDRESS 308 OLD COURTHOUSE Rd. (NE)  
CITY VIENNA STATE VA. ZIP 22180  
TELEPHONE 4738-1827 / 356-0700, 224

**CONTRACTOR INFORMATION:**  
CHECK IF SAME AS OWNER   
COMPANY NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
LOCAL CONTRACTOR LICENSE # \_\_\_\_\_  
STATE CONTRACTORS LICENSE # \_\_\_\_\_  
COUNTY BUSINESS ACCOUNT # \_\_\_\_\_  
APPLICANT \_\_\_\_\_

**DESCRIPTION OF WORK**  
BUILD DECK ON  
BACK OF HOUSE, REPLACING STEEL  
LANDING.

**HOUSE TYPE** \_\_\_\_\_  
ESTIMATED COST OF CONSTRUCTION 900.00  
BLDO AREA (SQ FT OF FOOTPRINT) 100 SQFT  
USE GROUP OF BUILDING \_\_\_\_\_  
TYPE OF CONSTRUCTION \_\_\_\_\_

SEWER SERVICE: PUBLIC  SEPTIC  OTHER   
WATER SERVICE: PUBLIC  WELL  OTHER   
OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT:**  
(Residential Construction Only)  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

NONE DESIGNATED:  PHONE: \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:**

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	_____	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinances and other applicable laws and regulations which relate to the property.

Bassett Kasha 4/25/94  
Signature of Owner or Agent Date

ZONING REVIEW: ZONING CLASS RS-16  
USE SFD  
ZONING CASE # \_\_\_\_\_  
GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_

YARDS: GARAGE:  1  2  3  
FRONT - OPTIONS: YES  NO   
FRONT N/A REMARKS: CONSTRUCTION OF A  
L SIDE 86' 8 1/2' x 11' REAR DECK; DECK  
R SIDE 54' COVERAGE = 6%  
REAR 31' \* DECKS ARE ALLOWED TO ENCRACH 4'

**GRADING AND DRAINAGE REVIEW INTO THE SETBACK**  
SOILS: # \_\_\_\_\_ A  B  C   
HISTORICAL DISTRICT No

AREA TO BE DISTURBED (TOTAL SQ FT) \_\_\_\_\_  
ADD'L IMPERVIOUS AREA (ADDED SQ FT) \_\_\_\_\_  
PROFFERS \_\_\_\_\_

PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

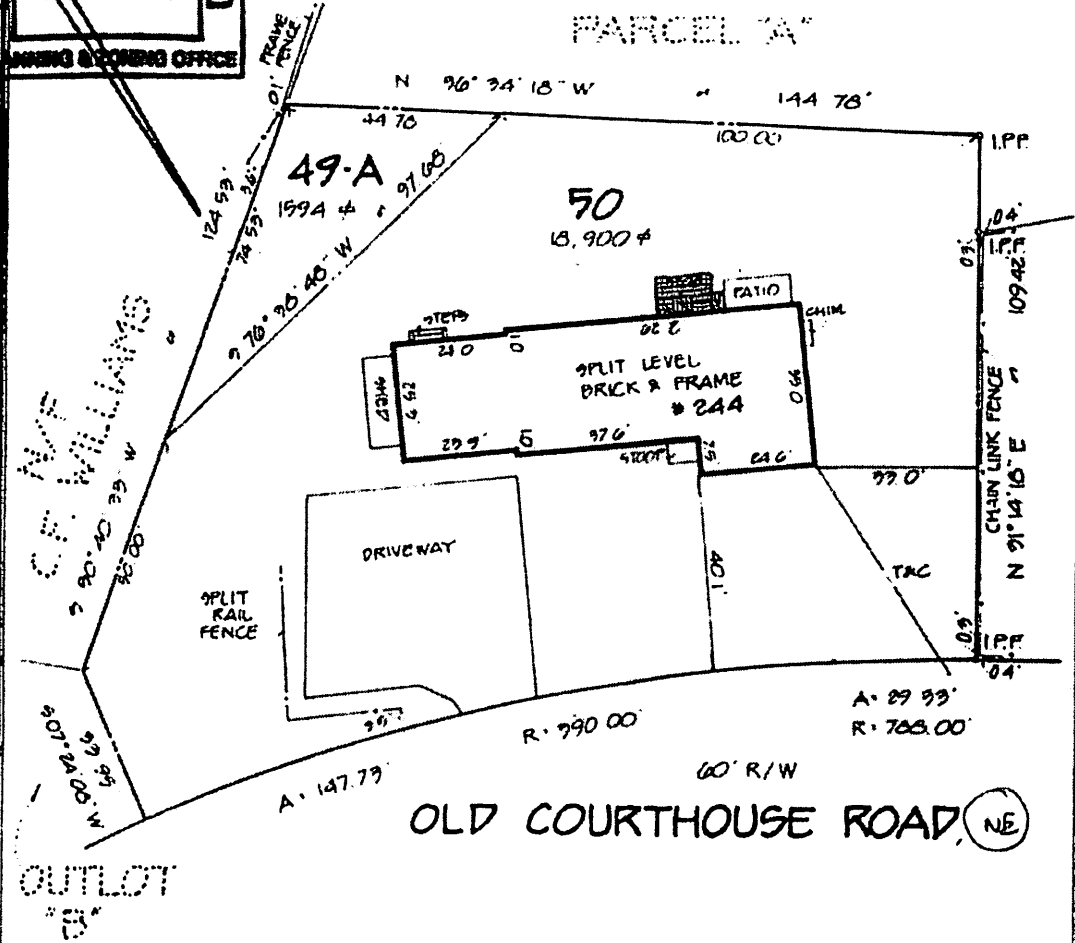
**STAMPS:**

**WARNING !!**  
"It is Unlawful to perform any construction Above Foundation Corners prior to Approval of Setback. Work completed in violation of this requirement is subject to Demolition." 18-233-B  
(See reverse side of application)

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

History Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Notarization required if owner not present at time of application)

**RECEIVED**  
 MAY 16 1994  
 PLANNING & ZONING OFFICE



**APPROVED**  
 PLANNING & ZONING DEPT.  
 TOWN OF VIENNA, VA.  
 By [Signature] Z.A.  
 Date 5-18-94

**SETBACK INSPECTION  
 REQUIRED**

CHESAPEAKE BAY ORD  
 TOWN OF VIENNA  
[Signature] N.A.  
 APPROVED  
 DENIED

ZONING ADMINISTRATOR  
**PLAT**

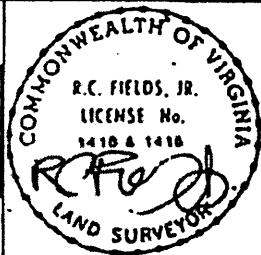
SHOWING PHYSICAL IMPROVEMENT SURVEY  
 PART OF LCT 49 & LOT 90  
 SECTION 1  
**WESTBRIAR  
 COUNTRY CLUB ESTATES**  
 TOWN OF VIENNA  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'  
 DATE: OCTOBER 17, 1983

CASE NAME: CHAPMAN - KASHDAN  
 ROBERT APES

THIS PROPERTY IS LOCATED IN HUD  
 FLOOD HAZARD ZONE ( C )  
 PLAT SUBJECT TO RESTRICTIONS  
 OF RECORD.  
 TITLE REPORT NOT FURNISHED.

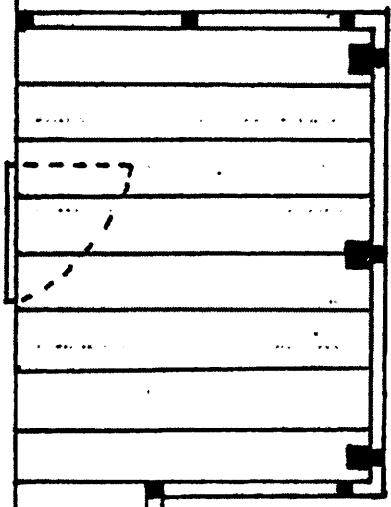
**R.C. FIELDS, JR. & ASSOCIATES**  
 LAND SURVEYING  
 SITE PLANNING  
 SUBDIVISION DESIGN  
 ALEXANDRIA, VIRGINIA 22314  
 (703) 640-6422



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS  
 HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS  
 OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

EXISTING HOUSE

< 43



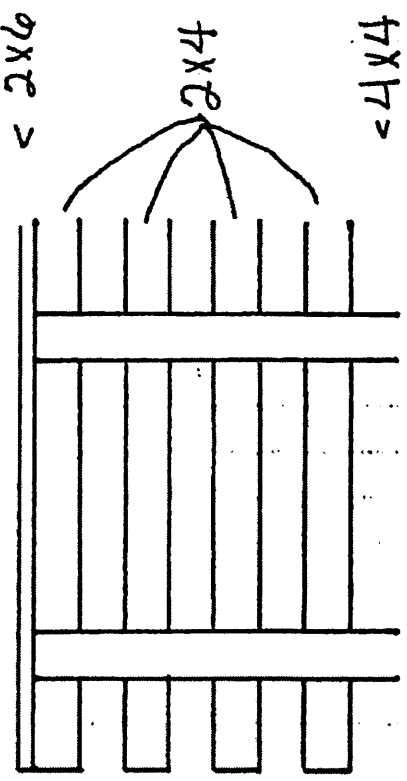
EXISTING CONCRETE PATIO

8 X 10 DECK

NOTES: 1/4" = 10' SCALE

- ① LEDGER BOARD BOLTED 16" O.C. w/ 4 1/2" X 1 1/2" LAGS. & SHIELDS
- ② DECK FRAMING 2X8 FT.
- ③ 3 - 6X6 DECK POSTS
- ④ FOOTINGS: 16X16X24" DEEP w/ 8" CONCRETE
- ⑤ 4X4 RAIL POSTS ON 4 1/2" DIA.
- ⑥ STAIRS: 3 STRINGERS, 7 R2, 11 1/2" TD.

RAIL DETAIL



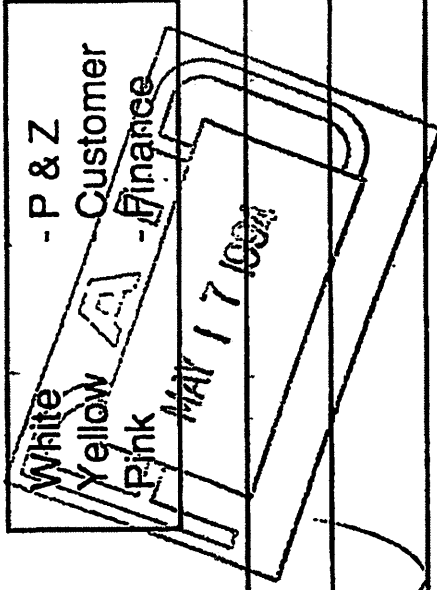
< 2X4

2X4

< 4X4

MAY 16 1994  
 PLANNING & ZONING OFFICE

TOWN OF VIENNA, VA



Secured by:

Address:

LOCATION - Name:

Address:

*Bennett Karchelan*  
*244 Old Counthouse Rd N.E.*

*10-31303*

TYPE OF PERMIT:

TOTAL COST OF PERMIT:

*Building*  
*815.00*

NO. PZ-002220

**SETBACK INSPECTION FORM**  
**TOWN OF VIENNA**

CALL THE TOWN OF VIENNA DEPARTMENT OF PLANNING AND ZONING AT 255-6341 TO ARRANGE FOR A SETBACK INSPECTION AFTER DIGGING HOLES BUT BEFORE POURING CONCRETE FOR FOOTINGS.

NAME BARRETT KASHBAN DATE 5-27-94

ADDRESS 244 OLD COURTHOUSE RD. N.E.

DESCRIPTION OF IMPROVEMENT REAR DECK 8 x 10

FAIRFAX COUNTY PERMIT NUMBER \_\_\_\_\_

(Do not write below this line)

\*\*\*\*\*  
IS A CERTIFIED LAND SURVEYOR'S PLAT REQUIRED PRIOR TO THE ERECTION OF THE BUILDING BEYOND THE CORNERS OF A CONCRETE SLAB OR THE PLACEMENT OF THE CORNERS OF THE FOUNDATION? YES \_\_\_\_\_ NO \_\_\_\_\_

COMMENTS FINAL INSPECTION NEEDED ALSO; CONTACT OUR OFFICE WHEN CONSTRUCTION IS DONE

APPROVED? YES  NO \_\_\_\_\_

INSPECTOR Thomas A. McCall INSPECTION DATE 5-27-94



**SETBACK INSPECTION FORM**  
**TOWN OF VIENNA**

CALL THE TOWN OF VIENNA DEPARTMENT OF PLANNING AND ZONING AT 255-6341 TO ARRANGE FOR A SETBACK INSPECTION AFTER DIGGING HOLES BUT BEFORE POURING CONCRETE FOR FOOTINGS.

NAME BARRETT KASHMAN DATE 5-27-94

ADDRESS 244 OLD COURTHOUSE RD. N.E.

DESCRIPTION OF IMPROVEMENT REAR DECK 8 x 10

FAIRFAX COUNTY PERMIT NUMBER \_\_\_\_\_

(Do not write below this line)

\*\*\*\*\*  
IS A CERTIFIED LAND SURVEYOR'S PLAT REQUIRED PRIOR TO THE ERECTION OF THE BUILDING BEYOND THE CORNERS OF A CONCRETE SLAB OR THE PLACEMENT OF THE CORNERS OF THE FOUNDATION? YES \_\_\_\_\_ NO \_\_\_\_\_

COMMENTS FINAL INSPECTION NEEDED ALSO; CONTACT OUR OFFICE WHEN CONSTRUCTION IS DONE

APPROVED? YES  NO \_\_\_\_\_

INSPECTOR Thomas A. A'Quill INSPECTION DATE 5-27-94

Permit No. 3681  
Issued 5-24-83

HOME

TOWN OF VIENNA, VIRGINIA

f 11737

APPLICATION FOR CERTIFICATE OF OCCUPANCY

WRITE WITH INK

Date MAY 20, 1983

Name of proposed occupant T/A MAYNARD C. RAGAN THE ROR CONTRACTING CO.

Premises number 244 OLD COURTHOUSE R.O.N.E. VIENNA, VA.

Lot number 0050 Section 1 Block \_\_\_\_\_

Subdivision 12 WESTBRIAR COUNTRY CLUB ESTATES

To be used as OFFICE WITHIN RESIDENCE

Last used as RESIDENCE

Material of building BRICK

Number of stories high 2

Which floor do you propose to use 1

Owner of Building (or agent) \_\_\_\_\_

SAME AS OCCUPANT

Address SAME AS ABOVE

Telephone number 938-6126

To be filled in by  
ZONING ADMINISTRATOR

Zone RS-12.5

Height \_\_\_\_\_

Occupancy  
Building permit No. 3681

Receipt No. 11737

Date 5-24-83 [Signature]  
Initials

It is understood that this Certificate of Occupancy does not take the place of any other license that may be required by law, and, also, that it does not confer the right to erect signs.

Approved [Signature]  
Zoning Administrator

Signature of proposed applicant \_\_\_\_\_

Date 5-24-83

Maynard C. Ragan

Approved [Signature]  
Director of Public Works

Home address 244 OLD COURTHOUSE R.O.N.E.

Date 5-24-83

Telephone number 938-6126

NOTE: Before signing check back

DATE INITIAL

ZONING ADMINISTRATOR:

WALL CHECK FINAL

--	--

**PUBLIC WORKS DEPARTMENT:**

1. Building Inspection

2. Mechanical Inspection

3. Plumbing Inspection

4. Fire Marshal

5. Electrical

6. Health Department

7. Site Plan

8. Team Inspection


**CONDITIONS:**

Write in

1.

2.

3.

4.

5.

6.


ANY INSPECTIONS REQUESTED TO BE WAIVED  
MUST BE APPROVED BY THE TOWN MANAGER.

MAP #: 0391 12 0050  
KASHDAN BARRETT H

244 OLD COURT HOUSE RD NE

**Owner**

---

Name	KASHDAN BARRETT H, (703) 407-2685
Mailing Address	244 OLD COURTHOUSE RD NE VIENNA VA 22180
Book	18815
Page	0555

**Parcel**

---

Property Location	244 OLD COURT HOUSE RD NE VIENNA VA 22180
Map #	0391 12 0050
Tax District	V0000
District Name	HUNTER MILL TOWN OF VIENNA
Land Use Code	Single-family, Detached
Land Area (acreage)	
Land Area (SQFT)	18,900
Zoning Description	RS-16(16000 2 DU/AC)
Utilities	WATER CONNECTED SEWER CONNECTED GAS CONNECTED
County Inventory of Historic Sites	NO
County Historic Overlay District	NO
	For further information about the Fairfax County Historic Overlay Districts, <a href="#">CLICK HERE</a> For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	PAVED
Site Description	BUILDABLE-POOR PARK LAND

**Legal Description**

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Legal Description	WESTBRIAR COUNTRY CLUB ESTATES SEC 1 LT 50
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**Sales History**

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Date	Amount	Seller	Buyer
------	--------	--------	-------

10/05/2006	\$0 KASHDAN BARRETT H	KASHDAN BARRETT H
12/17/1991	\$0	KASHDAN BARRETT H
11/07/1988	\$0	

**Sales**

1 of 3

---

Date	10/05/2006
Amount	\$0
Seller	KASHDAN BARRETT H
Buyer	KASHDAN BARRETT H
Notes	No consideration
Deed Book and Page	18815-0555
Additional Notes	

**Values**

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Tax Year	2021
Current Land	\$369,000
Current Building	\$492,030
Current Assessed Total	\$861,030
Tax Exempt	NO
Note	

**Values History**

---

Tax Year	Land	Building	Assessed Total	Tax Exempt
2020	\$359,000	\$482,380	\$841,380	NO
2019	\$349,000	\$468,330	\$817,330	NO
2018	\$319,000	\$468,330	\$787,330	NO
2017	\$304,000	\$454,690	\$758,690	NO
2016	\$304,000	\$454,690	\$758,690	NO
2015	\$304,000	\$433,040	\$737,040	NO
2014	\$304,000	\$433,040	\$737,040	NO
2013	\$284,000	\$393,670	\$677,670	NO
2012	\$264,000	\$377,080	\$641,080	NO
2011	\$264,000	\$377,080	\$641,080	NO
2010	\$264,000	\$349,150	\$613,150	NO
2009	\$274,000	\$371,440	\$645,440	NO
2008	\$303,000	\$365,680	\$668,680	NO
2007	\$254,000	\$459,480	\$713,480	NO
2006	\$254,000	\$442,220	\$696,220	NO
2005	\$179,000	\$411,220	\$590,220	NO
2004	\$147,000	\$331,625	\$478,625	NO

2003	\$134,000	\$300,480	\$434,480	NO
2002	\$103,000	\$300,480	\$403,480	NO
2001	\$86,200	\$236,585	\$322,785	NO
2000	\$86,200	\$212,675	\$298,875	NO

**Primary Building**

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Building Use	Single Dwelling or Patio House
Style	Split Level 2-Levels
Exterior Wall Material	Half wood/half brick
Roof	Composition Shingle
Basement	FULL
Total Basement Area	1,911
Basement Type	Daylight/English
Basement Rec Room Size (sq.ft)	438
Dormers	
Year Built	1960
Effective Year Built	
Year Addition	1977
Year House Remodeled	
Model Name	
Bedrooms	4
Full Baths	4
Half Baths	
Number of Fireplaces	2
# Basement Bedrooms/Dens	1
Heating	Central A/C
Construction Quality/Grade	A10-AVERAGE 10
Physical Condition/CDU	AV-Average

**Structure Size**

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Above Grade Living Area Total Sq. Ft	2,535
Basement Garage # Cars	

**Attached Accessory Structures**

---

Structure	Size	% Complete
Open Porch or Portico	120 SQ. FT.	100%
Wood Deck	95 SQ. FT.	100%

**Additional Details**

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CardLine	Structure (First)	Area
----------	-------------------	------

	Structure (Lower)	Structure (Second)	Structure (Third)	Year Built
1	1	BASEMENT FULL	Frame/Brick	1036
1	4	Open Porch or Portico		120
1	5	Wood Deck		95
1	6	Frame/Brick		624

## General Information

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### Need Help?

For questions and requests for information about the Real Estate site, call 703-222-8234 or [CLICK HERE](#)

### Disclaimer/Privacy Policy

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the Virginia State Code to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at Real Estate Division or by phone at (703) 222-8234.

While Fairfax County has attempted to ensure that the data contained in this file is accurate and reflects the property's characteristics, Fairfax County makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Fairfax County does not assume any liability associated with the use or misuse of this data.

### Last Refresh

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#### Date

Data last refreshed: 22/Jun/2021 DB:PORA34CUR

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

### Fairfax County Land Records Cover Sheet

**Instruments**  
DEED OF GIFT

**Grantor(s)**  
KASHDAN, BARRETT H\_I\_N, KASHDAN, GEOFFREY\_I\_N

**Grantee(s)**  
KASHDAN, BARRETT H\_I\_N

Consideration	0	Consideration %	100
Tax Exemption	§11	Amount Not Taxed	
DEM Number		Tax Map Number	039-1- -12- -0050-
Original Book		Original Page	
Title Company		Title Case	
Property Descr.	LOT 50, SECTION 1, WEST BRIAR COUNTRY CLUB		
Certified	No	Copies	0
		Page Range	



Print Cover Sheet



Recording Requested by &  
When Recorded Return To:  
US Recordings, Inc.  
2925 Country Drive Ste 201  
St. Paul, MN 55117

This instrument was drafted by:  
Jon R. Turner  
Jon R. Turner & Associates, LLC  
2700 E. Sunset Road, Suite 6  
Las Vegas, NV 89120  
Phone: 702-938-8900

33856308

Recordation Tax Due: Exempt per § 58.1-811(D) State Code of Virginia, as amended - No Recordation Tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a DEED OF GIFT.

**DEED OF GIFT**  
TITLE OF DOCUMENT

THIS DEED OF GIFT, made this 13<sup>th</sup> day of June, 2023, by and between

Barrett H. Kashdan, an unmarried man and Geoffrey Kashdan, an unmarried man, Grantor(s) and party(ies) of the first part;

AND

Barrett H. Kashdan, an unmarried man, Grantee(s) and party(ies) of the second part, whose address is 224 Old Courthouse Road, Vienna, Virginia 22180

WITNESSETH: That as a DEED OF GIFT, which is hereby acknowledged, the said party(ies) of the first part do hereby grant, bargain, sell and convey, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said party(ies) of the second part, in fee simple, all that certain lot or parcel of land situate, lying and being in the City of Vienna, County of Fairfax, and State of Virginia, more particularly described as follows:

ALL THAT PARCEL OF LAND IN TOWNSHIP OF VIENNA, FAIRFAX COUNTY, COMMONWEALTH OF VIRGINIA, AS MORE FULLY DESCRIBED IN DEED BOOK 7973, PAGE 109, ID# 039-01-12-0050, BEING KNOWN AND DESIGNATED AS LOT 50, SECTION 1, WEST BRIAR COUNTRY CLUB ESTATES, FILE DIN PLAT BOOK 1673, PAGE 57. AND A PORTION OF LOT 49 OUTLOT A, SECTION1, WESTBRIAR COUNTRY CLUB ESTATES, CONTAINING 1594 SQUARE FEET.

MORE commonly known as: 224 Old Courthouse Road, Vienna, Virginia 22180

AND BEING the same property conveyed to the Grantor(s) herein by Deed recorded on December 17, 1991, in Deed Book 7973, at Page 109, among the aforesaid City/County land records.

SUBJECT TO any Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record

THE party(ies) of the first part covenant that they have the right to convey the subject land to the party(ies) of the second part and that the party(ies) of the second part shall have quiet possession thereof, free from all encumbrances, and that the said party(ies) of the first part will execute such further assurances of the said land as may be deemed requisite.

TAX MAP REFERENCE NO.: 039-1-12-0050

WITNESS the following signatures and seals:

Barrett H. Kashdan  
Barrett H. Kashdan

Geoffrey Kashdan  
Geoffrey Kashdan

STATE OF Florida  
COUNTY OF Palm Beach

: ss.

The foregoing instrument was acknowledged before me this 13 day of JUNE, 2003  
by Barrett H. Kashdan and Geoffrey Kashdan.

NOTARY STAMP/SEAL



Trish Stevenson  
Signature of Person Taking Acknowledgement

Trish Stevenson, Branch Manager  
Printed Name & Title of Person  
My Commission Expires: 2-25-05



U33856308-01HC02

GIFT DEED  
LDAN# 654562322  
US Recordings

2

10/05/2006  
RECORDED FAIRFAX CO VA  
TEXTS  
CLEAN

Divider

## Colleen

---

**From:** David Whiting <david@oakhilllawgroup.com>  
**Sent:** Friday, December 17, 2021 11:21 AM  
**To:** austin.sanchez@fairfaxcounty.gov  
**Subject:** Re: regarding 244 Old Court House Road NE, Vienna, VA 22180-0000 tax map 0391 12 0050

Hello, Austin. I wanted to check back in on this, having not received a response. My assistant, Colleen, did call your office yesterday, although I was disappointed to learn of your tone of communications with her, verging on unprofessional.

Would you kindly send me a copy of the August 3 letter you think you sent to Mr. Kashdan? I understand you're certain he received it, but the issue is that neither he nor I have it at this time.

Further, would you kindly forward to me any information you have about the permitting that applies to the property? I can FOIA it, as you evidently suggested to Colleen, but that adds unnecessary time and expense. That information is no longer available online, at least to the public, and so it's difficult to evaluate the legalities involved without further information.

I still think a grandfathering is appropriate in this situation, and so I wonder if you care to respond to that point or if an appeal will be necessary?

On Wed, Dec 15, 2021 at 2:27 PM David Whiting <david@oakhilllawgroup.com> wrote:

Good afternoon, Austin. My name is David Whiting of the Oak Hill Law Group in Herndon, VA. I'm representing Barrett Kashdan with regard to certain legal matters, one of which is a notice of violation with regard to the the 244 Old Court House Road property.

A former tenant of Mr. Kashdan has been filing harassing zoning complaints in the town of Virginia (all resolved, and the zoning office has stopped taking calls from the harassing tenant). I can only assume that Ms. Garcia is going through the same motions with you.

I don't seem to be in receipt of any corrective work order that you may have sent on August 3 of this year, so I'd love it if you could please forward that to my attention (Ms. Garcia may or may not have forwarded any mail to Mr. Kashdan).

Further, I wanted to point out that the various constructions you mention in your letter were all done at some point prior to Mr. Kashdan's ownership of the home. If you would please note the attached plat drawing, dated 1988, you'll see some of the additions which you seem to be mentioning in your letter.

It seems to me that Ms. Garcia, in some sort of bizarre campaign of revenge, is making fraudulent claims that Mr. Kashdan has done the work that you describe in your report. Thus, at this time I would also respectfully request that you share with me any communications she may have sent to you regarding this property. I can go the FOIA route, but in the interest of a mutually agreeable resolution as between your office and Mr. Kashdan, I'd like to keep the formalities to a minimum.

In terms of overall resolution, since the house was either built with the constructions you're describing, or they were added 20+ years ago and prior to Mr. Kashdan's ownership, I would like to sort out a resolution or a grandfathering. It's obviously fair or reasonable to ask Mr. Kashdan to seek, pay for, and remedy constructions that he didn't generate.

I see that there's an official appeal process mentioned in your letter, but again I'd rather try a conversation before we go the official legal route.

Respectfully,  
-dw

--

**David L. Whiting, Esq.**  
Oak Hill Law Group, PLLC  
Physical Address: 205 Van Buren Street, Suite 120, Herndon, VA 20171  
Mailing Address: 2465 Centreville Road, #J17-702, Herndon, VA 20171

703-544-9187 (office)  
703-817-2874 (fax)  
david@OakHillLawGroup.com

\*\*\*\*\*

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\*\*\*\*\*

--

**David L. Whiting, Esq.**  
Oak Hill Law Group, PLLC  
Physical Address: 205 Van Buren Street, Suite 120, Herndon, VA 20171  
Mailing Address: 2465 Centreville Road, #J17-702, Herndon, VA 20171

703-544-9187 (office)  
703-817-2874 (fax)  
david@OakHillLawGroup.com

\*\*\*\*\*

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\*\*\*\*\*

# COPY

Mister Rogers Electric  
2940 P5 Business Center Drive  
Woodbridge, VA 22192  
571-249-2716

**BILL TO**

Barrett Kashdan  
244 Old Courthouse Road Northeast  
Vienna, VA 22180 USA

INVOICE 17419741	INVOICE DATE Apr 27, 2022
---------------------	------------------------------

**JOB ADDRESS**

Barrett Kashdan  
244 Old Courthouse Road Northeast  
Vienna, VA 22180 USA

**Completed Date:**

#	DESCRIPTION	TOTAL
86	Dispatch Fee: When you approve work or proceed with the quoted work at a later date the fee is waived or credited. Dispatch Fee does not get waived or credited during emergency service.	\$69.00

PAID ON	TYPE	MEMO	AMOUNT
4/27/2022	Visa		\$69.00

<b>SUB-TOTAL</b>	\$69.00
<b>TAX</b>	\$0.00
<b>TOTAL DUE</b>	\$69.00
<b>PAYMENT</b>	\$69.00
<b>BALANCE DUE</b>	\$0.00

It was a pleasure working with you and hope we have the pleasure of working with you in the future.

**CUSTOMER AUTHORIZATION**

This invoice is agreed and acknowledged. Payment is due upon receipt unless other net terms were previously agreed upon.

Sign here

Date 4/27/2022

**CUSTOMER ACKNOWLEDGEMENT**

I have inspected all of the work done by Mister Rogers Electric pursuant to the contract terms agreed by me at Barrett Kashdan [the location described in the contract]. I find that all work has been completed in a satisfactory and workmanlike manner. I have been given the opportunity to address concerns and/or discrepancies in the work provided, and I either have no such concerns or have found no discrepancies or they have been addressed by [the contractor] to my satisfaction. My signature here signifies my full and final acceptance of all work performed by the contractor pursuant to the contract as agreed.

A handwritten signature in black ink, appearing to read "C. [unclear]", written in a cursive style.

Sign here

Date 4/27/2022

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## Staff Note:

Pursuant to Fairfax County legal counsel, Patrick Foltz, the list of codes in effect in Fairfax County between 1972 and 1976

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# County of Fairfax, Virginia

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

Office of the County Attorney  
Suite 549, 12000 Government Center Parkway  
Fairfax, Virginia 22035-0064  
Phone: (703) 324-2421; Fax: (703) 324-2665  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)

November 3, 2022

**BY EMAIL AND FIRST-CLASS MAIL**

Virginia Technical Review Board  
c/o Travis Luter, Secretary  
Main Street Centre  
600 E. Main Street  
Suite 300  
Richmond, VA 23219

**RE: Appeal No. CDAPPL-2022-00001**  
**Fairfax County Board of Building Code Appeals**  
**Hearing Date: September 24, 2022**

Mr. Luter,

My name is Patrick Foltz and my office represents the Fairfax County Department of Code Compliance. I'm writing to provide the list of building codes and ordinances that the Technical Review Board may consider in its appeal, as follows:

1. 1961 Code of County of Fairfax, Virginia, Chapter 6, Article II
2. 1970 BOCA Basic Building Code
3. 1972 Basic Building Code Accumulative Supplement
4. 1971 One and Two Family Dwelling Code
5. 1972 BOCA Mechanical Code
6. 1975 BOCA Mechanical Code
7. 1975 One and Two Family Dwelling Code
8. 1975 BOCA Plumbing Code
9. The BOCA Basic Building Code 1975

I am happy to provide copies of any or all of these codes should you or the TRB require them.

Thank you,

Patrick V. Foltz



Luter, William &lt;travis.luter@dhcd.virginia.gov&gt;

---

**Re: Appeal to the Review Board for Fairfax County (Appeal No. 22-16)**

---

**Foltz, Patrick** <Patrick.Foltz@fairfaxcounty.gov>

Fri, Nov 4, 2022 at 10:17 AM

To: "Luter, William" &lt;travis.luter@dhcd.virginia.gov&gt;

Cc: David Whiting &lt;david@oakhilllawgroup.com&gt;, "Potts, Richard" &lt;richard.potts@dhcd.virginia.gov&gt;, Paul Messplay &lt;paul.messplayiv@dhcd.virginia.gov&gt;, Florin Moldovan &lt;florin.moldovan@dhcd.virginia.gov&gt;

All,

I am writing to confirm that the code versions listed in my letter of November 3, 2022 were in effect for 1972-1976.

Thank you,  
Patrick Foltz

Sent from my iPhone

On Nov 3, 2022, at 7:18 PM, Foltz, Patrick &lt;Patrick.Foltz@fairfaxcounty.gov&gt; wrote:

Mr. Luter,

Attached is a sharefile link containing the documents the County wishes to make part of the record. I have also included a letter with a list of the possibly applicable codes for this matter.

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffairfaxcounty-ent.sharefile.com%2Fds30c1ab014370415c80ec2b5a3f17faca&data=05%7C01%7CPatrick.Foltz%40fairfaxcounty.gov%7C757a3337658d4bedb4d608dabdb61fd0%7Ca26156cb5d6f41729d7d934eb0a7b275%7C0%7C0%7C638030887170862695%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=34CVAT%2FKt6GLzUFUT46mOQAEYVUe%2FAtofAbVMCCJUE%3D&reserved=0>

There is not a transcript or minutes for this hearing, but there is a recording, which I have included.

I will be back with you by COB tomorrow with the County's position on a continuance.

Thank you,  
Patrick Foltz

Sent from my iPhone

On Nov 2, 2022, at 2:05 PM, Luter, William &lt;travis.luter@dhcd.virginia.gov&gt; wrote:

Messrs. Foltz and Whitting,

The policy of the Review Board is that if all parties agree to a continuance, then the appeal hearing can be taken off the agenda by Review Board staff. If all parties do not agree to a continuance, then Review Board staff must forward the continuation request to the Review Board Chair for consideration.

Pursuant to the email attached, Mr. Whitting, legal counsel for Barrett Kashdan, has requested to continue the Fairfax County appeal to the Review Board (Appeal No. 22-16) for one to two months. If the continuation is agreed upon by all parties, based on the current caseload of the Review Board, the next available date to hear this appeal would be March 17, 2023, pending Board approval of the 2023 meeting calendar.

Documents  
Submitted by David  
Whitting, legal  
counsel for Barrett  
Kashdan

(Page left blank intentionally)



November 4, 2022

**BY EMAIL AND FIRST-CLASS MAIL**

Virginia Technical Review Board  
c/o Travis Luter, Secretary  
Main Street Centre  
600 E. Main Street  
Suite 300  
Richmond, VA 23219

**With email and first-class mail copy to:**

Mr. Patrick Foltz  
Office of the County Attorney  
Suite 549, 12000 Government Center Parkway  
Fairfax, Virginia 22035-0064

*Respondent's Position in Fairfax County's Appeal from Appeal No CDAPPL-2002-0000  
Fairfax County Board of Building Code Appeals v. Mr. Barrett Kashdan  
Re: 244 Old Courthouse Road, Vienna, Virginia.*

Dear Virginia Technical Review Board:

The issues in this matter are equitable factors. Mr. Foltz' October 3, 2022 letter lays out one perspective on the underlying facts, but glosses over the chief determinants of the matter. In sum:

1. The house at 244 Old Courthouse Road, Vienna, Virginia, was built in 1960.
2. The addition at issue was built somewhere between 1972 and 1977 as per the County's filing.
3. Mr. Kashdan purchased the house in 1988.
4. Since that time, Mr. Kashdan has made some modifications of the house with substantial efforts towards permitting.
5. Mr. Kashdan has been an upstanding citizen of Vienna for decades, and he is now 79 years old.
6. Mr. Kashdan, in recent years, rented out portions of the house to various tenants.
7. Sometime in 2021, one of those tenants was in significant breach of her lease, and rather than resolve in good faith, she undertook a number of disingenuous actions, among which was filing any and all complaints she can think of, including zoning complaints in both Vienna and in Fairfax County.

8. Vienna zoning compliance determined that this former tenant was operating in bad faith, and the complaint was resolved to Vienna's satisfaction by May 17, 2022.
9. Mr. Austin Sanchez from Fairfax County zoning issued a notice of violation on December 8, 2021 with regard to the construction of an addition, the replacement of a service panel, and the replacement of the gas water heater and gas furnace in the main dwelling.
10. And then things went downhill.

Oak Hill Law Group, on behalf of Mr. Kashdan, experienced severe difficulty engaging Mr. Sanchez in a productive or even respectful conversation. Staff attempted phone communication, Mr. Whiting attempted written communication (much of which was ignored), and efforts to address the inbound concerns were unrecognized.

Mr. Kashdan's counsel worked diligently with Vienna Zoning to address any concerns, engaged in a productive collaboration, and resolved the issues to Vienna's satisfaction. In contrast, Mr. Sanchez' notice of violation required submission of permit application documents to "ensure all cited violations are addressed... [so as to] obtain the necessary County permits within 60 calendar days... or obtain a County permit to demolish the work.

Please keep in mind that the "work" complained of is in most cases approximately 50 years old, and done 15 years prior to Mr. Kashdan's purchase of the house. Also, Mr. Sanchez' expectations included a complete assessment and permitting application, as opposed to any subsets thereof.

In subsequent months, Mr. Kashdan's counsel requested information about inviting a code inspector to identify, with any reasonable level of specificity, any deficiencies in the property. Nothing resembling a helpful response was forthcoming, either from Mr. Sanchez or Mr. Foltz, and instead the parties embarked on difficult communication even with regard to scheduling the appeal hearing, given severe physical injuries suffered by Mr. Kashdan in an automobile accident, illness on the part of counsel and his staff, and counsel's responsibilities presiding over judicial matters in Loudoun County. **Everything was a fight** from the county, despite numerous attempts to resolve and discuss on the part of Mr. Kashdan.

This has been a pattern throughout, further evidenced by the all-or-nothing demands in Mr. Sanchez' December 2021 notice of violation. We continue, to this day, to struggle with understanding how to complete a comprehensive permit application when we're not sure of the extent of the issues (if any), contractors are reluctant to opine without county approval, and **it's not clear if additional permitting has already been done**, obviating the need for this process at all.

Further, and as was discussed at the initial appeal hearing, Fairfax County zoning is a complaint-driven process. The complaint made from the disgruntled tenant had to do with the addition-portion of the home being rented out to a tenant, and not with the other matters cited in Mr. Sanchez complaint, which is not altogether dissimilar from a situation in which evidence or information is excluded from an adjudicatory process due to its improper assembly and compilation in the first place.

At and before the September 14, 2022 appeal, Mr. Kashdan's counsel attempted to resolve informally with Mr. Foltz. Mr. Kashdan's appeal was granted. Without any discussion with Mr.



Kashdan's counsel, Mr. Foltz waited until the expiration of the appeal period and staked out another rigid position citing code provisions without any acknowledgement of the equitable factors that had brought us here.

Mr. Foltz failed to mention that counsel for Mr. Kashdan, in response to Mr. Sanchez' complaint, made great efforts to track down permitting records from both Vienna and Fairfax County. These records were not available – both locations suggested that we go ask the other, and both locations indicated that they do not consistently keep paper records dating back 40 or 50 years, and that the electronic records don't go back that far.

**In Mr. Foltz' brief, he complained that “the unavailability of records... support dismissing, rather than upholding, the appeal.” Burden of proof is on the appellant – I get it. However, this is an issue for the trier of fact, who clearly opined, based on the equitable factors such as the 45-50 year passage of time, that there was no way to know whether original permits had been filed, accepted, declined, lost to time, or etc. This is not a reasonable grounds for appeal.**

Mr. Foltz goes on to complain that the alleged existence of a “second dwelling unit” was not relevant, except that it was. And it was the basis for the complaint. It was only when Mr. Sanchez entered the property, walked around, and independently generated additional complaints that he delved into issues with the electric panel, or the water heater, or etc. As mentioned above, Mr. Kashdan made efforts to permit any additions or modifications made during his ownership of the house, and as to the issues from 50 years ago, there's very little Mr. Kashdan can do, short of Mr. Sanchez' position that he either resolve the issue within 60 days or start demolition of the offending bits.

This is a situation where overall prudence and reasonableness should rule the day. Shortly prior the September appeal, Mr. Foltz wrote that he did not want to resolve outside of a hearing process, because as far as he knew, the Vienna complaint was still outstanding and Mr. Kashdan had done nothing to address the concerns.

In reality, however, the Vienna complaint had long-since been resolved. Mr. Kashdan had engaged an electrician to examine the house. His counsel engaged a home inspector to opine. And counsel made multiple attempts to discuss or resolve with Mr. Foltz and/or Mr. Sanchez. There was no flexibility shown in return, no understanding, and not even reasonable acceptance of the need for continuances based on Mr. Kashdan's medical injuries.

On Tuesday October 18, 2022, Mr. Kashdan's counsel once again inquired of Mr. Foltz, “Do we really want to go through the hassle of an appeal of the appeal? Or is there some workable middle ground that would save everyone time?” To date, on November 11, counsel has received no response. Instead, counsel has been met with rigid insistence on the timeline of this appeal preparation, despite difficulty reaching Mr. Kashdan for authorization or even confirmation of being retained to represent him in this matter. My request for an extension on paperwork production was denied, I requested a continuance, and Mr. Foltz denied that as well.

This addition was built in the early 1970s. And yet, consistently, there has been little other than imagined urgency for modifications to a house five decades ago.

Mr. Kashdan lives on a fixed income. He may have complicating and ongoing health concerns. He has tried his best to comply with applicable law during his 30+ years at the house. He has offered reasonable conversations around the issue. The issue itself was generated in bad faith by a disgruntled ex tenant. Then the issue was unreasonably expanded by a very zealous county enforcement agent in Mr. Sanchez. And despite more than reasonable openness to resolution on the part of Mr. Kashdan and his counsel, the county's position has been rigid, overreaching, unfair, and insensitive to the equitable factors around the case.

We respectfully request that you deny Fairfax' appeal of the appeal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. Whiting', is written over the typed name below.

David L. Whiting, Esq. on behalf of Mr. Kashdan

## Colleen

---

**From:** David Whiting  
**Sent:** Tuesday, October 18, 2022 8:55 AM  
**To:** Foltz, Patrick  
**Subject:** re Kashdan

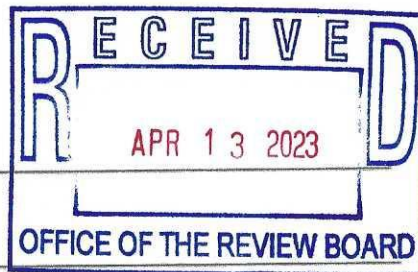
Hi Patrick,

Do we really want to go through the hassle of an appeal of the appeal? Or is there some workable middle ground that would save everyone time?

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**REQUEST FOR INTERPRETATION**

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



From: Gregory H. Revels

Phone Number : 804/501-4374

Email Address: Greg.Revels@henrico.us

Applicable Code: 2017 National Electrical Code

Code Section(s): 250.24

Submitted by (signature):

A handwritten signature in blue ink, appearing to be "G. Revels", written over a horizontal line.

Date: 4.13.2023

QUESTION(S):

Question: Is equipment connected via taps ahead of the main for PV systems required to comply with 2017 National Electrical Code (NEC) Section 250.24?

Answer Option 1:

Yes. Section 705.12(A) of the 2017 NEC allows connecting PV systems to dwelling unit electric utilities via disconnect switch on the supply side of the existing electric service disconnecting means.

Section 705.50 of the 2017 NEC provides that interconnected electric power production sources shall be grounded in accordance with article 250. The PV System supply side connection to service conductors follows the same rules as service disconnects since the hazard is the same.

Answer Option 2:

No. Section 705.50 states that interconnected electric power production sources shall be grounded in accordance with Article 250. Section 250.32(A) prohibits connecting a grounded conductor to an equipment grounding conductor at a feeder disconnecting means because that must only happen at a service disconnecting means (see Article 100 Definitions of Feeder and Service). Sections 230.71 and 690.13(A) of the 2017 NEC Handbook affirm the same.

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# Article 250 Grounding and Bonding

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## Part I. General

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### 250.1 Scope.

This article covers general requirements for grounding and bonding of electrical installations, and the specific requirements in (1) through (6).

- (1) Systems, circuits, and equipment required, permitted, or not permitted to be grounded
- (2) Circuit conductor to be grounded on grounded systems
- (3) Location of grounding connections
- (4) Types and sizes of grounding and bonding conductors and electrodes
- (5) Methods of grounding and bonding
- (6) Conditions under which guards, isolation, or insulation may be substituted for grounding

Informational Note: See [Figure 250.1](#) for information on the organization of Article [250](#) covering grounding and bonding requirements.

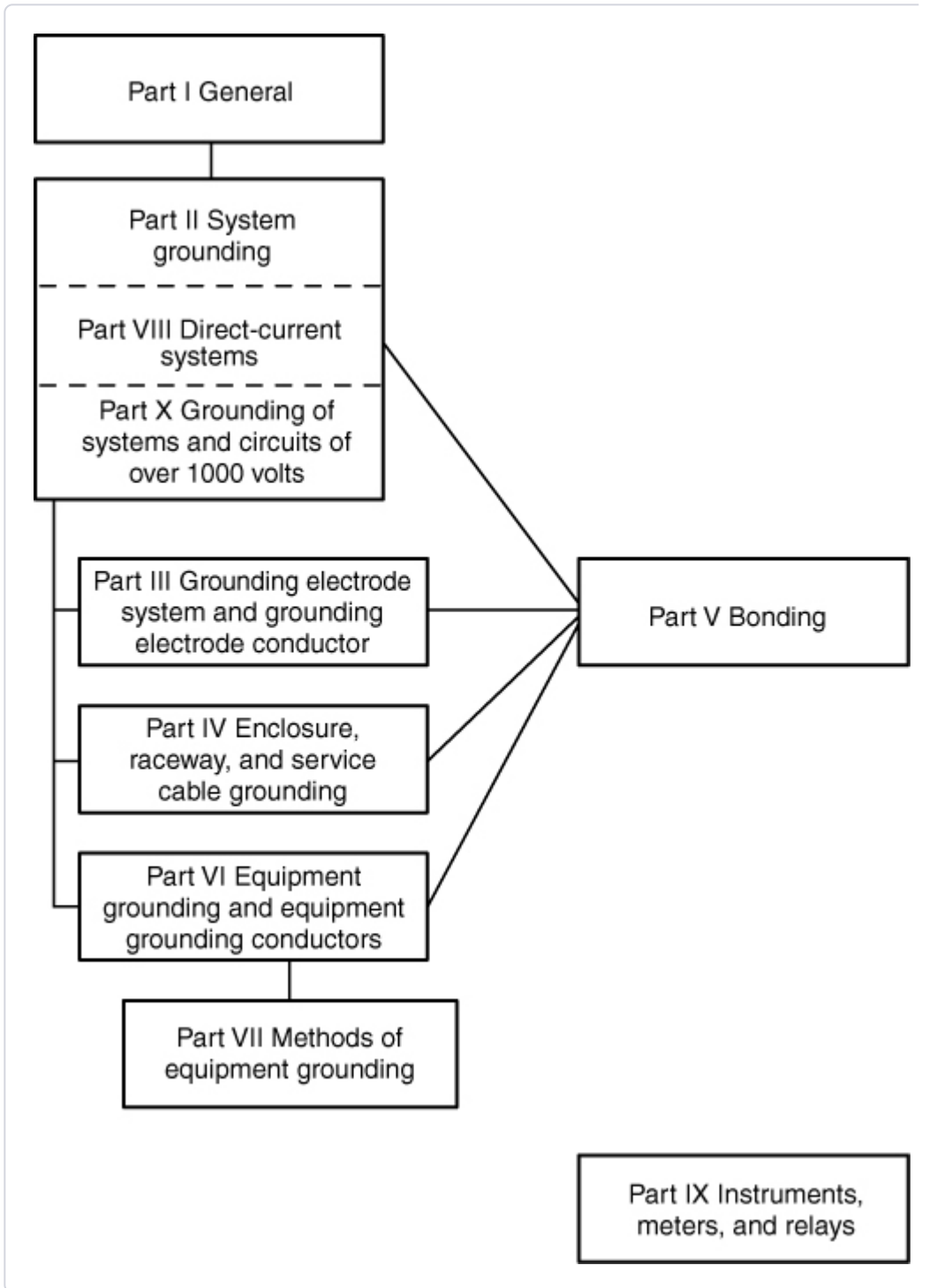


Figure 250.1 Grounding and Bonding.

ENHANCED CONTENT

Expand



## 250.2 Definition.

### **Bonding Jumper, Supply-Side.**

**A conductor installed on the supply side of a service or within a service equipment enclosure(s), or for a separately derived system, that ensures the required electrical conductivity between metal parts required to be electrically connected.**

ENHANCED CONTENT

Expand 

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## 250.3 Application of Other Articles.

**For other articles applying to particular cases of installation of conductors and equipment, grounding and bonding requirements are identified in Table 250.3 that are in addition to, or modifications of, those of this article.**

**Table 250.3 Add**

**Conductor/Equipment**

**Agricultural buildings**

**Audio signal processing, amplification, and reproduction equipment**

**Branch circuits**

**Cablebus**

**Cable trays**

**Capacitors**

**Circuits and equipment operating at less than 50 volts**

**Communications circuits**

**Community antenna television and radio distribution systems**

**Conductors for general wiring**

**Cranes and hoists**

**Electrically driven or controlled irrigation machines**

**Electric signs and outline lighting**

**Electrolytic cells**

**Elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chairlifts**

**Fixed electric heating equipment for pipelines and vessels**

**Fixed outdoor electric deicing and snow-melting equipment**

**Flexible cords and cables**

**Floating buildings**

**Grounding-type receptacles, adapters, cord connectors, and attachment plugs**

**Hazardous (classified) locations**

**Health care facilities**

**Induction and dielectric heating equipment**

**Industrial machinery**

**Conductor/Equipment**

**Information technology equipment**

**Intrinsically safe systems**

**Luminaires and lighting equipment**

**Luminaires, lampholders, and lamps**

**Marinas and boatyards**

**Mobile homes and mobile home park**

**Motion picture and television studios and similar locations**

**Motors, motor circuits, and controllers**

**Natural and artificially made bodies of water**

**Network powered broadband communications circuits**

**Optical fiber cables**

**Outlet, device, pull, and junction boxes; conduit bodies; and fittings**

**Over 600 volts, nominal, underground wiring methods**

**Panelboards**

**Pipe organs**

**Radio and television equipment**

**Receptacles and cord connectors**

**Recreational vehicles and recreational vehicle parks**

**Services**

**Solar photovoltaic systems**

**Swimming pools, fountains, and similar installations**

**Switchboards and panelboards**

**Switches**

**Theaters, audience areas of motion picture and television studios, and similar locations**

**Transformers and transformer vaults**

**Use and identification of grounded conductors**

**X-ray equipment**

## 250.4 General Requirements for Grounding and Bonding.

The following general requirements identify what grounding and bonding of electrical systems are required to accomplish. The prescriptive methods contained in Article 250 shall be followed to comply with the performance requirements of this section.

ENHANCED CONTENT

Expand 

### (A) Grounded Systems.

#### (1) Electrical System Grounding.

Electrical systems that are grounded shall be connected to earth in a manner that will limit the voltage imposed by lightning, line surges, or unintentional contact with higher-voltage lines and that will stabilize the voltage to earth during normal operation.

**Informational Note No. 1:** An important consideration for limiting the imposed voltage is the routing of bonding and grounding electrode conductors so that they are not any longer than necessary to complete the connection without disturbing the permanent parts of the installation and so that unnecessary bends and loops are avoided.

**Informational Note No. 2:** See NFPA 780-2014, *Standard for the Installation of Lightning Protection Systems*, for information on installation of grounding and bonding for lightning protection systems.

#### (2) Grounding of Electrical Equipment.

Normally non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected to earth so as to limit the voltage to ground on these materials.

#### (3) Bonding of Electrical Equipment.

Normally non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected together and to the electrical supply source in a manner that establishes an effective ground-fault current path.

**(4) Bonding of Electrically Conductive Materials and Other Equipment.**

Normally non-current-carrying electrically conductive materials that are likely to become energized shall be connected together and to the electrical supply source in a manner that establishes an effective ground-fault current path.

**(5) Effective Ground-Fault Current Path.**

Electrical equipment and wiring and other electrically conductive material likely to become energized shall be installed in a manner that creates a low-impedance circuit facilitating the operation of the overcurrent device or ground detector for high-impedance grounded systems. It shall be capable of safely carrying the maximum ground-fault current likely to be imposed on it from any point on the wiring system where a ground fault may occur to the electrical supply source. The earth shall not be considered as an effective ground-fault current path.

ENHANCED CONTENT

Expand **(B) Ungrounded Systems.****(1) Grounding Electrical Equipment.**

Non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected to earth in a manner that will limit the voltage imposed by lightning or unintentional contact with higher-voltage lines and limit the voltage to ground on these materials.

*Informational Note: See NFPA 780-2014, Standard for the Installation of Lightning Protection Systems, for information on installation of grounding and bonding for lightning protection systems.*

**(2) Bonding of Electrical Equipment.**

Non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected together and to the supply system grounded equipment in a manner that creates a low-impedance path for ground-fault current that is capable of carrying the maximum fault current likely to be imposed on it.

**(3) Bonding of Electrically Conductive Materials and Other Equipment.**

Electrically conductive materials that are likely to become energized shall be connected together and to the supply system grounded equipment in a manner that

**creates a low-impedance path for ground-fault current that is capable of carrying the maximum fault current likely to be imposed on it.**

**(4) Path for Fault Current.**

**Electrical equipment, wiring, and other electrically conductive material likely to become energized shall be installed in a manner that creates a low-impedance circuit from any point on the wiring system to the electrical supply source to facilitate the operation of overcurrent devices should a second ground fault from a different phase occur on the wiring system. The earth shall not be considered as an effective fault-current path.**

ENHANCED CONTENT

Expand 

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## **250.6 Objectionable Current.**

**(A) Arrangement to Prevent Objectionable Current.**

**The grounding of electrical systems, circuit conductors, surge arresters, surge-protective devices, and conductive normally non-current-carrying metal parts of equipment shall be installed and arranged in a manner that will prevent objectionable current.**

**(B) Alterations to Stop Objectionable Current.**

**If the use of multiple grounding connections results in objectionable current and the requirements of 250.4(A)(5) or (B)(4) are met, one or more of the following alterations shall be permitted:**

- (1) Discontinue one or more but not all of such grounding connections.**
- (2) Change the locations of the grounding connections.**
- (3) Interrupt the continuity of the conductor or conductive path causing the objectionable current.**
- (4) Take other suitable remedial and approved action.**

ENHANCED CONTENT

Expand **(C) Temporary Currents Not Classified as Objectionable Currents.**

Temporary currents resulting from abnormal conditions, such as ground faults, shall not be classified as objectionable current for the purposes specified in 250.6(A) and (B).

**(D) Limitations to Permissible Alterations.**

The provisions of this section shall not be considered as permitting electronic equipment from being operated on ac systems or branch circuits that are not connected to an equipment grounding conductor as required by this article. Currents that introduce noise or data errors in electronic equipment shall not be considered the objectionable currents addressed in this section.

ENHANCED CONTENT

Expand **(E) Isolation of Objectionable Direct-Current Ground Currents.**

Where isolation of objectionable dc ground currents from cathodic protection systems is required, a listed ac coupling/dc isolating device shall be permitted in the equipment grounding conductor path to provide an effective return path for ac ground-fault current while blocking dc current.

ENHANCED CONTENT

Expand 

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## 250.8 Connection of Grounding and Bonding Equipment.

**(A) Permitted Methods.**

**Equipment grounding conductors, grounding electrode conductors, and bonding jumpers shall be connected by one or more of the following means:**

- (1) Listed pressure connectors**
- (2) Terminal bars**
- (3) Pressure connectors listed as grounding and bonding equipment**
- (4) Exothermic welding process**
- (5) Machine screw-type fasteners that engage not less than two threads or are secured with a nut**
- (6) Thread-forming machine screws that engage not less than two threads in the enclosure**
- (7) Connections that are part of a listed assembly**
- (8) Other listed means**

ENHANCED CONTENT

Expand 

**(B) Methods Not Permitted.**

**Connection devices or fittings that depend solely on solder shall not be used.**

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## **250.10 Protection of Ground Clamps and Fittings.**

**Ground clamps or other fittings exposed to physical damage shall be enclosed in metal, wood, or equivalent protective covering.**

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## **250.12 Clean Surfaces.**

**Nonconductive coatings (such as paint, lacquer, and enamel) on equipment to be grounded shall be removed from threads and other contact surfaces to ensure good**



**electrical continuity or be connected by means of fittings designed so as to make such removal unnecessary.**

ENHANCED CONTENT

Expand 

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## Part II. System Grounding

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### **250.20 Alternating-Current Systems to Be Grounded.**

**Alternating-current systems shall be grounded as provided for in 250.20(A), (B), (C), or (D). Other systems shall be permitted to be grounded. If such systems are grounded, they shall comply with the applicable provisions of this article.**

**Informational Note:** An example of a system permitted to be grounded is a corner-grounded delta transformer connection. See 250.26(4) for conductor to be grounded.

#### **(A) Alternating-Current Systems of Less Than 50 Volts.**

**Alternating-current systems of less than 50 volts shall be grounded under any of the following conditions:**

- (1) Where supplied by transformers, if the transformer supply system exceeds 150 volts to ground**
- (2) Where supplied by transformers, if the transformer supply system is ungrounded**
- (3) Where installed outside as overhead conductors**

#### **(B) Alternating-Current Systems of 50 Volts to 1000 Volts.**

**Alternating-current systems of 50 volts to 1000 volts that supply premises wiring and premises wiring systems shall be grounded under any of the following conditions:**

- (1) Where the system can be grounded so that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts**

- (2) Where the system is 3-phase, 4-wire, wye connected in which the neutral conductor is used as a circuit conductor
- (3) Where the system is 3-phase, 4-wire, delta connected in which the midpoint of one phase winding is used as a circuit conductor

ENHANCED CONTENT

Expand **(C) Alternating-Current Systems of over 1000 Volts.**

Alternating-current systems supplying mobile or portable equipment shall be grounded as specified in 250.188. Where supplying other than mobile or portable equipment, such systems shall be permitted to be grounded.

**(D) Impedance Grounded Neutral Systems.**

Impedance grounded neutral systems shall be grounded in accordance with 250.36 or 250.187.

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## **250.21 Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to Be Grounded.**

**(A) General.**

The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

- (1) Electrical systems used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like
- (2) Separately derived systems used exclusively for rectifiers that supply only adjustable-speed industrial drives
- (3) Separately derived systems supplied by transformers that have a primary voltage rating of 1000 volts or less if all the following conditions are met:

- a. **The system is used exclusively for control circuits.**
  - b. **The conditions of maintenance and supervision ensure that only qualified persons service the installation.**
  - c. **Continuity of control power is required.**
- (4) Other systems that are not required to be grounded in accordance with the requirements of 250.20(B)**

ENHANCED CONTENT

Expand **(B) Ground Detectors.**

**Ground detectors shall be installed in accordance with 250.21(B)(1) and (B)(2).**

- (1) Ungrounded ac systems as permitted in 250.21(A)(1) through (A)(4) operating at not less than 120 volts and at 1000 volts or less shall have ground detectors installed on the system.**
- (2) The ground detection sensing equipment shall be connected as close as practicable to where the system receives its supply.**

ENHANCED CONTENT

Expand **(C) Marking.**

**Ungrounded systems shall be legibly marked “Caution: Ungrounded System Operating — \_\_\_\_\_ Volts Between Conductors” at the source or first disconnecting means of the system. The marking shall be of sufficient durability to withstand the environment involved.**

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## **250.22 Circuits Not to Be Grounded.**

**The following circuits shall not be grounded:**

- (1) **Circuits for electric cranes operating over combustible fibers in Class III locations, as provided in 503.155**
- (2) **Circuits in health care facilities as provided in 517.61 and 517.160**
- (3) **Circuits for equipment within electrolytic cell line working zones as provided in Article 668**
- (4) **Secondary circuits of lighting systems as provided in 411.6(A)**
- (5) **Secondary circuits of lighting systems as provided in 680.23(A)(2)**
- (6) **Class 2 load side circuits for suspended ceiling low-voltage power grid distribution systems as provided in 393.60(B)**

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## **250.24 Grounding Service-Supplied Alternating-Current Systems.**

### **(A) System Grounding Connections.**

**A premises wiring system supplied by a grounded ac service shall have a grounding electrode conductor connected to the grounded service conductor, at each service, in accordance with 250.24(A)(1) through (A)(5).**

ENHANCED CONTENT

Expand 

### **(1) General.**

**The grounding electrode conductor connection shall be made at any accessible point from the load end of the overhead service conductors, service drop, underground service conductors, or service lateral to, including the terminal or bus to which the grounded service conductor is connected at the service disconnecting means.**

**Informational Note: See definitions of *Service Conductors, Overhead*; *Service Conductors, Underground*; *Service Drop*; and *Service Lateral* in Article 100.**

ENHANCED CONTENT

Expand **(2) Outdoor Transformer.**

Where the transformer supplying the service is located outside the building, at least one additional grounding connection shall be made from the grounded service conductor to a grounding electrode, either at the transformer or elsewhere outside the building.

*Exception: The additional grounding electrode conductor connection shall not be made on high-impedance grounded neutral systems. The system shall meet the requirements of [250.36](#).*

ENHANCED CONTENT

Expand **(3) Dual-Fed Services.**

For services that are dual fed (double ended) in a common enclosure or grouped together in separate enclosures and employing a secondary tie, a single grounding electrode conductor connection to the tie point of the grounded conductor(s) from each power source shall be permitted.

**(4) Main Bonding Jumper as Wire or Busbar.**

Where the main bonding jumper specified in [250.28](#) is a wire or busbar and is installed from the grounded conductor terminal bar or bus to the equipment grounding terminal bar or bus in the service equipment, the grounding electrode conductor shall be permitted to be connected to the equipment grounding terminal, bar, or bus to which the main bonding jumper is connected.

**(5) Load-Side Grounding Connections.**

A grounded conductor shall not be connected to normally non-current-carrying metal parts of equipment, to equipment grounding conductor(s), or be reconnected to ground on the load side of the service disconnecting means except as otherwise permitted in this article.

Informational Note: See [250.30](#) for separately derived systems, [250.32](#) for connections at separate buildings or structures, and [250.142](#) for use of the grounded circuit conductor for grounding equipment.

ENHANCED CONTENT

Expand **(B) Main Bonding Jumper.**

For a grounded system, an unspliced main bonding jumper shall be used to connect the equipment grounding conductor(s) and the service-disconnect enclosure to the grounded conductor within the enclosure for each service disconnect in accordance with 250.28.

*Exception No. 1: Where more than one service disconnecting means is located in an assembly listed for use as service equipment, an unspliced main bonding jumper shall bond the grounded conductor(s) to the assembly enclosure.*

*Exception No. 2: Impedance grounded neutral systems shall be permitted to be connected as provided in 250.36 and 250.187.*

ENHANCED CONTENT

Expand **(C) Grounded Conductor Brought to Service Equipment.**

Where an ac system operating at 1000 volts or less is grounded at any point, the grounded conductor(s) shall be routed with the ungrounded conductors to each service disconnecting means and shall be connected to each disconnecting means grounded conductor(s) terminal or bus. A main bonding jumper shall connect the grounded conductor(s) to each service disconnecting means enclosure. The grounded conductor(s) shall be installed in accordance with 250.24(C)(1) through 250.24(C)(4).

*Exception: Where two or more service disconnecting means are located in a single assembly listed for use as service equipment, it shall be permitted to connect the grounded conductor(s) to the assembly common grounded conductor(s) terminal or bus. The assembly shall include a main bonding jumper for connecting the grounded conductor(s) to the assembly enclosure.*

ENHANCED CONTENT

Expand **(1) Sizing for a Single Raceway or Cable.**

**The grounded conductor shall not be smaller than specified in Table 250.102(C)(1).**

**(2) Parallel Conductors in Two or More Raceways or Cables.**

**If the ungrounded service-entrance conductors are installed in parallel in two or more raceways or cables, the grounded conductor shall also be installed in parallel. The size of the grounded conductor in each raceway or cable shall be based on the total circular mil area of the parallel ungrounded conductors in the raceway or cable, as indicated in 250.24(C)(1), but not smaller than 1/0 AWG.**

**Informational Note: See 310.10(H) for grounded conductors connected in parallel.**

**(3) Delta-Connected Service.**

**The grounded conductor of a 3-phase, 3-wire delta service shall have an ampacity not less than that of the ungrounded conductors.**

**(4) High Impedance.**

**The grounded conductor on a high-impedance grounded neutral system shall be grounded in accordance with 250.36.**

**(D) Grounding Electrode Conductor.**

**A grounding electrode conductor shall be used to connect the equipment grounding conductors, the service-equipment enclosures, and, where the system is grounded, the grounded service conductor to the grounding electrode(s) required by Part III of this article. This conductor shall be sized in accordance with 250.66.**

**High-impedance grounded neutral system connections shall be made as covered in 250.36.**

**(E) Ungrounded System Grounding Connections.**

**A premises wiring system that is supplied by an ac service that is ungrounded shall have, at each service, a grounding electrode conductor connected to the grounding electrode(s) required by Part III of this article. The grounding electrode conductor shall be connected to a metal enclosure of the service conductors at any accessible point from the load end of the overhead service conductors, service drop, underground service conductors, or service lateral to the service disconnecting means.**

## 250.26 Conductor to Be Grounded – Alternating-Current Systems.

For ac premises wiring systems, the conductor to be grounded shall be as specified in the following:

- (1) Single-phase, 2-wire – one conductor
  - (2) Single-phase, 3-wire – the neutral conductor
  - (3) Multiphase systems having one wire common to all phases – the neutral conductor
  - (4) Multiphase systems where one phase is grounded – one phase conductor
  - (5) Multiphase systems in which one phase is used as in (2) – the neutral conductor
- 

## 250.28 Main Bonding Jumper and System Bonding Jumper.

For a grounded system, main bonding jumpers and system bonding jumpers shall be installed as follows:

ENHANCED CONTENT

Expand 

### (A) Material.

Main bonding jumpers and system bonding jumpers shall be of copper or other corrosion-resistant material. A main bonding jumper and a system bonding jumper shall be a wire, bus, screw, or similar suitable conductor.

### (B) Construction.

Where a main bonding jumper or a system bonding jumper is a screw only, the screw shall be identified with a green finish that shall be visible with the screw installed.

### (C) Attachment.



**Main bonding jumpers and system bonding jumpers shall be connected in the manner specified by the applicable provisions of 250.8.**

**(D) Size.**

**Main bonding jumpers and system bonding jumpers shall be sized in accordance with 250.28(D)(1) through (D)(3).**

**(1) General.**

**Main bonding jumpers and system bonding jumpers shall not be smaller than specified in Table 250.102(C)(1).**

**(2) Main Bonding Jumper for Service with More Than One Enclosure.**

**Where a service consists of more than a single enclosure as permitted in 230.71(A), the main bonding jumper for each enclosure shall be sized in accordance with 250.28(D)(1) based on the largest ungrounded service conductor serving that enclosure.**

**(3) Separately Derived System with More Than One Enclosure.**

**Where a separately derived system supplies more than a single enclosure, the system bonding jumper for each enclosure shall be sized in accordance with 250.28(D)(1) based on the largest ungrounded feeder conductor serving that enclosure, or a single system bonding jumper shall be installed at the source and sized in accordance with 250.28(D)(1) based on the equivalent size of the largest supply conductor determined by the largest sum of the areas of the corresponding conductors of each set.**

ENHANCED CONTENT

Expand 

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## **250.30 Grounding Separately Derived Alternating-Current Systems.**

**In addition to complying with 250.30(A) for grounded systems, or as provided in 250.30(B) for ungrounded systems, separately derived systems shall comply**

with 250.20, 250.21, 250.22, or 250.26, as applicable. Multiple separately derived systems that are connected in parallel shall be installed in accordance with 250.30.

**Informational Note No. 1:** An alternate ac power source, such as an on-site generator, is not a separately derived system if the grounded conductor is solidly interconnected to a service-supplied system grounded conductor. An example of such a situation is where alternate source transfer equipment does not include a switching action in the grounded conductor and allows it to remain solidly connected to the service-supplied grounded conductor when the alternate source is operational and supplying the load served.

**Informational Note No. 2:** See 445.13 for the minimum size of conductors that carry fault current.

ENHANCED CONTENT

Expand 

### **(A) Grounded Systems.**

A separately derived ac system that is grounded shall comply with 250.30(A)(1) through (A)(8). Except as otherwise permitted in this article, a grounded conductor shall not be connected to normally non-current-carrying metal parts of equipment, be connected to equipment grounding conductors, or be reconnected to ground on the load side of the system bonding jumper.

**Informational Note:** See 250.32 for connections at separate buildings or structures and 250.142 for use of the grounded circuit conductor for grounding equipment.

**Exception:** Impedance grounded neutral system grounding connections shall be made as specified in 250.36 or 250.187, as applicable.

### **(1) System Bonding Jumper.**

An unspliced system bonding jumper shall comply with 250.28(A) through (D). This connection shall be made at any single point on the separately derived system from the source to the first system disconnecting means or overcurrent device, or it shall be made at the source of a separately derived system that has no disconnecting means or overcurrent devices, in accordance with 250.30(A)(1)(a) or (b). The system bonding jumper shall remain within the enclosure where it originates. If the source is located outside the building or structure supplied, a system bonding jumper shall be installed at the grounding electrode connection in compliance with 250.30(C).

**Exception No. 1:** For systems installed in accordance with 450.6, a single system bonding jumper connection to the tie point of the grounded circuit conductors from each power source shall be permitted.

**Exception No. 2:** *If a building or structure is supplied by a feeder from an outdoor separately derived system, a system bonding jumper at both the source and the first disconnecting means shall be permitted if doing so does not establish a parallel path for the grounded conductor. If a grounded conductor is used in this manner, it shall not be smaller than the size specified for the system bonding jumper but shall not be required to be larger than the ungrounded conductor(s). For the purposes of this exception, connection through the earth shall not be considered as providing a parallel path.*

**Exception No. 3:** *The size of the system bonding jumper for a system that supplies a Class 1, Class 2, or Class 3 circuit, and is derived from a transformer rated not more than 1000 volt-amperes, shall not be smaller than the derived ungrounded conductors and shall not be smaller than 14 AWG copper or 12 AWG aluminum.*

- (a) **Installed at the Source.** The system bonding jumper shall connect the grounded conductor to the supply-side bonding jumper and the normally non-current-carrying metal enclosure.
- (b) **Installed at the First Disconnecting Means.** The system bonding jumper shall connect the grounded conductor to the supply-side bonding jumper, the disconnecting means enclosure, and the equipment grounding conductor(s).

ENHANCED CONTENT

Expand 

## **(2) Supply-Side Bonding Jumper.**

If the source of a separately derived system and the first disconnecting means are located in separate enclosures, a supply-side bonding jumper shall be installed with the circuit conductors from the source enclosure to the first disconnecting means. A supply-side bonding jumper shall not be required to be larger than the derived ungrounded conductors. The supply-side bonding jumper shall be permitted to be of nonflexible metal raceway type or of the wire or bus type as follows:

- (a) A supply-side bonding jumper of the wire type shall comply with **250.102(C)**, based on the size of the derived ungrounded conductors.
- (b) A supply-side bonding jumper of the bus type shall have a cross-sectional area not smaller than a supply-side bonding jumper of the wire type as determined in **250.102(C)**.

**Exception:** *A supply-side bonding jumper shall not be required between enclosures for installations made in compliance with **250.30(A)(1)**, Exception No. 2.*

ENHANCED CONTENT

Expand **(3) Grounded Conductor.**

If a grounded conductor is installed and the system bonding jumper connection is not located at the source, 250.30(A)(3)(a) through (A)(3)(d) shall apply.

- (a) **Sizing for a Single Raceway.** The grounded conductor shall not be smaller than specified in Table 250.102(C)(1).
- (b) **Parallel Conductors in Two or More Raceways.** If the ungrounded conductors are installed in parallel in two or more raceways, the grounded conductor shall also be installed in parallel. The size of the grounded conductor in each raceway shall be based on the total circular mil area of the parallel derived ungrounded conductors in the raceway as indicated in 250.30(A)(3)(a), but not smaller than **1/0 AWG**.

Informational Note: See 310.10(H) for grounded conductors connected in parallel.

- (c) **Delta-Connected System.** The grounded conductor of a 3-phase, 3-wire delta system shall have an ampacity not less than that of the ungrounded conductors.
- (d) **Impedance Grounded System.** The grounded conductor of an impedance grounded neutral system shall be installed in accordance with 250.36 or 250.187, as applicable.

ENHANCED CONTENT

Expand **(4) Grounding Electrode.**

The building or structure grounding electrode system shall be used as the grounding electrode for the separately derived system. If located outdoors, the grounding electrode shall be in accordance with 250.30(C).

**Exception:** If a separately derived system originates in equipment that is listed and identified as suitable for use as service equipment, the grounding electrode used for the service or feeder equipment shall be permitted to be used as the grounding electrode for the separately derived system.

**Informational Note No. 1:** See [250.104\(D\)](#) for bonding requirements for interior metal water piping in the area served by separately derived systems.

**Informational Note No. 2:** See [250.50](#) and [250.58](#) for requirements for bonding all electrodes together if located at the same building or structure.

ENHANCED CONTENT

Expand 

### **(5) Grounding Electrode Conductor, Single Separately Derived System.**

A grounding electrode conductor for a single separately derived system shall be sized in accordance with [250.66](#) for the derived ungrounded conductors. It shall be used to connect the grounded conductor of the derived system to the grounding electrode in accordance with [250.30\(A\)\(4\)](#), or as permitted in [250.68\(C\)\(1\)](#) and (2). This connection shall be made at the same point on the separately derived system where the system bonding jumper is connected.

*Exception No. 1: If the system bonding jumper specified in [250.30\(A\)\(1\)](#) is a wire or busbar, it shall be permitted to connect the grounding electrode conductor to the equipment grounding terminal, bar, or bus if the equipment grounding terminal, bar, or bus is of sufficient size for the separately derived system.*

*Exception No. 2: If the source of a separately derived system is located within equipment listed and identified as suitable for use as service equipment, the grounding electrode conductor from the service or feeder equipment to the grounding electrode shall be permitted as the grounding electrode conductor for the separately derived system, if the grounding electrode conductor is of sufficient size for the separately derived system. If the equipment grounding bus internal to the equipment is not smaller than the required grounding electrode conductor for the separately derived system, the grounding electrode connection for the separately derived system shall be permitted to be made to the bus.*

*Exception No. 3: A grounding electrode conductor shall not be required for a system that supplies a Class 1, Class 2, or Class 3 circuit and is derived from a transformer rated not more than 1000 volt-amperes, provided the grounded conductor is bonded to the transformer frame or enclosure by a jumper sized in accordance with [250.30\(A\)\(1\)](#), Exception No. 3, and the transformer frame or enclosure is grounded by one of the means specified in [250.134](#).*

ENHANCED CONTENT

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### **(6) Grounding Electrode Conductor, Multiple Separately Derived Systems.**

**A common grounding electrode conductor for multiple separately derived systems shall be permitted. If installed, the common grounding electrode conductor shall be used to connect the grounded conductor of the separately derived systems to the grounding electrode as specified in 250.30(A)(4). A grounding electrode conductor tap shall then be installed from each separately derived system to the common grounding electrode conductor. Each tap conductor shall connect the grounded conductor of the separately derived system to the common grounding electrode conductor. This connection shall be made at the same point on the separately derived system where the system bonding jumper is connected.**

***Exception No. 1: If the system bonding jumper specified in 250.30(A)(1) is a wire or busbar, it shall be permitted to connect the grounding electrode conductor tap to the equipment grounding terminal, bar, or bus, provided the equipment grounding terminal, bar, or bus is of sufficient size for the separately derived system.***

***Exception No. 2: A grounding electrode conductor shall not be required for a system that supplies a Class 1, Class 2, or Class 3 circuit and is derived from a transformer rated not more than 1000 volt-amperes, provided the system grounded conductor is bonded to the transformer frame or enclosure by a jumper sized in accordance with 250.30(A)(1), Exception No. 3, and the transformer frame or enclosure is grounded by one of the means specified in 250.134.***

- (a) Common Grounding Electrode Conductor.** The common grounding electrode conductor shall be permitted to be one of the following:
- (1) A conductor of the wire type not smaller than 3/0 AWG copper or 250 kcmil aluminum**
  - (2) A metal water pipe that complies with 250.68(C)(1).**
  - (3) The metal structural frame of the building or structure that complies with 250.68(C)(2) or is connected to the grounding electrode system by a conductor not smaller than 3/0 AWG copper or 250 kcmil aluminum**
- (b) Tap Conductor Size.** Each tap conductor shall be sized in accordance with 250.66 based on the derived ungrounded conductors of the separately derived system it serves.

***Exception: If the source of a separately derived system is located within equipment listed and identified as suitable for use as service equipment, the grounding electrode conductor from the service or feeder equipment to the grounding electrode shall be permitted as the grounding electrode conductor for the separately derived system, if the grounding electrode conductor is of sufficient size for the separately derived system. If the equipment grounding bus internal to the equipment is not smaller than the required***

***grounding electrode conductor for the separately derived system, the grounding electrode connection for the separately derived system shall be permitted to be made to the bus.***

- (c) Connections.** All tap connections to the common grounding electrode conductor shall be made at an accessible location by one of the following methods:
- (1)** A connector listed as grounding and bonding equipment.
  - (2)** Listed connections to aluminum or copper busbars not smaller than 6 mm thick × 50 mm wide ( $\frac{1}{4}$  in. thick × 2 in. wide) and of sufficient length to accommodate the number of terminations necessary for the installation. If aluminum busbars are used, the installation shall also comply with 250.64(A).
  - (3)** The exothermic welding process.

Tap conductors shall be connected to the common grounding electrode conductor in such a manner that the common grounding electrode conductor remains without a splice or joint.

ENHANCED CONTENT

Expand 

**(7) Installation.**

The installation of all grounding electrode conductors shall comply with 250.64(A), (B), (C), and (E).

**(8) Bonding.**

Structural steel and metal piping shall be connected to the grounded conductor of a separately derived system in accordance with 250.104(D).

**(B) Ungrounded Systems.**

The equipment of an ungrounded separately derived system shall be grounded and bonded as specified in 250.30(B)(1) through (B)(3).

**(1) Grounding Electrode Conductor.**

A grounding electrode conductor, sized in accordance with 250.66 for the largest derived ungrounded conductor(s) or set of derived ungrounded conductors, shall be

used to connect the metal enclosures of the derived system to the grounding electrode as specified in 250.30(A)(5) or (6), as applicable. This connection shall be made at any point on the separately derived system from the source to the first system disconnecting means. If the source is located outside the building or structure supplied, a grounding electrode connection shall be made in compliance with 250.30(C).

**(2) Grounding Electrode.**

Except as permitted by 250.34 for portable and vehicle-mounted generators, the grounding electrode shall comply with 250.30(A)(4).

**(3) Bonding Path and Conductor.**

A supply-side bonding jumper shall be installed from the source of a separately derived system to the first disconnecting means in compliance with 250.30(A)(2).

ENHANCED CONTENT

Expand 

**(C) Outdoor Source.**

If the source of the separately derived system is located outside the building or structure supplied, a grounding electrode connection shall be made at the source location to one or more grounding electrodes in compliance with 250.50. In addition, the installation shall comply with 250.30(A) for grounded systems or with 250.30(B) for ungrounded systems.

*Exception: The grounding electrode conductor connection for impedance grounded neutral systems shall comply with 250.36 or 250.187, as applicable.*

ENHANCED CONTENT

Expand 

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## **250.32 Buildings or Structures Supplied by a Feeder(s) or Branch Circuit(s).**



**(A) Grounding Electrode.**

**Building(s) or structure(s) supplied by feeder(s) or branch circuit(s) shall have a grounding electrode or grounding electrode system installed in accordance with Part III of Article 250. The grounding electrode conductor(s) shall be connected in accordance with 250.32(B) or (C). Where there is no existing grounding electrode, the grounding electrode(s) required in 250.50 shall be installed.**

*Exception: A grounding electrode shall not be required where only a single branch circuit, including a multiwire branch circuit, supplies the building or structure and the branch circuit includes an equipment grounding conductor for grounding the normally non-current-carrying metal parts of equipment.*

ENHANCED CONTENT

Expand **(B) Grounded Systems.****(1) Supplied by a Feeder or Branch Circuit.**

**An equipment grounding conductor, as described in 250.118, shall be run with the supply conductors and be connected to the building or structure disconnecting means and to the grounding electrode(s). The equipment grounding conductor shall be used for grounding or bonding of equipment, structures, or frames required to be grounded or bonded. The equipment grounding conductor shall be sized in accordance with 250.122. Any installed grounded conductor shall not be connected to the equipment grounding conductor or to the grounding electrode(s).**

*Exception No. 1: For installations made in compliance with previous editions of this Code that permitted such connection, the grounded conductor run with the supply to the building or structure shall be permitted to serve as the ground-fault return path if all of the following requirements continue to be met:*

- (1) An equipment grounding conductor is not run with the supply to the building or structure.*
- (2) There are no continuous metallic paths bonded to the grounding system in each building or structure involved.*
- (3) Ground-fault protection of equipment has not been installed on the supply side of the feeder(s).*

*If the grounded conductor is used for grounding in accordance with the provision of this exception, the size of the grounded conductor shall not be smaller than the larger of either of the following:*

- (1) *That required by 220.61*
- (2) *That required by 250.122*

**Exception No. 2:** *If system bonding jumpers are installed in accordance with 250.30(A)(1), Exception No. 2, the feeder grounded circuit conductor at the building or structure served shall be connected to the equipment grounding conductors, grounding electrode conductor, and the enclosure for the first disconnecting means.*

ENHANCED CONTENT

Expand 

**(2) Supplied by Separately Derived System.**

- (a) ***With Overcurrent Protection.*** If overcurrent protection is provided where the conductors originate, the installation shall comply with 250.32(B)(1).
- (b) ***Without Overcurrent Protection.*** If overcurrent protection is not provided where the conductors originate, the installation shall comply with 250.30(A). If installed, the supply-side bonding jumper shall be connected to the building or structure disconnecting means and to the grounding electrode(s).

ENHANCED CONTENT

Expand 

**(C) Ungrounded Systems.**

**(1) Supplied by a Feeder or Branch Circuit.**

An equipment grounding conductor, as described in 250.118, shall be installed with the supply conductors and be connected to the building or structure disconnecting means and to the grounding electrode(s). The grounding electrode(s) shall also be connected to the building or structure disconnecting means.

**(2) Supplied by a Separately Derived System.**

- (a) ***With Overcurrent Protection.*** If overcurrent protection is provided where the conductors originate, the installation shall comply with (C)(1).

- (b) Without Overcurrent Protection.** If overcurrent protection is not provided where the conductors originate, the installation shall comply with **250.30(B)**. If installed, the supply-side bonding jumper shall be connected to the building or structure disconnecting means and to the grounding electrode(s).

**(D) Disconnecting Means Located in Separate Building or Structure on the Same Premises.**

Where one or more disconnecting means supply one or more additional buildings or structures under single management, and where these disconnecting means are located remote from those buildings or structures in accordance with the provisions of **225.32**, Exception No. 1 and No. 2, **700.12(B)(6)**, **701.12(B)(5)**, or **702.12**, all of the following conditions shall be met:

- (1)** The connection of the grounded conductor to the grounding electrode, to normally non-current-carrying metal parts of equipment, or to the equipment grounding conductor at a separate building or structure shall not be made.
- (2)** An equipment grounding conductor for grounding and bonding any normally non-current-carrying metal parts of equipment, interior metal piping systems, and building or structural metal frames is run with the circuit conductors to a separate building or structure and connected to existing grounding electrode(s) required in Part III of this article, or, where there are no existing electrodes, the grounding electrode(s) required in Part III of this article shall be installed where a separate building or structure is supplied by more than one branch circuit.
- (3)** The connection between the equipment grounding conductor and the grounding electrode at a separate building or structure shall be made in a junction box, panelboard, or similar enclosure located immediately inside or outside the separate building or structure.

ENHANCED CONTENT

Expand 

**(E) Grounding Electrode Conductor.**

The size of the grounding electrode conductor to the grounding electrode(s) shall not be smaller than given in **250.66**, based on the largest ungrounded supply conductor. The installation shall comply with Part III of this article.

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## 250.34 Portable and Vehicle-Mounted Generators.

### (A) Portable Generators.

The frame of a portable generator shall not be required to be connected to a grounding electrode as defined in 250.52 for a system supplied by the generator under the following conditions:

- (1) The generator supplies only equipment mounted on the generator, cord-and-plug-connected equipment through receptacles mounted on the generator, or both, and
- (2) The normally non-current-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are connected to the generator frame.

### (B) Vehicle-Mounted Generators.

The frame of a vehicle shall not be required to be connected to a grounding electrode as defined in 250.52 for a system supplied by a generator located on this vehicle under the following conditions:

- (1) The frame of the generator is bonded to the vehicle frame, and
- (2) The generator supplies only equipment located on the vehicle or cord-and-plug-connected equipment through receptacles mounted on the vehicle, or both equipment located on the vehicle and cord-and-plug-connected equipment through receptacles mounted on the vehicle or on the generator, and
- (3) The normally non-current-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are connected to the generator frame.

### (C) Grounded Conductor Bonding.

A system conductor that is required to be grounded by 250.26 shall be connected to the generator frame where the generator is a component of a separately derived system.

Informational Note: For grounding portable generators supplying fixed wiring systems, see [250.30](#).

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## 250.35 Permanently Installed Generators.

A conductor that provides an effective ground-fault current path shall be installed with the supply conductors from a permanently installed generator(s) to the first disconnecting mean(s) in accordance with (A) or (B).

### (A) Separately Derived System.

If the generator is installed as a separately derived system, the requirements in [250.30](#) shall apply.

### (B) Nonseparately Derived System.

If the generator is installed as a nonseparately derived system, and overcurrent protection is not integral with the generator assembly, a supply-side bonding jumper shall be installed between the generator equipment grounding terminal and the equipment grounding terminal, bar, or bus of the disconnecting mean(s). It shall be sized in accordance with [250.102\(C\)](#) based on the size of the conductors supplied by the generator.

ENHANCED CONTENT

Expand 

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## 250.36 High-Impedance Grounded Neutral Systems.

High-impedance grounded neutral systems in which a grounding impedance, usually a resistor, limits the ground-fault current to a low value shall be permitted for 3-phase ac systems of 480 volts to 1000 volts if all the following conditions are met:

- (1) The conditions of maintenance and supervision ensure that only qualified persons service the installation.

**(2) Ground detectors are installed on the system.**

**(3) Line-to-neutral loads are not served.**

**High-impedance grounded neutral systems shall comply with the provisions of 250.36(A) through (G).**

ENHANCED CONTENT

Expand 

**(A) Location.**

**The grounding impedance shall be installed between the grounding electrode conductor and the system neutral point. If a neutral point is not available, the grounding impedance shall be installed between the grounding electrode conductor and the neutral point derived from a grounding transformer.**

**(B) Conductor Insulation and Ampacity.**

**The grounded system conductor from the neutral point of the transformer or generator to its connection point to the grounding impedance shall be fully insulated.**

**The grounded system conductor shall have an ampacity of not less than the maximum current rating of the grounding impedance but in no case shall the grounded system conductor be smaller than 8 AWG copper or 6 AWG aluminum or copper-clad aluminum.**

**(C) System Grounding Connection.**

**The system shall not be connected to ground except through the grounding impedance.**

*Informational Note: The impedance is normally selected to limit the ground-fault current to a value slightly greater than or equal to the capacitive charging current of the system. This value of impedance will also limit transient overvoltages to safe values. For guidance, refer to criteria for limiting transient overvoltages in ANSI/IEEE 142-2007, *Recommended Practice for Grounding of Industrial and Commercial Power Systems*.*

**(D) Conductor Routing.**

**The conductor connecting the neutral point of the transformer or generator to the grounding impedance shall be permitted to be installed in a separate raceway from the ungrounded conductors. It shall not be required to run this conductor with the phase conductors to the first system disconnecting means or overcurrent device.**

**(E) Equipment Bonding Jumper.**

The equipment bonding jumper (the connection between the equipment grounding conductors and the grounding impedance) shall be an unspliced conductor run from the first system disconnecting means or overcurrent device to the grounded side of the grounding impedance.

**(F) Grounding Electrode Conductor Connection Location.**

For services or separately derived systems, the grounding electrode conductor shall be connected at any point from the grounded side of the grounding impedance to the equipment grounding connection at the service equipment or the first system disconnecting means of a separately derived system.

**(G) Equipment Bonding Jumper Size.**

The equipment bonding jumper shall be sized in accordance with (1) or (2) as follows:

- (1) If the grounding electrode conductor connection is made at the grounding impedance, the equipment bonding jumper shall be sized in accordance with 250.66, based on the size of the service entrance conductors for a service or the derived phase conductors for a separately derived system.
- (2) If the grounding electrode conductor is connected at the first system disconnecting means or overcurrent device, the equipment bonding jumper shall be sized the same as the neutral conductor in 250.36(B).

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**Part III. Grounding Electrode System and Grounding Electrode  
Conductor**

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**250.50 Grounding Electrode System.**

All grounding electrodes as described in 250.52(A)(1) through (A)(7) that are present at each building or structure served shall be bonded together to form the grounding electrode system. Where none of these grounding electrodes exist, one or more of the grounding electrodes specified in 250.52(A)(4) through (A)(8) shall be installed and used.

**Exception: Concrete-encased electrodes of existing buildings or structures shall not be required to be part of the grounding electrode system where the steel reinforcing bars or rods are not accessible for use without disturbing the concrete.**

ENHANCED CONTENT

Expand 

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## 250.52 Grounding Electrodes.

### (A) Electrodes Permitted for Grounding.

#### (1) Metal Underground Water Pipe.

A metal underground water pipe in direct contact with the earth for 3.0 m (10 ft) or more (including any metal well casing bonded to the pipe) and electrically continuous (or made electrically continuous by bonding around insulating joints or insulating pipe) to the points of connection of the grounding electrode conductor and the bonding conductor(s) or jumper(s), if installed.

#### (2) Metal In-ground Support Structure(s).

One or more metal in-ground support structure(s) in direct contact with the earth vertically for 3.0 m (10 ft) or more, with or without concrete encasement. If multiple metal in-ground support structures are present at a building or a structure, it shall be permissible to bond only one into the grounding electrode system.

Informational Note: Metal in-ground support structures include, but are not limited to, pilings, casings, and other structural metal.

ENHANCED CONTENT

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#### (3) Concrete-Encased Electrode.

A concrete-encased electrode shall consist of at least 6.0 m (20 ft) of either (1) or (2):



- (1) One or more bare or zinc galvanized or other electrically conductive coated steel reinforcing bars or rods of not less than 13 mm ( $\frac{1}{2}$  in.) in diameter, installed in one continuous 6.0 m (20 ft) length, or if in multiple pieces connected together by the usual steel tie wires, exothermic welding, welding, or other effective means to create a 6.0 m (20 ft) or greater length; or**
- (2) Bare copper conductor not smaller than 4 AWG**

**Metallic components shall be encased by at least 50 mm (2 in.) of concrete and shall be located horizontally within that portion of a concrete foundation or footing that is in direct contact with the earth or within vertical foundations or structural components or members that are in direct contact with the earth. If multiple concrete-encased electrodes are present at a building or structure, it shall be permissible to bond only one into the grounding electrode system.**

**Informational Note:** Concrete installed with insulation, vapor barriers, films or similar items separating the concrete from the earth is not considered to be in “direct contact” with the earth.

ENHANCED CONTENT

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#### **(4) Ground Ring.**

**A ground ring encircling the building or structure, in direct contact with the earth, consisting of at least 6.0 m (20 ft) of bare copper conductor not smaller than 2 AWG.**

#### **(5) Rod and Pipe Electrodes.**

**Rod and pipe electrodes shall not be less than 2.44 m (8 ft) in length and shall consist of the following materials.**

- (a) Grounding electrodes of pipe or conduit shall not be smaller than metric designator 21 (trade size  $\frac{3}{4}$ ) and, where of steel, shall have the outer surface galvanized or otherwise metal-coated for corrosion protection.**
- (b) Rod-type grounding electrodes of stainless steel and copper or zinc coated steel shall be at least 15.87 mm ( $\frac{5}{8}$  in.) in diameter, unless listed.**

#### **(6) Other Listed Electrodes.**

**Other listed grounding electrodes shall be permitted.**

**(7) Plate Electrodes.**

Each plate electrode shall expose not less than  $0.186 \text{ m}^2$  ( $2 \text{ ft}^2$ ) of surface to exterior soil. Electrodes of bare or electrically conductive coated iron or steel plates shall be at least 6.4 mm ( $\frac{1}{4}$  in.) in thickness. Solid, uncoated electrodes of nonferrous metal shall be at least 1.5 mm (0.06 in.) in thickness.

**(8) Other Local Metal Underground Systems or Structures.**

Other local metal underground systems or structures such as piping systems, underground tanks, and underground metal well casings that are not bonded to a metal water pipe.

**(B) Not Permitted for Use as Grounding Electrodes.**

The following systems and materials shall not be used as grounding electrodes:

- (1) Metal underground gas piping systems**
- (2) Aluminum**
- (3) The structures and structural reinforcing steel described in 680.26(B)(1) and (B)(2)**

Informational Note: See 250.104(B) for bonding requirements of gas piping.

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## **250.53 Grounding Electrode System Installation.**

**(A) Rod, Pipe, and Plate Electrodes.**

Rod, pipe, and plate electrodes shall meet the requirements of 250.53(A)(1) through (A)(3).

**(1) Below Permanent Moisture Level.**

If practicable, rod, pipe, and plate electrodes shall be embedded below permanent moisture level. Rod, pipe, and plate electrodes shall be free from nonconductive coatings such as paint or enamel.

**(2) Supplemental Electrode Required.**

A single rod, pipe, or plate electrode shall be supplemented by an additional electrode of a type specified in 250.52(A)(2) through (A)(8). The supplemental electrode shall be permitted to be bonded to one of the following:

- (1) **Rod, pipe, or plate electrode**
- (2) **Grounding electrode conductor**
- (3) **Grounded service-entrance conductor**
- (4) **Nonflexible grounded service raceway**
- (5) **Any grounded service enclosure**

**Exception:** *If a single rod, pipe, or plate grounding electrode has a resistance to earth of 25 ohms or less, the supplemental electrode shall not be required.*

ENHANCED CONTENT

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### **(3) Supplemental Electrode.**

**If multiple rod, pipe, or plate electrodes are installed to meet the requirements of this section, they shall not be less than 1.8 m (6 ft) apart.**

**Informational Note:** The paralleling efficiency of rods is increased by spacing them twice the length of the longest rod.

ENHANCED CONTENT

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### **(B) Electrode Spacing.**

**Where more than one of the electrodes of the type specified in 250.52(A)(5) or (A)(7) are used, each electrode of one grounding system (including that used for strike termination devices) shall not be less than 1.83 m (6 ft) from any other electrode of another grounding system. Two or more grounding electrodes that are bonded together shall be considered a single grounding electrode system.**

### **(C) Bonding Jumper.**

**The bonding jumper(s) used to connect the grounding electrodes together to form the grounding electrode system shall be installed in accordance with 250.64(A), (B), and (E), shall be sized in accordance with 250.66, and shall be connected in the manner specified in 250.70.**

**(D) Metal Underground Water Pipe.**

If used as a grounding electrode, metal underground water pipe shall meet the requirements of 250.53(D)(1) and (D)(2).

**(1) Continuity.**

Continuity of the grounding path or the bonding connection to interior piping shall not rely on water meters or filtering devices and similar equipment.

**(2) Supplemental Electrode Required.**

A metal underground water pipe shall be supplemented by an additional electrode of a type specified in 250.52(A)(2) through (A)(8). If the supplemental electrode is of the rod, pipe, or plate type, it shall comply with 250.53(A). The supplemental electrode shall be bonded to one of the following:

- (1) Grounding electrode conductor**
- (2) Grounded service-entrance conductor**
- (3) Nonflexible grounded service raceway**
- (4) Any grounded service enclosure**
- (5) As provided by 250.32(B)**

*Exception: The supplemental electrode shall be permitted to be bonded to the interior metal water piping at any convenient point as specified in 250.68(C)(1), Exception.*

ENHANCED CONTENT

Expand **(E) Supplemental Electrode Bonding Connection Size.**

Where the supplemental electrode is a rod, pipe, or plate electrode, that portion of the bonding jumper that is the sole connection to the supplemental grounding electrode shall not be required to be larger than 6 AWG copper wire or 4 AWG aluminum wire.

ENHANCED CONTENT

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**(F) Ground Ring.**

The ground ring shall be installed not less than 750 mm (30 in.) below the surface of the earth.

**(G) Rod and Pipe Electrodes.**

The electrode shall be installed such that at least 2.44 m (8 ft) of length is in contact with the soil. It shall be driven to a depth of not less than 2.44 m (8 ft) except that, where rock bottom is encountered, the electrode shall be driven at an oblique angle not to exceed 45 degrees from the vertical or, where rock bottom is encountered at an angle up to 45 degrees, the electrode shall be permitted to be buried in a trench that is at least 750 mm (30 in.) deep. The upper end of the electrode shall be flush with or below ground level unless the aboveground end and the grounding electrode conductor attachment are protected against physical damage as specified in 250.10.

ENHANCED CONTENT

Expand **(H) Plate Electrode.**

Plate electrodes shall be installed not less than 750 mm (30 in.) below the surface of the earth.

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**250.54 Auxiliary Grounding Electrodes.**

One or more grounding electrodes shall be permitted to be connected to the equipment grounding conductors specified in 250.118 and shall not be required to comply with the electrode bonding requirements of 250.50 or 250.53(C) or the resistance requirements of 250.53(A)(2). Exception, but the earth shall not be used as an effective ground-fault current path as specified in 250.4(A)(5) and 250.4(B)(4).

ENHANCED CONTENT

Expand 

## **250.58 Common Grounding Electrode.**

**Where an ac system is connected to a grounding electrode in or at a building or structure, the same electrode shall be used to ground conductor enclosures and equipment in or on that building or structure. Where separate services, feeders, or branch circuits supply a building and are required to be connected to a grounding electrode(s), the same grounding electrode(s) shall be used.**

**Two or more grounding electrodes that are bonded together shall be considered as a single grounding electrode system in this sense.**

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## **250.60 Use of Strike Termination Devices.**

**Conductors and driven pipes, rods, or plate electrodes used for grounding strike termination devices shall not be used in lieu of the grounding electrodes required by [250.50](#) for grounding wiring systems and equipment. This provision shall not prohibit the required bonding together of grounding electrodes of different systems.**

**Informational Note No. 1:** See [250.106](#) for the bonding requirement of the lightning protection system components to the building or structure grounding electrode system.

**Informational Note No. 2:** Bonding together of all separate grounding electrodes will limit voltage differences between them and between their associated wiring systems.

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## **250.62 Grounding Electrode Conductor Material.**

**The grounding electrode conductor shall be of copper, aluminum, copper-clad aluminum, or the items as permitted in [250.68\(C\)](#). The material selected shall be resistant to any corrosive condition existing at the installation or shall be protected against corrosion. Conductors of the wire type shall be solid or stranded, insulated, covered, or bare.**

## 250.64 Grounding Electrode Conductor Installation.

Grounding electrode conductors at the service, at each building or structure where supplied by a feeder(s) or branch circuit(s), or at a separately derived system shall be installed as specified in 250.64(A) through (F).

### (A) Aluminum or Copper-Clad Aluminum Conductors.

Bare aluminum or copper-clad aluminum grounding electrode conductors shall not be used where in direct contact with masonry or the earth or where subject to corrosive conditions. Where used outside, aluminum or copper-clad aluminum grounding electrode conductors shall not be terminated within 450 mm (18 in.) of the earth.

### (B) Securing and Protection Against Physical Damage.

Where exposed, a grounding electrode conductor or its enclosure shall be securely fastened to the surface on which it is carried. Grounding electrode conductors shall be permitted to be installed on or through framing members.

ENHANCED CONTENT

Expand 

#### (1) Not Exposed to Physical Damage.

A 6 AWG or larger copper or aluminum grounding electrode conductor not exposed to physical damage shall be permitted to be run along the surface of the building construction without metal covering or protection.

#### (2) Exposed to Physical Damage.

A 6 AWG or larger copper or aluminum grounding electrode conductor exposed to physical damage shall be protected in rigid metal conduit (RMC), intermediate metal conduit (IMC), rigid polyvinyl chloride conduit (PVC), reinforced thermosetting resin conduit Type XW (RTRC-XW), electrical metallic tubing (EMT), or cable armor.

#### (3) Smaller Than 6 AWG.

Grounding electrode conductors smaller than 6 AWG shall be protected in RMC, IMC, PVC, RTRC-XW, EMT, or cable armor.

**(4) In Contact with the Earth.**

**Grounding electrode conductors and grounding electrode bonding jumpers in contact with the earth shall not be required to comply with 300.5, but shall be buried or otherwise protected if subject to physical damage.**

**(C) Continuous.**

**Except as provided in 250.30(A)(5) and (A)(6), 250.30(B)(1), and 250.68(C), grounding electrode conductor(s) shall be installed in one continuous length without a splice or joint. If necessary, splices or connections shall be made as permitted in (1) through (4):**

- (1) Splicing of the wire-type grounding electrode conductor shall be permitted only by irreversible compression-type connectors listed as grounding and bonding equipment or by the exothermic welding process.**
- (2) Sections of busbars shall be permitted to be connected together to form a grounding electrode conductor.**
- (3) Bolted, riveted, or welded connections of structural metal frames of buildings or structures.**
- (4) Threaded, welded, brazed, soldered or bolted-flange connections of metal water piping.**

ENHANCED CONTENT

Expand **(D) Building or Structure with Multiple Disconnecting Means in Separate Enclosures.**

**If a building or structure is supplied by a service or feeder with two or more disconnecting means in separate enclosures, the grounding electrode connections shall be made in accordance with 250.64(D)(1), 250.64(D)(2), or 250.64(D)(3).**

**(1) Common Grounding Electrode Conductor and Taps.**

**A common grounding electrode conductor and grounding electrode conductor taps shall be installed. The common grounding electrode conductor shall be sized in accordance with 250.66, based on the sum of the circular mil area of the largest ungrounded conductor(s) of each set of conductors that supplies the disconnecting means. If the service-entrance conductors connect directly to the overhead service conductors, service drop, underground service conductors, or service lateral, the**



**common grounding electrode conductor shall be sized in accordance with Table 250.66, note 1.**

**A grounding electrode conductor tap shall extend to the inside of each disconnecting means enclosure. The grounding electrode conductor taps shall be sized in accordance with 250.66 for the largest service-entrance or feeder conductor serving the individual enclosure. The tap conductors shall be connected to the common grounding electrode conductor by one of the following methods in such a manner that the common grounding electrode conductor remains without a splice or joint:**

- (1) Exothermic welding.**
- (2) Connectors listed as grounding and bonding equipment.**
- (3) Connections to an aluminum or copper busbar not less than 6 mm thick × 50 mm wide ( $\frac{1}{4}$  in. thick × 2 in. wide) and of sufficient length to accommodate the number of terminations necessary for the installation. The busbar shall be securely fastened and shall be installed in an accessible location. Connections shall be made by a listed connector or by the exothermic welding process. If aluminum busbars are used, the installation shall comply with 250.64(A).**

ENHANCED CONTENT

Expand 

### **(2) Individual Grounding Electrode Conductors.**

**A grounding electrode conductor shall be connected between the grounding electrode system and one or more of the following, as applicable:**

- (1) Grounded conductor in each service equipment disconnecting means enclosure**
- (2) Equipment grounding conductor installed with the feeder**
- (3) Supply-side bonding jumper**

**Each grounding electrode conductor shall be sized in accordance with 250.66 based on the service-entrance or feeder conductor(s) supplying the individual disconnecting means.**

### **(3) Common Location.**

**A grounding electrode conductor shall be connected in a wireway or other accessible enclosure on the supply side of the disconnecting means to one or more of the following, as applicable:**

- (1) Grounded service conductor(s)**
- (2) Equipment grounding conductor installed with the feeder**
- (3) Supply-side bonding jumper**

**The connection shall be made with exothermic welding or a connector listed as grounding and bonding equipment. The grounding electrode conductor shall be sized in accordance with 250.66 based on the service-entrance or feeder conductor(s) at the common location where the connection is made.**

#### **(E) Raceways and Enclosures for Grounding Electrode Conductors.**

ENHANCED CONTENT

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##### **(1) General.**

**Ferrous metal raceways and enclosures for grounding electrode conductors shall be electrically continuous from the point of attachment to cabinets or equipment to the grounding electrode and shall be securely fastened to the ground clamp or fitting. Ferrous metal raceways and enclosures shall be bonded at each end of the raceway or enclosure to the grounding electrode or grounding electrode conductor to create an electrically parallel path. Nonferrous metal raceways and enclosures shall not be required to be electrically continuous.**

##### **(2) Methods.**

**Bonding shall be in compliance with 250.92(B) and ensured by one of the methods in 250.92(B)(2) through (B)(4).**

##### **(3) Size.**

**The bonding jumper for a grounding electrode conductor raceway or cable armor shall be the same size as, or larger than, the enclosed grounding electrode conductor.**

##### **(4) Wiring Methods.**

**If a raceway is used as protection for a grounding electrode conductor, the installation shall comply with the requirements of the appropriate raceway article.**

**(F) Installation to Electrode(s).**

**Grounding electrode conductor(s) and bonding jumpers interconnecting grounding electrodes shall be installed in accordance with (1), (2), or (3). The grounding electrode conductor shall be sized for the largest grounding electrode conductor required among all the electrodes connected to it.**

- (1) The grounding electrode conductor shall be permitted to be run to any convenient grounding electrode available in the grounding electrode system where the other electrode(s), if any, is connected by bonding jumpers that are installed in accordance with 250.53(C).**
- (2) Grounding electrode conductor(s) shall be permitted to be run to one or more grounding electrode(s) individually.**
- (3) Bonding jumper(s) from grounding electrode(s) shall be permitted to be connected to an aluminum or copper busbar not less than 6 mm thick × 50 mm wide ( $\frac{1}{4}$  in. thick × 2 in wide.) and of sufficient length to accommodate the number of terminations necessary for the installation. The busbar shall be securely fastened and shall be installed in an accessible location. Connections shall be made by a listed connector or by the exothermic welding process. The grounding electrode conductor shall be permitted to be run to the busbar. Where aluminum busbars are used, the installation shall comply with 250.64(A).**

ENHANCED CONTENT

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## **250.66 Size of Alternating-Current Grounding Electrode Conductor.**

**The size of the grounding electrode conductor at the service, at each building or structure where supplied by a feeder(s) or branch circuit(s), or at a separately derived system of a grounded or ungrounded ac system shall not be less than given in Table 250.66, except as permitted in 250.66(A) through (C).**

<b>Table 250.66 Grounding Electrode Conductor for Alternating-Current Systems</b>			
<b>Size of Largest Ungrounded Service-Entrance Conductor or Equivalent Area for Parallel Conductors<sup>a</sup> (AWG/kcmil)</b>		<b>Size of Grounding Electrode Conductor</b>	
<b>Copper</b>	<b>Aluminum or Copper-Clad Aluminum</b>	<b>Copper</b>	<b>Aluminum or Copper-Clad Aluminum</b>
<b>2 or smaller</b>	<b>1/0 or smaller</b>	<b>8</b>	
<b>1 or 1/0</b>	<b>2/0 or 3/0</b>	<b>6</b>	
<b>2/0 or 3/0</b>	<b>4/0 or 250</b>	<b>4</b>	
<b>Over 3/0 through 350</b>	<b>Over 250 through 500</b>	<b>2</b>	
<b>Over 350 through 600</b>	<b>Over 500 through 900</b>	<b>1/0</b>	
<b>Over 600 through 1100</b>	<b>Over 900 through 1750</b>	<b>2/0</b>	
<b>Over 1100</b>	<b>Over 1750</b>	<b>3/0</b>	

**Notes:**

- 1.** If multiple sets of service-entrance conductors connect directly to a service drop, set of overhead service conductors, set of underground service conductors, or service lateral, the equivalent size of the largest service-entrance conductor shall be determined by the largest sum of the areas of the corresponding conductors in the set.
- 2.** Where there are no service-entrance conductors, the grounding electrode conductor size shall be determined by the equivalent size of the largest service-entrance conductor required for the load to be served.

<sup>a</sup>This table also applies to the derived conductors of separately derived ac systems.

<sup>b</sup>See installation restrictions in 250.64(A).

#### **(A) Connections to a Rod, Pipe, or Plate Electrode(s).**

If the grounding electrode conductor or bonding jumper connected to a single or multiple rod, pipe, or plate electrode(s), or any combination thereof, as described in [250.52\(A\)\(5\)](#) or [\(A\)\(7\)](#), does not extend on to other types of electrodes that require a larger size conductor, the grounding electrode conductor shall not be required to be larger than 6 AWG copper wire or 4 AWG aluminum wire.

#### **(B) Connections to Concrete-Encased Electrodes.**

If the grounding electrode conductor or bonding jumper connected to a single or multiple concrete-encased electrode(s), as described in [250.52\(A\)\(3\)](#), does not extend on to other

**types of electrodes that require a larger size of conductor, the grounding electrode conductor shall not be required to be larger than 4 AWG copper wire.**

**(C) Connections to Ground Rings.**

**If the grounding electrode conductor or bonding jumper connected to a ground ring, as described in 250.52(A)(4), does not extend on to other types of electrodes that require a larger size of conductor, the grounding electrode conductor shall not be required to be larger than the conductor used for the ground ring.**

ENHANCED CONTENT

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## **250.68 Grounding Electrode Conductor and Bonding Jumper Connection to Grounding Electrodes.**

**The connection of a grounding electrode conductor at the service, at each building or structure where supplied by a feeder(s) or branch circuit(s), or at a separately derived system and associated bonding jumper(s) shall be made as specified 250.68(A) through (C).**

**(A) Accessibility.**

**All mechanical elements used to terminate a grounding electrode conductor or bonding jumper to a grounding electrode shall be accessible.**

***Exception No. 1: An encased or buried connection to a concrete-encased, driven, or buried grounding electrode shall not be required to be accessible.***

***Exception No. 2: Exothermic or irreversible compression connections used at terminations, together with the mechanical means used to attach such terminations to fireproofed structural metal whether or not the mechanical means is reversible, shall not be required to be accessible.***

ENHANCED CONTENT

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**(B) Effective Grounding Path.**

The connection of a grounding electrode conductor or bonding jumper to a grounding electrode shall be made in a manner that will ensure an effective grounding path. Where necessary to ensure the grounding path for a metal piping system used as a grounding electrode, bonding shall be provided around insulated joints and around any equipment likely to be disconnected for repairs or replacement. Bonding jumpers shall be of sufficient length to permit removal of such equipment while retaining the integrity of the grounding path.

ENHANCED CONTENT

Expand **(C) Grounding Electrode Conductor Connections.**

Grounding electrode conductors and bonding jumpers shall be permitted to be connected at the following locations and used to extend the connection to an electrode(s):

- (1) Interior metal water piping that is electrically continuous with a metal underground water pipe electrode and is located not more than 1.52 m (5 ft) from the point of entrance to the building shall be permitted to extend the connection to an electrode(s). Interior metal water piping located more than 1.52 m (5 ft) from the point of entrance to the building shall not be used as a conductor to interconnect electrodes of the grounding electrode system.**

*Exception: In industrial, commercial, and institutional buildings or structures, if conditions of maintenance and supervision ensure that only qualified persons service the installation, interior metal water piping located more than 1.52 m (5 ft) from the point of entrance to the building shall be permitted as a bonding conductor to interconnect electrodes that are part of the grounding electrode system, or as a grounding electrode conductor, if the entire length, other than short sections passing perpendicularly through walls, floors, or ceilings, of the interior metal water pipe that is being used for the conductor is exposed.*

- (2) The metal structural frame of a building shall be permitted to be used as a conductor to interconnect electrodes that are part of the grounding electrode system, or as a grounding electrode conductor. Hold-down bolts securing the structural steel column that are connected to a concrete-encased electrode that complies with 250.52(A)(3) and is located in the support footing or foundation shall be permitted to connect the metal structural frame of a building or structure to the**

**concrete encased grounding electrode. The hold-down bolts shall be connected to the concrete-encased electrode by welding, exothermic welding, the usual steel tie wires, or other approved means.**

- (3) A rebar-type concrete-encased electrode installed in accordance with 250.52(A) (3) with an additional rebar section extended from its location within the concrete to an accessible location that is not subject to corrosion shall be permitted for connection of grounding electrode conductors and bonding jumpers. The rebar extension shall not be exposed to contact with the earth without corrosion protection.**

ENHANCED CONTENT

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## **250.70 Methods of Grounding and Bonding Conductor Connection to Electrodes.**

**The grounding or bonding conductor shall be connected to the grounding electrode by exothermic welding, listed lugs, listed pressure connectors, listed clamps, or other listed means. Connections depending on solder shall not be used. Ground clamps shall be listed for the materials of the grounding electrode and the grounding electrode conductor and, where used on pipe, rod, or other buried electrodes, shall also be listed for direct soil burial or concrete encasement. Not more than one conductor shall be connected to the grounding electrode by a single clamp or fitting unless the clamp or fitting is listed for multiple conductors. One of the following methods shall be used:**

- (1) A pipe fitting, pipe plug, or other approved device screwed into a pipe or pipe fitting**
- (2) A listed bolted clamp of cast bronze or brass, or plain or malleable iron**
- (3) For indoor communications purposes only, a listed sheet metal strap-type ground clamp having a rigid metal base that seats on the electrode and having a strap of such material and dimensions that it is not likely to stretch during or after installation**
- (4) An equally substantial approved means**

ENHANCED CONTENT

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## Part IV. Enclosure, Raceway, and Service Cable Connections

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### 250.80 Service Raceways and Enclosures.

**Metal enclosures and raceways for service conductors and equipment shall be connected to the grounded system conductor if the electrical system is grounded or to the grounding electrode conductor for electrical systems that are not grounded.**

*Exception: Metal components that are installed in a run of underground nonmetallic raceway(s) and are isolated from possible contact by a minimum cover of 450 mm (18 in.) to all parts of the metal components shall not be required to be connected to the grounded system conductor, supply side bonding jumper, or grounding electrode conductor.*

ENHANCED CONTENT

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### 250.84 Underground Service Cable or Raceway.

#### (A) Underground Service Cable.

**The sheath or armor of a continuous underground metal-sheathed or armored service cable system that is connected to the grounded system conductor on the supply side shall not be required to be connected to the grounded system conductor at the building or structure. The sheath or armor shall be permitted to be insulated from the interior metal raceway or piping.**

#### (B) Underground Service Raceway Containing Cable.



**An underground metal service raceway that contains a metal-sheathed or armored cable connected to the grounded system conductor shall not be required to be connected to the grounded system conductor at the building or structure. The sheath or armor shall be permitted to be insulated from the interior metal raceway or piping.**

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## **250.86 Other Conductor Enclosures and Raceways.**

**Except as permitted by 250.112(l), metal enclosures and raceways for other than service conductors shall be connected to the equipment grounding conductor.**

***Exception No. 1: Metal enclosures and raceways for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable shall not be required to be connected to the equipment grounding conductor where these enclosures or wiring methods comply with (1) through (4) as follows:***

- (1) Do not provide an equipment ground**
- (2) Are in runs of less than 7.5 m (25 ft)**
- (3) Are free from probable contact with ground, grounded metal, metal lath, or other conductive material**
- (4) Are guarded against contact by persons**

***Exception No. 2: Short sections of metal enclosures or raceways used to provide support or protection of cable assemblies from physical damage shall not be required to be connected to the equipment grounding conductor.***

***Exception No. 3: Metal components shall not be required to be connected to the equipment grounding conductor or supply-side bonding jumper where either of the following conditions exist:***

- (1) The metal components are installed in a run of nonmetallic raceway(s) and isolated from possible contact by a minimum cover of 450 mm (18 in.) to any part of the metal components.**
- (2) The metal components are part of an installation of nonmetallic raceway(s) and are isolated from possible contact to any part of the metal components by being encased in not less than 50 mm (2 in.) of concrete.**

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## Part V. Bonding

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### **250.90 General.**

**Bonding shall be provided where necessary to ensure electrical continuity and the capacity to conduct safely any fault current likely to be imposed.**

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### **250.92 Services.**

#### **(A) Bonding of Equipment for Services.**

**The normally non-current-carrying metal parts of equipment indicated in 250.92(A)(1) and (A)(2) shall be bonded together.**

- (1) All raceways, cable trays, cablebus framework, auxiliary gutters, or service cable armor or sheath that enclose, contain, or support service conductors, except as permitted in 250.80**
- (2) All enclosures containing service conductors, including meter fittings, boxes, or the like, interposed in the service raceway or armor**

#### **(B) Method of Bonding at the Service.**

**Bonding jumpers meeting the requirements of this article shall be used around impaired connections, such as reducing washers or oversized, concentric, or eccentric knockouts. Standard locknuts or bushings shall not be the only means for the bonding required by this section but shall be permitted to be installed to make a mechanical connection of the raceway(s).**

**Electrical continuity at service equipment, service raceways, and service conductor enclosures shall be ensured by one of the following methods:**

- (1) Bonding equipment to the grounded service conductor in a manner provided in 250.8**
- (2) Connections utilizing threaded couplings or threaded hubs on enclosures if made up wrenchtight**
- (3) Threadless couplings and connectors if made up tight for metal raceways and metal-clad cables**
- (4) Other listed devices, such as bonding-type locknuts, bushings, or bushings with bonding jumpers**

ENHANCED CONTENT

Expand 

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## **250.94 Bonding for Communication Systems.**

Communications system bonding terminations shall be connected in accordance with (A) or (B).

### **(A) The Intersystem Bonding Termination Device.**

An intersystem bonding termination (IBT) for connecting intersystem bonding conductors shall be provided external to enclosures at the service equipment or metering equipment enclosure and at the disconnecting means for any additional buildings or structures. If an IBT is used, it shall comply with the following:

- (1) Be accessible for connection and inspection.**
- (2) Consist of a set of terminals with the capacity for connection of not less than three intersystem bonding conductors.**
- (3) Not interfere with opening the enclosure for a service, building or structure disconnecting means, or metering equipment.**
- (4) At the service equipment, be securely mounted and electrically connected to an enclosure for the service equipment, to the meter enclosure, or to an exposed nonflexible metallic service raceway, or be mounted at one of these enclosures and be connected to the enclosure or to the grounding electrode conductor with a minimum 6 AWG copper conductor.**

- (5) At the disconnecting means for a building or structure, be securely mounted and electrically connected to the metallic enclosure for the building or structure disconnecting means, or be mounted at the disconnecting means and be connected to the metallic enclosure or to the grounding electrode conductor with a minimum 6 AWG copper conductor.**
- (6) The terminals shall be listed as grounding and bonding equipment.**

***Exception: In existing buildings or structures where any of the intersystem bonding and grounding electrode conductors required by 770.100(B)(2), 800.100(B)(2), 810.21(F)(2), 820.100(B)(2), and 830.100(B)(2) exist, installation of the intersystem bonding termination is not required. An accessible means external to enclosures for connecting intersystem bonding and grounding electrode conductors shall be permitted at the service equipment and at the disconnecting means for any additional buildings or structures by at least one of the following means:***

- (1) Exposed nonflexible metallic raceways***
- (2) An exposed grounding electrode conductor***
- (3) Approved means for the external connection of a copper or other corrosion-resistant bonding or grounding electrode conductor to the grounded raceway or equipment***

Informational Note No. 1: A 6 AWG copper conductor with one end bonded to the grounded nonflexible metallic raceway or equipment and with 150 mm (6 in.) or more of the other end made accessible on the outside wall is an example of the approved means covered in 250.94, Exception item (3).

Informational Note No. 2: See 770.100, 800.100, 810.21, 820.100, and 830.100 for intersystem bonding and grounding requirements for conductive optical fiber cables, communications circuits, radio and television equipment, CATV circuits and network-powered broadband communications systems, respectively.

ENHANCED CONTENT

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### **(B) Other Means.**

**Connections to an aluminum or copper busbar not less than 6 mm thick × 50 mm wide ( $\frac{1}{4}$  in. thick × 2 in. wide) and of sufficient length to accommodate at least three terminations for communication systems in addition to other connections. The busbar shall be securely fastened and shall be installed in an accessible location. Connections shall be made by a listed connector. If aluminum busbars are used, the installation shall also comply with 250.64(A).**

**Exception to (A) and (B): Means for connecting intersystem bonding conductors are not required where communications systems are not likely to be used.**

Informational Note: The use of an IBT can reduce electrical noise on communication systems.

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## 250.96 Bonding Other Enclosures.

### (A) General.

**Metal raceways, cable trays, cable armor, cable sheath, enclosures, frames, fittings, and other metal non-current-carrying parts that are to serve as equipment grounding conductors, with or without the use of supplementary equipment grounding conductors, shall be bonded where necessary to ensure electrical continuity and the capacity to conduct safely any fault current likely to be imposed on them. Any nonconductive paint, enamel, or similar coating shall be removed at threads, contact points, and contact surfaces or shall be connected by means of fittings designed so as to make such removal unnecessary.**

### (B) Isolated Grounding Circuits.

**Where installed for the reduction of electrical noise (electromagnetic interference) on the grounding circuit, an equipment enclosure supplied by a branch circuit shall be permitted to be isolated from a raceway containing circuits supplying only that equipment by one or more listed nonmetallic raceway fittings located at the point of attachment of the raceway to the equipment enclosure. The metal raceway shall comply with provisions of this article and shall be supplemented by an internal insulated equipment grounding conductor installed in accordance with 250.146(D) to ground the equipment enclosure.**

Informational Note: Use of an isolated equipment grounding conductor does not relieve the requirement for grounding the raceway system.

ENHANCED CONTENT

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## 250.97 Bonding for Over 250 Volts.

For circuits of over 250 volts to ground, the electrical continuity of metal raceways and cables with metal sheaths that contain any conductor other than service conductors shall be ensured by one or more of the methods specified for services in 250.92(B), except for (B)(1).

*Exception: Where oversized, concentric, or eccentric knockouts are not encountered, or where a box or enclosure with concentric or eccentric knockouts is listed to provide a reliable bonding connection, the following methods shall be permitted:*

- (1) *Threadless couplings and connectors for cables with metal sheaths*
- (2) *Two locknuts, on rigid metal conduit or intermediate metal conduit, one inside and one outside of boxes and cabinets*
- (3) *Fittings with shoulders that seat firmly against the box or cabinet, such as electrical metallic tubing connectors, flexible metal conduit connectors, and cable connectors, with one locknut on the inside of boxes and cabinets*
- (4) *Listed fittings*

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## 250.98 Bonding Loosely Jointed Metal Raceways.

Expansion fittings and telescoping sections of metal raceways shall be made electrically continuous by equipment bonding jumpers or other means.

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## 250.100 Bonding in Hazardous (Classified) Locations.

Regardless of the voltage of the electrical system, the electrical continuity of non-current-carrying metal parts of equipment, raceways, and other enclosures in any hazardous (classified) location, as defined in 500.5, 505.5, and 506.5, shall be ensured by

any of the bonding methods specified in **250.92(B)(2)** through **(B)(4)**. One or more of these bonding methods shall be used whether or not equipment grounding conductors of the wire type are installed.

Informational Note: See [501.30](#), [502.30](#), [503.30](#), [505.25](#), or [506.25](#) for specific bonding requirements.

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## **250.102 Grounded Conductor, Bonding Conductors, and Jumpers.**

### **(A) Material.**

Bonding jumpers shall be of copper, aluminum, copper-clad aluminum, or other corrosion-resistant material. A bonding jumper shall be a wire, bus, screw, or similar suitable conductor.

### **(B) Attachment.**

Bonding jumpers shall be attached in the manner specified by the applicable provisions of [250.8](#) for circuits and equipment and by [250.70](#) for grounding electrodes.

### **(C) Size — Supply-Side Bonding Jumper.**

ENHANCED CONTENT

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#### **(1) Size for Supply Conductors in a Single Raceway or Cable.**

The supply-side bonding jumper shall not be smaller than specified in [Table 250.102\(C\)\(1\)](#).

#### **(2) Size for Parallel Conductor Installations in Two or More Raceways or Cables.**

Where the ungrounded supply conductors are paralleled in two or more raceways or cables, and an individual supply-side bonding jumper is used for bonding these raceways or cables, the size of the supply-side bonding jumper for each raceway or cable shall be selected from [Table 250.102\(C\)\(1\)](#) based on the size of the ungrounded supply conductors in each raceway or cable. A single supply-side

**bonding jumper installed for bonding two or more raceways or cables shall be sized in accordance with 250.102(C)(1).**

**Informational Note No. 1:** The term *supply conductors* includes ungrounded conductors that do not have overcurrent protection on their supply side and terminate at service equipment or the first disconnecting means of a separately derived system.

**Informational Note No. 2:** See Chapter 9, Table 8, for the circular mil area of conductors 18 AWG through 4/0 AWG.



**Table 250.102(C)(1) Grounded Conductor, Main Bonding Jumper, System Bonding Jumper, and Jumper for Alternating-Current Systems**

Size of Largest Ungrounded Conductor or Equivalent Area for Parallel Conductors (AWG/kcmil)		Size of Grounded Conductor (AWG/kcmil)
Copper	Aluminum or Copper-Clad Aluminum	Copper
2 or smaller	1/0 or smaller	8
1 or 1/0	2/0 or 3/0	6
2/0 or 3/0	4/0 or 250	4
Over 3/0 through 350	Over 250 through 500	2
Over 350 through 600	Over 500 through 900	1/0
Over 600 through 1100	Over 900 through 1750	2/0
Over 1100	Over 1750	See Notes 1



Size of Largest Ungrounded Conductor or Equivalent Area for Parallel Conductors (AWG/kcmil)		Size of Grounded Conductor (AWG/kcmil)
Copper	Aluminum or Copper-Clad Aluminum	Copper
<p><b>Notes:</b></p> <p><b>1.</b> If the ungrounded supply conductors are larger than 1100 kcmil copper or 1750 kcmil aluminum conductor or bonding jumper shall have an area not less than 12½ percent of the area of the supply conductor or equivalent area for parallel supply conductors. The grounded conductor or bonding jumper shall not be required to be larger than the largest ungrounded conductor or set of ungrounded conductors.</p> <p><b>2.</b> If the ungrounded supply conductors are larger than 1100 kcmil copper or 1750 kcmil aluminum ungrounded supply conductors and the bonding jumper are of different materials (copper, aluminum or copper-clad aluminum), the minimum size of the grounded conductor or bonding jumper shall be based on the use of ungrounded supply conductors of the same material as the grounded conductor or bonding jumper. They shall have an ampacity equivalent to that of the installed ungrounded supply conductors.</p> <p><b>3.</b> If multiple sets of service-entrance conductors are used as permitted in 230.40, Exception 1, and sets of ungrounded supply conductors are installed for a separately derived system, the equivalent size of the largest ungrounded supply conductor(s) shall be determined by the largest sum of the areas of the ungrounded conductors of each set.</p> <p><b>4.</b> If there are no service-entrance conductors, the supply conductor size shall be determined by the size of the largest service-entrance conductor required for the load to be served.</p> <p>*For the purposes of applying this table and its notes, the term <i>bonding jumper</i> refers to main service bonding jumpers, and supply-side bonding jumpers.</p>		

**(D) Size – Equipment Bonding Jumper on Load Side of an Overcurrent Device.**

The equipment bonding jumper on the load side of an overcurrent device(s) shall be sized in accordance with 250.122.

A single common continuous equipment bonding jumper shall be permitted to connect two or more raceways or cables if the bonding jumper is sized in accordance with 250.122 for the largest overcurrent device supplying circuits therein.

**(E) Installation.**

Bonding jumpers or conductors and equipment bonding jumpers shall be permitted to be installed inside or outside of a raceway or an enclosure.

**(1) Inside a Raceway or an Enclosure.**

If installed inside a raceway, equipment bonding jumpers and bonding jumpers or conductors shall comply with the requirements of 250.119 and 250.148.

**(2) Outside a Raceway or an Enclosure.**

**If installed on the outside, the length of the bonding jumper or conductor or equipment bonding jumper shall not exceed 1.8 m (6 ft) and shall be routed with the raceway or enclosure.**

*Exception: An equipment bonding jumper or supply-side bonding jumper longer than 1.8 m (6 ft) shall be permitted at outside pole locations for the purpose of bonding or grounding isolated sections of metal raceways or elbows installed in exposed risers of metal conduit or other metal raceway, and for bonding grounding electrodes, and shall not be required to be routed with a raceway or enclosure.*

ENHANCED CONTENT

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### **(3) Protection.**

**Bonding jumpers or conductors and equipment bonding jumpers shall be installed in accordance with 250.64(A) and (B).**

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## **250.104 Bonding of Piping Systems and Exposed Structural Metal.**

### **(A) Metal Water Piping.**

**The metal water piping system shall be bonded as required in (A)(1), (A)(2), or (A)(3) of this section.**

#### **(1) General.**

**Metal water piping system(s) installed in or attached to a building or structure shall be bonded to any of the following:**

- (1) Service equipment enclosure**
- (2) Grounded conductor at the service**
- (3) Grounding electrode conductor if of sufficient size**
- (4) One or more grounding electrodes used, if the grounding electrode conductor or bonding jumper to the grounding electrode is of sufficient size**

The bonding jumper(s) shall be installed in accordance with 250.64(A), 250.64(B), and 250.64(E). The points of attachment of the bonding jumper(s) shall be accessible. The bonding jumper(s) shall be sized in accordance with Table 250.102(C)(1) except as permitted in 250.104(A)(2) and 250.104(A)(3).

ENHANCED CONTENT

Expand **(2) Buildings of Multiple Occupancy.**

In buildings of multiple occupancy where the metal water piping system(s) installed in or attached to a building or structure for the individual occupancies is metallically isolated from all other occupancies by use of nonmetallic water piping, the metal water piping system(s) for each occupancy shall be permitted to be bonded to the equipment grounding terminal of the switchgear, switchboard, or panelboard enclosure (other than service equipment) supplying that occupancy. The bonding jumper shall be sized in accordance with 250.102(D).

ENHANCED CONTENT

Expand **(3) Multiple Buildings or Structures Supplied by a Feeder(s) or Branch Circuit(s).**

The metal water piping system(s) installed in or attached to a building or structure shall be bonded to any of the following:

- (1) Building or structure disconnecting means enclosure where located at the building or structure**
- (2) Equipment grounding conductor run with the supply conductors**
- (3) One or more grounding electrodes used**

The bonding jumper(s) shall be sized in accordance with Table 250.102(C)(1), based on the size of the feeder or branch-circuit conductors that supply the building or structure. The bonding jumper shall not be required to be larger than the largest ungrounded feeder or branch-circuit conductor supplying the building or structure.

**(B) Other Metal Piping.**

**If installed in or attached to a building or structure, a metal piping system(s), including gas piping, that is likely to become energized shall be bonded to any of the following:**

- (1) Equipment grounding conductor for the circuit that is likely to energize the piping system**
- (2) Service equipment enclosure**
- (3) Grounded conductor at the service**
- (4) Grounding electrode conductor, if of sufficient size**
- (5) One or more grounding electrodes used, if the grounding electrode conductor or bonding jumper to the grounding electrode is of sufficient size**

**The bonding conductor(s) or jumper(s) shall be sized in accordance with Table 250.122, and equipment grounding conductors shall be sized in accordance with Table 250.122 using the rating of the circuit that is likely to energize the piping system(s). The points of attachment of the bonding jumper(s) shall be accessible.**

**Informational Note No. 1: Bonding all piping and metal air ducts within the premises will provide additional safety.**

**Informational Note No. 2: Additional information for gas piping systems can be found in Section 7.13 of NFPA 54-2015, *National Fuel Gas Code*.**

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### **(C) Structural Metal.**

**Exposed structural metal that is interconnected to form a metal building frame and is not intentionally grounded or bonded and is likely to become energized shall be bonded to any of the following:**

- (1) Service equipment enclosure**
- (2) Grounded conductor at the service**
- (3) Disconnecting means for buildings or structures supplied by a feeder or branch circuit**
- (4) Grounding electrode conductor, if of sufficient size**

- (5) One or more grounding electrodes used, if the grounding electrode conductor or bonding jumper to the grounding electrode is of sufficient size**

The bonding conductor(s) or jumper(s) shall be sized in accordance with Table 250.102(C)(1) and installed in accordance with 250.64(A), 250.64(B), and 250.64(E). The points of attachment of the bonding jumper(s) shall be accessible unless installed in compliance with 250.68(A) Exception No. 2.

**(D) Separately Derived Systems.**

Metal water piping systems and structural metal that is interconnected to form a building frame shall be bonded to separately derived systems in accordance with 250.104(D)(1) through 250.104(D)(3).

**(1) Metal Water Piping System(s).**

The grounded conductor of each separately derived system shall be bonded to the nearest available point of the metal water piping system(s) in the area served by each separately derived system. This connection shall be made at the same point on the separately derived system where the grounding electrode conductor is connected. Each bonding jumper shall be sized in accordance with Table 250.102(C)(1) based on the largest ungrounded conductor of the separately derived system.

*Exception No. 1: A separate bonding jumper to the metal water piping system shall not be required if the metal water piping system is used as the grounding electrode for the separately derived system and the water piping system is in the area served.*

*Exception No. 2: A separate water piping bonding jumper shall not be required if the metal frame of a building or structure is used as the grounding electrode for a separately derived system and is bonded to the metal water piping in the area served by the separately derived system.*

**(2) Structural Metal.**

If exposed structural metal that is interconnected to form the building frame exists in the area served by the separately derived system, it shall be bonded to the grounded conductor of each separately derived system. This connection shall be made at the same point on the separately derived system where the grounding electrode conductor is connected. Each bonding jumper shall be sized in accordance with Table 250.102(C)(1) based on the largest ungrounded conductor of the separately derived system.

**Exception No. 1: A separate bonding jumper to the building structural metal shall not be required if the metal frame of a building or structure is used as the grounding electrode for the separately derived system.**

**Exception No. 2: A separate bonding jumper to the building structural metal shall not be required if the water piping of a building or structure is used as the grounding electrode for a separately derived system and is bonded to the building structural metal in the area served by the separately derived system.**

### **(3) Common Grounding Electrode Conductor.**

**If a common grounding electrode conductor is installed for multiple separately derived systems as permitted by 250.30(A)(6), and exposed structural metal that is interconnected to form the building frame or interior metal piping exists in the area served by the separately derived system, the metal piping and the structural metal member shall be bonded to the common grounding electrode conductor in the area served by the separately derived system.**

**Exception: A separate bonding jumper from each derived system to metal water piping and to structural metal members shall not be required if the metal water piping and the structural metal members in the area served by the separately derived system are bonded to the common grounding electrode conductor.**

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## **250.106 Lightning Protection Systems.**

**The lightning protection system ground terminals shall be bonded to the building or structure grounding electrode system.**

**Informational Note No. 1: See 250.60 for use of strike termination devices. For further information, see NFPA 780-2014, *Standard for the Installation of Lightning Protection Systems*, which contains detailed information on grounding, bonding, and sideflash distance from lightning protection systems.**

**Informational Note No. 2: Metal raceways, enclosures, frames, and other non-current-carrying metal parts of electrical equipment installed on a building equipped with a lightning protection system may require bonding or spacing from the lightning protection conductors in accordance with NFPA 780-2014, *Standard for the Installation of Lightning Protection Systems*.**

ENHANCED CONTENT

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**Part VI. Equipment Grounding and Equipment Grounding  
Conductors**

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## **250.110 Equipment Fastened in Place (Fixed) or Connected by Permanent Wiring Methods.**

**Exposed, normally non-current-carrying metal parts of fixed equipment supplied by or enclosing conductors or components that are likely to become energized shall be connected to an equipment grounding conductor under any of the following conditions:**

- (1) Where within 2.5 m (8 ft) vertically or 1.5 m (5 ft) horizontally of ground or grounded metal objects and subject to contact by persons**
- (2) Where located in a wet or damp location and not isolated**
- (3) Where in electrical contact with metal**
- (4) Where in a hazardous (classified) location as covered by Articles 500 through 517**
- (5) Where supplied by a wiring method that provides an equipment grounding conductor, except as permitted by 250.86, Exception No. 2, for short sections of metal enclosures**
- (6) Where equipment operates with any terminal at over 150 volts to ground**

***Exception No. 1: If exempted by special permission, the metal frame of electrically heated appliances that have the frame permanently and effectively insulated from ground shall not be required to be grounded.***

***Exception No. 2: Distribution apparatus, such as transformer and capacitor cases, mounted on wooden poles at a height exceeding 2.5 m (8 ft) above ground or grade level shall not be required to be grounded.***

***Exception No. 3: Listed equipment protected by a system of double insulation, or its equivalent, shall not be required to be connected to the equipment grounding conductor. Where such a system is employed, the equipment shall be distinctively marked.***

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## **250.112 Specific Equipment Fastened in Place (Fixed) or Connected by Permanent Wiring Methods.**

Except as permitted in 250.112(F) and (I), exposed, normally non-current-carrying metal parts of equipment described in 250.112(A) through (K), and normally non-current-carrying metal parts of equipment and enclosures described in 250.112(L) and (M), shall be connected to an equipment grounding conductor, regardless of voltage.

### **(A) Switchgear and Switchboard Frames and Structures.**

Switchgear or switchboard frames and structures supporting switching equipment, except frames of 2-wire dc switchgear or switchboards where effectively insulated from ground.

### **(B) Pipe Organs.**

Generator and motor frames in an electrically operated pipe organ, unless effectively insulated from ground and the motor driving it.

### **(C) Motor Frames.**

Motor frames, as provided by 430.242.

### **(D) Enclosures for Motor Controllers.**

Enclosures for motor controllers unless attached to ungrounded portable equipment.

### **(E) Elevators and Cranes.**

Electrical equipment for elevators and cranes.

### **(F) Garages, Theaters, and Motion Picture Studios.**

Electrical equipment in commercial garages, theaters, and motion picture studios, except pendant lampholders supplied by circuits not over 150 volts to ground.

### **(G) Electric Signs.**



**Electric signs, outline lighting, and associated equipment as provided in 600.7.**

**(H) Motion Picture Projection Equipment.**

**Motion picture projection equipment.**

**(I) Remote-Control, Signaling, and Fire Alarm Circuits.**

**Equipment supplied by Class 1 circuits shall be grounded unless operating at less than 50 volts. Equipment supplied by Class 1 power-limited circuits, by Class 2 and Class 3 remote-control and signaling circuits, and by fire alarm circuits shall be grounded where system grounding is required by Part II or Part VIII of this article.**

**(J) Luminaires.**

**Luminaires as provided in Part V of Article 410.**

**(K) Skid-Mounted Equipment.**

**Permanently mounted electrical equipment and skids shall be connected to the equipment grounding conductor sized as required by 250.122.**

**(L) Motor-Operated Water Pumps.**

**Motor-operated water pumps, including the submersible type.**

**(M) Metal Well Casings.**

**Where a submersible pump is used in a metal well casing, the well casing shall be connected to the pump circuit equipment grounding conductor.**

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## **250.114 Equipment Connected by Cord and Plug.**

**Under any of the conditions described in 250.114(1) through (4), exposed, normally non-current-carrying metal parts of cord-and-plug-connected equipment shall be connected to the equipment grounding conductor.**

**Exception: Listed tools, listed appliances, and listed equipment covered in 250.114(2) through (4) shall not be required to be connected to an equipment grounding conductor where protected by a system of double insulation or its equivalent. Double insulated equipment shall be distinctively marked.**

- (1) In hazardous (classified) locations (see Articles 500 through 517)**
- (2) Where operated at over 150 volts to ground**

**Exception No. 1: Motors, where guarded, shall not be required to be connected to an equipment grounding conductor.**

**Exception No. 2: Metal frames of electrically heated appliances, exempted by special permission, shall not be required to be connected to an equipment grounding conductor, in which case the frames shall be permanently and effectively insulated from ground.**

- (3) In residential occupancies:**
  - a. Refrigerators, freezers, and air conditioners**
  - b. Clothes-washing, clothes-drying, dish-washing machines; ranges; kitchen waste disposers; information technology equipment; sump pumps and electrical aquarium equipment**
  - c. Hand-held motor-operated tools, stationary and fixed motor-operated tools, and light industrial motor-operated tools**
  - d. Motor-operated appliances of the following types: hedge clippers, lawn mowers, snow blowers, and wet scrubbers**
  - e. Portable handlamps**
  
- (4) In other than residential occupancies:**
  - a. Refrigerators, freezers, and air conditioners**
  - b. Clothes-washing, clothes-drying, dish-washing machines; information technology equipment; sump pumps and electrical aquarium equipment**
  - c. Hand-held motor-operated tools, stationary and fixed motor-operated tools, and light industrial motor-operated tools**
  - d. Motor-operated appliances of the following types: hedge clippers, lawn mowers, snow blowers, and wet scrubbers**
  - e. Portable handlamps**

- f. Cord-and-plug-connected appliances used in damp or wet locations or by persons standing on the ground or on metal floors or working inside of metal tanks or boilers**
- g. Tools likely to be used in wet or conductive locations**

*Exception: Tools and portable handlamps likely to be used in wet or conductive locations shall not be required to be connected to an equipment grounding conductor where supplied through an isolating transformer with an ungrounded secondary of not over 50 volts.*

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## **250.116 Nonelectrical Equipment.**

The metal parts of the following nonelectrical equipment described in this section shall be connected to the equipment grounding conductor:

- (1) Frames and tracks of electrically operated cranes and hoists**
- (2) Frames of nonelectrically driven elevator cars to which electrical conductors are attached**
- (3) Hand-operated metal shifting ropes or cables of electric elevators**

**Informational Note:** Where extensive metal in or on buildings or structures may become energized and is subject to personal contact, adequate bonding and grounding will provide additional safety.

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## **250.118 Types of Equipment Grounding Conductors.**

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

- (1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.**

- (2) Rigid metal conduit.**
- (3) Intermediate metal conduit.**
- (4) Electrical metallic tubing.**
- (5) Listed flexible metal conduit meeting all the following conditions:**
  - a. The conduit is terminated in listed fittings.**
  - b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.**
  - c. The size of the conduit does not exceed metric designator 35 (trade size 1<sup>1</sup>/<sub>4</sub>).**
  - d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).**
  - e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.**
- (6) Listed liquidtight flexible metal conduit meeting all the following conditions:**
  - a. The conduit is terminated in listed fittings.**
  - b. For metric designators 12 through 16 (trade sizes <sup>3</sup>/<sub>8</sub> through <sup>1</sup>/<sub>2</sub>), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.**
  - c. For metric designators 21 through 35 (trade sizes <sup>3</sup>/<sub>4</sub> through 1<sup>1</sup>/<sub>4</sub>), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metallic tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes <sup>3</sup>/<sub>8</sub> through <sup>1</sup>/<sub>2</sub>) in the ground-fault current path.**
  - d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).**
  - e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment**

**that requires movement after installation, an equipment grounding conductor shall be installed.**

- (7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:**
- a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.**
  - b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).**
- (8) Armor of Type AC cable as provided in 320.108.**
- (9) The copper sheath of mineral-insulated, metal-sheathed cable Type MI.**
- (10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:**
- a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).**
  - b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor**
  - c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor**
- (11) Cable trays as permitted in 392.10 and 392.60.**
- (12) Cablebus framework as permitted in 370.60(1).**
- (13) Other listed electrically continuous metal raceways and listed auxiliary gutters.**
- (14) Surface metal raceways listed for grounding.**

**Informational Note:** For a definition of *Effective Ground-Fault Current Path*, see Article 100.

## 250.119 Identification of Equipment Grounding Conductors.

Unless required elsewhere in this *Code*, equipment grounding conductors shall be permitted to be bare, covered, or insulated. Individually covered or insulated equipment grounding conductors shall have a continuous outer finish that is either green or green with one or more yellow stripes except as permitted in this section. Conductors with insulation or individual covering that is green, green with one or more yellow stripes, or otherwise identified as permitted by this section shall not be used for ungrounded or grounded circuit conductors.

*Exception No. 1: Power-limited Class 2 or Class 3 cables, power-limited fire alarm cables, or communications cables containing only circuits operating at less than 50 volts where connected to equipment not required to be grounded in accordance with 250.112(I) shall be permitted to use a conductor with green insulation or green with one or more yellow stripes for other than equipment grounding purposes.*

*Exception No. 2: Flexible cords having an integral insulation and jacket without an equipment grounding conductor shall be permitted to have a continuous outer finish that is green.*

Informational Note: An example of a flexible cord with integral-type insulation is Type SPT-2, 2 conductor.

*Exception No. 3: Conductors with green insulation shall be permitted to be used as ungrounded signal conductors where installed between the output terminations of traffic signal control and traffic signal indicating heads. Signaling circuits installed in accordance with this exception shall include an equipment grounding conductor in accordance with 250.118. Wire-type equipment grounding conductors shall be bare or have insulation or covering that is green with one or more yellow stripes.*

### (A) Conductors 4 AWG and Larger.

Equipment grounding conductors 4 AWG and larger shall comply with 250.119(A)(1) and (A)(2).

- (1) An insulated or covered conductor 4 AWG and larger shall be permitted, at the time of installation, to be permanently identified as an equipment grounding conductor at each end and at every point where the conductor is accessible.

*Exception: Conductors 4 AWG and larger shall not be required to be marked in conduit bodies that contain no splices or unused hubs.*

- (2) Identification shall encircle the conductor and shall be accomplished by one of the following:**
- a. Stripping the insulation or covering from the entire exposed length**
  - b. Coloring the insulation or covering green at the termination**
  - c. Marking the insulation or covering with green tape or green adhesive labels at the termination**

**(B) Multiconductor Cable.**

Where the conditions of maintenance and supervision ensure that only qualified persons service the installation, one or more insulated conductors in a multiconductor cable, at the time of installation, shall be permitted to be permanently identified as equipment grounding conductors at each end and at every point where the conductors are accessible by one of the following means:

- (1) Stripping the insulation from the entire exposed length.**
- (2) Coloring the exposed insulation green.**
- (3) Marking the exposed insulation with green tape or green adhesive labels. Identification shall encircle the conductor.**

**(C) Flexible Cord.**

Equipment grounding conductors in flexible cords shall be insulated and shall have a continuous outer finish that is either green or green with one or more yellow stripes.

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## **250.120 Equipment Grounding Conductor Installation.**

An equipment grounding conductor shall be installed in accordance with **250.120(A), (B), and (C)**.

**(A) Raceway, Cable Trays, Cable Armor, Cablebus, or Cable Sheaths.**

Where it consists of a raceway, cable tray, cable armor, cablebus framework, or cable sheath or where it is a wire within a raceway or cable, it shall be installed in accordance with the applicable provisions in this Code using fittings for joints and terminations approved for use with the type raceway or cable used. All connections, joints, and fittings shall be made tight using suitable tools.

**Informational Note:** See the UL guide information on FHIT systems for equipment grounding conductors installed in a raceway that are part of an electrical circuit protective system or a fire-rated cable listed to maintain circuit integrity.

#### **(B) Aluminum and Copper-Clad Aluminum Conductors.**

Equipment grounding conductors of bare or insulated aluminum or copper-clad aluminum shall be permitted. Bare conductors shall not come in direct contact with masonry or the earth or where subject to corrosive conditions. Aluminum or copper-clad aluminum conductors shall not be terminated within 450 mm (18 in.) of the earth.

#### **(C) Equipment Grounding Conductors Smaller Than 6 AWG.**

Where not routed with circuit conductors as permitted in [250.130\(C\)](#) and [250.134\(B\)](#) Exception No. 2, equipment grounding conductors smaller than 6 AWG shall be protected from physical damage by an identified raceway or cable armor unless installed within hollow spaces of the framing members of buildings or structures and where not subject to physical damage.

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## **250.121 Use of Equipment Grounding Conductors.**

An equipment grounding conductor shall not be used as a grounding electrode conductor.

*Exception: A wire-type equipment grounding conductor installed in compliance with [250.6\(A\)](#) and the applicable requirements for both the equipment grounding conductor and the grounding electrode conductor in Parts II, III, and VI of this article shall be permitted to serve as both an equipment grounding conductor and a grounding electrode conductor.*

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## 250.122 Size of Equipment Grounding Conductors.

### (A) General.

Copper, aluminum, or copper-clad aluminum equipment grounding conductors of the wire type shall not be smaller than shown in [Table 250.122](#), but in no case shall they be required to be larger than the circuit conductors supplying the equipment. Where a cable tray, a raceway, or a cable armor or sheath is used as the equipment grounding conductor, as provided in [250.118](#) and [250.134\(A\)](#), it shall comply with [250.4\(A\)\(5\)](#) or [\(B\)\(4\)](#). Equipment grounding conductors shall be permitted to be sectioned within a multiconductor cable, provided the combined circular mil area complies with [Table 250.122](#).

### (B) Increased in Size.

Where ungrounded conductors are increased in size from the minimum size that has sufficient ampacity for the intended installation, wire-type equipment grounding conductors, where installed, shall be increased in size proportionately, according to the circular mil area of the ungrounded conductors.

### (C) Multiple Circuits.

Where a single equipment grounding conductor is run with multiple circuits in the same raceway, cable, or cable tray, it shall be sized for the largest overcurrent device protecting conductors in the raceway, cable, or cable tray. Equipment grounding conductors installed in cable trays shall meet the minimum requirements of [392.10\(B\)\(1\)\(c\)](#).

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### (D) Motor Circuits.

Equipment grounding conductors for motor circuits shall be sized in accordance with [\(D\)\(1\)](#) or [\(D\)\(2\)](#).

#### (1) General.

The equipment grounding conductor size shall not be smaller than determined by 250.122(A) based on the rating of the branch-circuit short-circuit and ground-fault protective device.

**(2) Instantaneous-Trip Circuit Breaker and Motor Short-Circuit Protector.**

Where the overcurrent device is an instantaneous-trip circuit breaker or a motor short-circuit protector, the equipment grounding conductor shall be sized not smaller than that given by 250.122(A) using the maximum permitted rating of a dual element time-delay fuse selected for branch-circuit short-circuit and ground-fault protection in accordance with 430.52(C)(1), Exception No. 1.

**(E) Flexible Cord and Fixture Wire.**

The equipment grounding conductor in a flexible cord with the largest circuit conductor 10 AWG or smaller, and the equipment grounding conductor used with fixture wires of any size in accordance with 240.5, shall not be smaller than 18 AWG copper and shall not be smaller than the circuit conductors. The equipment grounding conductor in a flexible cord with a circuit conductor larger than 10 AWG shall be sized in accordance with Table 250.122.

**(F) Conductors in Parallel.**

For circuits of parallel conductors as permitted in 310.10(H), the equipment grounding conductor shall be installed in accordance with (1) or (2).

**(1) Conductor Installations in Raceways, Auxiliary Gutters, or Cable Trays.**

- (a) *Single Raceway or Cable Tray.* If conductors are installed in parallel in the same raceway or cable tray, a single wire-type conductor shall be permitted as the equipment grounding conductor. The wire-type equipment grounding conductor shall be sized in accordance with 250.122, based on the overcurrent protective device for the feeder or branch circuit. Wire-type equipment grounding conductors installed in cable trays shall meet the minimum requirements of 392.10(B)(1)(c). Metal raceways or auxiliary gutters in accordance with 250.118 or cable trays complying with 392.60(B) shall be permitted as the equipment grounding conductor.
- (b) *Multiple Raceways.* If conductors are installed in parallel in multiple raceways, wire-type equipment grounding conductors, where used, shall be installed in parallel in each raceway. The equipment grounding conductor installed in each raceway shall be sized in compliance with 250.122 based on

**the overcurrent protective device for the feeder or branch circuit. Metal raceways or auxiliary gutters in accordance with 250.118 or cable trays complying with 392.60(B) shall be permitted as the equipment grounding conductor.**

**(2) Multiconductor Cables.**

- (a) If multiconductor cables are installed in parallel, the equipment grounding conductor(s) in each cable shall be connected in parallel.**
- (b) If multiconductor cables are installed in parallel in the same raceway, auxiliary gutter, or cable tray, a single equipment grounding conductor that is sized in accordance with 250.122 shall be permitted in combination with the equipment grounding conductors provided within the multiconductor cables and shall all be connected together.**
- (c) Equipment grounding conductors installed in cable trays shall meet the minimum requirements of 392.10(B)(1)(c). Cable trays complying with 392.60(B), metal raceways in accordance with 250.118, or auxiliary gutters shall be permitted as the equipment grounding conductor.**
- (d) Except as provided in 250.122(F)(2)(b) for raceway or cable tray installations, the equipment grounding conductor in each multiconductor cable shall be sized in accordance with 250.122 based on the overcurrent protective device for the feeder or branch circuit.**

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**(G) Feeder Taps.**

**Equipment grounding conductors run with feeder taps shall not be smaller than shown in Table 250.122 based on the rating of the overcurrent device ahead of the feeder but shall not be required to be larger than the tap conductors.**

<b>Table 250.122 Minimum Size Equipment Grounding Conductors for Grounding Raceway and Equipment</b>		
<b>Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not Exceeding (Amperes)</b>	<b>Size (AWG or kcmil)</b>	
	<b>Copper</b>	<b>Aluminum Copper Aluminum</b>
15	14	12
20	12	10
60	10	8
100	8	6
200	6	4
300	4	3
400	3	2
500	2	1
600	1	2/0
800	1/0	3/0
1000	2/0	4/0
1200	3/0	250
1600	4/0	350
2000	250	400
2500	350	600
3000	400	600
4000	500	700
5000	700	1200
6000	800	1200

**Note: Where necessary to comply with 250.4(A)(5) or (B)(4), the equipment grounding conductor shall be larger than given in this table.**  
**\*See installation restrictions in 250.120.**

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## 250.124 Equipment Grounding Conductor Continuity.

### (A) Separable Connections.

Separable connections such as those provided in drawout equipment or attachment plugs and mating connectors and receptacles shall provide for first-make, last-break of the equipment grounding conductor. First-make, last-break shall not be required where interlocked equipment, plugs, receptacles, and connectors preclude energization without grounding continuity.

### (B) Switches.

No automatic cutout or switch shall be placed in the equipment grounding conductor of a premises wiring system unless the opening of the cutout or switch disconnects all sources of energy.

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## 250.126 Identification of Wiring Device Terminals.

The terminal for the connection of the equipment grounding conductor shall be identified by one of the following:

- (1) A green, not readily removable terminal screw with a hexagonal head.
- (2) A green, hexagonal, not readily removable terminal nut.
- (3) A green pressure wire connector. If the terminal for the equipment grounding conductor is not visible, the conductor entrance hole shall be marked with the word *green* or *ground*, the letters *G* or *GR*, a grounding symbol, or otherwise identified by a distinctive green color. If the terminal for the equipment grounding conductor is readily removable, the area adjacent to the terminal shall be similarly marked.

Informational Note: See [Informational Note Figure 250.126](#).





**Informational Note Figure 250.126 One Example of a Symbol Used to Identify the Grounding Termination Point for an Equipment Grounding Conductor.**

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## Part VII. Methods of Equipment Grounding

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### **250.130 Equipment Grounding Conductor Connections.**

Equipment grounding conductor connections at the source of separately derived systems shall be made in accordance with 250.30(A)(1). Equipment grounding conductor connections at service equipment shall be made as indicated in 250.130(A) or (B). For replacement of non-grounding-type receptacles with grounding-type receptacles and for branch-circuit extensions only in existing installations that do not have an equipment grounding conductor in the branch circuit, connections shall be permitted as indicated in 250.130(C).

#### **(A) For Grounded Systems.**

The connection shall be made by bonding the equipment grounding conductor to the grounded service conductor and the grounding electrode conductor.

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#### **(B) For Ungrounded Systems.**

The connection shall be made by bonding the equipment grounding conductor to the grounding electrode conductor.

#### **(C) Nongrounding Receptacle Replacement or Branch Circuit Extensions.**

The equipment grounding conductor of a grounding-type receptacle or a branch-circuit extension shall be permitted to be connected to any of the following:

- (1) Any accessible point on the grounding electrode system as described in [250.50](#)
- (2) Any accessible point on the grounding electrode conductor
- (3) The equipment grounding terminal bar within the enclosure where the branch circuit for the receptacle or branch circuit originates
- (4) An equipment grounding conductor that is part of another branch circuit that originates from the enclosure where the branch circuit for the receptacle or branch circuit originates
- (5) For grounded systems, the grounded service conductor within the service equipment enclosure
- (6) For ungrounded systems, the grounding terminal bar within the service equipment enclosure

Informational Note: See [406.4\(D\)](#) for the use of a ground-fault circuit-interrupting type of receptacle.

ENHANCED CONTENT

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## 250.132 Short Sections of Raceway.

Isolated sections of metal raceway or cable armor, where required to be grounded, shall be connected to an equipment grounding conductor in accordance with [250.134](#).

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## 250.134 Equipment Fastened in Place or Connected by Permanent Wiring Methods (Fixed) – Grounding.

Unless grounded by connection to the grounded circuit conductor as permitted by [250.32](#), [250.140](#), and [250.142](#), non-current-carrying metal parts of equipment, raceways, and other enclosures, if grounded, shall be connected to an equipment grounding conductor by one of the methods specified in [250.134\(A\)](#) or (B).

**(A) Equipment Grounding Conductor Types.**

By connecting to any of the equipment grounding conductors permitted by 250.118.

**(B) With Circuit Conductors.**

By connecting to an equipment grounding conductor contained within the same raceway, cable, or otherwise run with the circuit conductors.

*Exception No. 1: As provided in 250.130(C), the equipment grounding conductor shall be permitted to be run separately from the circuit conductors.*

*Exception No. 2: For dc circuits, the equipment grounding conductor shall be permitted to be run separately from the circuit conductors.*

Informational Note No. 1: See 250.102 and 250.168 for equipment bonding jumper requirements.

Informational Note No. 2: See 400.10 for use of cords for fixed equipment.

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## 250.136 Equipment Considered Grounded.

Under the conditions specified in 250.136(A) and (B), the normally non-current-carrying metal parts of the equipment shall be considered grounded.

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**(A) Equipment Secured to Grounded Metal Supports.**

Electrical equipment secured to and in electrical contact with a metal rack or structure provided for its support and connected to an equipment grounding conductor by one of the means indicated in 250.134. The structural metal frame of a building shall not be used as the required equipment grounding conductor for ac equipment.

**(B) Metal Car Frames.**



**Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of elevator machines that are connected to an equipment grounding conductor by one of the methods indicated in 250.134.**

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## **250.138 Cord-and-Plug-Connected Equipment.**

**Non-current-carrying metal parts of cord-and-plug-connected equipment, if grounded, shall be connected to an equipment grounding conductor by one of the methods in 250.138(A) or (B).**

### **(A) By Means of an Equipment Grounding Conductor.**

**By means of an equipment grounding conductor run with the power supply conductors in a cable assembly or flexible cord properly terminated in a grounding-type attachment plug with one fixed grounding contact.**

*Exception: The grounding contacting pole of grounding-type plug-in ground-fault circuit interrupters shall be permitted to be of the movable, self-restoring type on circuits operating at not over 150 volts between any two conductors or over 150 volts between any conductor and ground.*

### **(B) By Means of a Separate Flexible Wire or Strap.**

**By means of a separate flexible wire or strap, insulated or bare, connected to an equipment grounding conductor, and protected as well as practicable against physical damage, where part of equipment.**

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## **250.140 Frames of Ranges and Clothes Dryers.**

**Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the circuit for these appliances shall be connected to the equipment grounding conductor in the manner specified by 250.134 or 250.138.**

*Exception: For existing branch-circuit installations only where an equipment grounding conductor is not present in the outlet or junction box, the frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the circuit for*

**these appliances shall be permitted to be connected to the grounded circuit conductor if all the following conditions are met.**

- (1) The supply circuit is 120/240-volt, single-phase, 3-wire; or 208Y/120-volt derived from a 3-phase, 4-wire, wye-connected system.**
- (2) The grounded conductor is not smaller than 10 AWG copper or 8 AWG aluminum.**
- (3) The grounded conductor is insulated, or the grounded conductor is uninsulated and part of a Type SE service-entrance cable and the branch circuit originates at the service equipment.**
- (4) Grounding contacts of receptacles furnished as part of the equipment are bonded to the equipment.**

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## **250.142 Use of Grounded Circuit Conductor for Grounding Equipment.**

### **(A) Supply-Side Equipment.**

**A grounded circuit conductor shall be permitted to ground non-current-carrying metal parts of equipment, raceways, and other enclosures at any of the following locations:**

- (1) On the supply side or within the enclosure of the ac service-disconnecting means**
- (2) On the supply side or within the enclosure of the main disconnecting means for separate buildings as provided in 250.32(B).**
- (3) On the supply side or within the enclosure of the main disconnecting means or overcurrent devices of a separately derived system where permitted by 250.30(A)(1).**

### **(B) Load-Side Equipment.**

**Except as permitted in 250.30(A)(1) and 250.32(B) Exception, a grounded circuit conductor shall not be used for grounding non-current-carrying metal parts of equipment on the load side of the service disconnecting means or on the load side of a separately derived system disconnecting means or the overcurrent devices for a separately derived system not having a main disconnecting means.**

**Exception No. 1: The frames of ranges, wall-mounted ovens, counter-mounted cooking units, and clothes dryers under the conditions permitted for existing installations by 250.140 shall be permitted**

**to be connected to the grounded circuit conductor.**

**Exception No. 2: It shall be permissible to ground meter enclosures by connection to the grounded circuit conductor on the load side of the service disconnect where all of the following conditions apply:**

- (1) No service ground-fault protection is installed.**
- (2) All meter enclosures are located immediately adjacent to the service disconnecting means.**
- (3) The size of the grounded circuit conductor is not smaller than the size specified in Table 250.122 for equipment grounding conductors.**

**Exception No. 3: Direct-current systems shall be permitted to be grounded on the load side of the disconnecting means or overcurrent device in accordance with 250.164.**

**Exception No. 4: Electrode-type boilers operating at over 1000 volts shall be grounded as required in 490.72(E)(1) and 490.74.**

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## **250.144 Multiple Circuit Connections.**

Where equipment is grounded and is supplied by separate connection to more than one circuit or grounded premises wiring system, an equipment grounding conductor termination shall be provided for each such connection as specified in 250.134 and 250.138.

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## **250.146 Connecting Receptacle Grounding Terminal to Box.**

An equipment bonding jumper shall be used to connect the grounding terminal of a grounding-type receptacle to a grounded box unless grounded as in 250.146(A) through (D). The equipment bonding jumper shall be sized in accordance with Table 250.122 based on the rating of the overcurrent device protecting the circuit conductors.

### **(A) Surface-Mounted Box.**

Where the box is mounted on the surface, direct metal-to-metal contact between the device yoke and the box or a contact yoke or device that complies with 250.146(B) shall

be permitted to ground the receptacle to the box. At least one of the insulating washers shall be removed from receptacles that do not have a contact yoke or device that complies with 250.146(B) to ensure direct metal-to-metal contact. This provision shall not apply to cover-mounted receptacles unless the box and cover combination are listed as providing satisfactory ground continuity between the box and the receptacle. A listed exposed work cover shall be permitted to be the grounding and bonding means when (1) the device is attached to the cover with at least two fasteners that are permanent (such as a rivet) or have a thread locking or screw or nut locking means and (2) when the cover mounting holes are located on a flat non-raised portion of the cover.

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#### **(B) Contact Devices or Yokes.**

Contact devices or yokes designed and listed as self-grounding shall be permitted in conjunction with the supporting screws to establish equipment bonding between the device yoke and flush-type boxes.

ENHANCED CONTENT

Expand 

#### **(C) Floor Boxes.**

Floor boxes designed for and listed as providing satisfactory ground continuity between the box and the device shall be permitted.

#### **(D) Isolated Ground Receptacles.**

Where installed for the reduction of electrical noise (electromagnetic interference) on the grounding circuit, a receptacle in which the grounding terminal is purposely insulated from the receptacle mounting means shall be permitted. The receptacle grounding terminal shall be connected to an insulated equipment grounding conductor run with the circuit conductors. This equipment grounding conductor shall be permitted to pass through one or more panelboards without a connection to the panelboard grounding terminal bar as permitted in 408.40, Exception, so as to terminate within the same building or structure directly at an equipment grounding conductor terminal of the applicable derived system or service. Where installed in accordance with the provisions of

**this section, this equipment grounding conductor shall also be permitted to pass through boxes, wireways, or other enclosures without being connected to such enclosures.**

**Informational Note:** Use of an isolated equipment grounding conductor does not relieve the requirement for grounding the raceway system and outlet box.

ENHANCED CONTENT

Expand 

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## **250.148 Continuity and Attachment of Equipment Grounding Conductors to Boxes.**

**If circuit conductors are spliced within a box or terminated on equipment within or supported by a box, all equipment grounding conductor(s) associated with any of those circuit conductors shall be connected within the box or to the box with devices suitable for the use in accordance with 250.8 and 250.148(A) through (E).**

***Exception:* The equipment grounding conductor permitted in 250.146(D) shall not be required to be connected to the other equipment grounding conductors or to the box.**

ENHANCED CONTENT

Expand 

### **(A) Connections.**

**Connections and splices shall be made in accordance with 110.14(B) except that insulation shall not be required.**

### **(B) Grounding Continuity.**

**The arrangement of grounding connections shall be such that the disconnection or the removal of a receptacle, luminaire, or other device fed from the box does not interfere with or interrupt the grounding continuity.**

### **(C) Metal Boxes.**

**A connection shall be made between the one or more equipment grounding conductors and a metal box by means of a grounding screw that shall be used for no other purpose, equipment listed for grounding, or a listed grounding device.**

**(D) Nonmetallic Boxes.**

**One or more equipment grounding conductors brought into a nonmetallic outlet box shall be arranged such that a connection can be made to any fitting or device in that box requiring grounding.**

**(E) Solder.**

**Connections depending solely on solder shall not be used.**

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**Part VIII. Direct-Current Systems**

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**250.160 General.**

**Direct-current systems shall comply with Part VIII and other sections of Article 250 not specifically intended for ac systems.**

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**250.162 Direct-Current Circuits and Systems to Be Grounded.**

**Direct-current circuits and systems shall be grounded as provided for in 250.162(A) and (B).**

**(A) Two-Wire, Direct-Current Systems.**

**A 2-wire, dc system supplying premises wiring and operating at greater than 60 volts but not greater than 300 volts shall be grounded.**

***Exception No. 1: A system equipped with a ground detector and supplying only industrial equipment in limited areas shall not be required to be grounded where installed adjacent to or integral with the***

**source of supply.**

**Exception No. 2: A rectifier-derived dc system supplied from an ac system complying with 250.20 shall not be required to be grounded.**

**Exception No. 3: Direct-current fire alarm circuits having a maximum current of 0.030 ampere as specified in Article 760, Part III, shall not be required to be grounded.**

**(B) Three-Wire, Direct-Current Systems.**

**The neutral conductor of all 3-wire, dc systems supplying premises wiring shall be grounded.**

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## **250.164 Point of Connection for Direct-Current Systems.**

**(A) Off-Premises Source.**

**Direct-current systems to be grounded and supplied from an off-premises source shall have the grounding connection made at one or more supply stations. A grounding connection shall not be made at individual services or at any point on the premises wiring.**

**(B) On-Premises Source.**

**Where the dc system source is located on the premises, a grounding connection shall be made at one of the following:**

- (1) The source**
- (2) The first system disconnection means or overcurrent device**
- (3) By other means that accomplish equivalent system protection and that utilize equipment listed and identified for the use**

## **250.166 Size of the Direct-Current Grounding Electrode Conductor.**

The size of the grounding electrode conductor for a dc system shall be as specified in 250.166(A) and (B), except as permitted by 250.166(C) through (E). The grounding electrode conductor for a dc system shall meet the sizing requirements in this section but shall not be required to be larger than 3/0 copper or 250 kcmil aluminum.

### **(A) Not Smaller Than the Neutral Conductor.**

Where the dc system consists of a 3-wire balancer set or a balancer winding with overcurrent protection as provided in 445.12(D), the grounding electrode conductor shall not be smaller than the neutral conductor and not smaller than 8 AWG copper or 6 AWG aluminum.

### **(B) Not Smaller Than the Largest Conductor.**

Where the dc system is other than as in 250.166(A), the grounding electrode conductor shall not be smaller than the largest conductor supplied by the system, and not smaller than 8 AWG copper or 6 AWG aluminum.

### **(C) Connected to Rod, Pipe, or Plate Electrodes.**

Where connected to rod, pipe, or plate electrodes as in 250.52(A)(5) or (A)(7), that portion of the grounding electrode conductor that is the sole connection to the grounding electrode shall not be required to be larger than 6 AWG copper wire or 4 AWG aluminum wire.

### **(D) Connected to a Concrete-Encased Electrode.**

Where connected to a concrete-encased electrode as in 250.52(A)(3), that portion of the grounding electrode conductor that is the sole connection to the grounding electrode shall not be required to be larger than 4 AWG copper wire.

### **(E) Connected to a Ground Ring.**

Where connected to a ground ring as in 250.52(A)(4), that portion of the grounding electrode conductor that is the sole connection to the grounding electrode shall not be required to be larger than the conductor used for the ground ring.



## **250.167 Direct-Current Ground-Fault Detection.**

### **(A) Ungrounded Systems.**

**Ground-fault detection systems shall be required for ungrounded systems.**

### **(B) Grounded Systems.**

**Ground-fault detection shall be permitted for grounded systems.**

### **(C) Marking.**

**Direct-current systems shall be legibly marked to indicate the grounding type at the dc source or the first disconnecting means of the system. The marking shall be of sufficient durability to withstand the environment involved.**

*Informational Note: NFPA 70E -2015 identifies four dc grounding types in detail.*

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## **250.168 Direct-Current System Bonding Jumper.**

**For direct-current systems that are to be grounded, an unspliced bonding jumper shall be used to connect the equipment grounding conductor(s) to the grounded conductor at the source or the first system disconnecting means where the system is grounded. The size of the bonding jumper shall not be smaller than the system grounding electrode conductor specified in 250.166 and shall comply with the provisions of 250.28(A), (B), and (C).**

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## **250.169 Ungrounded Direct-Current Separately Derived Systems.**

**Except as otherwise permitted in 250.34 for portable and vehicle-mounted generators, an ungrounded dc separately derived system supplied from a stand-alone power source (such as an engine-generator set) shall have a grounding electrode conductor connected to an electrode that complies with Part III of this article to provide for grounding of metal enclosures, raceways, cables, and exposed non-current-carrying metal parts of equipment. The grounding electrode conductor connection shall be to the metal enclosure at any point on the separately derived system from the source to the first system disconnecting means or overcurrent device, or it shall be made at the source of a separately derived system that has no disconnecting means or overcurrent devices. The size of the grounding electrode conductor shall be in accordance with 250.166.**

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## Part IX. Instruments, Meters, and Relays

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### **250.170 Instrument Transformer Circuits.**

**Secondary circuits of current and potential instrument transformers shall be grounded where the primary windings are connected to circuits of 300 volts or more to ground and, where installed on or in switchgear and on switchboards, shall be grounded irrespective of voltage.**

***Exception No. 1: Circuits where the primary windings are connected to circuits of 1000 volts or less with no live parts or wiring exposed or accessible to other than qualified persons.***

***Exception No. 2: Current transformer secondaries connected in a three-phase delta configuration shall not be required to be grounded.***

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### **250.172 Instrument Transformer Cases.**

**Cases or frames of instrument transformers shall be connected to the equipment grounding conductor where accessible to other than qualified persons.**

***Exception: Cases or frames of current transformers, the primaries of which are not over 150 volts to ground and that are used exclusively to supply current to meters.***

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## **250.174 Cases of Instruments, Meters, and Relays Operating at 1000 Volts or Less.**

Instruments, meters, and relays operating with windings or working parts at 1000 volts or less shall be connected to the equipment grounding conductor as specified in 250.174(A), (B), or (C).

### **(A) Not on Switchgear or Switchboards.**

Instruments, meters, and relays not located on switchgear or switchboards operating with windings or working parts at 300 volts or more to ground, and accessible to other than qualified persons, shall have the cases and other exposed metal parts connected to the equipment grounding conductor.

### **(B) On Switchgear or Dead-Front Switchboards.**

Instruments, meters, and relays (whether operated from current and potential transformers or connected directly in the circuit) on switchgear or switchboards having no live parts on the front of the panels shall have the cases connected to the equipment grounding conductor.

### **(C) On Live-Front Switchboards.**

Instruments, meters, and relays (whether operated from current and potential transformers or connected directly in the circuit) on switchboards having exposed live parts on the front of panels shall not have their cases connected to the equipment grounding conductor. Mats of insulating rubber or other suitable floor insulation shall be provided for the operator where the voltage to ground exceeds 150.

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## **250.176 Cases of Instruments, Meters, and Relays — Operating at 1000 Volts and Over.**

Where instruments, meters, and relays have current-carrying parts of 1000 volts and over to ground, they shall be isolated by elevation or protected by suitable barriers, grounded

**metal, or insulating covers or guards. Their cases shall not be connected to the equipment grounding conductor.**

*Exception: Cases of electrostatic ground detectors where the internal ground segments of the instrument are connected to the instrument case and grounded and the ground detector is isolated by elevation.*

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## **250.178 Instrument Equipment Grounding Conductor.**

The equipment grounding conductor for secondary circuits of instrument transformers and for instrument cases shall not be smaller than 12 AWG copper or 10 AWG aluminum. Cases of instrument transformers, instruments, meters, and relays that are mounted directly on grounded metal surfaces of enclosures or grounded metal of switchgear or switchboard panels shall be considered to be grounded, and no additional equipment grounding conductor shall be required.

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### **Part X. Grounding of Systems and Circuits of over 1000 Volts**

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## **250.180 General.**

Where systems over 1000 volts are grounded, they shall comply with all applicable provisions of the preceding sections of this article and with 250.182 through 250.194, which supplement and modify the preceding sections.

ENHANCED CONTENT

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## **250.182 Derived Neutral Systems.**

**A system neutral point derived from a grounding transformer shall be permitted to be used for grounding systems over 1 kV.**

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## **250.184 Solidly Grounded Neutral Systems.**

**Solidly grounded neutral systems shall be permitted to be either single point grounded or multigrounded neutral.**

### **(A) Neutral Conductor.**

#### **(1) Insulation Level.**

**The minimum insulation level for neutral conductors of solidly grounded systems shall be 600 volts.**

***Exception No. 1: Bare copper conductors shall be permitted to be used for the neutral conductor of the following:***

- (1) Service-entrance conductors**
- (2) Service laterals or underground service conductors**
- (3) Direct-buried portions of feeders**

***Exception No. 2: Bare conductors shall be permitted for the neutral conductor of overhead portions installed outdoors.***

***Exception No. 3: The grounded neutral conductor shall be permitted to be a bare conductor if isolated from phase conductors and protected from physical damage.***

**Informational Note: See 225.4 for conductor covering where within 3.0 m (10 ft) of any building or other structure.**

#### **(2) Ampacity.**

**The neutral conductor shall be of sufficient ampacity for the load imposed on the conductor but not less than  $33\frac{1}{3}$  percent of the ampacity of the phase conductors.**

***Exception: In industrial and commercial premises under engineering supervision, it shall be permissible to size the ampacity of the neutral conductor to not less than 20 percent of the ampacity of the phase conductor.***

**(B) Single-Point Grounded Neutral System.**

Where a single-point grounded neutral system is used, the following shall apply:

- (1) A single-point grounded neutral system shall be permitted to be supplied from (a) or (b):**
  - a. A separately derived system**
  - b. A multigrounded neutral system with an equipment grounding conductor connected to the multigrounded neutral conductor at the source of the single-point grounded neutral system**
- (2) A grounding electrode shall be provided for the system.**
- (3) A grounding electrode conductor shall connect the grounding electrode to the system neutral conductor.**
- (4) A bonding jumper shall connect the equipment grounding conductor to the grounding electrode conductor.**
- (5) An equipment grounding conductor shall be provided to each building, structure, and equipment enclosure.**
- (6) A neutral conductor shall only be required where phase-to-neutral loads are supplied.**
- (7) The neutral conductor, where provided, shall be insulated and isolated from earth except at one location.**
- (8) An equipment grounding conductor shall be run with the phase conductors and shall comply with (a), (b), and (c):**
  - a. Shall not carry continuous load**
  - b. May be bare or insulated**
  - c. Shall have sufficient ampacity for fault current duty**

**(C) Multigrounded Neutral Systems.**

Where a multigrounded neutral system is used, the following shall apply:

- (1) The neutral conductor of a solidly grounded neutral system shall be permitted to be grounded at more than one point. Grounding shall be permitted at one or more of the following locations:**
    - a. Transformers supplying conductors to a building or other structure**
    - b. Underground circuits where the neutral conductor is exposed**
    - c. Overhead circuits installed outdoors**
  - (2) The multigrounded neutral conductor shall be grounded at each transformer and at other additional locations by connection to a grounding electrode.**
  - (3) At least one grounding electrode shall be installed and connected to the multigrounded neutral conductor every 400 m (1300 ft).**
  - (4) The maximum distance between any two adjacent electrodes shall not be more than 400 m (1300 ft).**
  - (5) In a multigrounded shielded cable system, the shielding shall be grounded at each cable joint that is exposed to personnel contact.**
- 

## **250.186 Grounding Service-Supplied Alternating-Current Systems.**

### **(A) Systems with a Grounded Conductor at the Service Point.**

Where an ac system is grounded at any point and is provided with a grounded conductor at the service point, a grounded conductor(s) shall be installed and routed with the ungrounded conductors to each service disconnecting means and shall be connected to each disconnecting means grounded conductor(s) terminal or bus. A main bonding jumper shall connect the grounded conductor(s) to each service disconnecting means's enclosure. The grounded conductor(s) shall be installed in accordance with 250.186(A)(1) through (A)(4). The size of the solidly grounded circuit conductor(s) shall be the larger of that determined by 250.184 or 250.186(A)(1) or (A)(2).

*Exception: Where two or more service disconnecting means are located in a single assembly listed for use as service equipment, it shall be permitted to connect the grounded conductor(s) to the assembly common grounded conductor(s) terminal or bus. The assembly shall include a main bonding jumper for connecting the grounded conductor(s) to the assembly enclosure.*

**(1) Sizing for a Single Raceway or Overhead Conductor.**

The grounded conductor shall not be smaller than the required grounding electrode conductor specified in Table 250.102(C)(1) but shall not be required to be larger than the largest ungrounded service-entrance conductor(s).

**(2) Parallel Conductors in Two or More Raceways or Overhead Conductors.**

If the ungrounded service-entrance conductors are installed in parallel in two or more raceways or as overhead parallel conductors, the grounded conductors shall also be installed in parallel. The size of the grounded conductor in each raceway or overhead shall be based on the total circular mil area of the parallel ungrounded conductors in the raceway or overhead, as indicated in 250.186(A)(1), but not smaller than 1/0 AWG.

Informational Note: See 310.10(H) for grounded conductors connected in parallel.

**(3) Delta-Connected Service.**

The grounded conductor of a 3-phase, 3-wire delta service shall have an ampacity not less than that of the ungrounded conductors.

**(4) Impedance Grounded Neutral Systems.**

Impedance grounded neutral systems shall be installed in accordance with 250.187.

**(B) Systems Without a Grounded Conductor at the Service Point.**

Where an ac system is grounded at any point and is not provided with a grounded conductor at the service point, a supply-side bonding jumper shall be installed and routed



**with the ungrounded conductors to each service disconnecting means and shall be connected to each disconnecting means equipment grounding conductor terminal or bus. The supply-side bonding jumper shall be installed in accordance with 250.186(B) (1) through (B)(3).**

*Exception: Where two or more service disconnecting means are located in a single assembly listed for use as service equipment, it shall be permitted to connect the supply-side bonding jumper to the assembly common equipment grounding terminal or bus.*

**(1) Sizing for a Single Raceway or Overhead Conductor.**

The supply-side bonding jumper shall not be smaller than the required grounding electrode conductor specified in Table 250.102(C)(1) but shall not be required to be larger than the largest ungrounded service-entrance conductor(s).

**(2) Parallel Conductors in Two or More Raceways or Overhead Conductors.**

If the ungrounded service-entrance conductors are installed in parallel in two or more raceways or overhead conductors, the supply-side bonding jumper shall also be installed in parallel. The size of the supply-side bonding jumper in each raceway or overhead shall be based on the total circular mil area of the parallel ungrounded conductors in the raceway or overhead, as indicated in 250.186(A)(1), but not smaller than 1/0 AWG.

**(3) Impedance Grounded Neutral Systems.**

Impedance grounded neutral systems shall be installed in accordance with 250.187.

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## **250.187 Impedance Grounded Neutral Systems.**

Impedance grounded neutral systems in which a grounding impedance, usually a resistor, limits the ground-fault current shall be permitted where all of the following conditions are met:

- (1) The conditions of maintenance and supervision ensure that only qualified persons service the installation.**
- (2) Ground detectors are installed on the system.**
- (3) Line-to-neutral loads are not served.**

**Impedance grounded neutral systems shall comply with the provisions of 250.187(A) through (D).**

**(A) Location.**

**The grounding impedance shall be inserted in the grounding electrode conductor between the grounding electrode of the supply system and the neutral point of the supply transformer or generator.**

**(B) Identified and Insulated.**

**The neutral conductor shall comply with both of the following:**

- (1) The neutral conductor shall be identified.**
- (2) The neutral conductor shall be insulated for the maximum neutral voltage.**

**Informational Note:** The maximum neutral voltage in a three-phase wye system is 57.7 percent of the phase-to-phase voltage.

**(C) System Neutral Conductor Connection.**

**The system neutral conductor shall not be connected to ground, except through the neutral grounding impedance.**

**(D) Equipment Grounding Conductors.**

**Equipment grounding conductors shall be permitted to be bare and shall be electrically connected to the ground bus and grounding electrode conductor.**

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## **250.188 Grounding of Systems Supplying Portable or Mobile Equipment.**

**Systems supplying portable or mobile equipment over 1000 volts, other than substations installed on a temporary basis, shall comply with 250.188(A) through (F).**

**(A) Portable or Mobile Equipment.**

**Portable or mobile equipment over 1000 volts shall be supplied from a system having its neutral conductor grounded through an impedance. Where a delta-connected system over**

**1000 volts is used to supply portable or mobile equipment, a system neutral point and associated neutral conductor shall be derived.**

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**(B) Exposed Non-Current-Carrying Metal Parts.**

**Exposed non-current-carrying metal parts of portable or mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.**

**(C) Ground-Fault Current.**

**The voltage developed between the portable or mobile equipment frame and ground by the flow of maximum ground-fault current shall not exceed 100 volts.**

**(D) Ground-Fault Detection and Relaying.**

**Ground-fault detection and relaying shall be provided to automatically de-energize any component of a system over 1000 volts that has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to automatically de-energize the circuit of the system over 1000 volts to the portable or mobile equipment upon loss of continuity of the equipment grounding conductor.**

**(E) Isolation.**

**The grounding electrode to which the portable or mobile equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 6.0 m (20 ft) from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe and fence, and so forth.**

**(F) Trailing Cable and Couplers.**

**Trailing cable and couplers of systems over 1000 volts for interconnection of portable or mobile equipment shall meet the requirements of Part III of Article 400 for cables and 490.55 for couplers.**

## 250.190 Grounding of Equipment.

### (A) Equipment Grounding.

All non-current-carrying metal parts of fixed, portable, and mobile equipment and associated fences, housings, enclosures, and supporting structures shall be grounded.

*Exception: Where isolated from ground and located such that any person in contact with ground cannot contact such metal parts when the equipment is energized, the metal parts shall not be required to be grounded.*

Informational Note: See 250.110, Exception No. 2, for pole-mounted distribution apparatus.

### (B) Grounding Electrode Conductor.

If a grounding electrode conductor connects non-current-carrying metal parts to ground, the grounding electrode conductor shall be sized in accordance with Table 250.66, based on the size of the largest ungrounded service, feeder, or branch-circuit conductors supplying the equipment. The grounding electrode conductor shall not be smaller than 6 AWG copper or 4 AWG aluminum.

### (C) Equipment Grounding Conductor.

Equipment grounding conductors shall comply with 250.190(C)(1) through (C)(3).

#### (1) General.

Equipment grounding conductors that are not an integral part of a cable assembly shall not be smaller than 6 AWG copper or 4 AWG aluminum.

#### (2) Shielded Cables.

The metallic insulation shield encircling the current carrying conductors shall be permitted to be used as an equipment grounding conductor, if it is rated for clearing time of ground-fault current protective device operation without damaging the metallic shield. The metallic tape insulation shield and drain wire insulation shield shall not be used as an equipment grounding conductor for solidly grounded systems.

**(3) Sizing.**

**Equipment grounding conductors shall be sized in accordance with Table 250.122 based on the current rating of the fuse or the overcurrent setting of the protective relay.**

**Informational Note:** The overcurrent rating for a circuit breaker is the combination of the current transformer ratio and the current pickup setting of the protective relay.

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## **250.191 Grounding System at Alternating-Current Substations.**

**For ac substations, the grounding system shall be in accordance with Part III of Article 250.**

**Informational Note:** For further information on outdoor ac substation grounding, see IEEE 80-2013, *IEEE Guide for Safety in AC Substation Grounding*.

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## **250.194 Grounding and Bonding of Fences and Other Metal Structures.**

**Metallic fences enclosing, and other metal structures in or surrounding, a substation with exposed electrical conductors and equipment shall be grounded and bonded to limit step, touch, and transfer voltages.**

**(A) Metal Fences.**

**Where metal fences are located within 5 m (16 ft) of the exposed electrical conductors or equipment, the fence shall be bonded to the grounding electrode system with wire-type bonding jumpers as follows:**

- (1) Bonding jumpers shall be installed at each fence corner and at maximum 50 m (160 ft) intervals along the fence.**
- (2) Where bare overhead conductors cross the fence, bonding jumpers shall be installed on each side of the crossing.**
- (3) Gates shall be bonded to the gate support post, and each gate support post shall be bonded to the grounding electrode system.**
- (4) Any gate or other opening in the fence shall be bonded across the opening by a buried bonding jumper.**
- (5) The grounding grid or grounding electrode systems shall be extended to cover the swing of all gates.**
- (6) The barbed wire strands above the fence shall be bonded to the grounding electrode system.**

**Alternate designs performed under engineering supervision shall be permitted for grounding or bonding of metal fences.**

**Informational Note No. 1:** A nonconducting fence or section may provide isolation for transfer of voltage to other areas.

**Informational Note No. 2:** See IEEE 80-2013, *IEEE Guide for Safety In AC Substation Grounding*, for design and installation of fence grounding.

#### **(B) Metal Structures.**

**All exposed conductive metal structures, including guy wires within 2.5 m (8 ft) vertically or 5 m (16 ft) horizontally of exposed conductors or equipment and subject to contact by persons, shall be bonded to the grounding electrode systems in the area.**

## 705.12 Point of Connection.

The output of an interconnected electric power source shall be connected as specified in 705.12(A) or (B).

ENHANCED CONTENT

Expand 

### (A) Supply Side.

An electric power production source shall be permitted to be connected to the supply side of the service disconnecting means as permitted in 230.82(6). The sum of the ratings of all overcurrent devices connected to power production sources shall not exceed the rating of the service.

ENHANCED CONTENT

Expand 

## 705.50 Grounding.

Interconnected electric power production sources shall be grounded in accordance with Article 250.

*Exception: For direct-current systems connected through an inverter directly to a grounded service, other methods that accomplish equivalent system protection and that utilize equipment listed and identified for the use shall be permitted.*



## 230.71 Maximum Number of Disconnects.

### (A) General.

The service disconnecting means for each service permitted by [230.2](#), or for each set of service-entrance conductors permitted by [230.40](#), Exception No. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard or in switchgear. There shall be not more than six sets of disconnects per service grouped in any one location.

For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following shall not be considered a service disconnecting means:

- (1) Power monitoring equipment
- (2) Surge-protective device(s)
- (3) Control circuit of the ground-fault protection system
- (4) Power-operable service disconnecting means

ENHANCED CONTENT

Expand 

### (B) Single-Pole Units.

Two or three single-pole switches or breakers, capable of individual operation, shall be permitted on multiwire circuits, one pole for each ungrounded conductor, as one multipole disconnect, provided they are equipped with identified handle ties or a master handle to disconnect all conductors of the service with no more than six operations of the hand.

Informational Note: See [408.36](#), Exception No. 1 and Exception No. 3, for service equipment in certain panelboards, and see [430.95](#) for service equipment in motor control centers.

## 690.13 Photovoltaic System Disconnecting Means.

Means shall be provided to disconnect the PV system from all wiring systems including power systems, energy storage systems, and utilization equipment and its associated premises wiring.

### (A) Location.

The PV system disconnecting means shall be installed at a readily accessible location.

**Informational Note:** PV systems installed in accordance with [690.12](#) address the concerns related to energized conductors entering a building.

ENHANCED CONTENT

Expand 

## Feeder.

**All circuit conductors between the service equipment, the source of a separately derived system, or other power supply source and the final branch-circuit overcurrent device. (CMP-2)**



ENHANCED CONTENT

Expand

## Service.

The conductors and equipment for delivering electric energy from the serving utility to the wiring system of the premises served. (CMP-4)

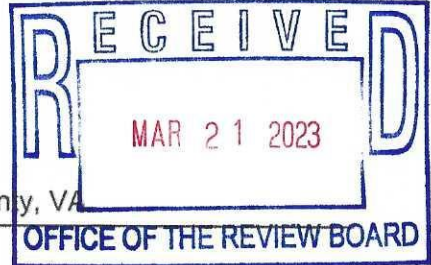


ENHANCED CONTENT

Expand

**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: Paul F. Koll, CBO, MCP, Building Official, Gloucester County, VA

Phone Number : 804-693-2744

Email Address: pkoll@gloucesterva.info

Applicable Code: Virginia Residential Code (VRC)

Code Section(s): R403.1.6 Foundation anchorage

Submitted by (signature):

Date: 3-21-2023

**QUESTION(S):**

Section R403.1.6 in part states:

"Wood foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2-inch diameter (12.7 mm) steel bolts or approved anchors spaced to provide equivalent anchorage as the steel bolts. Bolts shall be embedded not less than 7 inches (178 mm) into concrete or grouted cells of concrete masonry units."

Questions:

1. Since cells is plural, does embedded not less than 7 inches (178 mm) into grouted cells of concrete masonry units mean only the top one or two concrete masonry units or grouted down to the footing? It has always been my opinion and practice that the masonry unit cells be grouted to the footing where anchor bolts are located.
2. If only the top one or two concrete masonry units are required to be grouted than how is the grout pour stopped at that level? The old practice of stuffing a concrete bag in the cells or filling the cells with rubble, etc.
3. Would grouting only one or two masonry units cells be adequate to prevent the house from sliding or uplift in our 115 mph wind zone?

This code language appears to be somewhat ambiguous. Especially if it can be interpreted a variety of ways. I would suggest considering clarifying the code language to be definitive.

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*County of Gloucester  
Building Inspections Department  
Building Two  
6489 Main St., Suite 247  
Gloucester, Virginia 23061  
Phone: 804 693-2744 Fax: 804 824-2440*

## **RESOLUTION**

March 15, 2023

At the meeting of the Gloucester County Local Board of Building Code Appeals located in the County of Gloucester Building Two, 2<sup>nd</sup> Floor Conference Rm., at 6489 Main Street on March 15, 2023, there were present:

Stephen B. Smith, Chairman  
Carlton Hogge, Vice Chairman  
Bernard Ambrose  
James L. Miller, Jr.  
Carl H. Hobbs III  
Roberta Lane  
Willard Grant  
Paul F. Koll, Building Official  
Bill Riter, Deputy Building Official  
Heather Burch, Staff Liaison  
Kim Beatley, Civil Engineer II for Gloucester County  
Tim Bauer, Applicant/Contractor: Cutting Edge Builders of VA LLC  
Marion Bauer, Co-Owner of Cutting Edge Builders of VA LLC  
Carl Roy, Work Partner of Cutting Edge Builders of VA LLC

### **RE: Appeals case 23020204 Cutting Edge Builders of VA LLC**

An application for appeal was submitted to the Gloucester County Board of Building Code Appeals by Marion Bauer of Cutting Edge Builders of VA LLC to appeal the Building Official's interpretation that anchor bolts are required to be placed 7 inches in grouted cells of concrete masonry units. The Building Official interpreted grouted cells to mean grouted to the footing not just the top one or two courses of masonry block. The properties are located at 7701 Cunningham Lane & 8144 Robins Neck Road, Gloucester, VA 23061.

The meeting was called to order by Chairman, Stephen Smith; roll was called, quorum present.

Mr. Koll went over the appeal application and the Contractor Tim Bauer spoke regarding his disagreement with the Building Official's interpretation of the code. Board members & county Engineer discussed grouting to the footer.

After discussion by the Board, Mr. Miller made a motion to grant a modification on these (2) houses based on the Building Inspections Office receiving a signed & sealed Engineer report on both foundation inspections. The motion was seconded by Stephen Smith; Staff Liaison performed roll call vote by board members. Mr. Koll stated that he would request a formal interpretation from the state technical review board.

The Board voted as follows:

Carlton Hogge – Yes  
Willard Grant – Yes  
Stephen B. Smith – Yes  
Bernard Ambrose – Yes  
James L. Smith Jr. – Yes  
Roberta Lane – Yes  
Carl H. Hobbs III – Yes

With no further new or old business the meeting was adjourned at 7:31 PM.

**BE IT FURTHER RESOLVED**, that “Any person who was a party to the appeal may appeal to the State Review Board by applying 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, Virginia 23219, (804) 371-7150.” (Section 119.8 VRC 2018)



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Stephen Smith, Chairman  
Gloucester County Board of Building Code Appeals

PC: Cutting Edge Builders of VA LLC, Applicant/Contractor  
Board Members  
Office of Building Official





*County of Gloucester  
Building Inspections  
Building Two  
6489 Main St. Ste 247  
Gloucester, Virginia 23061*

At the meeting of the **Gloucester County Board of Building Code Appeals** located in the County of Gloucester Building Two at 6489 Main Street on March 15, 2023, there were present:

Bernard Ambrose  
Roberta Lane  
Willard Grant  
Carl Hobbs III  
Carlton Hogge Vice-Chair  
James Miller  
Stephen Smith, Chair  
Paul Koll, Building Official  
Bill Riter, Deputy Building Official  
Heather Burch, Staff Liaison  
Kim Beatley, Civil Engineer II for Gloucester County

## **Organizational Meeting**

I. Meeting was called to order and roll was called.

II. Election of Officers

Board discussed annual election of officers. All members were in favor of them remaining as Stephen Smith as Chair and Carlton Hogge as Vice-Chair.

III. New Business

No new business discussed; agenda was read for appeal case.  
Disagreement on interpretation of the code was discussed.  
Board members discussed grouting down to the footer.  
After discussion by the Board, Mr. Miller made a motion to grant a modification on these (2) houses based on the Building Inspections Office receiving a signed & sealed Engineer report on both foundation inspections. The motion was seconded by Stephen Smith; Staff Liaison performed roll call vote by board members. Mr. Koll stated that he would request a formal interpretation from the state technical review board.

IV. Adjournment

Meeting was adjourned at 7:31 PM.

Stephen Smith, Chair  
Gloucester County Board of Building Code Appeals

*Building Two  
6489 Main Street*

*"Land of the Life Worth Living"*

*(804) 693-2744  
(804) 824-2440*

## CHAPTER 4 FOUNDATIONS

### **R403.1.6 Foundation anchorage.**

Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates in accordance with Section R505.3.1 or R603.3.1, as applicable. Wood sill plates supporting cold-formed steel framing shall be anchored to the foundation in accordance with this section.

Wood foundation plates or sills shall be bolted or anchored to the foundation with not less than  $\frac{1}{2}$ -inch diameter (12.7 mm) steel bolts or *approved* anchors spaced to provide equivalent anchorage as the steel bolts. Bolts shall be embedded not less than 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The centerline of the bolts shall be located a minimum of 1.75 inches (44.5 mm) from the edge of the sill plate. Bolts shall be spaced not more than 6 feet (1829 mm) on center and there shall be not less than two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate. Interior bearing wall sole plates on monolithic slab foundation that are not part of a *braced wall panel* shall be positively anchored with *approved* fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

#### **Exceptions:**

1. Walls 24 inches (610 mm) total length or shorter connecting *offset braced wall panels* shall be anchored to the foundation with no fewer than one anchor bolt located in the center third of the plate section and shall be attached to adjacent *braced wall panels* at corners as shown in Item 9 of Table R602.3(1).
2. Connection of walls 12 inches (305 mm) total length or shorter connecting *offset braced wall panels* to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent *braced wall panels* at corners as shown in Item 9 of Table R602.3(1).

## State Building Code Technical Review Board Policy #14

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<b>Title:</b>	Submittals by the parties to an application for appeal.
<b>Authority:</b>	Section 36-108 et seq. of the Code of Virginia
<b>Policy Statement:</b>	<p>It shall be the policy of the State Building Code Technical Review Board (Board) that all documentation, photographs, etc. to be used as evidence in an appeals hearing shall be submitted to the State Building Code Technical Review Board Secretary (Secretary) in accordance with the time frames established by the Secretary. The submitted information shall be <u>limited to 100 pages and be</u> included in the Board agenda package.</p> <p>Any documentation, photographs, etc. not submitted to the Secretary within the established time frames will not be included in the Board agenda package; however, the information may be brought to the appeals hearing and presented to the Chair for consideration. If allowed by the Chair, the party must have enough copies to provide each Board member, the Secretary, and all parties a copy of the information.</p>
<b>Approval and Review:</b>	This Board policy was reviewed and approved on 10/18/2019.
<b>Supersession:</b>	This Board policy was revised and approved on 05/12/2023.
<b>Board Chair at Last Review:</b>	James R. Dawson
<b>DHCD Director:</b>	Bryan Horne

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## State Building Code Technical Review Board Policy #14

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A party or parties to the Appeal may request permission, from the Chair, to submit more than the allowable 100 pages. When one or more parties to the Appeal makes such request, the Secretary shall contact the Chair via email and outline the request as submitted by the party or parties. The Chair shall respond to the Secretary's email and shall make the determination of whether the submittal of more than the allowable 100 pages is permitted, and if so, how many pages, if not specified by the submitter. Upon the Chair making the determination, the Secretary shall notify all parties of the request and Chair's decision.

Any documentation, photographs, etc. not submitted to the Secretary within the established time frames will not be included in the Board agenda package; however, the information may be brought to the appeals hearing and presented to the Chair for consideration. If allowed by the Chair, the party must have enough copies to provide each Board member, the Secretary, and all parties a copy of the information.

**Approval and Review:** This Board policy was reviewed and approved on 10/18/2019.

**Supersession:** This Board policy was revised and approved on 05/12/2023.

**Board Chair at Last Review:** James R. Dawson

**DHCD Director:** Bryan Horne

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