AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 20, 2026 – 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

I. Roll Call **(TAB 1)**

II. Approval of October 16, 2026 Minutes **(TAB 2)**

III. Approval of Final Order **(TAB 3)**

In Re: 1321 Porter St LLC (Emily Pinchbeck)
Appeal No 26-10

IV. Approval of Final Order **(TAB 4)**

In Re: 1321 Porter St LLC (Emily Pinchbeck)
Appeal No 26-11

V. Approval of Final Order **(TAB 5)**

In Re: Brian McCormack (MHC Meadows of Chantily)
Appeal No 26-12

VI. Approval of Interpretation 07/2026 **(TAB 6)**

In Re: David Bridges (City of Martinsville)
Interpretation Request No 08-26

VII. Public Comment

VIII. Administrative Subpoena Information **(TAB 7)**

In Re: Todd Ferguson
Appeal No 26-03

IX. Appeal Hearing **(TAB 8)**

In Re: Todd Ferguson
Appeal No 26-03

X. Approval of Final Order **(TAB 9)**

In Re: Todd Ferguson
Appeal No 26-03

XI. Appeal Hearing **(TAB 10)**

In Re: Kyle Pasquarella (Thee Establishment)
Appeal No 26-05

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XII. Appeal Hearing **(TAB 11)**

In Re: Kyle Pasquarella (Thee Establishment)
Appeal No 26-13

XIII. Interpretation Request No. 08-26 **(TAB 12)**

In Re: Richard Grace (Culpeper County)

2021 VADR 13VAC 5-31-20 and 13VAC 5-31-30(B)

Question 1: Is Exhibit A an amusement device as defined in 13VAC5-31-20?
Question 2: Is Exhibit A gravity ride as defined in 13VAC5-31-20?
Question 3: Is Exhibit A not considered an amusement device as prescribed in 13VAC5-31-30-B-1?

XIV. Secretary's Report

a. Annual Request for Interpretation Report **(TAB 13)**
b. Annual Appeals Training Report **(TAB 14)**
c. 2027 Review Board Meeting Calendar **(TAB 15)**
d. December 18, 2026 meeting update
e. January 15, 2026 meeting update
f. Legal updates from Board Counsel

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair
(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair
(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler
(Virginia Home Builders Association)

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

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

Christina Jackson
(Commonwealth at large)

Joseph A. Kessler, III
(Associated General Contractors)

R. Jonah Margarella, AIA, NCARB, LEED AP
(American Institute of Architects Virginia)

Eric Mays
(Virginia Building and Code Officials Association)

Joanne D. Monday
(Virginia Building Owners and Managers Association)

James S. Moss
(Virginia Building and Code Officials Association)

Elizabeth C. White
(Commonwealth at large)

Aaron Zdinak, PE
(Virginia Society of Professional Engineers)

Vacant
(Electrical Contractor)

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STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
October 16, 2026
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060

Members Present	Members Absent
Mr. James R. Dawson, Chair	Mr. Daniel Crigler
Mr. Vince Butler	Mr. Alan Givens
Mr. Joseph Kessler	Ms. Christina Jackson
Mr. R. Jonah Margarella	Ms. Elizabeth White
Mr. Eric Mays, PE	
Ms. Joanne Monday	
Mr. James S. Moss	
Mr. W. Shaun Pharr, Esq., Vice-Chair	
Mr. Aaron Zdinak, PE	

Call to Order	The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 10:00 a.m. by Chair Dawson.
Roll Call	The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General's Office, was also present.
Approval of Minutes	The draft minutes of the September 18, 2026 meeting in the Review Board members' agenda package were considered. Mr. Mays moved to approve the minutes as presented. The motion was seconded by Mr. Moss and passed with Ms. Monday and Messrs. Butler, Margarella, and Pharr abstaining.
Public Comment	Chair Dawson opened the meeting for public comment. Secretary Luter advised that no one had signed up to speak. Chair Dawson closed the public comment period.
New Business	Todd Ferguson: Appeal No. 26-03:
	A preliminary hearing was convened with Chair Dawson serving as the presiding officer. The preliminary hearing was related to whether the appeal was timely and whether the appeal was properly before the Board because no hearing of the local appeals board had occurred and no decision of the local appeals board had been made.
	The following persons were sworn in and given an opportunity to present testimony:

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Otis Vaughan, Pittsylvania County Building Official

Also present was:

Matthew Evans, Attorney for Pittsylvania County

Note: *Todd Ferguson notified Review Board staff by telephone voicemail and email approximately two hours before the start of the meeting that he would not be able to attend due to unforeseen circumstances, a flat tire. Additionally, Mr. Ferguson requested to attend the hearing virtually or telephonically. Chair Dawson reviewed the applicable Review Board policies and confirmed that the virtual policy did not apply to hearings and denied Mr. Ferguson's telephonic attendance request.*

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

Decision: Todd Ferguson: Appeal No. 26-03:

After deliberations, Mr. Pharr moved to continue the appeal hearing to a later meeting as appropriate and (1) to delegate to Board staff, in their judgement, to issue any orders that may need to be issued with any deadlines they deemed to be appropriate to better facilitate the future hearing and (2) that the appellees produce for the record in this matter to the Review Board its response to the administrative subpoena issued to the appellee by the Review Board. The motion was seconded by Ms. Monday and passed with Mr. Mays voting in opposition.

1321 Porter St. LLC (Emily Pinchbeck): Appeal No. 26-10:

A hearing was convened with Chair Dawson serving as the presiding officer. The hearing was related to whether the cited violations in the NOV existed, whether the NOV was proper, and whether the structure was unsafe.

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

Sophia Oliveri, Agent for 1321 Porter St. LLC
David Alley, City of Richmond Commissioner of Buildings

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Rick Paul, City of Richmond Program & Operations Manager – Inspections
Daniel Mouer, City of Richmond Program & Operations Manager – Plan Review
Susan Harold, City of Richmond Program & Operations Supervisor – Comm. Plan Review
Michelle Dickson, City of Richmond Engineer, Senior – Building
Hivi Faraj, City of Richmond Program & Operations Supervisor – Permits
Walter Jackson, City of Richmond Inspector 4th Precinct
William Davidson, City of Richmond Planning Supervisor – Zoning Administration
Charles Field, Obsidian, Inc.

Also present was:

Greg Lukanuski, City Attorney for City of Richmond

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

Decision: 1321 Porter St. LLC (Emily Pinchbeck): Appeal No. 26-10:

Motion #1:
After deliberations, Mr. Mays moved to uphold the City and local appeals board that a violation of VCC Section 108.1 existed and the issuance of the NOV was proper, with direction to the City to modify and correct the citation on the NOV specific to use group. Mr. Mays further moved that the correction should be a change of occupancy from a VCC R3 Use (rooming house/lodging) to a VCC R2 Use (multi-family building). The motion was seconded by Mr. Moss and passed unanimously.

Motion #2:
After deliberations, Mr. Mays moved that questions #3 and #4 of the Suggested Isssues for Resolution in the Staff Document found on page 141 of the October 16, 2026 agenda package, were not properly before the Board because they were previously addressed in the Final Order for Appeal No. 25-07. The motion was seconded by Ms. Monday and passed unanimously.

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Motion #3:
After deliberations, Mr. Mays moved that the Board did not have jurisdiction to address question #5 of the Suggested Isssues for Resolution in the Staff Document found on page 141 of the October 16, 2026 agenda package. The motion was seconded by Mr. Pharr and passed unanimously.

Note: The Review Board considered pages 376-390 of the October 16, 2026 agenda package, which were submittals for the 1321 Porter St LLC (Emily Pinchbeck) appeal (Appeal No. 26-11), when rendering the decision for the 1321 Porter St LLC (Emily Pinchbeck) appeal (Appeal No. 26-10).

1321 Porter St. LLC (Emily Pinchbeck): Appeal No. 26-11:

A hearing was convened with Chair Dawson serving as the presiding officer. The hearing was related to whether the City was proper in issuing the amended NOV thus reviving previously cited violations of the August 28, 2024 NOV, posting the structure with an unsafe structure placard, and whether the structure was unsafe.

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

Sophia Oliveri, Agent for 1321 Porter St. LLC
David Alley, City of Richmond Commissioner of Buildings
Rick Paul, City of Richmond Program & Operations Manager – Inspections
Daniel Mouer, City of Richmond Program & Operations Manager – Plan Review
Susan Harold, City of Richmond Program & Operations Supervisor – Comm. Plan Review
Michelle Dickson, City of Richmond Engineer, Senior – Building
Hivi Faraj, City of Richmond Program & Operations Supervisor – Permits
Walter Jackson, City of Richmond Inspector 4th Precinct
William Davidson, City of Richmond Planning Supervisor – Zoning Administration
Charles Field, Obsidian, Inc.

Also present was:

Greg Lukanuski, City Attorney for City of Richmond

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and

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the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: 1321 Porter St. LLC (Emily Pinchbeck): Appeal No. 26-11:

After deliberations, Mr. Mays moved to uphold the City and the local appeals board that the City was proper to amend the NOV, issue/continue with the unsafe notice, and placard the building as unsafe because the recently received engineer's reports provided new details as to the unsafe condition of the structure. The motion was seconded by Mr. Butler and passed unanimously.

Note: Mr. Margarella left the meeting at the conclusion of 1321 Porter St. LLC (Emily Pinchbeck) appeal (Appeal No. 26-11).

Brian McCormack (MHC Meadows of Chantily): Appeal No. 26-12:

A hearing was convened with Chair Dawson serving as the presiding officer. The hearing was related to whether the County was proper in issuing the NOV to the property owner.

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

Manuel Felipe, Fairfax County Code Compliance Investigator

Also present was:

Brian McCormack, attorney for MHC Meadows of Chantily
Patrick Foltz, County Attorney for Fairfax County

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

Decision: Brian McCormack (MHC Meadows of Chantily): Appeal No. 26-12:

After deliberations, Mr. Butler moved to uphold the County and the local appeals board in citing the property owner as a responsible party because in this case, based on the lease documents, the property owner

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was a responsible party. The motion was seconded by Mr. Moss and passed unanimously.

Request for Interpretation of Kris Bridges (City of Martinsville): Interpretation Request No. 08-26:

An interpretation request from Kris Bridges of the City of Martinsville was considered concerning the following:

Question 1: Is an appeal application considered to be properly submitted by VCC Section 119.5 if the requisite fee allowed in VCC Section 119.1 has not been paid?

Mr. Mays moved that the answer is "No, because if the requisite fee has not been paid then the appeal application has not been properly submitted. The motion was seconded by Mr. Pharr and passed unanimously.

Secretary's Report

Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for November 20, 2026.

Mr. Bell did not provide any legal updates to the Review Board members.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 5:30 p.m.

Approved: November 20, 2026

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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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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of 1321 Porter St. LLC (Emily Pinchbeck)
Appeal No. 26-10

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

1. On March 11, 2024 the City of Richmond Department of Community Development (City), the agency responsible for the enforcement of Part I of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VCC), issued a Notice of Violation (NOV) and placarded the third floor and rear first floor units of the structure located at 1321 Porter Street, in the City of Richmond owned by 1321 Porter Street LLC (1321 Porter St.) and managed by Emily Pinchbeck. The NOV cited the following:

- *"Construction of a 3rd floor and renovation of a 1st floor rear unit to change occupancy from a 2 family to a multifamily building*
- *Section 108.1 of the Virginia Uniform Statewide Building Code- Working prior to issuance of a building permit"*

In an email dated March 17, 2026, the City further clarified that the structure was unsafe for use and/or occupancy because of the change of use from a two-family to a multi-family.

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2. 1321 Porter St. filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) in April 2026. On May 20, 2026, the local appeals board "Upheld" the appeal finding that *"A Notice of Violation was issued on March 11th, 2026 noting 13VAC5-63-80; section 108.1; working without a permit. No permits were issued for work noted in the violation. The Local Board of Code Appeals finds that the intent of the Code was properly applied by the Code Official"*. The local appeals board decision was received by 1321 Porter St. on June 9, 2026 and on June 26, 2026 1321 Porter St. further appealed to the Review Board seeking to have the NOV rescinded, all placards removed, and cessation of all enforcement actions lacking a lawful factual basis.

3. Appearing at the Review Board meeting for 1321 Porter St. was Sophia Oliveri. Appearing at the Review Board meeting for the City were David Alley, City of Richmond Commissioner of Buildings; Rick Paul, City of Richmond Program & Operations Manager – Inspections; Daniel Mouer, City of Richmond Program & Operations Manager; Michelle Dickson, City of Richmond Senior Plan Review Engineer; Susan Harold, City of Richmond Program & Operations Supervisor – Comm. Plan Review; Hivi Faraj, City of Richmond Program & Operations Supervisor – Permits; Walter Jackson, City of Richmond Inspector 4th Precinct; William Davidson, City of Richmond Planning Supervisor – Zoning Administration; Charles Field, Obsidian, Inc.; and Greg Lukanuski, City Attorney for City of Richmond.

III. Findings of the Review Board[1]

A. Whether to overturn the decision of the City and local appeals board that a violation of VCC Section 108.1 exists.

[1] The Review Board considered pages 376-390 of the October 16, 2026 agenda package, which were submittals for the 1321 Porter St LLC (Emily Pinchbeck) appeal (Appeal No. 26-11), when rendering the decision for the 1321 Porter St LLC (Emily Pinchbeck) appeal (Appeal No. 26-10).

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B. Whether to overturn the decision of the City and local appeals board to issue the NOV.

C. Whether to overturn the decision of the City and local appeals board that the first-floor rear and third floor units are unsafe for use and/or occupancy.

D. Whether to overturn the decision of the City and local appeals board to post an unsafe placard on first-floor rear and third floor units restricting the access/use of the first-floor rear and third floor units.

E. Whether to overturn the decision of the City to seek and obtain the inspection warrant, charged by the property manager to be in violation of the USBC.

1321 Porter St., through its agent Sophia Oliveri, argued that the three cited violations in the March 11, 2026 NOV should be reversed because no safety emergency existed and prior approval to occupy the third and rear first floors had been granted by the Building Official. 1321 Porter St. further argued that no changes had been made to the building since approval to occupy those areas of the building had been granted by the Building Official. 1321 Porter St. also argued that, at the time of the inspection, the third and rear first floors were not separately occupied.

1321 Porter St. argued that the building was an R2 Use (rooming house) which allowed two apartments (dwelling units) and four rooms (sleeping rooms) pursuant to the CO issued March 27, 1970; therefore, the building could not legally constitute a one- and two-family building. 1321 Porter St. argued that none of the construction in question was performed by 1321 Porter St. and that 1321 Porter St. could not be held responsible for the construction it did not perform.

Note: 1321 Porter St. also made arguments to matters outside the scope of the authority of the Review Board.

The City, through legal counsel, argued that a change of Use from a two-family building to a multi-family building had occurred and that a rear first floor addition and a third-floor addition

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had been completed without the required permits being issued, plans reviews and inspections being performed and approved, and issuance of the CO. The City also argued that no express use was granted for the unpermitted areas of the building. The City further argued that it only allowed occupancy of the original two-story structure until permits were and inspections were completed and approved for the newly constructed areas “so we did not unhome people”.

The City argued that the most recent inspection was performed to ascertain which of the submitted engineer reports were valid as some reports support a safe building and others indicate concerns in the building that support the unsafe determination by the City. The City also argued that continual construction has taken place on the property since 2024 without permits and inspections, making the building unsafe. The City argued that the CO issued March 27, 1970 was for a two-family building not a multi-family building. The City further argued that the “R6 Multi Family Dw” listed on the March 27, 1970 CO identified the zoning district for that area of the city at that time and was not an identification of the Use of the building in accordance with the building code. Lastly, during testimony the City confirmed that since 2021 the City has never stopped enforcement on the property.

The Review Board found that a violation of VCC Section 108.1 existed and the issuance of the NOV was proper, with direction to the City to modify and correct the citation on the NOV specific to use group. The Review Board further found that the correction should be a change of occupancy from a VCC R3 Use (rooming house/lodging) to a VCC R2 Use (multi-family building).

The Review Board also found that the decision of the City and local appeals board that the first-floor rear and third floor units were unsafe for use and/or occupancy and posting an unsafe placard on first-floor rear and third floor units restricting the access/use of the first-floor rear and

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third floor units are not properly before the Board because they were previously addressed in the Final Order for Appeal No. 25-07

Lastly, the Review Board found that it does not have jurisdiction to address the decision of the City to seek and obtain the inspection warrant.

IV. Conclusion

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

A. Whether to overturn the decision of the City and local appeals board that a violation of VCC Section 108.1 exists.

B. Whether to overturn the decision of the City and local appeals board to issue the NOV.

The decision of the City and local appeals board that a violation of VCC Section 108.1 existed and the issuance of the NOV is upheld because the violations exist and issuance of the NOV was proper.

C. Whether to overturn the decision of the City and local appeals board that the first-floor rear and third floor units are unsafe for use and/or occupancy.

D. Whether to overturn the decision of the City and local appeals board to post an unsafe placard on first-floor rear and third floor units restricting the access/use of the first-floor rear and third floor units.

The decision of the City and local appeals board that the first-floor rear and third floor units are unsafe for use and/or occupancy and posting an unsafe placard on first-floor rear and third floor units restricting the access/use of the first-floor rear and third floor units are not properly before the Board because they were previously addressed in the Final Order for Appeal No. 25-07.

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E. Whether to overturn the decision of the City to seek and obtain the inspection warrant, charged by the property manager to be in violation of the USBC.

The Review Board does not have jurisdiction to address the decision of the City to seek and obtain the inspection warrant.

_____

Chair, State Building Code Technical Review Board

Date entered ____November 20, 2026_____

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

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

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of 1321 Porter St. LLC (Emily Pinchbeck)
Appeal No. 26-11

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

1. On April 10, 2026, the City of Richmond Department of Planning and Development Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform Statewide Building Code (VUSBC or VMC), amended a Notice of Violation – Unsafe Structure for the structure located at 1321 Porter Street, in the City of Richmond owned by 1321 Porter Street LLC (1321 Porter St.), originally issued August 28, 2024. The amended NOV cited the following:

"This Notice of Violation - Unsafe Structures is being amended effective April 10, 2026, and addresses additional unsafe conditions on the property.

- *On November 24, 2024, an engineer's report was submitted that indicated that the conditions on the 3rd floor were structurally sound therefore would not have affected the safety of the occupants on 1st and 2nd floor. Based on that report, enforcement actions were initiated accordingly, and the 1st and 2nd floor units were allowed to be occupied. While the 3rd floor unit was placarded as unsafe for the unpermitted work that was done.*

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- *On April 3, 2026, this office received a Modification Letter to the Engineer's Report dated November 24, 2024. This report modifies the original conclusions regarding the structural integrity of the building. Based on the updated findings it has been determined that the unsafe conditions identified on the third floor may adversely impact the structural integrity of both the 1st and 2nd floor, thereby rendering it unsafe.*

As a result of these updated findings, this notice hereby amends the original Notice of Violation -Unsafe Structures dated August 28, 2024, as follows:

- *The 1st and 2""floor are hereby declared unsafe for occupancy and ordered to be vacated effective April 10, 2026 @ 9:00am.*
- *This structure will be placarded, and permission will be needed from the City of Richmond to access the property.*
- *Occupancy of these floors is prohibited until all unsafe conditions have been properly addressed and verified".*

The original (and amended) NOV cited the following:

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

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

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

  1. ***Lack of Approved Building Permits and Plans:*** *No approved building permits or plans were ever authorized for the new third-floor addition.*
  2. ***Lack of Trade Permits:*** *No approved trade permits were authorized for electrical, plumbing, or mechanical work related to the new third-floor addition.*
  3. ***Absence of Inspections:*** *No inspections were ever conducted by the Permits and Inspections Bureau for the new third-floor addition. This includes inspections for building, electrical, plumbing, mechanical, fire stopping, draft stopping, fire separation, and insulation.*

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4. ***Concealed Interior Work:*** *All interior work associated with the third-floor addition is concealed, making it impossible to verify compliance with safety and building codes.*
5. ***Wall Separation Issues:*** *Wall separation issues have been identified with the third-floor addition.*
6. ***Deficient Engineering Report:*** *The engineering report submitted by Carl Duncan contains incorrect and insufficient information, failing to meet the required standards for safety and code compliance.*
7. ***Non-Code Complaint Alterations to Existing Structures:*** *Alterations to existing exterior egress, stairs, and decks are not compliant with building codes.*
8. ***Non-Code Compliant New Egress Stairs:*** *The new egress stairs to the third-floor addition are not compliant with safety standards.*
9. ***Structural Load Issues (First Floor):*** *Non-code compliant structural load points are bearing on the roof above the occupied unit on the first floor, creating a potential safety hazard.*
10. ***Structural Load Issues (Second Floor):*** *Non-compliant structural load points are bearing on 4X4 posts above the occupied unit on the second-floor porch area, raising concerns about structural integrity.*
11. ***Unauthorized Change of Use:*** *The property's use has been changed from a single-family residence to a multi-family residence with three units without proper authorization or approval (see attached photos of mailboxes)."*

1321 Porter St. acknowledged receiving the NOV on April 20, 2026.

2. 1321 Porter St. filed an appeal application to the City of Richmond Local Board of Building Code Appeals (local appeals board) on April 30, 2026. On May 20, 2025, the local appeals board "Upheld" the appeal finding that *"A Notice of Violation was issued May 11th, 2026 noting 13VAC5-63-409, section 106.1: Unsafe Structure. This also referenced the requirement for permits per 13VAC5-63-80, section 108.1. The property was found unsafe due to non-permitted alterations. An Amendment to the violation was issued on April 3rd, 2026 related to an Engineer's letter. The Local Board of Building Code Appeals finds that the intent of the Code was properly a."* The local appeals board decision was received by 1321 Porter St. on June 9, 2026 and on June 26, 2026, 1321 Porter St. further appealed to the Review Board seeking to have the

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unsafe placards removed, cease all enforcement actions inconsistent with the USBC and the Code of Virginia including removal of tenants from their homes, and discontinue any and all actions that lacks a lawful basis in fact or law and admit that tenant removal and the amended 8/28/24 NOV were inconsistent with fact and law.

3. Appearing at the Review Board meeting for 1321 Porter St. was Sophia Oliveri. Appearing at the Review Board meeting for the City were David Alley, City of Richmond Commissioner of Buildings; Rick Paul, City of Richmond Program & Operations Manager – Inspections; Daniel Mouer, City of Richmond Program & Operations Manager; Michelle Dickson, City of Richmond Senior Plan Review Engineer; Susan Harold, City of Richmond Program & Operations Supervisor – Comm. Plan Review; Hivi Faraj, City of Richmond Program & Operations Supervisor – Permits; Walter Jackson, City of Richmond Inspector 4th Precinct; William Davidson, City of Richmond Planning Supervisor – Zoning Administration; Charles Field, Obsidian, Inc.; and Greg Lukanuski, City Attorney for City of Richmond.

III. Findings of the Review Board

A. Whether to overturn the decision of the City and local appeals board to issue the amended NOV thus reviving the initial cited violations of the August 28, 2024 NOV.

B. Whether to overturn the decision of the City and local appeals board that the structure is unsafe for use and/or occupancy.

C. Whether to overturn the decision of the City and local appeals board to post an unsafe structure placard on the structure.

1321 Porter St., through its agent Sophia Oliveri, argued that the building was not unsafe, should not be placarded, and the tenants should not have been removed. 1321 Porter St. further argued that the April 10, 2026 NOV should be rescinded, and the associated placards be removed from the building. 1321 Porter St. argued that in 2024 the City allowed the residents on the first

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and second floors to remain in the building while placarding the third floor. 1321 Porter St. made several arguments to the validity of the engineer's report received by the City.

Note: 1321 Porter St. also made arguments to matters outside the scope of the authority of the Review Board.

The City, through legal counsel, argued that the building was unsafe due to a change of use and construction performed without the required permits, inspections, and issuance of CO. The City further argued that unpermitted and concealed work constitutes a serious threat to the health, safety, and welfare of the building occupants and a threat to the adjacent property owners. The City argued that multiple professional engineers had conveyed to the City they had observed structural concerns with the building. The City further argued that they received a letter from the original engineer rescinding his entire conclusion of the property that he made in his November 2024 report. Additionally, the City argued that at least two engineer reports submitted to the City contain contradictory information/observations. The City concluded their argument by stating that due to receipt of multiple engineering reports with conflicting observations that the City was compelled to issue the NOV and remove the residents from the building to ensure their safety.

The Review Board found that the City was proper to amend the NOV, issue/continue with the unsafe notice, and placard the building as unsafe because the recently received engineer's reports provided new details as to the unsafe condition of the structure.

IV. Conclusion

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

A. Whether to overturn the decision of the City and local appeals board to issue the amended NOV thus reviving the initial cited violations of the August 28, 2024 NOV.

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B. Whether to overturn the decision of the City and local appeals board that the structure is unsafe for use and/or occupancy.

C. Whether to overturn the decision of the City and local appeals board to post an unsafe structure placard on the structure.

The decision of the City and local appeals board that the City was proper to amend the NOV, issue/continue with the unsafe notice, and placard the building as unsafe is upheld because the recently received engineer's reports provided new details as to the unsafe condition of the structure

_____

Chair, State Building Code Technical Review Board

Date entered ____November 20, 2026_____

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

As required by Rule 2A:2(C): "Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days

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shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency". See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Brian McCormack (MHC Meadows of Chantilly LLC)
Appeal No. 26-12

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

1. On February 19, 2026 the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of the 2021 Virginia Uniform Statewide Building Code (Virginia Property Maintenance Code or VPMC), performed an inspection of the property located at 4275 Airline Parkway, in Fairfax County owned by MHC Meadows of Chantilly, LLC (MHC) and subsequently issued a Notice of Violation (NOV) to the tenant and MHC. The NOV noted that construction, alterations, and installations had occurred without the required permits, inspections, and approvals pursuant to Uniform Statewide Building Code (USBC) Sections 108.1 Failure to obtain req. permits, 113.3 Minimum inspections, and 113.8 Final inspection. The NOV cited the following:

- *"A Carport was constructed on the left side of the mobile home (manufacture home)"*

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2. MHC filed an appeal application to the Fairfax County Board of Building Code Appeals (local appeals board). On June 10, 2026, the local appeals board "Denied" the appeal finding that

- *"The VCC is clear as to when a building permit is required and names the entities (owner, lessee or contractor) responsible for securing a building permit and the requisite inspections.*
- *The DCC properly issues notices of violation to the owner of the subject property and lessee of the property/owner of the submit manufacture home/carport addition pursuant to the VCC.*
- *The owner of the subject property, through Section 7 of their rental agreement with the lessee, provide that the requirements of the VCC be satisfied by the lessee".*

On June 29, 2026, MHC further appealed to the Review Board.

3. Appearing at the Review Board meeting for MHC was their legal counsel, Brian McCormack. Appearing at the Review Board meeting for the County were Manuel Felipe, Fairfax County Investigator and Patrick Foltz, legal counsel for Fairfax County.

III. Findings of the Review Board

A. Whether to overturn the decision of the County and local appeals board that citing the property owner as a responsible party is proper.

MHC, through legal counsel, argued that the County asserts that the property owner is always the responsible party when a violation occurs on their property. MHC argued that assertion is a fabrication by the County and not supported by the Code of Virginia or the VCC. MHC argued that it did not build the carport on the subject property, did not commit the violation of the VCC, and was not the responsible party; therefore, MHC should not have issued an NOV for the carport. MHC further argued that the NOV should have only been issued to the individual that actually violated the VCC with a copy of the NOV being provided to MHC as the property owner.

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The County, through legal counsel, argued that under the Code of Virginia section 55.1-1303 all manufactured home parks must abide by all applicable laws governing health, zoning, safety, and other matters pertaining to manufactured home parks. The County further argued that the VCC is one of the safety codes covered under that law. The County further argued that MHC incorporated this requirement in its lease in section 7 page 4 requiring its lessees to comply with all applicable laws and regulations. The County further argues that MHC, through its lease, have set themselves up as the responsible party for the safety of the manufactured home park and that makes MHC the responsible party. Lastly, the County argued that they, by policy, always issue the NOV to the property owner so the property owner is aware of the cited violations.

The Review Board found that the County citing the property owner as a responsible party was proper because in this case, based on the lease documents, the property owner was a responsible party.

IV. Conclusion

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

A. Whether to overturn the decision of the County and local appeals board that citing the property owner as a responsible party is proper.

The decision of the County and the local appeals board that the property owner is the responsible party is upheld because in this case, based on the lease documents, the property owner is a responsible party.

_____

Chair, State Building Code Technical Review Board

Date entered:_November 20, 2026_____

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

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

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 7/2026

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

Section No: Sections 119.1 and 119.5

119.1 Establishment of appeals board.

In accordance with § 36-105 of the Code of Virginia, there shall be established within each *local building department a local board of building code appeals (LBBCA)*. Whenever a county or a municipality does not have such a *LBBCA*, the local *governing body* shall enter into an agreement with the *local governing body* of another county or municipality or with some other agency, or a state agency approved by *DHCD* for such appeals resulting therefrom. Fees may be levied by the *local governing body* in order to defray the cost of such appeals. In addition, as an authorization in this code, separate *LBBCAs* may be established to hear appeals of different enforcement areas such as electrical, plumbing or mechanical requirements. Each such *LBBCA* shall comply with the requirements of this section. The *locality* is responsible for maintaining a duly constituted *LBBCA* prepared to hear appeals within the time limits established in this section. The *LBBCA* shall meet as necessary to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the *locality*.

119.5 Right of appeal; filing of appeal application.

Any person aggrieved by the *local building department's* application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the *LBBCA*. The applicant shall submit a written request for appeal to the *LBBCA* within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the *owner* of the *building* or *structure* and, in addition, the name and address of the person appealing, when the applicant is not the *owner*. A copy of the building official's decision shall be submitted along with the application for appeal and

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maintained as part of the record. The application shall be marked by the *LBBCA* to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

- **Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the *VADR*.**

QUESTION #1: Is an appeal application considered to be properly submitted by VCC Section 119.5 if the requisite fee allowed in VCC Section 119.1 has not been paid?

ANSWER: No, because if the requisite fee has not been paid then the appeal application has not been properly submitted.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of October 16, 2026.

_____

Chair, State Building Code Technical Review Board

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Staff Note

Motion to Issue Subpoena

And

Adminstrative Subpoena

Appeal No. 26-03

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VIRGINIA:

BEFORE THE

STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE:

Appeal of Todd Ferguson

Appeal No. 26-03

PETITIONER'S MOTION FOR ISSUANCE OF SUBPOENA DUCES TECUM

COMES NOW Petitioner, Todd Ferguson, appearing pro se, and respectfully moves this Board, pursuant to **Va. Code § 36-115** and the Board's authority under the Administrative Process Act (Va. Code § 2.2-4000 *et seq.*), for issuance of a subpoena duces tecum directed to Pittsylvania County and/or the Virginia Department of Health ("VDH"), and in support states as follows:

I. STATUTORY AUTHORITY

Section 36-115 of the Code of Virginia expressly authorizes this Board, "or its designated subordinates," to "compel the attendance of all needed witnesses in like manner as a circuit court" in any matter before it on appeal. This authority extends to the production of documentary evidence necessary to a full and fair hearing.

II. DOCUMENTS AND RECORDS REQUESTED

Petitioner respectfully requests that a subpoena duces tecum issue for production of the following:

1. Complete and unredacted records — including any internal notes, call logs, memoranda, or explanatory documentation — pertaining to the telephone conferences scheduled by then-County Attorney J. Vaden Hunt for on or about June 20, 2024 and October 7, 2024, involving Petitioner, Emily Ragsdale, Dave Arnold, Jason Inman, and/or Stephenie Adams, together with an explanation for why both calendar entries reflect a status of "Canceled" notwithstanding Petitioner's participation in both calls as scheduled.

2. Any and all versions of the online or printable local Building Code appeal form made available by Pittsylvania County during calendar year 2024, together with any record reflecting when, and by whose authority, that form was removed from public availability.

3. Petitioner's completed local appeal form, submitted to and accepted by Emily Ragsdale in May 2024, together with any internal log, note, email, or communication reflecting Pittsylvania County's receipt, rejection, non-processing, or disposition of that form.

4. Any application, referral, or written request for involvement transmitted by Pittsylvania County to the Virginia Department of Health seeking a Safe, Adequate, and Proper ("SAP") determination for Petitioner's property at 5405 Whitmell School Road, Dry Fork, Virginia 24549 — or, in the alternative, written confirmation that no such referral was ever transmitted.

5. Petitioner's building permit application as filed with Pittsylvania County, together with the notarized owner-occupancy affidavit submitted by Petitioner in connection with that application.

6. Any internal correspondence, notes, or records reflecting former Code Official Jason Inman's negotiation of a Virginia Department of Health fee waiver on Petitioner's behalf, and any records reflecting whether a comparable waiver of the local $200 appeal fee was ever sought, considered, or discussed on Petitioner's behalf by any Pittsylvania County official.

7. The complete fire report concerning the December 17, 2023 fire at 5405 Whitmell School Road, Dry Fork, Virginia, in unabridged form — including all photographs, diagrams, inspector notes, and any other materials generated in connection with that report — and not merely the narrative summary previously produced as Exhibit I.

8. Any and all county assessment or taxation records for 5405 Whitmell School Road, Dry Fork, Virginia 24549, from December 17, 2023 to the present, together with any record reflecting whether and when the county was notified that the mobile home on the property was destroyed by fire, and any record explaining why the property has continued to be assessed as though the mobile home remains standing.

9. The complete building permit case file for Petitioner's application (Permit No. S24-04-31770), including all internal correspondence, notes, and communications reflecting the sequential requirements imposed on Petitioner — specifically, any requirement that Petitioner provide proof of a licensed mobile home mover to relocate the replacement dwelling onto the property, together with any record of when and by whom that requirement was communicated, and any record showing the order in which the mover-proof, owner-occupancy affidavit, and SAP requirements were successively imposed.

10. Any notes, memoranda, sign-in records, or internal communications concerning the meetings held at then-Code Official Jason Inman's office in April 2024 at which Petitioner's application was discussed, including any record reflecting a determination communicated to Petitioner at any of those meetings.

11. Any and all records of contact between then-County Attorney J. Vaden Hunt and Petitioner in August 2024, including the substance of any determination or communication conveyed to Petitioner at that time regarding the status of his application or his right to appeal.

12. Any and all records reflecting that Petitioner was advised, prior to September 2024, that payment of a $200 appeal fee was required before an appeal could be filed or processed, together with any record of Petitioner's attempts to appeal prior to the August 2024 determination letter, offered in rebuttal of Respondent's contention that Petitioner's September 2024 appeal letter was untimely.

13. The roster of members of the Pittsylvania County Local Board of Building Code Appeals as constituted in May 2024, together with any record reflecting whether that board convened any meeting in 2024, and any record reflecting whether Petitioner's completed local appeal form, submitted to Emily Ragsdale, was ever transmitted to, received by, or docketed with that board's then-sitting members.

III. GROUNDS

Respondent's Memorandum of Argument, filed June 26, 2026, asserts, among other things, that no final determination was made by the local department prior to 2026, that Petitioner's appeal

attempts were untimely or unsubstantiated, and that Petitioner "refused" VDH involvement in the SAP process. Chief Building Official Otis Vaughan's own correspondence to this Board further asserts that the number of bedrooms in the destroyed dwelling cannot be determined and that Petitioner's property remains subject to delinquent taxes. Each of these assertions is directly contradicted by, or cannot be tested without, records within Respondent's own custody or VDH's custody — including the May 1, 2024 meeting, the June and October 2024 telephone conferences, the absence of any county-initiated referral to VDH, the complete fire report and any photographs establishing the configuration of the destroyed dwelling, and the county's own assessment records. Petitioner cannot produce Respondent's own internal records; only Respondent and VDH can.

Petitioner has already attempted to obtain several of the records identified above through the ordinary channel of a request under the Virginia Freedom of Information Act, Va. Code § 2.2-3700 *et seq.*. Rather than producing the requested records, Pittsylvania County has invoked a single disputed charge of $29.83 — arising from a March 31, 2026 FOIA response — to place a recurring "arrears" hold under Va. Code § 2.2-3704(I) on no fewer than four subsequent records requests (Nos. 26-83, 26-182, 26-196, and 26-204), effectively freezing Petitioner's access to public records on the strength of one contested invoice. Petitioner disputed that charge in writing on July 14, 2026. The County's only response was to direct Petitioner to the text of the statute, without addressing the substance of the objection or releasing the hold. Compulsory process through this Board's subpoena authority is therefore not merely appropriate but necessary, as the ordinary public-records channel has been rendered unavailable to Petitioner in practice.

IV. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Board (1) issue a subpoena duces tecum for the records identified in Section II above, directed to Pittsylvania County and/or the Virginia Department of Health as appropriate; and (2) grant such other and further relief as this Board deems just and proper.

Respectfully submitted,

Todd Ferguson

Todd Ferguson

Petitioner, Pro Se

5405 Whitmell School Road

Dry Fork, Virginia 24549

fergusont844@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of _____, 2026, a true and accurate copy of the foregoing was served via electronic mail upon:

Matthew W. Evans, Esq.

Gravitt Law Group, PLC

75 Maple Avenue, P.O. Box 999

Halifax, Virginia 24558

matt@gravittlaw.com

Counsel for Respondent Pittsylvania County

_____

Todd Ferguson

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Todd Ferguson
Appeal No. 26-03

Administrative Subpoena

To Matthew Evans,

On August 14, 2026, the Review Board received a request from the Appellant, Todd Ferguson, to issue a subpoena for certain records. I include that request as an attachment to this subpoena (Attachment A). Accordingly, as the designated subordinate of the Review Board, I am issuing this subpoena to Otis Vaughan and Pittsylvania County for the records listed in Attachment A in paragraphs 1-13. Pursuant to § 2.2-4022, Otis Vaughan and Pittsylvania County are instructed to produce copies of the items in Attachment A and bring said copies to the hearing on August 21, 2026 at 10:00 AM.

If Otis Vaughan and Pittsylvania County object, they may ask the Review Board to quash or modify the subpoena by making a timely request and present their reasoning as to why the subpoena was illegally or improvidently granted. Such request may be submitted in writing to the Review Board prior to the August 21, 2026 hearing or presented at the August, 21, 2026 hearing where the Review Board will consider any such request.



Secretary, State Building Code Technical Review Board

Date entered: August 14, 2026

Motion to Quash
From Pittsylvania County

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VIRGINIA: IN THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: APPEAL OF TODD FERGUSON **Appeal No. 26-03**

MOTION TO QUASH
ADMINISTRATIVE SUBPOENA

COMES NOW Pittsylvania County, by counsel, and moves to quash, in part, the administrative subpoena issued to Pittsylvania County by this Board, and in support of said Motion to Quash, states as follows:

1. The administrative subpoena issued on August 14, 2026, by this Board instructs Pittsylvania County to produce records requested in the Motion for Issuance of Subpoena filed by the Appellant, Todd Ferguson.
2. The Motion specifically requests "internal notes, call logs, memoranda, explanatory documentation – pertaining to" correspondence with the County Attorney, as well as other "notes, memoranda, sign-in records, or internal communication" concerning meetings where Mr. Ferguson's permit application was discussed.
3. The breadth of the described, requested records would include substantial communication between Pittsylvania County and the County Attorney that would be privileged in nature as well as attorney work product, both of which would be protected from disclosure.

WHEREFORE, Pittsylvania County hereby requests, for the reasons set forth hereinabove, that the aforementioned administrative subpoena be quashed as to any documents that would constitute privileged communication between the County Attorney and Pittsylvania County and/or attorney work product.

PITTSYLVANIA COUNTY, VIRGINIA
By Counsel

GRAVITT LAW GROUP, P.L.C.
Counsel for Pittsylvania County

By _____
Matthew W. Evans, VSB#82081
75 Maple Avenue
P.O. Box 999
Halifax, VA 24558
TEL (434) 476 6518
FAX (434) 476-7784
matt@gravittlaw.com

CERTIFICATE OF SERVICE

I certify that a copy of this Motion to Quash was emailed to all parties in this case on October 26, 2026.

_____
Matthew W. Evans

Todd Ferguson Response for

Motion to Quash
From Pittsylvania County

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: APPEAL OF TODD FERGUSON

Appeal No. 26-03

APPELLANT'S OPPOSITION AND ANSWER TO MOTION TO QUASH ADMINISTRATIVE SUBPOENA

COMES NOW Appellant Todd Ferguson, pro se, and respectfully submits this Opposition and Answer to the Motion to Quash Administrative Subpoena filed by Pittsylvania County, and in support thereof states as follows:

INTRODUCTION: On August 14, 2026, this Board properly issued an administrative subpoena directing Pittsylvania County to produce records requested by Appellant, including internal notes, call logs, memoranda, and explanatory documentation regarding his building permit application. The County now seeks to quash the subpoena wholesale under sweeping claims of attorney-client privilege and attorney work product. The County's motion should be denied.

ROUTINE ADMINISTRATIVE COMMUNICATIONS ARE NOT PRIVILEGED: Under established Virginia law, attorney-client privilege protects confidential communications made for the primary purpose of giving or seeking legal advice. Routine administrative business, factual discussions among county officials regarding land use, permit processing, and public applications do not acquire privilege simply because a county attorney was copied, consulted, or involved in local deliberations. A blanket shield cannot be thrown over standard municipal operations.

INAPPLICABILITY OF PRIVILEGE TO BAD FAITH AND OBSTRUCTION: Attorney-client privilege and work-product protection are not absolute and do not shield communications or documents generated to further administrative obstruction, bad-faith delays, or the unconstitutional denial of a citizen's statutory rights. Where county officials and legal counsel coordinate to manufacture administrative barriers or evade statutory review, those records lose privilege protection.

NEED FOR IN CAMERA REVIEW: To the extent any genuine legal strategy or privileged document exists within the requested materials, the proper remedy is not to quash the subpoena entirely, but for the County to provide a detailed privilege log or for this Board to conduct an in camera review of the specific documents to separate protected legal advice from disclosable administrative records.

WHEREFORE, Appellant respectfully requests that this Board deny Pittsylvania County's Motion to Quash, order the immediate production of the subpoenaed non-privileged administrative records, and grant such other relief as is just and proper.

Respectfully submitted,

Todd Ferguson, Appellant Pro Se

5405 Whitmill School Road

Dry Fork, VA 24549

Phone: 540-355-9770

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2026, a true and correct copy of the foregoing Opposition to Motion to Quash was served via email upon Matthew W. Evans, Esq., counsel for Pittsylvania County (matt@gravittlaw.com), and filed with the State Building Code Technical Review Board.

Todd Ferguson, Appellant Pro Se

Responsive Documents to the Subpoena Issued by the Review Board From Pittsylvania County

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Outlook

Todd Ferguson Conference Call

From J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>

Date Mon 10/7/2024 12:56 PM

To 'fergusont844@gmail.com' <fergusont844@gmail.com>; Dave Arnold <Dave.Arnold@pittgov.org>; Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>

Cc Stephenie Adams <Stephenie.Adams@pittgov.org>

1 attachment (2 KB)

;

Todd Ferguson to call 434-432-7720.

Outlook

Canceled: Todd Ferguson Conference Call

From J. Vaden Hunt, Esq. <vaden.hunt@pittgov.org>

Date Mon 10/7/2024 4:06 PM

To 'fergusont844@gmail.com' <fergusont844@gmail.com>; Dave Arnold <Dave.Arnold@pittgov.org>; Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>

Cc Stephenie Adams <Stephenie.Adams@pittgov.org>

1 attachment (2 KB)

;

Todd Ferguson to call 434-432-7720.

Outlook

Fwd: Follow up on our recent communications

From Dave Arnold <Dave.Arnold@pittgov.org>
Date Wed 6/12/2024 10:42 AM
To Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>

FYI…

Get Outlook for iOS

From: Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov>
Sent: Monday, June 10, 2024 1:54:42 PM
To: todd ferguson <fergusont844@gmail.com>
Cc: Spillmann, Scott (VDH) <Scott.Spillmann@vdh.virginia.gov>; Dave Arnold <Dave.Arnold@pittgov.org>
Subject: RE: Follow up on our recent communications

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Ferguson,

With your indication that you do not intend upon submitting an application, I am afraid we are at an impasse. We cannot do anything toward approving your septic system because you refuse to apply for our inspection of it. Without the approval of the septic system, you cannot get your building permit. So, it is you who will need to move toward getting your building permit by applying for the Safe, Adequate, and Proper (SAP) inspection of your system. Until you do that, there is nothing further we can do. If you reach a point where you are ready to work toward being able to set your new home, please let us know so we can perform our job for you.

Wesley T Marshall
Environmental Health Manager Sr

Pittsylvania-Danville and Southside Health Districts

Phone: (434) 766-9833

Mobile: (434) 710-2074

Danville Health Department
326 Taylor Drive
Danville, VA 24541

From: todd ferguson <fergusont844@gmail.com>
Sent: Monday, June 10, 2024 1:02 PM
To: Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov>
Subject: Re: Follow up on our recent communications

Hey Wesley hey I won't be doing no application I'll be waiting for y'all to tell me that I don't need to when you figure out that when it says status quo stays the same and things to that effect that nothing's changing I'm not increasing my demand unfortunately this is this is a terrible thing that someone wants to stand their ground so much that it has to go other directions but y'all interpreted into this Miranda more than what was there it says in the background you need to read it again that when you're going to replace a destroyed home so building a new home also you could build more bedrooms so that would be increasing the status quo that this will be the last week that I wait there's a couple more useful pieces of information for you too

On Wed, Jun 5, 2024, 2:51 PM Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov> wrote:

> Mr. Ferguson,
>
> Thank-you for sending the paid invoice indicating that Matthews Sanitation visited your property at 5405 Whitmell School Road and pumped the septic tank. This will make it much easier for us to examine the components of your septic system. At this time, if you will submit the application for a SAP inspection we can move forward and schedule a time that we can come out and perform the necessary inspection to receive the septic certification.
>
> Sincerely,
>
> **Wesley T Marshall**
> Environmental Health Manager Sr
> Pittsylvania-Danville and Southside Health Districts
>
> Phone: (434) 766-9833

Mobile: (434) 710-2074

Danville Health Department
326 Taylor Drive
Danville, VA 24541





From: todd ferguson <fergusont844@gmail.com>
Sent: Tuesday, June 4, 2024 7:56 PM
To: Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov>
Subject: Re: Follow up on our recent communications

On Fri, May 31, 2024, 7:41 AM Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov> wrote:

> Mr. Ferguson,
>
> I am glad to know that you had your septic tank pumped, with it having just been pumped it is the ideal time for us to come out and perform the SAP inspection to certify your septic system. I am attaching the SAP application for your convenience. Please fill it out completely and let us know when you would like for us to come out to inspect.
>
> Sincerely,
>
> **Wesley T Marshall**
> Environmental Health Manager Sr
> Pittsylvania-Danville and Southside Health Districts
>
> Phone: (434) 766-9833
>
> Mobile: (434) 710-2074
>
> Danville Health Department
> 326 Taylor Drive
> Danville, VA 24541
>
> -
>
> -
>
> **From:** todd ferguson <fergusont844@gmail.com>
> **Sent:** Wednesday, May 29, 2024 2:11 PM

To: Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov>
Subject: Re: Follow up on our recent communications

Good afternoon Wesley hope all this correspondence is finding you well I also have a receipt from where I just had it pumped today and fact that I've even got to say again an application is for a safe adequate and proper I don't meet to criteria and it's a violation of my rights for y'all to put me through the process even to start with when I don't fit the criteria okay there was it's the same size load even though it's changing of mobile homes okay it don't show no signs of failure and I'm not building up on the drain field so I don't mean to criteria I think that y'all are going over and Beyond The Authority instilled in you and somebody meets the criteria for it and their situations that it's a good thing because like I said before I'm about health and safety but I sure there's no reasons for y'all to be putting me through this but thank you and I'll send you that receipt from where I had it pumped today and we'll see how it goes since y'all are the locality and y'all have a say then so once it's a done deal it's a done deal because I'm not Beyond filing injunction against the county sir I will put action against this in a minute frankly the money that it's cost me already has Disturbed me enough to where I want to do it so you have a good day and continue to be stubborn and every action has a reaction so thank you sir

On Tue, May 28, 2024, 11:40 AM Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov> wrote:

> Mr. Ferguson,
>
> Thank-you for sending this document to us. I appreciate the fact that it indicates that Mr. Burnette, when he owned the property, made attempts to maintain the system when while it was his. I would like to be able to include this information into an application packet for you but cannot do so because we do not have an application for the requisite SAP inspection on the system. I will however hold onto the document so that when you decide to make the appropriate application for the permitting process, we will have it to add to the file.
>
> Sincerely,
>
> **Wesley T Marshall**
> Environmental Health Manager Sr
> Pittsylvania-Danville and Southside Health Districts
>
> Phone: (434) 766-9833
>
> Mobile: (434) 710-2074
>
> Danville Health Department
> 326 Taylor Drive
> Danville, VA 24541
>
> **From:** Spillmann, Scott (VDH) <Scott.Spillmann@vdh.virginia.gov>
> **Sent:** Thursday, May 23, 2024 4:41 PM
> **To:** todd ferguson <fergusont844@gmail.com>
> **Cc:** Marshall, Wesley (VDH) <Wesley.Marshall@vdh.virginia.gov>; Spillmann, Scott

(VDH) <Scott.Spillmann@vdh.virginia.gov>
Subject: Re: Follow up on our recent communications

Thank you Mr Ferguson for this update. Our EH will review your information.

Have a pleasant and safe holiday.

Respectfully
Scott J Spillmann MD MPH

Get Outlook for iOS

From: todd ferguson <fergusont844@gmail.com>
Sent: Thursday, May 23, 2024 3:58:10 PM
To: Spillmann, Scott (VDH) <Scott.Spillmann@vdh.virginia.gov>
Subject: Re: Follow up on our recent communications

Dr Spillman I hope this message finds you well sir here's a receipt from where that tank was talked to years ago and I'm into work to getting the receipt from where it was put in and the permit and inspection records that's a county says they can't find now because I did a public information request and I've gotten nothing back installing in this right here has got me in several constituents of this County Disturbed I just don't know where to go with it I don't mean to criteria Building Inspections going to ask for this because someone comes in and they're putting an addition on their house and increasing the load in the septic tank and y'all want to make sure that it's going to handle it not for a perfectly operable system that shows no signs of failure has no increase in load and does not approach upon the drain field or easements that the setbacks are all correct because some mobile homes going right back where the other one was and anything as far as that goes I'm on a conventional system not an alternative system this simple fact that being grandfathered in the fact is that I don't want to have any more problems with this but I probably will but I'm going to have to tell you I will obtain everything to show how y'all's implication of this code is wrong Building Inspections had no right to even mention a sack report which the application ain't been turned in yet and Building Inspections has not filled out the paper for it to be requested so if it don't get done there's nothing that can say anything out of the scope because it has to be requested by Building Inspections and I didn't go pick the paper up for them and I haven't filled one out I'm not going into the health department I'm not going back in front of none of the Crooked people because I can't I can't bear to stand to be in the same room with them bunch of liars because I'm going to get the receipt and stuff from where this septic tank but anyway I just wanted to let you know I do not and I'm not through hardship going to uncover any septic tank drain field distribution box nothing but there's your when it was pumped thing right there just a couple years ago the systems functioning and perfectly y'all ought to be ashamed of yourself and feel completely bad about putting an individual that does not even meet the criteria no reason at all deliberately putting me through this thank you I hope you have a wonderful day don't forget to look at this receipt

On Fri, Apr 26, 2024, 6:03 PM Spillmann, Scott (VDH) <Scott.Spillmann@vdh.virginia.gov> wrote:

Date: April 26, 2024

To: Mr. Todd Ferguson

From: Scott J. Spillmann, MD, MPH

Re: Permit Issue

Good afternoon, Mr. Ferguson,

I hope today finds you well and safe. Thank you for the information you had sent to me via emails recently, and for taking the time to meet with me by phone yesterday, April 25, 2024.

Per our conversation yesterday, I want to emphasize again that the Pittsylvania-Danville Health District is committed to assisting you with your septic situation within our authority and as instructed by the regulations. So that we might assist you best please assure the following as soon as possible:

1. Submit to the Pittsylvania County Health Department a completed application for a septic system permit. If the fee for this poses a financial hardship for you, I am authorized to waive the fee for this permit application.

2. Remove the lids of both the septic tank and the distribution box (D-box) so that our Environmental Health (EH) staff may come onto your property, with your permission, of course, and inspect the septic tank and the D-box for integrity. Should this suffice for the EH staff to determine that the septic tank and D-box are indeed intact sufficiently, then the health department may proceed with providing you with a permit for this system. However, should there be questions or issues related to the structural integrity or function of the septic tank or the D-box, then further actions might need to be taken and completed prior to issuing to you a permit.

On behalf of the Pittsylvania-Danville Health District I want to thank you for the opportunity to serve you. We stand ready to help.

Respectfully,

Scott J. Spillmann, MD, MPH

Health Director

Pittsylvania-Danville and Southside Health Districts

Scott J. Spillmann, MD, MPH

Health Director

Pittsylvania-Danville & Southside Health Districts

Scott.Spillmann@vdh.virginia.gov

326 Taylor Drive

Danville, VA 24541

Assistant *Sally Stewart*

Sally.Stewart@vdh.virginia.gov

434-766-9815

Outlook

Safe adequate and proper for Todd Ferguson

From todd ferguson <fergusont844@gmail.com>
Date Thu 6/13/2024 3:15 PM
To stephenie.adams@pittgov.org <stephenie.adams@pittgov.org>

1 attachment (975 KB)
GetFile (10)_240613_151455.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Miss Adams

This stems from a request from Building Inspections to replace a mobile home at 5405 whitmill School Road Dry Fork Virginia. Building Inspections states that I need to have a safe adequate and proper they're citing a code in the health department section that states their Building Inspections will not issue no building permit unless a safe adequate and proper is is done. There's criteria that you have to meet for this to take place and one of them is in the Miranda enclosed and things are much better understood when talked about instead of an email cuz there's always questions to be asked but on the first or second page there's the background and it states about when you are replacing a damaged home replacing a mobile home or doing an addition and they're all talking about things that are unsure of the size for the on-site septic system per se or whatever it may be but a mobile homes come in different sizes and different bedroom amounts which it's categorized two people per bedroom so the mobile home that was there done six people now far as goes with special use permits and stuff like that I'm the only one that's going to be living there but it's going back with a three bedroom the hardship and everything that I called under this and and this year run around that I'm getting is disturbing they have said they would waive the fees and everything like that and stuff but that's not the way this started out so it's not just going to end me giving in because I'm not increasing any flow

or any demand in my system by building anything that's bigger or putting a mobile home that's bigger and Status Quo stay in the same as it states in the Miranda not changing there should be no sense in me going through this I would I would hate to have to to file any injunctions or anything like that I've already told us to the health department and Building Inspections and why they're not working together for a good customer relation I do not understand because the Miranda says that too but anyway please reach out to me if you have any questions my phone number is 540-355-9770 I'll probably be out of cell service the rest of the day but we can pick up tomorrow or or whatever I'm just I don't have no understanding of this no one can explain it to me I understand what it's about and why it is that they're doing it but I don't meet the criteria and they don't want to turn around and say that they was wrong when they are but thank you

S240431770

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7755

APPLICATION FOR PERMIT

Fill out all relevant sections COMPLETELY – Incomplete applications will not be accepted.

✓ RESIDENTIAL or ○ COMMERCIAL PAYMENT: ✓ CASH or ○ CHECK

OWNER/PROPERTY INFORMATION

Owner's Name Todd Ferguson **Phone:** 540-355-9770

Property Address 5405 Whitmell School Rd Dry Fork VA 24549 **Lot #:**

Parcel ID #: 1480-73-2976 **Email:** FergusonT844@Gmail.com

MECHANIC'S LIEN AGENT

○ **No Mechanic's Lien Agent Requested** ○ **Yes Mechanic's Lien Agent Requested**

Mechanic's Lien Agent Name:

Address & Phone #:

PROPOSED CONSTRUCTION INFORMATION

Scope of Work
- ○ New Construction
- ✓ Mobile/Modular Home
- ○ Accessory Building
- ○ Demolition
- ○ Addition
- ○ Gas
- ○ Electrical
- ○ Mechanical
- ○ Plumbing
- ○ Deck/Dock
- ○ Change of Use
- ○ Swimming Pool
- ○ Sign (Electrical YES NO)
- ○ Tent/Tank
- ○ Fire/Sprinkler
- ○ Other

DESCRIBE IN DETAIL THE PROPOSED WORK BEING DONE:

move A Mobile Home To The Lot Where one WAS Allready There

TOTAL COST OF WORK: 10,000

BUILDING

Number of Stories 1
Number of Bedrooms 3
Number of Fireplaces 0
Building Size 14 W 80 L
Snow Load 44 PSF Wind Speed Zone II
Living Space (sq ft) 1000
Garage Area (sq ft) —
Basement Area (sq ft) —
1st Floor Area (sq ft) 1000
2nd Floor Area (sq ft) ~
Porch/Deck Area (sq ft) —
Floor Joist Size ~
Rafter/Trusses Size ~
Plans Submitted: ○ YES ○ NO

PLUMBING

Health Dept Permit ○ Yes ✓ NA
# of Full Bathrooms 2
# of Half Bathrooms —
# of Plumbing Fixtures 5
Other ✓
COST OF JOB $ 1600

MECHANICAL

Number of Gas Appliances ~
Type of Heat: ✓ Heat Pump ○ Gas ○ Electric Heat/AC
Size of Heating unit 2½ Ton
Size of Cooling unit 2½ Ton
BTU 65000 10 KW Heat Strip
COST OF JOB $ Incld

ELECTRICAL

of Electrical Outlets 25
Total Service Amps (NEW) 200
Phase 1 Volts 240
Generator Size ~
Other ✓
Utility Provider
✓ City of Danville ○ Dominion ○ Mecklenburg ○ AEP ○ Southside
COST OF JOB $ 1000

MANUFACTURED HOME

Model Year 91
HUD # RAD617963
VIN # NCFLM41A22054VO
COST OF JOB $ 10,000

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7750

PLEASE READ CAREFULLY

The County may only issue a building permit to properly licensed contractors or to those that are exempt from the Commonwealth's requirements for contractors. Certain exceptions to licensing requirements are available under Section 54.1-1101 of the Code of Virginia. Property owners are eligible for exceptions under specific circumstances, including building their primary residence and related accessory structures.

The Code requires that a contractor be properly licensed before he may bid or undertake contracting work of $1,000 or more. Specifically, a:

Class A contractor's license is required for any job valued at more than $120,000
Class B contractor's license is required for any job valued at $10,000 or more but less than $120,000
Class C contractor's license is required for any job valued at more than $1,000 but less than $10,000

Identify on the reverse side of this form each contractor who will be working on the job.

If a property owner secures a building permit under the exception, and subsequently hires contractors to work on the project, those contractors must meet the requirements listed above and the property owner is legally responsible for assuring the licensing requirements are met. Failure to do so constitutes the commission of a Class 1 misdemeanor by both the property owner and the contractor, and may expose the property owner to prosecution as well as other legal risks, particularly if problems with construction occur. Also, in such cases the County cannot hold individual contractors responsible for issues identified during ongoing inspections; rather it is the property owner, as permit holder, who is responsible.

Fill out this section if the Building Permit Applicant is **PROPERTY OWNER**	Fill out this section if the Building Permit Applicant is **CONTRACTOR**
☑ I am the property owner. **I affirm that I have read and understood the above,** and that by securing this permit under my own name I have accepted responsibility for assuring proper licensing of any contractors hired for jobs under this building permit.	○ I am the contractor for this permit. **I affirm that I have read and understand the above.** ○ **I affirm** that I am duly licensed under the Terms of Title 54.1, Chapter 11, Code of Virginia to carry on or superintend this work.
J-O~ 4-3-24 Signature Date	Signature Date
Todd Ferguson Print Name	Print Name

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7750

Type of Contractor	
◯ Asbestos ◯ Building ◯ Concrete ◯ Electrical ◯ Fire Sprinkler-Suppression ◯ Gas ◯ Mechanical ◉ Mobile/Modular Mover ◯ Plumbing ◯ Other	Name of Contractor: Tadpoles Address: Franklin county Phone # 540 493 2920 3 Email: _____ State Contractor's License #: 2705 808 3780 Class: ◯A ◯B ◯C Classification: _____ Expiration Date ____/____/____ Specialties _____ **Value of Work: $** $4,000

Type of Contractor	
◯ Asbestos ◯ Building ◯ Concrete ◯ Electrical ◯ Fire Sprinkler-Suppression ◯ Gas ◯ Mechanical ◯ Mobile/Modular Mover ◯ Plumbing ◯ Other	Name of Contractor: _____ Address: _____ Phone # _____ Email: _____ State Contractor's License #: _____ Class: ◯A ◯B ◯C Classification: _____ Expiration Date ____/____/____ Specialties _____ **Value of Work: $** _____

Type of Contractor	
◯ Asbestos ◯ Building ◯ Concrete ◯ Electrical ◯ Fire Sprinkler-Suppression ◯ Gas ◯ Mechanical ◯ Mobile/Modular Mover ◯ Plumbing ◯ Other	Name of Contractor: _____ Address: _____ Phone # _____ Email: _____ State Contractor's License #: _____ Class: ◯A ◯B ◯C Classification: _____ Expiration Date ____/____/____ Specialties _____ **Value of Work: $** _____

Type of Contractor	
◯ Asbestos ◯ Building ◯ Concrete ◯ Electrical ◯ Fire Sprinkler-Suppression ◯ Gas ◯ Mechanical ◯ Mobile/Modular Mover ◯ Plumbing ◯ Other	Name of Contractor: _____ Address: _____ Phone # _____ Email: _____ State Contractor's License #: _____ Class: ◯A ◯B ◯C Classification: _____ Expiration Date ____/____/____ Specialties _____ **Value of Work: $** _____

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
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Chatham, Virginia 24531
Phone (434) 432-7750

APPLICANT INFORMATION AND CERTIFICATION

I hereby certify that:

- I have read and examined this application and know the information provided is true and correct. **I understand that knowingly providing false information to obtain a building permit constitutes a Class 4 felony.**
- I acknowledge that the granting of a permit does not presume to give authority to violate or cancel the provisions of any local or state law regulating construction or the performance of construction, and by applying for this permit I hereby agree to adhere to all County and State laws.
- I acknowledge that an application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been pursued in good faith or a permit has been issued.
- I acknowledge that the Code Official shall be permitted to revoke a permit if work on the site authorized by the permit is not commenced within six months after issuance, or if the authorized work on the site is suspended or abandoned for a period of six months after the permit is issued.
- I acknowledge that the permit holder is responsible for calling for an inspection within the 1st six months as proof that work has commenced. Inspections will be required at six-month intervals as proof of continuance of construction and shall extend the permit six months from that date. If no inspections are performed within the six-month interval a request for an extension of the permit may be made in writing to the Code Official, with additional fees charged.
- I acknowledge that the Code Official shall be permitted to require a three-year time limit to complete construction of new detached single-family dwellings, additions to detached single-family dwellings and residential accessory structures. The time limit shall begin from the issuance date of the permit.
- **I acknowledge that the Connection of Service Utilities shall be considered Temporary until a Certificate of Occupancy has been issued.**
- I acknowledge that no inspections shall take place until Sediment and Erosion Control Terms and Conditions are installed, including but not limited to construction entrance installation and silt fence placement.
- **I acknowledge that a Certificate of Occupancy shall not be issued if there exists any Building Code, State Code/Regulation or County Zoning/Ordinance violations.**
- I acknowledge that it shall be the duty of the permit holder or their agent to notify the Code Official that construction has reached a stage where an inspection is required.
- I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as their agent. _____**Agent's Initials**

Todd Ferguson / [signature] / 4-3-24

Name of Applicant: Print Signature Date

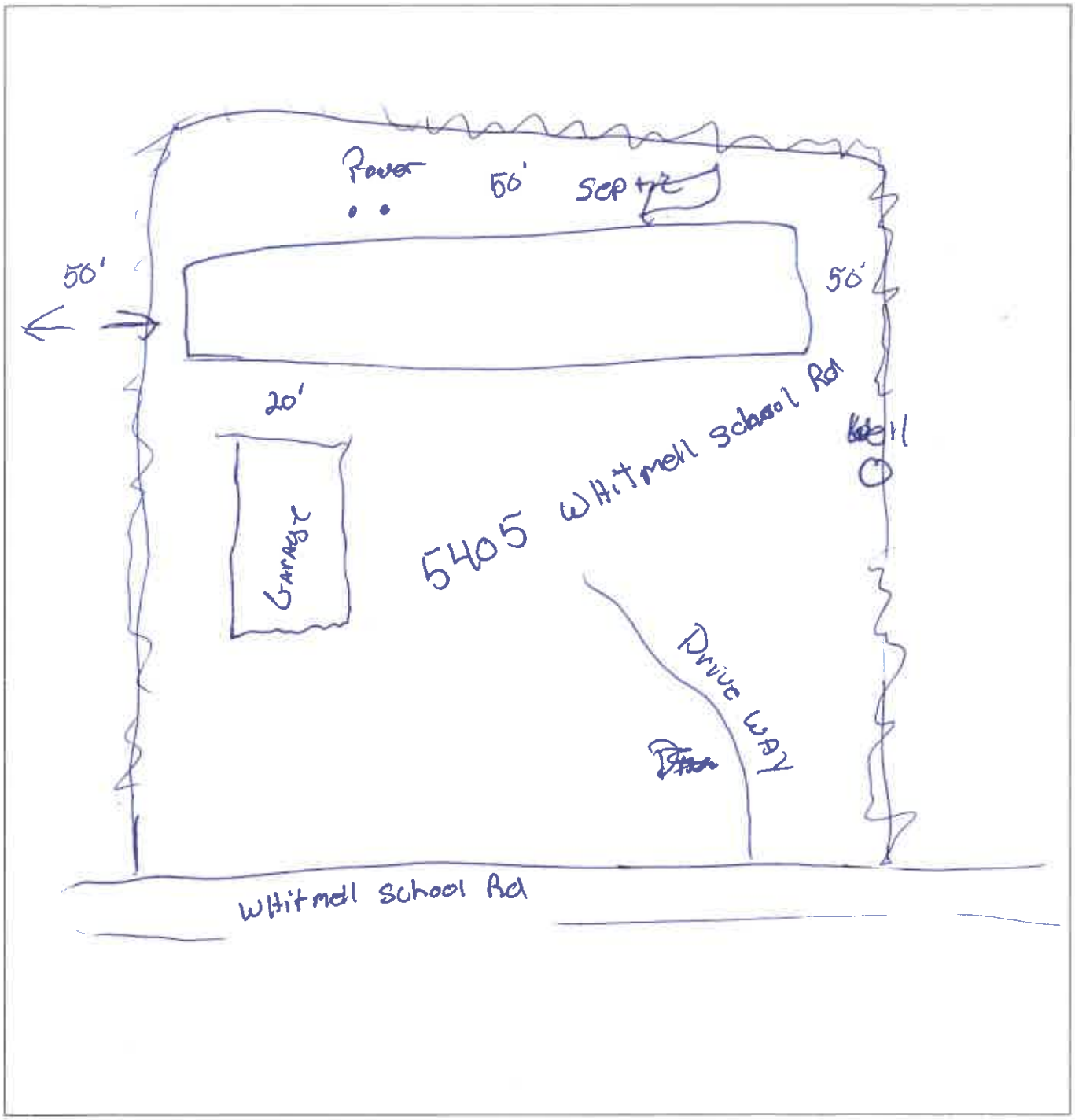
FOR OFFICIAL USE ONLY

Zoning Designation: _____ **Required Setbacks – Front** _____ **Side** _____ **Rear** _____

Flood Zone ○ Yes ○ No Site Plan ○ Yes ○ No Lot Size _____ acres Agreement In Lieu Of ○ Yes ○ No	**Notes:**	**Health Dept. Permit #** 171-_____ **VDOT Permit #**
Application Received by: _____ Date: _____		

PROPOSED BUILDING DRAWING: SETBACKS

Ordinance regulations require that a drawing be submitted with each building permit application. Use box below to draw proposed new structure, existing structures, and setbacks to all property lines and between structures.



This drawing is true to the best of my knowledge. I realize, as owner/applicant, if the setback requirement of the Pittsylvania County Zoning Ordinance or the USBC Code are not met the building permit will be null and void.

O-O~ 4-3-24

Signature of Owner/Applicant Date

PITTSYLVANIA COUNTY, VIRGINIA

HOMEOWNER AFFIDAVIT

OWNER'S NAME: Todd Ferguson

PROPERTY ADDRESS: 5405 Whitmell School Rd

TELEPHONE NUMBER: 540-355-9770

THIS DOCUMENT CONTAINS IMPORTANT INFORMATION REGARDING CONTRACTORS LICENSURE LAW AS DEFINED IN VIRGINIA CODE, TITLE 54.1 CHAPTER 11. PLEASE READ CAREFULLY BEFORE SIGNING.

NOTICE TO OWNER

VIRGINIA CODE § 54.1-1111 (Prerequisites to obtaining building, etc., permit): Any person applying to the building inspector or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such inspector or authority that he is duly licensed or certified under the terms of this Chapter to carry out or superintend the same, or (ii) file a written statement, supported by an Affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this Chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid to be qualified to bid upon or contract for the work for which the permit has been applied.

VIRGINIA CODE § 54.1-1101 (Exemptions): The applicant must meet at least one (1) of the criteria listed below to qualify for an exemption. Applicants who qualify for an exemption from licensure requirements shall check the appropriate box below, and then sign the Affidavit in the presence of a Notary Public. The completed Affidavit shall be included with the permit application and other documents for review.

Please check the following appropriate box:

☑ Any person who performs or supervises the construction, removal, repair, or improvement of no more than one (1) primary residence owned by him and for his own use for a period during any twenty-four (24) month period.

☐ Any person who performs or supervises the construction, removal, repair, or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law.

☐ Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use.

☐ Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act.

☐ Any other specified exemption listed under Virginia Code § 54.1-1101. Please specify exemption:

_____

WARNING

I hereby affirm that I have read Virginia Code § 54.1-1101 and fully understand the contents thereof and that I am not subject to licensure as a contractor or subcontractor. I further affirm that I will be solely responsible for all construction on the described property allowed by permit(s) hereby issued. If the work is performed by any other person or firm employed by me, that person must comply with state and local contractor licensing laws.

Note: It is a violation of Virginia Code (Title 54.1 Chapter 11) to act as a contractor without a license or to accept bids from an unlicensed contractor. If anyone other than the individual named above, performs work which exceeds $1,000.00 (any value if work involves trade work), a license is required. The individual named above shall be responsible for all work performed under this permit.

Signature of Owner — Date: 4-8-24

COMMONWEALTH OF VIRGINIA
County of Pittsylvania, to wit:

I the undersigned Notary Public for the aforesaid jurisdiction, do hereby certify that Todd W. Ferguson, owner of the property described in the Affidavit, whose name is signed to the foregoing Affidavit, has appeared before me on this 8TH day of April 2024 and acknowledge the same as true and correct.

Teisha M. Penn
Notary Public

My Commission expires: 06/30/2024

TEISHA M PENN
NOTARY PUBLIC
REG. #7692608
MY COMMISSION EXPIRES
06/30/2024
COMMONWEALTH OF VIRGINIA

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From todd ferguson <fergusont844@gmail.com>
Date Fri 9/27/2024 12:35 PM
To jason.inman@pittgov.org <jason.inman@pittgov.org>

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Document (3).docx;

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From Jason Inman <Jason.Inman@pittgov.org>
Date Tue 10/29/2024 9:32 AM
To Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>

1 attachment (16 KB)
Document (3).docx;

Jason Inman
Community Development
Code Official

Email: Jason.Inman@pittgov.org
Tel: (434) 432-7755
Fax: (434) 432-7919

PITTSYLVANIA COUNTY, VIRGINIA

53 North Main Street, Chatham, VA, 24531, P.O Box Drawer D

Pittsylvaniacountyva.gov/development

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From: todd ferguson <fergusont844@gmail.com>
Sent: Friday, September 27, 2024 12:35 PM
To: Jason Inman <Jason.Inman@pittgov.org>
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PITTSYLVANIA COMMUNICATIONS

Event Report

Event ID: **2023-047964** Call Ref #: 57 Date/Time Received: 12/17/23 08:55:27

Rpt #: 2023-04570
Call Source: W911
Prime Unit: F252

Services Involved: | | **FIRE** | **EMS** | | |

Location: **5405 WHITMELL SCHOOL RD** DIST: 230.7 ft

X-ST: *TUNSTALL HIGH RD*
CLEARVIEW DR

Jur: PITT Service: FIRE Agency: PCFD
St/Beat: ST25 District: VDT1 RA: 498

Business: Phone: GP: F25E

Nature: **STRUCTURE FIRE-RESIDENCE** Alarm Lvl: 1 Priority: P Medical Priority:

Reclassified Nature:

Caller: AT&T Mobility Alarm:
Addr: 5409 WHITMELL SCHOOL RD Phone: (434) 203-2499 Alarm Type:

Vehicle #: St: Report Only: No Race: Sex: Age:

Call Taker: P7785 Console: CAD4

Geo-Verified Addr.: Yes Nature Summary Code: Disposition: RE Close Comments:

Notes:

See Event Notes Addendum at end of this report

Times

		Time From Call Received		
Call Received:	12/17/23 08:55:27			
Call Routed:	12/17/23 08:56:07	000:00:40	Unit Reaction:	000:07:45 *(1st Dispatch to 1st Arrive)*
Call Take Finished:	12/17/23 08:56:07	000:00:40	En-Route:	000:03:21 *(1st Dispatch to 1st En-Route)*
1st Dispatch:	12/17/23 08:56:54	000:01:27 *(Time Held)*	On-Scene:	003:21:51 *(1st Arrive to Last Clear)*
1st En-Route:	12/17/23 09:00:15	000:04:48		
1st Arrive:	12/17/23 09:04:39	000:09:12 *(Reaction Time)*		
Last Clear:	12/17/23 12:26:30	003:31:03		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments (may truncate in portrait)	Close Code	User
ST25		D	Dispatched	12/17/23 08:56:54	Stat/Beat: ST25		C1122
ST27		D	Dispatched	12/17/23 08:56:54	Stat/Beat: ST27		C1122
ST17		D	Dispatched	12/17/23 08:56:54	Stat/Beat: ST17		C1122
ST33		D	Dispatched	12/17/23 08:56:54	Stat/Beat: ST33		C1122
ST33		X	Canceled	12/17/23 09:00:15	Cancelled by Exchange Command		P2742
F336		D	Dispatched	12/17/23 09:00:15	Stat/Beat: ST33		P2742
F336		E	En-Route	12/17/23 09:00:15	Stat/Beat: ST33		P2742
ST17		X	Canceled	12/17/23 09:00:50	Cancelled by Exchange Command		C1122
F17100		D	Dispatched	12/17/23 09:00:50			C1122
F17100		E	En-Route	12/17/23 09:00:50			C1122

ST25		X	Canceled	12/17/23 09:00:57	Cancelled by Exchange Command		C1122
F252		D	Dispatched	12/17/23 09:00:57	Stat/Beat: ST25		C1122
F252		E	En-Route	12/17/23 09:00:57	Stat/Beat: ST25		C1122
F331		D	Dispatched	12/17/23 09:03:30	Stat/Beat: ST33		C1122
F331		E	En-Route	12/17/23 09:03:30	Stat/Beat: ST33		C1122
F251		D	Dispatched	12/17/23 09:03:48	Stat/Beat: ST25		C1122
F251		E	En-Route	12/17/23 09:03:48	Stat/Beat: ST25		C1122
F252		A	Arrived	12/17/23 09:04:39			C1122
F251		A	Arrived	12/17/23 09:07:38			C1122
F272		D	Dispatched	12/17/23 09:07:49	Stat/Beat: ST27		P2742
F272		E	En-Route	12/17/23 09:07:49	Stat/Beat: ST27		P2742
F339		D	Dispatched	12/17/23 09:07:53	Stat/Beat: ST33		P2742
F339		E	En-Route	12/17/23 09:07:53	Stat/Beat: ST33		P2742
F17100		A	Arrived	12/17/23 09:08:01			P2742
F272		A	Arrived	12/17/23 09:12:46			P2742
ST27		C	Cleared	12/17/23 09:14:51		CA	C1122
F331		A	Arrived	12/17/23 09:15:29			C1122
F336		A	Arrived	12/17/23 09:15:32			C1122
F171		D	Dispatched	12/17/23 09:17:19	Stat/Beat: ST17		C1122
F171		E	En-Route	12/17/23 09:17:19	Stat/Beat: ST17		C1122
F339		A	Arrived	12/17/23 09:18:03			C1122
F171		A	Arrived	12/17/23 09:32:04			P2742
PS2	PS4	D	Dispatched	12/17/23 09:51:40			P2742
PS2	PS4	E	En-Route	12/17/23 09:51:40			P2742
F171		C	Cleared	12/17/23 10:24:56		AS	C1122
PS2	PS4	A	Arrived	12/17/23 10:32:16			P2742
F251		C	Cleared	12/17/23 10:59:26		AS	P2742
F252		C	Cleared	12/17/23 10:59:26		RE	P2742
F336		C	Cleared	12/17/23 10:59:26		AS	P2742
F331		C	Cleared	12/17/23 10:59:26		AS	P2742
F272		C	Cleared	12/17/23 10:59:26		AS	P2742
F339		C	Cleared	12/17/23 10:59:26		AS	P2742
F17100		C	Cleared	12/17/23 10:59:26		AS	P2742
PS2	PS4	C	Cleared	12/17/23 12:26:30		AS	C1122

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments (may truncate in portrait)	Close Code	User
		TR	Time Received	12/17/23 08:55:27	By: E911		P7785
		ENT	Entered Street	12/17/23 08:55:27	6815 Whitmell School Rd - W Se;DAN		P7785
		CHG	Changed Street	12/17/23 08:55:38	5409 WHITMELL SCHOOL RD --> 5400		P7785
		CHG	Changed Street	12/17/23 08:55:41	5400WHITMELL SCHOOL RD --> 5400		P7785
		ENT	Entered Nature	12/17/23 08:56:00	FIRE CALL FOR PROQA		P7785
		FPS	Fire Pri. Started	12/17/23 08:56:00	Case Started		P7785
		VEV	Viewed Event	12/17/23 08:56:01	User First Viewed Event CAD		C1122
		VEV	Viewed Event	12/17/23 08:56:04	User First Viewed Event CAD		P2742
		ENT	Entered Remarks	12/17/23 08:56:07			P7785
		FIN	Finished Call Taking	12/17/23 08:56:07			P7785

RPT	Requested Report#	12/17/23 08:56:07	PCFD Report #2023-04570	P7785
SP	Spawned	12/17/23 08:56:07	Spawned EMS event #2023047965, call	P7785
PAG	Automatic Nature Page	12/17/23 08:56:09	Paged CADFIRE	PAGESRV
REC	Unit Rec Btn Click	12/17/23 08:56:21	1) Unit recommend for FIRE CALL FOR	C1122
...	Unit Rec Btn Click...	12/17/23 08:56:21	2) WHITMELL SCHOOL RD (Caller: AT	C1122
REC	Unit Rec Btn Click	12/17/23 08:56:42	1) Unit recommend for FIRE CALL FOR	P2742
...	Unit Rec Btn Click...	12/17/23 08:56:42	2) WHITMELL SCHOOL RD (Caller: AT	P2742
REC	Unit Recommendation	12/17/23 08:56:48	Plan: FIRE Cat: 1ST Lvl: 1	P2742
REC	Unit Recommendation	12/17/23 08:56:48	Recmnd:ST25 [FIRE]	P2742
REC	Unit Recommendation	12/17/23 08:56:54	Plan: FIRE Cat: 1ST Lvl: 1	C1122
REC	Unit Recommendation	12/17/23 08:56:54	Recmnd:ST25 [FIRE]	C1122
PAG	Dispatch Page	12/17/23 08:56:56	Paged ST25	PAGESRV
PAG	Dispatch Page	12/17/23 08:56:56	Paged ST27	PAGESRV
PAG	Dispatch Page	12/17/23 08:56:56	Paged ST17	PAGESRV
PAG	Dispatch Page	12/17/23 08:56:56	Paged ST33	PAGESRV
CHG	Changed Street	12/17/23 08:57:20	5400 WHITMELL SCHOOL RD --> 5405	P7785
PAG	Automatic Nature Page	12/17/23 08:57:22	Paged CADFIRE	PAGESRV
CHG	Changed Street	12/17/23 08:57:23	5400 WHITMELL SCHOOL RD --> 5405	P2742
ARM	Added Remarks	12/17/23 08:57:45		P7785
ARM	Added Remarks	12/17/23 08:57:45	Sent to: Linked Events	P7785
ARM	Added Remarks	12/17/23 08:57:58		P7785
ARM	Added Remarks	12/17/23 08:57:58	Sent to: Linked Events	P7785
ARM	Added Remarks	12/17/23 08:58:14		P7785
ARM	Added Remarks	12/17/23 08:58:14	Sent to: Linked Events	P7785
ARM	Added Remarks	12/17/23 08:58:18		P7785
ARM	Added Remarks	12/17/23 08:58:18	Sent to: Linked Events	P7785
ARM	Added Remarks	12/17/23 08:58:44		P7785
ARM	Added Remarks	12/17/23 08:58:44	Sent to: Linked Events	P7785
ARM	Added Remarks	12/17/23 08:58:53		P7785
ARM	Added Remarks	12/17/23 08:58:54	Sent to: Linked Events	P7785
PAG	Automatic Nature Page	12/17/23 09:01:59	Paged CADFIRE	PAGESRV
PAG	Automatic Nature Page	12/17/23 09:01:59	Paged CADRESFM	PAGESRV
RSW	Reset Watchdog Timer	12/17/23 09:01:59	Units: F252,F336,F17100,ST27	C1122
CHG	Changed Nature	12/17/23 09:01:59	FIRE CALL FOR PROQA --> STRUCTU	C1122
FPS	Fire Pri. Started	12/17/23 09:01:59	Case Started	C1122
ARM	Added Remarks	12/17/23 09:03:16		P2742
ARM	Added Remarks	12/17/23 09:03:16	Sent to: Linked Events	P2742
ARM	Added Remarks	12/17/23 09:08:07		P2742
ARM	Added Remarks	12/17/23 09:08:07	Sent to: Linked Events	P2742
ARM	Added Remarks	12/17/23 09:08:31		P2742
ARM	Added Remarks	12/17/23 09:08:31	Sent to: Linked Events	P2742
CHG	Changed PrimeUnit	12/17/23 09:14:49	ST27 --> F252	C1122
ARM	Added Remarks	12/17/23 09:29:39		P2742
ARM	Added Remarks	12/17/23 09:29:39	Sent to: Linked Events	P2742
ARM	Added Remarks	12/17/23 09:30:04		P2742
ARM	Added Remarks	12/17/23 09:30:04	Sent to: Linked Events	P2742
ARM	Added Remarks	12/17/23 09:47:02		P7785

PAG	Dispatch Page	12/17/23 09:51:40	Paged MLEE	PAGESRV
VCH	Viewed Call History	12/17/23 10:27:42	Location Information	P2742
ARM	Added Remarks	12/17/23 10:59:15		P2742
ARM	Added Remarks	12/17/23 10:59:15	Sent to: Linked Events	P2742
ARM	Added Remarks	12/17/23 11:01:13		P2742
ARM	Added Remarks	12/17/23 11:06:17		P2742
ARM	Added Remarks	12/17/23 11:06:29		P2742
ARM	Added Remarks	12/17/23 11:15:02		P2742

Event Notes Addendum

Notes
TRAILER ON FIRE [12/17/23 08:56:07 P7785]
CALLER ADV A TRAILER IS COMPLETELY ENGULFED IN FLAMES, NOTHING LEFT STANDING [12/17/23 08:57:45 P7785]
ACROSS FROM 5400 WHITMELL SCHOOL RD [12/17/23 08:57:58 P7785]
NOTHING LEFT STANDING, COLLISION REPAIR CENTER NEXT DOOR [12/17/23 08:58:14 P7785]
EVERYONE IS OUT [12/17/23 08:58:18 P7785]
ONE LEFT SIDE STANDING, WHOLE RIGHT SIDE GONE [12/17/23 08:58:44 P7785]
TRUCK PARKED NEXT TO IT, UNK IF IT WILL EXPLODE [12/17/23 08:58:53 P7785]
[PROQA] Call Aborted:
10. Dispatcher Override [12/17/23 09:01:35 C1122]
2701 CALL COVERED [12/17/23 09:03:16 P2742]
1702 ONSCENE [12/17/23 09:08:07 P2742]
2501 ADV FULLY INVOLVED MOBILE HOME THREATENING ANOTHER STRUCTURE AND VEHICLE. [12/17/23 09:08:31 P2742]
2501 ADV NTFY DPNL [12/17/23 09:29:39 P2742]
DPNL NTFD [12/17/23 09:30:04 P2742]
[PROQA] Call Aborted:
1. Caller hung up [12/17/23 09:47:02 P7785]
COMMAND TERMINATED [12/17/23 10:59:15 P2742]
PS2 REQ REDCROSS, TWO ADULT TWO CHILDREN DISPLACED [12/17/23 11:01:13 P2742]
REDCROSS NTFD [12/17/23 11:06:17 P2742]
PS2 INTERVIEWING MALE WHO LIVED AT THE HOMSE [12/17/23 11:06:29 P2742]
JUSTIN BROWN 757-912-9493 ON CALL RED CROSS, PATCHED THRU TO PS2 [12/17/23 11:15:02 P2742]

Pittsylvania County Public Safety

110 Old Chatham Elementary Lane
Chatham, VA 24531

INCIDENT

Incident Number: 2023047964
Incident Date: 12/17/2023
NFIRS Number: 0002614
Incident Type: (121) - Fire in mobile home used as fixed residence

FDID: 14000
Station: Fire Marshal's Office
Shift:
District:

Initial Dispatch Code: STRUCTURE FIRE-RESIDENCE

Alarms:
Working Fire?: Yes
COVID-19 was a factor: No, COVID-19 was not a factor

Temporary Resident Involvement:

Hazardous Materials Released:

Action Taken 1: (86) - Investigate

AID

Aid Given/Received: (N) - None

LOCATION

Location Type: (1) - Street address

Address: 5405 WHITMELL SCHOOL Road, Dry Fork, Virginia, 24549

Cross Street, USNG, or Directions:
Latitude: 36.66724000
Longitude: -79.50789000
Census Tract:

Detector Alerted Occupant:

Property Use: (419) - 1 or 2 family dwelling
Mixed Use:

TIMES

Alarm Time: 08:55:27, 12/17/2023

Arrival Time: 10:32:16, 12/17/2023
Water on Fire Time:
At Patient Time:

Loss Stop Time:
Controlled Time:
Last Unit Cleared Time: 12:26:30, 12/17/2023

TIMES

Total On Scene Time: 1 hrs 54 mins 14 sec

Total Incident Time: 3 hrs 31 mins 3 sec

COUNTS

Counts Include Aid Received? No

Suppression:		EMS:		Other:	
Apparatus	Personnel	Apparatus	Personnel	Apparatus	Personnel
0	0	0	0	1	1

$↓ LOSS

Property:	Content:
Estimated Property Losses: $10000	Estimated Content Losses: $2500
Estimated Property Value: $	Estimated Content Value: $

PERSON/OWNER

Owner:

Name | Business Name | Phone

Address

Person:

Name | Business Name | Phone

Address

AUTHORIZATION

Report Writer:

Name	Employee Number	Assignment	Authorization Date
HUTCHERSON, SCOTT	1964		12/21/2023

Officer in Charge:

Name	Employee Number	Assignment	Authorization Date
HUTCHERSON, SCOTT	1964		12/21/2023

Quality Control:

Name	Authorization Date

INCIDENT NARRATIVE

PS2 was dispatched to the above address for the report of a structure fire involving a single wide mobile home. The first fire unit on scene was Tunstall fire and rescue unit 252. Chief Troy Talley was in command and reported a single wide mobile home fully involved in fire with two exposures, a small garage and an automobile. The mobile home was a total loss but the garage and automobile was saved without any damage. The investigation is in process by the Pittsylvania County Fire marshal's office. The home was occupied by two adults and two children, everyone made it out of the home safely but lost all belongings.

Fire Module

SITE INFO

Alarms	Acres Burned	Resident Units In Bldg	Buildings Involved
		1	

Hydrant Identifier	Estimated Water Usage

IGNITION

Area of Origin
(20) - Function areas, other

Heat Source
(UU) - Undetermined

Item First Ignited
(21) - Upholstered sofa, chair, vehicle seats

Fire Confined to Item?

Type of Material First Ignited
(99) - Multiple types of material

Cause of Ignition
(U) - Cause undetermined after investigation

Factors Contributing to Ignition 1
(NN) - None

Human Factors Contributing to Ignition
(N) - None

Est. Age of Person Involved	Gender of Person Involved

STRUCTURE

Structure Type
(2) - Fixed portable or mobile structure

Stories Above Grade	Stories Below Grade	Building Status
1	0	(2) - In normal use

Length	Width	Total Square Feet	Story of Fire Origin
60 ft	14 ft	840 sq ft	1

Fire Spread
(4) - Confined to building of origin

STRUCTURE

Item Contributing Most to Flame Spread

Type of Material

Number of Stories with Damage

Minor Damage	Significant Damage	Heavy Damage	Extreme Damage	Total Stories

PROTECTIVE SYSTEMS

Presence of Detector

(N) - None present

Detector Type

Power Supply

Detector Operations

Effectiveness (/Failure Reason)

Presence of Auto Extinguishing System

(N) - None Present

System Type

System Operation

# of Sprinklers

Reason for System Failure

PITTSYL NIA
COUNTY, VIRGINIA

P.O. Box 426
Chatham, Virginia 24531
Phone (434) 432-7920

Pittsylvania County Fire Marshal Incident / Fire Report

Location of Incident	5405 Whitmell School Rd, Dry Fork Va 24549
Incident / CAD number	2023-047964
Date and Time of Incident	12/17/2023 08:56:54
Type of Incident	Structure Fire involving a mobile home
Investigator	Scott Hutcherson, PS2
Date & Time of Investigation	12/17/2023 10:32:16
Initial Fire Dept on scene & time	Tunstall Fire and Rescue 09:04:39
Officer in Charge	Chief Troy Talley

Firefighter Observations

The first firefighters arrived at 09:04:39 and reported a single wide mobile home fully involved in fire with exposures to a building and an automobile. Chief Troy Talley of the Tunstall Volunteer Fire and Rescue was in command of the scene. All occupants were out of the home and safe. The home was occupied by two adults and two children.

Owner Information

Vance Burnette

Address:

716 Constellation Dr, Axton Va 24054

Phone Number 434-836-2174

Insurance information:

Loudoun Mutual Insurance Co

Occupant Information

Charles Powell, wife and two Children

Address: Same as above

No renter's insurance

General Observations

When the firefighters arrived, they noted a fully involved single wide mobile home with two exposures, a garage building and an automobile. The occupant of the home was Charles Powell, he stated him, and his wife were asleep in the living room when they woke up to one of the chairs on fire. He stated that he and his wife got the children and escaped the home. He then stated that he had to run to one of the neighbor's homes to call 911. By the time he got back to his home it was fully involved in fire.

PITTSYL NIA
COUNTY, VIRGINIA

P.O. Box 426
Chatham, Virginia 24531
Phone (434) 432-7920

Causation Observations

We as the Fire Marshal's office completed our investigation on 12/17/2023, After interviewing the occupants getting their account of the events, we feel confident the fire started in one of the living room chairs. By their account they were asleep in the living room and woke up to one of the chairs being heavily involved in fire. The occupant stated that he was very concerned that one of the children could have been playing with a cigarette lighter causing the fire. The fire marshal's office sees this as a possible cause and origin, but we cannot scientifically prove it. The extreme damage to the home prevents us from pinpointing an exact cause or area of origin. Judging by the mass loss and damage we do feel strongly that the origin of the fire was in the living room area. There is no way of doing any arc mapping or electrical circuit tracing due to the damage. This fire is being ruled undetermined and unintentional.

Evidence Collected

We took numerous photos to document the scene and the evidence noted above during our investigation, but no physical evidence was taken.

Report Completed by

Scott Hutcherson, Deputy Director/ Fire Marshal

Pittsylvania County Public Safety

Phone 434-713-8777

Scott.hutcherson@pittgov.org

Commissioner of the Revenue 8-24-2026

FERGUSON, TODD W
5405 WHITMELL SCHOOL RD
DRY FORK, VA 24549

Acct : 267384 Dst: 01 AC Tx 1.1500 Map #: 1480-73-2976 Card 1 of 1
Date : 02/27/24 Cls: 2 Ap 1.15 Desc : ST RD 750 1.15 AC 1480002000001A
Bk/Pg: LR24/00815 Zon: R-1 Printed: 08/24/26
Mb/Lt: B586/728 Nhd: 100 0% Lc : Util: WELL;SEPTIC Updated: WMG
Cons : 40000 Rd : 01 PAVED Topo : Att:

(A): 5405 WHITMELL SCHOOL RD (R):
5405 WHITMELL SCHOOL RD

Appr: WW Date: 04/24/23
Info: E Time: 5:15

BnBmUse	Gr	LnxWd	MhCdDes	Rem	Ayb	CndUnits	Rate	PdFo	RsnEo	RsnIc	Value
1FVGARAGE UNFIN		x	FRAME		POO					0	0
2U MBL HME SWL		x	SWL FOR MH		AVE	110000.00				0	10,000
3FVSTORAGE		x	CB		POO					0	1,000

SnLmSeg	Type	Ac	Frnt	Dpth	Sf	TFctrLtUp	Adj%Value	Remarks
1FV2000	HOMESITE	1.15					0 12,000	

Mkt Val L	12,000
Mkt Val B	11,000
Mkt Val T	23,000
Def Val	0
Net Val	23,000
Old Mkt L	12,000
Old Mkt B	11,000
Old Def	0
Old Net	23,000

Parcel No: 1480-73-2976

Current Owner: 267384
FERGUSON, TODD W
Property Desc: ST RD 750 1.15 AC

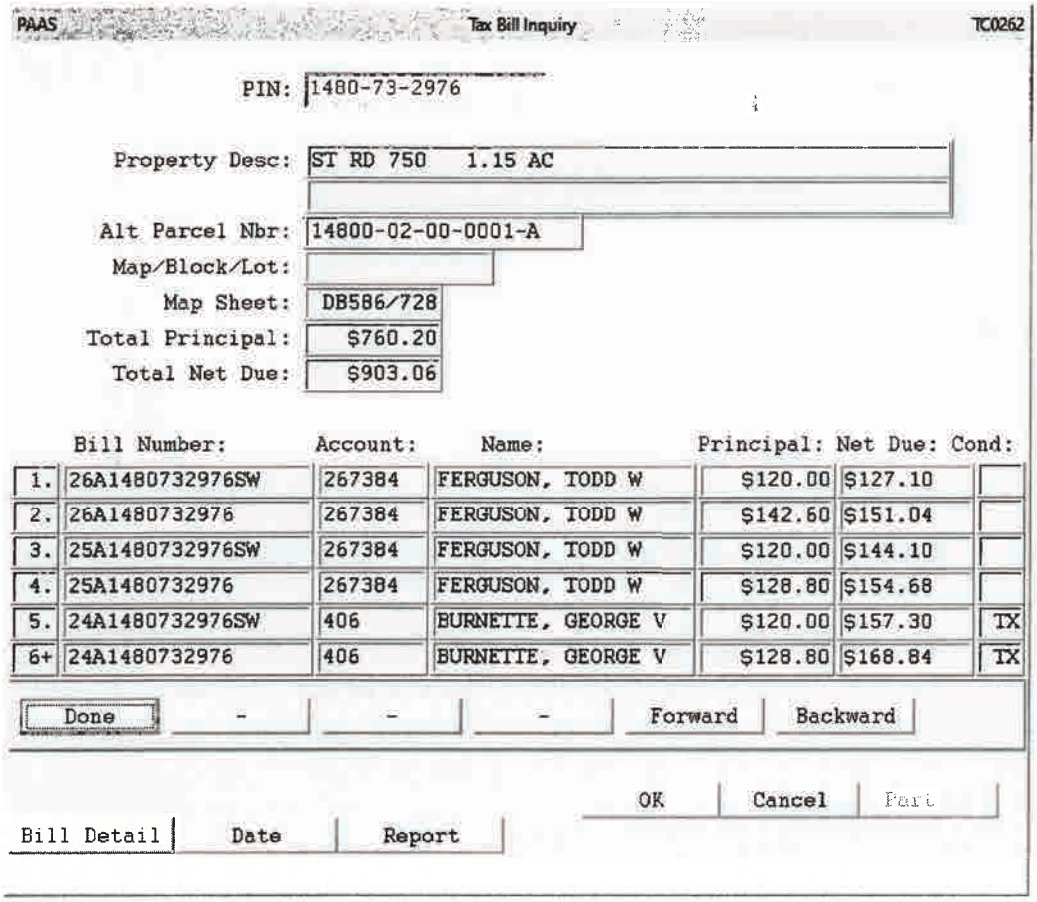
Alt Parcel No: 1480002000001A
Map/Block/Lot:
Map Sheet: DB586/728

Total Value: $23,000

Total Principal: $760.20
Total Net Due: $903.06

Bill Number	Account	Name	Principal	Net Due	Cond
26A1480732976SW	267384	FERGUSON, TODD W	120.00	127.10	
26A1480732976	267384	FERGUSON, TODD W	142.60	151.04	
25A1480732976SW	267384	FERGUSON, TODD W	120.00	144.10	
25A1480732976	267384	FERGUSON, TODD W	128.80	154.68	
24A1480732976SW	406	BURNETTE, GEORGE V	120.00	157.30	TX
24A1480732976	406	BURNETTE, GEORGE V	128.80	168.84	TX
23A1480732976SW	406	BURNETTE, GEORGE V	0.00	0.00	
23A1480732976	406	BURNETTE, GEORGE V	0.00	0.00	
22A1480732976SW	406	BURNETTE, GEORGE V	0.00	0.00	
22A1480732976	406	BURNETTE, GEORGE V	0.00	0.00	
21A1480732976SW	71676	FLINCHUM, KEITH JA	0.00	0.00	
21A1480732976	71676	FLINCHUM, KEITH JA	0.00	0.00	
20D1480732976.2	71676	FLINCHUM, KEITH JA	0.00	0.00	
20D1480732976.1	71676	FLINCHUM, KEITH JA	0.00	0.00	
20A1480732976SW	71676	FLINCHUM, KEITH JA	0.00	0.00	
20A1480732976	71676	FLINCHUM, KEITH JA	0.00	0.00	
19D1480732976.1	549	FLINCHUM, JAMES WE	0.00	0.00	SB
19A1480732976SW	549	FLINCHUM, JAMES WE	0.00	0.00	
19A1480732976	549	FLINCHUM, JAMES WE	0.00	0.00	

v v v continued
v v #1480732976



PAAS — Tax Bill Inquiry — TC0262

PIN: 1480-73-2976

Property Desc: ST RD 750 1.15 AC

Alt Parcel Nbr: 14800-02-00-0001-A

Map/Block/Lot:

Map Sheet: DB586/728

Total Principal: $760.20

Total Net Due: $903.06

	Bill Number:	Account:	Name:	Principal:	Net Due:	Cond:
1.	26A1480732976SW	267384	FERGUSON, TODD W	$120.00	$127.10	
2.	26A1480732976	267384	FERGUSON, TODD W	$142.60	$151.04	
3.	25A1480732976SW	267384	FERGUSON, TODD W	$120.00	$144.10	
4.	25A1480732976	267384	FERGUSON, TODD W	$128.80	$154.68	
5.	24A1480732976SW	406	BURNETTE, GEORGE V	$120.00	$157.30	TX
6+	24A1480732976	406	BURNETTE, GEORGE V	$128.80	$168.84	TX

Done | - | - | - | Forward | Backward

OK | Cancel | Print

Bill Detail | Date | Report

2026 - $ 146.84

2025 - $ 298.78

2024 - $ 326.14

\+ 34.68 - Collections Fee

$360.82

* Total Past Due = $ 806.44 *

PAAS — Tax Bill Inquiry — TC0035

Bill Nbr:	26A1480732976	Bill Date:	05/01/26	Bill Status:	C
Account:	267384 FERGUSON, TODD W			Bill Class:	RR
Desc/Loc:	5405 WHITMELL SCHOOL RD ST RD 750 1			Bill Type:	R
Parcel ID:	1480-73-2976	District:	01 TUNSTALL	Tax Year(s):	26
Map/Blk/Lt:		Principal:	142.60	Correspondence:	
Real Value:	23,000	Discount:	0.00	as of	
Pers Value:	0	Interest:	1.31	as of	08/24/26
Exemptions:	0	Penalty:	7.13		
Deferments:	0	Balance Due:	151.04		
Conditions:					
Int Date					

	Principal:	Interest:	Net:
D1:	71.30	1.31	79.74
D2:	71.30	0.00	71.30

*** Amount due includes calculated penalty ***

Eff Date:	Trans:	Amount:	Paid By:	Reference	

Detail | Payments | Vehicle | Date
Receipt | Report | Rollbacks | Notations
Letters | Bill Print | Lender Info | Comments
Transaction | Supplement | OK | Cancel

2026
Real Estate

151.04
- 71.30 Due 12-10-26
$79.74 Past Due

PAAS — Tax Bill Inquiry — TC0035

Bill Nbr:	26A1480732976SW	Bill Date:	05/01/26	Bill Status:	C
Account:	267384	FERGUSON, TODD W		Bill Class:	RR
Desc/Loc:	5405 WHITMELL SCHOOL RD ST RD 750 1			Bill Type:	R
Parcel ID:	1480-73-2976	District:	01 TUNSTALL	Tax Year(s):	26
Map/Blk/Lt:		Principal:	120.00	Correspondence:	
Real Value:	23,000	Discount:	0.00	as of	
Pers Value:		Interest:	1.10	as of	08/24/26
Exemptions:		Penalty:	6.00	Principal:	Interest: Net:
Deferments:		Balance Due:	127.10	D1: 60.00	1.10 67.10
Conditions:				D2: 60.00	0.00 60.00
Int Date		*** Amount due includes calculated penalty ***			

Eff Date:	Trans:	Amount:	Paid By:	Reference

Detail | Payments | Vehicle | Date
Receipt | Report | Rollbacks | Notations
Letters | Bill Print | Lender Info | Comments
Transaction | Supplement | OK | Cancel

2026 Solid Waste

127.10
- 60.00 - Due 12-10-26
$67.10 past due

PAAS — Tax Bill Inquiry — TC0035

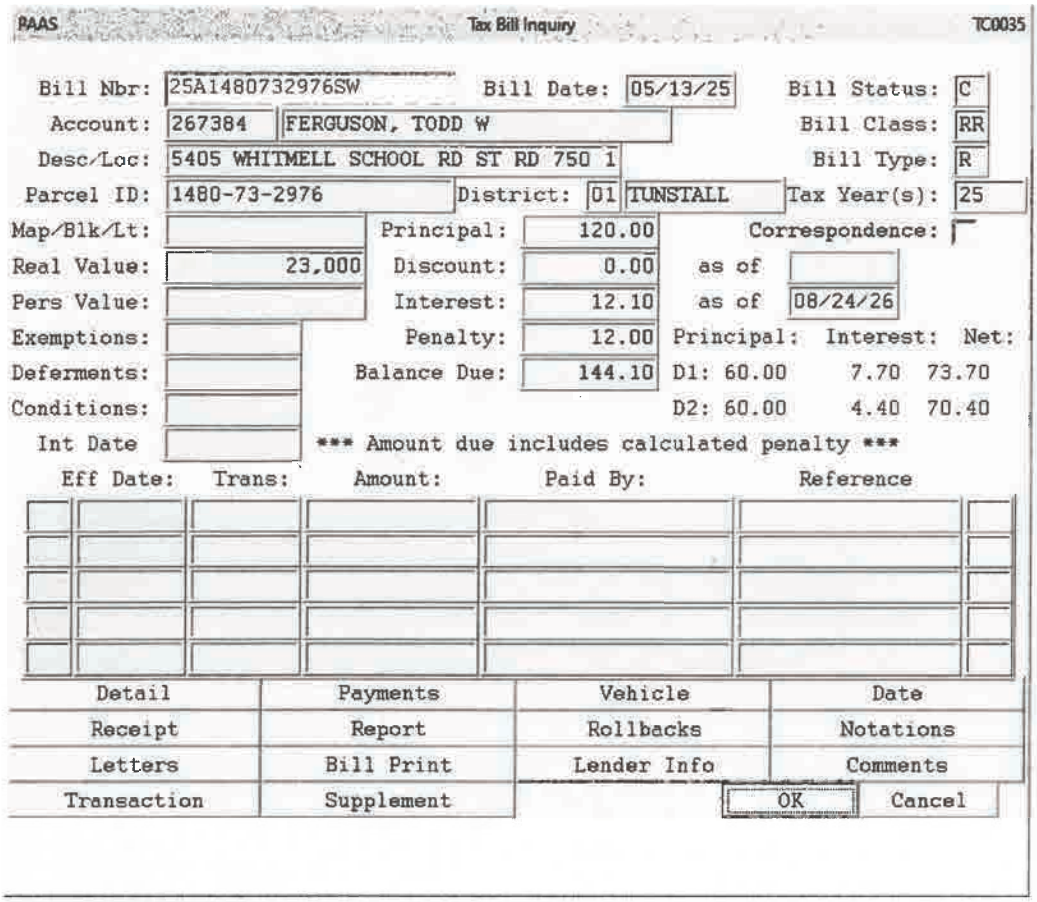
Bill Nbr:	25A1480732976	Bill Date:	05/13/25	Bill Status:	C
Account:	267384 FERGUSON, TODD W			Bill Class:	RR
Desc/Loc:	5405 WHITMELL SCHOOL RD ST RD 750 1			Bill Type:	R
Parcel ID:	1480-73-2976	District:	01 TUNSTALL	Tax Year(s):	25
Map/Blk/Lt:		Principal:	128.80	Correspondence:	
Real Value:	23,000	Discount:	0.00	as of	
Pers Value:		Interest:	13.00	as of	08/24/26
Exemptions:	0	Penalty:	12.88	Principal:	Interest: Net:
Deferments:	0	Balance Due:	154.68	D1: 64.40	8.27 79.11
Conditions:				D2: 64.40	4.73 75.57
Int Date		*** Amount due includes calculated penalty ***			

Eff Date:	Trans:	Amount:	Paid By:	Reference	

Detail	Payments	Vehicle	Date
Receipt	Report	Rollbacks	Notations
Letters	Bill Print	Lender Info	Comments
Transaction	Supplement	OK	Cancel

2025
Real Estate

* 154.68
Past Due



PAAS — Tax Bill Inquiry — TC0035

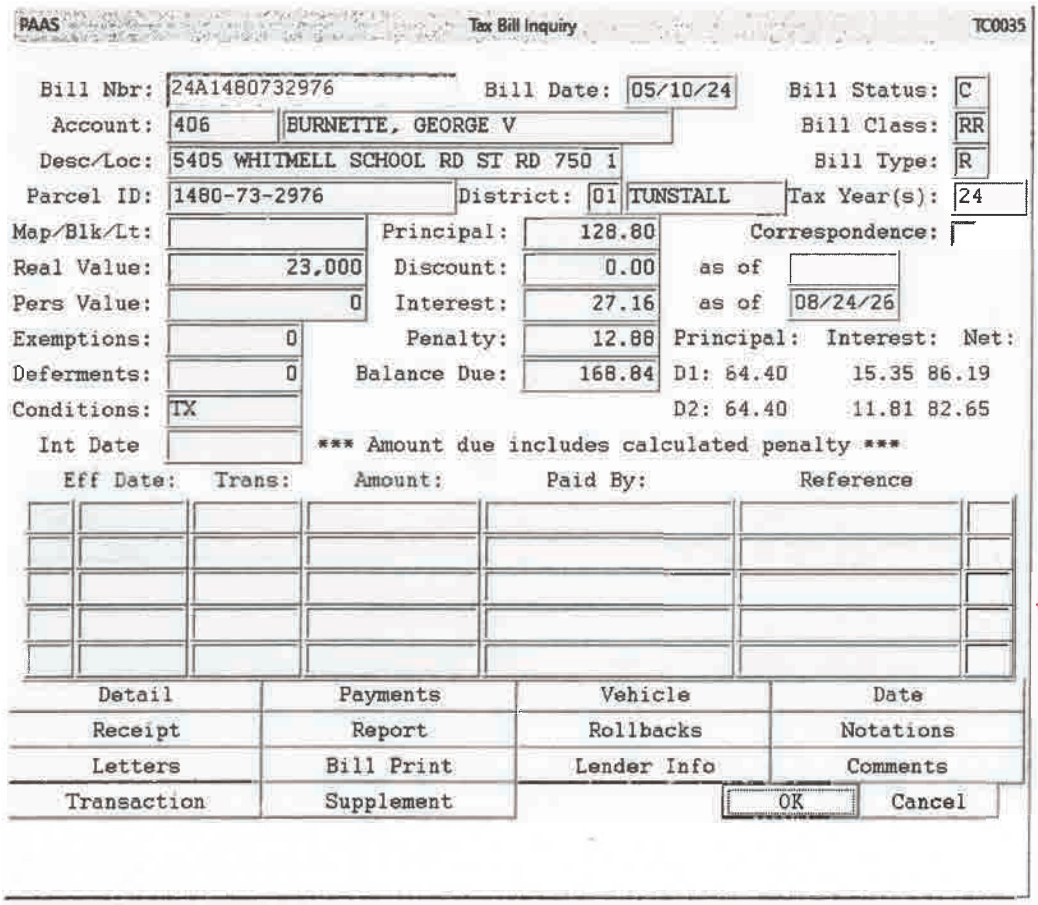
Bill Nbr:	25A1480732976SW	Bill Date:	05/13/25	Bill Status:	C		
Account:	267384	FERGUSON, TODD W		Bill Class:	RR		
Desc/Loc:	5405 WHITMELL SCHOOL RD ST RD 750 1			Bill Type:	R		
Parcel ID:	1480-73-2976	District:	01 TUNSTALL	Tax Year(s):	25		
Map/Blk/Lt:		Principal:	120.00	Correspondence:			
Real Value:	23,000	Discount:	0.00	as of			
Pers Value:		Interest:	12.10	as of	08/24/26		
Exemptions:		Penalty:	12.00	Principal:	Interest:	Net:	
Deferments:		Balance Due:	144.10	D1: 60.00	7.70	73.70	
Conditions:				D2: 60.00	4.40	70.40	
Int Date		*** Amount due includes calculated penalty ***					

Eff Date:	Trans:	Amount:	Paid By:	Reference	

Detail	Payments	Vehicle	Date
Receipt	Report	Rollbacks	Notations
Letters	Bill Print	Lender Info	Comments
Transaction	Supplement	OK	Cancel

2025
Solid Waste

* 144.10
Past Due



PAAS — Tax Bill Inquiry — TC0035

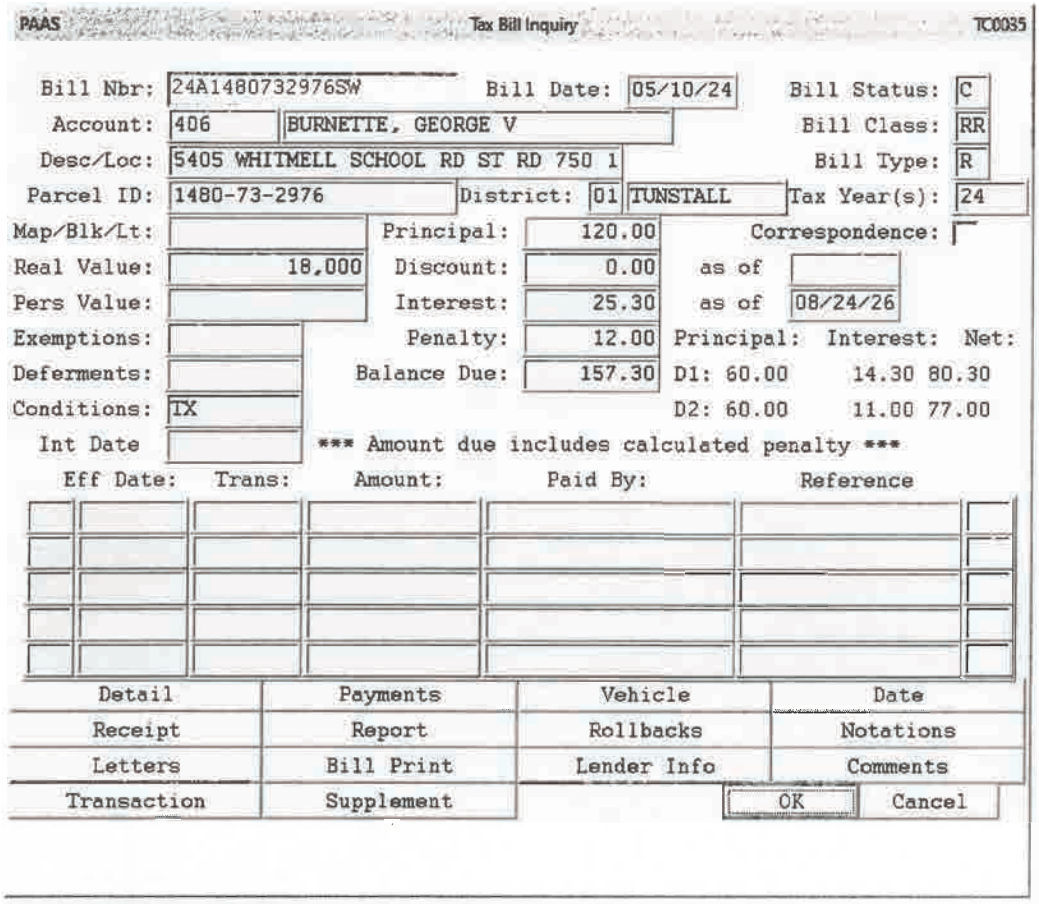
Bill Nbr:	24A1480732976	Bill Date:	05/10/24	Bill Status:	C
Account:	406 BURNETTE, GEORGE V			Bill Class:	RR
Desc/Loc:	5405 WHITMELL SCHOOL RD ST RD 750 1			Bill Type:	R
Parcel ID:	1480-73-2976	District:	01 TUNSTALL	Tax Year(s):	24
Map/Blk/Lt:		Principal:	128.80	Correspondence:	
Real Value:	23,000	Discount:	0.00	as of	
Pers Value:	0	Interest:	27.16	as of	08/24/26
Exemptions:	0	Penalty:	12.88	Principal:	Interest: Net:
Deferments:	0	Balance Due:	168.84	D1: 64.40	15.35 86.19
Conditions:	TX			D2: 64.40	11.81 82.65
Int Date		*** Amount due includes calculated penalty ***			

Eff Date:	Trans:	Amount:	Paid By:	Reference	

Detail | Payments | Vehicle | Date
Receipt | Report | Rollbacks | Notations
Letters | Bill Print | Lender Info | Comments
Transaction | Supplement | OK | Cancel

2024
Real Estate
IN Collections

*168.84
Past Due



PAAS — Tax Bill Inquiry — TC0035

Bill Nbr:	24A1480732976SW	Bill Date:	05/10/24	Bill Status:	C
Account:	406	BURNETTE, GEORGE V		Bill Class:	RR
Desc/Loc:	5405 WHITMELL SCHOOL RD ST RD 750 1			Bill Type:	R
Parcel ID:	1480-73-2976	District:	01 TUNSTALL	Tax Year(s):	24
Map/Blk/Lt:		Principal:	120.00	Correspondence:	
Real Value:	18,000	Discount:	0.00	as of	
Pers Value:		Interest:	25.30	as of	08/24/26
Exemptions:		Penalty:	12.00		
Deferments:		Balance Due:	157.30		
Conditions:	IX				
Int Date					

	Principal:	Interest:	Net:
D1:	60.00	14.30	80.30
D2:	60.00	11.00	77.00

*** Amount due includes calculated penalty ***

Eff Date:	Trans:	Amount:	Paid By:	Reference	

Detail	Payments	Vehicle	Date
Receipt	Report	Rollbacks	Notations
Letters	Bill Print	Lender Info	Comments
Transaction	Supplement	OK	Cancel

2024
Solid Waste

IN Collections

*157.30
Past Due

S2404431770

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7755

APPLICATION FOR PERMIT

Fill out all relevant sections COMPLETELY – Incomplete applications will not be accepted.

(✓) RESIDENTIAL or ( ) COMMERCIAL PAYMENT: (✓) CASH or ( ) CHECK

OWNER/PROPERTY INFORMATION

Owner's Name Todd Ferguson **Phone:** 540-355-9770

Property Address 5405 Whitmell School Rd Dry Fork VA 24549 **Lot #:**

Parcel ID #: 1480 - 73 - 2976 **Email:** FergusonT844@Gmail.com

MECHANIC'S LIEN AGENT

( ) No Mechanic's Lien Agent Requested ( ) Yes Mechanic's Lien Agent Requested

Mechanic's Lien Agent Name:

Address & Phone #:

PROPOSED CONSTRUCTION INFORMATION

Scope of Work
- ( ) New Construction
- (✓) Mobile/Modular Home
- ( ) Accessory Building
- ( ) Demolition
- ( ) Addition
- ( ) Gas
- ( ) Electrical
- ( ) Mechanical
- ( ) Plumbing
- ( ) Deck/Dock
- ( ) Change of Use
- ( ) Swimming Pool
- ( ) Sign (Electrical YES NO)
- ( ) Tent/Tank
- ( ) Fire/Sprinkler
- ( ) Other

DESCRIBE IN DETAIL THE PROPOSED WORK BEING DONE:

move A mobile Home To The Lot Where one WAS Allready There

TOTAL COST OF WORK: 10,000

BUILDING

Number of Stories 1
Number of Bedrooms 3
Number of Fireplaces 0
Building Size 14 W 80 L
Snow Load 44 PSF Wind Speed Zone II
Living Space (sq ft) 1000
Garage Area (sq ft) ~
Basement Area (sq ft) ~
1st Floor Area (sq ft) 1000
2nd Floor Area (sq ft) ~
Porch/Deck Area (sq ft) ~
Floor Joist Size ~
Rafter/Trusses Size ~
Plans Submitted: ( ) YES ( ) NO

PLUMBING

Health Dept Permit ( ) Yes (✓) NA
# of Full Bathrooms 2
# of Half Bathrooms ~
# of Plumbing Fixtures 5
Other ✓
COST OF JOB $ 1600

MECHANICAL

Number of Gas Appliances ~
Type of Heat: (✓) Heat Pump ( ) Gas ( ) Electric Heat/AC
Size of Heating unit 2½ Ton
Size of Cooling unit 2½ Ton
BTU 65000 10 KW Heat Strip
COST OF JOB $ Incl

ELECTRICAL

of Electrical Outlets 25
Total Service Amps (NEW) 200
Phase 1 Volts 240
Generator Size ~
Other ✓
Utility Provider
(✓) City of Danville ( ) Dominion
( ) Mecklenburg ( ) AEP ( ) Southside
COST OF JOB $ 1000

MANUFACTURED HOME

Model Year 91
HUD # RAD 617963
VIN # NCFLM41A22054NO
COST OF JOB $ 10,000

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7750

PLEASE READ CAREFULLY

The County may only issue a building permit to properly licensed contractors or to those that are exempt from the Commonwealth's requirements for contractors. Certain exceptions to licensing requirements are available under Section 54.1-1101 of the Code of Virginia. Property owners are eligible for exceptions under specific circumstances, including building their primary residence and related accessory structures.

The Code requires that a contractor be properly licensed before he may bid or undertake contracting work of $1,000 or more. Specifically, a:

Class A contractor's license is required for any job valued at more than $120,000
Class B contractor's license is required for any job valued at $10,000 or more but less than $120,000
Class C contractor's license is required for any job valued at more than $1,000 but less than $10,000

Identify on the reverse side of this form each contractor who will be working on the job.

If a property owner secures a building permit under the exception, and subsequently hires contractors to work on the project, those contractors must meet the requirements listed above and the property owner is legally responsible for assuring the licensing requirements are met. Failure to do so constitutes the commission of a Class 1 misdemeanor by both the property owner and the contractor, and may expose the property owner to prosecution as well as other legal risks, particularly if problems with construction occur. Also, in such cases the County cannot hold individual contractors responsible for issues identified during ongoing inspections; rather it is the property owner, as permit holder, who is responsible.

Fill out this section if the Building Permit Applicant is **PROPERTY OWNER**	Fill out this section if the Building Permit Applicant is **CONTRACTOR**
☑ I am the property owner. **I affirm that I have read and understood the above,** and that by securing this permit under my own name I have accepted responsibility for assuring proper licensing of any contractors hired for jobs under this building permit.	○ I am the contractor for this permit. **I affirm that I have read and understand the above.** ○ **I affirm** that I am duly licensed under the Terms of Title 54.1, Chapter 11, Code of Virginia to carry on or superintend this work.
Signature: [signature] Date: 4-3-24	Signature: _____ Date: _____
Print Name: Todd Ferguson	Print Name: _____

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7750

Type of Contractor	
○ Asbestos ○ Building ○ Concrete ○ Electrical ○ Fire Sprinkler-Suppression ○ Gas ○ Mechanical ● Mobile/Modular Mover ○ Plumbing ○ Other	Name of Contractor: Ted poles Address: Franklin county Phone # 540 493 2923 Email: State Contractor's License #: 2705 808 3780 Class: ○A ○B ○C Classification: Expiration Date ___/___/___ Specialties **Value of Work:** $4,000

Type of Contractor	
○ Asbestos ○ Building ○ Concrete ○ Electrical ○ Fire Sprinkler-Suppression ○ Gas ○ Mechanical ○ Mobile/Modular Mover ○ Plumbing ○ Other	Name of Contractor: Address: Phone # Email: State Contractor's License #: Class: ○A ○B ○C Classification: Expiration Date ___/___/___ Specialties **Value of Work:** $

Type of Contractor	
○ Asbestos ○ Building ○ Concrete ○ Electrical ○ Fire Sprinkler-Suppression ○ Gas ○ Mechanical ○ Mobile/Modular Mover ○ Plumbing ○ Other	Name of Contractor: Address: Phone # Email: State Contractor's License #: Class: ○A ○B ○C Classification: Expiration Date ___/___/___ Specialties **Value of Work:** $

Type of Contractor	
○ Asbestos ○ Building ○ Concrete ○ Electrical ○ Fire Sprinkler-Suppression ○ Gas ○ Mechanical ○ Mobile/Modular Mover ○ Plumbing ○ Other	Name of Contractor: Address: Phone # Email: State Contractor's License #: Class: ○A ○B ○C Classification: Expiration Date ___/___/___ Specialties **Value of Work:** $

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7750

APPLICANT INFORMATION AND CERTIFICATION

I hereby certify that:

- I have read and examined this application and know the information provided is true and correct. **I understand that knowingly providing false information to obtain a building permit constitutes a Class 4 felony.**
- I acknowledge that the granting of a permit does not presume to give authority to violate or cancel the provisions of any local or state law regulating construction or the performance of construction, and by applying for this permit I hereby agree to adhere to all County and State laws.
- I acknowledge that an application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been pursued in good faith or a permit has been issued.
- I acknowledge that the Code Official shall be permitted to revoke a permit if work on the site authorized by the permit is not commenced within six months after issuance, or if the authorized work on the site is suspended or abandoned for a period of six months after the permit is issued.
- I acknowledge that the permit holder is responsible for calling for an inspection within the 1st six months as proof that work has commenced. Inspections will be required at six-month intervals as proof of continuance of construction and shall extend the permit six months from that date. If no inspections are performed within the six-month interval a request for an extension of the permit may be made in writing to the Code Official, with additional fees charged.
- I acknowledge that the Code Official shall be permitted to require a three-year time limit to complete construction of new detached single-family dwellings, additions to detached single-family dwellings and residential accessory structures. The time limit shall begin from the issuance date of the permit.
- **I acknowledge that the Connection of Service Utilities shall be considered Temporary until a Certificate of Occupancy has been issued.**
- I acknowledge that no inspections shall take place until Sediment and Erosion Control Terms and Conditions are installed, including but not limited to construction entrance installation and silt fence placement.
- **I acknowledge that a Certificate of Occupancy shall not be issued if there exists any Building Code, State Code/Regulation or County Zoning/Ordinance violations.**
- I acknowledge that it shall be the duty of the permit holder or their agent to notify the Code Official that construction has reached a stage where an inspection is required.
- I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as their agent. _____**Agent's Initials**

Todd Ferguson / [signature] / 4-3-24

Name of Applicant: Print Signature Date

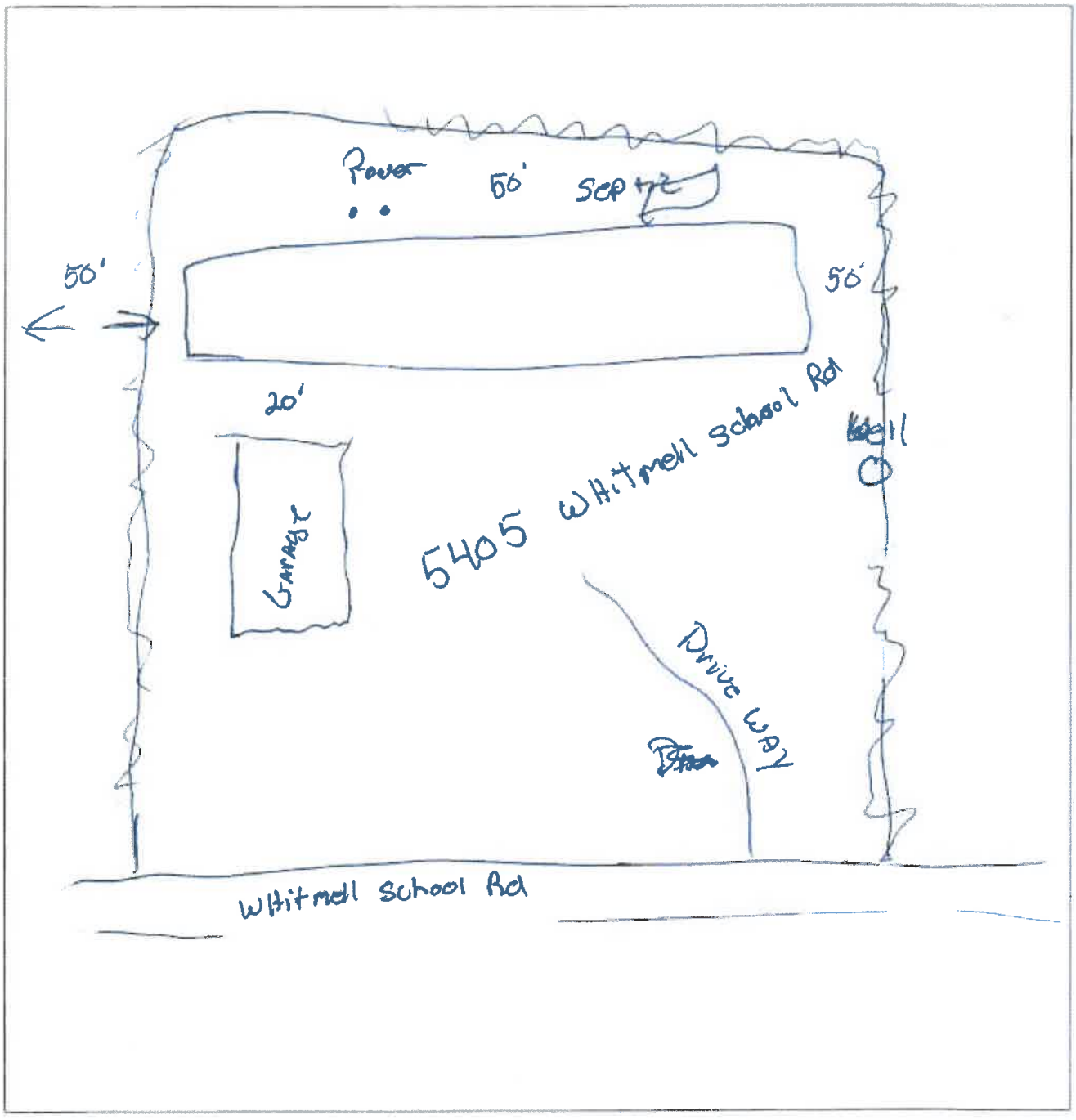
FOR OFFICIAL USE ONLY

Zoning Designation: _____ **Required Setbacks – Front** _____ **Side** _____ **Rear** _____

Flood Zone ○ Yes ○ No Site Plan ○ Yes ○ No Lot Size _____acres Agreement In Lieu Of ○ Yes ○ No	**Notes:**	**Health Dept. Permit #** 171-_____ **VDOT Permit #**
Application Received by:_____ Date: _____		

PROPOSED BUILDING DRAWING; SETBACKS

Ordinance regulations require that a drawing be submitted with each building permit application. Use box below to draw proposed new structure, existing structures, and setbacks to all property lines and between structures.



This drawing is true to the best of my knowledge. I realize, as owner/applicant, if the setback requirement of the Pittsylvania County Zoning Ordinance or the USBC Code are not met the building permit will be null and void.

O-O-

Signature of Owner/Applicant

4-3-24

Date

PITTSYLVANIA COUNTY, VIRGINIA

HOMEOWNER AFFIDAVIT

OWNER'S NAME: Todd Ferguson

PROPERTY ADDRESS: 5405 Whitmell School Rd

TELEPHONE NUMBER: 540-355-9770

THIS DOCUMENT CONTAINS IMPORTANT INFORMATION REGARDING CONTRACTORS LICENSURE LAW AS DEFINED IN VIRGINIA CODE, TITLE 54.1 CHAPTER 11. PLEASE READ CAREFULLY BEFORE SIGNING.

NOTICE TO OWNER

VIRGINIA CODE § 54.1-1111 (Prerequisites to obtaining building, etc., permit): Any person applying to the building inspector or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such inspector or authority that he is duly licensed or certified under the terms of this Chapter to carry out or superintend the same, or (ii) file a written statement, supported by an Affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this Chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid to be qualified to bid upon or contract for the work for which the permit has been applied.

VIRGINIA CODE § 54.1-1101 (Exemptions): The applicant must meet at least one (1) of the criteria listed below to qualify for an exemption. Applicants who qualify for an exemption from licensure requirements shall check the appropriate box below, and then sign the Affidavit in the presence of a Notary Public. The completed Affidavit shall be included with the permit application and other documents for review.

Please check the following appropriate box:

☑ Any person who performs or supervises the construction, removal, repair, or improvement of no more than one (1) primary residence owned by him and for his own use for a period during any twenty-four (24) month period.

☐ Any person who performs or supervises the construction, removal, repair, or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law, and father-in-law.

☐ Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use.

☐ Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act.

☐ Any other specified exemption listed under Virginia Code § 54.1-1101. Please specify exemption:

_____

WARNING

I hereby affirm that I have read Virginia Code § 54.1-1101 and fully understand the contents thereof and that I am not subject to licensure as a contractor or subcontractor. I further affirm that I will be solely responsible for all construction on the described property allowed by permit(s) hereby issued. If the work is performed by any other person or firm employed by me, that person must comply with state and local contractor licensing laws.

Note: It is a violation of Virginia Code (Title 54.1 Chapter 11) to act as a contractor without a license or to accept bids from an unlicensed contractor. If anyone other than the individual named above, performs work which exceeds $1,000.00 (any value if work involves trade work), a license is required. The individual named above shall be responsible for all work performed under this permit.

Todd W. Ferguson 4-8-24

Signature of Owner Date

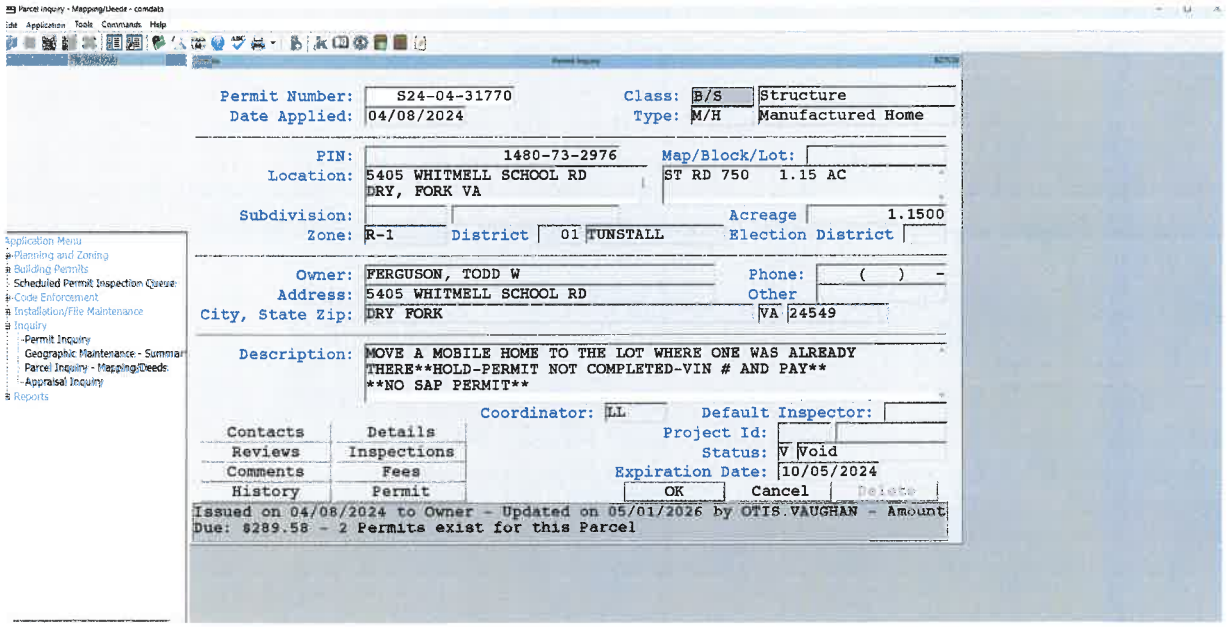
COMMONWEALTH OF VIRGINIA
County of Pittsylvania, to wit:

I the undersigned Notary Public for the aforesaid jurisdiction, do hereby certify that Todd W. Ferguson, owner of the property described in the Affidavit, whose name is signed to the foregoing Affidavit, has appeared before me on this 8TH day of April 2024 and acknowledge the same as true and correct.

Teisha M. Penn
Notary Public

My Commission expires: 06/30/2024

TEISHA M PENN
NOTARY PUBLIC
REG. #7692698
MY COMMISSION EXPIRES
06/30/2024
COMMONWEALTH OF VIRGINIA


Permit Number: S24-04-31770
Class: B/S Structure
Date Applied: 04/08/2024
Type: M/H Manufactured Home
PIN: 1480-73-2976
Map/Block/Lot:
Location: 5405 WHITMELL SCHOOL RD
DRY, FORK VA
ST RD 750 1.15 AC
Subdivision:
Acreage 1.1500
Zone: R-1
District 01 TUNSTALL
Election District
Owner: FERGUSON, TODD W
Phone: ( ) -
Address: 5405 WHITMELL SCHOOL RD
Other
City, State Zip: DRY FORK VA 24549
Description: MOVE A MOBILE HOME TO THE LOT WHERE ONE WAS ALREADY THERE**HOLD-PERMIT NOT COMPLETED-VIN # AND PAY**
NO SAP PERMIT
Coordinator: LL
Default Inspector:
Project Id:
Status: V Void
Expiration Date: 10/05/2024
Contacts
Details
Reviews
Inspections
Comments
Fees
History
Permit
OK
Cancel
Delete
Issued on 04/08/2024 to Owner - Updated on 05/01/2026 by OTIS.VAUGHAN - Amount Due: $289.58 - 2 Permits exist for this Parcel
Application Menu
Planning and Zoning
Building Permits
Scheduled Permit Inspection Queue
Code Enforcement
Installation/File Maintenance
Inquiry
Permit Inquiry
Geographic Maintenance - Summar
Parcel Inquiry - Mapping/Deeds
Appraisal Inquiry
Reports

CLR240000815

R. E. Tax Prcl Nos. 1480-73-2976 & 1480-74-4175 $40,000.00 consid; $41,000.00 assd

Prepared by: Jeffrey S. Smith, Attorney-at-Law VSB #28096

Given to: Jeffrey S. Smith

Mail tax bills to: 5405 Whitmell School Road, Dry Fork, VA 24549

The existence of title insurance as to this property is unknown to the draftsman. TITLE NOT EXAMINED BY DRAFTSMAN.

THIS DEED, made this 27th day of February, 2024, between George Vance Burnette, married (Grantor), and Todd W. Ferguson, ~~un~~ married (Grantee),

-WITNESSETH-

That for and in consideration of TEN DOLLARS ($10.00) cash paid by Grantee to Grantor, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby bargain, sell, grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS of Title, except as hereinafter set forth, unto Grantee, all those certain lots or parcels of land, with improvements thereon, lying and being in Pittsylvania County, Virginia, and more particularly described as follows (the Property):

> PARCEL NO. 1: LOT NO. 1A, CONTAINING 1.15 ACRES, more or less, fronting 200 feet, more or less, on the northeastern margin of Whitmell School Road (State Road No. 750), and more particularly described as follows: BEGINNING at a point on the northeastern margin of Whitmell School Road (State Road No. 750) at a point designated old iron, as shown on Plat Showing Property of A. M. Perkins to be conveyed to W. H. Gibson, dated June 7, 1972,

made by E. L. Moore, C.L.S., thence a line N. 41 degrees 06' E. 258 feet, more or less, to a point in the rear; thence a new line S. 51 degrees 27' E. 200 feet to a point; thence a new line S. 41 degrees 06' W. 250 feet to a point on the northeastern margin of Whitmell School Road (State Road No. 750); thence a new line along the northeastern margin of Whitmell School Road (State Road No. 750) N. 52 degrees 38' W. 27.18 feet to a point, thence continuing along the northeastern margin of Whitmell School Road (State Road No. 750) N. 51 degrees 16' W. 172.82 feet to a point, the point and place of beginning, and being substantially as shown as Lot No. 1A on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia (the "Clerk's Office"), in Deed Book 586, at page 728, to all of which reference is hereby made for a more specific description;

PARCEL NO. 2: LOT NO. 1B, containing 2.10 acres, fronting 30 feet on the northeastern margin of Whitmell School Road (State Road No. 750), as shown on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office in Deed Book 586, at page 728, to which reference is hereby made for a more specific description.

Parcels No. 1 and 2 BEING the same property conveyed to George Vance Burnette from Keith James Flinchum, unmarried, by deed dated April 9, 2021, recorded in the Clerk's Office on April 9, 2021, at page 0121, as instrument no. 21-02273.

This conveyance is made subject to all easements, conditions, restrictions and reservations appearing of record, or apparent on the ground, which affect the Property, and any judgments against Keith J. Flinchum.

This conveyance is being made to a Bona Fide Purchaser as defined in Virginia Code Section 64.2-100 et seq. and the Property is not to be included in any augmented estate of the Grantor.

WITNESS the following signature and seal:

George Vance Burnette (SEAL)
GEORGE VANCE BURNETTE

COMMONWEALTH/STATE OF VIRGINIA:

COUNTY OF PITTSYLVANIA:

The foregoing instrument was acknowledged before me this 27th day of February, 2024, by George Vance Burnette, married, Grantor.

My commission expires: September, 30, 2027.

Notary Registration No.: 158408

Notary Public

JEFFREY S. SMITH
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #158408
My Commission Expires 09/30/2027

INSTRUMENT 240000815
RECORDED IN THE CLERK'S OFFICE OF
PITTSYLVANIA COUNTY CIRCUIT ON
FEBRUARY 27, 2024 AT 03:49 PM
$41.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $20.50 LOCAL: $20.50
ANGIE R. HARRIS, CLERK
RECORDED BY: JCR

CLR240000816

Grvin: **Prepared by Jeffrey S. Smith, Attorney-at-Law**
P. O. Box 10702, Danville, VA 24543 VSB# 28096

PURCHASE MONEY DEED OF TRUST

Tax Map GPIN Nos. 1480-73-2976 & 1480-74-4175

THIS PURCHASE MONEY DEED OF TRUST, made this 27th day of February, 2024, by and between **Todd W. Ferguson**, ~~th~~ he married, Grantor(s), and **Jeffrey S. Smith**, whose business address is **12745 Old Richmond Road, Keeling, Virginia 24566,** mailing address P. O. Box 10702, Danville, Virginia 24543, Trustee, and **George Vance Burnette**, married, his heirs, successors and/or assigns, whose address is **188 Whitmell School Road, Dry Fork, Virginia 24549**, Beneficiary, Grantee,

W I T N E S S E T H:

That for and in consideration of the loan described herein, Grantor does hereby grant and convey with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE and power of sale unto Trustee all of that certain real property, together with improvements located thereon situated in Pittsylvania County, Commonwealth or State of Virginia, and more particularly described as follows:

Note: This deed of trust is being given to secure deferred purchase money.

(See attached for legal description)

which has the address of: 5405 Whitmell School Road, Dry Fork, Virginia 24549

IN TRUST to secure to Beneficiary the payment of:

[X] The Principal sum of **FORTY THOUSAND AND 00/100 DOLLARS** ($40,000.00), together with interest and/or service charges, evidenced by a negotiable promissory note or installment sale contract (the "Agreement") bearing even date herewith and executed or guaranteed by one or more of Grantor(s) or by _____ to the order of Beneficiary and being payable:

[X] in **66** consecutive installments of SEVEN HUNDRED AND 00/100 DOLLARS ($700.00), due on the **1st** day of each month, commencing on the1st day of March, 2024; and one **(1)** final payment of ONE THOUSAND TWENTY-TWO AND 58/100 DOLLARS ($1,022.58), due on the 1st day of September, 2029. Each installment when paid shall be applied first to payment of any service charge(s), then to principal and finally to interest. On the 1st day of September, 2029, any principal and interest then remaining unpaid shall be due and payable.

Grantors, for themselves and all parties who, with the approval of the holder of the Agreement secured by this deed of trust, assume payment of the Agreement, covenants and agrees as follows:

(1) That they are the owner of the real property described above; that they have the right to convey the property; that the property is free from any and all encumbrances undisclosed to Beneficiary; that they will forever warrant and defend title to the property from the claims of all persons; and that they will execute any additional deed or deeds as may be necessary or proper to carry out the true intent and purpose of this instrument.

(2) That each and every of the interior improvements and fixtures, movable or immovable, of every kind and description, in and upon the real property or used in connection with it, and all additions and replacements to the property are fixtures and shall be accessions to the freehold and a part of the realty, and are covered by this deed of trust and included in the terms "real estate," "improvements," "real property" and "property."

(3) That, during the continuance of this trust, they will not do or permit to be done any act or thing to depreciate or impair the value of the property and will not transfer or assign the property; and that they will not make or permit or cause any changes or alterations to be made in the improvements on the property that will materially change their character or the use to which they are devoted and will not raze or remove or cause or allow any existing improvements upon the property to be razed or removed, without the written consent of Beneficiary.

(4) That during the continuance of this trust they will pay all taxes and assessments on the property when due and exhibit receipts to Beneficiary, and will keep the improvements insured against fire and other hazards in some responsible insurance company or companies approved by Beneficiary, for such amounts, and in such form, as Beneficiary may designate, with proper loss payable clause naming Beneficiary. Any amount received from insurance shall be applied to reduce the debt secured by this deed of trust unless Beneficiary waives the right to this reduction. Upon default or neglect to pay taxes and assessments or to insure as provided above, Beneficiary may pay taxes and assessments or have the improvements insured, and the expense shall be a charge secured by this deed of trust and shall bear interest at the rate specified in the Agreement. In the event that the holder of the Agreement shall not be furnished with a new prepaid policy or policies of hazard insurance at least fifteen (15) days prior to expiration of the expiring policy of insurance, Beneficiary may order for the account of Grantor(s) a new policy of insurance with appropriate mortgage clause endorsement, the cost of which shall be secured by this deed of trust. Trustee(s) and Beneficiary are hereby given and granted the privilege and authority to make proof of loss and adjust and collect insurance, and to assign the insurance policies to the purchasers at foreclosure, in which case Grantor(s) shall not be entitled to unearned premiums.

Insurance required: $40,000.00

(5) That in order to secure further the payment of the Agreement and to assure the

observance and performance of all other covenants, conditions and obligations set forth in this deed of trust, Grantor(s) assign(s) and transfer(s) to Beneficiary all of the rents that may from time to time become due and payable on account of and under any and all leases now existing or that may come into existence in respect to the above described real estate, and Beneficiary is fully authorized and empowered in its discretion to apply for, collect and receive all rents, but without liability for failure to collect them; and all money received under or by reason of this assignment shall be held and applied as further security for the payment of the indebtedness and obligations secured by this deed of trust, after first deducting reasonable costs and expenses, including attorneys' fees, court costs and other items of expense as may be incurred in the collection of rents. It is understood and agreed that the entering upon and taking possession of the real estate, either by Beneficiary or by a receiver appointed for that purpose, and the collection of rents and application of rents to the indebtedness secured by this deed of trust, shall not be construed as a waiver of any breach or default or any other right to act in connection with the exercise of the power of sale contained in this deed of trust, but shall be cumulative to the right to declare a default and to any other right or remedy, and the expenses incurred, including reasonable attorneys' fees, shall be secured by this deed of trust. Provided, however, that this assignment of rents shall not become effective or operative until there has been a default in the payment of the note or in one of the covenants, obligations or requirements of this deed of trust.

(6) That in addition to the payments on the Agreement secured by this deed of trust, Grantor(s) will, at the option of Beneficiary, pay to Beneficiary on the day that monthly payments are due one-twelfth (1/12) of the estimated annual taxes assessed against the real property and one-twelfth (1/12) of the estimated premium or premiums for hazard insurance which Beneficiary may require under other provisions of this deed of trust. The Beneficiary shall hold these amounts and use them to pay premiums, taxes and special assessments before they become delinquent. In the event that the amount paid by Grantor(s) on account of taxes and hazard insurance is insufficient to pay them when they become due and payable without penalty, Grantor(s) shall, after demand by the Beneficiary, and, prior to the due date of the next monthly installment due on the Agreement, pay Beneficiary the amount of the deficiency.

(7) That Grantor(s) assign(s), transfer(s) and set(s) over to Beneficiary all and every award of condemnation, and Beneficiary is fully authorized in its discretion to apply for, collect and receive the entire proceeds of any award, to give proper receipts and acquittances for the award, and to apply the award toward payment of the amount outstanding on the obligation secured by this deed of trust, notwithstanding the fact that the amount outstanding is not then due and payable, and Grantor(s) shall, on request, make, execute, and deliver any additional instruments as may be necessary for the collection of any award.

(8) That upon default in the payment of the Agreement secured by this deed of trust or upon the breach of any covenant contained in the Agreement or this deed of trust, or upon default in payment after demand of any sum or sums advanced by Beneficiary on account of any costs, attorneys' fees, or expenses of this trust, or on account of any taxes, assessments, liens, deeds of trust or other encumbrance prior in lien to this deed of trust, then the entire balance

shall become due and payable, at the option of Beneficiary, and at any time thereafter, upon being requested to do so by Beneficiary, Trustee shall proceed to sell the real property at public auction. Advertisement required: once a week for two (2) successive weeks or once a day for three (3) days. If the property shall be advertised for sale and not sold, Trustee shall be entitled to one-half (½) the commission provided by law for such sales, to be computed on the amount of the debt secured by this deed of trust. Bidder's deposit of not more than twenty-five percent (25%) of the amount of the sale may be required. Trustee may also, at his option, require a bidder's bond in an amount not to exceed the entire balance secured by this trust. Distribution of proceeds of the sale shall be in accordance with Section 55.1-324 of the Code of Virginia, as amended to the date of this deed.

(9) That any and all securities, deposits and property of Grantor(s) in the possession of Beneficiary shall be held as one general collateral for the whole or any part of this and any or all other obligations due or hereafter to become due to Beneficiary by Grantor(s); provided, however, that to the extent this deed of trust encumbers Grantor(s)' principal residence, it shall not secure other obligations incurred primarily for personal, family or household purposes. If Grantor(s) default on any other obligation owed Beneficiary the Agreement secured by this deed of trust shall, at the option of Beneficiary, become immediately due and payable.

(10) That Grantor(s) will pay and all costs and expenses incurred with respect to this deed of trust, either by Trustee or by Beneficiary, including reasonable attorneys' fees incurred or paid on account of any litigation at law or in equity which may arise with respect to this trust or other indebtedness of Grantor(s), or with respect to the real property conveyed in this deed of trust, or on account of obtaining possession of the premises after any sale that may be made as provided for in this deed of trust. In addition, Grantor(s) will pay reasonable attorneys' fees incurred by the Trustee or Beneficiary with respect to any dispute or controversy which may arise concerning this deed of trust, and all sums so due and payable by Grantor(s) shall also be secured by this deed of trust.

(11) That the retention by Beneficiary of any payment from Grantor(s) which is less than the amount prescribed by this deed of trust shall not be deemed an accord and satisfaction of the amount due.

(12) That if Grantor(s) shall convey the property or in the event any legal or beneficial interest in the property shall be transferred to any party other than Grantor(s), the entire unpaid balance of the Agreement secured by this deed of trust shall, at the option of Beneficiary, immediately become due and payable.

(13) That if application be made for appointment of a receiver for any of the makers, guarantors or endorsers of the Agreement secured by this trust, or if a voluntary or involuntary petition in bankruptcy be filed affecting the estates of any of them, the entire unpaid balance of the Agreement shall become due and payable, without notice, at the option of Beneficiary.

(14) That whenever in this instrument the context so requires, the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular.

(15) That Grantor(s) is/are also bound by the following short-form provisions, defined in Section 55.1-325 of the Code of Virginia, as amended to the date of this trust:

(a) Exemptions waived
(b) Subject to call upon default
(c) Renewal, extension or reinstatement permitted
(d) Substitution of Trustee permitted; and
(e) Any trustee may act

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

WITNESS the following signatures and seals:

_____(SEAL)
TODD W. FERGUSON

STATE OF VIRGINIA

COUNTY OF PITTSYLVANIA:

The foregoing deed of trust was acknowledged before me this 27th day of February, 2024, by Todd W. Ferguson, Unmarried, Grantor.

JEFFREY S. SMITH
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #158408
My Commission Expires 09/30/2027

_____
Notary Public

My Commission expires: September 30, 2027
Notary Registration No.: 158408

A T T A C H M E N T, E X H I B I T OR S C H E D U L E "A"

RE: TODD W. FERGUSON

(Legal Description):

PARCEL NO. 1: LOT NO. 1A, CONTAINING 1.15 ACRES, more or less, fronting 200 feet, more or less, on the northeastern margin of Whitmell School Road (State Road No. 750), and more particularly described as follows: BEGINNING at a point on the northeastern margin of Whitmell School Road (State Road No. 750) at a point designated old iron, as shown on Plat Showing Property of A. M. Perkins to be conveyed to W. H. Gibson, dated June 7, 1972, made by E. L. Moore, C.L.S., thence a line N. 41 degrees 06' E. 258 feet, more or less, to a point in the rear; thence a new line S. 51 degrees 27' E. 200 feet to a point; thence a new line S. 41 degrees 06' W. 250 feet to a point on the northeastern margin of Whitmell School Road (State Road No. 750); thence a new line along the northeastern margin of Whitmell School Road (State Road No. 750) N. 52 degrees 38' W. 27.18 feet to a point, thence continuing along the northeastern margin of Whitmell School Road (State Road No. 750) N. 51 degrees 16' W. 172.82 feet to a point, the point and place of beginning, and being substantially as shown as Lot No. 1A on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia (the "Clerk's Office"), in Deed Book 586, at page 728, to all of which reference is hereby made for a more specific description;

PARCEL NO. 2: LOT NO. 1B, containing 2.10 acres, fronting 30 feet on the northeastern margin of Whitmell School Road (State Road No. 750), as shown on Map of Lands for A. M. Perkins, dated February 21, 1974, made by Shanks & Wilmarth, Engineers - Surveyors, recorded in the Clerk's Office in Deed Book 586, at page 728, to which reference is hereby made for a more specific description.

Parcels No. 1 and 2 BEING the same property conveyed to Todd W. Ferguson from George Vance Burnette, married, by deed dated February 27th, 2024, to be recorded in the Clerk's Office contemporaneously herewith.

This conveyance is made subject to all easements, conditions, restrictions and reservations appearing of record, or apparent on the ground, which affect the property.

INSTRUMENT 240000816
RECORDED IN THE CLERK'S OFFICE OF
PITTSYLVANIA COUNTY CIRCUIT ON
FEBRUARY 27, 2024 AT 03:50 PM
ANGIE R. HARRIS, CLERK
RECORDED BY: JCR

IN THE CIRCUIT COURT OF PITTSYLVANIA COUNTY, VIRGINIA

TODD FERGUSON,

Petitioner,

v.

PITTSYLVANIA COUNTY VIRGINIA,

Re: **Community Development,** Emily Ragsdale, **Building Inspections,** Jason Inman, Health **Department,** Wesley Marshall **County Attorney,** Vaden hunt **County Administrator,** Vincent Shorter **Assistant administrator,** Dave Arnold

Respondent(s).

Case No. CL24000802-00

PETITION FOR WRIT OF MANDAMUS

COMES NOW the Petitioner, Todd Ferguson, by and through himself (pro se) and petitions this Honorable Court for a Writ of Mandamus to be issued against the Respondent(s), and in support thereof states as follows:

1. **PARTIES**

- Petitioner: Todd Ferguson, residing at 749 FC Beverly Road, Dry Fork, Virginia 24549.
- Respondent: Pittsylvania County,

re: Community development, Building inspections, Health department

Filed in the Clerk's Office of the Circuit Court of Pittsylvania County
the 15 day of October 2024 at 8:05 am/pm.
Angie R. Harris, Clerk
By: Crystal Powell Deputy Clerk

b. Declare that, pursuant to Va. Code § 35.1-165(C), no additional sewage disposal system permit or certification is required in this case, as there is no increase in flow, no change in system location, and no signs of system failure;

c. Order Respondent to cease any threats of fines or penalties related to this matter;

d. Award Petitioner damages in the amount of $10,100 Dollars to compensate for the additional costs incurred due to the improper permit denial;

e. Award Petitioner costs and fees associated with bringing this action;

f. Grant such other relief as the Court deems just and proper.

LEGAL AUTHORITIES

The following authorities support this Court's power to issue a Writ of Mandamus and to provide the relief requested by the Petitioner:

1. **Jurisdiction and Power to Issue Writ of Mandamus**

a. Va. Code § 17.1-513 - Jurisdiction of circuit courts

- Provides circuit courts with authority to issue writs of mandamus

b. Gannon v. State Corp. Comm'n, 243 Va. 480, 416 S.E.2d 446 (1992)

- Establishes that mandamus is the proper remedy to compel performance of a ministerial act

2. **Building Permit Issuance**

a. Va. Code § 36-105 - Enforcement of Building Code; appeals from decisions of local department

- Outlines the process for building permit issuance and appeals

2. **JURISDICTION AND VENUE**

- This Court has jurisdiction to issue a Writ of Mandamus pursuant to Va. Code § 17.1-513.

- Venue is proper in this Court as the Respondent is located and the acts in question occurred in Pittsylvania County, Virginia.

3. **FACTUAL BACKGROUND**

- On or about the 3rd day of April 2024 Petitioner submitted a building permit application to place a three-bedroom mobile home on his property located at 5405 Whitmill school Rd. Dr. Ford VA 24549

- The new mobile home would replace an existing three-bedroom mobile home, resulting in no increase in bedroom count or expected sewage flow.

- The existing mobile home has been removed due to a fire in December of 2023

- There are no signs of failure in the existing sewage disposal system on the property.

- Petitioner is not proposing any change to the location of the existing sewage disposal system.

- Respondent denied the building permit application, citing a need for a "safe, adequate, and proper" certification from the Health Department under Virginia Code § 35.1-165.

- Petitioner contends this requirement is misapplied based on the provisions of Va. Code § 35.1-165(C), which explicitly exempts his situation from requiring a SAP (safe adequate and proper) **(Exabit A)**

- Petitioner has made multiple attempts over [6-7] months to resolve this issue through meetings and a formal appeal letter. **(Exabit B)**

- Respondent failed to issue a formal denial in writing within the statutorily required timeframe, which is usually within 30 to 60 days, thus should have resulted in an automatic approval of the permit. **(Exabit C)**

- Respondent has threatened Petitioner with fines if he proceeds with the work.

- As a result of the denial, Petitioner has incurred significant financial hardship, including approximately $700 per month in additional rent and $500 per month in storage fees for the new mobile home, 20 hours of time @80 per hr., travel expenses at $100 totaling approximately $10,100.00 to date.

4. **GROUNDS FOR MANDAMUS**

- Respondent has a clear legal duty to issue building permits that comply with applicable laws and regulations, including Va. Code § 35.1-165.

- Petitioner has a clear legal right to the issuance of the building permit because:

a. The permit application complies with all applicable laws and regulations.

b. Under Va. Code § 35.1-165(C), no safe adequate and proper is required for the replacement of a dwelling when:

i. There is no increase in flow,

ii. There is no change in the location of the existing sewage disposal system, and you are not building anything that would encroach upon the septic system.

iii. There are no signs of failure of the existing sewage disposal system.

c. Petitioner's replacement of a three-bedroom mobile home with another three-bedroom mobile home does not result in an increase in flow.

d. Petitioner is not changing the location of the existing sewage disposal system.

e. There are no signs of failure in the existing sewage disposal system on the property.

f. The existing mobile home was burned and has been removed from the property.

g. Respondent failed to deny the permit within the required timeframe, which should result in automatic approval.

- Petitioner has no other adequate remedy at law, as administrative appeals have been exhausted or made impossible due to financial constraints.

- The issuance of the permit is a ministerial act, not a discretionary one, once all legal requirements are met.

5. **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

a. Issue a Writ of Mandamus ordering the Respondent to immediately issue the requested building permit for the placement of the new three-bedroom mobile home;

b. Va. Code § 35.1-165 - Permits for septic tanks and other sewage disposal systems

- Specifically, subsection (C), which exempts certain dwelling replacements from requiring new permits

3. **Due Process in Administrative Proceedings**

a. U.S. Const. amend. XIV, § 1 - Due Process Clause

- Guarantees due process in state actions

b. Va. Const. art. I, § 11 - Due process of law; obligation of contracts; taking or damaging of private property

- Ensures due process rights under Virginia law

c. Goldberg v. Kelly, 397 U.S. 254 (1970)

- Establishes the right to a hearing before deprivation of certain property interests

4. **Access to Courts and Appeals**

a. Boddie v. Connecticut, 401 U.S. 371 (1971)

- Holds that due process prohibits a state from denying access to its courts solely because of inability to pay court fees

b. M.L.B. v. S.L.J., 519 U.S. 102 (1996)

- Reaffirms that access to judicial processes cannot be limited by ability to pay in certain fundamental rights cases

5. **Ministerial Duties of Government Officials**

a. Richlands Medical Ass'n v. Commonwealth, 230 Va. 384, 337 S.E.2d 737 (1985)

- Defines ministerial acts as those which officials are required to perform in a prescribed manner without regard to his own judgment

6. **Damages in Mandamus Actions**

a. Va. Code § 8.01-644 - How judgment awarded in mandamus proceedings

- Allows for damages to be awarded in mandamus proceedings

These authorities collectively establish this Court's power to issue a Writ of Mandamus, compel the issuance of a building permit, address due process violations, and award damages in this case.

Respectfully submitted,

Todd Ferguson

749 FC Beverly Road

Dry Fork, Virginia 24549

5403559770

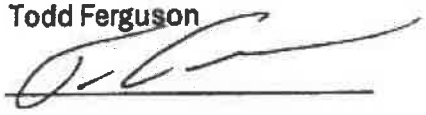
Fergusont844@gmail.com

Date:10/11/2024

VERIFICATION

I, Todd Ferguson, hereby state under oath that I have read the foregoing Petition for Writ of Mandamus and that the factual allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Todd Ferguson



Todd Ferguson

Sworn to and subscribed before me this11 day of October, 2024.

_____

Notary Public

10/11/2024

Exabit A

Code of Virginia
Title 32.1. Health
Chapter 6. Environmental Health Services

§ 32.1-165. Prior approval required before issuance of building permit; approved sewage system or nonconforming system.

A. No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of such permit has been approved by the Review Board. "Safe, adequate, and proper" means a treatment works that complies with applicable regulations of the Board of Health that are in effect at the time of application.

B. The Commissioner shall develop an application and procedure for evaluating an installed treatment works and to determine whether to authorize issuance of a permit for a building designed for human occupancy.

C. Nothing in this section shall be construed to prevent the Commissioner or his agent from approving the use of a nonconforming treatment works, provided the treatment works was installed in accordance with the Board of Health's applicable regulations in effect at the time of its installation, is not failing, and is designed and constructed for the sewage flow and strength expected from the building.

D. Nothing in this section shall be construed to prevent an owner of real property from receiving a voluntary upgrade pursuant to § 32.1-164.1:3, or other permit, as a condition of approval as a nonconforming treatment works.

E. The Board, Commissioner, and Department may accept a certified evaluation from (i) a professional engineer licensed pursuant to Chapter 4 of Title 54.1; (ii) an onsite soil evaluator, onsite sewage system operator, or onsite sewage system installer licensed pursuant to Chapter 23 of Title 54.1; (iii) or other individual with an appropriate certification from the National Sanitation Foundation, or equivalent. The Department may perform an inspection of the certified evaluation but shall not be required to perform a field check prior to the issuance of the written authorization in subsection A.

Code 1950, § 32-9; 1954, c. 646; 1964, c. 436; 1970, c. 645; 1972, c. 775; 1979, c. 711; 1984, c. 457; 2016, c. 96.

Exabit B
Pg 1

Todd Ferguson
749 f c Beverly
Dry fork, Virginia
Fergusont844@gmail.com
(540)-355-9770
Friday September 27 2024

Building and Zoning Department
Pittsylvania County, Virginia
53 Banks St.
Chatham Virginia 24531

Re: Appeal for Denial of Building Permit and Request for Fee Waiver

To Whom It May Concern,

I am writing to formally appeal the denial of my building permit application and to request a waiver of the $200 appeal fee. This letter also serves to express my deep concern regarding violations of my due process rights under the law.

Despite submitting the necessary corrections for my building permit application on multiple occasions, I have been denied approval for the following reasons:
1. Initially, a contractor to move the modular home was required.
2. Second, I was asked to provide an affidavit for electrical and plumbing connections.
3. Third, it was stated that a 'Safe, Adequate, and Proper' approval from the health department was required, although I am replacing a three-bedroom mobile home with another three-bedroom mobile home on the same site, causing no increase in flow or signs of septic system failure.

This process has been ongoing for over six months, significantly impacting my financial stability. During this period, I have incurred the following costs:
- $700 per month in rent.
- $700 per month on the property mortgage.
- $500 per month in storage costs for the mobile home.

Exhibit B
Pg 2

Currently, the accumulated extra expenses total approximately $7,200, severely straining the budget initially allocated for setting up the mobile home. The delay in issuing the building permit has exacerbated these costs, highlighting the urgency and necessity of resolving this matter promptly.

Further, when I inquired about filing an appeal and requested an indigent form, I was informed that no such form existed, and I would need to pay the $200 fee to proceed. As I understand my right to an administrative appeal, this fee should not be a barrier, especially given my current financial hardship.

Therefore, I am requesting the following:
1. Immediate processing of my appeal without the $200 fee due to financial hardship.
2. A thorough review and expedited resolution of my building permit application.

I firmly believe that the requirement to pay the $200 fee for exercising my right to an appeal constitutes a denial of due process, thus directly affecting my rights under the law.

Thank you for your prompt attention to this urgent matter. I look forward to a favorable resolution and the opportunity to move forward with my housing project.

Sincerely,

Todd Ferguson



PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7754

Exhibit C

June 4, 2024

Todd Ferguson
749 F C Beverly Road
Dry Fork, VA 24549

Sent Certified: 7022 2410 0003 0316 0768, also by USPS.

RE: Property GPIN # 1480-73-2976
5405 Whitmell School Road
Dry Fork, VA 24549

To Whom It May Concern:

This letter is to serve as notice that building permit number S24-04-31820 will be approved for a temporary source of power as stated in the 2018 International Residential Code (IRC) Section R107.3. A 100-amp temporary power supply shall be constructed to 2017 National Electrical Code (NEC) Article 590 and its use shall comply with 2017 NEC Article 590.3 (A)(D). This temporary power supply shall be active for the 180 days the building permit is valid per International Residential Code (IRC) Section R105.5. This permit was obtained on April 08, 2024, and will expire on Saturday October 5, 2024. Because temporary wiring installations may not meet all the requirements for a permanent installation due to the modifications permitted by Article 590, all temporary wiring not only must be disconnected but also removed from the building, structure, or other location on or before October 5, 2024. This permit may be suspended or revoked per 2018 International Residential Code (IRC) Section R105.6 if there exists any violation of any ordinance or regulation or any of the provisions of the building code. This shall also extend to the disconnection of temporary power if it is used for any other purpose than what is intended per 2017 NEC Article 590.3(A). Please also be aware that per the Pittsylvania County Code § 35-74. Accessory and Temporary Buildings, accessory structures are only allowed as an accessory to a principle use in residential districts.

An application was also submitted on April 03, 2024, for the installation of a 1991 singlewide manufactured home. Per International Residential Code (IRC) Section R105.3.2, the application will expire on September 30, 2024. If you would like to pursue this application, please recheck the VIN# you provided (NCFLM41A22054VO). This VIN number does not show as valid with the Department of Motor Vehicles. If this number is correct, please provide this office with the title stating this. You will also need to provide this office with a copy of the permit for a safe, adequate, and proper (SAP) to ensure that sewage treatment is available per Code of Virgina (COV) Title 32.1. Health, Chapter 6. Environmental Health Services. The SAP can be obtained from the Virgina Department of Environmental Health located at located at 200 H.G. McGhee Drive, Chatham, VA 245431. You may also contact them at (434) 433-3544.

Jason Inman, Code Official
Jason.Inman@pittgov.org

- Defines ministerial acts as those which officials are required to perform in a prescribed manner without regard to his own judgment

6. **Damages in Mandamus Actions**

a. Va. Code § 8.01-644 - How judgment awarded in mandamus proceedings

- Allows for damages to be awarded in mandamus proceedings

These authorities collectively establish this Court's power to issue a Writ of Mandamus, compel the issuance of a building permit, address due process violations, and award damages in this case.

Respectfully submitted,

Todd Ferguson

749 FC Beverly Road

Dry Fork, Virginia 24549

5403559770

Fergusont844@gmail.com

Date:10/17/2024

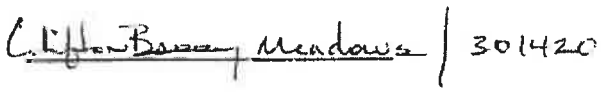
VERIFICATION

I, Todd Ferguson, hereby state under oath that I have read the foregoing Petition for Writ of Mandamus and that the factual allegations contained therein are true and correct to the best of my knowledge, information, and belief.



Todd Ferguson

Sworn to and subscribed before me this 17 day of October, 2024.



Notary Public

Outlook

RE: Meeting w/ Todd Ferguson re Permitting Requirements

From Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>
Date Mon 4/29/2024 10:42 AM
To Hollye M. Keesee <hollye.keesee@pittgov.org>
Cc Jason Inman <Jason.Inman@pittgov.org>

Wesley.Marshall@vdh.virginia.gov
Kelly.Waller@vdh.virginia.gov

Emily Ragsdale, AICP, CZA
Community Development
Director

Email: Emily.Ragsdale@pittgov.org
Tel: (434) 432-7974
Fax: (434) 432-7919

PITTSYLVANIA COUNTY, VIRGINIA

53 North Main Street, Chatham, VA, 24531, P.O. Box 426

Pittsylvaniacountyva.gov/development

Any e-mail or other correspondence sent to a member of the Board of Supervisors, or any other public official or employee of Pittsylvania County, Virginia (the "County"), in the transaction of public business, is considered a public record. Public records are subject to the Virginia Freedom of Information Act ("VA FOIA"). Virginia law requires the County to provide a copy of any such e-mail, upon request, for inspection and copying to any citizen of the Commonwealth, or to any member of the news media, unless lawfully exempted from production/disclosure under VA FOIA. If you have received this email or any attachments in error, please notify the sender immediately at (434) 432-7700, and by reply email, and delete this email and any attachments to it from your inbox, sent items, and deleted items. Thank you.

From: Hollye M. Keesee <hollye.keesee@pittgov.org>
Sent: Monday, April 29, 2024 10:31 AM
Cc: Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>
Subject: RE: Meeting w/ Todd Ferguson re Permitting Requirements

Emily/Jason-

Do you have the email address for Kelly and Wesley that are mentioned below? I need to send out a Doodle poll since there are so many involved.

Thanks!

Hollye M. Keesee
County Administration
Senior Administrative Assistant

Email: hollye.keesee@pittgov.org
Tel: 434-432-1979
Fax: (434) 432-7714

PITTSYLVANIA COUNTY, VIRGINIA

1 Center Street, Chatham, VA, 24531, P.O. Box 426

Pittsylvaniacountyva.gov

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From: Dave Arnold <Dave.Arnold@pittgov.org>
Sent: Monday, April 29, 2024 9:34 AM
To: Hollye M. Keesee <hollye.keesee@pittgov.org>
Cc: Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>
Subject: Meeting w/ Todd Ferguson re Permitting Requirements

Hollye,
Would you mind scheduling a meeting for sometime this week or next week with Todd Ferguson (property owner of 5405 Whitmell School Rd.), Emily, Jason, Kelly Waller (Health Dept), Wesley (?, Health Dept.), and myself to discuss his permitting requirements? Please check w/ Emily and Jason on the contact info for the Health Dept. folks. Below is Todd Ferguson's contact info.

Fergusont844@gmail.com, 540-355-9770

Thanks,
Dave

Dave Arnold
County Administration
Assistant County Administrator

Email: Dave.Arnold@pittgov.org

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Outlook

RE: Meeting w/ Todd Ferguson re Permitting Requirements

From Hollye M. Keesee <hollye.keesee@pittgov.org>
Date Mon 4/29/2024 10:30 AM
Cc Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>

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Do you have the email address for Kelly and Wesley that are mentioned below? I need to send out a Doodle poll since there are so many involved.

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Subject: Meeting w/ Todd Ferguson re Permitting Requirements

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Fergusont844@gmail.com, 540-355-9770

Thanks,

Dave

Dave Arnold
County Administration
Assistant County Administrator

Email: Dave.Arnold@pittgov.org

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Meeting w/ Todd Ferguson re Permitting Requirements

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Dave

Dave Arnold
County Administration
Assistant County Administrator

Email: Dave.Arnold@pittgov.org

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Outlook

Meeting regarding Permitting Requirements

From Hollye M. Keesee <hollye.keesee@pittgov.org>

Date Mon 4/29/2024 12:11 PM

To 'Fergusont844@gmail.com' <Fergusont844@gmail.com>; Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>; 'Wesley.Marshall@vdh.virginia.gov' <Wesley.Marshall@vdh.virginia.gov>; 'Kelly.Waller@vdh.virginia.gov' <Kelly.Waller@vdh.virginia.gov>

Cc Dave Arnold <Dave.Arnold@pittgov.org>

Good afternoon-

I am trying to schedule a meeting for Dave Arnold, Assistant County Administrator of Pittsylvania County, regarding permitting requirements for Todd Ferguson at 5405 Whitmell School Road. Please select all times that you are available to meet at the County Administration office in Chatham. There are a lot of times showing, but with a group this size, it is easier to nail down a time.

https://doodle.com/meeting/participate/id/dP5M02ze

Let me know if you have any questions,

Hollye M. Keesee
County Administration
Senior Administrative Assistant

Email: hollye.keesee@pittgov.org
Tel: 434-432-1979
Fax: (434) 432-7714

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Outlook

Accepted: Meeting regarding Permitting Requirements - Todd Ferguson

From Jason Inman <Jason.Inman@pittgov.org>
Date Tue 4/30/2024 9:01 AM
To Hollye M. Keesee <hollye.keesee@pittgov.org>

1 attachment (1 KB)

;

Outlook

Meeting regarding Permitting Requirements - Todd Ferguson

From Hollye M. Keesee <hollye.keesee@pittgov.org>

Date Tue 4/30/2024 8:34 AM

To Dave Arnold <Dave.Arnold@pittgov.org>; Emily Ragsdale, AICP, CZA <Emily.Ragsdale@pittgov.org>; Jason Inman <Jason.Inman@pittgov.org>; Wesley Shelton <Wesley.Shelton@pittgov.org>; 'Kelly.Waller@vdh.virginia.gov' <Kelly.Waller@vdh.virginia.gov>; 'Fergusont844@gmail.com' <Fergusont844@gmail.com>

1 attachment (3 KB)

;

This meeting will take place in the Main Conference room in the County Administration Building at 1 Center Street, Chatham, VA 24531.

Outlook

Read: Meeting regarding Permitting Requirements - Todd Ferguson

From Jason Inman <Jason.Inman@pittgov.org>
Date Tue 4/30/2024 9:01 AM
To Hollye M. Keesee <hollye.keesee@pittgov.org>

1 attachment (297 bytes)
;

Your message

To: Jason Inman
Subject: Meeting regarding Permitting Requirements - Todd Ferguson
Sent: Tuesday, April 30, 2024 8:34:16 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, April 30, 2024 9:01:42 AM (UTC-05:00) Eastern Time (US & Canada).

Board of Building Code Appeals

4-year terms

Spencer Walker, Jr. *December 31, 2025* 106 Jeanette Drive 434-251-3256 Texasah24540@yahoo.com	**Chase Fitzgerald** *December 31, 2025* 159 Capri Court Danville, VA 24541 434-489-6903 chaseofitzgerald@gmail.com
Gretchen Clark *December 31, 2025* 3812 West Gretna Road Gretna, VA 24557 434-485-2478 glcark@reynoldsclark.com	**Scottie Lavinder** *December 31, 2025* 400 Dogwood Drive Danville, VA 24541 434-250-6772 sslavinder419@gmail.com
Jack Holmes *December 31, 2025* 5881 Callands Rd Chatham, Virginia 24531 434-432-1347 holmes.ja53@yahoo.com	

Start Date/Time	Duration (hh:mm:ss)	Duration (seconds)	Extension Used	Reported Dialed/CLI Number	Call Destination	Call Type	Trunk	Cost	Call Direction	CDR Source Name	Personnel	Inventory ID
4/3/2024 11:34:23 AM	00:10:55	655	7974	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.55	O	PITUC560	Ragsdale, Emily	7974
6/11/2024 12:16:34 PM	00:00:29	29	7754	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.05	O	PITUC560	Inman, Jason	7754
6/18/2024 10:51:36 AM	00:01:20	80	7720	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.10	O	PITUC560	Worley, Arlene	7720
10/7/2024 10:00:08 AM	00:00:37	37	7720	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.05	O	PITUC560	Worley, Arlene	7720
10/7/2024 10:07:47 AM	00:00:09	9	7720	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.05	O	PITUC560	Worley, Arlene	7720
10/7/2024 01:54:35 PM	00:00:39	39	7720	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.05	O	PITUC560	Worley, Arlene	7720
10/7/2024 02:54:43 PM	00:00:14	14	7720	1-540-355-9770	ROANOKE, VA	Long Distance	192.168.6.20	$0.05	O	PITUC560	Worley, Arlene	7720


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