



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 01, 2020

**TO:** Chairman and Members  
Fairfax County Board of Building and Fire Code Appeals

**FROM:** Manuel Felipe  
Code Compliance Investigator  
Department of Code Compliance

**SUBJECT:** June 08, 2020 Appeal Hearing

**REFERENCE:** Pauline Michaela Veluz Mercado  
Lance Jeffrey Gunther

**ADDRESS:** 641 Tazewell Road NW  
Vienna, Virginia 22180

**LOCATION OF VIOLATION:** 641 Tazewell Road NW  
Vienna, Virginia 22180

**TAX MAP REF:** 0381 06 0055

**CODE:** 2015 Virginia Uniform Statewide Building Code, Part I

Staff of the Department of Code Compliance (DCC) respectfully requests that the Fairfax County Board of Building and Fire Code Appeals (Board) uphold the decision in the Notice Of Violation dated April 25, 2020 that the referenced residential property is in violation of the 2015 Virginia Uniform Statewide Building Code, Part I (VUSBC), Section 108.1 When Applications are Required, and Section 113.3 Minimum Inspections.

### **Background Information**

The referenced residential property was purchased by the appellant on approximately April 2019. This single-family dwelling was constructed in 1955, with three bedrooms and two bathrooms. In response to a complaint regarding unpermitted work, of interior construction and outdoor construction materials, an inspection was conducted on January 29, 2020.

During the inspection, DCC Investigator Manuel Felipe, revealed interior doors and trim work outside of this recently remodeled single-family dwelling. A door hanger was placed on the front door. Investigator Felipe scheduled an interior inspection with Mrs. Pauline Mercado, which was conducted on February 13, 2020 after several missed phone calls and e-mail exchanged. Please see attached pictures.

During the inspection of February 13, 2020 this investigator explained the reason for the visit to Mrs. Pauline Mercado, and revealed a new gas range installed, a door swinging over a

landing, and a bedroom enlarged on the main level after Mrs. Mercado showed me and stated what they have done to the property. Mrs. Mercado then showed me the basement after obtaining permission from the tenant which lives in the basement. Please see attached pictures.

- County records revealed no permits on file for the construction, and alterations discovered of the interior, bedrooms, basement alterations, second kitchen, or gas range.
- Alterations, and installation to the electrical, plumbing, and framing systems were performed without the benefit of required permits and inspections.

### **Notice**

A Notice of Violation (NOV) was issued to the owners, on April 29, 2020. Based on the February 13, 2020, inspection performed in response to a complaint filed on January 23, 2020.

The investigation revealed:

- An interior door was installed leading to the basement, which opens over the landing.
- The floor plan to the basement was modified by the construction of walls and creating of a room, which included electrical, framing interior covering and openings.
- A second kitchen was installed in the basement of the subject property, which included electrical connections, and a range hood.
- Alteration to the main level floor plan was modified by the construction of new walls and removal of a load bearing wall, which included framing, electrical and interior coverings.
- The main level of the subject property was converted from a three bedroom to a two bedroom, and a closet.
- Recess lighting was installed on the main level bedroom area.
- A gas stove was installed on the main level kitchen area, which included gas connections.
- A wood burning appliance was installed in the basement of the subject property.

### **Appellant Position**

The appellant's position indicates the alterations were done by a reputable contractor, which he did not provide the name or company of the contractor. The appellant also indicated that some items on the list of the Notice of Violation are pre-existing.

### **County Position**

The appellant does not deny the violations exist. The appellant states that some work was done by a reputable contractor and some items listed in violation were pre-existing. However, the alterations conducted at the subject property requires permits, inspections and approvals. County records shows no permits, inspections or approvals for the alteration, construction, and installation, were ever obtained. As such, staff asks that the Board uphold the Building Official and the VUSBC.

**Recommendation**

The property owner should bring the property into compliance with the 2015 Virginia Uniform Statewide Building Code, Part I (VUSBC), as directed in the Notice of Violation by obtaining the required permits, inspection and approvals.

Based on the facts provided, staff recommends the Board uphold the decision of the Code Official without deferrals and allow staff to continue with the appropriate enforcement and legal proceedings as authorized in the VUSBC.