

To whom it may concern,

Pertaining to the alleged issues at our house I have a few points and concerns. I was not ignoring any laws, the wall in our bedroom was built to code. I used a reputable contractor that knows Fairfax county code. I did not realize I needed permits for the new wall. The door from the basement to the kitchen needs to be hinged on the other side, this was my mistake I installed it and can fix it. These are interior items and I just simply did not know I needed permits. The oven in the basement should have been installed to code. If I have to remove it, I will take it out myself immediately.

I am very concerned with everything else that was on the list. We bought the house approximately ten months ago and I had no warning that any of the other items would be a problem. As a new homeowner I should have been told that these are issues I could be held accountable for. This house has been sold to a few different home owners that obviously lived here with these issues. Shouldn't I be grandfathered or protected ?

The house was expensive for me and I am financially very tight. What was supposed to be a very exciting time for my wife and I has turned into a scary situation. I feel like I'm in the dark on what I am going to have to do and I don't have any idea of cost. I don't want to be difficult but I also don't want to be forced into a position where we would have to move at a major loss. I also was not informed I could appeal until we got the second notice and I figured I could at least try to protect some of our rights.

The last and most major issue is covid-19. My wife has asthma and remains on strict lockdown. We don't want contractors or anyone coming into our house for her safety. That's something we obviously take very seriously.

Please let me know where we go from here?

Thanks for your time and consideration.

Respectfully,
Lance Gunther



Building Code Appeal Request

PROJECT INFORMATION

Project Name: LANCE GUNTHER
Project Address: 641 TAZEWELL RD. NW VIENNA VA 22180
Permit or case number: Tax map number: 0381 06 0055

APPLICANT INFORMATION

202000400
SE# 168984
Applicant Name: Owner Owner's agent LANCE GUNTHER
Address: 641 TAZEWELL RD NW
City: VIENNA State: VA ZIP: 22180
Phone: 7035997230 Email: LGUNTHER1@YAHOO.COM

OWNER INFORMATION

See applicant information

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

APPEAL INFORMATION

Appealing decision made on the date of by Building Official Fire
Official Property Maintenance Official rendered on the following
date:

Code(s) (IBC, IMC, IPMC, etc.) and year-edition:
Section(s):

REQUEST/SOLUTION

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

TO WHOM IT MAY CONCERN,



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Virginia Construction Code

DATE OF ISSUANCE: April 25, 2020

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: 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

CASE #: 202000400 **SR#:** 168984

ISSUING INVESTIGATOR: Manuel Felipe, (703) 324-1190

You were issued a Corrective Work Order on February 19, 2020 for violations of the Virginia Construction Code, Part I of the Virginia Uniform Statewide Building Code (USBC), 2015 Edition, effective September 4, 2018. Staff confirmed on April 23, 2020, that the violations itemized below remain.

Explanation: On February 13, 2020, County staff inspected the above referenced residential property and discovered that construction, alterations, and installations have been performed without the issuance of the required permit(s), inspections, and approvals. The construction, alterations, and installations are, but not limited to, the following:

- A 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.

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

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- 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.

Permits that may be required, but are not limited to, are the following: Building, Electrical, Mechanical, Plumbing, Demolition, Small Appliance

Order: Pursuant to the USBC, *Section(s) 108.1 When applications are required, Section 113.3 Minimum Inspections, Section 113.8 Final Inspection, and Section 116.1 Certificates of Occupancy*, you are hereby directed to apply for and obtain the required permit(s), inspections, and approvals for the work described above or demolition of same at the above referenced address.

Apply for and obtain the necessary County permits for the work described herein within thirty (30) calendar days from the date you receive this notice or obtain a County permit to demolish the work described herein within the same timeframe. No requirement to meet with DCC Investigator.

Contact Investigator Manuel Felipe to schedule a pre-application meeting prior to the submission of permit application documents. This meeting is to ensure all cited violations are addressed in your permit application and/or construction documents. Your permit application will not be accepted by the Permit Application Center without this review from the Department of Code Compliance. Apply for and obtain the necessary County permits for the work described herein within set calendar days from the date you receive this notice or obtain a County permit to demolish the work described herein within the same timeframe.

- Contact me at (703) 324-1190, TTY 711 within the timeframe established to confirm the violations(s) have been abated.
- A COPY OF THIS NOTICE MUST REMAIN AS PART OF YOUR CONSTRUCTION DOCUMENTS
- A FLOOR PLAN IDENTIFYING ALL CITED VIOLATIONS IS REQUIRED TO RECEIVE THE DCC STAMP BY YOUR INVESTIGATOR PRIOR TO SUBMISSION WHERE IT IS TO REMAIN AS PART OF YOUR CONSTRUCTION DOCUMENTS

Once the permit is issued, call (703) 631-5101, TTY 711 to schedule all building inspections related to this matter. Please reference Case 202000400. This notice must be available for County field staff throughout the inspection process. Failure to call for the required inspections within thirty (30) calendar days will result in the initiation of the legal process

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Note:

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

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

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

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

You are directed to notify Manuel Felipe by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-1190 within three (3) working days from the date you receive this Order.

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

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

Secretary to the Fairfax County Local Board of Building Code Appeals
Attention:
Secretary to the Fairfax County Local Board of Building Code Appeals

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Land Development Services
12055 Government Center Parkway, Suite 334
Fairfax, Va. 22035-5504
Telephone: (703) 324-5175, TTY 711

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

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

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-1190 or the main office at (703) 324-1300.

Notice Issued By:

Signature

Investigator, Manuel Felipe
(703) 324-1190
Manuel.Felipe@fairfaxcounty.gov
Technical Assistant to the Building Official
Department of Code Compliance

PERSONAL SERVICE _____

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

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

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER

_____ for _____

DATE _____

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