



**BUILDING CODE BOARD OF APPEALS REGULAR MEETING
AGENDA**

CITY COUNCIL CONFERENCE ROOM; ROOM 425

May 14, 2025

1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. ELECTION OF OFFICERS

1. Election of Officers

D. ACTION ITEMS

1. CONSIDERATION OF APPEAL FILED BY BOBBY JAMES AND JUSTIN WILLIAMS,
THE OWNER OF THE PROPERTY LOCATED AT 1521 GOODYEAR BLVD DANVILLE
VA

OTHER BUSINESS

F. ADJOURN



STAFF REPORT

DATE: May 14, 2025
TO: Building Code Board of Appeals
FROM: Christopher (Ryan) Dodson, Assistant City Attorney
RE: Election of Officers

ATTACHMENTS

None



STAFF REPORT

DATE: May 14, 2025
TO: Building Code Board of Appeals
FROM: Tammy Kost, Permit Technician
RE: CONSIDERATION OF APPEAL FILED BY BOBBY JAMES AND JUSTIN WILLIAMS, THE OWNER OF THE PROPERTY LOCATED AT 1521 GOODYEAR BLVD DANVILLE VA

BOARD OF BUILDING CODE APPEALS FILED BY BOBBY JAMES AND JUSTIN WILLIAMS FOR PROPERTY 1521 GOODYEAR BLVD

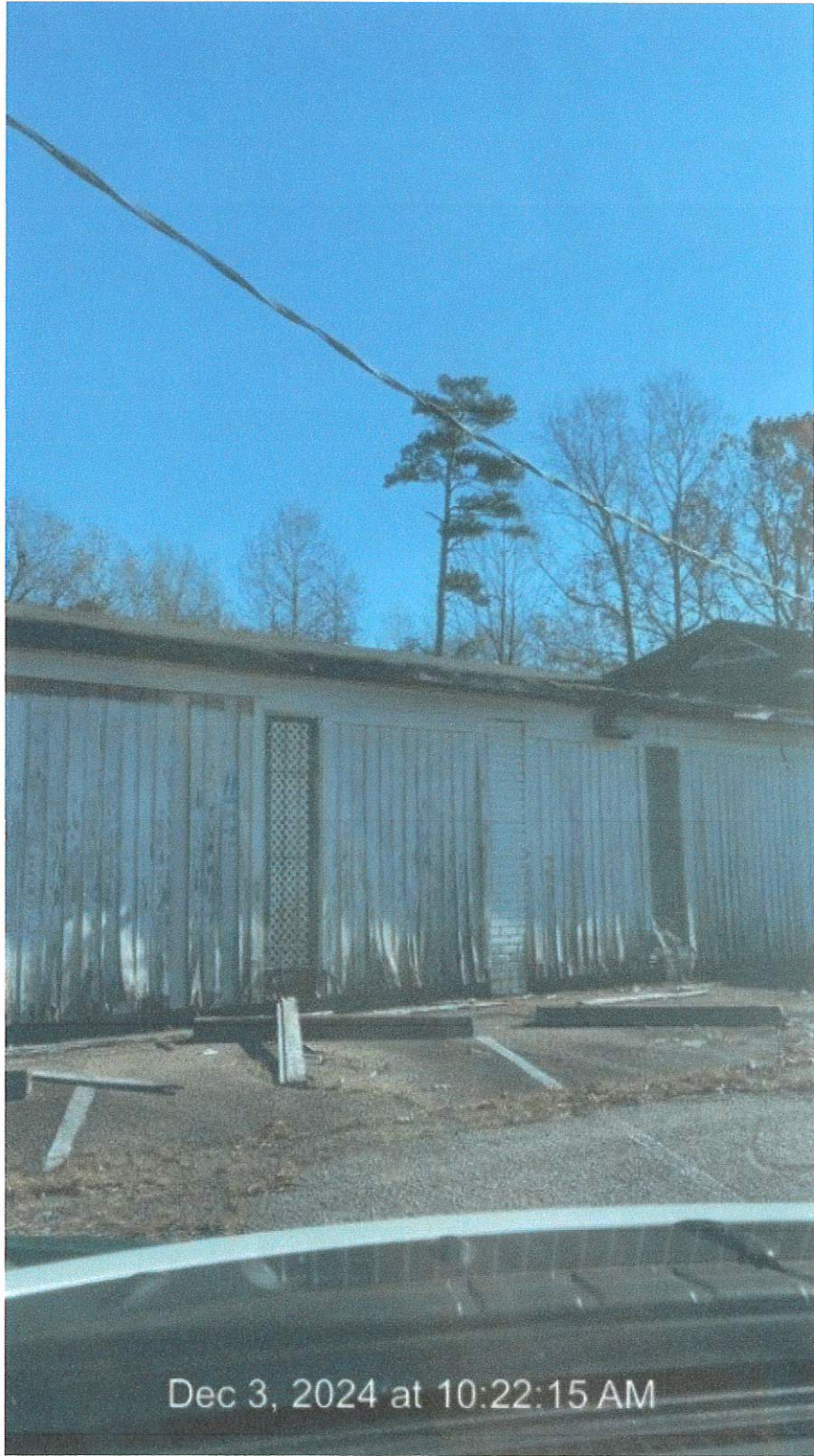
ATTACHMENTS

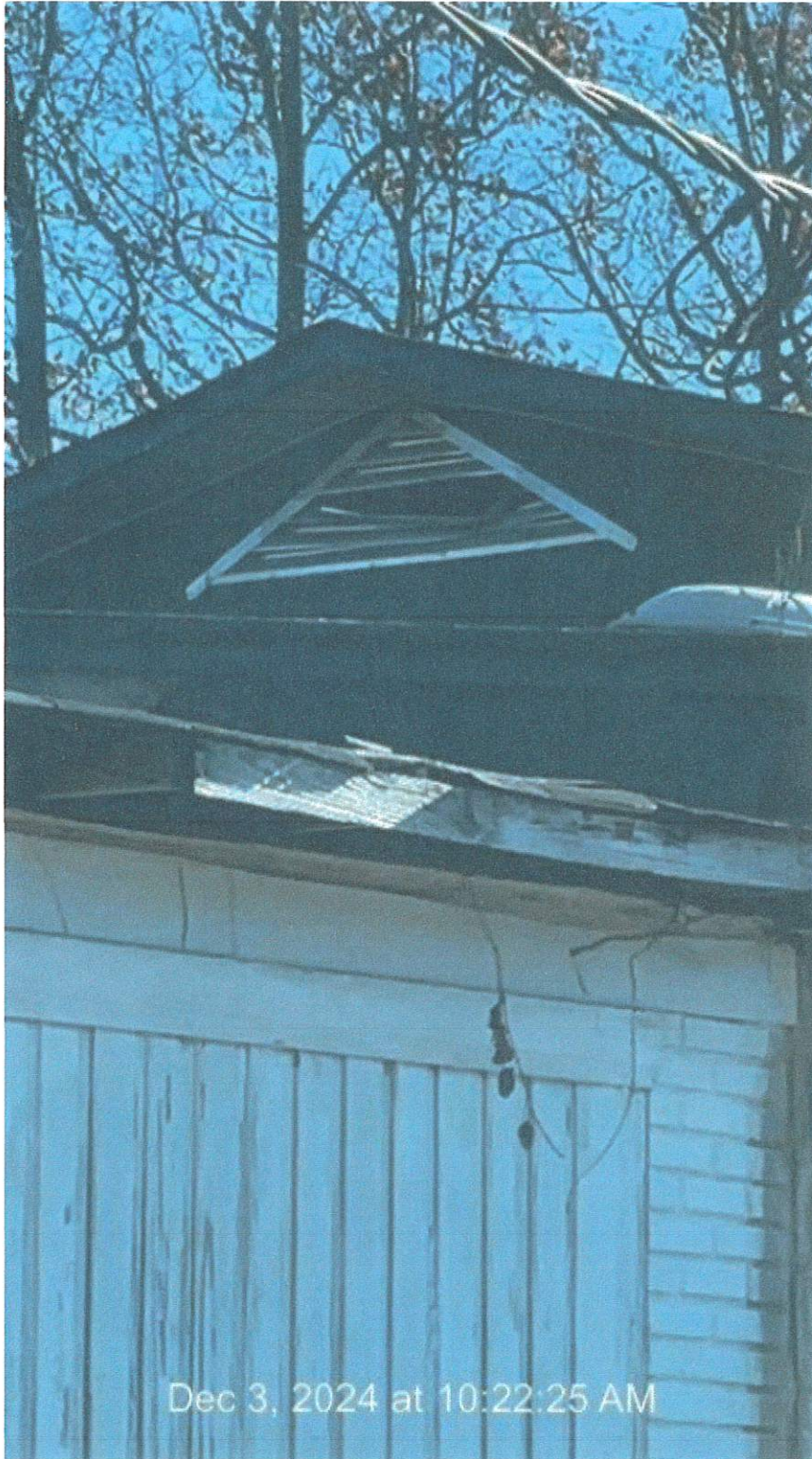
1. Pictures of 1521 Goodyear Blvd
2. Local building or fire prevention code board of appeals manual
3. Inspection reports and documents
4. Appeal documents

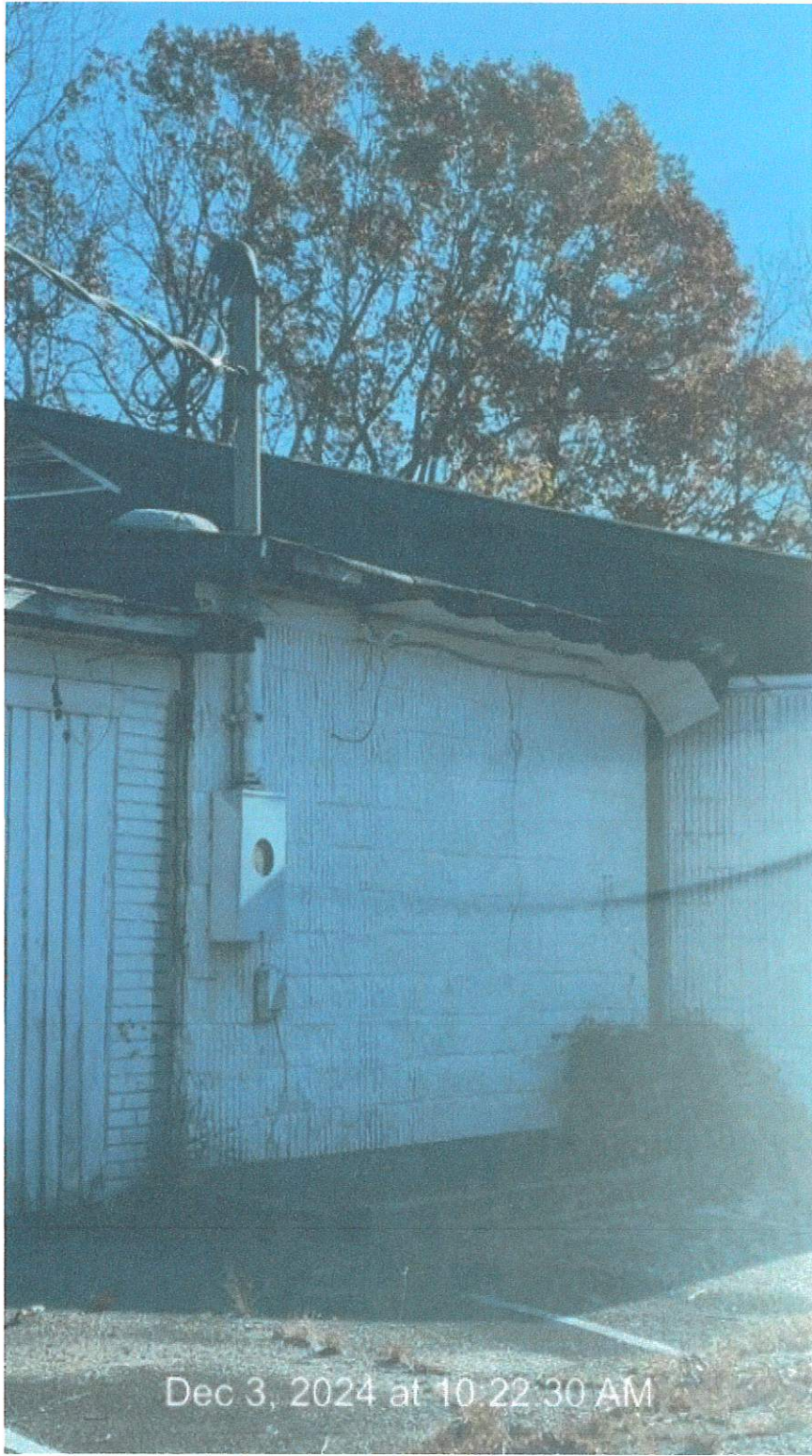


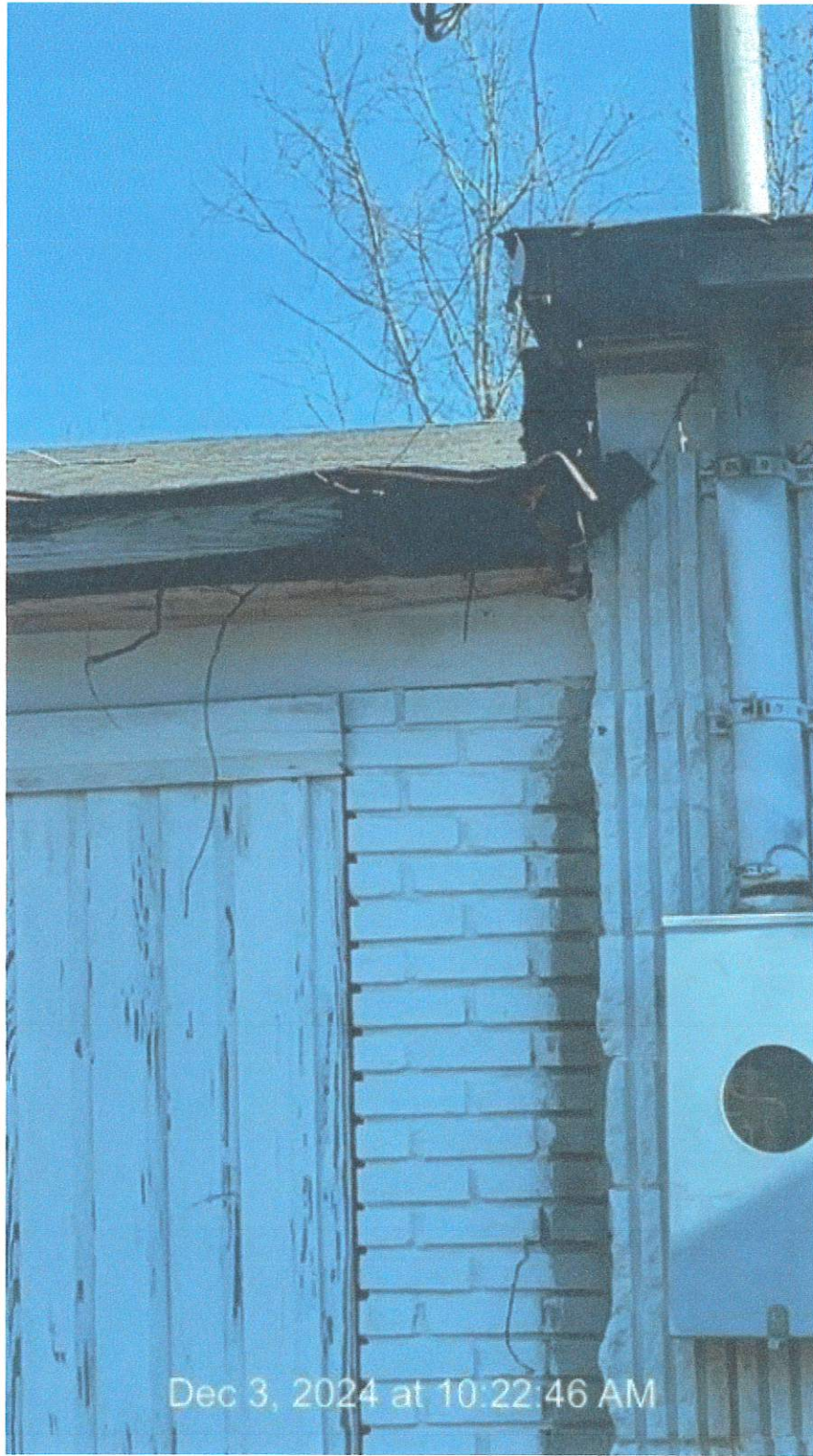
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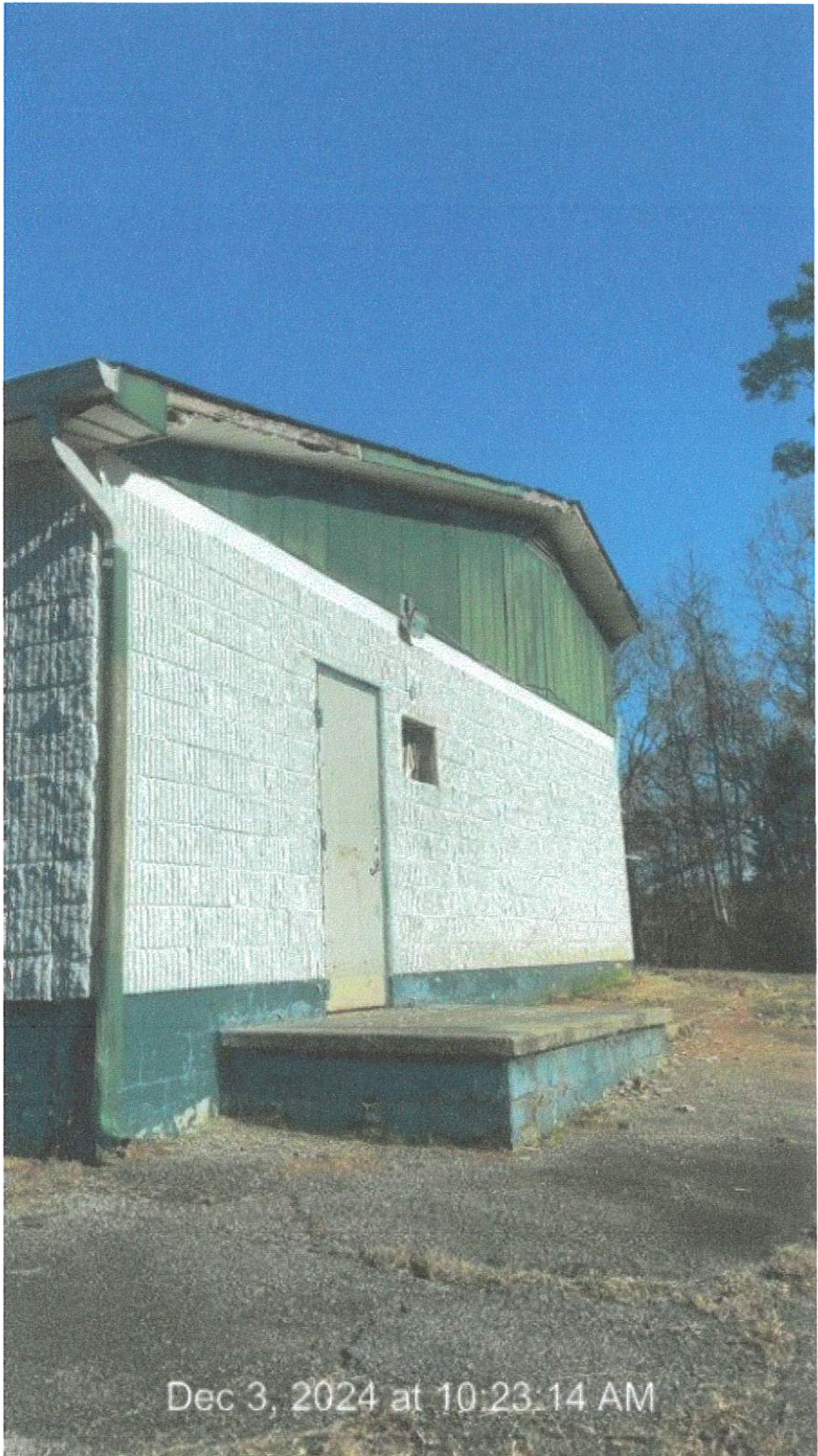




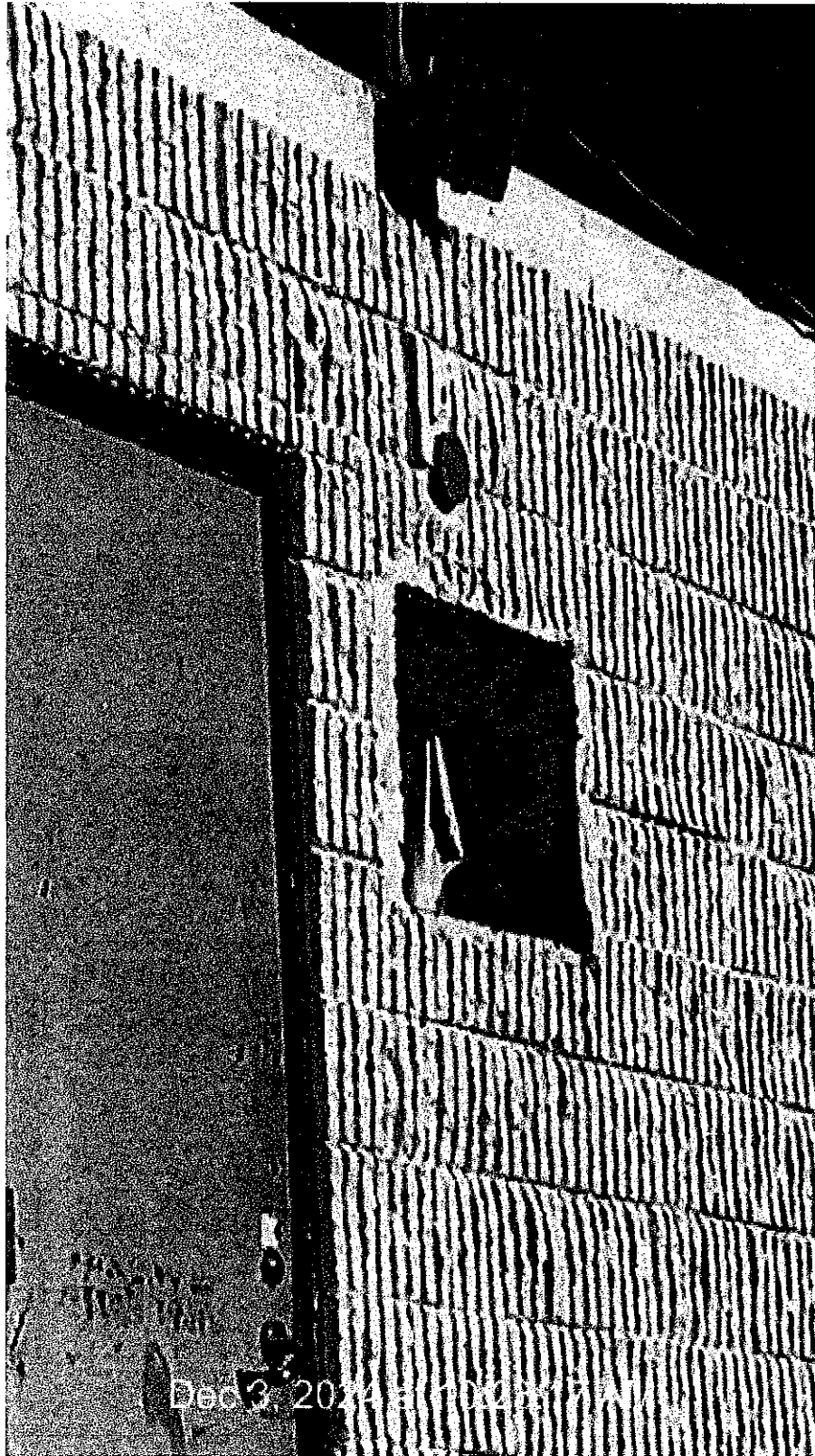


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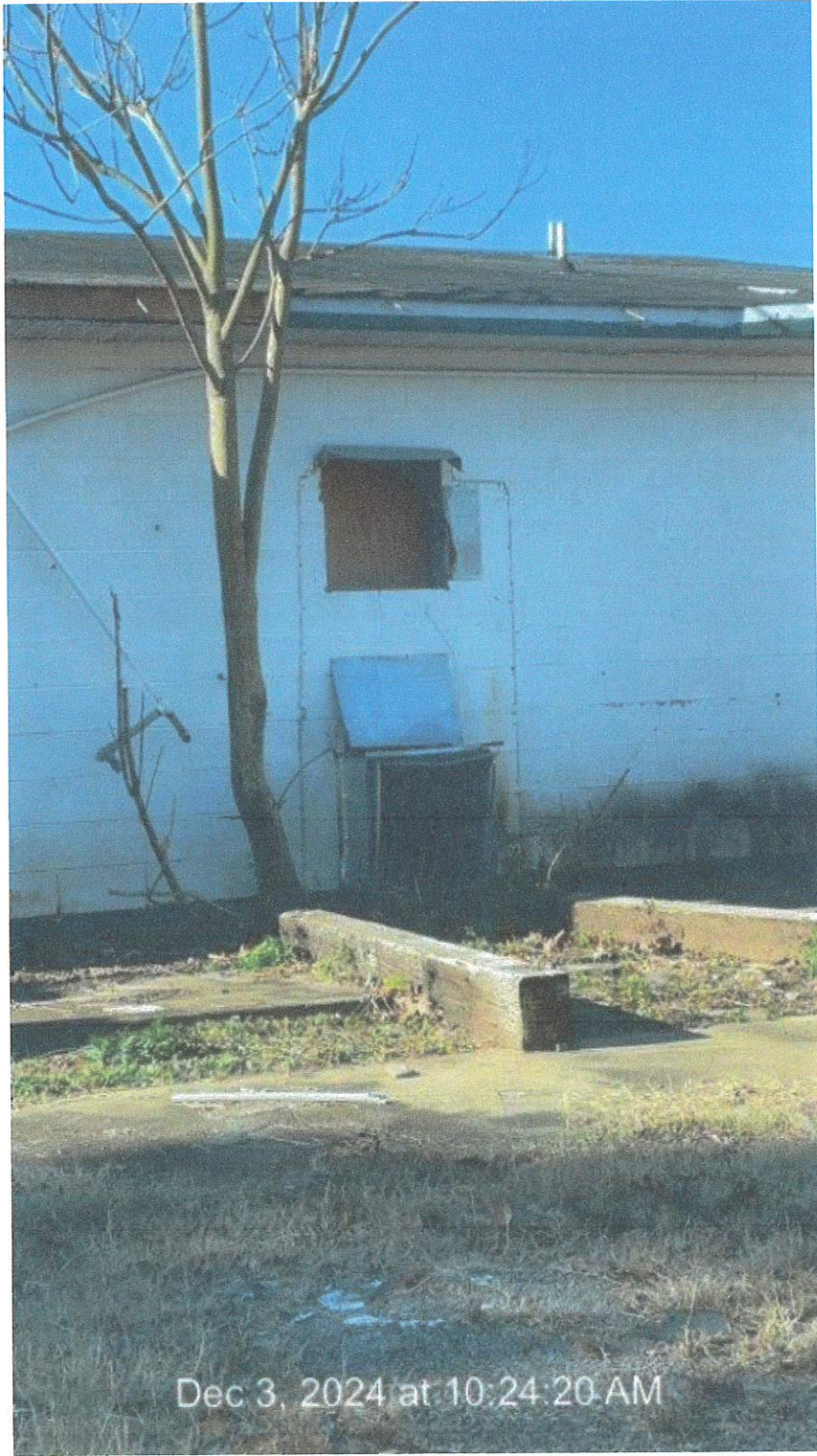


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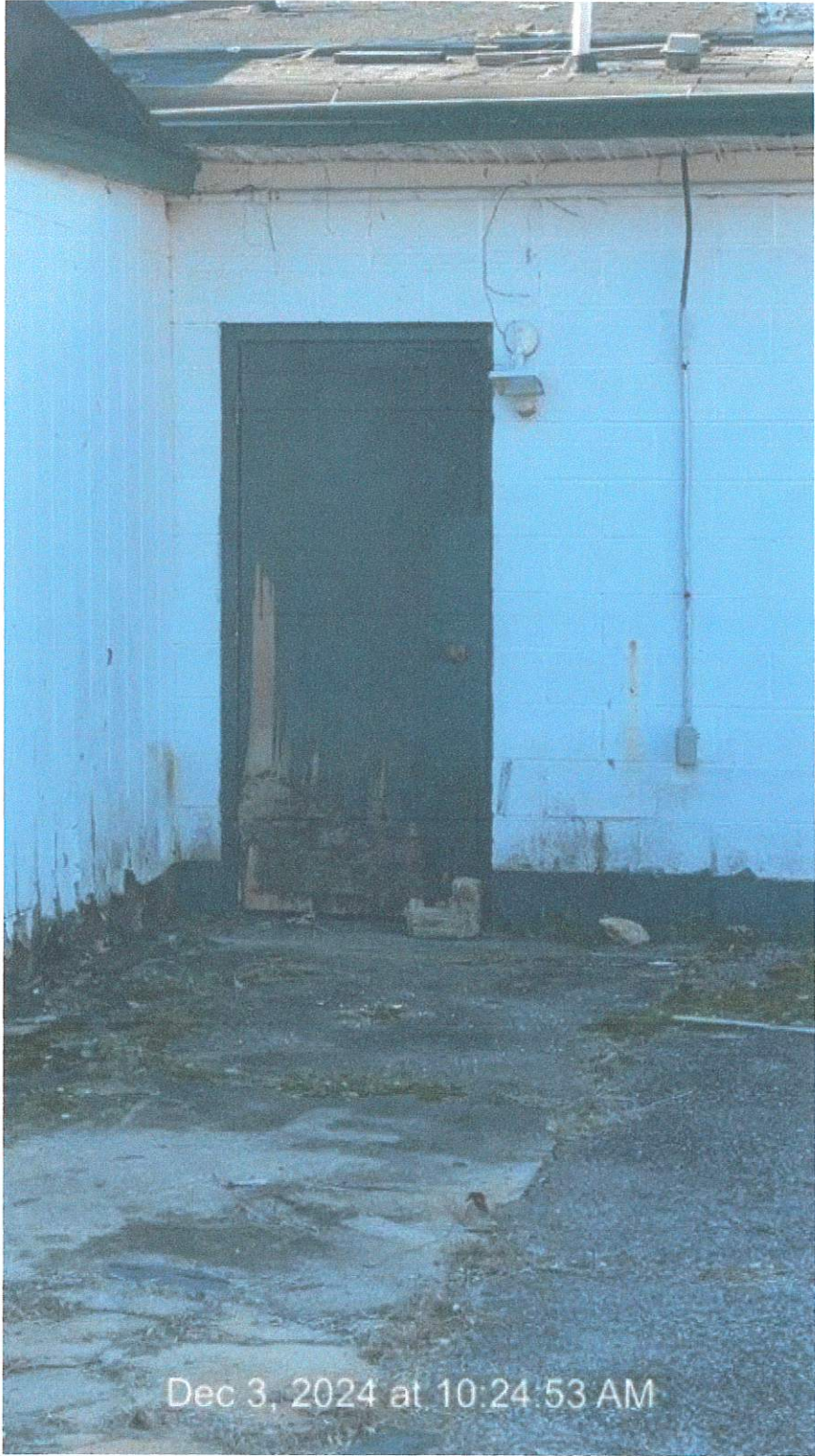




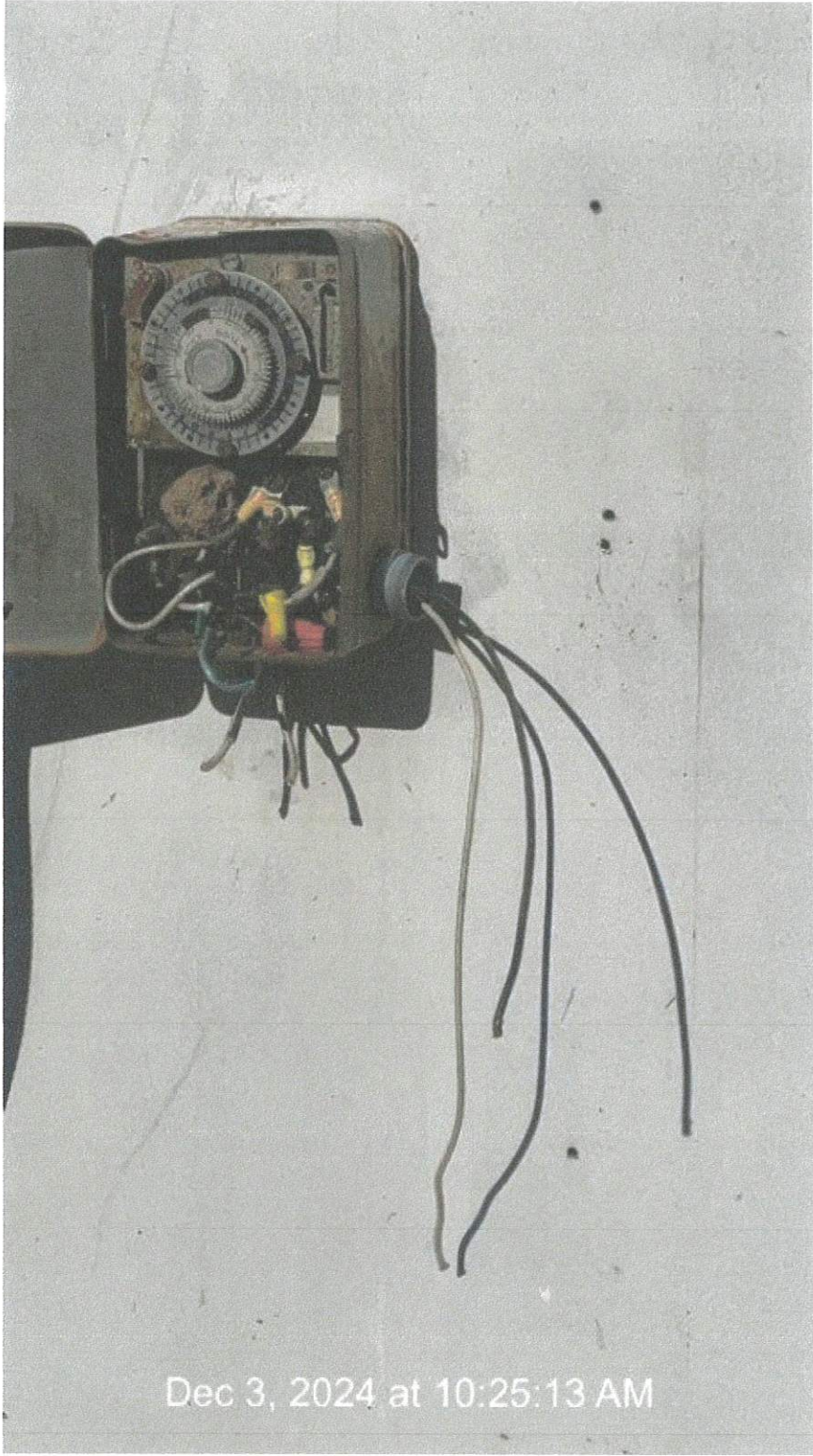




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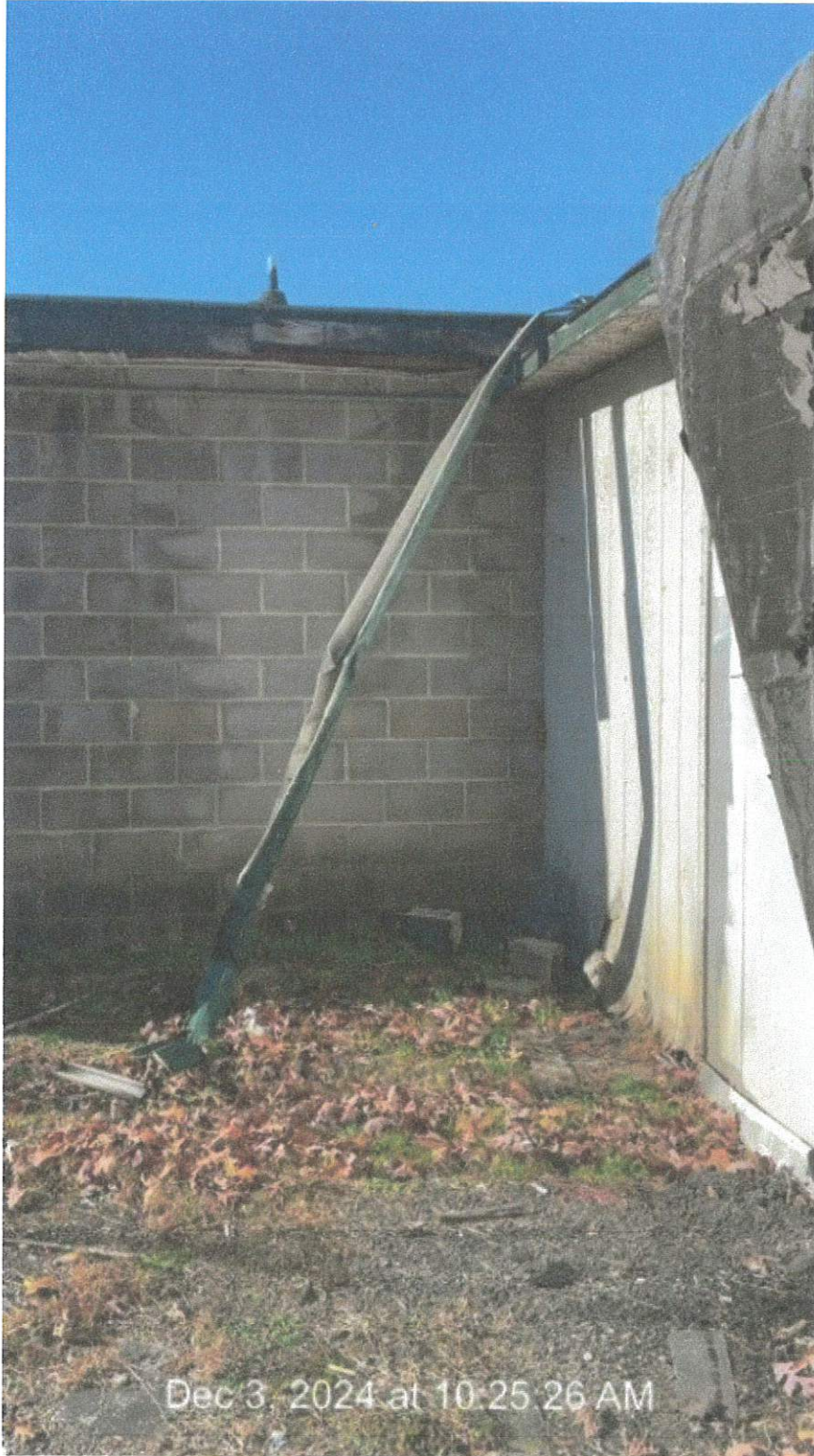


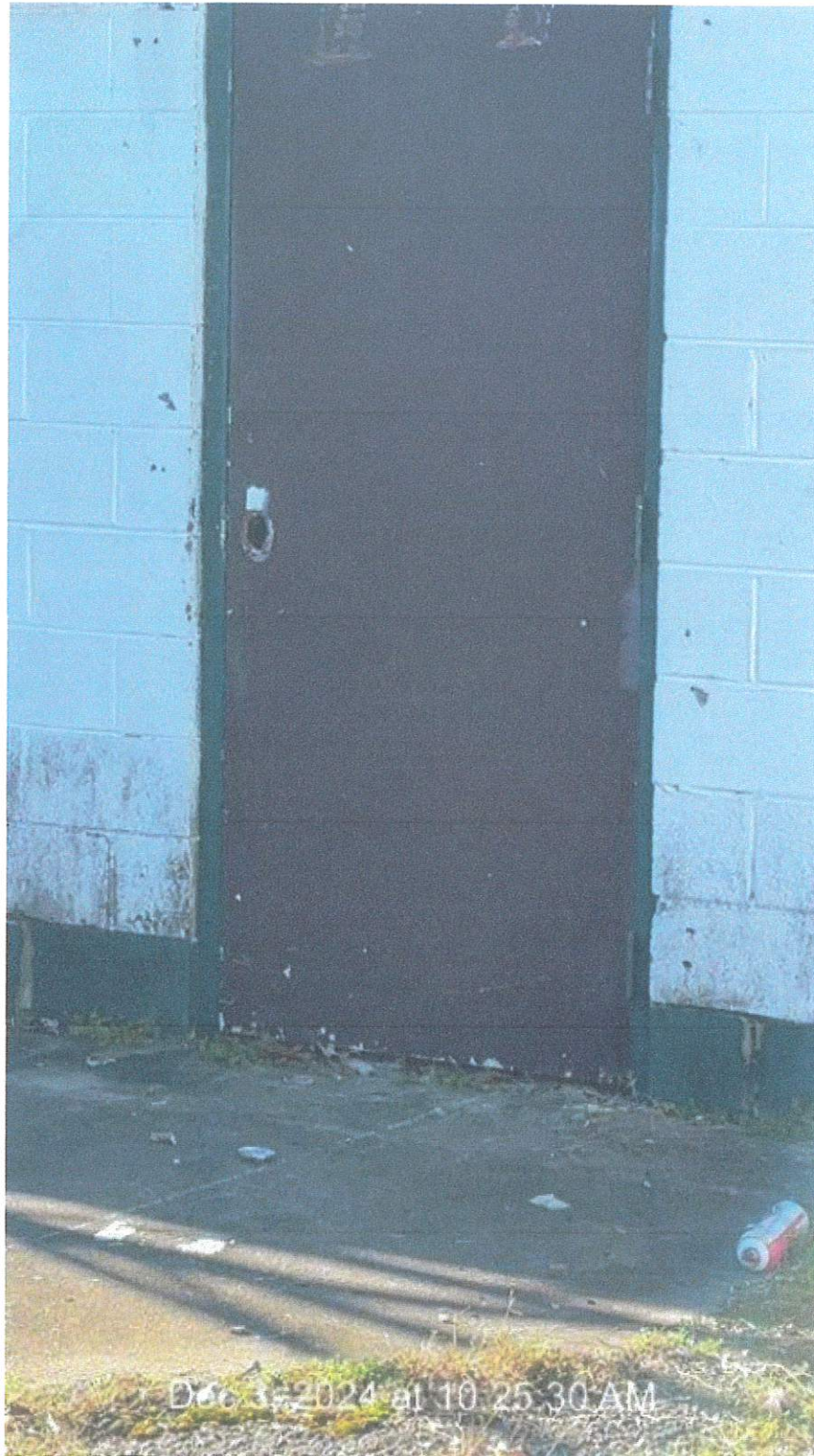




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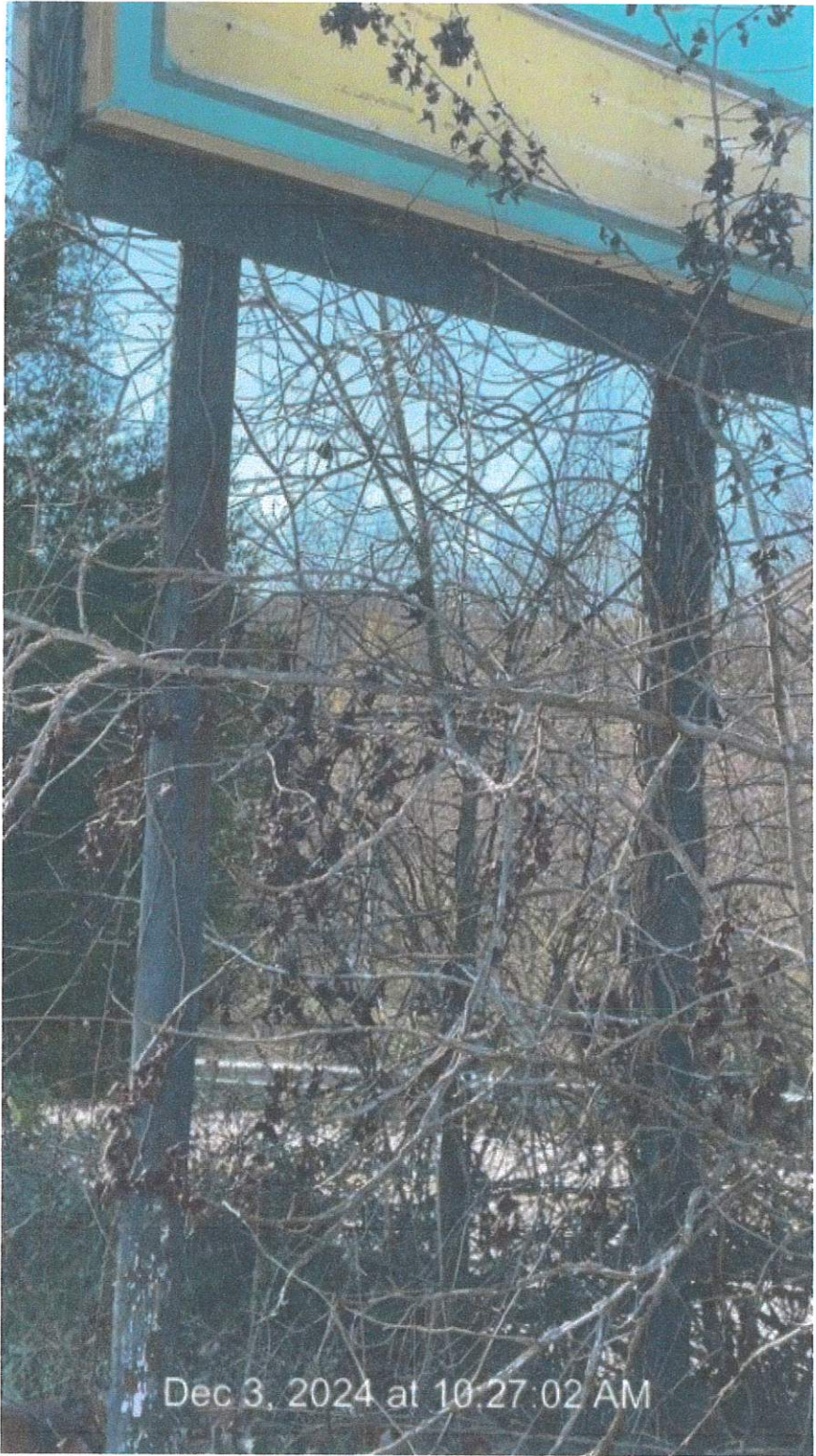




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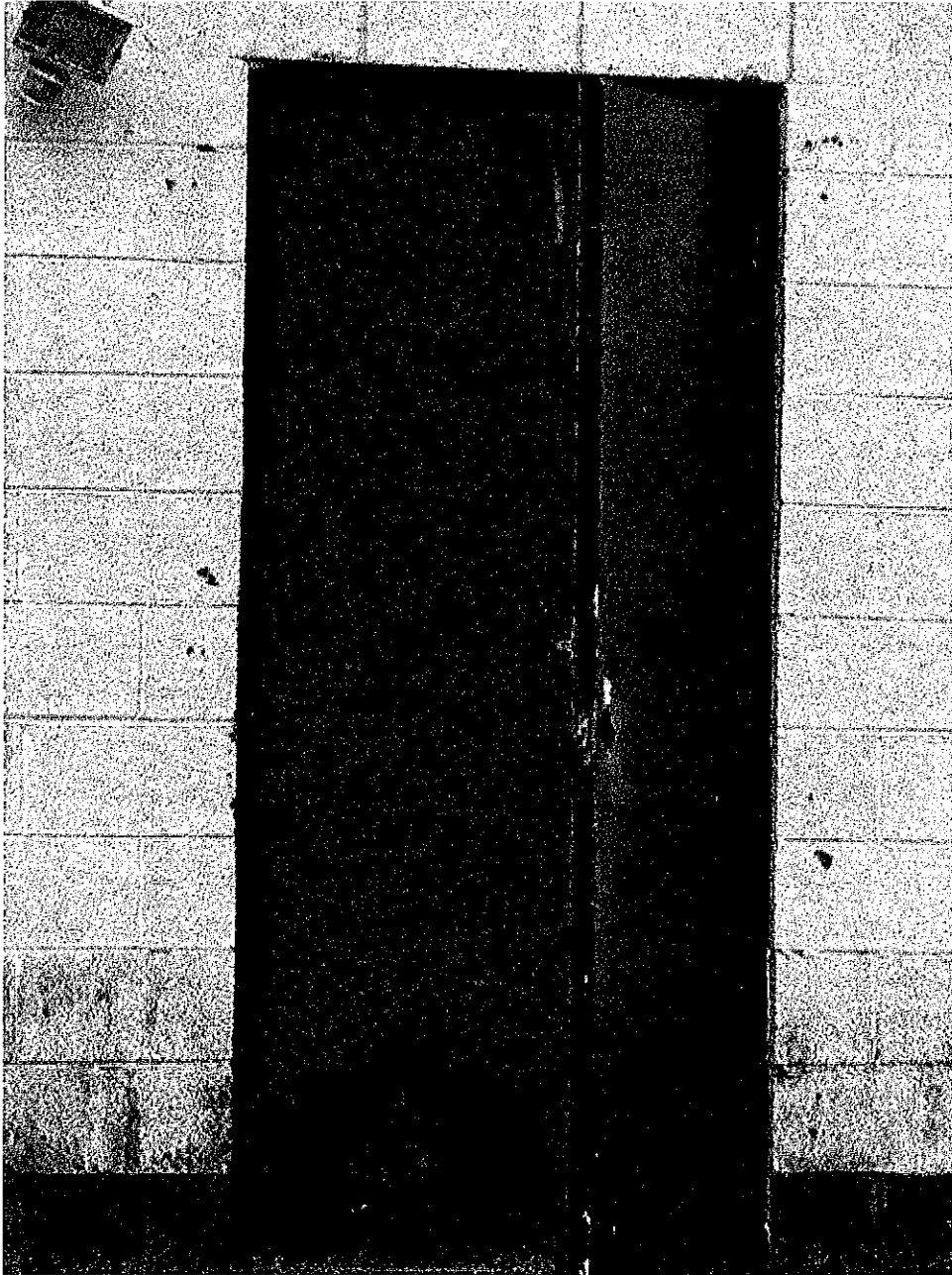






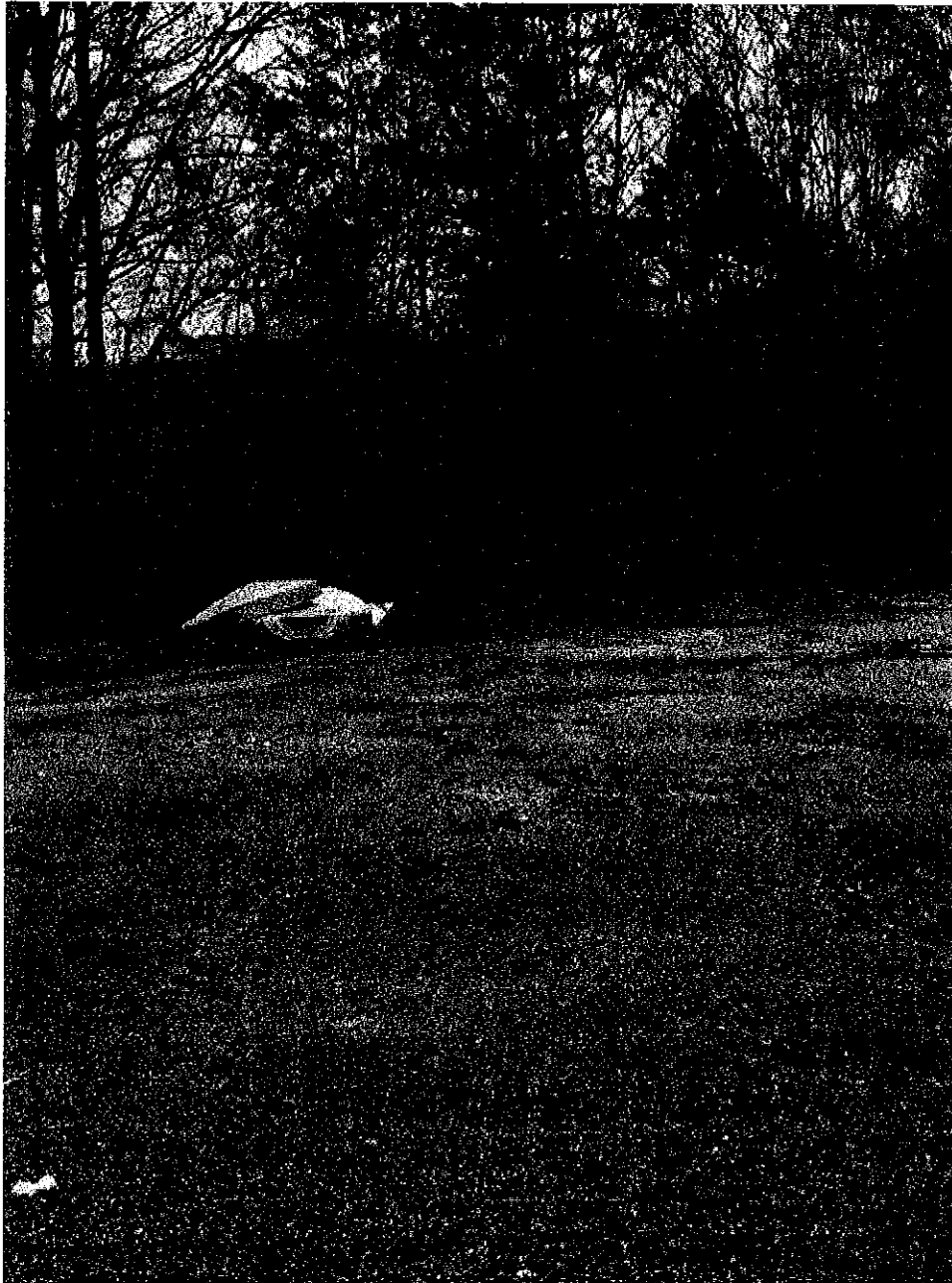










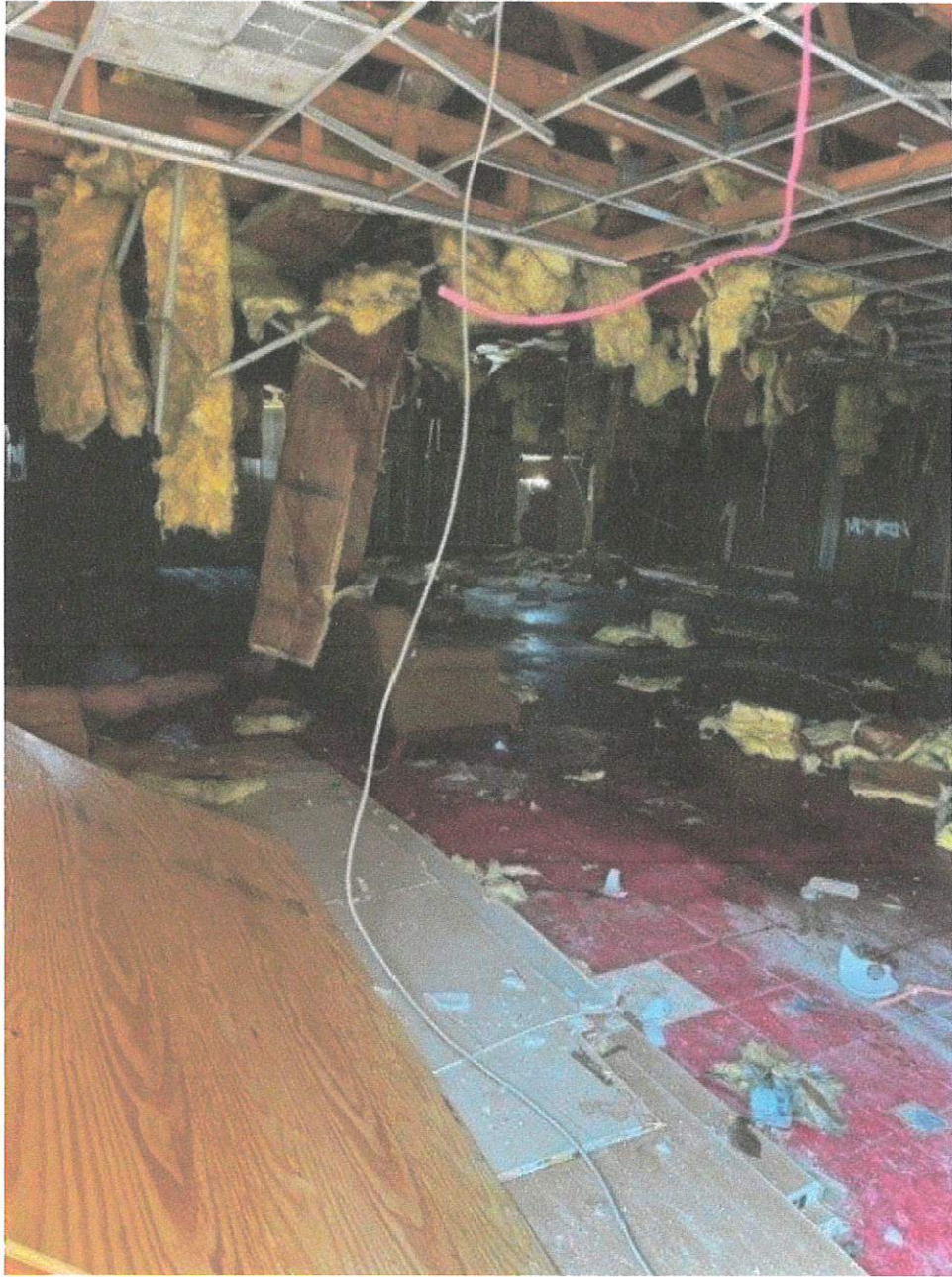














LOCAL BUILDING OR FIRE PREVENTION CODE BOARDS OF APPEALS MANUAL

JULY 2022

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION



FOREWORD

In Virginia's system of building and fire prevention codes, the local building or fire prevention code appeals board is a quasi-judicial board providing a first tier due process right of adjudication of decisions of local government building or fire officials under the enforcement of either the Virginia Uniform Statewide Building Code (USBC) or the Virginia Statewide Fire Prevention Code (SFPC).

This manual provides guidance to the local building or fire prevention code appeals board members and to the local governments and to the building and fire prevention departments they serve to assure the proper constitution and operation of the local appeals boards.

Many issues and subjects in this manual are somewhat legal in nature. It is always recommended that the local government, the local building and fire prevention department personnel, and the local appeals board members have access to the legal counsel of the locality for consultation and assistance.

Staff of the Division of Building and Fire Regulation, within the Virginia Department of Housing and Community Development (DHCD), are also available to assist with the organization and functions of the local appeals boards. For training opportunities, or to have DHCD staff meet with the members of a local appeals board or with the local building or fire prevention departments, please call (804) 371-7150 or contact Office of the Review Board staff at sbco@dhcd.virginia.gov.

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CHAPTER 1: LEGAL FRAMEWORK

There are a number of laws that influence the establishment and functioning of a local government board of building or fire prevention code appeals. As an appeals board is quasi-judicial in nature, all applicable laws and constitutional guarantees of due process are inherent in the operation of the boards. Some due process considerations are stated specifically in the basic laws and regulations the boards are subject to and others are just general matters of law. In addition, the laws and regulations governing the local appeals boards establish the constitution, powers and duties of the boards. This manual attempts to outline and organize those requirements for easy reference by board members and local government representatives.

As this manual addresses appeals boards established under the both the USBC and SFPC, where there are differences in the laws and regulations affecting one or the other board, such differences will be delineated. Otherwise, this manual applies equally to either board. It should be noted that local appeals boards under the USBC are also charged with hearing appeals under the Virginia Amusement Device Regulations, which for the purposes of this manual, may be treated as appeals under the USBC.

LAWS THAT ESTABLISH THE LOCAL BOARDS OF APPEALS

Appeals boards under both the USBC and SFPC are established by state statute. The specific legislative provisions are set out below.

For appeals boards under the USBC, § 36-105 of the Code of Virginia states:

“There shall be established within each local building department a local Board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, 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 the Department for such enforcement and appeals resulting therefrom.”

For appeals boards under the SFPC, § 27-98 of the Code of Virginia states:

“Appeals concerning the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board.”

APPOINTMENT AND ARRANGEMENT OF BOARDS

As indicated in the above laws, the local boards of appeals are to be established within the local governments that enforce the USBC and SFPC. The laws do not specify the details of appointment or arrangement of the boards, however, it is generally recognized that the local appeals board members should be appointed by the local governing body, or the local governing body would sanction the use of an already existing board to fulfill the purpose of the local appeals board. For instance, there could be a regional board which the local governing body of several localities

sanctioned for hearing appeals from the local building or fire prevention departments of those localities. In addition, a local governing body could have a single board of appeals to hear appeals concerning the application of both the USBC and the SFPC, or could have a separate board for hearing appeals relative to each code. There could also be multiple boards for varying subject matter under either the USBC or the SFPC, such as a board for hearing appeals of electrical, plumbing or mechanical decisions of a local building department and a separate board for decisions concerning building construction or fire prevention.

Whatever the arrangement decided upon by a local governing body, it is simply recommended that the powers and duties of the boards be clearly delineated in the ordinance or action by the local governing body in establishing the local appeals boards.

In addition, the local governing body should set terms for the board members so there is a clear record of who is appointed to the local appeals board and for how long they will be serving. As the laws governing the local appeals boards permit the USBC and SFPC to also address the composition of the local boards, adherence to any relevant provisions in the appeals sections of both codes should also be given consideration by the local governing bodies in the appointment of the board members (see also Chapter 2 of this manual for an overview of the relevant regulatory provisions).

FEES

The laws establishing the USBC and SFPC appeals boards permit the charging of fees. Both §§ 27-98 and 36-105 of the Code of Virginia state:

“Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.”

LAWS THAT GOVERN THE APPEALS PROCESS

BASIC LAWS

For appeals under the USBC, § 36-105 of the Code of Virginia states:

“Any person aggrieved by the local building department’s application of the Building Code or refusal to grant a modification to the provisions of the Building Code may appeal to the local board of Building Code appeals.”

For appeals under the SFPC, § 27-98 of the Code of Virginia states:

“Appeals from the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board.”

An additional law addressing appeals concerning the application of local fire prevention regulations, in § 27-98 of the Code of Virginia, states:

“Any local fire code may provide for an appeal to a local board of appeals. If no local board exists, the State Building Code Technical Review Board shall hear appeals of any local fire code violation.”

To elaborate on the issue of local fire prevention regulations, § 27-97 of the Code of Virginia establishes the SFPC, which is a state regulation. However, the law also provides that local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair or use of a building or structure. Consequently, enforcement of such more restrictive local fire prevention regulations is not enforcement of the SFPC and prior to the enactment of the law referenced above; the local appeals boards established under the SFPC did not have authority to hear appeals of the application of such local regulations. Under the current law, the appeals boards established under the SFPC may hear such appeals if the local ordinance establishing the SFPC appeals board specifically authorizes the board to hear appeals of the application of local fire prevention regulations. The local ordinance may establish a different appeals board for hearing such appeals, or may be silent on appeals of local fire prevention regulations, in which case the appeal of a local fire prevention regulation would not be appealed to the SFPC appeals board, but would rather be appealed directly to the State Building Code Technical Review Board (see below).

APPEALS TO THE STATE TECHNICAL REVIEW BOARD

As the basic laws under the USBC and the SFPC indicate, appeals under those codes are first heard by the local government boards of appeals, and may be further appealed to the State Building Code Technical Review Board (State Review Board). The State Review Board has its own set of basic laws governing appeal proceedings and further appeals from decisions of the local appeals boards. This manual does not address appeals to the State Review Board or proceedings involving the State Review Board; however, it is worth noting that the State Review Board’s basic laws enable it to hear appeals *de novo*, which is essentially a new evidentiary hearing, so any deficiencies or incompleteness in a local appeals board proceeding may be addressed upon a further appeal to the State Review Board. Questions concerning State Review Board proceedings should be addressed to the Office of the Review Board. Contact information is provided in the preface of this manual.

VIRGINIA FREEDOM OF INFORMATION ACT

The Virginia Freedom of Information Act (Chapter 37 of Title 2.2 of the Code of Virginia) are state laws assuring the free entry to meetings of public bodies to afford every opportunity to citizens to witness the operations of government. This would include meetings of the local appeals boards. While the Freedom of Information Act does include exceptions which permit closed meetings under certain circumstances, in general, the hearings conducted by local appeals boards and the deliberations of the boards should be conducted in open, not closed, meetings. Should the chair of a local appeals board, or any of its members, believe a proceeding should be conducted in closed session, it would be advised to discuss the matter with the board’s legal counsel to assure compliance with the Act.

VIRGINIA CONFLICTS OF INTEREST ACT

The Virginia State and Local Government Conflicts of Interests Act (Chapter 31 of Title 2.2 of the Code of Virginia) are state laws addressing inappropriate conflicts in the actions of public officers and employees so that the standards of conduct for such officers and employees are uniform. Members of local boards of appeals should consider recusal from participating in appeal hearings or proceedings in which they may have a conflict of interest with any of the parties involved. In questions of whether a conflict of interest is present, board members should consult with the locality's legal counsel or other appropriate legal counsel familiar with the provisions of the Act.

CHAPTER 2: REGULATORY REQUIREMENTS

As the laws authorizing the USBC and the SFPC and establishing the appeals process permit the codes to address the composition, duties and responsibilities of the local appeals boards, both the USBC and the SFPC have specific provisions affecting the make-up and operations of a local appeals board. This chapter outlines those specific requirements and practices inherent in the functioning of the local appeals boards.

COMPOSITION OF BOARDS

MEMBERSHIP REQUIREMENTS

Local governing bodies should be made aware of the specific appeal provisions in the USBC and SFPC that affect the appointment of board members. Both the USBC and SFPC require a local appeals board to consist of at least five members and permit the appointment of alternate members. The codes do not prohibit the reappointment of regular or alternate members.

To provide for continuity of the board members serving, the appeal provisions also suggest that the terms of the board members be staggered so that less than half of the terms will expire in any given year.

Guidance is also provided in the appeal provisions of the codes for the qualifications of the board members and there is a prohibition against employees or officials of the locality serving as board members.

BYLAWS

While not required by either state law or the appeal provisions of the codes, general parliamentary procedures would encompass the approval and use of bylaws by a local appeals board to ratify certain aspects of the functioning of the board. Appendix A of this manual contains sample bylaws that may be considered by the appeals board in the formulation of bylaws if determined necessary or appropriate.

ELECTION OF CHAIR

Both the USBC and SFPC appeals provisions specify the election of a chair by the board members annually. The codes do not prohibit the re-election of the chair. The appeals provisions also

provide that if the chair is absent at a meeting, the board members would appoint a chair pro tem to serve as chair for that meeting.

While the appeals provisions are silent on the election of a vice-chair, it would not be prohibited and if a vice-chair is elected, then the vice-chair would serve as chair in the chair's absence.

General parliamentary procedure should be used in electing officers within the appeals board, which typically involves a nomination procedure.

The role of the chair in meetings and appeal hearings is discussed in detail in Chapter 4 of this manual.

APPOINTMENT OF SECRETARY

The wording in the appeals provisions of both the USBC and SFPC indicate that the secretary to the local appeals board is a non-member of the board, appointed by the locality. Due to the role of the secretary, which is fully discussed in Chapter 3 of this manual, it is recommended that the secretary be an employee of the local building or fire prevention department with good organizational skills, competent in computer and word processing capabilities, and possess a general knowledge of the functioning of the local building or fire prevention department.

DUTIES OF LOCAL BOARD MEMBERS

MEETINGS

The local boards of appeals members' primary duty is to participate in appeal hearings when appeals are filed to the local boards and to render decisions on such appeals. Detailed discussions of hearing and deliberation procedures are found in Chapter 4 of this manual.

In addition to outlining the members' roles in appeals proceedings, the USBC appeal provisions require local board members to meet as necessary to assure a duly constituted board, appoint officers as necessary and receive such training as may be appropriate or necessary from staff of the locality. The SFPC appeal provisions require local board members to meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training as may be appropriate or necessary from staff of the locality.

CHAPTER 3: BEFORE THE HEARING

APPLICATION FORM

While not required by the USBC or the SFPC, an appeal application form (written or electronic) may and should be used to document the filing of an appeal and the steps taken in acknowledging and processing the appeal. A suggested appeal application form for use by the local appeals boards may be found in Appendix B of this manual.

Note that the parties to an appeal typically include the appealing party and the enforcing agency representative (usually the building official or the fire code official). Owners of the property involved are typically considered parties and should be included in all correspondence.

Once an appeal applicant files an application for appeal, including a verbal request for appeal where written application forms are not utilized, the application must be processed and presented to the local appeals board for consideration. No one person, to included but not limited to the code official, department staff, local appeals board secretary, county administrator or city manager, county attorney, or local governing body member, can decide whether an appeal is to be heard by any local appeals board based on a jurisdictional issue such as timeliness, application of the code, properness before the board, right to appeal, aggrievement, etc.; furthermore, no one person can make a determination related to any merit of any case. Only the local appeals board can render a decision for any matter in an appeal.

ROLE OF SECRETARY

The secretary to the local appeals boards functions as the point of contact for all business relating to the board outside of a meeting of the board. Any persons inquiring about appeals should be put in touch with the secretary, who would provide the appeal application form, if one is used, and explain the appeals process to the potential applicant.

The appeal application form, once completed, would be submitted to the secretary and the secretary would collect any fees required. The secretary would also document the date the appeal was received as the codes have timeframes within which an appeal must be filed.

The secretary would then schedule the board meeting, taking into consideration any time constraints required by the codes. Both the USBC and the SFPC require the local appeals board to meet within **30** days of the receipt of the application for appeal and requires **14** days notice of the meeting to the parties, unless the parties agree to a meeting date with less than **14** days notice.

As mentioned under the Basic Laws section of Chapter 1 of this manual, since the functions of local appeals boards are subject to the Virginia Freedom of Information Act, the secretary should consider any meeting notice requirements of that Act in preparing for the meetings.

The parties should be asked by the secretary to furnish any information they wish the board members to consider in advance of the hearing so that copies can be made and be available for the board members at the hearing. While there is no requirement to do so, if the parties can provide the information in a timely fashion, the secretary may furnish the information to the board members prior to the meeting, however, caution should be taken to treat all parties equally, so in cases where the parties cannot agree to provide the appeal information prior to the hearing, all documents, pictures or exhibits should just be held to be distributed at the hearing.

CHAPTER 4: THE HEARING

Once the secretary has scheduled a meeting to hear an appeal, a hearing is conducted at the meeting to address an appeal. Board members, including the chair, should be cautioned against having any

contact with the parties in an appeal outside of the hearing itself, as ex parte communication may be seen as a violation of due process rights. This is why the secretary fulfills the role of being the board's representative outside of meetings, as the secretary is not a board member and does not have voting power or sway over the outcome of a hearing.

ROLE OF CHAIR

PRESIDING OFFICER

The role of the chair of the local appeals boards is to preside over the hearing and to rule on any procedural matters which are presented. The flow of the hearing is controlled by the chair in accordance with the order of events, as outlined below. The chair is given no authority outside of a meeting of the local appeals board in either state law or in the USBC or SFPC. All administrative functions, such as scheduling hearings, contacting the parties, requesting documents to be submitted (outside of a hearing), are handled by the secretary to avoid the appearance of bias by the chair or any board members.

CONTINUANCES

Any party may ask for a continuance at the hearing and the chair may rule on the continuance request, or may defer to a vote of the board itself on the continuance request. The chair or the board members should take into consideration the timeframes established in the USBC or the SFPC for postponements where continuance requests are not agreed to by all parties and, in deciding whether to grant a continuance, consideration should be given to whether the refusal to grant the continuance request will substantially inhibit the ability of a party to properly present its case.

OTHER POWERS AND DUTIES

The chair may rule on the submittal of evidence at the hearing and may consider the objections of any party as to the relevance of the evidence. As is typical with administrative appeals, hearsay or other unsubstantiated evidence is generally permitted with the understanding that the board members may determine the appropriate deference to afford such evidence.

ROLE OF BOARD MEMBERS

The board members' role is to listen to the testimony and review the evidence presented by the parties in an appeal and to ultimately decide on the outcome of the case.

RECUSAL

As previously outlined concerning conflicts of interest, at the outset of an appeal hearing, should any board members determine their recusal is warranted due to a conflict of interest, then that member should inform the chair and state for the record that they will not be participating in the hearing or deliberations in the appeal. It is typical for that board member to then remove themselves physically from the meeting and the secretary would let them know when they may return to the meeting for other business of the board. Should a board member wish to stay in the

meeting, but not participate in the proceedings, then it would be advisable to discuss the issue with legal counsel to assure no components of conflict of interest are present.

QUESTIONS BY BOARD MEMBERS

Board members may ask questions of the parties as the appeal proceedings progress. It is advisable for the chair to control such questioning and for the board members to direct questions through the chair. There may be established procedures for such questioning within the flow of events outlined in the Order of Events in Hearings section of this chapter.

RAISING ISSUES

The chair, or any board member, has the right to raise issues in the course of a hearing, and to determine the issues, which are, or are not, properly before the board in an appeal. Issues which, if decided upon, may have the effect of dismissing an appeal without a hearing upon the substantive issues in an appeal, such as whether a party is a proper party to bring an appeal, whether the timeframes have been met for a proper appeal to exist, or whether the nature of the appeal is improper for other reasons, should be raised at the beginning of an appeal hearing and a decision should be made on any such issues raised prior to hearing the full appeal. Suggested procedures for handling such issues are outlined in the Order of Events in Hearings section of this chapter.

ROLE OF SECRETARY

MINUTES AND EXHIBITS

The secretary should take sufficient notes to enable minutes to be developed of appeal hearings. Recording the proceedings is permissible as a method to later develop minutes. There is no requirement in state law, or in the USBC or the SFPC for the hearings to be recorded, or for a transcript of the hearings to be made. The minutes of the meeting in which the hearing was held, and the written decision of the local appeals board, is sufficient to document the action of the board and to enable a further appeal of a local appeals board decision.

If exhibits are introduced at a hearing, typical procedure would be for the secretary to give a copy of the exhibit to the chair and to the other party or parties. The chair would then ask the other parties if they objected to the submittal of the exhibit. If there is an objection, then the chair would rule on the objection. If there are no objections, then the chair would rule on the admissibility of the exhibit. The chair could exclude the exhibit as not relevant or accept the exhibit into evidence. The secretary should then mark the exhibit for identification purposes and if it was accepted into evidence, pass it into circulation to the other board members.

ORDER OF EVENTS IN HEARINGS

QUORUM

General parliamentary procedure requires a quorum of the members of a board to be present for official action to be taken. However, both the USBC and the SFPC, in the appeal provisions, state that if a quorum is not present, a party may request that the hearing be rescheduled. In addition, the appeal provisions in both codes state that a decision may be made by an appeals board by a

concurring vote of a majority of those board members present. Taken together, those provisions indicate that a local appeals board may hear an appeal with less than a quorum of the board members present. Irrespective of the above, it is generally advisable to make every attempt to have a quorum of the board members present at hearings to avoid any allegations of impropriety.

TESTIMONY AND EVIDENCE

The chair should have an established order of events for the presentation of testimony in an appeal hearing. The order of events used by the State Review Board, which may be used by the local appeals boards, is generally as follows:

- Appellant’s Opening Statement/Testimony by the Appellant/ Witnesses for the Appellant:

The Appellant gives direct testimony and presents their case. A summary or opening statement may be offered but is to be followed by the complete testimony, except for any witnesses. Witnesses are called one at a time and may present direct testimony or testimony by direct questioning. If testimony is to be given by direct questioning, then an opening statement may be offered, with direct questioning testimony of the Appellant or witness to follow.

- Time limit twenty (20) minutes for appeals hearings.
- Time limit eight (8) minutes for preliminary hearings.

- Cross-examination of Appellant and Witnesses

The Appellee is permitted to direct cross-examination questions to the Appellant and all witnesses for the Appellant.

- Time limit ten (10) minutes for appeals hearings.
- Time limit five (5) minutes for preliminary hearings.

- Appellee’s Opening Statement/Testimony by Appellee/Witnesses for the Appellee

The Appellee gives direct testimony and presents their case. A summary or opening statement may be offered but is to be followed by the complete testimony, except for any witnesses. Witnesses are called one at a time and may present direct testimony or testimony by direct questioning. If testimony is to be given by direct questioning, then an opening statement may be offered, with direct questioning testimony of the Appellee or witness to follow.

- Time limit twenty (20) minutes for appeals hearings.
- Time limit eight (8) minutes for preliminary hearings.

- Cross-examination of Appellee and Witnesses

The Appellant is permitted to direct cross-examination questions to the Appellee and all witnesses for the Appellee.

- Time limit ten (10) minutes for appeals hearings.
- Time limit five (5) minutes for preliminary hearings.

- Questioning by Review Board Members

Review Board members may question any party or witness after testimony is complete.

- Time limit thirty (30) minutes for appeals hearings.
- Time limit thirteen (13) minutes for preliminary hearings.

- Closing Statements and Closing of Hearing

All parties are permitted to present closing statements, after which the presiding officer closes the hearing.

- Time limit five (5) minutes for appeals hearings.
- Time limit two (2) minutes for preliminary hearings.

NOTE: When needed, testimony and cross-examination by any other party to the appeal, such as the owner, etc., will take place prior to #5 Questioning by Review Board Members.

Any additional evidence submitted by the parties at an appeal hearing is subject to consideration and ruling by the chair as to relevance and should be marked into evidence by the secretary. See the Role of the Secretary section in this chapter for additional information and procedures for submitting evidence.

CLOSING THE HEARING AND DELIBERATIONS

Once testimony is completed and the board members have asked any questions, the hearing should be concluded with a statement such as *“The hearing of this matter is now concluded. The board will deliberate the matter and the parties may be present for the deliberations, however, no further testimony will be taken.”*

The board may then hear additional appeals if there are any others on the docket for the day, or may decide to deliberate the appeal they have just heard prior to conducting another hearing. The Virginia Freedom of Information Act provides limited exceptions for going into closed session (legal advice from counsel on pending or potential litigation, etc.) for deliberations and there are procedural requirements which must be met in exercising that option, so if deliberations are not to be conducted in open session, it is advisable to discuss going into closed session with a legal representative prior to any such action.

VOTING AND VERBAL DECISION

In deliberations, it is permissible for discussions to ensue prior to a motion to resolve the case, or for any board member to move to resolve the case. The chair would yield the floor to any board member wishing to speak while controlling the overall debate. Board members may state their position and reasons for such position as a means to illicit all perspectives to assure complete and thorough deliberations. If there is a motion and a second to the motion to resolve the appeal, the chair may ask for discussion on the motion prior to calling for a vote. The motion should be made in a form similar to “I move to uphold (or overturn or amend) the decision of the code official for the following reasons ...” If the code official’s decision is to be amended, the amendments should be clearly stated in the motion.

Once deliberations are complete and a motion to resolve the appeal has been made and seconded, the vote is taken. The chair may exercise the option of abstaining from the vote unless it is necessary to break a tie vote. If the motion passes, it then becomes the verbal decision of the board for the appeal case. The decision is to be reflected in the minutes for the meeting, which should be prepared by the secretary and held for ratification at the next meeting of the board. The verbal decision shall be explained in writing and signed by the chair.

CHAPTER 5: THE DECISION

WRITTEN DECISION

As discussed in Chapter 4 of this manual, the verbal decision of the board in an appeal shall be explained in writing and signed by the Chair. It is the chair's responsibility, to assure that the written decision matches the minutes and accurately conveys the verbal decision voted upon by the board.

STATEMENT OF FURTHER RIGHT OF APPEAL

The appeals provisions of both the USBC and the SFPC require a statement of further right of appeal to be contained in the written decision. See Appendix C of this manual for the wording to be used.

NOTIFICATION OF DECISION

In addition, the appeals provisions of both the USBC and the SFPC call for the written decision of the local appeals boards to be sent to the parties by certified mail. This ensures that there is a record of when the decision was received by the parties, which then is used to determine whether any further appeal is filed within the timeframes required by the codes.

APPENDIX A: SAMPLE BYLAWS

Local Board of Appeals (Substitute actual name of board)

Article 1. Officers

- 1-1. The local board of appeals shall organize; and annually elect a chair and vice-chair and appoint a secretary in the month of _____.
- 1-2. The chair shall preside at meetings and hearings and shall decide points of order or procedure.
- 1-3. The vice-chair shall assume the duties of the chair in the chair's absence.
- 1-4. The secretary shall handle correspondence subject to these rules at the direction of the board; shall send out notices required by these rules; shall keep the minutes of the board's proceedings; and shall keep a file on each appeal which comes before the board.

Article 2. Meetings

- 2-1. Regular meetings of the local board of appeals for the hearing of cases shall be held on the _____ of each month at a designated time, unless there are no pending appeals before the board.
- 2-2. Special meetings may be called by the chair, provided at least five (5) days written notice of such meeting is given each member.
- 2-3. A majority of the board shall constitute a quorum.
- 2-4. Business conducted at meetings of the board shall follow Roberts' Rules of Order or other parliamentary procedure.
- 2-5. The board may adjourn a meeting if all applications or appeals cannot be disposed of on the meeting day, and no further notice shall be necessary for a continuation of such meeting.

Article 3. Procedure for Hearing Appeals

- 3-1. Appeals to the local board of appeals shall be filed with the code official on a form provided by the board and any applicable fees paid. The code official shall transmit the appeal application form to the secretary of the board along with all papers constituting the record of action upon which the appeal is based.

- 3-2. The applicant shall provide the secretary with all information requested on the form provided by the board and any such additional information or evidence as may be reasonably required consideration of the matter.
- 3-3. An application for appeal filed accordingly to the above shall be assigned an appeal number within five (5) days. Applications for appeals will be heard in the order they are received.
- 3-4. The secretary of the board shall schedule the appeal, notify all interested parties of the hearing and give notice including the time, date and place of the meeting to anyone requesting such information.
- 3-5. The applicant may appear in his own behalf at the hearing or may be represented by legal counsel or an agent.

Both the applicant and the code official may speak to the appeal and any person whose interests are affected may speak for or against the issue. The applicant shall be given an opportunity for final rebuttal.

- 3-6. The final decision on any appeal to the local board of appeals shall be in the form of a written decision that matches the minutes and accurately conveys the verbal decision voted upon by the board.
- 3-7. The board shall notify the interested parties and the code official of the decision within seven (7) days after the signing of the written decision by the chair, and in any event, within fourteen (14) days after the meeting in which the decision is made and within sixty (60) days of the date on which the application for appeal was filed.

Article 4. Records

- 4-1. A complete file on each appeal shall be kept by the secretary as part of the records of the local board of appeals.
- 4-2. All records of the board shall be public records.

Attest: _____
Chair

Secretary

APPENDIX B: SAMPLE APPEAL APPLICATION FORM

Appeal No. _____

Application for Appeal

Locality

I (we) _____ of _____
(Name) (Mailing address)

respectfully request that the Local Board of Appeals review the decision made on _____, 20__ by the code official.

Description of Decision Being Appealed: _____

Location of Property Involved: _____

What is the applicant's interest in the property?

- Owner
- Contractor
- Owner's agent
- Other (explain) _____

Relief Sought: _____

Attach the Decision of the Code Official and Any Other Pertinent Documents.

Signature of Applicant

Filed at _____, Virginia, the _____ day of _____, 20__

APPENDIX C: SAMPLE WRITTEN DECISION

Written Decision

Appeal No. _____

IN RE: _____ v. _____

The appeal is hereby _____, for the reasons set out below:

Date: _____

Signature _____
Chair of Local Board of Appeals

Note: Any person who was a party to the appeal my appeal to the State Building Code Technical Review Board by submitting an application to such board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, VA 23219, (804) 371-7150, or <https://www.dhcd.virginia.gov/sites/default/files/Docx/sbctrb/file-appeal/appeal-application-may-19.pdf>.



1521 GOODYEAR BLVD

Summary

Parcel ID: 77620

Address: 1521 GOODYEAR BLVD

Owner Information

Owner Name: JAMES BOBBY L & WILLIAMS JUSTIN A O

Owner Address: 128 BEAVERBROOK CT

Mail-To: JAMES BOBBY L & WILLIAMS JUSTIN A O

Mailing Address: 128 BEAVERBROOK CT, DANVILLE, VA 24541

Land Information

Flood Zones: 0.2% ANNUAL CHANCE

Enterprise Zones: uez

Historic Districts: N/A

Elementary School District: N/A

Middle School District: Westwood

Value Information

Land Value: \$8,900

Land Use Value: N/A

Improvement: \$59,400

Total: \$68,300

Additional Information

State Code: 4511 Restaurant/Lounge

Land Use: Commercial

Tax Map: 2611001000003000

Approx. Acres: 0.9206

Legal Description: .894 AC NO 18A & PT NO 16A GOODYEAR BLVD

Zone: HRC Highway Retail Comm

Notes: Vacant-Formerly Continental Ballroom



Buildings

Building 1 - Continental Ball Room

Bathrooms

Property Class: Commercial

Full Bath: N/A

Style: N/A

Half Bath: N/A

Year Built:

Condition: N/A

Story Height: N/A

Finished Square Feet: 4992

Basement Square Feet: N/A

Finished Basement Sq. Ft.: N/A

Features:

Concrete Block

Size:

100 %



Improvements

Building #	Improvements	Size
1	Asphalt Paving	21000 Units
1	Patio (Brick or Stone)	50 Units



Land

**Land area is based on information available, therefore acreage and/or square footage may be approximated.*

Land Code: CA32 10000	Rate: \$10,000
Acres/Units: 0.89	Adj. Rate: \$10,000
Sq. Ft.: 38768.4	Base Value: \$8,900
Front: N/A	Adj. Amount: N/A
Effective Front: N/A	Value: \$8,900
Depth: N/A	



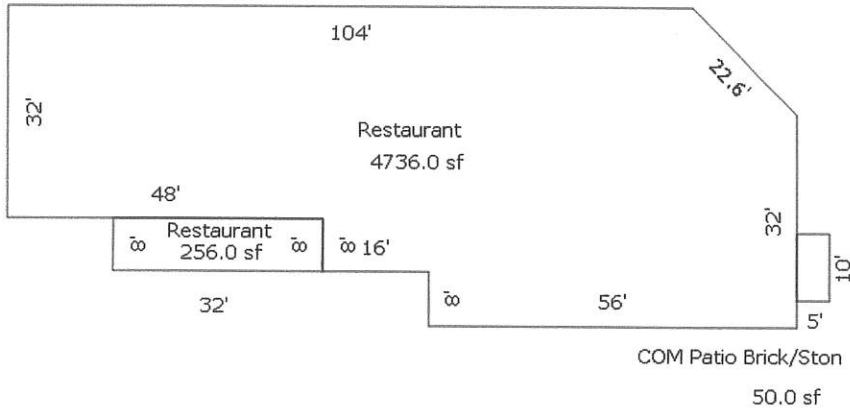
Transfers

Deed:	Page:	Sale Date:	Sale Price:	Previous Owner:	Owner:
D 18	4630	12/06/2018	N/A	JAMES BOBBY L	JAMES BOBBY L & WILLIAMS JUSTIN A O
D 18	4041	10/24/2018	\$50,000	VIRGINIA BANK AND TRUST COMPANY	JAMES BOBBY L
D 15	1837	06/05/2015	\$100,000	JEFFRIES ELI M & IANTA W	VIRGINIA BANK AND TRUST COMPANY
D 09	1744	05/26/2009	\$207,000	MCWILLIAMS CLEMENTE K	JEFFRIES ELI M & IANTA W
D 05	1375	03/22/2005	\$350,000	JEFFRIES IANTA W	MCWILLIAMS CLEMENTE K & CRYSTAL B
D 871	169	11/20/1991	N/A	N/A	N/A
D 868	633	09/27/1991	N/A	N/A	N/A

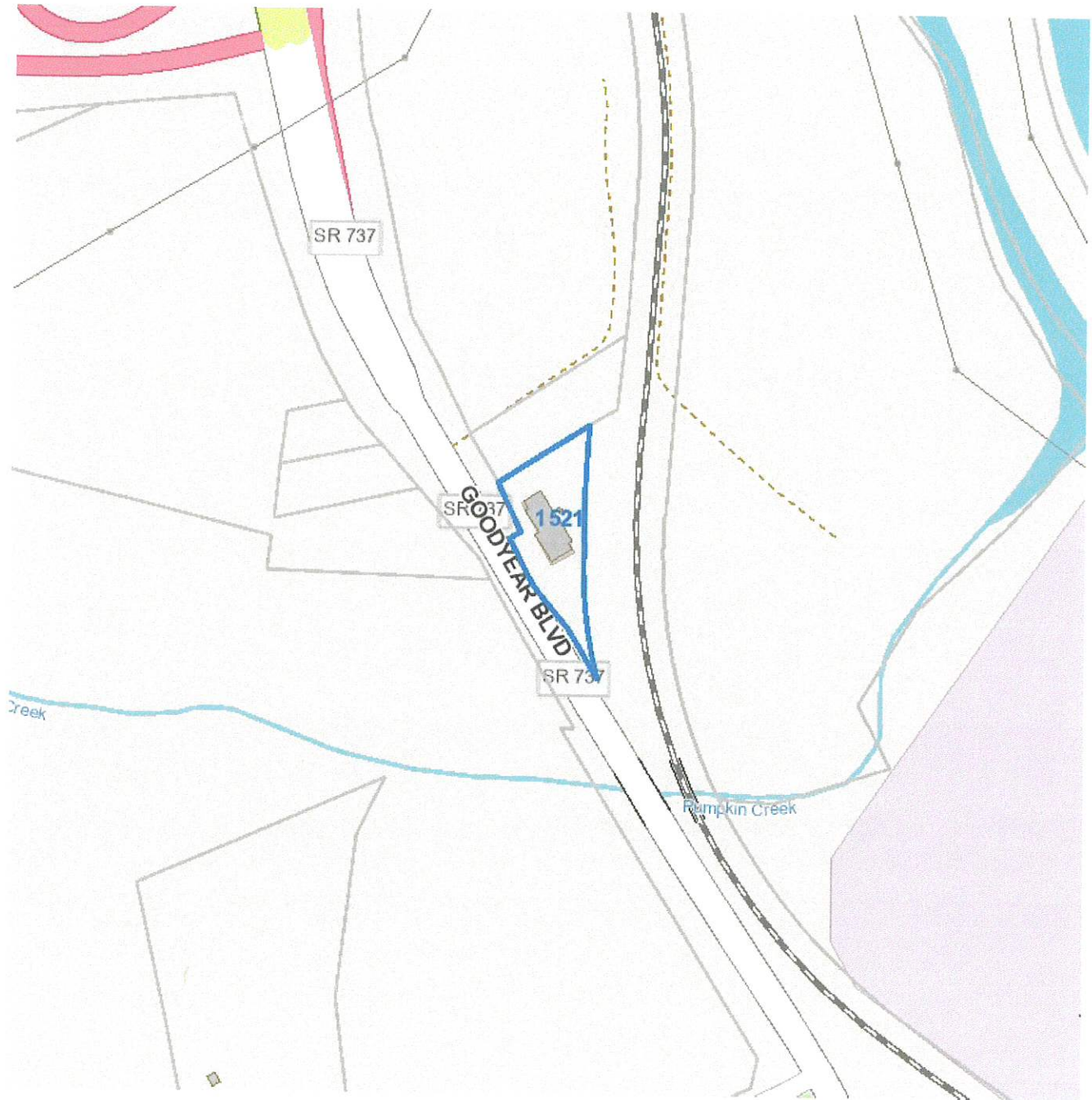


Assessments

Year:	Land:	Use:	Improvements:	Total:
2024	\$8,900	N/A	\$59,400	\$68,300
2023	\$8,900	N/A	\$122,500	\$131,400
2022	\$8,900	N/A	\$122,500	\$131,400
2021	\$8,900	N/A	\$133,700	\$142,600
2020	\$8,900	N/A	\$133,700	\$142,600
2019	\$8,900	N/A	\$147,100	\$156,000
2018	\$8,900	N/A	\$147,100	\$156,000
2017	\$8,900	N/A	\$167,900	\$176,800
2016	\$8,900	N/A	\$167,900	\$176,800
2015	\$8,900	N/A	\$266,200	\$275,100
2014	\$8,900	N/A	\$266,200	\$275,100
2013	\$8,900	N/A	\$285,600	\$294,500
2012	\$8,900	N/A	\$285,600	\$294,500
2011	\$1,300	N/A	\$311,300	\$312,600
2010	\$1,300	N/A	\$311,300	\$312,600
2009	\$1,300	N/A	\$317,900	\$319,200
2008	\$1,300	N/A	\$317,900	\$319,200
2007	\$1,300	N/A	\$317,100	\$318,400
2006	\$1,300	N/A	\$317,100	\$318,400
2005	\$1,300	N/A	\$245,400	\$246,700
2004	\$1,300	N/A	\$245,400	\$246,700
2003	\$1,300	N/A	\$229,800	\$231,100
2002	\$1,300	N/A	\$229,800	\$231,100
2001	\$1,300	N/A	\$200,100	\$201,400
2000	\$1,300	N/A	\$192,300	\$193,600



Sketch by Apex Medina™



AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Danville Register & Bee, a newspaper printed and published in the city of Danville, State of Virginia, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Dec. 14, 2024, Dec. 21, 2024

NOTICE ID: MIsFasJokcue7PnPhVXW

PUBLISHER ID: COL-4200373

NOTICE NAME: 1521 Goodyear Blvd DEMO

Publication Fee: 467.06

Ad Size: 2 X 39 L

Category: General Legal Notice

Under penalty of perjury, I, the undersigned affiant swear or affirm that the statements above are true and accurate to the best of my knowledge and belief.

(Signed) Yuade Moore

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Subscribed in my presence and sworn to before me on this: 12/24/2024

Shanea H Holmes

Notary Public

Notarized remotely online using communication technology via Proof.

Notice of Demolition

Bobby L. James, Justin A.O. Williams
RE: 1521 Goodyear Blvd, Danville, VA 24541 Parcel ID: 77620
Dear Property Owner(s)

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the most current edition of the Virginia Uniform Statewide Building Code, as adopted by the Commonwealth of Virginia for the maintenance of existing structures. Further, it has also been determined to be unsafe, unfit or unlawful by the Building Code Official, pursuant to Section 106 of the Virginia Maintenance Code, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building is a UNSAFE STRUCTURE, and the Building Code Official prohibits any use or occupancy.

ORDER

The Building Code Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of this notice dated December 11, 2024.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and/or the Virginia Maintenance Code, as the Building Code Official deems appropriate. This may result in legal action against you, which could subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the removal of the building, and charging the costs or expense thereof to you. Any unpaid charges will constitute a lien in that amount against the property. A copy of the full text of this notice is on file in the Inspections Division of the Department of Community Development for the City of Danville. The publishing of this advertisement shall serve as notice to any and all prospective buyers of the unsafe condition of the building and the intention of the City to proceed with demolition to protect the public safety in the imminent future, regardless of any change in ownership.

FOR MORE INFORMATION CONTACT: Inspections Division at (434) 799-5260
COL-4200373



City of Danville, Inspections Division

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

NOTICE OF DEMOLITION

December 12, 2024

Bobby L. James
128 Beaverbrook Ct
Danville, VA 24541

Justin A.O. Brooks
128 Beaverbrook Ct
Danville, Va 24541

Virginia Bank & Trust Co.
Virginia Bank & Trust
336 Main St
Danville, VA 24541
Instrument #18-4042

United States of America
Criminal Division
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, D.C. 20530-0001
Instrument #21-3364

RE: 1521 GOODYEAR BLVD
Parcel ID: 77620
Application Number: CE24-01204

Dear Property Owner(s) and/or Occupant,

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the most current edition of the Virginia Uniform Statewide Building Code (USBC), as adopted by the Commonwealth of Virginia, Department of Housing & Community Development for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 106 of the Virginia Maintenance Code, Part III of the USBC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an UNSAFE STRUCTURE, and the Building Maintenance Official prohibits any use or occupancy. The specific violations of the Virginia Maintenance Code that cause the building to be declared unsafe, unfit for human occupancy or unlawful and a dangerous structure are as follows:

106. Unsafe structures: VMC Section 106 Unsafe and/or unfit for habitation.

106.1. General: This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code.

Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

302.7. Accessory structure: Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

304.1. Exterior structure: The exterior of a structure shall be maintained in good repair and structurally sound.

304.13. Window, skylight and door frames: Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.

304.15. Doors: Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.2. Protective treatment: Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3. Premises identification: Address numbers of buildings shall be maintained in accordance with the applicable building code or when required by ordinance.

304.7. Roofs and drainage: The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

304.9. Overhang extensions: Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

604.1. Electrical system: Required or provided electrical systems and facilities shall be maintained in accordance with the applicable building code.

ORDER

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of receipt of this notice.

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to \$2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

In the event that the City proceeds with demolition, any personal property remaining in the building at the time of demolition will be considered abandoned and will be disposed of in the course of demolition. No action will be taken to dispose of your personal property for a minimum of 45 days after the date of this Notice. **Contact the Inspections Division to inquire about retrieving your personal property in a safe and appropriate manner. Any attempt to access an unsafe or dangerous structure without authorization from the Building Maintenance Official is prohibited.**

Right of Appeal

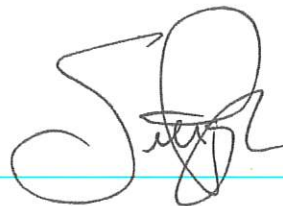
You have the right to appeal this decision of the Building Maintenance Official to the local Board of Building Code Appeals as provided for in Section 107.0 of the Virginia Maintenance Code, and in Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended. A written request for such an appeal shall be made on forms provided by the Building Maintenance Official, and filed with this office within 14 calendar days from receipt of this notice. At the time of filing, a fee of Two Hundred Six dollars (\$206.00) shall accompany the appeal request. Applications for appeal may be obtained in the Inspections Office located in Room 208 of the Municipal Building at 427 Patton Street, Monday through Friday, 8:00 AM until 5:00 PM.

Compliance with this order may require a building permit from this office. Failure to obtain the proper permit(s) as required by the USBC shall constitute a separate violation. Should you have any questions, or when all work ordered in this Notice has been completed, please contact me at (434) 799 5260. Thank you for your cooperation in promptly eliminating these violations.

Sincerely,



Seth R. Hawker
Property Maintenance Official
434-799-5260 Ext. 2493
hawkesr@danvilleva.gov



Seth Payne
Property Maintenance Inspector
434-799-5260 Ext. 3798
paynets@danvilleva.gov



City of Danville
Inspections Division

12/04/2024

TO: Finance Department

FROM: Inspections Division

PLEASE ISSUE A CHECK IN THE AMOUNT OF \$21.00

PAYABLE TO: Clerk of Circuit Court, 401 Patton St, Danville, VA 24541

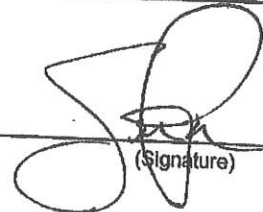
FOR: To record 1 demolition notice for 1521 Goodyear Blvd. @ \$21.00 each.

ACCOUNT NUMBER: 0122001-56540

REMARKS: PLEASE RETURN CHECK TO KIMANNEE IN CD; THANK YOU.

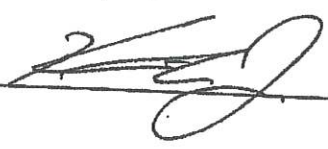
Requested by: Seth Payne

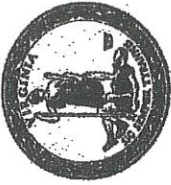
(Print)



(Signature)

Approved by: _____





OFFICIAL RECEIPT
DANVILLE CIRCUIT COURT
DEED RECEIPT

DATE : 12/11/2024 TIME : 09:05:29 CASE # : 590CLR240004220

RECEIPT # : 24000010375 TRANSACTION # : 24121100001

CASHIER : DAJ REGISTER # : E873

INSTRUMENT : 240004220 BOOK :

GRANTOR : CITY OF DANVILLE, VA

GRANTEE : JAMES, BOBBY L

RECEIVED OF : CITY OF DANVILLE

ADDRESS :

DATE OF DEED : 12/11/2024

CHECK : \$21.00 CHECK NUMBER : 8346

DESCRIPTION 1 : GOODYEAR BLVD

NAMES : 0

CONSIDERATION : \$0.00 AVAL : \$0.00

PAGE :

FILING TYPE : OTHER

RECORDED : 12/11/2024

EX : N

EX : N

PAYMENT : FULL PAYMENT

AT : 09:05

LOC : CI

PCT : 100%

PAGES : 001 OP : 0

PIN OR MAP : 77620

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00	145	VSLF	\$3.50
106	TECHNOLOGY TRST FND	\$0.00	301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 21.00

AMOUNT PAID : \$ 21.00

PAYOR'S COPY

CLERK OF COURT : GERALD A. GIBSON

RECEIPT COPY 1 OF 2

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A – COVER SHEET CONTENT

Instrument Date: 12/11/2024

Instrument Type: OTHER

Number of Parcels: 1 Number of Pages: 1

City [] County DANVILLE COURT
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[] Grantor:

[] Grantee:

Business/Name

1 Grantor: CITY OF DANVILLE, VA

Grantor:

1 Grantee: JAMES, BOBBY L

2 Grantee: WILLIAMS, JUSTIN A.O.

Grantee Address

Name: BOBBY L JAMES

Address:

City: State: VA Zip Code:

Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: [] City [] County Percentage In This Jurisdiction: 100%

Book Number: Page Number: Instrument Number:

Parcel Identification Number/Tax Map Number: 77620/2611-001-000003.000

Short Property Description:

Current Property Address:

City: DANVILLE State: VA Zip Code: 24541

Instrument Prepared By: CITY ATTORNEYS OFFICE Recording Paid By: CITY OF DANVILLE

Recording Returned To: CITY OF DANVILLE INSPECTIONS

Address: 427 PATTON ST

City: DANVILLE State: VA Zip Code: 24541



PG 0001 DEC 11 24
24-4220
INSTRUMENT NO.
CITY OF DANVILLE, VA

(Area Above Reserved For Deed Stamp Only)

PIN# 77620
Inspections Division
P.O. Box 3300
Danville, VA 24543

NOTICE OF DEMOLITION OF STRUCTURE

KNOW ALL MEN BY THESE PRESENTS, that the Maintenance Code Official for the City of Danville, Virginia has given notice to Bobby L James, Justin A. O. Williams, who is the owner of a certain structure located within the Danville City limits at 1521 Goodyear Blvd., TAX MAP# 77620, that the structure is unsafe and must be demolished and brought into compliance with the standards of the Virginia Uniform Statewide Building Code on or before January 13th, 2025. If the structure is not fully demolished by the owner by the aforesaid date, the structure will be demolished by the City of Danville in accordance with the provisions of the Virginia Uniform Statewide Building Code and the provisions of the Danville City Code and a lien will be placed on the above-described property for the amount of the demolition costs.

This Notice of Demolition will serve as notice to all prospective purchasers, assigns and successors in interest to the above-described property that if the structure located on the aforesaid property is not fully demolished to the standards of the Virginia Uniform Statewide Building Code by the aforesaid date, the structure will be demolished by the City of Danville in accordance with the Notice of the Maintenance Code Official. The transfer of title or the sale of the above-described property to a new owner will not affect the deadline set forth in this Notice of Demolition of structure. The deadline set by the Maintenance Code Official for the demolition of the structure will remain in full force and effect unless modified by future action of the Maintenance Code Official.

Dated this 11th day of December, 2024.

CITY OF DANVILLE, VIRGINIA

By Seth R. Hawker

Maintenance Code Official

Commonwealth of Virginia

City of Danville, to-wit:

Acknowledged before me this 11th day of December, 2024.

By Seth R. Hawker, Maintenance Code Official for the City of Danville, VA.

Lisa Kingery Jones
Notary Public

Lisa Kingery Jones
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7753419
My Commission Expires 05/31/2025



CITY OF DANVILLE
Community Development
Division of Inspections

December 4, 2024

TO: Seth Payne

RE: Title Search for 1521 Goodyear Blvd. (#77620)

Seth,

Listed below are the listed owners and lienholders of record of the property located at 1521 Goodyear Blvd.

1. The record owners are **Bobby L. James** and **Justin A. O. Williams** of **128 Beaverbrook Ct., Danville, VA 24541**.
2. The property is subject to a Deed of Trust to **Virginia Bank & Trust Co.**, dated October 15, 2018, in the original principal amount of \$52,000.00, recorded as Instrument #18-4042. **Contact: Virginia Bank & Trust, 336 Main St., Danville, VA 24541**.
3. The property is subject to a Notice of Lien to the **United States of America**, Serial No. 2020A60509, dated September 27, 2021, in the original principal amount of \$1,835,767.81, and recorded in the Clerk's office as Instrument #21-3364. **Contact: Criminal Division, U.S. Department of Justice, 950 Pennsylvania Ave NW, Washington, D.C. 20530-0001**.
4. Real estate taxes are due but not owing in the amount of \$283.45 through the second half of the 2024 tax year.

Kindest Regards,

C. Ryan Dodson
Assistant City Attorney



LOCAL board of building code appeals
city of danville, Virginia

APPLICATION FOR APPEAL

Pursuant to Section 119 of the Virginia Uniform Statewide Building Code, or Section F-112.0 of the Virginia Fire Prevention Code, or Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended, a request for an appeal is hereby made this 7th day of April, 2025 to the Board of Building Code Appeals, relative to the following:

Appellant – (Applicant)

v.

Appellate
(Building Official, Building Maintenance Official or Fire Official)

Name Bobby James & Justin A. O. Williams

Address 128 Beaverbrook Ct
Danville, VA 24541

Firm/Company _____

Phone (813)394-7936 / (434)710-0449

If building is owned by other than Appellant, show owner's name and address:

Name N/A

Address _____

**Please include \$206.00 with this application, with checks made payable to the *City of Danville*.

CODE BEING

VIRGINIA UNIFORM STATEWIDE BUILDING CODE (USBC)

APPEALED:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (SFPC)

SECTION 9-3, CODE OF THE CITY OF DANVILLE, VIRGINIA

BASIS FOR APPEAL:

- The Building/Building Maintenance Official/Fire Official has denied the granting of a modification which complies with the intent of the applicable code.
- The true intent of the applicable code has been incorrectly interpreted.
- The provisions of the applicable code do not fully apply in this situation.
- The proposal to use an equivalent form of construction or compliance has been denied.
- The decision of the code official regarding an order to abate an unsafe or dangerous structure is being challenged.

BACKGROUND INFORMATION:

Location of building for which this appeal is filed: 1521 Goodyear Blvd
Danville, VA 24541

Current or proposed use of building or structure: Current use: Restaurant/Lounge
Possible proposed use: Adult Day Center

Specific action or decision you are requesting of the Board: Appellant is requesting that the board cease any and all actions to demolish this commercial building. The owners of the property are in the process of correcting all issues that were addressed by the city inspectors in order to make this property a "non-dangerous structure".

Justification for this request: Please see the attached document.

(ATTACH SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED)

Please complete the following estimate of the cost of repairs:

Type of work:	Amount
Demolition/ removal of damaged materials. (started)	\$ 2,000
Footing/ foundation/ chimney repair or installation.	\$
Structural floor, wall or roof framing repair or installation.	\$
Exterior roofing / flashing repair or installation. (started)	\$ 11,000
Exterior stair / porch / deck repair or installation.	\$
Exterior siding / trim repair or installation.	\$
Exterior door / window repair or installation.	\$ 800
Interior wall / ceiling / flooring repair or installation.	\$
Interior trim / millwork / cabinet repair or installation.	\$
Plumbing fixture / appliance / piping repair or installation.	\$
Electrical fixture / device / wiring repair or installation. (complete)	\$ 1,000
Heating & cooling system repair or installation.	\$
Hardware repair or installation.	\$
Insulation.	\$
Painting.	\$
Miscellaneous items or other. Boarding of Windows (complete)	\$ 1,200
Total cost of work:	\$ 16,000

Please answer the following questions:

What portion of this work, if any, do you intend on performing yourself? Removing all of the drop ceiling material, to include insulation, installing the roof and any other points of interest as listed above. Contractor has been removed from this project.

Have you received any cost estimates from contractors to perform any of the above work, and if so, please attach copies of written estimates? No, appellant is performing the work with the assistance / guidance of knowledgeable friends and associates.

What is the time frame that you propose to start this work, and to have this work completed? Work has already been started, given the appellants current work schedule and distance to travel back and forth to Danville, they are requesting two months to complete remaining repairs.

Do you intend on borrowing money to finance any portion of this work? Not this work but the overall repairs

If so, have you contacted any lending agents to determine your monthly payments? Yes, Pentagon Federal Credit Union. Appellant is currently "Conditionally Approved" for a HELOC

1521 Goodyear Blvd Danville, VA 24541
Address of Property

Justin A. O. Williams
Name

7 April 2025
Date

Justin Williams
Signature

Justification for Requesting an Extension to Complete Property Repairs

Property Address: 1521 Goodyear Blvd, Danville, VA 24541

Owner(s): Bobby James & Justin Williams (Appellants/They)

Date: 7 April 2025

To the Honorable Members of the Appeal Board:

The appellants respectfully submit this letter as a formal request for an extension of time to complete the necessary repairs at my property located at 1521 Goodyear Blvd, Danville, Virginia. They are committed to bringing the property into full compliance with city code requirements and would like to offer the following justification for their request (please note that they are trying to handle this at the lowest level):

1. Approved Plan of Action and Good Faith Effort

The City of Danville approved a Plan of Action (POA) outlining the steps the appellants would take to restore the property. Since then, they have initiated and partially completed several key repairs, including the purchasing and starting the installation of a new roof and securing the building (boarding up the windows and securing the doors as needed although vandals have forced their way into the building after the fact). These improvements represent a clear, measurable effort toward full rehabilitation. Please note that the city of Danville only instructed the appellants to correct “outside” issues only.

2. Unforeseen Contractor Emergency

Unfortunately, during the approved repair window, the hired contractor experienced a personal emergency that required him to cease work temporarily. This delay was unanticipated and beyond the appellant’s control. It disrupted the repair schedule but was not reflective of any neglect or disregard for the City’s directives.

3. Responsibility and Accountability

The appellants take full responsibility for not requesting an extension before the approved timeline expired. They acknowledge this oversight and assure the board that it was not due to negligence, but rather a misjudgment in managing the administrative side of the repair process while actively working on the property.

4. Commitment to Completion

The property has shown visible signs of improvement (compared to the initial assessment) and will be a valuable asset to the surrounding community in the upcoming future. The appellants are fully committed—both financially and logistically—to completing the remaining work within a reasonable and clearly defined timeframe. They

are prepared to submit an updated schedule of repairs, provide access to inspectors, and maintain open lines of communication with city officials. Please note that the Mr. Justin Williams will perform the remaining said repairs on the weekends as he currently resides 3.5hrs outside of Danville, VA but is fully committed to completing this project.

5. Preventing Irreparable Loss

Allowing additional time to complete the repairs will preserve an actively rehabilitated (cement) structure, avoid unnecessary demolition costs (which will more than likely result in a lien on the property from the city of Danville, VA), and support local economic and community development. The appellants respectfully request for a chance to finish what they started.

Legal Precedent Supporting Extension Request

In addition to the factual justifications for this extension, the appellants respectfully cite the Virginia Supreme Court decision in *Goyonaga v. Board of Zoning Appeals of Falls Church*, 275 Va. 232 (2008), which affirms that administrative boards must act within the scope of their legal authority, adhere to statutory mandates, and base their decisions on substantial evidence. The Court emphasized the importance of due process and the right of property owners to fair consideration when enforcement actions are proposed. In this case, the City of Danville initially approved a Plan of Action, and substantial progress has been made toward compliance, including the installation of a new roof and securing the building.

While unforeseen delays occurred due to a contractor emergency, the appellants are fully committed to completing the repairs and request only additional time to do so. Pursuant to the precedent established in *Goyonaga*, the appellants respectfully urge the Appeal Board to consider the facts of this matter carefully and to ensure that any further action by the City complies with the principles of fairness, reasonableness, and lawful discretion as required under Virginia law.

Thank you for considering this request. The appellants appreciate the City of Danville's ongoing communication and your willingness to review this matter fairly and compassionately.

Sincerely,


Justin A. O. Williams
justin.a.williams90.civ@army.mil
813-394-7936