

RESOLUTION

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

and

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

RESOLVED, that the matter of

Appeal No. CDAPPL-2022-00023

In RE: Fairfax County Department of Code Compliance (DCC) v. Grace L. Recabo

The appeal is upheld (5-0-0 CNV)


The rationale given for upholding the appeal was that applicable documents (2018 VCC and 1984 Declaration for Condominium Ownership of Premises Located in Fairfax County Virginia and Bylaws of Water’s Edge Condominium) **do not support the unit owner (the appellant) being the party to whom a Notice of Violation should be issued with respect to the subject skylights.** In defining the dimensions of units in item 5 of the Declaration the skylights are located above a space measured vertically from the flooring of the unit to the uppermost unfinished surface of the drywall ceiling of the unit. Also Article VI, Section 1 (b)(1) of the By-laws does not include skylights within the delineated items that are under the owner’s responsibility. In addition the Declaration, while specifically mentioning windows in item 5 (c), does not define the term window nor does it define or use the term skylight. Chapter 2 of the VCC, while not defining the term window, contains a distinction for skylights by defining the term skylight as fenestration $\geq 15^\circ$ from vertical.

FURTHER, be it known that:

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

11/10/2022 | 10:31:55 EST

Date: November 9, 2022

Signature: 
Chairman, Board of Building Code Appeals

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

I Carla Guerra-Moran hereby certify that this is a true copy of a Fairfax County Department of a
CUSTODIAN 11/10/2022 | 10:36:27 EST

Land Development Services record of which I am a custodian Carla Guerra-Moran
CUSTODIAN

DocuSigned by:
Carla Guerra-Moran
5693E98D0700472

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

Department of a Land Development Services record of which Carla Guerra-Moran is the
CUSTODIAN 11/10/2022 | 10:42:40 EST

custodian and that Carla Guerra-Moran reports to me Jay Riat
CUSTODIAN SUPERVISOR OF CUSTODIAN

DocuSigned by:
Jay Riat
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