

Charlestown

CHARLESTOWN OWNERS ASSOCIATION

April 14, 2011

Dear Neighbors,

We had our Appeal Hearing yesterday, 13 April. It was a very interesting day and experience. I would like to thank all of those residents who wrote personal letters to the Board – they were impressed and supportive. I would also like to thank those residents who came to the hearing. Your presence was noticed and appreciated – especially by me.

We lost the Appeal on a vote of 4-1. The Appeals Board felt that they had no choice but to uphold the application of the Fire Code – and to be consistent with their actions on previous appeals. But all is not lost and we will continue to work on this issue. In the meantime we don't need to implement any portion of the Notice of Violation until after we have exhausted all possible options.

The following are noteworthy:

1. Pat Herrity predicted that we would lose the appeal but even before the Hearing urged that we further appeal to the State Technical Review Board (TRB). This appeal will have to go through the Board of Supervisors (BOS) and he will try to get a vote in our favor – which would mean that the County would not contest or oppose our appeal.
2. Interestingly, the Chairman of the Appeals Board also urged us to further appeal to the State TRB.
3. The Board and the Fire Marshal both expressed regret that the same standards are not enforced by the County and VDOT.
4. After the Hearing the Fire Marshal and I resolved the issue of the number of signs that we will eventually have to install. He agreed that the ten signs we had proposed will be satisfactory.
5. The Fire Chief did say that access and passage were not at issue – but that he had some concerns about operating fire equipment in some areas once on-site. We will pursue this and see if we can't work consideration of these concerns into whatever final resolution we can work out.

Bottom line: More work to be done – but no changes as of yet. I will say that I suspect that we will eventually have to make some changes in some areas.

Thank you again for your letters to the board and for your presence at the hearing.

Regards,

Duane Ingalsbe