

LANCASTER COUNTY, VIRGINIA

WHEN IS A CONSTRUCTION PERMIT REQUIRED?

This pamphlet is designed to assist the citizens of Lancaster County to:

1. Determine when permits are needed for various new construction, remodeling and home repair activities;
2. Describe the kinds of permits that must be obtained by work activity; and
3. Outline the procedures for obtaining the necessary permits. The pamphlet also describes the periodic inspections and approvals needed at various stages of any construction or rehabilitation work.

Lancaster County and all jurisdictions within the Commonwealth of Virginia enforce the Virginia Uniform Statewide Building Code (VUSBC). The following are selected sections of the VUSBC that affect citizens in their efforts to obtain a building, electrical, mechanical, plumbing or HVAC permit:

SECTION 108: APPLICATION FOR PERMIT

108.1 When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure, including the installation or altering of any equipment regulated by the VUSBC.
2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
3. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

108.2 Exemptions from application for permit. Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:
 - 1.1 Fire alarm system.
 - 1.2. Fire detection system.
 - 1.3. Fire suppression system.
 - 1.4. Smoke control system.
 - 1.5. Fire protection supervisory system.

- 1.6. Elevator fire safety control system.
 - 1.7. Access or egress control system or delayed egress locking or latching system.
 - 1.8. Fire damper.
 - 1.9. Door control system.
2. Detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 256 square feet (23.7824 m²) and the structures are not accessory to a Group F or H occupancy. If included, electrical, plumbing and mechanical permits are required at the rate of \$50 each. Zoning is also required for the construction or placement of any accessory building to include small, pre-constructed storage sheds. One-story accessory buildings must be a minimum of 5' from any adjoining property line while accessory structures exceeding one-story must be a minimum of 20' from any adjoining property line and all must be a minimum of 50' from the edge of any road right of way. The fee for zoning is \$50. A zoning permit can be issued on the basis of a hand drawn sketch of the footprint of the building with stated distances relative to adjoining property lines and road rights of way. The property owner will sign the zoning permit and is bound to the setback distances set forth on it. A surveyor must verify any setbacks that are within two feet of the minimum, so it often behooves the property owner to adhere to setbacks that are at least two feet greater than the minimum if at all possible.
 3. Detached pre-fabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 256 square feet (23.7824 m²). If included, electrical, plumbing and mechanical permits are required at the rate of \$50 each. Zoning is also required for the construction or placement of any accessory building to include small, pre-constructed storage sheds. One-story accessory buildings must be a minimum of 5' from any adjoining property line while accessory structures exceeding one-story must be a minimum of 20' from any adjoining property line and all must be a minimum of 50' from the edge of any road right of way. The fee for zoning is \$50. A zoning permit can be issued on the basis of a hand drawn sketch of the footprint of the building with stated distances relative to adjoining property lines and road rights of way. The property owner will sign the zoning permit and is bound to the setback distances set forth on it. A surveyor must verify any setbacks that are within two feet of the minimum, so it often behooves the property owner to adhere to setbacks that are at least two feet greater than the minimum if at all possible.
 4. Tents or air-supported structures, or both, that cover an area of 900 square feet (84 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 50 or less persons.
 5. Fences and privacy walls not part of a building, structure or of the barrier for a swimming pool, provided such fences and privacy walls do not exceed six feet in height above the finished grade. Ornamental post caps shall not be considered to contribute to the height of the fence or privacy wall and shall be permitted to extend above the six feet height measurement.
 6. Retaining walls supporting less than two feet of unbalanced fill. This exemption shall not apply to any wall impounding Class I, II or III-A liquids or supporting a surcharge other than ordinary unbalanced fill.

7. Swimming pools that have a surface area not greater than 150 square feet (13.95 m²), do not exceed 5,000 gallons (19 000 L) and are less than 24 inches (610 mm) deep.
8. Ordinary repairs not including (i) the cutting away of any wall, partition or portion thereof; (ii) the removal or cutting of any structural beam or loadbearing support; (iii) the removal or change of any required means of egress; (iv) the rearrangement of parts of a structure affecting the egress requirements; (v) the addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas or oil, soil, waste, vent or similar piping, electric wiring or mechanical work; or (vi) any other work affecting public health or general safety. However, ordinary repairs shall include, but are not limited to, the following:
 - 8.1 Either within the dwelling unit in Group R-2 occupancies that are four stories or less in height or in Group R-3, R-4 and R-5 occupancies, or both, replacement of (i) either mechanical or plumbing equipment or appliances, or both, provided such equipment or appliances are not fueled by gas or oil; (ii) floor coverings or porch flooring, or both; and (iii) windows, doors, electrical switches, electrical outlets, light fixtures or ceiling fans.
 - 8.2. In Group R-3, R-4 or R-5 occupancies, replacement of either roof coverings or siding or the installation of siding, or both, provided the buildings or structures are not subject to wind speeds greater than 100 miles per hour (160 km/hr), determined in accordance with applicable requirements of this code.
 - 8.3. Installation of cabinets, painting, replacement of interior floor finish or interior covering materials, or both, and repair of (i) plaster, (ii) interior tile, and (iii) any other interior wall covering.
9. Signs under the conditions in Section H101.2 of Appendix H. 10. Replacement of above- ground existing LP-gas containers of the same capacity in the same location and associated regulators when installed by the serving gas supplier.

108.4 Prerequisites to obtaining permit. In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit, either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms or Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 of Title 54.1 of the Code of Virginia. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

108.5 Mechanics' lien agent designation. In accordance with Section 36-98.01 of the Code of Virginia, a building permit issued for any one- or two-family residential dwelling shall at the time of issuance contain, at the request of the applicant, the name, mailing address, and telephone number of the mechanics' lien agent as defined in Section 43-1 of the Code of Virginia. If the designation of a mechanics' lien agent is not so requested by the applicant, the building permit shall at the time of issuance state that none has been designated with the words "None Designated."

108.6 Application form, description of work. The application for a permit shall be submitted on a form or forms supplied by the local building department. The application shall contain a general description and location of the proposed work and such other information as determined necessary by the building official.

108.8 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time if a justifiable cause is demonstrated.

REQUIRED FOOTINGS / FOUNDATIONS

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Exception: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, not exceeding 256 square feet (23.7824 m²) of building area, provided all of the following conditions are met:

1. The building height is not more than 12 feet.
2. The maximum height from the finished floor level to grade does not exceed 18 inches.
3. The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.
4. The structure is anchored to withstand wind loads as required by this code.
5. The structure shall be of light-frame construction whose vertical and horizontal structural elements are primarily formed by a system of repetitive wood or light gauge steel framing members, with walls and roof of light weight material, not slate, tile, brick or masonry.