

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

Mari Lee and Brian McClure Plaintiff,

Anne Wright Plaintiff,

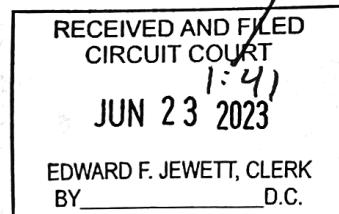
Carrie and Eric Haacke-Golden Plaintiff,

Lee and Mary Katherine Chaney Plaintiff,

v. Case No.:

Riverside Southcliff, LLC Defendant,

Serve: Stuart H. Held
Registered Agent, Riverside Southcliff, LLC
200 Golden Oak Court
Virginia Beach, Virginia 23452



**COMPLAINT AND REQUEST FOR EMERGENCY TEMPORARY
AND PERMANENT INJUNCTION**

COMES NOW the plaintiffs, by counsel, and for their Complaint against Riverside Southcliff, LLC (“Developer”), and Request for an Emergency Temporary and Permanent Injunction, aver the following:

Introduction

1. Plaintiffs are homeowners in the historic residential neighborhood of Forest Hill in south Richmond. They, and many of their neighbors, are threatened with imminent and potentially devastating damages to their homes and the contiguous city infrastructure by explosive blasting into the granite bedrock near them that will apparently be undertaken this Monday, June 26 at 9:00 am by Developer. Developer seeks to build multiple homes near the plaintiffs on a three acre site adjacent to and overlooking the James River. Plaintiffs first learned of the developer’s blasting permit having been approve mid-morning

Tuesday June 20, 2023; blasting was scheduled to start at 3:00 pm that day. Blasting of this nature is extremely rare in a residential area in the City of Richmond. Plaintiffs and their neighbors have grave concerns about the impending explosive blasting since they have already sustained serious physical damage to their homes from “hoe-ramming” into the bedrock conducted by the Developer for many weeks after October 28, 2022.

Background / Relevant Facts

2. Defendant originally acquired the a large approximately three (3) acre parcel of land, which included a two and a half (2.5) acre undeveloped tract, plus an existing historic residential home built in 1929 on six tenths of an acre. Developer sold the parcel with the existing historical home to the plaintiffs Lee and Mary Katherine Chaney—and their postal address of 4614 Riverside Drive has been used for the development project ever since.
3. Developer subdivided the remaining undeveloped 2.5 acre parcel of land into approximately eight (8) residential lots¹ upon information and belief, in accordance with Plan Number SUBF-035389-2018,² creating the new subdivision identified as South Bank Ridge on August 9, 2018; and then proceeded towards developing these subdivided parcels into multiple single-family dwellings.

¹ Upon information and belief, when the Developers presented plans at Forest Hill Neighborhood Association meeting in 2018, Burt Pinnock, Developer, lead Architect and Designer, and Planning Commission member, stated he planned to build his dream home on this property. Per city property records, 3 lots, 201, 203, 205 South Cliff were sold to Berringer Builders, Inc. The remaining five (5) lots belong to Riverside South Cliff, LLC.

² Exhibit 1, attached.

4. According to City records, Plan Number WCON-087086-2021³ indicates Defendant applied for a permit on February 19, 2021 with an activity description of: “Water/Sewer Main Ext to Service South Bank Ridge Subdivision (5 Lots)”, and completed this work on October 14, 2022.
5. According to City records, Plan Number WISP-119481-2022⁴ indicated Defendant applied for a permit on October 13, 2022 with an activity description of: “Tie into existing storm sewer W/ Doghouse MH approx 18 LF of 24' HDPE and another storm Manhole(no road work needed) 11/17/2022-12/1/2022”, and completed this work on November 21, 2022.
6. According to City records, Plan Number WISP-119558-2022⁵ indicated Defendant applied for a permit on October 14, 2022 with an activity description of “Tie into existing storm sewer W/ Doghouse MH, Approx 18 LF of 24' HDPE and another storm manhole no road work needed Detour during work ours; Plate otherwise. 10/17/2022-10/31/2022”, and completed this work on October 21, 2022.
7. The plaintiffs understand other permits may have been applied for by Developer and granted, but Building Commissioner David Alley indicated a building permit has not been issued to his knowledge. Additional investigation is necessary to fully understand under to what permit the Hoe Ramming and proposed blasting are associated.
8. On or around October 28, 2022, the Developer began “hoe ramming” the slab of Petersburg granite underlying the construction site near the James River, after discovering there was

³ Exhibit 2, attached.

⁴ Exhibit 3, attached.

⁵ Exhibit 4, attached.

more Petersburg granite underneath the South Ridge Subdivision proposed building site than the Developer's original geotechnical report previously indicated. The hoe ramming continued through approximately February 7, 2023, but proved inadequate to break through the Petersburg granite. Plaintiffs learned Developer's hoe ramming proximately caused serious property damage to the real property and homes within adjacent and nearby residential neighborhoods. These environmental and property damages are in the process of being fully identified, quantified, discovered and explored by the named plaintiffs to this lawsuit, as well as many other neighbors.

9. As the people living and/or owning property in the adjacent and nearby residential neighborhoods began to notice unusual occurrences within their homes and properties, such as cracked walls, photographs having to be constantly straightened on walls, brick dust in their homes, cabinets in brand new additions suddenly not lining up as before, they communicated about this among themselves, for example, see attached emails from two of the plaintiffs dated January 19 and 20, 2023.⁶
10. Pinnock responded to a comment about the project delay the project May 20, 2023 on a public Facebook group, posting⁷ ("the Pinnock FB post"): "1. My partners and I have not gone bankrupt. 2. There is more rock than our geotechnical report indicated. 3. The hoe ramming approach we tried was too disruptive. 4. We have been delayed because the

⁶ See Exhibits 5 and 6, two emails dates January 19 and 20, 2023.

⁷ See Exhibits 7a, the Facebook post with a screenshot of the date and time taken; and 7b, the same screenshot showing the entire screen-shotted thread without the date and time.

licensed company that provides blasting services in this area has been working on the CoStar site downtown near the Federal Reserve Bank next to the James River.”

11. The Pinnock FB post is revealing, and shows the Developer based its their plans on a flawed and faulty geotechnical report, calling into question the viability, feasibility and potentially catastrophic impact of the entire project. Additionally, the Pinnock FB post is an admission the hoe ramming was too disruptive, and indeed, too destructive, as explained *infra*. Further, the Pinnock FB post demonstrates the “blasting” approach, which is the subject of the injunctive relief sought herein, is an escalation of Developer’s efforts to break-through the Petersburg granite which underlies the construction site, and Developer’s continued reckless efforts, if allowed, pose an unreasonable risk of imminent harm to nearby persons and property.
12. It is clear from the history of this project, and the admissions within the Pinnock FB post, that Developer is unsure how to proceed, and escalating the potentially catastrophic construction methodologies the City is apparently allowing Developer to employ without any scientific or geological basis. Developer’s continued reckless efforts, if allowed to proceed, pose an unreasonable and extraordinary risk of catastrophic irreparable harm to the surrounding areas, properties, homes, persons in the area, and underground public infrastructure such as gas, water and power lines, among other things, including the environment generally.

Currently Existing Property and Environmental Damage Already Caused by Developer

13. Brian and Mari Lee McClure own and live in the property located 4601 New Kent Avenue near the construction site. Their historical home has already suffered substantial property damage, including the shifting of its foundation by approximately three (3) inches, and the

collapse of their chimney. JES Foundation Repair inspector Tony Hall, hired by the McClures, to evaluate the property damage to their home and real property stated the collapse of their chimney is due to blunt force.⁸ Hoe-ramming causes blunt force damage, especially in older homes.⁹ The Defendant engaged in this hammering continuously from approximately the end of October 2022 to beginning of February 2023. Also, the JES inspector opined the McClure's property, a 100 year old Craftsman Cottage, may have had minimal settling over time, "But any home that does show signs and or have minimal settlement/movement, any shifting in the soil/bedrock below your home could cause/create acute damage or long term damage.". In a conversation with plaintiff, JES inspector Tony Hall urged her to notify the city of a public safety concern because months of hoe-ramming possibly opened up a new fault line or sink hole, or both, explaining the Plaintiffs' experience of a sudden collapse of the back half of their home, a nearly 3 inch drop. Michael Casey, Owner Pro-Force Masonry, rebuilt the chimney and advised significant brick repair would be necessary on the home from the collapse as the brick and mortar are now compromised. Following-up on this urgent advice, she informed Building Commissioner David Alley and Fire Chief Eric Dyer of the same.¹⁰

14. Anne Wright owns and lives in the property located at 1901 Southcliff Road and owns and rents the property located 4612 Archer Avenue. Wright has noticed cracks in the plaster of her first-floor bathroom, bedroom and kitchen; and some cracking in areas on the

⁸ See attached letter from Tony Hall, Exhibit 8.

⁹ See generally, VibrationDamage.Com.

¹⁰ See attached emails from Mari Lee McClure to Chief Dyer and David Alley, Exhibits 9 and 10.

north wall of her basement. Anne Wright owns and lives in the property located at 1901 Southcliff Road and owns and rents the property located 4612 Archer Avenue. Wright has noticed cracks in the plaster of her first-floor bathroom, bedroom and kitchen; and some cracking in areas on the north wall of her basement.

15. Lee and Mary Catherine Chaney live in and own the property located at 4614 Riverside Drive near the construction site. Their brick home is very old, built in 1929, and the vibration from the hoe ramming and rock breaking has already caused plaster to crack, and damage to their mortar and brick.
16. Carrie and Eric Haacke-Golden live and own the property located at 1905 Southcliff Road near the construction site. They have had numerous cracks appear in ceilings during/since the hoe ramming, and also found pictures on walls askew or fallen from their walls. The cabinets in their new addition became misaligned. The hoe ramming caused noticeable vibrations they could feel in their home during Fall 2022.

Count I: Request for Temporary and Permanent Injunction

17. All prior allegations are realleged herein.
18. Plaintiffs and others were assured by the City on Friday, June 16, 2023, that no blasting permit had been issued to Developer to allow them to blast the Petersburg granite slab at the construction site. On the morning of Tuesday, June 20, 2023, a nearby neighbor had a stranger approach her who looked like a worker. She spoke with staff who showed her their blasting permit and indicated blasting was planned to begin at 3PM that same afternoon. No notification had been provided to area residents. This neighbor shared the information with City council member and several neighbors she knows.

19. On the morning of Tuesday, June 20, 2023, the McClures retained the undersigned counsel, and the other plaintiffs named in this lawsuit quickly retained the undersigned counsel as well. Since then, others have retained the undersigned counsel, including people not named as plaintiffs in this lawsuit. Upon being retained, the undersigned contacted Buildings Commissioner David Alley and requested a Stop Work Order be issued regarding the blasting, indicating an immediate injunction would be sought. Due to other calls and messages to the City, and the involvement of 4th District Councilwoman Kristen Nye, the Fire Department postponed the proposed blasting until Monday, June 26, 2023 in the morning. During an emergency public meeting organized on the evening of Tuesday, June 20, 2023, the leadership of Richmond's Fire Department admitted that the residents nearby the blasting zone should have been notified earlier that blasting had been approved and was scheduled to commence on Tuesday, June 20, 2023; however, they indicated only a Court Order could stop the blasting from going forward generally as all of the permits had already been approved. That is to say, Plaintiffs have no other remedies at law or otherwise, other than requesting this Court grant a temporary and permanent injunction.

20. Under no circumstances should Developer be allowed to proceed with blasting on the construction site this Monday morning, June 26.¹¹ Developer's hoe ramming and other

¹¹ Although Plaintiffs are seeking a permanent injunction, they are not completely inflexible. If Developer can demonstrate, scientifically, they have a way of breaking through the Petersburg granite slab without causing damage to nearby real property, homes, public infrastructure, etc., they would be amenable to Developer continuing the project; so as long as residents are afforded adequate time to secure their homes and provide for the most vulnerable among us, children, elderly, on oxygen, etc.

construction activities on the project have already caused serious property damage, including shifting foundations, the collapse of a chimney, cracked walls, brick dust, etc. Additionally, there has been a noxious and noticeable smell of gas in the area since Developer hoe rammed the Petersburg granite bedrock continuously, for weeks upon weeks, indicating the City's public utilities infrastructure could be compromised. The JES inspector who inspected the McClures' home stated that blunt force damage, like that of continuous hoe-ramming, caused the chimney collapse. Also, the JES Inspector urged her to notify the city of a public safety concern because months of hoe-ramming possibly opened up a new fault line or sink hole or both that could explain the Plaintiffs' experience of a sudden collapse of the back half of their home, measured as a nearly 3 inch drop. Michael Casey, Owner Pro-Force Masonry, rebuilt the chimney and advised significant brick repair on the house from the collapse as the brick and mortar are now compromised. Sinkholes in the neighborhood streets also seemed to have occurred. The lead architect on the project, Burt Pinnock, has already admitted in the Pinnock FB post "there is more rock than our geotechnical report indicated", and Developer is seeking to blast because "the hoe ramming approach we tried was too disruptive". If hoe ramming was too disruptive, and destructive, imagine what havoc and catastrophic destruction dynamiting the Petersburg granite slab would cause. Indeed, Developer would itself be wise to cease any additional construction activities on the project until the entire area has been surveyed for potential damage and impact from the prior hoe ramming and other construction activities. It would be beyond reckless to proceed with blasting under the now known existing circumstances, especially since everyone knows these construction permits

should never have been granted because they were based upon a flawed and faulty geotechnical report.

21. Generally, under Virginia law, “Every circuit court shall have jurisdiction to award injunctions...”. Va. Code Ann. § 8.01-620 (West). “Permanent injunctive relief is appropriate where: (1) there is no adequate remedy at law; (2) balance of equities favors moving party; and (3) public interest is served”. *Crutchfield v. U.S. Army Corps of Engineers*, 230 F. Supp. 2d 673 (2002).
22. A party seeking a temporary injunction under Virginia law must establish: “(1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest.” *Freemason St. Area Ass'n, Inc. v. City of Norfolk*, 100 Va. Cir. 172 (2018); *citing Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 172 L.Ed.2d 249 (2008).
23. There is no adequate remedy at law because blasting under the facts and circumstances described above could create truly irreparable and catastrophic damage to real property, homes, the environment, people in the area, public utility infrastructure, etc. Once earth and rock have been exploded and moved, there is no way they can be put back together again, including the rippling effects of the blasting.
24. Regarding the specific factors the Court must consider when determining whether to issue a temporary injunction:
 - a. Regarding factor number one, Plaintiffs are likely to succeed on the merits of their property damage claims, as the physical damage clearly exists, and has already been causally related to the hoe ramming by industry experts.

- b. Regarding factor number two, Plaintiffs, and indeed the public at large, will clearly suffer irreparable injury if Developer is allowed to proceed with blasting under the facts and circumstances alleged above.
- c. Regarding factor number three, the equities balance in favor of Plaintiffs, the public, the environment, and the general safety and welfare of people nearby the proposed blasting site, which includes children, etc.
- d. Regarding factor number four, enjoining such hazardous proposed blasting under the facts and circumstances presented here clearly furthers the interests of the public. At a minimum, any blasting by the Developer should be postponed for a sufficient amount of time to allow the Plaintiffs to retain geological expert services to evaluate the efficacy and safety of further drilling or blasting on the site, as well as the extent and cause of damages to the homes of the plaintiffs and other neighbors who are greatly concerned.¹²

Count II: Negligence: Property Damages

- 25. All prior allegations are realleged herein and incorporated by reference.
- 26. Developer had a duty to use reasonable care to ensure its construction activities did not cause foreseeable property damage to the real property and homes of adjacent and nearby residential property owners.
- 27. Developer breached its duty to use reasonable care when engaging in construction activities on the jobsite when it engaged in continuous and repetitive hoe ramming of the Petersburg

¹² See Exhibit attached record obtained from the City's public files, documenting the great concern of neighborhood regarding this construction and development project since 2018.

granite slab, particularly when it quickly learned its geotechnical report showed less rock than actually existed under the development site, and where its architect admitted the hoe ramming was “too disruptive”, yet continued it for weeks upon weeks.

28. Under the facts and circumstances which exist in this case, as alleged, Developer’s continued hoe ramming of a the Petersburg granite slab, with actual knowledge that its geotechnical report did not show as much rock underneath the development site as actually existed, and with actual knowledge such hoe ramming was “too disruptive”, and knowing the construction site was an undeveloped cliff beside the James River—a known fault zone—and with actual knowledge the vibrations from the hoe ramming emanated out towards other existing adjacent and nearby residential properties and older historic homes, constituted actionable negligence. Developer should have known its continuous hoe ramming activities under these facts and circumstances would impact and damage the real property and homes of adjacent and nearby property owners such as Plaintiffs in this case.
29. Developer is liable under Virginia law for all foreseeable property damages that are a direct and proximate result of the hoe ramming.
30. As a direct and proximate cause of the Developer’s hoe ramming, Plaintiffs suffered the property damages alleged above, which will be further proven at trial; and Developer is liable to each Plaintiff for their specific property damages.

Count III: Dangerous Instrumentalities: Property Damages

31. All prior allegations are realleged herein and incorporated by reference.
32. Developer had a duty to use a high degree of care, corresponding to the dangers involved, to prevent injury to others and their property, when engaging in hoe ramming of the Petersburg granite slab, an inherently dangerous construction activity, as described

above. Indeed, in the Pinnock FB post, architect Pinnock seems to suggest hoe ramming is more disruptive than blasting, a legally recognized dangerous instrumentality, and inherently dangerous construction activity.

33. Developer breached its duty to exercise a high degree of care insofar as Developer recklessly employed an inherently dangerous construction methodology (hoe ramming) to break-through the Petersburg granite slab, particularly when it quickly learned its geotechnical report showed less rock than actually existed under the development site, and where its architect admitted the hoe ramming was “too disruptive”, yet continued Developer continued it for weeks upon weeks.
34. Under the facts and circumstances which exist in this case, as alleged, Developer’s use of hoe ramming constituted an inherently dangerous activity akin to blasting. As such, Developer is strictly liable under Virginia law for all property damages that are a direct and proximate result of the hoe ramming.
35. As a direct and proximate cause of the Developer’s hoe ramming, Plaintiffs suffered the property damages alleged above, which will be further proven at trial; and Developer is strictly liable to each Plaintiff for the same.

WHEREFORE, the plaintiffs, by counsel, respectfully request this Court (1) grant their requests for an emergency temporary and permanent injunction; and (2) grant them compensatory damages in the amount of up to \$1,000,000 each, depending upon the damages which can be proven by each Plaintiff, plus prejudgment interest from the date of filing, and their costs.

TRIAL BY JURY REQUESTED

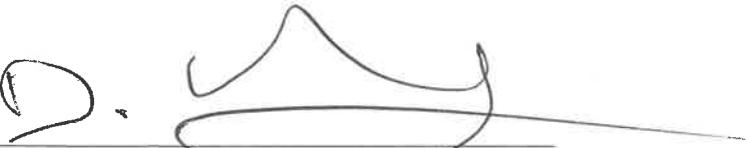
Mari Lee and Brian McClure

Anne Wright

Carrie and Eric Haacke-Golden

Lee and Mary Katherine Chaney

BY COUNSEL



D. Hayden Fisher, Esquire (VSB #44061)
Fisher Law, PLLC
P. O. Box 7321
Richmond, Virginia 23221
(804) 335-1270
(804) 482-2725 (facsimile)
hfisher@fisherlawrva.com
Counsel for Plaintiffs



Good Morning, Guest ▾ ()



Plan Number: SUBF-035389-2018

[Plan Details \(\)](#) | [Tab Elements \(\)](#) | [Main Menu \(\)](#)[^ \(.multi-collapse\)](#)

Type:	Subdivision (Final Plat) - New	Status:	Approved	Project Name:
IVR Number:	170830	Applied Date:	05/15/2018	Expiration Date:
District:	OS-2	Assigned To:	Kelley, Leigh	Completion Date: 08/09/2018
Square Feet:	0.00	Valuation:	\$0.00	Approval Expiration Date: 02/05/2019

Description: Final Subdivision - South Bank Ridge[Summary](#) [Locations](#) [Fees](#) [Reviews](#) [Inspections](#) [Attachments](#) [Contacts](#)[Sub-Records](#) [More Info](#) [Conditions](#)**Progress****Workflow****Available Actions**

100%



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Plan Number: WCON-087086-2021

[Plan Details \(\)](#) | [Tab Elements \(\)](#) | [Main Menu \(\)](#)[^ \(.multi-collapse\)](#)

Type:	Water Construction - Main Extension	Status:	Approved	Project Name:
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IVR Number:	1063726	Applied Date:	02/19/2021	Expiration Date:	02/21/2022
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District:	OS-2	Assigned To:	Woodson, Michelle	Completion Date:	10/14/2022
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Approval Expiration Date:	10/13/2024
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Description:	WATER/SEWER MAIN EXT TO SERVICE SOUTH BANK RIDGE SUBDIVISION (5 LOTS)
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[Summary](#) [Locations](#) [Fees](#) [Reviews](#) [Attachments](#) [Contacts](#)[Sub-Records](#) [More Info](#)**Progress****Workflow****Available Actions**



Online Permit Portal

Richmond, VA

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Plan Number: WISP-119481-2022

[Plan Details \(\)](#) | [Tab Elements \(\)](#) | [Main Menu \(\)](#)

^ (.multi-collapse)

Type:	Work in Street & Alley - Street/Lane Closure- Arterial/Collector/City	Status:	Approved	Project Name:
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IVR Number:	1124355	Applied Date:	10/13/2022	Expiration Date:	01/11/2023
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District:	OS-2	Assigned To:	Mawby, Doug	Completion Date:	11/21/2022
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Square Feet:	0.00	Valuation:	\$0.00	Approval Expiration Date:	05/20/2023
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Description: Tie into existing storm sewer W/ Doghouse MH approx 18 LF of 24' HDPE and another storm Manhole(no road work needed) 11/17/2022-12/1/2022

[Summary](#) [Locations](#) [Fees](#) [Reviews](#) [Inspections](#) [Attachments](#) [Contacts](#)

[Sub-Records](#) [More Info](#) [Conditions](#)



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Richmond, VA

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Plan Number: WISP-119558-2022

[Plan Details \(\)](#) | [Tab Elements \(\)](#) | [Main Menu \(\)](#)

^ (.multi-collapse)

Type:	Work in Street & Alley - Street/Lane Closure- Arterial/Collector/City	Status:	Approved	Project Name:
IVR Number:	1124494	Applied Date:	10/14/2022	Expiration Date: 01/12/2023
District:	OS-2	Assigned To:	Mawby, Doug	Completion Date: 10/21/2022
Square Feet:	0.00	Valuation:	\$0.00	Approval Expiration Date: 04/19/2023

Description: Tie into existing storm sewer W/ Doghouse MH, Approx 18 LF of 24' HDPE and another storm manhole no road work needed

Detour during work ours; Plate otherwise.
10/17/2022-10/31/2022

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[Sub-Records](#) [More Info](#) [Conditions](#)

[Plan Details \(\)](#) | [Tab Elements \(\)](#) | [Main Menu \(\)](#)
[^ \(.multi-collapse\)](#)

Type:	Work in Street & Alley - Street/Lane Closure- Arterial/Collector/City	Status:	Approved	Project Name:	
IVR Number:	1124494	Applied Date:	10/14/2022	Expiration Date:	01/12/2023
District:	OS-2	Assigned To:	Mawby, Doug	Completion Date:	10/21/2022
Square Feet:	0.00	Valuation:	\$0.00	Approval Expiration Date:	04/19/2023

Description: Tie into existing storm sewer W/ Doghouse MH, Approx 18 LF of 24' HDPE and another storm manhole no road work needed

Detour during work ours; Plate otherwise.
10/17/2022-10/31/2022

[Summary](#) [Locations](#) [Fees](#) [Reviews](#) [Inspections](#) [Attachments](#) [Contacts](#)
[Sub-Records](#) [More Info](#) [Conditions](#)

Progress



100%
Completed

Review by City Agencies - Passed :

10/21/2022

Workflow

Available Actions

----- Forwarded Message -----

From: [REDACTED]

To: L. Taylor [REDACTED]

Sent: Thursday, January 19, 2023 at 08:02:17 PM EST

Subject: Re: Add me to any development emails

Thanks

Sent from Yahoo Mail for iPhone

On Wednesday, January 18, 2023, 4:54 PM, Ginny [REDACTED]

wrote:

Donald gave a good suggestion. Document everything...date, measurements, photos, etc.

Sent from the all new AOL app for iOS

[REDACTED]
note:

I am wondering if anyone else is having issues with their house. Ours is now having lots of ceiling cracking, our kitchen cabinets are not matching, and wall moldings are going to need to be chalked again in numerous places. This is all since the construction started. Weekly there is a new crack. Do I have any recourse?

Carrie

Sent from Yahoo Mail for iPhone

----- Forwarded Message -----

From: Lee Chaney [REDACTED]

To: [REDACTED]

Cc:

Sent: Friday, January 20, 2023 at 09:31:46 AM EST

Subject: [INTERNAL] RE: Add me to any development emails

We have noticed cracks in our ceilings. I'm confident our garage has or will have significant cracks in the bricks/structure. With the constant vibration the older homes with plaster are going to have more cracks. I'm not sure of our options but I'm at the point of hiring someone to represent me with the developer if anyone else has issues I suggest we have a voice for all of us.

Thanks

Lee



W. Lee Chaney, III, CPA

[REDACTED]

Carrie,

That is terrible news and we are so sorry to hear about the problems with your house. I recommend contacting the City to express your concerns and report the problems you have noticed. We expressed our concerns early on about potential damage to the surrounding neighborhood including the City natural gas and water mains (pipes under the street).

[REDACTED]

Please provide Timmy's contact information to Carrie. I have added Lee and James to this email thread in case they have some additional feedback.

[REDACTED]

[REDACTED]
[REDACTED]

On Jan 19, 2023, at 11:21 PM, [REDACTED] [REDACTED]

That stinks, Carrie, I agree that photos, timeline and documentation are important. I'm wondering if those of us with new additions might also benefit from documentation from our contractors? I'm adding a few people on the string who might be able to suggest useful information.

Kristen Nye, our city council person, her assistant, and city inspectors

might be useful contacts. I can share contact info if you don't have it.

Thanks in advance,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I am wondering if anyone else is having issues with their house. Ours is now having lots of ceiling cracking, our kitchen cabinets are not matching, and wall moldings are going to need to be chalked again in numerous places. This is all since the construction started. Weekly there is a new crack. Do I have any recourse?

Carrie

[Sent from Yahoo Mail for iPhone](#)



3:48

36:32

5G 56%

**Burt Pinnock**

1. My partners and I have not gone bankrupt.
2. There is more rock than our geotechnical report indicated.
3. The hoe ramming approach we tried was too disruptive.
4. We have been delayed because the licensed company that provides blasting services in this area has been working on the CoStar site downtown near the Federal Reserve Bank next to the James River.

EXHIBIT

5h Like Reply

1

Add tag

**Linda Chance**

May 20, 2023 9:39 PM

[Edit](#)

Screenshot_20230520_213959_Facebook.jpg

/Internal storage/DCIM/Screenshots

Screenshots

541.66 KB 1080x2340 3MP

1 >



EXHIBIT

7b

**Linda Chance**

I would start by calling Kristen Nye's office and see what information she might have. Then, if not satisfied, try calling WWBT12 On Your Side.

6h Like Reply

**Burt Pinnock**

1. My partners and I have not gone bankrupt.
2. There is more rock than our geotechnical report indicated.
3. The hoe ramming approach we tried was too disruptive.
4. We have been delayed because the licensed company that provides blasting services in this area has been working on the CoStar site downtown near the Federal Reserve Bank next to the James River.

5h Like Reply

1

**Diane Holdford**

I recently heard from a neighbor who lives very close to this project that the developers have gone bankrupt.



Rules

Write a comment...



Below I will do my best to summarize my findings and opinion based on the years of experience I have and my company, being in this industry for over 35 years.

Upon arriving at your home and noticing your chimney leaning in an oblong shape, this would only be caused by something or someone applying blunt force from one side and/or any sudden movement to the base of the chimney footer/home.

Inspection of your basement and foundation of your home did reflect movement on the same wall as the chimney, but this would still not explain how the chimney shifted/tilted. Based on my laser readings of the base of your chimney it did not show signs of settlement like the main structure which would indicate the chimney damage was not caused from natural settlement.

Your basement did not show or have any signs of water intrusion/water pressure built up on the exterior walls. When any structure has signs or high water table around the foundation of the home this will lead to high possibility of settlement. I can not determine for sure if the foundation/structural issues you all do have happened within the last 1-3 months or 1-30 years. But any home that does show signs and or have minimal settlement/movement any shifting in the soil/bedrock below your home could cause/create acute damage or long term damage.

Please let me know if you have any questions or concerns.

Thank you,

Tony Hall
JES Foundation Repair
Senior CFI
O) 804-495-4646 C) 804-381-1218
Quarles Rd, Ashland VA



From: "Mifsud, Mari Lee" <mmifsud@richmond.edu>
Subject: Drilling and Blasting 4514 Riverside Drive
Date: June 19, 2023 at 4:55:28 PM EDT
To: earl.dyer@rva.gov

Hello Chief Dyer,



Laura Taylor gave me your email address to share with you what is happening at my home recently that may very well be related to the drilling on the Riverside Drive South Cliff development, and may be of interest to you as our fire Chief. I beg your consideration and help with what I share:

I live at 4601 New Kent Ave. I have lived here since 2004. I take pride in the maintenance of this precious historic cottage. Two weeks ago, I got quite a shock as I saw my chimney was falling over, leaning dangerously south to the river, and I noticed a suddenly sunken look of the back end of my house. I had just had the chimney inspected two years ago, and all was fine. I was not at all prepared to see what I saw. I was able to arrange emergency repairs. The chimney actually did fall down, the very next morning, as the workers were present, they were able to prevent damage to my home and my family inside, Where the chimney fell looks like an asteroid hit the earth. This was a sudden and serious event. I hired JES foundation to come survey the foundation. They reported a 3 inch drop in the back side of my home and put a two year plan in place for jacking the house up. I did not know about the drilling on South Cliff at the time my chimney fell and that I met with JES.

Laura and other neighbors engaged me last week, asking

about my chimney falling, and shared their concern that this sudden event could be related to the damage from hoe ramming and building on South Cliff. I shared this news with JES inspector, and he gave me urgent advice to notify the city of the damage to my home as he had found no clear signs of why this should have happened to my house (no water damage, deferred maintenance, failed systems, structures, etc.). He said it very well could have been caused by extended drilling, as a fault line could have been unknowingly opened, a sink hole created, or even at minimum the shaking creating from drilling could have been the cause, as the shaking can harm older homes that would otherwise be able to stand strong for years to come sans such shaking.

I'm writing to share this story with you, and ask for your insight, guidance, advice, on how best to deal with this precarious and dangerous situation? What steps should I take to protect my precious home? Or to give voice to concerns about continued drilling and blasting? I am deeply concerned about the gas infrastructure for my home and surrounding homes as well. Homes exploding is not something we can risk for any reason.

Thank you so much if you have read this far and can offer me any form of insights, guidance, direction, I'm in a near panic as I treasure my historic cottage. I was lucky no one was injured or even killed when my chimney fell down suddenly. I don't want to risk harm to others or my home in the future if indeed drilling and potential blasting of our cliff is the cause. How can we cease this building until

Further studies are done to ensure safety of our homes?
How can we protect ourselves from the risk of gas
explosions from damaged infrastructure?

Mari Lee Mifsud McClure
4601 New Kent Ave
Richmond, VA. 23225

- 1. My partners and I have not gone bankrupt.
- 2. There is more rock than our geotechnical report indicated.
- 3. The hoe ramming approach we tried was too disruptive.
- 4. We have been delayed because the licensed company that provides blasting services in this area has been working on the CoStar site downtown near the Federal Reserve Bank next to the James River.

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Linda Chance

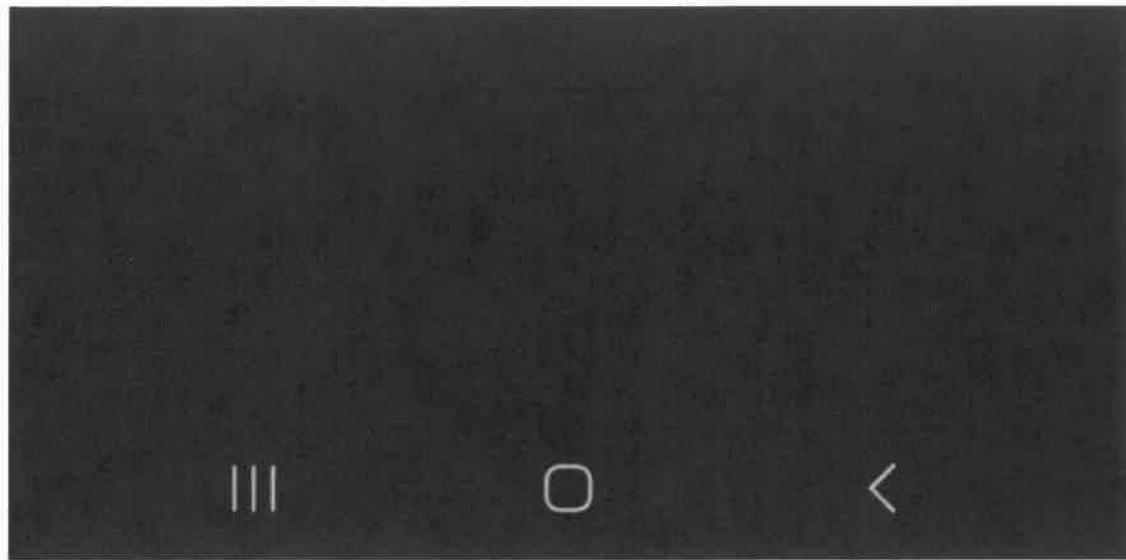
May 20, 2023 9:39 PM

Edit

Screenshot_20230520_213959_Facebook.jpg
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Screenshots

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How d
Richmond, VA. 23225

From: "Mifsud, Mari Lee" <mmifsud@richmond.edu>
Subject: Concerns at Riverside Drive/South Cliff hoe
ramming/blasting on South Cliff
Date: June 19, 2023 at 5:37:11 PM EDT
To: David.Alley@rva.gov



Hello David,

I left a rather long phone message for you, but perhaps email might be a better way to reach out with my story and request for help. My concern relates to the building project and land use/management at Riverside Drive and Southcliff.

I live at 4601 New Kent Ave. I have lived here since 2004. I take pride in the maintenance of this precious historic cottage. Two weeks ago, I got quite a shock as I saw my chimney was falling over, leaning dangerously south to the river, and I noticed a suddenly sunken look of the back end of my house. I had just had the chimney inspected two years ago, and all was fine. I was not at all prepared to see what I saw. I was able to arrange emergency repairs. The chimney actually did fall down, the very next morning, as the workers were present, they were able to prevent damage to my home and my family inside, Where the chimney fell looks like an asteroid hit the earth. This was a serious event. I hired JES foundation to come survey the foundation. They reported a 3 inch drop in the back side of my home and put a two year plan in place for jacking the house up. I did not know about the drilling on South Cliff at the time my chimney fell and that I met with JES.

Laura Taylor, who I believe has reached out to you, too, and other neighbors engaged me last week, asking about my chimney falling, and shared their concern that this damage from shifting foundation could be related to the damage from hoe ramming and building on South Cliff. I shared this news with JES inspector, and he gave me urgent advice to notify the city of the damage to my home as he had found no clear signs of why this should have happened to my house (no water damage, deferred maintenance, failed systems, structures, etc.). He said it very well could have been caused by extended drilling, as a fault line could have been unknowingly opened, a sink hole created, or even at minimum the shaking creating from drilling could have been the cause, as the shaking can harm older homes that would otherwise be able to stand strong for years to come sans such shaking.

I'm writing to share this story with you, and ask for your insight, guidance, advice, on how best to deal with this precarious and dangerous situation? What steps should I take to protect my precious home? Or to give voice to concerns about continued drilling and blasting? I am deeply concerned about the gas infrastructure for my home and surrounding homes as well. Homes exploding in our precious historic district is not something we can risk for any reason.

As I have learned from Burt Pinnock, the lead developer on this project, in a post he made to facebook--the original geotechnical report (that I assume was used for successful permitting) was actually in error, failing to

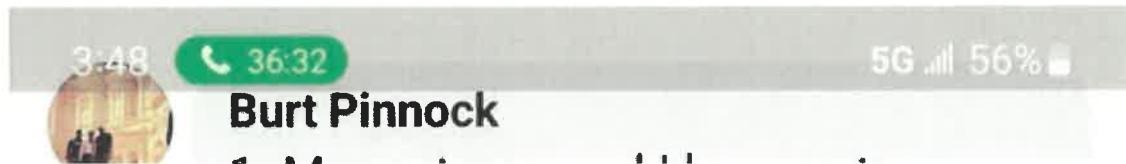
indicate the amount of rock they were dealing with. Burt also shared in this post that they had to stop hoe ramming process for being too disruptive. I paste his post below which he shared to a neighborhood facebook page. Laura Taylor took this screen shot. It is quite possible this disruptive hoe-ramming caused a fault line, sink hole, or foundation shaking that caused my precious historic home such damage.

Thank you so much if you have read this far and can offer me any form of insights, guidance, direction. Considering the failed geotechnical report, can the permit be recalled until further study? Can a cease and desist action be put in place? I was lucky no one was injured or even killed when my chimney fell down suddenly. I don't want to risk harm to others or my home in the future if indeed drilling and potential blasting (as Laura shared they are in the process of getting a permit for this, too) of our cliff is the cause.

How can we cease this destruction of our cliff until further studies are done to ensure safety of our homes and the safety of land use and management?

I look forward to hearing from you to learn best how to proceed, and what can be done,

Mari Lee Mifsud McClure
804-426-8240
4601 New Kent Ave





Plan Number: SUBP-029033-2018

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Type:	Subdivision (Preliminary Plat) - New	Status:	Approved	Project Name:
IVR Number:	158506	Applied Date:	01/18/2018	Expiration Date:
District:	OS-2	Assigned To:	Kelley, Leigh	Completion Date:
Square Feet:	0.00	Valuation:	\$0.00	
Description: 9-lot Subdivision				

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Existing Holds

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Name	Description	Comments	Hold Date	Status
Administrative Hold	Administrative Hold	Great concern about this request from neighborhood	01/24/2018	Inactive