



ICC Los Angeles Basin Chapter and Ventura Region Chapter  
Joint Inspection Committee  
“Small Solar System One-Inspection Process Bulletin Program”



**Bulletin 3 – Installations on existing construction without benefit of building permits.**

Is the existing structure lawful? Did the building inspector just inadvertently approve a room addition?

This bulletin assumes that in most cases the permit for the small PV system was issued on-line and did not have the benefit of a historic permit review process from a permit technician or a plans examiner. The building inspector in these cases, is the last and only line of defense as keeper of accurate permanent records. Reviewing existing permit records before the inspection is valuable - inadvertently approving existing work leads to substantial aggravation for AHJ's down the road.

A term that should be considered is an “Estopple - Detrimental Reliance on a Document or Action.”

What is Estopple?

The complaining party is asking the AHJ to “Stop” an action.

What is Detrimental Reliance on a Document or Action?

Reliance on Document –

The recipient of an AHJ enforcement action is claiming that since they relied on the building department record/s as being accurate, it was assumed everything was legal and they purchased the property.

Reliance on actions –

An AHJ's permit/s allowed them to construct a project of a certain size or in a certain location. An AHJ representative at a later point in time states the square feet size of the structure is excessive and or is in a location that is not permissive. The property owner may use “reliance on actions” as their defensive allegation.

These arguments get dramatically stronger each time the property is sold.

Hypothetically assume the following:

The AHJ building permit records reflect that a single family dwelling is 1200 square feet in size with a 250 square feet detached garage are constructed in the year 1970. There are directly related Plumbing, Mechanical and Electrical permits issued in 1970 as well. Between the year 1970 and 2016 there are no other building permits issued that justify other physical improvements to the dwelling.

In 2016, a small PV permit is issued on-line and the application states the dwelling is 2500 square feet in size, with 500 square feet in size attached garage. There is also a 200 square feet solid roofed attached carport on the side yard depicted. The site plan proposes that PV panels are to be installed on both the attached garage roof and a portion of the dwelling that has been expanded. Conduit from the PV system is also fastened to the top of the carport.



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The building inspector provides inspection approval of the small PV system, no corrective measures are requested during the single final inspection. Did the inspector just inadvertently approve the expansion of the dwelling? The attached garage? How about the carport?

Example 1 - compounded. The building inspector has not reviewed the existing permit records and does not notice that the home is significantly different than the original building permits. The inspector has entered the attached garage and is trying to verify an existing water bond connection on a water heater installed in that garage. The inspector does not see a water bond connection and the contractor does not know the location of an existing connection – if there is one somewhere else. The contractor inquires if it would be acceptable to simply install a new solid number 8 copper conductor from the service panel to the cold water piping at the water heater. The inspector agrees and leaves a correction notice to “install a water bond at the cold water piping of the water heater or verify the connection of an existing water bond at a different location.” No other written or verbal direction is cited by the inspector, the contractor installs the new water bond to the water heater and the project receives a final inspection.

Example 1 – potential issue: At some point in time in the future, the home is sold. The property is subject of code enforcement actions and the AHJ demands the property owner secure building permits for the new attached garage. The new owner claims they relied on the building department records to be accurate and assumed the garage was lawful. The Estoppel – detrimental reliance on actions and documents are both compelling and problematic for the AHJ. (The argument is substantially more problematic if the new homeowner has a copy of the correction notice that only addresses the water bond to the water heater in the garage and does not address the structure itself.)

Example 2 – The carport extends to within one foot of the side yard property line. The inspector is certain that the carport is not benefit of building permits and inspection approvals and leaves corrective measure direction in writing to either secure permits and or remove the carport. The Contractor and property owner choose to demolish the carport and in turn the PV system permit receives a final inspection one week later. At some point in time in the future, the home is sold. The property is subject of code enforcement actions and the AHJ demands the property owner secure building permits for the homes expansion and the attached garage. The Estoppel – detrimental reliance on actions and documents are both compelling and problematic for the AHJ as it is claimed the AHJ did a code compliance inspection for the property during the first and final re-inspection of the PV system via the order to demolish the carport.

Affidavits or AHJ waiver statements/clause notes made part of an issued PV permit may be helpful during other code enforcement actions if the same person owns the property [emphasis added – may – the scenarios above can still cause aggravation for the AHJ]. However, Affidavits or AHJ waiver statements/clause notes made part of an issued PV permit do not lessen the arguments as stated above once a property is sold.

An inspectors review of the existing permit records is the first and foremost best line of defense for the AHJ. Moreover, if an inspector is going to cite existing conditions as code violations, they need to be diligent and not inadvertently approve other major non conformities on the property.