



**BUILDING OFFICIAL INTERPRETATION 2021-01**  
**April 16, 2026**

**CODE/EDITION: VIRGINIA UNIFORM STATEWIDE BUILDING CODE/2021**

**SECTION(S): Section 108 Application For Permit**

**QUESTION:**

1. Is a Construction permit required to build a *treehouse*<sup>1</sup> under the Virginia Residential Code (VRC)?
2. Is a Construction permit required to build a *pergola/trellis*<sup>1</sup> under the VRC?
3. Is a Construction permit required to build an outdoor *fire pit*<sup>1</sup> under the VRC?
4. Is a Construction permit required to build an outdoor *fireplace*<sup>2</sup> under the VRC?
5. Is a Construction permit required to build a *gazebo*<sup>1</sup> under the VRC?

**ANSWER:**

1. No.

A *Treehouse*<sup>1</sup> is defined as a structure built in the *branches of a tree* for children to play in. This structure is not intended for occupancy and is a place where children play.

2. No, unless the *Pergola/Trellis*<sup>1</sup> is attached to or supported by a regulated structure (i.e., deck, garage, pool decking, etc.) or is more than 256 square feet.

A *Pergola/Trellis*<sup>1</sup> is defined as a structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters covered with trained climbing or trailing plants. This structure is not intended for occupancy.

3. No, if the outdoor *fire pit*<sup>1</sup> is used for solid fuel. (i.e., wood).

Yes, if the outdoor *fire pit*<sup>1</sup> is fueled by natural gas or liquified propane.

A *fire pit*<sup>1</sup> is defined as a pit dug into the ground or encased in a surrounding structure (as of masonry or steel) in which a fire is kept burning for cooking, warmth, etc.

4. No, if the outdoor *fireplace*<sup>2</sup> is less than 6' in height (including the chimney) and is more than 10' from a regulated structure and is not fueled by natural gas or propane.

An outdoor *fireplace*<sup>2</sup> is defined as an assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid fuels.

5. No, if the *gazebo*<sup>1</sup> is less than 256 square feet.

Yes, regardless of the square footage, if the *gazebo*<sup>1</sup> is attached or supported by a regulated structure (i.e., deck, garage, pool decking, etc.).

A *gazebo*<sup>1</sup> is defined as a freestanding, roofed structure usually open on the sides.

<sup>1</sup>Defined by Merriam-Webster Copyright 2026

<sup>2</sup>Defined by the 2021 Virginia Residential Code



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