



## LOCAL BOARD OF BUILDING CODE APPEALS

21 Main Street

Wednesday, March 27, 2024 at 5:00 PM

### AGENDA

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Possible additions to the agenda and related materials are not set forth herein.

Times set forth are approximate and may be adjusted as necessary.

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#### I. REGULAR MEETING - 5:00 PM

##### A. CALL TO ORDER.

##### B. DETERMINATION OF QUORUM.

A. Introduction of New Member Mr. Bryan Black

##### C. APPROVAL OF MINUTES.

A. Minutes- January 12th, 2024.

##### D. NEW BUSINESS.

##### E. HEARING OF ACTIVE APPEALS.

A. 45 Winchester Street.

B. 3 Hotel Street

##### F. UNFINISHED BUSINESS.

A. Adoption of Bylaws

**B.** Election of Officers:

Vice Chairman

##### G. UPDATES.

##### H. BOARD MEMBERS TIME.

##### I. BUILDING OFFICIAL'S TIME.

##### J. ADJOURN.

February 13<sup>th</sup>, 2024  
Town Council  
Regular Meeting  
RES-24-02-003

**A RESOLUTION TO APPOINT BRYAN BLACK MEMBER OF THE TOWN OF WARRENTON LOCAL BOARD OF BUILDING CODE APPEALS**

**WHEREAS**, the Town of Warrenton (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS**, Sections 107 and 119 of the Virginia Uniform Statewide Building Code in accordance with Virginia State Code § 36-105 describes the establishment of a Local Board of Building Code Appeals ("LBBCA"); and

**WHEREAS**, Section 112 of the Virginia Statewide Fire Prevention Code, in accordance with Virginia State Code § 27-97 describes the establishment of a Local Board of Fire Prevention Code Appeals ("LBFPCA"); and

**WHEREAS**, The Town Council has identified a need to appoint members to the Local Board of Building Code Appeals and the Local Board of Fire Prevention Code Appeals; and

**WHEREAS**, each member of the LBBCA and LBFPCA shall be appointed for a term of four (4) years by the Town Council of Warrenton; and

**WHEREAS** Mr. Bryan Black is a "Class A" Builder who works in the community; and

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council hereby Bryan Black as a member of the Town of Warrenton Local Board of Building Code Appeals for a Four-Year Term Starting on February 14<sup>th</sup>, 2024, and as a member of the Town of Warrenton Local Board of Fire Prevention Code Appeals for a Four-Year Term Starting on February 14<sup>th</sup>, 2024.

ATTACHMENT: None

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire

**Nays:**

**Adopted:**

**For Information:**  
Building Code Official  
Director of Community Development

ATTEST:   
Town Recorder



# Local Board of Building Code Appeals

21 Main St

Friday, January 12, 2024, at 5:00 PM

## MINUTES

**AN OPEN MEETING OF THE LOCAL BOARD OF BUILDING CODE APPEALS OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON JANUARY 12, 2024, AT 5:00 PM**

### Regular Meeting

**PRESENT** Mr. James Tucker, Chairman ; Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson; Mr. Tolley Gwinn , Attorney; Mr. Hunter Digges, Building Official; Mr. Rob Walton, Director of Community Development.

**ABSENT** N/A

### **DETERMINATION OF THE QUORUM**

Mr. Rob Walton stated the Town Council passed a resolution to reappoint all members back to the Local Board of Building Code Appeals (LBBCA) on Tuesday January 9th, 2024.

### **REGULAR MEETING - 5:00 PM**

Mr. Walton called the meeting to order at 5:00 PM

### **APPROVAL OF THE MINUTES.**

None

### **ELECTION OF OFFICERS**

#### Chairman, Vice Chairman and Secretary

Mr. Walton opened the election of officers.

Mr. Walton asked the board if they have a nomination for the Chair of the LBBCA.

Motion inaudible - Members of the board Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson nominated Mr. James Tucker as Chairman of the LBBCA.

Motion inaudible - Members of the board Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson motioned to recommend to Mr. James Tucker as Chairman.

The vote was unanimous as follows:

**Ayes:** Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson.

**Nays:** N/A

Abstention: N/A

Absent: N/A

The motion to elect Mr. James Tucker as Chairman of the LBBCA passed 3-0.

## **NEW BUSINESS**

### Adoption of Bylaws

Mr. James Tucker, Chairman explained due to the Town of Warrenton proposed bylaws we are to elect a Vice Chairman and a Secretary.

Mr. Tucker stated the proposed bylaws require a full membership of five members before the bylaws can be amended and questions if less than five members of the board have the power to enact the bylaws.

Mr. Tucker discussed issues within the bylaws and made suggestions going forward.

Mr. Tucker questioned the absence of article 7.

Mr. Tucker suggested postponing the adoption of bylaws.

Mr. Tucker stated do we have a motion to postpone adopting by-laws until the above issues are resolved.

Mr. Frank Foley motioned to approve postponing the adoption of the by-laws.

Mr. Fred Austin seconds the motion.

The vote was as follows:

**Ayes:** Mr. Tucker; Mr. Frank Foley; Mr. Fred Austin.

**Nays:** Mr. Wayne Carson.

**Abstention:** N/A

**Absent:** N/A

The motion 3-1.

### Secretary

Mr. Tucker suggested we nominate a secretary, and staff conducting the duty to be identified.

Mr. Tolley Gwinn Attorney stated the Secretary is to be appointed by the Town Manger due to the Virginia administrative code.

Mr. Walton stated that Hunter Digges would serve as secretary. Mr. Tucker objected saying Mr. Digges had noted the violations in question. To which Mr. Walton said that he would serve as secretary. Mr. Tucker again objected stating that Mr. Walton is Mr. Digges boss and suggested that the Town look further down for a secretary.



Mr. Gwinn stated we are planning on getting a secretary appointed.

Mr. Walton stated he will ask the Town Manager if he himself as the Director of Community Development can be appointed as secretary.

### **HEARING OF ACTIVE APPEALS.**

45 Winchester St, Warrenton VA 20186

3 Hotel St, Warrenton VA 20186

Mr. Tucker stated the hearing of active appeals for 45 Winchester and that of 3 Hotel St have been postponed.

Mr. Hunter Digges stated this has been postponed to the 7th or 21st of February. If the dates are permissible by the board.

Mr. Tucker asked do I have a motion to postpone the appeal for 3 Hotel St. To be able to postpone beyond 30 days both the applicant and the board have to agree.

Mr. Wayne Carson motioned to postpone the appeal for 3 Hotel St. To be able to postpone beyond 30 days both the applicant and the board have to agree.

Mr. Frank Foley Seconds the motion.

The vote was as follows:

**Ayes:** Mr. James Tucker, Chairman, Mr. Wayne Carson. Mr. Frank Foley; Mr. Fred Austin.

**Nays:** N/A

**Abstention:** N/A

**Absent:** N/A

The motion 4-0

Mr. Tucker asked Mr. Digges to present the position of the Town with regard to the appeal.

Mr. Digges stated without the applicant present and due to recent events they were not given the 14 days required for this appeal, they were given 5 days.

Mr. Tucker stated to give them 14 days' notice regarding 7<sup>th</sup> or 21<sup>st</sup> of February to hear that appeal.

Mr. Digges stated yes.

### **UNFINISHED BUSINESS.**

Mr. Tucker asked if there was any unfinished business.

Mr. Carson questioned the bylaws for the 7<sup>th</sup> or 21<sup>st</sup> of February meeting asking are we going to have a special meeting.

Mr. Tucker stated the Freedom of Information, as board, no more than two members can communicate, three members being the constitution of a meeting that has to be announced or advertised to an applicant. However, State code dictates no communication between members once an appeal has been made.

Mr. Tucker stated we can discuss bylaws and the election of the secretary.

Mr. Tucker asked Mr. Carson if he wishes to have a special meeting.

Mr. Carson stated we can discuss this as a first order of business in the next meeting. We need to get this on the books.

Mr. Tucker asked for a motion for Mr. Carson to lead in resolving the by-laws issues by communicating with the members and the town to resolve these for adoption, if possible at our proposed 7<sup>th</sup> or 21<sup>st</sup> of February meeting.

Mr. Tucker asked do we have a motion to postpone adopting by-laws until the above issues are resolved.

Mr. Frank Foley discussed and approved of postponing adopting the by-laws.

Mr. Fred Austin seconds the motion.

The vote was as follows:

- Ayes:** Mr. James Tucker; Mr. Wayne Carson; Mr. Frank Foley; Mr. Fred Austin.
- Nays:** N/A
- Abstention:** N/A
- Absent:** N/A

The motion 4-0.

**UPDATES**

None

**BOARD MEMBERS TIME**

Mr. Carson requested the board to email him with comments.

Mr. Tucker stated yes.

**BUILDING OFFICIAL'S TIME**

Mr. Digges states nothing to report at this time.

**ADJOURNMENT**

Mr. James Tucker; Chairman moved to adjourn . Mr. Frank Foley motions, seconded by Mr. Fred Austin with no further business, this meeting was adjourned at **5.21 PM.**

The vote was as follows:

**Ayes:** Mr. James Tucker; Mr. Wayne Carson; Mr. Frank Foley; Mr. Fred Austin.

**Nays:** N/A

**Abstention:** N/A

**Absent:** N/A

The motion 4-0.

**I hereby certify that this is a true and exact record of actions taken by the Local Board of Building Code Appeals of the Town of Warrenton on January 12, 2024.**

\_\_\_\_\_  
Gráinne Mazon-Shafer, Secretary  
Local Board of Building of Code Appeals

DRAFT



Office of the Town Manager  
Frank Cassidy

**Warrenton Town Council**

Carter Nevill, Mayor  
Heather Sutphin, Ward 1  
William Semple, Ward 2  
Brett Hamby, Ward 3  
James Hartman, Ward 4 Vice Mayor  
Eric Gagnon, Ward 5  
Paul Mooney, At Large  
David McGuire, At Large

Item A.

# STAFF REPORT

<b>LBBCA Meeting Date:</b>	March 27, 2024
<b>Agenda Title:</b>	45 Winchester Street Appeal Hearing
<b>Requested Action:</b>	Conduct Appeal Hearing
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Hunter Digges, Building Official

## EXECUTIVE SUMMARY

A Notice of Violation (NOV) was issued to the property owner on November 13, 2023. Subsequently, the NOV was reformatted and issued to the property owner on March 11, 2024. The NOV outlined a number of property maintenance issues that need to be corrected at this time. The property owner appealed the NOV which is before you today.

## BACKGROUND

As stated above, a NOV was issued for 45 Winchester Street on November 13, 2023 and updated and issued again on March 11, 2024.

## STAFF RECOMMENDATION

Staff recommends the Local Board of Building Code Appeals (LBBCA) upholds the Building Official's Notice of Violation.

## Service Level/Collaborative Impact

The Department of Community Development is charged with the enforcement of property maintenance as outlined in the State and Town Codes. There are a number of active cases in the Town of Warrenton that are currently ongoing.

## Policy Direction/Warrenton Plan 2040

Town Council has stressed the importance of enforcement of State and Town Codes for the safety of citizens within the Town.

## Fiscal Impact

A fiscal impact analysis has not been conducted.

**Legal Impact**

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Should the LBBCA decide to uphold the Building Official's NOV, the appellant has the opportunity to appeal its decision to the State Board of Building Code Appeals. The Town is represented by the Town Attorney on this case.

**ATTACHMENTS**

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1. NOV (Original and Revised)
2. Correspondence from the Appellant



## TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
 WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[LandDevelopment@warrentonva.gov](mailto:LandDevelopment@warrentonva.gov)  
 (540) 347-2405

### Updated Notice of Violation Pursuant to 2018 Virginia Property Maintenance Code 105.4

Date: March 7, 2024

Property: 45 Winchester Street, Warrenton, VA 20186  
 PIN: 6984-34-8278-000  
 Legal Description: Tract 2A

Property Owner: Macdonald, Etsuko K  
 Macdonald, Michael Keith<sup>1</sup>

Mailing Address: 45 Winchester Street  
 Warrenton, VA 20186

Case Number ENFC-23-73

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This is a Notice of Violation pursuant to Virginia Property Maintenance Code 105.4. Building Official Hunter Digges and Building Inspector Mike Rhodes inspected the property identified above on October 30<sup>th</sup>, 2023. Based on this inspection, I find the following violations:

1. Violation 1

- a. The entire exterior of the structure shows extensive signs of water damage, exposure to elements, and wood rot. The entire exterior of the structure has peeling paint, inadequate protection from the elements, and exposed and rotted wood

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<sup>1</sup> Warrenton issued the original Notice of Violation, dated November 13th, 2023, to Michael and Etsuko Macdonald. I have included a copy of the original Notice of Violation as an attachment. In the interim, Michael and Etsuko Macdonald transferred ownership to Britton Hall LC . Pursuant to Va. Code 36-105(C)(4), this enforcement action shall continue to be enforced against Michael and Etsuko Macdonald.

siding; exposed structural elements including posts, beams and supports; inadequate chimney protection; and decorative features deteriorating.

b. This violates Virginia Property Maintenance Code: 304.1, 304.2, 304.4, 304.6, 304.7.

c. Necessary Corrective Action:

i. All exterior walls must be repaired and shall be free from holes, breaks, and loose or rotting materials. Exterior walls must be weatherproof and properly surface coated.

d. Pictures of this violation are appended to this Notice of Violation.

## 2. Violation 2

a. Multiple doors above ground level in the rear of the structure without a landing, porch or fall protection which creates an unsafe condition.

b. This violates Virginia Property Maintenance Code 305.4

c. Necessary Corrective Action:

i. Obtain the required permits and complete the construction of the landings/porches or install guard rails for fall protection.

d. Pictures of this violation are appended to this Notice of Violation.

## 3. Violation 3

a. The structural supports of the breezeway are not properly supporting the loads.

b. This violates Virginia Property Maintenance Code: 304.4

c. Necessary Corrective Action:

i. Obtain the required permits and have the breezeway properly supported.



d. Pictures of this violation are appended to this Notice of Violation.

4. Violation 4

a. The roof of the breezeway and right side of the structure is in disrepair from exposed underlayment being installed as the only roof covering on those sections of the structure.

b. This violates Virginia Property Maintenance Code 304.2

c. Necessary Corrective Action:

i. The roof and flashing shall be sound, tight, and not have defects that admit rain.

d. Pictures of this violation are appended to this Notice of Violation.

5. Violation 5

a. Roof rainwater drainage is inadequate and is not discharged in a manner that prevents deterioration, or harm to the structure, its foundation, or slab.

b. This violates Virginia Property Maintenance Code 304.7

c. Necessary Corrective Action:

i. All roof water shall be discharged in a manner to protect the structure's foundation from the accumulation of rainwater.

d. Pictures of this violation are appended to this Notice of Violation

## 6. Violation 6

- a. Windows and doors are in disrepair and/or have inadequate/exposed covers on them which are deteriorating. Windows and door frames have exposed non-weatherproofed wood showing signs of rot. There are windows with broken glass.
- b. This violates Virginia Property Maintenance Codes 304.13, 304.13.1, 304.13.2, 304.15.
- c. Necessary Corrective Action:
  - i. Ensure all doors and windows are kept in good repair and maintained weather tight. Exterior wood surfaces of doors and windows must be protected from the elements and decay by painting or other protective coverings or treatment.
- d. Pictures of this violation are appended to this Notice of Violation.

### **Time to Comply**

The deadline to comply with the original Notice of Violation, dated November 13, 2023 was November 28<sup>th</sup>, 2023.

### **Appeal**

If you disagree with this Notice of Violation or any part of it, you may address your disagreement as part of your appeal from the original Notice of Violation, dated November 13<sup>th</sup>, 2023. That appeal is currently scheduled for March 27<sup>th</sup>, 2024

A copy of VPMC 107, which governs your appeal rights, is attached to this Notice of Violation.

This Notice of Violation constitutes the Town of Warrenton Code Official's final decision regarding these violations.

Sincerely,



Hunter Digges  
Building Official  
Town of Warrenton  
21 Main Street  
Warrenton, VA 20186  
Phone: 540-347-1101  
[hdigges@warrentonva.gov](mailto:hdigges@warrentonva.gov)

CC:

Eric Gagnon, Ward 5 Council Member  
Frank Cassidy, Town Manager  
Rob Walton, Director of Community Development  
M. Tolley Gwinn, Sands Anderson

**Photos of Violation**

**Pictures:** Taken September 21<sup>st</sup>, 2023







## 107 APPEALS

### **107.5 Right of appeal; filing of appeal application.**

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision.

### **107.6 Meetings and postponements.**

The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a period of up to 45 calendar days shall be permitted where the LBBCA has regularly scheduled monthly meetings. A longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

### **107.7 Hearings and decision.**

All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the code official's decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse, or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be explained in writing, signed by the chairman and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision shall contain the following wording:

“Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of the written decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 3717150.”

### **107.8 Appeals to the State Review Board.**

After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the code official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official’s decision. For appeals from a LBBCA, a copy of the code official’s decision and the written decision of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the code official’s decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

**302**

## **EXTERIOR PROPERTY AREAS**

### **302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

**304**

## **EXTERIOR STRUCTURE**

### **304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

### **304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood

surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

#### **304.4 Structural members.**

Structural members shall be maintained free from *deterioration* and shall be capable of safely supporting the imposed dead and live loads.

#### **304.6 Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

#### **304.7 Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

#### **304.8 Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### **304.9 Overhang extensions.**

Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### **304.13 Window, skylight, and door frames.**

Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.

##### **304.13.1 Glazing.**

Glazing materials shall be maintained free from cracks and holes.



**304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.15 Doors.**

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**305.4 Stairs and walking surfaces.**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.



## TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
 WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
 TELEPHONE (540) 347-1101  
 FAX (540) 349-2414

## NOTICE OF VIOLATION – INQY 2020-1

June 24, 2021

The owner or person or persons responsible shall have to comply with this order.

**Property Address: Parcel Detail for PIN 6984-33-9515-000**

Street Address: 3 Hotel Street, Warrenton, Virginia

Legal Description: A

**Property Owner:**

MACDONALD ETSUKO K

MACDONALD MICHAEL KEITH

Mailing Address :

45 Winchester St

WARRENTON VA 20186

Numerous inspections of the above listed property have been conducted on the above mentioned property; December 6, 2019 and April 2, 2021 by the Town of Warrenton Community Development staff and found many violations of the Virginia Property Maintenance Code, 2015 edition. These violations have been existing for years and continue to exist despite several attempts to gain voluntary compliance. The current conditions of this this property as it exists in a registered historic district constitutes a nuisance, qualifying the property as falling into neglect to the point of defining it as "demolition by neglect", and is adversely affecting property values and quality of life in the vicinity. Additionally, the degree of deterioration, lack of maintenance over many years, and number of these violations constitute a dangerous, unsafe and unsanitary structure by the following definitions from the VA Property Maintenance Code, 2015 edition:

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the

degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

**The following list of violations found is intended to provide information intended for compliance with the codes listed. Recommended corrective actions are included after the list of violations.**

#### **VIOLATIONS:**

1. The exterior of the entire structure on the property shows extensive signs of water damage, exposure to elements, and wood rot. The entire exterior of the structure has peeling paint and spalling of brick and mortar; rooting wood, exposed structural elements including siding; missing broken windows and glazing; decorative features deteriorating. There is spalling along all the walls, exposed and/or missing electrical outlets and fixtures, and exposure to the elements. The overall condition of this property constitutes a nuisance condition.
2. Windows and doors are broken, in disrepair and/or have inadequate covers on them which are deteriorating. Broken windows allow access into the structure. Broken lower level/basement windows allow access for rodents and/or other vermin and provide a harborage. Window and door frames have exposed wood showing signs of rot and signs of weakening to the point of failing to support proper loads as designed.
3. The roof structure is in disrepair from exposed underlayment being improperly installed and/or attached by improper methods like clamps to the entire fascia and soffit assembly in disrepair with rotted wood, water damage from intrusion, peeling paint and failure.
4. The area between structures on Culpeper is not being maintained. This area contains trash and debris. The windows along this area are in disrepair and open allowing harborage and entrance into the structure. The exterior walls along this area are consistent with the other exterior walls showing extensive paint peeling and other deterioration of wood and brick.

5. The main entrance ground level walk way to the structure from Hotel Street is covered by a tarp. The access way contains debris and materials creating a nuisance. The walls are in disrepair with peeling paint and exposed wood siding and rot. The main door is inoperable and is semi-boarded with exposed plywood. The door is in disrepair. The window is broken and allows a view into the structure.
6. The limited view of the interior shows extensive water intrusion, peeling paint; walls in disrepair and inhabitable spaces.

**Corrective Action:**

**You are hereby ordered to begin correcting the violations described above within the period not to exceed fifteen (15) days from the date of this notice by engaging the following actions:**

- **In order to avoid any escalation of enforcement, it is required to provide a plan for corrective action within five (5) days of receipt of this notice. The plan MUST include specific dates of completed activities within a three-month period with notable, visible improvements;**
- **Apply for ALL required permits and COA approvals PRIOR to any work requiring these approvals/permits;**
- **All repairs completed within six (6) months.**

**Failure to address these violations as directed shall result in enforcement actions under the applicable proceedings in Article 11-5 Enforcement and Penalties of the Town Zoning Ordinance and applicable Virginia State Code.**


**Given the extent of the overall conditions of the property, the visible blight and length of time without any improvements to the condition of this property, these actions must take place within 15 days of receipt of this notice.**

**The entire structure must be repaired to safe, sanitary condition by obtaining the services of licensed engineers, architects and contractors or the structure must be properly demolished. If you chose to demolish the structure, you must ensure the property is secured and the grounds maintained until demolition is complete. If you chose to repair the structure, you must notify this office within the 15 days stated above with a detailed plan and identified licensed design professionals listed. If you chose to demolish the structure, demolition must commence with 60 days of receipt of this notice.**

If you refuse to take appropriate action to address the violations, the Town will take corrective action on the property and all charges and fees will be applied to the property owner. If you chose to appeal this notice, you must do so within fourteen (14) days of receipt of this notice as outlined in the Virginia Property Maintenance Code, 2015 edition, Section 106, attached below.

The Community Development Office is located at 21 Main Street. Warrenton, VA within Town Hall. Hours of operation are from 8 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please contact me at (540) 347-1101. EXT.234

Sincerely,



John Dolan  
Fire Inspector and Property Maintenance & Housing Inspector

**Applicable Code Provisions:**



**Virginia Property Maintenance Code, 2015 ed.:**

103  
APPLICATION OF CODE

103.1 General.

This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

103.2 Maintenance requirements.

Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

106  
UNSAFE STRUCTURES OR STRUCTURES  
UNFIT FOR HUMAN OCCUPANCY

106.1 General.

This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

107  
APPEALS

107.5 Right of appeal; filing of appeal application.

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA

within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision

## **302 EXTERIOR PROPERTY AREAS**

### **302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

## **304 EXTERIOR STRUCTURE**

### **304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### **304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

### **304.4 Structural members.**

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

### 304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

### 304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

### 304.8 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

### 304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

### 304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

#### 304.13.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

#### 304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

### 304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.



## 305 INTERIOR STRUCTURE

### 305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

### 305.2 Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

### 305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

### 305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **Sec. 11-20. - Nuisances, etc.; abatement, etc.**

(a) Whenever it shall come to the attention of the town manager that a nuisance is being created or maintained within the town or that an unsanitary, unsafe or unhealthful condition exists in the town or that the nuisance or condition in question has been existing for some period of time, the town manager shall cause an immediate inspection of the premises in question to be made and, if a nuisance or unsanitary, unsafe or unhealthful condition is found, he shall cause to be served upon the occupant of the premises or if the premises be not occupied, then upon the owner thereof or his agent, a notice to abate such nuisance or to correct such unsanitary, unsafe or unhealthful condition within a specified time. If such notice is not complied with in the specified time, the recipient thereof shall be summoned to appear before the general district court and show cause why such notice should not be complied with. In the case of a known nonresident, having no agent in the town, such

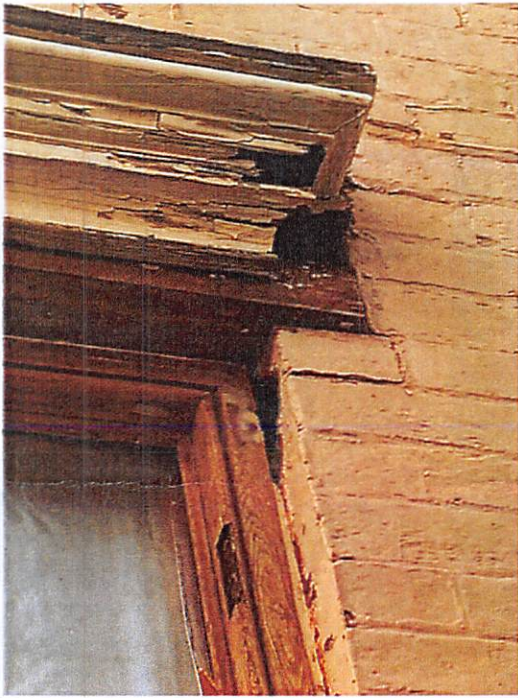
notice shall be mailed to the last known address of the owner or his agent, and fifteen (15) days allowed for a reply.

(b) If the nuisance or condition complained of as provided in the first paragraph of this section is such that immediate action is necessary for the protection of the public health and welfare, the town manager shall cause the same to be abated or corrected at once, without notice, and all costs incident thereto shall be assessed against the owner of the premises and collected in the same manner in which taxes or other assessments are collectible by law.

**Pictures of Violations:**

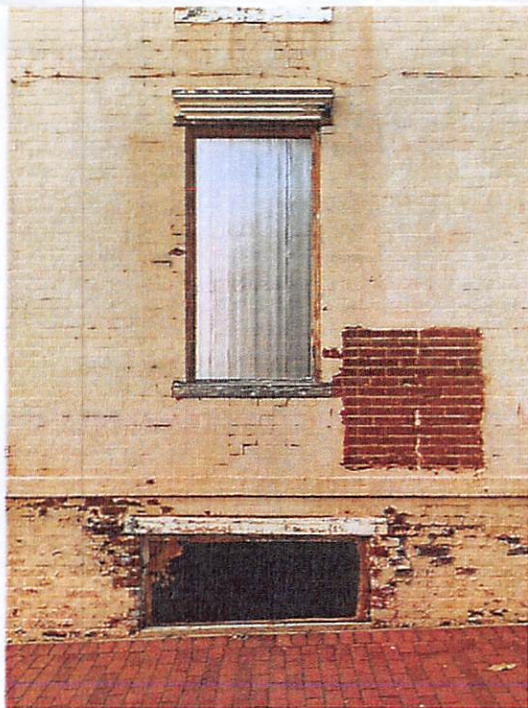
Main Exterior:









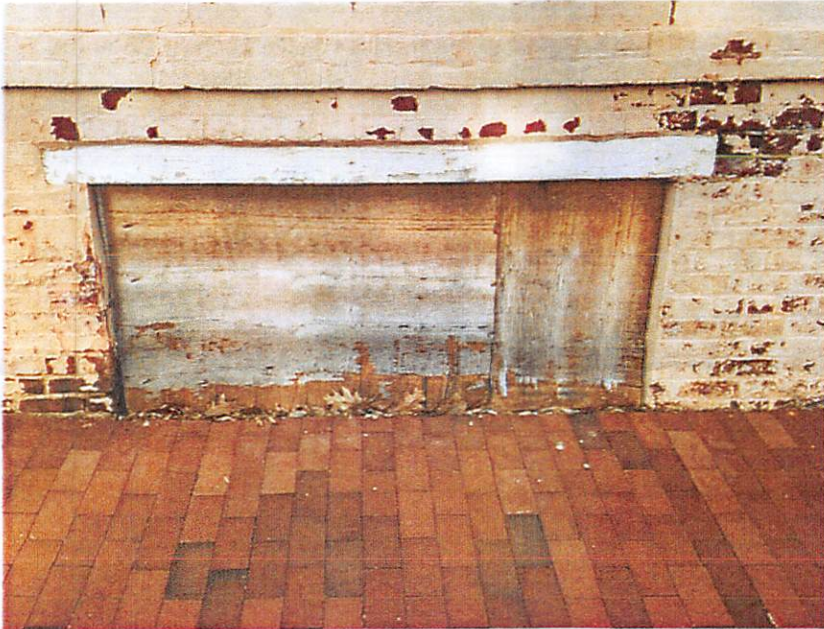


Windows and Doors:

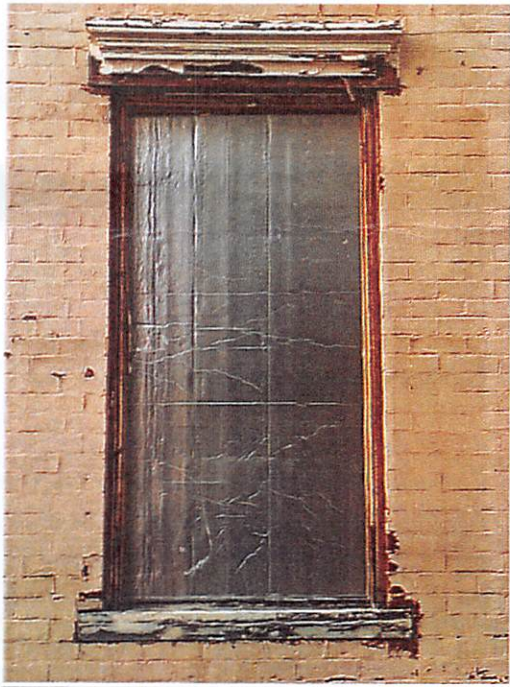
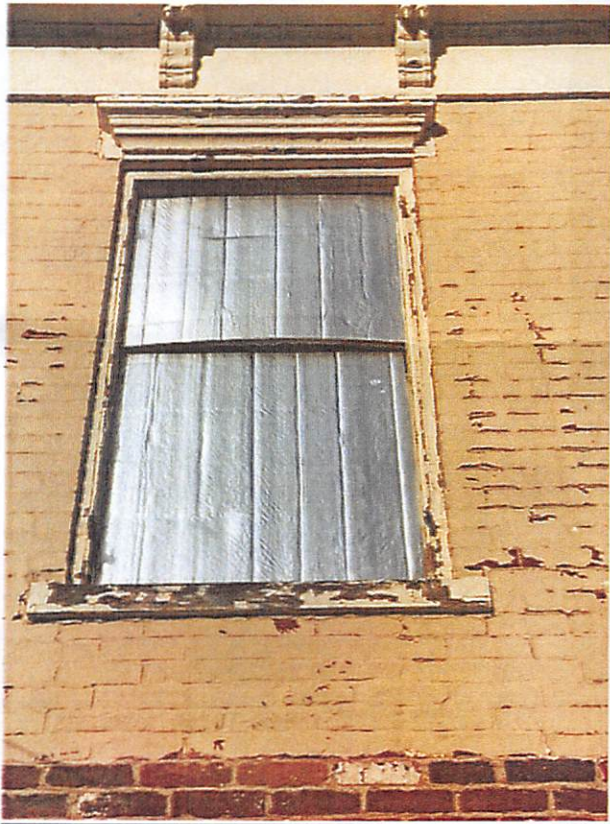




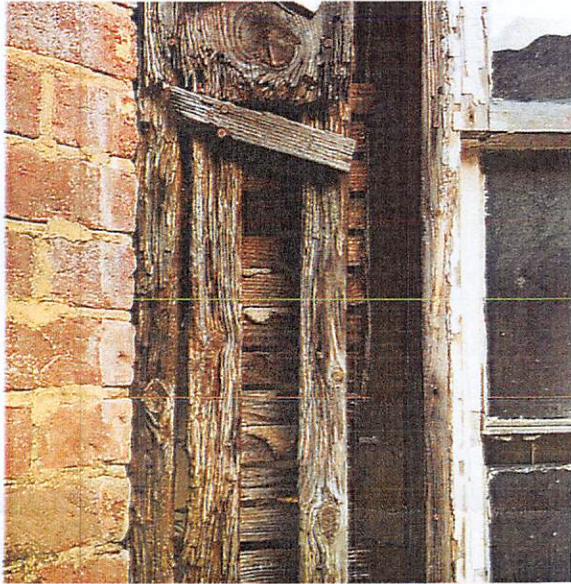






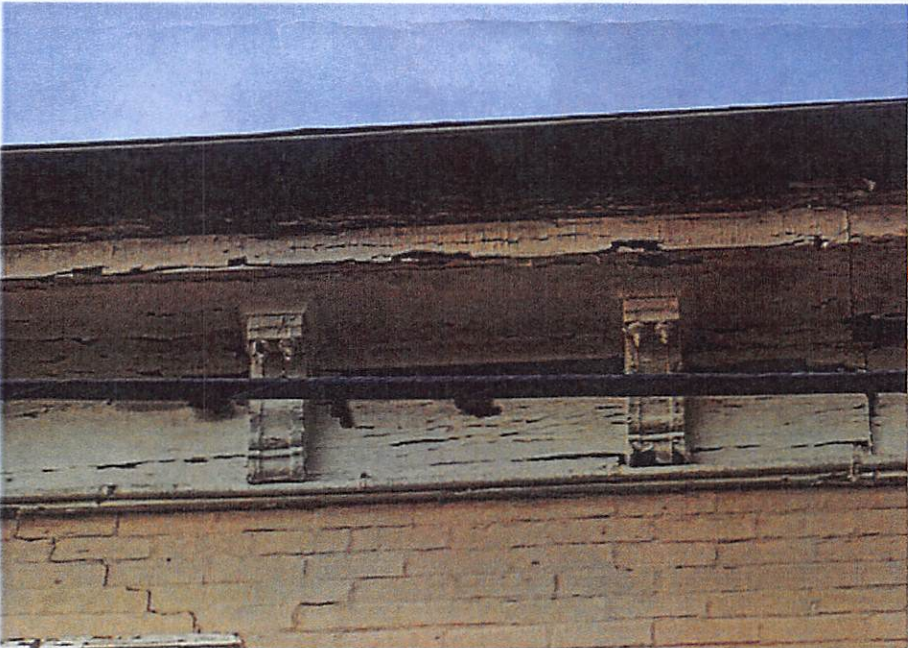
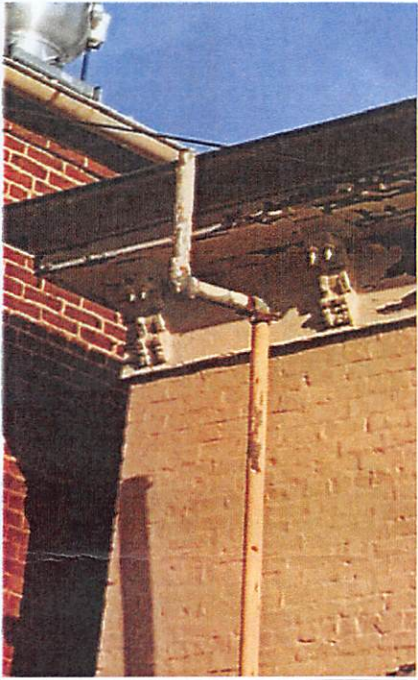




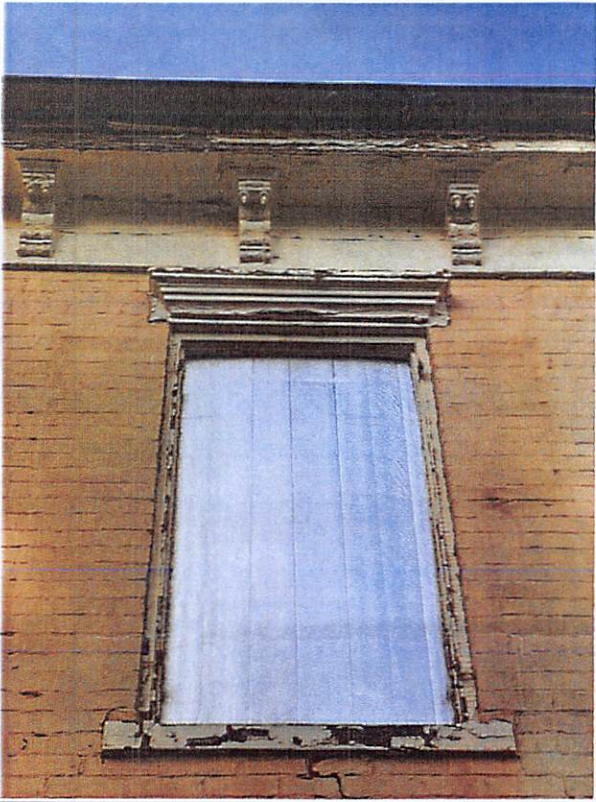


Roof Assembly- Fascia and Soffit:

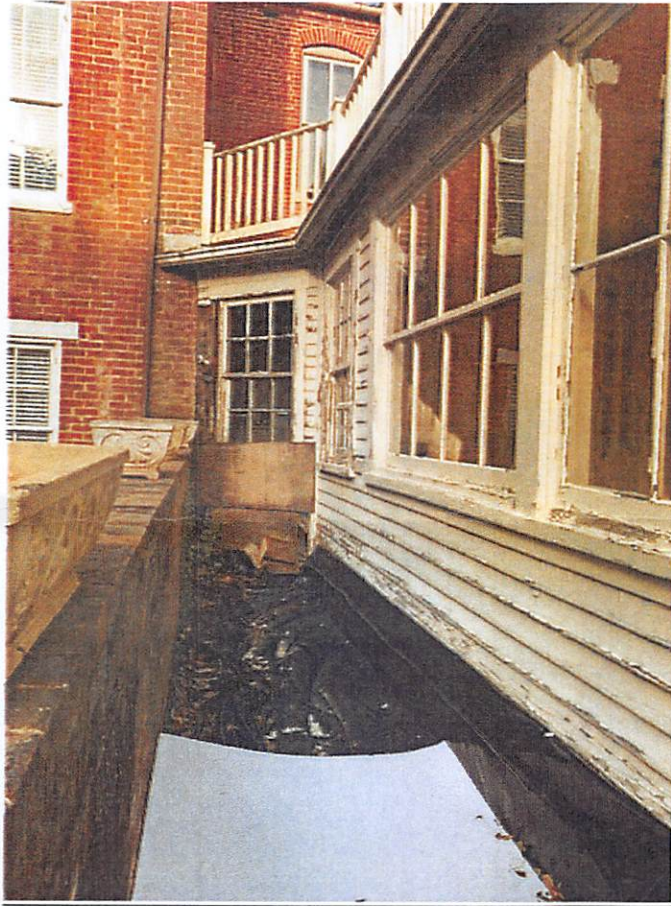






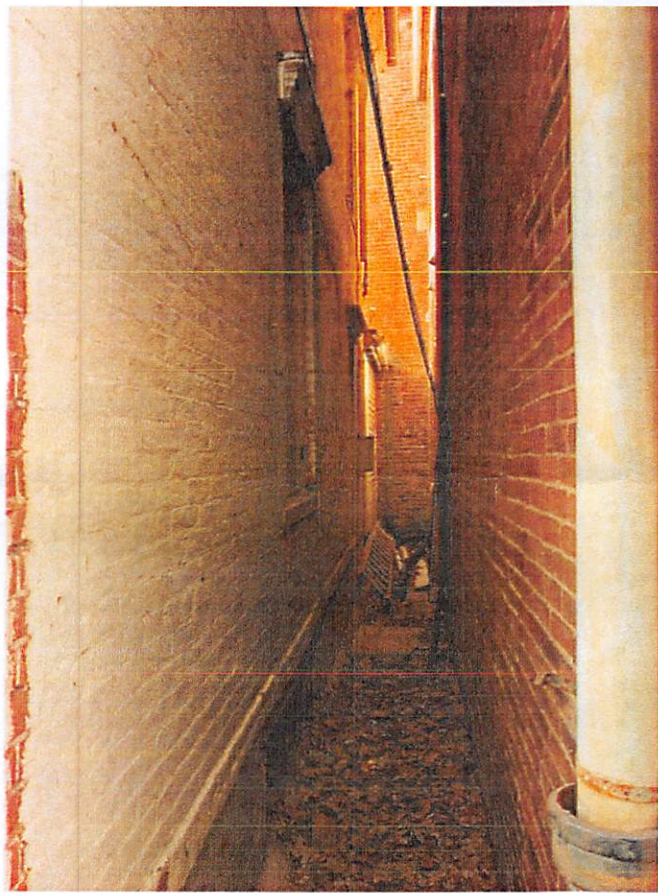


Main Entry Way:



Space Between Buildings on Culpeper Street:





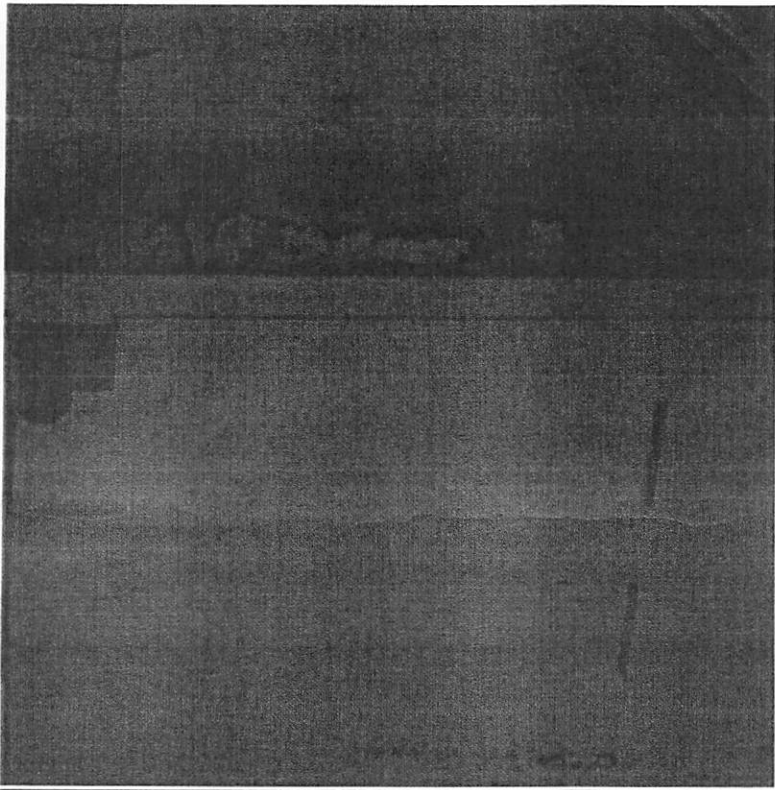






Interior:









# TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
 WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
 TELEPHONE (540) 347-1101  
 FAX (540) 349-2414

## OFFICIAL NOTICE OF VIOLATION

**The owner or person(s) responsible shall have to comply with this order.**

Notice Date: November 13, 2023

Property: 45 Winchester Street. Warrenton, VA 20186  
 PIN 6984-34-8278-000

Zoning: Central Business District

Property Owner: Macdonald, Etsuko K  
 Macdonald, Michael Keith

Mailing Address: 45 Winchester Street  
 Warrenton, VA 20186

An inspection of the above listed property was conducted on October 30<sup>th</sup>, 2023, by the Town of Warrenton Building Official, Hunter Digges, and Building Inspector Mike Rhodes. Numerous violations of the 2018 Virginia Property Maintenance Code were found and are listed below. A site meeting with Keith Macdonald was held at 45 Winchester on October 30<sup>th</sup>, 2023. Mr. Macdonald stated that he would not be making any repairs to the structure.

These violations have been in existence for many years and continue to exist and have not been corrected, despite several attempts to gain the voluntary compliance from the property owner.

The current condition of this structure, as it exists, in a registered historic district is adversely affecting property values and quality of life in the vicinity. The degree of deterioration, lack of maintenance, and the quantity of these violations constitute a dangerous, unsafe and unsanitary structure by the following definitions from the VA Property Maintenance Code, 2018 edition:

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

**DESCRIPTION OF VIOLATION**

The following list of violations found is intended to provide information intended for compliance with the codes listed. Recommended corrective actions are included after the list of violations.

- 1. The entire exterior of the structure shows extensive signs of water damage, exposure to elements, and wood rot. The entire exterior of the structure has peeling paint, inadequate protection from the elements, and exposed and rotted wood siding; exposed structural elements including posts, beams and supports; inadequate chimney protection; and decorative features deteriorating.  
**(See Pictures 1-13)**  
**All exterior walls must be repaired and shall be free from holes, breaks, and loose or rotting materials. Exterior walls must be weatherproof and properly surface coated.**
- 2. Multiple doors above ground level in the rear of the structure without a landing, porch or fall protection which creates an unsafe condition. **(See Picture 11)**  
**Obtain the required permits and complete the construction of the landings/porches or install guard rails for fall protection.**
- 3. The structural supports of the breezeway are not properly supporting the loads. **(See Pictures 2,3, and 5)**  
**Obtain the required permits and have the breezeway properly supported.**
- 4. The roof of the breezeway and right side of the structure is in disrepair from exposed underlayment being installed as the only roof covering on those sections of the structure. **(See Pictures 2 and 5)**  
**The roof and flashing shall be sound, tight, and not have defects that admit rain.**
- 5. Roof rainwater drainage is inadequate and is not discharged in a manner that prevents deterioration, or harm to the structure, its foundation, or slab. **(See Pictures 1,6,8,9 and 11)**  
**All roof water shall be discharged in a manner to protect the structure’s foundation from the accumulation of rainwater.**
- 6. Windows and doors are in disrepair and/or have inadequate/exposed covers on them which are deteriorating. Window and door frames have exposed non weatherproofed wood showing signs of rot. There are windows with broken glass. **(See Pictures 2,4,5,9 and 11)**  
**Ensure all doors and windows are kept in good repair and maintained weather tight. Exterior wood surfaces of doors and windows must be protected from the elements and decay by painting or other protective covering or treatment.**

**CORRECTIVE ACTION:**

**You are hereby ordered to begin correcting the violations described above within the period not to exceed fifteen (15) days of receipt this notice by engaging in the following actions:**

- **In order to avoid any escalation of enforcement, it is required to provide a plan for corrective action within fifteen (15) days of receipt of this notice. The plan MUST include specific dates of completed activities within a six month period with notable, visible improvements;**
- **Apply for ALL required permits and renew or obtain new permits for those expired PRIOR to any work requiring these approvals/permits.**
- **All repairs completed within six (6) months.**

**Failure to address these violations as directed shall result in enforcement actions under the applicable provisions of the Warrenton Town Code, the Virginia Maintenance Code, and the Virginia State Code.**

**Given the extent of the overall conditions of the property, and the length of time without any improvements to the condition of this property, these actions must commence within 15 days of receipt of this notice.**

**The entire structure must be repaired to safe, sanitary condition by obtaining the services of licensed engineers, architects, and contractors. you must notify this office within the 15 days stated above with a detailed plan and identified licensed design professionals listed.**

**If you choose to appeal this notice, you must do so within fourteen (14) days of receipt of this notice as outlined in the Virginia Property Maintenance Code, 2018 edition, Section 107, attached below.**

The Community Development Office is located at 21 Main Street within Town Hall. Hours of operation are from 8:30 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please contact me at (540) 347-1101, Ext.314.

Sincerely,



Hunter Digges  
Building Official

CC:

John B. Heroux, Ward 5 Council Member  
Frank Cassidy, Interim Town Manager  
Rob Walton, Director Of Community Development  
Martin Crim, Town Attorney

**Applicable Code Provisions:****Virginia Property Maintenance Code, 2018 ed.:****103  
APPLICATION OF CODE****103.1 General.**

This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

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Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

**106  
UNSAFE STRUCTURES OR STRUCTURES  
UNFIT FOR HUMAN OCCUPANCY****106.1 General.**

This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**107  
APPEALS****107.5 Right of appeal; filing of appeal application.**

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner.

A copy of the code official's decision shall be submitted along with the application for appeal maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision

## **302 EXTERIOR PROPERTY AREAS**

### **302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

## **304 EXTERIOR STRUCTURE**

### **304.1 General.**

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### **304.2 Protective treatment.**

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### **304.4 Structural members.**

Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

### **304.6 Exterior walls.**

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The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and

downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a proper manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

### **304.8 Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

### **304.9 Overhang extensions.**

Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

### **304.13 Window, skylight and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

#### **304.13.1 Glazing.**

Glazing materials shall be maintained free from cracks and holes.

#### **304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

### **304.15 Doors.**

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.



**Pictures:** Taken September 21<sup>st</sup>, 2023

Front of structure showing exposure to elements; improper roofing; rotting wood and siding; improper protection of walls, failing structural members for breezeway, and other issues:



**(Picture 1:**  
Shows exposure to the Elements, rotted wood and inadequate roof drainage)



**(Picture 2:**  
Shows faulty structural supports, inadequate roofing and exposure to the elements)



**(Picture 3:**  
Shows faulty structural supports, Inadequate roofing on right side, wood rot, and peeling paint)



**(Picture 4:**  
Shows exposure to the Elements, wood rot, peeling Paint, and inadequate roof Drainage)



**(Picture 5:**  
Shows faulty structural supports, inadequate roofing, and exposure to the elements)



**(Picture 6:**  
Shows inadequate roof drainage, and inadequate protection from the elements)



**(Picture 7:**  
Shows inadequate protection  
From the elements)



**(Picture 8:**  
Shows inadequate roof drainage,  
and inadequate protection from  
the elements)

Rear of structure showing improper roofing; rotting wood and siding; structural failures in the porch; improperly covered windows and doors:



**(Picture 9:**  
Shows inadequate roof  
Drainage, rotted wood  
And broken windows)



**(Picture 10:**  
Shows inadequate structural  
supports, and inadequate  
protection from the elements)



**(Picture 11:**  
Shows multiple doors with no  
fall protection, windows not maintained  
in good condition, wood rot and inadequate  
Roof drainage)





**(Picture 12:**  
Shows inadequate protection  
From elements and inadequate  
Structural supports on porch)



**(Picture 13:**  
Shows inadequate protection  
from elements)

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OFFICIAL USE  
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Item A.

Certified Mail Fee \$ 4.35

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ 3.55

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ 0.13

Total Postage and Fees \$ 8.53



Sent To: ETSUKO K MCDONALD, Michael Keith McDonald

Street and Apt. No. or PO Box No. 45 Winchester Street

City, State, ZIP+4® Warrenton, VA 20186

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

February 6, 2022

Mr. Keith McDonald  
Investment Property Management  
3 Hotel Street Warrenton, VA 20186

RE: 3 Hotel Street  
Warraton, VA  
Street Drainage Concerns  
CV # 20221005

Mr. McDonald:

A field meeting was held at the subject address on January 24, 2022 to evaluate and provide plausible solutions to decrease the volume of stormwater flowing against the building. The area of focus was limited to the building line fronting Hotel Street.

It's reported that storm water draining from the intersection of Main Street and Court Street flows down Hotel Street and up the depressed brick ramp in front of and then flows against the building for its full length. Other possible contributing drainage areas (although insignificant in volume) include the roof gutter systems from both the subject property and the adjacent 7 Hotel Street.

Stormwater does enter 3 Hotel Street in three generally locations; the at-grade stoop, the English (basement) window and at through various points along the building/ sidewalk's grade interface (see attached photos).

There are significant concerns that the continuous water intrusion is having a deleterious structural effect on the basement walls, adjacent wooden beams/joists and, the construction of the sidewalk may have accelerated the rate of inflow.

The field evaluation and interior review of the structure, as well as a video and pictures of the storm water flowing as described (provide by the owner) tend to verify the owners' noted concerns.

This report will outline the evaluator's findings and recommend corrective actions to mitigate the water intrusions. It's important to note that the Town was contacted and record drawings or other plans that may have been used for the sidewalk's construction where not available. Historical building inspections and or pre/post streetscape inspection documents are unavailable as well.

This report is not intended to provide architectural or structural evaluations, methods or recommendations to repair or modify the building, assign fault, or pass professional judgment against those involved with the design, construction, and inspection of the brick streetscape on Hotel Street. This report of finding will make recommendations to decrease the volume of surface flows against the building and suggest various methods to decrease infiltration.

## EVALUATION

Streetscape improvements by the Town included the installation of brick pavers installed on a concrete base. It appears that the sidewalk grades along Hotel Street were raised to provide an ADA accessible route in front of the subject property. The sidewalk was installed flush to the edge of the existing entrance's door stoop and encased the bottom 3-1/2" of the door's exterior butted casings. The concrete base appears to have been poured directly against the building without the benefit of flashing, flexible expansive materials or sealants.

Without the benefit of pre-streetscape inspection of the building foundations or streetscape construction plans, it is difficult to determine to what extent the improvements may have affected the structure. Nevertheless, storm water flowing against the building should be addressed to prevent further deterioration of the circa 1870 foundation and related assemblages.

## SUGGESTED STREETScape MODIFICATIONS

Diverting the storm water around the brick sidewalk is critical. This may be accomplished with the removal of the existing curb and ramp and installing a higher concrete curb.

The installed curb should tie back to the existing curb in the vicinity of the brick wall at the wood fence.

The roof's downspouts should continue to discharge up stream of the noted new curbing. Care should be taken to avoid the water meter and its vault. It may also be necessary to slightly modify the street paving to channel the higher flows away from the curbing.

The brick sidewalk abutting the building should be lowered approximately 4" and sloped toward the street to decrease the volume of water flowing against the building. The reinstated sidewalks should be constructed with the maximum cross slope permitted by ADA regulations. The new section should include, at a minimum the installation of a flexible expansive material between the walk and the building to allow for expansion and contraction of the dissimilar materials while providing a 'gasketed' joint at their interface.

To improve aesthetics, a ground based decorative concrete planter box/seat bench with two protective traffic bollards (on its west side) could be installed. The decorative 'greenscaping' could be constructed on top of or incorporated within the curb to provide public seating with seating oriented toward the reinstated sidewalk.

## DESIGN PLAN RECOMMENDATIONS

An architect with significant experiences with building foundations comparable to 3 Hotel Street should be consulted to inspect the envelope focusing on the basement/ground level and its interface with the sidewalk. An existing condition survey should be performed as part of the design. Detailed photographs and measurements (vertical and horizontal) should be taken to document the existing conditions both interior and exterior of the subject property. These records will serve as benchmarks to monitor potential settlement and document the effectiveness of the installed barrier system(s).

An architect and CV Inc. can provide a reconstruction plan that includes detailed elevations, sidewalk cross slope adjustments and the “greenscape” barrier system. The plans should also include detailed construction drawings specific to the English basement window area.

During construction, any exposed/degraded foundation joints should be repaired as directed by a qualified architect or mason. The architect should recommend an appropriate barrier system to provide the maximum protection from expansion and contraction of the sidewalk section and the natural movement of the building while preventing water intrusion.

The Town maintains the sidewalks. Any invasive inspections of the sidewalks or building foundation from the exterior should be approved by and permitted the Town. Conversely, any proposed improvements and or restoration of the ‘public’ infrastructure should review and approved and permitted by the Town.

Although this report focused on the frontage of 3 Hotel Street, the entire envelope should be inspected including the concrete walk/drainage area within the alley between 3 Hotel Street and 12 Culpeper Street to determine if similar factors are impacting the foundation in these areas.

CV. Inc. is prepared to discuss this report further with you, your architect and or the Town if requested for an additional fee.

Thank you for your continued trust.  
Sincerely, CV. Inc.

Michael F. Schramm  
Project Manager -Special Projects

Attachments



# TOWN OF WARRENTON

Community Development Department

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
permittech@warrentonva.gov  
(540) 347-2405

Item A.

## LOCAL BOARD OF BUILDING CODE APPEALS BUILDING CODE APPEAL REQUEST

Return the completed form, a copy of the Building Officials decision, and all supporting documentation to the address above.

### PROJECT INFORMATION

Project Name: Various  
Project Address: Various  
Permit Number or Case Number: \_\_\_\_\_  
Tax Map or PIN#: \_\_\_\_\_

### APPLICANT INFORMATION

Applicant Name: Hotel Street, LLC, Brittion Hall, LC, Michale G. Macdonald Trust  
Street Address: 92 Winchester Street  
State: VA  
Zip Code: 20186  
Phone: 703-869-0096  
Email: Keith.Macdonald@plural-US.com

### OWNER INFORMATION

XX

Check if same as applicant

Owner: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### APPEAL INFORMATION

Appealing decision made by the:  Building Official  Fire Official  Property Maintenance Official

On (date): June 2021 & November

Codes (IBC, IMC, IPMC, Etc.) and edition year: \_\_\_\_\_

Code Section: \_\_\_\_\_

### REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision: (Attach and number any additional pages as needed.)

See attached :Four PDF files, totaling 42 pages, one video of 4:29 in length, one email titled: "Frank Cassidy's Stupid Bull Shit Email from an Unqulified Moron - 5-2022", five PDF images

**From:** Frank Cassidy <[fcassidy@warrentonva.gov](mailto:fcassidy@warrentonva.gov)>  
**Sent:** Thursday, May 12, 2022 2:06 PM  
**To:** Martin Crim <[mcrim@vfnlaw.com](mailto:mcrim@vfnlaw.com)>  
**Cc:** Brandie Schaeffer <[BSchaeffer@warrentonva.gov](mailto:BSchaeffer@warrentonva.gov)>  
**Subject:** RE: Hotel Street - Site Report - Water Flooding

Good afternoon.

Please accept this as a brief report and response as result of a site inspection of the property as requested:

Our Superintendent and I inspected the property today after reviewing the report and pictures.

In short, the Town took steps to better the drainage and sidewalk approximately 10 to 15 years ago. Our observations are the water is directed away from the building as follows and indicated in the attached photos:

- The sidewalk along Culpeper St is angled towards the curb- water flows outward from the structure- Photo “Hotel St- culpeper 1”
- The water is diverted away from the sidewalk on Hotel St, near the property line with an asphalt ramping from the drainpipe to the outside curbs edge along Hotel St- Photo “Hotel ST- hotel side 4”

During our inspection, it was obvious there are several areas along the base of this structure where water can be entering the building. These areas are through windows or other open areas of the structure, and other sections of the structure not properly maintained and not part of any of the sidewalk. For example:

- Window along Culpeper St, Photo- Hotel St- culpeper side 2, there is a “plexi-glass” or plastic cover with old and inadequate sealant. This has been there for several years. Window area not properly sealed.
- The window along Hotel St, Photo- Hotel St- hotel side 2, there is a rotting board covering a window. There is a gap between the sidewalk brick and the structure and a slight rise of what appears to be a windowsill. Window area is not properly sealed.
- There are areas adjacent to the structure where bricks were removed exposing earth. These bricks were not removed by the Town. Photos- Hotel St- hotel side 1 and 3.

- The alley area along Culpeper St, between this structure and the structure at 12 Culpeper St is not being maintained. There is a rain gutter which drains directly into the alley way; there are two access points into the structure which are not secured and will allow intrusion not only by water, but vermin and other items as well; and there are leaves and equipment which interfere with proper drainage on this area. Photos- Hotel St- Alley 1, 2, 3, and 4.

There are several areas of the entire exterior of this structure which are in disrepair from lack of maintenance and neglect. The remaining photos show some of these items.

It is obvious if there is water going into this structure, there are several entry points well beyond the alleged issues “caused” by the sidewalk improvements.

Given this, we do not see what actions we can take to address the concerns from a Town perspective.

Please let me know if you require additional.

Thank you

Frank





# TOWN OF WARRENTON

Community Development Department

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(540) 347-2405

Item A.

## LOCAL BOARD OF BUILDING CODE APPEALS BUILDING CODE APPEAL REQUEST

Return the completed form, a copy of the Building Officials decision, and all supporting documentation to the address above.

### PROJECT INFORMATION

Project Name: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
Permit Number or Case Number: \_\_\_\_\_  
Tax Map or PIN#: \_\_\_\_\_

### APPLICANT INFORMATION

Applicant Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### OWNER INFORMATION

Check if same as applicant

Owner: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### APPEAL INFORMATION

Appealing decision made by the:  Building Official  Fire Official  Property Maintenance Official

On (date): \_\_\_\_\_

Codes (IBC, IMC, IPMC, Etc.) and edition year: \_\_\_\_\_

Code Section: \_\_\_\_\_

### REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision: (Attach and number any additional pages as needed.)

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# TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
TELEPHONE (540) 347-1101  
FAX (540) 349-2414

## OFFICIAL NOTICE OF VIOLATION

**The owner or person(s) responsible shall have to comply with this order.**

Notice Date: November 13, 2023

Property: 45 Winchester Street. Warrenton, VA 20186  
PIN 6984-34-8278-000

Zoning: Central Business District

Property Owner: Macdonald, Etsuko K  
Macdonald, Michael Keith

Mailing Address: 45 Winchester Street  
Warrenton, VA 20186

An inspection of the above listed property was conducted on October 30<sup>th</sup>, 2023, by the Town of Warrenton Building Official, Hunter Digges, and Building Inspector Mike Rhodes. Numerous violations of the 2018 Virginia Property Maintenance Code were found and are listed below. A site meeting with Keith Macdonald was held at 45 Winchester on October 30<sup>th</sup>, 2023. Mr. Macdonald stated that he would not be making any repairs to the structure.

These violations have been in existence for many years and continue to exist and have not been corrected, despite several attempts to gain the voluntary compliance from the property owner.

The current condition of this structure, as it exists, in a registered historic district is adversely affecting property values and quality of life in the vicinity. The degree of deterioration, lack of maintenance, and the quantity of these violations constitute a dangerous, unsafe and unsanitary structure by the following definitions from the VA Property Maintenance Code, 2018 edition:

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

**DESCRIPTION OF VIOLATION**

The following list of violations found is intended to provide information intended for compliance with the codes listed. Recommended corrective actions are included after the list of violations.

- 1. The entire exterior of the structure shows extensive signs of water damage, exposure to elements, and wood rot. The entire exterior of the structure has peeling paint, inadequate protection from the elements, and exposed and rotted wood siding; exposed structural elements including posts, beams and supports; inadequate chimney protection; and decorative features deteriorating.  
**(See Pictures 1-13)**  
**All exterior walls must be repaired and shall be free from holes, breaks, and loose or rotting materials. Exterior walls must be weatherproof and properly surface coated.**
- 2. Multiple doors above ground level in the rear of the structure without a landing, porch or fall protection which creates an unsafe condition. **(See Picture 11)**  
**Obtain the required permits and complete the construction of the landings/porches or install guard rails for fall protection.**
- 3. The structural supports of the breezeway are not properly supporting the loads. **(See Pictures 2,3, and 5)**  
**Obtain the required permits and have the breezeway properly supported.**
- 4. The roof of the breezeway and right side of the structure is in disrepair from exposed underlayment being installed as the only roof covering on those sections of the structure. **(See Pictures 2 and 5)**  
**The roof and flashing shall be sound, tight, and not have defects that admit rain.**
- 5. Roof rainwater drainage is inadequate and is not discharged in a manner that prevents deterioration, or harm to the structure, its foundation, or slab. **(See Pictures 1,6,8,9 and 11)**  
**All roof water shall be discharged in a manner to protect the structure's foundation from the accumulation of rainwater.**
- 6. Windows and doors are in disrepair and/or have inadequate/exposed covers on them which are deteriorating. Window and door frames have exposed non weatherproofed wood showing signs of rot. There are windows with broken glass. **(See Pictures 2,4,5,9 and 11)**  
**Ensure all doors and windows are kept in good repair and maintained weather tight. Exterior wood surfaces of doors and windows must be protected from the elements and decay by painting or other protective covering or treatment.**

**CORRECTIVE ACTION:**



**Applicable Code Provisions:**

Virginia Property Maintenance Code, 2018 ed.:

**103  
APPLICATION OF CODE**

**103.1 General.**

This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

**103.2 Maintenance requirements.**

Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

**106  
UNSAFE STRUCTURES OR STRUCTURES  
UNFIT FOR HUMAN OCCUPANCY**

**106.1 General.**

This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**107  
APPEALS ↓**

107.5 Right of appeal; filing of appeal application.

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner

You are hereby ordered to begin correcting the violations described above within the period not to exceed fifteen (15) days of receipt this notice by engaging in the following actions:

- In order to avoid any escalation of enforcement, it is required to provide a plan for corrective action within fifteen (15) days of receipt of this notice. The plan MUST include specific dates of completed activities within a six month period with notable, visible improvements;
- Apply for ALL required permits and renew or obtain new permits for those expired PRIOR to any work requiring these approvals/permits.
- All repairs completed within six (6) months.

Failure to address these violations as directed shall result in enforcement actions under the applicable provisions of the Warrenton Town Code, the Virginia Maintenance Code, and the Virginia State Code.

Given the extent of the overall conditions of the property, and the length of time without any improvements to the condition of this property, these actions must commence within 15 days of receipt of this notice.

The entire structure must be repaired to safe, sanitary condition by obtaining the services of licensed engineers, architects, and contractors. you must notify this office within the 15 days stated above with a detailed plan and identified licensed design professionals listed.

If you choose to appeal this notice, you must do so within fourteen (14) days of receipt of this notice as outlined in the Virginia Property Maintenance Code, 2018 edition, Section 107, attached below.

The Community Development Office is located at 21 Main Street within Town Hall. Hours of operation are from 8:30 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please contact me at (540) 347-1101, Ext.314.

Sincerely,



Hunter Digges  
Building Official

CC:

- John B. Heroux, Ward 5 Council Member
- Frank Cassidy, Interim Town Manager
- Rob Walton, Director Of Community Development
- Martin Crim, Town Attorney





**(Picture 7:**  
Shows inadequate protection  
From the elements)



**(Picture 8:**  
Shows inadequate roof drainage,  
and inadequate protection from  
the elements)

Rear of structure showing improper roofing; rotting wood and siding; structural failures in the porch; improperly covered windows and doors:



**(Picture 9:**  
Shows inadequate roof  
Drainage, rotted wood  
And broken windows)



**(Picture 10:**  
Shows inadequate structural  
supports, and inadequate  
protection from the elements)



**(Picture 11:**  
Shows multiple doors with no  
fall protection, windows not maintained  
in good condition, wood rot and inadequate  
Roof drainage)



**Pictures:** Taken September 21<sup>st</sup>, 2023

Front of structure showing exposure to elements; improper roofing; rotting wood and siding; improper protection of walls, failing structural members for breezeway, and other issues:



**(Picture 1:**  
Shows exposure to the Elements, rotted wood and inadequate roof drainage)



**(Picture 2:**  
Shows faulty structural supports, inadequate roofing and exposure to the elements)



**(Picture 3:**  
Shows faulty structural supports, Inadequate roofing on right side, wood rot, and peeling paint)



**(Picture 4:**  
Shows exposure to the Elements, wood rot, peeling Paint, and inadequate roof Drainage)



**(Picture 5:**  
Shows faulty structural supports, inadequate roofing, and exposure to the elements)



**(Picture 6:**  
Shows inadequate roof drainage, and inadequate protection from the elements)



**(Picture 12:**  
Shows inadequate protection  
From elements and inadequate  
Structural supports on porch)



**(Picture 13:**  
Shows inadequate protection  
from elements)





A copy of the code official's decision shall be submitted along with the application for appeal maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision

**302  
EXTERIOR PROPERTY AREAS**

**302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

**304  
EXTERIOR STRUCTURE**

**304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.4 Structural members.**

Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

**304.6 Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

**304.7 Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and



downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a proper manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

**304.8 Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.**

Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.13 Window, skylight and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.**

Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.15 Doors.**

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.



P.O. DRAWER 341  
20188-0341

ADDRESS SERVICE REQUESTED

NOVA 220  
14 NOV 23 PM 03

Etsuko K Macdonald  
Michael Keith Macdonald  
92 Winchester Street  
Warrenton, VA 20186



US POSTAGE  
FIRST CLASS PERMIT NO. 1000 WARRENTON, VA  
NOV 14 2023  
ZIP 20186 \$000.63<sup>0</sup>  
0000376481NOV 14 2023

20186-281792







We <sup>Re</sup> Deliver for You!

Item A.

Download Informed Delivery® APP to manage your redeliveries.

**Sorry we missed you while you were out.**

Date: 11/16

The item was sent by: Town

It was sent to: Etsuko & Michael Monday

At this address: 45 Winchester St

**About the missed delivery:**

It was a:

Package  Letter  Large envelope

Parcel Locker Eligible

Available for pickup date: 11/17

This is the:

First attempt  Final notice

**To Schedule a Redelivery:**



Scan the QR Code or go to [usps.com/redelivery](https://usps.com/redelivery)

Article Number:

**5293 0630 4752 3911**

**We have item/s for you which we could not deliver because:**

It requires a payment of \$\_\_\_\_\_ for:  
\_\_\_\_\_ Postage due \_\_\_\_\_ Customs

Receptacle full/item oversized

No secure location available

No authorized recipient available

Signature required

\_\_\_\_\_ must be 18+ years old \_\_\_\_\_ must be 21+ years old

Other: \_\_\_\_\_

**Please see reverse to schedule redelivery or pickup.**

PS Form 3849, February 2021

74



**Choose one option for redelivery or pickup.**

**1. Go online to [usps.com/redelivery](https://usps.com/redelivery).**

**2. Parcel Locker Delivery (optional)** If Parcel Locker Eligible is checked on the front of the form, you may request the pickup of your items at [uspsparcellocker.com/pickup](https://uspsparcellocker.com/pickup). Your items will be delivered to the parcel locker located at the address listed in section 4.

**3. Let your carrier know when and where you'd like them to leave the item, then leave this form in your mailbox.**  
*(Sorry, not an option for Restricted Delivery or Adult Signature items)*  
 Please redeliver on this date: \_\_\_\_\_ and leave at (check one):  
 Front door  Back door  Porch  Garage  Other: \_\_\_\_\_

**4. Go to your local Post Office™, located at:**  
 Warrenton Main Post Office  
 53 Main Street  
 Warrenton VA 20186  
 M-F 0900-1700 ; SAT 0900-1300

**5. Sign up to manage your redeliveries at [informedelivery.com](https://informedelivery.com).**

**6. Send someone to serve as your representative:** Sign below and provide the name of the person you want to pick up your item at your local Post Office listed in section 4. See option 3 for restrictions.  
 Addressee signature: \_\_\_\_\_  
 Name of representative: \_\_\_\_\_

**7. Call us at 800-ASK-USPS (800-275-8777).**

**Delivery Section**

X	Signature
	Printed Name
	Delivery Address

**USPS**

5293 0630 4752 3911

**We Re Deliver for You!**

PS Form 3849, February 2021 (Reverse)

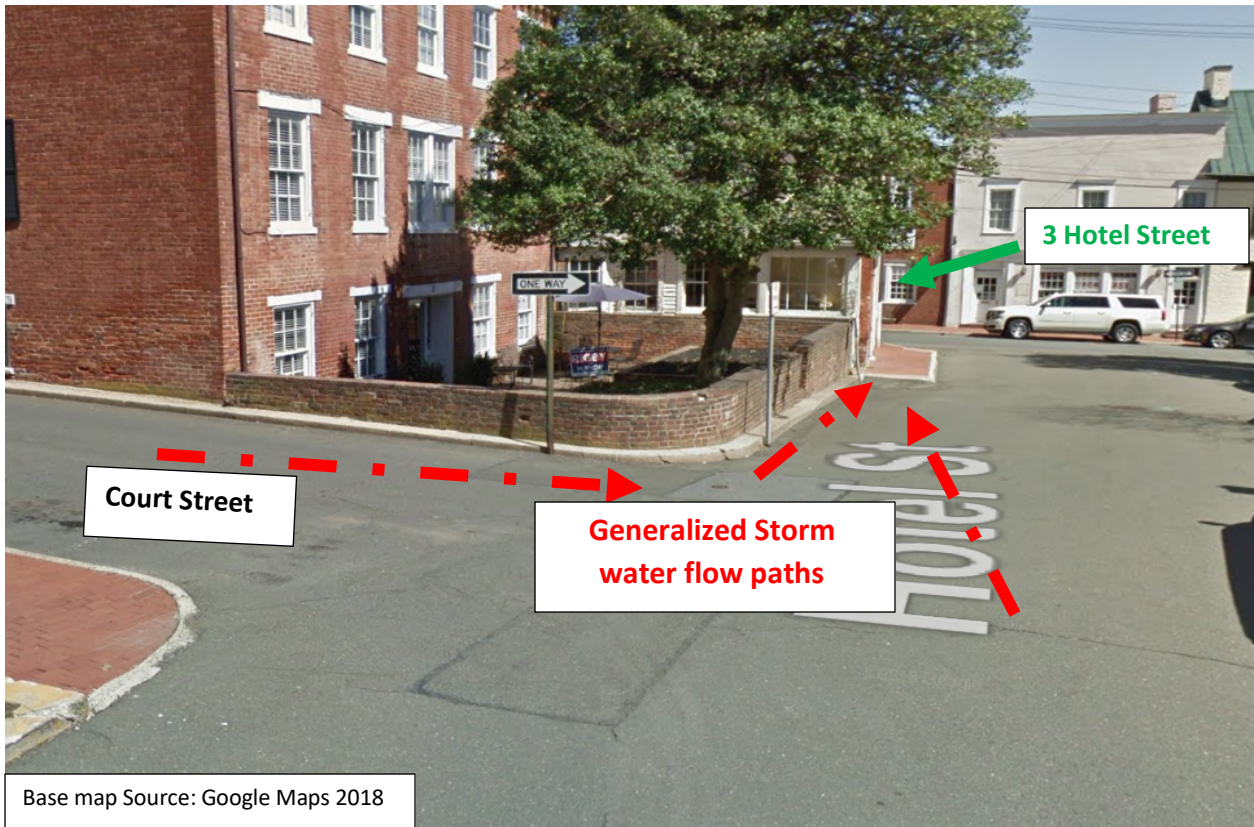
**UNITED STATES POSTAL SERVICE®**



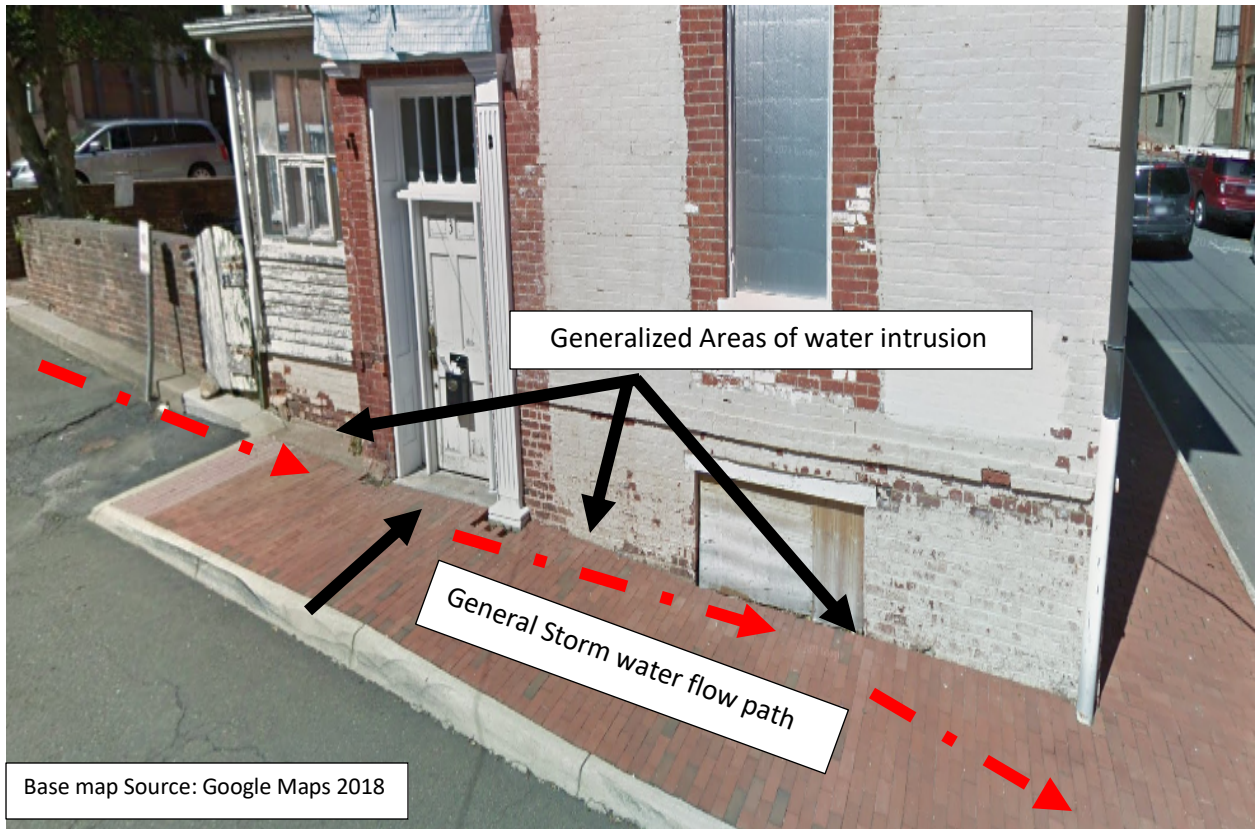
### 3 HOTEL STREET WARRENTON VA PROJECT PHOTOS SITE VISIT JANUARY 23, 2022



Hotel Street (Looking East)



**3 HOTEL STREET WARRENTON VA  
PROJECT PHOTOS  
SITE VISIT JANUARY 23, 2022**







## TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[Landdevelopment@warrentonva.gov](mailto:Landdevelopment@warrentonva.gov)  
(540) 347-2405

January 23, 2024

Dear Property Owner:

The Board of Building Code Appeals of the Town of Warrenton held an appeal hearing for 45 Winchester Street on January 12, 2024. The applicant was not present therefore the board deferred the meeting to a later date. The Board of Building Code Appeals will hold an appeal hearing for 45 Winchester Street and 3 Hotel Street at the following time and location:

**Wednesday, March 27, 2024**  
**5:00 PM**  
**Warrenton Town Hall**  
**Council Chambers (First Floor)**  
**21 Main Street, Warrenton, VA**

Respectfully,

**Hunter Digges**  
Building Official  
Town of Warrenton



# TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[Landdevelopment@warrentonva.gov](mailto:Landdevelopment@warrentonva.gov)  
(540) 347-2405

March 7, 2024

Dear Property Owner:

The Board of Building Code Appeals of the Town of Warrenton held an appeal hearing for 45 Winchester Street on January 12, 2024. The applicant was not present therefore the bored deferred the meeting to a later date. The Board of Building Code Appeals will hold an appeal hearing for 45 Winchester Street and 3 Hotel Street at the following time and location:

**Wednesday, March 27, 2024**  
**5:00 PM**  
**Warrenton Town Hall**  
**Council Chambers (First Floor)**  
**21 Main Street, Warrenton, VA**

Respectfully,

**Hunter Digges**  
Building Official  
Town of Warrenton





Office of the Town Manager  
Frank Cassidy

**Warrenton Town Council**

Carter Nevill, Mayor  
Heather Sutphin, Ward 1  
William Semple, Ward 2  
Brett Hamby, Ward 3  
James Hartman, Ward 4 Vice Mayor  
Eric Gagnon, Ward 5  
Paul Mooney, At Large  
David McGuire, At Large

Item B.

# **STAFF REPORT**

<b>LBBCA Meeting Date:</b>	March 27, 2024
<b>Agenda Title:</b>	3 Hotel Street Appeal Hearing
<b>Requested Action:</b>	Conduct Appeal Hearing
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Hunter Digges, Building Official

## **EXECUTIVE SUMMARY**

A Notice of Violation (NOV) was issued to the property owner on December 8, 2023. Subsequently, the NOV was reformatted and issued to the property owner on March 11, 2024. The NOV outlined a number of property maintenance issues that need to be corrected at this time. The property owner appealed the NOV which is before you today.

## **BACKGROUND**

As stated above, a NOV was issued for 3 Hotel Street on December 8, 2023 and subsequently updated and issued again on March 11, 2024.

## **STAFF RECOMMENDATION**

Staff recommends the Local Board of Building Code Appeals (LBBCA) upholds the Building Official’s Notice of Violation.

## **Service Level/Collaborative Impact**

The Department of Community Development is charged with the enforcement of property maintenance as outlined in the State and Town Codes. There are a number of active cases in the Town of Warrenton that are currently ongoing.

## **Policy Direction/Warrenton Plan 2040**

Town Council has stressed the importance of enforcement of State and Town Codes for the safety of citizens within the Town.

## **Fiscal Impact**

A fiscal impact analysis has not been conducted.

**Legal Impact**

---

Should the LBBCA decide to uphold the Building Official's NOV, the appellant has the opportunity to appeal its decision to the State Board of Building Code Appeals. The Town is represented by the Town Attorney on this case.

**ATTACHMENTS**

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1. NOV (Original and Revised)
2. Correspondence from the Appellant



## TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
 WARRENTON, VIRGINIA 20186  
<http://www.warrentonva.gov>  
 TELEPHONE (540) 347-1101  
 FAX (540) 349-2414

### OFFICIAL NOTICE OF VIOLATION

**The owner or person(s) responsible shall have to comply with this order.**

Notice Date: December 8, 2023

Property: 3 Hotel Street. Warrenton, VA 20186  
 PIN 6984-33-9515-000

Zoning: Central Business District

Property: Macdonald, Etsuko K  
 Owner: Macdonald, Michael Keith

Mailing Address: 45 Winchester Street  
 Warrenton, VA 20186

An inspection of the above listed property was conducted on November 17, 2023, by the Town of Warrenton Building Official, Hunter Digges, and Town of Warrenton Code Enforcement Officer, Heather Kincaid. Numerous violations of the 2018 Virginia Property Maintenance Code were found and are listed below. A site meeting with Keith Macdonald was held at 3 Hotel Street on October 30<sup>th</sup>, 2023. Mr. Macdonald stated that he would not be making any repairs to the structure.

These violations have been in existence for many years and continue to exist and have not been corrected, despite several attempts to gain voluntary compliance from the property owner.

The current condition of this structure, as it exists, in a registered historic district is adversely affecting property values and quality of life in the vicinity. The degree of deterioration, lack of maintenance, and the quantity of these violations constitute a dangerous, unsafe and unsanitary structure by the following definitions from the VA Property Maintenance Code, 2018 edition:

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

### DESCRIPTION OF VIOLATION

The following list of violations found is intended to provide information intended for compliance with the codes listed. Recommended corrective actions are included after the list of violations.

1. The entire exterior of the structure shows extensive signs of water damage, exposure to elements, wood rot and deteriorated mortar and bricks. The entire exterior of the structure has peeling paint, inadequate protection from the elements, exposed and rotted wood windows; and deteriorated decorative features.  
(See Pictures 1-8, 11-14, 17-24)

**All exterior walls must be repaired and shall be free from holes, breaks, and loose or rotting materials. Exterior walls must be weatherproof and properly surface coated.**

2. Two electrical lighting fixtures are missing on either side of the front door leaving electrical connections exposed. (See Pictures 9 and 10)  
**Obtain the required permits and repair or replace the electrical lighting fixtures.**

3. Roof rainwater drainage is inadequate and is not discharged in a manner that prevents deterioration, or harm to the structure, its foundation, or slab. Missing portions of downspouts were observed. (See Pictures 1,2,3, 15)  
**All roof water shall be discharged in a manner to protect the structure's foundation from the accumulation of rainwater.**

4. Windows and doors are in disrepair and/or have inadequate/exposed covers on them which are deteriorating. Window and door frames have exposed wood, non



weatherproofed and wood showing signs of rot. There are windows with broken glazing.  
(See Pictures 2-8, 11-13 and 20-22)

**Ensure all doors and windows are kept in good repair and maintained weather tight. Exterior wood surfaces of doors and windows must be protected from the elements and decay by painting or other protective covering or treatment.**

**CORRECTIVE ACTION:**

You are hereby ordered to begin correcting the violations described above within the period not to exceed fifteen (15) days of receipt this notice by engaging in the following actions:

- In order to avoid any escalation of enforcement, it is required to provide a plan for corrective action within fifteen (15) days of receipt of this notice. The plan **MUST** include specific dates of completed activities within a six month period with notable, visible improvements;
- Apply for ALL required permits and renew or obtain new permits for those expired **PRIOR** to any work requiring these approvals/permits.
- All repairs completed within six (6) months.

Failure to address these violations as directed shall result in enforcement actions under the applicable provisions of the Warrenton Town Code, the Virginia Maintenance Code, and the Virginia State Code.

Given the extent of the overall conditions of the property, and the length of time without any improvements to the condition of this property, these actions must commence within 15 days of receipt of this notice.

The entire structure must be repaired to safe, sanitary condition by obtaining the services of licensed engineers, architects, and contractors. you must notify this office within the 15 days stated above with a detailed plan and identified licensed design professionals listed.

If you choose to appeal this notice, you must do so within fourteen (14) days of receipt of this notice as outlined in the Virginia Property Maintenance Code, 2018 edition, Section 107, attached below.

The Community Development Office is located at 21 Main Street within Town Hall. Hours of operation are from 8:30 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please contact me at (540) 347-1101, Ext.314.

Sincerely,

Hunter Digges  
Building Official

CC:

Eric Gagnon, Ward 5 Council Member  
Frank Cassidy, Interim Town Manager  
Rob Walton, Director of Community Development  
Martin Crim, Town Attorney

**Applicable Code Provisions:**

**Virginia Property Maintenance Code, 2018 ed.:**

**103  
APPLICATION OF CODE**

**103.1 General.**

This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

**103.2 Maintenance requirements.**

Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

**106  
UNSAFE STRUCTURES OR STRUCTURES  
UNFIT FOR HUMAN OCCUPANCY**

### **106.1 General.**

This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

## **107 APPEALS**

### **107.5 Right of appeal; filing of appeal application.**

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision

## **302 EXTERIOR PROPERTY AREAS**

### **302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

## 304 EXTERIOR STRUCTURE

### 304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### 304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

### 304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

### 304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

### 304.8 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

### 304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

#### 304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.



**Pictures:** Taken November 17<sup>th</sup>, 2023

Pictures 1-10 showing front of structure.



**Picture 1:**

Shows exposure to the elements, rotted wood. Inadequate roof drainage, missing piece of downspout and broken and missing bricks and mortar.



**Picture 2:**

Shows exposure to elements, rotted wood, broken, and boarded up windows, peeling paint, broken, missing and damaged brick and mortar.

**304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.15 Doors.**

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**605.1 Electrical components.**

Electrical equipment, wiring, and appliances shall be maintained in accordance with the applicable building code.



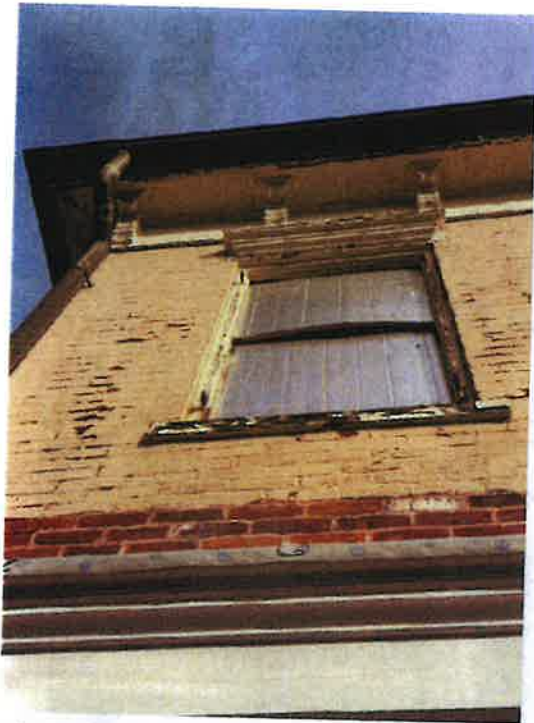
Picture 3:

Shows exposure to the elements, rotted wood. Inadequate roof drainage, missing piece of downspout, broken and missing bricks and mortar.



Picture 4:

Shows exposure to the elements, rotted wood, missing window glazing and broken and missing decorative piece.



**Picture 5:**

Shows exposure to the elements, peeling paint, missing, and boarded up windows, deteriorated wood.



**Picture 6:**

Shows exposure to the elements, peeling paint, missing, and boarded up windows and deteriorated wood.



**Picture 7:**

Shows peeling paint; missing, damaged and deteriorated bricks and mortar; missing and boarded up windows.





**Picture 8:**  
Shows missing window, exposure to the elements, rotten wood, peeling paint and damaged bricks.



**Picture 9:**

Shows missing light fixture and exposed electrical wires.



**Picture 10:**

Shows missing light fixture and exposed electrical wires.

Pictures 11-13 Showing left side of structure



**Picture 11:**

Shows exposure to the elements, damaged and missing decorative pieces, missing, and boarded up



**Picture 12:**

Shows exposure to the elements and rotted wood.



**Picture 13:**

Shows exposure to the elements and rotted wood, damaged and missing bricks on wall.

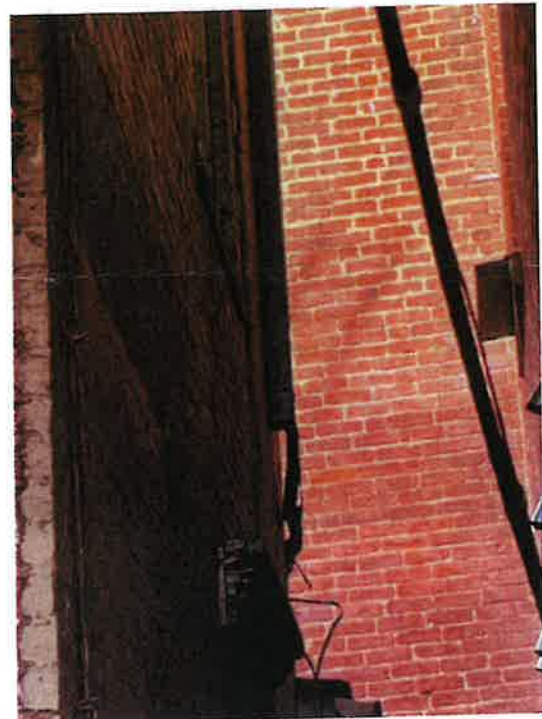


Pictures 14- 16 Showing back of structure



Picture 14:

Damaged and missing bricks; missing window, exposure to the elements, peeling paint and rotted wood.



Picture 15:

Shows missing window, broken downspout and peeling paint.



**Picture 16:**

Damaged and missing bricks; missing window, exposure to the elements, peeling paint and rotted wood.



Pictures 17-24 Showing right side of structure



Picture 17:

Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar.



Picture 18:

Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar.



**Picture 19:**

Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar;  
missing windows.



**Picture 20:**

Shows exposure to the elements;  
peeling paint and rotten wood;  
missing, damaged and deteriorated  
bricks and mortar; missing windows.



**Picture 21:**

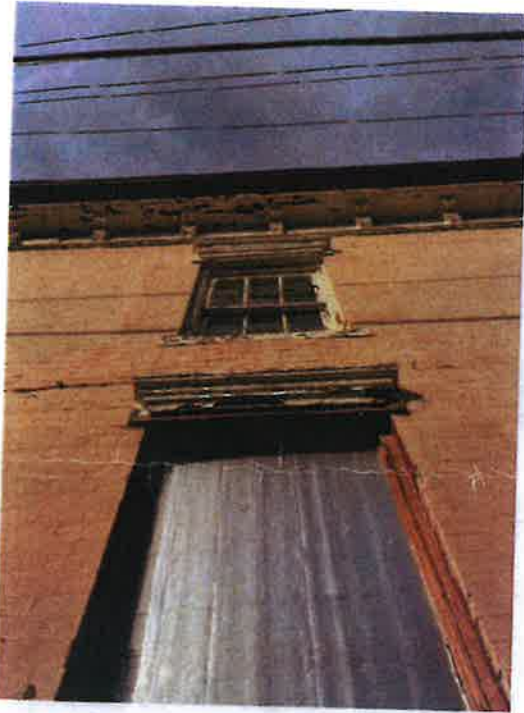
Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar;  
missing windows.



**Picture 22:**

Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar.





**Picture 23:**

Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar:



**Picture 24:**

Shows exposure to the elements;  
peeling paint; missing, damaged and  
deteriorated bricks and mortar.





## TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
 WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[LandDevelopment@warrentonva.gov](mailto:LandDevelopment@warrentonva.gov)  
 (540) 347-2405

### Updated Notice of Violation Pursuant to 2018 Virginia Property Maintenance Code 105.4

Date: March 6, 2024

Property: 3 Hotel Street, Warrenton, VA 20186  
 PIN: 6984-33-9515-000  
 Legal Description:

Property Owner: Macdonald, Etsuko K  
 Macdonald, Michael Keith<sup>1</sup>

Mailing Address: 45 Winchester Street  
 Warrenton, VA 20186

Case Number: ENFC-23-99

---

This is a Notice of Violation pursuant to Virginia Property Maintenance Code 105.4. Building Official Hunter Digges and Town of Warrenton Code Enforcement Officer Heather Kincaid inspected the property identified above on November 17th, 2023. Based on this inspection, I find the following violations:

1. Violation 1

- a. The entire exterior of the structure shows extensive signs of water damage, exposure to elements, and wood rot and deteriorated mortar and bricks. The entire

---

<sup>1</sup> Warrenton issued the original Notice of Violation, dated December 8th, 2023, to Michael and Etsuko Macdonald. I have included a copy of the original Notice of Violation as an attachment. In the interim, Michael and Etsuko Macdonald transferred ownership to Hotel LLC. Pursuant to Va. Code 36-105(C)(4), this enforcement action shall continue to be enforced against Michael and Etsuko Macdonald.

exterior of the structure has peeling paint, inadequate protection from the elements, and exposed and rotted wood windows; and deteriorated decorative features.

b. This violates Virginia Property Maintenance Code: 304.1, 304.2, 304.4, 304.6, 304.7.

c. Necessary Corrective Action:

i. All exterior walls must be repaired and shall be free from holes, breaks, and loose or rotting materials. Exterior walls must be weatherproof and properly surface coated.

d. Pictures of this violation are appended to this Notice of Violation.

## 2. Violation 2

a. Two electrical lighting fixtures are missing on either side of the front door leaving electrical connections exposed.

b. This violates Virginia Property Maintenance Code: 605.1

c. Necessary Corrective Action:

i. Obtain the required permits and repair or replace electrical lighting fixtures.

d. Pictures of this violation are appended to this Notice of Violation.

### 3. Violation 3

- a. Roof rainwater drainage is inadequate and is not discharged in a manner that prevents deterioration, or harm to the structure, its foundation, or slab. Missing portions of downspouts were observed,
- b. This violates Virginia Property Maintenance Code 304.7
- c. Necessary Corrective Action:
  - i. All roof water shall be discharged in a manner to protect the structure's foundation from accumulation of rainwater.
- d. Pictures of this violation are appended to this Notice of Violation.

### 4. Violation 4

- a. Windows and doors are in disrepair and/or have inadequate/exposed covers on them which are deteriorating. Windows and door frames have exposed non-weatherproofed wood showing signs of rot. There are windows with broken glass.
- b. This violates Virginia Property Maintenance Codes 304.13, 304.13.1, 304.13.2, 304.15.
- c. Necessary Corrective Action:
  - i. Ensure all doors and windows are kept in good repair and maintained weather tight. Exterior wood surfaces of doors and windows must be protected from the elements and decay by painting or other protective covering or treatment.
- d. Pictures of this violation are appended to this Notice of Violation.

**Time to Comply**

The deadline to comply with the original Notice of Violation, dated December 8<sup>th</sup>, 2023 was December 23<sup>rd</sup>, 2023.

**Appeal**

If you disagree with this Notice of Violation or any part of it, you may address your disagreement as part of your appeal from the original Notice of Violation, dated December 8<sup>th</sup>, 2023. That appeal is currently scheduled for March 27<sup>th</sup>, 2024.

A copy of VPMC 107, which governs your appeal rights, is attached to this Notice of Violation.

This Notice of Violation constitutes the Town of Warrenton Code Official's final decision regarding these violations.

Sincerely,



Hunter Digges  
Building Official  
Town of Warrenton  
21 Main Street  
Warrenton, VA 20186  
Phone: 540-347-1101  
[hdigges@warrentonva.gov](mailto:hdigges@warrentonva.gov)

CC:

Eric Gagnon, Ward 5 Council Member  
Frank Cassidy, Town Manager  
Rob Walton, Director of Community Development  
M. Tolley Gwinn, Sands Anderson

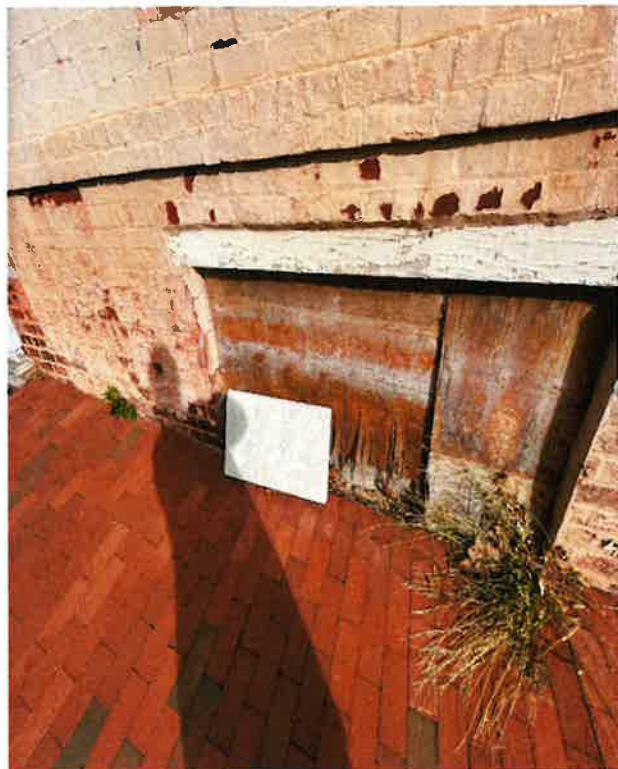


**Photos of Violation**

Pictures: Taken November 17<sup>th</sup>, 2023





















## 107 APPEALS

### **107.5 Right of appeal; filing of appeal application.**

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision.

### **107.6 Meetings and postponements.**

The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a period of up to 45 calendar days shall be permitted where the LBBCA has regularly scheduled monthly meetings. A longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

### **107.7 Hearings and decision.**

All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the code official's decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse, or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be explained in writing, signed by the chairman and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision shall contain the following wording:

“Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of the written

decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 3717150.”

**107.8 Appeals to the State Review Board.**

After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the code official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official’s decision. For appeals from a LBBCA, a copy of the code official’s decision and the written decision of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the code official’s decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

302

**EXTERIOR PROPERTY AREAS**

302.3 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

304

**EXTERIOR STRUCTURE**

**304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

**304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood



surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

#### **304.4 Structural members.**

Structural members shall be maintained free from *deterioration* and shall be capable of safely supporting the imposed dead and live loads.

#### **304.6 Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

#### **304.7 Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

#### **304.8 Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### **304.9 Overhang extensions.**

Overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### **304.13 Window, skylight, and door frames.**

Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.

##### **304.13.1 Glazing.**

Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.15 Doors.**

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**605.1 Electrical components.**

Electrical equipment, wiring, and appliances shall be maintained in accordance with the applicable building code.

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.



**TOWN OF WARRENTON**  
Department of Community Development

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[Landdevelopment@warrentonva.gov](mailto:Landdevelopment@warrentonva.gov)  
(540) 347-2405

January 23, 2024

Dear Property Owner:

The Board of Building Code Appeals of the Town of Warrenton held an appeal hearing for 45 Winchester Street on January 12, 2024. The applicant was not present therefore the board deferred the meeting to a later date. The Board of Building Code Appeals will hold an appeal hearing for 45 Winchester Street and 3 Hotel Street at the following time and location:

***Wednesday, March 27, 2024  
5:00 PM  
Warrenton Town Hall  
Council Chambers (First Floor)  
21 Main Street, Warrenton, VA***

Respectfully,

**Hunter Digges**  
Building Official  
Town of Warrenton



# TOWN OF WARRENTON

Department of Community Development

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
[Landdevelopment@warrentonva.gov](mailto:Landdevelopment@warrentonva.gov)  
(540) 347-2405

March 7, 2024

Dear Property Owner:

The Board of Building Code Appeals of the Town of Warrenton held an appeal hearing for 45 Winchester Street on January 12, 2024. The applicant was not present therefore the bored deferred the meeting to a later date. The Board of Building Code Appeals will hold an appeal hearing for 45 Winchester Street and 3 Hotel Street at the following time and location:

**Wednesday, March 27, 2024**  
**5:00 PM**  
**Warrenton Town Hall**  
**Council Chambers (First Floor)**  
**21 Main Street, Warrenton, VA**

Respectfully,

**Hunter Digges**  
Building Official  
Town of Warrenton





# TOWN OF WARRENTON

Community Development Department

PO BOX 341  
WARRENTON, VIRGINIA 20188  
<http://www.warrentonva.gov>  
permittech@warrentonva.gov  
(540) 347-2405

Item B.

## LOCAL BOARD OF BUILDING CODE APPEALS BUILDING CODE APPEAL REQUEST

Return the completed form, a copy of the Building Officials decision, and all supporting documentation to the address above.

### PROJECT INFORMATION

Project Name: Stop the Injustics, Lower the sidewalk and stop the flooding  
Project Address: 3 Hotel Street  
Permit Number or Case Number: \_\_\_\_\_  
Tax Map or PIN#: \_\_\_\_\_

### APPLICANT INFORMATION

Applicant Name: Hotel Street, LLC  
Street Address: 3 Hotel Street, WarrentonVa 20186  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Phone: 703-869-0096  
Email: October121492@icloud.com

### OWNER INFORMATION

Check if same as applicant

Owner: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### APPEAL INFORMATION

Appealing decision made by the:  Building Official  Fire Official  Property Maintenance Official

On (date): 12/8/2023

Codes (IBC, IMC, IPMC, Etc.) and edition year: 2018

Code Section: \_\_\_\_\_

### REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision: (Attach and number any additional pages as needed.)

27 Pages Attached. Plus nine pages - town's notice 12/8/2023  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUEST/SOLUTION**

Describe the code or design deficiency and practical difficulty in complying with the code provision: (Attach and number any additional pages as needed.)

1. Town to pay damages:

Lost Rents	\$950,000.00
Expenses	\$50,000.00
Punitive Damages	\$2,000,000.00
Defamation	\$1,500,000.00
Property Damage	\$150,000.00

Place a full-page notice in the paper for six months apologizing for discriminating, defaming, harassing, and causing harm to Keith Macdonald and Etsuko Macdonald.

The Board shall direct the Town to make these reparations and payments:

Town steps to remedy their faulty infostructure:

2. The Town Shall remove sidewalks and road grades and return the grading of Court Street, Wall Street, Hotel Street, and Culpeper Street to the original grading when 3 Hotel Street building was built.
3. Allow Hotel Street, LLC to excavate down to the building footers to replace frozen/cracked bricks and install water barriers and drain tile as required.
4. Allow Hotel Street, LLC to reinstall removed window boxes on Hotel and Culpeper Streets
5. Allow Hotel Street, LLC to reinstall the front porch fronting onto Hotel Street should it so choose.
6. The town shall install water run-off capture heads as required on Court Street, Wall Street, Hotel Street, and Culpeper Street
7. The town shall reinstall a grouted brick walkway where it was removed for remediation work.
8. The town shall install weep holes in the curb to allow for drainage.
9. The town shall install the sidewalk with a minimum of 4" below the lowest point of any windowsill.
10. The town shall install the sidewalk with a minimum slope of ¼" per-foot away from the building.
11. The town shall install proper watertight expansion joints along the sidewalk and building interface.
12. The town shall move the water meter out of the street.
13. The town shall continue the sidewalk along Hotel Street up to Court Street
14. The town shall make Hotel Street one-way from Court Street to Culpeper and Ashby Street.

The Board shall direct the Town to make these repairs, modifications, and alterations.

1. Permit filed with the town on 2/11/2016
2. Sent email to mayor & council 29 days and not getting a permit / Run around 3/10/2016
3. Sent email to mayor & council 49 days and not getting a permit / Run around 4/10/2016
4. 4/13/2016 Whitson Robinson, (Attorney) Sarah Sitterle, Roger Mercer (building official), Bob Hale, (building official), Brandie Shafer (Director of Public Works) meeting to discuss permit & sidewalk
  - i. "New process & requirements" for **ALL NEW** building permits and "I am the first one." Requiring a full set of architectural & engineering drawings for the renovation.
  - ii. Town will not issue a permit to address the sidewalk or flooding
5. Hired MEP Engineering to produce Mechanical, Electrical, and Plumbing drawings on 4/29/2016
6. MEP deliver first preliminary drawings 08/04/2016
7. MEP deliver Final drawings 09/30/2016
8. Check Status of building permit 2/1/2017 Kelly Machen more delay tactics
9. Red Line on drawings back from town 02/13/2017 - Drawing approved
- 10. A limited permit Issued on June 19<sup>th</sup> 2017 that did not allow for any steps to address the water leaks and flooding Via the sidewalk. The Town took 494 Days to Issue the permit.**
- 11. 08/05/2020 Sent email to Brandi Shafer, Whit Robinson, CC Brad Polack regarding flooding & water runoff – DID NOT GET A REPLY**
- 12. On June 24<sup>th</sup> 2021 the Town sends a "Notice of Violation" UN-FUCKING BELIEVABLE.**
- 13. Sent VIA Attorney on February 6, 2022 Engineering report to the town attorney, town manager, and town building official did not receive a response. Until May 12 2022**
- 14. The Towns response was TOTAL BULLSHIT – Written by the unqualified town staffer, "I'm Going to Get you" Frank Cassidy**

Frank's less than eloquent, unqualified, bullshit opinion follows:

**From:** Frank Cassidy <[fcassidy@warrentonva.gov](mailto:fcassidy@warrentonva.gov)>  
**Sent:** Thursday, May 12, 2022 2:06 PM  
**To:** Martin Crim <[mcrim@vfnlaw.com](mailto:mcrim@vfnlaw.com)>  
**Cc:** Brandie Schaeffer <[BSchaeffer@warrentonva.gov](mailto:BSchaeffer@warrentonva.gov)>  
**Subject:** RE: Hotel Street - Site Report - Water Flooding

Good afternoon.

Please accept this as a brief report and response as result of a site inspection of the property as requested:

Our Superintendent and I inspected the property today after reviewing the report and pictures.

In short, the Town took steps to better the drainage and sidewalk approximately 10 to 15 years ago. Our observations are the water is directed away from the building as follows and indicated in the attached photos:

- The sidewalk along Culpeper St is angled towards the curb- water flows outward from the structure- Photo "Hotel St- culpeper 1"
- The water is diverted away from the sidewalk on Hotel St, near the property line with an asphalt ramping from the drainpipe to the outside curbs edge along Hotel St- Photo "Hotel ST- hotel side 4"

During our inspection, it was obvious there are several areas along the base of this structure where water can be entering the building. These areas are through windows or other open areas of the structure, and other sections of the structure not properly maintained and not part of any of the sidewalk. For example:

- Window along Culpeper St, Photo- Hotel St- culpeper side 2, there is a "plexi-glass" or plastic cover with old and inadequate sealant. This has been there for several years. Window area not properly sealed.
- The window along Hotel St, Photo- Hotel St- hotel side 2, there is a rotting board covering a window. There is a gap between the sidewalk brick and the structure and a slight rise of what appears to be a windowsill. Window area is not properly sealed.
- There are areas adjacent to the structure where bricks were removed exposing earth. These bricks were not removed by the Town. Photos- Hotel St- hotel side 1 and 3.
- The alley area along Culpeper St, between this structure and the structure at 12 Culpeper St is not being maintained. There is a rain gutter which drains directly into the alley way; there are two access points into the structure which are not secured and will allow intrusion not only by water, but vermin and other items as well; and there are leaves and equipment which interfere with proper drainage on this area. Photos- Hotel St- Alley 1, 2, 3, and 4.

There are several areas of the entire exterior of this structure which are in disrepair from lack of maintenance and neglect. The remaining photos show some of these items.



It is obvious if there is water going into this structure, there are several entry points well beyond the alleged issues "caused" by the sidewalk improvements.

Given this, we do not see what actions we can take to address the concerns from a Town perspective.

Please let me know if you require additional.

Thank you

KM1 Keith Macdonald

To: Brandis Seawalker CC: Gina Pollock

Apr 5, 2020, 5:41:02 PM Details

### 3 Hotel Street / Pending Suite

Dear Brandie, Frank, & Whit,

I know you are all well, as I have not heard otherwise, which is a good thing.

I need to move forward on 3 Hotel Street and get that property producing money and more taxes. I have repeatedly asked for the proper zoning and use for my building at 3 Hotel Street. Most recently March 29th, 2020, to which I yet to receive a reply.

Property Classification:

I need the town to provide me a letter stating the use of 3 Hotel Street is suitable as a single-family home. I am tired of your misinterpretations of the zoning ordinances regarding this property. Buildings built 75 plus years before the invention of cars do not need driveway and garages to function as single-family homes – there are tens of dozens of examples in the CBD and Historic District of this. Failure to produce such a letter will result in litigation to find a remedy. Time is of the essence – if you would like to meet to resolve this issue, my calendar is open.

#### Sidewalk & Road Way Grading:

I have conclusive documented evidence that the town has raised the grade several times on the land adjacent to 3 Hotel Street on both street facings. This has caused extensive property damage to 3 Hotel Street. I have conclusive documented evidence that the town removed three window boxes, which has again caused extensive property damage to 3 Hotel Street. The removal of the window boxes has also lowered the property, safety, utility, and value.

I have conclusive documented evidence that the town contractor, when last installing the sidewalk, penetrated the vault basement roof and failed to seal it from water. Since that time a constant flooding has accorded in the basement of 3 Hotel Street.

I have conclusive documented evidence that the town's scheme to run rainwater run-off from Court Street and Hotel Street to the nearest sewer drain on Lee Street fails to meet design guidelines and causes the routine flooding thru the front door of 3 Hotel Street.

I will require the town at its expense to remedy these issues. Remove and lower the sidewalk back to its original 1840 level. Lowering the roadway accordingly, and extending the Lee Street sewer line to place a sewer drain box in Culpeper and Hotel Street vicinity. Properly seal the vaulted basement roof area to eliminate water penetration into the shell of 3 Hotel Street.

I hope this letter will focus your attention on these matters and that we can work together to quickly address and remedy the problems so that litigation will be avoided. Please feel free to call to discuss or clarify. My calendar is open to meeting at your convenience, or we can zoom/skype if preferred.

Regards,  
M. Keith Macdonald

610 Professional Drive # 108  
Gaithersburg, Maryland 20879  
Ph: (301) 637.2510  
Fax: (240) 252.5612

February 6, 2022

Mr. Keith McDonald  
Investment Property Management  
3 Hotel Street Warrenton, VA 20186

RE: 3 Hotel Street  
Warraton, VA  
Street Drainage Concerns  
CV # 20221005

Mr. McDonald:

A field meeting was held at the subject address on January 24, 2022 to evaluate and provide plausible solutions to decrease the volume of stormwater flowing against the building. The area of focus was limited to the building line fronting Hotel Street.

It's reported that storm water draining from the intersection of Main Street and Court Street flows down Hotel Street and up the depressed brick ramp in front of and then flows against the building for its full length. Other possible contributing drainage areas (although insignificant in volume) include the roof gutter systems from both the subject property and the adjacent 7 Hotel Street.

Stormwater does enter 3 Hotel Street in three generally locations; the at-grade stoop, the English (basement) window and at through various points along the building/ sidewalk's grade interface (see attached photos).

There are significant concerns that the continuous water intrusion is having a deleterious structural effect on the basement walls, adjacent wooden beams/joists and, the construction of the sidewalk may have accelerated the rate of inflow.

The field evaluation and interior review of the structure, as well as a video and pictures of the storm water flowing as described (provide by the owner) tend to verify the owners' noted concerns.

This report will outline the evaluator's findings and recommend corrective actions to mitigate the water intrusions. It's important to note that the Town was contacted and record drawings or other plans that may have been used for the sidewalk's construction where not available. Historical building inspections and or pre/post streetscape inspection documents are unavailable as well.

This report is not intended to provide architectural or structural evaluations, methods or recommendations to repair or modify the building, assign fault, or pass professional judgment against those involved with the design, construction, and inspection of the brick streetscape on Hotel Street. This report of finding will make recommendations to decrease the volume of surface flows against the building and suggest various methods to decrease infiltration.

## EVALUATION

Streetscape improvements by the Town included the installation of brick pavers installed on a concrete base. It appears that the sidewalk grades along Hotel Street were raised to provide an ADA accessible route in front of the subject property. The sidewalk was installed flush to the edge of the existing entrance's door stoop and encased the bottom 3-1/2" of the door's exterior butted casings. The concrete base appears to have been poured directly against the building without the benefit of flashing, flexible expansive materials or sealants.

Without the benefit of pre-streetscape inspection of the building foundations or streetscape construction plans, it is difficult to determine to what extent the improvements may have affected the structure. Nevertheless, storm water flowing against the building should be addressed to prevent further deterioration of the circa 1870 foundation and related assemblages.

## SUGGESTED STREETScape MODIFICATIONS

Diverting the storm water around the brick sidewalk is critical. This may be accomplished with the removal of the existing curb and ramp and installing a higher concrete curb. The installed curb should tie back to the existing curb in the vicinity of the brick wall at the wood fence.

The roof's downspouts should continue to discharge up stream of the noted new curbing. Care should be taken to avoid the water meter and its vault. It may also be necessary to slightly modify the street paving to channel the higher flows away from the curbing.

The brick sidewalk abutting the building should be lowered approximately 4" and sloped toward the street to decrease the volume of water flowing against the building. The reinstated sidewalks should be constructed with the maximum cross slope permitted by ADA regulations. The new section should include, at a minimum the installation of a flexible expansive material between the walk and the building to allow for expansion and contraction of the dissimilar materials while providing a 'gasketed' joint at their interface.

To improve aesthetics, a ground based decorative concrete planter box/seat bench with two protective traffic bollards (on its west side) could be installed. The decorative 'greenscaping' could be constructed on top of or incorporated within the curb to provide public seating with seating oriented toward the reinstated sidewalk.



## DESIGN PLAN RECOMMENDATIONS

An architect with significant experiences with building foundations comparable to 3 Hotel Street should be consulted to inspect the envelope focusing on the basement/ground level and its interface with the sidewalk. An existing condition survey should be performed as part of the design. Detailed photographs and measurements (vertical and horizontal) should be taken to document the existing conditions both interior and exterior of the subject property. These records will serve as benchmarks to monitor potential settlement and document the effectiveness of the installed barrier system(s).

An architect and CV Inc. can provide a reconstruction plan that includes detailed elevations, sidewalk cross slope adjustments and the “greenscape” barrier system. The plans should also include detailed construction drawings specific to the English basement window area.

During construction, any exposed/degraded foundation joints should be repaired as directed by a qualified architect or mason. The architect should recommend an appropriate barrier system to provide the maximum protection from expansion and contraction of the sidewalk section and the natural movement of the building while preventing water intrusion.

The Town maintains the sidewalks. Any invasive inspections of the sidewalks or building foundation from the exterior should be approved by and permitted the Town. Conversely, any proposed improvements and or restoration of the ‘public’ infrastructure should review and approved and permitted by the Town.

Although this report focused on the frontage of 3 Hotel Street, the entire envelope should be inspected including the concrete walk/drainage area within the alley between 3 Hotel Street and 12 Culpeper Street to determine if similar factors are impacting the foundation in these areas.

CV. Inc. is prepared to discuss this report further with you, your architect and or the Town if requested for an additional fee.

Thank you for your continued trust.  
Sincerely, CV. Inc.

Michael F. Schramm  
Project Manager -Special Projects

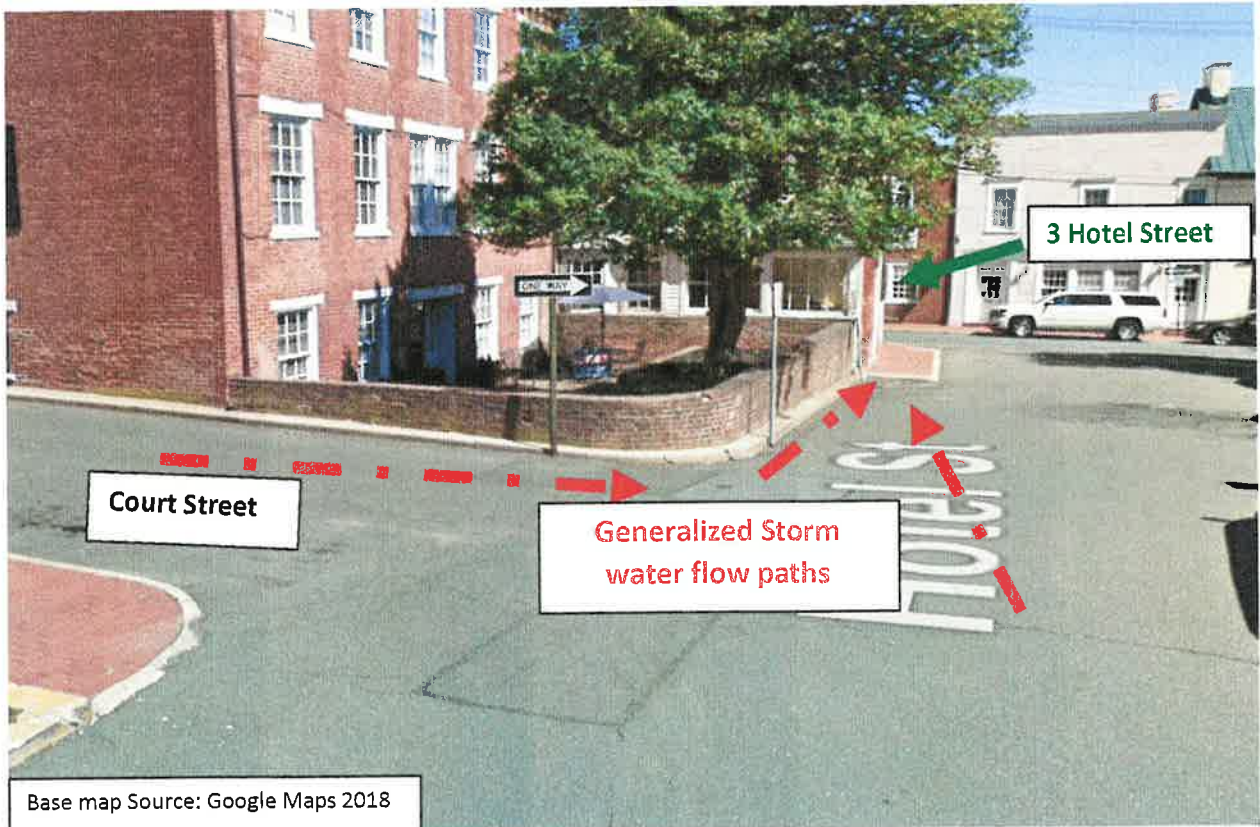
Attachments

### 3 HOTEL STREET WARRENTON VA PROJECT PHOTOS SITE VISIT JANUARY 23, 2022



Base map Source: Google Maps 2018

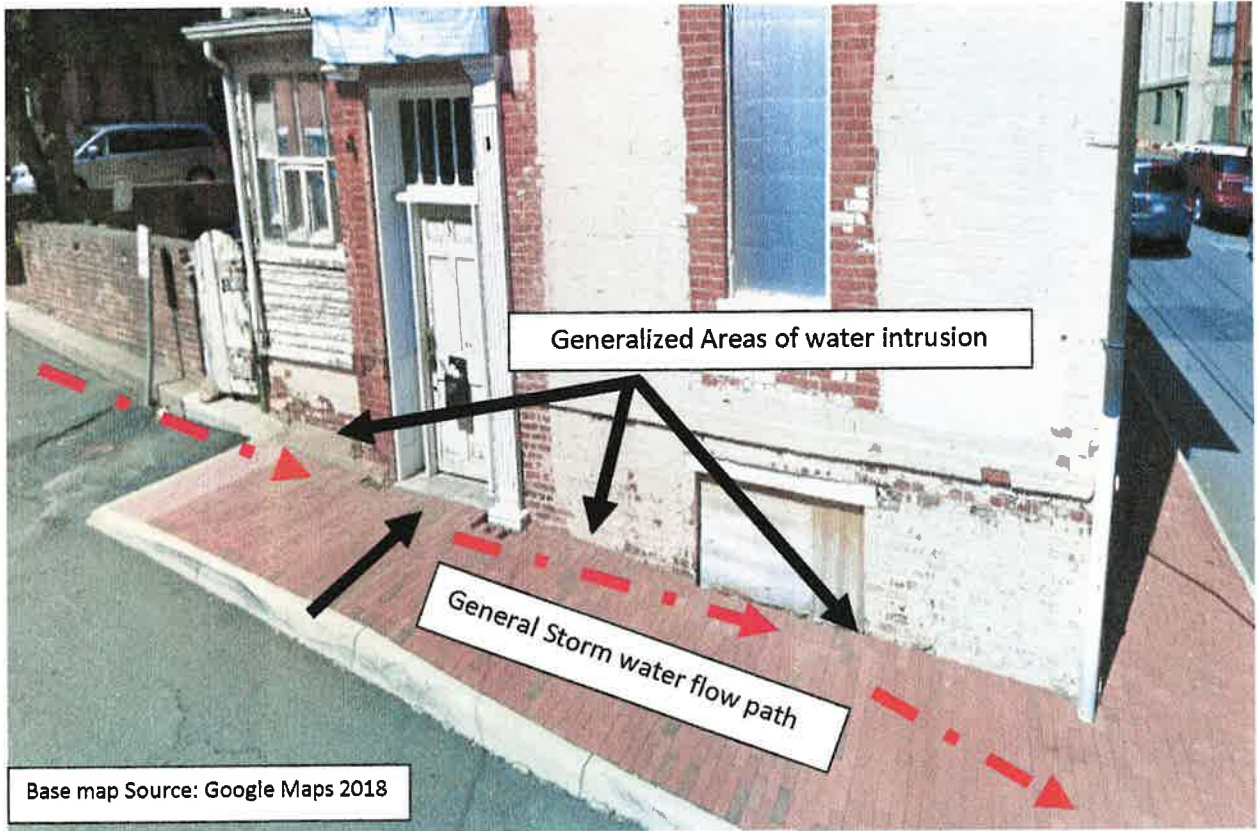
Hotel Street (Looking East)



Base map Source: Google Maps 2018

**3 HOTEL STREET WARRENTON VA  
PROJECT PHOTOS  
SITE VISIT JANUARY 23, 2022**

Item B.























TOWN OF WARRENTON

Department of Community Development

1-800-341  
WARRENTON, VA 20186  
WWW.WARRENTONVA.GOV  
TELEPHONE 540-347-1811  
FAX 540-349-2118

NOTICE OF VIOLATION – INQY 2020-1

June 24, 2021

The owner or person or persons responsible shall have to comply with this order.

**Property Address: Parcel Detail for PIN 6984-33-9515-000**

Street Address: Delora Street Warrenton, Virginia

Legal Description: A

**Property Owner:**

MACDONALD ETSUKO K

MACDONALD MICHAEL KEITH

Mailing Address : 45 Winchester St  
WARRENTON VA 20186

Numerous inspections of the above listed property have been conducted on the above mentioned property; December 6, 2019 and April 2, 2021 by the Town of Warrenton Community Development staff and found many violations of the Virginia Property Maintenance Code, 2015 edition. These violations have been existing for years and continue to exist despite several attempts to gain voluntary compliance. The current conditions of this this property as it exists in a registered historic district constitutes a nuisance, qualifying the property as falling into neglect to the point of defining it as "demolition by neglect", and is adversely affecting property values and quality of life in the vicinity. Additionally, the degree of deterioration, lack of maintenance over many years, and number of these violations constitute a dangerous, unsafe and unsanitary structure by the following definitions from the VA Property Maintenance Code, 2015 edition:

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the



degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE STRUCTURE:** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

**The following list of violations found is intended to provide information intended for compliance with the codes listed. Recommended corrective actions are included after the list of violations.**

**VIOLATIONS:**

1. The exterior of the entire structure on the property shows extensive signs of water damage, exposure to elements, and wood rot. The entire exterior of the structure has peeling paint and spalling of brick and mortar; rooting wood, exposed structural elements including siding; missing broken windows and glazing; decorative features deteriorating. There is spalling along all the walls, exposed and/or missing electrical outlets and fixtures, and exposure to the elements. The overall condition of this property constitutes a nuisance condition.
2. Windows and doors are broken, in disrepair and/or have inadequate covers on them which are deteriorating. Broken windows allow access into the structure. Broken lower level/basement windows allow access for rodents and/or other vermin and provide a harborage. Window and door frames have exposed wood showing signs of rot and signs of weakening to the point of failing to support proper loads as designed.
3. The roof structure is in disrepair from exposed underlayment being improperly installed and/or attached by improper methods like clamps to the entire fascia and soffit assembly in disrepair with rotted wood, water damage from intrusion, peeling paint and failure.
4. The area between structures on Culpeper is not being maintained. This area contains trash and debris. The windows along this area are in disrepair and open allowing harborage and entrance into the structure. The exterior walls along this area are consistent with the other exterior walls showing extensive paint peeling and other deterioration of wood and brick.

5. The main entrance ground level walk way to the structure from Hotel Street is covered by a tarp. The access way contains debris and materials creating a nuisance. The walls are in disrepair with peeling paint and exposed wood siding and rot. The main door is inoperable and is semi-boarded with exposed plywood. The door is in disrepair. The window is broken and allows a view into the structure.
6. The limited view of the interior shows extensive water intrusion, peeling paint; walls in disrepair and inhabitable spaces.

**Corrective Action:**

**You are hereby ordered to begin correcting the violations described above within the period not to exceed fifteen (15) days from the date of this notice by engaging the following actions:**

- **In order to avoid any escalation of enforcement, it is required to provide a plan for corrective action within five (5) days of receipt of this notice. The plan MUST include specific dates of completed activities within a three-month period with notable, visible improvements;**
- **Apply for ALL required permits and COA approvals PRIOR to any work requiring these approvals/permits;**
- **All repairs completed within six (6) months.**

**Failure to address these violations as directed shall result in enforcement actions under the applicable proceedings in Article 11-5 Enforcement and Penalties of the Town Zoning Ordinance and applicable Virginia State Code.**

**Given the extent of the overall conditions of the property, the visible blight and length of time without any improvements to the condition of this property, these actions must take place within 15 days of receipt of this notice.**

**The entire structure must be repaired to safe, sanitary condition by obtaining the services of licensed engineers, architects and contractors or the structure must be properly demolished. If you chose to demolish the structure, you must ensure the property is secured and the grounds maintained until demolition is complete. If you chose to repair the structure, you must notify this office within the 15 days stated above with a detailed plan and identified licensed design professionals listed. If you chose to demolish the structure, demolition must commence with 60 days of receipt of this notice.**



**If you refuse to take appropriate action to address the violations, the Town will take corrective action on the property and all charges and fees will be applied to the property owner. If you chose to appeal this notice, you must do so within fourteen (14) days of receipt of this notice as outlined in the Virginia Property Maintenance Code, 2015 edition, Section 106, attached below.**

The Community Development Office is located at 21 Main Street. Warrenton, VA within Town Hall. Hours of operation are from 8 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please contact me at (540) 347-1101. EXT.234

Sincerely,



John Dolan  
Fire Inspector and Property Maintenance & Housing Inspector

Applicable Code Provisions:

**Virginia Property Maintenance Code, 2015 ed.:****103  
APPLICATION OF CODE****103.1 General.**

This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

**103.2 Maintenance requirements.**

Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

**106  
UNSAFE STRUCTURES OR STRUCTURES  
UNFIT FOR HUMAN OCCUPANCY****106.1 General.**

This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**107  
APPEALS****107.5 Right of appeal; filing of appeal application.**

Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA

within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision

**302**  
**EXTERIOR PROPERTY AREAS**

**302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702

**304**  
**EXTERIOR STRUCTURE**

**304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.4 Structural members.**

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

#### 304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

#### 304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

#### 304.8 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### 304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

#### 304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

##### 304.13.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

##### 304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

#### 304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.



## 305 INTERIOR STRUCTURE

### 305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

### 305.2 Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

### 305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

### 305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **Sec. 11-20. - Nuisances, etc.; abatement, etc.**

(a) Whenever it shall come to the attention of the town manager that a nuisance is being created or maintained within the town or that an unsanitary, unsafe or unhealthful condition exists in the town or that the nuisance or condition in question has been existing for some period of time, the town manager shall cause an immediate inspection of the premises in question to be made and, if a nuisance or unsanitary, unsafe or unhealthful condition is found, he shall cause to be served upon the occupant of the premises or if the premises be not occupied, then upon the owner thereof or his agent, a notice to abate such nuisance or to correct such unsanitary, unsafe or unhealthful condition within a specified time. If such notice is not complied with in the specified time, the recipient thereof shall be summoned to appear before the general district court and show cause why such notice should not be complied with. In the case of a known nonresident, having no agent in the town, such

notice shall be mailed to the last known address of the owner or his agent, and fifteen (15) days allowed for a reply.

(b) If the nuisance or condition complained of as provided in the first paragraph of this section is such that immediate action is necessary for the protection of the public health and welfare, the town manager shall cause the same to be abated or corrected at once, without notice, and all costs incident thereto shall be assessed against the owner of the premises and collected in the same manner in which taxes or other assessments are collectible by law.

**Pictures of Violations:**

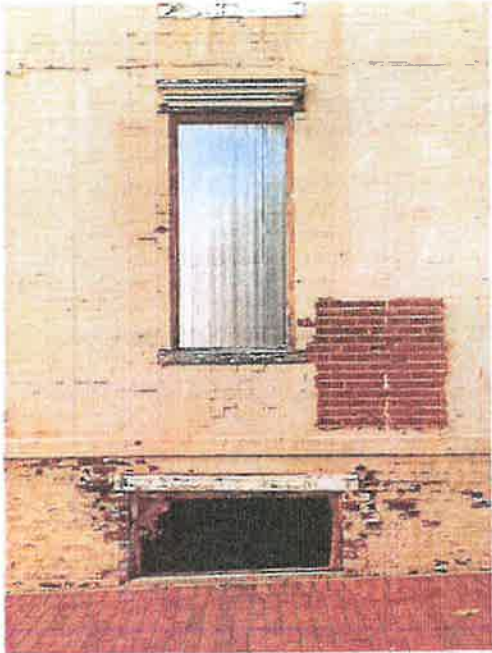
Main Exterior:









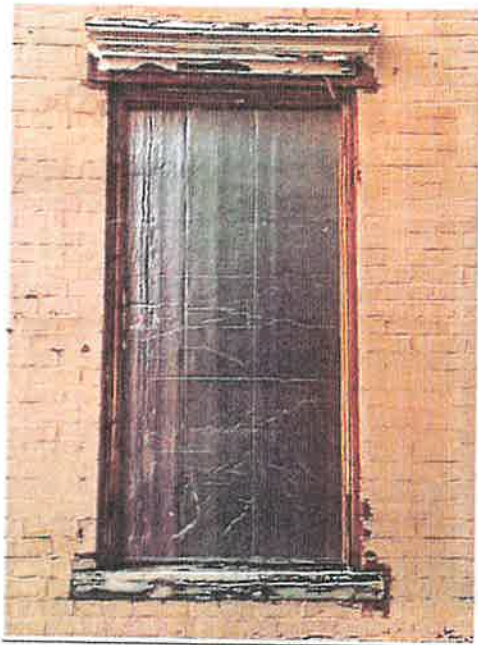
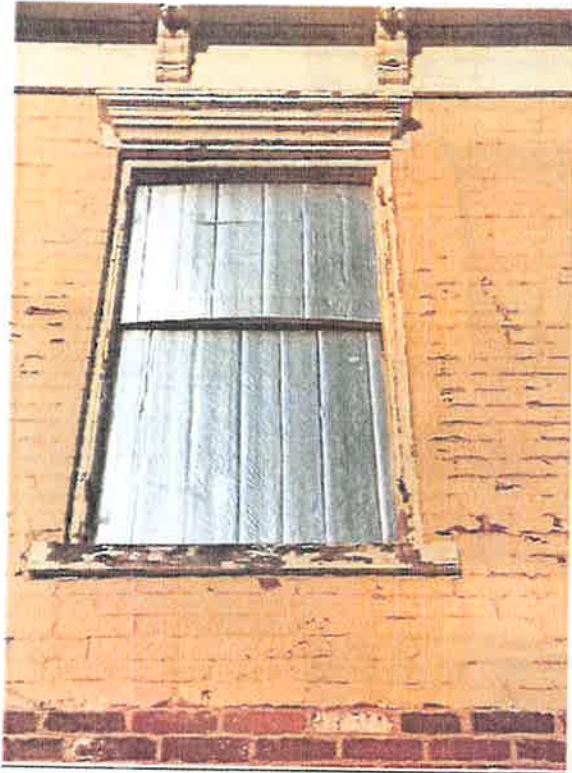


Windows and Doors:





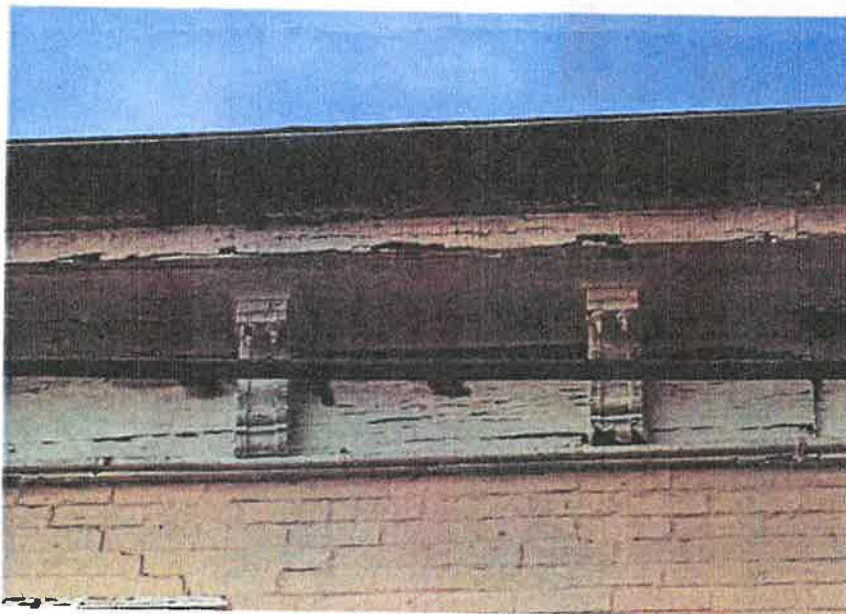


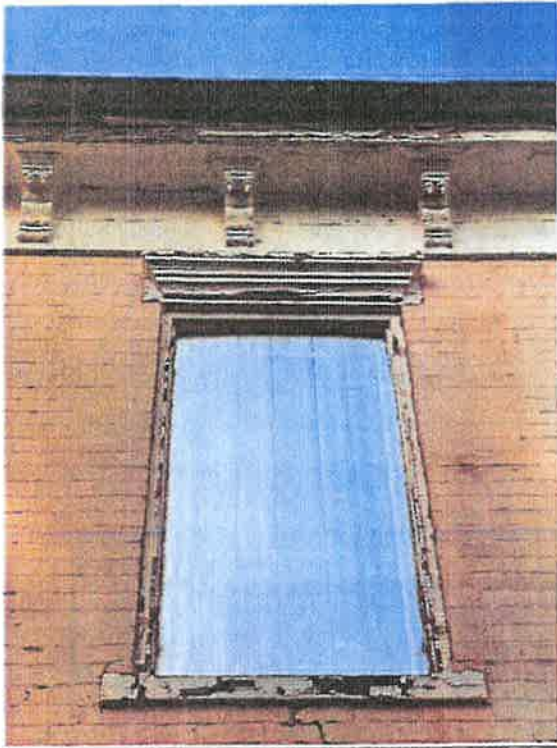






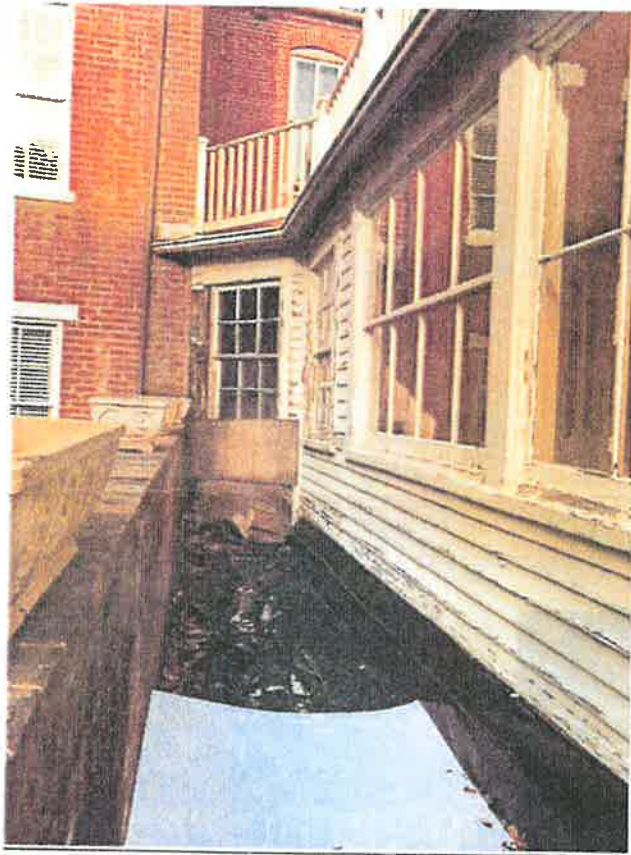
Roof Assembly- Fascia and Soffit:





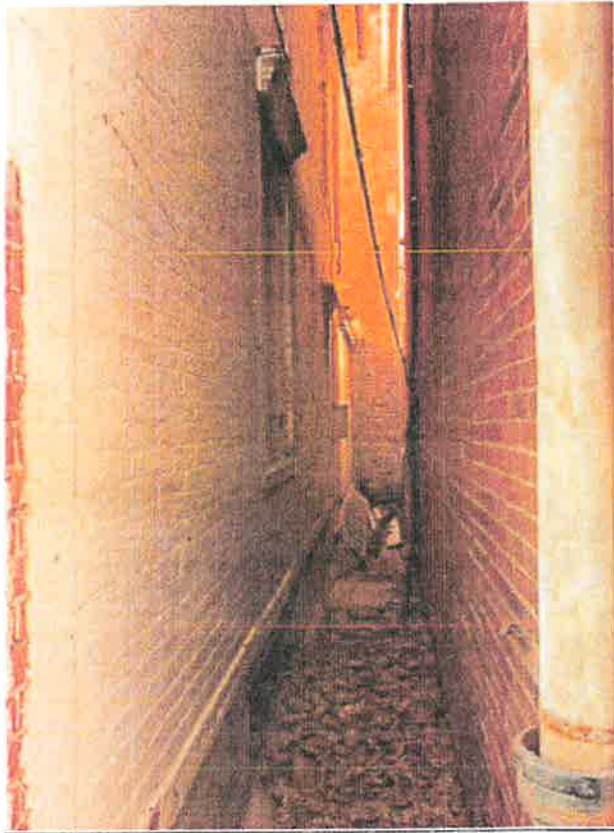
Main Entry Way:





Space Between Buildings on Culpeper Street:

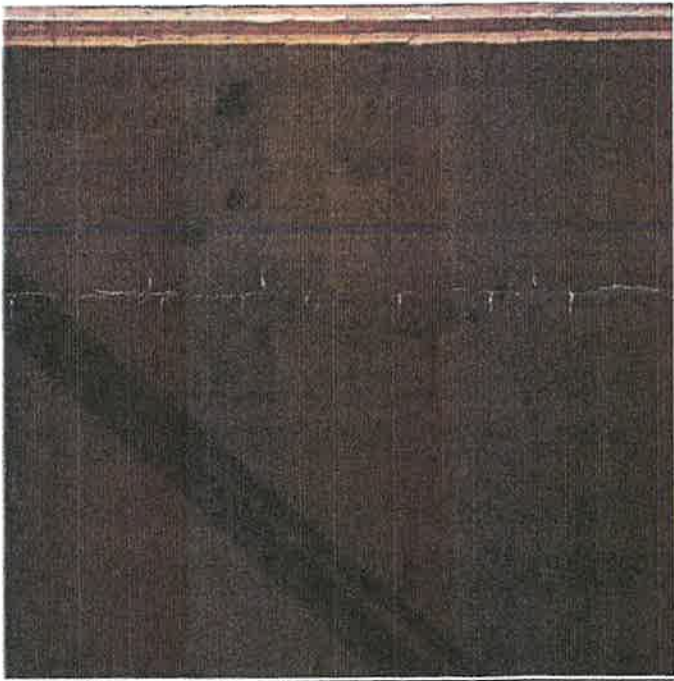


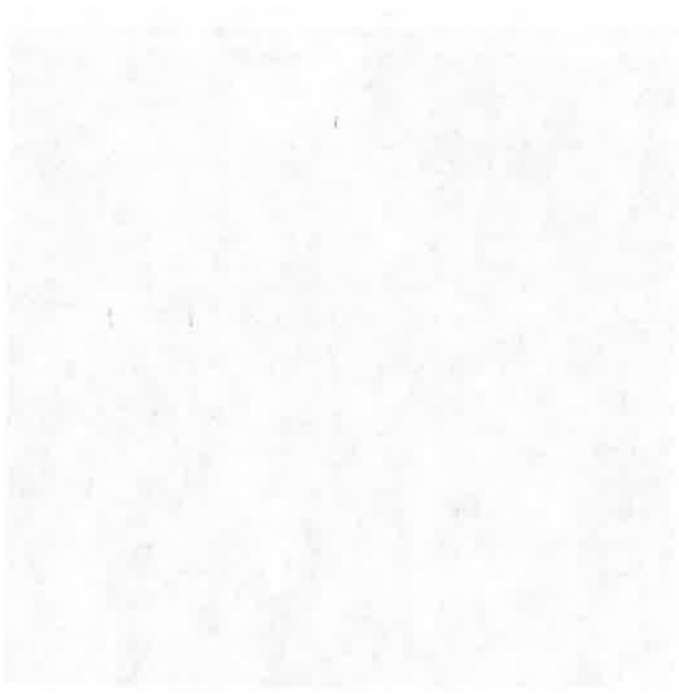
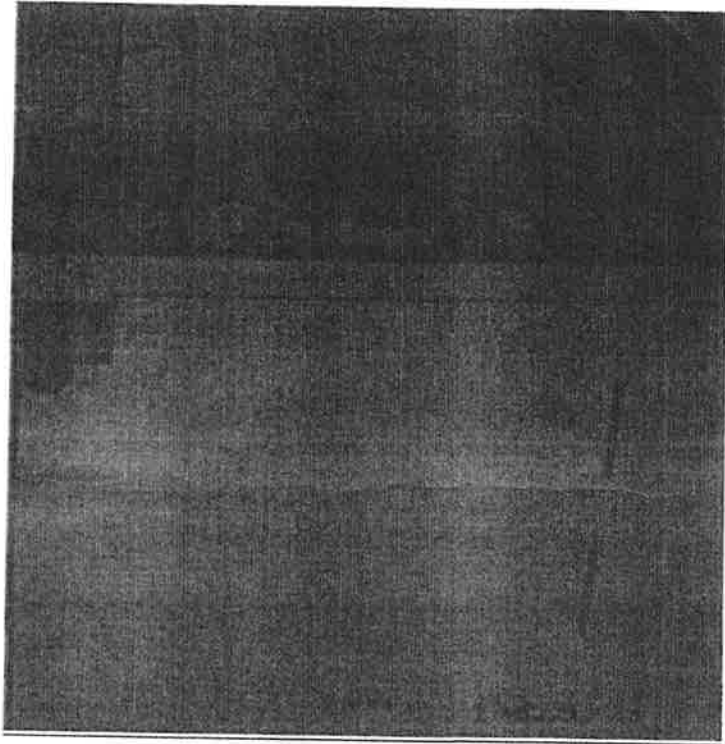






Interior:







**TOWN OF WARRENTON BOARD OF BUILDING CODE APPEALS BYLAWS**

**ARTICLE I: Name**

- A. The name of this board shall be the Town of Warrenton Board of Building Code Appeals.

**ARTICLE II: Purpose and Objectives**

- A. The purpose of the board shall be to hear requested appeals of the Virginia Uniform Statewide Building Code (Parts I, II, III) and the Virginia Statewide Fire Prevention Code.
  - 1. The Appeals Board shall hear and conduct appeals in accordance with the Virginia Code and the Virginia Administrative Code.
  - 2. The Appeals Board is established effective (insert date), 2024, and shall remain in effect in accordance with Virginia Code and the Virginia Administrative Code.
- B. The objective of the Appeals Board shall be to hear code appeals requested from permit holders, town citizens, and business owners that have been subject to an enforcement action under the Virginia Uniform Statewide Building Code or the Virginia Statewide Fire Prevention Code.
  - 1. The Appeals Board shall determine if the Code Officials application of code is appropriate in accordance with applicable codes or laws.

**ARTICLE III: Membership**

A. Membership

- 1. Members are selected at large, must be nominated and duly appointed by the Town of Warrenton Town Council.
  - a. Members may serve on the board and no more than one other advisory body of the Town of Warrenton concurrently.
  - b. Town employees or officials shall not serve as members of the board.

B. Membership Terms

- 1. Appeals Board members shall serve a term of 4 years from the date of appointment by the Town Council. There are no term limits for Appeals Board members.
  - a. The cycle begins with appointments as follows: two members shall be appointed for two-year terms, two members to three-year terms, and one member for a four-year term.
  - b. In the event a member resigns or otherwise vacates his/her seat prior to the expiration of his/her term, the vacant seat shall be filled by the Town Council through its regular appointment process.
- 2. A secretary shall be appointed by the Town to record minutes of all meetings. The secretary shall be non-voting and shall be a town employee not directly supervised by the Building

or Fire official.

C. Member Responsibilities

1. Members of the Borad shall not discuss any appeals with other members of the board, the appellant, representatives of the appellant, or any town staff except at official meetings of the Board.
2. In the event any Appeals Board member is absent for three (3) or more consecutive meetings, the Chair will notify the member of Council who appointed the member and may by majority vote petition the Town Council to declare the seat vacant and appoint a new member to serve the remainder of the term. Board members are encouraged to provide notification of their absence to the Chair or to staff in advance of any meeting.
3. All members may be removed for malfeasance, nonfeasance, or just cause. Members will adhere to the Town Council Code of Ethics and policies regarding boards and to the requirements of the Virginia Uniform Statewide Building Code. The Town Council may remove any Appeals Board members found in violation of the Town of Warrenton’s Code of Ethics and policies on Advisory Boards, Commissions, and Committees.

**ARTICLE IV: Officers**

A. Officers

1. The board will be led by a Chair who shall be elected annually by majority vote of the board at the Annual Meeting as hereinafter defined. The Chair may be re-elected for additional consecutive terms.

B. Responsibilities of the Chair

1. The Chair shall preside over all meetings of the board, authorize calls for any special meetings, execute all documents authorized by the board. In addition, the Chair shall set the agenda for board meetings with input from the members of the board, interface with the Director of Community Development or his/her designee on behalf of the board and generally perform all duties associated with that office.

C. Vacancies and Special Elections

1. In the event of a vacancy in Chair at a duly called meeting of the appeals board, the appeals board, by majority vote with a quorum of members present, shall elect a temporary chair to conduct that meeting.

**ARTICLE V: Responsibilities of Staff**

A. Staff shall

1. Ensure all Appeals Board or Committee meetings are properly advertised to the public.
2. Ensure proper minutes are taken at all Appeals Board meetings.

3. Distribute and post the minutes for public access after formal approval by the Appeals Board.
4. Deliver the appropriate documents to members of the Appeals Board in accordance with state law.
5. Advise the Appeals Board on any matters involving the Virginia Freedom of Information Act.
6. Monitor membership roster and inform the Town Council when a vacancy occurs.

**ARTICLE VI: Meetings**

A. Appeals Hearings

1. Requests for appeal hearings shall be scheduled and conducted in accordance with requirements set forth in the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code.
2. Proceedings of all meetings of the Appeals Board shall be governed by Robert’s Rules of Order.

B. Annual Meeting

1. In the event an appeal is not heard within a calendar year, the Appeals Board shall conduct an annual meeting. The purpose of this annual meeting is to elect a chair and confirm the time and place for regular meetings.

C. Special Meetings

1. Special meetings may be called by the Chair at the request of three (3) members for the transaction of business.

D. Quorum

1. A quorum at any appeal hearing, annual meeting, or special meeting shall consist of at least fifty-one percent of the members, exclusive of any vacant seats.

E. Votes

1. All votes shall be by simple majority, i.e., more than half of the members present and voting, unless stated otherwise in these bylaws. Proxy votes shall not be permitted.

F. Minutes

1. Each Appeals Board hearing or meeting will have summary minutes reflecting the actions and recommendations of the Appeals Board. Staff shall ensure the minutes are forwarded to all members within thirty (30) days of a meeting and, once approved by the Appeals Board, properly posted on the Towns website.

G. Cancellation

1. Appeals shall be postponed or rescheduled in accordance with requirements set forth in the Virginia Code and Virginia Administrative Code.

H. Meeting Announcement

1. All meetings must be posted on the Town’s Government Calendar, on the Town’s website, at least three business days in advance of the meeting.
2. Where no business is scheduled for a regularly scheduled meeting, the Chair may cancel the meeting.

**ARTICLE VII: Amendments**

- A. These bylaws may be amended by two-thirds vote of the Appeals Board members present at any regular meeting exclusive of any vacant seats and with the approval of the Town Council. Notice of any proposed amendment must first be submitted in writing to the Appeals Board members at least one (1) week prior to the meeting. The amended bylaws shall be considered in full force and effect only upon formal approval by the Town Council.