



LOCAL BOARD OF BUILDING CODE APPEALS

21 Main Street

Friday, January 12, 2024 at 5:00 PM

AGENDA

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

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

I. REGULAR MEETING - 5:00 PM

B. DETERMINATION OF QUORUM.

A. CALL TO ORDER.

B. ELECTION OF OFFICERS

A. Chairman

B. Vice Chairman

C. Secretary

C. NEW BUSINESS.

[A.](#) Adoption of Bylaws

D. HEARING OF ACTIVE APPEALS.

[A.](#) 45 Winchester Street.

E. UNFINISHED BUSINESS.

F. UPDATES.

G. BOARD MEMBERS TIME.

H. BUILDING OFFICIAL'S TIME.

I. ADJOURN.

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 January 9, 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

The Town Council recognizes that appeals board membership shall be based on requirements set forth in Virginia State Law.

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 concurrently.

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. 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. 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. 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 officers shall consist of a Chair and a Vice-Chair who shall be elected annually by majority vote of the board at the Annual Meeting as hereinafter defined. The Chair and Vice-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. Responsibilities of the Vice-Chair

1. The Vice-Chair, in the event of the absence or disability of the Chair or vacancy in that office, shall assume and perform the duties of Chair.

D. Vacancies and Special Elections

1. In the event of a vacancy in Chair or Vice Chair, the appeals board, by majority vote at a duly called meeting with a quorum of members present, may fill the position for the remainder of the term.

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 outside of term limits 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.

C. Special Meetings

1. Special meetings may be called by the Chair at the request of three (3) members for the transaction of business as stated in the call for the special meeting.

D. Quorum

1. A quorum at any appeal hearing or annual 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 Town's website.

G. Cancellation

1. All 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.

ARTICLE VIII: 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.

Template Revised January 4, 2024

Adopted on January 12, 2024.



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 30th, 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 30th, 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.

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 own

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.

Pictures: Taken September 21st, 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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Item A.

Certified Mail Fee \$ 4.35

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 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____

Postage \$ 0.13

Total Postage and Fees \$ 8.53



Sent To: Etsuko & 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 reinstalled 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 reinstalled 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>
Sent: Thursday, May 12, 2022 2:06 PM
To: Martin Crim <mcrim@vfnlaw.com>
Cc: Brandie Schaeffer <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

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: _____
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.)



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 30th, 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 30th, 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 21st, 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
ZIP 20186 \$ 000.63⁰
NOV 14 2023

20186-281792





We ^{Re} 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

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

35

Choose one option for redelivery or pickup.

1. Go online to 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. 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.

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	



5293 0630 4752 3911

USPS



**UNITED STATES
POSTAL SERVICE®**

We Re Deliver for You!

PS Form 3849, February 2021 (Reverse)



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.

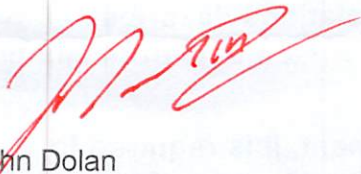
Given the extent of the overall conditions of the property, the visible blight and length of time without any improvements to the condition of this property, these actions must take place within 15 days of receipt of this notice.

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

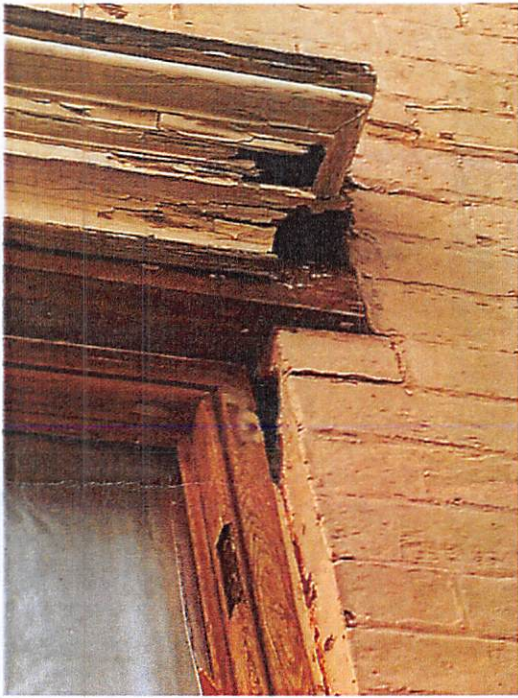
notice shall be mailed to the last known address of the owner or his agent, and fifteen (15) days allowed for a reply.

(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.

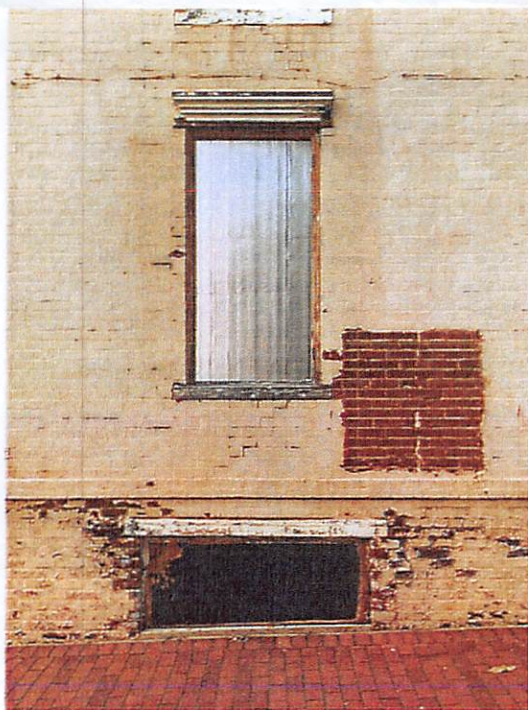
Pictures of Violations:

Main Exterior:



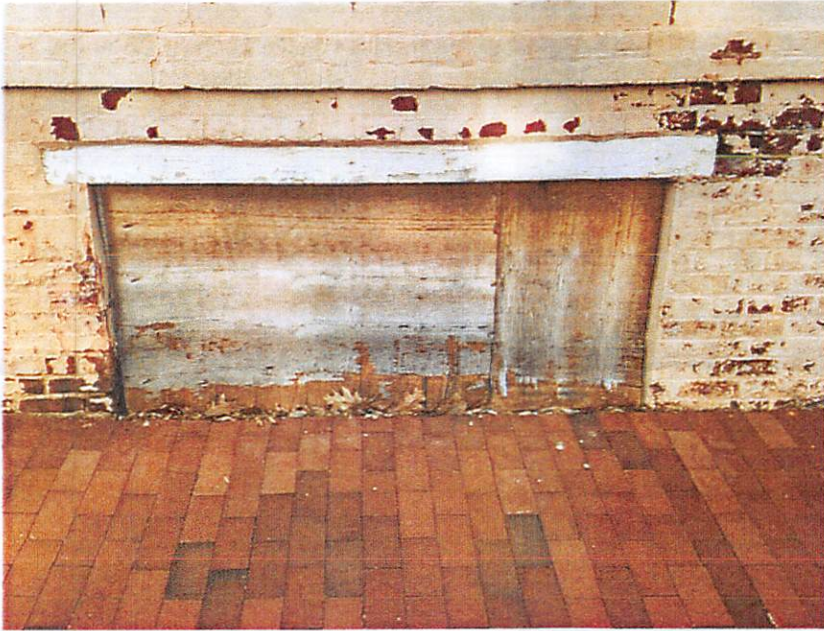


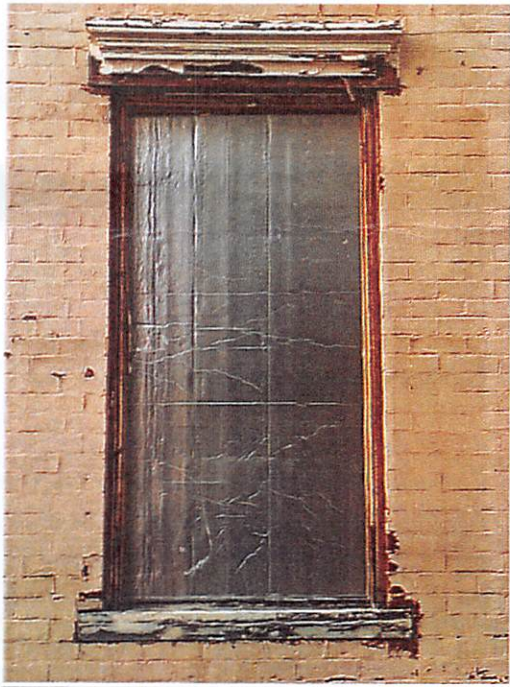
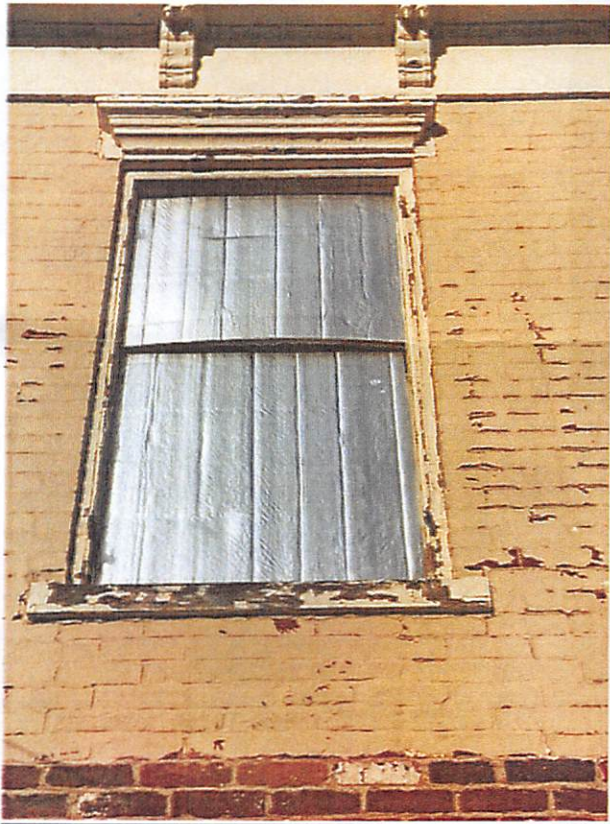


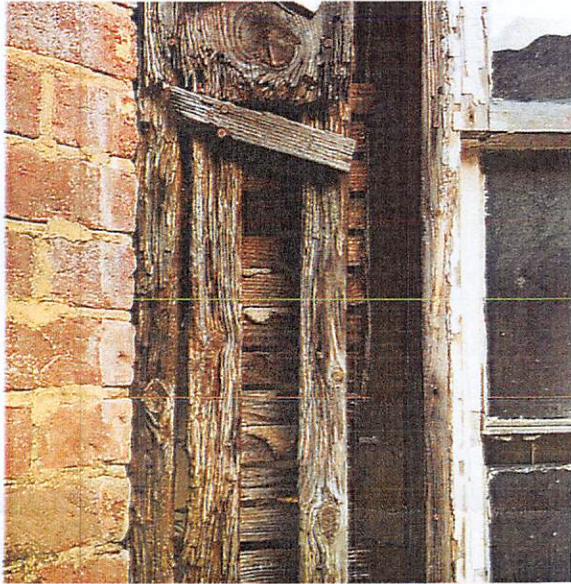


Windows and Doors:



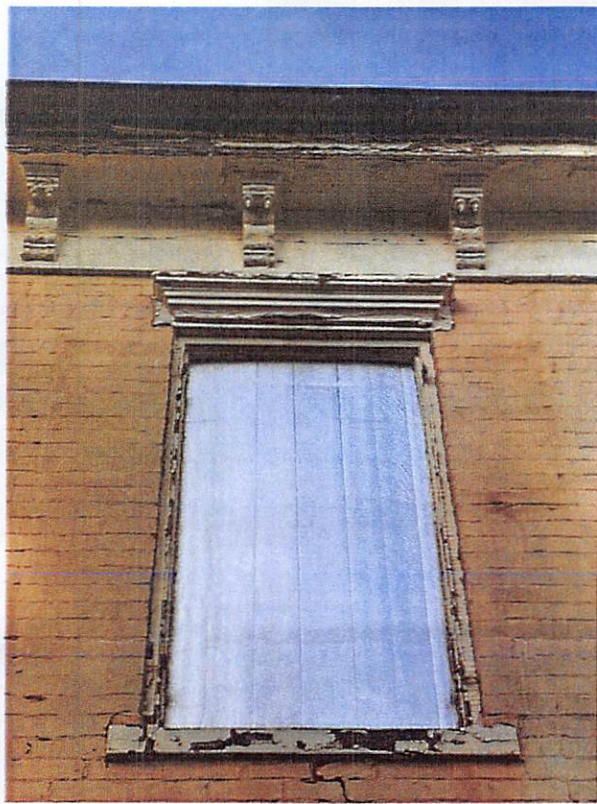




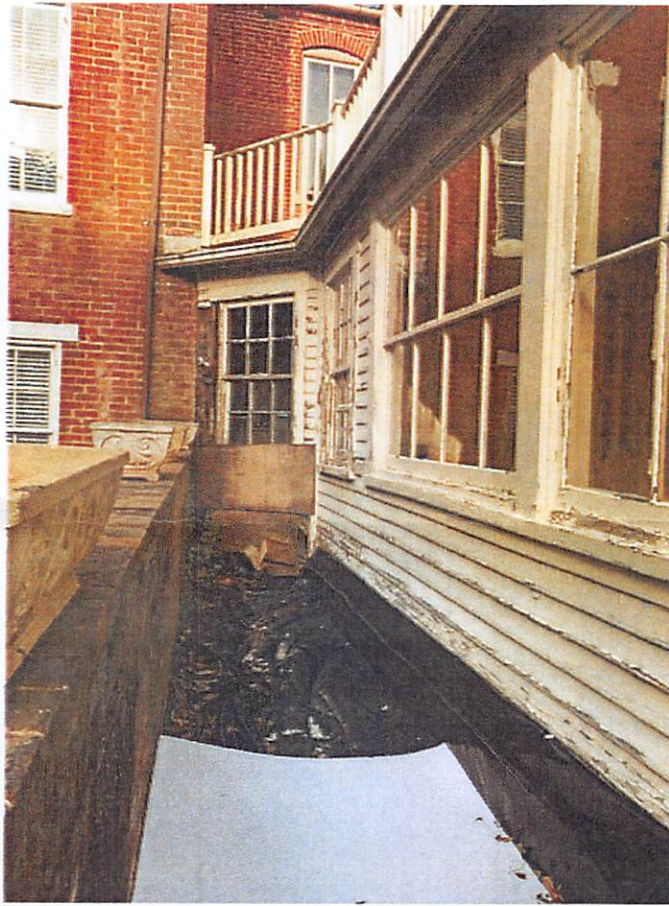


Roof Assembly- Fascia and Soffit:

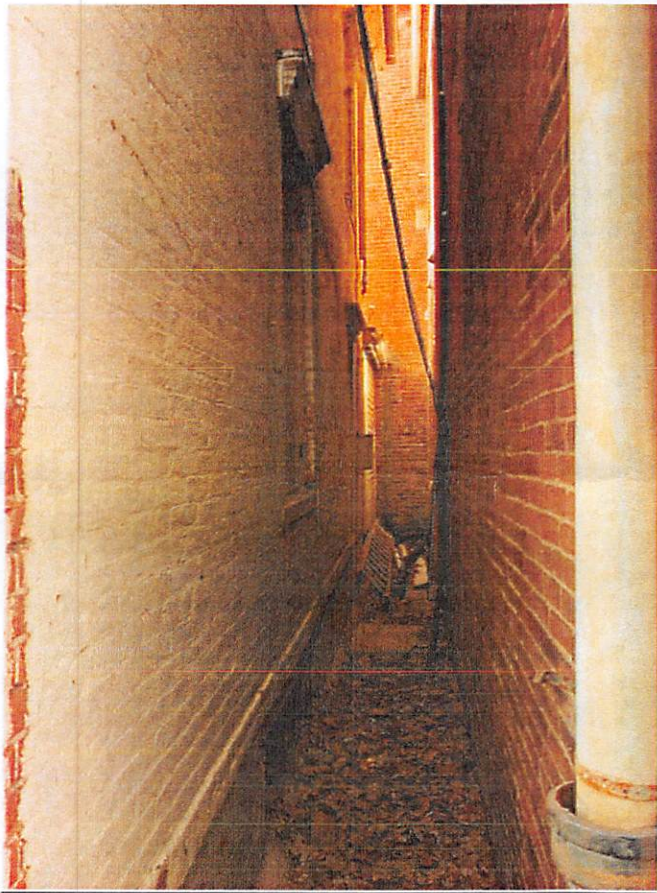




Main Entry Way:



Space Between Buildings on Culpeper Street:

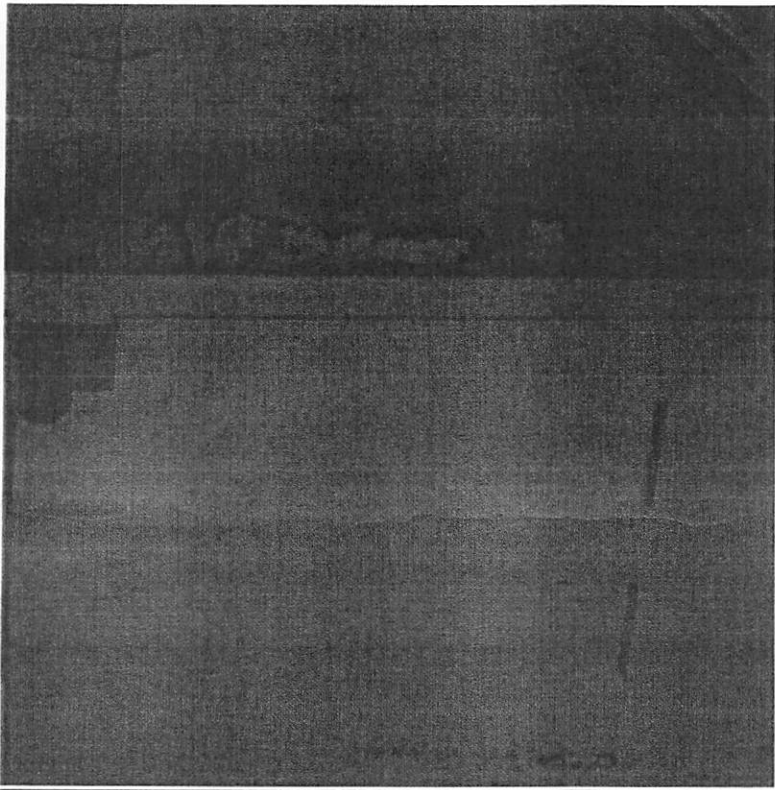






Interior:



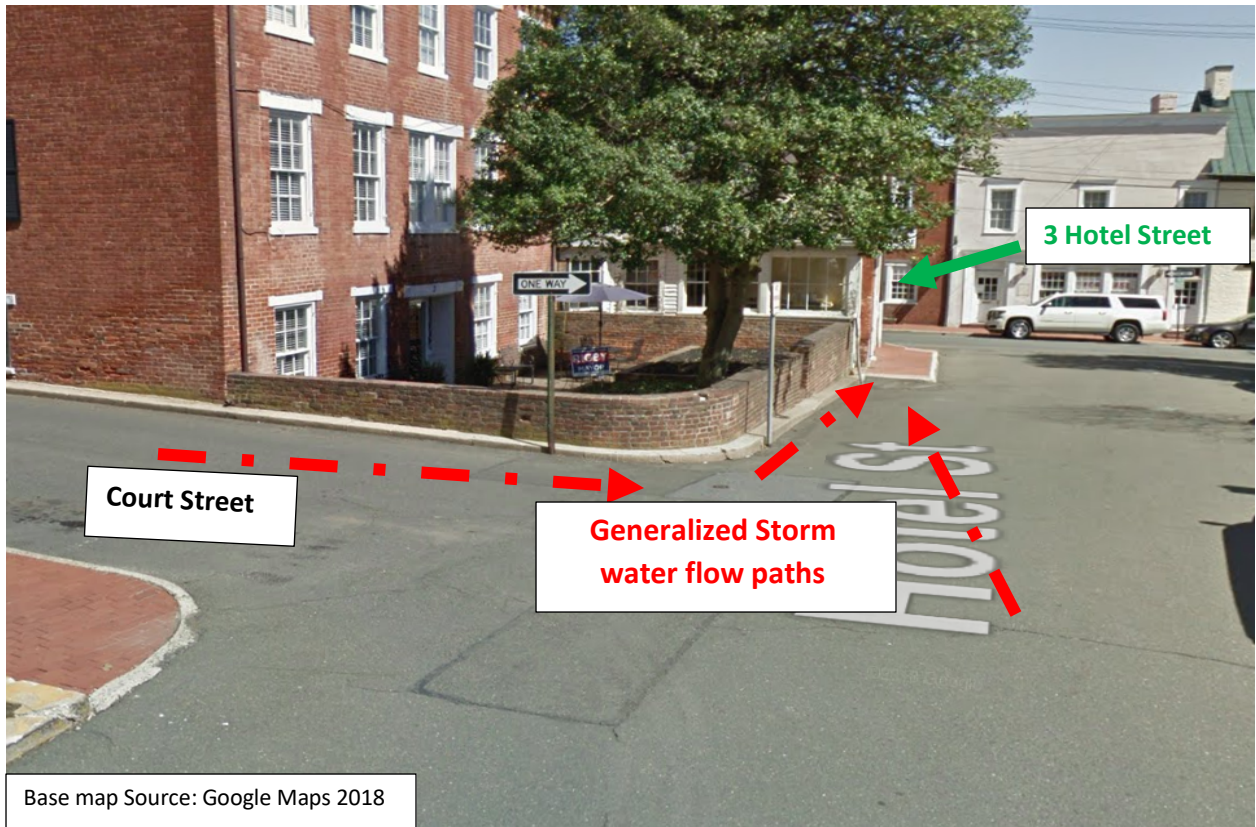


3 HOTEL STREET WARRENTON VA
PROJECT PHOTOS
SITE VISIT JANUARY 23, 2022



Base map Source: Google Maps 2018

Hotel Street (Looking East)



Base map Source: Google Maps 2018

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