



## LOCAL BOARD OF BUILDING CODE APPEALS

21 Main Street

Thursday, March 20, 2025 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.

C. ELECTION OF OFFICERS

A. ELECTION OF A CHAIRMAN

B. ELECTION OF A VICE-CHAIRMAN

D. APPROVAL OF MINUTES.

[A.](#) APPROVAL OF MINUTES FROM MARCH 27, 2024

E. NEW BUSINESS.

F. BOARD MEMBER'S TIME

G. BUILDING OFFICIAL'S TIME

H. ADJOURN.



## Local Board of Building Code Appeals

21 Main St

Friday, March 27, 2024, at 5:00 PM

### MINUTES

Item A.

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**A REGULAR MEETING OF THE LOCAL BOARD OF BUILDING CODE APPEALS OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON March 27, 2024, at 5:08 PM**

#### **Regular Meeting**

**PRESENT** Mr. James Tucker, Chairman ; Mr. Frank Foley; Mr. Fred Austin; Mr. Tolley Gwinn , Attorney; Mr. Hunter Digges, Building Official.

**ABSENT** Mr. Wayne Carson; Mr. Bryan Black.

**The minutes laid out will be a brief recap of the agenda items. Please see recorded video for more In-depth information.**

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#### **REGULAR MEETING – 5:00 PM**

##### **CALL TO ORDER**

At 5:00 PM on Friday, March 27, 2024. Mr. James Tucker, Chairman called the local Board of Building Code Appeals to order.

Mr. Tucker questioned Mr. Hunter Digges, Building Official; why Mr. Keith Macdonald and his counsel are not present.

Mr. Digges explained Mr. Macdonald's counsel informed our counsel Mr. Macdonald fell ill and will not be present.

Mr. Digges explains we would like to proceed.

Mr. Tucker questions Mr. Tolley Gwinn Attorney for Town of Warrenton - inaudible.

Mr. Tolley Gwinn Attorney explains we refer to this as a default. All the notice requirements have been met. Mr. Macdonald did retain legal counsel but decided not to have his counsel appear tonight.

Mr. Gwinn Attorney explains Mr. Macdonald has access to a denovo by-right appeal to the state Technical Review Board after the board renders a decision tonight. Mr. Macdonald has procedural protections for this.

Mr. Gwinn Attorney explains the board is within its rights to continue without Mr. Macdonald since he has been given adequate notice.

Mr. Tucker questions Codes and violations which do not appear in the online version.

Mr. Digges explains this is pursuant to the 2018 Code and it is in this copy.

Mr. Tucker questions why it does not show up online.

Mr. Digges explains it has been provided in the package and a copy of the code was provided with the notice.

Mr. Tucker asked if any of the board members have any comments on these violations.

Mr. Frank Foley states this has been going on for a long time.

Mr. Fred Austin states no.

**45 Winchester St, Warrenton VA 20186 - Case Number ENFC-23-73**

**Violation number 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.

Mr. Tucker asked if Mr. Foley and Mr. Austin would like to make a motion in violation number 1 and the Building Officials determination.

Mr. Frank Foley moved to approve the Building Officials recommendations for the violations listed in his report. Mr. Frank Foley Seconds the motion.

Mr. Tucker Ayes and states violation 1 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

**Violation number 2.**

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

Mr. Tucker asked Mr. Foley and Mr. Austin if with would like to make a motion in violation number 2.

Mr. Frank Foley moved to approve the motion in the Towns observation of violation 2. Mr. Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes and states violation 2 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

### Violation number 3.

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

Mr. Tucker asked Mr. Foley and Mr. Austin if with would like to make a motion in violation 3.

Mr. Frank Foley moved to approve the motion regarding the towns observation and what is needed to have violation 3 corrected. Mr. Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes and states violation number 3 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

### Violation number 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.

Mr. Tucker asked Mr. Foley and Mr. Austin if with would like to make a motion on violation 4.

Mr. Frank Foley moved to approve the motion regarding the towns observation and what is needed to have violation 4 corrected. Mr. Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes and states violation number 4 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

#### Violation number 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.

Mr. Tucker asked Mr. Foley and Mr. Austin if with would like to make a motion on violation 5

Mr. Frank Foley moved to approve the motion regarding the towns observation and what is needed to have violation 5 corrected. Mr. Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes and states violation number 5 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

### 3 Hotel Street, Warrenton, VA 20186- Case Number ENFC-23-99

#### Violation number 1.

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

Mr. Tucker asked Mr. Foley and Mr. Austin if they had both read the 3 Hotels Streets violations and appeal.

Mr. Frank Foley states yes.

Mr. Austin states yes.

Mr. Tucker presents violation 1.

Mr. Frank Foley moved to approve the towns recommendation for violation 1 listed in his report. Mr. Fred Austin Second. The vote was unanimous.

Mr. Tucker Ayes and states violation number 1 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

#### Violation number 2.

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

Mr. Tucker asked Mr. Foley and Mr. Austin if they had both read 3 Hotel Streets violations and appeal.

Mr. Frank Foley states yes.

Mr. Austin states yes.

Mr. Tucker presents violation 2.

Mr. Frank Foley moved to approve the recommendations for the violations 2 listed. The electrical lighting fixtures and necessary corrective action . Mr. Fred Austin Seconds the motion. The vote was unanimous.

Mr. Tucker Ayes and states violation number 2 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

Violation number 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,

Mr. Tucker asked Mr. Foley and Mr. Austin if they had both read 3 Hotel Streets violations and appeal.

Mr. Frank Foley states yes.

Mr. Austin states yes.

Mr. Tucker presents violation number 3.

Mr. Frank Foley moved to approve the towns corrective action of the roof draining water being discharged incorrectly. That the towns recommendations be followed for the violations 3. Mr. Fred Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes and states violation 3 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black;

The motion passed 3-3.

Violation number 4.

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.

Mr. Tucker asked Mr. Foley and Mr. Austin if they had both read 3 Hotel Streets violations and appeal.

Mr. Frank Foley states yes.

Mr. Austin states yes.

Mr. Tucker presents violation number 4.

Mr. Frank Foley moved to approve the towns corrective recommendations for violation 4, windows, door frames to be corrected to code. listed in this report. Mr. Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes and states violation number 4 is accepted as presented.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

Mr. Tucker States all the points on 3 hotel street as included in the appeal have been approved by the board unanimously.

Mr. Tucker states having read documentation on this property between the owner of the property and the Town of Warrenton that appears to reference areas of the property outside of what would appear to be the property owners property.

Mr. Tucker states there is no recorded survey of said property so you cannot determine whose land is where but for the record.

Mr. Tucker states for record the State of Virginia Construction Code does not give this board authority to have any jurisdiction outside of the building and its appurtenances. We have nothing regarding anything beyond the property lines.

## **NEW BUSINESS**

None

## **UNFINISHED BUSINESS**

### Adoption of revised By-laws

Mr. Tucker states we were presented with and reviewed a draft of the proposed by-laws for this board.

Mr. Tucker states do we have a motion to either amend or approve the by-laws as submitted.

Mr. Frank Foley motioned to approve the proposed by-laws. Mr. Austin Seconds. The vote was unanimous.

Mr. Tucker Ayes.

The vote was as follows:

All were in favor:

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



**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

## **DETERMINATION OF QUORUM.**

### Election of Officers.

Mr. Tucker asks Mr. Gwinn, if the Chairman is present do we need to elect a Vice Chairman.

Mr. Gwinn states No.

## **APPROVAL OF THE MINUTES.**

Mr. James Tucker motions to approve the Minute from January 12th, 2024.

Mr. Frank Foley moved to approve the by-laws as submitted. Mr. Fred Austin Seconds. The vote was unanimous.

The vote was as follows:

All were in favor:

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

**Nays:** N/A

**Abstention:** N/A

**Absent:** Mr. Wayne Carson; Mr. Bryan Black

The motion passed 3-3.

## **UPDATES**

Mr. Tucker noted in reviewing the town's by-laws the town has established the third Thursday of the month at 5pm for the regular meeting date of this board on an as needed basis. That this board has accepted a recent motion.

## **BOARD MEMBERS TIME**

None

## **BUILDING OFFICIAL'S TIME**

Mr. Digges thanked the board for attending and supporting the town.

Mr. Tucker asks the board if they have anything to say.

Mr. Frank Foley states No

Mr. Austin states No.

**ADJOURN.**

Mr. JamesTucker; Chairman moves to adjourn . Mr. Frank Foley first, seconded by Mr. Fred Austin with no further business, this meeting was adjourned at 5:24 PM.

**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.**

Signed,

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Mr. James Tucker, Chairman

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