



TOWN OF WARRENTON

Department of Community Development

PO BOX 341
WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
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 Keith¹

Mailing Address: 45 Winchester Street
Warrenton, VA 20186

Case Number ENFC-23-73

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 30th, 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

¹ 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 28th, 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 13th, 2023. That appeal is currently scheduled for March 27th, 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

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 21st, 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.