



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; rotting 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.

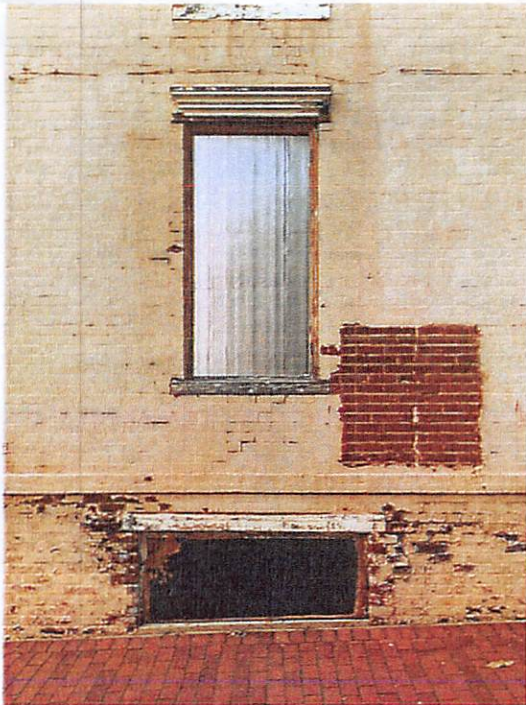
**Pictures of Violations:**

Main Exterior:



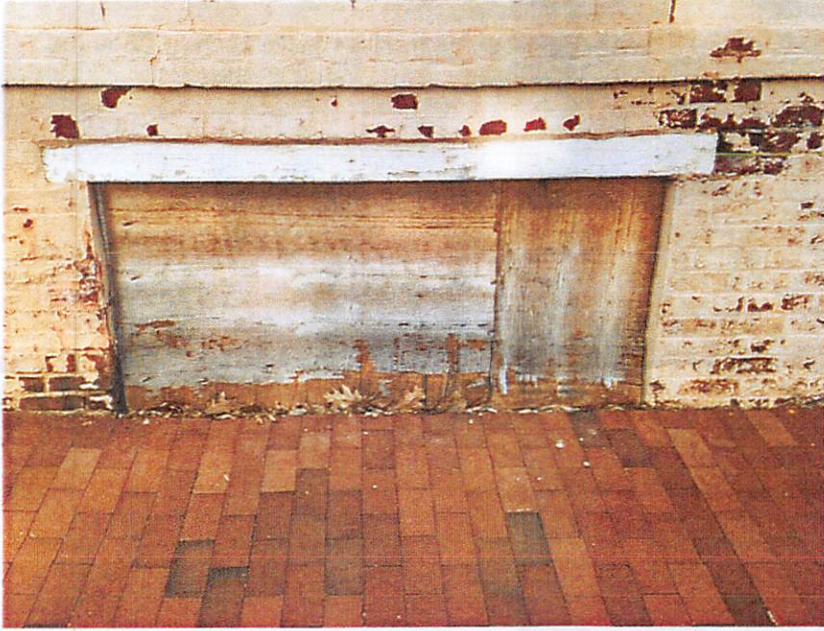


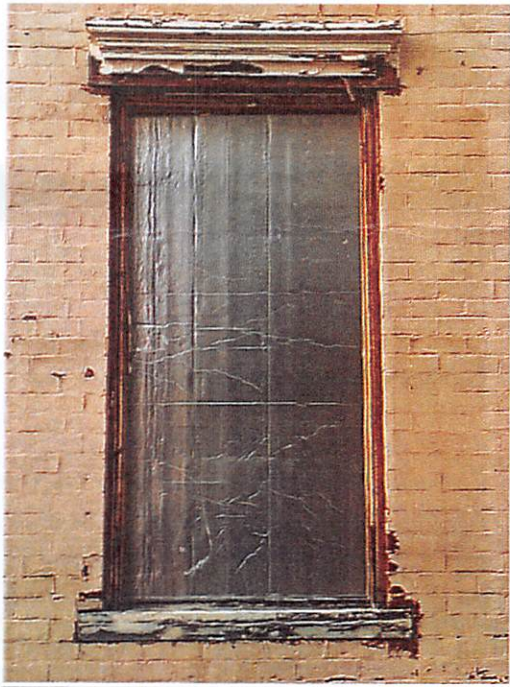
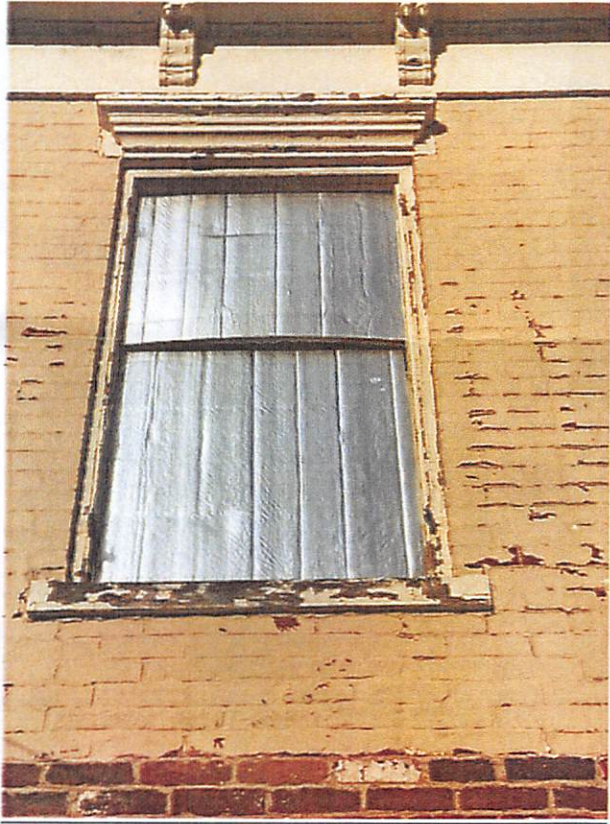


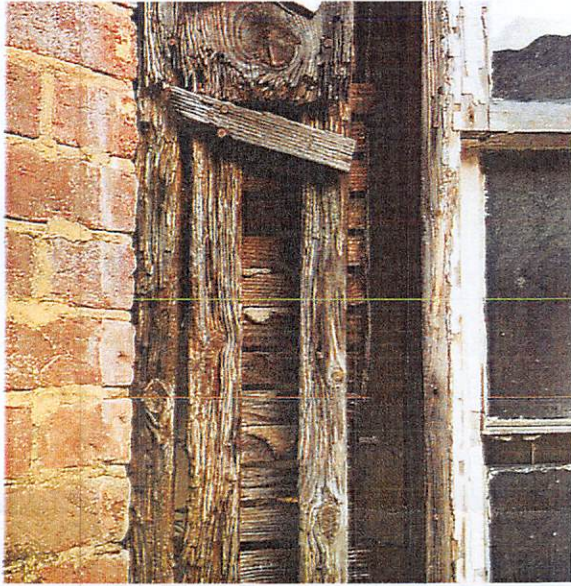


Windows and Doors:



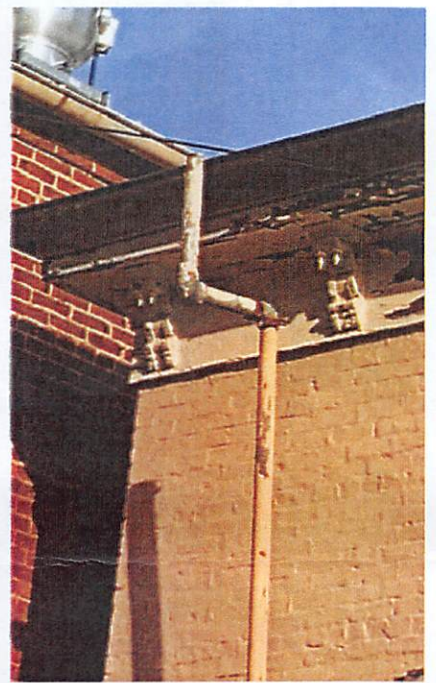


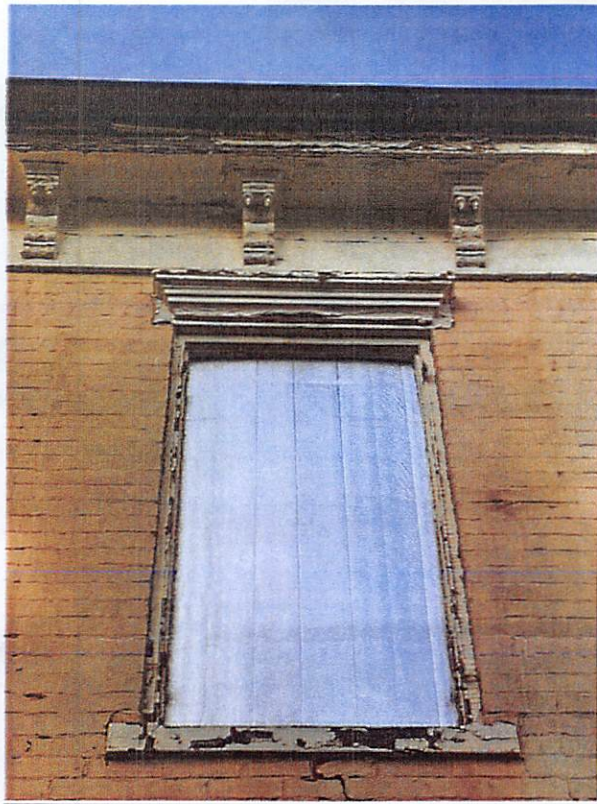




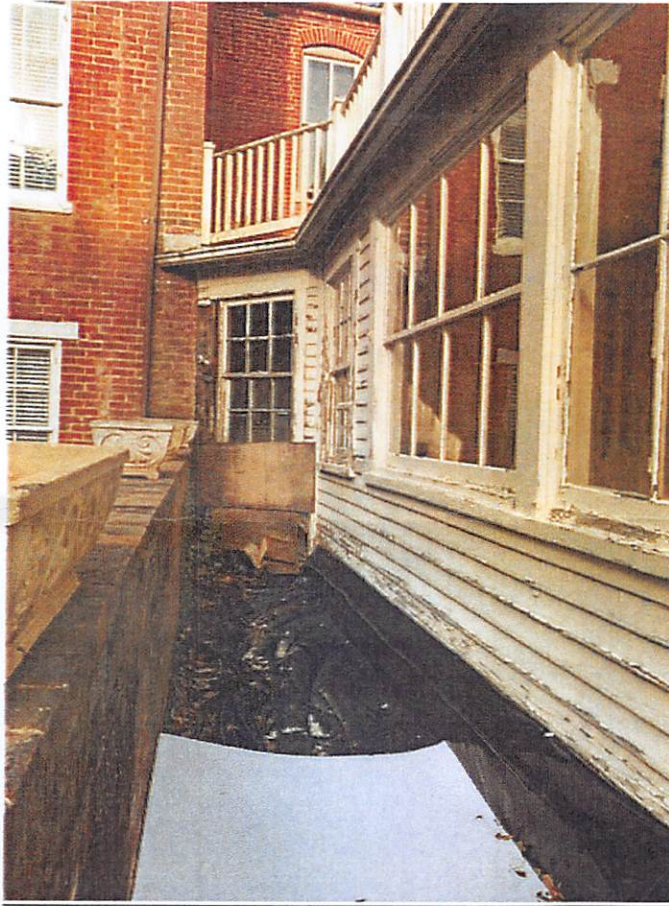
Roof Assembly- Fascia and Soffit:



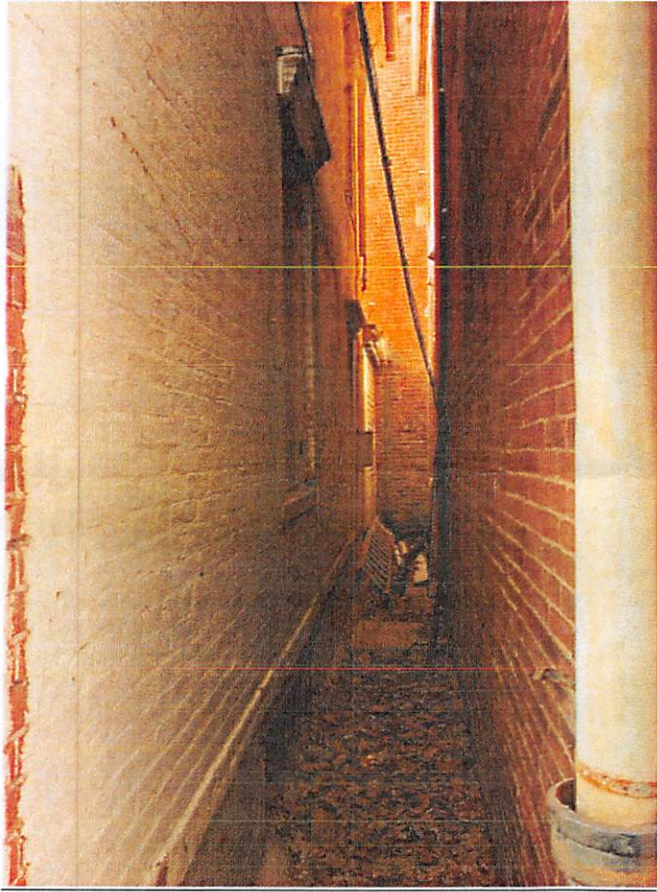




Main Entry Way:



Space Between Buildings on Culpeper Street:







Interior:



