



TOWN OF WARRENTON

Department of Community Development

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

OFFICIAL NOTICE OF VIOLATION

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

Notice Date: December 8, 2023

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

Zoning: Central Business District

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

Mailing Address: 45 Winchester Street
Warrenton, VA 20186

An inspection of the above listed property was conducted on November 17, 2023, by the Town of Warrenton Building Official, Hunter Digges, and Town of Warrenton Code Enforcement Officer, Heather Kincaid. Numerous violations of the 2018 Virginia Property Maintenance Code were found and are listed below. A site meeting with Keith Macdonald was held at 3 Hotel Street on October 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 voluntary compliance from the property owner.

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

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

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

DESCRIPTION OF VIOLATION

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

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

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

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

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

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

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

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

CORRECTIVE ACTION:

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

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

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

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

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

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

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

Sincerely,



Hunter Digges
Building Official

CC:

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

Applicable Code Provisions:

Virginia Property Maintenance Code, 2018 ed.:

**103
APPLICATION OF CODE**

103.1 General.

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

103.2 Maintenance requirements.

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

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

106.1 General.

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

107 APPEALS

107.5 Right of appeal; filing of appeal application.

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

302 EXTERIOR PROPERTY AREAS

302.3 Sidewalks and driveways.

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

304
EXTERIOR STRUCTURE

304.1 General.

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

304.2 Protective treatment.

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

304.6 Exterior walls.

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

304.7 Roofs and drainage.

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

304.8 Decorative features.

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

304.13 Window, skylight and door frames.

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

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

Pictures: Taken November 17th, 2023

Pictures 1-10 showing front of structure.



Picture 1:

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



Picture 2:

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

304.13.2 Openable windows.

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

304.15 Doors.

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

605.1 Electrical components.

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



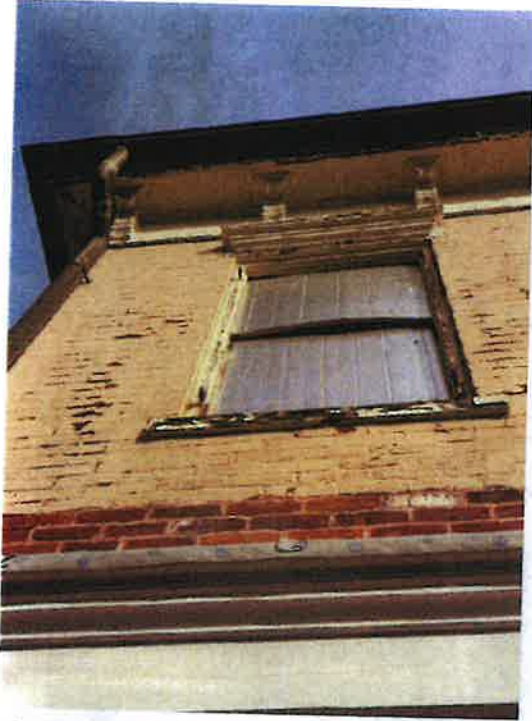
Picture 3:

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



Picture 4:

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



Picture 5:

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



Picture 6:

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



Picture 7:

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



Picture 8:

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



Picture 9:

Shows missing light fixture and exposed electrical wires.



Picture 10:

Shows missing light fixture and exposed electrical wires.

Pictures 11-13 Showing left side of structure



Picture 11:

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



Picture 12:

Shows exposure to the elements and rotted wood.



Picture 13:

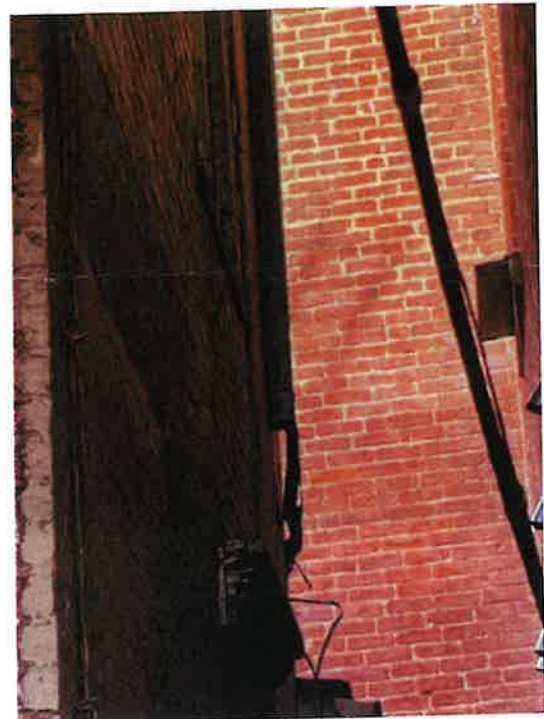
Shows exposure to the elements and rotted wood, damaged and missing bricks on wall.

Pictures 14- 16 Showing back of structure



Picture 14:

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



Picture 15:

Shows missing window, broken downspout and peeling paint.



Picture 16:

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

Pictures 17-24 Showing right side of structure



Picture 17:

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



Picture 18:

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



Picture 19:

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



Picture 20:

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



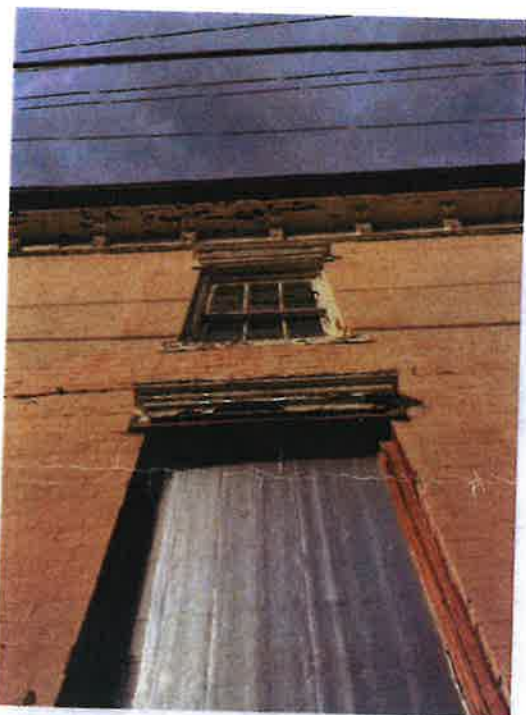
Picture 21:

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



Picture 22:

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



Picture 23:

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



Picture 24:

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