



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 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.

304.4 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.

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)