

# Complaints & Violations FAQ



**FAUQUIER COUNTY**

Department of Community  
Development



Notice of Violation is sent. If the property owner fails to remedy the violation after the Notice of Violation staff works with the County Attorney's Office to utilize legal remedies available to force compliance.

The Zoning Administrator has the ability to issue summons with fines. The Building Official and the E&S Program Manager have the ability to issue Stop Work Orders, which may require payment of additional fees to begin work again. In all cases, an injunction can be filed in the courts to force compliance. Criminal prosecution is also allowed under State Law, but is rarely utilized by the County and only considered in cases where life safety issues are raised or for repeat offenders.

*The Department of Community Development is charged with handling complaints and violations related to the Zoning Ordinance, Building Code, and Erosion and Sediment Control (E&S) Law.*

| the alleged violations below.                                |                |                | CASE NO.   |
|--|----------------|----------------|--|
| VIOLATION DATE   | VIOLATION TIME | PENALTY AMOUNT | <b>PLAINTIFF</b><br>Fauquier County Zoning<br>Kimberley A. J<br>29 Ashby Street<br>Warrenton, VA<br>v.<br><b>DEFENDANT</b><br>John Smith<br>1234 Izabell Drive<br>Warrenton VA 20187 |
| 11/13/13   | 9:00am         | 200.00         |  |
| 11/13/13   | 9:00am         | 200.00         | <b>HEARING DATE</b><br>December 4, 2013 at   |
| TO DEFENDANT:<br>appear, however,<br>judgment may be entered |                |                | <b>CONTESTED CASE</b><br>will not<br>date at<br>date   |
| Bill of Particulars:   |                |                |  |
| Grounds of Deferral:   |                |                |  |
| ATTORNEY<br>Mari<br>Senior As<br>10 H<br>War<br>PI           |                |                | <b>ATTORNEY</b>  |
| until paid.  |                |                | <b>READ N</b>  |

## FAUQUIER COUNTY

Department of  
Community Development

ZONING & DEVELOPMENT SERVICES

29 Ashby Street  
Suite 310

Warrenton, Virginia 20186

Phone: 540-422-8220

Fax: 540-422-8231

Additional information available online at  
[www.fauquiercounty.gov](http://www.fauquiercounty.gov)

## What types of regulations are enforced by the Department of Community Development?

The Department of Community Development is charged with handling complaints and violations related to the Zoning Ordinance, Building Code, and Erosion and Sediment Control (E&S) Law. This generally covers the following types of issues:

- Construction of buildings or other structures without required permits;
- Construction of buildings or structures within required setback areas;
- Grading of property without permits and without required erosion and sediment controls in place;
- Junk and debris on the property, including junk/inoperable vehicles;
- Keeping more pets or livestock on a property than allowed under the Ordinance;
- Operation of a business in a district where not allowed or without required permits;
- Conversion of existing building space to unpermitted uses, including basement and garage apartments.
- Placement of unpermitted signs on properties and roads.

## What common complaints CANNOT be addressed by Community Development staff?

- Building Maintenance (with some exceptions for tenant complaints related to life safety);
- Property Maintenance, including uncut grass;

- Enforcement of HOA documents or other deed restrictions;
- Disputes between neighbors over drainage, fences, use of private easements, etc.

## How do I make a complaint?

Call the Department of Community Development at (540)422-8220. You will need to provide basic information about the complaint, including the location, the nature of the complaint and any other pertinent details. The person making the complaint – the complainant – is also asked to provide their name and contact information. It is important that a complainant provide contact information in case additional information is needed to investigate the complaint. Please note that you must request for complainant information to remain confidential. If you do not request confidentiality, your personal information could be obtained through the Freedom of Information Act.

## What happens after I make a complaint?

The Department's goal is to work collaboratively with the owner to resolve the issue. Specific procedures for enforcement against violations are set forth in the Zoning Ordinance, Building Code, and E&S Ordinance.

## Building and Zoning Issues

Typically, staff's first step for these types of complaints is to complete property research. Staff will review approved permits and uses on the property, information visible on aerial photographs, and web based searches for any necessary background information.

Depending on the nature of the case, information available in records and research could be sufficient

to show that there is an issue. In other cases, it is necessary for staff to conduct a site visit. If the issue cannot be observed from the street, the inspector will ask permission from the owner to inspect the site. In some cases, the inspector may contact the complainant if they are an immediate neighbor, and ask for permission to view the issue from the complainant's property. The law does permit for the Zoning Administrator to secure a search warrant from the Magistrate to enter and inspect the property without the owner's permission, but this approach is utilized only in extreme cases.

Once evidence of a violation is identified, staff will typically send a letter to the owner asking them to come into the office to address the issue, or where contact is made between the owner and the inspector, this request may be made verbally. The goal is to convince the owner to work with staff to resolve all issues. It is the practice of the Department to go no further in the enforcement process when an owner diligently works toward resolution.

## Erosion and Sediment Control (E&S) Issues

Staff's first step on these types of complaints is a site inspection. As with other violations, if an issue is observed, staff makes every effort to contact the owner of the property in order to work with them to resolve the issue.

## What happens if the owner with the violation does not cooperate with staff to resolve the issue?

For Zoning and Building violations when the property owner is unwilling to work with County staff to remedy the violation an official