

## AGENDA ITEM SUMMARY

### MEETING DATE

September 26, 2023

### PRESENTED BY

Eve Mergenthaler, Planner I

### AGENDA ITEM # IV.4

Appeal of the Historic Preservation Commission (HPC) decision to deny a Certificate of Appropriateness (COA) at 713 Pearl Street

### RECOMMENDATION

*This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Uphold the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) at 713 Pearl Street.*

### SUMMARY

Stephen Milacci of Upkeep Homes, LLC is appealing the decision of the HPC to deny a COA request to replace wood windows with smaller vinyl windows wrapped in aluminum, replace the front door, replace elements of the front porch, and replace the rear deck at 713 Pearl Street. The work was completed after a stop work order (swo) was posted on the property and without approval from the HPC.

The HPC reviewed the "after-the-fact" petition on June 26, 2023, and found that the replacement work was not consistent with the Lynchburg Historic Districts Residential Design Review Guidelines, the style of the house, or the surrounding historic district.

The City's Zoning Ordinance, Section 35.2-13.11, Appeals to City Council, states: "On any such appeal, the final decision of the HPC ... shall be stayed pending the outcome of the appeal to City Council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The City Council shall conduct a full and impartial public hearing on the matter and apply the same criteria as the HPC before rendering any decision. The City Council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of City Council, subject to the provisions of section 35.2-13.12, shall be final. If approved, a certificate of appropriateness, signed by the clerk of the City Council, shall be issued to the applicant."

### PRIOR ACTION(S)

June 26, 2023: The HPC denied the COA request for the replacement of wood windows with smaller vinyl windows wrapped in aluminum, a front door, front porch elements, and the rear deck (4-0 with 1 abstention; Sherayko and 2 absent; Langseth and Watson).

### FISCAL IMPACT

N/A

## CONTACT(S)

Shanda Horner (Historic Preservation Commission Chair)  
Eve Mergenthaler, Planner I  
Tom Martin, City Planner

## ATTACHMENT(S)

1. Timeline
2. Property Photos
3. HPC Meeting Minutes - June 26, 2023
4. COA Denial and HPC Meeting Packet - June 26, 2023

## REVIEWED BY



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Kent White, Director of Community Development

Date: September 20, 2023



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Mercedes Braun, Executive Assistant to the City Manager

Date: September 21, 2023



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Wynter C. Benda, City Manager

Date: September 21, 2023



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Alicia Finney, Clerk of Council

Date: September 21, 2023