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**BOROUGH OF SEWICKLEY
HISTORIC REVIEW COMMISSION**

MONDAY, SEPTEMBER 14, 2020

7:00 p.m.

MEETING AGENDA

I. CALL TO ORDER

MR. LARRY RICE
MS. TERESA DUFF

MS. HEATHER WILDMAN-FIGLEY
MS. KATHE BARGE

II. APPROVAL OF MINUTES

NONE

III. NEW BUSINESS

NONE

IV. OLD BUSINESS

A. REVIEW SEWICKLEY BOROUGH ORDINANCE §198 – HISTORIC DISTRICTS.

V. CORRESPONDENCE

NONE

VII. ADJOURNMENT

NEXT MEETING IS MONDAY, OCTOBER 5, 2020 AT 7:00 P.M.

Chapter 198. Historic Districts

[HISTORY: Adopted by the Borough Council of the Borough of Sewickley 9-15-1997 by Ord. No. 1170 (Ch. 11, Part 1, of the 1996 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Dangerous buildings — See Ch. 149.

Construction codes — See Ch. 156.

Subdivision and land development — See Ch. 292.

Zoning — See Ch. 330.

ATTACHMENTS: Attachment 1 - Historic Map 

§ 198-1. Legal authority and title.

A. Pursuant to Act 167 of the General Assembly of 1961, P.L. 282 (53 P.S. §§ 8001 to 8006), as amended,^[1] there is hereby created an ordinance for the creation and regulation of historic districts in the Borough of Sewickley.

[1] *Editor's Note: The Municipal Historic Districts Law.*

B. This chapter shall be known and may be cited as the "Sewickley Borough Historic Districting Ordinance."

§ 198-2. Findings of fact and declaration of policy.

A. Findings of fact. The need to maintain and strengthen the Borough's residential and commercial usage of its land area mandates that the Borough take all necessary steps to preserve and restore the historic structures, landmarks and districts within the Borough.

B. Declaration of policy. The purpose of this chapter is to promote the economic and general welfare of the people of the Borough of Sewickley; to ensure orderly and efficient growth and development of the Borough; to preserve and restore the qualities of the Borough relating to its history, culture and traditions; to preserve and restore the harmonious outward appearance of structures which attract visitors and residents to the Borough; and to afford the Borough, including interested persons, historic societies or organizations, the opportunity to acquire or arrange for the preservation of designated districts.

§ 198-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCHITECTURAL ELEMENTS

The unique details and component parts that, together, form the architectural style of houses, buildings and structures. Architectural elements of a property include the houses, buildings, and structures plus site elements such as pools, patios, walls, fencing and solar panels.

CERTIFICATE OF APPROPRIATENESS

A written and signed certificate verifying approval by the Historic Review Commission and the Borough Council of the appropriateness of any exterior work to any property located within a historic district.

EXTERIOR WORK

Any demolition, new construction or alteration of any exterior architectural elements. Vegetation screens, site walls and fences are not permanent visual screening elements of structures and thus do not obviate the need for approval of exterior work to the structure(s).

GUIDELINES FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS

Guidelines for issuance of a Certificate of Appropriateness are those guidelines which establish standards for the Commission to utilize in determining the appropriateness of work applications. The Commission shall use the Secretary of the Interior's Standards for Rehabilitation to the extent said standards have been approved by Borough Council and are not inconsistent with the standards set forth in Act 167 of the General Assembly of 1961, P.L. 282, as amended.^[1]

HISTORIC DISTRICT

A defined territorial division of land which shall include more than one contiguous or related parcel of property, specifically identified by separate ordinance, at which events occurred that made a significant contribution to national, state or local history, or which contains more than one historic structure or historic landmark, or which contains groups, rows or sets of structures or landmarks, or which contains an aggregate example of a period, style, architectural movement or method of construction, providing distinguishing characteristics of the architectural type or architectural period it represents.

[1] Editor's Note: The Municipal Historic Districts Law, 53 P.S. § 8001 et seq.

§ 198-4. Designation of historic structures or districts.

A. The Borough Council may initiate hearings and ultimately designate historic districts upon request or upon its own initiative pursuant to the submission of an approved petition to Council for such a designation and after receipt of recommendations concerning the appropriateness of such designations by the Borough Historic Review Commission. These recommendations shall be made by the Historic Review Commission within 45 days of the receipt of request from the Borough Council. If the recommendations are not received by Council within 45 days, the nomination dies. The Historic Review Commission shall make recommendations relative to the significance of such proposed designations eligible under § 198-3 of this chapter.

B. The Council shall then conduct a public hearing, prior to any determination, for the purpose of giving property owners, tenants and community residents the right to appear and be heard in person or to be represented by counsel as to the appropriateness of designation. Any other person or organization interested in said designation may also be heard at the hearing.

C. Public notice of the time, place and purpose of the public hearing shall be given at least 15 days prior thereto.

(1) Upon receipt of an approved nominating form, the Chairman of the Historic Review Commission shall notify the Borough Manager, which shall publicize the notice of the hearing:

(a) By printing it in one newspaper of general distribution in the Borough.

(b) By mailing of notifications to the owners of record of all property located within and adjacent to the structure or district considered for designation.

D. Criteria for designation. Any district to be designated as historic must meet the criteria listed in § 198-3 of this chapter.

E. Council shall make no such designation, nor shall it decertify any such designation previously made, except upon the affirmative vote of a majority of Council members present at a meeting at which a quorum is present.

F. All designations of historic districts made by Council shall be submitted in writing to the Pennsylvania Historical Museum Commission for its review and approval.

§ 198-5. Establishment of Historic Review Commission.

A. A Historic Review Commission is hereby established, and the same shall consist of at least five members who shall serve without compensation. The membership positions shall be filled by appointment by the Borough Council and shall include:

(1) One member who is a practicing licenses Architect or an Architect working for a licensed Architecture Firm and who resides within the Borough of Sewickley.

(2) One member who is a licensed, practicing Realtor and who resides within the Borough of Sewickley.

(3) One member who is a building inspector or Code Enforcement Officer for the Borough of Sewickley.

(4) One member who is a Sewickley Borough Council representative.

(5) Up to two additional members from the community at large who reside within the Sewickley Borough. Preference for these positions shall be given to historians, preservationists, conservators, and others known to have experience in the field of Historic Preservation.

B. Responsibilities. The responsibilities of the Historic Review Commission shall be to:

- (1) Investigate and report on the appropriateness of districts which are being considered by the Council for designation as historic and to make recommendations to the Council about approval or disapproval of such designations.
- (2) Review all applications involving exterior work in designated historic districts and make recommendations concerning the appropriateness of the work proposed in such applications to the Borough Council.
- (3) See that appropriate standards and guidelines are established and upheld.
- (4) Delegate to its Borough staff (including independent contractors engaged by the Borough and Borough employees) such responsibility and authority as it deems appropriate to carry out the routine activities of the Commission, including, but not limited to, the processing of applications for exterior work, and review of minor work including compliance inspections and general public communication on behalf of the Historic district ordinances Review Commission.

C. As nearly as is possible, the first members of the Commission shall serve initial staggered terms of 1/3 of the members for one year, 1/3 of the members for two years and 1/3 of the members for three years. Thereafter, each Commission member shall serve for a three-year term of office Any appointed member of the Commission may be removed from office for just cause by the Council. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. Officers. The Commission shall elect the Chairman of the Commission, who shall be responsible for calling all meetings within the prescribed time limitations as set forth in this chapter. The Secretary of the Commission as elected by the Commission members or the Code Enforcement Officer shall be designated by Commission members to keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations.

E. Meetings.

- (1) All members of the Commission shall be entitled to vote, and the decision of the Commission shall be determined by a majority vote of the Commission.
- (2) A quorum of a majority of the members of the Commission is required before the Commission may take an official action.
- (3) The Commission shall make its recommendations to Council within 45 days after the date of the complete application for exterior work or other matter under consideration.

§ 198-6. Criteria for evaluation of applications for exterior work.

The basis for evaluating work applications shall be the guidelines for the issuance of Certificates of Appropriateness and some or all of the following factors:

- A. The extent to which the proposal will promote the general welfare of the Borough and all citizens.
- B. The extent to which the proposal will preserve or protect the historic and architectural nature of the defined district.

C. Exterior architectural features, including all site elements, setting and signage. (Refer back to Signage Ordinance)

D. General design, massing, scale, size and arrangement.

E. Texture and material.

F. The relation of the factors in Subsections C, D and E of this section to similar features of buildings or structures in the immediate surrounding historic districts .

§ 198-7. Economic hardship claims.

In any instance where there is a claim that a structure cannot be used for any purpose for which it is or may be reasonably adapted, or where the application for exterior work is based, in whole or in part, on financial hardship, the owner shall submit, by affidavit, the following information to the Borough office:

A. Amount paid for the property, date of purchase and party from whom purchased, including a description of the relationship, whether familial or business, if any, between the owner and the person from whom the property was purchased.

B. Assessed value of the land and improvements thereon, according to the most recent assessment.

C. Financial information for the previous two years, including annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal tax purposes and other income tax deductions or benefits produced.

D. All appraisals obtained by the owner in connection with his or her purchase or financing of the property or during his or her ownership of the property.

E. All listings of the property for sale or rent, price asked and offers received, if any.

F. Any consideration by the owner of profitable, adaptive uses of the property.

G. Any estimates of the cost of the proposed alteration or demolition and an estimate of any additional cost that would be incurred to comply with the recommendations, if any, of the Commission for the preservation of the subject building, structure, site or object.

H. Any estimates of the market value of the property in its current condition; after completion of the proposed alteration or demolition; after any expenditures necessary to comply with the recommendations of the Commission, if any, for changes necessary to preserve the property; and, in the case of a proposed demolition, after renovation of the existing property for continued uses.

I. The Commission may further require the owner to conduct, at the owner's expense, such evaluations or studies as are reasonably necessary in the judgment of the Commission to determine whether the building, structure, site or object has or may not have alternate uses consistent with preservation. No evaluation or study shall be required which imposes on the owner an unreasonable economic burden under the circumstances.

J. In the event that the information required to be submitted by affidavit by the applicant is not reasonably available, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

§ 198-8. Effects of designation.

A. All owners of property located in historic districts must complete required application forms for exterior work in an historic district and submit necessary documents, including scaled architectural drawings, including but not limited to a site plan with survey and exterior elevations, to provide information necessary to enable the Historic Review Commission to evaluate the appropriateness of the proposed exterior work. Applications will not be reviewed by the Commission until complete, signed applications are received. No building permit or demolition permit for exterior work to any structure located within a historic district may be issued by the Borough through its designated agent(s) without the owner having obtained a Certificate of Appropriateness.

If the proposed exterior work requires obtaining a zoning variance from Sewickley Borough, applicants are encouraged to apply for and receive the Certificate of Appropriateness before applying for the desired variance. Should a property owner in a designated historic district choose to apply first for the desired variance, granting of the variance does not in and of itself entitle the property owner to receive a Certificate of Appropriateness, a building permit or to proceed with the desired work. The property owner must first apply for and receive a Certificate of Appropriateness, after which the building permit can be issued and work can commence.

B. No Certificate of Appropriateness authorizing exterior work on a structure located within a designated historic district shall be issued by the Borough without the prior approval of the Council of the Borough certifying to the appropriateness of such exterior work.

C. When an application for exterior work to a structure located within a historic district is received, the Borough shall notify the Historic Review Commission of such request.

D. Within 45 days of the date of the complete application for exterior work, the Historic Review Commission shall meet and make a recommendation to Council concerning the appropriateness of such application for exterior work considering the criteria for evaluation contained in § 198-6 herein. Written notice of the time and date of such meeting shall be given to the applicant at least seven days prior to the date of such meeting to allow the applicant to appear to present testimony in support of the application for exterior work. If the applicant submits his/her/their application with less than 7 days remaining to the next scheduled meeting of the Commission, this notice requirement will be deemed waived by the applicant. The application for exterior work and the recommendation of the Historic Review Commission shall be forwarded to the Borough Council for approval.

E. Within 45 days of the date of the Historic Review Commission's recommendation, Council shall meet and determine whether to adopt the Commission's recommendation as to the appropriateness of the application for exterior work. Failure of Council to provide a decision within 45 days of the Historic Review Commission's recommendation to them shall be deemed an approval of the Historic Review Commission's recommendation.

F. Action by Council amending, supplementing or reversing the recommendation of the Historic Review Commission shall require the affirmative vote of a majority of Council members present at a meeting at which a quorum is present.

G. Rejection by the Borough Council of the Historic Review Commission's recommendation shall be given in writing to the applicant, the Historic Review Commission, the Borough Manager and the Pennsylvania Historical and Museum Commission. The rejection shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district.

I. No property located in a designated historic district shall be demolished except it is uninhabitable, and remediation to a habitable condition exceeds 70% of the value of the current market value of the land and structure. (Can we discuss this 70%? This may be subjective and easy to show for some. See dangerous building ordinance?) A demolition of a property must have a unanimous approval of the Historic Review Commission and 6 of 9 members of the Sewickley Borough Council.

J. All modifications as approved by the Historic Review Commission must be implemented as per the Certificate of Appropriateness and the final work must be inspected and approved by the Code Enforcement Officer. Failure by the applicant to comply with the terms agreed to with the Historic Review Commission and summarized in the Certificate of Appropriateness will require the applicant to make changes to the structure at his/her/their expense to comply with the agreed upon terms. A certificate of occupancy must be obtained to verify compliance with the Certificate of Appropriateness and prior to occupancy of the property.

§ 198-9. Right of appeal.

Any applicant for exterior work who is aggrieved by denial of the Borough to issue a Certificate of Appropriateness by reason of disapproval of Council to certify as to the appropriateness of the work described in such exterior work application may appeal therefrom in the same manner as appeals are made from other decisions of the Borough Council in accordance with the Pennsylvania Judicial Code, Title 42 Pa.C.S.A. § 101 et seq.

§ 198-10. Exceptions to effects of designation.

A. The limitations upon the issuance of Certificates of Appropriateness for exterior work in any **designated** historic district shall not apply when the work involved has been ordered by the Allegheny County Health Department for the preservation of public health or safety.

B. If the Allegheny County Health Department has ordered work on or demolition of a structure located within a historic district, the Historic Review Commission shall be notified of the proposed work or demolition. If the Historic Review Commission disagrees with the plan of the Allegheny County Health Department, the Commission may develop alternative plans for consideration. If after 60 days no such alternative plans can be developed, the proposed work or demolition may proceed as ordered.

§ 198-11. Violations and penalties.

Whoever constructs, reconstructs, alters or demolishes any exterior architectural feature or establishes any new exterior sign on any structure within a designated historic district in violation of this chapter shall, upon conviction thereof, be sentenced to a fine of not more than \$5,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Such individual or individuals shall also be required to restore such structure to its appearance prior to the alteration at his/her/their expense unless an alternative arrangement is reached with the Historic Review Commission.

§ 198-12. Amendments.

The provisions of this chapter may be amended in the future by the Council of the Borough after notice and hearing as provided by law.

§ 198-13. Territory added to historic district.

[Amended 10-17-2005 by Ord. No. 1242]

A. All that certain portion of the Borough located upon parts of Academy Avenue, Woodland Road, Pine Road and Centennial Avenue, as is more specifically described on the map^[1] which is attached hereto and incorporated herein, is hereby designated as a historic district within the Borough in accordance with and subject to the provisions of § 198-1 of this chapter.

[1] *Editor's Note: The Historic District Map is included as an attachment to this chapter.*

B. All that certain portion of the Borough located upon parts of Boundary Street, Beaver Street, Cochran Street and Centennial Avenue, as is more specifically described on the map which is attached hereto and incorporated herein, is hereby designated as a historic district within the Borough in accordance with and subject to the provisions of this chapter.

C. All of that certain portion of the Borough of Sewickley located upon part of Bank Street, Walnut Street, Rose Alley, Little Street, Henry Avenue, Emery Street, Elwick Street, Frederick Avenue, Broad Street, Thorn Street and Ferry Street, and also Block and Lot 421-A-159, as is more specifically described on the map which is attached hereto and incorporated herein, is hereby designated as a historic district.