

The Special Meeting of the Petersburg City Council was held on May 5, 2026, at the Petersburg Public Library. Mayor Parham called the meeting to order at 4:39 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/385749>.

Roll Call:

Present:

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Charles Cuthbert, Jr., Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6
Arnold Westbrook, Jr., Councilor – Ward 7

Absent:

Marlow Jones, Councilor – Ward 1

Present from City Administration:

City Manager John "March" Altman, Jr.
City Attorney Anthony C. Williams
City Clerk Tangi R. Hill

1. **ROLL CALL**

Mayor Parham called the meeting to order, and the roll was called by City Clerk Hill.

2. **DETERMINATION OF THE PRESENCE OF A QUORUM**

A quorum was present.

3. **OFFICIAL PUBLIC HEARING**

- a. A Public Hearing for Joel Miseses, on behalf of Miguel Olivarez, to Appeal a Decision Made by the Architectural Review Board to Deny Approval of In-Field Deviations from Approved Plans for the Dwelling Constructed at 217 South South Street in the Folly Castle Historic District

March Altman, City Manager, stated that Council has an appeal before them from a decision of the Architectural Review Board for 217 South South Street. The home that was constructed did not match the plans submitted. The applicant is seeking to have the Architectural Review Board's decision reversed, meaning the dwelling as currently constructed would remain as it is constructed.

City Manager Altman added for background that the Certificate of Appropriateness was issued for the construction of a single-family dwelling on August 14, 2024. The home was constructed on the site but was not built in accordance with the plans reviewed and approved by the Architectural Review Board. On April 8, 2026, the applicant requested that the Architectural Review Board modify the Certificate of Appropriateness to allow the dwelling to remain with the deviations from the approved plans. The Architectural Review Board unanimously denied the request and identified several features that would need to be modified to conform with the original plans, including the front porch, driveway, and windows. He noted that overturning the decision of the Architectural Review Board would mean the house would, if Council voted to do that, remain as it is constructed today.

City Manager Altman recognized the Chair of the Architectural Review Board being present, if anyone had any questions regarding their meeting and thought process. He invited him to the podium to address Council.

Louis Malon, 1578 Westover Avenue, Chair of the Architectural Review Board, addressed the Council. He stated that the house built was not the house that the Architectural Review Board approved. He added that they have worked with the architect many times and he has been very good to work with. Mr. Malon noted that he understood that this was not his design, and it was the way the house was constructed, which does not meet anything the Architectural Review board approved of. Mr. Malone pointed out that the way the house sits on the street now and the gable roof over the porch being the most egregious example. He added that it does not go at all with the surroundings that it is in. The area has lost so many houses on South, Jones to new construction. As new construction is a good thing, Mr. Malon noted, this is a certified historic district, and it's got to be compatible with what is already on the street and the building. Mr. Malone stated that what was constructed is not even close to what was approved.

Mayor Parham opened the public hearing.

Joel Mieses, 7224 Buggy Place, North Chesterfield, the architect on record for the property, addressed the Council. He noted that they went before the Architectural Review Board a few weeks ago. At that meeting, we were given a list of things that needed to be fixed to receive approval from the Architectural Review Board. The reason for our appeal was because the house is currently under contract to be sold and the only thing that is hindering the closure is obtaining a certificate of occupancy. He added that the buyer is a military family, with the husband serving overseas and the wife with kids waiting to move into the home. The bank might not be able to wait much longer, being that they were supposed to close about a month ago. He acknowledged that the home was not built according to the Architectural Review Board standards, but it is still an improvement of what is on that street as delapidated homes on the street are falling apart and falling down.

Ismael Martinez, the Listing Agent, for the property addressed Council. She stated that there are other properties in the area that do not match the requirements that they're saying. As far as the historical district goes, there are other properties that have the same kind of gable roof on the front porch. There are driveways that don't match the requirements that are being requested by her client. She added that the military family had to pay additional fees to be able to continue to keep their interest rate locked. She reiterated that the only thing that is needed to close on the property is the certificate of occupancy.

Mayor Parham closed the public hearing.

Council Member Cuthbert asked City Manager Altman the date of the certificate of approval by which the Architectural Review Board initially approved the plans.

City Manager Altman replied that the Architectural Review Board issued the Certificate of Appropriateness for the construction of the home on August 14, 2024, and the appeal would have been April 8, 2026.

Council Member Cuthbert asked if there was any appeal filed from that decision of the Architectural Review Board back in August 2024, going on two years ago.

City Manager Altman replied that to his knowledge there was not an appeal filed until the home was constructed.

Council Member Cuthbert stated that the appeal that was filed on a denial of a request for changes that were made in 2026.

City Manager Altman replied that the Certificate of Appropriateness was issued in 2024 for the home to be constructed. However, it wasn't built in accordance with the provisions of the certificate at the time; nor were the plans that were reviewed by the Architectural Review Board that granted the certificate. On April 8, 2026, the applicant requested that the Architectural Review Board modify their Certificate of Appropriateness to allow for the dwelling to remain but then made some deviations of the approved plans. The Architectural Review Board voted unanimously to deny the request and provided some recommendations for modifications that then could be made to the home.

Mr. Malon responded that the design approved by the Architectural Review Board in August of 2024 would have been fine, but unfortunately that was not the house that was built. When they went to get their Certificate of Occupancy, it ended up coming back to the Architectural Review Board to see if a modification would be approved for them to obtain the Certificate of Occupancy, but the Architectural Review Board declined to do so. Mr. Malon stated that he felt bad that it is delaying the occupancy of the house, but it is not the house that was approved.

Council Member Cuthbert asked City Attorney Williams how long a person has to file an appeal of a decision by the Architectural Review Board.

City Attorney Williams responded that the language of the appeal in Section 13 says whenever the Architectural Review Board shall, in a final decision, deny an applicant. They did not build in accordance with the plans that were approved, but they did not appeal to the plans that were approved. They appealed to the determination that the building was non-conforming. They didn't have a decision that they were appealing.

Council Member Cuthbert responded that it appears that the statute of limitations began to run on August 14, 2024, and if they didn't like the ruling of the Architectural Review board, they should have appealed at that point, rather than put everybody in a box. Council Member Cuthbert asked how long the applicant had to appeal the decision that was made on August 14, 2024.

City Attorney Williams responded that he did not feel there was any evidence that has been presented that they intentionally did not comply with the Architectural Review Board's determination. He suggested that the applicant describe the circumstances under which the incorrect house was built. He reiterated that he did not think the applicant sought to not comply.

Council Member Cuthbert responded that regardless of whether it was intentional or not, if they didn't like the decision of the Architectural Review Board on August 14, 2024, they could have appealed to City Council at that point.

City Attorney Williams responded that they would have to have appealed within 30 days of that decision.

Council Member Cuthbert reemphasized that they had 30 days to do so, but instead they waited a year and a half, more or less.

City Attorney Williams responded that is the argument someone would make if they were seeking to raise the limitations of action issues on this case.

Council Member Cuthbert stated that it seems clear to him that is the way to look at this matter. A decision was made by the Architectural Review Board on August 14. The ordinance says you have 30 days. If you don't like it, you can file an appeal with the City Council. Thirty days ran in September 2024 and now

we got an appeal from a decision that was made in 2026. The underpinnings of that decision are the decision of the Architectural Review Board on August 14, 2024. It looks like the statute of limitations has run on this matter.

City Attorney Williams believed that the applicant has submitted their appeal of the 2026 decision, which is in front of Council.

Council Member Cuthbert addressed Mayor Parham by reiterating that it is clear to him that the statute of limitations ran on this matter in September 2024.

Mayor Parham recognized Council Member Myers.

Council Member Myers stated that this appeal was this year, 2026, with respect to modifications to the home. The home was to be closed a month ago. The applicant filed an appeal because they could not get a Certificate of Occupancy. He stated that they were denied because there was a gable roof on the front of the home. He showed photographs of homes in Ward 5, within the historic district, particularly with gable roofs. He added that in particular, there is a house on Washington Street that is directly across from his that has a gable roof. He stated that there is no denying that the architectural value of this home brings life to Ward Five. Council Member Myers asked Council to support and overturn the decision rather than having them remove the porch or modify it in anyway.

Council Members Myers made a motion to Council to support overturning the Architectural Review Board's decision without modifications. Council Member Westbrook seconded the motion.

Council Member Cuthbert spoke against the motion. He added that the Architectural Review Board issued a decision, and the owner decided not to follow.

Council Member Myers stated that is not the question here today. The appeal was to overturn the modification of the roof.

Council Member Cuthbert stated that this absolutely guts the Architectural Review Board's decision-making power. He could not vote for this. He added that the Architectural Review Board made a decision in August of 2024.

Council Member Myers stated that this appeal was in 2026 with respect to the gable roof on the porch.

Mayor Parham recognized City Attorney Williams.

City Attorney Williams noted that the point trying to be made by Council Member Cuthbert is well taken, and that they approved a plan in 2024. However, the appeal didn't come until 2026. The issue is that the language of our ordinance, which is the basis upon which this applicant is now appealing, specifically says whenever the Architectural Review Board shall, in a final decision, deny an applicant a Certificate of Appropriateness. This is what triggered their ability to file the appeal, and therefore within the time limits, in his opinion. He added that Council can proceed with this decision.

Mayor Parham called the vote on the motion.

The motion was approved on a roll call vote.

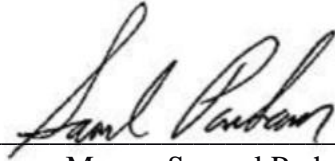
On a roll call vote, voting yes: Myers, Westbrook, Smith-Lee, Hill; no: Cuthbert and Parham; abstain: N/A; absent: Jones.

4. **ADJOURNMENT**

Mayor Parham made a motion to adjourn. All members of the Council present voted in the affirmative. Meeting adjourned.

The City Council adjourned at 4:59 p.m.

Adopted: 5/19/2026



Mayor, Samuel Parham

ATTEST:



Clerk of Council, Tangi R. Hill