

Harpers Ferry Board of Zoning Appeals

Hearing – May 4, 2022

Meeting Minutes

Location: Town Hall and livestreamed on Corporation of Harpers Ferry YouTube Page

**Call to order and attendees** - The meeting was called to order by Chair Dave Simmons at 5:35 pm.

SEAT 1 (term ends January 1, 2024): David Simmons, Chair – PRESENT and leading meeting

SEAT 2 (term ends January 1, 2025): Chad Gauthier - PRESENT

SEAT 3 (term ends January 1, 2025): Lynn Pechuekonis, Secretary – PRESENT, recording minutes

SEAT 4 (term ends January 1, 2023): Ed Wheelless, Vice Chair

SEAT 5 (term ends January 1, 2023): VACANT

ALTERNATE 1 (term ends March 1, 2024): VACANT

ALTERNATE 2 (term ends March 1, 2025): VACANT

ALTERNATE 3 (term ends March 1, 2023): VACANT

GUESTS (via speaker phone): Kevin Hamilton, Ordinance Compliance Officer  
Suzanna Weaver Dennis, Applicant

Hearing: Variance Request for Zoning Compliance Permit Application for construction of a retaining wall using materials not sufficiently similar to an Exterior Architectural Feature explicitly permissible under the Zoning Ordinance [Article 1303.03(c)(2)d]:

371 Henry Clay Street, Harpers Ferry, WV.

The Board and applicant discussed this application for rebuilding a retaining wall that will be moved back off the town right-of-way and onto the applicant's property to create room for the resident to park in the easement. The Planning Commission and Town Council previously approved removal of the current retaining wall for this purpose. At issue in this hearing was a concern about the materials to be used in constructing the new retaining wall.

Chad Gauthier made a motion to approve the application for variance of construction materials. Ed Wheelless seconded the motion. Discussion included consideration of a letter from the Historic Landmarks Commission dated March 4, 2022, recommending use of original stone material or similar material rather than parged concrete block. The BZA took this recommendation under advisement but was constrained by Part Thirteen, Appendix A, Standards and Guidelines, section on Retaining Walls, which limits guidance to the following in construction of a new retaining wall:

1. Retaining walls of unparged concrete block shall not be constructed at the front of buildings.
2. Retaining walls shall be constructed of materials that are compatible with the associated building and its context in the neighborhood.

During discussion, the board came to consensus that the historical integrity of the original retaining wall will not be preserved, pursuant to the Planning Commission's ruling to approve its removal to accommodate parking. Because a new retaining wall is required, parged concrete block is a permissible material under Appendix A and is also consistent with materials used on other structures in the surrounding neighborhood.

Chad Gauthier withdrew his motion to approve the variance, as the Board determined that a variance was not required.

David Simmons made a motion to send the application back to the Ordinance Compliance Officer for approval, as the BZA did not identify a need for a variance in this case. Chad seconded the motion, and the board voted unanimously to approve.

**Adjournment** – At 6:10 pm David moved to adjourn, seconded by Lynn Pechuekonis; approved unanimously.

### **Administrative Meeting – May 4, 2022**

#### **Meeting Minutes**

**Call to Order** – The administrative meeting immediately following the hearing and was called to order by Chair Dave Simmons at 6:15 pm.

**Approval of Agenda** – Ed Wheelless moved to accept the agenda for the meeting; Chad Gauthier seconded. Passed unanimously.

**Approval of minutes** – Lynn moved to accept the minutes of the administrative meeting on February 7, 2022. Ed Wheelless seconded. Passed unanimously.

**Discussion regarding Town permit process** – Discussion continued as to possible ways of improving the flow of actions required in the permitting process, especially regarding situations when a variance may be required or when architectural appropriateness, according to the standards in Appendix A, is in question. David Simmons will continue engaging in process discussions with the mayor, OCO, and representatives of the Historic Landmarks Commission and Planning Commission.

No action needed.

**Adjournment** – At 6:45 pm Lynn moved to adjourn, seconded by Chad; approved unanimously.

Minutes submitted by Lynn Pechuekonis.