

Harpers Ferry Board of Zoning Appeals

Hearing – June 6, 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 - PRESENT

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 : Eliza Calhoun, Applicant, and Joe Keady

**Administrative Meeting – June 6, 2022**

**Call to Order** – The administrative meeting was called to order by Chair Dave Simmons at 6:00 pm.

**Approval of minutes** – Ed Wheelless moved to accept the minutes of the meeting on May 4, 2022. Chad Gauthier seconded. Passed unanimously.

**Adjournment** – At 6:02 pm the administrative meeting was adjourned.

**Hearing – June 6, 2022**

The Hearing was called to order at 6:02 pm:

Variance Request for Zoning Compliance Permit Application for installation of gutters using materials that are not sufficiently similar to an Exterior Architectural Feature explicitly listed as permissible under this Zoning Ordinance [Article 1303.03(c)(2)D]:

660 Washington Street, Harpers Ferry, WV

The applicant described her application to replace rusted half-round gutters on her house (a contributing structure to the Harpers Ferry Historic District) and her garage (not a contributing structure). Her requested replacement material is K-style gutters. On the garage the gutters, which have already been removed, were K-style.

The Historic Landmarks Commission had submitted a letter of opinion to the BZA recommending that the variance request be denied based on the Harpers Ferry Standards and Guidelines regarding gutters, which letter will be appended to these minutes.

Lynn Pechuekonis made a motion to move to private deliberation on the matter. Chad Gauthier seconded. Approved unanimously.

At 6:32 Lynn moved that the board end private deliberation and reconvene the public hearing. David Simmons seconded. Approved unanimously.

David made a motion to deny the variance. Ed Wheelless seconded. Approved unanimously.

**The board's finding is as follows:**

Appendix A, Gutters and Downspouts section, states that for Historic Resources "Gutters and downspouts that are removed shall be replaced in kind with like materials and with the same historic profile. Replacement gutters and downspouts shall match the original in size, location and design unless new contributing factors dictate the need for a design change."

The board found no compelling evidence of a hardship that would justify a variance on this standard. The standard applies to areas of the house visible from the public way. To comply with Harpers Ferry Standards and Guidelines, the applicant should use half-round replacement gutters on the front of the house and any sides visible from a public right-of-way. This like-for-like replacement requires no permit.

Like-for-like replacement is not required for areas of the house not visible from a public right-of-way, and in such case, no permit is needed.

The garage is not a contributing structure, and like-for-like replacement requires no permit.

**Adjournment** – At 6:39 pm David moved to adjourn, seconded by Ed; approved unanimously.

Minutes submitted by Lynn Pechuekonis.