

## Harpers Ferry Board of Zoning Appeals

Hearing – January 26, 2023

Meeting Minutes

Location: Town Hall

**Call to order and attendees** - The meeting was called to order by Chair David Simmons at 6 pm.

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

SEAT 2 (term ends January 1, 2025): VACANT

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

SEAT 4 (term ends January 1, 2026): 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 : Michael M. Zeleke, Applicant

### Administrative Meeting

**Call to Order** – The administrative meeting was called to order by David Simmons at 6 pm.

**Approval of agenda** – Ed Wheelless moved to accept the agenda. Lynn Pechuekonis seconded. Passed unanimously

- 1. Approval of minutes** – Lynn moved to accept the minutes of the hearing on January 2, 2023. David seconded. The motion carried, with Ed abstaining because he was not present at the hearing. Ed then moved to accept the minutes of the hearing on November 28, 2022. David seconded. Passed unanimously.
- 2. Election of Officers** – Ed nominated David to be chair; Lynn seconded. David nominated Lynn to be secretary; Ed seconded. David nominated Ed to be vice chair; Lynn seconded. The slate of officers passed unanimously.
- 3. Permit process review** – Ed confirmed that he had attended both recent meetings to discuss flowcharts for the permit application process. The working group has completed its tasks and action items will be requested of the planning commission and BZA.
- 4. Ordinance changes** – A brief discussion was held regarding requested updates to ordinances regarding demolition applications. The Town Ordinance Review Committee will take the next steps.

**Adjournment** – At 6:08 pm the administrative meeting was adjourned.

### Hearing

The Hearing was called to order at 6:10 pm:

- Variance Request for Zoning Compliance Permit Application not sufficiently similar to an Exterior Architectural Feature explicitly listed as permissible under this Zoning Ordinance [Article 1303.03(c)(2)D] and is located within the setback areas [Article 1304.02(a)]:

814 Washington Street, Harpers Ferry, WV

Applicant Michael M. Zeleke discussed the recommendation he had received from the Historic Landmarks Commission. He did not receive notification of their meeting so did not attend. He had made no modifications to the staircase and had no current design revisions to present to the Board. He clarified that the original staircase was 4.06 feet from the property line, and the current structure is 1.18 feet from the line.

Lynn made a motion end the hearing on the matter at 6:38 pm and move to deliberation. David seconded. Approved unanimously. The Board then entered private deliberations.

### **Deliberation**

After deliberation regarding the 814 Washington Street application, the hearing was reconvened at 6:50 pm.

David moved to deny the request for variance regarding the additional encroachment into the side setback area, as evidence presented did not satisfy criteria for a variance [Article 1326.04(b)]; Ed seconded. The motion was approved unanimously. The Board noted that the staircase structure must be modified so that no part of it sits closer than 4.06 feet from the side property line.

David then moved to continue the hearing with respect to the architectural features and design [Article 1303.03(c)(2)D], with the recommendation that the applicant work with the Historic Landmarks Commission in developing a revised design after the structure is moved back to the original distance from the side property line. Ed seconded. The motion was approved unanimously. The Board noted that a revised design would need to be submitted for approval that shows both (1) the staircase structure modified so that it sits no closer than 4.06 feet from the property line and (2) consistency with Exterior Architectural Feature explicitly listed as permissible in Appendix A Standards and Guidelines of Part Thirteen – Zoning and Subdivision Code.

**Adjournment** – At 6:55 pm David moved to adjourn, seconded by Lynn; approved unanimously.

Minutes submitted by Lynn Pechuekonis.