

Harpers Ferry Board of Zoning Appeals

Hearing – February 28, 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 : None

Administrative Meeting

Call to Order – The administrative meeting was called to order by David Simmons at 6:35 pm.

Approval of agenda – Ed Wheelless moved to strike from the agenda the hearing regarding a variance request for 501 Franklin Street, due to a technical error in the public posting. Lynn Pechuekonis seconded. Passed unanimously. The remainder of the agenda was approved.

Approval of minutes – Ed moved to accept the minutes of the hearing on January 26, 2023. David seconded. Passed unanimously.

Adjournment – At 6:40 pm the administrative meeting was adjourned.

Continuation of Hearing

The Continuation of Hearing was called to order at 6:40 pm:

1. 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

The Historic Landmark Commission’s recommendations from their meeting of January 20, 2023, were reviewed and discussed. The Board noted that the applicant had not submitted revised plans and drawings, as requested, that would show how (1) the staircase structure would be modified so that it sits no closer than 4.06 feet from the property line and (2) consistency with Exterior Architectural Features explicitly listed as permissible in Appendix A Standards and Guidelines of Part Thirteen – Zoning and Subdivision Code.

David moved to close the hearing; seconded by Ed; approved unanimously.

Lynn moved to open private deliberations on the matter; seconded by Ed; approved unanimously.

Continued Hearing Reconvened

After deliberation regarding the 814 Washington Street application, the hearing was reconvened at 7:05 pm.

David moved to deny the request for variance for Zoning Compliance Permit Application not sufficiently similar to an Exterior Architectural Feature explicitly listed as permissible under the Zoning Ordinance [Article 1303.03(c)(2)D]

Lynn seconded the motion; approved unanimously.

The Board noted for further clarification that, as built, the staircase structure does not conform either to the Appendix A Standards and Guidelines or to the required setback from the property line, and no further documentation was submitted by the applicant that presented a design complying with requirements.

Adjournment – At 7:10 pm David moved to adjourn, seconded by Ed; approved unanimously.

Minutes submitted by Lynn Pechuekonis.