

Harpers Ferry Board of Zoning Appeals  
Administrative Meeting April 13, 2023  
Second Quarter

Meeting Minutes

Location: Town Hall

**Call to order and attendees** - The meeting was called to order by Chair Dave Simmons at 6:07 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 (VIA PHONE)

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: Kevin Hamilton, OCO  
Michael M. Zeleke

**Call to Order** – The administrative meeting was called to order by Chair David Simmons at 6:07 pm.

**Approval of agenda** – Lynn Pechuekonis moved to approve the agenda; Ed Wheelless seconded; unanimously approved.

**Approval of minutes** – David moved to accept the minutes of the hearing on April 4, 2023. David seconded. Passed unanimously.

**1. Discussion process for addressing the 814 Washington Street project, specifically,**

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 applicant submitted a letter dated March 24, 2023, to the OCO addressing both (1) an objection to the prior denial of a variance related to the setback requirement and (2) describing the architectural features he was willing to modify on the staircase structure already built without a permit.

The letter was forwarded by the Mayor to the Town Attorney, Kin Sayre, but a response from him has not yet been received. The BZA cannot proceed without advice from the attorney, so the matter was tabled for now, and Lynn will follow up with the Mayor on the status of our request.

## **2. Review of new permit process flowcharts.**

Lynn clarified that when the OCO forwards a permit requiring BZA deliberation, she will schedule a hearing date as soon as feasible and then check via email with other board members as to whether advice from the Historic Landmarks Commission is desired. The goal is to minimize the wait time from application to hearing, to the degree possible.

When the BZA makes a decision on an application, Lynn will forward the motion and any related instructions or explanation to both the OCO and the Administrative Officer to be communicated to the applicant forthwith.

Ed mentioned a concern that the HLC has recently be using the term “Certificate of Appropriateness” in their recommendations, which under current ordinances is no longer valid. Historic District Standards and Guidelines are implemented through the BZA.

We also discussed improving the process for making application for a variance. We will work on language to be added to the Compliance Permit that includes the four criteria under which a variance may be granted. We will also suggest adding space on the form for the applicant to explain the rationale for the variance. This new language will be reviewed and finalized at a future meeting.

**Adjournment** – At 7:05 pm Lynn moved to adjourn, seconded by David; approved unanimously.

Minutes submitted by Lynn Pechuekonis.